Memo to the Planning Commission

HEARING DATE: SEPTEMBER 11, 2014 Continued from the July 10, 2014 Hearing 1650 Mission St. Suite 400 San Francisco, CA 94103-2479

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Date: September 4, 2014
Case No.: 2013.1375 EC

Project Address: 115 TELEGRAPH HILL BLVD. (AKA 363 FILBERT STREET)

Zoning: RH-3 (Residential House, Three-Family)

Telegraph Hill/North Beach Residential Special Use District

40-X Height and Bulk District

Block/Lot: 0105/065 Project Sponsor: Jeremy Ricks

735 Montgomery Street, Suite 350

San Francisco, CA 94111

Staff Contact: Elizabeth Watty – (415) 558-6620

Elizabeth.Watty@sfgov.org

Recommendation: Approval with Conditions

BACKGROUND

The Project Sponsor proposes to construct a three-unit residential building with four off-street parking spaces on a lot that contains one existing dwelling-unit (a vacant cottage in the southeast corner of the lot), which will be renovated and restored as part of the Project. The Property is located in the RH-3 (Residential House, Three-Family) Zoning District, Telegraph Hill – North Beach Residential Special Use District, and a 40-X Height and Bulk District.

The proposed Project was heard before the Planning Commission on July 17, 2014. After significant public testimony, both in support and opposition to the Project, the Planning Commission continued the item to September 11, 2014. Although there were a variety of suggestions made during the course of the hearing, the primary changes requested included:

- Creation of side spacing between all three buildings so that they read as detached structures
- Reduce the size of the buildings' stair penthouses
- Provide pedestrian-scale lighting along the Filbert steps
- Provide articulation and detailing along the side wall of unit #3, which is visible from the bottom of the Filbert Street stairs.

The Commission also requested that plans of the rear cottage be included as part of the submittal to the Commission, since it will be renovated and restored to its pre-variance form as part of this Project.

CURRENT PROPOSAL

The following changes have been made in response to the Commission's concerns:

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- All buildings have been reduced in width from 25'-0" to an equal 23'-10" to create an 8'-3 34" view corridor at the bottom of the Project Site (between 115 Telegraph Hill and 381 Filbert Street), in addition to a 3'-0" clear spacing between each unit.
- The west façade of Unit 3 has been set back 5'-0" from the West property line. Windows and a deck have been added to the west façade of Unit 3 to provide articulation and detailing to the exposed façade, and to allow for a large view corridor between 115 Telegraph Hill and 381 Filbert Street.
- Stair penthouses on all units have been reduced from 8'-0" to 7'-0" to minimize their appearance while enabling use of the roofs for open space.
- Unit 1 has been reduced in overall height by 6". The unit has been reduced in size by 261 sq. ft.
- Unit 2 has been reduced in overall height by 5". The unit has been reduced in size by 308 sq.ft.
- Unit 3 has been reduced in overall height by 5". The unit has been reduced in size by 497 sq. ft.
- The rear yard has been reconfigured. Pedestrian access to the rear yard, cottage and garage has been relocated to the bottom of the Filbert Street stairs (between 115 Telegraph Hill and 381 Filbert Street).
- New landscaping has been incorporated along the wall of the Filbert Street stairs to improve the pedestrian experience walking-up the steps.
- The curb cut has shifted east 1'-6" to further minimize potential pedestrian and vehicular conflicts.
- Title sheet has been revised to include language regarding updated construction stipulations, staging, and sequencing.
- The cottage plans are included, and the form of the building will be returned to the pre-variance condition.

The Department received three additional letters of opposition to the Project since the hearing on July 17, 2014: one from an individual who previously submitted a letter in opposition to the Project, one from Telegraph Hill Dwellers who remain in opposition to the Project, and one from Gerry Crowley, who lives 7 Fielding Street. The Department has in total, received correspondence from 43 people in support for the project, including a letter from the North Beach Neighbors, and correspondence from 41 people in opposition to the project, including two letters from the Telegraph Hill Dwellers.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization for density and parking to allow a total of four units with four off-street parking spaces in the RH-3 (Residential House, Three-Family) Zoning District, Telegraph Hill - North Beach Residential Special Use District, and a 40-X Height and Bulk, pursuant to Planning Code Sections 151, 151.1, 209.1(h), 249.49, and 303.

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BASIS FOR RECOMMENDATION

- The Project Sponsor has made several changes to the project to address the concerns expressed at the July 17, 2014 hearing, including the addition of side setbacks between each building.
- The Project Sponsor has provided additional information relating to their construction management plans.
- The proposal has been discussed with the Fire Department, and they have no concerns about fire access throughout Telegraph Hill, so long as a 10' wide fire lane is maintained during construction. The proejet will maintain a 10' fire lane at all times during construction, thus the Fire Department has no concerns about their vehicular acess on Telegraph Hill as a result of this Project.
- The Project is a well-designed residential in-fill development in an established residential neighborhood.
- The scale and mass of the three new dwelling-units are contextual and compatible with the surrounding neighborhood character.
- The parking for the devleopment is accessed through one minimal curb cut and garage door, and will be located in a shared, subterranean basement garage that is not visible from the street.
- The Project is consistent with adopted City policy and the General Plan.
- The Project is Code-complying and meets all other applicable requirements of the Planning Code.
- The Project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approve with Conditions

Attachments:

Revised Plans Revised Draft Motion New Public Comment

*If Commissioners need copies of the previous staff report, please contact staff ASAP.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☐ Affordable Housing (Sec. 415)
- ☐ Jobs Housing Linkage Program (Sec. 413)
- ☐ Downtown Park Fee (Sec. 412)
- ☐ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 414)
- ☑ Other Street Tree In-Lieu Fee (Sec. 428)

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Planning Commission Draft Motion

HEARING DATE: JULY 17, 2014 SEPTEMBER 11, 2014

Date: July 10, 2014 September 4, 2014

Case No.: **2013.1375 EC**

Project Address: 115 TELEGRAPH HILL BLVD. (AKA 363 FILBERT STREET)

Zoning: RH-3 (Residential House, Three-Family)

Telegraph Hill/North Beach Residential Special Use District

40-X Height and Bulk District

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 151, 151.1, 209.1(h), 249.49, AND 303, TO ALLOW THE CONSTRUCTION OF THREE NEW DWELLING UNITS (FOR A LOT TOTAL OF FOUR UNITS) WITH FOUR OFF-STREET PARKING SPACES WITHIN THE RH-3 (RESIDENTIAL HOUSE, THREE-FAMILY) ZONING DISTRICT, TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 21, 2013, Daniel Frattin, attorney for Jeremy Ricks (hereinafter "Project Sponsor"), filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 151, 151.1, 209.1(h), 249.49, and 303, to allow the construction of three new dwelling-units above four off-street parking spaces on a lot that contains one existing unit within the RH-3 (Residential House, Three-Family) Zoning District, Telegraph Hill – North Beach Residential Special Use District, and a 40-X Height and Bulk District.

On July 17, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1375C. At that hearing, the Planning Commission continued the hearing to September 11, 2014 so that the Project

Sponsor could make revisions to the Project's design and provide additional information about the rear cottage.

On September 11, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1375C.

On <u>June 10, 2014September 3, 2014</u>, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1375CE, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. **Site Description and Present Use.** The Property is a 7,517 square-foot lot that is steeply sloping; in 1993, three lots were merged into the one large lot in existence today. It once contained five buildings, but four of the five buildings were demolished circa 1997. The lot currently contains a one-story cottage that was constructed in 1906, concrete retaining walls, concrete and wood stairways, and fencing. The lot has been vacant with the exception of the vacant cottage since 1997. In the early 1990s, the Bureau of Building Inspection declared the cottage "unsound" and it is currently uninhabitable. The Property occupies 82'-6" of frontage, including 68' along the Filbert Street steps.
- 3. Surrounding Properties and Neighborhood. The Project is located on the south side of Telegraph Hill Boulevard, between Montgomery, and Kearny Streets on Telegraph Hill near Coit Tower. On this portion of the hill, Filbert Street consists of a set of concrete public stairs, but provides no vehicle throughway. Telegraph Hill Blvd passes to the north of the Property, spiraling up to Coit Tower. The Property is in the North Beach neighborhood, and is located in an RH-3 Zoning District, towards the top of Telegraph Hill near Coit Tower. Properties in the immediate area typically consist of one-, two- and three-family dwellings. Buildings heights are varied, but typically range from two-to-four stories tall at the street, and are scaled at the street to respect the laterally-sloping topography of the hill. To the west is a two-story, two-unit building, and immediately to the east is a four-story, three-unit building.

4. Project Description. The Project Sponsor proposes to construct a 17,645 sq. ft. three-unit residential building with four-off-street parking spaces on a lot that contains one existing dwelling-unit (a vacant cottage in the southeast corner of the lot). The Project also includes the renovation and restoration of the cottage located at the rear of the property, returning it to its prevariance (93.180V) building form with no expansion of the existing building envelope.

The new building will be designed to appear as three single-family dwellings, each approximately 40-feet tall that will step down the hill relative to the naturally sloping topography of Telegraph Hill. Each unit – including the cottage – will have one off-street parking space in a shared 3,7423,137 sq. ft. below-grade garage/basement, accessed from one garage door that will be located at the top of the Filbert Street stairs along Telegraph Hill Boulevard. The cottage in the rear would be accessed via a designated pedestrian path between-to the west of Unit #1 and #23, as well as through the garage.

The three units will each occupy between 25' to 27'23'-10" of frontage, each appearing as single-family dwellings. Each unit will contain a green roof deck featuring sustainable native plants, as well as extensive landscaping. Although the rear cottage was authorized to expand as part of Variance Case no. 93.180V, the implementing Building Permit Applications were never finaled by the Department of Building Inspection. Therefore, the variance has expired, and the Project Sponsor must either revert the cottage to the pre-variance design or seek and justify an additional variance. The Project Sponsors have decided to revert the cottage to the pre-variance condition. Revised plans dated September 2, 2014, approved as part of this Motion (Exhibit B), include this scope of work.

- Public Comment. The Department has received 32 letters of support from 43 people (including the North Beach Neighbors), and 36 letters in opposition to the Project from 41 people (including one from the Telegraph Hill Dwellers).
- 6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Density.** Planning Code Section 209.1(h) states that a density ratio up to one dwelling unit for each 1,000 square feet of lot area is permitted in the RH-3 Zoning District, if authorized as a Conditional Use by the Planning Commission.

The Property contains 7,517 sq. ft. of lot area and would permit up to seven units with a Conditional Use Authorization. The Project would result in a lot total of four units, and thus is permitted with a Conditional Use Authorization, which is justified in more detail through Section 7, below.

B. Rear Yard Requirement. Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45 percent of the total depth of a lot in which it is situated, and based on conditions on the adjacent properties, it may be reduced up to 25 percent of the total depth of the lot, based on the average depths of adjacent buildings.

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The Project will be constructed within buildable area of the lot, maintaining a 45 percent rear yard. The existing rear yard cottage is located entirely within the required rear yard; although it will be repaired, and reduced to the pre-variance condition, it will not be expanded, and therefore is considered an existing legal noncomplying structure. The Project complies with Planning Code Section 134.

C. **Open Space**. Planning Code Section 135 requires 100 square-feet of usable open space per dwelling unit in the RH-3 Zoning District if privately accessible, or 133 square-feet per unit if the space is commonly accessible.

The Project satisfies the residential open space requirements through a private 132 square-foot deck for Unit #1, a private 300 square-foot deck for Unit #2, a 252 square-foot deck for Unit #3, and through a commonly-accessible 2,266 square-foot, terraced rear yard for the existing rear yard cottage. The three new buildings also contain privately-accessible roof decks. The Project complies with the open space requirements of Planning Code Section 135.

D. **Street Trees.** Planning Code Section 138.1 requires the provision of street trees with the addition of a new dwelling unit. When street trees are required, one 24-inch box size tree is required for each 20 feet of lot frontage along a street, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a setback area on the lot or within the public right-of-way along such lot.

The Property currently contains two street trees along the 82'-6" property frontage, located between the Filbert Street stairs and Telegraph Hill Boulevard. The Property requires installation of 4 trees; however, according to the Department of Public Works, installation of the additional two required street trees is infeasible. As such, the Project Sponsor will pay an in-lieu fee for two street trees.

E. Bird Safe Glazing. Planning Code Section 139 allows residential buildings within R- Districts that are less than 45 feet in height and have an exposed facade comprised of less than 50% glass to be exempt from the Location-Related Glazing Standards outlined in Planning Code Section 139(c)(1).

The Property is located within 300-feet of an Urban Bird Refuge; however, the new buildings' exposed facades are comprised of less than unobstructed 50 percent glass, and are therefore exempt from meeting the Location-Related Glazing Standards outlined in Planning Code Section 139(c)(1). Unit #1's exposed façade is comprised of approximately 30 percent unobstructed glass; Unit #2's exposed façade is comprised of approximately 20.5 percent unobstructed glass; and Unit #3's exposed façade is comprised of approximately 17 percent unobstructed glass. Furthermore, the Project's rooftop glass railings are broken into glazed segments of less than 24 square feet and are thus not considered feature-related hazards.

F. **Exposure**. Planning Code Section 140 requires that at least one qualifying room of every dwelling unit must face directly on an open area. The open area may be a street or alley, Code-compliant rear yard, or a qualifying open space.

