

# ZACKS, FREEDMAN & PATTERSON

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235 Montgomery Street, Suite 400  
San Francisco, California 94104  
Telephone (415) 956-8100  
Facsimile (415) 288-9755  
[www.zfplaw.com](http://www.zfplaw.com)

October 15, 2018

## VIA HAND DELIVERY

President Malia Cohen  
c/o Angela Calvillo, Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

Re: Appeal of CEQA Certification of Final EIR  
Planning Case No. 2013.1535ENV/CUA  
450-474 O'Farrell Street/532 Jones Street, San Francisco

Dear President Cohen and Honorable Members of the Board of Supervisors:

This office represents Appellant 540 Jones Street Hotel LLC, the adjacent neighbor to the north of the proposed project 450-474 O'Farrell Street/532 Jones Street, San Francisco (Planning Case No. 2013.1535ENV/CUA, the "Project").

The Appellant opposes the above-captioned Project, inter alia, on the grounds that the Planning Commission's certification of a Final EIR for the Project violates the California Environmental Quality Act ("CEQA"). Pursuant to San Francisco Administrative Code Section 31.16, Appellant hereby appeals the September 13, 2018 Certification of the Final EIR. A copy of the Planning Commission's meeting minutes for September 13, 2018, is attached hereto as **Exhibit A**. A copy of this letter of appeal will be concurrently submitted to the Environmental Review Officer.

The Appellant submitted comments about the Project to the Planning Commission during the EIR comment period, including in writing on December 11, 2017 and June 27, 2018, and orally. The concerns raised by the Appellant have not been adequately addressed in the Final EIR.

There are significant unmitigated impacts associated with the Project, including potential significant damage to the Appellant's property at 540 Jones Street – an historic SRO hotel – resulting in the displacement of vulnerable tenants. The potential for the Project to cause damage to the Appellant's property was identified in the Draft EIR. Impact CR-3 states: "construction activities for the proposed project could result in physical damage to adjacent historic resources." The Final Responses to Comments (dated June 2018) claim that mitigation measures CR3-A and CR3-B would address this impact. However, the proposed mitigation measures are inadequate

and lack sufficient detail, leaving adjacent historic resources in real danger of significant damage.

Similarly, Response to Comment GE-1 indicates reliance on the Geotechnical Report and San Francisco Department of Building Inspection Plan Check to protect adjacent properties. This is generally non-responsive to the issues raised by the Appellant during the EIR comment period. The mitigation measures set out in the Final EIR do not address the Appellant's sensitive existing building with sensitive tenants, where extreme diligence is necessary to avoid damage and unacceptable impacts.

The Appellant reserves the right to submit additional written and oral comments, bases, and evidence in support of this appeal to the City up to and including the final hearing on this appeal and any and all subsequent permitting proceedings or approvals for the Project. Appellant requests that this letter and exhibits be placed in and incorporated into the administrative record for Case No. 2013.1535ENV/CUA.

The Appellant respectfully requests that the Board of Supervisors revoke the Final EIR and require further environmental review pursuant to CEQA.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC



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Sarah M. K. Hoffman  
Attorney for 540 Jones Street Hotel, LLC

cc: Lisa Gibson, Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
[lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org)

**EXHIBIT A**

# SAN FRANCISCO PLANNING COMMISSION



Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Thursday, September 13, 2018**  
**1:00 p.m.**  
**Regular Meeting**

**COMMISSIONERS PRESENT:** Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT HILLIS AT 1:05 PM**

**STAFF IN ATTENDANCE:** Ashley Lindsay, Seema Adina, Jeff Horn, Nancy Tran, Chelsea Fordham, Marcelle Boudreaux, Andrew Perry, Chris May, Allison Vanderslice, Esmeralda Jardines, David Winslow, John Rahaim – 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. 2017-009224CUA (M. WOODS: (415) 558-6315)  
601 VAN NESS AVENUE – west side of Van Ness Avenue; Lot 027 in Assessor's Block 0762 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.4 and 303(j) to discontinue a Movie Theatre use (Opera Plaza Cinema) of approximately 6,380 square feet and propose a Retail Sales and Service use within a RC-4 (Residential-Commercial High Density) Zoning District, the Van Ness Avenue Special Use

District, and 130-V 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).

