

From: [Peter Ziblatt](#)
To: [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [BOS-Supervisors](#)
Cc: [Li, Michael \(CPC\)](#); [Alexis Pelosi](#)
Subject: 1525 Pine Street (BOS File No. 210901)-October 5, 2021 Board of Supervisor Hearing
Date: Friday, September 24, 2021 11:08:26 AM
Attachments: [1525 Pine Street - Project Sponsor Letter Appeal of CEQA Final Mitigated Negative \(BOS File No. 210901\) With Attachments.pdf](#)

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Clerk of the Board,

Please see the attached letter with attachments in support of the 1525 Pine Street project scheduled for the October 5, 2021 meeting of the Board of Supervisors. We wish to include this submission in the Board package.

Due to the size of the file, I have also posted the submission in a Dropbox link for your convenience.

[Link Here](#)

Please let us know if you have any questions.

Regards,

Peter F. Ziblatt
Principal Attorney
(415) 273-9670 ext. 2 (o)
(415) 465-9196 (c)
peter@pzlandlaw.com
www.pzlandlaw.com



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Sent via Electronic Mail

September 24, 2021

Hon. Shamann Walton
San Francisco Board of Supervisors
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: Response to Appeal of Mitigated Negative Declaration
1525 Pine Street (Case No. 2015-009955ENV)**

Dear President Walton and Supervisors:

I am writing on behalf of my clients, Nick Pigott, Jimmy Consos, and 1525 Pine Street Dev, LLC, owners and operators of the Grubstake restaurant and sponsors of the 1525 Pine Street residential development project (“Project Sponsors”). On October 5, 2021, the Board of Supervisors will hear an appeal, challenging the preparation of a Mitigated Negative Declaration (“MND”) under the California Environmental Quality Act (“CEQA”) for a 79-foot, 21-unit residential development with approximately 2,473 square feet of commercial space to accommodate the Grubstake restaurant (the “Project”). This appeal, as discussed in this letter and evidenced by the administrative record, is without merit and should be denied.

The appeal was filed on August 20, 2021, by Mr. David Cincotta on behalf of Ms. Patricia Rose and Claire Rose and other neighbors of 1545 Pine Street (“Appellants”).¹ The Appellants all own condominiums at The Austin, an adjacent development entitled in 2014 with construction completed in 2017. The appeal filed asserts that an Environmental Impact Report (“EIR”) should have been prepared for the Project. The claims raised are not new and are the same ones raised by the same Appellants in their February 16, 2021, appeal of the Preliminary MND prepared for the Project.² On May 6, 2021, the Planning Commission (5-2) denied the appeal and upheld the MND.³

¹ On August 23, 2021, the Appellant also filed an appeal of the Conditional Use authorization request (“Project Entitlements”). That appeal, however, failed and is not under consideration as only 1.94% of surrounding property owners signed the petition whereas 20% are required by code to effectuate an appeal of the Project Entitlements.

² The Appellant has added a new argument regarding the adequacy of the May 6, 2021 Planning Commission hearing. Not only is this claim not relevant to the CEQA appeal, the MND had already been upheld at that time, but it misstates the procedures of the Planning Commission. A copy of those procedures, which clearly states that failure of a motion to approve a project is not disapproval of the project is included as **Attachment A**.

³ At the May 6, 2021, hearing, the Planning did not act on the requested Project Entitlements and instead continued the item to allow the Project Sponsor time to evaluate and propose measures to increase light into the adjacent interior courtyard at 1545 Pine Street. The Project Entitlements were ultimately heard and approved (5-2) on July 22, 2021.



In reaching their decision on May 6, 2021, the Planning Commission found that:

“[t]he appellant has not provided substantial evidence supporting a fair argument that the project would have significant impacts on the environment with implementation of feasible mitigation measures identified in the PMND that would warrant preparation of an environmental impact report.”

Nothing has changed from the time the Planning Commission rendered its clear decision on May 6, 2021. The Appellant still has not met the applicable legal standard to effectuate a challenge to the sufficiency of the environmental review. The information provided by the Appellants continues to be argument, speculation, unsubstantiated opinion or narrative, and many statements made in the appeal and information included in support of the appeal is misleading and inaccurate or erroneous.

The Project was first proposed in July 2015. Since that time, the Project Sponsors have worked closely with the community, key stakeholders and interested parties to create a Project that salvages, reuses or replicates key features of the culturally significant Grubstake restaurant. Working with Architectural Resources Group (“ARG”), a prominent preservation architect, those features have been incorporated into the Project along with contributions from Dr. William Lipsky a known LGBTQ+ historian. The Project Sponsors also worked with technical expert PreVision Designs to verify light levels and possible lighting enhancements for the 1545 Pine interior courtyard. This good neighbor approach to the Project and listening to and responding to questions and concerns raised is why over 300 individuals, business and community groups including leaders in the LGBTQ+ community, the Lower Polk Neighbors (LPN) have either submitted letters of support or signed a petition in support of the Project.⁴

This Project will bring much needed housing to the transit rich and vibrant Lower Polk neighborhood and return the Grubstake, a neighborhood treasure, to the same location (with the same look and menu, but with a modern kitchen and cooking facilities) was appropriately and adequately studied in the prepared MND. The Planning Commission already rejected a nearly identical request by the Appellant to prepare an EIR. Again, there has been no change in circumstances and no new or additional information has been provided and as discussed below, **the appeal is without merit, the MND prepared is legally adequate, and the request to prepare an EIR should be rejected.**

I. Project Background

The Project is located on an approximately 3,000 square foot through lot with frontages on Pine Street and Austin Street. The Project would demolish the existing one-story Grubstake restaurant and construct an eight-story, 79-foot-tall building containing 21 dwelling units and approximately 2,855 square feet of commercial space. The existing Grubstake restaurant would vacate the premises during the demolition and construction period and return, occupying the basement, ground floor, and mezzanine of the new building. The Project will provide two (2) on-site affordable housing units to very low-income residents and utilize the State Density Bonus to increase the Project’s density by six

⁴ Copies of the letters of support and petition in support are included as **Attachment B**.



(6) additional units resulting in an extremely efficient building on small lot in a high transit area of the City.⁵

On January 27, 2021 the City posted a “Notice of Availability and Intent to Adopt a Mitigated Negative Declaration” for the Project pursuant to CEQA requesting comments on the Preliminary MND. The Preliminary MND analyzed the Project’s impacts pursuant to CEQA and concluded that the Project would not have a significant effect on the environment based on the criteria contained in CEQA Guidelines Section 15064, 15065 and 15070 and that the Project’s incorporation of mitigation measures avoids potentially significant effects. On February 16, 2021, the Appellant submitted an appeal challenging the Preliminary MND conclusion that the Project would not cause potentially significant effects on the environment and requested the City prepare an EIR for the Project. On May 6, 2021, the Planning Commission denied (5-2) the appeal and upheld the MND.

At the May 6, 2021 hearing, the Planning Commission also held a public hearing on, but did not act on, the Project Entitlements. Instead, the Planning Commission continued the hearing on the Project Entitlements to allow the Project Sponsor time to respond to and provide additional information and options on light in the interior courtyard at 1545 Pine Street (The Austin).⁶ The Austin is a 100-unit 130-foot-tall residential condominium building constructed in 2017 that is located west of the Project site and includes a 25 by 25 foot-interior courtyard that fronts the Project site. All owners, current and future, were required as part of purchasing their units at The Austin to sign a separate disclosure acknowledging the Project and that “[c]ompletion of the proposed 1525 Pine Street project may impact unit views, light source and privacy for certain Units and areas of the [Austin], particularly those of east facing Units in the [Austin].”⁷

Following the Planning Commission hearing, the Project sponsor retained Adam Phillips from PreVision Design, a well-known and well-regarded shadow and light expert, to analyze the light conditions in the lightwell and confirmed that the interior facing units at The Austin would still receive light.⁸ Adam Phillips determined that there was adequate light and there were no health and safety impacts and the lightwell is similar to other lightwells throughout the City. In sum, even though the light is adequate as is, the Project sponsors, in good faith, voluntarily added lights to the Project’s courtyard timed to match daylight hours to further enhance the light in the interior courtyard. PreVision found that the overall lighting comparison between a 65-foot and 79 -foot building presented only a slight lighting difference and with the added voluntarily lighting enhancement, a 79-foot building with lighting (the Project), increased the perceived brightness to residents by +0.24% on an annual basis over a 65-foot building without the voluntarily lighting enhancement. This means that the light impacts to owners of interior facing condominiums is virtually identical without a density bonus versus a density

⁵ The initial application for the Project did not utilize the State Density Bonus law. In 2019, after four years in the entitlement process, the Project Sponsors revised the Project, using the State Density Bonus law to increase the building height by two stories and adding six much-need housing units.

⁶ As discussed in footnote 2, the Planning Commission did not disapprove the Project entitlements.

⁷ A copy of that disclosure is included as **Attachment C**.

⁸ Contrary to statements in the appeal, the lights studied and analyzed were in response to requests to evaluate how to increase brightness in the interior courtyard by both owners at The Austin and the Planning Commission. They were not to address any potentially significant impact under CEQA or to mitigate shadow impacts as the issue before the Planning Commission concerned the approval of the Project entitlements, not CEQA. The MND prepared for the Project had already been determined to be legally adequate finding there would be no potentially significant or significant shadow impact on The Austin and was upheld on May 6, 2021.



bonus scenario.⁹ This report was shared with owners at the Austin on June 25, 2021 and presented to the Planning Department and Planning Commission on July 1, 2021.¹⁰ On July 22, 2021, the Planning Commission after taking additional public testimony approved the Project Entitlements.¹¹ The Planning Commission’s approval of the Project Entitlements was unsuccessfully appealed.¹²

II. CEQA

The appeal filed by the Appellants challenges the MND’s conclusion that the Project would not cause potentially significant effects on the environment and requests that the City prepare an EIR for the Project. The applicable standard for determining whether an EIR is required is whether substantial evidence in the record supports a “fair argument” that significant impacts may occur. This is not a presumption, however, for although the “fair argument” standard creates a “low threshold” for requiring preparation of an EIR, the threshold is not so low as to be “non-existent.” See *Apartment Association of Greater Los Angeles v. City of Los Angeles* (2d Dist. 2001) 90 Cal. App. 4th 1162, 1173-1176.

In assessing the sufficiency of a MND, the key question is whether it can be fairly argued with substantial evidence that the Project may have a significant impact on the environment. For purposes of supporting a “fair argument” triggering the need for an EIR, CEQA defines substantial evidence as follows:

“Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” Public Resources Code Section 21082.2(c); CEQA Guidelines Sections 15384(a) & (b).

The Appellant’s letter that serves as the basis of this appeal is filled with conjecture, opinion and narrative and provides no evidence, let alone the substantial evidence, that is required under CEQA. Arguments concerning the Appellant’s inability or lack of opportunity to present its evidence to the Planning Commission are not only misleading but completely misrepresents the hearing process, applicable legal standards, and requirements.¹³ Moreover, the Appellants provide information regarding shadow that is misleading and inaccurate or erroneous.

⁹ The PreVision report analyzes the difference in light from a 65-foot building, a 79-foot building, and a 79-foot building with lighting. As the project is utilizing the State Density Bonus Law and has the full protections of the Housing Accountability Act, discussion, and analysis of existing conditions (i.e., no project) was not prepared nor warranted.

¹⁰ The appeal blatantly misstates the timing of events. Evidence in support of the timing noted in the body of this letter can be found in the letter submitted by Pelosi Law Group to the Planning Commission dated July 1, 2021. A copy of that letter is included as **Attachment D**.

¹¹ The appeal asserts that the Planning Commission denied the Appellants the opportunity to present information to rebut PreVision Design’s analysis. The Planning Commission followed its rules and procedures related to taking public testimony and the issue raised is not only without merit but is not a CEQA issue.

¹² As noted in footnote 1, the Appellants attempted to appeal the Project Entitlements. They failed to meet the required signature threshold obtaining signatures from only 1.94% of the required 20% of surrounding owners.

¹³ The Appellant asserts that they “were not permitted the necessary opportunity to present [their evidence] to the Commission” because they were denied additional time to speak and were required to comply with the Planning



For example, the letter criticizes the City’s CEQA analysis as “embarrassingly inadequate” or describes impacts as “potentially devastating” but then provides zero evidence to substantiate those criticisms. It asserts that “with adequate time to present it, there is a **compelling case** for the significant environmental impact on humans.” (emphasis added). A **compelling case** is not the legal standard. CEQA requires facts, assumptions based on those facts, and expert opinion supported by facts. The Appellants provide no expert opinion based on fact nor additional facts, but instead use narrative description or phrases, or baseless argument and speculation to support the appeal, none of which meets the requirements under CEQA and where information has been presented such as related to shadow, it is misleading and inaccurate or erroneous.

A brief rebuttal to the specific claims raised in the appeal is included below. As the claims raised mirror those raised in the February 16, 2021, appeal of the Preliminary MND, in lieu of restating our responses, attached as **Attachment E** is a copy of our May 4, 2021 response.

A. **Transportation and Transit**

The Appellant alleges that the MND “fails to provide any substantive analysis of the potential cumulative impacts of all the development” identified in the immediate vicinity of the Project. This statement is simply inaccurate as evidenced by the administrative record and the very claim itself which relies on and cites data generated as part of the transportation and transit analysis prepared.

As noted in our February 16, 2021, letter, the MND relies on a step-by-step analysis, consistent with the CEQA Guidelines to assess whether the Project causes impacts to traffic and transportation. At the heart of this analysis is the Vehicle Miles Traveled (VMT) metric. This metric finds a project would have a significant effect on the environment if it would cause substantial additional VMT, which is defined as VMT exceeding the regional average minus 15 percent. The analysis prepared shows that individually and cumulatively the Project would not meet the threshold to have a significant transportation or transit impact.

The Appellant’s citing of figures or conclusions, sometimes inaccurately¹⁴, from the MND and making statements such as “[i]t is beyond credibility to imagine” or “[w]hen reviewing this carefully, it is obvious that the analysis” or “it just takes common sense to realize” is not substantial evidence to support a “fair argument” that significant impacts may occur. Once again, it is argument, speculation, unsubstantiated opinion or narrative and fails to meet the applicable legal standard regarding preparation of an EIR.

Regardless, the Project Sponsor retained TJKM, a prominent professional transportation and traffic consultant, to evaluate the claims made by the Appellant regarding the analysis of cumulative transportation impacts, impacts on public transit and VMT. The TJKM report, included as

Commission’s public comment requirements. The Appellant had every opportunity to submit any evidence in support of their claims. They were not denied the opportunity to speak or submit written comments or information but were instead simply required to comply with the rules and procedures of the Planning Commission.

¹⁴ On page 6 of the appeal, the Appellant lists impact statements required under CEQA, implying that the MND relied solely on those statements in making a determination regarding cumulative impacts. The MND, however, includes beneath each of these statements a discussion of analysis as to how the Project meets, satisfies or complies with the statement made and the evidence cited in support of that conclusion.



Attachment F, clearly states that in its professional opinion the Appellant’s traffic related claims are unfounded and that none of the cumulative projects located in the vicinity of the Project would come close to creating even noticeable impacts, let alone significant impacts, that there is no support for the Appellants contention that the Project will create significant impacts on transit and that the VMT methodology used in the MND is entirely correct. TJKM concludes that the six (6) density bonus dwelling units would have a de minimis impact and that the Appellant has provided no technical information or evidence that would challenge the MND’s traffic related findings and conclusions.

B. **Cultural Resources**

The Appellant alleges that the “mitigation measures are inadequate to insure preservation and restoration of the Grubstake.” This claim is without merit, is not supported by any evidence in the record.

The Historic Resources Evaluation Response (HRER) prepared for the Project found the existing building is not an individually eligible historic resource but is a contributor to the Polk Gulch LGBTQ+ Historic District.¹⁵ Specifically, it is one of 15 contributors to the District and there is the potential for more to be identified through additional research. While the structure retains integrity, its demolition does not create a significant impact as the other contributors remain and many of the character-defining features of the structure, which are not its four walls, are incorporated into the Project itself either through salvage and restoration, or replication. The Project’s use of these character-defining features illustrate, and will continue to illustrate, the existing building’s significance as a contributor to the Polk Gulch LGBTQ+ Historic District. These features are directly incorporated into the Project Description and are shown on the Project Plans (Sheet G6.01, April 20, 2021) and are what is proposed to be built as the Project. These are not an avoidance, minimization or mitigation measures that the City needs to impose and monitor. The City’s building department will require the building to be built as approved, just as it will require the building height an massing to be as proposed in the Project Plans. As such, the Proposed Project’s design is not a mitigation measure – it is in fact the Project itself. *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656-658. [The one item that is not part of the building is the menu, but regulating menus is not a CEQA topic and cannot be imposed as a CEQA mitigation measure.]

Appellant’s invalid construction of what is the Project is furthered when Appellant conflates the building as the historic resources with the District to create the “confusion” that it alleges exists in the HRER. The **Grubstake building** is being demolished, salvaged and restored, not the **District**. The HRER properly found that the demolition, salvage and restoration of the **Grubstake** would not “cause a significance impact to the **historic district**” and the “historic resource” Appellant’s reference is the District, not the Grubstake. The HRER goes on to support this conclusion by explaining that 14 other contributing properties remain, and more may be identified, and the project “proposes salvage of existing character-defining features associated with the contributing status of the property.” The status of property as a contributor is not the building’s four walls – it was not built by an architect of import. The Grubstake is a contributor is because it is a “commercial use of contributing resources, which historically included a variety of LGBTQ+ -associated business” – and the Proposed Project includes the renovated Grubstake which will remain a LGBTQ+ -associated business. As such, it will

¹⁵ HRE, Part II p. 2.



continue to contribute to the District as the HRER found in stating “the new construction will retain and/or reuse many of the historic aspects and features of the property that make it contributing such that it will generally be compatible with the character-defining features of the district.” This conclusion is entirely consistent with CEQA and CEQA case law, and Appellant cites nothing to the contrary. It is also worth noting that members of the LGBTQ+ community representing the District, including Juanita Morel, Donna Sachet and Gary Virginia, will be holding a rally in support of the Project on September 27, 2021.

The Project Sponsors have spent years working with the LGBTQ+ and historic community on analyzing, studying, and documenting the Polk Gulch LGBTQ+ Historic District. The Project Sponsors recognize the cultural role that the Grubstake plays in the LGBTQ+ community and as owners and operators of the Grubstake restaurant they take the obligation to preserve that legacy very seriously. In 2018, the Project Sponsors retained ARG to evaluate the Grubstake and make recommendations regarding architectural features that could be salvaged for reuse or replicated in the new development. Subsequently, the Project Sponsors retained ARG to provide design consultation on the Project, incorporating their recommendations into the Project, as shown in **Attachment G**.

The Appellant, by contrast, has taken no action and provided no evidence in support of its claims other than to assert argument, speculation, unsubstantiated opinion or narrative.

C. **Wind**

The Appellant alleges that the wind analysis prepared for the Project was limited and incomplete claiming wind impacts are “foreseeable” and “significant” but fail to submit any alternative wind analysis or other evidence to support its bald claim. The fact that there are senior housing facilities nearby and private terraces next door does not create a fair argument that the Project may have a significant wind impact on the environment.

In contrast, the MND relied on a Screening Level Wind Analysis prepared by RWDI, a technical wind expert to reach the conclusion the Project would have no potentially significant wind impact. RWDI, based on their extensive experience in the City, engineering judgment and expert knowledge of wind flows around buildings, concluded that the Project is not expected to alter winds that could result in any substantial increase of pedestrian-level wind speeds in public area on and around the project site. This determination is based on facts - meteorological data, building geometry, orientation, position, and height of surrounding buildings. The analysis found that because of the building’s narrow footprint, the low height of the Project (8-stories and approximately 79-feet) and its location adjacent to and downwind from the taller and larger The Austin, as well as densely built surroundings in the upwind (west and northwest) directions, that pedestrians and outdoor terraces would not experience wind conditions that exceed the City’s wind criterion. Appellant’s comment that the elderly pedestrians are different than pedestrians is not supported, and the City’s wind ordinance is protective of all San Franciscans. The Screening Level Wind Analysis also did consider nearby roof decks, contrary to Appellant’s comment. Once again, the Appellant has not met the applicable legal standard to support a determination that an EIR should be prepared.



D. Shadow and Light

The applicable CEQA threshold for determining whether a Project would have a potentially significant impact is whether it would “create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces.” As part of the Project, a Shadow Analysis was prepared by PreVision Designs to evaluate the Project’s potential to cast shadow on open space including shadow cast on property owned by the San Francisco Recreation and Park District. The Shadow Analysis found that the Project would not cast shadow on applicable open space or the nearby Redding Elementary School.

During the entitlement process, owners at the Austin raised concerns regarding the Project’s shadow on their private property. This included concerns raised by owners at the Austin that purchased units that front on a 25 by 25-foot internal courtyard west of the Project site. This internal courtyard which currently is adjacent to a single-story commercial structure and surface parking lot, would be shaded by any new construction on the Project site and owners of these units, and all units in The Austin, signed a separate disclosure acknowledging the Project and that it would impact their views, light and privacy.

The Project Sponsors, understanding the concerns of The Austin owners, agreed to investigate features that could be incorporated on its building to enhance light in the interior courtyard. At the May 6, 2021, Planning Commission hearing, these features were generally described, and the Planning Commission continued action on the Project Entitlements to allow the Project Sponsors time to further evaluate potential options.

Following the hearing, the Project Sponsors retained PreVision Design, a well-known and well-regarded shadow and light expert, to analyze the light conditions and provide recommendations to increase light to the interior facing condominiums. A detailed discussion of their findings and recommendations was outlined in our July 1, 2021, letter to the Planning Commission. In sum, PreVision found that a 79-foot building with lighting increases the perceived brightness to residents by +0.24% on an annual basis over a 65-foot building, meaning the light impacts to owners of interior facing condominiums is virtually identical in a code compliant versus density bonus scenario. This information was presented to the Appellants on June 25, 2021 and to the Planning Commission and Planning Department staff on July 1, 2021. It is also worth noting, that The Austin’s courtyard is approximately 25 x 25 and the Project’s lightwell will add approximately 5’ of additional depth allowing for additional sun exposure.

On July 22, 2021, the day of the Planning Commission hearing, the Appellants submitted a study commissioned or produced by owners at The Austin titled “Negative Effects of 1525 Pine Street on 1545 Pine St Neighbors”. The information presented was collected from light meters within units and a cardboard model is not expert evidence and is factually inaccurate. The information misrepresents the reduction in light and is based on a misunderstanding of light perception or measurement. It also presents misleading and inaccurate or erroneous information, failing to acknowledge that the interior courtyard is over 25 by 25-feet, and that given the location of the sun, not only will there be light directly into the interior courtyard and units, but increased light reflecting off the new structure into those units.



The Project Sponsors retained an expert in light and shadow analysis, PreVision Design, to conduct a peer review of information submitted by the neighbors. PreVision Design's review is included as **Attachment H**. In general, PreVision Design found the approach used by the Appellants to be unreliable, inaccurate and not based in fact and the Appellants analysis does not meet the definition of substantial evidence.

Regardless of all the additional analysis completed on this topic, the issue of shadow and light on the interior courtyard is not a CEQA issue. The shading of private property simply is not considered a significant impact under CEQA. While the Appellant claims that the shadow cast requires the City to make a mandatory finding of significance under CEQA Guidelines Section 15065, that assertion not only is without merit but even for the Appellant is a bridge too far. The Appellant's basis for this claim is that the shadow and reduction in light will "cause **substantial adverse effects** on human beings, either directly or indirectly." This substantial adverse effect has not been established and cannot be established. The amount of light reaching the interior courtyard as established by the light analysis prepared by PreVision Designs does not create a hazardous condition for residents. Moreover, the case law regarding what constitutes an adverse change to the environment on "human beings" holds that there is no substantial adverse impact occurs if the impact is to particular individuals, such as the residents of The Austin, but only when there is an impact on human beings in general. *Porterville Citizens for Responsible Hillside Dev. v City of Porterville* (2007) 157 CA4th 885, 902 (height and view impacts on a few neighbors not substantial adverse change); *Taxpayers for Accountable Sch. Bond Spending v San Diego Unified Sch. Dist.* (2013) 215 CA4th 1013, 1042. Concerns regarding the interior courtyard lighting at the Austin have investigated by the Project Sponsor and have not been ignored even though they are not CEQA issues and do not meet the standard for a mandatory finding of significance.

III. Conclusion

In sum, the MND sufficiently analyzed the environmental impacts under CEQA and determined that the Project is not required to prepare an additional environmental document, including an EIR. The City has presented substantial evidence in support of its analysis. The Appellant has raised several objections, none of it supporting a fair argument that the analysis was legally deficient and has provided no evidence to support the objections. Instead, the Appellants have relied on unsupported opinion, conjecture and speculation in support of their appeal. Pursuant to CEQA this is insufficient to justify additional CEQA analysis. As such, we respectfully request that the Board of Supervisors deny the appeal for the PMND and find that the claims in the appeals are without merit.

Very truly yours,

A handwritten signature in blue ink that reads "Alexis M. Pelosi".

Alexis M. Pelosi

ATTACHMENT A

RULES & REGULATIONS - SAN FRANCISCO PLANNING COMMISSION

ARTICLE I – NAME

Section 1. The Name of this Commission shall be "SAN FRANCISCO PLANNING COMMISSION."

ARTICLE II – OFFICERS AND APPOINTMENTS

Section 1. Officers. The Officers of this Commission shall consist of a President and a Vice President. The President and Vice President shall be members of the Commission, and shall be elected at the first Regular Meeting of the Commission held on or after the 15th day of January of each year; or at a subsequent Meeting, the date of which shall be fixed by the Commission at the first Regular Meeting on or after the 15th day of January each year. They shall hold office for one year or until their successors are elected.

Section 2. Election. The presiding officer takes public comment on the agenda item. Then the presiding officer requests nominations for the office from the members of the body. No second is required under Roberts' Rules of Order. When no additional nominations are offered, the presiding officer closes the nomination. The Commission then votes on the nomination in the order they were received. The first candidate to receive a majority of the votes is elected to the office.

The President and Vice President shall not both be members of the commission appointed by the Mayor or President of the Board of Supervisors. (If one is a Mayoral appointee, the other position must be held by a member appointed by the President of the Board of Supervisors).

Section 3. Planning Director. The Planning Director shall hold office at the pleasure of the Commission and shall be qualified by training and experience to be the administrative and technical head of the San Francisco Planning Department and of all activities under the jurisdiction of the Planning Commission. An annual performance evaluation by the full Commission may be convened in closed session.

Section 4. Commission Secretary. The Commission at any Regular or Special Meeting may appoint a Commission Secretary who shall hold office at the pleasure of the Commission.

ARTICLE III – DUTIES OF OFFICERS

Section 1. President. The President shall preside at all meetings of the Commission, shall appoint all Committees and their Chairs, and shall perform all other duties necessary or incidental to the office. The President shall attend all Meetings of bodies of which, by the Charter, he or she is made an ex-officio member, or shall designate the Planning Director or any member of the Commission to attend such Meetings in the place and stead of the President.

Section 2. Vice President. In the event of the absence or inability to act of the President, the Vice President shall take the place and perform the duties of the President. In the event of absence or inability to act of both the President and Vice President, the remaining members of the Commission shall elect one of their members to act temporarily as President, by a majority vote of the remaining Commissioners.

ARTICLE IV – MEETINGS

Section 1. Regular Meetings. Regular Meetings of the Commission shall be open and public and shall be held each Thursday of each month except in any month where there are five (5) Thursdays. Where there are five (5) Thursdays in a month, the fifth Thursday of the month shall be cancelled, unless otherwise adopted as part of the Hearing Schedule. All Regular Meetings of the San Francisco Planning Commission shall not start before 12:00 noon, unless otherwise noticed on the printed calendar at least 72 hours in advance of a scheduled hearing. The San Francisco Planning Commission does hereby designate Room 400 of City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, as its regular meeting location unless otherwise noticed on the calendar at least 72 hours in advance of a scheduled hearing, or if the need arises because room capacity for Room 400 is anticipated to be exceeded. Provided that where matters of special concern to certain areas or districts of the city are to be considered, a Meeting place may be designated in the City and County within such areas or districts. The Commission Secretary will present to the Commission on or before the first Regular Meeting day of the year (or subsequent date as stipulated by the Commission) a list for consideration and indication of adoption by voice vote, the Commission's Hearing Schedule for the calendar year, including possible cancellation dates of Regular Meetings to accommodate various holidays throughout the year.

Section 2. Special Meetings. Special Meetings of the Commission shall be open and public and shall be held at such times as the Commission may determine. Special meetings may be called by the President for any time, and must be called by the President upon the written request of three members of the Commission, filed with the Administrative Secretary. The Place of such Meetings shall be as provided above for Regular Meetings.

Section 3. Notice. Notice¹ of the time and place of every Regular Meeting of the Commission shall be given to members of the Commission at least 72 hours before the time of such Meeting, and shall be given by posting and otherwise, as required by [San Francisco Administrative Code Section 67.7](#) and [California Government Code Section 54954.2](#). Notice of the time and place of every Special Meeting of the Commission shall be given to members of the Commission at least 72 hours before the time of such Meetings, and shall be given by posting and otherwise, as required by San Francisco Administrative Code Section 67.6(f) and California Government Code Section 54956. The Commission shall not consider nor act upon any matter at any Regular Meeting except upon (1) written notice thereof as required by this Section 3, or (2) a condition exists that requires emergency action as set forth in San Francisco Administrative Code Section 67.7(e) and California Government Code Section 54954.2(b). No matter shall be considered at any Special Meeting unless included in the Notice calling such meeting.

1. The San Francisco Administrative Code, Chapter 67 "The San Francisco Sunshine Ordinance of 1999," Section 67.7 stipulates that policy bodies shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting at least 72 hours before a regular meeting and that it shall post a current agenda on its Internet site at least 72 hours before a regular meeting. Therefore, the term "notice" shall refer to both written and electronic formats.

Section 4. Cancellation or Change of Regular Meetings. If the Regular Meeting day falls on a legal holiday, or if a recommendation is made by the Director that a Regular Meeting be cancelled or changed, the Commission or the President may cancel the Regular Meeting or fix another time therefor. Notice of cancellation or of a change in a Regular Meeting time must be given at least seventy-two hours before the scheduled time of such Meeting.

Section 5. Quorum. A quorum for the transaction of official business at any Regular or Special Meeting shall consist of a majority of all members of the Commission, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties, if any, provided by law.

Section 6. Voting.

- a. Procedural Matters. Pursuant to [Charter Section 4.104](#), with respect to matters of procedure the Commission may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum.
- b. Except as provided in "a" above, every Official Act taken by the Commission, including, but not limited to, those based on its jurisdiction derived from the Planning Code, Chapter 31 of the Administrative Code, the Subdivision Code and Discretionary Review Powers of the Commission, may be by "Motion" or "Resolution" adopted by a majority vote of all members of the Commission (four (4) votes). All members present shall vote for or against each question brought to a vote unless a member is excused from voting by a conflict of interest or a motion adopted by a majority of the members present.

A motion that receives less than four votes is a failed motion resulting in disapproval of the action requested to be taken by the Commission unless a substitute motion for a continuance or other action is adopted. (For example: a request for Conditional Use requires four votes to approve; failure to receive the four votes results in denial of the conditional use. A request for Discretionary Review requires four votes to take discretionary review and modify the project; failure to receive four votes results in approval of the proposed project without modification. [Planning Code Section 302\(c\)](#) sets forth the requirements for Commission determinations regarding Planning Code amendments. [Planning Code Section 340\(d\)](#) sets forth the requirements for Commission determinations regarding General Plan amendments.)

A motion of intent occurs when the Commission passes a motion by a majority of all members of the Commission that is contrary to the preliminary recommendation of the Planning Department staff and the

Commission does not have findings that support the intended action. Any Commissioner absent from participation in the motion of intent must be provided all relevant case material and hearing tapes for review prior to a scheduled hearing for consideration of the final motion.

- c. Once the Commission holds the public hearing on a permit application, receives all public testimony and declares that it is ready to consider approval or disapproval of the application, the applicant shall not be permitted to withdraw the application, except with the consent of the Commission. In the event that the Commission passes any motion of intent to approve or disapprove a permit application before them, the applicant shall not be permitted to withdraw the application prior to the Commission's completion of their action with passage of a written "Motion" with findings or a resolution.
- d. Once the Commission holds a public hearing on a matter before them, enters into deliberation and a motion for action is made and receives a second prior to the end of discussion, a request for "call the question" by any member other than the President or Chair would be addressed as follows: The request for "call the question" is considered a motion to halt discussion and must have a second to proceed. If the motion does not receive a second, the motion dies and discussion resumes on the matter on the floor prior to the motion to "call the question." If the motion receives a second then a vote must be taken immediately and passed by a majority of those present.

Section 7. Jurisdiction. Pursuant to [Charter Section 4.105](#), the Commission has the jurisdiction to approve prior to issuance "[all] permits and licenses dependent on, or affected by, the Planning Code administered by the Planning Department." Acting under this section, the Commission may at its discretion by a majority vote of the Commission (four votes), request staff to bring before it for review any such permit or license that has not yet been issued even if the application has been approved by the Commission or Department staff and forwarded to the Central Permit Bureau. The Commission loses jurisdiction upon either the City's issuance of the permit or license, or a valid appeal has been filed to an appellate body.

Section 8. Parliamentary Procedure. The rules of parliamentary practice, as set forth in Robert's Rules of Order, shall govern all meetings of the Commission except as otherwise provided herein.

Section 9. Order of Business. The order of business at any Regular Meeting may be as follows:

1. Roll Call
2. Consent Calendar
3. Commission Matters
4. Action Item List
5. Department Matters
6. Public Comment – 15 Minutes
7. Regular Calendar
8. Discretionary Review Calendar
9. Public Comment
10. Adjournment

The President (or Chair) may change the order of business as determined necessary for the Planning Commission to conduct its business effectively.

Section 10. Public Comment. The item at each Regular Meeting shall provide an opportunity for members of the public to address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission, but which are not on the posted agenda for that Meeting. When that item is reached, members of the public may address the Commission for up to three (3) minutes. The President may limit the total testimony by all members of the public to fifteen (15) minutes.

Section 11. Consent Calendar: Items may be placed on a Consent Calendar section of the Meeting Agenda. Items on the Consent Calendar may be approved by a

single vote for all items. Any Commissioner, any member of the public or the Director may request that the item be taken off the Consent Calendar and placed on the regular agenda for that Commission Hearing or a later hearing.

Section 12. Submittals: Procedure for submission of material related to any matter that comes before the Commission for their consideration is addressed in Appendix A attached to this document.

Section 13. Hearing Procedures: At either a Regular or Special Meeting, a public hearing may be held before the Commission on any matter that is on the posted agenda of such Meeting. The procedure for such public hearings is addressed in Appendix A attached to this document.

Section 14. Record. A record shall be kept of each Regular and Special Meeting by the Commission Secretary or by an Acting Secretary designated by the Commission Secretary.

Section 15. Private Transcription. The President may authorize any person to transcribe the proceedings of a Regular or Special Meeting provided that the President may require that a copy of such transcript be provided for the Commission's permanent records.

ARTICLE V – AMENDMENTS

Section 1. These Rules and Regulations may be amended by the Commission at any Regular Meeting by a majority vote following a public hearing, providing that the amendment has been calendared for hearing for at least ten days.

Amended:

August 1, 1957

December 11, 1975

January 12, 1961

June 24, 1976

October 11, 1961

October 28, 1982

March 26, 1964

April 19, 1984

April 23, 1964

March 19, 1987

October 29, 1964

July 28, 1988

June 17, 1965

January 20, 1994

October 24, 1968

February 2, 1995

January 18, 1973

February 16, 1995

March 1974

September 28, 1995

August 8, 1974

January 25, 1996

APPENDIX A OF SAN FRANCISCO PLANNING COMMISSION RULES & REGULATIONS

Submittals and Hearing Procedures:

A. Submittals

Correspondence submitted to the Planning Commission in advance of hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

Correspondence submitted to the Planning Commission on the same day, must be submitted at the hearing directly to the Planning Commission Secretary.

Correspondence submitted in any other fashion on the same day may not become a part of the public record until the following hearing.

Correspondence sent directly to all members of the Commission, must include a copy to the Commission Secretary (commissions.secretary@sfgov.org) for it to become a part of the public record.

For sponsor and/or opposition briefs to be included in the packet forwarded to the Planning Commission in advance of a hearing, 15 hardcopies and a .pdf copy must be provided to the staff planner no later than the close of business eight days in advance of the hearing. Generally, 5 p.m. Wednesdays.

These submittal rules and deadlines shall be strictly enforced and no exceptions shall be made without a vote of the Commission.

B. Discretionary Review (DR) - Information Packet Form

I. Submittals:

- a. Submittals, including staff packets, are due to the Commission one week in advance of hearing.

II. Content of submittals should be as follows:

- a. Abbreviated:
 - o Staff cover memo attached to DR application and Project Sponsor response;
 - o Plans in compliance with the Planning Department's "[Plan Submittal Guidelines](#);"
 - o Color streetscape of both sides of street;
 - o Digital photographs of existing conditions.

- b. Full:
 - o Same as stated in Abbreviated above; with
 - o 3-D Renderings.
- c. Environmental and historic resource documents to be attached to all submittals.

III. Hearing Procedures:

- a. A thorough description of the issue by the Director or a member of the staff.
- b. A presentation by the DR Requestor(s) team (includes Requestor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5) minutes for each requestor.
- c. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
- d. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period up to five (5) minutes, but could be extended for a period not to exceed 10 minutes if there are multiple DR requestors.
- e. Testimony by members of the public in support of the project would be up to three (3) minutes each.
- f. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
- g. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
- h. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

IV. Other:

- a. Revisions should be submitted to staff and DR requestors by 5pm Tuesday (two days) before the Thursday Hearing.
- b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion.

C. Mandatory Discretionary Review (Dwelling Unit Removal)

I. Submittals:

- a. Submittals, including staff packets, are due to the Commission one week in advance of hearing.

II. Hearing Procedures:

- a. A thorough description of the issue by the Director or a member of the staff
- b. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5).
- c. Testimony by members of the public would be up to three (3) minutes each.
- d. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

D. Cases (**Conditional Use (CU)**; **Office Allocation (321)**; **Downtown Project (309)**; etc.):

I. Submittals:

- a. Staff packet due to Commission one week in advance of hearing; or
- b. At the discretion of the Planning Director and Planning Commission Officers, two weeks in advance of hearing.

II. Content of submittals should be as follows:

- a. Plans in compliance with the Planning Department's "Plan Submittal Guidelines;"
- b. Color streetscape of both sides of street;
- c. Digital photographs of existing conditions;
- d. 3-D digital renderings; and
- e. Environmental and historic resource documents to be attached to all submittals.

III. Hearing Procedures:

- a. A thorough description of the issue(s) by the Director or a member of the staff.
- b. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
- c. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The intent of the 10 min block of time provided to organized opposition is to reduce the number of overall speakers who are part of the organized opposition. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
- d. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
- e. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
- f. Director's preliminary recommendation must be prepared in writing.
- g. Action by the Commission on the matter before it.
- h. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
- i. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

IV. Other:

- a. Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.
- b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion.

E. Policy or Major Project Informational Presentations

I. Submittals:

- a. Staff packet due to Commission one week in advance of hearing; or
- b. At the discretion of the Planning Director and Planning Commission Officers, two weeks in advance of hearing.

II. Hearing Procedures:

- a. An introduction of the item or issue by the Director or a member of the staff.
- b. A presentation of the item or issue by staff or the issuing agency for a period not to exceed 20 minutes.
- c. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

III. Other:

- a. Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.
- b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion.

F. CEQA Appeals of Negative Declarations

I. Submittals:

- a. Staff packet due to Commission one week in advance of hearing; or

- b. At the discretion of the Planning Director and Planning Commission Officers, two weeks in advance of hearing.

II. Hearing Procedures:

- a. A thorough description of the issue by the Director or a member of the staff
- b. A presentation by the Appellant(s) team (includes appellant or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed ten (10) minutes.
- c. A presentation by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed ten (10) minutes.
- d. Testimony by members of the public would be up to three (3) minutes each.
- e. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

G. Amendment to motions should be read back at the same hearing before the vote is taken.

NOTE

The Commission strongly discourages members of the public, project sponsors, architects, lawyers, etc. to cross the railing that separates the Commission and staff from the public seating area to engage in conversation with staff or the members of the Commission while a meeting is in session.

Attachment B

Endorsement Letter List

1525 Pine Street

Betty Davis, Publisher of The Bay Times	Sanaz Nikaein, Austin Homeowner
Donna Sachet, SF LGBT Celebrity & Activist	Alice Huang, Austin Homeowner
Dr. Bill Lipsky, LGBT Historian & Published Author	Jake Medwell, Austin Resident
Gary Virginia, LGBT Activist & Mr. Leather 1996	Michael George, Holiday Inn Golden Gateway
Ken Henderson, REAF Richmond Ermet Foundation	Quensella Miller, SF Walking Tours
Gil Padia, Academy of Friends AIDS Nonprofit	Bamboo Restaurant, Neighboring Business
Brent Pogue, LGBT Activist	Little Chihuahua, Neighboring Business
Don Berger, LGBT Activist & Longtime Customer	Victor's Pizza, Neighboring Business
Nikos Diaman, LGBT Activist	Kasa Indian Restaurant, Neighboring Business
Phil Clark, Longtime Customer	Golden Farmer's Market, Neighboring Business
Linda & Fernando Santos, Former Grubstake Owners (30 years)	Jeet Big Times, Neighboring Business
Randy Shaw, Tenderloin Housing Clinic	Duncan Ley, Neighboring Business
Rene Colorado, Tenderloin Lower Polk Merchants Association	Brian Mcinerney, 1414 VanNess
Shah Awi, President SF Concierge Social Club	Abraham Fahim, Director UCSF
Kathy Cady, Founder SF Concierge Social Club	John Solaegin, Compass
Mei Tien Nguyen, Redding Elementary	Janet Witosky, Compass
Raquel Roque, Redding Elementary	Gary Johnson, Compass
	Kristina Hanson, Compass
	Par Haji, Compass
	Compass Realty



2261 Market Street, #309, San Francisco, CA 94114

February 20, 2018

To Whom It May Concern:

As publisher of the *San Francisco Bay Times*, a publication serving the Bay Area's LGBTQ community since 1978, I am writing in support of Grubstake's proposed redevelopment project which you are considering.

Members of our community have for many decades found the Grubstake location to be an excellent one to enjoy an affordable and delicious meal and to socialize and network with friends and colleagues. Grubstake has for many years welcomed the eccentric as well as the mainstream members of our diverse community.

Grubstake is important to us for many reasons, and having provided a safe and welcoming environment to gather is extremely valuable. Additionally, the restaurant has provided volunteers and pro bono product and service in support of HIV/AIDS and other LGBTQ organizations.

I have reviewed the proposal submitted by Grubstake executives and I believe it accurately and responsibly maintains the unique features, culture and spirit of the long-standing location. We encourage its approval.

Thank you for your consideration.

Most sincerely,

A handwritten signature in blue ink that reads "Betty L. Sullivan".

Dr. Betty L. Sullivan
Co-Publisher/Editor
San Francisco Bay Times
sfbaytimes.com
Publisher@sfbaytimes.com
415-601-2113 (direct)



Donna Sachet

~~Abolition~~ Empress XIX of San Francisco

584 Castro, Box 399
San Francisco, CA 94114
415-695-1942

March 1, 2018

To Whom It May Concern:

As a community activist involved in many groups LGBT and otherwise, I met recently with Jimmy Consos of Grubstake restaurant at 1525 Pine Street and came away thrilled with his plans. Mr. Consos understands and honors the history of this iconic eatery and is determined to respect those who have long made it a favorite San Francisco spot. His amazing familiarity with the history of the business leads him to build on past successes while addressing new tastes and demographics in our diverse community. He plans to maintain a menu that includes popular dishes, while adding new complementary items. Familiar visual elements will be seamlessly included in the new vision for the business. And the surrounding community will be included in Grubstake's continuing evolution.

With so much changing so rapidly in San Francisco, many times with no regard for traditions or history, it is refreshing to see a businessman so in touch with his customers and their desire to see Grubstake maintain its reputation and grow in popularity. Based on his relationships with Lower Polk Neighbors, businesses, and individuals, we are confident that his plans will catapult Grubstake to new successes and enhance its position within the neighboring community.

In addition, Mr. Consos is anxious to be an active participant in the larger community and offered to provide material support to non-profit fundraisers and to build relationships with many of the service organizations with which I work regularly. Such support is vital and greatly appreciated.

I could not be more excited for the future of Grubstake and fully support Mr. Consos' ambitious plans for this legacy business. It will be good for San Francisco!

Sincerely,

Donna Sachet

9/10/2018

Dear San Francisco Planning Commission,

My name is Dr. Bill Lipsky and I live in San Francisco. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake are forever part of our history and ensuring the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I found out Jimmy Consos and his team were the new owners I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy can thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it *ours* - like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above.

Best Regards,

A handwritten signature in cursive script that reads "Bill Lipsky". The signature is written in dark ink and is positioned above the printed name.

Dr. Bill Lipsky

February 16, 2018

Re: Grubstake Diner, 1525 Pine Street

To Whom It May Concern,

As a local activist and San Francisco resident, I am writing to support the proposed Grubstake Diner project at 1525 Pine Street.

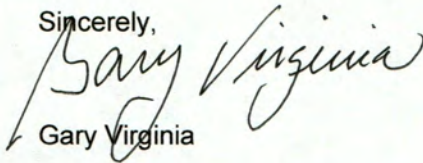
The new Grubstake diner and development will be a positive force in the Lower Polk community, adding to an already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, the project sponsors have been active in the Lower Polk Neighbors community, and always make themselves available to neighbors and business owners throughout the planning process. I strongly believe they will continue to responsibly operate the new development as they do now.

As for the proposed proposal of the new Grubstake diner it is not only thoughtfully planned and responds to neighborhood input, but also provides a great opportunity to continue the legacy business.

Thank you for your serious consideration on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Gary Virginia". The signature is written in dark ink and is positioned above the printed name.

Gary Virginia



Richmond/Ermet
Aid Foundation

PROVIDING AID FOR HIV SERVICES, HUNGER PROGRAMS AND UNDERSERVED YOUTH

Board of Directors

- Ken Henderson,
Executive Director
- Joe Seiler, *Board Chair*
- Noel Santos, *CFO*
- Sophie Azoaou
- Jeff Doney
- Patrik Gallineaux
- Darren Iverson
- Brent Marek
- Skye Paterson
- Cecil Russell
- Ramon Santos
- Beth Schnitzer
- Kevin Shanahan
- Gary Snow
- Cameron Stiehl
- Gary Thackeray

Founders:

Barbara Richmond
and Peggy Ermet

Advisory Board:

- Anna Alioto
- Bob Boemer
- Brian Boitano
- Ray Careme
- Chris Carnes
- Mario Diaz
- Norm Dito
- Andrew Freeman
- Debby Gibson
- Michael Holland
- John Leitner
- Senator Mark Leno
- Marilyn Levinson
- La Toya London
- Stan Osofsky
- Randy Taradash
- Tom Viola
- Jan Wahl
- Charles Zukow

August 28th, 2018

San Francisco Planning Commission
1650 Mission St. Suite 400
San Francisco, CA 94103

Dear San Francisco Planning Commission,

My name is Ken Henderson and I am the CEO of the Richmond/Ermet Aid Foundation. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake restaurant are forever a part of our history and ensuring that the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I learned Jimmy Consos and his team were the new owners, I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy is to thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it ours - like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above.

Best Regards,

Kenneth Henderson
Executive Director

February 1, 2018

Re: 1525 Pine Street

To Whom It May Concern,

As a resident and activist in the neighborhood, I am writing to support the proposed project at 1525 Pine Street.

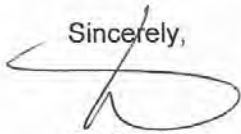
The new Grubstake diner and development will be a positive force in the Lower Polk community, adding to an already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, the project sponsors have been active in the Lower Polk Neighbors community, and always make themselves available to neighbors and business owners throughout the planning process. I strongly believe they will continue to responsibly operate the new development as they do now.

As for the proposed proposal of the new Grubstake diner it is not only thoughtfully planned and responds to neighborhood input, but also provides a great opportunity to continue the legacy business.

Thank you for your serious consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gil Padia', with a large, sweeping flourish extending to the left.

Gil Padia
Academy of Friends

August 31st, 2018

San Francisco Planning Commission
1650 Mission St. Suite 400
San Francisco, CA 94103

Dear San Francisco Planning Commission,

My name is Brent Pogue and I am actively involved in the Academy of Friends Charity Organization. I have also been a San Francisco resident for over 30 years and for a number of those years I lived in the Polk St. area. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake are forever part of our history and ensuring the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I found out Jimmy Consos and his team were the new owners I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy can thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it ours - like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above. Not only is the Grubstake important to the LGBTQ community but the new restaurant is welcoming to the ever changing demographic of the Polk corridor community at large and will be inclusive of all our neighbors.

Best Regards,

Brent Pogue

A handwritten signature in black ink, appearing to read 'Brent Pogue', followed by a long horizontal line extending to the right.

February 16, 2018

Re: Grubstake Diner, 1525 Pine Street

To Whom It May Concern,

As a neighborhood resident and longtime customer of Grubstake, I am writing to support the proposed Grubstake Diner project at 1525 Pine Street.

The new Grubstake diner and development will be a positive force in the Lower Polk community, adding to an already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, the project sponsors have been active in the Lower Polk Neighbors community, and always make themselves available to neighbors and business owners throughout the planning process. I strongly believe they will continue to responsibly operate the new development as they do now.

As for the proposed proposal of the new Grubstake diner, it is not only thoughtfully planned and responds to neighborhood input, but also provides a great opportunity to continue the legacy business.

Thank you for your serious consideration on this matter.

Sincerely,

Regarding the original mural, while it is artistic, it seems to be out dated. A New, more Modern design, should be considered.

Don Berger 415-933-7014

October 10th 2018

Dear San Francisco Planning Commission,

My name is Nikos Diaman and I live in San Francisco. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake are forever part of our history and ensuring the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I found out Jimmy Consos and his team were the new owners I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy can thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it *ours* – like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above.

Best Regards,

A handwritten signature in black ink that reads "N. A. Diaman". The signature is written in a cursive, slightly stylized font.

Nikos Diaman

February 16, 2018

Re: Grubstake Diner, 1525 Pine Street

To Whom It May Concern,

As a neighborhood resident and longtime customer of Grubstake, I am writing to support the proposed Grubstake Diner project at 1525 Pine Street.

The new Grubstake diner and development will be a positive force in the Lower Polk community, adding to an already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, the project sponsors have been active in the Lower Polk Neighbors community, and always make themselves available to neighbors and business owners throughout the planning process. I strongly believe they will continue to responsibly operate the new development as they do now.

As for the proposed proposal of the new Grubstake diner it is not only thoughtfully planned and responds to neighborhood input, but also provides a great opportunity to continue the legacy business.

Thank you for your serious consideration on this matter.

Sincerely,

Philip Clarke
Philip CLARKE
415 776-5254

09/20/2018

To Whom It May Concern

Our names are Fernando and Linda Santos and we are the former owners of Grubstake Diner. We're so proud of the role Grubstake and places like it have played in making San Francisco the open, accepting, and eccentric city we love, which is why we are writing to enthusiastically support the 1525 Pine Street proposal.

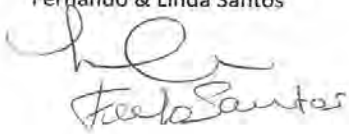
We sold Grubstake with mixed emotions in 2015 after 26 joyful and rewarding years. We also knew it was time for a change. The proposal for 1525 Pine Street will ensure the next generation will enjoy the diner just like San Franciscans in years past.

We have high hopes for Grubstake's future. The new owners, Jimmy Consos and Nick Pigott promised to run Grubstake as the community knew it and they have lived up to that commitment. We hope to see Grubstake live on, but the atmosphere and the feeling customers get when they take a seat are more important than the physical building. We trust Jimmy and his team to get the *next* Grubstake right.

We also support the project because 1525 Pine Street delivers badly-needed homes for one of the City's most lively neighborhoods. The project team has partnered with the Lower Polk CBD and the alleyways initiative, even deciding to orient the building so its main entrance is on Austin Alley. Please approve 1525 Pine Street without delay.

Best Regards,

Fernando & Linda Santos

A handwritten signature in cursive script, appearing to read "Fernando Santos". The signature is written in dark ink and is positioned below the typed name "Fernando & Linda Santos".

TENDERLOIN HOUSING CLINIC

126 Hyde Street
San Francisco, CA 94102
Tel. (415) 771-9850
Fax. (415) 771-1287

RANDALL M. SHAW
STEPHEN L. COLLIER
RAQUEL FOX
STEPHEN P. BOOTH
MARGARET DEMATTEO
TYLER ROUGEAU
MICHAEL ZITANI

Contact:
Email: randy@thclinic.org
Phone: 771-9850 x 1117

July 10, 2018

Claudine Asbagh
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 1525 Pine Street

Dear Ms. Asbagh,

I am writing to express my support for the proposed demolition of the Grubstake restaurant and the construction of a seven-story building containing residential units and commercial space (including a newly built Grubstake restaurant).

I have gotten to know the Grubstake owners through their attending events at the Tenderloin Museum. They care about the neighborhood's history. They will do their best to restore the Grubstake's key architectural features in the new building. Their proposal to preserve the restaurant's look and menu in a new building will enhance its chances for longterm viability.

Thank you for your consideration.

Sincerely,

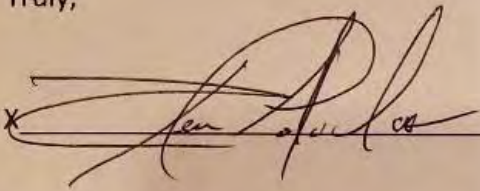


Randy Shaw
Executive Director

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

A handwritten signature in black ink, appearing to read "Jen Paulsen", written over a horizontal line.

Date

4/12/21

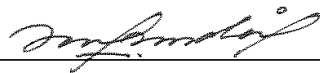
Name/Business Tenderloin Lower Polk Merchants + property owners
Assoc.

Address 1390 Market st Suite 205 SF. CA. 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  Date April 3rd, 2021

Name/Business San Francisco Marriott Fisherman's Wharf

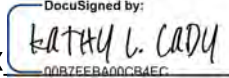
Shah Awi - Concierge
SF Marriott Fisherman's Wharf
1250 Columbus Ave, SF CA 94133

Address _____

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  Date 4/4/2021

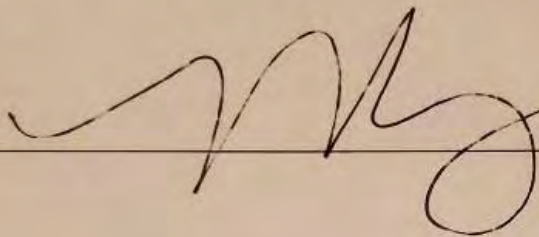
Name/Business Kathy Cady, Founder Concierge Social Club

Address 1416 Grant Avenue, #3, San Francisco, CA 94133

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  Date 4/15/21

Name/Business Mai Tien Nguyen Redding E.S

Address 1421 Pine St

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x Raquel Roque Date 4/15/21

Name/Business Raquel Roque | Redding E.S.

Address 1421 pine st.

Sanaz Nikaein

1545 Pine Street #209

San Francisco, CA 94109

sanazbanu@yahoo.com

September 27, 2020

San Francisco Planning Department
Attn: Samantha Updegrave
49 South Van Ness Ave, Suite 1400
San Francisco CA 94103

Dear Samantha,

My name is Sanaz Nikaein and I am a homeowner at The Austin condominiums at 1545 Pine Street. I am contacting you to express my support for the currently proposed Grubstake project at 1525 Pine Street. I have reviewed the plans and I believe the building will be a great addition to the neighborhood. The thoughtful design integrates the building into the community by orienting pedestrian access to Austin Alley, a growing hub and key component of the Lower Polk Alley initiative. They alley is a continuing challenge to residents' safety, and I believe that additional positive activation in Austin Alley will be a key ingredient in alleviating this concern.

As an adjacent neighbor, I am a fan of the Grubstake and appreciate its importance to the neighborhood. I want to see it remain here on Pine Street for many years, and I am pleased that the proposed project will bring both new housing to the community while also incorporating the timeless charm that makes the Grubstake a one-of-a-kind destination.

The project sponsor has demonstrated a collaborative planning process – seeking input from nearby neighbors and providing timely updates on the status of the proposal. 1525 Pine Street will be an asset to the Lower Polk community and I encourage the Planning Commission's approval of the project.

Sincerely,

Sanaz Nikaein

From: Alice Huang alicehuang@sbcglobal.net
Subject: Grubstake Project at 1525 Pine Street
Date: January 23, 2020 at 10:25 PM
To: samantha.updegrave@sfgov.org
Cc: nick@pinestreetdev.com, jconsos@gmail.com



Dear Samantha,

My name is Alice Huang and I am a homeowner at The Austin condominiums at 1545 Pine Street. I am contacting you to express my support for the currently proposed Grubstake project at 1525 Pine Street.

When I was a potential buyer of the The Austin condo, I was provided with disclosures about the project at 1525 Pine Street. After the purchase of my unit, the HOA of Austin has kept us updated for the progress of the project movement.

As a neighbor owner of the Grubstake project, I feel strongly that the development will greatly improve the immediate neighborhood. 1525 Pine Street will be an asset to the Lower Polk community.

Thus, I encourage the Planning Commission's approval of the project.

Thank you
Alice Huang

Jacob Medwell
1545 Pine St #1101
San Francisco CA 94109
(206)999.1418

Dear Claudine and Samantha,

My name is Jake Medwell and I am a resident at The Austin condominiums at 1545 Pine Street. I am contacting you to express my support for the currently proposed Grubstake project at 1525 Pine Street.

I have reviewed the plans and I believe the building will be a great addition to the neighborhood. The thoughtful design integrates the building into the community by orienting pedestrian access to Austin Alley, a growing hub and key component of the of the Lower Polk Alley initiative.

As an adjacent neighbor, I am a fan of the Grubstake and appreciate its importance to the neighborhood. I want to see it remain in its reincarnated form on Pine Street for many years, and am pleased that the proposed project will both bring new housing to the community while also incorporating the timeless charm that makes the Grubstake a one-of-a-kind destination.

The project sponsor has demonstrated a collaborative planning process – seeking input from nearby neighbors and providing timely updates on the status of the proposal. 1525 Pine Street will be an asset to the Lower Polk community and I encourage the Planning Commission's approval of the project.

Please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Medwell', with a horizontal line underneath the signature.

Jake Medwell

San Francisco Entertainment Commission
City Hall, Room 12, Ground Level
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

Dear Entertainment Commission Members,

I am writing to support the proposed project at 1525 Pine Street, application number. I am the General Manager of The Holiday Inn Golden Gateway Hotel.

The 1525 Pine Street project will be a positive force in the Lower Polk Community, adding to the already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, 1525 Pine Street project sponsors - Jimmy Consos and Nick Piggott - have been active in the Lower Polk Neighbors community group, and have made themselves available to neighbors and business owners throughout the planning process. The proposal is not only thoughtfully-planned and responsive to neighbors, but will be positive for me as a local business owner.

The project team has provided ample notice about 1525 Pine Street's matter at the Entertainment Commission, and I fully support the project.

Thank you and best regards,



Michael George
General Manager

Holiday Inn Golden Gateway Hotel
1500 Van Ness Ave.
San Francisco, CA 94109

August 21st, 2018

San Francisco Planning Commission
1650 Mission St. Suite 400
San Francisco, CA 94103

Dear San Francisco Planning Commission,

My name is Quensella Miller and I am the owner of Q walking tours. I am a San Francisco native and I have lived in the Polk Street area for a number of those years. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake are forever part of our history and ensuring the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I found out Jimmy Consos and his team were the new owners I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy can thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it ours - like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above.

Best Regards,



Quensella Miller

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date 03/05/2021

Name/Business Bamboo Restaurant

Address 1441 Polk St SF. CA 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x Jose Salazar Date 09/03/2021

Name/Business The Littlechickadee Polk

Address 1431 polk st.

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x ANDY ESKANDARIAN Date 4-5-21

Name/Business VICTOR'S PIZZA

Address 1411 POLK STREET S.F CA 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X Arunima Khanna Date 4/5/21

Name/Business Kasa Indian Eatery

Address 1356 Polk St SF 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x Farooq Mazid Date 4-5-21

Name/Business Golden Farnak Market

Address 475 Polk St suite 1 SF CA 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x



Date

4/05/2021

Name/Business

JEET Big Times

Address

1444 Polk Street

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date 4/7/21

Name/Business Duncan Lay (owner) Soda Popinski's

Address 1548 California St, 94109

BRIAN MCINERNEY

415 847-1423 RXMRES@gmail.com

April 20, 2021

To Whom It May Concern,

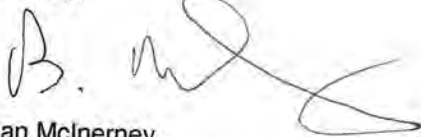
As a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner.

This project will be welcome improvement for the neighborhood. It not only preserves the Grubstake Diner, it also adds much needed middle income and affordable housing while enhancing the experience along Austin Alley.

For many years Jimmy and Nick have participated in our local community, assisting and contributing to the beautification and safety of the area. We need more business owners like them to continue to invest in the Lower Polk neighborhood in order for it to continue to be a place people can afford to live and enjoy.

Please approve this project without delay.

Sincerely,



Brian McInerney

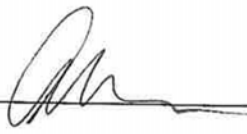
Property Management

1412/ 1414 Van Ness at Austin Alley

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date April 29, 2021

Name/Business Abraham Fahim

Address 239 Brannan St
San Francisco CA

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X John R Solaequin Date 04/05/2021

Name/Business Compass

Address 1400 Van Ness Avenue

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X Janet L. Witkosky Date 4/6/2021

Name/Business Compass

Address 1400 Van Ness Avenue

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X John R Solaequin Date 04/05/2021

Name/Business Compass

Address 1400 Van Ness Avenue

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date 4/6/21

Name/Business COMPASS

Address 1400 VAN NESS AVE

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x Darryl Johnson Date 4/6/21

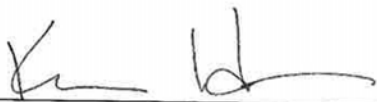
Name/Business Compass

Address 1400 Van Ness
SF, CA. 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date 4/6/2021


Name/Business Kristina Hansen

Address 1400 Van Ness Ave
San Francisco CA 94107

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  Date 4/6/2021

Name/Business PAR HANJI - COMPASS

Address _____

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date 4/6/21

Name/Business COMPASS

Address 1400 VAN NESS AVE

Attachment C

THE AUSTIN, SAN FRANCISCO, CALIFORNIA
SELLER'S ADDITIONAL DISCLOSURE TO PURCHASERS

PACIFIC PINE LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE ENTITY THAT OWNS THE PROJECT AND IS SELLING THE UNITS, HEREBY PROVIDES THE FOLLOWING ADDITIONAL DISCLOSURE TO BUYERS OF CONDOMINIUM UNITS AT THE AUSTIN.

