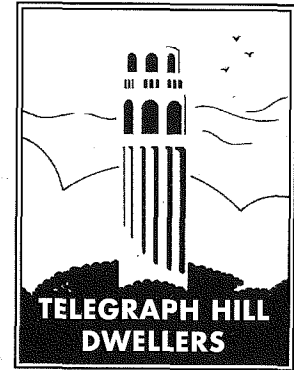


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BY: *[Signature]*



November 10, 2014

Board President David Chiu
and Members of the Board of Supervisors
c/o Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Subject: Conditional Use Appeal - 115 Telegraph Hill Boulevard
Planning Commission Motion No. 19232 (Case No. 3013.1375EC)

Dear President Chiu and Supervisors,

Pursuant to the requirements of Section 308.1 of the Planning Code, the Telegraph Hill Dwellers (THD) ("Appellant") submitted the signatures of 61 individuals, representing the qualified owners of 34.7% of the area within 300 feet of the project site, to appeal the Planning Commission's approval of a Conditional Use Authorization (CUA) for the construction of a 15,544 square foot, 3-unit luxury condominium building at a sensitive, extremely unique location near the top of Telegraph Hill along the Filbert Street steps, and rehabilitation of an existing cottage at the southeast corner of the lot.

Founded in 1954, THD has long worked and advocated for the preservation of affordable housing, small independent businesses, parks and open spaces, and the character of our neighborhood. Contrary to urban myth, THD's membership consists of long term home owners, renters, individuals on fixed income, artists, writers, film makers, poets and small business owners, who share a love for and interest in preserving the historic essence and livability of Telegraph Hill and North Beach.

1. UNIQUE NATURE AND LOCATION OF THE PROJECT SITE.

The project site is extraordinary. Its nature and location at the convergence of the Filbert Steps, Telegraph Hill Boulevard, and the Pioneer Park steps are unique in the City of San Francisco. The area surrounding Coit Tower and Pioneer Park is one of San Francisco's premier destinations for residents and visitors from around the world and is considered an iconic symbol of San Francisco, equivalent in stature to the Golden Gate Bridge. The Urban Design Element of the General Plan recognizes Telegraph Hill as an "Outstanding and Unique Area" that contributes in an extraordinary degree to San Francisco's visual form and character. (Policy 2.7 of the Urban Design Element of the San Francisco General Plan.) The SF Recreation and Parks Department web page states: "*Located at the top of Telegraph Hill, Pioneer Park is the site of world-famous landmark Coit Tower. At 4.89 acres, Pioneer Park offers wide, breathtaking views of the city and the bay. The park space was built in 1876 to commemorate the country's centennial anniversary.*" [Emphasis added]

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Earlier this year the San Francisco Arts Commission refurbished Coit Tower's historic murals, and the Recreation and Parks Department completed a \$1.7 million renovation of Coit Tower and replaced the concessionaire. Today, at least 400,000¹ people visit Pioneer Park and Coit Tower each year. More than half of these visitors come by foot or by bus. The proposed project will obliterate the breathtaking views of the city now enjoyed by the thousands of residents and visitors who walk up the Filbert Street stairs from North Beach or arrive by the Coit #39 bus, and will create an unsafe situation for those who are forced to cross the project's driveway to reach the crosswalk to Pioneer Park and Coit Tower.

2. SCOPE OF APPEAL.

Appellant is appealing the Planning Commission ("Commission") approval of the CUA because the project does not meet the criteria set forth in Planning Code Section 303(c) for approving a CUA. In addition, the Commission failed to impose adequate conditions to mitigate the impacts of a two-year or longer construction period. The Commission also erred in approving the restoration of the existing rear yard cottage to its pre-1995 variance² condition as a one-unit cottage when it was actually a two-unit building prior to 1995. See **Exhibit 8** for pages 1 and 2 of Planning Commission Motion No. 13782, adopted November 17, 1994.

The Appellant will demonstrate that the Commission should not have approved a CUA because the project:

- Fails to meet the three criteria for a CUA set forth in Planning Code Section 303(c);
- Violates both the procedural and substantive provisions of the Planning Code;
- Is inconsistent with key applicable provisions of the objectives and policies of the city's general plan;
- Is inconsistent with the Proposition M Priority Planning Policies set forth in Planning Code Section 101.1(b);
- Is contrary to the applicable Residential Design Guidelines; and
- Fails to include adequate conditions of approval to mitigate for the significant impacts of construction.

Appellant has proposed a design alternative, prepared by the architectural firm of EHDD, that would preserve some of the public views from the Pioneer Park stairway from Telegraph Hill Boulevard, reduce the overall scale and mass of the proposal, decrease the depth of the excavation, and lessen the construction impacts. [See **Exhibit 6.**] Appellant also proposes additional conditions of approval that will help to mitigate the impacts

¹ Based on data supplied by Terry Grimm, Coit Tower Concessionaire, and conversation with Cassandra Costello Property Manager, San Francisco Recreation and Park Department, confirmed that this visitation estimate is reasonable.

² The variance decision is dated May 19, 1995 (Case No. 93.180V).

associated with the development of this sensitive parcel. These proposed additional conditions are discussed more fully below.

All references in this letter to Exhibits are to Exhibits 1 through 16 attached to the Appeal of Exemption from Environmental Review filed by Susan Brandt-Hawley on November 7, 2014, and are incorporated herein by this reference. The Table of Exhibits is also attached to this letter for reference.

3. PLANNING CODE SECTION 303 CRITERIA FOR CONDITIONAL USE AUTHORIZATION ARE NOT MET.

As detailed below, the project does not meet the three criteria required by Planning Code Section 303(c) for a CUA.

Criteria No. 1 (Sec. 303(c)(1)): “That the proposed use or feature, at the size and intensity contemplated and at the proposed location will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community [Emphasis added.]”

The proposed project is the development of a 3-unit luxury condominium building for speculation with unit sizes ranging from 3,685 to 4,275 square feet each plus a 3,767 square foot 3-car parking garage and restoration of the rear cottage as a single-family home. The size of these new condominiums is not compatible with the neighborhood where according to city records, the average unit size within 300 feet of the project site is 833 square feet. [See **Exhibit 7**.] Indeed, even the area devoted to each parking place -- at 1,245 square feet each -- far exceeds the average unit size of the immediate area.

The project applicant informed the Appellant that he expects to sell the three new condominiums for between \$8 million and \$10 million each. With the current over-heated real estate market in the city, the sales prices could even be much higher.

When voting against the CUA at the Commission hearing on September 11, 2014, one of the Commissioners could not find this project to be “necessary and desirable” citing to the Planning Department’s *Quarterly Pipeline Report*³ showing that 197% of the housing allocation for above moderate housing have been entitled⁴ and that the property taxes generated by the proposed project would contribute very little to the construction of affordable units in the city.

The proposed new large, luxury condominiums will not enhance the supply of “family” housing in the neighborhood or city; rather, they will create additional pressure

³ The *Quarterly Pipeline Report* is available on the Planning Department website at: http://www.sf-planning.org/ftp/files/publications_reports/residential-pipeline-quarterly-dashboard/2014Q1.pdf

⁴ Appellant notes that the Department’s *Quarterly Pipeline Report* shows that as of the second quarter of 2014, only 15% the entitled projects in the pipeline are affordable to households of moderate income.

on the existing affordable and workforce housing resulting in a decrease in the economic and demographic diversity of the neighborhood and the community. Therefore, the proposed new condominiums are not “necessary and desirable” for or “compatible” with the neighborhood and community.

Additionally, the proposed project’s mass, scale and design are not compatible with the historic development pattern and design character of the surrounding neighborhood. Specifically, the proposed project conflicts with the human proportions finer scale and detail that characterize the nearby older and historic buildings in the Telegraph Hill and North Beach area.

Furthermore, the size and mass of the proposed property at the proposed location -- at the convergence of the top of the narrow Filbert Street steps, the Pioneer Park stairway to Coit Tower and the bus stop -- will impair public views from the Filbert Street steps and the Pioneer Park stairways currently enjoyed by residents of the city and visitors from around the world. [See **Exhibit 10.**] The project sponsor’s own “Ghosted Massing” (at the same height as the current proposal) clearly shows the adverse impact of the proposed development as seen from the southern stairways within Pioneer Park. [See **Exhibit 11.**] Indeed, the Recreation and Park Department shared Appellant’s concern about view blockage from public viewing areas. See **Exhibit 5** for a letter dated July 28, 1993 from the Recreation and Park Department to the Planning Department for a previously proposed project at the same height as the proposed project. Appellant’s alternative design would preserve some of this view from the Pioneer Park staircase. [See **Exhibit 12.**] Planning Department staff acknowledged at the hearing on September 11, 2014, that they did not consult with the Recreation and Park Department.

For over a century, this site was developed with 5 buildings that provided 11 residential units, offering housing for up to 20 people without impairing public views from within Pioneer Park. As can be seen from the photo attached as **Exhibit 13**, visitors and residents enjoyed the downtown view over the Bill Bailey cottage prior to 1995.

When voting against the CUA at the Commission hearing on September 11, 2014, Commissioner Moore stated that one of the reasons the CUA could not be justified is the project’s failure to address the public interest value of preserving the public views from the Filbert Street steps and from the stairways within Pioneer Park.

As confirmed by architectural historian and Telegraph Hill resident Katherine Petrin, the height and mass of the proposed project would “eliminate a singular, sweeping view (bay to Financial District to Nob and Russian Hills, looking from the north) in a city distinguished internationally by the quality of its views.” [See **Exhibit 3.**] Ms. Petrin also notes that the proposed project will diminish views in a manner that negatively impacts the historic context of Coit Tower and Pioneer Park, and will keep the Filbert Steps in shade creating a canyon effect due to a nearly solid wall plane to the south.

For the reasons discussed above, the size and intensity of the proposed project at the top of Filbert Street Steps will not provide a development that is compatible, necessary or desirable with the neighborhood or community.

Criteria No. 2 (Sec. 303(c)(2): “That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity,” with respect to aspects including but not limited to the following:

- (A) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;*
- (B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code;*
- (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor. [Emphasis added.]*

The proposed site is immediately adjacent to the only vehicular route to Coit Tower and Pioneer Park. Over 400,000 persons each year arrive by foot, by MUNI bus on the #39 Coit, or by car or tour bus on narrow, winding Telegraph Hill Boulevard. The driveway and curb cut for the proposed project’s parking garage at the very top of the Filbert Street steps, immediately adjacent to a MUNI bus stop, the cross walk to the Pioneer steps and a blind curve, creates an unsafe traffic condition that will be detrimental to the health, safety, convenience and general welfare of thousands of visitors who use these steps, the MUNI Bus # 39 (Coit) and/or Telegraph Hill Boulevard.

As stated by Commissioner Moore⁵ at the September 11, 2014, hearing, one of the primary reasons why a CUA cannot be justified is the project’s impact on pedestrian safety at this location where the top of the Filbert Street steps and the proposed driveway converges. Commissioner Moore opined that a level landing over the entire width of the stairs is required for public safety, and that, as proposed there will be no safety zone for pedestrians as they step up onto the new driveway. Commissioner Moore also pointed out that the curb cut, in its proposed location, creates an additional safety issue in that it will be located at a blind curve instead of on a straightaway.

Letters from local residents who use the Filbert Street steps to walk to work and home daily via the Filbert Street steps testify that the driveway at the very top of the stairs will create a dangerous condition for pedestrians, especially those unfamiliar with the

⁵ Commissioner Moore is a professional architect and urban designer, and a certified planner. She is the only member of the Planning Commission with professional credentials in the field.

location, even if the garage door is “recessed” 7’-6” from the face of the building’s front façade with flashing lights to signal exiting cars. [See **Exhibit 3.**] A photograph showing intensive pedestrian use of the Filbert Street steps, attached as **Exhibit A**, is evidence of the concerns voiced by Commission Moore and residents of the area.

In addition to impairing pedestrian movement and safety, the proposed garage/driveway at this location will create conflicts with Muni buses and add to recognized traffic congestion on Telegraph Hill Boulevard leading to Coit Tower, resulting in further detriment to the “safety, convenience and general welfare” of persons residing or working in the vicinity, as well as those visiting Coit Tower and the park. Incredibly, the Planning Department staff, when questioned by several of the commissioners and specifically by Commissioner Richards at the September 11, 2014 public hearing, stated they had never consulted with San Francisco Municipal Transit Authority (SFMTA) or the Department of Public Works Bureau of Street Use and Mapping (DPW).

Further detriment to the “safety, convenience and general welfare” of persons residing, visiting or working in the vicinity will result from construction activities associated with the project due to the highly unusual characteristics of the project site. As first revealed during the Planning Commission hearing on September 11, 2014, and not considered by the Planning Department in determining the project to be exempt from environmental review, the project applicant intends to stage concrete pumping to the project site from the intersection of Kearny and Filbert Streets at the bottom of the Filbert steps next to Garfield Elementary School. See **Exhibit B** for a photograph showing a school bus turning around in this same location. The Department did not advise the Commission that this construction activity would seriously impact Garfield Elementary School, including potential safety, air quality and noise impacts from concrete trucks and concrete pumping equipment, nor did it consult with the San Francisco Unified School District (SFUSD) concerning this project change. Given the amount of concrete necessary for the proposed project, the number of truck trips required to deliver the concrete to the site will be significant. [See **Exhibit 14.**] Concrete pumping trucks are notoriously unstable and there is ample evidence in published literature to this effect.⁶ Given the potential impacts to school children, the SFUSD should be invited to participate in the Transportation Advisory Staff Committee (TASC) referenced in Appellant’s proposed additional conditions of approval set forth in **Exhibit 16**.

Additional detriment to the “safety, convenience and general welfare” of persons residing in the vicinity will result from the project’s deep open excavation of at least 32 feet required for the proposed car elevator shaft. According to geotechnical engineer Lawrence Karp, given the geological history and nature of the project site, the excavation “will significantly affect neighboring properties and leave a latent condition that irreparably relieves lateral and subjacent support along the southern” flank of Pioneer Park

⁶See: <http://www.bing.com/videos/search?q=concrete+pumping+accidents&qvvt=concrete+pumping+accidents&FORM=VDRE#view=detail&mid=5971EA12C6C01DC7002E5971EA12C6C01DC7002E>

...” with resultant “serious hazards.” [See **Exhibits 1 and 2.**] In addition, the number of trucks trips required to carry away the excavated material from the project site, whose only vehicular access is Telegraph Hill Boulevard that dead ends in the Coit Tower parking lot, will add to traffic congestion and interfere with MUNI, resulting in further detriment to the “safety, convenience and general welfare” of persons residing and working in the vicinity, and to thousands of visitors. [See **Exhibit 14.**]

***Criteria No. 3:** “That such use or feature as proposed will comply with the applicable provisions of this [Planning] Code and will not adversely affect the General Plan.” (Sec. 303(c)(3))*

As detailed below, the project does not meet Criteria No. 3 because it fails to comply with applicable provisions of the Planning Code and is inconsistent with the Objectives and Policies of the General Plan.

A. The Project fails to comply with the following applicable provisions of the Planning Code:

- (1) Enhancement and Improvement of the Filbert Steps would require a permit from DPW and a General Plan Referral that the Project Sponsor deliberately circumvented.

Prior to April 29, 2014, the proposed plans, which state “(E) STAIRS TO BE RE-GRADED,” included a landing of approximately 10 feet between the top of the steps and the proposed new garage door/driveway. Nick Eisner of DPW advised Ms. Hilyard via e-mail dated April 28, 2014, that the proposed modification to the steps would require a major encroachment permit. Subsequently on April 29, 2014, Daniel Frattin, the project attorney, informed Ms. Hilyard via e-mail that the proposed landing at the top of the steps would therefore be eliminated because it would otherwise require a general plan referral, additional environmental review, and a major encroachment permit which would have to have been acted on by this Board. See **Exhibit 4** for April 8, 2014 e-mail from David Swetz, project architect, to Gretchen Hilyard, planner for the project, including the plans (Sheets A0.5, A0.6, A3.1) showing the proposed realignment and modification to the Filbert Steps. See also the April 28 e-mail from Nick Eisner and the April 29 2014 e-mail from Daniel Frattin.

It is clear that improvement and reconstruction of the Filbert steps were part of the project as first proposed, but were deliberately deleted to avoid general plan referral, major encroachment requirements and additional environmental review. Yet, the project applicant and the Commission discussed enhancement and improvement of the Filbert steps even though the nature and scope of such improvement is undefined and will likely require a general plan referral and additional environmental review. Finally, improvement and enhancement of the Filbert Steps, as well as covering the Filbert Street steps with a pedestrian tunnel

during construction⁷ must be the subject of a future agreement requiring the project sponsor to indemnify the city for any injuries to persons and or properties and to repair and replace any portion of the Filbert Street steps damaged during construction.

(2) *Merger of the rear cottage to its alleged original configuration violates Planning Code Section 317:*

When it was determined that the project owners had *de facto* demolished, then expanded the envelope of existing rear cottage without a valid permit after the 1995 variance and conditional use authorization had lapsed, the project applicant decided to revert the cottage to its pre-variance condition in order to avoid seeking a new variance to legalize the previous work. As a part of the project, the Commission approved a design for the “renovation and restoration of the cottage located at the rear of the property, returning it to its pre-variance form.” The project applicant used photographs of the rear cottage that was partially, but illegally restored to support his proposal to “return” the cottage to a one-unit building. (See Plans dated 9/16/14, Sheet A2.7 submitted to this Board by the project applicant and Planning Department.) However, as clearly evidenced by the conditional use authorization Motion No. 13782 adopted November 17, 1994 (Case No. 93.180VC), the cottage contained two units in its previous, pre-variance form, not one unit. [See **Exhibit 8.**]

Notwithstanding that the Department and Commission were advised that the current configuration of the rear cottage was changed without the benefit of a valid building permit or a valid variance, the Commission nevertheless approved the plans for deconstruction of that portion of the cottage that required a rear yard variance. See **Exhibit 8** for the permit history from DBI’s on-line permit tracking information showing that the permit for expansion of the rear yard cottage had expired and that the rear yard variance granted to enlarge it became null and void by operation of law. The photographs on Sheet A.2.9 of the Plans dated 9/16/14 clearly demonstrate that the original cottage was the subject of a de-facto demolition. The Commission’s approval is based on the project sponsor’s erroneous representation of the prior status of the rear cottage.

The procedures for unit merger are set forth under Planning Code Section 317,⁸ and they were not followed. No application to merge the two previously existing units into one was submitted, no public notice was given and no hearing on the Section 317 requirements was held to determine if the criteria for unit merger were met. The Commission was informed again at the September 11, 2014

⁷ See #23 of General Notes on project plans revised on 9/16/14.

⁸ Planning Code Section 317 was first adopted in 2008. Inasmuch as the 1994 conditional use authorization and the 1994 variance decision are null and void because they were not implemented within 3 years and Section 317 applies to the merger of the two pre-1995 variance units into one.

hearing that the original building contained two units. The Commission's action allowing the merger of the two units into one without compliance with the provisions of Section 317 is a fatal procedural error making the conditional use approval null and void.

B. The Project fails to comply with the following Objectives and Policies of the City's General Plan.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

As stated in Objective 1, "ABAG has allocated more than 31,000 new housing units in City and County of San Francisco through the year 2014, with over 60% of those units required to be affordable to households of moderate income (defined as 120% of Area Median Income) or below." [Emphasis added.]

In conflict with this objective, the number of new high-end housing units that are not affordable to households of moderate income approved in the city far exceeds the number of new units that are affordable to households of moderate income. Indeed, the Planning Department's own data showing that as of the second quarter of 2014, only 15% the entitled projects in the pipeline are affordable to households of moderate income. See Planning Department's *Pipeline Report, 2nd Quarter, 2014*. The proposed project will further exacerbate this imbalance by approving new units ranging from a minimum of \$8 to \$10 million.

OBJECTIVE 11:

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

Objective 11 provides that "San Francisco is a city of neighborhoods, each with a distinct character and quality" underscoring that "no policy should be applied without first examining its applicability to each specific neighborhood's unique context." Telegraph Hill and North Beach is one of the city's iconic neighborhoods, with a distinct and historic character.

Policy 11.1:

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

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character. [Emphasis added.]

In conflict with this objective and implementing policies, the bulk and design of the proposed new construction is inconsistent with the existing context of Telegraph Hill, particularly at this highly visible site which can be seen not only from Pioneer Park and the Filbert Street steps, but its massive south-facing wall will read as a huge wall against Telegraph Hill when viewed from the Financial District, Chinatown, Russian Hill and Nob Hill. [See **Exhibit 15.**] As noted by architectural historian and Telegraph Hill resident Katherine Petrin, the height and mass of the proposed project would “eliminate a singular, sweeping view (bay to Financial District to Nob and Russian Hills, looking from the north) in a city distinguished internationally by the quality of its views.” [See **Exhibit 3.**]

The proposed building is not designed in a manner that respects the existing neighborhood character. It fails to relate to the Filbert Street steps in that it overwhelms the human scale by creating a wall along this highly used pedestrian way, and does not defer to the prevailing height and bulk of nearby buildings in North Beach and on Telegraph Hill. Ms. Petrin confirms that project will diminish views in a manner that negatively impacts the historic context of Coit Tower and Pioneer Park, and put the Filbert Steps in shade creating a canyon effect due to a nearly solid wall plane to the south. [See **Exhibit 3.**]

Policy 11.6:

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

Policy 11.9:

Foster development that strengthens local culture and sense of place and history.

Telegraph Hill’s “culture and sense of place and history” include the public realm consisting of Coit Tower and its open spaces, public stairways and views, and the relationship to the surrounding built environment. The architectural design, mass and scale of the project impair this sense of community, culture and sense of place.

URBAN DESIGN ELEMENT

The project is inconsistent with the specific Objectives and Policies of the Urban Design Element of the General Plan that are of particular importance to defining the framework for developing this unique and special site.

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

Recognize and protect major views in the city, with particular attention to those of open space and water. [Emphasis added.]

- Protect major views whenever it is feasible
- Overlooks and other viewpoints for appreciation of the city and its environs should be protected and supplemented, by limitation of buildings and other obstructions where necessary and by establishment of new viewpoints at key locations. [Emphasis added.]
- Visibility of open spaces, especially those on hilltops, should be maintained and improved, in order to enhance the overall form of the city.

Policy 1.3:

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

- Buildings should emphasize and reflect the topographic form of the city – here of Telegraph Hill -- and should not stand out prominently in the city pattern.

Policy 1.8:

Increase the visibility of major destination areas and other points for orientation.

- Views from streets and other public areas should be preserved, created and improved and should be fostered in public and private development.

San Francisco's image and character, and that of Telegraph Hill, in particular, is defined by its views, topography, streets, building form and major landscaping that assists in orienting the residents and visitors traveling by foot, automobile and public transportation.

As explained above, despite the so-called "view corridors" incorporated into the project design, the proposed development will seriously impair or entirely eliminate the major views and vistas of downtown from the public stairways leading up from Telegraph

Hill Boulevard to Pioneer Park and will completely obliterate the public views from the Filbert Street steps. Further, the visibility of the hilltop park on Telegraph Hill will be impacted by the project's 4 to 5 story south-facing facade that will read within the cityscape as a huge wall protruding from Telegraph Hill. [See **Exhibit 15.**] Therefore, the project's south-facing facade must step down to the south to be consistent with the topography of the hill as it slopes to the south by incorporating deep upper floor deck/terraces to reduce its mass and conform to the natural topography.

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Objective 2 lists "*Fundamental Principles for Conservation*" to be adhered to in designing new buildings, including the following:

- Provide visual interest and enrichment consistent with the historic scale and texture of the San Francisco.
- Conserve the important design character of historic or distinctive older areas, including some uniformity of detail, scale, proportion, texture, materials, color, and building form.
- Use textured materials with human scaled proportions consistent with the finer scale and detail that characterize older areas. [Emphasis added.]
- Reflect the character of nearby older buildings of historic or architectural merit.
- Do not block or otherwise impair pleasing street views of the Bay, downtown or distant hills, or other parts of the city. [Emphasis added.]

Policy 2.6:

Respect the character of older development nearby in the design of new buildings.

- Exercise care in the design of new buildings to be constructed in older areas of established character.
- Require a similarity or successful transition in scale, building form and proportion. The detail, texture, color and materials of the old should be repeated or complemented by the new.
- Bulky buildings that intrude upon or block important views of the Bay, Ocean or other significant citywide focal points are particularly disruptive. [Emphasis added.]

The proposed project fails to adhere to these fundamental principles and policies. The detail, scale, proportion, texture, materials, and building form of the proposed project, are inconsistent with and does not "conserve the important design character" of the Telegraph Hill area. It also conflicts with the "human scaled proportions consistent with the finer scale and detail" that characterize the nearby older and historic buildings in the Telegraph Hill and North Beach area. Most significant of all, the project blocks and

otherwise impairs public views of downtown and other parts of the city, which is one of the most important characteristics of the project's setting on Telegraph Hill.

Policy 2.7:

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

Policy 2.7 states as follows:

"All areas of San Francisco contribute in some degree to the visual form and image of the city. All require recognition and protection of their significant positive assets. Some areas may be more fortunately endowed than others, however, with unique characteristics for which the city is famous in the world at large. Where areas are so outstanding, they ought to be specially recognized in urban design planning and protected, if the need arises, from inconsistent new development that might upset their unique character. [Emphasis added.]"

"It is the combination and eloquent interplay of buildings, landscaping, topography and other attributes that makes them outstanding. For that reason, special review of building proposals may be required to assure consistency with the basic character and scale of the area. Furthermore, the participation of neighborhood associations in these areas in a cooperative effort to maintain the established character, beyond the scope of public regulation, is essential to the long-term image of the areas and the city." [Emphasis added.]

Policy 2.7 is the most directly applicable of all of the General Plan objectives and policies to the development of 115 Telegraph Hill Boulevard. This Policy lists Telegraph Hill first among the "Outstanding and Unique Areas" that "contribute in an extraordinary degree to San Francisco's visual form and character" to be recognized and protected.

Significantly, **Policy 2.7** acknowledges that the participation of THD and its cooperative efforts to maintain the character of Telegraph Hill beyond the scope of public regulation is essential to the long-term image of Telegraph Hill and its world famous visual form and image.

Policy 2.7 lists the *Special Characteristics of Telegraph Hill* as:

- A hilltop park with the highly visible green of trees from which Coit Tower rises above all else.
- Low, small-scale buildings with predominantly flat roofs and light pastel colors, hugging the topography in a highly articulated form, which contrasts with the power of downtown construction. [Emphasis added.]
- Cliffs and complex stairs and walkways on the east side above the waterfront, with buildings perched precariously along the slope and trees interspersed.

- Intimate pedestrian scale and texture of streets and housing, with sudden and dramatic views of the Bay and downtown through narrow openings.
[Emphasis added.]

