



# EXECUTIVE SUMMARY CONDITIONAL USE / VARIANCE

**HEARING DATE: November 19, 2020**

**Record No.:** 2019-013808CUAVAR  
**Project Address:** 4300 17th Street  
**Zoning:** RH-2 (Residential House, Two-Family  
40-X Height and Bulk District  
Corona Height Large Residence Special Use District  
**Block/Lot:** 2626/014A  
**Project Sponsor:** Scott Pluta  
4300 17th Street  
San Francisco, CA 94114  
**Property Owner:** Scott Pluta  
4300 17th Street  
San Francisco, CA 94114  
**Staff Contact:** Jeff Horn – (628) 652-7633  
[jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org)

**Recommendation:** Disapproval

## Project Description

The Project proposes to construct a new 5,042 gross-square-foot four-story two-family dwelling on a new 1,458 square foot lot. The lot would be created through a subdivision of an existing 2,916 square foot (36' x 81') corner lot. An existing 4,382 gross-square-foot three-story two-family dwelling (4300 17<sup>th</sup> Street) would be located on the remaining 1,458 square feet of the original lot. A total of two Accessory Dwelling Units are proposed, one to be added to the existing two-family dwelling by converting and one to be included within the new two-family dwelling proposed for construction. A 500 square foot roof deck is proposed to be added to the existing two-family dwelling.

## Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303, 249.77(d)(1) and 249.77(d)(4) to allow residential development on a vacant lot that results in a total gross floor area exceeding 3,000 square feet and to allow residential development that results in both lots having a rear yard less than 45% lot depth within the Corona Heights Large Residence Special Use District.

## Issues and Other Considerations

- **Public Comment & Outreach.**

- **Support/Opposition:** The Department has received 40 comments/emails in support and three letters in opposition to the Project, including one from the Corbet Heights Neighbors.
  - The support for the Project is centered on the addition of housing units and the addition of affordable units.
  - The opposition to the Project is centered on projects non-compliance with the Planning Code and the Corona Heights Large Residence Special Use District
- **Outreach:** The Sponsor presented the project to the Corbet Heights Neighbors on October 26, 2020. As stated in the Sponsor's brief, the Sponsor has meet individually with adjacent neighbors and members of Corbet Heights Neighbors.

- **Corona Heights Large Residence Special Use District:** The project is located within the boundaries of the Corona Heights Large Residence Special Use District (SUD). The SUD was adopted to protect and enhance existing neighborhood character, encourage new infill housing at compatible densities and scale, and provide for thorough assessment of proposed large-scale residences that could adversely impact the area and affordable housing opportunities, to meet these goals, the SUD requires Conditional Use Authorization for five (5) types of development. The proposed Project exceeds two of these development standards; thereby requiring Conditional Use Authorization pursuant to Planning Code Section 249.77(d)(1), for residential development of vacant property that will result in total gross floor area exceeding 3,000 square-foot and pursuant to Planning Code Section 249.77(d)(4) for residential development that results in less than 45% rear yard depth.
- **Subdivision:** The project seeks to subdivide the existing 2,916 square foot lot into two separate 1,458 square foot lots. The existing two-family dwelling would be located on the newly created corner lot. The second lot would be comprised of the area of land currently existing as the subject property's rear yard, the vacant lot would have 40 feet, 6 inches of frontage on 17th Street and a depth of 36 feet.
- **Variances:** The project requests variances from the Zoning Administrator to address the Planning Code requirements for lot size (Section 121), rear yard (Section 134), and usable open space (Section 135).
  - Planning Code Section 121 requires that the minimum lot area for any lot having its street frontage entirely within 125 feet of an intersection shall be 1,750 square feet. The project proposes a subdivision

to create two 1,458 square foot lots, therefore both proposed lots would require a variance for lot size.

