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August 25, 2021

VIA EMAIL

Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: *450-474 O'Farrell Street/532 Jones Street Application*

Dear Members of the Board of Supervisors:

Storzer & Associates, P.C. has been retained by Fifth Church of Christ, Scientist (“Church”) to protect its federal civil rights in connection with the Church’s proposed development project (“Project”) on 450-474 O’Farrell Street and the related appeal (“Appeal”) pending before the Board of Supervisors (“Board”). We are writing to inform you that if the Board grants this appeal, the Board and City of San Francisco (“City”) would be violating the Church’s federal civil rights as protected by the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C §§ 2000cc, *et seq.* and the Free Exercise Clause of the United States Constitution, 42 U.S.C. § 1983, and potentially running afoul of the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*

Currently, the Church does not have a building that can adequately accommodate its religious exercise and has been seeking to construct a new house of worship since 2013. This Project—which includes a new church building and Christian Science Reading Room that will meet the religious needs of the Church, in addition to 316 group housing units—has faced extreme and unreasonable delays in the land use approval process by the City, which have severely impeded the Church’s religious exercise as described below. We urge the Board to reject this Appeal and uphold the Planning Commission’s conditional use approval. Failure to do so would potentially expose the City to years of litigation and substantial damages and attorneys’ fees.

I. The Substantial Burdens Provision of the Religious Land Use and Institutionalized Persons Act

RLUIPA's Substantial Burdens provision explicitly prohibits municipalities from imposing a substantial burden on the religious exercise of a religious assembly or institution unless that imposition is the least restrictive means of furthering a compelling governmental interest.¹ 42 U.S.C. § 2000cc(a). To protect religious liberty, RLUIPA is "construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of RLUIPA and the Constitution." *Id.* § 2000cc-3(g) (emphasis added). As explained in further detail below, granting this Appeal would impose a substantial burden on the religious exercise of the Church, and no compelling governmental interest exists for doing so. Even if a compelling governmental interest did exist, granting the appeal would not be the least restrictive means of achieving such interest.

A. The Burden on Plaintiff's Religious Exercise

In the Ninth Circuit, a government imposes a substantial burden on religious exercise when it "imposes a significantly great restriction or onus upon [religious] exercise." *Int'l Church of Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1067 (9th Cir. 2011) (internal citations and quotations omitted) (emphasis added). District courts in the Ninth Circuit have recognized that "having 'a place of worship . . . is at the very core of the free exercise of religion . . . [and that] [c]hurches . . . cannot function without a physical space adequate to their needs and consistent with their theological requirements.'" *Id.* at 1069 (quoting *Vietnamese Buddhism Study Temple in Am. v. City of Garden Grove*, 460 F. Supp. 2d 1165, 1171 (C.D. Cal. 2006)). The Ninth Circuit has repeatedly found a substantial burden on religious exercise in cases where a local government blocked a church from building a house of worship that would meet its religious needs—the exact situation the Church faces with this pending Appeal. *See Int'l Church of Foursquare Gospel*, 673 F.3d at 1067 (finding that the district court erred in finding no substantial burden under RLUIPA when the City blocked church from building a house of worship that would meet its religious needs); *Guru Nanak Sikh Soc. of Yuba City v. Cty. of Sutter*, 456 F.3d 978, 992 (9th Cir. 2006) (holding that the denial of a conditional use permit to build a house of worship substantially burdened organization's religious exercise); *see also Cottonwood Christian Ctr. v. Cypress Redevelopment Agency*, 218 F. Supp. 2d 1203, 1227 (C.D. Cal. 2002) (finding that plaintiff established a substantial burden where the City was prevented from building a church that would meet its religious needs). The Ninth Circuit's standard for a Substantial Burdens claim under RLUIPA is clearly met here, as described below.

1. The Church Is Unable to Fulfill its Religious Mission in Its Current Facilities.

As detailed in the Church's June 21, 2021 Letter, the Church's present building in the Tenderloin district of San Francisco cannot accommodate the Church's needs and prevents it from

¹ RLUIPA's substantial burden provision applies where "the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses" or where the substantial burden affects, or removal of that substantial burden would affect, interstate commerce. *Id.* § 2000cc(a)(2)(B), (C). Denial of a land use application such as a conditional use permit is the epitome of an "individualized assessment," triggering the application of the substantial burden provision. *See, e.g., Guru Nanak Sikh Soc. of Yuba City v. Cty. of Sutter*, 456 F.3d 978, 987 (9th Cir. 2006).

engaging in religious activity in accordance with its religious mission. *See generally Int'l Church of Foursquare Gospel*, 673 F.3d at 1067-70.² The Church's religious mission requires it to provide a welcoming, healing refuge to individuals seeking solace, which is impossible to do in the current structure. The Church's dark, oversized concrete building on a blighted street-front and alleyway that regularly attracts drug use and violence in front of the church entrances, preventing the Church from offering a peaceful, welcoming environment and limiting access of church members to the building. Tent encampments lining the front and side entrances of the building also block access to the Church for members. Access to the Bible verse sign in front of the Church is also regularly blocked, preventing the Church from changing the sign, which is a part of the Church's religious exercise. Garbage, human excrement and urine, used hypodermic needles, and graffiti must be cleaned up by the Church daily, sometimes several times a day.³ Some members are afraid to go to Church. The Church contacts City agencies such as police non-emergency, 311/the Homeless Outreach Team, and 911(in cases of individuals in distress), on a regular basis to request services for individuals in need outside of the Church, and is frequently ignored. The Church has also placed numerous 911 calls when faced with violence or threats of violence, and in significant instances has received no response. *See Letter to Captain Chris Canning*, Exhibit A. The Church was forced to install chain-link fencing across the street façade and access doors to prevent use of the front steps as a shooting gallery, encampment site, urinal, etc., further restricting access to the church building. This resulted in a significant reduction in membership.

The Project would replace the current structure with a new church building, the design of which will be welcoming, light-filled, and human-scaled to reflect the Church's spiritual mission of creating an atmosphere of light, warmth and healing. The 316 new housing units and retail space included in the proposed development would activate the block, providing much needed animation and a flow of people in the area, eliminating conditions which foster open drug use and violence, remove barriers to access for the Church's members, and allow for an atmosphere of healing, which is central to the Church's mission.

2. *The Absence of a Christian Science Reading Room.*

Of great religious significance to the Church, the current structure cannot accommodate a Christian Science Reading Room, which is mandated by the Church's Bylaws and is an essential component of the Church's religious exercise.⁴ The Church cannot fulfill its religious mission

² As another Court of Appeals wrote, RLUIPA's Substantial Burdens provision is violated when "use of the property would serve an unmet religious need, the restriction on religious use is absolute rather than conditional, and the organization must acquire a different property as a result." *Jesus Christ Is the Answer Ministries, Inc. v. Baltimore Cty.*, Maryland, 915 F.3d 256, 261 (4th Cir. 2019) ("*JCIAM*"), *as amended* (Feb. 25, 2019); *see also Thai Meditation Ass'n of Alabama, Inc. v. City of Mobile, Alabama*, 980 F.3d 821, 831-832 (11th Cir. 2020) (considering, *inter alia*, "whether the plaintiffs have demonstrated a genuine need for [a] new. . . space—for instance, . . . to facilitate additional services or programming").

³ The Church's own caretaker has been assaulted while cleaning the area in front of the church on multiple occasions. Recently, he has been threatened with a knife, gun, metal pipe, and pit bull (on separate occasions), and has been subjected to racial slurs. A church member's car was recently attacked while she was in it. Individuals regularly splice the power cord in front of the church, and this recently caused a fire in front of the church.

⁴ A Reading Room, which is open to the public daily throughout the week, is a neighborhood sanctuary where any individual can find hope, comfort, and healing. For a Christian Science church, a Reading Room provides spiritual food to the community and offers healing and restoration.

without a Reading Room. The proposed church building will have a Christian Science Reading Room, which will serve as a daily active presence in the neighborhood and allow the Church to fulfill this critical component of its religious mission.

3. *The Church's Mission to Provide Healing to the Community.*

Another critical aspect of the Church's religious mission is to provide healing to the community in which it is located through meaningful service, as the Church considers its central mission to be healing in the broadest sense. One way that the Church seeks to serve the local community is by providing desperately needed housing in the Tenderloin that low-income and working families can afford. The construction of 316 units of affordable and workforce housing, which would enable working-class families and individuals to live in the city where they work, will further the Church's religious mission of serving the local community and helping the Tenderloin realize its potential of being a safe, stable neighborhood where families can thrive. See *Harbor Missionary Church Corp. v. City of San Buenaventura*, 642 F. App'x 726, 729 (9th Cir. 2016) (finding a substantial burden where "the City's denial of the conditional use permit prevents the Church from conducting its homeless ministry, an integral part of its religion.").

The church's inability to provide a welcoming, healing refuge in accordance with its religious mission due to the conditions described above, the barriers to access to the Church for members, the absence of a Christian Science Reading Room, and the Church's inability to provide housing to the local community in accordance with its mission, each taken separately, would impose a substantial burden on the Church's religious exercise. Taken together, there is no question that these factors "impose[] a significantly great restriction or onus upon [religious] exercise" of the Church in violation of RLUIPA. *Int'l Church of Foursquare Gospel*, 673 F.3d at 1067.

B. Additional Factors Courts Consider in Determining "Substantial Burden."

1. *Arbitrariness in Decision-making.*

Another factor courts consider in evaluating a substantial burden claim under RLUIPA is "whether the City's decision-making process concerning the plaintiffs' applications reflects any arbitrariness of the sort that might evince animus or otherwise suggests that the plaintiffs have been, are being, or will be (to use a technical term of art) jerked around." *Thai Meditation Ass'n*, 980 F.3d at 831-832. "Where the arbitrary, capricious, or unlawful nature of a defendant's challenged action suggests that a religious institution received less than even-handed treatment, the application of RLUIPA's substantial burden provision usefully 'backstops the explicit prohibition of religious discrimination in the later section of the Act.'" *Westchester Day Sch. v. Vill. of Mamaroneck*, 504 F.3d 338, 351-52 (2d Cir. 2007) ("WDS") (quoting *Saints Constantine and Helen Greek Orthodox Church v. City of New Berlin*, 396 F.3d 895, 900 (7th Cir. 2005)) (finding that "the arbitrary and unlawful nature of the ZBA denial of [the plaintiff's] application supports [the plaintiff's] claim that it has sustained a substantial burden."). Each issue detailed below would evidence "arbitrariness" on the part of the Board if the Appeal were to be granted.

As outlined in the August 25, 2021 letter from Holland & Knight LLP ("H&K Letter"), this Appeal does not challenge any of the items voted upon by the Planning Commission on June

24, 2021, but instead inappropriately targets earlier approvals for which the time to appeal has expired. As stated in the H&K Letter:

The action before the Planning Commission was limited to proposed modification of conditions in the Conditional Use Approval. The substance of the Planning Commission action concerned modification of four (4) conditions from the original approval and addition of a condition of approval addressing the standards for group housing cooking facilities. The conditions that were modified concerned Parking for Affordable Units (#24), Car Share (#25), Bicycle Parking (#26), and the Inclusionary Affordable Housing Program (#32). . . .

None of the reasons stated as the basis for the appeal concern the items modified by the Planning Commission action. ***The appeal is based on objections to alleged construction impacts and the authorization for group housing at this site. Nothing however in the action of the Planning Commission affects the previously approved site plan and associated construction impacts, and group housing is a permitted use in this zoning district, requiring no Planning Commission approval.*** Given the reasons stated for the appeal, the real target of the appeal is the prior site plan approval and earlier Planning Code amendments that designated group housing as a permitted use. The time for appealing those decisions has passed. The only appropriate decision on this unsupported appeal of the modification of the Conditional Use approval is to deny the appeal.

See Exhibit B (emphasis added).

2. *Appellants' Meritless Arguments.*

Accepting Appellants' arguments—which fail to address the items actually decided by the Planning Commission—would also demonstrate arbitrariness in decision-making, as each of these three arguments is wholly without merit, as described below. An appeal granted on the basis of any of these arguments would, again, reflect arbitrariness of the sort that would support a RLUIPA substantial burden claim.

i. Construction Impacts Argument

Appellants' argument that the environmental analysis does not sufficiently address potential structural and construction impacts on the adjacent property is not an appropriate basis for this appeal. As stated above, this issue was not before the Planning Commission for the Conditional Use Approval, and the time to appeal the environmental analysis has expired. Moreover, there is no requirement that these impacts be addressed at this stage of the process. Structural and construction impacts to adjacent neighbors must and will be addressed and resolved before a building permit is issued. It is common practice for a project sponsor and adjacent landowner to enter into an agreement that addresses potential impacts on the neighboring property. In this case, the Project Sponsor (Forge Development Partners) has engaged in discussions with the Pacific Bay Inn Hotel for this purpose, and will continue to do so. This Appeal cannot lawfully be granted on this basis.

ii. Compatibility with the Neighborhood Argument

Appellants' argument that the revised Project will be "out-of-place" and "undesirable," and that "there is a great need for family housing" mischaracterizes both the Project and the community need. While clearly subjective, "undesirable" is simply not an accurate descriptor for a project that has received significant community support.⁵

Implicit in Appellants' argument that this Project does not provide "family housing" is a concept of family that does not reflect the reality of family demographics in the Tenderloin. A concept of family that assumes a two-parent household simply fails to account for the large percentage of single-parent families that desperately need housing in the City. The American Community Survey 5-Year Estimates for 2015-2019 compiled by the Bureau of Labor Statistics places the Tenderloin's average household size at 1.63. All of the group housing units in the Project can accommodate such families who, without the income of a second parent, in large measure would not be able to afford a larger unit in San Francisco. Additionally, the plans for this Project contain amenities that would be desirable for families with children such as after-school and educational programming. Blocking this project would actually have the opposite result of what Appellants argue, making housing unavailable to the many families, especially those with one income, who seek to live in the City where they work.⁶

Further, Appellants' argument that there are "serious concerns about developing [this Project] in one of the densest neighborhoods in the City" ignores the reality of the block on which the Project will be situated and, again, disregards the plight of the Church to build a suitable house of worship. As detailed above, the block on which this Project will be constructed is blighted, and, as a result, is a site for illegal and unsafe conditions, which regularly block the entrance of the church and pedestrian use of the sidewalk which, consequently, limit access to the Church of its members. This block needs animation, foot traffic, and density. Any effort to limit density on the block would directly harm the Church and impose a substantial burden on its religious exercise, as the new church building would not be feasible with the allowed density.

Appellants' argument about compatibility with the Tenderloin community is wholly without merit.

iii. Community Outreach Argument

Appellants' "lack of community outreach and dialogue" argument has no basis in law or fact. First, community outreach is not part of the standard for Conditional Use Approval under Section 303(c) of the San Francisco Planning Code. Second, the Project Sponsor engaged in extensive outreach efforts, as documented in Exhibit C. Between November of 2020 and late July of 2021, the Project team held 48 stakeholder meetings, three canvassing events, and four community-wide meetings, as well as placing over 300 calls and emails to stakeholders. The Project received 74 letters of support and 124 signatures in support of the project.

In response to the input from the community and Planning Commission, the Project Sponsor also made significant revisions to the Project plans, including:

⁵ The Project received 74 letters and 124 signatures in support of the Project.

⁶ The Fair Housing Act makes it unlawful to make housing unavailable on the basis of familial status. 42 U.S.C. § 3604(a).

- Increasing larger-unit count;
- Adding two additional community kitchens and large dinner party spaces for residents to satisfy stated concerns;
- Adding improvements to amenity spaces and greenspace courtyards;
- Adding balconies;
- Increasing bicycle storage beyond code requirements;
- Assessing the feasibility of converting ground level retail space into group housing units.

Appellants’ argument about a lack of community outreach is entirely without merit.