The project is inconsistent with these special characteristics and will adversely impact the visual form and character of Telegraph Hill. The overall mass and scale of the project contrasts sharply with the “low, small-scale buildings” and fails to “hug the topography in a highly articulated form.” Both as viewed from the Filbert Street steps and Pioneer Park, and as seen against Telegraph Hill from the south, the development will significantly impact the visual form and character of this outstanding and unique area of San Francisco.

Further, the dramatic views of downtown now enjoyed by thousands of pedestrians along the Filbert Street steps and the Pioneer Park stairs will be entirely eliminated. [See **Exhibit 11.**] Contrary to the findings in Commission’s motion, the 5-foot gap at the western end of the property and the narrow 3-foot openings between the units would be far above pedestrian eye level and otherwise too narrow to function as a view corridor towards downtown from the Filbert Steps or the Pioneer Park stairs.

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Objective 3 provides that:

“As San Francisco grows and changes, new development can and must be fitted in with established city and neighborhood patterns in a complementary fashion. Harmony with existing development requires careful consideration of the character of the surroundings at each construction site. The scale of each new building must be related to the prevailing height and bulk in the area, and to the wider effects upon the skyline, views and topographic form.” [Emphasis added.]

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

- New buildings should be made sympathetic to the scale, form and proportion of older development.

Policy 3.3:

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

- Special efforts should be made to promote the best architectural solutions for buildings at prominent locations, such as tops of hills or fronting on permanent open space such as parks. [Emphasis added.]

As discussed above, the proposed project design, especially its rear façade, would impose a wall against Telegraph Hill when viewed from downtown and areas to the south because it does not reflect the topography of the hill by failing to step down the rear facade. The project design is not “sympathetic to the form and proportion of older development” in the area, but is in sharp contrast to the character of North Beach and Telegraph Hill. Given the prominent, highly visible location of the project site near the peak of Telegraph Hill and fronting on Pioneer Park, a contextually appropriate design should be required by this Board.

Policy 3.4:

Promote building forms that will respect and improve the integrity of open spaces and other public areas.

- New buildings should not block significant views of public open spaces, especially large parks and the Bay. [Emphasis added.]
- Buildings near these open spaces should permit visual access, and in some cases physical access, to them. [Emphasis added.]
- Where separation of pedestrian and vehicular circulation levels is possible in provision of such open space, such separation should be considered. [Emphasis added.]

The proposed project does not adhere to this policy and significantly impacts the public realm. The proposed project clearly blocks or otherwise impairs significant public views of downtown and other parts of the city and does not allow for visual access to these views. Further, the project does not provide adequate separation between the project’s new driveway and the heavily used pedestrian stairs/bus stop and the pedestrian cross walk to Pioneer Park and Coit Tower. [See **Exhibit 3.**] This Board should require a 10-foot deep landing at the top of the Filbert Street steps as originally proposed by the project architect and applicant to safeguard pedestrian safety.

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

The “Fundamental Principles for Neighborhood Environment” enumerated as a part of **Objective 4** includes the following:

- “Private lands that are landscaped or developed as open space contribute to the visual and recreational resources of the city.”

Given its unique and special location in the city, this principle should be applied to any development at 115 Telegraph Hill Boulevard. By devoting a portion of the project site to a public view corridor or open space available to the public, the proposed project would meet this policy.

Policy 4.4:

Design walkways and parking facilities to minimize danger to pedestrians.

- Pedestrian walkways should be sharply delineated from traffic areas, and set apart where possible to provide a separate circulation system.
- Walkways that cross streets should have pavement markings and good sight distances for motorists and pedestrians.

The project site is located on the Filbert Street steps, a pedestrian corridor used by hundreds of tourists and residents who walk up to Coit Tower/Pioneer Park and use the pedestrian cross walk to access the stairway up to Coit Tower. In the absence of a landing at the top of the stairs, the project's new garage and driveway will be located between the top of the pedestrian stairs and the pedestrian cross walk resulting in a pedestrian safety hazard as pedestrians step onto the driveway to reach the pedestrian crosswalk. The fact that the project sponsor abandoned his original design with a 10-foot deep landing at the top of the Filbert Street steps in order to avoid a major encroachment permit, general plan referral and additional environmental review proves that the project as currently proposed totally disregards pedestrian safety. We urge this Board to impose the original design unless this Board determines that no parking should be included in the project, consistent with the city's transit first policy.

4. THE PROJECT IS INCONSISTENT WITH PLANNING CODE SECTION 101.1 PRIORITY PLANNING POLICIES OF THE GENERAL PLAN ADOPTED BY THE VOTERS OF SAN FRANCISCO.

Planning Code Section 101.1(b) codified the eight Priority Planning Policies in Proposition M adopted by the San Francisco voters in 1986, which required the inclusion of these eight policies in the preamble to the city's General Plan as the basis upon which all inconsistencies in the General Plan are to be resolved. All projects must be reviewed for consistency with these policies. For the reasons set forth below, the Commission erred in finding that the project is consistent with the following:

Priority Planning Policy 8: "That our parks and open space and their access to sunlight and vistas be protected from development." (Sec. 101.1(8))

It is undisputed that the proposed development before this Board would seriously impair or eliminate the public vistas from stairways within Pioneer Park and will obliterate all existing views from the Filbert Street steps. [See **Exhibit 12.**]

The “view corridors” shown on the approved plans, which consist of two 3-foot slots and a 5-foot set back from the east property line, will preserve none of the public views of downtown from either the Filbert Street steps or Pioneer Park. The so-called “view corridor” on the western edge of the property already exists over the neighbor’s property and includes only 5 feet on the project site. The only “view” from the Filbert Street steps is through a narrow gate located on the neighbor’s property for which the project applicant claims to have a private agreement to install a see-through gate. This view, which is touted by the project sponsor as preserving major views, will be there regardless of whether the project site is developed or left vacant because it relies primarily on the 3-foot wide gate on the neighbor’s property without any design revision to effectuate a meaningful view corridor from the project site. Furthermore, the photomontages presented by the project applicant are taken from a much higher elevation and thus, quite misleading. See **Exhibit 9** for an enlargement of the section on Sheet A3.12 of the 9/16/14 plans.

Appellant’s proposed alternative, prepared by the eminent architectural firm of EHDD, would reduce the height of the proposed development by one floor, eliminate the off-street parking to ensure pedestrian safety and create a 18 foot (inclusive of the 3 ½ inches on the neighboring property to the east) “view corridor” at the top of the Filbert Steps. [See **Exhibit 12.**] Appellant urges the Board of Supervisors to adopt the EHDD massing.

Priority Planning Policy 2: “That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.” (Sec. 101.1(2))

As discussed above, these proposed new luxury condos, ranging in size from 3,685 to 4,275 square feet each – which does not even count the 3,767 square foot garage -- are incompatible with the surrounding neighborhood and are approximately 5 times the average unit size within 300 feet of the project site. See **Exhibit 7** for a housing unit spreadsheet containing the square footage of every unit within 300 radius of the project site. The proposed project will destroy rather than preserve the cultural and economic diversity of the neighborhood and community and will create additional pressure on the existing affordable housing by contributing to an increase in evictions of lower income tenants by real estate speculators.

One of the experiences of walking up the Filbert Street steps from North Beach is the visual enjoyment of the finer scale of the buildings leading up to the top of Filbert Street steps. The size and intensity of the project in this context will adversely affect the neighborhood character because the project is totally incompatible with the overall hill town character of North Beach and Telegraph Hill.

Priority Planning Policy 3: “That the City’s supply of affordable housing be preserved and enhanced.” (Sec. 101.1(3))

As described above, the proposed new super-luxury condos to be priced at an estimated \$8 to \$10 million each will not enhance the city's supply of affordable housing. The Planning Department has confirmed in its *Pipeline Report, 2nd Quarter 2014* that as of the second quarter of 2014, only 15% the entitled projects in the pipeline are affordable to households of moderate income and that San Francisco is overbuilding luxury housing rather than moderate income housing. The proposed project will further exacerbate this imbalance.

Priority Planning Policy 4: "That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking." (Sec. 101.1(4))

Because the driveway and curb cut for the garage of the proposed project are located at the very the top of the heavily used Filbert Street steps, immediately adjacent to a Muni Bus stop and the major pedestrian crosswalk to Coit Tower, the driveway will inevitably create conflicts between vehicular, pedestrian and Muni service. The #39 Coit bus passes by the project site twice every 20 minutes. The garage entrance will also require the relocation of the existing stop sign located within the proposed new driveway. Therefore, the project will impede Muni transit service, especially during construction.

Priority Planning Policy 7: "That landmarks and historic buildings be preserved." (Sec. 101.1(7))

As described above, the project applicant and the Commission discussed enhancement and improvement of the existing Filbert Street steps even though the nature and scope of such improvements is unclear and may require a general plan referral and additional environmental review. It also appears that the historic rock wall is likely to be impacted by the construction of the new driveway and curb cut. Appellant notes that the actual location of the rock wall is not accurately depicted on the existing and proposed site plans. Without precise plans showing the actual reconfiguration of the sidewalk at the top of the stairs, there is a potential that the historic wall may be adversely affected.

In addition, as noted in the letter to this Board by architectural historian and Telegraph Hill resident Katherine Petrin, the scale of the proposed project will negatively impact the surroundings of Pioneer Park and Coit Tower, a National Register designated site, which contribute to the overall integrity of these valued public places.

5. THE PROJECT IS INCONSISTENT WITH OBJECTIVES AND POLICIES OF THE CITY'S RESIDENTIAL DESIGN GUIDELINES.

The project, as proposed, conflicts with the following Residential Design Guidelines, among others:

GUIDELINE: *Protect major public views from public spaces.*

"Protect major views of the City as seen from public spaces such as streets and parks by adjusting the massing of proposed development project to reduce or eliminate adverse impacts on public view sheds."

(Residential Design Guidelines, page 18)

GUIDELINE: *Design building facades to enhance and complement adjacent public spaces."*

"Special attention is necessary to ensure that the building's facades enhance the public realm."

(Residential Design Guidelines, page 20)

In direct conflict with the above Guidelines, the proposed project will completely impair major public views of the downtown skyline currently enjoyed by thousands of people each year from public spaces, including views from the Filbert Street steps and the Pioneer Park stairways and landings. [See **Exhibit 10.**] The project will also obscure views of Coit Tower and Pioneer Park from the south since the rear of the building imposes a massive fort-like structure. [See **Exhibit 15.**]

As stated before, the project has two major facades, one facing Coit Tower and Pioneer Park, and the other facing the Financial District, Chinatown, Russian Hill and Nob Hill. Both facades are a part of the public realm – one viewed from the adjacent public stairs and public park, and the other (south facing) seen from the Financial District, Chinatown, Russian Hill and Nob Hill -- a major "postcard" view of Telegraph Hill that will be adversely affected by the proposed project. Both facades fail to comply with the above and other residential design guidelines. [See **Exhibit 15.**]

GUIDELINE: *Design the scale of the building to be compatible with the height and depth of surrounding buildings."*

"It is essential for a building's scale to be compatible with that of surrounding buildings, in order to preserve neighborhood character."

(Residential Design Guidelines, page 23)

One need only look at the adjacent cottage to the west demonstrates the project's

incompatibility with the height and depth of the nearby buildings to the west and south.

6. THE COMMISSION'S CONDITIONS OF APPROVAL ARE INADEQUATE AS TO IMPACTS OF CONSTRUCTION.

The conditions of approval of the final Commission motion are inadequate to address the most significant construction impacts.

On Title Sheet A0.0 of the plans approved by the Commission, General Notes 23 through 33, inclusive, address construction staging and management of the project to mitigate the significant impacts of project construction. Appellant requests that these "notes" with clarification be included as specific conditions of project approval to ensure that safe pedestrian access on the Filbert Street steps be maintained, that conflicts between pedestrians, vehicular traffic, construction trucks and equipment be minimized, and that Muni and vehicular access to Coit Tower be maintained for the duration of construction. See **Exhibit 16** for a copy of the proposed conditions of approval.

7. SUMMARY.

The Appellant has demonstrated that the Commission's Conditional Use Authorization should not have been approved because the project:

- Fails to meet the three criteria for a CUA set forth in Planning Code Section 303(c),
- Violates both the procedural and substantive provisions of the Planning Code;
- Is inconsistent with key applicable provision of the Objectives and Policies of the city's General Plan;
- Does not meet the provisions of Section 101.1(b) [the Proposition M priority policies];
- Is contrary to the applicable Residential Design Guidelines; and
- Fails to include adequate conditions of approval to mitigate for the significant impacts of construction.

A Conditional Use Authorization should be granted only if the Board imposes the additional conditions of approval in **Exhibit 16** and requires modification of the project design to include the following:

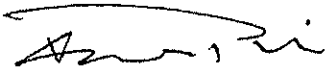
- Reduction of the overall height of the proposed project by one floor for each segment of the building;
- Addition of 12-15-foot deep decks on second levels and above on the "rear" elevation to reduce the massing of the rear façade so that it reflects the down hill topography;
- Inclusion of a substantial view corridor on the east side of the property;

- Incorporation of a level landing at the top of the Filbert Street Steps similar to the original proposal as shown on the plans with a revision date of February 13, 2014, included in **Exhibit 4**, to ensure pedestrian safety. Alternatively, eliminate the off-street parking, which will promote and comply with the San Francisco's Transit First Policy.

Appellant's concerns are shared by many residents near the project site who previously sent letters and e-mails to the Planning Commission in opposition to the CUA and the Department's determination that the project is exempt from environmental review. Copies of 51 opposition letters and e-mails are attached hereto as **Exhibit C**.

Based on the foregoing, it is respectfully submitted that this Board should grant Appellant's appeal and overrule the Commission's action approving the CUA, or to impose the above conditions of approval to mitigate the adverse construction impacts and to require design modification to be consistent with that shown in **Exhibit 6**.

Sincerely,



Vedica Puri
President

TABLE OF EXHIBITS

115 Telegraph Hill Boulevard – Planning Department Case No. 2013.1375CE
Appeal of Exemption from Environmental Review
and
Conditional Use Authorization

- Exhibit 1 Geotechnical Letter dated November 6, 2014 from Lawrence Karp to Board of Supervisors.
- Exhibit 2 Sheet A3.5 of Project Plans dated 5/19/14, section of proposed building showing the depth of excavation for car lift shaft.
- Exhibit 3 Letters from Judy Irving and Katherine Petrin to Board of Supervisors re: Pedestrian safety and public enjoyment of view corridor.
- Exhibit 4 • E-mail and attachments from David Swetz (Project architect) to Gretchen Hilyard (planner for project) dated April 7, 2014 re: proposed scope of work for Filbert Steps.
- E-mail from Nick Eisner of DPW to Gretchen Hilyard dated April 28, 2014 re: proposed scope of work for Filbert Steps would require a major encroachment permit.
- E-mail from Gretchen to Daniel Frattin (Project attorney) and Frattin's response dated April 29 and April 30, 2014 re: General Plan Referral and environmental review requirements.
- Exhibit 5 Letter dated 8/4/1993 from Recreation and Park Department raising issues related to a previous proposed project.
- Exhibit 6 Appellant's alternative prepared by EHDD.
- Exhibit 7 Unit Sizes and Average Unit size within 300 Radius of Project Site.
- Exhibit 8 • Pages 1 and 2 of Planning Commission Motion No. 13782 describing the cottage in 1993 as a two unit building.
- Permit history of rear cottage showing cancellation of permits to merge two units into one and to expand the footprint of the rear cottage as a single family home.
- Exhibit 9 Section showing public views from Coit Tower and Pioneer Park over proposed project from Sheet A3.12 prepared by Project Architect from Plans dated 9/16/14 before this Board.

- Exhibit 10 Vantage Point based photograph showing current view from Pioneer Park towards the Filbert Steps prepared by Project Architect.
- Exhibit 11 Ghosted Image of approximate height and mass of proposed Project viewed from Pioneer Park towards Filbert Steps prepared by Project Architect.
- Exhibit 12 Ghosted Image of Appellant's Alternative prepared by EHDD overlaid over Exhibit 12.
- Exhibit 13 Photograph showing pre-1995 view over the Bill Bailey Cottage prior to demolition by the current property owner.
- Exhibit 14 Load Count letter dated October 10, 2014 from Granite to Telegraph Hill Dwellers.
- Exhibit 15 Comparison of current view and view with Project from Financial District, Nob Hill, Chinatown, and Russian Hill
- Exhibit 16 Proposed additional conditions of approval based on Notes No. 23 to 33 on Sheet A0.0 of the Plans dated 9/16/14 before this Board.

ADDITIONAL EXHIBITS ATTACHED TO THIS LETTER

- Exhibit A Photograph showing intensive pedestrian and bicycle traffic on the Filbert Street Steps.
- Exhibit B. Photograph of Garfield Elementary School and school bus turn around at the location where the project sponsor plans to stage concrete pumping to the project site.
- Exhibit C Letters and e-mails opposing the proposed project submitted to the Planning Commission.

Exhibit A

Photograph showing intensive pedestrian and bicycle traffic on the Filbert Street steps.



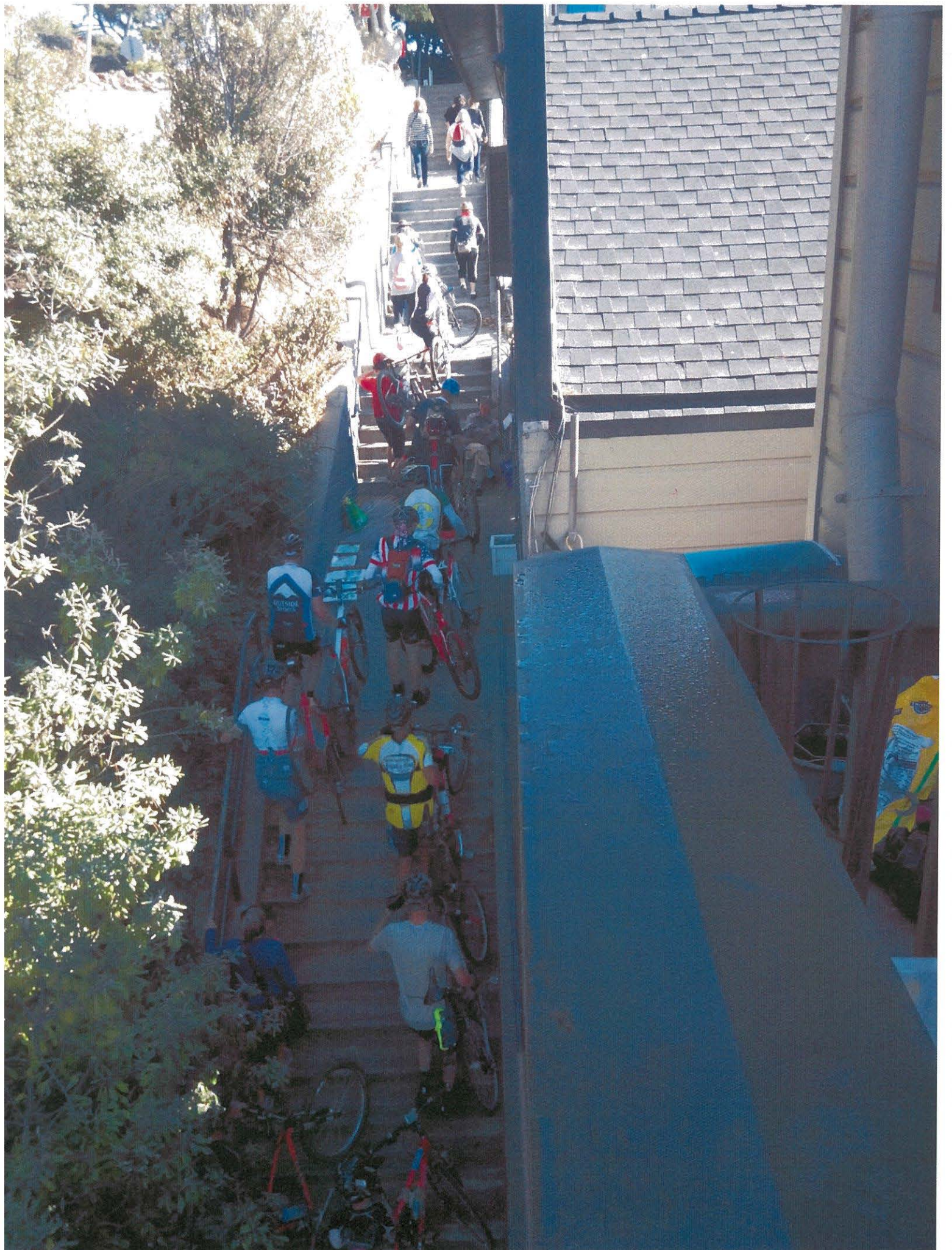




Exhibit B

Photograph showing a school bus turning around at the intersection of Kearny and Filbert Streets (at the bottom of the Filbert steps next to Garfield Elementary School) where the Project Sponsor plans to stage concrete pumping to the project site.



Exhibit C

Copies of 51 letters and emails sent to the Planning Commission in opposition to Conditional Use Authorization and Determination of Exempt from Environmental Review.

September 1, 2014

Cindy Wu, President
Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Case No. 3013.1375CE
115 Telegraph Hill Blvd.
Environmental Review Required

Dear President Wu and Commissioners,

I write to urge you to not approve the proposed three-unit condominium project at 115 Telegraph Hill Boulevard, including its 3,742 square foot parking garage (the "Project") because the Certificate of Determination of Exemption from Environmental Review issued by the Planning Department on June 10, 2014, is legally inadequate for the Project as proposed. As set forth in greater detail below, the Project is not exempt from environmental review.

The Planning Department has issued a categorical exemption under classes 1 and 3 of the CEQA Guidelines. These categories are designed for minor, environmentally benign projects involving existing facilities, new construction, and conversions of small structures and minor alterations, because such projects normally have no significant environmental impacts.

Importantly, CEQA provides that all categorical exemptions are rebuttable and *shall not be used* for a project that *may* have any potentially significant environmental impact due to its particular circumstances. (CEQA Guideline § 15300.2) The particular circumstances in this case are several, including the remarkably unique and special setting of the Project on the Filbert Steps and Telegraph Hill Boulevard immediately across from Pioneer Park, and the topography and geological nature of the Project site where massive excavation for the proposed parking garage will be necessary.

Unique Location of the Project Site. The Project Site is located at a very important intersection of the Filbert Steps and Telegraph Hill Boulevard, the only vehicular access to Coit Tower. The narrow Filbert Steps that comprise most of the northern boundary of the Project Site is a key and primary pedestrian access point from North Beach to Pioneer Park and Coit Tower and is therefore used by hundreds of people daily. Based on San Francisco Recreation and Parks Department data, as cited in the San Francisco Chronicle (May 14, 2014), over 200,000 people visit Coit Tower each year, and many more visit Pioneer Park. More than half of all visitors to Coit Tower/Pioneer Park come by foot or by bus.

The Project site touches Telegraph Hill Boulevard at its northeast corner for only 13 feet, a narrow slot where the driveway and curb cut for the Project's proposed parking garage will be located right at the top of the Filbert Steps where pedestrians stop to catch their breath, where the 39 Coit bus stops to let MUNI passengers disembark. All pedestrians have to cross the driveway to reach the mid-block pedestrian crosswalk connecting the Filbert Steps and bus stop to the stairway in Pioneer Park leading up to Coit Tower.

Topography and Geological Nature of the Project Site. Lawrence B. Karp holds a doctorate in civil engineering and an Earthquake Engineering Certificate from UC Berkeley and is a licensed civil engineer, geotechnical engineer and architect in California. Mr. Karp has over 45 years experience in design and construction with specialization in stability evaluation of excavations and slopes, site development and construction logistics. After reviewing the geotechnical report prepared for the proposed Project, Mr. Karp has opined that, in his professional opinion, the "Geotechnical Investigation" report prepared by Earth Mechanics Consulting Engineers (6/22/13) used by the Planning Department to evaluate the Project pursuant to CEQA is totally inadequate in its analysis of the site's geotechnical characteristics. As Mr. Karp points out in his letter dated July 16, 2014 (copy attached), Earth Mechanics' report fails to discuss the 33-foot deep vertical excavation required for the car lift and parking garage shaft at the edge of the Filbert Steps and "comes nowhere near the standard-of-care for a proper report of geotechnical investigation for the intended project." Based on Mr. Karp's expert opinion as to the inadequacy of the Earth Mechanics report, the Planning Department did not have sufficient information upon which to base its finding that the Project would have no significant geotechnical impacts.

Excavation and Construction Impacts. While construction impacts are not normally considered to be unusual as they are temporary in nature, the unique setting of the Project and its relationship to public use and amenities demands analysis of the potentially significant impacts on traffic, MUNI service and pedestrians from construction and construction-related activities including impacts from the following: (1) extraction and disposal of huge amounts of rock and soil from the 33-foot deep excavation necessitated by the car lift and garage shaft with only an approximately 13' street frontage at the top of the Filbert Steps for construction staging, (2) shoring and underpinning of the historic Filbert Steps and Telegraph Hill Boulevard, (3) closing the Filbert Steps during construction, (4) impeding Muni service and other vehicular travel on Telegraph Hill Boulevard to stage and provide access to the construction site, (5) moving construction equipment on and off of the site, (6) staging of trucks during concrete pours, and (7) dust and noise impacts associated with construction.

Based on computer modeling of the proposed plans for the Project, it is estimated that 2,546 cubic yards (over 4,328 tons) of rock and dirt will have to be removed from the site. Assuming the existing 3-ton limit on Telegraph Hill Boulevard is waived for the Project and that each load will be 8 tons, this would require 541 loads or 1,082 trips (1 in-bound and 1 out-bound)

using a 26-foot long/25-foot wide superdump truck. If the existing 3-ton limit on Telegraph Hill Boulevard is adhered to, the excavation would require over 6,000 truck trips in smaller trucks.

These truck load numbers do not include the loads required to pour the concrete for the mat foundation (an estimated additional 252 trips based on 8-ton loads), the truck loads required to import soil to be compacted before pouring the mat foundation, or the truck trips required to bring lumber and other construction materials to the site. The impacts of this number of truck trips on pedestrian travel by hundreds of people who use the Filbert Steps, on vehicular traffic on Telegraph Hill Boulevard, including MUNI service to Coit Tower, and on fire and emergency services, were not considered by the Planning Department in finding the project exempt for all environmental review.

The Fair Argument Standard. Even if the Project is aligned with an exemption category as claimed by the Department, the standard of review as to whether an exception may defeat the exemption is the “fair argument” standard. If the record before the City includes a fair argument that the Project may have a significant environmental impact, the exemption fails.

The fair argument standard triggers an EIR if any substantial evidence in the record – that is, facts or reasonable assumptions/expert opinions based on facts – supports a fair argument that significant impacts may occur, even if a different conclusion may also be well supported. This standard markedly differs from the deferential review normally enjoyed by agencies:

... if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.

(Guideline § 15064, subd.(f), subd.(l).) Importantly, if there is a dispute among experts, the City must defer to the evidence in favor of environmental review. (*E.g.*, Guideline § 15064, subd. (f).) In this case there is a substantial difference in opinion regarding the potential impacts of performing the deep excavation of the Project site.

