

To: BOS Legislation (BOS)
Subject: FW: 115 Telegraph Hill Boulevard CEQA & Cat. Ex appeals
Attachments: DOC.PDF

-----Original Message-----

From: Aaron Peskin [<mailto:aaron.peskin@earthlink.net>]
Sent: Monday, November 17, 2014 4:16 PM
To: Calvillo, Angela (BOS)
Cc: Lamug, Joy; Barkley, Alice
Subject: 115 Telegraph Hill Boulevard CEQA & Cat. Ex appeals

Madame Clerk,

Please make sure that the attached memorandum with exhibits is made a part of the official record for the 115 Telegraph Hill Boulevard CEQA & Cat. Ex appeals and is included in the file for said appeals.

Sincerely,
Aaron Peskin

----- Forwarded Message

From: "Barkley, Alice" <ABarkley@mckennalong.com>
Date: Mon, 17 Nov 2014 22:35:13 +0000
To: "Daniel Frattin (dfrattin@reubenlaw.com)" <dfrattin@reubenlaw.com>
Cc: David Chiu <david.chiu@sfgov.org>, "Judy Henriques (jhenriques@versantventures.com)" <jhenriques@versantventures.com>, Susan Brandt-Hawley <susanbh@preservationlawyers.com>, "Dr. William J. Rutter" <bill@synergenics.net>, "aaron.peskin@earthlink.com" <aaron.peskin@earthlink.com>, Nancy Shanahan <nshan@mindspring.com>, Alice Suet Lee Barkley <alicebarkley@sbcglobal.net>
Subject: 115 Telegraph Hill Boulevard

Supervisor Chiu, Dan and Judson

Attached please find the response from THD and neighbors to Dan's last e-mail . I will leave my office at 3:45 PM for another appointment and will be home by around 6 PM. I will be available on my phone after 6 PM.

Alice Barkley

Alice Barkley | Contract Attorney
McKenna Long & Aldridge LLP
One Market Plaza, Spear Tower, 24th Floor San Francisco, CA 94105
Tel: 415.356.4635 | Fax: 415.356.3888 | <mailto:ABarkley@mckennalong.com>

Albany | Atlanta | Brussels | Denver | Los Angeles | Miami New York | Northern Virginia |
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Please consider the environment before printing this e-mail

-----Original Message-----

From: xsf-23-5775-1@mckennalong.com [<mailto:xsf-23-5775-1@mckennalong.com>]

Sent: Monday, November 17, 2014 2:11 PM
To: Barkley, Alice
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set Device Name: xsf-24-5775-1

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----- End of Forwarded Message

McKenna Long & Aldridge^{LLP}

MEMORANDUM

TO: Daniel Frattin

FROM: Alice Suet Yee Barkley

CC: Supervisor David Chiu, Judson True, Jeremy Ricks, Aaron Peskin, Nancy Shanagher, Bill Rutter, Susan Brandt-Hawley

DATE: November 17, 2014

RE: 115 Telegraph Hill Boulevard

Your e-mail last evening was counter-productive. Essentially, your client accused THD of bad faith negotiations during the last two-plus years. Not being part of the early negotiations, I requested documents from THD so that I can understand the history which took time away from working on a solution. Based on the documents provided to me, which are attached hereto, the facts can be summarized by the Filbert Street elevations dated July 12, 2012, October 11, 2012 and July 2014 presented to THD. See Exhibit 1.

1. The July 12, 2012 Plans: Jeremy Ricks and the project architect presented plans to THD's zoning committee, which are similar to the current plans approved by the Planning Commission and now on appeal to the Board, except that the heights and depths of the approved project is higher and deeper. Exhibit 2.
2. After the July 12, 2012 meeting, THD's P&D Committee sent a three-page comment letter to the project architect detailing THD's concerns and suggested alternative approach to the design on July 30, 2012. See Exhibit 3.
3. After many e-mail exchanges to set a mutually agreeable time for a meeting to further discuss the project, Mary Lipian who is the co-chair of the P&D Committee invited your client to attend their August 30, 2012 committee meeting.
4. On October 11, 2012, the project architect presented a two-building scheme in response to THD's July 30, 2012 comments while your client was out of town. See Exhibit 4. Your client was informed that the revised design was a giant step toward a design that THD could support and suggested areas where the design could be revised. It should be noted that the October 11, 2012 further reduced the heights of the project.
5. After the October 11, 2012 meeting, THD encouraged your client to meet with the neighbors, especially the immediate neighbors. However, THD never heard from your client or the project architect again until July, 2014.

6. Your client met with Dr. Rutter without any plans on September 27, 2013. He was not informed that the plans presented to THD has been substantially revised. Therefore, the meeting more of a general discussion of what are important to Telegraph and the public interest and means of achieving them. Neither Dr. Rutter nor any other neighbors were informed that your client would submit a much larger project to the City. Dr. Rutter has not heard from or spoke with your client since then.