(Continued from Regular hearing on June 28, 2018)

*Preliminary Recommendation: Approve with Conditions*

**(Proposed Continuance to October 18, 2018)**

SPEAKERS: None

ACTION: Continued to October 18, 2018

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

2. 2018-008652PCAMAP (A. STARR: (415) 558-6362)  
DESIGN PROFESSIONAL SPECIAL USE DISTRICT – Planning Code and Zoning Map Amendment introduced by Supervisor Cohen amending the Planning Code to create the Design Professional Special Use District at 2 Henry Adams, Assessor's Parcel Block No. 3910, Lot No. 001, to allow for Design Professional uses above the second story in a PDR-1-D (Production, Distribution, and Repair) zoning District with a Conditional Use authorization; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code Section 302

**WITHDRAWN**

SPEAKERS: None

ACTION: Withdrawn

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

- 18a. 2011.1356TZU (L. CHEN: (415) 575-9124)  
CENTRAL SOMA PLAN – Proposed **Planning Code, Administrative Code, and Zoning Map Amendments** - Public hearing to consider substantive amendments to the proposed Central SoMa Plan as introduced at the Board of Supervisors Land Use & Transportation Committee on July 23, 2018, including 1) amending the Planning Code and Administrative Code to give effect to the Central SoMa Plan; 2) amending the Zoning Maps, including zoning, height, and bulk limits, and Special Use Districts, to give effect to the Central SoMa Plan; 3) amending the Central SoMa Plan Implementation Program; and, 4) making findings under the California Environmental Quality Act; and 5) making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

(Continued from Regular hearing on September 6, 2018)

*Preliminary Recommendation: Approve with Modifications*

SPEAKERS: Fernando Martis – Housing Sustainability District

ACTION: Continued to September 27, 2018

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

- 18b. 2018-004477PCA (P. IKEZOE: (415) 575-9137)

**CENTRAL SOMA HOUSING SUSTAINABILITY DISTRICT – Proposed Planning Code and Business and Tax Regulations Code Amendments** - Public hearing to consider substantive amendments to the proposed Central SoMa Plan as introduced at the Board of Supervisors Land Use & Transportation Committee on July 23, 2018, including 1) amending the Business and Tax Regulations Code and the Planning Code to establish the Central SoMa Housing Sustainability District; 2) making findings under the California Environmental Quality Act; and 3) making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

(Continued from Regular hearing on September 6, 2018)

*Preliminary Recommendation: Approve with Modifications*

SPEAKERS: Same as item 18a.

ACTION: Continued to September 27, 2018

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

## B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

4. 2018-003874CUA (M. CHRISTENSEN: (415) 575-8742)  
2475-2481 MISSION STREET – east side of Mission Street between 20th and 21st Streets, Lot 021 of Assessor's Block 3610 (District 9) - Request for a **Conditional Use Authorization** pursuant to Planning Code Section 303 and 754 and the Mission Interim Zoning Controls (adopted by Planning Commission Resolution No. 19548, extended by Planning Commission Resolution No. 19865) and Board of Supervisors File No. 171290, to expand an existing restaurant (dba "Café La Taza") into an adjoining 1,874 square foot retail space, within a NCT (Mission Street Neighborhood Commercial Transit) Zoning District, Mission Alcoholic Beverage Special Use Subdistrict, and 55-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*

SPEAKERS: None

ACTION: Approved with Conditions

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

MOTION: 20274

6. 2018-004720CUA (M. CHANDLER: (415) 575-9048)  
276 5<sup>TH</sup> STREET – north side between Clementia and Folsom Streets; Lot 271 in Assessor's Block 3732 (District 6) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 249.40A and 303, to permit change of use from Limited Restaurant to Restaurant Use (d.b.a Mr. East Kitchen) within a MUR (Mixed Use Residential) Zoning

