

# Moscone Emblidge & Rubens

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June 16, 2023

Board President Peskin  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244,  
San Francisco, CA 94102

SCOTT EMBLIDGE  
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## Re: 1151 Washington Street CUA Appeal – June 27, 2023 Hearing

Dear President Peskin and Members of the Board,

I represent the owners of 1155 Washington Street (the “Neighbors”) which sits immediately adjacent to the 1151 Washington Street “spite” project reluctantly approved by the Planning Commission on April 20, 2023. I call it a spite project because the project sponsor has made it clear through extensive online posts that he is proposing this monstrosity because of his anger at the City for having turned down an earlier remodel project that did not comply with the Planning Code. His unfortunate response has been to “show” the City – if he can’t have what he wanted, he’ll pursue the most out-of-character project he can get an architect to design.

This project is absurd in so many ways. In a residential area of Nob Hill, it would unnecessarily build out the entire lot, leaving no rear yard for the project’s hypothetical residents (or their neighbors) to enjoy, even though the same number of housing units could be built on the lot without sacrificing the rear yard open space. It would create nine virtually identical “vertical” housing units, each of which sacrifices much usable square footage for a bizarre four-floor spiral staircase, making the units unmarketable to a vast swath of the population – people with mobility constraints, the elderly, young families – who for health and/or safety reasons will not be willing or able to, for example, traverse (or risk their toddlers traversing) three floors of spiral stairs every time they want to bring a cup of tea from the kitchen to the master bedroom. And, it would provide access to these nine units via one 137’6” long narrow walkway, which has no fewer than eight sets of exterior stairs, again precluding the mobility impaired from accessing most of the units and, as discussed in more detail below, endangering the health and safety of the hypothetical residents of these units because of inadequate access for firefighters.

If that weren’t bad enough, the spite project throws a massive shadow on the neighboring playground, one of the few recreational open spaces in the Lower Nob Hill/Chinatown neighborhood. It does so by building up to 40’7” all the way to the rear property line, eviscerating the 34’4” rear-yard normally required at the site. The design does not even make an attempt to mitigate the severe shadow impact.

While the Neighbors understand the need for housing and the objectives of the State Density Bonus Program, and agree that this lot could support additional housing units, they oppose this project because of its significant impacts on the public health and safety, and, fundamentally because its design shows complete disregard for the concerns of the Neighbors, the neighborhood in general, and the children, seniors, and families who use the adjacent playground. **Exhibit A** shows the breadth of neighborhood opposition to the project. We are aware of no neighborhood support.

The Board should overturn the Planning Commission's approval of the project for the following reasons.

**1. The project would unnecessarily harm the health and safety of the users of the Betty Ann Ong Recreation Center.** The proposed project would construct a four-story, 47-foot tall<sup>1</sup> building towering above the recreation center's outdoor play areas. The Betty Ann Ong Center is one of the few recreation spaces available to the residents of this underserved neighborhood.



The project would significantly impact the center's outdoor play area by casting a tremendous afternoon shadow – precisely the time when the outdoor area is most used. As explained in detail in **Exhibit B**, the project would reduce the available sunlight on the play areas by up to **45.15** percent<sup>2</sup> over existing conditions between the hours of 3 and 6 p.m. when the courts and playgrounds are the most heavily used. And adding

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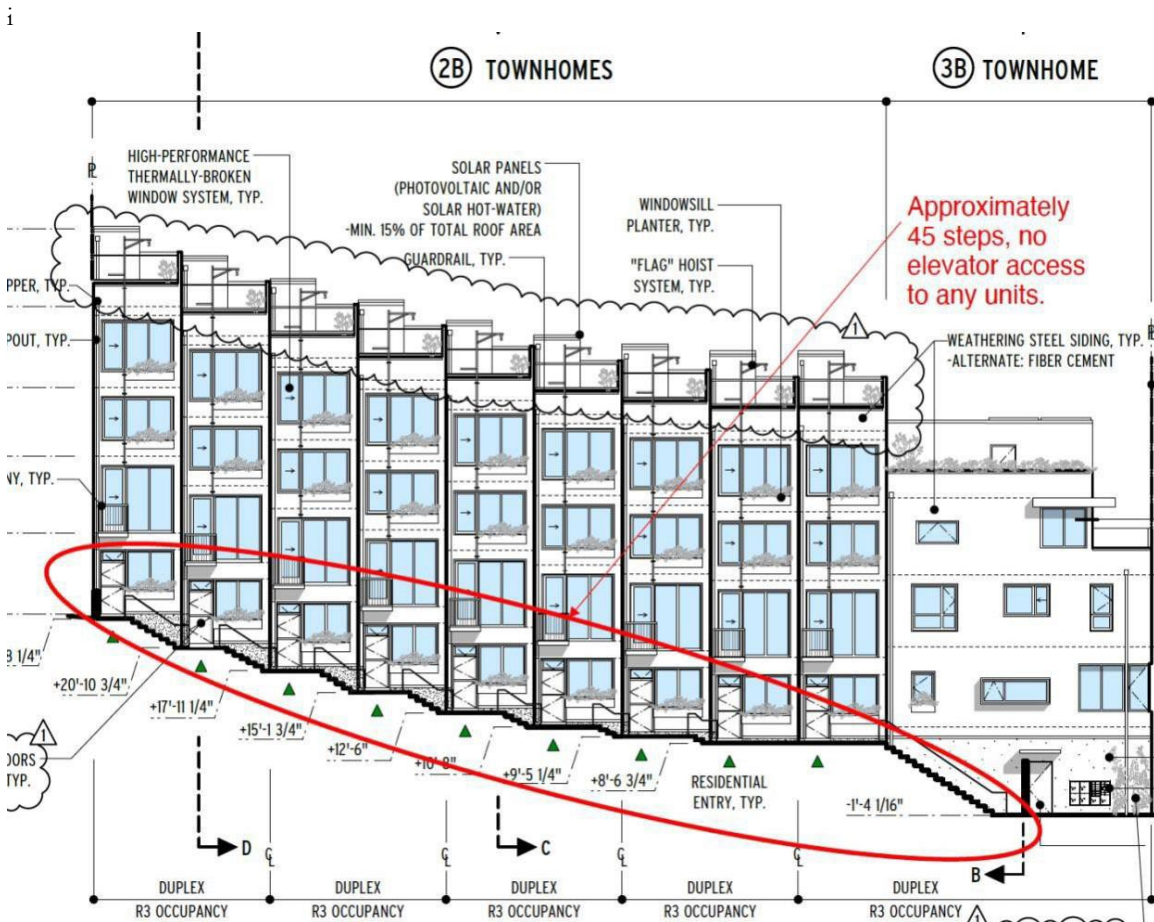
<sup>1</sup> Under Section 260 (b) of the Planning Code, the seven-foot privacy walls on the roof are not excluded from the height calculation. Therefore, the project is really 47-feet tall, not 40-feet tall.

<sup>2</sup> This would occur on May 3 and August 9 at 5 PM.

existing shadow to the net new shadow would cause up to **86.20 percent** of these outdoor areas to be covered in shadow leaving just a small sliver of sunlight.<sup>3</sup>

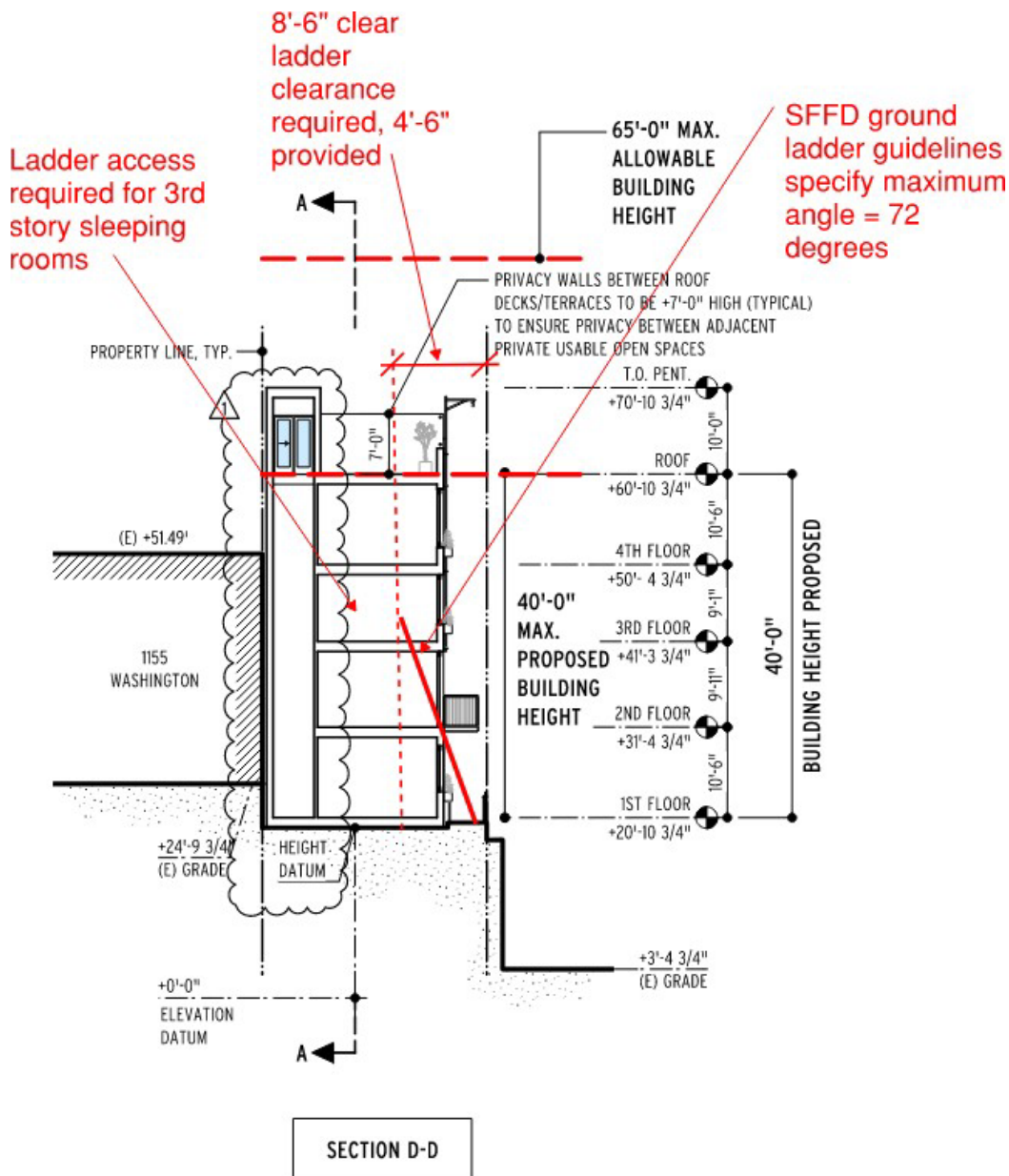
Please see **Exhibit B** and its attachments for more diagrams and detailed information about the shadow impacts of the proposed project.

**2. The project would cause significant health and safety impacts.** The project would result in significant health and safety impacts and does not meet code-required life safety standards. The townhomes are built front to back, north to south. The means of egress and access to the townhomes is a five-foot wide, 137-foot-long alleyway with eight flights of stairs. No other means of egress or access exists. If a fire occurs in any of the front townhomes, there is no way for the rear townhome residents to escape other than to run towards the fire, down a total of eight flights of stairs, and travel down a 137-foot-long alleyway before reaching the public road.



<sup>3</sup> Again, this would be the condition on May 3 and August 9 at 5 PM.

Not surprisingly, California regulations do not allow for this type of dangerous condition. See **Exhibit B**, a letter from architect Robert Baum, and **Exhibit C**, a letter from Fire Protection Engineer Robert Burt. Moreover, the narrow, five-foot-wide walkway does not provide sufficient width to enable firefighters, after ascending multiple sets of stairs, to place ladders that would reach the top stories of the units.



Other health and safety impacts include (a) geotechnical risks to the foundations of neighboring properties given the slope of the property and nature of underlying soil (see Exhibit B), and (b) the potential for contaminated soils to migrate to the outdoor play

areas during construction (discussed in an appeal filed by another neighbor), and (c) glare impacts (identified by the Recreation and Park Department).

**3. Requirements under Planning Code Section 206.6(d)(5) were not met.** The project seeks a plethora of waivers from Planning Code requirements in exchange for providing only one unit beyond what would normally be permitted at the site. In exchange for providing this one additional housing unit the project sponsor is asking for *five* waivers including rear-yard setback, dwelling unit exposure to open space, front-yard setback, and controls on large residential projects in this neighborhood.

But San Francisco Planning Code Section 206.6(c)(4) requires a developer seeking such waivers to demonstrate that the waivers are necessary to achieve the project's proposed density; i.e. that application of normal set back requirement would "have the effect of physically precluding the construction of a Housing Project at the densities" proposed." The Code could hardly be more clear:

The Planning Commission **will not grant a waiver** or modification under this Section unless it is **necessary to achieve the additional density** or the Concessions or Incentives permitted by this Section 206.6. The developer must submit sufficient information as determined by the Planning Department demonstrating that Development Standards that are requested to be waived or modified will have the effect of **physically precluding the construction of a Housing Project** meeting the criteria of this Section 206.6 at the densities or with the Concessions or Incentives permitted.

Section 206.6(c)(4), emphasis added.

The project sponsors have again thumbed their noses at the City, failing to provide any evidence regarding why these waivers are necessary to build a ten-unit housing project at this location. Their disregard of this rule is no doubt based on their inability to provide any coherent justification. As shown in **Exhibit B** it is possible to construct a 10-unit project at the site without waiving the rear-yard setback requirement, thus preserving light to the outdoor play area next door. Of course, there are many other alternative designs besides the one shown in **Exhibit B** (such as, for example, simply reducing the size of the large, proposed unit closest to Washington Street) that would enable construction of a 10-unit building without waiving (indeed, completely obliterating) the Planning Code's setback requirements, which are designed to preserve mid-block open space, provide usable open space onsite, and minimize impacts on surrounding properties.