SAN FRANCISCO
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The three new dwelling units will all face Telegraph Hill Boulevard, which is a qualifying street. The dwelling unit located within the existing legal noncomplying structure in the rear yard will face an open space between the buildings that meets the dimensional requirements of Planning Code Section 140(a)(2); the space is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. The Project complies with the dwelling unit exposure requirements of Planning Code Section 140.

G. Telegraph Hill – North Beach Residential Special Use District. Planning Code Section 249.49 establishes the Telegraph Hill – North Beach Residential Special Use District (SUD). The purpose of this SUD, as it relates to new construction projects, is to regulate off-street parking in order to ensure that it does not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District. Although the RH-3 Zoning District would typically require one parking space per dwelling unit (a one-to-one parking ratio), this SUD requires a Conditional Use, along with related findings outlined in Section 151.1(g), to achieve the same parking ratio.

The Project is located within the Telegraph Hill – North Beach Residential Special Use District. Since the Project proposes four off-street parking spaces, a Conditional Use Authorization is required.

Planning Code Sections 151.1(g) and 249.49 require the Planning Commission to make the following affirmative findings according to the uses to which the proposed parking is accessory, before approving residential off-street parking at a ratio of one parking space for each dwelling unit in the SUD.

Vehicle movement on or around the Project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

The Project is located in a low-density neighborhood, and includes four new parking spaces: one for each dwelling unit on the Property. All parking spaces will be located in a shared basement garage accessed from Telegraph Hill Boulevard. The addition of four new parking spaces on the Property is expected to have minimal effect on the overall traffic volumes and movement in the district. It will have minimal effect on any pedestrian spaces, transit or bicycle movement, due to the low volume of trips to-and-from the garage. There are several stop signs along Telegraph Hill Boulevard, including one located at its intersection with the Filbert Street walkway and stairs. This ensures that cars, including those moving in and out of the garage, will be traveling at slow speeds, thereby minimizing conflicts between vehicles and pedestrian, cyclists, and people using public transit.

Accommodating excess accessory parking does not degrade the overall urban design quality of the Project;

The four parking spaces will have no adverse effect on the overall urban design quality of the Project. The parking spaces will be located in a shared basement garage under the proposed structure, which is not readily visible from the public right-of-way. The garage will be accessed through Unit #1 from a

driveway on Telegraph Hill Boulevard. The garage door will be powder coated dark steel to match the proposed window mullions, and will recede visually with the surrounding dark materials of the building. The building includes a concrete structural shell, with weathered steel and Corten steel panels to create warm highlights and reference the rustic nature of Historic Telegraph Hill. The Project also includes fixed wood louvers on the front façade. The garage door will be approximately 12-feet wide, which is in-keeping with the size of the garage doors found throughout the neighborhood, including on the adjacent two buildings to the east (one of which also abuts the Filbert Street walkway and stairs).

All above-grade parking is architecturally screened and lined with active uses according to the standards of Section 145.1, and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code;

The Project includes a mechanical car lift that takes all cars down to a below-grade parking garage; there is no above-grade parking as part of this Project.

Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

The existing streetscape will be maintained and enhanced by the Project. No trees will be removed, and the parking will not diminish the viability of any street trees, or any other streetscape enhancements.

- 7. Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project is necessary and desirable because it will provide much needed family-sized in-fill housing in a residential neighborhood, on a lot that has been vacant (less for a small cottage at the rear of the lot) for over 10 years. The lot previously contained five buildings, but four of those five buildings were demolished in 1997. At present, the vacancy of the Property is a detriment to the neighborhood and creates a gap in the urban fabric that is built along the Filbert Street walkway and stairs. The vacant lot is visually inconsistent with the character of the surrounding private property, which features housing developments that relate to the topography of the hill. The Project is compatible with properties that abut a vehicular street, which typically include off-street parking. The Project will also incorporate landscaping to match the surrounding area, and create visual consistency in the neighborhood. As an area attracts a large number of tourists and visitors, the Project is a desirable improvement to the neighborhood over the existing vacant lot.

The Project will provide three new family-sized dwelling units, and will renovate an existing cottage that is in disrepair in order to make it suitable for occupancy. In-fill sites in developed residential neighborhoods, such as Telegraph Hill, should be developed with new housing.

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

The 7,517 square-foot Property is located in a relatively low-density area; the lot is large for the neighborhood. In 1993, three lots were merged into the one large lot in existence today. Prior to that merger, up to nine dwelling units would have been principally permitted (approvable without a Conditional Use Authorization); now, only three units would be principally permitted, and four-to-seven units would be permitted with a Conditional Use Authorization.

This large vacant lot is an appropriate location for a three-unit in-fill development (for a total of four units on the lot). Due to the relatively low density development of the surrounding area, the Project will create housing at an appropriate scale in a desirable urban area without overcrowding the neighborhood. Although the three units are technically located within one building, they appear as three single-family dwellings, each with approximately 25-foot wide building facades that are located at the front property line, which is typical of residential properties in the surrounding area. The existing and proposed uses are consistent with the neighborhood uses, and the proposed design is compatible with the immediate vicinity.

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

The Property is located in a relatively low-density area. The addition of three new dwelling units will have negligible adverse effect on traffic in the neighborhood, and it is anticipated that the Project will generate traffic volumes and patterns compatible with those of existing surrounding uses, particularly those properties with off-street parking. The Project will provide four off-street parking spaces in a below-grade basement garage, which will be sufficient to serve the residents at the property.

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

The Project consists of the construction of a new three-unit residential building with off-street parking, and the renovation of one existing cottage. The Project will comply with all City codes regarding construction hours, noise, and dust, and it will not produce, or include, any permanent uses that would emit noxious or offensive emissions such as noise, glare, dust and odor.

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

The Project will improve the exterior appearance of the Property by upgrading landscaping and creating an attractive, Code-compliant housing development. The Project will incorporate ample landscaping in planters at the front of the Property, and the area surrounding the new development will be landscaped to allow the development to blend into, and complement, the surrounding hillside. The Project will also incorporate green roof spaces so that when viewed from above, the Project will complement the character of Telegraph Hill and seamlessly blend into its surroundings.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with Objectives and Policies of the General Plan, as detailed below.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.4:

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

The Project includes the renovation of the existing rear yard cottage, which is in poor condition, in order to make it suitable for occupancy.

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1:

Develop new housing, and encourage the remodeling of existing housing, for families with children.

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The Project includes the renovation of the existing rear yard cottage, which is in poor condition, in order to make it suitable for occupancy, and includes the development of three new family-sized units.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTRINT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects the existing neighborhood character.

Policy 11.2:

Ensure implementation of acceptable design standards in project approvals.

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

The Project includes a well-design renovation of the existing rear yard cottage, and includes new construction that is compatible with the surrounding scale of buildings at the street and the massing of adjacent buildings, as well as the architectural character of the surrounding neighborhood.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRANVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PART S OF THE REGION WHILE MAINTAINING THE HIGH QULAITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automotive as the means of meeting San Francisco's transportation needs, particularly those of commuters.

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.2:

Reduce pollution, noise and energy consumption.

The Project's central location to the City's downtown and its proximity to public transportation make it an ideal location for new family-sized housing. Residents will have a variety of options connecting them to the

rest of the City and beyond. Due to the Property's central location, it is anticipated that residents will be able to commute to jobs and access much of San Francisco by transit, foot or bicycle; it is expected that the garage will be used primarily as vehicle storage.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.7:

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

Telegraph Hill is identified in the General Plan's Urban Design Element as an outstanding and unique area. The Special characteristics of the area are identified as the following:

- A hilltop park with the highly visible green of trees from which Coit Tower rises above all else.
- Low, small-scale buildings having predominantly flat roofs and light pastel colors, hugging the
 topography in a highly articulated form which contrasts with the power of downtown
 construction.
- Cliffs and complex stairs and walkways on the east side above the waterfront, with buildings perched precariously along the slope and trees interspersed.
- Intimate pedestrian scale and texture of streets and housing, with sudden and dramatic views of the Bay and downtown through narrow openings.

The Project is compatible with the aforementioned special characteristics, in that the buildings are designed to be consistent with the scale and massing of surrounding properties, and include flat, landscaped roof. The buildings respect the topography of the street by "stepping-down" the laterally-sloping topography of the Filbert Street steps. The buildings have been designed with a pedestrian scale and texture, incorporating both landscaping as well as a narrow opening between Unit #1 and #2 for views of downtown.

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Project provides an attractive modern design and form that compliments and blends with surrounding structures without mimicking them. This creates a visually dynamic and harmonious neighborhood with an appropriate mixture of building styles.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.4

Design walkways and parking facilities to minimize danger to pedestrians.

This General Plan states that driveways across sidewalks should be kept to a practical minimum, with control maintained over the number and width of curb cuts, in order to minimize danger to pedestrians. The Project includes a 10-foot wide curb cut, which is the City standard, and a 12-foot wide garage door, which is comparable with the size of garage doors found on surrounding properties (specifically the two properties to the east). The Project has been designed to include one garage entrance that will serve the vehicle storage for all four units on the Property, thereby minimizing danger to pedestrians. The garage has sufficient space for maneuvering such that exiting vehicles will not need to be backed-out in reverse. As indicated through the Conditions of Approval, the Project Sponsor has agreed to install warning signs to alert pedestrians on the Filbert Steps to the presence of the driveway, as well as mirrors to enhance the view of drivers exiting the garage.

- 9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.
 - The Project includes the re-use of the existing vacant residential cottage at the rear of the property, and the addition of three residential units on a largely vacant lot. It will not displace any neighborhood serving retail uses or have any adverse effect on future opportunities for resident employment and ownership of retail uses.
 - B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.
 - The Project will conserve and protect existing housing and neighborhood character by renovating and restoring an existing building in the neighborhood. It will improve a dilapidated vacant lot with a well-designed, high-quality residential development that is compatible with the scale and mass of surrounding properties. It will include screening and green elements specifically designed to allow the new structure to blend seamlessly into the character of the neighborhood.
 - C. That the City's supply of affordable housing be preserved and enhanced,

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The Project includes the rehabilitation and preservation of an existing vacant rear cottage, which based on its size, will be relatively affordable for the Telegraph Hill neighborhood.

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

With four residential units within walking distance of the City's employment core and public transit (MUNI #39), the Project will not generate substantial commuter traffic that will impede MUNI transit service, or overburden the streets or neighborhood parking. Furthermore, by including four offstreet parking spaces, the Project will minimize the need for residents to use the limited on-street parking in the neighborhood.

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

The Project is a small residential development located on a nearly vacant lot in a residential neighborhood. No office use is proposed, and no industrial uses will be displaced.

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

The Project will conform to the structural and seismic requirements of the San Francisco Building Code, and thus meets this requirement.

G. That landmarks and historic buildings be preserved.

The Project is not located in any Conservation or Historic District. The Project will not adversely alter any landmark building, contributory building, or architecturally significant building on the Property or in the vicinity.

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

The Project includes the in-fill development of three new dwelling units on a largely vacant lot in a residential neighborhood. The Project will not adversely affect any public parks or open spaces. It is located below Coit Tower and Pioneer Park on Telegraph Hill, and will incorporate green rooftop terraces to ensure that the Project blends with the hillside when viewed from above. It will not adversely affect he tower's access to sunlight or public vistas.

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1375CE** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, revised and dated May 19, 2014September 2, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 17, 2014September 11, 3014.

Jonas P. Ionin
Commission Secretary
,
AYES:
NAYS:
ABSENT:

Draft Motion
July 10, 2014September 4, 2014

CASE NO. 2013.1375 EC 115 Telegraph Hill Blvd.

ADOPTED: July 17, 2014September 11, 2014

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EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow the construction of three new dwelling-units on a lot that contains one existing unit, including four off-street parking spaces located at 115 Telegraph Hill Boulevard, Block 0105, and Lot 065 pursuant to Planning Code Sections 151, 151.1, 209.1(h), 249.49, and 303, within the RH-3 (Residential House, Three-Family) Zoning District, Telegraph Hill – North Beach Residential Special Use District, and a 40-X Height and Bulk District; in general conformance with plans, revised and dated May 19, 2014September 2, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1375C and subject to conditions of approval reviewed and approved by the Commission on July 17, 2014September 11, 2014 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on July 17, 2014September 11, 2014 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting Performance

1. Validity. The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

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

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

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

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

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

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

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

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

DESIGN

- 1. Final Materials. Final materials, window details, glazing, color, texture, landscaping, and general detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 2. Garbage, composting and recycling storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
 - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- **3. Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the Site or Building Permit Application indicating that the two existing street trees will remain. The Sponsor will pay an inlieu fee for the remaining two require street trees in accordance with Planning Code Section 428, and as outlined in more detailed below.
 - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

- Bicycle Parking. The Project shall provide no fewer than four (4) Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.
 - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 2. Parking Maximum. Pursuant to Planning Code Section 151.1 and 249.49, the Project shall provide no more than four (4) off-street parking spaces.
 - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 3. Construction Parking. The Project Sponsor shall require of the general contractor that construction workers shall park legally and shall not park in the Coit Tower parking lot. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- **4. Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco

Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project. Prior to commencing construction, the Project Sponsor shall consult with the affected neighbors on Assessor's Block 105 before finalizing the construction staging and traffic plan, including:

- A schedule of delivery times and dates during which the construction materials are expected to arrive; and
- b. Methods to be used to monitor truck movement into and out of the building site so as to minimize traffic conflicts on Telegraph Hill Boulevard.
- 5. There shall be no queuing of construction trucks along Telegraph Hill Boulevard. All trucks waiting to unload material shall be staged at a location offsite. Deliveries shall be made between the hours of 7:30 a.m. and 5 p.m. on weekdays, exclusive of legal holidays. The Project Sponsor shall employ full-time flag persons to direct traffic during excavation and concrete placement phases of construction. During other construction phases, all truck movement into and out of the Project Site shall be monitored by flag persons to minimize any traffic conflict.