District, SoMa Youth and Family Special Use District, Eastern Neighborhoods subarea plans East SoMa and Central SoMa and 85-X Height and Bulk District. This project was reviewed under the Community Business Priority Processing Program (CB3P). 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: None  
ACTION: Approved with Conditions  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
MOTION: 20275

7. 2018-003878CUA (S. YOUNG: (415) 558-6346)  
3407 CALIFORNIA STREET – south side between Laurel and Locust Streets, Lot 001 in Assessor's Block 1034 (District 2) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 303.1, 703.4, and 713 to establish a Formula Retail Use within a NC-S (Neighborhood Commercial Shopping Center) District and 40-X Height and Bulk District. The proposal is to convert a vacant ground floor commercial space with approximately 2,600 square feet of floor area (previously occupied by "Gymboree", a Formula Retail Use) to another Formula Retail Use (d.b.a. Sephora Studio, retail store specializing in cosmetic sales with personal services) within the Laurel Village Shopping Center. 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: None  
ACTION: Approved with Conditions  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
MOTION: 20276

## C. COMMISSION MATTERS

10. Consideration of Adoption:  
• Draft Minutes for August 30, 2018

SPEAKERS: None  
ACTION: Adopted  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

11. Commission Comments/Questions

### Commissioner Richards:

I have just one quick one. Since we have three items today on our calendar revolving, what I consider around Historic Preservation, and I know I didn't give the Director a heads up on this, I would love to understand maybe next week, a status on where the Preservation Element is, whether would be able to get it done this year, etc. I would really appreciate that. Thanks.



**Commissioner Moore:**

I'm glad reading in this morning's paper that there are indeed a number of larger projects coming on-line being built. Ms. Simi updated us also in her summary. Glad to hear about three major projects coming on-line.

**D. DEPARTMENT MATTERS****12. Director's Announcements**

None

**13. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission****Aaron Starr:****LAND USE COMMITTEE:**

- 180490 General Plan Amendments - Central South of Market Area Plan. Sponsor: Commission. Staff: L. Chen. Item 1
- 180185 Planning Code, Zoning Map - Central South of Market Special Use District] Sponsors: Mayor; Kim. Staff: L. Chen. Item 2
- 180453 Business and Tax Regulations, Planning Codes - Central South of Market Housing Sustainability District. Sponsors: Mayor; Kim. Staff: Ikezoe. Item 3
- 180612 Administrative Code - San Francisco Special Tax Financing Law - Central SoMa. Sponsors: Mayor; Kim. Staff: L. Chen. Item 5

All Central SoMa Items were continued to October 1.

- 180483 Planning Code - Health Services - Ocean Avenue Neighborhood Commercial Transit District. Sponsor: Yee. Staff: Butkus.

The Committee did consider Supervisor Yee's ordinance that would require CU authorization for Health Services on the ground floor in the Ocean Avenue NCT. There was no public comment and no significant comments from the committee members. The item passed out of committee with a positive recommendation.

**FULL BOARD:**

- 180053 Planning Code - Massage Establishments - Union Street Neighborhood Commercial District. Sponsor: Stefani. Staff: D. Sanchez. PASSED Second Read
- 180364 Planning Code - Affordable Housing Projects on Undeveloped Lots in Service/Arts/Light Industrial Districts. Sponsor: Kim. Staff: Butkus.

Continued to 9/18/18 in order to further refine the language in the ordinance.



- 180651 Hearing - Appeal of Final Environmental Impact Report Certification - Central SoMa Plan. Staff: White

Continued to September 25, 2018. At the hearing, Supervisor Kim noted that this extra time is necessary to continue the negotiations with the appellants.

- 180584 Planning Code - Fees for Certain Permits and Transportation Analysis. Sponsor: Mayor. Staff: Landis. Passed First Read

**Jonas P. Ionin, Commission Secretary:**

The Board of Appeals did hear the Certificate of Appropriateness issued by the Historic Preservation Commission on the Early Days Statue from the Pioneer Monument. This is the second full hearing and they unanimously upheld that Certificate of Appropriateness for the removal of that statue.

