

# Laurel Heights Improvement Association of San Francisco. Inc.

BY HAND

August 28, 2019

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

Re: 3333 California Street, San Francisco, CA

Record Number: 2015-014028CUA/PCA/MAP/DUA

Certification of Final EIR

Planning Commission Hearing: September 5, 2019



AUG 2 8 2019

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

1. The Community Preservation Lookalike Variant is Feasible as Mitigation and Would Achieve 744 Housing Units, Including Senior Affordable Housing, While Mitigating Significant Adverse Impacts on the Historically Significant Main Building and Integrated Landscaping, and Other Alternatives Are Feasible.

Although we object to the developer's plan, if the Commission is inclined to consider it, we request that the Commission order that it be modified as follows in order to mitigate the project/variant's significant adverse impact upon the historically significant resource. The Community Preservation Lookalike Variant (Ex. A hereto) basically uses the developer's site plan with the following modifications:

Removes approximately 30 feet from the south side of the Euclid building to preserve green space

Removes 2 Laurel townhomes toward the top of Laurel Street to preserve the green space

Reduces the height of the five remaining Laurel townhomes from 40 to 30 feet with a 15-foot set back on the third level, to conform with the scale of the homes across the street on Laurel (Ex. B, photo of 20-foot tall homes on Laurel)

Constructs a ground-level passageway through the main building (aligned with Walnut Street) under a Light Court to avoid cutting a 40-foot pathway all the way through the main building

Constructs a set-back, one-level addition to the top of the main building, to conform with the Secretary of Interior's Standards for the Treatment of Historic Properties

Enlarges the Walnut building so that the project has the same amount of residential square footage as the developer's variant

Uses all space in the new buildings for housing; does not include new retail uses

Moves the childcare center from the west of the Eckbo Terrace toward the east of it.

Retains the existing 1,183 asf café, 11,500 gsf childcare center and 5,000 gsf of office space in the main building

Would be built in approximately 4 years, instead of 7-15 years requested by the developer

Since the project site is adjacent to the Laurel Village Shopping Center (anchored by Cal-Mart and Bryan's grocery stores) and near Sacramento Street shops, Trader Joe's, Target and Geary and Presidio Street retail stores, retail is not needed on site, and **the Planning Commission should recommend the design and duration modifications stated above**, if it considers the developer's proposal.

We respectfully urge the Planning Commission to strike the appropriate balance, because the developer has stated "this is not a negotiation" and declined to make appropriate revisions in response to community input. Also, the developer paid only approximately \$192.35 per square foot for the property (\$88,600,000.00 for 99-year lease plus \$1,612,000 for the fee interest = \$90,212,000/469,000 = \$192.35) so can well afford to make some modifications to avoid significant adverse impact on this listed historical resource. (Ex. D, deeds)

Public Resources Code section 21002 states:

The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects..... The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

The Community Full Preservation alternatives are also feasible and could be adopted, including:

Community Full Preservation Alternative Variant 2 - Matches developer's residential square footage plus 744 housing units, including senior housing. (Ex. C)

Community Full Preservation Alternative Variant - 744 housing units submitted as

comment on DEIR (Ex. E, see accompanying letter re modifications in connection with developer's July 2019 revised plan submittal and proposed Development Agreement relating to affordable senior housing; please also note that architect Goldenberg has verified that the 744 units fit in the spaces and provided unit counts -Ex. F)

Community Full Preservation Alternative - 558 housing units submitted as comment on DEIR (Ex. C, see accompanying letter re modifications in connection with developer's July 2019 revised plan ubmittals and proposed Development Agreement; please note that architect Goldenberg has verified that the 558 units fit in the spaces and provided unit counts -Ex. F)

EIR Alternative C: Full Preservation-Residential Alternative- Residential - 534 residential units (EIR 6.75)

Since all the above alternatives are feasible, and ample retail is provided in the immediate vicinity of the project, this Commission may not approve the developer's proposed project, which would have a significant adverse impact on a listed historical resource. False or inadequate findings are subject to contest under the California Environmental Quality Act (CEQA).

Public Resources Code section § 21081 provides that:

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless **both of the following occur:** 

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. (Emphasis added; see also 14 Cal. Code Regs. § 15091)

This is a stand-down mandate. The developer's project is unnecessarily destructive and prolonged, and the Commission should order it redesigned to preserve the historically significant natural green spaces and landscaping and its integrated Mid-Century modern main building. This resource is also significant for its association with the Fireman's Fund Insurance Company, a company established in San Francisco that grew due to its reputation for integrity and played an important role in the development of San Francisco, paying fire claims after the 1906 earthquake and other significant conflagrations. (Ex. G, listing and excerpts from approved nomination)

The EIR's claim that this alternative would not have enough commercial uses to constitute mixed use is inaccurate, unsupported by fact, and reflective of the overly narrow description of project objectives. There are several types of mixed-use developments including Mixed-Use Walkable Areas, which combine both vertical and horizontal mix of uses in an area, within an approximately 10-minute walking distance to core activities. (Ex. H- *Planning for Complete* Communities *in Delaware*) Taking this realistic view, the on-site commercial uses in the Community Preservation alternatives must be considered together with the retail uses in the adjacent Laurel Village Shopping Center and the nearby Sacramento Street neighborhood commercial uses, Trader Joe's, Target and Presidio Avenue and Geary Boulevard commercial uses.

2. The EIR is Inadequate Because it Considered only the Impacts of Single-Use Retail Activities on Traffic, Noise and Air Quality, but the Special Use District Released on August 1, 2019 Included Multiple Retail and Other Uses that the EIR Did Not Analyze.

After being kept secret until August 1, 2019, the proposed zoning changes in the Special Use **District (SUD)** for 3333 California Street were posted on the Board of Supervisors' website in File No. 190844.

While we object to retail uses and other uses proposed in the SUD other than RM-1 uses, the Commission should recommend the following modifications in the proposed Special Use District if it considers retail uses and other uses proposed in the SUD:

- A. Limit Hours of Operation to 6 am to 11 pm, rather than 6 am to 2 am.
- B. Prohibit Nighttime Entertainment not evaluated in EIR
- C. Prohibit Flexible Retail, which allows multiple uses to share a space without notice to the public as to the new uses going in and out- (not permitted in NC-S or in Sacramento Street and Fillmore Street NCDs and not evaluated in EIR
- D. Use NC-1 controls (PC 710 for neighborhood-serving retail) rather than NC-S controls (PC 713 for primarily car-oriented and intended to serve nearby neighborhoods)
- E. Prohibit Entertainment, Arts and Recreation (not permitted in NC-S)
- F. Prohibit Adult Business (not permitted in NC-S)

- G. Prohibit Massage Establishment
- H. Prohibit Amusement Game Arcade
- I. Prohibit Restaurant, Fast Food
- J. Prohibit Philanthropic administrative services (not permitted in NC-S)
- K. Prohibit Social Service or Philanthropic Facilities (not permitted in NC-S)
- L. Prohibit Public Uses which are included in Social Service and Philanthropic Facilities (not evaluated in EIR)
- M. Prohibit Arts Activities (not permitted in NC-S)
- N. Prohibit Industrial Uses (not permitted in NC-S)
- O. Prohibit Kennel
- P. Prohibit Services, Fringe Financial
- Q. Prohibit Services, Limited Financial
- R. Prohibit Storage, Self
- S. Prohibit Bar
- T. Prohibit Student housing
- U. Prohibit Drive-up Facility
- V. Prohibit Motel (not permitted in NC-S)
- W. Prohibit Short-term residential occupancy of 60 days or less, such as Air B & B
- X. Prohibit Shared working spaces such as WeWork
- Y. Prohibit storage of delivered goods for persons not residing in the property

#### **Operations Until 2 am**

In addition to any uses allowed in an RM-1 district, in the ground and second floors of all buildings fronting on California Street, the new SUD zoning would also permit all uses allowed in an NC-S district (Planning Code section 713), which allows hours of operation from 6am to 2 am. Although an NC-S District normally does not allow Flexible Retail and Social Service or Philanthropic Facilities (including public uses), the SUD adds them back in.

Flexible Retail is not otherwise permitted in an NC-S District (Planning Code section 713, District 2, or in the Sacramento Street Neighborhood Commercial District ((Planning Code Article 7, Table 724) or Fillmore Street Neighborhood Commercial Transit District (Planning Code Article 7, Table 760). (Ex. I)

NC-S also prohibits Entertainment, Arts and Recreation Uses, but Flexible Retail allows them.

Flexible Retail would not require neighborhood notification under Planning Code section 311; However, a conditional use authorization is still required in neighborhoods where the zoning requires a CUA. (Ex. I, excerpts, SF Planning packet; Board of Supervisors File 180806)

Flexible Retail would require multiple uses in the same space: at least 2 types of the

following uses must share a single retail space and up to 5 types can share a space: (arts activities; restaurant, limited; retail sales and services, general; service, personal; service, retail professional; and trade shop. (Planning Code sections 102, 179.2)

NC-1 (Planning Code section 710) would be consistent with the SUD's description of "34,396 square feet of neighborhood-serving retail," because NC-1 Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. (Ex. J; excerpt from DA, Ex. B)

Under Planning Code section 713, NC-S - Neighborhood Commercial Shopping Center District is primarily car-oriented and intended to serve nearby neighborhoods. *Permitted Hours of Operation 6 am to 2 am.* "NC-S Districts are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers.... Outdoor pedestrian activity consists primarily of trips between the parking lot and the stores on-site." The proposed project's public pathways are not consistent with this type of NC district. (Planning Code section 713)

The incorporated NC-S controls would allow General Entertainment, Nighttime Entertainment, Bar, Health Services, Personal Services, Trade Office, Auto Service Station. The Planning Commission can grant Conditional Use for Amusement Game Arcade, Open Recreation Area, Public Facilities and Massage Establishment. (Planning Code section 713)

The SUD Would Include Social Service or Philanthropic Facilities which are not permitted in NC-S Districts. Under Planning Code 102 this would include **public service uses**, which were not evaluated in the EIR. Under the Development Agreement, if the developer does not construct the affordable senior housing, the City shall have the right to acquire the Walnut land (portion of the site along California Street east of Walnut Street). (Ex. J) Also, the project did not identify an objective to accommodate JCC expansion, and the developer entered into a secret memorandum of understanding with the JCC. (Ex. K) These likely uses were not evaluated in the EIR, and the developer failed to respond to a request that he describe the uses. (Ex. L)

The EIR projected that 34,480 sf of General Retail would generate 3,306 auto trips per day, 9,826 sf of Composite Restaurant would generate 3,769 auto trips per day; and 4,287 sf of Quality Sit-Down Restaurant would generate 548 auto trips per day. (Ex. M, EIR Appendix D, Transportation and Circulation Calculation Details and Supporting Information, excerpts) In addition, the EIR projected that 49,999 sf of General Office would generate 489 auto trips per day, and 558 residential units would generate 2,730 auto trips per day, 186 units of senior housing would generate 681 auto trips per day, and 744 units of multi-family housing would generate 3,640 auto trips per day. *Ibid.* 

The EIR analyzed only auto trips generated by single-use retail, but the newly revealed Special Use District would allow multiple uses of retail to share the same space. Given the likely increase in retail trips caused by multiple uses by customers and employees of the retail spaces, the EIR is inadequate because it omitted analysis of the potentially significant impact on vehicle miles traveled caused by the component of multiple retail uses added to the retail uses analyzed in the EIR. The proposed NC-S classification in the SUD would allow activities to be conducted from 6 am to 2 am.

The proposed NC-S classification would also allow Social Service or Philanthropic Facilities. The EIR did not describe an objective of the project as providing social or philanthropic use, which may include public uses or expansion space for the JCC, and could also potentially cause an increase in vehicle miles traveled as a result of the project.

The EIR understated the non-residential uses of the proposed project/variant and failed to take into account the impact of these non-residential uses proposed in the SUD on vehicle miles traveled as a result of the proposed project/variant, especially in view of the proposal that five loading zones be installed around the perimeter of the site that would accommodate auto trips by Uber and Lyft. Thus, the EIR mislead the public and decisionmakers as to the amount of daily auto trips that the project/variant could cause and the resulting impact on vehicle miles traveled, and the corresponding impacts on noise and air pollutants emitted from vehicles.

According to an MTA staff member, in order to evaluate vehicle miles generated by Flexible Retail uses, the EIR would have to add the estimated number of vehicles generated by each additional land use to the analysis of auto trips caused by the other project uses. (Conversation with MTA staff member and Kathryn Devincenzi in August 14, 2019. Thus, the EIR is inaccurate, incomplete and inadequate in that its analysis of auto trips and vehicles miles traveled as a result of the proposed project/variant omitted auto trips resulting from Flexible Retail and Social Service or Philanthropic Facilities and the corresponding noise and air pollutant impacts from vehicles.

Previous comments submitted on the DEIR stated, among other things, that: (1) the DEIR lacked substantial evidence to support its conclusion that reducing the project's retail parking supply would mitigate the project's significant impact on vehicle miles traveled to a less than significant level; (2) the DEIR is inadequate because it lacks an estimate and discussion of total net new travel demand (Net New person Trips) and understates the project impacts by providing estimates and discussion of Net New Person Trips during A.M. and P.M. Peak Hours; (3) the DEIR lacked substantiation or explanation of the alleged neighborhood parking rate and substantial evidence does not support its conclusions as to the accuracy of the alleged rate and TAZ 709 data; (4) the DEIR used inaccurate models to forecast vehicle-trips and its traffic demand analysis omitted the substantial traffic that would be attracted to five new loading zones proposed to be installed on the streets surrounding the property, including VMT from

transportation network companies such as Uber and Lyft, based on current usage levels; (5) the DEIR was inadequate because it lacked the analysis of square footage for each land use; (6) the DEIR failed to adequately analyze vehicle miles traveled generated by customers of the proposed new retail uses; (7) the DEIR inadequately analyzed whether the proposed project/variant would cause major traffic hazards, including a potentially significant hazard to pedestrians caused by transporting delivered goods across a sidewalk.

Substantial evidence does not support the EIR's rejection of the mitigation measure of not allowing residential parking permits for residents of, or persons working at, the project, with the project sponsor paying the cost of MTA adapting it program to identify such persons. Since there was no substantial evidence that reducing retail parking would reduce the significant vehicles miles traveled to a less than significant level, the City was required to evaluate the feasibility of other mitigation measures, but failed to do so. (Response to Comments 5.E.55)

The EIR identified the project's impact on vehicle miles traveled as a significant impact, but concluded that reducing the retail parking spaces would mitigate the impact to a less than significant level. Substantial evidence does not support this conclusion. *Ibid.* 

3. The EIR is Inadequate as It Used an Overly Narrow Project Description and Lacks a 744-Residential Unit Alternative Other than the Community Full Preservation Alternative Variant, Which the EIR Failed to Evaluate as an EIR Alternative.

On July 3, 2019, the developer submitted a Planning Application Re-Submittal 2 containing an EIR Variant which proposed approximately 185 one-bedroom residential units and 1 two-bedroom (manager's) unit in the Walnut building and a project total of 744 residential units, with 21,498 gsf of general retail and 12,998 gsf of retail, food and beverage. (VAR.01a and VAR.01b) The residential units would substitute for the 49,999 gsf of office uses previously proposed to be located in the Walnut building in the project. G3.01a.

On July 30, 2019, a proposed Special Use District and Development Agreement were introduced at the Board of Supervisors. The Development Agreement stated that:

There is no requirement under this Agreement that Developer initiate or complete development of the Project, or any portion thereof. There is also no requirement that development be initiated or completed within any period of time or in any particular order, subject to the requirement to complete Associated Community Benefits for each Building (or for any market rate residential unit in excess of three hundred eighty-six (386), as applicable) commenced by Developer as set forth in Section 4.1. (Ex. J, DA, section 6. at p. 28)

Developer shall, upon thirty (30) days prior notice to the City, have the right in its

sole and absolute discretion, to terminate this Agreement in its entirety at any time if Developer does not Commence construction on any part of the Project Site by the date which is five (5) years following the Effective Date as such five (5) year date may be extended by any Litigation Extension. Thereafter, the City shall, upon sixty (60) days prior notice to Developer, have the right, in its sole and absolute discretion, to terminate this Agreement if the Developer has not Commenced Construction...(Ex. J, DA, section 11.2, at p. 39)

Exhibit D to the Development Agreement is a Affordable Housing Program that states that the developer has agreed to construct 185 studio and one-bedroom affordable residential units for senior households in addition to the 558 residential units initially proposed. (Ex.J, DA p. D-1) The 185 senior affordable units will all be located in a single residential building known as the Walnut Affordable Housing Building. (Ex. J, DA p. D-4)

After providing that the Housing Entity formed by the developer will seek Low Income Housing Tax Credits and City-issued tax-exempt bond financing for construction, and may apply for the state Multifamily Housing Program and the Infill Infrastructure Grant Program, the Development Agreement provides for Transfer of Walnut Land to City in the event the developer fails to construct the affordable housing:

If the Tax Credit closing does not occur by the Outside Date, subject to extension for any applicable Excusable Delay, and construction of any Building occurs during the Term, then City shall have the right to acquire, and Developer agrees to transfer to the City, fee ownership of the Walnut Land Pursuant to the form of grant deed (the "Grant Deed") attached as Attachment D-2), with the Approved Legal Description attached to it as Exhibit A. (Ex. J, p. D-7)

Exhibits D-1 Walnut Parcel Title Condition and Exhibit D-2 Baseball Arbitration Appraisal Process were not provided on the Board of Supervisors' website as of August 26, 2019.

Based on the proposed Development Agreement, it is likely that the project is proposed to have 744 residential units, including 185 units of affordable senior housing.

However, the EIR failed to analyze the 744-unit Community Full Preservation Alternative Variant as an alternative in the EIR, erroneously claiming that the range of alternatives described in the Draft EIR was adequate, and also by relying upon misstatements made by the developer and SF Public Works as to the nature of the Community Full Preservation Alternative Variant. The EIR is clearly inadequate because it does not contain a single 744 unit alternative that the City analyzed as an alternative in the EIR. This inadequacy is in part due to the shifting nature of the proposed project, as evidenced by the late release of the proposed SUD and information about the affordable housing obligation of the project contained in the proposed Development

Agreement.

Binding legal authority has held that "architectural drawings" or "design plans" are not required for EIR project alternatives. *Los Angeles Conservancy v. City of West Hollywood* (2017) 18 Cal.App.5th 1031, 1038. (Ex. N) Thus, Public Works erred in criticizing the community alternatives for lacking architectural plans.

SF Public Works claims that the Community alternatives do not have a sufficient level of architectural information (e.g., a scaled site plan showing the dimensions of the subject lot and buildings, landscaped areas, and setbacks, floor plans, roof plans, sections and elevations) to convey size, area, arrangement of uses or to demonstrate compliance with Planning Code requirements and basic life-safety requirements. In addition to being wrong on the law, Public Works fails to note that the conceptual site plans provided by the City for the alternatives analyzed in the Draft EIR had the same or a lesser level of architectural information as the Community alternatives. (See, for example, Figures 6.5 and 6.7 Alternative C: Full Preservation Residential Alternative Site Plan and Site Access at pp. 6.67, 6.72.) Public Works also contradicts itself at page 5 of its statement, claiming that conceptual site plans are sufficient at the early stage when alternatives are considered, stating:

For projects at an early conceptual level where only block diagrams are used, such as the Community alternative, estimates of the overall footprint of the building is the only measurable area. Without additional floor plans that show and dimension units, corridors, structure, mechanical shafts, etc., efficiency percentages are the only means available to calculate the approximate amount of residential area.

With respect to the California Front and Back townhomes, which are the only buildings that would not be multi-unit buildings, dimensions of the building footprints and heights were provided at pages 6-7 of the Community alternatives.

Public Works also failed to take into account the flexibility built into the Community alternatives at page 9, which states:

The Community Alternative/Variant would comply with all applicable laws and regulations, including by making any modifications in the design needed to achieve such compliance or to provide additional space for necessary functions.

Public Works erroneously assumed twice as many elevator shafts in the California Front and Back buildings as the Community alternatives intended to claim that parking would be compromised. (See Ex. O, statement of engineer as to alternatives) Public Works' claim that

the Community alternatives could fit 323 parking spaces was also unsubstantiated opinion based upon misunderstanding. (Ex. P, statement of engineer as to parking)

Data taken from the developer's site survey and architectural plans was used by the engineer who performed the initial calculations of the dimensions of the subject lot and buildings. (Ex. O - Statement of Richard Frisbie August 27, 2019) In this statement, Mr. Frisbie details inaccuracies in the Public Works' analysis, such as using larger unit sizes for the community alternative than for the project and failing to adjust amounts of space needed for circulation based on the type of building. (Ex. O) For example, flats do not have internal corridors like multi-unit buildings.

4. The Commission Should Recommend Against the Proposed Development Agreement, as it Does Not Contain Adequate Safeguards Against Failure to Construct the On-Site Affordable Housing and Fails to Require that the Project Be Constructed As Soon As Feasible.

The newly proposed Development Agreement that would allow the developer not to build the project, to cancel the agreement if he does not commence construction in 5 years, and llow him to transfer the Walnut Building to the City if he does not build the senior affordable units in the Walnut Building. Instead, the Agreement should require the developer to pay the in lieu fee if he does not build the senior affordable housing on site, in order to deter him from defaulting in his obligations. This is important because Dan Safier previously promised on-site affordable housing in the 38 Dolores Street project but later changed to pay the fee. (Ex. Q) Similarly, a fee modification is being sought to the Lucky Penny Special Use District, which was granted a year ago for 23% on-site affordable housing, and is now proposed in Supervisor Stefani's District to change the SUD terms to paying an in lieu fee to the City. (Ex. R)

The Development Agreement gives the developer 15 years to complete the project even though the DEIR states that it could be constructed in approximately 7 years. The developer's reason for the extended period is to adjust to "Market conditions." (Ex. DD) the Commission should reject the extended period and recommend that the duration of the Development Agreement be only as long as is reasonably necessary to construct the project.

5. The EIR Failed to Describe the Project's Inconsistency With San Francisco's General Plan as to Preservation of Historical Resources and Neighborhood Character.

An EIR must discuss any inconsistencies between a proposed project and applicable general plans. 14 Cal.Code Regs section 15125(d). By doing so, a lead agency may be able to modify a project to avoid any inconsistency. *Orinda Association v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169. However, the EIR failed to discuss inconsistencies of the project with General Plan policies relating to protection of historical resources and neighborhood character.

San Francisco's General Plan is intended to be an integrated, internally consistent and compatible statement of objectives and policies and its objectives, and policies are to be construed in a manner which achieves that intent. Sec. 101.1(b) of the Planning Code, which was added by Proposition M, November 4, 1986, provides as follows:

The following Priority Policies are hereby established. They shall be included in the preamble to the General Plan and shall be the basis upon which inconsistencies in the General Plan are resolved:

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

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

That the City's supply of affordable housing be preserved and enhanced;

That commuter traffic not impede Muni transit services or overburden our streets or neighborhood parking;

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

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

That landmarks and historic buildings be preserved; and

That our parks and open space and their access to sunlight and vistas be protected from development. (Ex. BB, San Francisco General Plan, excerpts)

While the EIR acknowledges that the project would have a significant adverse impact on a historical resource under CEQA, it failed to describe the project's inconsistency with the General Plan policies that state that historic buildings be preserved and that existing neighborhood character be preserved and protected. The EIR is inadequate because it merely noted that this policy to preserve historic resources exists, but failed to describe the inconsistency between the proposed project and this policy. DEIR 4.B.34. Moreover, it used an erroneous legal standard, indicating that Planning Code section 101.1 merely allowed the City to balance the eight master plan priority policies, whereas CEQA requires that an EIR describe *any* inconsistency with a general plan policy. *Ibid*.

Similarly, the EIR failed to describe the project's inconsistency with the General Plan policy that existing neighborhood character be preserved and protected. The EIR avoided the issue and brushed off the issue of "loss of neighborhood character" as a "controversial issue." DEIR 5.7.

In addition, the EIR failed to discuss the inconsistency of the proposed rezoning and the mandate of Housing Element Policy 1.4: to "Ensure that community based planning processes are used to generate changes to land use controls." Explanatory material provided by the Planning Department states:

The Planning Department has in recent years planned for growth through community plans...This process has provided a way for stakeholders to help direct the future of their area... To provide certainty to citizens who feared that the Housing Element would cause increases in density to their neighborhoods without input, the document *mandates* that this process must continue to be used in the event of proposed changes to land use controls, such as increased housing density or height. It also *dictates* that any such chances must be generated through a community based planning process initiated in partnership with the neighborhood, initiated by the Board of Supervisors. It states that any changes to land use policies and controls that result from the community planning process may be proposed only after an open and publicly noticed process, after review of a draft plan and environmental review, and with comprehensive opportunity for community input. (Ex. S, emphasis added)

2014 Housing Element Policy 1.4, and its predecessor in the 2009 Housing Element state:

Ensure that community based planning processes are used to generate changes to land use controls." (Ex. S)

#### Its interpretative text states:

Community plans are an opportunity for neighborhoods to work with the City to develop a strategic plan for their future, including housing, services and amenities...Zoning changes that involve several parcels or blocks should always involve significant community outreach. Additionally, zoning changes that involve several blocks should always be made as part of a community based planning process...

Any new community based planning processes should be initiated in partnership with the neighborhood, and be initiated in partnership with the neighborhood, and involve the full range of City stakeholders. The process should be initiated by the Board of Supervisors, with the support of the District Supervisor, through their adoption of the Planning Department's or other overseeing agency's work program; and the scope of the process should be approved by the Planning Commission. To assure that the Planning Department, and other agencies involved in land use approvals conduct adequate community outreach, any changes to land use policies and controls that result from the community planning process may be proposed only after an open and publicly noticed process, after review of a draft plan and environmental review, and with comprehensive opportunity for community input. (Ex. S)

The developer's subdivision plan would divide the 10-acre site into approximately 12 lots. (Ex. T)

The City failed to conduct a City-run planning process as to the proposed zoning changes. Developer Dan Safier described his proposed project to the community in a meeting in which members of the public were not allowed to speak. At the end of his powerpoint presentation, Dan Safier took approximately 3 written questions and ended the meeting. There was no opportunity afforded for public discussion of potential zoning changes. The day before, in the office of Supervisor Farrell, the President of Laurel Heights Improvement Association stated to Dan Safier "I would like to know what the project is before you go public with it." Dan Safier declined to provide any information and stated "This is not a negotiation." I was present at this

meeting in my capacity of Vice-President of LHIA.

Thereafter, the developer conducted poster-board sessions in which exhibits were placed around the room, but no opportunity was provided for an open discussion by members of the public in attendance. At one of these sessions, I heard a representative of the developer tell a member of the public that the project did not involve zoning changes. I approached developer Dan Kingsley and told him what I had heard, and Dan Kingsley stated "Kathy, you and I know that the project involves zoning changes." I watched, and Dan Kingsley did not approach his representative to correct the error.

The EIR does not describe the project's inconsistency with Housing Element Policy 1.4. The failure to provide a City-run planning process resulted in a developer-driven process that silenced public discourse.

# 6. The City Failed to Apply the Secretary of the Interior's Standards to the Exterior Alteration and Demolition Proposed in the Project.

San Francisco Preservation Bulletin No. 21 states that:

For both Article 10-designated historic resources and CEQA-identified historical resources, the *Standards* will be applied to any work involving new construction, exterior alteration (including removal or demolition of a structure), or any work involving a sign, awning, marquee, canopy or other appendage for which a City permit is required. (Ex. U, excerpt)

San Francisco failed to apply these standards during project design. It appears that San Francisco merely applied urban design guidelines to the project, contrary to its Preservation Bulletin 21.

The EIR states that "Section 4.B, Historical Architectural Resources, assesses project impacts on 'historical resources,' as defined by CEQA Guidelines section 15064.5....A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the California Register of Historical Resources (California Register)" EIR p. 4.B.1.

The EIR inaccurately characterizes the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and

Reconstructing Historic Buildings (the Secretary's Standards) as neither technical nor prescriptive:

Neither technical nor prescriptive, these standards are intended to promote responsible preservation practices that help protect irreplaceable cultural resources. The Secretary's Standards consist of ten basic principles created to help preserve the distinctive character of an historic building and its site while allowing for reasonable changes to meet new needs. The preamble to the Secretary's Standards states that they "are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility." DEIR p. 4.B.32.

The EIR therefore admits that the Secretary's Standards are to be applied to this project in a reasonable manner, while inconsistently characterizing the Secretary's Standards as not "prescriptive" to give conflicting signals to the public and decisionmaker.

The Secretary of the Interior's Standards for the Treatment of Historic Properties states at p. VII that the Secretary's Standards "also have been adopted by Certified Local Governments and historic preservation commissions across the nation." The Secretary's website show that San Francisco became a Certified Local Government on August 18, 1995. (Ex.V) In its Certification Agreement, San Francisco agreed to "enforce appropriate state and local legislation for the designation and protection of historic properties... and satisfactorily perform the responsibilities designated to it by the State." (Ex. W) The CLG procedures also mandate that the "CLG will prepare a comprehensive local historic preservation plan or preferable, a historic preservation element in the community's general plan. The plan or element will identify preservation missions, goals, and priorities and will establish preservation strategies, programs, and time schedules." Ex. X, pP. 9. San Francisco has failed to prepare a comprehensive local historic preservation plan or a historic preservation element in the community's general plan.

Therefore, San Francisco should have *applied* the Secretary's Standards in designing this project, as acknowledged in Preservation Bulletin 21 and its obligations as a CLG, but failed to do so. San Francisco's failure to apply the Secretary's Standards to the design of the project was prejudicial, as application of the standards should have resulted in a project that did not cause a significant adverse impact on a historical resource. The project sponsor was warned that the project had not been designed according to the historic preservation standards, but the project sponsor expressed disregard for the "rules." (Ex. Y)

#### 7. The City Failed to Apply the Residential Design Guidelines to the Proposed Project

San Francisco also failed to apply the Residential Design Guidelines to this project. Those Guidelines apply to the project because the site is zoned RM-1, and the proposed SUD would continue the RM-1 classification.

San Francisco's Residential Design Guidelines state that:

The Guidelines address basic principles of urban design that will result in residential development that maintains cohesive neighborhood identity, preserve historic resources, and enhances the unique setting and character of the City and its residential neighborhoods....

Section 311(c)(1) of the Planning Code provides that Residential Design Guidelines shall be used to review plans for all new construction and alterations. Specifically, it states:

The construction of new residential buildings and alteration of existing residential buildings in R districts shall be consistent with the design policies and guidelines of the General Plan and with the "Residential Design Guidelines' as adopted and periodically amended for specific areas or conditions by the City Planning Commission...

The Residential Design Guidelines apply to all residential projets in RH (Residential House) and RM (Residential Mixed) zoning districts...application of the Guidelines is a mandatory step in the permit review process and all residential permit applications must comply with both the Planning Code and the Residential Design Guidelines. (Ex. Z, pp. 3-4)

The project's proposed 40-foot tall Laurel townhomes are not compatible with the scale of the single-family homes across Laurel Street on the same block and violate the design principle "Ensure that the building's scale is compatible with surrounding buildings." (Ex. Z. p. 5) The Residential Design Guidelines consider "the broader neighborhood context of how the proposed project relates to the visual character and scale created by other buildings in the general vicinity." (Ex. Z, p. 8) As stated above, the height of the Laurel townhomes should be reduced to 30 feet, with a 15-foot set back on the third story.

# 8. The Planning Commission Does Not Have Authority to Grant Conditional Use or PUD Authorization for Heights in Excess of 40 Feet or to Abrogate Legislated Set Back Lines.

Unless the base height limit is 50 feet or more in an RM District, a building in excess of 40 feet may not be permitted by Conditional Use Authorization of the Planning Commission. (Ex. AA, excerpts of Planning Code section 253). Since the base height limit of 3333 California Street is 40 feet, only the Board of Supervisors can authorize heights in excess of 40 feet.

Under Planning Code section 174, stipulations upon which any reclassification of property prior to May 2, 1960 was made contingent by action of the City Planning Commission, where the property was developed as stipulated, remain in full force and effect under this Code. (Ex. AA, section 174) As explained at page 14 of the City's Preliminary Project Assessment, the stipulations of future development as outlined in Resolution 4109 continue to apply, absent modification by the Board of Supervisors per Planning Code section 174.

Planning Code section 304(d)(6) provides as to Planned Unit Developments, that "<u>under no</u> <u>circumstances</u>" may a proposed development be excepted from any height limit established by Article 2.5 of this Code. (Ex. AA) Thus, the Planning Commission cannot authorize any height limit in excess of 40 feet on the 3333 California Street property.

# 9. The EIR Failed to Adequately Analyze the Significant Project and Cumulative Impacts on Greenhouse Gas Emissions that the Project/Variant Could Generate.

The State Air Resources Board confirmed that the proposed project/variant will result in additional greenhouse gas emissions (GHG) from construction activities, but stated that the applicant has committed to secure carbon offsets issued by a accredited carbon registry in an amount sufficient to offset construction emissions. (Ex. CC) In addition, the applicant committed "to explore" feasible GHG emissions reduction measures for net additional operation-related GHG emissions, including by purchasing voluntary carbon offsets issued by an accredited carbon registry in an amount sufficient to offset the net increase in operation-related GHG emissions. (Ex. CC) While these commitments may have been sufficient to qualify as a leadership project under AB 900, the GHG analysis constitutes substantial evidence of a fair argument that the project /variant could have a potentially significant project or cumulative impact on production of GHG under CEQA that should have been evaluated in the EIR.

The Initial Study claims that projects that are consistent with the City's GHG reduction strategy would be consistent with Bay Area and State GHG reduction goals. IS. p. 147. However, the IS does not provide any specific information on how the proposed project/variant would implement measures that would be consistent with the City's GHG reduction strategy other than by making the general claim that the proposed project/variant "would be required to comply" with various City codes and programs, which were generally identified by name. (IS p. 148-149) No information was provided as to the specific measures or design features that would be taken to comply with the various local programs. There is no substantial evidence that the City's codes and programs that address GHG emissions contain the type of performance-based standards that may be relied upon in mitigating impacts in CEQA proceedings. Consistency with various City codes and programs is an inadequate factor upon which the City could base a determination of significance as to the increase in GHG emissions resulting from the project/variant, because the City codes and programs lack specific requirements that result in reductions of GHG emissions to a less than significant level. The EIR is inadequate because it has not shown that the local codes and programs actually address the emissions that would result from the project/variant. For example, there is no evidence that street tree programs address emissions resulting from a typical housing project.

Further, there is no substantial evidence that the project will comply with the requirements in City codes and programs, and the specific requirements of those codes and programs are not described. The developer's AB 900 application relies upon purchase of carbon credits to offset the increase in GHG emissions from project construction activities, and exploration of other options to reduce the net increase in GHG emissions from project operations. Thus, the threshold of significance for project GHG emissions used in the EIR is not supported by substantial evidence. In view of the evidence of a net increase in GHG emissions resulting from construction activities and operations of the project/variant, the EIR should have discussed measures which could mitigate or reduce GHG emissions

Also, as previously stated, the AB 900 proceeding did not evaluate all GHG emissions that would indirectly result from the proposed project/variant. The proceeding omitted GHG emissions from the substantial amounts of concrete and steel that would be manufactured to construct the underground garages in the project/variant and the other indirect sources documented in the prior statement of Richard Frisbie submitted in this proceeding, such as GHG that would result from transportation and reprocessing of construction debris that would result from the demolition activities of the project/variant.

The EIR failed to adequately determine whether the project/variant would have potentially significant effects on cumulative GHG emissions, because it did not first determine the extent of the cumulative problem by examining the effects of past projects, the effects of other current projects, and the effects of probable future projects. As the second required step, the City failed to determine whether the project/variant's incremental contribution to that problem is cumulatively considerable.

The EIR failed to comply with CEQA because it failed to determine the extent to which the proposed project either increases or decreases GHG emissions, by comparing the project's emissions to the current environment and whether the anticipated GHG emissions associated with the project exceed a threshold of significance set by the lead agency or another agency with jurisdiction over resources affected by the project/variant.

The EIR is also deficient under CEQA because it failed to provide substantial evidence that the proposed project's percentage reduction in GHGs from business a usual would correlate with achieving AB 32's statewide goal of reducing emissions by approximately 30 percent below BAU by 2020, or other applicable goals of the City or other agencies. Similarly, the EIR failed to provide substantial evidence demonstrating that project/variant GHG emissions would be consistent with SB 32's goal of reducing GHG emissions by 40% below 1990 levels by 2030, of the goals of Executive Order S-3-05 to reduce emissions to 1990 levels by 2020, and to reduce emissions to 80% below 1990 levels by 2050, or the targets of Executive Order B-30-15 of reducing GHG emissions to 40 percent below 1990 levels by 2030. Also, the Initial Study inadequately relied on the claim that San Francisco has met the State and regional 2020 GHG reduction targets citywide, but this proposed project would have a net increase in GHG emissions from 7-15 years of construction activities commencing in approximately 2020 or 2021, so the GHG analysis should have been performed for a longer time-range.

The Initial Study lacked substantial evidence that a requirement to comply with local regulations has proven effective with respect to large projects, such as 3333 California. Given the specific evidence generated in the leadership project proceedings that the project/variant would have a net increase in GHG emissions from construction activities, as to which the applicant did not rely upon compliance with local law or design guidelines as mitigation for GHG emissions, the evidence in the record demonstrates a potentially significant increase in project and cumulative GHG emissions from construction activities. The same it the case for GHG emissions from operations of the project/variant. The EIR is inadequate because it failed to analyze this potentially significant project or cumulative impact and to adopt feasible mitigation

measures that would reduce the significant cumulative impact of the project/variant.

Similarly, with respect to emission of GHG from project/variant operations, the applicant committed only "to explore" project design features/on-site reduction measures and other possible reductions, but did not commit to implement them. Given the evidence that the project/variant would result in a net increase in operational GHG emissions, there is a fair argument that a potentially significant project and cumulative impact on GHG emissions could result, which the EIR failed to analyze, since the project/variant did not commit to comply with local regulations in the CARB proceeding. The Initial Study failed to render a proper determination of whether the activities undertaken by the project/variant to reduce GHG would be consistent with local GHG reduction plans. The Initial Study simply glossed over the subject with conclusory statements unsupported by factual analysis.

The developer had pertinent information available which quantified GHG emissions from the proposed project/variant, and the EIR's failure to disclose this information in the DEIR violated the principle stated in CEQA Guidelines section 15064(b) that lead agencies should quantify GHG emissions where quantification is possible and will assist in the determination of significance. In view of the requirements imposed in the AB900 proceedings that the developer purchase carbon credits or explore other mitigation for the projected net increase in GHG emissions from construction and operation of the proposed project/variant is substantial evidence that quantification of the GHG emissions in this proceeding would have assisted in determining the significance of the impact and in analyzing the project's impacts.

### 10. The EIR Inaccurately Analyzed the Project's Inconsistency With Current Zoning Controls.

The EIR failed to acknowledge that current zoning controls limit the aggregate gross floor area to the total area of the property (approximately 435,600 square feet) and that the proposed project/variant would substantially exceed the permitted gross floor area. (Ex. EE. Dean Macris Memo dated June 25, 1986.) According to the EIR, the proposed project variant would have a total of 1,476,987 gross square feet of floor area. (DEIR p. 2.100) Therefore the project variant would add 1,041,387 gross square feet of permitted gross floor area to the site. The EIR failed as an informational document because this information on the massive increase in permitted floor area is important information that should have been taken into account in formulating alternatives to the proposed project and feasible mitigation measures. The EIR's discussion of the terms of Planning Commission 4109, which currently applies to the site, omitted this

important information from its discussion of the conditions currently applicable to development of the site. (DEIR pp. 3.10, 3.6)

#### **CONCLUSION**

For the foregoing reasons, LHIA objects to the approval of the project/CU/PUD and to the City's failure to comply with the requirements of CEQA and to apply the City's design standards that require the City to apply the Secretary of Interior's Standards and the Residential Design Guidelines to the design of this project. The project's significant adverse impact on the historic resource should be mitigated by adopting the design changes described in the alternatives proposed by the community. Those changes are feasible and should be adopted to comply with CEQA requirements.

Very truly yours,

Laurel Heights Improvement Association of SF, Inc

By: Kathryn Devincenzi, President KRDevincenzi@gmail.com

Katheya Derweina

Attachments: A through EE



#### **COMMUNITY PRESERVATION LOOKALIKE VARIANT**

#### **OVERVIEW**

The Community Preservation Lookalike Variant, CPLV, would construct the same number of new housing units as the developer's proposed variant (744 units) and would be completed in less than four years rather than the 7-15 years requested by the developer to complete his proposals. In addition the Community Preservation Lookalike Variant would increase the residential gsf by approx. 20,000gsf more than the developer's proposal.

The Community Preservation Lookalike Variant would preserve the key character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations.

The Community Preservation Lookalike Variant utilizes approximately 90 percent of the developers' proposed buildings, designs and locations as can be seen below.