7. On July 8, 2014, after the conditional use hearing before the Planning Commission has been scheduled, THD invited your client to a meeting of its board of directors, where you, Jeremy and Lewis Butler were present to discuss the revised project, which was taller and larger than either the July 12 or the October 11 designs previously presented. Neither Dr. Rutter nor any of the most affected neighbor was informed that the July 2104 revised project.

8. Vedica Puri, the president of THD e-mailed you requesting that hearing be continued so that the parties can work together to resolve the differences and to reach some kind of compromise. Your client rejected that request.

Upon receipt of your e-mail, I began to work with members of the THD board who were extremely upset after being accused of bad faith negotiation after being blindsided by the larger project and your' client's refusal to negotiate a compromise in July, 2014.

The parking garage is a non-negotiable item for your client. If THD and the neighbors were to agree to the garage and giving up a public view corridor at the top of the steps, then stepping the rear façade is a non-negotiable item for the neighbors and THD. Using the depth of the building in the July 12, 2012 plans and the height offered in the attachment to your proposal of November 15, 2014, THD and the neighbors would be willing to sit down with your client in an attempt to work out a solution. THD and the neighbors are mindful that stepping the building down will lead to a reduction of square footage and are willing to support a rear yard variance so that the lower floors can be deeper.

Please let me know if your client is willing to negotiate based on the above.

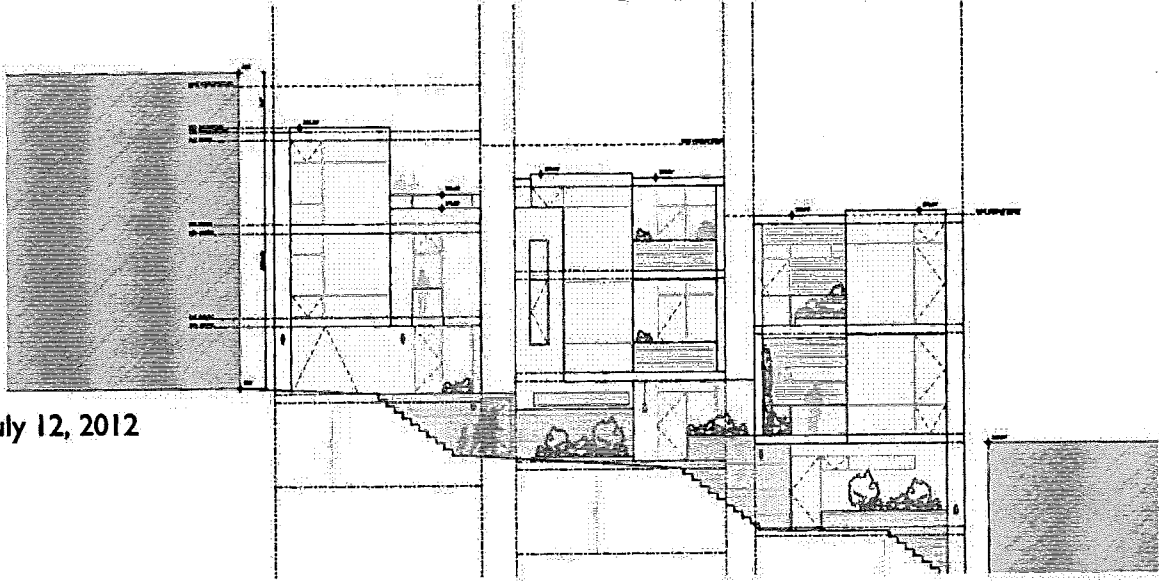
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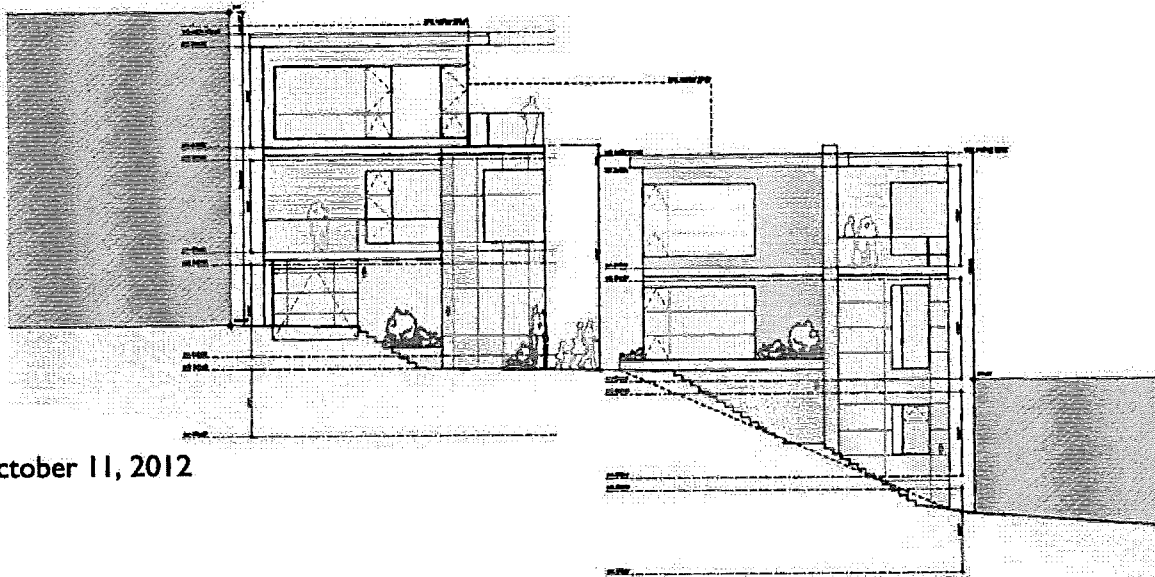
EXH. 1