 For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- **6. Garage Safety Features.** The Project Sponsor shall post signs or other devices to alert pedestrians to vehicles exiting the garage. Parabolic mirrors shall be installed at the garage exit to enhance the view of exiting drivers.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863,

PROVISIONS

7. Street Tree In-Lieu Fee. The Zoning Administrator waived the requirement for installation of two of the required four street trees under Planning Code Section 138.1 based on DPW's recommendation. Pursuant to Planning Code Section 428, the Project Sponsor shall comply with Planning Code Section 138.1 through payment of an in-lieu Fee pursuant to Section 428. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

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

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

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

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

OPERATION

Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building
and all public sidewalks and stairways abutting the subject property in a clean and sanitary
condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance
Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, http://sfdpw.org

2. Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination **Exemption from Environmental Review**

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

Reception:

415.558.6378

Fax.

Planning Information: 415.558.6377

415.558.6409

Case No.:

2013.1375E

Project Title:

115 Telegraph Hill Boulevard

Zoning:

RH-3 (Residential - House, Three Family) Use District

Telegraph Hill - North Beach Residential Special Use District

40-X Height and Bulk District

0105/065

Block/Lot: Lot Size:

7,517 square feet

Project Sponsor:

Daniel Frattin, Reuben, Junius, & Rose, LLP, (415) 567-9000

Staff Contact:

Jessica Range - (415) 575-9018, Jessica. Range@sfgov.org

PROJECT DESCRIPTION:

The proposed project would allow the construction of a three-unit residential building and an approximately 160 square foot (sf) demolition and exterior renovation of an existing 1,000-square-foot, two-story cottage constructed in 1906. The existing cottage would be modified to remove an approximately 160-sf addition in the northeast corner of the cottage that was permitted by the granting of a variance by the Planning Department's Zoning Administrator in 1995 (Planning Department case file no. 93.180v). Access to the cottage would be provided via a pedestrian walkway along Filbert Street. 1

(Continued on next page.)

EXEMPT STATUS:

Categorical Exemption, Class 1 (California Environmental Quality Act (CEQA) Guidelines Section 15301(d) and Class 3 CEQA Guidelines Section 15303(b)

REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

Sarah Jones

Environmental Review Officer

Supervisor David Chiu, District 3

<u>deptember 3, 2017</u>

Distribution List

Daniel Frattin, Project Sponsor Virna Byrd, M. D. F

¹ This is a separate pedestrian walkway from the Filbert Street Steps that extend from Sansome to Montgomery streets.

PROJECT DESCRIPTION (CONTINUED):

The three new residential units would be located in a three-story over basement building with unit sizes ranging from approximately 3,700 to 4,200 square feet. A new curb cut would be provided along Telegraph Hill Boulevard to allow access to a proposed 3,700 square foot basement area providing four off-street parking spaces. The maximum height of the building would be about 40 feet, as measured in accordance with the San Francisco Planning Code. No change would be made to the height of the existing cottage. The new three-unit building would be constructed at the front of the lot, adjacent to Telegraph Hill Boulevard and the walkway along Filbert Street, while the existing cottage would remain in its current location at the rear of the lot. The project also includes landscaping, repair and, where necessary, replacement in kind of a portion of the concrete sidewalk, steps, and retaining walls of the Filbert Street walkway along the parcel's northern frontage. The project is located within the Telegraph Hill neighborhood on the south side of Telegraph Hill Boulevard between Kearney and Montgomery Streets.

PROJECT APPROVALS:

- Conditional Use Authorization by the Planning Commission for residential density above three units
 per lot and four off-street parking spaces per Section 151 and the Telegraph Hill North Beach
 Residential Special Use District of the San Francisco Planning Code.
- Building Permit from the San Francisco Department of Building Inspection.
- Permits from the Department of Public Works and San Francisco Municipal Transportation Agency (SFMTA) for construction within the public right-of-way.
- Approval from the SFMTA to relocate an existing stop sign.

Approval Action: The proposed project is subject to Planning Commission approval of a conditional use (CU) authorization for the off-street parking spaces and for residential density above three units per lot. The CU is the approval action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

REMARKS:

Historic Resource. The existing cottage was constructed in 1906 and is classified as a Category "B", or potential historic resource, in the Planning Department's records. A Category B rating indicates that additional information is necessary to make a determination as to whether the site is an historic resource or not. In order for a building to be deemed a historic resource for purposes of CEQA Section 21084.1, it must be listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR), or included in a local register of historic resources.

Based on a historic resource evaluation (HRE) prepared by Page & Turnbull² and subsequent evaluation by the Planning Department Preservation Planning staff,³ the project site was determined to not be

² Page & Turnbull, 115 Telegraph Hill Boulevard Historic Resource Analysis, San Francisco, California. February 19, 2014. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1375E.

eligible for listing in the CRHR nor was it included on a local register of historic resources. The extant cottage is a common example of a vernacular building and has been extensively altered such that it no longer represents its original 1906 construction.

In order for a project to be deemed eligible for listing in the CRHR, the project must be shown to meet any one of the National Register of Historic Places' four criteria: Criterion 1 (Event), Criterion 2 (Persons), Criterion 3 (Architecture), or Criterion 4 (Information Potential). The Planning Department concurs with the findings of the HRE that the subject property is not eligible for listing in the California Register under any criteria, specifically: no known historic events occurred at the property (Criterion 1), none of the owners or occupants have been identified as important to history (Criterion 2), the building is not architecturally distinct and represents its alteration circa 1997 (Criterion 3). Based upon a review of information in the Department's records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criterion typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type. The surrounding neighborhood contains a mix of architectural styles, building sizes, and a defined period of development; therefore, the project site does not appear to be located in a potential historic district.

Preservation Planning staff determined that the site does not meet any of these four criteria. Therefore, the site was determined to not be eligible for listing individually or as part of a potential or existing historic district in the CRHR and the site is not an historic resource for purposes of CEQA. The proposed modifications to the existing building and new construction project does not directly or indirectly involve any historic resources and will not cause a significant adverse impact upon a historic resource as defined by CEQA.

Geotechnical. The project site is on an approximately 80-foot-wide by 80-foot-deep, downhill-sloped lot with a slope from the east to west side of the lot. The elevation at the highest point along the street (northeast corner) is 251 feet (above sea level) and 214 feet at the rear lot line (southwest corner). The existing cottage is constructed in the southeastern corner of the lot at an elevation of 229 feet. The proposed three-unit residential building would be constructed at the front of the lot along Telegraph Hill Boulevard with its lowest pad elevation at approximately 224 feet. Removal of the approximately 160 sf portion of the existing cottage at the rear of the lot would require minimal alterations to the building foundation to support its new exterior walls. The foundation for the new three-unit building would be constructed using drilled concrete pier and grade beam foundation, requiring excavation up to 25 feet in depth.

SAN FRANCISCO
PLANNING DEPARTMENT

³ Hilyard, Gretchen, *Preservation Team Review Form for 115 Telegraph Hill Boulevard*. May 1, 2014. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1375E.

A geotechnical report was prepared for the proposed project at 115 Telegraph Hill Boulevard⁴ and includes information gathered from a site reconnaissance by the geotechnical engineer and four soil borings conducted on the project site. The borings encountered 6 inches to 4 feet six inches of loose to dense clayey sand with varying amounts of silt and gravel to stiff, sandy silty clay, overlaying sandstone bedrock. No groundwater was encountered, though based on the hillside location it is possible that groundwater could be encountered near the surface following rain or upslope irrigation.

The geotechnical report evaluated the project site for potential liquefaction, surface rupture, lateral spreading, densification, and landslides and found the potential for risk to be low. The project site is in an area that would be exposed to strong earthquake shaking, though adherence to the recommendations in the 2013 San Francisco Building Code would reduce potential damage to the structure. The 2013 San Francisco Building Code (Building Code) requires Site Classification and Values of Site Coefficients for the design of earthquake resistant structures to minimize damage from earthquakes. The geotechnical report includes seismic design parameters for use by the structural engineer for the project in complying with the Building Code during the Department of Building Inspection (DBI) building permit plancheck process.

The geotechnical report found that the proposed structure's foundation could be safely supported using a drilled concrete pier and grade beam foundation, provided adherence to site preparation and foundation design recommendations in the project geotechnical report.

The project sponsor has agreed to adhere to the recommendations of the geotechnical report and include the report's design recommendations into the plans submitted for the building permit plancheck process, subject to final review by DBI. Thus, the proposed project would have no significant geotechnical impacts.

Construction. The proposed project would require construction activities within the public right-of-way. These activities would be coordinated with the San Francisco Department of Public Works, SFMTA, and the Transportation Advisory Staff Committee to ensure that construction activities are conducted in a manner that maintains circulation on public rights-of-way, to the maximum extent feasible. The project sponsor is developing a construction plan pursuant to the permitting requirements for construction within the public right-of-way. Any temporary, short-term, delay to vehicular or pedestrian travel would not be a significant impact.

Exemption Class. Under State CEQA Guidelines Section 15301(d), or Class 1(d), exterior renovations to an existing single-family residence that is not a historic resource, as defined for purposes of CEQA, is exempt from environmental review. The proposed project involves the exterior renovation of the existing 1,000-square-foot cottage at the rear of the property. Under State CEQA Guidelines Section 15303(b), or Class 3(b), construction of a multi-family residential structure with up to four dwelling units in a residential zone is exempt from environmental review. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The proposed

⁴ Earth Mechanics Consulting Engineers, *Report Geotechnical Investigation Planned Improvements at 115 Telegraph Hill Boulevard, San Francisco, California,* May 12, 2013. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1375E.

project includes the construction of three dwelling units in a residential zoning district. Therefore, the proposed project would be exempt from environmental review under Class 1(d) and Class 3(b).

Summary. State CEQA Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would not have significant geotechnical or historical resource impacts. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classifications. For the above reasons, the proposed project is appropriately exempt from environmental review.

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SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

reservation Team Meeting Date	:	Date of Form Com	pletion 5/1/2014				
PROJECT INFORMATION:				•			
Planner:	Address:						
retchen Hilyard		115 Telegraph Hill Blvd.					
Block/Lot:	Cross Streets:						
105/065	Kearny Street		·				
CEQA Category:	Art. 10/11:	BPA/Ca	BPA/Case No.:				
	n/a	2013.13	2013.1375E				
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Complies with the Secretary's Standards/Art 10/Art 11:	C Yes	○ No	● N/A
CEQA Material Impairment:		€ No	
Needs More Information:	(Yes	⊚ No	
Requires Design Revisions:	○ Yes	No	
Defer to Residential Design Team:	Yes	○No	

^{*} If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS:

According to the Historic Resource Evaluation (HRE) prepared by Page & Turnbull (dated February 19, 2014) and information found in the Planning Department files, the subject property at 115 Telegraph Hill Boulevard is set on a steeply sloping lot that once contained five buildings. The existing property contains concrete retaining walls, concrete and wood stairways, fencing and a one-story vernacular cottage that was constructed in 1906 and designed by an unknown architect. The cottage is known as 323D Filbert Street or 367-369 Filbert Street. Known alterations to the property include: demolition of four buildings on the parcel (ca. 1997), and complete renovation/rebuilding of the cottage (ca. 1997). The extant cottage is a common example of a vernacular building and has been extensively altered such that it no longer represents its original construction in 1906. All materials of the extant building date to its reconstruction in ca. 1997. The Department concurs with the findings of the HRE that the subject property is not eligible for listing in the California Register under any criteria, specifically: No known historic events occurred at the property (Criterion 1), none of the owners or occupants have been identified as important to history (Criterion 2), and the building is not architecturally distinct and represents its alteration in ca. 1997 (Criterion 3). Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

The Department agrees with the findings of the HRE that the proposed new construction project does not directly or indirectly involve any historic resources and will not cause a significant adverse impact upon a historic resource as defined by CEQA.

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
3ma Va	5-2-2014

September 1, 2014

Cindy Wu, President Planning Commission City and County of San Francisco 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re:

Case No. 3013.1375CE 115 Telegraph Hill Blvd. Environmental Review Required

Dear President Wu and Commissioners,

I write to urge you to not approve the proposed three-unit condominium project at 115 Telegraph Hill Boulevard, including its 3,742 square foot parking garage (the "Project") because the Certificate of Determination of Exemption from Environmental Review issued by the Planning Department on June 10, 2014, is legally inadequate for the Project as proposed. As set forth in greater detail below, the Project is not exempt from environmental review.

The Planning Department has issued a categorical exemption under classes 1 and 3 of the CEQA Guidelines. These categories are designed for minor, environmentally benign projects involving existing facilities, new construction, and conversions of small structures and minor alterations, because such projects normally have no significant environmental impacts.

Importantly, CEQA provides that all categorical exemptions are rebuttable and *shall not be used* for a project that *may* have any potentially significant environmental impact due to its particular circumstances. (CEQA Guideline § 15300.2) The particular circumstances in this case are several, including the remarkably unique and special setting of the Project on the Filbert Steps and Telegraph Hill Boulevard immediately across from Pioneer Park, and the topography and geological nature of the Project site where massive excavation for the proposed parking garage will be necessary.