Substantial Evidence Defeats the Categorical Exemption. The information before the Planning Department and Commission more than fulfills the low-threshold requirement for the requisite “fair argument” that the proposed Project may have environmental impacts based on, among other things:

- Massive, unstudied excavation of the steep site for the 33-foot deep vertical excavation required for the car lift shaft and other geotechnical impacts;

- Traffic impacts related to construction on MUNI service, pedestrian and vehicular travel and fire and emergency services;
- Transportation impacts, especially vehicular/pedestrian conflicts from the driveway and garage at the top of the Filbert Steps;
- Inconsistencies with City land use plans and policies related to preserving public views from public parks and public open spaces, as the Project would block views from the pedestrian stairways and landings of Pioneer Park across the Filbert Steps;
- Impacts related to pedestrian safety from proposed new driveway location between the top of the Filbert Steps and the pedestrian cross walk to Pioneer Park due to the lack of any landing at the top of the Filbert Steps requiring pedestrians to step onto the driveway for the proposed garage;
- Potential damage to the historic Filbert Steps during construction and/or potential relocation or reconstruction of these steps;
- Neighborhood character incompatibility based on mass, scale and design;
- Failure to consult with DPW, DPT (MUNI), Recreation and Parks Department, and the Fire Department;
- Failure to require environmental review of new off-street parking in the Telegraph Hill/North Beach area pursuant to Board of Supervisors File No. 10-0638;
- The need to reconfigure the sidewalk and bus stop and relocate the bus stop to accommodate the proposed driveway requiring removal of a portion of the historic stone wall separating the Telegraph Hill Boulevard and the Filbert Steps;
- Noise and light impacts associated with the flashing lights and/or beeping sounds of warning signals that will be required for automobile ingress and egress from the garage to alert pedestrian walking up the Filbert Steps;
- Cars accessing the garage must cross a double yellow line on a blind curve by making a sharp right hand turn;
- Failure to timely consult with DPW to determine conditions of approval required to ensure the safety of pedestrians on the Filbert Steps; and

- If DPW requires the Filbert Steps to be relocated or reconstructed, additional environmental and project review will be required (i.e. the project description may be incomplete and CEQA review segmented).

Conclusion. The discussion above clearly shows that the Certificate of Determination of Exemption from Environmental Review issued by the Planning Department on June 10, 2014 is legally insufficient. Therefore, I urge the Commission to disapprove the Project or continue this matter with directions to the Department to prepare a new legally adequate environmental review document for the Project to assess the impacts set forth above.

Sincerely,

Gerry Crowley
7 Fielding St.
San Francisco, CA 94133

cc: Jonas P. Ionin, Commission Secretary
Supervisor David Chiu
Commissioner Rodney Fong
Commissioner Michael Antonini
Commissioner Rich Hillis
Commissioner Christine Johnson
Commissioner Kathrin Moore
Commissioner Dennis Richards
John Rahaim, Director of Planning Department
Elizabeth Watty, Case Planner

September 2, 2014

TO: San Francisco Planning Commission - Elizabeth.Watty@sfgov.org

RE: 115 Telegraph Hill Boulevard 17,000 plus sq. ft. Development on Filbert Steps

This is a follow up to my earlier letter. Let me be clear. I am in favor of a development on 115 Telegraph Hill Boulevard. Just not this one.

Firstly, this is not about the Developers. They appear to be professional people. It's about the special land, the Neighbors, Tourists, the views and the light from the Filbert Steps, not just from Coit Tower.

I must say this is not a "family friendly housing" buzz words the Developer represents for support. In fact, they will likely be sold to a high tech mogul or a second home for a foreign oligarch. It's three new approximately 5,000 plus ft., buildings and a fourth existing to be redone, totaling 17,000 or more sq. ft. that the broker will sell between \$1,500-\$2,000 a foot or well over \$30 million. The Developer's objective is to maximize profits. Under other circumstances I would support that, I am a businessman. But this is my neighborhood for forty years. I love it. So do the Tourists who have no voice and the Neighbors.

The buildings on the Developer's plan are a maximum build out of the lot. The thousands of visitors to San Francisco's Coit Tower everyday (accessed by walking the world famous Filbert Steps, now look out at the City and enjoy sunlight views or the evening lighted downtown. See photos attached. They will lose that privilege to three or four very well heeled lucky owners if this plan passes. We will as neighbors lose the entire view from the Steps, and the light. We will look at what I see as an "in your face" façade." See their exhibit A 3.7 attached.

Personally, I will have to look at it every day as I walk by. To me it has no charm and blocks entirely a world class view.

This special land view area of Telegraph Hill is unique. It's like a "baseball team", i.e. quasi private/quasi public.

I can speak for myself and other neighbors who feel as I do. But the millions of Tourists who walk these Steps over time have no advocate but us.

To those who support this because you are tired of a decaying empty lot with a chain link fence, I empathize. However Tourist views from the Filbert Steps and charming buildings can be compatible. Instead of four buildings over 17,000 sq. ft. i.e. neighborhood Shopping Center Size, there could be two charming new buildings set back plus the expanded existing building. The scale could be like Upper Alta Street

Buildings which are next to the development. They will be on lower grade so City views would be protected.

Just look at the attached façade on Exhibit A3.7. Visualize it you walk up Filbert Steps. No set back. Little charm. Takes away sunlight from Filbert Steps walkway, darkens the experience for neighbors and Tourists alike.

This project appears rushed; many neighbors have not gotten notice. I who have owned on the Filbert Steps since 1977, just heard of it several months ago. Eric Breisacher, who lives two doors down said he had no notice.

Some of supporters' letters are from the Developer's interested service providers and family members. This is understandable. Some other letters are from people tired of an unkempt lot. Also understandable.

Opponents of the project have real concerns about removing views, light, lack of charm, and possible destruction of a delicate Telegraph Hill substructure, an issue for over one hundred years.

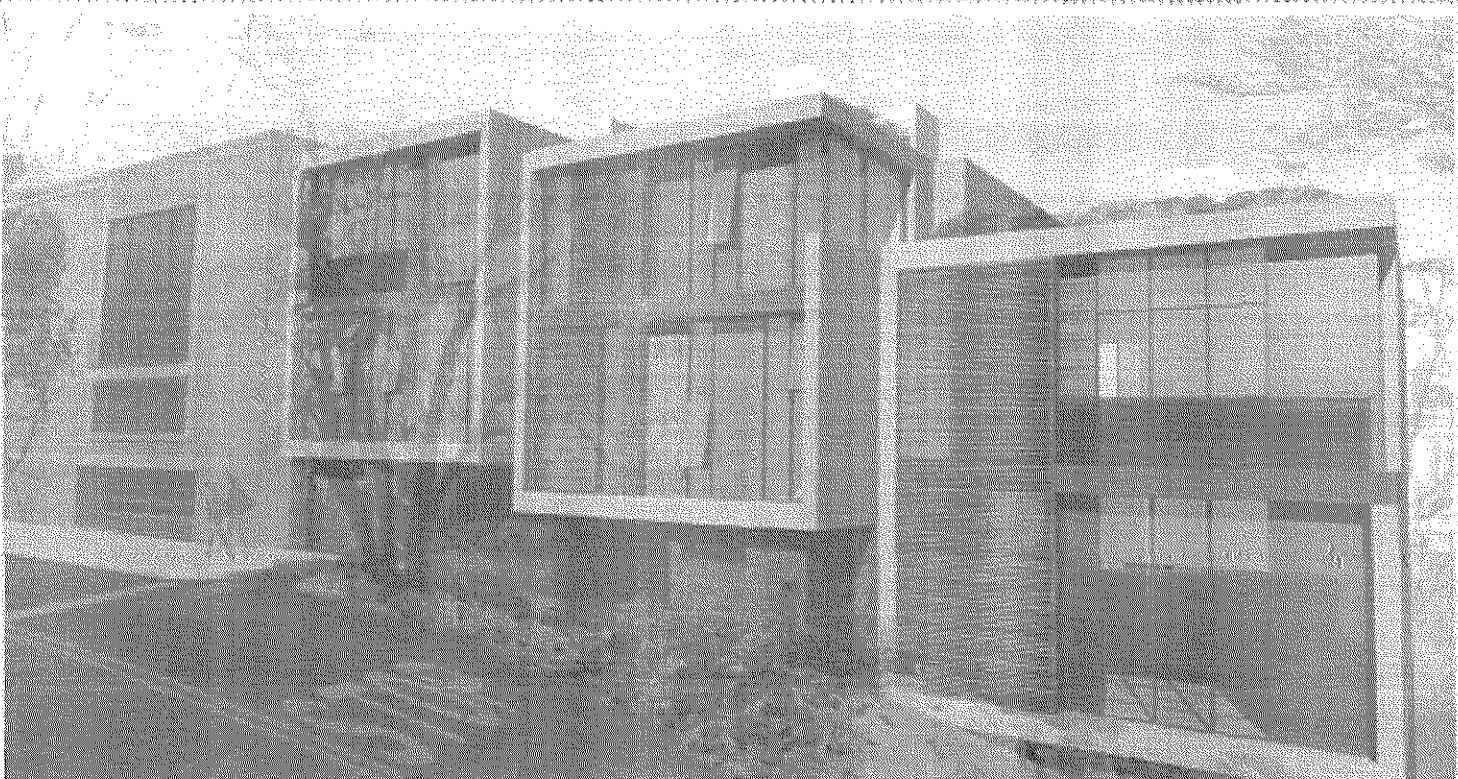
Please walk up and look at the City from the Steps, then look at Developers Exhibit A 3.7, part of submission. The facts speak for themselves.

Two additional smaller and set back structures with charm added to the existing expanded structure is a win-win.

Sincerely,

Peter Dwares, Esq.
331 Filbert Street

Peter Dwares
Dwares Group
331 Filbert Street
San Francisco, CA 94133
415-986-5885
415-986-5893 fax
415-260-6530 cell



1 FRONT FACADE LOOKING SOUTHEAST

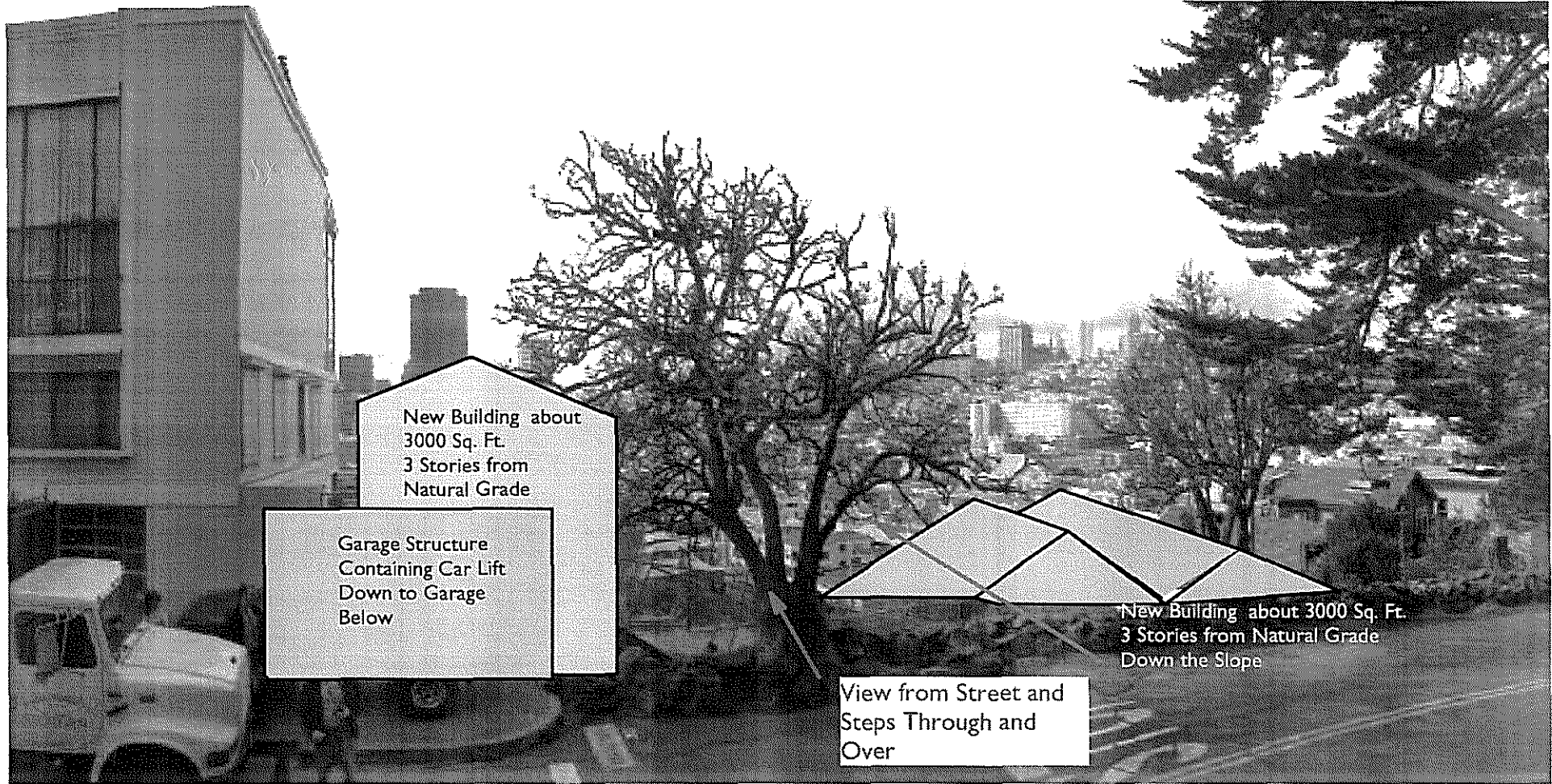
PLANNING

- ARCHITECTURE
- INTERIORS
- LANDSCAPE ARCHITECTURE
- ENVIRONMENTAL DESIGN
- URBAN DESIGN
- CONSTRUCTION MANAGEMENT
- PROJECT MANAGEMENT
- RESEARCH
- CONSULTING
- TRAINING
- WORKSHOPS

CONCI
RENDI

The upper half of this view
could be kept.





New Building about
3000 Sq. Ft.
3 Stories from
Natural Grade

Garage Structure
Containing Car Lift
Down to Garage
Below



New Building about 3000 Sq. Ft.
3 Stories from Natural Grade
Down the Slope

View from Street and
Steps Through and
Over

From: Erich Breisacher <erichsan@yahoo.com>
Reply-To: Erich Breisacher <erichsan@yahoo.com>
Date: Fri, 5 Sep 2014 18:41:05 -0700
To: "cwu.planning@gmail.com" <cwu.planning@gmail.com>
Cc: "wordweaver21@aol.com" <wordweaver21@aol.com>, "planning@rodneyfong.com" <planning@rodneyfong.com>, "richhillissf@yahoo.com" <richhillissf@yahoo.com>, Kathrin Moore <mooreurban@aol.com>, "christine.johnson@sfgov.org" <christine.johnson@sfgov.org>, Dennis Richards <drichards@salesforce.com>, "Commissions.Secretary@sfgov.org" <Commissions.Secretary@sfgov.org>, "Elizabeth.Watty@sfgov.org" <Elizabeth.Watty@sfgov.org>
Subject: 115 Telegraph Hill Project Planning Case No. 2013.1375C

September 5, 2014

President Cindy Wu
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

RE: 115 Telegraph Hill Blvd.
Planning Case No. 2013.1375C

Dear President Wu and Members of the Planning Commission:

We are writing to vehemently oppose the Conditional Use Authorization for the proposed project at 115 Telegraph Hill Blvd, Case No. 2013.1375C. We, as some of the closest and most impacted property owners that sent letters against the project and attended the last commission hearing on July 17, have serious concerns about the project, including that this project is being rushed through without all the proper due diligence by all the appropriate city departments and this commission. Especially in light of the recent earthquake, our properties and potentially our lives will be put in jeopardy if the project is built without proper consideration for the massive excavation being planned for the hill the project is planned to build upon.

There are many concerns and questions about this project that have been completely unaddressed. This project will negatively affect the surrounding properties and iconic landmarks (i.e. Coit Tower, Filbert Steps, Pioneer Park, etc.) and is against the public's interests. Therefore, we are literally dumbfounded that an Environmental Impact Report was not required along with a proper Geo-technical report that includes the full 33.5 feet deep excavation sampling at multiple sites on the property. If the city process fails to properly protect the neighboring property owners by failing to require an Environmental Impact Report, a proper Geo-technical report, and addressing real concerns from neighbors we believe the city/commission will be liable in the event of a minor or catastrophic event 1 or 10 years from now from earth movement, water flow

changes, earthquake affects, and/or cracks in properties.

The project proposes a massive excavation 33.5 feet down *directly adjacent* to the Filbert Steps/Coit Tower/neighboring properties, however the following issue remain unaddressed:

- *The Geo-technical report only samples 5 feet and was refuted by a well known geologist that is familiar with Telegraph Hill and the quarry history;*
- *This large excavation is most likely going to change the water table drainage (there is water on the hill so possibly flooding or dampening neighboring properties);*
- *Movement of the hill during earthquakes will change possibly causing catastrophic results in the future (properties previously did well in the last few earthquakes), liquefaction and hillside sliding potential as seen in other parts of the hill (we are in communication with the USGS at this time);*
- *Property/foundation cracks and movement for the surrounding properties are highly likely, including from inevitable Construction Vibration; and*
- *The cottage at 383 Filbert is a masonry foundation that is connected to all the next door properties - if it moves so will the surround properties.*

Additionally, the proposed changes to "help" neighboring properties put forth by a commissioner at the last hearing would do exactly the opposite. In fact, these proposed changes would instead be detrimental to the neighboring properties and public interest. The changes were to put the public access between 383 Filbert and the new developments due to views from Telegraph Hill Blvd.

- *The vast majority of people walk up the Filbert Steps - not Telegraph Hill Blvd which is somewhat dangerous to walk on with the blind corners.*
- *The popular public views would not be accessible from the Filbert Steps with the proposed changes.*
- *The safety and noise issues would be greatly affect the neighboring properties if the public access was moved next to 383 Filbert. Note at least one recent burglary occurred just a few months ago by accessing 391 Filbert from the 115 Telegraph property (police report available). This safety issue along with noise from late night revelers would cause a huge problem for the neighbors instead of actually helping.*
- *The suggested changes (pulled back west wall with addition of windows) would have a significant impact on the privacy of surrounding neighbors and the mass of the planned project will still create significant shadowing, worse at certain time of some seasons in the year.*

Please consider the serious concerns of the next door affected neighbors and how this project will affect our lives and properties, not to mention the public's interest. Many close neighbors (living next to this project - close or bordering the project) feel the commission and the city are not taking into consideration how this massive excavation will affect the neighboring properties and public interest. Some longtime residents are getting ready to move (but will be required to disclose the affects of this project thereby

affecting the value of their properties), and others feel compelled to look into ways to protect their properties if the commission/city fails to address all of the main concerns.

We therefore strenuously request a thorough review with a careful attention paid particularly to the following:

- The excavation to 33.5 feet, drilling, pile driving, construction vibration, water seepage and alterations in drainage patterns of this entire project;
- Conduct a proper Environmental Impact Report;
- Require a proper Geo-technical report looking at the full 33.5 feet deep soil at multiple areas of the property site;
- Answer liability questions and remedies (including insurance and who would be liable during construction or after in perpetuity) if the hill and nearby properties are damaged as a result of this project including water table drainage changes, earth movement, building and foundation cracks, catastrophe caused by the excavation during construction in the future, hillside liquefaction and slides, injury/death, earthquake affects, and third party damage (such as the masonry foundation cottage at 383 Filbert causing movement to neighboring properties).

We are hereby putting everyone involved with this project, including the city and this commission on notice for liability in the event of a catastrophic event caused by this project including earth movement, water flow changes, earthquake affects, injuries/death and cracks in properties if the proper city process fails to properly protect the neighboring property owners by failing to require an Environmental Impact Report, a proper Geo-technical report, and addressing real concerns from neighbors. We reserve the right to take any action, legal or otherwise to address these issues.

We respectfully request that this commission oppose the Conditional Use Authorization and to address our concerns be addressed before any approval of any project at this site.

Regards,

Neighbors on Filbert Steps and Kearny Street adjacent to 115 Telegraph Property

Erich Breisacher
391 Filbert Street

September 8, 2014

Cindy Wu, President
Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Case No. 3013.1375CE
115 Telegraph Hill Blvd.

Dear President Wu and Commissioners,

We write to you today as the owners of two properties immediately adjacent to this construction, who as senior citizens in their 80's are going to have their lives dramatically impacted by two or more years of dirt, dust, noise, and most important, jackhammering, not to mention risk given the scope of excavation, uncertain soil conditions and disruption of the subterranean aqua culture. Since it appears there is no point in the review/approval process where consideration of these impacts of construction issues on neighboring public and private property are a required criteria, we would like to use this opportunity to address the wider impacts on the public realm which do come under Planning Commission jurisdiction.

The opportunity to play a role in how this site shapes the experience of visitors to San Francisco and Coit Tower in the future is a privilege as well as a right for both the developer and the Commission. You, the Planning Commission, are the only ones in a position to advocate for the public interest.

Coit Tower is one of the most heavily visited tourist destinations in the city, as well as a popular destination for local and regional residents. Not all of those visitors choose to take the elevator to the top of Coit Tower, the cost of which for a family of four can exceed \$20. Surely there are many who either cannot afford the ride, don't have time to wait in line, are afraid of heights, whatever. Yet those folks have taken the time and trouble to walk, bus or drive to the Tower and most expect, given the location, a spectacular view of the city including downtown to the south. That view will be lost forever if the current proposed design for 115 Telegraph Hill Boulevard is approved. Yes, the developers have agreed to open a view corridor on the western edge of the site, but frankly I was shocked at how quickly the Commission embraced that suggestion without any attempt to negotiate a more beneficial solution for the visitors to Coit Tower.

For a moment, try to visualize the view of downtown San Francisco as it exists now versus the view that will remain under the current proposal. The farther north you move the viewer-- e.g. from the Filbert Steps, to Telegraph Hill Boulevard, to the stairs leading up to the Tower from the site, to the terrace on the south side of the Tower—the narrower and more diminished the view becomes. Indeed, if the view

corridor remains at the current point, the stairway and terrace do not come into play at all. They are located too far to the east. The only people who would benefit from the view corridor would be pedestrians using the Filbert stairs and, for a brief moment, the passengers in vehicles using Telegraph Hill Boulevard. Those pedestrians accessing the Tower from the north are simply out of luck unless they pay to ride to the top of the Tower.

This is not your typical development site. While these structures might fit in very well on Broadway west of Van Ness, at this location they become a symbol to the hundreds who pass this location daily, and view it from afar, of greed and privilege affordable only to the 1%. The 1% have far more choices in how and where they live their life than the vast majority of the public who choose to visit and live in San Francisco. Hopefully, the Commission will have the courage to treat this as a public realm issue and more strongly advocate for the public interest

We all have friends who as visitors to San Francisco complain about the how the city has changed in recent years with the lack of cleanliness and street and sidewalk maintenance, clutter and unattractiveness of sidewalk "furnishings", not to mention a wide variety of homeless issues. They ask why we as a city do not address these issues, which is also a way of asking why we as residents do not exercise our right to a cleaner and safer city. San Francisco will no doubt remain a popular tourist destination, but the on the ground visitor and resident experience, of which this project will be a part, is changing dramatically. Please hear us and reflect on these issues.

Sincerely,

Nan and Nathan Roth
1436 Kearny Street
San Francisco, CA 94133
Tel. 415-398-7893
Email: nanroth88@gmail.com

Cc: Commissioner Rodney Fong
Commissioner Michael Antonini
Commissioner Rich Hilis
Commissioner Christine Johnson
Commissioner Kathrin Moore
Commissioner Dennis Richards
Jonas P. Ionin, Commission Secretary
Elizabeth Watty, Case Planner
Supervisor David Chiu

From: Gregory Chiampou <gchiampou@gmail.com>
Date: Thu, 11 Sep 2014 07:37:52 -0700

>>> My name is Greg Chiampou, and I have lived (as a renter, and for a long time now, as an owner) on Telegraph Hill for twenty years and live right next door to 341 Filbert, a two unit property which Mr. Ricks invested in last year and began renovating earlier this year.

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>>> This week, my wife and I want to publicly withdraw our prior support of Mr. Ricks as a developer of the 115 THB parcel. This parcel is two doors down from our home. While we would like the 115 parcel to not remain vacant and abandoned-looking, we cannot support Mr. Ricks as a developer based on our experience with him as a developer of the nearby 341 Filbert building. He has skirted the building codes, evidenced a lack of concern with our neighborly issues, and disregarded straightforward neighborly communications during his current development project at 341 Filbert Street.

>>

>>> We filed a complaint with DBI last week, citing that Mr. Ricks's project at 341 Filbert had gone way beyond the scope of his permit, and the DBI is now investigating. We filed our DBI complaint only after our most recent outreach to Mr. Ricks was again rebuffed, and only after we realized his prior responses and communications with us about the 341 Filbert project and its roof deck were completely evasive and self-serving. We researched our DBI complaint with both DBI and the Planning Dept. before filing, and while the complaint is still under investigation, we confirmed to ourselves that he neither fully disclosed or talked straight with his neighbors or with City zoning compliance.

>>

>>> Our recent experience with Mr. Ricks at 341 Filbert does not bode well for his much larger neighborhood project at 115 THB. We want to withdraw our prior public support and join the many immediate neighbors who do not support Mr. Ricks in his acquisition and re-development efforts of 115 THB.

>>

>> Sincerely,

>>

>> Greg & Jennifer Chiampou

>> 345 Filbert Street

>> San Francisco

From: Howard Wong <WongAIA@aol.com>

Date: Mon, 8 Sep 2014 03:09:00 -0400

To: <Elizabeth.Watty@sfgov.org>, <Commissions.Secretary@sfgov.org>, Dennis Richards <drichards@salesforce.com>, Kathrin Moore <mooreurban@aol.com>, <wordweaver21@aol.com>, <Rick.Crawford@sfgov.org>, <cwu.planning@gmail.com>, <richhillissf@yahoo.com>, <planning@rodnevfong.com>, <john.rahaim@sfgov.org>, <sarah.b.jones@sfgov.org>

Subject: DESIGN IS THE SOLUTION: 115 TELEGRAPH HILL BLVD. CONDOS Case No. 3013.1375CE

**DESIGN IS THE SOLUTION: 115 TELEGRAPH HILL BLVD. CONDOS
Case No. 3013.1375CE, 115 Telegraph Hill Blvd.**

“Everything you can imagine is real.” —Pablo Picasso

<http://www.goodreads.com/author/show/3253.Pablo_Picasso>

San Francisco's top industry is tourism---16 millions visitors a year and \$8.5 billion annually. In Tripadvisor's 2014 readers' poll of the world's top 25 destinations, San Francisco is number 25. A commonality among top world cities is rich historicism and beauty---like Istanbul (#1), Rome (#2), London (#3), Prague, Marrakech, Paris, Siem Reap, Florence, Barcelona, Budapest, Chiang Mai.

