

**MARIPOSA-UTAH STREET NEIGHBORHOOD ASSOCIATION
550 UTAH ST.
SAN FRANCISCO, CA 94110**

September 30, 2013

**Re: Proposed Development at 480 Potrero: Appeal of Planning Commission Motion 18945,
2011.0430XE Large Project Application.**

Honorable Members of the Board of Appeals

The Mariposa-Utah Street Neighborhood Association (MUNA) respectfully requests that you grant its appeal of the Planning Department approval of the above-referenced project on the basis that the project does not satisfy planning department regulations. The basis of the appeal are set out in greater detail below and supported by the attached documents. MUNA further requests that the project sponsor be required to redesign the project to respond to the following deficiencies.

Issues with the Mitigated Negative Declaration

Assuming that MUNA's appeal of the MND was rejected, we want to point out:

- **The project was not properly noticed. Specifically proper notice to the impacted community, specifically the residents of the 50 plus-units at Mariposa Gardens an Environmental Justice community was not made and proper site signage was not maintained prior to the hearing on the PMND.**
- **No mitigation plan was required for the protection of the Verdi Club, an identified historical resource under the California list of historic places.**
- **No contemporaneous Phase I ESA report was prepared or available to the public before the project was approved.**
- **The project sponsor and Planning Department failed to provide noticed of the proposed development to Downtown High School which is located within a quarter mile of the proposed project. (California Code of Regulations – CCR Title 14: Guidelines §15186).**

- **The Planning Commission denied the appellants right to due process by considering its comments as public comments, rather than providing the appellant the required equal opportunity (15 minutes to present a case) as was provided to the proponent and Planning Department Staff.**
- **The approval was based on an inaccurate initial site condition description which ignored the use of the lot as a parking lot.**
- **There was no geotechnical report for the current project; rather the Planning Department relied on a retitled report from 2004 prepared for a different and much smaller project.**

Issues with the Large Project Application

I. The proposed project is completely out of character with the surrounding neighborhood and violates Planning Code Section 101.1(b) (1)-(8).

(1) Existing neighborhood-serving retail uses are not enhanced and future opportunities for resident employment are not increased/enhanced as the current space is located on a combination residential/commercial area that is now targeted to ONLY residents. Part of the solution to this is make the lower floor commercial so that small businesses can serve and be possibly owned by those who would live above the commercial space. Otherwise, the project adds more density without providing appropriate retail/business space.

(2) The cultural and economic diversity of our neighborhood is based on multiple ethnic and variable income individuals. Adding density in the form of expensive rental apartments attracts predominately upper income singles/couples and displaces the other "types" of people who currently live here. And as this is the FIRST project on Potrero, the others apartment buildings slated to be built that follow in a similar pattern only serve to exponentially multiply the same type of residents thus removing the existing bohemian/working class vibe that currently has existed for decades.

(3) If these apartments are NOT designated to become condos, as the project developer currently has stated multiple times in public meetings, then as they are NOT under rent control, it follows that the "affordable

housing" will not be preserved as the market rates will only increase. This, in turn, puts additional pressure on the owners of the existing surrounding Victorian style duplexes and triplexes to bear the brunt of rent control and will eventually serve as an incentive to remove those housing units off the market.

(4) By the very nature of adding increased density in the form of hundreds of occupants on Potrero Avenue, whether or not vehicle parking is provided there will be increased congestion and traffic along Potrero and the surrounding neighborhoods as they search for parking. People looking for parking by circling the street will impede the bus lines which already DO NOT pull to the side of the lane in order to pickup/drop off riders. Many times, MUNI stops in the middle of the right lane, and if no remedy is put in place, this will only get worse. Be assured that walking and taking the bike only work for the MINORITY of residents as at some point they will not want to bike/take MUNI: a) in bad weather, b) late at night, c) as they age, d) as they get sick, e) as they have children, f) as they need their vehicles to transport other people or items, or g) as they need to drive out of the city to take care of elderly parents or go to work out of the city.

Parking in nearby neighborhoods is already at capacity. Some streets, such as on Utah Street, has had to implement a two hour parking limit in order to gain back some of the parking that was overtaken by nearby businesses. This has put additional constraints on related streets where that constraint does not exist.

