

**File No. 151113**

**Committee Item No.** \_\_\_\_\_  
**Board Item No.** 58

## **COMMITTEE/BOARD OF SUPERVISORS**

## AGENDA PACKET CONTENTS LIST

**Committee: \_\_\_\_\_**  
**Board of Supervisors Meeting**

**Date:** \_\_\_\_\_  
**Date:** December 1, 2015

## Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

**OTHER**

**(Click the text below for a direct link to the document)**

<input type="checkbox"/>	<u>Appeal Letter - October 26, 2015</u>
<input checked="" type="checkbox"/>	<u>Appellant Brief - November 24, 2015</u>
<input type="checkbox"/>	<u>Project Sponsor Brief - November 23, 2015</u>
<input type="checkbox"/>	<u>Planning Department Brief - November 23, 2015</u>
<input checked="" type="checkbox"/>	<u>Clerical Documents and Hearing Notices</u>

Prepared by: John Carroll

**Date:** November 25, 2015

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL** *OCT 26 PM 3:09*  
**FROM ACTION OF THE CITY PLANNING COMMISSION**

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 22 8rd Ct, Block/Lot 2619/067

Sept 24 2015

Date of City Planning Commission Action  
(Attach a Copy of Planning Commission's Decision)

October 26, 2015

Appeal Filing Date

The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. \_\_\_\_\_.

The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. \_\_\_\_\_.

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2013.1521 C UAV

The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. \_\_\_\_\_.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

See Attachments

b) Set forth the reasons in support of your appeal:

See Attachments

Person to Whom  
Notices Shall Be Mailed

Chris Parkes

Name

231 States St. #4

Address

San Francisco, CA 94114

csparkes@iees.org

Telephone Number

415-490-6615

Name and Address of Person Filing Appeal:

Jack Keating, Chair  
Planning + Land Use Committee  
Castro/Eureka Valley Neighbors Assoc.

Name

4134 17th St.

San Francisco, CA 94114

Address

415-308-5817

Telephone Number

  
\_\_\_\_\_  
Signature of Appellant or  
Authorized Agent

Statement of Appeal:

- a) Set forth the part(s) of the decision the appeal is taken from:

The approval of Conditional Use Authorization No. 2013.1521CUAV, including, among other things, to permit lot coverage to exceed 55% and to permit an increase to the existing square footage by more than 100%.

- b) Set forth the reasons in support of your appeal:

Among other things, the project failed to meet the infeasibility requirements and other criteria of the interim controls legislation and the project failed to meet the city's conditional use requirements. We incorporate by reference: materials submitted and presented at the Planning Commission Conditional Use Hearing and prior Discretionary Review Hearings. We will provide further explanation, testimony, and materials in our brief and at the Board of Supervisors Hearing.



# CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

borhood association for the Castro, Upper Market and all of Eureka Valley since 1878

EVNA  
PO Box 14137  
San Francisco, CA 94114  
www.evna.org

EVNA, a 501 (C)(4) Non-profit,  
Tax ID: 51-0141022

Eureka Valley Foundation,  
a 501(C)(3) Non-profit,  
Tax ID: 26-0831195

## EXECUTIVE COMMITTEE

Alan Beach-Nelson  
President  
Castro Street

Rob Cox  
Secretary  
Hartford Street  
James Moore  
Treasurer  
18<sup>th</sup> Street

## COMMITTEE CHAIRS

James Kelm  
Newsletter & Social Media  
Castro Village Wine Co.

Jack Keating (Ex-Officio)  
Planning & Land Use  
17th Street

Shelah Barr  
Quality of Life  
17th Street

Mark McHale  
Social  
Vanguard Properties  
Orie Zaklad  
Technology & Marketing  
Collingwood Street

## DIRECTORS:

Patrick Crogan  
Market Street

Tim Eicher  
Q Bar

Mary Edna Harrell  
Castro Street

Crispin Hollings  
18<sup>th</sup> Street

Loic Olichon  
18th Street

## EX OFFICIO DIRECTORS:

Steve Clark Hall  
Webmaster

19th Street

Judith Hoyem  
Emeritus  
17th Street

October 25, 2015

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Conditional Use Appeal: 22 Ord Court; Board of Supervisors Appeal Fee Waiver

To Whom it May Concern,

Jack Keating is a member of the Castro / Eureka Valley Neighborhood Association [EVNA] and is authorized to file the above-referenced appeal on behalf of our organization.

The Eureka Valley Neighborhood Association was a supporter of Scott Wiener's Interim Zoning Controls passed in 2015. Given that this project as currently designed does not meet the basic objectives of scale/size determined by the zoning controls, and because we believe there are feasible alternatives which would respect the Interim Zoning controls, we previously asked the Planning Commission deny the request for a Conditional Use permit. We are appealing their decision [Case Number 2013.1521CUAV] for the same reasons.

Very truly yours,

Alan Beach-Nelson  
President

## About Castro/Eureka Valley Neighborhood Association:

Castro/ Eureka Valley Neighborhood Association (EVNA) is the oldest continuously operating Neighborhood Association in San Francisco established as Eureka Valley Promotion Association in 1878. For 135 years, our members have been working to make this neighborhood a great place to live, work and play. Today, we strive to preserve the unique character of our diverse neighborhood while maintaining a balance between prospering businesses and residential livability.

Please visit our Web site for more information on EVNA's activities, including meeting minutes and meeting schedules.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 OCT 26 PM 3:09

Jack Keating, Chair  
Planning & Land Use Committee  
Castro/Eureka Valley Neighborhood Association  
4134 17<sup>th</sup> St.  
San Francisco, CA 94114

October 26, 2015

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, Ca. 94103-9425

Re: 22 Ord Court Appeal: Letter of Authorization

To Whom It May Concern

I am the Appellant of the 22 Ord Ct. Conditional Use Authorization Case No. 2013.1521CUAV.  
I authorize Chris Parkes to act as my agent and on my behalf for all purposes of this appeal.

Please communicate directly with Chris at

*CParkes@ieee.org*  
231 States St., #4  
San Francisco, CA 94114-1405

Sincerely,

*Jack Keating*  
Jack Keating

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 OCT 26 PM 3:00

Jack Keating, Chair  
Planning & Land Use Committee  
Castro/Eureka Valley Neighborhood Association  
4134 17<sup>th</sup> St.  
San Francisco, CA 94114-0137

October 26, 2015

Office of the Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, Ca. 94102-4689

Re: 22 Ord Court Appeal: Letter of Authorization

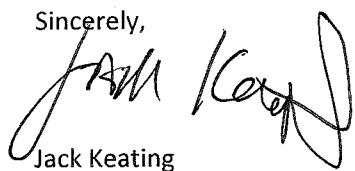
To Whom It May Concern

I am the Appellant of the 22 Ord Ct. Conditional Use Authorization Case No. 2013.1521CUAV. I authorize Chris Parkes to act as my agent and on my behalf for all purposes of this appeal.

Please communicate directly with Chris, at

*cparkes @ icee.org*  
231 States St., #4  
San Francisco, CA 94114-1405

Sincerely,



Jack Keating



# SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

SEP 26 PM 3:09

*Subject to: (Select only if applicable)*

<input checked="" type="checkbox"/> Affordable Housing (Sec. 415)	<input checked="" type="checkbox"/> First Source Hiring (Admin. Code)
<input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413)	<input type="checkbox"/> Child Care Requirement (Sec. 414)
<input type="checkbox"/> Downtown Park Fee (Sec. 412)	<input checked="" type="checkbox"/> Other (Market & Octavia Impact Fees)

## Planning Commission Motion 19483

HEARING DATE: SEPTEMBER 24, 2015

*Date:* September 15, 2015  
*Case No.:* 2013.1521CUAV  
*Project Address:* 22 Ord Court  
*Permit Application:* 201310219832 (Alteration to Existing)  
201310219817 (Proposed New Construction at Rear)  
*Zoning:* RH-2 (Residential House, Two-Family)  
40-X Height and Bulk District  
*Block/Lot:* 2619/067  
*Project Sponsor:* David Clarke – (415) 370.5677  
P.O. Box 14352  
San Francisco, CA 94114  
*Staff Contact:* Tina Chang – (415) 575.9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
*Recommendation:* Approval with Conditions

ADOPTING FINDINGS GRANTING CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 306.7 ESTABLISHING INTERIM ZONING CONTROLS IMPOSED BY RESOLUTION NO. 76-15 ON MARCH 9, 2015 TO PERMIT LOT COVERAGE OF A PARCEL TO EXCEED 55% AND AN INCREASE TO THE EXISTING SQUARE FOOTAGE IN EXCESS OF 3,000 SQUARE FEET AND/ OR MORE THAN 100% BY CONSTRUCTING A NEW, +/- 3,110 GROSS SQUARE FOOT, TWO-STORY DWELLING UNIT AT THE REAR OF THE EXISTING THROUGH LOT. THE PROJECT SITE IS LOCATED WITHIN AN RH-2 (RESIDENTIAL HOUSE, TWO FAMILY) ZONING AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On October 21, 2013, Reza Khosnevisan, on behalf of Kenneth Tam, filed Building Permit Application Numbers 201310219832 and 201310219817 to the vertical addition of the existing structure at 22 Ord Court, and for the new construction of a three-story, single family dwelling unit fronting States Street.

On October 18, 2013 Reza Khosnevisan, on behalf of Kenneth Tam, filed a Variance Application Case No. 2013.1521V to construct a three-story single family dwelling unit in the required rear yard of the property at 22 Ord Court.

On September 5, 2014 Chris Parkes filed a Discretionary Review (DR) against Building Permit Application No. 201310219832 for the vertical addition of the existing structure and Building Permit Application No. 201310219817 for the new construction of the three story single family dwelling at the rear of the property. The DR filer also initiated Discretionary Review for Building Permit Application No. 201310219830 for the new construction of a dwelling unit at the rear of 24 Ord Court. Chris Parkes raised concerns about the removal of significant trees at the rear of 24 Ord Court, and felt that the projects at 22 and 24 Ord Court as proposed did not meet Residential Design Guidelines. The DR Requestor was also opposed to the project because of noncompliance with the Planning Code and the need for a variance to construct in the required rear yard.

On December 4, 2014, a duly noticed public hearing was held for the public initiated discretionary review of and variance requests for the proposed projects at 22 and 24 Ord Court. After public testimony in opposition to the Project the Planning Commission continued the subject item to February 5, 2015. The project was subsequently continued to February 12<sup>th</sup>, to allow for additional time to conduct environmental review of the project changes. Though suggestions were made regarding the existing structure at 22 Ord Court, the Planning Commission made definitive requests to refine the proposed new construction at the rear of the subject property, including the removal of top level of the proposed new structure at the rear; differentiation of architectural design between the proposed structures at the rear of 22 and 24 Ord Court and the reduction of parking provided to increase habitable space within the proposed new structure. The removal of the trees at 24 Ord Court had been approved by the Department of Public Works due to poor structure, though this decision was appealed. At the time of the December 4<sup>th</sup> hearing, the Department of Public Works DPW had not yet issued the resulting order from the hearing held for the trees in question. In addition to the changes outlined above, the Commission was also interested in learning outcome of the DPW hearing.