People intuitively love human-scaled and historical sites. Over time, planning and urban design should nurture San Francisco's Mediterranean-scale and beauty---for esthetic and economic reasons.

An American Myth: Big mass and bulk are better than spatial quality. Frank Lloyd Wright, Julia Morgan and Bernard Maybeck demonstrate otherwise.

- Irrespective of size, residential buildings on steep hills, with great views, are inherently valuable.
- Well-designed architecture adds value, while honoring the surrounding scale and site.
- Stepping down with hilly slopes, buildings gain rooftop terraces and spatial richness.

Regards,
Howard Wong, AIA



July 7, 2014

Cindy Wu, President
Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: *Proposed Luxury Condos and Garage Project at 115 Telegraph Hill Blvd, Case No. 3013.1375CE*

Dear President Wu,

I write on behalf of Protect Coit Tower, a nonprofit citizens group dedicated to the preservation of Coit Tower and the historic Depression-era murals that reside inside. As you know, Coit Tower is an iconic symbol of our unique city, known to every San Franciscan and instantly recognized around the world. Because of Lillie Hitchcock Coit's generous bequest "to beautify the city I have always loved," for 80 years Coit Tower and its murals have been a permanent gift to the people of San Francisco and have been enjoyed by millions of visitors from around the world.

Following voter approval in June 2012 of a ballot measure creating a Coit Tower Preservation Policy, the city engaged in the largest renovation project in Coit Tower's history, spending \$1.7 million to fix the building from top to bottom and painstakingly restoring the damaged Depression-era murals to fabulous condition. The city also proceeded with a major upgrade of the interior operations of Coit Tower, bringing in a new concession company to improve the gift shop, implement regular mural tours, greet visitors as they enter, and implement new Art Commission guidelines to ensure the Tower and murals are more easily enjoyed by visitors and protected from damage.

This is why, less than two months after you, the Mayor, and other city leaders joined with the community for a grand Coit Tower Reopening Celebration on May 14, 2014, it is a shock to discover that the Planning Commission later this month is scheduled to vote to waive a full environmental review and greenlight the construction of a large luxury condo project and multi-unit garage at 115 Telegraph Hill Boulevard immediately adjacent to Coit Tower. If approved, this would have serious short-term and long-term impacts on public access to Coit Tower. Construction and long-term environmental impacts from this project on Coit Tower need to be fully analyzed, particularly as it relates to the likely restrictions on public access to Coit Tower and Pioneer Park via the southern steps, the complete closure of the Filbert stairs pedestrian access to Coit Tower, and the serious impediments the project would create for the 39 Coit Muni bus and other vehicle access to Coit Tower.

Why on earth would the city not at least take the time to fully and adequately analyze the potential impacts of this proposed project on Coit Tower so soon after the voters made clear the importance of Coit Tower and \$1.7 million in public funds have been expended to restore the Tower to beautiful shape? Furthermore, the new Coit Tower concessionaire is working hard to make his operation successful, and the impacts of this project on his ability to succeed, and consequently for the city to receive the millions in revenue that Coit Tower visitors provide, should at least be understood before allowing this project to proceed with a special waiver from the Planning Commission.

I hope you will take this information into consideration as you consider this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Golinger', written over a white rectangular background.

Jon Golinger
Protect Coit Tower

Cc: All Members, San Francisco Planning Commission
Elizabeth Watty, San Francisco Planning Commission
Supervisor David Chiu



7/7/2014

Ms. Cindy Wu

President

San Francisco Planning Commission

Re: Case # 3013 1375CE (115 Telegraph Hill Avenue)

As the newly-placed concessionaire at Coit Tower, I need to express real concerns over the three condo proposal at 115 Telegraph Hill Boulevard. As the operator, this project would certainly impact me negatively with reduced numbers of visitors able to use the transit system, further reduction of personal vehicles and the Filbert steps. The iconic Coit Tower, which was closed for six and half months for renovations has only been opened for two months. The tower is now producing income that supports several city parks as well as the tower. The lease with Recreation and Parks Department took two years of negotiations with neighbors and concerned citizens and the reduction in the visitors to Coit Tower would constitute grounds for renegotiations with the city or put me at risk for outright failure to meet the minimum financial terms of the lease.

In general terms I am usually a proponent of peoples' property rights, but the impact of this project appears to cast a very large shadow on the surrounding area... affecting not only the park and tower but the wellbeing of many neighbors. The end result of this working well for only the three condo owners and the developer. Additionally, to consider a project of this magnitude without a comprehensive environmental impact study would be hasty and ill conceived.

If this project is approved, I would hope the Planning Department could make it conditional on less disruption to the surrounding area and consider the negative impact the project will bring to Telegraph Hill, Pioneer Park and Coit Tower, but as the project currently stands, I encourage you to reject the project as currently proposed.

Respectfully,

Terry Grimm

One Telegraph Hill

San Francisco, CA 94133

1315 Montgomery St.
San Francisco, CA 94133
July 16, 2014

Cindy Wu, President
Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Proposed Project for 115 Telegraph Hill Blvd.

Dear President Wu and Members of the Commission:

There are many letters opposing this project in your package. Stan Teng's letter does a particularly good job of addressing the architectural issues. In aggregate, other letters in opposition thoroughly cover major issues having to do with neighborhood compatibility, inappropriate massing, disruption of traffic on Telegraph Hill Way, hazards to pedestrians and blocking views from the Filbert Steps and Pioneer Park. For this reason, I will restrict my comments to the deeply excavated parking garage proposed for this project and to the developer's interaction with our neighborhood association.

There is no precedent that I know of for such a garage in this area. I agree with, but will not reiterate, Mr. Teng's arguments as to why a special parking exemption should not be granted to this project. Excavation from sidewalk level is almost 33' as shown on the Unit 1 Cross-section on sheet A3.4. At this point, we have nothing that explains how this massive excavation is to be accomplished without compromising the structural integrity of Telegraph Hill Blvd. and the Filbert Steps. Though such an excavation is technically possible with the shoring methods used for the construction of basements in large commercial buildings, it is not obvious how the necessary equipment would be employed in this location. Clearly, however, a colossal amount of excavated material would need to be taken out via Telegraph Hill Blvd., which is often backed up under normal conditions. Access to Coit Tower and the park would necessarily be disrupted in a major way for many months by the logistics of shoring the hill and removing an enormous quantity of excavated material in an area where there is no way to park and load dump trucks without blocking the road. All of the above-listed mechanical and logistical problems can be eliminated by requiring that parking for the project be at grade. A redesign with this stipulation would dramatically reduce the project's impact upon the neighborhood and the surrounding infrastructure.

Mr. Ricks presented his project to the Telegraph Hill Dwellers' planning and zoning committee on three separate occasions. In the original presentation, we heard of the developer's intention to preserve view corridors for pedestrians, maintain the character of the existing streetscape, not excessively crowd the steps, and so forth. In the presentation, it was expressly noted that the project was not at the maximum height allowed, and that this was being done both to preserve views and avoid the perception of a solid wall facing the Filbert Steps. We offered suggestions for improving the project, to which the developer appeared, from his own comments, to be receptive. Successive iterations, surprisingly, got worse rather than better. Provisions for views and public access were eliminated entirely. In the final proposal, not only are the buildings expanded all the way to the height limit, but also the stair penthouses project through that limit. Clearly, the developer had no intention of compromising the profitability of his project by attending to the concerns of nearby residents or its negative impacts upon the neighborhood. Those of us who spent a considerable amount of time with Mr. Ricks discussing these matters are left wondering why he gave us lip service leading us to believe that he wanted to be a good neighbor, when in the end he completely disregarded every recommendation that he received. If he had no intention of working with us to make a better project, why did he waste our time?

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Lorimer", with a stylized flourish at the end.

Dan Lorimer

Stan Teng /
333 Greenwich St. # 2
San Francisco, CA 94133

9 July 2014

Ms. Elizabeth Watty
City of San Francisco Planning Department
1650 Mission St. , Suite 400
San Francisco, CA 94103

RE: Case No. 3013.1375CE
Proposed Project at 115 Telegraph Hill Blvd.

Dear Ms. Watty:

This letter is to express my concern about the required special approvals and the overall design of the proposed project at 115 Telegraph Hill Boulevard.

I live quite near (within 340 feet) of the project site and pass by it at least twice a day and hence have an intimate knowledge of the neighborhood and the site. In addition, I am an architect that has lived and worked in San Francisco since 1981.

My concerns are for both the application for Conditional Use and for the compliance of the project design with the SF Planning Code including the Residential Design Guidelines.

The Planning Code's stated purpose of a CU is to determine if the proposed use is necessary or desirable to the neighborhood, and whether the use complies with the San Francisco General Plan.

CU Item 1: Number of Units

The developer of the project has publicly stated that his interest in the property is speculative. Therefore, the definition of "necessary" is skewed. It may be necessary to this developer to maximize the size of the units, but units of 4138 to 4583 square feet are out of character, compatibility and affordability of the neighborhood and certainly not necessary. The developer has also publicly stated that there is an absolute need for parking, as these types of units would otherwise not be marketable. Marketability is not "necessary" to the neighborhood and is a result of the developer's choice of programming the project as a high end luxury development requiring special approvals.

CU Item 2: Parking Exemption

The parking ratios Planning Code of Section 249.49 were developed with good reason for the Telegraph Hill / North Beach Residential Special Use district. Those reasons include the generation of additional traffic by new dwellings and garages and the problems created by the need for garage access including large doors and the effect on the public right of way. Approval of a conditional use for garage might be justified as a "wash" as far as the taking away of street parking but there are important additional consequences that impact the neighborhood including additional traffic at a already heavily trafficked location.

The subject property is located at an important and heavily trafficked juncture of six existing elements; a narrow curving roadway to a major City attraction, a major pedestrian sidewalk used by both for residents and tourists connecting Telegraph Hill to North Beach, a MUNI bus route and passenger stop, a crosswalk connecting the sidewalk to Pioneer Park and the location of two desperately needed street parking spaces. Such a confluence of elements at a single point is not the location for the entrance to a new parking garage.

Unfortunately the project does not offer any mitigation of the impacts of the requested CU items. None of the CU items are of benefit or necessary to the neighborhood and on the contrary would be detrimental to the neighborhood.

Conformance with the Residential Design Guidelines?

Without going into a lengthy detailed analysis of the project in terms of the Residential Design guidelines a number of major incompatibilities with the Guidelines are present:

"Guideline: Protect Major Public Views From Public Spaces" And "Design Building Facades To Enhance And Complement Public Spaces"

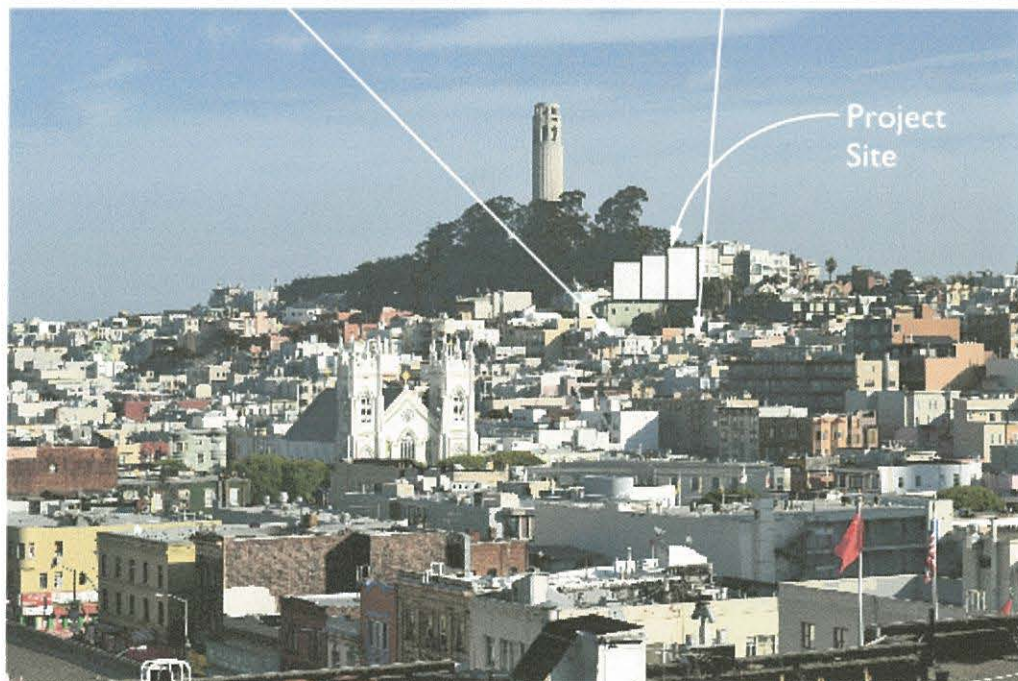
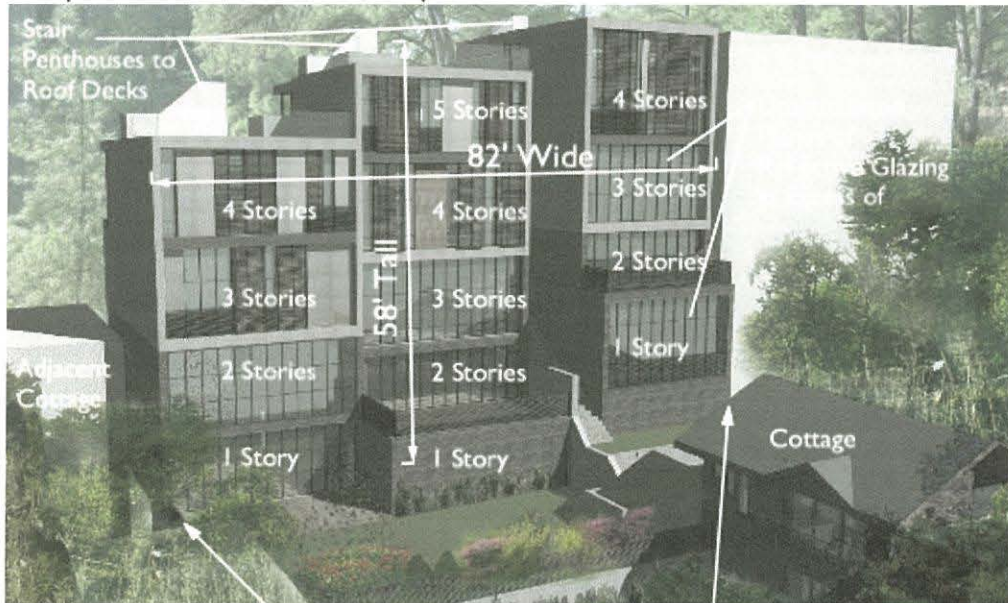
It should be noted that the project has two major facades, one facing Coit Tower and Pioneer Park, the other façade facing the Financial District, Chinatown, Russian Hill and Nob Hill as seen from Telegraph Hill or conversely, Telegraph Hill as seen from the Financial District, Chinatown, Russian Hill and Nob Hill. This is a major "postcard" view of Telegraph Hill that will be adversely affected by the proposed project.

The project's façade along Telegraph Hill Blvd. resembles the set of "Hollywood Squares" and is overtly out of character and scale with the neighborhood. The rear (South facing) façade is a 4 to 5 story wall of monotonous rectangular patterns and glass that will read within the cityscape as a huge reflective surface as it is facing due south and will receive a great amount of sunlight.

“ Guideline: “Design The Scale Of The Building To Be Compatible With The Height And Depth Of Surrounding Buildings”

Please see attached project rendering to understand the size of the development and its scale, especially as viewed from the South.

Proposed Rear Facade of Project



View of Project of Telegraph Hill as seen from the Financial District, Chinatown, Russian Hill and Nob Hill.

In summary, my concerns about the project may be distilled to these simple points:

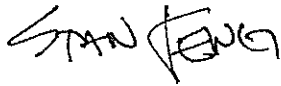
1. The special conditions of use being requested are necessary and of benefit only to the speculative project sponsor and are not necessary, with no benefit and are detrimental to the neighborhood.

2. The project fails to comply with the Residential Design Guidelines especially with respect to:

- Design The Scale Of The Building To Be Compatible With The Height And Depth Of Surrounding Buildings
- Protecting Major Public Views From Public Spaces
- Design Building Facades To Enhance And Complement Public Spaces

As an architect I am an advocate for new construction - but not for buildings that are inappropriate and detrimental to the neighborhood and City and for the benefit of the few.

Sincerely,

A handwritten signature in black ink that reads "Stan Teng". The signature is stylized, with the first letters of the first and last names being larger and more prominent.

Stan Teng
Architect, A.I.A.



331 Filbert Street
San Francisco, CA 94133
(Between Telegraph Hill Blvd.
(Lombard) and Montgomery St.
near Coit Tower)

Phone: 415-986-5885
Facimile: 415-986-5893
E-mail: pldwares@aol.com
PETER L. DWARES, PRESIDENT

July 7, 2014

Cindy Wu, President
Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Case No. 3013.1375CE
115 Telegraph Hill Blvd.
Telegraph Hill-North Beach Residential SUD
Request for Conditional Use Authorizations

Dear President Wu and Commissioners,

I am writing to express my concerns regarding the proposed project at 115 Telegraph Hill Blvd. and respectfully request that the Planning Commission not approve the Conditional Use Authorizations for this project.

I have owned at 331 Filbert, steps away from the property, since 1977. I observe traffic jams thus project would exacerbate significantly.

I love the scale of the Filbert Steps. We have no parking on the Steps.

It is rare that a local, neighborhood project rises to the level that I bother to write the Commission, but the proposed luxury condominium project at 115 Telegraph Hill Blvd., if built as proposed, would be a terrible planning mistake that will adversely impact San Francisco's world renowned Telegraph Hill, Coit Tower and the surrounding 4.89 acre Pioneer Park. Fundamentally, the issue at stake is about protecting the public's interest in Pioneer Park and Coit Tower. This is not about any particular neighbor's self-interest or views – this is about the public interest and the public's views, parks, access and pedestrian safety.

As San Francisco residents we have a collective duty to safeguard these treasures for future generations. The proposed project, if approved, will have an array of significant, adverse impacts to Coit Tower and Pioneer Park.

The proposed project would:

- Block the sweeping views of San Francisco enjoyed by thousands of Pioneer Park users

- Create permanent dangerous conditions for pedestrians coming up the Filbert Steps and Telegraph Hill Blvd. (by creating a new curb cut on the curviest section of Telegraph Hill Blvd. at the very top of the Filbert Steps coming up from Kearny Street)
- Exacerbate traffic congestion for visitors and residents to Coit Tower on Telegraph Hill Blvd. both during and after construction. I have long felt a driveway there is a very bad idea.
- Adversely impact users of the 39 Coit Tower MUNI bus both during and after construction (particularly because the current bus stop will be next to their new driveway)
- Eliminate access from the Filbert Steps to Coit Tower for up to two years while the project sponsor digs 30 feet for a new parking garage on this highly constrained site
- Reward the current owners for demolishing 11 units of affordable housing and replacing them with three market rate, 4,000 to 5,000 square foot, condos.
- Reward the current owners for their defacto demolition of the historic cottage on the southern edge of the property.

Please come and look at the site on a typical busy weekend day.

I hope that the Commission will reject the project as currently propose and encourage the project sponsor to come back with a more compatible project that better fits this unique important site which will be less impactful to Pioneer Park, the Filbert steps and Telegraph Hill Blvd.

Sincerely,



Peter Dwares
331 Filbert Street
San Francisco, CA 94133

STEWART MORTON

9 July 2014

TO: San Francisco Planning Commission

FROM: Stewart Morton

RE: 115 Telegraph Hill Blvd / Case # 3013.1375CE

I reside at 1730 Kearny St, near the corner of Lombard St and at the beginning of Telegraph Hill Blvd. I have been a Telegraph Hill Dweller since the 60's. I am so very concerned about the probable impact of the proposed new construction at #115. I cannot imagine how the Planning Department would not require an EIR based on so many problematic issues.

There has to be an "impact" on the placement of their driveway/garage door at the top of the Filbert Stairs which is at the #39 Bus Stop AND Stop Sign AND Cross Walk.

There has to be an "impact" from the massive excavation necessary to place the four stories within the 40 foot height limit, with the only access for the trucks and equipment from Telegraph Hill Blvd. This is not a small project.

Which brings up my third questionable "impact". This is a very BULKY, IMPOSING on the neighborhood building.

I have attended four meetings with the Owner-to-be/Developer held by the neighborhood and have continually requested that what I thought was best for the neighborhood was to have THREE distinctive looking facades for Units 1, 2 and 3. Telegraph Hill is a collection of mostly 15, 20, and 25 foot wide buildings. Lewis Butler has acknowledged he is talented enough to design this concept successfully and I certainly agree.

The Owner-to-be/Developer has continually stated he would do what the neighborhood wanted, as long as it did not fight him on the garage for only 3-4 cars. With the planned car elevator and recessed garage door, things are looking up. 3-4 cars can be manageable.

Now can we have THREE wonderfully differently facades, architecturally, not just with different painting! . . . and with a bit smaller scale which belongs on Telegraph Hill. This site is very noticeable from COIT TOWER and PIONEER PARK which has an extremely high number of visitors annually.

DO YOUR BEST FOR SAN FRANCISCO!

PO BOX 330339 SAN FRANCISCO 94133-0339

TEL 415/441-3322 FAX 415/441-4411 EMAIL: MR.STEWARTMORTON@GMAIL.COM

July 9, 2014

Cindy Wu, President
Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

*Re: Proposed Luxury Condos and Garage at 115 Telegraph Hill Blvd, Case No.
3013.1375CE*

Dear President Wu,

I am a cousin of Lillie Coit and write to you on behalf of members of the Coit family from around the country to strongly urge you to not approve the plans being proposed for a large luxury condo and a garage project at 115 Telegraph Hill Blvd, which could seriously restrict public access to the newly restored Coit Tower.

I can tell you that every member of the Coit family I know is proud to be a part of the great treasure Cousin Lillie left 80 years ago to the City of San Francisco she loved. For many years, my father Chapin Coit participated in various efforts to celebrate Coit Tower's history and continued graceful beauty as part of the San Francisco skyline. Over the last few years I have been honored to be a part of the successful citizen campaign to support the preservation and restoration of the one and only Coit Tower.

This is why it came as quite a shock to learn that, just two months after reopening Coit Tower to the public following a historic renovation, the Planning Commission is considering waiving a full environmental review and approving the construction of a large luxury condo project and multi-unit garage at 115 Telegraph Hill Boulevard at a pivotal location along the only road up to Coit Tower. If approved, this would have serious short-term and long-term impacts on public access to Coit Tower that at least should be thoroughly studied before being approved.

I sincerely hope that clearer heads will prevail and you will at least decide to take the time to fully and adequately analyze the potential impacts of this project on access to Coit Tower before approving this proposal. Coit Tower is so very important to us all.

Sincerely,

Susie Coit Williams
Debbie Coit Smith
Philip Hersee Coit
Felicia Coit Pasley
Belle Coit Druding
Karen Coit Wozniak
Corey Walker Jones

**PROTECT PIONEER PARK:
115 TELEGRAPH HILL BOULEVARD PROJECT**
TO: Elizabeth Watty, Planning Department and Planning Commission
Also For Planning Commission Meeting Package----July 17, 2014 Hearing

Cindy Wu, President, Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

**RE: Case No. 3013.1375CE, 115 Telegraph Hill Blvd.
Telegraph Hill-North Beach Residential SUD
Request for Conditional Use Authorizations**

Unfortunately, this project has become progressively taller and bulkier over time. In past community meetings, the project sponsor presented buildings well below the height limit, to preserve public view corridors from Pioneer Park--- for residents and visitors alike. Also, the addition of rooftop elevator/ stair penthouses and railings exacerbate height issues and view obstructions.

The 115 Telegraph Hill Boulevard Project should revisit the direction of earlier designs.

I am the founder and a leader of the Pioneer Park Project, which led to new stairways and the south terrace at Coit Tower. Pioneer Park is one of San Francisco's oldest parks---an outlook for ships and a signal station starting in 1849. Coit Tower opened in 1933 without architect Arthur Brown's intended south terrace, which the Pioneer Project completed. The south terrace and Filbert steps have timeless views that need to be protected for everyone.

The design does not integrate the sites' sloping topography, contributing to view obstructions. The building does not step down in height with the southerly slope of Telegraph Hill. As a result, the project's west elevation is a huge blank wall--- the most public face of the project.

The project's north elevation, facing Coit Tower, would benefit from a more traditional massing---without the wrap-around "trim" surrounding each of the three buildings. A decomposed massing would better conform to San Francisco's ubiquitous bay windows, insets, setbacks, step-backs....

As an architect, I see better options than construction disruptions to residents, pedestrians, Muni riders and car drivers by closures of the Filbert stairs and Telegraph Hill Boulevard. Construction logistics, staging and phasing can mitigate years of disruptions---albeit at a bit more cost.

Sincerely,
Howard Wong, AIA

7 July 2014

Ms. Elizabeth Watty
City of San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California 94103

RE: Proposed Project at 115 Telegraph Hill Blvd.

Ms. Watty:

I am a resident of Telegraph Hill and am writing with regard to the proposed project at 115 Telegraph Hill Boulevard.

To be clear, I do not oppose new construction on a site that has been vacant for many years. But I do oppose this project as it is currently designed precisely for the reasons that the project sponsor himself initially stated in 2012: architecturally, it will be a bad neighbor and will have the effect of creating a canyon, a solid wall plane on the narrow Filbert Steps, one of the most important pedestrian routes to Coit Tower along the edge of Pioneer Park. The access and excavation required will certainly impact, if not destroy, the Filbert Steps and will eliminate one of Telegraph Hill's most important vistas to Nob Hill and the downtown skyline.

The proposed project will have a significant impact beyond the site boundaries, during and after construction, when tons of soil are removed. The encroachment on the Filbert Steps must be considered and analyzed. The proposed location of a driveway and garage entry at the top landing of the stairs, on a blind curve, at a MUNI bus stop, is beyond ill-considered. The proposed project will disrupt and endanger vehicle traffic, MUNI operations and, most importantly, the thousands of pedestrians, visitors and residents alike who visit this site.

I urge the Planning Commission to carefully consider all aspects of this project, deny the requested Conditional Use permits, and seek a major re-design of this project. In my opinion, this is exactly the kind of inappropriate project for which the California Environmental Quality Act was created – for its impacts on traffic, noise, birds and wildlife, historic resources, and the overall environment.

Sincerely,



Katherine Petrin
Architectural Historian
333 Greenwich Street #2
San Francisco, CA 94133

F. JOSEPH BUTLER 07 July 2014
ARCHITECT

Ms. Cindy Wu, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

324 Chestnut Street
San Francisco
California 94133

Re: 115 Telegraph Hill Boulevard

415 533 1048
fjosephbutler@hotmail.com

Dear President Wu:

From 1995 to 2001 some three dozen residents of Telegraph Hill organized, hundreds of neighbors funded, and RPD/DPW executed the Pioneer Park Project. The \$1.6 million project improved pedestrian access with three new stairways, provided ADA access to Coit Tower and its murals, and began reforesting the five acre Park at the summit.

