

**From:** [Amanda Lee](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Wong, Jocelyn \(BOS\)](#); [Lauren Chang](#)  
**Subject:** Tentative Map Appeal (Appeal No. 251138) - 3333 Mission Street and 190 Coleridge - Applicant's Response  
**Date:** Thursday, January 29, 2026 4:49:43 PM  
**Attachments:** [Applicant's Response \(Tentative Map Appeal\) - 3333 Mission Street and 190 Coleridge.pdf](#)

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Hi All,

On behalf of the Project Applicant for 3333 Mission Street/190 Coleridge Street, and in response to the Tentative Map Appeal (Appeal No: 251138) scheduled on February 3, 2026, enclosed is the Applicant's response letter.

Please confirm receipt and that you are able to access the document. If you have any questions or require additional information, please let us know. Thank you.

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January 29, 2026

Lauren K. Chang  
213.617.5588 direct  
[lchang@sheppardmullin.com](mailto:lchang@sheppardmullin.com)

File Number: 73NN-373712

**VIA EMAIL ONLY**

Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Email: [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

**Re: Applicant's Response Letter to Appeal of the Tentative Final Map  
Subject Property: 3333 Mission Street and 190 Coleridge Street  
Appeal No: 251138  
Hearing Date: February 3, 2026**

Dear President Mandelman and Honorable Supervisors:

Our office represents Elevate Housing Partners L.P. (the "Applicant"), owner of 3333 Mission Street and project partner with the owners of 190 Coleridge Street (collectively, the "Project Site"), located in the Bernal Heights neighborhood of the City and County of San Francisco (the "City"). This letter responds to Appeal No. 251138 (the "Appeal"), filed by a neighbor who lives adjacent to the Project Site on Virginia Avenue (the "Appellant"). We respectfully request that the Board of Supervisors (the "Board") uphold state law and reject the Appeal for the reasons set forth in this letter. The issues raised by the Appellant are frivolous and a blatant attempt to obstruct a 70-unit, 100% affordable senior-housing project (the "Project") that the City already approved under the streamlined ministerial approval process mandated by the State of California under Government Code Section 65913.4, *i.e.*, Senate Bill 35 or as updated by Senate Bills 423 and 3122 (collectively, "SB 35").

We further urge the Board to acknowledge that this Appeal does not challenge the already-approved SB 35 entitlements and is limited solely to the tentative final map ("Tentative Map") for the Project, which was also applied for and processed under SB 35. As Public Works confirmed in its letter dated December 16, 2025 ("Public Works Letter"), attached as Exhibit A, in response to the Appeal, the size and configuration of the park were previously approved as part of the SB 35 entitlements and are not within the scope of this Appeal. Similarly, Planning reiterated in its letter dated December 8, 2025 ("Planning Letter"), attached as Exhibit B, that denial of the Tentative Map will not alter the already approved reconfiguration and decrease in size of the park. The City approved the entitlements for the Project originally on October 30, 2024 ("Original Approval"), and approved the redesign on April 16, 2025 ("Updated Approval"),

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pursuant to SB 35 and State Density Bonus Law ("Density Bonus").<sup>1</sup> As such, the Planning Department has already determined that the Project is eligible for SB 35 and complies with the objective standards in the Planning Code (Planning Record No. 2024-011564PRJ). The Tentative Map only modifies the existing parcels lines at the Project Site to reflect the new uses of the Project, as they were approved by the City in the Original Approval and Updated Approval. The scope of the Project, including the reduction in park space, is final and cannot be subject to an appeal process under state law. The timeline for the City to determine whether the Project is in conflict with objective standards has long elapsed.<sup>2</sup> And SB 35 does not provide a second opportunity for Planning to review the Project or for Appellant, neighbors, or any individuals to appeal a project that has been deemed compliant with SB 35.

The appeal of the Tentative Map is time barred under SB 35, which requires local governments to follow statutory "public oversight timelines." Specifically, a subdivision request under SB 35 must be completed within 90 days of submittal of the application.<sup>3</sup> And a local government may not "in any way" "inhibit, chill, or preclude" this ministerial approval request. Here, in the typical sequencing at the City, the Applicant submitted the Tentative Map application to Public Works after the SB 35 entitlements were approved. The application was submitted on July 14, 2025, and 116 days later Public Works approved the Tentative Map on November 7, 2025. Processing or even considering the appeal of the Tentative Map further inhibits, chills, and precludes the Project from proceeding forward. The approval of the Tentative Map already went beyond the 90-day timeline, and this appeal will not be heard by the Board until 204 days after the Applicant submitted its application, which is well beyond the statutorily mandated 90-day timeline.

Even if this appeal were timely, the scope of the Board's oversight is limited. SB 35 requires the subdivision review to be "strictly focused" on assessing compliance with criteria required for streamlined projects and reasonable objective design standards.<sup>4</sup> Public Works found that the Tentative Map complied with applicable objective standards and provided no documentation or comments indicating which objective standards or standards the development conflicts with.<sup>5</sup> And the Appellant has provided no evidence demonstrating any inconsistencies with objective standards either.

Accordingly, we respectfully request that the Board reject the Appeal and uphold the approval of the Tentative Map for the Project. The remainder of this letter provides the Board with the following: (1) a description of the Project as well as a brief history of the Project Site; (2) a summary of the neighborhood outreach efforts completed to date, including specific outreach efforts to the Appellant; (3) an assessment of why this appeal is time barred under SB 35; (4) an assessment of how the Tentative Map is a postentitlement phase permit and this appeal is unlawful under Assembly Bill 1114 ("AB 1114"); and (5) responses to the arguments raised by the Appellant.

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<sup>1</sup> See Exhibit C for the cover letters of the Notice of Final Approval, dated October 30, 2024, and the Notice of Final Approval, dated April 16, 2025.

<sup>2</sup> Gov. Code, §§ 65913.4.

<sup>3</sup> *Id.* at (d)(1) and (2).

<sup>4</sup> *Ibid.*

<sup>5</sup> *Id.* at (d)(3).

## I. Property History and Project Description

The Project Site is subdivided by an existing parcel map with three vertical subdivisions ("Existing Parcel Map"). Parcel 1 consists of all the ground area below elevation 113.5 feet, which has historically been a commercial retail space, parking garage, and parking lot. Parcel 2 is an airspace parcel containing the area above 113.5 feet that includes the existing 49 deed-restricted senior-housing units at 190 Coleridge Street ("Existing Units"). Parcel 3 is an airspace parcel for Coleridge Park, which is privately-owned and operated by Bernal Heights Neighborhood Center ("BHNC").

The arrangement of parcels in the Existing Parcel Map separates the individual uses and allows for separate ownership and financing at the Project Site. The Tentative Map for the Project is no different. The Tentative Map will continue to be a three-lot vertical subdivision that follows the uses of the Project, including the Existing Units, Coleridge Park, and the new senior-housing units and existing commercial parking areas. Given the mix of uses, the Applicant requested (and the City approved) residential and commercial condominium units for the Project on one of the three parcels. The CC&Rs and condominium plan for that parcel will be prepared and recorded at a later date.

The Original Approval for the Project included one residential building, with six stories fronting Mission Street and three stories fronting Coleridge Street, containing 70 affordable senior-housing units, while preserving the ground-floor commercial space. In response to community feedback, including the Appellant, the Applicant voluntarily redesigned the Project, which added substantial delay and cost. The Updated Approval maintains the 70 affordable senior-housing units while reducing the height and approved floors from the new building on Mission Street to four stories, increasing the number of floors to four stories on Coleridge Street, and integrating five loft units in the existing ground floor commercial space. The Updated Approval does not confer any benefit to the Applicant but was undertaken solely as a good-faith response to community feedback. The Applicant was under no obligation to modify the Project from the Original Approval.

As part of the Original Approval and Updated Approval, the size of Coleridge Park was reduced from 6,720 square feet to 3,885 square feet, removing of a portion of the concrete area and bushes, making room for thirty-six (36) affordable housing units and adding a new community room for multigenerational use by residents and neighbors alike. Coleridge Park sits on an existing podium. For the initial community outreach, the architects generated concept plan options to get feedback from the community. The next phase of the design process will involve multiple programming meetings with the community, stakeholders, and design team to finalize the program and design of the park. BHNC, a general partner of the Applicant, held numerous design meetings with the neighborhood and purposely discussed conceptual designs for a new park that optimized the layout of open space, improves circulation, upgrades landscaping and amenities, and ensures that all areas of the park are safe, accessible, and usable by the public. For example, in June 2024, a Coleridge Park Survey was made available in three (3) languages on the Project website. A QR code linking to the survey was also included on the Open House postcard, which was mailed to over 2,000 local residents, to ensure that the general public, meeting attendees, and residents were able to share their input. In July 2024, the Project's

architects presented multiple conceptual designs at the Project's Open Houses and members of the community were able to place votes on their preferred designs. Open dialogue was encouraged throughout this process, allowing community members to raise concerns, ask questions, and engage directly with the architects and development team. In direct response to community input and feedback, the Applicant team incorporated a publicly accessible community room to support programming that community members identified as meaningful and enriching to the neighborhood. In addition, the Applicant prioritized park design concepts that intentionally include intergenerational elements designed to serve and benefit residents of all ages.

The redesigned park will offer a meaningful benefit to the community compared to the existing park, which has been closed since 2020 because the City deemed the park unsafe as the trees off of Coleridge Avenue lifted the concrete on the sidewalk adjacent to the park and within the park, creating a trip hazard, rendering the park unsafe. BHNC has already undertaken its own concrete repairs to the surrounding areas and continues to have discussions with the San Francisco Recreation and Park department to explore ways to collaborate on the repair of Coleridge Park. The conceptual design presented to the community builds on that commitment by delivering a safer, more accessible, and vibrant open space that the community can once again use and enjoy. Once the Project reaches the appropriate design phase, the Applicant team will work with the community to finalize the park's design, while incorporating the feedback received to date.

## II. Neighborhood Outreach

While not required by law, BHNC voluntarily undertook a significant and proactive effort to solicit feedback from residents and the community on the Project. These efforts included developing a comprehensive communication plan to inform the community and local businesses about the Project and create multiple opportunities for community input.

In February 2024, BHNC established a dedicated email for community inquiries, and in April 2024, launched a Project-specific website. These platforms provided avenues for the public to submit comments and questions about the Project. BHNC received various emails from the public, including inquiries on when the park would be reopened, requests for project updates, and enthusiastic support for the Project. Additionally, in April 2024, initial notices were mailed to the neighbors located on Virginia Avenue with Project information and invitations to participate in upcoming individual in-person meetings.

At the end of April 2024, BHNC hosted a Coleridge Park Homes Resident Meeting to inform the tenants of the Existing Units about the planned construction activities. In May 2024, postcard mailers were sent out to households within a one-mile radius of the Project Site inviting them to a June 2024 open house. A second round of notices was sent later that month. Throughout May and June 2024, BHNC also held four additional meetings with neighbors located on Virginia Avenue to address questions and gather further feedback.

As the design was being finalized, BHNC posted an online survey from May through June 2024 to allow the community to vote on and comment on the proposed park design. Two

larger community meetings were also held in June and July 2024 to present the updated plans and discuss feedback.

BHNC conducted multiple in-person meetings at neighbors' homes, including the Appellant's home/backyard, on Coleridge Street and Virginia Avenue following the Project's open house. BHNC assessed neighbors' and Appellant's concerns related to shadow impacts, height impacts, views of San Francisco, and other concerns relevant to individual neighbors' homes.

### **III. Legal Arguments**

#### **a. The Appeal of the Tentative Map is Time Barred.**

This appeal is time barred and unlawful. The State of California included strict public oversight timelines under SB 35. Specifically, Government Code Sections 69514.3(d)(1) and (2), mandate the review of a subdivision request be conducted within 90 days of submittal of the application. This 90-day timeline includes appeals because our lawmakers expressly state the length of time allowed for public oversight and notes that it cannot inhibit, chill, or preclude the ministerial approval process allowed under SB 35. Allowing a separate appeal period outside of the 90-day timeline would be incongruous with that intent and the plain language of the statute. Here, the Tentative Map application was received by Public Works on July 14, 2025. Public Works provided no documentation or comments indicating which objective standards or standards the development conflicts with. As such, July 14, 2025 is the date when the 90-day timeline started and October 12, 2025 is when the City's 90-day oversight timeline expired. Despite this, Public Works went beyond the 90-day public oversight timeline and did not approve the Tentative Map until 26 days after the 90-day timeline expired, on November 7, 2025. This appeal will not be heard by the Board until 204 days after the Applicant submitted its application, which is 114 days beyond the 90-day timeline allowed in SB 35. Reading into SB 35, a new public oversight timeline is not permissible. Therefore, consideration of this appeal is unlawful and unsupported by the law.