The Seller of The Austin understands that entitlement applications have been submitted to City agencies for a proposed new 7-story mixed-use commercial and residential development at the adjacent property to the east at 1525 Pine Street. Complete details for the potential development and proposed construction timeline are not available at this time. The proposed project has not been approved and building permits have not been issued by City agencies at this time. The future of the proposed project is uncertain at this time. It is unknown whether the proposed project will be approved and built. If the project is built, it may be constructed with different specifications. Until such time as the proposed project is approved, permits are issued and the project is constructed, it is subject to change.

If the proposed project at 1525 Pine Street is approved and construction proceeds, then throughout the demolition and construction processes at 1525 Pine Street, construction personnel may have temporary access to the Project and a construction crane may have a temporary right to traverse the Project's airspace. Completion of the proposed 1525 Pine Street project may impact unit views, light source and privacy for certain Units and areas of the Project, particularly those of east facing Units in the Project. The roof of the proposed 1525 Pine Street project may contain venting and mechanical equipment that may be visible from your Unit and the Project, and may contain roof deck(s). The proposed redevelopment of 1525 Pine Street currently includes retaining Grubstake restaurant, as discussed in the Seller's Supplemental Disclosures to Purchasers (the "Disclosure Statement"), as the ground floor tenant. You should contact the San Francisco Planning Department for further detail.

All capitalized terms used but not defined herein shall have the same meaning given to such term in the Disclosure Statement.

ACKNOWLEDGEMENT

Buyer has fully read and understands this Additional Disclosure and has asked any questions Buyer deems appropriate to clarify any issue(s) described herein.

Signature _____

Printed Name _____ Date _____

Signature _____

Printed Name _____ Date _____

Seller's Representative

Unit Number _____

Attachment D



July 1, 2021

Mr. Joel Koppel, President
San Francisco Planning Commission
49 South Van Ness, Ste 1400
San Francisco, CA 94103

**Re: 1525 Pine Street (Case No. 2015-009955CUA) – July 22, 2021 Hearing
and State Density Bonus.**

Dear President Koppel and Commissioners,

On May 6, 2021, the Planning Commission reviewed and heard testimony for the “Grubstake Project” located at 1525 Pine Street.¹ At the hearing, concern was raised by owners at the Austin, a newly constructed condominium development adjacent to the Grubstake, regarding light impacts on the interior courtyard and specifically, impacts to residents of the condominiums that front along that courtyard. Based on those concerns, the Planning Commission continued the Grubstake Project, asking that additional analysis be provided regarding light to those interior condominiums as well as options to increase or improve light conditions.

Following the Planning Commission hearing, the Project sponsor retained Adam Phillips from PreVision Design, a well-known and well-regarded shadow and light expert, to analyze the light conditions and provide recommendations to increase light to the interior facing condominiums. A copy of PreVision’s report and findings is included as **Attachment 1**. In sum, PreVision found that a 79-foot building with lighting increases the perceived brightness to residents by +0.24% on an annual basis over a 65-foot building, meaning the light impacts to owners of interior facing condominiums is virtually identical in a code compliant versus density bonus scenario.² This report has been shared with owners at the Austin and the Project sponsor has also hosted a video call with those owners fronting the interior courtyard where Adam from PreVision presented his findings and answered questions.³

At the May 6, 2021 hearing, the Planning Commission also asked questions about the 1545 Pine Street (the Austin) approvals. We have been able to locate documents related to that approval including the exposure variance granted for the interior courtyard and a recorded document and diagram indicating that one inclusionary unit⁴ fronts the interior light well. In granting the exposure variance for the Austin, the Zoning Administrator specifically found that “[n]umerous residential

¹ The Grubstake Project would redevelop the Grubstake site using the State Density Bonus Law to provide 21 dwelling units in a 79-foot-tall building with 2,473 square feet of commercial space for the Grubstake restaurant (“Project”).

² The PreVision report analyzes the difference in light from a 65-foot building and 79-foot building and a 79-foot building with lighting. As the project is utilizing the State Density Bonus Law and has the full protections of the Housing Accountability Act, discussion, and analysis of existing conditions (i.e., no project) was not prepared nor warranted.

³ This video call was held on June 25, 2021. A copy of the presentation from this video call is also included in **Attachment 1**.

⁴ The Austin includes 12 inclusionary units.



buildings in the Polk Street NCD and Van Ness SUD predate the Planning Code and provide dwelling unit exposure on light courts or other open areas that do not strictly comply with Section 140 [and] that the granting of this variance would allow for a design comparable to many other high rise buildings in San Francisco.” Thus, the condition created at the Austin is not unique. Copies of these documents as well as the caption notes from the October 2, 2014 hearing on the Austin are included as **Attachment 2**.

Finally, at the May 6, 2021 hearing, there was some Planning Commission discussion regarding requesting the Project reduce its height. As the Planning Commission is aware, the Project is utilizing the State Density Bonus Law (SDBL) by including 13% of the units for very low-income tenants. The Project fully complies with the SDBL which limits the Planning Commission’s discretion in its review. The Project also has the full protection of the Housing Accountability Act (HAA).⁵ Under these protections, the Planning Commission cannot disapprove the Project or lower its density unless it finds by a preponderance of the evidence that it would have a specific, adverse impact on public health or safety and there is no feasible way to mitigate or avoid the impact. Those findings require the Planning Commission to identify “objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete”⁶ as well as affirmatively find that there are no feasible means of mitigating or avoiding such public health or safety impacts other than rejecting the Project or reducing its size.⁷ Not only can those findings not be made, but the report prepared by PreVision clearly establishes that the 79-foot tall building with lighting will not result in a public health or safety impact.

While we understand the frustration of the owners of the 10 condominiums fronting the interior courtyard, they, along with all other owners in the Austin received and signed a separate disclosure regarding the 1525 Pine Street project as part of purchasing their condominiums. That disclosure specifically stated that “[c]ompletion of the proposed 1525 Pine Street project may impact unit views, **light source** and privacy for certain units, ... particularly east facing Units.” (emphasis added). These owners may have been misled by sales staff as to the likelihood of something being built, but at the time they purchased, an application was on file for 1525 Pine Street and they were notified that something would be built and could built “with different specifications” than noted in the application. A copy of that disclosure is included as **Attachment 3**.

For these reasons, and for all the reasons outlined in our May 4, 2021 letter, which is included without attachments as **Attachment 4**, we respectfully ask the Planning Commission take action to approve the Project.

⁵ Following the May 6, 2021 hearing, the Project sponsor amended its SDBL application to include an incentive/concession for unit mix. As discussed below, this incentive is legally justified as it does not change the density allowed on the Project site and evidence has been submitted that shows the incentive/concession will result in tangible and quantifiable cost reductions that allow the Project to provide on-site affordable housing units.

⁶ Gov. Code Section 65589.5(j)(1)(A).

⁷ Gov. Code Section 65589.5(j)(1)(B).



I. Light in the Interior Courtyard at The Austin

The Grubstake Project has been in process for over six (6) years. During that time, the Project sponsors have met and worked extensively with the community, neighbors and interested parties preparing technical studies to listen, analyze and respond to comments and concerns raised. When the issue of light within the Austin’s interior courtyard was raised by owners at the Austin, the Project sponsors committed to investigating and incorporating light enhancing features to address the concerns.

Over the past several months, the Project sponsors have reached out to light experts to evaluate various options to enhance light in the interior courtyard. This includes adding reflective facade panels, installing a feature on the roof of 1525 Pine Street to “scoop light” and direct it down into the interior courtyard, and create an exterior catwalk along a portion of the core to eliminate solid walls and allow light to flow through the building. None of these options, however, are feasible.

Reflective façade panels would have the unintended consequence of creating heat and reflective glare. An example of this is the “Walkie Talkie” building in London which was modified after it was discovered that the reflective panels created such a concentration of light and glare that it melted cars and could fry an egg on the sidewalk.⁸ “Scooping light” is not possible given the sun angle, width of the structure and depth of the interior courtyard. Exposing portion of the building’s core via exterior catwalks is not feasible under the fire code and enclosing these areas with fire-rated glass or other transparent material is also not possible as the cost is estimated to be over \$3 million, rendering the Project financially infeasible.

As part of the effort to find a solution to concerns, and in response to questions raised by the Planning Commission, the Project Sponsors retained Adam Phillips from PreVision Designs to conduct an Exterior Lighting analysis focusing on light levels in the adjacent interior courtyard at 1545 Pine Street. As noted above, a copy of this report is included as **Attachment 1**. PreVision was tasked with analyzing the difference in light in the interior courtyard between a code compliant 65-foot structure versus the 79-foot structure proposed under the SDBL. Working with the Project architects, PreVision also consulted on a lighting scheme to increase light in the interior courtyard, then comparing the light under this scenario against both the 65-foot structure and the 79-foot structure. An analysis of existing conditions was not part of the scope because it is not realistic or reasonable to assume no development on the Project site given it is an underutilized parcel, in the urban core, adjacent to transit and the property owners have a legal right to develop.

As shown in the table below, the PreVision report found that while the interior courtyard brightness “varied significantly at different times of day and during different times of year” a 65-foot building would result in a “modest amount of additional brightness relative to the 79-ft project” but that “[w]ith the addition of indirect lighting...the in average annual brightness of the 79-ft project

⁸ See <https://www.nbcnews.com/news/world/it-hotter-anywhere-ive-ever-been-london-skyscraper-melts-cars-flna8c11066086>; <https://www.bbc.com/news/uk-england-london-27425560>



with lighting and the 65-ft project would be virtually identical.”⁹

Annualized quantitative light level comparisons				
<i>Building Height/Features</i>	65-ft	79-ft	79-ft + lighting	% Change (65-ft vs. 79-ft + Lighting)
Annual LuxHrs	859,824	664,978	875,276	+15,452
Average Annual Perceived Brightness	79.15%	75.40%	79.39%	+0.24%

When the Austin was approved, as evidenced in the approval documents included in **Attachment 2**, the exposure issues associated with its interior courtyard were known and it was noted that such a configuration is not new in the City or in the area. In fact, the Zoning Administrator under Finding III.B for the Variance granted found that the interior courtyard dwelling units will all “face onto an open area with a minimum dimension of 25 feet by 25 feet, **which is more than the amount available for many existing dwelling unit** in the area that were constructed prior to the exposure requirement of the Code.”¹⁰ Owners of condominiums at the Austin facing this interior courtyard had notice of this condition at the time they purchased their units through the disclosures they signed. Any assumption that the adjacent parcel would never be developed not only was unreasonable but counter to publicly accessible information and evidence specifically placed before them.

Concerns regarding the interior courtyard lighting have not been ignored by the Project sponsor. In fact, the Project sponsor has worked diligently on them, commissioning an independent analysis from PreVision and committing to incorporate lighting studied in the PreVision report into its building. The Project sponsor will also continue to work with the owners at the Austin on this issue and is willing to discuss other viable options consistent with the Project proposed to increase light and brightness.

II. State Density Bonus Law

Under the SDBL (Gov. Code Section 65915), a project sponsor may seek additional density for a proposed project depending on the amount of affordable housing included in the project and the project sponsor may also seek up to three development concessions and incentives and unlimited waivers to development standards that would physically preclude the development of the project. In exchange for providing 13% of the Project units as for very low-income tenants, the Project is seeking six (6) additional units, two (2) concessions/incentives and eight (8) waivers of development standards. As provided in more detail below, the concessions/incentives result in tangible and quantifiable cost reductions that allow the Project to provide the affordable housing units. Additionally, due to the narrow and long shape of the lot, without the eight (8) waivers the Project’s construction inclusive of the affordable housing units would be physically precluded.

⁹ Prevision Report pg. 8.

¹⁰ See Finding III.B, pg. 4 (emphasis added).



The Project's additional density request, the incentives/concessions it seeks, along with the eight (8) waivers needed to provide the affordable housing units, fall directly within the requirements of the SDBL. They will not have an adverse impact on health and safety and are not contrary to state or federal law and, therefore, must be approved by the Planning Commission. For reference, these requests are summarized below.

A. Concession/Incentive

The Project seeks two (2) concessions/incentives that result in actual identifiable cost reductions to the Project.

1. Bay Window Projections (Section 136)

Under the Planning Code, allowable projections may extend 2' and be 15' maximum in length along Austin Street. The Project includes bay windows that project into Austin Street that are outside of the allowable extent of the projection limits under the Planning Code. This projection, however, recovers floor area that is lost to Project lightwells. The Project sponsor provided abundant information and analysis to Planning staff to substantiate the conclusion that the Project's additional floor area and the cost saving from using one frame wall system would offset the cost of providing affordable housing on site and therefore a concession is entirely appropriate under the SDBL.

2. Dwelling Unit Mix (Section 207.6)¹¹

In the Polk Street NCD at least 35% of residential units must be two (2) and three (3) bedroom units and at least 10% must be three (3) bedroom units. The Project proposes 28% of the units as two (2) and three (3) bedrooms with 14% of the units as three (3)-bedroom units. To strictly meet the Planning Code requirements for unit mix, the construction of an entire additional floor would be required. As density in the Polk Street NCD is based on lot area, not building form, non-compliance with the unit mix requirement will not increase the overall density permitted on the site. The project site is very narrow, limiting floor plan layouts and constraining the number of two (2) or three (3) bedroom units per floor. Adding another floor to the Project would not only increase overall construction costs but would also change the building classification. The building currently is 72' 10" tall. Adding another floor would increase the building height by a minimum of 9'-8.5" resulting in the highest level of residential occupancy above 75' resulting in it being classified as "high-rise construction." "High-rise construction" requires additional building systems, safety/egress systems and increases overall construction costs. As supported by the provided information, this increase in construction costs would render the Project financially infeasible and thus an incentive is warranted.

¹¹ The Project originally only requested a Conditional Use authorization (CUA) to deviate from the dwelling unit mix requirements. Given that the CUA does not increase the density permitted under the SDBL for the Project, the request also qualifies for an incentive under the SDBL, which is now being requested.



B. Waivers

The Project seeks eight (8) waivers from development standards that preclude the development of the Project.

1. Rear Yard (Section 134)

The Project is required to provide a rear yard equal to 25% of lot depth. The Project site is narrow and deep, and it is physically infeasible to build the Project with the required rear yard. The Project does include rooftop open space as well as two lightwells, but a strict enforcement of the Code requirement would preclude the development of the Project. The Project is relying on a waiver under the SDBL of this requirement.

2. Common Open Space (Section 135g)

The Planning Code requires 1,008 square feet of Common Open Space for the Project's 21 units. The Project seeks a waiver from the Planning Code for Common Useable Open Space. The Project provides 749 square feet of Common Open Space on a roof deck, which is 74% of the open space required. The Project also provides six (6) private balconies for units, but the dimensions of the balconies do not meet the minimum requirements to qualify as code compliant private open space. Providing code compliant balconies in the Project would physically preclude the development of the Project as it would require the complete loss of four (4) units and the significant reduction of square footage in other units, rendering the Project physically infeasible. The Project is relying on a waiver under the SDBL of this requirement.

3. Unit Exposure (Section 140)

The Project seeks a waiver for minor deviation from the Planning Code's Dwelling Unit Exposure requirements. Only one (1) of the Project units do not meet the strict requirements of the Planning Code as it provides less than the required 25 feet wide exposure in each direction. The unit instead faces onto a six (6) feet by 25-foot lightwell but also contains a private balcony. The Project requires a waiver as the strict adherence to the Planning Code would physically preclude the construction of the Project as proposed and the Project is relying on the SDBL for a waiver of this requirement.

4. Ground Floor Ceiling Height (Section 145.1(c)(4))

The Project seeks a waiver from the Planning Code Ground Floor Ceiling Height requirement of 14-feet. The Project is honoring the design elements of the existing Grubstake restaurant on the ground floor, including a barrel ceiling with a proposed ceiling height of 10-feet. Because the lot slopes down from west to east and is narrow, strict adherence to the Planning Code requirements for Ground Floor Ceiling Height is not viable and would result in a loss of units that would physically preclude the development of the proposed Project. The Project is relying on a waiver under the SDBL of this requirement.



5. Transparency (Section 145.1(c)(6))

The Project seeks a waiver from the Planning Code requirements for Transparency that 60 percent of the street frontage on the ground level allow visibility into the building. The Project proposes 28% transparency on the ground floor of the Austin Street side and 26% on the Pine Street side. On the Austin Street side strict compliance would not allow the Project to house the required rear egress and solid waste access areas. On the Pine Street side strict adherence, would preclude the required egress and the use of salvaged material from the Grubstake given the very narrow width of the lot. As a result, adherence would physically preclude the construction of the proposed Project and the Project is relying on a waiver under the SDBL of this requirement.

6. Height (Section 250)

The Project seeks a waiver from the 65-foot height limit. The Project would reach a height of 83-feet. The additional height facilitates the development of additional units in the Project. The adjacent project at 1545 Pine Street and the hotel across Pine Street both are taller structures upslope of the Project and without the additional height, the Project would be physically precluded from achieving the proposed density. The Project is relying on a waiver under the SDBL of this requirement.

7. Setback on Narrow Street (Section 261.1)

The Project seeks a waiver from the Planning Code requirements from the setback requirements along the Austin Street (rear) frontage. As a through lot, no setback is provided along the Austin Street frontage to maintain the street wall. Austin Street is not a heavily used street and relief from setback requirements would not result in a design that overwhelms the street. Strict adherence to the requirements would reduce the Project's square footage by pushing the building back from the street, resulting in a loss of units and physically precluding the development of the Project. The Project is relying on a waiver under the SDBL.

8. Bulk (P.C. Section 270)

The Project seeks a waiver from the Planning Code requirements from the 125-foot maximum diagonal dimensions on both Pine and Austin Street. The Project, including the bay window projections, totals just over 128 feet and the Project has taken steps to articulate the façade to offset the impacts. The Project is compatible in design to the adjacent 1545 Pine Street and narrowly tucks into the infill lot. Strict adherence to the Bulk requirements would physically preclude the construction of the Project's additional dwelling units. The Project is relying on a waiver under the SDBL of this requirement.

C. Limited Discretion to Deny Density Bonus Projects

The SDBL provides no mechanism for a city to deny the award of a density bonus so long as the Project provides the requisite amount of affordable housing. As stated in *Wollmer v. City of Berkeley*



(2009) 179 Cal. App. 4th 933, “...when an applicant seeks a density bonus for a housing development that includes the required percentage of affordable housing, section 65915 *requires* that the city not only grant the density bonus but provide *additional* incentives or concessions where needed based on the percentage of low-income housing units.”(emphasis added) The SDBL expressly outlines the very limited discretion and circumstances when an incentive, concession and waiver may be denied. In an instance where a local government considers denial of an incentive or concession, it must bear the burden of proof with substantial evidence to deny the incentive, concession, or waiver request (see Gov. Code Section 65915(d)(1)). The grounds for the denial must be accompanied by detailed findings and to deny the concession, the city or county must find (1) that the incentive, concession or waiver does not result in actual cost reductions to the project’s provision of affordable housing, (2) would have an adverse impact on public health and safety or (3) would be contrary to state or federal law (Gov. Code Section 65915(d)(1). The grounds for denial of a wavier are essentially the same as for an incentive/concession (see Gov. Code Section 65915(e)(1)).

For example, in this instance for the Planning Commission to deny the Project’s request for a waiver from the Planning Code Height Requirement (P.C. Section 250) or from the incentive on Dwelling Unit Mix (P.C. Section 207.6), the Planning Commission would have to determine that the height waiver or the dwelling unit mix incentive do not result in a cost reduction to provide for the affordable housing or that the incentive or waiver would have an adverse impact on health and safety or is contrary to state or federal law. The Planning Commission would have to support that denial with substantial evidence. In sum, a city has no discretion to deny additional density if the specified level of affordable housing is met and limited discretion to deny an incentive, concession, or waiver unless substantial evidence supports one of the three required findings above.

The SDBL policy purpose to generate new affordable housing and place limits on the discretionary review of waivers if reinforced by the fact that if a developer does not even submit a request for a development standard waiver, the City is prohibited from applying a development standard that has the effect of precluding the construction of a development at the density permitted under the SDBL (Gov. Code Section 65915(e)(1)).

III. Housing Accountability Act Requires Approval

The HAA was created to strongly encourage approval of housing developments like the Project, and to narrowly define the authority of local agencies to deny or significantly condition the approval of such housing developments. Under the HAA, “[w]hen a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project’s application is determined to be complete...” a local agency cannot disapprove a project or lower its density unless it finds by a preponderance of the evidence that the project would have a specific, adverse impact on public health or safety, and there is no feasible way to mitigate or avoid the impact.¹² Pursuant to the HAA, the Project is to “...be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if

¹² Gov. Code Section 65589.5(j)(1).



there is substantial evidence that would allow a reasonable person to conclude that [the Project] is consistent, compliant, or in conformity.”¹³ Taking into consideration the concession/incentives and waivers for the Project, there is no question that the Project is consistent, compliant, and in conformity with the objective standards of applicable City land use plans, programs, policies, ordinances and regulations as the Project only requires Conditional Use Authorization (CUA) for development of a lot more than 2,500 square feet and for a non-residential use in excess of 2,000 square feet.

Under the HAA a city has severely limited discretion to deny a project and the HAA sets “...forth the only conditions under which an application may be disapproved.” *N. Pacifica, LLC v. City of Pacifica*, 234 F.Supp.2d 1053, 1059 (N.D. Cal. 2002), *aff’d sub nom. N. Pacifica LLC v. City of Pacifica*, 526 F.3d 478 (9th Cir. 2008). The Planning Commission may not reject the Project or reduce its density based on any subjective or discretionary criteria, such as “suitability” or “compatibility.” *Honchariv v. Cty. of Stanislaus*, 200 Cal.App.4th 1066, 1076, 1079 (2011). In short, the only grounds on which the Project could legally be rejected under the HAA are extremely narrow. For example, before the Planning Commission could legally reject the Project or reduce its density, it would be required to demonstrate, based on a preponderance of the evidence, that the Project would cause “a significant, quantifiable, direct, and unavoidable impact” on public health or safety “based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”¹⁴ The Planning Commission would also be required to affirmatively find that there are no feasible means of mitigating or avoiding such public health or safety impacts other than rejecting the Project or reducing its size.¹⁵ Moreover, the Legislature emphasized its expectation that conditions that would have a specific, adverse impact on “public health or safety” would “arise infrequently.”¹⁶

In sum, as in the discussion of the SDBL above, the HAA restricts the Planning Commission’s discretion to deny the Project as there is no evidence that the Project would cause quantifiable significant unavoidable impact on public health and safety. Absent making such finding, the Planning Commission must approve the Project.

* * * * *

The Project clearly meets the threshold requirements under the SDBL that the requested additional density is consistent with the amount of affordable housing included in the Project, the concession/incentives clearly reduce the cost to the Project’s provision of affordable housing, and the waivers sought ensure that the Project is not physically precluded from construction. The Planning Commission had very limited discretion under the SDBL to deny the additional density, the concession or the waivers sought as we do not believe that the Planning Commission can make the necessary findings supported by substantial evidence. Pursuant to the HAA, the Project is in conformity with objective zoning and planning standards and there is no evidence, let alone a

¹³ Gov. Code Section 65589.5(f)(4).

¹⁴ Gov. Code Section 65589.5(j)(1)(A).

¹⁵ Gov. Code Section 65589.5(j)(1)(B).

¹⁶ Gov. Code Section 65589.5(a)(3).



preponderance of evidence, that the Project will have an adverse impact on health and safety. As such, we respectfully request that the Planning Commission approve the Project to ensure the Project may provide much needed on-site affordable units.

If you have any questions or need any additional information, please feel free to contact me at 415-273-9670.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Alexis M. Pelosi'.

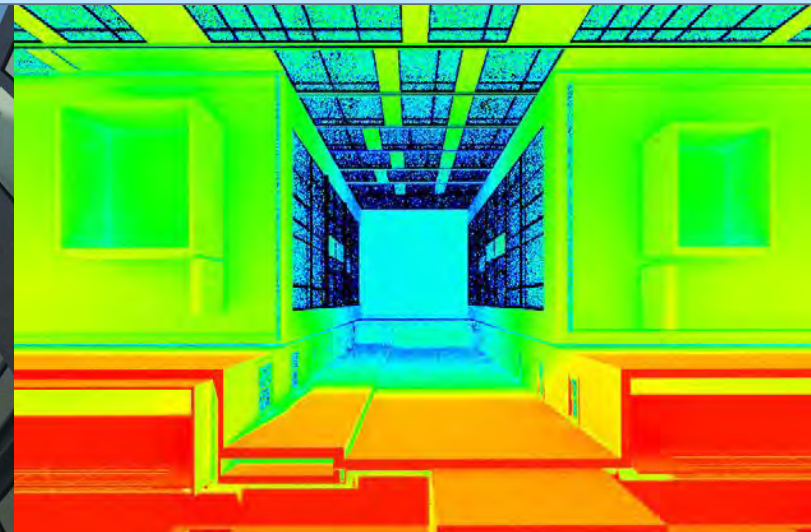
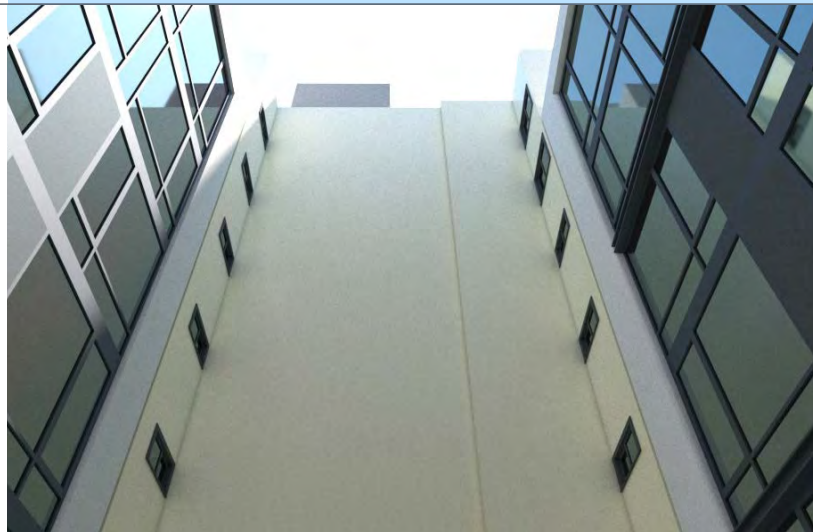
Alexis M. Pelosi

Attachments



JUNE 29, 2021
FINAL

EXTERIOR LIGHTING ANALYSIS FOR THE PROPOSED 1525 PINE STREET FOCUSING ON LIGHT LEVELS IN THE ADJACENT COURTYARD AT 1545 PINE STREET, SAN FRANCISCO (THE AUSTIN)



FROM:
ADAM PHILLIPS
PRINCIPAL
PREVISION DESIGN



TO:
ALEXIS PELOSI PELOSI LAW GROUP
244 KEARNY STREET, 9TH FLOOR
SAN FRANCISCO, CA, 94108

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SCOPE AND METHODOLOGY

This report describes the results of an exterior daylighting analysis conducted by Prevision Design to identify the relative change in exterior light levels that would occur within the east-facing courtyard of 1545 Pine Street (the Austin) that abuts 1525 Pine Street the site of a proposed of 79-ft tall residential project. It is understood the proposed project is allowed additional height above the local zoning height limit of 65-ft under California state density bonus legislation for inclusion of additional affordable housing units.

As a method of comparison, this analysis produced both perceptual as well as photometric analyses of a theoretical 65-ft tall project (a code-compliant project without the application of the state density bonus), the 79-ft tall proposed project, and a version of the proposed project which approximates the effects of adding full-spectrum low-intensity¹ indirect lighting to increase ambient light levels within the courtyard.

The analysis was conducted using a 3D model of the neighborhood context, the adjoining Austin, a theoretical 65-ft (non-density bonus) project and the 79-ft proposed project (with and without lighting). Using advanced rendering software, exterior buildings finishes were mapped on the buildings, each with accurate diffuse, reflection, refraction and transparency properties² to simulate how sunlight and other added lighting (when present) would be absorbed and/or reflected by real-world materials within the exterior courtyard. No other existing interior building lighting in either building was assumed.

The analysis details both the perceptual light levels as seen looking eastward and upward from an east-facing 2nd floor vantage within the Austin's courtyard, as well as a birds-eye perspective photometric analysis showing the range in total exterior lumens per square meter (lux) that would be present along the three existing faces of the courtyard. As changes in lux values do not mirror the same perceived steps in brightness by the human eye (due to the mechanics of dilation and other effects), an approximation of the net perceived change in light to the human eye has been calculated and is presented.

1 Artificial light levels were generated using a total of eight indirect lights, each with an output of 350 lumen.

2 Material finish for 1525 Pine street courtyard walls was "CRT Oyster" (gloss value of 30, LRV of 72, and SRI of 82). Material finishes for the Austin were based on a review of permit drawings/finish specifications as well as review of field photography.

This report presents comparative analyses divided into two parts:

- Comparison of the lighting levels resulting from the construction of a 65-ft project vs the proposed 79-ft project, and
- Comparison of the lighting levels resulting from the construction of the 79-ft project with no additional lighting, and the same proposal with the addition of low-intensity indirect lighting.

All analyses include the perceptual and photometric results of these three scenarios at 9 am, 12 noon, 3pm³ on three separate dates: June 21 (summer solstice), March 21/September 21 (spring/fall equinoxes), and December 21 (winter solstice).

Using quantitative analytics, the total average courtyard light levels along the north, south and west building faces of the Austin courtyard were calculated and compared for all scenarios and results extrapolated to additional dates to approximate the annual net change in exterior courtyard light between the hours of 9am and 3pm. ■



Figure 1: Courtyard at the Austin, viewed from the west

ANALYSIS SETTING

The courtyard reviewed by this study is located on the eastern side of the Austin and under current conditions is physically enclosed on three sides by the Austin (south, west and north) and abuts the property line of 1525 Pine Street to the east. Due to the courtyard's east-facing orientation, morning solar angles are more closely aligned with the courtyard with midday and afternoon direct solar access partially or completely blocked during midday or afternoon hours by the massing of the Austin itself.

³ There are no set standards for the selection of analysis hours, however the times chosen for this study (9/12/3) reflect times commonly evaluated for daylight-centric studies as they fall within local daylight hours at all times of year.

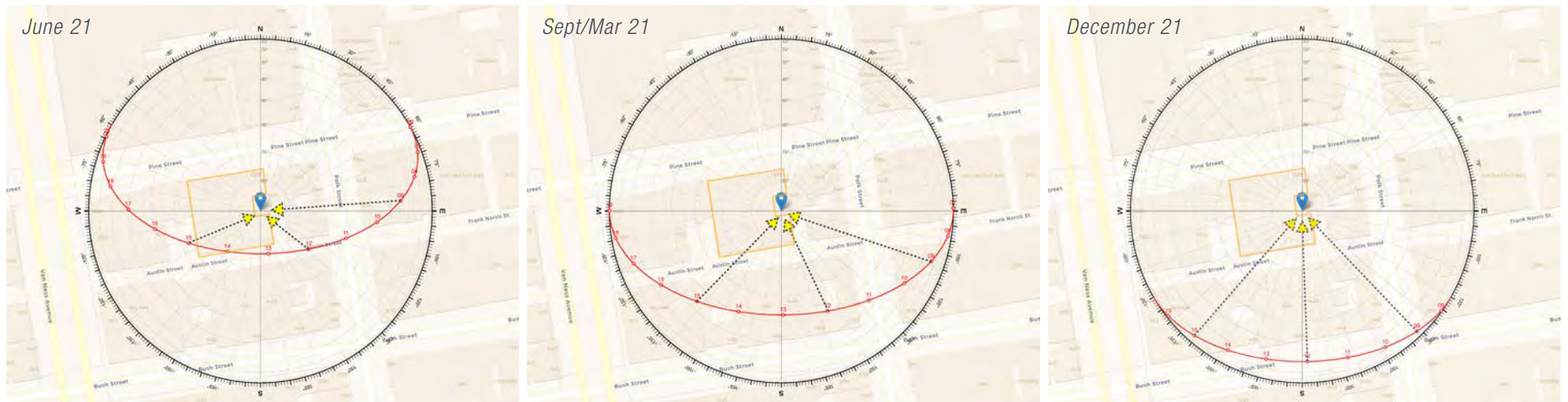


Figure 2: Solar orientations relative to the Austin

Figure 2 above shows the relative location of the sun vector relative to the Austin courtyard at 9, 12, and 3 on the three analysis dates. ■

ANALYSIS FINDINGS

Comparison between a 65-ft project and the proposed 79-ft project

As shown by Table 1 (next page), on eight of nine analysis points, the 65-ft building was found to result in brighter courtyard conditions as compared to the 79-ft project, with one analysis point showing increased relative brightness with the 79-ft proposed project. The amount of light differential varies between analysis points, but generally the greatest difference was seen during the morning analysis points and the least

Scenario	Date	Time	Average Lux	Perceived Brightness
65-ft Project	June 21	9:00 AM	2,375.54 lx	79.3%
Proposed Project	June 21	9:00 AM	840.27 lx	64.3%
Proposed Project + Lighting	June 21	9:00 AM	1,450.86 lx	72.1%
65-ft Project	June 21	12:00 PM	7,551.08 lx	95.9%
Proposed Project	June 21	12:00 PM	6,754.97 lx	94.3%
Proposed Project + Lighting	June 21	12:00 PM	7,273.19 lx	95.4%
65-ft Project	June 21	3:00 PM	597.02 lx	59.5%
Proposed Project	June 21	3:00 PM	711.39 lx	61.9%
Proposed Project + Lighting	June 21	3:00 PM	1,274.42 lx	70.2%
65-ft Project	Sept 21 / Mar 21	9:00 AM	1,329.56 lx	70.9%
Proposed Project	Sept 21 / Mar 21	9:00 AM	227.81 lx	46.0%
Proposed Project + Lighting	Sept 21 / Mar 21	9:00 AM	831.24 lx	64.1%
65-ft Project	Sept 21 / Mar 21	12:00 PM	4,483.49 lx	88.4%
Proposed Project	Sept 21 / Mar 21	12:00 PM	3,824.04 lx	86.1%
Proposed Project + Lighting	Sept 21 / Mar 21	12:00 PM	4,357.68 lx	88.0%
65-ft Project	Sept 21 / Mar 21	3:00 PM	264.54 lx	47.7%
Proposed Project	Sept 21 / Mar 21	3:00 PM	198.65 lx	44.1%
Proposed Project + Lighting	Sept 21 / Mar 21	3:00 PM	814.49 lx	63.8%
65-ft Project	December 21	9:00 AM	516.58 lx	57.5%
Proposed Project	December 21	9:00 AM	129.33 lx	38.2%
Proposed Project + Lighting	December 21	9:00 AM	722.13 lx	62.1%
65-ft Project	December 21	12:00 PM	867.74 lx	64.8%
Proposed Project	December 21	12:00 PM	803.02 lx	63.6%
Proposed Project + Lighting	December 21	12:00 PM	1,399.43 lx	71.6%
65-ft Project	December 21	3:00 PM	121.94 lx	37.1%
Proposed Project	December 21	3:00 PM	78.58 lx	31.8%
Proposed Project + Lighting	December 21	3:00 PM	668.00 lx	61.1%

Table 1: Quantitative light levels at all analysis points

during midday points. Overall, the range in change to average brightness⁴ between the 65-ft building and the 79-ft proposed project ranged from a maximum reduced perceived brightness of -24.9% (Sep/Mar 21, 9am) to a maximum added perceived brightness of +2.4% (June 21, 3pm).

As shown by Table 2 (next page) an annual basis, the 65-ft project was found to result in greater amount of light relative to the 79-ft building with a change in average full year perceived brightness of -3.75% between the hours of 9am-3pm.

Exhibit A contains comparative perceptual + photometric output images for all the analysis points.

Comparison between the proposed 79-ft project and the 79-ft project + lighting

As shown by Table 1 (prior page), on all 9 analysis points the project with lighting increased the average courtyard brightness relative to the project without lighting. The amount of light differential varies between analysis points, but generally the greatest difference was seen during the fall/winter/spring morning and afternoon analysis points and the least during the summer and midday points. Overall, the range in change to average brightness between the 79-ft proposed project and the project with lighting ranged from a maximum added perceived brightness of +29.3% (December 21, 9am) to a minimum added perceived brightness +1.1% (June 21, 12pm).

On an annual basis (Table 2, next page), the project with lighting would also result in greater amount of light relative to the 79-ft building without lighting, with a change in average full year perceived brightness of +3.99% between the hours of 9am-3pm. The 79-ft project with lighting also would result in a greater annual average brightness compared to the 65-ft project, with a net variance in perceived brightness of +0.24% over the same time frame.

Exhibit B contains comparative perceptual + photometric output images for all the analysis points.

⁴ Perceived brightness percentages shown were calculated by comparing the calculated average lux value across courtyard vertical surfaces to a fixed daylight reference value of 10,000 lux. This value was then applied to a logarithmic scale to approximate the perceivable net change in light levels to the human eye.

65-ft Project	June 21	September 21	December 21	March 21
9:00 AM	2,376 lux	1,330 lux	517 lux	1,330 lux
12:00 PM	7,551 lux	4,483 lux	868 lux	4,483 lux
3:00 PM	597 lux	265 lux	122 lux	265 lux
Daily Average Lux/hr	4,085 lux/hr	2,377 lux/hr	554 lux/hr	2,377 lux/hr
Annual LuxHrs				859,824
Average Annual Perceived Brightness				79.15%

Proposed 79-ft Project	June 21	September 21	December 21	March 21
9:00 AM	840 lux	228 lux	129 lux	228 lux
12:00 PM	6,755 lux	3,824 lux	803 lux	3,824 lux
3:00 PM	711 lux	199 lux	79 lux	199 lux
Daily Average Lux/hr	3,338 lux/hr	1,761 lux/hr	404 lux/hr	1,761 lux/hr
Annual LuxHrs				664,978
Average Annual Perceived Brightness				75.40%

Proposed Project + Lighting	June 21	September 21	December 21	March 21
9:00 AM	1,451 lux	831 lux	722 lux	831 lux
12:00 PM	7,273 lux	4,358 lux	1,399 lux	4,358 lux
3:00 PM	1,274 lux	814 lux	668 lux	814 lux
Daily Lx/SF/Hr	3,896 lux/hr	2,338 lux/hr	997 lux/hr	2,338 lux/hr
Annual LuxHrs				875,276
Average Annual Perceived Brightness				79.39%

Table 2: Annualized quantitative light level comparisons

General Conclusions

While the analysis revealed courtyard brightness varied significantly at different times of day and during different times of year, with respect to a net change in average annual courtyard brightness between 9am and 3pm, the 65-ft project would result in a modest amount of additional brightness relative to the 79-ft project.

With the addition of indirect lighting to the proposed project (similar to the configuration analyzed in this study), the in average annual brightness of the 79-ft project with lighting and the 65-ft project would be virtually identical. ■

EXHIBIT A: 65-FT VS 79-FT BUILDING EFFECT ON COURTYARD LIGHT CONDITIONS

Perceptual/Photometric Analyses incl. net change in perceived light

- June 21st (summer solstice) at 9am / 12 noon / 3pm (PDT)
- September/March 21st (equinoxes) at 9am / 12 noon / 3pm (PDT)
- December 21st (winter solstice) at 9am / 12 noon / 3pm (PST)



65-FT PROJECT

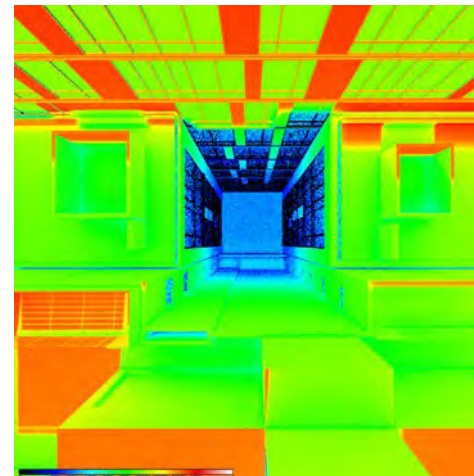
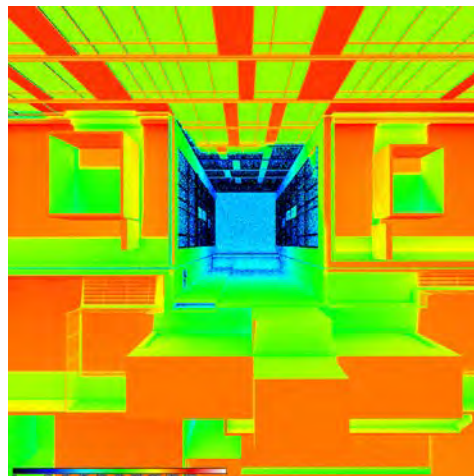


79-FT PROPOSED PROJECT

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SUMMER SOLSTICE
JUNE 21

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

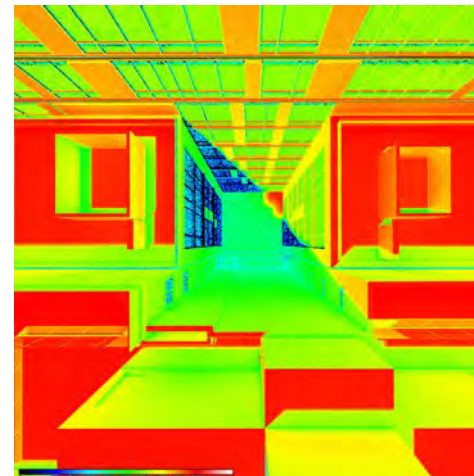
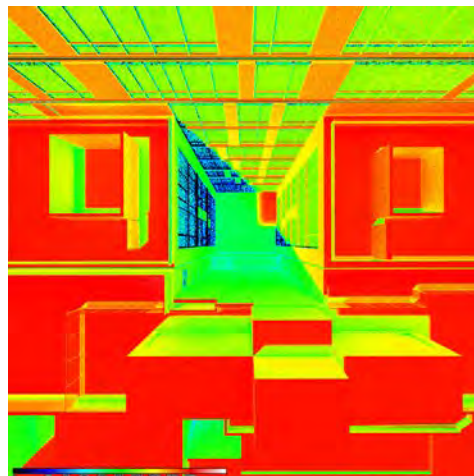
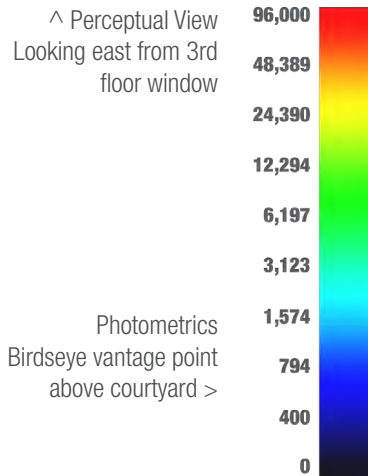
-15.0%



65-FT PROJECT



79-FT PROPOSED PROJECT



SUMMER SOLSTICE

JUNE 21

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

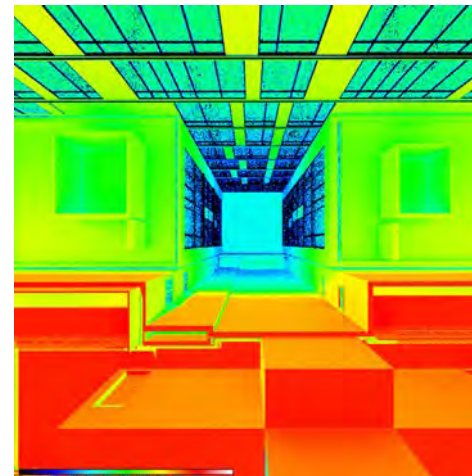
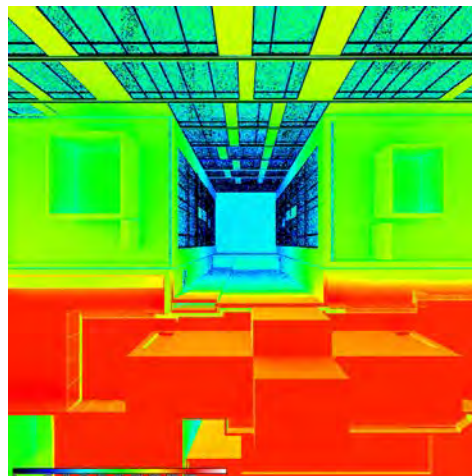
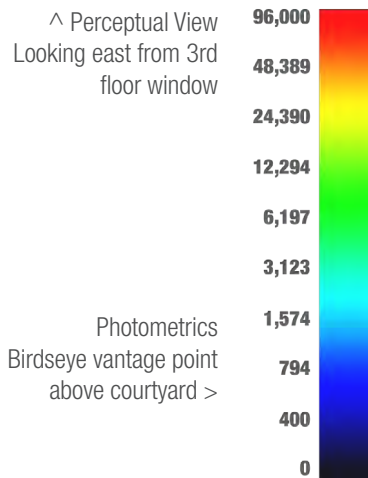
-1.6%



65-FT PROJECT



79-FT PROPOSED PROJECT



SUMMER SOLSTICE

JUNE 21

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

+2.4%



65-FT PROJECT

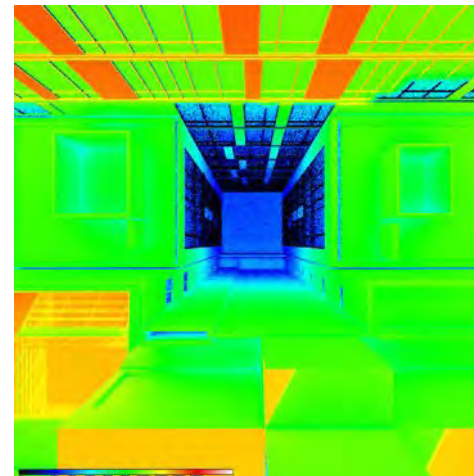
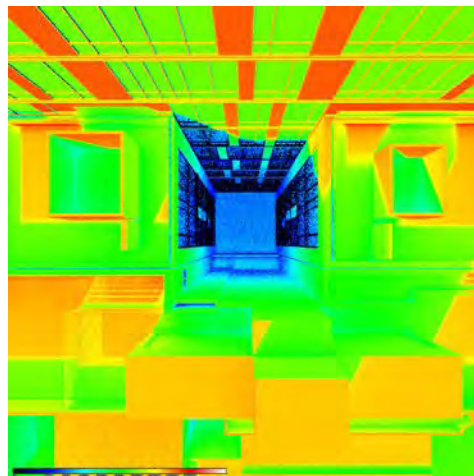


79-FT PROPOSED PROJECT

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SPRING / FALL EQUINOXES

**MARCH 21 /
SEPTEMBER 21**

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-24.9%



65-FT PROJECT

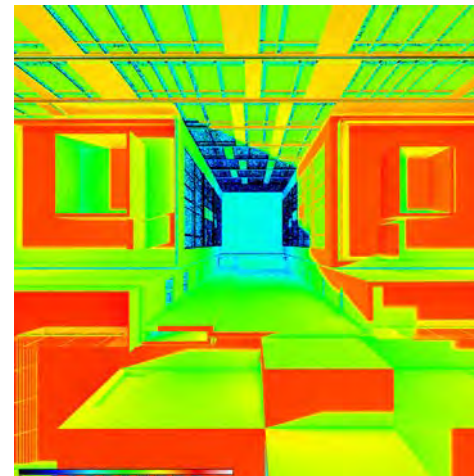
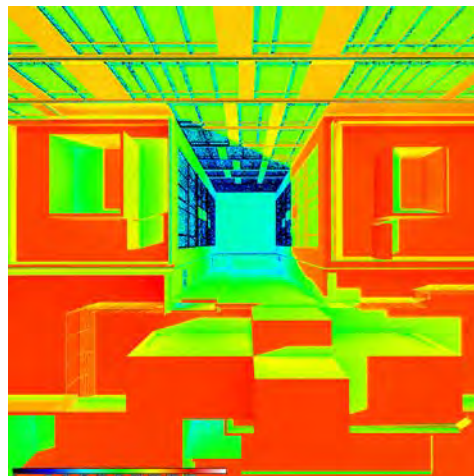


79-FT PROPOSED PROJECT

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SPRING / FALL EQUINOXES

**MARCH 21 /
SEPTEMBER 21**

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-2.3%



65-FT PROJECT

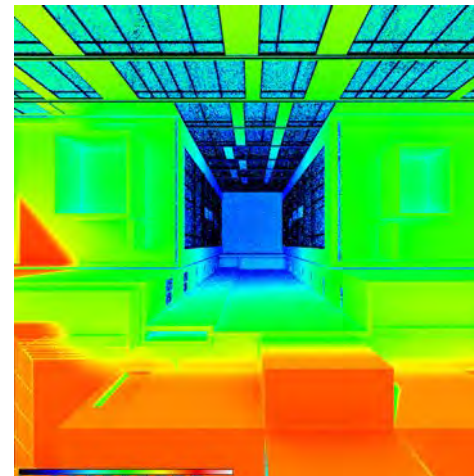
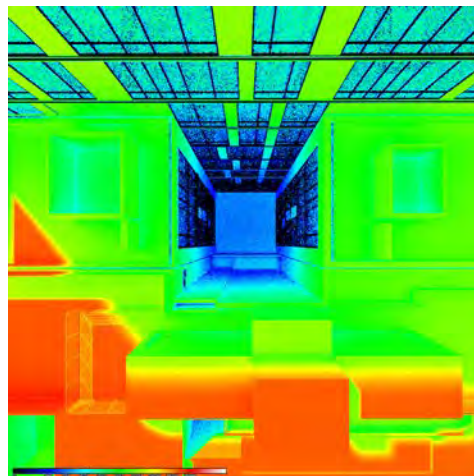


79-FT PROPOSED PROJECT

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SPRING / FALL EQUINOXES

**MARCH 21 /
SEPTEMBER 21**

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-3.6%



65-FT PROJECT

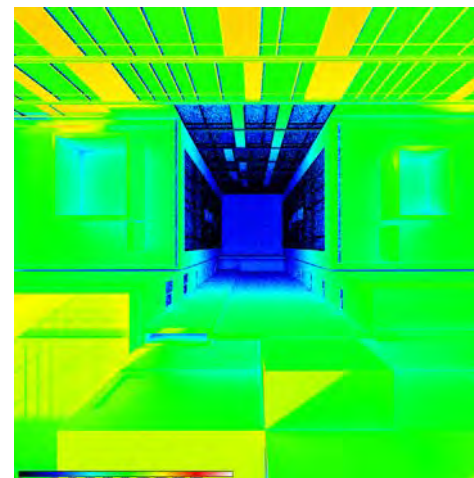
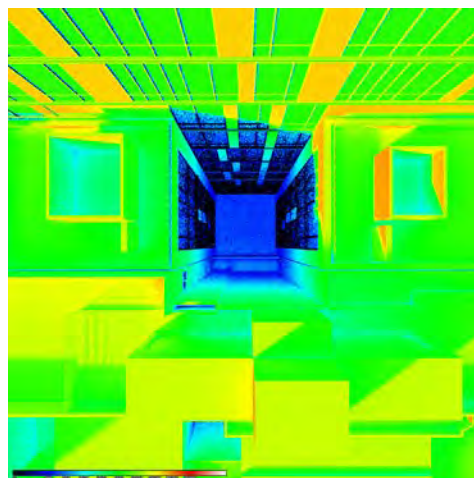


79-FT PROPOSED PROJECT

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



WINTER SOLSTICE
DECEMBER 21

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-19.3%

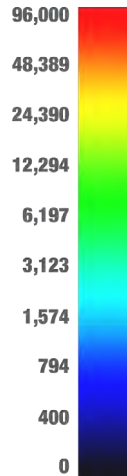


65-FT PROJECT

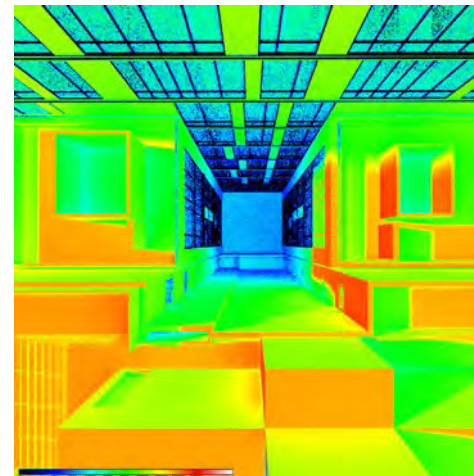
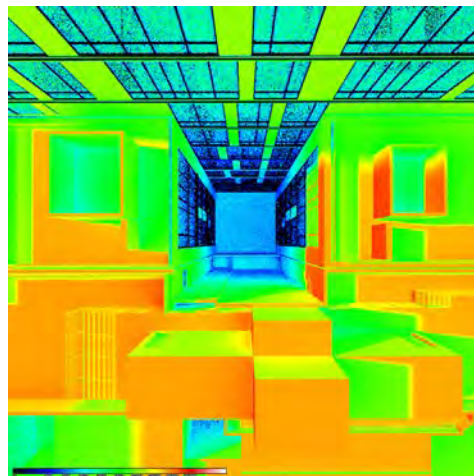


79-FT PROPOSED PROJECT

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



WINTER SOLSTICE
DECEMBER 21

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-1.2%

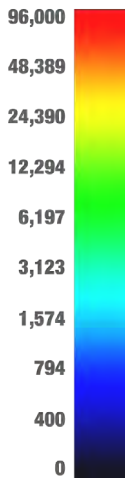


65-FT PROJECT

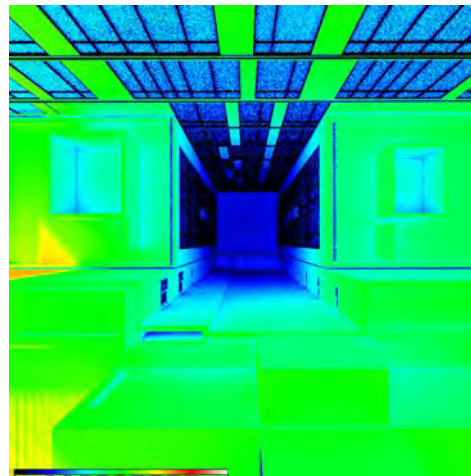
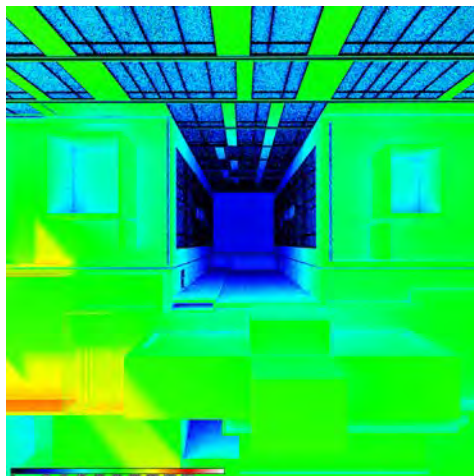


79-FT PROPOSED PROJECT

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



WINTER SOLSTICE
DECEMBER 21

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-5.3%

EXHIBIT B: PROJECT VS PROJECT WITH LIGHTING: EFFECT ON COURTYARD LIGHT CONDITIONS

Perceptual/Photometric Analyses incl. net change in perceived light

- June 21st (summer solstice) at 9am / 12 noon / 3pm (PDT)
- September/March 21st (equinoxes) at 9am / 12 noon / 3pm (PDT)
- December 21st (winter solstice) at 9am / 12 noon / 3pm (PST)

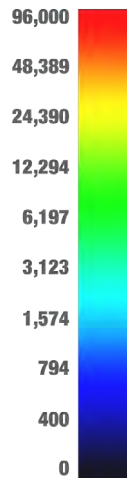


79-FT PROPOSED PROJECT

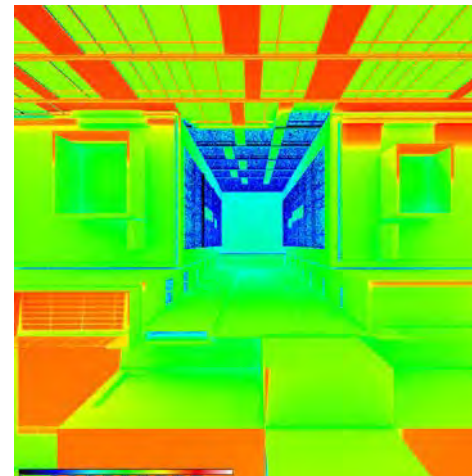
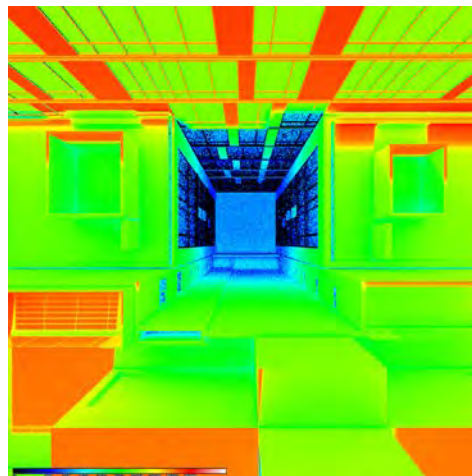


PROJECT WITH LIGHTING

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SUMMER SOLSTICE

JUNE 21

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+7.8%



79-FT PROPOSED PROJECT

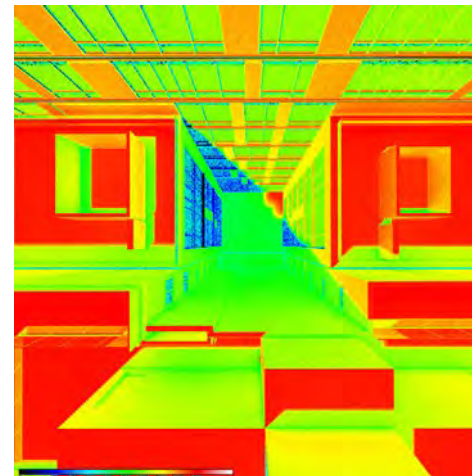
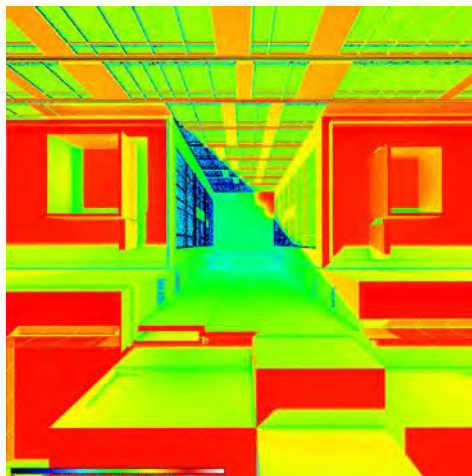


PROJECT WITH LIGHTING

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SUMMER SOLSTICE

JUNE 21

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+1.1%



79-FT PROPOSED PROJECT

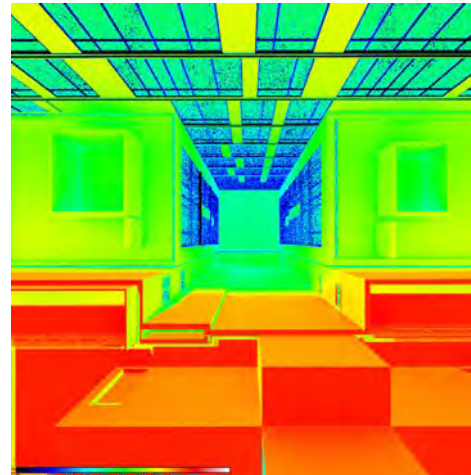
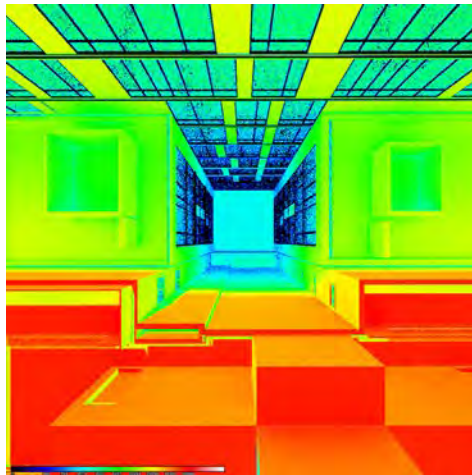


PROJECT WITH LIGHTING

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SUMMER SOLSTICE

JUNE 21

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+8.3%



79-FT PROPOSED PROJECT

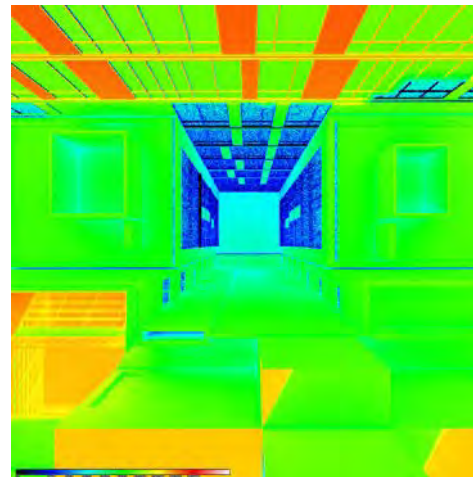
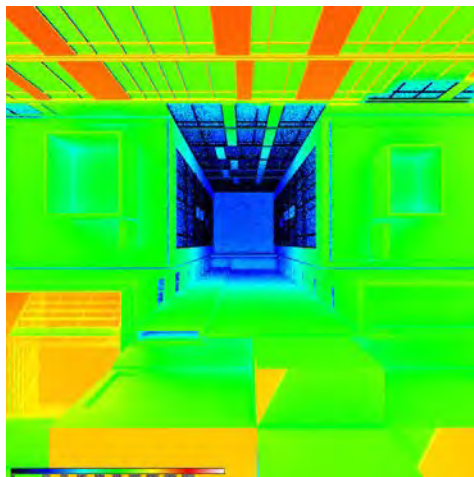


PROJECT WITH LIGHTING

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SPRING / FALL EQUINOXES

**MARCH 21 /
SEPTEMBER 21**

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+18.1%



79-FT PROPOSED PROJECT

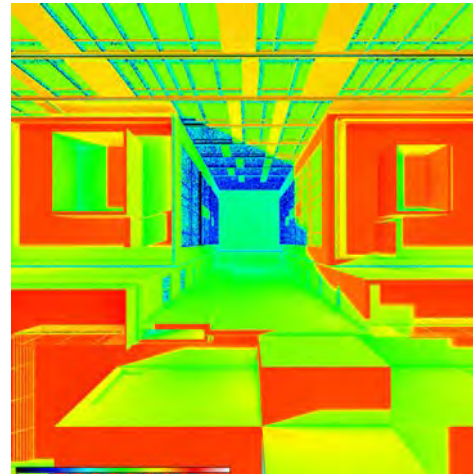
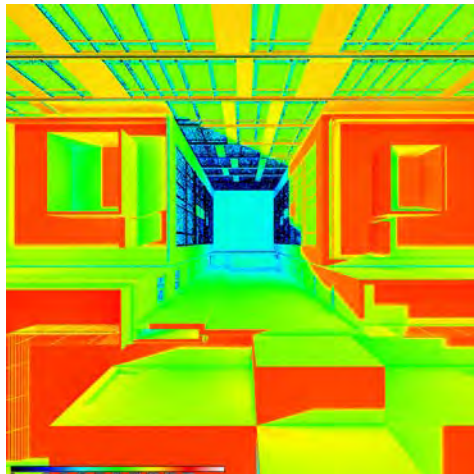


PROJECT WITH LIGHTING

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SPRING / FALL EQUINOXES

**MARCH 21 /
SEPTEMBER 21**

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+1.9%

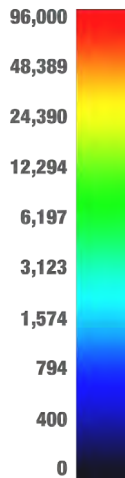


79-FT PROPOSED PROJECT

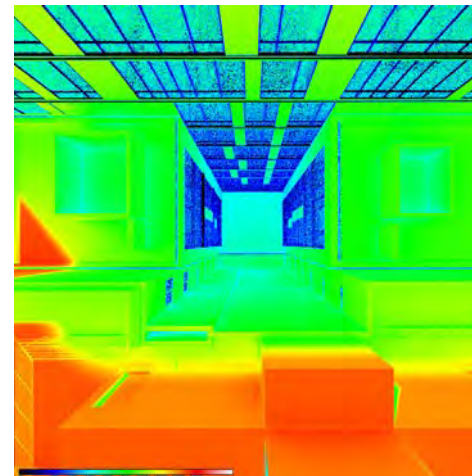
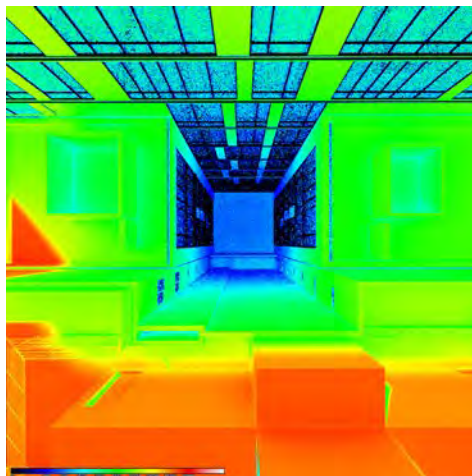


PROJECT WITH LIGHTING

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



SPRING / FALL EQUINOXES

**MARCH 21 /
SEPTEMBER 21**

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+19.7%

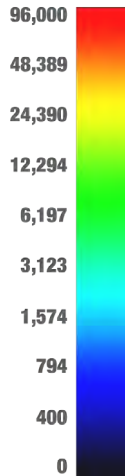


79-FT PROPOSED PROJECT

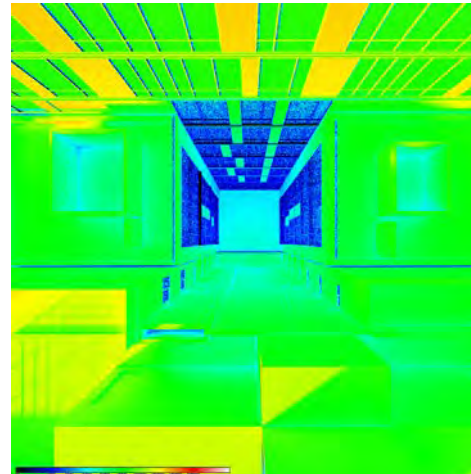
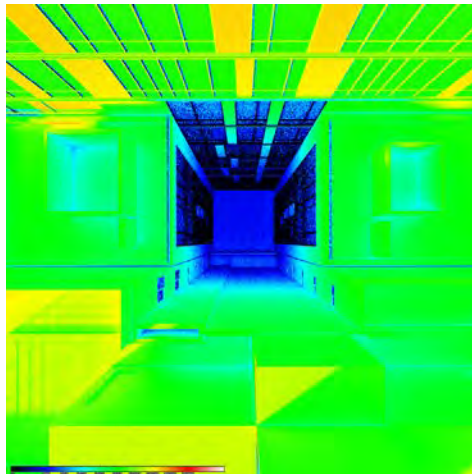


PROJECT WITH LIGHTING

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



WINTER SOLSTICE
DECEMBER 21

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+23.9%

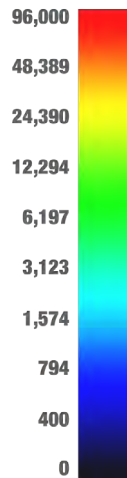


79-FT PROPOSED PROJECT

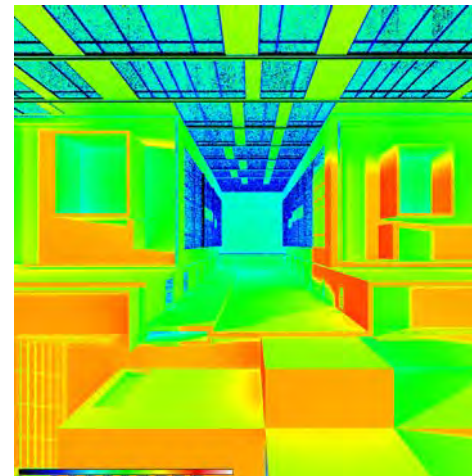
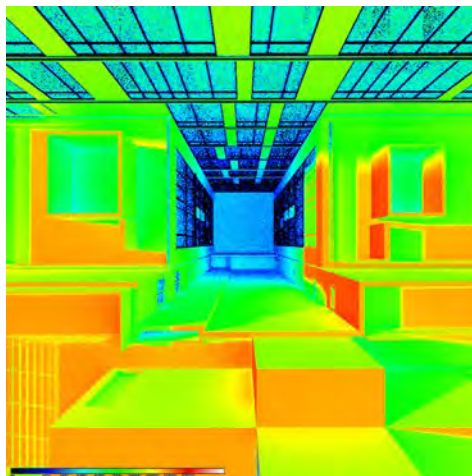


PROJECT WITH LIGHTING

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



**WINTER SOLSTICE
DECEMBER 21**

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+8.0%



79-FT PROPOSED PROJECT

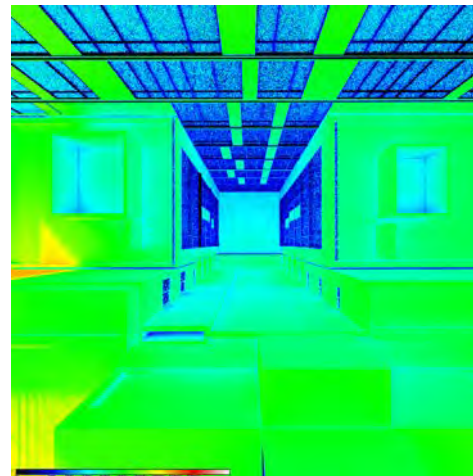
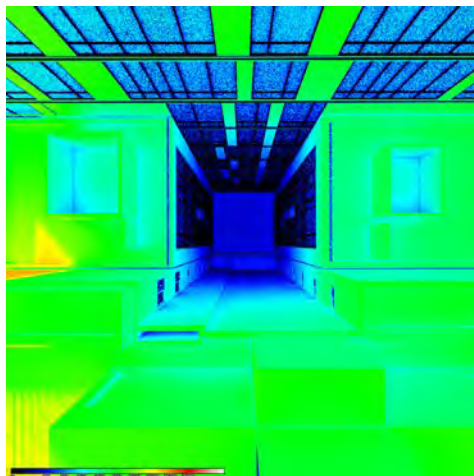


PROJECT WITH LIGHTING

^ Perceptual View
Looking east from 3rd
floor window



Photometrics
Birdseye vantage point
above courtyard >



WINTER SOLSTICE
DECEMBER 21

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+29.3%



1806 Belles Street, Suite 6B
San Francisco, CA 94129
tel 415.498.0141
fax 415.493.0141

www.previsiondesign.com
info@previsiondesign.com



1525/1545 Pine Street Daylight Analysis

Comparative effects of different building proposals on courtyard daylight levels

about prevision design

VISUAL SIMULATIONS | LIGHTING AND SHADOW ANALYSIS

- Founded in San Francisco in 2010
- Computer 3D modelling, rendering and analysis specialists
- Analysis work accepted by SF Planning and other regional authorities for project approvals
- Performed hundreds of shadow and lighting studies for projects in San Francisco and throughout the bay area





Study Introduction

Methodology and Background

Analysis Methodology

- Analysis was conducted using a 3D virtual model of 1545 Pine Street, the proposed project and a 65-ft (non-density bonus) project
- Buildings finishes were incorporated into the model with accurate properties in order to simulate how light would be absorbed or reflected under real-world conditions
- No interior lighting (shining out from either building) was assumed.
- Analysis evaluated both LUX measurements (photometric) as well as calculated perceptual exterior brightness



Lux vs Perceived Brightness

- Photometrics (measured in lux) is a mathematical form of light measurement which expresses how much light a material reflects in lumens per square meter.
- Perceived brightness behaves differently than photometrics due to the natural adjustment of the human eye to let in more or less of the available light as conditions change.
- Accordingly, the relationship between perceived brightness and lux values follow a logarithmic scale, with the perceived step in light per lux being far greater at lower light levels as compared to higher ones.