From its use as a semaphore in 19th Century San Francisco (before electricity or the telegraph was invented) to the present, the Park's importance has always been about its 360 degree vistas from the center of the San Francisco Bay. Our project made the most of the expansive views from this early City park by carefully siting the overlooks, stairs and benches to orient visitors from the world over to the Bay and San Francisco.

Several low buildings formerly at 115 Telegraph Hill Boulevard afforded views from the Park to the Financial District below. The stair from the Tower to Filbert Street (attached) was designed to take advantage of the view, from its landings and a bench at the top. Now a private development there threatens this public view from the Park. This stairway is one of the three designed to safely guide pedestrians to and from the summit. It's risers are faced with 575 etched (attached) named tiles, sold by the community to raise \$287,500 of the \$333,000 we contributed to the City.

At a THD meeting in 2012, we urged the Sponsors to acknowledge the public vistas by shaping their building to preserve them. Their plans however have only changed for the worse, with the building heights growing taller, denying the import of contributions by hundreds in our community.

I urge your Commission to reject this application as inconsistent with the Urban Design Masterplan which calls for the retention of scenic vistas from public parks. Send this proposal back for a design that honors the Park's vistas, and the contributions of our community.

Sincerely,

F. Joseph Butler, AIA

cc. Members of the Commission



Filbert Stair bench in Pioneer Park looking over 115 Telegraph Hill Boulevard to the Financial District, and some of the 575 etched, named stair tile risers.



From: Stan Hayes

Sent: Wednesday, July 09, 2014 5:44 PM

To: 'cwu.planning@gmail.com'; 'planning@rodneymong.com'; 'wordweaver21@aol.com'; 'plangsf@gmail.com'; 'richhillissf@yahoo.com'; 'Mooreurban@aol.com'; 'hbsugs@sbcglobal.net'; 'commissions.secretary@sfgov.org'; 'david.chiu@sfgov.org'; 'Judson.true@sfgov.org'; 'Elizabeth.Watty@sfgov.org'

Subject: REQUEST FOR ENVIRONMENTAL ANALYSIS - 115 Telegraph Hill Blvd (Case No. 3013.1375CE)

Members of the Planning Commission –

My wife and I own a house and live at 25 Napier Lane, where we have resided for ten years and I have lived since 1995.

I was a planning commissioner for a town in Marin County for sixteen years. In that time, I experienced many of the same development issues and pressures as you have on projects such as this. Like you, I've had to balance the rights of project proponents with community concerns about project impacts.

I'm sure that you, like me, have found that the best decisions are informed ones. Ones that identify, fairly analyze, and adequately account for the environmental impacts of a project, both seen and unforeseen. Ones that weigh in a balanced fashion the relative merits of reasonable project alternatives, not simply as proposed.

The site of the 115 Telegraph Hill project is an unusually sensitive one. It's located along the narrow, winding, and heavily travelled approach to Coit Tower, one of the San Francisco's most iconic landmarks, just reopened after extensive and protective renovation and now again enjoyed by thousands of visitors.

The City has a strong stake in protecting, and avoiding the interruption of, the visitor experience at Coit Tower and the surrounding Pioneer Park due to such factors as permanent loss of view corridors, traffic delays and disruption during construction, and continuing traffic and pedestrian safety dangers after construction (e.g., driveway access at the top of and directly across the Filbert Steps).

To ensure that these and other issues are addressed and mitigated, my wife and I strongly urge you to require an environmental analysis of at least the following:

- Size and massing of buildings (e.g., over-sized buildings leading to unnecessary loss of view corridors)
- Traffic safety and circulation (e.g., adverse impacts on Coit Tower visitor traffic, public transit including rider safety at bus stops, and local resident access)

- Geotechnical safety (e.g., adverse impacts on adjoining structures and the Filbert Steps, particularly excavation of a large auto elevator shaft immediately adjacent to the Filbert Steps)
- Construction impacts (e.g., extended periods of delay and access disruption to local residents, visitor traffic, public transit, and concession business)
- View corridors (e.g., loss of views from key visitor locations including incoming and outgoing traffic vantage points, Pioneer Park and the memorial steps leading to it, and the upper Filbert Steps).

We further urge you to require that the environmental analysis consider alternatives to the proposed project, as commonly required under CEQA.

Sincerely,

Stan Hayes

25 Napier Lane

San Francisco, CA 94133

(415) 298-0489 (cell)

<mailto:shayes@environcorp.com> <<mailto:shayes@environcorp.com>>

From: Nan Roth <nanroth88@gmail.com>

Date: Wed, 9 Jul 2014 16:37:00 -0700

To: Elizabeth Watty <Elizabeth.Watty@sfgov.org>

Subject: July 17, 2014 Planning Commission Hearing--Case No. 3013.1375CE (115 Telegraph Hill Boulevard)

Please include the following Comments in the information provided to the Commission in regard to the project below to be heard by the Planning Commission on Thursday, July 17, 2014:

**115 Telegraph Hill Boulevard
Case No. 3013.1375CE**

Members of the Commission:

We urge the Commission to deny this application.

It was with shock and dismay that my husband and I first heard about this application and pending hearing from a neighbor on June 29. We own two properties adjoining the project site, Lots 28 and 37 at 1436 Kearny Street and 357 Filbert Street respectively. Although we had attended a project presentation at a neighborhood meeting on July 31, 2013, and met briefly later with a Mr. Jeremy Ricks, who we understood to be the developer with a recorded Option to Purchase the site, we had heard nothing further and to date have not been provided with drawings, plans or any information regarding the proposal to be presented on July 17, 2014.

I was invited to a meeting of the Telegraph Hill Dwellers held on July 3, 2014, at which two copies of drawings, without any dimensions, were made available in the absence of the project sponsors, to be shared by all of the attendees. Thus I only had a few minutes to glance at them. Frankly, I was shocked and dismayed by what I saw—three monster trophy mansions, taking up every inch of the permitted building envelope, without any concessions to the setting, and the complete destruction of the hillside above our house leaving a huge glass wall over a stone block base with a small level rear yard. I know tradition requires paying a compliment before critiquing a presentation, but I dare anyone to find a feature to admire or speak of favorably.

This makes us very uncomfortable. What is the strategy behind imposing this on both the neighborhood and the Commission? We see a lot of mediocre design and construction around this city, but never anything as boldly bad as this, and in such a sensitive and high profile location. Surely their architect is capable of better work, but at the end of the day, he serves his client. So what is the hidden agenda?

I would like to caution the Commission in regard to suggesting incremental modifications. This design defies tweaking. It needs to be rethought and redesigned from the ground up. We know everyone is tired of the unkempt lot, the vandals and trespassers. That too is a strategy—get the neighbors so tired of the mess and the transients that they will accept anything. This is one of the most important vacant sites in the City. It's widely visible, is part of the setting for one of our most visited landmarks, and is the most heavily used pedestrian approach to Coit Tower.

I would also like to raise an often overlooked issue, subsurface groundwater and drainage. An excavation such as this design requires can have devastating impacts on neighboring properties. For example, a broken sprinkler head at Coit Tower broke the seal on our newly installed steel-enforced concrete floor and flooded our basement. We have a sump pump and it normally catches

any storm drainage, but this was at a deeper subterranean level and the water backed up behind a barrier a few feet downhill and the pressure built up until it broke through the floor. The City has three wells on the stretch of the Filbert Steps adjacent to the project site. There is free flowing subterranean water on Telegraph Hill. Water can be very unpredictable—water seeks its own way. Of all the places we have lived on Telegraph Hill, this location is the most vulnerable.

Thank you for your consideration of my comments.

Sincerely,

Nan and Nathan Roth
1436 Kearny Street
San Francisco, CA 94133
nanroth88@gmail.com

From: Judy Irving <films@pelicanmedia.org>
Date: Tue, 08 Jul 2014 13:41:00 -0700
To: Elizabeth Watty <Elizabeth.Watty@sfgov.org>
Subject: 115 Telegraph Hill Blvd. (Case No. 3013.1375CE)

Dear Elizabeth Watty and Planning Commission,

I'll leave it to others to describe the massive, inappropriate scale of the proposed project, and the views it would block. The last thing we need in San Francisco is more luxury condos (the entire city agrees on this point, having turned down 8 Washington and approved Proposition B). Please send this developer back to the drawing board. What he proposes doesn't work on any level. I'll give you just one example:

I've lived on the east side of Telegraph Hill for 13 years, and I walk over the hill via the Filbert Steps to my office, which is on Stockton on the west side. Daily I see pedestrians, mostly tourists, straining up the Filbert Steps from North Beach, then stopping at the top to get their bearings, catch their breath, and figure out how to proceed. The place where people congregate is exactly the spot where 115 Telegraph Hill Blvd wants to install a driveway! This is a very bad idea. These tourists are not paying attention to traffic hazards; they are disoriented and tired; the last thing they need is cars coming and going across the sidewalk where they all congregate.

This same spot is also where people get on and off the Coit 39 bus, and where people cross the street to continue up the steps to Coit Tower. Please leave the sidewalk intact so that all these people will stay safe, i.e., do not allow a driveway to cut through there.

My understanding is that new curb cuts are no longer allowed in this area, in any case. Is the project asking you for a special favor, only to endanger pedestrians' safety and create liability for the city? To say the least, it's poor planning. For this and many other reasons, the project as proposed should be rejected.

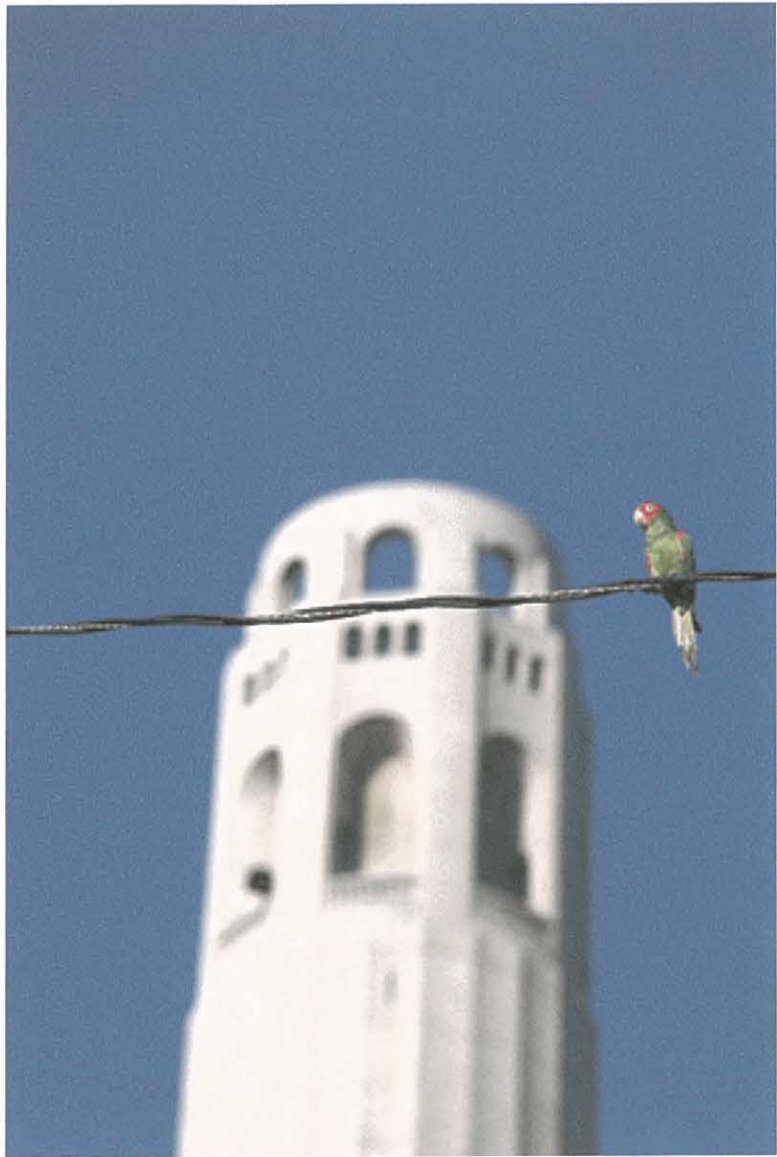
In a better world this lot, with its spectacular views, would be a PARK: "South Slope Park." I hope someday that's what actually happens. We need a better vision for Telegraph Hill, our world-class tourist attraction, better than luxury condos.

Best regards,

Judy Irving
Producer/Director
"The Wild Parrots of Telegraph Hill"
"Pelican Dreams" (Fall 2014 Premiere)

Pelican Media
1736 Stockton Street, Suite 2
San Francisco, CA 94133

415-362-2420 phone
films@pelicanmedia.org
www.pelicanmedia.org



From: Mary Etta Moose [mailto:maryetta.moose12@gmail.com]
Sent: Monday, July 07, 2014 11:20 AM
To: Watty, Elizabeth (CPC)
Subject: 115 Telegraph Hill Blvd.

July 7, 2014

VIA EMAIL (c/o Elizabeth Watty) <wmailhtml:Elizabeth.Watty@sfgov.org>

Cindy Wu, President
Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Case No. 3013.1375CE
115 Telegraph Hill Blvd.
Telegraph Hill-North Beach Residential SUD
Request for Conditional Use Authorizations

Dear President Wu and Commissioners,

I am writing to express my concerns regarding the proposed project at 115 Telegraph Hill Blvd. and respectfully request that the Planning Commission not approve the Conditional Use Authorizations for this project.

It is rare that a local, neighborhood project rises to the level that I bother to write the Commission, but the proposed luxury condominium project at 115 Telegraph Hill Blvd., if built as proposed, would be a terrible planning mistake that will adversely impact San Francisco's world renowned Telegraph Hill, Coit Tower and the surrounding 4.89 acre Pioneer Park. Fundamentally, the issue at stake is about protecting the public's interest in Pioneer Park and Coit Tower. This is not about any particular neighbor's self-interest or views – this is about the public interest and the public's views, parks, access and pedestrian safety.

As San Francisco residents we have a collective duty to safeguard these treasures for future generations. The proposed project, if approved, will have an array of significant, adverse impacts to Coit Tower and Pioneer Park.

The proposed project would:

- Block the sweeping views of San Francisco enjoyed by thousands of Pioneer Park users
- Create permanent dangerous conditions for pedestrians coming up the Filbert Steps and Telegraph Hill Blvd. (by creating a new curb cut on the curviest section of Telegraph Hill Blvd. at the very top of the Filbert Steps coming up from Kearny Street)
- Exacerbate traffic congestion for visitors and residents to Coit Tower on Telegraph Hill

Blvd. both during and after construction

- Adversely impact users of the 39 Coit Tower MUNI bus both during and after construction (particularly because the current bus stop will be next to their new driveway)
- Eliminate access from the Filbert Steps to Coit Tower for up to two years while the project sponsor digs 30 feet for a new parking garage on this highly constrained site
- Reward the current owners for demolishing 11 units of affordable housing and replacing them with three market rate, 4,000 to 5,000 square foot, condos.
- Reward the current owners for their defacto demolition of the historic cottage on the southern edge of the property

I hope that the Commission will reject the project as currently proposed and encourage the project sponsor to come back with a more compatible project that better fits this unique important site which will be less impactful to Pioneer Park, the Filbert steps and Telegraph Hill Blvd.

Sincerely,

Mary Etta Moose
1962 Powell Street
San Francisco, CA 94133

Subject: 115 Telegraph Hill Blvd. Project Case 2013.1375
From: Erich Paul <erichsan@yahoo.com>
To: christine.lamorena@sfgov.org, cwu.planning@gmail.com
CC: Elizabeth.Watty@sfgov.org, yasso@surewest.net, sandy ASSO@surewest.net

July 15, 2014

San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Subject: 115 Telegraph Hill Blvd. Project Case 2013.1375

Dear Planning Commission,

We, some of the closest and most impacted property owners just found out about this project after receiving the first and only notice from the city about this project postmarked June 26, 2014 for the meeting July 17, 2014. We were never given notice, nor contacted by the developer at any point prior to this letter until after we contacted city planning ourselves to inquire about the project. We spoke to the developer last week for the first time and learned details of the project plans only then. Only after this did we realize the scope of the project and the how it would severely impact our properties located directly below the project. We believe our properties will be the most affected of any surrounding properties. For this reason, we would like to request a delay in the Planning Commission hearing so that all the close by neighbors can be properly notified and brought into the process.

From what we have just learned, we list below some concerns of the property owners located below the project that are within 26 feet.

Project is being treated differently by the Planning Commission than other neighborhood projects by not requiring special approvals.

As with every other project no matter how minor on Telegraph Hill, variances and other special approval actions have always been required with a multitude of notifications. For some reason this property is being treated differently by not requiring a variance. We would like to understand why this project is being treated different. For example, 391 Filbert owners spent almost 16 years working with the neighborhood for two separate variances for a final remodel. The property, zoned the same as 115 Telegraph Hill did not build to height maximum, built a "cottage" style that fit within the neighborhood that the neighbors approved (neighbors even designed the windows), and the house was

separated from neighboring properties out of concern for neighbor shadowing and views. The owner accommodated the cottage look for the neighborhood even though that was not the original plan and has retained the cottage look on the west side of the Filbert Stairs that was altered so much when the historic cottages were demolished on 115 Telegraph. Another recent project by a close neighbor at 331 Filbert building required a process to notify neighbors to add an indoor elevator. There are many other examples.

Massive excavation digging down almost to the neighboring home foundations below the property will potentially cause earth movement and cracking for neighboring properties

In times of real worry by the city about earthquake impacts (requiring soft story upgrades for many buildings), there seems to be little attention to the impact of excavating a very large section of the property. The plans call for two floors below the Filbert Step next to 383 Filbert within a few feet of the two lower property foundations. We have not seen any structural engineering report, Geotechnical Report, and no way of knowing what the impact would be on earth movement or earthquakes one year or 10 years from now. It is most likely that there would be earth movement with such a large excavation. All three properties below have foundations connected and therefore all properties would be impacted if 383 Filbert moves, which has a brick masonry foundation. Telegraph Hill has been known to move even with bedrock (As seen above Broadway two years ago).

Construction Vibration and soil/bedrock removal will cause earth movement and cracking in neighboring properties

A major problem in San Francisco that causes cracks and movement in neighboring houses is Construction Vibrations. Several structural engineers we have spoken to mentioned that excavating and removal of bedrock/soil could have profound effects on neighboring properties resulting in floor/wall/glass cracking and movement. This along with a minimum of two years of construction noise/vibration has the potential to profoundly impact neighboring properties.

Construction Noise/Vibration/Disruptions will render working from home a near impossibility (as well as affect pets)

Living and working from home will be very difficult during the minimum of two years of construction.

The project will shadow the lower properties and block most morning light and much of the daytime light, prevent solar generation, and block Eastward Views

The new project at 115 Telegraph builds so high that all morning light to the neighboring properties below would be severely impacted. Solar Panels only can face east on the cottage roofs as with 383 Filbert and therefore would be severely diminished on existing and new installs. Views would also be affected severely to the east. The remodel nearby (26 feet from the project) on the Filbert Steps at 391 Filbert Street, almost 30% of the property was not built on by separating the property from 383 Filbert

for light/shading improvement for the neighbor. An open space was made bigger in the SE corner so that another neighbor retained a view of Coit tower from small area of the house.

The best Stairway Views in San Francisco, the top of Filbert Steps in front of the property and the lower steps to Coit Tower will be completely blocked.

Anyone in the neighborhood and the 250,000 tourists that visit Coit Tower know, it isn't just the views from the top of Pioneer Park that are amazing, it is the walk up Filbert Steps right in front of this property where almost everyone stops to take photos and enjoy the view. This continues with the stairs up to Coit Tower which will partially lose their views. This Filbert Step View is very special that should be considered before completely being blocked.

And Finally, there is a family of Red Tail Hawks that hunt and possibly live on the property will be affected

Most afternoons, watch for the Red Tails – great viewing.

From what we have learned in the last few days we found out about this project, here are our questions for the Planning Commission:

1. Why weren't all of the closest neighbors notified and worked with by the developer and city previous to approval?
2. Why was this development treated differently in the variance and approval requirement process from all the neighboring properties with similar zoning?
3. Why hasn't the impact of a large excavation not been given severe scrutiny considering earth movement on Telegraph Hill (above Broadway etc.)?
4. Why hasn't earthquake impact after excavation been scrutinized for neighboring properties?
5. Where is the Geotechnical report and structural engineering report (developer mentioned he didn't have a structural engineer yet)? Where is the excavation and shoring plan for the project?
6. Why hasn't shadowing and loss of morning light of neighboring properties been addressed?
7. Why hasn't the impact of the neighborhood on construction noise, vibration, dust, and worker/equipment impact be considered?
8. Why hasn't the view from the Filbert Steps where almost every tourist walks up stops for photos been considered before being completely blocked?
9. Why hasn't the views up/down to Pioneer Park been considered as they will all but disappear?
10. Why hasn't the design of this project considered the prevalent cottage style that makes the neighborhood so special and other new remodels have followed?
11. Lastly, Why hasn't the family of red tail hawks that hunt and possibly live on the property been considered and how will they be affected?

If this project moves forward without the closest neighbors affected involved in the process, it is a remarkable deviation from all the other projects in this historic famous neighborhood. A project of smaller proportions and impact might have less scrutiny, but this is a massive project affecting many properties and people and as such simply cannot be allowed to proceed without thorough examination of all the parameters. The nearby properties, that were not contacted, asked or involved will be severe impacted during the minimum two year construction and long after. Some residents will not want to live next to this project through the construction phase or even possibly after due to loss of light, shadowing, potential earth movement, building cracking, earthquake concerns, etc. Unfortunately, all this needs to be disclosed if renting out or selling our properties so we would be in a terrible dilemma.

Again, without the involvement of the neighbors most impacted, this represents a serious deviation from the standard and historic San Francisco process we respectfully, strenuously request a postponement so that all the of problematic issues can be sorted out.

Regards,

Neighbors on Filbert Steps and Kearny Street adjacent to 115 Telegraph Property

Jim and Sandy Yasso
1454 Kearny and 1456 Kearny

Erich Breisacher
391 Filbert Street

From: Mark Bittner <mark.bittner@earthlink.net>
Date: Tue, 8 Jul 2014 11:49:00 -0700
To: Elizabeth Watty <Elizabeth.Watty@sfgov.org>
Subject: Case No. 3013.1375CE, 115 Telegraph Hill Blvd
Project

Dear Ms. Watty,

My name is Mark Bittner. I am a homeowner and 40-year resident of the North Beach/Telegraph Hill area. When I first arrived here in 1973, this place was unique and magical to a degree that I'd never seen anywhere else in America. It's these two qualities that, over the years, have been drawing visitors, one of the foundations of this city's economy. Lately, I've been watching an alarming trend where developers push bland or downright ugly projects that undermine what is so extraordinary about this place. Case No. 3013.1375CE, at 115 Telegraph Hill Blvd, is one such project. Pioneer Park with Coit Tower is one of the most beautiful spots in the city. This apartment project would substantially alter its character. If we make our neighborhoods look more and more like any other neighborhood in any other city in America, what reason does anyone have to come here anymore? And why should the residents of this city have to endure someone's lack of imagination? This project has one purpose and one purpose alone: to make one speculator a bundle of money. The rest of the city loses. I ask the Planning Commission to reject this proposal.

Sincerely,

Mark Bittner
Author, "The Wild Parrots of Telegraph Hill"

From: [Timothy Ferris](#)
To: [Watty, Elizabeth \(CPC\)](#)
Cc: [CalSky.com Alerter](#)
Subject: 115 Telegraph Hill Blvd Project
Date: Monday, July 07, 2014 11:57:50 PM

Dear Ms. Watty,

Regarding the proposed three residences at 115 Telegraph Hill Blvd., in our meetings with the developer, Jeremy Ricks, he assured us that he wanted to hear our thoughts and to respond accordingly in a revised design. Our conversations have been friendly and Mr. Ricks invariably polite.

We expressed just two concerns:

1. That something of a view corridor be preserved between the buildings;
2. That the design of the homes be more individualistic relative to one another, and of a vitality more nearly comparable to that of other homes near the top of the hill—rather than resembling, as I rather unkindly put it, the concrete cubes of an East Berlin housing project.

As neither of these concerns appears to have been addressed in the most recent revision, we are unable to support the proposed project at this time.

Yours,

Carolyn & Timothy Ferris

From: Julie Jaycox <juljaycox@gmail.com>

Date: Wed, 9 Jul 2014 16:56:44 -0700

To: Elizabeth Watty <Elizabeth.Watty@sfgov.org>

Cc: Cindy Wu <cwu.planning@gmail.com>, Rodney Fong <planning@rodneymfong.com>, Gwyneth Borden <plangsf@gmail.com>, Kathrin Moore <Mooreurban@aol.com>, <commissions.secretary@sfgov.org>, David Chiu <david.chiu@sfgov.org>, Judy Irving <films@pelicanmedia.org>, Katherine Petrin <petrin.katherine@gmail.com>, Stan Hayes <shayes@environcorp.com>, Hisashi Sugaya <hbsugs@sbcglobal.net>

Subject: 115 Telegraph Hill Blvd (Case No. 3013.1375CE)

To Elizabeth Watty and Planning Commission:

Besides the fact that this project is grossly over-scaled for the location and the neighborhood, creates a huge reflective glass wall across the south side of Telegraph Hill, blocks panoramic views from most Pioneer Park locations, and is a luxury condominium project that will most likely house people who are rarely in residence, the actual construction of this project will have some extreme effects on the locality. Due to its accessibility from only one street - which is also the only street that accesses Coit Tower - the disruption to the people who live there and the large number of people who visit will be absolute.

This project has ONLY ONE ACCESS POINT - a narrow, heavily trafficked winding road with turnaround available only at the Coit Tower parking lot. Living next to the huge building project on the 200 block of Green Street at Montgomery, I can say that this proposed construction project will probably look like this for minimally 2 years:

- excavation requires multiple dump truck trips arriving empty and being filled, with no off-road loading area, creating dust and dropping debris
- cement truck traffic with subsequent noisy pouring time, with no off-road parking space
- excavation requires debris boxes dragged in, filled, traded out - most likely needing the Coit Tower parking lot for any maneuverability at all, with no off-road loading/parking space
- excavation may require blasting rock from a substrate known to be crumbly and unstable (look at the hill that fell down above Broadway near Montgomery just a few years ago)
- local resident parking at the Coit Tower parking lot replaced for years by construction parking or debris box turn-around
- cranes to lift in large structural components and the necessity to close the road for each use, crane engines/machinery running the entire visit to the site

I believe a comprehensive traffic and pedestrian study needs to be made before anything is approved on this project. I understand there will be NO environmental impact studies. There are too many people who access this location to block access for the number of years it will take to finish this construction or to put them in danger once there is a driveway in a location where a stairway, bus stop and crosswalk all meet. Having worked in a location on a street leading to the

Tower, I have seen the countless numbers of tourists who climb up and down Telegraph Hill every day, in all seasons. It never stops.

