

South of Market Community Action Network (SOMCAN) Exhibits

Appeal 190093 - Environmental Appeal - 1052-1060 Folsom St & 190-194 Russ St

Appeal 190097 - Conditional Use Authorization Appeal - 1052-1060 Folsom St & 190-194 Russ St

- | | | |
|----|---------------|---|
| 1 | 6/6/1984 | San Francisco Prop K - Voters Handbook p.63 |
| 2 | 12/4/1995 | Planning Code Sec 295 - Height Restrictions on structures shadowing property under the jurisdiction of the Recreation and Park Commission (Proposition K) |
| 3 | 12/13/18 | Executive Summary 2016-004905CUA/ENX/SHD/VAR for 1052-1060 Folsom & 190-194 Russ (Staff report) submitted for 12/20/18 Plan Comm hearing Draft Shadow Motion in staff report is Exh 7 Appellant SOMCAN letter in staff report is Exh 17 |
| 4 | | Full year Shadow Fan - 1052-1060 Folsom & 190-194 Russ - p 31 of Env Exemption |
| 5 | 12/11/18 | Wind & Shadow analysis - Community Plan Exemption - pp. 28-33 |
| 6 | 12/20/18 | Planning Commission Motion 20362 - Shadow Finding |
| 7 | 12/13/18 | Plan Comm Draft Shadow Motion for adoption 12/20/18 - submitted by Sue Hestor 12/20/18 at 10am Rec Park Commission meeting |
| 8 | 1/15/15 | Rec Park Commission Resolution 1501-005 - Victoria Manalo Draves Park, Shadow Impact from Proposed Project at 190 Russ Street |
| 9 | 12/20/18 | Rec Park Commission Resolution 1812-007 - 1052-1050 Folsom Street & 190-194 Russ Street Shadow on Victoria Manalo Draves Park |
| 10 | 12/20/18 | Planning Commission Motion 20361 - Conditional Use Authorization - pp 1-19 Full CU motion w/Exh B plans and Envir Mitigation measures is filed as part of appeal to BOS. |
| 11 | 1/15/15 | Recreation & Park Commission Transcript (from SFGovTV caption notes) |
| 12 | 1/15/15 | Speakers at Recreation & Park Commission |
| 13 | 12/20/18 10am | Recreation & Park Commission Transcript (from SFGovTV caption notes) |
| 14 | 12/20/18 | Speakers at Recreation & Park Commission |
| 15 | 12/20/18 1pm | Planning Commission Transcript (from SFGovTV caption notes) |
| 16 | 12/20/18 | Speakers at Planning Commission |

- 17 12/11/18 **SOMCAN to Plan Comm project impacts on Victoria Manalo Draves Park**
- 18 **A Brief History of Filipinos in San Francisco and the South of Market**
- 19 **2017 Census Data for the Project Area - Tract 178.02 (Howard, 11th St, Harrison, 5th St)**
- 20 **Shadow Diagrams presented by Community to Planning & Rec Park Commissions**
- 20a 2018 **1052 Folsom Project Shadow impacts on VMD Park - A1.1 - SOMCAN to 12/20/18 Planning Commission**
- 20b 2015 **190 Russ shadow impacts on VMD Park - Summer solstice - United Playaz to 12/20/18 RecPark Commission**
- 20c 2018 **1052 Folsom shadow impacts on VMD Park - Summer solstice - United Playaz to 12/20/18 RecPark Commission**
- 21 10/22/87 **Report, Proposition K - The Sunlight Ordinance - Dept of City Planning to City Planning Commission, Recreation and Park Commission - selected pages**
- 22 2/7/89 **Plan Comm Resolution 11595 - Joint Res w/Rec Park Comm on determining compliance with Proposition K on 14 downtown parks analyzed**
- 23 12/5/18 **SOMA PILIPINAS letter to Rec Park Commission**
- 24 12/20/18 **UNITED PLAYAZ letter to Rec Park and Planning Commissions**
- 25 12/20/18 **BAYANIHAN EQUITY CENTER to Planning Commission**
- 26 3/19/19 **Calle 24 Latino Cultural District to Board of Supervisors**
- 27 1/31/19 **Index of DVD of emails/electronic files on 190 Russ and 1052 Folsom projects provided 1/31/19 by Planning Department**

The chief administrative officer may designate the recorder to exercise the powers and perform the duties of the registrar of voters and to occupy the offices of registrar of voters and recorder, receiving a single salary therefor to be fixed in accordance with the salary standardization provisions of this charter. The recorder shall be separate officer of the City and County of San Francisco.

The chief administrative officer shall appoint his executive assistant who shall serve at his pleasure, and which position shall not be subject to

the civil service provisions of this charter; provided, however, that any person who has civil service status to the position of executive assistant on the date of approval of this amendment by the electorate shall continue to have civil service status to said position under the civil service provisions of this charter.

The chief administrative officer shall appoint a confidential secretary who shall serve at his pleasure, and which position shall not be subject to the civil service provisions of this charter.

PROPOSITION I, CONTINUED FROM PAGE 50

those five members thereof of whose respective terms of office expire on the 8th day of January, 1987. The respective term of office of the members of the board of supervisors elected at the general election in 1986, shall be for a term of three years. At the general municipal election in 1989, and in every fourth year thereafter, successors to said three members of the board of supervisors shall be elected and hold office for a term of four years.

Notwithstanding any provisions of this section or any other section of the charter to the contrary, the respective terms of office of the members of the board of supervisors who shall hold office on the 8th day of January, 1981, shall expire at twelve o'clock noon on said date and the eleven persons elected as members of the board of supervisors at the general election in 1980 shall succeed to said offices on said 8th day of January 1981. The respective terms of office of the members of the board of supervisors elected at the general election in 1980 shall be as follows: the six members receiving the highest number of votes respectively at said election shall hold office for a term of four years; the five members receiving the next highest number of votes respectively at said election shall hold office for a term of two years. Thereafter, the term of each member elected to the board of supervisors shall be four years from the commencement of his term as herein specified.

At the general election in 1982 there shall be elected five members of the board of supervisors to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1983, and at the general election in each fourth year after 1982, the successors to said five members of the board of supervisors shall be elected, and at the general election in 1984, there shall be elected six members of the board of supervisors to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1985, and at the general election in each fourth year after 1984, the successors to said six members of the board of

supervisors shall be elected:

The respective terms of the members of the board of education who shall hold office on the 8th day of August, 1972, shall expire at twelve o'clock noon on said date, and the persons elected as members of the board of education at a special municipal election to be consolidated with the direct primary in 1972 shall succeed to said offices at twelve o'clock noon on said 8th day of August, 1972. The respective terms of office of the members of the board of education elected at a special municipal election to be consolidated with the direct primary in 1972, shall be as follows: The four members receiving the highest number of votes respectively at said election shall hold office for a term consisting of the period of time until the 8th day of January, 1975. Thereafter, the term of each member elected to the board of education shall be four years from the commencement of his term as herein specified.

At the general election in 1974 there shall be elected three members of the board of education to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1975, and at the general election in each fourth year after 1974, the successors to said three members of the board of education shall be elected, and at the general election in 1976 there shall be elected four members of the board of education to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1977, and at the general election in each fourth year after 1976, the successors to said four members of the board of education shall be elected. Except as set forth herein, all terms of office of elective officials shall commence at twelve o'clock noon on the 8th day of January following the date of their election.

No person elected mayor or supervisor shall be eligible, for a period of one year after his last day of said service as mayor or supervisor, for appointment to any full-time position carrying compensation in the city and county service.

TEXT OF PROPOSED ORDINANCE PROPOSITION K

NOTE: This section is entirely new.

Be it ordained by the people of San Francisco:

No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this ordinance; provided, however, that the provisions of this ordinance shall not apply to building permits authorizing: structures which do not exceed 40 feet in height; structures which cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission only during the first hour after sunrise and/or the last hour before sunset; structures to be constructed on property under the jurisdiction of the Recreation and Park Commission for recreational and park-related purposes; structures of the same height and in the same location as structures in place on June 6, 1984; projects for which a building permit application has been filed and either (i) a public hearing has been held prior to March 5, 1984 on a draft environmental impact report published by the Department of City Planning, or (ii) a Negative Declaration has been published by the Department of City Planning prior to the date of adoption of this initiative ordinance; or projects for which a building permit application and an application for environmental evaluation have been filed prior to March 5, 1984 and which involve physical integration of new construction with rehabilitation of a building designated as historic either by the San Francisco Board of Supervisors as a historical landmark or by the State Historic Preservation Officer as a State Historic Landmark, or placed by the United States Department of the Interior on the National Register of His-

toric Places and which are located on sites that, but for separation by a street or alley, are adjacent to such historic building. The City Planning Commission shall conduct a hearing and shall disapprove the issuance of any building permit governed by the provisions of this ordinance if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant. The City Planning Commission shall not make the determination required by the provisions of this subsection until the general manager of the Recreation and Park Department in consultation with the Recreation and Park Commission has had an opportunity to review and comment to the City Planning Commission upon the proposed project. The City Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this ordinance. The zoning administrator shall determine which applications for building permits propose structures which will cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. As used in this subsection, "property designated for acquisition by the Recreation and Park Commission" shall mean property which a majority of each of the Recreation and Park Commission and the City Planning Commission meeting jointly, with the concurrence of the Board of Supervisors, have recommended for acquisition from the open space acquisition and park renovation fund which property is to be placed under the jurisdiction of the Recreation and Park Commission. The provisions of this ordinance shall also be incorporated into the City Planning Code.

SEC. 295. HEIGHT RESTRICTIONS ON STRUCTURES SHADOWING PROPERTY UNDER THE JURISDICTION OF THE RECREATION AND PARK COMMISSION.

(a) No building permit authorizing the construction of any structure that will **cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission** may be issued except upon prior action of the Planning Commission pursuant to the provisions of this Section; provided, however, that the provisions of this Section shall not apply to building permits authorizing:

(1) Structures which do not exceed 40 feet in height;

(2) Structures which cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission only during the first hour after sunrise and/or the last hour before sunset;

(3) Structures to be constructed on property under the jurisdiction of the Recreation and Park Commission for recreational and park-related purposes;

(4) Structures of the same height and in the same location as structures in place on June 6, 1984;

(5) Projects for which a building permit application has been filed and either

(i) a public hearing has been held prior to March 5, 1984 on a draft environmental impact report published by the Planning Department, or

(ii) a Negative Declaration has been published by the Planning Department prior to July 3, 1984;

(6) Projects for which a building permit application and an application for environmental evaluation have been filed prior to March 5, 1984 and which involve physical integration of new construction with rehabilitation of a building designated as historic either by the San Francisco Board of Supervisors as a historical landmark or by the State Historic Preservation Officer as a State Historic Landmark, or placed by the United States Department of the Interior on the National Register of Historic Places and which are located on sites that, but for separation by a street or alley, are adjacent to such historic building.

(b) **The Planning Commission shall conduct a hearing and shall disapprove the issuance of any building permit governed by the provisions of this Section if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant.** The Planning Commission shall not make the determination required by the provisions of this Subsection **until the general manager of the Recreation and Park Department in consultation with the Recreation and Park Commission has had an**

EXH 2

opportunity to review and comment to the Planning Commission upon the proposed project.

(c) The Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this Section.

(d) The Zoning Administrator shall determine which applications for building permits propose structures which will cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. As used in this Section, "property designated for acquisition by the Recreation and Park Commission" shall mean property which a majority of each of the Recreation and Park Commission and the Planning Commission, meeting jointly, with the concurrence of the Board of Supervisors, have recommended for acquisition from the Open Space Acquisition and Park Renovation Fund, which property is to be placed under the jurisdiction of the Recreation and Park Commission.

(Added Ord. 62-85, App. 1/31/85; amended by Ord. 188-15, File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

Nonsubstantive changes; Ord. 188-15, Eff. 12/4/2015.



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use/Large Project Authorization Shadow Analysis/Variance

HEARING DATE: 12/20/2018

Record No.: 2016-004905CUA/ENX/SHD/VAR
Project Address: 1052-1060 Folsom St and 190-194 Russ St
Zoning: SoMa NCT (Neighborhood Commercial Transit) Zoning District
RED (Residential Enclave) Zoning District
65-X Height and Bulk District
SoMa Youth and Family Special Use District
Block/Lots: 3731/021, 023 & 087
Applicant: Paul Iantorno
2170 Sutter Street, 3731021, San Francisco, Ca 94115
Staff Contact: Doug Vu – (415) 575-9120
doug.vu@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project includes the demolition of five existing buildings containing 10,349 sq. ft. of commercial use and 4,656 sq. ft. of residential use in four dwelling units on three lots, merger of the lots into one parcel, and the construction of a new seven-story, 64'-6" tall, 58,719 gross sq. ft. mixed-use building containing 2,832 sq. ft. of ground floor commercial retail use and 55,887 sq. ft. of residential use for 63 dwelling units (consisting of 3 studio, 23 one-bedroom and 37 two-bedroom units), a combined 6,991 sq. ft. of private and common open space, and a 3,572 sq. ft. ground floor garage with access from a new driveway on Russ Street for 16 off-street auto and 63 Class 1 bicycle parking spaces.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization pursuant to Planning Code Sections 121.1, 121.7, 303 and 317 for development on a lot greater than 10,000 sq. ft., for the merger of lots resulting in a street frontage greater than 50 feet in the RED Zoning District, and for the demolition of four existing dwelling units, respectively.

The Commission must also grant a Large Project Authorization (LPA) pursuant to Planning Code Section 329 for new construction over 25,000 sq. ft. in the RED Zoning District. Under the LPA, the Commission must grant modifications to the Planning Code requirements for rear yard (Planning Code Section 134) and dwelling unit exposure (Planning Code Section 140).

Finally, the Commission must also adopt a motion that finds the additional shadow cast by the Project on Victoria Manalo Draves Park would not be adverse to the use of the park, pursuant to Planning Code Section 295.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Department has received one letter of support from the tenants of the existing rental units acknowledging an agreement with the Sponsor to provide temporary housing, relocation funds and future replacement housing, and one letter of opposition from the South of Market Community Action Network expressing concern about shadow impacts on Victoria Manalo Draves Park. The mandatory pre-application neighborhood meeting was held on July 17, 2017, and the Sponsor has conducted additional community outreach including a public meeting on October 16, 2017 that was attended by South of Market Community Action Network (SOMCAN) and other interested community members at the West Bay Pilipino Center. The Sponsor has subsequently maintained communication with individuals of the interested community organizations to discuss community benefits. On November 21, 2018, the Sponsor responded in writing to specific questions from West Bay regarding shadow impacts and project affordability, and has gone door-to-door to speak with merchants and residents.
- **Existing Tenant & Eviction History.** There are four existing units that are tenant occupied and subject to the City's Rent Stabilization and Arbitration Ordinance, and there is no known evidence of any evictions on the subject properties. The Project will demolish and replace these existing units, and the Sponsor will enter into an agreement to provide these tenants with relocation assistance including temporary housing, relocation funds and the right to occupy the new replacement units that will be subject to the Rent Stabilization and Arbitration Ordinance.
- **Variance.** The Project includes 44 dwelling units that are located in the SoMa NCT Zoning District. The Project does not provide a Code-complying rear yard, and eight units that do not meet the dwelling unit exposure requirements. Therefore, the Project will require approval of a variance from the Zoning Administrator, who will consider this request immediately following the hearing for this Conditional Use Authorization.
- **Shadow Impact.** The Project would cast new shadow onto Victoria Manalo Draves Park and increase the shadow load by 0.38% above current levels, resulting in an increase in the total annual shading from 7.41% to 7.79% of Total Annual Available Sunlight (TAAS). The new shadow would fall on the northeastern quarter of the park at the park entry, basketball court, northern children's play area, lawn areas, and several fixed benches, and would be present between February and October in the late afternoon beginning between 5:15 and 6 p.m., with an average duration of 72 minutes.
- **Affordable Housing.** The Project's 63 total dwelling units include four replacement rent-controlled units, 17 net new units located in the RED Zoning District that require 17.6% of the units to be affordable (or 3 units), and 42 net new units located in the SoMa NCT Zoning District that require 25% of the units to be affordable (or 11 units). Excluding the four rent-controlled two-bedroom units, the 59 net new units contain a mix of 3 studio, 23 one-bedroom, and 33 two-bedroom units, and the mix of affordable units include 6 one-bedroom and 8 two-bedroom units.

The Project Sponsor has also agreed to provide one more affordable unit in addition to the required 14 units.

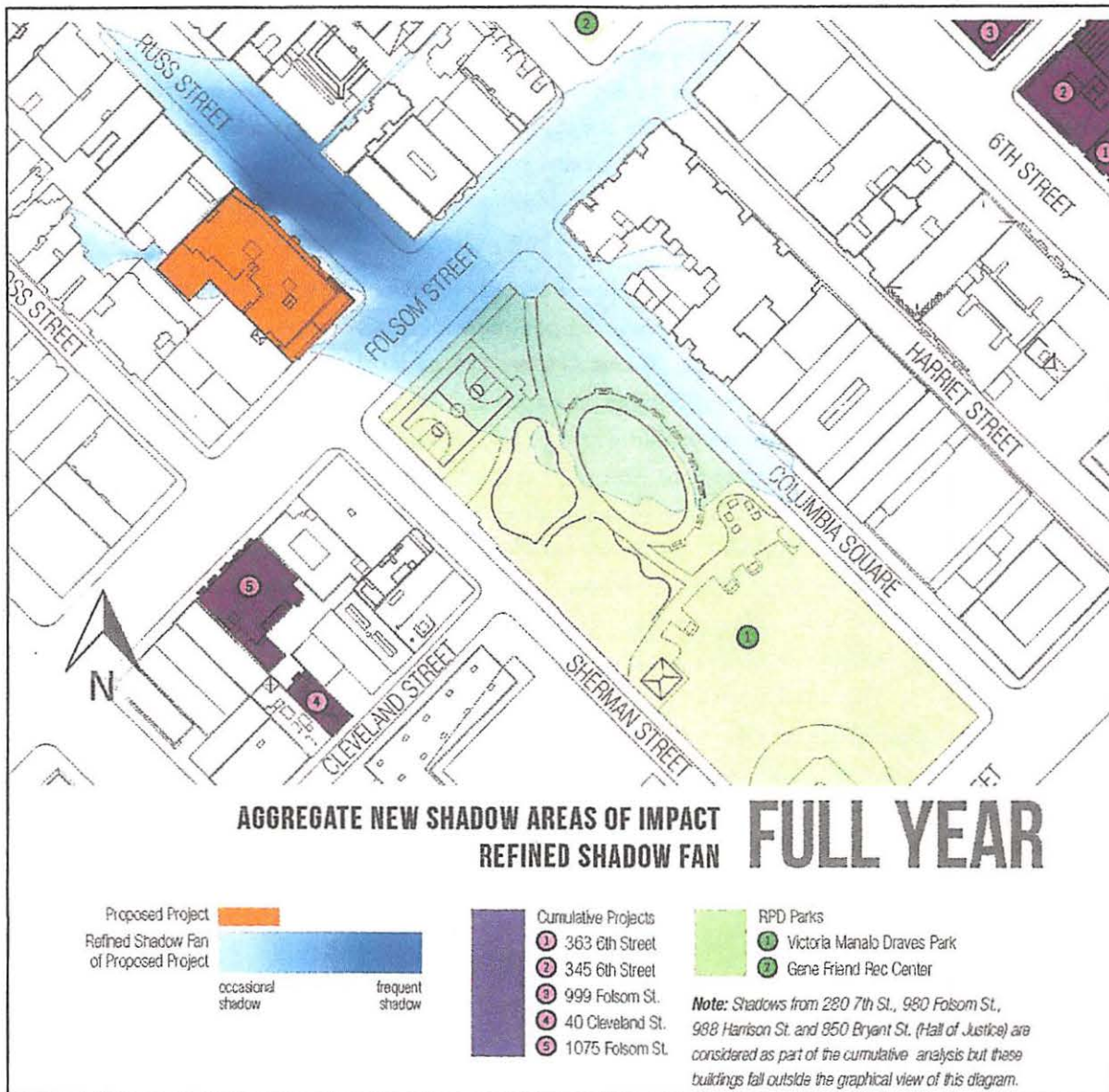
BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan, including the East SoMa Area Plan. It is an appropriate in-fill development that will replace existing rent-controlled units, add a significant amount of new dwelling units to the City's housing stock, and provide 15 additional units of permanently affordable housing. The Project's design is compatible with the pattern of development in the neighborhood, and additional shadow cast by the Project would not be adverse and is not expected to interfere with the use of Victoria Manalo Draves Park. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Large Project Authorization
Draft Motion – Conditional Use Authorization
Draft Motion – Shadow Findings under Planning Code Section 295
Exhibit A – Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F – Public Correspondence
Exhibit G – Project Sponsor Brief
Exhibit H – Inclusionary Affordable Housing Affidavit
Exhibit I – Anti-Discriminatory Housing Affidavit
Exhibit J – First Source Hiring Affidavit

Figure 2 – Full Year Shadow Fan – 1052-1060 Folsom Street and 190-194 Russ Street



Source: Prevision Design, 2018

Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations. Furthermore, the proposed project is within the scope of the development evaluated in the PEIR and would not result in impacts associated with GHG emissions beyond those disclosed in the PEIR. For the above reasons, the proposed project would not result in significant GHG emissions that were not identified in the Eastern Neighborhoods PEIR and no mitigation measures are necessary.

| <i>Topics:</i> | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|--|---|--|--|--|
| 8. WIND AND SHADOW—Would the project: | | | | |
| a) Alter wind in a manner that substantially affects public areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Wind

Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. Although the proposed 65-foot-tall building, plus a 15-foot-tall mechanical and stair penthouse, would be taller than the immediately adjacent buildings, it would be similar in height to existing buildings in the surrounding area and would be under 80 feet in height. For the above reasons, the proposed project is not anticipated to cause significant impacts related to wind that were not identified in the Eastern Neighborhoods PEIR.

Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Under the Eastern Neighborhoods Rezoning and Area Plans, sites surrounding parks could be redeveloped with taller buildings without triggering Section 295 of the Planning Code because certain parks are not subject to Section 295 of the Planning Code (i.e., under jurisdiction of departments other than the Recreation and Parks Department or privately owned). The Eastern Neighborhoods PEIR could not conclude if the rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

The proposed project would construct a 65-foot-tall building (with an additional 15 feet for rooftop mechanical equipment and an elevator/stair penthouse; therefore), the Planning Department prepared a preliminary shadow fan analysis to determine whether the project would have the potential to cast new shadow on nearby parks. The shadow fan indicated that the proposed project would potentially cast net new shadows on Victoria Manalo Draves Park and on the playground at Bessie Carmichael Elementary School.⁴⁸ Victoria Manalo Draves Park is under the jurisdiction of the Recreation and Park Commission. Thus, project-generated shadow on the park is subject to Section 295 of the Planning Code.

Based on the results of the preliminary shadow fan analysis, a detailed shadow study was prepared for the proposed project pursuant to Planning Department guidance.⁴⁹ The shadow study consists of quantitative and qualitative analysis of the project's potential shadow impacts to Victoria Manalo Draves Park, including analysis of the shadow of existing surrounding buildings and cumulative projects (i.e. reasonably foreseeable development projects with the project's potential to shadow Victoria Manalo Draves Park). The shadow analysis was conducted for representative times of the day for three representative days of the year. The representative days are the summer solstice (June 21), when the midday sun is at its highest and shadows are shortest; the autumnal/vernal equinoxes (September 20/March 22), when shadows are midway through a period of lengthening; and the winter solstice (December 20), when the midday sun is at its lowest and shadows are longest.

The Proposition K memorandum, dated February 3, 1989, was developed by the Recreation and Park Department and the Planning Department⁵⁰ to establish tolerance levels for new shading for specific parks and establish shadow criteria for parks not named in the memorandum but still subject to Section 295 of the Planning Code. The tolerance limits are based on the new shadow-foot-hours that would potentially be added to a park as a percentage of the theoretical total square-foot-hours (sfh)⁵¹ of sunlight for that property over a period of one year. The Proposition K memorandum established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the memorandum. Victoria Manalo Draves Park was not named in the Proposition K memorandum and, at 2.53 acres (109,997 sq. ft.), it is considered a large park which is shadowed less than 20 percent of the time during the year. As such, it is recommended that additional shadow of up to one percent could be potentially permitted if the shadow meets the qualitative criteria of how shading would occur in the park. The qualitative criteria includes existing shadow profiles, important times of day and seasons in the year associated with the park's use, the size and duration of new shadows, and the public good served by the buildings casting new shadow. Approval of new project-related shadow on Victoria Manalo Draves Park would require hearings at the Recreation and Park Commission and the Planning Commission.

⁴⁸ Schoolyards that are enrolled in the Shared Schoolyard Project are considered to be publicly accessible and should be included as public open spaces within the shadow analysis for CEQA review. Bessie Carmichael Elementary School is not currently enrolled as a participating school within the San Francisco Shared Schoolyard Project (<http://www.sfsharedschoolyard.org/>). Therefore, project-generated shadow on Bessie Carmichael Elementary School is not discussed in this checklist.

⁴⁹ Prevision Design, Shadow Analysis Report for the Proposed 1052 Folsom Street per SF Planning Section 295 Standards, October 30, 2018

⁵⁰ San Francisco Planning Department, Proposition K – The Sunlight Ordinance Memorandum, February 3, 1989.

⁵¹ The amount of sun the park would receive throughout the year if there was no shadow on the park at any time.

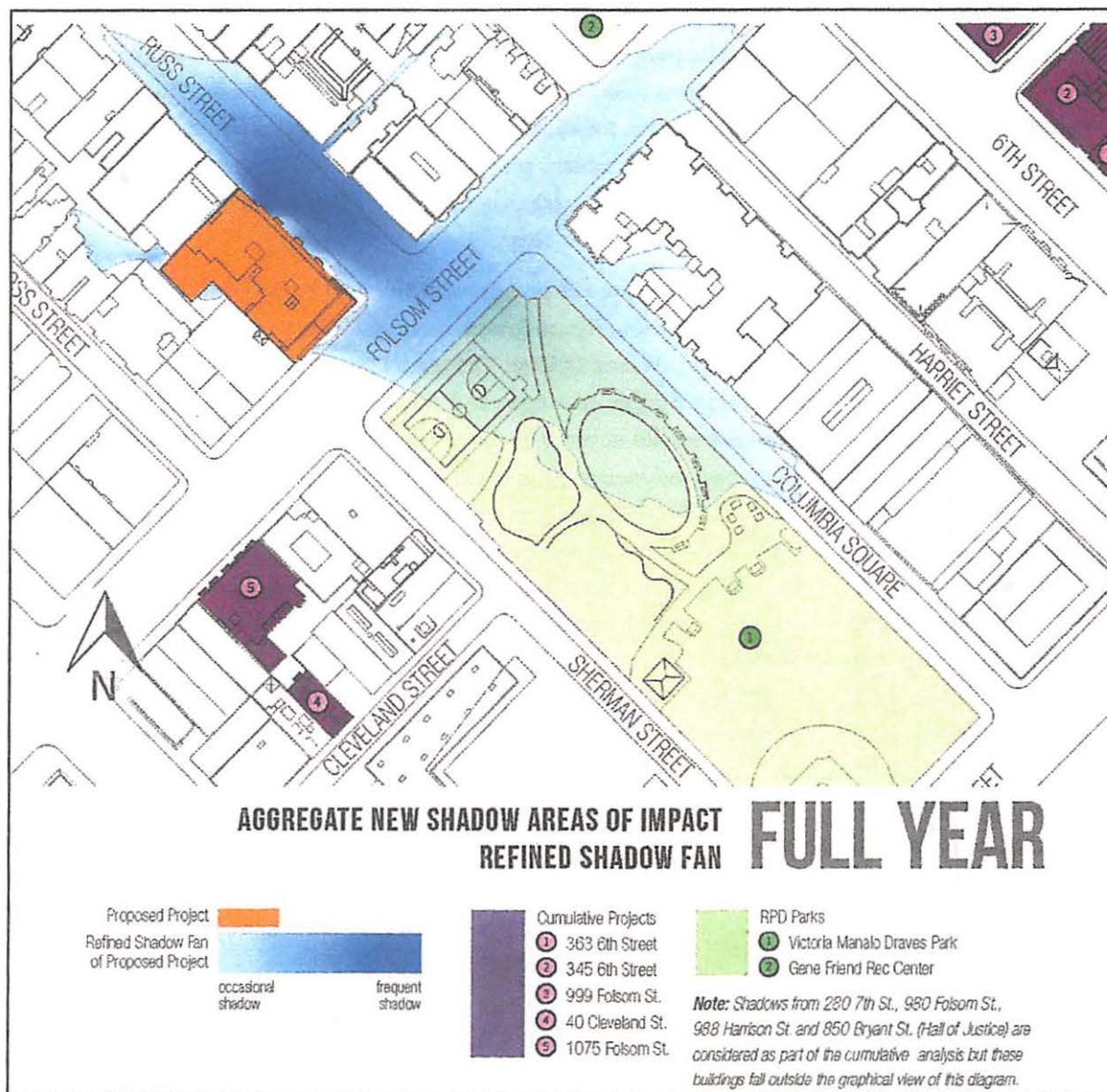
The proposed project would not cast new shadows on the Gene Friend Recreation Center nor any other public parks, privately owned public open spaces, nor the outdoor play area of the Bessie Carmichael Elementary School. Therefore, no additional analysis of shadow on these facilities is provided.

Victoria Manalo Draves Park

Victoria Manalo Draves Park is a public park located on Lot 16 of Assessor's Block 3754 and encompasses the entire block bounded by Folsom Street to the northwest, Harrison Street to the southwest, Columbia Square to the northeast and Sherman Street to the southwest. The park contains a baseball field, a batting cage along Columbia Square, fixed picnic tables, playground areas with playground equipment, restrooms, landscaped areas, and walkways. The park is enclosed by a 5-foot-tall fence and is locked at night. It is open from sunrise to sunset, 365 days per year.

The shadow analysis determined that the proposed project would cast new shadow on Victoria Manalo Draves Park throughout the year. As shown in Figure 2, new shadows from the proposed project would occur between approximately February 23rd and October 17th annually and would enter the park in the late afternoon between approximately 5:15pm and 6pm and be present through the remainder of the afternoon and evening. New shadows would occur in the northeastern quarter of the park and at various times would cast new shadows on the park entry, the basketball court, the northern children's play area, lawn areas, and seven fixed benches. The proposed project would result in new shadows falling on the park, adding approximately 1,569,594 net new annual sfh of shadow and increasing the park's total sfh of shadow from 7.41% of the theoretical annual available sunlight (TAAS) under existing conditions by 0.38% above current levels, resulting in a new annual total shading of 7.79% of the TAAS. The days of maximum shading on the park due to the proposed project would occur on June 21, when the proposed project would shade the northeastern quarter of the park starting between 5:46pm and 6pm and be present for between 96-110 minutes within Section 295 times. Maximum shading would occur at a time (7:36pm) when both existing and project-related shadows would be lengthening at an accelerated rate as compared to other times of day. The largest new shadow would cover 20,064 sf, equal to 18.24% of the total park area (existing shading at that time covers 30% of the park area).

Figure 2 – Full Year Shadow Fan – 1052-1060 Folsom Street and 190-194 Russ Street



Source: Prevision Design, 2018

In order to assess park usage, a qualitative analysis was conducted for the project. The analysis included six 30-minute observation periods conducted during the morning, mid-afternoon, and late afternoon/early evening times between May 18 and May 20, 2018. Based on these observations, the number of users in the park ranged from 4 to 68, with uses that varied at different times of day and days of the week. Observed park uses included children playing in the playground areas, eating lunch and resting on benches, walking dogs, playing basketball or soccer, barbecuing, working in the community garden and for a small portion of observed users, passing through the park. Overall, observed usage of the park was higher during the weekday midday and afternoon observation periods as well as during the weekend morning and midday observation periods. The areas with the highest use at these times were children using the playground areas, with fewer users occupying the other park features. On both morning observations and the weekday afternoon/early evening visit, one user was observed working in the community garden area. The observed intensity of use varied between the various observation times but could be characterized as low to moderate given the park's size. Observed peak use on May 21 corresponded to a ratio of approximately 1,615 square feet of park area per user.

As previously described, new shadow due to the proposed project would occur in the northeastern quarter of the park and would occur during the late afternoon/early evening between approximately 5:15 and 6pm. New shadows cast by the project on the park entry, the basketball court, the northern children's play area, lawn areas, and seven fixed benches would be present though the remainder of the afternoon and evening. In addition, less sensitive areas such as the park entry, grassy areas, edges of the ball field and walkways, would also receive new shadow. Observations of the park noted that peak usage of the park occurred during the weekday midday period (68 users) and weekend midday period (42 users). Based on the analysis, new project-related shadow would be present at times when substantially lower numbers of users were observed during the late afternoon/early evening period (31 users) and weekend late afternoon/early evening period (4 users). Intervening buildings already cast shadows on the same or similar areas of the Victoria Manalo Draves Park, so much of the project-related shadow would not be new shadow. Although shadows would increase in the late afternoon/early evening, no single location within the park would be in continuous new shadow for longer than 15 minutes.

Based on the above, the new shadow resulting from the proposed project would not be expected to substantially affect the use and enjoyment of the park because the project-related shadow would occur during lower levels of weekday and weekend use and would be of short duration in any given area. Users in the affected areas could be affected by the presence of new shadow, however no clear pattern of diminished use of shaded features (vs. unshaded features) was observed under current conditions over the course of the park observation visits. Therefore, the proposed project would result in less-than-significant shadow impacts on Victoria Manalo Draves Park.

The proposed project would also shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in

shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For the above reasons, the proposed project would not result in significant impacts related to shadow that were not identified in the Eastern Neighborhoods PEIR.

| <i>Topics:</i> | <i>Significant Impact Peculiar to Project or Project Site</i> | <i>Significant Impact not Identified in PEIR</i> | <i>Significant Impact due to Substantial New Information</i> | <i>No Significant Impact not Previously Identified in PEIR</i> |
|--|---|--|--|--|
| 9. RECREATION—Would the project: | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Physically degrade existing recreational resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The Eastern Neighborhoods PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Eastern Neighborhoods PEIR. However, the PEIR identified Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities. This improvement measure calls for the City to implement funding mechanisms for an ongoing program to repair, upgrade and adequately maintain park and recreation facilities to ensure the safety of users.

As part of the Eastern Neighborhoods adoption, the City adopted impact fees for development in Eastern Neighborhoods that goes towards funding recreation and open space. Since certification of the PEIR, the voters of San Francisco passed the 2012 San Francisco Clean and Safe Neighborhood Parks Bond providing the Recreation and Parks Department an additional \$195 million to continue capital projects for the renovation and repair of parks, recreation, and open space assets. This funding is being utilized for improvements and expansion to Garfield Square, South Park, Potrero Hill Recreation Center, Warm Water Cove Park, and Pier 70 Parks Shoreline within the Eastern Neighborhoods Plan area. The impact fees and the 2012 San Francisco Clean and Safe Neighborhood Parks Bond are funding measures similar to that described in PEIR Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities.

An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20362

HEARING DATE: DECEMBER 20, 2018

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: 2016-004905SHD
Project Address: 1052-1060 Folsom Street & 190-194 Russ Street
Zoning: SoMa NCT (Neighborhood Commercial Transit) Zoning District
RED (Residential Enclave) Zoning District
65-X Height and Bulk District
SoMa Youth and Family Special Use District
Block/Lots: 3731/021, 023 & 087
Project Sponsor: Paul Iantorno
Golden Properties LLC
2170 Sutter Street
San Francisco, CA 94115
Staff Contact: Doug Vu – (415) 575-9120
Doug.Vu@sfgov.org

ADOPTING FINDINGS WITH THE RECOMMENDATION OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON VICTORIA MANALO DRAVES PARK BY THE PROPOSED PROJECT AT 1052-1060 FOLSOM STREET AND 190-194 RUSS STREET WOULD NOT BE ADVERSE TO THE USE OF VICTORIA MANALO DRAVES PARK.

PREAMBLE

Under Planning Code Section 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1959, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Planning Code Section 295 was adopted in 1985 in response to voter-approved Proposition K, which required Planning Commission disapproval of any structure greater than 40 feet in height that cast a shadow on property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission found the shadow would not be significant. In 1989, the Recreation and Park Commission and Planning Commission jointly adopted a memorandum which identified quantitative and qualitative criteria for determinations of significant shadows in parks under the jurisdiction of the Recreation and Park Department.

The Proposition K memorandum established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the memorandum. Victoria Manalo Draves Park was not named in the Proposition K memorandum and, at 2.53 acres (109,997 sq. ft.), is considered a large park which is shadowed less than 20 percent of the time during the year. As such, it is recommended that additional shadow of up to one percent could be potentially permitted if the shadow meets the qualitative criteria of the park. The qualitative criteria includes existing shadow profiles, important times of day and seasons in the year associated with the park's use, the size and duration of new shadows, and the public good served by the buildings casting new shadow. Approval of new shadow on Victoria Manalo Draves Park would require hearings at the Recreation and Park Commission and the Planning Commission.

Victoria Manalo Draves (VMD) Park is a public park under the jurisdiction of the Recreation and Park Department (RPD). It is a 2.53-acre (109,997 square feet) urban park located in the SoMa neighborhood of San Francisco. The park is bounded by Folsom Street to the northwest, Harrison Street to the southeast, Columbia Square to the northeast, and Sherman Street to the southwest. The park is enclosed by a 5-foot tall fence and locked at night. The stated hours of operation for Victoria Manalo Draves Park are from sunrise to sunset, year-round.

The park contains landscaped areas, walkways and areas for active and passive uses. VMD's primary public entrance is located on the corner of Folsom Street and Columbia Square. Two additional entrances are located at Sherman Street and at Columbia Square. The main entry walkway branches off with paths leading to the basketball court, a community garden and two children's play areas, one for younger children and one for older kids. The park also includes a mounded grassy area surrounded by benches, a restroom structure, picnic tables and a ball field. The outfield is mostly used for adult kickball and occasional RPD and community youth programming. Additionally, the adjacent Bessie Carmichael School uses the ball field for physical education classes during the school year.

The proposed project would result in new shadows falling on the park, adding approximately 1,569,594 annual square foot hours (sfh) of shadow and increasing shadow load by 0.38% above current levels, resulting in an increase in the total annual shading from 7.41% to 7.79% of Total Annual Available Sunlight (TAAS). The new shadow resulting from the Project would be present between February and October in late afternoon hours and would fall on the northeastern quarter of the park and cast new shadows on the park entry, the basketball court, the northern children's play area, lawn areas, and several fixed benches.

On December 9, 2016, Paul Iantorno of Golden Properties LLC (hereinafter "Project Sponsor") filed Application No. 2016-004905SHD (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Shadow Analysis to construct a seven-story, 64-ft. 6-in. tall, and 58,719 gross sq. ft. mixed use building containing 2,832 sq. ft. of ground floor commercial retail use and 55,887 sq. ft. of residential use for 63 dwelling units, a combined 6,991 sq. ft. of private and common open space, and a new 3,572 sq. ft. ground floor garage with access from a new driveway on Russ Street for 16 off-street auto and 63 Class 1 bicycle parking spaces (hereinafter "Project") at 1052-1060 Folsom Street and 190-194 Russ Street, Block 3731 and Lots 021, 023 and 087 (hereinafter "Project Site"). The Project is located within the RED (Residential Enclave) and SoMa NCT (Neighborhood Commercial Transit) Zoning Districts, SoMa Youth and Family SUD (Special Use District), and a 65-X Height and Bulk District.

On an annual basis, the Theoretical Annual Available Sunlight ("TAAS") on Victoria Manalo Draves Park is approximately 409,342,836 square-foot hours of sunlight. Existing structures in the area cast shadows on Victoria Manalo Draves Park that total approximately 30,345,597 square-foot hours, or approximately 7.41% of the TAAS.

A shadow analysis report, prepared by Pre Vision Design, was submitted on October 30, 2018, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Record No. 2016-004905SHD). The memorandum concluded that the Project would cast approximately 1,569,594 square-foot hours of new shadow on Victoria Manalo Draves Park, equal to approximately 0.38% of the TAAS on Victoria Manalo Draves Park, bringing the estimated total annual shading of the Park as a percentage of TAAS to 7.79% (previously at 7.41%).

On December 11, 2018, the Department determined that the Project did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2016-004905SHD is located at 1650 Mission Street, Suite 400, San Francisco, California.

On December 20, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Shadow Analysis Application No. 2016-004905SHD.

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

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. The additional shadow cast by the Project would not be adverse and is not expected to interfere with the use of the Park for the following reasons:

- a. The magnitude of the additional shadow is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area of intended for increased building heights and residential density.
 - b. The new shadow would occur in the late afternoon between 5:15 and 6 p.m. when lower levels of weekday and weekend use were observed relative to the peak usage time around noon, with the average duration of the net new shadow being 72 minutes, and never exceeding 110 minutes.
 - c. Shading from the Project would be cast over the top of intervening buildings, which already cast shadows on the park.
 - e. No single location within the park would be in continuous new shadow for longer than 15 minutes.
3. **Public Outreach and Comment.** The Department has received one letter of support from the tenants of the existing rental units acknowledging an agreement with the Sponsor to provide temporary housing, relocation funds and future replacement housing, and one letter of opposition from the South of Market Community Action Network expressing concern about shadow impacts on Victoria Manolo Draves Park. The mandatory pre-application neighborhood meeting was held on July 17, 2017, and the Sponsor has conducted additional community outreach including a public meeting on October 16, 2017 that was attended by South of Market Community Action Network (SOMCAN) and other interested community members at the West Bay Pilipino Center. The Sponsor has subsequently maintained communication with individuals of the interested community organizations to discuss community benefits. On November 21, 2018, the Sponsor responded in writing to specific questions from West Bay regarding shadow impacts and project affordability, and has gone door-to-door to speak with merchants and residents.
4. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to the Project does not constitute an approval of the Project.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DETERMINES**, under Shadow Analysis Application No. 2016-004905SHD that the net new shadow cast by the Project on Victoria Manalo Draves Park will not be adverse to the use of Victoria Manalo Draves Park.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on December 20, 2018.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel

NAYS: Melgar, Moore, Richards

ABSENT: None

ADOPTED: December 20, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: DECEMBER 20, 2018

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: 2016-004905SHD
Project Address: 1052-1060 Folsom Street & 190-194 Russ Street
Zoning: SoMa NCT (Neighborhood Commercial Transit) Zoning District
RED (Residential Enclave) Zoning District
65-X Height and Bulk District
SoMa Youth and Family Special Use District
Block/Lots: 3731/021, 023 & 087
Project Sponsor: Paul Iantorno
Golden Properties LLC
2170 Sutter Street
San Francisco, CA 94115
Staff Contact: Doug Vu – (415) 575-9120
Doug.Vu@sfgov.org

ADOPTING FINDINGS WITH THE RECOMMENDATION OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON VICTORIA MANALO DRAVES PARK BY THE PROPOSED PROJECT AT 1052-1060 FOLSOM STREET AND 190-194 RUSS STREET WOULD NOT BE ADVERSE TO THE USE OF VICTORIA MANALO DRAVES PARK.

PREAMBLE

Under Planning Code Section 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1959, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Planning Code Section 295 was adopted in 1985 in response to voter-approved Proposition K, which required Planning Commission disapproval of any structure greater than 40 feet in height that cast a shadow on property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission found the shadow would not be significant. In 1989, the Recreation and Park Commission and Planning Commission jointly adopted a memorandum which identified quantitative and qualitative criteria for determinations of significant shadows in parks under the jurisdiction of the Recreation and Park Department.

The Proposition K memorandum established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the memorandum. Victoria Manalo Draves Park was not named in the Proposition K memorandum and, at 2.53 acres (109,997 sq. ft.), is considered a large park which is shadowed less than 20 percent of the time during the year. As such, it is recommended that additional shadow of up to one percent could be potentially permitted if the shadow meets the qualitative criteria of the park. The qualitative criteria includes existing shadow profiles, important times of day and seasons in the year associated with the park's use, the size and duration of new shadows, and the public good served by the buildings casting new shadow. Approval of new shadow on Victoria Manalo Draves Park would require hearings at the Recreation and Park Commission and the Planning Commission.