Values Lux vs Perceived

Lux value range	Reference Lighting Condition	Light Step
0-10	Pitch Black	1
10-50	Very Dark	2
50-200	Dark Indoors	3
200-400	Dim Indoors	4
400-1,000	Normal Indoors	5
1,000-5,000	Bright Indoors	6
5,000-10,000	Dim Outdoors	7
10,000-32,000	Cloudy Outdoors	8
32,000-100,000	Direct Sunlight	9

Scope/Focus of Analysis

- Evaluation of the net change in exterior courtyard wall light levels (along the three vertical sides) between the following:
 - A theoretical 65-ft tall project (allowed by current zoning)
 - The proposed 79-ft tall project (allowed under the state density bonus)
 - The proposed 79-ft tall project with exterior indirect lighting.
- Simulated average exterior light levels were taken 9am, 12 noon and 3pm on June 21, September 21, and December 21.
- Generated comparisons for all scenarios on these dates/times as well as extrapolated full-year comparative light levels between the hours of 9am – 3pm

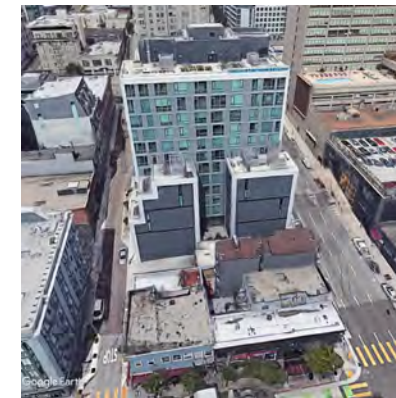
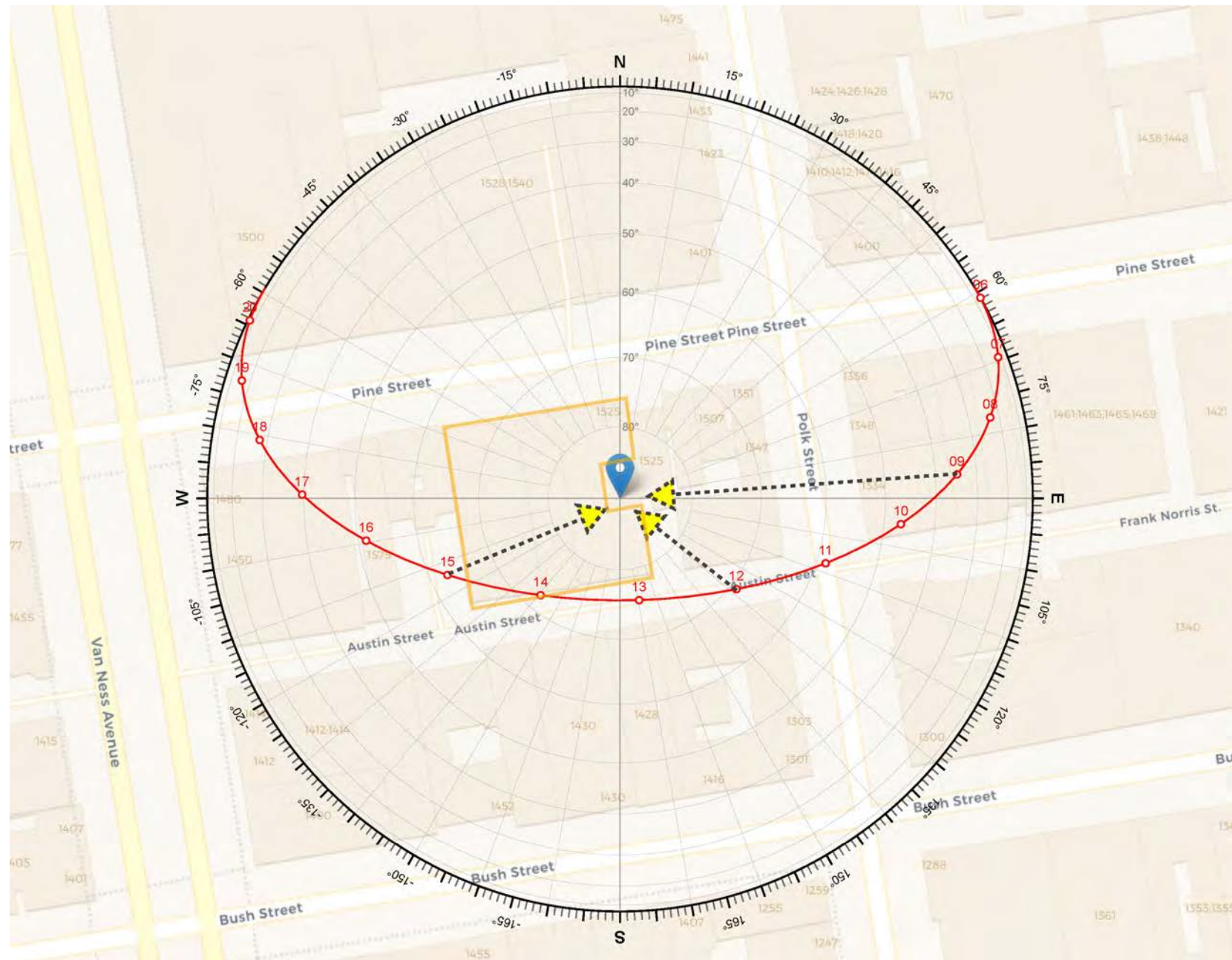




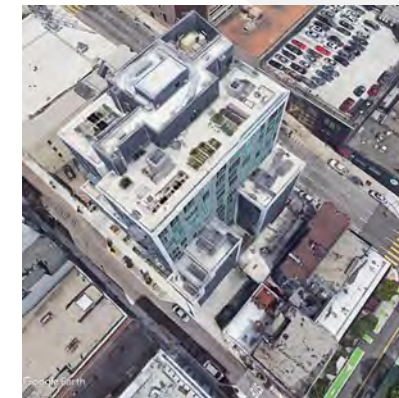
Solar Conditions

Location / Orientation of the project relative to the path of the sun

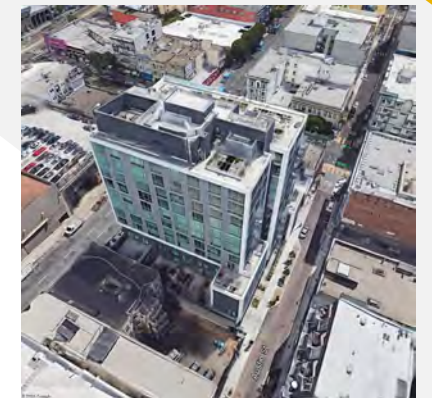
June 21 Summer Solstice



9am



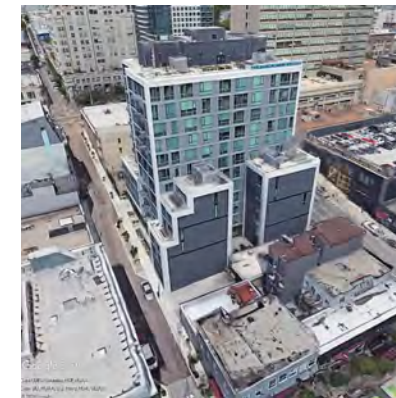
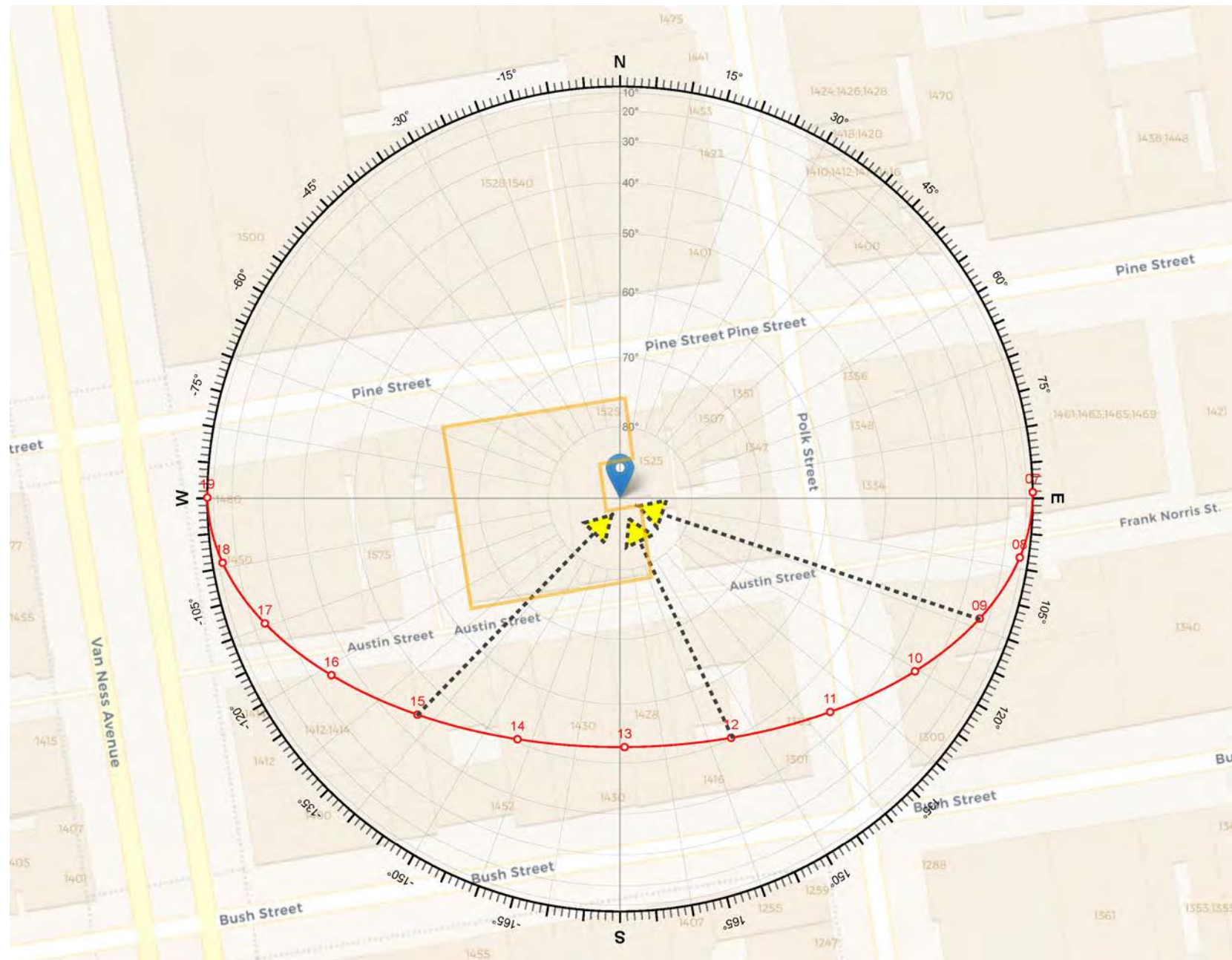
Noon



3pm

- Path of the sun highest in the sky, passes most directly overhead
- Most direct morning alignment with courtyard

September/March 21 Equinoxes



9am



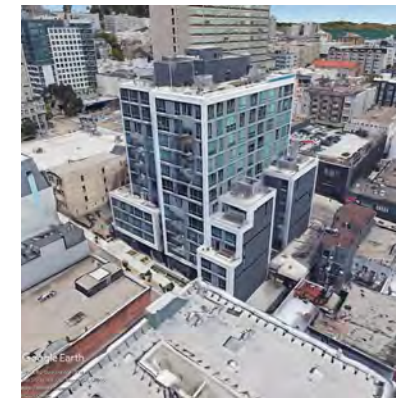
Noon



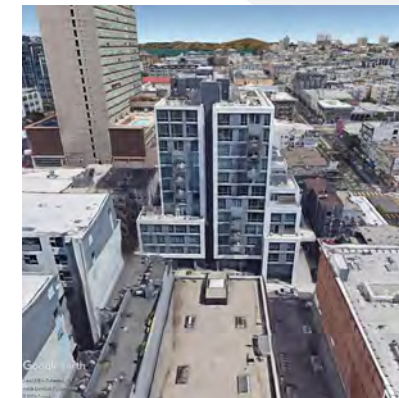
3pm

- Path of the sun moves further to the south relative to the summer solstice
- The fall and spring equinoxes (9/21 & 3/21) are considered equivalent with respect to sun path and solar angles

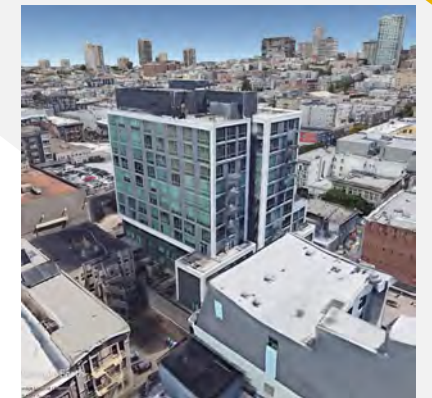
December 21 Winter Solstice



9am



Noon



3pm

- Path of the sun lowest in the sky and furthest to the south of any time throughout the year



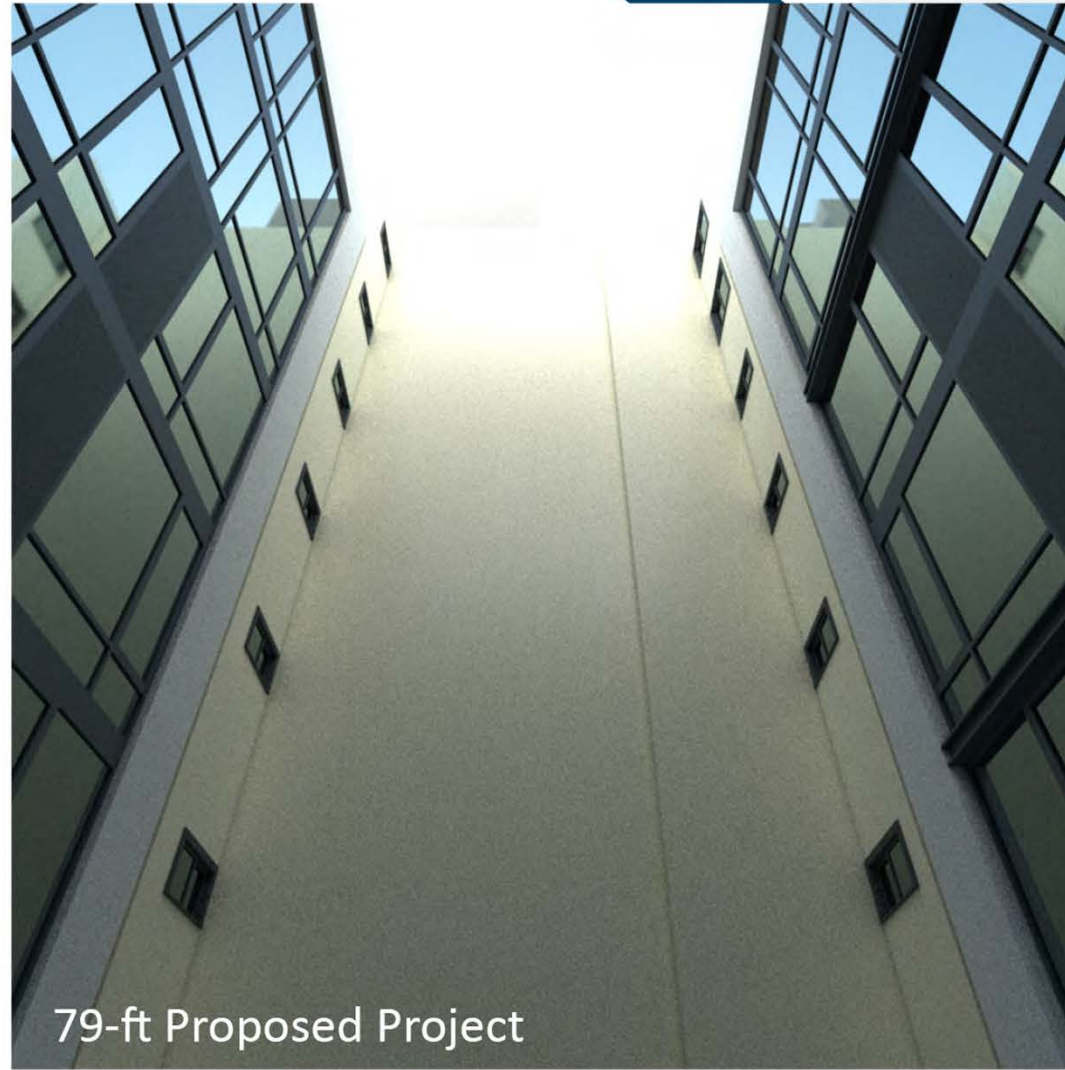
**PREVISION
DESIGN**

Analysis Part 1

Perceptual + Photometric Comparison
of the theoretical 65-ft project vs 79-ft
proposed project



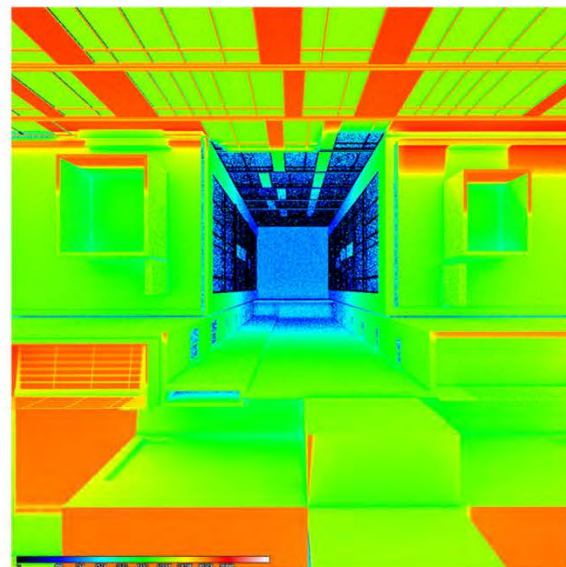
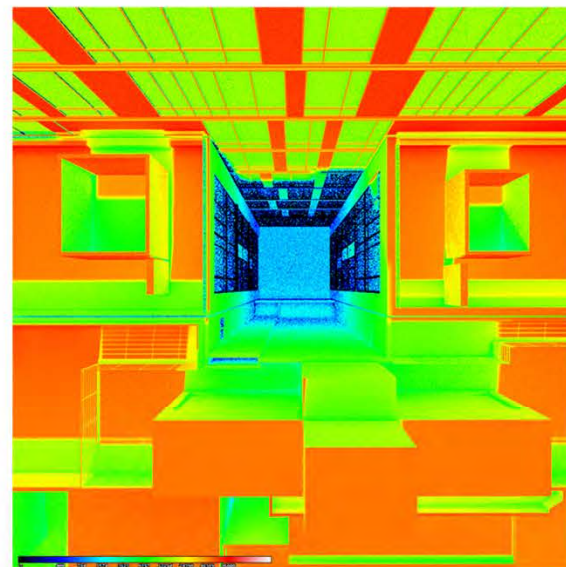
65-ft Project



79-ft Proposed Project

Summer Solstice
June 21

9:00 AM



^ Perceptual View
Looking east from 3rd
floor window

< Photometrics
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS

-15.0%



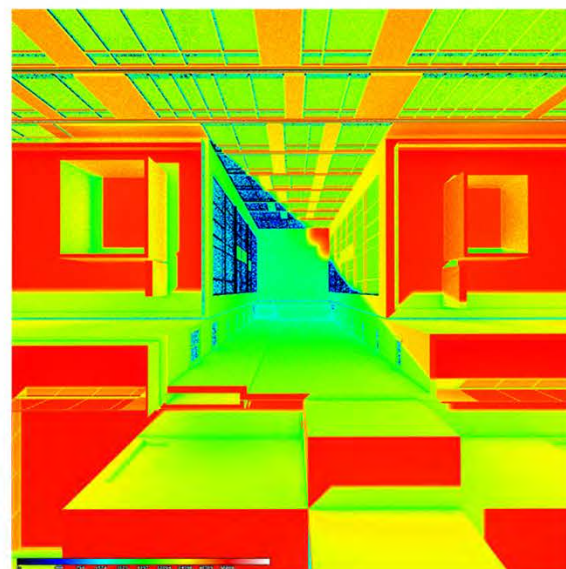
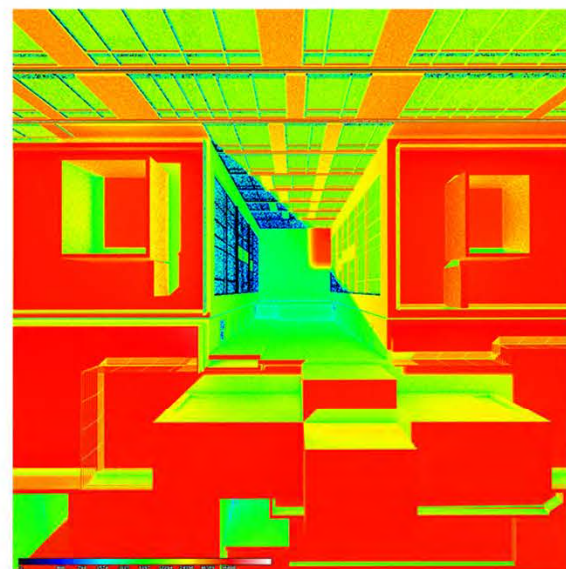
65-ft Project



79-ft Proposed Project

Summer Solstice
June 21

12:00 PM



^ Perceptual View
 Looking east from 3rd
 floor window

< Photometrics
 Birdseye vantage point
 above courtyard

PERCENTAGE CHANGE IN
 PERCEIVED BRIGHTNESS
 BETWEEN 65-FT AND
 79-FT PROJECTS

-1.6%



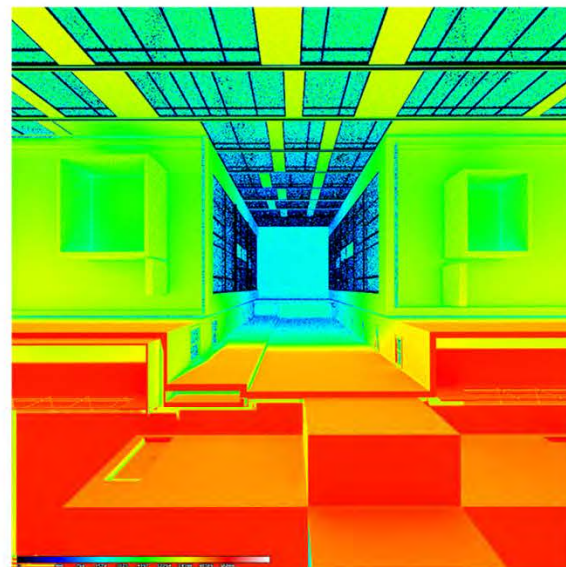
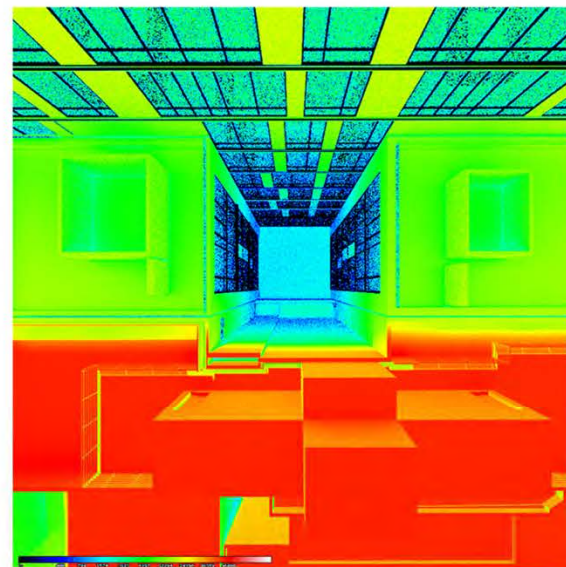
65-ft Project



79-ft Proposed Project

Summer Solstice
June 21

3:00 PM

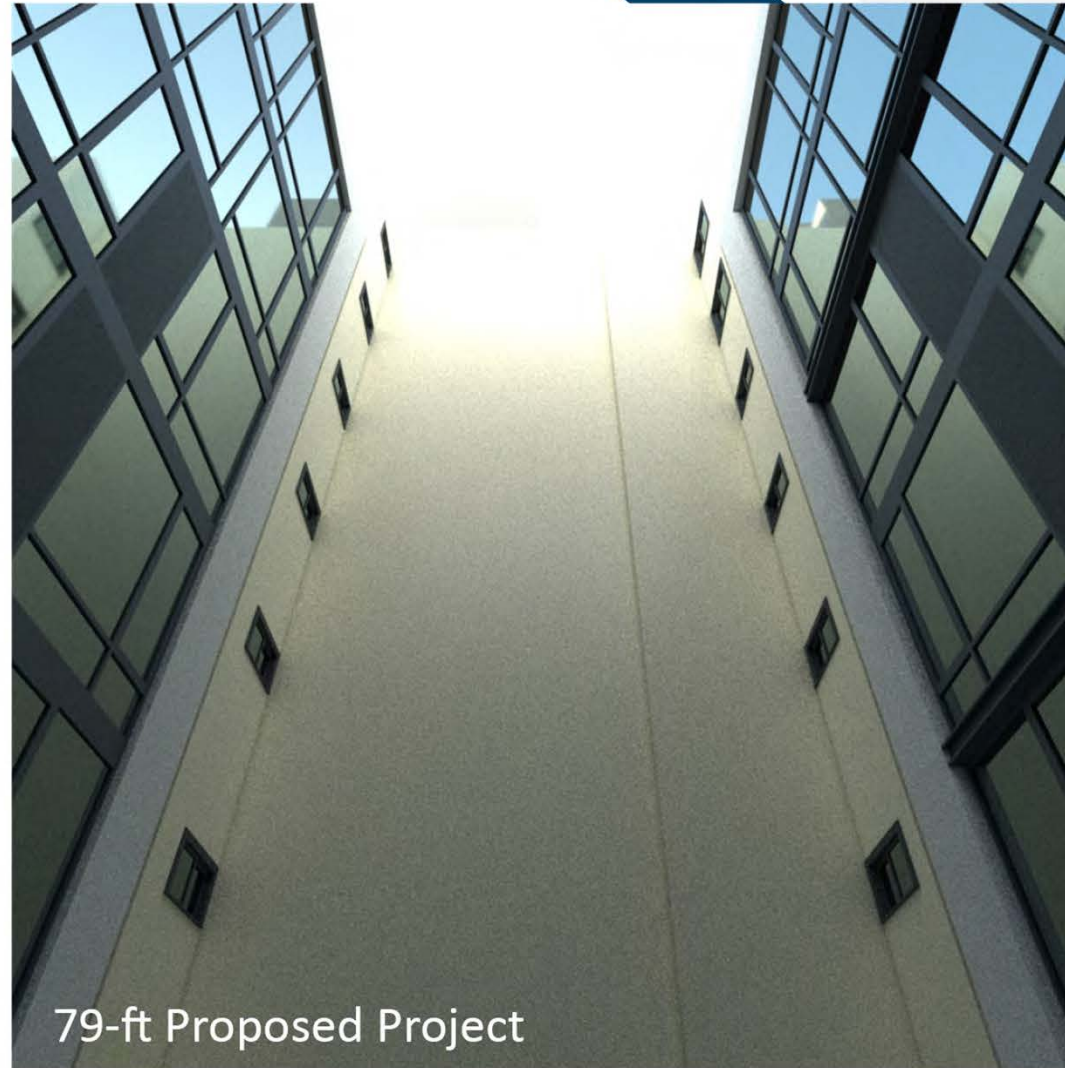


^ Perceptual View
 Looking east from 3rd
 floor window

< Photometrics
 Birdseye vantage point
 above courtyard

PERCENTAGE CHANGE IN
 PERCEIVED BRIGHTNESS
 BETWEEN 65-FT AND
 79-FT PROJECTS

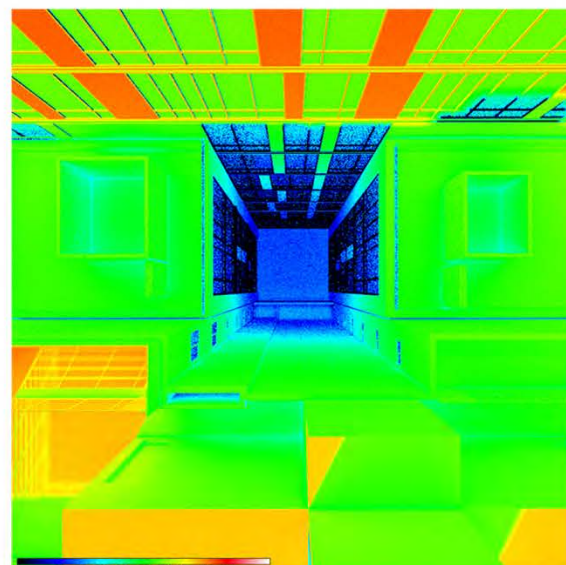
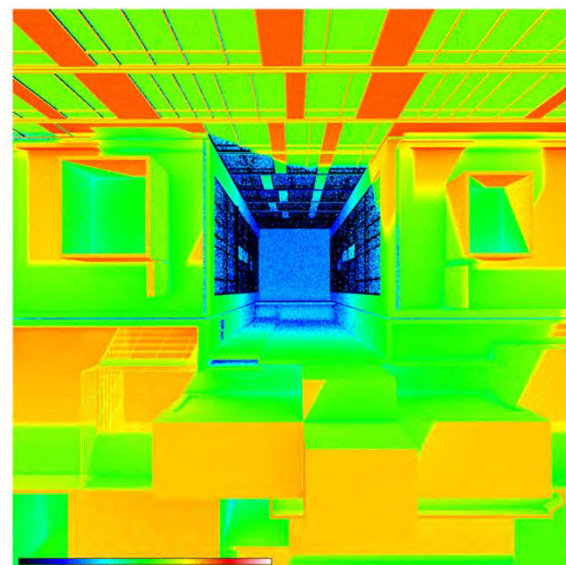
+2.4%



Spring / Fall Equinoxes

**March 21 /
September 21**

9:00 AM



^ Perceptual View
Looking east from 3rd
floor window

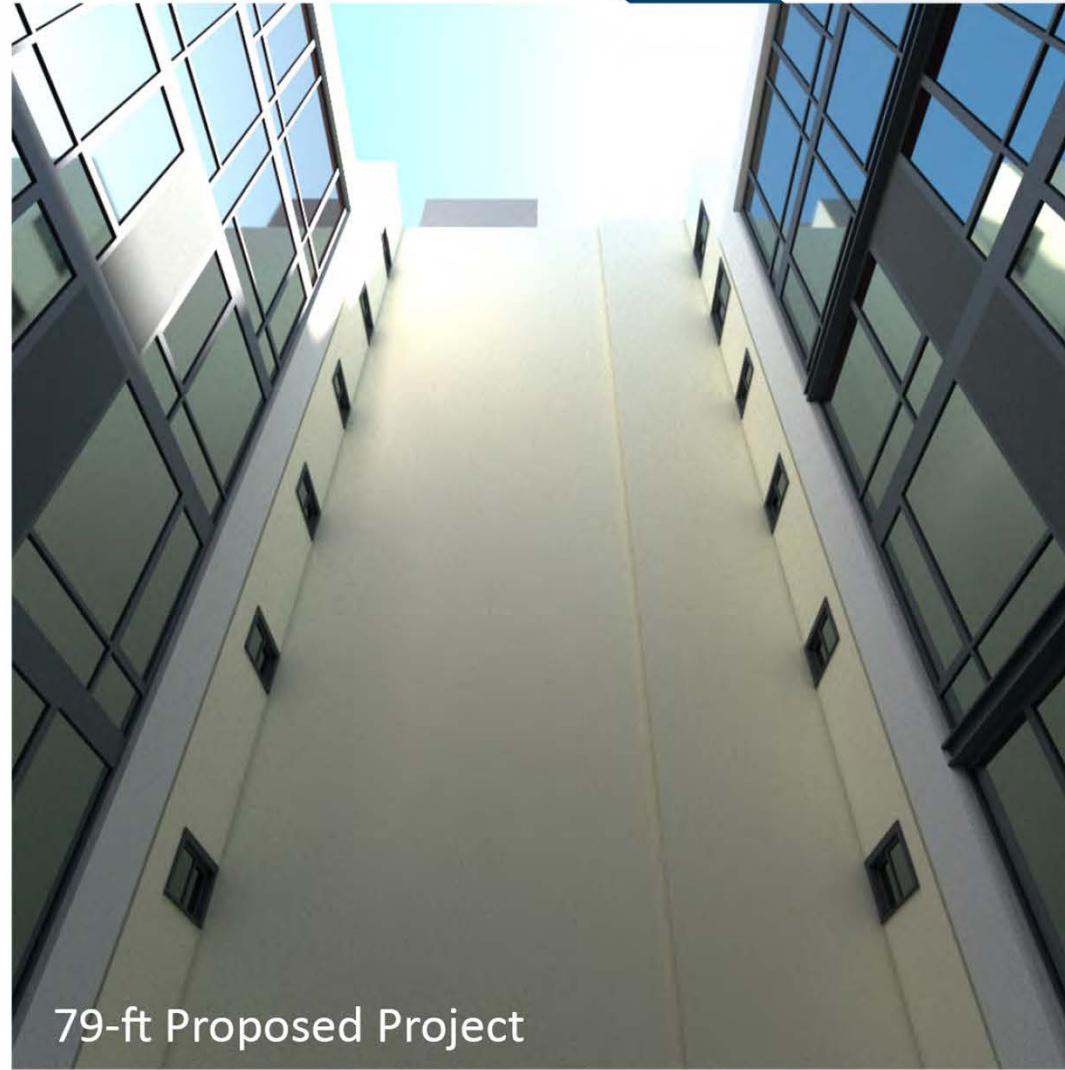
< Photometrics
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS

-24.9%



65-ft Project

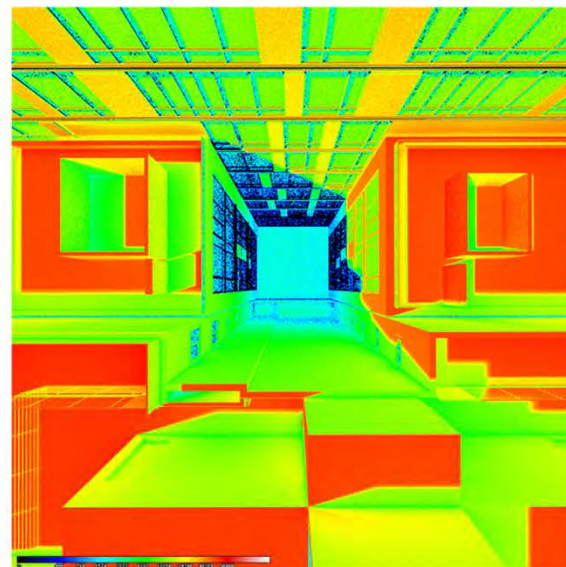
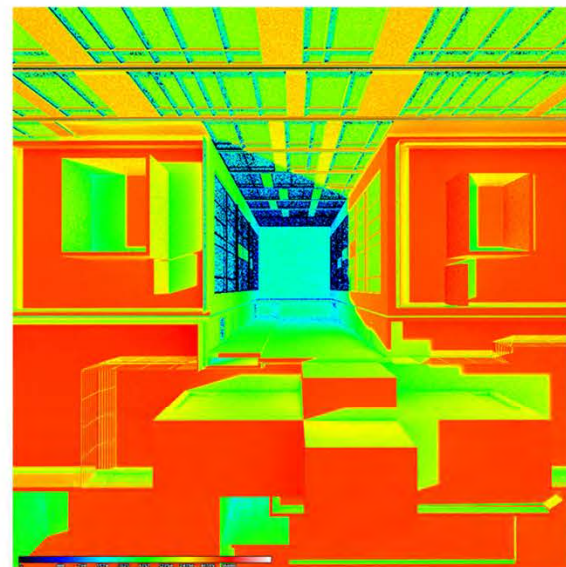


79-ft Proposed Project

Spring / Fall Equinoxes

**March 21 /
September 21**

12:00 PM



^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS

-2.3%



65-ft Project

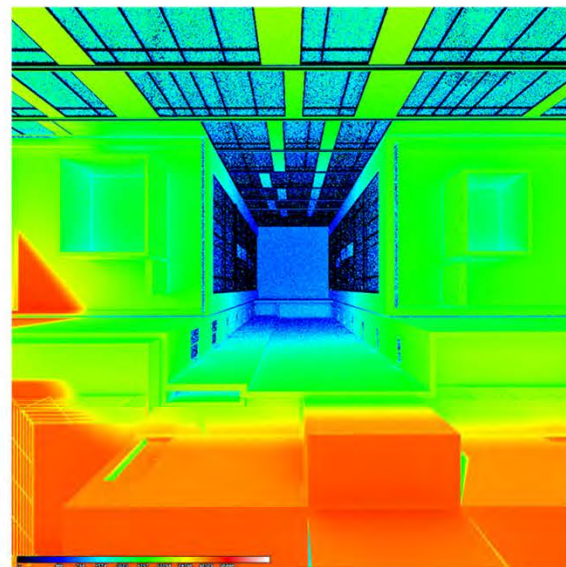
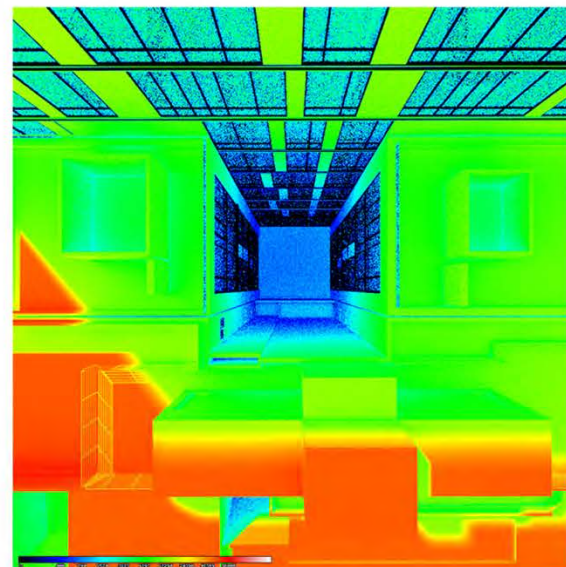


79-ft Proposed Project

Spring / Fall Equinoxes

**March 21 /
September 21**

3:00 PM



^ Perceptual View

Looking east from 3rd
floor window

< Photometrics

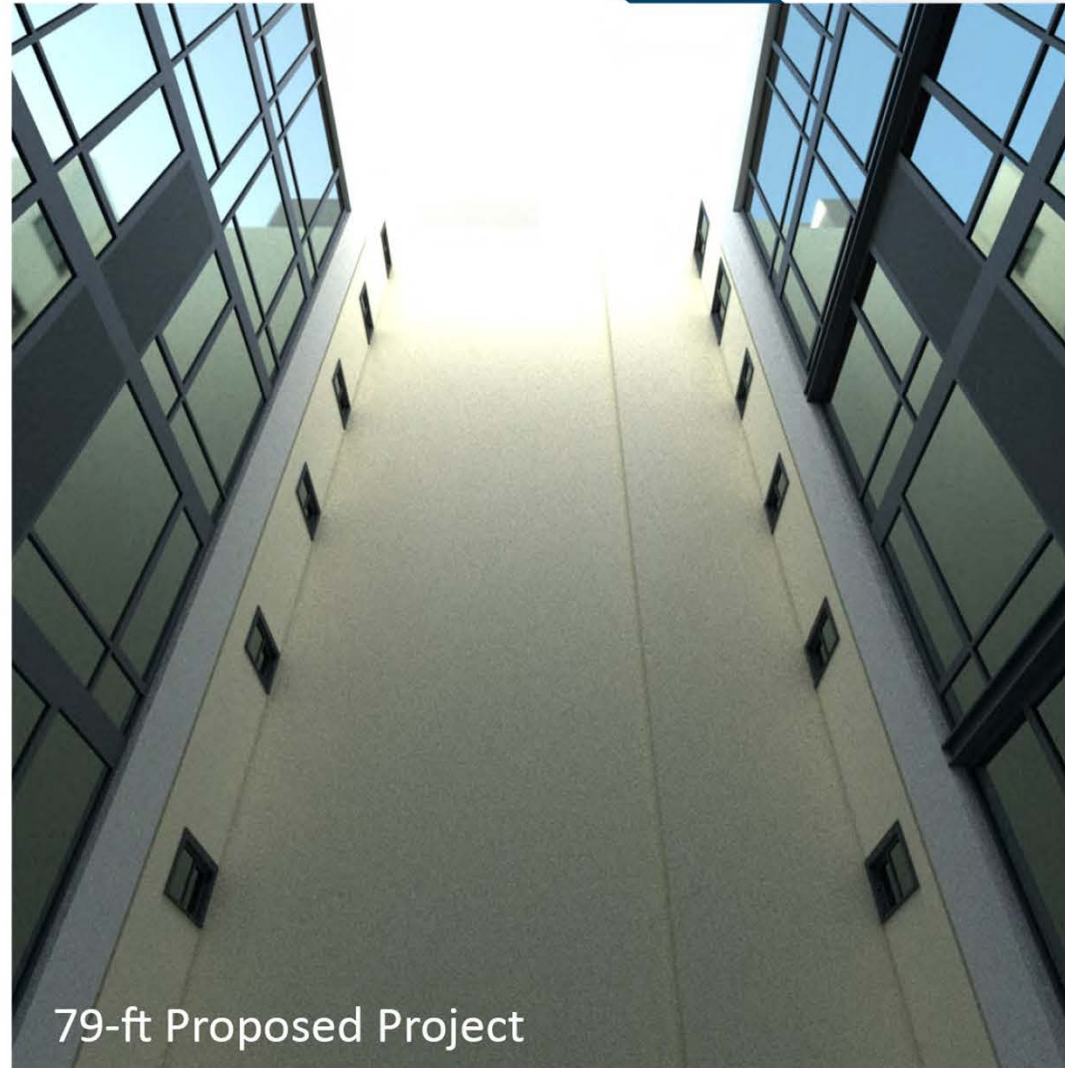
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS

-3.6%



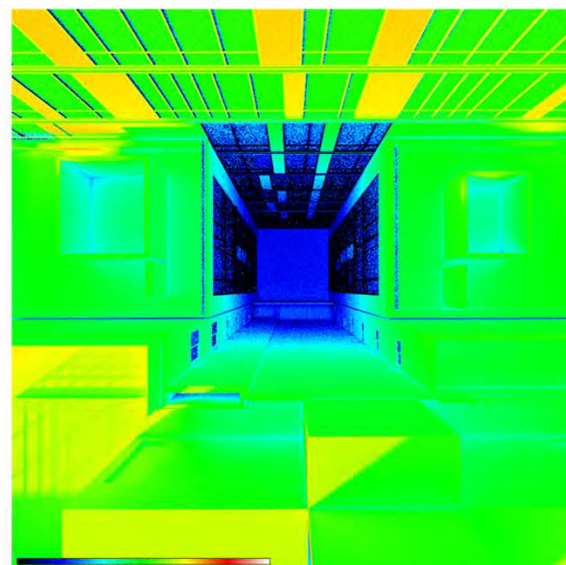
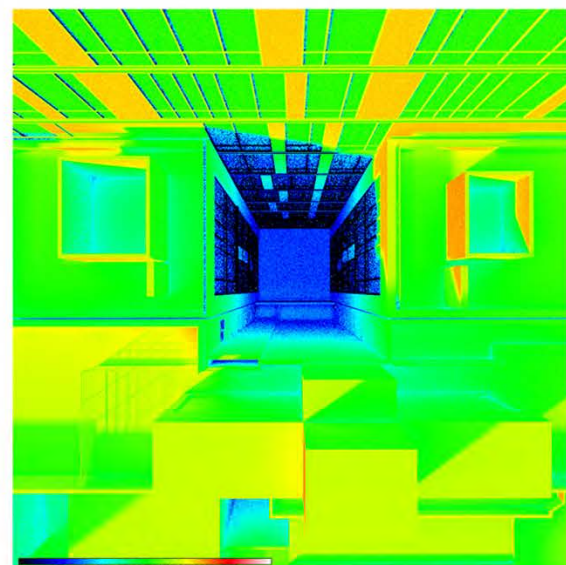
65-ft Project



79-ft Proposed Project

Winter Solstice
December 21

9:00 AM

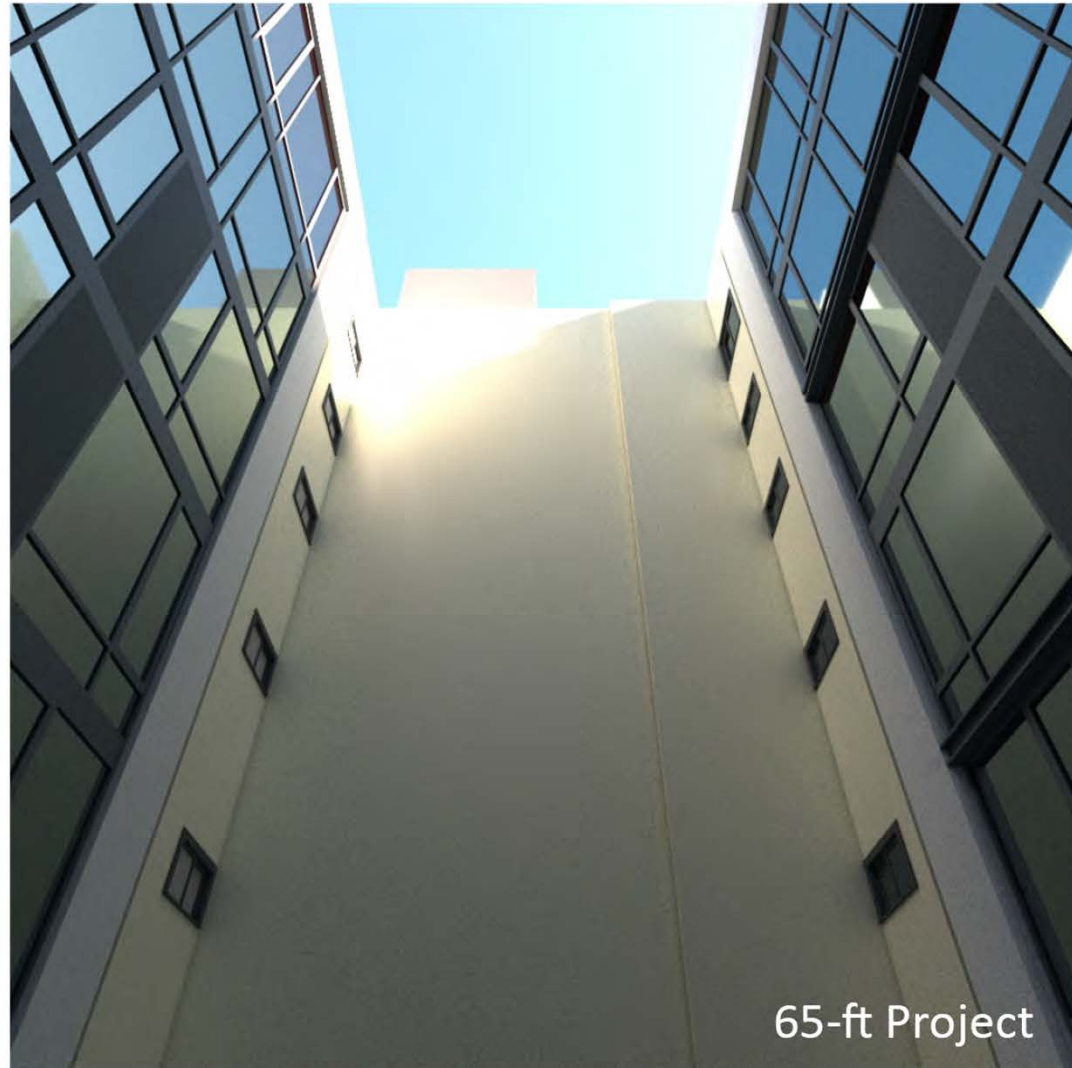


^ Perceptual View
 Looking east from 3rd floor window

< Photometrics
 Birdseye vantage point above courtyard

PERCENTAGE CHANGE IN
 PERCEIVED BRIGHTNESS
 BETWEEN 65-FT AND
 79-FT PROJECTS

-19.3%



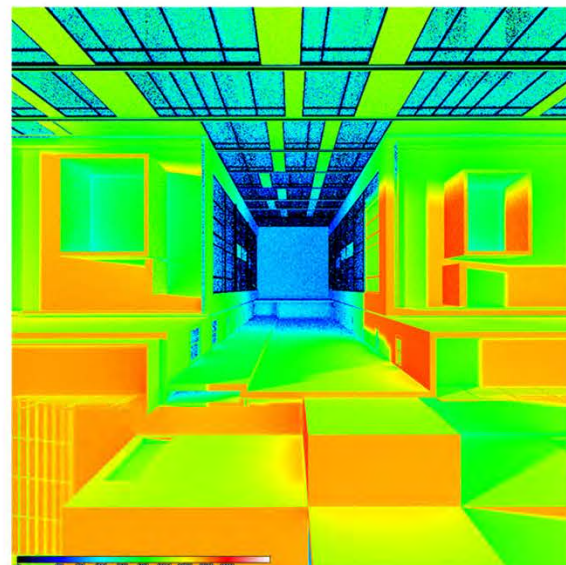
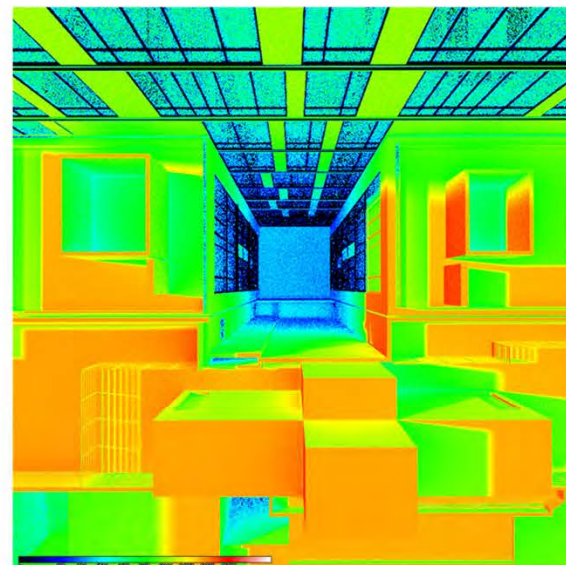
65-ft Project



79-ft Proposed Project

Winter Solstice
December 21

12:00 PM

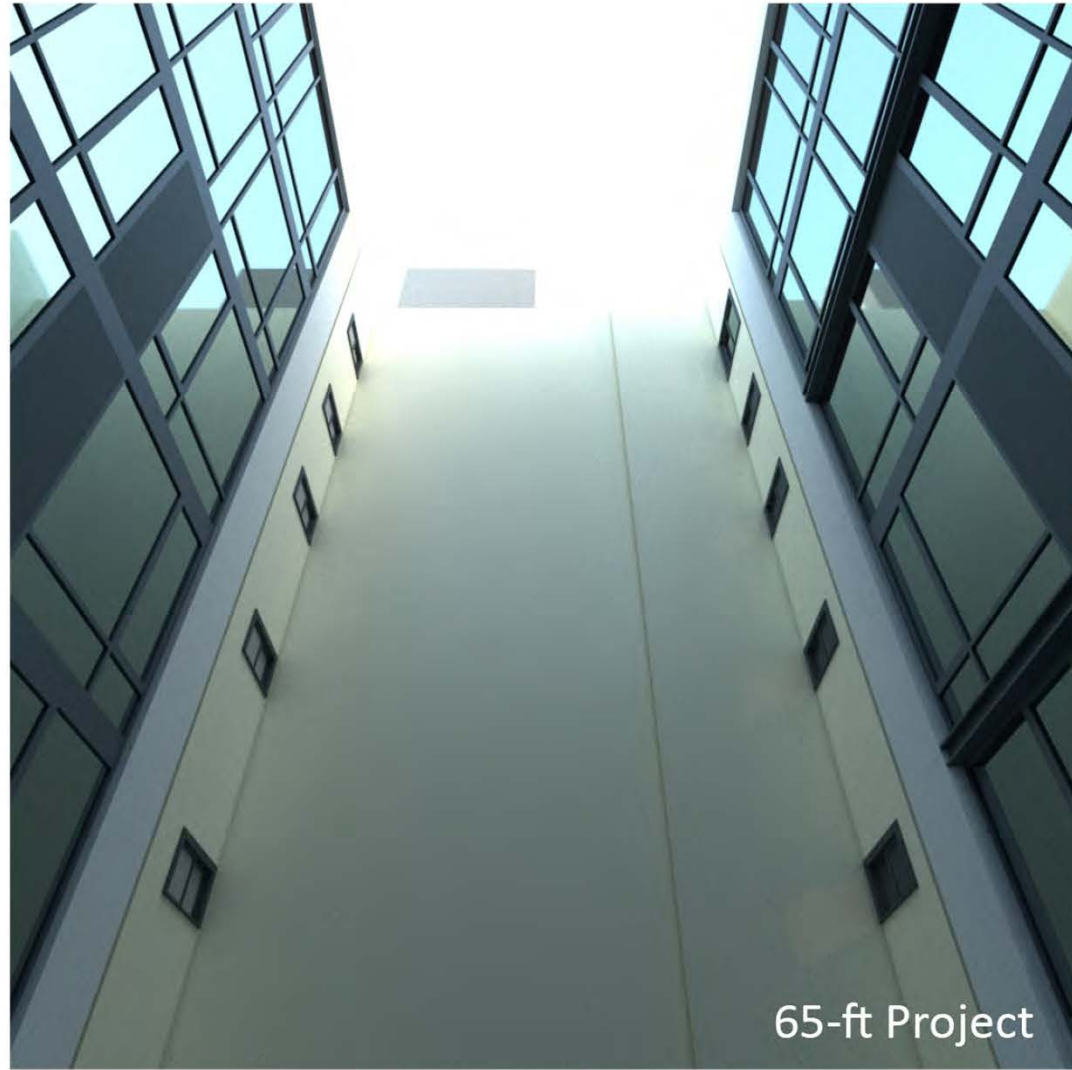


^ Perceptual View
 Looking east from 3rd floor window

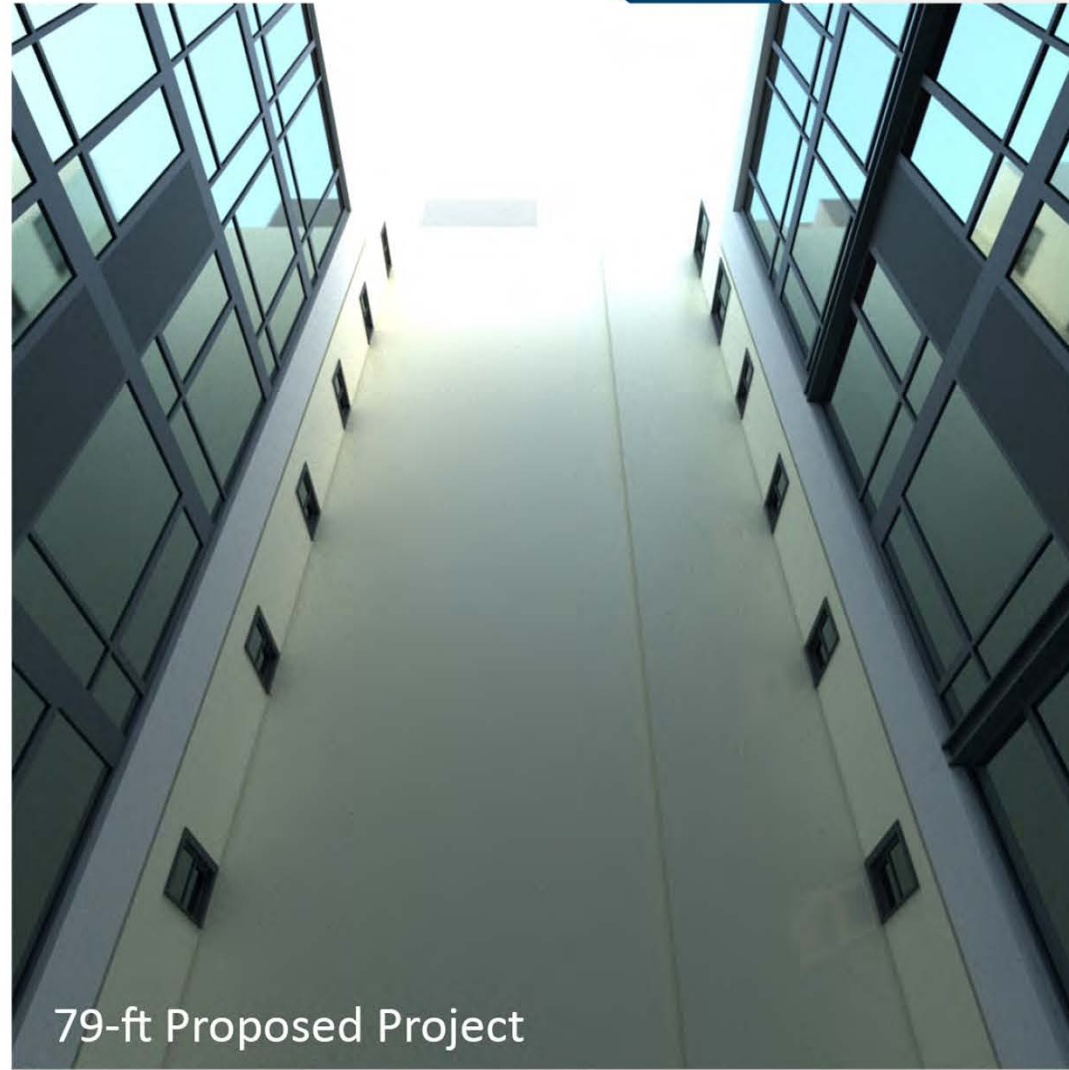
< Photometrics
 Birdseye vantage point above courtyard