It is also undeniable that the City and Park and Rec are interested in Coit Tower being a viable and regular income stream. Coit Tower was just reopened after a significant renovation with a new vendor inside the building who has taken over the lease longterm. The lines to go to the top to see the views have increased. Pioneer Park is being continually groomed to deal with the bad decisions of previous landscapers to try to overcome the ingrown views. The planting of native plants is in progress to encourage bee foraging and local bird and animal visits. The 39 bus, after years of being neglected by the MTA, has been rerouted at the bequest of Telegraph Hill residents to wait for tourists in front of Pier 39 to increase ridership up to the top of the hill. *But this will all be to no avail if construction of this huge project goes forward on the only street that accesses both this address and Coit Tower.*

This project has so many detrimental issues that will not be reviewed by the City (for an unknown reason/decision by someone in the Planning Department, apparently) that it would be folly to approve it as is. Please reconsider any idea to allow this monstrous project to disrupt the enjoyment of a gorgeous part of San Francisco's historic Telegraph Hill, and disrupt the function of a beloved local monument.

Thank you.

Julie Jaycox
307 Green Street SF CA 94133

From: Tony Gantner <AFGANTNER@aol.com>
Date: Wed, 9 Jul 2014 16:12:40 -0400
To: <Elizabeth.Watty@sfgov.org>
Subject: 115 Telegraph Hill Blvd. (Case # 3013.1375CE)

Dear Ms. Watty:

I am writing to express my objections to the proposed condominium project at 115 Telegraph Hill Blvd (Case No. 3013.1375CE) as it is presently envisioned.

As you are no doubt aware, since World War II, the history of Northeastern San Francisco is littered with development proposals that may have seemed appropriate to some at the time, but wrong to the many who lived in or around the subject areas.

Some of those proposals, fantastical now, were judged by proponents as perfectly reasonable at the time. A few examples: extending the Embarcadero Freeway north past Broadway along the eastern (Bay) side of Telegraph Hill, as part of a proposed over-water bridge between San Francisco and Tiburon with exit ramps at Stockton and Francisco; a parking garage under Washington Square Park; proposed seven towers at Aquatic Park--the twin Fontana Towers were unfortunately built; 8-lane tunnels under Russian Hill; a proposed series of hotels along the Northern Waterfront halted at the ballot; highrises on Russian Hill---one built just down the alley from me at the time, now prevented by 40 foot height limits approved by a then-enlightened Board of Supervisors; and more recently, development proposals along the Northern Waterfront that would have breached existing height limits---turned back by unequivocal votes of the people of San Francisco. This is only a partial list of the horrors perpetuated on Northeast San Francisco that faded away as in a fevered dream.

The reason for bringing up the above matters is that it is far better to make good faith efforts to seriously consult with the neighborhoods potentially effected by development projects, which in the present instance appears to many reasonable observers as out-of-scale, inappropriate in location, with adverse environmental impacts. It is my understanding that this proposal effectively slid by the Telegraph Hill neighborhood and is shortly to be heard before the Planning Commission.

I well know the location in question. I live several blocks away and have walked by it hundreds of times. The project is inappropriate in its present form---a massive condominium project, hugely disruptive, that would be completely out-of scale---particularly given its location, contiguous to Pioneer Park and Coit Tower. Is there a more iconic location in San Francisco? Is there a more fragile neighborhood in San Francisco? Is traffic not a serious concern along one of the most beloved streets and visitor/Muni routes to Coit Tower? Is there any neighborhood in San Francisco where scalability is more important?

Postpone this matter, have the project proponents make a good faith effort to work with the neighborhood, then scale back the proposal to try and reach some form of consensus.

Thank you for your kind attention to this matter.

Sincerely,
Tony Gantner
235 Chestnut St.
San Francisco, CA 94133
415/596-3626

From: Chris <wcchouteau@gmail.com>
Date: Mon, 7 Jul 2014 11:10:22 -0700
To: Elizabeth Watty <Elizabeth.Watty@sfgov.org>
Cc: <thdpz@mindspring.com>
Subject: Stop proposed development at 115 Telegraph Hill
Blvd

Dear Elizabeth Watty,

I am writing you as a concerned San Franciscan. Telegraph Hill is one of the City's many treasures, a pocket neighborhood of small buildings on dead end streets and pedestrian byways that juxtaposes the quaint foreground of cottages with breathtaking views of the City, bay, both bridges, Alcatraz, Yerba Buena Island, Angela Island, Marin County and the East Bay. This delicious mix of the reassuring comforts of a human scale environment and the expansiveness of such grand vistas offer residents and tourists alike the experience we call San Francisco.

This proposed development is out of scale, will mar the hillside, will block views from important public spaces and will give little back to anyone other than the developer and a few owners, who based on the likely cost, may or may not actually spend much time there, as so often is the case with hyper-expensive real estate.

Scale this project way back. Consider the cottages that were originally there and so abruptly demolished as design criteria for the type of project that would be compatible with the City's greater needs for maintaining the quality of this quaint neighborhood, it's glorious views and the public use of it's beauty and it's public spaces.

Sincerely,

Chris Chouteau

From: Lance Carnes lacarnes@gmail.com
Subject: Proposed project at 115 Telegraph Hill Blvd (Case No. 3013.1375CE)
Date: July 8, 2014 at 10:20 AM
To: Elizabeth Watty Elizabeth.Watty@sfgov.org
Cc: THD Planning & Zoning thdpz@mindspring.com

Dear Elizabeth,

The above-mentioned project as currently designed will have numerous negative effects on the sensitive and dense neighborhood atop Telegraph Hill:

Pedestrian safety: The proposed Filbert Steps pathway changes near Telegraph Hill Blvd. would create dangerous conditions for the thousands of pedestrians who use this route annually;

Traffic congestion: The already traffic-choked route to the Tower would be further constricted due to the proposed development, both before and after construction;

Public transit access: the current Muni stop is on the driveway of the proposed development and would be an unsafe place to wait or off-board; and

Historic resources demolished: The historic cottage on the southeast edge of the site would be removed.

For these and other reasons this project needs to be reviewed carefully and revised to allow it to better fit into the current neighborhood. There is a forum where this can be done constructively: the **Telegraph Hill Dwellers (THD) Planning & Zoning Committee**. By attempting an end-run around this forum the developers have shown an unneighborly attitude and disdain for the existing community. The developers need to first meet with the THD committee for a plan review. Other project developers who have used this forum have found that not only are their projects more acceptable to neighbors but that their projects are greatly improved in general.

I encourage the Planning Commission to reject the current project and direct the owners and developers to begin meeting with neighbors to come up with a plan that will work for all concerned.

Respectfully,
Lance Carnes
North Beach resident

From: johanna abate johanna1115@yahoo.com
Subject: Housing Project on Telegraph Hill
Date: July 6, 2014 at 7:44 PM
To: Elizabeth.Watty@sfgov.org
Cc: thdpz@mindspring.com

Regarding a proposal for a massive, luxury housing project proposed for the large, long vacant parcel at 115 Telegraph Hill Blvd. on the Filbert steps at the top of Telegraph Hill :

This project would:

- **Block the sweeping views of San Francisco enjoyed by Pioneer Park users**
- **Create permanent dangerous conditions for pedestrians coming up the Filbert Steps and Telegraph Hill Blvd. (by creating a new curb cut on the curviest section of Telegraph Hill Blvd. at the very top of the Filbert Steps coming up from Kearny Street).**
- **Exacerbate traffic congestion for visitors and residents to Coit Tower on Telegraph Hill Blvd. both during and after construction**
- **Adversely impact users of the 39 Coit Tower MUNI bus both during and after construction (particularly because the current stop will be next to their new driveway)**
- **Eliminate access from the Filbert Steps to Coit Tower for up to two years while the project sponsor digs 30 feet for a new parking garage on this highly constrained site**
- **Reward the current owners for demolishing 11 units of affordable rent-controlled housing and replacing them with three luxury, 4,000 to 5,000 square foot, condos.**
- **Reward the current owners for their defacto demolition of the historic cottage on the southern edge of the property**

NO NO NO NO NO!!!!

Johanna Abate
SF Resident since 1977

From: jan blum <1janblum@sbcglobal.net>
Subject: 115 Telegraph Hill Case 3013.1375CE
Date: July 7, 2014 at 1:14:05 PM PDT
To: Elizabeth.Watty@sfgov.org

To: San Francisco Planning Commissions

RE: REJECT THE PROJECT PROPOSED FOR 115 TELEGRAPH HILL

Dear Commissioners:

One of the oldest, iconic and visited areas in San Francisco is Telegraph Hill with its many historic homes and landmarks - especially those at the top of Telegraph Hill and the surrounds of Coit Tower.

The project proposed for 115 Telegraph Hill is not in the interest of San Francisco in many ways.

It will impede views enjoyed by our millions of tourists, and add to the already overly congested conditions experienced by both pedestrians and the 39 Coit. It will impede access to the Tower itself during 2 years of construction. The planned underground parking garage will add more cars to the streets, and further congest the already highly constrained access to Coit Tower itself.

The project would replace 11 units of affordable rent controlled housing while displacing the 11 households with a mere 3 overlarge apartments in the form of yet more luxury condos for the few. And an historic cottage on the property would be destroyed in the effort.

Please reject this overly aggressive, improperly sited, effort to build McMansions on small scale. historic Telegraph Hill.

Thank you.
Jan Blum
2160 Leavenworth Street
94133

From: gary near <gjnear2001@yahoo.com>
Subject: 115Telegrsph Hill-Case #3013
Date: July 9, 2014 at 6:02:20 PM PDT
To: ElizabethWatty@sfgov.org
Cc: Thdpz@mindspring.com

Dear Ms Watty

Certain peices of propery, due to the fickeled way of past circumstances, acquire a significance commanding consideration beyond the ordinary.

The above property, commonly known as the legendary site of "Bill Baileys' cottage" is such a propery.It is also the site af the cottage behind Bill's -a good friend and fatherly to me-that was my endeared home for over 10years circa 1970 and forward.

The community efforts to preserve, which raised around \$60,000 now buried somewhere in the bowels of SF Foundation, the cottage and to do something worthwhile to honor the many couragious causes that Bill attaches to his legacy is well known.

Strongly suggest that the Planning Commision would be appropriate to crank in this background in its consideration of the pending case.

Kind Regards,

Gary Near

From: Dennis McElrath dennismcElrath@yahoo.com
Subject: Condominium project at 115 Telegraph Hill Blvd..
Date: July 6, 2014 at 11:40 AM
To: Elizabeth.Watty@sfgov.org

Dear Ms. Watty:

I should like to join the voices of many local residents here on Telegraph Hill in strenuously objecting to the construction of a large condominium project at 115 Telegraph Hill Blvd..

It is obvious that the many adverse consequences of this project would negatively impact the Hill but also the larger community and visitors who now enjoy the hill and tower.

Very Sincerely Yours,

Dennis McElrath

383 Lombard St. #405
San Francisco, CA 94133
Phone 415 397 0201

From: David Burnett ddburnett@yahoo.com
Subject: Case # 3013.1375CE Proposed Telegraph Hill Development
Date: July 8, 2014 at 1:25 PM
To: Elizabeth.Watty@sfgov.org

After reviewing the proposed project drawings I have come to the conclusion that the proposed project for 115 Telegraph Hill Blvd. would have the following negative impacts.

- 1) The proposed project would create a southern wall on the boundary of Pioneer park obstructing park user views.
- 2) The proposed curb cut for the proposed garage entrance would create a hazard for pedestrians using Telegraph Hill Blvd. and the Filbert steps.
- 3) If it could be done I would like to see more than 3 units on this site.

DAVE BURNETT

From: **Chotsie Blank** <chotsieblank@gmail.com>
Date: Sun, Jul 6, 2014 at 1:57 PM
Subject: Telegraph Hill Condominiums
To: Elizabeth.Watty@sfgov.org

I am shocked and appalled that a project of this nature has just come to the residents of Telegraph Hill's attention. I can't believe an environmental study would approve such a project. I am unable, on such short notice, to attend the meeting, however I am firmly opposed to the construction that would so heavily impact the area and that such disregard for the neighborhood has taken place.

Sincerely,

Charlotte Blank
Calhoun Terrace

From: Paul'n'Shanti Kohler paul.and.shanti@gmail.com
Subject: Opposition to 115 Telegraph Hill Blvd Development
Date: July 6, 2014 at 8:50 PM
To: Elizabeth.Watty@sfgov.org
Cc: thdpz@mindspring.com

Planning Commission:

We would like to express our opposition to the proposed to the proposed project at 115 Telegraph Hill Blvd (Case No. 3013.1375CE) for the following reasons:

- Block the sweeping views of San Francisco enjoyed by Pioneer Park users
- Reward the current owners for demolishing 11 units of affordable rent-controlled housing and replacing them with three luxury, 4,000 to 5,000 square foot, condos.
- Reward the current owners for their defacto demolition of the historic cottage on the southern edge of the property

Please see to it that these property owners are not rewarded for their bad behavior, and other property owners aren't sent the wrong message.

Yours sincerely,

Paul & Shanti Kohler

534 Filbert St

San Francisco, CA 94133

From: / <sherrysean@aol.com>
To: Elizabeth.Watty <Elizabeth.Watty@sfgov.org>
Sent: Mon, Jul 7, 2014 4:51 pm
Subject: new development atop telegraph hill

The news of a large development atop Filbert en route to Coit Tower has come as a potential disaster to the area. View blockage and general ugliness aside, the concern really lies in pedestrian safety and access to Coit Tower while construction occurs.

Please consider the many impending headaches and serious problems that can be stopped by vetoing this project for the wealthy.

Thank you.
Sherry O'Donnell

From: Susan Wintersteen <susan.wintersteen@gmail.com>

Sent: July 9, 2014 9:51:59 AM PDT

To: Elizabeth.Watty@sfgov.org

Subject: 115 Telegraph Hill Blvd Project

Dear Miss Watty:

I want to express my great concern about plans for the proposed luxury condominium project at 115 Telegraph Hill Blvd. I was not aware of the planned project until the Telegraph Hill Dwellers sent information to us. Shouldn't we have been given a heads up about projects like this planned in our neighborhood?

I think the information supplied by THD about the development project truly shows the impact it would have on the public's views, parks, access and pedestrian safety:

The proposed project would:

- * Block the sweeping views of San Francisco enjoyed by Pioneer Park users
- * Create permanent dangerous conditions for pedestrians coming up the Filbert Steps and Telegraph Hill Blvd. (by creating a new curb cut on the curviest section of Telegraph Hill Blvd. at the very top of the Filbert Steps coming up from Kearny Street)
- * Exacerbate traffic congestion for visitors and residents to Coit Tower on Telegraph Hill Blvd. both during and after construction
- * Adversely impact users of the 39 Coit Tower MUNI bus both during and after construction (particularly because the current stop will have to be moved but will still be next to their new driveway)
- * Eliminate access from the Filbert Steps to Coit Tower for up to two years while the project sponsor digs 30 feet for a new parking garage on this highly constrained site
- * Reward the current owners for demolishing 11 units of affordable rent-controlled housing and replacing them with three luxury, 4,000 to 5,000 square foot, condos.
- * Reward the current owners for their defacto demolition of the historic cottage on the southern edge of the property

I have lived at 275 Telegraph Hill Blvd. for over 20 years and am very familiar with the neighborhood and the adverse impact it would have on Telegraph Hill. The Hill is already impacted by the tremendous amount of tourists coming up to the area.

In addition, construction of structures like this contribute to the fragile hillside problems and how it affects the surrounding areas. Seriously! Dig 30 feet for a new parking garage in this area on a fragile hillside?

I think the City has a great responsibility by protecting the Hill and not allowing projects like this to be developed.

Regards,

Susan Wintersteen

Subject: 115 Telegraph Hill Blvd. (Case No. 3013.1375CE)
Date: 2014-07-09 09:00
From: tompublic@noyesfamily.com
To: Elizabeth.Watty@sfgov.org

Dear Elizabeth Watty and Planning Commission,

While I have read various things in papers, I finally got to see the plans last night in a presentation to the Telegraph Hill Dwellers Board of Directors.

There are some basic things that concern me and they should definitely concern the planning commission. I think the project must be rejected on these alone.

It is my understanding the EIR is being waved!

Amazingly this is being done for a project that has to dig, and probably blast, deeply into Telegraph Hill with a short distance of the iconic tower and immediately under the only road accessing Coit Tower.

The only way machinery can access the property is through a narrow strip and the far north-east end, right off of Telegraph Hill Blvd. Yet they claim they will be able to keep disturbance small. This is clearly impossible. Huge disruptions will have to be present hours and frequently over at least the planned 18 months - which we know never comes in on time.

The entrance to the final property for automobiles will be right across the Filbert steps, the only south-west entrance to the park and Coit Tower. There seems no way that can not be hazardous and all designs necessitate blocking nearly all of the side walk, even the last elevator design. It would seem a vehicle, in this case, has to completely clear the top of the steps and sidewalk without any delay, waiting for door or elevator, simply for public safety. I can already imagine the law suits against the city - and my taxes - as a visitor steps out in the street to get around the end of a car, as we do on many streets in San Francisco, but NOT in so dangerous a location.

While there are other issues about the proposal, it seems to me clear that waiver of the EIR has no merit whatsoever. If anything, the city should insist on an independent 3rd party EIR, not controlled by the project owners, to get an unbiased assessment.

Best regards,

Tom and Mary Noyes
432 Vallejo St. Unit A
San Francisco, CA 94133
tompublic@noyesfamily.com

From: susansf@ix.netcom.com
Sent: Jul 9, 2014 11:34 AM
To: Elizabeth.Watty@sfgov.org
Subject: 115 Telegraph Hill Blvd

Regarding a proposal for a massive, luxury housing project proposed for the large, long vacant parcel at 115 Telegraph Hill Blvd. on the Filbert steps at the top of Telegraph Hill :

This project is not suitable for this site. It would interfere with the ability of visitors and neighbors to use and enjoy the surrounding area. It would disrupt pedestrian traffic, auto traffic, and MUNI. It would obliterate spectacular views of downtown enjoyed by those who hike from Kearney to Coit Tower. Coit Tower is one of San Francisco's most iconic and precious treasures. The proposed massive structures would detract from the setting.

Susan Beard
SF Resident 43 years

From: [Lifetheatre \(cynthia\)](#)
To: [Watty, Elizabeth \(CPC\)](#)
Subject: 115 Telegraph Hill Blvd Project
Date: Tuesday, July 08, 2014 6:58:34 AM

Dear Ms. Watty,

I'm writing to protest the building of luxury condo's on Telegraph Hill. Case #3013.1375 CE. As a twenty year resident of North Beach/Telegraph Hill, and renter, I've seen the rents rise over the years to the point where only the wealthy can live in our beautiful neighborhood. If I were to try and move here now, there would be no way I could afford even the most modest of apartments. To eliminate 11 units of affordable housing to build four enormous apartments is just unfair. It makes me very sad to think that San Francisco is going the way of Manhattan, it's becoming a place where only the very rich can live.

People in our neighborhood take walks and Coit Tower is a popular route for us. To deny access to our most favorite evening walk for two years, especially after the relentless construction on Columbus is just depressing. This once again caters to the needs of the few over the quality of life for the many. Don't let this happen to our neighborhood, which is really like a small town.

Please do not allow them to build this building!

Thank you,

Cynthia Cristilli

418 Lombard Street

San Francisco, 94133

From: nomads18@yahoo.com
To: [Watty, Elizabeth \(CPC\)](#)
Subject: Telegraph Hill condos
Date: Tuesday, July 08, 2014 9:07:09 PM

It seems a natural human tendency to oppose change of any kind but, in fact, some things need opposition. While I personally have no issue at stake in the condo construction on Telegraph Hill I see the proposed structures as described as having a deleterious effect on the community by disrupting the wonderful visage from Pioneer Park.

The very existence of your organization is testament to society's intention to protect the community from the unwarranted advance of any one individual or group. While it is the essence of America's promise that everyone has the right to advance his dreams it must be done without interfering with others' right to do the same.

Your task is not an easy one but I ask that you give the proposed project the closest possible scrutiny. Does it really preserve the community's values? I do not think so.

Robert Demchick

550 Battery Street

San Francisco, CA

From: [blandina farley](#)
To: [Watty, Elizabeth \(CPC\)](#)
Subject: no condo on telegraph hill!!!!!!
Date: Monday, July 07, 2014 5:34:33 PM

As resident of North Beach?Telegraph Hill I absolutely oppose the luxury condo on the Filbert Steps on Telegraph hill and you will find that mostly all neighbors feel the same and you will be in for yet another battle in court

From: [Deena Landau](#)
To: [Watty, Elizabeth \(CPC\)](#)
Subject: 115 Telegraph Hill Blvd
Date: Tuesday, July 08, 2014 11:10:20 AM

To: San Francisco Planning Commission

I am writing to ask that the Planning Commission not issue permits for the proposed luxury condo project at 115 Telegraph Hill Blvd. I believe it would be a terrible planning mistake that would adversely impact Telegraph Hill, Coit Tower, and Pioneer Park.

The proposed project would:

- Create permanent dangerous conditions for pedestrians coming up the Filbert Steps and Telegraph Hill Blvd. (by creating a new curb cut on the curviest section of Telegraph Hill Blvd. at the top of the Filbert Steps coming up from Kearny Street)
- Exacerbate traffic congestion for visitors and residents to Coit Tower on Telegraph Hill Blvd. both during and after construction
- Adversely impact users of the 39 Coit bus both during and after construction (particularly because the current stop will have to be moved but will still be next to the new driveway)
- Eliminate access from the Filbert Steps to Coit Tower for up to two years while the new parking garage is built
- Eliminate 11 units of affordable rent-controlled housing, replacing them with three luxury, 4,000 to 5,000 square foot condos

Losing 8 units of rent-controlled housing in San Francisco has a great impact. Replacing 11 units of housing with 3 luxury condos at this time in this city would be further indication of San Francisco's indifference toward the housing crisis and income divide facing us today.

Respectfully,

Deena Landau
1429 Kearny Street #6
San Francisco, CA 94133

From: Mottly275@aol.com
To: [Watty, Elizabeth \(CPC\)](#)
Subject: CASE NO, 3013.1375CE (115 TELEGRAPH HILL BLVD.)
Date: Wednesday, July 09, 2014 12:13:08 PM

SAN FRANCISCO PLANNING COMMISSION

COMMISSIONERS:

I HAVE JUST BECOME AWARE OF YOUR HEARING ON JULY 17, THE PROPOSAL TO BUILD THREE LUXURY CONDOS AND UNDERGROUND PARKING, ON FILBERT ST. BETWEEN KEARNY AND TELEGRAPH HILL BLVD

I HAVE LIVED AT 275 TELEGRAPH HILL BLVD. SINCE 1981 AND IN NORTH BEACH SINCE 1967. I RECALL CLEARLY THE PRIOR CONTROVERSY AND VIGOROUS DEBATE WHICH BEGAN WITH THE SPECULATIVE PURCHASE OF THIS HILLSIDE LOT .THIS HUGE UNDERTAKING IS FAR MORE DAMAGING THEN THE PROJECTS PROPOSED IN THE LATE 1980'S.

I KNOW MOST OF MY NEIGHBORS, MANY OF WHOM HAVE LIVED IN THIS NEIGHBORHOOD FOR MUCH LONGER THAN I. I PLAN ON HELPING TO BUILD A LARGE AND UNRELENTING OPPOSITION TO THIS OUTLANDISH PROJECT.

MICHAEL MOTT
275 TELEGRAPH HILL BLVD. NO 2
SAN FRANCISCO, CALIFORNIA
E MAIL MOTTLY275@AOL

From: LEFRADNER
To: Watty, Elizabeth (CPC)
Subject: condos at 115 Telegraph Hill Blvd.
Date: Monday, July 07, 2014 11:12:27 AM

Dear Ms. Watty:

I am writing to express my concern on the proposed 3 condominiums at 115 Telegraph Hill Blvd. (case 3013.1375.ce).

Why in the world would 3 condominiums take precedence and destroy 15 rental units in the process. It is this kind of thinking that continues to exacerbate the critical housing shortage in S.F.

Please express my concerns to the proper parties at the Planning Department & Commission.

Sincerely,
Lee Radner
405 Davis Ct. #703
San Francisco, CA. 94111
415-986-2896

From: John Reed
To: Watty, Elizabeth (CPC)
Subject: 115 Telegraph Hill Blvd Project
Date: Monday, July 07, 2014 11:48:14 AM

Dear Elizabeth Watty;

I received the attached email today from Vedica Puri, President of Telegraph Hill Dwellers regarding the proposal before the Planning Commission to allow the following construction at 115 Telegraph Blvd. I want to stand firmly opposed to permitting this construction to take place for the reasons well stated by Vedica Puri. I've been feeling that San Francisco has been taken over by an army of bulldozing contractors and this is just one more nail in that coffin. Please stand with San Francisco residents and for San Francisco and do not allow this assault on Telegraph Hill to take place.

Sincerely,
John T Reed
THD resident

From: Judith Robinson
To: Watty, Elizabeth (CPC); Chiu, David (BOS); thdpz@mindspring.com
Subject: 115 Telegraph Hill Blvd. project
Date: Tuesday, July 08, 2014 12:20:38 PM

*Judith Robinson
562 B Lombard Street
San Francisco, California 94133-7057
415 788 9112*

8 July, 2014

TO: S. F. Planning Commission
FROM: J. Robinson
RE: 115 Telegraph Hill Blvd. (Case No. 3013.1375CE)
On hearing agenda for Thursday, July 17

I am a resident and property owner on Telegraph Hill.

I wish to strongly oppose a proposed development for 115 Telegraph Hill Boulevard.

The project is:

- 1) out of scale for the small site;
- 2) would block views from the top of Telegraph Hill and the newly-restored Pioneer Park at Coit Tower;
- 3) curtail walking and vehicle access to the Tower and Hill, among other adverse effects.

It would violate the integrity and beauty of an important public site in San Francisco.

Please OPPOSE the project as designed. Thank you for taking my views into consideration.

cc: Supervisor David Chiu
Telegraph Hill Dwellers

From: [Liz Vasile](#)
To: [Watty, Elizabeth \(CPC\)](#)
Subject: Proposed condominium project at 115 Telegraph Hill Blvd (Case No. 3013.1375CE)
Date: Tuesday, July 08, 2014 10:32:59 PM

Attn: San Francisco Planning commission

I am writing to express my concern, as an urban geographer, public historian, San Francisco registered business owner, and citizen, with the proposed project at 115 Telegraph Hill referenced above. As presently designed, the project will have numerous negative effects on the sensitive and dense neighborhood atop Telegraph Hill:

Pedestrian safety: The proposed Filbert Steps pathway changes near Telegraph Hill Blvd. would create dangerous conditions for the thousands of pedestrians who use this route annually;

Traffic congestion: The already traffic-choked route to the Tower would be further constricted due to the proposed development, both before and after construction;

Public transit access: the current Muni stop is on the driveway of the proposed development and would be an unsafe place to wait or off-board; and

Historic resources demolished: The historic cottage on the southeast edge of the site would be removed.