#### **b. Tentative Map Review Under SB 35**

The approval of the Tentative Map is governed by the ministerial framework established under SB 35. Government Code Section 65913.4(d)(2) provides that once a local government determines that a development is consistent with the SB 35 requirements and all applicable objective subdivision standards, the agency must approve the proposed project. Government Code Section 65913(i)(2)(A) further states that the issuance of subsequent permits, including final maps, "shall not inhibit, chill, or preclude the development."

This requirement is addressed in a Department of Housing and Community Development's technical assistance letter dated August 10, 2023, to the City ("HCD Letter"), attached as Exhibit D. The HCD Letter explains that public oversight for SB 35 projects is limited and that ministerial approvals "shall not in any way inhibit, chill, or preclude" qualifying projects. HCD further clarifies that where a project complies with the general plan and applicable objective standards, appeals of subsequent ministerial permits are not permitted. Here, both the

Planning Letter and Public Works Letter expressly confirm that the Tentative Map complies with the General Plan and other applicable objective design standards. Tentative maps are also considered ministerial permits under SB 35. Accordingly, approval of the Tentative Map is required under SB 35 and the appeal should not be heard.

Even if this appeal were not time barred and the typical review process for subdivision maps applied, the City has failed to make any findings required under Government Code Section 66474 that would mandate denial of the Tentative Map. Those findings are limited to: (i) inconsistency with the General Plan, (ii) physical unsuitability of the site, (iii) physical unsuitability for the proposed density, (iv) substantial environmental effect on fish, wildlife, or their habitat, (v) serious public health problems, (vi) conflict with public easements, and (vii) impacts on agricultural preserves and conservation easements. To the contrary, the City has affirmatively confirmed in the Original Approval, Updated Approval, Planning Letter, and Public Works Letter that the Project is consistent with the General Plan, that the site is physically suitable for the Project and the proposed density, and that the Project will not result in serious health impacts. In addition, the Project does not conflict with public easements and will not result in environmental impacts to wild life, agricultural preserves, or conservation easements. Accordingly, there is no legal basis for denial of the Tentative Map under Government Code Section 66474.

c. *The Tentative Map Meets All Objective Design Standards.*

Even if this appeal were timely, the scope of the Board's oversight is limited. SB 35 requires the subdivision review to be "strictly focused" on assessing compliance with criteria required for streamlined projects and reasonable objective design standards.<sup>6</sup> Public Works provided no documentation or comments identifying any objective standards with which the development conflicts with.<sup>7</sup> Rather, the Public Works Letter, expressly confirms that the Tentative Map complies with the Planning Code and General Plan. The Appellant has provided no evidence demonstrating any inconsistencies with objective standards either. The Applicant also intends to comply with all conditions of approval for the Tentative Map, as provided by Public Works. The City already confirmed that the Project is consistent with reasonable objective design standards in the Original Approval and Updated Approval. On this basis alone, the Board should deny the Appeal.

d. *The Tentative Map is a Postentitlement Phase Permit that Cannot beAppealed or Subjected to this Public Hearing under AB 1114.*

The Tentative Map is considered a postentitlement phase permit that is not appealable under AB 1114. Government Code Section 65913.3(k)(3)(A) defines "post entitlement phase permit" as "all nondiscretionary permits and reviews" required or issued by a local agency "after the entitlement process has been completed to begin construction of a development that is intended to be at least two-thirds residential."

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<sup>6</sup> Gov. Code, § 65913.4 (d)(3).

<sup>7</sup> *Ibid.*

Here, the Tentative Map meets each aspect of this definition. The Tentative Map is considered a ministerial request under SB 35. The City does not allow applications of subdivision maps to be submitted until after the underlying entitlements for a project are approved, so a subdivision map submittal occurs after the entitlement process has been completed.

Local agencies are prohibited from processing appeals for postentitlement phase permits. Specifically, "[o]nce a local agency or state agency determines that a postentitlement phase permit is in compliance with applicable permit standards," the local agency "shall not subject the postentitlement phase permit to any appeals or additional hearings."<sup>8</sup> Here, the City already approved the Tentative Map and thus determined that the Tentative Map, a postentitlement phase permit, is in compliance with applicable permit standards. As such, it is unlawful for the City to subject the Tentative Map to an appeal or additional public hearing. The City's own implementation memorandum states the same, attached as Exhibit E. The memorandum clearly states that postentitlement phase permits are not subject to any appeals or additional hearing requirements.<sup>9</sup>

## VI. Response to Appellant's Appeal

As discussed above, the Tentative Map does not alter or revise the previously approved Updated Approval for the Project. Appellant's concerns mischaracterize the purpose and effect of the Tentative Map. The size and configuration of Coleridge Park were already approved through the Original Approval and the Updated Approval on October 30, 2024 and April 16, 2025, respectively.

As Appellant mentioned, the existing park remained closed since the COVID-19 pandemic due to a lack of funding to bring its deteriorated and unsafe condition back to code. As documented during site visits, the existing improvements outlived their life cycle and is currently in a dilapidated state, with large portions of the existing hardscape and landscaped areas not functional or accessible to the community. In particular, overgrown tree roots have uplifted significant sections of the concrete, creating uneven surfaces and multiple tripping hazards that pose clear safety risks. These conditions have rendered major portions of the park unusable and are irrespective of the subdivision.

To address these issues, the Applicant has been in ongoing discussions with the City and has proactively engaged a park consultant to assess the site conditions and outline safety concerns. This work has been undertaken to help resolve the unsafe conditions that have prevented reopening of Coleridge Park.

While the configuration of the park parcel will be reduced, through the removal of a portion of the concrete area and some bushes, the approved park redesign significantly enhances the usability, safety, and functionality of the park compared to the existing condition. The Updated Approval optimizes the layout of open space, improves circulation, upgrades

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<sup>8</sup> Gov. Code, § 65913.3(c)(3).

<sup>9</sup> *Id.* at (c)(3).

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landscaping and amenities, and ensures that all areas of the park will be safe, accessible, and usable by the public upon completion. For reference, images depicting the current conditions of the park, along with the renderings of the approved redesign are attached as Exhibit F.

BHNC has made extensive efforts to engage the community, including the Appellant, and has taken extensive steps to address all concerns raised. These efforts include multiple community meetings, mailed notices, direct communication, and an up-to-date Project website. BHNC has been responsive to all inquiries, addressed community questions, and has made substantial efforts, with Applicant, to incorporate community feedback into the Project. These efforts reflect the Applicant's ongoing commitment to a thoughtful, community-responsive design process rather than the unilateral elimination of open space as suggested in the appeal.

## **V. Conclusion**

The Planning Department, Public Works, Department of Building Inspection and the other departments previously reviewed the Project and confirmed that it meets the requirements of SB 35, Density Bonus, Subdivision Map Act, and the Building Code. As such, we respectfully request that the City deny the appeal and uphold the approval of the Tentative Map for the Project.

Sincerely,



Lauren K. Chang  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4932-4941-0684.7

cc: Brad Russi, Deputy City Attorney  
Christopher Tom, Deputy City Attorney  
Brian Crossman, Deputy City Attorney  
Austin Yang, Deputy City Attorney  
John Malamut, Deputy City Attorney  
Carla Short, Director, Public Works  
Ian Schneider, Government Affairs Liaison, Public Works  
Elias French, City and County Surveyor, Public Works  
Katharine Anderson, Assistant City and County Surveyor, Public Works  
Bernie Tse, Manager, Public Works  
Michael Crooms, Public Work

# **SheppardMullin**

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Corey Teague, Zoning Administrator, Planning Department  
Tina Tam, Deputy Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Joy Navarrete, Environmental Planning, Planning Department  
Josh Switzky, Acting Director of Citywide Planning  
Dan Sider, Director of Executive Programs, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
Elizabeth Watty, Current Planning Division, Planning Department

**Exhibit A**

**Public Works Letter**

(Attached)



**Office of the City and County Surveyor** | Project Delivery: Bureau of Surveying & Mapping  
T. 628.271.2000 | 49 South Van Ness Ave. Suite 9th Floor, San Francisco, CA 94103

December 16, 2025

Subject: Board of Supervisors file No. 251138  
Appeal of Tentative Map Approval  
Address: 3333 Mission Street and 190 Coleridge Street  
Assessor's Parcel Number: 5615-099, 100, 101  
Public Works Project ID: 12259

Dear Ms. Calvillo and members of the Board of Supervisors,

San Francisco Public Works Bureau of Surveying & Mapping issues this letter in response to the letter from Don Lucchesi dated November 17, 2025, appealing the approval of a Tentative Final Map at the above property for a three lot vertical subdivision, Lot One being a condominium project for up to 10 commercial units and 5 residential units. The subject application was properly reviewed and approved.

Below is a summary of this project within The Office of the County Surveyor:

- May 30, 2024: The Office of the County Surveyor received a Final Map Subdivision Application for the above-referenced property.
- June 18, 2024: The application was deemed submittable and complete. Acting City and County Surveyor William E. Blackwell, Jr. referred it to the Department of City Planning and city agencies.
- June 11 – July 16, 2025: The Office of the County Surveyor received a revised Tentative Final Map which increased the commercial condominium unit count from six to ten and the residential condominium unit count from one to five, and required fees and documents.
- July 23, 2025: City and County Surveyor Elias W. French circulated the revised Tentative Map to Department of City Planning and other city agencies.
- October 28, 2025: Department of City Planning issued approval of the subdivision.
- November 7, 2025: City & County Surveyor Elias W. French issued Conditional Approval of the Tentative Final Map. Our Office mailed notice of the Tentative Map Approval to the addresses of the owners of property within 300 feet of the site based on the Assessor's records.
- November 17, 2025: The appeal letter was submitted by Mr. Lucchesi.
- November 26, 2025: The Clerk of the Board of Supervisors scheduled the hearing date for the Tentative Map Appeal for December 16, 2025.

The existing site consists of three vertical subdivision parcels corresponding to the existing senior housing building, park, and commercial space and garage.

The proposed subdivision would reconfigure the existing parcels to match the approved new development structures. The existing senior housing building would be in Lot 2, new Coleridge Park in Lot 3, and the new housing building, remodeled commercial space, and remodeled garage in Lot 1. The map also entitles up to 5 residential and 10 commercial condominiums to within Lot 1.

Based on our office's review of the Tentative Final Map, I find that the map satisfies the technical requirements necessary for approval by Public Works.

The Department of City Planning also reviewed and approved the Tentative Final Map, finding the proposed subdivision complies with the Planning Code and General Plan.

The appellant's letter raises concerns about a reduction in area of the park on the site. The size of the park is not controlled by the map being appealed but rather has already been reviewed and approved by Department of City Planning during the development application approval process. It is not within our office's authority to overturn or alter Department of City Planning's earlier approval of the park.

California Government Section 66474 (a-g) of the Subdivision Map Act lists seven findings a legislative body of a city or county may make to deny the approval of a Tentative Map. Following my office's review of the subdivision application in question, I have determined that there are no grounds for denial of this subdivision application under Section 66474 of the Subdivision Map Act.

In conclusion, the appeal in question fails to identify any concern related to the proposed vertical subdivision that would be grounds for reversing the approval of this Tentative Map.