Particularly absurd is the requested waiver of the requirement to seek conditional use approval under the interim zoning controls imposed by this Board over large residential projects in this district. The projects sponsors want to build one, oversized unit at the

front of the project but claim, paradoxically, that they need a waiver of the controls on large units in order to build an additional small unit. Obviously, enforcement of the controls on large units at the site would make it easier, not harder, to fit ten units on the lot.

**4. Conditional Use Authorization Findings were not met.** In order to approve the Conditional Use Application, the Planning Commission was required to make many findings that no reasonable board or commission could make relating to this project. For example, the Commission had to find: "Overall, the Project is proposing to increase the total number of dwelling units, while maximizing the amount and types of housing in the neighborhood to serve a wide variety of people, including a range of income, ages, and household and family compositions. As such, the project is necessary, desirable and is compatible with the neighborhood. The proposed size, shape, and topographical arrangement of the Project will also match that of neighboring structures, and the Project overall will aesthetically enhance the neighborhood."

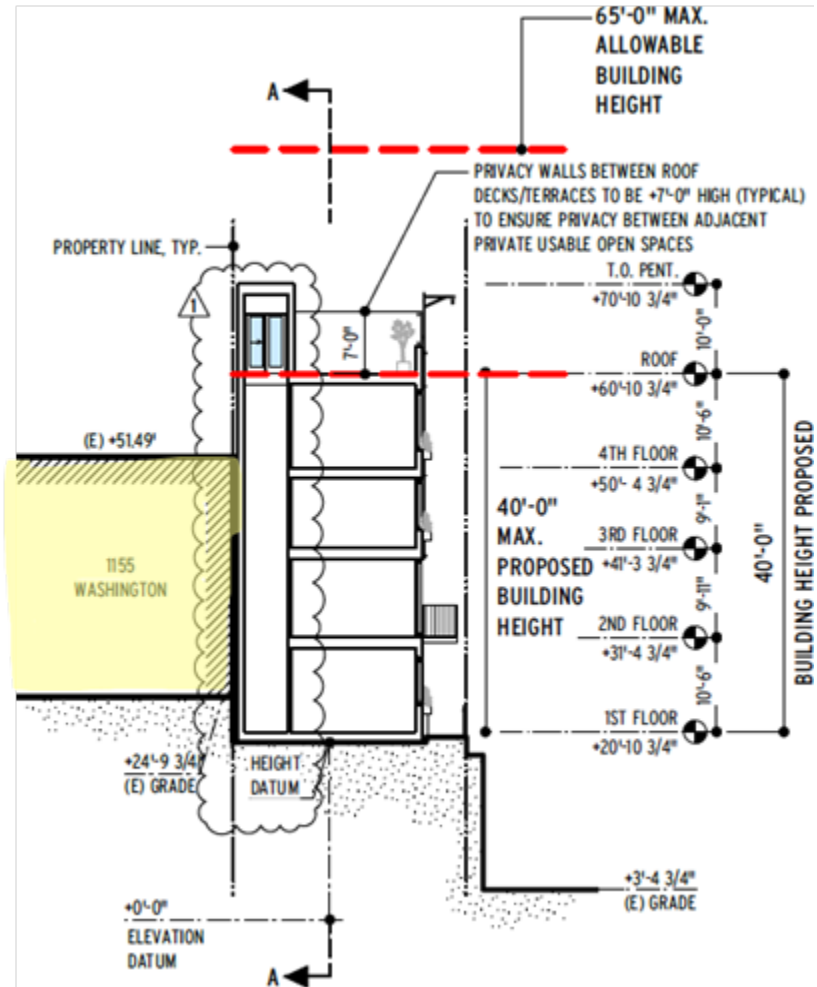
As explained above, the project certainly will not serve a wide range of people, because residents with mobility impairments, the elderly, or families with children cannot reasonably be expected to buy a four-story unit whose levels are served only by one, open, spiral staircase. Not only could mobility impaired individuals not live in these units, they could not come over for dinner – my elderly father-in-law uses a walker and could not climb the many levels of exterior stairs to get to a unit and, even if he could, he there are no bathrooms in the units' first or second levels.

The project is far from "necessary, desirable and compatible with the neighborhood," given its extraordinary height, bulk, complete elimination of the rear yard, and the shadow it casts. And, the project's "size, shape, and topographical arrangement" clashes with, rather than matches, neighboring structures.

As shown in the image below, 1165, 1157, and 1175 Washington, well as 1150 and 1144 Clay are not built out to the full depths of their lots. In fact, the project's proposed lot coverage and massing are inconsistent with the scale, composition, and details, of the neighborhood buildings and bears no relationship to the defining features of the surrounding buildings on the subject block.



**5. The project would significantly impact the Neighbors' access to light.** The project has been designed with no consideration for the three adjacent neighbors to the west. The project has no setback from 1155 Washington (shown in yellow below) and will eliminate nine windows and over 50 percent of the light to the Neighbors' home.



As shown above, the project will be approximately 20' taller than the Neighbors' home at 1155 Washington Street and will provide absolutely no setback from their eastern façade. Because the Neighbors' home is immediately adjacent to the western wall of the proposed development, the project will eliminate all windows on the east side of their home, significantly reducing light and air access. As shown below, the primary bedroom windows are in red, the primary bathroom windows are in blue, and living/dining room windows are in yellow. Because the structure would rise approximately 20 feet over the top of the Neighbors' building it would also block light from the east to our north-facing windows.





**7. Imbalance between what is provided by the project and the impacts that result.** If this project were approved and constructed as proposed, who would “win”? Only the spiteful project sponsors and the residents of the ten units. Both these “winners” would also win if the project were redesigned and built in manner consistent with **Exhibit B**.

Who would lose if the project were built as proposed? The children, the elderly, and the families that enjoy using the neighboring playground. The surrounding neighbors who currently enjoy access to mid-block open space. Immediately adjacent neighbors whose access to light and air to their homes will be substantially eliminated or reduced. And the local planning process that has for decades protected the City from projects like this that are completely incompatible with the neighborhoods in which they have been proposed. All those downsides are completely avoidable as **Exhibit B** makes clear – a ten-unit housing project can be built on this site without causing all these negative impacts.

Please overturn the Planning Commission’s approval of the conditional use application.

Respectfully,

*J. Scott Emblidge*

Scott Emblidge

Board of Supervisors

June 15, 2023

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cc: Supervisors Chan, Stefani, Engardio, Preston, Dorsey, Melgar, Mandelman,  
Ronen, Walton, and Safai

# EXHIBIT A NEIGHBORHOOD OPPOSITION MAP



**Legend:**

- = Project Site
- = Public Space (Betty Ann Ong Recreation Center and Cable Car Museum)
- = Residents opposing the project at 1151 Washington Street

**EXHIBIT B**  
**LETTER FROM ARCHITECT ROBERT BAUM**

Board President Peskin  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244,  
San Francisco, CA 94102

**Re: 1151 Washington Street CUA Appeal – June 27, 2023 Hearing**

Dear President Peskin and Members of the Board:

I am a licensed Architect. I have lived and practiced in San Francisco for more than 40 years. During that time, I have designed and built hundreds of multi-family housing units. Project types include high-rise, mid-rise and low-rise. Many of them have been in sensitive neighborhoods, where I have endeavored always to design buildings which achieve my clients' goals, and at the same time, to fit well within existing neighborhood contexts.

I recognize the need for new housing to be built, and I support that effort. But in this case, the *Approved* design for 1151 Washington Street is poorly conceived. It unnecessarily creates negative impacts which will irrevocably damage the surrounding neighborhood, including the Betty Ann Ong Recreation Center and adjacent residences. The following is intended to highlight these impacts, particularly those which will create negative consequences for health and safety.

**SUMMARY**

This site, in a classic San Francisco neighborhood, begs for a much better solution. The *Approved* design is unusual and radical.

- No justifications are provided for any of the requested waivers.
- The design casts shadows with severe negative consequences for the playground and sport courts at the Betty Ann Ong Recreation Center, and it does so in particular at the times of most intense use.
  - At the Planning Commission hearing, Planning staff asserted that an alternative design would cast “equal or greater” new shadow on the Recreation Center. I offer herein an *Alternative Project* which casts considerably less shadow than the *Approved Project*, especially at times of most intense use. I do not assert that this is the only feasible alternative design which would provide housing at this site. I have provided it to demonstrate that the design of the *Approved Project* is unnecessarily harmful. (Please see the Appendix for plans and section for the *Alternate Project*).
  - I also provide shadow analysis by Adam Noble of Fastcast, depicting the extensive new shadow cast by the *Approved Project* on the outdoor play areas, and comparing it to the new shadow which would be cast by the *Alternate Project*. This analysis focuses on the period between 3 and 6 pm at various times of the year. The *Alternate Project* casts substantially less new shadow throughout the year. As an example, on August 9<sup>th</sup>/May

**3<sup>rd</sup>, the *Alternate Project* casts between 33 and 62% less new shadow on the outdoor play areas, between 3 and 6 pm, than the *Approved Project*.**

- The design has fundamental Building Code flaws, creating profound, objective, substantial life safety concerns.
- There is no accessibility provided to or within any of the units, for those with disabilities and for seniors.
- While it is claimed that the project is to provide family housing, a commonsense review of the unit plans demonstrates that the units are not suitable for families.
- The design of the *Approved Project* is completely out of character with the surrounding neighborhood. Typical in this neighborhood are buildings fronting the street, with rear yards behind, rear yards which contribute to the mid-block open space, providing light and air to residents. The assertion by the Project Architect that it is in keeping with precedents like *Cottage Row* is absurd on its face. *Cottage Row* is much smaller in scale (made up of separate 2 to 3-story buildings, each on its own lot). It is accessed not by a narrow private 5' walkway, but rather by a nearly 10' wide public walkway. For a substantial portion, the public walkway is adjacent to and at the same elevation as a *Mini-Park* which is 40' wide. There is access on each end of *Cottage Row* for exiting and fire-fighting access. On the rear of the *Cottages*, backyards adjoin the backyards of adjacent residences in a manner which is far more consistent with San Francisco neighborhood patterns.
- The site slope exceeds 25% along the west property line, and given the potential for liquefaction, endangers the existing structure at 1155 Washington Street.
- The design unnecessarily harms the livability of existing residences which have been in place since the 1950's.
- Site constraints and the magnitude of the *Approved Project* design on a very narrow site present logistical obstacles which will be extremely difficult, if not impossible to overcome without severely impacting neighborhood life for a very lengthy construction period.

Please see below for a detailed explanation of each of these negative impacts:

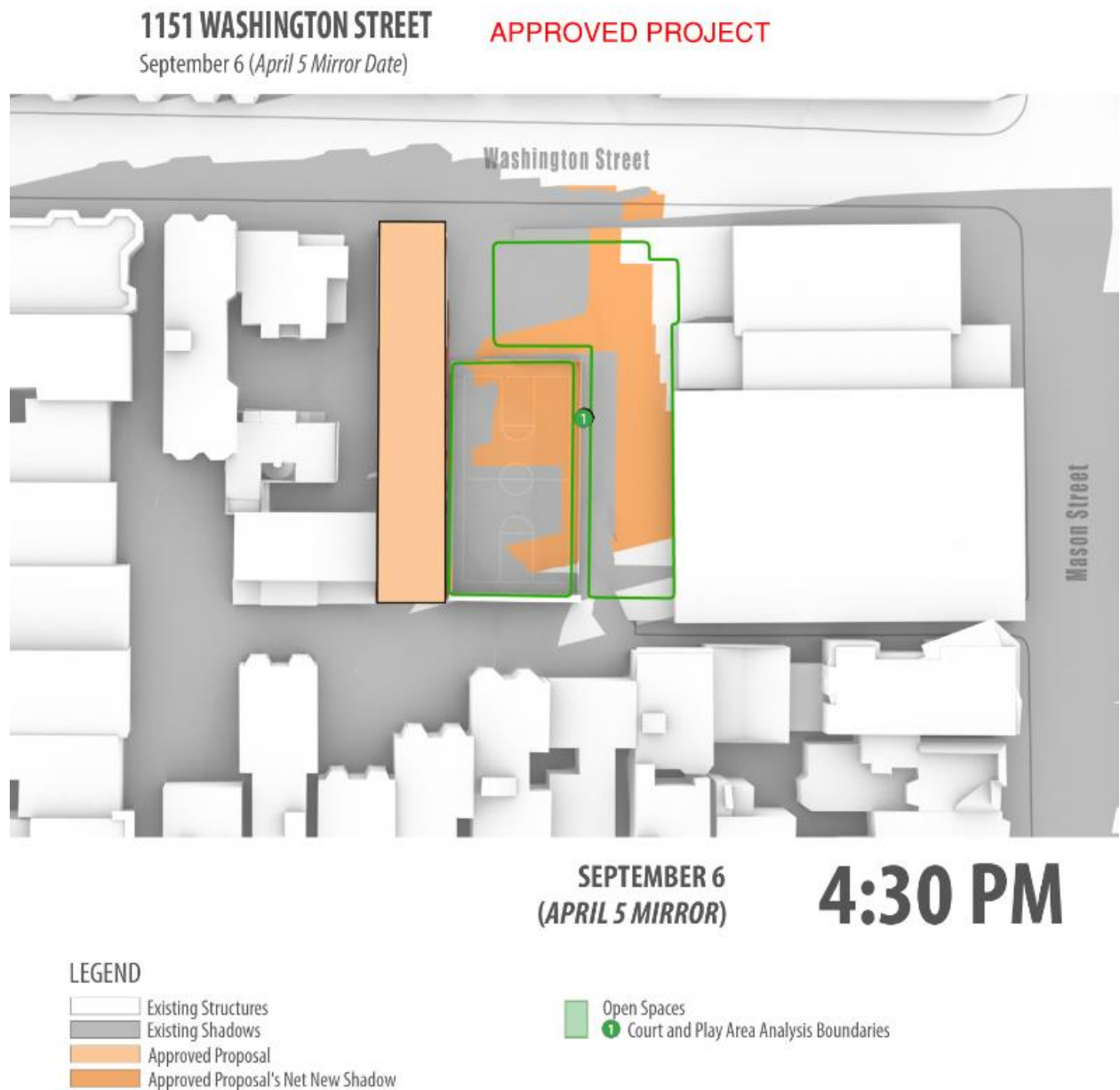
**DESTRUCTION OF MID-BLOCK OPEN SPACE/ CASTING SHADOWS ON BETTY ANN ONG RECREATION CENTER PLAYGROUND AND BASKETBALL COURT**

The *Approved Project* would loom over the Recreation Center, reaching a height which is as much as 70' above the adjacent basketball court and playground. The new shadow would be greatest at times of peak use, in the afternoon in Spring and Fall. As designed, it should be subject to Prop K review by the Rec and Parks Commission because the 7' privacy walls atop the 40' roofline are not permitted exceptions to the height measurement per the Planning Code. Planning Code Section 260(b)(2)(D) exempts "unenclosed seating areas limited to tables, chairs and benches, and related windscreens, lattices and sunshades with a maximum height of 10 feet" from the height limit. However, walls are not windscreens and therefore are not exempt from the height limit.

