

Lew, Lisa (BOS)

From: Pete Krey <pkreyvc@gmail.com>
Sent: Tuesday, April 16, 2019 8:44 PM
To: BOS Legislation, (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Subject: 3620 Buchanan Street: Letter of opposition (re: BOS No. 190275, Appeal of Determination of Exemption of Environmental Review)
Attachments: 3620 Buchanan Street, Letter of Opposition, 4.15.19.pdf; BoS 041619_agenda.pdf
Categories: 190275

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Dear President Yee and Honorable Members of the Board of Supervisors,

Please find attached our letter of opposition related to the proposed project at 3620 Buchanan Street. As stated in the attached letter, we are not opposed to more housing in San Francisco, however we ask that all development be done in a respectful and thoughtful manner. We have tried to be brief and to the point in our letter, highlighting the clear harm being done to our building (and the neighborhood). As noted therein, we offer a path forward at little inconvenience or cost to the proposed project.

Thank you for your consideration.

Peter

**1598 Bay Condominium Association
3609 Buchanan Street
San Francisco, CA 94123**

April 15, 2019

HAND DELIVERY AND ELECTRONIC MAIL

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Attn: Clerk of the Board of Supervisors
Bos.legislation@sfgov.org

RE: BOS File No. 190275 Appeal of 2016-010079CUA Categorical Exemption
3620 Buchanan Street, APN 04903 (the "Project")

Dear President Yee and Honorable Members of the Board of Supervisors:

I am writing to express the concerns of the 28 homeowners at 1598 Bay over the proposed project at 3620 Buchanan Street. While, we believe more housing should be built in San Francisco, we believe this should be done in a responsible manner. We are opposed to the proposed project at 3620 Buchanan Street for the reasons cited below. If modified slightly, we could support it.

Reasons for our opposition:

- Rear yard setback: The project proposes to have NO rear yard setback (the Planning Code requires a rear yard setback equal to 25% of the lot depth, which is 12.5' in this case). To qualify for a variance, Planning Code Section 134 requires three criteria be satisfied. A variance is not warranted since two of the three required criteria are not met: (1) Section 134 requires that the proposed structure *will not significantly impede the access to light and air to and views from adjacent properties*: in fact, *the proposed structure will have a significant negative impact on our building's air, light and views* (due to the 40' high brick wall being built on both the rear and side property lines); and (2) Section 134 requires that the proposed structure not adversely affect the interior block open space formed by the rear yards of adjacent properties: *the open space at 1598 Bay would be in a dark tunnel if the proposed project was built*. In contrast, our property provided this rear yard setback, which directly benefits the property at 3620 Buchanan by providing their building with light and air (our building is set back from the property line shared with 3620 Buchanan between 15' and 25').
- Side yard setback: There is NO side yard setback abutting our building. While there is no strict requirement with respect to side yard setbacks, there is implicit "good neighbor" consideration. In the case of our building (at 1598 Bay), during our early design meetings with neighbors, we yielded to our neighbors at 1550 Bay and redesigned our building to increase our side yard setback by 5' (even though there was already 30' between our buildings). When we requested some consideration from the proposed 3620 Buchanan project, we were ignored. The fact is our windows and open space will be in a dark canyon if the building at 3620 Buchanan Street is built as proposed.

- Widespread disapproval by the abutting neighbors: Over 90% of the owners that abut 3620 Buchanan street oppose the proposed project at 3620 Buchanan (as evidenced by them signing the appeal of the Planning Commission’s CUA). In addition, 34% of the neighbors within 300’ of the proposed project oppose the proposed project (as evidenced by them signing the CUA appeal). Furthermore, at the Historic HPC hearing 10-15 people spoke against this project and no one spoke in favor. This constitutes significant opposition which should be considered.
- Unwillingness to listen to neighbors: We met several times with the sponsor of the 3620 Buchanan project and made a few modest requests. All were ignored. This doesn’t reflect a good neighbor or good politics. This callous disregard for a neighbor is inconsistent with the approach taken by the sponsors of our building (where no neighbors opposed the project) and doesn’t reflect well on the City of San Francisco.
- CEQA issues:
 - Zoning: To rely on the Class 32 exemption, the project must meet the condition that it is “consistent with applicable zoning designation and regulations.” It is impossible for the Planning Department to make this finding because to date, the Zoning Administrator has not issued a written determination for the rear yard modification despite repeated requests to the Planning Department for such a determination.
 - Environmental: Subsection (e) of CEQA Guidelines 15300.2 provides “A categorical exemption **shall not** be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5.” Under CEQA, the word “shall” is mandatory, which means that all public agencies must comply with this provision. [14 Cal Code Regs Section 15005(a)]. The Planning Department has provided substantial evidence into the record that this property is on a site which is included on a list compiled pursuant to Section 65962.5. This site has substantial Manufactured Gas Plan contamination on it. We know about the MGP contamination because we have worked with DTSC over the past few years to mitigate our site.
 - Impact on surrounding businesses: The proposed project will have significant impact on the businesses across the street due to the only access to the site is along Buchanan Street. The extent of this damage should be assessed.
- Unanswered questions:
 - Construction staging and loading: For this project to be built, Buchanan Street may have to shut down, or at a minimum turned into a single lane road, since all project staging, loading and access has to be provided from Buchanan Street. This is further complicated by the fact that it is also the 43 bus route and main access to Safeway. There has been no explanation of how this can happen without creating significant burden to the homes and businesses on this block of Buchanan Street.
 - Lot split: Since this project is being built on a single lot with an existing historical building, how can this happen without the filing of a subdivision map?
- Concerns over the process:
 - Historic review: In in nutshell, the review by the HPC was contentious, divided and didn’t answer the core question of how development could occur on a site designated as historic in the 1970s. The subject property is on the same site/lot as the historic structure; it is common sense to ask what impacts does a new project have on a historic structure on the same lot and its garden area. The proposed project crowds out and overwhelms of the beautiful 1880s building next to it; the proposed building is too big a building on too small a lot.
 - Appeal signatures: We appealed the Planning Commission decision by collecting signatures from 34% of the owners within 300’ (thereby meeting the requirement for a