Sincerely,

*Eli F.*

Elias W. French, PLS #9406  
City and County Surveyor  
City and County of San Francisco

**Exhibit B**

**Planning Letter**

(Attached)



# TENTATIVE MAP APPEAL

**3333 Mission St, 190 Coleridge St.**

*Date:* December 8, 2025  
*To:* Angela Calvillo, Clerk of the Board of Supervisors  
*From:* Sarah Dennise-Phillips, Planning Director – Planning Department (628) 652-7600  
Aaron Starr, Manager of Legislative Affairs – Planning Department (628) 652-7533  
Gabriela Pantoja, Case Planner – Planning Department (628) 652-7380  
  
*Re:* **Board File No. 251138, Planning Case No. 2024-005634SUB**  
**Appeal of Tentative Map for 3333 Mission St. and 190 Coleridge St. (PID No. 12259)**  
  
*Hearing Date:* December 16, 2025  
*Project Sponsor:* Ben Ron, Martin M. Ron Associates Inc., 859 Harrison St., Suite 200, San Francisco, CA 94107  
*Appellants:* Don Lucchesi

## Introduction

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (“Board”) regarding the Department of Public Works approval of the Tentative Map Application No. 12259 for a total of 3 Lot Vertical Subdivision, 5 Residential and 10 Commercial Unit Mixed-Use Condominium Project at 3333 Mission St. and 190 Coleridge St.

This memorandum addresses the appeal to the Board, filed on November 17, 2025, by Don Lucchesi.

The decision before the Board is whether to uphold, overturn, or amend the Department of Public Work’s approval of a Tentative Map Application to allow the proposed subdivision at the subject property.

## Project Description

The proposal is for a subdivision to create a total of 3 Lot Vertical Subdivision, 5 Residential and 10 Commercial Unit Mixed-Use Condominium under Tentative Map Application No. 12259.

## Site Description & Present Use

The subject property is a through lot fronting on both Mission St. and Coleridge St. that is developed with a three-story 49-unit senior housing complex, a one-story parking garage, and “Coleridge Park”. “Coleridge Park” is not owned by the City nor maintained by the Department of Recreation and Parks.

## Development History

In 1987, the Planning Commission approved a Conditional Use Authorization (CUA No. 1986.480C) under Motion No. 10941 for a Planned Unit Development to construct a three-story “U-shaped” senior housing complex with 49 dwelling units, a parking structure with 23 off-street parking spaces, and mini-park later named “Coleridge Park” located along Coleridge Street. The mini-park was estimated to be 6,000 square feet in size and was not required to be a minimum size.

In 1988, the subject property was approved by the Department of Public Works for a three Lot Vertical Subdivision creating the existing lots, Lots 099, 100, and 101. “Coleridge Park” is located within the boundaries of Lot 101.

On October 20, 2024, the Planning Department ministerially approved a development application (PRJ No. 2023-011158PRJ) under Senate Bill No. 35 (SB-35) for the demolition of portions of the existing parking structure and construction of a 100% affordable housing for seniors with 70 dwelling units.

On April 16, 2025, the Planning Department approved a revision to the previously ministerially approved development application (PRJ No. 2024-011564PRJ) under SB-35 to add five additional dwelling units to the proposal for a total of 75 dwelling units.

## Appellant Issues and Planning Department Responses

**ISSUE 1: The appellant claims that the subdivision will reduce the size of “Coleridge Park”.**

**RESPONSE 1: The subdivision will not reduce the size of “Coleridge Park” rather will match the already approved reconfiguration and decrease in size under previously ministerially approved SB-35 development applications.**

As mentioned above, the park was originally approved as part of Planned Unit Development in 1987 and was constructed in 1989 in its current configuration. In the last year, the Planning Department has approved development applications under SB-35 to reconfigure the park and decrease the size of the park to accommodate the proposed 100% affordable housing development. The reconfigured “Coleridge Park” will be approximately 4,089 square feet in size.

The approved Tentative Map Application No. 12259 will revise the lot boundaries of existing Lot 101 to match the already approved reconfiguration and decrease in size of “Coleridge Park” under SB-35 development applications Nos. 2023-011158PRJ and 2024-011564PRJ.

## **Summary Response**

In summary, the approved Tentative Map Application No. 12259 will revise the lot boundaries of existing Lot 101 to match the already ministerially approved reconfiguration and decrease in size of “Coleridge Park”. Denial of the Tentative Map Application No. 12259 will not alter the already approved reconfiguration and decrease in size of the park.

## **Conclusion**

For the reasons stated in this document, in the attached Resolution, and in the Planning Department case file, the Planning Department recommends that the Board uphold the Department of Public Works's decision in approving the Tentative Map application for the Project.

**Exhibit C**

**Notice of Final Approval dated October 30, 2024  
and Notice of Final Approval dated April 16, 2025**

(Attached)



## PLANNING APPROVAL LETTER

*Date:* 10/30/2024  
*Planning Record No.* **2023-011158PRJ**  
*Project Address:* **3333 MISSION ST**  
*Zoning:* MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT (NCD), RESIDENTIAL- HOUSE, TWO FAMILY (NCD,RH-2)  
40-X Height and Bulk District  
Bernal Heights Special Use District  
*Block/Lot:* 5615 / 099  
*Project Sponsor:* Andre J White  
Mitchelville Real Estate Group CA  
Bernal Heights Neighborhood Center  
515 Cortland Ave, San Francisco, CA 94110  
*Staff Contact:* Kalyani Agnihotri  
[Kalyani.Agnihotri@sfgov.org](mailto:Kalyani.Agnihotri@sfgov.org) | 628-652-7454

### Project Description

The proposed project includes demolition of the existing parking structure and new construction of a six-story, 58-foot tall residential building containing 70 dwelling units of 100% affordable senior housing, residential support and management areas on the ground floor, including offices and other support areas, resident amenity spaces including a community room, reading room, fitness room, family room, and co-working space, seven Class 1 and four Class 2 bike parking spaces. The Project will provide 100% of the dwelling units at 30% to 120% Area Median Income (AMI). The project also proposes a new podium, grade level courtyards for tenant use as well as a public park along Coleridge Street (under a separate permit).

The Project site contains an existing building at the front of the lot, with one story of commercial space and three stories of residential use consisting of 49 dwelling units that are also dedicated to senior housing. The existing building was entitled as a Planned Unit Development under the Planning Record No. 1986.480C.

### Project Approval

This project is approved pursuant to Government Code section 65913.4, commonly known as **SB 35**. SB 35 requires the ministerial approval of certain projects that restrict at least 50% of units as affordable to households earning less than 80% of Area Median Income (AMI). For details on SB 35, please see Director's Bulletin 5, or Government Code section 65913.4.

The Department has determined that the project is eligible for SB 35 and has concluded its design review of the project, including that it complies with the objective standards of the Planning Code. The Department therefore approves the project in accordance with the provisions of Government Code section 65913.4 (SB 35), as recorded in Planning Record No. 2023-011158PRJ. The project shall comply with the standard conditions of approval for an SB 35 project, attached as **Exhibit A**. The property owner shall record Exhibit A in a Notice of Special Restrictions prior to the issuance of a site or building permit for the project. The plans for the approved project are attached to this approval as **Exhibit B**. The approval also includes compliance with a tribal cultural resources agreement attached to this approval as **Exhibit C**. When the project is ready to begin implementing the requirements pursuant to this agreement, please email [CPC.TribalCulturalResources@sfgov.org](mailto:CPC.TribalCulturalResources@sfgov.org).

## Project Timeline

Action	Date
Applicant submitted a Notice of Intent	12/28/2023
Planning Department sent a 30 day notification to the California Native American tribes that are traditionally and culturally affiliated with the geographic area.	2/22/2024  On the dates the tribal groups requested consultation, the Department worked with the requestors to develop mitigation measures intended to reduce impacts on tribal cultural resources at the site. The owners, agreed to implement these measures, which are included as Exhibit C of this approval.
Scoping consultation requested by Ohlone Indian Tribe	2/22/2024
Scoping consultation requested by the Indian Canyon Mutsun Band of Costanoan	4/1/2024
Scoping consultations completed.	4/30/2024
Applicant submitted a Development Application for SB-35	4/30/2024
Department staff deemed Application Complete (CAN)	6/3/2024
Department staff determined that the proposed project was eligible for SB35	6/12/2024
Department staff issued Plan Check Letter No. 1 (PCL)	6/28/2024
Applicant responded to PCL No. 1	9/6/2024
Department staff issued Plan Check Letter No. 2 (PCL)	9/24/2024
Applicant responded to PCL No. 2	10/15/2024
Department staff deemed the project code-compliant	10/17/2024

## Compliance with the State Density Bonus Law

The Project Sponsor seeks to proceed pursuant to Planning Code Section 206.6, Individually Requested State Density Bonus Law, Government Code Section 65915 et seq (the “State Law”). Under subsection 65915(b)(1)(G) of the State Law, a housing development that provides 100 percent of the total units for lower income households, except that up to 20 percent of the total units in the development may be for moderate-income households and exclusive of a manager’s unit(s), is entitled to four concessions and incentives that result in identifiable and actual cost reductions to provide for affordable housing costs. Such project, when located within one-half mile of a major transit stop, shall be relieved of maximum density controls and shall also receive a height increase of up to three additional stories, or 33 feet, and unlimited waivers from development standards that might otherwise preclude the construction of the project are permitted under this subsection of the State Law.

The Project Sponsor is providing 70 units of housing affordable to low- and very low-income households, and the project is located within one-half mile of a major transit stop; therefore, the project is not subject to any maximum control on density, and is entitled to receive up to four concessions/incentives, three additional stories, or 33 feet of height, and unlimited waivers. The project sponsor is requesting a concession/incentive from the development standards for protected pedestrian, cycling and transit-oriented frontages (Planning Code Section 155(r)(4)). The project is requesting waivers from the development standards for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit exposure (Planning Code Section 140), and required active use (Planning Code Section 145.1).

The project is located in a 40-X Height and Bulk District and proposes a maximum building height of 60 feet, excepting those features specified as exemptions to the height limit under Planning Code Section 260(b).

Project Tenure	Rental
Location	RH-2, Mission Bernal NCD
Project Size	70 units
Total On-Site Affordable Units	70 (100% affordable)
Project Unit Mix	45 Studio, 25 1BR, 0 2BR
Total Residential Floor Area	65,000 sf
Base Residential Floor Area or Base Units	19,710 sf
% Density Bonus	N/A – Unlimited density, 3 additional stories or 33 feet of height

## Planning Code Findings

### Planning Code Section 206.6

The Department finds that the project is consistent with the findings set forth in 206.6 as further described below.

Before approving an application for a Density Bonus, Incentive, Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning Commission or Director shall make the following findings as applicable.

- A. The Housing Project is eligible for the Individually Requested Density Bonus Program.

*The Project qualifies for the State Density Bonus Program by providing all of the Project's residential units on-site as affordable to households at 80% of AMI, or below, except that up to 20% of the units, or 14 units, will be affordable to households earning 120% AMI.*

- B. The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.

*The project has requested concessions/incentives from the development standards for protected pedestrian, cycling and transit-oriented frontages (Planning Code Section 155(r)(4)).*

*Protected pedestrian, cycling and transit-oriented frontages. The requested incentive from the protected transit-oriented frontages allows the Project to relocate an existing, non-conforming 29 feet wide curb cut on Mission Street to an adjacent location on the same frontage, thus enabling the project to provide an off-street parking entrance at the southernmost edge of the site. Retaining the existing curb cut would result in the placement of the off-street parking entrance in a pedestrian entrance zone, and an overall redesign of the project which would be cost prohibitive. The retention of the curb cut within the current design of project would result in a non-linear off-street parking entry driveway which would substantially increase the overall construction timeline, and subsequently, construction costs. By relocating the curb cut and reducing it to a standard sized 10-feet wide curb cut, the project can accommodate a code-compliant off-street parking entrance within the proposed design of the building.*

- C. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the

Density Bonus or Concessions and Incentives permitted.