Figure 4: Community Preservation Lookalike Variant



		COMMUNITY
	DEVELOPER	PRESERVATION
	VARIANT 7/3/2019	VARIANT
		"Developer Lookalike"
	Residential GSF	Residential GSF
BUILDING		
Masonic	83,505	N/A
Euclid	184,170	144,870
LaurelTownhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A	66,755	81,571
Plaza B	72,035	83,215
Walnut	147,590	336,350
Main Building-Note 1	N/A	268,365
Center A	89,735	N/A
Center B	231,667	N/A
TOTAL Residential GSF	977,437	995,986

The major differences are that the Community Preservation Lookalike Variant:

- 1. Would preserve the key Historic defining characteristics of the site as noted above.
- 2. Would create an All-Residential development with the retention of the existing café, childcare facility and office space in the Main Building noted below.
- 3. Would excavate only for a single, approximately two underground parking garage whereas the developer proposes to excavate for four new under-ground parking garages spread across the site, some consisting of three levels.
- 4. Would eliminate the Masonic Building to preserve the Historic Eckbo Terrace and also to provide a location for the childcare play area in sunlight as opposed to being placed in the heavily shadowed area alongside the Credit Union, as proposed in the developer's plan.
- 5. Would make modifications to the Euclid Building by removing approximately 30 ft. from the southside of the proposed building to move it off the historically significant green space.
- 6. Would eliminate two Laurel St. Townhomes from Euclid Green in order to fully preserve the historically significant green space at the top of Laurel Hill.
  - For a summary of changes that the Community Preservation Lookalike Variant would implement see "Summary of Building Changes" at the end of the document.

Furthermore, the Community Preservation Lookalike Variant would:

- (1) convert the interior of the main building to residential use while retaining the existing 1,500 gs cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),
  - (2) construct three new residential buildings (the Plaza A, Plaza B and Walnut) along

California Street where parking lots are now located; the new Mayfair Building near the intersection of Mayfair Drive and Laurel; five new townhomes along Laurel St; and the new Euclid Building along Euclid Avenue;

- (3) provide housing units affordable to and sized for middle-income families, with additional on-site affordable housing as determined by the Board of Supervisors,
- (4) require all freight loading and unloading to be conducted in the underground freight loading areas accessed from Presidio Ave. and Mayfair Ave.
- (5) require all passenger loading and unloading to be conducted inside the site in turnarounds or in the underground parking garage,
- (6) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including the Eckbo Terrace, Laurel Hill greenspace and existing landscaped green spaces along Presidio Avenue, all of which would be designated as community benefits in the development agreement,
- (7) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping.
  - (9) provide units in the Walnut Building for senior housing.
- (9) the Community Preservation Lookalike Variant would use all the space for residential use and would not rezone the site for approximately 34,496 gsf of retail uses as the developer proposes.

THE COMMUNITY PRESERVATION LOOKALIKE VARIANT WOULD PROVIDE THE SAME AMOUNT OF
NEW HOUSING UNITS IN LESS THAN FOUR YEARS WITHOUT ADVERSELY IMPACTING A HISTORICALLY
SIGNIFICANT RESOURCE.

The Community Preservation Lookalike Variant would preserve all the key character-defining features of the main building and integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. (Ex. A, confirmation of listing). The window-walled main building would be converted to primarily residential use.

The Community Preservation Lookalike Variant would have the same number of residential units as the developer's proposed variant (744 units) and would be constructed in less than four years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging.

The Community Preservation Lookalike Variant would entail far less excavation, as it would have approximately two levels of parking in a single new underground garage. In contrast, the developer's variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CFPAV 2 would excavate only under the existing parking lots along California St.- the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation in all quadrants of the site including major excavations on Masonic, on Euclid including the excavation of major portions of Laurel Hill as well as under the parking lots along California St.

The Community Preservation Lookalike Variant would preserve the existing Eckbo Terrace and the green landscaped areas along Euclid and Presidio Avenues as well as partly along Laurel Street. The existing Eckbo Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. The new ground level Walnut Passage will run

through the first floor of the main building, opening up into a larger landscaped Center Court midbuilding, and lead onto the Walnut Walk alongside EckboTerrace and thence onto Masonic Avenue and would be open to the public and marked with signage identifying it as a public throughway.

The character-defining features of the existing main building that the Community Preservation Lookalike Variant would retain include all of the following:

Plan of the building open along Eckbo Terrace and to views of the distant city.

Horizontality of massing.

Horizontal lines of projecting edges of concrete floors.

Horizontal bands of nearly identical compatible window units.

Uninterrupted glass walls.

Brick accents and trim

Wrought iron deck railings that match gates in landscaping.

The character-defining features of the existing landscape that the Community Preservation Lookalike Variant would preserve include all of the following:

In the Eckbo Terrace, which was designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco), key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick), brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and the three circular tree beds constructed of modular sections of concrete.

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site, and turnarounds will be provided in front of the main building. All freight loading and unloading is proposed to be conducted in the underground freight loading areas accessed from Presidio Avenue and Mayfair.

In the Community Preservation Lookalike Variant, the Masonic Building and two Laurel Townhomes are eliminated and the Walnut building re-designed. The Euclid building, reduced in size to preserve the Euclid Green area, the remaining five Laurel Townhomes, the Mayfair building, Plaza A and Plaza B utilize the developer's footprint and architectural design throughout. The Main Building utilizes Levels 1-4 of the developer's architectural design and adds one setback story at Level 5 consistent with the Secretary of the Interior Standards for the treatment of historic properties, thereby retaining the historic characteristics of the main building and integrated landscaping. Contrary to the developer, the Community Preservation Lookalike Variant does not sever the Main Building with a full height 40 ft gap, thereby creating two separate structures.

As noted previously, the Community Preservation Lookalike Variant creates a ground-level Walnut Passage while fully retaining the historic characteristics of the building.

The Main building, Walnut, Plaza A and Plaza B will have direct access to the underground parking garage. The Laurel Townhomes have their own organic parking. For the Mayfair and Euclid Buildings, parking will be provided in the new underground parking garage constructed under the California Street Front and Back Buildings.

Truck loading and unloading for the buildings along California St. as well as the Main and Mayfair buildings would occur in the underground garage accessed from Presidio Avenue and Mayfair Avenue.

#### **SUMMARY OF BUILDING CHANGES**

The Community Preservation Lookalike Variant generally utilizes the developer's footprint and architectural design, unit configuration layouts, sizes, etc. except for the Masonic Building (which is not constructed) and the expanded Walnut Building.

The Community Preservation Lookalike Variant preserves both the historic Eckbo Terrace and the existing green spaces along Euclid and Masonic Avenues (by eliminating the Masonic Building) and partly along Laurel Street.

To this day, these green spaces are used by families, friends, children, moon-watchers, etc. The historically green space is preserved by modifying the south side of the Euclid Building (removing 30 ft.) and eliminating two Laurel St. townhomes at the top of Laurel St. as noted above.

#### **Analysis of Buildings:**

## Developers Variant 7/3/2019

#### Community Preservation Lookalike Variant

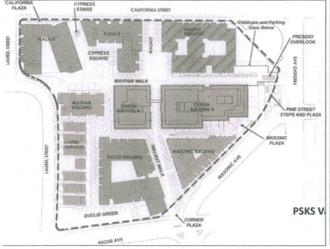




Figure 3

As can be seen from the layout above the Community Preservation Lookalike Variant generally mirrors the developers proposed building plans. The primary differences are the elimination of the Masonic Building, modifications to the Euclid Building and redesign of the Walnut Building.

All retail has been converted into residential gsf and affected building heights reduced appropriately.

As shown above, the Community Preservation Lookalike Variant produces an additional 20,000 residential gsf over and above that produced by the developers.

Masonic Building: Eliminated.

**Euclid Building:** Identical to developers' submission of 07.03.2019 with the following modification to preserve Laurel Hill greenspace. The south side of the building is cut back approximately 30 ft. (loss of

approximately 35,000gsf). Additionally, the remaining top floor units on the south side are set back 15 ft. to moderate the bulk and intensity of the Euclid Avenue appearance (loss of approximately 4,000gsf). It should be noted that the Euclid Building can be expanded on the east side by approximately 25 ft. along the entire 256 ft (ref. Dwg.A8.01 from submission) by aligning Walnut Walk with Eckbo Terrace which would more than offset the space eliminated by the modification to the south side noted above.

This potential expansion has not been accounted for in the Community's plan.

No underground parking garage.

References: A8.01(modified as noted above), .02(same comment), A8.03(same comment), A8.04(same comment), A8.05(same comment), A8.05(same comment), A8.11(same comment), A8.12, A8.21(same comment), A8.22, A8.23(same comment), A8.24(same comment), A8.25(same comment), A8.30, A8.41.

**Laurel Townhomes:** Generally identical to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and set top floor back 15 ft.

Reference A10.01(two southernmost duplexes eliminated to preserve Historic green space),
A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duple 01 &
02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve the green space. The height of the five remaining townhomes is lowered from 40 ft. to 30 ft. to be compatible with the 20 ft. homes on the west side of the Laurel St. block. Additionally, the third floor is set back 15 ft.

Mayfair Building: Generally identical to developer's 07/03/2019 submission: predominant references A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60.

No underground parking garage.

**Plaza A:** Generally dentical to developer's submission of 07.03.2019: references A2.00, A2.01, A2.02, A2.21(modified for the parking design), A2.22(same note on parking), A2.30, A2.41.

All retail gsf is converted to residential. As a result, the height of the building is lowered from 45 ft. to 40 ft., which allows it to comply with the existing height limit.

Plaza B: Same comments as to Plaza A above. Developer's submission of 07.03.2019: references A3.00(retail converted to residential), A3.01, A3.02, A3.03, A3.21(modified for the parking design), A3.22(same comment on parking), A3.24(retail converted to residential; building height adjusted accordingly), A3.25, A3.41, A3.42.

Walnut Building: The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the approximately 65 ft. tall JCC, it is compatible with the character of its surroundings. The 48,050 square foot net footprint was determined from dimensions in Submittals of 03.06.2017 & 07.03.2019: references VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south: 175ft.; Triangle at Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

Main Building/Center A&B: Use the developer's unit configurations and sizes from 03/03/2019: predominant references A6.02, A6.03, A6.04, A6.05, A6.06, A6.07, A6.08, A6.09, A6.19(modified for Walnut Passage; no Levels 6 and 7), A6.21(modified for Walnut Passage; no levels 6 and 7), A6.22(no Levels 6 and 7), A6.30, A6.46(no Levels 6 and 7).

The Community Preservation Lookalike Variant, unlike the developer's, preserves the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties.

The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building, thereby creating two separate structures and adding 2 and 3 new levels on top, thereby impairing the horizontality of the building.

The Community Preservation Lookalike Variant, in accordance with the SOISs, adds one set back level, Level 5, to the main building. As noted above, the developer would add Level 5, Level 6 and Level 7.

**Walnut Passage:** In order for the developer to create the 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St., the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

#### There is a better solution.

The Community Preservation Lookalike Variant design calls for a ground level 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building. This design fully maintains the historic characteristics of the Main

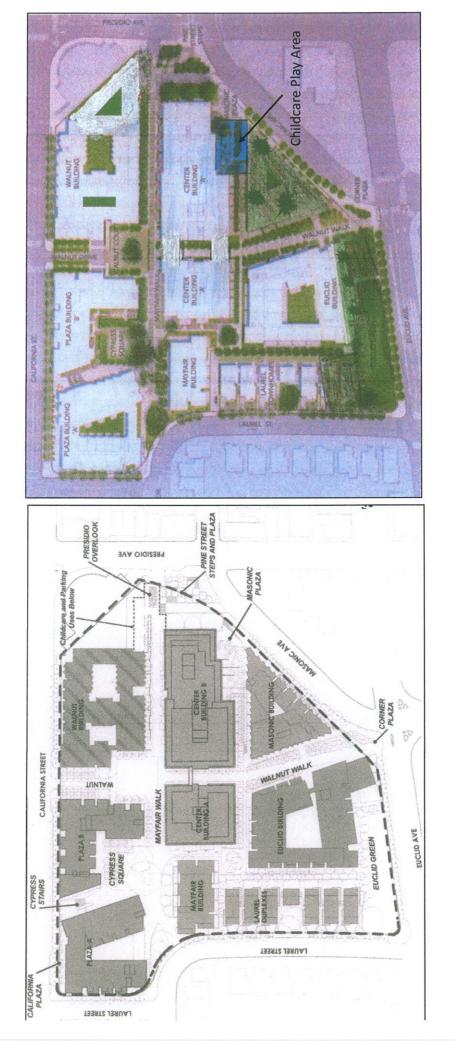
building while at the same time meeting the developer's desire in alignment with Walnut Street for connectivity.

#### A case of form follows function.

**Summary:** Same number of units(744) in less than 4 years, more residential gsf than the developer's proposal, compliant with RM-1 zoning, historically compatible, neighborhood responsive.

# Developers Variant 7/3/2019

# Community Preservation Lookalike Variant



3333 California "As Is" Site Topography & Layout

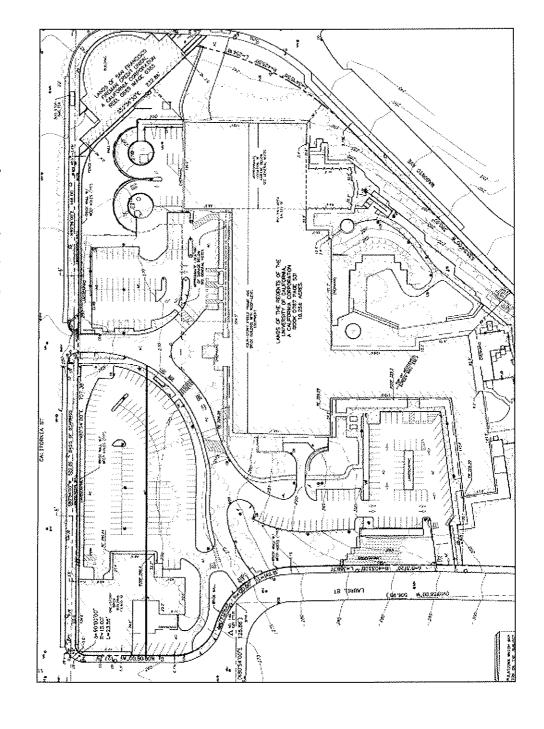


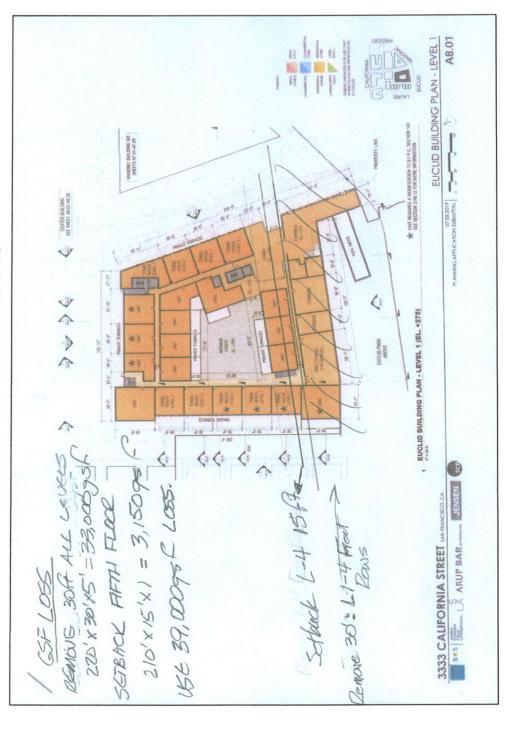


Figure 4: Community Preservation Lookalike Variant

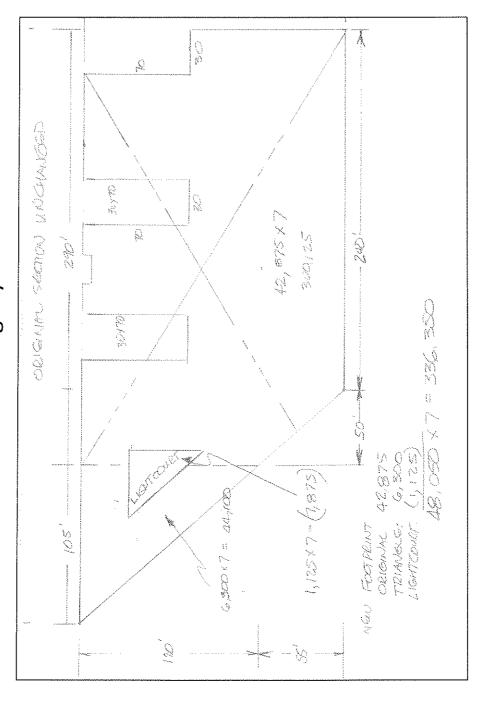


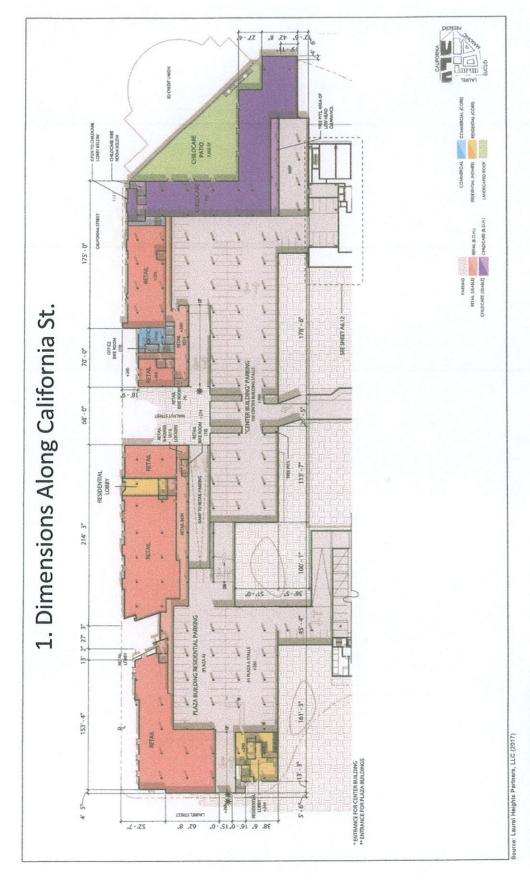
	DEVELOPER VARIANT 7/3/2019	COMMUNITY PRESERVATION VARIANT "Developer Lookalike"
	Residential GSF	Residential GSF
BUILDING		
Masonic	83,505	N/A
Euclid	184,170	144,870
Laurel Townhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A	66,755	81,571
Plaza B	72,035	83,215
Walnut	147,590	336,350
Main Building-Note 1	N/A	268,365
Center A	89,735	N/A
Center B	231,667	N/A
TOTAL Residential GSF	977 437	986 366

### Community Preservation Lookalike Variant Euclid Build Modifications



Community Full Preservation Alternative Variant 2 Walnut Building Layout





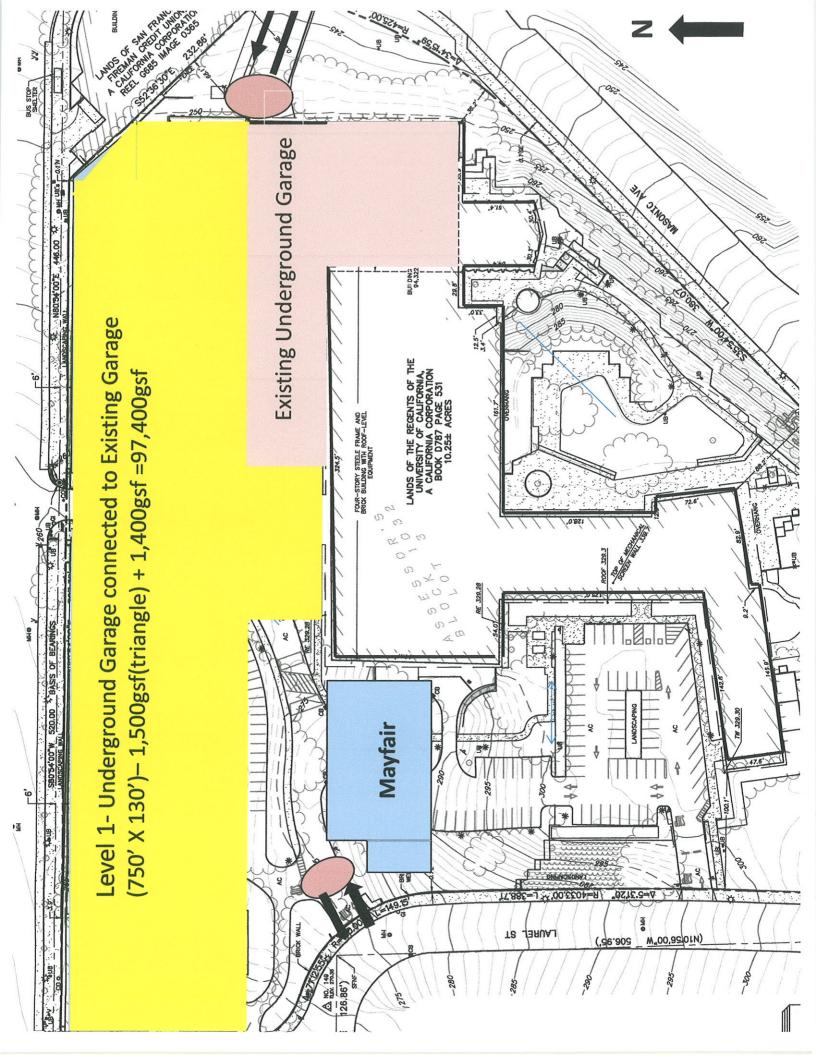
3333 CALIFORNIA STREET MIXED USE PROJECT

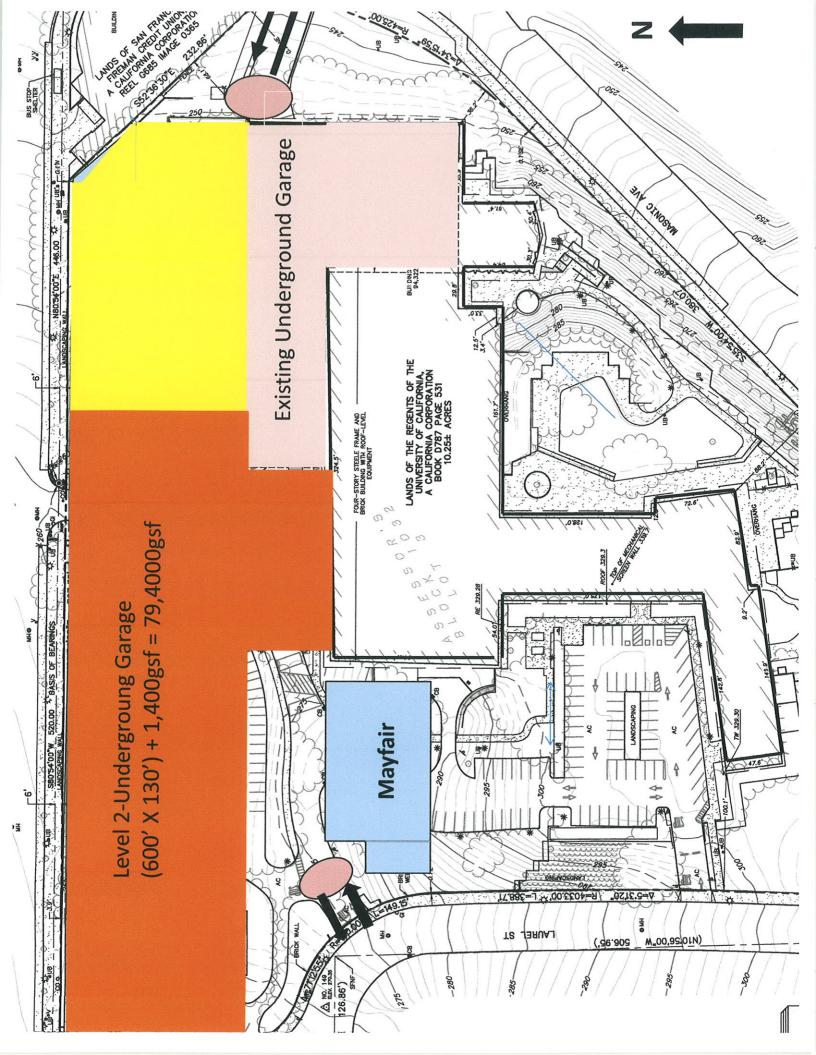
FIGURE 2.23; PROPOSED CALIFORNIA STREET GARAGE
AND CENTER BUILDING B GARAGE - BASEMENT LEVEL B1
3333 California Street Mixed-Use Project
Dant Big

2.63

Comparison of Developer & Community Preservation Lookalike Variants

	DEVELOPERS VARIANT 7/3/2019			COMMUNITY PRESERVATION LOOKALIKE VARIANT			
	Residential GSF	Units	Avg. Size	Residential GSF	Units	Avg. Size	
BUILDING							
Masonic	83,505	57	1,465	N/A	0		
Euclid	184,170	139	1,325	144,870	109	1329	
Laurel Townhomes	55,300	14	3,950	34,935	10	3494	
Mayfair	46,680	30	1,556	46,680	30	1556	
Plaza A	66,755	29	966	81,571	82	966	
Plaza B	72,035	61	1,181	83,215	71	1172	
Walnut	147,590	186	793	336,350	283	1189	
Main Building	N/A			268,365	159	1688	
Center A	89,735	51	1,760	N/A			
Center B	231,667	139	1,667	N/A		e e e e e e e e e	
TOTAL	977,437	744	1,314	986'566	744	1339	









August 28, 2019 Letter of Laurel Heights Improvement Association to San Francisco Planning Commission

Re: 3333 California Street, San Francisco, CA Record Number: 2015-014028CUA/PCA/MAP/DUA Certification of Final EIR Planning Commission Hearing: September 5, 2019

**EXHIBITS C - M** 

### **COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2**

### **OVERVIEW**

The Community Full Preservation Alternative Variant 2 – CFPAV2 -would construct the same number of new housing units as the developer's proposed project variant (744 units) and would be completed in approximately four years rather than the 7-15 years requested by the developer to complete his proposals. The CFPAV2 would preserve virtually all of the character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations.

The CFPAV 2 would excavate for a single approximately two level underground parking garage. In contrast, the developer proposes to excavate for four new underground garages, some consisting of three levels.

The Community Full Preservation Alternative Variant 2 would:

- (1) convert the interior of the main building to residential uses while retaining the existing 1,500 gsf cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),
- (2) construct three new residential buildings (California Front, California Back, Walnut) along California Street where parking lots are now located, construct the Mayfair new residential building near the intersection of Mayfair Drive and Laurel Street, and construct five Laurel St. townhomes north of the Euclid Green
- (3) provide at least 64 flat-type family-sized units in the California Front Building, with affordable senior housing in the enhanced Walnut Building.
  - (4) Construct 5 Laurel St. Duplexes using the Developers' design and layouts,

except that the fourth story would be removed and the third story set back 15 feet at its front. See section "Summary of Building Calculations" in the last section.

- (5) excavate for approximately two levels of underground parking.
- (6) propose all freight loading and unloading to be conducted in the underground freight loading areas accessed from Presidio Avenue and all passenger loading and unloading to be conducted inside the site in turnarounds or in the underground parking garage.
- (7) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including without limitation the Eckbo Terrace and the existing landscaped green spaces along Euclid Avenue, Presidio Avenue and some of Laurel St. (see layout) which would be designated as community benefits in the development agreement,
- (8) preserve the majority of the 195 mature trees on the site which are comprised of 48 different tree species (Initial Study p. 16), and
- (9) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping.

Figure 2: Community Full Preservation Alternative Variant 2

Community Full

Preservation

Alternative

Variant 2

Residential GSF

N/A

N/A

34,935

46,680

120,000

76,952

336,350

371,734

986,651

N/A

N/A

83,505

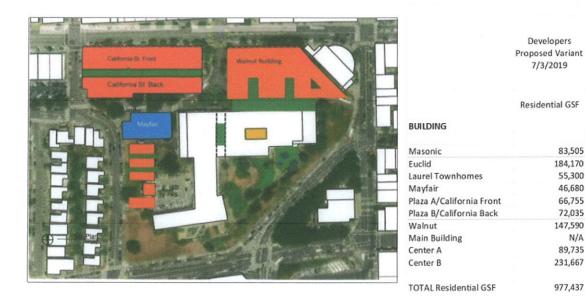
46,680

66,755

72,035

N/A

89,735



The CFPA Variant 2 would add units to the Walnut Building which could be used for senior housing and additional units within the other buildings. The CFPAV 2 would use all the new construction for residential use and would not rezone the site to permit the approximately 34,500 gsf of retail uses, as the developer proposes.

THE COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2 WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS IN APPROXIMATELY FOUR YEARS WITHOUT ADVERSELY IMPACTING A HISTORICALLY SIGNIFICANT RESOURCE.

The CFPAV 2 would preserve the character-defining features of the main building and integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. (Ex. A, confirmation of listing) The window-walled main building would be converted to primarily residential use. This CFPAV 2 would have the same number of residential units as the developer's proposed project Variant (744) and would be constructed in approximately four

years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging. The CFPAV 2 would entail far less excavation, as it would have only one new, approximately two level, underground parking garage along California Street and a total of approximately 558 on-site parking spaces. In contrast, the developers' variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CFPAV 2 would excavate only under the existing parking lots along California St.- the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation on all quadranta of the site including major excavations on Masonic, on Euclid (which entails a substantial portions of Laurel Hill), as well as under the existing parking lots along California St.

This CFPAV 2 would retain the existing Eckbo Terrace, the existing landscaped green spaces along Euclid Avenue, Presidio Avenue and some of Laurel St. (see layout). The existing Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. A new ground level Walnut Passage would be constructed to connect Walnut and Masonic Avenue and be opened to the public.

The character-defining features of the existing main building that this CFPAV 2 would retain include all of the following:

Plan of the building with wings open along the sides to the immediate landscape and to views of the distant city.

Horizontality of massing.

Horizontallines of projecting edges of concrete floors.

Horizontal bands of nearly identical

window units.

Uninterrupted glass walls.

Brick accents and trim.

Wrought iron deck railings that match gates in the landscape.

The character-defining features of the existing landscape that this CFPAV 2 would retain include all of the following:

The Eckbo Terrace, which was designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco), key character-defining features include its biomorphic-shaped (amoeba-shaped) lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick), brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

In the two outdoor sitting areas on the east and west sides of the area now used as an auditorium, key character-defining features for the area on the west side include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete, and metal benches; key character-defining features for the area on the east side include the pavement (concrete divided into panels by wood inserted into expansion joints).

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site,

and turnarounds will be provided in front of the main building on California/Walnut. All freight loading and unloading is proposed to be conducted in the underground freight loading areas accessed from Presidio Avenue.

Vegetation features that help to integrate the character of the Fireman's Fund site with that of the surrounding residential neighborhoods that will be retained include (1) the large Cypress trees in the existing west parking lot area, (2) the lawns on the south and east sides of the property and portions of the west side, and (3) the planted banks along Masonic street.

In this CFPAV 2 the existing 1,500 gsf cafe and 11,500 gsf childcare center would remain in their present locations in the main building. Approximately 5,000 square feet of the existing nonconforming office space in the main building would remain, which the developer could continue to use for offices. At the developer's option, this existing office space could be converted to residential use.

In the CFPAV2, new residential buildings (California Front & Back and Walnut) would be constructed along California Street where parking lots are currently located, and a Mayfair building generally identical to the Developers' plan would also be constructed.

The new California Front building units would be designed for families, averaging 1,875gsf. This building would be designed to be compatible with both the main building and the existing buildings along the north side of California Street and would maintain the rhythm and scale of the townhouses across California Street. Each California Front building would be 40 feet tall, approximately 25 feet wide and 100 feet in length with 25% of that length consisting of a private rear yard. Approximately 16 new buildings containing 64 units would be built in the California Front building between Laurel Street and Walnut Street. Two adjacent residential units would share one elevator, a common stairway and one mechanical shaft. The

elevator would provide access to the underground garage constructed under these buildings.

The new California Street Back building would face inward toward the existing main building and be constructed with window walls designed to be compatible with the character-defining features of the windows in the existing main building. They would not have private rear yards. They would be sculpted to be a minimum of 42 ft. from the large Monterey Cypress trees that remain from the Laurel Hill Cemetery, so the lengths of the buildings would vary from approximately 35 to 72 feet long, and each unit would be approximately 25 feet wide. They would have 60 units, with the average unit size 1,283 gsf depending on location, and the buildings would be 40 feet tall and be constructed between Laurel Street and Walnut Street. Two adjacent residential units would share one elevator, a common stairway and one mechanical shaft.

In this CFPAV2, approximately 270 residential units would be provided in the existing main building, averaging 1,377gsf. The developer can configure the size of the units and/or eliminate the office use. Internal Light Courts similar to those described on Developer's August 17, 2017 plan sheets A6. 15 and A6. 16 will be located where feasible.

For these units, parking with direct access would be provided in the existing underground garage in the main building.

A new 70-foot tall Walnut Building would be built along California Street between Walnut Street and Presidio Avenue. This building would contain approximately 310 residential units with an average 1,085 gsf. The developer can configure the size of the units. For these units, parking with direct access would be provided in the new underground garage constructed under this building.

In the CFPAV2, a new 40-foot tall Mayfair Building, based on the Developers' design and layout, would be constructed approximately east of Mayfair Drive at Laurel Street. The Mayfair Building would have 30 residential units with an average size of 1,556 gsf. The Mayfair Building would not contain an underground parking garage. For these units, parking would be provided in the new underground garages constructed under the California Street Front and Back Buildings. The Mayfair Building would be constructed of window walls designed to be compatible with the character-defining features of the windows in the existing main building.

Under the CFPV2, all Truck Loading or Unloading is proposed to occur in the underground garage accessed on Presidio Avenue, and trucks and automobiles will have ingress and egress to these areas for loading, unloading, pick- ups, drop-offs and parking. Passenger vehicles and automobiles will also have ingress and egress to the site through the Walnut Gate at Walnut and California Streets and through the Mayfair Gate at Mayfair and Laurel streets. Passenger vehicles and automobiles will also have access to a turnaround for passenger loading and unloading through the Laurel Street gate and through the Walnut gate.

### SUMMARY OF BUILDING CALCULATIONS

The Community Full Preservation Alternative Variant 2 re-purposes the historic main building and utilizes a combination of new designs and the developers design, unit configuration layouts, sizes, etc.

The Community Full Preservation Alternative Variant 2 preserves both the historic Eckbo

Terrace and the existing landscaped green spaces along Euclid Avenue and Presidio

Avenue and some of Laurel Street.

To this day the green spaces are used by families, friends, children, moon-watchers, etc...

The Community Full Preservation Variant 2 uses much of the DEIR Community Full Preservation Alternative Variant submitted in response to the Draft EIR with the following major changes: Developer's Laurel Hill Duplexes added(5); Developer's Mayfair Building adopted; Walnut Building enhanced; one level, Level 5, added to the core of the main building; ground level Walnut Passage created. California St. Front and Back Buildings remain unchanged.

There is no retail.

The Community Full Preservation Alternative Variant 2 is shown on pg. 3 above.

Masonic Building: Eliminated to preserve the historic green-space encompassing Eckbo

Terrace. Retaining this historic green space will provide a place for the public to host

resident events such as July 4 barbecues, etc. with views of the City.

No underground parking garage in this area.

**Euclid Building:** Eliminated to preserve the historic parklike greenspace and the historic main building that occupies Laurel Hill. It allows the childcare center and play area to remain in its present location in the sun as opposed to the developer's proposed heavily shadowed area alongside the Credit Union.

No underground parking garage in this area.

Laurel Duplexes: Similar to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and top floor set back 15 ft. References: A10.01(two southernmost duplexes eliminated to preserve Historic Laurel Hill), A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duplex 01 & 02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve this historic green space. The five remaining townhomes are lowered from 40 ft. to 30 ft. to better reflect the 20 ft. homes on the west side of Laurel St. Additionally the third floor is set back 15 ft.

Mayfair Building: Generally identical to developers' 07/03/2019 submission: predominant reference A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60.

No underground parking garage.

California St. Front: The 4-story townhome buildings occupy an approximately 400 ft. long by 75ft. deep (plus 25 ft backyard) section along California St. between Laurel St. and Walnut St. presently occupied by surface parking lots. Reference: Site Survey R0.00

PPA/EEA 03.23.2016; Draft EIR Fig. 2.23; DEIR Fig. 2.24. Building footprint 30,000gsf.

California St. Back: The 4-story townhome buildings occupy approximately 375 ft. of the rear portion of this section along California St. between Laurel St. and Walnut St. In order to preserve the historic Monterey Cypress trees the units vary in depth from 35 ft. to 72 ft. The footprint of these building is approximately 19,238gsf.

Walnut Building: The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the 65 ft. tall JCC, it is compatible with the character of its surroundings. The 48,050 square foot net footprint was determined from dimensions in developer's Submittals of 03.06.2017 & 07.03.2019: reference VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south: 175ft.; Triangle near Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

Main Building: The Community Full Preservation Alternative Variant 2, unlike the developer's Variant, does not destroy the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties. The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and

landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building thereby creating two separate structures, and adding two and three levels on top, thereby impairing the horizontality of the building.

The Community Full Preservation Alternative Variant 2, in accordance with the SOISs, adds one level, Level 5, to the main building. The developer would add add Level 5, Level 6 and Level 7.

Walnut Passage: In order to construct the developer's 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St. the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

### There is a better solution.

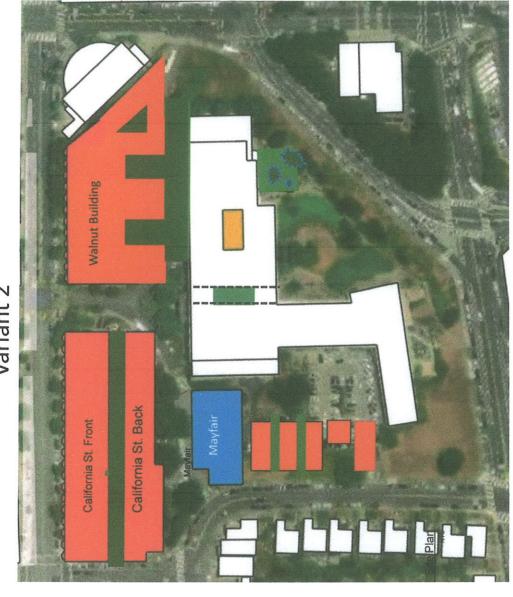
The Community Full Preservation Alternative Variant 2 design calls for a ground level 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building. This design fully maintains the historic characteristics of the Main building while at the same time meeting the developer's desire for connectivity in alignment with Walnut St.

### A case of form follows function.

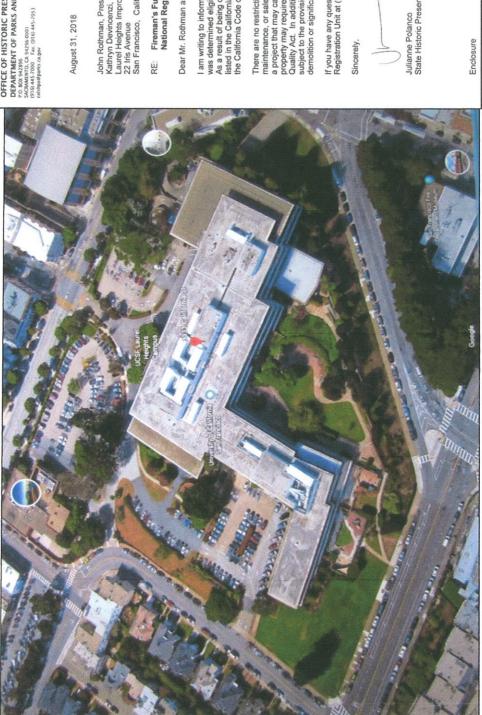
Summary: Same number of units (744) in less than 4 years, more residential gsf than the

developer's proposal, compliant with RM-1 zoning, historically compatible, neighborhood responsive.

