

Project Does Not Warrant CU

1846 GROVE STREET Market-Price Residences

Presentation to the
San Francisco Board of Supervisors
September 29, 2020

Presentation Outline

1. Conflicts between CU and Planning Code §303
2. Why the Project is unsafe – from a Fire Expert
3. Public outreach was insufficient and combative
4. Planning Commission Hearing – Technical Issues
5. Construction - Proposed by Hand
6. Conclusion

Planning & Building Code Conflicts

- **MISMATCH:** The CU was granted with conflicting classification of the dwelling units – as “4 units in one building” for CEQA purposes and as “4 single-family residences” for CU purposes to evade California Building Code, Fire Code, and ADA requirements
- Contrary to §303(c)(1)(A) and to Planning staff statements to the Commission, project will **prohibit the construction of any potential ADUs** on adjoining lots
- Contrary to §303(c)(2), Project will be **detrimental to the safety and general welfare** of residence in the immediate vicinity and injurious to their properties and potential developments
- Project Sponsor has submitted plans rating it as R-3 which we believe is in error. It should be R-2
- In 2005, the SF Dept. Building Inspection placed restrictions that limited construction on that lot to a substantially lower density
- Project is neither necessary nor desirable, as required by Code (§303(c)(1))
 - More than one third (35.3%) of property owners of Block 1187 signed appeal in opposition; Petition with over 300 signatures in opposition
 - Haight-Ashbury Neighborhood Council (HANC), which geographic area includes the development, opposes it

Elliot Gittleman, FPE

ESH Consultants - Fire Protection Engineering Consultants

- College of Engineering, Department of Fire Protection Engineering, University of Maryland in 1974 with a B.S. in Fire Protection Engineering. 1991 MBA, Seattle University
- From 1970 to 1978 - Volunteer fire fighter/EMT-A with the Prince George's County Fire Department (suburban Washington DC) operating from College Park Station 12 (f/f, EMT, 1970-1978), and West Lanham Hills Station 48 (EMT, 1975-1978). During the later years with those stations, I was also a certified CPR instructor.
- Fire protection engineer employed by the US Navy, The Boeing Company, The University of Washington, Raychem Corporation and two different consulting firms.
- 2000 - ESH Consultants, a fire protection engineering consulting firm. Some of my major clients included Genentech Corporation, DSA Oakland Regional Office, DSA Sacramento Office, Safeway Corporation, the City of Mountain View Community Development Department (Building Department) and City of Sunnyvale Department of Public Safety.
- Plan review for compliance with the California Building and Fire Codes as well as local regulations and ordinances. In that role I was responsible to verify (and approve) designs met the construction and life safety requirements of the codes. This involved new construction and tenant improvement projects for Assembly, Business, Commercial, Educational, Institutional, Residential and Storage occupancies.
- I have been a professional member of the International Code Council, the National Fire Protection Association, and have been an officer in two chapters of the Society of Fire Protection Engineers. Since 2001 I have been a member of the NORCAL Fire Prevention Officers, a Division of the California Fire Chiefs.

Project Is Unsafe (1/2)

- The Project is unique in that it is constrained by a narrow, **wooden** alleyway that is the only point of access/egress. This alleyway does not provide the proper fire resistance rating as required by the 2016 CBC Chapter 10.
- No other developed 'flag lots' have such a constrained and **combustible** alleyway as the only means of access/egress.
- Not up to California Building and Fire Codes.
- The alleyway is 3.5 ft wide for the first 50 feet (100ft total).



Project Is Unsafe (2/2)

- Planning Commission, at the April 9 meeting, relied on the opinion of a retired SFFD employee and principal consultant at a fire consulting firm that the Project was similar to existing San Francisco buildings, even though the Building and Fire Codes have evolved over the years. Under current codes (2016) this construction would not meet egress requirements.
- The Project, particularly its narrow egress, does NOT conform to California Building Code, Chapter 10 for R-2 occupancies.
- Project approval may have been based on conditions listed in an outdated and revoked SFFD Administrative Bulletin 5.12, last issued in 2010, and no longer in effect as of 2013. SFFD AB 5.12 provided specific conditions for this land use situation.
- California Building Code §1028.4.2 states that when the width of the egress court is less than 10 ft wide, **the walls shall have fire resistance rating for one hour for a height of 10 ft on either side of the egress (no exceptions for R-2 occupancy). The buildings on either side of this egress do not have such fire resistance** (nor are they required to under present use).
- Project, once it builds a gate as planned, **will not conform to SFFD's Access Review Approval** which requires 3.5 ft (42 inches) minimum clear width without any obstruction at any access point, nor the CBC requirement of a minimum of 44 inches for an R2 occupancy (CBC §1028.4.1).
- The conclusion of highly credentialed Fire and Safety Expert is that the project does not conform to Code requirements and will result in a condition that is **unsafe to the occupants of the project.**