MUNI has one of the worst records compared to other cities in the US. Until the problem with safety is fixed, people will take cars for safety, convenience, comfort, and time.

(5) Potrero Avenue, which originally was along a railroad track, was and is meant to serve industrial and service sectors as evidenced by the many gas stations, auto shops, hospital, cable, and other service businesses. Adding additional large amounts of housing along this street will eventually cause many of the existing businesses to relocate or go out of business. For example, as housing was added to SOMA years ago, a large music nightclub was closed down due to complaints from the residents that it was disturbing their peace. Can residents who pay market rate really expect to want to live next door to businesses that may be noisy, are open late hours, or emit fumes that may be toxic to their health?

(7) The current project design overshadows and does not fit in with current landmarks and historic buildings. It is not Victorian style in character, nor does it complement that style in any way, rather it dominates in size and height the existing buildings. Also, it is next door to an active historic landmark, The Verdi Club. Yet there has been no environmental report to ensure that this historic landmark is protected. Clubs such as the Verdi Club, and its neighbor, the Slovenian Lodge, are a distinct part of our city's heritage that once removed, will not be seen again. The project threatens the structure and viability of the Verdi Club, a site that the San Francisco Historical Commission has recognized eligible historical resource that should be protected.

(8) The proposed project is so tall and large that if you look at a shadows report, you will notice that it casts shadows on local parks, open space, gardens, and even solar panels that extend for several blocks. This deprives existing residents of sunlight and vistas. Further, the project does not even adequately provide open space for its residents forcing them to use already at capacity existing parks and open spaces.

II. Planning Code Section 1001 is violated. Planning Department failed to provide any mitigation plan to protect the Verdi Club, an identified historical resource under the California list of historic places.

The Verdi Club, built in 1935, has been identified as a Historic Resource and given a rating of 3CS. New construction on Mariposa Street needs to accent and emphasize this building which has an important history in the Italian-American community of San Francisco. From the opening day speech by then Mayor Angelo Rossi, to the parties frequented by Joe DiMaggio, the Verdi Club has a special place in the historic and cultural history of the Mission District. The club still operates as an important location for community events and supports a music school for children.

III. The PMND approved by the Planning Commission ignores a shadow study showing violation of Planning Code Section 147 and 295 and there is no requirement to mitigate the negative shadow impacts of the project.

The initial shadow analysis demonstrated the building would cast shadows on Franklin Square Park. Without redesign of the building, the Planning Department merely lowered the scale of measurement to generate a "No

Impact Memorandum" for the case files and citation in the PMDN. The original "Impact Memorandum" was only made available after repeated requests under the SF Sunshine Ordinance (Public Records Act) for the complete case files. No explanation has been given by the Planning Department Staff as to why they failed even mention the initial study in the PMND or on request by appellants.

Although the building is in a parcel zoned 58 feet, the addition of elevator shafts, stair case shafts and fencing for the proposed open space will result in a building of at least 73 feet.

IV. The project violates Planning Code Section 134 (required back yards) and there is no reasonable basis of the approved exception.

The project is calling the roof of the garage a rear yard. This is not a yard. It is the roof of the garage. You can't plant trees in it. The project does not satisfy the requirement that the depth must be 25% of the 100 foot lot for the length of the lot. In order to satisfy the square foot requirement odd little rectangles have been created (10x14, 5x14,10x28) two of which are private patios, and cannot be called common area.

V. The project does not comply with Planning Code Section 140. (48% of the units do not meet code requirements for light and air exposure.)

The units that do not meet this requirement face the rear yard which is 100 feet long and bordered on the west by 50 feet of the Verdi Club and 50 feet of the 4 story apartment building on Hampshire Street. There will most likely be sunshine at high noon, but the shadows cast by the Verdi Club, the apartment building and the project itself will cause that "rear year" to be shaded most of the day, as the sun rises in the east and sets in the west. If there ever is a need for folks to exit their apartments due to fire or gas and they go out the window to the "rear yard", they have no exit from that area other than going back into the building.

VI. The project violates Planning Code Sections 260

Since the slope is 7% and the Mariposa side of the building is 100 feet and the height limit is 58 feet, the 58 ft. limit should be re-measured at a maximum of 65 feet from the corner of Potrero and Mariposa, resulting in a lower height.

