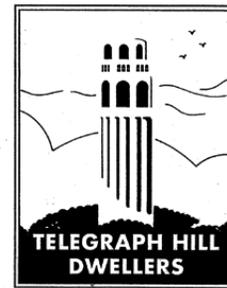


November 19, 2020

Ryan Shum
San Francisco Planning Department
49 South Van Ness Ave., Suite 1400
San Francisco, CA 94103
(Via email: ryan.shum@sfgov.org)



**RE: 425 Broadway (Case No. 2017-15678ENV)
Notification of Project Receiving Environmental Review**

Dear Mr. Shum,

SF Planning issued a Notification of Project Receiving Environmental Review dated November 5, 2020 for the above-referenced proposed project at 425 Broadway Street. According to that notice, SF Planning is in the initial stages of studying that project's potential environmental effects."

On behalf of the Telegraph Hill Dwellers, we offer the comments set forth in this letter on the environmental effects of the proposed project. Our letter complements our letter of May 4, 2018 to Mr. Ian Birchall of Ian Birchall and Associates, which outlined our concerns about a previous, smaller version of this proposed project (copy attached). In brief, we have even more significant concerns about this expanded version of the project that include, but are not limited to, the following:

- The project building height is too high.
- The project has too few affordable units.
- The project is out of scale with adjacent buildings.
- The project's design is not compatible with the historic district in which it is located.
- The project casts excessive shadow on the adjacent school and sidewalks.
- The project, which would construct 41 residential housing units in immediate proximity to adult entertainment clubs, is contrary to good land use planning.
- The project would inappropriately combine office building uses with the State Density Bonus Program, whose goal is to incentivize development of housing, not office space.
- The project is inconsistent with the Broadway Neighborhood Commercial District (NCD) planning code.

Project Description

The project sponsor proposes to replace the existing 144-space garage located at 425 Broadway Street and parking lot currently located on the L-shaped lot on the south side of Broadway Street through to Montgomery Street with two new separate mixed-use buildings: a 5-story building on Broadway and an 8-story building including an underground garage on Montgomery Street. The two buildings are separated by Verdi Place, a public right-of way. According to revised plans dated August 25, 2020, the two proposed buildings would contain the following:

- Residences – 41 units, 52,145 sq. ft. (27 units on floors 3 through 8 in the Montgomery Street building and 14 units on floors 4-7 in the Broadway Street building)
- Offices – 18,891 sq. ft. (on floors 2 and 3 in the Montgomery Street building and on floors 1, 2 and 4 in the Broadway Street building)
- Retail – 4,972 sq. ft. (on floor 2 in the Montgomery Street building and on floor 3 in the Broadway Street building)
- Garage – Below grade parking garage containing 17 parking spaces for residential use (floor 1 of the Montgomery Street building)

Project Setting

Contrary to the Notification dated November 5, 2020, the project site at 425 Broadway is not located in the “Financial District.” It is located within the Broadway Neighborhood Commercial District (BNCD), the Jackson Square Historic District Extension, and the North Beach architectural and historic district survey area.

The Jackson Square Historic District Extension (see attached map) is a California Register Historic District. As its name implies, the Jackson Square Historic District Extension has been recognized as an extension to the adjacent Jackson Square Historic District, the City’s first historic district (Appendix B to Article 10 of the San Francisco Planning Code), which is also listed on the National Register of Historic Places.

425 Broadway is located less than a block away from the John Yehall Chin Elementary School and its associated playground. The Broadway building is directly across from *The Vixen Cabaret* at 412 Broadway and next door to the *Crowbar* at 401 Broadway. *Deja Vu Centerfolds* at 391 Broadway is at the corner of Broadway and Montgomery Street. The project proposes to use of Verdi Place, a public right of way from Montgomery Street, for its private landscaped entryway to residents and offices.

Land Use And Land Use Planning

The project would conflict with applicable land use plans, local zoning ordinances, general plan policies, and specific plans adopted for the purpose of avoiding or mitigating environmental effect, and would have a substantial impact upon the existing character of the vicinity, including but not limited to the following:

1. Height limits and controls on new buildings in the Broadway Neighborhood Commercial District (Planning Code Sections 714 and 253.1).