**115 Telegraph Hill Blvd.
Synopsis of Change In Scale of the Project**

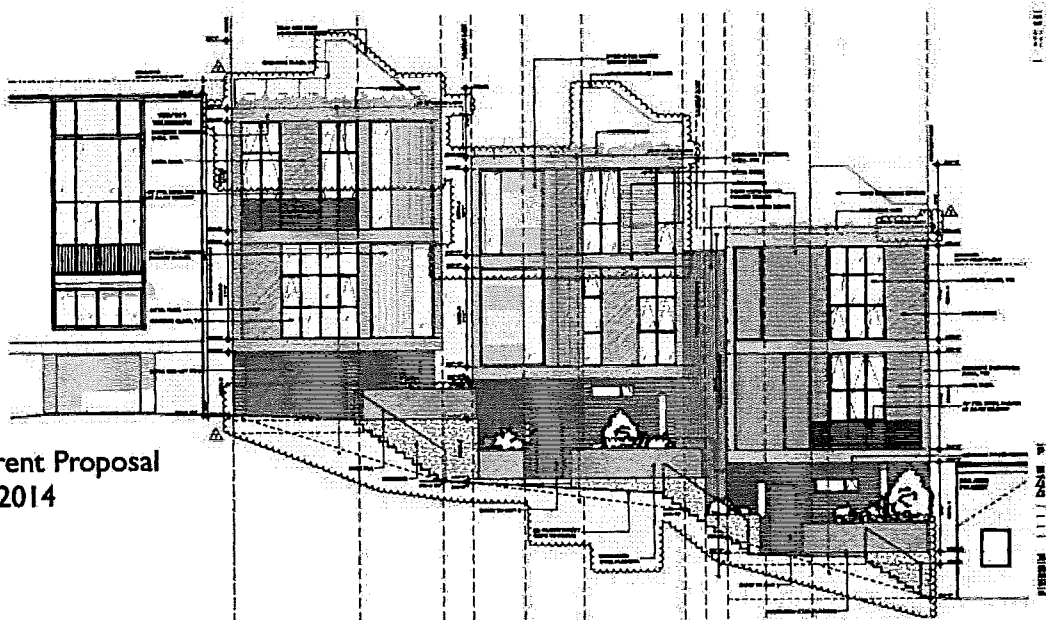
July 12, 2012



October 11, 2012

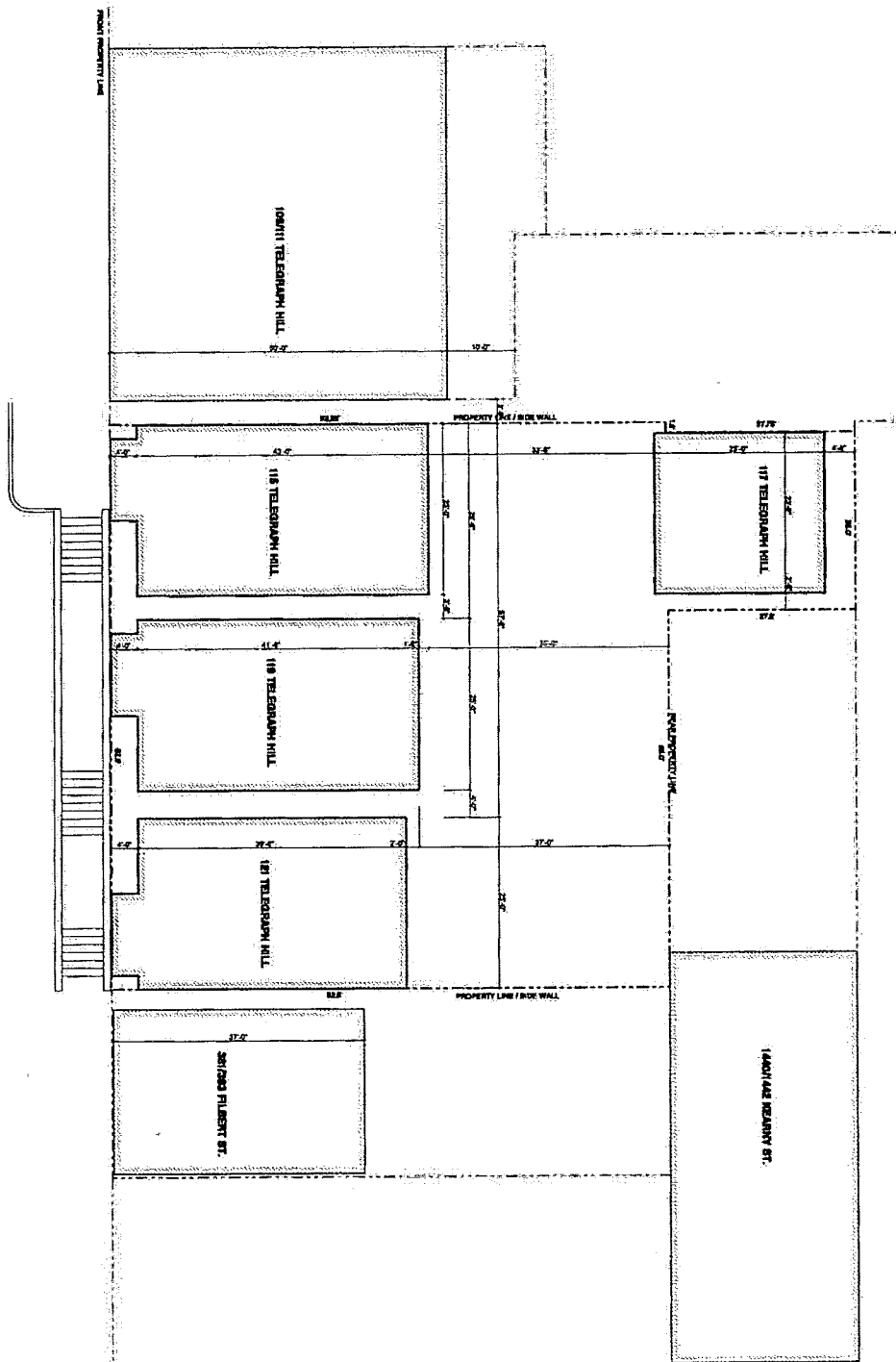


Current Proposal
July 2014



EXH. 2

Bu ilir Armağan





NOTE:
VANTAGE POINT OF RENDERINGS TAKEN IN TREE CANOPY.
LITTLE TO NO VISIBILITY TO SITE FROM BASE OF COIT TOWER
OR SURROUNDING AREA DUE TO DENSITY OF TREE COVER