VII. The project violates Planning Code Section 145.1(4) Ground Floor non-residential uses in UMU zoning district shall have a floor to floor height of 17 feet.

Additionally this project does not conform to the intent of Urban Mixed Use Zoning. From the planning department website: “These zones are designed to promote a mix of different types of activities. The rules applying to these new urban mixed use zones are generally the same as the above PDR zones, however new residential development would also be permitted.” The intent of the planning regulations is to promote mixed use and PDR. Developers are not satisfying the intent by providing residential developments only.

VIII. The project violates Planning Code Sections 135 (required open space).

Recreation and Open Space Element Policy 4.6 says: “Assure the provision of adequate public open space to serve new residential development.” There is common open space on the roof (which is not quality open space), but there is no public open space provided.

Eastern Neighborhoods Community Planning, 2008, p 3: **“Open Space: In many areas, the amount of open space required as part of new development would be increased. Additionally these open spaces will be required to be greener and more usable”**

This project has proposed that open space be on the roof, in between elevator shaft stair cases and light wells. This concept actually adds height to the building which has a height limit of 58 ft. It is not green and is minimally usable.

IX. The project plans have not been certified by a licensed architect or engineer as to compliance with required architectural or safety standards.

The planning department and the developer have not identified a CA licensed architect or engineer as the designer.

X. The project does not conform to 329(c)(1): Overall building massing and scale.

The project is not consistent with the existing character of the area. It is much higher than the existing building and attempts to provide much more dense residential space. Additionally no transit or infrastructure improvements have been put in place to support the massing this project proposes.

XI. Mission Area Plan Policy 1.2.1, 1.2.2

This project is infill housing that is not compatible with its surroundings. The surrounding buildings are all 2 or 3 stories. This includes both residential and commercial uses. “For new construction, and as part of major expansion of existing building in neighborhood commercial districts, require ground floor commercial uses in new housing development (1.2.2). Only one ground floor commercial unit is provided. This building does not provide ample PDR land use.

XII. Remediation

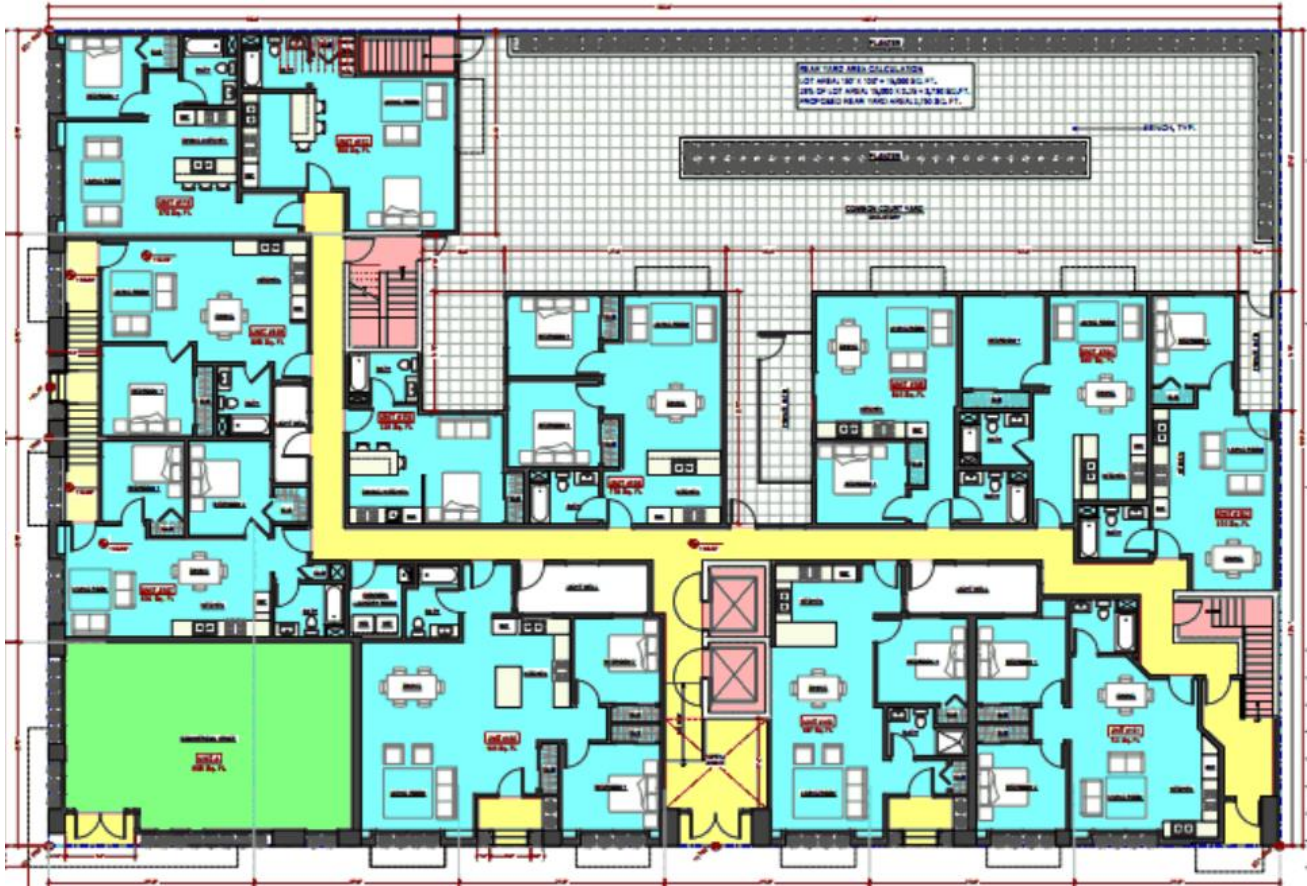
- Reducing the number of units by 1/3 and removing 2 stories and keeping the number of parking spaces the same would help the parking problem and bring the building more into the neighborhood scale, though still larger.
- It is critical that the Verdi Club be protected for complaints due to noise or dinner cooking smells by designing the project to avoid both issues.
- Addressing the light and air exposure of the units will require a redesign of the project and also give an opportunity for better rear yard and open space.
- Redesigning the bottom floor as commercial space would satisfy the intent of the UMU zoning designation and offer job opportunities for the neighborhood as well as shopping opportunities for the neighbors.