### Community Full Preservation Alternative Variant 2



# Community Full Preservation Alternative Variant 2 Determination of Eligibility



STATE OF CALBORNAN - THE MATURAL RESOURCES AGENCY OFFICE OF HISTORIC PRESERVATION DEPARTMENT OF PARKS AND RECREATION

August 31, 2018

John Rothman, President Kathryn Devincenzi, Vice President Laurel Heights Improvement Association of San Francisco 22 fris Avenue

San Francisco, California 94118

Fireman's Fund Insurance Company, Determination of Eligibility National Register of Historic Places

Dear Mr. Rothman and Ms. Devincenzi

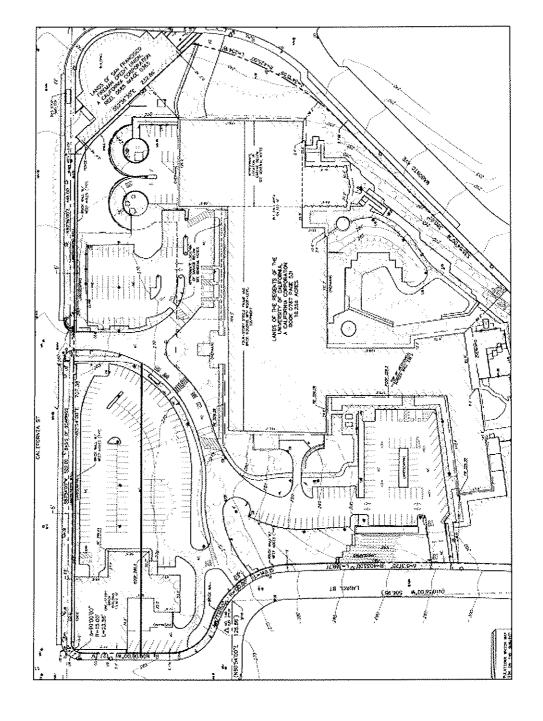
I am writing to inform you that on August 29, 2018, Fireman's Fund Insurance Company was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been lasted in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property determined eligible for the National Register. However a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist. If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

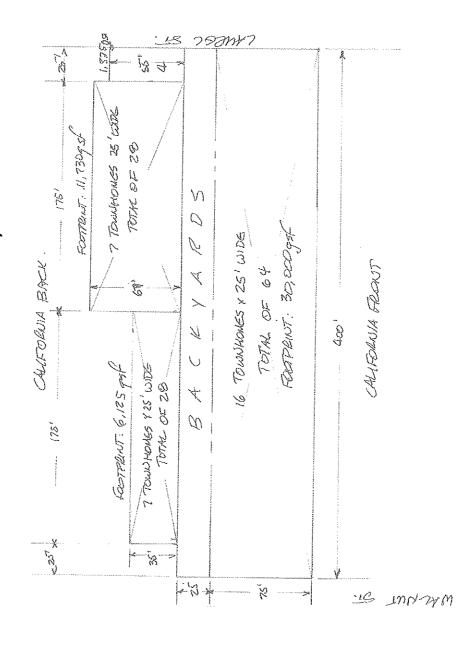


Julianne Polanco State Historic Preservation Officer

3333 California "As Is" Site Topography & Layout



Community Full Preservation Alternative Variant 2 California St. Layouts



# Community Full Preservation Alternative Variant 2 California St. Calculations

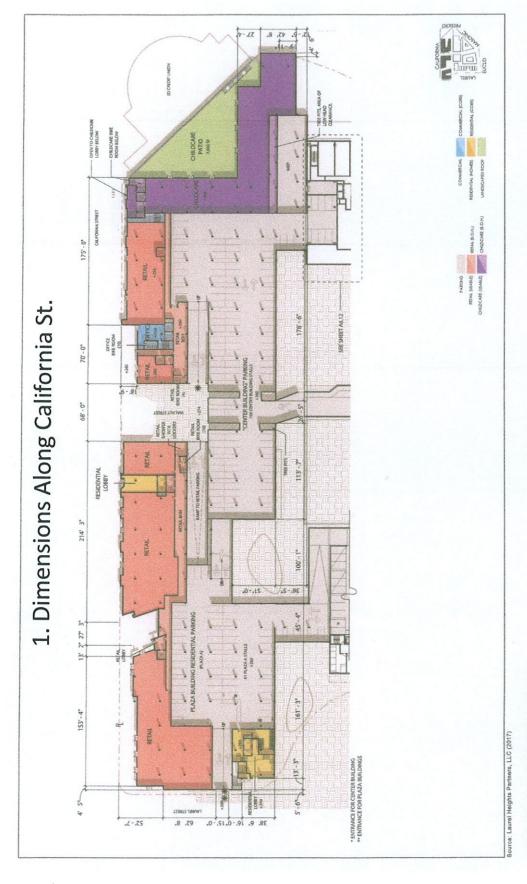
CPPA VARLANT Z

CHLISTORIA FRONTS BAK.

CACTFORMS FRONT 400' Lawel St. to Walnut St.
(Sik Swoey RO.00 dkl 03:23.2016
Six ken Pas Fare 25' Wide Units
Endwint 25'x PS'
Total Units: 64

CHIFTERN GALL 375' Coupling
Soon " 25' " x 67' Deep
Soon " 25' " x 67' Deep
Soon " 25' " x 55' "
Total Multo: 60

1805 PUNTS: Cash Fray: 30,000 95f x 4: 120,000 of Cash. Fray: 19,298 fot x 4: 76,95299f.

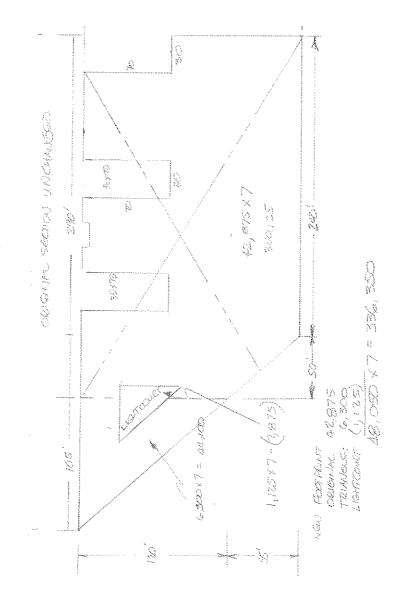


3333 CALIFORNIA STREET MIXED USE PROJECT

3333 California Street Mixed-Use Project Draft EIR

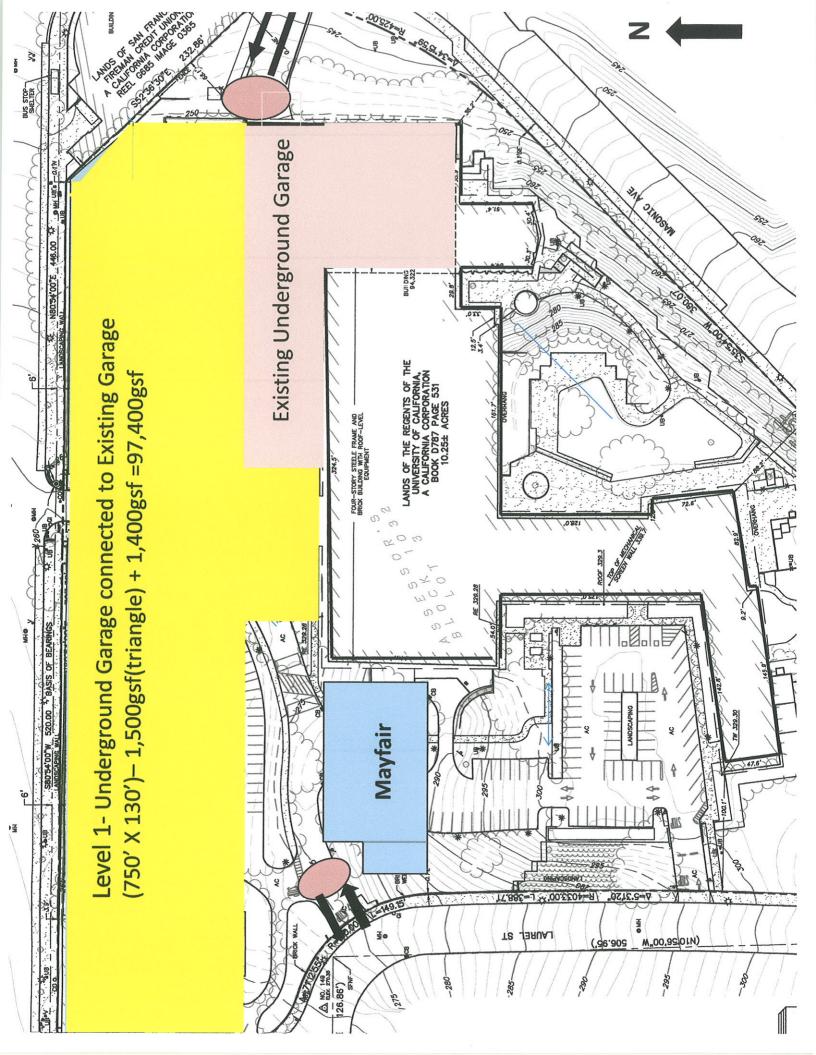
FIGURE 2.23: PROPOSED CALIFORNIA STREET GARAGE AND CENTER BUILDING B GARAGE - BASEMENT LEVEL B1

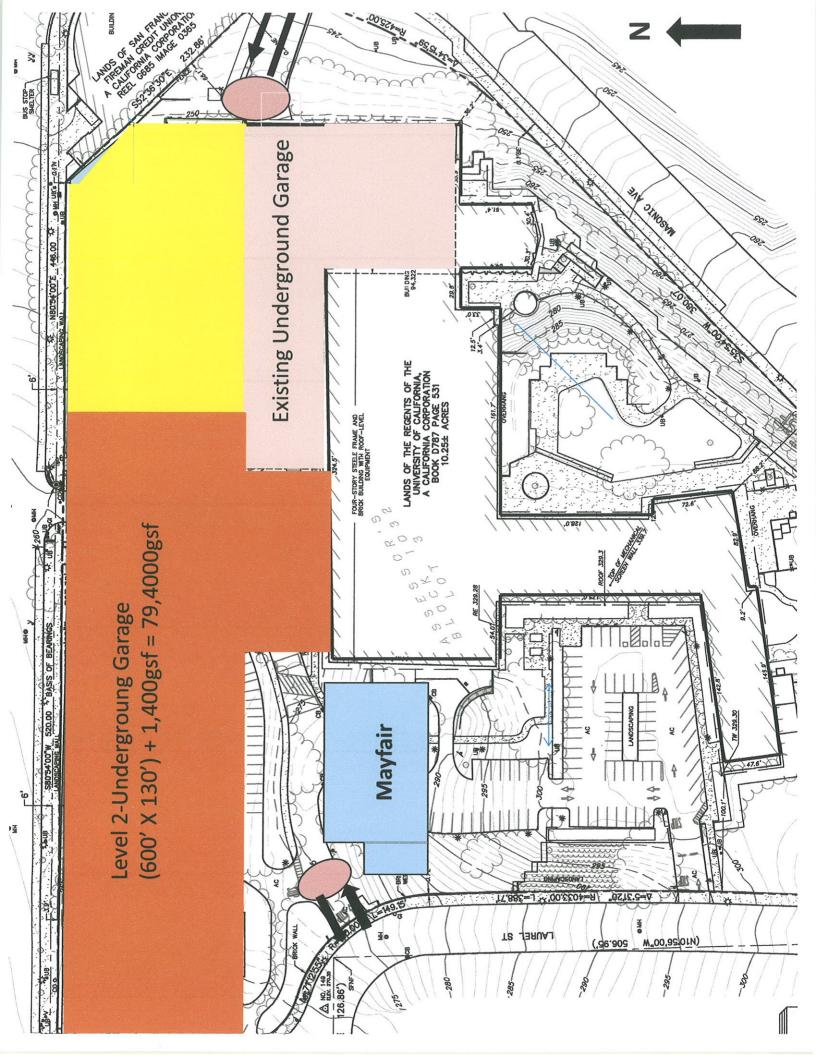
# Community Full Preservation Alternative Variant 2 Walnut Building Layout



# Comparison of Developers' Variant and Community Full Preservation Alternative Variant 2

	Avg. Size				3,494	1,556	1,875	1,283	1,085	1,377			1,326
					10	30	64	09	310	270			744
Community Full Preservation Alternative Variant 2	Residential GSF Units		N/A	N/A	34,935	46,680	120,000	76,952	336,350	371,734	N/A	N/A	986,651
	Avg. Size		1,465	1,325	3,950	1,556	966	1,181	793		1,760	1,667	1,314
	Units Av		57	139	14	30	29	61	186		51	139	744
Developers Proposed Variant 7/3/2019	Residential GSF		83,505	184,170	55,300	46,680	66,755	72,035	147,590	N/A	89,735	231,667	977,437
		BUILDING	Masonic	Euclid	Laurel Townhomes	Mayfair	Plaza A/California Front	Plaza B/California Back	Walnut	Main Building	Center A	Center B	TOTAL Residential GSF





#### **COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2**

and

#### **COMMUNITY PRESERVATION LOOKALIKE VARIANT**

#### **PARKING NARRATIVE**

Find attached the drawings of the layout, with dimensions, of the new California St. underground garage. In addition, a Summary of the Developers and FPCA Parking details is also attached.

There is 93,000gsf of parking under the main building, shown in pink, which provides 212 parking spaces as well as spaces for truck loading/unloading. This will be connected to the new parking garage. Cars will be able to enter and leave the garage complex via Presidio, California (at Walnut) and Laurel.

This portion of the garage is connected internally to the main building via elevators and stairways.

The new one and a half level underground garage will consist of approximately 174,000 gsf of parking providing 346 spaces for cars, 6 freight loading docks and 600 bicycle spaces.

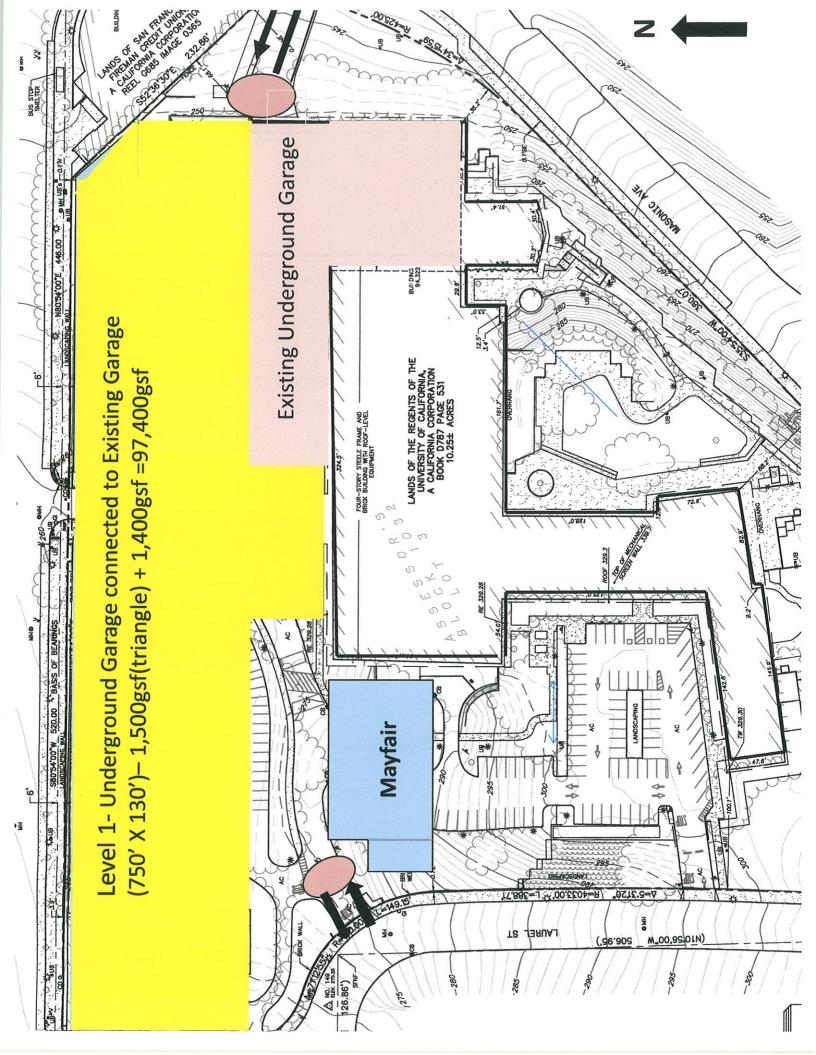
Total parking gsf is approximately 267,000 gsf for a total of 558 car parking spaces.

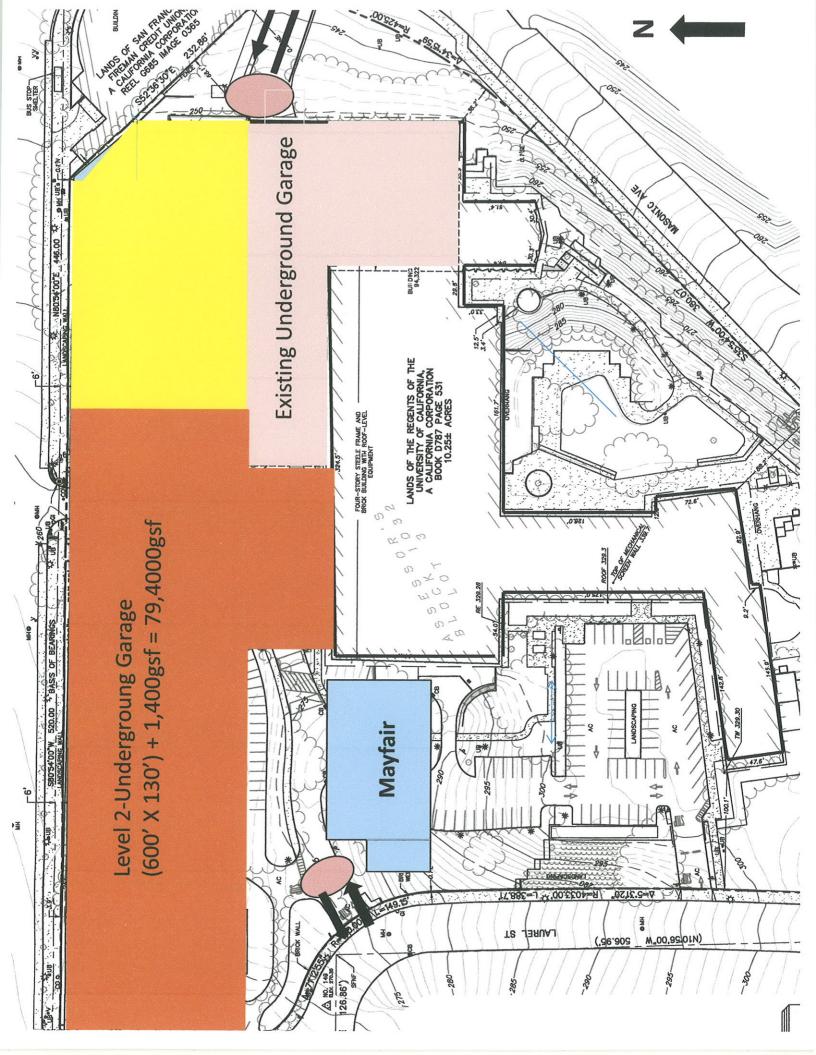
The Walnut Building as well as the California Building, Front and Back will have elevator and stairway access to the new parking garage. There will be additional entryways to/from the garage for residents of the Mayfair Building.

The Laurel townhomes have their own organic parking and are not shown in the totals.

# PARKING GARAGE SUMMARY

	A	8	O		
Υ_					
7			A contract of the same designed and the same		
٤			**************************************		
4		GROSS SQUARE FEET	SPACES	AVG. SIZE GSF	
2	DEVELOPER (VAR.01a)				
9	TOTAL	401,234	857	468	includes 693 bicycles and 6 freight loading spaces.
2					
∞					
6	9 COMMUNITY ALTERNATIVES				
10	10 UCSF Existing	93,000	212	439	
11	11 New Level 1	000′96	***************************************		
12	12 New Level 2	78,000	The annual transfer of the section o		
13	13 New Total	174,000	346	500	
7	TOTAL	267,000	558	478	includes 693 bicycles and 6 freight loading spaces
					1000





# **GROUND LEASE**

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA a California public corporation on behalf of the San Francisco campus

("University")

- AND --

LAUREL HEIGHTS PARTNERS LLC, a Delaware limited liability company

("Lessee")

March 13 , 2015

- Section 4.4 <u>Utilities and Other Facilities</u>. Commencing from and after the University Sublease Expiration and continuing thereafter during the Term, all costs associated with bringing required utilities (both temporary and permanent) from the boundary of the Leased Land (or, with respect to temporary utilities only, from the point of origin) to the point of connection to any Improvements and/or Alterations thereto, including, without limitation, related professional, engineering and consultant fees, service charges, meters, and the costs of connections, including, without limitation, any hook-up fees assessed by any utility company, water district and/or government agency, shall be paid by Lessee.
- Section 4.5 Nonresponsibility. Lessee will at all times permit the University to post appropriate notices to avoid any liability to contractors or material suppliers for payment for Alterations and allow such notices to remain posted until the completion of the applicable Work. University shall not be deemed to have incurred or assumed any obligation or responsibility in connection with any Alterations or Work performed on the Leased Land. Nothing in this Lease nor any act or failure to act on the part of University shall be construed as a warranty or representation as to the adequacy or fitness of the Improvements or as a waiver of a claim by University for any defect or deficiency with respect to any Alterations or Work with respect thereto.
- Section 4.6 Maintenance of Leased Land and Improvements. During the Term of this Lease, subject to the provisions of Section 4.1, ARTICLE VIII, ARTICLE IX and Section 17.21 and taking into consideration construction activities with respect to Restoration, Demolition or Alterations, Lessee shall, at Lessee's sole cost and expense, maintain the Leased Land in a good, clean, attractive and sanitary and safe order, condition, habitability and repair. Lessee's maintenance obligations shall include (i) the obligation to maintain the Improvements within the Leased Land in good condition and repair, and (ii) the obligation to maintain all unimproved areas within the Leased Land in good condition and perform erosion and dust/dirt control measures with respect to any such unimproved areas (including, without limitation, preparing and complying with any applicable storm water prevention plans).

#### ARTICLE V

#### LEASE CONSIDERATION

- Section 5.1 Ground Lease Consideration. On the Effective Date, Lessee shall pay to University, in cash or other immediately available funds, the amount of Eighty Eight Million Six Hundred Thousand Dollars (\$88,600,000.00) (the "Lease Consideration"). The Lease Consideration shall be considered fully earned by University as consideration for entering into this Lease and granting Lessee the rights with respect to the Improvements and the Leased Land set forth in this Lease and, without limiting any of Lessee's rights in the event of a default by the University under this Lease, shall be non-refundable under any circumstances.
- Section 5.2 Net Lease; No Rent Abatement or Reduction. The parties hereto have assumed that University will not have to pay any expense or incur any liabilities of any kind in any way relating to, or in connection with, the Leased Land or the Improvements during the Term. In connection with the foregoing, Lessee hereby assumes the obligation to make all payments of fees, costs and expenses in connection with the ownership, operation and

IN WITNESS WHEREOF, University and Lessee have executed this Memorandum of Ground Lease effective as of the Memorandum Date.

Lessee:		ts Partners LLC mited liability company				
	a Delawa	y: 3333 California LP, a Delaware limited partnership, its managing member				
	a Dela	PSKS LH LLC, aware limited liability company, neral partner				
	By:	Prado LH LLC, a California limited liability company, its managing member				
		By:				
		Daniel J. Safier, its manager				
STATE OF CALIFORNIA ) ss COUNTY OF )	3.					
On, 2014, before n appeared to be the person(s) whose name(s) is/are to me that he/she/they executed the same his/her/their signature(s) on the instrument person(s) acted, executed the instrument	subscribed to t e in his/her/thei ent the person(s	r authorized capacity(ies), and that by				
I certify under PENALTY OF PERJUR's foregoing paragraph is true and correct.	Y under the law	s of the State of California that the				
WITNESS my hand and official seal.						
Signature of Notary Public						

# RECORDING REQUESTED BY WHEN RECORDED MAIL TO:

First Republic Bank 111 Pine Street San Francisco, CA 94111 Attn: Loan Review

Loan Number: 27-541759-7

3333 California Strut
APN: Block 1032 Lot 00

Space Above this Line for Recorder's Use

APN: Block 1032, Lot 003 CTC ESC #15604480-Th

#### MODIFICATION AGREEMENT

This Modification Agreement (this "Agreement"), dated as of March 27, 2018 for reference purposes only, is made between Laurel Heights Partners LLC ("Borrower") and First Republic Bank (the "Lender"), with reference to the following facts:

- A. The Lender has previously made to Borrower a term commitment loan in the original maximum principal amount of \$60,000,000 (the "Loan"). \$54,000,000 of the principal amount of the Loan has been disbursed, and the current outstanding principal balance of the Loan is \$54,000,000. Borrower has made installment payments of interest on the Loan.
- B. The Loan is evidenced by that certain Promissory Note Secured By Deed of Trust dated March 11, 2015 (as amended, the "Note").
- C. The Loan is secured, *inter alia*, by that certain Deed of Trust, Fixture Filing, Assignment of Rents, and Security Agreement dated March 11, 2015 executed by Borrower in favor of Lender and recorded on March 11, 2015 in the Official Records of San Francisco County as Instrument No. 2015-K032896 (the "Leasehold Deed of Trust", and all capitalized terms not defined herein shall have the meanings given to them in the Leasehold Deed of Trust). The collateral under the Deed of Trust is, *inter alia*, the Ground Lease (under which Borrower is the tenant) of the that certain real property located in the City and County of San Francisco, as more particularly described in <u>Exhibit A</u> attached hereto (the "Land").
- D. Pursuant to that certain Future Disbursements Agreement dated March 11, 2015 between Borrower and Lender (as amended, the "FDA"), Lender has agreed to advance up to \$6,000,000 to Borrower to pay or reimburse Borrower for the Entitlements (as defined in the FDA).
- E. The Regents of the University of California ("UC"), which is the lessor under the Ground Lease, has agreed to transfer the fee simple interest in the Land to 2130 Post Street, LLC ("2130PS"). Borrower has agreed to acquire ownership of the fee simple interest in the Land from 2130PS in consideration of the payment of \$1,612,000 (the "Price").

Loan No.: 27-541759-7 Obligor No.: 0210449505

31316\6495662.3

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Morrison & Foerster, LLP 755 Page Mill Road Palo Alto, CA 94304 Attn: Philip J. Levine, Esq.

#### MAIL TAX STATEMENTS TO:

Laurel Heights Partners LLC c/o The Prado Group, Inc. 150 Post Street, Suite 320 San Prancisco, CA 94108 Attn: Daniel J. Safier

APN: Lot 003, Block 1032

(Space above this line for Recorder's use)

Address: 3333 California Street, San Francisco, CA

CTC ESC #15604930-TK/JM

#### GRANT DEED

The Documentary Transfer Tax is: \$12,090.00

Unincorporated

☑ Computed on full value of property conveyed.
 ☑ Computed on full value less liens and encumbrances assumed.
 ☑ City of San Francisco

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, 2130 POST STREET, LLC, a California limited liability company ("Grantor") does hereby GRANT, CONVEY, TRANSFER, and ASSIGN to LAUREL HEIGHTS PARTNERS LLC, a Delaware limited liability company ("Grantee") that certain real property in the City of San Francisco, County of San Francisco, State of California, as legally described on Exhibit A attached hereto and made a part hereof (the "Property").

This grant is made subject to all matters of record existing as of the date hereof.

[Remainder of Page Intentionally Left Blank; Signature Page Follows]

IN WITNESS WHEREOF, the Grantor has executed this Grant Deed this 26 day of March, 2018.

#### GRANTOR:

2130 Post Street, LLC, a California limited liability company

By: G. Bakar Properties, Inc.,

a California corporation, its Manager

Stephen J. LoPresti, Secretary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF San Francisco ) S.S.

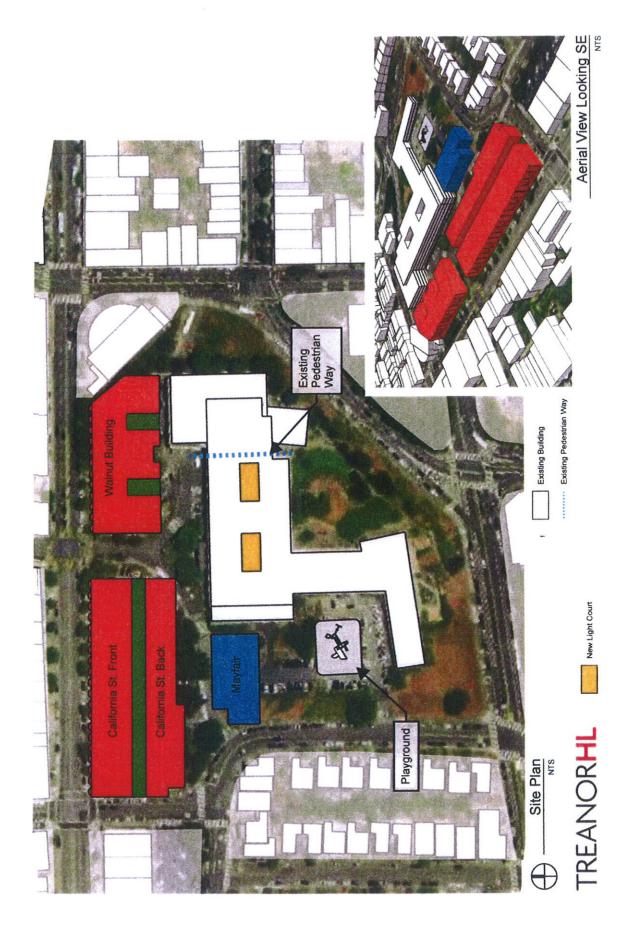
On March 26,20/6 before me, Leyla Francisco , who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official scal.

Signature

LEYLA KNAFELMAN
Commission & 2117278
Notary Public - California
San Francisco County
My Comm. Expires Jun 26, 2019





# TREANORHL

August 20, 2019

#### 3333 California Street San Francisco, California

#### Preservation Alternative - Feasibility Evaluations

The Laurel Heights Improvement Association asked TreanorHL to assist in further developing their Preservation Alternative and Community Variant for 3333 California Street in San Francisco. Additionally, the organization wished us to verify that the Preservation Alternative and Community Variant are feasible by confirming the possible number of units per building and the approximate size of the various units.

#### **EXISTING PLAN REVIEW**

- 1. TreanorHL reviewed the existing building drawings on file for 3333 California Street at the Records Department of the San Francisco Building Department.
  - The review of the plans indicated the light courts in the Preservation Alternative and Community Variant should be relocated to facilitate the retention of the existing stairwells and elevator banks.

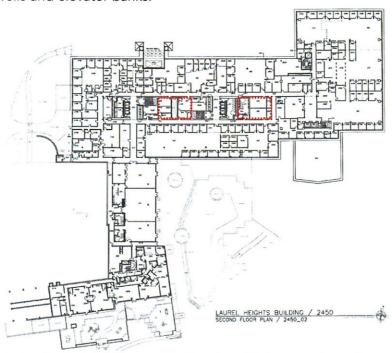


Figure 1. The red dashed boxes identify proposed location of light courts in the Preservation Alternative and Community Variant.

- Reviewing the existing drawings confirmed that the structural columns are fairly regular throughout the main building and wing. Adapting the spaces for residential use can easily be done without impacting the existing column grid.
- The existing column grid in the main part of the building has a 30-foot spacing. The proposed project calls for creating a 40-foot passthrough all the way up the existing building in the north south direction. This proposed 40-foot wide passthrough in the existing building would be expensive as it does not align with the existing grid. Maintaining the 30-foot grid in the proposed passthrough would require less structural modification to the existing building.
- The building was likely designed to accommodate the current structure, not additional stories. So, increasing the height of the building by adding additional floors will require significant effort to upgrade the existing structure.<sup>1</sup>
- 2. The Preservation Alternative and Community Variant retain the southern wing of the existing structure. The existing wing has a more irregular structural column grid than the main part of the building. However, adapting the wing space for residential use will not be any more challenging than in any other part of the structure.
  - Exiting was not reviewed, but if additional exiting is needed there are ample opportunities for an additional stair in the wing.
  - Accessibility would be provided, as in the rest of the building, by means of elevators and other features that meet the California Accessibility code.
  - If water damage is present in the wing it can be remediated and corrected.

#### **FEASIBILITY EVALUATIONS**

- The attached analysis shows that the Preservation Alternative scheme and the Community Variant are feasible in terms of providing equivalent residential units to that of the proposed project. To do this, TreanorHL compared the gross square footage with a reasonable net square footage for the proposed building type, and then calculated how many units of various sizes (studio, one and two bedrooms, etc.) could reasonably fit into the net square footage.
  - The California Street buildings (both front and back) were calculated using the high end and low end of the efficiency factor for residential construction. This did not change the number of units per building, but it did affect the size of the units within the structures.
  - Both the Preservation Alternative scheme and the Community Variant provide units that are comparable in size and type to those identified in the proposed project.

<sup>&</sup>lt;sup>1</sup> Merrill, Fred H. "Fireman's Fund Insurance Company - 3333 California Street." Received by Mr. D. L. Devincenzi, 7 Feb. 1964.

Freezervation Attentioner reasioning Evaluation	Total NSF: 102,000 Total # Units: 64	Junior SF Units Total	2-6ed 1,150 14 16,100 3-8ed 1,550 37 57,350 4-8ed 2,200 13 28,600 TOTAL 64 102,050	Community Variant Unit Breakdown (.85) Total NSF: 65,596 Total # Units: 60	Monior         SF         Units         Total           1-8ed         625         22         13,750           2-8ed         935         15         13,875           3-8ed         1,500         16         2,000           4-8ed         2,000         7         14,000           TOTAL         60         65,635				
Full Protecution Unit Breakdown ( 85)	Total NSF: 102,000 Total # Units: 56	SF Units Total	2-8ed 1,100 7 7,700 3-8ed 1,550 22 34,100 4-8ed 2,200 27 59,400 TOTAL 56 101,200	Full Preservation Unit Breakdown (.85) Total NSF: 65,596 Total # Units: 52	Junior   25 Units   Total				
Community Variant Unit Breakdown (75)	Total NSF: 90,000 Total # Units: 64	SF Units Total Junior	2.8ed 896 14 12,544 3.8ed 1,410 37 52,170 4.8ed 2.000 13 26,000 TOTAL 64 99,714	Community Variant Unit Breakdown (.75) Total NSF: 57,879 Total # Units: 60	Munior   SE   Units   Total   Total	Community Variant Unit Ereakdown           Total # Units:         40,500           Total # Units:         \$2           Libed         600         23         13,800           2-Bed         900         27         24,900           2-Bed         1,400         2         2,800           4-Bed         4-Bed         2         2,800           TOTAL         52         40,900	Community Variant Unit Breakdown           Total NS:         157,081           Total NS:         228           Ininor         525         17         825           Ininor         525         17         825           2-Bed         900         47         42,300           3-Bed         1,300         7         12,600           1-Bed         7         12,600           107AL         226         13,7500	Community Varient Unit Breakdown           Total NSF:         23,810           Total Rufix:         \$40           Leed         510         10           Leed         90         92         42,40           Bend         90         92         82,900           Bend         90         92         82,900           Bend         1,275         34         43,350           4-Bend         0         70         44,350         0           TOTAL         340         253,650         0	
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Eme, Hind Meeting 2/4/64/

Exhabit

## FIREMAN'S FUND INSURANCE COMPANY

3333 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA

FRED H. MERRILL

February 7, 1964

Mr. D. L. Devincenzi
President
Laurel Heights Improvement Association
of San Francisco
San Francisco, California

Dear Mr. Devincenzi:

The purpose of this letter is to provide you with a convenient means of conveying to members of the Laurel Heights Improvement Association an account of the substance of my comments to you and Dr. Greenspan at our meeting held here on Tuesday, February 4, concerning the presently proposed Fireman's Fund building addition and our thinking with respect to possible future expansion of our building.

I believe the following adequately summarizes our discussion:

There was general agreement among the three of us that the presently proposed addition to our building was in compliance with all of the stipulations in effect with respect to the Fireman's Fund property.

You indicated that, despite the fact that there are no height limitations for commercial development in effect with respect to the property, the association membership was extremely interested in learning whether our future plans encompassed the addition of another floor to the present building, and would appreciate advice from us in this connection.

I assured you that we do not have plans for an additional floor on the building and that the proposed addition will have a permanent roof rather than a slab suitable as flooring for a further addition. This was for the reason that we have been advised that existing foundations would not be adequate for an additional floor and that in my view an additional floor would not only be detrimental to the appearance of the building but impracticable from a building cost standpoint. While it was not my intention or function, I pointed out, either to alter the stipulations with respect to the property,

accepted by the San Francisco Planning Commission, or to purport to bind the management of Fireman's Fund, I assured you that during my tenure as President of Fireman's Fund, for the reasons given above, I would not consider the construction of a floor on our building above the presently proposed addition.

I then went on to explain that any expansion of our building beyond that which we have reviewed with the Planning Commission and members of your association would be preceded by appropriate research and development relating to provision for adequate off-street parking facilities. It is our intention, I said, to utilize, ultimately, the present roof area for additional space, but before this done, we would plan to develop more service and parking facilities - most probably on the Presidio and California areas of our property.

I was very pleased to learn that the Association plans to record its approval of our proposed addition and to convey this fact to the Planning Commission. This action is most gratifying to me and to our management. We shall do everything in our power to minimize all inconveniences during the construction period.

Meanwhile, please be assured that we shall always attempt to maintain the Fireman's Fund building in such a manner that it - as indicated yesterday in the press - will continue to be an asset to our neighborhood.

Sincerely yours,

Fred H. Merrill

President

# OFFICE OF HISTORIC PRESERVATION DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896 SACRAMENTO, CA 94296-0001 (916) 445-7000 Fax: (916) 445-7053 calshpo@parks.ca.gov



August 31, 2018

John Rothman, President Kathryn Devincenzi, Vice President Laurel Heights Improvement Association of San Francisco 22 Iris Avenue San Francisco, California 94118

RE: Fireman's Fund Insurance Company, Determination of Eligibility National Register of Historic Places

Dear Mr. Rothman and Ms. Devincenzi:

I am writing to inform you that on August 29, 2018, Fireman's Fund Insurance Company was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property determined eligible for the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely,

Julianne Polanco

State Historic Preservation Officer

Enclosure

Fireman's Fund Insurance Company
Name of Property

San Francisco, CA County and State

located in the center of the property. There is also a much smaller, one-story Service Building in the northwest corner of the property. The two buildings were designed to complement each other in character and materials. The Office Building is a glass walled structure with an open character. The Service Building is a brick building with a closed character. The Office Building is an International Style structure which despite its size is built into its sloping hillside site in such a way as to minimize its presence. Its four wings, each built for different functions, range from three floors to seven floors. It is characterized by its horizontality, its bands of windows separated by the thin edges of projecting concrete floors, and brick trim. The wings of the building frame outdoor spaces whose landscape design connects the outdoors with the indoors both functionally and conceptually. The landscape design includes outdoor spaces for use by employees, parking lots, circulation paths, and vegetation. The principal outdoor spaces are the Entrance Court, the Terrace, and small areas around the Auditorium.

#### Narrative Description

#### Section 7 - Table of Contents

SETTING	6
BUILDINGS Office Building	
Plan	7
Structure, Materials, and Mechanical Systems	
Service Building	
LANDSCAPE	11
Landscape Features Associated with the Mid-1950s Design	
Brick Wall Parking Lots and Internal Circulation	
Topography in Relationship to the Spatial Organization and Function of the Site	12
Major Vegetation Features Entrance Court	
Terrace	
Landscape Features Associated with the Mid-1960s Design	13
INTEGRITY	14
Buildings	
Landscape  Combined Buildings and Landscape	

United States Department of the Interior
National Park Service / National Register of Historic Places Registration Form
NPS Form 10-900
OMB No 1024-0018

Fireman's Fund Insurance Company Name of Property San Francisco, CA County and State

The Service Building is a steel frame and reinforced concrete structure enclosed in brick. Its openings are limited to glass and aluminum doors, a few window openings, and ventilating louvers in the boiler room.

#### LANDSCAPE

#### Landscape Features Associated with the Mid-1950s Design

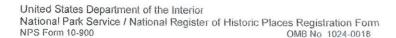
The landscape was an integral part of the original design for the new corporate headquarters commissioned by Fireman's Fund in the mid-1950s. The San Francisco-based firm of Eckbo, Royston, and Williams (ERW) was the landscape architect for the original landscape design, completed in 1957, and its successor firm Eckbo, Dean, Austin, and Williams (EDAW) designed the landscape associated with the mid-1960s additions. The landscape setting around the modernist Office Building integrates functional needs (such as parking lots and internal circulation) with large areas of lawns and structured outdoor spaces (the Terrace, Entrance Court, and the Auditorium's outdoor spaces). The landscape is designed to promote the integration between architecture and landscape and uses forms and materials that are characteristic of modernist designs from the mid-twentieth century. (See Map 2 and Map 3)

#### Brick Wall

A brick wall, which takes different forms, provides a continuous and unifying element around the edges of the site. It exists as a retaining wall along the perimeter of the property's northeast, north, and west sides. Three gated entrances—one for the employees on California Street and the service and executive/visitor entrances on Laurel Street—are integrated into these sections of the wall. Each of these three entrances has a separate vehicular and pedestrian opening framed by brick pillars and secured by a double-leaf, metal rail gate when the property is closed. On the south side of the Executive/Visitor Gate, the perimeter wall is transformed into low retaining walls that define a series of planting beds along the west end and south side of the Executive Wing. The wall continues along the outer edge of the Terrace garden, along the bank that parallels Masonic Avenue, and then reconnects to the southeast corner of the Office Wing (east). Here rectangular brick planting beds have been incorporated into the wall, creating a zig-zag alignment similar to that found in other locations (i.e., on the bank along Laurel Street in the vicinity of the Entrance Court, on the southwest side of the Terrace, and in the bench wall that frames the eastern side of the Terrace).

#### Parking Lots and Internal Circulation

Two parking lots occupy the land in front (north) of the Office Building. The East Parking Lot and the West Parking Lot sit on either side of the entry drive, which aligns with the Employee Gate and an employee entrance (E2) into the Office Building.



C

Fireman's Fund Insurance Company Name of Property

San Francisco, CA County and State

Executive/Visitor Entrance and was one of the two structured outdoor spaces in ERW's mid-1950s design. A narrow, rectangular planting bed (10° x 55°) at the center of the asphalt paving creates a U-shaped drive, which connects to the Executive/Visitor Gate on Laurel Street. Sidewalks (exposed aggregate concrete) and narrow planting beds (with Japanese maple trees, azaleas, rhododendron, New Zealand flax, and decorative rocks) line the sides of the Entrance Court's parking lot.

#### Terrace

In ERW's mid-1950s design, the principal structured outdoor space was the Terrace, which was intended as a place for employees to sit outside during lunch and at breaks. The Terrace is framed by the south side of the Office Wing and the east side of the Cafeteria Wing, where it is protected from the prevailing west wind and provides views to the east and south of San Francisco. This garden area has two levels. The lower level contains a biomorphic-shaped lawn and a paved patio, which wraps around the lawn's north and east sides. Steps along the east side of the upper-level terrace connect down to the lower level of the garden. Both the terrace and patio are paved with exposed aggregate concrete which is divided into rectangular panels by inlaid rows of red brick aligned with the window frames of the building. A brick retaining wall runs along the east and north sides of the lower-level patio. A raised planting bed, to the east of this wall, provides a visual boundary along the Terrace garden's east side. Three raised, circular beds (one on the upper-level terrace, one at the western edge of the lawn, and one at the north end of the lawn) each contain a tree; the sides of these circular beds are constructed of modular sections of pre-cast concrete. (See Map 3)

The plan for the Terrace provides a classic modernist composition. The biomorphic-shaped lawn contrasts with the rectilinear pattern of the pavement and the geometric form of the three, three circular tree beds, the zig-zag alignment of the wall along its eastern edge, and the curved arch of hedge in the raised planting bed along its eastern edge. The triangular relationship between the three circular tree beds adds yet another level to the geometry of the composition.