minimum of 20%); the signatures of over 90% of the owners that about the proposed project were obtained and submitted on time. Inexplicably the DPW denied our appeal by stating we didn't collect enough signatures. The city's list of owners did not include 27 properties that are adjacent to the proposed project.

We respectfully ask you to consider the above points. In the spirit of compromise, all we ask is that the proposed building be moved over 10' to create a side yard setback to provide some light and air to our building. There is plenty of room on the other side of their building to accomplish this with little to no impact on their project. To allow 8 homes (at 3620 Buchanan) to compromise the livability of 28 adjacent homes (at 1598 Bay) doesn't make sense and is inconsistent with the City's own Planning Code.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Conroe', is placed over a light blue rectangular background.

Mark Conroe
President

Cc: Members of the Board of Supervisors

G. BLAND PLATT ASSOCIATES
HISTORIC PRESERVATION CONSULTANTS

April 14, 2019

Members of the Board of Supervisors
One St. Carlton St. Goodlet Place
San Francisco, California 94102

Re: Appeal of 2016-010079 CUA
Conditional Use Authorization
3620-3640 Buchanan Street

San Francisco Landmark #58 - Effective February 4, 1974
San Francisco Gas Light / Merry Vale Antiques
Assessors Block 459 - Lot 3

Dear President Yeoman and Members of the Board:

As a member of the Landmarks Preservation Advisory Board (now the Historic Preservation Commission) from its inception in 1967 until 1980, I reviewed and voted to approve designation of the above-referenced property on August 22, 1973. Following approval by the Planning Commission and the Board of Supervisors, the designation was recorded by the City and County on January 23, 1974, and became effective February 4, 1974. Designation included all of Lot 3 in Assessors Block 459: the San Francisco Gas Light Building, the landscaped open space and the garden shop now known as 3620 Buchanan.

Page 3 of the Landmarks Board's Resolution & Ordinance August 22, 1973 specifically calls out:

"an equally impressive garden shop to the south which is directly accessible from the main building..." as part of the resolve clause relative to "that special character and special historical, architectural and aesthetic interest and value of the parcel landmark justifying its designation..." See attached.

According to the Landmarks Board Case Report and Designation, the Garden House dates to 1959, a year after Merry Vale's opening and was just 13 years old at the time of designation. It is now more than 50 years old, 60 years old to be exact, and, therefore should be considered for designation in its own right. Recent reports do not note any exterior changes to the building which appears much as it did when

the original designation was approved.

Project Sponsors Page and Shumwell Report notes that 3620 Buchanan is not listed in the National Register of Historic Places. Actually, none of the buildings on the site is so listed, the reason being that no one has wished to spend the time or money to do so. Historically, that was not necessary because local designation under Article 10 of the Planning Code is far more restrictive and protective. The National Register is only protective when "Federal funds, licenses or permits" may be involved.

In considering additional construction on the site, it is important to know that circa 1998, the same owner received a Certificate of Appropriateness and permits to convert the 45 foot high and 50-foot square Curline Room at the rear of the San Francisco Gaslight Building into two floors, thus creating additional office space. At the same time, the approval allowed a significant portion of the rear yard space to be fenced and include a maintenance shed, the whole only accessible from a locked gate at the north end of the open space. Does this lack of accessibility diminish the amount of open space provided?

Because the proposed new construction requires the demolition of 3620 Buchanan, the former Garden Shop, and significantly encroaches on the historic open space that was seemingly diminished in 1998, the proposed new construction is inappropriate based on its height, bulk, massing and placement.

In closing, I ask that you consider these comments in support of the excellent legal appeal filed by Charles B. Olson of Zulim/Olson.