*The project has requested waivers from the development standards for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit exposure (Planning Code Section 140), and, required active use (Planning Code Section 145.1).*

**Rear Yard.** *The requested waiver from the rear yard requirements of Planning Code Section 134 result in increased residential density. In the Mission Bernal Neighborhood Commercial District, a 25% rear yard is required at the first floor containing a dwelling unit, and at each subsequent story; and in the Residential House, Two Family (RH-2) zoning district, a 30% rear yard is required at every story. Providing a code-compliant rear yard would substantially decrease the residential density of the project, resulting in the loss of approximately 25 of the 70 proposed units.*

**Usable Open Space** *The requested waiver from the usable open space requirements of Planning Code Section 135 result in increased residential density. In the Mission Bernal Neighborhood Commercial District, 100 square feet of common usable open space is required, and in the Residential House, Two Family (RH-2) zoning district, 166 square feet of common usable open space is required respectively per dwelling unit. Providing a code-compliant open space within the inner courtyard would substantially decrease the ground floor lot coverage, and reduce residential density of the project, resulting in the loss of approximately 30 of the 70 proposed units.*

**Dwelling Unit Exposure** *The requested waiver from the dwelling unit exposure requirements of Planning Code Section 140 result in increased residential density. Per Planning Code Section 140, all dwelling units are required to face either (1) A public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of the Planning Code or (2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located. Providing a code-compliant rear yard or open area for the purposes of exposure would substantially decrease the residential density of the project, resulting in the loss of approximately 30 of the 70 proposed units.*

**Required Active Use** *The requested waiver from the active use requirements of Planning Code Section 145.1(c)(3) is a partial waiver that allows the project to construct a street level pedestrian entry (measuring approximately 30 feet of the total 113 feet of frontage) to the inner courtyard on the Mission Street frontage. Without this waiver, the project would have to eliminate pedestrian access to the inner courtyard and Mission Street lobby entrance. The inclusion of an active space on the ground floor at the Mission Street frontage would also eliminate pedestrian access to the existing senior housing building as well.*

D. If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

*The requested Density Bonus is not based on donation of land.*

E. If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility,

a finding that all the requirements included in Government Code Section 65915(h) have been met.

*The requested Density Bonus and concessions/incentives are not based on inclusion of a Child Care Facility.*

- F. If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

*The requested concessions/incentives are for residential use only.*

## General Plan Compliance

As described below, the Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 and is, on balance, in conformity with the Objectives and Policies of the General Plan.

### HOUSING ELEMENT

#### POLICY 15

EXPAND PERMANENTLY AFFORDABLE HOUSING INVESTMENTS IN PRIORITY EQUITY GEOGRAPHIES TO BETTER SERVE AMERICAN INDIAN, BLACK, AND OTHER PEOPLE OF COLOR WITHIN INCOME RANGES UNDERSERVED, INCLUDING EXTREMELY-, VERY LOW-, AND MODERATE-INCOME HOUSEHOLDS.

#### Objective 4.A

Substantially expand the amount of permanently affordable housing for extremely low- to moderate-income households.

#### POLICY 26

STREAMLINE AND SIMPLIFY PERMIT PROCESSES TO PROVIDE MORE EQUITABLE ACCESS TO THE APPLICATION PROCESS, IMPROVE CERTAINTY OF OUTCOMES, AND ENSURE MEETING STATE- AND LOCAL-REQUIRED TIMELINES, ESPECIALLY FOR 100% AFFORDABLE HOUSING AND SHELTER PROJECTS.

#### POLICY 32

PROMOTE AND FACILITATE AGING IN PLACE FOR SENIORS AND MULTI-GENERATIONAL LIVING THAT SUPPORTS EXTENDED FAMILIES AND COMMUNAL HOUSEHOLDS.

#### Objective 4.C

Diversify housing types for all cultures, family structures, and abilities.

*The project will provide 70 new senior housing units on site at low and moderate income affordability levels, and retain the existing senior housing building containing 49 dwelling units. The project will also provide additional*

*usable open space on site, and improve the conditions of the existing public park facing Coleridge St. The project is consistent with the General Plan.*

**Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

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

*The project site possesses a vacant retail space which is being retained. The Project provides 70 new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patronize and/or own these businesses.*

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

*The project site possesses existing senior housing on site, within a building located at the front of the lot. The Project would not modify the existing building and would separately provide 70 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would modify and improve the existing public park on Coleridge Avenue, which adds to the public realm and neighborhood character. The Project is expressive in design and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*The Project currently preserves the 49 existing affordable senior housing units located within the front building on the subject lot. The Project will enhance the City's supply of affordable housing by providing 70 new affordable rental units for seniors. Therefore, the Project will increase the stock of affordable housing units in the City.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project Site is served by nearby public transportation options. The Project is located along two Muni bus lines (14-Mission, 49 Van Ness/Mission) and is within walking distance of the Muni train stop (J Line) at 30th and Dolores Streets. In addition, the Project is within one block of the 36-Teresita bus route. Future residents would be afforded proximity to a bus and train line. The Project also provides off-street parking at the principally permitted amounts and sufficient bicycle parking for residents and their guests.*

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

*The Project does not include commercial office development.*

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

*The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*Currently, the Project Site does not contain any City Landmarks or historic buildings.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project would not cast shadow on any parks or open spaces.*

**Attachments:**

- Exhibit A – Conditions of Approval
- Exhibit B – Approved Plans
- Exhibit C – Tribal Cultural Resources Agreement

# EXHIBIT A

## CONDITIONS OF APPROVAL FOR 100% AFFORDABLE SB 35 PROJECTS

### Authorization

This authorization to allow the demolition of the existing parking structure and new construction of a six-story, 58-foot tall residential building containing 70 dwelling units of 100% affordable senior housing, residential support and management areas on the ground floor, including offices and other support areas, resident amenity spaces including a community room, reading room, fitness room, family room, and co-working space, seven Class 1 and four Class 2 bike parking spaces, located at 3333 Mission Street/ 190 Coleridge Street, Block 5615, and Lots 099, 100 and 101 within the **Mission Bernal Neighborhood Commercial District (NCD) and Residential-House, Two Family (RH-2)** Zoning District and a **40-X** Height and Bulk District; in general conformance with plans, dated **October 07, 2024**, and stamped "EXHIBIT B" included in the docket for Record No. **2023-011158PRJ**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Department on **October 30, 2024** under Application No **2023-011158PRJ**.

### Severability

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### Changes and Modifications

Changes and modifications will be evaluated consistent with Government Code Section 65913.4(h).

## Performance

1. **Expiration.** Pursuant to California Government Code Section 65913.4(g) the authorization and right vested by virtue of this action does not expire, as the Project includes public investment in affordability, and more than 50 percent of units are restricted by a land use restriction or covenant as affordable to households earning below 80 percent of the area median income for no less than fifty-five years if rented and forty-five years if owned.

## Provisions

2. **Prevailing Wages.** If the Project is not in its entirety a public work, as defined in Government Code Section 65913.4 (a)(8)(A), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, and the standards set forth in Government Code Section 65913.4(8) shall be met during the construction of the project.
3. **Workforce Participating in an Apprenticeship.** The Project includes at least 50 units. Therefore, the development of the Project shall meet the of the labor standards set forth in Government Code Section 65913.4(a)(8)(E).
4. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
5. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org).*

6. **Regulatory Agreement.** The Project was approved ministerially in accordance with the provisions of California Government Code Section 65913.4, as the project includes public investment in affordability, and more than 50 percent of the residential units are restricted by a land use restriction or covenant as affordable to households earning below 80 percent of the area median income for no less than fifty-five years if rented and forty-five years if owned. In addition, the Project was approved in accordance with the provisions of California Government Code Section 65915 (“State Density Bonus Law”). The Project is eligible for decontrolled density, three stories above the zoned height limit, up to four incentives and concessions, and unlimited waivers from development standards. The Department has granted incentives/concessions from the development standards for protected pedestrian, cycling and transit-oriented frontages (Planning Code Section 155(r)(4). and waivers from the development standards for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit exposure (Planning Code Section 140), and required active use (Planning Code Section 145.1). Prior to the issuance of the first construction document for the Project,

the property owner must enter into a regulatory agreement with the City pursuant to the provisions of Planning Code Section 206.6(f).

7. **Inclusionary Affordable Housing Program.** As currently proposed in the Project Sponsor's application and affidavit, the Project is intended to be a 100% affordable housing project with rents that will be regulated by a government unit, agency, or authority, except those unsubsidized or unassisted units insured by the US Department of Housing and Urban Development pursuant to Section 415.3(f)(4). As of the date of this approval, the Project does not satisfy the requirements under Section 415.3(f)(4) and is not exempt from the Inclusionary Affordable Housing Program. To comply with Section 415.3(f)(4), the Project Sponsor shall (i) execute an affordable housing regulatory agreement with the City or other government agency in form and substance acceptable to the Planning Department, MOHCD, and the City Attorney's Office, and (ii) record such regulatory agreement on title to the real property of the Project in the official records of the City and County of San Francisco. Project Sponsor shall deliver a copy of such recorded regulatory agreement to the Planning Department prior to issuance of the Site Permit or Building Permit for the Project.

If the Project Sponsor no longer intends to develop a 100% affordable housing project, or does not execute and record an affordable housing regulatory agreement as described above, the Project Sponsor shall comply with the applicable inclusionary housing requirements set forth in Planning Code Section 415 et seq, or any successor provision, and the requirements of the then-applicable Inclusionary Affordable Housing Program Monitoring and Procedures Manual, as amended from time to time, published by MOHCD. To comply with Planning Code Section 415 et seq, the Project Sponsor shall: (i) obtain from the Planning Department a supplemental letter setting forth the applicable inclusionary housing requirements for the Project, and (ii) execute and record a new notice of special restrictions or any amendment to this NSR, as well as any related regulatory agreement, in form and substance approved in writing by the Planning Department and MOHCD prior to issuance of the Site Permit or Building Permit for the Project.

If, at any point during the life of the Project, the Project no longer qualifies as a 100% affordable housing project under Section 415.3(f)(4), the Project Sponsor shall comply with the applicable inclusionary housing requirements set forth in Planning Code Section 415 et seq, or any successor provision, and the requirements of the then-applicable Inclusionary Affordable Housing Program Monitoring and Procedures Manual, as amended from time to time, published by MOHCD. To comply with Planning Code Section 415 et seq, the Project Sponsor shall execute and record a new notice of special restrictions or any amendment to this NSR, as well as any related regulatory agreement, in form and substance approved in writing by the Planning Department and MOHCD.

8. **Mitigation Measures.** Mitigation measures described in the attached as Exhibit C are necessary to avoid potential significant effects of the proposed project on Tribal Cultural Resources and have been agreed to by the project sponsor. Their implementation is a condition of project approval.



## PLANNING APPROVAL LETTER

*Date:* 04/16/2025  
*Planning Record No.* **2024-011564PRJ**  
*Project Address:* **3333 MISSION ST**  
*Zoning:* MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT (NCD), RESIDENTIAL- HOUSE, TWO FAMILY (NCD,RH-2)  
40-X Height and Bulk District  
Bernal Heights Special Use District  
*Block/Lot:* 5615 / 099  
*Project Sponsor:* Andre J White  
77 Geary Street Mitchelville Real Estate Group CA  
Bernal Heights Neighborhood Center  
515 Cortland Ave, San Francisco, CA 94110  
*Staff Contact:* Kalyani Agnihotri  
Kalyani.Agnihotri@sfgov.org | 628-652-7454

### Project Description

The proposed project includes demolition of the existing parking structure and new construction of a six-story, 58-foot tall residential building containing 70 dwelling units of 100% affordable senior housing, residential support and management areas on the ground floor, including offices and other support areas, resident amenity spaces including a community room, reading room, fitness room, family room, and co-working space, seven Class 1 and four Class 2 bike parking spaces. The Project will provide 100% of the dwelling units at 30% to 120% Area Median Income (AMI). The project also proposes a new podium, grade level courtyards for tenant use as well as a public park along Coleridge Street (under a separate permit).

This is a modification request to an already approved SB 35 project (Planning Case No. 2023-011158PRJ, approved on October 30, 2024). The proposed changes maintain the approved number of 100% affordable senior housing units (seventy units) while introducing design modifications and enhanced utilization of the proposed space. The key proposed modifications include a reduction of 2 floors from the approved floors for the new building on the Mission Street frontage, an increase of 1 floor from the approved floors for the new building on the Coleridge Street frontage, and integration of five residential units and amenities located into the existing commercial space on the ground floor. The existing storefront glazing at the ground-floor commercial space fronting on Mission Street will be reduced to accommodate the five additional residential units that will be converted in the existing commercial space, while still meeting transparency and fenestration requirements.