**E. GENERAL PUBLIC COMMENT**

**SPEAKERS:** Georgia Schuttish – Policy Efficacy and Objectives of the General Plan and the Planning Code Sect. 317 regarding loss of dwelling units – aka Demolition, Tantamount to Demolition or De Facto Demolition-  
What is the Policy??  
The General Plan recognizes that existing housing is the greatest stock of rental and financially accessible residential units and is a resource in need of protection. Please adjust the values to promote efficacy through non-legislative updates. The Zoning Administrator has done this in the RH-1, three times since 2015. The Commission has not – ever – used the powers allowed by section 317(b)(2)(D). The Commission should now a most important criterion for permitting demolition is relative affordability.  
Please ask the City Attorney if the Commission can adjust the values three times as the Zoning Administrator did in the past three years to correct the failure to improve policy efficacy going forward. Or, please do it once, at least.  
Tim Brown – 807 Franklin and 635 Fulton  
Laura Clark – Starter home  
Corey Smith – Housing Accountability Act analysis  
Michael Nulty – Community land trust

**F. 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.

3. 2016-015675CUA (A. LINDSAY: (415) 575-9178)  
2990 24<sup>TH</sup> STREET – northeast corner of the Harrison Street and 24th Street intersection, Lot 040 of Assessor's Block 4206 (District 9) - Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303(c) and 763, to install a new rooftop AT&T Mobility Macro Wireless Telecommunications Facility consisting of (2) new FRP enclosures; (9) new antennas; (24) new RRHs; (1) GPS antenna; ancillary equipment; and (1) equipment room

within the existing building as part of the AT&T Mobility Telecommunications Network. The subject property is located within a NCT (24th-Mission Neighborhood Commercial Transit), and 55-X Height and Bulk Districts. 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: = Ashley Lindsay – Staff report  
 + Misako Hill – Project presentation  
 - Miguel Bustos - Opposition, request for continuance  
 - Glynne Ali – Neighborhood opposition  
 - Eric Arguello – Scale of the tower  
 = Michael Nulty – Mi casa tu casa

ACTION: After being pulled off of Consent; Closing PC; and a Motion to Continue Indefinitely failed +1 -5 (Fong, Johnson, Koppel, Moore, Hillis against; Richards recused); Continue to November 8, 2018

AYES: Fong, Hillis, Johnson, Koppel, Moore

NAYS: Melgar

RECUSED: Richards

5. 2018-005745CUA (S. ADINA: (415) 575-6428)  
385 EDDY STREET – south side of Eddy Street between Leavenworth and Jones Streets; lot 018 of Assessor's Block 0338 (District 6) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Section 209.3, 303, 317 to convert one SRO and manager's unit within a 68 residential-hotel building into an accessory Institutional Use – Social Service Facility, providing on-site resident services for building tenants within a RC-4 (Residential-Commercial, High Density) Zoning District and 80-T 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*

SPEAKERS: = Seema Adina – Staff report  
 + Denise Choy – Project presentation  
 - John Nulty – Owner, partnership  
 - Michael Nulty – Transparency

ACTION: After being pulled off of Consent; Approved with Conditions

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

MOTION: 20277

8. 2018-007741CUA (J. HORN: (415) 575-6925)  
3133 TARAVAL STREET – south side of Taraval Street between 41st and 42nd Avenues, Lot 027 of Assessor's Block 2384 (District 4) - Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 209.2, 303, and 317 to convert a vacant 1,740 square-foot two-story single-family dwelling to a Community Center for seniors (dba Self-Help for the Elderly). The project also proposes a 1,500 square-foot two-story rear addition, for a total building size of 3,240 gross square feet. The subject property is located within a RM-1 (Residential-Mixed, Low Density) 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*