Sincerely yours,

Mrs. Gland Heath

LANDMARKS PRESERVATION ADVISORY BOARD

of the

CITY PLANNING COMMISSION

RESOLUTION NO. 88

WHEREAS, A proposal to designate Merryvale at 3640 Buchanan Street as a Landmark pursuant to the provisions of Article 10 of the City Planning Code has been heard and considered by the Landmarks Preservation Advisory Board; and

WHEREAS, The Advisory Board believes that the proposed Landmark has a special character and special historical, architectural and aesthetic interest and value; and that the proposed designation would be in furtherance of and in conformance with the purposes and standards of said Article 10;

NOW THEREFORE BE IT RESOLVED, First, that this Advisory Board intends to and does hereby formally initiate proceedings for the designation as a Landmark pursuant to the provisions of Article 10 of the City Planning Code of Merryvale at 3640 Buchanan Street; and that this Board recommends to the City Planning Commission that this designation proposal be APPROVED; the location and boundaries of the landmark site being as follows;

Beginning at the point of intersection of the southerly line of North Point Street and the easterly line of Buchanan Street; thence easterly along the southerly line of North Point Street for a distance of 118 feet; thence at a right angle southerly for a distance of 69.917 feet; thence at a right angle westerly for a distance of 68.803 feet; thence at a right angle southerly for a distance of 104.75 feet; thence at a right angle westerly for a distance of 49.917 feet; thence at a right angle northerly along the easterly line of Buchanan Street for a distance of 174.667 feet to the point of beginning.

Being Lot 3 in Assessor's Block 459, which property is known as 3640 Buchanan Street.

Second, that the special character and special historical, architectural and aesthetic interest and value of the said Landmark justifying its designation are as follows:

Established in 1873, the San Francisco Gas Light Company was the result of a series of mergers of various companies, the earliest of which was the San Francisco Gas Company, founded in 1852 by Forty-niners Peter Donahue and his brother James. The brothers, with other family members, had previously established the first iron works in California in 1849. Peter Donahue, to whose memory the Mechanics Monument at Market, Bush and Sansome Streets is erected, also headed the successful completion of the second railroad in California which ran between San Francisco and San Jose.

Within the merged gas companies, Peter Donahue held various offices, the last being that of President of San Francisco Gas Light Company from which he resigned in 1883, one year before his death. Upon his resignation, the Presidency of the San Francisco Gas Light

Company was passed on to Eugene P. Murphy who was succeeded in 1885 by Joseph B. Crockett. Although still extremely young, Mr. Crockett had been with the company since its founding twelve years earlier during which time he conceived the idea of a new gas works which would not only be modern but would also be more than adequate for the growing City's immediate needs. In 1884, under his direction, the company purchased three blocks between Webster, Laguna and Bay Streets with the northerly boundary being the Bay itself. In 1891 construction began on the predominately brick buildings which would comprise the new gas works. Also included was an oiler dock - oil was to replace more expensive coal in operating the boilers - a gasometer, and two storage tanks, one with a capacity of two million cubic feet making it the largest of its kind west of Chicago.

Upon its completion in 1893, the complex was hailed as the most modern and best designed in the United States, a tribute to Joseph B. Crockett to whom its design and architecture are attributed. The headquarters building, now occupied by Merryvale, Inc., antiques, and which is the only building of the original complex still standing, housed the company's business offices in the front, upstairs living quarters for the plant manager, and in the main room to the rear, two large gas compression cylinders whose operation was dependent on water pumped from the Bay. The warmed water, returned to the Bay through large pipes, made swimming in what has ever since been known as Gas House Cove, popular indeed.

On December 11, 1896, the firm merged with Edison Light and Power, the whole becoming the San Francisco Gas & Electric Company which was absorbed by Pacific Gas & Electric Company in 1905. By 1906, and after, this building was being used solely for storing company records, a use it continued to serve until it was sold to the present owners in the mid-1950's.

~~The handsomely-landscaped and spacious areas between the buildings in the original complex were used by refugees following the 1906 Earthquake and Fire as photographs of the period show. Also shown is the damage to a gas storage tank and an arched brick building.~~

The extremely sensitive restoration (by Mr. and Mrs. Dent W. MacDonough who engaged William Wurster of Wurster, Bernardi & Emmons for this work) and the re-use of the former headquarters building to display primarily Eighteenth Century antiques has been masterful. The most impressive interior feature is the main room which formerly housed the turbines. This two-story room is 28 feet high and approximately 50 feet square; large arched windows of hand-rolled glass contrast with walls of exposed brick, the whole being surmounted by a particularly handsome coffered ceiling, each large redwood square of which is set off by great beams. The former front offices are distinguished by paneled dados, high ceilings and tall, narrow doors with transoms above.

A year after Merryvale's formal opening in 1958, the owners added an equally impressive garden shop to the south which is directly accessible from the main building.

Also of interest is the iron fence which encloses the front lawn; it is similar to the original and was paced as part of the restoration.

Third, that the said Landmark should be preserved generally in all of its particular exterior features as existing on the date hereof and as described and depicted in the photographs, case report and other material on file in the Department of City Planning in Docket No. IM 73.3, the summary description being as follows:

Richardsonian-Romanesque in its styling, this red brick rectangular building is, except for a corner tower, of uniform height. It is capped by a hipped roof, without projecting eaves, resting on a corbelled cornice. On its narrower facade facing Buchanan Street, a centered arched main entrance is asymmetrically balanced by the Queen Anne tower to the left whose conical roof rises to its apex at an elevation slightly higher than that of the roof ridge behind. From the exterior, the fenestration reflects the interior division of the building into two elements: the front, or westerly, one-third possessing windows indicating two floors with a heavy string course of brickwork at the upper floor level; the remaining two-thirds of the building, equal in height to the front, contains tall windows, divided into panes with fanlights above, whose sill line is uniform with those on the lower floor at the front, but whose tops extend upward about three-quarters of the total wall height. On its south elevation, two-story pilasters divide the building into six evenly spaced bays. However, on the north, along North Point Street, this same division is only partially carried out, the pilasters here defining only the four bays containing the taller windows. The rear of the building is divided, also by two-story pilasters, into three bays slightly wider than those on the north and south sides. The center bay houses a double doorway extending its full width and equal in height to the windows in the adjacent bays. The doorway is topped by a flattened arch similar in its arc to that above the second story windows on the front portion of the building; all other windows and the main entry have semi-circular arched tops. All wall openings are surmounted and protected by slightly projecting cast stone moldings and, except for that over the main entrance, are divided into sections containing a patera. The main entrance arch, resting on short brick pilasters, frames a recessed doorway; here a deeper molding than that over the windows retains the name of the original occupant of the structure:

S.F. GAS LIGHT CO.

AND BE IT FURTHER RESOLVED, That the Board hereby directs its Secretary to report this action and to submit a copy of this Resolution to the Planning Commission for further action in accordance with the said Article 10.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Landmarks Preservation Advisory Board at its regular meeting of August 22, 1973.

Edward N. Michael
Secretary to the Board

AYES: de Losada, Jacobs, Platt, Shumate, Whisler

NOES: None

ABSENT: Malliard, McGloin, Whitaker

DATED: August 22, 1973

#30

April 16, 2019
3501 Laguna ST #302
San Francisco, CA 94123

The Honorable ~~Asha~~ Safai
Member Board of Supervisors
San Francisco, California

Dear Supervisor:

Please affirm The Appeal by the 1598 Bay
Street condo Association opposing project
3620 Buchanan.

My concerns are A) environmental, gas
plant/soil B) historical, Merryvale landmark 58
and C) traffic, ~~lot~~ of a plan shutting down
the street.

cordially yours
Eugene Lynch Jr

#30

April 16, 2019
3501 Laguna ST #302
San Francisco, CA 94123

The Honorable Shamann Walton
Member Board of Supervisors
San Francisco, California

Dear Supervisor:

Please affirm The Appeal by the 1598 Bay Street condo Association opposing project 3620 Buchanan.

My concerns are A) environmental, gas plant soil B) historical, merryvale landmark 58 and C) Traffic, lack of a plan shutting down the Street.

Cordially yours
Eugene Lynch Jr
Eugene Lynch Jr

#30

April 16, 2019
3501 Laguna ST #302
San Francisco, CA 94123

The Honorable Hillary Ronen
Member Board of Supervisors
San Francisco, California

Dear Supervisor:

Please affirm The Appeal by the 1598 Bay
Street Condo Association opposing project 3620
Buchanan.

My concerns are A) environmental, gas plant soil
B) historical, Merryvale landmarks 58 and C) Traffic,
lack of a plan shutting down the street.

Cordially yours,
Eugene Lynch Jr
Eugene Lynch Jr

#30

April 16, 2019
3501 Laguna St
#302
San Francisco, CA 94123

The Honorable Catherine Stefani
Member Board of Supervisors
SAN FRANCISCO, CALIFORNIA

Dear Supervisor:

Please affirm The Appeal by the 1598
Bay Street condo Association opposing project
3620 Buchanan.

My concerns are A) environmental, gas
plant soil B) historical, Merryvale landmark 58
and C) traffic, lack of a plan shutting down
the street.

Cordially yours
Eugene Lynch Jr
Eugene Lynch Jr

#30

April 16, 2019
350 Laguna St #30
San Francisco, CA 94112

The Honorable Rafael Mandelman
Member Board of Supervisors
San Francisco, California

Dear Supervisor:

Please affirm The Appeal by the 1598 Bay
Street condo Association opposing project
3620 Buchanan.

My concerns are A) environmental, gas plant +
soil B) Historical, Merryvale landmark 58
and C) Traffic, lack of a plan shutting down
the street.

Cordially yours,
Eugene Lynch Jr.
Eugene Lynch Jr.

#30

April 16 2019

3501 Laguna ST #302
San Francisco, CA 94133

The Honorable Norman Yee
Member Board of Supervisors
San Francisco, California

Dear Supervisor:

Please affirm the Appeal by the 1598 Bay
street condo Association opposing project 3620
Buchanan.

My concerns are A) environmental, gas plant soil
B) historical, Merryvale landmark 58 and
C) traffic, lack of a plan shutting down the
street.

Cordially yours
Eugene Lynch, Jr
Eugene Lynch Jr

#30

April 16, 2019
3501 Laguna St #300
San Francisco, CA 94123

Honorable Matt Haney
Member Board of Supervisors
San Francisco California

Dear Supervisor:

Please affirm the Appeal by the 1598 Bay
Street Condo Association opposing project 3620
Buchanan.

My concerns are A) environmental, gas plant
soil B) historical, Merryvale landmark 58 and
C) traffic, lack of a plan shutting down the street.

Cordially yours
Eugene Lynch Jr
Eugene Lynch Jr

#30

April 16, 2019
350 Laguna St #302
San Francisco, CA 94123

Honorable Vallie Brown
Member Board of Supervisors
San Francisco, CALIFORNIA

Dear Supervisor:

Please affirm The Appeal by the 1598 Bay
Street Condo Association opposing project 3620
Buchanan.