On February 12, 2015, the Commission again heard the Discretionary Review Requests for 22-24 Ord Court. In response to the Commission's requests, the Project Sponsor presented changes to the proposed construction which included a reduction in the number of floors above grade from three to two, a reduction of off-street parking spaces from two-to-one thus increasing habitable living space, and the alteration of the front façade at 22 Ord Court to better differentiate the two structures. By the time of the February 12, 2015 hearing, the resulting order from the DPW had been issued indicating that the removal of trees would be approved on the condition that all necessary permit approvals were attained to construct the new building at 24 Ord Court. After public testimony, the Commission voted, again, to continue the item to March 12, 2015, so that the Project Sponsor could explore options to preserve the mature trees at 24 Ord Court, while also exploring ways to differentiate the two buildings at 22 and 24 Ord Court even more.

On March 9, 2015, the Board of Supervisors passed interim legislation to impose interim zoning controls for an 18-month period for parcels in RH-1, RH-2, and RH-3 zoning districts within neighborhoods known as Corbett Heights and Corona Heights, requiring Conditional Use authorization for any residential development on a vacant parcel that would result in total residential square footage exceed 3,000 square feet; Conditional Use authorization for any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet by more than 75%

without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; and requiring Conditional Use authorization for residential development that results in great than 55% total lot coverage. As the project site was affected by the interim legislation, therefore requiring Conditional Use authorization for the projects at 22 and 24 Ord Court as proposed, the Project Sponsor requested a continuance to May 24, 2015. The items were again continued to June 25, 2015, August 13, 2015, and finally to September 24, 2015 at the request of the Project Sponsor.

On June 30, 2015, Alan Murphy, on behalf of Kenneth Tam, (hereinafter "Project Sponsor") filed Application No. 2013.1521CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") seeking authorization for development exceeding 55% lot coverage, and increasing the existing gross square footage in excess of 3,000 square feet or more than 100% with an increase to the legal unit count within the RH-2 (Residential House, Two Family) Zoning District and a 40-X Height and Bulk District. The proposal includes a vertical and horizontal addition, increasing the existing 2,401 square foot home by approximately 824 square feet to approximately 3,225 square feet. The addition would extend the rear of the third floor to the rear building wall, with a 5-foot side setback from the western property line, and construct a fourth floor set back approximately 12'-5" from the front façade, approximately 19 feet from the property line, and 5-foot side setbacks on both sides of the property. The addition alone would not require conditional use authorization, as it does not increase the existing square footage by more than 3,000 square feet or more than 75%. However, the new construction of the proposed structure at the rear would result in greater than 55% lot coverage and the square footage to exceed 3,000 square feet, and an increase of more than 100%.

The Planning Department, Jonas O. Ionin, is the custodian of records, located in the File for Case Nos. 2013.1521CUAV and 2013.1522CUAV at 1650 Mission Street, 4<sup>th</sup> Floor, San Francisco, California.

On September 24, 2015, the Planning Commission ("Commission") conducted public hearing at a regularly scheduled meeting on Case Nos. 2013.1521CUAV and 2013.1522CUAV.

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 approves the Conditional Use authorization pursuant to Planning Code Sections 303 and 306.7 establishing interim zoning controls imposed by Resolution No. 76-15 on March 9, 2015 to permit lot coverage of a parcel to exceed 55% and an increase to the existing square footage in excess of 3,000 square feet and more than 100% by constructing a new, +/- 3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot at 22 Ord Court under Case No. 2013.1521CUAV, subject to the conditions contained in "EXHIBIT A" of this motion, 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. **Site Description and Present Use.** The proposed project is located on a through lot at 22 Ord Court with frontages on both Ord Court and States Street in the Castro / Upper Market Neighborhood. The property is developed with an existing 3-story, +/- 2,400 square-foot, single family structure on a +/- 2,940 square foot lot. The existing building was originally constructed as a single-family dwelling in 1954. A third-story addition was constructed in the 1980's resulting in a change to the building's scale, massing and design. Based on review conducted by Planning Department staff, the existing building at 22 Ord Court lacks sufficient integrity and is not eligible as a historic resource under CEQA. The property is not located within the boundaries of any listed historic districts. Therefore, the property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.
3. **Surrounding Properties and Neighborhood.** The surrounding neighborhood consists of a mixture of one-, two-, and three-story buildings, containing mostly one- or two- residential dwelling-units. The residential neighborhood contains dwellings of varying heights and depths on an up-sloping street, as one heads west. Both adjacent properties, east and west of the subject property, are three-story buildings containing two dwelling units. The building to the east is a multi-family, two stories-over-garage at the block face, and steps back to five stories after approximately 55' from the front façade. The building to the west is a single-family, one-story-over garage structure at the block face.

The subject property is within the Castro / Upper Market Neighborhood, and about .4 miles west of the Castro / Market Street intersection. Castro Street serves as the cross street on the east side of the property where the neighborhood transitions to a Residential, Mixed, Low-Density (RM-1) zoning district, the Upper Market Street Neighborhood Commercial (NCD) and Upper Market Neighborhood Commercial Transit District (NCT). RM-1 zoning districts contain ground-floor commercial spaces and mostly residential units on upper floors. A mixture of dwelling types found in RH Districts are also found in RM-1 districts, in addition to a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The Upper Market NCT and NCD zoning districts are multi-purpose commercial districts, well served by transit including the Castro Street Station of the Market Street subway and the F-Market historic streetcar line, providing limited convenience goods to adjacent neighborhoods, but also serve as a shopping street for a broader trade area.

4. **Project Description.** The proposal includes a vertical and horizontal addition, increasing the existing +/- 2,400 square foot home by approximately 825 square feet to approximately 3,225 square feet. The addition would extend the rear of the third floor to the rear building wall, with a 5-foot side setback from the western property line, and construct a fourth floor set back approximately 12'-5" from the front façade, approximately 19 feet from the property line, and 5-foot side setbacks on both sides of the property. The addition alone would not require conditional use authorization, as it does not increase the existing square footage by more than 3,000 square feet or more than 75%. The new construction of a two-story, +/- 3,110 square foot,

single-family structure at the rear of the existing single-family dwelling is also included as part of the proposal. The proposed rear structure would contain two levels below grade, to include a family room and two bedrooms. The first at-grade floor contains a one-car garage, bedroom and office, with the main living area on the second level, which is setback approximately 6 feet from the rear property line. A +/- 240 square foot roof deck is proposed above the 2<sup>nd</sup> level. A rear yard amounting to approximately 25% lot coverage is maintained between the existing and proposed structures; however, this would amount to greater than 55% lot coverage, as well as an increase to the square footage in excess of 3,000 square feet and greater than 100%.

5. **Public Comment.** As of September 14, 2015, the Staff has received a couple inquiries from members of the public. One inquiry was made by a Eureka Valley Neighborhood Association representative regarding the contents of the case report, and the process of the hearing – specifically how the previously filed requests for discretionary review would interact with the Conditional Use Authorization Hearing. The representative was informed that since decisions made by the Planning Commission on conditional use authorizations could not be appealable to the Board of Appeals, which is the appeal body for building permit applications and discretionary review items, the discretionary review previously filed would effectively be dropped. However, the Commission Secretary would grant the DR Requestors 10 minutes to present their case, which is the same amount of time granted to the Project Sponsor. Neither party would receive time for rebuttals as would occur during Discretionary Review Hearings.

Another inquiry was made by the President of the Corbett Heights Neighbors who inquired about continuing the duly noticed Conditional Use Hearing to await plans for the existing structure at 24 Ord Court. To date, the Planning Department has not been made aware of any plans for the existing structure at 24 Ord Court.

Public comment for the previously filed discretionary review for the project can be found under case number 2013.1521DDV.

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. **Rear Yard (Section 134).** 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.

*The adjacent property to the east at 231 States Street is developed with nearly full lot coverage and is setback approximately 3 feet from the rear lot line whereas the adjacent property to the west at 24 Ord Court currently has a rear yard of approximately 71'-7". For a code-compliant rear yard, development would need to be set back approximately 37'-3.5" from the rear property line. As the Project Sponsor is proposing development built approximately 6 feet from the rear property line with a 29'-7" deep rear yard internalized between the existing and proposed structures, a Variance is required. The hearing for the Variance will be heard by the Zoning Administrator on September 24, 2015. The Variance Hearing for the project was initially scheduled for August 27, 2015, but continued to December 4, 2014,*

*February 5, 2015, February 12, 2015, June 25, 2015, August 13, 2015 and finally to September 24, 2015 to be heard in conjunction with the Planning Commission Hearing.*

**B. Open Space (Section 135).** The Planning Code Requires 125 square feet of open space for each dwelling unit if all private, and 166.25 square feet of open space per dwelling unit if shared. The Project requires at least 250 square feet of open space for both dwelling units, or 332.5 square feet of open space, if common.

*The proposed structure at the year includes a +/- 240 square foot roof deck that would satisfy the open space requirements for the dwelling unit, as well as a +/- 740 square foot shared rear yard, exceeding the open space requirements. The front structure also includes roof decks at the 3<sup>rd</sup> and 4<sup>th</sup> levels amounting to X square feet.*

**C. Streetscape and Pedestrian Improvements (Section 138.1).** Planning Code Section 138.1 requires one new street tree for every 20 feet of street frontage for projects proposing new construction.

*The Project includes the new construction of a two-story residential building and the vertical and horizontal addition on an existing structure on a lot with frontage 25 feet of frontage on both Ord Court and States Street. The total Project frontage is approximately 50 feet with one existing street tree along the Ord Court frontage. The Project Sponsor will plant one new tree along the States Street frontage. The exact location, size and species of trees shall be as approved by the Department of Public Works (DPW). The Project Sponsor will be required to pay an in-lieu fee for any tree that may not be planted.*

**D. Bird Safety (Section 139).** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

*The subject lot is located in close proximity to a possible urban bird refuge. The Project will be required to meet the requirements of location-related standards, and will ensure that the Bird Collision Zone, which begins at grade and extends upwards for 60 feet, consists of no more than 10% untreated glazing.*

**E. Dwelling Unit Exposure (Section 140).** Planning Code Section 140 requires that at least one room of all dwelling units face directly onto 25 feet of open area (a public street, alley or side yard) or onto an inner courtyard that is 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

*Both the existing structure fronting Ord Court and the proposed structure fronting States Street meets the exposure requirement in that at least one room of each dwelling unit faces directly onto 25 feet of open area – in the form of the public streets and 29'-7" rear yard in between both structures.*

**F. Section 151. Off-Street Parking:** Planning Code Section 151 requires one off-street parking space per dwelling units.

*The Project includes a one-car garage for the existing structure at 22 Ord Court and a one car garage for the proposed dwelling at the rear of the property fronting States Street.*

7. **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 the criteria of Section 303, in that:
  - A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or community.

*The proposed uses – a new structure at the rear of 22 Ord Court, a through lot, in an RH-2 Zoning District, is consistent with development patterns in this residential neighborhood and with the requirements of the Planning Code. The proposed structure and addition are modestly sized, but contain enough bedrooms and shared living areas to allow sufficient space for families with children, a demographic the City actively seeks to retain and attract pursuant to General Plan Housing Element Policy 4.1. Expanding an existing single-family dwelling and providing additional dwellings of appropriate size for this demographic, among others, is desirable for and compatible with, the neighborhood and the community. By increasing the supply of housing, the proposed project also contributes to alleviating the City's critical housing shortage.*

- B. The use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:
    - i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.