At the Planning Commission hearing, it was asserted that alternative designs would cast equal or greater shadows. In order to understand why that assertion is incorrect, I have offered an *Alternate Project* which provides the equivalent number of dwelling units—10-- and does so with substantially reduced shadows on the Recreation Center. This design is based on market-tested approaches to designing

multi-family housing projects, with wheelchair access provided to all 10 units, and marketable/buildable unit mix and square footages provided. It maintains a Rear Yard (critical to reducing shadow impacts), and steps down from north to south, to further reduce shadow impacts.

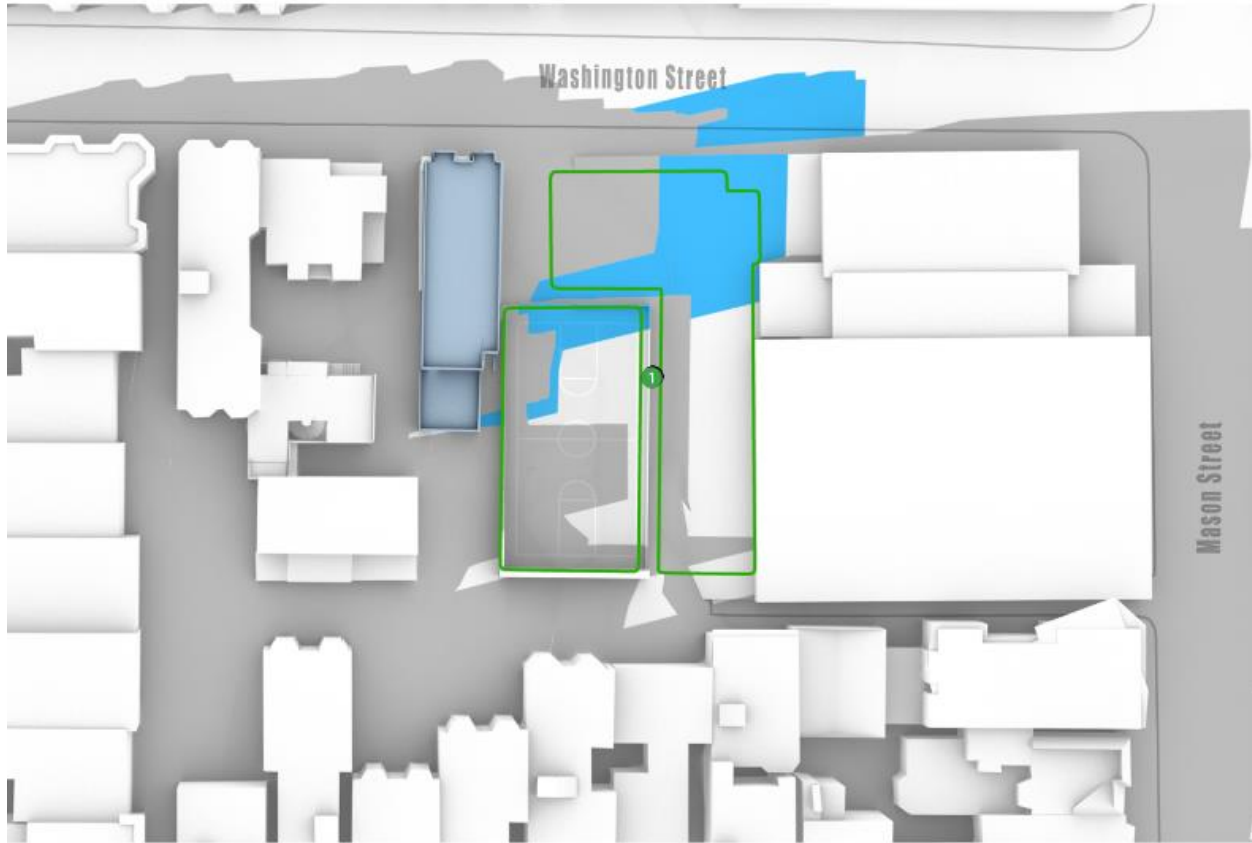
The following plan views demonstrate the extent and location of new shadow which would be cast by the *Approved Project* and compares it to the new shadow which would be cast by the *Alternate Project*. They depict the locations of existing shadows and new shadows during hours of peak use on September 6<sup>th</sup> and April 5<sup>th</sup>. As you can see, the Approved Project would nearly obliterate all sunny areas during this time, while the Alternate Project would leave large areas in sunshine. It's also clear that maintaining a rear yard is crucial to preserving sunshine on the play areas in the afternoons.



# 1151 WASHINGTON STREET

September 6 (April 5 Mirror Date)

# ALTERNATE PROJECT



SEPTEMBER 6  
(APRIL 5 MIRROR)

4:30 PM

## LEGEND

- Existing Structures
- Existing Shadows
- Alternative Project
- Alternative Project's Net New Shadow

- Open Spaces
- Court and Play Area Analysis Boundaries



The impact of the *Approved Project* on the available sunshine at the play courts in the afternoon is not limited to certain times of the year. It occurs throughout the year, and it is substantial.

The Appendix contains graphs and tables documenting the extent of new shadow and compares it to the new shadow which would be cast by the *Alternate Project*.

An example of these graphs and tables is shown below and on the next page. On September 20<sup>th</sup>/March 22<sup>nd</sup>, the shadows cast by the *Alternate Project* would be significantly reduced from those cast by the *Approved Project* during hours of peak use. This reduction is apparent during the hours between 3pm and sunset throughout the year. The red area indicates the reduction in shadow if the *Alternate Project* replaced the *Approved Project*.

At 4:00, for example:

Existing shadow= 4210 sf

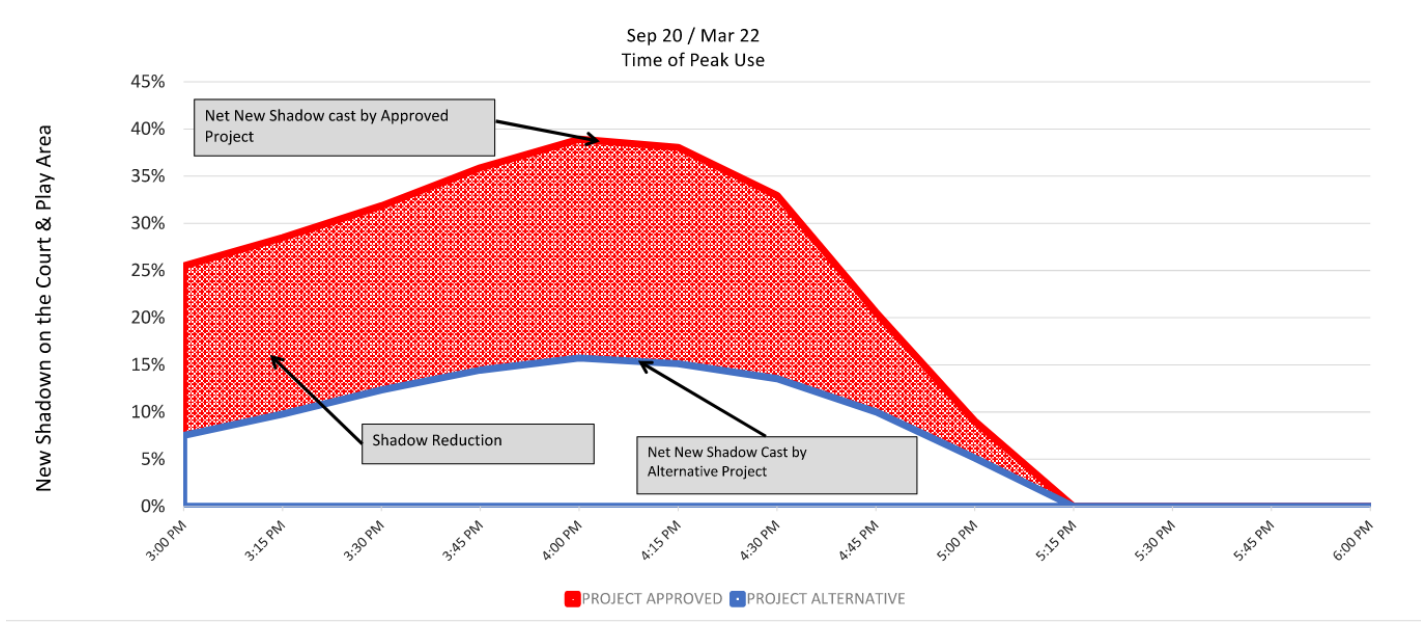
New shadow cast by *Approved Project*= 3516 sf

New shadow cast by *Alternate Project*= 1622 sf

Shadow reduction= 2094 sf (nearly 60 % of new shadow cast by *Approved Project*)

## Sep 20 / Mar 22

Analysis Time	PROJECT EXISTING	PROJECT APPROVED	PROJECT ALTERNATIVE	SHADOW REDUCTION
3:00 PM	27.07%	25.49%	7.51%	70.52%
3:15 PM	31.02%	28.48%	9.79%	65.63%
3:30 PM	34.76%	31.85%	12.34%	61.24%
3:45 PM	40.00%	35.88%	14.44%	59.75%
4:00 PM	46.59%	38.91%	15.73%	59.57%
4:15 PM	55.24%	38.03%	15.12%	60.24%
4:30 PM	65.05%	32.95%	13.54%	58.91%
4:45 PM	78.79%	20.57%	10.02%	51.27%
5:00 PM	90.96%	9.03%	5.12%	43.36%
5:15 PM	100.00%	0.00%	0.00%	NA
5:30 PM	100.00%	0.00%	0.00%	NA
5:45 PM	100.00%	0.00%	0.00%	NA
6:00 PM	100.00%	0.00%	0.00%	NA



Overlaying the *Alternate Project* massing (in purple) atop the *Approved Project* further demonstrates why the shadow (and frankly visual) impacts of the *Approved Project* are so detrimental to the Recreation Center:



(In the Appendix to this letter, I include floor plans and a section for the Alternate Project, along with square footage comparisons between the Approved Project and the Alternate Project.)

## **UNUSUAL DESIGN WHICH DOES NOT MEET OBJECTIVE BUILDING CODE REQUIREMENTS**

### Resident evacuation and egress from the townhomes:

The townhomes are built front to back, north to south. The means of egress and access to the townhomes is a 5-foot wide, 137-foot-long alleyway with eight flights of stairs. No other means of egress or access exists. If a fire occurs in any of the front townhomes, there is no other way for other townhome residents to escape. They must run towards the fire, down a total of eight flights of stairs, and travel down a 137-foot-long alleyway before reaching the public road.

California regulations explicitly do not allow for this condition as designed. Even with all the exceptions that the development is requesting, this exit route is not permitted. California requires such exit routes be limited to a maximum of 125 feet in travel distance for fire and life safety (2022 CBC Section 1028.1, 2022 CBC Table 1006.3.4). The 137-foot-long exit route is unsafe, hazardous, and not permitted.

### Firefighter access and emergency escape windows on the upper floors.

All of the development's bedrooms are required to have emergency escape and rescue windows by state regulations. This is both to allow residents to escape from their home if a fire occurs, and to allow firefighters to access the windows to contain the fire and ensure the safety of the community. California regulations require rescue windows be **readily accessible** by firefighter ladders, and an approved access walkway provided where required by the fire code official (2022 CFC 504.1). The California Fire Marshal requires that rescue windows must be accessible using ground ladders (CalFire Interpretation 18-005).

### This means that the development must be designed so that firefighters:

- 1). Can readily carry their ground ladders along the walkway to the townhome window area in a safe and readily accessible manner.
- 2). Can set up ladders on the ground to the rescue windows in a safe and secure manner following the San Francisco Fire Department Ladder Manual.

Unfortunately, neither of these requirements are met in the *Approved* development.

The access path to the farthest townhome required firefighters to travel up eight flights of stairs, and down a 5-foot wide and 137-foot-long walkway. This exceeds the maximum allowable walkway length as described above and would be extremely hard to access by the fire department.

Furthermore, firefighters cannot safely set up ladders from the walkway or from any location on the *Approved* development.

The San Francisco Fire Department Ladder Manual maximum accessible ladder angle is 72° from horizontal. To safely access the development's third-story rescue windows (24'-6" high), the ground ladder must be placed at least **8 feet-6 inches** away from the building. The *Approved* development's walkway is only 5 feet wide. There are also at least 6-inches of obstructing guardrails and handrails.

Therefore, at least an additional 4'-6" of walkway width must be provided to make the windows accessible by firefighters as required by the California State Fire Marshal and California regulations. Overall, these conditions raise concerns about the safety of the development and the hazards it would cause to the City and surrounding community. Both the egress conditions for occupants from the rear townhomes, and the rescue window conditions for every townhome are not permitted by state regulations. They represent a hazard to the occupants and City rescue personnel.

To access the farthest townhome as designed would require firefighters to travel down a narrow 137-foot-long unprotected walkway, and up eight flights of stairs to just reach the front door. Then, after traveling up eight flights of stairs to reach the front door, firefighters would then be forced to attempt to either:

- scale up to four floors of a narrow and confined spiral stairway carrying all their equipment (which may not be possible), OR
- risk placing their ladders at an unsafe and hazardous angle to reach rescue windows, thereby risking fall or injury by both themselves and anyone they are rescuing.

The development also represents a hazard to the neighboring properties. If the townhomes cannot be accessed in a safe manner, firefighters would be unable to contain the fire.

