



### **Brief in Opposition to Appeal No. 21-109**

To: City and County of San Francisco Board of Appeals ([boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org))

From: Corbett Heights Neighbors ([info@corbettneighbors.com](mailto:info@corbettneighbors.com))  
Paul A. Allen, Corbett Heights Neighbors Secretary ([sfcapaul@mac.com](mailto:sfcapaul@mac.com))  
William Holtzman, Corbett Heights Neighbors President ([wmmia@icoud.com](mailto:wmmia@icoud.com))

Re: Appeal No. 21-109, Pluta v. ZA; Denial of a Variance  
Hearing Date January 12, 2022; Case No.2019-013808VAR

Date: January 4, 2022

### **Statement of Interest**

Corona Heights Neighbors (“CHN”) is an 18 year old neighborhood association in the Corona Heights neighborhood. The development implicated in this appeal is within CHN’s boundaries.<sup>1</sup>

### **Executive Summary**

This is not a close case; the appeal should be summarily denied.

**One.** Procedurally, over almost three years of meetings with Planning Department staff, two Planning Commission hearings, and abundant if disingenuous

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<sup>1</sup>CHN has filed numerous memoranda with the Planning Commission in opposition to Appellant’s project. CHN was also instrumental years ago advocating for the Corona Heights Large Residence Special Use District code provision (“Corona Heights SUD”) that requires a conditional use authorization in connection with lot size, Sec. 249.77(d)(1), and 45% rear yard/set back, Sec. 249.77(d)(4), for Appellant’s project. These CUAs were denied by the Planning Commission at its hearing of November 19, 2021 and are discussed beginning at p. 5.

marketing, Appellant has benefited from unquestioned due process and been afforded ample opportunity to propose a code compliant project. Appellant has failed to do so.

**Two.** On the merits, Appellant's project manifestly does not meet the standard for the grant of the two zoning variances requested, lot size (Sec. 121) and rear yard (Sec. 134). Understandably omitted from Appellant's brief is that, for the same reasons implicated in the need for the two zoning variances, the project also requires two conditional use authorizations ("CUAs") pursuant to the Corona Heights SUD (p.1, fn. 1), one CUA for gross floor area and the other for the same 45% rear yard/set back standard at issue in this appeal. At its November 18, 2021 hearing less than three months ago the Planning Commission denied the CUAs, with several Commissioners criticizing proposed "full lot coverage" and Appellant's apparent attempt to use variances "to get around the Planning Code." In this context, there is no basis on the merits to reject or modify the Zoning Administrator's decision.

**Three.** Confirming the project's cavalier disregard for Code and neighbors alike, at the November 18, 2021 Planning Commission hearing on this matter there was *not one* proponent other than the sponsor; yet there were more than 20 speakers in opposition and more than 200 letters filed in opposition.

**Four.** For 33 months, and most recently in its December 22, 2021 brief, Appellant has extolled, indeed marketed, his project as one of "below market rate," "affordable," and/or "mixed-affordable" housing. The affordable housing claim has been specious from the start but finally was relegated to its proper place by the Zoning Administrator's Variance Decision that the project "... will have no effect on the City's

supply of affordable housing.”<sup>2</sup> Still, the assertion lingers stubbornly in Appellant’s brief to this Board and has been continually proffered as absolution for the project’s disregard for Code, neighbors, and neighborhood, so we address it on p. 8.

For the foregoing reasons, the appeal should be summarily denied.

### **Discussion**

#### **I. For More Than 33 Months Appellant has Benefited From Unquestioned Due Process and Has Been Afforded Ample Opportunity to Propose a Code Compliant Project. Appellant Has Failed To Do So.**

To the Appellant, a 33 month-and-counting promotion of substantially the same project in the face of a whirlwind of opposition from Planning Department Staff, the Planning Commission, and neighbors alike no doubt reflects perseverance; to us, perversity.

The 2021 version of Appellant’s project is correctly summarized in the Board’s hearing notice mailed to neighbors: Subdivision of an existing 2,916 square foot corner lot; the addition of an ADU to the extant building; and the construction of a new 3,128 square foot, two unit building on the newly severed lot. At issue here is the denial of zoning variances for lot size and the 45% rear yard/set back requirement. But Appellant’s project would also need conditional use authorizations for lot size (Sec. 249.77(d)(1)) and the 45% rear yard/set back requirement (Sec. 249.77(d)(4)) pursuant to the Corona Heights SUD. These CUAs were denied by the Planning Commission in late November, as we discuss beginning at page 5 below.

At least in so far as relevant Code provisions are concerned, the project has not materially changed over almost three years. Public records reveal that an informational

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<sup>2</sup> Variance Decision, December 9, 2021, at p. 5.

meeting with Planning Department staff was held August 9, 2019.<sup>3</sup> The project was touted as one of “mixed affordable housing” (more on that at page 8 below), a promotional website prepared, and more meetings held (though none with neighbors). Three months later, Appellant’s November 2, 2019 pre-application packet proposed a project that would have required multiple zoning variances, multiple conditional use authorizations, and reprieve from the Residential Design Guidelines.<sup>4</sup> Planning Staff objected to the project as so designed.

Then on April 27, 2020 Planning staff issued its Check Letter in which it opposed the project because of its “intensity of non-compliance” and inconsistency with the Residential Design Guidelines, urged that it be re-designed, and offered to work with Appellant to prepare a code conforming project.<sup>5</sup> Four months later on August 20, 2020 sponsor submitted its Final Plans to the Department. Significantly, there is nothing in that document, nor in so far as we have been able to determine in any sponsor document or on the Planning Department website, that suggests the project was modified in any way to account for staff’s objections.

At the November 19, 2020 Planning Commission hearing the Commission tacitly endorsed the Department’s denial recommendation, sending the matter back for sponsor-Department consultation. The Department’s Executive Summary Conditional Use/Variance memo dated November 19, 2020 that was reviewed by the Commission is replete with descriptions of the extraordinary scope of non compliance and the

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<sup>3</sup> 2019-013456PRV Project Review Meeting. Planning Department website.

<sup>4</sup> See San Francisco Planning, Pre-Application Meeting Packet, November 2, 2019.

<sup>5</sup> Plan Check Letter, April 27, 2020 at page 2, highlight added. Exhibit A, attached.

consequent detriment to neighbors and neighborhood alike. It is attached as Exhibit B; highlights added.

Was the project thereafter redesigned, to paraphrase the Planning Department, to a less intense scale and in a manner consistent with residential design guidelines? In a word, no.<sup>6</sup> Immediately below we address the substantive merits of Appellant's argument, but the foregoing history is important because it reveals that over the course of 33 months Appellant has benefited from unquestioned due process and been afforded every opportunity to propose a code conforming project that was less detrimental to neighbors and neighborhood alike. Appellant chose not to do so.

**II. On the Merits, the Project Manifestly does not meet the Standards for the Grant of The Zoning Variances; and the Planning Commission has Already Denied Relevant Conditional Use Authorizations.**

We defer to the City Attorney's Office to address Appellant's substantive claims of error by the Zoning Administrator, e.g. the application of Sec. 305(c), subdivision lot precedent, the General Plan, and the Housing Accountability Act.

While the size of the new, second building has been reduced and the second and third floors somewhat set back, the project's essential defect remains: the first floor footprint of the building would occupy virtually the entirety of the new lot, thereby contravening the 45% rear yard/set back standard. This is "full lot coverage." As the Variance Decision correctly notes:

Granting the variance would result in a 3 to 4-story building mass covering almost the entire lot, leaving no rear yard and impacting the adjacent building at 9 Ord Street. Variance Decision at p. 4.

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<sup>6</sup> The revised plans are dated May 21, 2021 and can be found as Exhibit A to the Zoning Administrator's Variance Decision that you have before you.

Although we acknowledge that the November 18, 2021 Planning Commission decision involving this Appellant, similar facts, and similar code provisions is not a part of this appeal, we bring to the Board's attention that the Planning Commission by a vote of 4-2, one absentee, voted to disapprove the project precisely because of, *inter alia*, impermissible "full lot coverage." Commissioner Diamond declared that the project "...doesn't come close to being a code compliant project as it completely fills the backyard of the lot being created...I don't think we should get there [adding density on corner lots] on a property by property basis using variances to try to get around the Planning Code." Commission Vice-President Moore seconded those comments: "Commissioner Diamond, you couldn't have said it better. Thank you and I support and echo every comment you made." Commissioner Imperial then added, "I too will not support this project for the reasons Commissioner Diamond and Moore have stated already."<sup>7</sup>

In short, while we defer to the City Attorney's Office in defending the Zoning Administrator's Decision, surely it is of more than passing interest that for reasons stated by the above quoted Commissioners, the Planning Commission rejected the

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<sup>7</sup> See Exhibit C at pages 15-17. That Exhibit contains the entirety of the Planning Commission transcript for that part of the hearing that addressed the 4300 17th Street Project. The pages prior to 15-17 contain the Appellant's presentation, which is followed by pages of testimony from opponents. As previously noted and this transcript reveals, Appellant was the only person who testified in favor of the project. Although the computer generated transcript is garbled in parts, a careful reading will confirm that the first quotes, in text, are from Commissioner Diamond.

CUAs in connection with lot size and the 45% rear yard/set back requirement, both of which are implicated in the Zoning Administrator's Decision.<sup>8</sup>

### **III. Confirming the Near Universal Disapproval of the Appellant's Proposed Project, Not One Speaker Supported it at the Commission Hearing on November 18, 2021.**

At the Planning Commission's remote hearing that began at 1:00 pm, more than 20 neighbors waited for hours to voice their opposition to the grant of variances and conditional use authorizations;<sup>9</sup> the Planning Department documents more than 130 letters in opposition although CHN's President confirms the number exceeds 200;<sup>10</sup> and a graphic submitted to the Planning Commission visually depicted the location of many of the neighbors who submitted letters of opposition.<sup>11</sup> The speakers were persuasive as they described the importance of the 45% rear yard/set back standard, the need to protect neighbors' access to light and air, the unreasonable scale of the

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<sup>8</sup> Appellant's December 16, 2021 notice of appeal to this Board identifies five summary bases of appeal, one of which is the Administrator's purported failure to "respect the Planning Department's recommendation of approval." Because that basis appears nowhere in Appellant's brief we do not address it in text above. Nonetheless, we make three points. First, because the Planning Department released its recommendation *after* public comments were due for the originally scheduled October 2021 meeting on this project, CHN did not respond in writing to the Department's puzzling change of position. Second, in an oral statement at the November hearing a CHN representative criticized the Department's 180 degree pirouette from its prior position opposing the project on substantially the same facts; worse, the Department offered no explanation or articulated any principle, simply an *ex cathedra* pronouncement that it is so. Third, the Department's own draft Motion for the Commission at the November hearing contained the conclusion of the Residential Design Team condemning the project as "detrimental to subject properties and adjacent block." Planning Commission Draft Motion, November 18, 2021 at pp. 9-10. The November 2021 Executive Summary and Draft Motion are here: <https://commissions.sfplanning.org/cpcpackets/2019-013808CUAVAR.pdf>

<sup>9</sup> See Exhibit C.