Unique Location of the Project Site. The Project Site is located at a very important intersection of the Filbert Steps and Telegraph Hill Boulevard, the only vehicular access to Coit Tower. The narrow Filbert Steps that comprise most of the northern boundary of the Project Site is a key and primary pedestrian access point from North Beach to Pioneer Park and Coit Tower and is therefore used by hundreds of people daily. Based on San Francisco Recreation and Parks Department data, as cited in the San Francisco Chronicle (May 14, 2014), over 200,000 people visit Coit Tower each year, and many more visit Pioneer Park. More than half of all visitors to Coit Tower/Pioneer Park come by foot or by bus.

Planning Commission September 1, 2014 Page 2

The Project site touches Telegraph Hill Boulevard at its northeast corner for only 13 feet, a narrow slot where the driveway and curb cut for the Project's proposed parking garage will be located right at the top of the Filbert Steps where pedestrians stop to catch their breath, where the 39 Coit bus stops to let MUNI passengers disembark. All pedestrians have to cross the driveway to reach the mid-block pedestrian crosswalk connecting the Filbert Steps and bus stop to the stairway in Pioneer Park leading up to Coit Tower.

Topography and Geological Nature of the Project Site. Lawrence B. Karp holds a doctorate in civil engineering and an Earthquake Engineering Certificate from UC Berkeley and is a licensed civil engineer, geotechnical engineer and architect in California. Mr. Karp has over 45 years experience in design and construction with specialization in stability evaluation of excavations and slopes, site development and construction logistics. After reviewing the geotechnical report prepared for the proposed Project, Mr. Karp has opined that, in his professional opinion, the "Geotechnical Investigation" report prepared by Earth Mechanics Consulting Engineers (6/22/13) used by the Planning Department to evaluate the Project pursuant to CEQA is totally inadequate in its analysis of the site's geotechnical characteristics. As Mr. Karp points out in his letter dated July 16, 2014 (copy attached), Earth Mechanics' report fails to discuss the 33-foot deep vertical excavation required for the car lift and parking garage shaft at the edge of the Filbert Steps and "comes nowhere near the standard-of-care for a proper report of geotechnical investigation for the intended project." Based on Mr. Karp's expert opinion as to the inadequacy of the Earth Mechanics report, the Planning Department did not have sufficient information upon which to base its finding that the Project would have no significant geotechnical impacts.

Excavation and Construction Impacts. While construction impacts are not normally considered to be unusual as they are temporary in nature, the unique setting of the Project and its relationship to public use and amenities demands analysis of the potentially significant impacts on traffic, MUNI service and pedestrians from construction and construction-related activities including impacts from the following: (1) extraction and disposal of huge amounts of rock and soil from the 33-foot deep excavation necessitated by the car lift and garage shaft with only an approximately 13' street frontage at the top of the Filbert Steps for construction staging, (2) shoring and underpinning of the historic Filbert Steps and Telegraph Hill Boulevard, (3) closing the Filbert Steps during construction, (4) impeding Muni service and other vehicular travel on Telegraph Hill Boulevard to stage and provide access to the construction site, (5) moving construction equipment on and off of the site, (6) staging of trucks during concrete pours, and (7) dust and noise impacts associated with construction.

Based on computer modeling of the proposed plans for the Project, it is estimated that 2,546 cubic yards (over 4,328 tons) of rock and dirt will have to be removed from the site. Assuming the existing 3-ton limit on Telegraph Hill Boulevard is waived for the Project and that each load will be 8 tons, this would require 541 loads or 1,082 trips (1 in-bound and 1 out-bound)

Planning Commission September 1, 2014 Page 3

using a 26-foot long/25-foot wide superdump truck. If the existing 3-ton limit on Telegraph Hill Boulevard is adhered to, the excavation would require over 6,000 truck trips in smaller trucks.

These truck load numbers do not include the loads required to pour the concrete for the mat foundation (an estimated additional 252 trips based on 8-ton loads), the truck loads required to import soil to be compacted before pouring the mat foundation, or the truck trips required to bring lumber and other construction materials to the site. The impacts of this number of truck trips on pedestrian travel by hundreds of people who use the Filbert Steps, on vehicular traffic on Telegraph Hill Boulevard, including MUNI service to Coit Tower, and on fire and emergency services, were not considered by the Planning Department in finding the project exempt for all environmental review.

The Fair Argument Standard. Even if the Project is aligned with an exemption category as claimed by the Department, the standard of review as to whether an exception may defeat the exemption is the "fair argument" standard. If the record before the City includes a fair argument that the Project may have a significant environmental impact, the exemption fails.

The fair argument standard triggers an EIR if any substantial evidence in the record – that is, facts or reasonable assumptions/expert opinions based on facts – supports a fair argument that significant impacts may occur, even if a different conclusion may also be well supported. This standard markedly differs from the deferential review normally enjoyed by agencies:

... if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.

(Guideline § 15064, subd.(f), subd.(l).) Importantly, if there is a dispute among experts, the City must defer to the evidence in favor of environmental review. (*E.g.*, Guideline § 15064, subd. (f).) In this case there is a substantial difference in opinion regarding the potential impacts of performing the deep excavation of the Project site.

Substantial Evidence Defeats the Categorical Exemption. The information before the Planning Department and Commission more than fulfills the low-threshold requirement for the requisite "fair argument" that the proposed Project may have environmental impacts based on, among other things:

 Massive, unstudied excavation of the steep site for the 33-foot deep vertical excavation required for the car lift shaft and other geotechnical impacts;

- Traffic impacts related to construction on MUNI service, pedestrian and vehicular travel and fire and emergency services;
- Transportation impacts, especially vehicular/pedestrian conflicts from the driveway and garage at the top of the Filbert Steps;
- Inconsistencies with City land use plans and policies related to preserving public views from public parks and public open spaces, as the Project would block views from the pedestrian stairways and landings of Pioneer Park across the Filbert Steps;
- Impacts related to pedestrian safety from proposed new driveway location between the
 top of the Filbert Steps and the pedestrian cross walk to Pioneer Park due to the lack of
 any landing at the top of the Filbert Steps requiring pedestrians to step onto the driveway
 for the proposed garage;
- Potential damage to the historic Filbert Steps during construction and/or potential relocation or reconstruction of these steps;
- Neighborhood character incompatibility based on mass, scale and design;
- Failure to consult with DPW, DPT (MUNI), Recreation and Parks Department, and the Fire Department;
- Failure to require environmental review of new off-street parking in the Telegraph Hill/North Beach area pursuant to Board of Supervisors File No. 10-0638;
- The need to reconfigure the sidewalk and bus stop and relocate the bus stop to accommodate the proposed driveway requiring removal of a portion of the historic stone wall separating the Telegraph Hill Boulevard and the Filbert Steps;
- Noise and light impacts associated with the flashing lights and/or beeping sounds of warning signals that will be required for automobile ingress and egress from the garage to alert pedestrian walking up the Filbert Steps;
- Cars accessing the garage must cross a double yellow line on a blind curve by making a sharp right hand turn;
- Failure to timely consult with DPW to determine conditions of approval required to ensure the safety of pedestrians on the Filbert Steps; and

Planning Commission September 1, 2014 Page 5

• If DPW requires the Filbert Steps to be relocated or reconstructed, additional environmental and project review will be required (i.e. the project description may be incomplete and CEQA review segmented).

Conclusion. The discussion above clearly shows that the Certificate of Determination of Exemption from Environmental Review issued by the Planning Department on June 10, 2014 is legally insufficient. Therefore, I urge the Commission to disapprove the Project or continue this matter with directions to the Department to prepare a new legally adequate environmental review document for the Project to assess the impacts set forth above.

Sincerely,

Serry Crowley

7 Fielding St.

San Francisco, CA 94133

cc: Jonas P. Ionin, Commission Secretary

Supervisor David Chiu

Commissioner Rodney Fong

Commissioner Michael Antonini

Commissioner Rich Hillis

Commissioner Christine Johnson

Commissioner Kathrin Moore

Commissioner Dennis Richards

John Rahaim, Director of Planning Department

Elizabeth Watty, Case Planner

From: <u>Peter Dwares</u>

To: Watty, Elizabeth (CPC)

Subject: 115 Telegraph Hill Boulevard 17,000 plus sq. ft. Development on Filbert Steps

Date: Tuesday, September 02, 2014 3:48:03 PM

Attachments: stan teng drawing.pdf

September 2, 2014

TO: San Francisco Planning Commission - Elizabeth.Watty@sfgov.org

RE: 115 Telegraph Hill Boulevard 17,000 plus sq. ft. Development on Filbert Steps

This is a follow up to my earlier letter. Let me be clear. I am in favor of a development on 115 Telegraph Hill Boulevard. Just not this one.

Firstly, this is not about the Developers. They appear to be professional people. It's about the special land, the Neighbors, Tourists, the views and the light from the Filbert Steps, not just from Coit Tower.

I must say this is not a "family friendly housing" buzz words the Developer represents for support. In fact, they will likely be sold to a high tech mogul or a second home for a foreign oligarch. It's three new approximately 5,000 plus ft., buildings and a fourth existing to be redone, totaling 17,000 or more sq. ft. that the broker will sell between \$1,500-\$2,000 a foot or well over \$30 million. The Developer's objective is to maximize profits. Under other circumstances I would support that, I am a businessman. But this is my neighborhood for forty years. I love it. So do the Tourists who have no voice and the Neighbors.

The buildings on the Developer's plan are a maximum build out of the lot. The thousands of visitors to San Francisco's Coit Tower everyday (accessed by walking the world famous Filbert Steps, now look out at the City and enjoy sunlight views or the evening lighted downtown. See photos attached. They will lose that privilege to three or four very well heeled lucky owners if this plan passes. We will as neighbors lose the entire view from the Steps, and the light. We will look at what I see as an "in your face " façade." See their exhibit A 3.7 attached.

Personally, I will have to look at it every day as I walk by. To me it has no charm and blocks entirely a world class view.

This special land view area of Telegraph Hill is unique. It's like a "baseball team", i.e. quasi private/quasi public.

I can speak for myself and other neighbors who feel as I do. But the millions of Tourists who

walk these Steps over time have no advocate but us.

To those who support this because you are tired of a decaying empty lot with a chain link fence, I empathize. However Tourist views from the Filbert Steps and charming buildings can be <u>compatible</u>. Instead of four buildings over 17,000 sq. ft. i.e. neighborhood Shopping Center Size, there could be two charming new buildings set back plus the expanded existing building. The scale could be like Upper Alta Street Buildings which are next to the development. They will be on lower grade so City views would be protected.

Just look at the attached façade on Exhibit A3.7. Visualize it you walk up Filbert Steps. No set back. Little charm. Takes away sunlight from Filbert Steps walkway, darkens the experience for neighbors and Tourists alike.

This project appears rushed; many neighbors have not gotten notice. I who have owned on the Filbert Steps since 1977, just heard of it several months ago. Eric Breisacher, who lives two doors down said he had no notice.

Some of supporters' letters are from the Developer's interested service providers and family members. This is understandable. Some other letters are from people tired of an unkempt lot. Also understandable.

Opponents of the project have real concerns about removing views, light, lack of charm, and possible destruction of a delicate Telegraph Hill substructure, an issue for over one hundred years.

Please walk up and look at the City from the Steps, then look at Developers Exhibit A 3.7, part of submission. The facts speak for themselves.

Two additional smaller and set back structures with charm added to the existing expanded structure is a win win.

Sincerely,

Peter Dwares, Esq. 331 Filbert Street

Peter Dwares Dwares Group 331 Filbert Street San Francisco, CA 94133 415-986-5885 415-986-5893 fax *Dictated but not reviewed.

ORIGINAL



September 3, 2014

VIA EMAIL (cwu.planning@gmail.com)

Cindy Wu, President Planning Commission City and County of San Francisco 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: Case No. 3013.1375CE 115 Telegraph Hill Blvd.

Dear President Wu and Commissioners,

On behalf of the Telegraph Hill Dwellers (THD), I thank the Planning Commission for continuing this matter on July 17, 2014 with direction to the project sponsor to explore design alternatives to address the public interest and the specific and challenging conditions at the top of the Filbert Street Steps at this most iconic site. For the sake of brevity, THD's letter to the Planning Commission dated September 9, 2014, including all attachments thereto, and the report prepared by Lawrence B. Karp, Geotechnical Engineer, dated July 16, 2014 (Karp Letter), which addresses the inadequacies of the "Geotechnical Investigation" prepared by Earth Mechanics Consulting Engineers (6/22/13), used by the Planning Department to evaluate the Project pursuant to CEQA are incorporated herein by reference as though fully set forth.¹

Suggestions offered by Commissioners included the following:

- Preserve significant public views (from the top of the Filbert Steps and from the stairways and landings within Pioneer Park) by adding a view corridor of at least 13 feet 5 inches along the eastern edge of the property by specifically suggesting 23 feet width for each of the three townhouse units;
- 2) Reduce the scale and massing;
- 3) Step down the southern (rear) façade of the buildings by incorporating decks and terraces, to provide articulation and to avoid a massive rear façade;
- 4) Redesign the front façade so the project has the character of 3 distinct residences that reflect the scale and mass of the existing development patterns typical for the slopes of Telegraph Hill;

P.O. BOX 330159 SAN FRANCISCO, CA 94133 + 415.273.1004 www.thd.org

¹ Copies of the Karp Letter were hand-delivered to the Commission at the July 17, 2014 hearing.