Victoria Manalo Draves (VMD) Park is a public park under the jurisdiction of the Recreation and Park Department (RPD). It is a 2.53-acre (109,997 square feet) urban park located in the SoMa neighborhood of San Francisco. The park is bounded by Folsom Street to the northwest, Harrison Street to the southeast, Columbia Square to the northeast, and Sherman Street to the southwest. The park is enclosed by a 5-foot tall fence and locked at night. The stated hours of operation for Victoria Manalo Draves Park are from sunrise to sunset, year-round.

The park contains landscaped areas, walkways and areas for active and passive uses. VMD's primary public entrance is located on the corner of Folsom Street and Columbia Square. Two additional entrances are located at Sherman Street and at Columbia Square. The main entry walkway branches off with paths leading to the basketball court, a community garden and two children's play areas, one for younger children and one for older kids. The park also includes a mounded grassy area surrounded by benches, a restroom structure, picnic tables and a ball field. The outfield is mostly used for adult kickball and occasional RPD and community youth programming. Additionally, the adjacent Bessie Carmichael School uses the ball field for physical education classes during the school year.

The proposed project would result in new shadows falling on the park, adding approximately 1,569,594 annual square foot hours (sfh) of shadow and increasing shadow load by 0.38% above current levels, resulting in an increase in the total annual shading from 7.41% to 7.79% of Total Annual Available Sunlight (TAAS). The new shadow resulting from the Project would be present between February and October in late afternoon hours and would fall on the northeastern quarter of the park and cast new shadows on the park entry, the basketball court, the northern children's play area, lawn areas, and several fixed benches.

On December 9, 2016, Paul Iantorno of Golden Properties LLC (hereinafter "Project Sponsor") filed Application No. 2016-004905SHD (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Shadow Analysis to construct a seven-story, 64-ft. 6-in. tall, and 58,719 gross sq. ft. mixed use building containing 2,832 sq. ft. of ground floor commercial retail use and 55,887 sq. ft. of residential use for 63 dwelling units, a combined 6,991 sq. ft. of private and common open space, and a new 3,572 sq. ft. ground floor garage with access from a new driveway on Russ Street for 16 off-street auto and 63 Class 1 bicycle parking spaces (hereinafter "Project") at 1052-1060 Folsom Street and 190-194 Russ Street, Block 3731 and Lots 021, 023 and 087 (hereinafter "Project Site"). The Project is located within the RED (Residential Enclave) and SoMa NCT (Neighborhood Commercial Transit) Zoning Districts, SoMa Youth and Family SUD (Special Use District), and a 65-X Height and Bulk District.

On an annual basis, the Theoretical Annual Available Sunlight ("TAAS") on Victoria Manalo Draves Park is approximately 409,342,836 square-foot hours of sunlight. Existing structures in the area cast shadows on Victoria Manalo Draves Park that total approximately 30,345,597 square-foot hours, or approximately 7.41% of the TAAS.

A shadow analysis report, prepared by Pre Vision Design, was submitted on October 30, 2018, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Record No. 2016-004905SHD). The memorandum concluded that the Project would cast approximately 1,569,594 square-foot hours of new shadow on Victoria Manalo Draves Park, equal to approximately 0.38% of the TAAS on Victoria Manalo Draves Park, bringing the estimated total annual shading of the Park as a percentage of TAAS to 7.79% (previously at 7.41%).

On December 11, 2018, the Department determined that the Project did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2016-004905SHD is located at 1650 Mission Street, Suite 400, San Francisco, California.

On December 20, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Shadow Analysis Application No. 2016-004905SHD.

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

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. The additional shadow cast by the Project would not be adverse and is not expected to interfere with the use of the Park for the following reasons:

- a. The magnitude of the additional shadow is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area of intended for increased building heights and residential density.
 - b. The new shadow would occur in the late afternoon between 5:15 and 6 p.m. when lower levels of weekday and weekend use were observed relative to the peak usage time around noon, with the average duration of the net new shadow being 72 minutes, and never exceeding 110 minutes.
 - c. Shading from the Project would be cast over the top of intervening buildings, which already cast shadows on the park.
 - e. No single location within the park would be in continuous new shadow for longer than 15 minutes.
3. **Public Outreach and Comment.** The Department has received one letter of support from the tenants of the existing rental units acknowledging an agreement with the Sponsor to provide temporary housing, relocation funds and future replacement housing, and one letter of opposition from the South of Market Community Action Network expressing concern about shadow impacts on Victoria Manolo Draves Park. The mandatory pre-application neighborhood meeting was held on July 17, 2017, and the Sponsor has conducted additional community outreach including a public meeting on October 16, 2017 that was attended by South of Market Community Action Network (SOMCAN) and other interested community members at the West Bay Pilipino Center. The Sponsor has subsequently maintained communication with individuals of the interested community organizations to discuss community benefits. On November 21, 2018, the Sponsor responded in writing to specific questions from West Bay regarding shadow impacts and project affordability, and has gone door-to-door to speak with merchants and residents.
4. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to the Project does not constitute an approval of the Project.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DETERMINES**, under Shadow Analysis Application No. 2016-004905SHD that the net new shadow cast by the Project on Victoria Manalo Draves Park will not be adverse to the use of Victoria Manalo Draves Park.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on December 20, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECREATION AND PARK COMMISSION
City and County of San Francisco
Resolution No. 1501-005

VICTORIA MANALO DRAVES PARK
SHADOW IMPACT FROM PROPOSED PROJECT AT 190 RUSS STREET

RESOLVED, That this Commission does advise the Planning Commission, pursuant to Planning Code Section 295 (Sunlight Ordinance), the new shadow cast by the proposed project at 190 Russ Street does not meet the qualitative criteria of the 1989 Memo and will have a significant adverse impact on Victoria Manalo Draves Park.

Adopted by the following vote:

| | |
|--------|---|
| Ayes | 5 |
| Noes | 0 |
| Absent | 2 |

I hereby certify that the foregoing resolution
was adopted at the Recreation and Park
Commission meeting held on January 15, 2015


Margaret A. McArthur, Commission Liaison

RECREATION AND PARK COMMISSION
City and County of San Francisco
Resolution No. 1812-007

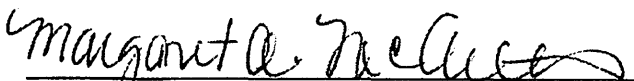
**1052-1060 FOLSOM STREET & 190-194 RUSS STREET SHADOW ON
VICTORIA MANALO DRAVES PARK**

RESOLVED, that this the Commission recommends that the Planning Commission find that the shadow cast by the proposed project at 1052-1060 Folsom Street and 190-194 Russ Street will not have a significant adverse impact on the use of Victoria Manalo Draves Park, pursuant to Planning Code Section 295 (the Sunlight Ordinance)

Adopted by the following vote:

| | |
|--------|---|
| Ayes | 4 |
| Noes | 2 |
| Absent | 1 |

I hereby certify that the foregoing resolution was adopted at the Recreation and Park Commission meeting held on December 20, 2018.


Margaret A. McArthur, Commission Liaison



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20361

HEARING DATE: DECEMBER 20, 2018

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: 2016-004905CUA
Project Address: 1052-1060 Folsom Street & 190-194 Russ Street
Zoning: SoMa NCT (Neighborhood Commercial Transit) Zoning District
RED (Residential Enclave) Zoning District
65-X Height and Bulk District
SoMa Youth and Family Special Use District
Block/Lots: 3731/021, 023 & 087
Project Sponsor: Paul Iantorno
Golden Properties LLC
2170 Sutter Street
San Francisco, CA 94115
Staff Contact: Doug Vu – (415) 575-9120
Doug.Vu@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.1, 121.7, 303 AND 317 FOR THE DEVELOPMENT OF A LOT GREATER THAN 10,000 SQUARE FEET IN THE SOMA NCT ZONING DISTRICT, MERGER OF LOTS THAT RESULT IN A STREET FRONTAGE GREATER THAN 50 FEET IN THE RED DISTRICT, AND THE DEMOLITION OF FOUR EXISTING DWELLING UNITS FOR THE PROJECT INVOLVING THE DEMOLITION OF FIVE EXISTING BUILDINGS, MERGER OF THREE LOTS, AND THE NEW CONSTRUCTION OF A SEVEN-STORY, 64-FEET AND 6-INCH TALL, APPROXIMATELY 58,719 SQUARE FEET MIXED-USE BUILDING CONTAINING 2,832 SQUARE FEET OF GROUND FLOOR COMMERCIAL RETAIL USE AND 55,887 SQUARE FEET OF RESIDENTIAL USE FOR 63 DWELLING UNITS (CONSISTING OF THREE STUDIO, 23 ONE-BEDROOM, AND 37 TWO-BEDROOM), 6,991 SQUARE FEET OF PRIVATE AND COMMON OPEN SPACE, AND A 3,572 SQUARE FEET GROUND FLOOR GARAGE WITH ACCESS FROM A NEW DRIVEWAY ON RUSS STREET FOR 16 OFF-STREET AUTOMOBILE PARKING SPACES AND 63 CLASS 1 BICYCLE PARKING SPACES AT 1052-1060 FOLSOM STREET AND 190-194 RUSS STREET, LOTS 021, 023 AND 087 IN ASSESSOR'S BLOCK 3731, WITHIN THE SOMA NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) AND RED (RESIDENTIAL ENCLAVE) ZONING DISTRICTS, SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT, A 65-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 8, 2017, Paul Iantorno of Golden Properties LLC (hereinafter "Project Sponsor"), filed Application No. 2016-004905CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization to demolish five existing buildings that include approximately 10,349 square feet (sq. ft.) of commercial use and 4,656 sq. ft. of residential use containing

four dwelling, merge three the lots into once parcel, and construct a new seven-story, 64-ft. 6-in. tall, and 58,719 gross sq. ft. mixed use building containing 2,832 sq. ft. of ground floor commercial retail use and 55,887 sq. ft. of residential use for 63 dwelling units (including three studio, 23 one-bedroom and 37 two-bedroom units), a combined 6,991 sq. ft. of private and common open space, and a new 3,572 sq. ft. ground floor garage with access from a new driveway on Russ Street for 16 off-street auto and 63 Class 1 bicycle parking spaces (hereinafter "Project") at 1052-1060 Folsom Street and 190-194 Russ Street, Block 3731 and Lots 021, 023 and 087 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2016-004905CUA at 1650 Mission Street, Suite 400, San Francisco, California.

On December 20, 2018, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2016-004905CUA.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commissions review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On December 11, 2018, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section

21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On December 20, 2018, the Commission adopted Motion No. 20360, approving a Large Project Authorization for the Proposed Project (Large Project Authorization Application No. 2016-004905ENX). Findings contained within said motion are incorporated herein by this reference thereto as if fully set forth in this Motion.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2016-004905CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes the demolition of five existing buildings containing commercial uses and four dwelling units on three lots, merger of the lots into one parcel, and the construction of a new seven-story, 64'-6" tall, and 58,719 gross sq. ft. mixed use building containing 2,832 sq. ft. of ground floor commercial retail use and 55,887 sq. ft. of residential use for 63 dwelling (3 studio, 23 one-bedroom and 37 two-bedroom) units, a combined 6,991 sq. ft. of private and common open space, and a 3,572 sq. ft. ground floor garage with access from a new driveway on Russ Street for 16 off-street auto and 63 Class 1 bicycle parking spaces.
3. **Site Description and Present Use.** The Project is located at the northwest corner of Folsom and Russ Streets on three lots, two parcels in the SoMa Neighborhood NCT (Neighborhood

Commercial Transit) District, and one parcel in the RED (Residential Enclave) District. The Project Site has a lot area of 11,500 sq. ft. with 75 feet of frontage on Folsom Street and 140 feet on Russ Street. Lot 021 is rectangular shaped and developed with three structures including a 6,197 sq. ft., two-story, corner building containing two commercial storefronts at the ground floor (d.b.a. Deli Board and Fondue Cowboy), and 2 two-bedroom flats at the second floor, a 991 sq. ft. one-story commercial building facing Russ Street, and a 2,158 sq. ft., three-story Edwardian-period designed house at the rear of the lot containing two residential flats over a garage, also facing Russ Street. Lot 023 is located mid-block, rectangular shaped, and improved with a 3,840 sq. ft., two-story commercial building fronting Folsom Street. Lot 087 is T-shaped, faces Russ Street and is developed with a surface parking lot at the front and a 1,819 sq. ft. one-story commercial building at the rear.

4. **Surrounding Properties and Neighborhood.** Sixty percent (60%) of the Project Site is located in the SoMa NCT Zoning District, a corridor along 6th and Folsom Streets that connects to the Folsom Street NCT District and possesses a development pattern of ground floor commercial and upper story residential units. Active, neighborhood-serving and pedestrian-oriented ground floor uses are required, and the development controls in this NCT Zoning District are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. While offices and general commercial retail uses may locate on the second story or above in new buildings, most commercial uses are prohibited above the second story.

The remaining rear forty percent (40%) of the Project Site is located in the RED Zoning District, which encompasses many of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the South of Market area. The zoning controls for this district are tailored to encourage compatible and economically feasible in-fill housing, while providing adequate residential amenities to the site and neighborhood. Nonresidential uses are generally not permitted, and undeveloped or underdeveloped properties are viewed as opportunity sites for new, moderate-income, in-fill housing. The properties adjacent to the Project Site include a restaurant to the west (d.b.a. Extreme Pizza), an institutional nonprofit use (d.b.a. Mission Hiring Hall) to the east across Russ Street, live-work units and a multi-family dwelling located to the north, and Victoria Manolo Draves Park to the south across Folsom Street.

5. **Public Outreach and Comment.** The Department has received one letter of support from the tenants of the existing rental units acknowledging an agreement with the Project Sponsor to provide temporary housing, relocation funds and future replacement housing, and one letter of opposition from the South of Market Community Action Network expressing concern about shadow impacts on Victoria Manolo Draves Park.

On July 17, 2017, the Project Sponsor conducted the mandatory pre-application neighborhood meeting. Subsequently, the Project Sponsor has conducted additional community outreach including a public meeting on October 16, 2017 that was attended by South of Market Community Action Network (SOMCAN) and other interested community members at the West Bay Pilipino Center. The Sponsor has subsequently maintained communication with individuals of the interested community organizations to discuss community benefits. On November 21, 2018, the Sponsor responded in writing to specific questions from West Bay regarding shadow

impacts and project affordability and has gone door-to-door to speak with merchants and residents.

6. **Planning Code Compliance:** The Planning Code Compliance Findings set forth in Motion No. 20360, Case No. 2016-004905ENX (Large Project Authorization, pursuant to Planning Code Section 329) apply to this Motion, and are incorporated herein as though fully set forth.
7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project's proposed size, height and intensity are comparable to, and compatible with the surrounding neighborhood and community, and it is designed to comply with the East SoMa Area Plan. Sixty percent (60%) of the Project Site is located in the SoMa NCT District, a corridor along 6th and Folsom Streets that connects to the Folsom Street NCT District and possesses a development pattern of ground floor commercial and upper story residential units. Active, neighborhood-serving and pedestrian-oriented ground floor uses are required, and the development controls in this NCT district are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. The remaining rear forty percent (40%) of the Project Site is located in the RED District, which encompasses many of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the South of Market area. Nonresidential uses are generally not permitted, and undeveloped or underdeveloped properties are viewed as opportunity sites for new, moderate-income, in-fill housing.

The Project will provide a development that is highly desirable for the neighborhood because it will fulfill the above stated goals by redeveloping an underutilized site with critically needed infill housing and ground floor retail uses in an intensely-developed urban context served by ample public transit and retail services. Residents of the Project will be able to walk, bike, or take transit to commute, shop, and meet other needs without reliance on private automobile use. The proposed ground floor retail uses will maintain the frontage of commercial uses along the Folsom and 6th Street corridors, and new street trees, landscaping and site furniture along the entire perimeter of the Project will improve the visual character and activate the streetscape and pedestrian environment.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
 - (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the diverse character of the area. The proposed merger of three adjacent lots to allow the development of a 64-ft. 6-in. tall mixed-use building will maximize the number of residential units and provide a dwelling unit mix that supports several General Plan policies and goals. The ground floor will include approximately 2,832 sq. ft. of commercial retail space that is divided into three storefronts to be consistent with the existing scale of ground floor commercial uses in the neighborhood. The building's inner court at the northwest corner of the Project Site is intended to minimize light and privacy impacts to the adjacent residential properties. The building's massing and volumetric proportions were considered to reduce impacts to Victoria Manolo Draves Park, and net new shadows will be minimal by lasting approximately one hour and 36 minutes on the longest day of the year beginning one hour before sunset. The cumulative shadow impact, including neighboring projects, will not exceed the 1% allowable budget for any shadow increase on the Park. Therefore, the Project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or be injurious to property, improvement or potential development in the vicinity.

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

The Project is highly accessible by public transit, with access to eleven MUNI bus lines and sixteen bus stops within a one-quarter mile radius, and the Civic Center MUNI and BART stations located less than one-half mile. Folsom Street is a designated Class II San Francisco Bikeway Network route, and nineteen additional routes are located within one-half mile of the Project. Folsom Street is also a designated Key Walking Street under the City's WalkFirst Program.

The Project proposes sixteen off-street residential parking spaces accessed through one 12-ft. driveway on Russ Street, and at a ratio of one space for every four units that will be leased separately from the apartments to minimize the impact on existing traffic patterns and the type and volume of traffic in the vicinity of the Project. Also included in the garage is one dedicated car-share space and 63 Class 1 bicycle parking spaces to promote an alternative transportation mode that is encouraged by the City. Finally, the Project's loading demand will be significantly minimized from the current conditions because the existing 10,349 sq. ft. of commercial space will be reduced to 2,832 sq. ft.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project includes residential and commercial uses that are typical of the surrounding context, and will not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise, dust and/or odors can be expected during both demolition and construction, appropriate measures will be taken to minimize the generation of, and impacts from these emissions as required by the Building Code and any other applicable limitations.

Specifically, the noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the

permitted hours of work and be subject to mitigation measures set forth in the Eastern Neighborhoods EIR. The Project Sponsor will be required to spray the site to suppress dust during demolition, excavation, and construction. Therefore, these activities should not generate significant airborne dust. The building will not exhibit an excessive amount of glazing or other reflective materials, and is therefore not expected to cause offensive amounts of glare.

- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project includes the planting of new street trees and other landscaping along the public right-of-way, and will provide 6,991 sq. ft. of residential open space through private decks, a common interior court, and a rooftop top. Off-street parking for the Project will be located in an at-grade garage at the rear of the building on Russ Street that will be accessed through one 12-ft. driveway. The Project provides more than adequate treatment to landscaping, screening, open spaces and parking areas which will contribute to the health, safety, convenience and general welfare of persons residing or working in the vicinity and will also benefit surrounding properties.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan;

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as described below.

- D. That the use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

A primary purpose of the SoMa NCT District is for new development to be moderate in scale, neighborhood-serving, pedestrian-oriented at the ground floor with residential levels above, and the purpose for new development in the RED District is in-fill housing. The Project complies with these goals by providing a new mixed-use building containing ground floor commercial retail space and new housing at the upper floors that have a diverse unit mix and is compatible with the scale and density currently existing in the area.

8. Planning Code Section 121.1 outlines additional criteria for the Planning Commission to consider in the review of applications for Development of Large Lots in the SoMa NCT Zoning District:

1. The mass and facade of the proposed structure are compatible with the existing scale of the district.

The Project is located at the corner of a block with 60% of the development located a neighborhood commercial zoning district and 40% located in a residential enclave, with both neighborhoods having a height limit of 65 feet. This proposed building's massing and scale are responsive to these site conditions by setting back the rearmost structural bay at the sixth and seventh floors to be compatible with the adjacent building scale in the residential enclave. The building is also set back between 5 and

15 feet at the topmost floor to reduce its bulk and possess a scale that is compatible with the block face in this neighborhood commercial district. The architectural design includes a distinct base, middle and top that also complements the neighboring buildings and incorporates the use of bays and varied facade planes to modulate the massing of the building. The exterior materials that reinforce this hierarchy include smooth stucco, porcelain tiles and extensive glazing at the base, fiber cement, smooth steel and phenolic resin panels with horizontal stucco bands and contrasting smooth stucco at the bays at the building's shaft, and corrugated steel panels at the top. Throughout the building, the window sashes will be composed of aluminum to be compatible with the aluminum storefront systems. Although two lots (3731/021 and 023) with a combined area of 7,000 sq. ft. are located in the SoMa NCT District, the Project includes the merger of three parcels and the construction of a new mixed-use building on a single 11,500 sq. ft. lot, thus forming one development lot for the Project. The Sponsor requests a Conditional Use Authorization pursuant to Planning Code Section 121.1.

2. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The Project's façade includes ground floor commercial frontage on Folsom Street that is set back 3 feet to accommodate planters and widen the sidewalk in front of the building to be compatible with the surrounding ground floor active uses on Folsom Street. The three ground floor dwelling units on Russ Street contain elevated entries with porches that have an area of more than 40 sq. ft. each, a 10-ft. 2-in. wide residential lobby located between the corner commercial storefront and ground floor dwelling units, and a 10-ft. wide garage door to the ground floor parking garage located at the rear of the building to be compatible with the adjacent facades and residential scale of Russ Street. The Sponsor requests a Conditional Use Authorization pursuant to Planning Code Section 121.1.

9. **Planning Code Section 121.7** The Planning Commission may approve a merger resulting in a lot frontage of larger than 50-ft in the RED Zoning District when one or more of the following findings can affirmatively be made:

1. The lot merger will enable a specific residential project that provides housing on-site at affordability levels significantly exceeding the requirements of Section 415.

The Project's 63 total dwelling units include four replacement rent-controlled units, 17 net new units located in the RED Zoning District that require 17.6% of the units to be affordable (or 3 units), and 42 net new units located in the SoMa NCT Zoning District that require 25% of the units to be affordable (or 11 units). Excluding the four rent-controlled two-bedroom units, the 59 net new units contain a mix of 3 studio, 23 one-bedroom, and 33 two-bedroom units, and the mix of affordable units include 6 one-bedroom and 8 two-bedroom units. The Project Sponsor has also agreed to provide one more affordable unit in addition to the required 14 units. The Sponsor requests a Conditional Use Authorization pursuant to Planning Code Section 121.7.

2. The lot merger will facilitate development of an underutilized site historically used as a single use and the new project is comprised of multiple individual buildings

The Project does not propose multiple individual buildings, but the new development includes commercial retail uses and high density residential uses that will replace the existing underutilized buildings.

3. The lot merger serves a unique public interest that cannot be met by building a project on a smaller lot.

The proposed lot merger would permit the construction of one building containing 63 dwelling units that would efficiently use land area through shared common features such as entrances, interior hallways and circulation, open space, and a parking garage. Alternatively, development of the three subject lots individually with separate buildings would require separate systems for each structure and yield significantly less dwelling units. The merger of these lots to maximize the development of new dwelling units serves a public interest that cannot be achieved by building smaller separate projects on individual lots, which complies with Planning Code Section 121.7(d)(3). The Sponsor requests a Conditional Use Authorization pursuant to Planning Code Section 121.7

10. Planning Code Section 317 outlines additional criteria for the Planning Commission to consider in the review of applications for Residential Demolition:

- A. Whether the property is free of a history of serious, continuing Code violations;

The properties had two Planning Department enforcement cases from 2014 (Case No. 12947 and 13538) that were related to the commercial uses, which have been abated. Currently, the properties do not have any further violations or Code violations.

- B. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The properties have no history of complaints related to the housing on site. The existing housing units have been maintained in a decent, safe and sanitary condition.

- C. Whether the property is an "historical resource" under CEQA;

The existing buildings are not historical resources under CEQA, pursuant to Case No. 2016-004905ENV.

- D. Whether the removal of the resource will have a substantial adverse impact under CEQA;

The existing buildings are not historical resources under CEQA, pursuant to Case No. 2016-004905ENV.

- E. Whether the Project converts rental housing to other forms of tenure or occupancy;

The Project will not convert rental housing, but replace four existing rental units in-kind. The Project Sponsor will enter into an agreement with the City to ensure the four rental housing units will remain subject to the City's Rent Stabilization and Arbitration Ordinance.

- F. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing;

The project site has four existing two-bedroom rent controlled units, which are proposed for demolition. The Project Sponsor will provide the current tenants with temporary relocation assistance, including payment of the difference between their current rent and the new rent until the replacement units are available for occupancy, or until they elect to abandon their right of first refusal. These four replacement units will remain subject to the Residential Rent Stabilization and Arbitration Ordinance, and the Project Sponsor will enter into an agreement to ensure the future condominium parcel with the four rent controlled units will remain subject to the City's Rent Stabilization and Arbitration Ordinance.

- G. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

The Project does not conserve existing housing, since the four existing housing units will be demolished. However, the Project will yield an increase in the quantity of housing with 59 net new dwelling units that will preserve and positively contribute to the cultural and economic diversity within the neighborhood.

- H. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

The Project will provide a new building that is compatible with regard to materials, massing, volume, glazing patterns, and roofline with the buildings in the neighborhood to conserve the neighborhood character, and include a varied dwelling unit mix and on-site affordable units to preserve neighborhood cultural and economic diversity.

- I. Whether the Project protects the relative affordability of existing housing;

The Project will preserve the existing low-income housing by replacing the four units on site and executing a Costa Hawkins Exception agreement with the City.

- J. Whether the Project increases the number of permanently affordable units as governed by Section 415;

The Project will provide 15 new and permanently affordable units that will be available to low, moderate, and middle income households pursuant to Planning Code Section 415.

- K. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

The Project will replace a mixed-use building containing four existing dwelling units in an established South of Market neighborhood with a new building that will contain 63 dwelling units on a site that has been targeted for in-fill housing in the RED and SoMa NCT Zoning Districts.

- L. Whether the Project increases the number of family-sized units on site;

The Project will increase the number of family-sized units from four to 37, thus approximately 33 net new family-sized dwelling units.

- M. Whether the Project creates new supportive housing;

The Project does not create new supportive housing.

- N. Whether the Project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

The Project complies with the Urban Design Guidelines. The building's distinct architectural style with its varying façade planes, exterior materials, upper floor setbacks and street level landscaping will provide an attractive setting to the pedestrian experience. The urban context of the Project includes commercial and mixed-use buildings ranging in scale from small to large that are diverse in architectural style and exterior materials. The design of the proposed building is contemporary in its architectural expression with a distinct base, middle and top that complements the neighboring buildings with the use of bays and varied facade planes to modulate the massing of the building and provide visual interest. To reflect the scale of older industrial buildings in the area and to differentiate the commercial nature of Folsom Street from the more residential character of Russ Street, the height of the base along Folsom Street is designed with transparent storefronts that have a 20-ft. floor to ceiling height and provides a transition to the recessed landscaped entrances to the ground floor residential lobby and residential uses on Russ Street. The Russ Street façade is divided into 25- to 30-ft. segments with varying exterior cladding to reflect the width of the existing buildings on Russ Street, and to reduce the horizontality of the building. A portion of the sixth floor is set back from Russ Street and the entire seventh floor is set back from both Folsom and Russ Streets to reduce the visual height and to minimize the shadow on Victoria Manalo Draves Park.

- O. Whether the Project increases the number of on-site dwelling units;

The Project will increase the number of on-site dwelling from 4 to 63 units, thus resulting in a net new 59 units.

- P. Whether the Project increases the number of on-site bedrooms; and

The Project will increase the number of on-site bedrooms from 8 to 100, thus resulting in a net increase of 92 bedrooms.

- Q. Whether or not the replacement project would maximize density on the subject lot.

The Project will maximize the building envelope and density on the project site.

11. **General Plan Compliance.** The General Plan Compliance Findings set forth in Motion No. 20360, Case No. 2016-004905ENX (Large Project Authorization, pursuant to Planning Code Section 329) apply to this Motion, and are incorporated herein as though fully set forth.

12. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The Project would replace five existing commercial and residential buildings with one new mixed-use building that would contain 2,832 sq. ft. of commercial space divided into three units that would provide opportunities for neighborhood-serving retail uses and residential employment. The Project would also add new residents to the neighborhood that may patronize these and other businesses, resulting in a net benefit for the East SoMa Neighborhood.

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

The Project's proposed size, height and intensity are comparable to, and compatible with the surrounding neighborhood, and is designed to comply with the East SoMa Area Plan. The new development will be compatible with regard to materials, massing, volume, glazing patterns, and roofline with the buildings in the neighborhood to conserve the neighborhood character, and include a varied dwelling unit mix and on-site affordable units to preserve neighborhood cultural and economic diversity.

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

The Project will not displace any existing affordable housing. None of the existing four units are designated as part of the City's affordable housing program. The Project will replace four rent-controlled units and will comply with the City's Inclusionary Housing Program by providing an additional fifteen units of permanently affordable housing, including one voluntary BMR unit.

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

The Project is adjacent to a major arterial in a transit-oriented area that is served by eleven MUNI bus lines and contains sixteen MUNI stops within a one-quarter mile radius. Sixteen off-street residential parking spaces accessed through one 12-ft. driveway on Russ Street, at a ratio of one space for every four units will minimize the impact on existing traffic patterns and the type and volume of traffic in the vicinity of the Project. Also included are one dedicated car-share space and 63 Class 1 bicycle parking spaces to promote alternative transportation modes. These project elements were included to not impede MUNI transit service and overburden our streets or neighborhood parking.

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

The Project does not include any commercial office development, and will not displace any existing industrial and service sector businesses.

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

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

- G. That landmarks and historic buildings be preserved.

There are no landmarks on the site, but the Project has been sensitively designed with building massing, scale, and contemporary architectural expression to be compatible with the surrounding context.

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

The net new shadow cast by the Project would not be adverse and is not expected to interfere with the use of Victoria Manalo Draves Park, as determined by a shadow analysis under Case No. 2016-004905SHD.

13. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

14. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

15. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2016-004905CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 10, 2018, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

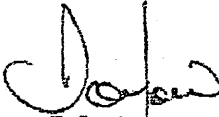
The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Eastern Neighborhoods EIR and contained in the MMRP are included as conditions of approval.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 20, 2018.


Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel

NAYS: Melgar, Moore, Richards

ABSENT: None

ADOPTED: December 20, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to demolish five existing buildings that include approximately 10,349 square feet (sq. ft.) of commercial use and 4,656 sq. ft. of residential use containing four dwellings, merge three the lots into once parcel, and construct a new seven-story, 64-ft. 6-in. tall, and 58,719 gross sq. ft. mixed use building containing 2,832 sq. ft. of ground floor commercial retail use and 55,887 sq. ft. of residential use for 63 dwelling units (including three studio, 23 one-bedroom and 37 two-bedroom units), a combined 6,991 sq. ft. of private and common open space, and a new 3,572 sq. ft. ground floor garage with access from a new driveway on Russ Street for 16 off-street auto and 63 Class 1 bicycle parking spaces, pursuant to Planning Code Sections 121.2, 121.7, 303 and 317, located at Lots 021, 023 & 087 in Parcel 3731, within the RED (Residential Enclave) and SoMa NCT (Neighborhood Commercial Transit) Zoning Districts, SoMa Youth and Family SUD (Special Use District), and a 65-X Height and Bulk District, in general conformance with plans, dated December 10, 2018, and stamped "EXHIBIT B" included in the docket for Case No. 2016-004905CUA, and subject to conditions of approval reviewed and approved by the Commission on December 20, 2018 under Motion No. 20361. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on December 20, 2018 under Motion No. 20361.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20361 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2016-004905ENV) attached as Exhibit C are necessary to

avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Additional Project Authorizations.** The Project Sponsor must also obtain a Large Project Authorization under Section 329 to allow the demolition of five existing buildings containing commercial uses and four dwelling units on three lots, merger of the lots into one parcel, and the construction of a new seven-story, 64'-6" tall, and 58,719 gross sq. ft. mixed use building containing 2,832 sq. ft. of ground floor commercial retail use and 55,887 sq. ft. of residential use for 63 dwelling (three studio, 23 one-bedroom and 37 two-bedroom) units, a combined 8,923 sq. ft. of private and common open space, and a 3,572 sq. ft. ground floor garage with access from a new driveway on Russ Street for sixteen (16) accessory off-street auto and 63 Class 1 bicycle parking spaces. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The Planning Commission must also adopt a motion that finds the additional shadow cast by the Project on Victoria Manalo Draves Park would not be adverse to the use of the park, pursuant to Planning Code Section 295.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

8. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Recreation and Parks Commission Transcript 1/15/15

[Clerk] >> We are now on item 9, Victoria Manalo Draves Park shadow impact from the project at 190 Russ Street.

[Holly Pearson] >> Good morning Commissioners,

I'm Holly Pearson a planner with the Rec and Park Department's Capital and Planning Division.

The item before you is an analysis of the impacts of shadow from a proposed development project at 190 Russ Street on -- Victoria Manalo Draves Park. The Proposition K also known as the Sunlight Ordinance was approved by San Francisco voters in 1984 and now codified as planning code section 295. It requires shadow analysis for new buildings over 40' in height, that would cast new shadows on properties under the jurisdiction of the Rec and Park Commission. Subsequently a policy memo was adopted in 1989 by the Planning and Recreation and Parks Commissions that provides both qualitative and quantitative criteria to assess proposed building shadow on a park. As I said the 190 Russ Street project is just north of Folsom Street between 6th and 7th streets. And it's just to the northwest of the park. It's a residential project with 10 housing units, six-stories in height and the nine of the housing units would be market rate. One would be below market rate.

[Clerk] >> Before you continue, we just want to let everyone know we're in the process of getting an overflow room. We do need to keep the door area unblocked. You are able to watch it and hear it and hear your name called and when that happens we'll give you plenty of time to come in and give public comment. I apologize, Holly. Go ahead.

[Holly Pearson] >> Victoria Manalo Draves Park is a newer park opened in 2006. And it has a full basketball court and baseball field. It has two children's play structures. A small community garden. Two large grassy areas. Walkways, picnic tables and benches. This rendering shows the proposed scale and design of the 190 Russ Street project. The building height is 63' 9" and has a small elevator structure that extends above roof to a height of 78' 9". A summary of the qualitative aspects of a new shadow that would be cast by the building, the shadow appears from early April through early September. And would occur in the late afternoon and evening within the last hour of the solar day, which is defined in the 1989 memo as "one hour before sunset." The duration of the new shadow would range from 16 minutes to 42 minutes. And the location of the shadow on the park is in the northern corner. I have an image of this in just a minute. The

1 northern corner of the park and it would cover certain park elements including a portion of the
2 basketball courts, the park entrance, and walkway, benches and a portion of the grassy areas. In
3 terms of qualitative factors, per the 1989 memo shadow impacts on park are measured in square
4 foot hours relative to the theoretical annual available sunlight on the park. This is a quick policy
5 overview qualitative.

6 The memo advises that no additional shadow should be permitted for parks -- that are
7 greater than 2 acres with less than 20% existing shadow, up to the memo recommend has there
8 up to 1% of additional shadow is permissible. Again, Victoria Manalo Draves Park is 2.5 acres
9 and the existing shadow is 6.35% of the theoretical annual available sunlight. The 190 Russ
10 Street project would increase the shadow conditions by 0.07% for a total of 6.42% of total -- I'm
11 sorry, Theoretical Annual Available Sunlight.

12 These two show the extent of the new shadow on the day of maximum impact, which is
13 June 21st. And you can see the shadow affects the northern corner of the park, part of the
14 basketball court, grassy areas and walkway. I want to emphasize, other times of the year it would
15 be less.

16 In terms of cumulative analysis there are currently -- well, three other proposed projects
17 located near Victoria Manalo Draves Park, all located one block to the northeast along 6th Street
18 and the project 301 6th Street, I have updated information since the staff report was completed.

19 There was a Preliminary Project Assessment submitted in 2013. But no formal project
20 application has been received. For 345 6th Street and 363 6th Street development applications
21 have been submitted and shadow analyses are being prepared, but not ready for release or
22 review. The three buildings are all proposed as multi-family housing and range in height 7-9
23 stories.

24 This item was first heard by the Capital Committee in September of 2014 and community
25 members at that hearing expressed concerns about the shadow impacts on Victoria Manalo
26 Draves Park, as well as about the project generally. The project sponsor Golden Properties LLC
27 190 Russ series requested that the item could be continued in order to have time to reach out to
28 concerned neighbors in the area. So over the next month, the project sponsor reached out to the
29 community through email and phone calls. And offered to provide some specific community
30 benefits in addition to the mandatory development impact fees that they will be paying. The
31 developer offered to provide a two-bedroom below market rate in the unit that is not required per

1 the planning code because it's under the threshold of number of units which below market rate
2 housing is required. As well as \$25,000 cash gift to the Rec and Park Department to be used
3 specifically for improvement of Victoria Manalo Draves Park. The item was heard and due to
4 continued community opposition, the commission urged the project sponsor to continue to
5 negotiate with the community group and then to return to the full commission when a deal was
6 reached. They met in person with representatives from the community groups that include the
7 South of Market Action Network and South of Market Community Coalition representing a
8 number of community groups and stakeholders as, as well as meeting with Supervisor Kim and
9 her staff. As far as staff understands no agreement has been reached when the developer and
10 community and the developer's original offer still stands. That concludes my presentation.

11 **[Mark Buell]** >> Commissioner Low.

12 **[Allan Low]** >> Prior to public comment, Holly, I wanted to clarify what is the project? And the
13 staff report refers to a 9-unit building and in your presentation you just referenced 10-unit
14 building, is it 9 or 10?

15 **[Holly Pearson]** >> It's 10, apologies for the confusion. After some community concern the
16 developer offered to include a tenth unit, which is 10. Because it went over 9, one unit has to be
17 inclusionary housing. It was proposed as nine units and in order to community concerns the
18 developer offered to voluntary include a below market rate. That was not required. It's still not
19 required per code and it's something that the developer offered for community benefit.

20 **[Allan Low]** >> They are going from 9 to 10?

21 **[Holly Pearson]** >> Correct.

22 **[Allan Low]** >> Are those plans before the Planning Commission or Planning Department?

23 **[Holly Pearson]** >> Before the Planning Department. I have been told that this is an as of right
24 project and in other words, it conforms with the zoning code and doesn't require any special
25 discretionary approvals by the Planning Commission. So the Planning Commission will be
26 making a finding on the shadow impacts, and the approval for the project itself will happen
27 administratively. We have Erica.

28 **[Allan Low]** >> That is fine. You just want to make sure that the proposed project that we're
29 looking at is a 10-unit project, one affordable housing unit out of ten, and those plans have been
30 submitted to planning?

31 >> That is correct.

1 >> Okay.

2 >> Thank you.

3 **[Mark Buell]** >> Let me acknowledge the presence of Supervisor Kim and we're delighted and
4 honored to have you here with us. I will leave to your judgment, the project sponsor will be
5 making a presentation and if you would like to lead off public comment, we would appreciate
6 that. Thank you, Supervisor Kim.

7 **[Clerk]** >> I have cards from the project sponsor as a reminder, three minutes on each. Ryan
8 Patterson, Paul Torno and Asher Mchenry.

9 **[Ryan Patterson]** >> President Bueller and Commissioners. Ryan Patterson for the project
10 sponsor. We're really excited about this project with ten units, with one below market rate
11 affordable housing unit and great community benefits that this project will provide including
12 more than \$140,000 of impact fees, as well as voluntary donation to the park. All at less than 1%
13 additional shadow, 0.07% additional shadow at peak. I want to tell you about our outreach
14 efforts. There was the recommendation of the capital committee to do more outreach and we
15 have done that. The project sponsor reached out to Supervisor Kim's office and neighborhood
16 groups including friends of the park, senior disability action network and others. There is a series
17 of really productive meetings and out of those meetings came the major change to the project,
18 which is to include affordable housing unit. Some of the action group did refuse to come to the
19 table though. We can give you the timeline, but as it has turned out a number of these activist
20 groups are actually opposing this project because of unrelated issues that the owner of the
21 property has experienced on other sites. No evictions involved in this site. But you will see some
22 of these groups are sworn opponents of anything involving the Ellis Act. You will notice there
23 are a number of supporters here, as well as opponents. The opponents are wearing stickers that
24 say "don't evict the sunlight from the park." We believe the opposition is really about unrelated
25 eviction issues and we ask that you focus, please, on the issue before the commission today,
26 which is a negligible shading impact on the park. This project is about creating housing,
27 including affordable housing. The project sponsor should not be penalized because of his
28 unpopularity. To the extent that some of the people that we were instructed to negotiate with,
29 actually showed up and held a protest and eviction-related protest in the project sponsor's shoe
30 store. We are excited about this project and we're disappointed there is opposition completely

1 unrelated to the issue here. We're confident and hope that the commission will take that into
2 account. Thank you very much for your consideration.

3 **[Paul Iantorno]** >> Good morning Commissioners and congratulations. The last time I was
4 here, you asked me to go out and do more outreach, which I did. And I did it to the extent that I
5 sat down with Supervisor Kim, and I felt that we had negotiated something good for the
6 neighborhood, and the district. In excess of \$140,000-\$150,000, which 47% will go to the park. I
7 offered a gift to the park for \$25,000 plus adding the BMR unit in the enclosed envelope of two
8 bedrooms. I feel like I have done my outreach, and I feel like I have been pinned against a wall
9 unfairly for actions that I personally have not done. I went and spoke with the committees, and
10 the next day they came into my shoe store and brought a barrage of people and basically attacked
11 me in a sense -- it's online. And it was unfortunate that that had to happen. I don't think I should
12 have to pay for things that really don't have to do with this project, especially here. I ask you,
13 Commissioners, to please see the merit of the shadow and thank you. I appreciate your time.

14 **[Asher McInerney]** >> Good morning Commissioners. My name it is Asher McInerney and I'm
15 excited about the project and the BMR housing that the developer willfully included. Thank you.

16 **[Mark Buell]** >> Thank you. Supervisor Kim.

17 **[Jane Kim]** >> Thank you, Commissioners and good morning, still. It's actually great to see so
18 much of our D6 park issues before the commission today, I want to acknowledge the
19 mothers here who have been waiting quite patiently since 10:00 A.M. To honor the incredible
20 work that they are doing to activate one of our two playgrounds in the Tenderloin and make it a
21 safe place for our families. I do want to also recognize the commission for acknowledging this
22 park and including it your tier 1 funds for family playgrounds. We're so excited about this work.

23 I also want to thank you for providing the community and our office additional time both
24 to evaluate the project, speak to the project sponsor, and perform some additional outreach
25 around the shadow impact that is this project will cast on the park. I just want to summarize my
26 opposition to the 190 russ project and why I feel that the shadow impact, while just under the
27 threshold of recommended acceptable new shadow on a park of this size, which is over two
28 acres, its quality and therefore, should earn the disapproval of this commission and guidance to
29 the Planning Commission. So first, Victoria Manalo Draves is the only multi-use park in the
30 South of Market neighborhood, a neighborhood that is absorbing the vast majority of office and
31 residential growth. John Rahaim our planning director, has said 80% of development in our city

1 is happening in 20% of our city. I think it's fair to say that District 6 boundary lines encompasses
2 much of that 20%.

3 Second, District 6 as you have heard over and over again from myself, and our
4 constituents has the fewest parks and the smallest parks of any district in the city. On average our
5 residents have access to 0.17 acres of open space. We're not pointing out District 2, but we want
6 to point out the discrepancy in our city. I want to take the opportunity to thank Phil Ginsburg and
7 the Commission and the Department for the recognizing the importance of open space and
8 working closely with our office with the acquisition task force and working with to us acquire
9 new open space.

10 Third, I represent the poorest residents of San Francisco. District 6 has the lowest average
11 household income and double the citywide average of residents living under the poverty line at
12 close to 20%. Fourth, this community prior to me coming into office fought tooth and nail to get
13 this park built. In conjunction with Bessie Carmichael Elementary School and was the result of a
14 land swap between SFUSD and Rec and Park.