<sup>10</sup> Executive Summary Conditional Use/Variance, 4300 17th St., October 14, 2021 at p. 2-3 for the 130 number. The Department apparently ceased itemizing the letters in opposition after the rescheduled October hearing; hence, the larger number does not appear in their report.

<sup>11</sup> See Exhibit D.

project, and of course the myth that the proposed project is all about affordable housing, a subject to which we now turn.

#### **IV. For 33 Months, Appellant's Project has been Marketed as One of "Affordable Housing." It is Nothing of the Sort.**

The Zoning Administrator's December 9, 2021 Variance Decision dealt a fatal blow to the 33 month Myth of "affordable housing" that has enveloped Appellant's project as fog obscures the Bay Bridge on a typical late summer evening. Wrote the Zoning Administrator: "3. The Proposed project will have no effect on the City's supply of affordable housing." Variance Decision, p. 4. To which we can only add: Indeed.

Appellant's "affordable housing" myth is of more than passing interest: since the first Application in November 2019, throughout 2020, in Appellant's May 2021 Application, on Appellant's three year old website,<sup>12</sup> in media interviews,<sup>13</sup> in Appellant's testimony (twice) to the Planning Commission, and now in his December 22, 2021 brief,<sup>14</sup> the seduction of "affordable housing" has been central to the marketing plan.

But it is mostly a mirage: the project at issue would call for one ADU in the extant building and 2 large units in the new building planned for the newly severed lot. While it is true that city nomenclature characterizes an ADU as inherently "affordable," the 2 units in the new 3128 square foot building will be market rate. Further, there is no legally enforceable obligation to maintain the 2 new units as "affordable," to ensure

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<sup>12</sup> <https://430017th.com>

<sup>13</sup> <https://www.sfchronicle.com/sf/bayarea/heatherknight/article/One-housing-project-has-turned-into-an-epic-San-16417714.php>

<sup>14</sup> "I implore the Board of Appeals to rescue this mixed-affordable housing project..." Brief of Appellant Scott Pluta, December 22, 2021, unnumbered page but the last page of Pluta's cover letter transmitting the brief.



they are not available as short term rentals, or even to ensure they are made available only to San Francisco residents.<sup>15</sup>

Ignoring unknowable motivations and perfervid marketing, the 33 month history of Appellant's project belies the notion that affordable housing is the project's loadstar: first, the 2020 version of the project had *two* ADUs, not one as in the current version; second, last year the Planning Department offered to work with the Appellant to place two ADUs on the extant lot in a manner that was code compliant.<sup>16</sup> But the project implicated in this appeal has only one ADU and two new market rate units in the new building. At last, someone in authority — the Zoning Administrator — concludes what has been manifest for 33 months: the project at issue would have no effect on the city's affordable housing stock; any emotive appeal to this Board on such a basis should be disregarded.

### **Conclusion**

This appeal should be summarily rejected. Procedurally, Appellant has been afforded ample opportunity and unquestioned due process over more than 33 months, numerous meetings with Planning Department staff, and two Planning Commission hearings to devise a project that is code compliant. He has not done so. On the merits, the project would yield "full lot coverage" contrary to the zoning code; Appellant has offered no persuasive reason to tamper with the Zoning Administrator's decision. Less than two months ago, the Planning Commission came to a like

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<sup>15</sup> Apparently, a unit in the existing building has been a short term rental. Occasionally, as he does at footnote 1, page 1 of his December 22, 2021 letter transmitting his brief, Appellant refers to a "deed restriction" on one or more of the units. But as we say in text, there is nothing in the record making this anything more than a representation, utterly barren of binding effect.

<sup>16</sup> This was made clear as early as the April 27, 2020 in Staff's Plan Check Letter, see Exhibit A; and repeated at the November 2020 Planning Commission hearing.

conclusion when it voted 4-2 to deny lot size and rear yard/set back conditional use authorizations pursuant to the Corona Heights SUD. As expressed previously in writing as well as orally at the November 18, 2021 Planning Commission hearing, scores of neighbors are unanimous in opposing this non compliant project. Finally, the facts belie the notion that Appellant's project is all about "affordable housing."

The appeal should be denied.

### **Exhibits**

- Exhibit A: San Francisco Planning, Plan Check Letter, April 27, 2020, Project 4300 17th St., addressee Scott Pluta.
- Exhibit B: San Francisco Planning, Conditional Use/Variance, Hearing Date November 19, 2020, Record No. 2019-0138208CUAVAR
- Exhibit C: Excerpt from transcript of San Francisco Planning Commission virtual hearing, November 18, 2021, Planning Commission Archives.
- Exhibit D: Chart depicting approximate location of some of the neighbors who wrote in opposition to the Appellant's proposed project.



## PLAN CHECK LETTER

April 27, 2020

Scott Pluta  
4300 17th Street, Apt. A  
San Francisco, CA

*Project Address:* **4300 17<sup>th</sup> Street**  
*Assessor's Block/Lot:* **2626/014A**  
*Zoning District:* **RH-2/40-X**  
*Special Use District:* **Corona Heights Large Residence**

*Building Permit Number:* **2019.1218.9888, 2019.1231.1087 and 2019.1231.1092**  
*Planning Record Number:* **2019-013808PRJ**

*Project Manager:* Jeff Horn, Senior Planner, [Jeffrey.Horn@sfgov.org](mailto:Jeffrey.Horn@sfgov.org), (415) 575-6925  
*Environmental Planner:* Kristina Phung, Env. Planner [kristina.phung@sfgov.org](mailto:kristina.phung@sfgov.org), (415) 558-6373

The Project Application for the above address has been reviewed by the Planning Department. This Plan Check Letter indicates (1) any information required to proceed with environmental analysis, (2) any missing information or modifications that must be provided to demonstrate compliance with the Planning Code and proceed with environmental analysis, and (3) any other modifications the Department is seeking in order to support the project. **Please review this Plan Check Letter carefully, and follow the instructions provided in order to advance the review process.**

### PROJECT REVIEW HISTORY

On November 6, 2019, a project application was submitted to the Planning Department.

On December 5, 2019, the Planning Department deemed the Project Application accepted, and Environmental and Current Planners were assigned.

On March 18, 2020, the Residential Design and Advisory Team (RDAT) reviewed the project.

## RESPONSES REQUIRED FOR ENVIRONMENTAL ANALYSIS

The Department is unable to proceed with environmental analysis for the project until the following information or modifications are provided or addressed:

1. All modifications and requirements identified in the Planning Code Review Checklist (**Appendix A**). These project modifications and missing materials or information are necessary to confirm that the project is compliant with applicable Planning Code requirements.
2. All requirements identified in the Environmental Review Checklist (**Appendix B**). These outstanding materials and next steps are required for environmental analysis to proceed. Please note these may require changes to previously provided documents or technical reports (e.g., Historic Resource Evaluation).

## PROJECT REVIEW COMMENTS

1. The Department's priority is to maximize the development of housing units that can be reasonably accommodated under the site's zoning and applicable density bonus programs while maintaining quality of life and adherence to applicable standards. However, the Department's Senior Management has reviewed the proposed project and does not support the intensity of non-compliance the proposal seeks to achieve higher density at the site (a lot-split and new construction with variances). The Department recommends the project be revised to be code-conforming within the existing lot, and if the Sponsor seeks density greater than that allowed in the RH-2 District, please continue to pursue accessory dwelling units within the existing structure and within an detached auxiliary structure (Section 207(c)(6)), if feasible.
2. The Residential Design Advisory Team (RDAT) has reviewed the project and does not find the current proposal to 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. RDAT does not support the project as designed, including lot split and variance request. RDAT recommends re-designing the proposal as a code compliant project that maintains the required 45% rear yard. RDAT also recommends the project explore options in Section 136 (permitted obstructions) of the Planning code for allowable projections into rear yard and to consider options for ADUs in the rear yard. All requirements are identified in the attached Residential Design Guideline Matrix.
3. The existing "Office/Studio" has direct access to the street, a half-bath, and is independent from all other units in the building, please complete and submit an Unpermitted Dwelling Unit Screening Request and Affidavit. <https://sfplanning.org/resource/udu-screening-request-form-affidavit>.
4. Please ensure any proposed ADU's meet the requirements of the Checklist for Multi-Family properties. <https://sfplanning.org/resource/accessory-dwelling-units-adu-checklists>

5. Please review the Department's [Plan Submittal Guidelines](#), and address as outstanding issues outlined in the attached Appendix A.
6. Please review the height of the proposed new construction project for compliance with Planning Code Sections [260\(a\)](#) and [261](#).

## TARGET REVIEW TIMEFRAME

Based on to the scope of your project and the anticipated level of environmental review, the target timeframe for the Planning Department to complete its review and approval will be 9 months from the date a complete response to this Plan Check Letter is received and verified for accuracy. Please note, this timeframe may be modified if there is a substantive change to the project description.

## REQUIRED ACTION

1. Please include a written response to this letter that discusses how you have addressed the items outlined above and in each of the attachments. Please note that the Department may request further revisions to the project as part of the environmental review process (e.g., to avoid a significant impact), or to ensure conformity with the Planning Code, design guidelines and other local ordinances and policies.
2. Within ninety (90) days from the date of this letter, please submit the requested information, or contact the project manager listed above if more time is needed to prepare the requested information. If the Department has not received the requested information or a request for additional time within 90 days, the application will be cancelled.

All building permit plan revisions must be filed at the Department of Building Inspection (DBI), Permit Processing Center (PPC), 1660 Mission Street, 2<sup>nd</sup> floor. To officially submit a change to the building permit plans, do not submit building permit plans directly to the Planning Department. Plan revisions will not be accepted by mail or messenger.

All revisions to Planning Department entitlement cases (e.g., CUA) must be submitted to the Planning Department, 1650 Mission Street, 4<sup>th</sup> floor, or via email to the Planner's attention. This is a separate submittal from any building plan revisions submitted to DBI.

**Please do not come to the Planning Department to discuss this letter without an appointment.** Please direct all general questions or meeting requests to the project manager listed above. For questions related specifically to environmental review, please contact the environmental planner listed above.

