

Malia Cohen
President
San Francisco Board of Supervisors

July 18, 2018
430 Main/429 Beale

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BY 

HISTORY:

First heard at the Planning Commission on April 9, 2009 as the following item:

12a. 2007.1121XV (B. FU: (415) 558- 6613)

430 MAIN STREET/ 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Request under Planning Code Sections 309.1, 825, and 827 for determinations of compliance and exceptions for dwelling unit exposure.** The subject property is located within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation. The project proposal is to construct a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces. The project also requires a Variance for open space, to be heard and considered by the Zoning Administrator at the same hearing.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of March 19, 2009)

12b. 2007.1121XV (B. FU: (415) 558- 6613)

430 MAIN STREET / 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Variance request** to allow reduction of the required open space per Planning Code Sections 135 and 827, for the proposed construction of a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation.

(Continued from Regular Meeting of March 19, 2009)

After the Public hearing it was continued until May 14, 2009 with a directive to “work with neighbors etc.....” Note the near identical shape and size and need for exceptions to unit exposure

16a. 2007.1121XV (B. FU: (415) 558- 6613)

430 MAIN STREET/ 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Request under Planning Code Sections 309.1, 825, and 827 for determinations of compliance and exceptions for dwelling unit exposure.** The subject property is located within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation. The project proposal is to construct a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces. The project also requires a Variance for open space, to be heard and considered by the Zoning Administrator at the same hearing.

Preliminary Recommendation: Approval with Conditions

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(Continued from Regular Meeting of April 9, 2009)

NOTE: On April 9, 2009, following public testimony, the commission continued this item and item 16b to May 14, 2009 with instructions to the project sponsor to engage in community outreach and work with Department staff and the neighbors on design and the concerns of the neighbors. Public hearing remains open.

16b. 2007.1121XV (B. FU: (415) 558- 6613)

430 MAIN STREET / 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Variance request** to allow reduction of the required open space per Planning Code Sections 135 and 827, for the proposed construction of a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation.

(Continued from Regular Meeting of April 9, 2009)

NOTE: On April 9, 2009, following public testimony, the commission continued this item and item 12a to May 14, 2009 with instructions to the project sponsor to engage in community outreach and work with Department staff and the neighbors on design and the concerns of the neighbors. Public hearing remains open.

Project was approved and the neighbors appealed the project to the Board of Appeals and to the Board of Supervisors under CEQA.

Neighbors lost at the Board of Appeals on August 4, 2009:

BOARD OF APPEALS:

430 Main Street: Appeal on the open space variance for the construction of an eight-story, 84 foot building with up to 113 dwelling units over a below-grade parking structure for up to 57 spaces that does not meet the dimensional and/or exposure requirements for open space. **The Board voted 2-2-1 (President Fung and Commissioner Mandelman in opposition with Commissioner Goh absent) to uphold the Planning Commission exception determination and Zoning Administrator variance decision.**

And then won on the CEQA Appeal on October 20, 2009:

22. 091088 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 430 Main Street/429 Beale Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 23, 2009, Case No. 2007.1121E, that a project at 430 Main Street/429

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Beale Street is exempt from environmental review per Section 15183 of the California Environmental Quality Act Guidelines and California Public Resources Code Section 21083.3. The proposal would demolish two existing one- and two-story concrete buildings on two adjacent parcels and construct an eight-story, approximately 146,000-square foot residential building on the site following merger of the two lots. The new building would include approximately 113 residential units and one subterranean parking level accommodating approximately 57 vehicles within the Rincon Hill Area Plan, a RH DTR (Rincon Hill Downtown Residential Mixed Use)/84-X Height and Bulk District, in Assessor's Block No. 3767, Lot Nos. 305 and 306. (Appellant: Dane Ince on behalf of the Opposition Team to 430 Main Street)

(Filed 9/8/09; Companion Measure to 091089, 091090, 091091; District 6)

WHEREAS, On October 20, 2009, this Board voted to reverse the Planning Department's determination that no further environmental review is necessary for the Project under the Community Plan Exemption with respect to three different potential environmental effects by Motion No. 091090; now therefore be it RESOLVED, That this Board finds that the Community Plan Exemption set forth in Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 applies to the Project and that the FEIR addresses the Project, with the exception of three issues as set forth herein; and be it further RESOLVED, That this Board hereby directs the Planning Department to conduct , additional environmental review and to prepare either a negative declaration or environmental impact report analyzing the potential impacts, as required by CEQA, on the following three potentially significant environmental impacts: (1) the potential air quality impacts on-site for the Project caused by concentrations of PM 2.5 because of the Project's location near the Bay Bridge on-ramps and other automobile arterials, which impacts were not specifically analyzed in the FEIR; and (2) the potential impacts of the Project on the adjacent site located at 201 Harrison Street with regard to concentrations of PM 2.5, combined with the Project's wind impacts on 201 Harrison Street, which were not analyzed in the FEIR; and (3) the Project's potential greenhouse gas effects, which were not analyzed in the FEIR, particularly with respect to the Project's relative contribution to the State of California's cumulative greenhouse gas effects.