AERIAL PHOTO

115 TELEGRAPH HILL
SAN FRANCISCO, CA

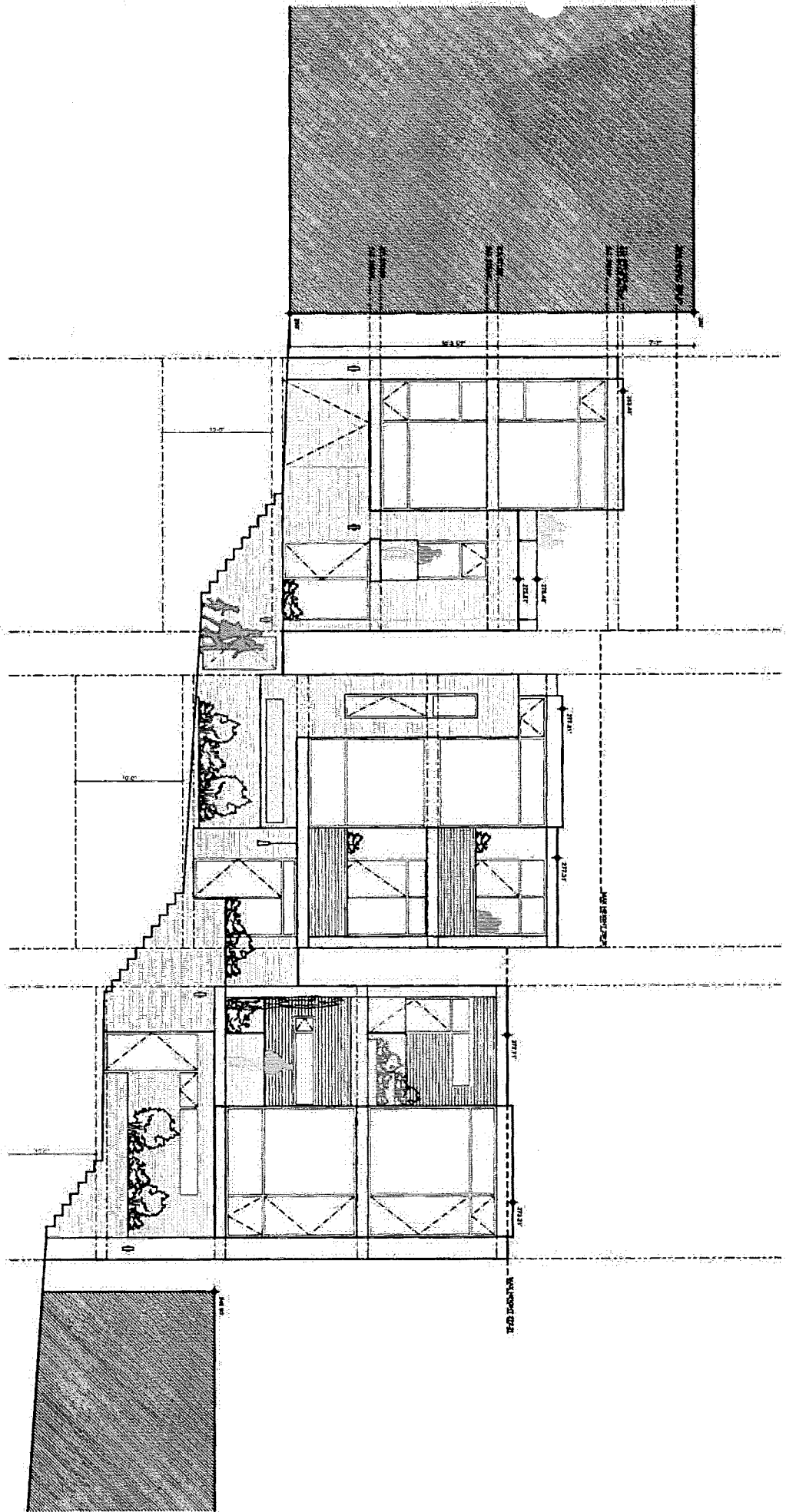
VANTAGE POINT

115 TELEGRAPH HILL
SAN FRANCISCO, CA



Butler Arnsden
ARCHITECTS

SCHEMATIC FRONT ELEVATION
 115 TELEGRAPH HILL
 SAN FRANCISCO, CA



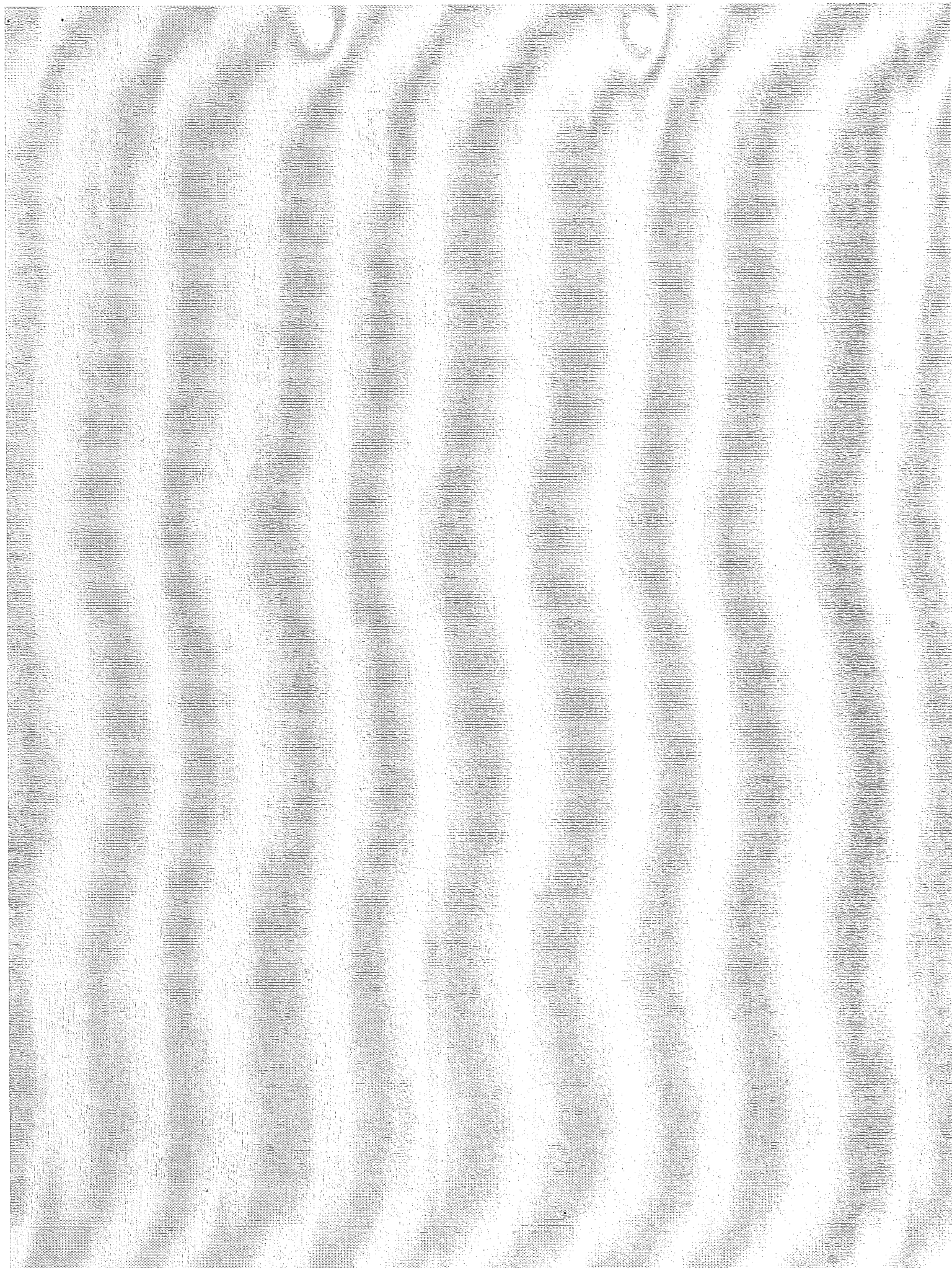
RENDERING

115 TELEGRAPH HILL
SAN FRANCISCO, CA





GHOSTED MASSING
115 TELEGRAPH HILL
SAN FRANCISCO, CA



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

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

To: Lewis Butler <Butler@butlerarmsden.com>

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

Hi Lewis,

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

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

1. Adding a Parking Garage:

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