An uncontained fire presents a significant risk to life and property. Such a situation would be a hazard to all the neighboring properties located adjacent to the *Approved* development, other buildings in the development itself, and the local community and first-responders as a whole.

In accordance with California State Regulations, the development would represent a specific, adverse impact upon public health and safety.

The adverse detriment to public health and safety would be **specific, quantifiable, direct, and unavoidable** under the *Approved* design.

It is **specific** in that Title 24 of the California Code of Regulations, the California Fire Marshal published written interpretations, and San Francisco Fire Department Ladder Manual outline that the development is **unsafe**:

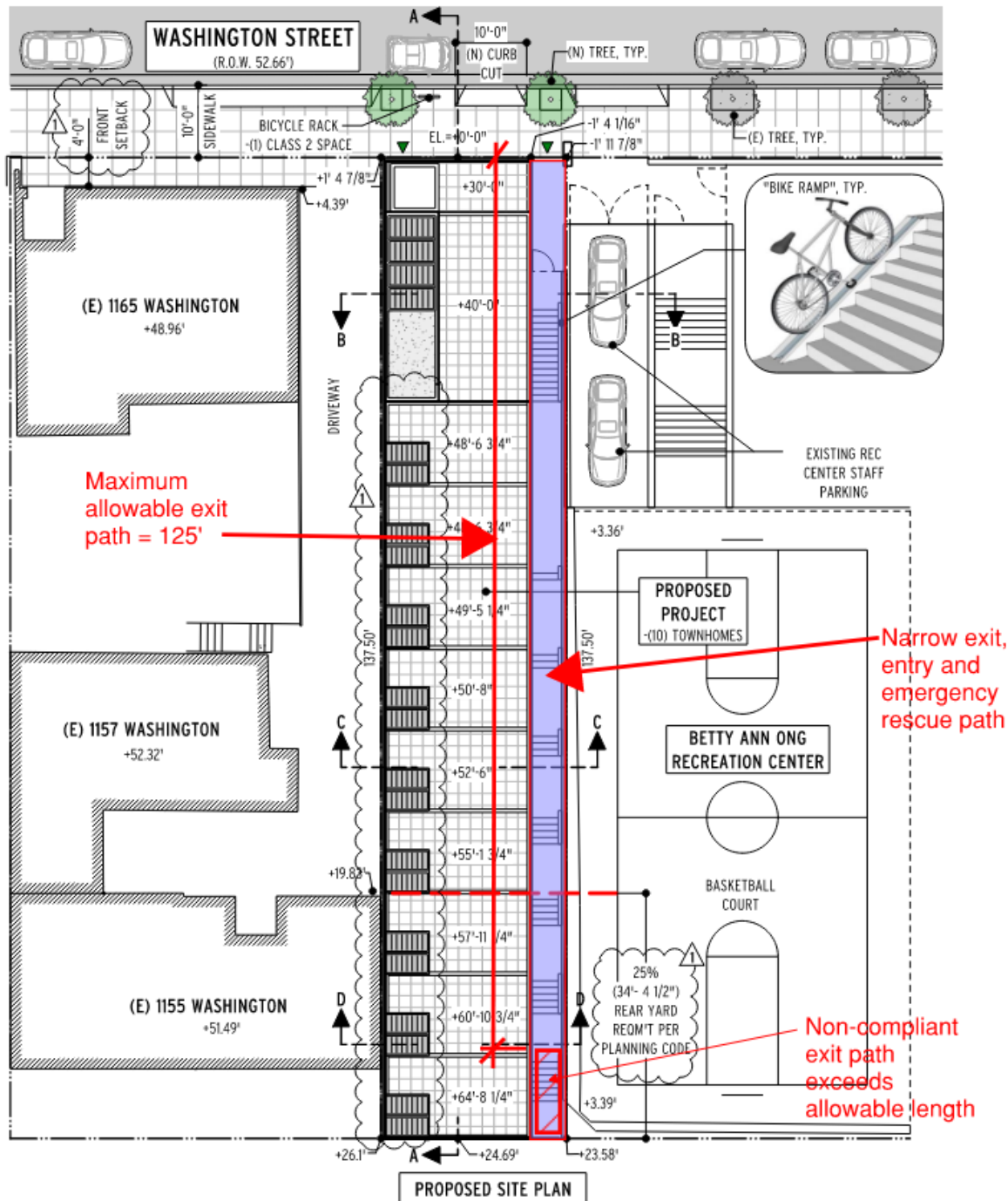
- Title 24, California Code of Regulations, California Building Code Section 1028.1 and Table 1006.3.4
- Title 24, California Code of Regulations, California Fire Code Section 504.1
- Title 24, California Code of Regulations, California Fire Marshal Official Interpretation 18-005
- San Francisco Fire Department Ladder Manual, Section 2

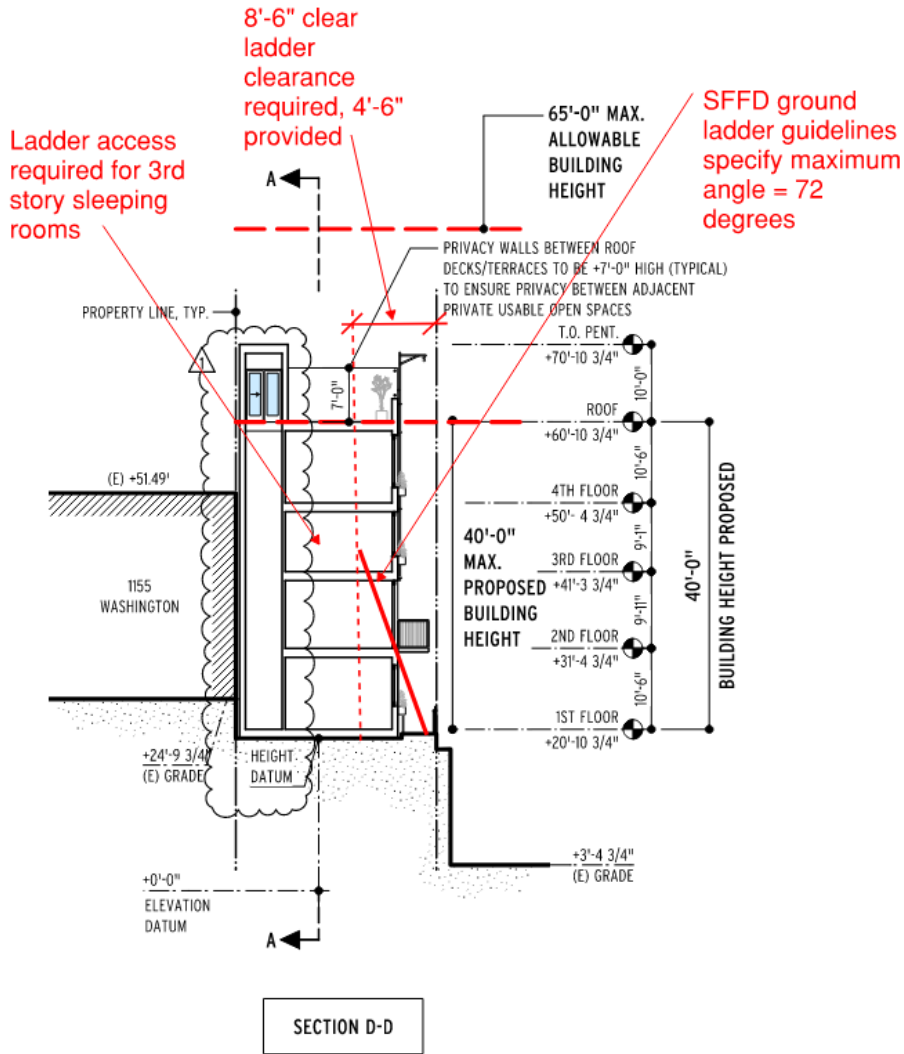
It is **quantifiable** in that the Title 24 of the California Code of Regulations, the California Fire Marshal published written interpretations, and San Francisco Fire Department Ladder Manual provide the exact distances and angles that must be present:

- The exit travel distance (walkway) must not exceed 125 feet in length, including vertical travel distances.
- Firefighters must be able to place their ladders at the access walkway at an angle no greater than 70° from horizontal (approximately 8 feet from the building).

It is **direct**, in that Title 24 of the California Code of Regulations, the California Fire Marshal published written interpretations, and San Francisco Fire Department Ladder Manual are all clear, written, published minimum fire and life safety standards which must be met by all new construction throughout San Francisco.

It is **unavoidable**, in that there are no other alternatives to meeting these minimum regulations and standards. There are no agencies, regulations, or standards that would apply in lieu of California Code of Regulations, the California State Fire Marshal, and the San Francisco Fire Department in our community.





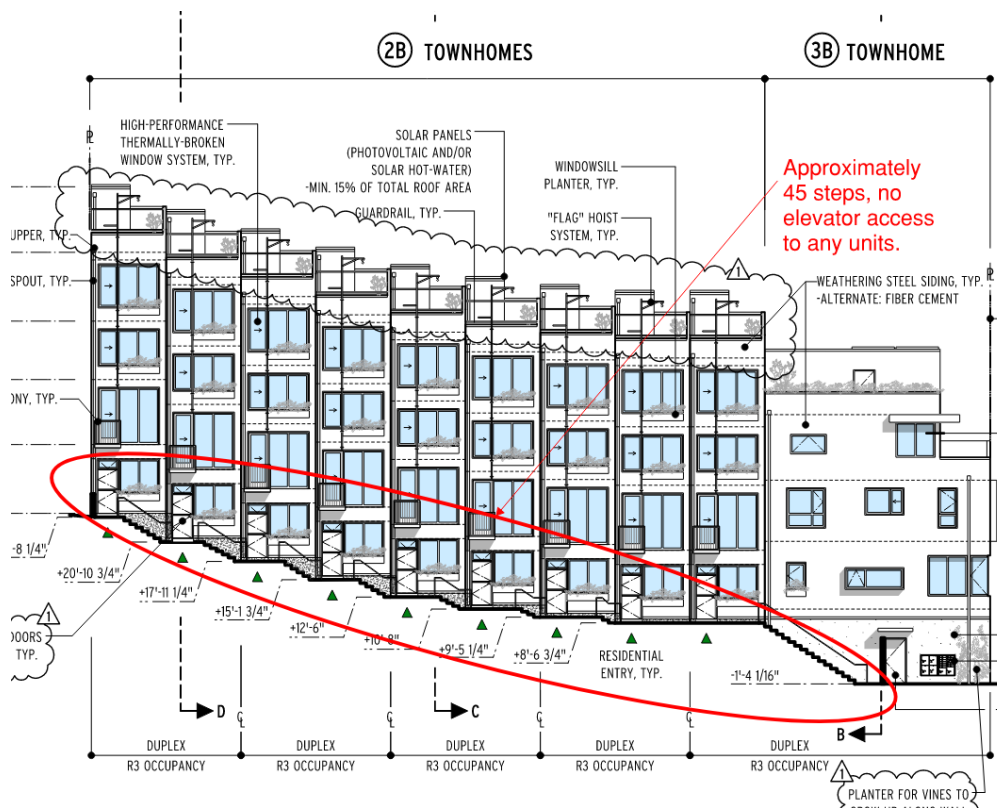
In order to comply with required ladder clearance, the building width would need to be reduced by 4'-6" (see diagram above), resulting in bedrooms which would likely not meet required floor areas, per Section 503 (b) of the Housing Code.

## LACK OF DISABILITY ACCESS

None of the units in the *Approved Project* are designed to accommodate persons with disabilities. The entry path serving the nine townhomes is not usable by persons in wheelchairs, as it contains approximately 45 steps from the street to the furthest unit. This directly contradicts policies contained in the recently approved Housing Element whereby it is stated as a goal to provide housing for seniors and those with disabilities.

Within the units, vertical circulation is provided only by a narrow spiral stair extending from the ground floor to the roof. One must traverse this stair for all movements between the kitchen, the living room and the two bedrooms. Each level contains only one of these spaces. Residents and their guests would have to walk up two narrow flights on the spiral stairs to reach a bathroom, as none are provided on the ground and second stories.

A more traditionally designed project would provide elevator access to all units and all of the units would allow persons with disabilities to move between living spaces, and to access toilets and bathing facilities.





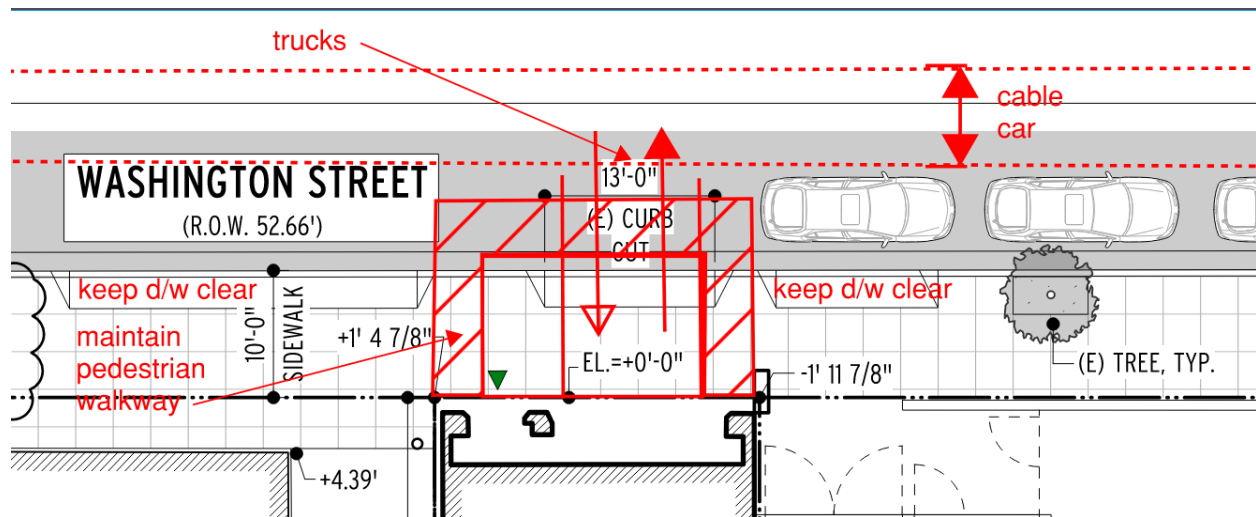




difficult to schedule deliveries and other truck traffic while avoiding interference with Cable Car operation.