September 3, 2014 Page 2

- 5) Remove the stair penthouses and replace them with of roof hatches or eliminate roof decks; and
- 6) Several Commissioners provided additional design suggestions:
 - Eliminate the driveway and garage from the project to avoid conflicts between vehicular, pedestrian and public transit at this location at the top of the Filbert Steps, adjacent to a Muni bus stop and a mid-block pedestrian crosswalk heavily utilized by persons accessing the Pioneer Park stairs to Coit Tower via the Filbert Steps and the 39 Coit bus;
 - The 3,742 sq. ft. devoted to parking is excessively large for three or four cars;
 - Consider an alternative project with higher density and smaller units on the site noting that the site previously provided 11 units of housing and that unit sizes in excess of 4,000 sq. ft. is unnecessarily large for family housing.

While the project sponsor's latest design represents an attempt to respond to Commissioners' suggestions, it fails to address those suggestions in a thoughtful and material manner. The new plans presented to the Planning Department (1) still fail to reduce the height, mass and scale in any meaningful way, (2) fail to provide meaningful view corridors, and (3) fail to properly consider or ignore entirely important urban design principles for this unique site.

Most significantly, public views from the Filbert Steps and from the Pioneer Park stairs across from the site will be completely obliterated. The two 3-ft. slots shown on the revised plans as "view corridors" and the 5 ft. set back from the east property line, which was touted as an 8 ft.-3 inch view corridor by the project sponsor in his e-mail to the planner, provide no actual view corridors for the following reasons:

- The Project is only set back 5 feet from the western property line. The additional 3 feet 3 inches belongs to the downhill neighbor to the west. A partial proposed site plan, basement plan and elevations are attached hereto respectively as Exhibits 1, 2 and 3. (Exhibits 1-3 as attached to this letter are "partial plans"; in other words, we have enlarged parts of the plans to so that you can view the numbers stated on the plans (which are otherwise illegible). The full plans are in the hard copy file with the Planning Department.)
- The revised plans clearly show that their new "view corridor" at the western 5 feet of the property will provide no public views from the Filbert Steps landing at this point. The elevation of the Filbert Steps landing at this point is at 230.3 feet SF Datum, whereas the eave line of the downhill cottage is at 238.6 feet SF Datum or 8.3 feet above this landing. Furthermore, the landing is about 5 feet lower than the top of the stairs leading to the project's rear yard, which is at 235 feet SF Datum. By the time the height of the planter is added, the top of the planter will be about 237 feet plus SF Datum and would block any view. Therefore, no real view corridor will exist at the bottom landing of the Filbert Steps. See Exhibit 3. It is also worth noting

September 3, 2014 Page 3

- that these revised plans include adding a new steel entry gate on the neighboring property to the west.
- As can be seen from the partial elevation (see Exhibit 3), the two 3-foot separations between the townhouses do not create view corridors. These so-called "view corridors" are actually narrow slots 3 feet wide and approximately 50 feet deep. Furthermore, at the top of the Filbert Steps, the 3 foot 6 inch slot to the east of the project site is not on the project site but part of a separate lot belonging to another individual.

The revised project also ignores other design suggestions by Commissioners in that:

- 1) It fails to address the conflict between vehicles entering and exiting the garage, pedestrian traffic and Muni line #39. This Muni route has two trips in front of the proposed driveway every 20 minutes seven days a week;
- 2) It does not address elimination of the garage, which if eliminated would automatically reduce the height of the two eastern units one story by turning the garage level into habitable space;
- 3) Alternatively, it does not reduce the size of the garage;
- 4) It fails to significantly reduce the project height;
- 5) It fails to increase the unit density to provide additional units and smaller units that would be more affordable;
- 6) It fails to replace the roof penthouses with roof hatches or otherwise eliminate the roof decks;
- 7) It fails to revise the façade design from that previously presented to the Commission and ignores the Commission's concerns regarding compatibility of the project with the character, scale and massing of the existing buildings of Telegraph Hill; and
- 8) It fails to redesign the project to step the building to the south to reflect the slope of the lot thereby ignoring the Commission's request for appropriate massing.

As we testified at the July 17, 2014 hearing, the Telegraph Hill Dwellers spent innumerable hours during 2012 working with the project sponsor and architects to address public interest issues associated with the development of this unique site. This latest scheme ignores both THD's previous suggestions and Commissioners' suggestions for redesign.

There is no reason why the site cannot be developed in a manner that preserves public interest and achieves compatibility with neighborhood character. To that end, the architectural firm of EHDD has been engaged to prepare massing studies and alternative site plans that incorporate the following design principles, including those suggested by Commissioners:

• Design a project that addresses the urban design principles as articulated in the Urban Design Element of the San Francisco General to ensure compatibility with the special characteristics of outstanding and unique areas including Telegraph Hill;

Planning Commission

September 3, 2014 Page 4

- Design a project that complies with the Residential Design Guidelines;
- Step the development to reflect the slope of the site in both directions;
- Minimize excavation and construction impacts;
- Reduce the mass and scale of the project;
- Explore options with and without parking; and
- Explore options with additional units that would still provide family-sized units.

The studies presented to the Commission will include a preferred alternative that represents the maximum height, massing and scale acceptable to THD. THD is still concerned that the exterior architectural design of the proposed building would be incompatible with the character of Telegraph Hill. As directed by the Commission at its July 17 hearing, the front façade should be designed so the project has the character of 3 distinct residences that reflect the existing development patterns and cladding typical for the slopes of Telegraph Hill. We urge the Commission to require the project sponsor to work with the neighbors and Department staff to achieve such a design.

We agree with Commissioner Antonini's comments of July 17 wherein he suggested that project approval be conditioned to assure that impacts to the Filbert Steps and Telegraph Hill Boulevard be minimized during construction. In response to Commissioner Antonini's comments, Lewis Butler, the project architect, stated that a construction platform would be built on the project site and all excavation and construction would be staged from that platform while keeping Telegraph Hill Boulevard and the Filbert Steps open. If this Commission approves any project at this site, we respectfully suggest that Mr. Butler's statement related to these construction logistics be made one of the conditions of the conditional use authorization.

Finally, we again request that this Commission continue any decision on this project until the Department has contacted the Fire Department, the SFMTA and the Department of Public Works regarding any comments or concerns they may have as to transportation, pedestrian safety and emergency vehicle access during and after construction.

We respectfully urge you to seriously consider THD's preferred option.

Sincerely,

Vedica Puri President

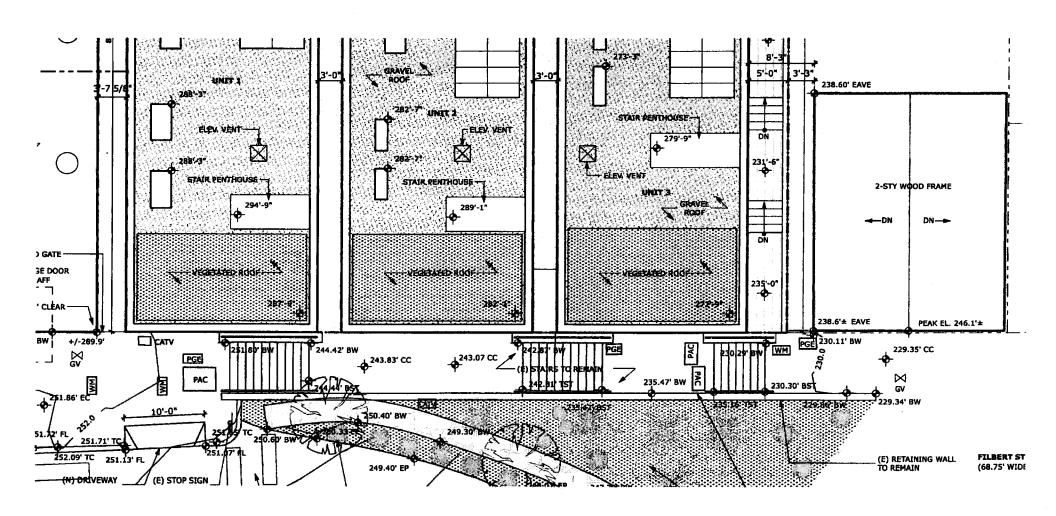
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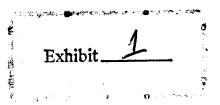
Commissioner Michael Antonini wordweaver21@aol.com Commissioner Rodney Fong planning@rodneyfong.com

Planning Commission

September 3, 2014 Page 5

Commissioner Richard Hillis richhillissf@yahoo.com
Commissioner Kathrin Moore mooreurban@aol.com
Commissioner Christine Johnson christine.johnson@sfgov.org
Commissioner Dennis Richards drichards@salesforce.com
Jonas P. Ionin, Commission Secretary Commissions.Secretary@sfgov.org
John Rahaim, Director of Planning John.Rahaim@sfgov.org
Scott Sanchez, Zoning Administrator Scott.Sanchez@sfgov.org
Elizabeth Watty, Planner Elizabeth.Watty@sfgov.org





