



**Potrero Yard Neighborhood Working Group Meeting 22 Minutes**

Monday, April 5, 2021, 6:00 p.m. to 8:00 p.m.

Zoom Webinar, Webinar ID: 869 9886 3719

(Virtual)

*Note – The meeting minutes capture the overall tone of the group’s discussion and is not meant to be an exact transcription.*

**Members Present:**

Mary Sheeter  
J.R. Eppler  
Scott Feeney  
Magda Freitas  
Peter Belden  
Roberto Hernandez  
Alexandra Harker  
Alexander Hirji  
Claudia Delarios Moran

**Members Not Present:**

Ryan Parker  
Thor Kaslofsky  
Benjamin Bidwell  
Kamilah Taylor

**SFMTA Staff:**

Rafe Rabalais  
Licina Iberri  
Bonnie Jean von Krogh  
Benjamin Barnett  
Jesse Schofield  
Kerstin Magary

**Other Attendees:**

Susan Pontius (Arts Commission)  
Mary Chou (Arts Commission)  
Laura Lynch (SF Planning)  
Kristina Phung (SF Planning)  
Chris Townes (SF Rec & Park)  
Rosie Dilger (consultant)  
Abraham Vallin (consultant)  
Jenny Zhou (consultant)  
Roberto Jenkins  
Tony Quezada Arch  
Ron Mitchell  
Lisbet Sunshine  
Mark Peterson - STV



## **Purpose of the Meeting**

*To provide updates to the Working Group and to have guest speakers from the Arts Commission, San Francisco Planning (SF Planning, the Planning Department), and San Francisco Recreation & Parks (Rec Park, Rec & Park) present on public art and shadow analysis.*

### **Item 1. Welcome**

*Rosie Dilger welcomed everyone to the April meeting. She reminded the audience that the Request for Proposals (RFP) is still being developed at this moment and all related questions from proposers should be directed to San Francisco Public Works. She then went over the meeting's virtual etiquette.*

*Note: The RFP has since been released. To view the RFP, please visit [SF Public Works](#) or [login here](#).*

### **Item 2. Wellness Check-in & Member Announcements**

Rosie: For our wellness check-in, would you like to share how you are feeling? Or would you rather answer a question: do you have any vaccine stories you would like to share?

Bonnie Jean von Krogh: I got my second vaccine shot last week at the Moscone Center. It's run very well! The site is very uplifting!

Rosie: What about member announcements? Is there anything happening that you'd like to share with the group?

*With no Working Group members sharing announcements of their own, Rosie transitioned to Item 3 and introduced Jessie Schofield.*

### **Item 3. SFMTA Service/COVID Response Updates**

Jesse Schofield: Thank you, Rosie! These updates will be brief. Coming up in May, the subway will reopen, the N Judah train will return and the T Third will resume its full route.

Rosie: Thank you, Jesse! That's very exciting. Moving along, let's introduce a new member of the SFMTA team.

### **Item 4: Project & Legislative Updates**

*Rosie invited Bonnie Jean to speak.*

Bonnie Jean: Thank you, Rosie! Yes, we are super excited to introduce the newest member of our team, Benjamin Barnett. He will not only be supporting with the Potrero Yard project, but also the overall Building Progress Program. He's a great resource to the Working Group. He will be supporting on the communications team. Benjamin, would you like to address the group?

Benjamin Barnett: Sure! I'm not new to the SFMTA, I've been here for about 4 years; I worked in media relations for a while and in the TMC (Transportation Management Center), which is the



control center that everyone can get updates from for delays or reroutes if there's a parade or something. And before that, I had a second life in broadcast television before moving to San Francisco.

*Rosie then introduced Licinia Iberri to discuss project-specific legislation and schedule updates regarding the RFP.*

Licinia: Hi all! Our enabling legislation was passed unanimously by the Board of Supervisors. It was discussed briefly at the Budget & Finance Committee at the Board of Supervisors and then passed with no discussion when presented before the whole Board. It was signed by the Mayor.

For schedule and RFP updates, we are proceeding with our revised schedule that was pending approval by the Board. Now that we have the approval underway, we are planning to release the RFP very soon.

This is very exciting. This is the culmination of a lot of work by all of you and by our internal City team.