The project application indicates that three cranes will be required. The implications for three cranes overhanging the Recreation Center, with children playing and the cranes swinging over nearby residences are, frankly, difficult to imagine.

There's no question that further study is required to understand the impacts of construction on the neighborhood, the Recreation Center, and the Cable Car Museum. This is not an ordinary construction project. The project sponsor should be required to provide a construction logistics plan so that these impacts can be clearly identified prior to further processing of the proposal.



## SUMMARY (re-stated)

This site, in a classic San Francisco neighborhood, begs for a much better solution. The *Approved Project* is unusual and radical.

- No justifications are provided for any of the requested waivers.
- The design casts shadows with severe negative consequences for the playground and sport courts at the Betty Ann Ong Recreation Center, and it does so in particular at the times of most intense use.
  - At the Planning Commission hearing, Planning staff asserted that an alternative design would cast “equal or greater” new shadow on the Recreation Center. I offer herein an *Alternative Project* which casts considerably less shadow than the *Approved Project*, especially at times of most intense use. I do not assert that this is the only feasible alternative design which would provide housing at this site. I have provided it to demonstrate that the design of the *Approved Project* is unnecessarily harmful. (Please see the Appendix for plans and section for the *Alternate Project*).
  - I also provide shadow analysis by Adam Noble of Fastcast, depicting the extensive new shadow cast by the *Approved Project* on the outdoor play areas, and comparing it to the new shadow which would be cast by the *Alternate Project*. This analysis focuses on the period between 3 and 6 pm at various times of the year. The *Alternate Project* casts substantially less new shadow throughout the year. As an example, on August 9<sup>th</sup>/May 3<sup>rd</sup>, the *Alternate Project* casts between 33 and 62% less new shadow on the outdoor play areas, between 3 and 6 pm, than the *Approved Project*.
- The design has fundamental Building Code flaws, creating profound, objective, substantial life safety concerns.
- There is no accessibility provided to or within any of the units, for those with disabilities and for seniors.
- While it is claimed that the project is to provide family housing, a commonsense review of the unit plans demonstrates that the units are not suitable for families.
- The design of the *Approved Project* is completely out of character with the surrounding neighborhood. Typical in this neighborhood are buildings fronting the street, with rear yards behind, rear yards which contribute to the mid-block open space, providing light and air to residents. The assertion by the Project Architect that it is in keeping with precedents like *Cottage Row* is absurd on its face. *Cottage Row* is much smaller in scale (made up of separate 2 to 3-story buildings, each on its own lot). It is accessed not by a narrow private 5’ walkway, but rather by a nearly 10’ wide public walkway. For a substantial portion, the public walkway is adjacent to and at the same elevation as a *Mini-Park* which is 40’ wide. There is access on each end of *Cottage Row* for exiting and fire-fighting access. On the rear of the *Cottages*, backyards adjoin the backyards of adjacent residences in a manner which is far more consistent with San Francisco neighborhood patterns.
- The site slope exceeds 25% along the west property line, and given the potential for liquefaction, endangers the existing structure at 1155 Washington Street.

- The design unnecessarily harms the livability of existing residences which have been in place since the 1950's.
- Site constraints and the magnitude of the Approved design on a very narrow site present logistical obstacles which will be extremely difficult, if not impossible to overcome without severely impacting neighborhood life for a very lengthy construction period.

There is no question that a design could be created which achieves the goal of providing much-needed housing on this site, and which avoids most, if not all, of these negative impacts. Please put a halt to this project, bring some common sense to the process, and direct the project sponsor to reconsider their approach.

Of note, there has been virtually no consultation to date with interested parties. Perhaps, following your denial of the project, a process could be initiated which would lead to a more suitable solution for this site, one which provides housing for a diverse population, and one which avoids unnecessary detrimental impacts on the community.

Thank you,



Robert Baum  
California License No. C-12094

cc: Supervisors Chan, Stefani, Engardio, Preston, Dorsey, Melgar, Mandelman, Ronen, Walton, and Safai

#### **APPENDIX**

To illustrate that a 10-unit project can be designed which casts significantly less shadow on the Betty Ann Ong Recreation Center play areas, we have developed this *Alternate Project* design. The shadow comparisons included in this letter are based on this design. We do not think this is the only possible solution.

The following is a summary of project data for the *Approved Project* and *Alternate Project*:

<b>SUMMARY</b>	<b>Approved Project</b>	<b>Alternate Project</b>
<b>Gross Area</b>	<b>11938</b>	<b>11901</b>
Net Area	11029	8001
<b>Usable Area*</b>	<b>8740</b>	<b>7917</b>
Studios	0	3
1-br	0	2
2-br	9	2
3/br	1	2
4-br	0	1
<b>No. Units</b>	<b>10</b>	<b>10</b>
average usable sf/unit	874	792
Usable Area= Net Area less:		
Vertical circulation within units		
Mechanical spaces typically located above ceilings or on roofs		

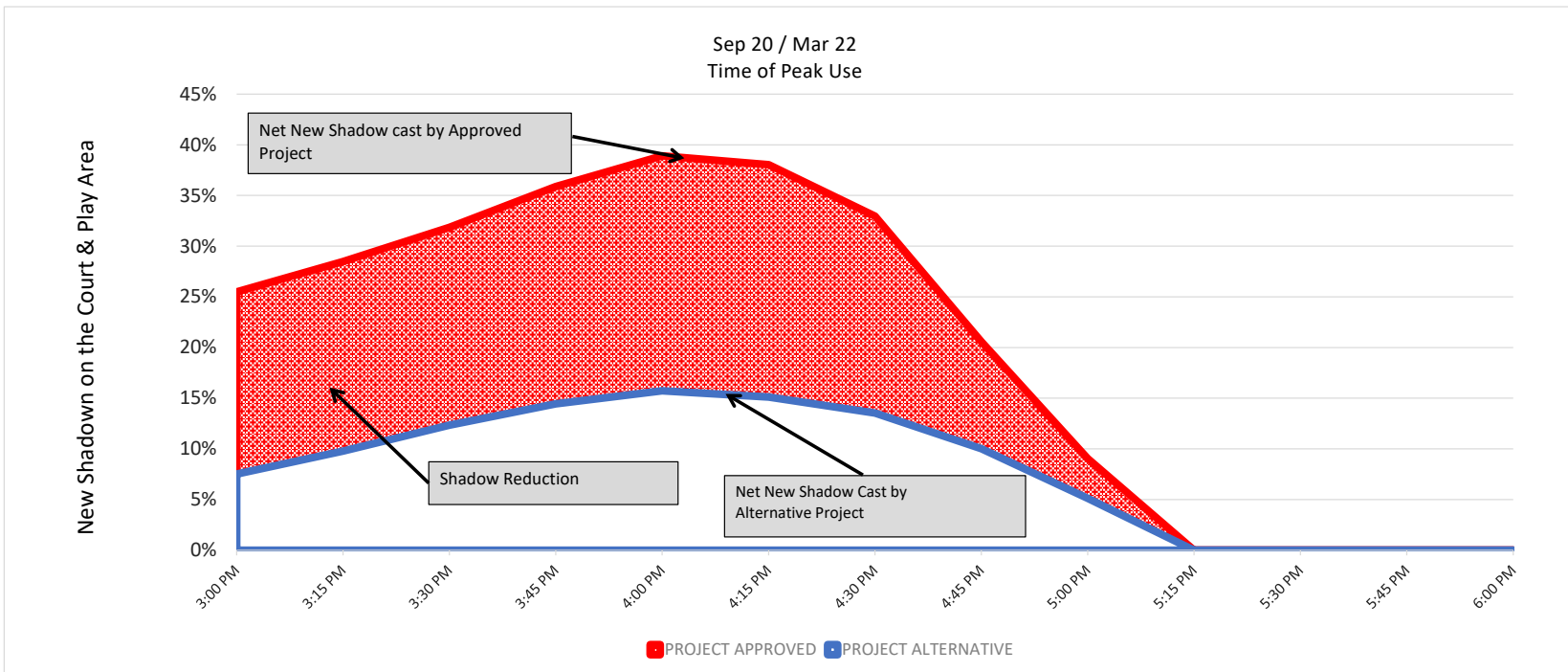
We urge the project sponsors to engage in community engagement with the Recreation Center community and with adjacent neighbors in order to develop a design which provides needed housing and minimizes the negative impacts of the *Approved Project*.

For further detail, please see the two documents attached in the Appendix:

- Alternate Project plans and section.pdf
- Shadow Comparison.pdf

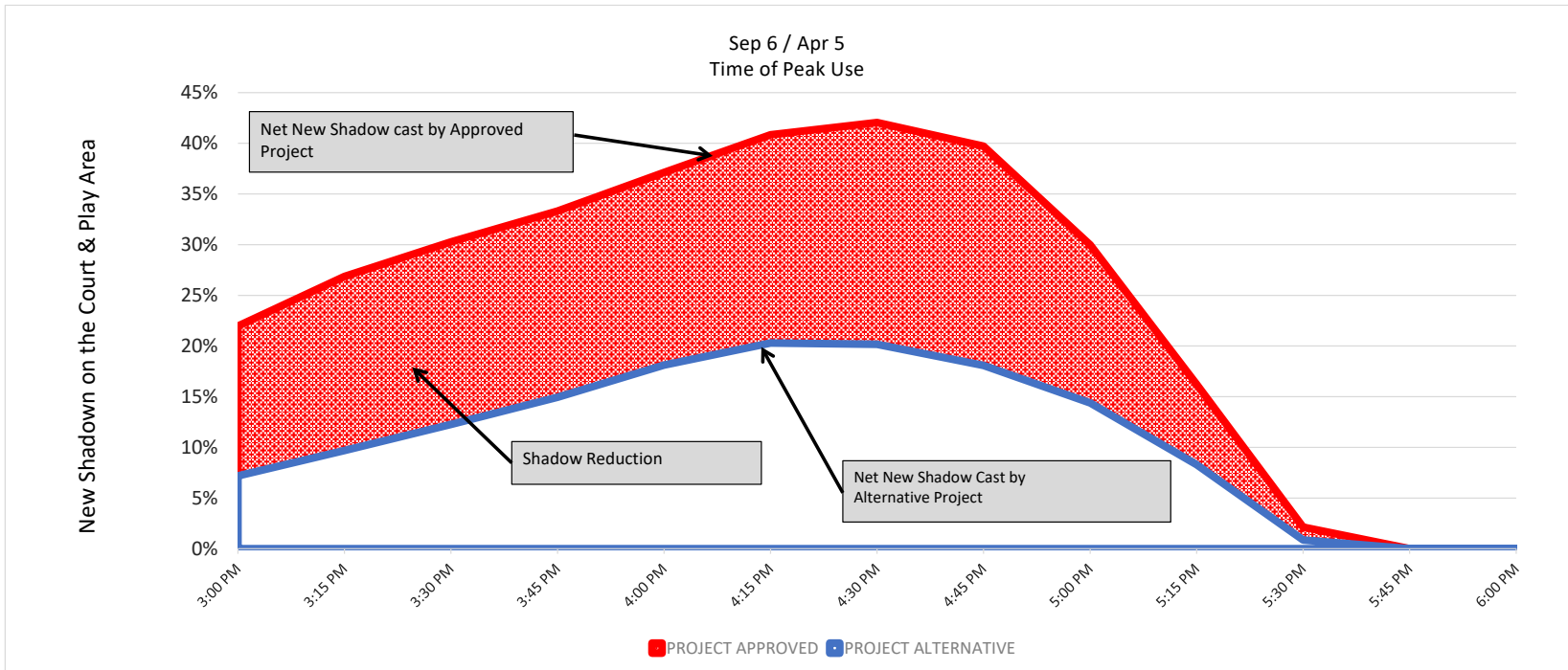
# Sep 20 / Mar 22

Analysis Time	PROJECT EXISTING	PROJECT APPROVED	PROJECT ALTERNATIVE	SHADOW REDUCTION
3:00 PM	27.07%	25.49%	7.51%	70.52%
3:15 PM	31.02%	28.48%	9.79%	65.63%
3:30 PM	34.76%	31.85%	12.34%	61.24%
3:45 PM	40.00%	35.88%	14.44%	59.75%
4:00 PM	46.59%	38.91%	15.73%	59.57%
4:15 PM	55.24%	38.03%	15.12%	60.24%
4:30 PM	65.05%	32.95%	13.54%	58.91%
4:45 PM	78.79%	20.57%	10.02%	51.27%
5:00 PM	90.96%	9.03%	5.12%	43.36%
5:15 PM	100.00%	0.00%	0.00%	NA
5:30 PM	100.00%	0.00%	0.00%	NA
5:45 PM	100.00%	0.00%	0.00%	NA
6:00 PM	100.00%	0.00%	0.00%	NA