Jean Bogiages, MUNA Chair
550 Utah, SF 94110

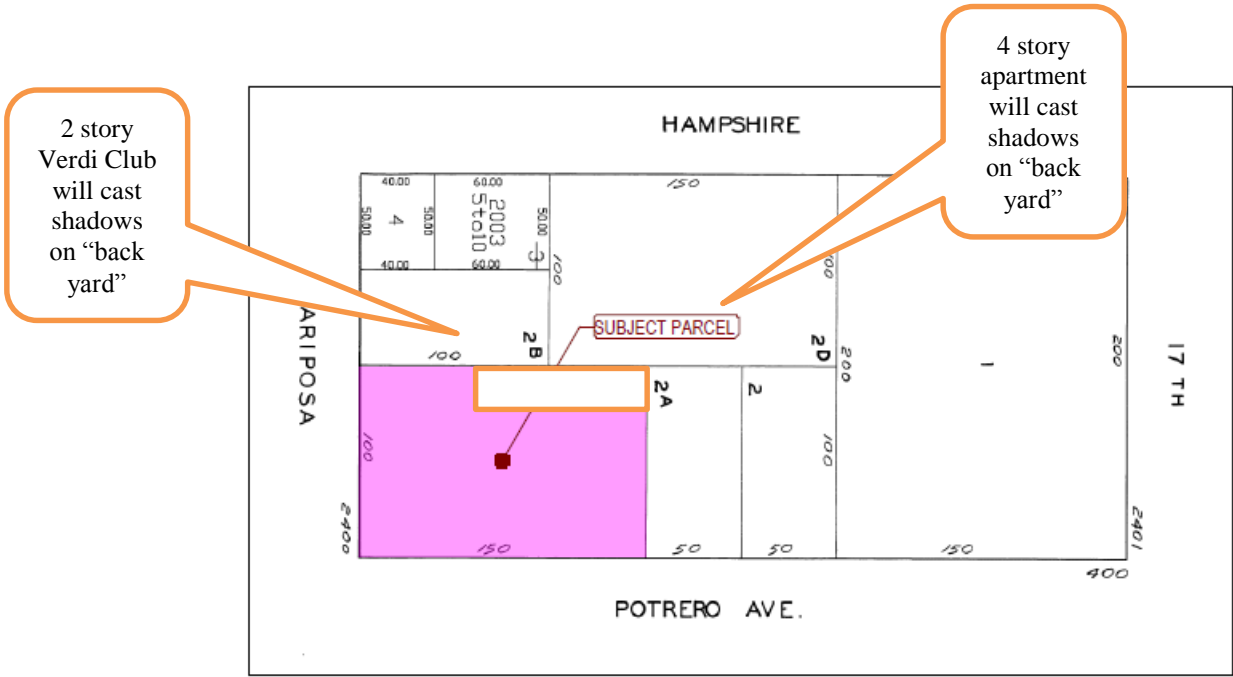
Juan M Jayo, MUNA Steering Committee
530 Utah Street. SF 94110