Thank you,

Jeff Horn, Senior Planner  
Southwest Team, Current Planning Division

Plan Check Letter

Case No. 2019-013808PRJ  
4300 17<sup>th</sup> Street

CC: Scott Pluta, 4300A 17th Street, San Francisco  
Kristina Phung, Environmental Planning Division  
Trent Greenan, Residential Design Advisory Team

## APPENDIX A: PLANNING CODE REVIEW

Record No. 2019-013808PRJ

Contact: Jeff Horn | [jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org) | (415) 575-6925

4300 17th Street

### PLAN SUBMITTAL GUIDELINES:

Provided	Not Provided	Not Required	Description & Comment	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Information	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Title Sheet & Details	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site Survey	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site Plan	-Dimension the width of the proposed lots. -Draw and label the 45% setback lines on the Proposed Site Plan. -Under "Setback", please determine and provide the dimensions. "Average of Adjacent Properties" is not sufficient information. -Include the existing and proposed buildings' footprints and projections (bays, decks). Add labels is needed for clarity. It is important to know the location of building walls at grade. This is drawn correctly on the Survey.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floor & Roof Plans	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Elevations	Include the outline of the adjacent properties' windows at shared property lines.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sections	Provide existing and proposed Section drawings.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscaping Plan	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Streetscape Plan	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Material Specifications	Provide a typical window section detail for the proposed window systems. The glazing should have a minimum 2" depth reveal from the exterior wall.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Photographs	Provide photos of the existing office/studio
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Renderings	Provide renderings of a street view of the front façade, and of the rear of the building to provide context of the new structure's relation to the rear yards of adjacent properties and the larger midblock open space.

### LAND USE:

Permitted Use	Conditional Use	Planning Code Section & Comment	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">209.1</a>	RH-2
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<a href="#">249.77</a>	Special Use Districts
<i>Comments:</i> The project has submitted a Conditional Use Authorization Supplemental Application with findings required under Planning Codes Section 249.77.			

### CONDITIONAL USE AUTHORIZATION:

Required	Planning Code Section	
<input checked="" type="checkbox"/>	<a href="#">303</a>	Conditional Use Authorization
<i>Comments:</i> The project has submitted a Conditional Use Authorization Supplemental Application with findings required under Planning Code Section 303(c)		

### OTHER REQUIRED APPROVALS:

Required	Planning Code Section	
<input checked="" type="checkbox"/>	<a href="#">305</a>	Variance
<i>Comments:</i> The project has submitted a Variance Application for Planning Code Sections 121 (lot size) and 134 (rear yard setback). Both proposed ADU's require a waiver for Planning Code Section 135 (open space).		

## APPENDIX A: PLANNING CODE REVIEW

Contact: Jeff Horn | [jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org) | (415) 575-6925

Record No. 2019-013808PRJ

4300 17th Street

### ADDITIONAL PLANNING CODE REQUIREMENTS:

Complies	Does Not Comply	Needs Info	Planning Code Section		Comments
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">121</a>	Lot Area/Width	Variance sought for proposed non-conforming lot size (Section 121)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">132</a>	Front Setback	The upper floors extend beyond the front setback
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">132(g)</a>	Green Landscaping	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">132(h)</a>	Permeability	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">134</a>	Rear Yard	The project seeks a rear yard variance.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">135</a>	Open Space	Open Space provided on roof decks, ADUs require a waiver.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">136</a>	Permitted Obstructions	The project proposes non-conforming obstructions over the sidewalk at the 2 <sup>nd</sup> and 3 <sup>rd</sup> floors, please redesign. Note, Section 136 has recently been amended to allow 4-foot deep projections.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">138.1</a>	Streetscape Plan	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">140</a>	Dwelling Unit Exposure	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">141</a>	Rooftop Screening	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">142</a>	Parking Screening & Greening	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">155.2</a>	Bicycle Parking	Provide Class I bicycle parking as required, 1 space per unit.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">207(c)(6)</a>	Accessory Dwelling Units	As proposed, the ADUs require a waiver for open space. Complete ADU checklist
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">260(a)</a>	Height	For the new structure, height measurements should be measured starting at curb level at the center of the new lot. Please review Section 260(a)(1)(C) for measurement methods on upsloping lots.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<a href="#">260(b)</a>	Exemptions from Height	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="#">261</a>	Height Limits	Please review Section 261(c)(1). Height measurement should start at the front property line, on the plans for the new structure the measurement begins at the front wall of the 2 <sup>nd</sup> and 3 <sup>rd</sup> floor projection.

### DEVELOPMENT IMPACT FEES:

Required	Planning Code Section	
<input checked="" type="checkbox"/>	<a href="#">414A</a>	Child-Care for Residential Projects



This table outlines the missing material necessary for Environmental Planning to conduct their review. If you have specific questions regarding the requested items, please contact the Environmental Planner, Kristina Phung, <a href="mailto:kristina.phung@sfgov.org">kristina.phung@sfgov.org</a> , (415) 558-6373			
ENVIRONMENTAL TOPIC	MISSING MATERIALS/ INFORMATION	DETAILED DESCRIPTION	(For Dept. Use after accepted Project Application and response to Plan Check Letter) SUBMITTED
Project Description	Location of Bicycle Parking	The project plans (both for existing building and proposed new building) should show the location of proposed bicycle parking.	<input type="checkbox"/> YES <input type="checkbox"/> NO
Geology and Soils	Foundation Information	The project sponsor must provide a description of the proposed building foundation, and whether drilled or driven piers would be required.	<input type="checkbox"/> YES <input type="checkbox"/> NO
Greenhouse Gases	Review GHG Checklist Attachment	The environmental planner has updated the checklist previously submitted by the sponsor.	<input type="checkbox"/> YES <input type="checkbox"/> NO
Noise	Construction Equipment List	The project sponsor must submit a construction equipment list, detailing construction phases and any proposed equipment to be used.	<input type="checkbox"/> YES <input type="checkbox"/> NO

Abbreviations:

CEQA: California Environmental Quality Act

EIR: Environmental Impact Report

**Attachments**

- Greenhouse Gases Checklist for Private Development Projects, 4300 17<sup>th</sup> Street, with Planning Comments
- Construction Equipment Information Sheet

RESIDENTIAL DESIGN GUIDELINES MATRIX			
Project address	<b>4300 17th Street</b>	REVIEW TYPE	RDAT
Application number	2019-013808PRJ	Date of Review / Response	3/18/2020
Quadrant	SW	Date of Drawings	10/25/2019
Assigned Planner	JH	Comment author	Trent Greenan
Assigned Design Review staff		Meeting Attendees	Jeff Horn, Trent Greenan, Jeff Joslin, David Winslow, Allison Albericci, Luiz Barata, Glenn Cabrerros, Oscar Hernadez-Gomez, Claudine Asbagh
#	Guideline Chapter, Topic	Subtopic	Guideline
Neighborhood Character			
II1	WHAT IS THE CHARACTER OF THE NEIGHBORHOOD?	Defined Visual Character	GUIDELINE: In areas with a defined visual character, design buildings to be compatible with the patterns and architectural features of surrounding buildings.
II2		Mixed Visual Character	GUIDELINE: In areas with a mixed visual character, design buildings to help define, unify and contribute positively to the existing visual context.
Site Design			
III 1	TOPOGRAPHY		Guideline: Respect the topography of the site and the surrounding area.
III 2	FRONT SETBACK		GUIDELINE: Treat the front setback so that it provides a pedestrian scale and enhances the street.
III 3		Varied Front Setbacks	GUIDELINE: In areas with varied front setbacks, design building setbacks to act as a transition between adjacent buildings and to unify the overall streetscape.
III 4		Landscaping	GUIDELINE: Provide landscaping in the front setback.
III 5	SIDE SPACING BETWEEN BUILDINGS		GUIDELINE: Respect the existing pattern of side spacing.

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III 6	REAR YARD		GUIDELINE: Articulate the building to minimize impacts on light and privacy to adjacent properties.	Eliminating the rear yard would have significant negative impacts to neighboring properties. RDAT does not support the project as designed including lot split and variance. Recommend re-designing a code compliant project that maintains the required 45% rear yard. Explore options in section 136 of the Planning code for allowable projections into rear yard. Consider options for ADUs in the rear yard.
III 7	VIEWS		GUIDELINE: Protect major public views from public spaces.	NA
III 8	SPECIAL BUILDING LOCATIONS	Corner Buildings	GUIDELINE: Provide greater visual emphasis to corner buildings.	MEETS GUIDELINE
III 9		Building Abutting Public Spaces	GUIDELINE: Design building facades to enhance and complement adjacent public spaces.	NA
III 10		Rear Yard	GUIDELINE: Articulate the building to minimize impacts on light to adjacent cottages.	NA
Building Scale and Form				
IV 1		Building Scale	GUIDELINE: Design the scale of the building to be compatible with the height and depth of surrounding buildings.	See comment III 6.

RESIDENTIAL DESIGN GUIDELINES MATRIX				
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IV 2		Building Scale at the Street	GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the street.	MEETS GUIDELINE
IV 3		Building Scale at the Mid-Block Open Space	GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space.	See comment III 6.
IV 4	BUILDING FORM		GUIDELINE: Design the building's form to be compatible with that of surrounding buildings.	See comment III 6.
IV 5		Facade Width	GUIDELINE: Design the building's facade width to be compatible with those found on surrounding buildings.	MEETS GUIDELINE
IV 6		Proportions	GUIDELINE: Design the building's proportions to be compatible with those found on surrounding buildings.	MEETS GUIDELINE
IV 7		Rooflines	GUIDELINE: Design rooflines to be compatible with those found on surrounding buildings.	MEETS GUIDELINE
Architectural Features				
V 1	BUILDING ENTRANCES		GUIDELINE: Design building entrances to enhance the connection between the public realm of the street and sidewalk and the private realm of the building.	MEETS GUIDELINE
V 2		Location of Building Entrances	GUIDELINE: Respect the existing pattern of building entrances.	See comment III 6.
V 3		Front Porches	GUIDELINE: Provide front porches that are compatible with existing porches of surrounding buildings.	NA

RESIDENTIAL DESIGN GUIDELINES MATRIX				
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V 4		Utility Panels	GUIDELINE: Locate utility panels so they are not visible on the front building wall or on the sidewalk.	Show location of panels in plans.
V 5	BAY WINDOWS		GUIDELINE: Design the length, height and type of bay windows to be compatible with those on surrounding buildings.	NA
V 6	GARAGES	Garage Structures	GUIDELINE: Detail garage structures to create a visually interesting street frontage.	NA
V 7		Garage Door Design and Placement	GUIDELINE: Design and place garage entrances and doors to be compatible with the building and the surrounding area.	MEETS GUIDELINE
V 8		Garage Door Widths	GUIDELINE: Minimize the width of garage entrances.	MEETS GUIDELINE
V 9		Curb Cuts	GUIDELINE: Coordinate the placement of curb cuts.	MEETS GUIDELINE
V 9	ROOFTOP ARCHITECTURAL FEATURES		GUIDELINE: Sensitively locate and screen rooftop features so they do not dominate the appearance of a building.	See comment III 6.
V 10		Stair Penthouses	GUIDELINE: Design stair penthouses to minimize their visibility from the street.	See comment III 6.
V 11		Parapets	GUIDELINE: Design parapets to be compatible with overall building proportions and other building elements.	See comment III 6.
V 12		Dormers	GUIDELINE: Design dormers to be compatible with the architectural character of surrounding buildings.	NA