SPEAKERS: = Jeff Horn – Staff report  
 + Patrice Fambrini – Project presentation  
 + Annie Chung – Project presentation  
 + Grace Kan – Large demand  
 + Annie Ma, Aide to Sup. Tang – Support  
 - Speaker – Senior community center vs. housing  
 - Laura Clark - Upzoning

ACTION: After being pulled off of Consent; Approved with Conditions

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

MOTION: 20278

9. 2016-009062DRP (N. TRAN: (415) 575-9174)  
505 GRAND VIEW AVENUE – corner of Grand View Avenue and Elizabeth Street, Lot 044 in Assessor's Block 2828 (District 8) – Request for **Discretionary Review** of Building Permit Application No. 2016.11.23.3441, proposing to construct three new accessory dwelling units at the ground and basement levels within a RM-1 (Residential-Mixed, Low Density) 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).

Staff Analysis: Full Review

(Continued from Regular hearing on August 30, 2018)

*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*

SPEAKERS: = Nancy Tran – Staff report  
 + Toby Morris – Project presentation  
 + Jennifer Feiber - Support

ACTION: After being pulled off of Consent; Did Not Take DR and Approved

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

DRA: 0608

14. 2013.1535ENV (C. FORDHAM: (415) 575-9071)  
450-474 O'FARRELL STREET/532 JONES STREET – on a 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) – **Certification of the Final Environmental Impact Report**. The project site is currently developed with the three-story (50-foot-tall), 26,904-square-foot Fifth Church of Christ, Scientist building, including a 1,400-square-foot parking lot with four parking spaces, at 450 O'Farrell Street; a one-story (30-foot-tall), 4,415-square-foot vacant retail building at 474 O'Farrell Street; and a one-story (30-foot-tall), 1,012-square-foot restaurant and residential building with basement at 532 Jones Street. The proposed project would demolish the existing structures, merge the three lots, and construct a 13-story, 130-foot-tall, 226,514-sf mixed-use building. The church façade at 450 O'Farrell Street would be retained as part of the proposed project. The proposed development would include up to 182,668 sf of residential space (with 176 dwelling units), 3,827 sf of restaurant and retail space, and 9,555 sf of religious institution space. Up to 46 parking spaces would be provided within a 22,105-sf, one-level subterranean parking garage with access off of Shannon Street. The project site is located in a Residential-Commercial, High Density (RC-4) District, the North of Market

Residential Special Use District No. 1, 80-T-130-T Height and Bulk District, and the Uptown Tenderloin National Register Historic District.

**NOTE: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on December 11, 2017. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.**

(Continued from Regular hearing on June 28, 2018)

*Preliminary Recommendation: Certify the Final EIR*

**NOTE: On June 28, 2018, after hearing and closing public comment the matter was Continued to September 13, 2018 by a vote of +6 -0 (Fong absent).**

SPEAKERS: = Chelsea Fordham – CEQA Staff presentation  
 = Marcelle Boudreaux – Staff report  
 + Tyler Evje – Project presentation  
 + Del Seymour – Support  
 + Joseph Brown – Support  
 + David Elliott Lewis – Support  
 + Corey Smith – Approve it now  
 + Speaker – Go with it  
 + Mervin Green – Support  
 + Mike Buhler – Full preservation alternative facadism  
 + Michael Nulty – Support  
 + Brenda – Support  
 + John Nulty – Affordability  
 = Jim Worshell – Remedies for complete demolition

ACTION: Certified

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

MOTION: 20279

- 15a. 2013.1535ENV (M. BOUDREAUX: (415) 575-9140)  
450-474 O'FARRELL STREET/532 JONES STREET – on a block bounded by 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) – The proposal requests Planning Commission consideration of adoption of **CEQA Findings** under the California Environmental Quality Act for a Project that would demolish the existing structures, merge the three lots, and construct a 13-story, 130-foot-tall, 226,514-sf mixed-use building. The church façade at 450 O'Farrell Street would be retained as part of the proposed project. The proposed development would include up to 182,668 sf of residential space (with 176 dwelling units), 3,827 sf of restaurant and retail space, and 9,555 sf of religious institution space. Up to 46 parking spaces would be provided within a 22,105-sf, one-level subterranean parking garage with access off of Shannon Street. The project site is located in a Residential-Commercial, High Density (RC-4) District, North of Market Residential Special Use District No. 1, 80-T-130-T Height and Bulk District, and the Uptown Tenderloin National Register Historic 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).