Wood Panel Siding:
Not Up to Current Code



Sponsor Dismissed Neighbor Engagement

- The Sponsor has listed several meetings and email correspondence as evidence of his outreach to the community
 - Most of those “meetings’ were emails to me, personally, and two other neighbors
- Improper Notice
 - **Meetings were not noticed properly (mail late or uneven; signage not updated)**
 - Emails were sent to recipients which excluded members of NOPAWN
 - Meetings with HANC and NOPNA were arranged where no members of NOPAWN were invited
 - Neighbors found out about the meetings either at the last minute or after the fact
 - HANC endorsed NOPAWN’s position in opposition to the development
- The couple of meetings held which were attended by the neighbors of the immediate vicinity (NOPAWN) were contentious
 - **Community questions were dismissed**
 - Developer sought to ‘check the box’
 - Did not take comments into ‘revised’ designs

Outreach & Hearing Timeline – Key Events (1/2)

#	Event	Dates & Outcomes
1	Pre-application Meeting: September 7, 2017 Plans: 5 units (10 Bedrooms), zero lot lines, narrow exit to street	September 7, 2017
2	Project filed as “1846 Grove” and neighbors were not notified. We had to monitor SF Planning Property Map and discovered the new address (formerly “1821 Fulton” “Fulton Street Residences”)	October 2018
3	Neighbor Meeting 2: September 6, 2019 SFPL meeting room 1833 Page Street. Email notification and communication through Planner	September 2019 17 attendees
4	Neighbor Meeting 3: November 19, 2019 SFPL Meeting Room at 1833 Page Street. Email notification and letters mailed to Pre-app mailing list	November 19, 2019 2 attendees Late notice provided to neighbors (same week).
5	Hearing scheduled Plans: 5 units (10 Bedrooms), zero lot lines, narrow exit to street Hearing Continued to March 12, 2020 Unanimous motion to continue to address issues: Diamond, Fung, Johnson, Koppel, Melgar, Moore (Richards absent)	December 12, 2019 15 oppositional speakers at the hearing 1 supportive speaker “Since the publication of the case report, the department received 25 letters of opposition detailing concerns about the address, density, safety and environmental impact of the project.” Planning Department Staff, December 12, 2019

Outreach & Hearing Timeline – Key Events (2/2)

#	Event	Dates & Outcomes
6	Hearing scheduled Hearing Continued to April 9 Plans: “4 units” (10 Bedrooms), zero lot lines, narrow exit to street	March 12, 2020
7	Hearing scheduled First Virtual Hearing at Planning Project Approved with Fire Safety Condition	April 9, 2020 “In response to the revised proposal, the department received 45 letters of opposition, citing the same previous concern about the address of the property, density, safety, and environmental impact of the project.” Planning Department Staff, April 9, 2020 Despite 70 letters of opposition, 300 petition signatures in opposition, and overwhelming opposition during public comment at the December hearing, the case report still reads: “Support/Opposition: The Department has received one letter in outright opposition to the project, while numerous other area residents have expressed concerns related to the impact of the project.” At this hearing: 18 oppositional speakers

April 9 Planning Commission Hearing: Technical Issues Abound

1. Project Sponsor was the first speaker and had no communication problems with Planning staff
2. NOPAWN's designated speaker (me) was caller number 32
 - No notice I was on; no way to view slides, no way for Planning Commission to Ask Questions.
3. Part-way into the meeting, **video conference provider (AT&T) terminated the meeting** (4-hour meeting limit)
 - When resumed after a delay, **many speakers awaiting for hours were dropped and excluded from comment**

Proposed Construction BY HAND

- Due to 3.5 foot entrance, developer is claiming all construction (excavation, foundation, framing, etc.) will be done by hand
- No cranes or mechanized labor
- **Concern: project takes years to construct, or developer runs out of money mid project, leaving a framed fire hazard**

Images Sent by Developer



Not NIMBYs – We're NOPAWN

- Neighbors support a project that is safe and plays within the rules
- Neighbors support a project that would preserve and enhance SF quality of life for existing and new residents
- We are against this development which requires a CUP and four variances to build luxury condos with zero lot lines
- We only want what is fair and safe

Conclusion

1. Building a dense development on a landlocked lot with a narrow and long alleyway as the **single point of entrance** / egress does not conform to Code requirements and **results in conditions that are unsafe**
2. The Conditional Use was granted without adequate evidence-based analyses, public comment, or a fair hearing due to technical difficulties
3. Developers are inexperienced; trying to flip the projects for a quick buck at the detriment of public safety
4. We urge the Board of Supervisors to deny the Conditional Use Authorization for this project