RESIDENTIAL DESIGN GUIDELINES MATRIX				
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V 13		Windscreens	GUIDELINE: Design windscreens to minimize impacts on the building's design and on light to adjacent buildings.	See comment III 6.
Building Details				
VI 1	ARCHITECTURAL DETAILS		GUIDELINE: Design the placement and scale of architectural details to be compatible with the building and the surrounding area.	See comment III 6.
VI 2	WINDOWS		GUIDELINE: Use windows that contribute to the architectural character of the building and the neighborhood.	See comment III 6.
VI 3		Window Size	GUIDELINE: Relate the proportion and size of windows to that of existing buildings in the neighborhood.	See comment III 6.
VI 4		Window Features	GUIDELINE: Design window features to be compatible with the building's architectural character, as well as other buildings in the neighborhood.	See comment III 6.
VI 5		Window Material	GUIDELINE: Use window materials that are compatible with those found on surrounding buildings, especially on facades visible from the street.	See comment III 6.
VI 6	EXTERIOR MATERIALS		GUIDELINE: The type, finish, and quality of a building's materials must be compatible with those used in the surrounding area.	Propose a material pallette and propoertions that are compatible with those used in the surrounding area.
VI 7		Exposed Building Walls	GUIDELINE: All exposed walls must be covered and finished with quality materials that are compatible with the front facade and adjacent buildings.	See comment III 6.

RESIDENTIAL DESIGN GUIDELINES MATRIX				
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VI 8		Material Detailing	GUIDELINE: Ensure that materials are properly detailed and appropriately applied.	See comment III 6.



## 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-feet 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  
**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)

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

## Exhibit C

Excerpt from Planning Commission Hearing November 18, 2021

Source: Planning Commission Archives

[https://sanfrancisco.granicus.com/TranscriptViewer.php?  
view\\_id=20&clip\\_id=39912](https://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=20&clip_id=39912)

PASSES 5 TO 1 WITH COMMISSIONER DIAMOND VOTING AGAINST THAT WILL PLACE US ON ITEMS 18 A AND

B OR CASE NUMBER 2019-013808

CU ABA ARE FOR AND 17TH STREET. COMMISSIONERS YOU WILL CONSIDER

A CONDITIONAL USE AUTHORIZATION AND THE ADMINISTRATOR WILL

CONSIDER THE REQUEST FOR VARIANCE BUT NOTE IN OUR NOVEMBER 19 2020 AFTER HEARING CLOSING PUBLIC COMMENT THIS MATTER

WAS CONTINUED. AND THEREFORE THERE WILL BE

REDUCED TIME FOR THE PROJECT SPONSOR AND MEMBERS OF THE PUBLIC FOR THEIR COMMENTS. MISTER MOORE ARE YOU PREPARED TO MAKE A PRESENTATION.

I AM COMMISSION SECRETARY.

GOOD EVENING PRESIDENT. MEMBERS OF THE COMMISSION AND ZONING ADMINISTRATOR JEFF WARREN PLANNING STAFF. ADAM BEFORE HE WAS A REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR THE CORONA HEIGHTS SPECIAL LARGE RESIDENCE SPECIAL USED DISTRICT AND THE REQUEST FOR VARIANCES ON THE LOT AND RH TO AND A 40 X DISTRICT. ITEM WAS HEARD BY THE COMMISSION AND ZONING

ADMINISTRATOR NOVEMBER 19, 2020 AND AFTER HEARING PUBLIC COMMENT AND DISCUSSION THE COMMISSION CONTINUE THE ITEM PROVIDED FEEDBACK ON DESIGN OF THE PROPOSAL WITH RECOMMENDATIONS FOR THE PROJECT TO BE MODIFIED TO SCALE AND BUILDING TYPOLOGY THAT

INCREASES THE DENSITY UP ON THE SITE BUT WITHIN A BUILDING THAT

WOULD BE IN GREATER COMPLIANCE AND LESS IMPACTFUL TO THE OPEN SPACE AND MAINTAIN ADJACENT PROPERTIES ACCESS TO THE AIR.

THE ADMINISTRATOR CONTINUED THE

CASE AS WELL AS A REFRESHER THE PROJECT TYPE IS A CORNER LOT LOCATED ON THE NORTHWEST SIDE OF



## **Exhibit C**

THE INTERSECTION OF 17TH AND MOORE STREET.

THE PROJECT IS A 2916 SQUARE

FOOT CORNER LOT WITH 36 FEET OF FRONTAGE ON ORANGE STREET AND 85

FEET ON 17TH STREET. THE TWO-FAMILY DWELLING

OCCUPIES THE HALF OF THE SUBJECT LOT AND HAS A DEPTH OF 40 FEET SIX INCHES PROVIDING A REALLY HARD TO 50 PERCENT OF

THE LOT . AT THE GROUND-FLOOR THERE'S

EXISTING OFFICE AND STORAGE AREA THAT HAS NO INTERNAL CONNECTION OF THE EXISTING DWELLING UNITS

. THE PROJECT BEFORE YOU TODAY PROPOSES TO CONSTRUCT A NEW

3128 GROSS SQUARE FOOT

THREE-STORY TWO-FAMILY DWELLING

ON A NEW 1458 SQUARE FOOT LOT . THIS NEW LOT WOULD BE CREATED

THROUGH A SUBDIVISION OF THE EXISTING LOT AS DESCRIBED. THE BUILDING WOULD CONTAIN A

1139 WHERE FOR TWO BEDROOM UNIT AT THE GROUND-FLOOR AND IN 1000

400 FOOT TWO-BEDROOM UNIT WITHIN THE UPPER TWO FLOORS.

OPEN SPACE WOULD BE PROVIDED A SECOND FLOOR DECK AT THE REAR OF

THE BUILDING AND AT THIRD FLOOR ROOF DECK.

AN ACCESSORY DWELLING UNIT IS PROPOSED TO BE ADDED AT THE GROUND-FLOOR OF THE EXISTING TWO-FAMILY DWELLING AT 17TH

STREET AND THE SPONSOR SEEKS TO

VOLUNTARILY DESIGNATE THE PROPOSED EDU AS AN ON-SITE INCLUSIONARY HOUSING UNIT. THE NEW ROOF DECK IS PROPOSED ON THE EXISTING BUILDING TO PROVIDE COMMON USE OF OPEN SPACES.

PROCEDURALLY PROJECT SEEKS CONDITIONAL USE FOR THE CORONA HEIGHTS SPECIAL USED DISTRICT TO CONSTRUCT A NEW BUILDING THAT EXCEEDS 3000 GROSS SQUARE FEET AND CARRIED ON THE PROPOSED LOT THAT BOTH LOCKS SEEK AUTHORIZATION TO PROVIDE

## **Exhibit C**

DEVELOPMENT THAT RESULTS IN A REARGUARD LESS THAN 45 PERCENT OF TOTAL LOT. WITH EACH BUILDING PROPOSED TO REACH A DEPTH EQUAL TO THEIR PROPERTY LINE. ADDITIONALLY EACH OF THE PROPOSED LOT REQUIRE A VARIANCE TO THE MINIMUM LOT SIZE CONTROL IN SECTION 121 TO ALLOW THE PROPOSED DECISION AND BOTH

LOCKS SEEK A VARIANCE TO THE 45 PERCENT OF WHAT YOU

REQUIREMENTS FOR THE DISTRICT.

SINCE LAST YEAR'S CONTINUANCE AND WHILE WORKING WITH DEPARTMENT STAFF ON DESIGN PROPOSALS TO SPONSOR REVISED

THE PROJECT FOR A REDUCED SCOPE ASKING BEFORE YOU TODAY THE FOLLOWING IS A HIGHLIGHT OF

CHANGES MADE FROM THE PROJECT

ORIGINALLY PRESENTED TO THE PLANNING COMMISSION AND ZONING ADMINISTRATOR. THESE INCLUDE A REMOVAL OF THE

FOURTH FLOOR RESULTING IN A

REDUCTION OF THE HEIGHT OF THE BUILDING FROM THREE FEET TO 30 FEET. AT THE PROPOSED LOT REARGUARD LINE THE SECOND AND THIRD FLOOR

WOULD PROVIDE 12 ASPECTS OF THE

PROPOSED LOT WESTERN SIDE PROPERTY LINE THE FIRST FLOOR WOULD PROVIDE A FIVE FOOT SETBACK THE SECOND AND THIRD FLOOR WOULD PROVIDE A THREE FOOT SETBACK. THE TOTAL AREA OF THE BUILDING IS REDUCED FROM 5000 AND 42 SQUARE FEET TO 3128 SQUARE FEET.

THE PROPOSED ONE VEHICLE GARAGE AND UNPROFITABLE ACCESSORY DWELLING UNIT WERE REMOVED FROM

THE SCOPE. AND THE PROJECT WOULD NOW PROVIDE COMPLIANT USABLE OPEN SPACE AND NO LONGER SEEKS A VARIANCE TO THE CONTROL DECEPTION 135. WITH THESE CHANGES MADE TO THE SCALE AND AMASSING OF THE PROPOSED BUILDING IT WOULD NOT CONSIDERATION THE REQUEST

VARIANCE THE DEPARTMENT FINDS

THE REVISED PROJECTS GENERATES

RESPONSE APPROPRIATELY TO THE CONTEXT OF THE ADJACENT

PROPERTIES AND IN A MANNER

## Exhibit C

THAT'S OVERALL CONSISTENT WITH

DEVELOPMENT PATTERNS OF MANY RESIDENTIAL CORNER LOTS THROUGHOUT THE CITY. THE REDUCTION IN HEIGHT AND APPROPRIATION OF SETBACKS REDUCE THE INTENSITY OF THE

PROJECT SCALE WITH RESPECT TO MID LOT OPEN SPACE AND ACCESS TO LIGHT AND AIR. PRIOR TO THE PROJECTS FIRST

HEARING THAT HEARING AND PRIOR TO TODAY'S HEARING THE

DEPARTMENT RECEIVED SUBSTANTIAL TOTAL OF PUBLIC TESTIMONY AND COMMENT IN SUPPORT AND IN OPPOSITION TO THE PROJECT. SINCE THE NEIGHBORHOOD NOTIFICATION FOR THE REVISED PROJECT THIS PAST AUGUST THE DEPARTMENT HAS RECEIVED 85 COMMENTS, EMAILS IN OPPOSITION TO THE PROJECT AND 35 LETTERS IN SUPPORT. THE SUPPORT OF THE PROJECT IS CENTERED ON THE ADDITION OF HOUSING UNITS AND ADDITION OF AFFORDABLE UNITS. OPPOSITION IS ENTERED ON THE

PROJECTS NONCOMPLIANCE WITH THE

PLANNING CODE OR CORONA HEIGHTS LARGE UNITS.