PERCENTAGE CHANGE IN
 PERCEIVED BRIGHTNESS
 BETWEEN 65-FT AND
 79-FT PROJECTS

-1.2%



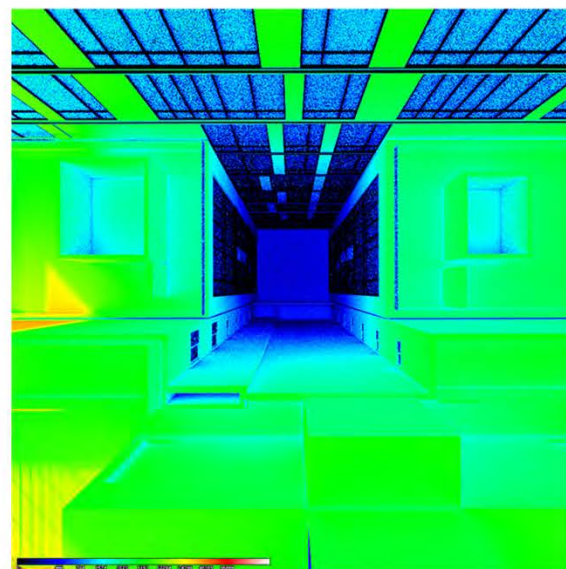
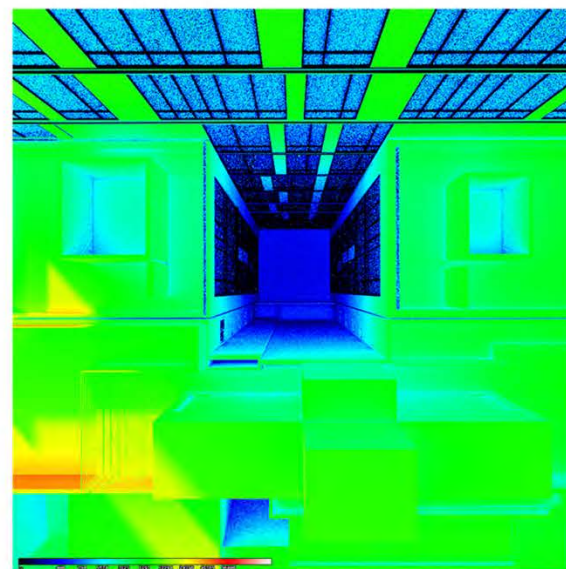
65-ft Project



79-ft Proposed Project

Winter Solstice
December 21

3:00 PM



^ Perceptual View
 Looking east from 3rd
 floor window

< Photometrics
 Birdseye vantage point
 above courtyard

PERCENTAGE CHANGE IN
 PERCEIVED BRIGHTNESS
 BETWEEN 65-FT AND
 79-FT PROJECTS

-5.3%

Annual Comparison Chart

65-ft Project	June 21	September 21	December 21	March 21
9:00 AM	2,376 lux	1,330 lux	517 lux	1,330 lux
12:00 PM	7,551 lux	4,483 lux	868 lux	4,483 lux
3:00 PM	597 lux	265 lux	122 lux	265 lux
Daily Average Lux/hr	4,085 lux/hr	2,377 lux/hr	554 lux/hr	2,377 lux/hr

Annual LuxHrs	859,824
Average Annual Perceived Brightness	79.15%

Proposed 79-ft Project	June 21	September 21	December 21	March 21
9:00 AM	840 lux	228 lux	129 lux	228 lux
12:00 PM	6,755 lux	3,824 lux	803 lux	3,824 lux
3:00 PM	711 lux	199 lux	79 lux	199 lux
Daily Average Lux/hr	3,338 lux/hr	1,761 lux/hr	404 lux/hr	1,761 lux/hr

Annual LuxHrs	664,978
Average Annual Perceived Brightness	75.40%

Net change in perceived light levels **-3.74%**



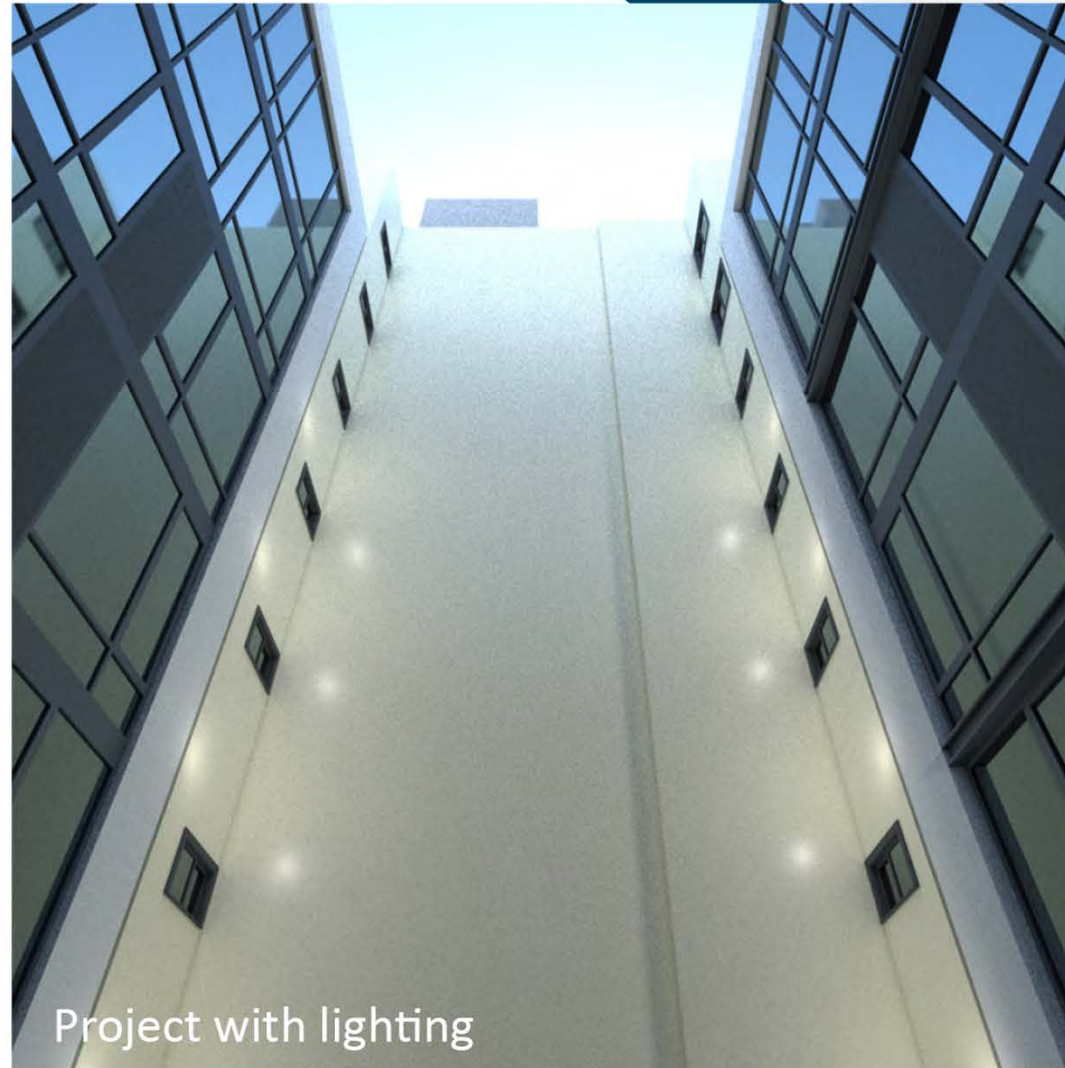
**PREVISION
DESIGN**

Analysis Part 2

Perceptual + Photometric Comparison
of the 79-ft proposed project with and
without indirect lighting



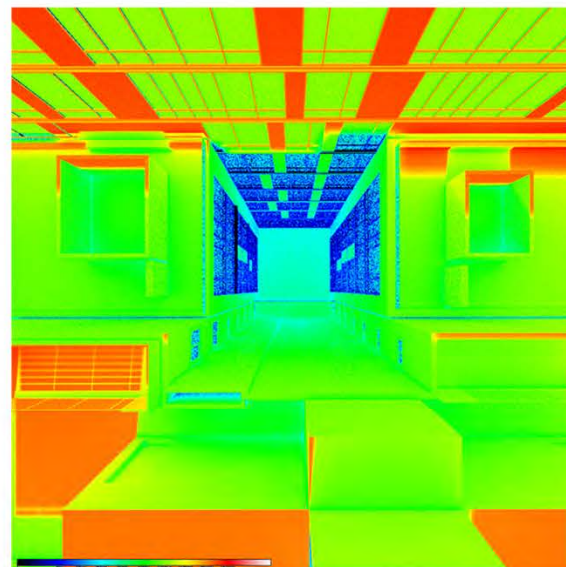
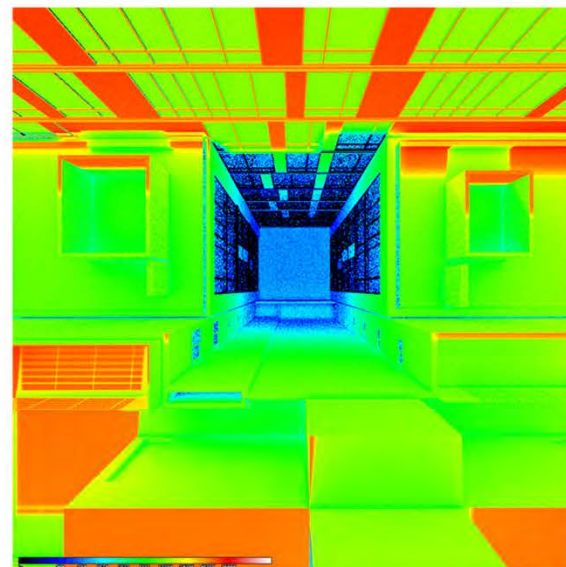
79-ft Proposed Project



Project with lighting

Summer Solstice
June 21

9:00 AM



^ Perceptual View
 Looking east from 3rd
 floor window

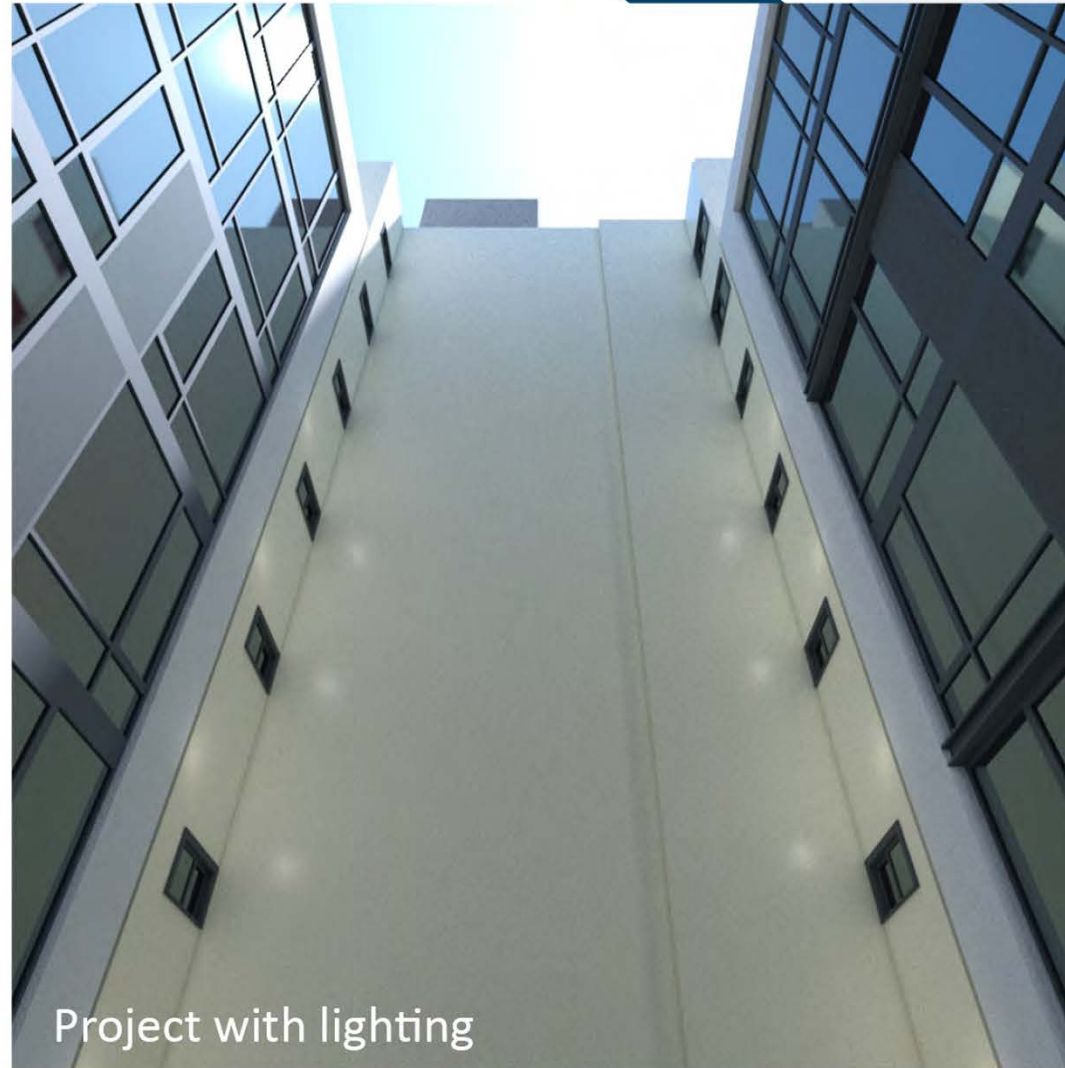
< Photometrics
 Birdseye vantage point
 above courtyard

PERCENTAGE CHANGE IN
 PERCEIVED BRIGHTNESS
 BETWEEN 79-FT PROJECT
 AND VERSION WITH
 LIGHTING

+7.8%



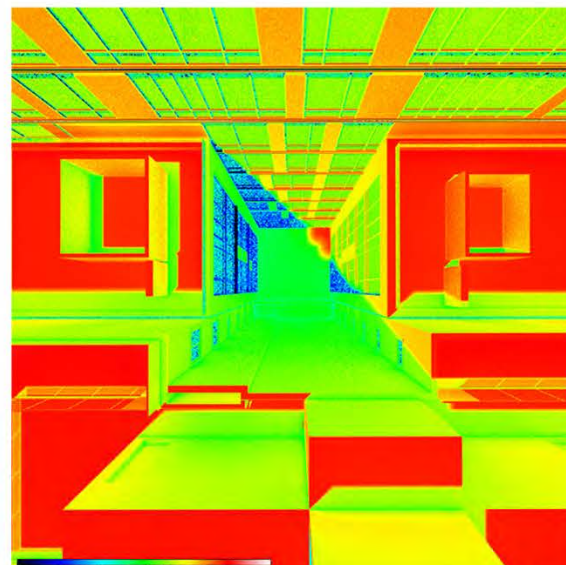
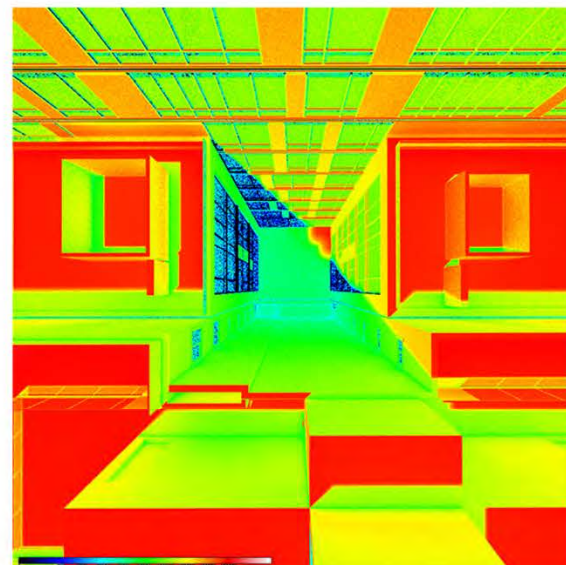
79-ft Proposed Project



Project with lighting

Summer Solstice
June 21

12:00 PM



^ Perceptual View
 Looking east from 3rd floor window

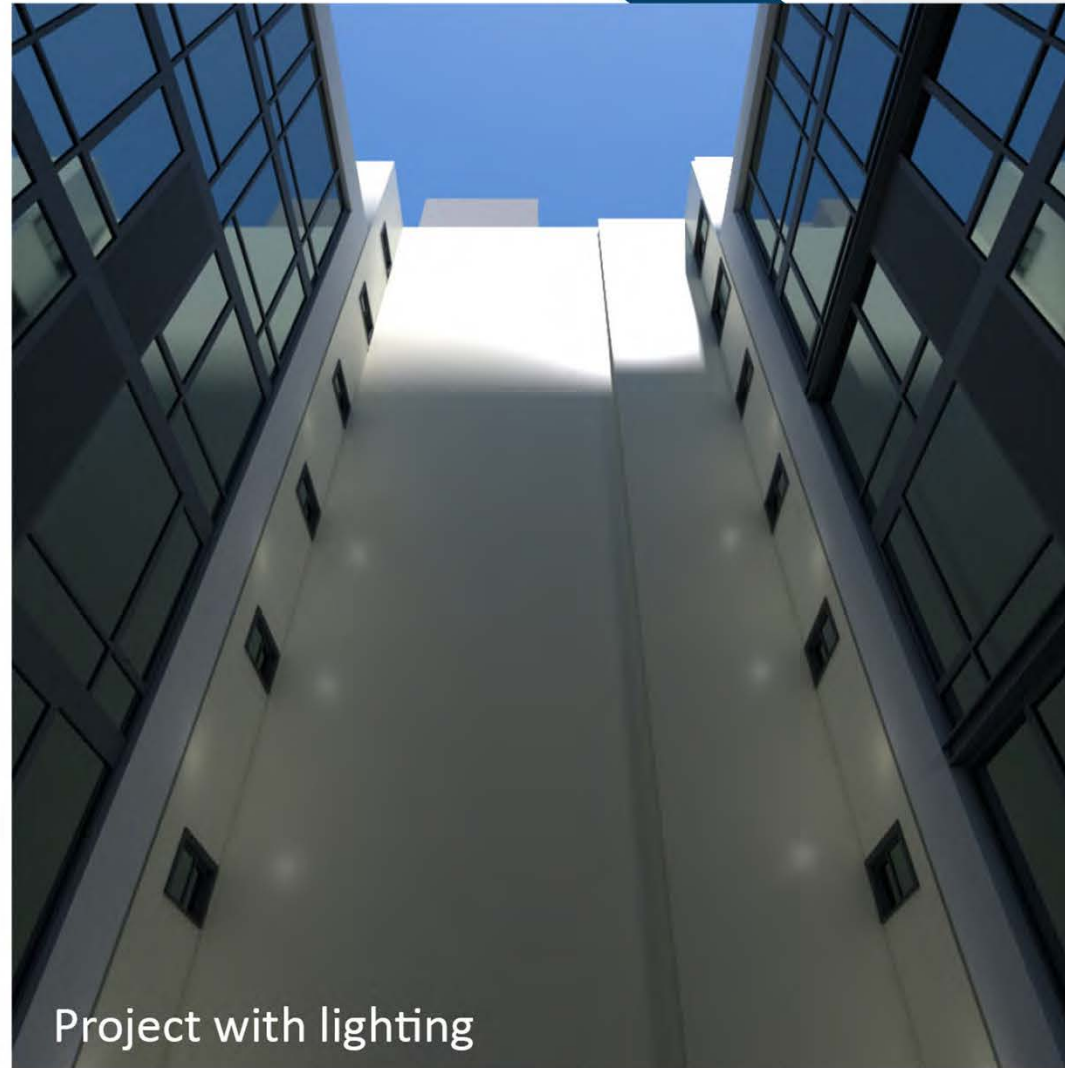
< Photometrics
 Birdseye vantage point
 above courtyard

PERCENTAGE CHANGE IN
 PERCEIVED BRIGHTNESS
 BETWEEN 79-FT PROJECT
 AND VERSION WITH
 LIGHTING

+1.1%



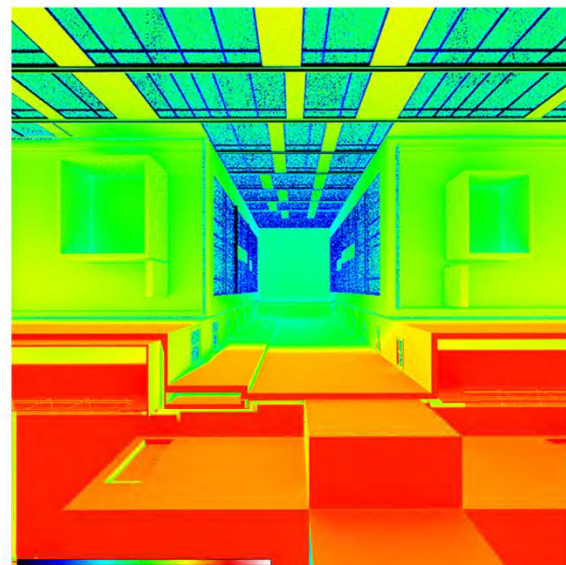
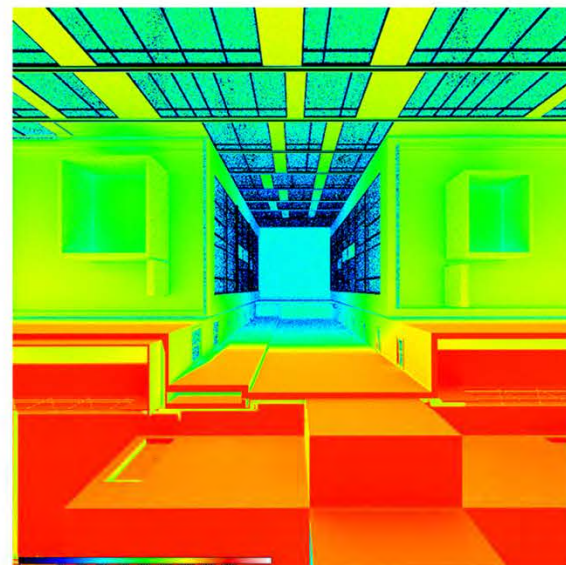
79-ft Proposed Project



Project with lighting

Summer Solstice
June 21

3:00 PM

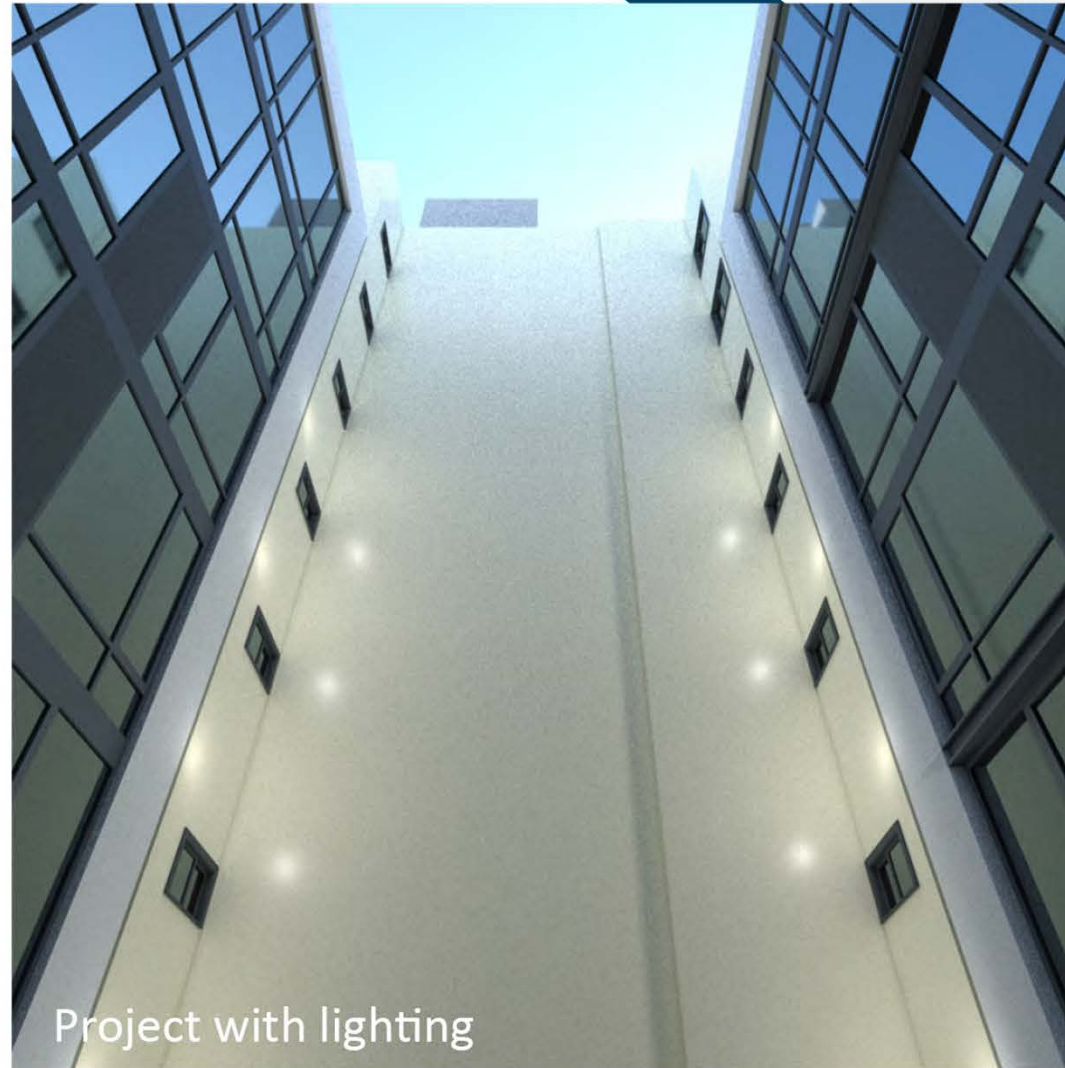


^ Perceptual View
 Looking east from 3rd
 floor window

< Photometrics
 Birdseye vantage point
 above courtyard

PERCENTAGE CHANGE IN
 PERCEIVED BRIGHTNESS
 BETWEEN 79-FT PROJECT
 AND VERSION WITH
 LIGHTING

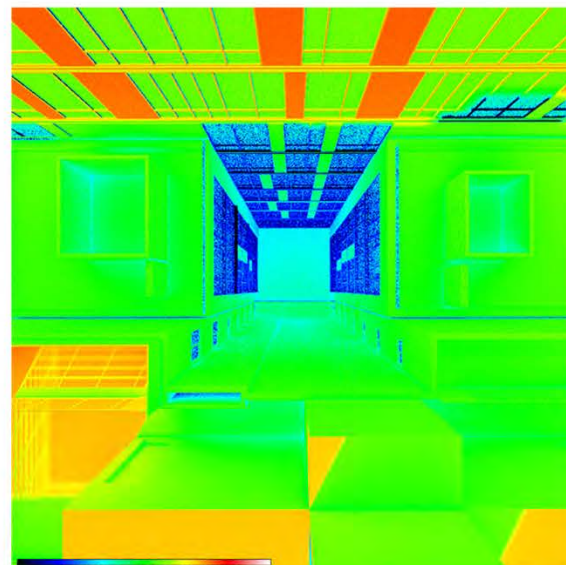
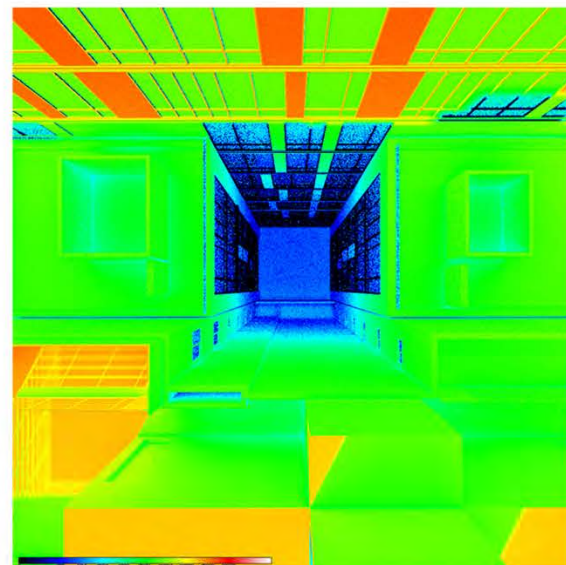
+8.3%



Spring / Fall Equinoxes

**March 21 /
September 21**

9:00 AM



^ Perceptual View
Looking east from 3rd
floor window

< Photometrics
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING

+18.1%



79-ft Proposed Project

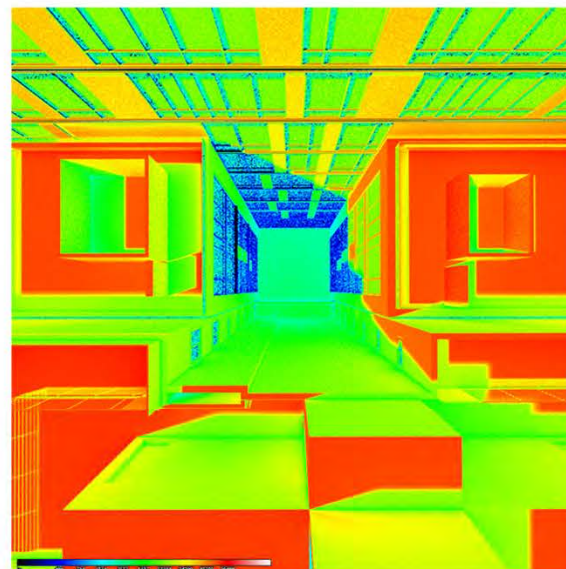
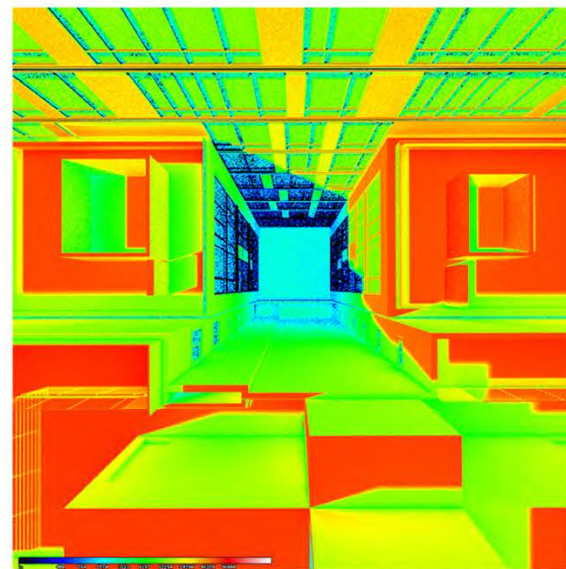


Project with lighting

Spring / Fall Equinoxes

**March 21 /
September 21**

12:00 PM



^ Perceptual View

Looking east from 3rd floor window

< Photometrics

Birdseye vantage point above courtyard

PERCENTAGE CHANGE IN PERCEIVED BRIGHTNESS BETWEEN 79-FT PROJECT AND VERSION WITH LIGHTING

+1.9%



79-ft Proposed Project

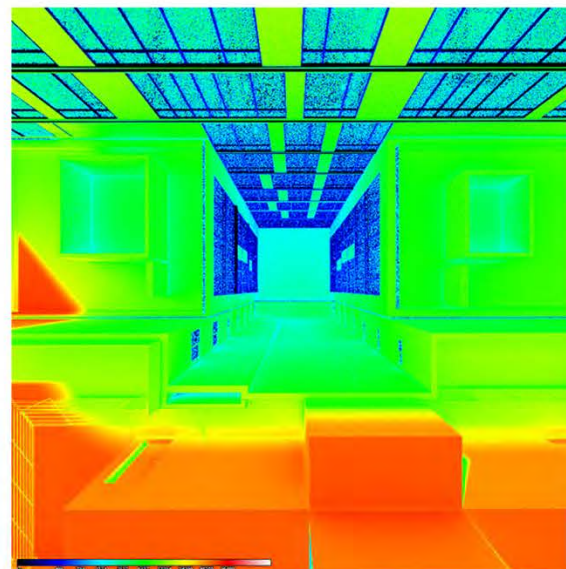
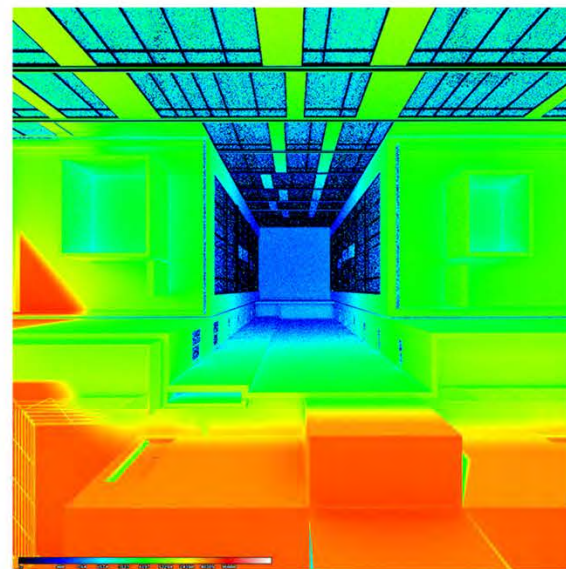


Project with lighting

Spring / Fall Equinoxes

**March 21 /
September 21**

3:00 PM



^ Perceptual View
Looking east from 3rd
floor window

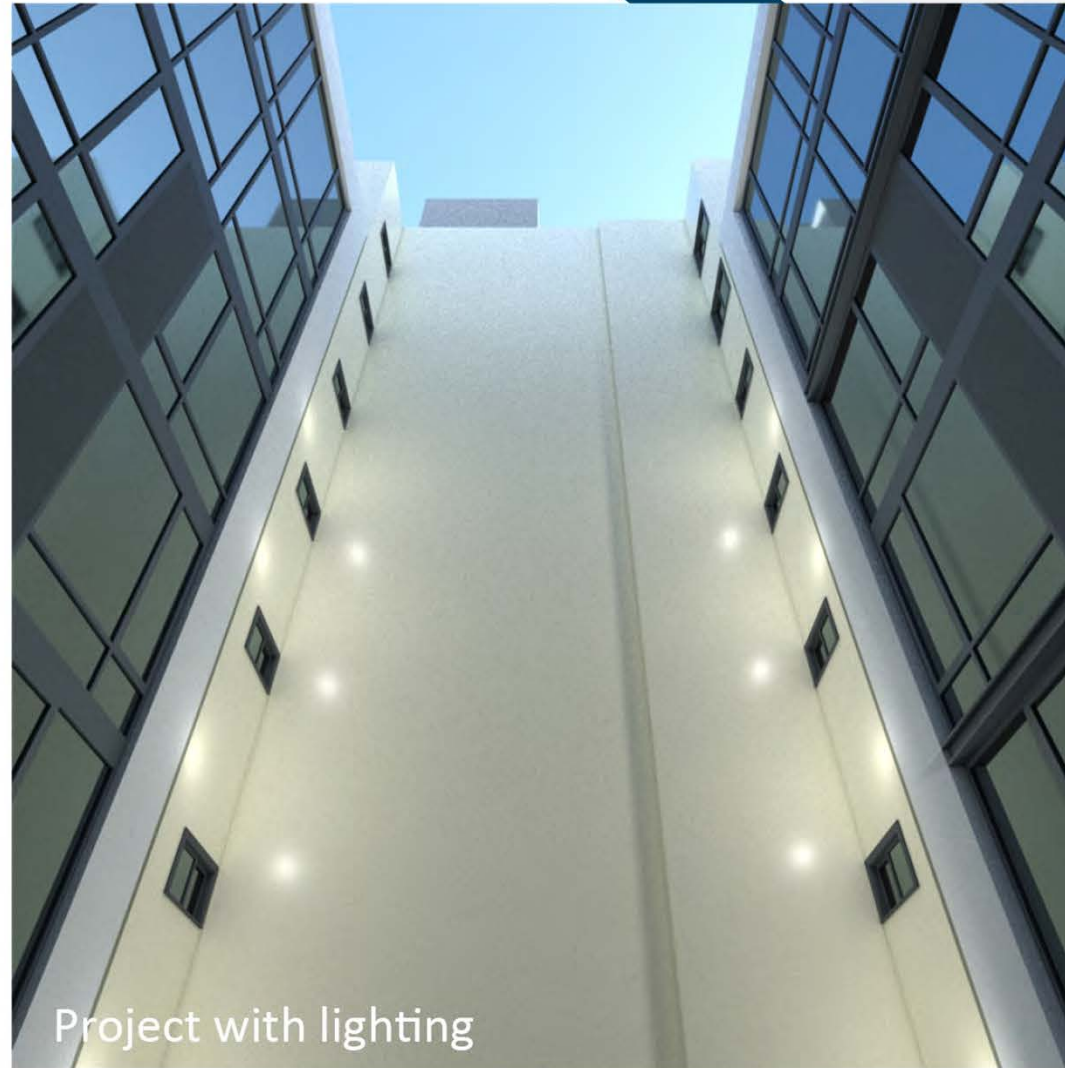
< Photometrics
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING

+19.7%



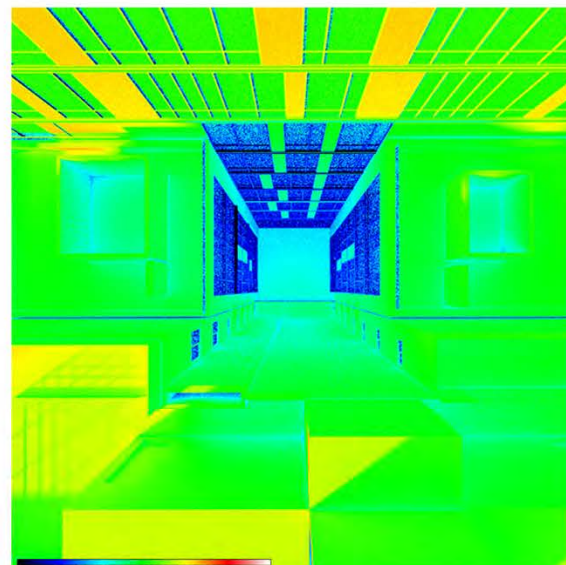
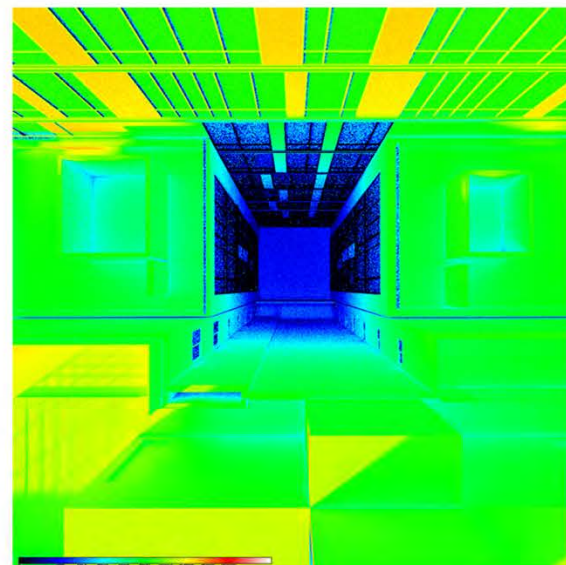
79-ft Proposed Project



Project with lighting

Winter Solstice
December 21

9:00 AM

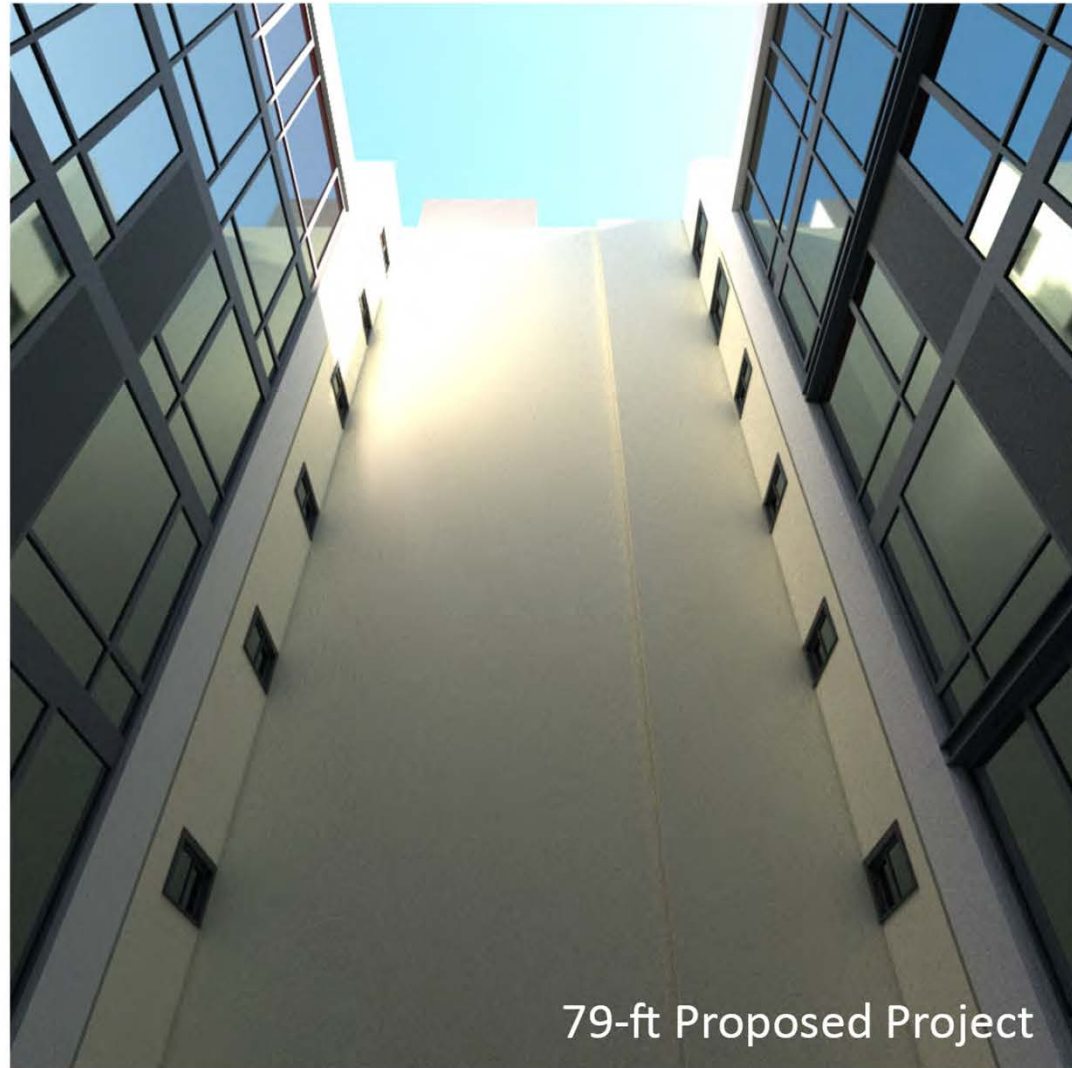


^ Perceptual View
 Looking east from 3rd
 floor window

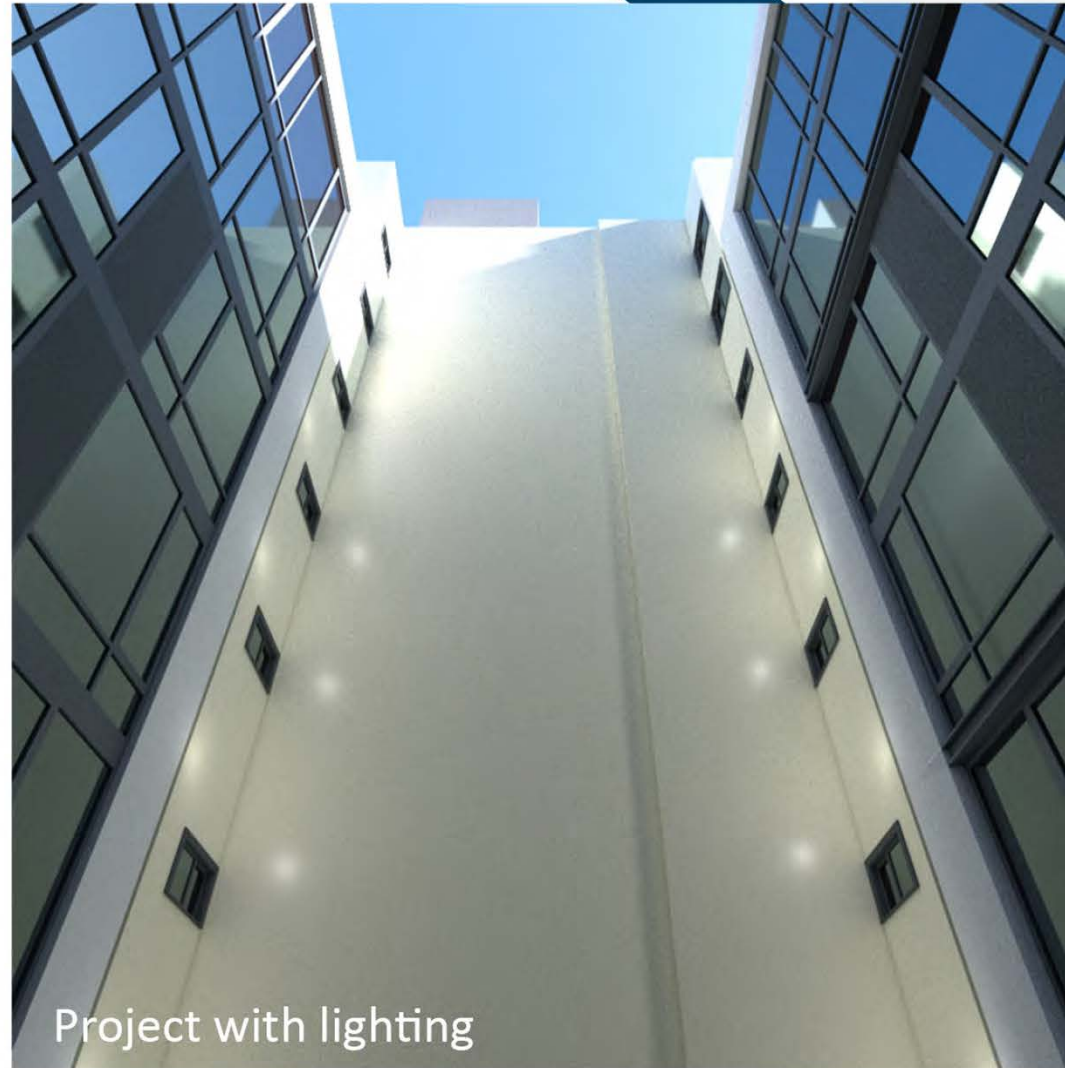
< Photometrics
 Birdseye vantage point
 above courtyard

PERCENTAGE CHANGE IN
 PERCEIVED BRIGHTNESS
 BETWEEN 79-FT PROJECT
 AND VERSION WITH
 LIGHTING

+23.9%



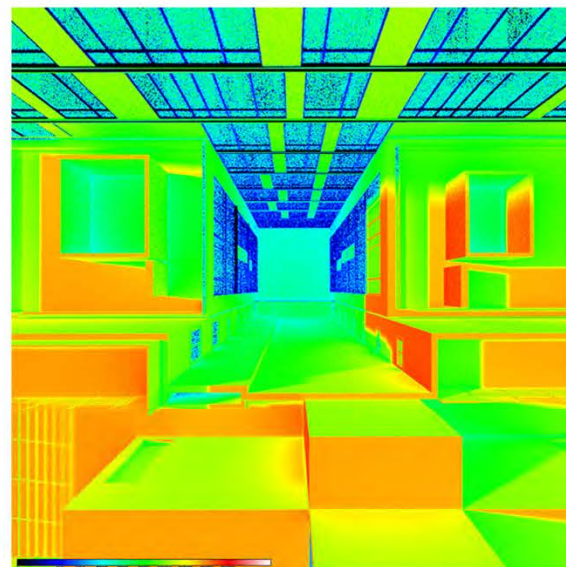
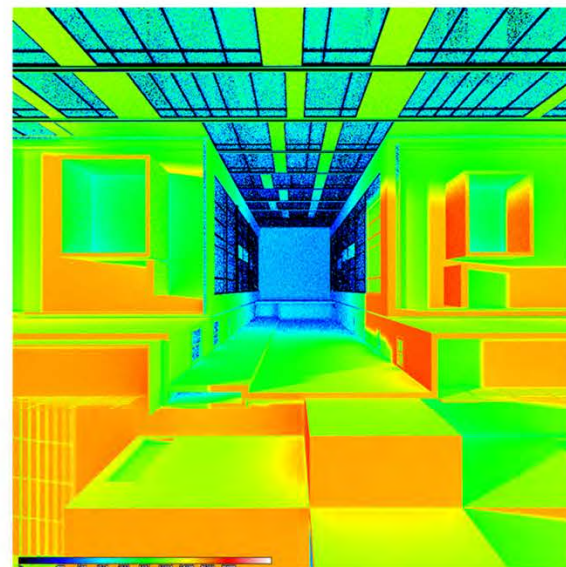
79-ft Proposed Project



Project with lighting

Winter Solstice
December 21

12:00 PM



^ Perceptual View
 Looking east from 3rd floor window

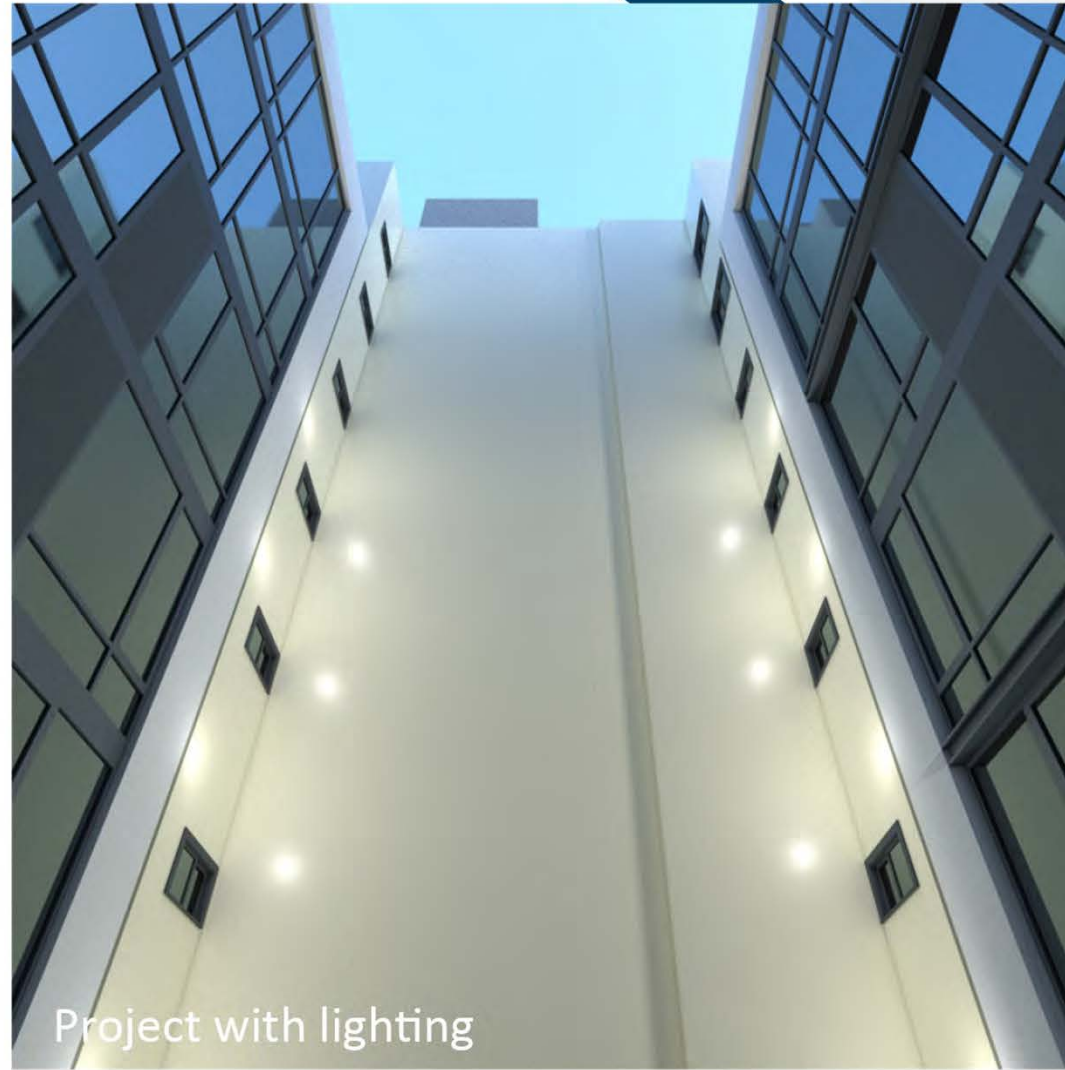
< Photometrics
 Birdseye vantage point above courtyard

PERCENTAGE CHANGE IN PERCEIVED BRIGHTNESS BETWEEN 79-FT PROJECT AND VERSION WITH LIGHTING

+8.0%



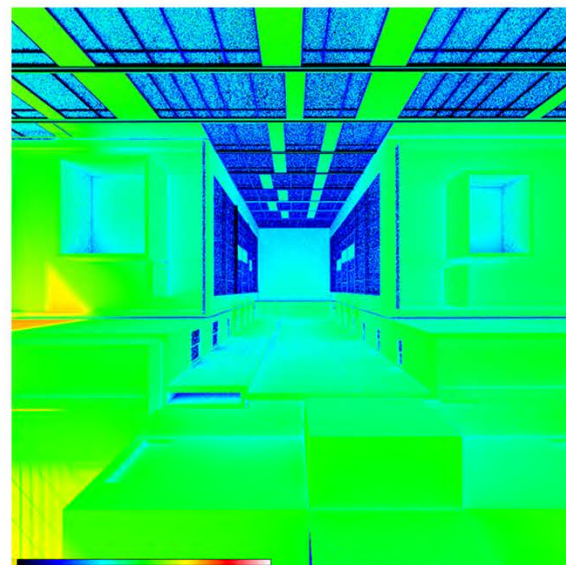
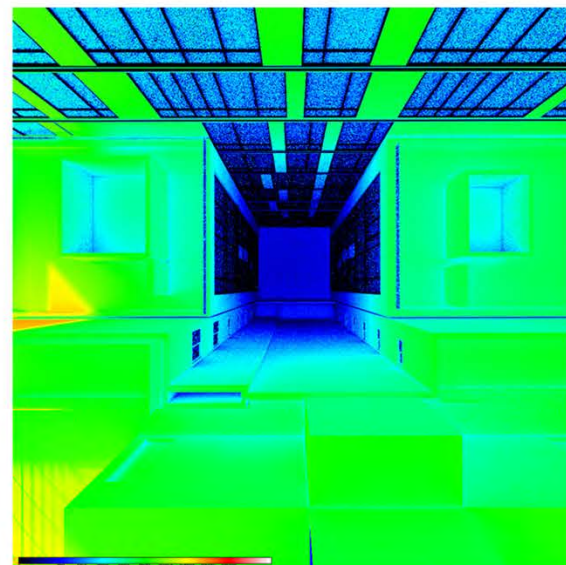
79-ft Proposed Project



Project with lighting

Winter Solstice
December 21

3:00 PM



^ Perceptual View
 Looking east from 3rd floor window

< Photometrics
 Birdseye vantage point above courtyard

PERCENTAGE CHANGE IN PERCEIVED BRIGHTNESS BETWEEN 79-FT PROJECT AND VERSION WITH LIGHTING

+29.3%

Annual Comparison Chart

Proposed 79-ft Project	June 21	September 21	December 21	March 21
9:00 AM	840 lux	228 lux	129 lux	228 lux
12:00 PM	6,755 lux	3,824 lux	803 lux	3,824 lux
3:00 PM	711 lux	199 lux	79 lux	199 lux
Daily Average Lux/hr	3,338 lux/hr	1,761 lux/hr	404 lux/hr	1,761 lux/hr

Annual LuxHrs	664,978
Average Annual Perceived Brightness	75.40%

Net change in perceived light levels **-3.74%**

Proposed Project + Lighting	June 21	September 21	December 21	March 21
9:00 AM	1,451 lux	831 lux	722 lux	831 lux
12:00 PM	7,273 lux	4,358 lux	1,399 lux	4,358 lux
3:00 PM	1,274 lux	814 lux	668 lux	814 lux
Daily Lx/SF/Hr	3,896 lux/hr	2,338 lux/hr	997 lux/hr	2,338 lux/hr

Annual LuxHrs	875,276
Average Annual Perceived Brightness	79.39%

Net change in perceived light levels **3.98%**

Net change in perceived light levels from 65-ft building **0.24%**



Annual Change Recap

Comparisons between the average light levels between all building types on an annualized basis

Annual Comparison Chart

65-ft Project	June 21	September 21	December 21	March 21
9:00 AM	2,376 lux	1,330 lux	517 lux	1,330 lux
12:00 PM	7,551 lux	4,483 lux	868 lux	4,483 lux
3:00 PM	597 lux	265 lux	122 lux	265 lux
Daily Average Lux/hr	4,085 lux/hr	2,377 lux/hr	554 lux/hr	2,377 lux/hr

Annual LuxHrs	859,824
Average Annual Perceived Brightness	79.15%

Proposed 79-ft Project	June 21	September 21	December 21	March 21
9:00 AM	840 lux	228 lux	129 lux	228 lux
12:00 PM	6,755 lux	3,824 lux	803 lux	3,824 lux
3:00 PM	711 lux	199 lux	79 lux	199 lux
Daily Average Lux/hr	3,338 lux/hr	1,761 lux/hr	404 lux/hr	1,761 lux/hr

Annual LuxHrs	664,978
Average Annual Perceived Brightness	75.40%

Proposed Project + Lighting	June 21	September 21	December 21	March 21
9:00 AM	1,451 lux	831 lux	722 lux	831 lux
12:00 PM	7,273 lux	4,358 lux	1,399 lux	4,358 lux
3:00 PM	1,274 lux	814 lux	668 lux	814 lux
Daily Lx/SF/Hr	3,896 lux/hr	2,338 lux/hr	997 lux/hr	2,338 lux/hr

Annual LuxHrs	875,276
Average Annual Perceived Brightness	79.39%



**Thank You
Questions?**



SAN FRANCISCO PLANNING DEPARTMENT

ATTACHMENT 2

Variance Decision

Date: December 18, 2014
Case No.: **2006.0383CEKV**
Project Address: **1527-1545 Pine Street**
Zoning: RC-4 (Residential Commercial, High Density) and Polk Street NCD (Neighborhood Commercial District)
Partially w/in the Van Ness Special Use District and Van Ness Automotive Special Use District
65-A and 130-V Height and Bulk District
Block/Lot: 0667/016, 017, 018, 018A and 019
Project Sponsor: Jessie Stuart
Trumark Urban
90 New Montgomery, Suite 750
San Francisco, CA 94105
Staff Contact: Sharon Lai – (415) 575-9087
sharon.w.lai@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VARIANCES – REAR YARD, EXPOSURE, STREET FRONTAGE, AND OFF STREET LOADING VARIANCES SOUGHT:

The Project proposes to demolish five existing structures with frontages on Pine and Austin Streets and construct a 12-story mixed-use development with 103 residential units and ground floor commercial spaces on parcels that span two different zoning and height and bulk districts. Two levels of below grade parking would contain 84 off-street parking spaces. Twelve (12) of the 103 residential units are proposed to be on-site affordable units. Open space is provided through a mix of private and public usable open spaces on balconies, terraces, roof decks and a courtyard. The Project was subject to a Conditional Use Authorization (Case No. 2006.0383C) for structures above 40 feet in height in the Van Ness Special Use District.

Section 134 of the Planning Code requires a rear yard equal to a 25-percent rear yard is required at all levels in the RC-4 District and a 25-percent rear yard is required at all residential levels in the Polk Street NCD. The Project does not provide a rear yard where a 30-foot rear yard would be required. The Project requires a rear yard modification from Planning Code Section 134 for the Polk Street NCD portion of the site and a rear yard modification or waiver for the RC-4 portion of the site pursuant to Planning Code Sections 243(c)(7) and 307(g).