Benches, which appear to have been custom-built for the mid-1950s design, are attached to the interior face of the wall along the Terrace's east side. The wooden boards for the seat and back are attached by metal bolts to a metal frame, which is attached to the wall; both the wood and metal are painted black. Benches of a similar design (three wood boards mounted on a bent metal frame) are mounted onto the patio at various places along its inner edge.

## Landscape Features Associated with the Mid-1960s Design

EDAW, the successor firm to the ERW partnership which was dissolved in 1958, prepared the landscape design that accompanied the mid-1960s additions to the Office Building. Just as the mid-1960s architectural additions were intended to be compatible with the original Office

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NPS Form 10-900
OMB No. 1024-0018

Fireman's Fund Insurance Company
Name of Property

San Francisco, CA County and State

for sidewalks; the exposed aggregate concrete divided into panels by rows of brick in the pavement at the Terrace and in the Auditorium's west-side sitting area; the metal for the entrance gates; the custom-designed wood benches found in the Terrace and at the Entrance Court's outdoor sitting area; and the circular tree beds constructed of modular sections of concrete found in the Terrace the Auditorium's west-side sitting area.

#### Combined Buildings and Landscape

Together the buildings and landscape of the Fireman's Fund Home Office constitute a single resource that possesses integrity as measured by the seven aspects of integrity, as follows:

- 1) Location: The property is in its original location. It has not been moved.
- 2) Design: The property retains the essential elements of its design and the relationship between the parts of the design. Alterations to the design since the period of significance are relatively minor. It retains integrity of design.
- 3) Setting: The setting of the property is the same in all major respects as at the time it was first built. It retains integrity of setting.
- 4) Materials: The materials used in the buildings and landscape during the period of significance are all present. The property retains integrity of materials.
- 5) Workmanship: Evidence of workmanship, both from craftsmanship (brick and landscape features) and industrial processes (glass manufacture, concrete finishing, extrusion of aluminum) are all present. The property retains integrity of workmanship.
- 6) Feeling: Because the property as a whole its buildings and landscape are little altered and have been well-maintained, it retains integrity of feeling from the period of significance.
- 7) Association: Apart from the lettering on the outside wall near two entrance gates with the name of the current owner and occupant of the property, the property is almost indistinguishable from the time of its ownership by Fireman's Fund Insurance Company. Thus it retains integrity of association.

#### **CHARACTER DEFINING FEATURES**

#### Office Building

Plan of the building with wings open along the sides to the immediate landscape and to views of the distant city.

#### Horizontality of massing

Horizontal lines of projecting edges of concrete floors

United States Department of the Interior National Park Service / National Register of Historic Places Registration Form NPS Form 10-900 OMB No. 1024-0018

Fireman's Fund Insurance Company Name of Property San Francisco, CA County and State

Horizontal bands of nearly identical window units

Uninterrupted glass walls

Window units of aluminum and glass

Circular garage ramps

Exposed concrete piers over the Garage

Wrought iron deck railings that match gates in the landscape

Brick accents and trim

#### Service Building

Massing of rectangular volumes

Brick walls with a minimum of openings

#### Landscape

Terrace, as the "centerpiece" of the landscape, designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco); key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick); brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

Entrance Court, providing a connection between the Executive/Visitors Gate on Laurel Street and an entrance to the building on the west side of the Cafeteria Wing; key character-defining features include a central paved parking lot surrounded on its north, east, and west sides by narrow planting beds; exposed aggregate sidewalks along the north, east, and west sides of the parking lot; and a low free-standing brick wall along its north side.

Two outdoor sitting areas—one on the east side of the Auditorium and one on its west side—that connect to entrances into the Auditorium; key character-defining features for the area on the west side of the Auditorium include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete; and metal benches; key character-defining features for the area on the east side of the Auditorium include the pavement (concrete divided into panels by wood inserted into expansion joints).

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NPS Form 10-900
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Fireman's Fund Insurance Company Name of Property

San Francisco, CA County and State

opportunities to adapt the modernist vocabulary for gardens to the new parks, educational and commercial campuses, and civic spaces being developed in the post war economic boom. This expansion in the profession of landscape architecture was led by a new generation of landscape architects, which included at its forefront Garrett Eckbo, Robert Royston, and Ed Williams—the three partners in the firm responsible for the landscape design of the Fireman's Fund site.

### Landscape of the Corporate Headquarters

A new type of cultural landscape, created by a synthesis of modernist buildings and landscape design, developed during the post-World War II era as corporate headquarters moved out of the central city. Louise A. Mozingo, professor of landscape architecture at the University of California, Berkeley and the author of several articles and a book on this development, has noted that corporations moved out of the urban core for a number of reasons. First and foremost, the larger sites available in the suburbs allowed corporations to construct new buildings that fit their current management structure and operational needs. "Efficient office organization now required flexible, expandable offices with movable partitions rather than fixed walls. The dense, constricted downtown became untenable." <sup>102</sup>

By the early 1950s, insurance companies had spearheaded this exodus from the central business district to the peripheral residential areas of the city or to suburban sites. An article in Business Week in 1951, quoted by Mozingo in her article "The Corporate Estate in the USA, 1954-1964," noted that there were not enough downtown spaces "in the right places" to meet companies' needs for expansion. The management of these insurance companies believed that it was hard to "hire first class personnel" to work in downtowns that were viewed as undesirable environments. ("Management thinks workers will be happier looking at trees instead of grimy buildings and listening to birds instead of honking taxis." 103) The integration of the architecture and landscape typically featured a low-rise, centrally-sited, modernist building(s), an entry drive and large parking lots which were a reflection of the domination of the automobile as the preferred means of transportation for employees and visitors, and an enveloping landscape setting or "green surround" which was often designed to resemble an idealized suburban space. 104 The buildings and parking lots occupied only a fraction of a site's acreage and the landscaped lawns and outdoor spaces contributed to the "seamlessness between the interior and exterior space, which was a common goal of the modernist architectural aesthetic." 105 Mozingo noted that corporations "considered the designed landscape essential to the functioning of their management

<sup>102</sup> Mozingo, Campus, Estate, and Park, 258.

<sup>103</sup> Mozingo, The Corporate Estate, 28

<sup>104</sup> Ibid., 34.

<sup>105</sup> Ibid., 44.

# Fireman's Fund Insurance Company Name of Property

San Francisco, CA County and State

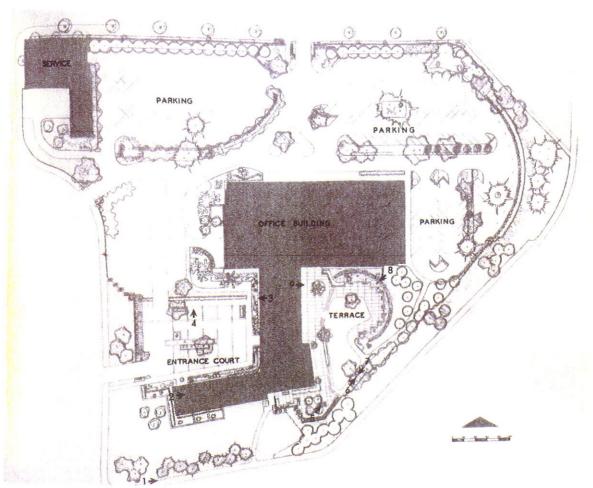


Figure 2. Site Plan showing features ca. 1957–1963. Source: Garrett Eckbo, *Urban Landscape Design*, 1964

▶ Planning for Complete Communities in Delaware » Planning Tools » Efficient Land Use » What is Mixed-Use Development?

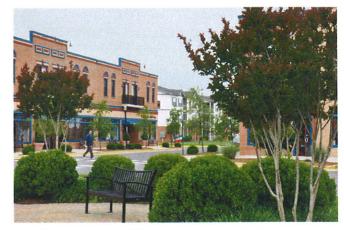
#### WHAT IS MIXED-USE DEVELOPMENT?

As defined by the MRSC of Washington, mixed-use development is characterized as pedestrian-friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses. Mixed use is one of the ten principles of Smart Growth, a planning strategy that seeks to foster community design and development that serves the economy, community, public health, and the environment.

While mixed use has become a popular buzz word, the term can be confusing. It is not just limited to a multistory development that incorporates commercial use on the first floor with residential uses on upper floors. The Urban Land Institute's Mixed-Use Development Handbook characterizes mixed-use development as one that 1) provides three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation), 2) fosters integration, density, and compatibility of land uses, and 3) creates a walkable community with uninterrupted pedestrian connections.

A blog, don't get mixed up on mixed use, by the folks at PlaceMakers clarifies that mixed use is:

... three-dimensional, pedestrian-oriented places that layer compatible land uses, public amenities, and utilities



Village of Five Points, Lewes, Del., Delaware by Design

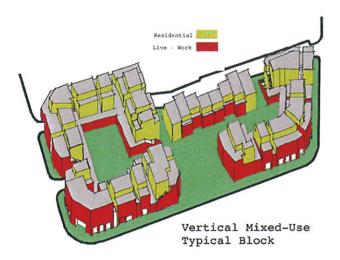
together at various scales and intensities. This variety of uses allows for people to live, work, play and shop in one place, which then becomes a destination for people from other neighborhoods. As defined by The Lexicon of the New Urbanism, mixed-use is multiple functions within the same building or the same general area through superimposition or within the same area through adjacency... from which many of the benefits are ... pedestrian activity and traffic capture.

Mixed-use zoning allows for the horizontal and vertical combination of land uses in a given area. Commercial, residential, and even in some instances, light industrial are fit together to help create built environments where

residents can live, work, and play. The Placemakers' blog, and a brief prepared by the Village of Caledonia, WI, further explains that while there are many forms of mixed-use development, it can be categorized three ways:

# Vertical Mixed-Use Development

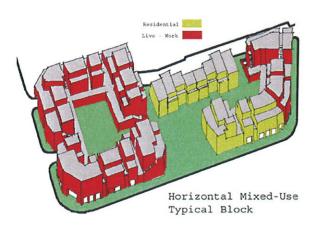
- Combines different uses within the same building
- Provides for more public uses on the lower floor such as retail shops, restaurants, of commercial businesses
- Provides for more private uses on the upper floors such as residential units, hotel rooms, or office space.



Source: Placemakers.com

# Horizontal Mixed-Use Development

- Consists of single-use buildings within a mixed-use zoning district parcel, which allows for a range of land uses in a single development project
- Provides for a variety of complementary and integrated uses that are walkable and within a given neighborhood, tract or land, or development project



Source: Placemakers.com

Combines both vertical and horizontal mix of uses in an area, within an approximately 10-minute walking distance to core activities



Schematic rendering of Governor's Square,
Dover
Dover Transit Center Neighborhood Plan,
Renaissance Planning Group

Back to Mixed-Use Development | Next to Why Should Delaware Communities Care about Mixed-Use Development?

Share

The Delaware Complete Communities Toolbox is a product of the Institute for Public Administration (IPA) at the University of Delaware, with support from the Delaware Department of Transportation.

POWERED BY PARABOLA & WORDPRESS.







1	Masonic Avenue to the southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the						
2	west, as more specifically shown on Section Map SU03 of the Zoning Maps of the City and County of						
3	San Francisco, is hereby established for the purpose set forth below.						
4	(b) Purpose. The purpose of the SUD is to facilitate the development of a mixed use project in						
5	a transit-rich location with residential, non-residential, child care, open space, and related uses, and to						
6	give effect to the Development Agreement for the 3333 California Street project, as approved by the						
7	Board of Supervisors in the ordinance in File No The SUD will provide benefits to the City						
8	including but not limited to: replacement of a large-scale office building with a series of smaller						
9	buildings designed to be consistent with the scale and character of the neighborhood; construction of						
10	hundreds of new housing units, including family sized units and on-site senior housing with						
11	affordability levels exceeding on-site City requirements; and on-site child care facility; and						
12	construction and maintenance of new, publicly accessible open spaces and new connections to the						
13	surrounding street grid, including new pedestrian connections, and other street and streetscape						
14	improvements.						
15	(c) Development Controls. Applicable provisions of the Planning Code shall apply to the SUD						
16	except as otherwise provided in this Section. In the event of a conflict between other provisions of the						
17	Planning Code and this Section, the provisions of this Section 249.86 shall control.						
18	(1) Additional Permitted Uses. In addition to the uses permitted in the RM-1 zoning						
19	district, the following uses are principally permitted within the ground floor and second floor of all						
20	buildings with frontage on California Street: (i) Flexible Retail Uses; (ii) Social Service or						
21	Philanthropic Facilities; and (iii) non-residential uses, which shall be subject to the use controls of the						
22	NC-S zoning district applicable to such uses.						
23	(2) Usable Open Space Requirements. Usable open space required under Section 135						
24	has been designed on an SUD-wide basis. The open space requirement shall be met through a						
25	combination of private and common usable open spaces, as defined in Section 135, that will be						



## **FLEXIBLE RETAIL**

#### FREQUENTLY ASKED QUESTIONS, SCREENING FORM, AND AFFIDAVIT PACKET

Flexible Retail is a new land use category defined in Section 102 of the Planning Code.

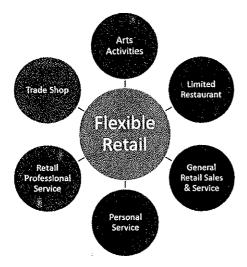
Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文:如果您希望獲得使用中文填寫這份申請表的幫助,請致電415.575.9010。請注意,規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

#### WHAT IS "FLEXIBLE RETAIL"?

Flexible Retail is a new land use category defined in Section 102 of the Planning Code. A parcel whose legal use is "Flexible Retail" may be able to operate all of the following uses on-site: Arts Activities, Limited Restaurant, General Retail Sales and Service, Personal Service, Retail Professional Service, and Trade Shop.



#### FLEXIBLE RETAIL USES MUST FOLLOW CERTAIN CONDITIONS. NAMELY:

- A parcel must be located in Supervisorial Districts 1, 4, 5, 10 or 11 and zoned NCD, NCT or NCS. If you are unsure of whether your parcel falls into one of these zoning districts please check your property's information here: http://propertymap.sfplanning.org or stop by the Planning Information Center on the 1st floor of 1660 Mission Street where our staff may assist you in identifying your zoning.
- Any business operating as a Flexible Retail Use must operate at least two separate and distinct uses on-site at all times. This means the site must contain at least two of the types of uses contained within the "Flexible Retail" category (e.g. an apparel shop and a café, which would be General Retail and Limited Restaurant uses).
- Any parcel operating as "Flexible Retail" must adhere to all underlying zoning controls. This means that if any of the uses contained within the "Flexible Retail" category are not permitted, require special approval, or require Neighborhood Notification in the underlying zoning district, those limitations continue to apply. For example, many areas of the city require Neighborhood Notification to establish a Limited Restaurant. If a Flexible Retail business would like to establish a Limited Restaurant and the zoning district requires Neighborhood Notification for such use, the business must undergo Neighborhood Notification in order to establish the Limited Restaurant under their Flexible Retail use.

1	* * * *							
2	Sales and Service Use Catego	or <b>y</b>						
3	* * * *							
4	Cannabis Retail	§§ 102, 202.2(a)	С	С	NP			
5	Flexible Retail	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>			
6	* * * *							
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8								
9	SEC. 760. FILLMORE ST	REET NEIGHBORHO	OD COM	MERCIAL	TRANSIT			
10		DISTRICT.						
11	* * * *							
12	Table 760. FILLMORE S	TREET NEIGHBORHO	OOD COM	IMERCIAL	TRANSIT			
13		DISTRICT ZONING CONTROL TABLE						
14	* * * *							
15	Zoning Category	§ References		Contr	ols			
16	NON-RESIDENTIAL STANDAR	RDS AND USES						
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§§ 102, 202.2(a)

<u>§ 102</u>

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Supervisors Tang; Safai BOARD OF SUPERVISORS

Cannabis Retail

<u>Flexible Retail</u>

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Sales and Service Use Category

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Cannabis Retail §§ 102, 202.2(a) C C NP

Flexible Retail § 102 NP NP NP

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SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

Zoning Category NON-RESIDENTIAL STANDAR			Control	<b>S</b>
* * * *				
Sales and Service Use Categor	y			
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	С	С	NP
<u>Flexible Retail</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
* * * *				

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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\* \* \* \*

### Member, Board of Supervisors District 4



### City and County of San Francisco

### KATY TANG

### Flexible Retail Legislation

File 180806

Legislative Goal: Provide business owners the opportunity to share space with other types of businesses and switch between an identified set of uses without requiring additional Planning Department permits. As it gets more challenging for businesses to open or remain in San Francisco due to high rents and online commerce, this legislation serves as one tool to address the issue of storefront vacancies in our commercial corridors.

### Legislation Details:

- Creates new "Flexible Retail" use under Planning Code
- Flexible Retail would be principally permitted in District 4 (legislation can be expanded to include other districts)
- Under the new Flexible Retail use, there can be any combination of the following use categories within a space and these can be operated by one or more business operators:
  - Arts Activities
  - o Limited Restaurant
  - o General Retail Sales and Services
  - o Personal Service
  - o Retail Professional Service
  - o Trade Shop
- Notes:
  - Flexible Retail would not require neighborhood notification under Planning Code Section 311. However, a Conditional Use Authorization (CUA) is still required in neighborhoods where the zoning requires a CUA.
  - Permits and inspections from other city departments (such as Department of Public Health, Department of Building Inspection, or liquor license from the state) would still be required for Limited Restaurant use.

### Proposed amendments pending Land Use Committee hearing on October 22, 2018:

- Any business which applies for a Flexible Retail use would need to have at least 2 of the uses at any given time. There will be a grace period of 60 days to allow for a business to search for another business tenant which falls under the Flexible Retail use definition but if new tenant is not identified within this period, the Flexible Retail use is abandoned and the business would re-establish its underlying use. (Once Planning Department discovers abandonment, 60-day period kicks in. If after 60 days, the second use is not filled, Planning Department would deem the Flexible Retail use as automatically abandoned unless further shown that good-faith efforts have been made to secure a second business tenant at the same site.)
- The underlying zoning applies to any neighborhood in which Flexible Retail is used.
- Those applying for Temporary Use permits under Section 205 of the Planning Code shall bypass additional permit requirements, so long as the temporary use falls under the six use categories under the new Flexible Retail use definition, including notification requirements.
- Permit Flexible Retail use in additional Supervisorial Districts.
- Formula Retail controls are still applicable.
- Limited Restaurants currently require neighborhood notification if they are in Supervisorial Districts other than 4 & 11. \*\*Note\*\* This can change pending future legislation.

City Hall · 1 Dr. Carlton B. Goodlett Place, Room 244 · San Francisco, California 94102-4689 (415) 554-7460 · TDD/TTY (415) 554-5227 · E-mail: Katy.Tang@sfgov.org · www.sfbos.org/Tang

### Exhibit B

### **Project Description**

The Project Site is an approximately 446,490-square-foot, or 10.25-acre, parcel bounded by California Street to the north, Presidio Avenue to the east, Masonic Avenue to southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the west, at the southern edge of San Francisco's Presidio Heights neighborhood in the northwest portion of San Francisco. The project sponsor, Laurel Heights Partners, LLC, owns the site and temporarily leases it to the Regents of the University of California, which uses the Project Site for its University of California San Francisco (UCSF) Laurel Heights Campus. The Project Site does not include the San Francisco Fireman's Credit Union (now called the SF Fire Credit Union) at the southwest corner of California Street and Presidio Avenue, which is on a separate parcel.

The Project Site is currently used as office and related research, child care, and parking. It is developed with a four-story, approximately 455,000-gross-square-foot office building including a three-level, 212-space, an approximately 93,000-gross-square-foot partially below-grade parking garage at the center of the site; a one-story, approximately 14,000-gross-square-foot annex building at the corner of California and Laurel streets; three surface parking lots with a total of 331 spaces connected by internal roadways; two circular garage ramp structures leading to below-grade parking levels; and landscaping or landscaped open space for the USCF Laurel Heights Campus occupants.

The proposed project includes approximately 1,427,832 gross square feet of new and rehabilitated space, comprising approximately 977,437 gross square feet of residential floor area with approximately 744 dwelling units; approximately 34,496 gross square feet of retail floor area; and an approximately 14,665 gross-square-foot child care center use. The proposed project would provide approximately 857 off-street parking spaces (including approximately 10 car share spaces), approximately 762 Class One bicycle spaces, and 77 Class Two bicycle spaces. These proposed uses would be located in 13 new buildings (known as Plaza A, Plaza B, Walnut, Mayfair, Laurel Townhomes, Euclid and Masonic) and in the adaptively reused office building (known as Center A and Center B), which would be divided into two separate buildings and converted to residential use.

25% of the proposed project's units will be deed-restricted, on-site affordable units designated for low-income senior households. These affordable units will be located in the proposed Walnut Building on California Street and consist of 185 studios and 1-bedrooms for seniors plus one (1) on-site manager's unit. The Walnut Building would also include an approximately 175-seat child care facility, including a contiguous outdoor activity area. The project includes approximately 34,496 square feet of neighborhood-serving retail located in the buildings fronting onto California Street (Plaza A, Plaza B and the Walnut Building). This retail

### RECORDING REQUESTED BY CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

AND WHEN RECORDED MAIL TO:

Angela Calvillo Clerk of the Board of Supervisors City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

(Exempt from Recording Fees Pursuant to Government Code Section 27383)

### DEVELOPMENT AGREEMENT

### BY AND BETWEEN

### THE CITY AND COUNTY OF SAN FRANCISCO

AND LAUREL HEIGHTS PARTNERS, LLC

FOR PROPERTY LOCATED AT 3333 CALIFORNIA STREET

Block 1032 Lot 003

parking spaces, (iv) an approximately 14,665 square foot space for child care use, and (v) approximately 236,000 square feet of landscaped or open space, which includes approximately 127,126 square feet of privately owned, public open space, more than 73,000 square feet of which is in excess of the open space requirements under the Code, all as more particularly described on Exhibit B.

- C. The Project is anticipated to generate an annual average of approximately 675 construction jobs during construction and, upon completion, approximately 200 net new permanent on-site jobs, an approximate \$10 million annual increase in property taxes, and approximately \$15 million in development impact fees (including transportation, housing linkages, and school fees).
- D. In order to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Section 65864 et seq. (the "Development Agreement Statute"), which authorizes the City to enter into a development agreement with any person having a legal or equitable interest in real property regarding the development of such property. Pursuant to Government Code Section 65865, the City adopted Chapter 56 of the Administrative Code ("Chapter 56") establishing procedures and requirements for entering into a development agreement pursuant to the Development Agreement Statute. The Parties are entering into this Agreement in accordance with the Development Agreement Statute and Chapter 56.
- E. In addition to the significant housing, jobs, and economic benefits to the City from the Project, the City has determined that as a result of the development of the Project in accordance with this Agreement and the Special Use District and the Planned Unit Development approvals attached at Exhibit M, additional clear benefits to the public will accrue that could not be obtained through application of existing City ordinances, regulations, and policies. Major additional public benefits to the City from the Project include: (i) an increase in affordable housing that exceeds amounts otherwise required and will equal approximately twenty-five percent (25%) of the total number of housing units for the Project, serving senior households with incomes below 80% of MOHCD AMI with an overall average of not more than 59% of MOCHD AMI; (ii) construction and maintenance of the Publicly Accessible Private Improvements (as defined in Section 1) for a total of approximately 127,126 square feet of public useable open area; (iii) transportation demand management measures that exceed the level otherwise required; (iv) the Child Care Program (as

membership interests in Developer or any Transferee, (2) grants of easement or of occupancy rights for existing or completed Buildings or other improvements (including, without limitation, space leases in Buildings), and (3) the placement of a Mortgage on the Project Site.

- 1.102 "Transportation Demand Management" benefits are described in Exhibit

  <u>J</u>.
  - 1.103 "Vested Elements" has the meaning set forth in Section 5.1.
  - 1.104 "Walnut Walk North" is described in Section 1.f of Exhibit C.
  - 1.105 "Walnut Walk South" is described in Section 1.f of Exhibit C
- 1.106 "Workforce Agreement" means the Workforce Agreement attached as Exhibit I.

### 2. EFFECTIVE DATE; TERM

- 2.1 <u>Effective Date</u>. This Agreement shall take effect upon the later of (i) the full execution and delivery of this Agreement by the Parties and (ii) the date the Enacting Ordinances are effective and operative ("Effective Date").
- Date and shall continue in full force and effect for fifteen (15) years thereafter unless extended or earlier terminated as provided herein ("Term"); provided, however, that (i) the Term shall be extended for each day of a Litigation Extension and (ii) Developer shall have the right to terminate this Agreement with respect to a Development Parcel upon completion of the Building within that Development Parcel and the Associated Community Benefits for that Building, as set forth in Section 7.1. The term of any conditional use permit or planned unit development shall be for the longer of the Term (as it relates to the applicable parcel) or the term otherwise allowed under the conditional use or planned unit development approval, as applicable. The term of the Tentative Map and any Subdivision Map shall be for the longer of the Term (as it relates to the applicable parcel) or the term otherwise allowed under the Subdivision Map Act.

### 3. GENERAL RIGHTS AND OBLIGATIONS

3.1 <u>Development of the Project</u>. Developer shall have the vested right to develop the Project in accordance with and subject to the provisions of this Agreement, and the City shall consider and process all Later Approvals for development of the Project in accordance with and subject to the provisions of this Agreement. The Parties acknowledge that Developer (i) has obtained all Approvals from the City required to Commence Construction of the Project, other

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performed pursuant to <u>Section 8</u>. The Planning Director, acting on behalf of the City, shall execute and return such certificate within twenty (20) days following receipt of the request.

- 5.11 Existing, Continuing Uses and Interim Uses. The Parties acknowledge that the Existing Uses are lawfully authorized uses and may continue as such uses may be modified by the Project, provided that any modification thereof not a component of or contemplated by the Project is subject to Planning Code Section 178 and the applicable provisions of Section 5. Developer may install interim or temporary uses on the Project Site, which uses must be consistent with those uses allowed under the Project Site's zoning, the Approvals, the Project SUD, or any planned unit development authorization granted under the Project SUD, as applicable.
- 5.12 Taxes. Nothing in this Agreement limits the City's ability to impose new or increased taxes or special assessments, or any equivalent or substitute tax or assessment, provided (i) the City shall not institute, on its own initiative, proceedings for any new or increased special tax or special assessment for a land-secured financing district (including the special taxes under the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) but not including business improvement districts or community benefit districts formed by a vote of the affected property owners) that includes the Project Site unless the new district is City-Wide or Developer gives its prior written consent to or requests such proceedings, and (ii) no such tax or assessment shall be targeted or directed at the Project, including, without limitation, any tax or assessment targeted solely at all or any part of the Project Site. Nothing in the foregoing prevents the City from imposing any tax or assessment against the Project Site, or any portion thereof, that is enacted in accordance with Law and applies to all similarly-situated property on a City-Wide basis.

### 6. NO DEVELOPMENT OBLIGATION

There is no requirement under this Agreement that Developer initiate or complete development of the Project, or any portion thereof. There is also no requirement that development be initiated or completed within any period of time or in any particular order, subject to the requirement to complete Associated Community Benefits for each Building (or for any market rate residential unit in excess of three hundred eighty-six (386), as applicable) commenced by Developer as set forth in Section 4.1. The development of the Project is subject to numerous factors that are not within the control of Developer or the City, such as availability of financing, interest rates, access to capital, and similar factors. In Pardee Construction Co. v. City of

the cured event of default shall terminate.

### 11. AMENDMENT; TERMINATION; EXTENSION OF TERM

- Amendment or Termination. This Agreement may only be amended with 11.1 the mutual written consent of the City and Developer; provided, however, that following a Transfer, the City and Developer or any Transferee may amend this Agreement as it affects Developer or the Transferee and the portion of the Project Site owned by Developer or the Transferee without affecting other portions of the Project Site or other Transferees. Other than upon the expiration of the Term and except as provided in Sections 2.2, 7.3, 9.4.2, and 11.2, this Agreement may only be terminated with the mutual written consent of the Parties. Any amendment to this Agreement that does not constitute a Material Change may be agreed to by the Planning Director (and, to the extent it affects any rights or obligations of a City department, with the approval of that City department). Any amendment that is a Material Change will require the approval of the Planning Director, the Planning Commission and the Board of Supervisors (and, to the extent it affects any rights or obligations of a City department, after consultation with that City Department). The determination of whether a proposed change constitutes a Material Change shall be made, on City's behalf, by the Planning Director following consultation with the City Attorney and any affected City Agency.
- 11.2 Early Termination Rights. Developer shall, upon thirty (30) days prior notice to the City, have the right, in its sole and absolute discretion, to terminate this Agreement in its entirety at any time if Developer does not Commence Construction on any part of the Project Site by the date which is five (5) years following the Effective Date as such five (5) year date may be extended by any Litigation Extension. Thereafter, the City shall, upon sixty (60) days prior notice to Developer, have the right, in its sole and absolute discretion, to terminate this Agreement if the Developer has not Commenced Construction; provided Developer can prevent any such termination by the City by providing to the City notice, within the above sixty (60) day period, of Developer's intent to start construction and the Developer thereafter Commences Construction within one hundred twenty (120) days following delivery of Developer's notice to the City, or, if unable to actually Commence Construction within said time period, demonstrates reasonable, good faith and continuing efforts to Commence Construction, such as by pursuing all necessary Later Approvals, and thereafter promptly Commences Construction upon receipt of the Later Approvals.
  - 11.3 Termination and Vesting. Any termination under this Agreement shall

### Exhibit B

### **Project Description**

The Project Site is an approximately 446,490-square-foot, or 10.25-acre, parcel bounded by California Street to the north, Presidio Avenue to the east, Masonic Avenue to southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the west, at the southern edge of San Francisco's Presidio Heights neighborhood in the northwest portion of San Francisco. The project sponsor, Laurel Heights Partners, LLC, owns the site and temporarily leases it to the Regents of the University of California, which uses the Project Site for its University of California San Francisco (UCSF) Laurel Heights Campus. The Project Site does not include the San Francisco Fireman's Credit Union (now called the SF Fire Credit Union) at the southwest corner of California Street and Presidio Avenue, which is on a separate parcel.

The Project Site is currently used as office and related research, child care, and parking. It is developed with a four-story, approximately 455,000-gross-square-foot office building including a three-level, 212-space, an approximately 93,000-gross-square-foot partially below-grade parking garage at the center of the site; a one-story, approximately 14,000-gross-square-foot annex building at the corner of California and Laurel streets; three surface parking lots with a total of 331 spaces connected by internal roadways; two circular garage ramp structures leading to below-grade parking levels; and landscaping or landscaped open space for the USCF Laurel Heights Campus occupants.

The proposed project includes approximately 1,427,832 gross square feet of new and rehabilitated space, comprising approximately 977,437 gross square feet of residential floor area with approximately 744 dwelling units; approximately 34,496 gross square feet of retail floor area; and an approximately 14,665 gross-square-foot child care center use. The proposed project would provide approximately 857 off-street parking spaces (including approximately 10 car share spaces), approximately 762 Class One bicycle spaces, and 77 Class Two bicycle spaces. These proposed uses would be located in 13 new buildings (known as Plaza A, Plaza B, Walnut, Mayfair, Laurel Townhomes, Euclid and Masonic) and in the adaptively reused office building (known as Center A and Center B), which would be divided into two separate buildings and converted to residential use.

25% of the proposed project's units will be deed-restricted, on-site affordable units designated for low-income senior households. These affordable units will be located in the proposed Walnut Building on California Street and consist of 185 studios and 1-bedrooms for seniors plus one (1) on-site manager's unit. The Walnut Building would also include an approximately 175-seat child care facility, including a contiguous outdoor activity area. The project includes approximately 34,496 square feet of neighborhood-serving retail located in the buildings fronting onto California Street (Plaza A, Plaza B and the Walnut Building). This retail

### Exhibit D

### **Affordable Housing Program**

This Exhibit D describes the affordable housing program for the Project (the "Housing Plan"). All initially-capitalized, undefined terms used in this Exhibit D shall have the meanings given to them in the Development Agreement to which it is attached.

Recognizing the City's pressing need for housing — market rate and affordable - the Developer has agreed to (1) increase the total number of residential units for the Project from the 558 residential units initially proposed to 744 residential units; (2) construct 185 studio and one-bedroom affordable residential units for Senior Households at the Project Site (the "BMR Units") in order to make 25% of the Project residential units affordable, rather than the Section 415 (as defined below) requirement of providing 18% on-site affordable residential units or paying the City in-lieu affordable housing fees, together with 1 Manager Unit (as defined below); and (3) fund all predevelopment costs and gap financing required to complete the BMR Units.

The BMR Units will be deed-restricted to be affordable to qualified senior households with an average income not more than 59% of MOHCD AMI (as defined below) and will be constructed before the Developer can receive a CofO (as defined below) on more than three hundred eighty-six (386) Market Rate Units (as defined below).

### 1. Definitions.

"Adjustment Date" means each anniversary of the Effective Date.

"Affordable Housing Developer" means Mercy Housing California, a non-profit California corporation, or any other non-profit affordable housing developer with experience developing and operating affordable housing in San Francisco.

"Affordable Rent" means a monthly rental charge for a BMR Unit (including the Utility Allowance applicable to the Household Size of such BMR Unit but excluding parking charges if a Parking Space is allocated to such BMR Unit) that does not exceed thirty percent (30%) of the maximum MOHCD AMI permitted for such BMR Unit, based on Household Size.

"Approved Legal Description" means a legal description of the Walnut Land that substantially conforms to the depiction attached as <u>Attachment D-1</u> and is approved by the City's Director of Property and the MOHCD Director.

"CofO" means a first certificate of occupancy issued by City's Department of Building Inspection, including any temporary certificate of occupancy.

"CPI Increase" means, for the first Adjustment Date, the difference between the published CPI Index in effect at the time of the first Adjustment Date and the published CPI Index in effect at the time of the Effective Date. For each following Adjustment Date, the "CPI Increase" means the difference between the published CPI Index in effect at the time of an

"Title Policy" is defined in Section 4.F.

"Utility Allowance" means a dollar amount determined in a manner acceptable to the California Tax Credit Allocation Committee, which may include an amount published periodically by the San Francisco Housing Authority or successor based on standards established by HUD, for the cost of basic utilities for households, adjusted for Household Size. If both the San Francisco Housing Authority and HUD cease publishing a Utility Allowance, then Developer may use another publicly available and credible dollar amount approved by MOHCD.

"Walnut Affordable Housing Building" is defined in Section 2.A.

"Walnut Child Care Parcel" is defined in Section 2.A.

"Walnut Housing Parcel" is defined in Section 2.A.

"Walnut Retail Parcel" is defined in Section 2.A.

"Walnut Land" is defined in Section 2.A.

### 2. Walnut Affordable Housing Building

A. <u>Description</u>. The 185 BMR Units and the Manager Unit will all be located in a single residential building (the "Walnut Affordable Housing Building") that will be located within a condominium parcel (the "Walnut Housing Parcel") on the portion of the Project Site depicted as the "Walnut Land" on <u>Attachment D-1</u> (the "Walnut Land"). The Walnut Affordable Housing Building will be comprised only of the BMR Units, the Manager Unit (which shall only be occupied by the Walnut Affordable Housing Building manager or, to the extent permitted under law, other property management staff), and the common and parking area for the BMR Units and Manager Unit. A condominium parcel for retail uses (the "Walnut Retail Parcel") and a condominium parcel for child care uses (the "Walnut Child Care Parcel") will also be located on the Walnut Land. The Walnut Housing Parcel, the Walnut Retail Parcel, and the Walnut Child Care Parcel will be created through a final map prepared under the Tentative Map as required in the Subdivision Map.

Before obtaining a First Construction Document for any portion of the Project or transferring the Walnut Land or the Walnut Housing Parcel to the Housing Entity, the Developer shall obtain legal descriptions for the Walnut Housing Parcel and the Walnut Child Care Parcel that are reasonably acceptable to City, cause the Walnut Land to be made a separate legal parcel, and record a declaration of restrictions (in a form approved by City and using such approved legal descriptions) that limits the use of the Walnut Housing Parcel to the construction and operation of the Walnut Affordable Housing Building and the Walnut Child Care Parcel to the construction and operation of a child care facility. In connection with the development of the Project, Developer shall have the right to enter into commercially reasonable licenses, easements, covenants, conditions and restrictions, reciprocal easement agreements, and similar agreements that affect the Walnut Housing Parcel to the extent necessary for the use or operation of any portion of the Walnut Housing Parcel (each, a "Property Covenant"); provided, however, that (i) Developer shall deliver the final version of each proposed Property Covenant to the MOHCD Director at least thirty (30) days before it is fully executed or recorded in the

Official Records of San Francisco County and (ii) all maintenance, repair, replacement and installation costs to be paid under a Property Covenant for the common area benefitting the Walnut Retail Parcel, the Walnut Housing Parcel, and the Walnut Child Care Parcel shall be proportionately allocated to the owners of the Walnut Retail Parcel, the Walnut Housing Parcel, and the Walnut Child Care Parcel based on the relative size of their respective parcel or any other commercially reasonable allocation that is approved in advance by the MOHCD Director, which approval shall not be unreasonably withheld.

- B. <u>Housing Entity</u>. Before commencing the construction of the Project's first Market Rate Unit, the Housing Entity will be formed and the Developer will contribute the Walnut Housing Parcel (subject to the requirements of the Development Agreement) to the Housing Entity. As a non-profit affordable housing developer and operator, the Affordable Housing Developer will operate the Walnut Affordable Housing Building to only serve Senior Households with incomes below 80% of MOHCD AMI, with an overall average of not more than 59% of MOHCD AMI.
- Financing. The Housing Entity will structure equity and debt financing for C. construction, and the Developer will fund all predevelopment costs and gap financing required to complete the construction, of the Walnut Affordable Housing Building. The Housing Entity will seek LIHTC and City-issued tax-exempt bond financing for construction. The Developer or the Housing Entity may apply to the following state funding programs for constructing the Walnut Affordable Housing Building without the City's prior written consent: the Multifamily Housing Program (MHP) and the Infill Infrastructure Grant Program (IIG). At the time of such application, the Developer or the Housing Entity shall provide the MOHCD Director with written notification of such application and a commitment that the award of such funding would lower the average MOHCD AMI for the Walnut Affordable Housing Building. Neither the Developer nor the Housing Entity can seek other federal or other state resources for constructing the Walnut Affordable Housing Building without the prior written consent of the MOHCD Director, which consent may be withheld if the award of such funding would not result in a lower average MOHCD AMI for the Walnut Affordable Housing Building or applying for the proposed funding would compete with the application of a MOHCD-supported project. A failure to obtain LIHTC, MHP, IIG, or non-competitive federal or state resources for constructing the Walnut Affordable Housing Building shall not decrease the Developer's affordable housing or other obligations under the Development Agreement. City has no obligation to provide any funding for the Walnut Affordable Housing Building. Developer may collaborate with other entities to obtain additional funding sources to the extent that those sources contribute to the feasibility, production speed, or increase the affordability of the Walnut Affordable Housing Building
- D. <u>Project Phasing</u>. The Developer may not obtain CofO for more than three hundred eighty-six (386) Market Rate Units until DBI issues a CofO for the Walnut Affordable Housing Building. In addition, the Developer must obtain a CofO for the Walnut Affordable Housing Building before the expiration of the Term.
- E. <u>Equivalency</u>. The Walnut Affordable Housing Building shall be substantially equivalent to the Project's other multi-unit residential buildings in exterior appearance and overall quality of construction. All BMR Units must be wired for telephone, cable, and internet

D-5

commences to construct before the Tax Credit Closing, the Developer shall, at its sole election, either deposit an amount equal to the Rental Gap Fee or Ownership Gap Fee, as applicable, for that unit in the Escrow Account before obtaining a First Construction Document for that unit, or deposit an amount equal to the Rental Gap Fee or Ownership Gap Fee, as applicable, for that unit and the Development Fee Deferral Surcharge for such Rental Gap Fee or Ownership Gap Fee (as calculated by DBI at the time of the Developer deposits such Rental Gap Fee or Ownership Gap Fee) in the Escrow Account between obtaining the First Construction Document and the CofO for that unit.

At any time within thirty (30) days after Developer's written request (accompanied by reasonable supporting materials), City shall authorize the release of funds from the Escrow Account to reimburse Developer for reasonable and customary Walnut Affordable Housing Building pre-development costs incurred prior to the Tax Credit Closing, such as, but not limited to, design drawings, schematic drawings, and commercially reasonable costs for financing that expedites the construction of the Walnut Affordable Housing Building. If the Tax Credit Closing occurs, all remaining funds in the Escrow Account needed to finance the construction of the Walnut Affordable Housing Building shall be disbursed to pay construction and development costs that are approved by the Walnut Affordable Housing Building construction lender at the time such costs are due and payable. If the Developer provides reasonable documentation to City that there are excess Escrow Account funds that are not required to finance the construction of the Walnut Affordable Housing Building, such excess Escrow Account funds shall be disbursed to the Developer.

If the Tax Credit Closing does not occur by the Outside Date, subject to extension for any applicable Excusable Delay, then City shall have the right to receive the Escrow Account funds by delivering written notice to the Escrow Account holder any time after the Outside Date for deposit in City's Citywide Affordable Housing Fund established in San Francisco Administrative Code Section 10.100-49. Within three (3) business days of receiving such written notice, the Escrow Account holder shall deliver the funds to the address specified by the MOHCD Director.