As you can see from the attached photo, BayCrest at 201 Harrison St. has three open courtyards facing directly south. This building was designed at a time when the development lots to the south of it were not zoned for residential construction. Residential construction was previously forbidden on these lots because of health reasons due to their proximity to the Bay Bridge and the incredible amounts of air pollution and particulate matter which comes from the hundreds of thousands of cars which use the Bay Bridge every day. These lots were later rezoned to allow residential construction and because of the pollution, all new buildings are now built as "sealed systems," meaning that the windows don't open, air intake is tightly controlled and air conditioning is mandatory. Because of its age, BayCrest does not have such a system and the only means of ventilation for BayCrest are the operable windows for all 238 apartments. BayCrest was a pioneer downtown and built as naturally affordable housing which required that it remain rental housing for 20 (thanks to Sue Bierman) before any units could be sold. There are still BMR's on site and it is essentially the only "blue collar" condo development downtown.

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Allowing only a five-foot setback from the property line, (the previous shorter project from 2009 gave 10' foot setback) the proposed project will build a solid wall 84-feet tall (99' feet if you count the elevator penthouses) directly across the entire southern frontage of BayCrest. This will effectively wall in all three of the open, green courtyards at BayCrest. By the way, it should be noted that the westernmost BayCrest courtyard is **privately owned, publicly accessible open space** (POPOS—more Sue Bierman). Obviously, the new building will permanently shadow all three of the open space courtyards of BayCrest including the POPOS which violates a different portion of the Code. Additionally, because it will also block up the air circulation to these courtyards, the experts hired by BayCrest have identified a 7% increase in the particulate matter and pollution in the outer courtyards and a 15% increase in such pollutants in the center courtyard. This was what resulted in the CEQA victory in 2009. The experts on the other side agree with these numbers but argue that the total particulate matter and pollution is still below the hazardous threshold. We argue any increase is hazardous especially to kids and the elderly who must open their windows.

The preliminary project analysis (PPA) recommended that the project sponsor “*mirror the project massing along the side lot line to relate to the adjacent property courtyard or in some other way conjoin the open space to add to the existing courtyard and further it as a pattern within the block to the benefit of both properties.*” This same design recommendation was made in the first Notice of Planning Department’s Requirement #1 dated June 15, 2016 (attached). The Department’s Urban Design Advisory Team (UDAT) stated that the Planning Department does not support the design with the exceptions requested. In this regard, it states as follows:

1. **“Site Design, Massing and Open Space.** The Planning Department does not support an exposure exception to the extent proposed to the current design, and recommends the project be **redesigned to include two building masses that are perhaps joined by minimal bridges, relate to these two street frontages and to the adjacent buildings, and mid-block open space to the north.**” (Which of course is BayCrest)

The project sponsor replied six months later to the Notice of Planning Department’s Requirement #1 via correspondence dated December 1, 2016 (see attached). In that response, the sponsor replies to all of the comments *except* for the design concern items raised by the UDAT. Apparently, the UDAT design comments were somehow done away with quietly and privately as referenced in the last sentence of the sponsor’s letter. Almost a year later, on November 16, 2017, the Planning Department issued its Notice of Planning Department’s Requirement #2. By that time, the earlier UDAT comments as well as the preliminary project analysis design concerns had disappeared without explanation.

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The UDAT comments from the PPA and the Notice of Planning Dept Requirements #1 both directly reflect the Urban Design Guidelines. Clearly, this Project's design *grossly* violates every aspect of the newly enacted Urban Design Guidelines. The Urban Design Guidelines emphasize over and over again the need for "Site Design" to protect and relate to existing buildings and especially open space. The Urban Design Guidelines require new developments to "*respect the character of older development nearby in the design of new buildings.*" There are several provisions of the Urban Design Guidelines which specifically ask that new projects *match massing patterns and be sculpted to accommodate existing building setbacks and block patterns.* This is exactly what the pre-project analysis and the UDAT design comments were saying. Specifically, the policies require that new buildings be designed to "*promote building forms that will respect and improve the integrity of open space and other public areas.*" The Urban Design Guidelines establish that it is mandatory that new buildings have the responsibility to sensitively respond to their context and existing pattern of development in order to be a "good neighbor." Below are the highlights from the Commission's resolution from last week approving the Urban Design Guidelines directly applicable to this project:

OBJECTIVE 2 CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6 Respect the character of older development nearby in the design of new buildings. The proposed Urban Design Guidelines A2 and A3 require projects to "Modulate Buildings Vertically and Horizontally" and "Harmonize Building Designs with Neighboring Scale and Materials" to direct projects to be compatible with neighboring building context. (page 3-4)

Policy 2.7 Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character. The proposed Urban Design Guidelines A2 and A3 require projects to "Modulate Buildings Vertically and Horizontally" and "Harmonize Building Designs with Neighboring Scale and Materials" to be compatible with neighboring building context and support the visual form and character of the city.(page 4)

OBJECTIVE 3 MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1 Promote harmony in the visual relationships and transitions between new and older buildings. The proposed Urban Design Guideline S2 requires projects to "Harmonize Relationships between Buildings, Streets, and Open Spaces" asks new projects to match massing patterns and sculpt to accommodate existing building massing, setbacks, and block patterns. The proposed Urban Design Guideline A2 requires projects to "Modulate Buildings Vertically and Horizontally" to be compatible with neighboring building lot widths and massing. (page 4)

Policy 3.4 Promote building forms that will respect and improve the integrity of open spaces and other public areas. The proposed Urban Design Guideline S7 requires projects to "Integrate Common Open Space and Landscape with Architecture" to better organize building massing for the benefit of natural ground and open space. (page 4)

Built Environment Values for the City of San Francisco

Being a Good Neighbor

Good urban design is characterized by the thoughtful orchestration of buildings, landscape, open space, and streets. Such compositions result from fundamental principles that apply universally, as well as a deep understanding and response to site-specific conditions. San Francisco's architecture spans various eras and architectural styles, but its urban fabric maintains a high degree of continuity and consistency within the variety of buildings. The Urban Design Guidelines establish that new buildings have the responsibility to sensitively respond to their context and existing patterns of development while being of their moment.