15 Finally this park sits in the heart of the South of Market Youth and Family Special Use
16 District -- a plan that our residents advocated for to ensure that families would have central
17 consideration in this part of the South of Market as we develop the entire neighborhood from the
18 waterfront to the forecast this part of South of Market was selected due to the clustering of youth
19 and family related organizations, including the only public school in the neighborhood, Bessie
20 Carmichael K-8, Gene Friend Rec Center and affordable housing developments ranging from the
21 De La Cruz and studio apartment, and upcoming Hugo hotel with the furniture hanging out of it,
22 which you have seen is finally coming down for demolition and will soon be affordable
23 housing.

24 Because it used to be an industrial and commercial neighborhood, the South of Market
25 neighborhood has a projected population growth of 2.1 million people in the region. San
26 Francisco needs to build in order to meet the demand. As San Francisco continues to grow as a
27 major job center for the region, infill development in the urban core has a potential to reduce
28 greenhouse gas emissions and ultimately infill is better for workers making a range of income.
29 The South of Market has absolutely been meeting in need and absorbing much of this
30 development and growth of San Francisco.

1 It is our ultimate responsibility to ensure that we are committed to making this
2 neighborhood healthy, safe, strong and complete. And a key part of that is of course our open
3 space. Not only do we need to acquire more open space for this district, we also need to ensure
4 the quality and usability of our existing parks. Whether its Boeddeker Park and thank you for
5 coming to the grand opening and if you come today, it's a complete transformation, \$3 million in
6 bonds to renovate our parks, thank you again. We are also excited about the upcoming item later
7 in the commission, regarding TPL and Gene Friend Rec Center in terms of examining how to
8 create more density on smaller places to serve greater parts of our community.

9 Some may laugh about the importance of sunlight and the relevance of shadow on land
10 processes, but let's face it this is a somewhat cold city and San Franciscans are impacted by
11 sunlight. You can see this at Dolores Park, one of our sunnier and warmest parks and you can see
12 people move down the park as the late shadow moves down. I'm one of those.

13 When evaluating criteria to analyze a building shadow on the park, we not only evaluate
14 the quantity of the shadow impact, we evaluate the quality as well. The new shadow primarily
15 impacts the northern part of the park facing Folsom Street. This is different from the more
16 industrial Harrison Street, which borders sunshine edge of the park that faces the freeway.
17 Folsom street the face of the park for families and our seniors and it's also the corridor
18 envisioned by the Western SoMa Plan, a plan guided through a 7-year that would be the
19 boulevard that would eventually connect the entire South of Market avenue from Rincon Bay to
20 South of Market to Mission.

21 We're looking at plans that not only include bike lanes, but may even include the two-
22 waying of Folsom Street to make it more of a neighborhood boulevard. Can you also see the
23 potential of the beautiful park with not only SoMas only K-8 school and those businesses from
24 00 to Brainwash to Citizen Band. The northern entrance also leads to the most utilized part of the
25 park the grassy knoll where residents sit or walk their dogs or use the basketball court. Maximum
26 shadow by the proposed project would last as long as 42 minutes, the time that our residents use
27 the park as they get home. Not a short winter day when the park closes early. 42 minutes in the
28 summer is significant when you are a dog owner or a youth wanting to enjoy moments in the
29 sun. I can't tell you how many residents call us in the winter to ask that we keep the park open
30 later, so they can get home in time to utilize the park.

1 The additional shadow as was mentioned by Miss Pearson amounts to estimated 0.7% is
2 just under what is recommended as additional allowable shadow of 1% in the 1989 memo for
3 large parks. It also says that we examine the impact impact and if the shadow impact suggests
4 otherwise we can reject the project. We argue that the qualitative factors do suggest otherwise.
5 The usage of park and lack of open space that already exists in the South of Market, despite the
6 density of youth, families and seniors in the neighborhood, as well as vulnerable and low-income
7 residents.

8 This park is bordered by our school, as well as Columbia Square, 50 units of affordable
9 housing family housing and at the heart of the South of Market Youth and Family Special Use
10 District.

11 Finally, it was mentioned that there was additional time for there to be conversation and
12 negotiation between the community and our office and the developer. The developer did not
13 reach out to our office prior to this item coming before the Commission. I do want to thank the
14 Commission for alerting us to this project. There has been some difficulty over the last month in
15 the discussions that have been made. The community did evaluate the impact fees that would
16 already come from this project a little over \$100,000 and the offer the BMR and the \$25,000.
17 However, the project sponsor would like to state that the shadow impact is de minimis or minor.

18 Regardless, this is not about the money. It's not about asking for more. The community
19 really felt like this park was important; that it deserved our utmost protection as our only multi-
20 use park. I do want to point out that it's unfortunate that the project sponsor confuses so many of
21 our different residents. They are not just activists, but live in our neighborhoods and maybe a
22 group of activists on a separate issue came to his store, but I think it would be hard for him to say
23 that the folks behind me today were the ones that were at his store and should not confuse
24 different members of our city community. Commission, thank you so much for your time. I do
25 want to recognize that we have a lot of members of our community that are here to speak today,
26 which just showcases how important this issue is. But I do want to thank you for your
27 consideration. I know that you are taking this issue very seriously, and it shows through your
28 commitment to this process. Thank you.

29
30 **[Public Comment]**

31 **[Sahiti Karempudi]** >> I urge you to vote no on passing the 190 russ street project. Thank you.

1 **[Allan Manalo]** >> My name is Allan Manalo and I am currently the development director at
2 Hospitality House. I am a former managing director of Bindlestiff Studio on 6th street in the
3 South of Market area. Also, I sit on the SoMa Stabilization Fund CAC and I'm here today also to
4 urge you to vote no on this particular project. The reason why, because I think the project
5 sponsor doesn't really have an understanding of the history of the South of Market and the
6 community and families that live there. There is a long history of us wanting this park in the
7 South of Market area and in particular, the Youth and Family Zone, which is defined and sits
8 right in the center of the heart of this area. So this is something that is very important to many of
9 the residents who live in the South of Market area. I, myself, regularly go to VMD Park and my
10 last name is Manalo and I would like to think that Vicky Manalo was related to me somehow
11 through the blood line -- I tell everybody that. I see my nephew plays baseball there every time
12 and I know through looking through all of the different arguments of -- looking at it as its a very
13 minimal impact, this shadow, that is going to be cast on the park.

14 If you look at it as a whole, I think it's setting precedence and there are other projects that
15 I understand are in the pipeline. If we approve this project there start an avalanche and the park
16 will have more shadows.

17 I want to make a point about separating the reputation of the project sponsor and this
18 particular issue right now. I think it's just a disservice to put the community in a whole as this
19 one big activist. I think it's very insulting. I think that people should understand that people it's
20 only nature for people in South of Market to fight for their community and their open space. I
21 don't think these residents should be cast on as these kind of lunatic fringe, if you want. So
22 please, again, I urge you to look at this issue and do the right thing and vote no for this project.
23 Thank you.

24 **[Mark Buell]** >> Madame Secretary, without knowing the amount of people that would come,
25 we will limit the time to speak to 2 minutes.

26 **[Vivian Araullo]** >> Good morning, my name is Vivian and I'm the new executive director at
27 West Bay Pilipino and serve the youth and center that use Victoria Manalo Draves Park. I am
28 speaking on behalf of 400 million Filipinos [Speaker not understood] Take great pride in the
29 achievements of filipino brothers and sisters in the United States. We will be offended and
30 insulted if the park named after a Filipino-American hero who brought honor to the United States
31 and the Philippines in the Olympics becomes a joke. The Victoria Manalo Draves will be

1 somewhat of a joke if the intended purpose to give this community to enjoy sunshine and open
2 air is diminished by becoming a park overcast with shadows and that is what will begin to
3 happen with the development at 190 Russ Street is allowed to proceed as currently planned. It
4 will send a message to the Filipino community that it is okay to devalue our contributions to the
5 city and to this country. It will send the message to future developers it's okay to just build
6 around this park in disregard of its impact on this one small open space in this underserved
7 community, which is a traditionally Filipino neighborhood. Commissioners, it's not okay.
8 Filipinos are proud and grateful for the honor that was given us when this park was named after
9 one of our own. So please don't allow Victoria Manalo Draves Park to be overshadowed and
10 please don't overshadow the Filipino's community dignity by devaluing Victoria Manalo Draves
11 memory and our community. Thank you.

12 **[Vivian Araullo] >> Translator for [Robert Abad] >>** Mr. Abad, who is from West Bay spoke
13 in opposition and just said that he is asking that the development at 190 Russ Street not proceed
14 as planned. They are the friends and family who go to the park, and if the park is overshadowed
15 because of the planned or proposed development that is going up around it, they are enjoyment
16 of the park and its value will be reduced. They don't have any other park in the community,
17 except this one and they are asking that you please don't allow that this park be overshadowed.

18 **[Linda Jimenez] >>** I'm Linda Jimenez, good morning. Two days ago I had an accident, but I
19 didn't want to just stay at home and not speak for the senior and kids of this park. I haven't really
20 been out around, but I have been reading the necessary information and it would be very, very
21 nice for you all to think about it and not to do any construction. Again, because the park is
22 almost no more sun. The seniors can't have any more recreation. The kids, we're all thinking
23 about the kids and the seniors as of right now. So please, we beg you, stop the construction.
24 Thank you so much.

25 **[Brianna Roque] >>** Good morning. My name is Brianna and I'm the Vice President of the
26 University of San Francisco's Filipino-American student organization.

27 **[Juliette Languette] >>** My name is Juliette and I'm one of the public relations and policy
28 affairs directors of USF with over 200 members. On behalf of our organization, we're here to ask
29 to you say no to the proposed development at 190 Russ Street.

30 **[Brianna Roque] >>** The purpose of our group is to promote unity and solidarity of the Filipino-
31 American of the many cultural experiences of members. And by actively involving education

1 that aid the group in the assessment and development and actualization of each member's human
2 talent. We also triumph to increase participation and others of the filipino culture and welcome
3 everyone to be part of the family.

4 **[Juliette Languette]** >> As young Filipino-Americans we strive to keep a connection between
5 our history and culture and Filipino community here in San Francisco. Victoria Manalo Draves
6 park is a community space that the South of Market Filipino community fully enjoys in peace
7 and sunshine and the park is also a symbol of a Filipino-Americans achievement and therefore
8 reflecting the achievement our community. We believe in these developments are allowed to
9 typic, pieces of our culture and Filipino-American community hold dear will begin to disappear.

10 **[Brianna Roque]** >> As USF students we're encouraged to strive for social justice, be in the
11 classroom or in the community. Being part of our group and having these values makes it an
12 issue that we feel very strongly about. So we're here today to just ask to you consider the effects
13 that this development would have on the surrounding community. Thank you.

14 **[Angie Vagaras]** >> Good morning, Commissioners. My name is Angie and I'm a senior, I live
15 near VMD Park at 7th and Natoma Street. We don't want the one park we have to be shadowed
16 from the building. We need shadow from the trees to emit oxygen and not carbon dioxide. It will
17 be bad for the air and it will be bad for the environment. We need the sunshine. We can get
18 vitamin D from the sunshine. And it's unhealthy, too; if we have no vitamin D. Because the
19 calcium absorbed in our body vitamin D from the sun. We need the space. That is the first park
20 we used to dance and used to be a member -- there was a senior center there, and we danced
21 there in the Victoria Manalo Draves Park. If there were any activities in South of Market, we
22 always hold them in Victoria Manalo Draves Park because it's a big space. So if there are
23 buildings there, more people, more pollution, more traffic and they emit carbon dioxide, which is
24 bad for our health. So we oppose the tall building there, where people that live there and we don't
25 want that. So please vote no, no and no.

26 **[Vivian Araullo]** >> **Translator for [Juanito Sagaron]** >> I will be translating really quickly.
27 So Mr. Juanita said he doesn't want the Victoria Manalo Draves Park to be shrouded with
28 shadows because it's the one and only park in their community. It's the only place where they
29 have a space to walk around, to rest and to get sunlight. So he is saying that if there is a shadow
30 cast coming from this one development -- proposed development, others may soon follow and

1 this park may soon be totally in the dark. So he is asking that you don't allow the proposed
2 development at 190 Russ Street to proceed as planned. Thank you so much.

3 **[Corey Norell]** >> Good morning, Commissioners I volunteer at West Bay community center
4 and student at the University of San Francisco. I'm here to ask you to say no to the proposed
5 development at 190 Russ Street from the center that helps student and seniors. The family and
6 friends use the Victoria Manalo Draves Park. It's the one park that we have in the neighborhood
7 to enjoy sunshine and fresh air for everyone to play in with the students for the after-school
8 program. If this and other developments begin to cast shadows on this park, we'll lose all of that.
9 Our enjoyment of this one open space that we have will be reduced. Please protect Victoria
10 Manalo Draves Park by say nothing to this development. Thank you.

11 **[Christina Solitaria]** >> Good morning, Commissioners. My name is Christina, and I am with
12 USF and West Bay. I am here today to urge you to vote no on the passing of the 190 Russ Street
13 project, because of the shadow it will overcast -- it will add on to Victoria Manalo Draves Park.
14 Victoria Manalo Draves Park is the only multi-purpose park and green recreational open space in
15 the South of Market. And it's a critical community asset within the Youth and Family Zone and
16 SoMa Pilipinas cultural district. With three other projects in the pipeline, that is estimated to cast
17 new shadows in addition, to the impact of 190 Russ Street project, cumulatively will have an
18 adverse effect to the only park that serves the densely populated area in the South of Market and
19 approval of this project will set precedent and totally discard the value of open spaces and to the
20 most deserved residents who actively use this park. We strongly urge you to vote no on the 190
21 Russ Street project and furthermore, recommend that the Recreation and Parks Commission
22 engages with the community in developing policies to protect vulnerable parks in recently zoned
23 neighborhoods that lack openly green and active spaces like South of Market. Thank you.

24 **[Tan Chow]** >> My name is Tan Chow speaking on behalf of the committee for better parks and
25 recreation in Chinatown. We have no objection for the project, but we object to this proposed
26 development that will have shadow impact on VMD in SoMa. Like Chinatown, SoMa is an open
27 space and recreation high-needs neighborhoods and has a high concentration of holidays
28 households under the post line and lacking open space resources this neighborhood is also
29 adjacent to freeways and family and seniors and children are highly vulnerable when crossing the
30 streets as many don't have car. Many in bays this neighborhood shrike our neighborhood,
31 Chinatown, and we see the concern over sunlight on VMD Park. In 1983 the community fought

1 for an ordinance campaign. Having fought many similar battles over the right of our residents,
2 we join with our neighbors at SoMa. We sincerely request that you do not allow the proposed
3 project to VMD Park and look ahead to policy recommendations that will protect vulnerable
4 parks in the area in recently up zoned neighborhoods like SoMa. Particularly those that lack
5 adequate open space and activity space. Thank you.

6 **[Kelly Guajardo] >> Translator:** Good morning I'm part of the program and we're against this
7 project 190 Russ Street project. We're against this project because it will cast shadow on the
8 park, especially in the summertime, the time when the park is most utilized and we're asking for
9 to you help us with the problem in the capacity that you are able to. Thank you.

10 **[Kelly Guajardo] >> Translator for [Mariam]>>** She says good morning her name is Mariam.
11 I'm concerned about our families, we would like to use the parks on the weekends and how it
12 will impact them? I will try to do justice to what she said. She is speak interesting that the park
13 serves not only as a physical space to get sun, but also for our souls regenerated by being there
14 and families use this place with a spiritual component for the community. And this area is
15 important for all of us for seniors, for families and the entire community. There were other
16 families that would have liked to have spoken today, but due to the time constraint had to lead,
17 but she is expressing on behalf of those families as well, thank you for your support and your
18 time.

19 **[Fred Django] >>** My name is Fred, good morning Commissioners. Executive director, I am
20 also a member of a community leadership for the neighborhood, for the Tenderloin. A
21 community organizer for justice leadership in the Tenderloin. I'm here to support building 190
22 Russ Street to build, more affordable housing for the neighborhood. There are many homeless
23 people that are seeking to find a place to live, that I believe that the shelters priority than the park
24 for amusing ourselves and look forward to a new generation for our families. I would appreciate
25 for you to consider the support of this project. The park can be more resourceful. Thank you so
26 much.

27 **[Sarah Sherburn-Zimmer] >>** Hello, my name is Sarah with housing rights committee of San
28 Francisco. We're a housing rights group in San Francisco. For us, it's really important that quality
29 of life isn't just about -- like San Francisco apartments usually don't have backyards. In SoMa,
30 there are a lot of families are getting more and more doubled up in their apartments, because they
31 have no other choices. Places, parks and public spaces are crucial to quality of life. 6th Street is

1 teeming with roaded that also have no public space. What little green space like this is an
2 important part of people's housing in San Francisco. As the city keeps fast-tracking high-end
3 condo it's important to take families into the formula and lower income residents who have less
4 access to public space or going away to public space. If you go down to the park, I actually often
5 take my lunch break there after I go and meet with families, it is always packed. It's teeming with
6 children. It's actually really nice in San Francisco. You actually don't get enough places that are
7 like lots and lots of children. A lot of elderly folks who out and sit for part of the afternoon with
8 their friends and have some public space, someplace to go; that you can get some sun in a
9 neighborhood that has dense, tall buildings. This is really crucial to what is actually about
10 housing. Thank you very much and I oppose this project.

11 **[Tony Robles]** >> Good morning Commissioners. Thank you for convening this hearing. My
12 name is Tony Robles and I'm housing organizer with Senior and Disability Action. Our
13 organization advocates for seniors and people with disabilities. I'm also the Board President of
14 Manilatown Heritage Association. There is a Youth and Family Zone that we're very concerned
15 about in South of Market. From what I understand, there are two public parks in SoMa. Anything
16 that is going to compromise the quality of life or quality of access in that park is something that
17 the community is very much concerned about. I think anything that would compromise the
18 quality of the park has to be looked at. I think VMD Park, Victoria Manalo Draves Park has to be
19 considered, has to be off-limits to the shadowing, regardless of what the developer is saying
20 about the innocuous nature of the shadow. The fact remains that it is a shadow; which begs a
21 bigger issue in the notion of private versus public. We have of a public space, VMD Park and we
22 have a private developer that wants to affect -- have an effect on the integrity of that public space
23 for purposes that we do know, for money-making purposes and for speculation purposes. We
24 know that the city is in a very severe housing crisis right now. Let's not adversely affect the
25 integrity of a public space such as Victoria Manalo Draves Park which all of us have a right to
26 enjoy. Thank you very much.

27 **[No name given]** >> Good afternoon. I think the shadow of homelessness is more important than
28 the shadow. I mean I'm not against open space or sunshine, but I think homelessness, over 6,000
29 people in San Francisco, crowd homeless shelters and other places, the streets because they have
30 nowhere else to go. I understand that sunshine is very important to people who surround the area,
31 but you have to take into consideration, deep consideration, that homelessness is a little bit more

1 to me important than a shadow on a park. If I can sleep in a place, in a bed, in a warm house, I
2 would take that under consideration more than sunshine. Thank you.

3 **[Misha Olivas]** >> Good almost afternoon now. I'm going try to be quick and respect everyone's
4 time. I know that the amount of shadow may seem small, but it's so important to SoMa for a
5 variety of reasons, I will explain what those are. In our neighborhood after dark safety become an
6 issue. So most people try to do what they have to do before the sun goes down because it's not
7 always safe in our neighborhood. There are many challenges that I don't need to detail. So people
8 cram what they can in the daylight hours and just again the lacking access to open space in SoMa
9 is a huge deal. So every little bit that we have is that much more important. The families and
10 youth that we serve are not traveling to the maldives and going to tropical places, but their
11 enjoyment is the park. A couple of times in the day, I have heard one and two-bedroom housing,
12 They love the space because they can stretch out and don't hit anybody, unless it's on purpose.

13 **[Laughter]** You know everyone is so densely compacted in soma, to spread out and have space to
14 themselves. The last multi-use park built in SoMa was -- anyone? South Park in 1855. So I mean,
15 so you are new. That is 100 years ago. It's the issue in our neighborhood. We would begin a
16 conversation about amending the memo. It was 1985, 25 years ago. Victoria Manalo Draves is an
17 important institution in our neighbor and we really want to project protect it and oppose the
18 project. Thank you.

19 **[Rudy Corpuz]** >> Congratulations on being renominated. I live in the neighborhood. And so I
20 got real ties and affiliation with the park, my family and my team here. What I wanted to say,
21 who is Victoria Manalo Draves? She is a Filipino lady that was never acknowledged and there
22 was a shadow built upon her legacy in the '60s when she was an Olympic swimmer. She was half
23 Filipino and half white, but they never acknowledged her as a Filipino woman. So after many,
24 many years and I am born and raised in the South of Market and I never knew about her until
25 they wanted to build the park. In 2006 she came to the park and was there to cut the ribbon. So
26 now you have a Filipino woman, who a park is named after and probably nowhere in the nation
27 is there a Filipino woman who has a park named after her. I am a Filipino with a lot of park and
28 to see her again being cast a shadow upon her name again is a disrespect. They didn't look at the
29 historical elements of her. And so me, I oppose this, one, I'm really proud of my park and not
30 only educating us Filipinos, but educating everybody who didn't know about her. I urge you not
31 to let one brick be on there, not a shadow or a brick.

1 **[Heather Phillips]** >> Good morning, my name is Heather Phillips and Executive Director of
2 Youth and Children's Rec Center that utilizes VMD Park for plenty of our programming. South
3 of Market is booming with development and I feel like for a lot of our families they already feel
4 like they live under the shadow of that development. The park is really sacred space. This is
5 something that we urge, even though it play be within the allowable limits of shadow, and
6 particularly that last shadow hour of the day you see the park used more than I think any other
7 hours. Folks are getting off work and taking their kids to the park and taking their dogs out and
8 spending time together. So for that to be time when shadow is going to be most affected, would
9 really just be a shame. Again we just urge you to vote to disapprove this project. Thank you.

10 **[David Martinez]** >> Yes. Thanks. My name is David Martinez. I run a small studio and art
11 space off of Sherman Alley right next to the park. I'm will everyday. We have been around the
12 cinema, a couple, three decades. I see the park every day. That hill, those two little places, that is
13 where everybody sits and eats their lunch during the day. It's really the sunny place in a foggy
14 city. I know, they say SoMa gets more sunlight, but there is a lot of shadows and this would
15 block the one sunny area. As everyone says the park is used a lot by all different people all
16 during the day. Yes even homeless people sit there, that I consider part of the community as well
17 and they are my neighbors, too. I know it sounds like a small thing, but that shadow would block
18 one of our few nice little sunny areas in the neighborhood. As everyone has said, we have hardly
19 any open space in SoMa. I ask you to vote no on this. We would like to preserve what little sun
20 lit spaces we have during the day. Thank you.

21 **[Deborah Benedict]** >> Good barely afternoon, Commissioners. My name is Deborah Benedict
22 and I live within a very close proximity to the Victoria Manalo Draves Park. I am a tenant
23 representative for South of Market SoMa Residents Council, which represents about 600 people
24 in the South of Market area. I am also a member of Senior and Disability Action and take my
25 dog, lulu, to the park on a regular basis. I'm also a former plot holder at Victoria Manalo Draves,
26 so I have a really intimate knowledge of this park. I can tell you from first hand experience that
27 shadow is a huge problem. As a former plot holder I had to move my plot because of the shadow
28 created by the very dense -- I'm guessing ficus trees that were growing. I have called numerous
29 times to have trees trimmed because of the problem of shadows. Anything that would create a
30 problem with shadow in this park would be a huge problem. As a result I'm asking you to please
31 not allow this project to go forward in it's present form unless the builder is willing to install

1 permanent and pay for permanent lighting of broad spectrum in the park and pay for the extra
2 staff to keep the park open and why not throw in a week long bus ride to the Parks and
3 Recreation pace for low-income people that want a Sierra-Nevada experience and go out there.
4 >> Camp Mather. >> thank you, which I have been to and I love. The bottom line is sure, you
5 want to cast some shadow, let's put something down there. We don't want our light taken and the
6 light that is there is very precious. And I know the Filipino community had come and a lot of
7 neighbors have come, but I will just say also that I have seen people who are Indians, people who
8 are Arab -

9 **[Joseph Smooke]** >> Good afternoon, Commissioners. Joseph, President of the board of South
10 of Market Community Action Network. SOMCAN was founded in 2000 to build capacity of
11 residents to participate in the city's decision-making process. We've proceeded to have a lot
12 people who are members and members of the community. This park, as you have heard is one of
13 very few in SoMa. It was established in 2006, but it's still protected by the Prop K
14 sunshine/shadow ordinance, even though it wasn't part of the Prop K implementation memo that
15 was put in place 20 years prior to that.

16 The Eastern Neighborhood Plan up zoned this and other parcels in 2008 to 65', but it
17 deferred study of the shadow impacted to the time when development proposals are made. What
18 we see is a significant shadow impact on benches and on the basketball court during the summer,
19 in the evenings. This is exactly when our youth and our families need the parks and use the parks
20 the most. From the perspective of low-income families and individuals we have many questions
21 whether this is the right development for this site? There is no question that we need more
22 housing in San Francisco, especially affordable housing but the question is this project needs to
23 be built to the maximum bulk? The answer is no. Surrounding buildings are generally in the 25-
24 35' range, there are some that are 45' and this one is significantly taller. Can there be setbacks
25 and lowered? Absolutely, it only has nine units. This is the wrong development proposal for this
26 site and shadow impacts on our precious open space are significant and unacceptable. Thank
27 you.

28 **[Adam Phillips]** >> Good afternoon Commissioners, my name is Adam Phillips and I prepared
29 the shadow study in consultation with Rec and Park. I was asked to be here today to help correct
30 any potential misstatements or mischaracterization of the report and certainly not to make any

1 other statements for or against the project. The two statements that I think were made earlier and
2 I want to make sure for the benefit of the Commissioners totaled shading it's actually 0.07%.

3 And the other item that was mentioned earlier was the duration of the shadow between 16
4 minutes and 42 minutes. It's actually between 0 and 42 minutes as the shadow enters the park
5 around April 1, and goes to maximum shading on June 21st and recedes back to September 10th.
6 It's just an incremental gradation. Those were the only two clarifications from comments made
7 so far. I will be here for the hearing if there are other technical questions that the Commission
8 needs me to address.

9 **[Raquel Fox]** >> Good afternoon. My my name is Raquel Fox and I'm one of the attorneys at the
10 Tenderloin Housing Clinic and I'm here to oppose the project on a number of levels. First I'm a
11 native San Franciscan and have seen the changes in the city and open space is critical. Sunshine
12 is critical. The kids that are going to be there playing, the seniors that utilize that park to stretch
13 to, do yoga, need the sunlight. Sunlight is critical. I think not only to physical well-being, but
14 your spirit and mental well-being. I wanted to respond to Mr. Patterson, the attorney -- first of
15 all, the protest that took place at the shoe store had to do with the Ellis Act evictions and had
16 nothing to do with this project at all. It had to do with the eviction of senior and disabled and
17 people critically ill on palliative chemotherapy. So there is not a message here that the people
18 that live in this area are involved in protesting the shoe store. The shoe store protest had to do
19 with the Ellis Act evictions. Just to summarize, I support the opposition to this project. Thank
20 you.

21 **[Gerald Banks]** >> Good afternoon Commissioners. My name is Gerald Banks. This is all about
22 historical value in a neighborhood for me. I am working on -- I live right across Market Street
23 from south of have worked on historical issues starting from Turk Street -- I one of the creators
24 of the Tenderloin pride in the park that focuses on the LGBT history within the Tenderloin. So
25 anything that would disrupt historical value in a neighborhood, especially buildings and I'm all
26 about housing people and stuff like that, but we have to look at open space. I live in the
27 Tenderloin and if it's not a children's park, nine times out of ten, I can't go into it -- if it's a
28 children's park, I can't go in it. So what we're trying to do in our neighborhood is make sure that
29 Boeddeker park stays a park for everyone to go into. Other than, that you have to have a child.
30 Please make sure that this park doesn't have shadows. Because once we start building

1 everywhere, there is nowhere to sit, coffee shops and tea shops and stuff. So please support not
2 adding this building. Thanks.

3 **[Andy Blue]** >> Good afternoon, Commissioners. My name is Andy Blue. And I'm here
4 representing the Plaza 16 Coalition. We are a coalition of some 100 community organizations
5 that are advocating for affordable housing in the commission district and here to support the
6 SoMa community and asking this commission to oppose this project based on the shadow impact
7 on Victoria Manalo Draves Park. Our coalition is opposing a development in the Mission district
8 at 16th and Mission. One element is the shadow that would be cast for you five months at
9 Marshall school. As development across the Eastern Neighborhoods is accelerating trespass,
10 tremendously the impacts to the neighborhoods. I would like to echo the comments by
11 Supervisor Kim. It suffers the fewest and smallest parks and it's no exaggeration to say these are
12 sacred parks for the community. Any shadow impacts by new developments on VMD Park are
13 undesirable and again, must be taken very seriously by this commission. Again, the Plaza 16
14 Coalition urges you to oppose this project based upon the shadow impact it would have on the
15 vital community resource of the VMD Park. Thank you.

16 **[Theresa Imperial]** >> Hi, my name is Theresa Imperial a case manager. I would like to thank
17 Mr. Phil Ginsburg and Allan Low and we met with the developer and stakeholders and really
18 emphasized and informed me about the importance of Victoria Manalo Draves Park, the history
19 of it, and the shadow impact of it. He has repeatedly emphasized this only 0.07%, less than 1%
20 of the shadow impact will be impacted on the Victoria Manalo Draves Park. We repeatedly told
21 him even though it's less than 1%, there also are issues about other developments that are coming
22 in around Victoria Manalo Draves Park. And that is what we are scared of. That this
23 development will cause precedent for Victoria Manalo Draves and he appears to have a BMR
24 unit and if it's going to have a BMR unit, that is another one unit and it's only one BMR unit in a
25 very gentrified community. So please say no to 190 Russ Street development. Thank you.

26 **[Theresa Dulalas]** >> My name is Theresa. I have lived here in the South of Market in District 6
27 for almost all of my life. I have three children who happen to actually love and look at South of
28 Market as sacred. They play at the VMD, in the basketball area and they grew up in the area.
29 They went to school to, Bessie Carmichael Education Center, that we fought for tooth and nail
30 with the VMD Park. Please help us. We look up to you, Commissioners, to please help us protect
31 and save our land in San Francisco. The Torinos own a lot of property and it's just about enough.

1 We don't want any type of development in the South of Market. Please help us protect it. I am
2 one of his tenants. We have not been evicted, but we're in the process. Being Filipino-American,
3 sometimes a struggle here in the city, because I am -- a lot of people would see that I am low-
4 income, but South of Market is home to us and please help us protect our lands, please. We look
5 up to you, Commissioners, for everything from parks and recreation and land use in San
6 Francisco. Please help us protect our land. And in essence, you know, we are being -- we're in
7 the process right now. He bought the property within one year he subpoenaed us with eviction
8 notices, just wanted to let you know how they are. Thank you.

9 **[John Whitehead]** >> If you look at the size of the park I play basketball there a lot. It's a small
10 fraction of time and land and I would say look at the laws and it fits within those guidelines.
11 There are three giant trees that actually block the playground, you know? Parks have trees. Slight
12 shadow, that is just what happens with parks. I would also say, Golden Properties is my landlord.
13 When they bought up that building, it was dilapidated and rat-infested. They actually improved
14 that, so we have created a kind of a cornerstone of that street. Deli board, which is another very
15 popular restaurant is right across the street and something that they have owned and converted.
16 So I would just like to support the development. I think that street is a little barren and would
17 have to have more residences around there. Thank you.

18 **[Nathaniel Connor]** >> Hello commissioners, my name is Nathaniel and I'm a San Francisco
19 resident. I know there is a lot of concern for the amount of sunlight and it's 0.07%, which I think
20 is a little bit give and take for the extra room for housing, for low-income housing and the many
21 residents who need it there, as well as the fees that are going to be created that is going to help
22 the parks,, as well as the donation that will come from it. I believe it will help the park maybe
23 come up with a solution and I think it would be a good project. Thank you.

24 **[Glen Andag]** >> Good afternoon commissioners, my name is Glen and I'm a community
25 member and social worker based out of South of Market. I'm here to speak against the project for
26 the many reasons that have been stated to you this afternoon. Our park has a lot of concerns, we
27 have a lot of concerns with a lot of negative activity happening. So we need it make sure that our
28 parks with well-lit and natural sunlight is hitting the parks to encourage a lot more positive usage
29 of the park. We have other projects that are in the pipeline that are going to add to the shadow
30 later on and we want to make sure that we preserve for the little space that we have in the South
31 of Market. Across the street is Bessie Carmichael school to make sure it was updated from its

dilapidated condition. Having the park was a great trade-off because was something our students and families could benefit from. That park means a lot to the familie students and our families have a bright future. So please don't keep them in the dark. If you have time, I would actually like to reference the International Children's Park in the International District Chinatown in Seattle. It's a park in the neighborhood that is very similar to the South of Market and has had a lot of issues with shadows cost upon it. And actually went through a whole period of utilizations and shadows and being darkened with people didn't feel safe there and had to undergo a massive renovation where it's now fully utilized. Please take that into consider and vote no on project.

[Javier Arce] >> Good afternoon. My name is Javier. And I'm a first generation San Franciscan born resident, married, two children. I am in favor of this project. When my parents immigrated from Mexico, this was the american dream. We settled in San Francisco after traveling to the east coast. We came here and loved it and stayed here and my parents have raised six children in San Francisco. We are educated in San Francisco and played in all the park New York Stock Exchange in San Francisco. As I entered the city, all I have seen is housing and I think the housing take more precedent on the agenda for this city. I'm being priced out of San Francisco. A BMR is a possibility for me to stay stay , work and live in the city. It's important for the housing to be there for us to live and to thrive. I think the buildings could be on the hook for \$140,000 in property taxes, and a sizeable donation to the parks department. I don't see any -- just following the logic of this project, it's better than most that I have seen out there, and thank you for your time.

[Charles Turner] >> Commissioners, my name is Charles Turner, native San Franciscan, I am a realtor in San Francisco of 35 years and a property owner who has rented to primarily students, artists, seniors and disabled tenants. Housing is very important in San Francisco, especially with our low inventory. We need more supply to keep prices stable and down. Stability is very important is in housing that involves childrens and families and that is what we have to look towards. You do have a little shadow on the park, but I think it can we remedied by other method and shouldn't hold up the project. Thank you.

[Oscar Grande] >> Good afternoon, Commissioners. Good afternoon, general manager Ginsburg. I'm Oscar Grande, an organizer with people demanding economic rights. Life-long resident and huge park advocate and community organizer and activity in some of the open space issues in Excelsior District and my organization is here to support the friends and families and

1 residents of South of Market that are opposed to this project. Opposed to the shadows, the
2 impacts this project would have on open space. As we're in the building frenzy as many speakers
3 have talked about, our families have being priced out. What we're also hearing in our
4 neighborhoods is infrastructures, the public assets that belong to the neighborhoods you could be
5 struggling to pay that rent, that mortgage, but you have safe spaces like parks and recreation
6 spaces and that is your job here. You are all temporary stewards of the public assets. I can't speak
7 to the merits of the development project. And I don't think that is what is on the table for you all
8 in the decision you need to make. The decision you all need to make is during this building
9 frenzy, how do we make sure we protect those public assets that belong to all of us? It doesn't
10 matter, color, class, but especially for low-income families and folks that don't have a front yard,
11 a backyard, and are living in a single room occupancy hotels, these are our lifelines. I'm here to
12 support the members of the community. I'm hope interesting hoping that you all vote against this.
13 We're having similar issues in the Mission. Thank you.

14 **[Juvy Barbonio]>>** Good afternoon, my name is Juvy. I am a family organizer, Filipino
15 organizer and resident. I would like to urge the Commissioners to please don't allow the
16 construction of 190 Russ Street. This place, this is where our families, friends and neighbors
17 bond with each other. And we do outside activities. So we urge you, the commissioners, to
18 please not allow the construction of this building. I have a petition with signatures opposed to
19 this project. Thank you.

20 **[No name given]>>** I am a resident of South of Market and I support this project. I think it's a
21 beautiful building and will create job opportunities and wouldn't mind seeing another BMR unit
22 in the neighborhood. I understand the concern about the shadow impact on the park, but we're
23 talking about 0.7% here. I would take quality living over 0.7% shadow, because I believe that is
24 what you need in the city. I am here with my family members who do support this project as
25 well. I hope you do as well. Thank you.

26 **[Leroy Staples]>>** I do frequent the park. It's a beautiful, little park. I think it's more political
27 here than anything. So I do hope that you guys would approve this project. Thank you.

28 **[Julie Lefcourt]>>** Good afternoon, my name is julie. I also love and use VMD park every day
29 and I have talked to some of my neighbors and we all feel the same. They wanted me to speak
30 for them -- I'm really nervous. These days we need all the affordable housing and the funded will
31 help the community and the park. The longest time is what? 40 something minutes and the

1 shortest time is a minute. It's not that bad. I think get -- you would get more than you would lose.
2 I truly love the sun, but I also like the shade. Thank you.

3 **[Drew Smithar]** >> Hello and thank you for having me. My name is Drew and I'm for the
4 building. There are a lot of us that are homeless and it's getting colder and hotter. Maybe for
5 parks to have shadow, it might be harder, I don't know. I'm just coming from a person that is
6 homeless, you know? With housing development, it really helped. Thank you for your time.

7 **[Mimi Canti]** >> Hello Commissioners. I live in San Francisco since '82. I have had three
8 children since. So you can see how many people more since then. I lost my condo in 2010, and
9 me and my daughter, in the housing crisis and I was divorced and me and my daughter were
10 homeless. I couldn't find an affordable place to stay and I lived in the shelter for ten months and
11 she lived in another shelter for eight months. So somehow I lived in ccr, and I understand that we
12 need a park, but at same time, we need someplace to stay. I would ask people not to be like me,
13 not to be homeless and to have housing and apartments here. I am supporting this project. Thank
14 you, sir.

15 **[Margaret Mantabo]** >> Good morning. My name is Margaret and I'm a native San Franciscan.
16 I support this project because it's not a huge building. I don't know what they are going to build
17 there in they don't put the building there. I know the park. I frequent it. It's nice, but the building
18 going up there sounds like a great deal. It's ten stories -- what is going to go there instead? I think
19 what I am trying to say is all the stuff that was brought here to today, a lot was irrelevant to the
20 project. So I hope you support it.

21 **[Levi]** >> My name is Levi. I just wanted to make it short and quick. I do support the project,
22 because I think we have a more important issue of affordable housing. And the whole shadow
23 issue, quite frankly, no disrespect is the most asinine thing I heard. If no shadows you would tear
24 the trees out of the park because of the shadows. Thank you.

25 **[Chris Duraza]** >> Good morning -- good afternoon, Commissioners, I'm from the housing
26 program and Veterans Equity Center in South of Market. First of all I want to thank especially
27 general manager Philip Ginsburg and Commissioners Allan Low and McDonnell for your
28 previous comments in the committee around this issue. I hope a lot of those comments were
29 transferred over to the larger group here today. Because I think what we're talking about is a park
30 and being stewards for this very important park. This is a park that many in the community have
31 been work on for decades. This has been a miraculous trade back in 2000 something. I was there

1 at the time. We actually got an award for the park. I believe neighborhood beautification fund
2 and we are very proud of the park. It's a beautiful park. Your developer especially was amazing,
3 at designing this. Since then, there has been an Eastern Neighborhoods planning process, that
4 was contentious and had a lot of issues in it. Shadows was something that was really left off the
5 discussion because there was such a debate around the issues of housing and jobs and
6 affordability. You are not the Planning Commission, but the Recreation and Parks Commission.
7 Your voice needs to be brought back to planning to say it's a really relevant point in the issue.
8 We help people apply for the BMR programs and affordable housing programs. This project is
9 not stressing affordable housing, but it's a BMR program and it's great that we have one more
10 unit. In reality we're talking about thousands of units that are luxury and nine of these units are
11 luxury as well. This is an issue around shadows in the park and the precedence it will be setting.
12 So I hope you support this issue and deny this project or send that message. Thank you.

13 **[Herbert Smith]** >> Good afternoon, my name is Herbert Smith. I don't have anything against
14 the project, but I would appreciate if you would all not build a project and not worry about the
15 park. Because a lot of people need housing and it would be very nice to let the project go up.
16 Thank you, have a nice day.

17 **[Albert]** >> Hi my name is Albert. I just want to make sure -- I support the project.

18 **[Charles Williams]** >> My name is Charles Williams and I'm really short on time. I support it.

19 **[Angelica Cabande]** >> Good afternoon Commissioners, my name is Angelica with the South
20 of Market Community Action Network, SOMCAN for short. Thank you for your leadership and
21 hearing us out today, especially the leadership of Mr. Low. First off, it's no secret that San
22 Francisco is experiencing an overall displacement crisis and we need to build for affordable
23 housing. However, at the same time, the city needs to balance that we need to catch up on
24 building that infrastructure. We have a lot of people in the neighborhood, District 6 has the
25 highest influx of new residents, at the same time, that infrastructure of open space has not caught
26 up to it as many of the speakers had spoke earlier. In 2003-2004, Bessie Carmichael was built. At
27 that same time, it took us over a year to work with Rec and Park to actually get this park built. It
28 didn't just pop out of nowhere. It took community's efforts to get the name and also to get the
29 park built, which in 2006 it finally was there. And then in January, 2009 City and County of San
30 Francisco adopted the plan and this Youth and Family Plan had two goals. One was to provide
31 affordable housing in the area defined. Two, intended to protect and enhance youth and families,

1 et cetera. This project does not meet those goals. Building market rate housing is not going to
2 house the people that need it in the neighborhood. Thank you.

3 **[Pete Lee]** >> Hi, my name is Pete Lee. I've spent -- I don't know -- four, five years working
4 with kids in the Tenderloin. And one of our -- one of my favorite parks is the park in question
5 right now. And I don't know -- it brings a lot of beautiful memories. It's just -- man I'm really
6 stuttering -- and the park just means a lot to the kids in that area and the kids in that
7 neighborhood. I would hate to see the -- I don't know some kind of big shadow from a condo to
8 cast over the kids.

9 **[Richard]** >> Good afternoon, Commissioners, Mr. Mark Buell, congratulations. >> thank you.
10 >> I wanted to comment about the people who showed up to speak today. A good plethora of
11 community people and I have been going over this a little bit and I spoke a little bit at Committee
12 and thought about things like lighting and making further reviews of our facility there. The park
13 itself. So if we look at this, and you try to balance things out and I was looking at all the different
14 input that has gone into the project and I wanted to think about how can the park facility be
15 enhanced and its utilization in the community? So I wanted to bring in things like making further
16 use of softball, hard ball playing that isn't just little kids with the homerun fence. I thought that
17 was great the kids getting a home run fence, but further use of our facilities. So I wanted to bring
18 in again and re reiterate what lighting might do to the park, lighting up the park around the
19 basketball court and baseball, you enhance what is existing or include a clubhouse? That is not
20 totally the responsibility of the builder. That is more the park administration. That is what I
21 wanted to see to bring out across to you, that you could enhance the utility of such a small area in
22 south of market. So if you can bring it out, and I don't know if it's going to be at this time,
23 perhaps in the future. Thank you.

24 **[Joann Liu]** >> Hi, my name is Joann and I support this project and it's time to improve our
25 environment. So please vote, yes, yes, yes, on this project. Thank you so much.