Appendix A

Rear Yard in the latest design:



Sheet A-2.4 Job 11-1458 Revised Date 7/31/2013

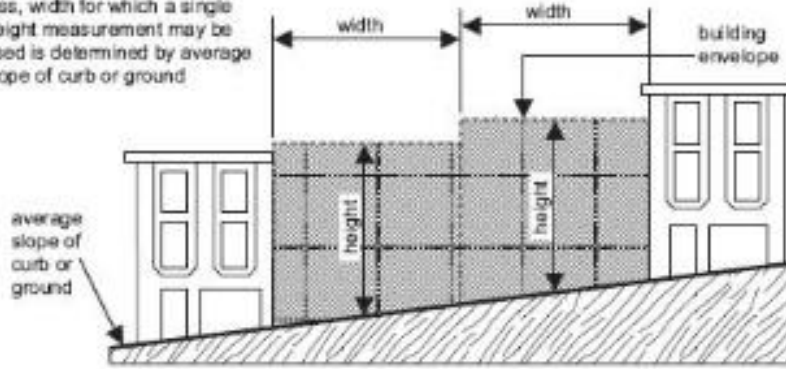


Section 260 – Height and Measurement

**TABLE 260
HEIGHT MEASUREMENT
ON LATERAL SLOPES WHERE
HEIGHT LIMIT IS 65 FEET OR LESS**

<i>Average Slope of Curb or Ground From Which Height is Measured</i>	<i>Maximum Width for Portion of Building that May Be Measured from a Single Point</i>
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet

when height limit is 65 feet or less, width for which a single height measurement may be used is determined by average slope of curb or ground



1.01.1 (b) 480 Potrero does not fit the neighborhood character.



Potrero Avenue West Side



Potrero Avenue West Side



Potrero Avenue West Side

Potrero Avenue East Side



Potrero Avenue East Side



Mariposa Gardens is a 64 Unit project. 480 Potrero proposes 75 units in a third of the land.

Verdi Club – A Historic Resource

Residential, Commercial, and Civic Development: 1929-1945

During the Depression and World War II virtually no non-industrial buildings were erected within the Showplace Square survey area. One important exception is the Verdi Club – an Italian-American men’s social club – built in 1935 at 2424 Mariposa Street. Built of reinforced-concrete, the one-story, Art Deco-style commercial building is a rare example of a commercial building erected in the survey area during the period of significance. With its molded concrete “Mayan Deco” frieze, spandrel panels, and other ornament, it is an excellent example of the Art Deco style as well (Figure 45).

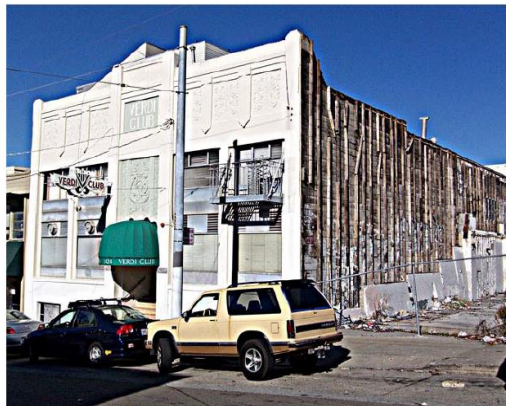


Figure 45. Verdi Club, 2424 Mariposa St.
Source: KVP Consulting