- My concerns are
- A) environmental, gas plant soil
 - B) historical, merryvale landmark 58 and
 - C) traffic, lack of a plan shutting down the street.

Cordially yours
Eugene Lynch Sr

#30

April 16, 2019
3501 Laguna St #302
San Francisco, CA 94123

The Honorable Gordon Mar
Member Board of Supervisors
San Francisco, California

Dear Supervisor:

Please affirm The Appeal by the 1598 Bay
Street Condo Association opposing project 3620
Buchanan.

My concerns are A) environmental, gas plant
soil B) historical, Merryvale landmark 58 and
C) traffic, lack of a plan shutting down the
Street.

cordially yours
Eugene Lynch Jr

#30

April 16, 2019

3501 Laguna ST #302
San Francisco CA 94123

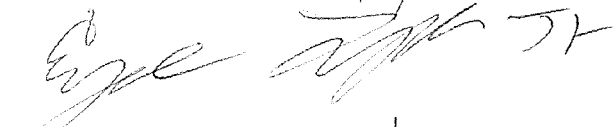
The Honorable Sandra Feuer
Member Board of Supervisors
San Francisco, California

Dear Supervisor:

Please affirm The Appeal by the 1598
Bay Street Condo Association opposing project
3620 Buchanan.

My concerns are A) environmental, gas plant
Soil B) historical, Meryvale landmark 56
and C) traffic, lack of a plan shutting
down the street.

Cordially yours


Eugene Lynch Jr

#30

April 16, 2019
3501 Laguna ST
#302
San Francisco, CA 94123

Honorable Aaron Pestin
Member Board of Supervisors
San Francisco, California

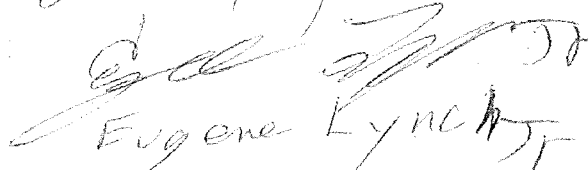
Dear Supervisor:

Please, Supervisor Pestin, affirm
The Appeal by the 1598 Bay Street Condo
Association opposing project 3620 Buchanan.

My concerns are A) environmental, gas
plant soil B) historical, Merryvale landmarks 58
and C) traffic, lack of a plan shutting down
the street.

Aaron - Please
Oppose this project,
which is not in character
with the neighborhood!
All the best!

Marc Blum
15 Nobler Alley
SF CA 94133

Cordially yours

Eugene Lynch

Wong, Jocelyn (BOS)

From: Bob Borchers <bborchers@google.com>
Sent: Tuesday, April 16, 2019 8:25 AM
To: BOS Legislation, (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Subject: 3620 Buchanan Street

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

Dear Board of Supervisors,

As an owner of a unit at 1598 Bay St, I would like to register my concern about the plan for development at 3620 Buchanan Street. I am not against development by any means, but want to make sure the development that happens is done in line with and is consistent with development principles published by the City of San Francisco.

The proposed development at 3620 Buchanan St. will dramatically reduce our light and air quality due to the fact it is being developed with zero setback. I am simply asking you apply the rules of development consistently.

Please take all of this into consideration and oppose the building of 3620 Buchanan St. as proposed.

Thank you so much for your time and consideration.

Bob Borchers

Wong, Jocelyn (BOS)

From: Richard Sherrie <sherrichard61@gmail.com>
Sent: Tuesday, April 16, 2019 8:23 AM
To: BOS Legislation, (BOS)
Cc: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Aaron.Peskin@sfgov.or; Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); MandelmanStaff, [BOS]; Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Subject: RE: BOS File No. 190275 Appeal of 2016-010079CUA Categorical Exemption 3620 Buchanan Street, APN 04903 (the "Project")
Importance: High

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Sherrie Richard
Owner 1598 Bay St. #207,
San Francisco, CA 94123

RE: BOS File No. 190275 Appeal of 2016-010079CUA Categorical Exemption 3620 Buchanan Street, APN 04903 (the "Project")

Dear President Yee and Honorable Members of the Board of Supervisors:

I am writing to express my concern over the proposed project at 3620 Buchanan Street. I recently purchased my unit at 1598 Bay St. because the builders care and concern for the neighborhood was obvious and forefront in the materials he chose to blend into the neighborhood seamlessly and because it was all ADA compliant. I am disabled, a senior citizen and love this "high-rise" free neighborhood.

The proposed 3620 Buchanan project will impact the light and air and my small view of the iconic and historic Gaslight building. They have proposed to butt up to my building, with NO space in between and I don't believe that SF codes allow this to happen. This will leave a very dark space between our building and the proposed building. My small "partial view" of the historic Gaslight building will be gone, but more importantly will be the light taken away from all of us on the rear side of our building. I will be left living in a dark environment, where now I do have some light in my small 1 bedroom unit.

That 'open' space effects not only our building but the buildings on the east and west side as well. It will be taking light away from many owners and tenants.