26 **[Raymond Castillo]** >> Good afternoon, my name is Raymond, with SOMCAN and 20 youth
27 unfortunately they have school and couldn't be here today. Most of them live in the
28 neighborhood, in District 6, Tenderloin and SoMa and Treasure Island and during elementary
29 and middle school they went to Bessie Carmichael. District 6 doesn't have a high school and so
30 most of the youth actually have to travel far away. And they lost contact with some of the folks
31 that they know from elementary or middle school. It's where they can meet each other and hang

1 out and enjoy the day, right? You heard it a lot. I know District 6, we need housing. We need
2 affordable housing. But at the same time, with this topic, I am more considering about the
3 livelihood of the people in this community, the youth, the young ones that play, the workers that
4 work in this neighborhood. That utilize, as you heard earlier, they come for their lunch break to
5 enjoy the sun and eat their lunch. We have a vibrant community and this park has been used for a
6 lot of things, community events. It's been used for after-school programs, basketball, to walk
7 your dog. I just walked my dog there yesterday. It was fun. So please consider. It's not just about
8 the shadow, but about the livelihood of the people in the community. Thank you.

9 **[Leonard Low]** >> Hello, my name is Leonard Low and I'm for the project. We're always
10 talking about no enough housing and here we have the person who will put up the money and do
11 the housing. What else can you say? He is going by the rule and not breaking any. I don't
12 understand -- we need living space also. As long as he is within the boundary, I don't see why
13 not. Thank you.

14 **[Aiden Masiti]** >> My name is Aiden. I just want to say the shadow is negligible. What about
15 the property rights and what about the mayor's housing plan? Thank you.

16 **[Clerk]**>> Being no further public comment, public comment is closed.

17 **[Mark Buell]**>> Thank you. Commissioner low?

18 **[Allan Low]** >> Our prime directive to build more housing and produce more housing must be
19 recognized. I believe its what to be recognized in the context of building a livable city and
20 community and parks play -- parks open space and recreation facilities play an important role in
21 building a livable community. And sustainable community.

22 We've heard this in prior Commission Hearings, on District 6. It's park-deficit, 0.17 acres
23 compared to 2 acres in district 2. We formed task forces to find open space opportunities to
24 address this. After a year of looking, hard-look, even with Colliers International assisting us, we
25 haven't done a deal and that highlights the lack of opportunities for open space and parks in
26 District 6. I think that emphasizes the importance of Victoria Manalo Draves Park and as
27 stewards how we have to protect that park and increase the accessibility in high-needs
28 neighborhoods such as District 6.

29 Now we're guided by the 1989 shadow memo in order to evaluate the impact of this park.
30 There are two standards with two criteria that we have to **follow**: quantitative criteria and
31 qualitative criteria. While the shadow -- additional shadow cast is 0.07%, we have heard before

1 at this commission and debated whether there should be a cumulative shadow analysis
2 comparing to the other three projects that are in the pipeline. Again, I feel like I am yelling into a
3 hole, because not too many people followed me down that hole, but I still want to emphasize,
4 when we take a look at significant cumulative shadow impact of all projects, do we just accept
5 the first one in line, because that developer had put the application in earlier, or should we look
6 at it as as a whole?

7 Second, I'm not sure we're applying the correct quantitative criterion. I'm going criticize
8 the 1989 memo again, where there is a reference there are some parks, although within this
9 category, which is two-acres or more; who have surrounding height limits, that preclude the
10 possibility of any new shadow. I don't know what that means because around all parks there is a
11 height limit. But what was that sentence supposed to mean in evaluating shadow? Because if it
12 falls into that category, no shadow should be allowed. If there was an '80s time machine, I would
13 like to go back to 1989 and ask the author, what did you mean when you wrote this? I don't
14 know.

15 Of course, that quantitative criteria is what we call "victim opinions." but it's not
16 authority. It's just the ramblings of a Commissioner. [Laughter] Sorry. So I do think in taking a
17 look at the qualitative criteria of the 1989 memo, that we cannot support this project.

18 The qualitative criteria has two categories, one is the shadow characteristics, size,
19 duration and location of the shadow. It's up to 45 minutes and in an active recreation area. We
20 have heard testimony relating to sunny hills and the need for sunshine and space. I don't think it
21 satisfies that category as shadow characteristics as it would shorten the sunlight hours of the
22 park, possibly deterring use by the community and looking at the value of the other category is
23 value of the sunlight, time of day, time of year and the memo specifically says that for
24 neighborhood parks where there is shadow in the afternoon, that must be preserved. And I think
25 the community has put an exclamation point on the value of that sunlight. We have heard
26 adjectives such as "sacred land." The legacy and history of the park and the safety and spiritual
27 connection to the park. I think that adversely affects the recreation experience and the
28 connections that the community enjoys to this park. So I think this is not just a significant
29 adverse impact on the park; I think it's a significant and adverse impact on the community that
30 uses the park.

1 So I would like to move -- make a motion that it is the advice of this Recreation and
2 Parks Commission to the Planning Commission pursuant to planning code section -- before I
3 make the motion. There is one other category that we need to address, which is the public served
4 by the shadow caster. I do want to acknowledge the developer's offer to provide an affordable
5 housing unit. That is required by code, if he goes to ten units. So if it was ten units he would be
6 required to provide one affordable housing unit. Whether it's nine units and one of the nine units
7 is affordable housing, I do want to acknowledge that is a generous gesture. But I don't think it
8 overrides the qualitative -- the -- failure to meet the qualitative criteria. I would like to move the
9 advice of the Recreation and Parks Commission to the Planning Commission, with the planning
10 code section of the sunlight ordinance that the proposed project at 190 Russ Street does not meet
11 the qualitative criteria of the 1989 memo and will have a significant adverse impact on Victoria
12 Manalo Draves Park.

13 **[Mark Buell]** >> Commissioner Levitan.

14 **[Meagan Levitan]** >> I will be brief, because as usual my colleague, Commissioner Low has
15 perfectly articulated, ironically, for the second time on this topic, that we have spoken about this
16 recently. And not to sound like a broken record for those who have heard me say this, but I don't
17 believe there is any such thing as a good shadow. And so which people say, it's not much
18 shadow, or it's not bad shadow, those are often people that don't spend time in parks and
19 certainly don't know what it feels like to be in a park with shadow, especially with children.

20 For the people who are turned out today, this neighborhood does not have open space.
21 And we are charged with a few things as Commissioners. And the most important is the public
22 trust. And the public trust to make sure that the quality of life it's relates to open space and
23 recreation is protected and I was fortunate enough to be born and raised in this city and fortunate
24 enough to raise children in this city and commend those who came out today and raising families
25 in the district. This park matters and the shadow on the park matters. We look at greatest good
26 for the greatest number of people. I agree, Commissioner Low, I cannot support this project
27 either.

28 **[Mark Buell]** >> We have a motion and I am going to assume a second to the motion.

29 **[Meagan Levitan]** >> That is a second.

30 **[Mark Buell]** >> From Commissioner Levitan. I want to weigh in on this before we vote. I was
31 strongly persuaded by Supervisor Kim and Commissioner Low and Commissioner Levitan, this

1 is a part of town that is rapidly growing with high density housing. That housing doesn't come as
2 single-family detached with a nice yard, where you can play with the kids. Parks are immensely
3 important and it's pointed out there are the fewest parks per capita in this part of town. So the
4 microscope is on these parks when there is a shadow cast. So it is a qualitative issue. It's an issue
5 that is an active area of the park. It's the entrance to the park. If it were the other end, it might
6 make some difference, but quality of shadow makes a huge difference. And so I'm going to
7 support this resolution to advise the Planning Commission that there is an adverse effect.

8 I also want to go out beyond that and just simply restate for my personal standpoint, and I
9 believe it would be the standpoint of my fellow Commissioners, that the sponsor should not
10 misconstrue that there is some other politics involved in this. I wasn't aware of any of those
11 politics frankly. I haven't been lobbied by not one person on either side of this issue. So we have
12 a serious responsibility to parks and the quality of life related to parks in this city and that is the
13 single issue we're looking at the here and I hope you understand that. Would you call the roll for
14 this.

15 **[Clerk]** >> Roll call vote, on Commissioner Low's motion, Commissioner Buell? >> aye. >>
16 Commissioner Low? >> aye. >> Commissioner Harrison? >> aye. >> Commissioner Levitan?
17 >> aye. >> and Commissioner Wei? >> aye. >> motion passes. >> thank you.

January 15, 2015
Recreation and Park Commission Hearing on 190 Russ

PROJECT SPONSOR

- **Ryan Patterson**
Project Sponsor Attorney
- **Paul Iantorno**
Project Sponsor, Golden Properties
- **Asher Mcinerney**
Coldwell Banker, Real Estate Agent

FOR PROJECT APPROVAL

- **Fred Django**
Organizer, Tenderloin
- **John Whitehead**
Radius Restaurant, Landlord is Golden Properties (Project Sponsor)
- **Nathaniel Connor**
SF Resident
- **Xavier Arce**
Gorilla Web Consulting
- **Charles Turner**
Glenn Realty Co., Realtor
- **Leroy Staples**
- **Julie Lefcourt**
- **Drew Smithar**
Currently Homeless
- **Mimi Canti**
Formerly homeless
- **Margaret Mantabo**
- **Levi**
- **Herbert Smith**

- **Albert**
- **Charles Williams**
- **Richard**
- **Joann Liu**
- **Leonard Low**
- **Aiden Masiti**

AGAINST PROJECT APPROVAL

- **Jane Kim**
District 6 Supervisor
- **Sahiti Karempudi**
SF Parks Alliance and Victoria Manalo Draves Park
- **Allan Manalo**
Development Director at Hospitality House, Former Managing Director of Bindlestiff
- **Vivian Araullo**
Executive Director, West Bay Pilipino Center
- **Robert Abad**
Member of West Bay Pilipino Center
- **Linda Jimenez**
Member, South of Market Community Action Network
- **Brianna Roque**
Filipino-American Student Organization, University of San Francisco
- **Juliette Languette**
Filipino-American Student Organization, University of San Francisco
- **Angie Vagaras**
SoMa Resident - Natoma Street
- **Juanito Sagon**
Member, West Bay Pilipino Center
- **Corey Norell**

Rec and Park Commission Transcript 12/20/18

[Clerk] >> We are now on item seven. 1052-1060 Folsom Street and 190-194 Russ Street shadow on Victoria Manalo Draves Park.

[Mark Buell] >> Let me make a couple preliminary comments about this item before we hear it. That is that while development in San Francisco has generated lots of opinions by many residents and organizations, this commission is interested in and has a responsibility regarding the impact of a development's shadow on a park. To the degree that it is possible, I would encourage anyone testifying on this to try and address their comments to the impact of the shadow on the development, we take into consideration the impact of a shadow on the park. Thank you.

[Stacy Bradley] >> Thank you. Good morning, commissioners. I am Stacy Bradley, the Deputy Director of the planning unit with the Capital and Planning commission. I am joined today by Doug Vu with the planning department. The item before you today is a shadow cast by 1052-1060 Folsom and 190-194 Russ Street on Victoria Manalo Draves Park. Review of the shadow cast by this project supports Objective 1.2 in the Strategic Plan - strengthen the quality of existing parks and facilities. As you know, your review of shadow on Rec and Park land is codified by Planning Code section 295 in the 1989 memo. The proposed project is located at 1052-1060 Folsom Street and 190-194 Russ Street in SOMA. From now on, I will refer to the project as 1052 Folsom.

Previously, this commission heard a project on one of the three parcels at 190 Russ Street and this proposed project was reviewed by the commission on January 15th 2015, and found to have a significant impact on Victoria Manalo Draves. The area surrounding the project includes VMD park and a mix of residential and commercial uses with most buildings 2-4 stories in height.

The proposed project would demolish four existing buildings on three parcels, and construct a new seven story mixed use building in their place. These are images of the proposed project front and right elevations on Folsom and Russ Streets. Doug Vu will now tell you for about the proposed project, its public benefit, the public outreach process, and environmental review. Thanks.

[Doug Vu] >> Good morning members of the commission. I'm with the planning

1 department staff. So the project that the department is considering includes the
2 demolition of five existing buildings that contain 10,349 square feet of commercial use
3 and four dwelling units totaling 4,656 square feet. All located on three parcels. The
4 project would merge these three parcels and include the construction of a new seven-
5 story 64 and a half foot tall 58,719 square-foot mixed-use building that would contain
6 2,832 square feet of ground floor commercial retail use, and 55,887 square feet of
7 residential use that would contain 63 dwelling units which consists of three studios, 23
8 one-bedroom and 37 2-bedroom units. In addition the project would include 6,991sq ft of
9 private and common open space for the residents, and a 3,572 square foot ground floor
10 level garage with access to a single driveway on Russ Street. It would contain 16
11 residential auto parking spaces as well as 63 class one bicycle parking spaces.

12 Under the California Environmental Quality Act, the project is eligible to receive
13 a Community Plan Exemption under the Eastern Neighborhood's master EIR, and under
14 that, the benefits of the project primarily include the addition of housing. The department
15 is working under a mayoral mandate to basically approve 30,000 units of housing by
16 2020, so that includes 5,000 units of housing annually. This project will deliver a total of
17 63 dwelling units including the four replacement rent-controlled units. And within this
18 total, the project will result in a net addition of 15 permanently affordable housing units
19 to the city's housing stock. That totals to about 25% of the total units. The 15 units would
20 break down to six one-bedroom units and eight two-bedroom units and an additional
21 bonus unit that is above the city. It will determine with the project sponsor as to the unit
22 type.

23 Other benefits of this project would be that the project would ultimately put into
24 place the vision and planning controls for the Residential Enclave District as well as the
25 South of Market Neighborhood Commercial Transit District. That being that the use
26 would contain ground floor commercial retail which is required along this corridor, and
27 the proposed dwelling units above the ground story. So those would be the basic benefits
28 of the project. I am available for questions if you have any questions.

29 [Clerk] >> Thank you. Go ahead, Stacy.

30 [Stacy Bradley] >> Victoria Manalo Draves is a 2.53-acre park. It includes landscaped
31 areas, a small community garden, a grassy area, two children's play areas, a basketball

1 court, and a baseball field. The new shadow would fall along the northeastern corridor of
2 the park. The new shadow would occur in late afternoon and evening hours and entering
3 the park between 5:15 and 6:00 pm and through the remainder of the analyzed afternoon
4 and evening. The shadow would fall along the northeastern quarter of the park including
5 the park entry, the basketball court, the northern children's play area, lawn areas, and
6 some benches.

7 New shadow would be present for up to 110 minutes with average daily duration
8 of just over an hour or over 70 minutes. The largest new shadow would occur on June
9 21st at 7:36 pm. The shadow would occur from the end of February through mid October.
10 This maps shows a full year shadow impact. The darker blue signifies frequent shadow,
11 while the lighter blue signifies occasional shadow. This animation shows the shadow
12 enter and leave the park on June 21st, which is the Summer Solstice in the day of
13 maximum shading and square foot hours. The shadow can be seen in blue and the project
14 itself is an orange. I will let it scroll one more time.

15 For the quantitative analysis, as I mentioned, it is 2.53 acres in size. The existing
16 shadow load is 7.41%. The proposed shadow would increase the shadow load by 0.38%
17 to a total of 7.79%. The 1989 memo provides guidance that parks over 2 acres with
18 existing shadow load smaller than 20% are allowed a 1% increase in shadow load.

19 Finally, the shadow study analyzed cumulative new shadows cast by other nearby
20 projects in the development pipeline. Three projects would have shadow impact including
21 1075-1089 Folsom Street which was reviewed by the commission in October. Combined
22 with the proposed project at 1052 Folsom, these projects could increase the shadow load
23 by 0.46 over existing levels. This concludes my presentation. I will leave you with the
24 quantitative criteria slide. I'm available for questions, as is Doug Vu from the planning
25 department.

26 27 **Public Comment**

28 **[Mark Buell]** >> Thank you. Public comment.

29 **[Clerk]** >> As a reminder, we do need you to focus your comments on the impact of the
30 shadow on the park as that is what the commission is considering today. So with that, I

1 will go ahead and call off names. If you could come up, we will get going. Please come
2 up in any order. Remember it is two minutes.

3 **[Paul Iantorno]** >> Good morning, commissioners. My name is Paul. I'm a born and
4 raised San Franciscan. I'm speaking today on behalf of Golden Properties, the owner, and
5 the project sponsor - I would like to thank everybody in advance that will speak today
6 about those who have voiced support for the project and those who express concerns over
7 the shadow that is cast over VMD park. City parks are a valuable resource providing an
8 opportunity for recreation and relaxation. We recognize that it is a treasured resource and
9 also for the Filipino cultural heritage community and the LGBTQ cultural district. We
10 also understand the importance of VMD park and the additional shadows.

11 The first concern that some neighborhood groups have expressed pertains to the
12 Ellis Act filings that have nothing to do with this project. In 2013, we began Ellis Act
13 filings on five buildings. We have never previously filed this and soon realized it was a
14 mistake to do so. With the 15, the filings were abandoned and no evictions occurred. I
15 repeat, no evictions occurred. In a good faith effort to make amends with a city in the
16 community and thanks to the guidance of our late Mayor, Ed Lee and supervisor Jane
17 Kim, the five buildings were sold to the Mayor's Office of the Small Sites acquisition
18 program. Selling these properties will keep the 19 units in the five buildings permanently
19 affordable. We are sorry the evictions started and we are doing our best to make -- to
20 right a wrong. This project was redesigned from 46 units to 63 units offering more
21 housing to families, more rental stock to the city and above all, more Below Market Rate
22 housing. By maximizing the density of the three lots, we were doing our part to help
23 create a culture.

24 **[Elizabeth]** >> My name is Elizabeth and I am here in support of the project. I want to
25 say I understand the community's concern about the shadow hitting VMD park, however
26 after reviewing the shadow study prepared for this project, I noticed that the new
27 shadows would fall on the dog mound and not the designated children's play area which
28 will occur on late summer afternoon. This project would bring 63 units of much-needed
29 house into the neighborhood, and I support this project. Thank you

30 **[Richard]** >> Good morning, commissioners. I am going to try and get it out early. I am
31 one of the few in favor of this particular project over the shadow issue. It is within a

1 project that should go ahead. I have already taken the liberty of speaking with the
2 developer representatives. They've informed me that they are not going to be evicting
3 through the Ellis Act. I found it to be very important.

4 The key point I wanted to bring in has to do with all of you here today, I have
5 already brought in capturing the operational plan status period, the possibility of
6 including this particular park for the equity. I believe you are a director of the Filipinos.
7 In her letter to the commission is an agreement with the equity parameter. I should like to
8 see people constructively looking at this comment. We think we can get a whole lot more
9 that would be in the best interest for the people regardless of what your race is, of the
10 diversity requirements that he would be cordial enough to accept the equity proposal that
11 has already been brought before the General Manager in their operations committee.

12 Thank you.

13 **[George]** >> Good morning, commissioners. I am here to speak directly into the
14 microphone in support of this project. I am a born and raised San Franciscan. I live and
15 work here, and I frequent VMD park a couple times a year and speaking just to the
16 benefit of this project to the park, if you have ever been there in the early evening, late
17 evening, you will see there is not many people out there. However, there is a particular
18 element that does arrive around sundown and it is not desirable. To have more units close
19 by, more people, more eyes, more families that would frequent VMD park I think would
20 provide a net benefit to the environment of the park. That is it.

21 **[Heather Phillips]** >> Good morning, commissioners. My name is Heather Philips, and I
22 work for United Playaz and have been a SOMA resident for the last 15 years. And while I
23 appreciate folks coming out to share their observations attending VMD park 1-2 times a
24 year, I am at VMD park every day.

25 The young people I serve play at VMD every day. Summer evenings, 6:00 pm, it
26 is hard to imagine now when it is dark at five, but 6:00 as well into the late hours it is not
27 dark until 8:00 pm. These are valuable hours.

28 We are here to talk about shadow and what the impact is. Not the merits of the
29 developer. The reality is this building will take away sunlight from a park that is public
30 space that we will never get back. That has an impact. What the developer has done to

1 mitigate that is the absolute minimum. What is required by the Planning Code is all they
2 are willing to give.

3 Today I would rather not be here we are preparing for a Christmas party for 200
4 kids tonight in SOMA at Gene Friend Rec Center. You are all invited. They will be there
5 with their families. They are the ones who use VMD park every day, and I would rather
6 be there, but I need to be here, because I need to tell you how important it is to keep these
7 spaces sacred. To make sure that there is sunlight and fresh air and places to play. District
8 6 has the smallest amount of open space of anyone. Please, I am begging you to protect it.
9 Thank you.

10 **[Misha Olivas]** >> Here we are. This commission unanimously rejected the shadow in
11 2015. This is where we are today. The city's housing balance will not live or die on this
12 project. I understand the dire need, but this is serious. So I would hope that you would
13 stick with the vote that you made in 2015 and honor VMD park, honor our community. I
14 will pass it on to you.

15 **[Rudy Corpuz]** >> Happy everything day, commissioners. I'm the Executive Director of
16 United Playaz, a violence prevention organization that is based in the South of Market.
17 Right now, I am one block from VMD park. I lived there and raise my family there.
18 VMD was a Filipino diver that won Olympic gold medals in her late days but they never
19 acknowledged her as a Filipino. Now we have a park named after a Filipino in a Filipino
20 heritage zone, it has a hundred years of Filipinos.

21 Here we are again trying to knock her name. We said three years ago that we did
22 not want shadows on VMD park. It was agreeable. We have buildings, we have the only
23 park named after a Filipino, we have somebody here who has a batting cage named after
24 them. And now you're trying to tear us apart over a shadow over this. It is about
25 principal. It isn't about money. It is not about development, it is about principal to us in
26 our community. Let the Filipinos that we have in the city right here be honored. Thank
27 you.

28 **[Misha Olivas]** >> I would hope that you would stick with your original vote. I could see
29 how you could go backward from this shadow to this shadow, but I don't understand how
30 you can go backward from the shadow to one that is five times larger. I want to share

1 really quickly, I am not mad at them, but my friends in the back are getting paid \$20 to be
2 here. I can't pay people to be here.

3 **[Carolina Corrello]** >> Good morning. I'm kind of nervous. My name is Carolina. I will
4 be one of the affected persons. I live on 1054 Folsom Street across the street from VMD
5 park. I wish I had taken pictures before to prove that it is true. There are not many kids
6 from the park at at 5:00 pm or 6:00 pm. I live across the street from the park. Even at
7 10:00, I see people and hear people playing basketball at 10:00 pm. This is adults.

8 I honestly do not think that this project will not benefit the kids. I live right across
9 the street. I wish I had taken pictures to prove there are not many kids at that park. I see
10 them on the other side on Harrison where they play baseball. There are batting cages.
11 That area will be okay. But on the side of Folsom Street, I don't think that the building
12 will be damaged -- that the shadow will -- how can I say this? I do approve of this
13 project.

14 **[Betty Traynor]** >> Thank you very much. I am the coordinator for the Friends of
15 Boedekker Park in the Tenderloin. We look at Boedekker park as a treasure to our
16 community, as Victoria Manalo Draves Park is to the South of Market community. We
17 are sensitive to any shadowing of VMD park - a neighborhood park in a section where
18 there are very few, very little open spaces. And this particular shadowing includes the
19 basketball courts, the children play area, lawns, benches, and I just can't imagine how this
20 commission could permit this type of shadowing in a neighborhood park as someone said
21 before me, this is a matter of principle.

22 We have to stop the shadowing of our public parks. This is not a private park, this
23 is a public park, and it is a needed park and recreation for the South of Market
24 community, and particularly the Filipino community. I think it will be an insult to this
25 commission to permit this building to shadow the park. Thank you.

26 **[Michael Andolina]** >> Good morning. If I were to pour you a glass of water, would you
27 see the glass as half full, or half empty? Are you an optimist or a pessimist? The point of
28 these questions is to demonstrate that any situation can be seen from multiple points of
29 view as you have heard today. Much like the negatives and the positives of this project.
30 When you put the positives down on one side of the paper and the negatives down on the
31 other side, it is overwhelmingly one-sided.

1 The negatives, the sun hits the dog mound in the center of VMD park. No
2 children are affected, and the sun is setting around dinnertime. No good parent in the
3 rightful mind is going to let their kid play after dark anyway. Let's just call that true. No
4 one here is tarnishing VMD's name at all.

5 The positives are \$150,000 is being donated to the Parks Department to be used
6 positively and the project's improved commercial space so businesses can thrive. A boost
7 in the job force and economic infrastructure, 63 new residents that house individuals and
8 families so they can have a beautiful place to call home, and that is the short of it. This
9 project benefits families, the communities, the job force, in the housing community in the
10 city of San Francisco. Everything being proposed is with the best interest in mind. Think
11 about the people it will help and the happiness it will bring those who can one day call
12 this building home. Would you not want that? Don't we want to give San Franciscans a
13 better chance to improve their quality of life? Please ask yourself these questions. Thank
14 you.

15 **[Rudy Asercion]** >> Good morning. My name is Rudy. I am with the San Francisco
16 Filipino American Chamber of Commerce. For the record, I am not being paid to appear
17 here. I'm here simply because I am prepared to appear before you because of our city's
18 need for more housing, and what is happening with our Filipino families is really
19 outrageous. My wife and I raised four children in the city from infancy until adulthood.
20 And our first son is now living in Oregon, the second is living in Lodi, our youngest
21 daughter is living in Oakland, and it is breaking up the families. These are the things that
22 we value the most. I am a friend of Victoria Manalo Draves. I advocated for the city to
23 name the park after her. I worked with our friend here, director Ginsburg, to install a
24 bronze plaque that describes her remarkable experience during the 1948 London
25 Olympics. And she is dead now. If she were here today, ladies and gentlemen, she would
26 tell you that the shadow that is being cast on VMD park is mitigated for our need for
27 more housing. On her behalf, I respectfully request that you approve this project. Thank
28 you for your time.

29 **[Mark Buell]** >> Thank you. I know we have been joined by Supervisor Jane Kim and I
30 want to give her an opportunity if she would like to address the commission. I know she
31 has a busy schedule and important work to do.

1 **[Jane Kim]** >> Thank you so much, Mr. President. I am not more busy than everyone
2 else here in the room but I do appreciate the time to speak on the project. I did come
3 before the commission three years ago to speak on the 190 Russ project in opposition
4 because of the increased shadow to our only multiuse park in the South of Market.
5 As you all know, District 6 has the smallest and fewest parts of any district in San
6 Francisco, and we have been working in conjunction with your staff, and with the
7 commission to activate the existing playgrounds and parks that we have, but also to
8 increase the parks and playgrounds that we have.

9 I want to think this commission over the last eight years and being strong
10 advocates for the district and working so closely with community leaders. Over the last
11 few years, it has been very clear from our community residents and leaders that they
12 continue to oppose this project as they did three years ago. The larger project causes more
13 shadow on the only multiuse park in the South of Market, and while we have always
14 supported growth and development, in fact our district is building 80% of all of the
15 development in San Francisco and 60% of all of San Francisco housing, this is the one
16 project that community leaders that I have worked with for a long time, uniformly
17 oppose. I have not seen this before. As a representative of the neighborhood, I have to
18 stand strong. We have to have balance development in the South of Market. We want to
19 build but make sure we are protecting the parks that we have worked so hard to activate
20 here in the district.

21 So we have asked for your opposition on the allocation of the additional shadow.
22 It is again inconsistent with the commission's position three years ago where we did deny
23 the shadow and I want to thank commissioners for that. The project is simply larger. We
24 have not been able to work on a resolution. Again so many of the community residents
25 and leaders that you have worked so closely with over the last three years do not want
26 this. Thank you for your time after my last eight years. We really do have better parks
27 and better activities for it. I look forward to the groundbreaking for sergeant McCauley
28 playground. I hope I will be invited. I look forward to the completion of an important
29 playground for our neighborhoods thank you.

30 **[Katrina Liwanag]** >> Good morning, commissioners. My name is Katrina. I am the
31 Community Organizer and Campaign Coordinator for SOMA Pilipinas. I wanted to start

1 off my statement by asking this question. What is the difference between intention and
2 impact? You can always have the best of intentions for a community, but if your impact
3 is negatively affecting it, you have failed in your intention.

4 I can go on and on about the importance of VMD park but a bunch of speakers
5 have discuss this already. I wanted to talk about the so-called community meetings that
6 have been convened between the developer and the community. There have been a
7 number of times that dismissive comments have been given to the community members
8 referring to staff, other CBO's and residents as "the people over there," opposing this
9 project because of the shadow.

10 There have been a number of times that the project sponsor has referred to the
11 shadow as "not real." As opposed to these images, as you can see, this very real shadow
12 in the rendering that shows shadows will increase. A number of times there were also a
13 lot of laughs in the last hearing on December 5th, when a bunch of Filipino migrant youth
14 had made a video about the importance of the park about their fears of the shadow as well
15 as the importance of needing this park because a lot of our Filipino youth are also
16 considered homeless or under-housed.

17 If this is the type of rapport that these developers want to make with the
18 community and not acknowledge that this is the Filipino cultural heritage district best
19 believe that the contradictions will simultaneously heighten and deepen. If they really
20 wanted this to be for the community, they would have known that organizations are
21 sharing space. Up to 4-5 organizations. They would have known that BMR is not
22 affordable housing. They would have known to consult us if we wanted to use that space,
23 and they would have known to consult us if we wanted housing for our community
24 members. I really ask you to consider them to edit the rendering, and I strongly oppose
25 this project. Thank you.

26 **[Kevin McCollum]** >> Good morning, commissioners. My name is Kevin. I'm a born
27 and raised San Franciscan. I'm raising my two children here in the city. We can all agree
28 that parks are very important to have. I want to point out I think that the development of
29 this project and adding to the additional housing stock should take precedent over the
30 shadow that is currently there.

1 As someone who takes my kids to all of the parks in the city, 5:30 pm or 6:00 we
2 are wrapping up and heading home and having dinner and doing homework. It don't
3 think it should not adversely affect it. Also the project design is compatible with the
4 pattern and development of the neighborhood. Additional shadow would not be adverse
5 and not expected to interfere with the of the use of the park and the Planning Department
6 also finds the project is necessary, desirable and compatible with the surrounding
7 neighborhoods. It should not be detrimental to the persons adjacent to the property.

8 I encourage you to support this project. The need for additional housing stock is
9 more important than the shadow, as well as the additional 15 units and the replacement
10 four existing units which will be kept on site as well. Thank you for your time.

11 **[Xavier Arce]** >> I'm a family man who raised two children here. I am here to support
12 the 190 Russ project. I was in favor of California's Prop 10. It is not another high-rise
13 development. It is providing affordable and beautiful and thoughtful housing in the city.
14 It is an improvement to the area and respectful of the open space. It is a major part of the
15 city heritage. We need to encourage this kind of balance and change in the city. Thank
16 you.

17 **[Charles Turner]** >> Good morning, commissioners. This comes down to housing
18 versus sunlight for an hour. My name is Charles Turner. I'm a native San Franciscan, a
19 realtor, a rental property owner catering to conventional and Section Eight tenants. In the
20 past, the project sponsor made an error in judgement which was offset by working with
21 the city in preserving rental units for existing tenants. All of us have made an error in the
22 past and asked for forgiveness. The focus should be on this project and additional
23 housing as opposed to the developer. I ask you find it in your heart to forgive them for a
24 past error and allow the construction of these 63 much-needed rental housing units thank
25 you.

26 **[David Mur]** >> Good morning. I am a resident of San Francisco since 2001, and I'm the
27 current business owner at the property at 1052 Folsom. I have been there since 2010, and
28 I want to show my support for the project. I feel that the much-needed housing is going to
29 outweigh the shadow. I live literally across the street from VMD park, and I don't think it
30 is a deterrent. I don't think the shadow will be a deterrent for myself or any other people.
31 Want to go to the park and they think oh, I will not go to the park. I don't see children,

1 like a lot of other folks have said after 5:00 pm. That is when I open my business. I am
2 here supporting the project and I hope you guys consider it. Businesses are looking for
3 more housing to get more people in the area. And to help the location thrive. It has come
4 a long way since I've moved there. I would like to see it move forward as well.

5 **[Tet Naval]** >> Good morning. I am an afterschool Program Team Leader at Bessie
6 Carmichael Middle School. VMD is the only park that we have. It is an extension of the
7 Bessie Carmichael school playground, this is a very important. Any shadow cast on
8 VMD would be a significant adverse impact on the community. Please do not approve
9 this project. Thank you.

10 **[Gene Alejo]** >> Good morning, commissioners. My name is Gene. I am here to
11 highlight the negative shadow impacts and strongly oppose the proposed project on the
12 site that would have shadow on VMD park. SOMA continues to have the least amount of
13 parks and open space per capita, with only 2 full-sized parks. VMD serves as a key
14 element in some of our ethno-tours that I host at least twice a month. The shadow will
15 affect the daily use among seniors, families, children, and folks who live in the South of
16 Market. It is a crucial part of honoring our history and especially Victoria Manalo
17 Draves.

18 The shadow will negatively disrupt our interactive ethno-tour activities at VMD
19 park and daily use by SOMA residents, families and workers and students of Bessie
20 Carmichael from grades Pre-K to 8th grade. Think about the shadows during standard
21 time, especially after 4:30 pm when there are more shadows. The presentation earlier
22 only noted for daylight savings time but what about for standard time when children need
23 to use the park after 4:30 pm? And this impact should not be taken lightly by Rec and
24 Park. The beauty and usefulness of VMD park will be degraded by this shadow and this
25 project, will have a consequential impact on the use for visitors and users of VMD park.
26 Please oppose the project. Thank you.

27 **[Carla Laurel]** >> Good morning, commissioners. My name is Carla and I'm the
28 Executive Director of West Bay Filipino Multiservice Center. We have been serving the
29 SOMA community for 50 years. We have a 100 year history of Filipinos in the South of
30 Market. I'm here only to echo the opposition to this project and the impact the shadow
31 has on VMD park.

1 We have one park that we utilize as our Supervisor mentioned, we don't have
2 many parks in District 6. This is the only park that our families utilize. Heather from
3 United Playaz was mentioning that we don't want to be here right now. We have a
4 community party today where we are celebrating 200 of youth and families who use
5 VMD park every day. This is who VMD park impacts. It is not just the actual people that
6 it impacts, or the time it impacts, but the principal it is setting. What are we letting the
7 youth and families know about the only park that is named after a Filipino? Them, this is
8 their park.

9 Three years ago, unanimously, this was not supported. Here it is, bigger than
10 before, and now what will we do about? We will now say it is okay? And that is not fair.
11 So I want to please urge you to remember the decision we made before. Understand that
12 the impact is more than when the shadow is, but the fact that there is a shadow on the
13 only park that we utilize. And the precedent that sets in the future. And really remember
14 the families that this is impacting. Thank you.

15 **[David Woo]** >> Hello. I am with the South of Market Community Action Network.
16 First, it is unclear why this is not being held as a joint hearing between Rec and Park and
17 the Planning Commission as typically occurs with a project like this. This project should
18 be heard jointly by both these bodies so that Planning has a chance to weigh in on the
19 shadow topics before voted on by Rec and Park. For the proposed project, as we have
20 heard, there is a proposed increase point of .38% shade that would occur for eight months
21 out of the year, affecting the entrance to the park, the children's play area, the grassy
22 area, the dog area, and the benches.

23 This includes a period of late June where the shadow is present for up to 110
24 minutes or nearly two hours in the evening time and it is important to note that someone
25 did before, that in June, the sun does not go down until after 8:30 pm. SOMCAN
26 actually conducted studies of the usage of the park in early November of this year, and on
27 November 2nd between the period of 5:30 pm and 6:00 pm, there were 66 users of the
28 park including 13 children and it is important to note this was during the wintertime, not
29 during the summer when also the sun is out later.

30 As many people have mentioned, this is not the first time the project has been in
31 front of you. I think just looking more holistically at how the city treats the South of

1 Market and plans for the South of Market, often times the city looks at it as devoid of
2 families, children and youth and as a place of community. And instead as a place that
3 needs to be built up. It is already place of community and is already a place where
4 families and children live and thrive and use essential spaces, such as VMD park - public
5 open space - and one of the only full parks in the South of Market and as the supervisor
6 mentioned, and the only the full-service park. We strongly urge you to vote today on
7 adding new shadows to VMD park. Thank you.

8 **[Brandon Balidio]** >> Hello, Brandon with the South of Market Community Action
9 Network. I wanted to play a video from some of our youth that live here in the
10 neighborhood.

11 **[Kaitlyn E. from video]** >> We barely have city parks here in the South of Market. We
12 have VMD park and South Park but that park is super far. And VMD park is the central
13 park of SOMA. The issue of having a shadow in VMD park would make it harder for
14 kids to have fun here and really enjoy the sun.

15 **[Ronalyne B. from video]** >> VMD is important to me because I remember when I was
16 young I would always go here when there is no place to go. And for young people to
17 come here and hang out a lot, it's important.

18 **[Video]** >> VMD park is important to me because I met a lot of my friends here. And this
19 is where we hang out.

20 **[Jullianne E. from video]** >> The park is important to me and the community because it
21 gives us space for people to enjoy, it is a safe space for children to form unity and to bond
22 together.

23 **[Kaitlyn E. from video]** >> The shadow impacts the people who are in this park because
24 when people come to the park, usually little kids they associate the park with the sun,
25 with it being bright, with it really being a playful place. And without the sun it feels dark,
26 and not empty but, not how a park is supposed to be. The building shadow would impact
27 a kids a perspective of what a park is supposed to look like.

28 **[Jullianne E. from video]** >> This is important because it's not going to be fun without
29 the sun.

30 **[Lourdes Figueroa]** >> Good morning. My name is Lourdes. I'm a families caseworker
31 for SOMCAN and I am here to repeat what I said here last time. For a couple of youth

1 that could not be here. One is from Nikki Embalzado who is 16 years old and lives in the
2 South of Market. She goes to John O'Connell High School. "VMD park means so much
3 to me as a youth living in the SOMA. My friends play basketball there every summer,
4 which is so important to them. I want to see my friends enjoy the sun at VMD park as we
5 watch them play for fun. The park is important because we only have a few parks in the
6 SOMA that we can go and really enjoy the place without a shadow blocking the sun."

7 I also have a statement from Edzon Agape who was 18 years old, lives in the
8 South of Market, and is currently attending city college here. He says, "I grew up playing
9 at VMD park, and many of the other kids have the same experiences. It is the only real
10 park in the SOMA that is truly there is. More shadow will limit the exposure to the sun
11 that kids need to develop their young bodies. More shadows will mean less Vitamin D
12 provided by the sun. More shadows can cause people, especially kids to not come to
13 VMD park as often because of the lack of sun." Again, I am here to oppose this project.

14 **[Tony Robles]** >> Good morning. I am with Senior and Disability Action. We are in
15 opposition to this project. We cannot concede any of our light to the shadows. VMD park
16 is one of the only large gathering spaces or places in the South of Market for residents.
17 The South of Market has one of the lowest rates of parks per capita throughout San
18 Francisco.

19 We understand that the project itself will cast shadows that will be in the most
20 used areas of VMD such as the basketball court, the children's play area, and the grassy
21 hill. Besides being our only community park, VMD is also very much historical and
22 cultural significance for the Filipino and Filipino-American community. VMD park
23 represents the strength and resiliency of Filipina and Filipina-American women. More
24 recently the Tim Figueras batting cages, which honors a Filipino male community
25 member who has shown his endless commitment to both the Filipino community, as well
26 as San Francisco Park and Rec. We ask you to oppose this proposed project. Thank you.

27 **[Jean Paul Samaha]** >> Good morning, commissioners. Members of the commission, I
28 am here to speak on behalf of myself today. Although I do serve on the Treasure Island
29 Development Authority Board of Directors and I had the pleasure of serving with the
30 commission for six years on that body. Every month when we meet, and we try to be
31 judicious in making our decisions, I am here in support of this project for a very

1 important reason. I am not a shadow expert, but from what I've read, I see the impact of
2 this project to be minimal after 6:00 pm. When most park users use VMD park in the
3 morning and during the day, the park is not going away. It will be here. The members of
4 the community will still be able to enjoy this park every day of the year, and in addition
5 to that, there is a contribution that is being made by the project sponsor to the department
6 for security and for other services that will affect the community. All in all, with the
7 mandate of 5,000 housing units to be built into the city this year, we struggle with that on
8 Treasure Island of how to find funding. Here we have somebody who is willing and able
9 to build a 63 unit building to give back to the community, and I will urge you to support
10 this project. Thank you so much.

11 **[Connor Macleod]** >> I am here to represent myself as a member of the San Francisco
12 community and a 12 year resident. I am here today also as an advocate of housing and
13 affordable development. This project is a dream for the city. As mentioned earlier this
14 project has 63 units it is bringing, including the 4 maintained affordable rental units
15 provided by the developer to the current tenants.

16 Speaking directly to the shadow, the park system is an important resource in San
17 Francisco. This park at 2.5 acres and currently less than 20% coverage of shadow, will
18 fall directly within the city's own guidelines with the addition of this project. The current
19 guidelines say that 1% additional is the guideline. This project was a 0.38% increase.

20 And as a sailor an outdoorsman, we have seen pictures today of the Summer
21 Solstice. We had concern from the community about the Winter Solstice and standard
22 time. This project, due to its location and the location of the sun will have zero impact on
23 the park during the wintertime of the year. Once again, this project casts a shadow and
24 provides housing for San Francisco that we desperately need. Thank you very much for
25 your time.

26 **[Ed Deleski]** >> Hello. I have been a resident of San Francisco for approximately 12
27 years as well. I am not Filipino. I have used this park on a number of occasions. For
28 morning coffee, having a sandwich and hanging out during the day and having time to
29 myself. And for me, the additional shadow here would really impact me minimally. So I
30 just want to let you know that. And I reiterate what the gentleman said. There are

standards for a reason. It is less than 1% additional shadow. This is .38%. There is no reason for you guys to deny the additional housing that would be added to this location.

Further, it would be on behalf of the Parks Department to want to have additional families in front of the park who could use the park more often. Having a 4 unit building across there more or less excludes some 60 odd people from enjoying the park, as I was so lucky to have living on Harrison Street when I first moved here.

[Tim Figueras] >> I just want to say a couple of things just from experience. I have been in the neighborhood since 1989. Where I worked originally was the old Bessie Carmichael school site which is presently Victoria Manalo Draves park. One of the things I liked about the South of Market was, I grew up on the West Side which is foggy probably 11 out of the 12 months of the year. And you don't see too much sunlight. So number one there are very few parks in the South of Market. One of them is South Park with a lot of trees. Number two, the one thing in the South of Market is the sun, it is very important for the kids. When I first started to work in the South of Market, the kids in that neighborhood, they played in vacant lots. They played baseball, they put up hoops in the vacant lots. And guess what, those vacant lots are no longer there. They are housing. They were in vacant lots. Yes we do need housing. The guy that mentioned Treasure Island, put the housing on Treasure Island. But we have to preserve that there was an ordinance put up to protect against the shadowing. I urge you guys to keep that in mind. It is one of the few places that has sun in the city.

[Michael Stack] >> Good morning, commissioners. I am Michael stack. I am a resident and happen to be born in San Francisco. I am in support of the project. Believe it or not, I grew up playing basketball in a lot of the local parks in San Francisco. After 5:30 I was on my way home, having dinner, after playing, not longer than that usually. And if I did so, the shadow did not affect me. I am in support of the development because of they eyes to be putting on the park keeping the community safe and keeping the children safe.

[Victor Melandes] >> I am here to say the project should go on because it's hard to find affordable housing. It took me 20 years. I was living in the park in a tent until I found housing. So I think this should go on. Thank you very much.

[Alder Martinez] >> I was born in Manila. I came to San Francisco back in 1966. I lived here all my life ever since. I've been homeless, I'm homeless now. The shadow issue is

1 the silliest issue I heard in my life. I apologize to the people that are for it, but me it's the
2 silliest thing I ever heard. Play hide and go seek in the shadow. Take your girlfriend to
3 the sideline, kiss her, swap spit. Take your boyfriend to the side, swap spit. There's a lot
4 of different things you can do in the dark. But housing, people do really need. You know.
5 And come on, man, we are all adults. Thank you.