The Project site contains an existing building at the front of the lot, with one story of commercial space and three stories of residential use consisting of 49 dwelling units that are also dedicated to senior housing. The existing building was entitled as a Planned Unit Development under the Planning Record No. 1986.480C. The 49 senior housing dwelling units will be retained and a portion of the commercial space will be converted into five ground floor dwelling units.

## Project Approval

This project is approved pursuant to Government Code section 65913.4, commonly known as **SB 35**. SB 35 requires the ministerial approval of certain projects that restrict at least 50% of units as affordable to households earning less than 80% of Area Median Income (AMI). For details on SB 35, please see Director's Bulletin 5, or Government Code section 65913.4.

The Department has determined that the project is eligible for SB 35 and has concluded its design review of the project, including that it complies with the objective standards of the Planning Code. The Department therefore approves the project in accordance with the provisions of Government Code section 65913.4 (SB 35), as recorded in Planning Record No. 2024-011564PRJ. The project shall comply with the standard conditions of approval for an SB 35 project, attached as **Exhibit A**. The property owner shall record Exhibit A in a Notice of Special Restrictions prior to the issuance of a site or building permit for the project. The plans for the approved project are attached to this approval as **Exhibit B**. The approval also includes compliance with a tribal cultural resources agreement attached to this approval as **Exhibit C**. When the project is ready to begin implementing the requirements pursuant to this agreement, please email [CPC.TribalCulturalResources@sfgov.org](mailto:CPC.TribalCulturalResources@sfgov.org).

## Project Timeline

Department issued a Planning Approval Letter for 2023-011158PRJ	10/30/2024
Applicant submitted an application to modify the approved project	12/12/2024
Department staff deemed Application Complete (CAN)	01/02/2025
Department staff issued Plan Check Letter No. 1 (PCL) for the modified project	01/30/2025
Applicant responded to PCL No. 1	02/21/2025
Department staff issued Plan Check Letter No. 2 (PCL) for the modified project	03/07/2025
Applicant responded to PCL No. 2	03/25/2025
Department staff deemed the project code-compliant	03/27/2025

## Compliance with the State Density Bonus Law

The Project Sponsor seeks to proceed pursuant to Planning Code Section 206.6, Individually Requested State Density Bonus Law, Government Code Section 65915 et seq (the "State Law"). Under subsection 65915(b)(1)(G) of the State Law, a housing development that provides 100 percent of the total units for lower income households, except that up to 20 percent of the total units in the development may be for moderate-income

households and exclusive of a manager's unit(s), is entitled to four concessions and incentives that result in identifiable and actual cost reductions to provide for affordable housing costs. Such project, when located within one-half mile of a major transit stop, shall be relieved of maximum density controls and shall also receive a height increase of up to three additional stories, or 33 feet, and unlimited waivers from development standards that might otherwise preclude the construction of the project are permitted under this subsection of the State Law.

The Project Sponsor is providing 70 units of housing affordable to low- and very low-income households, and the project is located within one-half mile of a major transit stop; therefore, the project is not subject to any maximum control on density, and is entitled to receive up to four concessions/incentives, three additional stories, or 33 feet of height, and unlimited waivers. The project sponsor is requesting a concession/incentive from the development standards for protected pedestrian, cycling and transit-oriented frontages (Planning Code Section 155(r)(4)). The project is requesting waivers from the development standards for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit exposure (Planning Code Section 140), and required active use (Planning Code Section 145.1).

The project is located in a 40-X Height and Bulk District and proposes a maximum building height of 60 feet, excepting those features specified as exemptions to the height limit under Planning Code Section 260(b).

Project Tenure	Rental
Location	RH-2, Mission Bernal NCD
Project Size	70 units
Total On-Site Affordable Units	70 (100% affordable)
Project Unit Mix	42 Studio, 28 1BR, 0 2BR
Total Residential Floor Area	68,100 sf
Base Residential Floor Area or Base Units	120 base units total
% Density Bonus	N/A – Unlimited density, 3 additional stories or 33 feet of height

## Planning Code Findings

### Planning Code Section 206.6

The Department finds that the project is consistent with the findings set forth in 206.6 as further described below.

Before approving an application for a Density Bonus, Incentive, Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning Commission or Director shall make the following findings as applicable.

A. The Housing Project is eligible for the Individually Requested Density Bonus Program.

*The Project qualifies for the State Density Bonus Program by providing all of the Project's residential units on-site as affordable to households at 80% of AMI, or below, except that up to 20% of the units, or 14 units, will be affordable to households earning 120% AMI.*

B. The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.

*The project has requested concessions/incentives from the development standards for protected pedestrian, cycling and transit-oriented frontages (Planning Code Section 155(r)(4)).*

***Protected pedestrian, cycling and transit-oriented frontages.*** *The requested incentive from the protected transit-oriented frontages allows the Project to relocate an existing, non-conforming 29 feet wide curb cut on Mission Street to an adjacent location on the same frontage, thus enabling the project to provide an off-street parking entrance at the southernmost edge of the site. Retaining the existing curb cut would result in the placement of the off-street parking entrance in a pedestrian entrance zone, and an overall redesign of the project which would be cost prohibitive. The retention of the curb cut within the current design of project would result in a non-linear off-street parking entry driveway which would substantially increase the overall construction timeline, and subsequently, construction costs. By relocating the curb cut and reducing it to a standard sized 10-feet wide curb cut, the project can accommodate a code-compliant off-street parking entrance within the proposed design of the building.*

C. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the

Density Bonus or Concessions and Incentives permitted.

*The project has requested waivers from the development standards for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit exposure (Planning Code Section 140), and, required active use (Planning Code Section 145.1).*

**Rear Yard.** *The requested waiver from the rear yard requirements of Planning Code Section 134 result in increased residential density. In the Mission Bernal Neighborhood Commercial District, a 25% rear yard is required at the first floor containing a dwelling unit, and at each subsequent story; and in the Residential House, Two Family (RH-2) zoning district, a 30% rear yard is required at every story. Providing a code-compliant rear yard would substantially decrease the residential density of the project, resulting in the loss of approximately 25 of the 70 proposed units.*

**Usable Open Space** *The requested waiver from the usable open space requirements of Planning Code Section 135 result in increased residential density. In the Mission Bernal Neighborhood Commercial District, 100 square feet of common usable open space is required, and in the Residential House, Two Family (RH-2) zoning district, 166 square feet of common usable open space is required respectively per dwelling unit. Providing a code-compliant open space within the inner courtyard would substantially decrease the ground floor lot coverage, and reduce residential density of the project, resulting in the loss of approximately 30 of the 70 proposed units.*

**Dwelling Unit Exposure** *The requested waiver from the dwelling unit exposure requirements of Planning Code Section 140 result in increased residential density. Per Planning Code Section 140, all dwelling units are required to face either (1) A public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of the Planning Code or (2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located. Providing a code-compliant rear yard or open area for the purposes of exposure would substantially decrease the residential density of the project, resulting in the loss of approximately 30 of the 70 proposed units.*

**Required Active Use** *The requested waiver from the active use requirements of Planning Code Section 145.1(c)(3) is a partial waiver that allows the project to: (a) construct a street level pedestrian entry (measuring approximately 30 feet of the total 113 feet of frontage) to the inner courtyard on the Mission Street frontage, (b) allow ground floor units to be located along a portion of the Mission Street frontage, and (c) allow certain maintenance and mechanical appurtenance spaces that are essential for the functioning of the building to have direct street access. Without this waiver, the project would lose five ground floor units and have to eliminate pedestrian access to the inner courtyard and Mission Street lobby entrance. The inclusion of an active space on the ground floor at the Mission Street frontage would also eliminate pedestrian access to the existing senior housing building as well.*

D. If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

*The requested Density Bonus is not based on donation of land.*

E. If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.

*The requested Density Bonus and concessions/incentives are not based on inclusion of a Child Care Facility.*

F. If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

*The requested concessions/incentives are for residential use only.*

## General Plan Compliance

As described below, the Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 and is, on balance, in conformity with the Objectives and Policies of the General Plan.

### HOUSING ELEMENT

#### POLICY 15

EXPAND PERMANENTLY AFFORDABLE HOUSING INVESTMENTS IN PRIORITY EQUITY GEOGRAPHIES TO BETTER SERVE AMERICAN INDIAN, BLACK, AND OTHER PEOPLE OF COLOR WITHIN INCOME RANGES UNDERSERVED, INCLUDING EXTREMELY-, VERY LOW-, AND MODERATE-INCOME HOUSEHOLDS.

#### Objective 4.A

Substantially expand the amount of permanently affordable housing for extremely low- to moderate-income households.

#### POLICY 26

STREAMLINE AND SIMPLIFY PERMIT PROCESSES TO PROVIDE MORE EQUITABLE ACCESS TO THE APPLICATION PROCESS, IMPROVE CERTAINTY OF OUTCOMES, AND ENSURE MEETING STATE- AND LOCAL-REQUIRED TIMELINES, ESPECIALLY FOR 100% AFFORDABLE HOUSING AND SHELTER PROJECTS.

#### POLICY 32

PROMOTE AND FACILITATE AGING IN PLACE FOR SENIORS AND MULTI-GENERATIONAL LIVING THAT SUPPORTS EXTENDED FAMILIES AND COMMUNAL HOUSEHOLDS.

#### Objective 4.C

Diversify housing types for all cultures, family structures, and abilities.

*The project will provide 70 new senior housing units on site at low and moderate income affordability levels, and retain the existing senior housing building containing 49 dwelling units. The project will also provide additional*

*usable open space on site, and improve the conditions of the existing public park facing Coleridge St. The project is consistent with the General Plan.*

**Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

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

*The project site possesses a vacant retail space on the ground floor which is being retained, but reduced in size. The Project provides 70 new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patronize and/or own these businesses.*

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

*The project site possesses existing senior housing on site, within a building located at the front of the lot. The Project would not modify the existing building and would separately provide 70 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would modify and improve the existing public park on Coleridge Avenue, which adds to the public realm and neighborhood character. The Project is expressive in design and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*The Project currently preserves the 49 existing affordable senior housing units located within the front building on the subject lot. The Project will enhance the City's supply of affordable housing by providing 70 new affordable rental units for seniors. Therefore, the Project will increase the stock of affordable housing units in the City.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project Site is served by nearby public transportation options. The Project is located along two Muni bus lines (14-Mission, 49 Van Ness/Mission) and is within walking distance of the Muni train stop (J Line) at 30th and Dolores Streets. In addition, the Project is within one block of the 36-Teresita bus route. Future residents would be afforded proximity to a bus and train line. The Project also provides off-street parking at the principally permitted amounts and sufficient bicycle parking for residents and their guests.*

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

*The Project does not include commercial office development.*

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

*The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*Currently, the Project Site does not contain any City Landmarks or historic buildings.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project would not cast shadow on any parks or open spaces.*

**Attachments:**

- Exhibit A – Conditions of Approval
- Exhibit B – Approved Plans
- Exhibit C – Tribal Cultural Resources Agreement

# EXHIBIT A

## CONDITIONS OF APPROVAL FOR 100% AFFORDABLE SB 35 PROJECTS

### Authorization

This authorization to allow the demolition of the existing parking structure and new construction of a six-story, 58-foot tall residential building containing 70 dwelling units of 100% affordable senior housing, residential support and management areas on the ground floor, including offices and other support areas, resident amenity spaces including a community room, reading room, fitness room, family room, and co-working space, seven Class 1 and four Class 2 bike parking spaces, located at 3333 Mission Street/190 Coleridge Street, Block 5615, and Lots 099, 100 and 101 within the **Mission Bernal Neighborhood Commercial District (NCD) and Residential-House, Two Family (RH-2)** Zoning District and a **40-X** Height and Bulk District; in general conformance with plans, dated **March 20, 2025**, and stamped “EXHIBIT B” included in the docket for Record No. **2024-011564PRJ**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Department on **April 16, 2025** under Application No **2024-011564PRJ**.

### Severability

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. “Project Sponsor” shall include any subsequent responsible party.