*The proposed structure is compatible with the height and depth of the surrounding buildings. The single-story vertical addition and horizontal expansion at 22 Ord Court are at an appropriate scale for the home's location on a block with many houses that are three-stories or more as shown in the height diagram, attached. The proposed structure will maintain a three-story façade at the block face, consistent with the other three-story structures on the block, such as 30 Ord Court and 16 Ord Court. The adjacent building at 20 Ord Court / 231 States Street is a three-story, multi-family structure at the block face that steps back to five stories on the States Street frontage. Both the fourth-floor addition and the third-floor roof deck on the existing building at 22 Ord Court are set back, making the fourth floor minimally visible from the street. The fourth floor addition is approximately 417 square feet, and the setback provided at this level far exceeds that required by the Planning Code.*

*The new building at the rear of 22 Ord Court is two stories above street level, consistent with the existing pattern of development on States Street. States Street is characterized by a mix of building scales and styles, ranging from one to four stories in height.*

*The existing and proposed dwelling units are deliberately separated between the Ord Court and States Street Frontages to allow for mid-block open space that preserves light to adjacent structures at 20 and 30 Ord Court. As shown in the bulk and shadow studies for an alternative design, enclosed as an attachment to this case report, placing two dwelling units in a building fronting Ord Court would severely restrict light available to adjacent buildings and to the new structures themselves, casting shadows across to neighboring buildings. In contrast, the proposed project preserves the health, safety and general welfare of individuals*

*residing in the vicinity by maintaining their access to light and by substantially reducing shadow coverage on adjacent properties.*

- ii. 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

*The proposed project will not exceed the density permitted by the Planning Code and is well served by public transit. The Castro Street Muni Station is less than a 10-minut walk, while the 24, 33, 35, and 37 bus lines have nearby stops. For these reasons, the type and volume of traffic generated by the proposed project will not be detrimental.*

*The project features off-street parking for all residences, as required by the Planning Code. The design and placement of garage entrances, doors and gates are compatible with the surrounding area, and the width of all garage entrances is minimized. The placement of curb cuts is also coordinated to maximize on-street parking.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.

*The proposal will not produce or include uses that would emit noxious or offensive emissions such as noise, glare, dust and odor.*

- iv. 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 will comply with Planning Code Section 138, and provide a street tree, as well as landscaping in the building setback fronting States Street.*

- C. That such use or feature as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The proposed project complies with all applicable requirements and standards of the Planning Code, once the requested variance is issued, and is consistent with the Objectives and Policies of the General Plan as follows:*

9. **Interim Zoning Controls (Resolution 76-15).** On March 9, 2015, the Board of Supervisors passed interim legislation to impose interim zoning controls for an 18-month period for parcels in RH-1, RH-2, and RH-3 zoning districts within neighborhoods known as Corbett Heights and Corona Heights, requiring Conditional Use authorization for any residential development on a vacant parcel that would result in total residential square footage exceed 3,000 square feet; Conditional Use authorization for any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet by more than 75% without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; and requiring Conditional Use authorization for residential development that results in great than 55% total lot coverage.

A. The Planning Commission shall only grant a Conditional Use authorization allowing residential development to result in greater than 55% lot coverage upon finding unique or exceptional lot constraints that would make development on the lot infeasible without exceeding 55% total lot coverage, or in the case of the addition of a residential unit, that such addition would be infeasible without exceeding 55% total lot coverage; and

*The proposed project will increase the number of residential units from one to two on 22 Ord Court. Total lot coverage would exceed 55%; it would be infeasible to add a second dwelling unit without exceeding 55% lot coverage as the lot is significantly sloped between Ord Court and States Street. For this reason, the existing single-family dwelling already covers a significant percentage of the lot, making it infeasible to add new space for an adequate family-sized unit while maintaining overall lot coverage beneath 55%.*

*Due to the significant intra-lot elevation difference between Ord Court and States Street, the sloping further reduces usable interior square footage by increasing the need for stairs and related space to allow for living spaces to spread across multiple levels. To compensate for these inefficiencies in interior design, residential development of reasonable size is infeasible unless spread over more than 55% of the lot.*

*An alternative approach to the proposed project that would locate all dwelling units on the Ord Court side of the lots (enclosed as an attachment to this case report), would exceed 55% total lot coverage. While this alternative is infeasible for reasons identified below, it demonstrates that exceedance of 55% lot coverage is unavoidable regardless of whether the buildings are massed exclusively on the Ord Court frontage or are split between the Ord Court and States Street frontages.*

B. The Planning Commission, in considering a Conditional Use authorization in a situation where an additional residential unit is proposed on a through lot on which there is already an existing building on the opposite street frontage, shall only grant such authorization upon finding that it would be infeasible to add a unit to the already developed street frontage of the lot.

*The proposed project will increase the number of residential units from one to two on each of two through lots (22 and 24 Ord Court), with each new single-family home located on the opposite street frontage (States Street) from the existing buildings. It would be infeasible to add units on the already developed street frontage of the lots, as the resulting development would block light and cast shadows on the few windows available to certain units in adjacent buildings at 30 Ord Court and 20 Ord Court / 231 States Street. Such a project would also prevent adequate light from entering the new structures on the project site.*

*Due to the significant sloping on the lots between Ord Court and States Street, usable interior square footage is reduced by increasing the need for stairwells and related space to allow for development spread across multiple levels. This lot constraint forces development on the lots to extend toward the property lines. Additionally, the slope is most severe on the rear 40% of the lots. Where units are concentrated on the already developed street frontage (the side with the more gentle slope), this constraint limits the ability to design for usable open space. For these reasons, sloping constraints further would necessitate use of the full width of the lots for any "concentrated" development on the*

*Ord Court side. An enclosed bulk study shows hypothetical buildings that would add new dwelling units to the already developed street frontage at Ord Court.*

*However, this type of concentrated development on the Ord Court frontage would block substantial light and cast significant shadows on adjacent buildings at 30 Ord Court and 20 Ord Court / 231 States Street.*

*To begin, as shown in the bulk study and in a bird's-eye view photograph of 30 Ord Court, a structure on 24 Ord Court that concentrates units on the Ord Court side would cover four property-line windows on 30 Ord Court. These windows are not legally protected, but do provide light and air to four dwelling units.*

*Although these same units also receive light from a building light well, shadows would be cast on the light well by concentrated development on Ord Court. An enclosed shadow study assesses shadows that such buildings would cast on three days throughout the year—March 21 (the spring equinox), June 21 (the summer solstice), and December 21 (the winter solstice). The studies show that large structures on Ord Court would completely cover in shadow the light well at 30 Ord Court on the mornings of March 21, June 21, and December 21. In contrast, a separate shadow study shows that developing new units on the opposite street frontage from existing development (the States Street side) would not cast shadows on the light well throughout most of the year (as shown in the March 21 and June 21 simulations). Moreover, under the proposed project, property-line windows at 30 Ord Court would not be blocked, thus further alleviating concerns over shadowing on the light well.*

*The shadow studies for the “concentrated” development on Ord Court and for the proposed project also provide evidence of two other reasons why developing new units on the Ord Court street frontage would be infeasible:*

- *First, such development would result in a significantly greater amount and duration of shadows across multiple adjacent properties than will the proposed project. Massing new units on the Ord Court side of the property would direct many shadows onto adjacent buildings and yards, including 30 Ord Court and 20 Ord Court / 231 States Street, rather than onto the street (States Street). This is a highly undesirable outcome, as it needlessly would increase shadowing effects on neighbors and open space relative to the proposed project. By locating new dwelling units on States Street, the proposed project directs a much greater proportion of these shadows onto the uninhabited street.*
- *Second, development of new dwelling units on the already developed street frontage severely would limit light and air available to the interior of the new structures. As seen on the shadow study, the narrowness of the lots at 22 and 24 Ord Court would leave few entries for light into these units and would contribute to buildings that lack appropriate levels of natural light and air.*

*In sum, adding units to the already developed street frontage of the lots at 22 and 24 Ord Court would have detrimental effects on natural light and air available to residents of neighboring buildings and of new buildings on the project site. For these reasons, it would be infeasible to add a unit to the already*

*developed street frontage of the lots at 22 Ord Court or 24 Ord Court. In contrast, as shown under the proposed project, adding units located on the opposite street frontage will be feasible.*

10. **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 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.

*The Project directly advances this policy by creating a new single-family home and expanding an existing one to be adequately sized for families and children. Families with children typically seek more bedrooms and larger shared living areas than smaller households. The project responds to this demand by creating units of a size attractive to families with children.*

#### **OBJECTIVE 11**

**SUPPORT AND RESPECT THE DIVERS 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 11.5:**

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

*The proposed project supports these policies by featuring new construction that is consistent with the existing character and density of the neighborhood. The project is consistent with all accepted design*

standards, including those related to site design, building scale and form, architectural features and building details. The project respects the site's topography and provides mid-block open space. The height and depth of the new building on States Street is compatible with the existing building scale. The building's form, façade width, proportions and roofline are also compatible with surrounding buildings. Finally, the project's density is consistent with the prevailing character of the neighborhood.

## 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 proposed project directly furthers this policy by creating additional residential uses in an area well-served by the City's public transit systems. The Castro Street Muni Station is less than a 10-minute walk from the project site, while the 24, 33, 35 and 37 bus lines all have bus stops nearby as well. The numerous nearby public transit options will help ensure the proposed project has no adverse impacts on traffic patterns in the vicinity of the project site.*

## URBAN DESIGN ELEMENT

### Objectives and Policies

#### OBJECTIVE 4:

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

#### Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

*The proposed project furthers this policy by including and maintaining landscaping that will improve the neighborhood environment. Landscaping will be provided on the States Street frontage where the building is set back from the property line. The roof decks on States Street will be visible from upslope residences on State Street and Museum Way; the project will increase the presence of visible vegetation on the properties.*

#### Policy 4.15:

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

*The proposed project furthers this policy by ensuring that incompatible new buildings are not introduced to the existing neighborhood. The height and depth of the new buildings on States Street is compatible with the existing building scale. The buildings' form, façade width, proportions and roofline are compatible with surrounding buildings. While there is no consistent mid-block open space pattern on Ord Court and States Street, the project helps create one between buildings fronting Ord Court and States Street. The proposed project places buildings carefully on both the front and rear of the lots so as to minimize reduction of sunlight to neighboring properties and new dwelling units relative to an approach that would cluster all units on the Ord Court street frontage.*

11. **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 does comply 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.

*This policy does not apply to the proposed project, as the project is residential and will not affect or displace any existing neighborhood-serving retail uses.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The proposed project is consistent with this policy, as the existing single-family home at 22 Ord Court is preserved, with only a modest expansion. The new proposed single-family home is designed to be consistent with the height and size typical of the existing neighborhood. Moreover, the project preserves existing significant trees on the States Street side to further conserve the character of the neighborhood.*

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

*The proposed project at 22 Ord Court preserves one existing single-family home and adds one new single-family home to the City's housing stock, which will increase housing supply and make housing more affordable in general. No affordable housing units will be removed, and no new affordable housing units are required under the Planning Code.*

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

*The proposed project is located in an area well-served by the City's public transit systems and incorporates off-street parking that satisfies City parking requirements. The Castro Street Muni Station is less than a 10 minute walk from the project site, while the 24, 33, 35, and 37 bus lines all have stops nearby as well. The proposed project, therefore, will not overburden Streets or neighborhood parking, or overburden Muni transit service.*

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.