3. *Housing Accountability Act.*

As detailed in the H&K letter, the Housing Accountability Act and the five-hearing limit under SB330 apply to this Project, and apply to this Appeal. Eight hearings have already been held, exceeding the five-hearing maximum. As stated in the H&K letter, “given the severity of the housing crisis and legislative and judicial trends, it is quite possible that courts will find that appeal hearings beyond five hearings are improper.” Exhibit B. Granting this appeal after what would be a ninth hearing on Project would, again, suggest “unlawful” conduct by the City and Board in violation of RLUIPA’s substantial burden provision. *WDS*, 504 F.3d at 351-52.

4. *Other Projects Receiving Differential Treatment.*

The fact that other group housing projects in the Tenderloin have been approved without the significant obstacles and delays faced by the church underscores that the Church has “received less than even-handed treatment.” *WDS*, 504 F.3d at 351-52.

A group housing project on 468 Turk Street was under consideration by the Planning Commission at the same time as this Project and was approved after only one continuance, and without onerous conditions such as the ones placed on the Church.⁷ Moreover, the Turk Street project contains units that are an average of 220 square feet, which are far smaller than the units in the Church’s Project. Also notable is the fact that the Turk Street project did not include a church.

Other group housing projects approved in the Tenderloin include 361 Turk Street and 145 Leavenworth Street, which did not include churches.

In light of these group housing approvals, the Board cannot grant this Appeal without the appearance of “less than even-handed treatment” of the Church. *WDS*, 504 F.3d at 351-52.

5. *Delay, Uncertainty and Expense.*

⁷ As a condition of approval, the Church was required to increase the number of larger group housing units where feasible, after already doing so on two occasions; provide balconies to maximum projection on all sides except O’Farrell Street; continue working with Staff to increase the number of bicycle parking spaces, up to 200; analyze the feasibility of converting the ground-floor retail space to group housing units; and analyze the feasibility of converting the basement to additional group housing units.

An additional factor that supports the finding of a substantial burden under RLUIPA is the imposition by a municipality of significant “delay, uncertainty, and expense.” *Guru Nanak*, 456 F.3d at 991 (quoting *Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895, 901 (7th Cir. 2005)); *see also Int’l Church of Foursquare Gospel*, 673 F.3d at 1068; *Grace Church of N. Cty. v. City of San Diego*, 555 F. Supp. 2d 1126, 1137-39 (S.D. Cal. 2008) (finding that plaintiff had established substantial burden from uncertainty and expense resulting from municipality’s zoning regulations); *WDS*, 504 F.3d at 349 (noting that a denial of a religious institution’s zoning application which results in substantial “delay, uncertainty, and expense” can be a substantial burden). Even before this appeal was filed, the Church experienced extreme “delay[s], uncertainty and expense” in the processing of its land use application by the City.

The Church first filed its Preliminary Project Assessment (“PPA”) in 2013. Due to substantial delays, the Church did not receive conditional use authorization and certification of its Environmental Impact Report (“EIR”) until November 13, 2018. After additional delays, the Church received a site permit on May 13, 2020. The significant delays by the City caused the initial developer to withdraw from the Project, substantially harming the Church. In 2020, the new developer, Forge Development Partners, submitted an amendment to the original project replacing the 176 approved dwelling units with 316 group housing units. The revisions to the Project are all within the envelope of the previously approved version of the Project; the modifications impact none of the prior approvals; and the project already received a site permit. The only change requiring approval before the Planning Commission was the change from dwelling units to group housing, and group housing is a permitted use in the RC-4 zoning district. The hearing scheduled for January 7, 2021 to approve the revised Project was continued eight times, in violation of the five hearing maximum under the Housing Crisis Act (HCA) of 2019 (Gov. Code § 65905.5(a)), and finally approved on June 24, 2021, seven years after the Church filed its PPA.

Additionally, delays related to this Appeal further highlight the pattern of delays by the City. As articulated in the H&K Letter:

The Applicant continues to suffer delays in processing for this Project and as a result significant costs. The City Planning Code clearly requires that the Board of Supervisors or Clerk of the Board set a hearing on an appeal for a date not more than 30 or 40 days after the filing of the appeal. (Planning Code 308.1(c)) The Board must decide the appeal within 30 or 40 days of that hearing, unless the full membership of the Board is not available. (Id.) ***Despite the mandate in the Planning Code to set the hearing on the appeal to a date not more than 30 or 40 days after the filing of the appeal, the City has proposed to delay the hearing on appeal for more than 70 days.*** In response to the July 21st filing of appeal, Supervisor Matt Haney’s Chief of Staff requested that the parties agree to delay the hearing on appeal until October 12, 2021. This request ignores the Planning Code requirements and continues the pattern of delay that already places the City in conflict with state law. This request also reflects the continuing disregard for the impact of delay on Applicant, even while relying on Applicant’s continued cooperation and accommodation.

. . . . [I]n light of the limited scope of the Planning Commission action and the numerous delays in processing these modifications to the Conditional Use

approval, proposing to set the hearing on the appeal to October represents another unreasonable delay.

Exhibit B.

The continued delays compound the harm to the Church and jeopardize the feasibility of the Project, further supporting a substantial burden on the Church.

C. Absence of Any Compelling Governmental Interest

Under RLUIPA, a government action imposing a substantial burden on religious exercise is invalid unless such actions are the least restrictive means of furthering a compelling governmental interest. 42 U.S.C. § 2000cc(a). It is the government’s burden to prove that it has a compelling interest and is pursuing it through the least restrictive means possible. *See Guru Nanak*, 456 F.3d at 993 (“the County ‘shall bear the burden of persuasion’ 42 U.S.C. § 2000cc-2(b), to prove narrowly tailored, compelling interests”). In establishing this standard for RLUIPA, “Congress borrowed its language from First Amendment cases applying perhaps the strictest form of judicial scrutiny.” *Yellowbear v. Lambert*, 741 F.3d 48, 59 (10th Cir. 2014) (Gorsuch, J.). *See also City of Boerne v. Flores*, 521 U.S. 507, 534 (1997) (compelling interest standard is the “most demanding test known to constitutional law”). In the context of this Appeal, there are simply no governmental interests at stake that could meet this demanding standard.

Based on the foregoing, if the Board were to grant this Appeal, they would be imposing a substantial burden on the Church and such imposition would not be the least restrictive means of achieving a compelling governmental interest, in violation of RLUIPA.

II. Free Exercise Clause of the United States Constitution

Like the substantial burden provision of RLUIPA, the First Amendment’s Free Exercise Clause also requires strict scrutiny judicial review of burdens on religious exercise. *See Cottonwood Christian Ctr. v. Cypress Redevelopment Agency*, 218 F. Supp. 2d 1203, 1222 (C.D. Cal. 2002) (RLUIPA “merely codifies numerous precedents holding that systems of individualized assessments, as opposed to generally applicable laws, are subject to strict scrutiny”); *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993). Recently, the United States Supreme Court ruled that government regulation affecting religious exercise—regardless of whether a burden is “substantial” or not—is automatically subject to strict scrutiny review if such regulation is not both “neutral” and generally applicable.” *Roman Cath. Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 67 (Nov. 25, 2020) (“Because the challenged restrictions are not ‘neutral’ and of ‘general applicability,’ they must satisfy ‘strict scrutiny,’ and this means that they must be ‘narrowly tailored’ to serve a ‘compelling’ state interest.” (citation omitted)). Discretionary permitting in the land use context constitutes such “individualized assessments,” which involves a “case-by-case evaluation of the proposed activity.” *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214, 1225 (11th Cir. 2004); *see also Guru Nanak*, 456 F.3d at 987 (finding an individualized assessment where the County Board of Supervisors reviews the Planning Commission's conditional use decisions). Because the discretionary, individualized assessment of this Appeal is not a “generally applicable” law, it is subject to strict scrutiny review.

For the same reasons that granting this Appeal would violate the substantial burden provision of RLUIPA, granting this Appeal would also violate the Free Exercise Clause.

III. Fair Housing Act.

Granting this Appeal would make the proposed 316 group housing units unavailable in San Francisco, potentially in violation of the Fair Housing Act (“FHA”). Section 3604(a) of the Fair Housing Act (“FHA”) makes it unlawful to “make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, or national origin.” 42 U.S.C. § 3604(a). The Supreme Court has held that the FHA applies to disparate-impact claims. *Texas Dep’t of Hous. & Cmty. Affs. v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 539 (2015).

Given the long history and dire consequences of continuing housing discrimination and segregation, Congress did not stop at prohibiting disparate treatment alone. . . . [A]s the Supreme Court recently reaffirmed, the FHA also encompasses a second distinct claim of discrimination, disparate impact, that forbids actions by private or governmental bodies that create a discriminatory effect upon a protected class or perpetuate housing segregation without any concomitant legitimate reason. *Id.* at 2522. . . .

Today, the policy to provide fair housing nationwide announced in the FHA remains as important as ever. 42 U.S.C. § 3601.

Ave. 6E Invs., LLC v. City of Yuma, Ariz., 818 F.3d 493, 502-03 (9th Cir. 2016). For a disparate impact claim under the FHA, a plaintiff need only establish “that the defendant’s actions had a discriminatory effect.” *Gamble v. City of Escondido*, 104 F.3d 300, 306 (9th Cir. 1997) (quoting *Pfaff v. U.S. Dep’t of Hous. & Urb. Dev.*, 88 F.3d 739, 745 (9th Cir. 1996)). “Demonstration of discriminatory intent is not required under disparate impact theory.” *Id.*

Since group housing units, by design, are more affordable than dwelling units in the City, individuals in group housing units are likely to have lower incomes than those who rent elsewhere in San Francisco. It is widely acknowledged that a disproportionately high number of people with lower incomes are people of color, and as a result, blocking this Project will likely have a demonstrable disproportionate impact on people of color. A statistical analysis of the 48 Below Market Rate (“BMR”) units in the Project illustrates this point. Dr. Allan Parnell conducted an analysis of income data, comparing the percentages of African American, White and Latino households with incomes eligible for renting the 48 BMR units in the Project. *See Exhibit D.* According to this analysis, “[t]he disparity ratio shows that the percentage of African American households in the income eligibility range is 2.6 times greater than white households at this income level. 15.8% of Latino households have incomes in the eligibility range, a percentage 1.9 times greater than white households in the eligibility range.”

Additionally, it is significant to note that the initial project proposed for this property was for 176 units of luxury housing, which was approved in 2018. The 2018 approval was appealed based on historic preservation grounds only, and the appeal was denied by the Board. If this appeal were to be granted, it certainly would not escape notice that a luxury housing project on this property was approved, but a group housing project on the same property was thwarted.

Conclusion

Granting this appeal would violate the substantial burden provision of RLUIPA and the Free Exercise Clause of First Amendment of the Constitution, and would likely run afoul of the Fair Housing Act. If the City and Board were not previously aware of these legal requirements, they are now placed on notice that their actions are subject to them. If the Appeal were granted, it is this Firm's opinion that it is unlikely that the City and Board would succeed in defending a suit against them raising these issues.

Yours truly,
/s/ Robin N. Pick
Robin N. Pick, Esq.

cc: San Francisco Board of Supervisors
Mayor London Breed
San Francisco City Attorney
Abigail Rivamonte Mesa, Chief of Staff to Supervisor Matt Haney

EXHIBIT A

FIFTH CHURCH OF CHRIST, SCIENTIST SAN FRANCISCO

April 19, 2021

Captain Chris Canning
SFPD Tenderloin Station
301 Eddy Street
San Francisco, CA 94102

Dear Captain Canning,

We are writing to you about the dire situation at 450 O'Farrell Street and adjacent Shannon Alley, where our church is located, and the consistent lack of law enforcement response when it is requested and desperately needed. Additionally, people on this block are not receiving critical City services that are provided by the City in other parts of San Francisco. The conditions are dangerous to the people on this block, impede our religious exercise as a church and prevent us from fulfilling our religious mission.

As you may know, we arrived at church this morning to discover that one of the encampments against our church building had caught fire. The SFFD had to put it out, and debris had been blown all over our church steps, portico, columns, church doors and building. Attached is a picture of the fire source site itself (after extensive cleaning, scrubbing and scraping).

As you also may know, vandals have been tapping into the lamppost in front of the church. Extension cords are snaked all around the sidewalk to encampments against the church which is a significant fire hazard. The City did not respond to calls from the church community for over a week. Instead, members of the church had to call PG&E, who repaired the lamppost. DPW then had to pick up the electrical debris and metal scraps. Today, we discovered that vandals had again tapped into the lamppost, and have also attempted to tap into the electric line to church property. Pictures are attached.

Last week alone, members of our church community called 911, 311, the police non-emergency number, and the HOT team over 14 times for situations which were dangerous, and which prevented the church from freely exercise its faith. There was no response from law enforcement except for two overdoses. The police did not respond to reports of violence or threats of violence, did not direct individuals in desperate circumstances to City services, did not respond to encampments in violation of the City/UC Hastings settlement agreement, did not respond to garbage and used needles dumped on the church, did not respond to graffiti sprayed on the church, and did not respond to reports of drug dealing.

The consequences to the church are severe:

- Members of our church, especially older female members, are afraid to go to church where they have to walk through illegal activity, threats of violence and open drug dealing just to enter the building. The lack of law enforcement presence and response makes our members feel even less safe. This is a blatant imposition on our right to freely exercise our faith. A little while ago, a religious activity had to be postponed due to threats around the building.
- Power line splicing and extension cords, pictured in attached photos, create serious tripping and fire hazards. The source power line for the lamppost is under the sidewalk in the church basement, steps from our church archives which contains volumes of dry paper. If the splice should spark, the entire church could burn down.
- The blocking of our church doors, handicap ramp and emergency exits is dangerous and illegal, and restricts our free exercise of our faith.
- The blocking of access to changing our Bible citation sign also impairs our religious exercise.
- Members of our church community, and in particular, our dear caretaker, regularly face threats of violence (e.g. "I'll smack you with this board when you have your back turned."). An individual tried to stab our caretaker with a large knife and another threatened to shoot him with a gun that was in his backpack, and yet our caretaker has had no police protection or support. The police did not help after the knife attack, and actually lost the police report. There appears to be no charging of attackers, no prevention against violence or protection against credible threats.
- Extensive garbage, trash, and debris, used needles, urine and feces, and graffiti must be cleaned up by the church each day, sometimes several times a day (including the TLCBD clean team). Our neighbors at the Gateway Inn came out yesterday to thank us for really trying to keep the area clean.
- We have documented days where the problems in the area are ONLY at the church site. We start to wonder if this intentional by the City.
- The church's civil rights are being violated.

The consequences to the neighborhood are significant. There is a substantial threat to personal safety and security. People at the site are being hurt. For example, a call to 911 last week reported a man savagely beating a woman in front of the church. The police did not respond. People at the site are also being denied resources and services that the City provides to people in other areas of the City. On Saturday, a man told us that he camps in front of the church to get the attention of the HOT team, City ambassadors, or the Crisis Response Team – but that the City never comes by.

Clearly, the solution to the issues at our church site must include law enforcement and it must also include access by those in need to City resources.

We respectfully insist on a meeting soon with you and your correct counterpart from the Department of Homelessness and Supportive Services, perhaps Jeff Kositsky.

The current situation is unsustainable and untenable. We must move forward together, and very soon, before more are hurt.

We look forward to hearing from you.

Sincerely,



Ela Strong
Executive Board President

ela@elastrong.com
510-579-4179 (cell)

Attachments - photos

Attachment to letter to Captain Chris Canning, SFPD, Tenderloin Station, dated April 19, 2021, from Fifth Church of Christ, Scientist at 450 O'Farrell Street, San Francisco:



note power cords from lamppost



site of fire source AFTER cleaning



new lamppost splicing - after PG&E repair



new attempted splicing today of electric wires at church mural



example of trash and used needles dumped on church

EXHIBIT B

Holland & Knight

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August 25, 2021

Via email: bos.legislation@sfgov.org

San Francisco Board of Supervisors

Angela Calvillo
Clerk of the Board
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Re: **California Housing Law Protections Relating to the 450-474 O'Farrell Street/532 Jones Street Project Application**

Dear Board of Supervisors,

Holland & Knight LLP¹ has been retained to represent Fifth Church of Christ, Scientist (the "Applicant") to ensure its rights under the California housing laws for the project proposed at 450-474 O'Farrell Street/532 Jones Street. The project includes "316 group housing units (632 beds), 172,323 square feet of residential use, including amenities and common areas, 4,900 square feet of open space, 6,023 square feet of restaurant/retail space, and 9,924 square feet for religious institution use (i.e., replacement of the existing church)" (the "Project"). (Addendum 2 to Environmental Impact Report ("Addendum 2"), June 23, 2021, at 3.) The Project's case number is 2013.1535EIA-02.