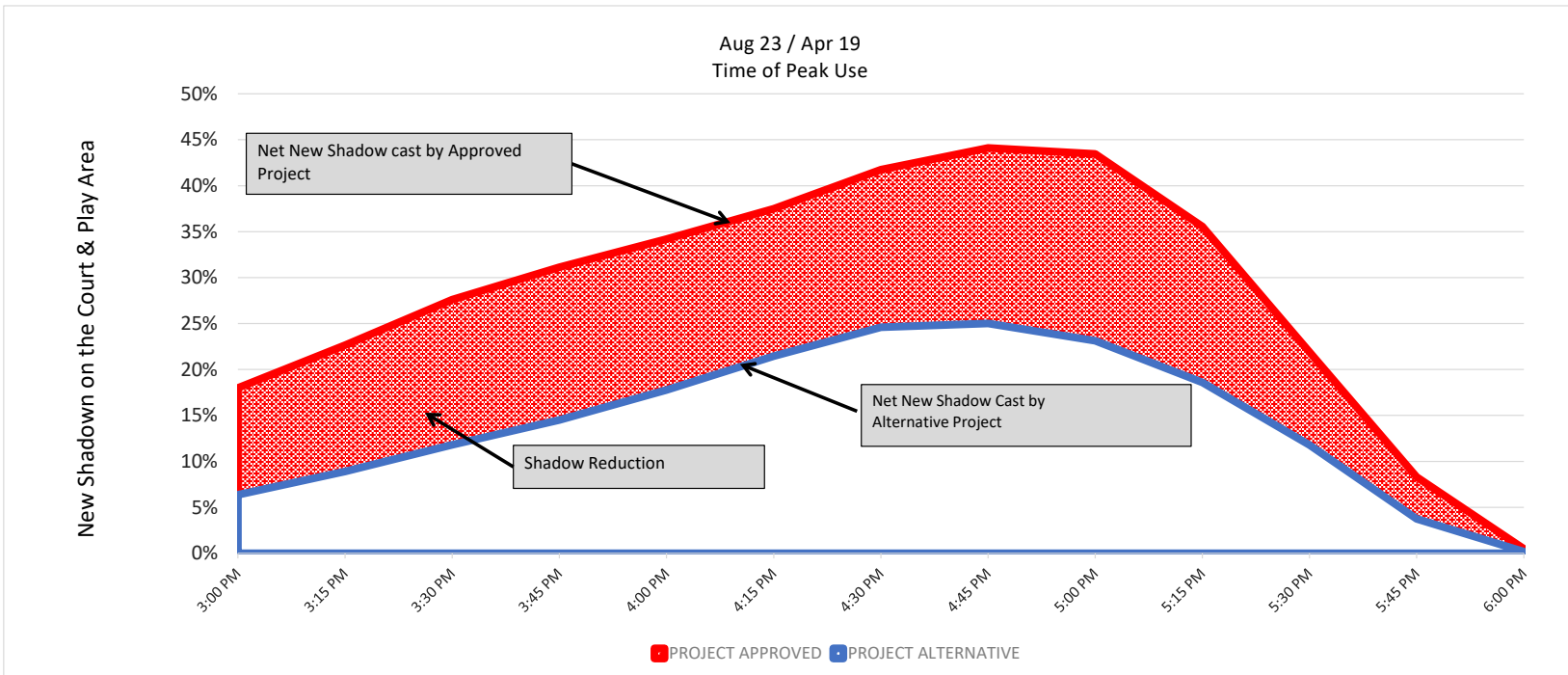
# Sep 6 / Apr 5

Analysis Time	PROJECT EXISTING	PROJECT APPROVED	PROJECT ALTERNATIVE	SHADOW REDUCTION
3:00 PM	19.07%	21.96%	7.18%	67.31%
3:15 PM	21.62%	26.87%	9.69%	63.93%
3:30 PM	24.62%	30.27%	12.27%	59.46%
3:45 PM	28.76%	33.31%	14.94%	55.15%
4:00 PM	33.73%	37.12%	18.11%	51.21%
4:15 PM	40.66%	40.83%	20.30%	50.30%
4:30 PM	48.51%	42.05%	20.17%	52.04%
4:45 PM	57.17%	39.71%	18.08%	54.47%
5:00 PM	68.38%	29.97%	14.38%	52.03%
5:15 PM	83.50%	16.22%	8.29%	48.87%
5:30 PM	97.87%	2.13%	0.85%	60.18%
5:45 PM	100.00%	0.00%	0.00%	NA
6:00 PM	100.00%	0.00%	0.00%	NA



# Aug 23 / April 19

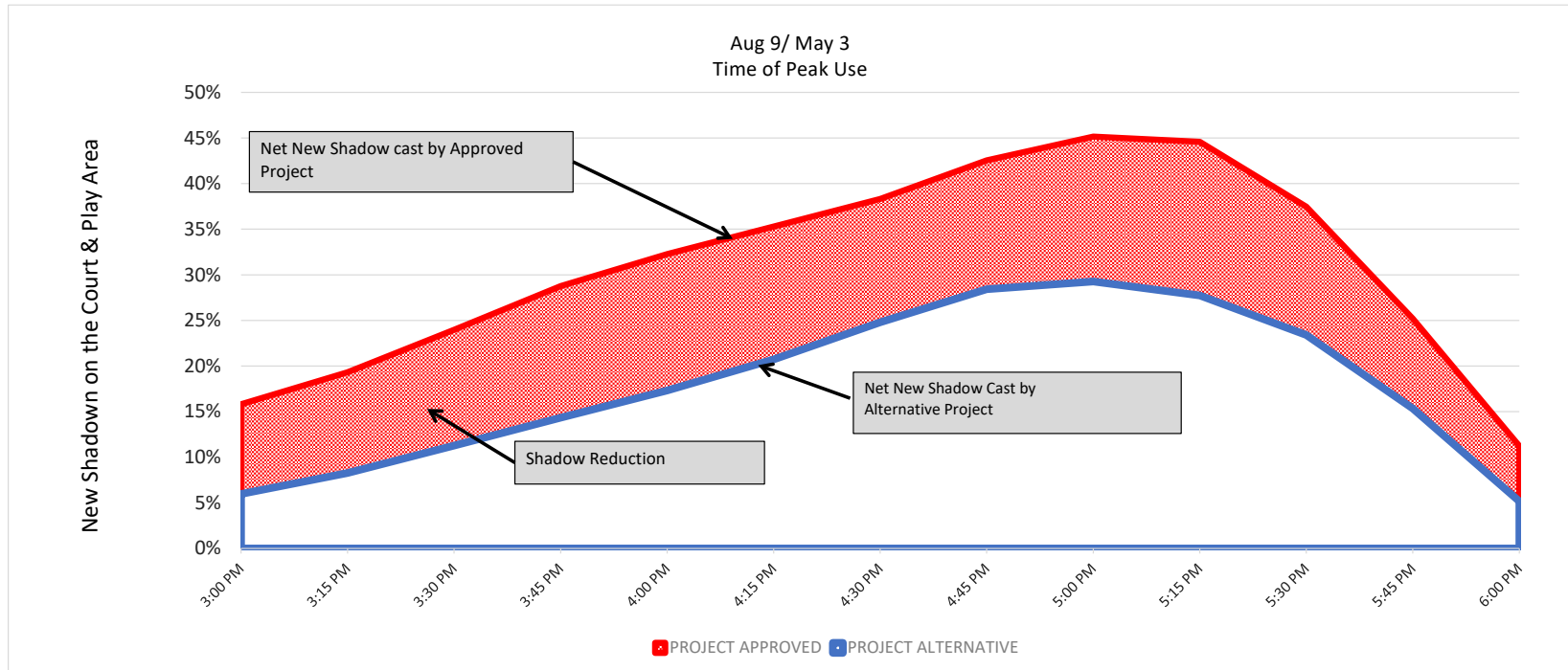
Analysis Time	PROJECT EXISTING	PROJECT APPROVED	PROJECT ALTERNATIVE	SHADOW REDUCTION
3:00 PM	14.25%	17.99%	6.37%	64.58%
3:15 PM	15.84%	22.65%	8.90%	60.70%
3:30 PM	18.03%	27.59%	11.81%	57.21%
3:45 PM	21.53%	31.14%	14.51%	53.40%
4:00 PM	25.73%	34.19%	17.77%	48.03%
4:15 PM	30.58%	37.49%	21.45%	42.79%
4:30 PM	36.71%	41.74%	24.60%	41.05%
4:45 PM	44.00%	44.11%	25.01%	43.29%
5:00 PM	51.99%	43.46%	23.13%	46.78%
5:15 PM	62.82%	35.56%	18.60%	47.69%
5:30 PM	78.10%	21.90%	11.78%	46.19%
5:45 PM	91.71%	8.29%	3.75%	54.82%
6:00 PM	99.13%	0.48%	0.19%	60.92%





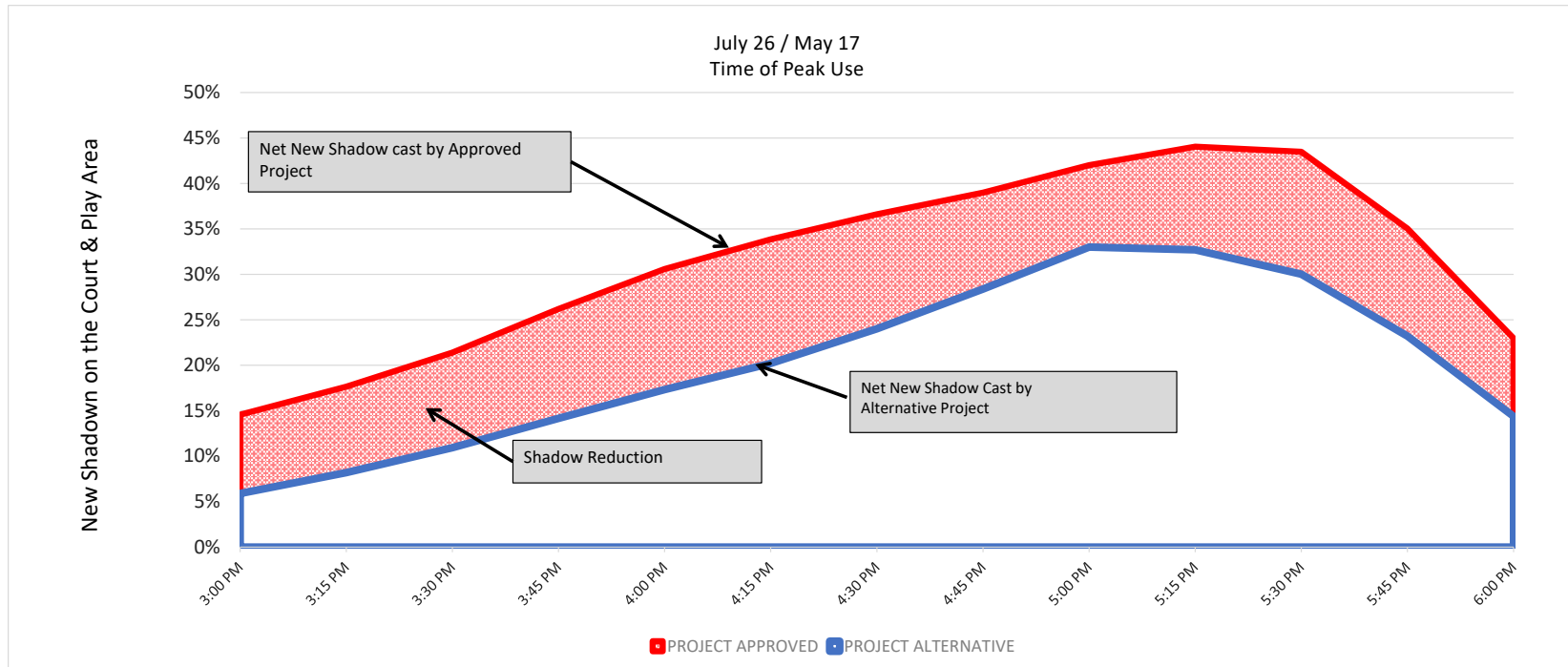
# Aug 9 / May 3

Analysis Time	PROJECT EXISTING	PROJECT APPROVED	PROJECT ALTERNATIVE	SHADOW REDUCTION
3:00 PM	11.77%	15.81%	5.99%	62.15%
3:15 PM	13.12%	19.32%	8.27%	57.19%
3:30 PM	14.62%	23.97%	11.27%	52.98%
3:45 PM	16.83%	28.76%	14.34%	50.12%
4:00 PM	20.02%	32.27%	17.32%	46.32%
4:15 PM	24.19%	35.30%	20.72%	41.31%
4:30 PM	28.83%	38.31%	24.79%	35.29%
4:45 PM	34.56%	42.54%	28.42%	33.18%
5:00 PM	41.05%	45.15%	29.27%	35.18%
5:15 PM	48.97%	44.58%	27.74%	37.79%
5:30 PM	59.08%	37.46%	23.40%	37.53%
5:45 PM	73.40%	25.19%	15.34%	39.10%
6:00 PM	86.15%	11.24%	5.17%	53.95%