OVERALL THE DEPARTMENT FINDS THE PROJECT IS ON BALANCE CONSISTENT WITH THE CORONA

HEIGHTS LARGE RESIDENCE AND POLICIES OF THE GENERAL PLAN AND FURTHER A PRIORITY IS TO MAXIMIZE THE DEVELOPMENT OF HOUSING UNITS THAT CAN BE REASONABLY ACCOMMODATED UNDER THE SITE ZONING WHILE MAINTAINING QUALITY OF LIFE TO APPLICABLE STANDARDS. THE DEPARTMENT FINDS THE DEPARTMENT RESPONSE TO THE

PROPERTY AND IN A MANNER THAT IS OVERALL CONSISTENT WITH DEVELOPMENT PATTERNS OF THROUGHOUT THE CITY.

THE DEPARTMENT FINDS THE

PROJECT IS NECESSARY, DESIRABLE

AND COMPATIBLE WITH SURROUNDING NEIGHBORHOODS AND NOT TO BE DENTAL MENTAL TO PERSONS OR ADJACENT PROPERTIES. THIS CONCLUDES MY PRESENTATION AND I'M AVAILABLE FOR ANY QUESTIONS. **PRESIDENT:** ARE YOU PREPARED TO MAKE YOUR PRESENTATION?

I AM .

YOU HAVE THREE MINUTES.

MEMBERS OF THE COMMISSION,

ZONING ADMINISTRATOR T AND CONGRATULATIONS TO THE FORMER DA

## **Exhibit C**

SANCHEZ.

YOU FOR THE OPPORTUNITY TO PRESENT MY PROJECT TODAY.

LAST NOVEMBER I SHARED AN IDEA THAT I HAD AND THE FIRST OF ITS KIND  
SMALL-SCALE MIXED AFFORDABLE HOUSING PROJECT THAT

HAS TWO UNITS WITH MARKET RATE HOUSING TWO UNITS OF DEED  
RESTRICTED BELOW MARKET RATE

AFFORDABLE HOUSING. THANK YOU JEFF.

THE PLANNING DEPARTMENT ADOPTED MY ORIGINAL DESIGN WAS  
CONSISTENT AND RECOMMENDED AGAINST IT BUT AFTER A LENGTHY

DISCUSSION DECIDED TO CONTINUE RATHER THAN DESIGN THE APPLICATION  
AND PROVIDED A ROADMAP. THE SIGN YOU SEE HERE SUMMARIZES THE  
MANY CHANGES

THAT WERE MADE TO SIGNIFICANTLY DOWNSIZED THE DESIGN.

THE ENTIRE PORTFOLIO WAS REMOVED TO THE BACK OF THE

BUILDING TO STIMULATE A 12 EDR MIND ALL OF THESE CHANGES

REDUCED FROM 2900 SQUARE FEET . COMMISSIONERS YOU ASKED ME TO  
WORK WITH THE DEPARTMENT TO FIND A MIDDLE PATH . AND THEN YOU JUST  
HEARD SENIOR

PLANNER JEFFREY HORNSBY GIVE US THAT. YET DESPITE THE DRAMATIC  
REDUCTION IN SCHOOL AND NOW SUPPORT FROM THE PLANNING

DEPARTMENT THERE ARE WHO REMAIN OPPOSED TO BUILDING THIS OR ANY  
HOUSING . AND THEY'LL TELL YOU THEY'RE NOT JUST OPPOSED TO NEW  
HOUSING

PROJECTS AND CERTAINLY NOT AFFORDABLE HOUSING OR JUST OPPOSED TO  
THIS PARTICULAR AFFORDABLE HOUSING PROJECT AND IT HAPPENS TO BE  
CLOSE TO THEIR HOME. LET ME SHARE WHAT IS HAPPENING

. ALBEIT MODEST IN SIZE IS WORTHY OF APPROVAL. FOR THE LAST 10 YEARS  
POPULATION OF HOUSEHOLD INCOME

HAS INCREASED DRAMATICALLY AND

THE FUNDING DECREASED OVER THAT SAME TIME.

## **Exhibit C**

IN TERMS OF OVERALL UNITS AND AGREEMENTS. MORE PEOPLE AND MORE MONEY COMBINED WITH THE SHRINKING

HOUSING REQUIREMENTS PREDICTABLY OWN VALUES AND RENTS HAVE EXPLODED.

THIS IS FROM HOMEOWNERS AND LANDLORDS ACTIVELY WORK TO CONSTRAIN SUPPLY HOUSING AND A HANDFUL YOU WILL HEAR FROM TODAY. THIS IS VERY BAD NEWS FOR THOSE

WHO LIVE IN THIS NEIGHBORHOOD

INCLUDING DISPROPORTIONATELY PEOPLE OF COLOR, THOSE OF LIMITED OR FIXED INCOMES AND

THOSE IN WORKING-CLASS PROFESSIONS SUCH AS TEACHERS FIREFIGHTERS AND OTHER STAFF. IT IS OF COURSE WELL WITHIN

YOUR DISCUSSION TO DEAL WITH

THIS AFFORDABLE HOUSING PROJECT ." HEIGHTS HAS CONTINUED TO GENTRIFY AND WILL REMAIN DOWNTOWN. HOWEVER THE GOOD NEWS FOR THOSE AFFORDABLE HOUSING IS THAT THEY WILL ENABLE AN OPTION AND AN

IDEA THAT COMMISSIONER DIAMOND ACTUALLY HAD. MY STRONG PREFERENCE IS OPTION A, REVISED DESIGN BEFORE YOU TODAY. THE ALTERNATIVE OPTION BE IS ATTACHED TO BEDROOM SQUARE FOOT ACCESSORY AND CONSTRUCTED IN

THE REAR CORNER, AND NO AFFORDABLE HOUSING OR OPEN SPACE. IF THE STATE PROVIDES A PATH OF LEAST RESISTANCE, MINISTERIAL

HE . THIS IS AN EMPTY LOT AND IN THE NOT-TOO-DISTANT FUTURE THERE WILL BE A NEW HOME HERE.

THE ONLY QUESTION IS HOW MANY FAMILIES LIVING INSIDE ONE FAMILY WERE THREE FAMILIES INCLUDING FAMILIES SELECTED BY THE OFFICE. THANK YOU VERY MUCH FOR YOUR TIME. COMMISSIONERS MAY HAVE ADDITIONAL

QUESTIONS. ONCE PUBLIC COMMENT IS CONCLUDED, MISTER HOLTZMAN I'M LOOKING FOR YOUR OWN NUMBER. I DO NOT SEE THE ONE YOU PROVIDED.

I TAKE THAT BACK.

WE DO HAVE ORGANIZED OPPOSITION . THERE WILL BE REPORTED THREE MINUTES TOGETHER TO GIVE A BRIEF SPEAKER AS WOULD ANY OTHER

## **Exhibit C**

MEMBER OF THE PUBLIC. THEY ARE SET ON ONE MINUTE INTERVALS FOR THREE SPEAKERS. MISTER HOLTZMAN ARE YOU WITH US ? I AM.

BRING UP THE SLIDES PLEASE.

**PRESIDENT:** THEY ARE UP .

I DON'T SEE THEM ON MY END. ANYWAY, LET ME JUST GO THROUGH THIS . AS THE FIRST SLIDE INDICATES

YOU ARE THE CORBIN HEIGHTS NEIGHBORS ASSOCIATION.

NEXT SLIDE PLEASE . WE'VE BEEN AROUND FOR A NUMBER OF YEARS AND WE'VE HAD A PARTICULAR FOCUS ON LAND USE AND AS THESE ADDRESSES INDICATE WE HAVE WORKED ON A NUMBER OF SITES AND IT HAS ALWAYS COME TO A COMPROMISE.

IN THIS CASE HOWEVER, THE NO ONE EVER DARED TO TRY TO KNOCK DOWN AN ENTIRE BACKYARD.

SO NEXT SLIDE PLEASE. I BETTER MOVE AHEAD.

I DO WANT TO WARN PEOPLE I

GUESS THOSE SLIDES ARE GOOFED UP ON WHAT I WANT TO WARN

PEOPLE IS THEY SHOULD NOT FALL

FOR THE BAD COP VERSUS GOOD COP. THE FIRST PROPOSAL WAS A BAD PROPOSAL.THEY BYPASSED THE PLANNING DEPARTMENT AND TURNED

DOWN BY MULTIPLE ENTITIES . THE GOOD COP IS AN ATTEMPT TO REVITALIZE THAT BUT WITH MINIMAL CHANGES. IT SETS A DANGEROUS PRECEDENT FOR BACKYARD AND IT IS ZONING AT ITS WORST. IF YOU LOOK AT THE... WE NEED TO HEAR FROM YOUR NEXT SPEAKER NOW.

OKAY . I'M MARY AND JOSEPH AND VICE

PRESIDENT OF CORBETT HEIGHTS NEIGHBORS I'VE LIVED ONE BLOCK FROM THE PROPOSED PROJECT FOR MANY YEARS.

MY IMMEDIATE NEIGHBORS AND THEN

SUPERVISOR WARNER WERE

INSTRUMENTAL IN GETTING CORONA HEIGHTS SPECIAL USE DISTRICT PAST THE LAW IS STILL IN EFFECT AND NO REASON AT ALL WAS GIVEN

## **Exhibit C**

BY THE DEPARTMENT TO IGNORE OR WAIVE THE REQUIREMENTS OF THE SPECIAL USE DISTRICT. MOST IMPORTANTLY THERE ARE ABSOLUTELY NO ASSURANCES THAT THE PROPOSED UNITS WILL GO TO RESIDENTS AND ARE LOWER

MODERATE INCOMES SAN FRANCISCO RESIDENTS RATHER THAN TO AN OUT-OF-TOWN VISITOR.

THE RESPONDENT HAS SHORT-TERM RENTAL IN ONE OF HIS UNITS NOW AS THE PROJECT IS CONTEMPLATED THE SPONSOR AND SUCCESSORS MAY CHARGE MIGRANTS RATE TO ANYONE ON ALL BUT ONE OF THE FIVE

PROPOSED UNITS.