### 4. Transfer of Walnut Land to City.

A. Transfer Notice. If the Tax Credit Closing does not occur by the Outside Date, subject to extension for any applicable Excusable Delay, and construction of any Building occurs during the Term, then City shall have the right to acquire, and Developer agrees to transfer to the City, fee ownership of the Walnut Land pursuant to the form of grant deed (the "Grant Deed") attached as Attachment D-2, with the Approved Legal Description attached to it as Exhibit A. City shall have the right to exercise its right to acquire the Walnut Land by giving Developer, between the Outside Date and the last day of the Term, written notice of the City's request to acquire the Walnut Land pursuant to this Section (the "Transfer Notice"). If City receives the Walnut Land pursuant to this Section, and Developer later obtains all financing needed to commence and complete construction of retail improvements on the Walnut Retail Parcel (or child care improvements on the Walnut Child Care Parcel), City shall transfer fee ownership of the Walnut Retail Parcel or the Walnut Child Care Parcel, as applicable, to Developer within ten (10) business days of Developer's receipt of a First Construction Document for such improvements.

under Section 4.C above (the "Title Policy"), and (ii) to execute and deliver the Grant Deed and the Transfer Documents, if any, to City. Within 7 days after the City's receipt of the Title Policy, the duly executed and acknowledged Grant Deed, and, if any, the Transfer Documents, duly executed and acknowledged as applicable, City shall execute and return one (1) fully executed original of any Transfer Document to the Developer.

- City's Remedies. If the Developer fails to transfer the Walnut Land to City in G. accordance with this Section, then City shall have the right to specific performance to compel the transfer of the Walnut Land to City in accordance with this Section or to exercise its rights under the Deed of Trust to foreclose and take title to the Walnut Land. Following any specific performance to transfer the Walnut Land to City or any foreclosure of the Walnut Land by City under the Deed of Trust, Developer's obligations under this Section shall be satisfied; provided if the Developer is not able to transfer the Walnut Land to City in the condition required by this Section (a "Condition Preventing Transfer"), then City, as its sole remedy for a Condition Preventing Transfer, shall instead accept an in lieu payment in the amount of Fair Market Value. City's exercise of its remedy for a Condition Preventing Transfer shall be by delivering written notice of such exercise to Developer, with a statement explaining the basis for the determination that the Walnut Land cannot be transferred in accordance with this Section. If City delivers such notice, the Developer shall pay City an in lieu payment in the amount of Fair Market Value made within 60 days following the determination of the Fair Market Value. Any failure by Developer to make such in lieu payment when due shall accrue interest at 10% per annum from the date it is due until paid.
- H. Fulfillment of Developer's Obligations. On City's receipt of (i) fee ownership of the Walnut Land through an action for specific performance or foreclosure under the Deed of Trust or a payment of an in lieu payment due to a Condition Preventing Transfer, and (ii) the funds deposited in the Escrow Account as required in Section 3 above, City shall have no further rights or remedies under the Development Agreement resulting from Developer's failure to timely commence or complete construction of the Walnut Affordable Housing Building. If the Developer obtains a First Construction Document for any Market Rate Unit after the Outside Date, nothing in the foregoing sentence shall limit the Developer's obligation to pay the fee calculated under Section 415.5 for such Market Rate Unit.

### 5. Costa-Hawkins Rental Housing Act

A. Non-Applicability of Costa-Hawkins Act. Chapter 4.3 of the California Government Code directs public agencies to grant concessions and incentives to private developers for the production of housing for lower income households. The Costa-Hawkins Rental Housing Act, California Civil Code Sections 1954.50 et seq. (the "Costa-Hawkins Act"), provides for no limitations on the establishment of the initial and all subsequent rental rates for a dwelling unit with a certificate of occupancy issued after February 1, 1995, with exceptions, including an exception for dwelling units constructed pursuant to a contract with a public agency in consideration for a direct financial contribution or any other form of assistance specified in Chapter 4.3 of the California Government Code (Section 1954.52(b)). The Parties agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the BMR Units. The Development Agreement falls within the express exception to the Costa-Hawkins Act, Section 1954.52(b) because the Development Agreement is a contract

San Francisco Assessor-Recorder

Carmen Chu, Assessor-Recorder

DOC- 2019-K763199-00

Friday, MAY 03, 2019 10:56:03

RECORDING REQUESTED BY: AND WHEN RECORDED MAIL TO:

Laurel Heights Partners, LLC c/o Prado Group, Inc. 150 Post Street, Suite 320 San Francisco, CA 94108 Attn: Daniel Safier

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

MEMORANDUM OF MEMORANDUM OF UNDERSTANDING BETWEEN LAUREL HEIGHTS PARTNERS, LLC AND THE JEWISH COMMUNITY CENTER OF SAN FRANCISCO RELATIVE TO THE RE-DEVELOPMENT OF 3333 CALIFORNIA LOT 000, Block 1032 STREET, SAN FRANCISCO

3200 Chipmin stret Lot Ob8 Block 1024

This Memorandum of Memorandum of Understanding between Laurel Heights Partners, LLC and the Jewish Community Center of San Francisco Relative to the Re-Development of 3333 California Street, San Francisco ("Memorandum") is made and entered into as of April 22 2019, by and between Laurel Heights Partners, LLC ("LHP") and the Jewish Community Center of San Francisco ("JCCSF"), who agree as follows:

- LHP is the owner of that certain real property in the City and County of San Francisco, State of California, more particularly described on Exhibit 1 attached hereto and incorporated herein by this reference (the "LHP Property").
- JCCSF is the owner of that certain real property in the City and County of San Francisco, State of California, more particularly described on Exhibit 2 attached hereto and incorporated herein by this reference (the "JCCSF Property").
- 3. LHP and JCCSF have entered into that certain Memorandum of Understanding between Laurel Heights Partners, LLC and the Jewish Community Center of San Francisco Relative to the Re-Development of 3333 California Street, San Francisco, dated April 22, 2019, as the same may be amended and modified from time to time (the "Agreement"), the provisions and conditions of which are hereby incorporated herein by this reference.
- This Memorandum is being recorded to give notice to the public that the LHP Property and the JCCSF Property are subject to the provisions and conditions of the Agreement and that any successor or assigns will be bound by and subject to the provisions and conditions of the Agreement.
- This document may be executed in counterparts, each of which will be deemed to be an original, but all of which together will constitute one instrument.
- In the event of any conflict between this Memorandum and the Agreement, the provisions and conditions of the Agreement shall prevail.

IN WITNESS WHEREOF, LHP and JCCSF have executed this Memorandum as of the date first set forth above.

### LHP:

Laurel Heights Partners LLC, a Delaware limited liability company

By: 3333 California LP, a Delaware limited partnership,
Its Managing Member

By: PSKS LH LLC, a Delaware limited liability company,
Its General Partner

By: Prado LH LLC, a California limited liability company,
Its Managing Member

Зу: \_\_

Daniel J. Safier, Its Manager

**JCCSF:** 

Jewish Community Center of San Francisco, a California nonprofit public benefit corporation

Print Name: Mary 6 mark
Its: CEO





### April 22, 2019 Memorandum of Understanding

1 message

Kathy Devincenzi <a href="mailto:krdevincenzi@gmail.com">krdevincenzi@gmail.com</a>
To: Dan Safier <a href="mailto:krdevincenzi@gmail.com">krdevincenzi@gmail.com</a>
Bcc: Richard Frisbie <a href="mailto:krdevincenzi@gmail.com">krdevincenzi@gmail.com</a>

Fri, Jun 14, 2019 at 5:53 PM

To: Laurel Heights Partners, LLC c/o Prado Group, Inc.
Attn: Daniel Safier

Please send us a complete copy of the Memorandum of Understanding between Laurel Heights Partners, LLC and the Jewish Community Center of San Francisco Relative to the Re-Development of 3333 California Street, San Francisco, dated April 22, 2019. That April 22, 2019 Memorandum is referred to in paragraph 3 of the attached document recorded on May 3, 2019.

Thank you,

Laurel Heights Improvement Association of SF, Inc. By: Kathryn Devincenzi, President 22 Iris Avenue, San Francisco, CA 94118 (415) 221-4700

20190614202449.pdf 4185K



### 3333 California Street Travel Demand Summary - Office Scenario, Weekday AM Peak Hour

	A CONTRACTOR OF THE PARTY OF TH	THE RESIDENCE OF THE PERSON
Land Use Program	Size	Units
Residential	855	DO
	235	Studio/1-bed
	323	2/2+bed
	824,691	GSF
General Office	49,999	SF
General Retail	40,004	SF
Quality Sit-Down	4,287	SF
Composite Restaurant	9,826	SF
Davoure Center	14.690	SF

Source Planning Application and Project Description, August 2017

Daily and AM Peak Hour F

Mode

ak Hour Person-Trips and Vehicle-Trips Summary - Internal and External Trips	n-Trips on	ad Vehicle-Tri	ips Sumn	nary - Inte	rnal and E	xternal T	rips								AM Peak
				Dally						Week	Weekday AM Peak Hour	Hour			
			General	Quality Sit-					General	General	Quality Sit-	Composite	Daycare	AM Peak	Mode
	Residential	esidential General Office	Retail	Down			Dally Total	-	Office	Retail	Down	Restaurant	Center	Hour Total	
	2,730	489	3,836	548	•	1	12,001	┖	39	472	45	343	111	1,409	Auto
	1.354	240	476	68			2,684	_	22	65	9	43	14	356	Transit
	610	129	1,532	219			4,246	_	10	188	18	137	44	475	Walk
	599	47	156	22			704		3	19	2	14	s	88	Other
Total Person Trips		905	6,000	357	- 1	984	19,635	731	74	738	7.1	537	374	2,325	Total
	1,631	288	2,070	296	2,033		959'9		28	255	22	185	90	\$15	AVO

	_		Week	Weekday AM Peak Hour	Hour		AM Peak
Mode	Residential	General	General	Quality Sit- Com Down Rest	Composite	Daycare	Hour
Auto	\$4.6%	53 1%	64.0%			63.8%	
Transit	29.0%	30 3%	8 0%	8.5%	3.0%	8.0%	
Walk	10 7%	13 1%	25.5%		25.5%	25 3%	
Other	5.7%	3.5%	2 6%		2.6%	2.9%	
Total		100%	100%		7007	100%	100%
AVO	1.53	1.37	1.85	1.80	1.85	1.85	1.73

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Mode		Residential			General Office		ğ	eneral Retail		Qual	Quality Sit-Down		Сощроз	Composite Restaurant		Day	Daycara Center		ò		
	_	Out	Total	=	Out	Total	In	Out	Total	Ħ	Dut	Total	In	Out	Total	la la	Out	Total	- 1	- 1	Total
Aufo	134	265	339	32	7	39	244	228	472	23	22	45	177	166	343	57	54	111			1,409
Transit	58	154	212	19	3	32	34	25	65	8	3	9	52	18	43	00	9	14			356
Walk	37	41	78	80	7	10	96	92	188	6	6	18	70	19	137	23	21	44			475
Other	16	52	42	2	-	~	10	6	19	1	1	2	7	7	14	7	3	5			85
Total Person Trips	on Trips 245	436	731	61	13	74	384	354	738	36	35	7.1	279	253	537	90	84	174	- 1	- 1	2,325
Total Vehicle Trips	99	197	797	24	9	28	133	121	255	13	12	25	97	88	185	3.1	29	09	363	-	815
Average Vehicle Occupancy	2.06	1.35	1.53	1.33	1.58	1.37	1.83	1.88	3.85	1.77	1.83	1.80	1.83	1.89	1.85	1.84	1.86	1.85	1.84	1.65	2.73

AM Peak Hour Person-Trips and	d Vehicle-	Trips by Dir	ection - In	ternal an	tion - Internal and External (POST-INTERNAL TRIP CAPTURE)	(POST-IN	TERNAL T	RIP CAPTU	IRE)												
										Weekday A	Weekday AM Peak Hour										
Mode		Residential			General Office			General Retail		ਰੌ	Quality Sit-Down		Comp	Composite Restaurant	ant	Day	Daycare Center		Ó	verall Total	
	2	Out	Total		Out	Total	2	Out	Total	<u>e</u>	Out	-	E	Out	Total	r.	Out	Total			Total
Aido	107	212	319	27	9	33	509	192	401	20	20	40	161	148	309	49	45	94			1,196
Transa	25	113	170	16	8	19	56	24	20	3	2	5	20	19	39	9	9	12			295
Walt	23	104	157	15	9	61	135	125	560	12	17	24	06	82	172	31	28	65			692
Other	28	57	85	2	1	8	14	13	27	1	1	~	6	89	17	2	4	6			141
Total Person Trips	245	486	731	09	34	74	384	354	738	36	35	7.1	280	257	537	91	83	174			2,325
Total External Vehicle Trips	52	157	209	20	4	24	114	102	216	11	11	22	99	79	167	27	24	51		379	691
Total Intercolored Valuela Tene	13	30	65		,	4	19	19	52	7	1	3	6	10	18	9	5	6	53		124

3333 California Street Travel Demand Summary - Multi-Family Housing Scenario, Weekday AM Peak Hour

Land Use Program - Proposed Variant	ariant	The second
Land Use	Siza	Units
Residential	744	DO
	313	Studio/1-bed
	431	2/2+bed
General Retail	34,480	SF
Quality Sit-Down	4,287	SF
Composite Restaurant	9,826	SF
and desired	14 650	35

Daily and AM Peak Hour Person-Trips and Vehicle-Trips Sun	k Hour Person	n-Trips an	d Vehicle-Tri	ss Summe	Į,								
				Daily	,					Weekday Al	Weekday AM Peak Hour		
Mode				Quality Sit-	Quality Sit- Composite	Daycare			General	Quality Sit-	Quality Sit- Composite	Daycare	AM Peak
		Residential	Residential General Retail	Down	Restaurant	Center	Daily Total	Daily Total   Residential	Retail	Down	Restaurant	Center	Hour Total
Auto		3,640	3,306	548	3,769	627	11,890	531	407	45	366	110	1,459
Transit		1,805	410	89	468	78	2,829	281	8	9	45	14	396
Walk		813	1,321	219	1,505	251	4,109	104	162	18	146	44	474
Other		398	135	22	154	56	735	55	17	2	15	s	94
	Total Person Trips	959'9	5,172	857	968'5	982	19,563	971	636	7.1	572	173	2,423
Total Vehicle Trips		2,185	1,830	303	2,087	347	6,752	349	325	25	202	61	862

	Ī			Weekday AM Peak Hour	A Peak Hour	-	AM Peak
Mode		Residential	General Retall	Quality Sit- Composite Down Restaurant	Composite	Daycare	Hour
Auto		54.7%	64.0%	63.4%	64.0%	63.6%	60.2%
Transit		28.9%	7.9%	8.5%	7.9%	8.1%	16.3%
Walk		10.7%	25.5%	25.4%	25.5%	25 4%	19 6%
Other		5.7%	2 7%	2.8%	2.6%	2.9%	3.9%
	Total	100%	100%	100%	100%	100%	100%
AVO		1.52	1.81	1.80	1.81	1.80	7.69

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				Contract of the Contract of th					THE RESERVE AND ADDRESS OF			
AM Peak Hour Person-Trins and	Vehicle-T	rins by Dire	ction									

									Weekoay A	seekoay Any Peak Hour								
Mode		Residential		-	General Retail		Qua	Quality Sit-Down		Compt	osite Restaura	nt		Daycare Center		-	Overall Total	
	5	Out	Total	Ē	Out	Total		Out	otal	I In Out Te	Out	Total	tı	Out	Total	ď	Out	Total
Auto	178	353	531	210	197	407	23	22	45	189	177	366	57	53	110	657	802	1,459
Transit	77	204	281	53	21	95	8	3	9	56	19	45	00	9	14	143	253	396
Walk	49	55	104	83	79	162	6	6	18	74	72	146	22	22	44	237	237	474
Other	21	34	55	6	80	17	7	1	2	00	7	15	7	8	2	41	53	94
Total Person Trips	325	646	971	331	305	636	36	35	7.1	297	275	572	89	84	173	1,078	1,345	2,423
Total Vehicle Trips	87	262	349	118	107	225	13	12	25	106	96	202	32	29	79	356	905	862
Average Vehicle Occupancy	2.05	1.35	1.52	1.78	1.84	1.81	1.77	1.83	1.80	1.78	1.84	1.81	1.78	1.83	1.80	1.85	1.58	1.69

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Mode		Residential			General Retail		no On	Quality Sit-Down		Comp	Composite Restaurant	nt	2	Jaycare Center			Overall Total	
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Auto	142	283	425	180	166	346	50	20	40	171	158	329	48	45	93	561	672	1,233
Transit	75	150	225	22	20	42	8	2	s	21	19	40	9	9	12	127	197	324
Walk	70	140	210	116	107	223	12	12	24	98	88	183	30	59	65	323	377	700
Other	37	74	111	13	12	25	ч	1	2	10	10	20	2	4	6	99	100	166
Total Person Trips	324	647	971	331	305	989	36	35	7.1	297	275	572	89	84	173	1,077	1,346	2,423
Total External Vehicle Trips	69	210	279	101	06	191	11	11	22	96	98	182	22	25	52	304	422	726
Total Internalized Vehicle Trips	18	52	202	17	17	34	2	1	٤	10	10	20	5	7	9	52	84	136

3333 California Street Travel Demand Summary - Multi-Family Housing Scenario, Weekday PM Peak Hour

Land Use Program - Variant	riant	
Land Use	Size	Units
Residential	744	DO
	313	Studio/1-bed
	431	2/2+bed
Senior Housing	0	SF
General Retail	34,480	SF
Quality Sit-Down	4,287	SF
Composite Restaurant	9,826	SF
Daycare Center	14,650	SF

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Daily and PM Peak H	our Person	n-Trips and V	ehicle-Tri	ps Summa	'n	S. Newson							PM Peak	žΙ
	1		Vijed	4					Weekday PM Peak Hour	Peak Hour				
Mode			Quality Sit-	Quality Sit- Composite	Daycare			General	Quality Sit-	Quality Sit- Composite	Daycare	PM Peak	Mode	
	Residential	Residential General Retail	Down	Restaurant	Center	Daily Total	Residential	Retail	Down	Restaurant	Center	Hour Total		æ
Auto	3,640	3,306	548	3,769	627	11,890	629	298	74	809	113	1,623	Auto	
Transit	1,805	410	68	468	78	2,829	333	37	6	63	14	456	Transit	
Walk	813	1,321	219	1,505	251	4,109	123	119	30	203	45	520	Walk	
Other	398	135	22	154	56	735	99	12	8	21	S	107	Other	
Total Person Trips	6,656	5,172	857	5,896	982	19,563	1,151	466	116	196	377	2,706	Total	- 1
Total Vehicle Trips	2,185	1,830	303	2,087	347	6,752	414	365	41	282	63	965	AVO	

### Hour Mode Split and Average Vehicle Occupancy by Lan Weekday PM Peak Hour

		_							PM Peak
posite	Daycare	PM Peak	Mode		General	Quality Sit-	Composite	Daycare	Hour
aurant	Center	Hour Total		Residential	Retail	Down	Restaurant	Center	Overall
60	113	1,623	Auto	54.6%	63.9%			63.8%	
23	14	456	Transit	28.9%	7.9%	7.8%	7.9%	7.9%	16.9%
03	45	520	Walk	10.7%	25.5%			25.4%	
11	2	107	Other	5.7%	2.6%			2.8%	
96	177	2,706	Total		100%			100%	
82	63	596	AVO	1.52	1.81	1.80	1.80	1.79	1.68

### PM Peak Hour Person-Trips and Vehicle-Trips by Direction

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Mode		Residential			General Retail		ď	Quality Sit-Down	c	Comi	Composite Restaurant	ant	á	Daycare Center			Overall Total	
	٥	Out	Total	ď	Out	Total	Ē	Out	Total	In	Out	Total	In	Out	Total	ll	Out	Total
Auto	418	211	629	144	154	298	36	38	74	246	263	605	55	58	113	899	724	1,623
Transit	242	91	333	16	21	37	4	2	6	27	36	63	9	80	14	295	161	456
Walk	65	58	123	58	61	119	14	16	30	100	103	203	22	23	45	259	261	520
Other	40	56	99	9	10	12	r-t	2	8	10	11	21	2	m	S	59	48	107
Total Person Trips	765	386	1,151	224	242	466	55	61	116	383	413	796	85	92	177	1,512	1,194	2,706
Total Vehicle Trips	310	104	414	79	98	165	20	21	41	134	148	282	30	33	63	573	391	964
Average Vehicle Occupancy	1.35	2.04	1.52	1.83	1.79	1.81	1.80	1.81	1.80	1.83	1.78	1.80	1.83	1.76	1.79	1.57	1.85	1.68

# PM Peak Hour Person-Trips and Vehicle-Trips by Direction - Internal and External (POST-INTERNAL TRIP CAPTURE) Weekday AM Peak Hour

Mode		Residential			General Retail		ð	uality Sit-Down		Comp	Composite Restaurant	ant	٥	Daycare Center			verall Total	
	E	Out	Total	5	Out	Total	ď	Out	Total	다	Out	Total	rl .	Out	Total	드	Out	Total
Auto	363	186	554	114	124	238	28	31	65	196	211	407	43	47	06	749	665	1,348
Transit	195	86	293	14	16	30	8	D	7	24	56	20	S	9	11	241	150	391
Walk	131	29	198	36	93	179	22	25	47	148	160	308	33	35	68	420	379	799
Other	7.1	35	106	6	10	19	1	7	m	15	16	31	4	4	8	100	89	168
Total Person Trips	765	386	1,151	223	243	466	54	62	116	383	413	796	85	95	177	1,510	1,196	2,706
Total External Vehicle Trips	273	91	364	29	69	132	31	17	33	107	118	226	23	27	20	481	323	804
Total Internalized Vehicle Trips	37	12	49	16	17	33	A	4	80	27	53	99	7	9	13	92	89	160



### 3333 California Street Travel Demand Summary - Senior Housing Scenario, Weekday AM Peak Hour

Land Use Program		
and Use	Size	Units
Residential	558	DO
	235	Studio/1-bed
	323	2/2+bed
	824,691	GSF
Senior Housing	186	DO
General Retail	34,480	SF
Quality Sit-Down	4,287	SF
Composite Restaurant	9,826	SF
Daycare Center	14.650	SF

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Mode		Sanior	General	Quality Sit-	Composite	Daycare			Senior	General	Quality Sit-	Composite	Daycare	AM Peak
	Residential	Housing	Retail	Down	Restaurant	Center	Daily Total	Residential	Housing	Retail	Down	Restaurant	Center	Hour Total
Auto	2,730	681	3,306	548	3,769	627	11,661	399	27	405	46	367	110	1,354
Transit	1,354	361	410	89	468	78	2,739	212	15	20	9	46	14	343
Walk	610	134	1,321	219	1,505	251	4,040	78	S	162	18	147	44	454
	586	7.1	135	22	154	97	707	42	8	17	7	15	5	84
Total Person Trips	4,993	1,247	5,172	857	5,896	982	19,147	731	20	634	72	575	173	2,235
Total Vehicle Trips	1,631	447	1,784	296	2,033	339	6,530	362	1.8	219	25	198	09	781

	_					_	AM Pesk
Mode		Senior	General	Quality Sit- C	Composite	Daycare	Hour
	Residential	Housing		Down	Restaurant	Center	Overall
Auto	54 6%	54.6%	63.9%	63.9%		63.6%	69 09
Transit	29.0%		7.9%	8 3%	8.0%	8.1%	15 3%
Walk	10 7%	10 7%	25.6%	25.0%		25.4%	20.3%
Other	5 7%		2 7%	2.8%	2.6%	2.9%	3.8%
Total			100%	100%			100%
AVO	1.53	1.52	1.85	1.84	1.85	1.83	1.73

## AM Peak Hour Person-Trips and Vehicle-Trips by Direction - Internal and External Trips

The service of the se																					
										Weekday A.	Veekday AM Peak Hour										
Mode		Residential			Senior Housing			General Retail		Qui	Quality Sit-Down		Compo	Composite Restaurant	nt	VEG	Daycare Center		0	Overall Total	
	ē	out	Total	5	Out	Total	Ē	Out	Total	el	Out	Total	ē	Out	Total	Ē	Out	Total	5		Total
Auto	134	592	399	23	9	27	500	196	405	24	22	46	189	178	367	57	53	110	636	H	1,354
Transit	58	154	212	12	~	15	56	21	20	8	8	9	92	50	46	60	9	14	136	-	343
Walk	37	41	. 78	4	-	8	83	79	162	6	6	18	75	72	147	22	22	44	230	_	454
Other	16	56	42	2	-	8	6	80	17	1	1	7	00	7	15	7	8	2	38	_	84
Total Person Trips	245	486	733	41	6	05	330	304	634	37	35	72	298	277	575	89	84	173	1,040	-	2,235
Total Vehicle Trips	99	197	797	SI	6	13	115	100	219	13	12	25	104	26	198	31	29	09	342	439	781
Average Vehicle Occupancy	2.06	1.35	1.53	1.53	1.47	1.52	1.82	1.88	1.85	1.85	1.83	1.84	1.82	1.89	1.85	1.84	1.83	1.83	1.86	1.64	1.73

Aode Split 60 6% 15 3% 20 3% 3 8%
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August 28, 2019 Letter of Laurel Heights Improvement Association to San Francisco Planning Commission

Re: 3333 California Street, San Francisco, CA Record Number: 2015-014028CUA/PCA/MAP/DUA Certification of Final EIR Planning Commission Hearing: September 5, 2019

**EXHIBITS N - EE** 



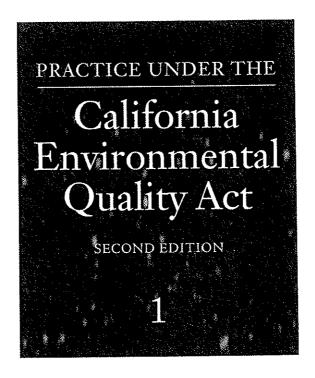
Washoe Meadows Community v Department of Parks & Recreation (2017) 17 CA5th 277, 288. The lead agency in Washoe Meadows argued that it was appropriate to evaluate several possible alternatives instead of identifying a proposed project, which is similar to the approach allowed for federal environmental reviews under the National Environmental Policy Act; the court rejected that argument, holding that a proposed project must be identified in the EIR.

An EIR's analysis of alternatives should "explain in meaningful detail" a range of alternatives to the proposed project. Laurel Heights Improvement Ass'n v Regents of Univ. of Cal. (1988) 47 C3d 376, 406. Informationsufficient to allow an informed comparison of the impacts of the project with those of the alternatives should be provided. Kings County Farm Bureau v City of Hanford (1990) 221 CA3d 692, 733 (absence of comparative data precluded meaningful consideration of alternatives).

The analysis is sufficient, however, if it assesses the relative merits of the project and the alternatives. Del Mar Terrace Conservancy, Inc. v City Council (1992) 10 CA4th 712 (upholding EIR that described three alternative freeway alignments in detail and included table comparing their environmental impacts); Save San Francisco Bay Ass'n v San Francisco Bay Conserv. & Dev. Comm'n (1992) 10 CA4th 908 (upholding EIR's discussion of alternatives that described its findings on merits of each alternative). An EIR's discussion and analysis of alternatives need not be exhaustive. For example, text discussing the alternatives selected for evaluation, along with a comparative matrix, is sufficient. Sierra Club v City of Orange (2008) 163 CA4th 523, 547. An EIR's evaluation of an alternative does not require the preparation of design plans or architectural drawings of alternatives, and it is appropriate to rely on estimates of square footage. Los Angeles Conservancy v City of W. Hollywood (2017) 18 CA5th 1031, 1038.

In appropriate circumstances, an EIR's analysis of alternatives can take account of the obvious. "While some conclusions may require an extended analysis to justify them, others are so simple they are almost self-explanatory." Save Our Residential Env't v City of W. Hollywood (1992) 9 CA4th 1745, 1754. In Los Angeles Conservancy v City of W. Hollywood (2017) 18 CA5th 1031, 1038, the court cited this axiom in upholding an EIR discussion that stated that retaining an existing building would not allow the project to be constructed, because the existing building and the project were located on the same site.

The analysis of alternatives must compare the adverse impacts of the alternatives with the adverse impacts of the proposed project, which are



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### March 2019 Update

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### Statement of Richard Frisbie

I am a mechanical engineer and practiced engineering for approximately 37 years.

In performing the initial calculations of the dimensions in the Community alternatives, I used data set forth in the developer's site survey and architectural plans.

I reviewed the analysis by San Francisco Public Works of the Community alternative. SF Public Works' analysis is inaccurate because it is based on mischaracterizations of the Community alternative, erroneous assumptions and unsupported conclusions.

In calculating the number of units that would fit within the Community alternative, SF Public Works used unit sizes considerably larger than the unit sizes used in the developer's July 3, 2019 plan set. (See Exhibit A attached, developer's plan excerpts) The developer's Sample Unit Plans for Plaza A were approximately 514 sf for a Junior, 601 sf for a 1-Bedroom, Back, 662 sf for a 1-bedroom, 896 sf for a 2- bedroom, and 1,410 sf for a 3-Bedroom. (Ex. A - July 3, 2019 plan sheets A 2.30, A3.30, A6.30. A9.30, A8.30, and A7.30) However, to calculate the number of units that could fit within the Community alternative, SF Public Works unreasonably assumed significantly larger unit sizes of 750 sf for a 1-bedroom and 1,100 sf for a 2-bedroom. (SF Public Works, p. 6)

The claim of SF Public Works that all the buildings in the community alternative should reserve 26% to 30% of the gross square footage for circulation space (for elevators, stairways, hallways, etc.) and that 70% to 74% of the space could be used for residential use (known as the "efficiency" factor) is clearly inaccurate and lacks enough relevant information that a fair argument can be made to support the conclusion. The efficiency factor depends on the size and type of building and decisions as to the design of the building. Yet, Public Works used the same efficiency factor for 4-story flats that would not have corridors and multi-unit buildings that would.

SF Public Works' conclusion at pages 8-9 that the California Front and Back buildings would have an efficiency of approximately 65% and 42%, respectively, was based on the erroneous assumption that each building would have one elevator, two stairs, corridor, and mechanical shafts within each building. Under a design intended to maximize efficiency, which we had discussed, two adjacent flat-type buildings would share one elevator, one common stairway and one mechanical shaft.

Current information posted online by architects supports the efficiencies used in the Community Preservation alternative and Community 744-unit Variant, in that it states that:

An efficient floor plan of a multi-unit apartment building will have a circulation area of 11 to 15% of the Floor Plate area – circulation area, but should not exceed 20%. This includes area for Lift lobby and staircase. So, if your floorplate area is X and circulation is Y, then Y should not exceed 20% of X-Y.

In the case of a private residence of 750 sq.ft to 1000 sq.ft., the circulation space should not exceed 30 sq.ft. In larger residences, the circulation space can be minimized by incorporating the same in the living areas....

Typically, we target 85% or better. Every building has its own challenges and constraints but if you start going below 85% your [sic] not giving your client a good return on their investment. (Ex. B- How much circulation percentage should a residential building have?)

As to the main building, TreanorHL verified the same unit count in the Community Alternative as was in the developer's plans, and did not restrict the units to studios or junior 1-bedroom units.

Also, at page 6-7, Public Works did not express agreement with the developer's statement that the Community alternative plan for the existing building would result in the majority of units that range from 16 feet wide by 50 feet deep to 13 feet wide by 61 feet deep. Public Works merely agreed that such sizes would be undesirable. *Ibid*.

The site plan of the Community alternatives showed the California Back buildings fronting on the paved area off the Mayfair entrance to the site and did not indicate that the California Back buildings would be accessed from the rear yards of the California Front buildings, as Public Works unreasonably assumed at page 9.

Public Works erroneously claims that the Community alternative does not describe how cars can access the proposed basement parking without the circular speed ramps to the existing parking garage, which are to be demolished. Exhibit C to the Community alternatives was a circulation diagram that showed access for all vehicles to underground garages at the both the Presidio entrance and the Laurel/Mayfair entrances.

Public Works also failed to take into account the flexibility built into the Community alternatives at page 9, which states:

The Community Alternative/Variant would comply with all applicable laws and regulations, including by making any modifications in the design needed to achieve such compliance or to provide additional space for necessary functions.

Also, Public Works did not conclude that the Community Alternative Variant could not fit 744 residential units.

Based on inaccuracies like those described above, the Public Works analysis of the Community Alternative is not credible.

Dated: August 27, 2019

Richard Frisbie

Buildings Architecture Construction Real Estate

### How much circulation percentage should a residential building have?

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### 6 Answers



Samarjit Sharma, Architect

Answered Jan 24 2017 - Author has 144 answers and 106.3k answer views

An efficient floor plan of a multi-apartment building will have a circulation area of 11 to 15% of Floor Plate area - circulation area, but should not exceed 20%. This Includes area for Lift lobby and staircase. So, if your floor plate area is X and circulation area is Y, then Y should not exceed 20% of X-Y.

In case of a private residence of 750 sq. ft. to 1000 sq. ft., the circulation space should not exceed 30 sq. ft. In larger residences, the circulation space can be minimized by incorporating the same in the living areas.

The minimization of circulation spaces is achieved by following a very simple thumb rule. The length of the building should not exceed twice the width of the building. This will prevent long corridors for the most part.

Hope this helps, but architecture is very case sensitive and this question is very open ended.

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### Related Questions

More Answers Below

How much circulation percentage should a commercial building have?

What circulation percentage should an assembly building have?

What is the labour cost for building a residential building in percentage?

What is the procedure to convert a residential building into a commercial building?

What is the capacity of a 20,000 square foot building?



Daniel Ruzeu, M.Arch. Architecture, Columbia University (2009) Answered Sep 24, 2017 - Author has 572 answers and 406k answer views

Typically we target 85% or better. Every building has its own challenges and constraints but if you start going below 85% your not giving your client a good return on their investment.

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Jim Laabs, MBA Business, University of Wisconsin - Madison Answered Oct 4, 2018 - Author has 4.1k answers and 766.6k answer views

Edit: Oops, looks like I misunderstood the question.

Air circulation? It depends on local building codes. But ASHRAE 62 residential ventilation requirements is a good guideline since many states and municipalities tend to set their codes based on that.

cubic feet/minute outdoor air = (sq ft of space x .03) + (no of bedrooms + 1) x 7.5

Example for a 2000 sf 4 bedroom house

 $(2000 \times .03) + (5 \times 7.5) = 60 + 37.5 = 97.5 \text{ cfm}$ 

That works out to about 120,000 cfm per day. Our example home is about 18,000 cubic feet (2000 sf x 9 foot ceilings) so that is about 6-2/3 air changes per day. If you really wanted to minimize indoor pollutants, you could go up to 400 cfm, which would be an air change every hour. That would be pretty expensive for a typical home, but I have seen high end houses with that level of ventilation.

More and more people are installing ERV (energy recovery ventilation) in their homes to ensure they get the amount of fresh air needed. Homes are being built more air tight so mechanical ventilation is becoming more necessary.

798 views

Michael Freiert, BIM Manager, designer of various things Answered Jan 26, 2018 - Author has 549 answers and 455.8k answer views

Are we talking multi family row houses? Interior hallway access apartments? Single family homes? Are the apartments small studios or most of the floor multi-bedroom suites? A tiny house? A mansion (or memansion)?

Do you need internal dedicated circulation or is it open floor plan? Is it open floor plan? Do you need common access halls? How much of the building includes common (including maintaince/utility) areas that will need circulation space?

A single small to average residential unit with exterior access is probably going to have a hallway per level, each about half the length of the unit and 5-20% of the width. Call that about 10% if you include a stairway? In an open floor plan it may be almost none.

A large home may have multiple parallel halls and stairs per floor, not to mention foyers which are functionally a circulation space. I've worked on a house that easily pushed 25% as circulation

A dense studio apartment building may see a 5' wide corridor in a 30' wide building for at least 15%, higher once you include building common areas.

A floor of larger apartments may see only a 10'x10' elevator lobby for ~200 sqft serving (4) 3000+ sq ft units, each of which may have a half or more open floor plan.

Somewhere between 0% and 20%?

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How can I get more money to buy a residential building?



Ian Jones, Courses Construction, Ryerson University (1967)
Answered Feb 23, 2018 - Author has 188 answers and 102.9k answer views

An efficient hi rise typical floor should have no more than 15% for the core leaving the other 85% as gross saleable area.

Best one we did was 10% core with 2 elevators and a scissors stair, picking up an extra 5% of saleable area per floor.

ie. 10,000 sf floor plate = 500sf extra saleable area x 30 floors = 15,000sf x 600 per sf = 9,000,000 extra revenue by making the architect work smarter.

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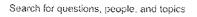
Can you ever build a commercial building on a lot that is residential?

What are the differences between a public building and a residential building?

How can I build a residential building in my own land?

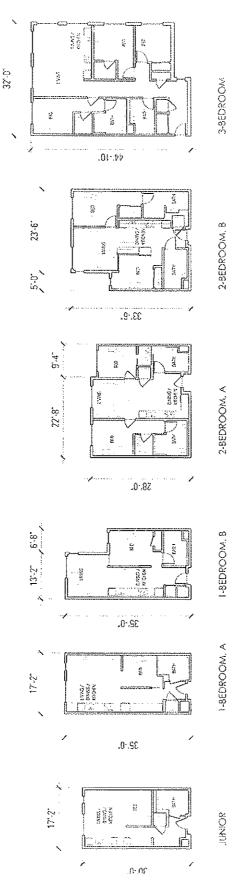
What is the standard height of the foundation of a residential house or two-storey building?

What is a botter buy a commercial building or a residence building?



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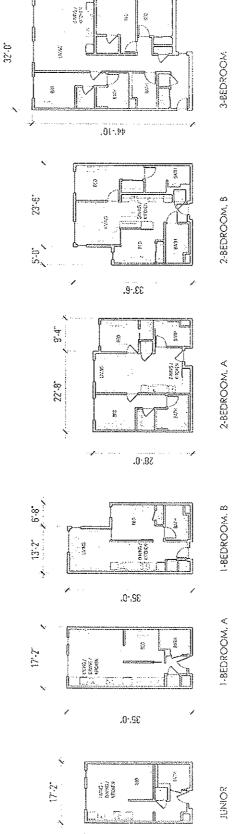


NOTE: UNITS ARE SHOWN FOR SCALE & REFERENCE ONLY, ADDITIONAL UNIT TYPES NOT SHOWN,

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3-8503/00/4

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H-BEDROOM I-BEDROOM

3-BEDROOM

2. ILLUSTRATIVE UNIT PLANS - CENTER 8

1. ILLUSTRATIVE UNIT PLANS - CENTER A

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3333 CALIFORNIA STREET SAMPRANCISCO. CA
SKS (SONTA) SARDING SAR SEGNICOS (MENTER)

7,3,0019 PLANNING APPLICATION SUBMITTAL (REVISED)

9103,2019 PLANNING APPLICATION SUBMITAL

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3-BEDROOM

2-8EDROCM

1-8EDR00W

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TOWNHOUSE LEYEL 2

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GAMS See A

W00003

TOWNHOUSE LEVEL:

2-BEDROOM

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NOTE: UNITS ARE SHOWN FOR SCALE & REFERENCE ONLY, ADDITIONAL UNIT TYPES NOT SHOWN.

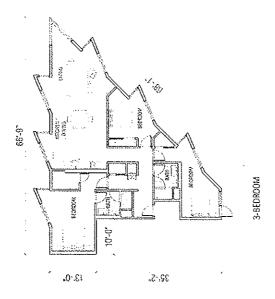
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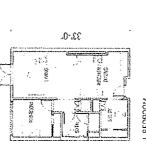






27'-0" .0.18

2-BEDROOM



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NOTE: UNITS ARE SHOWN FOR SCALE & REFERENCE ONLY, ADDITIONAL UNIT TYPES NOT SHOWN,





97,03,3019 PLANNING APPICATION SUBMITTAL

I will address each sub-item after the Executive Summary which follows below.

Public Works, PW, made no attempt to contact the Community and seek clarification or guidance. Instead, their source of information, interpretation and assumptions was solely the Project Sponsor whose only objective was to oppose the Community plan.

See attached documents for reference, including references therein.

Had PW spent a little time and contacted the Community they could have avoided misstating and misrepresenting the Community's parking plan.

### **EXECUTIVE SUMMARY**

Industry Standard for a long span parking garage is 350 square feet per space. The Community used an average of 438 square feet per space, a 25% increase. This is exceedingly conservative. PW chose to ignore this conservative factor throughout which compromises any conclusions drawn by PW.

Furthermore, industry standard calls for 400+square feet per space for mixed use and even a higher average for retail. The Community plan calls for zero retail. So, the Community plan is even more conservative. PW's conclusions that the Community plan is not achievable is an unsubstantiated opinion that belies the facts.

The Developer has retail spread along a 750ft length of California St. and needs an average of 478 square feet per space. In addition, the Developer has multiple parking garages which are inherently less efficient and yet has an average allocated space of less than 9% greater than the Community plan. On this basis alone one would conclude, with no other factors being considered, that the Community Plan can park approximately 420 cars, far short of the highly imaginary 323 shown in Table 3. The 323 number is incorrect and is based on a series of inaccurate assumptions, mostly provided by the Project Sponsor.

The fact that no retail exists in the Community plan; that more parking spaces, 896 vs 460, significantly increases the number of oversized ADA spaces mandated; that retail imposes a factor that is anywhere from 15%, the very minimum, to as much as 35%, greater than an all residential parking garage makes it abundantly clear that the Community plan is either conservative or the Developers' plan is totally inadequate to serve the needs of 896 parking spaces incorporating retail use.