*This policy does not directly apply to the proposed project, as the project does not include commercial office development and will not displace industrial or service sector uses. Nevertheless, the development of an additional single family home on the 22 Ord Court property may enhance future opportunities for resident employment and ownership in the industrial and service sectors. The proposed project is consistent, therefore, with this policy to the extent it applies.*

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

*The proposed residential building and addition will comply with all applicable structural and seismic safety requirements of the City's Building Code and any other requirements related to earthquake safety and therefore are consistent with this policy.*

G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on the project site.*

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

*The proposed project is consistent with this policy, as parks and public open space will not be developed, nor will their access to sunlight be affected by its development. No vistas will be blocked or otherwise affected by the proposed project.*

11. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

*The Project Sponsor completed the First Source Hiring Affidavit in January 2014.*

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

13. The Commission hereby finds that approval of the Conditional Use Authorization would 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 **APPROVES Conditional Use Authorization No. 2013.1521CUAV** under Planning Code Sections 303 and 306.7 establishing interim zoning controls imposed by resolution no. 76-15 on March 9, 2015 to permit lot coverage of a parcel to exceed 55% and an increase to the existing square footage in excess of 3,000 square feet and more than 100% by constructing a new, +/-3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot. The project site is located within an RH-2 (Residential House, Two-Family) zoning and a 40-x height and bulk district. The project also seeks a variance from the rear yard requirements per Planning Code Section 134. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 3, 2015 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19483. 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 September 24, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Fong, Johnson, Richards, Hillis, Moore, and Wu

NAYS:

ABSENT:

ADOPTED: September 24, 2015

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Conditional Use to permit lot coverage of a parcel exceeding 55% and an increase to the existing square footage in excess of 3,000 square feet and more than 100% by constructing a new, +/-3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot at 22 Ord Court; in general conformance with plans, dated September 3, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1521CUAV and subject to conditions of approval reviewed and approved by the Commission on September 3, 2015 under Motion No. 19483. The project site is located within an RH-2 (Residential House, Two-Family) zoning and a 40-X height and bulk district. A Variance from rear yard requirements pursuant to Planning Code Section 134 is also being sought. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 24, 2015 under Motion No. 19483.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19483 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

6. **Additional Project Authorization.** The Project Sponsor must obtain a variance from the Zoning Administration to address the requirements for rear yard (Planning Code Section 134). The conditions set forth below are additional conditions required in connection with the Project. If these

conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## **DESIGN – COMPLIANCE AT PLAN STAGE**

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. Therefore, the Project is required to one tree along the States Street frontage of 22 Ord Court. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. The Project Sponsor will be required to pay an in-lieu fee for the remaining five trees that cannot be planted.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## **PARKING AND TRAFFIC**

10. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning

Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

## MONITORING AFTER ENTITLEMENT

11. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

12. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

## OPERATION

13. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

14. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

15. **Lighting.** All Project lighting shall be directed onto the project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property. Lighting shall also be designed to comply with the "Standards for Bird Safe Buildings" found here:

<http://50.17.237.182/docs/PlanningProvisions/Standards%20for%20Bird%20Safe%20Buildings-%208-11-11.pdf#page=29>.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

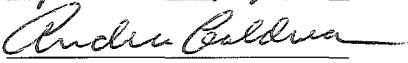
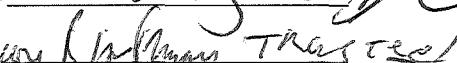
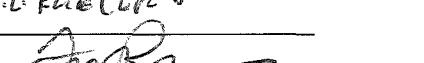
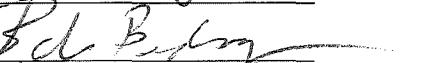
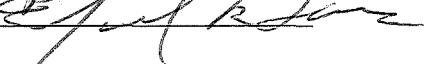
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 OCT 26 PM 3:09

City Planning Commission  
Case No. 2013.1521CJAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 230 States St.	2620/22	Richard Goldman	
2. 230 States St	2620/22	Andrea Goldman	
3. 222 States St	2620/98	Geoffrey Lanning	
4. 222 States St.	2620/98	Peter Marni	
5. 253 States St.	2619/59	Robert B. Haffner, Trustee	
6. 257 STATES ST	2619/106	JASON GODRICK	
7. 259 STATES ST	2619/107	CRAIG MARBY	
8. 250 STATES ST	2620/085	JASON GODRICK	
9. 62 <del>164</del> Museum Way	2620/79	CRAIG MARBY	
10.		ELLIOJ BLACK	
11. 100 MIKAM Way	2620/108	RICHARD KUELER	
12.		Trustee For Estate of R. Kueler	
13. 110 museum way	2620/113	Bob Bednarz	
14. 118 Museum Way	2620/114	Tammy Wallace	
15. 118 Museum Way	2620/114	Justin Wallace	
16. 236 STATES ST	2620/96	CHRISTOPHER WILSON	
17. 212 STATES ST	2620/16	JOEL HOLLOWELL	
18. 212 STATES ST	2620/16	TRICIA GARLOCK	
19. 208 States St #1	2620/129	Joseph Lambert	
20. 53 Levant St	2619/19	Ed Fonseca	
21.			
22.			

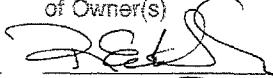
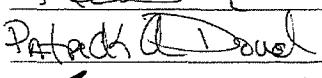
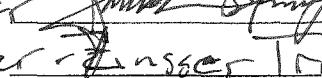
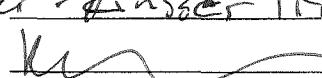
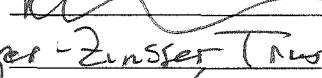
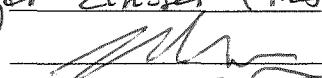
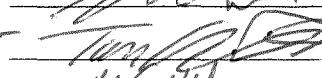
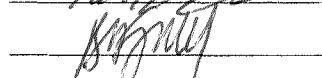
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 OCT 26 PM 3:09

City Planning Commission  
Case No. 2013-1921CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 18 Ord St. 94114	2626-2	RICHARD WALSH	
2. 18 Ord St 94114	2626-2	PATRICK DOWD	
3. 16 Ord Ct #4	2619/104	Ed Connelly	
4. 57 ORD G.	2619/021	ERIKA LEDER	
5. 57 ORD CT	2619/021	Bill Harris	
6. 40 Ord St.	2626/049	Jonathan Neuberger	
7.		Trustee of Neuberger-Zinsser Trust	
8. 40 Ord St.	2626/049	Katherine Zinsser	
9.		Trustee of Neuberger-Zinsser Trust	
10. 38 Ord Crk	2619/062	SARY Housley	
11. 98 Museum Way	2620/097	THOMAS SCHMITT	
12. 88 MUSEUM WAY	2620/097	VLADIMIR PETRONIC	
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

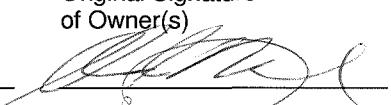
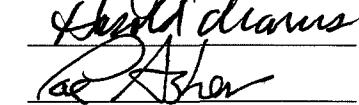
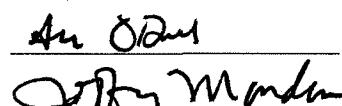
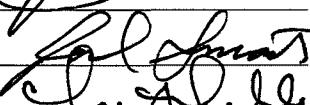
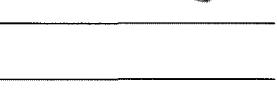
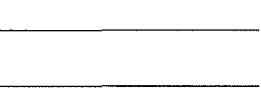
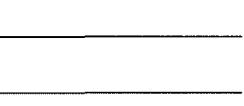
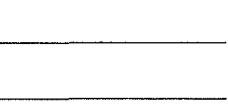
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 OCT 26 PM 3:09

City Planning Commission  
Case No. 2013.1521 CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 9020 ST	2625/017	CHRISTOPHER MILLER	
2. 9020 ST	2625/017	Joseph Pizzati	
3. 255 States St.	2619/058	Rose L. Schubert	
4. 255 States St	2619/058	Harold Charns	
5. 44 ORD COURT	2619/089	Poe ASHER	
6. 49 ORD COURT	2619/023	Anne O'Driscoll	
7. 50 ORD Street	2626/031	Jeffrey Mondan	
8. 53 ORD Ct	2619/022	Kimberlee Adamski	
9. 53 ORD CT	2619/022	LUCAS ADAMSKI	
10. 245 STATES ST	2619/093	Joel Sunart	
11. 245 States St	2619/093	Clarence A. Dahlia	
12. 60 Lower Terrace	2626/627	William C. Blitman	
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 OCT 26 PM 3:10

City Planning Commission  
Case No. 2013.1521CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>18 SATURN</u>	<u>2626/20</u>	<u>MITCHELL LAPLANTE</u>	<u>Mitchell Laplante</u>
2. <u>34 Dowlass St</u>	<u>2625/2</u>	<u>fred Silverman</u>	<u>fred Silverman</u>
3. <u>2 Ord Ct.</u>	<u>2619/77</u>	<u>Mary Wong</u>	<u>Mary Wong</u>
4. <u>2 Ord Ct</u>	<u>2619/77</u>	<u>Jan Pallander</u>	<u>Jan Pallander</u>
5. <u>64 Ord Ct.</u>	<u>2619/54</u>	<u>Esther Watts</u>	<u>Esther Watts</u>
6. <u>51 Ord St</u>	<u>2625/20</u>	<u>EDKINS/FRANCIS INN/very FAMILY TRUST</u>	<u>EDKINS/FRANCIS INN/very FAMILY TRUST</u>
7. <u>51 Ord St</u>	<u>2625/20</u>	<u>EDKINS/FRANCIS INN/very FAMILY TRUST Brown</u>	<u>EDKINS/FRANCIS INN/very FAMILY TRUST Brown</u>
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 OCT 26 PM 3:10

City Planning Commission  
Case No. 2013-1521 CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

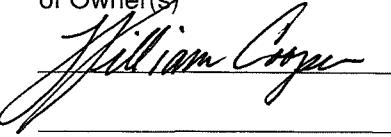
If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 16 Ord Ct #3	2619/103	Cary Norsworthy	<i>Cary Norsworthy</i>
2. 25-27 Ord St.	2625/015B	JOHN D. QUINN	<i>John</i>
3. 30 Ord Street	2626/004	DICK AGUILAR, TRUSTEE OF THE Guanabana Trust	<i>2013-1521 Trustee</i>
4. 1 VULCAN STWY	2626-053	MARTIN BURBIDGE	<i>M. J. Burbidge</i>
5. 1 Vulcan Stairway	"	Grace Gellerman	<i>Grace Gellerman</i>
6. 36-38 Ord St.	2626/006	FABIOLA COBANUSIAS	<i>F. Cobanuas</i>
7. 38 Ord Street	2626/006	Star Deeks	<i>Star Deeks</i>
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

2013.07.26 1513:10

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2626 040	2626 / 040	William Cooper	
2. WILLIAM COOPER TRS	—	—	—
3. 54 LOWER TER	—	—	—
3. SAN FRANCISCO, CA 94114-1411	—	—	—
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2013.1521CUAV

2013.1521CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

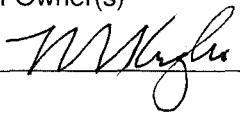
Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2620 118	2620/118	JAMES DUNCAN	<u>James Duncan</u>
2. JAMES DUNCAN 28 MUSEUM WAY	—	—	—
3. SAN FRANCISCO, CA 94114-1428	—	—	—
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