As outlined in our letter to the Planning Commission ("Commission") dated June 21, 2021 ("June 21, 2021 Letter"), the Project is subject to protections from several of California's housing laws, including the Permit Streamlining Act, Housing Accountability Act and SB 330 (the "Housing Crisis Act of 2019", all of which the Legislature has enacted to ensure the timely construction of housing to combat California's housing crisis.

¹ The Applicant is also represented by David Cincotta as well as Storzer & Associates, P.C. in connection with the Religious Land Use Act and Institutionalized Persons Act.

Summary of June 21, 2021 Letter. The following summarizes the main points in the June 21, 2021 Letter:

- The entitlements and exceptions currently sought were already approved for the previously approved project. The only land use related modification from the original approval requested for the revised Project is for a change to group housing with 316 group housing rooms. The Project is consistent with the standards for group housing in the RC-4 zoning district and all other applicable standards.
- The application was deemed complete on February 28, 2020 under the Permit Streamlining Act, based on our understanding that the Planning Department issued Plan Check Letter No. 1 more than 30 days after the Applicant's submittal, exceeding the 30 day window for completeness review of the Project. The City did not identify any project inconsistencies with objective standards as of April 28, 2020 and so the Project was deemed consistent with objective standards on that date under the Housing Accountability Act.
- As stated in the YIMBY Law Letter, "the Conditional Use Authorization currently being considered certainly falls well within the bounds of the General Plan. Even expanding our view to the project's previous approvals, including specific items within the Planned Unit Development, nothing proposed or adopted is sufficiently outside the scope of the city's general plan to warrant the assessment that the project is not protected by the Housing Accountability Act." As such, the Project does not involve any legislative amendments and, therefore, the Housing Accountability Act applies to the Project (limiting the ability to deny or reduce the Project density) as does the SB 330, including the five hearing maximum.
- The environmental review has been unnecessarily delayed. There is no substantial change to the revised Project that warranted preparation of a second Addendum and no new environmental impacts. The proposed modifications currently include and have always included approximately 300 group housing rooms, acknowledged by the City to represent for planning purposes approximately 600 beds.

The complete June 21, 2021 Letter is included as Attachment 1.

We applaud the Planning Commission for its approval of the Project at the June 24, 2021 hearing. After multiple hearings over the last several months, extensive outreach by the Church and the development team, the Commission incorporated several requested design improvements from the community and the Commission to improve the earlier Conditional Use Approval and refine the permitted group housing.

Summary of Responses to Appeal Letter

After receipt of the July 21, 2021 appeal letter filed by the Tenderloin Housing Clinic and Pacific Bay Inn, Inc. ("July 21, 2021 Appeal Letter") we wish to address certain additional points, as summarized below.

- The Appeal Letter challenges previous actions that were not part of the June 24, 2021 action by the Planning Commission. Specifically, the appeal is based on objections to alleged construction impacts and the authorization for group housing at this site. Nothing however in the action of the Planning Commission affects the previously approved site plan and associated construction impacts, and group housing is a permitted use in this zoning district, requiring no Planning Commission approval
- The Housing Accountability Act and five hearing maximum under SB 330 five hearing maximum still apply in the context of an appeal.
- The potential impacts raised in the Appeal Letter were adequately reviewed in the Environmental Impact Report (“EIR”) and, where appropriate, addressed with specific mitigation measures. Any challenge to the EIR or the associated mitigation measures had to have been filed within 30 days of the December 2018 Notice of Determination.
- Procedural issues regarding hearing date underscore the delayed processing that has characterized processing of this Project.

The following provides additional detail.

I. Background

Our June 21, 2021 Letter to Planning Commission (Attachment 1), included an in depth summary in Section I of the relevant background regarding (A) Project processing, (B) application completeness, (C) environmental review, and (D) hearing history. Rather than repeat again, here we reference pages 3-7 in Attachment 1 for relevant background.

II. The Appeal Does Not Address the June 24, 2021 Planning Commission Action

The appeal is based on items that were not at issue in the recent action of the Planning Commission. Despite multiple community meetings and public hearings prior to the original Conditional Use Approval and the opportunity to appeal the original approval, the current appeal is focused on construction impacts associated with actions evaluated and approved in the prior approval, and zoning decisions decided in decision unrelated to this Project. The July 21, 2021 Appeal Letter states that the appeal is based on the following reasons:

- (1) Lack of Due Consideration, Disclosure or Analysis of the Health, Safety and Welfare of the Tenderloin Community and the Adjacent Pacific Bay Inn. The Project did not adequately disclose significant construction and operational impacts to the community.
- (2) The Project Is Not Compatible with the Tenderloin Community. The Tenderloin Community deems the revised Project to be out-of-place and undesirable as the neighborhood is already saturated with market rate group housing.

(3) Lack of Community Outreach and Dialogue. Forge, the new project sponsor, failed to engage neighbors and community stakeholders concerning the design, format and impacts of the Project.

As summarized in our June 21, 2021 Letter the original approvals included the following:

The original version for the project proposed a 13-story (130 foot tall) mixed-use building, “with up to 176 dwelling units, restaurant and/or retail space on the ground floors, and a replacement church . . . , below grade parking and mechanical spaces, private and common open space and 116 Class 1 and 9 Class 2 bicycle parking spaces.” (Planning Commission Motion No. 20281 (“Motion No. 20281”), September 13, 2018, at 4.) On September 13, 2018, the Commission moved to authorize “the Conditional Use Authorization as requested in Application No. 2013.1535ENVCUA” subject to conditions. (Motion No. 20281, at 3, 25.) The authorization allowed a “mixed-use residential and institutional use building . . . pursuant to Planning Code Section(s) 303, 304, 317, 253, 249.5, and 271 within the RC-4 District and North of Market Residential Special Use District and a 80-T-130-T Height and Bulk District.” (Motion No. 20281, at Exhibit A-1.) In reviewing the project’s application for Conditional Use Authorization, the Commission found that the mixed-use project, including rental housing and a new church facility, was compatible with neighborhood uses, would “not be detrimental to the health, safety, convenience or general welfare of persons residing in the vicinity,” “generally complies with the applicable sections of the Code, with certain exceptions” and “conforms with multiple goals and policies of the General Plan.” (*Id.* at 6-8.)

Accordingly, claims about construction activities and potential impacts from the approved site plan and relate to the original approvals and extensive environmental review.

The action before the Planning Commission was limited to proposed modification of conditions in the Conditional Use Approval. The substance of the Planning Commission action concerned modification of four (4) conditions from the original approval and addition of a condition of approval addressing the standards for group housing cooking facilities. The conditions that were modified concerned Parking for Affordable Units (#24), Car Share (#25), Bicycle Parking (#26), and the Inclusionary Affordable Housing Program (#32). The Planning Commission eliminated the Car Share and Parking for Affordable Unit conditions because they were no longer applicable, increased the number for Bicycle Parking, and clarified the application of the Inclusionary Affordable Housing Program. In accordance with Planning Code Section 303(e), the public hearing and notice procedures of Section 306 were appropriately followed for processing the modifications.

None of the reasons stated as the basis for the appeal concern the items modified by the Planning Commission action. ***The appeal is based on objections to alleged construction impacts and the authorization for group housing at this site. Nothing however in the action of the Planning Commission affects the previously approved site plan and associated construction impacts, and group housing is a permitted use in this zoning district, requiring no Planning Commission approval.*** Given the reasons stated for the appeal, the real target of the appeal is the prior site plan approval and earlier Planning Code amendments that designated group housing as a permitted use. The time for appealing those decisions has passed. The only appropriate

decision on this unsupported appeal of the modification of the Conditional Use approval is to deny the appeal.

III. Housing Protections Apply in the Context of an Appeal

Section II of the June 21, 2021 Letter, specifically pages 7-11, identified the applicable protections under the California housing laws. In short, the application was deemed complete on February 28, 2020 under the Permit Streamlining Act, based on our understanding that the Planning Department issued Plan Check Letter No. 1 more than 30 days after the Applicant's submittal, exceeding the 30-day window for completeness review of the Project. The City did not identify any project inconsistencies with objective standards as of April 28, 2020 and so the Project was deemed consistent with objective standards on that date under the Housing Accountability Act. As stated in the YIMBY Law Letter, "the Conditional Use Authorization currently being considered certainly falls well within the bounds of the General Plan. Even expanding our view to the project's previous approvals, including specific items within the Planned Unit Development, nothing proposed or adopted is sufficiently outside the scope of the city's general plan to warrant the assessment that the project is not protected by the Housing Accountability Act." ***As such, the Project does not involve any legislative amendments and, therefore, the Housing Accountability Act applies to the Project as does the five hearing limit under SB 330.***

Both laws apply equally in the context of an appeal. The Housing Accountability Act limits an agency's discretion to deny or reduce the density of a project. (Govt. Code 65589.5). There is no exception where an appeal has been filed so it follows that an agency's obligations under the Housing Accountability Act remain when an appeal has been filed.

Similarly, the five hearing maximum under SB 330 remains steadfast as there is no exception for an appeal. As this is a new and cutting edge area of the law, we recognize it has not yet been addressed by the courts. That said, language in Government Code Section 65905.5(a) is resolute in stating that a city and county "shall not conduct more than five hearings...in connection with the approval of that housing development project" and that the "city and county shall consider and either approve or disapprove the application at any of the five hearings allowed under this section consistent with the applicable timelines under the Permit Streamlining Act." Moreover, the definition of a hearing in Government Code Section 65905.5(b)(2) includes "any public hearing, workshop, or similar meeting conducted by the city or county with respect to the housing development project." The only exemption from the definition of a hearing is where there is a legislative approval or a timely appeal of the "approval or disapproval of a *legislative approval*." The proposed Project entitlements include only quasi-judicial approvals and no legislative approvals. Accordingly, an appeal hearing is not exempt from the five hearing maximum. We noted in our June 21, 2021 Letter that eight hearings have been held (or six if not counting the hearings purportedly continued by the Applicant). As such, the five hearing maximum has already been exceeded.

A plain reading of the five hearing maximum could be read and interpreted by the courts to require an agency to deny an appeal without holding a new hearing. While we do not necessarily

recommend such an action, we feel it important to recognize that, given the severity of the housing crisis and legislative and judicial trends, it is quite possible that courts will find that appeal hearings beyond five hearings are improper. With that legal background in mind, we continue to urge an outcome that is consistent with the significant legal trends on housing projects.

IV. The Appeal Raises Issues Evaluated in the EIR and Untimely CEQA challenges

The potential impacts raised in the Appeal Letter were adequately reviewed in the Environmental Impact Report (“EIR”) and, where appropriate, addressed with specific mitigation measures. This Appeal identifies no new or different environmental impacts that those evaluated in the EIR. In particular, the potential environmental impacts detailed by the Pacific Bay Inn in the Appeal were all adequately reviewed in the EIR. Those potential impacts were addressed and specific mitigation measures responding to the potential impacts to adjacent buildings, including vibration monitoring and a management plan, were incorporated into the final EIR approved on November 13, 2018. The Church and its Project Sponsor partner have agreed to implement those mitigation measures. These mitigation measures have been consistently incorporated in all Addenda describing the group housing proposal, including documents prepared for and approved by the Commission on June 21.

The Pacific Bay Inn did not challenge or appeal the EIR evaluation or the mitigation measures incorporated into the Final EIR. The Notice of Determination (“NOD”) for the project approval was published on December 18, 2018 and any challenge under the California Environmental Quality Act (“CEQA”) to the EIR and those mitigation measures had to have been filed within 30 days of the NOD. More significantly, it should be noted that, in addition to arranging to implement the mitigation measures, under the current proposal withdraws the development’s foundation significantly further away from the Pacific Bay Inn. Consequently, the current proposal incorporating group housing has less potential for impacting the Pacific Bay Inn.

Furthermore, as stated by Planning Department staff at the Planning Commission Hearing on June 21, 2021, the custom and practice of resolving any structural design issues for foundational issues of adjacent buildings is through mitigation measures, review and conditions by the Department of Building Inspection, and written agreement between the property owners (based on consultation with engineers). The first draft of such an agreement for this process has already been delivered to the representatives of the Pacific Bay Inn.

All of the potential impacts raised in the appeal were evaluated and addressed in the EIR that was certified in 2018. No appeal and no CEQA challenge was filed to the prior approval or the EIR from 2018. Finally, the City ultimately prepared two Addendums to the EIR and concluded that not further environmental review was required for the current proposal. The Addendum made the following finding:

The revised project would not result in new or different environmental impacts, substantially increase the severity of the previously identified environmental impacts or require new mitigation measures. In addition, no new information has emerged that would materially change the analyses or conclusions set forth in

the initial study and EIR. Therefore, the revised project would not change the analyses or conclusions in the initial study and EIR for the previous project.

Second Addendum to Environmental Impact Report, p. 11.

V. Procedural issues regarding Appeal Hearing date underscore delayed processing

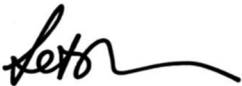
The Applicant continues to suffer delays in processing for this Project and as a result significant costs. The City Planning Code clearly requires that the Board of Supervisors or Clerk of the Board set a hearing on an appeal for a date not more than 30 or 40 days after the filing of the appeal. (Planning Code 308.1(c)) The Board must decide the appeal within 30 or 40 days of that hearing, unless the full membership of the Board is not available. (*Id.*) In that instance, the Board may continue the hearing for decision on the appeal to a date when the full Board is available, but not more than 90 days after the hearing on the appeal. (*Id.*) ***Despite the mandate in the Planning Code to set the hearing on the appeal to a date not more than 30 or 40 days after the filing of the appeal, the City has proposed to delay the hearing on appeal for more than 70 days.*** In response to the July 21st filing of appeal, Supervisor Matt Haney's Chief of Staff requested that the parties agree to delay the hearing on appeal until October 12, 2021. This request ignores the Planning Code requirements and continues the pattern of delay that already places the City in conflict with state law. This request also reflects the continuing disregard for the impact of delay on Applicant, even while relying on Applicant's continued cooperation and accommodation.

Applicant appreciates that the Board does not meet in August and that both Rosh Hashanah and the labor day holiday fall during the first week in September. Under these circumstances the Board must therefore make some appropriate arrangements. Nevertheless, in light of the limited scope of the Planning Commission action and the numerous delays in processing these modifications to the Conditional Use approval, proposing to set the hearing on the appeal to October represents another unreasonable delay.

This Appeal can and should be resolved without further unnecessary delay. As noted in prior correspondence, the Church has experienced significant damages as a result of the continuing delays.

Sincerely yours,

HOLLAND & KNIGHT, LLP



Letitia Moore

CC: David Murray, Fifth Church of Christ, Scientist (david.murray08@gmail.com)
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Attachment 1 – June 21, 2021 Letter to Planning Commission

Attachment 1
June 21, 2021 Letter to Planning Commission

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June 21, 2021

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Re: **California Housing Law Protections Relating to the 450-474 O'Farrell Street/532 Jones Street Project Application**

Dear All:

Holland & Knight LLP¹ has been retained to represent Fifth Church of Christ, Scientist (the "Applicant") to ensure its rights under the California housing laws for the project proposed at 450-474 O'Farrell Street/532 Jones Street. The project includes "316 group housing units (632 beds), 172,323 square feet of residential use, including amenities and common areas, 4,900 square feet of open space, 6,023 square feet of restaurant/retail space, and 9,924 square feet for religious institution use (i.e., replacement of the existing church)" (the "Project"). (Addendum 2 to Environmental Impact Report ("Addendum 2"), June 23, 2021, at 3.) The Project's case number is 2013.1535EIA-02.