- Planning Code Section 134 requires that a lot within an RH-2 District provide a minimum rear yard equal to 45% of the lot's depth. The existing two-family dwelling has a depth of 40 feet, 6 inches and the proposed two-family dwelling has a depth of 36 feet. Both structures would be developed to a depth equal to their respective rear property lines, resulting in full lot coverage, therefore both lots would require a variance for rear yard.
- Planning Code Section 135 requires that each dwelling unit is provided 125 square feet of private usable open space or 166.25 square feet of common usable open space. The dwelling unit located on the second floor of the proposed new construction has no access to a rear yard or deck, therefore the unit would require a variance for usable open space.
- **Accessory Dwelling Units:** Per Section 207(c)(4), Accessory Dwelling Units in Multifamily Buildings, the Project Sponsor will seek ministerial approval to add an accessory dwelling unit at the ground floor of the existing two-family dwelling and at the ground floor of the proposed two-family dwelling. However, the new construction project would not be eligible for an ADU under Section 207(c)(4) since this building is not located entirely within the lot's buildable area.
- **Affordable Units:** The project sponsor has stated an intent to voluntarily designate both of the project's proposed accessory dwelling units as on-site inclusionary housing units under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual").
- **Design Review Comments:** On March 18, 2020, the Residential Design Advisory Team reviewed the project and found that the proposal to not be consistent with the Residential Design Guidelines. Eliminating (by developing upon) the subject property's rear yard would have significant negative impacts to neighboring properties, and therefore Residential Design Advisory Team does not support the project as designed, including lot split and variance request.

The Department recommends that a proposal at this site be redesigned at a less intense scale that respects the mid-block open space and maintains adjacent properties' access to light and air by providing adequate setbacks and yards.

## Environmental Review

CEQA does not apply to projects which a public agency rejects or disapproves, under CEQA Guidelines Section 15270.

## Basis for Recommendation

The Department finds that the Project is, on balance, not consistent with the Corona Heights Large Residence SUD or the Objectives and Policies of the General Plan and does not meet all applicable requirements of the Planning Code. The Department's priority is to maximize the development of housing units that can be reasonably accommodated under a site's zoning and applicable density bonus programs while maintaining

quality of life and adherence to applicable standards. However, the Department's does not support the intensity of non-compliance the proposal seeks to achieve higher density at the site. The Department also finds the project not to be necessary, desirable, and compatible with the surrounding neighborhood, and to be detrimental to persons or adjacent properties in the vicinity.

### **Attachments:**

Draft Motion – Conditional Use Authorization

Exhibit B – Plans

Exhibit C – Land Use Data

Exhibit D – Maps and Context Photos

Exhibit E – Project Sponsor Brief

Exhibit F – Corbett Height Neighbors letter



# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: NOVEMBER 19, 2020**

**Record No.:** 2019-013808CUA/VAR  
**Project Address:** 4300 17th Street  
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40-X Height and Bulk District  
Corona Height Large Residence Special Use District  
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ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 249.77(D)(1), 249.77(D)(4) AND 303(C) TO CONSTRUCT NEW 5,042 GROSS-SQUARE-FOOT FOUR-STORY TWO-FAMILY DWELLING ON A NEW 1,458 SQUARE FOOT LOT. THE LOT WOULD BE CREATED THROUGH A SUBDIVISION OF AN EXISTING 2,916 SQUARE FOOT (36' X 81') CORNER LOT. AN EXISTING 4,382 GROSS-SQUARE-FOOT THREE-STORY TWO-FAMILY DWELLING (4300 17<sup>TH</sup> STREET) WOULD BE LOCATED ON THE REMAINING 1,458 SQUARE FEET OF THE ORIGINAL LOT LOCATED WITHIN THE CORONA HEIGHTS LARGE RESIDENCE SPECIAL USE DISTRICT (SUD), A RH-2 (RESIDENTIAL-HOUSE, TWO FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

## PREAMBLE

On November 4, 2019, Scott Pluta (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 249.77(D)(1), 249.77(D)(4) and 303(c) to construct a new 5,042 gross-square-foot four-story two-family dwelling on a new 1,458 square foot lot. The lot would be created through a subdivision of an existing 2,916 square foot (36’ x 81’) corner lot. An existing 4,382 gross-square-foot three-story two-family dwelling (4300 17<sup>th</sup> Street) would be located on the remaining 1,458 square feet of the original lot located within the Corona Heights Large Residence Special Use District (SUD), a RH-2 (Residential-House, Two-Family) Zoning District and a 40-X Height and Bulk District.