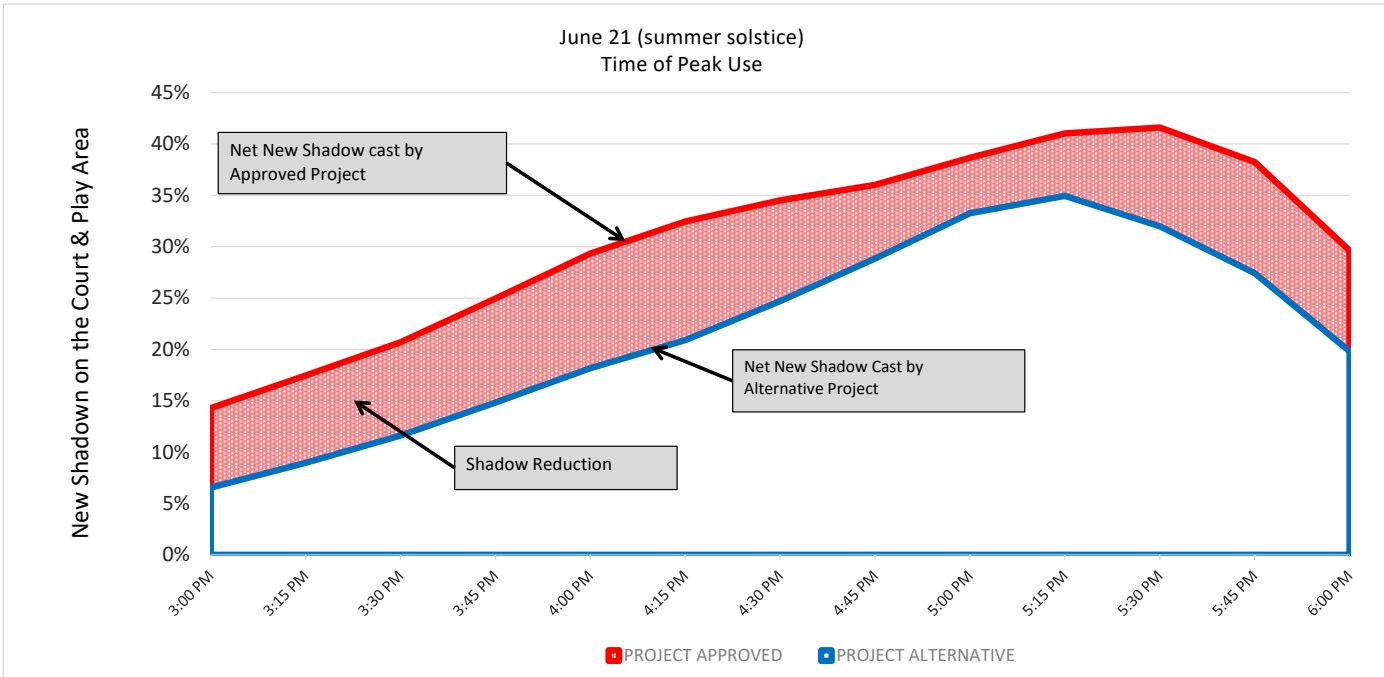
# July 26 / May 17

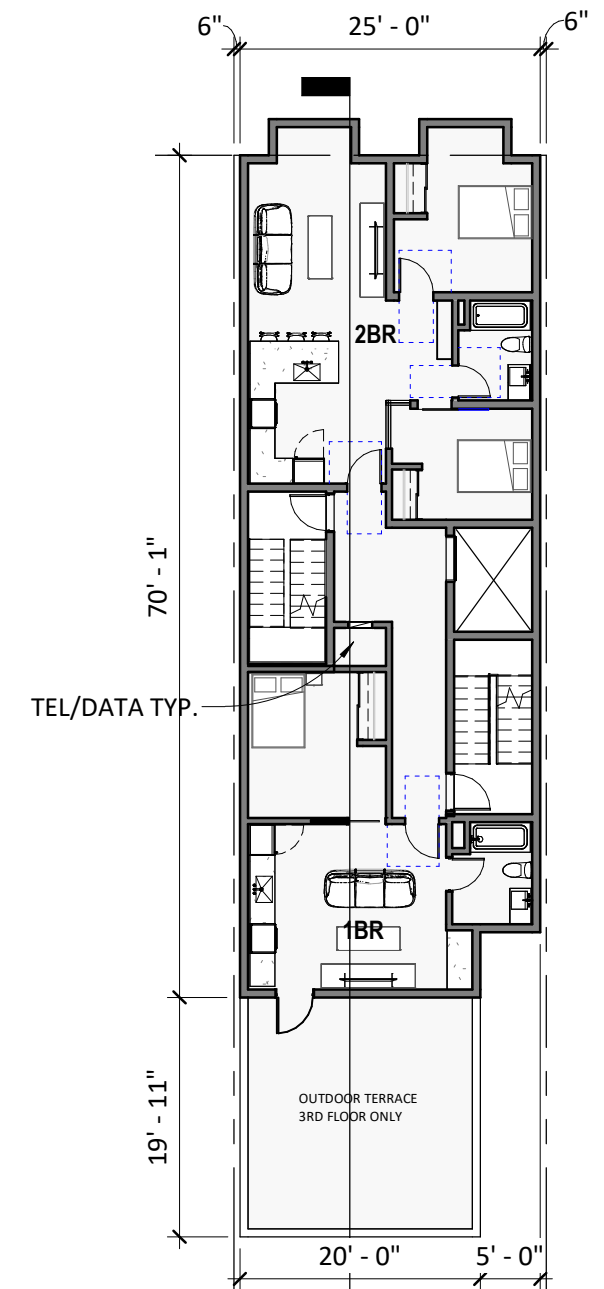
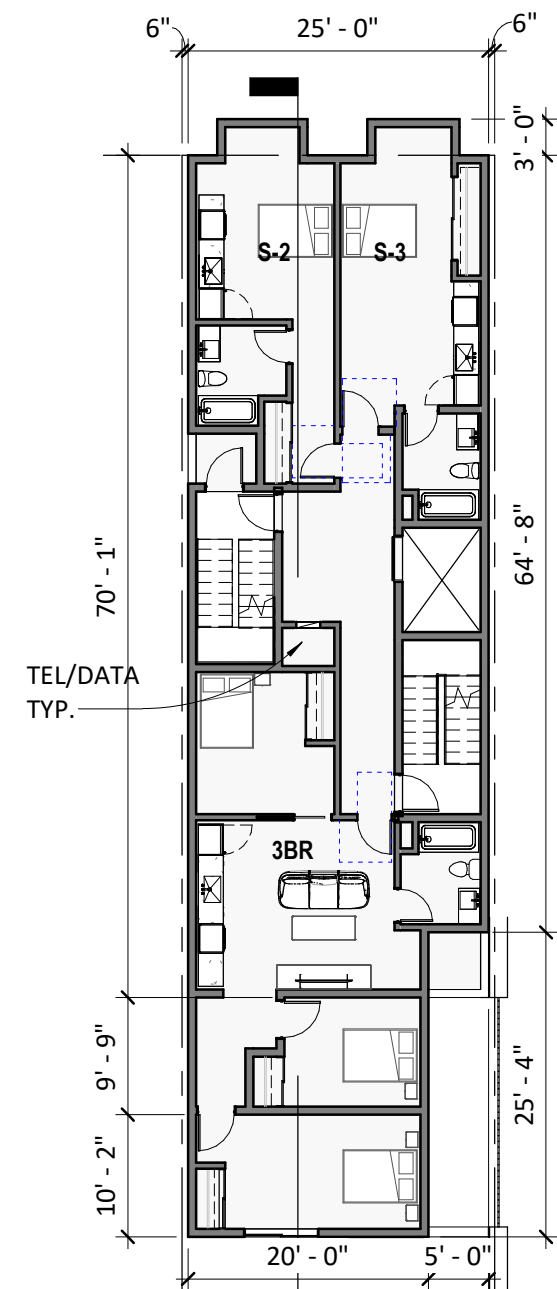
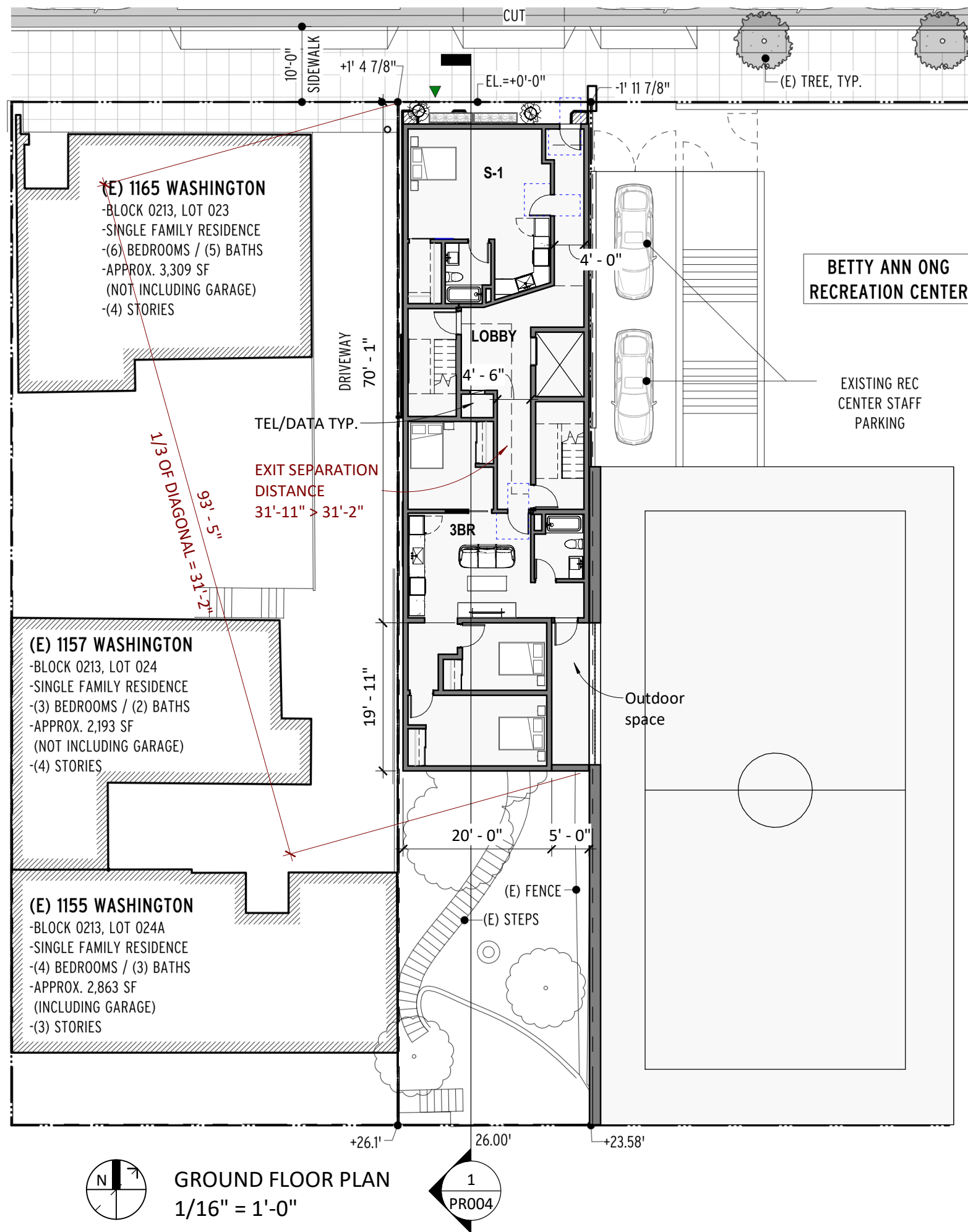
Analysis Time	PROJECT EXISTING	PROJECT APPROVED	PROJECT ALTERNATIVE	SHADOW REDUCTION
3:00 PM	10.09%	14.57%	5.90%	59.52%
3:15 PM	11.32%	17.65%	8.20%	53.51%
3:30 PM	12.49%	21.39%	10.93%	48.89%
3:45 PM	14.21%	26.19%	14.16%	45.92%
4:00 PM	16.57%	30.59%	17.32%	43.39%
4:15 PM	20.03%	33.84%	20.21%	40.28%
4:30 PM	24.09%	36.60%	24.02%	34.37%
4:45 PM	28.66%	38.99%	28.39%	27.20%
5:00 PM	34.60%	42.02%	33.00%	21.46%
5:15 PM	41.27%	44.04%	32.69%	25.77%
5:30 PM	48.16%	43.48%	30.03%	30.93%
5:45 PM	58.67%	35.04%	23.20%	33.79%
6:00 PM	71.69%	22.96%	14.39%	37.33%