After the Planning Commission ("Commission") approved an earlier version of the project more than two and half years ago, the Commission has failed to take the actions required by law to process the Project's entitlements. This failure is a violation of California's housing laws, including the Permit Streamlining Act, Housing Accountability Act and SB 330, all of which the

¹ The Applicant is also represented by David Cincotta as well as Storz & Associates, P.C. in connection with the Religious Land Use Act and Institutionalized Persons Act.

June 21, 2021

Page 2

Legislature has enacted to ensure the timely construction of housing to combat California's housing crisis. The following summarizes the main points in this letter:

- The entitlements and exceptions currently sought were already approved for the previously approved project. The only land use related modification from the original approval requested for the revised Project is for a change to group housing with 316 group housing rooms. The Project is consistent with the standards for group housing in the RC-4 zoning district and all other applicable standards.
- The environmental review has been unnecessarily delayed. There is no substantial change to the revised Project that warranted preparation of a second Addendum and no new environmental impacts. The proposed modifications currently include and have always included approximately 300 group housing rooms, acknowledged by the City to represent for planning purposes approximately 600 beds.
- The Planning Department issued Plan Check Letter No. 1 more than 30 days after the Applicant's submittal. This timing exceeds the statutorily mandated 30 calendar day window for completeness review of the Project. As such, the application was deemed complete on February 28, 2020 under the Permit Streamlining Act.
- The City did not identify any project inconsistencies with objective standards as of April 28, 2020 and so the Project was deemed consistent with objective standards on that date under the Housing Accountability Act.
- As stated in the YIMBY Law Letter, "the Conditional Use Authorization currently being considered certainly falls well within the bounds of the General Plan. Even expanding our view to the project's previous approvals, including specific items within the Planned Unit Development, nothing proposed or adopted is sufficiently outside the scope of the city's general plan to warrant the assessment that the project is not protected by the Housing Accountability Act."
- Just as with the Housing Accountability Act, it is not appropriate to exclude applicability of the five hearing limit under SB 330 to those projects that request exceptions that do not rise to the level of general plan or zoning code amendments. As such, the five hearing limit applies.
- The hearing history shows, remarkably, that the hearings on the Project have been continued seven times. At the next hearing, which will be the eighth hearing (or the sixth if not counting the hearing purportedly continued at the request of the Applicant), the Commission must approve the Project. Under the limitations imposed by the Housing Accountability Act, the City has no basis for disapproving the Project. In the event the City does not promptly take action to consider and approve the Project, our clients will

exercise their rights under these laws. It is noted that the Church has experienced significant damages as a result of processing delays.

The following provides additional detail.

I. Background

The following provides relevant background regarding (A) Project processing, (B) application completeness, (C) environmental review, and (D) hearing history.

A. Project processing

1. Original approvals

The original version for the project proposed a 13-story (130 foot tall) mixed-use building, “with up to 176 dwelling units, restaurant and/or retail space on the ground floors, and a replacement church . . . , below grade parking and mechanical spaces, private and common open space and 116 Class 1 and 9 Class 2 bicycle parking spaces.” (Planning Commission Motion No. 20281 (“Motion No. 20281”), September 13, 2018, at 4.) On September 13, 2018, the Commission moved to authorize “the Conditional Use Authorization as requested in Application No. 2013.1535ENVCUA” subject to conditions. (Motion No. 20281, at 3, 25.) The authorization allowed a “mixed-use residential and institutional use building . . . pursuant to Planning Code Section(s) 303, 304, 317, 253, 249.5, and 271 within the RC-4 District and North of Market Residential Special Use District and a 80-T-130-T Height and Bulk District.” (Motion No. 20281, at Exhibit A-1.) In reviewing the project’s application for Conditional Use Authorization, the Commission found that the mixed-use project, including rental housing and a new church facility, was compatible with neighborhood uses, would “not be detrimental to the health, safety, convenience or general welfare of persons residing in the vicinity,” “generally complies with the applicable sections of the Code, with certain exceptions” and “conforms with multiple goals and policies of the General Plan.” (*Id.* at 6-8.)

Furthermore, the Commission found that the project complies with the required criteria for a Conditional Use Authorization under Planning Code sections:

- 317 - demolition of or conversion of Residential Buildings
- 253(b)(1) - buildings with a street frontage height greater than 50 feet
- 249.5/263.7 - buildings that exceed a height of 80 feet in the North of Market Residential Special Use District
- 271(c) - buildings that exceed bulk limits. (*Id.* at 11-19.)

Additionally, as part of the Project’s Planned Use Development authorizations, the Commission also approved modifications to the “rear yard requirements per Section 134(g) of the Planning Code,” and “[a]n exception to the off-street loading requirements per Section 152 of the Planning Code, which requires one residential loading space for the project.” (*Id.* at 9.) Finally, the

Commission found that the project “affirmatively promotes applicable objectives and policies of the General Plan.” *Id.* It should be noted that Applicant paid fees for the earlier version of the project and a site permit was issued, but it was not ultimately financeable.

2. Project modifications comply with objective standards

The Applicant now proposes “316 group housing units (632 beds), 172,323 square feet of residential use, including amenities and common areas, 4,900 square feet of open space, 6,023 square feet of restaurant/retail space, and 9,924 square feet for religious institution use (i.e., replacement of the existing church).” (Addendum 2, at 3.) Specifically, the Applicant seeks to “amend Conditions of Approval Nos. 24, 25, 26, and 32 of Planning Commission Motion No. 20281 adopted on September 13, 2018.” (Staff Report for April 15, 2021 Planning Commission (“April Staff Report”), Executive Summary Conditional Use, at 1.) These Conditions of Approval address vehicle, car share and bicycle parking (Nos. 24, 25 and 26) and inclusionary housing (No. 32) requirements. The Project’s amendments “would be constructed within the envelope described for the [approved] project, with a similar mix of uses, decreased subsurface excavation and minor changes in building design All other aspects of the revised project would remain the same as those of the previous project.” (Addendum 2, at 5.)

Implementation of the Project requires a conditional use authorization for a planned unit development to modify the requirements of San Francisco Planning Code sections 134(j) (for rear-yard modifications in a RC-4 District) and 152 (for on-street loading). The Planning Commission granted these approvals on September 13, 2018. The revised Project does not seek any modification to these prior approvals.

Implementation of the Project also requires “authorization from the planning commission under San Francisco Planning Code section 317(g)(5) for demolition of existing residential units; section 253(b) for new construction over 40 feet in height and a street frontage greater than 50 feet; section 263.7 for an exception to the 80-foot base height limit in North of Market Residential Special Use District No. 1; section 271 for exceptions to section 270, governing the bulk of the building; and section 303 for the new religious institution (church) use.” (Addendum 2, at 9.) These authorizations were similarly approved by the Commission on September 13, 2018. The modifications requested for the revised Project do not involve any of these authorizations. (See April Staff Report, Draft Motion, at 7.)

The only land use related modification from the original approval requested for the revised Project is for a change to group housing with 316 group housing rooms. The revised Project also reduces the number of off-street parking previously approved. As detailed in the Staff Report for the April 15, 2021 Planning Commission, off-street parking is not required in the RC-4 zoning district. (April Staff Report, at 7.) Given that there is no required off-street parking, the revised Project is not at odds with the standard for off-street parking. The revised Project is also consistent with the standards for group housing in the RC-4 zoning district. The Staff Report for the April 15, 2021 Planning Commission states that “[p]ursuant to Section 209.3 of

the Planning Code, the RC-4 residential high-density zoning district, permits a group housing density up to one bedroom per every 70 square feet of lot area. On this 22,106 square foot site, 316 bedrooms are permitted, . . .” (April Staff Report, at 7.) The revised Project is therefore consistent with the applicable objective standard for the RC-4 zoning district.

Notably, all relevant modifications proposed by the revised Project are consistent with applicable objective standards. Additionally, the modifications to Conditions of Approval 24, 25, 26 and 32 all comply with the applicable standards. No off-street parking or car share parking are required for the Project, therefore COA Nos. 24 and 25 do not apply. The revised Project complies with both the bicycle parking spaces and inclusionary affordable housing requirements applicable to the revised Project.

B. Application completeness

Correspondence between the City staff and Applicant demonstrates that the Project application is complete. The following is a chronology of the City’s correspondence with the Applicant regarding the Project:

- January 24, 2020 - Application filed with City for amended PUD/CUA
- January 28, 2020 - Planning Department accepts Revised CUA Application
- April 9, 2020 - Plan Check Letter No. 1
- June 12, 2020 - Revisions submitted by Applicant
- July 10, 2020 - Plan Check Letter No. 2
- August 13, 2020 - Response submitted to City

The significance of this chronology is discussed further below. Notably, the April 9, 2020 Plan Check Letter No. 1 exceeds the 30 day time period to respond to an application submittal under the Permit Streamlining Act.

C. Environmental review

An Environmental Impact Report (“EIR”) was certified for the original Project in 2018. On December 21, 2020, the City published an Addendum to the EIR for the proposed Project modifications. As such, the environmental review was completed six months ago, with the conclusion that the Project will not result in new significant environmental impacts and that no further environmental review is required. Although there were no substantial changes to the proposed revised Project, the City prepared a second Addendum in June 2021.

Similar to the findings in the Addendum, in the second Addendum, the City’s analysis of the proposed modifications to the approved Project affirms that “[s]ince certification of the EIR, no substantial changes are proposed for the project and no changes have occurred in the circumstances under which the 450–474 O’Farrell Street/532 Jones Street Project would be implemented.” (Addendum 2, at 9; see also Addendum, at 9.) Furthermore, “[n]o new

information has emerged that would materially change the analyses or conclusions set forth in the initial study or EIR for the previous project.” (*Id.*) Significantly, as demonstrated throughout the City’s extensive and lengthy environmental review of the Project, the Project modifications do not require further environmental review and do not result in new significant impacts. The following is a summary of the City’s environmental review of the Project and its findings:

- December 21, 2020 – Addendum to EIR published by Planning Department
- January 7 and 21, 2021 – Planning Department determines that no further environmental review is required – see Planning Commission Agenda
- June 23, 2021, Addendum 2 to EIR prepared by Planning Department

No substantial project modifications were proposed for the revised Project after the first Addendum was published. The City considers a group housing room as equivalent to one room or two beds. For purposes of this Project, the City used the number of rooms for calculating density, open space, and inclusionary requirements. (See Plan Check Letter, April 9, 2020, Comment No. 3, at 2.) The core modification proposed by the revised Project continues to be the change to group housing comprised of approximately 300+ group housing rooms (or approximately 600+ beds).

Addendum – Proposed Modification To The Project	Addendum 2 – Proposed Modification To The Project
<p>The proposed revised project would result in demolition of the buildings on the project site and the construction of a 13-story building with a basement. The structure would contain 302 group housing units (316 beds), 165,972 square feet of residential space, 4,900 square feet of open space, 7,959 square feet of restaurant/retail space, and 10,181 square feet for religious institution use (i.e., replacement of the existing church). The total built area would be approximately 199,384 square feet. (Addendum, at 3)</p>	<p>The revised project would result in demolition of the buildings on the project site and the construction of a 13-story building with a basement. The structure would contain 316 group housing units (632 beds), 172,323 square feet of residential use, including amenities and common areas, 4,900 square feet of open space, 6,023 square feet of restaurant/retail space, and 9,924 square feet for religious institution use (i.e., replacement of the existing church). The total built area would be approximately 207,448 square feet. (Addendum 2, at 3)</p>

There is no substantial change to the revised Project that warranted preparation of a second Addendum and payment of an additional Addendum fee to the Planning Department. The proposed modifications currently include and have always included approximately 300 group housing rooms, acknowledged by the City to represent for planning purposes approximately 600 beds.

D. Hearing history

Yet in spite of the application completeness, conclusion of the environmental review and the City’s own findings that the proposed modifications to the approved project do not require further environmental review, the Commission has failed to move forward procedurally and issue the requisite Project entitlements. The following is a timeline of the Commission’s remarkable pattern of hearings continuances:

- January 7, 2021 – CONTINUED to January 21, 2021
- January 21, 2021 – CONTINUED to February 4, 2021
- February 4, 2021 – CONTINUED to March 11, 2021
- March 11, 2021 – CONTINUED to April 1, 2021
- April 1, 2021 – CONTINUED to April 15, 2021
- April 15, 2021 – CONTINUED to June 10, 2021
- June 10, 2021 – CONTINUED to June 24, 2021

For more than six months, the Commission has repeatedly voted for continuances. Neither the staff or Commission have given legitimate reasons to delay the Project hearings in this manner. We note that the Staff Report from January 21st states that opposition “is centered on the shift to group housing, and concerns about the community engagement process.” (Executive Summary Conditional Use, January 21, 2021 at 2.) The Staff Report from February 4th goes further and states that a neighbors has a perception “that the church has not been a good neighbor.” (Staff Report for February 4, 2021 Planning Commission, at 2.) The Applicant has in fact engaged in an extensive outreach process and none of the factors cited in the staff reports amounts to an objective standard; rather, the concerns amount to subjective “NIMBY” hurdles posed by special interest groups.

II. Housing Law Protections

Based on the remarkable history above, it is clear that there have been violations of the spirit, intent and plain application of the California housing laws, as described below.

As we know, California faces “a housing supply and affordability crisis of historic proportions,” evidenced by the fact that the median home price in San Francisco was \$1.6 million at the time that the Legislature passed the Housing Crisis Act of 2019. (Gov. Code § 65589.5(a)(2)(A); Housing Crisis Act of 2019, Section 2(a)(2).) “The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code § 65589.5(a)(2)(A).) To combat the crisis, the Legislature has plainly stated that it is the policy of the state that California’s housing laws be afforded “the fullest possible weight to the interest of, and the approval and provision of, housing.” (Gov. Code § 65589.5(a)(2)(L).) Furthermore, it is the policy of the state “that a local government not reject or make infeasible housing development projects” that contribute to the housing supply “without a thorough analysis of the economic, social, and environmental effects of the action.” (Gov. Code § 65589.5(b).)

A. Application Completeness

Under the Permit Streamlining Act, as amended by SB 330, a local agency’s authority to review the “completeness” of an application for a development permit is strictly limited to confirming

whether the applicant has provided the material contained on the agency's official submittal requirements checklist, as that checklist existed at the time of application submittal. (Gov. Code § 65943(a); *see also* Gov. Code §§ 65940, 65941.) Upon submittal of the materials on an agency's checklist, the agency has 30 days in which to notify the applicant in writing as to whether the application is complete. (Gov. Code § 65943(a).) If the applicant is required to amend or supplement the application materials, an agency has 30 days from receipt of those materials to notify the applicant in writing of the agency's completeness determination. (Gov. Code § 65943(b).) "If the written determination is not made within that 30-day period, the application together with the submitted materials *shall be deemed complete*." (*Id.*) (emphasis added.)

The Planning Department ("Department") accepted the Applicant's Project application on January 28, 2020. The Department then issued Plan Check Letter No. 1 on April 9, 2020. This timing exceeds the statutorily mandated 30 calendar day window for completeness review of the Project. As such, the application was deemed complete on February 28, 2020.²

B. Consistency with Objective Standards

The Housing Accountability Act ("HAA") requires a local agency to provide written documentation if a housing development project is inconsistent with objective standards: "(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units; or (ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units." (Gov. Code § 65589.5(j)(2)(A).) If the local agency fails to provide the required documentation, the housing project *shall be deemed consistent with applicable standards*. (Gov. Code § 65589.5(j)(2)(B)) (emphasis added.)

As stated, the Project is a mixed-use residential project with at least two-thirds residential uses; and as such, it is a qualifying housing development project under the HAA that is subject to review for consistency with the City's objective standards. (Gov. Code § 65589.5(g); Gov. Code § 65589.5(h)(1)(B).) Once the application is complete, the HAA limits review of project consistency to the City's objective standards. Accordingly, assuming application completeness occurred in February 2020, the City did not identify any project inconsistencies as of April 28, 2020 and the Project was deemed consistent with objective standards on that date.

