

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL
FROM ACTION OF THE CITY PLANNING COMMISSION**

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 450-474 O'Farrell Street, 532 Jones Street, San Francisco, CA.

June 24, 2021

Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

July 21, 2021

Appeal Filing Date

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2021 JUL 21 PM 4:24
BY _____ AK

_____ The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. _____.

_____ The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. _____.

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2013.1535CUA-02.

_____ The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. _____.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

Please see the statement attached to this appeal as Exhibit 1.

b) Set forth the reasons in support of your appeal:

Please see the statement attached to this appeal as Exhibit 1

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

1. Tenderloin Housing Clinic, c/o Pratibha Tekkey
2. Pacific Bay Inn, Inc.
c/o Newmeyer & Dillion, LLP
attn: Michael Shonafelt / Gregory Tross

Name

1. Tenderloin Housing Clinic
2. Pacific Bay Inn, Inc.

Name

1. Tenderloin Housing Clinic
c/o Pratibha Tekkey
126 Hyde Street
San Francisco , CA 94102

Address

2. Pacific Bay Inn, Inc.
c/o Newmeyer & Dillion, LLP
Attn: Michael Shonafelt / Gregory Tross
895 Dove Street, 5th Floor
Newport Beach, CA 92660

Address

1. Tenderloin Housing Clinic
c/o Pratibha Tekkey
126 Hyde Street
San Francisco , CA 94102

Address

2. Pacific Bay Inn, Inc.
c/o Kiyomi Sparks
712 Bancroft Rd., #122
Walnut Creek, CA 94598


Address

1. Pratibha Tekkey: (415) 775-7110, Ext. 1701
2. Michael Shonafelt: (949) 854-7000
3. Gregory Tross: (949) 854-7000


Telephone Number

1. Pratibha Tekkey: (415) 775-7110, Ext. 1701
2. Michael Shonafelt: (949) 854-7000
3. Gregory Tross: (949) 854-7000

Telephone Number

1. 

By: Pratibha Tekkey
On Behalf of Tenderloin Housing Clinic

2. 

By: Michael Shonafelt
On Behalf of Pacific Bay Inn, Inc.

Signature of Appellant or
Authorized Agent



126 Hyde Street
San Francisco, Ca 94102
Tel: 415-885-3286
Fax: 415-771-0702
www.thclinic.org

July 21st, 2021

To the SF Planning Department:


Re: Fee waive – 450 – 474 O’Farrell St., 532 Jones St.

As the Executive Director of the Tenderloin Housing Clinic, I, Randy Shaw, authorize Pratibha Tekkey, the appellant, to file the Board of Supervisors appeal of the Planning Commission ruling re 450-474 O’Farrell, 532 Jones.

A handwritten signature in black ink, appearing to read 'Randy Shaw', is written over a light blue horizontal line.




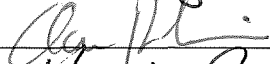

Randy Shaw, Director
Tenderloin Housing Clinic

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2013.1535CUA-02, a conditional use authorization regarding (address) 450-474 O'Farrell Street / 532 Jones Street, San Francisco, CA, District 6. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE	DATE
 _____	<u>7/20/21</u> _____
<u>Don Pat</u> _____	<u>7/20/21</u> _____
<u>Wilson</u> _____	<u>7/20/21</u> _____
<u>Chen</u> _____	<u>7-20-21</u> _____
<u>Nelly Rover</u> _____	<u>7-20-21</u> _____
<u>Mr. Agui</u> _____	<u>7-20-21</u> _____


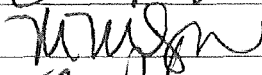



(Attach copy of Planning Commission's Decision)

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(Attach copy of Planning Commission's Decision)

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SIGNATURE	DATE
	7/20/21
<u>Dan Port</u>	7/20/21
	7/20/21
<u>Wilson</u>	7-20-21
	7-20-21
<u>Kelly</u>	7-20-21
	7-20-21
<u>Rover</u>	7-20-21
	7-20-21
<u>Agui</u>	

(Attach copy of Planning Commission's Decision)

SAN FRANCISCO PLANNING COMMISSION



Thursday, June 24, 2021
1:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: Tanner, Diamond, Fung, Imperial, Moore, Koppel
COMMISSIONERS ABSENT: Chan

THE MEETING WAS CALLED TO ORDER BY PRESIDENT KOPPEL AT 1:01 PM

STAFF IN ATTENDANCE: Carly Grob, Jenny Delumo, Chelsea Fordham, Sharon Young, Corey Teague – Zoning Administrator, Rich Hillis – Planning Director, Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2021-000726CUA (L. HOAGLAND: (628) 652-7320)
559 CLAY STREET – south side between Montgomery and Leidesdorff Streets; Lot 031 in Assessor's Block 0228 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.2 and 303 to convert 2,669 square feet of basement storage space into additional office space for the existing tenant. The project is located within an

existing 4-story over basement office building, in a C-3-O (Downtown Office) Zoning District and 75-X Height and Bulk District. The project site is also located within the Japantown Planning Area. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions

(Proposed for Continuance to July 8, 2021)

SPEAKERS: None
 ACTION: Continued to July 8, 2021
 AYES: Tanner, Diamond, Imperial, Moore, Koppel
 ABSENT: Chan, Fung

2. 2018-002508DRP-04 (D. WINSLOW: (628) 652-7335)
4250 26TH STREET – north side between Diamond and Castro Streets; Lot 019 in Assessor's Block 6555 (District 8) – Request for **Discretionary Review** of Building Permit Application nos. 2018.0214.1219 and 2018.0214.1218 for the demolition of an existing two-story, single-family residence and new construction of a four-story, single-family residence with an Accessory Dwelling Unit at the ground floor pursuant to Planning Code Section 207(c)(6). The demolition of the existing building at the subject property was administratively approved pursuant to Planning Code Section 317(c)(6) within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

(Proposed for Continuance to July 15, 2021)

SPEAKERS: None
 ACTION: Continued to July 15, 2021
 AYES: Tanner, Diamond, Imperial, Moore, Koppel
 ABSENT: Chan, Fung

3. 2019-017481SHD (N. FOSTER: (628) 652-7330)
530 SANSOME STREET – east side between Washington and Merchant Streets; Lots 013, 014, and 017 in Assessor's Block 0206 (District 3) – **Discussion and possible Joint Action by the Planning Commission and the Recreation and Park Commission to raise the absolute cumulative limit for Maritime Plaza and set an absolute cumulative limit for Sue Bierman Park, pursuant to the jointly-approved Planning Code Section 295 Implementation Memo adopted in 1989, in order to accommodate new shadow cast by the proposed project at 530 Sansome Street.** The proposed project ("Project") includes the demolition of three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236' inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below ("Commercial Variant") and one that would construct residential uses further described below ("Residential Variant"). Both the Commercial Variant and Residential Variant would include construction of a state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant), as well as a below-grade, non-accessory private parking garage for the

SFFD containing 18 spaces (approximately 7,800 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant). The Commercial Variant would include a total of approximately 249,000 square feet of gross floor area, including the Fire Department uses, as well as various commercial uses contained in a 19-story tower, including approximately 141,000 square feet of hotel uses (200 rooms), approximately 37,100 square feet of office uses, approximately 32,000 square feet of gym uses and approximately 7,900 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, three (3) off-street loading spaces, as well as 30 parking spaces and one (1) car-share below-grade parking spaces for the non-Fire Department uses. The Residential Variant would include a total of approximately 283,000 square feet of gross floor area, including the Fire Department uses, as well as approximately 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. The additional two building stories in the Residential Variant are the result of slightly smaller floor-to-floor ceiling heights for the residential floors. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, three (3) off-street loading spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. The Residential Variant would contain a mix 191 studio and one-bedroom units, 38 two-bedroom units, and 27 three-bedroom units. For both the Commercial Variant and Residential Variant, SFFD proposes changes to the lane configuration and traffic light facilities on Washington Street, such that SFFD engines would be able to safely make westbound and eastbound turns out to Washington Street to enhance SFFD's ability to promptly respond to emergency calls. The Project Site is located within a C-3-O (Downtown Office) Zoning District, Downtown Plan Area, and 200-S Height and Bulk District.

Preliminary Recommendation: Raise Cumulative Shadow Limit
(Proposed for Continuance to July 15, 2021)

SPEAKERS: None
 ACTION: Continued to July 29, 2021
 AYES: Tanner, Diamond, Imperial, Moore, Koppel
 ABSENT: Chan, Fung

- 4a. 2019-017481SHD (N. FOSTER: (628) 652-7330)
530 SANSOME STREET – east side between Washington and Merchant Streets; Lots 013, 014, and 017 in Assessor's Block 0206 (District 3) – Request for **Adoption of Shadow Findings** pursuant to Section 295 that the net new shadow cast by the proposed project at 530 Sansome Street will not have a significant adverse impact on the use of Maritime Plaza or Sue Bierman Park, two (2) properties under the jurisdiction of the Recreation and Park Department. The proposed project ("Project") includes the demolition of three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236' inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below ("Commercial Variant") and one that would construct residential uses further described below ("Residential Variant"). Both the Commercial Variant and Residential Variant would include construction of a state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant), as well as a below-grade, non-accessory private parking garage for the

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Preliminary Recommendation: Adopt Findings
(Proposed for Continuance to July 15, 2021)

SPEAKERS: None
 ACTION: Continued to July 29, 2021
 AYES: Tanner, Diamond, Imperial, Moore, Koppel
 ABSENT: Chan, Fung

- 4b. 2019-017481DNX (N. FOSTER: (628) 652-7330)
530 SANSOME STREET – east side between Washington and Merchant Streets; Lots 013, 014, and 017 in Assessor's Block 0206 (District 3) – Request for **Downtown Project Authorization** pursuant to Planning Code Section 309 to allow a project greater than 50,000 square feet of floor area within a C-3 Zoning District with requested exceptions for: Rear Yard (Section 134); Dwelling Unit Exposure (140); Reduction of Ground-Level Wind Current (Section 148); Off-street Freight Loading (Section 151.1); Height Limits within the S Bulk District (Section 263.9); and Bulk Controls (Section 270). The proposed project ("Project") includes the demolition of three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236' inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below ("Commercial Variant") and one that would construct residential uses further described below ("Residential Variant"). Both the Commercial Variant and Residential Variant would include construction of a state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square

footage between the Commercial Variant and Residential Variant), as well as a below-grade, non-accessory private parking garage for the SFFD containing 18 spaces (approximately 7,800 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant). The Commercial Variant would include a total of approximately 249,000 square feet of gross floor area, including the Fire Department uses, as well as various commercial uses contained in a 19-story tower, including approximately 141,000 square feet of hotel uses (200 rooms), approximately 37,100 square feet of office uses, approximately 32,000 square feet of gym uses and approximately 7,900 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, three (3) off-street loading spaces, as well as 30 parking spaces and one (1) car-share below-grade parking spaces for the non-Fire Department uses. The Residential Variant would include a total of approximately 283,000 square feet of gross floor area, including the Fire Department uses, as well as approximately 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. The additional two building stories in the Residential Variant are the result of slightly smaller floor-to-floor ceiling heights for the residential floors. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, three (3) off-street loading spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. The Residential Variant would contain a mix 191 studio and one-bedroom units, 38 two-bedroom units, and 27 three-bedroom units. For both the Commercial Variant and Residential Variant, SFFD proposes changes to the lane configuration and traffic light facilities on Washington Street, such that SFFD engines would be able to safely make westbound and eastbound turns out to Washington Street to enhance SFFD's ability to promptly respond to emergency calls. The Project Site is located within a C-3-O (Downtown Office) Zoning District, Downtown Plan Area, and 200-S Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions
(Proposed for Continuance to July 15, 2021)

SPEAKERS: Same as item 4a.
 ACTION: Continued to July 29, 2021
 AYES: Tanner, Diamond, Imperial, Moore, Koppel
 ABSENT: Chan, Fung

- 4c. 2019-017481CUA (N. FOSTER: (628) 652-7330)
530 SANSOME STREET – east side between Washington and Merchant Streets; Lots 013, 014, and 017 in Assessor's Block 0206 (District 3) – Request for **Conditional Use Authorization** to permit a hotel use and private parking garage (Sections 303(g) and 303(t)). The proposed project ("Project") includes the demolition of three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236' inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below ("Commercial Variant") and one that would construct residential uses further described below ("Residential Variant"). Both the Commercial Variant and Residential Variant would include construction of a state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential

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Preliminary Recommendation: Approve with Conditions
(Proposed for Continuance to July 15, 2021)

SPEAKERS: Same as item 4a.
 ACTION: Continued to July 29, 2021
 AYES: Tanner, Diamond, Imperial, Moore, Koppel
 ABSENT: Chan, Fung

- 4d. 2019-017481OFA (N. FOSTER: (628) 652-7330)
530 SANSOME STREET – east side between Washington and Merchant Streets; Lots 013, 014, and 017 in Assessor's Block 0206 (District 3) – Request for **Office Development Allocation** under the 2020-2021 Annual Office Development Limitation Program (Sections 320 through 325) authorizing up to 40,000 gross square feet of general office use. The proposed project ("Project") includes the demolition of three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236' inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below ("Commercial Variant") and one that would construct residential uses further described below ("Residential Variant"). Both the Commercial Variant and Residential Variant would include construction of a state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant), as well as a below-grade, non-accessory private parking garage for the SFFD containing 18 spaces (approximately

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Preliminary Recommendation: Approve with Conditions

(Proposed for Continuance to July 15, 2021)

SPEAKERS: Same as item 4a.
 ACTION: Continued to July 29, 2021
 AYES: Tanner, Diamond, Imperial, Moore, Koppel
 ABSENT: Chan, Fung

- 4e. 2019-017481VAR (N. FOSTER: (628) 652-7330)
530 SANSOME STREET – east side between Washington and Merchant Streets; Lots 013, 014, and 017 in Assessor's Block 0206 (District 3) – Request for **Variance** pursuant to Section 305, as reviewed by the Zoning Administrator, from the following development standards of the Planning Code: width of openings for off-street parking and loading (Section 155(s)(4)(A)); and active use, ground floor ceiling height, and transparency requirements for street frontages in commercial districts (Sections 145.1(c)(3), (4) and (6)). The proposed project ("Project") includes the demolition of three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236' inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below ("Commercial Variant") and one that would construct residential uses further described below ("Residential Variant"). Both the Commercial Variant and Residential Variant would include construction of a state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant), as well as a below-grade, non-accessory private parking garage for the SFFD containing 18 spaces (approximately 7,800 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant). The Commercial Variant would include a total of approximately 249,000 square feet of gross floor area, including the Fire Department uses, as well as various commercial uses contained in a 19-story tower, including approximately 141,000 square feet of hotel uses (200 rooms), approximately 37,100 square feet of office uses, approximately 32,000 square feet of gym uses and approximately 7,900 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, three (3) off-street loading spaces, as well as 30 parking spaces and

one (1) car-share below-grade parking spaces for the non-Fire Department uses. The Residential Variant would include a total of approximately 283,000 square feet of gross floor area, including the Fire Department uses, as well as approximately 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. The additional two building stories in the Residential Variant are the result of slightly smaller floor-to-floor ceiling heights for the residential floors. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, three (3) off-street loading spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. The Residential Variant would contain a mix 191 studio and one-bedroom units, 38 two-bedroom units, and 27 three-bedroom units. For both the Commercial Variant and Residential Variant, SFFD proposes changes to the lane configuration and traffic light facilities on Washington Street, such that SFFD engines would be able to safely make westbound and eastbound turns out to Washington Street to enhance SFFD's ability to promptly respond to emergency calls. The Project Site is located within a C-3-O (Downtown Office) Zoning District, Downtown Plan Area, and 200-S Height and Bulk District.

(Proposed for Continuance to July 15, 2021)

SPEAKERS: Same as item 4a.

ACTION: ZA Continued to July 29, 2021

5. 2016-013012CUA (C. MAY: (628) 652-7359)
478-484 HAIGHT STREET – north side between Fillmore and Webster Streets; Lot 019 in Assessor's Block 0849 (District 6) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 121.2, 303, 317 and 743 to permit the demolition of the existing two-story building containing one dwelling unit above ground floor retail space, and the construction of a new four-story building containing nine principally-permitted dwelling units and nine accessory dwelling units above two floors of child care (Community Institutional) uses totaling approximately 9,942 square feet within the Lower Haight Street NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions

(Proposed for Continuance to September 2, 2021)

SPEAKERS: None

ACTION: Continued to September 2, 2021

AYES: Tanner, Diamond, Imperial, Moore, Koppel

ABSENT: Chan, Fung

8. 2021-004810CRV – COMMISSION RULES AND REGULATIONS – The San Francisco Planning Commission will consider adopting amendments to their Rules & Regulations, in accordance with San Francisco Charter, Article IV, Section 4.104.

SPEAKERS: Sue Hestor – Supports continuance

Katherine Howard – Supports continuance

ACTION: Continued to July 15, 2021

AYES: Tanner, Diamond, Imperial, Moore, Koppel

ABSENT: Chan, Fung

- 13. 2017-014833ENV (J. DELUMO: (628) 652-7568)
469 STEVENSON STREET PROJECT – Certification of the **Final Environmental Impact Report** (EIR) – The project site is located on the block bounded by Stevenson Street to the north, Jessie Street to the south, 6th Street to the west, and 5th Street to the east (Assessor’s block/lot 3704/045). The proposed project would demolish the existing parking lot and construct a new 27-story mixed-use building approximately 274 feet tall (with an additional 10 feet for rooftop mechanical equipment) with three below-grade parking levels providing approximately 166 parking spaces, one freight loading space, and two service vehicle loading spaces. The approximately 535,000-gross-square-foot building would consist of approximately 495 dwelling units, 4,000 square feet of commercial retail use on the ground floor, and 25,000 square feet of private and common open space. The proposed project would also provide approximately 200 class 1 bicycle spaces, 27 class 2 bicycle parking spaces, and passenger loading zones on Stevenson Street and Jessie Street. The proposed project would use the Individually Requested State Density Bonus Program and provide affordable housing units onsite. The Project Site is located within a C-3-G (Downtown General Commercial) Zoning District, Downtown Plan Area, and 160-F Height and Bulk District.

Note: The public hearing on the draft EIR is closed. The public comment period for the draft EIR ended on May 11, 2020. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.

Preliminary Recommendation: Certify
 (Continued from Regular hearing on June 10, 2021)

- SPEAKERS: Angelica Cabande – Support continuance
 Michael Nulty – Support continuance
 Speaker – Support continuance
 Cynthia Gomez – Support continuance
- ACTION: Continued to July 22, 2021
- AYES: Tanner, Diamond, Fung, Imperial, Moore, Koppel
- ABSENT: Chan

- 14a. 2017-014833ENV (N. FOSTER: (628) 652-7330)
469 STEVENSON STREET – south side between 5th and 6th Streets; Lot 045 in Assessor’s Block 3704 (District 6) – Request for **Adoption of Findings** and a Statement of Overriding Considerations pursuant to the California Environmental Quality Act (CEQA). The proposed project (“Project”) includes construction of a 27-story residential building reaching a height of 274-feet tall (284-feet including rooftop mechanical equipment) with a total Gross Floor Area of approximately 427,000 square feet devoted to residential uses, with approximately 4,000 gross square feet of ground-floor retail. The Project includes a total of 495 dwelling units, with a mix of 192 studio units, 149 one-bedroom units, 96 two-bedroom units, 50 three-bedroom units, and eight five-bedroom units totaling, with 73 dwelling units provided as on-site affordable dwelling units. The Project would provide 166 off-street vehicle parking spaces, up to 12 car-share spaces, 200 Class 1 and 27 Class 2 bicycle parking spaces, and three freight loading spaces within a below-grade garage. The Project is utilizing the Individually Requested State Density Bonus Program to achieve a 42.5% density bonus thereby maximizing residential density on the Site pursuant to California Government Code Sections 65915-95918, as revised under Assembly Bill No. 2345 (AB 2345). The Project Site is located within a C-3-G (Downtown General Commercial) Zoning District, Downtown Plan Area, and 160-F Height and Bulk District.

Preliminary Recommendation: Adopt Findings

(Continued from Regular hearing on June 10, 2021)

SPEAKERS: Same as item 13.
 ACTION: Continued to July 22, 2021
 AYES: Tanner, Diamond, Imperial, Moore, Koppel
 ABSENT: Chan, Fung

- 14b. 2017-014833DNX (N. FOSTER: (628) 652-7330)
469 STEVENSON STREET – south side between 5th and 6th Streets; Lot 045 in Assessor's Block 3704 (District 6) – Request for **Downtown Project Authorization** to permit a project greater than 50,000 square feet of floor area within a C-3 Zoning District (Sections 210.2 and 309). The proposed project ("Project") is utilizing the Individually Requested State Density Bonus Program pursuant to California Government Code Sections 65915-95918, as revised under Assembly Bill No. 2345 (AB 2345) to achieve a 42.5% density bonus. The Project requests six (6) waivers from: Maximum Floor Area Ratio (Section 123); Rear Yard (Section 134); Common Useable Open Space (Section 135); Dwelling Unit Exposure (Section 140); Ground-Level Wind Current (Section 148); Bulk (Section 270); and one (1) incentive from Height (Section 250). The Project includes construction of a 27-story residential building reaching a height of 274-feet tall (284-feet including rooftop mechanical equipment) with a total Gross Floor Area of approximately 427,000 square feet devoted to residential uses, with approximately 4,000 gross square feet of ground-floor retail. The Project includes a total of 495 dwelling units, with a mix of 192 studio units, 149 one-bedroom units, 96 two-bedroom units, 50 three-bedroom units, and eight five-bedroom units totaling, with 73 dwelling units provided as on-site affordable dwelling units. The Project would provide 166 off-street vehicle parking spaces, up to 12 car-share spaces, 200 Class 1 and 27 Class 2 bicycle parking spaces, and three freight loading spaces within a below-grade garage. The Project Site is located within a C-3-G (Downtown General Commercial) Zoning District, Downtown Plan Area, and 160-F Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

(Continued from Regular hearing on June 10, 2021)

SPEAKERS: Same as item 13.
 ACTION: Continued to July 22, 2021
 AYES: Tanner, Diamond, Imperial, Moore, Koppel
 ABSENT: Chan, Fung

- 14c. 2017-014833CUA (N. FOSTER: (628) 652-7330)
469 STEVENSON STREET – south side between 5th and 6th Streets; Lot 045 in Assessor's Block 3704 (District 6) – Request for **Conditional Use Authorization** to permit additional square footage above that permitted by the base floor area ratio limits for the construction of on-site, affordable dwelling units (Sections 124(f) and 303). The proposed project ("Project") includes construction of a 27-story residential building reaching a height of 274-feet tall (284-feet including rooftop mechanical equipment) with a total Gross Floor Area of approximately 427,000 square feet devoted to residential uses, with approximately 4,000 gross square feet of ground-floor retail. The Project includes a total of 495 dwelling units, with a mix of 192 studio units, 149 one-bedroom units, 96 two-bedroom units, 50 three-bedroom units, and 8 five-bedroom units totaling, with 73 dwelling units provided as on-site affordable dwelling units. The Project would provide 166 off-street vehicle parking

spaces, up to 12 car-share spaces, 200 Class 1 and 27 Class 2 bicycle parking spaces, and 3 freight loading spaces within a below-grade garage. The Project is utilizing the Individually Requested State Density Bonus Program to achieve a 42.5% density bonus thereby maximizing residential density on the Site pursuant to California Government Code Sections 65915-95918, as revised under Assembly Bill No. 2345 (AB 2345). The Project Site is located within a C-3-G (Downtown General Commercial) Zoning District, Downtown Plan Area, and 160-F Height and Bulk District.

Preliminary Recommendation: Approve with Conditions
(Continued from Regular hearing on June 10, 2021)

SPEAKERS: Same as item 13.
ACTION: Continued to July 22, 2021
AYES: Tanner, Diamond, Imperial, Moore, Koppel
ABSENT: Chan, Fung

B. COMMISSION MATTERS

6. Consideration of Adoption:

- [Draft Minutes for June 10, 2021 – Closed Session](#)
- [Draft Minutes for June 10, 2021 – Regular](#)

SPEAKERS: Georgia Schuttish – Director Hills referred to working with DBI on Tantamount to Demolition. What is “working with” exactly? Ms. Wong and Ms. Berger wrote an extremely good presentation which Ms. Watty sent to me. Should be on Department website. January 2020: Director Rahaim replying to a direct question from President Koppel about the Demo Calcs said “Ms. Watty was working on it”. Presentation updates corrections to Clarifications in the 2020 CID on how to do the “math” for Demolition Calculations. Also more expansive than 2015/2016 Training Manuals put together for Staff after determination in late 2015 that based on sample, 40% to 50% of Alteration projects should have been reviewed as Demolitions, stated in approved Minutes on January 7, 2016 by former Commissioner Richards. New document good resource. When Demo Calcs are adjusted. becoming more stringent, in order to preserve housing, allowing for reasonable Alterations, which is: Reason for Section 317.