I am especially concerned that the 3620 Buchanan project was, or will be taking away from the space that was designated by the city of SF as "historic." We see this happening all too often in San Francisco. We are losing parts, or all in some cases, of areas previously designated as historic. Please leave this space alone for all of San Francisco's residents to enjoy. Space is dear and the trend to go up and up and up has destroyed neighborhoods. Money should not be able to BUY out our history and ruin our neighborhoods!

I would also like to add that the projects managers have not listened to their neighbors requests for changes of any kind to help us save our light. This is irresponsible on their part.

I would appreciate your taking our concerns with this project in mind and realize how many residents and voters you would be adversely affecting by allowing any variances on this project.

Thank you for listening,

Sherrie Richard

Wong, Jocelyn (BOS)

From: Jennifer Yan <jennifer.yan@gmail.com>
Sent: Tuesday, April 16, 2019 1:59 AM
To: BOS Legislation, (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Subject: 3620 Buchanan Street, Letter of Opposition BOS File No 190275
Categories: 190275

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Dear President Yee and Honorable Members of the Board Supervisors.

We are one of the 28 unit owners of 1598 Bay Street. We became proud home owners in November 2018, and we are writing to strongly oppose building of 3620 Buchanan. While we support more housing to be built in San Francisco, the current proposed building does not meet Planning Code requirements for the rear yard setback (it requires a 12.5' rear yard setback and they are providing NONE). We are also writing to express the concern we have with the CALLOUS attitude of a developer in a HISTORIC and friendly neighborhood full of nice residents.

We believe current proposal of 3620 Buchanan would be UNFAIR to owners and residents of 1598 Bay Street and significantly impact the air, light and living condition. We believe that the city of San Francisco and honorable members of the Board should uphold the Planning Code requirements to ALL DEVELOPERS, so that residents can be treated fairly. In addition at the historic HPC meeting 10-15 people spoke against the project and NO ONE in favor. We are SHOCKED that the sponsor of the project refused to listen and made modifications. Such disregard of neighborhood and community reflects poorly on the City of San Francisco.

We would do all that is needed to organize the community to have our voices heard and demand the Planning Code be followed and 3620 Buchanan project be modified. A community is only such when rules are followed and we take each other's concerns into consideration.

Thank you for your attention and help guarding the life quality of fellow residents

Sincerely

Dirk Probstel and Jennifer Yan
1598 Bay Street
Unit 405

Wong, Jocelyn (BOS)

From: Beth Borchers <beth_borchers@me.com>
Sent: Monday, April 15, 2019 5:45 PM
To: BOS Legislation, (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Subject: 3620 Buchanan Street.
Categories: 190275

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Dear Board of Supervisors,

We recently bought our retirement home at 1598 Bay St. We love the Marina and look forward to contributing to the community. Our unit is 306, on the north side, looking toward the water. If 3620 Buchanon is built, it would greatly diminish our air, light and view. Given that this is the only side of our unit with windows, the air circulation as proposed, would be greatly compromised. We were told that the proposed project did not meet the required setbacks and also conflicted with the historic codes of its origin when we purchased at a steep price. Please take all of this into consideration and oppose the building of 3620 Buchanon St.

Thank you so much for your time and for preserving the unique nature of the marina for all of us who have invested there.

Beth Borchers

Wong, Jocelyn (BOS)

From: Mitchell Ostwald <Mitchell@molaw.com>
Sent: Monday, April 15, 2019 4:11 PM
To: BOS Legislation, (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Subject: 3620 Buchanan Street; Hearing date: April 16, 2019 (re BOS No. 190275. Appeal of Determination of Exemption of Environmental Review)
Categories: 190275

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Dear President Yee and Honorable Members of the Board of Supervisors:

I am a resident of 1598 Bay Street and do not oppose more housing in SF, however I do oppose this appeal. The rules for development must be done in a thoughtful manner that follows the existing laws. The rear and side yard setbacks do not meet existing criteria. As a result, it would negatively impact on the air, light and views created if the proposed building gets built. Accordingly, I urge you to deny the developers request.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration.

Mitchell

Mitchell S. Ostwald
1598 Bay Street #403
San Francisco, California 94123
Phone: (916) 501-8818
Email: mitchell@molaw.com

Wong, Jocelyn (BOS)

From: Gary Filizetti <gfilizetti@devcon-const.com>
Sent: Monday, April 15, 2019 11:18 AM
To: BOS Legislation, (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: cle@lubinolson.com; Bret Sisney
Subject: 190275 - Hearing - Appeal of Determination of Exemption From Environmental Review
Categories: 190275

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Board of Supervisors

**RE: 190275 - Appeal of 2016-010079CUA Categorical Exemption
3620 Buchanan Street (the "Project")**

Dear President Yee and Honorable Members of the Board of Supervisors:

This letter is in support of the Appeal for a finding of Categorical Exemption under the California Environmental Quality Act ("CEQA").

The Project consists of the demolition of one of two structures on one shared parcel, which parcel is subject to a Landmark Preservation Ordinance and the construction of a new 4-story, eight unit residential building. The Planning Department determined that the Project qualified for a Class 32 Urban In-Fill Development Categorical Exemption despite the fact that the proposed Project could result in significant effects as a result of the likely presence of hazardous materials at the Project site and could adversely impact the significance of a historic resource.