However, the City's Staff Reports from January 21st and February 4th state that "opposition to the Project is centered on the shift to group housing, and concerns about the community engagement process." Moreover, the reports express that response to the Applicant's community

² Even if there was City correspondence prior to April 9, 2020, application completeness occurred on August 13, 2020 at the latest as the last Applicant submittal (see chronology in Section 1(b) above).

outreach “has focused on community benefits, size and functionality of units, unit mix, and amenities” (Executive Summary Conditional Use, January 21, 2021, at 2), and that a neighbor has a perception that “the church has not been a good neighbor.” (Staff Report for February 4, 2021 Planning Commission, at 3.) To the extent that this subjective community feedback is being incorporated into Project revisions or determinations of inconsistency, it is a violation of the HAA because the feedback does not qualify as an objective standard upon which the Project may be reviewed.

C. Housing Accountability Act Applicability

The current development application is for modification of four Conditions of Approval to authorize development of group housing. As set forth in the Addendum, the proposed revised Project does not represent a significant change to the approved Project. Additionally, the modifications requested are each consistent with the applicable objective standards.

Under the San Francisco Planning Code, authorization of a change in any condition imposed by a Conditional Use Authorization is subject to the same procedures as a new Conditional Use Authorization. (San Francisco Planning Code § 303(e).) The proposed revised Project continues to be consistent with all other previously approved development authorizations for the Site, each of which is still valid and continue in effect. (*Id.*)

Additionally, the procedural requirement for a Conditional Use Authorization does not make a housing project not consistent with applicable objective standards. We note that YIMBY Law already submitted a letter on May 25, 2021 regarding Housing Accountability Act applicability. (Letter from Sonja Trauss, YIMBY Law (Executive Director) to Planning Commissioners) (hereinafter “YIMBY Law Letter”, included as Attachment 1.) It accurately describes the following:

The crux of the issue is whether the project approval would require any action abrogating or overriding the general plan designation and standards for the site. The Conditional Use Authorization currently being considered certainly falls well within the bounds of the General Plan. Even expanding our view to the project’s previous approvals, including specific items within the Planned Unit Development, nothing proposed or adopted is sufficiently outside the scope of the city’s general plan to warrant the assessment that the project is not protected by the Housing Accountability Act. As the project is subject to protection under the HAA, the commission is limited both in the actions it may take on the project and the number of hearings the project may be subjected to.

The YIMBY Law Letter then quotes applicable law under the Housing Accountability Act identifying the Commission’s limited discretion in reviewing the Project. This law has been affirmed by the courts. The Housing Accountability Act “imposes a substantial limitation on the government’s discretion to deny a permit.” (*N. Pacifica, LLC v. City of Pacifica* (N.D. Cal. 2002) 234 F. Supp. 2d 1053, 1059,aff’d sub nom. *N. Pacifica LLC v. City of Pacifica* (9th Cir. 2008) 526

F.3d 478 (internal quotation omitted).) Further, a city may not reject the project based on any subjective or discretionary criteria, such as “suitability.” (*Honchariw v. Cty. of Stanislaus* (2011) 200 Cal. App. 4th 1066, 1076, 1079.)

D. SB 330

Additionally, we reiterate the points in the YIMBY Law letter that the Commission is limited both in the actions it may take on the project as well as the number of hearings that may be held under SB 330.

Specifically, the Housing Crisis Act of 2019, SB 330, limits the number of public hearings applicable to a project that “complies with the applicable objective general plan and zoning standards in effect at the time an application is deemed complete.” (Gov. Code § 65905.5(a).) If a project complies with applicable general plan and zoning standards, a City may only conduct five public hearings. (*Id.*) If the city continues a hearing subject to this section to another date, the continued hearing shall count as one of the five hearings allowed under this section. (*Id.*) Significantly, the law requires a City to “consider and either approve or disapprove the application at any of the five hearings allowed.” (*Id.*) Therefore, given that the City has held seven public hearings for the Project just this year, without approving or disapproving the Project, the City has exceeded the 5 hearing maximum. (Gov. Code § 65905.5.)

We note that the City’s guidance on implementation of SB 330 provides that “housing development projects that comply with applicable zoning standards and that are not seeking any exceptions, rezoning, or other legislative actions, can be subject to a maximum of five public hearings to consider project approval by the city.” (Planning Director Bulletin No. 7, Housing Crisis Act of 2019 Project Review and Zoning Actions, at 3.)

Just as with the Housing Accountability Act, it is not appropriate to exclude applicability of the five hearing limit to those projects that request exceptions that do not rise to the level of general plan or zoning code amendments. As noted above and in the YIMBY Law Letter, exceptions do not rise to the level of a legislative amendment, as with a General Plan or Zoning amendment. Zoning codes routinely include mechanisms for exceptions and conditional authorizations. Compliance with such mechanisms built into the zoning code retains consistency with applicable zoning code standards. There is ample evidence that other cities adhere to the state law protections and apply the housing laws for projects with non-legislative, quasi-judicial entitlements.

Not adhering the housing laws would be counter to the intent of the housing laws to streamline processing for needed housing. The stated intent of the Legislature in enacting SB 330 is to “[s]uspend certain restrictions on the development of new housing during [this] period of statewide [housing] emergency” and “expedite the permitting of housing in regions suffering the worst housing shortages and highest rates of displacement.” (SB 330, Housing Crisis Act of 2019, Sec. 2(c).)

June 21, 2021
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We also note that the City's guidance on implementation of SB 330 provides that "[i]ndependent requests from Project Sponsors for a continuance do not count toward the five-hearing limit." (Planning Director Bulletin No. 7, Housing Crisis Act of 2019 Project Review and Zoning Actions, at 4.) In reviewing the Commission hearing minutes, we note that two hearing continuances were purportedly requested by the project sponsor. The Applicant wishes to convey that the continuances were requested *at the Planning Department's recommendation* and not fairly considered to be at the Applicant's request. Moreover, the Applicant did not formally waive its rights to the five hearing maximum under SB 330. Moreover, even without counting the two hearings purportedly requested by the Applicant, there have still been five hearings.

At the next hearing, which will be the eighth hearing (or the sixth if not counting the hearing purportedly continued at the request of the Applicant), the Commission must approve the Project. Under the limitations imposed by the HAA, the City has no basis for disapproving the Project. In the event the City does not promptly take action to consider and approve the Project, our clients will exercise their rights under these laws.³ It is noted that the Church has experienced significant damages as a result of processing delays.

Sincerely yours,

HOLLAND & KNIGHT LLP



Chelsea Maclean

CC: Planning Commissioners (commissions.secretary@sfgov.org)
David Murray, Fifth Church of Christ, Scientist (david.murray08@gmail.com)
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Robin Pick, Storzer Law (pick@storzerlaw.com)
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³ We note that our firm has successfully represented applicants in the enforcement of housing laws. (*MWest Propco XXIII LLC v. City of Morgan Hill and Morgan Hill City Council*, Santa Clara County Superior Court, Case No. 18CV333676 (City did not comply with the Housing Accountability Act); *40 Main Street Offices, LLC v. City of Los Altos*, Santa Clara County Superior Court, Case No. 19CV349845 (city's denial of housing development violated the HAA because the City failed to identify objective standards with which the project did not comply); *Ruegg & Ellsworth v. City of Berkeley* (2021) 63 Cal.App.5th 277, reh'g denied (May 19, 2021), review filed (June 1, 2021) (City did not provide adequate findings when denying the SB 35 application).) As noted previously, we also note that the Applicant is represented by Storzer & Associates, P.C. on its RLUPA claims.

ATTACHMENT 1
YIMBY Law Letter



YIMBY LAW

YIMBY Law
1260 Mission St
San Francisco, CA 94103
hello@yimbylaw.org

5/25/2021

San Francisco Planning Commission
49 South Van Ness, Ste 1400
San Francisco, CA 94103

commissions.secretary@sfgov.org
Via Email

Re: 450 O'Farrell Street

Dear San Francisco Planning Commission,

This letter is intended to outline some of the legal issues surrounding the project at 450 O'Farrell and to explain why the Housing Accountability Act does apply to this project, despite planning staff objections.

The crux of the issue is whether the project approval would require any action abrogating or overriding the general plan designation and standards for the site. The Conditional Use Authorization currently being considered certainly falls well within the bounds of the General Plan. Even expanding our view to the project's previous approvals, including specific items within the Planned Unit Development, nothing proposed or adopted is sufficiently outside the scope of the city's general plan to warrant the assessment that the project is not protected by the Housing Accountability Act. As the project is subject to protection under the HAA, the commission is limited both in the actions it may take on the project and the number of hearings the project may be subjected to.

Conditional Use Authorization and the Housing Accountability Act

It is a common misconception that any additional approvals for a project besides a simple site permit automatically renders the Housing Accountability Act void. This is not the case. The Housing Accountability Act applies so long as the residential development complies with the objective general plan standards in place at the time of application submission.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

...

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(California Government Code § 65589.5)

Though a conditional use permit requires additional authorization, it does not push the project beyond the bounds of the general plan. By its very nature, a conditional use is one that is permitted by the general plan provided certain prerequisites are met. The extra level of scrutiny does not mean that the project is no longer general plan compliant.

In this case the project is seeking a conditional use authorization to change its previous plan to group housing. Group housing is an allowed use under the site's general plan designation despite requiring some extra processing, namely a conditional use authorization. Despite the extra layer of approval the project remains general plan compliant.

Planned Unit Development and the Housing Accountability Act

 YIMBY Law, 1260 Mission St, San Francisco, CA 94103

June 21, 2021

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Planning staff maintain that the conditional use authorization is not the problem when it comes to the project's status under the HAA. Rather their contention is that exceptions required as part of the PUD were what rendered the project HAA exempt. The specific parts of the PUD referenced include exceptions from height, dwelling unit exposure, rear yard, and permitted obstructions standards. These were all included in the CUA for the project.

Like everything else in the CUA, as passed previously and as proposed, we do not believe that these provisions bring the project out of compliance with the General Plan. The project may require exceptions from specific zoning standards but these are all allowed under the PUD and CUA process without any significant zoning amendments or general plan amendments.

If the project were asking for exceptions that exceed the scope of those allowed as part of the PUD and CUA process then this issue would be different. The project does not propose anything of the sort however, and therefore should be considered covered by the HAA.

Conclusion

Moving forward, this project should be treated as any other project would be under the HAA. This means that the Planning Commission's discretion is limited in this case. The project does not pose a threat to public health and safety and complies with nearly objective general plan standards. The project was approved previously with very similar characteristics and so it is clear that Commission and planning staff mostly agree with us on this point.

The Planning Commission should stop delaying this project and approve the modifications to the Conditional Use Authorization to allow the project to move forward. Plans for development at this site have been stifled for a variety of reasons for over 40 years and it's time to allow a project to proceed.

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law

YIMBY Law, 1260 Mission St, San Francisco, CA 94103

EXHIBIT C

450 O'Farrell Street, San Francisco Mixed-Use Church Development Progress Outreach Report

**Prepared for:
Fifth Church of Christ, Scientist
Forge Development Partners and**

June 2021

Prepared by:



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APPENDICES

Appendix A	Contact List
Appendix B	Contact Log
Appendix C	Communications Materials
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450 O'Farrell Redesign Essential Workforce Housing Project Outreach Summary

Between November 2020 to June 22, 2021, the project team conducted community outreach for the re-envisioned 450 O'Farrell project with the purpose of sharing changes made to the project, soliciting feedback, and responding to questions and concerns. Outreach included virtual meetings with stakeholders representing business, residential and social services; providing information electronically via Forge's website, a Facebook page, and YouTube channel; hosting a series of community meetings via Zoom; and door-to-door canvassing. Below is a summary of the project team's efforts:

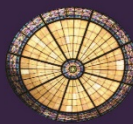
- 42 virtual stakeholder meetings
- 3 canvassing events
- 4 community meetings
- 74 letters of support received
- 124 signatures received in support of the project



Outreach to Golden Blaze at the corner of Jones and O'Farrell streets



Virtual meeting with Tenderloin People's Congress and additional member groups



FIFTH CHURCH OF CHRIST, SCIENTIST
SAN FRANCISCO

1.0 INTRODUCTION

In 2018, the original 450 O'Farrell luxury housing project was approved by the San Francisco Planning Commission. Since then, Fifth Church of Christ, Scientist has partnered with Forge Development Partners to redesign the project to better meet the needs of the local community. The redesigned project better fits the area by replacing all luxury housing with essential housing for teachers, firefighters, police, and other essential workers; increasing the number of units from 176 to 316; and increasing affordable units from 28 to 45.

The report summarizes outreach conducted by The Fifth Church of Christ Scientist, Forge Development Partners and Craig Communications (the project team) in support of the 450 O'Farrell Street redesigned Essential Housing project.

2.0 COMMUNICATION MATERIALS

Contact List

A list of key contacts was prepared to notify stakeholders about the redesigned project, solicit feedback and share project updates. The key contact list includes important individuals from the City and County of San Francisco, representatives of local social, housing, faith-based, and business organizations, adjacent property owners and tenants, attendees of project community meetings, and other individuals that have requested to receive information on the project. At a minimum, we review this list weekly to ensure they are current. The contact list is located in Appendix A.

Calls and Emails

To date, there have been over 300 calls and emails placed to reach stakeholders and offer project meetings and/or briefings and respond to requests for more information. A project contact log is provided in Appendix B.

Communications Materials

Project communications materials were prepared to provide up-to-date information on the project and include a project fact sheet, three community meeting flyers, and a community meeting presentation. Copies are included in Appendix C.

Electronic Information

The project team used Forge's website (<https://www.forgedevelopmentpartners.com/tl-450>), a project specific Facebook page (<https://www.facebook.com/450OFarrellProject/>), and a YouTube channel (<https://tinyurl.com/450-OFarrell>) to provide a ready source of up to date information. Electronic sites are updated on a weekly basis.

Project Meetings and Briefings

Provided below is a summary of project meetings and briefings. Of note, meetings were offered, accepted, and declined by a variety of key Tenderloin businesses and organizations. A project contact list documenting these interactions is provided in Section 3.

3.0 OUTREACH SUMMARY

Between November 2020 to June 22, 2021, the project team conducted community outreach for the re-envisioned 450 O'Farrell project with the purpose of sharing changes made to the project, soliciting feedback, and responding to questions and concerns. Outreach included virtual meetings with stakeholders representing business, residential and social services; providing information electronically via Forge's website, a Facebook page, and YouTube channel; hosting a series of virtual community meetings via Zoom; and door-to-door canvassing.

4.0 CITY AND COUNTY

This project team worked with the County and City of San Francisco to receive input and keep them updated on community interactions and salient issues. A summary of these interactions is presented below. The project team remains in regular contact with the City and County.

San Francisco Police Commission, Tenderloin Station – 12/15/20

Met with Police Commission, Tenderloin station Captain Carl Fabbri, to discuss project, area and street safety, and how the project would increase eyes on the street.

San Francisco Planning Commission – 12/22/20, 01/04/21, 01/19/21, 01/20/21, 01/25/21 and 04/02/21

The Forge project team met with the following Planning Commissioners to provide project updates and gather feedback:

- December 22, 2020 - Commissioner Theresa Imperial
- January 4, 2021 - Commissioner Joel Koppel
- January 19, 2021 - Commissioner Rachael Tanner
- January 20, 2021 - Commissioner Deland Chan
- April 2, 2021 - Commissioner Rachael Tanner

Board of Supervisors, District 6 – 03/10/21

Met with Supervisor Matt Haney and Chief of staff Abigail Rivamonte Mesa to provide updates on current project status, gather feedback, answer questions, and share research and white papers to provide accurate project details.

5.0 LOCAL BUSINESSES, COMMUNITY ORGANIZATIONS AND RESIDENTS

The project team has conducted outreach to local businesses, community organizations and residents to provide information on the redesigned project.