THE DEPARTMENT POINTED OUT AND RECOMMENDED ONE YEAR AGO THERE WAS A METHOD WHICH COMPLIED WITH THE CORONA HEIGHTS SPECIAL USE DISTRICT THROUGH WHICH ADDITIONAL UNITS COULD BE CONSTRUCTED. PATIENT WAS NOT ACCEPTED AND THERE APPEARS TO BE NO GOOD REASON WHY THE DEPARTMENT DOES NOT INSIST ON THAT METHOD BEING

ARE GOING TO HAVE TO GO TO YOUR THIRD SPEAKER. COMMISSIONERS MY NAME IS PAUL ALLEN, SECRETARY CORBETT HEIGHTS NEIGHBORS AND AS MARIANNE HAS INDICATED THERE IS NO LEGALLY ENFORCEABLE OBLIGATION THAT THE TWO UNITS IN THE NEW BUILDING WILL BE AFFORDABLE OR EVEN TO ENSURE THEY

ARE NOT MADE AVAILABLE TO NONRESIDENTS HAS SHORT-TERM RENTALS. IN SHORT THERE IS A MYTH OF AFFORDABILITY WHICH SURROUNDS THIS PROJECT. MORE IMPORTANTLY, THE DEPARTMENT ONE YEAR AGO RECOMMENDED AGAINST APPROVAL FOR THIS PARTICULAR PROJECT. NOW IT EXECUTES A 180 DEGREES

HERE LET RECOMMENDING APPROVAL APPARENTLY BECAUSE THE SECOND FLOOR IS SOMEHOW SET BACK ABOUT 12 FEET BUT THAT DOES NOT JUSTIFY ABANDONING THE 40 PERCENT REQUIREMENT. ALL WE HAVE IS AN EXCAVATED PRONOUNCEMENT OF COMPLIANCE. NO RATIONALE, NO TRANSPARENCY.

IN ADDITION THIS PROJECT WOULD NOT EVEN MEET THE STANDARDS OF

THE FOUR UNIT LEGISLATION ABOUT WHICH YOU HEARD EARLIER TODAY. IN SHORT THE CONCLUSION SHOULD BE THE SAME AS A YEAR AGO.

DENIAL. THAT CONCLUDES ORGANIZED OPPOSITION.

MEMBERS OF THE PUBLIC.

[INAUDIBLE] AND I ON?

## **Exhibit C**

**PRESIDENT:** YOU ARE ON . I HEARD THREE ANNOUNCEMENTS.

GOOD EVENING COMMISSIONERS.

THIS IS SAN FRANCISCO LAND USE COALITION. WHILE WE COMMEND MISTER POLLUTER BY RESTRICTING THE DEED

TO AFFORDABLE HOUSING, THE SCALE OF THIS PROJECT IS STILL

MENACING TO THE SURROUNDING NEIGHBORS . AND SURELY THERE COULD BE SOME COMPROMISE REACHED WHERE MISTER HUDAK CAN STILL HAVE TO AFFORDABLE UNITS FROM THIS

PROJECT AND HAVE A SCALE THAT

IS NOT GOING TO BE AMENDED TO THE NEIGHBORS. THAT'S WHY WE WOULD LIKE TO

URGE THE COMMISSION TO ASK MISTER PUTIN TO REDESIGN THE PROJECT SO IT WILL NOT BE A MENACE IN TERMS OF ITS SCALE AND WOULD NOT DEPRIVE THE NEIGHBORS FROM LIGHT AND

PRIVACY BUT AGAIN, PROVIDING THE TWO AFFORDABLE UNITS IS COMMENDABLE BUT AT THE SAME TIME WE HAVE TO KEEP IN MIND THERE ARE OTHER PEOPLE THAT

LIVE IN THIS NEIGHBORHOOD SO PLEASE CONSIDER ASKING THE PROJECT SPONSOR TO REDESIGN THE

PROJECT SO IT WOULD BE MORE IN THE SCALE THAT WE HAVE IN THAT NEIGHBORHOOD.

THANK YOU. I'M BRAD WYMAN, I LIVE IN T3 FOR CORBETT AVENUE. LEFT OVER FROM THIS PROPERTY .

I WAS CANNOT COMMENT NOW?

**PRESIDENT:** YOUR TIME IS

RUNNING. THE UNIT CREATES AN ADDITIONAL UNITS ALTHOUGH IT'S

LIKE PUTTING UP ONE WALL OF

SHEET ROCK IN A GARAGE IS WHAT IS PROPOSED THERE.

IT IS SUBSTANDARD HOUSING SO TO MAKE THAT AFFORDABLE HOUSING IS SORT OF AN INSULT.



## **Exhibit C**

SO THIS NEW BUILDING I WILL CREATE ANY ADDITIONAL RENTAL UNITS . AND THIS ALL PROJECT PUTS THE

TWO RULE, WHEN THE SPONSOR BOUGHT THE PROPERTY THERE WAS TOO RAW LONG-TERM TENANTS THERE AND IT PUTS BOTH OF THEM RISK OR DISPLACEMENT AS ITS DISPLACED ONE OF THEM AND WILL LIKELY DISPLACE THE OTHER ONE. IF THE BOND IS SEPARATED AS PLANNED.

BECAUSE THAT OLD BUILDING WILL

BE SOLD TO SOMEBODY AND IN OUR NEIGHBORHOOD, THE OWNERS WILL MOVE INTO THAT'S UNIT WHICH IS WHERE OUR DUTIES 12 YOUR TENANTS CAN LIVE AND WE WILL HAVE ANOTHER DISPLACED

TENANTS.

SO FOR A WHOLE PROJECT THAT WAS

ALL ABOUT HOUSING... MEMBERS OF THE PUBLIC, LAST CALL

FOR PUBLIC COMMENT.

YOU HAVE ONE MINUTE.

GO AHEAD TALLER. MY NAME IS LAUREN STRUGGLE

AND I LIVE AT 270 STATE STREET . I'M CALLING TO EXPRESS MY OPPOSITION TO THIS PROPOSAL AND

IN 2016 ARE THEN SUPERVISOR SPONSOR THE INTERIM CONTROLS

AND SITES OVERWHELMING SUPPORT FOR HIS CONSTITUENTS AND THIS LEGISLATION WAS RENEWED AND

CODIFIED AT THE GROWING HEIGHTS

LARGE RESIDENCE SPECIALTY USE DISTRICT WHICH YOU ALL KNOW. I JUST WANT TO POINT OUT A COUPLE OF THINGS. FTD PROMOTES HOUSING IN A SENSIBLE AND INCLUSIVE MANNER

AND OUR NEIGHBORHOOD WAS ABLE

TO ADD COMPATIBLE MULTI-USE BUILDINGS RATHER THAN SINGLE-STORY AND ALSO SINCE IT WAS ENACTED IN 2017 IT'S

SLIGHTLY POPULAR AND REFLECTS THE CURRENT UNIT THAT EMBRACES HOUSING .

## **Exhibit C**

SO THERE'S NOTHING OBSOLETE IF YOU'RE ECSTATIC ABOUT THIS , I DON'T BELIEVE THIS PROPOSAL IS FOR SPECIAL USE DISTRICTS AND THANK YOU SO MUCH FOR LISTENING

. ZONING ADMINISTRATOR MY NAME IS DIRK I WINTER, I LIVE ON THE SAME BLOCK AS THE PROJECT. I OPPOSED THE CURRENT DESIGN,

TO ARCHITECTS AND INDEPENDENTLY DETERMINED THE SAME EXACT NUMBER OF HOUSING UNITS COULD

BE BUILT IN A MATTER OF HIS IN CLOSE EVEN WITH OUR SUV AND WOULD BE LESS IMPACTFUL ON THE

NEIGHBORS. THE FRIENDLY AGENT AT THE

PLANNING COUNTER EVEN SKETCHED IT OUT FOR ME IN FIVE MINUTES. IT SHOWS THE SAME NUMBER OF UNITS AS THE CURRENT PROPOSAL, MORE AFFORDABILITY AND IT'S IGNORED.

WHY IS THE NONCOMPLIANCE PROJECT IN FRONT OF YOU ONCE AGAIN WHEN 50 HOUSING OPTIONS EXIST BUT HAVE NOT BEEN CONSIDERED.

UNFORTUNATELY THE DEVELOPERS

SEEK COMMUNICATING WITH ME SO I RELATED INFORMATION TO THE PLANNING DEPARTMENT LAST SEPTEMBER. PLEASE DENY THIS APPLICATION AND DIRECT THEM TO COPE COME BACK WITH AN COMPLIANCE PROJECT THAT WE CAN SUPPORT.

THANK YOU.

**CALLER:** MY NAME IS ERIC

MURPHY, OWNER OF 17TH STREET DIRECTLY ADJACENT TO THE 4300 19TH STREET PROPERTY. I'M CALLING TO EXPRESS MY OPPOSITION TO THIS PROPOSAL. THE 20/20 HERE IN THE ZONING

ADMINISTRATOR EXPLAINED THAT VARIANCES ARE INTENDED FOR

EXTRAORDINARY CIRCUMSTANCES. THAT WILL ARISE FROM A SUBJECT PROPERTY IN ITSELF AND THEY DETERMINED THIS SITE IS A

STANDARD PROPERTY THAT PRESENTS COMPLIANCE WAYS OF HOUSING. FURTHER VARIANCE CANNOT BE GRANTED IF IT RECLASSIFIES THE ZONING OF THE PROPERTY.

LASTLY THE PROPOSED SUBDIVISION WOULD CREATE TWO SUBSTANDARD

## **Exhibit C**

LOTS WITH NO REAR YARDS ALL. ALL THESE ISSUES WERE HIGHLIGHTED AT THE LAST HEARING

AND NONE HAVE BEEN ADEQUATELY ADDRESSED IN THE PROPOSAL.

IT'S NONE OF THIS HAS CHANGED MEANINGFULLY VARIANCES ARE STILL NOT JUSTIFIED AND SHOULD BE DENIED. PROJECT SPONSOR SHOULD BE DIRECTED TO WORK ON A COMPLIANCE PROJECT.

THANK YOU.

**CALLER:** MY NAME IS ROZ AND I LIVE AT 90 ORANGE STREET WITH MY HUSBAND AND YOUNG SON AND WE LIVED NEXT DOOR TO THIS PROPERTY .

THE HEARING CONSIDERED DIAMOND STATED I THINK IT MAKES A GREAT DEAL OF SENSE TO HAVE AFFORDABILITY TIME TOGETHER ON

A CORNER LOT AT A POLICY LEVEL IST SO WE CAN IMPLEMENT IT WITH CONSISTENCY AND PREDICTABILITY . COMMISSIONERS, WE AGREE.