Housing impacts: in a city already reeling from the effects of spiraling rents and holder of the title of least affordable major urban area in the country, the proposed project would reward the current owners for demolishing 11 units of affordable rent-controlled housing and replacing them with three luxury, 4,000 to 5,000 square foot, condos.

For these and other reasons this project needs to be reviewed carefully and revised to allow it to better fit into the current neighborhood. There is a forum where this can be done constructively: the **Telegraph Hill Dwellers (THD) Planning & Zoning Committee**. By attempting an end-run around this forum the developers have shown an unneighborly attitude and disdain for the existing community. The developers need to first meet

with the THD committee for a plan review. Other project developers who have used this forum have found that not only are their projects more acceptable to neighbors but that their projects are greatly improved in general.

I encourage the Planning Commission to reject the current project and direct the owners and developers to begin meeting with neighbors to come up with a plan that will work for all concerned.

Respectfully,

Elizabeth Vasile

Independent Consultant and San Francisco registered business

Elizabeth Vasile, Ph.D.

Genius Loci

Historical Geographies

Tel. 415.509.4543

Cultural Heritage Program Development

From: Termeh Yeghiazarian
To: Watty, Elizabeth (CPC)
Subject: 115 Telegraph Hill Blvd Project
Date: Tuesday, July 08, 2014 10:57:37 AM
Dear Planning Commissioners,

I am seriously concerned that plans to build large scale condos are even being considered for a densely populated and small scale neighborhood such as North Beach and Telegraph Hill. My neighborhood is already dealing with traffic and parking issue and variety of issues due to over population, we don't need yet another project that will add to these issues. Specially not a condo which will most likely serve corporate transients rather than provide affordable housing for the locals, something that this city desperately needs.

Commissioners, I rely on you to make your decisions based on how well a project will serve my neighborhood's well being and longevity. I rely on you to consider the impact that this condo project and all future projects proposed for North Beach will have in the long run. Also, please consider how approval of this project will trigger many other similar proposals in the future and endanger the unique demography and character of my neighborhood.

I request that you reject the proposed project for 115 Telegraph Hill Blvd.

Thank you,
Termeh Yeghiazarian
473-A Union Street

From: [Catherine Accardi](#)
To: [Watty, Elizabeth \(CPC\)](#)
Subject: 115 Telegraph Hill Blvd Project
Date: Monday, July 07, 2014 11:46:57 AM

Elizabeth,

I just wanted you to hear from a life-long resident of San Francisco, born and raised on Telegraph Hill.

The 115 Telegraph Hill Blvd. project is very disturbing to those of us that care about North Beach. Just about all citizens are aware of the mind-boggling influence of developers on local government. It is a malignancy than cannot be stopped all-together. But how about we try to keep the silly super-building trend confined to areas like south of Market and not let the malignancy creep up to Telegraph Hill.

I understand if city government does not care about our votes but adverse developments on Telegraph Hill will also impact the safety and desirability that draws tourists to the iconic Coit Tower and Pioneer Park. Think about the long-time \$\$\$ not just the short-term \$\$\$ from developers. Pass along this message to the people at City Hall that decide what happens to their citizens' neighborhoods.

Catherine Accardi



September 3, 2014

VIA EMAIL (cwu.planning@gmail.com)

Cindy Wu, President
Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Case No. 3013.1375CE
115 Telegraph Hill Blvd.

Dear President Wu and Commissioners,

On behalf of the Telegraph Hill Dwellers (THD), I thank the Planning Commission for continuing this matter on July 17, 2014 with direction to the project sponsor to explore design alternatives to address the public interest and the specific and challenging conditions at the top of the Filbert Street Steps at this most iconic site. For the sake of brevity, THD's letter to the Planning Commission dated September 9, 2014, including all attachments thereto, and the report prepared by Lawrence B. Karp, Geotechnical Engineer, dated July 16, 2014 (Karp Letter), which addresses the inadequacies of the "Geotechnical Investigation" prepared by Earth Mechanics Consulting Engineers (6/22/13), used by the Planning Department to evaluate the Project pursuant to CEQA are incorporated herein by reference as though fully set forth.¹

Suggestions offered by Commissioners included the following:

- 1) Preserve significant public views (from the top of the Filbert Steps and from the stairways and landings within Pioneer Park) by adding a view corridor of at least 13 feet 5 inches along the eastern edge of the property by specifically suggesting 23 feet width for each of the three townhouse units;
- 2) Reduce the scale and massing;
- 3) Step down the southern (rear) façade of the buildings by incorporating decks and terraces, to provide articulation and to avoid a massive rear façade;
- 4) Redesign the front façade so the project has the character of 3 distinct residences that reflect the scale and mass of the existing development patterns typical for the slopes of Telegraph Hill;

¹ Copies of the Karp Letter were hand-delivered to the Commission at the July 17, 2014 hearing.

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- 5) Remove the stair penthouses and replace them with of roof hatches or eliminate roof decks; and
- 6) Several Commissioners provided additional design suggestions:
 - Eliminate the driveway and garage from the project to avoid conflicts between vehicular, pedestrian and public transit at this location at the top of the Filbert Steps, adjacent to a Muni bus stop and a mid-block pedestrian crosswalk heavily utilized by persons accessing the Pioneer Park stairs to Coit Tower via the Filbert Steps and the 39 Coit bus;
 - The 3,742 sq. ft. devoted to parking is excessively large for three or four cars;
 - Consider an alternative project with higher density and smaller units on the site – noting that the site previously provided 11 units of housing and that unit sizes in excess of 4,000 sq. ft. is unnecessarily large for family housing.

While the project sponsor's latest design represents *an* attempt to respond to Commissioners' suggestions, it fails to address those suggestions in a thoughtful and material manner. The new plans presented to the Planning Department (1) still fail to reduce the height, mass and scale in any meaningful way, (2) fail to provide meaningful view corridors, and (3) fail to properly consider or ignore entirely important urban design principles for this unique site.

Most significantly, public views from the Filbert Steps and from the Pioneer Park stairs across from the site will be completely obliterated. The two 3-ft. slots shown on the revised plans as "view corridors" and the 5 ft. set back from the east property line, which was touted as an 8 ft.-3 inch view corridor by the project sponsor in his e-mail to the planner, provide no actual view corridors for the following reasons:

- 1) The Project is only set back 5 feet from the western property line. The additional 3 feet 3 inches belongs to the downhill neighbor to the west. A partial proposed site plan, basement plan and elevations are attached hereto respectively as Exhibits 1, 2 and 3. (Exhibits 1-3 as attached to this letter are "partial plans"; in other words, we have enlarged parts of the plans to so that you can view the numbers stated on the plans (which are otherwise illegible). The full plans are in the hard copy file with the Planning Department.)
- 2) The revised plans clearly show that their new "view corridor" at the western 5 feet of the property will provide no public views from the Filbert Steps landing at this point. The elevation of the Filbert Steps landing at this point is at 230.3 feet SF Datum, whereas the eave line of the downhill cottage is at 238.6 feet SF Datum or 8.3 feet above this landing. Furthermore, the landing is about 5 feet lower than the top of the stairs leading to the project's rear yard, which is at 235 feet SF Datum. By the time the height of the planter is added, the top of the planter will be about 237 feet plus SF Datum and would block any view. Therefore, no real view corridor will exist at the bottom landing of the Filbert Steps. See Exhibit 3. It is also worth noting

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that these revised plans include adding a new steel entry gate on the neighboring property to the west.

- 3) As can be seen from the partial elevation (see Exhibit 3), the two 3-foot separations between the townhouses do not create view corridors. These so-called “view corridors” are actually narrow slots – 3 feet wide and approximately 50 feet deep. Furthermore, at the top of the Filbert Steps, the 3 foot 6 inch slot to the east of the project site is not on the project site but part of a separate lot belonging to another individual.

The revised project also ignores other design suggestions by Commissioners in that:

- 1) It fails to address the conflict between vehicles entering and exiting the garage, pedestrian traffic and Muni line #39. This Muni route has two trips in front of the proposed driveway every 20 minutes seven days a week;
- 2) It does not address elimination of the garage, which if eliminated would automatically reduce the height of the two eastern units one story by turning the garage level into habitable space;
- 3) Alternatively, it does not reduce the size of the garage;
- 4) It fails to significantly reduce the project height;
- 5) It fails to increase the unit density to provide additional units and smaller units that would be more affordable;
- 6) It fails to replace the roof penthouses with roof hatches or otherwise eliminate the roof decks;
- 7) It fails to revise the façade design from that previously presented to the Commission and ignores the Commission’s concerns regarding compatibility of the project with the character, scale and massing of the existing buildings of Telegraph Hill; and
- 8) It fails to redesign the project to step the building to the south to reflect the slope of the lot thereby ignoring the Commission’s request for appropriate massing.

As we testified at the July 17, 2014 hearing, the Telegraph Hill Dwellers spent innumerable hours during 2012 working with the project sponsor and architects to address public interest issues associated with the development of this unique site. This latest scheme ignores both THD’s previous suggestions and Commissioners’ suggestions for redesign.

There is no reason why the site cannot be developed in a manner that preserves public interest and achieves compatibility with neighborhood character. To that end, the architectural firm of EHDD has been engaged to prepare massing studies and alternative site plans that incorporate the following design principles, including those suggested by Commissioners:

- Design a project that addresses the urban design principles as articulated in the Urban Design Element of the San Francisco General to ensure compatibility with the special characteristics of outstanding and unique areas including Telegraph Hill;

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- Design a project that complies with the Residential Design Guidelines;
- Step the development to reflect the slope of the site in both directions;
- Minimize excavation and construction impacts;
- Reduce the mass and scale of the project;
- Explore options with and without parking; and
- Explore options with additional units that would still provide family-sized units.

The studies presented to the Commission will include a preferred alternative that represents the *maximum* height, massing and scale acceptable to THD. THD is still concerned that the exterior architectural design of the proposed building would be incompatible with the character of Telegraph Hill. As directed by the Commission at its July 17 hearing, the front façade should be designed so the project has the character of 3 distinct residences that reflect the existing development patterns and cladding typical for the slopes of Telegraph Hill. We urge the Commission to require the project sponsor to work with the neighbors and Department staff to achieve such a design.

We agree with Commissioner Antonini's comments of July 17 wherein he suggested that project approval be conditioned to assure that impacts to the Filbert Steps and Telegraph Hill Boulevard be minimized during construction. In response to Commissioner Antonini's comments, Lewis Butler, the project architect, stated that a construction platform would be built on the project site and all excavation and construction would be staged from that platform while keeping Telegraph Hill Boulevard and the Filbert Steps open. If this Commission approves any project at this site, we respectfully suggest that Mr. Butler's statement related to these construction logistics be made one of the conditions of the conditional use authorization.

Finally, we again request that this Commission continue any decision on this project until the Department has contacted the Fire Department, the SFMTA and the Department of Public Works regarding any comments or concerns they may have as to transportation, pedestrian safety and emergency vehicle access during and after construction.

We respectfully urge you to seriously consider THD's preferred option.

Sincerely,



Vedica Puri
President

cc: (All by hard copy, hand delivery)
Commissioner Michael Antonini wordweaver21@aol.com
Commissioner Rodney Fong planning@rodneymfong.com

Planning Commission

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Commissioner Richard Hillis richhillissf@yahoo.com

Commissioner Kathrin Moore mooreurban@aol.com

* Commissioner Christine Johnson christine.johnson@sfgov.org

Commissioner Dennis Richards drichards@salesforce.com

Jonas P. Ionin, Commission Secretary Commissions.Secretary@sfgov.org

John Rahaim, Director of Planning John.Rahaim@sfgov.org

Scott Sanchez, Zoning Administrator Scott.Sanchez@sfgov.org

Elizabeth Watty, Planner Elizabeth.Watty@sfgov.org



July 9, 2014

Cindy Wu, President
Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Case No. 3013.1375CE
115 Telegraph Hill Blvd.
Telegraph Hill-North Beach Residential SUD

Dear President Wu and Commissioners,

The Telegraph Hill Dwellers has spent innumerable hours reviewing this Project and working with the project architects. We did so because in 2012, earlier designs were in the proverbial ballpark -- nearing appropriate heights and massing. We are not sure what happened to cause a sudden and complete change that is now enshrined in the current version of the Project now before the Planning Commission. But as currently proposed, the Project creates grave impacts that cannot be overlooked and should cause this Commission great pause.

The property owners, Tracy Kirkham and Josef D. Cooper (herein "Applicants"), applied through their authorized agent for a conditional use authorization to construct a three unit condominium building and to rehabilitate an existing two-story cottage on the site. Telegraph Hill Dwellers, a neighborhood organization that has long fought to preserve Telegraph Hill's affordable housing, parks, open spaces and character, urges you to deny the Conditional Use Application ("Application") for the construction of a three-unit condominium building and rehabilitation of an existing cottage at the southeast corner of the lot ("Project") at 115 Telegraph Hill Boulevard ("Project Site") because the Certificate of Categorical Exemption issued for the Project is legally inadequate and the Project described in the Application does not meet the Planning Code criteria for the requested Conditional Use Authorizations. Alternatively, the Commission should continue this matter and require the Department to prepare a new environmental review document for the Project, and require the Project to be redesigned to reduce the mass and scale of the proposed new condominium building to address the unique location of the Project Site.

A. THE PROJECT SITE AND ITS HISTORY

1. *Unique Nature and Location of the Project Site*

The nature and location of the Project Site are unique in the City of San Francisco. The area surrounding Coit Tower and Pioneer Park is one of San Francisco's premier destinations for residents and visitors from around the world. Coit Tower and Pioneer Park are considered iconic symbols of San Francisco, equivalent in stature to the Golden Gate Bridge. The Urban Design Element of the General Plan recognizes Telegraph Hill as an "Outstanding and Unique Area" that contributes in an extraordinary degree to San Francisco's visual form and character. Listed as a special characteristic of Telegraph Hill is its "hilltop park with the highly visible green of trees..." (See Policy 2.7 of the Urban Design Element of the San Francisco General Plan.) The SF Recreation and Parks Department web page states: "Located at the top of Telegraph Hill, Pioneer Park is the site of world-famous landmark Coit Tower. At 4.89 acres, Pioneer Park offers wide, breathtaking views of the city and the bay. The park space was built in 1876 to commemorate the country's centennial anniversary." [Emphasis added]

It is not only a resource for visitors. Scores of office workers, other San Francisco residents, Tai Chi practitioners and joggers use the park throughout the day. In other words, the Project Site is in the heart of a very well used public area. Unfortunately, our analysis reveals that the Project -- as proposed -- will greatly diminish this world-renowned public resource and compromise the public's experience at Pioneer Park.

By the early 1990's, Pioneer Park was in state of disarray. As one of the very few open green spaces in the densest part of the City, neighborhood leaders and residents banded together to fix this situation. In 1995, the Pioneer Park Project, a public-private partnership, involving the Telegraph Hill Dwellers, San Francisco Beautiful, the Department of Public Works, and the Recreation and Parks Department brought together professional landscape architects, designers, fund-raisers and environmental educators, all working *pro bono*. The Pioneer Park Project developed the plans to rebuild stairways, paths and terraces, restore natural habitat, and deal with the problems of erosion, safety and handicap access. They raised over \$1.6 million from public and private sources to implement the Pioneer Park Project. Over 500 individuals supported Pioneer Park by participating in the "Step into History" program and contributing \$500 or more to have his or her name engraved on a tile placed on a stair riser in one of the park's new pedestrian stairways.

Earlier this year the San Francisco Arts Commission refurbished Coit Tower's historic murals, and the Recreation and Parks Department completed a \$1.7 million renovation of Coit Tower and installed a new concessionaire. Today, over 200,000 people visit Coit Tower each year, and many more visit Pioneer Park. More than half of the visitors to Coit Tower/Pioneer Park come by foot or by bus.

The Project Site is located at a very important intersection. First, the narrow Filbert Steps that comprise the northern boundary of the Project Site is a key and primary pedestrian access point to Pioneer Park and is therefore used by hundreds of people daily. Second, the Filbert Steps meet

Telegraph Hill Boulevard, also the only vehicular access to Coit Tower and Pioneer Park, at the northeast corner of the Project Site (where the driveway and curb cut for the Project are proposed). The proposed driveway is located between the Muni stop for the 39 Coit bus and the mid-block pedestrian cross walk that crosses Telegraph Hill Blvd. to Pioneer Park and Coit Tower. A stop sign currently located within the proposed driveway will require relocation and the sidewalk extended to the west to accommodate relocation of the stop sign. The proposed garage and curb cut are located at a blind curve for cars traveling to and from Coit Tower.

2. *Topography of the Site*

The Project Site has a cross slope that exceeds 20% in both directions. The 82.5-foot long north property line, with frontage on the Filbert Steps, has an elevation difference of 22.38 feet. The east property line has an elevation difference of approximately 40 feet. The west property line has an elevation difference of approximately 16 feet, and the south property line has an elevation difference of approximately 11 feet. (See the topographic survey attached to the Case Report.)

Except for an existing cottage on the southeast corner of the Project Site, it is vacant. None of the former buildings located on the Project Site had on-site parking and there is no existing curb cut from Telegraph Hill Blvd. to the Project Site. Telegraph Hill Blvd. is a narrow, dead-end, winding street that experiences heavy traffic volumes associated with Coit Tower visitation. The only place for a vehicle to turn around on Telegraph Hill Blvd. is at the Coit Tower parking lot at the end of the road.

3. *History of the Current Lot*

The Project Site originally consisted of three separate lots containing five small-scale buildings providing 11 units of rent-controlled and affordable housing to artists, photographers, writers and workers, including the legendary longshoreman and activist Bill Bailey. (See photos attached as **Exhibit A**.)

- Acquired by the Applicants in 1990, their parcel map application to merge the three lots into one was granted in 1993, creating the current 7,517 sq. ft. lot.
- In 1997, the Applicants submitted a Conditional Use Application to develop a six-unit condominium on the site, rehabilitate the cottage located in the southwest corner of the lot, and demolish the rest of the buildings. The approved plans for the remaining cottage required a variance.
- In a community-wide effort to prevent the demolition of the Bill Bailey cottage, it was lifted off its site and relocated to a Muni's railway storage yard, where it was destroyed by fire before it could be brought back to Telegraph Hill.

- While the 1997 conditional use application and variance application were granted, both expired because no work had been undertaken within three years. All site and alteration permits expired and were subsequently cancelled.

- On December 2, 1999, the Applicants submitted and were issued an over-the-counter permit (No. 9925477) to repair dry rot for 115 Telegraph Hill Boulevard (the remaining cottage). Work was never completed and this permit expired on April 11, 2001. The dry rot repair essentially gutted the interior, removed all exterior finishes but the plywood.

- The Applicants' current Conditional Use Application to this Commission, dated February 13, 2014, states that the cottage is "run-down" and that "[t]he run-down vacant lot is out of character with the rest of the neighborhood, and detracts from the well-kept and landscaped surroundings." However, the run-down condition of the site and the cottage is solely attributable to the Applicants' failure to maintain the property.

In the 1950's, developers attempted to ring the base of Pioneer Park with a wall of luxury residences up to the maximum height limit of 40 feet by demolishing historic, smaller scale affordable housing stock and by merging smaller lots. Some of these battles were won, and some were lost. A few inappropriately large buildings exist at the base of Pioneer Park, but for the most part views from the park remain unobstructed. Notwithstanding the Applicants' claim that the trees and dense foliage from Pioneer Park preclude and public view to the south and southeast, this Project will obliterate any and all views now enjoyed by the public from the Filbert Steps and from the Pioneer Park pedestrian stairway from Telegraph Hill Blvd. to Coit Tower.

B. PROJECT DESCRIPTION

Now, the Project consists of constructing a three-unit condominium building and renovation of the existing rear cottage with four off-street parking places¹. The plans are internally inconsistent and lacking important dimensions. Furthermore, there are no plans for the renovation of the cottage. Simply stated, the Project plans are inconsistent with the Project description.

1. Number of Off-Street Parking Spaces: The Conditional Use Application and the published Public Notice requests four parking spaces, but the plans submitted to the Commission show only three parking spaces.
2. Rear Cottage Rehabilitation: The Project application is incomplete for failure to include any plans for the rehabilitation of the cottage at the rear of the Project Site, which represents one of the four housing units proposed for the Project Site. If the Applicants' intend to rely on the previously approved plans to rehabilitate the cottage, which are no longer valid, a rear yard variance would be required. In any event, the Application is incomplete without renovation plans for the cottage.

¹ The CU application requests four off-street parking spaces but the plans show three.

3. Scope of Work for the Side Walk and the Filbert Steps: The Application states that the Filbert Steps will be removed. Apparently, via an exchange of e-mails between the Applicants and the environmental review planner, the Applicants decided that the wholesale replacement of the Filbert Steps involved “too many impediments” such as a General Plan Referral and the approval of a Major Encroachment Permit by the Board of Supervisors. The foregoing notwithstanding, the Project will still require relocation of a bus stop and stop sign, and appears to require relocation of the first set of the Filbert Steps at the west end the Project Site, as shown on the Plans. (See Sheet A0.1 and Sheet A0.6 of the plans attached to the Case Report.) Relocation of the bus stop, stop sign will require removal of a portion of the historic stone wall.
4. Encroachment of Cottage onto Adjacent Lot: The existing and proposed site plan show that the existing cottage encroaches on the adjoining private property to the west. (See Sheet A0.5 and Sheet A0.6 of the plans attached to the Case Report.) However, the site survey did not.

C. NEIGHBORHOOD OUTREACH

In the Applicants’ letter to the Commission, their communications with THD are misrepresented. The Applicants and/or their architect met with THD’s Planning and Zoning Committee on three separate occasions: July 12, August 30, and October 11 of 2012. These meetings were open to all THD members. The project sponsor and architect stated their intent to accommodate the Committee’s suggestions as to project design, protecting public views from Pioneer Park, pedestrian safety and traffic issues relating to a new garage.

At the July 12, 2012 meeting, the project architect presented massing studies, including a much smaller scale project than currently being proposed, with heights below 40-ft without stair penthouses or other rooftop features. The Committee’s concerns and suggestions were set forth in an email to the project architect, Lewis Butler, on July 30, 2012 (Attached as **Exhibit B**).

At the October 11, 2012 Committee meeting, the project sponsor and architect presented a project of a smaller scale and massing that better reflected the site’s topography, would not overwhelm the small cottages down hill from the Project Site and would preserve more of the existing public views from Pioneer Park. Those plans included a passage from the Filbert Steps to a small view platform accessible by the public. These plans presented two buildings well within the 40-ft height limit, but without stair penthouses, roof decks or other rooftop features above 40 ft. (Attached as **Exhibit C**). With only two new units, the Committee noted that this October 11, 2012 plan would not require a conditional use for a project with a total of three units and three off-street parking spaces. The Committee was generally impressed by this plan, but still expressed concerns about potential impacts to pedestrian safety and traffic relating to the proposed garage and curb cut at the top of the Filbert Steps.

Subsequently, nine months later, a pre-application neighborhood meeting was noticed for July 30, 2013, at which completely different plans were presented, essentially the plans now before

the Commission. Needless to say, neighbors and THD members were shocked, frustrated and felt betrayed.

D. THE ISSUED CATEGORICAL EXEMPTION IS LEGALLY INADEQUATE.

1. *A Categorical Exemption may not be issued for a project that may have any potentially significant impacts due to its particular circumstances.*

CEQA provides that categorical exemptions *shall not be used* for a project that *may* cause a substantial adverse change due to its particular circumstances. (CEQA Guideline Section 15300.2(c).) The Project's particular circumstances are its unique location immediately across from Pioneer Park and Coit Tower and its relationship to Telegraph Hill Boulevard and the Filbert Steps. Significant impacts may result from, but are not limited to, the following:

- The lack of any landing at the top of the Filbert Steps requiring pedestrians to walk onto a driveway with a recessed garage that is not visible to pedestrian traveling east to Coit Tower;
- The need to reconfigure the sidewalk and bus stop and relocate the bus stop to accommodate the proposed driveway requiring removal of a portion of the historic stone wall separating the Telegraph Hill Boulevard and the Filbert Steps;
- The noise and light impacts associated with the flashing lights and/or beeping sounds of warning signals that will be required for automobile ingress and egress from the garage to alert pedestrian walking up the Filbert Steps;
- The facts that cars must cross a double yellow line on a blind curve to make an sharp right hand turn to access the garage;
- As acknowledged by the Planning Department, additional environmental review may be required if DPW requires changes to the design of the Filbert Steps to meet their requirements, such as a landing at the top of the Filbert Steps;
- Replacement or modification of the Filbert Steps would required a General Plan Referral and a Major Encroachment Permit approved by the Board of Supervisors;
- Blockage of a public view corridor from the pedestrian stairways and landings of Pioneer Park; and
- Construction impacts, while not are normally considered to be unusual, the setting of the Project Site and a two year construction period demands analysis of construction and construction-related traffic impacts including, but not limited to, shoring and underpinning of the historic Filbert Steps, providing access to the construction site, moving construction equipment on and off of the site, removing rocks and soil from the excavation that will be 30 feet below the sidewalk, staging of trucks during concrete pours and the noise impacts associated with construction.

2. *Categorical Exemption is legally insufficient because a "fair argument" can be made that the Project may have potentially significant impacts.*

The Categorical Exemption is legally insufficient because a "fair argument" can be made that the Project may have the following impacts:

- The transportation impacts, especially vehicular/pedestrian conflict;
- The failure to timely consult with DPW to determine if the Filbert Steps will require relocation or reconstruction thereby requiring additional environmental review and segmenting the Project resulting in an incomplete project description;
- Geotechnical impacts;
- Construction impacts;
- Inconsistencies with the General Plan and Priority Planning Policies, including the impact on public views from a public park; and
- Failure to require environmental review of new off-street parking in the Telegraph Hill/North Beach area pursuant to Board of Supervisors File No. 10-0638.

The above lists of the insufficiency of the Categorical Exemption are merely samples and not a complete list.

E. THE CONDITIONAL USE APPLICATION DOES NOT MEET THE CRITERIA IN SECTION 303(c) OR 151.1(g) OF THE PLANNING CODE

The Project requires two separate Conditional Use Authorizations under the San Francisco Planning Code: (1) to provide more than the maximum allowable on-site parking spaces in Telegraph Hill/North Beach Residential Special Use District (Sec. 249.49); and (2) to allow four dwelling units on a lot zoned RH-3 (Sec. 209.1(h)). Given the unique and sensitive location of the Project Site, the findings required for approving each of these conditional use authorizations cannot be made.