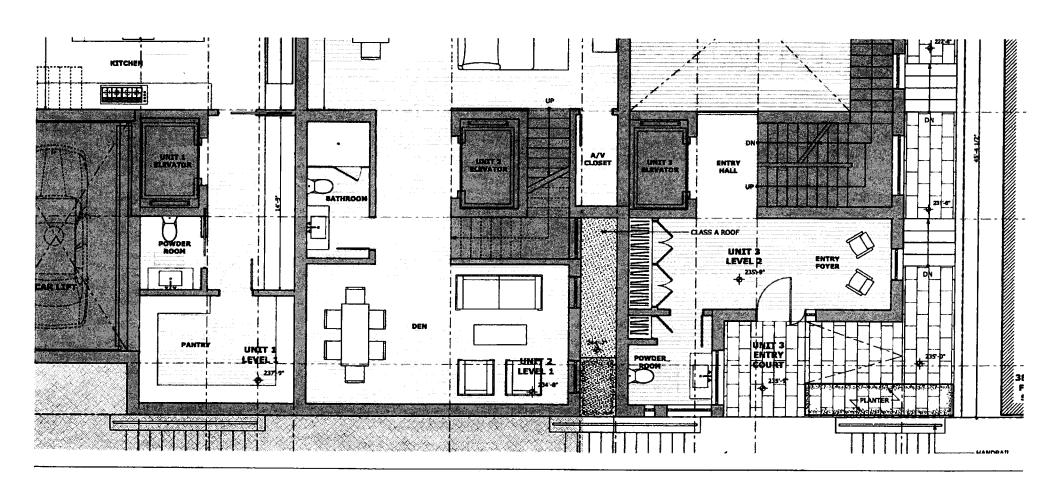


Exhibit 2

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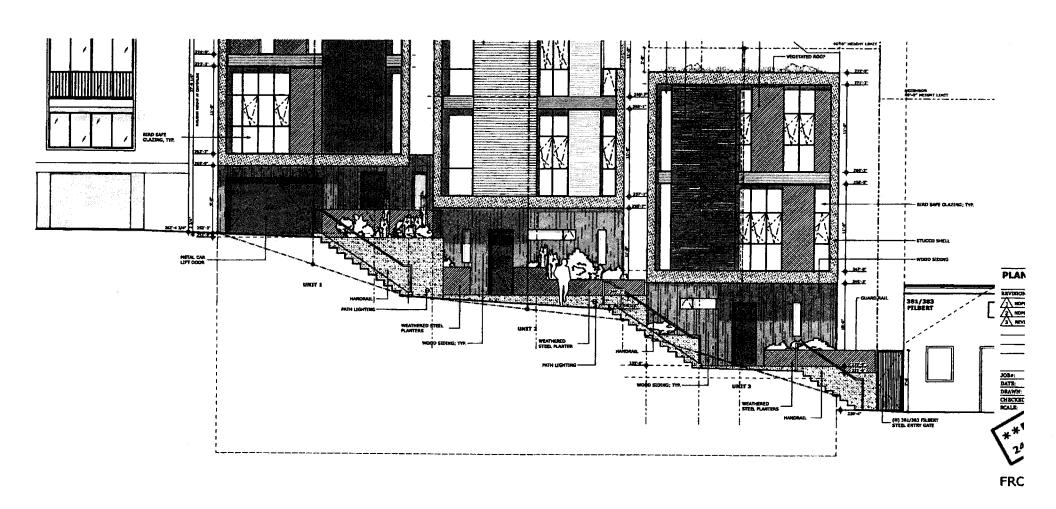
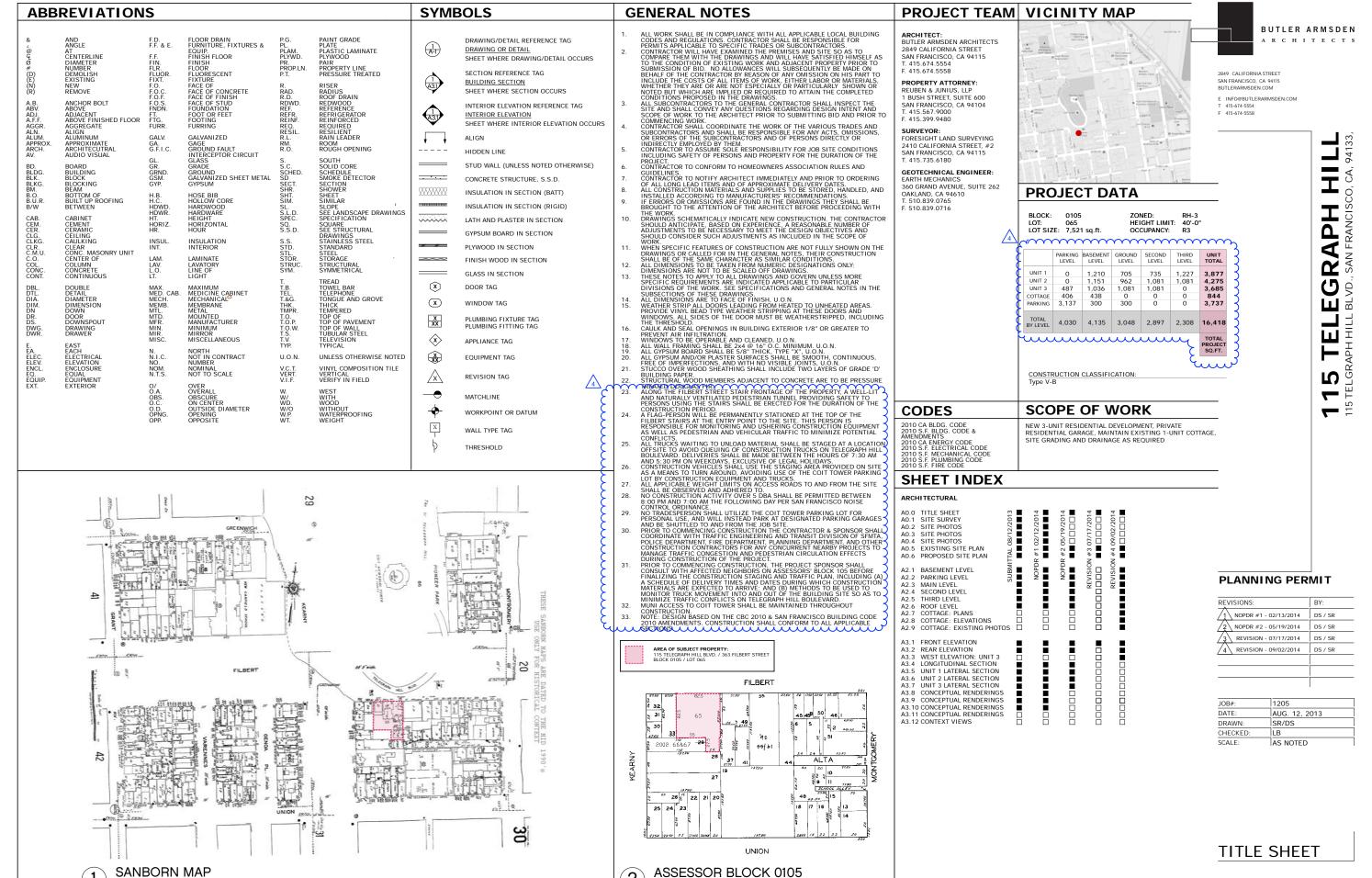
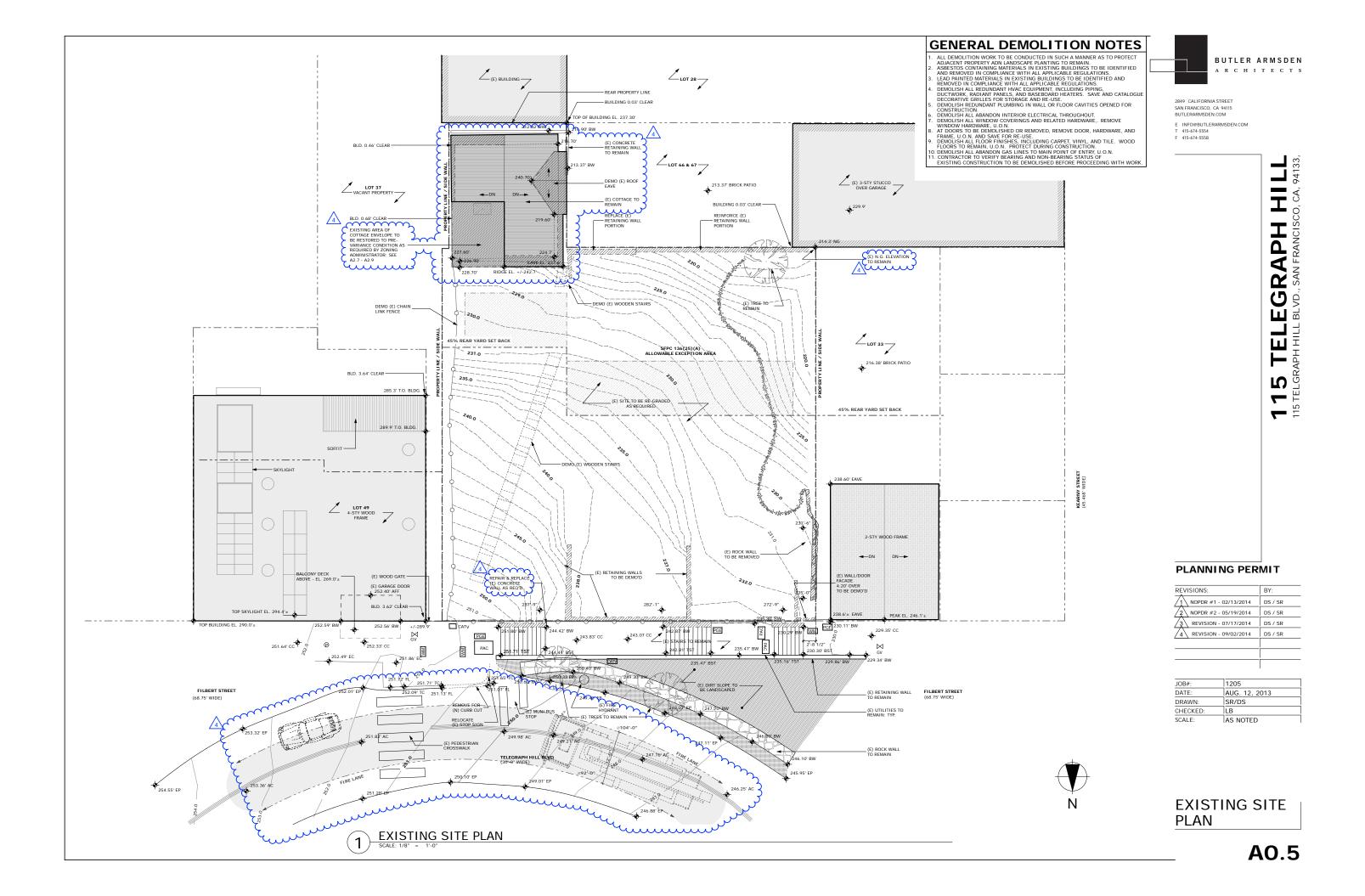
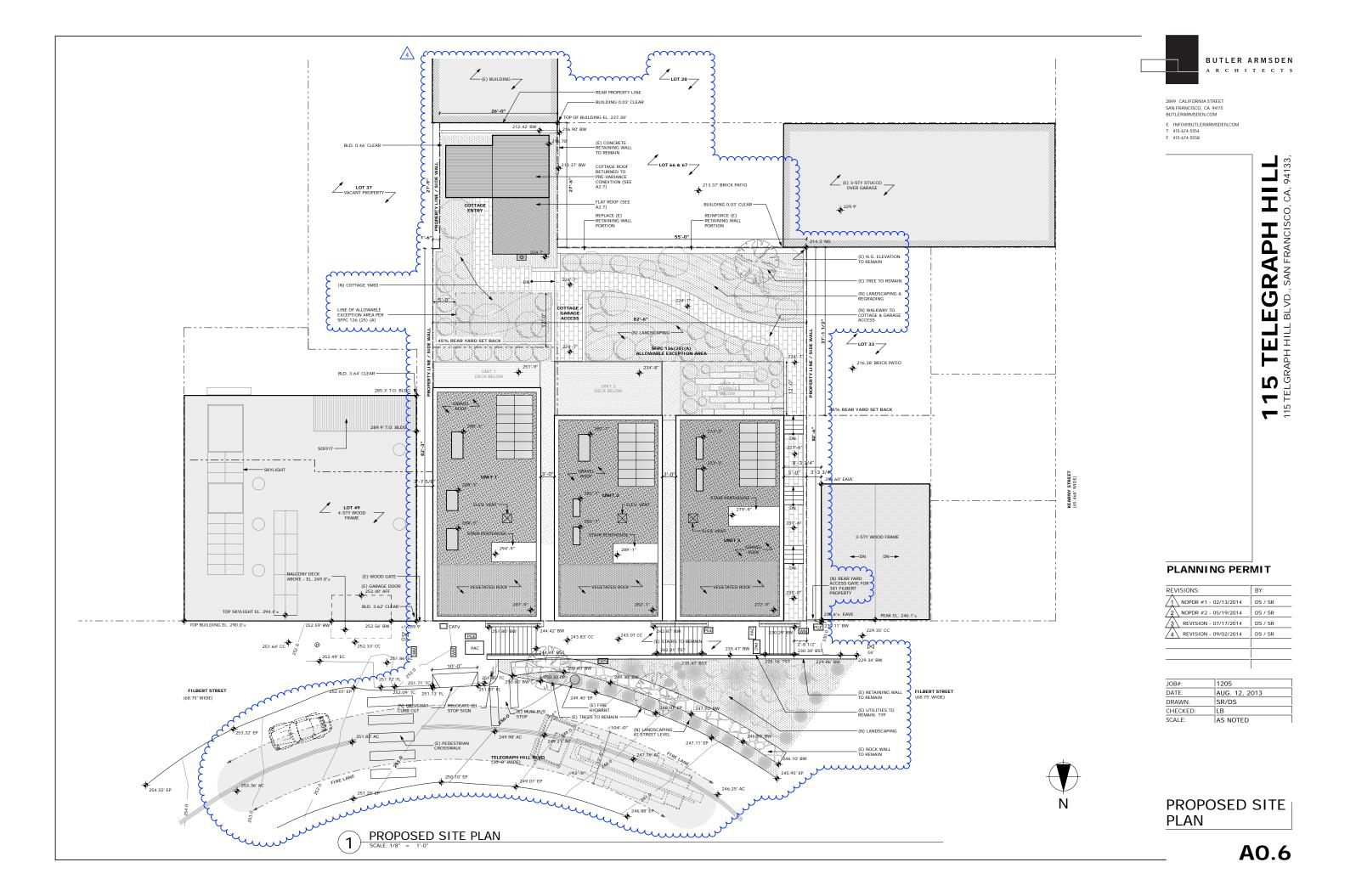