(Continued from Regular hearing on June 28, 2018)

*Preliminary Recommendation: Adopt CEQA Findings*

**NOTE: On June 28, 2018, after hearing and closing public comment the matter was Continued to September 13, 2018 by a vote of +6 -0 (Fong absent).**

SPEAKERS: Same as item 14.  
ACTION: Adopted Findings  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore  
NAYES: Richards  
MOTION: 20280

- 15b. 2013.1535CUA (M. BOUDREAUX: (415) 575-9140)  
450-474 O'FARRELL STREET/532 JONES STREET – on the block is 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 for **Conditional Use Authorization** pursuant to Planning Code Section 303 for: i) Planned Unit Development pursuant to Section 304, with modifications for rear yard (Section 134), dwelling unit exposure (Section 140); off-street loading (Section 152) and permitted obstructions (Section 136); and additional findings for ii) for demolition of five existing dwelling units (Section 317); iii) exceeding height of 50 feet with street frontage greater than 50 feet (Section 253); iv) height greater than 80 feet in North of Market Residential Special Use District No. 1 (Section 249.5/263.7); v) bulk exceedance (Section 270/271); vi) establishment of new religious institution use (Section 303). The project site is currently developed with the three-story (50-foot-tall), 26,904-square-foot Fifth Church of Christ, Scientist building, including a 1,400-square-foot parking lot with four parking spaces, at 450 O'Farrell Street; a one-story (30-foot-tall), 4,415-square-foot vacant retail building at 474 O'Farrell Street; and a one-story (30-foot-tall), 1,012-square-foot restaurant and residential building with basement at 532 Jones Street. The proposed project would demolish the existing structures, merge the three lots, and construct a 13-story, 130-foot-tall, 226,514-sf mixed-use building. The church façade at 450 O'Farrell Street would be retained as part of the proposed project. The proposed development would include up to 182,668 sf of residential space (with 176 dwelling units), 3,827 sf of restaurant and retail space, and 9,555 sf of religious institution space. Up to 46 parking spaces would be provided within a 22,105-sf, one-level subterranean parking garage with access off of Shannon Street. The project site is located in a Residential-Commercial, High Density (RC-4) District, the North of Market Residential Special Use District No. 1, 80-T-130-T Height and Bulk District, and the Uptown Tenderloin National Register Historic District.

(Continued from Regular hearing on June 28, 2018)

*Preliminary Recommendation: Approve with Conditions*

**NOTE: On June 28, 2018, after hearing and closing public comment the matter was Continued to September 13, 2018 by a vote of +6 -0 (Fong absent).**

SPEAKERS: Same as item 14.  
ACTION: Approved with Conditions as amended by staff, adding a Finding recognizing that Heritage and the PS will continue working together, and:  
1. Allowing the removal of the historic façade; and  
2. A future informational item presenting the final design.  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore  
NAYS: Richards  
MOTION: 20281

16. 2017-015181CUA (A. PERRY: (415) 575-9017)  
412 BROADWAY – north side of Broadway between Montgomery and Kearny Streets, on Lot 033 in Assessor's Block 0144 (District 3) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 714, to permit an extension of operating hours until 4 a.m. daily, for an existing Restaurant and Nighttime Entertainment use (d.b.a. The Penthouse Club & Restaurant). No other changes are proposed. The proposed project is located within a Broadway Neighborhood Commercial District (NCD) and 65-A-1 Height and Bulk District. The Project is not subject to the California Environmental Quality Act (CEQA) as the extension of hours is not considered a "project" under CEQA.  
 (Continued from Regular hearing on August 30, 2018)