ACTION: Adopted
AYES: Tanner, Diamond, Fung, Imperial, Moore, Koppel
ABSENT: Chan

7. Commission Comments/Questions

None.

C. DEPARTMENT MATTERS

9. Director’s Announcements

Rich Hillis, Planning Director:

Good afternoon, Commissioners. A couple of items. One, I know I have mentioned this previously but again I wanted to recognize and thank the many Planning staff who served over the last 15 months as Disaster Service Workers. You may know that the Covid Command Center is starting to transition and phase out at Moscone. We have about 8 staff who are still out on DSW but expecting most to return in the next week or so. But in total, extraordinarily we had 53 staff members who served at some point over the last 15 months as Disaster Service Workers and in various capacities from helping getting schools re-opened to facilitating safe sleeping sites to vaccination education and outreach in vulnerable communities. So, tremendously important roles. Many, have described, the work as challenging but some of the most rewarding they have done over the course of their careers. And I hope helped in all of our efforts in kind of getting San Francisco back on track and a leader in the pandemic response. So again, I wanted to just thank our staff who have served because it was a huge number of them.

Also, I wanted to report we had the third meeting of the Equity Advisory Council last week. I wasn't able to attend because I was out. We will continue to post summaries on our website. This one will be up today if it isn't already. The discussion was focused on again developing priorities for the council's work with housing recovery, our equity plan, our budget and priorities and our communications and outreach strategies as the primary topics for the council to consider. There was a good discussion. Director Shaw joined from MOHCD about the Housing Element. The next meeting will be in July about our Equity Plan. And again, we will continue to post summaries of those meetings on our website.

Also, I wanted to mention two state bills that could affect San Francisco in our work that are moving through the legislative process, SB 9 and SB 10. Again, it is unclear what will happen to these bills as they move through the process but this is starting to get to final legislation as we move through the summer. SB 9 would make approval of 2-unit projects in single family districts ministerial under certain conditions. Those being if there are no demo or alteration of the affordable unit, if they don't demo more than 25% of an existing structure and if they are not located in a historic district. SB 9 also allows for subdivision of existing lots in RH-1 districts under certain conditions as well. And then SB 10 would allow cities to up-zone any parcel to allow for up to 10 units without environmental review. So, the bill itself wouldn't rezone any parcel and cities would require legislative action to make zoning changes. But in cases where they are allowing up to 10 units, they would not have to undertake environmental review for the legislation. So, I just wanted to give you those quick summaries. That is my report unless there are questions.

Commissioner Moore:

Thank you, Director Hillis for thanking our Disaster Service Workers. Special thanks to them. It is very difficult to balance a career and have a side job that is extremely challenging. It made being vaccinated at Moscone at least significantly easier because it was a large group of positively minded supportive staff. Again, thank you to everybody.

I have a question regarding the City's request for all City employees to be vaccinated. I assume, assume is the word, that Commissioners will be all returning to City Hall would fall under the same requirement. I would like, if you can, verify that for all of us. I think it is a great rule from the City. I personally believe that we all need to be vaccinated. And hope that we will find a way to see each other all again in person at City Hall in the very near future.

As to the last item you mentioned, SB 9 and SB 10. I have been reading including, Representative Chu's strong comments against SB 9 that just came out a few days ago. Very interested to hear you update us as it goes along. There was strong comments already in papers. People discussing the topic and how it applies particularly to San Francisco. Again, San Francisco has to have a different response and should have a different response to all of these State legislative piece regarding housing. Thank you for bringing it up and I look forward for you keeping us abreast on how it develops as it goes forward. Thank you.

Rich Hillis, Planning Director:

Thank you, Commissioner Moore. We will certainly keep you updated because I imagine things will change as they move through the process. And that is my understanding too, Commissioners would fall under the rules that employees fall under. We just got that guidance yesterday so we will confirm that and let you know.

Commissioner Moore:

You are talking about vaccination right now.

Rich Hillis, Planning Director:

Yes.

Commissioner Moore:

Thank you.

Commissioner Imperial:

Thank you. Director Hillis, regarding SB 9 and SB 10. If you could please send the Commissioners an overview of the State legislations. That would be beneficial for me to understand it better. Thank you.

Rich Hillis, Planning Director:

Okay, I will.

10. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

None.

D. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – The email sent June 18th is of two Elizabeth Street projects. The photos show: Before, During and After. These projects were approved as Alterations. The existing houses were livable, not dilapidated, not shabby. No published Demo Calcs for one project; other one had the Demo Calcs revised during the work. These projects show why the Demo Calcs thresholds should be adjusted per Section 317 (b) (2) (D). The sales history of each shows why too. The rampant speculative market when both homes hit the market back in 2015 is illustrated by increase in sales price from asking price and further illustrated when completed projects returned to market in 2021. Please look at this sales history closely. On June 21st

email sent with sales history of 4250 26th. And 1647 Sanchez which is unoccupied one year after sale. (\$9.1M) Compare this sales history with two projects on Elizabeth Street sales history.

Tes Welborn – General public comment, document review time

Linda Chapman – EIR, wind impact

David Elliott Lewis – Wind impact, market rate group housing

Ozzie Rohm – Changes proposed in Rules and Regs, DR time

Becky – CUA application timeline

Michael Nulty – Executive summaries, letters of support/concern

Bobbie Lopez – 469 Stevenson support continuance

Ken Fisher – DR process

Dennis Richards – SB 9 and SB 10

Jonas P. Ionin – Response to questions and comments

E. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

11. [2013.1535CUA-02](#) (C. GROB: (628) 652-7532)
[450-474 O'FARRELL STREET AND 532 JONES STREET](#) – on the block bounded by Geary Street to the north, O'Farrell Street to the south, Taylor Street to the east, and Jones Street to the west (Assessor's block/lot 0317/007, 0317/009, and 0317/011) (District 6) – Request to amend **Conditions of Approval** of Planning Commission Motion No. 20281, adopted September 13, 2018. A revised project scope still includes demolition of the three buildings, construction of a 13-story mixed-use building with similar massing, ground floor commercial and a new church, but now proposes up to 316 group housing rooms instead of up to 176 residential units and no longer proposes residential off-street parking. At minimum, Conditions of Approval Nos. 24, 25, 26, 32, pursuant to Planning Code Sections 303, 304, 415, 166, and 155, are to be amended to reflect the project revision and status, for a project located in a RC-4 (Residential- Commercial, High Density) Zoning District, North of Market Residential Special Use District and 80-130-T Height and Bulk District. This project has undergone environmental review pursuant to the California Environmental Quality Act and Chapter 31 of the San Francisco Administrative Code. The Planning Commission certified the Final Environmental Impact Report (EIR) for the project on September 13, 2018 (Motion No. 20279). On June 17, 2021, the Planning Department published the second addendum to Final EIR for the Project.

Preliminary Recommendation: Approve Amendments

(Continued from Regular hearing on June 10, 2021)

Note: On April 15, 2021, after hearing and closing public comment, continued to June 10, 2021 by a vote of +7 -0. On June 10, 2021, without hearing, continued to June 24, 2021 by a vote of +6 -0 (Chan absent).

SPEAKERS: = Carly Grob – Staff report
 + Ela Strong – Project sponsor
 + Richard Hannum – Project sponsor
 - Michael – Request continuance

- + Martha – Support
- Speaker – Community engagement
- Del Seagraves – Dense neighborhood
- David Elliot Lewis – Not properly designed
- + Susan – Additional housing
- + Corey Smith – Petitions
- Kathy Vaughn – Does not meet the needs of neighborhood
- Curtis Bradford – Oppose, not ready for approval
- Anastasia Yovanopoulos – Affordable units
- Speaker – Community engagement
- Carlene – Does not meet the needs of the community
- + Joanne – Support
- Lance – Oppose
- Jason – Wrong for the Tenderloin
- Felicia Smith – Family housing not group housing
- + Patricia Kephart – Need a new church
- + Chris – Impress with the project
- + John Mitchell – Support
- Belinda – Oppose
- Freddy – Change space and safety needs
- Michael Nulty – No community partners
- = Greg – Time to comment
- Speaker – Oppose
- + Mike Chen – Support
- + Cheryl – Support
- + Cristina – Support
- John McCormick – Oppose, no community engagement
- Speaker – Oppose, need family dwellings
- + David Cincotta – Response to questions
- = Jenny Delumo – Response to questions
- = Chelsea Fordham – Response to questions
- + Teresa Ihsan, Project Access – Response to questions
- Speaker – Oppose
- = Corey Teague – Response to questions

ACTION: Approved with Conditions as amended to include:

1. Increase the number of larger group housing units, wherever feasible;
2. Provide balconies to maximum projection on all sides except O’Farrell Street;
3. Continue working with Staff to increase the number of bicycle parking spaces, up to 200;
4. Convert the ground-floor retail space to group housing units; and
5. Work with Staff to analyze the feasibility of converting the basement to additional group housing units.

AYES: Tanner, Diamond, Fung, Koppel
 NAYS: Imperial, Moore
 ABSENT: Chan
 MOTION: 20935

12. [2020-001973CUA](#)

(S. YOUNG: (628) 652-7349)

1737 POST STREET, SUITE 367 – south side between Buchanan and Webster Streets; Lots 009 in Assessor's Block 0700 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 249.32, 303, 303.1, and 721 to establish a Formula Retail Limited Restaurant Use (d.b.a. Yi Fang Taiwan Fruit Tea) in an approximately 565 square foot vacant ground floor commercial space which was occupied by another non-formula retail limited restaurant use (d.b.a. MoYo's Yogurt). The Project will involve interior tenant improvements to the ground floor commercial space, which is located within the interior of Japan Center West (Kintetsu) Mall. The project site is located within the Japantown NCD (Neighborhood Commercial District), Japantown Special Use District, and 50-X Height and Bulk District. The project site is also located within the Japantown Planning Area. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions

SPEAKERS: = Sharon Young – Staff report
+ Thomas Jia Liang – Project sponsor
+ Roy Lam – Project sponsor
- Gwyneth – Request for continuance

ACTION: Approved with Conditions as amended to include:
1. Sponsor to meet/work with the Japantown Taskforce; and
2. Update memo.

AYES: Tanner, Diamond, Fung, Imperial, Koppel
NAYS: Moore
ABSENT: Chan
MOTION: 20936

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ADOPTED JULY 8, 2021



PLANNING COMMISSION MOTION NO. 20935

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HEARING DATE: JUNE 24, 2021

Record No.: 2013.1535CUA-02
Project Address: 450-474 O'Farrell Street/532 Jones Street
Zoning: RC-4 - Residential- Commercial, High Density Zoning District
80-T-130-T Height and Bulk District
North of Market Residential Special Use District
Block/Lot: 0317/007, 009, 011
Project Sponsor: Forge Development Partners LLC
155 Montgomery Street, Suite 300
San Francisco, CA 94104
Fifth Church of Christ, Scientist San Francisco
San Francisco, CA 94102
Property Owner: Fifth Church of Christ, Scientist San Francisco
San Francisco, CA 94102
Staff Contact: Carly Grob - (628) 652-7532
carly.grob@sfgov.org

ADOPTING FINDINGS TO APPROVE AN AMENDED CONDITIONAL USE AUTHORIZATION THAT WOULD MODIFY CONDITION OF APPROVAL NOS. 24, 25, 26, AND 32 OF PLANNING COMMISSION MOTION NO. 20281 TO REFLECT COMPLIANCE OF THE AMENDED PROJECT WITH SECTIONS 166, 155, 155.1, AND 155.2, AND OF 415 OF THE PLANNING CODE, RESPECTIVELY.

PREAMBLE

On January 24, 2020, Alexander Zucker of Forge Development Partners, LLC, (hereinafter "Project Sponsor") filed Application No. 2013.1535CUA-02 (hereinafter "Application") with the Planning Department (hereinafter "Department") for an amended Planned Unit Development/ Conditional Use Authorization to amend Conditions of Approval Nos. 24, 25, 26, and 32 of Planning Commission Motion No. 20281 (hereinafter "Project") at 450-474 O'Farrell Street and 532 Jones Street, Block 0317 Lots 007, 009, and 011 (hereinafter "Project Site").

This project has undergone environmental review pursuant to the California Environmental Quality Act and Chapter 31 of the San Francisco Administrative Code. The Planning Commission certified the Final Environmental Impact Report (EIR) for the project on September 13, 2018 (Motion No. 20279). On December 21, 2020, the Planning Department published an addendum to Final EIR for the Project. The Planning Department concluded that no further environmental review is required for this revised Project for the reasons set forth in the Addendum. This Commission concurs with that conclusion. On September 13, 2018, the Commission adopted Motion No. 20280

adopting CEQA findings for the original Project, including a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the Project. Those findings and adoption of the MMRP set forth in Motion No. 20280 are incorporated by reference in this Motion as though fully set forth herein.

On January 7, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Planned Unit Development/Conditional Use Authorization Application No. 2013.1535CUA-02. At the January 7, 2021 Commission hearing, the item was continued to January 21, 2021. At the January 21, 2021 Commission hearing, the item was continued to February 4, 2021. At the February 4, 2021 Commission hearing, the item was continued to April 1, 2021. At the April 1, 2021 Commission hearing, the item was continued to April 15, 2021. At the April 15, 2021 hearing, the item was continued to June 10, 2021. At the June 10, 2021 hearing, the item was continued to June 24, 2021. On September 13, 2018, the Commission approved the original Project in Planning Commission Motion Nos. 20279, 20280 and 20281.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2013.1535CUA-02 is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the amended Conditional Use Authorization as requested in Application No. 2013.1535CUA-02, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** The current proposal is to amend Condition of Approval Nos. 24, 25, 26, and 32 of Planning Commission Motion No. 20281 to modify the Project's compliance with Sections 166, 155, 155.1, and 155.2, and of 415 of the Planning Code, respectively.

The previously approved Project includes demolition of three buildings: 450 O'Farrell Street (currently occupied by the Fifth Church of Christ, Scientist); 474 O'Farrell Street (one-story, vacant retail building); and 532 Jones Street (one-story restaurant use, with five existing residential units). The original proposal is to merge these three lots, and construct a new mixed-use building rising to 130-foot-tall (13-story), with up to 176 dwelling units, restaurant and/or retail space on the ground floors, and a replacement church (proposed religious institution) incorporated into the ground and two upper levels, below grade parking and mechanical spaces, private and common open space, and 116 Class 1 and 9 Class 2 bicycle parking spaces. The project would construct a total of approximately 218,155 square feet ("sf") of development, including 182,668 sf of residential space, 3,827 sf of restaurant/retail space, 9,555 sf for religious institutional use, 8,398 sf of residential open space (288 sf of private open space and 8,110 sf of common

open space), and 21,105 sf of below-grade parking (up to 46 spaces). The project also proposes merger of three Lots 007, 009, and 011 in Assessor's Block 0317.

A revised project scope ("amended Project") still includes demolition of the three buildings, construction of up to a 13-story mixed use building with similar massing and basement, ground floor commercial and a new church, and residential open space, but now proposes up to 316 group housing rooms (with a maximum of 632 beds) instead of up to 176 residential units and no longer proposes residential off-street parking. The number of bicycle parking spaces has been modified to: 136 Class 1 and 15 Class 2. The revised project would now construct a total of approximately 207,448 square feet ("sf") of development, including 172,323 sf of residential space, 6,023 sf of restaurant/retail space, 9,924 sf for religious institutional use, and approximately 5,056 sf of residential open space. The project also proposes merger of three Lots 007, 009, and 011 in Assessor's Block 0317.

3. **Site Description and Present Use.** The project site is currently occupied by the three-story, 26,904-square-foot Fifth Church of Christ, Scientist, including a 1,400-square-foot parking lot with four parking spaces at 450 O'Farrell Street; a one-story, 4,415-square-foot vacant retail building at 474 O'Farrell Street; and a one-story, 1,012-square-foot restaurant and residential building with five units at 532 Jones Street.

4. **Surrounding Properties and Neighborhood.** The Project Site is located within the RC-4 zoning district, a District defined by its compact, walkable, transit-oriented, and mixed-use nature, within the Downtown/Civic Center neighborhood. The immediate context is primarily residential with neighborhood-serving commercial uses. The immediate vicinity includes buildings ranging from five to 12 stories, and within a two-block radius up to 16-stories (including at the end of the subject site block). Within ¼-mile radius east of the site is the dense commercial retail area surrounding Union Square and the western boundary of the Financial District, and within ¼-mile south of the site is the City's major ceremonial and transit corridor Market Street. The project site is located within the boundaries of the Uptown Tenderloin Historic District which is listed in the National Register. Other zoning districts in the vicinity of the project site include C-3-G (Downtown General), C-3-R (Downtown Retail), and P (Public), which exhibit a range of height and bulk districts: 80-T, 80-A, 80-130-F, and 225-S.

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5. **Public Outreach and Comments.** To date (as of June 16, 2021), the Department has received 51 form letters in support, 3 other letters of support, including from YIMBY Law and Project Access. SF Housing Action Coalition submitted support and a petition in support signed by 42. The support for the Project is focused on the development of new housing, below market rate options, community-serving retail and new home for the Fifth Church of Christ, Scientist. YIMBY Law has submitted a second letter on June 10 which describes their opinion of the applicability of the Housing Accountability Act to the modified project.

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The Department has received 5 letters in opposition to the Project, including from Tenderloin Housing Clinic (THC), Tenderloin Neighborhood Development Corporation (TNDC), Tenant Associations Coalition of San Francisco neighborhood groups, Tenderloin Tenants, and one phone call in opposition. Most recently, THC, TNDC, and the Central City SRO Collaborative provided a joint letter which reiterated their opposition to the project, stating that the Project Sponsor was not adequately engaging with the community, and that the current proposal of a group housing project does not meet community needs for family housing. This letter also included previous communications from both THC and TNDC, citing

the needs for family housing instead of group housing, lack of community engagement, and that the Project Sponsor is misrepresenting their ability to finance the previous project and the goal to serve "essential workers." Previous correspondence in opposition cites similar concerns that the Project is centered on the shift to group housing, concerns about the community engagement process, and a neighbor's perception that the church has not been a good neighbor. One letter was received regarding the adequacy of the Addendum prepared for the project, which was resubmitted in advance of the June 24 hearing. Central City Democrats, 86 Dwellers and Alliance for Better District 6 all submitted letters noting multiple concerns about the project and requesting a redesign.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code as originally described in Section F of Planning Commission Motion No. 20281, except as amended below:

A. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 12 points.

The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 12 points. As currently proposed, the Project will achieve its required 12 points through the following TDM measures:

- Parking Supply
- Bicycle Parking
- Bicycle Repair Station
- Multimodal Wayfinding Signage
- Real Time Transportation Displays
- On-Site Affordable Housing

B. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on November 21, 2014, project approval was granted on September 13, 2018, and a site permit was issued on May 13, 2020; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 13.5% of the proposed group housing rooms/ dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6 and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. For the Project Sponsor to be eligible for the On-Site Affordable

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Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be rental units and will remain as rental units for the life of the project. The Project Sponsor submitted such Affidavit on August 21, 2020. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on November 24, 2014, project approval was granted on September 13, 2018, and a site permit issued May 13, 2020; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 13.5% of the total proposed dwelling units as affordable to low-income households, as defined by the Planning Code and Procedures Manual. 43 units/rooms of the total 316 units/rooms and 5 replacement units/rooms, for a total of 48 provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the Project is consistent and does comply with said criteria as originally described in Section G of Planning Commission Motion No. 20281, except as amended below:

A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Downtown/ Civic Center neighborhood contains a mix of residential, commercial, and institutional uses, including religious facilities. This mixed-use building will be compatible with that neighborhood mix of uses. The project will provide rental housing, ground floor retail space, and a new Christian Science church and Reading Room (institutional use) to replace the existing church site (deemed obsolete and oversized), a vacant commercial building adjacent to the church, and a one-story restaurant building containing five existing residential units that will be replaced on-site. Specifically, this mixed-use project includes 316 newly constructed group housing rooms (with 48 on-site affordable rooms including the five replacement units), supporting a need in the City, a new church facility, and retail space.

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B. The proposed project will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety, or convenience of those residing or working the area, in that:

(1) Nature of proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures;

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The project's proposed building massing is consistent with the character and design of the neighborhood, and will not impede any development of surrounding properties. The project would be a contemporary, but compatible, design that references the character-defining features of the surrounding district and is compatible with size and scale, composition,

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materials, and architectural details. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation. The elements include the new church structure, and two different architectural styles for floors seven and above. The expression of the upper levels is compatible with the overall design and district but read as secondary elevations. Finally, a vertical notch is proposed at the corner of O'Farrell Street and Shannon Alley, further reducing the building's massing impact. The building's design is well-articulated horizontally and vertically to reduce the apparent massing.

Pursuant to Condition of Approval Nos. 12a and 13 in Motion No. 20281, the Project design was modified to remove the existing colonnaded façade at 450 O'Farrell Street from the project, and the revised design was presented to the Planning Commission at an informational hearing on October 3, 2019.

- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

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The Project site is located accessible by public transit, with multiple public transit alternatives (MUNI Bus lines 2-Clement, 3-Jackson, 27-Bryant, 31-Balboa, 38-Geary, 38R-Geary Rapid, and 45-Union/Stockton; Powell Street and Civic Center BART/MUNI) within close walking distance. Additionally, the Project site is directly adjacent to O'Farrell and Jones Streets, both major thoroughfares which provide ready access to those driving.

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Parking is available either along surrounding neighborhood streets or within the proposed minimal off-street parking for the institutional use. The vehicular entrance is located on Shannon Street, which will be less detrimental to the existing traffic pattern than would be a garage entrance on O'Farrell Street, which has a dedicated transit lane and one vehicular travel lane. The residential entrance, including entrance to the on-site bicycle parking, is located of O'Farrell Street. Pedestrian entrances to the retail and church uses are on O'Farrell and additional retail use from Jones Streets, further activating those major streets. Given the small amount of retail space (less than 10,000 square feet) and limited loading needs as discussed in the project EIR, the project will seek an exception to off-street loading requirements by providing an on-street solution. The development will not be detrimental to the convenience of persons residing or working in the vicinity.

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- C. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

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The project site is located within the RC-4 zoning district and subarea No. 1 of the North of Market Residential Special Use District. This SUD has a stated purpose which includes protect and enhance important housing resources in an area near downtown, conserve, and upgrade existing low and moderate income housing stock, preserve buildings of architectural and historic importance, and preserve the existing scale of development, maintain sunlight in public spaces, encourage new infill housing at a compatible density, limit the development of tourist hotels and other commercial uses that could adversely impact the residential nature of the area, and limit the number of commercial establishments which are not intended primarily for customers who are residents of the area.

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Considered as a whole, although the project demolishes historic resources, the Project would add housing and commercial goods and services to add to and to support the residential-commercial District, in addition to a new church facility, into one mixed-use building. The Project site is well-served by transit and existing commercial services, with amenities accessible by foot, bike, or transit. The Project includes 316 group housing rooms with 632 beds, and provision of on-site affordable units. On balance, the Project conforms with multiple goals and policies of the General Plan.

8. **Planned Unit Development.** Section 304 establishes criteria and limitations for the authorization of Planned Unit Development (PUD)'s over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. In cases of projects on sites 1/2-acre or greater that exhibit outstanding overall design and are complementary to the design and values of the surrounding area. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code as originally described in Section H of Planning Commission Motion No. 20281, except as amended below:

A. Specifically, the project seeks these modifications:

- (1) A modification of the rear yard requirements per Section 134(j) of the Planning Code is still* required, as a modification through the PUD process, to allow for open space in a configuration other than a rear yard.
- (2) An exception to dwelling unit requirements is not required for the amended Project, as it complies with Section 140 of the Planning Code.
- (3) An exception to the off-street loading requirements per Section 152 of the Planning Code is still required, which requires one residential loading space for the project.
- (4) An exception to permitted obstructions is not required for the amended Project, as the amended Project complies with Section 136(c) of the Planning Code.