### Changes and Modifications

Changes and modifications will be evaluated consistent with Government Code Section 65913.4(h).

## Performance

1. **Expiration.** Pursuant to California Government Code Section 65913.4(g) the authorization and right vested by virtue of this action does not expire, as the Project includes public investment in affordability, and more than 50 percent of units are restricted by a land use restriction or covenant as affordable to households earning below 80 percent of the area median income for no less than fifty-five years if rented and forty-five years if owned.

## Provisions

2. **Prevailing Wages.** If the Project is not in its entirety a public work, as defined in Government Code Section 65913.4 (a)(8)(A), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, and the standards set forth in Government Code Section 65913.4(8) shall be met during the construction of the project.
3. **Workforce Participating in an Apprenticeship.** The Project includes at least 50 units. Therefore, the development of the Project shall meet the of the labor standards set forth in Government Code Section 65913.4(a)(8)(E).
4. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
5. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org).*

6. **Regulatory Agreement.** The Project was approved ministerially in accordance with the provisions of California Government Code Section 65913.4, as the project includes public investment in affordability, and more than 50 percent of the residential units are restricted by a land use restriction or covenant as affordable to households earning below 80 percent of the area median income for no less than fifty-five years if rented and forty-five years if owned. In addition, the Project was approved in accordance with the provisions of California Government Code Section 65915 (“State Density Bonus Law”). The Project is eligible for decontrolled density, three stories above the zoned height limit, up to four incentives and concessions, and unlimited waivers from development standards. The Department has granted incentives/concessions from the development standards for protected pedestrian, cycling and transit-oriented frontages (Planning Code Section 155(r)(4), and waivers from the development standards for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit exposure (Planning Code Section 140), and required active use (Planning Code Section 145.1). Prior to the issuance of the first construction document for the Project,

the property owner must enter into a regulatory agreement with the City pursuant to the provisions of Planning Code Section 206.6(f).

7. **Inclusionary Affordable Housing Program.** As currently proposed in the Project Sponsor's application and affidavit, the Project is intended to be a 100% affordable housing project with rents that will be regulated by a government unit, agency, or authority, except those unsubsidized or unassisted units insured by the US Department of Housing and Urban Development pursuant to Section 415.3(f)(4). As of the date of this approval, the Project does not satisfy the requirements under Section 415.3(f)(4) and is not exempt from the Inclusionary Affordable Housing Program. To comply with Section 415.3(f)(4), the Project Sponsor shall (i) execute an affordable housing regulatory agreement with the City or other government agency in form and substance acceptable to the Planning Department, MOHCD, and the City Attorney's Office, and (ii) record such regulatory agreement on title to the real property of the Project in the official records of the City and County of San Francisco. Project Sponsor shall deliver a copy of such recorded regulatory agreement to the Planning Department prior to issuance of the Site Permit or Building Permit for the Project.

If the Project Sponsor no longer intends to develop a 100% affordable housing project, or does not execute and record an affordable housing regulatory agreement as described above, the Project Sponsor shall comply with the applicable inclusionary housing requirements set forth in Planning Code Section 415 et seq, or any successor provision, and the requirements of the then-applicable Inclusionary Affordable Housing Program Monitoring and Procedures Manual, as amended from time to time, published by MOHCD. To comply with Planning Code Section 415 et seq, the Project Sponsor shall: (i) obtain from the Planning Department a supplemental letter setting forth the applicable inclusionary housing requirements for the Project, and (ii) execute and record a new notice of special restrictions or any amendment to this NSR, as well as any related regulatory agreement, in form and substance approved in writing by the Planning Department and MOHCD prior to issuance of the Site Permit or Building Permit for the Project.

If, at any point during the life of the Project, the Project no longer qualifies as a 100% affordable housing project under Section 415.3(f)(4), the Project Sponsor shall comply with the applicable inclusionary housing requirements set forth in Planning Code Section 415 et seq, or any successor provision, and the requirements of the then-applicable Inclusionary Affordable Housing Program Monitoring and Procedures Manual, as amended from time to time, published by MOHCD. To comply with Planning Code Section 415 et seq, the Project Sponsor shall execute and record a new notice of special restrictions or any amendment to this NSR, as well as any related regulatory agreement, in form and substance approved in writing by the Planning Department and MOHCD.

8. **Mitigation Measures.** Mitigation measures described in the attached as Exhibit C are necessary to avoid potential significant effects of the proposed project on Tribal Cultural Resources and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

**Exhibit D**

**HCD Letter**

(Attached)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500

Sacramento, CA 95833

(916) 263-2911 / FAX (916) 263-7453

[www.hcd.ca.gov](http://www.hcd.ca.gov)

August 10, 2023

San Francisco Board of Appeals  
City and County of San Francisco  
Via: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org)  
49 S Van Ness Ave.  
San Francisco, CA 94103

Dear San Francisco Board of Appeals:

**RE: 2550 Irving Street – Letter of Support and Technical Assistance**

The purpose of this letter is to provide technical assistance to the City and County of San Francisco (City/County) regarding the housing project proposed at 2550 Irving Street (Project) by the Tenderloin Neighborhood Development Corporation (TNDC). This assistance is based partly upon Appeal No. 23-034 that is scheduled to be heard at the August 16, 2023, Board of Appeals meeting. Appeal No. 23-034 is an appeal of the site permit issued on June 26, 2023.

The California Department of Housing and Community Development (HCD) is submitting this letter to aid with the interpretation of the Streamlined Ministerial Approval Process created by Senate Bill (SB) 35 (Chapter 366, Statutes of 2017) and codified in Government Code section 65913.4 in relation to the appeal of the site permit. On February 22, 2023, HCD provided a Letter of Support and Technical Assistance regarding the appeal of the Project's demolition permit. Much of that letter's discussion is applicable to this appeal as well. It is HCD's understanding that the site and Project description have not changed and that no additional studies have been conducted since the February appeal hearing that would impact the Project's eligibility for streamlining.

**Project Approval under the Streamlined Ministerial Approval Process**

The 90-unit affordable housing Project was processed and approved under Government Code section 65913.4 (SB 35 streamlining). Section 65913.4, subdivision (a), states that a development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (c) and is not subject to a conditional use permit (CUP) or any other non-legislative discretionary approval if the development satisfies all of the objective planning standards outlined in subdivision (a). As noted in HCD's previous technical assistance letter, San Francisco's approval of the SB 35 application establishes that the Project does comply with all the objective standards set forth in subdivision (a).

Of particular relevance is Government Code section 65913.4, subdivision (a)(6)(E), which states that a project located on a hazardous waste site that is listed pursuant to Government Code section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control (DTSC) pursuant to Health and Safety Code section 25356 does not qualify for streamlined ministerial review under SB 35 unless DTSC has cleared the site for residential use or residential mixed-uses. It is HCD's understanding that the Project is not located on any listed or designated hazardous waste site, so this exception to streamlined, ministerial approval does not apply. Moreover, DTSC approved a Site Assessment Plan and Report of Findings on June 8, 2021, confirming that the Project site had been adequately analyzed under DTSC standards. The Project site was not identified as a hazardous waste site pursuant to Government Code section 65962.5 or Health and Safety Code section 25356 and was not listed on the Hazardous Waste and Substances Sites List. Thus, the Project meets the requirements for streamlined review under Government Code section 65913.4, subdivision (a)(6)(E).

Section 65913.4 goes on to state, in subdivision (c)(1), "If a local government determines that a development submitted pursuant to this section is consistent with the objective planning standards specified in subdivision (a) . . . it shall approve the development." Accordingly, the City/County acted correctly when it approved the Project under SB 35 and when it granted the site permit in question, and the Board of Appeals acted correctly when denying the appeal of the demolition permit in February. As with the appeal of the demolition permit, upholding the appeal of the site permit would be counter to the requirements of SB 35 streamlining.

Furthermore, Government Code section 65913.4, subdivision (h)(2)(A), requires that "[i]ssuance of subsequent permits shall implement the approved development, and review of the permit application shall not inhibit, chill, or preclude the development. For purposes of this paragraph, a subsequent permit means a permit required subsequent to receiving approval under subdivision (c), and includes, but is not limited to, demolition, grading, encroachment, and building permits and final maps, if necessary." A site permit meets this definition of subsequent permits, and therefore an appeal of the site permit would be considered an attempt to chill or preclude development.

### **Limitations on Public Oversight of SB 35 Projects**

Additionally, Government Code section 65913.4, subdivision (d)(1), clearly limits the scope of review and public oversight on SB 35 projects. Under this subdivision, design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects and, similar to subdivision (h)(2)(A), shall not in any way inhibit, chill, or preclude ministerial approval.

Since there are no conflicts with subdivision (a), including subdivision (a)(6)(E) as discussed above, no further public oversight is permissible. Undoubtedly, further review of a hazardous waste issue already reviewed by DTSC and covered by the City in its review of the SB 35 application is not appropriate. Analysis of criteria required for streamlined

projects has already been completed through the SB 35 application process. An appeal of the demolition permit, site permit, or any other future permit covered under the project's SB 35 application is incompatible with streamlined, ministerial approval and is not permitted under subdivision (d).

### **Conclusion**

The State of California is in a housing crisis, and the provision of housing is a priority of the highest order. HCD encourages the Board of Appeals to deny the appeal and uphold the approval of the Project's site permit. Granting this or any future appeal would be in violation of the Streamlined Ministerial Approval Process created by SB 35 and codified in Government Code section 65913.4.

HCD would also like to remind the City/County that HCD has enforcement authority over the implementation of Government Code section 65913.4, among other state housing laws. Accordingly, HCD may review local government actions and inactions to determine consistency with these laws. If HCD finds that a local government's actions do not comply with state law, HCD may notify the California Office of the Attorney General that the local government is in violation of state law (Gov. Code, § 65585, subd. (j)).

If you have any questions regarding the content of this letter or would like additional technical assistance, please contact Bentley Regehr at [bentley.regehr@hcd.ca.gov](mailto:bentley.regehr@hcd.ca.gov).

Sincerely,



Shannan West  
Housing Accountability Unit Chief

**Exhibit E**

**City's Implementation Memorandum**

(Attached)

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU  
City Attorney

OFFICE OF THE CITY ATTORNEY

AUSTIN M. YANG  
Deputy City Attorney

Direct Dial: (415) 554-6761  
Email: austin.yang@sfcityatty.org

**MEMORANDUM**

**TO:** Mayor London Breed; Board of Supervisors; Board of Appeals; Planning Commission; Historic Preservation Commission; Building Inspection Commission; Public Works Commission; Public Utilities Commission; Public Health Commission

**FROM:** Austin Yang *AY*  
Deputy City Attorney

**DATE:** November 8, 2023

**RE:** Assembly Bill 1114 (Haney) – Recent Amendments to Government Code Section 65913.3; Permit Streamlining Requirements for Housing Development Projects

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On October 25, 2023, the California Department of Housing and Community Development (“HCD”) issued its Policies and Practices Review for San Francisco. In the report, HCD finds that the City’s “local rules around discretionary permitting and post-entitlement appeals prevent full implementation of the goals and aims of state housing laws.” This past year, the City has faced increasing scrutiny over its permitting review and appeals of housing projects. As one means of addressing this issue, the State recently enacted Assembly Bill 1114 (Haney) (“AB 1114”). As of January 1, 2024, that bill makes Government Code Section 65913.3, which generally imposes tight time frames for cities to review and process permits, apply to the City. As initially enacted in 2022, California Government Code Section 65913.3 only applied to nondiscretionary permits. Because all permits in San Francisco are discretionary – and subject to appeal under California Supreme Court precedent and the City’s Charter – the City was generally not subject to Government Code Section 65913.3.

But AB 1114 makes all postentitlement phase permits, including building permits, for designated housing development projects (i.e., projects with all residential units, transitional or supportive housing, or where at least two-thirds of the square footage is for residential use), whether discretionary or nondiscretionary, subject to the streamlining requirements and not subject to appeal. AB 1114 will impact how the City reviews and processes building permits, as well as appeals to the Board of Appeals. In addition, other state laws, such as the recently enacted Senate Bill 423 (Wiener) (“SB 423”), require streamlined approval of certain permits for eligible housing projects, including subsequent permits required for those projects. (We are also issuing an accompanying memorandum on SB 423 today).