RECEIVED  
BOARD OF SUPERVISING  
COMMISSIONERS  
CITY OF SAN FRANCISCO  
RECEIVED 2013 08 26 12

City Planning Commission  
Case No. 2013.1521CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2620 079 RICHARD KUGLER TRS	2620 079	RICHARD L. KUGLER	
2. 62 MUSEUM WAY			
3. SAN FRANCISCO, CA 94114-1428			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 OCT 26 PM 3:10

City Planning Commission  
Case No. 2013-1521 CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>80 Museum Way</u>	<u>2620 025</u>	<u>Terence K Bergman Trust</u>	<u>Terence K Bergman</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____



City Planning Commission  
Case No. 2013.1521 C U A V

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2620 107 WAYNE GARRETT	2620/107	WAYNE GARRETT	<u>Wayne Garrett</u>
2. 96 MUSEUM WAY	—	—	—
3. SAN FRANCISCO, CA 94114-1428	—	—	—
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2013.1521 C U A V

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2619 073			
2. JUNE VOHNSON TRS 10 ORD CT	2619/073	JUNE V. Johnson	June V. Johnson
3. SAN FRANCISCO, CA 94114-1417			
4. 14 ORD CT	2619 071	Robert T. Murphy	R. Murphy
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2619 101 TATYANA NAKHIMOVSKY	2619 / 101	T. NAKHIMOVSKY	Tatyana Nakhimovsky
2. 16 ORD CT #1 SAN FRANCISCO, CA 94114-1447			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

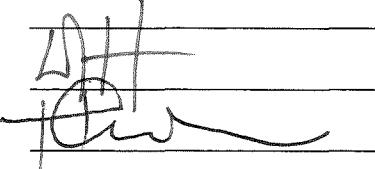
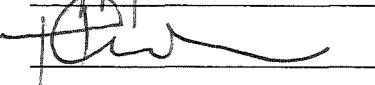
Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>2 Saturn Shr.</u>	<u>2626/16</u>	<u>Hans Surber</u>	<u>H. Surber</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 OCT 25 PM 3:10

City Planning Commission  
Case No. 2013.1521 C U A V

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2620 131	2620/131	David Scott	
2. SCOTT & HAUBER 208 STATES ST #3	208 States St #3	Therese Hauber	
3. SAN FRANCISCO, CA 94114-1462			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

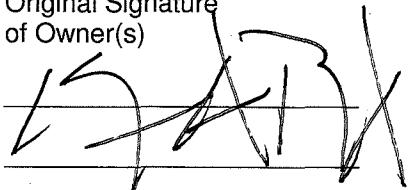
RECEIVED  
BOARD OF SUPERVISORS  
SAN RAFAEL

City Planning Commission  
Case No. 2013.1521 CUA V

2013.1521 CUA V

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

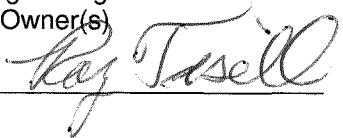
If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2619 109 KEVIN REHER TRS	2619/109	KEVIN REHER AS TRUSTEE OF KEVIN REHER LIVING TRUST	
2. 60 BAY WAY			
3. SAN RAFAEL, CA 94901-2473			
4. <del>Address</del> 227 State St.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

CONTRACTED BY SIGN

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

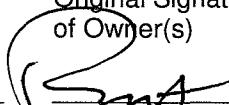
Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2619 079	2619/079	RAY TISELL	
2. RAY TISELL			
3. 5680 ROBIN HILL DRIVE			
4. <u>Address = 231 States St. 120 Ord Ct</u>			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2013.1521 C U A V

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2620 082	1620/082	Robert Tat	
2. ROBERT TAT TRS 256 STATES ST			
3. SAN FRANCISCO, CA 94114-1406			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

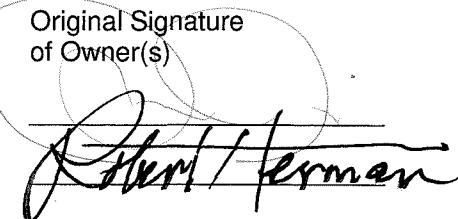
Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2626 029	2626/029	George E White	George E White
2. G & J WHITE TRS 3 VULCAN STAIRWAY	2626/029	Josephine White	Josephine White
3. SAN FRANCISCO, CA 94114-1424			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

RECEIVED  
CITY OF SAN FRANCISCO  
SAN FRANCISCO

City Planning Commission  
Case No. 2013.1521CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2626 028 COLIVER & HERMAN 2. 5 VULCAN STAIRWAY 3. SAN FRANCISCO, CA 94114-1424	2626/028 2626/028	SUSAN COLIVER ROBERT HERMAN	
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2013.1521 C U A V

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2619 005 M & D GOLDSTEIN	2619/005	DIANA GOLDSTEIN TTEE	<i>Diana Goldstein</i>
2. 8 CHARLTON CT			
3. SAN FRANCISCO, CA 94123-4225			
4. <i>Address = 22 Vulcan Stuy</i>			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2013.1521CUAV

2013 OCT 26 PM 3:17

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 209/209A States St.	2619/076	David D.Cannon as trustee of David Cannon TRUST	David D.Cannon as trustee of David Cannon TRUST
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

## Certification of Trust for the Joseph K. Beaupre Trust

The Joseph K. Beaupre Trust (the "Trust") was established on April 12, 1994. The Grantor of the Trust is Joseph K. Beaupre. The Trustee is Joseph K. Beaupre (referred to herein as the "Trustee").

The signature of any trustee is sufficient to exercise the powers of the Trustee.

This Trust is revocable and amendable by Joseph K. Beaupre.

The address of the Trustee is 80 Museum Way, San Francisco, California, 94114.

The tax identification number of the Trust is the social security number of the Grantor.

Title to assets in the Trust shall be taken as follows:

Joseph K. Beaupre, Trustee, or his successor in trust under the Joseph K. Beaupre Trust dated April 12, 1994, and any amendments thereto.

In addition, for titling purposes, any description referring to the Trust shall be effective if it includes the name of the Trust, the name of at least one initial or successor Trustee, and any reference indicating that property is being held by the Trustee in a fiduciary capacity.

The Trustee under the trust agreement is authorized to acquire, sell, convey, encumber, lease, borrow, manage and otherwise deal with interests in real and personal property in trust name. All powers of the Trustee are fully set forth in the articles of the trust agreement.

This certification of trust is a true and accurate statement of the matters referred to herein.

The Joseph K. Beaupre Trust has not been revoked, modified, or amended in any way that would cause the representations in this certification of trust to be incorrect.

February 17, 2005

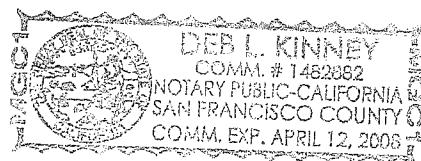
Joseph K. Beaupre, Trustee

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN FRANCISCO )

On February 17, 2005, before me, Deb L. Kinney, a Notary Public, personally appeared Joseph K. Beaupre, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Deb L. Kinney, Notary Public



My commission expires April 12, 2008.

## RELIANCE ON THIS CERTIFICATION

This certification is made in accordance with California Probate Code Section 18100.5 and California Commercial Code Section 8403(4)-(6). Any transaction entered into by a person acting in reliance on this certification shall be enforceable against the trust assets.

**PROBATE CODE SECTION 18100.5(h) PROVIDES THAT ANY PERSON WHO REFUSES TO ACCEPT THIS CERTIFICATION IN LIEU OF THE ORIGINAL TRUST DOCUMENT WILL BE LIABLE FOR DAMAGES, INCLUDING ATTORNEYS' FEES, INCURRED AS A RESULT OF THAT REFUSAL, IF THE COURT DETERMINES THAT THE PERSON ACTED IN BAD FAITH IN REQUESTING THE TRUST DOCUMENT.**



*Case  
2013-1921-CU-V*

City & County of San Francisco  
José Cisneros, Treasurer  
David Augustine, Tax Collector  
Secured Property Tax Bill

1 Dr. Carlton B. Goodlett I  
City Hall, Room  
San Francisco, CA 94103  
www.sftreasure.org

For Fiscal Year July 1, 2015 through June 30, 2016

Vol 19	Block 2626	Lot 040	Account Number 262600400	Tax Rate 1.1826%	Original Mail Date October 16, 2015	Property Location 54 LOWER TE
-----------	---------------	------------	-----------------------------	---------------------	--	----------------------------------

Assessed on January 1, 2015

To: WILLIAM R COOPER 2000 REVOC IN

**WILLIAM R COOPER 2000 REVOC**  
**54 LOWER TER**  
**SAN FRANCISCO CA 94114**

Assessed Value		
Description	Full Value	Tax Amount
Land	144,826	1,712
Structure	96,547	1,141
Fixtures		
Personal Property		
Gross Taxable Value	241,373	2,854
Less HO Exemption		
Less Other Exemption		
<b>Net Taxable Value</b>	<b>241,373</b>	

Direct Charges and Special Assessments

Code	Type	Telephone	Amount Due
89	SFUSD FACILITY DIST	(415) 355-2203	35.34
91	SFCCD PARCEL TAX	(415) 487-2400	79.00
98	SF - TEACHER SUPPORT	(415) 355-2203	230.94

**Total Direct Charges and Special Assessments**

► **TOTAL DUE**

1st Installment	2nd Installment
Due: November 1, 2015 Delinquent after Dec 10, 2015	Due: February 1, 2016 Delinquent after April 10, 2016

6/1990

**Pay online at SFTREASURER.ORG**

Keep this portion for your records. See back of bill for payment options and additional information.



City & County of San Francisco

**Pay online at SFTREASURER.ORG**

Secured Property Tax Bill

For Fiscal Year July 1, 2015 through June 30, 2016

Vol 19	Block 2626	Lot 040	Account Number 262600400	Tax Rate 1.1826%	Original Mail Date October 16, 2015	Property Location 54 LOWER TE
-----------	---------------	------------	-----------------------------	---------------------	--	----------------------------------

Check if contribution to Arts Fund is enclosed.

For other donation opportunities go to [www.Give2SF.org](http://www.Give2SF.org)

Detach stub and return with your payment.

Write your block and lot on your check.