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B. On balance, the Project complies with said criteria of Section 304(d) in that it:

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- (1) Provides off-street parking adequate for the occupancy proposed;

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Off-street parking is not required in the RC-4 zoning district. The project provides off-street parking for the religious institution, with up to 6 dedicated for that use. Balanced with multiple transit lines within 1/4-mile, options for walking, and over 85 bicycle parking spaces, both on-site and on the sidewalks, this limited off-street parking is adequate and appropriate for the proposed uses, for this downtown location.*

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- (2) Be limited in dwelling unit density to less than the density that would be allowed by Article 2* of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

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Pursuant 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 with up to 632 beds. Accordingly, no increase in density is being sought.

9. **Additional Findings to Section 303(c) for Conditional Use Authorization request.** Each Planning Code Section may establish criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code as originally described in Section I of Planning Commission Motion No. 20281, except as amended below:

A. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider in addition to Section 303(c) when reviewing applications to demolish or convert Residential Buildings. On balance, the Commission finds that the Project is consistent with the relevant provisions of the Planning Code as originally described in Section I of Planning Commission Motion No. 20281, except as amended below:

- (1) whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing;

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The existing five units are not deed-restricted, tax-credit funded affordable housing. Although Planning Staff does not have the authority to make a determination on the rent control status of a property, it is to be assumed that the units to be demolished are subject to the Residential Rent Stabilization and Arbitration Ordinance due to building construction date circa 1950. Only two of the five units are occupied, and the project sponsor will be working with the Mayor's Office of Housing and Community Development (MOHCD) and other parties to ensure a relocation plan. The project includes five additional on-site affordable units in excess of its inclusionary housing requirement (13.5%, or 43 units) as new, on-site replacement units. The project proposes a total of 48 on-site affordable units pursuant to Section 415 of the Planning Code.

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- (2) whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;

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Although the existing housing will not be conserved, the mixed-use project, which merges three lots, will replace the five existing units – only two of which are currently occupied – with 316 newly constructed group housing rooms. The five replacement rooms and 311 group housing rooms in the project meet the stated purpose of the North of Market Residential Special Use District and the City's priority policies to encouraging dense infill housing in close proximity to transit. By providing a varied bedroom mix and on-site affordable units (41 inclusionary units/rooms and 5 replacement inclusionary units/rooms), the surrounding neighborhood's cultural and economic diversity will be enhanced.

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- (3) whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

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The project conserves neighborhood character with a mixed-use project including 316 newly constructed group housing rooms, including 48 units/rooms as on-site affordable, a church, retail space, all while including features that are consistent with the character defining features

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of the Uptown Tenderloin National Register Historic District. Architectural elements from existing structures will be incorporated into the new building design to maintain its connection to the neighborhood's history. The new building design is compatible with the prevailing development pattern and neighborhood character on the project and surrounding blocks. The group housing rooms – primary one bed but a small number with two beds per room – is balanced with compliant residential open space at various levels and communal amenity space throughout the residential portion. The minimal amount of ground floor retail supports the new and existing residential uses, and, overall, the project seeks to enhance the neighborhood's economic and cultural diversity. Pursuant to Condition of Approval Nos. 12a and 13 in Motion No. 20281, the Project design was modified to remove the existing colonnaded façade at 450 O'Farrell Street from the project, and the revised design was presented to the Planning Commission at an informational hearing on October 3, 2019.

- (4) whether the project protects the relative affordability of existing housing;

None of the five units in the existing building are deed-restricted affordable housing, however, are presumed to be subject to the Rent Stabilization and Arbitration Ordinance. The Project as a whole is required to comply with San Francisco's inclusionary housing program under Section 415 of the Planning Code. In addition, the five units to be demolished will be replaced as on-site inclusionary. As a result, 15.2% of the group housing rooms provided on-site will be affordable (41 required inclusionary units/rooms and 5 replacement inclusionary units/rooms).

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- (5) whether the project increases the number of permanently affordable units as governed by Section 415;

By demolishing the five existing units, and replacing them with a project that will comply with Section 415 of the Planning Code, the number of affordable units will increase. The Project's required inclusionary is 13.5% or 41 affordable units/rooms and the replacement five affordable units/rooms, will produce a project with 46 on-site affordable units/rooms, thereby increasing the supply of newly constructed affordable units within a market-rate project.

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- (6) whether the project increases the number of family-sized units on-site;

The five existing units are all studios, and therefore are not family-sized. The project currently proposes 316 group housing rooms with up to 632 beds. The project includes approximately 28 group housing rooms which exceed 500 square feet are intended for occupancy of two or more individuals.

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- (7) whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

The project is of superb architectural and urban design quality and enhances existing neighborhood character. The EIR for the project has determined the new building compatible with the Uptown Tenderloin National Register Historic District. The project will be a contemporary, but compatible, design that references the character-defining features of the surrounding district, in terms of size and scale, composition, and materials. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation. Material

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selection includes pre-cast concrete, with varying finishes, with deep recesses for glazing at the primary elevations fronting the street, and non-reflective metal panel systems with vertical oriented glazing and spandrel panel at the elevations setback from the street and secondary elevations. Further, the design minimizes the building's mass with alternating setbacks, which seeks to minimize the appearance of bulk and minimize impacts to adjacent neighbors' light and air, consistently applied design guidelines.

Pursuant to Condition of Approval Nos. 12a and 13 in Motion No. 20281, the Project design was modified to remove the existing colonnaded façade at 450 O'Farrell Street from the project, and the revised design was presented to the Planning Commission at an informational hearing on October 3, 2019.

- (8) whether the project increases the number of on-site Dwelling Units;

The existing 532 Jones Street building contains five presumed studio dwelling units. The project proposes 316 group housing rooms which is an increase of on-site residential units/ rooms.

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- (9) whether the project increases the number of on-site bedrooms;

The existing 532 Jones Street building contains five studio units, i.e. no bedrooms. The project currently proposes to increase the number beds to a maximum of 632 beds in 316 bedrooms.

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- (10) whether or not the replacement project would maximize density on the subject lot;

The project provides 316 group housing rooms (with up to 632 beds) by proposing to merge three lots - the 532 Jones Street, 474 O'Farrell Street, and 450 O'Farrell Street lots - and developing one building. Density permitted for group housing in the RC-4 zoning district would allow 316 group rooms on this site. By merging three lots and building vertically to the permitted height limit for the site, the project is able to provide full use of the density available on the subject lot, as well as the adjacent two lots. Notably, the project sculpts the massing adjacent to the existing neighbors to preserve light and air.

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- B. **Additional Findings pursuant to Section 253(b)(1)** establishes criteria for the Planning Commission to consider in addition to Section 303(c) when reviewing applications for a building exceeding a height of 40 feet in a RM or RC District where the street frontage is more than 50 feet. In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet, the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies, and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located. On balance, the Commission finds that the Project is consistent with the relevant provisions of the Planning Code as originally described in Section I of Planning Commission Motion No. 20281, except as amended below:

The height of the building varies from 55 feet to 130 feet, exceeding the 40 feet in height on a site with more than 50 feet of street frontage in an RC district, but in compliance with the 80-T-130-T height and bulk district applicable to this project site. As discussed at length in the Section 303(c) findings and further in the General Plan Compliance section, the project is on balance compatible with the criteria, objectives, and policies and principles of the RC-4 district, North of Market Residential Special Use District subarea No. 1, and the General Plan. Specifically, RC-4 districts call for a mixture of high-density dwellings with supporting commercial uses and open space. The project provides that 316 group housing rooms, with retail and religious institution uses on the lower levels.

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C. **Additional Findings pursuant to Section 249.5(c)(1) for Section 263.7** establishes criteria for the Planning Commission to consider in addition to Section 303(c) when reviewing applications for a building exceeding a height of 80 feet in the North of Market Residential Special Use District. In the 80-120-T and 80-130-T Height and Bulk Districts located within the North of Market Residential Special Use District (NOMRSUD), heights higher than 80 feet would be appropriate in order to effect a transition from the higher downtown heights to the generally lower heights of the existing buildings in the NOMRSUD core area and the Civic Center area and to make more feasible the construction of new housing, provided that development of the site is also consistent with the general purposes of the NOMRSUD as set forth in Section 249.5(b). In making determinations on applications for Conditional Use authorizations required for uses located within the North of Market Residential Special Use District, the Planning Commission shall consider the purposes as set forth in Subsection 249.5(b) as delineated below. On balance, the Commission finds that the Project is consistent with the relevant provisions of the Planning Code as originally described in Section I of Planning Commission Motion No. 20281, except as amended below:

- (1) protect and enhance important housing resources in an area near downtown;
The project increases housing resources in the downtown area with proposed 316 group housing rooms.
- (2) conserve and upgrade existing low and moderate income housing stock;
The project replaces the existing five residential units with newly constructed replacement units/rooms. As such, the project provides a total of 48 on-site inclusionary affordable units/rooms.

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D. **Additional Findings pursuant to Section 271(c)** establishes criteria for the Planning Commission to consider in addition to Section 303(c) when reviewing applications for a building's bulk limits to be exceeded. Exceptions to the Section 270 bulk limits are permitted through Section 271. On balance, the Commission finds that the Project is consistent with the relevant provisions of the Planning Code as originally described in Section I of Planning Commission Motion No. 20281, except as amended below:

- a. The appearance of bulk in the building, structure or development shall be reduced* by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
 - i. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;
 - ii. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

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- iii. Differences in materials, colors or scales of the facades that produce separate major elements;
 - iv. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and
 - v. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures, or towers.
- b. In every case the building, structure, or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:
- i. A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;
 - ii. Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;
 - iii. Use of materials, colors, and scales either similar to or harmonizing with those of nearby development; and
 - iv. Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

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The project's O'Farrell Street elevation is articulated to break the massing down into several distinct sections. The 13-story massing would be setback from the street/retained façade. Vertical recesses are introduced at ground level between the church and other massing, and above ground level to break up massing and increase articulation.

The proposed O'Farrell Street elevation references the tripartite composition characteristic of the district. Specifically, the existing 450 O'Farrell Street façade and the proposed church façade will be the base, the apartments will be the middle, and the parapet will define the top. The proposed base at the new church and at the Jones Street elevation will be further articulated as a two-part vertical composition with a high ground floor, similar to the bases of the adjacent and surrounding district contributors.

The articulation of the proposed façade along O'Farrell Street will divide the façade in vertical subzones and will reflect the verticality of the nearby buildings by breaking up the form. The projecting precast concrete sections (rendered in white) with punched rectangular windows accentuate the elongated form of the building. On the western half of the elevation, the orientation of the rectangular windows strengthens verticality while adding rhythm to the façade, through application of an alternate materials palette: non-reflective metal, spandrel panel and glazing system. The secondary façades, including the western setback and the Shannon Street elevation, will be relatively flat, broken by lines and projecting balconies on Shannon Street.

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Continuous street walls are typical of the district. The 8-story building component to the west, which will be clad in a textured pre-clad concrete and will house the new church, will

extend to the property line. In addition, the Jones Street elevation will also extend to the property line, creating a continuous street wall. This urban design move preserves and enhances the pedestrian environment since the required use of transparency at these elevations provides an openness for pedestrians and users.

The building's design is well-articulated in order to reduce the apparent massing and includes retention of a unique urban design feature as a device to orient the community. The site is within the Uptown Tenderloin National Register Historic District, and the new building has been determined compatible with the District and the character of the surrounding neighborhood, specifically the scale and size, composition, materials, and architectural details.

Pursuant to Condition of Approval Nos. 12a and 13 in Motion No. 20281, the Project design was modified to remove the existing colonnaded façade at 450 O'Farrell Street from the project, and the revised design was presented to the Planning Commission at an informational hearing on October 3, 2019. The amended Project does not exceed the original approval of bulk exceedance.

10. General Plan Compliance. The Project is, on balance, consistent with the following Objectives and Policies of the General Plan as originally described in Section J of Planning Commission Motion No. 20281. The amended Project is consistent with the following Objectives and Policies of the General Plan, except as amended below:

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HOUSING ELEMENT

Objectives and Policies

OBJECTIVE J

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.2

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas such as Treasure Island, Candlestick Park, and Hunter's Point Shipyard.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.1

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

OBJECTIVE 3

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

Policy 4.4

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

Policy 4.5

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

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OBJECTIVE 17

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2

Consider the proximity of quality of life elements such as open space, child care, and neighborhood services, when developing new housing units.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

OBJECTIVE 2

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 2.6

Respect the character of older development nearby in the design of new buildings.

OBJECTIVE 3

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 3.1

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.5

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.4

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

The Project is a high-density residential development at an infill site, providing 316 group housing rooms in a mixed-use area. The Project includes 43 net new on-site affordable housing units/rooms for rent, plus five replacement units, which assist in meeting the City's affordable housing goals. The Project is also in close proximity to ample public transportation.

The Project generally promotes the purpose of the North of Market Residential Special Use District through infill housing at compatible density. The project introduces 311 net new group housing rooms with on-site affordable units near downtown, provides five new replacement units/ rooms on-site, proposes less than 10,000 square feet of ground floor commercial which can support existing and new residents, and does not shade public open spaces. Although the proposal does not preserve historic architectural resources, the new building scale, materials, and architectural features are compatible with the surrounding neighborhood character and buildings. The Project will activate O'Farrell Street with the re-located church site and retail use, Shannon Street with the residential lobby, and Jones Street with additional retail use. Further, street improvements such as street trees and bicycle parking will further enhance the public realm, consistent with the better street plan policies in the General Plan.

The proposed new construction would produce high-quality architectural design that is compatible with the surrounding neighborhood and with the Uptown Tenderloin National Register Historic District, in which the

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site is located. The new building will reflect the characteristic pattern which gives to the City and its neighborhood an image, sense of purpose, and a means of orientation; and, moderating major new development to complement the City pattern, by providing a new, mixed-use development consistent with neighboring 6- to 19-story development in close proximity to the site. The Project would provide a new religious facility that will enable an existing church, which in its current location has been located at this site for more than 90 years, to continue to be located within the community and provide updated, code compliant, and expanded religious instructional and outreach facilities, while salvaging and reusing certain features of the building's interior elements.

Although the project does not provide family housing, the substantial number of new rooms provides housing opportunity. The project, on balance, promotes the policies and objectives of the General Plan by locating housing at a mixed-use infill development site, with neighborhood-serving commercial, and at a density to support it, where households can easily rely on public transportation, walking, and bicycling for a majority of daily trips.

11. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. The Project is, on balance, consistent with the priority policies as originally described in Section 3 of Planning Commission Motion No. 20281. The amended Project is consistent with the following policies and as amended below:

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

The project site does not possess any neighborhood-serving retail uses. The Project provides 316 group housing units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.

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

The project introduces 311 net new group housing rooms with on-site affordable units near downtown, provides five new replacement group housing rooms/ units as on-site affordable units, proposes less than 4,000 square feet of ground floor commercial which can support existing and new residents, and does not shade public open spaces. Although the proposal does not preserve historic architectural resources, the new building's scale, materials, and architectural features are compatible with the surrounding neighborhood character and buildings. The Project will activate O'Farrell Street with the re-located church site and retail use, Shannon Street with the residential lobby, and Jones Street with additional retail use. The new building will reflect the characteristic pattern which gives to the City and its neighborhood an image, sense of purpose, and a means of orientation; and, moderating major new development to complement the City pattern, by providing a new, mixed-use development consistent with neighboring 6- to 19-story development in close proximity to the site.

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

The project proposes to replace the five existing residential units, none of which are deed-restricted affordable units but are presumed to be subject to the Rent Stabilization and Arbitration Ordinance, with 316 total group housing rooms, 48 of which are designated on-site affordable housing. As a result, the project creates an increase in the City's supply of affordable housing.

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

The Project Site is served by nearby public transportation options. The Project site is very accessible by public transit, with multiple public transit alternatives (MUNI Bus lines 2-Clement, 3-Jackson, 27-Bryant, 31-Balboa, 38-Geary, 38R-Geary Rapid, and 45-Union/Stockton; Powell Street and Civic Center BART/MUNI) within close walking distance. Additionally, the Project site is directly adjacent to O'Farrell and Jones Streets, both major thoroughfares which provide ready access to those driving.

Parking is available either along surrounding neighborhood streets. The proposed garage has up to 6 parking spaces, all dedicated to churchgoers, in addition to 73 Class 1 and 12 Class 2 bicycle spaces. Given the accessibility of the project site, and the limited retail uses proposed, the project will not create community traffic that impedes MUNI service or overburdens the streets.

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

The Project does not include commercial office development.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Part of the project includes demolition of a building (450 O'Farrell Street) determined individually eligible for the California Register of Historic Resources. In certifying the Project's Environmental Impact Report (EIR), the Planning Commission adopted a Statement of Overriding Considerations, Motion No. 20280, finding that the impacts of demolition of the individual historic architectural resource are outweighed by the benefits of the Project. The proposed new construction would produce high-quality architectural design that is compatible with the Uptown Tenderloin National Register Historic District, in which the site is located.

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

Although the Project does cast shadow on the adjacent public park, the adjacent public park (Parque Ninos Unidos) is still afforded access to sunlight, which should not dramatically affect the use and enjoyment of this park. Since the Project is not more than 40-ft tall, additional study of the shadow impacts was not required per Planning Code Section 295.

- 12. First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- 13.** The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 14.** The Commission hereby finds that approval of the amended Planned Unit Development/Conditional Use Authorization would promote the health, safety, and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES an amended Planned Unit Development/Conditional Use Authorization Application No. 2013.1535CUA-02** subject to the original conditions authorized through Planning Commission Motion No. 20281 as "Exhibit A" of that motion, with exception Condition Nos. 24, 25, 26, and 32 of Motion No. 20281, which is amended as described and attached to this Motion hereto as "EXHIBIT A", in general conformance with plans on file, dated December 7, 2020, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

This project has undergone environmental review pursuant to the California Environmental Quality Act and Chapter 31 of the San Francisco Administrative Code. The Planning Commission certified the Final Environmental Impact Report (EIR) for the project on September 13, 2018 (Motion No. 20279). On December 21, 2020, the Planning Department published an addendum to Final EIR for the Project. The Planning Department concluded that no further environmental review is required for this revised Project for the reasons set forth in the Addendum. This Commission concurs with that conclusion. On September 13, 2018, the Commission adopted Motion No. 20280 adopting CEQA findings for the original Project, including a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the Project. Those findings and adoption of the MMRP set forth in Motion No. 20280 are incorporated by reference in this Motion as though fully set forth herein.

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APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action, or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

Motion No. 20935
June 24, 2021

RECORD NO. 2013.1535CUA-02
450-474 O'Farrell Street/ 532 Jones Street

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 24, 2021.

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Jonas P. Ionin
Commission Secretary

AYES: Tanner, Diamond, Fung, Keppel

NAYS: Imperial, Moore

ABSENT: Chan

ADOPTED: June 24, 2021

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EXHIBIT A

Authorization

This authorization is for amended conditional use authorization to modify Condition of Approval Nos. 24, 25, 26, and 32 of Planning Commission Motion No. 20281 to allow: a mixed-use building, with group housing residential use, institutional use, and ground floor commercial for the Project located at 450-474 O'Farrell and 532 Jones Street, Block 0317, Lots 007, 009, and 011 within the **RC-4 Zoning** District and a **80-T-130-T** Height and Bulk District; in general conformance with plans, dated **May 25, 2021**, and stamped "EXHIBIT B" included in the docket for Record No. **2013.1535CUA-02** and subject to conditions of approval reviewed and approved by the Commission on **June 24, 2021** under Motion No. **20935**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions Of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **June 24, 2021** under Motion No. **20935**.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **20935** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

1. **Parking for Affordable Units.** The amended Project no longer includes off-street residential parking, therefore, this Condition of Approval no longer applies.

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For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

2. **Car Share.** Pursuant to Planning Code Section 166, zero car share spaces shall be made available. The amended Project includes fewer than 24 parking spaces for the non-residential use and no longer includes parking for the residential use, therefore, this Condition of Approval does not apply.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

3. **Bicycle Parking** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 151 bicycle parking spaces (136 Class 1 spaces for the residential and religious uses portion of the Project and 15 Class 2 spaces for the residential, religious, and commercial uses portion of the Project). SFMTA has final authority on the type, placement, and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

4. **Inclusionary Affordable Housing Program.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

- a. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 316 units/rooms, of which 5 are replacement units/ rooms; therefore, 48 affordable units/rooms are currently required (43 units/ rooms to satisfy the 13.5% on site requirement and 5 replacement units/ rooms). The Project Sponsor will fulfill this requirement by providing the 46 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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For information about compliance, contact the Case Planner, Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

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- b. **Unit Mix.** The Project contains 316 group housing rooms; therefore, the required affordable unit mix is 43 group housing rooms. In addition, five replacement group housing rooms/ units are required. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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- c. **Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households at a rental rate of 55% of Area Median Income. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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- d. **Minimum Unit Sizes.** Affordable units are not required to be the same size as the market rate units and may be 90% of the average size of the specified unit type. For buildings over 120 feet in height, as measured under the requirements set forth in the Planning Code, the average size of the unit type may be calculated for the lower 2/3 of the building as measured by the number of floors.

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- e. **Replacement of Existing Affordable Units.** The principal project has resulted in demolition, conversion, or removal of affordable housing units that are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low- or very-low-income, or housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power and determined to be affordable housing. Pursuant to Planning Code Section 415.6(a)(9), the project sponsor shall replace the five (5) units that were removed with units of a comparable number of bedrooms and rents. The project shall replace five (5) units (5 group housing rooms/units) priced at 55% AMI.

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- f. **Notice of Special Restrictions.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to architectural addenda. The designation shall comply with the designation standards published by the Planning Department and updated periodically.

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- g. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than thirteen and a half percent (13.5%) plus the five replacement units, or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

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- h. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

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- i. **Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.

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- j. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

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www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy, and marketed no later than the market rate units, and (2) be evenly distributed throughout the building; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model, or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
 - ii. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, such as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
 - iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
 - iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
 - v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
 - vi. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.
5. **Group Housing Cooking Facilities.** Pursuant to ZA Interpretation of 209.2(a), effective October 2005, are allowed to have limited kitchen facilities with the following specifications: a small counter space, a small under-counter refrigerator, a small sink, a microwave, and a small two-ring burner. Such limited kitchen facility

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shall not include any other type of oven, as that would constitute a full kitchen.

6. Increase the number of larger group housing units, wherever feasible.
7. Provide balconies to maximum projection on all sides except O'Farrell Street.
8. Continue working with Staff to increase the number of bicycle parking spaces, up to 200.
9. Convert the ground-floor retail space to group housing units.
10. Work with Staff to analyze the feasibility of converting the basement to additional group housing units.

Exhibit 1

a) Set forth the part(s) of the decision is taken from:

Appellants appeal the entirety of Motion 20935 (“Motion”), adopted by the City and County of San Francisco (collectively, “City”) Planning Commission on June 24, 2021. Among the parts of the decision at the center of this Appeal are the findings set forth in sections 7, 8 and 9 of the Motion. (See Draft Motion 20935, Sections 7, 8 and 9A.)

b) Set forth the reasons in support of your appeal:

This appeal references and incorporates Pacific Bay Inn’s (“PBI”) letters to the City Planning Commission subsequent to the City’s publishing of the first addendum to the Final Environmental Impact Report (State Clearinghouse No. 2017022067) (“FEIR”) (“First Addendum”) on January 7, 2021, and April 14, 2021, and after the filing of the second addendum to the FEIR on June 23, 2021 (“Second Addendum”), which are attached hereto. Please also find a letter to the City Planning Commission that was submitted by the community stakeholders expressing concerns regarding the Project. This appeal also specifically incorporates comments made by Appellants, Tenderloin Housing Clinic and PBI, and other commenters during the Planning Commission’s various public hearings on the Revised Project including January 7, 2021, April 15, 2021, and June 24, 2021. Also attached to this appeal letter is the most recent version of Planning Commission Motion No. 20935 and the June 24, 2021 Planning Commission public hearing minutes, whereby the Planning Commission approved the Project.

The Appeal is based on the following reasons, among others:

(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. For example, the Project site sits on a zero lot line to adjacent properties, including 500-520 Jones Street, which features the 114 year-old Pacific Bay Inn Hotel (“Hotel”) owned by PBI. PBI, through a joint program with the City and DISH (Delivering Innovation in Supportive Housing), uses the Hotel to provide permanent single-occupancy rooms to a diverse and marginalized San Francisco homeless population with serious health issues.