1. *Conditional Use Authorization For Off Street Parking – Special Criteria Not Met.*

The Project is located in the Telegraph Hill/North Beach Residential Special Use District where Planning Code Sec. 249.49 limits the amount of new off-street car parking to three parking spaces for each four dwelling units. A maximum of one car for each dwelling is allowed subject to Conditional Use Authorization only if the Planning Commission can find, in addition to the Section 303(c) criteria, that the specific criteria set forth in Sec. 151.1(g)(1)(A) are met. Three of the required findings, and reasons they cannot be made, are set forth below:

“Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.” [Sec. 151.1(g)(1)(A)(i)]

The Project cannot meet this criterion and will unduly impact pedestrian spaces, movement and transit service for the following reasons:

Impacts on Pedestrian Movement and Safety: The Project Site is located on the Filbert Steps, a pedestrian corridor used by hundreds of tourists and residents who walk up to Coit Tower/Pioneer Park on these steps. The new garage and driveway at this particular location –

between the top of the pedestrian stairs and the pedestrian cross walk – would be a pedestrian safety hazard in that there will be no landing at the top of the stairs before the driveway. Because the garage door will be indented 5-6 feet to provide for an entry court off of the driveway to Unit 1 of the building, an even greater safety hazard will be created for pedestrians coming up the stairs right at the garage entrance, most of whom, whether residents or visitors to the City, will be unfamiliar with this condition.

Impacts on Traffic Congestion: The Project will cause an increase in the use of Telegraph Hill Blvd., the only vehicular access to Pioneer Park and Coit Tower. Over the years, residents along the Boulevard have experienced the traffic impacts generated by Coit Tower, including adverse impacts to air quality and emergency vehicle access. Tourists and residents competing for the limited spaces in the Coit Tower parking lot often results in a long line of cars queuing up the Boulevard with engines idling, waiting to park. Attempting to address these impacts by limiting the number of cars going up to Coit Tower and Pioneer Park on Telegraph Hill Boulevard, the City has installed signs encouraging people to use public transit (MUNI's Coit 39 bus) or walk to Coit Tower via the Filbert Steps, both of which will be impacted by the location of the Project's proposed new parking garage.

Construction Traffic: The existing and proposed site plan show that access to the construction site is limited to approximately 13 feet right at the top of the Filbert Steps. The construction activities include, but are not limited to, excavation, shoring and/or underpinning the Filbert Steps, equipment access, truck loading during the excavation phase, trucks delivering reinforcing bars and queuing during the concrete pour phase, unloading of materials during the superstructure and interior finish phases.

More importantly, there is no information provided to enable this Commission to make an informed decision. The information includes, but is not limited to:

- There is a 3-ton truck limit on the size of trucks on Lombard (from Stockton Street) and Telegraph Hill Boulevard. Assuming this would apply to the construction trucks, smaller trucks will require more truck trips
- Will the Filbert Steps have to be closed to accommodate the construction and for how long.

Impacts on Transit Service: The 39 Coit Bus Stop is located right where the proposed new curb cut and driveway are located. The sidewalk will have to be reconfigured and the bus stop and stop sign relocated a short distance to the west.

“Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.” [Sec. 151.1(g)(1)(A)(ii)]

The proposed 3,742 square foot parking garage will degrade the overall urban design quality of the Project and the surrounding area.

Accommodating a 3,742 square foot parking garage as a significant part of the Project at this unique location across from Pioneer Park and Coit Tower will, by necessity, add to the overall mass and height of the proposed new structure, resulting in a building design that is not contextual for this outstanding and unique urban setting. Not only will the 40-foot high Project plus stair penthouses impact views from public areas, including the Filbert Steps and Pioneer Park, but it will obscure views of Coit Tower and Pioneer Park from the south since the rear of the building presents a massive fort-like structure.

The Commission's Residential Design Guidelines provide for the protection of "major public views of the City as seen from public spaces such as streets and parks by adjusting the massing of proposed development project to reduce or eliminate adverse impacts on public view sheds." Pursuant to these guidelines, while views from private buildings are not protected, "[v]iews from public areas, such as parks, are protected." (See Residential Design Guidelines, page 18.) The views from Pioneer Park are recognized and protected by Policy 2.7 of the Urban Design Element of the General Plan. San Francisco Recreation and Parks Department, expressed such concerns about blockage of these views in a letter dated July 29, 1993, with respect to the development at this site (Attached as **Exhibit D**).

"Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements." [Sec. 151.1(g)(1)(A)(vi)]

The Project will diminish the quality and viability of existing or planned streetscape enhancements in that the proposed new garage entrance will be located between the top of the Filbert Steps where a Muni Coit 39 Bus stop is located and the major pedestrian crosswalk to Coit Tower. The Project will require removing an area of the existing pedestrian sidewalk to accommodate the new curb cut and driveway, which will necessitate the relocation of the existing stop sign at a blind corner on Telegraph Hill Blvd. (See Existing and Proposed Site Plans.) The proposed new parking garage will decrease the existing pedestrian streetscape, require removal of a section of the historic stone wall and impact pedestrian safety and convenience at this heavily used pedestrian crossing.

2. Conditional Use Authorization For 4 Dwelling Units in RH-3 Zone -- Criteria Not Met.

The Project is located in the RH-3 Zoning District, where Section 209.1(h) and a fourth unit is allowed only with a Conditional Use Authorization by the Planning Commission. The Project with four dwelling units on a single lot cannot meet each of the criteria set forth in Section 303(c) for the reasons discussed below:

"That the proposed use or feature, at the size and intensity contemplated and at the proposed location will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community."(Sec.303(c)(1))

The Applicants who are the current owners of this property previously demolished 4 of the 5 modestly-sized buildings located on this site that once provided 11 affordable, rental housing

units occupied by artists, photographers and writers. The construction of large luxury condominiums now proposed at this site is not “necessary and desirable” for or “compatible” with the Neighborhood. Admittedly designed to attract extremely affluent buyers, the Project includes the construction of three new condominiums units each ranging in size from 4,100 to 4,600 square feet (in addition to a 3,742 square foot parking garage). San Francisco is currently experiencing a surge in high-end residential development because it has not maintained a balance of affordable and middle class housing in its neighborhoods, thereby losing its economic diversity.

Furthermore, a project at this sensitive location across from Pioneer Park at the top of the narrow pedestrian Filbert Steps that will negatively impact traffic, transit, pedestrians, and views from public places, is hardly a development that is necessary and/or desirable for the neighborhood or community.

The Applicants appear to have intentionally failed to maintain the property and have gutted and stripped the remaining cottage so that it became uninhabitable all after the Planning Commission approved a permit to renovate it in 1997. They now argue that the Project is necessary and desirable because the existing cottage is in “disrepair” and the site is “run down and vacant for over 10 years.” The Applicants have also refused to grant permission to neighbors who have volunteered to maintain it as an attractive green space. Inasmuch as the “run down” condition of the property is solely attributable to the Applicants’ failure to maintain the property, its existing condition cannot support a finding that the Project is necessary and desirable for the neighborhood.

The Project’s mass, scale and design are incompatible with the existing structures and historic development pattern of the surrounding area. One of the experiences of walking up the Filbert steps from the base of Telegraph Hill is enjoying the finer scale buildings that line the steps. The Project’s size and intensity at this location, is incompatible with the overall character of the buildings in North Beach and Telegraph Hill, as well as with the buildings located to the west and south of the site. The west exterior wall of the proposed new structure (facing Kearny St.) presents a solid blank wall towering over the adjacent structure at 381-383 Filbert Street. In addition, the south facing façade of the Project presents a highly visible fortress-like wall towering above the buildings to the south of the site obstructing the visual form and character of Pioneer Park that is described in the Urban Design Element of the General Plan as a “hilltop park with the highly visible green of trees from which Coit Tower rises.” (See Policy 2.7 of the Urban Design Element of the San Francisco General Plan.) The Applicants attempt to justify the scale by using the maximum height for all the buildings along the Filbert Steps instead of the existing urban context and historic development patterns.

The current Project design is incompatible with the special character of Telegraph Hill and will chip away at its unique character that attracts and endears this neighborhood to residents and visitors alike. Continuation of the height and design of the two existing buildings located east of the Project Site on Telegraph Hill Boulevard will forever change the unique character of Telegraph Hill.

In their submittal to the Commission, the Applicants' architect misinterprets and/or misrepresents the design character of Telegraph Hill with the following statement:

“The building design draws from historical elements of Telegraph Hill by referencing the rustic and industrial quality of fenestration from the quarry and shipyards once existing in the surrounding neighborhood. Weathered and treated wood louvers and exterior features mimic the fishing cottages and residences of Telegraph Hill.”

The Telegraph Hill Historic District case report describes the architectural character of Telegraph Hill as follows:

“The typical structure is a rectangle in plan, often with addition of rear shed(s) and/or porch(es) on the down hill or view side. Usually it has a difference of one, two or more floors between its uphill and downhill sides. Often it is one story at access level with lower floors added as the hill drops. It is clad in rustic wood siding, laid horizontally, and it has a gable roof with either bard boards or false front. Ornamentation is restrained... Windows are often double hung, often two-over-two or four-over-four, or else wooden casements.” [Emphasis added.]

Telegraph Hill Historic District Case Report, Page 3

“Fishing cottages” and “industrial quality fenestration from the quarry and shipyards” were never historic elements of Telegraph Hill and “mimicking” them does not integrate the Project contextually into its surroundings.

“That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity” with respect to “the nature of the proposed site” and “[t]he accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic...”(Sec. 303(c)(2))

As discussed above, given the unique nature and location of the Project Site on the main route to Coit Tower used by more than 200,000 individuals each year who arrive by foot, bus or car, the parking garage will impede pedestrian movement and safety, require the relocation of a stop sign, create conflicts with the Muni bus stop, and add to the recognized traffic congestion on Telegraph Hill Blvd. leading to Coit Tower. The Project would, therefore, be detrimental to the health, safety, convenience and general welfare of persons residing or working in the vicinity, as well as thousands of visitors to Coit Tower and Pioneer Park.

F. INCONSISTENCY WITH THE PRIORITY POLICIES OF THE MASTER PLAN.

Planning Code Sec. 101.1 establishes eight Priority Planning Policies and requires the Planning Commission to find that the Project is consistent with these policies before approving the Project. The Project is inconsistent with the following Priority Planning Policies:

“That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.” (Sec. 101.1(2))

Construction of new luxury condos will not preserve the cultural and economic diversity of our neighborhood, particularly given the high rate of evictions of lower income tenants by speculators in our neighborhood who are converting the former homes of writers, poets, artists and blue collar workers into luxury TICs and condos.

“That the City’s supply of affordable housing be preserved and enhanced.” (Sec. 101.1(3))

New uber luxury condos each to be priced in the millions, designed to attract affluent buyers, will not enhance the City’s supply of affordable housing; but will increase the City’s supply of overpriced housing for multi-millionaires. The cottage which could be been renovated at a reasonable cost was left vacant and the so-called “dry rot repair” was essentially a de facto demolition. The photographs of the cottage in the Department’s file clearly showed that the exterior and interior stud walls, ceiling joists, etc. were completely removed and replaced.

“That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.” (Sec. 101.1(4))

In their application, the Applicants claim that the property is located in a relatively low-density area comparing to other neighborhoods. However, the Applicants conveniently forget that the residents along Lombard Street, which feeds into Telegraph Hill Boulevard, have had to bear the high volume of traffic generated by Coit Tower. The Coit Tower parking lot has a limited number of parking spaces resulting in a long line of cars, queuing up as far down the hill as the Stockton/Lombard intersection, with engines idling, waiting to park.

Further, as the entrance and curb cut for the Project’s proposed 3,742 square foot parking garage will be located at the very the top of the heavily used Filbert Steps, next to a Muni Bus stop and the major pedestrian crosswalk to Coit Tower, conflicts between vehicular, pedestrian and Muni service will result. The garage entrance will also require the relocation of a stop sign, which is currently located within the proposed new driveway.

During construction, construction trucks will use the bus stop area to load and unload. During concrete pours, trucks will queue waiting for their turn, again at the bus stop or at the top of the Filbert Steps, which will exacerbate the existing traffic congestion on the narrow two-lane Telegraph Hill Boulevard, as well as on Lombard Street, which feeds into Telegraph Hill Boulevard. As mentioned above, after construction is completed, because of the turning radius required, access to the garage will require crossing the double yellow line into the on coming lane of traffic in order to make the tight turn into the driveway, thereby creating additional traffic

impacts that must be considered cumulatively with existing traffic conditions on Telegraph Hill Blvd.

“That our parks and open space and their access to sunlight and vistas be protected from development.” (Sec. 101.1(8))

It is undisputed that the views from Pioneer Park and the stairs leading down to Telegraph Hill Boulevard will be impacted. The so-called “view corridor” included in the Project plan is a narrow tunnel -- 3’6” wide and approximately 50’-6” long – located above ground level. At the ground level, the “view corridor” is wider on north side narrowing towards the south where the view is. Even at a glance, it is clear that the separation between Unit 1 and Unit 2 is needed to allow access to the existing cottage at the rear of the lot, and not motivated by a magnanimous gesture of the Applicants’ desire to preserve a “public view corridor.”

G. RECOMMENDATIONS

We respectfully ask the Commission to either deny the conditional use application or continue this matter and review and be redesigned in accordance with the following recommendations:

1. Require the Project to be redesigned as proposed by the Applicants and presented to THD on October 11, 2012, with only two units, without roof decks and penthouses, maintaining a large open view corridor between them. (See Exhibit C.) Alternatively, require a reduction in massing by eliminating the top floor of each of the new units and eliminating the roof decks, glass railings, stair and elevator penthouses to maximize public views from Pioneer Park and its stairways. [Private open space can be provided by terracing the rear yard or adding decks to the south-facing (rear) façades of the new condo structures without diminishing public views. Even without the top floor, all the units can be redesigned to have at least three bedrooms each.];
2. Require changes to the design and exterior material to be more compatible with the cottages to the west in order to maintain the character of the neighborhood and the experience of walking up the Filbert Stairs to Coit Tower/Pioneer Park;
3. Require significant separation between the units facing on the Filbert Steps to allow significant public views through the building mass;
4. Eliminate the off-street parking spaces;
5. Require one of the units be affordable to replace at least one of the affordable units previously removed from the market by the Applicants;
6. Articulate the blank west wall that looms above the small cottage located below it on the Filbert Steps to provide scale and visual interest;

7. Require the south-facing (rear) façade of the building to be stepped down to eliminate the fort like appearance; and
8. Impose conditions of approval to address the construction traffic impacts and the conflict between vehicle/Muni/pedestrian conflict caused by the Project's driveway.

H. CONCLUSION

The discussion above clearly shows that the Certificate of Categorical Exemption is legally insufficient. Therefore, this Commission must direct the Department to prepare a new legally adequate environmental review document. THD has also demonstrated that the Project cannot meet all of the criteria necessary for the requested the Conditional Use Authorization to construct four dwelling units and the additional criteria required for four off-street parking spaces. Thus, this Commission should either deny the conditional use application or continue this matter and require the Department to prepare a new environmental review document for the Project, and require the Project to be redesigned in accordance with our recommendations listed above.

Sincerely,

Vedica Puri
President

cc: Commissioner Michael Antonini
Commissioner Rodney Fong
Comissioner Richard Hillis
Commissioner Kathrin Moore
Commissioner Hisashi Sugaya
Commissioner Christine Johnson
John Rahaim, Director of Planning
Scott Sanchez, Zoning Administrator
Elizabeth Watty, Planner
Tina Tam, Presevation Planner
Gretchen Hilyard, Preservation Planner
Sarah Jones, ERO
Heidi Kline, Environmental Planner
Jessica Range, Environmental Planner

P & Z COMMITTEE'S COMMENTS & SUGGESTIONS ON 115 TELEGRAPH HILL BLVD.

Date: Mon, 30 Jul 2012 11:12:17 -0700

To: Lewis Butler <Butler@butlerarmsden.com>

Subject: P & Z COMMITTEE NOTES ON 115 TELEGRAPH HILL BLVD

Hi Lewis,

The Committee thanks you for your presentation and especially appreciates the quality and clarity of the materials presented, which provided a massing study without specific design details. We understand that although you and your client propose a "modern" approach for the site, design details will be discussed with us later. Although these notes are provided to fully and openly inform you and your client of the issues that this site raises, we hope that our comments will lead to further discussions and future meetings. Please consider our comments in this light.

The Committee identified 2 major issues: Massing & parking, and generally discussed design issues. We address the parking issues first.

1. Adding a Parking Garage.

It is our understanding that the decision of the Board of Supervisors on 424 Francisco (Motion No. M10-88) would require environmental review, likely an EIR, if a new garage is proposed as a part of the development. Telegraph Hill Dwellers joined with the Chinatown Community Development Corp. (CCDC) on the appeal of the exemption determination on the 424 Francisco case and would not support disregarding or overlooking that decision on this or any other project in the North Beach/Telegraph Hill area. We feel that the fact that there may have been no curb in this location a very long time ago (per the RE Broker for this property who also attended our meeting) is irrelevant to the application of the 424 Francisco decision today.

The committee discussed several potentially serious impacts from the addition of a garage at this location:

- Pedestrian Safety: The Filbert steps in front of the subject site are a highly used pedestrian corridor. Hundreds of people walk up to Coit Tower/Pioneer Park on these steps. Adding a garage and driveway at this particular location -- right at the top of the stairs between the stairs and the pedestrian crosswalk -- could create a safety hazard.
- Adding to Traffic Congestion: Attempting to limit the number of cars from coming up to Coit Tower/Pioneer Park has been a many-year campaign of the Telegraph Hill Dwellers. There have been numerous studies addressing the serious traffic issues and the pollution from cars waiting in long lines to get to the Tower. The solution and community goal has been to limit the number of cars from coming up to Coit Tower by limiting available parking and encouraging people to walk (up the Filbert Steps) or take the 39 Coit Bus. [More information on this campaign and the issues can be provided if it would be helpful.]

Questions: Assuming the proposed addition of a garage at the site will require the preparation of an EIR to address these and other issues, with an uncertain outcome, would your client be

willing to go ahead with the purchase? Would the project be financially infeasible without a garage? Would a project without parking be financially feasible if the parcel were re-subdivided into 3 or 4 separate legal lots with single-family homes instead of condos? (See suggested alternative approach below.) As we discussed at the meeting, it is a fact that many homes on Telegraph Hill with great views do not have garages/dedicated parking.

2. Building Massing/Design Comments:

The Committee very much appreciates the concept of 3 separate houses with space between them. However, the problem with the massing as presented is the fact that the building would be a solid mass at the pedestrian level along the Filbert Steps, with no pedestrian views through the proposed “garage” that would form the base of the condos. A related concern is the absence of front entrances at the street/steps level.

Recommendation: That the space between the buildings be extended to the level of the steps and that a front entry to each building be located at that level as well.

Even though “option 5” as presented is below the 40 foot height limit, the site is still subject to the City’s Residential Design Guidelines and the Urban Design Element of the General Plan, which require the protection of “major public views in the City as seen from public spaces such as streets and parks by adjusting the massing of proposed development project to reduce or eliminate adverse impacts on public view sheds.” It is our understanding that views from public areas, such as the Filbert steps and Pioneer Park are protected regardless of the building height otherwise allowed. The existing trees that currently obscure the view may not be there in future years.

Recommendation: That you give consideration to reducing the proposed height along the Filbert steps. In particular, Committee members expressed concern with the dramatic difference between the height of the cottage to the west and the proposed height of the building proposed at 121 Telegraph Hill.

One of the architects on our Committee suggested that consideration be given to alternative massing schemes, including locating the structures at other locations on the site – perhaps setting the cottages back from the steps with gardens at the front along the steps as a way to protect views. Is there an existing topographic survey of the site? Or, at least a schematic section north-south and east-west through the site?

3. Alternative Approach Suggested:

As an alternative approach that could address the parking and massing issues discussed above, it was suggested that instead of adding parking to the site, the lot could be re-subdivided into 4 separate legal lots, with a single-family home on each lot instead of building condos over a garage base. This approach would allow each home to be larger and potentially be designed so that (1) their heights along the Filbert Steps could be reduced, thereby protecting “major public views from public spaces” as required by the City’s Residential Design Guidelines and Urban Design Element of the General Plan, would also address massing issues; (2) allow for real space/gardens between the buildings at “ground” level to enhance pedestrian views from the steps; and (3) allow for entries at the “ground” level. It would also eliminate the requirement

for an EIR related to the addition of parking at this sensitive site.

4. Design Details:

Although the presentation specifically did not focus on design details, you stated that your client likes a “modern” approach to the site, but that the intent is to “recall” the neighborhood pattern without resurrecting the old buildings. The following are several general comments made by committee members:

- Views of the back (south façade) are important since it is highly visible from many viewpoints near and far.
- Would like to see a reduction in the amount of glass on the front facades.
- Would like to see entrances on the Filbert steps side.
- As mentioned above, would like separation between the buildings visible to pedestrians on the Filbert steps.
- Questions were raised as to the appropriateness of bays on the Filbert steps facade. Bay windows are not characteristic of cottages on Telegraph Hill.
- Concern was expressed as to the height differential between the small cottage on the west and the first building in the project. This dramatic difference should be reduced.
- Would like to see the design bridge the architectural styles of cottages to the west to the larger building on the east. However, as Committee members pointed out, the building on the east does not fit the neighborhood character of North Beach/Telegraph Hill.

In response to your suggestion that we provide some examples of new buildings on the Hill that we feel fit the character of the area, here are a few:

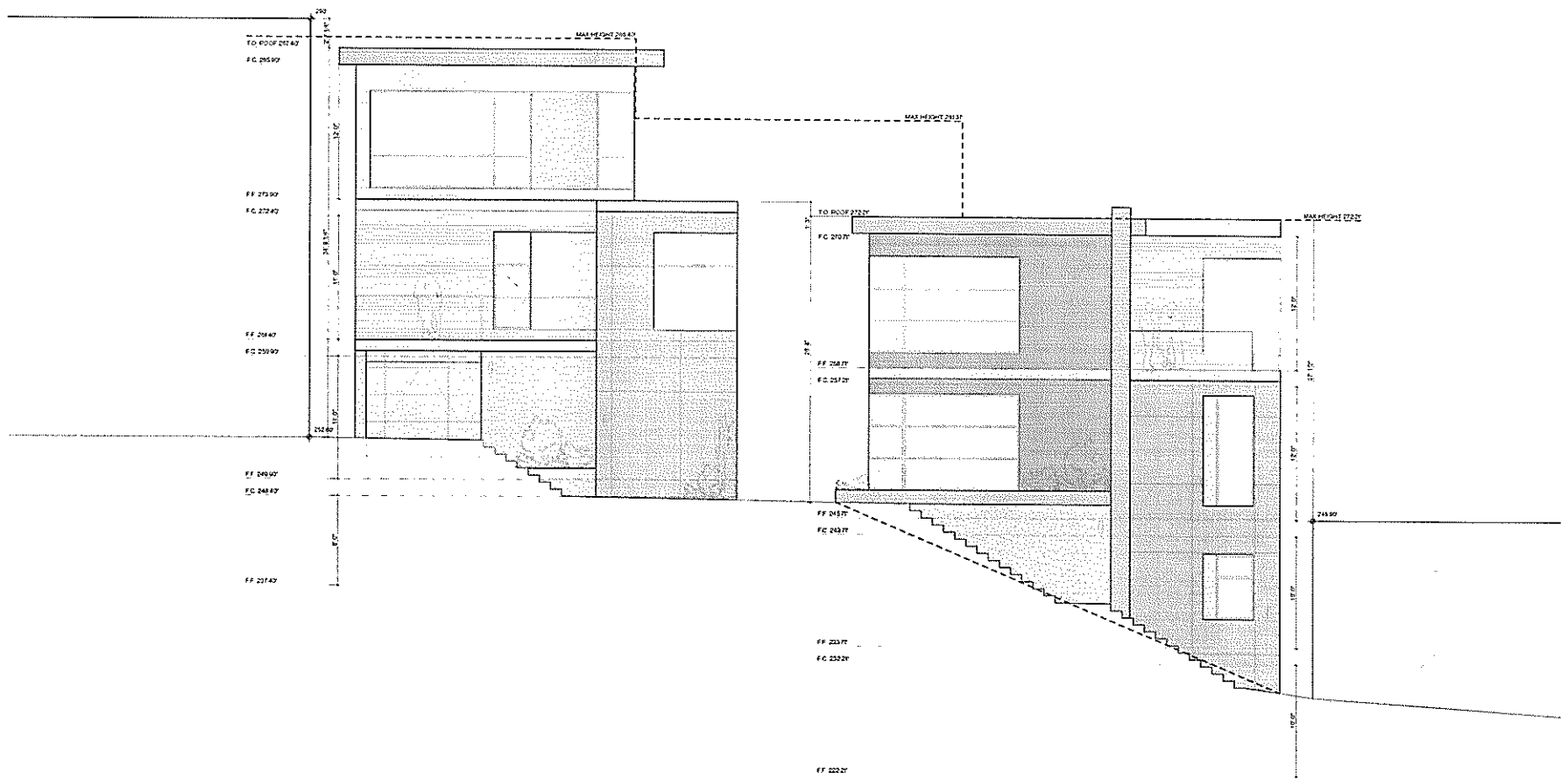
1320 Kearny

407 Filbert

324 Chestnut

1059 Union (details, not scale) see Macondary Lane side

EXHIBIT "C"



SCHEMATIC FRONT ELEVATION

115 TELEGRAPH HILL
SAN FRANCISCO, CA

Burier Armada

OCTOBER 11, 2012



RECEIVED
AUG 04 1993

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING

July 29, 1993

Mr Jim Nixon
Department of City Planning
450 McAllister Street
San Francisco, CA 94102

Dear Mr. Nixon.


This is in regard to the project that we recently discussed on the Filbert Street Steps adjacent to Telegraph Hill Blvd. and Pioneer Park. The Recreation and Park Department has several concerns about the possible impact of this project on the park

The first concern is impact on view. This project would effectively block the sight line from the viewing area at the rear of Coit Tower, down into North Beach and across to Nob Hill. Even though current landscaping in this area substantially limits the view, planting schemes often change over the years and the proposed construction would preclude any future use of this view corridor

The second concern regards the increase the project may cause in the use of Telegraph Hill Blvd. Over the years, some of the residents along the Boulevard have complained about the traffic generated by Coit Tower, and possible impact on emergency vehicle access, etc. The problem is caused by tourists and residents competing for the limited spaces in the Coit Tower parking lot which often results in a line of cars waiting to park. I am concerned that the project may increase the use of the Boulevard and parking lot, adding to the number and volume of complaints.

Thank you for this opportunity for input. If you have any questions please do not hesitate to contact me at 666-7080

Very truly yours,


Tim Lillyquist
Assistant to the General Manager

4220t

McLaren Lodge, Golden Gate Park
Fell and Stanyan Streets

FAX: (415) 668-3330
Information: (415) 666-7200
TDD: (415) 666-7043

San Francisco 94117

EXHIBIT "D"