WE PURCHASED OUR HOME LESS THAN

A YEAR AGO AND ALL WE KNEW THE 17TH STREET WAS IN THE WORKS OUR EXPECTATION WAS IT WOULD ONLY MOVE FORWARD AS A CODE

COMPLIANT PROJECT.EVEN VISOR MANDELMAN'S PROPOSAL THIS DEVELOPMENT DOES NOT NEED THE

STEPS SETBACK STIPULATIONS

THERE.[INAUDIBLE]

**PRESIDENT:** I'M SORRY BUT YOU'VE

BROKEN UP ON US THERE.

**CALLER:** MY NAME IS SONIA,

AND I'M CALLING TO EXPRESS MY OPPOSITION TO THIS PROPOSAL. AT THE LAST HEARING YOU HAD

DIRECTORS RESPOND TO SPECIFIC SETUP ISSUES AND UNFORTUNATELY THE SAME EXACT CONCERNS STILL APPLY TODAY.

LESS HOUSING, NO REAR YARD OPEN SPACE.

NO AFFORDABILITY, NO HARDSHIP.

## **Exhibit C**

ZONING RECLASSIFICATION AND ON TOP OF THIS WE HAVE LEARNED THE SAME EXACT NUMBER OF HOUSING UNITS CAN BE CREATED IN A CODE

COMPLIANT AND SENSIBLE MANNER BUT THE DEVELOPER IS UNWILLING TO DO SO. OVER 200 REAL NEIGHBORS OF BOTH THE CURRENT DESIGN IF THEY WANT TO SEE A MORE REASONABLE HOUSING PROJECT.

PLEASE DENY THE CU AND VARIANCE APPLICATIONS AND DIRECT THE DEVELOPER TO COME BACK WITH A CODE COMPLIANT PROJECT THAT CAN SUPPORT.

HELLO COMMISSIONERS , MY NAME IS TIM WU AND I'M A NEIGHBOR IN THE AREA.

I HAVE DOUBTS ABOUT THE MIXED AFFORDABLE HOUSING TREND.

AND FOR THAT REASON I OPPOSE

IT. 15 CRISIS ADS SHOW 4000 A MONTH FOR TWO-BEDROOM SLACKS AND EXISTING BUILDINGS OUR NEIGHBORHOOD. THOSE SPONSORS DAILY.

THE INJURY RATE IS IN THAT RANGE. SINCE NEW CONSTRUCTION EXPECTS TO BE CLOSER TO 5000, THIS PROJECT IS PROBABLY WORTH 7

MILLION FOR SQUARE FOOTAGE PRICE. HOW WOULD THIS WORK IS THIS AFFORDABLE. TIME AND AGAIN WE SEE THE HOMES AS SENIOR CITIZENS, NEIGHBORS

AND STUDENTS STAFFED BY SPECULATORS TO TURN ITS MODEST HOMES TO LIKE THIS ONE.

DO NOT ASSESS THE BLAME ON THE PEOPLE WHO LIVE HERE AND HELP US SHAPE BETTER AND MORE

INCLUSIVE PROJECT THAT BENEFITS EVERYONE SO WE CAN EXTEND THESE

BENEFITS TO WORK. I'M THE NEXT DOOR NEIGHBOR TO THE PROPOSED DEVELOPMENT AND I'M CAUTIOUS ABOUT NEW DEVELOPMENT AND INCREASED DENSITY BECAUSE I DON'T THINK IT WILL HELP LOWER AND MIDDLE INCOME RESIDENTS WITHOUT RESIDENCY REQUIREMENTS.

IN THIS SITUATION ALL PREVIOUS DISCUSSIONS ABOUT AFFORDABILITY TEAM TO BE OUT THE WINDOW. WHERE DOES THIS THREE BELOW-MARKET RENTAL UNITS GO? HOW DOES THE PROJECT CONSIDER MIXED AFFORDABLE WITH ONE REAL AFFORDABLE UNIT. A TINY CONVERTED GARAGE. WHAT HAPPENED TO THE RACIAL EQUITY ISSUE THE DEVELOPER PUSHED LAST COMMISSION MEETING . HOW DO WE KNOW FOR SURE THE

## Exhibit C

MARKET RATE UNITS WILL BE  
RENTED AS REAL HOUSING NOT SHORT-TERM RENTALS AS ONE OF

HIS EXISTING UNITS IS IN THE EXISTING BUILDING IS NOW THE

BOTTOM LINE IS THAT THIS ABSURD

PROPOSAL DOES NOT CONFRONT THE CURRENT ZONING AND FUTURE  
PROPOSED ZONING WITH REGARDS TO SETBACKS. THERE ARE BETTER  
ALTERNATIVES FOR THE NEIGHBORS AND NEIGHBORHOOD AND 200 OF MY

FELLOW NEIGHBORS AGREE.

**CALLER:** MY NAME IS GREG RANDO AND I LIVED NEXT DOOR TO THE  
PROPOSED UNITS AT THE TWO 86 . I DO SUPPORT HOUSING BUT THE

CURRENT PROPOSAL ADVERSELY IMPACTS ARE LIKE AIR AND PRIVACY. THE  
ZONING LAWS WERE DESIGNED TO PREVENT THIS TYPE OF DEVELOPMENT.  
THE VARIANCES ARE GRANTED, WHAT'S THE POINT OF HAVING ZONING LAWS?  
WE COULD HAVE WORKED OUT A REASONABLE COMPROMISE IN THE  
EXISTING YOUR YARD BUT IT

CAUSED THE DEVELOPERS TO SEE CEASE COMMUNICATING WITH US AND

WE HAD NO OPPORTUNITY TO PRIDE INPUT TO THE PLAN AT THE DEVELOPER  
IS PROVIDING ONLY ONE ADU TO JUSTIFY THE MARKET RATE AND AS A RESULT  
WE HAVE NO OTHER CHOICE THAN TO ASK THE

VARIANCES BE REQUESTED BE DENIED.

THE DEVELOPER SHOULD FILE A NEW APPLICATION FOR A CODE COMPLIANT  
PROJECT AND MAKE A GENUINE EFFORT TO WORK WITH THE

NEIGHBORHOOD.

**CALLER:** GOOD EVENING COMMISSIONERS. MY NAME IS MARIAH HUTCHINS  
AND I LIVE AT 47 LIVE ON STREET IN CORONA HEIGHTS. I OPPOSE THIS  
PROPOSAL. OUR FUD REINFORCES REAR YARD REQUIREMENTS THAT ARE  
CODIFIED IN ADDITION THE LAST PARAGRAPH

PREVENTS THE PREDATORY SUBDIVISION FRONTAGES.

THIS DEMONSTRATES THAT PROTECTIONS ALSO APPLY OUTSIDE THE MID-  
BLOCK.

IRONICALLY THE SPONSORS AIRBNB QUOTES A HUGE BACKYARD AS A

## Exhibit C

DESIRABLE FEATURE AND HIGHLIGHTS PICTURES OF BIRDS AND TREES. IT SERVES HIM WELL AT IN TERMS OF LIVABILITY AND AS A AIRBNB. I ASKED YOU DENIED THIS APPLICATION AND ASKED THE DEVELOPER TO COME BACK WITH A

CODE COMPLIANT PROJECT . I SUPPORT HOUSING AND ESPECIALLY AFFORDABLE HOUSING.THANK YOU FOR YOUR TIME, I KNOW IT'S BEEN

A LONG EVENING.

**CALLER:** MY NAME IS SUSIE DROUGHT AND I LIVE AT 260 STATE STREET IN OUR SPECIAL USE DISTRICT. I'M CALLING TO EXPRESS MY OPPOSITION TO THIS PROPOSAL. WE'VE HAD ALL THE SUPPORT EMAILS THAT THE PLANNING

DEPARTMENT RECEIVED OUT OF 79 STATEMENTS ONLY 15 PROVIDED A

ZIP CODE IN THE SPECIAL USE DISTRICT. OUR RESIDENTS FROM THE SOUTH THEY EAST COAST RELEVANT TO THE SAN FRANCISCO PLANNING

COMMISSION. I CONTRAST THE OPPOSITION CONSISTS OF MORE THAN 200 SAN FRANCISCANS OF WHICH OVER 170 ARE REAL DISTRICT CONSTITUENTS WHO LIVE IN OUR SPECIAL USE

DISTRICT . THE PROJECT ONLY DESERVES A CONDITIONAL USE AUTHORIZATION IF IT'S NECESSARY OR DESIRABLE FOR THE NEIGHBORHOOD OR COMMUNITY. WE ARE THE NEIGHBORHOOD AND

COMMUNITY AND THE 200+ PROPONENTS HAVE A VESTED INTEREST IN THIS PROJECT. PLEASE TAKE THEM INTO ACCOUNT AS YOU HEAR THIS TESTIMONY.

YOU FOR YOUR TIME.

**CALLER:** MY NAME IS LESLIE AND I LIVE ON CORBETT AVENUE.

I OPPOSE THIS PROPOSAL . AT THE 2020 HEARING YOU DIDN'T DIRECTED THE DEVELOPER ON

DENSITY, AFFORDABILITY AND EQUITY IN A CODE COMPLIANT MANNER. HOW HAS HE RESPONDED? DENSITY WAS REDUCED FROM 6 TO 5 UNITS. THE NUMBER OF ADU'S WERE CUT IN HALF AND IT REPRESENTS 20 PERCENT OF CORE AREA AND MEANWHILE THE MARKET RATE UNITS HAS INCREASED.

THE CURRENT PROPOSAL HAS REAR YARD OPEN SPACE. . [PLEASE STAND BY] WOUND ALLOW FOR BOTH TO BE SIMULTANEOUSLY PURSUED. COMMISSIONER.

I'M ALSO NOT SUPPORTING THIS PROJECT WHILE THE VERSION WE'VE SEEN TODAY IS CERTAINLY AN IMPROVEMENT OVER WHAT WE SAW LAST TIME, IT

## Exhibit C

DOESN'T COME CLOSE TO BEING A CODE COMPLIANT PROJECT AS IT COMPLETELY FILLS

THE BACKYARD OF THE LOT BEING CREATED. WHILE I DO SUPPORT AN INCREASE

IN DENSITY ON THE CORNER LOTS, I

DON'T THINK WE SHOULD GET THERE ON A PROPERTY BY PROPERTY BASIS USING VARIANCES TO TRY TO GET AROUND THE PLANNING CODE.

I BELIEVE AS I SAID LAST TIME,

THIS KIND OF POLICY CHANGE

REQUIRES LEGISLATION THAT THEN PROVIDES PREDICTABILITY AND CONSISTENCY.