The Project EIR and its various addendums do not factor in the potentially severe structural impacts to the community, including the Hotel and its marginalized residents. Nor do they adequately analyze or disclose the health and well-being impacts of 18 months of heavy construction on an already very sensitive population housed by the Hotel. The Project environmental documents did not disclose the potential structural impacts to the 1907 building, and the resultant impacts to its residents, let alone adequately analyze and disclose over a year of dust, noise, air quality, vibration, construction traffic, and other construction impacts to the highly sensitive receptors who call the Hotel their home.

As noted, the Hotel sits on a zero lot line with the Project on its eastern boundary. In January 2021, Forge alerted PBI that the Hotel’s footings and structure may encroach on the Project. Neither Forge nor City staff provided any follow-up information related to this issue, despite the Hotel’s repeated requests. As a result, PBI was compelled to engage three separate engineering firms to perform a preliminary study of the Project’s potential impacts to the Hotel. In those preliminary studies, it was determined that excavation work, foundation construction, dewatering and shoring for the Forge development likely will cause significant impacts to the Hotel, which

encroaches onto the Project site. (See attached June 23 Letter, Exhibit A.) The Hotel structure itself encroaches beyond its east property line onto the Project site. Further, the Hotel's structure has an inverse T-shaped footing, which extends at least another six inches onto the Project site below grade at least as deep as the Hotel's basement. (*Id.*, p. 3.) As noted in PBI's studies, the Hotel is 114 years old. It is constructed of unreinforced masonry, which is particularly susceptible to excavation and other construction activities immediately adjacent to its eastern lot line. (*Ibid.*) Further investigation of the Project's proposed construction, foundation work and excavation impacts is needed to ensure the proper mitigation, provide adequate disclosures to the Hotel residents and other neighbors and to ensure the health, safety and welfare of the Hotel residents and the community at large. (*Ibid.*)

The current environmental analysis and mitigation measures do not disclose or sufficiently address the potentially grave potential impacts this excavation may have on the Hotel and its occupants. (See June 23 Letter, pp. 3-4.) The mitigation measures proposed do not provide definable standards for Forge Development to mitigate the Project's potential damages to the Hotel or the surrounding Community. Mitigation measure CR-3B merely notes, in a tossed-off manner, that the contractor must use "all feasible means to avoid damage to the adjacent contributing resources including 500-520 Jones Street." (See, FEIR, p. S-6.) "Feasible means" are not defined nor disclosed, and the City provides no additional standards to show what these mitigation measures would entail or how their success would be evaluated. That is unlawfully deferred mitigation. Environmental review under the California Environmental Quality Act cannot defer mitigation to a later analysis or process and on that basis render a conclusion of "no significant impact." (See *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 915-916 [98 Cal.Rptr.3d 137].) As one court put it: "Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (*Ibid.*) Impacts to the Hotel's sensitive receptors are ignored. In addition to proper studies and disclosures, adequate conditions of approval should have been added to the CUP.

Moreover, the Project does not properly "sculpt" the buildings' massing adjacent to the northern property and it completely obliterates all light and air flow to resident windows covering the eastern side of the Hotel. The Project lacks mitigation measures to protect the health, safety and welfare of the residents of adjacent properties. Forge, the new project sponsor, failed to address health and safety concerns of residents residing in the vicinity of the Project and ignored new information that has arisen from the significant changes made to the Project since the initial approval in 2018. Forge failed to meet with adjacent neighbors to ensure minimal impact to surrounding buildings. These impacts, as well as construction impacts, were not adequately reviewed in the FEIR, First Addendum, or Second Addendum.

(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. There is a great need for family housing as the Tenderloin experiences issues of overcrowding and a shortage of larger sized dwelling units. There continue to be serious concerns about developing a 316-unit group housing project set to accommodate 632 people in one of the densest neighborhoods in the City. The community was supportive of the initial project approved in 2018 that had a mix of larger units for families. The drastic change from the original project and the number of residents set to

accommodate the recent approval increases the population by at least 100 percent at the Project site. Considering the significant change of use and the lack of proper environmental analysis for the significantly revised project, we ask that this be reviewed by the Board of Supervisors.

(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. The community seems to have been left without a voice in this process. The concerns of the already marginalized residents of the Hotel have been ignored. Dropping an enormous 316-unit group home development in the middle of the already dense Tenderloin neighborhood will only contribute to inorganic, incoherent and unsustainable growth in an area already challenged by crowding. Community members have voiced their disapproval for the use of group housing for the Project site and wish to retain the original project approvals' family housing.

The Appellants reserve the right to supplement these comments up until the close of the final public hearings on the appeal.



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January 7, 2021

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VIA E-MAIL AND U.S. MAIL

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C/O San Francisco Planning Department
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Re: 2013.1535CUA-02: 450-474 O'Farrell Street/532 Jones Street.

Dear Mr. Koppel and Members of the Planning Commission,

This office represents Pacific Bay Inn, Inc. ("Pacific Bay"), owner of the Pacific Bay Inn Hotel, located at 500-520 Jones Street, San Francisco. This letter presents comments regarding Forge Development Partners' proposed development at 450-474 O'Farrell Street/532 Jones Street ("Project Site"), case No. 2013.1535EIA ("Revised Project").

1. The Proposed Project.

The Revised Project follows on an original project submitted by Fifth Church of Christ Scientist ("Church"), and 450 O'Farrell Partners, LLC, which included (among other details) a 13-story mixed-use building with 176 residential dwelling units, 6,200 square feet for restaurant and retail use and 13,595 square feet for a religious institution ("Original Project"). (Final Environmental Impact Report (State Clearinghouse No. 2017022067) ("FEIR") at p. 2-5.) The Original Project featured dwelling units that would consist of 22 studios, 95 one-bedroom units, 55 two-bedroom units, and four three-bedroom units. (*Ibid.*)

The Planning Commission certified the Previous Project's FEIR on September 13, 2018. (Addendum at p. 1.) The FEIR evaluated the potential environmental impacts to historic architectural and land use resources. (*Id.* at 10.) All other resource topics were analyzed as part of the initial study in which the Planning Department concluded that the Original Project would not result in significant impacts, with or without mitigation. (*Ibid.*; see also, FEIR, Initial Study at p. 33.) The Revised Project proceeds on an addendum to the FEIR, pursuant to CEQA Guidelines section 15164, published on December 21, 2020 ("Addendum") in lieu of a subsequent or supplemental

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environmental impact report pursuant to Public Resources Code 21166 and CEQA Guideline sections 15162 and 15163.

According to the Revised Project's description as presented in the Addendum, the Proposed Project consists of demolition of 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 residential/retail space, and 10,181 square feet for religious institution with a total built area of 199,384 square feet. (Addendum at pp. 3-4.) The Revised Project would also reduce the number of off-street parking from 41 to six spaces, which will only be designated for use by the Church. The building envelope would be remain the same with decreased subsurface excavation and changes to the building's design. (*Id.* at p. 5.)

2. **Legal Standard.**

The basic purposes of CEQA are fourfold:

- (a) To inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities;
- (b) To identify ways that environmental damage can be avoided or significantly reduced;
- (c) To prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- (d) To disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

(Cal. Code Regs., tit. 14 ("CEQA Guidelines"), § 15002.) At its heart, therefore, CEQA is a public disclosure statute.

Where a lead agency certifies an initial EIR, subsequent environmental review is required on the proposed project where:

- (a) Substantial changes are proposed in the project that will require major revisions to the EIR;
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken that will require major revisions to the EIR; or
- (c) New information, which was not known and could not have been known when the EIR was certified, comes available.

(Public Resources Code § 21166; *Friends of the College of San Mateo Gardens* (2016) 1 Cal.5th 937, 956; see also *Martis Camp Community Association v. County of Placer* ("*Martis Camp*") (2020) 53 Cal.App.5th 569, 604;.) If the changes to the project do not

differ significantly from those described in the prior EIR, a subsequent EIR is not required. (*Martis Camp, supra*, 53 Cal.App.5th at 607.) Further environmental review is required, however, when new information or project revisions reveal that the proposed project

- (a) Will have either one or more significant effects not discussed in the previous EIR;
- (b) Significant effects previously examined will be more severe than shown in the previous EIR;
- (c) The mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure; **or**
- (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects.

(14 Cal. Code Regs., § 15162.) The lead agency must determine whether the previous project's environmental documents retain relevance despite changes to the project or its surrounding circumstances. (*Martis Camp, supra*, 53 Cal.App.5th at 608 citing *San Mateo Gardens, supra*, 1 Cal.5th at p. 944.)

A lead agency may prepare a supplemental EIR in lieu of a subsequent EIR where the revised project's conditions would require preparation of a subsequent EIR but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. (CEQA Guidelines, § 15163; see also *Sierra Club v. City of Orange* (2008) 153 Cal.App.4th 523, 542-543.)

3. The Revised Project Features and Circumstances Warrant Further Disclosure and Analysis.

(a) New Information Relating to Revised Project's Construction Impacts.

The Addendum concludes that use of construction equipment for the Revised Project would be substantially similar to the previous project. (Addendum at p. 6.) Based on that assertion, the Addendum concludes that the Project would have the same environmental impacts as the Original Project.

Construction is projected to occur over the course of approximately 18 months from groundbreaking. (See FEIR, Initial Study, p. 71; Addendum at p. 5.) The Addendum does not analyze potential significant construction impacts on sensitive receptors within the Revised Project's vicinity, especially Pacific Bay Inn, over that 18-month time period. The Pacific Bay Inn is leased directly by the City and County of San Francisco to provide housing to the homeless population of San Francisco. Impacts to such sensitive receptors -- and other residents in the project vicinity -- are heightened by stay-at-home orders in response to the 2020 COVID-19 pandemic. Not only the homeless residents of Pacific Bay Inn, but other residents, including the vast majority of

the San Francisco office labor force, now work from their homes instead of in-office settings. As a consequence, they are now continually susceptible to vibrations, noise, and other impacts arising from construction at the Project Site throughout the day as they remain at home. The Addendum omits an analysis based on this important new circumstance and merely assumes that construction impacts will be the same as the Original Project. Notably, the move to an at-home workforce appears to represent a larger social trend that will continue beyond the current global pandemic. Recently, the Metropolitan Transportation Commission approved a long-term vision for the Bay Area which included a push for large company employers to have at least sixty percent of their employees work from home on any given day in order to curb greenhouse gas emissions and reduce traffic congestion by 2035.¹ The sea change in how residential and office uses will be employed post COVID-19 represents a significant new change in circumstances which the Revised Project will be built which requires additional environmental analysis via a subsequent EIR. (Pub. Res. Code, § 21166, subd. (c).)

While the FEIR concludes that noise and vibration levels meet San Francisco noise ordinances levels for sensitive receptors (which are 65 feet from the Project Site), mere compliance with a noise ordinance is no assurance against significant environmental impacts. (FEIR, Initial Study, at pp. 71-72.) An agency cannot merely invoke compliance with a zoning code or general plan noise standard as a means to shirk its duty to conduct a meaningful analysis of potentially significant noise impacts. As one court observed, “conformity with a general plan does not insulate a project from EIR review where it can be fairly argued that the project will generate significant environmental effects.” (*Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732 [187 Cal.Rptr.3d 96]; see also, *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1338 [73 Cal.Rptr.3d 202] [General Plan noise standard], quoting *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881–882 [274 Cal.Rptr. 720] [same]; *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344, 1381 [111 Cal.Rptr.2d 598] [“the fact that residential uses are considered compatible with a noise level of 65 decibels for purposes of land use planning is not determinative in setting a threshold of significance under CEQA”].)

Further, the Planning Department did not analyze Pacific Bay Inn as a sensitive receptor. Pacific Bay Inn, located directly adjacent to the Project Site, has 75 Single Room Occupancy units, providing living arrangements to many San Franciscan residents. Obviously, these residents will be subject to continuous noise and vibration at more significant levels than those sensitive receptors at O’Farrell Towers and the nearby senior facility analyzed as part of the FEIR and Addendum. Those impacts will continue for over a year as the project is built out. For example, the Addendum claims that the vibrations would be noticeable within the immediate vicinity of the use of heavy equipment for the Revised Project yet claims such vibrations would not be noticeable at the nearest receptors, i.e. O’Farrell Towers. (Addendum at p. 24.) Clearly, the

¹ The Plan Bay Area 2050 Final Blueprint can be found at <https://www.planbayarea.org/>.

Addendum has overlooked impacts to sensitive receptors adjacent to the Project Site. Demolition of existing hardscape and buildings may be presumed to require the use of such equipment as jackhammers, backhoes, tractors and other heavy equipment. Demolition equipment generates high levels of noise and ground-borne vibrations. Pacific Bay Inn residents will be subject to noise levels well in excess of those presented in the FEIR and above the maximum levels in San Francisco's noise ordinance.

The Revised Project's environmental effects on the Pacific Bay Inn's must be reviewed and analyzed to determine whether the Revised Project causes any significant environmental impacts to Pacific Bay Inn, located at 520 Jones Street. Without it, the Revised Project's environmental review remains deficient.

(b) Changing the Use from Residential to Group Home Constitutes a New Project Requiring Further Environmental Review.

The Revised Project changes the main use from multi-family residential units to group housing. (Addendum at p. 1.) Despite both projects containing 13 floors and the same existing footprint, the uses are substantially different. Group Homes are defined as residential uses without individual cooking facilities, by prearrangement for a week or more at a time, in a space not defined as a dwelling unit. (See San Francisco Planning Code Section 102.) The Group Home use category gives rise to substantially different environmental impacts on the surrounding community. For example, multi-family dwelling units contain dedicated kitchens. Group homes by contrast lack such facilities, and therefore require entirely different arrangements for dining and preparing meals, including -- presumably -- large scale deliveries of food, kitchen staff and other logistical considerations borne of the change of use to Group Home.

The Planning Department should prepare a subsequent EIR to evaluate the change in project use. The change to the Group Home use category, coupled with the doubling in commercial square footage require additional environmental analyses not contemplated in the FEIR. (See *San Mateo Gardens, supra*, 1 Cal.5th at 944 ["the central purpose of CEQA is to ensure that agencies and the public are adequately informed of the environmental effects of proposed agency action."].)

(c) The Addendum Does not Properly Analyze the Significant Impacts the Increased Commercial Space Will have on the Surrounding Community.

The expansion of commercial uses will result in an increase in the number of employees by twelve from the Previous Project. (Addendum at p. 13.) Yet, the Revised Project proposes reduction in the number of parking stalls at the site from 41 to six for religious use only and reduces bike stalls by 53. (*Id.* at p. 4.) Notwithstanding the lack of off-street parking for new residents at the Revised Project site, the reduced parking demands with an increased number of employees certainly triggers further review on the significance of such changes on the traffic and congestion impacts. On-street parking within the Project Site's immediately vicinity will be impacted.

The Addendum relies upon analysis via a 2020 update to the 2017 Traffic Impact Study from LCW Consulting (“TIS”). LCW contemplates that the number of travel hours would be reduced for the Revised Project from the Previous Project. (Addendum at p. 18.) While the numbers appear superior, LCW’s analysis as to why these numbers are reduced is lacking. (Addendum, TIS at p. 5-6.) The TIS provides little to no reasoning as to this reduction, merely finding that such reduced hours are determined. (*Ibid.*) Relying on the TIS, the Addendum does not mention how or why the change of use from multi-family residential to group housing contemplates a reduction in trip counts, only conclusively finding that such reductions will occur.

Further questions arise regarding the Revised Project’s ingress and egress routes. The TIS contemplates that traffic from ride share and taxis would be from O’Farrell while “conservatively” assigning all other vehicle trips to the driveway off Shannon Street. There is no reasoning provided to why and how these assignments were made.

The FEIR fails to adequately assess the Revised Project’s traffic impacts to O’Farrell Street through the Addendum. Further environmental analysis is required to properly analyze the cumulative impacts the Revised Project will have given its reduced parking, increased commercial use, revised ingress and egress routes, and newly approved projects within the Project Site’s vicinity. (See Addendum at pp. 22-23.)

(d) **New Geotechnical Information Specific to San Francisco Has Emerged since the Certification the EIR prompting Further Environmental Review.**

It is a matter of record that the recently constructed Millennium Tower project located in the Embarcadero is sinking. This phenomenon occurred in 2018, after the FEIR was scoped and submitted for public comment. While initial geology and soils reviews suggested the foundation would be adequate for the building, several geotechnical experts found that the tower’s foundation was not recommended for downtown’s geologic topography.² Recently, in 2019, San Francisco’s Department of Building Inspection Engineering Design and Review approved retrofits to Millennium Tower, realizing that these changes were necessary to meet the standards set forth in 403.9 of the San Francisco Existing Building Code.³

The Revised Project’s location is approximately 0.5 miles from Millennium Tower. The original FEIR’s geology and soils review does not factor in whether the soils topography is similar to that of Millennium Tower or whether the same effects are possible at the Project Site. (FEIR, Initial Study, at pp. 113-119.) Such new information

² Information related to the Millennium Tower’s sinking can be found through the following sites: < <https://www.cbsnews.com/news/millennium-tower-san-francisco-leaning-tower-of-lawsuits-60-minutes/>>; < <https://www.spargrp.com/millennium-tower-geotechnical-engineering-importance/> > Most Recently accessed on January 6, 2021.)

³ Information related to this Approval can be found through the following article: < <https://www.constructiondive.com/news/engineers-approve-100m-retrofit-for-san-franciscos-sinking-millennium-t/561992/> > (Most Recently accessed on January 6, 2021.)

prompts the Planning Department to adequately analyze the soils and determine whether they are similarly situated to Millennium Towner and whether factors and changed design prompt further geotechnical mitigation or foundational support. (See Pub. Res. Code § 21166, subd. (c); 14 CCR § 15162, sub. (a)(3).) For example, such information could require foundation built using pile-driving techniques which would exacerbate the noise and vibrations to nearby receptors. This new information must be reviewed with public comment which a subsequent EIR affords, not after the Revised Project has been approved. This is especially the case given the Revised Project now contemplates reduced excavation at the site due to reduced parking. (Addendum at p.31.)

4. Conclusion.

For the above reasons, the Addendum presents an inadequate analysis of the Revised Project's environmental impacts and therefore fails its purpose as a meaningful public disclosure document. New information related to San Francisco's geology and soil topography, impacts of COVID-19 on work and living patterns, effects to nearby sensitive receptors and other such issues require a deeper look than the Addendum affords. The Revised Project's changes in use, increased commercial space and reduced parking may require significant environmental changes to the FEIR, thereby requiring a subsequent or supplemental EIR to ensure proper public disclosure and informed decision-making.

Pacific Bay Inn reserves its right to supplement these comments up until the close of the final public hearings on the Project.

Very truly yours,



Michael W. Shonafelt

MWS



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April 14, 2021

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VIA E-MAIL AND U.S. MAIL

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Re: 2013.1535CUA-02: 450-474 O'Farrell Street/532 Jones Street

Dear Mr. Koppel and Members of the Planning Commission:

This office continues to represent Pacific Bay Inn, Inc. ("Pacific Bay Inn"), owner of the Pacific Bay Inn Hotel ("Hotel"), located at 500-520 Jones Street, San Francisco ("Property"). This letter presents further comments regarding Forge Development Partners' ("Forge Development") proposed development at 450-474 O'Farrell Street/532 Jones Street ("Project Site"), case No. 2013.1535EIA ("Revised Project"). This letter supplements Pacific Bay Inn's January 7, 2021, letter to the Planning Commission, which is attached hereto and incorporated by reference.

Since our January 7, 2021 letter, new information of significant importance has come to light concerning further undisclosed impacts from the Revised Project. Specifically, it has come to our attention that structural footings of the hotel structure on the Property may extend onto the Project Site and that excavation work for the Project therefore could significantly impact the structural integrity of the Hotel structure, resulting not only in damage to a historic structure, but also critical health, safety and welfare implications. ***This new information was disclosed to Pacific Bay Inn by Forge Development after Pacific Bay Inn's submittal of its January 7, 2021 letter.***

Neither the December 21, 2020 CEQA addendum for the Revised Project ("Addendum") nor the original environmental impact report (State Clearinghouse No. 2017022067) ("EIR") reviewed or properly disclosed the potential impacts of excavation and construction on the Hotel foundation due to sub-surface encroachments onto the Project Site. (See, Addendum, generally; see also, EIR, pp. 1-6, "The

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proposed project does not include any work at 520 Jones, which is the location of Pacific Bay Inn.”)

The Hotel structure was constructed in or around 1908, after the 1906 San Francisco earthquake and fire devastated the City. It is older than the adjacent properties, which presumably resulted in constructive or actual notice to subsequent developers of any foundational encroachment. As for the Revised Project, its footprint will be within **ten inches** of 520 Jones Street existing above ground footprint. (See Addendum, Appendix, p. 14/42.) Given the “zero-lot line” proximity of construction, damage to sub-surface foundation elements are not only reasonably foreseeable, but likely. Any damage to 520 Jones Street’s foundation may prove significantly detrimental to the structural integrity of this historical building and a hazard to its inhabitants. Further environmental review is necessary to determine:

- (1) The extent and nature of the foundational encroachments;
- (2) Whether Project construction as currently envisioned will significantly impact the Hotel foundation; and
- (3) Whether and how the construction impacts can be mitigated to a less-than-significant level. (See, Public Resources Code, § 21167.)

The EIR’s mitigation measures to reduce impacts on historical cultural resources within Uptown Tenderloin National Register Historic District currently do not include efforts to minimize damage to the resources’ foundations. (See, EIR, S-5, 6.) There has been no research, analysis or disclosure of potential structural impacts to the Hotel. While the mitigation measure CR-3b requires Forge Development to use “all feasible means to avoid damage to the adjacent contributing resources,” these “feasible means” are not readily defined and the scope of the risks is not disclosed. More specifically, there are no mitigation measures or conditions in place that address the manifest risks of excavation impacts to adjacent historical resources’ foundations.


Impact CR-3a likewise does not provide sufficient protection to adjacent structures. Impact CR-3a requires Forge Development to create a Vibration Monitoring and Management Plan that addresses vibration or differential settlement caused by vibration during the project’s construction activities. While the mitigation measure states that adjacent “buildings shall be protected to prevent further damage and remediated to pre-construction conditions per the consent of the building owner,” this measure appears only to relate to vibration impacts.

CEQA section 21083, subdivision (b)(3) requires a finding of a “significant effect on the environment” (§ 21083, subd.(b)) whenever the “environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.” (*Id.*, § 21083(b)(3), italics added.) The Legislature made clear -- in declarations accompanying CEQA’s enactment -- that public health and safety are of great importance in the statutory scheme. (*Id.*, §§ 21000, subds. (b), (c), (d), (g), 21001, subds. (b), (d) [emphasizing the need to provide for the public’s welfare, health, safety, enjoyment, and living environment].)

Given the importance of this new information, and its potential to impact not just a historical building but the safety of its inhabitants, Pacific Bay Inn hereby requests that the April 15, 2021 meeting be further continued so that additional analysis can be completed, mitigation options can be explored, and critical new information can be properly disclosed to the public.

If you have any questions concerning this letter, please do not hesitate to call me.

Very truly yours,



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June 23, 2021

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VIA E-MAIL

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Re: 2013.1535CUA-02 – 450-474 O’Farrell Street / 532 Jones Street

Dear Mr. Koppel and Members of the Planning Commission:

This office continues to represent Pacific Bay Inn, Inc. (“Pacific Bay Inn”), owner of the Pacific Bay Inn Hotel (“Hotel”), located at 500-520 Jones Street, San Francisco (“Property”). This letter presents further comments regarding Forge Development Partners’ (“Forge Development”) proposed development at 450-474 O’Farrell Street/532 Jones Street (“Project Site”), Case No. 2013.1535EIA (“Revised Project”), in the City and County of San Francisco (“City”). The Revised Project is before the Planning Commission for approval at its June 24, 2021 public hearing. This letter supplements Pacific Bay Inn’s January 7, 2021, and April 14, 2021, letters to the San Francisco Planning Commission, which are attached hereto and incorporated by reference.

The Hotel building is over 110 years old. It is operated by DISH, a non-profit group, which partners with the City to provide permanent homes for the City’s racially diverse homeless population suffering from serious health issues. (See <https://dishsf.org/our-history/>.) The Hotel residents consist of the City’s most marginalized citizens.

Forge Development Partners first informed Pacific Bay Inn that the Hotel’s structural footings may extend onto the Project Site. This information was disclosed to Pacific Bay Inn by Forge Development well after the City initially published the December 21, 2020, CEQA addendum for the Revised Project (“First Addendum”). At the April 15, 2021, Planning Commission hearing, the commissioners tasked City staff

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to investigate the potential impacts that the Revised Project would have on the Hotel and other adjacent properties which are part of the Uptown Tenderloin Historic District. Unfortunately, no serious analysis was undertaken.