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

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

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

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

2. Building Massing/Design Comments:

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

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

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

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

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

3. Alternative Approach Suggested:

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

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

4. Design Details:

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

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

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

1320 Kearny

407 Filbert

324 Chestnut

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

EXH. 3



AERIAL PHOTO
115 TELEGRAPH HILL
SAN FRANCISCO, CA

Architectural floor plan of the Butler Arms Warehouse. The plan shows a large rectangular building with a central staircase and multiple rooms. The building is oriented with a north arrow pointing towards the top right. The plan includes dimensions and a north arrow.

Key features include:

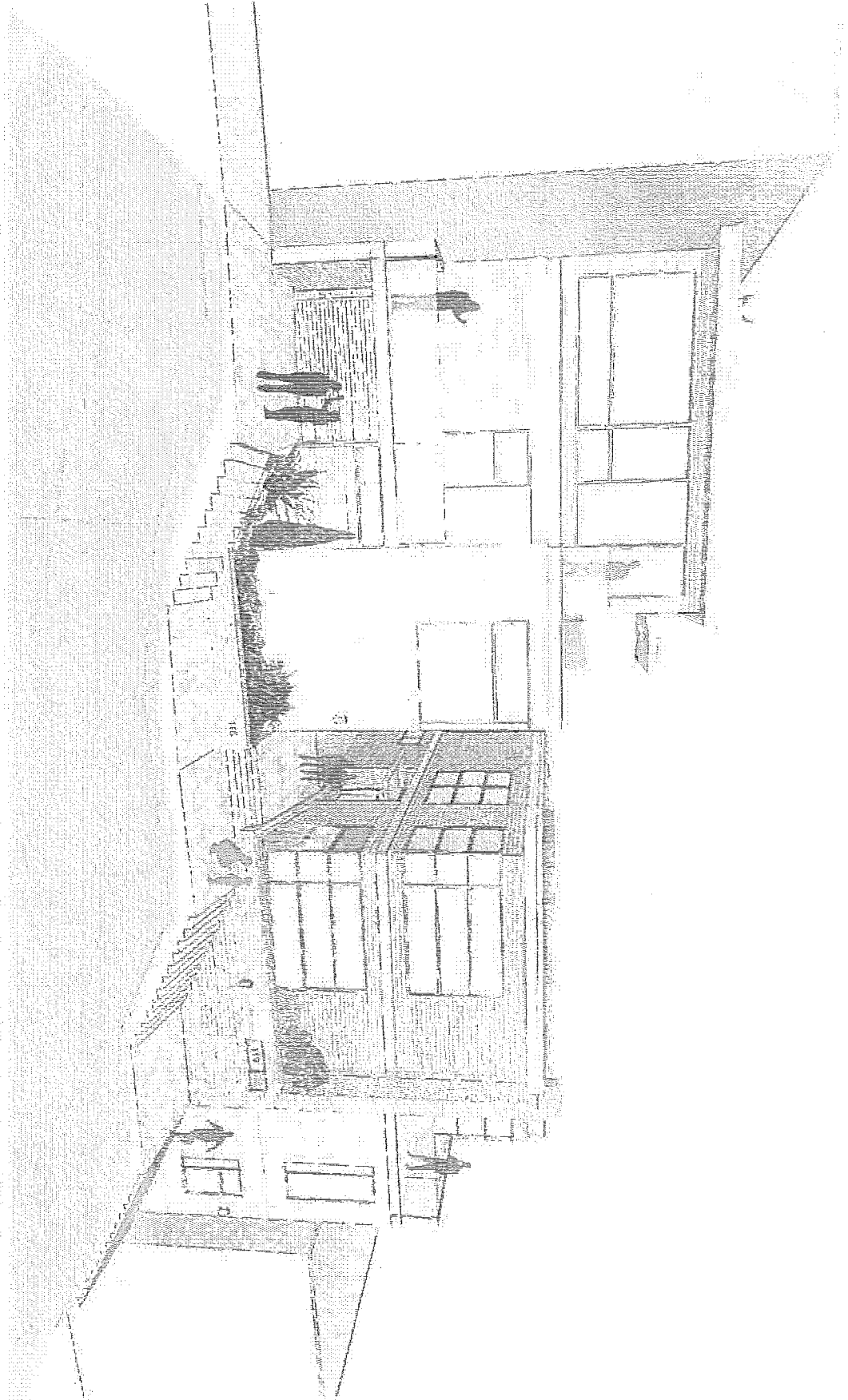
- A large rectangular building with a central staircase.
- Multiple rooms of varying sizes, some with windows.
- A large open area on the right side of the plan.
- Dimensions: 100' x 100' (overall), 100' x 100' (main building), 100' x 100' (open area).
- North arrow pointing towards the top right.