Supporting Human Needs

People interact with the built environment from their homes and workplaces, neighborhood streets, and public open spaces. Urban form that considers the quality and functionality of the building fabric, streets, and open spaces contributes to the livability of San Francisco. Buildings and building features that are scaled for human interaction such as steps, doors, windows, and seating contribute to physical and psychological wellbeing. Buildings that enhance the connection between the inner life of buildings and the outer public realm also help engage people to the larger sense of activity and spirit of the place. All of these goals support an experience of urban life in which people are the measure.

Quality of Life.

There are many reasons people live in and love San Francisco—its unique and beautiful physical setting, mild climate, proximity to nature and open space. Along with promoting a safe and healthy environment, new development should support the individual experience, including senses of human-scale, beauty, and well-being. Human comfort is experienced spatially and visually through scale, enclosure, proportion, visual richness and compositional clarity. While we expect cities to feel dense, they can also remain familiar at the human-scale. New development should contribute to an individual's connection to place. Some people find delight in cities because of the achievement and physical beauty found in the spaces and buildings, while others enjoy a sense of community. The Guidelines are intended to promote the quality of individual buildings, and to enhance the experience of the city as a whole

Application of the Guidelines

Applicability

Good neighbors make great neighborhoods and great neighborhoods make a beloved city. Design review ensures that new development will appropriately contribute to fostering vibrant, healthy, livable urban places that express and advance San Francisco's unique cultures and qualities. The Urban Design Guidelines establish a set of goals, values, and qualities by which projects are evaluated in design review. They outline clear expectations that projects must demonstrate to be successfully entitled. Application of and compliance with the Urban Design Guidelines is mandatory in the permit review process. Note that other guidelines may also apply depending on the zoning, location, building type, and scale of the project. In such cases where multiple sets of

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guidelines apply, the respective guidelines are viewed as “layers”, where the most specific guidelines – in the unlikely event of a conflict - would take precedent.



Rich Hillis, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

March 26, 2018

RE: **430 Main Street/ 429 Beale Street**
Hearing Date: March 29, 2018; Agenda Items 13
2014-002033DNX—Downtown Project and Large Authorization; Demolition;
Merging of Two Development Lots; Site/Building Permit for New 84'+ Building
in Excess of 50,000 Sq. Ft, Exceptions for Wind Currents and Unit Exposure

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President Hillis and Members of the Commission:

Please excuse this late submittal. We have requested a continuance of this matter but in the event the continuance is not granted we are submitting this brief.

This office represents the surrounding neighbors of the proposed project including the owners and occupants of the adjacent buildings BayCrest. A group of interested BayCrest homeowners has formed a group called Committee for Healthy Housing, LLC. I was recently retained to counsel the homeowners at BayCrest and because of the delay in providing requested information to me from the Planning Dept. I am submitting this short letter brief.

HISTORY OF THE PROJECT

A near identical project was proposed at this site more than ten years ago. It was first heard at the Planning Commission on April 9, 2009 as the following item:

12a. 2007.1121XV (B. FU: (415) 558- 6613)

430 MAIN STREET/ 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Request under Planning Code Sections 309.1, 825, and 827 for determinations of compliance and exceptions for dwelling unit exposure.** The subject property is located within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation. The project proposal is to construct a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces. The project also requires a Variance for open space, to be heard and considered by the Zoning Administrator at the same hearing.

Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of March 19, 2009)

12b. 2007.1121XV (B. FU: (415) 558- 6613)

430 MAIN STREET / 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Variance request** to allow reduction of the required open space per Planning Code Sections 135 and 827, for the proposed construction of a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation.

(Continued from Regular Meeting of March 19, 2009) **NOTE: On April 9, 2009, following public testimony, the commission continued this item and item 16b to May 14, 2009 with instructions to the project sponsor to engage in community outreach and work with Department staff and the neighbors on design and the concerns of the neighbors. Public hearing remains open.**

After the Public hearing it was continued until May 14, 2009 with a directive to “work with neighbors etc.....” Note the near identical shape and size and need for exceptions to unit exposure Then, as now, “working with the neighbors resulted in no significant changes.

The Project was approved on May 14, 2009 with some small changes (such as a ten-foot (10’) set back from the property line) and the neighbors appealed the project to the Board of Appeals and to the Board of Supervisors under CEQA.

The neighbors lost at the Board of Appeals on August 4, 2009 by a split decision:

BOARD OF APPEALS:

430 Main Street: Appeal on the open space variance for the construction of an eight-story, 84 foot building with up to 113 dwelling units over a below-grade parking structure for up to 57 spaces that does not meet the dimensional and/or exposure requirements for open space. The Board voted 2-2-1 (President Fung and Commissioner Mandelman in opposition with Commissioner Goh absent) to uphold the Planning Commission exception determination and Zoning Administrator variance decision.