6 **[Donald Gills]** >> I am Donald Gillis. I am in support of the project because we need
7 housing. And I believe a lot of families are pushed out and forced to move to other
8 counties. They are being taken from the community they were born and raised in. And I
9 am in support of doing more housing for us and maybe ending homelessness too. Thank
10 you.

11 **[Julie Lovecourt]** >> I was born and raised here also. And I understand the importance
12 of the parks. But the shadowing will not affect VMD as much as people not having
13 housing housing. We need housing desperately, it will provide 15 units for everybody. I
14 think it is really important versus the shadow thing.

15 **[Paul Barrera]** >> Good morning. I just would like to ask you to consider what it
16 communicates that this commission previously rejected the project on account of
17 production of shadow. And is now accepting the same project. With the community
18 opposing on the same grounds of shadowing on the park. Thank you.

19 **[John Goldman]** >> Hello. Goldman Architects. I am adjacent to the project. I have a
20 large dog Shamus. A greyhound. I use VMD park twice a day. I asked Shamus if the
21 shadow on the hill would bother him when it becomes a dog park. And he said he was
22 fine with it. I support this project, and I totally get the concerns from the community
23 groups. Many of whom are my friends. I spend time with them.

24 I think the mitigating circumstances here actually, one of the biggest ones is the
25 fact that on that hill there will be a dog park. The people don't use the hill now. It is
26 informally used as a dog park. Some do not pick up after their dogs. There is no one
27 hanging out on that hill now. It is typically used for dogs. No one uses it. But when it's
28 enclosed as a dog park, the dogs are not going to care about the shadow. People won't be
29 using the hills, just the dogs will use the hill. That is the greatest impact of the shadow. It
30 is a strong mitigating factor.

31

1 Normally I am not in favor of shadows on VMD park. But in this case, the biggest
2 area of shadow is the dog park and the other area the entrance to the park and people
3 enter the park there but nobody spends time in that area. The other area, the northeast
4 corner is somewhat shaded, but only in late afternoons. That does not affect playing
5 basketball. Additional housing is very important. As an architect I support additional
6 housing. I think in this specific shadow, it is very acceptable because of the dog park
7 which is going to occur there at the area of greatest shadow. Thank you.

8 **[Kingston Wu]** >> I am Kingston Wu, 40 years old. I was born and raised in the is in Bay
9 Area. In the last 12 years I have lived and worked in San Francisco, and I currently live in
10 SOMA. I am surprised by the amount of passion that erupted in this, both in favor of the
11 dog park and the favor of VMD park and then in favor of housing. I myself am a business
12 owner that is located half a block from VMD park on Folsom and 7th Street. For the last
13 two years I have walked 3 or 4 times a week past the park on the way home from work or
14 I walk by the park on the way to work. The greatest concern with my business is having
15 neighbors in the area that like to go out and kind of frequent my business. My biggest
16 concern as a business owner aside from the customers are my employees. I have 20 of
17 them, and quite a few can -- none of them live in the area. All of them have to Uber or
18 BART in from Oakland, South City, Daly City. I think the project provides an invaluable
19 resource to affordable housing in the area.

20 I am surprised, I don't know if it is rule, 25%, of the 63 units are made at below
21 market rates which seems like an incredible feature to have. I have heard there are
22 \$150,000 donated to VMD park which I imagine could be applied to producing a
23 spotlight to offset the shadow. Prior to starting the restaurant, I was an accountant. I
24 looked at the numbers. VMD park is 2 acres large and .5% increase in the amount of
25 shadow to me computes to be 435 feet. I imagine that a large tree planted in the park
26 would cast a 435 square feet shadow on the longest day of the year. It doesn't seem like a
27 large sacrifice for the creation of housing in the area. And so I like to vote in favor of the
28 project.

29 **[Leroy Staples]** >> Thank you. I am Leroy Staples. I am in support of the project
30 because we need a lot of housing here. It's not sinking, it's not leaning. We can get by
31 with the shadows. So I hope you guys approve this. Thank you.

1 **[Mary Roque]** >> Good morning, commissioners. I am with the Bayanihan Equity
2 Center. A non-profit organization located at the heart of SOMA Pilipinas where we serve
3 seniors and adults with disabilities. I am here to urge you to oppose the proposed
4 development. I think it is a disservice to the people that live in the community and for the
5 people that use VMD park as a space to gather and play.

6 So according to the report from the ACS Report 2011 to 2015, District 6 is home
7 to more than 12,000 senior residents age 60 years old and above. More than 31% of
8 District 6 seniors 65 years and above have an income at or below the federal poverty
9 level. This project claims to provide public benefit from the 63 rental housing units of
10 which 15 units are at below market rates. But, really who is this project benefiting? When
11 the people who live in the district - seniors on fixed income – do not qualify for BMR
12 units because their income does not qualify for it. So with the proposed project increasing
13 the square foot hours of shadow by 0.38% you are setting a precedent of other
14 developments to push us little by little.

15 VMD park is a cultural asset. Not only for District 6 and the Filipino cultural
16 heritage district, VMD park is an asset to the city of San Francisco. And we ask that you
17 please do not take our sunshine away. Thank you

18 **[PJ Eugenio]** >> Hi, commissioners. My name is PJ, and I'm the Youth Coordinator for
19 SOMCAN. The video earlier with the youth are some of the people that I work with.
20 VMD park is the only park that they know. Some of them just moved here, two, three
21 years ago. That is the first place they go to. And they feel at home. They can be
22 themselves in the park. District 6 has a mass tremendous population higher than any
23 district in the city. As the population increases, 80% of the city development is happening
24 in District 6, particularly in South of Market.

25 For all SOMA residents, there are only two full large parks that have been built in
26 the neighborhood, including VMD Park. It is unacceptable that any new shadows be cast
27 on VMD park. We would like to urge all of you to partner with us in protecting and
28 preserving our very little open spaces in the South of Market. Approval of this project
29 will set further detrimental precedence for future projects that will totally and completely
30 disregard the value of public open space to the most underserved residents that actively
31 use the park. Please take action to recognize that this project will have tremendous

1 adverse impacts on the use of VMD Park. Thank you for your time.

2 **[Ramon Bonifacio]** >> Hello. My name is Ramon Bonifacio, and I'm a youth from
3 Youth Organizing Home and Neighborhood Action, YOHANA, under SOMCAN. I
4 actually live a block away from VMD park. And since I was young, I've been always
5 going in this park where my friends hang out. Basically, VMD park is not just a regular
6 park to us. This is basically our -- like our second home to us because when we came
7 here in America, we are not welcome by some certain people. Basically in a way, VMD
8 park kind of gave us a way to be with the people that actually are with us and accept us.
9 We meet new people in VMD park too. Please do not vote on this project, thank you.

10 **[Rachel Lastimosa]** >> Good morning commissioners. Happy winter solstice. My name
11 is Rachel Lastimosa and I am the SOMA Pilipinas Arts and Culture Administrator. I am
12 here today in opposition of the 1052 Folsom and 190 Russ projects. As the only multi-use
13 park that is accessible to Bessie Carmichael Middle School, the only public school in
14 District 6, a park that is named after Victoria Manalo Draves, who grew up a couple of
15 blocks away from the site, and is also a Shero for the Filipino community. It also houses
16 the Tim Figueras Batting Cage, who you saw speak earlier today, who is another
17 hometown hero.

18 As D6 is the San Francisco Filipino Cultural Heritage District, we take the
19 development of our community and the impact of the development in the Youth and
20 Families Zone very seriously. Affordable housing is important, yes. And it can be done in
21 a way that is accountable to the community. This decision will set a precedent for future
22 developments that can encroach on the very little open space we have here in SOMA.
23 Depriving our area of sunlight. Comments have been made by supporters that have been
24 paid by the developers here today that have minimized the effects of shadows. We are
25 fighting for elements here.

26 In New York, they are paying for airspace. And with the very limited resources
27 that we have here in San Francisco, this is what we are setting precedent for. We are
28 fighting for elements. Depriving our community of sunlight is depriving our community
29 of Vitamin D. Vitamin D deficiency has a direct correlation to depression. This really
30 matters in fighting for the limited space in our neighborhood as well as the health of our
31 community. We humbly ask that you repeat the position that you made three years ago

1 for this project that has more of an impact, and oppose this project. Thank you.

2 **[Raitay Acu-Maglotan]** >> I was born in this city. And the shadow is not a problem. It is
3 about housing. Not just educating the rich that can afford. But this is about our home.
4 Family, kids who can't afford to be players. The sun is the day. We have to think about
5 the housing, the long-term goal. You know, 30% of the country is now living in tents. In
6 10-15 years, what is that going to do? You know what I mean for unity in the country.
7 Not just in Oakland. Not just in San Francisco. There are tents all over the country. We
8 are worried about a shadow. You know what I am saying? Thank you all for listening.

9 **[Sue Hestor]** >> [Draft Planning Commission shadow motion displayed] This is the draft
10 motion that Planning Commission is to approve later in a couple of hours. This is the
11 shadow report. The report has been made -- that they are taking the recommendation of
12 the general manager of the department, not of the commission. The commission doesn't
13 have a position yet. It was consulted, and so the Planning Commission is going to
14 approve the project, is slated to approve the project because you haven't said no. And you
15 must say no because we can't do this shadow on Draves Park. When you drafted
16 conditions, limiting the shadow after 1984 when Prop K was passed, you didn't have any
17 park in the South of Market called Draves. You had Gene Friend. Gene Friend has a 0%
18 increase, but has been whittled away because your commission, your staff has been
19 saying you don't count the area that is fenced on the outside, because it is not accessible
20 until the gates are open. So we've been losing the 0% limit on Gene Friend. With the
21 consultation of this commission and the planning department, bit by bit, by bit, you need
22 to have -- go back and do a shadow analysis about the limits for Gene Friend and Draves
23 Park together.

24 What would you have done regarding Draves. The South of Market is important
25 because it is a low income community and really dependent on open space. If you don't
26 stop, and say wait a minute - we have to do an evaluation of both parks, is 0% appropriate
27 for Draves Park like it is for all the parks in Chinatown? You have a real obligation today
28 to look at Draves as well as South of Market parks.

29 **[Alice Barkley]** >> My name is Alice Barkley and I am the attorney for this project. I
30 would like to focus mainly on the shadow and also if you have a lowered building and
31 what happens to that shadow. First of all, the shadow -- Your staff, back with the

1 Planning Department staff, back in 1989, issued guidelines for parks all over the city.
2 One of the guidelines is for parks that is larger than 2 acres, with less than 20% year-
3 round shadow on the park. VMD park is one of those parks. And for those parks, your
4 staff then had recommended that they would be allowed a 1% additional shadow on the
5 park to accommodate new construction.

6 In this case, what I would like to show you is a comparison of this project, what
7 happened if we take a floor off the project. Also what happens if you have only a 40-foot
8 high building which as the commission knows, has no limit on the amount of shadow
9 they can cast. So right now, on the longest day, which is when they're talking about 30%
10 of VMD park will be cast by shadow. It's only for that one day and it is not 30%. Rather,
11 the new shadow in total for the project -- for that one day, for a 15 minutes at the end of
12 of the day -- is 18.75. If you look at this what we're showing, the color that is the dark
13 blue, is the shadow by a 65-foot building.

14 **[Reza Khoshnevisan]** >> Good afternoon. Reza Khoshnevisan, Senior Consultant as part
15 of the design team. And as someone who has done thousands of projects in this town over
16 the past 25 years, I would like to point out the fact that this developer is providing 25%
17 affordable housing plus the four units that are going to be rent control. And their bringing
18 the tenants down back to the building. If you do the math, you will see that this is
19 accumulates to over 30% non-market rate units. As someone who has done 25 years of
20 development in this town, I have not seen that many developers that can digest 30%
21 affordable housing. And this developer not only is giving \$150,000 in improvement of
22 the park. At non-market rate units, he's trying to do the right thing. And to deprive the
23 city and this corner of Folsom and Russ Street from this great development, I think it
24 would do disservice to this great city of ours. Thank you.

25 **[Angelica Cabande]** >> Good morning Commissioners. Angelica Cabande, Director at
26 SOMCAN. In 2003, when the land swap between the school and Rec and Park happened,
27 it took until 2006 for Rec and Park to open this space. Not because it took that long to
28 build it, but because Rec and Park didn't prioritize funding for it. We had to organize our
29 community to advocate for Rec and Park to allocate money to open VMD park. We had
30 to organize our community to allocate staffing to this park since again, it was not

1 prioritize by the department. So, yes! We're hella passionate about VMD park because
2 we had to fight every single time to not just build this park, but to maintain this park.

3 In addition there is a thriving business at 1052 Folsom who will be displaced. And
4 as we know, when businesses are moved, even if they are relocated and able to come
5 back later, they are not going to do it. They're going to find somewhere else to build, or
6 close down.

7 It speaks volumes for our community and Supervisor Kim to come out against
8 this project. We don't always agree on things, and for us to all say we oppose this project,
9 is huge. The question now is, are you going to de-prioritize our voice again, that you have
10 been doing on and on -- all the time for the South of Market? If this shadow was in
11 another park, like the Marina or Golden Gate Park, will you vote the same way? Because
12 there is a real question of equity and whose voice matters most. I hope you will use your
13 leadership and really listen to the community. Thank you.

14 **[Allan Low]** >> I want to first say we're the Recreation and Park Commission, and the
15 matter that's before us is whether this shadow poses a significant and adverse impact.
16 And it's just the shadow. It is only a recommendation. And to both sides, it's not a vote
17 for or against the project. It is just the impact of the shadow on VMD park. I think the
18 decision of whether we choose housing versus parks, that is for our colleagues this
19 afternoon on the Planning Commission to make that decision. I'm sure it will be repeated
20 again this afternoon, but our focus is just the impact of the shadow on the park.

21 There were some references to past Ellis Act evictions, future Ellis Act evictions.
22 That is of no concern and should be of no concern in our decision and deliberation, and
23 we should have a blind eye to whatever deals or evictions may have occurred in the past,
24 and attempts to resolve it.

25 This is the second time we have heard of a \$150,000 contribution to the
26 Recreation and Parks Department. Our city attorney's office is here with us and he will
27 advise us that we cannot accept cash for shadows. And so that, as well, should be
28 eliminated from any decision that we may make here and should not weigh on our
29 decision. And the slide referencing what appeared to be a Planning Commission agenda
30 item, I think that is a typo. Certainly they spelled 'recreation' wrong. I think that is a typo

1 and I don't think our General Manager would have made the recommendation without our
2 authority. I believe that is the case.

3 **[Phil Ginsberg]** >> You can confirm that.

4 **[Allan Low]** >> I just want to lay that out and clear that, so that we focus the discussion
5 on the shadow on Victoria Manalo Draves park. Thank you, General Manager. First I
6 would like to have Stacey come up. Let me first hand you the 2015 shadow that we
7 unanimously rejected in 2015. It shaded the basketball court which was an active
8 recreation and to the entrance to the park. That was unanimously rejected in 2015. The
9 finding being that it was significant and adverse. Is that correct?

10 **[Stacey Bradley]** >> That is correct.

11 **[Allan Low]** >> Now let me show you at the same time, this is June 21st at 7:36 pm. If
12 you put them side-by-side, isn't that a greater impact on the park? Again, it encapsulates
13 the entire basketball court, not just a portion. And that oval area which is an unsanctioned
14 dog play area. Isn't this shadow greater than what we rejected in 2015?

15 **[Stacey Bradley]** >> Yes that is correct.

16 **[Allan Low]** >> I think that is some precedent. Don't you think?

17 **[Stacey Bradley]** >> Yes.

18 **[Allan Low]** >> I think that should be considered in our deliberations. I understand the
19 need of the public good served by the shadow caster. But that's really as it relates to the
20 quantitative analysis of how you allocate shadow within the absolute cumulative limit,
21 but I don't think it eviscerates our analysis as it relates to the qualitative nature, and
22 certainly we have heard from the community and those who use VMD park that the
23 shadow would have a significant adverse impact on the park and those who use it.

24 **[Kat Anderson]** >> I very much appreciate all the passion that is behind this. I lead a
25 labor union and am intimately familiar with community organizing and how important it
26 is to have a voice. There are other voices here too of people who live in the area and work
27 in the area, and people who are friends with Ms. Draves, and people who knew her, and
28 we have to consider all those voices together.

29 I looked at the shadow analysis and I am particularly drawn to page 16 of the
30 Prevision Design document, because my children are born and raised in San Francisco
31 and I have spent cumulatively years in our parks with children and I am a program

1 manager myself with youth. So the observations were that the park's picnic benches
2 which are community gathering spaces, community gardens, ballfield, and southern
3 children play area would receive no new shadow any time throughout the year with this
4 project.

5 The greatest impact of the shadows on that day in June begins at about 6:15 pm,
6 and maximizes about 7:15 pm. My children and I are usually trying to make our way
7 home to have dinner around that time. At 7:15 pm, part of a basketball court, a walkway,
8 and a portion of a corner with no playground is what gets those shadows. Which to me it
9 is not really a shadow because the sun is going down anyway.

10 It is not a barrier to youth, it will maybe just have you walk in a different or use a
11 different part of the park if you happen to be there between 6:15 pm and 7:15 pm. By the
12 way, I work in the neighborhood and I don't want to be there between 6:15 pm and 7:15
13 pm, now the way it is, but I do feel like if that project goes forward, it will bring a 150-
14 180 new residents who want to use our parks and will use our parks which will help shed
15 light in that park. We build homes and then we build parks for the enjoyment of the
16 people in the homes. We don't use parks to keep people from being in homes.

17 **[Allan Low]** >> I appreciate those comments from my colleagues. I still believe that our
18 findings in 2015 have some precedent and that this shadow that will be cast on VMD
19 park will have a significant and adverse impact. I would like to move to direct our
20 General Manager, which you will have to do very quickly since planning is hearing this
21 this afternoon. I would like to move to direct the General Manager to advise the Planning
22 Commission that the shadow cast by this project will have a significant and adverse
23 impact. Before I ask for a second, I will recognize one of our commissioners.

24 **[Gloria Bonilla]** >> Thank you Commissioner Anderson for stating our situation here so
25 clearly, and speaking to the heart of the matter. The question that I have has to do with
26 the sum total of the use of this park. I presume, and correct me if I am wrong, I am sure
27 that staff will correct me if I am wrong at this, but I presume that the use that the park has
28 is from 9:00 am to approximately 8:00 pm or 9:00 pm at the latest. Is that correct?

29 **[Kat Anderson]** >> Sunrise and sunset, what's the hours?

30 **[Phil Ginsberg]** >> I believe VMD park closes at sundown right now. 10 o'clock?

31

1 **[Allan Low]** >> At least until we install lights. That was a joke. Let's just not talk about
2 lights.

3 **[Phil Ginsberg]** >> Actually, I was just going to raise that.

4 **[Gloria Bonilla]** >> I am just speaking to the active use of VMD park and those hours.
5 What would those consist of? Beginning with any programming, whether it be starting up
6 at 9:00 or 9:30 and going on throughout the day. How many -- what would be the sum
7 total of the hours that is spent in the park by the community? Utilizing, participating in
8 different activities.

9 **[Stacey Bradley]** >> VMD park is used throughout the day. There is a variety of
10 activities. This is a well used and much loved park. The community garden is a great
11 asset for the community. There are the restrooms, the ball field, the basketball court gets
12 a lot of use, there is the children's play area, there is a variety of activities throughout the
13 day.

14 **[Gloria Bonilla]** >> I understand that. What I am trying to get at is I am trying to see,
15 what is the sum total of the hours that are impacted here?

16 **[Phil Ginsberg]** >> The park opens –

17 **[Gloria Bonilla]** >> From the time that the park opens to when it closes?

18 **[Phil Ginsberg]** >> Let me see if I can help.

19 **[Stacey Bradley]** >> Let me get the hours.

20 **[Phil Ginsberg]** >> 6-10. The Park Commissioner is open to, if my math is correct, 16
21 hours a day the shadow obviously changes throughout the year, and the scope of the
22 shadow changes throughout the year. I understand that the period of shadow was between
23 February and October. And usually the shadow stays around 6:00 pm.

24 **[Stacey Bradley]** >> That's right. It comes in around 5:00 pm or 6:00 pm depending on
25 the time of year.

26 **[Phil Ginsberg]** >> How many minutes a day?

27 **[Stacey Bradley]** >> On average it is just over an hour, 70 minutes. The longest time is
28 110 minutes, so almost two hours.

29 **[Phil Ginsberg]** >> The average shadow is about an hour a day from February to
30 October. Nine months a year of an average shadow of an hour a day. It's about 270 hours

1 of average shadow. About 270 hours of average shadow out of a total park usage between
2 -- it is 16 times 365. If anyone has a calculator, we can figure it out.

3
4 **[Allan Low]** >> Rather than do this in our head to, May be we should have Adam Noble
5 to prepare the shadow report to present those figures.

6 **[Phil Ginsberg]** >> It is about 5% of the total hours would be shadowed by this project.

7 **[Gloria Bonilla]** >> About 5% of the total hours. I think that is significant. I think this is
8 in the sense that I do not feel there is any intent whatsoever to take away from the leisure
9 activities that we are providing at this park. As Rec and Park Department, I believe we
10 would be fulfilling our responsibility to the community. We would continue to fulfill
11 responsibility to the community, even if we supported and approved this project.

12 The way I see it is there is ample opportunity for involvement, engagement,
13 whatever in our park, but there is minimal opportunity, the way I see it now in terms of
14 the overall city politics and the struggles that we are having in many different
15 neighborhoods, especially the Mission district and the Bayview district in San Francisco,
16 to have any housing. It is a constant struggle. It is such a critical need.

17 I believe that as a citizen of San Francisco I have to defend the rights for
18 individuals to have shelter, as well as defend the rights for them to have leisure activities.
19 So I feel that there has to be a compromise here, and the compromise is that for all those
20 individuals who participate in leisure activities, for a sacrifice to be made so that there
21 could be other benefits such as the rights for people to have a home to live in, so it
22 becomes a win-win all across the board. We need to make things better all the way
23 around, not just in terms of leisure activities, but in terms of housing, jobs, transportation.
24 There are so many responsibilities that we have. We would be remiss in fulfilling this
25 very important responsibility of having additional housing.

26 **[Allan Low]** >> I respect the comments from Commissioner Bonilla, but is that our
27 decision to make on prioritizing housing over a shadow in the park? Our question before
28 us is a recommendation of whether the shadow has a significant and adverse impact, it is
29 only a recommendation that goes to the Planning Commission who will accept our
30 recommendation or reject it and will weigh in and make the decision of whether the
31 shadow, regardless of it as a significant adverse impact, outweighs the need for housing.

1

2 **[Gloria Bonilla]** >> The questions that I raised had to do with -- for me to discern how
3 much impact there would be, the question that I raised in terms of overall use, from that
4 perspective, I do not see there would be an adverse impact, and that is the interpretation
5 that I am making in this regard.

6 **[Kat Anderson]** >> I formed the opinion that this is within acceptable limits with the
7 numbers. Am I correct to assume that? It is within acceptable limits?

8 **[Stacey Bradley]** >> It is within the limits from the 1989 memo.

9 **[Kat Anderson]** >> So we wouldn't even have to be making a decision here that will
10 depart from that we would be in compliance?

11 **[Allan Low]** >> It satisfies the quantitative respect. But we still have to make a
12 determination on the qualitative test.

13 **[Kat Anderson]** >> Thank you.

14 **[Mark Buell]** >> Seeing no other comments, let me say something before we seek a
15 second of the motion. This really gets down to trying to prioritize between housing and
16 Recreation and Park facilities. As Commissioner Low accurately pointed out, and I think
17 was echoed by commissioner Anderson and Bonilla, it is the work of this commission to
18 look at the recreation facilities.

19 The very act of increasing a number multifamily units in the neighborhood -- none
20 of which will have a backyard of their own -- is to place further demands on the parks. In
21 a place in the city where the price of the land and the density makes it impossible to
22 consider larger or better parks, so what do we look at? We look at the quality of the parks
23 that we have and protecting them. So with that, and I have to make this other observation.

24 To begin to deviate from that priority is simply to encourage other developers in
25 other places to think that they can come here and have all the best intentions and best
26 design and best product, but if it infringes on the quality of the park, we have to weigh
27 that in our consideration. And it is a serious one. I am a long-standing proponent of high-
28 density development in cities. I think it is part of the solution for a whole host of reasons
29 that I won't bother you with now. Having said that, I will second Commissioner Low's
30 motion and call for a vote and a roll call vote.

31 **[Clerk]** >> Okay. Commissioner Anderson. [Roll call]

1 **[Kat Anderson]** >> I just want to make sure I am voting correctly here.

2 **[Larry Mazzola]** >> Yes means no.

3 **[Kat Anderson]** >> I respectfully oppose Commissioner Low's motion.

4 **[Clerk]** >> Okay. Commissioner Bonilla [Roll call]

5 **[Gloria Bonilla]** >> Likewise.

6 **[Clerk]** >> Commissioner Harrison?

7 **[Tom Harrison]** >> Opposing.

8 **[Clerk]** >> Commissioner Mazzola?

9 **[Larry Mazzola]** >> So all three of you are opposing his motion?

10 **[Kat Anderson]** >> That means that we are saying -- Does not pose a significant adverse
11 impact on the park.

12 **[Larry Mazzola]** >> That it does not?

13 **[Kat Anderson]** >> He is saying it does.

14 **[Larry Mazzola]** >> Right.

15 **[Allan Low]** >> Remember, yes means no.

16 **[Larry Mazzola]** >> I told you that. Can I ask a question before I vote?

17 **[Clerk]** >> Absolutely.

18 **[Larry Mazzola]** >> I wasn't here in 2015 when this got turned down by the Board, was
19 the only reason because of the shadow?

20 **[Allan Low]** >> Actually it never went to the Board or the Planning Commission. In
21 2015 when it became before the Recreation and Parks Commission, the recommendation
22 was unanimous that it did pose a significant and adverse impact. Since then, different
23 things developed, and the project sponsor went back to develop a new project. As you
24 heard in a reference -- I think by the project sponsor -- there was another agreement
25 reached with the city. So a lot of things happened in between when in 2015 to today,
26 where the project that was proposed in 2015 stalled out and was withdrawn, and this new
27 project was resubmitted. I look to my mentor Alice Barkley to make sure I got the
28 procedure correctly.

29 **[Larry Mazzola]** >> Okay. I've heard testimony on both sides this morning, and both
30 have swayed me. I think the fact that from what I've read in our documents that the
31 Planning Department has found no additional shadow, that the additional shadow would

1 not have an adverse effect, and that we are still below the allotted shadow threshold, if
2 you said it right earlier. I think that would lead me to vote against your motion.
3 **[Clerk]** >> No vote?
4 **[Larry Mazzola]** >> No vote.
5 **[Clerk]** >> Commissioner Low?
6 **[Allan Low]** >> Yes.
7 **[Clerk]** >> Commissioner Buell.
8 **[Mark Buell]** >> Yes.
9 **[Clerk]** >> The motion fails 4-2.
10 **[Mark Buell]** >> Does that require that we have a motion in the other direction?
11 **[Clerk]** >> That is completely up to you.
12 **[Mark Buell]** >> Or have we sufficiently given the General Manager instructions to go
13 to the Planning Commission?
14 **[Allan Low]** >> I think you have to make a motion so that the General Manager has clear
15 instructions.
16 **[Kat Anderson]** >> I would like to move that we find that this project has no significant
17 adverse impact on the park.
18 **[Gloria Bonilla]** >> I will second that.
19 **[Mark Buell]** >> It has been moved and seconded. Please call the role.
20 **[Clerk]** >> That motion passes 4-2.

12/20/2018

Rec & Park Commission Hearing on 1052-1060 Folsom and 190-194 Russ Street

PROJECT SPONSOR

- **Paul Iantorno**
Project Sponsor, Golden Properties
- **Alice Barkley**
Attorney for Project, Duane Morris
- **Reza Khoshnevisan**
SIA Consulting, Owner

FOR PROJECT APPROVAL

- **Elizabeth**
- **Richard**
- **George**
SF Resident
- **Carolina Corello**
Resident at 1054 Folsom
- **Michael Andolina**
- **Rudy Asercion**
Former Director of Westbay Pilipino Multiservice Center
- **Kevin McCollom**
Compass Real Estate
- **Xavier Arce**
SF Resident
- **Charles Turner**
Rental Property Owner
- **Dave Mur**
Owns Fondue Cowboy 1052 Folsom
- **Jean-Paul Samaha**
Vanguard Properties - Realtor, SF Resident
- **Connor McLeod**
SF Resident
- **Ed Deleski**
Vanguard Properties - Realtor

- **Michael Stack**
Vanguard Properties - Realtor, SF Resident
- **Victor Melendez**
Formerly homeless
- **Alder Martinez**
Currently homeless
- **Donald Gillis**
SF Resident
- **Julie Lefcourt**
SF Resident
- **John Goldman**
Goldman Architect - 1st architect for project
- **Kingston Wu**
SF Resident
- **Leroy Staples**
- **Raitay Acu-Maglotan**

AGAINST PROJECT APPROVAL

- **Heather Phillips**
United Playaz, SoMa Resident - South Beach
- **Misha Olivas**
United Playaz, SoMa Resident
- **Rudy Corpuz**
United Playaz, SoMa Resident
- **Betty Traynor**
Friends of Boeddeker Park, Western Addition Resident
- **Jane Kim**
District 6 Supervisor
- **Katrina Liwanag**
SoMa Pilipinas Cultural District, Bernal Heights Resident
- **Tet Naval**
SoMa Pilipinas, Western Addition Resident
- **Gene Alejo**
South of Market Community Action Network
- **Carla Laurel**

Executive Director, West Bay Pilipino Multiservice Center

- **David Woo**
South of Market Community Action Network
- **Brandon Balidio**
South of Market Community Action Network
- **Lourdes Figueroa**
South of Market Community Action Network, Tenderloin Resident
- **Tony Robles**
Senior & Disability Action
- **Tim Figueras**
Former Staff, Gene Friend Recreation Center
- **Paul Barrera**
SoMa Pilipinas Cultural District
- **Mary Rocque**
Bayanihan Equity Center
- **PJ Eugenio**
South of Market Community Action Network
- **Ramon Bonifacio**
South of Market Community Action Network, SoMa Resident - Mission St
- **Rachel Lastimosa**
SoMa Pilipinas Cultural District
- **Sue Hestor**
SOMCAN Attorney on this appeal
- **Angelica Cabande**
Executive Director, South of Market Community Action Network

1 **Planning Commission Transcript 12/20/18**

2 **[Clerk]** >> You will consider a Large Project Authorization, Conditional Use Authorization, and
3 Shadow Determination, while the Zoning Administrator will request a variance for the properties
4 at 1052-1060 Folsom Street and 190-194 Russ Street.

5 **[Doug Vu]** >> Good afternoon. Doug Vu, Department staff. The project before you is a request
6 for a Conditional Use Authorization, a Large Project Authorization, and a Determination of
7 Shadow Impact for the proposed demolition of five existing buildings containing 10,349 square
8 feet of commercial use and four dwelling units totaling 4,656 square feet on three lots. The
9 merger of these lots into one parcel and the construction of a new 7 story 64 feet 6 inch tall and
10 58,719 square foot mixed-use building containing 2,832 square feet of ground floor commercial
11 retail use and 55,887 square feet for 63 dwelling units consisting of three studios, 23 one-
12 bedroom and 37 two-bedroom units. In addition the project includes a combined 6,991 square
13 feet of private and common open space and a 3,572 square foot ground floor garage with access
14 through a single new driveway on Russ Street for 16 residential automobile and 63 class 1
15 bicycle parking spaces.

16 Under the provisions for Large Project Authorizations located in a Residential Enclave
17 District, the development is requesting exceptions from the planning code requirements for rear
18 yard and dwelling unit exposure. Since the project is also located in the South of Market
19 Neighborhood Commercial Transit District, the sponsor is requesting a variance from these same
20 requirements for rear yard and exposure by the zoning administrator today.

21 As stated, the project is located in two zoning districts with approximately 60% in the
22 South of Market NCT zoning district, which connects to the Folsom Street neighborhood
23 commercial transit district and contains a development pattern of active neighborhood-serving
24 and pedestrian-oriented ground floor commercial uses, with dwelling units above. The remaining
25 40% of the project at the rear is located in the residential enclave zoning district, which contains
26 clusters of low-scale, medium-density residential neighborhoods located along the narrow streets
27 of the south of market area. Vacant or underdeveloped parcels in this district are intended as
28 opportunity sites for new infill housing. Since the packet was published last Thursday, the
29 department has received 23 additional letters in support of and one in opposition to the project
30 that are being provided to you today.

1 Also handed out to you today is an amended Exhibit A to the Large Project Authorization
2 draft motion that clarifies the replacement of existing rent-controlled units as well as a copy of
3 the Costa Hawkins exception agreement.

4 After analyzing all aspects of the project, department staff finds that the project is on
5 balance consistent with the policies and objectives of the General Plan and East SOMA Area
6 Plan because it's located in zoning districts that principally permit ground floor commercial uses
7 as well as residential uses. It's an appropriate in-fill development that will replace four rent-
8 controlled units in-kind and add 59 new dwelling units to the city's housing stock, including 15
9 permanently affordable dwelling units. The new development is designed with an appropriate
10 massing scale and architectural style for the subject block and is compatible with the existing
11 broader character of the South of Market area. The project will also include streetscape
12 improvements to activate the block and contribute to the pedestrian-friendly environment. It will
13 also comply with first source hiring program and pay the appropriate Eastern Neighborhoods
14 development impact fees. Based upon these findings and those described in the draft motions as
15 amended, the department staff recommends approval of both the Large Project and Conditional
16 Use Authorizations with conditions and the determination of shadow impact. The project sponsor
17 is present and has prepared a presentation, but this concludes staff's presentation and I'm
18 available for any questions.

19 **[Rich Hillis]** >> Thank you. Project sponsor?

20 **[Alice Barkley]** >> There will be three of us speaking today. The first one will be the project
21 sponsor, and then I will speak on the shadow and then lastly the architect will talk about the
22 design.

23 **[Paul Iantorno]** >> Good afternoon, commissioners. My name is Paul Iantorno and I'm a born
24 and raised San Franciscan. I'm speaking to you today on behalf of Golden Properties the owner
25 and project sponsor and would I like to than everybody in advance that will speak today,
26 especially those in support of the project. We recognize that the park across the street is a
27 treasured resource in the SOMA district. Not only to the general public, but for the Filipino
28 cultural heritage community and the leather and LGBTQ cultural districts. We also understand
29 the importance of protecting the park. The first concern of some neighborhood groups pertain to
30 Ellis Act filings, which have nothing to do with this project, but in 2013 we began Ellis Act
31 filings on five buildings. We have never previously filed an Ellis Act and as soon as we realized

1 it was a mistake, the filings were abandoned and no evictions of any tenants ever occurred. No
2 evictions ever occurred. In a good faith effort and thanks to the guidance of our late Mayor Lee,
3 these five buildings were sold to the mayor's office of housing acquisition program. MEDA and
4 the San Francisco Land Trust being the beneficiaries. Selling these properties will keep 19 units
5 in the five buildings permanently affordable. We're doing our best to right a wrong.

6 In cooperation with the planning department, the Mayor's Office of Housing and
7 Tenderloin Housing Clinic, this project was redesigned from 46 units to a 63-unit building within
8 the same envelope, offering more housing to families, more rental stock to our city, and above
9 all, more below market rate housing units to the Mayor's Office of Housing program. By
10 maximizing the density potential of the three lots on which the building will sit, we're doing our
11 part to help Mayor Breed reach the goal of creating 5,000 units of housing each year. 25% or 15
12 units of this project will be allocated to the Mayor's Office of Housing BMR program. In
13 addition, \$150,000 will be donated to the Victoria Manalo Draves Park to continue the bathroom
14 attendant security program when the current funding ends, helping to improve safety for its park
15 users. There are four rent-controlled units currently on the site. And the tenants will be given
16 relocation assistance and temporary, fully renovated relocation housing until they can move into
17 the new building. Mandated, but also significant is the roughly \$900,000 in impact fees, further
18 contributing to the city's funding for SOMA open space facilities development, improvement of
19 affordable housing, transportation and infrastructure projects.

20 I hope the commission will see that we hope to build this project and others in the future
21 and it will be a win-win for the city, as well as we hope to redeem our reputation in the
22 community. We hope the commission will find this project good for the city of San Francisco
23 and all the ways indicated and request that it could possibly be approved. Thank you for your
24 time. I have 63 letters and 100 signed a petition that I would like to give to the commission. On
25 the top, I wanted to explain, there's a letter from the Tenderloin Housing Clinic and tenant letters
26 in support and commercial tenants in support of the project as well. If you have any questions,
27 thank you.

28 **[Alice Barkley]** >> Members of the commission, I'm the attorney for the project sponsor. I will
29 focus my presentation on shadow, since it's an important aspect of the project for you to
30 consider. In 1989, your staff as well as the Park and Rec staff issued some implementation
31 guidelines, which my recollection is that the planning commission held a public hearing on it.

1 And one of the guidelines deals with parks that are large parks over 2 acres that have shadow that
2 is less than 20% year round right now. For those parks, there is an allowable 1% increase in
3 shadow for the park in the future. This park is in that category.

4 The new shadow that is cast as you will hear, will not – will be below the 1%. Even with
5 the cumulative shadow by the project, it does not reach the 1% allowance. So next what I'd like
6 to do is to -- you will hear a lot of presentations about how the park, the project, is going to take
7 over 30% that will have shadow cast on it forever. Let's start in saying that, this park, this project
8 will cast no shadow in the park from October 18 to February 22. So today is a sunny day. There
9 will be -- it's cold. Sun is out. There will not be one inch of new shadow on that park during that
10 period of time.

11 We'll also hear from opposition that say that the project is somehow going to deprive
12 children who use the park from Bessie Carmichael school because this is also where they take
13 the children to. The fact of the matter is, no shadow -- the shadow will start on February 23, it
14 starts at 5 o'clock. The first day of no shadow is 15 minutes and it is minimal at the edge of the
15 park. As we move throughout the summer, when we hit June 21, the longest day of the year, is
16 when you have the longest shadow. Because it's also the longest day. And that day, you will see
17 that the shadow starts to reach the park at 6:00. Now that particular graphic is actually an earlier
18 design, so it's slightly larger because the top floor is not set back. So you didn't have any setback
19 on the 6th floor or 7th floor.

20 Because of the concern about the shadow, I talked to the project sponsor and said, let's
21 look at what happened if we have a smaller building, because this is 63 units. The dark color at
22 the edge, at 6:30, is where the difference between a 65-foot building and a 55-foot building is. So
23 if you take one floor off and have a six-story building instead of seven, the difference is minimal.
24 The blue color is the six-story building. Now there's a line, which is solid. That's the 40-foot-high
25 building, which under Prop K, does not have to come before you on shadow. At 6:30, the gray
26 color is the existing. You will see that the 40-foot building starts to go into the area of where the
27 basketball court is. By the time you get to 7:00, it started to cover part of the basketball court. By
28 7:15, it started to move down. And then this is where you see that a 65-foot building will take
29 over the tip of the northern children's play area, but not the rest of it and not the one on the south.
30 By 7:35 P.M., which is the largest shadow for this day, because every other day the shadow will
31 be less, you will see that, again, between six-and seven-story building, the difference is minimal.

1 If you look at the shadow that will be cast by a 40-foot building, which they can build without
2 any consideration of Prop K, that actually started to cover the entire basketball court and it also
3 covered the children's playground.

4 So when we evaluate, one of the guidelines also mentioned is that the commission should
5 look at not only the quantitative shadow, but also the qualitative. How does it impact users? The
6 shadow study shows that most of the users are morning in the weekday and in the afternoon,
7 more in the morning than afternoon, during the weekend it's about even between morning and
8 afternoon, about 50 to 56 people.

9 In the evening, you will hear testimony that there are very few people during this period,
10 especially children, because they're home having dinner and parents take them home. What was
11 not mentioned earlier, the Rec and Park Commission this morning voted 4-2, finding that when
12 they look at the benefit of the project in terms of public benefit on housing etc, versus the
13 shadow where it's cast and the time it's cast, they find that the shadows don't have any significant
14 impact on the park.

15 Now one of the things that you heard from the planning department staff about the
16 project benefits, when you look at these three heights of the building, a 40-foot building means
17 that we will lose 20 units of housing with proportionally the percentage of affordable housing.
18 Same thing -- you take one floor off, you will use nine units of housing. Also, when we are
19 looking at it, we also have four replacement units and the tenants working with Tenderloin
20 Housing Clinic, all of them have already signed an agreement, they've picked out the
21 replacement units that will be provided to them. They have been -- they also picked out the unit,
22 if this project is approved, that they will move into. All of them have done that. And two of the
23 other documents are in the process of being completed and they will be executed in the next
24 couple of days. So the project sponsor has done everything he can to make sure that the tenants
25 that will be displaced temporarily will be well taken care of. I think I would now let -- give the
26 time to the architect.

27 **[Brad Terrell]** >> Good afternoon, commissioners. I'm happy to present our work today. Brad
28 Terrell, senior design associate. My colleague, Amir, will help me with a couple of pictures. The
29 parcel has seen several proposed iterations. So let me touch on the history of the site and the
30 evolution of the project that's before you. Among the iterations, the nine unit project that was
31 proposed at 190 Russ Street and a subsequent effort to design 46 units on the now merged lots

1 including the frontages at Folsom Street. We were then retained in 2016 to assume the project
2 before you today. Our proposal provides 63 units total with an affordable housing component
3 reduced in massing from those previously proposed. So I have three points to touch on simply
4 with the project. This is the site here. The site situated at the intersection of Folsom and Russ
5 Streets. These two frontages define the address of the building in both program and aesthetic,
6 while the rear yard provided works to complement the midblock open space that's established.

7 The building is composed of several interlocking volumes to differentiate the form and
8 effectively reduce the massing. Toggle to the diagrams. First, a primary vertical fissure breaks
9 the massing into two and defines the residential entry. Second, a third volume emerges at the top
10 in the background to set back to provide outdoor area. Further articulation at the street renders a
11 high ceiling and commercial spaces at the raised entrances at Russ and final adjustment of the
12 building shapes the building as it terminates along the corresponding neighbors. The fenestration
13 corresponds with these frontage at each street. The Folsom Street side is animated by a rhythmic
14 position of vertical elements positioned along with horizontal bands and landscaped entries and
15 raised stoops animate the approach at Russ.

16 17 **Public Testimony**

18 **[Rich Hillis]** >> You can come up in any order. Go ahead.

19 **[David Woo]** >> Hello, commissioners. I am with the South of Market Community Action
20 Network. It is unclear why this was not held as a joint hearing between the Recreation and Park
21 Commission and the Planning Commission. This hearing should have been held jointly between
22 these two bodies so that Planning had a chance to weigh in on topics that were voted on by the
23 Recreation and Park Commission.

24 The proposed project before you would cast a shadow on the park. For eight months out
25 of the year with an average shadow time of over 70 minutes that includes the park entry,
26 basketball court, children's play area, grassy areas and the dog portion and the benches. This also
27 includes a period in late June where the shadow is present for up to a hundred and ten minutes.
28 During that time the sun does not set until 8:30 pm.

29 The impacts from the shadows will continue to affect park users after the shadows have
30 passed due to the fact that any wet surfaces in the park that are shaded will continue to be wet,
31 damp, and cold for a longer period after the shadow passes.

1 Also we have some more images. This shows the existing area as it is now with the
2 proposed project. You can see the scale, size, and design of the proposed building are completely
3 out of character with the existing area. There is the proposed project. Again, looking at the
4 existing area. The scale and size of the project seems to be monstrous in the area where it is
5 proposed.

6 We strongly urge you to vote no today on this project that would add more shadows to
7 this park. There will also be displacement of commercial businesses with no plan on how many
8 of those businesses will return. Especially considering that the new commercial space will be
9 priced at a higher rent.

10 We urge planning to please not plan in silos, and to think of planning for whole complete
11 communities. Adding housing with new families while simultaneously adding shadows to the
12 only full-service park in the South of Market is bad planning. Thank you.