Community Members – 01/19/21 and 4/6/21

The project team met with the following community members to provide project updates, answer questions, and listen to feedback:

- January 19, 2021 – Eric Rodenbeck, community activist and organizer
- January 19, 2021 – Nikki Gunn, who neighbors the Site
- April 6, 2021 – Cliff Waldeck, who serves on the Bay Area Council Project Endorsement Committee and expressed “450 O’Farrell is beautiful in its simplicity and efficiency.”

5.1 AREA CANVASSING

Project team members conducted area canvassing on March 3 and April 2, 2021 and provided a copy of the project fact sheet, invited individuals to community meetings or to call the project team with questions at a convenient time, and added interested individuals to the key contact list. Overall, local businesses, community organizations and residents expressed varying levels of interest in the project, and many were supportive. The following provides a summary of canvassing efforts.

March 3, 2021

Cyril Magnin St.: 28, 101, 138, 115, 155

Eddy St.: 83, 141, 144, 160, 216, 230, 265, 289, 308, 380, 399

- 128: Superette Grocery owner appreciated the information and will share it with staff and customers. She will also post the flyer in her window.
- 166: Southeast Asian Development Center (formerly VYDC - Vietnamese Youth Development Center) Housing Specialist, Uyen appreciated the information and will share it with her clients and staff. She asked if there would be Vietnamese translation of the community meeting. We followed-up confirming that there would be translation.
- 186: The Dalda’s Community Market owner appreciated the information and will share it with staff and customers. He is excited about the project and will attend the community meeting.
- 265: Staff at both Fix Auto and Auto Dynamik, Inc. appreciated the information and will post it in their offices.
- 235: The Drake Hotel manager appreciated the information and will share it with staff and residents. We attached the flyer to their bulletin board, per his request.
- 339: Owner of Battambang Market appreciated the information and will post it in her window.

Ellis St.: 127, 160, 174, 201, 237, 357, 373, 387, 406, 415, 425, 433, 441, 468, 473, 666

- 251: Imperial Liquor owner declined flyer; he is aware of the project.

- 330: GLIDE Memorial Church worker was excited about the project and will share the flyer with management.
- 472: The Central City SRO Collaborative manager, Kelly Ecker, appreciated the information and will share it with staff and residents.
- 465: Ellis Hotel Manager appreciated the information and will share it with staff and residences.
- 456: La Voz Latina worker Christine appreciated the information and asked if there would be Spanish translation of the community meeting. We followed-up confirming that there would be translation.

Geary Blvd.: 351, 400, 401, 420, 422, 440, 442, 480, 486, 490, 500, 516, 516, 524, 531, 575, 580, 595, 599, 601, 603, 604, 606, 608, 610, 631, 669, 679, 683, 687, 689

- 580: Staypineapple Hotel clerk appreciated the proposal for more affordable housing. She supports the project and will likely attend the meeting.
- 531: Marsha Quintara, at Addy's Salon appreciated the information. She was happy to hear about the addition of more affordable housing and will attend the meeting to get more information.
- 450 and 466: Residences were inaccessible except to residents.
- Owner of Masesoba, a new restaurant opening in the area, declined a fact sheet.

Hallidie Plaza: 1

Jones St.: 402, 420, 431, 439, 511, 520, 522, 533, 540, 545, 545, 555, 556

Leavenworth St.: 316, 317, 536, 540

- 335: Hotel Western manager appreciated the information, will share it with staff and residents, and post it in their front window.

Mason St.: 111, 125, 147, 140, 149, 222, 349, 401, 420

O'Farrell St.: 170, 200, 240, 243, 260, 272, 320, 330, 336, 364, 405, 415, 419, 428, 436, 439, 441, 449, 491, 499, 501, 517, 540, 545, 550, 561, 570, 593, 596, 599

- 411: Orange Village Hostel front desk worker appreciated the information and will share it with management and the residents.
- 438: Gateway Inn owner, Shay, is very excited about the project and will likely attend the meeting. He will share the flyer with residents and staff.
- 445: Hotel Winton manager, Monique, appreciated the information and will share it with residents and staff.
- 453: Paradise Coffee and Donuts owner, Mohammed, appreciated the information.
- 480: Golden Blaze worker, Robert, appreciated the information.
- 430: Residences were inaccessible.

Post St.: 501, 589, 599, 611, 629, 643, 701, 711, 731, 761

Powell St.: 1, 33, 35, 45, 49, 80, 111, 135, 151, 161, 167, 207, 247

- 1: Flyers provided to AT&T and Bank of America; Bank of America staff will post in their breakroom.

Taylor St.: 256, 385, 401, 405, 518, 520, 555

- 222: Manager of Eddy and Taylor Family Apartments will post the flyers in their common spaces and appreciated the good news that more affordable housing is potentially coming to the area.

April 2, 2021

Cyril Magnin St.: 101, 115, 138, 155

Eddy St.: 83, 128, 123, 160, 186, 289, 308, 310, 330, 339, 398, 399

- 128: Owner of Superette Grocery owner appreciated the information and will share it with staff and customers.
- 144: Sharon, property manager of the Empress Hotel, appreciated the information and will share it with staff and guests.
- 186: The Dalda's Community Market owner appreciated the information and will share it with staff and customers. He is excited about the project.
- 310: Officer at the SF Tenderloin Police Station took several flyers to put in the attached community center.
- 339: Owner of Battambang Market appreciated the information and will post it in his window. He was excited to hear about the update of more below-market-rate units.
- 399: Owner of Empire Market asked for several flyers to leave for his customers.

Ellis St.: 127, 140, 174, 222, 299, 398, 400, 406, 415, 425, 433, 434, 468, 472

- 127: Manager of Abris Hotel said he would share the information with staff.
- 330: GLIDE Memorial Church worker Chaprese was excited about the project and will share the flyers with management.
- 401: Employee at Starlight Market posted the flyer and thanked us for the information.
- 433: Employee of Artmar Hotel declined the flyer, but a nearby resident said they would take one.

Geary Blvd.: 295, 301, 351, 400, 401, 418, 420, 440, 500, 516, 524, 580, 550, 571, 599, 603, 604, 610, 639, 650, 683, 687, 689, 696

- 351: Employee of Handlery Union Square Hotel said he would post the flyer in the employee break room.

- 580: Staypineapple Hotel clerk appreciated the proposal for more affordable housing and said she wants to continue to receive updates. She supports the project and will likely attend the meeting.
- 604: Owner of Salami Halal Meat is already on the 450 O'Farrell mailing list and will likely attend the meeting.
- 639: Manager of Geary Court Apartments said she will send an email to residents informing them of the meeting.
- 650: Owner of the Alcazar Theatre, which also contains housing, said he will distribute the flyer to tenants.
- 683: Employee of Bandit Coffee Shop asked for several flyers to give customers.
- 689: Owner of Star Market declined flyer, but said she supported the project.

Jones St.: 500, 511, 515, 525, 540, 601

- 540: Manager of the Pierre Hotel said she was familiar with the project, but "in general does not trust developers." She said she will not attend but will inform tenants.

Leavenworth St.: 445, 317

Mason St.: 56, 111, 140, 149, 222, 300, 301, 325, 349, 399, 401, 420

- 56: Bristol Hotel manager will share the information with tenants.
- 140: FOUND Hotel front desk worker appreciated the information and will share it with management and the residents.
- 222: Hotel Nikko front desk worker said he has been following updates around 450 O'Farrell and supports the project.

O'Farrell St.: 77, 123, 165, 170, 180, 184, 300, 320, 333, 336, 340, 364, 388, 405, 411, 438, 441, 445, 453, 480, 481-485, 491, 499, 501, 517, 550, 593, 596, 599, 600

- 165: Employee of Episcopal Community Services will distribute information to staff and customers.
- 411: Orange Village Hostel front desk worker is excited about the project and stated it would help improve the entire community.
- 438: Gateway Inn owner, Shaidia, is very excited about the project and will likely attend the Zoom meeting. She will share the flyer with residents and staff.
- 481-485: The owner of the O'Farrell Towers and adjoining Senior Center, Alexandra, is very excited about the project. However, she is worried about construction noise and the placement of portable toilets outside of her business. She or her husband will likely join the meeting.
- 517: When telling an employee of TL Café and Laundromat about the meeting, a customer asked for more information and a flyer. He will likely attend the meeting.
- 596: Owner of Mi Reyna Market will distribute information to staff and customers.

Post St.: 470, 488, 498, 501, 589, 599, 600, 611, 643, 675, 700, 708, 720, 728, 750, 766,

- 589: Manager of Post Hotel appreciated the update and will share the information with staff.

Powell St.: 207, 211, 236, 245, 246, 295, 335

- 211: Ugg employee will post flyer in window.
- 335: Westin front desk worker will share information with staff.

Taylor St.: 222, 256, 258, 299, 333, 375, 401, 405,

- 222: The apartment manager at 222 Taylor Street was very interested in the project and asked several questions about the proposed affordable units. He will likely join the meeting.
- 333: Manager of Glide Community Housing will post the flyers in their common spaces and appreciated the good news that more affordable housing is potentially coming to the area.



Outreach to Golden Blaze at the corner of Jones and O'Farrell streets

6.0 PROPERTY OWNERS AND HOTELS

The project team met with property and hotel owners below. The project contact log, included in Appendix B, provides more detail on individual interactions with these individuals and organizations' staff.

San Francisco Hotel Council – 12/14/20 and 01/05/21

Met with SF Hotel Council members on December 14, 2020 to provide updates on current project status and answer questions/listen to feedback. On January 5, 2021, met with SF Hotel Council representatives Kevin Carroll, Executive Director and Kelly Powers, Director. They are very supportive of the project noting that the price point for rentals would allow many of their hospitality workers to live in the city instead of commuting in from the suburbs.

Hilton Hotel – 12/15/20

Met with Hilton Hotel staff to provide updates on current project status and answer questions/listen to feedback.

Pacific Bay Inn – 12/18/20

Met with Pacific Bay Inn members to provide updates on current project status and answer questions/listen to feedback.

The Crosby Hotel – 01/10/21

Met with Charles “Chuck” Custer, owner of The Crosby Hotel. He expressed his support of the project and was emailed a fact sheet to hand out to Crosby tenants.

Tenderloin Merchants and Property Owners Association – 02/03/21

Met with Tenderloin Merchants and Property Association. Questions were asked about number of units, tenant base, ground floor retail uses, parking, and timeline. They expressed support for the project.

7.0 COMMUNITY ORGANIZATIONS

The project team has met with the following community organizations. Meetings were offered, accepted, and declined by various Tenderloin organizations. Detailed meeting information is referenced in the contact log in Appendix B.

San Francisco Housing Action Coalition (SFHAC) – 12/2/20

Met with SFHAC members to present project and to go through formal review process. SFHAC has endorsed the project citing the need for affordable, transit friendly housing options in downtown San Francisco.

Central City SRO Collaborative (CCSROC) / Tenderloin Housing Clinic (THC) – 12/16/20

Met with Pratibha Tekkey to discuss the project. Provided an overview of the project and Pratibha stated she was concerned that the development was not “family-friendly” and would increase area congestion. Pratibha also noted that community outreach should have been conducted over the past two years and that beginning in December 2020 with a planning commission hearing in January 2021 was too late (Note: in response to this Forge requested a delay in the hearing date).

Delivering Innovative and Supporting Housing (DISH) – 12/18/20

Met with DISH Jason Pellegrini to provide an update on the project and answer questions. Jason continues to support the project. He wanted confirmation that previous agreements to preserve light in the hallways will be honored. Project fact sheet was sent to Jason via email with an agreement it would be shared with Pacific Bay Inn tenants.

Tenderloin Community Benefit District (TCBD) – 12/21/20, 03/05/21 and 3/23/21

Met with Simon Bertrang, TCBD Executive Director and Fernando Pujals, TCBD Director of Communications on December 21, 2020. They had questions about the layout of the units, access to the building, shared amenity spaces and number of affordable units. They expressed strong support for the project noting that the Fifth Church of Christ Scientist has been in the area for nearly a century and that the land is underutilized. Fact sheet provided via email to share with their members. On March 5, 2021, met with Simon Bertrang, TCBD Executive Director to provide updates on current project status and answer questions/listen to feedback. On March 23, 2021, met and provided updates on current project status, answered questions, and listened to feedback.

Tenderloin People's Congress – 12/28/20

Met with various representatives of groups that comprise the Tenderloin People's Congress. In attendance were: Code Tenderloin, Tenderloin Neighborhood Development Corporation, Larkin Street Youth, Alliance for a Better D-6, Veteran's Alley, Glide Memorial, Tenderloin Community Benefit District. Multiple questions were asked about the size and layout of units, percentage of affordable, amenities in apartments, furniture in apartments, parking, shared spaces, definition of an essential worker, entrances to/from building, allotment of BMR units, social service provider for the building and scoped services, status of entitlement, and the community benefit package associated with the project. The community benefit listing was sent after the meeting.



Virtual meeting with Tenderloin People's Congress and member groups

Central City SRO Collaborative (CCSROC) / Tenderloin Housing Clinic (THC) – 01/12/21 and 03/23/21

Met with the Land Use Development Board for the CCSROC. Various questions were asked about the size of the units, location of bathrooms, size and function of shared amenity spaces, and parking. On March 23, 2021, met and provided updates on current project status, answered questions, and listened to feedback.

Code Tenderloin – 01/22/21

Met with Del Seymour. He noted that the project takes an underutilized piece of land and provides much needed housing, and he is very supportive of the project and the Church remaining in the Tenderloin neighborhood.

Faithful Fools Ministry – 02/23/21

Met with Sam Dennison, Carmen Barsody, and Leah Laxamana to provide an overview of the project. Questions were asked about the size of the units, number of units to support families, amenity space, interface with the larger community, community benefit packages, past outreach, plans for future outreach. It was noted that while they are not opposed to the project, they cannot endorse the project because they stand in solidarity with community partners.

Project Access – 05/24/21

Met with Teresa Ichsan from Project Access and provided updates on current project status, answered questions/listened to feedback, and requested project slides to be added to the updated 450 O'Farrell project presentation.

Veteran's Alley – 06/22/21

Met with Amos Gregory from Veteran's Alley to provide updates on current project status and answer questions/listen to feedback.

8.0 CHURCHES

The project team has conducted outreach to churches located within the project area and throughout District Six. Additionally, we have established a key relationship with the San Francisco Interfaith Council, which is strongly supportive of the project. Provided below is a list of organizations/churches we have met with and provided project information. The team continues to provide updated information as the project progresses.

Glide Memorial – 01/15/21

Met with Miguel Bustos and Erick Arguello. They asked questions about the size of units, shared spaces, price points for rent, area median income, affordable units. They noted that they are generally supportive of the project but cannot provide a letter of support without approval of their Board.

San Francisco Interfaith Council – 02/26/21

Met with councilmembers to provide updates on current project status and answer questions/listen to feedback.

9.0 COMMUNITY MEETINGS

A series of community meetings were hosted in March and April 2021. Interpretation services were provided in Vietnamese and Spanish. The meetings were designed to provide information to interested stakeholders, answer questions, and accept input. A high-level summary of each meeting is included below with more detailed notes included in Appendix D.

Community Meeting No. 1 – Monday, March 8, 2021

Held a community meeting to inform interested individuals about the project, correct misinformation, answer questions, and accept feedback. Eight community members attended the meeting, and a recording of the meeting was uploaded to the 450 O'Farrell Facebook page and YouTube.