The City recently published and released another CEQA addendum on June 17, 2021, ("Second Addendum"), to the final environmental impact report (State Clearinghouse No. 2017022067) ("FEIR"). The report prepared by the City and the Project Applicant on the Revised Project's impacts on the Property provide little to no analysis beyond what the FEIR and the First Addendum had already prepared. (See Second Addendum, Attachment F.) Nor has Forge Development provided any information concerning the nature of the encroachment it discovered, despite repeated requests by Pacific Bay Inn. Pacific Bay Inn therefore has been left to its own resources to determine the true nature and extent of the encroachment, its potential impacts on the historic Hotel and its potential health, safety and welfare impacts on the Hotel's inhabitants. (See <https://dishsf.org/>.)

To make up for the startling gaps in the Revised Project's CEQA review, Pacific Bay Inn was forced to hire its own experts to perform initial preliminary analysis of the Hotel's footings and the potential impacts caused by the construction of the Revised Project. The City must continue the Revised Project's June 24, 2021, Planning Commission hearing to allow such further analysis of this new information and include that information in a subsequent or supplemental EIR that is subject to proper public review and comment. (Pub. Res. Code, § 21166; 15 Cal. Code Regs., § 15163; *Friends of the College of San Mateo Gardens* (2016) 1 Cal.5th 937, 956; see also *Martis Camp Community Association v. County of Placer* ("*Martis Camp*") (2020) 53 Cal.App.5th 569, 604.)

1. **Recent Analysis Reveals that the Revised Project May Have Grave Impacts to the Property's Hotel Structure and Its Inhabitants.**

Pacific Bay Inn hired Engineered Research Group, Inc. ("ERG") to perform this analysis. ERG assembled a team of structural engineers and surveyors to assist in this analysis, including ZFA Engineering, Inc. ("ZFA") and Bear Flag Engineering ("BFE"). A copy of ERG's initial findings is attached hereto as **Exhibit A**.

ERG's analysis of the Hotel and the Revised Project reveal the following potential impacts to the Hotel from the Revised Project's excavation and construction:

- The Hotel structure encroaches approximately 1.5 inches horizontally beyond the Eastern side of the 40-foot wide parcel, thereby extending into the Project Site at grade. (Exhibit A, p. 2.)
- The Hotel has inverse T-shaped footings which extend at least another six inches across the Project Site's property line below grade at depths at least as deep as the Hotel's basement. (*Id.*, p. 3.)

- The Revised Project's construction and extensive excavation presents other issues including structural impacts to the Hotel basement exterior walls, columns, supporting foundations, and utility lines. (*Ibid.*)
- The nature of the Hotel's 110-year-old construction with unreinforced clay brick masonry (URM) bearing walls makes it particularly susceptible to damage from vibration, settlement, and nearby excavation. (*Ibid.*)

Finally, ERG notes that further investigation of the Project's proposed construction and excavation is needed to ensure the adequacy of the mitigation measures featured in the Second Addendum and FEIR. (Exhibit A, p. 3.) This new information presents significant environmental impacts not only to a historic resource, but to the health safety and welfare of its sensitive inhabitants, none of which were contemplated in the Second Addendum and FEIR. . (14 Cal. Code Regs., § 15162.)

2. **The Proposed Mitigation Measures Do Not Provide Sufficient Protection for the Environmental Impacts on the Project.**

The Second Addendum acknowledges that less excavation of total cubic yards will be performed but the excavation will be performed at a 25-percent greater depth than the previous Project. (Second Addendum, p. 33.) Indeed, even portions built "at-grade," including the church sanctuary, may need deep foundation support. (*Ibid.*) There is a "zero lot line" between the Hotel's eastern wall and the Revised Project. These foundations and excavation will be performed ***immediately adjacent to the eastern portion of the Hotel.*** Current environmental analysis and mitigation measures do not sufficiently address the potential impacts this excavation and construction may have on the Hotel and its occupants.

As previously discussed, the Hotel includes environmentally sensitive receptors. Pacific Bay Inn currently is leased directly by the Department of Public Health and serves San Francisco's homeless population. The Hotel offers 75 single room occupancy units for San Francisco's disabled homeless population. (See January 7 Letter, p. 3.)¹ Based on ERG's analysis, the Revised Project's construction will likely cause substantial impacts to the Hotel's footings, utilities, and structure, without proper mitigation. These impacts could result in the displacement of these residents, most of whom have anywhere else to go. (Exhibit A, p. 3.)

The supplemental geotechnical letter found that "it was not known if buildings adjacent to the project site have basements." (Second Addendum, pp. 33, Attachment F.) Surely, any analysis of the potential impacts to adjacent structures, especially structures contributing to a historic resource such as Uptown Tenderloin National Register Historic District, must include analysis of the adjacent buildings' structural integrity *prior to approval and certification of an environmental analysis on the Revised*

¹ (See also, <<https://dishsf.org/homes/the-pacific-bay-inn/>>.)

Project. Too much ambiguity exists around the project's mitigation measures to the potential environmental impacts to the Hotel in the Second Addendum and FEIR for the Planning Commission to certify the CEQA analysis and adopt the Project. (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 520 citing *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93 ["deferred mitigation violated CEQA if it lacks performance standards to ensure the mitigation goal will be achieved"].)

The mitigation measures proposed by the FEIR and the Second Addendum do not provide definable standards for Forge Development to mitigate the potential damages. Indeed, mitigation measure CR-3b, simply notes that the construction contractor must use "all feasible means to avoid damage to the adjacent contributing resources including 500-520 Jones Street." (See, FEIR, p. S-6.) Feasible means are not readily defined, and the City provides no standards to show what these mitigation measures would entail, just that they are to be provided to the Planning Department along with the Demolition and Site Permit Applications. (*Ibid.*)

The Second Addendum does not provide further analysis as to how the Revised Project will mitigate the impacts, especially given that the excavation will be deeper and adjacent to an old and delicate building. Forge Development's geotechnical engineer provides little to no analysis on how to mitigate the construction impacts to the adjacent historical resources. The letter acknowledges that "surveys should be completed" and that "shoring and underpinning designs should be completed before and after construction." (Second Addendum, Attachment F, p. 2.) Such assertions qualify as unlawful deferred mitigation. (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 520 citing *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93 ["deferred mitigation violated CEQA if it lacks performance standards to ensure the mitigation goal will be achieved"].) Langan also acknowledges that it will observe the geotechnical aspects of construction "as appropriate." (*Ibid.*) Further, this new information places into question the FEIR's mitigation measure CR-3a related to Vibration Monitoring and Management Plan. (FEIR, p. S-5.) The new information found by ERG should be utilized to analyze whether the 0.2 inch per second standard in the vibration management plan is sufficient. (See, Exhibit A, p. 3.) This new information provided by ERG displays that more serious and defined mitigation measures are required to ensure the Revised Project's environmental impacts to historical resources are properly disclosed and mitigated. At a minimum, a subsequent EIR is necessary to accomplish this analysis and ensure proper public review.

3. **Conclusion.**

For the above reasons, the Second Addendum still presents a manifestly inadequate analysis of the Revised Project's environmental impacts and therefore fails its purpose as a meaningful public disclosure document. New information, first

presented by Forge Development to Pacific Bay Inn and now by ERG, reveals that environmental impacts have not been adequately assessed in the FEIR or this Second Addendum. Pacific Bay Inn therefore requests that the Planning Commission continue the June 24, 2021 hearing to a future date to allow the Revised Project to be analyzed through a subsequent or supplemental EIR.

Very truly yours,

A handwritten signature in black ink, appearing to read "M Shonafelt", written in a cursive style.

Michael W. Shonafelt

CC: Jenny Delumo, CPC, jenny.delumo@sfgov.org
Chelsea Fordham, CPC, chelsea.fordham@sfgov.org
Gregory Tross, greg.tross@ndlf.com

ENGINEERED RESEARCH GROUP, INC.

June 23, 2021

Michael W. Shonafelt, Esq.
michael.shonafelt@ndlf.com
Newmeyer & Dillion LLP
895 Dove Street, 5th Floor
Newport Beach, CA 92660

Via Electronic Mail only

**RE: Existing Building at 500-520 Jones Street, San Francisco, CA
Areas of Concern from the Proposed Adjacent Construction (at 450 O'Farrell Street)
ERG Project 21020**

Per your request, *Engineered Research Group, Inc. (ERG)* has assembled a consulting team to identify and summarize areas of concerns and/or potential risks to the existing building at the above-referenced address. The potential risks identified to date relate solely to the proposed adjacent construction at 450 O'Farrell Street, San Francisco. Our investigations continue.

Risk Assessment Team:

The following is a brief overview of the team identifying areas of concerns and/or potential risks to this project:

- **Engineered Research Group, Inc. (ERG).** A Forensic Engineering / Construction Consulting firm based in Walnut Creek, California (www.ERGroup.org) specializing in condition assessment of existing buildings, field and laboratory testing of building materials and performance of building systems. ERG's Principal Engineer, Andy Fennell, PE, GC has over 25 years of experience, teaches a structural timber design course at UC Berkeley, published Peer-reviewed research on the Berkeley deck collapse and is currently providing forensic consulting services on the San Francisco Transbay girder fracture claim.
- **ZFA Engineering, Inc. (ZFA).** A Bay-Area based Structural Engineering firm (www.ZFA.com) specializing in a wide range of structural design including hospital and school design, retrofit of historic buildings and design of new multi-residential projects. ZFA's Executive Engineer, Mark Moore, SE has over 25 years of experience and participated in the development of ASCE 41, the national standard for the Seismic Evaluation and Retrofit of Existing Buildings, and is heavily involved in the US Resiliency Council (USRC) and was part of developing its national rating system for building performance in the areas of life safety, repair cost, and resumption of operations resulting from an earthquake.
- **Bear Flag Engineering, Inc. (BFE).** A Civil Engineering / Land Surveying firm (www.BearFlagEngineering.com) based in Sonoma, California. BFE specializes in Civil Engineering, Land Surveying and Forensic Engineering. BFE's Principal Engineer, Clark Stoner, PE, LS has over 25 years of engineering experience with a vast array of project sites ranging from dams, to land-slides to existing buildings.

Materials Reviewed (to date)

- Conditional Use and Variance Application: 450 O'Farrell Street, San Francisco, CA, dated 12/7/2020. No Revision number. Prepared by *Forge Development Partners* and *Gensler Architects* (42-page PDF document).
- Monument Map 13. September 1974. City and County of San Francisco. Index No. 50. Order No. 18459M (1 page). Attached.

ENGINEERED RESEARCH GROUP, INC.

- Survey Map. 50 Vara Block 224. #29, pp35. 04/13/1909. 1 page. Attached.
- No original building construction documents for the existing subject property building were available for review. A records-request is currently pending with SF-DBI.
- Geotechnical Letter, dated 05/19/2021 by *Langan Engineering and Environmental Services, Inc.* prepared by Maria Flessas, GE.
- Data developed by *ZFA, Inc. (ZFA)* and *Bear Flag Engineering, Inc. (BFE)*.

Site Visits: (to date)

- BFE visited the site on June 07th, 18th, and 21st, 2021 to gather land surveying data.
- ZFA visited the site on June 21st, 2021 to perform a structural observation.
- ERG visited the site on June 21st, 2021 to perform Ground Penetrating Radar (GPR) scanning on the Eastern concrete basement walls.

Area of Concern – Encroachments beyond the Eastern Parcel Boundary:

Attached to this package is a 2 page summary letter, dated 06/23/2021 from *Bear Flag Engineering, Inc. (BFE)*. The letter summarizes BFE's current findings.

BFE surveyed the location of the existing building for horizontal location on the 40'-wide lot (see attached survey maps obtained from the City and County of San Francisco, 2 pages). BFE also surveyed the building exterior walls to determine degree of verticality. BFE is currently preparing a formal record of the survey (pending).

As described in the BFE summary letter, the existing building **encroaches** \cong **1½"- 2½"** horizontally beyond the Eastern side of the 40'-wide parcel. The encroachment beyond the Eastern boundary documented by BFE was relatively uniform along the length of the building (above and below grade).

Also attached to this package is a 5 page summary letter, dated 06/23/2021 from *ZFA, Inc. (ZFA)*. The letter summarizes ZFA's current findings.

The ZFA summary letter opines that the basement wall footings encroach further beyond the outer face of the basement wall(s). ZFA opines that the basement perimeter wall footings are likely to be inverted T concrete footings (non-ductile) that **project/encroach at least 6" further** beyond the outer face of the basement perimeter walls.

Included in this package are annotated images by ERG. The images contain examples of additional encroachments on the Eastern side of the existing building. These include sewer waste and vent lines and any damp-proofing/water-proofing on the exterior below-grade faces of the Eastern basement walls. In one location along the eastern boundary, the sewer waste lines appears to be encapsulated partially in the adjacent/neighbor building's foundation (see ERG annotated images). Further investigation required.

Area of Concern – Structural Engineering Performance of the Building:

Attached to this package is a 5 page summary letter, dated 06/23/2021 from ZFA, Inc. (ZFA). ZFA identified structural engineering components of the existing subject building that are at risk from the proposed adjacent construction activities. The letter summarizes ZFA's current findings and conceptual recommendations.

The ZFA summary letter describes the subject building as consisting of unreinforced clay brick masonry (URM) bearing walls and other non-ductile concrete elements below grade. It is well documented that URM structures have little to no tolerance for ground movement, impacts, or vibrations. The proposed adjacent construction could generate a multitude of damaging forces on the existing building. Structural damage, which could occur anywhere within the building, could be immediately apparent or could develop over time following completion of the adjacent construction.

ZFA listed the following components and described the structural engineering concerns/risks associated with each:

- Basement Exterior Walls.
- Foundation for Basement Exterior Walls.
- Basement Level Interior Columns and Supporting Foundations.
- Basement Level non-bearing partition walls (hollow-clay tile walls).
- Above-Grade Framing (super-structure).
- Exterior walls of URM.

Included in this package are annotated images by ERG. The images contain examples of the components identified by ZFA. Exemplars of the GPR surveys are included. ZFA also included conceptual recommendations to address the above risks. The recommendations call for detailed pre-design studies to be performed. To date, neither ERG nor ZFA are unaware of any such studies being available.

Area of Concern – Other:

The following are additional items of concern. See attached annotated images for exemplars:

- Existing windows on Eastern wall. Potential loss of ventilation/view from adjacent construction.
- Existing signage space on Eastern wall. Potential loss of commercial value from sign rental.
- Mechanical, electrical and plumbing lines on Eastern wall. Impact from excavation. Loss of access to maintain. Other risks may exist.
- Damaged sidewalks on West and South elevations. The basement level extends under the sidewalks. The sidewalk support framing is heavily water-damaged and may pose hazards if over-loaded. Other trip hazards exist.
- Main Basement Electrical Panel. The building's main electrical panel is on the North wall of the basement. Movement, vibrations or damage to the basement damp-proofing/water-proofing could damage the panel.
- Other utility connections (water, gas, telephone, etc.) into the building (basement level). All existing utility connections appear fragile and subject to construction related displacement described by ZFA.

ENGINEERED RESEARCH GROUP, INC.

Summary of Findings: (to date)

1. BFE found that the existing structure of the Pacific Bay Inn is $\cong 40'-1\frac{1}{2}"$ to $40'-2\frac{1}{2}"$ wide along O'Farrell Street, but the property is only 40' wide. The building is therefore $\cong 1\frac{1}{2}"$ to $2\frac{1}{2}"$ across the Easterly deed line, where the proposed project will be built.
2. The basement wall on the East side, where this structure is already $1\frac{1}{2}"$ to $2\frac{1}{2}"$ across the property line, is thought to have an inverted T-shaped concrete footing (see ZFA letter) which likely protrudes at least another 6" into the neighboring property.
3. The proposed work on the adjacent property, whether it is excavation, drilling of piers, de-watering, etc. could have serious impacts on the subject building (structural, habitability).
4. The building is an URM. The nature of the construction makes it particularly susceptible to damage. Extensive mitigation measures will be required. The Langan letter dated 05/19/2021 conceptually describes potential mitigations but currently provides little to no substantive detail on how the risks will be addressed. Given the substantial risks to the structure from geotechnical movements, these risks deserve detailed study and pre-planning.
5. Additional items require further investigation. These include the sewer lines on the East side; the below-grade damp-proofing/water-proofing on the East side; interior and exterior structural walls have not yet been fully investigated.
6. Proceeding without detailed investigation of these areas of concern (identified to date) could put the structure, as well as its occupants, at substantial risk.

Please call me if you have any questions. I can be contacted on my mobile phone M.925.323.8970.

Yours sincerely,

/s/ W. Andrew Fennell

W. Andrew Fennell, PE (Civil - CA, NV, HI), CPEng, GC.

Engineered Research Group, Inc. (ERG)

Principal Engineer / Construction Consultant



Attached: ERG Annotated Images (17 pages)
 ZFA Letter dated 06/23/2021 (05 pages)
 BFE Letter dated 06/23/2021 (02 pages) + attachments
 Survey Maps. Various dates (02 pages)


500-520 Jones Street San Francisco, CA. 94102


For Mediation Purposes Only

500-520 Jones Street
San Francisco, CA. 94102

Annotated Images

June 23, 2021

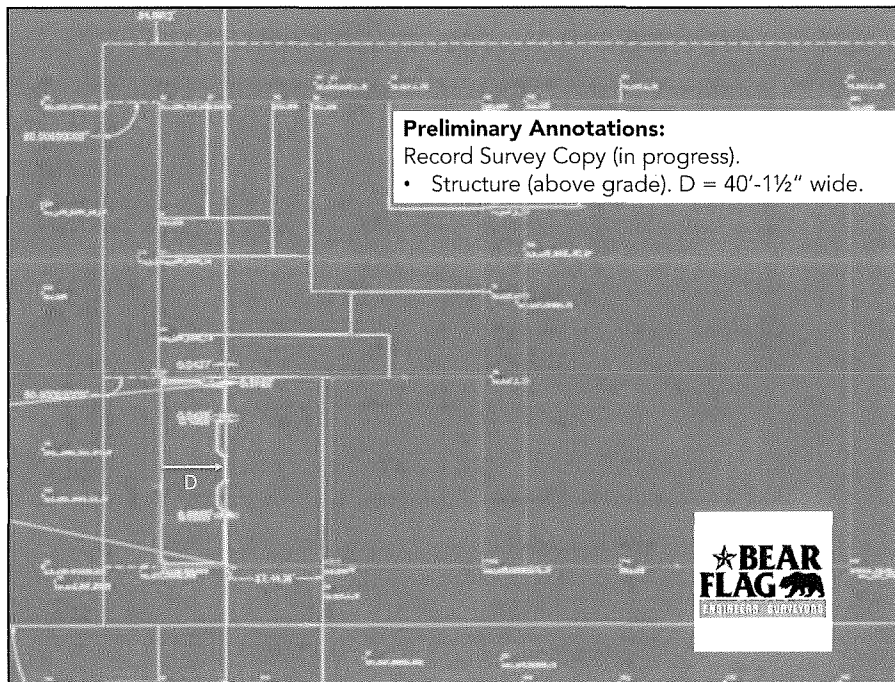


 **ERG**
Engineered Research Group, Inc. (ERG)
www.ERGGroup.org



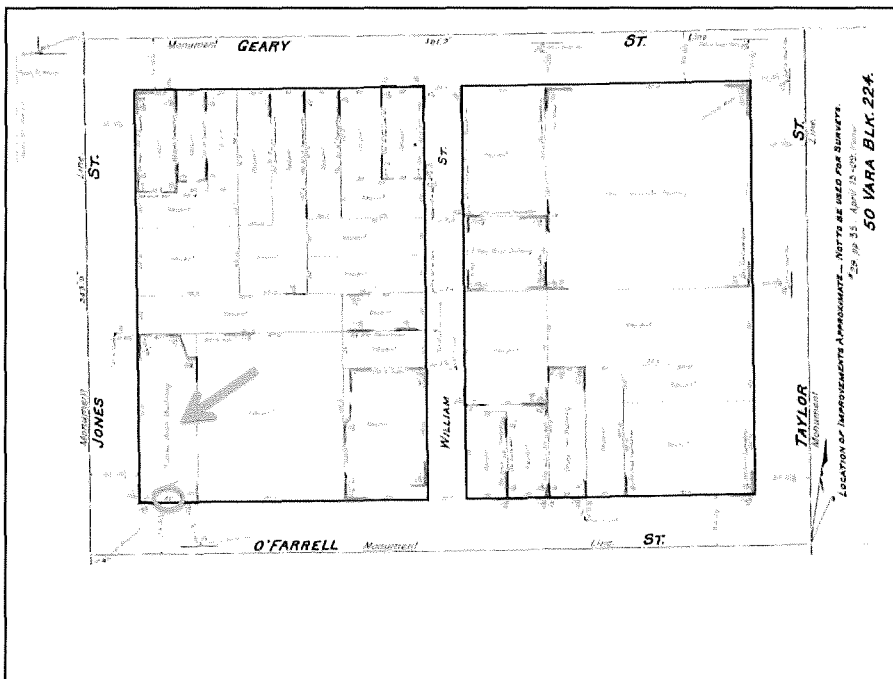
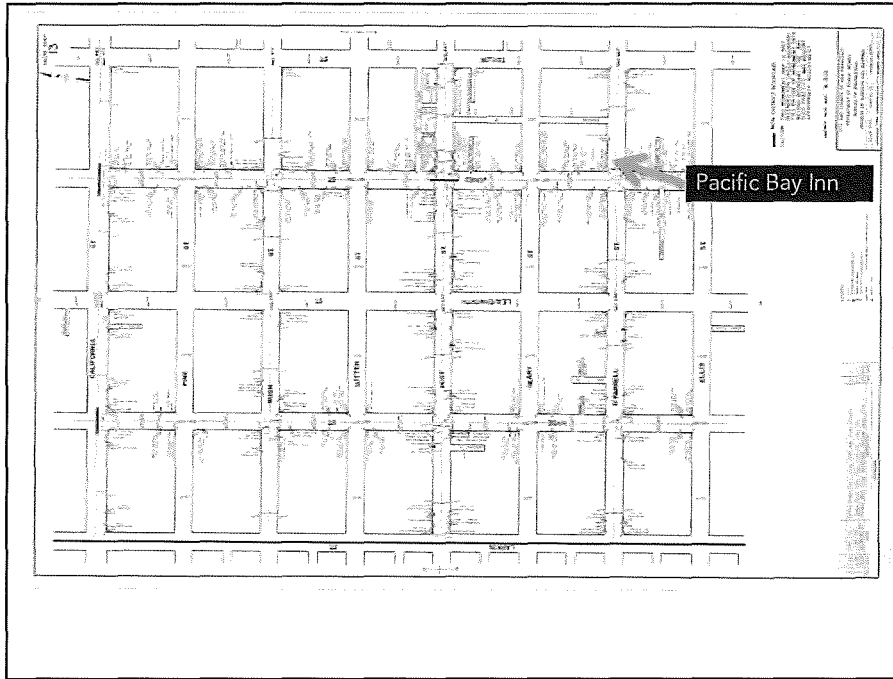
Preliminary / Analysis Continues