Using the three all residential buildings, Draft EIR Table 2.2, Masonic/Euclid/Mayfair yields an average of 356 square feet per space. Compare this to the Community all residential average of 438 square feet per space-a 25% difference. PW's unsupported and incorrect conclusions are highlighted by this single comparison.

In addition, the Community plan call for only 4 freight loading zones versus 6 as we do not accommodate retail and the intense truck traffic related to its use.

All in all, the Community plan provides more residential based square feet per parking space.

Comments to Individual sub-items 2(a) through 4.

2(a)/TABLE 3: PW's estimate of 323 parking spaces is an unsubstantiated opinion based on misunderstanding and incorrect application of the facts.

(b) Incorrect, inaccurate and misleading. Nowhere has LHIA called for each of the 28 buildings to have an individual elevator and stairway accessing the garage. Equally misleading is the use of the term "28 buildings." California Front and

Back consist of two buildings containing individual units. Direct access does not equate to exclusive access. The Project Sponsor's claim of "an inefficient garage" is an unsubstantiated opinion and a complete misunderstanding or misrepresentation of the facts presented. PW failed to analyze this claim using accurate and correct information. PW's failure to contact the Community highlights the failure to perform a thorough, accurate and relevant analysis of the Community's plan.

- (c) Unsupported by facts; based on incorrect assumptions as noted above.
- (d) Pure speculation and an unsubstantiated opinion. The Community plan did not, does not, will not call for 28 elevators, stairways, etc.
- (e) Unsupported by facts. Nowhere does the Community indicate a "Walnut Garage."
- (f) Unsubstantiated opinion. The Community's new underground garage is accessed from Presido Ave. via the newly designed entrance. The garage is also accessed from Walnut and Mayfair further emphasizing the unsubstantiated nature of this opinion.
- (g) Incorrect and inaccurate conclusion. Based on the square footage of the garage and the conservative numbers applied by the Community 460 spaces are clearly achievable.
- (h) The Sponsor excavates on every quadrant of the site and on virtually 100% of the site not covered by the main building so any claim as to the amount of excavation is both misleading and an attempt to inject inaccurate information into the discussion. It should be noted that excavating under the existing parking lots along California St. is the most expeditious, least disruptive, least polluting and technically soundest of all the locations on the 10- acre site.
- (i) Unsubstantiated opinion based on incorrect assumptions. A simple phone call by PW would have made this obvious from the outset. Ignoring relevant information, the Community, casts doubt on the intentions of the PW to carry out a thorough, accurate, correct and relevant analysis of the Community plan.
- (k) An incorrect conclusion not supported by the facts. The Presidio Ave. entrance connects directly to the new underground garage via the newly designed entrance.

3. Either an unsubstantiated opinion or an incorrect and inaccurate conclusion based on misapplying the Community plan.

F. Richard Frisbie:

Date:

8.27.2019

Parking Garage

Two blocks to the east along Romaine St., Parking Structure C Topped out for The Lot Studios around the same time. This eight level, long-span parking structure was completed in the design-build project delivery format. Largo Concrete was the general contractor self-performing the concrete place and finish and unit masonry scopes of work. The structure totals 140,79Qgsf and holds 398 total stalls with two elevators and two staircases. Working for the same <a href="CIM Group">CIM Group</a>, the parking structure was designed by <a href="Parking Design Solutions">Parking Design Solutions</a> and <a href="Ficcadenti Waggoner and Castle Structural Engineers">Ficcadenti Waggoner and Castle Structural Engineers</a> and is scheduled to open early summer 2018.

Avg. per stall: 354gsf.

For planning purposes, 350 **square feet per space** is a good rule of thumb for less- optimal **garages**. Short-span **parking** structures generally can range between 360 and 400 **square feet per parking space**.

BOISE, IDAHO Prepared for

PARKING STRUCTURE

Design Guidelines

FINAL August 201

Kimley»Horn
Expect More Expensions Baller



## Parking Layout Efficiency

structure per space and the cost per space drops. Non-parking speed ramps for Parking efficiency directly correlates with the construction cost per space. Build less Parking efficiency is expressed in square feet of construction per parking space. example increase the square feet per space.

incorporated within the structure is also usually included in the calculation. including the stairs and elevators and non-parking ramps. Any retail space that is Parking efficiency should be calculated considering the total parking structure size

Typical ranges of parking structure efficiencies are:

- Short Span Structural System = 330 to 390 Square Feet per Space
- Long Span Structural System = 300 to 340 Square Feet per Space
- Mixed Use Developments with retail, residential and parking can be as high as 400+ square feet per space

# PARKING EFFICIENCY MAKES A BIG DIFFERENCE - EXAMPLE

- 360 sf / space X 500 spaces X \$45 / sf = \$8,100,000
- 330 sf / space X 500 spaces X \$45 / sf = \$7,425,000

A difference of \$675,000 or \$1,350 per space!



**NAVIGATION** 

### What are some typical standards for parking garage functional design?

5 YEARS AGO BY TIMHAAHS IN FUNCTIONAL DESIGN, ARCHITECTURE & ENGINEERING

The best design of a parking facility depends first and foremost on a number of factors including user, location, federal/state/local codes, building size, functional layout, etc... However, there are typical design standards common in many parking garage designs. The following are some useful standards that may help answer some of your most common questions:

### Parking Space Size

The size of parking spaces allowed is mandated by the local zoning or land development ordinances. For example, in Philadelphia commercial districts, the minimum size parking space allowed is 8'6" x 18'0".

The size for parking stalls should be based on typical use. A general rule for this is: the lower the turnover, or the more urban a location is, the smaller the parking spaces can be tolerated by users. On the other hand, areas with high turnover, and which are less urban, will generally have larger spaces. However, variances or design wavers are often sought for parking space dimensions when conditions justify the design.

### Vehicle width vs. Parking Stall Width

A car door opening clearance is approximately 20 to 24 inches. Adjacent parking spaces share this clearance while vehicles are parked. When parking adjacent to a built wall or structure, a common practice is to add an additional foot of stall width to the typical space.

### Vertical circulation for ramps

Ramp slopes with parking generally range from 5% to 6.67% maximum (per Building Code). When additional overhead height is required at a tier, a speed ramp can be incorporated into the design for vehicle circulation. Speed ramp slopes can range from 6.67% to 16 % with appropriate transition slopes included at top and bottom.

Considering vertical circulation of floor to floor heights, these typically range from 10'0" to 12'0". Applicable Building Codes, Accessible Codes and local codes dictate minimum required overhead clearance heights. Typical minimum required overhead clearances are 8'-2" for van accessible parking spaces, and 7'-0" for typical spaces and other accessible spaces. In multi-level parking structures, van accessible parking spaces

Table 2.2: Characteristics of Proposed Buildings on the Project Site

Building Characteristics	Center Bldg.	Center Bldg.	Plaza A	Plaza B	Walnut	Masonic	Euclid	Laurei	Mayfair	T) = (2)
	K		Building	Building	Building	Building	Building	Duplex (7)	Building	1 012188
Location	Center (Office Bldg.	of Site Renovation)	5.6	California Street (New Construction)	set ion)	Presidio/Masonic/Euc (New Construction)	Presidio/Masonic/Euclid (New Construction)	Laurel Street (New Construction)	Street	
Building Height	80 ਜੰ.	80 – 92 ft.	45 ft.	45 ft.	45 ft.	40 A.	40 ft.	37 - 40 ft.	40 B	-
Number of Stories	9	6-7		-7	3	4.6	4-6	77	, - <del></del>	-
Use (gsf)	89,465	252,681	144,878	145,618	263,453	124,892	233.623	58.839	58.821	1.372.270
Residential	89.465	233.423	66.150	72.220	0	88,906	177,345	54.111	43.071	824.691
Office	0	0	0	0	49.999	C	0	0	0	49.999
Retail	0	0	14.178	11.328	24,324	0	4.287	0	0	54,117
Child Care	0	0	0	0	14.690	0	0	0	0	14,690
Parking	0	19,258	64.550	62,070	174.440	35.986	51.991	4.728	15,750	428.773
Dwelling Units	51	139	67	61	0	19	135	4	30	558
Studio+1 bedroom	24	50	40	30	0	27	50	0	-	235
2 bedroom	Ξ	51	23	25	0	24	54	quest	9	195
3 bedroom	10	29	***	9	0	10	31	<b>,</b>	10	101
4 bedroom	9	6	0	0	0	0	0	12	0	27
Vehicle Parking Spaces	S1 NoteA	139 Note A	170	95	177	19	148	14 Note B	30	896 Note C
Residential	5.1	139	67	61	0	61	137	12	30	558
Retail	0	0	43	34	48	0	13	0	0	138
Commercial	0	0	09	0	0	0	0	0	0	09
Office	0	0	0	0	100	0	0	0	0	100
Child Care	0	0	0	0	29	0	C	0	0	29
Bicycle Parking Spaces Note D	98	153	96	77	40	29	156	5	33	693
Residential Class I/Class 2	51/5	139/14	67.77	61/6	0	61/6	135/14	14/1	30/3	558 / 56
Retail Class 1 Note E/Class 2	0	0	10/12	01/0	4/4	0	0/7	0	0	14 / 33
Child Care Class 1/Class 2	0	0	0	0	10 / 10	0	0	0	0	10 / 10
Office Class 1/Class 2	0	0	0	0	10 / 2	c	0	0	0	10/2

Notes:

A Parking for Center Buildings A and B would be provided in Basement Levels B1 and B3 under Center Building B (32 spaces), in Basement Level B1 of the proposed California Street Garage (106 spaces), and in Basement Lovel B1 of the proposed Masonic Garage (52 spaces),

B The two parking spaces for the Laurel Duplex without a private parking garage would be located within the proposed Masonic Garage.

C Includes the 11 car-share spaces and 26 Americans with Disabilities Act accessible spaces. Pursuant to San Francisco Green Building Code sections 4.106.4 and 5.106.5 up to 8 percent of parking spaces would be developed with electric vehicle charging stations and other spaces would be electric vehicle ready.

D. Residential class 1 spaces would be located within storage rooms in the proposed buildings. Class 2 spaces would be located along adjacent sidewalks near proposed retail and

residential entrances.

E Retail class I spaces would be located in two separate bicycle storage rooms in Basement Level B1 - one under the Plaza B Building and one under the Walnut Building. Source: Laurel Heights Partners, LLC; BAR Architects; Solomon Cordwell Buenz, and Jensen Architects (August 2017)



Home - Volume 43 (2013-14) - Volume 44 Number 08 - Developing divisions

### **Developing divisions**



steve@sfbg.com

With the clink of champagne glasses, kudos to the development team and its community partners, and the cutting of a red ribbon, the new housing development at 38 Dolores St. had its grand opening celebration on Nov. 14, a couple weeks after the Whole Foods on its ground floor opened its doors to Market Street.

In many ways, 38 Dolores is pretty typical of the new housing opening in this part of town these days. It took seven years to complete the project, "on time and under budget in a way this community can be proud of," developer Dan Safier of The Prado Group told the assembled crowd.

That process included countless meetings with various community groups, who successfully pushed for progressive features that include some key pedestrian safety improvements and limiting the number of parking spaces to just one spot for every two units.

"It was an amazing example of a developer working closely with the various neighborhood associations." area Sup. Scott Wiener told the well-dressed crowd at the event, a sentiment

also voiced by his predecessor, Bevan Dufty, who said, "They've been the gold star as far as listening to people."

But not everyone agrees with that praise. Peter Cohen, a housing activist who also works for the San Francisco Council of Community Housing Organizations, said Safier broke longtime assurances that he would satisfy his affordable housing obligations by building belowmarket-rate (BMR) units on site, rather than just paying an "in-lieu" fee to the city, two options under Inclusionary Housing Ordinance.

"They basically did a bait and switch. It was a real bullshit move," Cohen told the Guardian, noting how desperate the city is for more affordable housing now. "The bottom line is they promised to do affordable housing on site and they didn't do it."

"There are so many nuances to how affordable housing works," Safier told us, vaguely explaining why he couldn't do on-site BMR units, including the demands of project funders. He worked with the city on doing a land dedication for off-site affordable housing, but the Mayor's Office of Housing was resistant, and it would have required a change in city codes to do in this part of town.

"They wanted to develop faster than we had to capacity to develop," MOH Director Olson Lee told the Guardian, explaining that his office was dealing with transitioning affordable housing projects under the old Redevelopment Agency and it didn't have the capacity to help Safier build the BMR units now. Instead, it accepted a check for about \$5 million.

"We felt there should be more options for developers," Safier said, "But the reality is the city needs the fees."

Yes, over the long haul, the city does need those fees to build more BMR units, which require big public subsidies to build in San Francisco. But those will take many years and much effort to build. Lee said the \$37 million now in the city's Affordable Housing Trust Fund will eventually translate into 185 BMR units.

"That's why we want the units on site," Cohen said, "because the clearest path is to build the damn units in your building."

By time the party started at 38 Dolores, 40 of its 81 units had already been rented, and the developers expected even more to be rented out by the end of the party, after attendees had toured the open units sipping free champagne or cocktails.

"If you've brought your checkbook, you can even rent a unit," Safier told the crowd.

Prices ranged from \$2,950 per month for one of a half-dozen 505-square-foot studio apartments to \$4,395 for the two-bedroom, two-bath, 1,099-square-foot units that the event was really pushing up to \$8,100 for a few three-bedroom apartments with the balcony and killer views on the seventh floor.

Compare those rents to San Francisco's median rent of nearly \$1,500, the highest in the nation, according to a recent US Census report, which also noted that occupants in 38

percent of rental units in the city pay more than 35 percent of their income on rent. And then you get a pretty good idea how San Prancisco is changing.

### FLOOD OF HOUSING

Thousands of newly constructed housing units are now coming online in San Francisco, spurred by the city's hot housing market, pent-up demand and capital following the 2008 financial crisis, and approval of city plans that regulate development by neighborhood, such as the Market and Octavia Neighborhood Plan, which has unleashed a flood of development along mid- and upper-Market Street.

The good news is apartments are finally being built in a city where nearly two-thirds of residents rent — even in projects like 38 Dolores that are permitted as condos — but the bad news is that they're really expensive and the city isn't building anywhere near enough affordable units to address demand by current residents. And most developers are opting to "fee out" rather than build BMR units, meaning it will take several years to address this growing economic imbalance.

The trend in what's being built in San Francisco and what those units are going for only increases the pressure on tenants in rent-controlled apartments, who are now being displaced at rates not seen since the last dot-com bubble, both through evictions and buyouts. Contrary to the supply-and-demand arguments made by pro-development cheerleaders, there's no evidence that the housing supply now being built is doing anything to help most San Franciscans.

"Trickle down theory is going to fuck San Francisco, it's not going to help it," Cohen said.

San Francisco's Housing Element, a study of housing needs mandated by state law to ensure that cities are addressing their affordable housing obligations, called for the city to build 31,193 housing units from 2007-2014. Partially as a result of the 2008 financial meltdown, San Francisco fell far short of that goal, with just 11,130 units getting permitted, most of those market-rate units.

But that was enough to meet 60.6 percent of the projected need for serving those carning t20 percent of area median income and above, whereas the city entitled just 360 units for moderate income San Franciscans — 5.3 percent of the projected need — and 3,313 units for low-income (80 percent of AMI and below), or 27.3 percent of the need.

So it isn't that San Francisco is facing a "housing crisis," as Housing Action Coalition and others often proclaim, it's that the city is facing an *affordable* housing crisis driven by not building enough below-market-rate housing and allowing real estate speculators to caunibalize the city's rent-controlled housing.

Even though voters last year approved Prop. C, creating the Affordable Housing Trust Fund to address the real crisis, it won't generate nearly enough money to meet the long-term need And in the short-term, it actually reduced the number of on-site BMR units that developers must build, from 15 percent to 12 percent.

"The reason for changing the inclusionary to 12 percent was to incentivize the on-site," MOH's Lee told us, although he admitted that it had limited success so far.

### BATTLING FOR BMR

That's not to say there aren't any BMR units going up.

The Mayor's Office says there are 6,168 housing units now under construction in the city, and 1,182 of those are affordable housing. Most of those are in projects that were required to do so because they got a gift of public land, including Lennar Urban's housing development at Hunters Point Shipyard and the housing development that's part of the Transbay Terminal rebuild in SoMa, where the Block 6 project starting next year that will have 70 BMR units out of 479 total.

"The city got that state land and as a requirement of law, it has a high affordable housing requirement," MOII's Lee told us. "Transbay is a great example of how we're encouraging the affordable and market rate to go hand-in-hand, because they really do go hand-in-hand."

Other developers were encouraged by the change in Prop. C, including the massive, 754-unit NEMA apartment complex on Market Street next to the Twitter headquarters, which opted to do the 12 percent BMR on-site rather than 17 percent off-site or the pay of an in-lieu fees that roughly equivalent to 20 percent. Trinity Housing's huge project at 1167 Market will also have 232 BMR units out of 1,900 units total.

"Getting on-site inclusionary has lots of benefits," Lee said. "One, we aren't doing it. Two, it gets done faster. And three, we get a better mix around the city."

While Wiener told us "we need all sorts of different housing," he also said that "we need to do more to have on-site affordable units."

But Cohen said the city isn't doing nearly enough to encourage affordable housing construction, particularly giving how much market-rate housing is being built, which is gentrifying the city and hurting its diversity. He says MOH should increase the in-lieu fees, which are based on construction costs and not what the red-hot market is actually paying for units right now.

"The opportunity cost is far higher to do the unit on site," Cohen said. "The fee is too cheap."

So for now, Cohen works with neighborhood associations and groups such as the AIDS Housing Alliance and the Milk Club to put pressure on developers to do on-site affordable housing, as they've recently been doing to the Texas-based Greystar, which is proposing a 90-unit housing project at on Market at Sanchez.

Activists have pushed and pushed, and they finally felt like they got a commitment from Greystar at the Nov. 11 meeting of the Duboce Triangle Neighbors Association, which is spearheading the effort. But when the Guardian asked the company debilled questions about the issue and its commitment, we got back this vague statement from Raudy Ackerman.

Senior Director of Development: "We recently met with Duboce Triangle Neighbors Association and had a good discussion, where we received a lot of helpful feedback on the BMR units and the overall project. We plan to incorporate their feedback as we finalize our plans with city staff."

Cohen said that's typical of developers these days. "This is the economic reality, is it's a place to make a lot of money off of real estate," Cohen said. "They can very easily play the community like a fiddle, so I'm hoping I can help the Upper Market community beat. Grevstar."

Safier said he doesn't think it's fair or helpful to demonize developers. "I'm not one of those evil developers," Safier said, who criticizes the rich-vs.-poor political dynamics in the city. "I don't think that tug and pull of this city is very productive."

But Cohen said activists need to be vigilant to protect the character of the city in the face of growing profit motives. "It's 24/7 and it just wears people down, and we have to have wins along the way," Cohen said, noting the importance of defeating the 8 Washington project in the last election. "We have to be very loud about how difficult it is to maintain this city's diversity."

November 19, 2013

Steven T. Jones

News & Opinion

Volume 48 Number 08

Election 8 Washington Affordable Housing condos Development Budget Cocktails Housing Real Estate redevelopment Evictions Lennar Mayor News Parking Progressive San Francisco Twitter Wiener Scott Wiener SoMa Sup. Scott Wiener Tenants

1	[Planning Code – Geary-Masonic Special Use District]
2	
3	Ordinance amending the Planning Code to modify the Geary-Masonic Special Use District in
4	the area generally bounded by Geary Boulevard to the south, Masonic Avenue to the east,
5	and Assessor's Parcel Block No. 1071, Lots 001 and 004 to the north and west, respectively;
6	affirming the Planning Department's determination under the California Environmental Quality
7	Act; making findings of consistency with the General Plan, and the eight priority policies of
8	Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and
9	welfare under Planning Code, Section 302.
10	NOTE: Unchanged Code text and uncodified text are in plain Arial font.
11	Additions to Codes are in single-underline italics Times New Roman font.  Deletions to Codes are in strikethrough italies Times New Roman font.
12	Board amendment additions are in <u>double-underlined Arial font</u> .  Board amendment deletions are in <u>strikethrough Arial font</u> .
13	Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.
14	
15	Be it ordained by the People of the City and County of San Francisco:
16	Section 1. Environmental and Planning Code Findings.
17	(a) The Planning Department has determined that the actions contemplated in this
18	ordinance comply with the California Environmental Quality Act (California Public Resources
19	Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
20	Supervisors in File No and is incorporated herein by reference. The Board affirms
21	this determination.
22	(b) On, 2019, the Planning Commission, in Resolution No,
23	adopted findings that the actions contemplated in this ordinance are consistent, on balance,
24	
	adopted findings that the actions contemplated in this ordinance are consistent,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The 2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of 3 the Board of Supervisors in File No. , and is incorporated herein by reference. 4 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will 5 serve the public necessity, convenience, and welfare for the reasons set forth in Planning 6 Commission Resolution No. and the Board incorporates such reasons herein by 7 reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file with the Clerk of 8 the Board of Supervisors in File No. . . 9 Section 2. The Planning Code is hereby amended by adding Section 249.20, to read as 10 follows: 11 SEC. 249.20. GEARY-MASONIC SPECIAL USE DISTRICT. 12 (a) **General**. A Special Use District entitled the Geary-Masonic Special Use District 13 ("District"), the boundaries of which are shown on Sectional Map SU03 of the Zoning Maps of 14 the City and County of San Francisco, is hereby established for the purpose set out below. 15 (b) **Purpose**. In order to provide for a mixed use development project with ground floor 16 retail, and a combination of very low income, low—income, moderate-income, middle-income, 17 and market rate residential units, at densities higher than what otherwise would be permitted 18 in the NC-3 zoning district and 80 foot height district, in an area well-served by transit, there 19 shall be a Geary-Masonic Special Use District consisting o(Assessor 's Block 1071, Lot 003 20 as designated on Sectional Map SU03 of the Zoning Maps of the City and County o(San 21 Francisco. 22 (c) **Development Controls**. Applicable provisions of the Planning Code for NCT-3 23 Districts as set forth in Section 752 shall apply within this Special Use District, except for the 24 following: 25 (1) Use Size. Non-residential uses 3000 square feet and above shall

1	require a conditional use under Section 121.2. Uses more than 6000 square feet in size are
2	not permitted.
3	(2) Accessory Vehicle Parking. There are no minimum off-street parking
4	requirements for any use in this District. No parking shall be permitted above .5 cars for each
5	Dwelling Unit.
6	(3) Car-sharing. Notwithstanding the provisions of section 166, no less
7	than 25% of parking spaces provided shall be an off-street car-share parking space and shall
8	be provided on the building site. Except as expressly provided herein, all other provisions of
9	section 166 shall apply.
10	(4) Parking and Loading Access. Parking and Loading access from Masonic
11	Avenue is not permitted.
12	(5) <b>Dwelling Unit Mix</b> . The project shall provide a minimum dwelling unit mix of
13	(A) at least 40% two and three bedroom units, including at least 10% three bedroom units, or
14	(B) any unit mix which includes some three bedroom or larger units such that 50% of all
15	bedrooms within the project are provided in units with more than one bedroom.
16	(d) Inclusionary Housing. Compliance with the Inclusionary Housing Program can
17	occur in one of the two following methods: In order to allow for the increased residential densities
18	provided by this Special Use District, on site inclusionary units pursuant to Planning Code Section
19	415.6 shall be required and required in the following amounts and income levels.
20	(1) Affordable Housing Fee. Payment of the Affordable Housing Fee pursuant to
21	Section 415. 5 and the following provisions:
22	(1) For a project providing Owned Units, the applicable percentage shall be 33%
23	of the residential gross floor area.
24	(2) For a project providing Rental Units, the applicable percentage shall be 30% of
25	the residential gross floor area.

(c) Use of Fees. MOHCD shall designate and separately account for all fees that it
receives under this Section. The funds shall be used exclusively to acquire and construct a 100%
affordable housing building on a site located within Supervisorial District 2, as it exists as of the date
of the effective date of this Ordinance XXX

(2) <u>On-site Inclusionary Units.</u> On-site units pursuant to Section 415.6 in the following amounts and income levels:

(a) In a rental project, at least 10% of units must be affordable to very lowincome households, at least 4% must be affordable to low-income households, at least 4% must be affordable to moderate-income households and at least 5% must be affordable to middle-income households. For purposes of this section, rental units for very low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for very low-income units. For purposes of this section, rental units for low-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning up from 65% to 90% of Area Median Income eligible to apply for low-income units. For purposes of this section, rental units for moderate-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 120% of Area Median Income eligible to apply for moderate-income units. For purposes of this section, rental units for middle-income households shall have an affordable rent set at 120% of Area Median Income or less, with households earning from 120% to 140% of Area Median Income eligible to apply for middle-income units. For any affordable units with rental rates set at 110% of Area Median Income or above, the units shall have a minimum occupancy of two persons.

(2) (b) In an ownership project, at least 11% of units must be affordable to very low-income households, at least 5% must be affordable to low-income households, at least 5% must be affordable and at least 5% must be affordable

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to middle-income households. For purposes of this section, ownership units for very low-income households shall have an affordable sales price set at 80% of Area Median Income or less, with households earning up to 100% of Area Median Income eligible to apply for very low-income units. For purposes of this section, ownership units for low-income households shall have an affordable sales price set at 105% of Area Median Income or less with households earning up from 95% to 120% of Area Median Income eligible to apply for low-income units. For purposes of this section, ownership units for moderate-income households shall have an affordable sales price set at 130% of Area Median Income or less, with households earning from 120% to 140% of Area Median Income eligible to apply for moderate-income units. For purposes of this section, ownership units for middle-income households shall have an affordable sales price set at 150% of Area Median Income or less, with households earning from 140% to 160% of Area Median Income eligible to apply for middle-income units. For any affordable units with sales prices set at 130% of Area Median Income or above, the units shall have a minimum occupancy of two persons.

(3) The grandfathering provisions in Section 415.3(b) shall not apply. Except as expressly provided in this subsection (d), all other provisions of Section 415 shall apply.

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

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

1	the official title of the ordinance.
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5	APPROVED AS TO FORM:
6	DENNIS J. HERRERA, City Attorney
7	By:
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### SAN FRANCISCO PLANNING DEPARTMENT



To:

Honorable San Francisco Board of Supervisors,

Angela Calvillo, Clerk of the Board

Date:

March 30, 2011

Re:

2009 Housing Element Update

-- Commission Adopted CEQA Findings and draft Ordinance

Staff Contact:

Kearstin Dischinger, Planner, (415) 558-6284

Kearstin@sfgov.org

Reviewed by:

housing issues.

Sarah Dennis-Phillips, Senior Planner (415) 558-6314

On March 24, 2011, the San Francisco Planning Commission adopted the 2009 Update of the Housing Élement of the General Plan, and certified a full Environmental Impact Report on the project. The 2009 update of the Housing Element includes Part 1: Data and Needs Analysis, which contains a description and analysis of San Francisco's population, household and employment trends, existing housing characteristics, and housing needs; Part 2: Objectives & Policies, which sets forth the policy framework to address the needs identified in Part 1; and a series of Appendices including implementing programs as actionable steps towards addressing

This update, required by the State, has been the product of a comprehensive community-based planning effort, led by the Planning Department, in cooperation with the Mayor's Office of Housing and in consultation with a roundtable of other City agencies. Work began in September 2008 when staff convened a 15 member Community Advisory Body (CAB) made up of representatives nominated by each Supervisor to assist staff on draft development. In the two years that followed, the Department also hosted 14 stakeholder sessions focusing on the needs and policy interests of special interest housing groups and organizations; facilitated over 30 public workshops and presentations throughout the City, with several in each supervisorial district; invited community members to provide input at monthly office hours, through an online and written survey, or through written comments; and hosted two "Director's Forums" which enabled the Planning Director to hear directly from the public.

The 2009 update of the Housing Element is required by State Law. Without full approval by our local governing bodies, San Francisco is listed as "out of compliance" by the Department of Housing and Community Development (HCD). This impacts the City's eligibility for state housing, community development and infrastructure funding programs. Full approval, including adoption by the Board of Supervisors, will confirm our continued dedication towards meeting the State of California's objectives towards housing and community development, and will reinstate our eligibility for these funds.

As adopted by the Planning Commission, the 2009 Housing Element begins with four principles:

- prioritization of permanently affordable housing;
- recognition and preservation of neighborhood character;
- 3. integration of planning for housing with jobs, transportation and infrastructure; and
- development of housing that facilitates our City as a model of sustainability.

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The majority of the policies represent these core values and were, in themselves, not the subject of debate. However, the diversity of opinion in San Francisco means that not every policy represents consensus. At the heart of the controversy that remained at the Planning Commission hearing on March 24th were the seemingly opposite goals of enabling growth to address housing needs and preserving established neighborhood character.

This dichotomy of viewpoints is not unique to San Francisco - municipalities throughout the nation are plagued by this conflict: supporting growth in areas well-served by transit to promote a more sustainable future; and the desire to minimize change in established neighborhoods. The 2009 Housing Element attempts to provide a path forward on both issues, by mandating a clear, inclusive, community-driven process for any changes that will enable growth, and by providing policy considerations that are intended to protect what is most valuable about each individual neighborhood.

• Supporting growth through community plans: The Planning Department has in recent years planned for growth through community plans such as the Better Neighborhoods and Eastern Neighborhoods Plans. These plans direct development to areas well-served by transit, to ensure "complete neighborhoods" with supportive infrastructure and other improvements, and to relieve pressure on neighborhoods less able to accommodate growth. This process has provided a way for stakeholders to help direct the future of their area. Participants have been vocal about their support of the practice.

To provide certainty to citizens who feared that the Housing Element would cause increases in density to their neighborhoods without input, the document mandates that this process must continue to be used in the event of proposed changes to land use controls, such as increased housing density or height. It also dictates that any such chances must be generated through a community based planning processes initiated in partnership with the neighborhood, initiated by the Board of Supervisors. It states that any changes to land use policies and controls that result from the community planning process may be proposed only after an open and publicly noticed process, after review of a draft plan and environmental review, and with comprehensive opportunity for community input.

Preserving neighborhood character: Protection of neighborhood character became a major issue
for neighborhoods in the wake of the 2004 Housing Element, which promoted a number of onesize-fits-all strategies that might not be appropriate for some neighborhoods, such as
encouraging higher residential density in neighborhood commercial districts, allowing
flexibility in the number and size of units (density controls), and considering legalization of
secondary units.

The 2009 Housing Element removed these policies, directed that all such changes should only be considered as a part of community planning processes as described above, and included numerous new policies intended to further reinforce the City's support of each neighborhood's individual character. It clarifies support for individual community efforts that support good planning principles, provides a process for Department adoption of neighborhood-specific design standards, acknowledges neighborhood Covenants Conditions and Restrictions (while clarifying that the Planning Department cannot legally enforce CC&Rs), and states that densities in established residential areas should promote compatibility with prevailing



The Draft EIR indicates that any area-wide increases in allowable density would be considered in a separate community planning process, and that such increases would not result from the changes in the Housing Element. Policy 1.6 in the 2009 Housing Element states "consider greater flexibility in number and size of units within established buildings envelopes in community plan areas, especially if it can increase the number of affordable units in multi-family structures." The parameters of the community planning process are further laid out in 2009 Housing Element Policy 1.4 and state that the process must look at each neighborhood individually and occur with neighborhood support. The policies do not state that affordable housing makes increases in density or that impacts to scenic vistas and neighborhood character would be more likely. The commenter is mistaken in concluding that the Housing Element project allows for increased density beyond allowable zoning.

### Comment C-5

Rose Hillson, Member, Jordan JPIA

Although on Page V.C-21 it states that the 2009 HE policies would not be anticipated to promote development to the maximum building envelope, when compared with the 1990 Residence Element it will because of the definition of "neighborhood" and the "community planning processes." To which specific processes are we referring?

### Response to C-5

The intent of the 2009 Housing Element Policy 1.4, which discusses the community planning process, is to ensure significant land use changes are done through a collaborative process with the neighborhood and the City. This is discussed in detail in the 2009 Housing Element and further discussed in the corresponding Implementation Measures, provided in Appendix C of the 2009 Housing Element.

As discussed in the 2009 Housing Element, this collaborative process is specifically referring to community plans, neighborhood specific design guidelines, infrastructure plans, and historic resources surveys, as appropriate. The 2009 Housing Element also details the outreach and environmental review that must be conducted as part of any process. Finally, the discussion on page V.C-21 (Aesthetics) of the Draft EIR concludes that the 1990 Residence Element supports increased density more broadly throughout the City than would the 2009 Housing Element.

The City's housing policy is presented in two ways. In addition to the Citywide goals contained in the Housing Element, the City's General Plan includes numerous smaller area plans or specific plans. These area or specific plans are consistent with the overall General Plan's goals and objectives, but provide more detailed objectives and policies tailored to a specific area, including objectives and policies related to housing. Consistent with this approach, the 2004 and 2009 Housing Elements include a framework for including more detailed housing policies and objectives on a community or neighborhood level, where there is an opportunity for greater community input and more detailed analysis of the neighborhood context. The 2004 and 2009 Housing Elements both support community driven policy changes that include neighborhood input, and advise that proposed zoning changes refer to existing zoning regulations and built form.

Numerous comments on the Revised EIR claimed that the 2004 or 2009 Housing Element would eliminate RH-1 and RH-2 zoning. This is incorrect. If a community planning process is proposed for a specific area, neither the 2004 or the 2009 Housing Element would require changes to regulations for any residential districts, including RH-1 or RH-2 zoning districts. For example, recent community plans (Market and Octavia and Eastern Neighborhoods) did not make changes to parcels zoned RH-1 and RH-2 within the applicable study area. Those area plans – and the policy determinations imbedded in them, including the determination to not change RH-1 and RH-2 zoned parcels – were made through a multi-year collaborative planning process, which included community stakeholders in the specific neighborhoods. However, because RH-1 and RH-2 constitutes 72 percent of all parcels and 50 percent of developable acreage in San Francisco, changes to RH-1 and RH-2 are not precluded by the Housing Element.

Neither the 2004 or 2009 Housing Element, or any of the alternatives analyzed in the EIR Revision, call for changes to the density of RH-1 and RH-2 districts, either on a neighborhood or Citywide level. Instead, various policies in the Housing Elements discuss specific planning tools that can be used in future community or area planning efforts to address residential regulations such as those regarding secondary units, density limits, and parking maximums. However, all versions of the Element call for changes only with neighborhood support or through a community planning process, and advise that changes must be consistent with the existing neighborhood character. The Department notes that Policy 11.4 of the 2009 Housing Element requires the City to "continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan" and that zoning amendments should conform generally to the existing zoning districts as noted on Map 6 "Generalized Permitted Housing Densities by Zoning District." (See Part I Data and Needs Analysis). This policy, table and map are substantially similar to those found in the 1990 Residence Element, particularly with regard to RH-1 and RH-2 zoning.

The Department also notes that the 2004 Housing Element does not specifically reference RH-1 or RH-2 anywhere in the document. The 2009 Housing Element calls out RH-1 and RH-2 districts in the discussion of certain policies (e.g. Policy 1.6 and 11.5), but those discussions relate to the need to respect and maintain existing elements of these districts, particularly the

SAN FRANCISCO
PLANNING DEPARTMENT

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Plan Area / Major Project	Estimated New Housing Construction Potential*
Balboa Park Area Plan	1,800
Market/Octavia Area Plan	6,000
Central Waterfront Area Plan	2,000
Mission Area Plan	1,700
East SOMA Area Plan	2,900
Showplace Square/Potrero Hill Area Plan	3,200
Rincon Hill Area Plan	4,100
Visitacion Valley Redevelopment Plan	1,680
Transbay Redevelopment Plan	1,350
Mission Bay Redevelopment Plan	6,090
Hunters Point Shipyard/ Candlestick Point	10,500
Total Adopted Plans & Projects:	41,320
Executive Park	1,600
Glen Park	100
Park Merced	5,600
Transit Center District	1,200
West SOMA	2,700
Treasure Island	8,000
Total Plans & Projects Underway:	28,844
TOTAL	70,164

<sup>\*</sup> From individual NOP and EIR, rounded

### POLICY 1.3

Work proactively to identify and secure opportunity sites for permanently affordable housing.

While in previous years land prices have dramatically inereased, current land prices seem to have stabilized. The City should aggressively pursue opportunity sites for permanently affordable housing development.

Publicly-owned land offers unique opportunity for development of affordable housing. The City should regularly review its inventory of surplus, vacant or underused public property, through an annual reporting process that provides such information to the Mayor's Office of Housing. Public property no longer needed for current or foreseeable future public operations, such as public offices, schools or utilities should be considered for sale or lease for development of permanently affordable housing. The City should

ensure that future land needs for transit, schools and other services will be considered before public land is repurposed to support affordable housing. Where sites are not appropriate for affordable housing, revenue generated from sale of surplus lands should continue to be channeled into the City's Affordable Housing Fund under the San Francisco Administrative Code Sections 23A.9 - 11.

The City's land-holding agencies should also look for creative opportunities to partner with affordable housing developers. This may include identifying buildings where air rights may be made available for housing without interfering with their current public use; sites where housing could be located over public parking, transit facilities or water storage facilities; or reconstruction opportunities where public uses could be rebuilt as part of a joint-use affordable housing project. Agencies should also look for opportunities where public facilities could be relocated to other, more appropriate sites, thereby making such sites available for housing development. For example, certain Muni fleet storage sites located in dense mixed-use or residential areas could be relocated, thereby allowing in-fill mixed use or residential development. The City should proactively seek sites for affordable housing development by buying developments that are no longer moving towards completion. This may include properties that have received some or all City land use entitlements, properties that have begun construction but cannot continue, or properties that have completed construction, but whose owners must sell.

### POLICY 1.4

Ensure community based planning processes are used to generate changes to land use controls.

Community plans are an opportunity for neighborhoods to work with the City to develop a strategic plan for their future, including housing, services and amenities. Such plans can be used to target growth strategically to increase infill development in locations close to transit and other needed services, as appropriate. Community plans also develop or update neighborhood specific design guidelines, infrastructure plans, and historic resources surveys, as appropriate. As noted above, in recent years the City has undertaken significant community based planning efforts to accommodate projected growth Zoning changes that involve several parcels or blocks should always involve significant community outreach. Additionally zoning changes

that involve several blocks should always be made as part of a community based planning process.

Any new community based planning processes should be initiated in partnership with the neighborhood, and involve the full range of City stakeholders. The process should be initiated by the Board of Supervisors, with the support of the District Supervisor, through their adoption of the Planning Department's or other overseeing agency's work program; and the scope of the process should be approved by the Planning Commission. To assure that the Planning Department, and other agencies involved in land use approvals conduct adequate community outreach, any changes to land use policies and controls that result from the community planning process may be proposed only after an open and publicly noticed process, after review of a draft plan and environmental review, and with comprehensive opportunity for community input. Proposed changes must be approved by the Planning Commission and Board of Supervisors at a duly noticed public hearing. Additionally, the Department's Work Program allows citizens to know what areas are proposed for community planning. The Planning Department should use the Work Program as a vehicle to inform the public about all of its activities, and should publish and post the Work Program to its webpage, and make it available for review at the Department.

### POLICY 1.5

Consider secondary units in community planning processes where there is neighborhood support and when other neighborhood goals can be achieved, especially if that housing is made permanently affordable to lower-income households.

Secondary units (in-law" or "granny units") are smaller dwelling units within a structure containing another much larger unit(s), frequently in basements, using space that is surplus to the primary dwelling. Secondary units represent a simple and cost-effective method of expanding the housing supply. Such units could be developed to meet the needs of seniors, people with disabilities and others who, because of modest incomes or lifestyles, prefer or need small units at relatively low rents.

Within a community planning process, the City may explore where secondary units can occur without adversely affecting the exterior appearance of the building, or in the case of new construction, where they can be accommodated

within the permitted building envelope. The process may also examine further enhancing the existing amnesty program where existing secondary units can be legalized. for example through an amnesty program that requires Such enhancements would allow building owners to increase their safety and habitability of their units. Secondary units should be limited in size to control their impact.