Section 140 of the Planning Code requires that dwelling units have exposure on either a street; a code compliant rear yard; or an open area which is unobstructed and is no less than 25-feet in every horizontal dimension for the floor at which the dwelling units are located and the floor immediately above it, with an increase of 5-feet in every horizontal dimension at each subsequent floor. The Project includes 11 units that do not comply with the minimum exposure requirements and therefore, the Project requires a variance from Planning Code Section 140.

Section 145.1 of the Planning Code requires new buildings to preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and appropriate and compatible with the buildings within the district. Active uses and at least 60 percent transparency are required along the ground floor. Approximately 24 feet of the Pine Street frontage and approximately 64 feet of the Austin Street frontage do not comply with the active use requirement, and approximately 44 percent ground floor transparency is provided along Austin Street. Therefore, the Project requires a variance from the street frontage requirements of Planning Code Sections 145.1(c)(3) and (6).

Section 152 of the Planning Code requires one off-street loading space for new residential developments between 100,001 and 200,000 square feet. The Project is approximately 129,600 square feet and no off-street loading space is provided. Therefore, the Project requires a variance from the off-street loading requirements of Planning Code section 152.

PROCEDURAL BACKGROUND:

1. On October 2, 2014, the Planning Commission certified compliance of the Final Environmental Impact Report (FEIR) with the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) ("CEQA"), the CEQA Guidelines (14 Cal. Code Reg. section 15000 *et seq.*), and Chapter 31 of the San Francisco Administrative Code, under Case No. 2006.0383CEKV (Motion No. 19247).
2. On October 2, 2014, the Planning Commission approved CEQA findings, including adoption of a Mitigation Monitoring and Reporting Program (the MMRP), under Case No. 2006.0383CEKV, (Motion No. 19248).
3. On October 2, 2014, the Planning Commission approved the Conditional Use Authorization associated with the subject project, under Case No. 2006.0383CEKV (Motion No. 19249).
4. The Zoning Administrator held a joint public hearing on **Variance Application No. 2006.0383CEKV** with the Planning Commission on **October 2, 2014**.
5. Planning Code Section 312 Notification was performed under the 20 day Conditional Use authorization notice for Case No. 2006.0383C, mailed on September 12, 2014.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to allow a new, 12-story, 130-foot tall, approximately 129,600 gross square foot mixed-use building, containing 103 residential units, 2,700 square feet of commercial and institutional uses on the ground floor, and two levels of below-grade parking for 84 vehicles, as designed, subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or

extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.

2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
5. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject development is comprised of five-parcels (totaling 15,000 square feet) containing five one- and two-story buildings (currently vacant). The subject site contains frontages on Pine Street and Austin Street, which is a narrow street. The site is located within the RC-4 Zoning District and Polk Street NCD, 65-X and 103-V Height and Bulk Districts, and partially within the Van Ness and Van Ness Automotive Special Use Districts. The split zoning and the existing wind exceedances of the site results in additional constraints for sculpting the massing of the project, which limits the development potential of the site. The granting of the rear yard, street frontage, exposure and loading space variances would allow the construction of a well-designed, mixed-use in-fill project to replace a currently underutilized site.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. Due to the existing wind conditions of the area and additional controls for the Van Ness SUD, the proposed building has been designed to limit and, in some test points, improve the wind conditions. The exposure to dwelling units provided by the side setback and interior courtyard was designed to address the wind conditions of the area. Literal enforcement of the exposure requirement would result in significant massing changes to the building that may negatively affect wind impacts on the Van Ness corridor and significantly limit the number of dwelling units developed on the site.
- B. The subject site contains street frontages along the front and rear property lines, and is required to meet street frontage requirements on two sides of the site, which is unusual for mid-block lots. A number of mechanical and operational features must be located at the ground level for the proposed development. Literal enforcement of the rear yard and street frontage requirements would dramatically limit the development potential of the site and result in practical difficulty. Strict application of the rear yard requirement would result in an approximately 30 foot set back of the rear building wall, which would be inconsistent with the development context and urban design principles of the City. Additionally, the Polk Street NCD portion of the site complies with the setback requirements for narrow streets and alleys, which appropriately sculpts the massing along Austin Street.
- C. Due to the existing varying topography, compliance with the off-street loading space would likely result in significant additional excavation and loss of required off-street parking in order to accommodate the height and approach radius required for a loading space. Locating the off-street loading space at grade level would conflict with the active use requirements of the Code.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. Granting of the rear yard modification will allow the property to be developed where the building wall is consistently held at all frontages, which is similar to other developments and a substantial property right exercised by other properties in the same class of district.
- B. All dwelling units will face onto an open area with a minimum dimension of 25 feet by 25 feet, which is more than the amount available for many existing dwelling units in the area that were constructed prior to the exposure requirement of the Code.
- C. The Austin Street frontage does not currently contain active uses or a high level of façade transparency, as it has historically been dedicated to back-of-house uses. The through lot condition of the site results in limited opportunity for non-active uses to be accommodated. The granting of the street frontage variance would allow the property to be developed with the supportive features such as trash access and bicycle storage that are necessary to the residents of the property.

- D. Many other properties utilize on-street loading spaces. The granting of the loading space variance would allow the property to be utilized in a manner similar to other properties in the area.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. Granting of the rear yard, exposure, street frontage and off-street loading variances would improve the development opportunity of the site, and as a result allow for more on-site affordable housing, which is a significant public benefit. The granting of the variances would not be materially detrimental to the public welfare or materially injurious to neighboring properties as the project has been designed to respond to its neighborhood context and wind conditions.
- B. The Planning Department is not aware of any opposition to the proposed project.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
 - 1. Vacant buildings currently occupy the Project site; therefore, existing neighborhood retail uses will not be adversely affected by the proposed project. The Project includes approximately 2,700 square feet of new retail/institutional uses including approximately 1,974 square feet of commercial space along Pine Street, which will promote opportunities for employment and ownership of businesses.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character.
 - 3. The existing site does not contain any dwelling units. The proposed project will have a positive effect on the City's supply of affordable housing by incorporating 12 on-site BMR units.

4. The proposed project contains 84 off-street parking spaces and 112 Class 1 bicycle parking spaces, and is not anticipated to adversely affect the neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will remove the historic building at 1545 Pine Street. However, on October 2, 2014, the Planning Commission, per Motion No. 19247, adopted a Statement of Overriding Consideration under CEQA, finding the benefits of the Project outweighed the environmental impacts associated with the loss of the historic resource.
8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

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.

Variance Decision
December 18, 2014

CASE NO. 2006.0383V
1527-1545 Pine Street

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

SL: G:\DOCUMENTS\VARIANCES\1527-1545 Pine St\1527-1545 Pine St - Variance Decision Letter.doc



City and County of San Francisco

THURSDAY, OCTOBER 02, 2014

thank you good morning, everyone. To the san francisco planning commission regular hearing for October 2, 2014,

I'd like to remind members of

the members 0 that the commission does not permit

outbursts of any kind and when speaking before the commission, if you care to, do

state your name for the record. I'd like to take we'll.

>> commissioner fong arrest

commissioner antonini

commissioner hillis

commissioner moore commissioner hillis and commissioner johnson commissioner President Wu. >> thank you, commissioners due

to the late start we'll be

moving things around on the calendar weaning we'll be moving

tatters c and d to the end of

the calendar and item 12 for 490

van ness will be outside of

order following abc of pine street

so commissioners terrors is the

items proposed for continuance

item one at 53 state street a

announced discretionary reviews

no other items proposed for continues and I have no speaker cards

any public comment on the items proposed phone number for continuance seeing none, public

comment is closed.

Commissioners? Commissioner moore >> move to continue. >> second.

>> on that motion to continue

item one until November win arrest commissioner hillis commissioner johnson commissioner moore

commissioner richards commissioner fong and commissioner President Wu so moved, commissioners, that

motion passes unanimously 7 to zero and places you under your

that but we think this is a better option. >> thank you

one other quick question 6

antennas is the smallest type of sited.

>> we have I think those are

pretty few and far between I

know in our network I don't even

know we proposed one for 17

hundred union and went to 18

union this was a little bit of a

situation we can't I think we'd

rather not build a 3 panel sites site then yeah. >> thank you thank you please call the question.

>> commissioners there is a we have a motion and a second to

approve this matter with conditions and modified finding of the original motion that was

provided to you conditioning

that the equipment move and that the equipment be painted to

match the existing building that

the with regard antenna or full

wraps be at staffs discretionary discretion and the antennas will

be moved away from the buildings

edge and a caesarean on that motion. >> commissioner antonini. >> commissioner hillis no arrest commissioner johnson commissioner moore
no commissioner richards

no arrest commissioner fong and

commissioner President Wu so moved, commissioners, that

motion passes 4 to 3 with commissioner johnck

commissioner moore and other

commissioner against that is the

pine street mixed use for the

final environmental impact

report the draft public comment

is closed the draft eir end on June 30th, 2014, and public

comment will be received when

this item is called, however,

the comments May not be put in the final eir.

>> good afternoon, everyone. With the planning staff that is a financial environmental impact

report or eir for the proposed

1527 to pine project case

which entails domination of 5

woolfs buildings on the south side even if pine between van

ness on the west and austin to

the south and a construction of

one hundred and 37 square feet at all story building with retailer space soon the ground

floor and one hundred 37 housing

in the upper levels a copy of

the eir draft is in front of the

commission and published on

May 14th and the public hearing

was held and the public comment

closed comments and responds

were published on September 27th

no public comments on the draft

eir nor did any member of the public speak before the commission in June

the elevation contained in the eir found that the implementation of the proposed project will result in

significant unavailable impacts

that can't be litigate below a significant level the demolition

of the pine street building for

the purposes of environmental

review and it was identified as

one of the temporary constructions after the 1906 san

francisco earthquake fire

in the sequa's mandate it was

the american building

certification and interpretation

the artifacts the alternates to

the impact due to the unavailable significant impact

on the resources the commission

will need to adapt this over

oppositions to approve this project

at this point the motion to

adapt it it certifies the eir as

accurate and adequate and the

procedures to which it complies

with sequa the sequa's guidelines in chapter three 1 that concludes my presentation.

On this matter unless the commissioners members have questions for me.

>> thank you. >> thank you.

>> so, sir we open for public comment. >> for the certification of the eir yes.

>> any public comment on the

certification of the eir? Seeing none, public comment is

closed. Commissioners commissioner antonini

>> I think the eir is adequate

and accurate and I would move to certify. >> second commissioner moore.

>> just so far completeness

questions raised by the

commissioner were answered and

inaccurately addressed I'm in support. >> thank you

commissioners there is a we have a motion and a second to certify the final eir. >> commissioner antonini commissioner hillis commissioner johnson commissioner moore sxhifksz commissioner johns and commissioner President Wu so moved, commissioners, that

motion passes unanimously which

e 7 to zero and places you on

abc and for the e, c and v for

1527 through 45 pine street

sequa and for conditional use authorization and the consideration for variances.

>> good afternoon sharpening

with the planning staff abc

constitute the demolition for

the projects on 1527 through 45

pine street the project is on 3

lots with a combined site area

of 15 thousand square feet

within the van ness and van ness

afghan special use district

within the polk street district

to demolish all commercial

structures mudding over two

levels of subterranean parking

the eastern part of the

discriminate is limited to 6

facilities which also provide a

transition from the higher van

ness to the moderate polk street

a tip to on page 4 where the

proposal is incorrect seeps so a

5 foot story it is approximately

96 square feet of residential of

ex-1112 an affordable housing 27 hundred square feet ever number one residential use for

commercial spaces on pine street and a commercial constitutional

use on austin street the two who

levels of parking constitute

will contain 84 parking spaces

that are dedicated car spaces

and bicycle spaces will be
provided secure rooms with access from identifying
street and a total of 8 bicycle parking spaces to date the
department has not received
option and the sponsor submitted
18 additional levels of support
I believe copies were just
handed out and in addition the staff want to say acknowledge
they forward right a letter on
September 17th outside of the
draft eir encouraging the
approval that contains the pine
street proposal this letter was
included part of the packet
the lower polk neighborhood
confirms the support question before I includes conditional use authorization for the development of new
buildings over 50 needed in
height and an acceptance of ground floor requirement as well
as a parking reduction on van
ness
project requires a rear endorse
variance from the street frontage for the deems and
active use and the blow space
from theator the department has reviewed the
expectations being sought and
buildings the request to be warned
the project will allow the mixed
use under a current
underutilized site foreman it

has been sculpted at the ground

floor and been reconciled

between the two zoning district

and the bulk and height rirmsdz

it is okay. And will include

the housing stock concluding the

permanently affordable onsite

and with the polk street

corridor as such the city finds the proposal it be acceptable and lastly the commission

worries about to approve the project the adaptation of the sequa finding included as part

of our report first prior to the action on the conditional use authorization thank you.

>> thank you project sponsor.

>> good afternoon commissioners

my name is kim diamond an

opportunity to speak today as

always we're happy to be here

and appreciate the hard work for

the mixed use development at 1545 pine street I'd like to spend a few minutes describing our outreach to the public and I'm going to turn it

over to bernard 0 with the architect to subscribe our designs.

For the past 3 years we've been working with the local residents

and merchant in the area with a

clear goal of booufg and

strengthening the community

early on their desires our

proposed in particular lp m ask

to pay attention to the alley to

hey of help improve the safety

the thoughtful design on and on

of retail space on you austin the project will tremendous

improve the site as questioned

we've presented our project numerous times and have received unanimously support as a matter of the steering committee we're part of the successful lower polk it will provide a number of services to help improve the quality of life and creating a safe and secure community in an effort to support n this true mark will donate long term ground floor space at the proposed project at the cb d headquarters it will provide a space for police artists to decide place and sell their artwork and provide now gallery space for the alley in addition to our involvement that lp in we've been walking the streets and talking to our merchants and neighbors to lemon them know and have had numerous one-on-one meetings resulting in overwhelming support including 37 letters of support and 80 signatures in support our proposed plan to provide one hundred and 3 new for sale homes including 12 inclusionary units on site and provides construction jobs over a 9 months period of time and to one of the participants in the program ems this is a partnership with the unit playgrounds to help what the

education and employment opportunities in the
construction industry we've been
telegraph hill involved with a
community and with the services true mark staff has attended ceremonies and have been
involved with their friends at
the larkin group that raise
fundraising to provide a safe
haven for at risks I want to
say that's been a great pleasure
to work with after all you and we look forward to more
partnership with the staff
I'd like to introduce bernard
who will present.
>> good afternoon
in stein this project we had the
challenge that the site is
straddling two different zoning
territories in one case the
building is lower and has
certain density and the other
portion of the project the
building is allowed to be taller
so the density is over the two zones
this fact of the site led to a
profiling in the building that
created a lower and higher building
and that gives an opportunity to
actually a candidate a massing
of components that case can't
take down from the sky and

slowly went symbol a smaller scale of the volumes as they
reached the street it is a
composition of two buildings
coming together as one
I mentioned that the descent to
the ground because what is unique about what we're
providing here in this design is
that the ground floor is trying
to set some positive preens for
the neighborhood as a whole there's a series of valleys that
have an opportunity to be more
active instead of a rear surface
street even though the street
has a primary front front we've
given equal importance to the
backside and decided to have two footages
it is this is defines this project
along the street there's a lower
portion of the building which
then there's other one point
recesses retreats but on the
alley side I call an alley and
hopefully soon will be a street
we actually set back further in
order to widen a sense of the
space along the street it's our
hope that there is a cat lyric
for changes of use along that
new street we're proposing

you can see in the imagines what
we're doing with the ground
floor of the building on arrival
and I think there are other
imagines that show you proposed
communit
on the new street that we are
attempting to create frontage
there are a series the existing
buildings being replaced with a
new series of gateways into what
is new retail that will happen
along the footage but following the scale of the components that
existed open the sites you'll
see the garage building on the
right side side and within that
happens on the ground floor that
designs the same scale at the because of the building we've
worked with staff to deal with
some of the issues of set backs
and massing of the building
also notice there is sunset
building that relates to the
height that allows for light and
air to the neighbors as a gesture noted required we
decided to do that and discussed
it and cooperated that with the neighbors
here's a view of what will be
the alley and the proposed community space that you've
heard being explained earlier in

this presentation where you see
what's called the art spot we've
got that happening along the
ground floor of the secondary
frontage this is what makes it
different and special and I think from the urban design
point of view hopefully it is a
contribution that the people see
benefit and will also
reciprocate this there are 4
alleys of this kind in this
neighbor could be safer
and friendlier places if this
happens along the side of those proposals as well you see here what happens today
and hoping to create in the
location the same exact location thank you very much
thank you.

>> thank you we'll open this up for public comment if I call our

name, please line up on the
screen side of the room public
comment is two minutes

(Calling my name is Andrew Chandler

I'm the Chairman The department

at the college

True Mark Urban gave us an

inaccurate overview it was not

normal interaction it was very involved

and very cooperative it was exemplary from my point of view

there are a couple of things to note about the project number

one no resident was displaced
this isng we've encouraged in the development of
the neighborhood and two the bmr
units are on site and in part of
their full engagement of the neighborhood they were fully
engaged as well as lp n was
assisting the formation of the
lower polk benefits district it
was not peripheral involvements
that was indirect it was
impactful and tricked to the
formations of that district
probably the most significant component of the project which
we're very, very supportive of
and excited about is how they
dealt with the basic urban fabric element of our
neighborhood the alley and the fact you've heard the architect
speak to that the fact they've
taken the risk and listened to
us we're committed to changing the nature of the additionally
this is the first project of the
neighborhood that has taken this
on as a challenge we're obviously just designing something we'll follow-up and
work with the city as the city
looked at redesigning what we
bring to the city.

>> thank you. >> thank you very much.

>> good afternoon, commissioners I'm a long term
resident that lives nearby the
proposed development I'm a

supporter of the cvs I'm personally excited about what true mark is doing with a

amending and look forward to the

artworks they'll be helping to

sponsor and I encourage you to

support this project.

>> thank you.

>> good afternoon commissioners I'm allen allison park the

director of operations for the

market on polk

opening in the spring of next

year polk and clay as a member of the business

member of neighborhood I

appreciate how true mark has reached out about the

development and housing in san

francisco is much need but must

work for the community and true

mark with their design has

achieved that I strongly urge

you to vote 2, 3, 4 approval of this project.

>> thank you.

>> commissioners

I got a lot respect for you guys

and having a job and being

patient I'm all shock up I know

that I've been standing here I'm

rudy corpus born and raised in

san francisco I'm the ed of the

obama's preservation program

that helps kids I'm here to

support true mark they've been a
great asset to our community
they've build real relationships
and help us out in ways they
continue to support over a come
up of years and been consistent
and very strong in helping us
out I think or want to say the
project I support it and I
apprecia comments and
keep up the good patient work.

>> thank you. I'm call more
names

Calling names: .

>> good afternoon commissioners
I'm joel with the electrical
workers local 6 to voice our
members strong support of the project
if it were up to us true mark
will be next year's housing hero
awards winner they've helped to
link U.S.S. U up with the united
friendship program their complimented to using the low
and behold workforce and people
are paid really well,
we're investing in our community
the two sites are vacant so I
couldn't think a of a better
uncle we're strongly in support
of the project on pine thank you. >> thank you.

>> good afternoon, commissioners

danny wi sheet metal

workers thank God I didn't have

to go after rudy we're here as

well to support the project it's

a fine project as a is project

sponsor said there's additions

to the housing stock including

12 below market rate in this

city is facing an, an affordable

housing countries and but most importantly the development is

going to insure the creation of

local and direct and indirect

construction jobs, jobs that pay

good middle-class wages so

people can afford and stay I-

and live in the city

sheet metal workers we're here

in support thank you.

>> thank you.

>> good afternoon. I'm r j

local 38 pipe builders an

opportunity on behalf of my

brothers and sisters I'll

strongly support on

pine str done

their w business and have reached out everything we've

asked they've done they get it

we get to know them individually

and like them I've stood here a
few times and thank you to true
mark they get it I'm happy to
see the developments in the city
we support this on pine street
and urge you to support the in
order to create local jobs thank you very much.

>> thank you

>> good afternoon mime rob with the san francisco's housing

coalition I'm speaking on behalf

of the one hundred and 40

members an opportunity true mark

presented their proposal on pine

street to our committee and we

were in unanimous support this

is making active use in iowa is

an underutilized site we love

the bmr's on site the 12 permanently affordable housing

and we like the bike parks and

car parks onsite and making

improvements to austin alley

that will attract not only the

folks fr they've

taken the feedback and you have

a great project in front of you

hope you approve it await delay thank you. >> thank you.

>> good afternoon commissioner President Wu and commissioners my name is adrian with the

carpenters local 22 it's nice to

be back up here just to let you

know the carpets 22 supports

this project as well as other try mark because they have support local 22 they make a commitments on all their projects and what that means to us and what it means to the city of is young folks learning a trade getting an apprehending and continuing their work and education because it's an education an apprenticeship is an education a pathway to a career that is they could end up sitting up there where you're at we appreciate that and hope you'll support this project like carpets 22 does. >> thank you. Is there any additional public comment.

>> yes. Good afternoon commissioners

I'm david grass the profit of doom in this case, I was not supportive I'm seeing tim redman the other day did an article of the over development of san francisco and the massive amount of vacancies it is he pointed out there are probably 40 percent of those new high-rise subway they're being bought as second and third and fourth homes as belittle mars and have airbnb is seeing to that the development is not occupied by local residents by instead being used as airbnb sites

so where it's a a
bait-and-switch we're being told that residents and affordable
housing would be developed but
the reality is no one is living in those places we're over developing san francisco
so where I don't have a specific
animus towards the developers in
this case I'm definitely opposed
until we get this roefldz about airbnb and multiple condos
sitting empty and 40 percent of those high-rise are empty we're
going to have a boom in this thank you.

>> is there any additional
public comment okay seeing none,
public comment is closed commissioner richards and I metabolites developer and was
impressed with the standards of
the community and really strong
I believe will positively impact
so I think they engage the
unions we've heard the awesome
footage I could see this is a
positive change and the
community space you'll be giving
the cv did you will say an
improvement I like the sent you
didn't have to do that on the
east but I think it's a great
design nobody lives at that site
and one hundred and 2 units
whether their occupied I
allocated accident preservation
hifks preservation they've

presented President Hasz and

keeping the facade is pretty

much demolishing the resource

works for the design so I

support the demolition. >> commissioner moore.

>> markedly your honor, I agree

with that I'm happy to see that building we've seen frequently talked about and challenged

because the alley guidelines as

they're being next to go it

didn't at this moment we've

frequently talked among our

selves the alley is becoming our

next generation of streets

that's where we stand rather

than having fast corridors like

pine carry the traffic by the

energy will be in the alley it

takes 5 parcels and it is failed

the building in a manner that is

significantly sensitive and

meets the clear definition in

how it talks about the zoning district without asking for more

I appreciate that it makes the

building interesting staff the historic preservation they're talking about the building it was actually a temporary

building and while it is aphasia

a scale remedy innocent of the

scale it is a place that was historical I believe the simulation of the

scale as the building as the

architect is doing it is remnant

of the building the forms so I
believe that we have a enough of
the recall in vertical and I'm in support of the proximately
and going to be a great neighbor
to those in the corridor. >> commissioner antonini and I
also really support this project
and really to the one speaker
who spoke against it there is a
shortage of condominiums that's
why the appraising prices are
high we need more construction
in condominiums this is going going in the right direction it
is having available on site and
the garage off the alley not on pine which is appropriate and no
one is being displaced the fact
there was an interesting article
in today's examiner a young
woman basically, had been
displaced from voluntarily from
san francisco because she
couldn't afford to buy anything
here she formed an organization
her grips the city has not built
enough housing over the last
thirty years and it didn't make
sense not to build on vacant
lots and talks about common
sense where a younger woman
tailbones I want to hear more
about the project I like what we

are doing on austin making the alley and pitting latin-american
on pine and worked well with the heights their allowed I
cigarette butt from the
adjacent building and lots of
support they've also had less parking than they could have and
seek a variance but that is fine
and other exemptions as well the
endorse is a technicality look
at the 20 to 25 open space and we've heard about the community
benefits so I think this is one
of many projects we're seeing
that is extremely well done and
very glad to see this I will move to approve. >> second. >> commissioner johnson. >> thank you very much definitely also supportive of
the project just a note it's
been brought up by the commissioners for their policy
issue I think the city needs for
housing and then whether or not
who lives there and how some of
the definition brought in public
comment but we city need more
units so I have a quick question
on the dwelling x important I
want to hear it again.
>> so basically one the method
to meet the "x" power
requirement to provide a 25 foot
and 25 foot open space area that
subsection requires that every
level increases that dimension

by 5 feet that particular area

does not technically meet the requirement. >> okay. Thank you. >> thank you. I wanted to ask

staff a clarification on the

motion you mentioned the sequa

motion needing to be first. >> the adaptation of the sequa

motion needs to be acted on first.

>> commissioners you've in the

past also called those together

if you choose to take them up

separately but you can make a

motion for all for both the sequa finding and the quality of

life at the same time and okay. Thank you.

>> my motion includes both.

>> thank you.

>> second >> in that case commissioners, if there's nothing further to adapt the

sequa finding and paragraph the conditional use and commissioner hillis or commissioner johnson

arrest commissioner richards

commissioner fong and tuptd

smoechldz unanimously 7 to zero

and zoning administrator what say you.

>> close the public comment and grant the variances.

>> thank you commissioners as

noted earlier you'll be taking

item 12 out of order on van ness

avenue request for large project authorization. >> good afternoon commissioners rick with the department staff

the project is a large


authorization for the promoted

project on van ness under the

seeking of the modification for

the rear yard permitted

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:) 
) San Francisco Assessor-Recorder
 And When Recorded Mail To:) Carmen Chu, Assessor-Recorder
) **DOC- 2017-K425283-00**
 Name: Lindsey Fisher) Thursday, MAR 23, 2017 10:33:50
) Ttl Pd \$96.00 Rcpt # 0005572906
 Address: 353 Sacramento St, Suite 1788) oar/AB/1-28
)
 City: San Francisco)
)
 State: California 94111) Space Above this Line For Recorder's Use

28 03

I (We) Pacific Pine LLC, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows:

(PLEASE ATTACH THE LEGAL DESCRIPTION AS ON DEED)

BEING ASSESSOR'S BLOCK: 0667; LOT: 016, 017, 018, 018A, & 019

COMMONLY KNOWN AS: 1527-1545 PINE STREET

hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said Restrictions consist of conditions attached to approval of **Building Permit Application No. 2013.12.03.3256** pursuant to Motion No. 19249 (Case No. 2006.0383C) by the Planning Department and are conditions that had to be so attached in order that said application should be approved under the Planning Code.

The restrictions and conditions of which notice is hereby given are:

- Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 100 units; therefore, 12 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 12 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

2. **Unit Mix.** The Project contains 100 dwelling units, 19 studios, 46 one-bedroom units and 35 two-bedroom units; therefore, the required affordable unit mix is 2 studios, 6 one-bedroom units, and 4 two-bedroom units. If the market-rate unit-mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www sf-moh.org](http://www.sf-moh.org)
3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit. See attached "Exhibit B" for reduced set of plans with designated affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www sf-moh.org](http://www.sf-moh.org)
4. **Phasing** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 12% of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www sf-moh.org](http://www.sf-moh.org)
5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www sf-moh.org](http://www.sf-moh.org)
6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415 Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:
<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www sf-planning org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www sf-moh.org](http://www.sf-moh.org)


- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program, an amount that translates to ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size" derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the MOHCD or its successor.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department, any affordable units designated as on-site units shall be sold as ownership units and will remain ownership units for the life of the project.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

 (Signature) Loyce Yonce (Printed Name)
Authorized Agent Pacific Dine LLC
Dated: March 21, 2017 at Walnut Creek, California.
(Month, Day) (City)

(Signature) (Printed Name)
Dated: _____, 20____ at _____, California.
(Month, Day) (City)

(Signature) (Printed Name)
Dated: _____, 20____ at _____, California.
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)

County of Contra Costa)

On March 21, 2017 before me, Mihaela Muntean, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Joyce Yonce
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document _____ Document Date: _____

Number of Pages _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer Is Representing: _____

Signer's Name: _____

- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer Is Representing: _____

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT A

The property referred to in this Notice of Special Restrictions is situated in the State of California, City and County of San Francisco, and is described more particularly as follows:

(INSERT LEGAL DESCRIPTION ON THIS PAGE)

SCHEDULE 1

LEGAL DESCRIPTION OF PROPERTY

Real property in the City of San Francisco , County of San Francisco, State of California, described as follows:

PARCEL A.

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF PINE STREET, DISTANT THEREON 168 FEET 4 INCHES EASTERLY FROM THE EASTERLY LINE OF VAN NESS AVENUE, RUNNING THENCE EASTERLY AND ALONG SAID LINE OF PINE STREET 50 FEET 3 INCHES, THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF AUSTIN STREET; THENCE AT A RIGHT ANGLE WESTERLY AND ALONG SAID LINE OF AUSTIN STREET 50 FEET 3 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE POINT OF BEGINNING.

PARCEL B.

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF PINE STREET, DISTANT THEREON 140 FEET 5 INCHES WESTERLY FROM THE WESTERLY LINE OF POLK STREET; AND RUNNING THENCE WESTERLY ALONG SAID LINE OF PINE STREET 25 FEET, THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF AUSTIN STREET (FORMERLY AUSTIN AVENUE); THENCE AT A RIGHT ANGLE EASTERLY ALONG SAID LINE OF AUSTIN STREET 25 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO 56

PARCEL C.

BEGINNING AT A POINT ON THE NORTHERLY LINE OF AUSTIN STREET, DISTANT THEREON 115 FEET 5 INCHES WESTERLY FROM THE WESTERLY LINE OF POLK STREET, AND RUNNING THENCE WESTERLY AND ALONG SAID LINE OF AUSTIN STREET 25 FEET, THENCE AT A RIGHT ANGLE NORTHERLY 50 FEET; THENCE AT A RIGHT ANGLE EASTERLY 25 FEET, THENCE AT A RIGHT ANGLE SOUTHERLY 50 FEET TO THE NORTHERLY LINE OF AUSTIN STREET AND THE POINT OF COMMENCEMENT.

BEING A PORTION OF WESTERN ADDITION BLOCK NO 56

PARCEL D.

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF PINE STREET, DISTANT THEREON 115 FEET 5 INCHES WESTERLY FROM THE WESTERLY LINE OF POLK STREET, RUNNING THENCE WESTERLY ALONG THE SOUTHERLY LINE OF PINE STREET 25 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 70 FEET; THENCE AT A RIGHT ANGLE EASTERLY 25 FEET, AND THENCE AT A RIGHT ANGLE NORTHERLY 70 FEET TO THE SOUTHERLY LINE OF PINE STREET AND THE POINT OF COMMENCEMENT.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 56.

PARCEL E

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF PINE STREET, DISTANT THEREON 90 FEET 5 INCHES WESTERLY FROM THE WESTERLY LINE OF POLK STREET, RUNNING THENCE WESTERLY ALONG THE SOUTHERLY LINE OF PINE STREET 25 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF AUSTIN AVENUE; THENCE AT A RIGHT ANGLE EASTERLY ALONG SAID LINE OF AUSTIN AVENUE 25 FEET, THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE SOUTHERLY LINE OF PINE STREET AND THE POINT OF COMMENCEMENT.

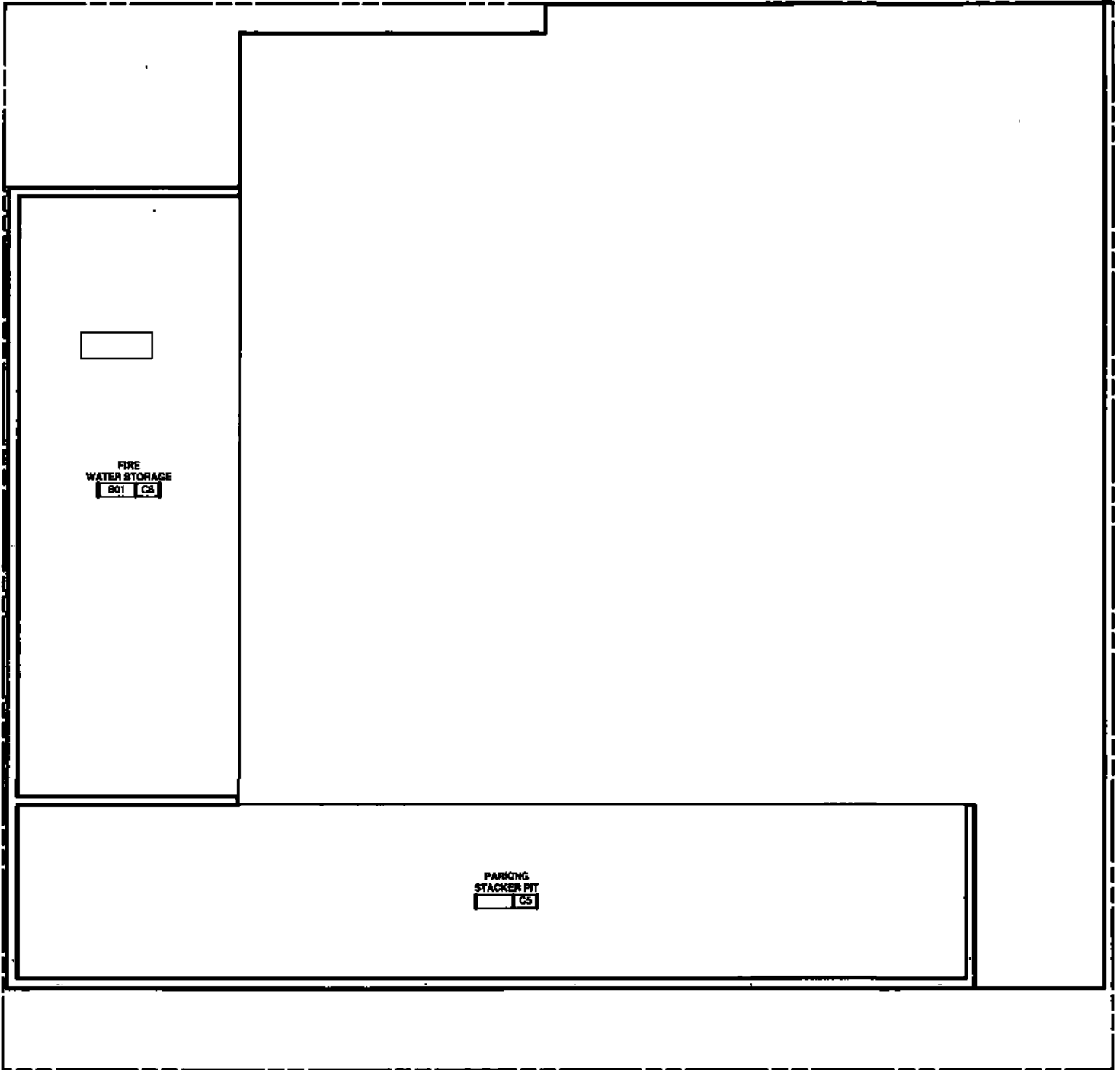
BEING A PORTION OF WESTERN ADDITION BLOCK NO. 56.

APN. Lot 016; Block 0667 (Affects Parcel A), Lot 017, Block 0667 (Affects Parcel B), Lot 018, Block 0667 (Affects Parcel C), Lot 018A; Block 0667 (Affects Parcel D) and Lot 019, Block 0667 (Affects: Parcel E)

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT B

PLANS OF PROJECT INDICATING LOCATION OF AFFORDABLE UNITS



1545 PINE STREET

SAN FRANCISCO, CA



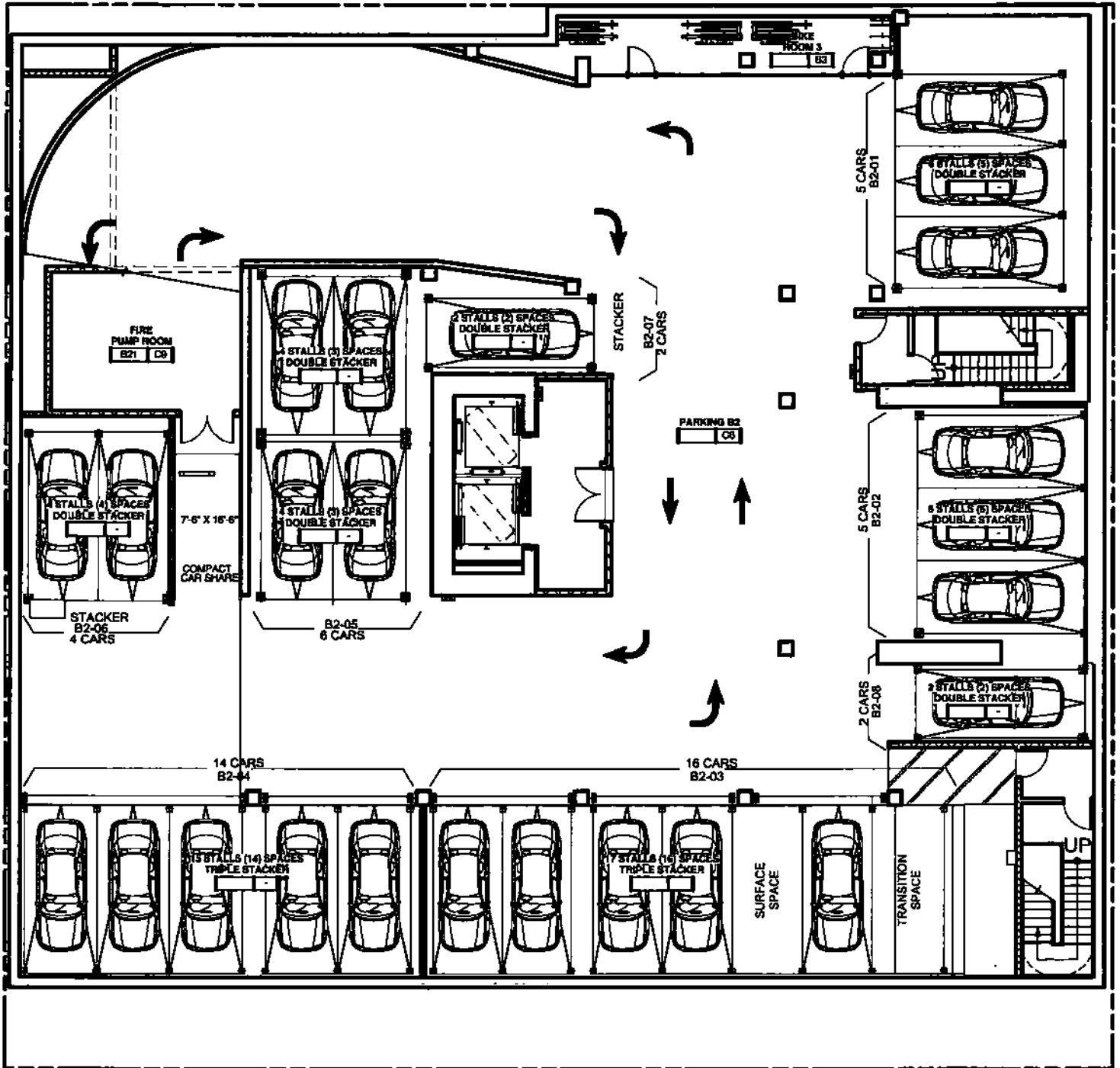
DATE	2 8 17
SCALE	1/16"=1'-0"
BY	GL
PROJ #	1426

TITLE

SHEET

FLOOR B3
BUILDING LAYOUT

AA.B3



1545 PINE STREET

SAN FRANCISCO, CA



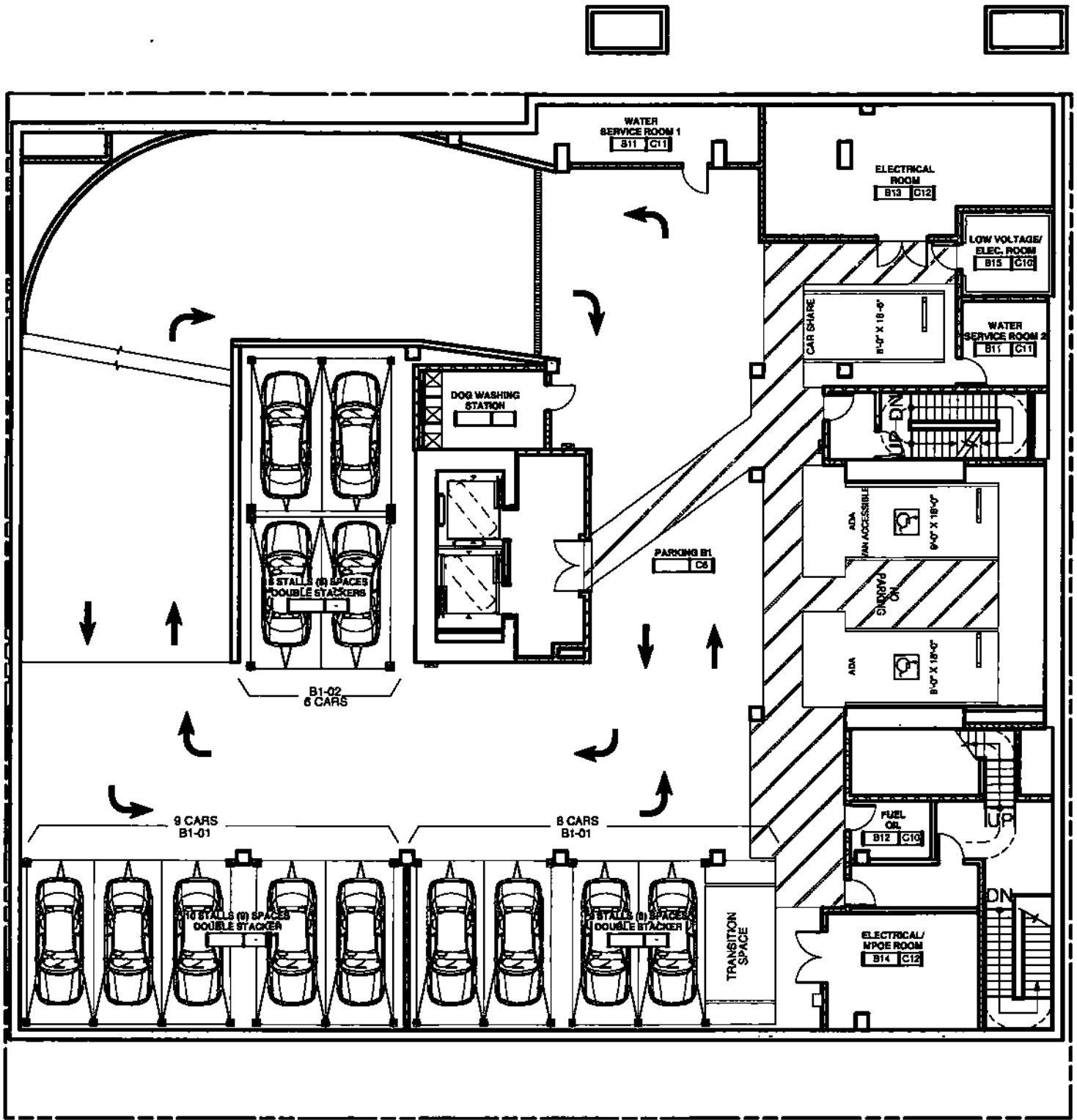
DATE	2 8 17
SCALE	1/16"=1'-0"
BY	GL
PROJ #	1426

TITLE

SHEET

FLOOR B2
BUILDING LAYOUT

AA.B2



1545 PINE STREET

SAN FRANCISCO, CA



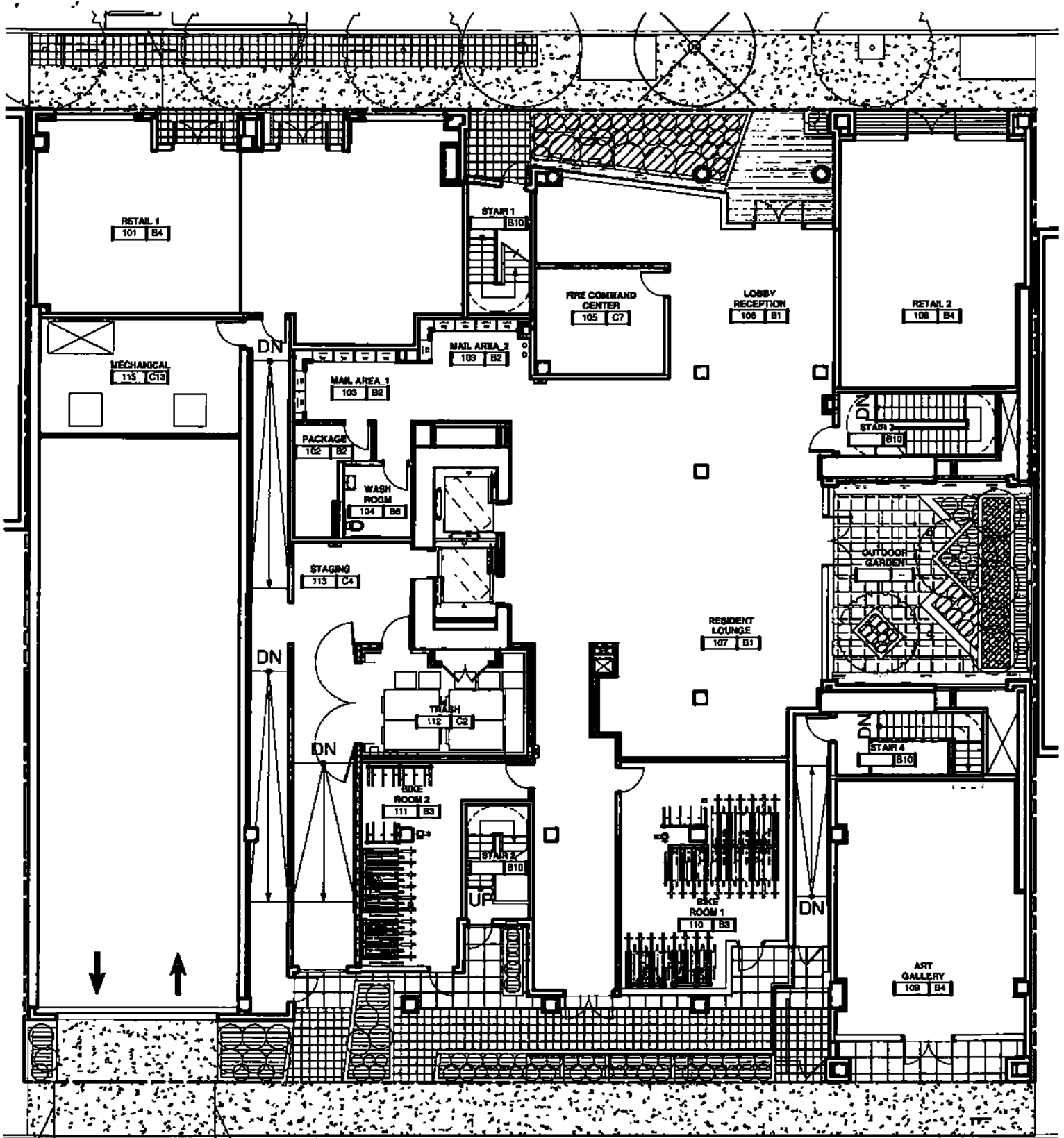
DATE	2 8 17
SCALE	1/16"=1'-0"
BY	GL
PROJ #	1426

TITLE

FLOOR B1
BUILDING LAYOUT

SHEET

AA.B1



1545 PINE STREET

SAN FRANCISCO, CA



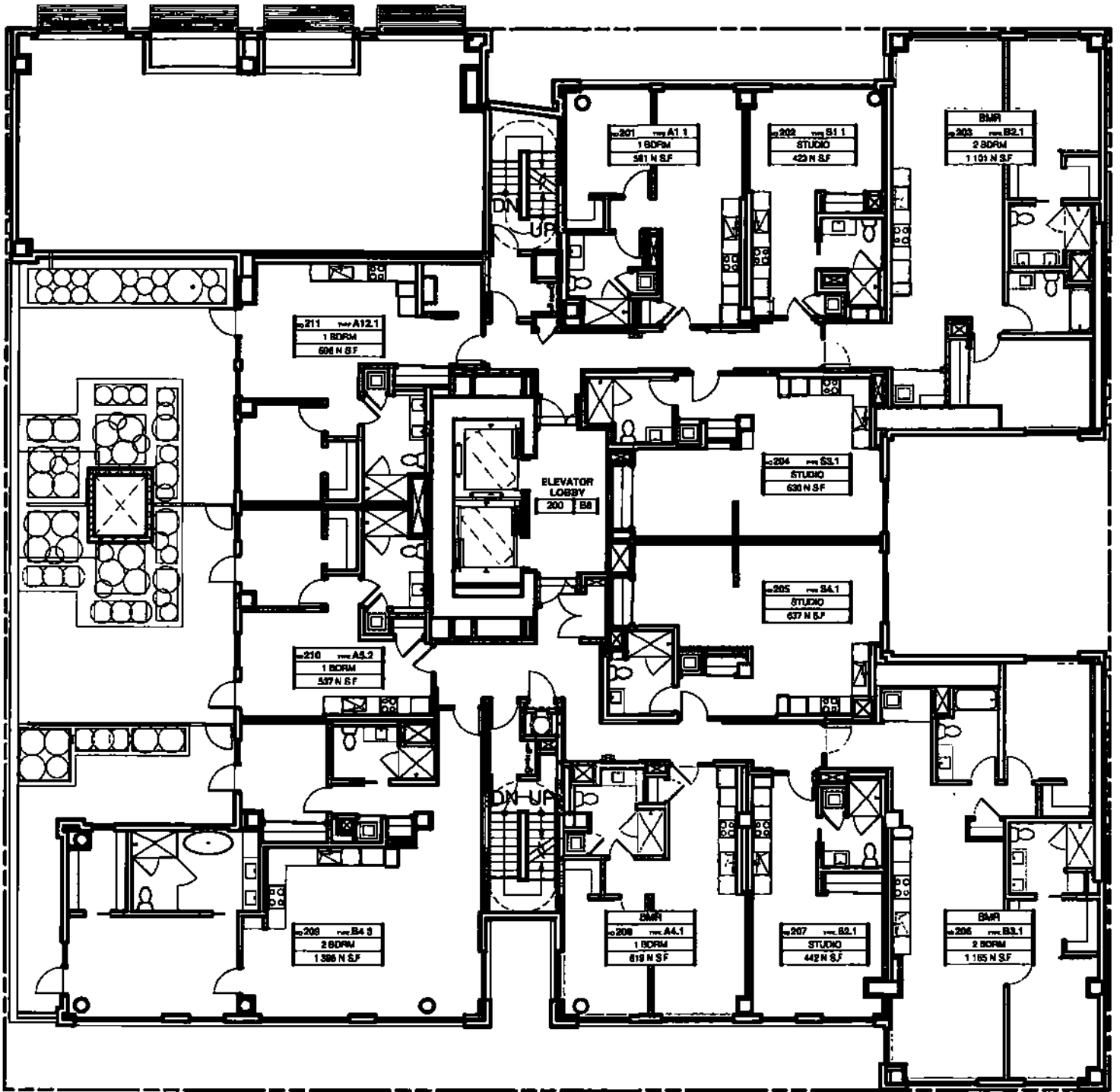
DATE	2 8 17
SCALE	1/16"=1'-0"
BY	GL
PROJ #	1426

TITLE

FLOOR 1
BUILDING LAYOUT

SHEET

AA.1



1545 PINE STREET

SAN FRANCISCO, CA

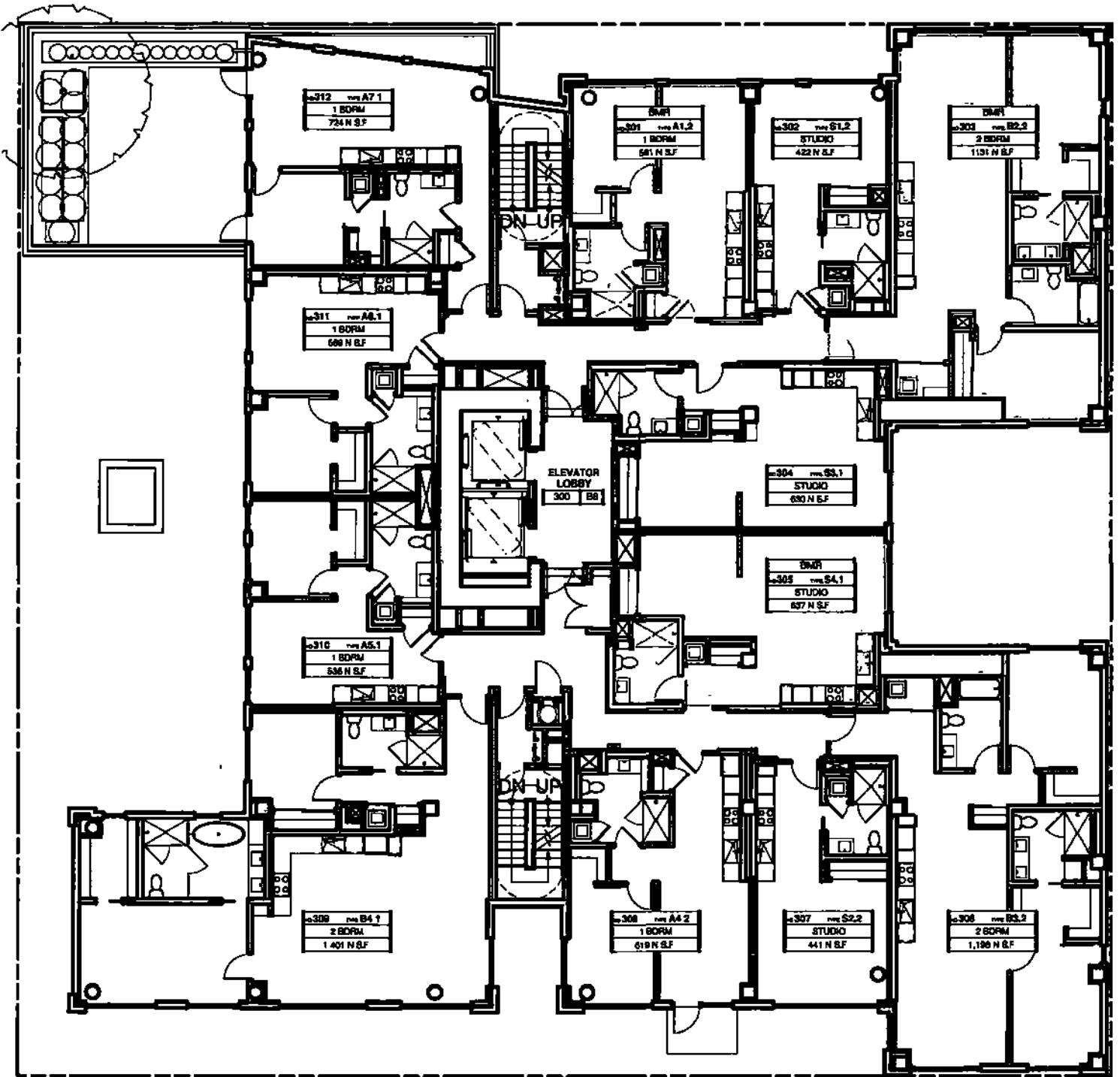


DATE	2 8 17	TITLE
SCALE	1/16"=1'-0"	
BY	GL	
PROJ #	1426	

SHEET

FLOOR 2
BUILDING LAYOUT

AA.2



1545 PINE STREET

SAN FRANCISCO, CA



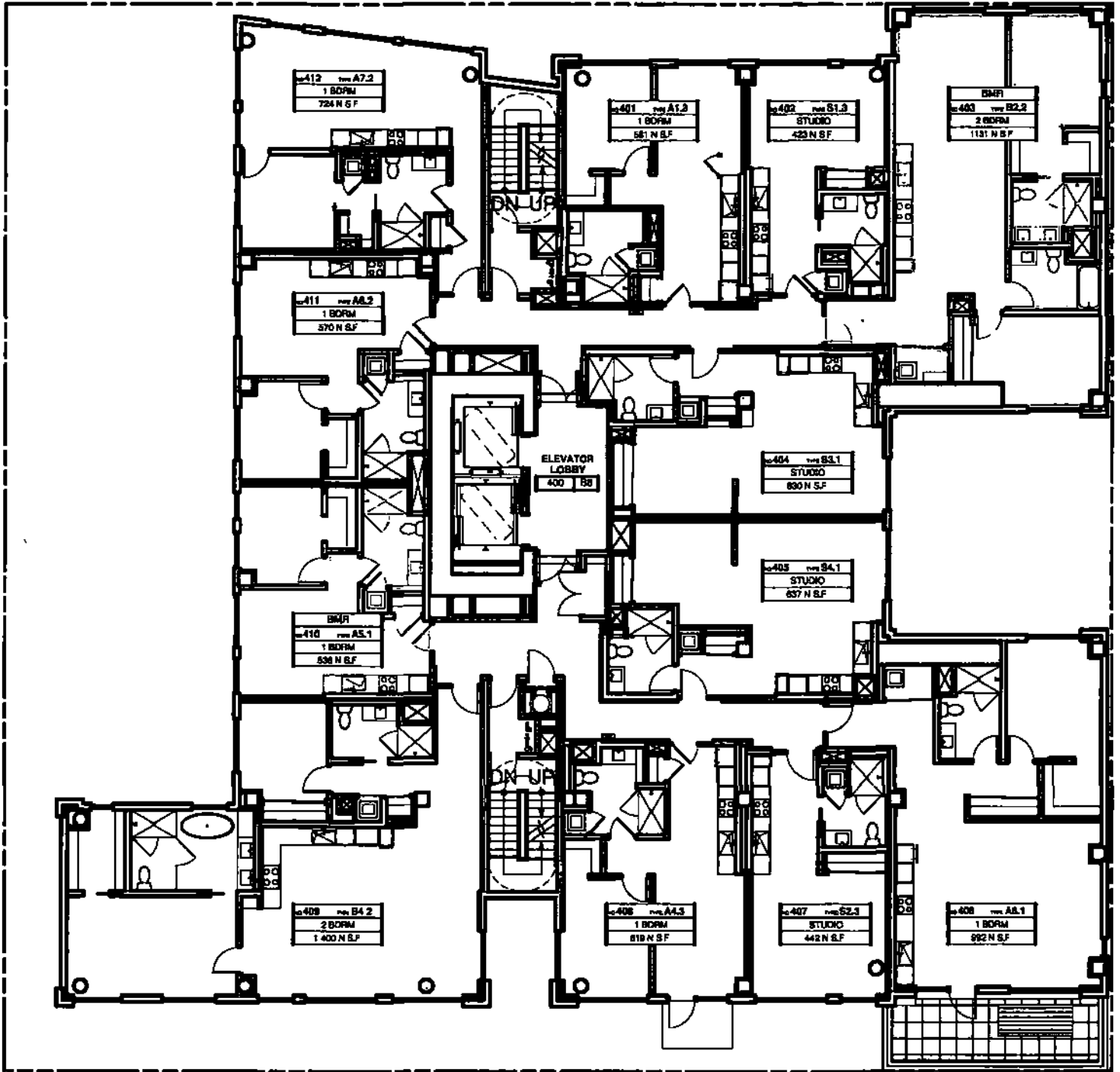
DATE 2 8 17
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 BY GL
 PROJ # 1426

TITLE

FLOOR 3
 BUILDING LAYOUT

SHEET

AA.3



1545 PINE STREET

SAN FRANCISCO, CA

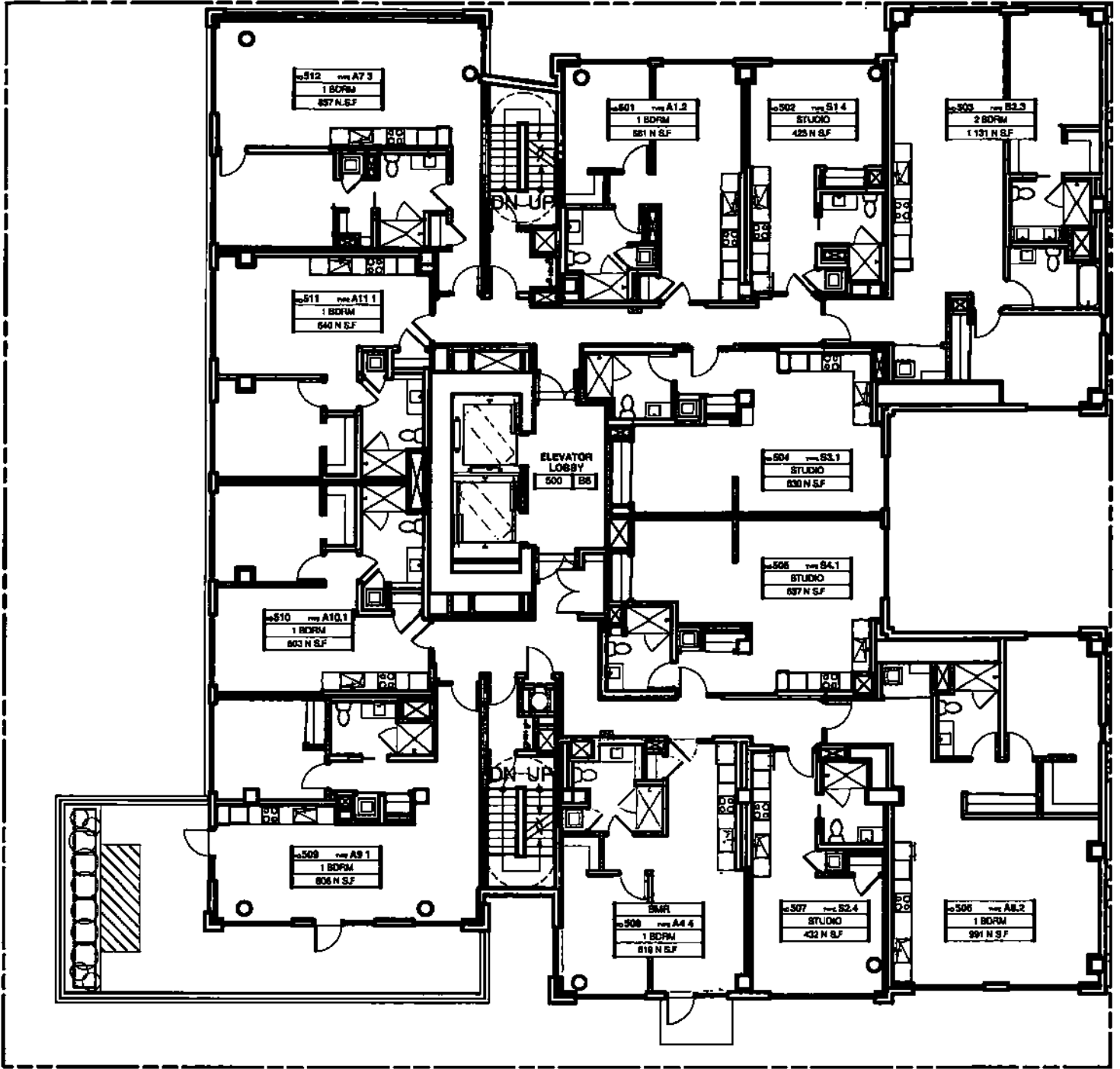


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SCALE	1/16"=1'-0"	
BY	GL	
PROJ #	1426	