Buller Armadon
ARMADON

OCTOBER 11, 2012

STREET FRONTAGE FACADE

116 TELEGRAPH HILL
SAN FRANCISCO, CA

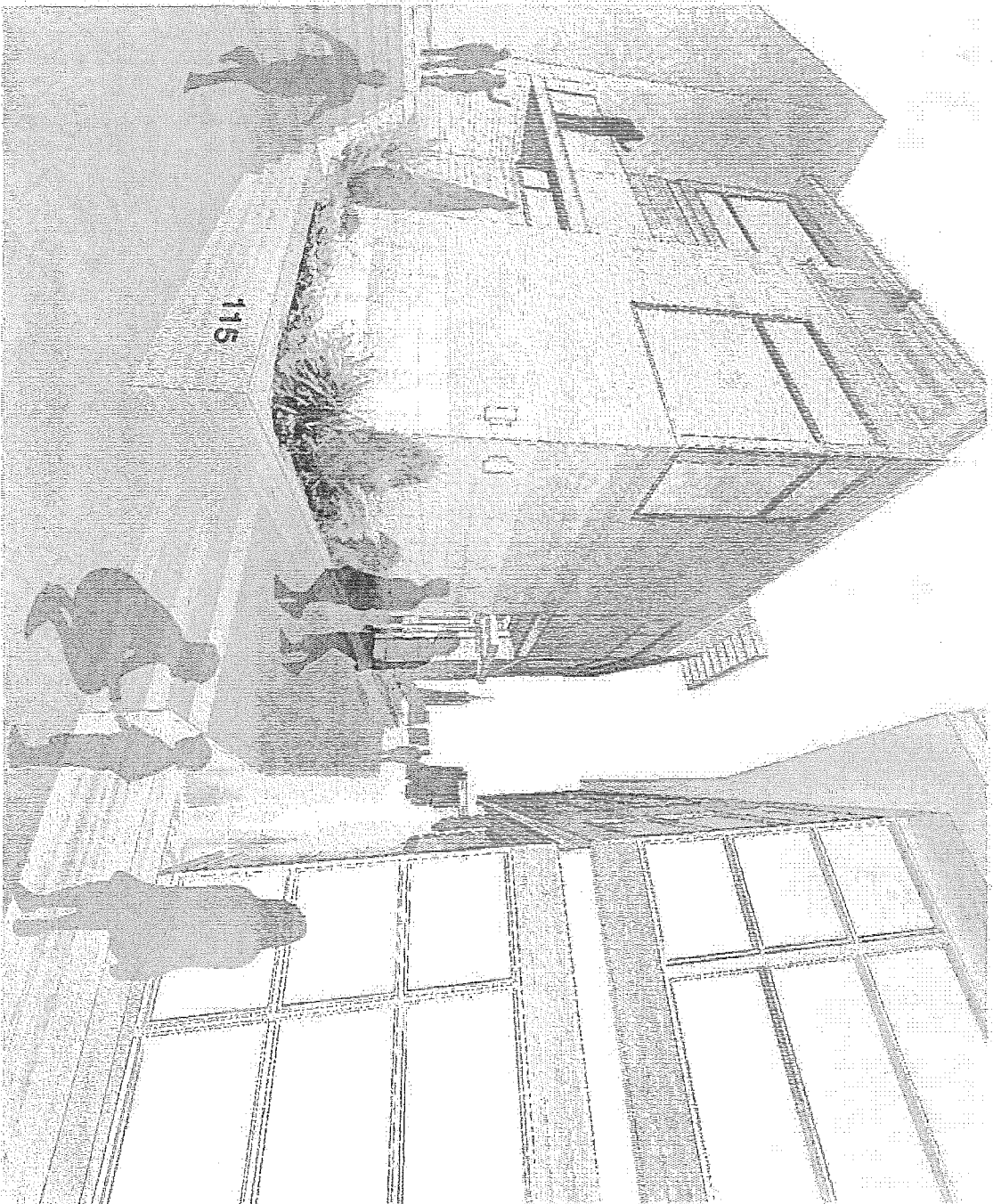


Buller + Anderson
ARCHITECTS

OCTOBER 11, 2012

ENTRY TO PUBLIC OVERLOOK

115 TELEGRAPH HILL
SAN FRANCISCO, CA