*Preliminary Recommendation: Disapprove*

SPEAKERS: = Andrew Perry – Staff report  
 + Jeremy Paul – Project presentation  
 + Sally Cazzaza – Firefighter toy drive  
 + Jason – Firefighter toy drive  
 + Speaker – Firefighter toy drive  
 - Paul Webber – Opposed  
 - Lisa Krekups – Negative impacts  
 + Dominic DeLandry – Support  
 + Joanna Tankpost- Support  
 + Aaron Barbero – Support  
 + Marianne – Support  
 + Emma Henley – Support  
 + Michael Rickson – Support  
 + Daniel – Support  
 + Francis – Support  
 + Rochelle – Support  
 + Frankie Fusco – Support  
 + Scotty – Support  
 + Marquel Cagny – Support  
 + Terrance Allen – Support  
 + Sara – Support  
 - Kyle Klesko - Opposed

ACTION: After hearing and closing PC; Continued to October 25, 2018 with direction from the CPC.

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

17. 2015-018150CUA (C. MAY: (415) 575-9087)  
137 CLAYTON STREET – west side of Clayton Street, between Grove and Hayes Streets, Lot 006 in Assessor's Block 1194 (District 5): Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to demolish an existing two-story, single-family dwelling and construct a new four-story, 3-unit residential building within a RH-3 (Residential – House, Three-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: Disapprove*

SPEAKERS: = Chris May – Staff report

- + Jeremy Schaub – Project presentation
  - = Craig Harner – Adding a unit
  - Teera Price – Opposition
  - Marsha Crockett – Opposition
  - Mike Buhler – Opposition
  - + Laura Clark – Support
  - Speaker – Historic preservation
  - = Allison Vanderslice – Response to questions
- ACTION: After hearing and closing PC; Continued to November 15, 2018 with direction from the CPC.
- AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

## G. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

19. 2016-005406DRP (E. JARDINES: (415) 575-9144)  
42 OTIS STREET – between Brady and 12th Streets; Lot 020 in Assessor's Block 3505 (District 6) - Request for **Discretionary Review** of Building Permit Application No. 2017.0330.2802, for new construction of a five-story, 55-foot tall, mixed-use building with 24 SRO dwelling units and ground floor commercial at 42 Otis Street within a NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District and 50-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*

- SPEAKERS: = Esmeralda Jardines – Staff report  
 - Sue Hestor – DR presentation  
 + Steve Vettel – Project presentation  
 + Laura Clark – Support, no parking  
 + Jonathan Pearlman – Response to questions
- ACTION: Did NOT Take DR
- AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards
- ABSENT: Fong
- DRA: 0609

20. 2017-015386DRP (D. WINSLOW: (415) 575-9159)  
838 PAGE STREET – between Scott and Pierce Streets; Lot 011 in Assessor's Block 0845 (District 5) - Request for **Discretionary Review** of Building Permit Application No. 2017.1115.4089, for construction of a horizontal and vertical addition (the first story extending 17'-5" from the existing rear wall and the second and third stories extending 11'-0" from the existing rear wall) at the rear of the existing 2-story single-family home within a RH-3 (Residential, House, Three-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*

SPEAKERS: = David Winslow – Staff report  
 - Speaker – DR presentation  
 + Sven Lavine – Project presentation  
 ACTION: Took DR and Approved with conditions:  
 1. Install a 9'-9" green privacy screen wall at the property line.  
 AYES: Hillis, Johnson, Koppel, Richards  
 NAYS: Moore  
 ABSENT: Fong, Melgar  
 DRA: 0610

21. 2015-013487DRP (D. WINSLOW: (415) 575-9159)  
1267 RHODE ISLAND STREET – between and 23<sup>rd</sup> and 24<sup>th</sup> Streets; Lot 018 in Assessor's Block 4217 (District 10) - Request for **Discretionary Review** of Building Permit Application No. 2015.09.28.8194, for construction of a horizontal and two-story vertical addition, totaling 2,260 s.f. to an existing 2-story, two-family residence at 1267 Rhode Island Street within a RH-2 (Residential, House, Two-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*