Community Meeting No. 2 – Saturday, March 20, 2021

Hosted second community meeting to inform interested individuals about the project, correct misinformation, answer questions, and accept feedback. Interpretation services were provided in

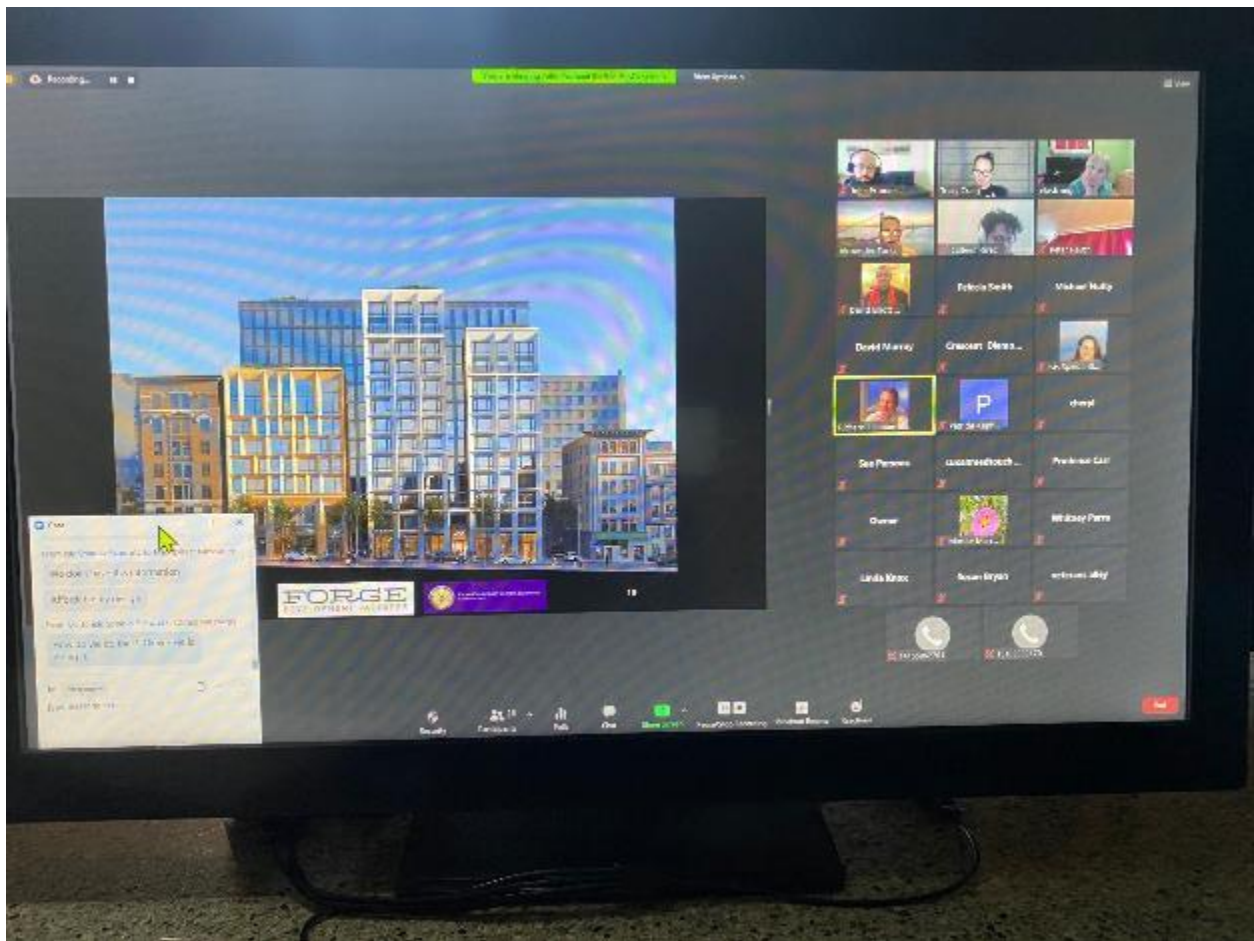
Vietnamese and Spanish. Seven community members attended the meeting, and a recording of the meeting was uploaded to the 450 O'Farrell Facebook page and YouTube.

Community Meeting No. 3 – Tuesday, April 6, 2021

Hosted a third community meeting to inform interested individuals about the project, correct misinformation, answer questions, and accept feedback. Twelve community members attended the meeting, and a recording of the meeting was uploaded to the 450 O'Farrell Facebook page and YouTube.

Community Meeting No. 4 – Tuesday, June 22, 2021

Hosted a fourth community meeting to inform interested individuals about the project, correct misinformation, answer questions, and accept feedback. 25 community members attended the meeting.



10.0 PROJECT SUPPORT LETTERS

To date, 74 letters of support and 124 signatures have been obtained from community organizations or via an online petition (<https://oneclickpolitics.global.ssl.fastly.net/promo/2fm>). Support letters are provided in Appendix E.

450 O'Farrell Project: Letters of Support List			
Contact Name	Organization and Info	Title or Function	Outcome
Business Support			
1. Ali Baalouach	Salama Halal Meat 604 Geary St. San Francisco, CA 94102 salama_halal@yahoo.com	Manager	Signed LOS
2. Mohamed Patel	Salama Halal Meat 604 Geary St. San Francisco, CA 94102 salama_halal@yahoo.com	Owner	Signed LOS
3. Atique Rehman	Naan N Curry Restaurant 642 Irving St. San Francisco, CA 94122		Signed LOS
4. Eric Rodenbeck	Stamen Design 2017 Mission St., Suite 300 San Francisco, CA 94110 erode@stamen.com	CEO & Creative Director	Signed LOS
5. Charles Custer	Gordon Rees Scully Mansukhani, LLP Crosby Hotel 1728 Ocean Ave. #149 San Francisco, CA 94112		Signed LOS
6. Susana Razo	Contigo Communications 109 Knollview Way San Francisco, CA 94131	Principal	Signed LOS
7. Cliff Waldeck	Cliff's Happy Healthy Office	Sales Partner	Signed LOS
Church Support			
8. Reverend Arturo Albano	Cathedral of Saint Mary 1111 Gough St. San Francisco, CA 94109	Father	Signed LOS
9. Martha Arbouex	821 Laguna Street, 4 San Francisco, CA 94102		Signed LOS
10. Rita Semel	San Francisco Interfaith Council 2190 Washington St. #907 San Francisco, CA 94109	Co- founder and former Chair	Signed LOS

11. Michael Pappas, M.Div	San Francisco Interfaith Council P.O. Box 29055 130 Fisher Loop San Francisco , CA 94129	Executive Director	Signed LOS
12. Pastor Elizabeth Ekdale	St. Mark's Lutheran Church 1031 Franklin Street San Francisco, CA 94109 ekdale@stmarks-sf.org	Pastor	Signed LOS
13. First Church of Christ Scientist	1700 Franklin Street San Francisco, CA 94109 firstchurchofcs@sbcglobal.net		Signed LOS
14. Theresa Cho	25 Lake St. San Francisco, CA 94118	Pastor	Signed LOS
15. Dan Barnard	First Unitarian Universalist Church and Center 1187 Franklin St. San Francisco, CA 94109 dbarnard@uusf.org		Signed LOS
Organizations			
16. Deleano (Del) Seymour	Code Tenderloin 1960 Howard St. San Francisco, CA 94103 tlwalkingtours@gmail.com	Founder	Signed LOS
17. John Paul (JP) Soto	LSS of Northern California 191 Golden Gate Ave. San Francisco, CA 94102 jpsoto@lssnorcal.org	Deputy Director	Signed LOS
18. Kristin Byrne	Project Access 2100 W. Oranewood Avenue Ste. 230 Orange CA 92868 kristinb@project-access.org 949-253-6200 ext. 303	CEO/President	Signed LOS
19. Rhiannon Bailard	UC Hastings Law bailardrhiannon@uchastings.edu	Chief Operating Officer	Signed LOS
20. Sonja Trauss	YIMBY Law 1260 Mission St San Francisco, CA 94103 hello@yimbylaw.org	Executive Director	Signed LOS
Individual Support			
21. Rachel McClintick	2568 Nordell Avenue Castro Valley, CA 94546	Christian Science Nurse	Signed LOS
22. Pam Spitler	445 Wawona Street San Francisco, CA 94116		Signed LOS

23. Linda Knox	1 Arbor St. San Francisco, CA 94131		Signed LOS
24. Larry Sullender	1745, Franklin St Apt 203 San Francisco, CA 94109		Signed LOS
25. Robert Sokol	631 OFarrell Street, #714 San Francisco, CA 94109		Signed LOS
26. Christine Cordaro	73 Florentine St. San Francisco, CA 94112		Signed LOS
27. Victoria Corcel	1295 E Main Avenue Morgan Hill, CA 95037		Signed LOS
28. Prudence Carr	445, Wawona St, Apt., 326 San Francisco, CA 94116		Signed LOS
29. Erin Plum	1553 Foxfire Lane Bedford, VA 24523		Signed LOS
30. Paul Sedan	695 Wawona Street San Francisco, CA 94116		Signed LOS
31. Wylie Greig	1969 Barbara Drive Palo Alto, CA 94303		Signed LOS
32. Justin Barker	631 OFarrell Street San Francisco, CA 94109		Signed LOS
33. Susan Touchstone	1808 Pacific Avenue, Apt. 704 San Francisco, CA 94109		Signed LOS
34. Eric Garrett	680 Mission St. San Francisco, CA 94105		Signed LOS
35. Laura Timmons	88 Rheem Blvd. Orinda, CA 94563		Signed LOS
36. Charles Brigham	531 Main Street, Apt. 1411 New York, NY 10044		Signed LOS
37. KathrynL Wood	631 OFarrell St., 416 San Francisco, CA 94109		Signed LOS
38. Kathryn Shockency	2031 Victoria Drive Fullerton, CA 92831		Signed LOS
39. Luther Patenge	635 Ellis Street, Apt 401 San Francisco, CA 94109		Signed LOS
40. Ann Elise Emerson	24509 Portola Avenue Carmel, CA 93923		Signed LOS
41. Kristin Messer	1478 32nd Avenue San Francisco, CA 94122		Signed LOS
42. Floyd Martinez	515 OFarrell Street, #72 San Francisco, CA 94102		Signed LOS
43. Peter Fletcher	112 Centre Court Alameda, CA 94502		Signed LOS
44. Thomas Vavrina-Flores	631 Ofarrell St. San Francisco, CA 94109		Signed LOS

45. Antje Dollny	99 Robinhood Dr. San Francisco, CA 94127		Signed LOS
46. Nancy Sedan	695 Wawona St. San Francisco, CA 94116		Signed LOS
47. Jorge Perez	195 Lunado Way San Francisco, CA 94127		Signed LOS
48. Mary Ann Cahill	445 Wawona Street, #305 San Francisco, CA 94116		Signed LOS
49. Donna Fletcher	112 Centre Court Alameda, CA		Signed LOS
50. Richard Kaplan	62A Divisadero St. San Francisco, CA 94117		Signed LOS
51. Cheryl Kerzman	6016 Tamarac Avenue Edina, MN 55436		Signed LOS
52. Laura Ramirez-Gonzalez	1151 Harbor Bay Parkway, Suite 139 Alameda, CA 94502		Signed LOS
53. Nancy Anderson	3255 Sacramento St. San Francisco, CA 94115		Signed LOS
54. Mary Forte	3261 Blandon Rd. Oakland, CA 94605		Signed LOS
55. Allison Kephart	1162 Barcelona Dr. Pacifica, CA 94044		Signed LOS
56. Mary Clarke	3999 Auburn Dr. Minnetonka, MN 55305		Signed LOS
57. Susan Parsons	8300 SW Shenandoah Way Tualatin, OR 97062		Signed LOS
58. Patricia Kephart	1162 Barcelona Dr Pacifica, CA 94044		Signed LOS
59. Gretchen Barley	2373 California St. San Francisco, CA 94115		Signed LOS
60. Sergio Gonzalez	201 Rome St. San Francisco, CA 94112		Signed LOS
61. Carol Chamberlin	22 Sandpiper Pl. Alameda, CA 94502		Signed LOS
62. Luis Pine	1322 47th Ave. San Francisco, CA 94122		Signed LOS
63. Christie Naranjo	1306 Ridgeview Terrace Fullerton, CA 92831		Signed LOS

64. Joanna Katz	4024 Loma Vista Ave. Oakland, CA 94619		Signed LOS
65. Kristy Holch	855 El Camino Real 13a, Suite 13a-350 Palo Alto, CA 94301		Signed LOS
66. Julia Eunice King	3835 Granite Way Wellington, NV 89444		Signed LOS
67. Nicholas Warwick	1188 Union St., Apt. 1 San Francisco, CA 94109		Signed LOS
68. Christopher Ketcham	1604A Grove St. San Francisco, CA 94117		Signed LOS
69. Sherry Ketcham	1604A Grove St. San Francisco, CA 94117		Signed LOS
70. Raymond Barbour	PO Box 590311 San Francisco, CA 94159		Signed LOS
71. Julie Hansen	1395 Golden Gate Ave., 507 San Francisco, CA 94115		Signed LOS
72. Dana Laird	354 West Kinnear Place Seattle, WA 98119		Signed LOS
73. Carl Vanos	1604A Grove St. San Francisco, CA 94117		Signed LOS
74. Edwin Laird	354 West Kinnear Place Seattle, WA 98119		Signed LOS
75. Lynda Howard	lyndahoward@icloud.com		Signed LOS
76. Kristin Brigham	531 Main Street #1411 New York, NY 10044		Signed LOS
77. Steve Pepple	1541 Sacramento Street, Apt 4 San Francisco, CA 94109		Signed LOS
78. Sally Richardson	1464 Wessyngton Road NE Atlanta, GA 30306		Signed LOS
79. William Bruegmann	2255 Contra Costa Blvd. #305 Pleasant Hill, CA 94523		Signed LOS
80. Marthe Murray	2909 Adams Street Alameda, CA 94501		Signed LOS
San Francisco Housing Action Coalition Support			

81. Corey Smith	San Francisco Housing Action 95 Brady St. San Francisco, CA 94103 corey@sfhac.org	Deputy Director	Signed LOS
82. BrittanyO'Donnell			Signed LOS
83. David Ivan			Signed LOS
84. Amelie Crowe			Signed LOS
85. Shoshana Raphael			Signed LOS
86. Townsend Walker			Signed LOS
87. Aaron Beitch			Signed LOS
88. Roan Kattouw			Signed LOS
89. Jorge Silva			Signed LOS
90. Andrew Morcos			Signed LOS
91. Judy Hao			Signed LOS
92. Patrick Gaarder			Signed LOS
93. Krista Raines			Signed LOS
94. Kristen Berman			Signed LOS
95. Scott Ward			Signed LOS
96. Temperance DuKayne			Signed LOS
97. Andrew Haven			Signed LOS
98. DJ Capobianco			Signed LOS
99. Jiwoo Song			Signed LOS
100. Nishant Kheterpal			Signed LOS
101. Christina Salehi			Signed LOS
102. Pamela Dubier			Signed LOS
103. Kasey Wooten			Signed LOS
104. Andrew Seigner			Signed LOS
105. Brian Stone			Signed LOS
106. Lizzie Siegle			Signed LOS
107. Laimonas Turauskas			Signed LOS

108.	Matthew Stachler		Signed LOS
109.	Anthony Fox		Signed LOS
110.	Brett Byron		Signed LOS
111.	Claire Shoun		Signed LOS
112.	Mike Skalnik		Signed LOS
113.	Spencer Sherwin		Signed LOS
114.	Yekaterina Oliner		Signed LOS
115.	Drew Oliner		Signed LOS
116.	Joey Isaacson		Signed LOS
117.	Christopher Makarsky		Signed LOS
118.	Robyn Leslie		Signed LOS
119.	Zachary Everett		Signed LOS
120.	Neoshi Chhadva		Signed LOS
121.	Alexander Best		Signed LOS
122.	David Broockman		Signed LOS
123.	My Tran		Signed LOS
124.	Philip Levin		Signed LOS

11.0 EMAIL UPDATES

A database of interested parties is maintained and up-to-date project information is provided on an ongoing basis.

12.0 SOCIAL MEDIA COVERAGE

The project team created a Facebook page and YouTube channel to share project updates and community meeting recordings. From June 10 through June 22, the project team posted four Facebook ads announcing the June 22nd virtual community meeting for the 450 O'Farrell project. The ads received a total of 337 link clicks and 10,316 impressions, making our average engagement rate about 3.25%. This is higher than the average engagement rate of Facebook ads which generally hovers around 1-2%. As a result, the project team saw an increase in the number of attendees at our June 22nd community meeting with 25 people in attendance, which is the highest number of attendees out of the community meetings held on the project this year.