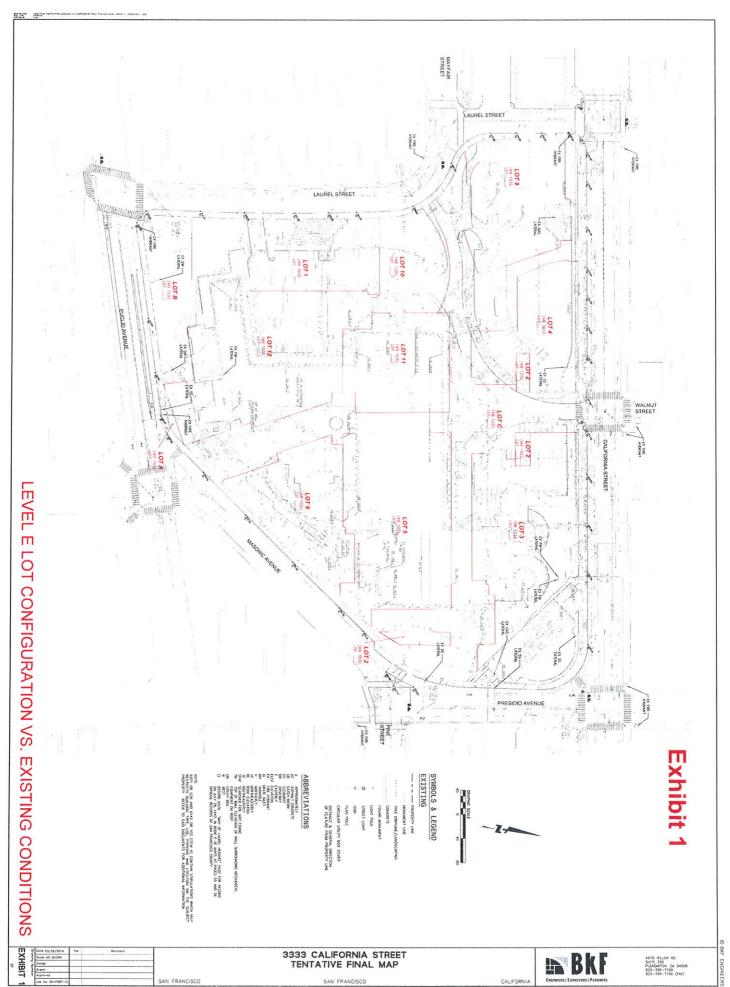
### POLICY 1.6

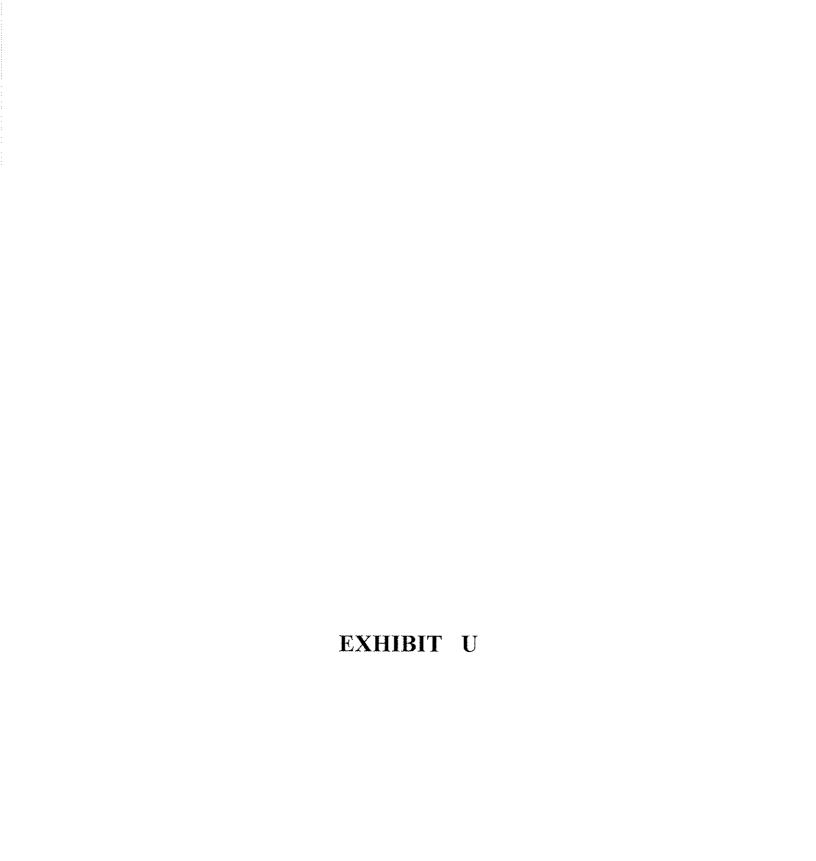
Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

In San Francisco, housing density standards have traditionally been set in terms of numbers of dwelling units in proportion to the size of the building lot. For example, in an RM-1 district, one dwelling unit is permitted for each 800 square feet of lot area. This limitation generally applies regardless of the size of the unit and the number of people likely to occupy it. Thus a small studio and a large four-bedroom apartment both count as a single unit. Setting density standards encourages larger units and is particularly tailored for lower density neighborhoods consisting primarily of one- or two-family dwellings. However, in some areas which consist mostly of taller apartments and which are well served by transit, the volume of the building rather than number of units might more appropriately control the density.

Within a community based planning process, the City may consider using the building envelope, as established by height, bulk, set back, parking and other Code requirements, to regulate the maximum residential square footage, rather than density controls that are not consistent with existing patterns. In setting allowable residential densities in established neighborhoods, consideration should be given to the prevailing building type in the surrounding area so that new development does not detract from existing character. In some areas, such as RH-1 and RH-2, existing height and bulk patterns should be maintained to protect neighborhood character.







## SAN FRANCISCO PRESERVATION BULLETIN NO. 21

# The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995

Rooted in over 120 years of preservation ethics in both Europe and America, The Secretary of the Interior's Standards (Standards) for the Treatment of Historic Properties are common sense principles in non-technical language. They were developed by the United States Department of the Interior, National Park Service to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices.

The Standards may be applied to all properties that have been designated as historical resources: buildings, sites, structures, objects, and districts.

It should be understood that the Standards are a series of concepts about maintaining, repairing and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the Standards provide philosophical consistency to the work.

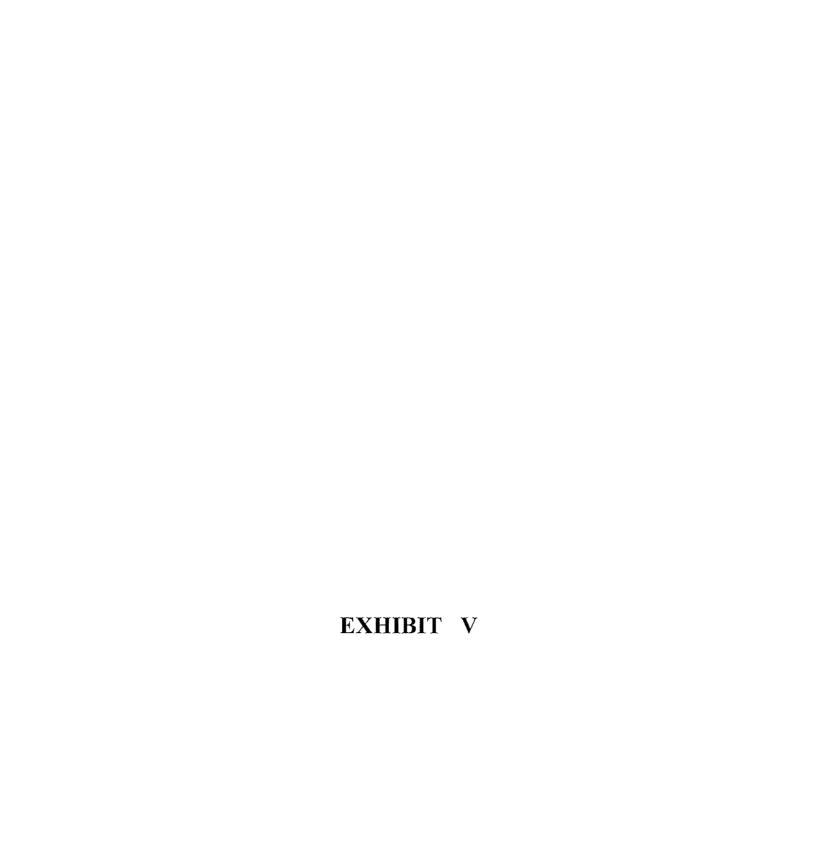
In 2000, the San Francisco's Landmarks Preservation Advisory Board (Landmarks Board) adopted the Secretary of the Interior's Standards for the Treatment of Historic Properties when reviewing alterations to designated historical resources through Article 10 of the Planning Code. For the purposes of (California Environmental Quality Act) CEQA, if a building, structure or object meets the Act's definition of "historical resource," the *Standards* are implemented to insure that alterations are consistent with the objectives set forth in the *Standards*.

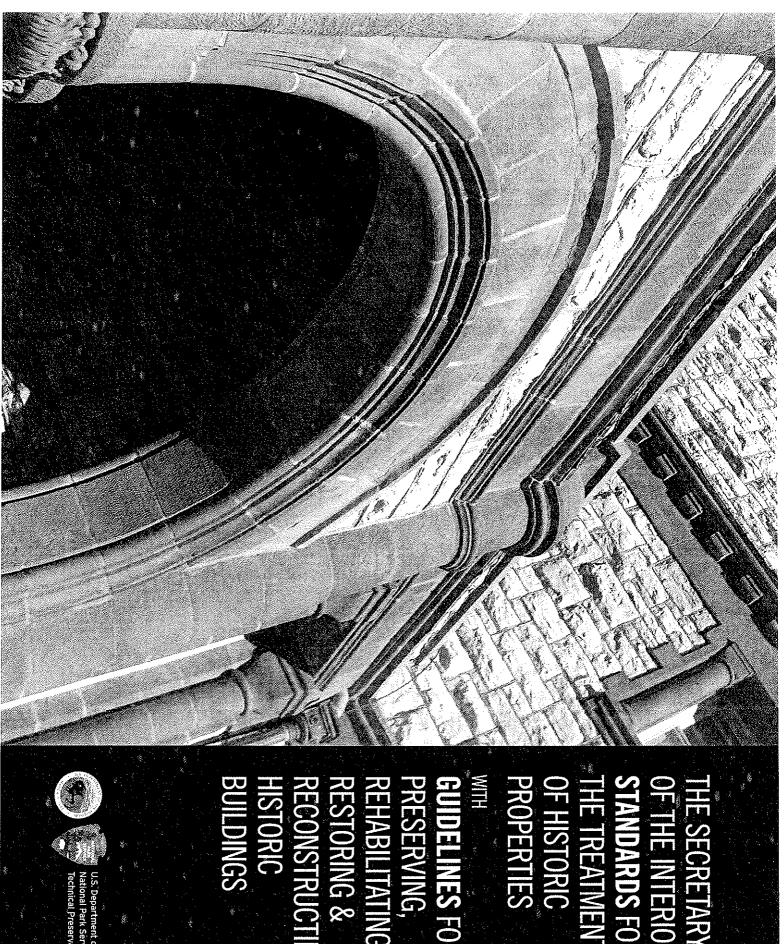
Administered by the San Francisco Planning Department Neighborhood Planning Team's Preservation Technical Specialists, use of the *Standards* has provided a consistent level of evaluation and review of projects by both Planning Department staff and the Landmarks Board on projects that may compromise the integrity and/or level of significance of designated (Article 10) or identified (CEQA) historical resources.

For both Article 10-designated historic resources and CEQA-identified historical resources, the Standards will be applied to any work involving new construction, exterior alteration (including removal or demolition of a structure), or any work involving a sign, awning, marquee, canopy or other appendage for which a City permit is required.

#### Four Treatment Approaches

There are *Standards* for four distinct, but interrelated, approaches to the treatment of historic properties -- preservation, rehabilitation, restoration and reconstruction. The Planning Department's Preservation Technical Specialists will use the appropriate treatment based on the objectives of each project. The four approaches are:





THE SECRETARY
OF THE INTERIOR'S
STANDARDS FOR

PRESERVING, REHABILITATIN RECONSTRUCTING







# KITACI

The year 2016 was significant as the Centennial of the National Park Service, which was established as a new bureau within the Department of the Interior by the Organic Act on August 25, 1916. As directed in this legislation, the National Park Service has served for one hundred years as steward of the "Federal areas known as national parks, monuments and reservations...to conserve the scenery and the natural and historic objects and the wild life therein and to...leave them unimpaired for the enjoyment of future generations."

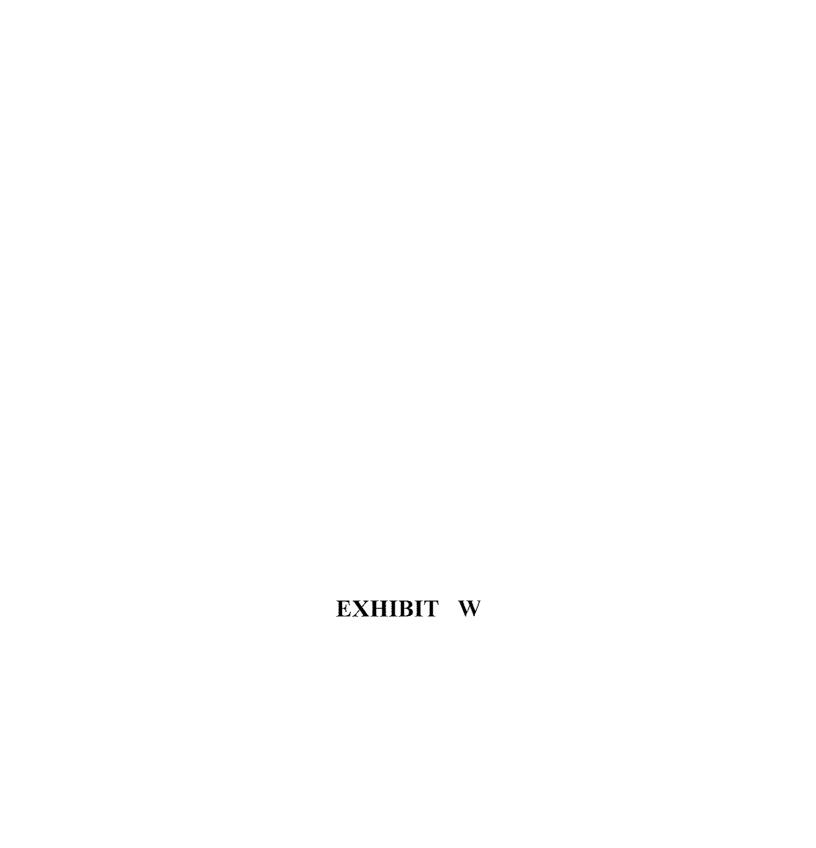
The year 2016 also marked the 50th anniversary of the passage of the National Historic Preservation Act on October 15, 1966. The Act increased the scope and responsibilities of the National Park Service with regard to the preservation of cultural resources. The National Historic Preservation Act charges the National Park Service (through authority delegated by the Secretary of the Interior) to establish and administer a national historic preservation program and to develop and promulgate standards and guidelines for the treatment of historic properties.

The Secretary of the Interior's Standards for Historic Preservation Projects were first issued in 1978. In 1979 they were published with Guidelines for Applying the Standards and reprinted in 1985. The Standards were revised in 1992, when they were retitled The Secretary of the Interior's Standards for the Treatment of Historic Properties

The Standards were codified in the Federal Register in 1995, the same year that they were published with guidelines as *The Secretary* of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. These Standards and Guidelines provide a critical part of the framework of the national preservation program. They are widely used at the federal, state, and local levels to guide work on historic buildings, and they also have been adopted by Certified Local Governments and historic preservation commissions across the nation.

In 2010 the National Park Service issued A Call to Action: Preparing for a Second Century of Stewardship and Engagement, a plan to chart a path for its next 100 years. This plan identified a number of actions with the goal to "preserve America's special places in the next century," which included updating National Park Service policies and guidance. The project to update The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings was undertaken as part of this broader effort.

Since these Guidelines were first published in 1995, a greater number of buildings and building types, telling a broader range of stories that are part of the nation's heritage, have been recognized as "historic"



STATE OF CALIFORNIA 1 Department of Parks and Recreation 2

National Historic Preservation Act of 1966, as Amended Certified Local Government Program

#### CERTIFICATION AGREEMENT

CITY OF SAN FRANCISCO 5 | Participant:

Recitals:

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The Participant agrees to execute and administer a program for the 1) 8 4 9 identification and protection of historic, architectural, and archeological resources throughout its jurisdiction according to the terms contained in the State of California's "Procedures for Certified Local Government Historic Preservation Program" (Procedures), incorporated herein as Exhibit A, as approved by the National Park Service, Department of the Interior, according to the provisions of the National Historic Preservation Act of 1966, as amended in 1980 (16 USC 470; Public Laws 89-665 and 96-515).

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This agreement shall begin on the date it is signed by the State Historic Preservation Officer (SHPO), and shall remain in effect unless the Participant requests decertification as a Certified Local Government or is decertified by the SHPO, pursuant to the Procedures.

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The Participant shall meet the provisions of the Threshold/Expanded Level of Participation as delineated in the Procedures: enforce appropriate state and local legislation for the designation and protection of historic 25 properties; establish an adequate and qualified historic preservation review 26 commission (Review Commission) by local law; maintain a system for the survey 27 and inventory of historic properties; provide for adequate public

1 participation in the local historic preservation program, including the 2 process of recommending properties for nomination to the National Register of 3. Historic Places (National Register), and satisfactorily perform the 4 responsibilities delegated to it by the State. Participant shall also perform 5 additional responsibilities mutually agreed to by the State.

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The SHPO shall submit all recommendations for nominations to the 4) 8. National Register for properties in the Participant's jurisdiction to the 9 Participant for review and comment by the Review Commission. The Participant 10 agrees to ensure that the professional technical expertise related to the 11 subject of each recommendation for nomination is either available on the Review Commission or is obtained pursuant to the Procedures.

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The Participant shall enforce its historic preservation ordinance, a 14 5) copy of which is incorporated herein as Exhibit B; the Participant shall obtain the prior approval of the SHPO for any amendments to said ordinances.

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The State shall monitor and evaluate the performance of CLGs in 6) accordance with 36 CFR 61.5(c)(5). Therefore, the Participant shall provide the SHPO an annual report consistent with established guidelines in Exhibit C.

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The Participant and the SHPO shall comply with all applicable laws, 7) rules, and regulations pertaining to the execution and administration of the terms of the Procedures.

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1	8) The SHPO shall inform the Participa	nt of procedures for applying for
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6	STATE OF CALIFORNIA	PARTICIPANT R. Black.
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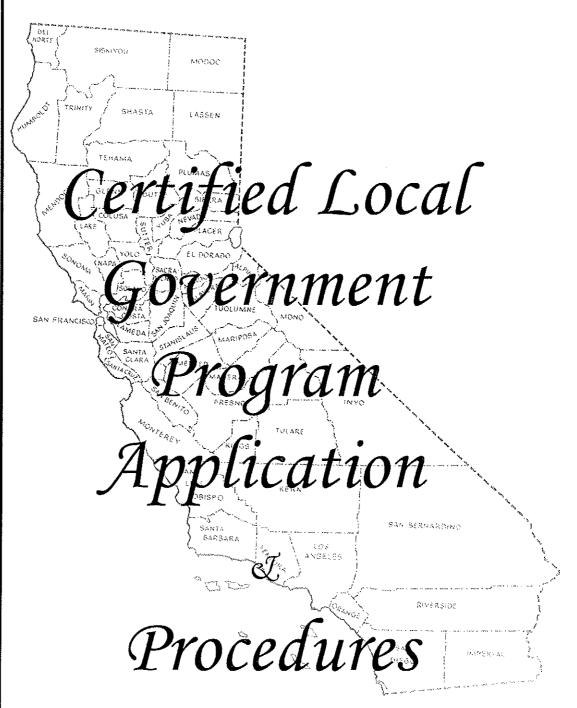
# California Office of Historic Preservation Department of Parks & Recreation Ocal Government Assistance



1725 23rd St, Suite 100 Sacramento CA 95816

> phone: (916) 445-7000 fax: (916) 445-7053

email; calshpo@parks.ca.gov website; www.ohp.parks.ca.gov



### Enforce appropriate state and local legislation for the designation and protection of historic properties.

CLGs must enact and enforce a local historic preservation ordinance. State enabling legislation, found at California Government Code Sections 65850, 25373, and 37361, provides for local jurisdictions to enact appropriate historic preservation legislation. Additionally, the local legislation shall be consistent with the intent and purpose of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).

Along with other local governments, CLGs must enforce the California Environmental Quality Act (CEQA) regulations in relation to historical resources, and participate, as appropriate, in the environmental review of federally-sponsored projects under Section 106 of the National Historic Preservation Act of 1966, as amended.

Designation refers to the identification and registration of both historic and prehistoric properties for purposes of protection using criteria established by the local government. Designation requirements and procedures must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of criteria that closely follows the National Register of Historic Places and the California Register of Historical Resources is encouraged.

Protection refers to the local review process under local law for proposed demolition of, changes to, or other action that may affect properties that have been designated pursuant to the local ordinance. This would not include properties listed on or determined eligible for the national Register of Historic Places or California Register of Historical Resources unless those properties were also designated under the local designation process.

The CLG will prepare a comprehensive local historic preservation plan or preferably, a historic preservation element in the community's general plan. The plan or element will identify preservation missions, goals, and priorities and will establish preservation strategies, programs, and time schedules. It will also be used to support and justify CLG grant applications.

The CLG is encouraged to adopt and implement the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation relevant to CLG need and activities (www.nps.gov/history/local-law/arch\_stnds\_0.htm).

#### Establish a qualified historic preservation review commission by local law.

A qualified historic preservation review commission means a board, council, committee, commission or other similar body established by local legislation whose primary purpose is historic preservation and whose membership includes a minimum of five (5) individuals, all of who have a demonstrated interest in, competence or knowledge in historic preservation.





#### LHIA meeting tomorrow evening

4 messages

Dan Safier <dsafier@pradogroup.com>

Wed, Oct 17, 2018 at 10:26 AM

To: John Rothmann <johnrothmann2@yahoo.com>, Kathy Devincenzi <krdevincenzi@gmail.com> Co: Dan Kingsley <DKingsley@sksre.com>, Cynthia Hamilton <chamilton@pradogroup.com>

Dear John and Kathy,

We hope this email finds you well.

We've been made aware of the LHIA posters that have been posted around the neighborhood regarding an LHIA meeting tomorrow evening to discuss the upcoming publication of our Draft EIR.

In the spirit of openness and collaboration, PSKS would like to attend the meeting – we are happy to attend in a listening capacity and simply to provide factual information if any questions come up.

We felt that our last meeting with LHIA was collaborative and productive, and we would like to continue that collaborative working relationship to ensure the best project for the City, LHIA and the other neighborhood groups.

Please let us know if you have any objection to our attendance.

Thank you,

Dan S and Dan K

**Kathy Devincenzi** <krdevincenzi@gmail.com>
To: Richard Frisbie <frfbeagle@gmail.com>

Wed, Oct 17, 2018 at 10:27 AM

fyi

[Quoted text hidden]

#### Kathy Devincenzi <a href="mailto:krdevincenzi@gmail.com">krdevincenzi@gmail.com</a>

Wed, Oct 17, 2018 at 6:39 PM

To: Dan Safier <dsafier@pradogroup.com>

Cc: Richard Frisbie <frfbeagle@gmail.com>, "M.J. Thomas" <mjinsf@comcast.net>, Catherine Carr <catherine.a.carr@gmail.com>, Linda Glick dick@hotmail.com>, "John Rothmann (johnrothmann 2@yahoo.com)" <johnrothmann 2@yahoo.com>

Dan,

Although we gave you the courtesy of notice that we were going to submit to the California Office of Historic Preservation a nomination of the site as a historical resource, you did not afford the same courtesy to us when you went to the Architectural Review Committee of the SF Historic Preservation Commission. There, you presented your consultant's proposed preservation alternatives, and the committee agreed that they were sufficient preservation alternatives for discussion in the EIR. In thirty years of working with neighborhoods, I have never before had anyone fail to inform me of a hearing.

Your alternatives were actually not sufficient, as those alternatives propose office use of the existing structure. We all know that the City needs housing.

As we told you at our last meeting, we are preparing a preservation alternative that would use the main building principally for housing and build other housing on the site. We request that you inform the Planning Department that you agree that this community preservation alternative is to be included in the Draft EIR and that the release of

the Draft EIR should be delayed until January 2, 2019, so the community is not inconvenienced by a hearing the week after Thanksgiving on the Draft EIR. We have been informed that these requests can be granted with the developer's agreement.

Also, we previously attended a meeting that you held with the Laurel Village merchants, and you told them that you wanted to meet with them privately in the future. Many of the meetings you claim to have held were private meetings.

In addition, after the Initial Study was released for your project without a greenhouse gas emissions study or a traffic study, a couple months later you and the Planning Department sent a greenhouse gas emissions analysis and a transportation analysis to the Governor's Office of Planning and Research without informing us that you had applied for environmental review streamlining. Had you truly been interested in openness and collaboration you would have released this information to the public or posted it on your website at the time you submitted it.

Although we met with you at each available opportunity, you took a Top-Down approach and would not plan the development in collaboration with the community. At one of your poster-board sessions, your representatives told people that rezoning was not necessary, and I immediately reported this to Dan Kingsley. He said, "you and I know that rezoning is needed" but I did not see him make any effort to instruct his representative to tell the truth to the community.

You only spoke to the community once about your proposal and would not allow members of the public to speak, answering only a few questions written on cards.

At our last meeting, we told you that you had concealed the historical significance of the property from us and the community and that you now need to redesign the project in accordance with the Secretary of Interior's standards for reuse of historical resources. You said: "Forget the rules, do you like it?" I said that I did and that I thought the seamless connection between the indoor spaces and outdoor landscaping was a brilliant idea and that you could do something really good with the views and landscaping. You replied: "You are not going to redesign this project." We think the rules apply to you and hope you will have a change of heart.

You have chosen to push along with an impactful proposal that is strongly opposed by the majority of the community. Since you have preferred private meetings, I am sure you will understand that the community needs an opportunity to meet without interference to discuss the upcoming schedule and hearings. Knowing the community views as I do, I think they would regard your presence as unwelcome at this point, so we hope you will honor their need to join together in protection of their neighborhood without your interference.

In order to keep communications open, we offer you a meeting with our Association's Executive Committee on Friday October 19 between 11 am and 7 pm or at a mutually convenient time in the next two weeks. You could arrange the location. We understand that you are going to submit revised plans to the Planning Department. You should send them to us as soon as possible.

Also, our Association has held election of officers. John Rothmann has retired and is no longer an officer, so further communications to the Association should be sent to me.

Laurel Heights Improvement Association of SF, Inc. By: Kathy Devincenzi, President [Quoted text hidden]

**Kathy Devincenzi** <a href="mailto:krdevincenzi@gmail.com">krdevincenzi@gmail.com</a> To: catherine.stefani@yahoo.com

Wed, Oct 17, 2018 at 6:42 PM

fyi
[Quoted text hidden]



#### I. Introduction

#### WHY DO WE HAVE RESIDENTIAL DESIGN GUIDELINES?

San Francisco is known for its neighborhoods and the visual quality of its buildings. From the Victorians of the Western Addition to the stucco-clad Mediterranean-style homes in the Sunset neighborhood and contemporary infill homes found throughout the City, the architecture is diverse, yet many neighborhoods are made up of buildings with common rhythms and cohesive elements of architectural expression. These neighborhoods are in large part what make San Francisco an attractive place to live, work, and visit. In order to maintain the visual interest of a neighborhood, it is important that the design of new buildings and renovations to existing buildings be compatible with nearby buildings. A single building out of context with its surroundings can be disruptive to the neighborhood character and, if repeated often enough, to the image of the City as a whole.

The Residential Design Guidelines (Guidelines) articulate expectations regarding the character of the built environment and are intended to promote design that will protect neighborhood character, enhancing the attractiveness and quality of life in the City. The Guidelines address basic principles of urban design that will result in residential development that maintains cohesive neighborhood identity, preserve historic resources, and enhances the unique setting and character of the City and its residential neighborhoods. The Guidelines also suggest opportunities for residential designs to further San Francisco's goal of environmental sustainability.

#### **LEGAL BASIS**

Section 311(c)(1) of the Planning Code provides that Residential Design Guidelines shall be used to review plans for all new construction and alterations. Specifically, it states:

"The construction of new residential buildings and alteration of existing residential buildings in R districts shall be consistent with the design polices and guidelines of the General Plan and with the "Residential Design Guidelines" as adopted and periodically amended for specific areas or conditions by the City Planning Commission. The Director of Planning may require modifications to the exterior of a proposed new residential building or proposed alteration of

an existing residential building in order to bring it in to conformity with the "Residential Design Guidelines" and with the General Plan. These modifications may include, but are not limited to, changes in siting, building envelope, scale, texture and detailing, and landscaping."

The Planning Commission adopted the first Guidelines on November 2, 1989. This version of the Guidelines was adopted by the Planning Commission on December 4, 2003.

In developing these Residential Design Guidelines, the Department referred to the General Plan, and to the Planning Code.

The General Plan is San Francisco's adopted guide for coordinated and harmonious development in accordance with its present and future needs. The Residence and Urban Design Elements of the General Plan include objectives and policies that guide housing supply and residential development, and encourage a quality living environment. The Residential Design Guidelines support and implement these objectives and policies.

The Planning Code establishes standards for the maximum and minimum dimensional requirements for a building. The standards include height, the size of rear and side yards, and front setbacks, as well restrictions on the size and location of certain building components.

Section 101.1 of the Planning Code establishes priority policies to conserve and protect existing neighborhood character. This section of the Code is the result of a November 1986 voter initiative (known as "Prop. M") that arose out of a concern for the visual quality of the neighborhoods. The Residential Design Guidelines implement these policies.

#### **HOW ARE THE GUIDELINES USED?**

#### Applicability

The Residential Design Guidelines apply to all residential projects in RH (Residential House) and RM (Residential Mixed) zoning districts. They do not apply to NC (Neighborhood Commercial) Districts or to commercial or institutional buildings within residential districts. Application of the Guidelines is a mandatory step in the permit review process and all residential permit applications must comply with both the Planning Code and the Residential Design Guidelines.

The new Housing Element is being considered for adoption by the Planning Commission. The Housing Element will replace the current Residence Element.

Urban Design Guidelines for Neighborhood Commercial Districts can be found in the Commerce and Industry Element of the General Plan (Pages 1.2.34-I.2.36).

#### Organization

The Residential Design Guidelines are organized in a hierarchy, from large-scale neighborhood character issues to small-scale building details. Special guidelines that apply only to historic buildings are also included. Each topic begins with a Design Principle, which is a discussion of the ideas and goals regarding a specific subject. It is followed by a "guideline", which further explains the design principle.

Because some of the guidelines may conflict, and certain guidelines may not apply to a project, it is necessary to identify the particular issues related to a project to use this document effectively. Thoughtful application of the Guidelines and a sensitive design that is well detailed, using quality materials, will assist in creating a project that is compatible with neighborhood character and reduces the potential for conflict and delay.

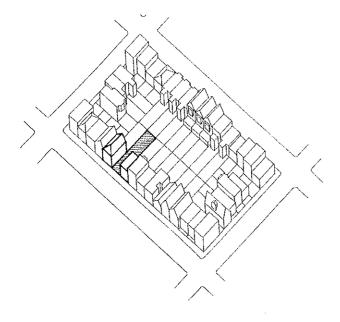
The illustrations typically show existing buildings on 25-foot wide lots in low-density neighborhoods. However, the illustrations also apply to alterations and new construction on wider lots and in higher density settings, such as those found in RM (Residential Mixed) Districts.

#### **Design Principles**

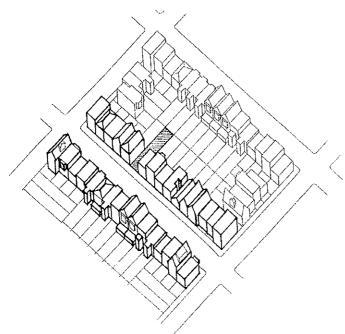
The Residential Design Guidelines focus on whether a building's design contributes to the architectural and visual qualities of the neighborhood. The Design Principles found in this document indicate the aspects of a project that will be evaluated in making a determination of compliance with the Guidelines.

Following is an overview of the Design Principles:

- Ensure that the building's scale is compatible with surrounding buildings.
- Ensure that the building respects the mid-block open space.
- Maintain light to adjacent properties by providing adequate setbacks.
- Provide architectural features that enhance the neighborhood's character.
- Choose building materials that provide visual interest and texture to a building.
- Ensure that the character-defining features of an historic building are maintained.



Immediate Context: When considering the immediate context of a project, the concern is how the proposed project relates to the adjacent buildings.



Broader Neighborhood Context: When considering the broader context of a project, the concern is how the proposed project relates to the visual character and scale created by other buildings in the general vicinity.



# Misuse of Conditional Use Procedure -Commission Cannot Permit Increase Because Height Limit is Not More Than 50 Feet in RM-1 District

# SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC DISTRICTS.

(a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or RC District, established by the use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code; provided, however, that a building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage on the front façade is subject to the conditional use requirement.

#### (b) Commission Review of Proposals.

- (1) In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.
- (2) In reviewing a proposal for a building exceeding 50 feet in RM and RC districts, the Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.

(Added by Ord. 443-78, App. 10/6/78; Ord. 72-08, File No. 071157, App. 4/3/2008; amended by Ord.  $\underline{63-11}$ , File No. 101053, App. 4/7/2011; Eff. 5/7/2011; Ord.  $\underline{22-15}$ , File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

AMENDMENT HISTORY

Section header and section amended; Ord. <u>63-11</u>, Eff. 5/7/2011. Former divisions (b) and (b)(1) reorganized as current divisions (b), (b)(1), and (b)(2) and amended; Ord. <u>22-15</u>, Eff. 3/22/2015.

Misuse of Conditional Use Procedure to Permit Waiver of Applicable Restrictions Set Forth in Planning Code Resolution 4109 and related recorded Stipulation as to Character of Improvements

# SEC. 174. COMPLIANCE WITH CONDITIONS, STIPULATIONS AND SPECIAL RESTRICTIONS REQUIRED.

Every condition, stipulation, special restriction and other limitation imposed by administrative actions pursuant to this Code, whether such actions are discretionary or ministerial, shall be complied with in the development and use of land and structures. All such conditions, stipulations, special restrictions and other limitations shall become requirements of this Code, and failure to comply with any such condition, stipulation, special restriction or other limitation shall constitute a violation of the provisions of this Code. Such conditions, stipulations, special restrictions and other limitations shall include but not be limited to the following:

- (a) Conditions prescribed by the Zoning Administrator and the City Planning Commission, and by the Board of Permit Appeals and the Board of Supervisors on appeal, in actions on permits, licenses, conditional uses and variances, and in other actions pursuant to their authority under this Code:
- (b) Stipulations upon which any reclassification of property prior to May 2, 1960, was made contingent by action of the City Planning Commission, where the property was developed as stipulated and the stipulations as to the character of improvements are more restrictive than the requirements of this Code that are otherwise applicable. Any such stipulations shall remain in full force and effect under this Code;
- (c) Special restrictions prescribed by the Zoning Administrator in actions on permits pursuant to the authority prescribed by this Code, and in the performance of other powers and duties to secure compliance with this Code. (Added by Ord. 443-78, App. 10/6/78)

As explained at page 14 of the City's Preliminary Project Assessment:

"However, the stipulations of future development as outlined in Resolution 4109 continue to apply, absent modification by the Board of Supervisors per Planning Code Section 174...As indicated in the Preliminary Project Assessment application, the project may result in the rezoning of the property which required review and approval by the Board of Supervisors. Amending Resolution 4109 would also require review and approval by the Board of Supervisors."

Misuse of Planned Unit Development Procedure Because: (1) Under No Circumstances May Project Be Excepted From 40-Foot Height Limit, (2) Project Includes Commercial Uses that are not Necessary To Serve Residents of the Immediate Vicinity, Subject to the Limitations for NC-1 Districts and (

#### SEC. 304. PLANNED UNIT DEVELOPMENTS.

- In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, or the DTR Districts, the North Beach Special Use District, the Planning Commission may authorize as Conditional Uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this Section 304. After review of any proposed development, the Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization.
- (a) **Objectives.** The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.
- (b) **Nature of Site.** The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than ½ acre, exclusive of streets, alleys and other public property that will remain undeveloped.
- (c) **Application and Plans.** The application must describe the proposed development in detail, and must be accompanied by an overall development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this Section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.
- (d) **Criteria and Limitations.** The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:
  - (1) Affirmatively promote applicable objectives and policies of the General Plan;
- (2) Provide off-street parking appropriate to the occupancy proposed and not exceeding principally-permitted maximum amounts;
- (3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;
- (4) Be limited in dwelling unit density to less than the density that would be allowed by <u>Article 2</u> of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

- (5) In R Districts, include Commercial Uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include Commercial Uses only according to the provisions of Section 231 of this Code;
- (6) Under no circumstances be excepted from any height limit established by <u>Article 2.5</u> of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections <u>260</u> and <u>261</u> of this Code, and no such deviation shall depart from the purposes or intent of those sections;
- (7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code;
- (8) In NC Districts, not violate the use limitations by story set forth in <u>Article 7</u> of this Code; and
- (9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.
  - (10) Provide street trees as per the requirements of Section 138.1 of the Code.
- (11) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. <u>56-13</u>, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. <u>188-15</u>, File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. <u>129-17</u>, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. <u>296-18</u>, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. <u>311-18</u>, File No. 181028, App. 12/21/2018, Eff. 1/21/2019)

#### AMENDMENT HISTORY

Division (d)(1) amended; Ord. <u>56-13</u>, Eff. 4/27/2013. Division (d)(5) amended; Ord. <u>188-15</u>, Eff. 12/4/2015. Undesignated introductory paragraph amended; Ord. <u>129-17</u>, Eff. 7/30/2017. Undesignated introductory paragraph amended; Ord. <u>296-18</u>, Eff. 1/12/2019. Undesignated introductory paragraph and division (d)(2) amended; Ord. <u>311-18</u>, Eff. 1/21/2019. CODIFICATION NOTE

#### 1. So in Ord. 296-18.

Project combines PUD authorization with height limit increases from 40-feet to 45, 67, 80 and 92 feet.

Project attempts to incorporate NC-S uses and fails to use NC-1 zoning for retail uses. As explained in page 13 of the Preliminary Project Assessment:

"In NC-1 Districts, such uses are also subject to the more restrictive controls of any other (named) NC District or Restricted Use Subdistrict within a ¼-mile."

As explained in Planning Code Section 713 for Neighborhood Commercial Shopping Center Districts:

# SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.

NC-S Districts are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers. They commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings. The range of services offered at their retail outlets usually is intended to serve the immediate and nearby neighborhoods. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street.

Shopping centers and supermarket sites contain mostly one-story buildings which are removed from the street edge and set in a parking lot. Outdoor pedestrian activity consists primarily of trips between the parking lot and the stores on-site. Ground and second stories are devoted to retail sales and some personal services and offices.

Planning Code section 713 specifies that Uses Not Permitted in NC-S Districts include Entertainment, Arts and Recreation Uses, Arts Activities, Philanthropic Administrative Services, Flexible Retail, Motel and Hospital.

However, the proposed Special Use District conflicts with these limitations on NC-S Districts by attempting to add Entertainment, Arts and Recreation Uses, Philanthropic Administrative Services and Flexible Retail Uses, which are not permitted in NC-S Districts.

Also, the NC-S objective of providing retail goods and services for primarily car-oriented shoppers conflicts with the PUD requirement stated on Planning Code section 304 that Commercial Uses be included "only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code."

#### SEC. 131. LEGISLATED SETBACK LINES.

- (a) The legislated setback lines along specific street and alley frontages established by ordinance and resolution pursuant to former <u>Article 4</u> of the City Planning Code and earlier provisions of law are hereby continued in effect as regulations of the City Planning Code, regardless of the regulations for the use districts in which such street and alley frontages are located, and said ordinances and resolutions are expressly incorporated herein by reference as though fully set forth.
- (b) The obstructions permitted within such legislated setback lines shall be as described in Sections 132 and 136 of this Code. No other obstruction shall be constructed, placed or maintained within a legislated setback line.
- (c) The procedures for establishment, abolition or modification of a legislated setback line shall be as specified in Sections 302 and 306 through 306.5 for amendments to this Code.
- (d) In case of any conflict between the requirements of a legislated setback line and a front setback area established by Section 132 of this Code, the more restrictive requirements shall prevail.

(Added by Ord. 443-78, App. 10/6/78)

Subject: Triangular lot defined

Effective Date: 2/91

Interpretation:

See Appendix

Code Section: 130(e)

Subject: Averaging of a required side yard

Effective Date: 1/86

Interpretation:

See Interpretation 133 Side yard measurement

Code Section: 130(e)

Subject: Rear yard averaging

Effective Date: 9/87

Interpretation:

Pursuant to long-standing policy, where a site has two depths, a rear yard must be provided for each of these segments at the rear of these segments. This Section states that, "Where the building wall is not parallel to a side or a rear lot line [emphasis added] the required least dimension of the side yard or the rear yard along such line may be applied to the average, provided that no such side yard shall be less than three feet in width at any point, and no such rear yard shall be less than five feet in depth at any point." This provision cannot apply to situations where a lot has two rectilinear segments of different depth because the lot lines are still parallel and perpendicular to each other allowing a rectilinear building. The section is intended to allow flexibility in design only to an extent which would allow full development of the buildable area with a rectilinear building.

Code Section: 131

Subject: Legislated setback lines, waiver by PUD or ZA

Effective Date: 1994

Interpretation:

This Section continues in effect, the legislated setback lines established by separate ordinances and specifically states that the procedures for establishing, abolishing or modifying them shall be as specified in Sections 302 and 306 through 306.5. These Sections provide for text and map amendments. The provisions governing variances and planned unit development are in Sections 304 and 305. Therefore, legislated setbacks cannot be modified by the PUD or variance process. Nor can the Zoning Administrator adjust a legislated setback by averaging it along a series of buildings. In most cases, a variance would also be needed for the setback required by Section 132.

Code Section: 132

Subject: Front setback

Effective Date: 5/87

Interpretation:



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## Introduction

San Francisco is a special place. Foremost is its dramatic physical beauty, created by bay and ocean surrounding a cluster of hills that are often illuminated by brilliant sun or shrouded in silvery fog. The views from these hilltops were given to us inadvertently. The early settlers, in their scramble to forge a new life, imposed a simple grid system on the land. So instead of streets winding themselves around the hills we have streets that can scale the hilltops to reveal extraordinary vistas. These vistas give us a city that appeals from any perspective and sparks our imagination.

Secondly, San Francisco is compact. Its density creates a rich variety of experiences and encounters on every street. The city is cosmopolitan and affable, easily traversed by foot or by bus, and offers an intriguing balance of urban architecture.