Rafe Rabalais: On the federal level, a big stimulus package was passed by the Biden Administration. That really helps our local funding and SFMTA's operating deficit significantly. This means the operating deficit is a lot more manageable for the next couple of years. That was a big relief. The big question is about what happens afterwards. How fast does the city recover? About \$1.7B dollars are going to Bay Area transit agencies; the Metropolitan Transportation Commission (MTC) is responsible for distribution of these funds. That funding package has not been announced yet.

The only other thing to announce is speculative. It's the infrastructure package that was announced by the Biden Administration worth \$2.2 trillion dollars. Scott Feeney: Is the SFMTA team still expecting to meet the bottom-line goal of opening the bus yard in 2026?

Rafe: It's tight, but we still believe that the goal is attainable. We originally built in some flexibility in the schedule to account for possible delays, but we still expect that 2026 will be the end year for construction.

Roberto Hernandez: Good evening, everybody. I really believe that we need to get this project in front of Speaker Nancy Pelosi, as she is our representative. How do we also tap into some of the housing funding that is going to be available through the federal stimulus? I think we have some homework to do.

Rosie: Thank you, Roberto.

Peter Belden: What were the specific changes that were made that led President Walton to agree to remove the pause he put on the project a couple of months ago?

Licinia Iberri: President Walton was able to have conversations with Director Jeff Tumlin, Bonnie Jean, and Acting CFO Jonathan Rewers. In those conversations, he became more comfortable with the project. One thing he was concerned about was the language around affordable



housing and how ambitious of a level of affordability the project was pushing for. We had included that language he had requested in the Request for Qualifications (RFQ).

There were amendments made to the legislation requested by the City Attorney and the Budget & Legislative Analyst. The changes were to add detail and inform, not really substantive changes.

*Rosie thanked Licinia and transitioned the meeting to Item 5.*

### **Item 5. Public Art Discussion – Susan Pontius & Mary Chou, SF Arts Commission**

*Rosie introduced Susan Pontius and Mary Chou from the Arts Commission. The Arts presentation can be found on pages 10-34 in the full [April Meeting Presentation](#).*

Susan Pontius: The City has an ordinance for buildings that are built by the City to allocate two percent of construction costs for art enrichment. The City portion of this building, which would be the SFMTA portion, will qualify and be the source of arts funding. We will have money for some major artwork with this building which is very exciting. My colleague Mary Chou will share more about the potential for artwork. We wanted to do this first introduction so you could have an outline of this process.

Mary Chou: Hi everyone nice to meet you today. I will start with an overview of the Public Art program, and I will end with how you can be involved in this process. What is public art? It is two percent of construction costs for eligible buildings. It was passed by voters in 1969. The definition of public art is the acquisition and installation of original works of art on City property for aesthetic and cultural enhancement of public buildings and public spaces and engagement of the public with the creative work of artists, as approved by the Arts Commission.

*Mary included examples of public art installations that the Arts Commission has been involved in. Mary described each phase of the public art process and concluded with how to become involved with the process. She opened the conversation up for Working Group members to ask questions.*

Roberto: How can we as neighbors of the upcoming facility be involved with the decision-making process?

Mary Chou: We will be gathering input from the community on the project goals so that we can develop the project plan. We will be working with the SFMTA to determine how best to do that, and the timing revolves around that. That is definitely one way to stay involved, and as I mentioned before, we are looking for community members to serve on the selection panel. You would have active participation in selecting artists that you think would be appropriate for the site.

Susan: We imagine we will be coming back to this group as the project unfolds so that when we have a recommended project plan. The project plan would have recommended locations for the artwork. That would be an additional time when people could give feedback on the plan itself.



Magda Freitas: Hi, I live across the street from the Yard. I'm an artist and I have a studio here. Who is going to decide where the art will be placed? What type of art would it be? Is the decision from the design team or from the Arts Commission?

Susan: It comes from us, the Arts Commission, in relationship to everybody else. We will work with the architect to develop the art plan, then there's opportunity for public input, and then the art plan goes to the Arts Commission for approval.

Peter: How many dollars roughly is two percent for this project?

Licinia: Let me heavily caveat this; the public art process applies to the bus yard component. The construction cost at a minimum would be about \$250M dollars, pending the proposals. Two percent of that is \$5M dollars. We have some homework to do with our partners to confirm construction costs.

Susan: Understand that if it is \$5M – that's the total budget for everything. That would include a set-aside for conservation, project management, and any structural changes to the building to support the artwork.

