



## DEAN PRESTON

May 9, 2022

Senator Scott Wiener  
455 Golden Gate Avenue  
Suite 14800  
San Francisco, CA 94102  
Via email: [senator.wiener@senate.ca.gov](mailto:senator.wiener@senate.ca.gov)

### **RE: Parking Concessions under the State Density Bonus Program**

Senator Wiener:

I am following up on the recent conversation with my staff with respect to the project at 618 Octavia Street.

By way of reminder, the project is a 40-unit proposal in Hayes Valley, and was recently approved by the Planning Commission. The point of contention has been around the amount of on-site parking for the project.

The Market & Octavia Better Neighborhoods Plan allows by right 0.5 parking spaces per unit, and conditionally allows for up to 0.75 spaces. The project sponsor applied for the additional spaces, and our understanding is that Planning Department staff were planning to recommend against the added parking in their report to the Commission, writing on March 3 that “it has not been demonstrated how they meet the required findings for additional parking.”

On March 9, 2022, representatives for the project sponsor sent a letter to the Planning Department reiterating their request for two waivers (for height and rear yard setback) under the State Density Bonus Program, and adding an additional concession to allow for 0.75 parking spaces (*see attached letter*). They contend that “the granting of the concession will result in identifiable and actual cost reductions to provide for affordable housing costs and will make the project more economically feasible, increasing the likelihood of favorable financing terms and overall constructability.”

In response, Planning Department staff wrote that they no longer had authority to deny the request for additional parking under state law. On March 22, Planning staff wrote that the “project has requested the excess parking as an incentive/concession and has demonstrated that the parking offsets the cost of constructing the state density bonus project. By law, a city cannot deny this request unless it poses a life/safety health risk (as defined in the state law, a very high bar to reach), or impacts an historic resource.”

In light of the Planning Department’s determination, the Hayes Valley Neighborhood Association wrote a letter to the Planning Commission objecting to the additional parking, noting that they are “especially alarmed by the precedent it sets, not just in Hayes Valley, but citywide” (*see attached letter*). They further elaborated on that point, writing that “618 Octavia is the first project in our community that manipulates a loophole in the State Density Bonus program. The loophole allows the developer to ask for more parking by stating that it is essential for the viability of the project.”

On April 28, 2022, the Planning Commission voted 4-3 to approve the Conditional Use Authorizations, including the additional parking spaces.

I am writing to request that we work together to address this loophole in the State Density Bonus Program. We recognize your commitment to addressing our climate crisis, and believe this interpretation of the state law runs counter to such efforts. As you know, private vehicle emissions are one of the leading drivers of carbon emissions, and I believe in dense, transit-rich neighborhoods like Hayes Valley we need to do everything in our power to disincentivize the use of automobiles.

This is of central importance not only to my office, but to the Hayes Valley neighborhood, which has long recognized the need for reduced private vehicles, and has made this a key component of their neighborhood plan. If this interpretation of the State Density Bonus Program remains unaddressed, I am concerned that the many years of organizing and planning by Hayes Valley residents will be undermined.

To be clear, given that the proposal at 618 Octavia may be appealed to the Board of Supervisors, I am not taking a position on this project in particular. Rather, I am expressing concern at this interpretation of state law, and my desire to work together to disallow concessions for additional parking under the State Density Bonus Program.

Thank you for your attention to this, I look forward to your response.

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Sincerely,



Dean Preston  
District 5 Supervisor

CC: Jeff Sparks  
Jennifer Laska, President, HVNA  
Jason Henderson, Transportation and Planning Committee Chair, HVNA  
Vladimir Vlad, HVNA

*Enclosures:*

1. Letter from Tuija I. Catalano (Reuben, Junius & Rose, LLP) Re 618-630 Octavia – Parking Concession Request and Documentation Our File No.: 10265.06
2. Letter from HVNA Re 618 Octavia Proposal & Excess Parking