The neighbors then brought an appeal to the Board of Supervisors based on the environmental impacts from walling up the BayCrest courtyards. The CEQA Appeal was heard at the Board of Supervisors on October 20, 2009 as follows:

22. 091088 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 430 Main Street/429 Beale Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 23, 2009, Case No. 2007.1121E, that a project at 430 Main Street/429 Beale Street is exempt from environmental review per Section 15183 of the California Environmental Quality Act Guidelines and California Public Resources Code Section 21083.3. The proposal would demolish two existing one- and two-story concrete buildings on two adjacent parcels and construct an eight-story, approximately 146,000-square foot residential building on the site following merger of the two lots. The new building would include approximately 113 residential units and one subterranean parking level accommodating approximately 57 vehicles within the Rincon Hill Area Plan, a RH DTR (Rincon Hill Downtown Residential Mixed Use)/84-X Height and Bulk District, in Assessor's Block No. 3767, Lot Nos. 305 and 306. (Appellant: Dane Ince on behalf of the Opposition Team to 430 Main Street

After the Hearing the Board Made the Following Findings:

WHEREAS, On October 20, 2009, this Board voted to reverse the Planning Department's determination that no further environmental review is necessary for the Project under the Community Plan Exemption with respect to three different potential environmental effects by Motion No. 091090; now therefore be it

RESOLVED, That this Board finds that the Community Plan Exemption set forth in Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 applies to the Project and that the FEIR addresses the Project, with the exception of three issues as set forth herein; and be it further RESOLVED, That this Board hereby directs the Planning Department to conduct , additional environmental review and to prepare either a negative declaration or environmental impact report analyzing the potential impacts, as required by CEQA, on the following three potentially significant environmental impacts: (1) the potential air quality impacts on-site for the Project caused by concentrations of PM 2.5 because of the Project's location near the Bay Bridge on-ramps and other automobile arterials, which impacts were not specifically analyzed in the FEIR; and (2) the potential impacts of the Project on the adjacent site located at 201 Harrison Street with regard to concentrations of PM 2.5, combined with the Project's wind impacts on 201 Harrison Street, which were not analyzed in the FEIR; and (3) the Project's potential greenhouse gas effects, which were not analyzed in the FEIR, particularly with respect to the Project's relative contribution to the State of California's cumulative greenhouse gas effects.

The previous owner dropped the project and turned the buildings into self-storage units and has been quite successful in a City starved for storage space. The new owners

acquired the building in May 2014 and immediately refiled for a nearly identical (slightly larger) project.

The New Project Has the Same Design Flaws and Negative Impacts on the Neighbors as the Previous Project

As shown in the attached photo, the neighboring building to the north, BayCrest Towers at 201 Harrison Street, has three open courtyards facing directly south.



BayCrest was designed at a time when the development lots to the south of it were not zoned for residential construction. Residential construction was previously forbidden on these lots for health reasons due to their proximity to the Bay Bridge and the incredible amounts of air pollution and particulate matter which comes from the hundreds of thousands of cars which use the Bay Bridge every day. These lots were later rezoned to allow residential construction and because of the pollution, all new buildings are now built as “sealed systems,” meaning that the windows don’t open, air intake is tightly controlled, and air conditioning is mandatory. Because of its age, BayCrest does not have such a system and the only means of ventilation for BayCrest are the operable windows for all 238 apartments.

BayCrest was a “pioneer” downtown as the first residential building in the area. The Planning Commission at that time mandated many concessions for the right to build in what was then 100% industrial area. Accordingly, the units were built as naturally affordable and mandatory rental housing which required that it remain rental housing for 20 (thanks to Sue Bierman) before any units could be sold. There are still BMR’s on site and it is essentially the only “blue collar” condo development downtown. The open space shown on the BayCrest site was what was specifically required by the Rincon Hill

Special Use District (which no longer exists) for this site and imposed by the Planning Commission when BayCrest sought its approvals back in 1984. This proposed project seeks not only to build lot line to lot line but also to merge two development lots. If there is a merger which was not contemplated by the Rincon Hill Special Use District or the current Rincon Hill Plan, it creates a building that is a solid mass, a building that is a solid mass that is abutting code mandated open space. How can that possible be justified or approved?

The Impacts from the Project Design Are Overwhelming and Negative

Allowing only a five-foot setback from the property line, (the previous shorter project from 2009 gave 10' foot setback) the proposed project will build a solid wall 84-foot tall (99' feet if you count the elevator penthouses) directly across the entire southern frontage of BayCrest. This will effectively wall in all three of the open, green courtyards at BayCrest. (See Exhibit 1 attached rendering from 2009 and south view from new plan). The current proposal is to build as if BayCrest did not exist and to wall off all the open space and nearly all the windows on BayCrest's southern exposure.

It should be noted that the westernmost BayCrest courtyard is **privately owned, publicly accessible open space** (POPOS—more Sue Bierman). Obviously, the new building will permanently shadow all three of the open space courtyards of BayCrest including the POPOS which violates a different portion of the Code/Rincon Hill Plan/General Plan. Additionally, because it will also significantly restrict the air circulation to these courtyards, the experts hired by BayCrest have identified a 7% increase in the particulate matter and pollution in the center courtyard and a 15% increase in such pollutants in the west courtyard. This was what resulted in the CEQA victory in 2009. The current experts on the other side agree with these numbers but argue that the total particulate matter and pollution is still below the hazardous threshold. BayCrest argues any increase is hazardous materials caused by the Project is unacceptable especially to kids and the elderly who must open their windows for any ventilation. It is anticipated that as climate change accelerates, summer days will get smoggier, with more particulate matter in the air that BayCrest will have to contend with if the Project goes forward as proposed.