Roberto: We have a huge, entire block!

Magda: Where would the art go?

Susan: We first need to know what the building will look like. Then we can start thinking about where the best opportunities would be. We'd think about the best and most-public artistic statements that can be made.

*Susan and Mary thanked the Working Group. Rosie then transitioned the conversation to Item 6.*

### **Item 6. Shadow Study Presentation – Laura Lynch & Kristina Phung, SF Planning and Chris Townes, SF Rec & Park**

*Rosie introduced Laura Lynch and Kristina Phung from San Francisco Planning and Chris Townes from San Francisco Recreation & Parks to talk about two types of shadow studies. The Shadow Study presentation can be found on pages 36-43 in the full [April Meeting Presentation](#).*

Laura: Hello everyone, my name is Laura Lynch, and I am the Environmental Coordinator from the Planning Department. I'm working primarily on the Potrero Yard Environmental Impact Report (EIR). I am here with Kristina Phung, the Deputy Environmental Coordinator.

Kristina Phung: I wanted to start off by providing a quick refresher. The main objectives of the California Environmental Quality Act (CEQA) are to:

- Disclose to decision-makers and the general public the potentially significant effects of proposed activities on the physical environment.
- Avoid or reduce environmental damage.
- Enhance public participation.



Another important reminder is that approval of a project does not happen until the CEQA process is complete. Completion and certification of a CEQA document does not mean that a project has been approved, but that the analysis has been thoroughly conducted in accordance with CEQA guidelines in Chapter 31 of the San Francisco Administrative Code. The decision-makers will take into consideration the impacts of the project that are disclosed in the EIR and also other factors, such as public comments, to make a better-informed decision on whether or not to approve the project.

The project is currently under review pursuant to CEQA. Through this process, it was determined that the most comprehensive level of CEQA analysis is required for the project, an Environmental Impact Report or EIR. The Draft EIR is scheduled to be published Summer 2021. Through the CEQA process, you will be able to find more project-specific information related to CEQA impacts for shadow when the Draft EIR is published. Additionally, due to the size and location of the project, Potrero Yard is receiving a consultant-prepared Shadow Analysis Report. This is based on Section 295 of the Planning Code, which uses 40 feet as a threshold height to conduct a preliminary shadow screening to determine if any Rec Park facilities will be shadowed by the project. The Potrero Yard project would meet this threshold because of the proposed height and close proximity to Franklin Square Park. [We have more information on our website.](#) Now I will turn it over to Laura who will talk about the Shadow Analysis Report.

Laura: Thank you Kristina. For the contents of what a consultant-prepared Shadow Analysis Report would consist of, I will go high-level and will let Rec Park join us later. There are three main components:

- Quantitative analysis about the park - this includes the amount of new shadow that the proposed project would cast on the park. This information includes numbers related to the amount of shadow, duration, when it will occur, and how large of an area.
- Qualitative analysis includes user surveys. The consultant goes out to the park at different times of the day and takes notes on how the park is used and when. This will inform the CEQA analysis as well as Rec Park's analysis of if any new shadow is being cast on the park and how this will impact the enjoyment of the Rec Park facility.
- Finally, the cumulative analysis looks at any known developments in the vicinity. That will inform how Potrero Yard, along with any neighboring developments, will impact shadow on Franklin Square Park.

The CEQA Significance Criterion asks: *Would the project create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open space?*

In that scenario, we primarily look at the qualitative assessment of the park. Because CEQA is looking at the use and enjoyment of the property, that's how we perform the analysis and make any significant determinations. Regarding the technical studies prepared, there are no conclusions made in those reports. The analysis and the conclusion would come in the underlying environmental CEQA document, in this case, that would be the EIR chapter on shadow.



*Laura thanked everyone and introduced Chris Townes from the San Francisco Recreation and Parks Department.*

Chris: My name is Chris Townes. I am a planner for Rec Park in the Capital Planning Division. I was formerly with SF Planning. As a park planner, I serve as Project Manager on a variety of application types for the park system such as street vacations, site acquisitions, wireless installations, environmental review for park development, as well as shadow review projects from the Planning Department. Proposition K, also known as the Sunlight Ordinance, was approved by voters in 1984. This subsequently led to Planning Code Section 295. It prohibits the City from issuing building permits for structures that are greater than 40 feet in height that would cast a shadow on a Rec Park property, unless the Planning Commission – after consultation with the Rec & Park Commission – finds the shadow would not have a significant, adverse impact on the use of the park.