13 **[Raquel Redondiez]** >> Good afternoon, Planning Commissioners. Raquel Redondiez, Director
14 of SOMA Pilipinas. Thank you for your support of our community, and we are here today to
15 express our concern in opposition to this project. Particularly the shadow it will cast and a
16 significant adverse impact on the quality of life for the users of the park. VMD park is the only
17 community park in SOMA which has the lowest per capita open space in the whole city. VMD
18 park is also historical and has a cultural significance for the community. Victoria Manalo Draves
19 grew up in the 1920s and had to overcome exclusionary discrimination and racism to go on to
20 win two metals in the 1948 Olympics.

21 More recently, Rec and Park approved the naming of VMD park and the batting cages,
22 which is another neighborhood hero who is a retired RPD staff who has been well all generations
23 of Filipinos in we are not only fighting to prevent further displacement of our community, but to
24 maintain and improve the quality of life for all residents, families, and communities.

25 Long before the South of Market became the hot new neighborhood in the city, it was a
26 Filipino community who led the fight to rebuild Bessie Carmichael school and to press a land
27 swap so VMD park could be built. Not only is VMD the only large gathering places for
28 residents, it is an extension to the open space and playground for Bessie Carmichael school,
29 which does not have sufficient outdoor space.

30 This issue is a matter of equity for a community and neighborhood that has long been in
31 the shadows of city hall. Every community and cultural asset that we have, we have had to fight

1 for. To this day, we fight for new open space and for improvements to VMD. Allowing a
2 development to cast shadows on our only community park, especially in the most used areas
3 such as the basketball court, the children's play area, and the grassy hill would have a significant
4 adverse impact on the quality of life of our children, families, neighbors and all users of the park.

5 We are counting on you to uphold equity and champion our efforts to protect our
6 neighborhood and cultural assets. Especially this park. I would like to end by asking if this
7 development and these shadows were being proposed in your neighborhood, or in a more
8 affluent part of the city, would this be approved? Thank you very much.

9 **[Lourdes Figueroa]** >> Good afternoon. My name is Lourdes and I am a family case manager
10 with the United Families Program under SOMCAN. I will read a couple statements from the
11 youth that weren't able to be here regarding the park, and we are in opposition of the proposed
12 plan. The first one that I am reading is from Nikki Embalzado who is 16 years old and lives in
13 the South of Market, and goes to John O'Connell high school – "VMD park means so much to
14 me as a youth living in the SOMA because of my friends play basketball there every summer
15 which is so important to them. I want to see my friends enjoy the sun in VMD park as we watch
16 them play for fun. The park is important because we only have a few parks that we can go to and
17 enjoy without shadow blocking the sun."

18 I also have a statement from Edzon Hagape who is 18 years old and lives in the South of
19 Market and is currently attending City College. He says – "I grew up playing in VMD park and
20 many other kids had the same experience. Is the only real park that SOMA has that is truly theirs.
21 More shadows will limit the exposure to the sun that kids developing their young bodies. More
22 shadows will mean less Vitamin D provided by the sun. More shadows can cause people,
23 especially kids, to not come to the park as often because of the lack of sun."

24 We all know this. This kind of development will only benefit a few. It will further deepen
25 the destruction of a community that has existed in SOMA, and this community has made SOMA
26 and the Filipino community.

27 It is unfortunate that developments, and others that are occurring through the city, are
28 destroying our communities. They are pitting us for crumbs. There is something morally wrong
29 with this entire process, and you as public servants are accountable for the most vulnerable of the
30 vulnerable people. We need a structure. We need a system that will truly provide relief long
31 term. Yes, we need housing, but this is not the way. This will not fix our housing crisis. Take

1 note, the public vacant properties that are around the city, Section 8 vacant properties. Further, as
2 a family case manager and resident of the district for the past 11 years, I have witnessed and
3 walked with families. Specifically immigrant working class families. What I have seen is that
4 inaccessibility of the affordable housing process and the BMR. The way it is all set up, the
5 language is inaccessible. We need to stop seeing housing as a commodity. It is a right. It's a
6 need.

7 **[Alexa Drapiza]** >> I have been a resident in the South of Market my whole life. The shadow
8 that this project will create has a huge impact on VMD park. A park that people have fought for.
9 The shadow takes up most of the park and it covers the other half of the basketball court and
10 sitting areas which people utilize. Families come to the park so often with their youth.
11 Afterschool programs also utilize the park because of the limited spaces they have in the
12 program.

13 Before VMD when I was younger, I would attend West Bay and there would be plenty of
14 us in a small space, VMD park was vital to us. Fridays were park days for us and after we do our
15 homework, we would go to the park from 4-6 and sometimes stay longer because we didn't want
16 to go home. Our homes are really small. Especially during the summer time, where we spend
17 most of our days at the park. Shadows will also make the park look more depressing. Growing
18 up, VMD has been a vital part of my childhood. Without VMD, a lot of us would have to travel
19 from further away. People use every inch of the park, especially youth and families that do not
20 have another park. Please do not vote for this project. Thank you.

21 **[PJ Eugenio]** >> Good afternoon. I am an organizer for SOMCAN. As the population increases,
22 80% of the city's development is happening in District Six, particularly in the SOMA. VMD park
23 is very important to residents. Lots of families utilize the space throughout the day. There are
24 only two full-size parks in the neighborhood. It is unacceptable that any new shadows be cast on
25 VMD park. We would like to urge all of you to partner with us in protecting and preserving our
26 very limited open space in the South of Market. Approval of this project will set detrimental
27 precedents for future projects that will totally and completely disregard the value of public open
28 space to the most underserved residents who actively use the park. Take action today recognizing
29 that this project will have tremendous impact on the use of the park. Thank you.

30 **[Tony Robles]** >> Commissioners, I'm with Senior and Disability Action. We are located in the
31 South of Market area. This is about the integrity of the park. There's been a lot of talk about

1 seniors, families, and youth that utilize the park. While that is true, there are seniors and people
2 with disabilities that do frequent the park as well. We can ill afford to have more shadows.
3 Somebody mentioned the shadows in themselves make for a depressing atmosphere, and we
4 don't need that.

5 Things are depressing enough. VMD park is one bright spot, one place that we can all
6 feel we are at home, and a place that we can feel proud of in our community. Golden Properties
7 has been involved in using the Ellis Act to evict people. Perhaps the evictions didn't go through,
8 but those evictions were filed. They did cause impacts on tenants that were in the buildings that
9 were served. Senior and Disability Action supports affordable housing but we do not support
10 projects by the developer that negatively affect everyday quality of life for our families, seniors,
11 and people with disabilities. We are asking you to not approve this project. Thank you.

12 **[TJ Basa]** >> Good afternoon commissioners. I have many fond memories of VMD park since it
13 first opened in the mid-2000's. From community events, barbeques, picnics, playing basketball,
14 walking my dogs and shooting a music video or getting fresh air during breaks at work. I love
15 running into people I know and I love making new friends at the park. VMD is one of the only
16 places in the neighborhood where people from all walks of life can congregate harmoniously.
17 The fact that it is named after a person who had to overcome racial barriers to become the first
18 Asian American Olympian to win two gold metals is a source of pride for many. For all of these
19 reasons and more, I'm opposed to the project that would cast significant shadows on the most
20 heavily used parts of the park.

21 As you know, many people in District Six live in SROs and doubled up housing or
22 overcrowded living conditions. Public open space has become even more important. It is a matter
23 of public health for families, seniors, people with disabilities, people living in isolation.
24 Developers will argue they are creating new housing, but as my colleague alluded to, we are not
25 in a housing shortage crisis, it is a housing accessibility and affordability crisis which
26 developments like this only exacerbate. People are not replaceable. This project has been
27 rejected over and over again. They did not recommend it. Please listen to the voices of the
28 community and oppose this project. Thank you.

29 **[Ramon Bonifacio]** >> Good afternoon commissioners. I am a youth from SOMCAN. I am here
30 in opposition to the development. We all want affordable housing. But the real question is how
31 affordable is it for us, due to the fact that many families and individuals that live in our area are

1 low income. Not many of them can afford to stay here. Due to the high cost of living, this
2 development will only increase this -- it says it will include below-market rate, but even with
3 this, not many families will be able to afford to live here. This type of project only pushes people
4 out of our homes and lets people from big companies come in to the city. This project will
5 increase the cost of living in the neighborhood. Once again, please do not vote for this project.
6 Thank you.

7 **[Juvy Barbonio]** >> Good afternoon, commissioners I am the case manager at SOMCAN and I
8 am here to share with you a video from our youth who could not be here because they are still in
9 school.

10 **[Julianne E. from video]** >> VMD park is important to me in the community because it gives us
11 space for people to enjoy, and it is a safe space for children to form a unity and to bond together.

12 **[Kaitlyn Evangelista from video]** >> The shadow impacts the people who are in this park
13 because when people come to the park, usually little kids, they associate the park with the sun
14 and it being bright and a really playful place. But without the sun, it feels dark and just not how a
15 park is supposed to be. The building shadow would impact a kid's perspective on what a park is
16 supposed to look like.

17 **[Speaking Foreign Language]** >> The shadow impacts the community and VMD park because
18 it creates a negative vibe around it. The sun gives a positive vibe for the children to enjoy and
19 play. But instead the shadow gives a sad feeling for the children not to play outside and enjoy the
20 atmosphere.

21 **[Michael Andolina]** >> Good afternoon. I will start with a fact. 30.7% of daylight hours in San
22 Francisco are cloudy, hazy, foggy, as you all know because you live here, or low sun intensity.
23 Meaning no chance for shadows. Hope, family, opportunity, home. Please keep those four words
24 in mind. If I were to pour you a glass of water, would you see the glass as half full, or see the
25 glass is half empty quota are you an optimist or a pessimist, the point of these questions as to
26 demonstrate that any demonstration can be seen from many points of view.

27 When you put those positives down on one side of the paper and the negatives on the
28 other, it is overwhelmingly one-sided. Improved commercial spaces, so businesses in SOMA can
29 continue to thrive, a boost in the job force and economic infrastructure, 63 new residents to
30 house individuals and families so they can have a beautiful place to call home for a long time.
31 Nineteen of the 63 units being built are for low income housing. Higher than the city's

1 requirement, and being built at a time where the city is in one of its worst housing crisis ever.
2 10% of the population in the city lives in affordable housing and there are people and families in
3 need of homes every day. Just last year through the Mayor's Office of Housing and Community
4 Development, there were 104 housing lotteries. 85,000 households applied for 1210 units. That
5 is a 1.4% chance of getting selected. One in 70. That means for every household selected, 69
6 families go home empty-handed.

7 There simply isn't enough affordable housing inventory to go around. Imagine the chance
8 to live in a building like this. Safe, secure, welcoming. The average person takes those words for
9 granted but not some. Some people dream of living in a building like this if they were given the
10 chance I know I would as someone if I qualified for BMR Housing. This project benefits
11 families, the community, the job force, and the housing community in San Francisco. Everything
12 being proposed is with the city's best interest in mind. Think about the people it will help and the
13 happiness it will bring those who can one day call this building home. Why would you not want
14 that? Don't we want to give San Franciscans a chance to improve their quality of life? This
15 project is beyond a shadow of a doubt a positive for the city. It is the only shadow that I and the
16 city should be looking at. I urge you to be an optimist. Look at the glass half full.

17 **[Laura Foote Clark]** >> Hello. YIMBY Action doesn't normally don't get involved in projects
18 like this. When there are existing tenants, when we are talking about tearing down what is
19 relatively sound housing, we take a big step back. We like to focus development on parking lots,
20 on single-story retail stuff, old malls. That is a great one. I was really hesitant to speak out in
21 favor of this project. I had to be really convinced that the tenants were being treated well. That
22 they liked the deal they were getting. That they were going to speak out in favor of this project.

23 I did not want to be here speaking in favor of this project. It is actually very good. It is
24 kind of a best case scenario of having a process where the tenants have a lot of ability to
25 negotiate for a package that ends up really working for them, which means that they are going to
26 be getting reduced rent elsewhere and then be able to come back at their old units to a rehabbed
27 unit. It seems like a really good package and it is a kind of thing that we should encourage. When
28 we are going to be cut talking about tearing down a few small buildings, where there is a couple
29 units of rental housing, we need to be damn sure that we are protecting those people and that
30 they are getting a good deal.

1 I do think that this project has qualified for that. We shouldn't do this regularly. We
2 should be really careful when we do it. We should make sure the tenants are well represented.
3 We should make sure there are standard processes for compensation so the tenants can make sure
4 to be protected under circumstances like this. We have achieved that here and I am really
5 impressed. I do not like getting involved in projects like this because they take a lot of research. I
6 appreciate that a lot of work went into this package that you guys have a lot of paperwork to go
7 through. This is one of the few times that amount of paperwork is truly warranted and that
8 amount of being sure is truly warranted so I am speaking in favor of this project. Thank you.

9 **[Nico Nagle]** >> SFHAC sent a letter earlier that outlines the positives of this project. It is really
10 quickly 63 total homes, four of which replace the homes that will be demoed. That is essentially
11 59 new homes that come to the city for San Franciscans. It is not insignificant in the case of a
12 housing shortage. That being said, the community that just spoke out do have legitimate
13 concerns, and those deserve to be heard out. I want to be very clear with this commission that is
14 important to remember that we live in a city where this type of housing is illegal to be built on
15 the west side. I think if folks in San Francisco really wanted to get behind, let's build more
16 housing equitably. I'm looking at you, west side of the city. That is all I have time for today.
17 Thank you and have a great holiday season.

18 **[Rudy Asercion]** >> Good afternoon, commissioners I am the former executive director of West
19 Bay Pilipino Multiservice Center and I am really sorry that I am here on the opposing side of my
20 former students. However, Victoria Manalo Draves is a friend of mine. I advocated for the city to
21 name the park after her. I was responsible for having a plaque placed on the entrance of the park
22 that describe her remarkable things that she did during the 1948 Olympics in London. My sense
23 is that if she were here today, she would tell you that a little shadow on her park is mitigated by
24 our city's need for more housing. I am speaking on her behalf. Please approve this project
25 because a little shadow in the park is not going to impact the quality of the park, or its use. Thank
26 you very much.
27 speaker, please.

28 **[David Martinez]** >> Hello. My name is David. I run an office by the park. I want to thank
29 everybody for trying to be helpful and work with this project. I remember when somebody
30 wanted to build the stadium. They keep knocking it down. Why do they keep saying no? Because
31 it has to be done right. I want to point out another aspect of what someone said about the

1 character, building character. It is also a nightlife neighborhood, there is 1015 Folsom across the
2 street. There are places like the pizza place and Fondue Cowboy that serve that part of the
3 business, including people who come into copyright and trademark. We need those kind of
4 businesses. Even if we do talk about supply and demand, we are overbuilt. 99 Rausch St half a
5 block away is half empty. Fifty percent. Earlier this year, it was 60% of the San Francisco Iron
6 Works at 8th and Harrison. You need to get out of this idea even if you were talking about
7 supply and demand, we need them to keep up with the supply. Regulation or no innovation --
8 regulation, it takes time. The chapter on housing is excellent. I highly encourage it. There is a
9 specialist in the bay area. Those are my oppositions to it as a resident.

10 Shadow is a big part of it as well. It does not keep the character of the neighborhood. I
11 applaud everyone for going out of their way to move people who would be evicted and give
12 them new housing, that is great. But we have plenty of housing. It is not an access problem, it is
13 an affordability problem. If people complain about the regulations, the idea, the philosophy of no
14 regulation was roundly defeated by the voters in District Six. The YIMBY candidate got 17%.
15 Obviously the community does not support an approach like that. We actually like having
16 regulated business. If anything right now, the tech world needs more regulation.

17 I think the voters have shown that we applaud you with regulations but I urge you to
18 oppose this and not approve it. It is not within the character of the neighborhood. It is about
19 making more money. They don't take into account the flippers, Airbnb, across the street from
20 VMD park is an empty condominium. Five units. Never had anyone living in it the five years
21 since they built it. This is not the way to address the housing crisis. Thank you very much for
22 your time.

23 **[Katrina Liwanag]** >> Good afternoon. My name is Katrina, SOMA Pilipinas Community
24 Organizer. I humbly urge you, as someone opposing to reflect beyond the shadow and truly
25 answer what will this development do, and who is this housing for? According to the 2015
26 community survey, D6 is home to 12,000 seniors with more than 31% living below the federal
27 poverty line. Similar figures were projected for children where 3 in 10 Bessie Carmichael
28 children are categorized below the poverty line and homeless. Hundreds of families live in the
29 alleyway units, and if they could afford one of these 15 units, let alone fit in a development like
30 this, we would not be representing their opposition today.

1 BMR is not the same as low income housing. We must challenge this inaccessible and
2 false language. Within the mentality of just constructing buildings to the growing housing crisis,
3 we have students living in their cars or couch surfing.

4 As a university working student in San Francisco State, this is an alarming fact of the low
5 quality of life in San Francisco. I won't comment further on my strong opposition to the proven
6 increased shadow cast on VMD. I will comment on my discontent with the developer's
7 constituents little to no effort to even acknowledge me, SOMA Pilipinas, Bessie Carmichael –
8 before the 11th hour. Does this have the potential to just be another corner with aesthetics and
9 displacement reminiscent to the new Valencia St or another 5M? This is for the community?
10 Which one? I truly validate and empathize with concerns of residents who oppose the project
11 because we truly have more in common when would -- with one another than we do with the
12 reality of this development.

13 SOMA Pilipinas fight for affordable development without further displacement. For
14 preservation of cultural assets like VMD. If you approve this project, it will expose a true class
15 character and racial ethnic sentiment of this development. It will expose the reality of women of
16 color like me and working people who will fight for survival. We are convinced and told this is
17 good for SOMA. In fact it is a hollow promise that had the audacity to divide community
18 members. It will increase Vitamin D deficiency. Increase gentrification of the SOMA. Increase
19 traffic fatalities and wind speeds in the city's most dangerous district. The more exclusionary
20 character will send the message to the immigrant youth and families that the city cannot and will
21 not hear them.

22 I want really badly to empathize with the developer, but we need to acknowledge that this
23 project will set precedents for other developers to think they can keep bullying SOMA residents
24 around. It is about quality of life. Also, the failed intention of these constituents due to their
25 dismissive and deceiving message that 15 BMR units will really represent the people of our
26 demographics. Not even \$150,000 in cash will be traded for shadows.

27 **[Charles Turner]** >> I'm a realtor focusing on additional rental housing and rental property
28 owner catering to conventional tenants as well as low income tenants. In the past, the Iantornos
29 made an error in judgement. This was offset it by them working with the city to preserve existing
30 residents in their homes.

1 All of us have made errors in the past and asked forgiveness. The focus should be on this
2 project and not on the developer I ask that you can open your hearts and forgive them and focus
3 on approving this project -- excuse me, of 63 when Childress rental housing units that are much-
4 needed in San Francisco.

5 **[Jean-Paul Samaha]** >> Good afternoon, commissioners in looking at this project, one really
6 needs to look at the larger picture. I know we got really fixated on shadows, the Recreation and
7 Park Commission, for your knowledge, you already have that from them. They voted to work
8 earlier today to find that there is no significant impact on shadows. That the shadow only comes
9 for a small part of the part that is not the playground, nor any of them the more usable areas of
10 the park. It is only in the evening from 6 -7:00 pm on certain evenings. In the bigger picture, we
11 had a mandate in San Francisco. This Mayor wants to build 5,000 housing units per year. She
12 wants to build 30,000 housing units.

13 This is one of those projects that should go forward. There was this great -- of the
14 agreement with the neighbors and the city for 25% below market rate plus four units of the
15 current renters coming back into their rent-controlled units, 32% affordable BMR if you count
16 those four. I sit on the Treasure Island Development Commission. We are looking far and wide
17 for funding for affordable housing. There is a developer now who is willing to build 63 units,
18 32% of them to be below market rate. I don't know how they will do it the costs are so high.
19 Godspeed to them if they can do it. We should welcome them and say yes, please do it. This has
20 58% family housing units. Our families are being driven out of San Francisco. People have kids.
21 They look around and can't have larger homes. They moved to the suburbs and moved to outside
22 of San Francisco. This has 58% family housing percentage. It is way above anything that the city
23 mandates. We have a park next door, new families will be utilizing the park next door. This is a
24 win win for San Francisco. It is a win-win for affordable housing. It is a win-win for South of
25 Market. Please support this project. Thank you very much.

26 **[Michael Stack]** >> Good afternoon commissioners. I was lucky enough to be born in San
27 Francisco, and I'm a current resident. I support the project. As we all know in this room, there's a
28 massive housing shortage and we need more housing. I also think the additional residents
29 moving into this neighborhood can keep eyes on the children in the park and keep it safe. Thank
30 you very much.

1 [Connor Macleod] >> Good afternoon, members of the commission and happy holidays. Thank
2 you for the opportunity to comment. I am fortunate to be a resident of San Francisco for more
3 than a decade. I am an advocate here today for affordable housing and responsible development.
4 From that perspective, and speaking for myself, this project is a dream for the city. This project
5 will add 59 additional dwellings, it is taking it from 4 to 63. Ninety-two additional rooms, that is
6 eight to 100. This will add 15 new BMR units. From the four current units to 19.

7 This project provides for existing tenants during the development. It includes relocation
8 assistance, it includes temporary housing for them. This project will be responsible for zero
9 evictions. This project will be responsible for zero displacements. This project is a dream for the
10 city. The current tenants supports this project. If I can speak for a moment about the shadow
11 earlier this morning, I attended that commission and they determined correctly. It was a 4-2 split,
12 and this project does not significantly contribute to adverse enjoyment or use of the park.

13 The study that was done, the shadow study that was done shows that this project will
14 increase the shadow by 0.38% of additional shadow. This park is currently 2.5 acres, and falls
15 with less than 20% current shadow coverage , meeting the guidelines that the city provides is 1%
16 additional shadow for a development. This contributes 0.38%. We have seen some photographs
17 today that people have brought showing the maximum shadow that this project will cast, and it
18 does that on the summer solstice in the late, late evening after 6:00 pm. You can see the blue
19 shadow here at 6:15 pm. The shadow barely casts on the park by 6:15 pm, and does not cast any
20 shadow on the playground areas which are the rounded areas here. 7:00 pm, still nothing. Here is
21 7:00 pm. Still nothing on the playground area. Keep in mind, this is the worst day of the year.
22 Here we see the maximum shadow.

23 [Jon Jacobo] >> Sorry about that. Good afternoon, commissioners. I am a representing
24 Supervisor Kim. Thank you for the opportunity to speak on behalf of the supervisor. I would like
25 to summarize her opposition to the 190 Russ project and why the supervisor thinks it should earn
26 disapproval of this body. The supervisor does not come out against projects at the planning
27 commission, but because of the community's unified reaction, she has decided to take a stand.

28 To begin this development will displace local small businesses and currently the project
29 has no plan for their return. We know how integral our local small businesses are to the larger
30 community, and we must ensure that we are helping keep them intact.

1 In addition to that, we must also ensure developments are not impeding on our valuable
2 and scarce open spaces. VMD park is the only multi use park in the South of Market, a
3 neighborhood that is absorbing the mass majority of growth in the city. 80% of all the
4 commercial development is happening in 20% of our city. It is safe to say that much of that 20%
5 is encompassed within the District 6 boundary lines and is focused primarily in the South of
6 Market area. District 6 has the fewest and smallest park in the city. We have on average .17 acres
7 of open space per resident compared to districts like District 2, which has close to 25.1 acres.

8 The district also represents some of the poorest residents of San Francisco. We have the
9 lowest average household income at roughly \$37,000, and double the citywide average of
10 residents living under the poverty level at roughly 20%. The community fought tooth and nail to
11 get this park built in conjunction with Bessie Carmichael elementary, families and seniors in our
12 neighborhood. This park is in the heart of the SOMA Youth and Family Special Use District, a
13 plan that our residents advocated for to ensure families would be essential consideration for a
14 portion of SOMA as we develop the entire neighborhood. This part of SOMA was selected due
15 to the school, VMD park, Gene Friend Rec Center, multiple affordable family housing
16 developments and the concentration of youth programs ranging from United Playaz to West Bay
17 Filipino Center. SOMA has historically had fewer parks because it was originally more industrial
18 and commercial. ABAG has projected population growths of nearly 2 million people in the
19 region and SF needs to build in order to meet this demand. As San Francisco continues to grow
20 as the major jobs center for the region, infill development in the urban core has the potential to
21 reduce greenhouse gas emissions by offering housing close to jobs. Ultimately infill
22 development is better for the environment if housing is affordable to the workers making a range
23 of the incomes. SOMA has been absorbing much of the residential development in this
24 community and have been accepting this density. A point which should not be taken for granted,
25 given lack of support for growth in other parts of the city. It is our responsibility to ensure that
26 we as a city are committed to making these neighborhoods healthy, safe, and complete. This park
27 deserves our utmost protection, it is our only multi-use park, any shadow is too much.
28 Commissioners we ask that you take the supervisors' thoughts into serious consideration on this
29 particular matter.

30 **[Ed Deleski]** >> Hello. My name is Ed and I am in support of this project. I'm not really sure
31 what the gentleman just said before, with the park is not going away with the completion of the

1 project, and if the planning commission decided to disapprove this project, you are excluding 59
2 additional households from enjoyment of the park that the current residents currently get use of. I
3 came from Phoenix about 12 years ago as a gay man. I wanted to be in a place that would accept
4 me, and the idea being excluded from anything is really frustrating. This is emotional for me.
5 The benefits of the park -- of the project are great.

6 The developer has gone well out of his way to make sure the existing tenants are going to
7 be relocated and taken care of. So much of the tenants have even written letters supporting the
8 projects themselves. Additionally it is not as simple as supply and demand. The more supply
9 really can't hurt to help with affordability factors. Especially with 25% BMR units. I really hope
10 you guys take that into consideration and approve this project.

11 **[Xavier Arce]** >> Good afternoon. I am a first-generation native San Franciscan. I've lived here
12 for over 60 years. My wife and I have raised two children here. I am here to support the project
13 this project is not just a high-rise development. It is providing affordable thoughtful housing in
14 the city within our environmental guidelines. It is an improvement to the area and respectful in
15 the guidelines of the open-air space that is a major part of the city heritage.

16 **[John Goldman]** >> I am John Goldman of Goldman Architects. My architectural office is
17 adjacent to this project. I live above it. I had been there over 20 years and I have been there since
18 the park existed when it was part of a school. I use that park twice a day because I walk my dog in
19 the park. The area of the park primarily shaded is an oval shaped hill which is an un-formal dog
20 park, but will become a fenced in formal dog park. Therefore the area of greatest shade is not
21 affecting human beings, and according to shamus, he has no problem with shade. He said it was
22 fine. I get the concern about the shade, and normally, I would be concerned myself. I am friends
23 with the community groups. They are my neighbors – I know them. The dog park is being
24 shaded primarily.

25 Secondly, I am all in favor of greater amounts of housing in the city. You have heard the
26 arguments from everybody. I am an architect. I agree with all that. They are providing far more
27 BMR than would be required. They are doing more than they are required to do. My building is
28 23-foot tall. I am delighted a 65-foot tall building is going next to me. I agree with great urban
29 infill density and height, I support what the YIMBYs are saying about urban infill and greater
30 housing densities. We have greater density, we have higher than required BMR and we have

1 shade on a park which is occurring on the dog park. Shamus likes it cool so he will probably
2 prefer the shade on his dog park. So I hope that you vote to approve this project. Thank you.

3 **[Paul Barrera]** >> Do you want to receive copies of this letter? Hello. My name is Paul. I work
4 with the SOMA Pilipinas cultural heritage district. I live in the Bayview. It'll be nice for the
5 people who do live here and what people's dogs think about this development. I encourage you to
6 think about what the needs are of the people who already actually live there.

7 This is a letter from Rudy Corpuz, Director of United Playaz. "Dear RPD and Planning
8 Commissioners. My name is Rudy Corpuz. I am the founder of United Players. I do violence
9 prevention, and teach community leadership, providing youth positive role models and activities
10 as alternatives to involvement with drugs. I am writing this letter to express my opposition.
11 Many people oppose the project by the developer in 2015 because of its 0.07% impact on the
12 park. The original project was unanimously rejected. This new project has shadow in the park
13 that is almost five times larger at 0.38%. On its worst day, this project will shadow half of the
14 park. Not only because of the impact it will have on the park users. I strongly oppose this project
15 and its shadow impacts as detrimental to our only multiuse park and its users. Stand with the vote
16 that you passed in 2015 and reject this project. Thank you."

17 **[Raymond Castillo]** >> Good afternoon, commissioners. I am the tenant organizer for the South
18 of Market Community Action Network. Right now I want to read a statement by Mary Rocque,
19 she works for the Bayanihan Equity Center. It is a nonprofit organization and the heart of SOMA
20 serving seniors, adults, and people with disabilities. She says, "I am here today urging you to
21 oppose the proposed development for this project for the people who live in the community, and
22 use VMD park as a space to gather and play. According to the 2011-2015 American Community
23 Survey, SOMA is home to more than 12,000 seniors and residents age 60 years old and above.
24 More than 31% of District 6 seniors age 65 or above have income at or below the federal poverty
25 level, with 64% of them of API descent. This project claims to provide public benefit from the
26 63 rental housing units of which 15 units are at below market rate. Who is this project
27 benefiting? When the people who live in the district - seniors on fixed income - are income
28 ineligible even for the BMR units. So who are you building for? With the proposed project
29 increasing the square footage hours of shadow by 0.38%, we are setting a precedent of other
30 developments to push us little by little.

1 VMD park is a cultural asset. Not only for the Filipino cultural heritage district, the park
2 is an asset to the city of San Francisco. All we ask is please do not take my sunshine away.
3 Thank you.”

4 That was from Mary. For me, when you are hearing a lot of folks from -- look at the
5 hours of the shadows, the youth in this neighborhood, after they finish middle school, they all go
6 to different high schools because this neighborhood doesn't have a high school. By 3:15 pm
7 when school is out, they have to travel back to soma to get to the park around 4:00 pm. If we
8 take away that shadow, we can complain a lot. Don't hang out in the street too much. Now they
9 have a place to hang out. And we will take that away from them. Why do we need to take
10 something away that is already great? You saw our footage. If you have nothing to do go to
11 VMD park, go there, it is really fun. You meet a lot of residence. You meet everybody, dogs
12 included. And then lastly, I just want to say, as a tenant organizer, Ellis Act evictions are
13 claiming that the landlords don't want to be in business no more. Forgiveness and trust are
14 different stories.

15 **[Sue Hestor]** >> I have an overhead. The last thing is important. Forgiveness and trust are very
16 different concepts.

17 What I want to focus on is the record before you on the shadow determination which is
18 Exhibit 3. Page 3 of your staff report is an index of what is prepared for this project. I just want
19 to flush it down so you know what this is if you go on to the terms. I don't see the analysis of the
20 shadow determination on there, except for the draft motion, which is pages 59 through 63. That
21 resolution in fact says “approve the project.” And I was just at the Rec and Park Commission and
22 I showed the draft resolution to them. I said, “this says it is adopting the recommendations of the
23 General Manager of the Rec and Park Department in consultation with the Recreation and
24 Planning Commission.” And they disputed that.

25 Specifically, the Manager said “I had no recommendation” because this was drafted
26 before the Recreation and Park meeting two hours ago. So what do you have to do the analysis of
27 the shadow? What do you have as evidence for 15.3 which is the shadow determination? I don't
28 think you have a record.

29 What is in your file is the environmental document. The page that I am showing here is
30 page 31 of the CATEX. That is in the record. So we have the CATEX record which, was
31 certified a week ago, not today, a week ago. We have this drawing which is in the record before

1 you. What evidence does the planning commission have to make a determination? The staff
2 would have you say, we will agree with the recommendations of Recreation and Park staff, and
3 General Manager, and commission - that was drafted a week ago.

4 This was the heart of having a joint hearing, and having all the evidence come up with
5 you in the room. You are not in the room when they are dealing with shadows. One of the ironies
6 of this is they are creating their own open space project and common area open space in this
7 project for their residents. That is hugely ironic. Especially when they are asking for variances
8 for the open space requirements. Thank you very much.

9 **[Tet Naval]** >> Good afternoon, commissioners. I strongly oppose the development on 190
10 Russ. I am an afterschool program for Bessie Carmichael students. There is not enough open
11 space. VMD is our only real community park. Our kids and teenagers go there to play basketball
12 and enjoy the sunshine. Many low income families and individuals in SOMA live in these areas
13 and in small housing like SROs. VMD is like their living room. This project will shadow the
14 children's playground, basketball courts, and hill where people lay out. I cannot imagine that if it
15 was other parts of the city that this would be allowed.

16 We need housing, but not at the expense of our park. Our only park. The park is named
17 after Victoria Manalo Draves. She was a hero that many of our kids look up to. VMD is one of
18 our most important cultural assets in SOMA for Filipinos. The Filipino community worked hard
19 for this park. It is an important part of our legacy as a community and this development will
20 shadow that. Please stand with our community and vote no on this development. Please do not
21 compare our Filipino community to your dogs. Thank you.

22 **[Angelica Cabande]** >> Good afternoon commissioners, Angelica Cabande with SOMCAN.
23 SOMCAN is a big advocate of housing and tenant protection, but we also have to question what
24 kind of things we're building in our neighborhood and the quality of life for people.

25 In 2003 a land swap between the school and Rec and Park happened to make VMD a
26 reality. It took until 2006 for Rec and Park to open this park, not because it took that long to
27 build the park but because Rec and Park didn't prioritize funding for it. We had to organize our
28 community to advocate for Rec and Park to allocate money to it. We had to organize our
29 community to allocate staffing to this park since, again, it was not prioritized by the department.

30 This notion of we need to just build and not question the quality of life – not looking into
31 what it takes to create a complete neighborhood – is what caused SOMA and District 6 to have

1 the highest pedestrian fatality of any neighborhood, the most inequitable neighborhood to be in,
2 and a district with the least open space in San Francisco. Aside from South Park and VMD there
3 is no plan for a real park to be built since the city is moving towards a more POPOS model.
4 POPOS stands for Privately Owned Public Open Space. We need to make sure the existing park
5 that we do have that we do protect.

6 It speaks volumes to have our community and our Supervisor, Supervisor Kim, to come
7 against this project. We don't always agree on things and for us to all say that we oppose this
8 project is huge. To say that the shadow is little – who are we to say that that's not important to
9 our children? Who are we to say that this park is not important to families? And that's the
10 problem with the kind of development that's coming into our neighborhood, when it's not
11 protecting the existing community and listening to what we want to see there. So we hope that
12 you would listen to our folks and really be part of a solution to have a complete neighborhood
13 where children, youth, families, and seniors will be able to walk and enjoy their park without
14 worrying about wind, worrying about no sunlight in their neighborhood. It is important
15 regardless of what you say, the sunlight is important for any human being.

16 **[President Hillis]** >> Thank you. A comment on the item? Being none. We will close the public
17 comment.

18 **[John Rahaim]** >> Thank you commissioners. I just wanted to clarify with procedures with
19 respect to when we look at shadows with respect to your work and Rec Park Commission. There
20 has been some confusion and misunderstanding about that. There are 14 downtown parks that
21 have very specific shadow budgets in terms of hours per year and when there is a shadow impact
22 on those 14 parks, the code requires you and the Rec Park Commission to meet jointly to
23 consider changing that number. And we call those shadow budgets if you will. For the rest of the
24 city, all the rest of the parks in the entire city, the process is what was done with this park-- there
25 is a recommendation that comes to you from the General Manager or the Rec Park Commission
26 who makes a recommendation to the General Manager of Rec Park that is done separately. So
27 that procedure has been in place now really since Prop K was established in the '80s, where the
28 joint hearing is set up when there is a shadow impact on one of those 14 parks that have a very
29 specific numerical shadow budget and not the rest of the parks in the city. Thank you.

30 **[Joel Koppel]** >> Question for the project sponsor. Something we take seriously up here week in
31 and week out is the existing tenants and renovations and whatnot. Is there a signed and executed

1 document that guarantees that the existing tenants will be taken care of while they are gone, have
2 the equal or better conditions coming back in at the same dollar amounts?

3 **[Paul Iantorno]** >> Absolutely, we do and the tenderloin housing clinic were kind enough to put
4 the deal together in place and on top of the letter of recommendations, letter of support, I placed
5 that letter from the Tenderloin Housing Clinic which specifies that they were very happy with
6 the adequate funding, the above average relocation housing that we're offering them and then
7 they're going to move back. I have a great relationship with not only my residential tenants but
8 my commercial tenants. They all wrote letters of support for this project. They are all very happy
9 and look forward to it. All my commercial tenants are very supportive of it as well. And all of
10 them are invited to come back as well after the project which if approved it's still going to be
11 another year before I get engineering documents and we start going. I have a great friendly
12 relationship with all my tenants and everybody is really supportive of this.

13 **[Rich Hillis]** >> Commissioner Moore?

14 **[Kathrin Moore]** >> Director Rahaim. Was this project in 2015, heard jointly by this
15 commission and Park and Rec?

16 **[John Rahaim]** >> Not in a joint hearing, no.

17 **[Kathrin Moore]** >> Was not. My second part question why is this package not copying us on
18 the details of the shadow analysis?

19 **[Doug Vu]** >> So the actual shadow analysis is included in the Community Plan Exemption for
20 the project in the environment review document, beginning on page, I believe, 31 and going to --

21 **[Kathrin Moore]** >> Mr. Vu there is one diagram in there. Normally when we look at those
22 things, we have basically all the days and my packages only one diagram which is the summary
23 diagram being used in the CATEX. There is no complete shadow study. I am just wondering
24 why this is different.

25 **[Doug Vu]** >> So the Department commissioned a study by Prevision who is the shadow
26 consultant. You know the environmental planning staff reviewed that analysis and developed,
27 you know, the narrative that is within the Community Plan Exemption.

28 **[Kathrin Moore]** >> Could you please answer my question?

29 **[Doug Vu]** >> The shadow analysis itself was not included in the packet.

30 **[Kathrin Moore]** >> Thank you.

1 **[Rich Hillis]** >> Commissioner Koppel?

2 **[Joel Koppel]** >> So I'm going to take the Rec and Parks decision, you know, into consideration
3 when making mine. I am supportive of the project. Really happy to see that the project sponsor
4 went above and beyond the 25% affordable BMRs and the 63 units could and would be possibly
5 coming into the area. I see another commissioner so I'll let her speak.

6 **[Rich Hillis]** >> Commissioner Moore?

7 **[Kathrin Moore]** >> Based on my longevity on this commission I have never supported any
8 shadow on any park unless the project was 100% affordable or served community purpose larger
9 than private development not carefully designing a project that doesn't cast shadows. This
10 commission over the years, we all have worked very hard supporting housing in all and every
11 form. And we have sent projects back to basically shape themselves in a manner that they do not
12 cast a shadow upon the public and protected the parks. We recently, I think it was earlier last
13 year, that we had such a project and we all supported the project and its intent but we also
14 supported there would be no additional shadow and the architect came back and shaped the
15 building such a manner that the project was unanimously approved including my own.

16 Again this is private development. And I think buildings can be shaped to avoid casting
17 shadow. In addition to the fact I personally believe in order to really understand the
18 differentiation between cumulative vs building generated shadow, that we do need the diagrams
19 to do justice for what's in front of us. And because that is not done in this particular project at
20 this moment, I cannot give properly evaluate of what the issues really are. That would be my
21 comment on the absence of the shadow analysis.

22 **[Rich Hillis]** >> I mean it's interesting because we did have a project on 6th Street, you know, a
23 similar vein it was casting a shadow on Gene Friend. In that case, we punted on it and folks
24 worked together and came back with a solution to mitigate some of the impact. I don't think it
25 got rid of the shadow by any stretch. So I think it is a bit unfortunate we are in the spot where
26 there hasn't been either the willingness to discuss this or maybe even feasibility. I mean I think it
27 is clear from the park this diagram that I looked at the Rec Park item, which had more detail on
28 the shadow impact, that even at 40 feet, there's going to be an impact to the park.

29 We can debate whether that kind of fits into Prop K or doesn't or whether this is a public
30 park you know that is impacted vs private open space in somebody's backyard. But it is an
31 impact. Even though Rec Park said it is not significant. There is an impact to the park.

1 So that is something I think we all have to consider and evaluate as we consider the
2 project. And normally Supervisor Kim too is at the forefront of negotiating in working out
3 solutions where housing is supported yet there is some mitigation. I have talked with both sides
4 with the developer as well as some members of the community about why we couldn't get there.
5 But I didn't see a lot of room to get there.

6 And on the flip side, clearly I don't like the shadow. The building is big compared to the
7 context which is fairly typical to what we see around the city. We zoned to try to get more
8 housing. I think the design works. It is contextual, it steps back on floors. I think it works there.
9 Where it is, I think the 25% affordable is above and beyond. I mean we have not seen that in a
10 project before. It is normally part of a the compromise and a mitigation measures we make in
11 order to get a project that is tenable that does have some impact but to where we can approve it. I
12 think that's huge and shouldn't be discounted, I think the support from the existing residents as
13 commissioner Koppel said in bringing them back. We have seen that happen before where the
14 project sponsor works with the tenants and is able to work out a solution where they come back
15 at rent control. Those to me are also big factors.

16 I don't, commissioner Moore, just because a project has an impact, a shadow impact say
17 no to a project. I think it is part of what we have to weigh every project we look at shadows
18 causes some issue to a neighbor whether it is their backyard, shadow on a public park, shadow
19 on other open space that's not controlled under Prop K. There are impacts that we have to weigh
20 with the need for housing, and the need for additional affordable housing. To me that outweighs
21 it, to the people who said we don't necessarily do this in other neighborhoods, just last week we
22 had 3333 California, which I think one of the prime reasons the neighborhood opposed that is
23 because it is used as informal open space for the neighborhood it was going to be taken away
24 with housing. And again it is something we have to balance our support. I think it is a great space
25 for housing. It is something we have to balance. On balance, I think we need housing we need
26 affordable housing. Yes, there is a shadow impact in this the park. To me, it doesn't outweigh the
27 other benefits to the project. I would support this project.

28 **[Rich Hillis]** >> Commissioner Melgar?

29 **[Myrna Melgar]** >> Yes, thank you for that nuanced analysis. There are some good things about
30 this project. I appreciate the developer, you know, attempting to increase the affordability doing
31 things with the design I like the design. To me, the shadow, you know, we have standards under

1 Prop K. But they are not they don't all hit the same in all neighborhoods. You know, it reminds
2 me of the debate that we had with the preschool with the project on Mission and 26th. When a
3 neighborhood has very little access to sunshine and parks. It is not the same then when a
4 neighborhood has plenty of parks and sunshine and when kids have playgrounds in their schools.
5 So Bessie Carmichael does that not have that access. Where the shadow falls, even though it is
6 later in the day during the summer, that is actually precisely when the teenagers use that
7 basketball court. So it is in the summertime, when they are out of school, they are hanging out,
8 they are playing basketball, that's when the shadow is most impactful.

9 So I do wish that there had been more consensus with the community. I don't think that
10 this is something that I can currently support. I don't know how it's going to fall today, if we do
11 have more time, I would encourage that there be more communication with the neighborhood. It
12 is not that often that we see all of the community groups coming forward united in their
13 opposition. This is one of those instances, you know so I cannot support the project until that is
14 worked out.

15 **[Rich Hillis]** >> Commissioner Johnson?

16 **[Milicent Johnson]** >> I just want to start by thanking the community members that came out to
17 share your perspective on this. I know that this is personal. It is a personal and important issue
18 because VMD park is a cultural jewel. And it is a park that has been fought for by a community
19 that has to fight for all of its assets. I am really sensitive to the lived experience of the
20 community and the comments that have been brought up. And I think that this issue is tied up in
21 actually quite a few larger policy issues. I heard things like talking about making sure that these -
22 - the rules around shadow are applied equitably across the city, not just in certain
23 neighborhoods and that development happens equitably across the city. Not just in communities
24 of color and low income communities. I heard issues around, while affordable housing units are
25 being put online, that those affordable housing units are not necessarily affordable to the
26 community.