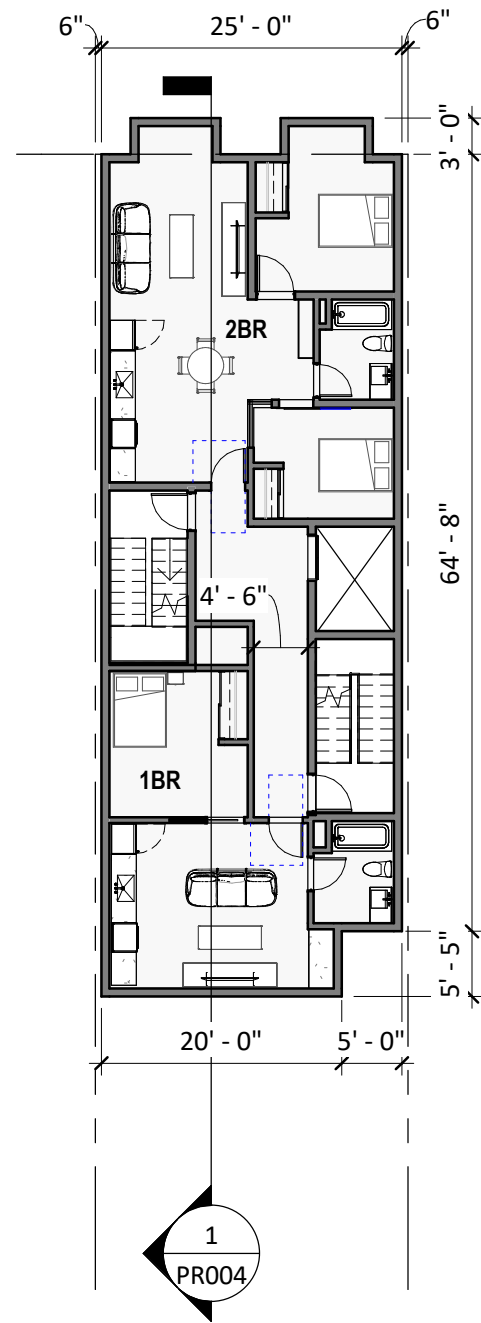



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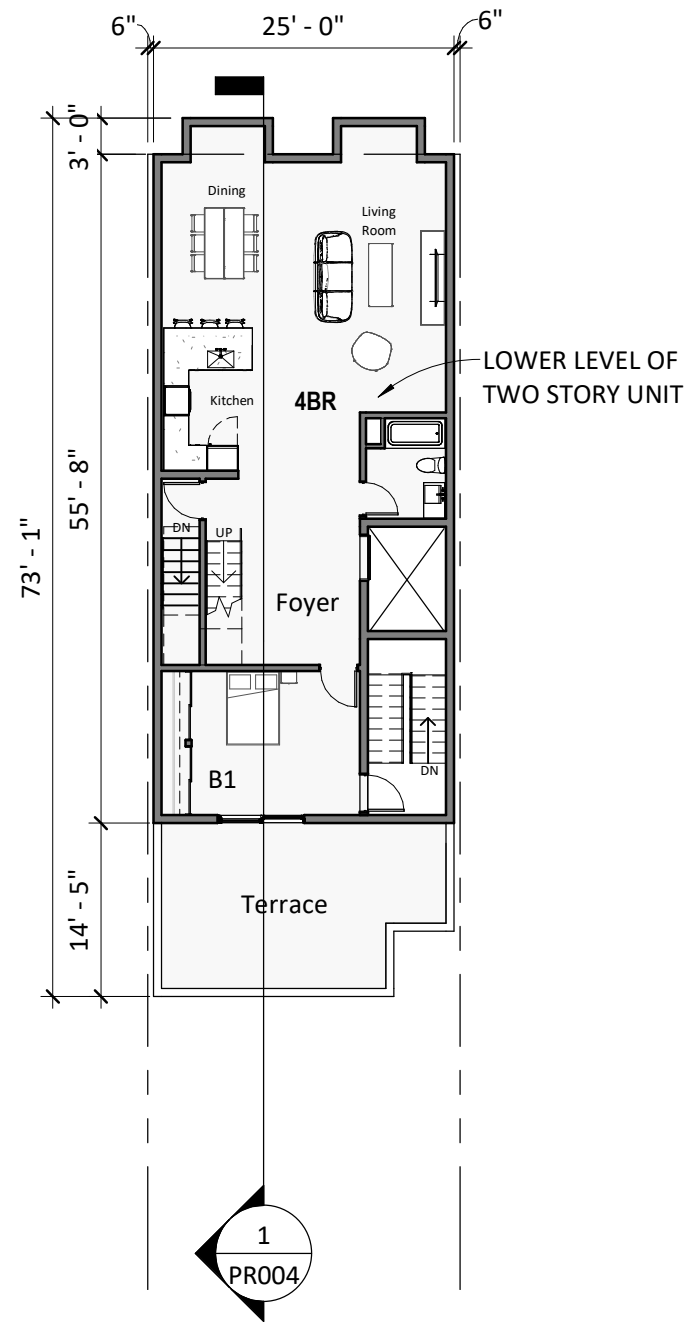
Analysis Time	PROJECT EXISTING	PROJECT APPROVED	PROJECT ALTERNATIVE	SHADOW REDUCTION
3:00 PM	8.88%	14.29%	6.54%	54.24%
3:15 PM	9.96%	17.46%	8.96%	48.65%
3:30 PM	11.14%	20.69%	11.60%	43.91%
3:45 PM	12.61%	24.96%	14.82%	40.62%
4:00 PM	14.51%	29.33%	18.17%	38.03%
4:15 PM	17.42%	32.45%	20.90%	35.60%
4:30 PM	21.41%	34.52%	24.70%	28.43%
4:45 PM	25.82%	36.03%	28.85%	19.91%
5:00 PM	30.24%	38.66%	33.25%	13.98%
5:15 PM	36.05%	41.03%	34.95%	14.82%
5:30 PM	42.74%	41.61%	31.99%	23.12%
5:45 PM	50.12%	38.24%	27.43%	28.29%
6:00 PM	60.57%	29.63%	19.82%	33.12%

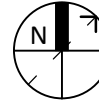


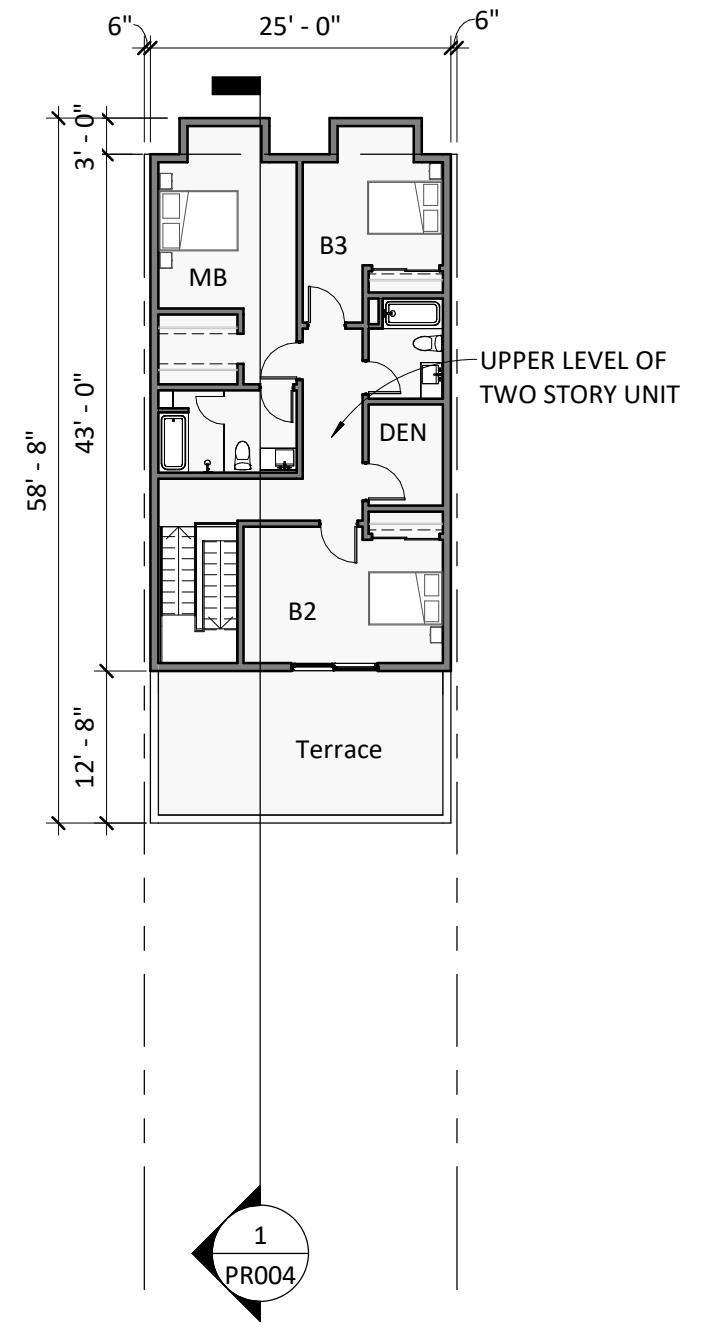


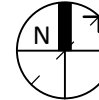


 4TH FLOOR PLAN  
1/16" = 1'-0"

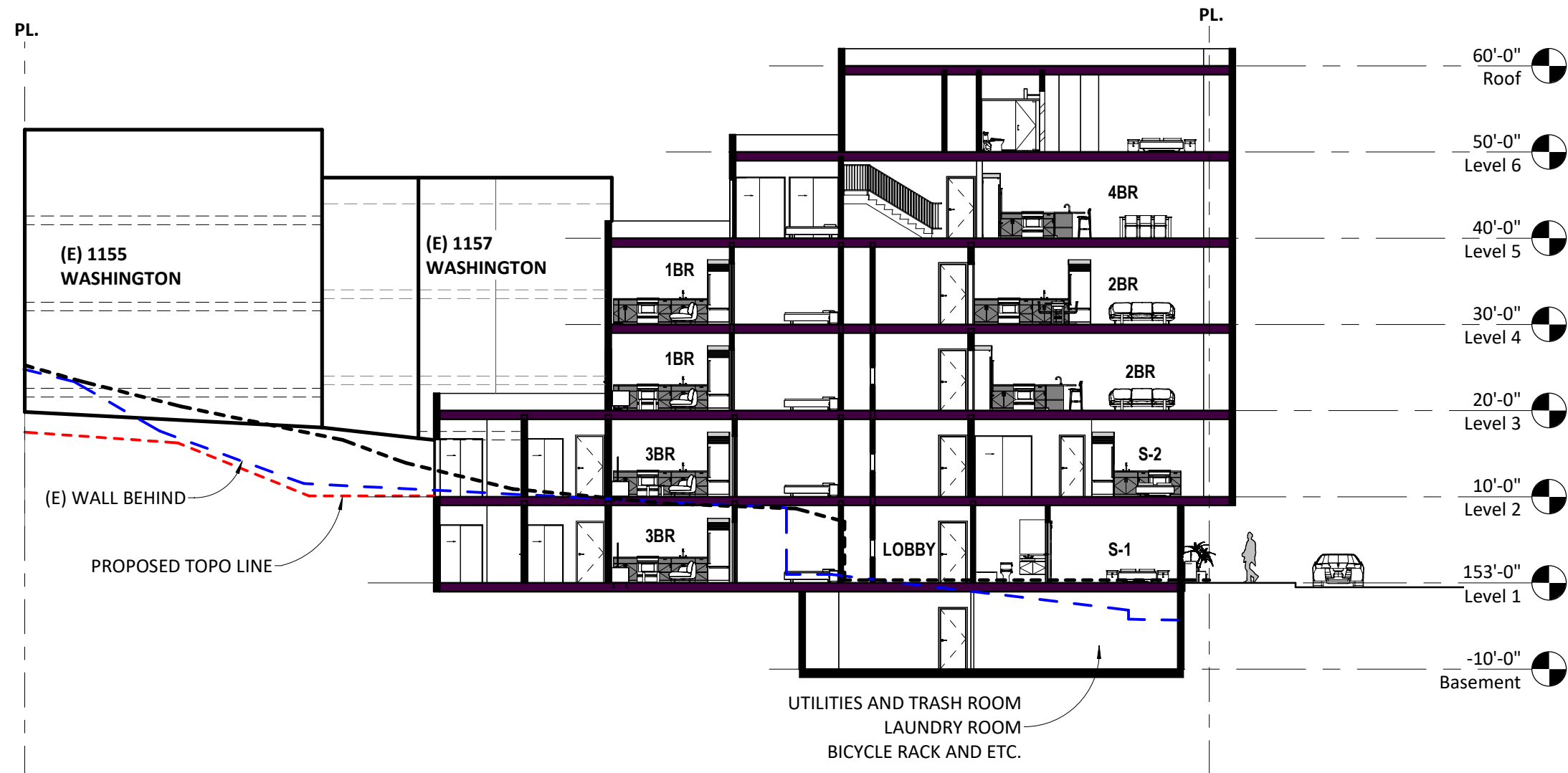


 5TH FLOOR PLAN  
1/16" = 1'-0"



 6TH FLOOR PLAN  
1/16" = 1'-0"

- (E) SITE GRADING AT CENTER OF PROPERTY
- (E) RETAINING WALL (T/W)
- PROPOSED GRADING



**EXHIBIT C**  
**LETTER FROM *FIRE PROTECTION ENGINEER ROBERT BURTT***

# BURTT ENGINEERING & CONSTRUCTION

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120 Village Square #150, Orinda CA. 94563      OFFICE (510) 540 - 0155

April 17, 2023

Richard T. Drury, Partner  
Lozeau Drury LLP  
1939 Harrison St Suite 150  
Oakland, CA 94612

RE:      1151 Washington St. Proposed Development  
         1151 Washington St., San Francisco, CA 94108  
         **Fire and Life Safety Engineering Opinion Letter**

Dear Mr. Drury:

We have reviewed the proposed 1151 Washington St. development project and associated plan set, dated December 1<sup>st</sup>, 2022. The project represents a very unique and unusual construction development, with several key features that may be a safety issue and appear to lack compliance under California Code of Regulations and San Francisco Municipal Code. We would recommend jurisdictional authority perform careful review of the project's fire and life safety risks against City, State, and Federal standards and building code requirements to ensure it meets minimum standards prior to approval of the project.

Resident evacuation and egress from the townhomes:

The townhomes are built front to back, north to south. The means of egress and access to the townhomes appears to be limited to a 5-foot wide, 137-foot long pedestrian walkway with eight flights of stairs. It appears that this is the only means of egress from the property. As such, if a fire occurs in any of the townhomes, occupants must travel down a 137-foot long alleyway before reaching the public road. This is an unusual condition that appears to not meet the intent of California Building Code. California typically requires such exit routes be limited to a maximum of 125 feet in travel distance for fire and life safety in accordance with 2022 California Building Code Section 1028.1 and 2022 California Building Code Table 1006.3.4. The current proposed 137-foot long exit route should be carefully studied to confirm it meets minimum City, State, and Federal fire and life safety standards, codes, and egress requirements.

Firefighter ladder access and emergency escape windows on the upper floors:

It appears that the development's bedrooms each require emergency escape and rescue window in accordance with state regulation. Typically this is required to allow residents to escape from their home if a fire occurs, and also to allow firefighters to access the windows to contain the fire and ensure the safety of the community.

California regulations require rescue windows be "readily accessible" by firefighter ladders. The California Fire Marshal requires that rescue windows must to be accessible using ground ladders (California Fire Marshal Interpretation 18-005).

This typically means that the development must be designed so that firefighters:

- 1). Can readily carry their ground ladders along the walkway to the townhome window area in a safe and readily accessible manner.
- 2). Can set ladders on the ground to the rescue windows in a safe and secure manner following the San Francisco Fire Department Ladder Manual.

It is unclear where ground ladders would be able to be safely placed on the development property for safe window access. The San Francisco Fire Department Ladder Manual and typical firefighter standards note



a maximum accessible ladder angle of 70° from horizontal. To safely access the development's third-story rescue windows (24'-6" high), the ground ladder would be placed at least 8 feet away from the building. The development walkway appears to be only 5 feet wide, with at least 6-inches of obstructing guardrails and handrails. From a mathematical perspective, it appears that at least an additional 3'-6" of walkway may be required to meet safe firefighter ladder angle access. Further and more detailed study may identify additional issues which may require additional walkway clearance. The development walkway width of 5 feet is unusually restrictive to firefighter access of required emergency escape and rescue windows. We would suggest firefighter access to upper stories of the development be reviewed carefully to confirm meets minimum City, State, and Federal firefighter access requirements.

Firefighter access walkway:

As discussed previously, the means of access to the townhomes appears to be limited to a single 5-foot wide, 137-foot long walkway with approximately eight sets of stairs. This access walkway is a very unusual condition and appears to represent the only means of access and egress from the townhomes. In addition to aforementioned egress requirements, California Fire Code Section 504.1 states that access walkways leading from the road to the exterior opening of the townhomes shall be approved where required by the fire code official.

It is unclear if the fire code official has previously been consulted. We would recommend the fire code official perform careful review of the walkway for safe firefighter access in accordance with California Fire Code Section 504.1 to ensure it meets minimum standards.

Overall, the development has several unusual elements which appear to lack compliance under California Code of Regulations and San Francisco Municipal Code. We would recommend the jurisdictional authority perform careful review of the project's fire safety, life safety, and associated public health and safety risks against City, State, and Federal standards to ensure it meets minimum standards prior to approval of the project. We would recommend further study, and more clarification be provided to ensure these standards are met to maintain the public health and safety of occupants, firefighters, adjoining properties, and the community. This engineering opinion letter is preliminary only. Further review and more detailed study may identify additional hazards, building code issues, violations, etc...

Sincerely,



Robert E. Burt, P.E.

*Fire Protection Engineer*