SHEET

FLOOR 4
BUILDING LAYOUT

AA.4



1545 PINE STREET

SAN FRANCISCO, CA



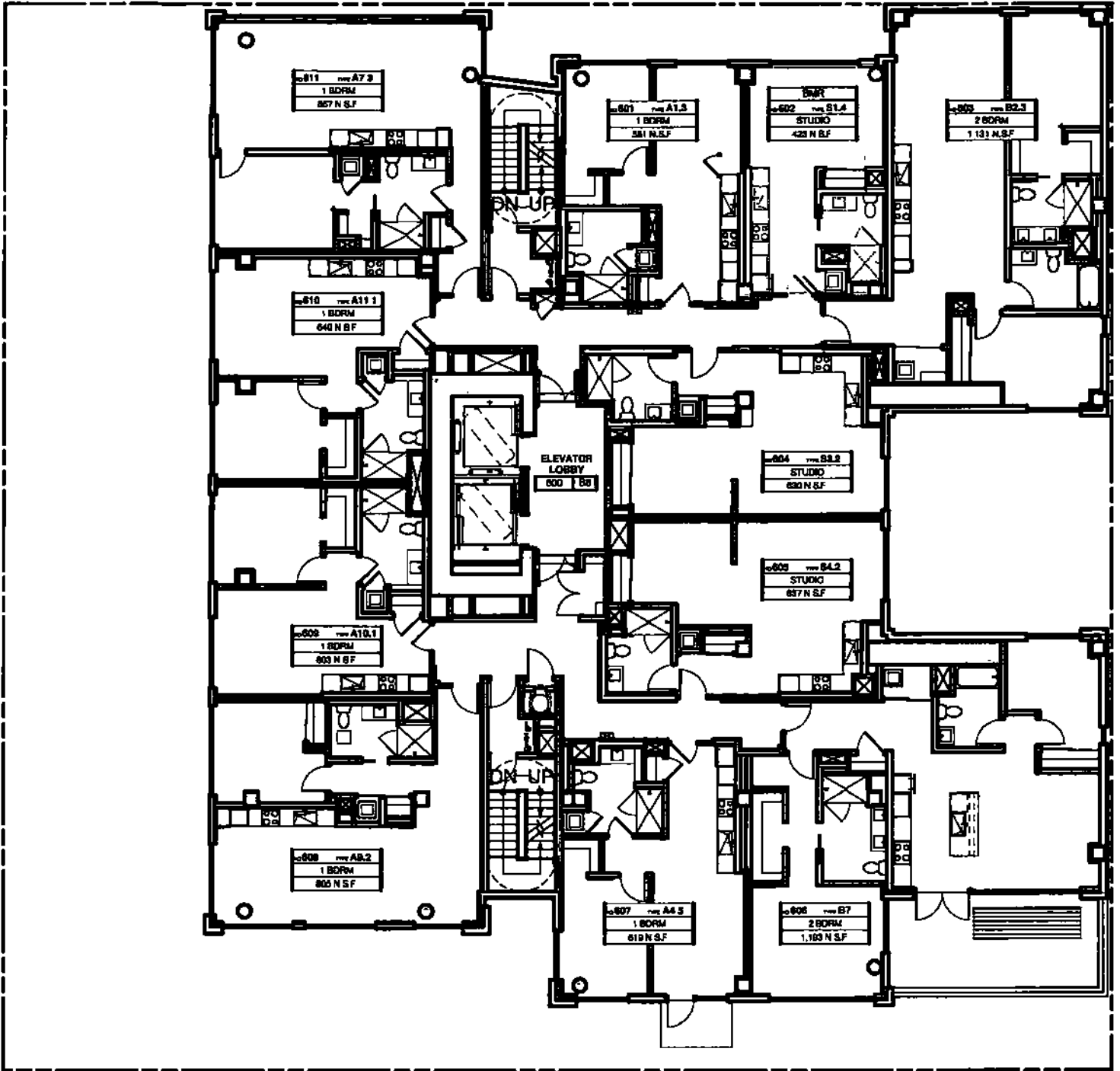
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BY	GL
PROJ #	1426

TITLE

FLOOR 5
BUILDING LAYOUT

SHEET

AA.5



1545 PINE STREET

SAN FRANCISCO, CA



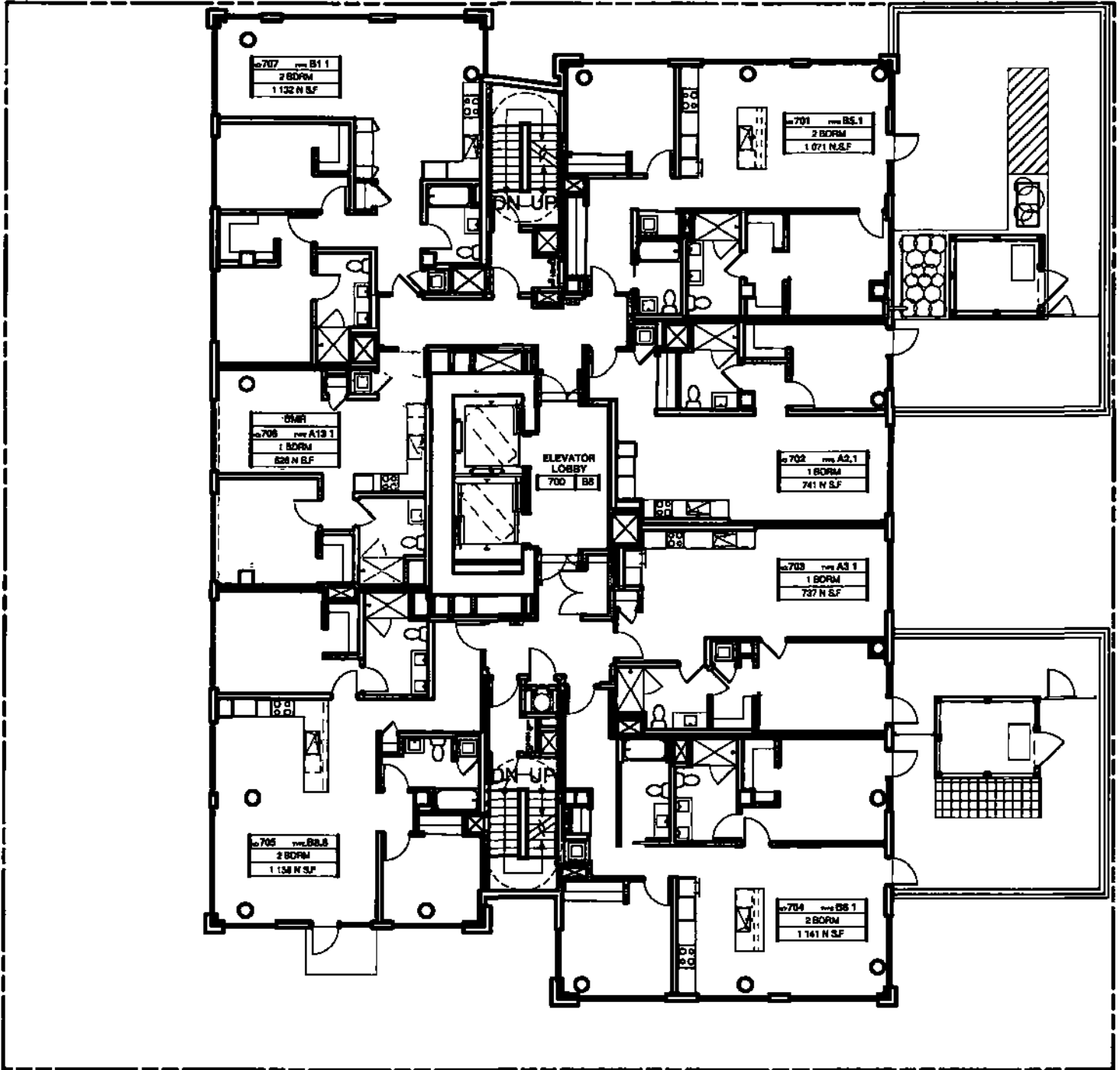
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BY	GL
PRQJ #	1426

TITLE

FLOOR 6
BUILDING LAYOUT

SHEET

AA.6



1545 PINE STREET

SAN FRANCISCO, CA

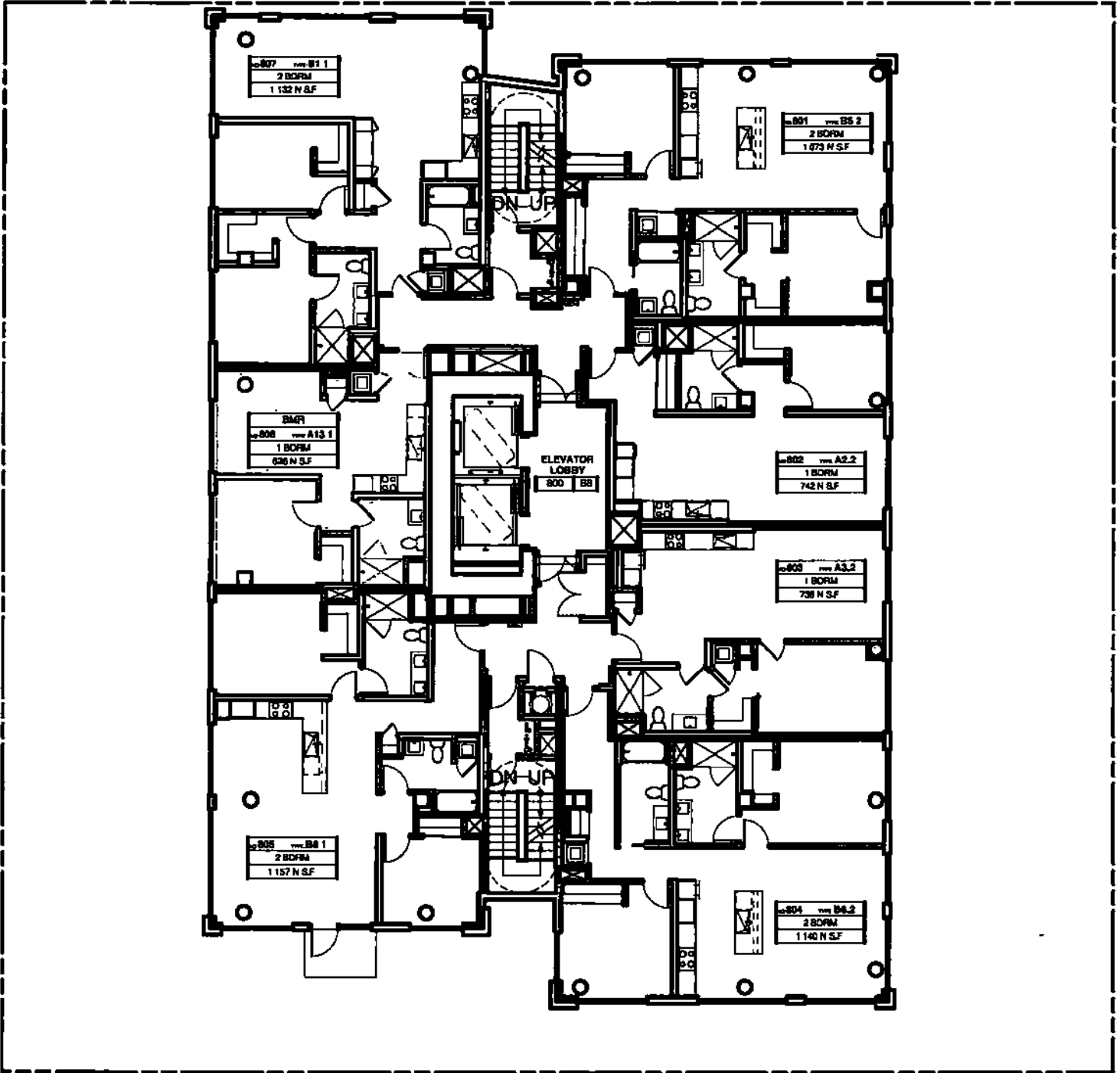


DATE	2.8.17	TITLE
SCALE	1/16"=1'-0"	
BY	GL	
PROJ #	1426	

SHEET

FLOOR 7
BUILDING LAYOUT

AA.7



1545 PINE STREET

SAN FRANCISCO, CA

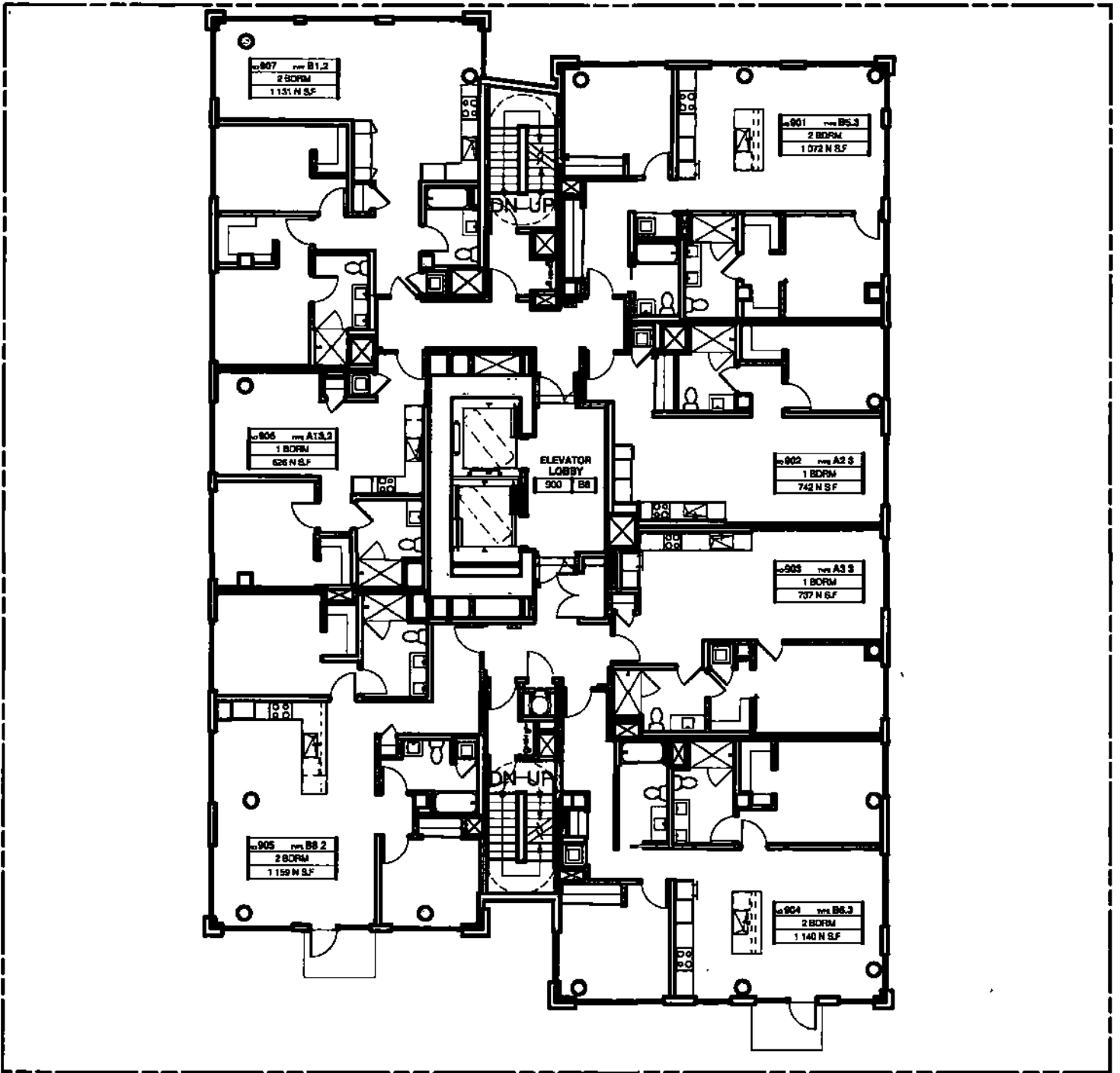


DATE	2 8 17	TITLE
SCALE	1/16"=1'-0"	
BY	GL	
PROJ #	1426	

SHEET

FLOOR 8
BUILDING LAYOUT

AA.8



1545 PINE STREET

SAN FRANCISCO, CA

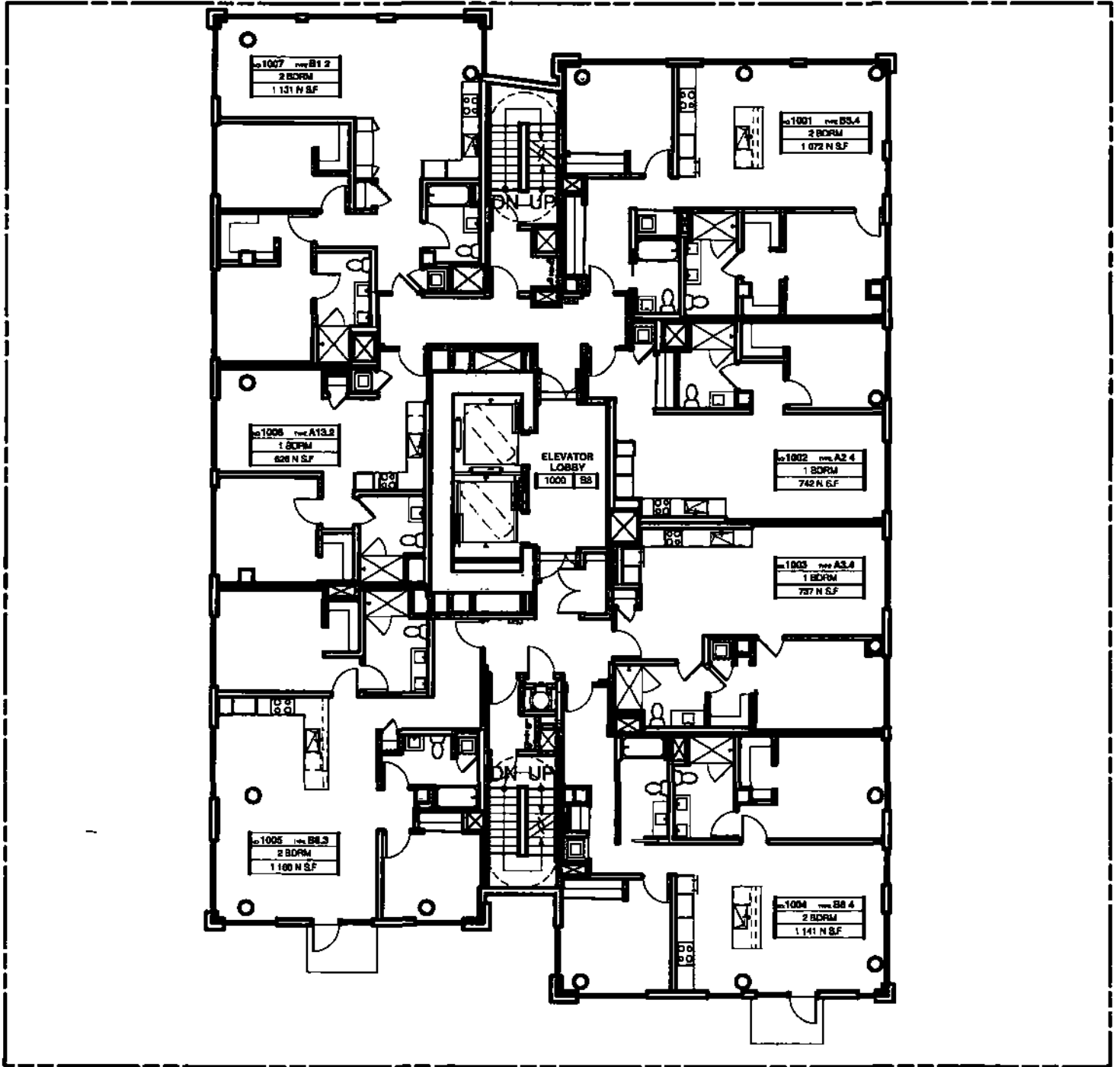


DATE	2 8 17	TITLE
SCALE	1/16"=1'-0"	
BY	GL	
PROJ #	1426	

FLOOR 9
BUILDING LAYOUT

SHEET

AA.9



1545 PINE STREET

SAN FRANCISCO, CA

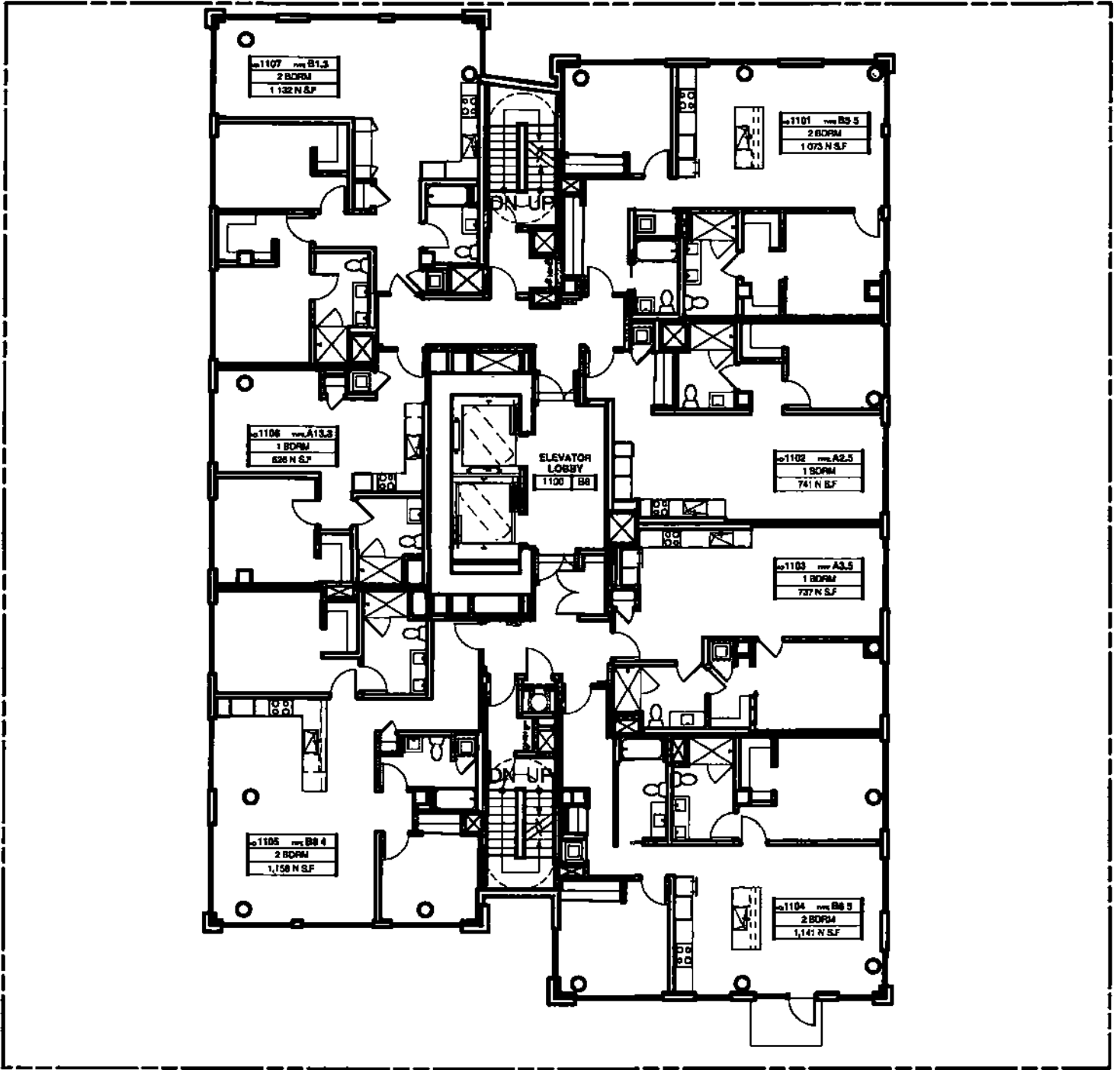


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SCALE	1/16"=1'-0"	
BY	GL	
PROJ #	1426	

SHEET.

FLOOR 10
BUILDING LAYOUT

AA.10



1545 PINE STREET

SAN FRANCISCO, CA



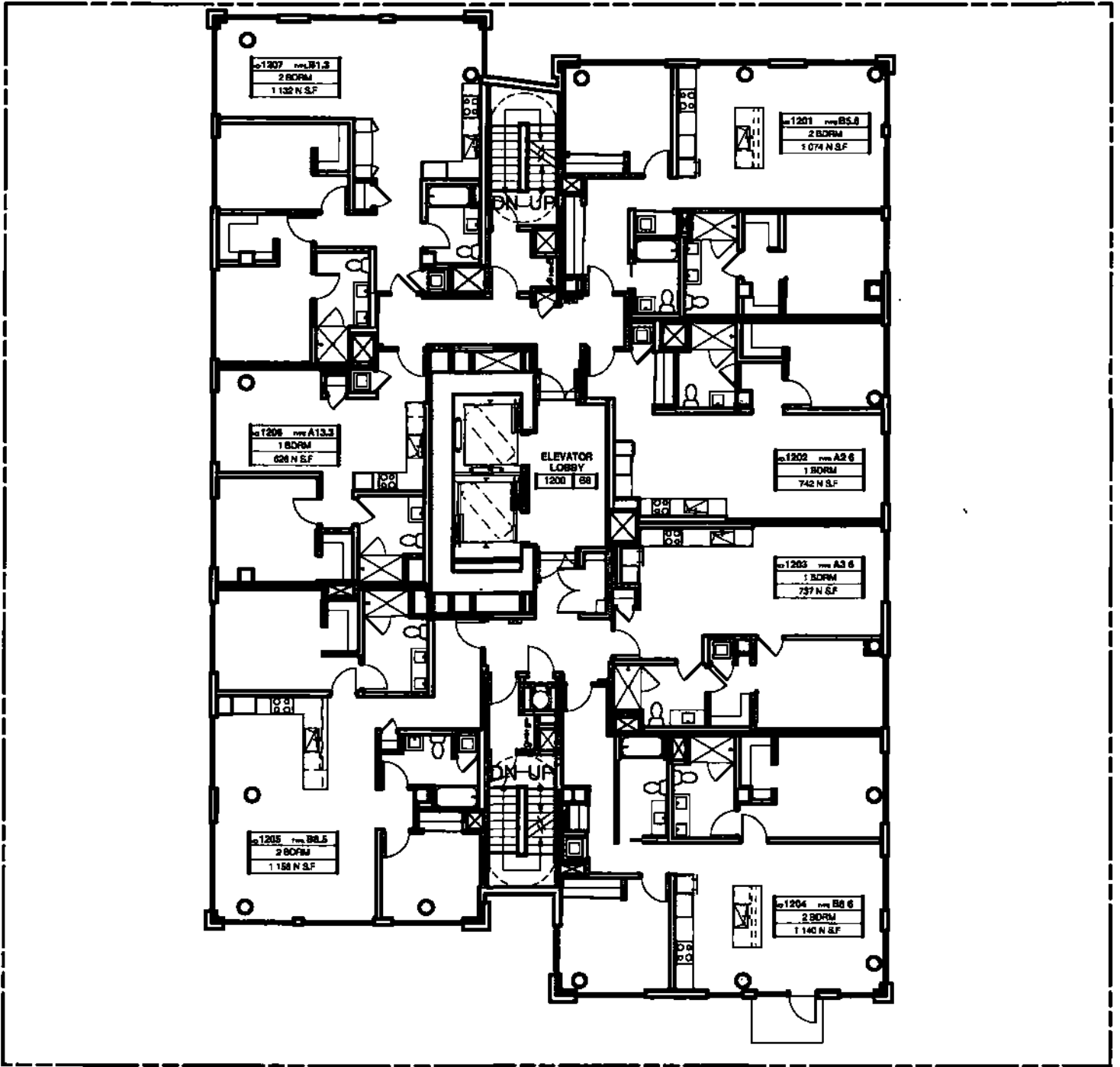
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BY	GL
PROJ #	1426

TITLE

FLOOR 11
BUILDING LAYOUT

SHEET

AA.11



1545 PINE STREET

SAN FRANCISCO, CA

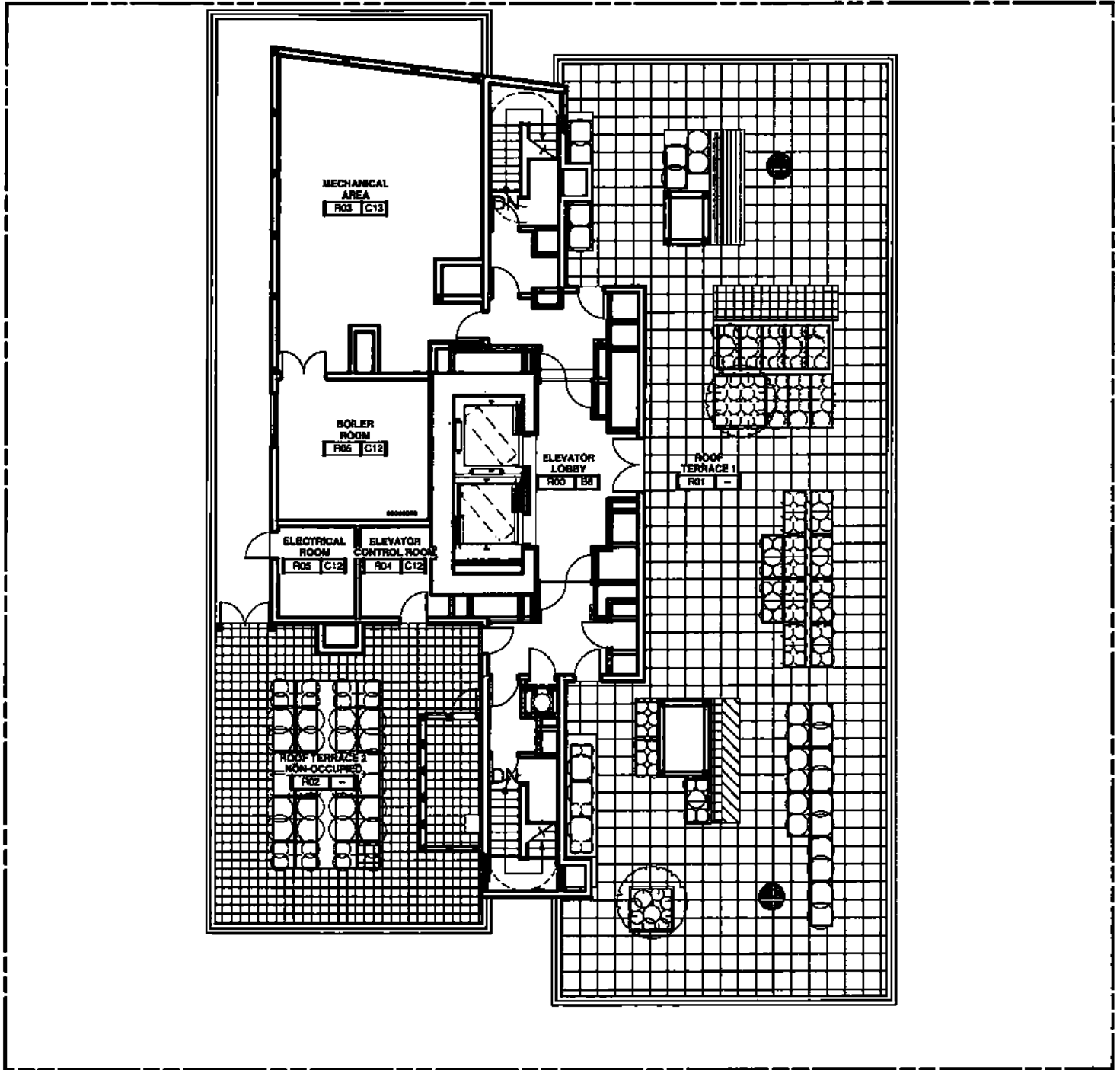


DATE	2 8 17	TITLE
SCALE	1/16"=1'-0"	
BY	GL	
PROJ #	1426	

FLOOR 12
BUILDING LAYOUT

SHEET

AA.12



1545 PINE STREET

SAN FRANCISCO, CA

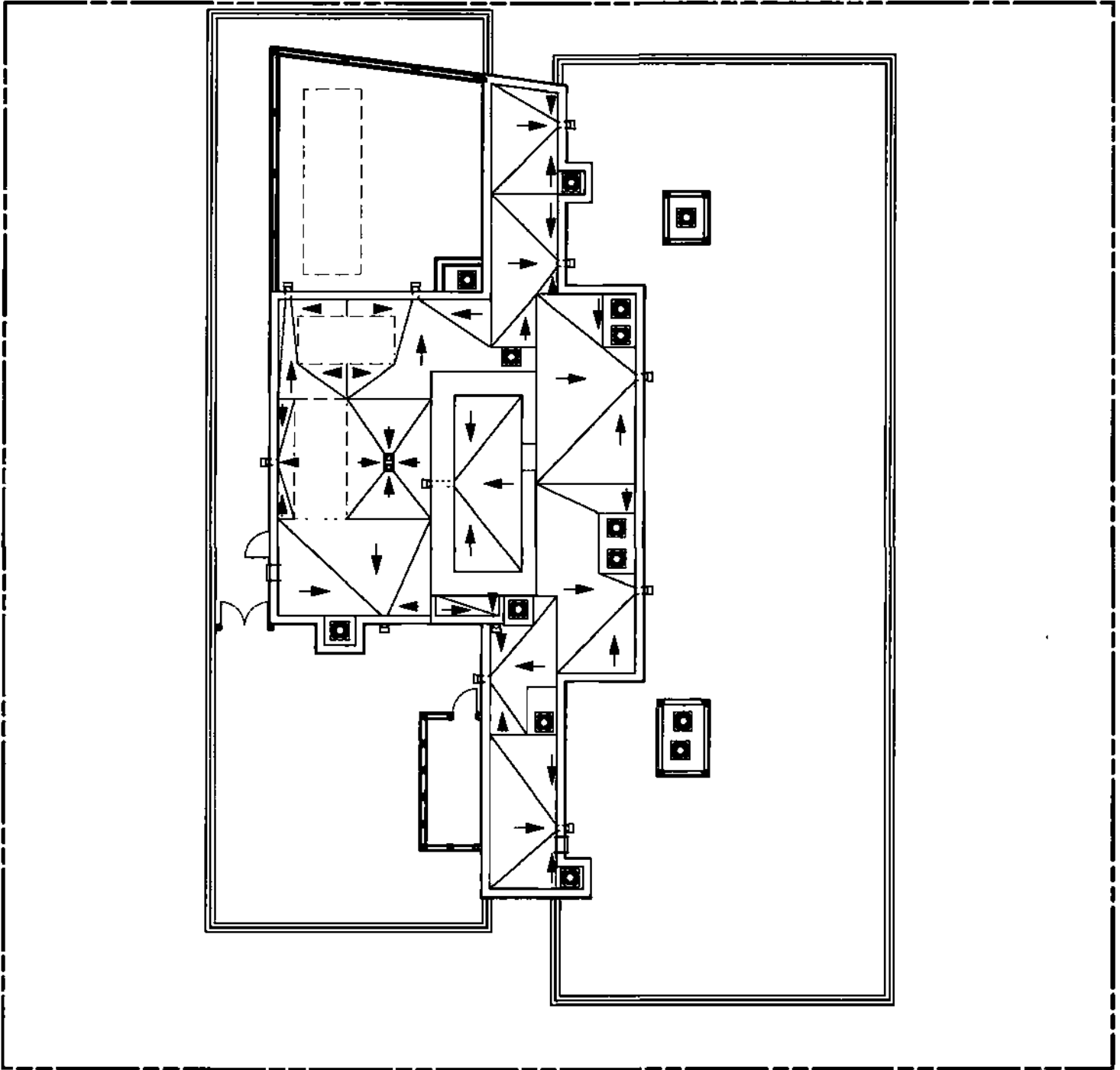


DATE	2817	TITLE
SCALE	1/16"=1'-0"	
BY	GL	
PROJ #	1426	

SHEET

FLOOR R1
BUILDING LAYOUT

AA.R1



1545 PINE STREET

SAN FRANCISCO, CA



DATE	2 8 17
SCALE	1/16"=1'-0"
BY	GL
PROJ #	1426

TITLE

SHEET

FLOOR R2
BUILDING LAYOUT

AA.R2

THE AUSTIN, SAN FRANCISCO, CALIFORNIA
SELLER'S ADDITIONAL DISCLOSURE TO PURCHASERS

PACIFIC PINE LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE ENTITY THAT OWNS THE PROJECT AND IS SELLING THE UNITS, HEREBY PROVIDES THE FOLLOWING ADDITIONAL DISCLOSURE TO BUYERS OF CONDOMINIUM UNITS AT THE AUSTIN.

The Seller of The Austin understands that entitlement applications have been submitted to City agencies for a proposed new 7-story mixed-use commercial and residential development at the adjacent property to the east at 1525 Pine Street. Complete details for the potential development and proposed construction timeline are not available at this time. The proposed project has not been approved and building permits have not been issued by City agencies at this time. The future of the proposed project is uncertain at this time. It is unknown whether the proposed project will be approved and built. If the project is built, it may be constructed with different specifications. Until such time as the proposed project is approved, permits are issued and the project is constructed, it is subject to change.

If the proposed project at 1525 Pine Street is approved and construction proceeds, then throughout the demolition and construction processes at 1525 Pine Street, construction personnel may have temporary access to the Project and a construction crane may have a temporary right to traverse the Project's airspace. Completion of the proposed 1525 Pine Street project may impact unit views, light source and privacy for certain Units and areas of the Project, particularly those of east facing Units in the Project. The roof of the proposed 1525 Pine Street project may contain venting and mechanical equipment that may be visible from your Unit and the Project, and may contain roof deck(s). The proposed redevelopment of 1525 Pine Street currently includes retaining Grubstake restaurant, as discussed in the Seller's Supplemental Disclosures to Purchasers (the "Disclosure Statement"), as the ground floor tenant. You should contact the San Francisco Planning Department for further detail.

All capitalized terms used but not defined herein shall have the same meaning given to such term in the Disclosure Statement.

ACKNOWLEDGEMENT

Buyer has fully read and understands this Additional Disclosure and has asked any questions Buyer deems appropriate to clarify any issue(s) described herein.

Signature _____

Printed Name _____ Date _____

Signature _____

Printed Name _____ Date _____

Seller's Representative

Unit Number _____



May 4, 2021

Mr. Joel Koppel, President
San Francisco Planning Commission
1650 Mission Street, Ste. 400
San Francisco, CA 94103

**Re: 1525 Pine Street (Case No. 2015-009955CUA) - May 6, 2021 Hearing
for Conditional Use Authorization**

Dear President Koppel and Commissioners,

On May 6, 2021 the Planning Commission will consider a Conditional Use Authorization (CUA) for a proposed eight-story, 83-foot-tall mixed used development consisting of 21 dwelling units and approximately 2,473 square feet of commercial space located at 1525 Pine Street (Project). The Project is located on a narrow through lot between Pine Street and Austin Street that currently is the location of the Grubstake restaurant. The Grubstake will return to the ground floor of the Project after construction is completed and elements of the Grubstake will be incorporated into the Project through the retention, replication and reuse of aspects of the current Grubstake. The Project will include 13% of the units for very low-income tenants in a transit-rich area of the City and utilize the State Density Bonus to provide 21 units of much needed housing.

The Project was originally scheduled to be heard on March 18, 2021. At the request of the Lower Polk Neighbors (LPN), the Project sponsor requested a continuance to allow the Project to be presented again to the LPN.¹ On April 14th, the Project sponsors presented the Project to the LPN at their regularly scheduled meeting. At that meeting, the Project sponsors shared shadow diagrams prepared by PreVision Design evaluating the Project's shadow on Austin Alley, comparing it to a code compliant project. The diagrams show that the increase in height of the building does not meaningfully change the shadow cast along Austin Alley. Copies of those diagrams are attached as **Attachment A**.

On April 28th, a second meeting was held by the LPN to discuss the Project, as is standard practice for projects being considered by the LPN.² At both meetings, there was strong support for the Project and its addition of much needed housing as well as some concern expressed by adjacent condo owners at The Austin. The Project sponsors appreciate the LPN making time and space on its agenda(s) to hear the Project.

¹ The Project had previously been presented to the LPN. At the time, the Project was not utilizing the State Density Bonus Law. While the Project sponsor had notified the LPN of the changes to the Project and invited them to community meetings to review the Project changes, a formal presentation to the LPN did not occur and at the time was not requested. When the LPN requested a formal presentation, the Project sponsor requested a continuance.

² The LPN's standard practice is to hear a project at one meeting and discuss it at a subsequent meeting with decisions on whether to support or oppose a project made by the Board following the two meetings. Here, a special meeting was called to discuss the Project given the May 6, 2021, Planning Commission hearing date.



At the second meeting, the Project agreed to further the Project's commitment to improving Austin Alley and will be contributing an additional \$15,000 on top of \$10,000 previously committed to help fund Austin Alley improvements such as replacing lights and sponsoring the Cultural Heritage Medallion Program. In response to concerns raised by The Austin residents, the Project sponsors will investigate light enhancement measures to direct light from the Project to the lightwell/interior courtyard of The Austin and will work with key stakeholders on finding a viable solution to the concern raised. The Project sponsors are committed to working with the LPN and we understand they will be supporting the Project and the additional housing that it will provide. The Project has also received 39 letters of support. Those letters are from neighbors, including owners at The Austin, community members, businesses and local organizations including Betty Sullivan (SF Bay Times), Dr. Bill Lipsky (LGBTQ Historian and Published Author), and Linda and Fernando Santos (former owners of the Grubstake). Copies of these letters are included as **Attachment B**.

Finally, the Project under consideration has been in process for almost six (6) years. The initial application was filed on July 31, 2015, and since that time the Project has navigated Planning Code changes, evaluated not only whether the Grubstake is a historic resource but prepare documentation and analysis on the Polk Gulch LGBTQ Cultural District and respond to and address comments from the community and design feedback from the Planning Department. Almost six (6) years for a Project of this size shows the Project sponsor's commitment to not only addressing concerns raised but a focus on proposing a development that respects the history of the Grubstake while also providing much needed housing. Regarding the Grubstake, the Project is required to return the restaurant to the site. The Project itself, as it is defined, includes preserving and replicating various elements of the Grubstake.

For these reasons and as discussed in more detail below, **we respectfully request that the Planning Commission approve the CUA for a Large Lot Development (Section 121.1); Non-Residential Use Size (Section 121.2); Dwelling Unit Mix (Section 207.6); and Restaurant Operating Hours (Section 723).**

1. Project Description

The Project is located on a through lot with frontage on Pine Street and Austin Street. The Project site is occupied by the one-story Grubstake restaurant, which would be demolished and replaced with an eight-story, 83-foot-tall building containing 21 dwelling units and approximately 2,473 square feet of commercial space to be occupied by the Grubstake. The Project will include 13% of the dwelling units for low-income residents.

The Grubstake is a known late-night eatery with cultural significance within the Polk Gulch LGBTQ Cultural District. The existing Grubstake is comprised of an old lunch wagon that was located at the site in 1917 and has been heavily altered over time. Although the Grubstake is not a landmark or historic building, the restaurant is culturally significant and the Project design includes salvaging and reusing some of the interior and exterior features of the Grubstake, including the existing signage, and the Project's design honors the old lunch wagon style. In April 2018, the Project sponsor retained Architectural Resources Group (ARG) to evaluate the Grubstake and make recommendations



regarding architectural features that could be salvaged for reuse or replicated in the new development. Subsequently, the Project sponsor retained ARG to provide design consultation on the Project. ARG's recommendations have been incorporated into the Project and copy of them is included as **Attachment C**. Finally, the Project sponsor, who also owns Grubstake, intends to reinstate Grubstake within the restaurant space after construction, including the late-night dining hours.

2. Project Approvals

The Project requires a CUA for a Large Lot Development (Section 121.1); Non-Residential Use Size (Section 121.2); Dwelling Unit Mix (Section 207.6); and Restaurant Operating Hours (Section 723).

A. Large Lot Development

The Planning Code requires a CUA for any development on a lot more than 2,500 square feet in the Polk Street-NCD. The Project's lot is approximately 3,000 square feet and is 25 feet in width.³ The Project mass and façade are entirely compatible with the surrounding properties including the adjacent new residential tower to the west at 1545 Pine Street and the 25-story hotel just across Pine Street. The return of the Grubstake into the Project's lower levels ensures an active commercial ground floor uses and street scene. Granting the CUA will allow the development of much needed housing in a transit rich urban environment and ensure an active commercial use along the ground floor that includes the preservation and return of a coveted neighborhood restaurant.

B. Non-Residential Use in Excess of 2,000 square feet

The Planning Code requires a CUA for any non-residential use more than 2,000 square feet in the Polk Street-NCD. The Grubstake is currently approximately 1,661 square feet and the proposed new Grubstake space is approximately 2,473 square feet with some of the additional square footage contained in a mezzanine area created by the replication of the existing barrel ceiling. The additional square footage will allow the return of the Grubstake to the Project's ground floor to serve the neighborhood in the same way it has for many years as one of the only late-night dining options in the City. Granting the CUA will ensure a viable restaurant with sufficient kitchen and seating areas.

C. Dwelling Unit Mix

The Planning Code requires a CUA for projects in the Polk Street-NCD that do not comply with the requirements that 35% of a project's residential units have a mix of two (2)- and three (3)-bedroom units with at least 10% as three (3) bedrooms. The Project proposes that 28% of the units are two (2) and three (3) bedrooms with 14% of the units as three (3)-bedroom units. While the Project will provide a lower percentage of overall two (2) and three (3)-bedroom units it will provide more three (3)-bedroom units than is required under the Code and will construct two (2) studio units in lieu of the needed two (2)-bedroom units, providing more affordable-by-design units in the Project.

³ The Project filed its initial application in 2015 and at that time a CUA was not required for development on lots more than 2,500 square feet. The CUA requirement was implemented through Planning Code changes approved in 2017.



The narrow lot and needed lightwells along both sides of the Project creates a significant constraint to the site's floor plan, unit layout and results in the only ability to meet the required unit mix being further increasing the building height, a change that not only significantly impacts the cost of the Project by changing the construction type proposed but also is not desirable in terms of the adjacent structures or urban design patterns. Granting the CUA will allow the Project to provide more dwelling units within a structure that increases building height by only one story.

D. Restaurant Operating Hours

The Planning Code requires a CUA for projects in the Polk Street-NCD that are open between 2:00 am and 6:00 am. The Grubstake has historically been known as an after-hours late-night dining location and it is those late-night hours that made it unique in the neighborhood during the historic context statement period. Few of these late-night dining options remain, even before the COVID-19 pandemic. The Grubstake historically has had 24-hour operations. Recently, it has stayed open until 4:00 a.m. and granting the CUA will allow the Grubstake to return to its full glory including after-hours dining.

3. **Density Bonus Concessions and Waivers**

The Project is relying on the State Density Bonus to achieve the proposed density. Strict adherence to the Planning Code would yield a 15-unit "base project." As noted, the Project site is a tight infill lot that is both narrow and deep, and fronts two streets. Added to those constraints is the commitment to incorporate the Grubstake into the Project, including replicating its interior and exterior. As the Project sponsor has elected to include two (2) inclusionary housing units on site, the Project is eligible for additional density as well as concessions, incentives and waivers to facilitate the development and provide flexibility to develop the Project site within the context of the constraints described above.

The Project seeks one concession to reduce the actual cost of development for Permitted Obstructions (Section 136) and eight (8) waivers from development standards that otherwise would physically preclude the Project. The eight (8) waivers include relief from strict compliance with the Planning Code for (1) Rear Yard (Section 134), (2) Common Useable Open Space (Section 135(g)), (3) Dwelling Unit Exposure (Section 140), (4) Ground-Floor Ceiling Height (Section 145.1(c)(4)), (5) Transparency (Section 145.1(c)(6)), (6) Height (Section 250), (7) Setbacks on Narrow Streets (Section 261.1), and (8) Bulk (Section 270).

A. Permitted Obstructions

The Project seeks a concession from the Planning Code for Permitted Obstructions for bay windows on the Austin Street (rear) side of the Project. The Planning Code limits bay windows from extending beyond two (2) feet and the Project proposes bay windows that extend three (3) and ½ feet. These bay windows match the bay windows along Pine Street creating cost efficiencies. The proposed bay windows also provide additional rentable floor area and improve the livability of the units facing Austin Street. An analysis has been provided to the City that demonstrates that the cost saving from



using one frame wall system as well as the additional floor area gained by the non-compliant windows offset the cost of providing affordable housing on site and therefore seek a concession under the Density Bonus Law.

B. Common Useable Open Space

The Project seeks a waiver from the Planning Code for Common Useable Open Space. The Planning Code requires 1,008 square feet of Common Open Space for the Project's 21 units. The Project provides 749 square feet of Common Open Space on a roof deck, which is 74% of the open space required. The Project also provides six (6) private balconies for units, but the dimensions of the balconies do not meet the minimum requirements to qualify as code compliant private open space. There are also Juliet balconies included for every unit that does not have a private open balcony, and two (2) and three (3) bedroom units along Austin include both a Juliet balcony and a private balcony.

Providing code compliant balconies in the Project would result in significant Project changes. Specifically, it would result in the complete loss of one (1) unit on Level 2 and would reduce two (2) other units to 385 square feet. It would result in the loss of three (3) units on Levels 3-5 and reduce the square footage of two (2) more units. On Level 6-7, the three (3) bedroom units would become two (2) bedroom units and the two (2) bedroom units would become one (1) bedroom units. This change in unit size and mix would render the Project infeasible. The Project has also explored providing additional Open Space on the roof deck to address the open space shortfall. Unfortunately, this is also not an option as the Open Space provided is the maximum amount available due to square footage limitations of Assembly occupancy for proposed construction type, as well as limited physical space due to mechanical and solar systems on the roof.

As noted, the Project site is severely constrained by its width and its commitment to specific design criteria for the ground floor commercial space. As a result, the Project is very sensitive to minor changes in design. Adherence to Open Space requirements would physically preclude the development of the Project with the additional units sought and the Project seeks a waiver from the requirements.

C. Dwelling Unit Exposure

The Project seeks a waiver for minor deviation from the Planning Code's Dwelling Unit Exposure requirements. Only one (1) of the Project units do not meet the strict requirements of the Planning Code as it provides less than the required 25 feet wide exposure in each direction. The unit instead faces onto a six (6) feet by 25-foot lightwell but also contains a private balcony. The Project requires a waiver as the strict adherence to the Planning Code would physically preclude the construction of the Project as proposed.



D. Ground Floor Ceiling Height

The Project seeks a waiver from the Planning Code Ground Floor Ceiling Height requirement of 14-feet. The Project is honoring the design elements of the existing Grubstake restaurant on the ground floor, including a barrel ceiling with a proposed ceiling height of 10-feet. Because the lot slopes down from west to east and is narrow, strict adherence to the Planning Code requirements for Ground Floor Ceiling Height is not viable and would result in a loss of units that would physically preclude the development of the proposed Project.

E. Transparency

The Project seeks a waiver from the Planning Code requirements for Transparency requirement that 60 percent of the street frontage on the ground level allow visibility into the building. The Project proposes 28% transparency on the ground floor of the Austin Street side of and 26% on the Pine Street side. On the Austin Street side strict compliance would not allow the Project to house the required rear egress and solid waste access areas. On the Pine Street side strict adherence, would preclude the required egress and the use of salvaged material from the Grubstake given the very narrow width of the lot. As a result, adherence would physically preclude the construction of the proposed Project.

F. Height

The Project seeks a waiver from the 65-foot height limit. The Project would reach a height of 83-feet. The additional height facilitates the development of additional units in the Project. The adjacent project at 1545 Pine Street and the hotel across Pine Street both are taller structures upslope of the Project and without the additional height, the Project would be physically precluded from achieving the proposed density.

G. Setbacks

The Project seeks a waiver from the Planning Code requirements from the setback requirements along the Austin Street (rear) frontage. As a through lot, no setback is provided along the Austin Street frontage to maintain the street wall. Austin Street is not a heavily used street and relief from setback requirements would not result in a design that overwhelms the street. Shadow studies provided in **Attachment A** show the shadow along Austin Street. Relief from the setback requirements makes the Project viable as strict adherence would reduce the Project's square footage by pushing the building back from the street, resulting in a loss of units and physically precluding the development of the Project.

H. Bulk

The Project seeks a waiver from the Planning Code requirements from the 125-foot maximum diagonal dimensions on both Pine and Austin Street. The Project, including the bay window projections, totals just over 128 feet and the Project has taken steps to articulate the façade to offset



the impacts. The Project is compatible in design to the adjacent 1545 Pine Street and narrowly tucks into the infill lot. Strict adherence to the Bulk requirements would physically preclude the construction of the Project's additional dwelling units.

5. Community Outreach and Engagement

A Preliminary Project Application was filed for the Project on July 31, 2015. Over the almost six (6) years since the initial application, the Project sponsor has engaged with the community, listened to concerns and incorporated design changes in response to this outreach. Most recently, the Project sponsors have listened to the concerns raised by the LPN and its members regarding the Project construction on Austin Alley and has made the following additional commitments. The Project sponsor will contribute \$15,000 in addition to \$10,000 previously donated to the improvement of Austin Alley. These improvements may include items such as replacing lights across the alley's intersection, installing plantings or artwork and/or sponsoring the Cultural Heritage Medallion Program. The Project sponsors are themselves the owner and operators of the Grubstake and over the years have made significant commitments to the Lower Polk neighborhood and Austin Alley and are proud to work to continue to improve their neighborhood.

Some examples of additional community outreach include:

2017

- On April 19, 2017, the Project hosted its first community pre-application meeting for the Variance application that at that time was required.
- In June of 2017, the Project also presented to its Lower Polk Neighbors.

2018

- On January 16, 2018, the Project presented in front of the Entertainment Commission for review.
- In September 2018, the Project was presented to the LGBTQ Historical Society. At that meeting with the LGBTQ Historical Society, Page & Turnbull undertook an Oral History Project to supplement the historic analysis being prepared for the Grubstake.

2019

- On April 30, 2019, a formal presentation and discussion was undertaken with SF Heritage that focused on design and other considerations for The Grubstake.
- On December 9, 2019 in association with Conditional Use authorization and State Density Bonus applications, a second community pre-application meeting was hosted. Prior to the larger community meeting, on December 5th, the project was presented to owners and residents of adjacent The Austin.

2021

- On April 16, 2021, the Project was presented to the Lower Polk Neighbors.



Throughout the process, the Project sponsors have worked closely with key stakeholders to address their concerns and have 39 letters of support. While certain owners in the adjacent residential building The Austin have expressed concern, **all owners in The Austin received notice of the Project as part of their disclosure packets prior to purchasing their units.** As noted above, the Project began its entitlement journey in July 2015, before construction on The Austin began. All current and future owners were made aware of the redevelopment of the Project site via a separate disclosure required to be signed that was specific to the 1525 Pine Street project. That disclosure clearly stated that while an application was on file for the Project that “**until such time as the proposed project is approved, permits are issued and the project is constructed, it is subject to change**” and that “[c]ompletion of the proposed 1525 Pine Street project may impact unit views, light source and privacy for certain Units and areas of the [Austin], particularly those of east facing Units in the [Austin].” A copy of that disclosure is included as **Attachment D**. The Project sponsors, however, understand the concern of The Austin residents regarding shadow on the interior lightwell/courtyard and have committed to work with key stakeholders to identify feasible measures to direct light from its building to this area.

* * * * *

In sum, we respectfully request that the Planning Commission approve a Conditional Use Authorization as the Project will ensure the return of the Grubstake restaurant to 1525 Pine Street, provides much needed transit-oriented housing, including on-site affordable units, and infills a narrow-underutilized lot. The Project sponsor has conducted community outreach and taken steps to design a development that is compatible with its setting.

If you have any questions or need any additional information, please feel free to contact me at 415-273-9670.

Very truly yours,

A handwritten signature in blue ink that reads 'Alexis M. Pelosi'.

Alexis M. Pelosi

Attachments

Attachment E



May 4, 2021

Mr. Joel Koppel, President
San Francisco Planning Commission
1650 Mission Street, Ste. 400
San Francisco, CA 94103

**Re: 1525 Pine Street (Case No. 2015-009955CUA) - May 6, 2021 Hearing
for Conditional Use Authorization**

Dear President Koppel and Commissioners,

On May 6, 2021 the Planning Commission will consider a Conditional Use Authorization (CUA) for a proposed eight-story, 83-foot-tall mixed used development consisting of 21 dwelling units and approximately 2,473 square feet of commercial space located at 1525 Pine Street (Project). The Project is located on a narrow through lot between Pine Street and Austin Street that currently is the location of the Grubstake restaurant. The Grubstake will return to the ground floor of the Project after construction is completed and elements of the Grubstake will be incorporated into the Project through the retention, replication and reuse of aspects of the current Grubstake. The Project will include 13% of the units for very low-income tenants in a transit-rich area of the City and utilize the State Density Bonus to provide 21 units of much needed housing.

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On April 28th, a second meeting was held by the LPN to discuss the Project, as is standard practice for projects being considered by the LPN.² At both meetings, there was strong support for the Project and its addition of much needed housing as well as some concern expressed by adjacent condo owners at The Austin. The Project sponsors appreciate the LPN making time and space on its agenda(s) to hear the Project.

¹ The Project had previously been presented to the LPN. At the time, the Project was not utilizing the State Density Bonus Law. While the Project sponsor had notified the LPN of the changes to the Project and invited them to community meetings to review the Project changes, a formal presentation to the LPN did not occur and at the time was not requested. When the LPN requested a formal presentation, the Project sponsor requested a continuance.

² The LPN's standard practice is to hear a project at one meeting and discuss it at a subsequent meeting with decisions on whether to support or oppose a project made by the Board following the two meetings. Here, a special meeting was called to discuss the Project given the May 6, 2021, Planning Commission hearing date.



At the second meeting, the Project agreed to further the Project's commitment to improving Austin Alley and will be contributing an additional \$15,000 on top of \$10,000 previously committed to help fund Austin Alley improvements such as replacing lights and sponsoring the Cultural Heritage Medallion Program. In response to concerns raised by The Austin residents, the Project sponsors will investigate light enhancement measures to direct light from the Project to the lightwell/interior courtyard of The Austin and will work with key stakeholders on finding a viable solution to the concern raised. The Project sponsors are committed to working with the LPN and we understand they will be supporting the Project and the additional housing that it will provide. The Project has also received 39 letters of support. Those letters are from neighbors, including owners at The Austin, community members, businesses and local organizations including Betty Sullivan (SF Bay Times), Dr. Bill Lipsky (LGBTQ Historian and Published Author), and Linda and Fernando Santos (former owners of the Grubstake). Copies of these letters are included as **Attachment B**.

Finally, the Project under consideration has been in process for almost six (6) years. The initial application was filed on July 31, 2015, and since that time the Project has navigated Planning Code changes, evaluated not only whether the Grubstake is a historic resource but prepare documentation and analysis on the Polk Gulch LGBTQ Cultural District and respond to and address comments from the community and design feedback from the Planning Department. Almost six (6) years for a Project of this size shows the Project sponsor's commitment to not only addressing concerns raised but a focus on proposing a development that respects the history of the Grubstake while also providing much needed housing. Regarding the Grubstake, the Project is required to return the restaurant to the site. The Project itself, as it is defined, includes preserving and replicating various elements of the Grubstake.

For these reasons and as discussed in more detail below, **we respectfully request that the Planning Commission approve the CUA for a Large Lot Development (Section 121.1); Non-Residential Use Size (Section 121.2); Dwelling Unit Mix (Section 207.6); and Restaurant Operating Hours (Section 723).**

1. Project Description

The Project is located on a through lot with frontage on Pine Street and Austin Street. The Project site is occupied by the one-story Grubstake restaurant, which would be demolished and replaced with an eight-story, 83-foot-tall building containing 21 dwelling units and approximately 2,473 square feet of commercial space to be occupied by the Grubstake. The Project will include 13% of the dwelling units for low-income residents.

The Grubstake is a known late-night eatery with cultural significance within the Polk Gulch LGBTQ Cultural District. The existing Grubstake is comprised of an old lunch wagon that was located at the site in 1917 and has been heavily altered over time. Although the Grubstake is not a landmark or historic building, the restaurant is culturally significant and the Project design includes salvaging and reusing some of the interior and exterior features of the Grubstake, including the existing signage, and the Project's design honors the old lunch wagon style. In April 2018, the Project sponsor retained Architectural Resources Group (ARG) to evaluate the Grubstake and make recommendations



regarding architectural features that could be salvaged for reuse or replicated in the new development. Subsequently, the Project sponsor retained ARG to provide design consultation on the Project. ARG's recommendations have been incorporated into the Project and copy of them is included as **Attachment C**. Finally, the Project sponsor, who also owns Grubstake, intends to reinstate Grubstake within the restaurant space after construction, including the late-night dining hours.

2. Project Approvals

The Project requires a CUA for a Large Lot Development (Section 121.1); Non-Residential Use Size (Section 121.2); Dwelling Unit Mix (Section 207.6); and Restaurant Operating Hours (Section 723).

A. Large Lot Development

The Planning Code requires a CUA for any development on a lot more than 2,500 square feet in the Polk Street-NCD. The Project's lot is approximately 3,000 square feet and is 25 feet in width.³ The Project mass and façade are entirely compatible with the surrounding properties including the adjacent new residential tower to the west at 1545 Pine Street and the 25-story hotel just across Pine Street. The return of the Grubstake into the Project's lower levels ensures an active commercial ground floor uses and street scene. Granting the CUA will allow the development of much needed housing in a transit rich urban environment and ensure an active commercial use along the ground floor that includes the preservation and return of a coveted neighborhood restaurant.

B. Non-Residential Use in Excess of 2,000 square feet

The Planning Code requires a CUA for any non-residential use more than 2,000 square feet in the Polk Street-NCD. The Grubstake is currently approximately 1,661 square feet and the proposed new Grubstake space is approximately 2,473 square feet with some of the additional square footage contained in a mezzanine area created by the replication of the existing barrel ceiling. The additional square footage will allow the return of the Grubstake to the Project's ground floor to serve the neighborhood in the same way it has for many years as one of the only late-night dining options in the City. Granting the CUA will ensure a viable restaurant with sufficient kitchen and seating areas.

C. Dwelling Unit Mix

The Planning Code requires a CUA for projects in the Polk Street-NCD that do not comply with the requirements that 35% of a project's residential units have a mix of two (2)- and three (3)-bedroom units with at least 10% as three (3) bedrooms. The Project proposes that 28% of the units are two (2) and three (3) bedrooms with 14% of the units as three (3)-bedroom units. While the Project will provide a lower percentage of overall two (2) and three (3)-bedroom units it will provide more three (3)-bedroom units than is required under the Code and will construct two (2) studio units in lieu of the needed two (2)-bedroom units, providing more affordable-by-design units in the Project.

³ The Project filed its initial application in 2015 and at that time a CUA was not required for development on lots more than 2,500 square feet. The CUA requirement was implemented through Planning Code changes approved in 2017.