Because the City was not subject to, and therefore did not implement Section 65913.3 when the Legislature initially enacted it in AB 2234, we briefly describe the obligations of Section 65913.3, including the recent changes made in AB 1114; the consequences of City non-compliance; exceptions to the timing requirements where the City makes certain findings of significant, quantifiable, direct, and unavoidable impacts, based on objective, identified, and

## MEMORANDUM

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RE: Assembly Bill 1114 (Haney) – Recent Amendments to Government Code  
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written public health or safety standards, policies, or conditions; and the potential for tolling of certain required time limits for City review.

In sum, the City must implement these four main changes for qualified housing development projects beginning January 1, 2024: (1) update its website resources; (2) determine whether applications are complete within 15 business days after receiving them; (3) complete permit review within 30-60 business days after determining an application is complete, depending on the size of the project; and (4) allow a permit applicant to appeal any City finding that the application is not complete or does not comply with the applicable permit standards, and not hold any appeal for postentitlement phase permits for any project that does comply, all as further described below. A postentitlement phase permit includes “nondiscretionary permits and reviews ... after the entitlement process ... to begin construction of a development project” and “all building permits and other permits issued under the California Building Standards Code..., or any applicable local building code for the construction, demolition, or alteration of buildings, whether discretionary or nondiscretionary.”

**Website resources:**

- Post one or more lists specifying in detail the information that will be required from any applicant for a postentitlement phase permit. Although the City may revise the list(s), any revised list shall not apply to any permit pending review. (Gov’t Code § 65913.3(a).)
- Post complete approved applications and complete postentitlement phase permits for the following types of housing projects: accessory dwelling unit, duplex, multifamily, mixed use, and townhome. (*Id.*) The City may post examples of additional types of housing projects.
- Provide an option for postentitlement phase permits to be applied for, completed, and retrieved by the applicant online. The website must list the current processing status of the permit and note whether it is being reviewed by the City or if action is required from the applicant. If the permits cannot be applied for via the website, the City must accept applications by electronic mail, until the website option is available.

**Completeness:**

- The City has 15 business days from receipt of the application to determine whether a postentitlement phase permit application is complete. (Gov’t Code § 65913.3(b)(1).) The incompleteness determination is limited to the items included in the initial list of application requirements. Resubmittal in response to a notice of incomplete application triggers a new 15 business days review by the City. (*Id.*) Failure of the City to respond to the originally submitted or resubmitted material within 15 business days results in the application being deemed complete. (*Id.*)

**Project review:**

- **For housing projects with 25 units or fewer**, the City must complete review and either return in writing a full set of comments with a comprehensive request for revisions, or return the approved permit application within 30 business days after the local agency determines that an application is complete. (Gov’t Code § 65913.3(c)(1).)

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RE: Assembly Bill 1114 (Haney) – Recent Amendments to Government Code Section 65913.3; Permit Streamlining Requirements for Housing Development Projects

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- For housing projects with 26 units or more, the City must complete review and either return in writing a full set of comments with a comprehensive request for revisions, or return the approved permit application within 60 business days after the local agency determines that an application is complete. (Gov't Code § 65913.3(c)(2).)
- If the City determines that the application is non-compliant within the applicable time frame, the City must provide the applicant with a list of items that are non-compliant and a description of how the applicant can remedy those items of non-compliance. (Gov't Code § 65913.3(d)(1).)
- If the City denies the permit based on a determination that the application is non-compliant, the applicant may attempt to remedy the application, and the resubmittal is subject to the same timelines. (Gov't Code § 65913.3(d)(1).)
- The City is not limited in the amount of feedback that it provides or revisions that it may request of an applicant. (Gov't Code § 65913.3(g).)
- The City and applicant may mutually agree to an extension of any time limit in Section 65913.3. But the City cannot require such an agreement as a condition of accepting or processing the application, unless the City obtains the agreement to allow concurrent processing of related approvals or for environmental review. (Gov't Code § 65913.3(i).)

**Appeals:**

- If the City determines that the permit is incomplete or does not comply with the permit standards, then the City must provide an appeal to the governing body of the agency, or if there is no governing body, the director of the agency. Here, for building permits, the City can provide for that appeal to the Building Inspection Commission, or through a Board of Supervisors ordinance, to the Planning Commission, or both. (Gov't Code § 65913.3(e)(1).)
- Any final determination on an applicant's appeal must be issued within 60 business days of filing the appeal for housing projects with 25 units or fewer, and 90 business days for housing projects with 26 or more units. (Gov't Code § 65913.3(e)(2).)
- Once the City determines that the permit is compliant, the City must not hold any appeals or additional hearings. (Gov't Code § 65913.3(c)(3).)

**Consequences of City Non-Compliance:**

- Any failure by the City to adhere to the time frames in Section 65913.3 constitutes a violation of the Housing Accountability Act. (Gov't Code § 65913.3(f).) Potential consequences include: administrative enforcement by the State Department of Housing and Community Development, and/or lawsuits seeking injunctive relief, including attorneys' fees. Failure to comply with the court order could result in fines starting at \$10,000 per housing unit, and potentially up to \$50,000 per housing unit. (Gov't Code § 65589.5(k).)

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**Exceptions:**

- **Potential specific, adverse impact on public health or safety.** The time limits do not apply if, within the time limits specified above, the City makes written findings based on substantial evidence in the record that the proposed permit might have a specific, adverse impact on public health or safety and that additional time is necessary to process the application. (Gov't Code § 65913.3(c)(4).) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- **Tolling.** Also, the City’s time to review the permits are tolled if the permit requires review by an outside governmental entity.

**Exhibit F**

**Proposed Park Redesign Renderings**

(Attached)

# COMMUNITY MEETING 1 - SUMMARY OF FEEDBACK

## COMMENTS ON SPACES AND OPTIONS:

- Most people preferred the diagrams where the spaces were more connected.
- Caretakers like being near children.
- There is a desire for spaces that can host birthday parties and group gatherings.
- Request for screening for the residents at Virginia Street.
- Relocate entrance of community room further away from children's play area. The mix of older adults coming into the space and children playing may be hazardous (1 comment)
- There should be separation of space between children's play area used by older adults (1 comment)
- Exercise space is highly desired.
- Some interest in game tables.
- Lots of interest in multi-generational exercise.
- Lots of interest in the community porch and trees in the park.

## COMMENTS ON FURNISHINGS, MATERIALS AND FINISHES

- Natural play structures aesthetic was preferred over the traditional metal and plastic structures.
- Folks liked customized fence with some visual interest over chainlink/printed fences.
- Like the variety of seating options (fixed benches, movable benches, etc.).
- Preference for seating surfaces with wood.
- A desire for lots of trees and planting. (many comments)
- Preference for wood decking and ‘warm’ materials.

## COMMENTS ON ARCHITECTURE

- What is purpose of Coleridge lobby? Seems like it can be eliminated, cut back or area re-purposed for another use.
- Remove 2 stories from Virginia Street edge and add a park atop the Virginia Street building that is open to public.

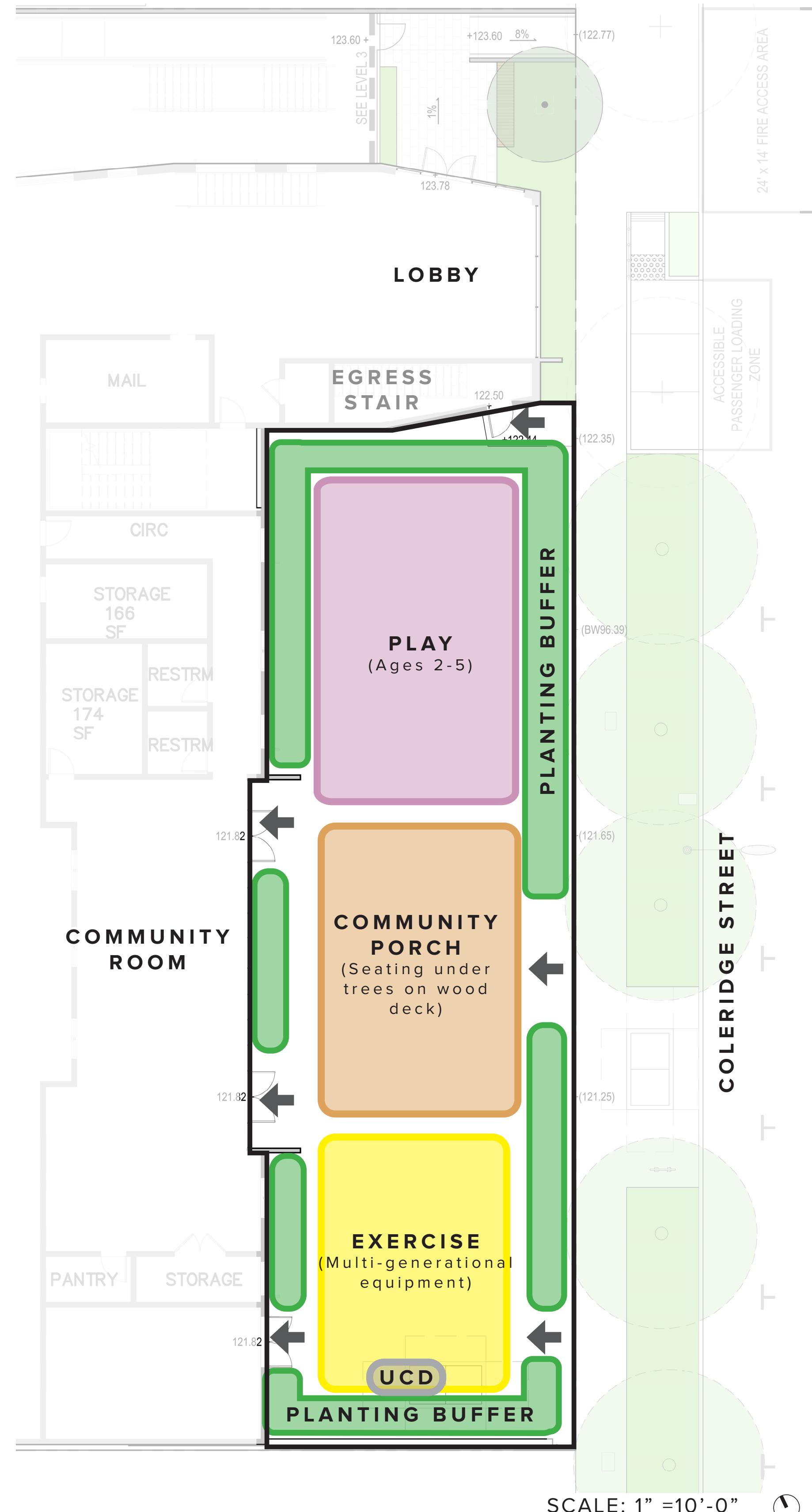
## COMMENTS ON COLERIDGE STREETSCAPE:

- Planting strip along streetscape looks nice but there is a concern for car users to have space to step out of their cars. Need to incorporate a courtesy strip at curb.
- The need for a widened sidewalk is preferable so older adults, families with children, runners, dogs, etc. have ample space to traverse the sidewalk. Coleridge is a highly traveled path.

#### **ADDITIONAL QUESTIONS AND COMMENTS:**

- Community has the desire to retain as many of the ash trees on Coleridge as possible.
- Will play area be large enough to cater to daycare capacities?
- Security concerns if there is not a fence.
- Will moveable chairs be a problem?
- What is going to happen to the existing planting on the structure? Is there a way the plants can be kept and maintained?
- Is there a place where we can incorporate planting and gardening? It is good exercise for the residents.
- Will the rooftop gardens be open to the public?
- Some residents miss watching children come by and play at the park.