Thirdly, San Francisco is the center, the soul of the region and cooperative efforts to maintain the area's quality of life are imperative. The City has long been a magnet for business, culture, retailing, tourism and education. Its rich 150 year history reflects the cultures of the world and gives energetic diversity to its neighborhoods. The residents strive to maintain this tradition, welcoming people from around the world to participate in the promise of a healthy city.

There are many issues we must face as we look to the future of our economy, work force, housing stock, transportation systems, open spaces, and vacant lands. San Francisco is a dynamic entity within which there are constant pressures for change and renewal. It remains the finance capital for the West and is an emerging gateway to the Pacific Rim. However as we enter the 21st century, new technologies, medical research and design are providing additional economic opportunity.

The City's General Plan serves to guide these changes to ensure that the qualities that make San Francisco unique are preserved and enhanced. The General Plan is based on a creative consensus concerning social, economic, and environmental issues. Adopted by the Planning Commission and approved by the Board of Supervisors, the General Plan serves as a basis for decisions that affect all aspects of our everyday lives from where we live and work to how we move about. It is both a strategic and long term document, broad in scope and specific in nature. It is implemented by decisions that direct the allocation of public resources and that shape private development. In short, the General Plan is the embodiment of the community's vision for the future of San Francisco.

State law requires that the General Plan address seven issues: land use, circulation, housing, conservation, open space, noise and safety.

The Charter approved by the voters in November 1995 requires that the Planning Commission recommend amendments to the General Plan to the Board of Supervisors for approval. This approval changes the Plan's status from an advisory to a mandatory document and underscores the importance of Referrals establishing consistency with the General Plan prior to actions by the Board of Supervisors on a variety of actions.

The San Francisco General Plan is designed as a guide to the attainment of the following general goals:

- Protection, preservation, and enhancement of the economic, social, cultural, and esthetic values that establish the desirable quality and unique character of the city.
- Improvement of the city as a place for living, by aiding in making it more healthful, safe, pleasant, and satisfying, with housing representing good standards for all residents and by providing adequate open spaces and appropriate community facilities.
- Improvement of the city as a place for commerce and industry by making it
  more efficient, orderly, and satisfactory for the production, exchange and
  distribution of goods and services, with adequate space for each type of
  economic activity and improved facilities for the loading and movement of
  goods.

- Coordination of the varied pattern of land use with public and semi-public service facilities required for efficient functioning of the city, and for the convenience and well-being of its residents, workers, and visitors.
- Coordination of the varied pattern of land use with circulation routes and facilities required for the efficient movement of people and goods within the city, and to and from the city.
- Coordination of the growth and development of the city with the growth and development of adjoining cities and counties and of the San Francisco Bay Region.

The Plan is intended to be an integrated, internally consistent and compatible statement of objectives and policies and its objectives, and policies are to be construed in a manner which achieves that intent. Sec. 101.1(b) of the Planning Code, which was added by Proposition M, November 4, 1986, provides as follows:

The following Priority Policies are hereby established. They shall be included in the preamble to the General Plan and shall be the basis upon which inconsistencies in the General Plan are resolved:

- 1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
- 2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
- 3. That the City's supply of affordable housing be preserved and enhanced;
- 4. That commuter traffic not impede Muni transit services or overburden our streets or neighborhood parking;
- 5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced:

- 6. That the City achieve the greatest possible preparedness to protect against injury and the loss of life in an earthquake.
- 7. That landmarks and historic buildings be preserved; and
- 8. That our parks and open space and their access to sunlight and vistas be protected from development.

The manner in which the general goals are to be attained is set forth through a statement of objectives and policies in a series of elements, each one dealing with a particular topic, which applies citywide. The General Plan currently contains the following elements: Residence, Commerce and Industry, Recreation and Open Space, Community Facilities, Transportation, Community Safety, Environmental Protection, Urban Design and Arts. In addition, a Land Use Index cross-references the policies related to land use located throughout the General Plan. Additional elements may be added from time to time.

The Plan also contains several area plans which cover their respective geographic areas of the city. Here the more general policies in the General Plan elements are made more precise as they relate to specific parts of the city.

In addition to the elements, area plans and the land use index comprising the complete General Plan, there are several documents which support the plan. These include background papers, technical reports, proposals for citizen review, environmental impact reports or negative declarations, program documents, and design guidelines. Program documents provide schedules and programs for the short range implementation of the General Plan.

(Amended by Resolution No.14149 adopted on 6-27-96)

#### Contents

#### I: ELEMENTS

- HOUSING
- COMMERCE AND INDUSTRY
- RECREATION AND OPEN SPACE

- ENVIRONMENTAL PROTECTION
- COMMUNITY FACILITIES
- COMMUNITY SAFETY

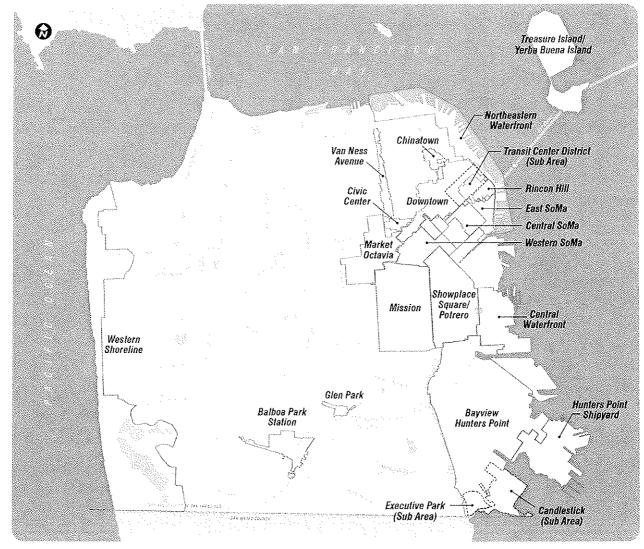
- TRANSPORTATION
- URBAN DESIGN

- ARTS
- AIR QUALITY

#### II: AREA PLANS

- BALBOA PARK STATION
- BAYVIEW HUNTERS POINT
- CANDLESTICK POINT SUBAREA
- CENTRAL SOMA
- CENTRAL WATERFRONT
- CHINATOWN
- CIVIC CENTER
- DOWNTOWN
- EAST SOMA (SOUTH OF MARKET)
- EXECUTIVE PARK SUBAREA
- GLEN PARK

- HUNTERS POINT SHIPYARD
- MARKET AND OCTAVIA
- MISSION
- NORTHEASTERN
   WATERFRONT
- RINCON HILL
  - SHOWPLACE
     SQUARE/POTRERO
- TRANSIT CENTER DISTRICT SUBAREA
- TREASURE ISLAND / YERBA BUENA ISLAND
- VAN NESS AVENUE
- WESTERN SHORELINE
- WESTERN SOMA (SOUTH OF MARKET)



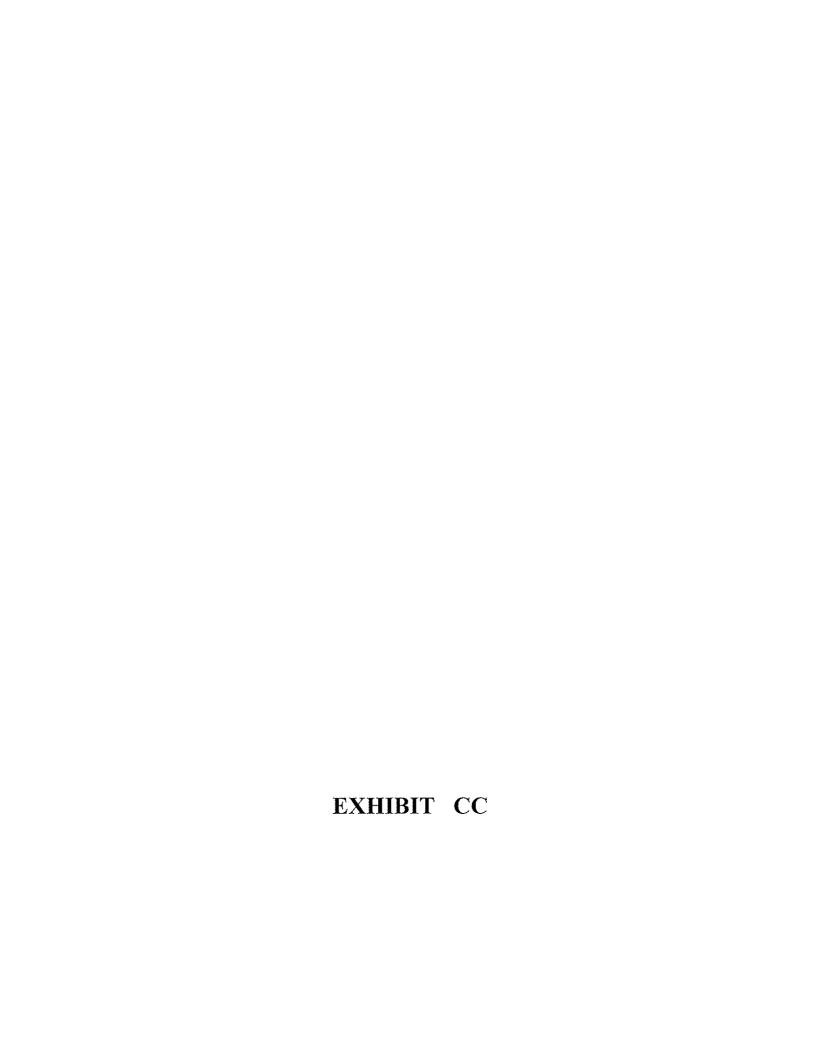
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#### III: LAND USE INDEX

#### Download the LAND USE INDEX - PDF 54 MB

In addition to the complete General Plan as listed above, program documents for the Residence Element, Recreation and Open Space Element and Transportation Element are published separately and are available at the Planning Department.



### State of California AIR RESOURCES BOARD

#### **EXECUTIVE ORDER G-18-101**

# Relating to Determination of No Net Additional Greenhouse Gas Emissions Under Public Resources Code section 21183, subdivision (c) for 3333 California Street Mixed-Use Project

WHEREAS, in September 2011, Governor Edmund G. Brown Jr. signed the "Jobs and Economic Improvement through Environmental Leadership Act," Assembly Bill 900 (AB 900);

WHEREAS, under AB 900, the Governor of California may certify certain projects for judicial streamlining under the California Environmental Quality Act (CEQA) if certain conditions are met:

WHEREAS, under California Public Resources Code section 21183, subdivision (c), one condition for the Governor's certification is that the project does not result in any net additional emission of greenhouse gases (GHG), as determined by the California Air Resources Board (CARB);

WHEREAS, the Governor's Guidelines for Streamlining Judicial Review under the California Environmental Quality Act (CEQA) require for purposes of CARB's determination on GHG emissions that an applicant submit electronically to CARB a proposed methodology for quantifying the project's net additional GHG emissions, and documentation that the project does not result in any net additional GHG emissions;

WHEREAS, pursuant to the Governor's Guidelines, Laurel Heights Partners, LLC (the Applicant) submitted its initial proposed GHG quantification methodologies and documentation to CARB on the proposed 3333 California Street Project (proposed project) on August 23, 2018, and clarifying documentation was submitted on October 22, 2018 and December 5, 2018;

WHEREAS, the application submitted for the proposed project estimates the project's net additional GHG emissions as follows:

 Construction GHG Emissions: Additional 4,273 metric tons carbon dioxide equivalent (CO<sub>2</sub>e) emissions from project construction and demolition activities. Construction-generated GHG emissions were estimated from equipment used for construction activities and from both on-site and off-site vehicles and equipment; 2. Operation-Related GHG Emissions: Net additional 1,439 metric tons CO₂e emissions during the first full year of project operation (2026), or net additional 1,627 CO₂e from the project variant, and declining operational emissions in future years over the lifetime of the project through 2057.

WHEREAS, the applicant has committed to secure carbon offsets issued by an accredited carbon registry in an amount sufficient to offset emissions generated during construction prior to issuance of grading permits for construction of each phase of the project;

WHEREAS, the applicant has committed to explore feasible GHG emissions reduction measures according to the following prioritization: (1) project design feature/on-site reduction measures; (2) off-site local reductions; (3) off-site regional reductions, and (4) purchase voluntary carbon offsets issued by an accredited carbon registry in an amount sufficient to offset the net increase in operation-related GHG emissions. The Applicant has committed to execute contracts to offset the net increase in GHG emissions generated during project operation for any phase of the project prior to issuance of the final Certificate of Occupancy for the first building constructed during that project phase;

WHEREAS, enforcement of compliance for GHG emissions reduction measures and procurement of offsets will be outlined in the terms of the Development Agreement between the lead agency and the Applicant, and those conditions will be fully monitored and enforced by the lead agency for the life of the obligation, pursuant to Public Resources Code section 21183, subdivision (e);

WHEREAS, CARB staff reviewed and evaluated the application in consultation with the lead agency, the City and County of San Francisco;

WHEREAS, CARB staff conducted an evaluation of the GHG emission estimates and voluntary mitigation included in the application submitted by the applicant and confirmed that the documentation provides an adequate technical basis for estimating total GHG emissions and voluntary mitigation for the proposed project;

WHEREAS, CARB's review and determination on the proposed project's GHG emissions is for the limited purpose of the Governor's findings and certification under AB 900 and should not be construed as meeting any other requirement under State or federal law, including CEQA; the lead agency remains responsible for full CEQA compliance for this project;

NOW, THEREFORE, based on CARB Staff's Evaluation (Attachment 1) of the documentation submitted by the Applicant (Attachment 2), I determine that the 3333 California Street Project will not result in any net additional GHG emissions pursuant to Public Resources Code section 21183, subdivision (c) for purposes of certification under AB 900.

Executed this <u>30</u> day of January 2019, at Sacramento, California.

Richard W. Corey Executive Officer

#### Attachments:

- CARB Staff Evaluation of AB 900 Application for 3333 California Street Mixed-Use Project
- 2. 3333 California Street Mixed-Use Project Greenhouse Gas Emissions Analysis for AB 900 Application

#### **ATTACHMENT 1 to CARB Executive Order G-18-101**

CARB Staff Evaluation of AB 900 Application for 3333 California Street Mixed-Use Project

## CARB Staff Evaluation of AB 900 Application for 3333 California Street Mixed-Use Project

#### January 30, 2019

#### I. Introduction

Laurel Heights Partners, LLC (the Applicant) proposes to redevelop the 10.25 acre property located at 3333 California Street in the Laurel Heights/Jordan Park neighborhood in the City and County of San Francisco. The proposed project would redevelop existing office and parking uses and shift the uses to primarily residential, with a mix of office, retail, and childcare.

The proposed project would include development of 558 residential units, approximately 54,000 square feet of retail, 50,000 square feet of office, 14,700 square feet of childcare uses, 895 parking spaces, and 5.42 acres of open space. The applicant is also considering a project variant that would include more residential units (744 units total) in lieu of any office space, and a reduced retail footprint.

The proposed project would result in the demolition and adaptive reuse of the existing 364,500 square-foot office building, 11,500 square foot childcare center, and surface and subsurface parking. The Applicant is seeking certification for the project under Assembly Bill 900 (AB 900), the Jobs and Economic Improvement through Environmental Leadership Act.

AB 900 provides for streamlined judicial review under the California Environmental Quality Act (CEQA) if certain conditions are met. One condition is that the proposed project does not result in any net additional greenhouse gas (GHG) emissions as determined by the California Air Resources Board (CARB). This is the only condition that involves a determination by CARB. CARB staff prepared this technical evaluation of the GHG emissions from the proposed project as part of its determination.

This evaluation includes an executive summary, an overview of the AB 900 zero net additional GHG emissions requirement, a brief description of the proposed project, a technical review and assessment of GHG emissions information provided by the Applicant in its AB 900 application, and CARB staff's recommendation on the AB 900 GHG emissions determination for the proposed project.

#### II. Executive Summary

CARB staff reviewed the projected GHG emissions provided by the Applicant and confirmed that the GHG emission factors used to estimate construction and operational emissions are reasonable. Staff concurs with the GHG emissions quantification in the Applicant's proposal (Attachment 2).

Based on an evaluation of the documentation provided by the Applicant, CARB staff concludes that, with commitments to implement feasible GHG emissions reduction measures and/or purchase voluntary carbon credits documented in Attachment 2, the proposed project would not result in any net additional GHG emissions relative to the baseline as summarized in Tables 1 and 2 below. CARB staff confirms that the proposed project would meet the GHG emissions requirements of the Jobs and Economic Improvement through Environmental Leadership Act. (Pub. Resources Code, §21178 et seq.) A detailed description of emissions by source is reviewed in subsequent sections.

Table 1 shows project GHG emissions generated by construction activities from the proposed project, which would be similar to the project variant because either would be constructed in four overlapping phases. Project construction is expected to be completed in as little as seven years, but could take up to 15 years, with demolition activities beginning in 2020. Table 1 reflects a seven-year construction period, which represents a more intensive, and thereby conservative, emissions profile than a longer construction period, which would include periods of dormancy.

The Applicant has committed to offset the GHG emissions generated during project construction prior to issuance of grading permits for construction of each phase of the project by purchasing carbon offsets issued by an accredited carbon registry in an amount sufficient to offset the net increase in construction-related GHG emissions attributable to that phase.

Table 1: Project Construction-Generated GHG Emissions<sup>1</sup>

Construction Year	GHG Emissions (MT CO₂e/year)
2020	541
2021	733
2022	732
2023	752
2024	564
2025	664

GHG Offsets Required <sup>2</sup>	4,273
Total	4,273
2027	8
2026	277

Notes:

<sup>1</sup> Source: as documented in Attachment 2, and confirmed by CARB staff.

Table 2 summarizes the net increase in project operation-related GHG emissions through the lifetime of the proposed project (defined as 30 years). The continued operation of the existing land uses that would be demolished under the proposed project serves as the reference point for defining a baseline, and excludes the mobile-source GHG emissions from existing University of California-San Francisco (UCSF) Laurel Heights campus-related activities, which would be relocated to other existing UCSF campuses as a result of the project.

The Applicant has committed to explore feasible GHG emissions reduction measures according to the following prioritization: (1) project design feature/on-site reduction measures; (2) off-site local reductions; (3) off-site regional reductions, and (4) purchase of voluntary carbon offsets issued by an accredited carbon registry in an amount sufficient to offset the net increase in operation-related GHG emissions. The Applicant has committed to execute contracts to offset the net increase in GHG emissions generated during project operation for any phase of the project prior to issuance of the final Certificate of Occupancy for the first building constructed during that project phase. Enforcement of compliance will be outlined in the terms of the Development Agreement between the lead agency and the Applicant.

Table 2: Comparison of Baseline and Project Operation-Related GHG Emissions<sup>1</sup>

	GHG Emissions (MT CO₂e/year)				
Year <sup>2</sup>	Baseline <sup>3</sup>	Proposed Project	Difference (GHG Offsets Required) <sup>4</sup>	Project Variant	Difference (GHG Offsets Required) <sup>4</sup>
2022	2,946	340	-	331	-
2023	2,972	1,235	_	1,201	-
2024	2,996	1,733	-	1,678	-
2025	3,021	1,858	-	1,832	-
2026	3,042	4,481	1,439	4,669	1,627
2027	3,062	4,496	1,434	4,674	1,612
2028	3,080	4,410	1,330	4,585	1,505
2029	3,097	4,326	1,229	4,498	1,401
2030	3,111	4,251	1,140	4,421	1,310
2031	3,123	4,184	1,061	4,352	1,229
2032	3,134	4,123	989	4,290	1,156

GHG = greenhouse gas; MT CO2e = Metric tons carbon dioxide equivalent;

<sup>&</sup>lt;sup>2</sup> Prior to issuance of grading permits for construction of each phase of the project, the Applicant or its successor shall enter into one of more contracts to purchase carbon offsets issued by an accredited carbon registry in an amount sufficient to offset the net increase in construction-related GHG emissions attributable to that phase.

2033	3,144	4,069	925	4,235	1,091
2034	3,152	4,021	869	4,184	1,032
2035	3,159	3,977	818	4,139	980
2036	3,165	3,937	772	4,098	933
2037	3,170	3,901	731	4,060	890
2038	3,175	3,868	693	4,026	851
2039	3,178	3,839	661	3,995	817
2040	3,182	3,812	630	3,967	785
2041	3,184	3,787	603	3,941	757
2042	3,186	3,764	578	3,917	731
2043	3,188	3,742	554	3,894	706
2044	3,190	3,722	532	3,872	682
2045	3,191	3,702	511	3,852	661
2046	3,192	3,683	491	3,832	640
2047	3,193	3,677	484	3,824	631
2048	3,194	3,658	464	3,805	611
2049	3,195	3,641	446	3,786	591
2050	3,196	3,625	429	3,769	573
2051	3,196	3,625	429	3,769	573
2052	3,196	3,625	429	3,769	573
2053	3,196	3,625	429	3,769	573
2054	3,196	3,625	429	3,769	573
2055	3,196	3,625	429	3,769	573
2056	3,196	3,625	429	3,769	573
2057	3,196	3,625	429	3,769	573
Total			22,816		27,813

Notes: GHG = greenhouse gas; MT CO2e = Metric tons carbon dioxide equivalent.

<sup>1</sup> Source: as documented in Attachment 2, and confirmed by CARB staff.

<sup>2</sup> Applicant estimates a useful life of project of 30 years with first year of occupancy for initial project phases as early as 2022. The first year of full project operation would be as early as 2028.

#### III. Overview of AB 900

AB 900, as amended by Senate Bill (SB) 743 (2013), SB 734 (2016), and AB 246 (2017) provides streamlined judicial review for development projects if, among other conditions, the "project does not result in any net additional emissions of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code." (Pub. Resources Code, §21183, subd. (c).)

<sup>&</sup>lt;sup>3</sup> Baseline emissions represent the continued operation of the existing land uses on the project site that would be demolished as part of the project, less the mobile-source GHG emissions associated with the existing UCSF Laurel Heights campus-related activities that would be relocated to other existing UCSF campuses as a result of the project.

<sup>&</sup>lt;sup>4</sup> Applicant commits to explore feasible GHG emissions reduction measures according to the following prioritization: (1) project design feature/on-site reduction measures; (2) off-site local reductions; (3) off-site regional reductions, and (4) purchase carbon offsets issued by an accredited carbon registry in an amount sufficient to offset net increase in operation-related GHG emissions.

The Governor's Guidelines for AB 900 applications require applicants to submit a proposed methodology for quantifying the project's GHG emissions and documentation that the project will not result in any net additional GHG emissions. The documentation must quantify direct and indirect GHG emissions associated with the project's construction and operation, including GHG emissions from employee transportation, and the net emissions of the project after accounting for any mitigation measures. The project's net emissions, after mitigation, must be monitored and enforced consistent with Public Resources Code section 21183, subdivision (e).

The role of CARB in reviewing AB 900 applications for purposes of the Governor's certification is limited to an evaluation of the quantification methods and documentation submitted by the Applicant to determine whether the project would result in no net additional emissions of GHG emissions. CARB staff evaluated the technical elements of the project application, including existing emissions in the absence of the project (i.e., baseline), input data and assumptions used for emissions and mitigation calculations, quantification methods, and an estimate of the project's net GHG emissions after any mitigation.

#### IV. Existing Conditions

The proposed project site is located at 3333 California Street, also bounded by Masonic Avenue, Presidio Avenue, Euclid Avenue, and Laurel Street/Mayfair Drive, in the City and County of San Francisco. The site is currently occupied by a four-story office building, an annex building, and surface and subsurface parking, which houses the UCSF Laurel Heights Campus, including an existing daycare center. The site currently includes one diesel-powered emergency generator permitted to operate up to 20 hours per year.

#### V. Proposed Project Description

The proposed project would involve relocation of the existing UCSF campus uses and daycare center to other existing UCSF locations, and the demolition and adaptive reuse of the existing structures and parking on the site. The proposed project would include development of 558 residential units, approximately 54,000 square feet of retail, 50,000 square feet of office, 14,700 square feet of childcare uses, 895 parking spaces, and 5.42 acres of open space. The Applicant is also considering a project variant that would include more residential units (744 units total) in lieu of any office space, and a reduced retail footprint. The proposed project and project variant would include 693 and 890 bicycle parking spaces, respectively.

The baseline and proposed land uses are summarized in Table 3.

Table 3: Baseline and Proposed Land Uses

Land Use Type	Baseline	Proposed Project	Project Variant
Office	364,500 sf	49,999 sf	-
Childcare Center	11,500 sf	14,690 sf	14,650 sf
Residential (Apartments)	**	558 du	744 du
Retail	No.	54,117 sf	48,593 sf
Parking Garage	212 spaces	895 spaces	971 spaces
Parking Lot	331 spaces	-	-
Open Space	3.79 acres	5.42 acres	5.42 acres
Bicycle Parking	15 spaces	693 spaces	890 spaces

One diesel-powered emergency generator would be installed as part of the project.

The proposed project would be required to comply with San Francisco Planning Code Section 169, Transportation Demand Management Program (added by Ordinance 34-17, approved February 2017), and would seek Leadership in Energy and Environmental Design (LEED) Gold certification or better, which includes measures applicable to both construction and operation phases.

#### VI. **Technical Review and Assessment**

Ramboll, on behalf of the Applicant, prepared a GHG emissions assessment for the proposed project to demonstrate that the requirements of AB 900 can be met. A full copy of this proposal can be found in Attachment 2.

The Applicant relied upon a variety of sources for activity data and emission factors to quantify GHG emissions. This CARB staff evaluation is focused on reviewing the data sources, emission factors, emissions calculations, and assumptions used for the application, and determining whether these sources and assumptions are reasonable.

The Applicant relied upon Version 2016.3.2 of the California Emissions Estimator Model (CalEEMod), a widely-used emissions quantification tool developed in coordination with local air districts to quantify criteria pollutant and GHG emissions from land use development projects in California. CalEEMod uses widely-accepted sources for emissions estimates combined with appropriate default data that can be used if sitespecific information is not available. CalEEMod is populated with data from the United States Environmental Protection Agency AP-42 emission factors, CARB's on-road and off-road equipment emissions models such as the Emission Factor 2014 model (EMFAC2014), and the Off-road Emissions Inventory Program model (OFFROAD). The Applicant used the latest CalEEMod version, in combination with project-specific data, correction factors to reflect future renewable electricity standards, and CARB's EMFAC 2017 mobile-source emission factors, to calculate GHG emissions from project construction and operation.

#### VII. Project Construction Emissions

Construction-related GHG emissions are one-time, direct emissions and would occur over an approximately seven-year construction period. The Applicant estimated GHG emissions associated with project construction by using the CalEEMod tool. With some exceptions, the Applicant used CalEEMod default settings to generate construction-related GHG emissions. The Applicant estimates a total of 4,273 metric tons carbon dioxide equivalent (MT CO<sub>2</sub>e) over the project construction period, as shown in Table 1. Construction-related GHG emissions reflect the types of equipment expected and the number of hours of operation anticipated over the construction schedule. This includes heavy-duty equipment, such as refuse hauling trucks, excavators, cranes, and conventional work vehicles.

CARB staff concluded that the methodology and estimated GHG emissions provided by the Applicant for construction are appropriate.

#### VIII. Baseline Operational Emissions

Operational emissions from land uses at the existing project site that would be demolished and removed as part of the project, minus mobile-source-related GHG emissions associated with existing UCSF Laurel Heights campus operations that would be relocated to other existing UCSF campuses as a result of the project, represent baseline conditions. Operational emissions in year 2020 serve as the baseline for purposes of this analysis, which represent existing conditions at the time project construction would begin. GHG emissions were quantified for mobile, electricity, natural gas, area, stationary, solid waste, water, and wastewater-related sources. Ongoing mobile-source GHG emissions associated with the relocated vehicle trips from UCSF-related land uses were quantified separately in Attachment 2. As summarized in Attachment 2, the GHG emissions associated with existing land uses in 2020 are estimated as 3,873 MT CO<sub>2</sub>e. The relocated mobile-source emissions were subtracted from the emissions from existing land uses to calculate the baseline emissions, and are summarized in Table 2 above.

CARB staff evaluated the Applicant's GHG emission estimations, demand factors, and assumptions used in the Applicant's baseline calculations. CARB staff concluded that the methodology and estimated baseline GHG emissions provided by the Applicant are appropriate.

#### IX. Proposed Project Operational Emissions

Operational GHG emissions sources from the proposed project and project variant would include mobile, electricity, natural gas, area, stationary, solid waste, water, wastewater, and vegetation sources. Operational GHG emissions from the proposed project and project variant were assumed to begin in 2022.

The proposed project or variant is seeking LEED Gold certification or better. At the time of this analysis, the exact LEED credits and project features that would be selected to achieve LEED Gold Certification have not yet been determined. The Applicant is proposing to include elements of low-impact development, transportation demand management, energy efficiency, water conservation, and other green building practices that would contribute to achieving the LEED Gold Certification.

The Applicant used GHG emission factors for electricity from Pacific Gas and Electric (PG&E). Mobile-source emission factors from CARB's EMFAC 2017 model were used and assume declining GHG emissions from vehicles over the project's lifetime, which reflect additional improvements in fleet fuel economy due to CARB's Advanced Clean Cars regulations. CalEEMod default emission factors and calculation methods were also used to estimate GHG emissions from natural gas, solid waste disposal, water consumption, and area sources. The Applicant conservatively assumed up to 50 hours per year for operations and testing of the emergency generator.

The Applicant's assumptions and inputs are reasonably conservative, and represent an upper-bound for the net increase in GHG emissions that could occur. CARB staff evaluated the proposed project's emissions calculations, demand factors, and assumptions used to estimate operational GHG emissions and concluded that the methodology and estimated operational GHG emissions provided by the Applicant are appropriate.

Based on the Applicant's proposal, annual project operational emissions would exceed baseline throughout the lifetime of the project, as summarized in Table 2.

#### X. Method to Offset Emissions

Under the GHG quantification methodology used by the Applicant, the proposed project would result in a one-time net GHG emissions increase of 4,273 MT CO<sub>2</sub>e during project construction, and an estimated net increase of 1,439 MT CO<sub>2</sub>e during the first year of full project operation (2026) for the proposed project, or 1,627 MT CO<sub>2</sub>e for the project variant.

Operational emissions would be ongoing for the project analysis horizon (defined as 30 years), and would be expected to decline over the life of the project as emission factors decline associated with adoption of lower-GHG-emitting vehicle technologies and renewable sources of electricity. The Applicant has agreed to meet the requirement set forth in California Public Resources Code section 21183, subdivision (c) to demonstrate that the proposed project or project variant, whichever is adopted, would result in no net additional GHG emissions through adoption of feasible GHG emissions reduction measures according to the following prioritization: (1) project design feature/on-site reduction measures; (2) off-site local reductions; (3) off-site regional reductions, and (4) offset credits issued by a recognized and reputable carbon registry, consistent with policy recommendations included in CARB's 2017 Climate Change Scoping Plan Update. 1 To the extent carbon offsets are used to mitigate GHG emissions from the project, the Applicant will purchase voluntary carbon credits issued by an accredited carbon registry for the net increase in operational emissions prior to issuance of the final Certificate of Occupancy for the first building constructed in each phase of the project.

Prior to issuance of grading permits for construction of each phase of the project, the project sponsor or its successor shall enter into one or more contracts to purchase carbon credits issued by an accredited carbon registry for the construction emissions attributable to that phase.

Any identified project design features/on-site reduction measures, off-site local or regional GHG emissions reduction measures used to mitigate GHG emissions and any commitments to enter into contracts to offset net additional GHG emissions will be incorporated as conditions of project approval under Public Resources Code Section 21183(e), which shall be binding and enforceable by the lead agency. Prior to building occupancy, documentation shall be submitted and approved by the City and County of San Francisco that corroborates any equivalent reductions achieved through project design features, such as solar photovoltaic output, that was not available at the time the

9

<sup>1</sup> https://www.arb.ca.gov/cc/scopingplan/scoping\_plan\_2017.pdf

AB 900 application was submitted. Enforcement of compliance will be outlined in the terms of the Development Agreement between the City and County of San Francisco and the Applicant.

#### XI. Conclusions and Recommendations

Based on an evaluation of the documentation provided by the Applicant and its commitment to explore additional direct GHG emissions reduction measures and/or purchase voluntary carbon credits issued by an accredited carbon registry, CARB staff concludes that the proposed project will not result in any net additional GHG emissions relative to the baseline.



durations are consistent with and defined in the phasing schedule under review in our environmental application. While the phasing could be accelerated, we have assumed a relatively conservative approach to the construction phasing.
Q: What is the period of time that you anticipate that construction will occur?
A: We anticipate that construction will occur in the spring of 2020.
Q: What is the reason for constructing the project in phases?
A: By allowing for potential phased construction, we would have the ability to complete and occupy portions of the project as each phase is completed. If conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability.
Q: How many extensions do you anticipate requesting for the entitlements?
<b>A:</b> None. Any extension of the DA's term would be a material amendment that would require Board of Supervisor's approval.
Q: During those extended periods, would it be possible for Prado to request changes in the project as related specifically to increased height, increased bulk, increased numbers of residential units, increased amounts of retail or office space? What about the possibility of design changes or other changes? Could Prado apply to change any part of the construction to provide the opportunity to have high rise construction?
A: Once the EIR is certified and the project is approved, any material changes to the project would be subject to new environmental review, would require Planning Commission and Board of Supervisor approvals and also an amendment to the DA. Any increase in height over what is entitled in our project would require a revision to the Planning Code and Zoning Maps that would entail Planning Commission and Board of Supervisors approval.
Q: There are genuine concerns about reducing open spaces and reduced on-site parking places.
A: Open space will be part of the entitlements and will likely be considered by the City as one of the public benefits supporting the DA for that reason alone, reducing the amount of it would be very difficult if not impossible. The open space requirements will be carefully described in the project's approvals and will also be recorded against the property. So, as with any material changes to the approved project, any material change to the open space would be very difficult and would involve a public process and City approval. As to parking spaces, as you know, the City would like to see the number of spaces reduced. We plan to continue advocating for the proposed number of project parking spaces in our application.
Q: During the phased construction could Prado transfer shares in the project to provide for new or additional investors?
A: We have no plan to transfer any shares in the project and construction lenders generally prohibit any changes of ownership by the project developer during construction and stabilization of a project. PSKS, along with our equity partners and lenders, intend to provide all of the capital necessary to construct, own and operate the project. We plan to

retain day-to-day control of the project during development, construction, stabilization and ongoing operations. We design and build our projects to hold for the long-term owner.

We look forward to reconnecting and thank you again for making the time to meet with us.

Sincerely, Dan



Dan Safier | President & CEO

Prado Group, Inc.

150 Post Street, Suite 320

San Francisco, CA 94108

dsafier@pradogroup.com

T: 415.395.0880 | D: 415.857.9306

From: John Rothmann [mailto:johnrothmann2@yahoo.com]

Sent: Monday, September 25, 2017 8:20 PM

To: Dan Safier <dsafier@pradogroup.com>; Dan Kingsley <dkingsley@sksre.com>

Cc: Kathy Devincenzi <a href="mailto:krdevincenzi@gmail.com">krdevincenzi@gmail.com</a>; Catherine Carr <a href="mailto:catherine.a.carr@gmail.com">catherine.a.carr@gmail.com</a>; M.J. Thomas

<mjinsf@comcast.net>; Richard Frisbie <frfbeagle@gmail.com>

Subject: Specific qwuetions about thre proposed project

Dear Dan and Dan,

[Quoted text hidden]

John Rothmann <johnrothmann2@yahoo.com>
To: Kathy Devincenzi <krdevincenzi@gmail.com>

Mon, Oct 30, 2017 at 7:21 PM

---- Forwarded Message -----

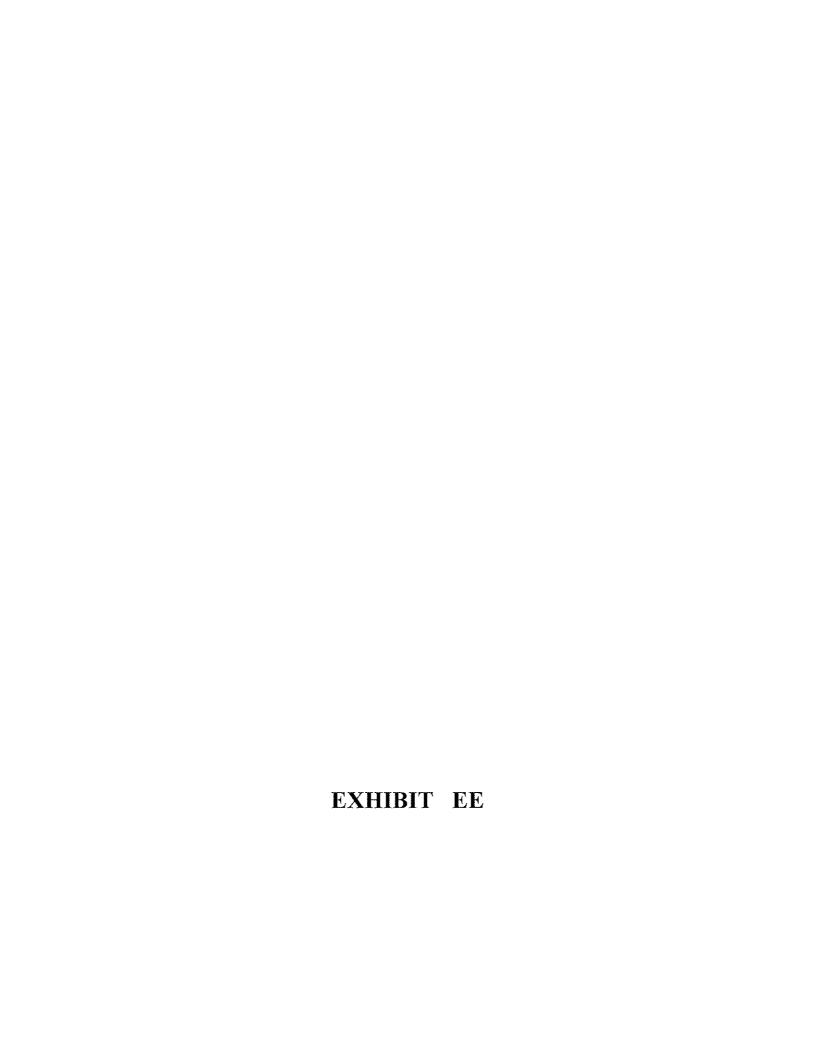
From: Dan Safier <dsafier@pradogroup.com>

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## City and County of San Francisco Department of City Planning

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ADMINISTRATION (415) 558 - 511 / 558 - 4656 CITY PLANNING COMMISSION (415) 558 - 4656 PLANS AND PROGRAMS (415) 558 - 4541

IMPLEMENTATION / ZONING

June 25, 1986

MEMO

(415) 558 · 3055

Supervisor John Molinari

FROM:

Dean L. Macris

RE:

UCSF-Laurel Heights

3333 California Street (at Presidio) (formerly Fireman's Fund office building)

As a result of recent inquiries about the proposed UCSF-Laurel Heights campus, we have compiled the following background information about the property. Because the University of California is not subject to local zoning regulations, no permits have been filed with the City for the proposed use. Nevertheless, the University has prepared a draft EIR, which we have reviewed. A copy of our comments on the EIR is attached for your information.

#### Project Description

Two buildings were constructed in three phases (1955-1966) on the 10-acre site as corporate headquarters of Fireman's Fund Insurance Company, which occupied the building through 1982. The building was purchased in 1982 by Presidio Corporate Center and renovation was begun for use as an office building. It was subsequently purchased by the Regents of University of California in February 1985. Current development on the site is as follows:

354,000 square feet of gross building area in main building 13,000 square feet of gross building area in annex building 97,500 square feet of parking area (549 spaces)

#### Building Use

Exsiting use in 1982	Fireman's Fund	1260 employees
Proposed use in 1988	UCSF School of Pharmacy CalTrans, approximately Private lessees	400 persons 840 persons 20 persons
		1260 persons
Proposed use in 1995	UCSF School of Pharmacy (CalTrans will vacate wh	860 persons en

lease expires)

#### Zoning History

- Original zoning was "First Residential". Site was formerly a portion of the Laurel Hill Cemetary.
- Zoning changed to "Commercial" in order to permit development of Fireman's Fund Corporate Headquarters. CPC Resolution 4109 approves zoning change and establishes conditions for use of property (copy attached). Conditions include:
  - 1. Use limited to professional, institutional, or office buildings.
  - 2. Aggregate gross floor area limited to total area of property (approximately 435,600 square feet).
  - 3. Parking to be 1 space for each 500 square feet of gross floor area.
  - 4. No buildings within 100 feet of Euclid Avenue or Laurel Street and Mayfair Drive.
  - 5. Conditions for residential development if such should occur in future.
  - 6. Landscaping requirements.
- Zoning changed to "R-4" (as part of citywide rezoning program), which permits office/institutional use as "transitional". Prior stipulations of Resolution 4109 continue to apply.
- Zoning changed to "RM-1" (as part of citywide rezoning program), which does not permit office/instituional uses.

However, because use was established in conformity with zoning at time of development, status becomes Non-Conforming Use (NCU) with a 50 year termination date (Section 185(b). Use also qualifies as a Limited Commercial Use (LCU) (Section 186(a)2) which allows continuation without termination date. Prior stipulations of Resolution 4109 continue to apply.

Compliance provisions permit continuation as office use or conversion to institutional or hospital use without termination date.

#### Extent of Local Control

The University of California is not subject to local zoning review.

If local zoning did apply, building permit applications for remodeling or conversions to institutional use would not require conditional use or other special use review by Department of City Planning. However, City Planning Commission could elect to review building permit applications and establish conditions for approval under powers of Discretionary Review.

Attachments

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