2nd Installment cannot be accepted unless 1st is paid

San Francisco Tax Collector  
Secured Property Tax  
P.O. Box 7426  
San Francisco, CA 94120-7426

**SECURED 2**

Delinquent after April 10, 2016

**2nd Installment Due**

\$

If paid or postmarked after April 10, 2016 the amount due (includes delinquent penalty of 10% and other applicable fees) is: \$1,804.85

1926260004000 095783 000000000 000000000 0000 2003



City & County of San Francisco  
Secured Property Tax Bill

**Pay online at SFTREASURER.ORG**

CERTIFICATE OF TRUST  
FOR THE CLARENCE A. DAHLIN LIVING TRUST

I, Clarence A. Dahlin, hereby declare under penalty of perjury under the laws of the State of California that:

1. On July 25, 2002, I signed a Declaration of Trust which established a revocable living trust known as The Clarence A. Dahlin Living Trust ("Trust" herein).
2. The within Certificate is a true and correct representation of the terms of the Trust.
3. I am the currently-acting Trustee of The Clarence A. Dahlin Living Trust. My signature as the currently-acting Trustee is binding on the Trust and its beneficiaries and may be relied upon by third parties.
4. The Trust is not of record in any court of law and had not been recorded in the real property records of any county.
5. The Trust has not been revoked, modified, or amended in any manner which would cause the representations contained herein to be incorrect.
6. I have reserved the right and authority to amend and revoke the Trust as long as I am alive.
7. I am the current beneficiary of the Trust.
8. The tax identification number for the Trust is:
9. Title to assets of the Trust should be taken in substantially the following form:

"Clarence A. Dahlin, as Trustee of The Clarence A. Dahlin Living Trust, u/t/a dated July 25, 2002."
10. This Certificate is intended to serve as a "Certification of Trust" under California Probate Code Section 18100.5, as amended. Its purpose is to certify the existence of the Trust, the identity and powers of the Trustee, the manner of taking title to assets and to summarize some of the more important provisions of the Trust, so that the Trustee can deal with third parties, such as financial institutions, stock transfer agents, brokerage houses, title companies, insurance companies, and others, without disclosing the entire Trust, which is a private and confidential document.
11. All third parties dealing with the Trustee may rely on this Certificate of Trust as a true statement of the provisions of the Trust described herein as of the date of this Certificate is presented to such third party (regardless of the date of execution of this Certificate), unless the third party has actual knowledge that the representations contained herein are incorrect. Any

third party who demands trust documents in addition to this Certification (other than excerpts from the original trust documents) in order to prove facts set forth in this certification may be liable for damages, including attorney's fees, incurred as a result of the refusal to accept this Certification in lieu of the requested documents.

12. Under the terms of The Clarence A. Dahlin Living Trust, the Trustees powers include the powers set forth in Exhibit "A", which is attached hereto and incorporated herein by reference. The Trustees powers also include all other powers and authority granted to trustees under the California Probate Code as amended from time to time.

13. This Certificate of Trust is being signed by the currently acting Trustee of The Clarence A. Dahlin Living Trust.

Executed as of July 25, 2002, at San Francisco, California.

Clarendon Hills

Clarence A. Dahlin

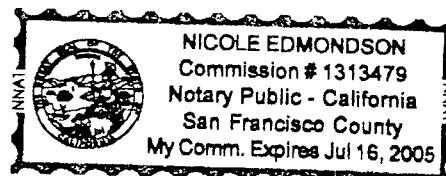
## ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO )  
 )  
 )ss

On July 25, 2002, before me, Nicole Edmondson, a Notary Public in and for the State of California, personally appeared Clarence A. Dahlin, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Signature Rich Colombo (SEAL)  
Notary Public



11

11

Case 2013.1521 CUV

Block 2619 / Lot 005

FIRST AMENDED AND RESTATED  
REVOCABLE TRUST AGREEMENT  
FOR  
THE GOLDSTEIN FAMILY TRUST

Dated: July 28, 2010

Original Held By  
Dudnick Detwiler, Rivin & Stikker  
351 California St., 15th Floor  
San Francisco, CA 94104  
(415) 362-1400

FIRST AMENDED AND RESTATED  
REVOCABLE TRUST AGREEMENT

This First Amended and Restated Revocable Trust Agreement is made and entered into this 28th day of July, 2010, by and between

MARC EVAN GOLDSTEIN and DIANA GOLDSTEIN, husband and wife, residents of the State of California, hereinafter called the "Trustors,"

and

MARC EVAN GOLDSTEIN and DIANA GOLDSTEIN, hereinafter collectively called the "Trustee."

The Trustors heretofore on August 28, 1992, established a trust known as the "Goldstein Family Trust" pursuant to a certain Revocable Trust Instrument made and entered into by MARC EVAN GOLDSTEIN and DIANA GOLDSTEIN, as Trustors and as Trustees, which Revocable Trust Instrument is hereinafter referred to as the "original instrument"; and

Pursuant to Section A of Article Second of the original instrument, in which the Trustors retained the power of revocation and amendment with respect to the entire trust property, the Trustors now desire to amend and restate the trust in its entirety and to substitute the terms and provisions of this First Amended and Restated Revocable Trust Agreement in the place and stead of the terms and provisions of the original instrument, so that the entire terms and provisions of the trust shall be set forth in full in this First Amended and Restated Revocable Trust Agreement (hereinafter referred to as "this agreement"); and

**RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:**

Richard L. Ehrman, Esq.  
**THOITS, LOVE, HERSHBERGER & McLEAN**  
**A Professional Law Corporation**  
285 Hamilton Avenue, Suite 300  
Palo Alto, California 94301

---

**CERTIFICATION OF**  
**THE GUANABANA TRUST**  
**PURSUANT TO PROBATE CODE SECTION 18100.5**

THIS CERTIFICATION OF THE GUANABANA TRUST is executed this 1 day of September, 2009, by Dirk Aguilar, as Trustee (hereinafter referred to as the "Trustee") of The Guanabana Trust (sometimes hereinafter referred to as the "Trust"). In accordance with California Probate Code section 18100.5, the Trustee confirms the following facts concerning the Trust:

1. The Trust is presently in existence, was established by declaration of trust executed on May 10, 2006, and was amended in its entirety and restated in full by The Amended and Restated Guanabana Trust declaration of trust, which was executed earlier this day.
2. The Trust was established by Dirk Aguilar, as Settlor. Dirk Aguilar is the only currently acting Trustee of the Trust. Settlor may use the trust property as collateral for any personal loan of Settlor, and the Trustee on behalf of the trust may guarantee any such personal loans, and, in this connection, the Trustee shall execute, alone, or shall join with Settlor in the execution of any guaranties, promissory notes, deeds of trust, mortgages, financing statements, escrow instructions, or other documents convenient or necessary in order to evidence the loan and the security for the loan, even though the lender shall deliver the loan proceeds directly to Settlor.

**CERTIFICATION OF TRUST  
OF THE  
WILLIAM C. HOLTZMAN REVOCABLE TRUST**

I, WILLIAM C. HOLTZMAN , as Trustee of the WILLIAM C. HOLTZMAN REVOCABLE TRUST ("Trust" herein), certify as follows:

**1. CREATION OF TRUST**

The Trust was established on July 30, 2002, as amended and restated in its entirety on December 15, 2009, by William C. Holtzman, as Settlor and Trustee.

**2. NAME OF TRUST**

The name of the Trust is the "WILLIAM C. HOLTZMAN REVOCABLE TRUST."

**3. TRUSTEE**

The currently acting Trustee of the Trust is WILLIAM C. HOLTZMAN .

**4. SUCCESSOR TRUSTEE**

In the event that WILLIAM C. HOLTZMAN shall cease to act as Trustee, SUSAN HOLTZMAN, is appointed to act as sole Trustee. In the event that SUSAN HOLTZMAN shall fail or cease to act as Trustee, NANCY SHEER is appointed to act as sole Trustee.

**5. TRUST PROPERTY**

The Trustee is now holding as Trustee of the Trust one or more items of property, which constitute the Trust Estate.

**6. BENEFICIARIES OF TRUST**

WILLIAM C. HOLTZMAN is the current beneficiary of the Trust.

**7. REVOCABILITY/IRREVOCABILITY OF TRUST**

The Trust is amendable and revocable. WILLIAM C. HOLTZMAN is the person who holds the power to amend or revoke the Trust.



City & County of San Francisco  
José Cisneros, Treasurer  
David Augustine, Tax Collector  
Secured Property Tax Bill

For Fiscal Year July 1, 2015 through June 30, 2016

1 Dr. Carlton B. Goodlett Place  
City Hall, Room 140  
San Francisco, CA 94102  
[www.sftreasurer.org](http://www.sftreasurer.org)

Vol	Block	Lot	Account Number	Tax Rate	Original Mail Date	Property Location
19	2626	027	262600270	1.1826%	October 16, 2015	60 LOWER TE

Assessed on January 1, 2015

To: WILLIAM C HOLTZMAN REVOC TR

Assessed Value

WILLIAM C HOLTZMAN REVOC TR  
60 LOWER TER  
SAN FRANCISCO CA 94114

W.C.H.

Case 20-1521CUAV  
Block 2620 / Lot 079

**REVOCABLE TRUST DECLARATION  
OF  
RICHARD L. KUGLER**

I, Richard L. Kugler, as Settlor of this Revocable Trust, declare that I have set aside or transferred, hereby transfer, or will transfer to myself as Trustee, the property listed on Schedule "A," attached to this Declaration of Trust (also referred to as this "Declaration"), and that I will hold the Trust Estate in trust for the benefit of the Beneficiaries and on the terms set forth in this Declaration. The date of this Declaration is September 27, 1994. The full title of the trust created by this Declaration is "The Richard L. Kugler Revocable Trust of September 27, 1994," and it may also be referred to as "The Richard L. Kugler 1994 Trust."

All references in this Declaration to "I", "me", "my", "mine" or to the "Settlor" are to Richard L. Kugler.

**PREAMBLE**

I am unmarried and have no children and no deceased children. I am the initial Trustee and will perform that function until I die, resign or am unable to perform the functions of the Trustee.

Executed at San Francisco, California on September 27, 1994. The signatures affixed to this Document are intended to be in the capacity of Settlor and in the capacity of Trustee of the Revocable Trust Declaration hereinabove set forth.

SETTLOR:

Richard L. Kugler  
Richard L. Kugler

TRUSTEE:

Richard L. Kugler  
Richard L. Kugler

STATE OF CALIFORNIA

}

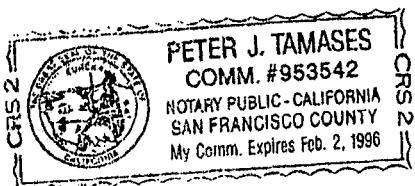
COUNTY OF SAN FRANCISCO

} ss.  
}

On September 27, 1994, before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Richard L. Kugler, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within Revocable Trust Declaration, and acknowledged to me that he executed the same in his authorized capacities, and that by his signatures on the instrument he executed the instrument.

WITNESS MY HAND AND OFFICIAL SEAL.

Peter J. Tamases  
Notary Public



Certification of Trustee  
of  
The Neuberger - Zinsser Revocable Trust  
(California Probate Code Section 18100.5)

NOTICE: California Probate Code Section 18100.5(h) provides that "any person making a demand for the trust documents in addition to a certification of trust to prove facts set forth in the certification of trust acceptable to the third party shall be liable for damages, including attorney's fees, incurred as a result of the refusal to accept the certification of trust in lieu of the requested documents if the court determines that the person acted in bad faith in requesting the trust documents."

TO WHOM IT MAY CONCERN:

JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER, as Trustees and  
Trustees of The Neuberger - Zinsser Revocable Trust, hereby certify  
as follows:

JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER, as the original Trustors and Trustees, created The Neuberger - Zinsser Revocable Trust pursuant to that certain Revocable Trust Agreement dated May 31, 2013 (hereinafter referred to as "the Trust").

JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER are the current  
duly appointed and acting Trustees of the Trust.

The Trust is fully revocable by JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER.

The tax identification number for the Trust is the Social Security Number of either Trustor. The Social Security Number of JONATHAN A. NEUBERGER is and the Social Security Number of KATHERINE J. ZINSSER is .

The Trustees have all of those powers conferred on them by law and as described in Exhibit "A", attached hereto and made a part hereof. The Trustees are properly exercising their powers under the Trust.

While JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER are acting as co-Trustees, either of them acting alone may bind the Trust in any transaction, either of them may act as sole Trustee with respect to a trust asset, and any third party dealing with the trust may rely on this singular authority without requiring the other co-Trustee to join in the transaction.