In 1989, the Rec & Park Commission and the Planning Commission jointly adopted a memorandum, commonly referred to as the 1989 Memo, which identified quantitative as well as qualitative criteria for determinations of significant shadows in parks under the Rec Park jurisdiction. It also adopted absolute cumulative shadow limits for a number of named parks, predominantly in the Downtown, South of Market, and Civic Center areas. These were subject to existing mid and high-rise development shadow impacts.

Quantitatively, the 1989 Memo establishes shadow guidance based on park size and existing annual shadow loads. For example, parks greater than two acres in size, with less than or equal to 20 percent existing annual shading, the 1989 Memo provides guidance of up to a one percent increase in shadow load. Franklin Square Park is about four-and-a-half acres in size and experiences less than 20 percent in annual shadow.

Qualitatively, the 1989 Memo establishes various characteristics and themes in understanding the value of sunlight on a park. These include times of day of a shadow, time of year, shadow location, shadow duration, and considers the public good served by the project.

Quantitative guidance and qualitative criteria are both things that are considered by the Rec & Park Commission. Procedurally, when Rec Park receives an application from the Planning Department, it goes through a shadow analysis review process where the shadow report itself will typically go through various refined iterations to ensure that the document is accurate and comprehensive. It can then go to the Rec & Park Commission for review. The Commission will then make a recommendation, as to whether or not the proposed project will create a significant adverse effect on the park. With that resolution in hand, it then will go to the Planning Commission, and the Commission will evaluate the project in its entirety, including the Rec Park Commission's recommendation on shadow to decide on the project. That's the summary in a nutshell.

Scott: Does the shadow analysis factor in shade from the trees in the park?

Chris: No.

Roberto: Is there a current proposed project that would create a shadow on the park?



Laura: There is a cumulative list. Yes. 2435-2445 on 16<sup>th</sup> Street was a seven-story, 53-residential unit, over ground-floor commercial project. It also included 321 Florida Street, 1850 Bryant Street, and 333-353 Potrero Avenue. That is what we have drafted.

Roberto: How much shadow is going to cast on the park?

Laura: I can't answer that off the top of my head. We also can't say which of these other projects in the vicinity will and won't be built; that is up to the developers. These are the projects that the Planning Department has recently seen based on application for study, not approval.

*Projects that have been approved include 321 Florida Street and 1850 Bryant Street.*

Chris: When I worked on the 321 Florida Street project, we found that the cumulative shadow increase was about 1.9%. The existing shadow load was, I believe, 2.08%. The guidance from the 1989 Memo for parks greater than two acres in size with less than or equal to 20 percent in annual shading will allow up to a one percent increase in shadow.

Mary Sheeter: What massing was used to generate the shadows? What was the baseline for Potrero Yard?

Licinia: Until the Draft EIR is released, there isn't a formal shadow analysis.

Mary: Is it normal for projects to not share the early versions of the study?

Chris: The massing for the Potrero Yard was used for the shadow analysis for 321 Florida Street. It assumed a 75-foot podium height and an overall height of 150 feet, plus a 10-foot additional stair elevator penthouse area.

Roberto: I think that, now that this has come to light, it sounds like there has been some confusion. I think that it's important that Rec Park, the Planning Department, and the SFMTA sit down and figure out what has been approved for each of these four sites. Then, what will be allowed, if any, for our project. That information will be helpful for the architects. Can the three departments manage and plan appropriately? I recommend that this be done sooner rather than later.

Chris: We can include a list of the cumulative projects, including height, hearing dates, and approval dates.

*Rosie then thanked the Planning Department and Rec Park and transitioned the meeting to Next Steps.*

## **Item 7. Next Steps**

*Rosie then went over the potential meeting topics for the May Working Group Meeting. This included an RFP overview and an update on Muni Metro East.*

## **Item 8. Public Comment**

*Rosie prompted Public Comment.*

Mark Peterson - STV: Will the RFP be coming out this Friday?





Licinia: The RFP will be coming out this Friday.

*Abraham asked for public comments. There were no call-in audience members. With no additional public comments, Rosie and Abraham concluded the meeting.*