CEQA does not apply to projects which a public agency rejects or disapproves, under CEQA Guidelines Section 15270.

On November 19, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-013808CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-013808CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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 disapproves the Conditional Use requested in Application No. 2019-013808CUA, 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. Project Description.** The Project proposes to construct a new 5,042 gross-square-foot four-story two-family dwelling on a new 1,458 square foot lot. The lot would be created through a subdivision of an existing 2,916 square foot (36' x 81') corner lot. An existing 4,382 gross-square-foot three-story two-family dwelling (4300 17<sup>th</sup> Street) would be located on the remaining 1,458 square feet of the original lot. A total of two Accessory Dwelling Units are proposed, one to be added to the existing two-family dwelling by converting and one to be included within the new two-family dwelling proposed for construction. A 500 square foot roof deck is proposed to be added to the existing two-family dwelling.
- 3. Site Description and Present Use.** The subject property is located on the northwest side of the intersection of 17<sup>th</sup> Street and Ord Street, within the Corona Heights neighborhood. The project is a 2,916 square foot corner lot with 36 feet of frontage on Ord Street and 81 feet of frontage on 17<sup>th</sup> Street. The lot is developed with a three-story two-family dwelling, built in 1953 and vertically expanded in 1960. currently occupies the eastern half of the subject lot and has a depth of 40 feet, 6 inches, providing a rear yard equal to 50% of the lot's depth. The residential entrances to the building is located on 17<sup>th</sup> street and a curb cut and one-car garage are located on Ord Street. At the ground floor, there is an office/storage area that has no internal connection to either dwelling unit.
- 4. Surrounding Properties and Neighborhood.** The surrounding neighborhoods Corbett and Corona Heights consist of very steep slopes, both of individual lots and laterally along streets. The neighborhood developed over many decades (pre-1900s to 2000s, generally), in a mixture of architectural styles, and many buildings have undergone substantial alterations since their respective construction dates. West and upslope on 17th Street (adjacent to Applicant's backyard), is a three-story, two-unit condominium (4302-4304 17th St.), a five-story, two-unit condominium (4306-4308 17th St.), and a two-building, three-unit dwelling (4310 17th St.), respectively.
- 5. Public Outreach and Comments.** To date, the Department has received 40 comments/emails in support and three letters in opposition to the Project, including one from the Corbet Heights Neighbors. The support for the Project is centered on the addition of housing units and the addition of affordable units. The opposition to the Project is centered on projects non-compliance with the Planning Code and the Corona Heights Large Residence Special Use District. The Sponsor presented the project to the Corbet Heights Neighbors on October 26, 2020. As stated in the Sponsor's brief, the Sponsor has meet individually with adjacent neighbors and members of Corbet Heights Neighbors.
- 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. Use.** Planning Code Section 209.1 permits up to two dwelling units per lot in an RH-2 District.

*The project proposes subdivide the existing lot into two lots within an RH-2 District. An existing 2-family*

*dwelling is proposed to remain on one lot and a new 2-family dwelling proposed to be constructed on the new vacant lot.*

*The project proposes an accessory dwelling unit on each lot, an ADU that is allowed per Planning Code Section 207(c)(4) would not be included in a lots density calculation.*

*As proposed, both lots seek to maximize the permitted density within a RH-2 District.*

- B. **Lot Size.** Planning Code Section 121 requires that the minimum lot area for any lot having its street frontage entirely within 125 feet of an intersection shall be 1,750 square feet.

*A Variance is being sought per Planning Code Section 121 to allow a subdivision of the existing lot to create two 1,458 square foot lots.*

- C. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard depth equal to 45% of the total depth of the lot on which the building is situated, except that rear yard requirements can be reduced to a line on the lot, parallel to the rear lot line, which is the average between the depths of the rear building walls of both adjacent properties in an RH-2 District.

*The proposed subdivision will result in two new lots that are developed with full lot coverage. A Variance from the rear yard requirements of Planning Code Section 134 is being sought for each lot.*

- D. **Usable Open Space.** Planning Code Section 135 requires at least 125 sq. ft. of usable open space per unit if private, or a ratio of 1.33 per unit if common in an RH-2 District.

