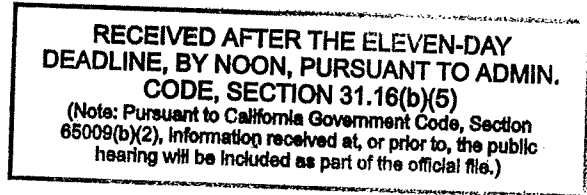


1598 Bay Condominium Association
3609 Buchanan Street
San Francisco, CA 94123

April 15, 2019

HAND DELIVERY AND ELECTRONIC MAIL

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



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

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

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

Reasons for our opposition:

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

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

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

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

Sincerely,

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

Mark Conroe
President

Cc: Members of the Board of Supervisors