The Department REJECTED the Current Design Until Backdoor Lobbying by the Developers and their Lawyers Changed the Department's Recommendation

The preliminary project analysis (PPA) recommended that the project sponsor *"mirror the project massing along the side lot line to relate to the adjacent property courtyard or in some other way conjoin the open space to add to the existing courtyard and further it as a pattern within the block to the benefit of both properties."* (relevant portion of PPA attached as Exhibit 2) In other words, the recommendation was to create open space that matches the open space at BayCrest so that both the new building and Baycrest could "share" the open space, light and air...for the BENEFIT OF BOTH PROPERTIES.

This same design recommendation---to “flip” the project to face BayCrest and/or to articulate the new project to “mirror” the existing open space at BayCrest, so that both buildings can share the open space and light and air---was made by the Dept and the neighbors back in 2009 and rejected by the then developer. It is a design consideration which is supported by smart urban design and common sense. BayCrest is the oldest residential building in the entire area, built at a time when it was the ONLY residential building in the area and was designed to face towards lots which were never to be developed. BayCrest should not be faulted or punished because the zoning of the lots around it was changed.

Following the suggestion for design in the PPA, after the proposal was submitted to the Planning Dept., this same design recommendation was made in the first Notice of Planning Department’s Requirement #1 dated June 15, 2016 (attached as Exhibit 3). The Department’s Urban Design Advisory Team (UDAT) stated that the Planning Department does not support the design with the exceptions requested. In this regard, it states as follows:

- a. *“Site Design, Massing and Open Space. The Planning Department does not support an exposure exception to the extent proposed to the current design, and recommends the project be redesigned to include two building masses that are perhaps joined by minimal bridges, relate to these two street frontages and to the adjacent buildings, and mid-block open space to the north.”* (which of course is BayCrest—this Requirement is Exactly the Same as the PPA)

The Project Sponsor replied six months later to the Notice of Planning Department’s Requirement #1 via correspondence dated December 1, 2016 (see letter attached as Exhibit 5). In that response, the Sponsor replies to all the comments from the Dept’s letter except for the design concern items raised by the UDAT. See final paragraph of the letter from the sponsors attached as Exhibit 4.

Apparently, the UDAT design comments were somehow done away with quietly and privately behind closed doors as referenced in the last sentence of the Sponsor’s letter. Almost a year later, on November 16, 2017, the Planning Department issued its Notice of Planning Department’s Requirement #2. By that time, the earlier UDAT comments as well as the preliminary project analysis design concerns had somehow disappeared into thin air without explanation. (Exhibit 5)

UDAT Had It Right and the Current Project Violates the Urban Design Guidelines

The UDAT comments from the PPA and the Notice of Planning Dept Requirements #1 both directly reflect the letter and the spirit of the Urban Design Guidelines which apply to this site. Clearly, this Project’s design *grossly* violates every aspect of the newly enacted Urban Design Guidelines. The Urban Design Guidelines emphasize over and over again the need for “Site Design” to protect and relate to existing buildings and especially open space. The Urban Design Guidelines require new

developments to “*respect the character of older development nearby in the design of new buildings.*” (Policy 2.6)

There are numerous provisions of the Urban Design Guidelines which specifically require that new projects *match massing patterns and be sculpted to accommodate existing building setbacks and block patterns.* This is exactly what the Proposed Project Analysis (PPA Exhibit 2) and the UDAT design comments (Exhibit 3) are saying. Specifically, the UDG principals and policies require that new buildings be designed to “*promote building forms that will respect and improve the integrity of open space and other public areas.*” The Urban Design Guidelines establish that it is mandatory that new buildings have the responsibility to sensitively respond to their context and existing pattern of development to be a “good neighbor.” Below are the highlights from the Commission’s resolution from last week approving the Urban Design Guidelines directly applicable to this Project:

OBJECTIVE 2 CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6 *Respect the character of older development nearby in the design of new buildings.* The proposed Urban Design Guidelines A2 and A3 require projects to “Modulate Buildings Vertically and Horizontally” and “Harmonize Building Designs with Neighboring Scale and Materials” *to direct projects to be compatible with neighboring building context.* (page 3-4)

Policy 2.7 Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character. The proposed Urban Design Guidelines A2 and A3 require projects to “Modulate Buildings Vertically and Horizontally” and “Harmonize Building Designs with Neighboring Scale and Materials” *to be compatible with neighboring building context and support the visual form and character of the city.* (page 4)

OBJECTIVE 3 MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1 *Promote harmony in the visual relationships and transitions between new and older buildings.* The proposed Urban Design Guideline S2 requires projects to “Harmonize Relationships between Buildings, Streets, and Open Spaces” *asks new projects to match massing patterns and sculpt to accommodate existing building massing, setbacks, and block patterns.* The proposed Urban Design Guideline A2 requires projects to “Modulate Buildings Vertically and Horizontally” to be compatible with neighboring building lot widths and massing. (page 4)

Policy 3.4 *Promote building forms that will respect and improve the integrity of open spaces and other public areas.* The proposed Urban Design Guideline S7 requires projects

to "Integrate Common Open Space and Landscape with Architecture" to better organize building massing for the benefit of natural ground and open space. (page 4)