*With the loss of the existing rear yard, the existing structure at 4300 17<sup>th</sup> Street proposes to add a 500 square foot roof deck to provide common open space to the two units. The upper unit within the proposed new construction includes a 309 square foot deck to provide private open space.*

*The dwelling unit located on the second floor of the proposed new construction has no access to a rear yard or deck, therefore the unit would require a variance for usable open space.*

- E. **Bicycle Parking.** Planning Code Section 155.2 requires one Class 1 Bicycle Parking space per dwelling unit, when there is an addition of a dwelling unit.

*The Project will provide two Class 1 bicycle parking spaces within the new structure. Each ADU will be required to provide a Class I bicycle parking space and the project is currently designed to provide the required space.*

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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 use and scale of the Project is not compatible with the immediate neighborhood. Eliminating (by developing upon) the subject property's rear yard would have significant negative impacts to neighboring properties. The project is not necessary, desirable, and compatible with the surrounding neighborhood, and to be detrimental to persons or adjacent properties in the vicinity.*

- 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:
- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*Development of the Project will eliminate all open space at the site by developing upon the subject property's rear yard with a four-story building, which would have significant negative impacts to neighboring properties and the mid-block open space. Therefore, the proposed project will be detrimental to the health, safety, convenience or general welfare of persons residing in the vicinity of the project site.*

- (2) 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 Planning Code does not require parking or loading for residential units. The proposed use should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.*

*The subject property is also in close proximity to several transit lines, located only approximately a 10-minute walk away from the Castro Street MUNI Station, and within a ½ mile of the 24, 33, 35, and 37 MUNI bus lines.*

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

*The Project will comply with all applicable regulations relating to construction noise and dust. It will not produce, nor include, any permanent uses that generate substantial levels of noxious or offensive emissions, such as noise, dust, glare, or odor.*

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

*The proposal does not include loading or services areas, nor will it include atypical lighting or signage. The Project proposes to be developed with no front setback and will fully develop the existing lot's rear yard, which is adjacent to the public sidewalk due to the orientation of the lot. The project will provide additional street trees to contribute to the quality of the sidewalk*

*area of 17<sup>th</sup> Street.*

- 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 does not comply with all relevant requirements and standards of the Planning Code and is not consistent with objectives and policies of the General Plan or the Residential Design Guidelines. Eliminating (by developing upon) the subject property's rear yard would have significant negative impacts to neighboring properties and the proposal does not comply with the Residential Design Guidelines.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use District.

*The proposed use of two dwellings per lot is consistent with the stated purpose of the RH-2 District. The existing and new buildings use are compatible expected density in this District.*

- 8. **Corona Heights Large Residence Special Use District (Planning Code Section 249.77).** The project is located within the boundaries of the Corona Heights Large Residence Special Use District (SUD). The SUD was adopted to protect and enhance existing neighborhood character, encourage new infill housing at compatible densities and scale, and provide for thorough assessment of proposed large-scale residences that could adversely impact the area and affordable housing opportunities, to meet these goals, the SUD requires Conditional Use Authorization for five (5) types of development. The proposed Project exceeds two of these development standards; thereby requiring Conditional Use Authorization pursuant to Planning Code Section 249.77(d)(1), for residential development of vacant property that will result in total gross floor area exceeding 3,000 square-feet and pursuant to Planning Code Section 249.77(d)(4) for residential development that results in less than 45% rear yard depth.

In acting on any application for Conditional Use authorization within the SUD, the Commission shall consider the Conditional Use authorization requirements set forth in subsection 303(c) and, in addition, shall consider whether facts are presented to establish, based on the record before the Commission, one or more of the following:

- A. The proposed project promotes housing affordability by increasing housing supply.

*The property is currently developed with a two-family dwelling, and with the proposed subdivision, a two-family dwelling is proposed on the new lot. The project has potential to add an accessory dwelling unit to each lot, resulting in a potential of four net new units at the site. Additionally, the project sponsor has stated an intent to voluntarily designate both of the project's proposed accessory dwelling units as on-site inclusionary housing units under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual").*

- B. The proposed project maintains affordability of any existing housing unit; or

*The project proposes no expansion or improvements to the two existing units on site. Due to the age of the building, both units are rent-controlled units.*

- C. The proposed project is compatible with existing development.