27 And I am really looking at the BMR process. And making sure that it is truly equitable
28 and serving who needs to be served. I heard folks really bring up, you know, Miss Figueroa who
29 said that the process itself of how we talk about and negotiate and talk about community
30 agreements still needs to be worked on so that communities don't feel like they are fighting for
31 their crumbs. I just want to say I hear you and I want to voice that.

1 As president Hillis said, there is impact here. And any development that happens, it is
2 going to have an impact on shadow on the park. It has impact on your day-to-day life. I
3 understand that, why you have come out and expressed opposition to that.

4 I think as my fellow commissioners have said, we are put in a difficult position in this. I
5 wish that we were having a conversation about how we could mitigate some of the impacts of the
6 shadow for the residents that are already there. I know that some efforts have been made with the
7 developer that there have been conversations between the developer and the community and yet
8 here we are.

9 You know, I just -- I want to say that I think as a commissioner, there are many things we
10 have to weigh. We have to think -- we have to weigh, you know, the regulations that were set up
11 specifically for instances like this to help us make determinations about what the impact is. And
12 whether a development can happen around the park. We have to take into consideration the
13 rulings of our colleagues. Their thoughtful analysis on the impact of shadow. We ultimately have
14 to take into consideration the city at large. And those objectives.

15 You know, for those reasons, this has been a really difficult project for me. I have
16 weighed a lot of different voices. Ultimately when I look at the project overall, I think that it is
17 ultimately a good project. And for those reasons, I am in support.

18 **[Rich Hillis]** >> Thank you. Commissioner Fong?

19 **[Rodney Fong]** >> Commissioner Johnson that was a very eloquent explanation of the process
20 we have to go through. On paper I am supportive of the project. I think it is well done in black
21 and white and from a planning perspective it meets criteria. What is sad and difficult and this is
22 not the first time we have been here is watching a slow deterioration of a neighborhood and its
23 culture in San Francisco. This is not the only neighborhood this is happening. This is happening
24 all over. Each time you guys come, it is sadder and sadder for me, because I know it is getting
25 closer and closer to dwindling down. You know my friends grew up in the city here. We are all
26 feeling the same pressure of being squeezed out of our own town. Which is very, very
27 frightening and, you know, it is happening. You know but the theory of trying to build more
28 housing to accommodate more people maybe the supply gets a little more better, And the prices
29 to come down a bit. I don't necessarily see that happening in the near future but maybe. Anyway,
30 I am torn but my job here tonight is to go by the book. This to me, it looks like it needs to be
31 approved. But I feel for the pressure of San Franciscans being squeezed out.

1 **[Rich Hillis]** >> Commissioner Richards?

2 **[Dennis Richards]** >> Nothing that I have concerns with this project has anything to do with
3 Mr. Iantorno or his family's history with the properties you had mentioned in your presentation.
4 It seems to me you have remedied that by selling it back to the city so I don't want anybody to
5 infer that I don't believe it has been rectified. I do. I guess the remarkable for me is the word in
6 public comment that was thrown up and is being thrown up a lot regardless of neighborhood is
7 Racism. The communities of concern are people of color. What is remarkable for me was sitting
8 up here listening to the community of color come up and say if you approve this project, it is
9 exclusionary to us it's racist to us. And then we have the mostly European American folks and
10 there were folks from the real estate industry here, speaking saying if you don't approve this
11 project, it is racist, its exclusionary. How do you get both ways? Here I am this entitled white
12 guy, happens to be gay. Where do I get off sitting up here saying, you know what community of
13 color, I know what is best for you? No, that shadow doesn't mean jack crap, you should listen to
14 me. That's what I have trouble with. We can steam roll this, we can have a four three vote. All
15 fine and dandy.

16 But I want the other commissioners that aren't hearing what I'm saying to actually
17 internalize that. What does this feel like to me? It is wrong. Forget the project. It is about equity.
18 Yeah we got some shadows that's a point whatever rounding error. It doesn't seem like much. To
19 the community it is a lot. I won't be supporting the project. I have nine issues with the project.
20 First of which is I would like to ask the project sponsor the quality of units being lost under rent
21 control, I see the layouts of the units, they look like full four flat units. I don't see the square
22 footage of those, what of the replacement units square footage. Are they same quality?

23 **[Paul Iantorno]**>> The replacement units they are a tiny bit smaller, they are about 850 square
24 feet.

25 **[Dennis Richards]** >> And the flats at 194 Russ 192 Russ how many square feet are they?

26 **[Alice Barkley]** >> The square footage of the flats is a little over a thousand square foot however
27 when you look at the square footage because they have staircase going up that's not habitable
28 space. I sat down with the Corellos, one of whom who have already signed an agreement. We
29 went through the floor plans of the two units which is side by side. The unit that is 201, 301, 401
30 and 501 are the rent control units, stacked up on top of each other. And then the 1,000 square
31 foot unit is in the back. The unit in the back, one of the bedroom faces a small lightwell where by

1 this one have three large windows for every room facing the street. It has two bedrooms. Also,
2 the location of the kitchen. As we went through the floor plan, they know the difference in the
3 square footage what the percentage is, is close to 90% habitable space. They looked at it and they
4 decided they would rather have the unit that is 301, 302 because it is easier for them and they get
5 more light the kitchen is better.

6 **[Dennis Richards]** >> So the replacement units in the Costa Hawkins agreement I see here on
7 page -- section 2, cities, concessions incentives and return for subject -- subjecting the
8 replacement to the rent ordinance. The developers has received the following exceptions is
9 concessions and incentives for the production of replacement units on site. We have to give
10 something up in order for those rent controlled units to be replaced by BMR units. That is kind
11 of interesting. Are any replacement units subject to the variance? What designated units are the
12 replacing units, the numbers?

13 **[Alice Barkley]** >> Let me address what the variance are. The variance is the rear yard variance,
14 in the RED district the variance has to be on the ground floor. For the SOMA NCT there is a rear
15 yard square footage requirement percentage requirement. Because we have three residential units
16 on the ground floor on Russ Street, to continue the residential character all the way down, we
17 needed a variance for the location. Also on the SOMA NCT a variance for the square footage but
18 the open space is made up for having a rooftop.

19 **[Dennis Richards]** >> I'm sorry I don't mean to override your finishing sentence, are any of the
20 replacement units subject to the variance?

21 **[Alice Barkley]** >> Yes.

22 **[Dennis Richards]** >> Which ones?

23 **[Alice Barkley]** >> Actually all the rent control units are in the RED district and actually they
24 are not subject to the variance because they face the street and also the RED district the rear yard
25 for that portion the building happens to meet the square footage requirement and percentage. It's
26 a complicated building because it is in 2 SOMA districts

27 **[Dennis Richards]** >> I want to make sure, we are not replacing on the 192, 194 Russ. Maybe
28 small full four small flats with 2 exposures with smaller units with only 1 exposure or even more
29 units subject to the variance because they do not have the required open space in the back.

30 **[Alice Barkley]** >> But those 3 units are not located in an area where. Yes it is subject to the
31 variance because the RED the rear yard is not on the ground floor.

1 **[Zoning Administrator]** >> The reason the variance is required here is a little of a quirk
2 because it is a split zone site because it was a combination of multiple properties. So the
3 properties that front on Folsom Street are zoned are SOMA NCT they are zoned in as
4 neighborhood commercial district. The interior lot in RED, they are Eastern Neighborhood
5 Mixed Use District, so in Eastern Neighborhoods if you don't have a project of a certain size,
6 instead of requiring variances for quantitative modifications to the Code, they can request
7 exceptions from the Planning Commission, which they are doing here. But for the portion that's
8 in the neighborhood commercial district, that is not available. The only option is through the
9 variance.

10 The bottom line is that this project like many projects in each neighborhoods has an
11 interior rear yard, courtyard that doesn't meet the technical requirements of the planning code. It
12 is a little bit smaller and configured in an irregular way. Most, but not all, of the units that front,
13 the interior courtyard there don't meet the code requirement. The literal code requirement for
14 exposure, some of them require variance cause they are in the neighborhood commercial district
15 some of them require the exception from the floor.

16 **[Dennis Richards]** >> So the units Ms. Barkley said are the replacement units that are rent
17 controlled, the BMR replacement units that were giving concessions and incentives for under the
18 Costa Hawkins agreement, are they subject to your variance or are they?

19 **[Zoning Administrator]** >> She indicated that the units are that front on the courtyard, but there
20 is one unit in each stack that doesn't require exposure exception, so I'm not sure which units
21 exactly have been designated.

22 **[Alice Barkley]** >> The rent controlled unit meets the section 140 for exposure requirement
23 because they face the street.

24 **[Dennis Richards]** >> Okay thank you, so the other issue is the small business displacement and
25 the LGBT space displacement what is, you didn't really mention Ms. Barkley about what your
26 plan was for retaining it, relocating it, tracking it back at rents that are reasonable.

27 **[Alice Barkley]** >> There has been conversations, ongoing conversations, with the commercial
28 tenants going on. In fact in the support letter one of the tenants which is the, the 2 restaurants
29 have indicated that they would like to come back. So they have been in discussion. The third
30 tenant, which is the San Francisco Leather Alliance, have also indicated that they would like to

1 discuss coming back. They have been told there have been ongoing discussion with all the
2 tenants.

3 **[Dennis Richards]** >> Okay do you feel that it would be something that these restaurants, giving
4 that the new nature of the development and the cost per square foot ,would be something that
5 they can afford and not put them out of business?

6 **[Alice Barkley]** >> In fact I was discussing the floor plan with the Fondue Cowboy what happen
7 is that the new retail space because they have a 20 foot high ceiling they will actually have a
8 partial second floor. So they were looking at it at said, oh that means they can have some
9 additional sitting up on top on the second floor, so they were very happy with the floor plan that
10 was laid out.

11 **[Dennis Richards]** >> What about the Dolce Italia cookies? That are located in the back of the
12 Folsom Street properties on the corner wedged between the Russ and the Folsom Street
13 properties?

14 **[Paul Iantorno]** >> No, Dolce Italia cookies actually sold to Deli Board. Deli Board took over
15 the space.

16 **[Dennis Richards]** >> Thank you I didn't know that. I saw the people in the back, and I thought
17 wow, there's four businesses here, not three. Okay. The other issue is historic preservation. I
18 didn't see any historic resource evaluation report, I did see some kind of a blanket PEIR.

19 **[Doug Vu]** >> I can address that.

20 **[Dennis Richards]** >> Could you, please?

21 **[Doug Vu]** >> The subject properties were surveyed at the reconnaissance level as part of the
22 South of Market survey. During that survey they were determined to not be significant historic
23 resources under criteria 3 of the California Historic Resource Code which is for architecture. So
24 what we did with part of this project is we looked at the subject buildings and completed the
25 right remainder of the survey to determine if these buildings were historic as it relates to
26 significant individuals who lived on the property or significant events. Based on that analysis, we
27 determined that none of those buildings were identified to be associated with and historic
28 individuals or events.

29 **[Dennis Richards]** >> Got it, the reason why I ask is because I went on the PIM yesterday,
30 which by the way changed its shape and form and everything and I thought I was on the wrong

1 cities PIM had to put it back in, and they are still rated B. I would have expected them to be rated
2 C.

3 **[Doug Vu]** >> They will be as a result of this yes.

4 **[Dennis Richards]** >> The other issue is the height in the Residential Enclave District, you
5 know here we have in the front shadow issues in the back we have the starkness in the height of
6 the building which would be considered enclave it kind of seals the enclave into -- it's too high,
7 and I think you're getting an exception for that. We talked about the unit exposure.

8 There's no real shadow study in our packet and there's no alternatives as well that could
9 be presented that says at 5 feet less, it casts less of a shadow at this time of year. I didn't get -- I
10 don't understand that, so there are -- there's no alternative, can we shift the massing around that
11 would prevent that, I'm sorry -- if you would like to say something, please. There's nothing in
12 there for me.

13 The other thing is, the interesting thing -- yeah, I guess there's no displacement, and I
14 applaud you for that. Interesting this is I look at this we're adding to the housing stock, If you
15 look at the 11th district Federal Reserve Survey of San Francisco, the three lowest median
16 income areas are Western Addition, Chinatown, and SOMA, so the units that are there -- and I
17 don't even -- this probably applies to the BMR units -- probably can't be afforded to the person
18 that averages that neighborhood A.M.I.

19 That's an issue. If I wanted to go to an A.M.I. 40% preference for the existing residents
20 it's not like its 1 for 1. You live down the street, you move in, you live down the street, you move
21 in, its 40%. You have your set A.M.I., but the A.M.I. in the neighborhood doesn't reach that
22 A.M.I. that doesn't reach the dollar threshold. That's an issue for me, and I think that's enough.

23 **[Rich Hillis]** >> Thank you. Commissioner Moore?

24 **[Kathrin Moore]** >> Thank you to the community for everybody who came out to speak for or
25 against it. In principle, I am interested in seeing a building on the site, I am interested in seeing a
26 residential building on the site, but one that is responsive to circumstance and context, and this
27 particular project today is not quite there.

28 I've voiced my concerns about the shadow and how I generally vote on that matter. Since
29 the project is not exceptional or extraordinary in its design and since it is not 100% affordable
30 project, the fact that does cast a shadow is enough reason for me to not support it in its current
31 configuration.

1 I am supportive and agree with commissioner Richards' summary about displacing small
2 businesses is has an impact I am very concerned about. Small businesses in their kind of
3 intricacies are kind of hard to replicate They'll rarely ever find their home again in new spaces
4 which are too expensive, not exactly the right size, right height, and most notably, not the right
5 atmosphere.

6 I am concerned about the demolition of a functioning sound building and losing four
7 affordable dwelling units, despite the fact that they will be recaptured in this building.

8 Aggregating, too many lots in many cases is a problem. It is accentuated here because we
9 are straddling two different zoning districts here. The RED is something I watched very carefully
10 for decades, and I think the transition of this building dealing with that transition in a sensitive
11 small scale way is completely lost.

12 What is interesting to me is that this project is asking for a lot of variances and exceptions
13 in contrast to what it's really offering. What really struck me as an unusual comment was that
14 this project is trying to provide quality open space on-site, which I think is a great idea, and it
15 dedicates a large amount of square footage to that effort. However, when I look at the drawing,
16 that is drawing A3.8, all I see is an excessively large roof deck with no attempt to design an open
17 space environment that I have seen many projects these days do very, very convincingly. Such as
18 the Panorama up the street, etc., etc. This is basically just -- basically, there's nothing to it. I'm
19 questioning that.

20 Again, I am interested in the project here, but what concerns me is also the quality of
21 units this project is bringing to the market. You have heard me two months ago, four months ago,
22 a year ago, two years ago, this project again deals with the hotel-like open corridors where
23 individual units take their access of those corridors which for me does not create of type of
24 livability that I believe we need to do when we are designing sound, livable units and quality
25 housing in San Francisco. It just doesn't do it. The exposure of the three townhouse units does
26 not allow much privacy.

27 And then, I'd like to talk to the architect, I'd like to ask the architect, any building in San
28 Francisco which has more than five units needs to provide universal accessibility in the
29 bathrooms. I do not see that in your drawing submittal. What concerns me, when you go next
30 week -- if the project is approved today, if you go to D.B.I., this project will greatly change
31 because all of your dimensions will change and impact your unit design in a noticeable way.

1 So I'm kind of wondering if you have designed enough housing, you have been
2 challenged in front of us a number of times, you have done good stuff. But sometimes, we have
3 asked the same kinds of questions. We want more livability in the units, and we want certain
4 kinds of design sensitivity in order to complete the healthy, safe, complete neighborhoods that
5 we are all asking for. I think you can do it. I've seen you do it, but this project as it is here today
6 is not quite there for me. So I can ask for a continuance so that you work on it more, and I know
7 you can. And again, I am not opposed to the project, but I just need to see a little bit more to
8 speak to these basic elements that are just not there.

9 **[Rich Hillis]** >> Commissioner Koppel?

10 **[Joel Koppel]** >> Again thanks to the community for coming out, United Playaz, the whole
11 group of SOMA organizations we do value your input and thanks to everyone for showing up
12 today. Thanks to Jane Kim's office for giving us their input. I also want to say a few words in
13 relation to late Mayor Ed Lee who eventually couldn't see this project to fruition, but who put the
14 wheels in motion to get us where we're at today. I'm going to make a motion to approve item 13
15 A and 13 B and adopt the shadow findings for 13C.

16 >> Seconded

17 **[Clerk]** >> If there's nothing further, commissioners, there's been a motion and second to
18 approve a Large Project Authorization with conditions, a Conditional Use Authorization with
19 conditions and adopt the shadow findings. On that motion --

20 **[Roll call]**

21 **[Clerk]** >> So moved, commissioners, that motion passes 4-3, with commissioners Moore
22 Richards and Melgar voting against. Zoning Administrator what say you?

23 **[Zoning Administrator]** >> I will close the public hearing for the variance and in general support
24 I'm going to take the matter under advisement for additional consideration.

12/20/2018

Planning Commission Hearing on 1052-1060 Folsom and 190-194 Russ Street

PROJECT SPONSOR

- **Alice Barkley**
Attorney for Project, Duane Morris
- **Paul Iantorno**
Project Sponsor
- **Brad Terrell**
Architect, SIA Consulting

FOR PROJECT APPROVAL

- **Michael Andolina**
- **Laura Foote Clark**
YIMBY Action
- **Nico Nagle**
SF Housing Action Coalition
- **Rudy Asercion**
Former Westbay Pilipino Multiservice Center Director
- **Charles Turner**
Rental Property Owner
- **Jean-Paul Samaha**
Vanguard Properties - Realtor, SF Resident
- **Michael Stack**
Vanguard Properties - Realtor, SF Resident
- **Connor McLeod**
SF Resident
- **Ed Deleski**
Vanguard Properties - Realtor
- **Xavier Arce**
SF Resident
- **John Goldman**

Goldman Architect - 1st architect for project, SF Resident

AGAINST PROJECT APPROVAL

- **David Woo**
South of Market Community Action Network
- **Raquel Redondiez**
SoMa Pilipinas Cultural District
- **Lourdes Figueroa**
South of Market Community Action Network, Tenderloin Resident
- **Alexa Drapiza**
South of Market Community Action Network, SoMa Resident - Natoma St
- **PJ Eugenio**
South of Market Community Action Network
- **Tony Robles**
Senior and Disability Action
- **TJ Basa**
South of Market Community Action Network
- **Ramon Bonifacio**
South of Market Community Action Network, SoMa Resident - Mission St
- **Juvy Barbonio**
South of Market Community Action Network
- **David Martinez**
Photographer, Filmmaker Based in SoMa, SoMa Resident
- **Katrina Liwanag**
SoMa Pilipinas Cultural District, Bernal Heights Resident
- **Jon Jacobo**
Aide to Supervisor Kim
- **Paul Barrera**
SoMa Pilipinas Cultural District, Bayview Resident
- **Raymond Castillo**
South of Market Community Action Network, Portola District Resident

- **Sue Hestor**
SOMCAN Attorney on this appeal
- **Tet Naval**
SoMa Pilipinas Cultural District, Western Addition Resident
- **Angelica Cabande**
Executive Director, South of Market Community Action Network



South of Market Community Action Network

1110 Howard Street | SF, CA 94103 | phone (415) 255-7693 | www.somcan.org

December 11, 2018

San Francisco Planning Commission
City Hall, 1 Dr. Carlton B. Goodlett Place

Re: 1052-1060 Folsom St & 190-194 Russ St

Dear Commissioners,

We are writing to express concerns about the shadow impacts of the proposed 1052-1060 Folsom St & 190-194 Russ St Project on Victoria Manalo Draves Park (VMD).

The proposed 1052-1060 Folsom St & 190-194 Russ St Project is a 64'6" tall seven-story residential building containing 63 units (consisting of studio, one, and two bedroom units) and ground floor retail.

District 6, particularly the SoMa, shoulders a disproportionate burden of development and population growth in San Francisco. However, the south of Market continues to have the least amount of parks and open space per capita, with only two (2) full-size parks: South Park and VMD. South Park was built in 1885 and after one hundred and fifty-one (151) years, finally in 2006 another full-size park was built and named after the Filipina-American South of Market native, and Olympic Gold Medalist, Victoria Manalo Draves.

VMD is an active park and is widely used by SoMa residents, students, and workers. The park serves the youth, adults, and seniors of the community with amenities available year-round, including a basketball court, community garden, children play areas, picnic area, open grassy areas, and benches. The park is utilized by the students of the nearby Bessie Carmichael School, and provides a venue for numerous community events and is favorite lunch hangout to many SoMa workers. Both the park and the project are also located within the Youth and Family Special Use District which was established in 2009 to protect and enhance the health and environment of youth and families in the South of Market.

EYN 17

Before you is the proposed 1052-1060 Folsom St & 190-194 Russ St Project that will cast new shadows on VMD. The Quantitative Summary of Shadow Findings further explains that there is a +0.38% annual increase in shade on the park that would occur for eight (8) months out of the year, affecting the northeastern portion of the park, which includes the Park entry, the basketball court, children's play area, grassy areas, and benches.

This, however, is not the first time this project has been before you. In January 2015, this same developer proposed a similar project though *smaller* in scale. At that time, the developer proposed a six-story residential project that would have caused a +0.07% increase in shadows on VMD. The Recreation and Park Commission and the Planning Commission recognized in 2015 the importance of protecting VMD and the significance of approving this project as a standard for future projects, and voted to reject the project. What is before you now is a larger project, with a much larger shadow impact.

We would like to urge all of you to partner with us in protecting and preserving our very limited open spaces in the South of Market that serve a diverse population of residents, workers, children, youth, families, and seniors. With additional projects in the pipeline that are estimated to cast new shadows on VMD, in addition to the impact of 1052-1060 Folsom St & 190-194 Russ St, there will be a cumulative adverse impact to one of only two full-parks that serves the densely populated area in the South of Market. Approval of this project will set further detrimental precedents for future projects that will totally and completely disregard the value of public open space to the most underserved residents who actively use the park.

With that, **we strongly urge you to vote NO on the 1052-1060 Folsom St & 190-194 Russ St Project.** Furthermore, we urge the Recreation and Park Commission and the Planning Commission to re-examine and update the allowable shadow budget for parks in the South of Market to be consistent with other high density neighborhoods with very little open space that have 0% shadow tolerances. As the South of Market continues to see rapid rates of new development, evident in efforts such as the Central SoMa Plan, it is crucial that existing open spaces are preserved and protected.

Sincerely,



Angelica Cabande
Organizational Director
South of Market Community Action Network (SOMCAN)

Brief History of Filipinos in San Francisco and the South of Market

By South of Market Community Action Network

According to the 2010 US Census, there are over 3.4 million people of Filipino ancestry in the United States.¹ Community experts believe the actual number may be closer to four million because an estimated 25% of Filipinos in the United States are undocumented or out of status.² Almost half of the total U.S. Filipino population, or 1.47 million, lives in California where large concentrations of Filipinos are found in three areas: Los Angeles County, San Diego County, and the San Francisco Bay Area.³ The Bay Area Filipino population is 458,000 with 37,705 Filipinos living in San Francisco (representing 4.5 percent of the city's total population of 817,501).^{4,5}

The Filipino American community has a long history in San Francisco. The early Filipino population in San Francisco was mostly comprised of male farm workers and seafarers who lived in Manilatown, a five to ten block area around Kearny Street adjacent to Chinatown. During the 1920s and 1930s, there were about 20,000 Filipinos living in this small area.⁶ Urban renewal and redevelopment caused the Filipino population to relocate to other parts of the city. After 1965, Filipinos from the Philippines began to immigrate to San Francisco, concentrating in the South of Market. In 1970, the San Francisco-Oakland metropolitan area had the largest population of Filipinos of any metropolitan area in the continental United States at the time (44,326).⁷ Due to a change in the ethnic make up of the Yerba Buena neighborhood, and with the construction of the Dimasalang House in 1979, four street names in SoMa were changed to honor notable Filipinos. By 1990, 30% of the population in South of Market was Filipino-American.^{8,9} Despite the out-migration of Filipinos, there are still significant concentrations of Filipino residents living in the Excelsior (Supervisory District 11) and in the South of Market neighborhoods (Supervisory District 6), with smaller numbers in Supervisory Districts 4, 9 and 10.

There are 31,370 residents in the entire South of Market District and the median household income is \$72,762.¹⁰ Filipinos live in the area between 4th to 11th Streets and from

¹ US Census, 2010

² Peter Chua, *Ating Kalagayan: The Social and Economic Profile of U.S. Filipinos*, 2009

³ Asian American Center for Advancing Justice, 2013

⁴ Drew Desilver, "More than 3.4M Americans trace their ancestry to the Philippines," 2013

⁵ Kevin Fagan, "Asian Population Swells in Bay Area, State, Nation," 2012

⁶ Cicero Estrella, "Maniltown Will Rise Again," 2004

⁷ US Census, 1970

⁸ *Reclaiming San Francisco: History, Politics, Culture*

⁹ Philippine Consulate General in San Francisco, "The Philippines in San Francisco," 2012

¹⁰ SF Planning Department, 2013

ExH 18

Market to Folsom Streets. In the last census, this area had some of the lowest household incomes in SoMa at \$23,000 for this area from Market to Howard Streets. For the year 2010, the total population in the 94103 zip code was 21,279 people. Filipinos numbered 2,524 and were the 5th largest population after Whites, Latinos, African Americans, and Chinese. Although Filipinos made up only 5% of San Francisco's overall population in 2010, they account for 9% of SoMa's population.¹¹

The Filipino community in San Francisco is severely underserved, under-resourced and lacking in support to thrive as a community of immigrants in this city. The overall number of Filipinos in the city declined by nearly 10 percent from 2000 to 2013 (from 40,083 to 36,144); and Filipinos in the 2011-2013 American Community Survey US Census represented 4.4% of the citywide population.¹² In the 2000 Census, there were about 5,000 Filipinos in SoMa and in the 2010 Census, there were just 2,500 Filipinos.^{13,14} Through the work of community based organizations in the South of Market, it is observed that most Filipinos are being forced out of their longtime homes because of market-rate development pressures, Just Cause evictions, owner buy-outs, landlord harassment, and habitability issues due to owner neglect. Nearly 60% of Filipinos are renters, and nearly 10% of Filipinos are below the poverty line. Language barriers compound the severe housing issues faced by Filipinos in the city.¹⁵ The City has over 10,000 Tagalog-speaking, limited English speaking residents. Over one in four Filipinos in San Francisco have limited English language capacity. Since 2014, the Filipino language (Tagalog) has been a required language for City services, but interpretation and translation are not always easily accessible, hampering communication or delaying services.¹⁶

San Francisco's eviction rates have nearly doubled since 2010, and eviction pressures are greatly felt in the South of Market neighborhood.¹⁷ Based on the Urban Displacement Project (a research and action initiative of UC Berkeley in collaboration with researchers at UCLA, community based organizations, regional planning agencies, and the State of California's Air Resources Board), the South of Market is in advanced stages of gentrification including resident displacement.¹⁸

¹¹ US Census, 2010

¹² US Census, American Community Survey 2011-2013

¹³ US Census, 2000

¹⁴ US Census, 2010

¹⁵ Filipino Community Center

¹⁶ SF Office of Civic Engagement and Immigrant Affairs

¹⁷ SF Rent Board

¹⁸ Urban Displacement Project, UC Berkeley

2017 Census Data for the Project Area



Race

- Black 12% (vs Citywide 5%)
- Hispanic 19% (vs 15% citywide)
- Asian 28%
- White 34%

Income

- 42% of households make under \$50K (1.4X the citywide rate)
- \$74K median household income (vs \$96K citywide)

Poverty

- 25% live below poverty line (vs 11.7% citywide)

Renter Occupancy and Housing Vacancies

- 74% of housing is renter occupied
- 15% of housing is vacant (vs 8% citywide)

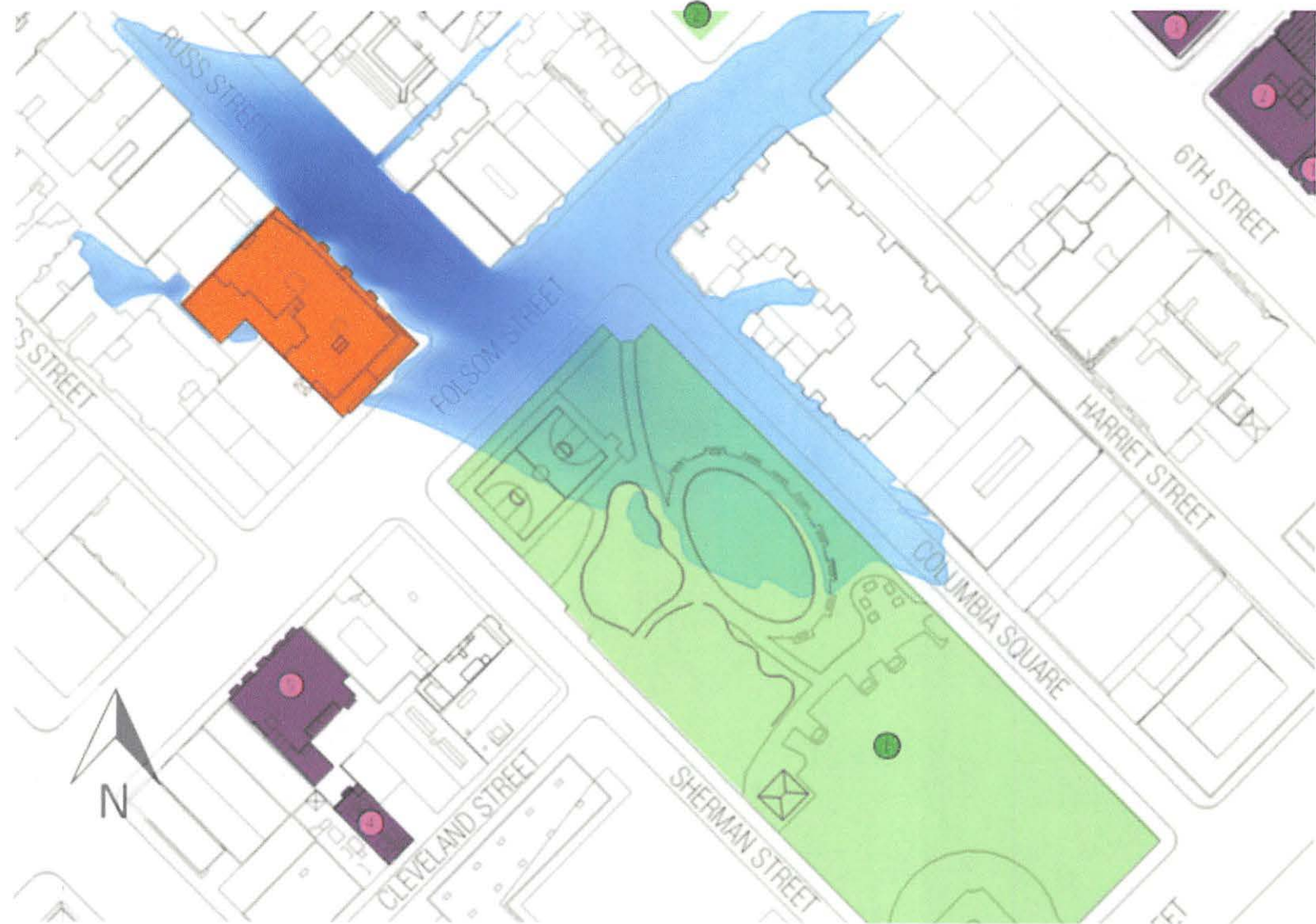
Age

- 11% are 0-19
- 28% are 50+

A1.1

1052 FOLSOM STREET

Refined Shadow Fan diagram, factoring in existing shadow



**AGGREGATE NEW SHADOW AREAS OF IMPACT
REFINED SHADOW FAN**

FULL YEAR

Proposed Project
Refined Shadow Fan
of Proposed Project

occasional shadow frequent shadow

Cumulative Projects

- 363 6th Street
- 345 6th Street
- 999 Folsom St.
- 40 Cleveland St.
- 1075 Folsom St.

RPD Parks

- Victoria Manalo Draves Park
- Gene Friend Rec Center

Note: Shadows from 280 7th St., 980 Folsom St., 988 Harrison St. and 850 Bryant St. (Hall of Justice) are considered as part of the cumulative analysis but these buildings fall outside the graphical view of this diagram.

190 RUSS STREET SHADING ANALYSIS:

Graphic showing conditions on Summer Solstice (6/21) at 7:35 PM



A SOUTH OF MARKET (aka GENE FRIEND) RECREATION CENTER

- 1 Basketball Court
- 2 Rec Center
- 3 Children's Play Area
- 4 Grassy Area
- 5 Park Entry

B VICTORIA MANALO DRAVES PARK

- 6 Park Entry
- 7 Grassy Areas
- 8 Basketball Court
- 9 Community Garden
- 10 Children's Play Area
- 11 Grassy Mound
- 12 Children's Play Area
- 13 Picnic Tables
- 14 Benches & Picnic Tables
- 15 Restroom Building
- 16 Baseball Field

LEGEND

- Existing Park Structures
- Proposed Project at 190 Russ Street
- Shadows Cast By Existing Buildings
- New Shadows Cast By Proposed Project



Exhibit A

B1.19 1052 FOLSOM STREET

Shading diagrams on the Summer Solstice



SUMMER SOLSTICE
JUNE 21

7:36 PM

- Proposed Project
- Existing (current) Shadows
- New Shading by Proposed Project
- New Shading from Cumulative Projects

Note: Shadows from 980 Folsom, 988 Harrison, and 850 Bryant (Hall of Justice) are considered as part of the analysis but these buildings fall outside the graphical view of this diagram.

- Cumulative Projects
 - 363 6th Street
 - 345 6th Street
 - 999 Folsom St.
 - 40 Cleveland St.
 - 1075-1089 Folsom St.
 - 280 7th St.
- RPD Parks
 - Victoria Manalo Draves Park
 - Gene Friend Rec Center

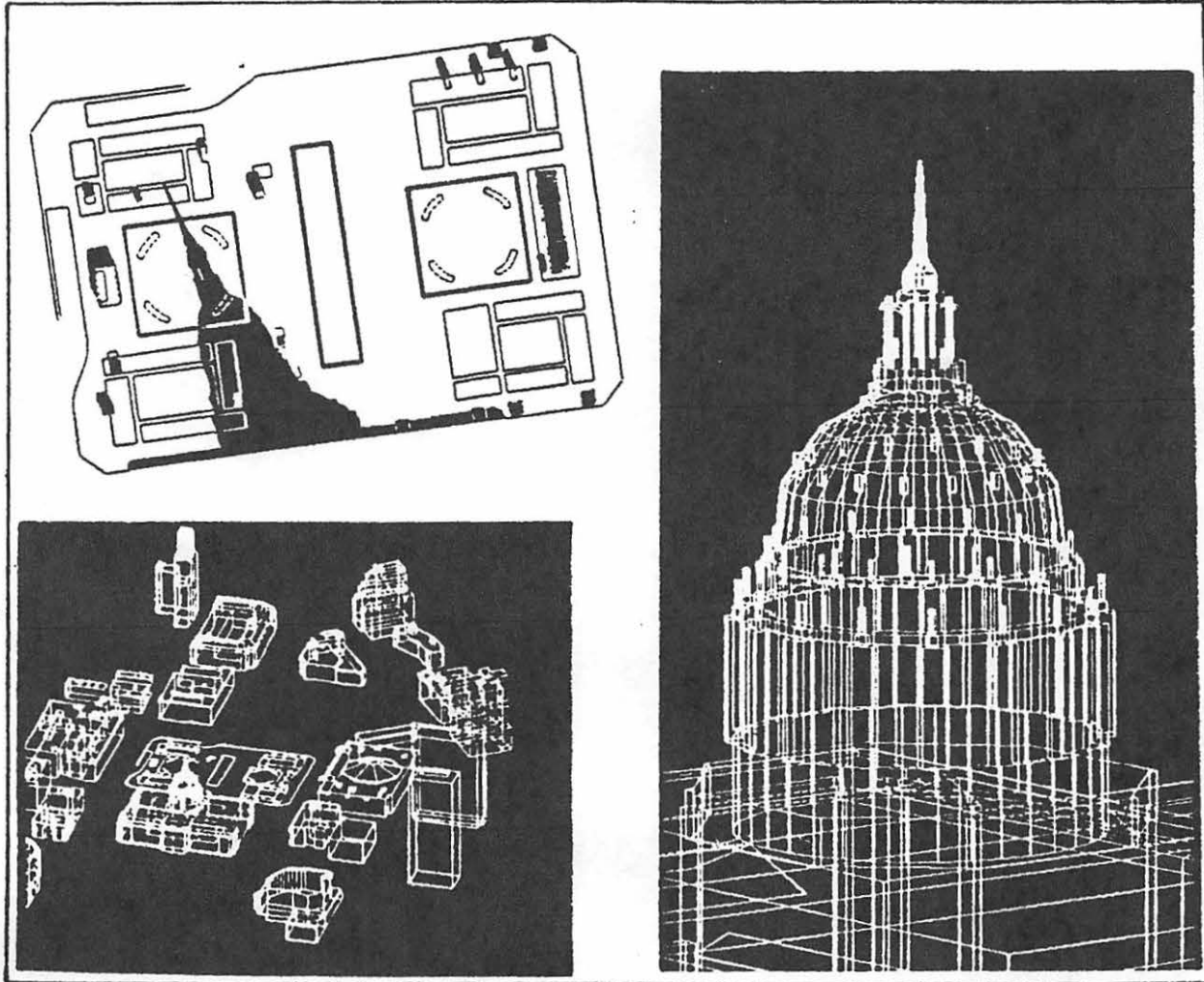
MEMORANDUM

**TO : City Planning Commission
Recreation and Park Commission**

October 22, 1987

FROM: Department of City Planning

Re: Proposition K—The Sunlight Ordinance



INTRODUCTION

Proposition K, the Sunlight Ordinance, was passed by the citizens of San Francisco on the June 1984 Ballot in response to a growing concern about shadow impacts of buildings on the city's open spaces. The ordinance included all properties under the jurisdiction of or designated for acquisition by the Recreation and Park Commission.

Although Proposition K generally does not permit any new structures to create new shadows on these properties between one hour after sunrise and one hour before sunset, it does allow some exemptions. The first of the exemptions include those new buildings which do not exceed 40 feet in height as provided in the City Planning Code. A second exemption applies to those new structures which replace existing buildings (built before June 6, 1984) at precisely the same height and configuration. A third exemption applies to projects which were at certain stipulated stages in the permit approval process at the time the proposition was approved for the ballot by the Board of Supervisors.

The fourth exemption, which is the subject of this memorandum, relates to language in the proposition which states that the City Planning Commission shall disapprove a permit "if it finds that the proposed project will have any adverse impact on the use of property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant." This language requires the City Planning Commission to make two findings:

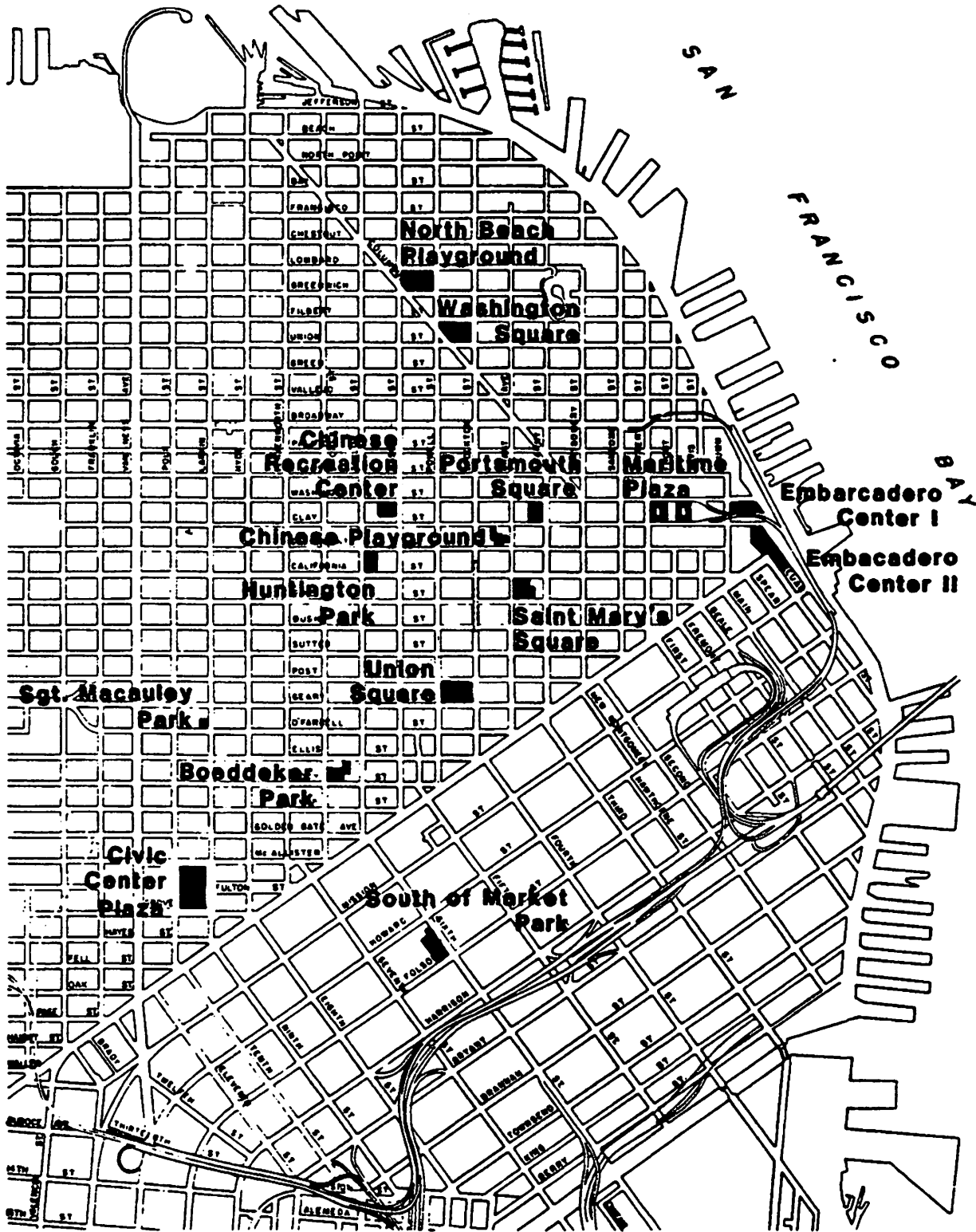
- 1) That the shadow will have an adverse impact on the use of the property, and
- 2) That the impact is significant.

Stated conversely, projects casting shadows which have no significant adverse impact on the use of the property may be approved by the Commission.

The City Planning and Recreation and Park Commissions are required to jointly adopt the criteria for the implementation of Proposition K. In January, 1985 these Commissions initially considered implementation criteria and requested additional information from staff. The information requested by the Commissions required a "supplemental appropriation in order to fund an analysis of fifteen open spaces in the Downtown area that could be shadowed by new development" (Resolution No. 13887). These open spaces are shown on Map 1.

The City through the Department of City Planning, entered into an agreement for professional services with the University of California at Berkeley. The Planning Department and UCB began working together to develop the methodology necessary to provide the Commissions with the requested analysis.

Following a period of modeling and analysis the computer system was developed to the point where implementation standards could be considered.



LOCATION OF PARKS

↑
Map 1

This computer system can produce shadow information for a given park in the form of graphs and diagrams showing shadows for any day of a year, any time of the day. It can also sum up the total shadow during any time period over equal increments of time. For example, it could cast shadows every fifteen minutes between two given dates and calculate the total shadow area over the time period. It can test for new shadow from proposed buildings and produce the same detailed information on the increased shadow. Additionally, it can produce three dimensional images of all or any building casting shadow and view it from any point.