Built Environment Values for the City of San Francisco

Being a Good Neighbor

Good urban design is characterized by the thoughtful orchestration of buildings, landscape, open space, and streets. Such compositions result from fundamental principles that apply universally, as well as a deep understanding and response to site-specific conditions. San Francisco's architecture spans various eras and architectural styles, but its urban fabric maintains a high degree of continuity and consistency within the variety of buildings. *The Urban Design Guidelines establish that new buildings have the responsibility to sensitively respond to their context and existing patterns of development while being of their moment.*

Supporting Human Needs

People interact with the built environment from their homes and workplaces, neighborhood streets, and public open spaces. Urban form that considers the quality and functionality of the building fabric, streets, and *open spaces contributes to the livability of San Francisco.* Buildings and building features that are scaled for human interaction such as steps, doors, windows, and seating contribute to physical and psychological wellbeing. Buildings that enhance the connection between the inner life of buildings and the outer public realm also help engage people to the larger sense of activity and spirit of the place. All these goals support an experience of urban life in which people are the measure.

Quality of Life.

There are many reasons people live in and love San Francisco—its unique and beautiful physical setting, mild climate, proximity to nature and open space. Along with promoting a safe and healthy environment, new development should support the individual experience, including senses of human-scale, beauty, and well-being. Human comfort is experienced spatially and visually through scale, enclosure, proportion, visual richness and compositional clarity. While we expect cities to feel dense, they can also remain familiar at the human-scale. New development should contribute to an individual's connection to place. Some people find delight in cities because of the achievement and physical beauty found in the spaces and buildings, while others enjoy a sense of community. The Guidelines are intended to promote the quality of individual buildings, and to enhance the experience of the city as a whole

Application of the Guidelines

Applicability

Good neighbors make great neighborhoods and great neighborhoods make a beloved city. Design review ensures that new development will appropriately contribute to fostering

vibrant, healthy, livable urban places that express and advance San Francisco's unique cultures and qualities. The Urban Design Guidelines establish a set of goals, values, and qualities by which projects are evaluated in design review. They outline clear expectations that projects must demonstrate to be successfully entitled. **Application of and compliance with the Urban Design Guidelines is mandatory in the permit review process.** Note that other guidelines may also apply depending on the zoning, location, building type, and scale of the project. In such cases where multiple sets of guidelines apply, the respective guidelines are viewed as "layers", where the most specific guidelines – in the unlikely event of a conflict - would take precedent. (Relevant portions of the Urban Design Guidelines for "Site Design" are attached as Exhibit 6).

The proposed project violates nearly every single site design requirement as specified in the Urban Design Guidelines. There is nothing "respectful", "sensitive," "harmonious," "responsive" or "compatible" about erecting an eighty-four (84') foot blank wall (ninety-nine feet (99') tall with the elevator penthouses) five feet (5') away from the neighboring buildings' open space court yards. The violation of the General Plan and Urban Design Guidelines is made even more obvious when it is considered that at least one of the walled up open space courtyards is a privately maintained public open space under Section 138 of the Planning Code.

The Design Review Process Was Also Violated by the Secret Backdoor Lobbying

Planning Code Section 309.1, under which this Project seeks approval, anticipates that some developers may push back on the design issues. It provides specific criteria for Design Review *and* provides for a specific mechanism to be employed if a sponsor disagrees with modifications required by the Dept. as a result of Design Review. **(BTW, the Commission should note that claims related to profitability are not criteria for Design Review)** Section 309.1, which governs this project reads as follows:

SEC. 309.1. PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.

The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for the construction or substantial alteration of structures in Downtown Residential districts, the granting of exceptions to requirements of this Code, and the imposition of modifications necessary to achieve the objectives and policies of the General Plan and the purposes of this Code as provided for in Section 825 and elsewhere. When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered.

The Section also sets forth specific Design Review criteria as follows:

(a) Design Review.

(1) In addition to the standard permit review process, the design of projects greater than 50,000 gross square feet or 85 feet in height shall be subject to design review and approval by Department staff. A detailed design review will be initiated by Department staff working with the project sponsor, at the time an application for 309.1 review or

building permit is filed and may take place in advance of filing a building permit application. This comprehensive review shall resolve issues related to the project's design, including the following:

- (A) Overall building massing and scale;*
- (B) Architectural treatments, facade design and building materials;*
- (C) The design of lower floors, including building setback areas, townhouses, entries and parking and loading access;*
- (D) On sloping sites, parking provided above ground pursuant to Section 825(b)(5)(A);*
- (E) The provision of required open space, both on- and off-site;*
- (F) Streetscape and other public improvements, including tree planting, street furniture, and lighting;*
- (G) Circulation, including streets, alleys and mid-block pedestrian pathways;*
- (H) Other changes necessary to bring a project into conformance with the applicable elements and area plans of the General Plan.*

The Code Section then anticipates that some sponsors may disagree with modification or recommendations by the Dept and provides a specific procedure leading up to the hearing process for just such an occurrence as follows:

(2) If the project sponsor opposes project modifications and conditions recommended by the Director of Planning pursuant to the design review, the Director shall prepare a report of recommended modifications which shall be presented to the Planning Commission for a hearing pursuant to Subsection (c) and which shall be available to the public upon mail notification of said hearing.