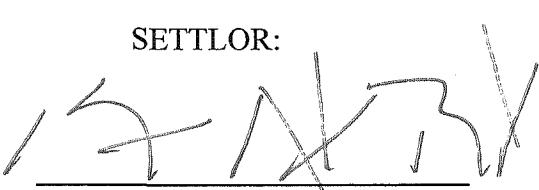
Original Held By  
**Dudnick, Detwiler, Rivin & Sticker**  
351 California St., 15th Floor  
San Francisco, CA 94104  
(415) 982-1400

Case 2013.1521 L 1AV  
Block 2619 / Lot 109

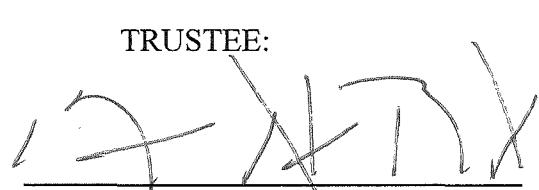
avoid invalidity by applying the law in effect at another time or in another jurisdiction that has enough contacts with the trust involved for this purpose. If I amend any provision, California law in effect on the date I sign each amendment shall govern the meaning of the provisions that the amendment affects. If any provision of this Declaration is invalid, the remaining provisions shall nevertheless remain in effect.

I am signing this Declaration at Kensington, California on April 2, 2015, as settlor and as trustee of the Original trust and of this Amended and Restated revocable trust that I have created in this Declaration.

SETTLOR:

  
\_\_\_\_\_  
Kevin Anthony Reher

TRUSTEE:

  
\_\_\_\_\_  
Kevin Anthony Reher

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

} On April 2, 2015, before me, Kurt E. Yip, a Notary Public,  
} ss. personally appeared Kevin Anthony Reher, who proved to me

COUNTY OF CONTRA COSTA

} on the basis of satisfactory evidence to be the person  
whose name is subscribed to the within Amended and Restated Revocable Trust Declaration, and  
acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the  
instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.



  
\_\_\_\_\_  
Notary Public

CERTIFICATE OF TRUST  
FOR THE JOEL R. SMART LIVING TRUST

I, Joel R. Smart, hereby declare under penalty of perjury under the laws of the State of California that:

1. On July 25, 2002, I signed a Declaration of Trust which established a revocable living trust known as The Joel R. Smart Living Trust ("Trust" herein).
2. The within Certificate is a true and correct representation of the terms of the Trust.
3. I am the currently-acting Trustee of The Joel R. Smart Living Trust. My signature as the currently-acting Trustee is binding on the Trust and its beneficiaries and may be relied upon by third parties.
4. The Trust is not of record in any court of law and had not been recorded in the real property records of any county.
5. The Trust has not been revoked, modified, or amended in any manner which would cause the representations contained herein to be incorrect.
6. I have reserved the right and authority to amend and revoke the Trust as long as I am alive.
7. I am the current beneficiary of the Trust.
8. The tax identification number for the Trust is !
9. Title to assets of the Trust should be taken in substantially the following form:

"Joel R. Smart, as Trustee of The Joel R. Smart Living Trust, u/t/a dated July 25, 2002."
10. This Certificate is intended to serve as a "Certification of Trust" under California Probate Code Section 18100.5, as amended. Its purpose is to certify the existence of the Trust, the identity and powers of the Trustee, the manner of taking title to assets and to summarize some of the more important provisions of the Trust, so that the Trustee can deal with third parties, such as financial institutions, stock transfer agents, brokerage houses, title companies, insurance companies, and others, without disclosing the entire Trust, which is a private and confidential document.
11. All third parties dealing with the Trustee may rely on this Certificate of Trust as a true statement of the provisions of the Trust described herein as of the date of this Certificate is presented to such third party (regardless of the date of execution of this Certificate), unless the third party has actual knowledge that the representations contained herein are incorrect. Any third party who demands trust documents in addition to this Certification (other than excerpts

from the original trust documents) in order to prove facts set forth in this certification may be liable for damages, including attorney's fees, incurred as a result of the refusal to accept this Certification in lieu of the requested documents.

12. Under the terms of The Joel R. Smart Living Trust, the Trustees powers include the powers set forth in Exhibit "A", which is attached hereto and incorporated herein by reference. The Trustees powers also include all other powers and authority granted to trustees under the California Probate Code as amended from time to time.

13. This Certificate of Trust is being signed by the currently acting Trustee of The Joel R. Smart Living Trust.

Executed as of July 25, 2002, at San Francisco, California.

  
\_\_\_\_\_  
Joel R. Smart

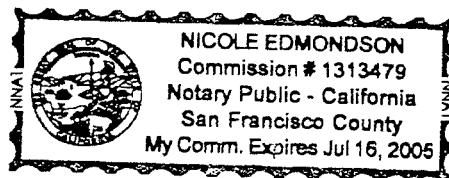
## ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO )  
ss )

On July 25, 2002, before me, Nicole Edmondson, a Notary Public in and for the State of California, personally appeared Joel R. Smart, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Signature J. Acosta Edgardo (SEAL)  
Notary Public



11

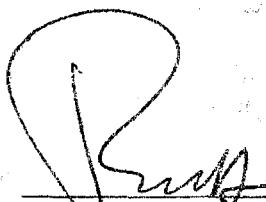
11

## CERTIFICATION OF TRUST

I, the undersigned, declare:

1. I am the current Trustee of the Trust established by Robert K. Tat of 256 States Street, San Francisco, California, 94114 executed on June 13, 2013.
2. Attached hereto is a true and correct copy of the portion of the Trust instrument which provides that the declarant is the Trustee.
3. The tax identification number of this Trust is \_\_\_\_\_.
4. Title to assets of this Trust should be taken as "Robert K. Tat as Trustee of the ROBERT K. TAT REVOCABLE TRUST created June 13, 2013."
5. Attached hereto is a true and correct copy of the portion of the Trust instrument which lists the powers of the Trustee.
6. The Trust has not been revoked, modified, or amended in any manner which would cause the representations contained in this certification to be incorrect.
7. The certification is being signed by all of the currently acting Trustees of the Trust.
8. The current beneficiary of the Trust is Robert K. Tat.

Executed on June 13, 2013, in the City of San Francisco, County of San Francisco, State of California.



Robert K. Tat

## ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO )

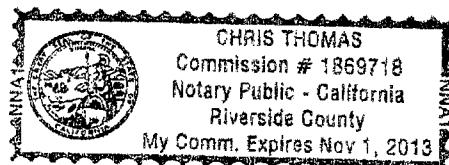
On 6/13/2013, before me, Chris Thorne, Notary Public, personally appeared Robert K. Tat, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

WITNESS my hand and official seal.





---

## Notary Public

# DECLARATION OF the ROBERT K. TAT REVOCABLE TRUST

This Declaration of Trust made June 13, 2013

## TRUSTOR

Robert K. Tat  
256 States Street  
San Francisco, California 94114

## TRUSTEE

Robert K. Tat  
256 States Street  
San Francisco, California 94114

2010 OCT 26 PM 3:11

**FIRST AMENDED AND RESTATED  
DAVID CANNON TRUST  
DATED MAY 15, 2010**

Recitals:

A. David D. Cannon ("David"), as settlor and trustee, executed the David Cannon Trust, a revocable trust, on May 15, 2010.

B. David now desires to amend and restate his trust (the "First Amended and Restated Trust"), so that no reference need be made to the original Trust, as follows:

Operative Provisions:

**ARTICLE 1**

**DECLARATIONS**

Section 1.1 **Conveyance to Trustee.** David D. Cannon, (referred to herein as the "settlor" or the "trustee," depending on the context) designates himself as trustee and declares that he has set aside and holds, IN TRUST, the property described in Schedule A attached to this instrument.

Section 1.2 **Name of Trust.** The trust created in this instrument may be referred to as the "David Cannon Trust."

Section 1.3 **Trust Estate.** All property subject to this instrument from time to time, including the property listed in Schedule A, is referred to as the trust estate and shall be held, administered and distributed according to this instrument.

Section 1.4 **Definitions.** In general a "settlor" (or trustor) is an individual or entity that creates a trust; a "trustee" is an individual or entity that holds legal title to trust assets and manages such assets for the benefit of trust beneficiaries pursuant to a trust agreement; and a "beneficiary" is an individual or entity with a beneficial interest in the trust assets for whose benefit such assets are managed. The settlor of this trust is also the initial trustee and beneficiary.

**ARTICLE 2**

**DISTRIBUTIONS DURING LIFETIME OF SETTLOR**

Section 2.1 **No Allocation Between Principal and Income.** During the settlor's lifetime, the trustee shall not be required to allocate receipts and disbursements between income and principal. All receipts collected by the trust shall be deemed principal and expenses shall be charged to principal.

assets of the trust at their fair market value as determined by an independent appraisal of those assets; and to sell property to the trust at a price not in excess of its fair market value as determined by an independent appraisal.

Section 5.11 **Release of Powers.** Each trustee shall have the power to release or to restrict the scope of any power that the trustee may hold in connection with the trust created under this instrument, whether this power is expressly granted in this instrument or implied by law. The trustee shall exercise this power in a written instrument specifying the powers to be released or restricted and the nature of any restriction. Any released power shall be extinguished.

Section 5.12 **Borrow.** To borrow money and to encumber trust property by mortgage, deed of trust, pledge, or otherwise, for the debts of the trust or the joint debts of the trust and a co-owner ~~of~~ the property in which the trust has an interest, or for a settlor's debts; to guarantee a settlor's debts.

Section 5.13 **Litigation.** To initiate or defend, at the expense of the trust, any litigation relating to the trust or any property of the trust estate the trustee considers advisable, and to compromise or otherwise adjust any claims or litigation against or in favor of the trust.

Section 5.14 **Insure.** To carry insurance of the kinds and in the amounts the trustee considers advisable, at the expense of the trust, to protect the trust estate and the trustee personally against any hazard.

Section 5.15 **Distribution.** To partition, allot, and distribute the trust estate on any division or partial or final distribution of the trust estate, in undivided interests or in kind, or partly in money and partly in kind, at valuations determined by the trustee, and to sell any property the trustee considers necessary for division or distribution. In making any division or partial or final distribution of the trust estate, the trustee is not obligated to make a prorata division or to distribute the same assets to beneficiaries similarly situated. The trustee may, in the trustee's discretion, make a non-prorata division between trusts or shares and non-prorata distributions to the beneficiaries if the respective assets allocated to separate trusts or shares, or distributed to the beneficiaries, have equivalent or proportionate fair market values. The income tax bases of assets allocated or distributed non-prorata need not be equivalent and may vary to a greater or lesser amount, as determined by the trustee in the trustee's discretion.

Section 5.16 **Principal and Income Act.** The determination of all matters with respect to what is principal and income of the trust estate and the apportionment and allocation of receipts and expenses between these accounts shall be governed by the provisions of the California Revised Uniform Principal and Income Act from time to time existing. The trustee in the trustee's discretion shall determine any matter not provided for either in this instrument or in the California Revised Uniform Principal and Income Act.

Section 5.17 **Signatures.** At any time two or more persons are acting as trustee in the manner specified in this instrument, any one trustee shall be authorized to act for all trustees in connection with any transaction (particularly involving bank, savings and loan and brokerage

accounts and real property) and any third party may rely conclusively on the signature of one trustee on any contract, deed, or similar instrument, to bind the trust.