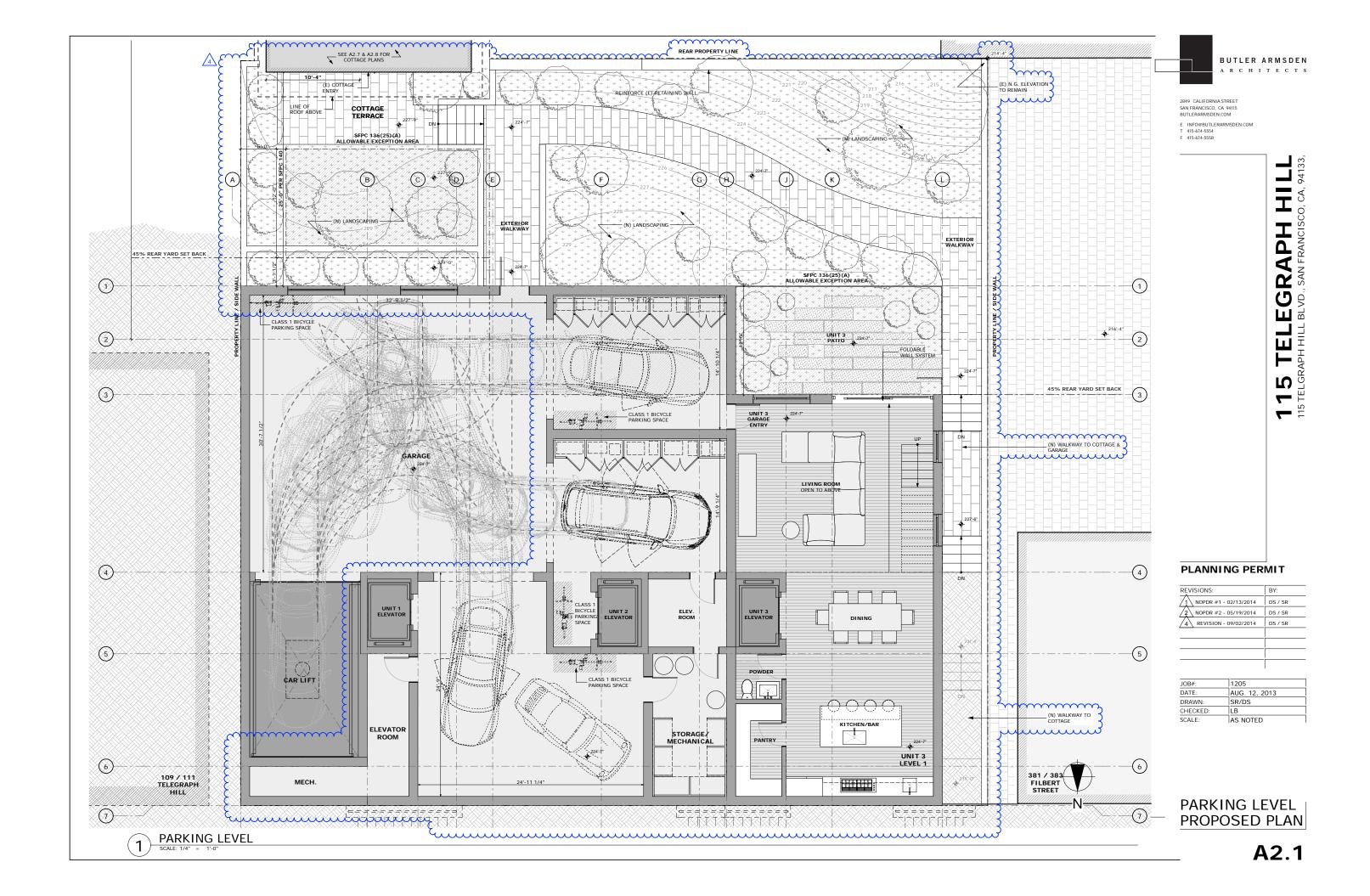
Exhibit 3

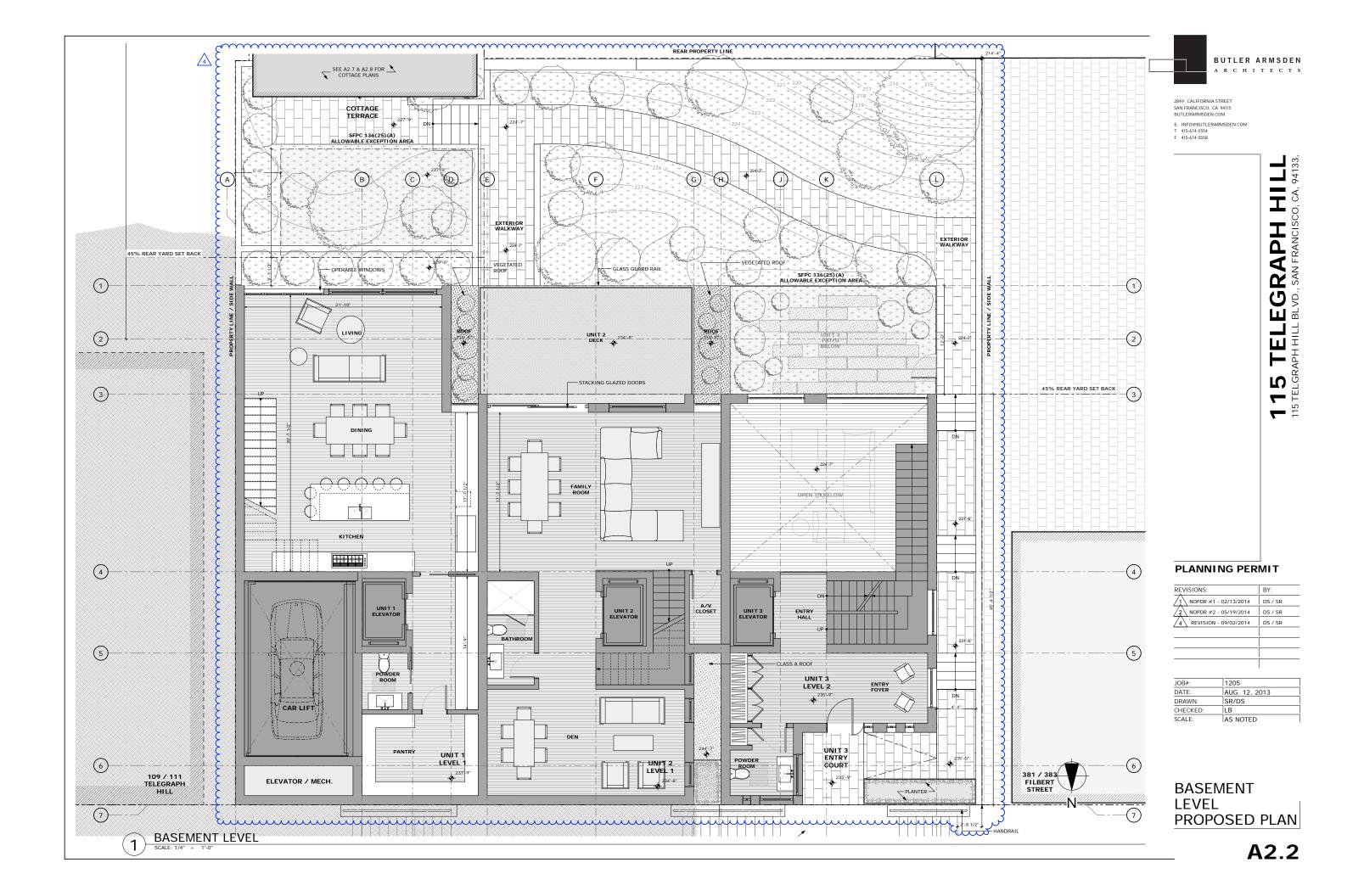


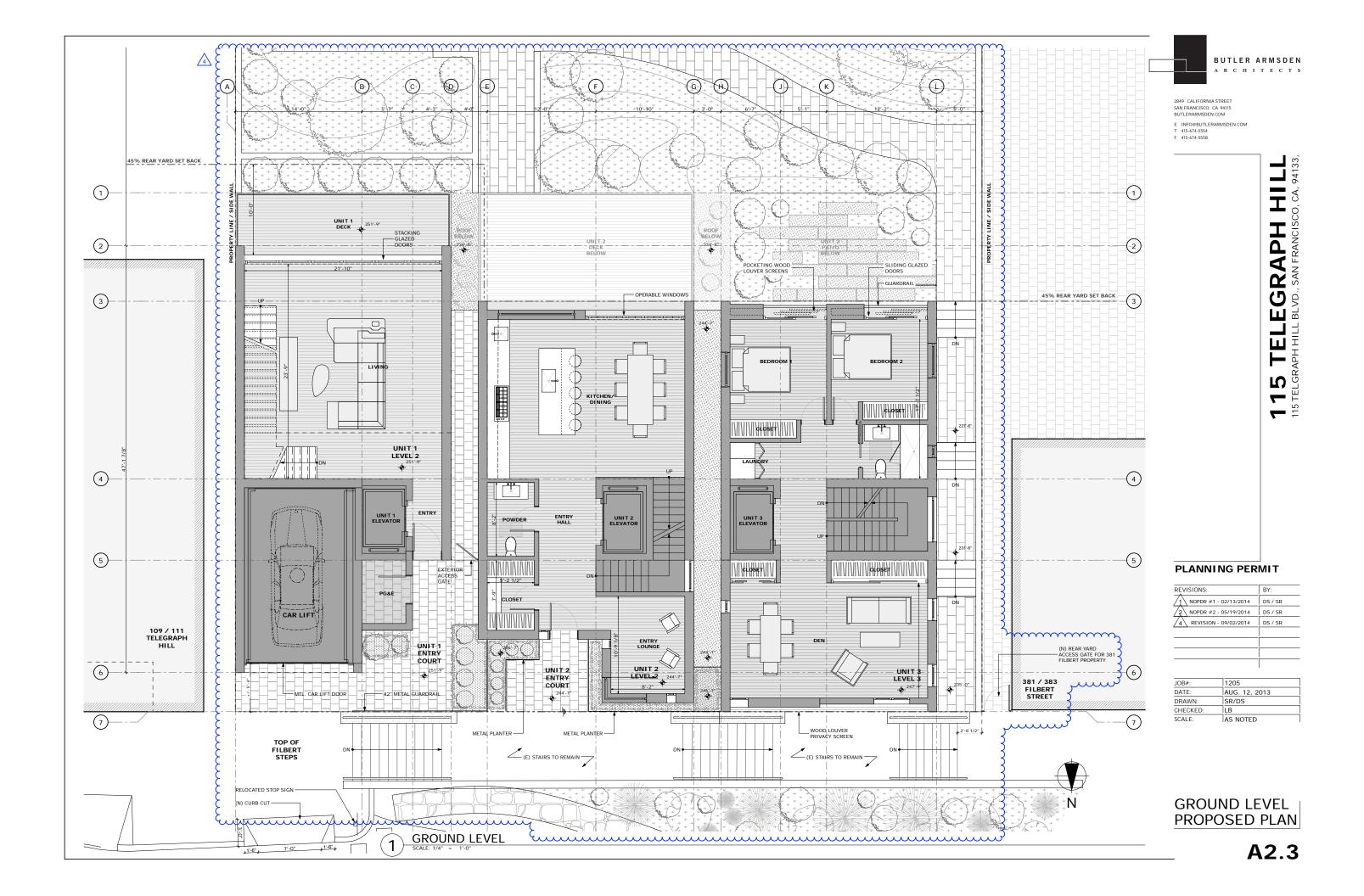
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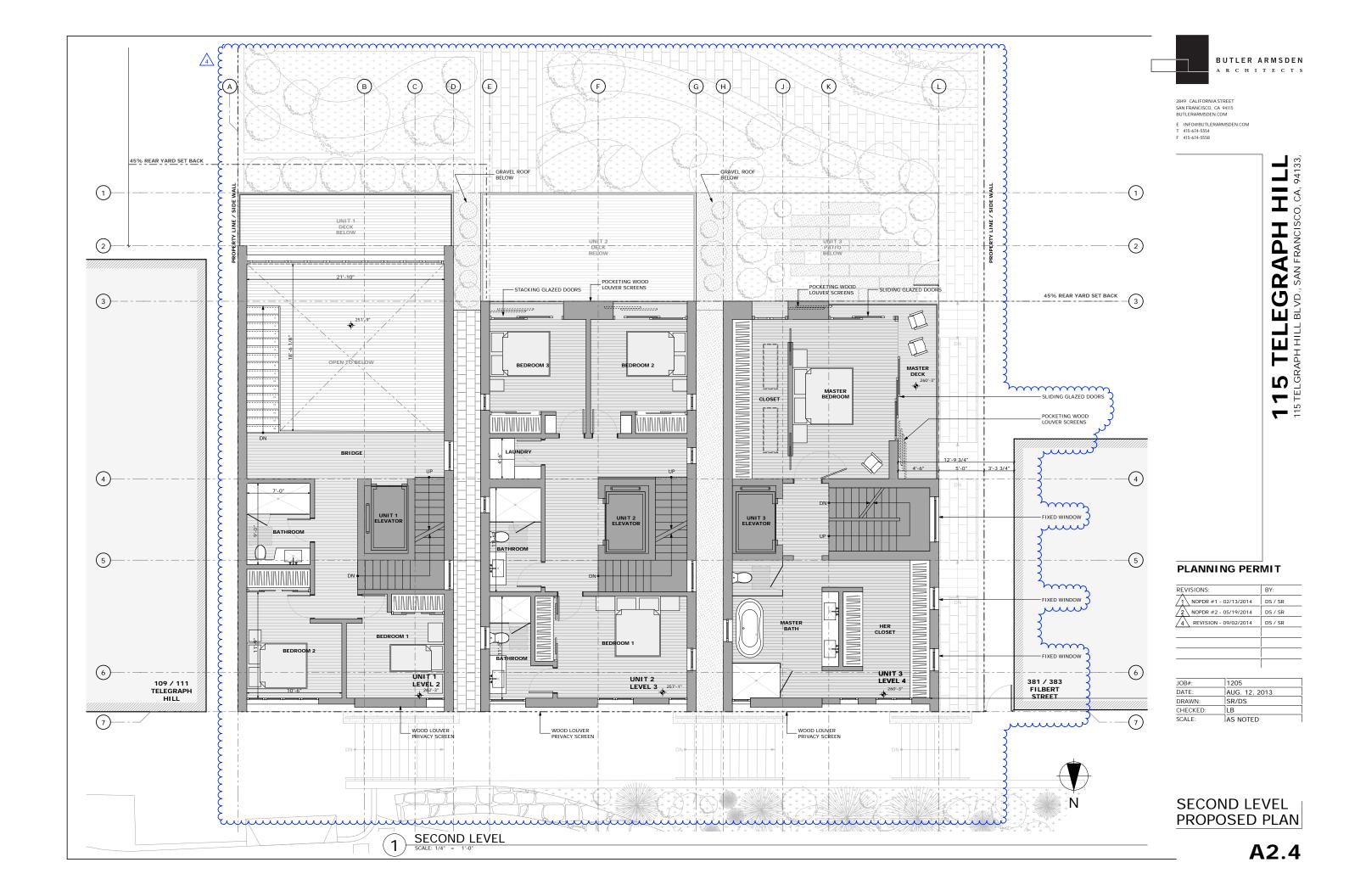