The Board of Supervisors should overturn the Planning Department's decision to issue a Categorical Exemption to support the Project's approvals and return the Project to staff for additional environmental review and review of the project setbacks.

The proposed Project does not qualify for reliance on the Class 32 exemption for several reasons. Pursuant to San Francisco Planning Commission Resolution No. 14952, for Class 32 exemptions, this categorical exemption may be used only where it can be seen with certainty that the proposed project could not have a significant effect on the environment. At this juncture, the Planning Department cannot be certain that the Project would not have a significant effect on the environment with regards to hazardous materials as construction workers, future residents and occupants of neighboring properties could be affected.

Second, CEQA Guidelines Section 15300.2, subdivision (f), provides that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource. The proposed Project is located on the same lot that contains the Merryvale Antiques building, the courtyard, and the garden house, all of which are designated as part of Landmark No. 58. The Planning Department should require the Project to undergo further environmental review, including the preparation of an initial study and a focused report on the impact on a historic resource to address this issue.

Third, CEQA Guidelines Section 15332(a) requires that Class 32 In-Fill Development Projects meet a number of conditions, including the condition that the project is “consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.” The proposed Project requires a rear yard modification because it provides no rear yard where a rear yard of at least 25% of lot depth is required, but in no case less than 15 feet. Nor can the proposed Project satisfy any of the three conditions to granting a rear yard modification under Planning Code Section 134(e). The proposed Project does not indicate how it will be able to provide a comparable amount of usable open space nor is that calculation and analysis located anywhere in the Project’s Conditional Use Authorization. Accordingly, the Project is not consistent with the zoning (Planning Code) regulations and a Class 32 exemption cannot be used.

I respectfully request that the Board of Supervisors affirm the appeal, and require the Project to undergo additional environmental review and provide a setback from the existing building next door (1598 Bay Street).

Gary Filizetti, Homeowner
1598 Bay Street, #404
San Francisco, CA

Wong, Jocelyn (BOS)

From: Bret Sisney <bsisney@devcon-const.com>
Sent: Monday, April 15, 2019 11:10 AM
To: BOS Legislation, (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: clee@lubinolson.com; Gary Filizetti
Subject: RE: 190275 - Hearing - Appeal of Determination of Exemption From Environmental Review
Categories: 190275

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Board of Supervisors

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We respectfully request that the Board of Supervisors affirm the appeal, and require the Project to undergo additional environmental review and provide a setback from the existing building next door (1598 Bay Street).

**Bay Street Investments
1598 Bay Street, Unit 301, 302,
303, 304, 100 & 102
San Francisco, CA**

Wong, Jocelyn (BOS)

From: Bret Sisney <bsisney@devcon-const.com>
Sent: Monday, April 15, 2019 10:55 AM
To: BOS Legislation, (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: clee@lubinolson.com
Subject: 190275 - Hearing - Appeal of Determination of Exemption From Environmental Review
Categories: 190275

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Board of Supervisors

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3620 Buchanan Street (the “Project”)**

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I respectfully request that the Board of Supervisors affirm the appeal, and require the Project to undergo additional environmental review and provide a setback from the existing building next door (1598 Bay Street).

Bret Sisney
Homeowner
1598 Bay Street, Unit 303
San Francisco, CA

Lew, Lisa (BOS)

From: Linda Gold <lgold86@yahoo.com>
Sent: Sunday, April 14, 2019 1:08 PM
To: BOS Legislation, (BOS)
Subject: Appeal of 2016-010079CUA 3620 Buchanan Street (Project) File No. 190275

Categories: 190275

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Dear BOS,

I am writing to express the concerns affecting [1598 Bay Street](#) Condo Association members, other residents facing Buchanan Street and 1550 Bay residents whose windows face Buchanan Street [**ADJACENT PROPERTIES**], over the proposed project at [3620 Buchanan Street](#). While more housing should be built in San Francisco, this should be done in a responsible manner.

Reasons for opposition to the proposed 3620 Buchanan project:

- Rear yard setback: The project proposes to have NO rear yard setback (the Planning Code requires a rear yard setback equal to 25% of the lot depth, which is 12.5' in this case). To qualify for a variance, Planning Code Section 134 requires three criteria be satisfied. A variance is not warranted since two of the three required criteria are not met: (1) Section 134 requires that the proposed structure will not significantly impede the access to light and air to and views from **adjacent properties**: in fact, the proposed structure will have a significant negative impact on 1598 Bay's air, light and views (due to the 40' high brick wall being built on both the rear and side property lines); and (2) Section 134 requires that the proposed structure not adversely affect the interior block open space formed by the rear yards of **adjacent properties**: the open space at 1598 Bay would be in a dark tunnel and 1550 Bay residents loose their winter sun and air flow if the proposed project gets built. In contrast, the 1598 Bay building provided this rear yard setback, which directly benefits the property at 3620 Buchanan by providing their building with light and air. 1598 Bay is set back from the property line shared with 3620 Buchanan between 15' and 25'.