500-520 Jones Street San Francisco, CA. 94102



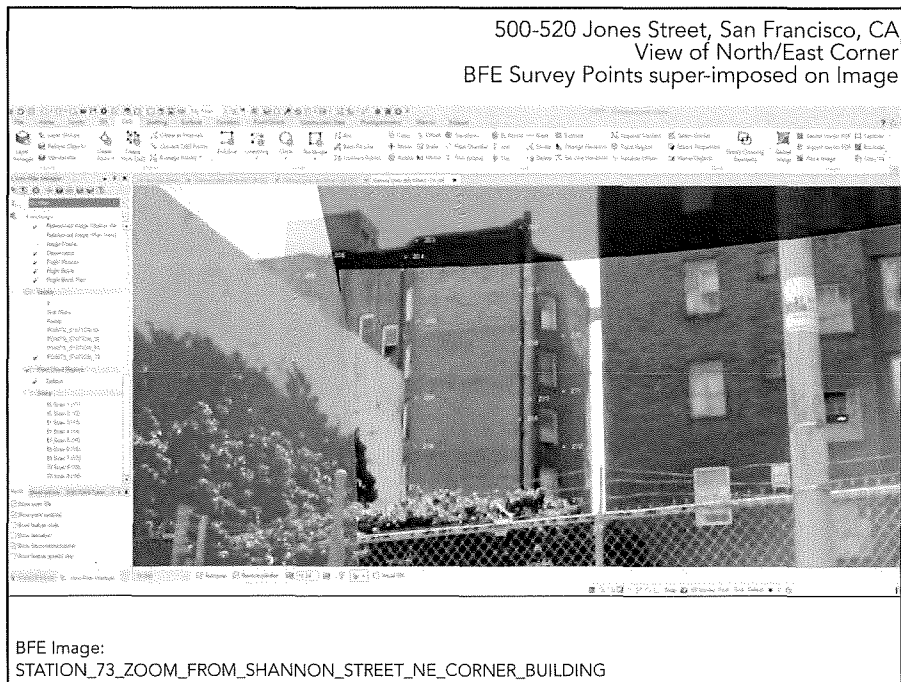
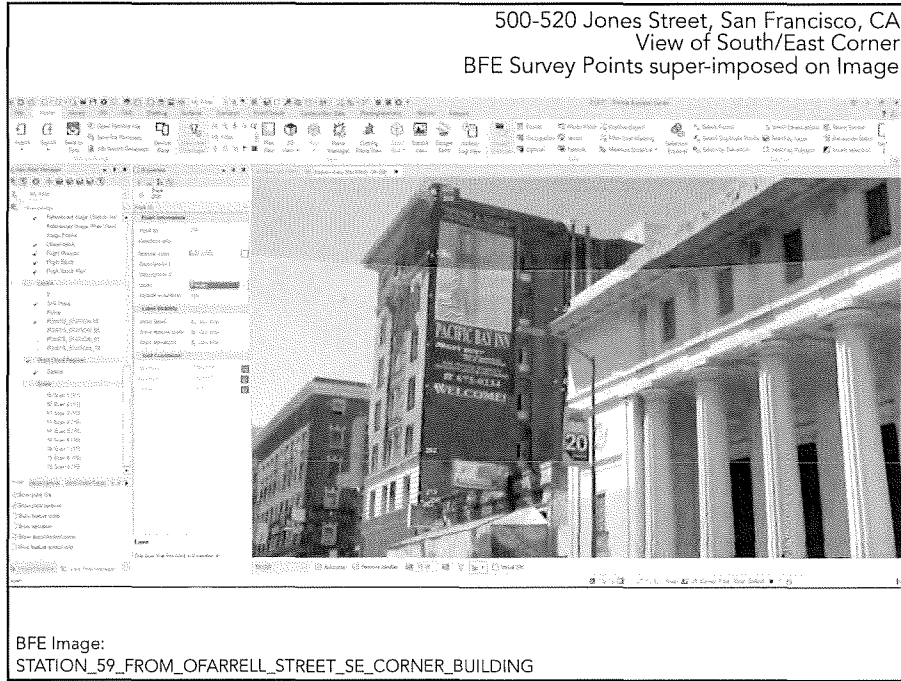
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500-520 Jones Street San Francisco, CA. 94102



Preliminary / Analysis Continues

500-520 Jones Street San Francisco, CA. 94102



Preliminary / Analysis Continues

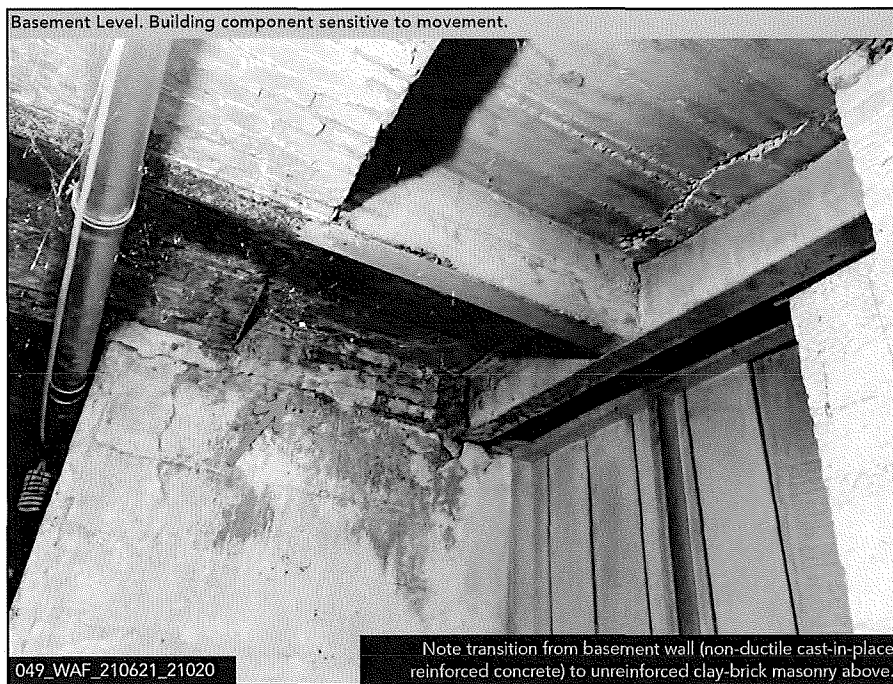
500-520 Jones Street San Francisco, CA. 94102



Preliminary / Analysis Continues

500-520 Jones Street
San Francisco, CA. 94102

6/23/21



Preliminary / Analysis Continues

EXHIBIT A₆

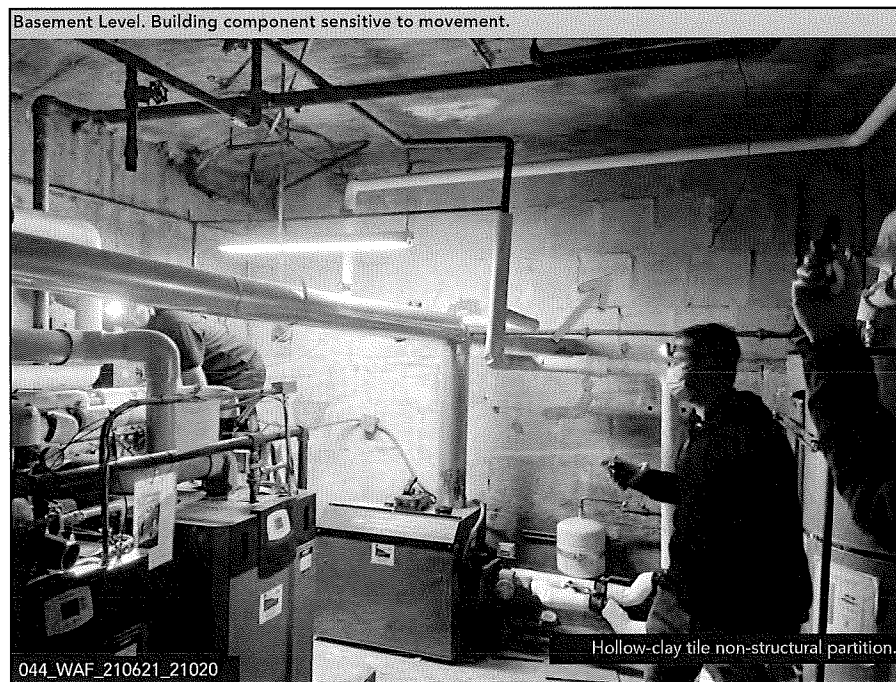
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Preliminary / Analysis Continues

500-520 Jones Street
San Francisco, CA. 94102

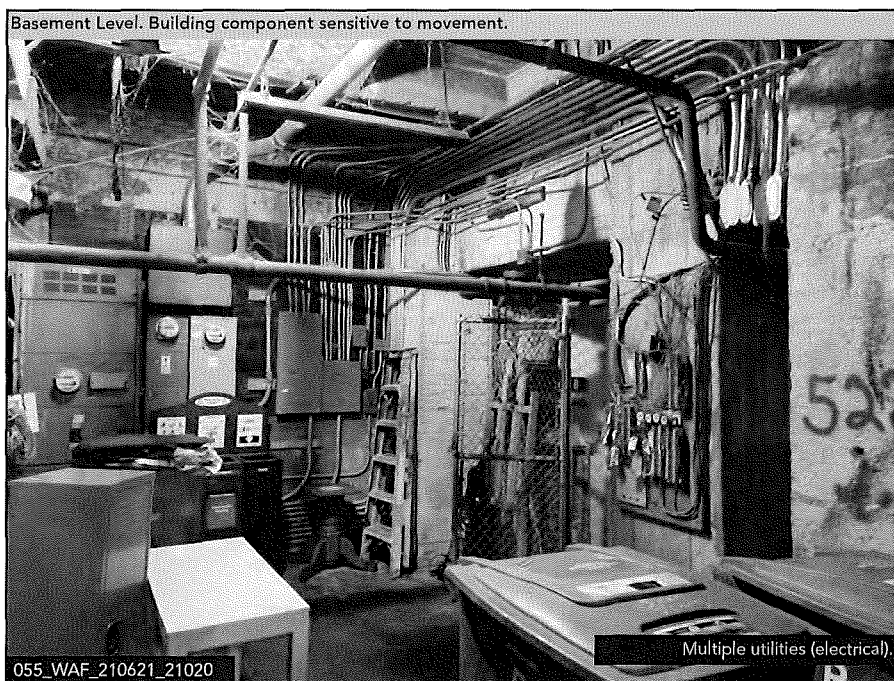
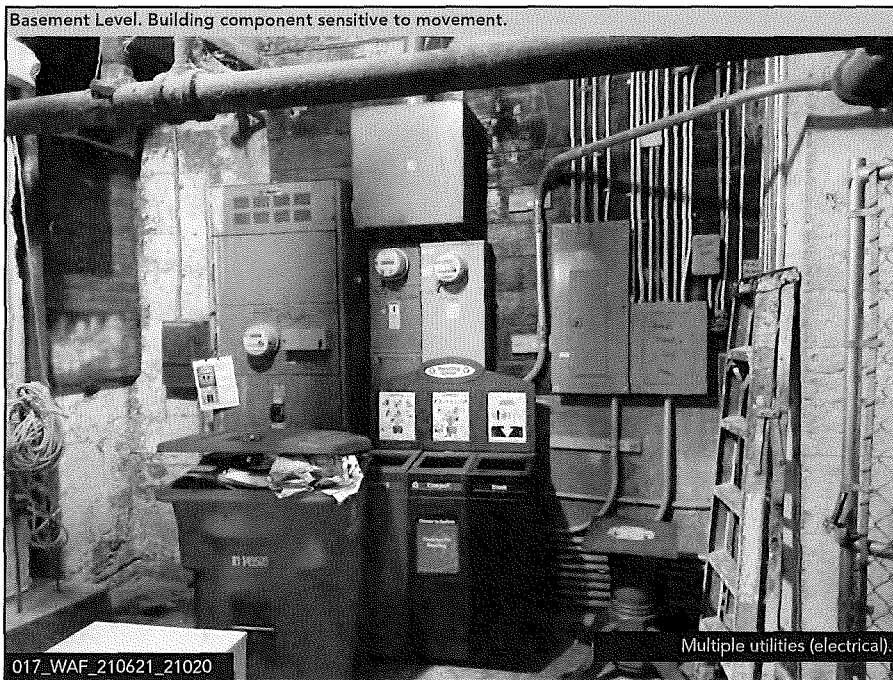
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Preliminary / Analysis Continues

EXHIBIT A 8

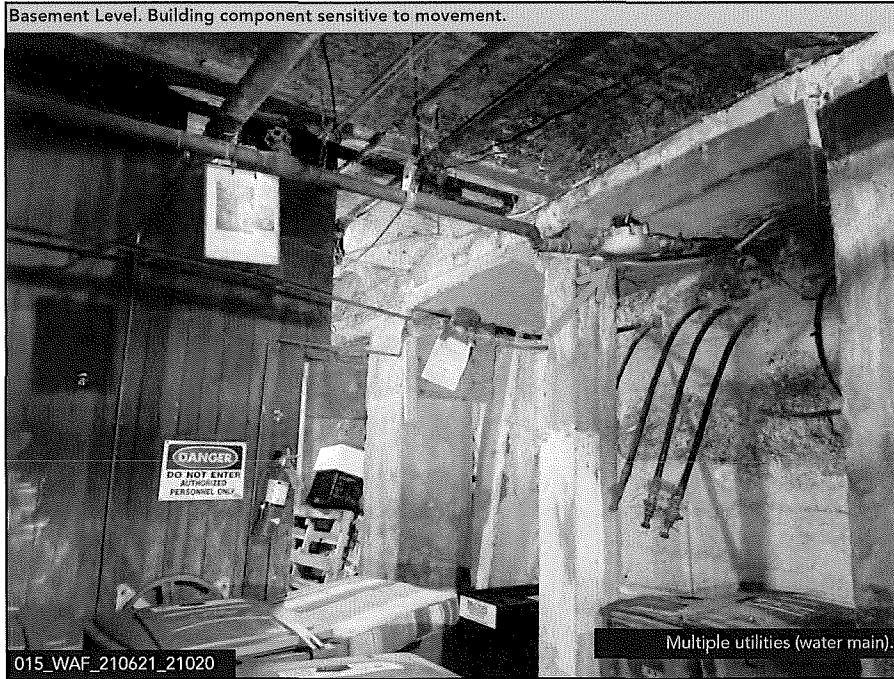
500-520 Jones Street San Francisco, CA. 94102



Preliminary / Analysis Continues

500-520 Jones Street
San Francisco, CA. 94102

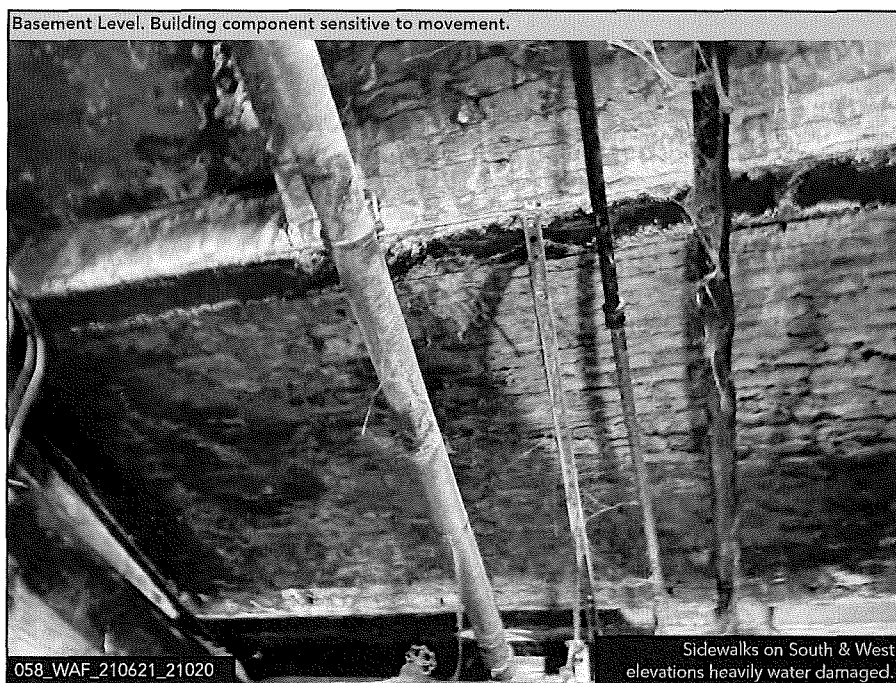
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Preliminary / Analysis Continues

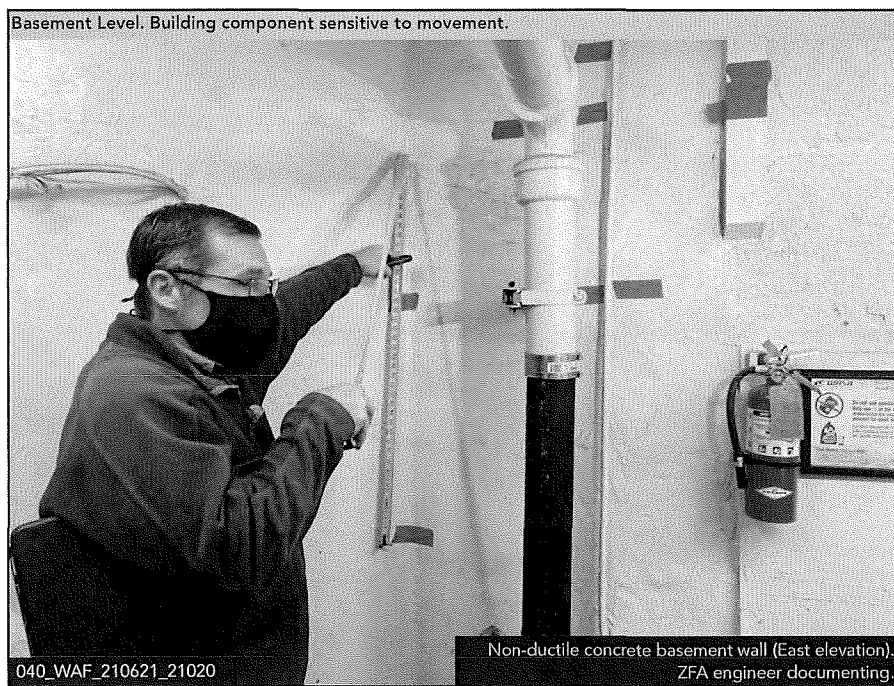
EXHIBIT A₁₀

500-520 Jones Street San Francisco, CA. 94102



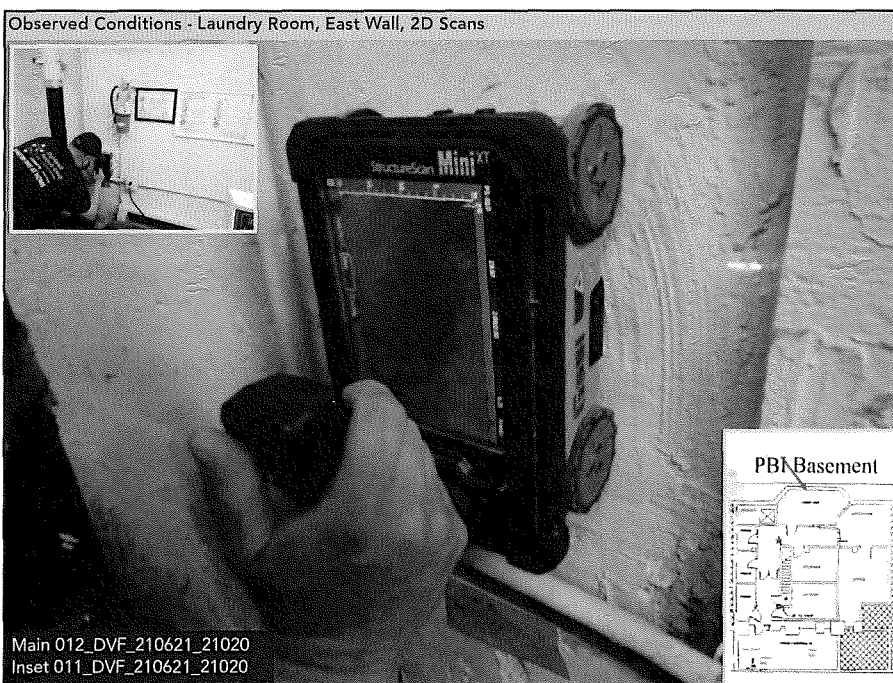
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500-520 Jones Street San Francisco, CA. 94102



Preliminary / Analysis Continues

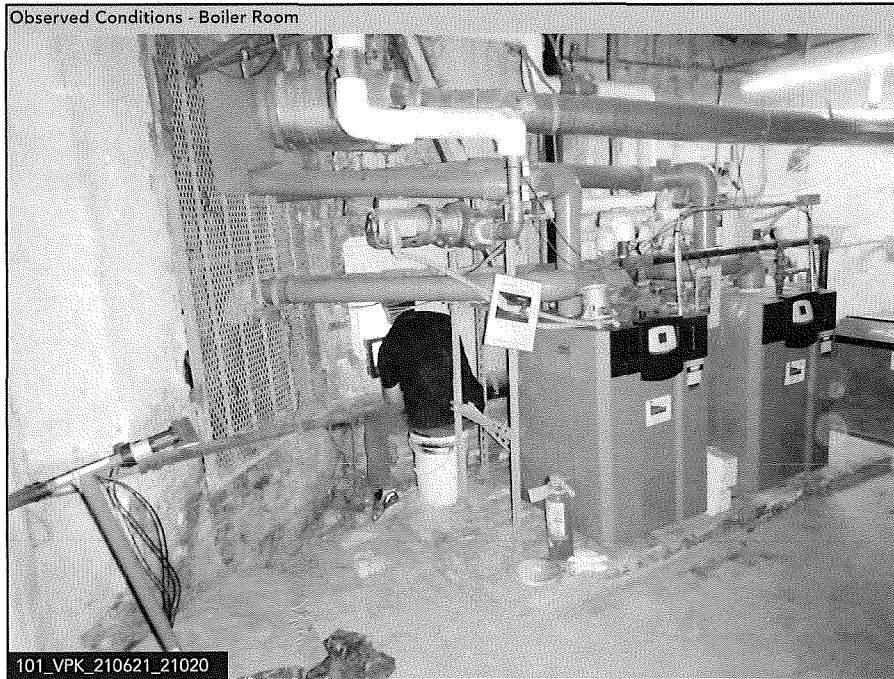
500-520 Jones Street San Francisco, CA. 94102



Preliminary / Analysis Continues

500-520 Jones Street
San Francisco, CA. 94102

6/23/21



Preliminary / Analysis Continues

EXHIBIT A₁₄

500-520 Jones Street
San Francisco, CA. 94102



Preliminary / Analysis Continues

500-520 Jones Street
San Francisco, CA. 94102

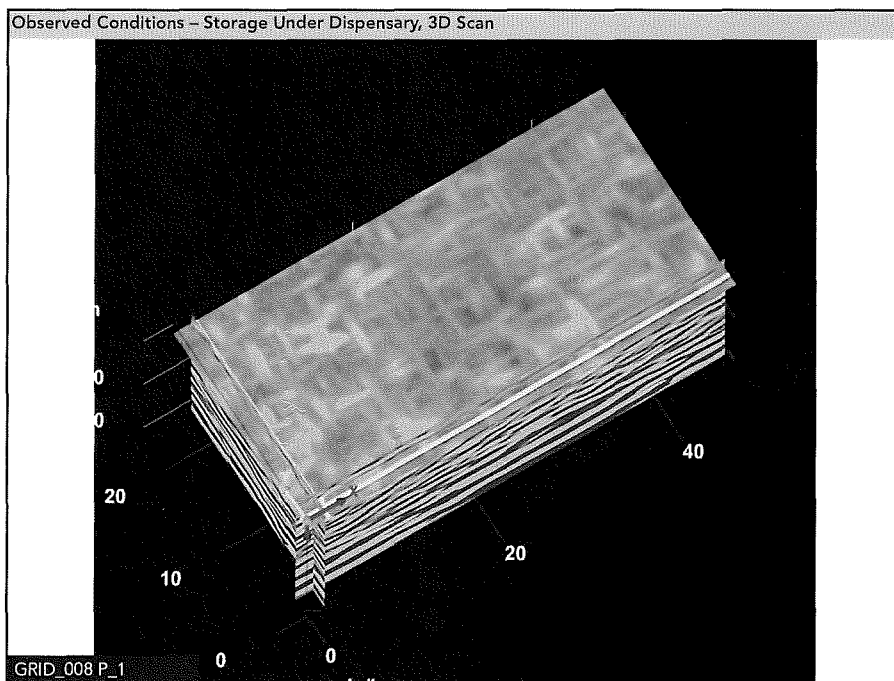
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Preliminary / Analysis Continues

EXHIBIT A₁₆

500-520 Jones Street
San Francisco, CA. 94102



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500-520 Jones Street
San Francisco, CA. 94102

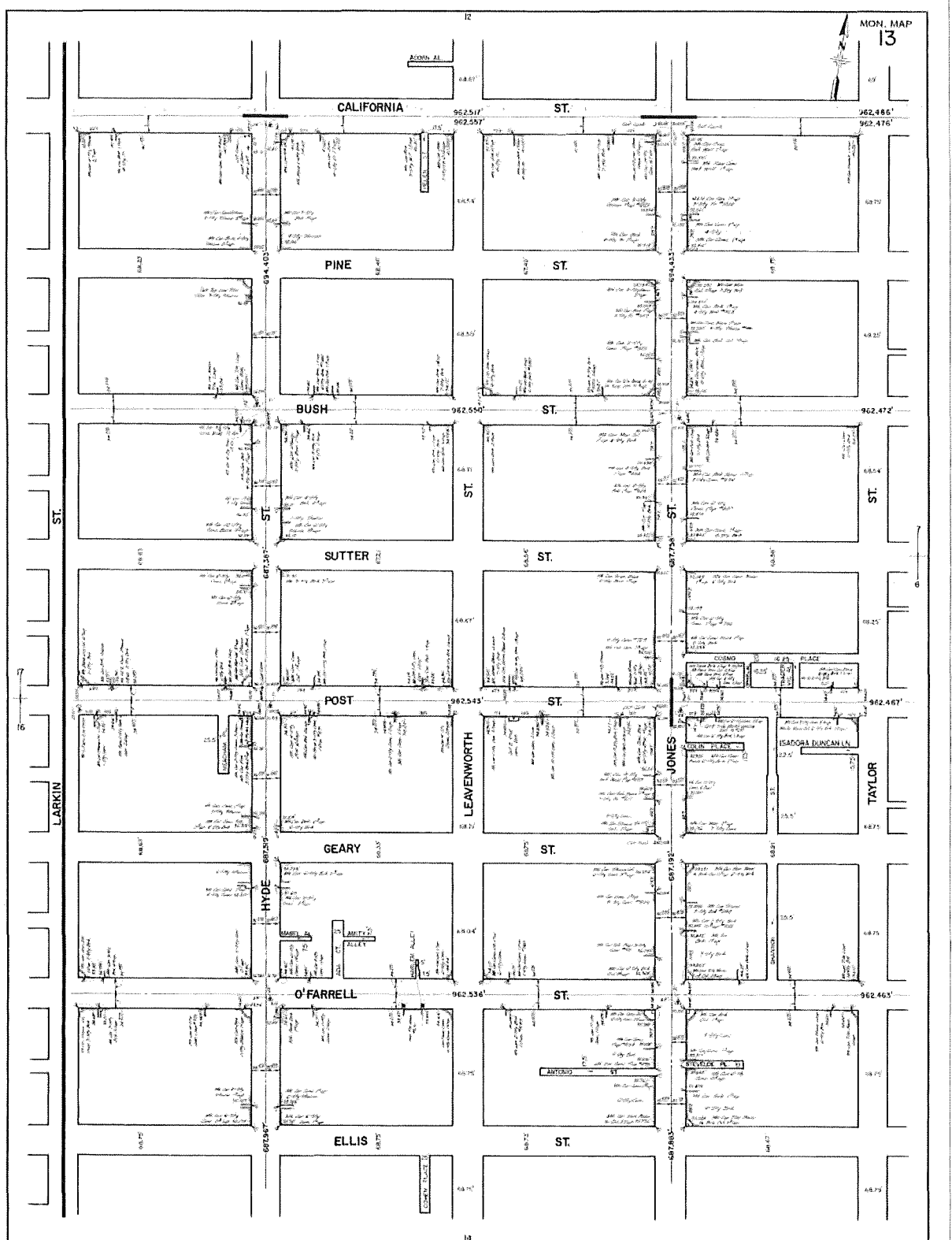
Annotated Images

June 23, 2021

A vertical strip of four annotated images. The top image shows a person in a white protective suit and mask, standing in a room. The second image shows the person holding a white rectangular object. The third image shows the person's hands and the object. The bottom image shows the person's legs and feet. The images are annotated with red lines and text, indicating areas of interest. The text 'FLIR' and '64.9' is visible in the top right corner of the first image.