*Development of the Project will eliminate all open space at the site by developing upon the subject property's rear yard with a four-story building, which would have significant negative impacts to neighboring properties and the mid-block open space. Therefore, the intensity of non-compliance the proposal seeks to achieve a higher density at the site is not compatible with the existing development of the District.*

9. **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 1**

**IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

Policy 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

**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.

Policy 4.4

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

Policy 4.5

Ensure that new permanently affordable housing is located in all of the City's neighbor-hoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

*The property is currently developed with a two-family dwelling on the project site, and with the proposed subdivision, a 2nd two-family dwelling is proposed on the new lot. The project has potential to add and accessory dwelling unit to each lot, resulting in a potential of four net new units at the site. Additionally, the project sponsor has stated an intent to voluntarily designate both of the project's proposed accessory dwelling units as on-site inclusionary housing units under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual").*

### **OBJECTIVE 11**

#### **SUPPORT AND RESPECT THE DIVERSE AND DISTINCT 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 existing neighborhood character.

##### Policy 11.2

Ensure implementation of accepted design standards in project approvals.

##### Policy 11.3

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

##### Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

##### Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

*The subject property, like many lots within the surrounding neighborhood, is characterized by a steep slope. The proposed building has been designed with regard to site-specific constraints and will create a quality, two-unit structure fronting on 17<sup>th</sup> Street.*

### **TRANSPORTATION ELEMENT**

#### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

Policy 1.3:

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

*The Project furthers this policy by creating housing in an area well-served by the City's public transit system. The Castro Street MUNI Station is less than a 10-minute walk from the project site, and several MUNI bus lines (24, 33, 35, and 37) all have stops within a quarter-mile of the site.*

#### URBAN DESIGN ELEMENT

Objectives and Policies

#### OBJECTIVE 4

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

Policy 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*The Project will eliminate all open space at the site by developing upon the subject property's rear yard with a four-story building, which would have significant negative impacts to neighboring properties and the mid-block open space. Therefore, the intensity of non-compliance the proposal seeks would be detrimental to the adjacent properties and subject block.*

**10. 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 complies 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 site does not possess any neighborhood-serving retail uses. The Project has potential to provide four new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.*

- 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 furthers this policy by ensuring that the proposed development is compatible with the surrounding properties and neighborhood. The proposed building designed with regard to site-specific constraints and will create a quality, two-unit structure fronting on 17th Street. However, at the rear and site property lines, the project's height as a four-story structure would result in impacts to the access to light and air currently available to adjacent properties and the greater mid-lot open space.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*The property is currently developed with a two-family dwelling on the project site, and with the proposed subdivision, a 2nd two-family dwelling is proposed on the new lot. The project has potential to add an accessory dwelling unit to each lot, resulting in four new units at the site. Additionally, the project sponsor has stated an intent to voluntarily designate both project's proposed accessory dwelling units as on-site inclusionary housing units under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual").*

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

*The Project is located in an area well-served by the City's public transit systems. The Castro MUNI Rail Station and several MUNI bus lines are near the subject property; therefore, the Project will not overburden streets or neighborhood parking. MUNI transit service will not be overburdened as no change to the density on site is proposed.*

- 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 does not include commercial office development. The Project does provide new housing, which is a top priority for the City.*

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

*The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*Currently, the Project Site does not contain any City Landmarks or historic buildings.*

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

*Although the Project does cast shadow on the adjacent public park, the adjacent public park (Ord & Corbett Park) is still afforded access to sunlight, which should not dramatically affect the use and enjoyment of this park. Since the Project is not more than 40-ft tall, additional study of the shadow impacts was not required per Planning Code Section 295.*

- 11.** The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.
- 12.** The Commission hereby finds that approval of the Conditional Use Authorization would not 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 **DISAPPROVES Conditional Use Authorization Application No. 2019-013808CUA**.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this decision on the Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. 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 November 19, 2020

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 19, 2020