SPEAKERS: = David Winslow – Staff report  
 - Hugo Gray – DR presentation  
 - Anabelle Temple – Opposition  
 - Jake – Opposition  
 + John Goldman – Project presentation  
 ACTION: Did NOT Take DR  
 AYES: Hillis, Johnson, Koppel, Moore, Richards  
 ABSENT: Fong, Melgar  
 DRA: 0611

ADJOURNMENT – 7:02 PM  
 ADOPTED SEPTEMBER 27, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

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BY dw

## DRAFT Planning Commission Motion NO. M-XXXXX

HEARING DATE: June 28, 2018

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Hearing Date: June 28, 2018  
Case No.: 2013.1535ENV  
Project Address: 450-474 O'Farrell Street/532 Jones Street  
Zoning: RC-4 (Residential-Commercial, High Density)  
North of Market Residential SUD #1  
80-T-130-T Height and Bulk District  
Block/Lot: 0317/007, 009, and 011  
Project Sponsor: 450 O'Farrell Partners, LLC  
Bruce Dorfman, (415) 381-3001  
[BD@ThompsonDorfman.com](mailto:BD@ThompsonDorfman.com)  
Fifth Church of Christ, Scientist  
Elzbieta Strong, (510-579-4179)  
[ela@elastrong.com](mailto:ela@elastrong.com)  
Staff Contact: Chelsea Fordham – (415) 575-9071  
[Chelsea.Fordham@sfgov.org](mailto:Chelsea.Fordham@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED-USE PROJECT THAT INCLUDES APPROXIMATELY 182,668 SQUARE FEET OF RESIDENTIAL USES (APPROXIMATELY 176 UNITS), 3,827 SQUARE FEET OF RESTAURANT/RETAIL SPACE, AND 9,555 SQUARE FEET OF RELIGIOUS INSTITUTION USES. THE PROJECT WOULD ALSO INCLUDE VEHICULAR PARKING, BICYCLE PARKING, AND PUBLICLY-ACCESSIBLE AND PRIVATE OPEN SPACE.**

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2013.1535ENV, for the 450-474 O'Farrell Street/532 Jones Street Project at 450-480 O'Farrell Street and 532 Jones Street Project, above (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on August 21, 2015.

- B. On October 25, 2017, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on October 25, 2017.
  - C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on October 25, 2017.
  - D. On October 25, 2017, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
  - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on October 25, 2017.
- 2. The Commission held a duly advertised public hearing on said DEIR on November 30, 2017 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on December 11, 2017.
  - 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 47-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on June 13, 2018, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  - 4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.
  - 5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
  - 6. On June 28, 2018, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
  - 7. The project sponsor has indicated that the presently preferred project is the Preferred Project, analyzed in the Comments and Responses document, and as further refined as described in the various proposed approvals for the 450-474 O'Farrell Street/532 Jones Street Project.

8. The Planning Commission hereby does find that the FEIR concerning File No. 2013.1535ENV reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.
9. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR:
  - A. Will have significant, project-specific impact on historic architectural resources;
10. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 28, 2018.

Jonas Ionin

Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

ZACKS, FREEDMAN & PATTERSON  
A PROFESSIONAL CORPORATION  
OPERATING ACCOUNT  
235 MONTGOMERY STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94104

FIRST REPUBLIC BANK  
SAN FRANCISCO, CA 94111  
11-8166/3210

20035

DATE  
10/15/18

AMOUNT  
\*\*\*\*\*\$617.00

PAY

\*\*\* SIX HUNDRED SEVENTEEN & 00/100 DOLLARS

TO THE San Francisco Planning Department  
ORDER 1650 Mission Street, Suite 400  
OF: San Francisco CA 94103

MEMO: Appeal of EIR Report -540 Jones St

  
AUTHORIZED SIGNATURE

Security features included. Details on back.

ZACKS, FREEDMAN & PATTERSON  
A PROFESSIONAL CORPORATION - OPERATING ACCOUNT

20035

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