ERG
Engineered Research Group, Inc. (ERG)
W3.ERGroup.org

Preliminary / Analysis Continues



MON. DISTRICT BOUNDARY.
CAUTION THIS MONUMENT MAP IS NOT INTENDED FOR CROSS-BOUNDARY TIES OR USE OF MONUMENT DATA BEYOND BOUNDARY LINE. ANY SUCH PRACTICE MAY REQUIRE APPROPRIATE ADJUSTMENT.

AMENDS MON. MAP W-8-16

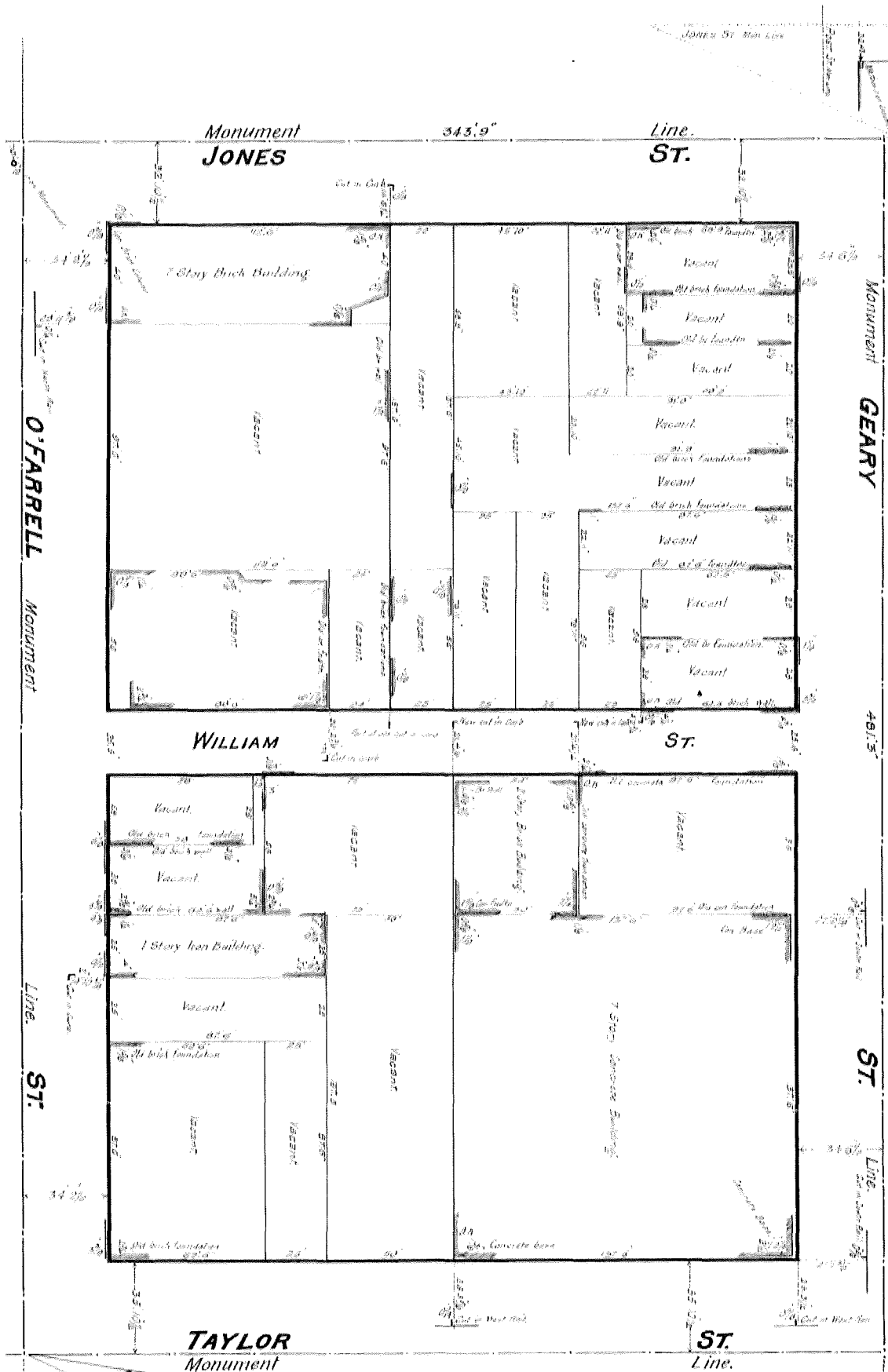
NO.	DATE	REVISION	DESCRIPTION	BY	APP.
1	1/26	1746-010	Added Brass Discs along Hyde and Jones Streets	ASD	J.V.
2	4-20	1745-020	Added Brass Discs Along Hyde and Jones Str.	ASD	ST
3	8-29	1745-040	Added Mon. Line Distances, Revised some Ties.	ASD	ASD

- LEGEND:
- ▲ COT
 - SPHERE ON CONCRETE PAD
 - OPEN PRISM
 - MARK NAIL & BRASS TACK
 - 64.800' ——— ELEVANCE ABOVE LAST TO BEING LINK
 - BRASS TUB

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING
DIVISION OF SURVEYS AND MAPPING

SCALE: AS SHOWN SHEET NO. 80 SHEET NO. 28284

APPROVED: CHIEF SURVEYOR [Signature] DATE: [Date]



LOCATION OF IMPROVEMENTS APPROXIMATE. — NOT TO BE USED FOR SURVEYS.

#29, pp 35. April 15-09. Parker

50 VARA BLK. 224.

EXHIBIT A

ZFA STRUCTURAL ENGINEERS

san francisco
silicon valley
sacramento
santa rosa
napa

W. Andrew Fennell, CE, GC, CPEng.
andy@ERGroup.org
Engineered Research Group, Inc. (ERG)
144 Mayhew Way, Walnut Creek, CA 94597

Via Electronic Mail Only

June 23, 2021

**RE: Existing Building at 500-520 Jones Street, San Francisco
Areas of Structural Engineering Concern related to the
Proposed Adjacent Construction at 450 O'Farrell Street, San Francisco**

Andy,

The following summarizes our structural engineering concerns pertaining to the subject building at 500-520 Jones Street, San Francisco. Our concerns are based on current understanding of the proposed adjacent construction work (at 450 O'Farrell Street). In light of the potential for substantial risk for structural and nonstructural damage identified to date and discussed further below, we have included conceptual recommendations on potential mitigation measures.

ZFA's engineer Steven Patton, SE performed a field visit on 06/21/2021. Our visit consisted of visual observations of the building exterior and the basement areas. On site, we discussed the project with engineers from *Engineered Research Group, Inc.* (ERG, Andy Fennell, PE) and *Bear Flag Engineering* (BFE, Clark Stoner, PE, LS).

Materials Reviewed (to date)

- Conditional Use and Variance Application: *450 O'Farrell Street, San Francisco, CA*, dated 12/7/2020. No Revision number. Prepared by *Forge Development Partners* and *Gensler Architects* (42-page PDF document)
- No original building construction documents for the existing subject property building were available for review. A records-request is currently pending with SF-DBI.
- Geotechnical Letter, dated 05/19/2021 by Langan Engineering and Environmental Services, Inc. prepared by Maria Flessas, GE.
- Data developed by *Engineered Research Group, Inc.* and *Bear Flag Engineering, Inc.* (BFE).

Structural Areas of Concern (to date):

The subject property is constructed (circa 1908) of non-ductile concrete basement walls, unreinforced clay brick masonry (URM) bearing walls and other non-ductile concrete elements below grade. It is well documented that structures of this nature (URM's) can be easily damaged by even small ground movement, impacts, or vibrations that may result from the planned construction. This damage, which could occur anywhere within the building, could be immediately apparent but could also manifest itself at a later date.

We have conceptually identified structural engineering components of the existing subject building that we believe could be at risk from the proposed adjacent construction activities. These components are not listed in any particular order of impact or relative concern:

1. **Basement Exterior Walls.** The subject building has one below-grade basement level. The perimeter exterior walls are constructed of cast-in-place reinforced concrete. Due to the vintage of construction, the reinforcing levels would likely be characterized as "non-ductile". See ERG's report for additional information gained from Ground Penetrating Radar (GPR) scans of the Eastern basement wall.

Structural Concern: *given its vintage, this critical building component could easily be structurally damaged by relatively small increments of either ground movement, impacts, and/or vibrations generated during adjacent construction activities. The effects of long-term settlements also need to be carefully studied.*

2. **Foundation for Basement Exterior Walls.** No plans, test pits and/or test data were available for ZFA's review to date. Based on ZFA's experience with structures of this vintage, the foundation may consist of either inverted T-shaped non-ductile concrete spread footings or timber piles. Any inverted T footings would likely extend, on the order of, at least 6 inches beyond the exterior face of basement walls. As noted in the *Langan* Letter, the below-grade soils are thought to be sands with increasing densities at depth.

Structural Concern: *similar to 1. above.*

3. **Basement Level Interior Columns and Supporting Foundations.** The observed columns in the basement level are likely to be founded on isolated non-ductile concrete spread footings. It is equally likely that the isolated column footings are not inter-connected with concrete grade beams.

Structural Concern: *these critical building components, and their connections, could easily be structurally damaged by relatively small increments of either differential ground movement, impacts, and/or vibrations generated during adjacent construction activities. The effects of long-term settlements also need to be carefully studied.*

4. **Basement Level non-bearing partition walls (hollow-clay tile walls).** We also observed within the basement, a series of non-structural partition walls constructed on hollow-clay tile.

Structural Concern: *similar to 1. above. In addition, failure of these partition walls pose potential risk. It is unknown at this time if these partition walls serve any fire-resistive function.*

5. **Above-Grade Framing (super-structure).** Floor framing observable from the basement level consists of light-frame wood joists with diagonal lumber sheathed diaphragms. Floor support beams, and select columns, were constructed of steel with riveted joint connections. Cast-in-place concrete columns were also observed.

Structural Concern: similar to 1. above. In addition, the interconnection of these critical building components could easily be structurally damaged by ground movement, impacts, and/or vibrations generated during adjacent construction activities. The effects of long-term settlements also need to be carefully studied.

6. **Exterior walls of URM.** The exterior walls are constructed of unreinforced clay-brick masonry. No plans and/or test data were available for ZFA's review to date.

Structural Concern: similar to 1. above. In addition, the brittle nature of Unreinforced Masonry Structures URMs is well documented and poses a serious potential life-safety hazard if not properly mitigated.

Recommendations (Conceptual) for Mitigating Structural Engineering Concern (to date):

A. Study the (E) building, foundation, and site: structural, geotechnical.

- Engineered Temporary Shoring and Underpinning documents should be prepared by the developer and shared with subject property owner for review.
- No geotechnical report for the property was available for review. The results of a Geotechnical investigation for the proposed development should be shared with adjacent property owners that documents:
 - If there are any subsurface conditions, such as any sandy fill layers below the groundwater table that could liquefy during a major earthquake, as well as a summary of the range of any estimated liquefaction induced settlements.
 - Identify any ground failure potential, such as lurch cracking and/or the development of sand boils that could occur at the site during a major earthquake. The ground-surface settlement could be larger than estimated in areas where sand boils and associated ground failure occur.
 - Summary of the nature of the underlying supporting soil of the proposed development along with summary of assumed earthquake induced settlements below the foundations.
- Recommendations for methods to be used to protect, shore or underpin existing adjacent structures:
 - Any underpinning and shoring should be designed to resist the vertical and horizontal existing occupied building loads.
 - During excavation, the shoring system of the proposed development could be expected to deform laterally, which could cause surrounding sites, sidewalks and streets to settle. Surveys should be sent to the design team and adjacent property owners or their representatives in a timely manner so that results can be evaluated, and appropriate changes made to the construction.
- Any need for shoring or underpinning to install elements of new foundations for the proposed adjacent development may create a stronger and stiffer foundation locally. Additionally, the increased surcharge on adjacent foundations of the new development may alter the loading on the existing

subject properties foundations. This is likely to occur on the existing exterior wall on only two sides of the building, which creates potential risk of structural and non-structural damage from differential settlement, which should be calculated by a geotechnical engineer.

- Use of shoring, underpinning and adjacent construction impacts may also change the seismic load distribution throughout the subject building and reduce the building's resistance to earthquake loads.

B. Constructability review to avoid activities generating:

- Movements (vertical and horizontal): The developers of the adjacent property should be responsible for developing and implementing a monitoring program for the subject property. This should include survey control and identify specific control points for monitoring on the project's shoring drawings. Prior to execution of the monitoring plan or commencement of any and all work, the proposed monitoring plan should be made available for review by the subject property owner for review and comment. We suggest that a limit of movement be determined as structurally significant, and a lower increment be determined as noteworthy enough to trigger notification to all stakeholders. The frequency of results of a monitoring program should be provided and the threshold for structurally significant movement should be limited.
- Vibrations due to construction activities could cause additional settlement of loose soil under adjacent improvements. Therefore, vibrations and settlements would also need to be monitored, but no mention of this is given in documents currently made available for review.
- It is unknown if dewatering for the site is required. Any de-watering activities during construction of the adjacent proposed development could also result in vertical settlement of the supporting subgrade below the subject property which could exacerbate the effects noted above.
- Due to the nature of any underpinning or shoring system proposed, the system proposed may be substantially stronger and stiffer than the adjacent supporting soil: proposed underpinning solutions could result in permanently **stiffening** the foundation of the existing structure but only at locations where underpinning is to be installed. As a result, elements of the structure supported by underpinning may be less likely to settle than adjacent and connected portions of the existing structure, potentially resulting in substantial differential settlements. This would be detrimental to the building structure, particularly due to the brittle construction materials used.

- C. **Pre-condition survey of (E) building, foundation, and site.** The developers of the adjacent property should retain the services of a licensed surveyor (independent of the surveyor required for monitoring the shoring and excavation system) who specializes in pre-construction and post-construction forensic surveys. This surveyor would establish baseline measurements of the subject property as well as complete a follow-up assessment. The conditions of existing buildings within 50 feet of the site should be photographed and surveyed prior to the start of construction and monitored periodically during construction. A thorough crack survey of the adjacent buildings should be performed by a surveyor prior to the start of construction and immediately after its completion.
- D. **Monitoring Plan with trigger criteria.** The developers of the adjacent property should be responsible identifying and monitoring specific control points on the project's shoring drawings and these should be made available for review by all adjacent property owners. Displacement

limits deemed structurally significant should be developed, prop, as noteworthy enough to trigger notification to all stakeholders.

- Construction activities associated with deep excavations typically result in some lateral deformations of the shoring walls surrounding the site. Because any new shoring walls will likely be installed directly adjacent to the subject property, this is likely to result in vertical settlement of the supporting subgrade below the subject property, particularly at locations where underpinning has not stiffened the vertical support of the existing foundations. These settlements may or may not be present immediately, but can cause damage to the subject building. The subject building is expected to be particularly sensitive to vertical movement due to its non-ductile concrete/masonry construction. We state this so that the risk is understood and seek transparency of survey information.
- We recommend a plan be put in place to not only monitor for movement of the subject building and supporting soil, but that a mitigation plan be put in place to remediate any detrimental settlement (i.e. provide injection grout, jacking, etc....) that exceeds a maximum "trigger" level. This "trigger level" should be based on the deformation capacity of the subject building; this is the point at which any further deformations would likely negatively impact the building's capacity to resist horizontal and vertical loads. Based on the original construction of the subject property and its brittle nature with respect to settlement, we would expect that some sort of remediation work would be necessary where total or differential vertical settlements in excess of a small trigger displacement on the order of magnitude of 3/16" occurs.
- We recommend that not only the tops of any proposed shoring be used for monitoring lateral movement but that corner points at top and bottom of the subject building also be monitored as construction continues and that subsequent surveys be performed periodically to ensure any detrimental horizontal or vertical movement has not occurred.

E. A Post-condition survey of (E) building, foundation and site should also be performed upon completion of adjacent development.

F. Avoid structural "pounding" with adequate seismic gap.

Based on our review of the provided documents we believe the proposed work may involve permanent changes in load path for the subject property.

We therefore recommend that the above concerns be addressed prior to an agreement to the proposed work. The proponents should consider the above as they develop a responsive solution that does not compromise the as-is condition of your building. Should you have questions, please contact the undersigned.

Regards,



Steven Patton, SE 5773
ZFA STRUCTURAL ENGINEERS
Senior Associate



June 23, 2021

Engineered Research Group, Inc.
c/o: Mr. Andy Fennell, PE
144 Mayhew Way
Walnut Creek, CA 94597

Re: 520 Jones Street -- Parcel Dimensions
San Francisco, CA
Assessor's Lot 010A; Block 0317

Dear Mr. Fennell:

Per current vesting deed the property at 520 Jones Street, the Subject Parcel, is rectangular and measures 40 feet along O'Farrell Street and 112.5 feet along Jones Street.¹ The Subject Parcel occupies the southwest corner of 50 Vara Block No. 224,² which is more particularly bounded by present day Shannon Street to the east, Geary Street to the north, Jones Street to the west and O'Farrell Street to the south.³

In June 2021, my office conducted a field survey of the Subject Parcel and the building occupying it.⁴ The survey revealed that the building ranges from 40 feet wide to about 40.2 feet wide. Furthermore, the survey revealed that the easterly building wall above grade extends beyond the easterly deed line by about 0.1 feet to 0.2 feet, or 1.5 to 2.5 inches.⁵ Along the Subject Parcel's northerly boundary, the building above grade was found to be located more or less on the deed line.

Detailed plat of survey illustrating findings is forthcoming.

¹ See Document No. 2015-K061238-00.

² Ibid.

³ See Assessor Block Map No. 0317.

⁴ The building on 520 Jones Street shows as existent "7 Story Brick Building" on the 1909 Historic Block Diagram No. 0317a, available at the City and County of San Francisco Department of Public Works.

⁵ Evidence recovered during survey to support public street and deed line locations included chiseled notches on sides of buildings per City and County of San Francisco Monument Map No. 13, available at City and County of San Francisco Department of Public Works, and record and non-record chiseled "L" cuts in old granite curbs per above referenced Historic Block Diagram No. 0317a.

Should you have any questions, or require further discussions, please do not hesitate to contact me.

Very Truly Yours,



Clark E. Stoner, PE, PLS
RCE No. 64674
PLS No. 8750



Attachments:

Doc# 2015-K061238-00
Assessor Map Block 0317
Historic Block Diagram No. 0317a
Monument Map No. 13

RECORDING REQUESTED BY:

Old Republic Title Company

Order No.: 0224035612-AN
APN: Lot 010A, Block 0317

When Recorded Mail Document and Tax Statements to:

Pacific Bay Inn, Inc.
825 Van Ness Avenue, #301
San Francisco, CA 94109

20159K06123800003

San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC 2015-K061238-00
Acct 5002-Old Republic Title Company
Friday, MAY 15, 2015 11:02:22
Ttl Pd \$24.00 Nbr-0005150232
okc/RE/1-3

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Corporation Grant Deed

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$0.00 correct vesting for refinance

() computed on full value of property conveyed, or

() computed on full value less of liens and encumbrances remaining at time of sale.

() Unincorporated area: (X) City of San Francisco

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Pacific Bay Inn, Inc., a California corporation who acquired title as Pacific Bay Inn, a California corporation

hereby GRANT(S) to
Pacific Bay Inn, Inc., a California corporation

that property in City of San Francisco, San Francisco County, State of California, described as:

* * * See "Exhibit A" attached hereto and made a part hereof. * * * commonly known as 520 Jones Street, San Francisco

Date: May 08, 2015

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its duly authorized officers.

Pacific Bay Inn, Inc., a California Corporation

By: 
Adam Sparks, Secretary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Francisco

On 5/13/15 before me, Y. Barrueta-Digesti a Notary Public, personally appeared Adam Sparks, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Y. Barrueta-Digesti
Name: Y. Barrueta-Digesti
(Typed or Printed)

(Seal)



ORDER NO. : 0224035612-AN

EXHIBIT A

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

BEGINNING at the point of intersection of the northerly line of O'Farrell Street with the easterly line of Jones Street; and running thence easterly along said line of O'Farrell Street 40 feet; thence at a right angle northerly 112 feet, 6 inches; thence at a right angle westerly 40 feet to the easterly line of Jones Street; and thence at a right angle southerly along said line of Jones Street 112 feet, 6 inches to the point of beginning.

BEING part of 50 Vara Block No. 224.