The narrow lot and needed lightwells along both sides of the Project creates a significant constraint to the site's floor plan, unit layout and results in the only ability to meet the required unit mix being further increasing the building height, a change that not only significantly impacts the cost of the Project by changing the construction type proposed but also is not desirable in terms of the adjacent structures or urban design patterns. Granting the CUA will allow the Project to provide more dwelling units within a structure that increases building height by only one story.

D. Restaurant Operating Hours

The Planning Code requires a CUA for projects in the Polk Street-NCD that are open between 2:00 am and 6:00 am. The Grubstake has historically been known as an after-hours late-night dining location and it is those late-night hours that made it unique in the neighborhood during the historic context statement period. Few of these late-night dining options remain, even before the COVID-19 pandemic. The Grubstake historically has had 24-hour operations. Recently, it has stayed open until 4:00 a.m. and granting the CUA will allow the Grubstake to return to its full glory including after-hours dining.

3. **Density Bonus Concessions and Waivers**

The Project is relying on the State Density Bonus to achieve the proposed density. Strict adherence to the Planning Code would yield a 15-unit "base project." As noted, the Project site is a tight infill lot that is both narrow and deep, and fronts two streets. Added to those constraints is the commitment to incorporate the Grubstake into the Project, including replicating its interior and exterior. As the Project sponsor has elected to include two (2) inclusionary housing units on site, the Project is eligible for additional density as well as concessions, incentives and waivers to facilitate the development and provide flexibility to develop the Project site within the context of the constraints described above.

The Project seeks one concession to reduce the actual cost of development for Permitted Obstructions (Section 136) and eight (8) waivers from development standards that otherwise would physically preclude the Project. The eight (8) waivers include relief from strict compliance with the Planning Code for (1) Rear Yard (Section 134), (2) Common Useable Open Space (Section 135(g)), (3) Dwelling Unit Exposure (Section 140), (4) Ground-Floor Ceiling Height (Section 145.1(c)(4)), (5) Transparency (Section 145.1(c)(6)), (6) Height (Section 250), (7) Setbacks on Narrow Streets (Section 261.1), and (8) Bulk (Section 270).

A. Permitted Obstructions

The Project seeks a concession from the Planning Code for Permitted Obstructions for bay windows on the Austin Street (rear) side of the Project. The Planning Code limits bay windows from extending beyond two (2) feet and the Project proposes bay windows that extend three (3) and ½ feet. These bay windows match the bay windows along Pine Street creating cost efficiencies. The proposed bay windows also provide additional rentable floor area and improve the livability of the units facing Austin Street. An analysis has been provided to the City that demonstrates that the cost saving from



using one frame wall system as well as the additional floor area gained by the non-compliant windows offset the cost of providing affordable housing on site and therefore seek a concession under the Density Bonus Law.

B. Common Useable Open Space

The Project seeks a waiver from the Planning Code for Common Useable Open Space. The Planning Code requires 1,008 square feet of Common Open Space for the Project's 21 units. The Project provides 749 square feet of Common Open Space on a roof deck, which is 74% of the open space required. The Project also provides six (6) private balconies for units, but the dimensions of the balconies do not meet the minimum requirements to qualify as code compliant private open space. There are also Juliet balconies included for every unit that does not have a private open balcony, and two (2) and three (3) bedroom units along Austin include both a Juliet balcony and a private balcony.

Providing code compliant balconies in the Project would result in significant Project changes. Specifically, it would result in the complete loss of one (1) unit on Level 2 and would reduce two (2) other units to 385 square feet. It would result in the loss of three (3) units on Levels 3-5 and reduce the square footage of two (2) more units. On Level 6-7, the three (3) bedroom units would become two (2) bedroom units and the two (2) bedroom units would become one (1) bedroom units. This change in unit size and mix would render the Project infeasible. The Project has also explored providing additional Open Space on the roof deck to address the open space shortfall. Unfortunately, this is also not an option as the Open Space provided is the maximum amount available due to square footage limitations of Assembly occupancy for proposed construction type, as well as limited physical space due to mechanical and solar systems on the roof.

As noted, the Project site is severely constrained by its width and its commitment to specific design criteria for the ground floor commercial space. As a result, the Project is very sensitive to minor changes in design. Adherence to Open Space requirements would physically preclude the development of the Project with the additional units sought and the Project seeks a waiver from the requirements.

C. Dwelling Unit Exposure

The Project seeks a waiver for minor deviation from the Planning Code's Dwelling Unit Exposure requirements. Only one (1) of the Project units do not meet the strict requirements of the Planning Code as it provides less than the required 25 feet wide exposure in each direction. The unit instead faces onto a six (6) feet by 25-foot lightwell but also contains a private balcony. The Project requires a waiver as the strict adherence to the Planning Code would physically preclude the construction of the Project as proposed.



D. Ground Floor Ceiling Height

The Project seeks a waiver from the Planning Code Ground Floor Ceiling Height requirement of 14-feet. The Project is honoring the design elements of the existing Grubstake restaurant on the ground floor, including a barrel ceiling with a proposed ceiling height of 10-feet. Because the lot slopes down from west to east and is narrow, strict adherence to the Planning Code requirements for Ground Floor Ceiling Height is not viable and would result in a loss of units that would physically preclude the development of the proposed Project.

E. Transparency

The Project seeks a waiver from the Planning Code requirements for Transparency requirement that 60 percent of the street frontage on the ground level allow visibility into the building. The Project proposes 28% transparency on the ground floor of the Austin Street side of and 26% on the Pine Street side. On the Austin Street side strict compliance would not allow the Project to house the required rear egress and solid waste access areas. On the Pine Street side strict adherence, would preclude the required egress and the use of salvaged material from the Grubstake given the very narrow width of the lot. As a result, adherence would physically preclude the construction of the proposed Project.

F. Height

The Project seeks a waiver from the 65-foot height limit. The Project would reach a height of 83-feet. The additional height facilitates the development of additional units in the Project. The adjacent project at 1545 Pine Street and the hotel across Pine Street both are taller structures upslope of the Project and without the additional height, the Project would be physically precluded from achieving the proposed density.

G. Setbacks

The Project seeks a waiver from the Planning Code requirements from the setback requirements along the Austin Street (rear) frontage. As a through lot, no setback is provided along the Austin Street frontage to maintain the street wall. Austin Street is not a heavily used street and relief from setback requirements would not result in a design that overwhelms the street. Shadow studies provided in **Attachment A** show the shadow along Austin Street. Relief from the setback requirements makes the Project viable as strict adherence would reduce the Project's square footage by pushing the building back from the street, resulting in a loss of units and physically precluding the development of the Project.

H. Bulk

The Project seeks a waiver from the Planning Code requirements from the 125-foot maximum diagonal dimensions on both Pine and Austin Street. The Project, including the bay window projections, totals just over 128 feet and the Project has taken steps to articulate the façade to offset



the impacts. The Project is compatible in design to the adjacent 1545 Pine Street and narrowly tucks into the infill lot. Strict adherence to the Bulk requirements would physically preclude the construction of the Project's additional dwelling units.

5. Community Outreach and Engagement

A Preliminary Project Application was filed for the Project on July 31, 2015. Over the almost six (6) years since the initial application, the Project sponsor has engaged with the community, listened to concerns and incorporated design changes in response to this outreach. Most recently, the Project sponsors have listened to the concerns raised by the LPN and its members regarding the Project construction on Austin Alley and has made the following additional commitments. The Project sponsor will contribute \$15,000 in addition to \$10,000 previously donated to the improvement of Austin Alley. These improvements may include items such as replacing lights across the alley's intersection, installing plantings or artwork and/or sponsoring the Cultural Heritage Medallion Program. The Project sponsors are themselves the owner and operators of the Grubstake and over the years have made significant commitments to the Lower Polk neighborhood and Austin Alley and are proud to work to continue to improve their neighborhood.

Some examples of additional community outreach include:

2017

- On April 19, 2017, the Project hosted its first community pre-application meeting for the Variance application that at that time was required.
- In June of 2017, the Project also presented to its Lower Polk Neighbors.

2018

- On January 16, 2018, the Project presented in front of the Entertainment Commission for review.
- In September 2018, the Project was presented to the LGBTQ Historical Society. At that meeting with the LGBTQ Historical Society, Page & Turnbull undertook an Oral History Project to supplement the historic analysis being prepared for the Grubstake.

2019

- On April 30, 2019, a formal presentation and discussion was undertaken with SF Heritage that focused on design and other considerations for The Grubstake.
- On December 9, 2019 in association with Conditional Use authorization and State Density Bonus applications, a second community pre-application meeting was hosted. Prior to the larger community meeting, on December 5th, the project was presented to owners and residents of adjacent The Austin.

2021

- On April 16, 2021, the Project was presented to the Lower Polk Neighbors.



Throughout the process, the Project sponsors have worked closely with key stakeholders to address their concerns and have 39 letters of support. While certain owners in the adjacent residential building The Austin have expressed concern, **all owners in The Austin received notice of the Project as part of their disclosure packets prior to purchasing their units.** As noted above, the Project began its entitlement journey in July 2015, before construction on The Austin began. All current and future owners were made aware of the redevelopment of the Project site via a separate disclosure required to be signed that was specific to the 1525 Pine Street project. That disclosure clearly stated that while an application was on file for the Project that “**until such time as the proposed project is approved, permits are issued and the project is constructed, it is subject to change**” and that “[c]ompletion of the proposed 1525 Pine Street project may impact unit views, light source and privacy for certain Units and areas of the [Austin], particularly those of east facing Units in the [Austin].” A copy of that disclosure is included as **Attachment D**. The Project sponsors, however, understand the concern of The Austin residents regarding shadow on the interior lightwell/courtyard and have committed to work with key stakeholders to identify feasible measures to direct light from its building to this area.

* * * * *

In sum, we respectfully request that the Planning Commission approve a Conditional Use Authorization as the Project will ensure the return of the Grubstake restaurant to 1525 Pine Street, provides much needed transit-oriented housing, including on-site affordable units, and infills a narrow-underutilized lot. The Project sponsor has conducted community outreach and taken steps to design a development that is compatible with its setting.

If you have any questions or need any additional information, please feel free to contact me at 415-273-9670.

Very truly yours,

A handwritten signature in blue ink that reads 'Alexis M. Pelosi'.

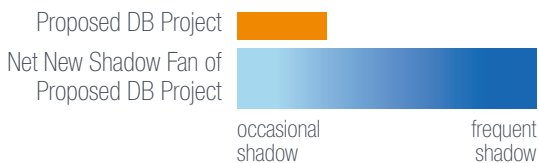
Alexis M. Pelosi

Attachments

FAN 1

1525 PINE STREET SHADOWFAN: PROPOSED DENSITY BONUS (DB) PROJECT

Full year net new shadow fan diagram factoring in the presence of existing shadows



SHADOW FAN DIAGRAM AFFECTED AREAS DURING SECTION 295 TIMES

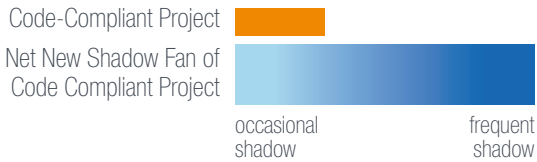
FULL YEAR



FAN 2

1525 PINE STREET SHADOWFAN: CODE-COMPLIANT VARIANT

Full year net new shadow fan diagram factoring in the presence of existing shadows



SHADOW FAN DIAGRAM AFFECTED AREAS DURING SECTION 295 TIMES

FULL YEAR

- Parks and Open Spaces (Jurisdiction)
- Rooftop Playground (SFUSD)
- Redding Elementary School (SFUSD)

FAN 3

1545 PINE STREET (THE AUSTIN) SHADOWFAN

Full year net new shadow fan diagram factoring in the presence of existing shadows



1545 Pine St. (The Austin)



Net New Shadow Fan of
1545 Pine Street



occasional shadow

frequent shadow

SHADOW FAN DIAGRAM AFFECTED AREAS DURING SECTION 295 TIMES

FULL YEAR

-  Parks and Open Spaces (Jurisdiction)
-  Rooftop Playground (SFUSD)
-  Redding Elementary School (SFUSD)

Endorsement Letter List 1525 Pine Street

Betty Sullivan, Publisher of The Bay Times

Sanaz Nikaein, Austin Homeowner

Donna Sachet, SF LGBT Celebrity & Activist

Alice Huang, Austin Homeowner

Dr. Bill Lipsky, LGBT Historian & Published Author

Jake Medwell, Austin Resident

Gary Virginia, LGBT Activist & Mr. Leather 1996

Michael George, Holiday Inn Golden Gateway

Ken Henderson, REAF Richmond Ermet Foundation

Quensella Miller, SF Walking Tours

Gil Padia, Academy of Friends AIDS Nonprofit

Bamboo Restaurant, Neighboring Business

Brent Pogue, LGBT Activist

Little Chihuahua, Neighboring Business

Don Berger, LGBT Activist & Longtime Customer

Victor's Pizza, Neighboring Business

Nikos Diaman, LGBT Activist

Kasa Indian Restaurant, Neighboring Business

Phil Clark, Longtime Customer

Golden Farmer's Market, Neighboring Business

Linda & Fernando Santos, Former Grubstake
Owners (30 years)

Jeet Big Times, Neighboring Business

Randy Shaw, Tenderloin Housing Clinic

Duncan Ley, Neighboring Business

Rene Colorado, Tenderloin Lower Polk Merchants
Association

Brian Mcinerney, 1414 VanNess

Shah Awi, President SF Concierge Social Club

Abraham Fahim, Director UCSF

Kathy Cady, Founder SF Concierge Social Club

John Solaegin, Compass

Mei Tien Nguyen, Redding Elementary

Janet Witosky, Compass

Raquel Roque, Redding Elementary

Gary Johnson, Compass

Kristina Hanson, Compass

Par Haji, Compass

Compass Realty



2261 Market Street, #309, San Francisco, CA 94114

February 20, 2018

To Whom It May Concern:

As publisher of the *San Francisco Bay Times*, a publication serving the Bay Area's LGBTQ community since 1978, I am writing in support of Grubstake's proposed redevelopment project which you are considering.

Members of our community have for many decades found the Grubstake location to be an excellent one to enjoy an affordable and delicious meal and to socialize and network with friends and colleagues. Grubstake has for many years welcomed the eccentric as well as the mainstream members of our diverse community.

Grubstake is important to us for many reasons, and having provided a safe and welcoming environment to gather is extremely valuable. Additionally, the restaurant has provided volunteers and pro bono product and service in support of HIV/AIDS and other LGBTQ organizations.

I have reviewed the proposal submitted by Grubstake executives and I believe it accurately and responsibly maintains the unique features, culture and spirit of the long-standing location. We encourage its approval.

Thank you for your consideration.

Most sincerely,

A handwritten signature in blue ink that reads "Betty L. Sullivan".

Dr. Betty L. Sullivan
Co-Publisher/Editor
San Francisco Bay Times
sfbaytimes.com
Publisher@sfbaytimes.com
415-601-2113 (direct)



Donna Sachet

~~Abolition~~ Empress XIX of San Francisco

584 Castro, Box 399
San Francisco, CA 94114
415-695-1942

March 1, 2018

To Whom It May Concern:

As a community activist involved in many groups LGBT and otherwise, I met recently with Jimmy Consos of Grubstake restaurant at 1525 Pine Street and came away thrilled with his plans. Mr. Consos understands and honors the history of this iconic eatery and is determined to respect those who have long made it a favorite San Francisco spot. His amazing familiarity with the history of the business leads him to build on past successes while addressing new tastes and demographics in our diverse community. He plans to maintain a menu that includes popular dishes, while adding new complementary items. Familiar visual elements will be seamlessly included in the new vision for the business. And the surrounding community will be included in Grubstake's continuing evolution.

With so much changing so rapidly in San Francisco, many times with no regard for traditions or history, it is refreshing to see a businessman so in touch with his customers and their desire to see Grubstake maintain its reputation and grow in popularity. Based on his relationships with Lower Polk Neighbors, businesses, and individuals, we are confident that his plans will catapult Grubstake to new successes and enhance its position within the neighboring community.

In addition, Mr. Consos is anxious to be an active participant in the larger community and offered to provide material support to non-profit fundraisers and to build relationships with many of the service organizations with which I work regularly. Such support is vital and greatly appreciated.

I could not be more excited for the future of Grubstake and fully support Mr. Consos' ambitious plans for this legacy business. It will be good for San Francisco!

Sincerely,

Donna Sachet

9/10/2018

Dear San Francisco Planning Commission,

My name is Dr. Bill Lipsky and I live in San Francisco. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake are forever part of our history and ensuring the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I found out Jimmy Consos and his team were the new owners I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy can thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it *ours* - like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above.

Best Regards,

A handwritten signature in cursive script that reads "Bill Lipsky". The signature is written in dark ink and is positioned above the printed name.

Dr. Bill Lipsky

February 16, 2018

Re: Grubstake Diner, 1525 Pine Street

To Whom It May Concern,

As a local activist and San Francisco resident, I am writing to support the proposed Grubstake Diner project at 1525 Pine Street.

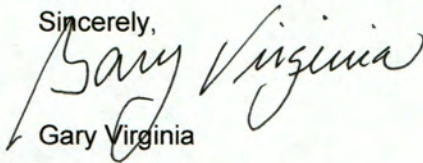
The new Grubstake diner and development will be a positive force in the Lower Polk community, adding to an already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, the project sponsors have been active in the Lower Polk Neighbors community, and always make themselves available to neighbors and business owners throughout the planning process. I strongly believe they will continue to responsibly operate the new development as they do now.

As for the proposed proposal of the new Grubstake diner it is not only thoughtfully planned and responds to neighborhood input, but also provides a great opportunity to continue the legacy business.

Thank you for your serious consideration on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Gary Virginia". The signature is written in dark ink and is positioned above the printed name.

Gary Virginia



Richmond/Ermet
Aid Foundation

PROVIDING AID FOR HIV SERVICES, HUNGER PROGRAMS AND UNDERSERVED YOUTH

**Board of
Directors**

Ken Henderson,
Executive Director
Joe Seiler, *Board Chair*
Noel Santos, *CFO*
Sophie Azoaou
Jeff Doney
Patrik Gallineaux
Darren Iverson
Brent Marek
Skye Paterson
Cecil Russell
Ramon Santos
Beth Schnitzer
Kevin Shanahan
Gary Snow
Cameron Stiehl
Gary Thackeray

Founders:

Barbara Richmond
and Peggy Ermet

Advisory Board:

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Bob Boemer
Brian Boitano
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Mario Diaz
Norm Dito
Andrew Freeman
Debby Gibson
Michael Holland
John Leitner
Senator Mark Leno
Marilyn Levinson
La Toya London
Stan Osofsky
Randy Taradash
Tom Viola
Jan Wahl
Charles Zukow

August 28th, 2018

San Francisco Planning Commission
1650 Mission St. Suite 400
San Francisco, CA 94103

Dear San Francisco Planning Commission,

My name is Ken Henderson and I am the CEO of the Richmond/Ermet Aid Foundation. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake restaurant are forever a part of our history and ensuring that the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I learned Jimmy Consos and his team were the new owners, I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy is to thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it ours - like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above.

Best Regards,

Kenneth Henderson
Executive Director

February 1, 2018

Re: 1525 Pine Street

To Whom It May Concern,

As a resident and activist in the neighborhood, I am writing to support the proposed project at 1525 Pine Street.

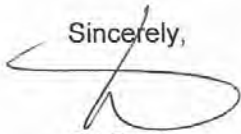
The new Grubstake diner and development will be a positive force in the Lower Polk community, adding to an already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, the project sponsors have been active in the Lower Polk Neighbors community, and always make themselves available to neighbors and business owners throughout the planning process. I strongly believe they will continue to responsibly operate the new development as they do now.

As for the proposed proposal of the new Grubstake diner it is not only thoughtfully planned and responds to neighborhood input, but also provides a great opportunity to continue the legacy business.

Thank you for your serious consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gil Padia', with a large, sweeping flourish extending to the left.

Gil Padia
Academy of Friends

August 31st, 2018

San Francisco Planning Commission
1650 Mission St. Suite 400
San Francisco, CA 94103

Dear San Francisco Planning Commission,

My name is Brent Pogue and I am actively involved in the Academy of Friends Charity Organization. I have also been a San Francisco resident for over 30 years and for a number of those years I lived in the Polk St. area. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake are forever part of our history and ensuring the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I found out Jimmy Consos and his team were the new owners I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy can thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it ours - like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above. Not only is the Grubstake important to the LGBTQ community but the new restaurant is welcoming to the ever changing demographic of the Polk corridor community at large and will be inclusive of all our neighbors.

Best Regards,

Brent Pogue



February 16, 2018

Re: Grubstake Diner, 1525 Pine Street

To Whom It May Concern,

As a neighborhood resident and longtime customer of Grubstake, I am writing to support the proposed Grubstake Diner project at 1525 Pine Street.

The new Grubstake diner and development will be a positive force in the Lower Polk community, adding to an already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, the project sponsors have been active in the Lower Polk Neighbors community, and always make themselves available to neighbors and business owners throughout the planning process. I strongly believe they will continue to responsibly operate the new development as they do now.

As for the proposed proposal of the new Grubstake diner, it is not only thoughtfully planned and responds to neighborhood input, but also provides a great opportunity to continue the legacy business.

Thank you for your serious consideration on this matter.

Sincerely,

Regarding the original mural, while it is artistic, it seems to be out dated. A New, more Modern design, should be considered.

Don Berger 415-933-7014

October 10th 2018

Dear San Francisco Planning Commission,

My name is Nikos Diaman and I live in San Francisco. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake are forever part of our history and ensuring the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I found out Jimmy Consos and his team were the new owners I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy can thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it *ours* – like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above.

Best Regards,

A handwritten signature in black ink that reads "N. A. Diaman". The signature is written in a cursive, slightly stylized font.

Nikos Diaman

February 16, 2018

Re: Grubstake Diner, 1525 Pine Street

To Whom It May Concern,

As a neighborhood resident and longtime customer of Grubstake, I am writing to support the proposed Grubstake Diner project at 1525 Pine Street.

The new Grubstake diner and development will be a positive force in the Lower Polk community, adding to an already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, the project sponsors have been active in the Lower Polk Neighbors community, and always make themselves available to neighbors and business owners throughout the planning process. I strongly believe they will continue to responsibly operate the new development as they do now.

As for the proposed proposal of the new Grubstake diner it is not only thoughtfully planned and responds to neighborhood input, but also provides a great opportunity to continue the legacy business.

Thank you for your serious consideration on this matter.

Sincerely,

Philip Clarke
Philip CLARKE
415 776-5254

09/20/2018

To Whom It May Concern

Our names are Fernando and Linda Santos and we are the former owners of Grubstake Diner. We're so proud of the role Grubstake and places like it have played in making San Francisco the open, accepting, and eccentric city we love, which is why we are writing to enthusiastically support the 1525 Pine Street proposal.

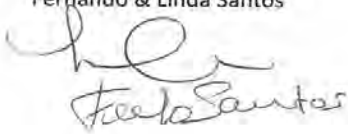
We sold Grubstake with mixed emotions in 2015 after 26 joyful and rewarding years. We also knew it was time for a change. The proposal for 1525 Pine Street will ensure the next generation will enjoy the diner just like San Franciscans in years past.

We have high hopes for Grubstake's future. The new owners, Jimmy Consos and Nick Pigott promised to run Grubstake as the community knew it and they have lived up to that commitment. We hope to see Grubstake live on, but the atmosphere and the feeling customers get when they take a seat are more important than the physical building. We trust Jimmy and his team to get the *next* Grubstake right.

We also support the project because 1525 Pine Street delivers badly-needed homes for one of the City's most lively neighborhoods. The project team has partnered with the Lower Polk CBD and the alleyways initiative, even deciding to orient the building so its main entrance is on Austin Alley. Please approve 1525 Pine Street without delay.

Best Regards,

Fernando & Linda Santos

A handwritten signature in cursive script, appearing to read "Fernando Santos". The signature is written in dark ink and is positioned below the typed name.

TENDERLOIN HOUSING CLINIC

126 Hyde Street
San Francisco, CA 94102
Tel. (415) 771-9850
Fax. (415) 771-1287

RANDALL M. SHAW
STEPHEN L. COLLIER
RAQUEL FOX
STEPHEN P. BOOTH
MARGARET DEMATTEO
TYLER ROUGEAU
MICHAEL ZITANI

Contact:
Email: randy@thclinic.org
Phone: 771-9850 x 1117

July 10, 2018

Claudine Asbagh
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 1525 Pine Street

Dear Ms. Asbagh,

I am writing to express my support for the proposed demolition of the Grubstake restaurant and the construction of a seven-story building containing residential units and commercial space (including a newly built Grubstake restaurant).

I have gotten to know the Grubstake owners through their attending events at the Tenderloin Museum. They care about the neighborhood's history. They will do their best to restore the Grubstake's key architectural features in the new building. Their proposal to preserve the restaurant's look and menu in a new building will enhance its chances for longterm viability.

Thank you for your consideration.

Sincerely,

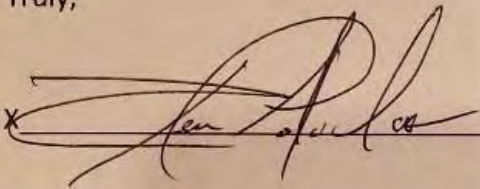


Randy Shaw
Executive Director

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

A handwritten signature in black ink, appearing to read "Jen Paul", written over a horizontal line.

Date

4/12/21

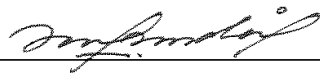
Name/Business Tenderloin Lower Polk Merchants + property owners
Assoc.

Address 1390 Market st Suite 205 SF. CA. 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  Date April 3rd, 2021

Name/Business San Francisco Marriott Fisherman's Wharf

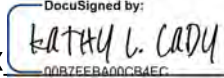
Shah Awi - Concierge
SF Marriott Fisherman's Wharf
1250 Columbus Ave, SF CA 94133

Address _____

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  Date 4/4/2021

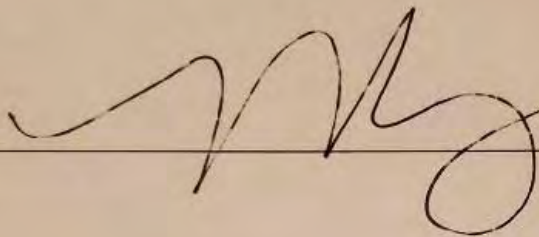
Name/Business Kathy Cady, Founder Concierge Social Club

Address 1416 Grant Avenue, #3, San Francisco, CA 94133

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  Date 4/15/21

Name/Business Mai Tien Nguyen Redding E.S

Address 1421 Pine St

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x Raquel Roque Date 4/15/21

Name/Business Raquel Roque | Redding E.S.

Address 1421 pine st.

Sanaz Nikaein
1545 Pine Street #209
San Francisco, CA 94109
sanazbanu@yahoo.com

September 27, 2020

San Francisco Planning Department
Attn: Samantha Updegrave
49 South Van Ness Ave, Suite 1400
San Francisco CA 94103

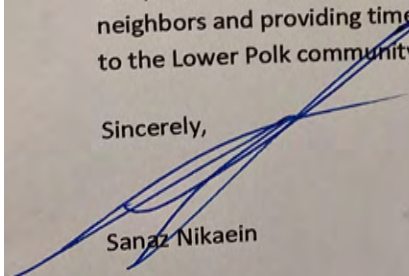
Dear Samantha,

My name is Sanaz Nikaein and I am a homeowner at The Austin condominiums at 1545 Pine Street. I am contacting you to express my support for the currently proposed Grubstake project at 1525 Pine Street. I have reviewed the plans and I believe the building will be a great addition to the neighborhood. The thoughtful design integrates the building into the community by orienting pedestrian access to Austin Alley, a growing hub and key component of the of the Lower Polk Alley initiative. The alley is a continuing challenge to residents' safety, and I believe that additional positive activation in Austin Alley will be a key ingredient in alleviating this concern.

As an adjacent neighbor, I am a fan of the Grubstake and appreciate its importance to the neighborhood. I want to see it remain here on Pine Street for many years, and I am pleased that the proposed project will bring both new housing to the community while also incorporating the timeless charm that makes the Grubstake a one-of-a-kind destination.

The project sponsor has demonstrated a collaborative planning process – seeking input from nearby neighbors and providing timely updates on the status of the proposal. 1525 Pine Street will be an asset to the Lower Polk community and I encourage the Planning Commission's approval of the project.

Sincerely,



Sanaz Nikaein

From: Alice Huang alicehuang@sbcglobal.net
Subject: Grubstake Project at 1525 Pine Street
Date: January 23, 2020 at 10:25 PM
To: samantha.updegrave@sfgov.org
Cc: nick@pinestreetdev.com, jconsos@gmail.com



Dear Samantha,

My name is Alice Huang and I am a homeowner at The Austin condominiums at 1545 Pine Street. I am contacting you to express my support for the currently proposed Grubstake project at 1525 Pine Street.

When I was a potential buyer of the The Austin condo, I was provided with disclosures about the project at 1525 Pine Street. After the purchase of my unit, the HOA of Austin has kept us updated for the progress of the project movement.

As a neighbor owner of the Grubstake project, I feel strongly that the development will greatly improve the immediate neighborhood. 1525 Pine Street will be an asset to the Lower Polk community.

Thus, I encourage the Planning Commission's approval of the project.

Thank you
Alice Huang

Jacob Medwell
1545 Pine St #1101
San Francisco CA 94109
(206)999.1418

Dear Claudine and Samantha,

My name is Jake Medwell and I am a resident at The Austin condominiums at 1545 Pine Street. I am contacting you to express my support for the currently proposed Grubstake project at 1525 Pine Street.

I have reviewed the plans and I believe the building will be a great addition to the neighborhood. The thoughtful design integrates the building into the community by orienting pedestrian access to Austin Alley, a growing hub and key component of the of the Lower Polk Alley initiative.

As an adjacent neighbor, I am a fan of the Grubstake and appreciate its importance to the neighborhood. I want to see it remain in its reincarnated form on Pine Street for many years, and am pleased that the proposed project will both bring new housing to the community while also incorporating the timeless charm that makes the Grubstake a one-of-a-kind destination.

The project sponsor has demonstrated a collaborative planning process – seeking input from nearby neighbors and providing timely updates on the status of the proposal. 1525 Pine Street will be an asset to the Lower Polk community and I encourage the Planning Commission's approval of the project.

Please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Medwell', with a horizontal line underneath.

Jake Medwell

San Francisco Entertainment Commission
City Hall, Room 12, Ground Level
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

Dear Entertainment Commission Members,

I am writing to support the proposed project at 1525 Pine Street, application number. I am the General Manager of The Holiday Inn Golden Gateway Hotel.

The 1525 Pine Street project will be a positive force in the Lower Polk Community, adding to the already eclectic and venerable Polk Street vibe. The project sponsors are Lower Polk business people and neighborhood stalwarts, and began this process with an appreciation for local eccentricities shared by few others.

More than that, 1525 Pine Street project sponsors - Jimmy Consos and Nick Pigott - have been active in the Lower Polk Neighbors community group, and have made themselves available to neighbors and business owners throughout the planning process. The proposal is not only thoughtfully-planned and responsive to neighbors, but will be positive for me as a local business owner.

The project team has provided ample notice about 1525 Pine Street's matter at the Entertainment Commission, and I fully support the project.

Thank you and best regards,



Michael George
General Manager

Holiday Inn Golden Gateway Hotel
1500 Van Ness Ave.
San Francisco, CA 94109

August 21st, 2018

San Francisco Planning Commission
1650 Mission St. Suite 400
San Francisco, CA 94103

Dear San Francisco Planning Commission,

My name is Quensella Miller and I am the owner of Q walking tours. I am a San Francisco native and I have lived in the Polk Street area for a number of those years. I am writing to enthusiastically support 1525 Pine Street as a proud member of the LGBTQ community. The Polk Corridor and Grubstake are forever part of our history and ensuring the next generation can enjoy the diner is vitally important.

I was worried when Grubstake was sold in 2015, but when I found out Jimmy Consos and his team were the new owners I was hopeful. From the start, we were promised Grubstake would keep going as we always knew it, and that promise has been kept. Not only that, but they're doing everything they can to bring in new customers by getting more involved in the community.

The building is falling down and must be replaced if the business and Grubstake's legacy can thrive. The infrastructure is in such poor shape Jimmy and his team periodically have to close for the day because of electric or plumbing issues. I'd love to see today's Grubstake live on forever, but the protection of the history as an iconic LGBTQ late-night hangout is more important than a beleaguered replica train car. I trust Jimmy and his team to ensure the new Grubstake embraces the spirit of the original and will carefully preserve all of what makes Grubstake so special – what makes it ours - like the eclectic photography and decor, and one-of-a-kind atmosphere that defines the diner.

Aside from Grubstake's significance to the LGBTQ community, 1525 Pine Street delivers badly-needed homes for one of the City's most dynamic neighborhoods, and the project team has been an important partner with the Lower Polk CBD and the alleyways initiative, even orienting the building so its main entrance is on Austin Alley. I strongly support this project for all the reasons listed above.

Best Regards,



Quensella Miller

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date 03/05/2021

Name/Business Bamboo Restaurant

Address 1441 Polk St SF. CA 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x Jose Salazar Date 09/03/2021

Name/Business The Littlechickadee Polk

Address 1431 polk st.

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x ANDY ESKANDARIAN Date 4-5-21

Name/Business VICTOR'S PIZZA

Address 1411 POLK STREET S.F CA 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X Arunima Khanna Date 4/5/21

Name/Business Kasa Indian Eatery

Address 1356 Polk St SF 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x Farooq Mazid Date 4-5-21

Name/Business Golden Farnak Market

Address 475 Polk St suite 1 SF CA 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x



Date

4/05/2021

Name/Business

JEET Big Times

Address

1444 Polk Street

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date 4/7/21

Name/Business Duncan Lay (owner) Soda Popinski's

Address 1548 California St, 94109

BRIAN MCINERNEY

415 847-1423 RXMRES@gmail.com

April 20, 2021

To Whom It May Concern,

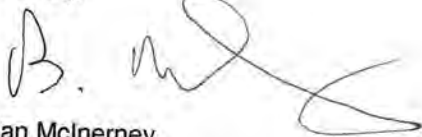
As a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner.

This project will be welcome improvement for the neighborhood. It not only preserves the Grubstake Diner, it also adds much needed middle income and affordable housing while enhancing the experience along Austin Alley.

For many years Jimmy and Nick have participated in our local community, assisting and contributing to the beautification and safety of the area. We need more business owners like them to continue to invest in the Lower Polk neighborhood in order for it to continue to be a place people can afford to live and enjoy.

Please approve this project without delay.

Sincerely,



Brian McInerney

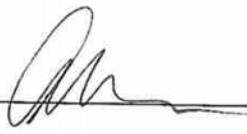
Property Management

1412/ 1414 Van Ness at Austin Alley

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date April 29, 2021

Name/Business Abraham Fahim

Address 239 Brannan St
San Francisco CA

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X John R Solaequin Date 04/05/2021

Name/Business Compass

Address 1400 Van Ness Avenue

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X Janet L. Witkosky Date 4/6/2021

Name/Business Compass

Address 1400 Van Ness Avenue

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X John R Solaequin Date 04/05/2021

Name/Business Compass

Address 1400 Van Ness Avenue

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date 4/6/21

Name/Business COMPASS

Address 1400 VAN NESS AVE

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

x Darryl Johnson Date 4/6/21

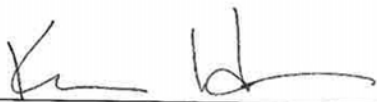
Name/Business Compass

Address 1400 Van Ness
SF, CA. 94109

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  _____ Date 4/6/2021

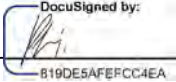
Name/Business Kristina Hansen

Address 1400 Van Ness Ave
San Francisco CA 94107

To Whom It May Concern,

I am writing as a long-time neighbor, patron and supporter of the Grubstake Diner, and want to express my enthusiasm for the rebuilding of the Grubstake Diner. This project will be great for the neighborhood. It not only preserves the Grubstake Diner, it also adds middle income and affordable housing and helps complete the experience along Austin Alley. Jimmy and Nick have gone to great lengths to participate in the local community and we need business owners like them to continue to invest in the Lower Polk neighborhood if we're going to continue to be a place that people can afford to live and enjoy going out. Please approve this project without delay.

Truly,

X  Date 4/6/2021

Name/Business PAR HANJI - COMPASS

Address _____

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Truly,

X  Date 4/6/21

Name/Business COMPASS

Address 1400 VAN NESS AVE



March 20, 2019

Summary of Grubstake Redesign

In April 2018, Architectural Resources Group (ARG) was retained by Pine Street Development to survey the Grubstake Diner at 1525 Pine Street and make recommendations regarding architectural features that could be salvaged for reuse or replicated in the new development. In October, ARG was asked to provide design consultation services to identify opportunities for better incorporating these features into the design. Below is list of ARG's eight recommendations, and detail about how the design was adapted to address them.

1. Incorporate the lunch wagon in a way that respects the original footprint, orientation, and relationship to the street.

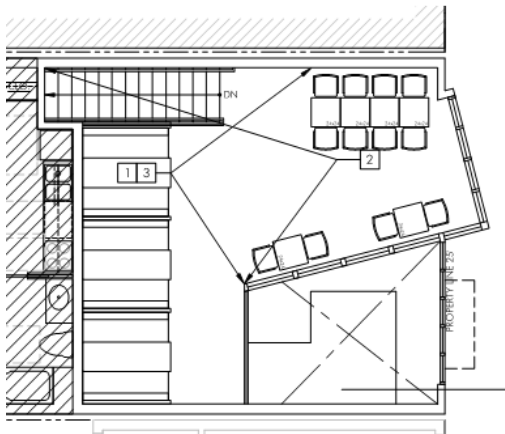


Original: The original design had the arched lunch wagon façade located on the second floor. The façade was at an angle to the property line and did not match the existing footprint.

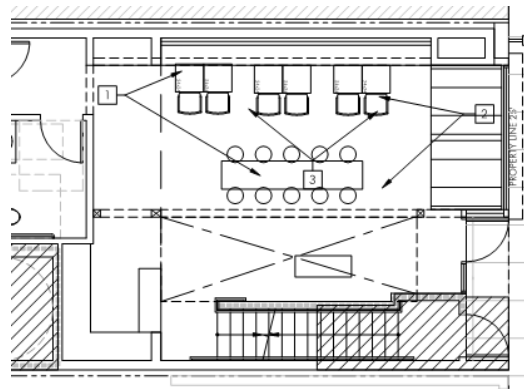


Revised: The lunch wagon façade was relocated to the ground floor in the exact footprint of the existing. As lunch wagons were originally conceived as movable structures, locating the volume at ground level is important for interpretation.

2. Match the existing scale and proportion of original wagon as closely as possible. The limits of the "lunch wagon" can be defined by physical barriers, such as windows, or change in material, such as floor finish.



Original: The scale of the lunch wagon is not clearly defined on the interior.



Revised: The scale and proportion of the lunch wagon matches existing and is defined on the interior with changes in finish and ceiling height.

3. Replicate metal barrel vault ceiling to create a sense of enclosure.
4. Reuse or replicate side globe lights.
5. Retain or recreate characteristic diner features such as the tile floor, linear counter, and backless stools.
6. Define the interior/external relationship of the lunch wagon using windows.

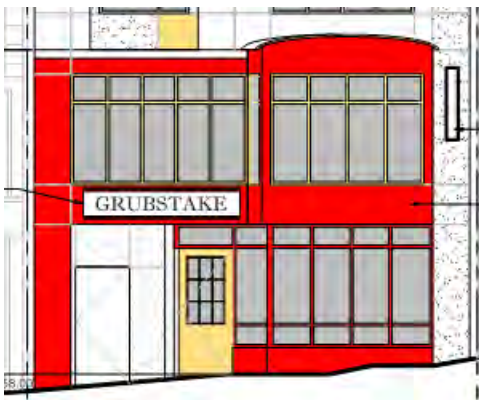


Original: The barrel vault ceiling is not symmetrically defined. The globe lights are inconsistently placed and located on walls outside the barrel vault. The lunch wagon is not defined by unique finishes or colors.



Revised: The barrel vault ceiling, symmetrical globe lights, and replica black and white floor tile define the original lunch wagon footprint. The lunch wagon has a unique material palette and color scheme that contrasts with the adjacent restaurant space.

7. Reuse existing windows including green colored toplites where possible.



Original: New windows had a similar style to existing but did not match in size or location.

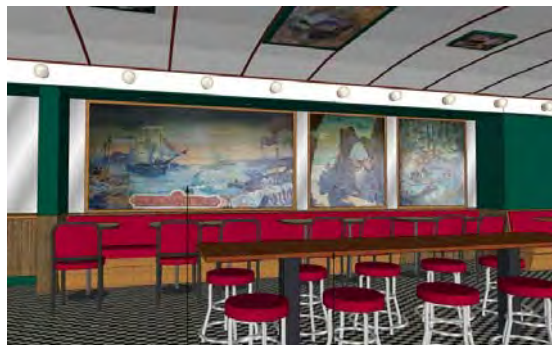


Revised: Existing windows including green toplites are being salvaged for reinstallation in the lunch wagon façade.

8. Salvage, restore, and reinstall murals.



Original: Murals were salvaged for reinstallation throughout the restaurant space.



Revised: Murals are salvaged for reinstallation in the lunch wagon. Murals are placed above banquette seating, similar to the existing condition.

THE AUSTIN, SAN FRANCISCO, CALIFORNIA
SELLER’S ADDITIONAL DISCLOSURE TO PURCHASERS

PACIFIC PINE LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE ENTITY THAT OWNS THE PROJECT AND IS SELLING THE UNITS, HEREBY PROVIDES THE FOLLOWING ADDITIONAL DISCLOSURE TO BUYERS OF CONDOMINIUM UNITS AT THE AUSTIN.

The Seller of The Austin understands that entitlement applications have been submitted to City agencies for a proposed new 7-story mixed-use commercial and residential development at the adjacent property to the east at 1525 Pine Street. Complete details for the potential development and proposed construction timeline are not available at this time. The proposed project has not been approved and building permits have not been issued by City agencies at this time. The future of the proposed project is uncertain at this time. It is unknown whether the proposed project will be approved and built. If the project is built, it may be constructed with different specifications. Until such time as the proposed project is approved, permits are issued and the project is constructed, it is subject to change.

If the proposed project at 1525 Pine Street is approved and construction proceeds, then throughout the demolition and construction processes at 1525 Pine Street, construction personnel may have temporary access to the Project and a construction crane may have a temporary right to traverse the Project’s airspace. Completion of the proposed 1525 Pine Street project may impact unit views, light source and privacy for certain Units and areas of the Project, particularly those of east facing Units in the Project. The roof of the proposed 1525 Pine Street project may contain venting and mechanical equipment that may be visible from your Unit and the Project, and may contain roof deck(s). The proposed redevelopment of 1525 Pine Street currently includes retaining Grubstake restaurant, as discussed in the Seller’s Supplemental Disclosures to Purchasers (the “Disclosure Statement”), as the ground floor tenant. You should contact the San Francisco Planning Department for further detail.

All capitalized terms used but not defined herein shall have the same meaning given to such term in the Disclosure Statement.

ACKNOWLEDGEMENT

Buyer has fully read and understands this Additional Disclosure and has asked any questions Buyer deems appropriate to clarify any issue(s) described herein.

Signature _____

Printed Name _____ Date _____

Signature _____

Printed Name _____ Date _____

Seller’s Representative

Unit Number _____

ATTACHMENT F



TECHNICAL MEMORANDUM

Date: September 23, 2021
To: Nicholas Pigott
From: Chris D. Kinzel, P.E.
Subject: 1525 Pine Street Traffic Issues

At your request, TJKM has examined traffic issues associated with the proposed development at 1525 Pine Street in San Francisco, particularly as they relate to the appeal of the project approval by the San Francisco Planning Commission. The primary transportation issues raised by the appellant include the analyses of cumulative transportation impacts, impacts on public transit, and on vehicle miles traveled. The project consists of a 21-unit eight story residential development and a 2,855 square foot commercial area containing a restaurant. The same restaurant occupies the site currently but will be demolished and rebuilt.

Cumulative Transportation Impacts The appellant states that “the MND completely ignores the potential significant environmental impacts...of potential cumulative projects.” The MND identifies six cumulative projects “within approximately a quarter mile radius of the project site.” The projects are located as follows:

1. 1567 California Street
2. 1240 Bush Street
3. 1101 Sutter Street
4. 955 Post Street
5. 1200 Van Ness Avenue
6. 1033 Polk Street

While the cumulative totals of the six projects includes 522 dwelling units and over 155,000 square feet of non-residential uses, it is instructive to view the actual location of these developments as compared with the 1525 Pine Street development. The figure on the following page illustrates the location of the six projects and their relationship to 1525 Pine Street. The figure shows that project 1, a 100 dwelling unit development replacing a two story commercial building, is located about two blocks away. Project 2, a five dwelling unit addition is located two blocks away on Austin. The remaining four projects are located several blocks away. It is clear that that none of the cumulative projects are located in the immediate vicinity of 1525 Pine Street, nor would they come close to creating noticeable, let alone significant, impacts. In addition, the implementation of the planned Van



LEGEND



Project Site



Cumulative Development Projects



Ness Bus Rapid Transit project, the seventh cumulative project described in the MND, but not referenced by the appellant, will provide additional transit capacity to the immediate vicinity. The cumulative projects therefore provide inconsequential and insignificant impacts to the 1525 Pine Street project.

Transit Impacts As the appellant focuses on cumulative transit impacts, it is again useful to note the lack of concentration of cumulative development projects near the site. The appellant's argument seems to be that all of the cumulative vehicles circling the blocks looking for parking will congest the intersections and impede the ability of transit vehicles to serve riders in a timely manner. The appellant has not introduced any information to support this contention. There is substantial transit availability in the area near the project including routes on Pine, Polk, and Sutter Streets and Van Ness Avenue, where additional improvements are planned. Given the broad and distant spacing of the cumulative projects, it is clear that there is adequate transit capacity utilization to serve the project. With the absence of any substantial transit generators among the nearby cumulative projects, there is no support for the appellant's contention that this project will introduce significant cumulative transit impacts.

Vehicle Miles Traveled (VMT) San Francisco has the lowest VMT in the Bay Area. This is due to the compactness of the City, high transit ridership, the proximity of jobs and housing, and other factors. These will also be the characteristics of future residents of 1525 Pine Street. The State of California Office of Planning and Research has written the guidelines for conducting VMT analyses in California. Virtually all agencies in California have adopted VMT policies requiring that a single TAZ containing the project be analyzed to determine future VMT generated by project residents. Since residential VMT is calculated based on per capita travel, the number of dwelling units in any given area (typically in traffic analysis zones or TAZ) is of secondary interest. The primary interest is focused on how many miles all people living in that area will travel each day. For this reason, VMT estimation is (by written policy) focused on the single TAZ in which the project is located. Other nearby areas are not included in the VMT calculation exercise. As has been depicted in the figure accompanying this memorandum, the appellant's TAZ map would include Project 2, which is the addition of five dwelling units. The calculation of VMT for the future residents of 1525 Pine Street is based on the simulated travel patterns and habits of all existing and future residents of the 8-block area included in TAZ 327. The appellant is mistaken in implying that the use of information from other nearby zones will produce more accurate results. TAZ 327 has very low VMT and the project will not produce any significant impacts in this or other TAZ's.

Traffic Effects of Density Bonus From a traffic standpoint, the impacts related to the six dwelling units allowed by compliance with San Francisco codes would be a de minimis change to the traffic being added and considered in the traffic analysis. This is especially the case due to the project's reliance on transit, pedestrian and bicycle travel.

Appellant's Transportation Conclusions The appellant claims the MND's findings with regard to Impacts C-TR-2, C-TR-3, C-TR-4 and C-TR-5 are not supported. These deal with the subjects of this memorandum – cumulative impacts related to travel by auto, pedestrian, bicycle, and transit. It is the opinion of TJKM that the MND completely and accurately addresses these issues. In fact, the appellant

has presented no information that would result in a need to change the MND's findings and conclusions.

About the author: Chris D. Kinzel, P.E. is the Vice President and co-founder of TJKM Transportation Consultants and has 60 years of transportation experience. TJKM has completed more than 80 transportation projects in San Francisco.

Attachment G



March 20, 2019

Summary of Grubstake Redesign

In April 2018, Architectural Resources Group (ARG) was retained by Pine Street Development to survey the Grubstake Diner at 1525 Pine Street and make recommendations regarding architectural features that could be salvaged for reuse or replicated in the new development. In October, ARG was asked to provide design consultation services to identify opportunities for better incorporating these features into the design. Below is list of ARG's eight recommendations, and detail about how the design was adapted to address them.

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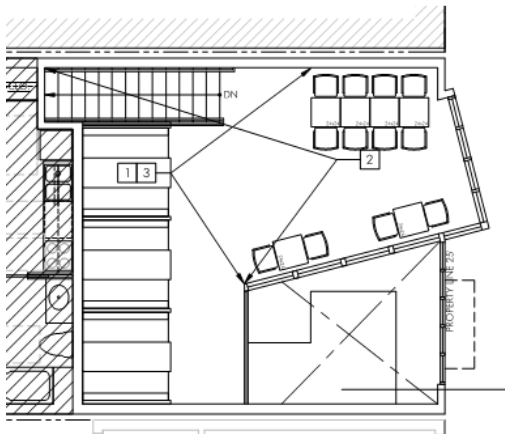


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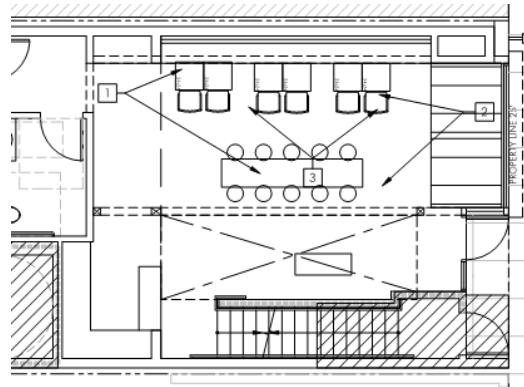


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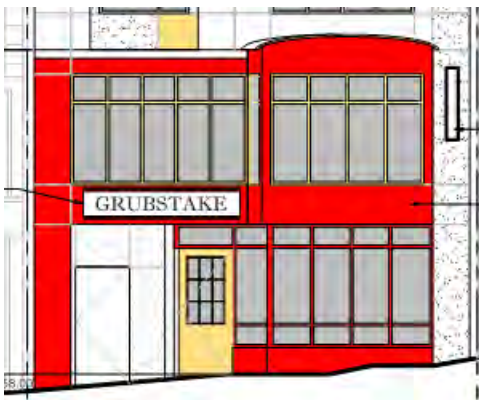


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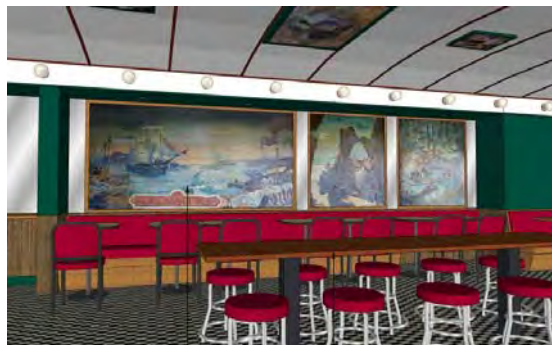


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Attachment IH



To: Alexis M. Pelosi
Pelosi Zibblatt Law Group
244 Kearny Street, 9th Floor
San Francisco, CA, 94108

From: Adam Phillips, Principal
Prevision Design
1806 Belles Street, Suite 6B
San Francisco, CA 94129

Date: September 3, 2021

RE: Review of "Negative Effects of 1525 Pine St on 1545 Pine St Neighbors"

Dear Ms. Pelosi:

At your request, I have conducted a review of the "Negative Effects of 1525 Pine St on 1545 Pine St Neighbors" (hereafter "Neighbor Study"), included as Exhibit A. The Neighbor Study is undated, no preparer is listed, however I understand it was commissioned or produced by neighbors residing at the adjacent 1545 Pine Street building in response to the 6/8/2021 lighting analysis report prepared by Prevision Design (hereafter "Prevision Study").

A. Establishment of Professional Qualifications

No preparer for the Neighbor Study is identified, therefore it is not possible to comment on the background or qualifications of the author(s) with respect to preparation of lighting analysis studies.

B. Review of Methodology

The Neighbor Study does not include any written description of methodology, nor has there been any other outside discussions of methodology to the Neighbor Study analysis, so the report has been reviewed as presented. In areas where the methodology is unclear and/or lacks relevant contextual information to interpret the stated findings, the missing information along with its relevance is discussed. In areas where explicit information is lacking however methodology can be reasonably inferred, the assumed intent is stated, and subsequent review is based on such the presumptive accuracy of that intent.

C. Verification of Findings

It is outside the scope of this review to confirm, replicate, or suggest corrections to specific findings presented in Neighbor Study. This review will indicate whether, in our professional opinion, findings appear reasonable or questionable based on methodology and approach as understood or inferred.



D. Overview of Neighbor Study Content

The Neighbor Study is 40 pages and divided in the following sections:

1. Units Affected (Page 2)
2. Critique of Sponsor's Light Study (Page 3)
3. Using Sponsor's Light Study to Simulate Interior Light (Page 4)
4. 3rd Floor Lighting Analysis (Pages 5-8)
5. Mitigation Suggestions (Page 10)
6. Physical scale model Lighting Analysis (Pages 10-14)
7. Physical scale model Lighting Analysis (Pages 10-14)
8. Comparative Interior lighting effects of a 4-story building (Page 15)
9. List of Adverse Impacts / Conclusion / Request (Pages 16-17)
10. Appendix (Pages 19-40, content broken down below)
 - a. Values Lux vs. Perceived Chart (Page 19)
 - b. Average vs. 3rd Floor Light Readings (Page 20)
 - c. 3rd floor lighting simulations and readings (Pages 21-32)
 - d. Shadowfan Analysis and commentary (Page 33)
 - e. Supplemental (physical scale model) Light Study (Pages 34-39)
 - f. 2nd Floor Studio Light reduction findings. (Page 40)

E. Characterization of Neighbor Study and General Review Observations

The Neighbor Study is primarily focused on establishing levels of light loss in June light within 1545 Pine Street unit interiors relative to existing conditions due that would be attributable proposed 79-ft project, a 65-ft version project and other shorter (4-5 story) project alternatives at 1525 Pine Street. The findings of the Neighbor Study report are derived using the exterior light level projections pulled from the Prevision Study and coupled with light meter readings taken from within a 3rd floor apartment and/or attached to a cardboard scale model positioned on the rooftop of 1545 Pine Street. The Neighbor Study used these sets of values to extrapolate what the interior light effects of the project (or other project alternatives) would be and what percentage light reduction this would represent compared to present day light values.

From a methodology standpoint, there are three major areas where I found the approach questionable:

1. **Mixing simulated and real-world light meter measurements.** The Prevision Study did not include either an existing conditions analysis nor interior light study, but simulated net changes in exterior light levels throughout the year that would be caused by the proposed 79' project (with and without lighting) and a 65' version. The Prevision Study relied on a computer simulation with consistent baseline exterior brightness values at across 12 dates/times to generate comparisons between the lighting effects of project alternatives. The Neighbor Study focused on a different scope than the Prevision Study (effect of the project in June on interior

light levels relative to existing conditions), by taking light readings as a way to generate their own existing condition scenario as a point of comparison. The flaw in this approach is that real world daylight light levels are highly variable due to cloud cover and other environmental factors, which can significantly alter Lux readings. The Neighbor Study does not establish any correlation between baseline ambient light levels in the virtualized model environment vs. real-world light meter readings, so stated any net changes in Lux levels between existing conditions as measured and conditions pulled from the Prevision Study may be inaccurate.

2. **Characterization of percentage change in light level.** As discussed in the Prevision Study, brightness as measured in Lux is different than perceived real-world brightness, with Lux values following a logarithmic scale relative to perceptual light values. The Neighbor Study references both perceptual light as well as Lux readings but uses a linear comparison between high and low Lux values to characterize the percentage change in light. While perhaps accurate from a purely mathematical perspective, it is a misleading characterization of the net change in perceived lighting conditions. Furthermore, use of *relative* change between two measured values rather than a more accepted practice of comparing both Lux values to the same baseline standard reading (ex. the Prevision Study used an exterior daylight value of 10,000 Lux as a common denominator), further distorts the findings to yields misleading results. This is most readily observable on page 37 of the Neighbor Study, where photos of side-by-side lux reading results from the cardboard model with barely perceptible changes in brightness are characterized as 99.80-99.99% reductions in light.
3. **Use of cardboard scale model to compare light levels between existing and proposed project / project alternative conditions.** Use of a scale model is a well-used historical tool for shadow analysis to establish the relative size and location of sun shadows, however using smaller scale models have been shown¹ to be unreliable for purpose of predictive lighting analysis for full scale buildings. This is further compounded by the uniform cardboard surface not being representative of the material reflectance properties of a real-world building as well as the rooftop surfaces not representative of the urban conditions surrounding the actual building. Due to these factors, the light meter measurements from a small-scale cardboard model may be unreliable indicators of actual conditions.
4. **Analysis restricted to midsummer only.** Neighbor Study includes only on dates in June, ignoring the rest of the year. Given the highly variable lighting conditions throughout the year, focusing on only a very short duration of the year is a poor predictor of lighting effects year-round.

¹ Ref. *The Impact of Scale when Using Models for Daylight Analysis*. Erik Adolfsson, Lisa Yngvesson, 5/31/2018
<https://www.diva-portal.org/smash/get/diva2:1240134/FULLTEXT01.pdf>



Following are brief additional review comments on the specific content sections of the Neighbor Study. Some sections where I have no comments have been skipped.

F. Using Sponsor's Light Study to Simulate Interior Light (Page 4)

See full discussion in Section E.1 above regarding concerns surrounding combining light measurement techniques between the Prevision Study and light meter reading.

G. 3rd Floor Lighting Analysis (Pages 5-8)

On page 5, the color-coded Lux scale and photometric rendering from the Prevision Study is included to indicate that the light meter Lux reading at the 3rd floor window matches Prevision Study. This would seem to prove the opposite as the photometric analysis/scale reference images are clearly lighting conditions *with* the 1525 Pine Street project, so do not reflect a simulation of existing conditions. Using this to claim correlation between the photometric simulations in the Prevision Study and physical light readings is misleading.

On pages 6-7, the Lux scale and photometric rendering are again included presumably to indicate a relationship between the renderings and the interior readings. It should be stated that the scale and photometric renderings are very small, and do not have the precision confirm specific lux readings, as indicated. It is not clear how the Lux numbers were determined, but it is reasonable to assume they could be significantly higher or lower than stated.

H. Physical scale model Lighting Analysis (Pages 10-14)

Summary on Page 10 claims the project results in a reduction in light of 99%, however the method behind these calculations renders them misleading as detailed in Section E.2. Additionally, as discussed in Section E.3 use of a cardboard scale model is not a reliable representation of real-world light conditions.

I. Comparative Interior lighting effects of a 4-story building (Page 15)

Light measurements listed are assumed to be from the cardboard model (photos of these specific readings were not found in the appendix). Presuming this assumption is correct, the issues elaborated in Sections E.2 and E.3 call into question the accuracy of these findings.

J. List of Adverse Impacts / Conclusion / Request (Pages 16-17)

To the degree that light level characterizations made are tied to estimated Lux levels, due to factors discussed above these characterizations may be unreliable. Review of other qualitative statements, conclusions or requests for project modifications are outside the scope of this review memo.

K. Appendix

a. Average vs. 3rd Floor Light Readings (Page 20)

June 21st values appear to be from light readings at window, other dates are repeated from attached chart from Prevision Study. Mixed methodology concern in Section E.1.

b. 3rd floor lighting simulations and readings (Pages 21-32)



Use of Lux scale and photometric rendering is inaccurate (ref. Section G), also mixed methodology concern (Section E.1). Additionally, on Page 27 the photos which presumably are intended on showing room lighting conditions and 24 and 5 lux are not credible when compared to the photos below them showing the actual reading on the light meter (with considerably greater observable ambient brightness). Similar observations for pages 30-32.

- c. Shadowfan Analysis and commentary (Page 33)
Referenced materials were not part of the Prevision Study, but a separate unrelated study required by SF Planning. Scope of shadowfan analysis was not to study light levels, only the locations of all net new sun shadows throughout the year.
- d. Supplemental (physical scale model) Light Study (Pages 34-39)
Same comments as detailed in Section E.3.
- e. 2nd Floor Studio Light reduction findings. (Page 40)
Same comments as detailed in Section E.3.

In conclusion, it is my professional opinion that while the Neighbor Study appears to have been produced in good faith, issues with its foundational methodology cause it to be an unreliable source of information regarding the net change in lighting due to the proposed projects (or any alternatives) relative to existing conditions.

Please do not hesitate to reach out if there are any additional questions regarding this matter.

Sincerely,

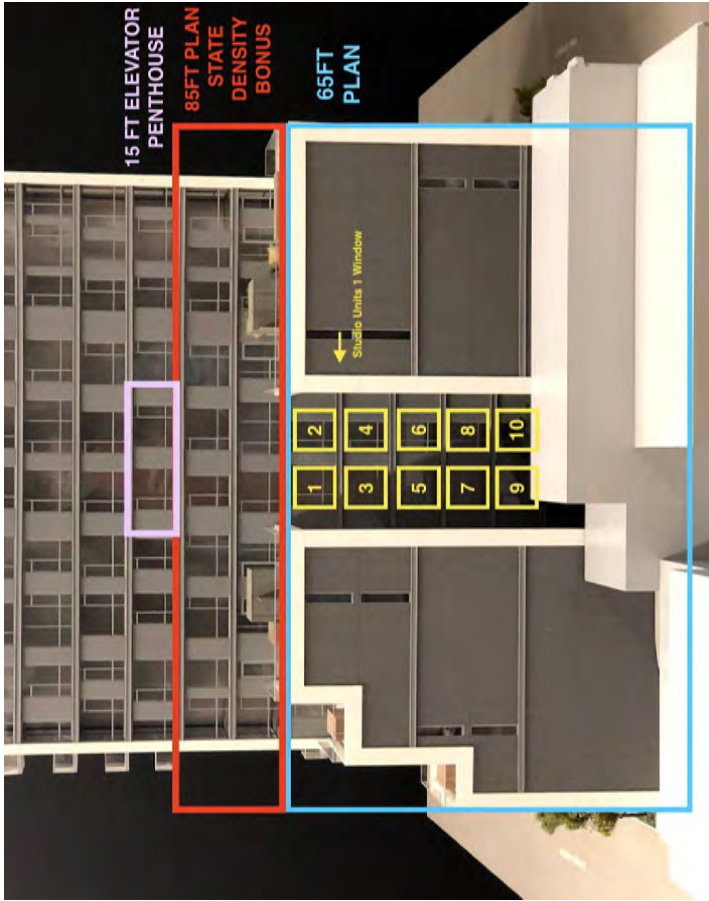
A handwritten signature in blue ink, appearing to read 'Adam Phillips', is written over a light blue circular stamp.