In this instance the Project Sponsor was able to avoid the result of the Design Review and to avoid any public process or review of the proposed modifications and recommendations which the Sponsor opposed. The Sponsors were able to simply meet with Planning officials behind closed doors and do away with the design considerations and modifications which were at first recommended by the PPA and then were imposed and mandated by the UDAT. No report of these modifications has been prepared or made available to the public as required by the Code Section.

The planning process is designed to be transparent and to benefit the public. This Sponsor is seeking exceptions for unit exposure, exceptions for creation of additional wind currents at the ground level, for its loading dock and other exceptions, all of which will impact the public. These "gifts" must not be simply awarded to a project which will negatively impacts dozens of neighboring homes. Many BayCrest residents have been there for more than 20 years and some since the building first opened. They deserve the protection of the Planning Code and the design requirements set forth in the Urban Design Guidelines to protect the quality of their lives and homes.

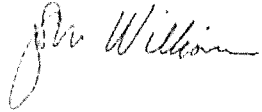
The Dept must reinstate the design requirements as set forth in the PPA and UDAT comments or at least explain how those were cast aside. Section 309.1 further allows for the imposition of such requirements at the hearing and may reimpose the

Rich Hillis, President
San Francisco Planning Commission

March 29, 2018
430 Main/429 Beale

design considerations previously mandated for the Project by the UDAT and which are obviously required by the Urban Design Guidelines.

VERY TRULY YOURS,

A handwritten signature in cursive script, appearing to read "Stephen M. Williams".

STEPHEN M. WILLIAMS

EXHIBIT 6

S SITE DESIGN

- S1 Recognize and Respond to Urban Patterns
- S2 Harmonize Relationships between Buildings, Streets, and Open Spaces
- S3 Recognize and Enhance Unique Conditions
- S4 Create, Protect, and Support View Corridors
- S5 Create a Defined and Active Streetwall
- S6 Organize Uses to Complement the Public Environment
- S7 Integrate Common Open Space and Landscape with Architecture
- S8 Respect and Exhibit Natural Systems and Features

S2

HARMONIZE RELATIONSHIPS BETWEEN BUILDINGS, STREETS, AND OPEN SPACES

A building that relates to city fabric, to its immediate context, and adjacent human activity helps unify neighborhood experience and character. The relationship between areas of low, fine-scaled buildings and areas of high, large-scaled buildings can be more harmonious if the transition in building height and mass between such areas is managed in an intentional and sensitive manner.

VIOLATES

- Develop site and building design to establish, respect, or enhance the mid-block open space and minimize their impacts to privacy and access to light. Different configurations for rear yards may be acceptable due site conditions.

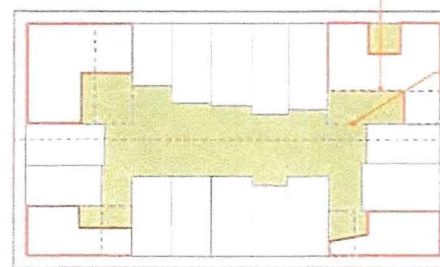
VIOLATES

- Relate building scale and massing to the size and scale of existing buildings. Consider setbacks and side terracing to reduce light and air impacts on adjacent buildings and provide more interesting side facades, or to transition to smaller-scaled residential neighborhoods.

- Reflect the existing patterns of side spacing and side setbacks.

- Sculpt building massing vertically and/or horizontally to a scale compatible to its context. VIOLATES

RESHAPE CORNER SITES TO BETTER CONTRIBUTE TO LIGHT AND AIR



DASHED LINE INDICATES TYPICAL REAR YARD

By modifying typical rear yards, corner sites can better support streetwalls and mid-block open space.

- Provide matching lightwells to augment livability and access to light and air. VIOLATES

- As groups of buildings create their own topography, shape new buildings to respond to, reconcile, or moderate differences between existing ones. VIOLATES

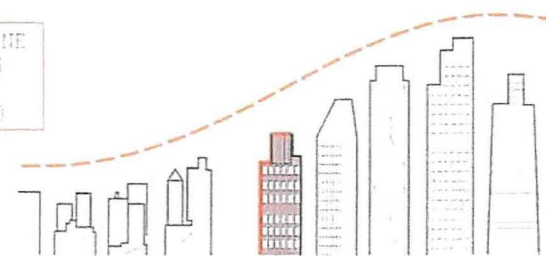
- Modify tall buildings to minimize wind impacts at the street level. VIOLATES

- Mass buildings to minimize shadow impacts on residential areas, lower buildings, parks, and open space. VIOLATES

- Use street widths to help establish the general massing, scale, and proportions of the building.