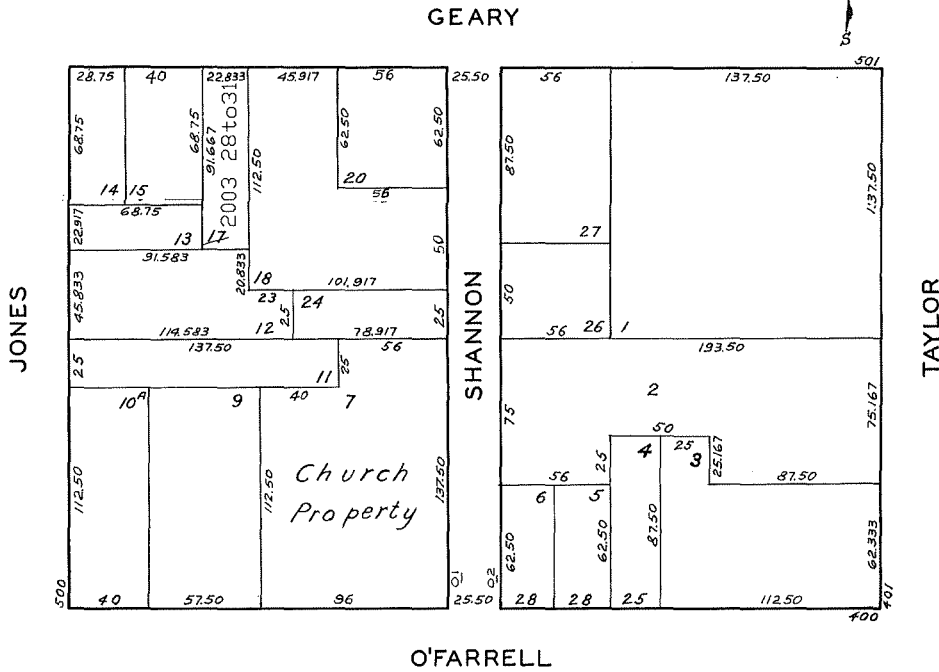
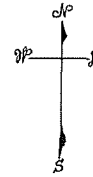
Assessor's Lot 010A; Block 0317

50 VARA BLK. 224

REVISED '62
Revised 2003

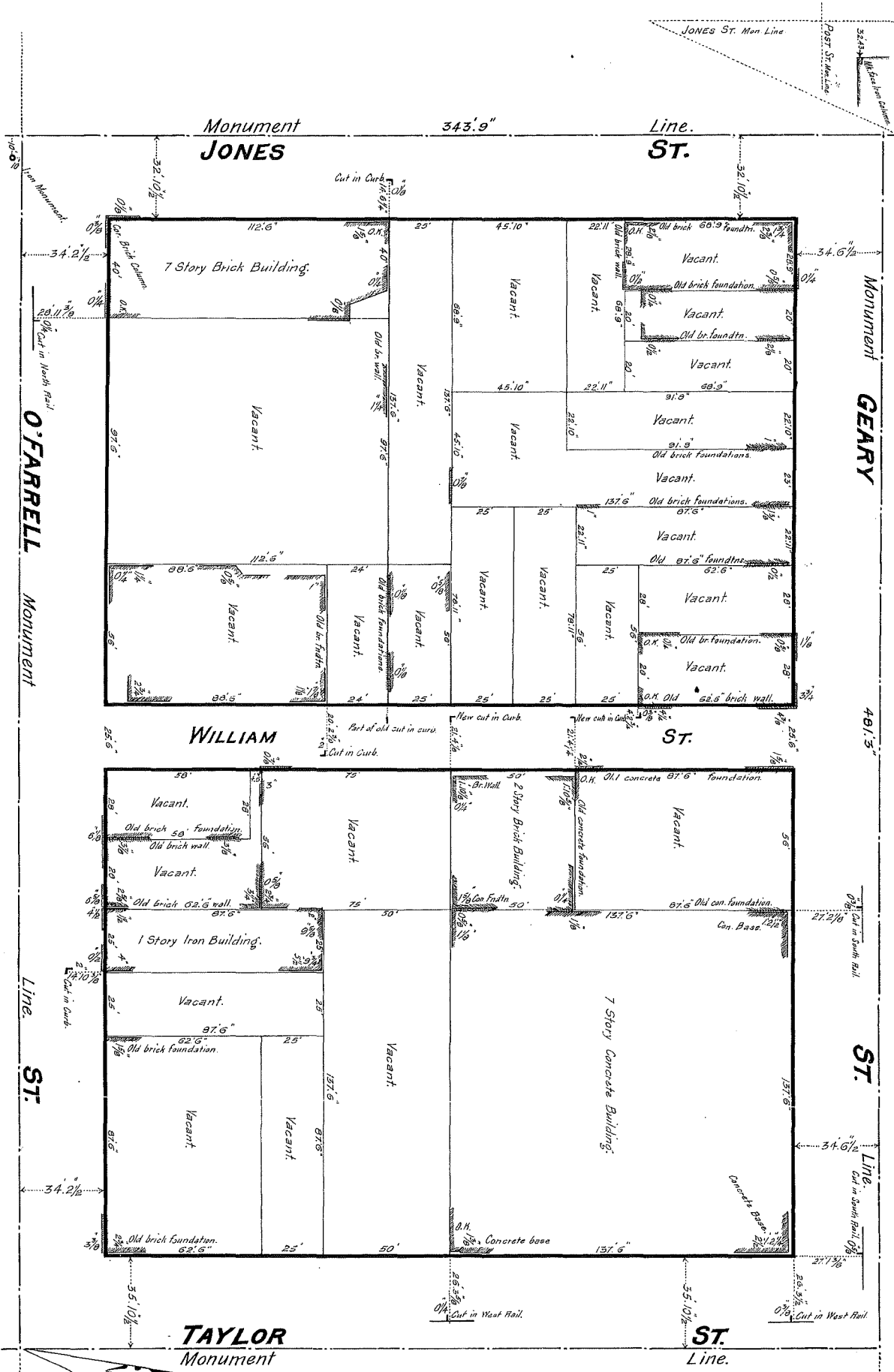
lot 17 into lots 28 to 31 for 2003 roll

8	7	43
10	9	43
16	15	43
13-22-23	18	43
21	20	43



577 GEARY ST. A CONDOMINIUM		
LOT	UNIT	% COMM. AREA
28	1	25
29	2	28
30	3	36
31	4	11

ASSESSED 106,425
BLK. TOTAL 106,425 SQ. FT.

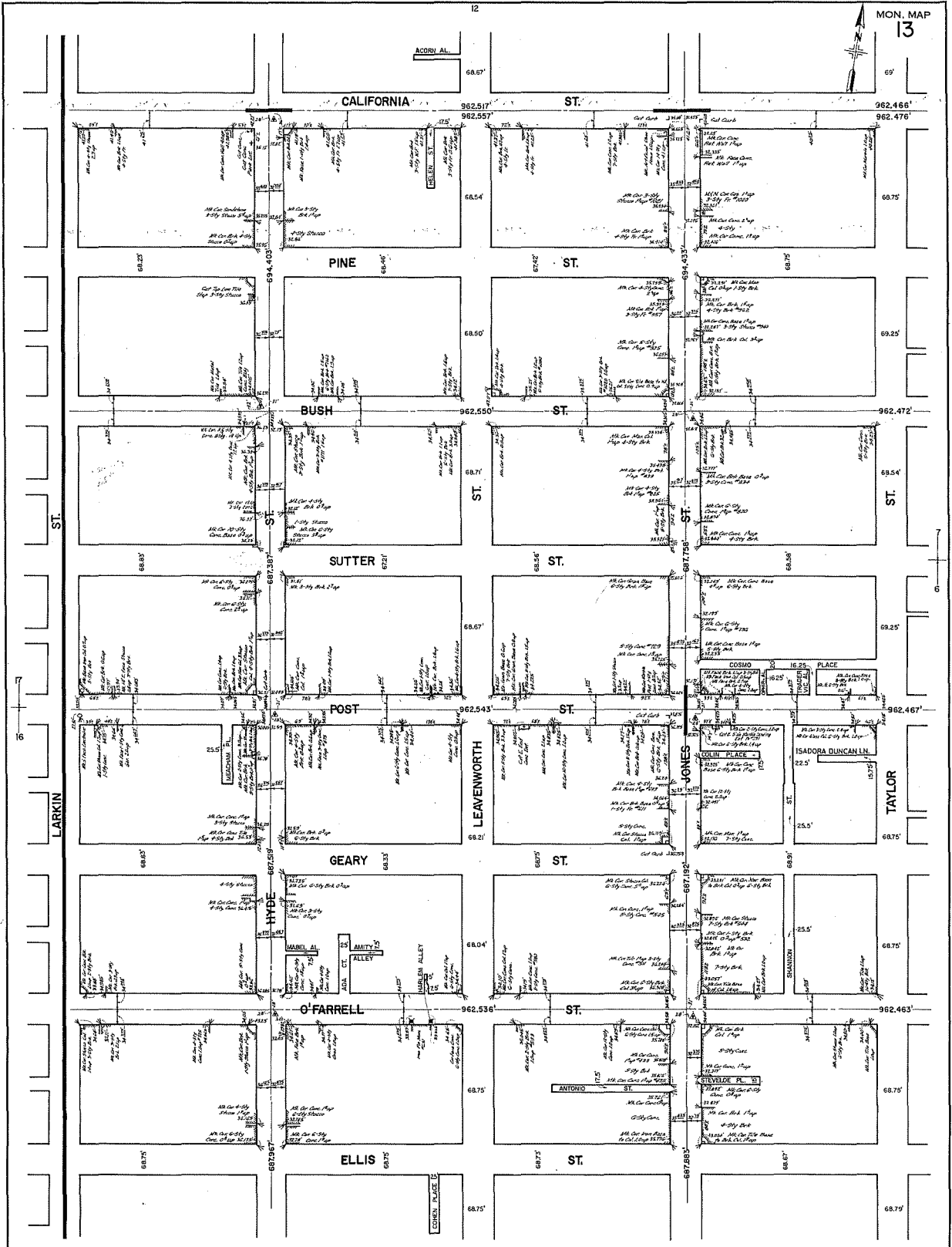


LOCATION OF IMPROVEMENTS APPROXIMATE.— NOT TO BE USED FOR SURVEYS.

#29, pp 35. April 13-09, Parker.

50 VARA BLK. 224.

EXHIBIT A



MON. DISTRICT BOUNDARY.
 CAUTION: THIS MONUMENT MAP IS NOT INTENDED FOR CROSS-BOUNDARY TIES OR USE OF MONUMENT DATA BEYOND BOUNDARY LINE. ANY SUCH PRACTICE MAY REQUIRE APPROPRIATE ADJUSTMENT.

AMENDS MON. MAP W-8-16

NO.	DATE	NOTES	DESCRIPTION	BY	APPR.
3	1-26	1/86-016	Added Brass Discs along Hyde and Jones Streets.	JOC	S.Y.
2	4-05	1/85-006	Added Brass Discs Along Hyde and Jones Sts.	JOC	S.Y.
1	8-79	50/8549.M	Added Mon. Line Distances. Revised some Ties.	LES	WVP

- LEGEND:
- + GUY
 - STONE OR CONCRETE MON.
 - IRON PIN MON.
 - LEAD PLUG & BRASS TACK.
 - DISTANCE MON. LINE TO MON. LINE.
 - BRASS DISC

CITY AND COUNTY OF SAN FRANCISCO
 DEPARTMENT OF PUBLIC WORKS
 BUREAU OF ENGINEERING
 DIVISION OF SURVEYS AND MAPPING

SCALE: NONE INDEX NO. 52 ORDER NO. 8549N

APPROVED: CHIEF SURVEYOR [Signature] DIVISION ENGR. J.L.C. [Signature]



June 16, 2021

Joel Koppel
President
Planning Commission

Dear President Koppel,

I write to express Tenderloin Neighborhood Development Corporation's (TNDC), Tenderloin Housing Clinic's (THC), and CCSRO Collaborative's continued **opposition to the proposed project at 450 O'Farrell St.**

In Exhibit A and B, you will find our January 2021 opposition letter, that clearly laid out community concerns. Since then, we have continued to closely monitor this project through the support of the assigned planner so we could keep stakeholders informed. This led to the organizing of several residents and providers who tuned in to the most recent hearing on April 15, 2021, and provided public testimony so commissioners had the opportunity to hear directly from community voices.

In that hearing, several community stakeholders expressed their concerns around the increased market rate group housing proposals in the neighborhood, the need for family housing, and the lack of meaningful community engagement from the project sponsor. Many stated their disapproval of the project in its current form (Version 3) yet were willing to work alongside the project sponsor to consider recommendations and secure community support. But following that hearing, neither TNDC nor other stakeholders have heard from the project sponsor since, leading us to reiterate our opposition absent changes to the project.

1. The Project Sponsor continues to treat community engagement as an afterthought.

Centering race and equity means prioritizing the voices of our low-income Black, Indigenous, People of Color (BIPOC) communities. Yet the developer's unwillingness to connect with the Tenderloin community following the Planning Commission hearing reinforces a trend where developers are not engaging in meaningful discussions around market rate proposals. If we are truly invested in a vision of inclusive planning that represents and engages the communities we serve, then we must set a standard that all developers, especially market rate developers in low income BIPOC communities, sit down with stakeholders from beginning to end.

2. The design of the project continues to be problematic.

In 2018, community supported the original proposal (Version 1) because of its meaningful community engagement process and diverse unit mix. In this most recent version (Version 3B), we continue to have concerns about developing a 316-unit group housing project set to accommodate 632 people in the densest neighborhood in San Francisco. We are not opposed to market rate group housing but in the context of the



Tenderloin Neighborhood Development Corporation
415.776.2151 | tndc.org | 201 Eddy Street | San Francisco, CA 94102

O:\Community Issues\Land Use & Development\450 O'Farrell\450 O'Farrell June 2021 Position



neighborhood, where most of our housing stock is Single Room Occupancy, and open space is scarce, we see long-term, negative impacts of a project of this design and capacity. The project sponsor presently has two market rate group housing projects in the Tenderloin underway. We also know that just last month, another project sponsor got their 111-market rate group housing project approved on Turk St. with the help of the State Density Bonus law. Community continues to express the need for balance and diversity in our neighborhoods future housing stock.

3. Neighborhood residents continue to express the desire for family housing.

The project sponsor has stated that all units over 600 sf are set to accommodate families, yet those units make up less than 9% (28 units) of the total project. On several occasions, we expressed the desire to see more units to accommodate families that were at least 1000 sf. Yet in Version 3B, most of the units range from 320 sf to 390 sf, comprising of 61% (193 units) of the total project. Given the breakdown of this project, the community feels that the bulk of these units will attract a more transient tenant population. It is a long-standing goal to have residents in the community have a vested interest in the health and growth in the neighborhood. Simply put, transient tenants generally lack that involvement. We want to see at least 35 of these units at 1000 sf.

Again, While TNDC does not purport to speak for the community, this input weighs heavily on us. **We urge the Planning Commissioners to consider this community feedback and reject this project absent modifications.** Should the developer wish to revise their plans or sell to someone who will build something that meets a community need, and respects community process, TNDC would happily show our support. Thank you for your consideration.

If you have any questions, please do not hesitate to reach out to dfalk@tndc.org or randy@thclinic.org.

Sincerely,

Donald S. Falk
Tenderloin Neighborhood Development Corporation

Randy Shaw
Tenderloin Housing Clinic

Cc: Members of the San Francisco Planning Commission
Rich Hillis, Director of Planning, City and County of San Francisco
Marcelle Boudreaux, San Francisco Planning Department
Matt Haney, Supervisor, District 6, City and County of San Francisco
Gabriella Ruiz, Policy and Planning Manager, TNDC
Colleen Rivecca, Director of Community Organizing, Policy and Planning, TNDC
Pratibha Tekkey, Director of Community Organizing, CCSRO Collaborative



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EXHIBIT A

January 19, 2021

Joel Koppel
President
Planning Commission

Dear President Koppel,

I write to express Tenderloin Neighborhood Development Corporation's (TNDC) opposition to the proposed project at 450 O'Farrell St.

For nearly 40 years, TNDC has been preserving and building affordable housing in the Tenderloin and other neighborhoods, serving low-income and working-class communities. In addition to operating affordable housing and providing social services in these neighborhoods, we work with community stakeholders to understand their concerns in order to raise public awareness on issues that impact their quality of life. TNDC is loath to oppose adding to the supply of housing, recognizing market-rate housing development as one way to address San Francisco's housing crisis, despite the displacement impact that new construction can have on people with low-incomes. In assessing proposed developments, we assess whether the project meets a standard of equitable development, so that people with low incomes share in some of the benefits and are protected from some of the harms of market rate development. The project at 450 O'Farrell fails to meet that standard.

- 1. The Project Sponsor failed to engage the community, seeking to secure approval from the Planning Commission without interacting with people in the neighborhood.**

We did not hear from the Project Sponsor, Forge, about the changes to this project until December 9, 2020, less than a month before the initially scheduled planning hearing. They believed that because the building envelope had not changed, obviating the need for a new environmental impact report, interacting with community stakeholders was unnecessary, even though the nature of the project had fundamentally changed. Community engagement was treated as an afterthought.

- 2. The design of the project is problematic in terms of the number and size of units combined with the expectation of number of occupants; it will be overcrowded.**

The 308 units in the proposed project will range from 318 sf to 639 sf, designed, according to Forge, for 'essential workers' and families.' They have shown us plans illustrating, for example, two twin beds and a third bed in the "family" units. We



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415.776.2151 | tndc.org | 201 Eddy Street | San Francisco, CA 94102

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are concerned that the plans, as proposed represent new units that would replicate the overcrowding many existing low-income families experience in small units across the Tenderloin, and potentially the associated social, psychological, and development impacts on children who live in these conditions.¹ As housing developers ourselves, we fully understand the challenge of balancing affordability with livability, however we feel this project goes too far. Nearly 97% of the proposed units offer living space between 318 and 477 sf, which we feel is insufficient for healthy family living. Moreover, we feel that such a building design fails to align with the San Francisco Planning Department's "Housing for Families with Children"² policy paper, which outlines elements of quality family housing.

3. Many neighborhoods residents expressed to us their opposition to the project.

Many community members who know firsthand what it is like to live in similarly tiny SRO units expressed their opposition to this project due to:

- Lack of community engagement and perceived disrespect to the Tenderloin community;
- The need for units with full kitchens and bathrooms for families;
- The lack of affordability, i.e. despite the assertion that the units are "affordable by design," Tenderloin residents will not be able to afford to live there;
- The development fails to meet current standards for inclusionary housing; and
- Concerns about overcrowding.

While TNDC does not purport to speak for the community, this input weighs heavily on us. We urge the planning commissioners to consider this community feedback and reject this project. Should the developer wish to revise their plans or sell to someone who will build something that meets a community need, and respects community process, TNDC would happily show our support. Thank you for your consideration. If you have any questions, please do not hesitate to reach out to me at dfalk@tndc.org.

Sincerely,

Donald S. Falk
Chief Executive Officer

Cc: Members of the San Francisco Planning Commission
Rich Hillis, Director of Planning, City and County of San Francisco
Marcelle Boudreaux, San Francisco Planning Department
Matt Haney, Supervisor, District 6, City and County of San Francisco
Gabriella Ruiz, Policy and Planning Manager, TNDC
Colleen Rivecca, Director of Community Organizing, Policy and Planning, TNDC

¹ Reynolds, Liam. Full House? How Overcrowded Housing Affects Families. 2005.
https://englandshelter.org.uk/_data/assets/pdf_file/0004/39532/Full_house_overcrowding_effects.pdf
² Housing for Families with Children 2017.
https://default.sfpplanning.org/publications_reports/Family_Friendly_Briefing_01-17-17_FINAL.pdf



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EXHIBIT B

Dear Director Hillis and Planning Commissioners,

I want to update you on some additional reasons the Tenderloin Housing Clinic is taking the unprecedented step of strongly opposing a proposed housing development in the Tenderloin.

Financing vs. Developer Preference

Since my previous correspondence my organization has finalized negotiations with the developer of 550 O'Farrell, less than a block away. We have always supported the project and have now resolved all outstanding issues. 550 O'Farrell offers exactly the type of market-rate project the Tenderloin needs to house families with children. It will have 111 units: 35 one-bedrooms, 62 two-bedrooms, and 14 three-bedrooms. Unit sizes start at 500 square feet and go beyond 1000 square feet.

I raise this to challenge the 450 developer's argument that in this economic climate only micro-units can get financing---obviously 550's developers see it otherwise. I think the sharp contrast in unit mix between the nearly adjacent projects pulls the curtain back on what is really going on here: The radical change in the proposed unit mix at 440 is not caused by financing issues; rather, micro-units are the only type of housing this developer wants to build.

Just think. Richard Hannum buys two sites around Turk and Leavenworth and gets both approved for hundreds of micro-units. He now seeks to replace a project with most units ranging from 712-1075 square feet with virtually the same type of housing he is currently constructing.

This is no coincidence. The developer builds only one type of housing. And now he wants this Commission to approve a unit mix that makes no sense for the neighborhood.

False Promises Re "Essential Workers"

We've also learned more facts that undermine the developer's claimed targeting of "essential workers"---such as police officers and nurses---to live at 450 O'Farrell. This is pure nonsense. The project's largest units, 550 sq. ft., will have three beds. This sounds like a student dorm, not housing for essential workers earning 110% of AMI. Police officers we talked to were incredulous at the idea that officers would choose to live in such housing. Nurses, police officers and similar workers at those income levels will not choose to live in small units in the Tenderloin. The project's many 350 sq. ft. units, which only have two burners, also do not fit the incomes of the "essential workers" the project claims to target.

The Tenderloin has no shortage of housing for students. Hastings is building a 14-story housing project across the street from my office at Golden Gate and Hyde. We have



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strongly supported this project. We also did not oppose Forge's two micro-unit projects under construction in the Tenderloin, both of which will also likely house students. But a successful neighborhood must have housing for families with children as well. From 1907 to the 1970's the Tenderloin had few children. This changed with the arrival of Southeast Asian refugees in the 1970's and 1980's. Rising rents in the Mission during the late 1990's caused a huge Latino family influx into the Tenderloin. Many Arab-American families live here as well.

Almost no housing sites (those not already slated for development) in the Tenderloin remain. We cannot allow a project we counted upon to provide desperately needed family housing to become another site for single adults. SROs surround the project site; nobody claims there is a shortage of single-adult housing in the area. In 1985, with the strong support of Planning Director Dean Macris, the Planning Commission bucked the tide of highrise development and rezoned the Tenderloin so that it remained a residential neighborhood. The Commission's action saved the Tenderloin as an affordable working-class neighborhood.

We call upon you again to do what is best for the Tenderloin. And that requires rejecting this project. The developer should revise its plans or sell to someone who will build something at least close to the original unit mix. That's what the community counted upon in backing the original project and what the Tenderloin still needs. Thank you for your consideration.

Sincerely,

Randy Shaw, Executive Director, Tenderloin Housing Clinic



Tenderloin Neighborhood Development Corporation
415.776.2151 | tndc.org | 201 Eddy Street | San Francisco, CA 94102

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THE PAGE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

TENDERLOIN HOUSING CLINIC, INC.
ADMINISTRATIVE ACCOUNT
126 HYDE STREET
SAN FRANCISCO, CA 94102

EAST WEST BANK
SAN FRANCISCO, CA 94102

87038

16-7038/3220

7/21/2021

PAY TO THE ORDER OF San Francisco Planning Department

**665.00

\$

Six Hundred Sixty-Five and 00/100

DOLLARS

San Francisco Planning Department

TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$750.00



MEMO

Appeal - Planning fee

AUTHORIZED SIGNATURE

MP

Security Features Included Details on Back

WZ924275-10-20

TENDERLOIN HOUSING CLINIC, INC. • ADMINISTRATIVE ACCOUNT • 126 HYDE STREET • SAN FRANCISCO, CA 94102

87038

San Francisco Planning Department

7/21/2021

Planning fee - Appeal: 450 - 474 O'Farrell Project

665.00

UCB Administrative A Appeal - Planning fee

665.00



San Francisco Planning

BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

APPLICATION

Appellant's Information

Name: PRATIBHA TEKKEY
 Address: 126 Hyde Street, San Francisco, 94102 CA
 Email Address: PratiBha@thelclinic.org
 Telephone: 415-775-7110 Ext 1703

Neighborhood Group Organization Information

Name of Organization: TENDERLOIN HOUSING CLINIC
 Address: 126 Hyde Street, San Francisco, 94102, CA
 Email Address:
 Telephone: 415-775-7110 Ext 1703

Property Information

Project Address: 450-474 O'FARRELL STREET, 532 Jones Street.
 Project Application (PRJ) Record No: 2013.1535CUA -02 Building Permit No:
 Date of Decision (if any): June 24th 2021

Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

REQUIRED CRITERIA	YES	NO
The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.	✓	
The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.	✓	
The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.	✓	
The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.	✓	

For Department Use Only

Application received by Planning Department:

By: _____ Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION CURRENT ORGANIZATION REGISTRATION MINIMUM ORGANIZATION AGE
 PROJECT IMPACT ON ORGANIZATION
 WAIVER APPROVED WAIVER DENIED