## PRELIMINARY CONFIGURATION BASED ON COMMUNITY FEEDBACK

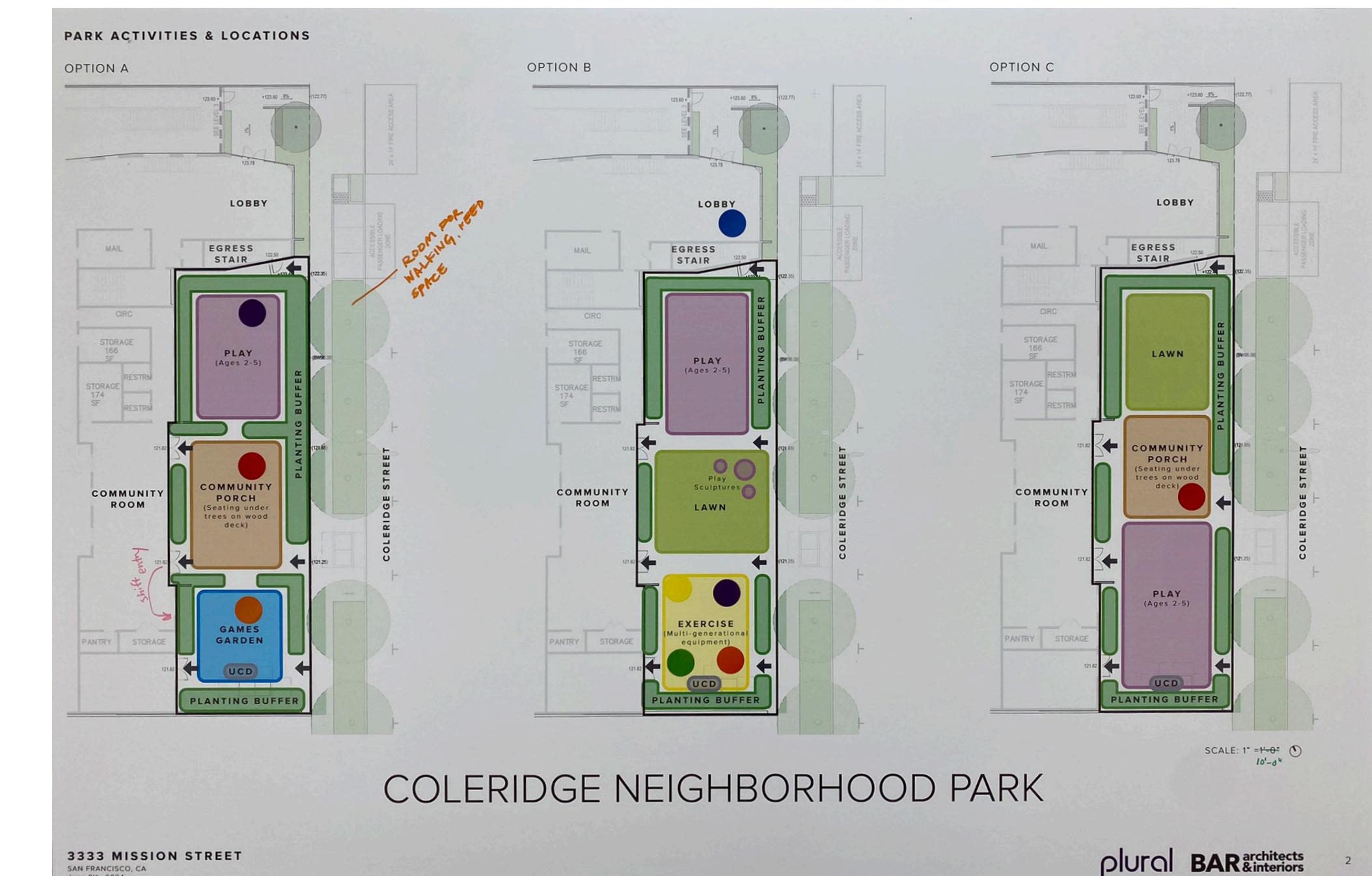


## **SUMMARY AND TAKE-AWAYS:**

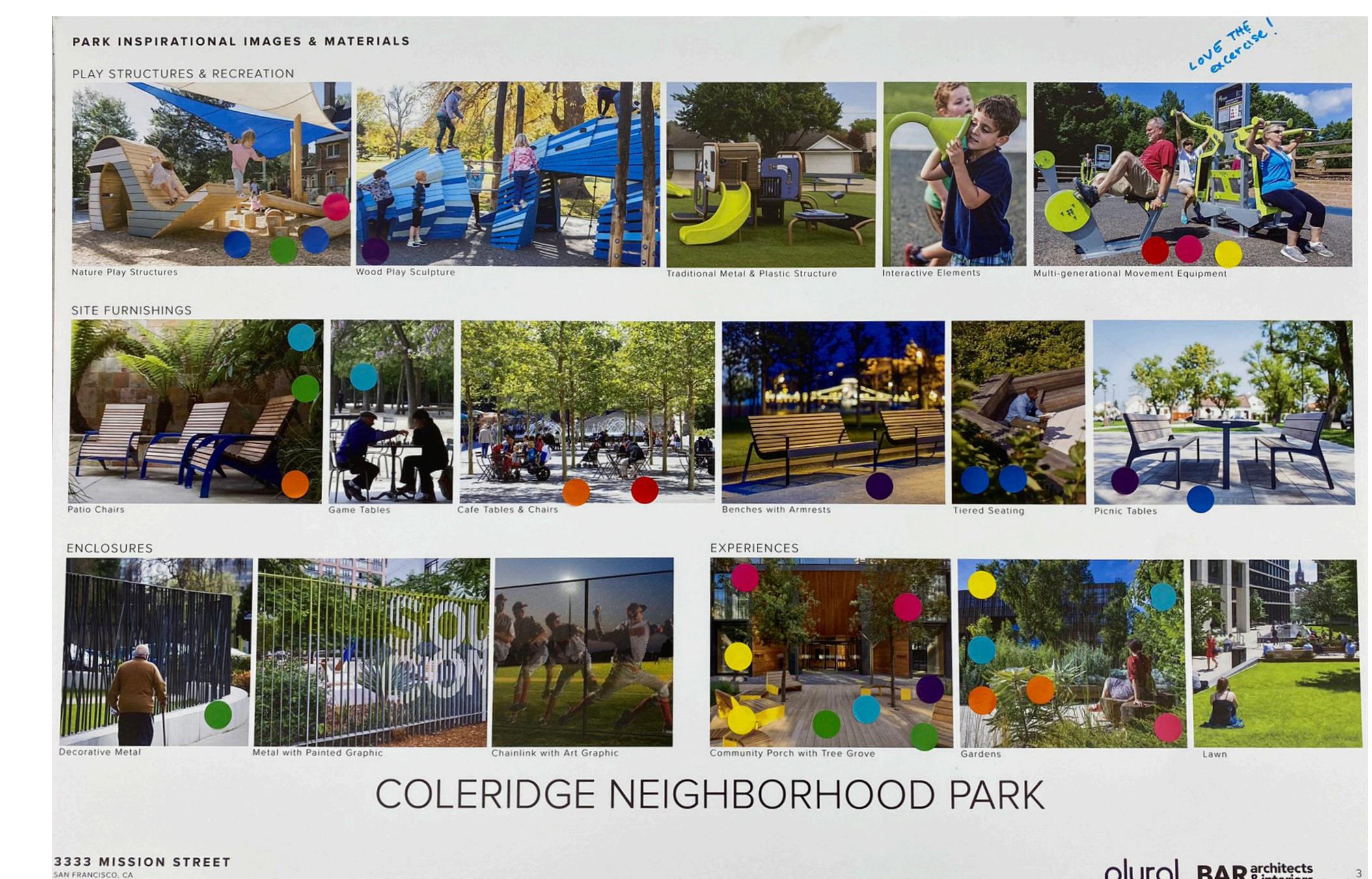
- Overall feedback from the community was positive and they were just curious.
- Data from online survey showed lawn was highly desirable, yet feedback from the community meeting showed that it was not as desirable as some of the other elements.

## **HIGHLY DESIRABLE AMENITIES FROM THE BOARDS:**

- Community Porch/Deck
- Multi-generational Exercise Equipment
- Play Area
- Garden Space
- Trees Within Park
- Mix of Fixed and Movable Seating



## COLERIDGE NEIGHBORHOOD PARK



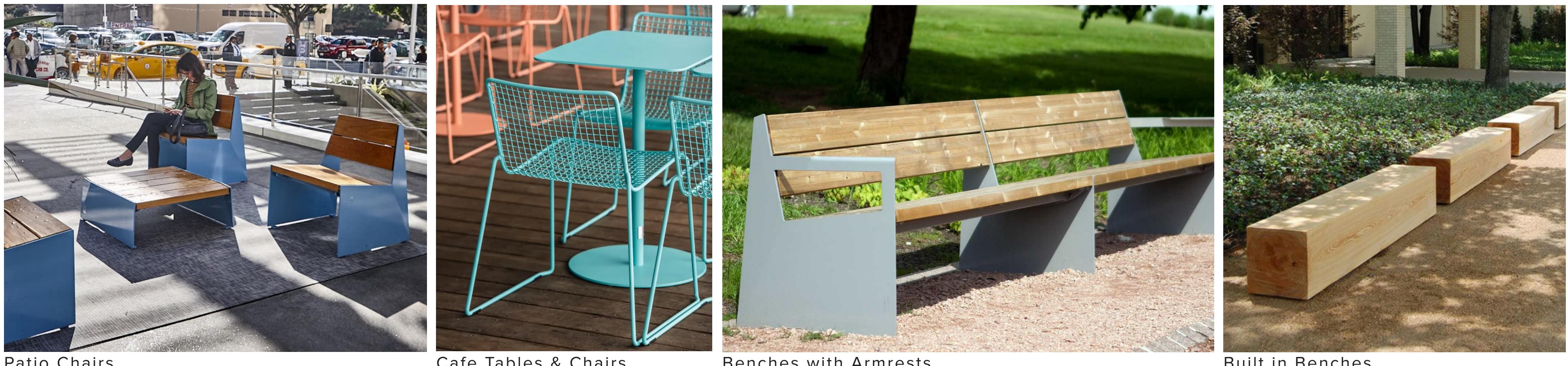
## COLERIDGE NEIGHBORHOOD PARK



## PLAY STRUCTURES &amp; RECREATION



## SITE FURNISHINGS



## EXPERIENCES



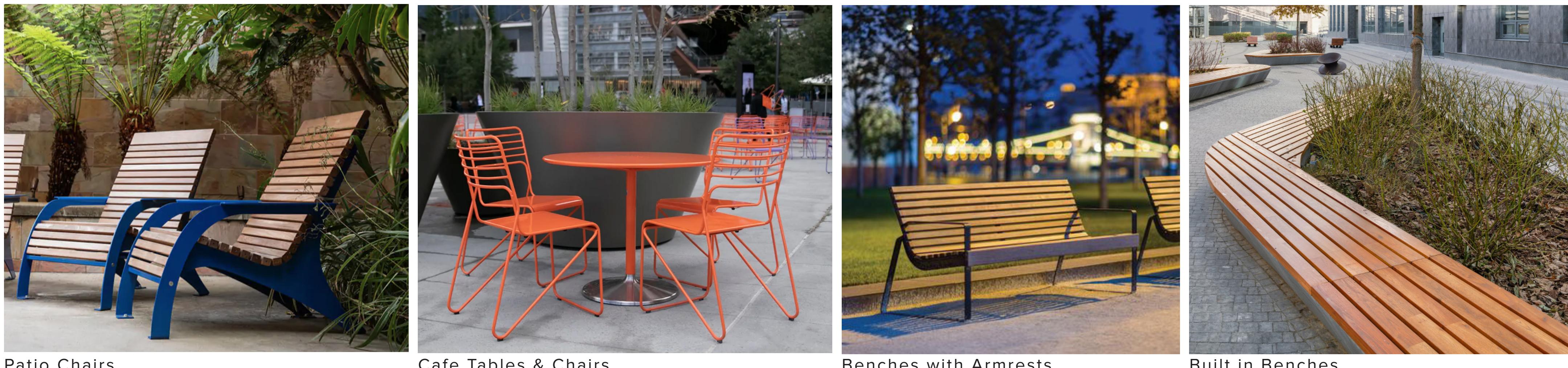
## COLERIDGE NEIGHBORHOOD PARK



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## EXPERIENCES



## COLERIDGE NEIGHBORHOOD PARK