13.0 MEDIA COVERAGE

There have been three articles in the San Francisco Business Times on the proposed project. Copies of the new coverage are provided in Appendix F.

EXHIBIT D

450 O'Farrell Project Analysis
August 12, 2021
Allan Parnell, Ph.D.

If the appeal of the Conditional Use Permit for the 450 O'Farrell Project is granted, it will disproportionately and significantly reduce access to affordable housing in San Francisco for African American and Latino households relative to White households.¹ This conclusion is based comparisons the proportions of African American, Latino, and White households with incomes between \$23,088 and \$51,300, the income range that qualifies for Below Market Rate (BMR) Group Quarters rates in San Francisco. The 450 O'Farrell Project will have 48 affordable units that will be rented to households with incomes in this range.

Data

Income data for this analysis are from the 2019 American Community Survey (ACS) specific to San Francisco. 2019 is the most recent income data available. The ACS is the primary Census Bureau Survey used to collect economic, social, and housing data. I use tables of household income for African Americans (Table 19001B), Non-Latino Whites (Table 19001H), and Latinos (Table 19001I). I accessed the data at <https://data.census.gov/cedsci/>.

Information on the income range for eligibility in the BMR Group Quarters housing are from the *Inclusionary Affordable Housing Program Monitoring and Procedures Manual*, Mayor's Office of Housing and Community Development, City and County of San Francisco, from the *2021 Maximum Monthly Rent by Unit Type for MOHCD Inclusionary Housing BMR Program*, San Francisco Mayor's Office of Housing and Community Development, and from the

¹ Throughout this report, White refers to Non-Latino White.

2021 Maximum Incomes by Household Size, San Francisco Mayor's Office of Housing and Community Development.

Methodology

The basic methodology is to compare the percentages of African American, White, and Latino households with incomes eligible for renting at the 450 O'Farrell Project.

The BMR rental rates and incomes are derived from the three Office of Housing and Community Development documents referred to above. First, I use the 55% AMI Studio category from the *2021 Maximum Monthly Rent by Unit Type for MOHCD Inclusionary Housing BMR Program*, a rent of \$1,283. Second, I take 75% of that rent based on the new legislation that was enacted for Group Occupancy Units.² This gives a monthly rent of \$962. Based on the City's policies, the minimum qualifying income for this unit is twice \$962 or \$1,924, an annual income of \$23,088. Third, I use the maximum qualifying income for this type of unit, which is 55% of the Area Median Income (AMI) as the City calculates it, or \$51,300.³ Thus the income range to be eligible for the proposed units is between \$23,088 and \$51,300.

The ACS income tables give the number of households in income categories (e.g., \$20,000 to \$24,999). The minimum and maximum income limits fall within one of the ACS household income categories. To allocate households within the income eligibility range, I calculate the point at which the income limit falls and then divide the number of households. For the minimum income limit of \$23,088, I take the proportion that \$3,088 is of the \$5,000 interval

² "For certain BMR Units that are considered "Single Room Occupancy" and Group Housing units, however, the rent is based on 75% the rent of a studio unit." *Inclusionary Affordable Housing Program Monitoring and Procedures Manual*, Mayor's Office of Housing and Community Development, City and County of San Francisco, page 46.

³ *2021 Maximum Incomes by Household Size*, San Francisco Mayor's Office of Housing and Community Development

$3,850/5,000=.6176$. I then subtract that from 1 to get the proportion with incomes between \$23,088 and \$29,999 and multiply that by the number of households in the \$25,000-\$29,999 income category. Assuming an even distribution of household incomes across the category, this procedure gives an estimate of households with incomes between \$23,088 and \$29,999.

Following a similar process, I determine the proportion and number of households with incomes between \$50,000 and \$51,300. I can now calculate the number of households with incomes between \$23,088 and \$51,300 by adding the calculated number in these ranges with the numbers in the other income categories (\$30,000-\$34,999, \$35,000-\$39,999, \$40,000-\$44,999, and \$45,000-\$49,999).

Once I calculate the number of households in the income range, I calculate the percentages of African American, White, and Latino households that are income eligible.

Results

Table 1 shows the results of the comparison. 21.9% of African American households have incomes in the eligibility range, compared with 8.2% of White households. To determine statistical significance of the racial disparities, I use the Z test for two proportions, the standard statistical test to address this type of comparison. The Z score of 60.7 shows that these differences are statistically significant at the $p < .0001$ level. That is, the differences could be the result of a random process rather than being real differences less than one in ten thousand times. The disparity ratio shows that the percentage of African American households in the income eligibility range is 2.6 times greater than white households at this income level. 15.8% of Latino households have incomes in the eligibility range, a percentage 1.9 times greater than white

households in the eligibility range. The difference between Latino households and white households at this income level are statistically significant ($Z=47.6$).

Conclusion

If the appeal of the Conditional Use Permit for the 450 O’Farrell Project is granted, it will disproportionately and significantly reduce access to affordable housing for African American and Latino households relative to White households. The 450 O’Farrell Project will have 48 affordable units that will be rented to households with incomes between \$23,088 and \$51,300. There are significantly higher percentages of African American and Latino households in San Francisco than white households with incomes in the range that make them eligible for housing at the 450 O’Farrell Project. The substantive scale of the differences is shown in the disparity ratios. All of the differences are statistically significantly at $p < .0001$.

Table 1: Comparison of Households with Incomes Between \$23,088 and \$51,300, San Francisco

	African American	White	Latino
Total Households	20,544	174,249	42,704
Income Eligible	4,387	14,208	6,760
Percentage	21.4%	8.2%	15.8%
Disparity Ratio	2.6		1.9
Z	60.7*		47.6*

* Statistically significant at $p < .0001$. White is Non-Latino White. Income data are from the 2019 American Community Survey accessed at <https://data.census.gov/cedsci/>.

CURRICULUM VITAE

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Education

Ph.D. University of North Carolina at Chapel Hill, 1987 (Sociology).
M.A. University of North Carolina at Chapel Hill, 1982 (Sociology).
A.B. University of North Carolina at Chapel Hill, 1976, (Geography) with Honors.

Professional Experience

President, McMillan and Moss Research, Inc. 1998-current.

Vice-President and Research Director, Cedar Grove Institute for Sustainable Communities, 2001-current.

Senior Fellow, Frank Hawkins Center of Private Enterprise, University of North Carolina at Chapel Hill, 2014-present.

Adjunct Instructor, University of North Carolina Law School, January 2005-2007.

Research Associate, Carolina Population Center, University of North Carolina at Chapel Hill, 1998-2004.

Assistant Professor, Department of Sociology, and Senior Fellow, Center for Demographic Studies, Duke University. 1990-1998.

Visiting Scholar, Carolina Population Center, University of North Carolina at Chapel Hill, 1989-1990.

Research Associate, Committee on Population, National Academy of Sciences. Washington, DC. 1988-1989.

Visiting Research Associate, East-West Population Institute, East-West Center and Visiting Assistant Professor of Sociology, University of Hawaii, Honolulu, Hawaii. 1987.

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“Disparate Impact Analysis.” Legal Services of New Jersey Annual Meeting, January 26, 2017.

“Disruptive Demographic and the North Carolina Workforce.” Manufacturing Summit Annual

The Changing Face of Education,” College Access Summit, Appalachian State University, Boone, N.C., April 18, 2016.

“Disparate Impact Evidence in Fair Housing Litigation.” National Legal Aide and Defenders Litigation Directors Meeting, Park City, Utah, July 10, 2016.

“Planning Racial Inequality.” University of North Carolina Global Research Institute, Chapel Hill, N.C., February 20, 2016

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“Local Political Geography and Racial Inequality: Spatial Evidence from Advocacy and Litigation.” Center for Urban and Regional Studies, University of North Carolina at Chapel Hill, February 25, 2015.

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“Disruptive Demographics: Implications for K-12 Education.” Summer Leadership Conference, Western Region Education Services, Alliance, Asheville, NC, June 2012.

“Disruptive Demographics and the American South, James H. Johnson, Jr. and Allan M. Parnell, University of North Carolina. FEDEX Global Education Center, Future of the South, April, 2012.

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“Modern Techniques to Investigate and Prove Title VI Discrimination in the Provision of Services.” U.S. Department of Justice, 2009 Title VI Conference: Celebrating the 45th Anniversary of the Legislation and Exploring current Issues in Enforcement. July 20, 2009.

“Kennedy v. Zanesville: Legal and Expert Issues in a Landmark Civil Rights Case.” Reed Colfax and Allan M. Parnell, University of North Carolina School of Law. April 13, 2009.

“Exposing Invisible Fences: GIS Analysis in Civil Rights Litigation.” Department of Sociology, University of Illinois-Champaign-Urbana, March 13, 2009.

“Kennedy v. Zanesville: Successful Application of GIS Analysis in Civil Rights Litigation.” Presented at Housing Justice Network Annual Meeting. Washington, D.C. December 14, 2008.

“Local Political Geography and Institutionalized Racial Inequality.” Department of Sociology, University of Oklahoma. October 31, 2008.

“(Un)Safe at Home: The Health Consequences of Sub-standard Farm Labor Housing” Don Villarejo, Marc Schenker, Ann Moss Joyner, Allan M. Parnell. Commissioned by California

Rural Legal Assistance and The California Endowment, Presentation at The Rural Justice Forum, Los Angeles, October 27, 2008.

“Demographic Trends in North Carolina: Diversity and Aging.” Wake Partnership for Education, Raleigh, N.C., October 13, 2009.

“People on the Move: Implications for Health Care.” ACS Healthcare Solutions Trendsetters Conference, Amelia Island, FL., September 26, 2008.

“Mapping Inequality” California Rural Legal Assistance Plenary Presentation, Monterrey, CA. May 5, 2009.

“Spatial Inequality.” Northwest Justice Project, Seattle, April 28, 2008.

“Mapping the Changing Racial Ecology of a Small American City: Methodological Lessons from Landscape Ecology” Allan M. Parnell, Ben Marsh, and Daniel Lichter. Presented at the Annual Meetings of the Association of American Geographers, Boston, 2008.

“Local Political Geography and Institutionalized Racial Inequality” Center for Social and Demographic Analysis, University at Albany, SUNY March 14, 2008.

“Local Political Geography and Institutionalized Racial Inequality” University of North Carolina Center for Urban and Regional Studies, Chapel Hill, N.C. November 2, 2007.

“Local Political Geography and Racial Residential Segregation” Southern Demographic Association Annual Meeting, Birmingham, AL., October 13, 2007.

“Applications of GIS: Municipal Underbounding,” 2006 Hispanic Bar Association Meeting, San Francisco, September 1, 2006.

“GIS Application in Civil Rights,” National Legal Aid and Defenders Litigation Directors Conference, Snow Bird, Utah, June 2, 2006.

“Assessing the Effectiveness of Section 5 Pre-clearance of Annexations in North Carolina” Allan M. Parnell, Ben Marsh and Anita S. Earls. Presented at Voting Rights Research Initiative Conference, Warren Institute, University of California Law School, Washington, DC. February 12, 2006.

“Racial Residential Segregation in Small North Carolina Towns,” Carolina Population Center, University of North Carolina at Chapel Hill, November 17, 2005

“Gerrymandering Racial Residential Segregation” Center for Urban and Regional Analysis, Ohio State University, May 13, 2005.

“The Persistence of Political Segregation: Racial Underbounding in North Carolina.” Allan M. Parnell, Ann Moss Joyner, Ben Marsh and Carolyn J. Christman, Presented at Invisible Fences Conference, University Of North Carolina Law School, Chapel Hill, November 12, 2004.

"Medicare and Longevity in International Perspective" William H. Dow and Allan M. Parnell, Max Plank Institute for Demographic Studies, Rostock, Germany. October 1, 2003.

"Addressing Racial Disparities in Local Government Actions," Presentation to the University of North Carolina School of Law Center for Civil Rights Annual Board Meeting, April 8, 2003.

"Annexation and Racial Exclusion," Ann Moss Joyner and Allan Parnell. University of North Carolina Institute of Government, December 9, 2003.

"Racial Exclusion: The Case of Mebane, North Carolina," Board Meeting of the UNC Law School Center of Civil Rights, April 18, 2003.

"The North Carolina State Abortion Law as a Natural Experiment," Allan Parnell and S. Philip Morgan. Presented at the Annual Meeting of the Population Association of America, New York. 1999.

"Changes in Abortion Funding and Pregnancy Outcomes," Allan M. Parnell, Philip Cook, Michael Moore and Deanna Pagnini. Presented at the 1996 Annual Meeting of the Population Association of America, New Orleans, La.

"The Functional and Health Status of Older Australian Couples," Allan M. Parnell, Max A. Woodbury and Gary R. Andrews. Presented at the 1995 Annual Meeting of the Gerontological Society of America, Los Angeles, Ca. and the Annual Meeting of the Southern Demographic Association, Richmond, Va.

"Family Support and the Probability of Institutionalization," Presented at the Annual Meeting of the Gerontological Society of America, Los Angeles, Ca. 1995.

"Application of Individual-Level Multistate Models with Union Histories," Seminar in the Department of Demography, Australia National University, July 22, 1995.

"Multistate Union Models in the United States and Canada," with Carol J. Patterson. Presented at the 1993 Annual Meeting of the Population Association of America, San Francisco, Ca.

"Applications of Grade of Membership Models in Family Demography," Carolina Population Center Seminar, January 12, 1995.

"Family Patterns of Health and Functional Ability," Allan M. Parnell George C. Myers and Carol J. Patterson. Presented at the AHEAD Early Results Workshop, ISR, Ann Arbor, MI. Oct 11, 1994.

"Third World Population Growth and U.S. Security." Allan M. Parnell and Robert Gardner. Presented at the Navy and Marine Intelligence Training Center, Virginia Beach, VA., August 22, 1994.

"Conservative Religion and Family Formation," with John Wilson, Allan M. Parnell and Deanna Pagnini. Presented at the Annual Meeting of the Southern Sociological Society, Raleigh, N.C. 1994.

"Multistate Models of Union Histories in Canada," Allan M. Parnell, Carol J. Patterson. Presented at the Annual Meeting of the Southern Sociological Society, Raleigh, N.C. 1994.

"Methods of Family Demography," Presented at the Russian Academy of Mathematics and Economics, St. Petersburg, Russia, January 7, 1994.

"Informal Support Among the Elderly in Australia," Allan M. Parnell, Deanna Pagnini and Gary Andrews. Presented at the Annual Meeting of the Gerontological Society of America, New Orleans, LA. 1993.

"Union Stability in Canada," Allan M. Parnell, V.S. Thomas and G. O'Neill. Presented at the Annual Meeting of the Population Association of America, Cincinnati, Ohio. 1993.

"Nonmarital Cohabitation in Canada," Allan M. Parnell, G. O'Neill and V.S. Thomas. Presented at the Annual Meeting of the Southern Demographic Association, Charleston, S.C. 1992.

"Cohort Succession Prospects: A Cross-National View," George C. Myers and Allan M. Parnell. Presented at the 1992 Intercongress Meeting of the Committee on Aging of the International Sociological Association. Stockholm. 1992.

"Women's Work and Breastfeeding in Ghana: An Analysis of the Ghana Demographic and Health Survey." Kofi D. Benefo and Allan M. Parnell. Presented at the Demographic and Health Survey World Conference, August 5, 1991, Washington, DC. 1988.

"Health Consequences of Family Planning Programs," Presented at the Fellows Seminar, Population Reference Bureau, June 18, 1989.

"Family Planning and the Health of Women and Children in the Developing World," Presented at Bucknell University, April 6, 1989.

"Remarriage in Tangshan: Social Response to a Natural Disaster," Dai Kejing, Chen Xiangming and Allan M. Parnell. Annual meeting of the Southern Sociological Society, Nashville. 1988.

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"Delayed Childbearing Among Malaysian Chinese: A Deviation Within the Chinese Fertility Pattern," Allan M. Parnell and Roger Nemeth. Paper presented at the annual meeting of the Canadian Population Society, Ottawa, Ontario. 1982.