- Side yard setback: There is NO side yard setback abutting 1598 Bay. While there is no strict requirement with respect to side yard setbacks, there is implicit "good neighbor" consideration. In the case of 1598 Bay, during their early design meetings with neighbors, 1598 Bay yielded to neighbors at 1550 Bay and redesigned their building to increase the side yard setback by 5' (even though there was already 30' between our buildings). When 1598 Bay requested some consideration from the setbacks for the proposed 3620 Buchanan project, they were ignored. The fact is 1598 Bay windows and open space will be in a dark canyon, and 1550 Bay residents facing Buchanan Street will loose air and light if the proposed building at [3620 Buchanan Street](#) is built as proposed.

- Widespread disapproval by the abutting neighbors: Over 90% of the owners that abut [3620 Buchanan street](#) oppose the proposed project (as evidenced by them signing the appeal of the Planning Commission's CUA). In addition, 34% of the neighbors within 300' of the proposed project oppose the proposed project (as evidenced by them signing the CUA appeal). Furthermore, at the Historic Historical Preservation Committee (HPC) hearing about 10-15 people spoke against this project and no one spoke in favor. This constitutes significant opposition which should be considered.

- Unwillingness to listen to neighbors: 1598 Bay met several times with the sponsor of the 3620 Buchanan project and made a few modest requests. All were ignored. This doesn't reflect a good neighbor or good politics. This callous disregard for a neighbor is inconsistent with a good neighbor policy and doesn't reflect well on San Francisco values.

- California Environmental Quality Act (CEQA) issues:

- o Zoning: To rely on the Class 32 exemption, the project must meet the condition that it is "consistent with applicable zoning designation and regulations." It is impossible for the Planning Department to make this finding because to date, the Zoning Administrator has not issued a written determination for the rear yard modification despite repeated requests to the Planning Department for such a determination.

- o Environmental: Subsection (e) of CEQA Guidelines 15300.2 provides "A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5." Under CEQA, the word "shall" is mandatory, which means that all public agencies must comply with this provision. [14 Cal Code Regs Section 15005(a)]. The Planning Department has provided substantial evidence into the record that 3620 Buchanan is on a site which is included on a list compiled pursuant to Section 65962.5. This site has substantial Manufactured Gas Plan contamination on it. 1598 Bay worked with DTSC over the past few years to mitigate their site, adjacent to 3620 Buchanan.

- o Impact on surrounding businesses: The proposed project will have significant impact on the businesses across the street due to the only access to the site is along Buchanan Street. The extent of this damage should be assessed.

- Unanswered questions:

- o Construction staging and loading: For this project to be built, Buchanan Street will have to shut down since all project staging, loading and access has to be provided here. There has been no explanation of how this can happen without creating significant burden to the homes and businesses on this block of Buchanan Street.

- o Lot split: Since this project is being built on a single lot with an existing historical building, how can this happen without the filing of a subdivision map?

- Concerns over the process:

- o Historic review: In summary, the review by the HPC was contentious, divided and didn't answer the core question of how development could occur on a site designated as historic (Ordinance No. I2-74 on January 4, 1974) passed by the Board of Supervisors. The subject property is on the same lot as the historic structure; it is common sense to ask what impacts does a new project have on a historic structure on the same lot and its garden area. The proposed project crowds out and overwhelms of the beautiful 1880s building next to it; the proposed building is too big a building on too small a lot.

- o Appeal signatures: 1598 Bay appealed the Planning Commission decision by collecting signatures from 34% of the owners within 300' (thereby meeting the requirement for a minimum of 20%); the signatures of over 90% of the owners that abut the proposed project were obtained and submitted on time. Inexplicably the DPW denied the appeal by stating 1598 Bay didn't collect enough signatures. The city's list of owners did not include 27 properties that are adjacent to the proposed project.

Please consider the above points. To allow eight homes (at 3620 Buchanan) to compromise the livability of 28 adjacent homes (at 1598 Bay) and impact the living conditions of Buchanan and 1550 Bay Streets residents doesn't make sense and is inconsistent with the City's own Planning Code.

Sincerely,
Linda Gold

Lew, Lisa (BOS)

From: R.P. <rachaly@gmail.com>
Sent: Sunday, April 14, 2019 11:45 AM
To: BOS Legislation, (BOS)
Subject: Appeal of 2016-010079CUA 3620 Buchanan Street (Project) File No. 190275
Categories: 190275

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Sincerely yours
Rachel Podlishevsky

Lew, Lisa (BOS)

From: Jan Bulechek <janbulechek@gmail.com>
Sent: Saturday, April 13, 2019 3:47 PM
To: BOS Legislation, (BOS)
Subject: 3620 Buchanan on Tue 4/16

Categories: 190275

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

Dear Supervisors,

Though the measure before you on Tues 4/16, the **3620 Buchanan St Development** involves our City, it's personal to me. I live in a large apt complex at 1550 Bay St (Marina Cove Apts) which borders this property. Everything is wrong about this proposed development: squeezed into a space that is much too small to accommodate it, only 1 parking space, completely ruins views from our building & 1598 Bay; & especially because it violates every & all CEQA guidelines. Also, it's a high income condominium complex & Not affordable housing.

If you peruse the specs, it will be easy to see that our block can't contain the new complex. As well as it being completely against CEQA's & Preservation of the former sites (Merryvale Antiques, etc.).

Thank you for considerations, & very much appreciated.

Respectfully submitted, Jan Bulechek
1550 Bay St #D159
SF CA 94123