REAR FACADE AND TERRACES



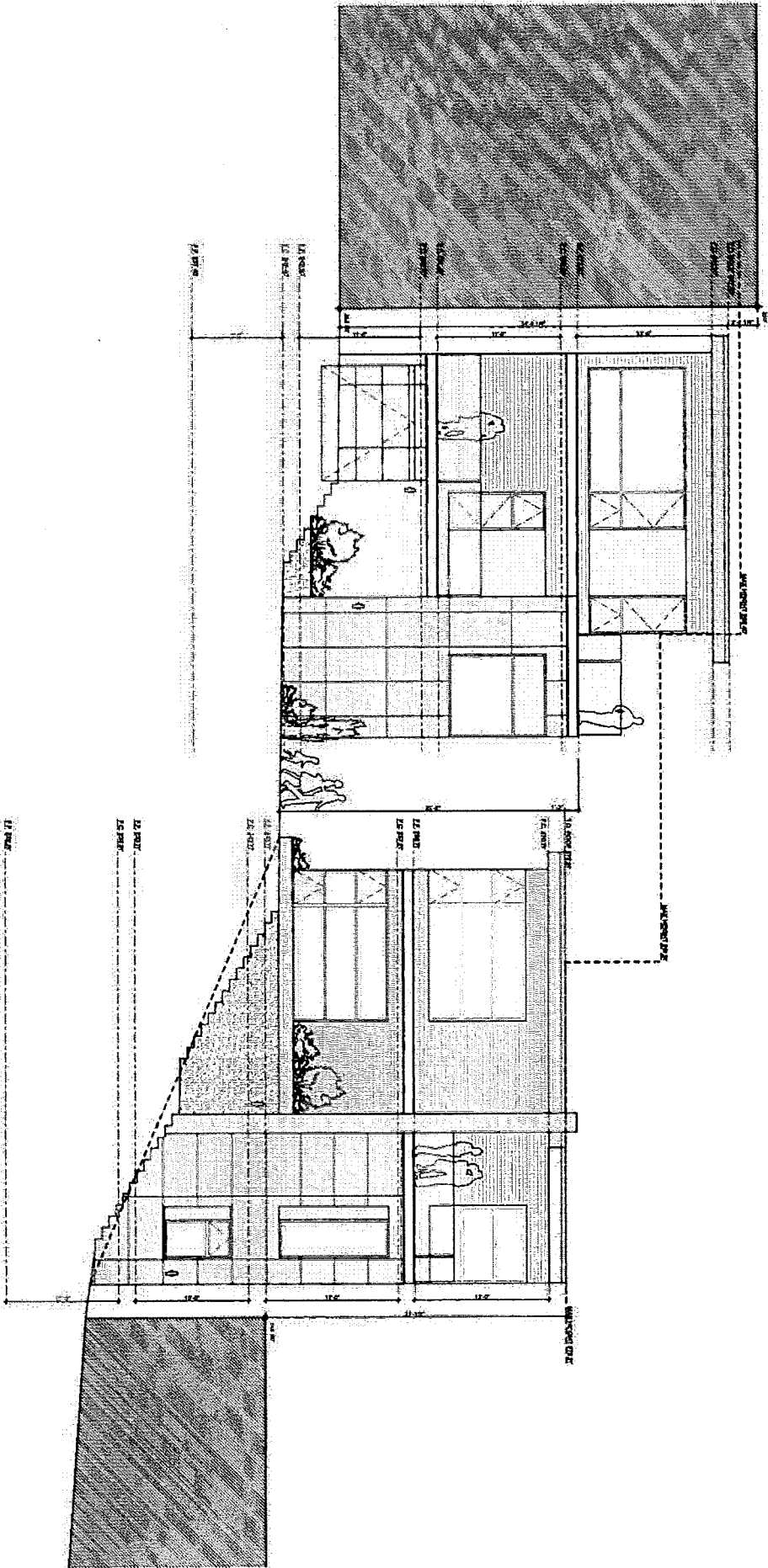
Buller|Armsden
ARCHITECTS

OCTOBER 11, 2012

115 TELEGRAPH HILL
SAN FRANCISCO, CA



SCHEMATIC FRONT ELEVATION
115 TELEGRAPH HILL
SAN FRANCISCO, CA



EXTENTS DIAGRAM
115 TELEGRAPH HILL
SAN FRANCISCO, CA