I WAS CURIOUS TO SEE IF THE LEGISLATION CURRENTLY UNDER CONSIDERATION WOULD ALLOW FOR

THIS PROJECT AND AS WE HEARD EARLIER TODAY IT DOESN'T.

NOT CURRENTLY CODE COMPLIANT AND THE LEGISLATION AS CURRENTLY DRAFTED DOESN'T SUPPORT IT AND I

DON'T SEE HOW I CAN APPROVE A

PROJECT THAT'S NOT CODE

COMPLIANT AND USE THE VARIANCE PROJECT SO I WILL NOT BE SUPPORTING THE PROJECT. COMMISSIONER MOORE. COMMISSIONER

DIAMOND, YOU

COULDN'T HAVE SAID IT BETTER.

THANK YOU AND I SUPPORT AND ECHO

EVERY COMMENT YOU MADE.

I DO THINK UNFORTUNATELY RUNNING COUNTER TO

COUNTER TO -- COUNTER WOULD LOOK

AT THE CORNER LOSS UNDER THE

CURRENT LEGISLATION WE WOULD NOT

HAVE SOMETHING WHICH LOOKS LIKE

SUB STANDARD LOTS AND 100% LOT

COVERAGE FOR THE SECOND LOT JUST

DOESN'T WORK FOR ME AND I WOULD

NOT SUPPORT THIS PROJECT.

COMMISSIONER IMPERIAL.

I TOO WILL NOT SUPPORT THIS PROJECT FOR THE REASONS COMMISSIONER

DIAMOND AND MOORE

HAVE STATED ALREADY.

AND I DO FIND THE A.D.U. AS

VOLUNTARILY TO BE AN

INCLUSIONARY PART AND THERE'S NO WAY FOR THE PLANNING DEPARTMENT

FOR THE A.D.U. TO BE AFFORDABLE OR PUT INCLUSIONARY.

IN THAT MATTER, I DO NOT SUPPORT

THIS PROJECT AND I'M SURE YOU HEARD COMMISSIONER MOORE'S

DELIBERATION AND WOULD LIKE TO

## Exhibit C

MAKE A MOTION TO DISAPPROVE THE PROJECT.  
SECOND.

I WILL TAKE YOUR ADVICE ON WHETHER OR NOT WE'VE HEARD SUFFICIENT FINDINGS FROM MEMBERS OF THE COMMISSION IN ORDER TO CREATOR DRAFT A DISAPPROVAL MOTION. THE ONLY MOTION TODAY IS AN APPROVAL MOTION, HOWEVER, WE HAVE HEARD THIS SEVERAL TIMES. I THINK COMMISSIONERS HAVE ARTICULATED THE REASON FOR FINDINGS FOR WHICH THEY ADISAPPROVING THIS PROJECT BUT WILL DEFER TO YOUR ADVICE WHETHER THE COMMISSION MAKE A MOTION TO DISAPPROVE AND ALLOW STAFF TO CONFER WITH YOU. HAVING SAID THAT, OBVIOUSLY, IT WILL HAVE TO COME BACK AS ANOTHER HEARING. THANK YOU, SECRETARY. I DO THINK IT WOULD BE CLEANER TO MAKE A MOTION OF INTENT TO DISAPPROVE. I THINK I JUST SAW THE ADMINISTRATOR'S FLASH SO WE MAY HAVE SOMETHING TO ADD ON THE VARIANCE PIECE OF THIS. IT IS POSSIBLE CERTAIN, IF OTHER COMMISSIONERS WANTED TO WEIGH IN AND IF IT WAS UNANIMOUS WHAT THE GROUNDS WERE THAT THE DISAPPROVAL COULD HAPPEN TONIGHT BUT I THINK PROBABLY THE CLEANER AND MORE CAUTIOUS APPROACH WOULD BE A MOTION AND DISAPPROVE TO HAVE STAFF DRAFT SOMETHING UP. IF YOU WANT TO ADD ANYTHING -- THANK YOU, COMMISSIONERS, CORY TEAGUE'S ZONING ADMINISTRATOR. I WON'T BELABOUR THE POINT BUT TO COMMISSIONER DIAMOND'S STATEMENTS EARLIER, MY POSITION ON THE PROJECT HASN'T REALLY CHANGED SINCE THE ORIGINAL HEARING AS I MENTIONED IN THE PLANNING CODE PROHIBITS VARIANCES TO BE AFFECTED IF THEY WILL RECLASSIFY THE PLYMOUTH AND IN THIS CASE IT'S ESSENTIALLY A REQUEST TO UPZONE THE PROPERTY TO AN RH4 TYPE OF ZONING. ADDITIONALLY, THE CHALLENGE TOO IS THERE'S NO REAL SPECIFIC EXCEPTION OR EXTRAORDINARY CIRCUMSTANCE OTHER THAN THE FACT IT'S A CORNER LOT WITH REAR YARD SPACE THAT'S BEEN DEVELOPED. FOR THOSE REASONS I'M STILL NOT SUPPORTIVE OF THE VARIANCE. COMMISSIONERS, I HAVE JUST BEEN ADVISED BY STAFF IN FACT YOU HAVE HAD A DISAPPROVAL MOTION IN



## Exhibit C

FRONT YOU HAVE AT THE VERY FIRST HEARING. THERE IS THE POTENTIAL OF ADOPTING THOSE FINDINGS TO DISAPPROVE AS THERE IS A MOTION THAT HAS BEEN SECONDED TODAY FOR THIS PROPOSAL. COMMISSIONER MOORE.

I WOULD LIKE TO REDIRECT MY QUESTION TO CITY ATTORNEY AND THE PROFESSIONAL LANGUAGE AND WHERE ADMINISTRATOR TEAGUE VERBALIZED HIS CONCERNS AND PROFESSIONAL OPPOSITION TO THE VARIANCES HAS BEEN EXPRESSED IN LAYMAN LANGUAGE BY THE MAJORITY OF COMMISSIONERS' THINKING AND THE CODE COMPLIANCE ALSO DEALS WITH LOT SIZE AND SUBDIVISION OF A CORNER LOT ON ITS EN OWN COULD BE BUILT TO A MORE SUPPORTABLE DENSITY BUT THE SUBDIVIDING TO SUBSTANDARDS LOTS GOES BEYOND OUR OWN CAPABILITY OF UNDERSTANDING THE NON-COMPLIANCE EXCEPT IT IS A NON-COMPLIANCE.

I'D LIKE TO ASK BASED ON THE PROFESSIONAL ADVICE FROM OUR ZONING ADMINISTRATOR WE HAVE SUFFICIENT EVIDENCE TO BASICALLY DENY THE PROJECT TONIGHT.

YOU HAVE A MOTION IN FRONT OF YOU AND THEY COULD LET US KNOW IF THAT'S CORRECT.

CLARIFICATION THE COMMISSION HAS SEEN A DISAPPROVAL MOTION BEFORE.

THAT WAS WHAT STAFF PREPARED AND MOTION STAFF PREPARED FOR THE

PROJECT'S FIRST HEARING BACK IN NOVEMBER OF 2020.

IT'S TECHNICALLY NOT WITHIN THE CASE REPORT BEFORE THE COMMISSION THAT PROVIDES THE COMMISSION TODAY.

THEY HAVE BEEN PROVIDED AND DENIAL MOTION HAS BEEN PREVIOUSLY DRAFTED FOR THIS PROJECT.

I'M SORRY TO INTERRUPT YOU, I

GUESS MY QUESTION WAS WAS THE BASIS STATED IN THAT MOTION THE

LACK OF CODE COMPLIANCE AS COMMISSIONER MOORE JUST COMMENTED A MOMENT AGO?

IT WAS A COMPONENT OF AN UNPERMITABLE A.D.U. BUT YES, A MAJOR PORTION OF THE MOTION AND

FINDINGS FOR DISAPPROVAL WERE

BASED ON THE NON-COMPLIANCE OF

PLANNING CODE AND WITH RESIDENTIAL DESIGN GUIDELINES.

IF THE COUNCIL SO CHOSE THEY

COULD ADOPT THAT MOTION WITH THE MOTION THEY FINALIZE THOSE FINDINGS

## Exhibit C

S STATEMENTS MADE TODAY AND -- THAT'S WHAT I WAS GOING TO SUGGEST. I WOULD ADD THOSE FINDINGS. COMMISSIONER MOORE, ANYTHING ELSE?

IF THERE'S NOTHING FURTHER, COMMISSIONERS.

I WAS GOING TO ADD TO THE COMMENT ABOUT RESIDENTIAL GUIDELINES, THE SEVERITY OF THE PROJECT TODAY AND FOCUSSED MORE ON THE NON-CODE COMPLIANCE. I LEFT THE QUESTION APPROACHING OF THE FULLY INTERPRETED DESIGN GUIDELINES AND I COULD EASILY ADD THAT.

TO COMMISSIONER MOORE TO CLARIFY, THOSE COMMENTS IN REGARDS TO NON-COMPLIANCE OR NON CONFORMANCE WITH THE RESIDENTIAL DESIGN GUIDELINES WERE HEIGHT AND THERE WAS A DIFFERENT CONTEMPT FOR OUR FINDINGS FOR THAT PROJECT THAT MAY NOT BE APPLICABLE TO THE CURRENT PROJECT FOR YOU. AND I THINK BECAUSE WE ALREADY HAVE A VERY HEAVY LOAD HERE WE DON'T HAVE -- COMMISSIONERS, IF I UNDERSTAND CORRECTLY THERE'S A MOTION THAT'S BEEN SECONDED TO DISAPPROVE THE PROJECT ADOPTING THE ORIGINAL MOTION THAT WAS BEFORE YOU ONE YEAR AGO NOVEMBER 19, 2020 AND DIRECTION WITH TWO STAFF TO WORK WITH THE CITY ATTORNEY'S OFFICE TO CLEAN UP THE FINDINGS TO REFLECT THE COMMENTS TODAY. ON THAT MOTION -- I'M SORRY, IF I MAY MAKE ONE OFFER WE'LL HAVE TO REVISE THE PROJECT DESCRIPTION SO IT REFLECTS WHAT WAS BEFORE THE COMMISSION TONIGHT. ON THAT MOTION, COMMISSIONER TANNER. AYE. COMMISSIONER CHAN. AYE. COMMISSIONER DIAMOND. AYE. COMMISSIONER IMPERIAL. AYE. COMMISSIONER MOORE. AYE. AND COMMISSION PRESIDENT KOPPEL. NO.

**CLERK:** THE MOTION PASSES 4-2 WITH COMMISSIONERS TAN AND KOPPEL VOTING AGAINST -- THAT PLACES ON -- I WILL CLOSE THE PUBLIC HEARING FOR THE VARIANCE AND INTEND TO DENY. THANK YOU.

**Exhibit D**