This memorandum explains the approach proposed by staff to be used in determining the significance of shadow impacts, describes the technical concepts of shadow and shadow analysis and presents the model of shadow measurement and evaluation. Recommendations for each park and the criteria for evaluating individual building shadows will be published prior to the public hearing scheduled for November 5, 1987. Both Commissions are scheduled to act on the recommendations on November 19, 1987.

SHADOW ANALYSIS METHODOLOGY

In order to determine "significant adverse impact on use" a number of analytical tools have been developed. Initially, buildings surrounding park properties were photographed (including aerial photography for photogrammetric analysis through which building heights and park elevations can be determined within an accuracy of ± 1 foot) and cataloged. With this information a computer model of the parks and the built environment surrounding these properties was developed and used to create an existing shadow profile for each subject park property (the model is described in general in the following sections). The shadow profile consists of "snap-shots" of all existing shadows on a subject property every 15 minutes a day, one day per week for 26 weeks. The second 26 weeks of the year are the mirror image of the first 26 weeks. This shadow profile is presented in a graph format (histograms) with the amount of square feet in shadow on the vertical axis and time on the horizontal axis. These daily shadow profiles in sequence represent the year-round shadow distribution of a park.

Not really

The year-round shadow profile for each park forms the basis for considering how quantitative limits could be set for new shadows in a park. The following sections introduce and define some important concepts used in this analysis.

The concept of "foot-hour" was used as the unit of measure in analysis of shadows. A foot-hour of sunshine means that a square foot of space in a park is in sunshine for one hour. For Proposition K purposes, the total foot-hours of a park are determined by multiplying the size of the park in square feet by 3,721 which is the total number of hours year round between one hour after sunrise and one hour before sunset (the hours of concern for Proposition K).

with existing shadow

For example, if there is a park of 10,000 square feet and there are 3,721 hours annually of sunlight during the specified Proposition K hours, then there are:

$$10,000 \text{ square feet} \times 3,721 \text{ hours} = 37,210,000 \text{ Total foot-hours}$$

Foot-hours can be calculated for either sun foot-hours or shadow foot-hours. The amount of shadow in square feet multiplied by the Proposition K hours equals shadow foot-hours. Similarly, the amount of park area in sunshine multiplied by the Proposition K hours equals sun foot-hours.

If the daily shadow profiles show that there are 9,302,500 shadow foot-hours (sfh) in shadow over the entire year, that means 25% ($9,302,500/37,210,000 \times 100 = 25$) of the park's total foot-hours is already used up by existing shadow, and,

$37,210,000 \text{ total ft.-hrs.} - 9,302,500 \text{ shadow ft.-hrs.} = 27,907,500 \text{ sun ft.-hrs.}$ or 75% of the total yearly sun resource is still available.

If, for example, an absolute limit of 10% of the total foot-hours is set for this park it would mean that no more than 3,721,000 additional shadow foot-hours would be ever allowed in this park ($0.1 \times 10,000 \times 3721$).

The 3,721,000 shadow foot-hour "account" for the park could be used up with a new shadow of 1,000 square feet which lasts all day every day of the year, i.e.

$$1,000 \text{ square feet} \times 3,721 \text{ hours} = 3,721,000 \text{ shadow foot-hours}$$

The 3,721,000 shadow foot-hour account could also be used up by a 2,000 square foot shadow that appears in the park only half the time.

From these two examples it can be seen that a small shadow that lasts for a long time can be the same shadow foot-hours as a large shadow which lasts for less time.

Criteria for Determining Significance

What amount of shadow will have "significant adverse impact on use?" Answering this question requires information about the specific park involved and the characteristics of the shadows that exist currently and the shadow that would be created by the project under consideration.

The approach recommended by staff involves two steps. The first step is to ~~set an absolute limit for new shadow allowed in an open space (Absolute Limit)~~. The Absolute Limit is expressed as a percentage of the total foot-hours for each park (described below). This percentage represents the amount of increased shadow permitted as an Absolute Limit for each park. The second step is to determine individual building impacts and allocate a portion of the additional allowable shadow among specific projects within the Absolute Limit.

Absolute Limit

It is possible to set a quantitative cap for the amount of new shadow which could be allowed in each park based on the current shadow conditions in the park

and the size of the park. A large park with little shadow could be permitted a larger absolute limit than a smaller park with a lot of shadow, for example.

This absolute limit could be used up by one or more new buildings, but, the final determination of how much of this limit could be used by an individual building and what form the new shadow will take should be determined on a case by case basis. However, any shadow cast beyond this limit would be considered significant and could not be allowed.

Allocation of The Absolute Limit Among Individual Buildings

Each open space has distinctive characteristics of existing shadows and the shadow that would be created by a new building. Each potential shadow also has distinctive characteristics. Depending on the proposed new building's location the shadow could be fast or slow moving (shadows of buildings near the open space will move through the open space slower than a building farther away from the open space). The proposed new building's height and location will also determine the size and shape of potential new shadow in the park, when (e.g. time of day, time of season) and where in the park the new shadow would be cast. Since a potential shadow may have immensely varied impacts at different times of day, or different seasons, or duration of the shadow, or the size or the location of the shadow, the evaluation of impact depends on a variety of qualitative factors.

Continuing with the example of the park above, if it were determined that a small shadow that lasted all day every day of the year would affect the use of the park (e.g. it put enough of the park in shade that people would no longer eat their lunches in the park), then this shadow should not be allowed even though the amount of additional shadow foot-hours was within the Absolute Limit. This reasoning can be carried out to an infinite number of scenarios. After the new shadow has been determined not to exceed the Absolute Limit, therefore, it is important to consider each building's shadow contribution or performance throughout the year.

The factors to be considered in allocating additional shadow within the absolute limit will vary from park to park based on the characteristics of that park and the pattern of its existing shadows. In the case of a downtown park it may be more important to preserve the mid-day sun during all seasons and only allow small, fast moving shadows. These criteria would assure that the park users during the day would be able to enjoy sun during the lunch hours.

In the case of a neighborhood park it may be more important to preserve sun in the morning and afternoon hours during the Summer and Fall and only allow small shadows of any duration. This would assure the neighborhood of a protected sun resource in the morning before work and in the afternoon for post work day activities during the Summer and Fall.

Qualitative criteria for each park should be developed based on existing shadow profiles, important times of day, important seasons in the year,

size and duration of new shadows and the public good served by buildings casting new shadow. These bases are explained below:

Value of the Sunlight

- Time of Day (morning, mid-day, afternoon)
Based on existing shadow conditions and location of a given park, the time of day values of sunlight will have to be established. For example, afternoon and morning sun resources may be more important for preservation in neighborhood parks whereas mid-day sun may be more important in downtown parks. Additionally, some parks may have more shadow during certain times of the day when compared with other parks.
- Time of Year (Spring, Summer, Fall, Winter)
In the same way that the time of day value of sunlight has to be established, sunlight value during times of year will also have to be determined.

Shadow Characteristics

- Size of Shadow
Small shadows will generally be preferred to large shadows unless they last for long periods of time or fall on parts of the park where sunlight is particularly critical to users.
- Duration of Shadow
Shadows lasting a short period of time will generally be preferred to shadows which last a long time unless the fleeting shadows fall during a critical time of day or season and/or are so large that they disrupt use of the park.
- Location of Shadow
Efforts should be made to avoid shadows in areas of the park where existing or future use of the park is intense and where a new shadow could have detrimental effects on park vegetation.

Building Characteristics

- Public Good Served By Shadow Caster
Buildings in the public interest in terms of a needed use or building design and urban form may be allocated a larger portion of the Absolute Limit than other buildings. For example, the Civic Center Urban Design Plan calls for a building at the same height as the existing library to continue the cornice on Marshall Square thus completing the gap in the framing of Civic Center Plaza. A new library building to accommodate the growing needs of the Public Library is proposed at that space. This new building would cast new shadows in the morning hours on Civic Center Plaza. If the new building could not cast shadows, the ability to use the site for the library would be severely limited. Most of the Civic Center Plaza shadow "budget" could perhaps be allocated to be used by this library.

RECOMMENDATIONS

The Proposition K mandate is to minimize new shadow impacts and protect the sun resource on San Francisco open spaces. In order to accomplish this goal an Absolute Limit will be proposed for each individual park. Within this Absolute Limit, criteria for the approval of new buildings which can use up portions of this Absolute Limit will be proposed for each open space.

In the following pages individual parks are described in terms of their physical characteristics, shadow characteristics and use. Recommendations on the allowable Absolute Limit for each park and the criteria for evaluating individual building shadow on each park will be developed and published prior to the public hearing scheduled for November 5, 1987.

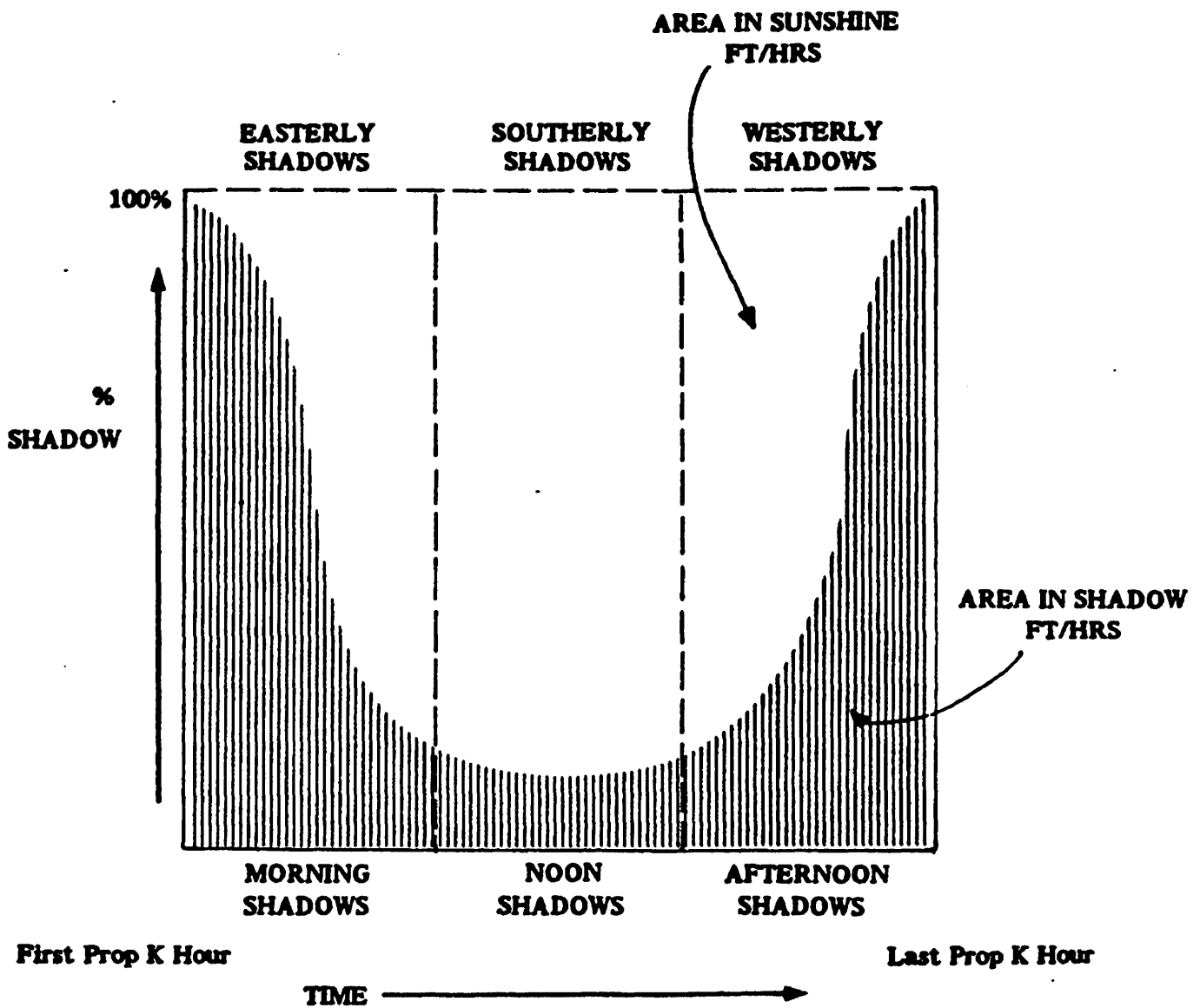
Distribution of Sunlight on Fifteen Downtown Open Spaces

This section, first, describes the general patterns of sun and shadow distribution in the parks as represented by the shadow graphs and diagrams. Second, it uses a standard format to summarize physical characteristics and existing shadow and sunlight conditions for each park. These shadow/sunlight conditions are represented by a series of graphs and diagrams. They show the existing conditions and also the maximum additional shadow condition that is possible if no limits were set and all sites in the city were developed to the existing height limits without concern for any bulk or other restrictions that may apply.

Shadow graphs for one day of each month (June, September/March, December) representing the amount of shadow and sunshine and how they change over time. Figure 1 explains the general structure of these graphs. The horizontal axis represents the time dimension and the vertical axis represents the quantity of shadow. The time at the origin is the first Proposition K hour (one hour after sunrise) and the time at the far right is the last Proposition K hour (one hour before sunset). The area under the curve is the amount of shadow over the number of hours represented by the horizontal axis or shadow-foot-hours. Similarly, the area above the curve represents the sun-foot-hours. Together they represent the total foot-hours of a park for that day.

The first third of the graph shows the shadows cast in the morning hours by buildings in the easterly direction from the park. The middle third shows shadows around the mid-day hours from buildings in the southerly direction and the last third the afternoon shadows from buildings in the westerly direction.

These graphs are accompanied by shadow diagrams which visually represent the areas of the parks in shadow or sunshine. Read together, the graphs and the diagrams provide the information on how much shadow, where they fall and how fast they move across a park.



STRUCTURE OF SHADOW GRAPHS

Figure 1

General Distribution

All fifteen open spaces examined are located in the downtown commercial or high density residential zoning districts (Map 1). The distribution of sunny and shady areas varies according to size. The largest open space, Civic Center Plaza, occupies an area of two city blocks; the smallest, Sergeant Macaulay Park measures a small fraction of a city block. Union Square, the third largest open space in downtown occupies one city block and Portsmouth Square in Chinatown is the size of half a city block.

Daily Distribution

The daily distribution of sunny and shaded areas on the small open spaces show 100% sunlight at mid-day in June. But soon after mid-day, shading occurs quickly. By mid-afternoon half or more of the area of the small parks in the group is shaded. Similarly, areas of the small parks stay shaded longer in the morning hours.

Graphs showing the sun-shadow distribution take the form of a "V" shaped curve for small open spaces. In contrast, the distribution for large open spaces generally follows a "U" shaped curve. That is, the base of the curve gets wider with the size of the park. This means, buildings located near the south side of a small park could have a larger impact on the sun resource than similar buildings located near large parks. Sunny areas of large open spaces stay sunny longer in the afternoon with little change over the mid-day condition. The amount of area in the sun decreases rapidly in the early evening. Similarly, on large open spaces, sunlight during the early morning hours becomes more rapidly available for an increasing surface area of the park. This results in the "U" shaped daily distribution curve for large open spaces.

Seasonal Distribution

The distribution of sunny and shaded areas stays relatively stable throughout the months between the Spring and Fall Equinox. The sunlight conditions deteriorate more rapidly from Fall to Spring. As a result, even the mid-day sun does not reach the entire open space and from day to day the sunny areas decrease more rapidly until only a quarter or half the open space receives mid-day sun in December. Only large open spaces such as Civic Center Plaza, Washington Square and North Beach Playground, which are surrounded by predominantly low buildings, are exceptions to this rule. In these areas, much of the open space stays sunny even during the Winter months.

Special Cases

There are a number of open spaces with distributions different from the curves described above. Maritime Plaza, for example, has a distribution curve similar to a small open space, although it ranks sixth in size among the fifteen parks. Its distribution curve is determined by the very large structures surrounding the plaza and the Alcoa Building in its center.

Maritime Plaza is also the most shaded open space in downtown San Francisco. In the Winter, only 10 to 15% of the park area is in the sun.

St. Mary's Square, near Kearny Street between California and Pine Streets, receives a large shadow from the Pacific Telephone Building on Pine Street during the mid-day for most of the year. This mid-day shadow peak becomes noticeable in August when 30% of the park is shaded. By mid-day in October, the area shaded increases to 90%, and remains for the rest of the year. Without the mid-day peak, the distribution curve would be very similar to Portsmouth Square a few blocks north of St. Mary's Square. This suggests that parks like St. Mary's could accommodate higher surrounding heights in the east, southeast, west and southwest directions with much less impact on sunshine than such heights in the southerly direction.

South of Market Park also has a unique sun/shadow distribution. Located in the South of Market area, the streets bordering the open space run at a 45 degree angle to north-south direction. As a result, this park receives more sun than open spaces of comparable size which are located on the north-south grid. The surrounding low story buildings also contribute to its unique sun/shadow distribution.

Park Specific Distribution

The summary information on each park, the shadow graphs and diagrams are presented in this section. At the very end is a table which lists parks by size and shows the existing shadow amount on each park and this amount as a percentage of total-foot-hours of each park. It also includes the amount of additional shadow that would be cast on each park if no shadow limits were set and all sites in the city were allowed to develop to their existing height limits.

PARK NAME: Washington Square

LOCATION: Union, Powell, Filbert & Stockton
It is located in a neighborhood commercial district of the North Beach area.

SIZE: 98,991 square feet
Washington Square is the fourth largest downtown park.

CHARACTERISTICS: Buildings surrounding the open space are between one and four stories in height which permits a great deal of sunshine in the park. The park contains a children's playground in the north-west section, a large lawn area and seating furniture along walkways. Users of the park are primarily children and elderly neighborhood residents. This flat park also contains a separate and isolated section in the intersection of Powell, Union and Columbus. Due to the separation from the remainder of the park and the vegetation on the isolated section, it is not heavily used.

SUN AND SHADOW CONDITIONS:

Yearly Shadow: In general this park is very sunny year round - 5.8% of the annual sun resource is currently in shadow. From March through September the shadow profile distribution is a relatively flat "U" shape with minimal shadows in the morning and afternoon and no mid-day shadows. Between October and February the "U" shape is increasingly steep due to increased morning and afternoon shadows.

Seasonal Shadow:

- **Summer:** There are almost no shadows in the park between 9am and 6pm. 5% shaded during Summer Solstice.
- **Spring/Fall:** As in Summer, there are relatively small shadow impacts on the park between 9am and 6pm. Toward the end of Fall and in early Spring during the afternoon there are increasing shadows cast by the hills and buildings to the West. 5% shaded during the Equinox.
- **Winter:** Shadows increase overall during the Winter months. No more than 10% of the park is shaded between the hours of 9am and 4pm and the afternoon shadows continue to increase. 15% shaded during the Winter Solstice.

PARK NAME: North Beach Recreation Center

LOCATION: Powell, Mason, Greenwich & Lombard
The park is located in a mid rise residential and commercial use neighborhood.

SIZE: 94,930 square feet
This is the fifth largest Downtown park.

CHARACTERISTICS: The park is flat and has three large buildings on site. Other facilities include bacce ball, tennis courts, volleyball court and a children's playground in the South-west section. There are virtually no trees or lawn areas. Users of the park are primarily children and young athletes. The bacce ball courts are used by elderly residents and the court has a separate entrance off of Columbus.

SUN AND SHADOW CONDITIONS:

Yearly Shadow: One of the sunniest downtown parks - 10.6% of the annual sun resource is currently in shadow. Throughout the year this park shadow profile curve is a relatively flat "U" with minimal shadows in the morning and afternoon and nearly full sun during the mid-day hours.

Seasonal Shadow:

- **Summer:** In this park there almost no shadows between 8:30am and 7pm. Early morning shadows are greater than afternoon shadows and in the work shade of the season 45% of the park remains in the sun. 5% shaded during Summer Solstice.
- **Spring/Fall:** Summer shadow patters persist during Fall and Spring. Hills to the East and West increase the shadows on the park during late afternoon and early morning when Winter is near. 10% shaded during the Equinox.
- **Winter:** Shadow patterns remain the same with relatively more shadows overall. Early morning and late afternoon are the most heavily impacted shadow times. 15% shaded during Winter Solstice.

PARK NAME: Portsmouth Square

LOCATION: Washington, Kearny, Clay & Brenham Alley
In Chinatown surrounded by high density commercial and residential uses.

SIZE: 54,773 square feet
The eight largest Downtown park.

CHARACTERISTICS: A stairway connects the two levels of this Chinatown park. A sky bridge also connects the park to a hotel on Kearny. Within the hotel is a Chinese Cultural Center. A parking facility is located beneath the park. The open space is a major meeting and seating area for residents of Chinatown. Chinese exercise classes are conducted during the morning hours and board games are played throughout the day. Due to the lack of open space in Chinatown the centrally located park is heavily used. A number of tall buildings form the Eastern border of the park.

SUN AND SHADOW CONDITIONS:

Yearly Shadow: A relatively sunny park during the entire year - 39% of the annual sun resource is currently in shadow. The shadow profile for this park is generally a "U" shaped curve with heavy shadows in the morning and afternoon during all but the Winter season. During Winter the park receives mid-day shadows changing the shape of the shadow profile to that of a "W" shaped curve.

Seasonal Shadow:

- **Summer:** Less than 10% of the park is in shadows during mid-day hours (10am-2pm). More shadows occur in the afternoon and early morning hours. 35% shadowed during the Summer Solstice.
- **Spring/Fall:** Heavily shadowed before 9:30 am and after 3 pm. An average 10% of the park is in shadows during the mid-day hours. 40% shadowed during the Equinox.
- **Winter:** The shadow pattern during the Winter months is greater relative to other seasons during all times of the day. The park is heavily shadowed during the morning and afternoon with two additional peak shadow hours around 10 am and noon. 55% shadowed during the Winter Solstice.

PARK NAME: Saint Mary's Square

LOCATION: On Pine & California, between Quincy Alley and Kearny
This park is located in the office and retail district of the downtown area.

SIZE: 46,781 square feet - This square footage includes area designated by the Recreation and Park Department for expansion. The square is a medium sized downtown park, and ranks as the ninth largest of the 15 open spaces.

CHARACTERISTICS: The open space is surrounded by predominantly office uses with tall buildings on the East and South. Not very heavily used due to its hidden location and lack of sunlight. The park has no access from the heavily pedestrian traveled Kearny Street. The park entrances located on California and Pine are on a hill and therefore pose some accessibility problems. In the future, a Kearny Street entrance may be provided.

SUN AND SHADOW CONDITIONS:

Yearly Shadow: This park is heavily shaded throughout the year. 51.9% of the annual sun resource for the park is in shadow. Generally, morning shadows are greater than afternoon shadows. During May, June and July the shadow profiles are "U" shaped distributions. For the remainder of the year, the mid-day shadows increase and the shadow profiles become "W" shaped. The mid-day peak in the shadow profiles result from shadows cast by buildings to the South of the park.

Seasonal Shadow:

- **Summer:** The park is mostly in shade during the early morning and late afternoon hours. The least amount of shade occurs between the hours of 11am and 3pm. Toward the end of Summer the noon shadows increase. At the time of Summer solstice (around June 21st) nearly 40% of the total foot-hours for the park are in shade during the Proposition K hours.
- **Spring/Fall:** Except for one hour in the morning (around 10am) and one hour in the afternoon (around 3pm) the park is heavily shaded. Hourly shadows increase as Winter proceeds until the equinox (around March and September 20th) when close to 45% of the park is shaded during Proposition K hours.
- **Winter:** The shadow pattern of Fall also apply during the Winter with an even greater increase in shadows. The minimum shade impacts on the park occur during late morning, noon and early afternoon hours. For one hour around 10am and two hours around 2:30pm the park has the greatest amount of sunlight. Around December 20th (Winter solstice) approximately 70% of the park would be in shade during the Proposition K hours.

PARK NAME: South of Market Park

LOCATION: The north-western corner of the intersection of Folsom and Sixth Street. The park is surrounded by low rise residential, retail and light industrial uses.

SIZE: 44,940 square feet
This is the fifth smallest Downtown park.

CHARACTERISTICS: This park is currently under development, fenced and not open to the public. The parks location is in the South of Market Residential Hotel District. At this time there is not a great deal of pedestrian traffic on the streets surrounding the park. Buildings surrounding the park are typically between two and four stories.

SUN AND SHADOW CONDITIONS:

Yearly Shadow: The park is sunny throughout the year except during late afternoon hours. 7.3% of the annual sun resource for this park is currently in shadows. Very little shading occurs during the morning hours and shadows do not increase to more than 5% of the park until 3pm. This shadow pattern continues throughout the four seasons.

2% Summer Solstice
2% Fall Equinox
4% Winter Solstice

PARK NAME: Boeddeker Park

LOCATION: Ellis, Jones, Eddy & Taylor
Located in a Downtown neighborhood with a high density mix of residential, hotel and retail/restaurant uses.

SIZE: 38,841 square feet
Boeddeker ranks as the fourth smallest Downtown park.

CHARACTERISTICS: Located in the Tenderloin district with entrances from three of the surrounding street, this flat park is primarily used by neighborhood residents. The lawn, trees and playground are the principal features of the park.

SUN AND SHADOW CONDITIONS:

Yearly Shadow: In general the greatest shadows occur in early morning and late afternoon hours. Morning hours are a bit more heavily shaded than the afternoon hours. 37.7% of the annual sun resource is currently in shadow. The shadow profile is generally a "U" shaped curve which flattens out with increased mid-day shadows during the month around the Winter season.

Seasonal Shadow:

- **Summer:** Between 9am and 3pm the range of shadow in the parks runs from as little as 5% shadow to as much as 40% shadow. More shadows occur in the morning hours than after noon time. 20% shadow during Summer Solstice.
- **Spring/Fall:** Shadow patterns during the Spring and Fall are similar to those found during the Summer. The amount of shadow does increase as Fall proceeds and decreases as Spring fades to Summer. 25% shadow during Equinox.
- **Winter:** As much as 50% of the park is in shade during most of the Winter months. Again shadows are greater during the morning hours. 60% shadow during Winter Solstice.

PARK NAME: Chinese Recreation Center

LOCATION: South-western corner of the intersection of Washington and Mason
The park is located in a residential neighborhood in Chinatown and near Nob Hill.

SIZE: 28,576 square feet
This is the third smallest Downtown park.

CHARACTERISTICS: This open space contains a gymnasium and an auditorium. The rooftops of these two buildings are accessible and could be developed for future uses. The park also includes a basketball court and children's playground on the western side. These two outdoor recreation areas are located on two levels.

This park is heavily used by neighborhood children when school is not in session.

SUN AND SHADOW CONDITIONS:

Yearly Shadow: Throughout the year the park has greater shadows during the afternoon hours due to the hill to the West. Throughout the year the mid-day shadows range from a minimum of 10% to a maximum of 75% in December. Due to the mid-day shadows in the park the shape of the shadow profile curve is that of a shallow "U" shape until the Winter when the "U" is virtually flat with heavy shadows throughout the day.

Seasonal Shadow:

- **Summer:** Greatest sun resources in this park are during early morning hours. Between 9am and 3pm, 20-30% of the park is in shadow. Shadows are greatest during the afternoon hours. 25% shadow during Summer Solstice.
- **Spring/Fall:** The shadow patterns during these two seasons are similar to those of Summer with increased shadows throughout the day. 30-50% of the park is in shadows between 9am and 3pm. 45% shadowed during Equinox.
- **Winter:** During the Winter months the early morning and late afternoon shadows are more evenly distributed. The park is 50% in the shade during most of the day. 75% shadowed during the Winter Solstice.

PARK NAME: Sergeant John Macaully

LOCATION: North-western corner of the intersection of O'Farrell and Larkin
The park is surrounded by high density residential and retail uses.

SIZE: 9,021 square feet
This is the smallest downtown park and is located in the Tenderloin District.

CHARACTERISTICS: Park features include grass areas, trees and seating. Users of the open space are primarily neighborhood residents.

SUN AND SHADOW CONDITIONS:

Yearly Shadow: Throughout the year this park is fully shaded in the afternoon hours. Shadows in the morning are initially heavy but decrease rapidly. 41.2% of the existing annual sun resource is in shadow. The "U" shaped shadow profile is shifted toward the morning hours due to the heavy afternoon shadows. During the Winter months the "U" shape to the shadow profile curve is lost due to increased mid-day shadows.

Seasonal Shadow:

- **Summer:** The greatest sun resource in the park occurs during the times between 9am and 1pm. Heavy shadows occur both before 9am and after 1pm. 40% shadowed during the Summer Solstice.
- **Spring/Fall:** The shadow patterns during the Spring and Fall are similar to that of Summer with increased shadows throughout the day and particularly during the hours between 9am and 1pm. 40% shaded during the Equinox.
- **Winter:** Except for one hour around 10am the majority of this open space is in shadows. 70% shaded during the Winter Solstice.

SUMMARY OF SHADOW IMPACTS

| NO. | PARK NAME | PARK AREA | TOTAL FT/HRS | EXISTING SHADOW FT/HRS | % SHADOW | ADDITIONAL† SHADOW FT/HRS | TOTAL POTENTIAL SHADOW FT/HRS | % SHADOW | % INCREASE |
|-----|---------------------|-----------|--------------|---------------------------|-------------|------------------------------|----------------------------------|-------------|---------------|
| 1 | Civic Center | 222,295 | 827,248,613 | 61,547,460 | 7.4 | 10,404,296 | 71,951,756 | 8.7 | 1.3 |
| 2 | Embarcadero Plaza 2 | 149,698 | 557,086,137 | 209,319,065 | 37.6 | 23,078,115 | 232,397,180 | 41.7 | 4.1 |
| 3 | Union Square | 105,515 | 392,663,521 | 150,494,339 | 38.3 | 20,911,944 | 171,406,283 | 43.7 | 5.3 |
| 4 | Washington Square | 98,991 | 368,385,107 | 21,487,753 | 5.8 | 12,593,684 | 34,081,437 | 9.3 | 3.4 |
| 5 | North Beach | 94,930 | 353,272,502 | 37,579,831 | 10.6 | 0 | 37,579,831 | 10.6 | 0.0 |
| 6 | Maritime Plaza | 83,936 | 312,359,430 | 213,685,676 | 68.4 | 12,325,572 | 226,011,248 | 72.4 | 3.9 |
| 7 | Embarcadero Plaza 1 | 58,395 | 217,311,153 | 76,362,983 | 35.1 | 78,911 | 76,441,895 | 35.2 | 0.0 |
| 8 | Portsmouth Square | 54,773 | 203,832,242 | 79,425,677 | 39.0 | 2,289,287 | 81,714,963 | 40.1 | 1.1 |
| 9 | St. Mary's Square | 46,781 | 174,090,813 | 90,387,985 | 51.9 | 16,711,279 | 107,099,264 | 61.5 | 9.6 |
| 10 | Huntington Park | 46,486 | 172,993,000 | 38,052,710 | 22.0 | 4,012,794 | 42,065,504 | 24.3 | 2.3 |
| 11 | South of Market | 44,940 | 167,239,716 | 12,262,241 | 7.3 | 17,248,546 | 29,510,787 | 17.6 | 10.3 |
| 12 | Boeddecker Park | 38,841 | 144,542,897 | 54,436,100 | 37.7 | 20,125,267 | 74,561,367 | 51.6 | 13.9 |
| 13 | Chinese Playground | 25,592 | 95,238,069 | 50,245,182 | 52.8 | 5,507,731 | 55,752,913 | 58.5 | 5.8 |
| 14 | Sgt. MacAulay | 9,021 | 33,570,749 | 13,816,953 | 41.2 | 4,159,261 | 17,976,214 | 53.5 | 12.4 |

† Additional shadow on parks if no limits were set and all sites in the city were developed to existing height limits.

SAN FRANCISCO
CITY PLANNING COMMISSION
RESOLUTION NO. 11595

JOINT RESOLUTION OF THE CITY PLANNING COMMISSION AND RECREATION AND PARK COMMISSION ADOPTING CRITERIA FOR DETERMINATIONS OF SIGNIFICANT SHADOWS IN FOURTEEN DOWNTOWN PARKS WHICH ARE SUBJECT TO BEING SHADOWED BY NEW DEVELOPMENT AND DECLARING THE INTENTION TO APPLY THESE CRITERIA REGARDING SHADOW IMPACTS PRIOR TO CONSIDERATION OF AN APPLICATION FOR A STRUCTURE THAT WOULD SHADOW A PROTECTED PROPERTY.

WHEREAS, The people of the City and County of San Francisco in June 1984 adopted an initiative ordinance, commonly known as Proposition K; and

WHEREAS, Proposition K requires that the City Planning Commission disapprove any building permit application authorizing the construction of any structure that will have any adverse impact on the use of property under the jurisdiction of the Recreation and Park Department because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant; and

WHEREAS, Proposition K provides that the City Planning Commission and the Recreation and Park Commission shall adopt criteria for the implementation of that ordinance; and

WHEREAS, Proposition K can most effectively be implemented by analyzing properties in the City protected by that legislation which could be shadowed by new development, the current patterns of use of such properties, how such properties might be used in the future including considerations of possible future design and redevelopment of the property, and the various shadowing that could be created by various structures, including the amount of shadowing, the duration, and location; and

WHEREAS, The City Planning Commission and Recreation and Park Commission endorsed the submission by the Department of City Planning to the Mayor of a request for a supplemental appropriation in order to fund an analysis of properties that could be shadowed by new development (Resolution No. 13887); and

WHEREAS, A contract was awarded to the University of California at Berkeley's College of Environmental Design to develop a computerized system which could analyze existing shadow conditions on Proposition K properties and provide information to these Commissions necessary to establish rules or guidelines delineating the type of shadowing that can be determined to be significant or insignificant; and

WHEREAS, a computerized system of analysis was developed and used to analyze existing shadow conditions on fourteen downtown parks under the jurisdiction of the Recreation and Park Department; and

WHEREAS, The information developed by this computer analysis was then evaluated jointly by the staffs at the Department of City Planning and the Recreation and Park Department; and

WHEREAS, Recommendations for determinations of significant new shadows based on these staff evaluations were presented jointly to the Commissions in October and November of 1987; and

ITY PLANNING COMMISSION

Resolution No. 11595

Page 2

WHEREAS, A duly advertised public hearing was held on these recommendations; and

THEREFORE BE IT RESOLVED, That the criteria and the staff proposal for consideration by both Commissions presented in the memorandum to the Planning Commission and the Recreation and Park Commission dated February 3, 1989 regarding "Proposition K -- The Sunlight Ordinance" and describing criteria for determining significance be adopted as rules and guidelines for the determinations of significant shadows for the fourteen downtown parks analyzed.

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission on February 7, 1989.

Lori Yamauchi
Secretary

| | |
|---------|--|
| AYES | Commissioners Bierman, Dick, Engmann, Hu, Johnson, Morales and Tom |
| NOES | None |
| ABSENT | None |
| ADOPTED | February 7, 1989 |

AKG:181



December 5, 2018

Dear Recreation & Park Commissioners:

Thank you for your support of SOMA Pilipinas, San Francisco's Filipino Cultural Heritage District. We are writing to express our great concern and opposition to the proposed 1052-1060 Folsom Street & 190-194 Russ Street shadow which will have a significant adverse impact on the use of VMD Park.

VMD Park is our only community park in SOMA which has the lowest per capita of open space in the whole City. VMD Park is also of historical and cultural significance for the Filipino Community. Victoria Manalo Draves representing the resiliency of SOMA Filipino, grew up in SOMA in the 1920's overcame exclusionary discrimination and racism to go on to win 2 gold medals in the 1948 Olympics.

More recently, RPD recently approved the naming of the VMD Batting Cages after Tim Figueras another neighborhood hero and retired RPD staff for his endless commitment to many generations of SOMA youth.

As SOMA Pilipinas, we are not only fighting to prevent further displacement of our communities but also to maintain and improve the quality of life for all SOMA residents, families, and communities. Long before the South of Market became the hot new neighborhood in the City, it was our community who lead the fight to rebuild Bessie Carmichael Elementary School and press SFUSD and RPD to do a land swap so that VMD park can be built. Not only is VMD the only large gathering places for SOMA residents, it is an extension of open space and playground for Bessie Carmichael Elementary which does not have sufficient outdoor space.

This issue is a matter of equity for a community and neighborhood that has long been in the shadows of City Hall. Every community and cultural asset we have, we have had to fight for. To this day, we continue to have to fight for new open space and for improvements to VMD. Allowing a development to cast shadows on our only community park, especially in the most used areas such as the basketball court, the childrens' playing area, and grassy hill would have a significant adverse impact on our only community park in the South of Market. We are counting on you to uphold equity and champion our community efforts to protect Victoria Manalo Draves Park.

Sincerely,

RAQUEL REDONDIEZ

Director



UNITED • PLAYAZ

1038 Howard Street • San Francisco, CA 94103

www.unitedplayaz.org

December 20, 2018

Dear RPD and Planning Commissioners,

My name is Rudy Corpuz Jr. I am the Founder and Director of United Playaz, a violence prevention and leadership development organization committed to providing youth with positive role models and activities to engage in as an alternative to involvement with gangs, drugs or other high risk behaviors. I am writing this letter to express my opposition to the project at 1052 Folsom Street that proposes a significantly negative shadow impact on Victoria Manalo Draves Park in Soma.

UP, in solidarity with many other Soma organizations and community members, opposed a project by the same developer in 2015 because of its 0/07% shadow impact on the park. At the joint RPD and Planning Commission, the original project was unanimously rejected. This new project has a shadow impact almost FIVE times larger at 0.38%. On it's worst day, this project will shadow almost half of the park. This is unacceptable. It is unacceptable not only because of the impact that it will have on park users but even more so for the precedent that it will set for future projects.

I strongly oppose this project and it's shadow impact as detrimental to our ONLY neighborhood park and its users. Stand with the vote that you cast in 2015 and reject this project.

In peace,

Rudy Corpuz Jr.
Executive Director



December 20, 2018

Good Morning Rec & Park Commissioners,

My name is Mary Roque, and I am with the Bayanihan Equity Center, a nonprofit organization located in the heart of SOMA Pilipinas serving seniors and adults with disability. I am here today urging you to oppose the proposed development, for this project is a disservice to the people that live in the community and use the Victoria Manalo Draves Park as a space to gather and play.

According to the 2011 to 2015 American Community Survey, District 6 is home to more than 12,000 seniors residents, aged 60 years old and above. More than 31% of District 6 seniors aged 65 and above have an income at or below the Federal Poverty Level, with 64% of them of API descent.

This project claims to provide public benefits from the 63 rental housing units, of which 15 units are at below market rate. However, who is this project benefiting when the people that live in the district, seniors on fixed income, are income ineligible even for the BMR units.

With the proposed project increasing the square-foot-hours of shadow by 0.38%, we are setting a precedence for other developments to push us, little by little. VMD Park is a cultural asset, not only for District 6 or the Filipino Cultural Heritage District. This park is an asset to the city of San Francisco, and all we ask is that you please don't take our sunshine away.

Thank you.



March 19, 2019

Dear President Yee and Members of the Board of Supervisors:

Thank you so for your commitment in protecting the most vulnerable communities in San Francisco.

We are writing to urge you to support the 1052-1060 Folsom & 190-194 Russ St Appeal.

We are writing to express our great concern and opposition to the proposed 1052-1060 Folsom Street & 190-194 Russ Street project which will shadow VMD Park and will have a significant adverse impact on quality of life for SOMA residents and all users of VMD Park.

VMD Park is the only community park in SOMA which has the lowest per capita of open space in the whole City. New shadows would occur for eight months out of the year, affecting heavily used areas including the basketball court, children's play area, grassy areas, benches, and park entry.

Studies have shown that small children need sunlight to grow physically and to develop mentally.

Calle 24 stand in solidarity with the residents and community members of the South of Market and all users of the Victoria Manalo Draves Park. This decision will set precedent for all other parks in San Francisco. Open space and public parks are the only places that families, individuals and children are able to enjoy sunlight, fresh air in dense urban centers.

As you know, the project was denied in 2015 based on shadow impacts, and now the shadow and the project are both larger (0.07% shadow in 2015 VS 0.38% shadow currently).

If this project is passed, it will set a dangerous precedent for future developments to further encroach upon access to sunshine at VMD.

This issue is a matter of access to open space for a community that is park-starved. We are counting on you to uphold equity and champion our community efforts to protect our neighborhoods.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Erick Arguello", is written over a horizontal line.

Erick Arguello
Founder, President
Calle 24 Latino Cultural District
www.calle24sf.org

3250 24th St. San Francisco, Ca 94110

Exit 26

| Name | Date modified | Type | Size |
|--|--------------------|--------------------|------------|
| Files Currently on the Disc (15) | | | |
| ESJ Docs 190 Russ Project | 1/31/2019 11:46 AM | File folder | |
| 1052 Folsom St_CT Emails | 1/31/2019 9:04 AM | Adobe Acrobat D... | 12,794 KB |
| 1052 Folsom UDAT | 1/28/2019 11:25 AM | Adobe Acrobat D... | 312 KB |
| 1052-1060 Folsom Street -Carly Grob E... | 1/31/2019 10:25 AM | Adobe Acrobat D... | 1,201 KB |
| 1052-1060 Folsom Street -Kate Conner... | 1/31/2019 10:27 AM | Adobe Acrobat D... | 849 KB |
| 1052-1060 Folsom UDAT PPA | 1/28/2019 11:26 AM | Adobe Acrobat D... | 324 KB |
| DSider_Russ-Folsom_Emails | 1/31/2019 8:48 AM | Adobe Acrobat D... | 6,294 KB |
| <input checked="" type="checkbox"/> Emails-Adina_1052 Folsom | 1/28/2019 11:03 AM | Adobe Acrobat D... | 995 KB |
| Emails-Durandet_1052 Folsom & 190 ... | 1/31/2019 10:29 AM | Adobe Acrobat D... | 4,426 KB |
| Emails-Espiritu_1052-1060 Folsom Street | 1/23/2019 4:14 PM | Adobe Acrobat D... | 168,301 KB |
| Emails-Vu_1052 Folsom Street | 1/23/2019 3:19 PM | Adobe Acrobat D... | 130,093 KB |
| ESJ Emails | 1/31/2019 10:30 AM | Adobe Acrobat D... | 127,543 KB |
| JRahaim email | 1/24/2019 3:59 PM | Adobe Acrobat D... | 231 KB |
| MSmall_1052 Folsom email | 1/31/2019 10:32 AM | Adobe Acrobat D... | 30,798 KB |
| TSheyner Emails | 1/31/2019 8:53 AM | Adobe Acrobat D... | 233 KB |

this is a list of the files in the directory ESJ Docs 190 Russ Project.

Files Currently on the Disc (10)

| | | | |
|--|--------------------|--------------------|-----------|
| 190 Russ St UDAT 08082011 | 9/11/2011 3:58 PM | Adobe Acrobat D... | 14 KB |
| 190 Russ Staff Report_FINAL 07 31 2014 | 1/29/2019 1:22 PM | Adobe Acrobat D... | 234 KB |
| 190 Russ UDAT 09102013 | 1/29/2019 1:27 PM | Adobe Acrobat D... | 358 KB |
| 190russ_shadow_final | 10/9/2015 9:05 AM | Adobe Acrobat D... | 13,181 KB |
| 1052 - 1060 Folsom & 190 -194 Russ Si... | 7/14/2016 5:00 PM | Adobe Acrobat D... | 32,345 KB |
| 2013.0305E | 3/6/2014 2:45 PM | Adobe Acrobat D... | 7,113 KB |
| Impact Letter | 6/29/2012 11:39 AM | Adobe Acrobat D... | 137 KB |
| Incomplete Notice 2 | 1/29/2019 1:26 PM | Adobe Acrobat D... | 167 KB |
| Incomplete Notice | 1/29/2019 1:25 PM | Adobe Acrobat D... | 170 KB |
| Shadow Fan | 7/7/2011 3:09 PM | Adobe Acrobat D... | 3,731 KB |

Ex 27