Section 714 of the Planning Code provides that the height limit for new construction in the Broadway Neighborhood Commercial District (NCD) is 40-X and 65-A. In 65-A Districts, heights up to 40 ft. are permitted, conditional use authorization is required for heights between 40 to 65 feet, and heights above 65 feet are not permitted.

The building on Broadway Street, measured from the street level, is 55’11½” (plus an additional 8’16” of rooftop features). The building on Montgomery Street, measured from street level, is 76’7½” (plus an additional 8’16” of rooftop features), clearly exceeding the maximum height of 65 feet and would, therefore, not be allowed within the Broadway NCD.

Section 253.1 of the Planning Code governs the review of proposed new buildings and structures within the Broadway NCD, providing as follows:

*“(a) In the 65-A-1 Height and Bulk District, as designated on Sectional Map HT-01 of the [Zoning Map](#), any new or expanding building or structure exceeding 40 feet in height shall be permitted as a Conditional Use only upon approval by the Planning Commission. **The height of the building or structure so approved by the Planning Commission shall not exceed 65 feet.** [Emphasis added.]”*

“(b) In authorizing any such proposal for a building or structure exceeding 40 feet in height, the City Planning Commission shall find, in addition to the criteria of Section 303(c), that the proposal is consistent with the expressed purposes of this Code, of the Broadway Neighborhood Commercial District, and of the height and bulk districts, set forth in Sections 101, 714, and 7 of this Code, and that the following criteria are met:

“(1) The height of the new or expanding development will be compatible with the individual neighborhood character and the height and scale of the adjacent buildings.

“(2) The height and bulk of the new or expanding development will be designed to allow maximum sun access to nearby parks, plazas, and major pedestrian corridors.

“(3) The architectural and cultural character and features of existing buildings shall be preserved and enhanced...”

The height and scale of the two proposed new buildings are not compatible with, and would have a substantial impact on, the existing neighborhood character of the Jackson Square Extension District and the Broadway NCD. As clearly shown by the developer’s own drawing (see attached), the proposed new buildings would significantly exceed the height and scale of the buildings in these districts, as well as the immediately adjacent historic buildings at 435-43 Broadway Street and 401-07 Broadway Street, and the adjacent building at 909 Montgomery Street, south of the proposed new Montgomery Street building in the Jackson Square Historic District Extension.

2. Requirements of compatibility with the architectural and cultural character and features of the Jackson Square Historic District Extension and Broadway NCD.

The location of the proposed new buildings within the Jackson Square Historic District Extension, a California Register District, requires compatibility with the height, scale, massing, and design of buildings prevailing in the district, as well as the nearby historic buildings in Jackson Square and in the Broadway NCD.

Further, the *Urban Design Guidelines* found in the *General Plan’s Commerce and Industry Element* and SF Planning’s *Urban Design Guidelines*, which derive from the *General Plan*, are applicable to the proposed project and are specifically cited in Section 714 Planning Code for the Broadway NCD. Those Guidelines state, in Guideline A3, “Harmonize Building Designs with Neighboring Scale and Materials” that:

“New buildings should recognize and respond to existing patterns of scale, form, materials, and proportion to create continuity within a neighborhood and enhance San Francisco’s appealing and walkable nature.”

“Building materials should resonate with San Francisco’s soft and diffuse light quality created by its light colored buildings and the atmospheric effects of the bay. Strong contrasts draw attention and importance to a building and should be reserved for public facilities.”

In addition to the project’s incompatible height and scale, the two proposed new buildings present a number of design issues relating to the area’s existing patterns of scale, form, materials, and proportion, as well as materials, that would cause a substantial adverse change to the district, including, but not limited to the following:

- **Building Form:** The design of new buildings must be compatible with the buildings within the Jackson Square Historic District Extension, which is characterized by 2- to 3-story brick regular building forms with string courses, cornices, and deep window and door openings, as well as a substantially fenestrated ground levels but predominantly solid upper floors. The angularities of the proposed new buildings, particularly as they face Verdi Place, are not consistent with the other building forms in the district and should be eliminated.
- **Materials:** The façade material must be compatible with neighboring buildings and those within the Jackson Square Historic District Extension, which are mostly red brick. The black proposed façade on the Broadway Street building is clearly incompatible. The proposed aluminum rainscreen siding and composite or metal panels are not compatible materials in the district. Use of brick and masonry, or other contextually appropriate primary façade material must be used. More solidity is required on Montgomery Street building façades. The proposed glass guardrails are incongruous with the surrounding features and materials in the district. There is no precedent for such a treatment within the district.
- **Windows:** Window size, proportions, distribution, and location, as well as the overall proportion of glass to the body of the façades, must be compatible with the fenestration patterns found in the district. The proposed Montgomery Street building is particularly incompatible with the district in this regard. Windows should be recessed from the face of building’s exterior with details at their base and opening to be compatible with the district. In addition, the window material must be compatible with those located on the brick buildings in the area. Metal louvers and trim are not compatible.

This project is in the Broadway NCD and is within the eligible Jackson Square Extension Historic District. As such, the General Plan’s Commerce and Industry Element’s policy to “preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts” also applies, including specified Conservation Guidelines.

Shadow Impacts

The proposed project would create new shadow in a manner that will affect outdoor recreation facilities and other public areas.

As set forth above, **Section 253.1(b)(2) of the Planning Code** governs the Planning Commission's review of proposed all new buildings and structures within the Broadway NCD that exceed 40 feet in height, specifically requiring that the Planning Commission find that:

“(2) The height and bulk of the new or expanding development will be designed to allow maximum sun access to nearby parks, plazas, and major pedestrian corridors.”

The west playground of John Yehall Chin Elementary School, which is less than a block away from the proposed project, will be impacted by new shadows from the proposed project impacting the recreational activities of the students. In addition, Broadway and Montgomery Streets are considered major pedestrian corridors in the North Beach/Jackson Square districts. Sun access to these areas would be affected by the project as proposed.

Population And Housing Issues

As one of the few remaining developable sites in the North Beach area, the proposed project represents a lost opportunity to provide much needed affordable housing, instead of more market-rate luxury housing and almost 20,000 square feet of additional office space.

Greater housing affordability, not luxury housing, is needed. Of the project's total of 41 residential units proposed in the two buildings, the Project Summary included on the plans dated August 5, 2020 state that only 3 units are proposed to be onsite affordable dwelling units. This is substantially less than half the number required under the Individually Requested State Density Bonus Program that the applicant has proposed to utilize. Moreover, it is also less than half the number of units that would otherwise be required under the City's Inclusionary Affordable Housing Program (Sec. 415).

Whether the project will include onsite inclusionary units, build offsite units, or pay the in lieu fee, we are concerned that at current market rates, the new housing proposed at the site will not be financially accessible to most families or individuals in need of housing today.

Further, we seriously question whether it is appropriate to allow developers who take advantage of the State Density Bonus Program's height and bulk exemptions to add new office space within their projects. Is the intent of the State Density Bonus Program to encourage new office space in a proposed housing project?

The impacts to future residents of the proposed new condominiums on the Broadway Street corridor should be considered, as the strip clubs and other entertainment venues, noted for their noise and other quality of life impacts on surrounding residential areas on Telegraph Hill and in the Barbary Coast neighborhood, will surround them.

**Suggested Changes To Reduce Potential Environmental Impacts
(Mitigation / Improvement Measures)**

In addition to the requirements of the planning code and general plan set forth above requiring changes to the project to ensure compatibility with the height, scale, massing, and design details of the buildings prevailing in the Broadway NCD and the Jackson Square Extension District, we suggest the following:

Reduce the height of each of the two proposed buildings to a compatible height with the surrounding buildings by eliminating from the project all floors containing office use, and by removing the retail use from the Montgomery Street building.

Retail use is not required to be located on the ground floor in the Broadway NCD. Office use is discouraged in the Broadway NCD, and parking is not required in the Broadway NCD. Given the City's Transit First policy and the project site's location in a transit-rich area, consideration should be given to elimination of residential parking.

* * *

We look forward to the further and substantive modification of this project to address the concerns outlined in this and our previous letter. We trust that SF Planning's environmental review also will appropriately address those concerns.

Sincerely,

Stan Hayes

President
Telegraph Hill Dwellers

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