Adam Phillips, Principal
Prevision Design

Negative Effects of 1525 Pine St on 1545 Pine St Neighbors

Units Affected

- 21 total units affected
 - 10 studio units with single east facing window and no exposure to street or alley
 - 10 north and south facing units
 - 2 BMR units
 - 1 studio unit in new building (376 sqft)



Critiques of Sponsor's Light Study

- Sponsor's light study did not tell the full story
 - Does not show **interior light in the individual units**
 - Does not show that **lower units have significantly below average light**
 - Does not show that **morning light is significantly reduced for east facing studio units**
- Comparing the difference between 79ft and 65ft are "not significant" but does not show significant reduction from current light levels

Using Sponsor’s Light Study to Simulate Interior Light

1. Use a Light Meter to measure LUX at the Window
2. At that time, measure LUX in the middle of the living room and kitchen (see orange arrows)
3. Measured many light ranges to cover very dark - normal lighting conditions ie. 79 LUX - 830 LUX (See slides 24 - 29)

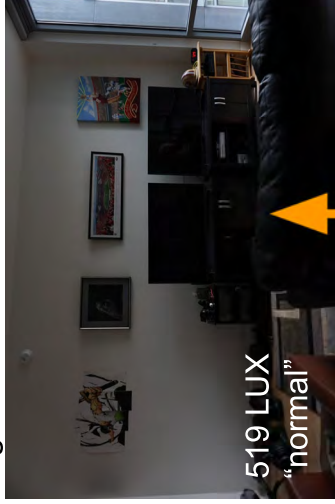
Exterior Light is **“Normal”** perceived brightness while Interior Light is **“Normal”** and **“Dark”** LUX readings drop by up to 40% from window to living room.



830 LUX at the window “normal”

Values Lux vs Perceived

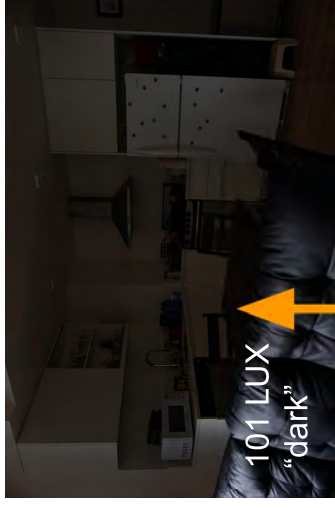
Lux value range	Reference Lighting Condition
10-50	Very Dark
50-200	Dark indoors
200-400	Dim Indoors
400-1,000	Normal Indoors



519 LUX
“normal”



519 LUX in living room
“normal”



101 LUX
“dark”



101 LUX in kitchen
“dark”

Interior Light in 3rd Floor Unit on Summer Morning



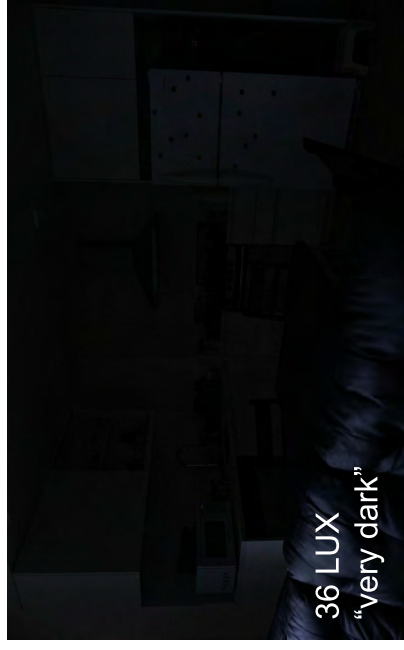
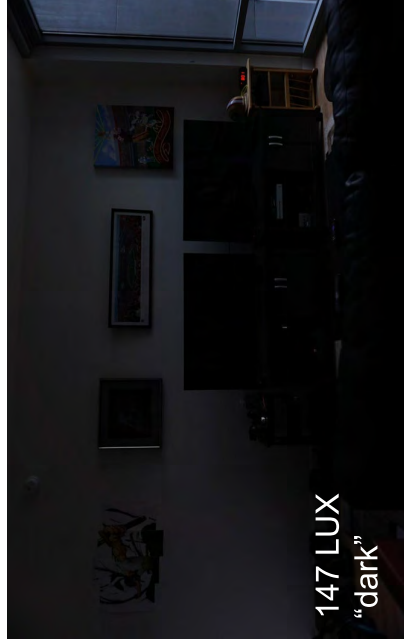
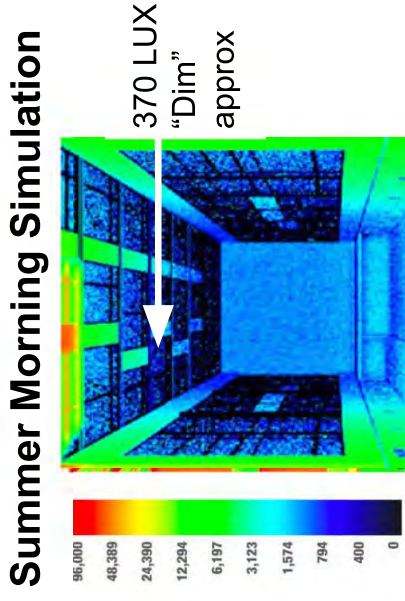
- Shows 370 LUX at the window matching the sponsor's light study
- Shows corresponding interior light at 147 LUX in the living room and 36 LUX in the kitchen
- Interior light is darker than the window light
- Lower floors are below the average light reading of 840 LUX in the sponsor's study

The Proposed 79 ft building disproportionately affects lower floors.

	Summer Morning
Average	840 LUX "Normal"
3rd floor Exterior Window	370 LUX "Dim"
3rd floor Interior Living room	147 "Dim"
3rd floor Interior Kitchen	36 LUX "Very dark"

Summer Morning Average

Proposed 79-ft Project	June 21
9:00 AM	840 lux

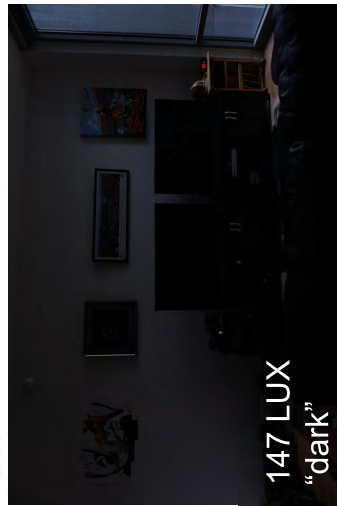
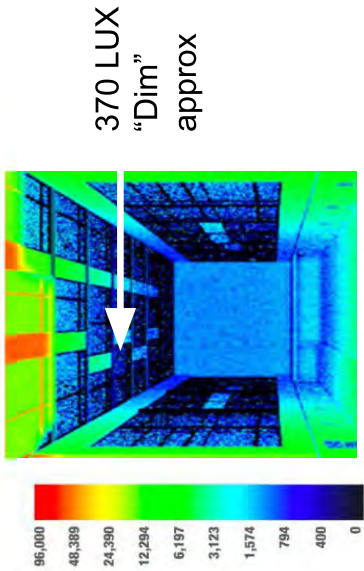


*See slide 26 for breakdown of LUX readings

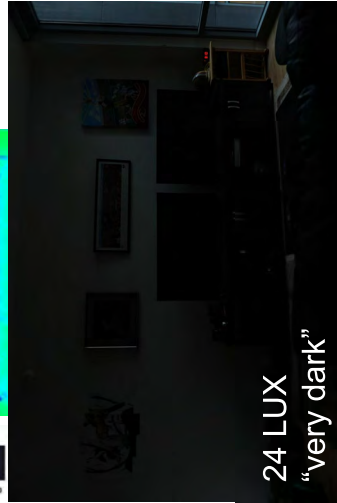
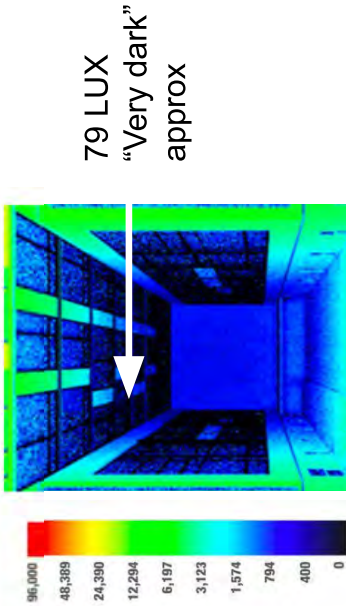
Dark Mornings All Year for Lower floors

Below shows the approximate light on 3rd floor studio using the light readings from the simulation.

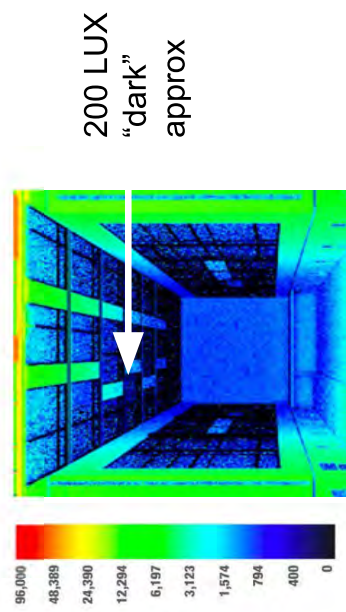
Summer Morning



Winter Morning



Fall/Spring Morning

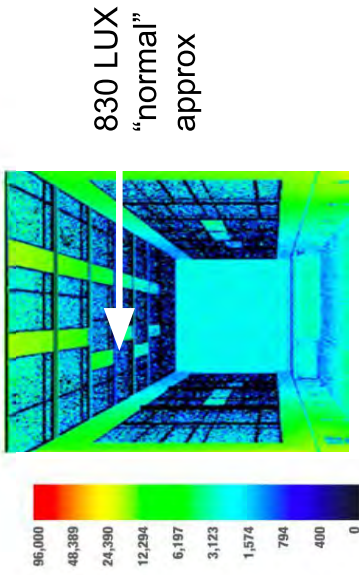


*See slide 25/26/27 for breakdown of LUX readings

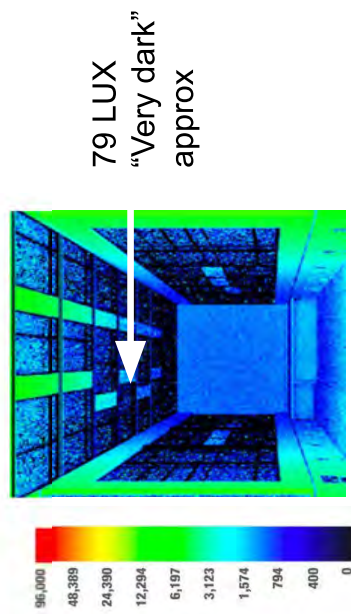
Dark Afternoons 3 out of 4 seasons for Lower floors

Below shows the approximate light on 3rd floor studio using the light readings from the simulation.

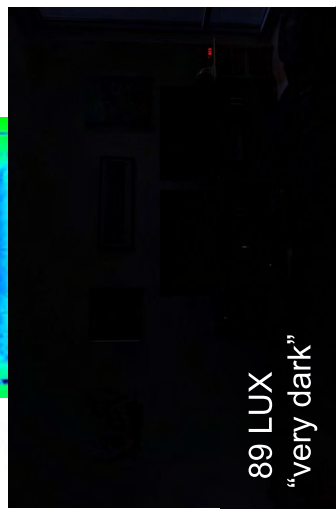
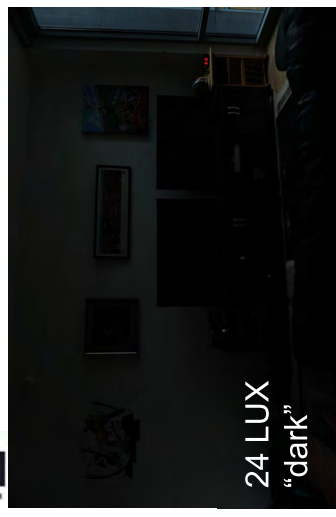
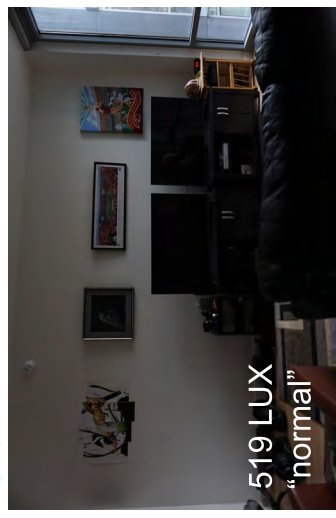
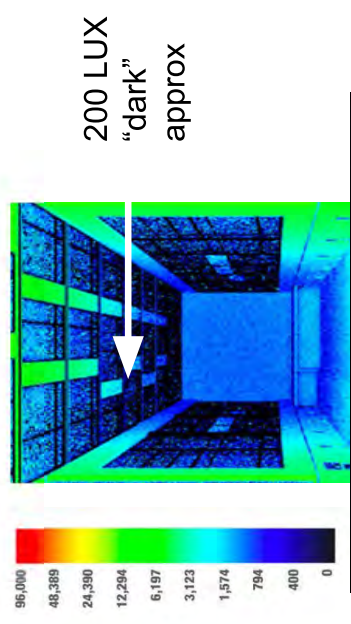
Summer Afternoon



Winter Afternoon



Fall/Spring Morning



*See slide 24/26/27 for breakdown of LUX readings

Very Dark during Winter Solstice on Average

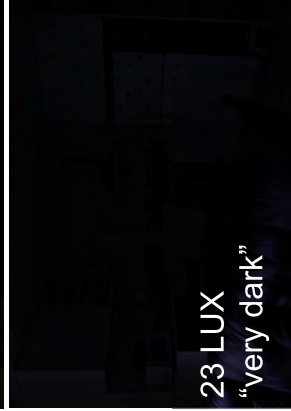
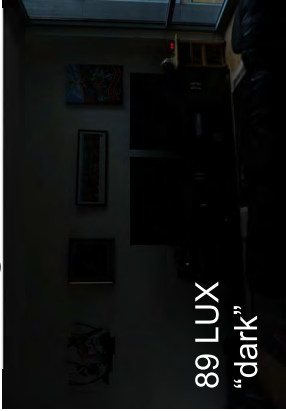
Sponsors Light Study Averages

Proposed 79-ft Project		December 21
9:00 AM		129 lux
12:00 PM		803 lux
3:00 PM		79 lux
Daily Average Lux/hr		404 lux/hr

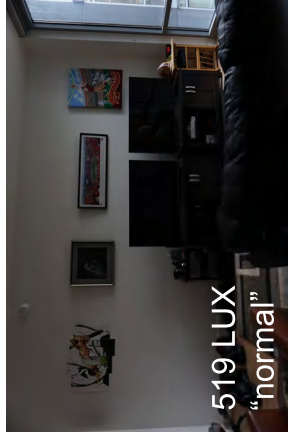
Values Lux vs Perceived

Lux value range	Reference Lighting Condition
10-50	Very Dark
50-200	Dark Indoors
200-400	Dim Indoors
400-1,000	Normal Indoors

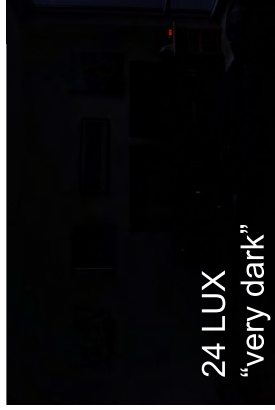
9 AM @ 200 LUX window



12 PM @ 830 LUX window



12 PM @ 79 LUX window



*See appendix slides 24/26/27 for detailed breakdown and lux readings

What can be done?

Request: Protect Morning Light for East facing Studio Units

We are want to focus on improving morning light for **east** facing **studio** units that have no other light source. 9AM - 12PM is the only time we get direct light.

Supplemental Light Study Findings

- Morning light reduction with 79ft building is significant (99% reduction) from current levels
- Lower floors (including 2 BMR units) are disproportionately affect and face extremely dark conditions that has adverse effects on residents and their health
- Lowering height to 4 floors effectively mitigates morning light blockage for lower floors

Physical Light Studies on the roof

- Scale cardboard models with differing heights
- Using the real sun on the Austin's roof with correct orientation
- Objective measurements

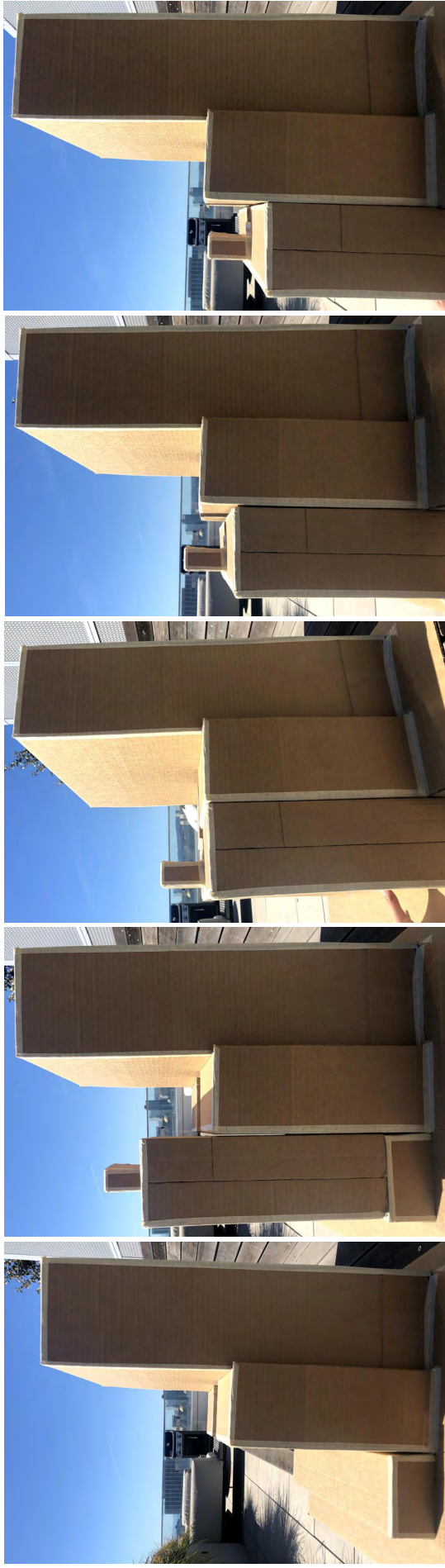
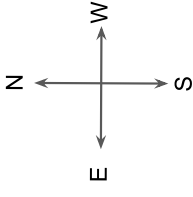
No building

79ft

65ft

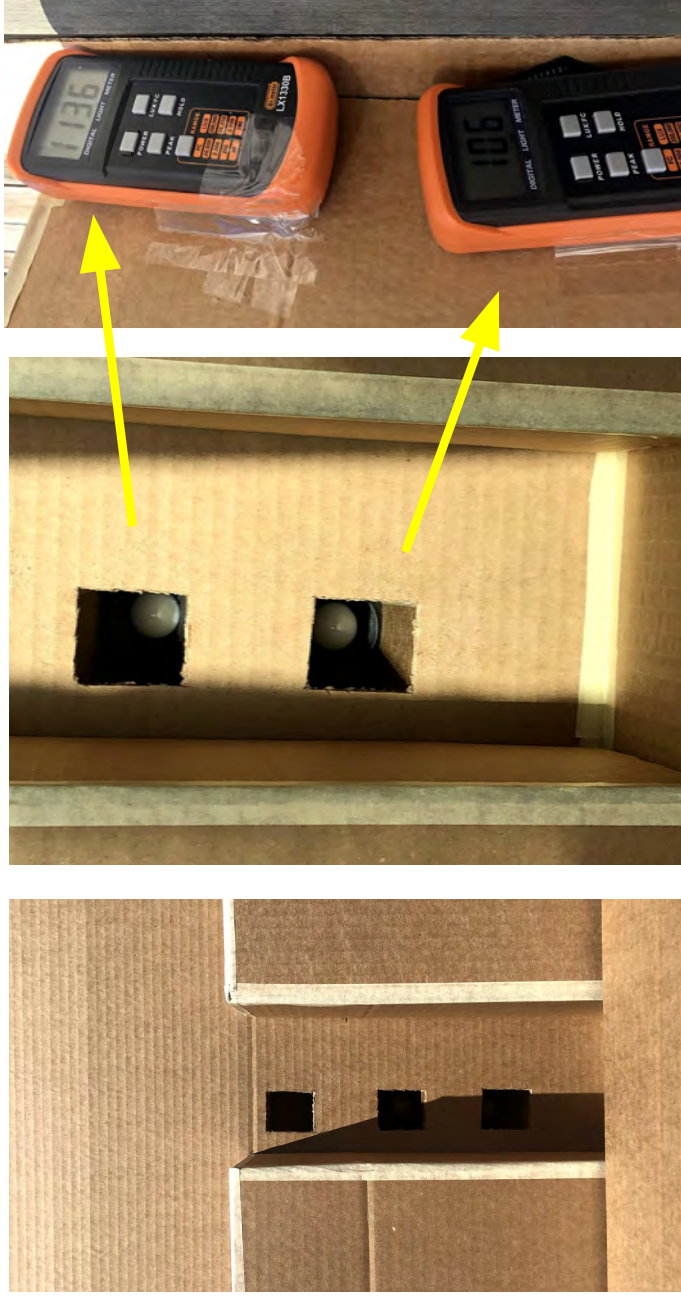
5 floors

4 floors



Scientific measurements of light on 2nd and 4th Floor

- 2 Light meters inside 2nd floor and 4th floor model
- Objective LUX measurement
- Reviewed by light expert



Light Measurement on June 11 at 10:30AM

	No building	79 ft	65ft	5 floors	4 floors
4th floor (lux)	11350	2970	8800	9780	11000
% reduction		73%	22%	13%	3%
2nd floor(lux)	1060	70	190	220	600
% reduction		93%	82%	79%	43%

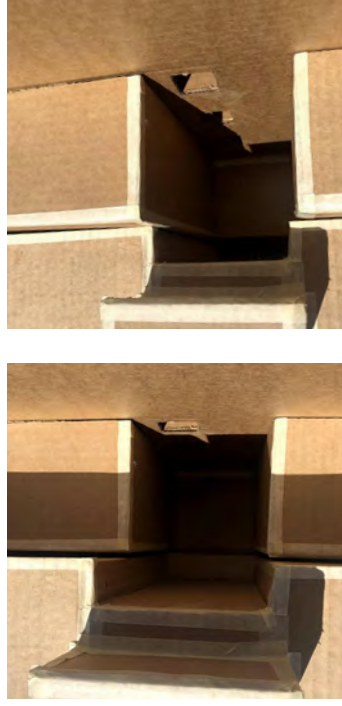
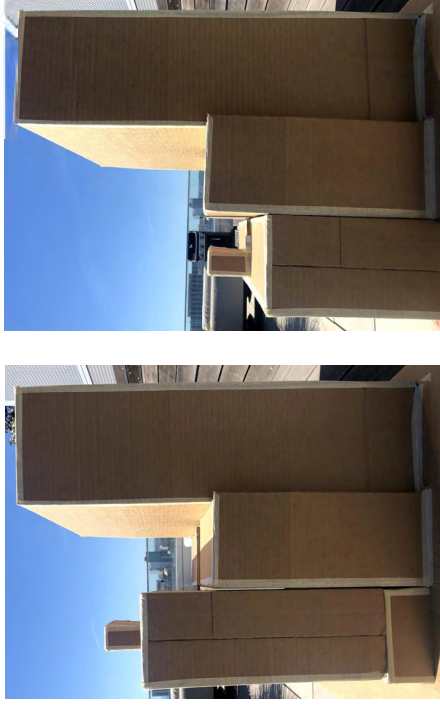
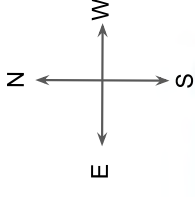


Height Reduction is an Effective Mitigation For Morning Light Reduction

Morning light reduction for lower units between 9 AM - 12 PM can be improved by lowering the 1525 building height to 4 floors.

Light Reduction Percentage 9AM - 4PM

Time/height/%	79 ft	4 floors
9:15 AM	99.99%	99.98
10:30 AM	93%	43%
12:40 PM	77%	72%
4:00 PM	91%	89%



Effect of Lowering the Building to 4 Floors: Improved Morning Light from Dark to Normal

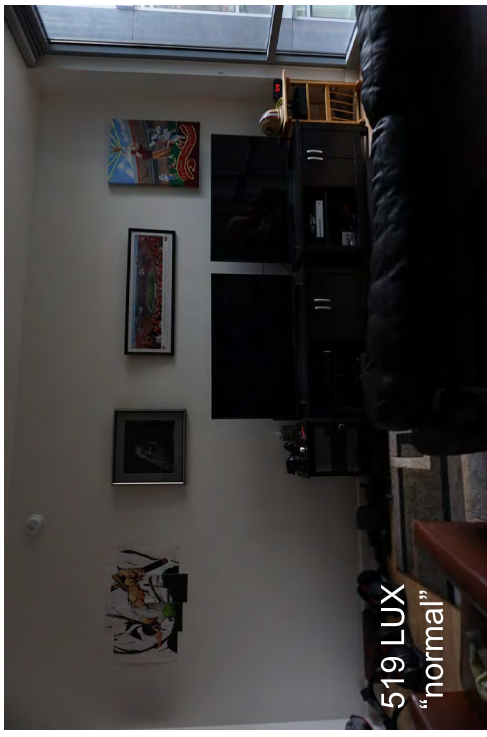
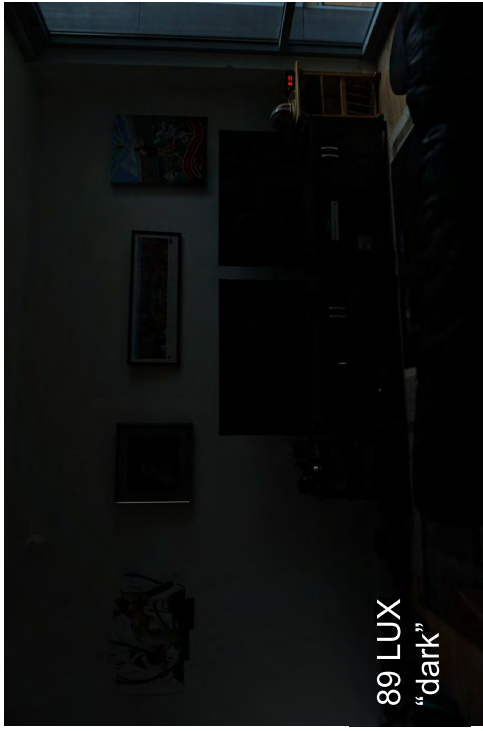
Values Lux vs Perceived

Lux value range	Reference Lighting Condition
10-50	Very Dark
50-200	Dark Indoors
200-400	Dim Indoors
400-1,000	Normal Indoors

By lowering the building to 4 floors, morning light between 9 AM - 12 PM for lower units can be improved from **dark** to **normal**

June 11 @ 10:30 AM Light Measurements

	No building	79 ft	4 floors
2nd floor(lux)	1060	70 "dark"	600 "normal"
% reduction		93%	43%



Significantly Adverse Effects on Light Quality

- 10 units are extraordinarily dark with 79ft proposal
- 1 window with no other exposure to street or alley
- **Dim to very dark** during morning and afternoon 6am - 9am and 3pm - 8pm during throughout the year
- **Very dark to pitch black** interior light all day during winter solstice
- Disproportionate effects on lower floors including 2 BMR units

Human Costs

- Light conditions are detrimental to the health of seniors and disabled residents in the light well.
- Significantly affects the Light exposure for 2 BMR units.

Conclusion and Request

Conclusion

- 10 units without other light source has adverse effects on health and safety of residents
- 2 BMR units affected in Austin
- 20 total units affected
- Sponsor's proposal to add artificial light does not address lack of access to real sunlight
 - No laws required to maintain artificial lights after construction
- Creating 14 small studios and destroying light for 11 studios is a bad tradeoff
- 1 studio unit in the new building also has low exposure and seeks a variance

Request

- Lower the height of the building to 4 floors to improve natural morning light for east facing studio units
- Do not grant exposure variance for 1 new studio facing lightwell

Appendix

Values Lux vs Perceived

Lux value range	Reference Lighting Condition	Light Step
0-10	Pitch Black	1
10-50	Very Dark	2
50-200	Dark Indoors	3
200-400	Dim Indoors	4
400-1,000	Normal Indoors	5
1,000-5,000	Bright Indoors	6

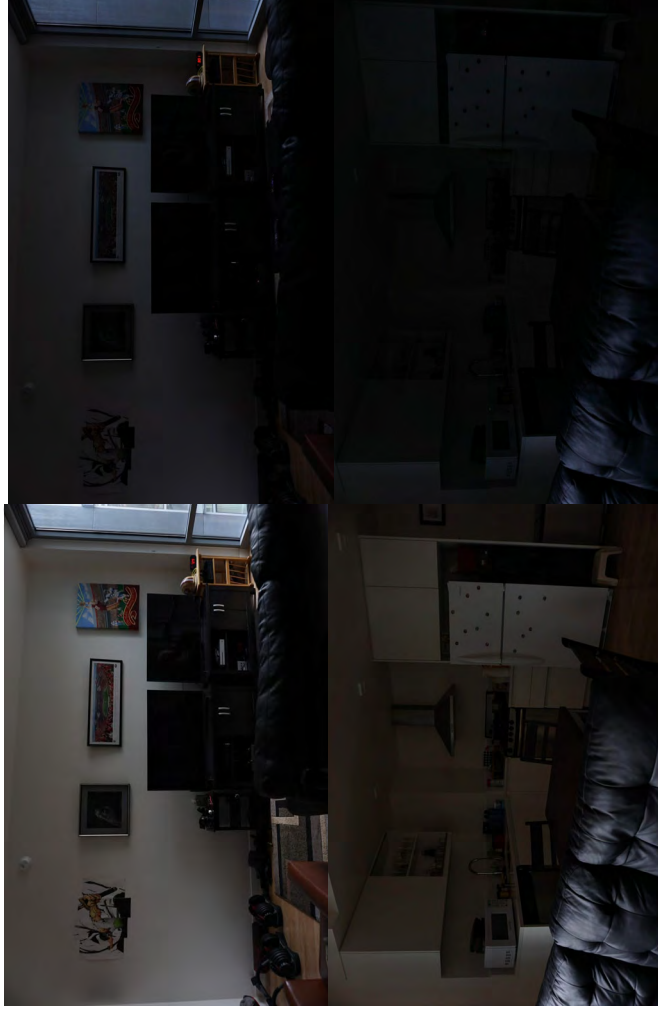
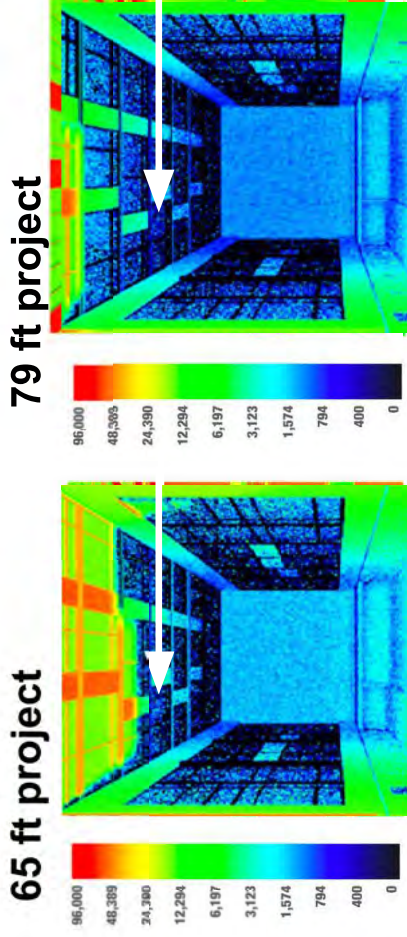
Average vs 3rd floor Simulation Light Readings

Proposed 79-ft Project	June 21	September 21	December 21	March 21
9:00 AM	840 lux	228 lux	129 lux	228 lux
12:00 PM	6,755 lux	3,824 lux	803 lux	3,824 lux
3:00 PM	711 lux	199 lux	79 lux	199 lux
Daily Average Lux/hr	3,338 lux/hr	1,761 lux/hr	404 lux/hr	1,761 lux/hr

Approximate light on 3rd floor	June 21	September 21	December 21	March 21
9:00 AM	370	200	79	200
3:00 PM	830	200	79	200

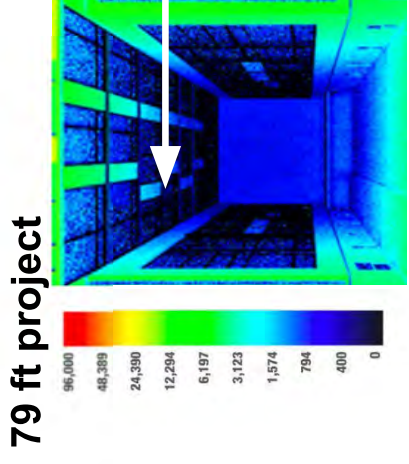
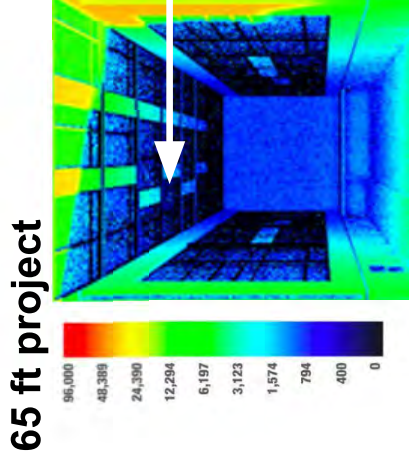
EXHIBIT A
Inside the 3rd floor Studio
Summer Solstice Morning Simulation

“Average” light does not paint the full picture.

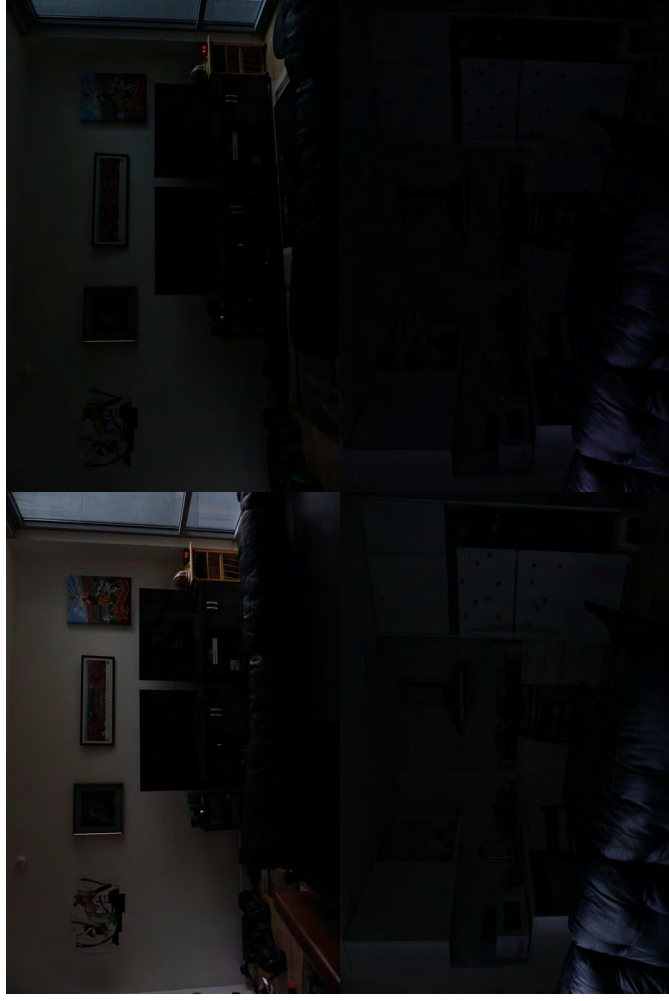


	65ft project	79 ft project
Average	2376 LUX “Bright”	840 LUX “Normal”
3rd floor Exterior Window	830 LUX “Normal”	370 LUX “Dim”
3rd floor Interior Living room	519 LUX “Dim”	147 “Dim”
3rd floor Interior Kitchen	101 LUX “Dark”	36 LUX “Very dark”

EXHIBIT A
Inside the 3rd floor Studio
Winter Solstice Morning Simulation



Light meter Location	65ft project	79 ft project
Window	526 LUX "Normal indoors"	200 LUX "Dim indoors"
Living room	338 LUX "Dim indoors"	89 "Dark indoors"
Kitchen	87 LUX "Dark indoors"	23 LUX "Very dark"

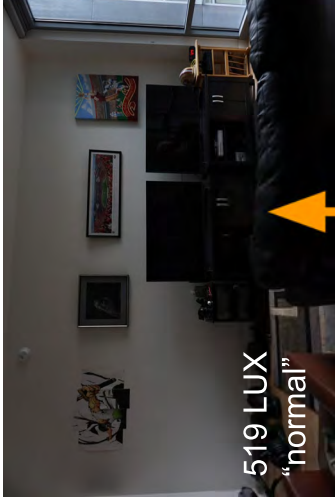


Normal Exterior Light is Normal/Dark Interior Light

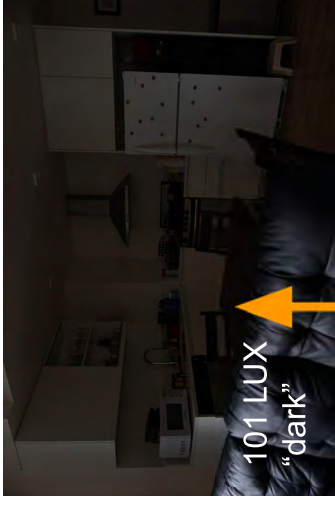
Pictures showing light measured at 830 LUX at the window, 519 LUX in the living room, 101 LUX in the kitchen
Exterior Light is "Normal" perceived brightness while Interior Light is "Normal" and "Dark"



830 at the window
"normal"



519 LUX
"normal"



101 LUX
"dark"



519 LUX in living room
"normal"

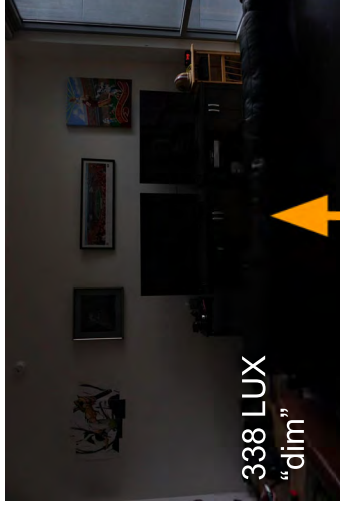


101 LUX in kitchen
"dark"

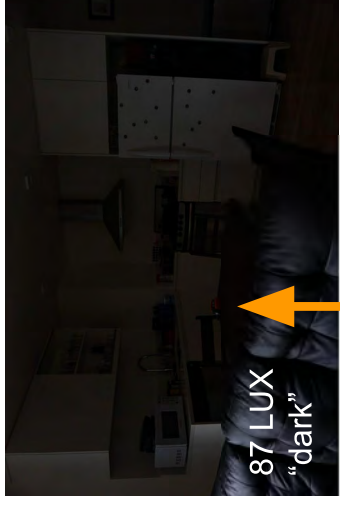
Normal Exterior Light is Dim/Dark Interior Light

Pictures showing light measured at 526 LUX at the window, 338 LUX in the living room, 87 LUX in the kitchen
Exterior Light is “Normal” perceived brightness while Interior Light is “Dim” and “Dark”

526 at the window
“normal”



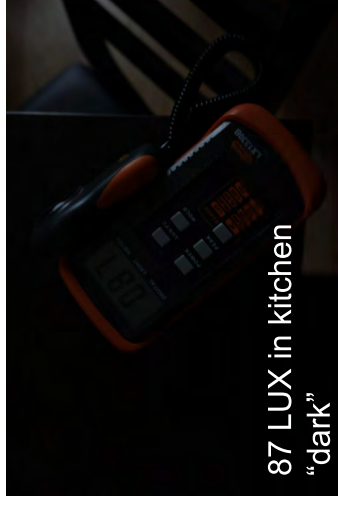
338 LUX
“dim”



87 LUX
“dark”



338 LUX in living room
“dim”



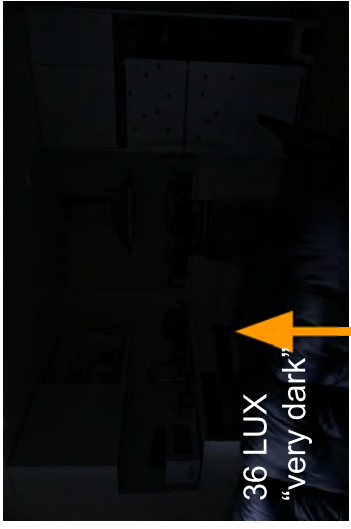
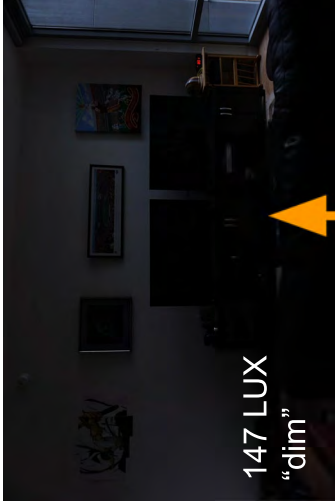
87 LUX in kitchen
“dark”

Dim Exterior Light is Dim/Very Dark Interior Light

Pictures showing light measured at 370 LUX at the window, 147 LUX in the living room, 36 LUX in the kitchen
Exterior Light is “Dim” perceived brightness while Interior Light is “Dim” and “Very Dark”



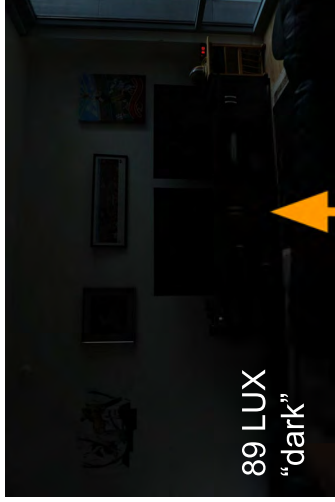
370 at the window
“dim”



Dark Exterior Light is Dark/Very Dark Interior Light

Pictures showing light measured at 200 LUX at the window, 89 LUX in the living room, 23 LUX in the kitchen
Exterior Light is “Dark” perceived brightness while Interior Light is “Dark” and “Very Dark”

200 at the window
“dark”



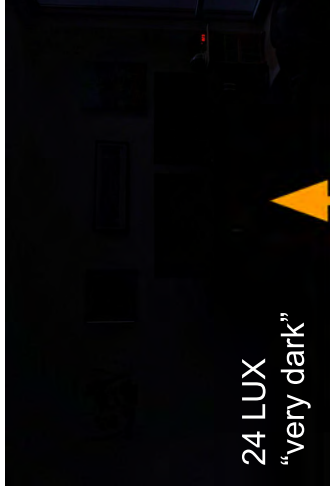
Dark Exterior Light is Very Dark/Pitch Black Interior Light

Pictures showing light measured at 79 LUX at the window, 24 LUX in the living room, 5 LUX in the kitchen
Exterior Light is "Dim" perceived brightness while Interior Light is "Dark" and "Very Dark"

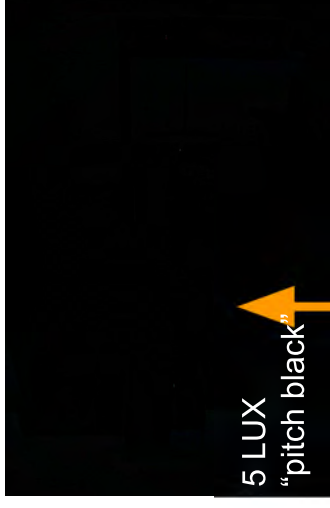
79 at the window
"dark"



24 LUX
"very dark"



5 LUX
"pitch black"



24 LUX
"very dark"

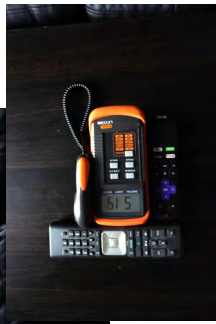
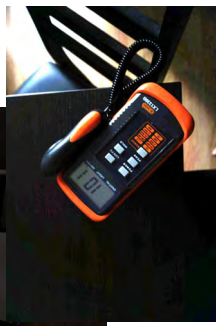
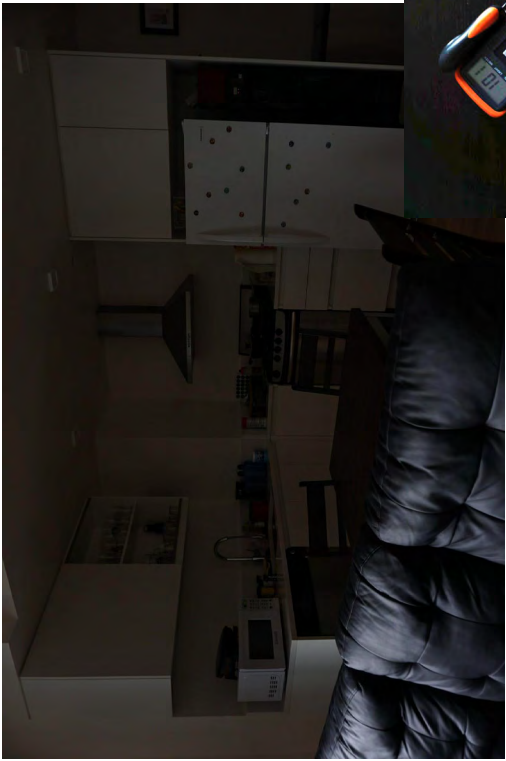
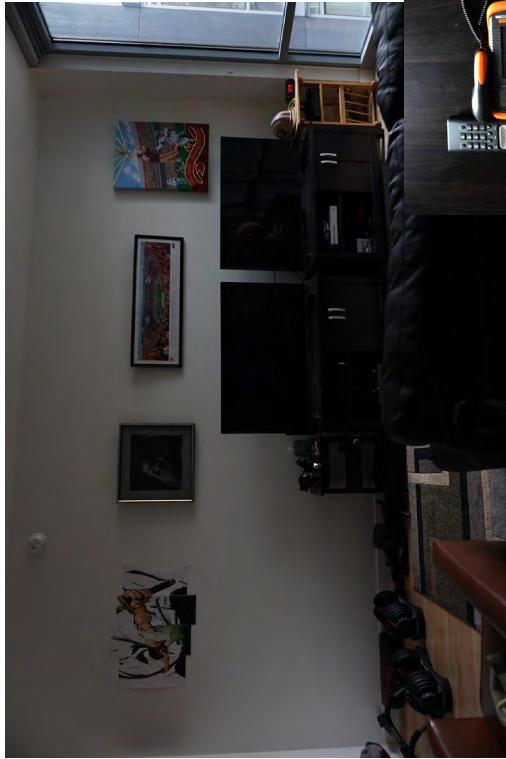


5 LUX
"pitch black"



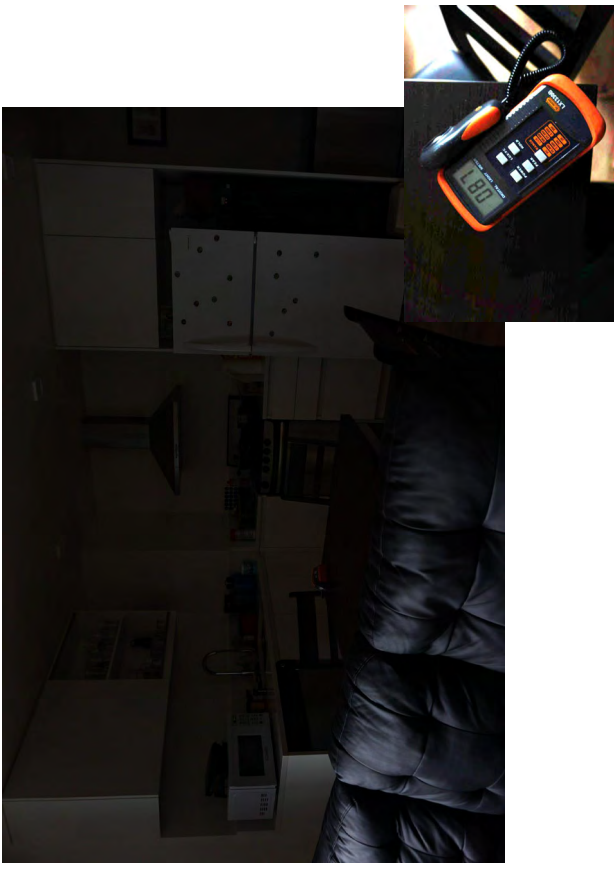
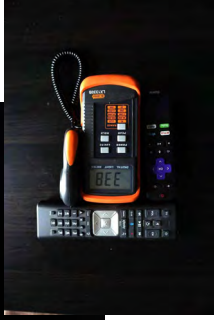
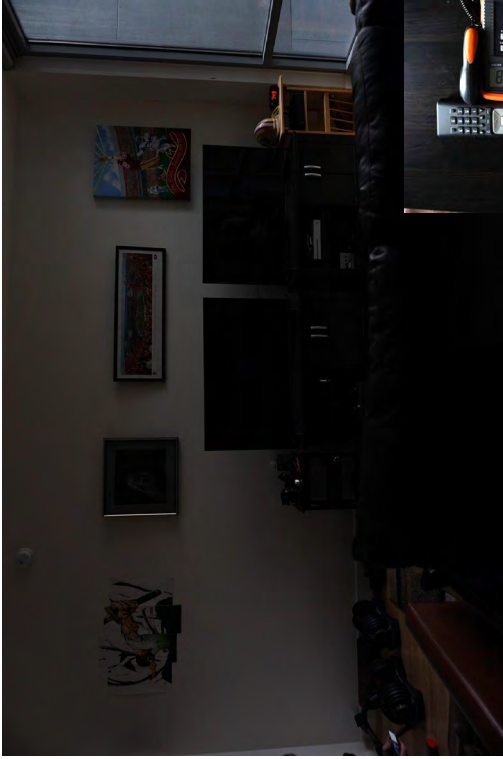
Interior Light “Normal Indoors” 830 LUX

- 830 LUX at the window = dim indoors
- 519 LUX in the living room = dim indoors
- 101 LUX in the kitchen = very dark indoors



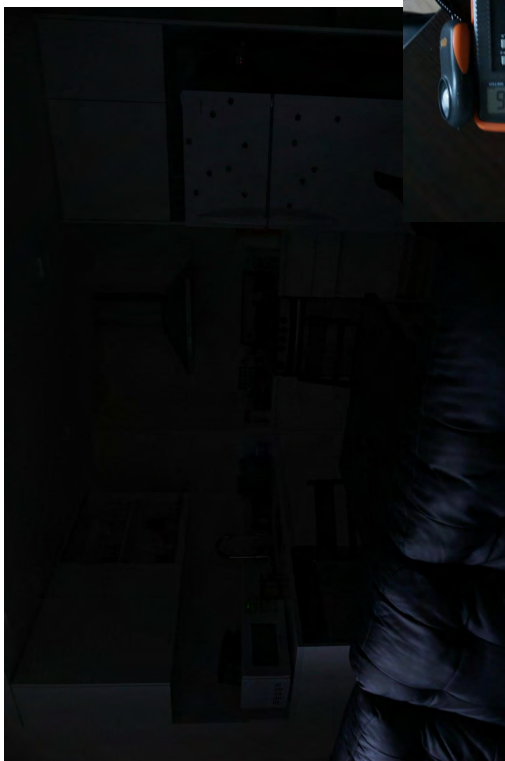
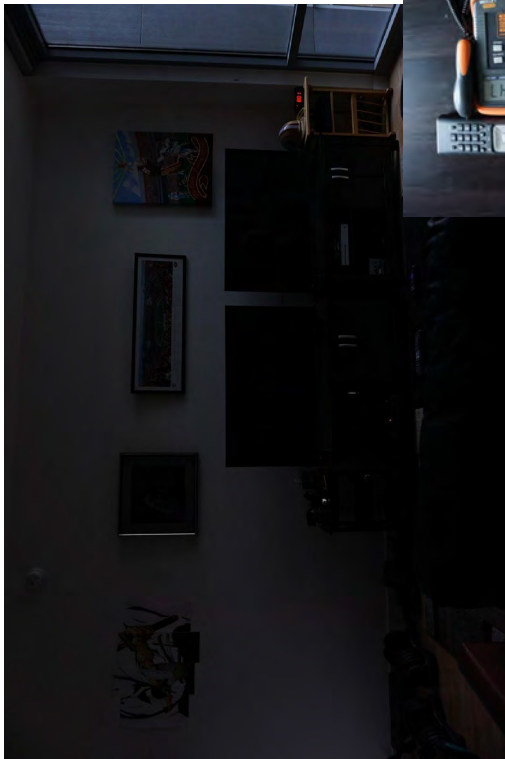
Interior Light “Normal Indoors” 526 LUX

- 526 LUX at the window = normal indoors
- 338 LUX in the living room = dim indoors
- 87 LUX in the kitchen = dark indoors



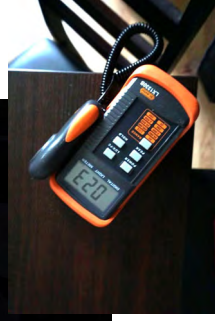
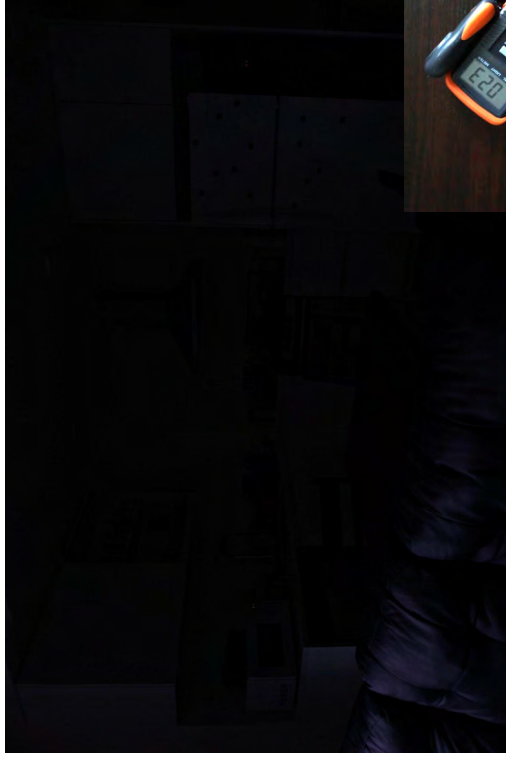
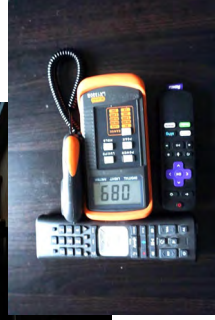
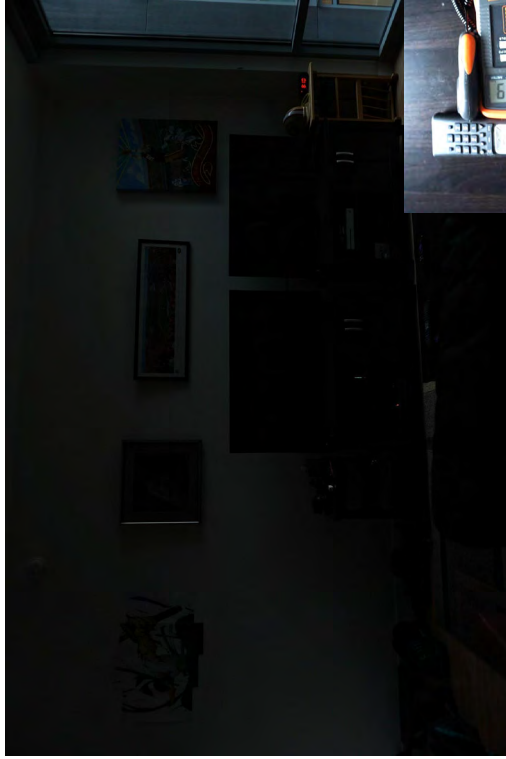
Interior Light “Dim Indoors” 370 LUX

- 370 LUX at the window = dim indoors
- 147 LUX in the living room = dark indoors
- 36 LUX in the kitchen = very dark indoors



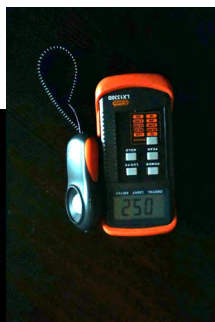
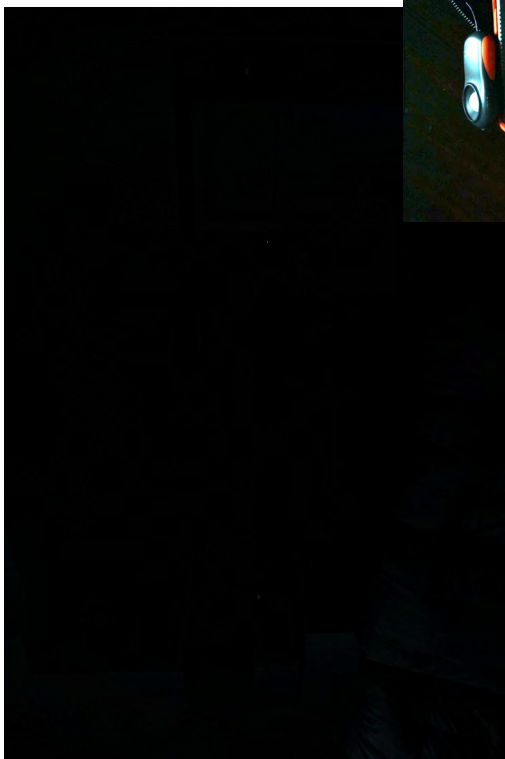
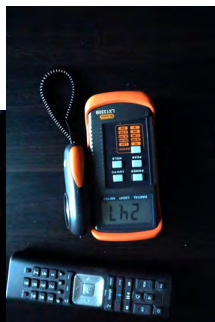
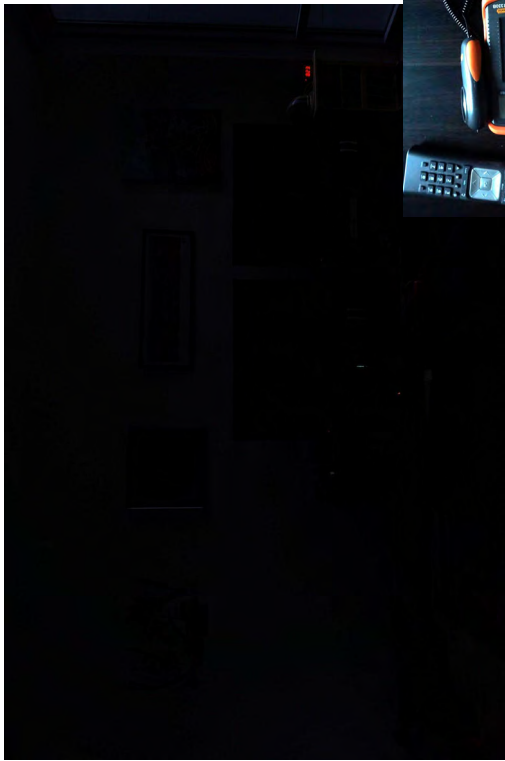
Interior Light “Dark Indoors” 200 LUX

- 200 LUX at the window = dark indoors
- 89 LUX in the living room = dark indoors
- 23 LUX in the kitchen = very dark indoors



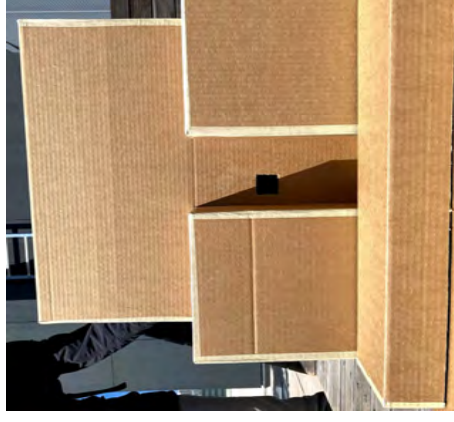
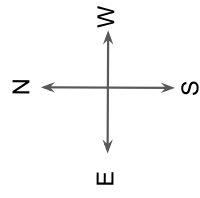
Interior Light “Dark Indoors” 79 LUX

- 79 LUX at the window = dark indoors
- 24 LUX in the living room = very dark indoors
- 5 LUX in the kitchen = pitch black

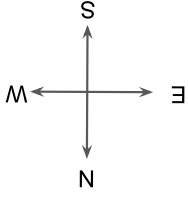


Supplemental Light Study

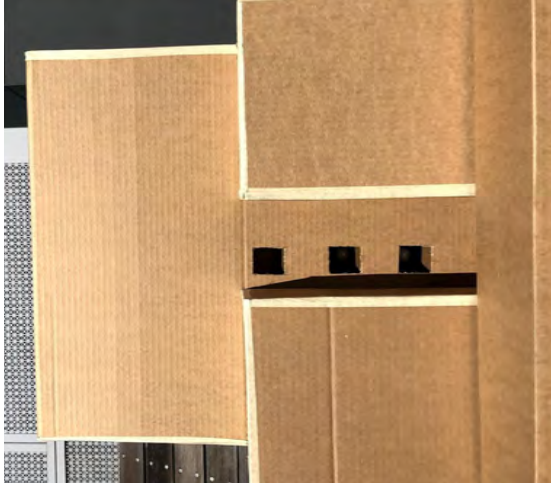
- Proportional
- Correct orientation
- Uses the real sun



Sun Position and Shadows



June 15 9:15 AM



June 11 12:40 PM



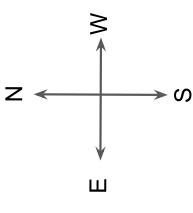
June 11 1:40 PM



June 11 3:50 PM



Light Well Shadows on June 11 at 10:30AM



No building



79ft



65ft



5 floors



4 floors



Light Measurement on June 15 at 9:15 AM

	No building	79 ft	65ft	5 floors	4 floors
4th floor (lux)	34900	2340	3250	6650	n/a*
% reduction		99.93%	99.90%	99.80%	na/*
2nd floor (lux)	6000	40	70	99.9	118.2
% reduction		99.99%	99.98%	99.98%	99.98%



Light Measurement on June 11 at 12:40PM

	No building	79 ft	65ft	5 floors	4 floors
4th floor (lux)	7190	4370	4290	4300	4730
% reduction		39%	40%	40%	34%
2nd floor (lux)	740	170	190	190	210
% reduction		77%	74%	74%	72%



Light Measurement on June 11 at 4:00PM

	No building	79 ft	65ft	5 floors	4 floors
4th floor (lux)	598	262	376	262	346
% reduction		56%	37%	56%	42%
2nd floor (lux)	122	11	12	10	13
% reduction		91%	90%	92%	89%



Light Reduction Percentage 2nd Floor Studio 9AM - 4PM

Lower floors are disproportionately and significantly impacted. 6 units from 2nd, 3rd, and 4th floors are most affected. Sponsors' light study does not show reduction from current levels.

Similar light reduction on a park is considered a significant adverse effect.

Time/height/%	79 ft	65ft	4 floors
9:15 AM	99.99%	99.98%	99.98
10:30 AM	93%	82%	43%
12:40 PM	77%	74%	72%
4:00 PM	91%	90%	89

*See appendix for detailed breakdown and lux readings