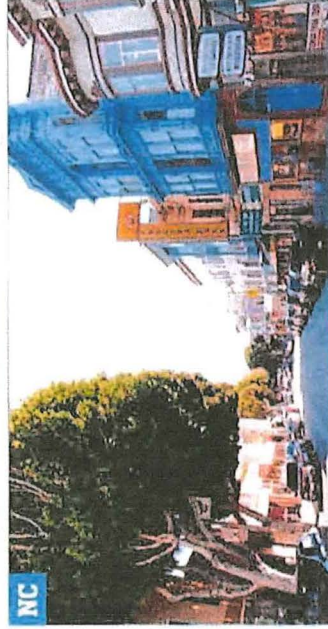
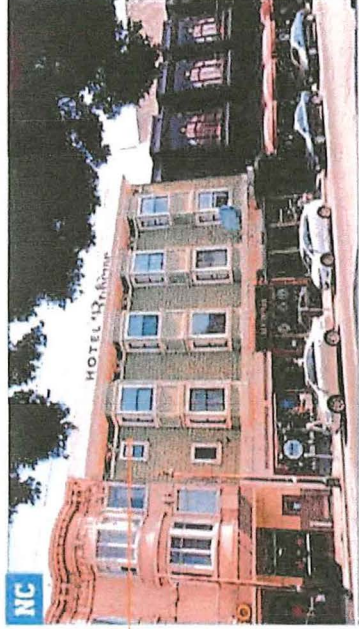
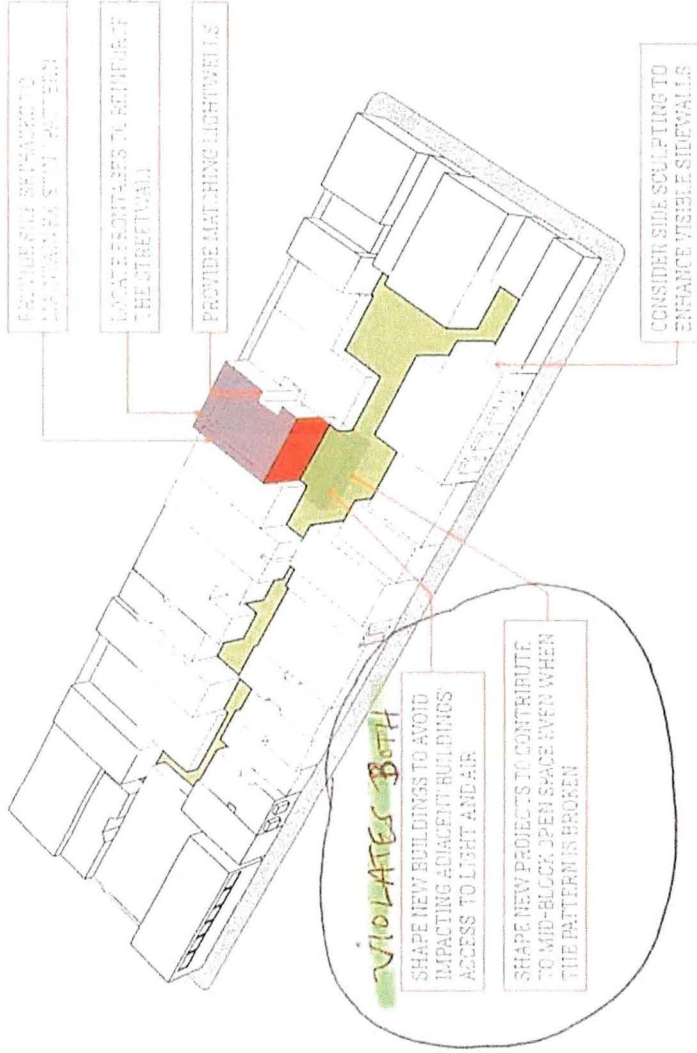
- Shape the height and bulk of towers with respect to views from important vantage points around the city.

- Place, orient, and shape open space to support adjacent existing open space conditions. VIOLATES

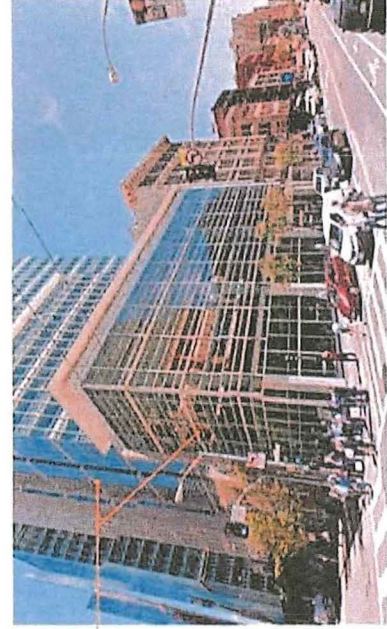


Building massing should respect larger patterns in the urban fabric



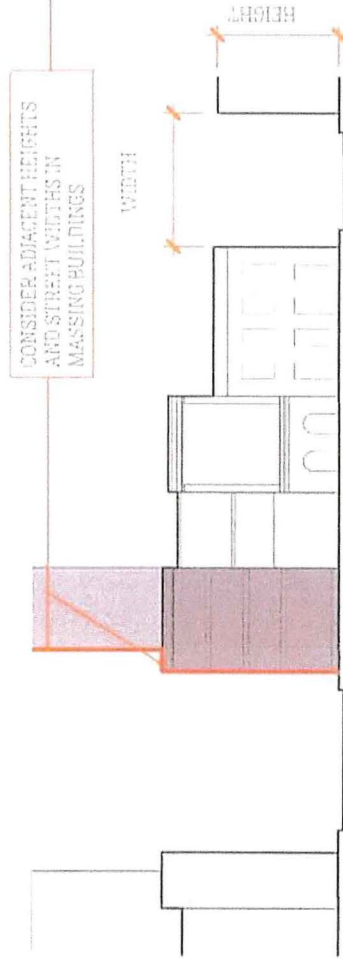


New projects should reflect the scale of existing street frontages.



Individual buildings can sculpt massing to respond to both a taller streetwall and a lower one.

Place and shape front, side, and rear facades to support the overall urban design of the block.



Massing should reflect similar dimensions to street widths and surrounding buildings.