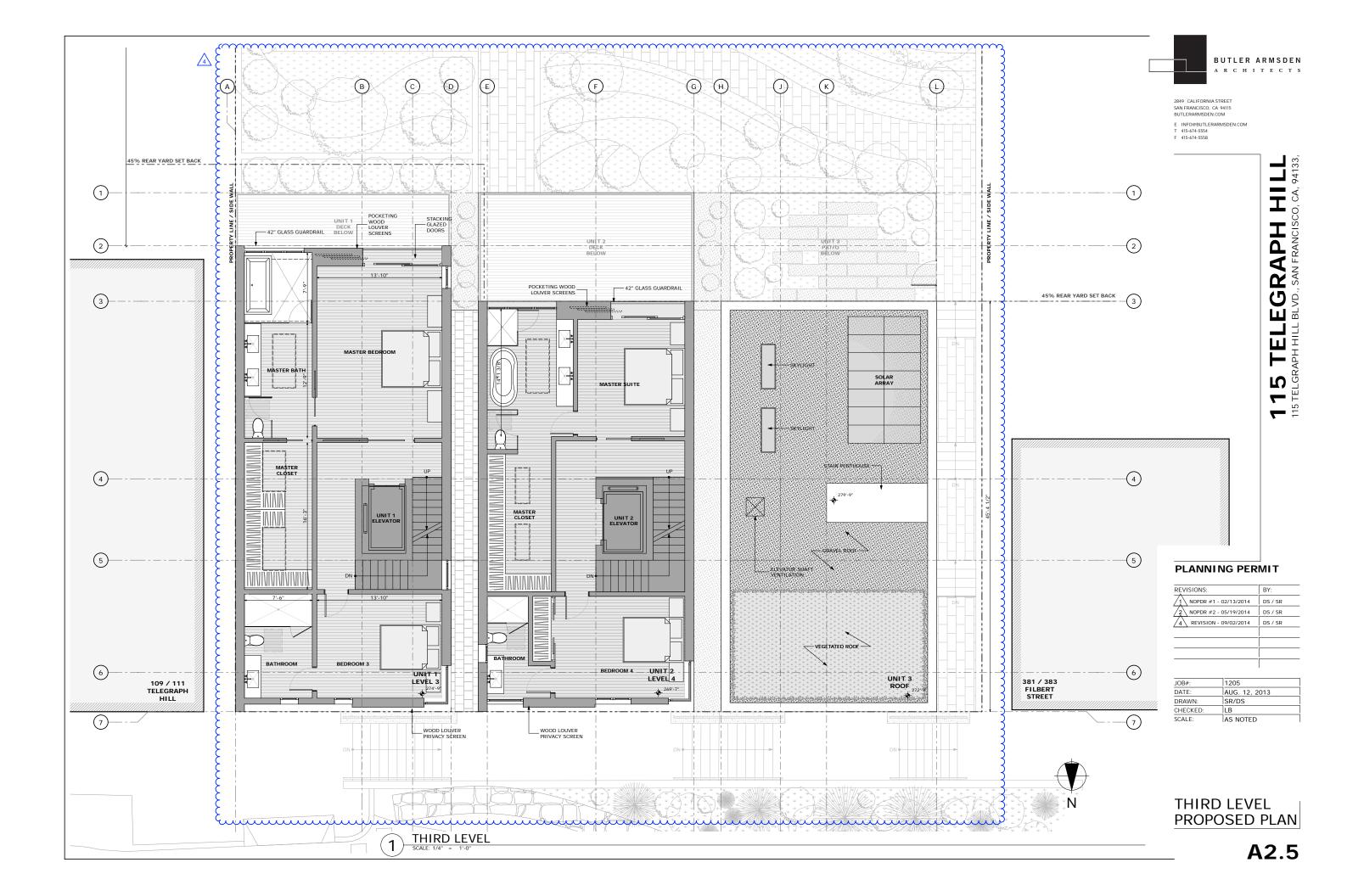


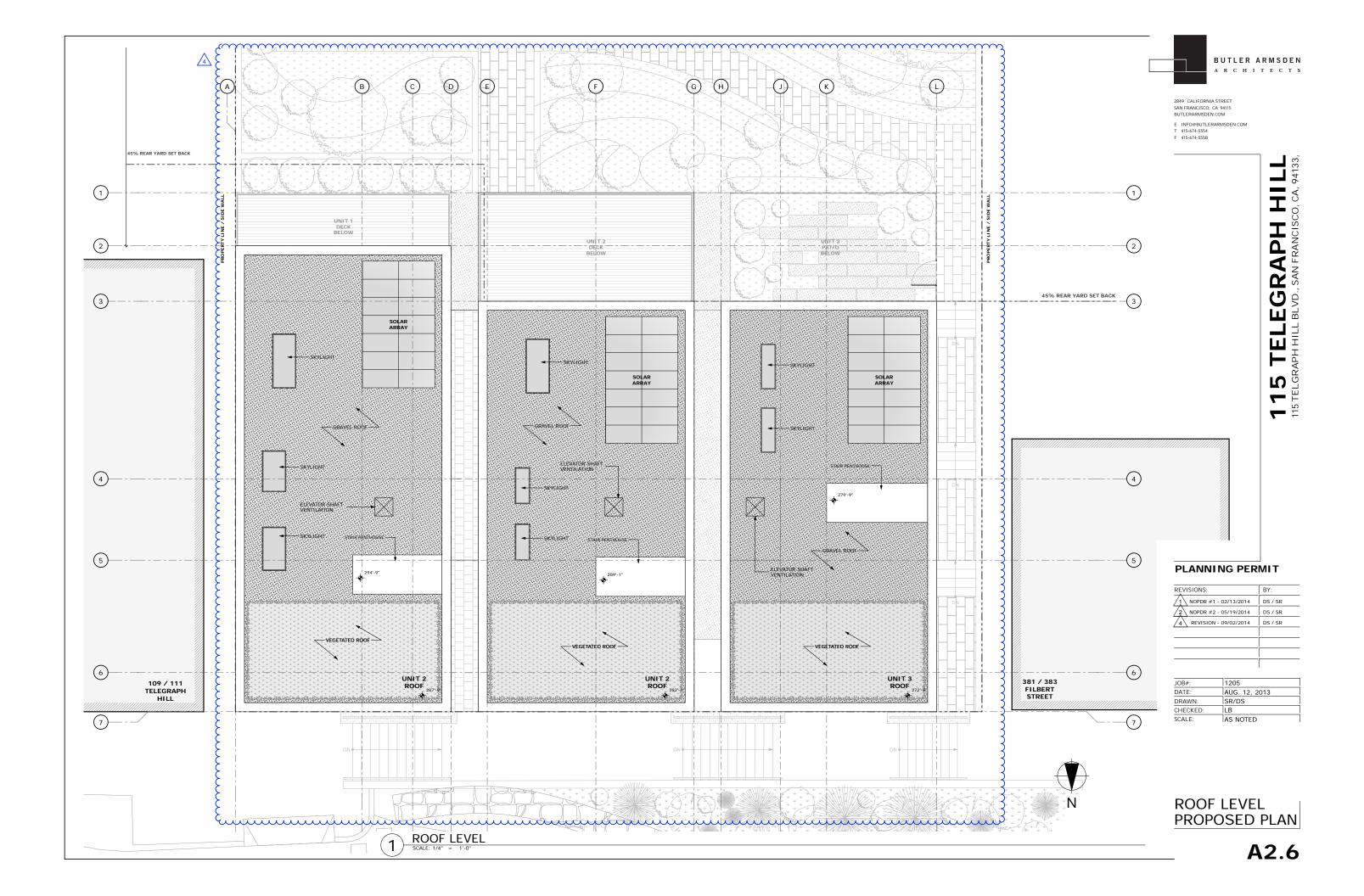








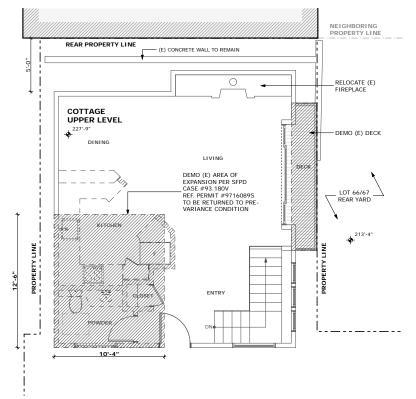




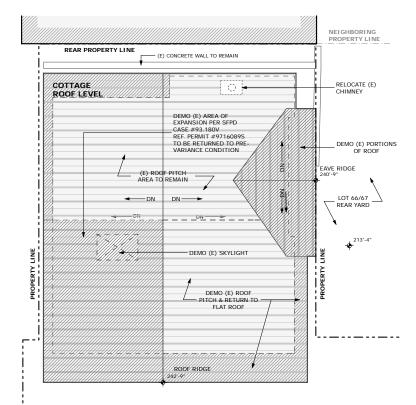


GENERAL NOTES

- 1. REF. PERMIT #9716089S: ORIGINAL REMODELING DESIGN BY THEODORE BROWN & PARTNERS MODIFICATIONS BY WINKS & ASSOCIATES IN GENERAL CONFORMITY WITH EXHIBIT B TO PLANNING COMMISSION MOTION #1372 (11/12/1997)
- 2. REF. PERMIT #9925477 FOR UPDATED COTTAGE RENOVATION PLANS & SCOPE OF WORK FROM #9716089S (11/30/1999)
- 3. REF. SFPC VARIANCE CASE #93.180V



DEMO (EXISTING) UPPER LEVEL PLAN

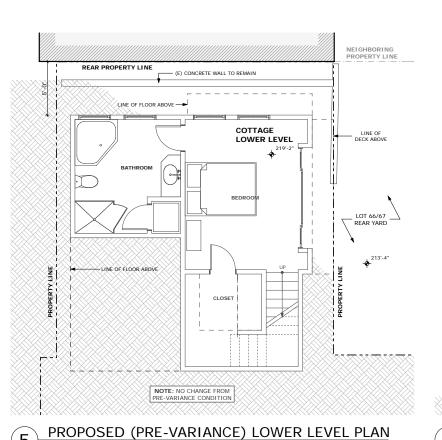


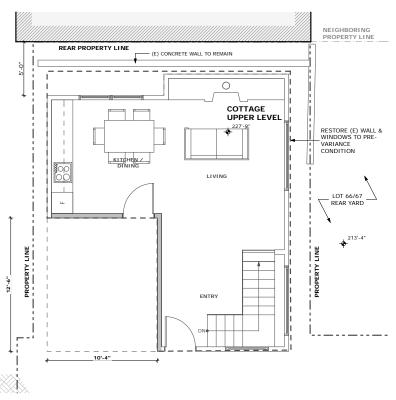
2849 CALIFORNIA STREET SAN FRANCISCO, CA 94115 BUTLERARMSDEN.COM

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TELEGRAPH

DEMO (EXISTING) ROOF PLAN





PROPERTY LINE REAR PROPERTY LINE — (E) CONCRETE WALL TO REMAIN COTTAGE PITCHED ROOF ROOF LEVEL ROOF RIDGE ROOF AREA TO BE REMOVED

PLANNING PERMIT

REVISIONS:	BY:
4 REVISION - 09/02/2014	DS / SR

JOB#:	1205
DATE:	AUG. 12, 2013
DRAWN:	SR/DS
CHECKED:	LB
SCALE:	AS NOTED

PROPOSED (PRE-VARIANCE) ROOF PLAN

PROPOSED (PRE-VARIANCE) UPPER LEVEL PLAN

COTTAGE PLANS

A2.7

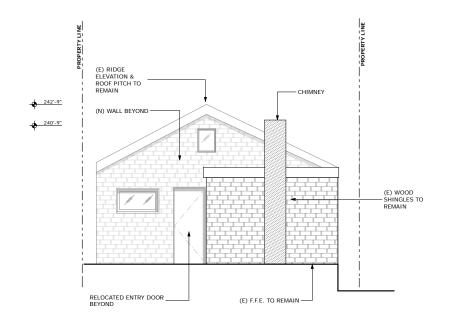


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TELEGRAPH HILL
APH HILL BLVD., SAN FRANCISCO, CA, 94133,

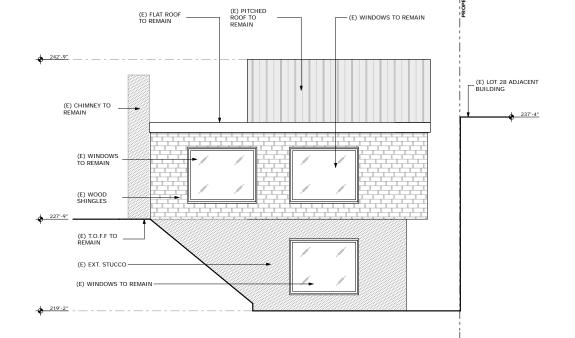
(E) RIDGE ELEVATION & ROOF PITCH TO REMAIN 242'-9" 240'-9" AREA TO BE DEMOLISHED & RETURNED TO PRE-VARIANCE CONDITION AS REQUIRED BY ZONING ADMINISTRATOR (E) WOOD — SHINGLES TO REMAIN _ DEMO (E) DECK & RAILING 227'-9" RELOCATE (E) ENTRY DOOR (E) F.F.E. TO REMAIN -



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CHECKED:	LB
SCALE:	AS NOTED



PROPOSED (PRE-VARIANCE) WEST ELEVATION SCALE: 1/4" = 1'-0"

 $\begin{array}{c} \textbf{PROPOSED} \\ \textbf{SCALE:} \ 1/4" \ = \ 1^{\cdot}0" \end{array} \ \ \textbf{(PRE-VARIANCE)} \ \ \textbf{NORTH ELEVATION} \\ \end{array}$

COTTAGE ELEVATIONS

TELEGRAPH HILL







COTTAGE: EXISTING NORTH FACADE





COTTAGE: EXISTING UPPER LEVEL LOOKING SOUTH COTTAGE: EXISTING NORTH FACADE NOT TO SCALE

COTTAGE: EXISTING UPPER LEVEL LOOKING SOUTH



PLANNING PERMIT

REVISIONS:		BY:	
4 REVISIO	N - 09/02/2014	DS / SR	
IOD#:	1205		
JOB#:			
DATE:	AUG. 12, 2	AUG. 12, 2013	
DDAMAI	CD/DC		

COTTAGE: EXISTING CONDITION: PHOTOS