Section 5.18 **Agents.** To hire persons, including accountants, attorneys, auditors, investment advisers, or other agents, to advise or assist the trustee in the performance of administrative duties.

Section 5.19 **Termination for Low Principal.** If the trust estate of any trust created herein does not exceed twenty thousand dollars (\$20,000.00) in value, the trustee, in the trustee's discretion, shall have the power to terminate such trust. At the termination of the trust, the trustee may convey, transfer and pay over to an income beneficiary the entire principal of the share held for his or her benefit.

Section 5.20 **Claims and Expenses of Administration.** To the extent the deceased settlor's probate estate is inadequate to satisfy claims of creditors and expenses of administration, the trustee shall turn over to the personal representative of such probate estate, trust assets, which were part of a trust subject to the settlor's power of revocation at the time of the settlor's death, sufficient to satisfy the claims and expenses.

Section 5.21 **Probate Administration.** At the death of the settlor, if the trustee reasonably believes the settlor's estate may possibly be subject to malpractice or other claims and desires to have the benefit of the creditor's claim period of a probate estate, the trustee may cooperate with the settlor's personal representative and probate any assets held outside of the trust(s) even if such assets could be transferred by affidavit or some other form of summary administration.

Section 5.22 **California Law Applies.** The validity of this trust and the construction of its beneficial provisions shall be governed by the laws of the State of California in force from time to time, except that the validity and construction of this trust in relation to any real property located in a jurisdiction outside the State of California shall be determined under the laws of such jurisdiction. This article shall apply regardless of any change of residence of the trustee or any beneficiary, or the appointment or substitution of a trustee residing or doing business in another state.

Section 5.23 **Guaranty Debts and Hypothecate Assets.** The trustee of any trust hereunder revocable by the settlor is authorized to do the following (so long as the trustee receives written direction to do so by the settlor): (a) guaranty the indebtedness of any person, corporation or other entity, whether or not said guaranty is for a trust purpose or in any way benefits the trust; (b) hypothecate all or any part of the assets of the trust estate as security for loans obtained by any person, corporation or other entity or to effectuate a guaranty; and (c) to execute such agreements and documents as may be requested by a creditor and which appear reasonable to the trustee, such as security agreements, trust deeds and financing statements.

Section 5.24 **Margin Account.** The trustee is authorized to buy, sell, and trade in securities of any nature, including short sales on margin, and for such purposes may maintain and operate a margin account with brokers, and may pledge any securities held or purchased by them with such brokers as security for loans and advances made to the trustee.

## EUREKA VALLEY FOUNDATION

PO BOX 14137  
SAN FRANCISCO, CA 94114-0137

Date

*Day to the order of* SF PLANNING Dept \$ 562 -  
*FIVE HUNDRED SIXTY TWO dollars*

Security Features  
See Reverse  
Details on Back**usbank** All of us serving you®*for DR ORD COURT**[Signature]*

MP

DR ORD COURT  
SF PLANNING  
SAN FRANCISCO

5/31/91 PM 3:00:00 AM

*[Signature]*

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

Application to Request a  
Board of Supervisors Appeal Fee Waiver

CASE NUMBER:  
For Staff Use Only

10/16/2015 2:57 PM 3:11  
APPLICATION FOR

# Board of Supervisors Appeal Fee Waiver

## 1. Applicant and Project Information

APPLICANT NAME:

Jack Keating

APPLICANT ADDRESS:

4134 17th St.  
SF, CA 94114

TELEPHONE

(415) 308-5817

EMAIL:

jack.keating@evna.org

NEIGHBORHOOD ORGANIZATION NAME:

Castro/Eureka Valley Neighborhood Association

NEIGHBORHOOD ORGANIZATION ADDRESS:

PO Box 14137, SF, CA 94117

TELEPHONE

(415) 308-5817

EMAIL:

jack.keating@evna.org

PROJECT ADDRESS:

22 ~~Ord~~ Ct. Block/Lot 2619/067

PLANNING CASE NO.:

2013,1521CUAV

BUILDING PERMIT APPLICATION NO.:

DATE OF DECISION (IF ANY):

Sept 24, 2015

## 2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

Please See attachments

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Submission Checklist:**

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION

WAIVER APPROVED       WAIVER DENIED



SAN FRANCISCO  
PLANNING  
DEPARTMENT

**Planning Information Center**  
Check back here for Planning Department

**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: 415.558.6378  
FAX: 415.558.6409  
WEB: <http://www.sfplanning.org>

**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: 415.558.6377  
Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.



# CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

borhood association for the Castro, Upper Market and all of Eureka Valley since 1878

EVNA  
PO Box 14137  
San Francisco, CA 94114  
www.evna.org

EVNA, a 501 (C)(4) Non-profit,  
Tax ID: 51-0141022

Eureka Valley Foundation,  
a 501(C)(3) Non-profit,  
Tax ID: 26-0831195

**EXECUTIVE COMMITTEE**  
Alan Beach-Nelson  
President  
Castro Street

Rob Cox  
Secretary  
Hartford Street  
James Moore  
Treasurer  
18<sup>th</sup> Street

**COMMITTEE CHAIRS**  
James Kelm  
Newsletter & Social Media  
Castro Village Wine Co.  
Jack Keating (Ex-Officio)  
Planning & Land Use  
17th Street

Shelah Barr  
Quality of Life  
17th Street  
Mark McHale  
Social  
Vanguard Properties  
Orie Zaklad  
Technology & Marketing  
Collingwood Street

**DIRECTORS:**  
Patrick Crogan  
Market Street  
Tim Eicher  
Q Bar  
Mary Edna Harrell  
Castro Street  
Crispin Hollings  
18<sup>th</sup> Street  
Loïc Olichon  
18th Street

**EX OFFICIO DIRECTORS:**  
Steve Clark Hall  
Webmaster  
19th Street  
Judith Hoyem  
Emeritus  
17th Street

October 25, 2015

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Conditional Use Appeal: 22 Ord Court; Board of Supervisors Appeal Fee Waiver

To Whom it May Concern,

Jack Keating is a member of the Castro / Eureka Valley Neighborhood Association [EVNA] and is authorized to file the above-referenced appeal on behalf of our organization.

The Eureka Valley Neighborhood Association was a supporter of Scott Wiener's Interim Zoning Controls passed in 2015. Given that this project as currently designed does not meet the basic objectives of scale/size determined by the zoning controls, and because we believe there are feasible alternatives which would respect the Interim Zoning controls, we previously asked the Planning Commission deny the request for a Conditional Use permit. We are appealing their decision [Case Number 2013.1521CUAV] for the same reasons.

Very truly yours,

Alan Beach-Nelson  
President

## About Castro/Eureka Valley Neighborhood Association:

Castro/ Eureka Valley Neighborhood Association (EVNA) is the oldest continuously operating Neighborhood Association in San Francisco established as Eureka Valley Promotion Association in 1878. For 135 years, our members have been working to make this neighborhood a great place to live, work and play. Today, we strive to preserve the unique character of our diverse neighborhood while maintaining a balance between prospering businesses and residential livability.

Please visit our Web site for more information on EVNA's activities, including meeting minutes and meeting schedules.

## Appeal Waiver Attachment

- Alan Beach-Nelson, President of the Castro/Eureka Valley Neighborhood Association (EVNA), authorizes Jack Keating, Chair, EVNA Planning & Land Use Committee to file an appeal of the 22 Ord Ct. Conditional Use Authorization Case No. 2013.1521CUAV on behalf of EVNA.
- EVNA is a neighborhood organization registered with the Planning Department as referenced by the Planning Department here:

<http://www.sf-planning.org/index.aspx?page=1654>

<http://www.sf-planning.org/ftp/files/administration/communications/neighborhoodgroups/NeighborhoodGroupList.xlsx>

	FIRST	LAST	TITLE	ORGANIZATION	ADDRESS	CITY	STATE	ZIP	TELEPHONE	EMAIL	NEIGHBORHOOD OF INTEREST
1	Alan	Beach-Nelson	President	Castro/Eureka Valley Neighborhood Association	P.O. Box 14137	San Francisco	CA	94114-2827	415-244-5152	alan.beach@eva.org	Castro/Upper Market
2	Andrea	Aiello	Administrator	Castro Upper Market Community Benefit District	584 Castro Street #356	San Francisco	CA	94114	415-599-1181	ExcoDirector@CastroCBD.org	Castro/Upper Market, Haight Ashbury, Noe Valley
3	Bill	Tannenbaum		0 Sharon Street Neighborhood Association	46 Sharon Street	San Francisco	CA	94114	525-850-6841	Blumentbaum@eruv.com	Castro/Upper Market
4	Bruce	Murphy	President	Eureka Valley Trails/Art Network	170 Yukon Street	San Francisco	CA	94114-2366	415-803-0207	luckyawas@gmail.com	Bayview, Castro/Upper Market
5	Carol	Gianella	President	Mt. Olympus Neighbors Association	290 Upper Terrace	San Francisco	CA	94117	415-564-4616	cg200@earthlink.net	Castro/Upper Market, Haight Ashbury
6	David	Vila-Lobos	Executive Director	Heart of the Triangle	P.O. Box 642261	San Francisco	CA	94164	415-521-4192	admin@communityleadership.org	Castro/Upper Market
7	Edward	Scoggins	Director	0 Eureka 17th Street Neighbors	4134 17th Street	San Francisco	CA	94114	415-421-4651	jean@eulanc.org	Castro/Upper Market

- EVNA encompasses 22 Ord Ct.:

"The boundaries of the Eureka Valley Neighborhood Association are basically geographically defined by the boundaries of "Eureka Valley." Per the organization bylaws, this is the district within Dolores Street to the East, 22nd Street to the South, Twin Peaks to the West and Duboce Avenue on the North."

<http://evna.org/neighbors>

- EVNA was first established in 1878 the Eureka Valley Promotion Association (EVPA).

Newsletters for the last decade may be referenced here:

<http://evna.org/news>

## Carroll, John (BOS)

---

**From:** BOS Legislation, (BOS)  
**Sent:** Tuesday, November 24, 2015 5:06 PM  
**To:** csparkes@ieee.org; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Pearson, Audrey (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Jacinto, Michael (CPC); Ionin, Jonas (CPC); Chang, Tina (CPC); AMurphy@perkinscoie.com  
**Cc:** Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS)  
**Subject:** Conditional Use Appeal Hearing - 22 Ord Court - December 1, 2015 - Appellant Memo  
  
**Categories:** 151113

Good afternoon,

Please find linked below an appeal supplement memo received by the Office of the Clerk of the Board from Chris Parkes, regarding the conditional use appeal of the proposed project at 22 Ord Court.

[Appellant Memo - November 24, 2015](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on December 1, 2015.**

I invite you to review the entire matter on our Legislative Research Center by following the links below:

[Board of Supervisors File No. 151113](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

November 23, 2015

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 NOV 24 PM 4:27

AK

London Breed, President  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, Ca. 94102-4689

**RE: Appeal of 22 Ord Court Conditional Use Authorization  
Planning Case No. 2013.1521CUAV  
Board of Supervisors Appeal File No. 151113**

Dear President Breed and Members of the Board:

**Executive Summary**

Earlier in 2015, the Board of Supervisors voted unanimously to support Supervisor Scott Wiener's Interim Zoning Controls for a small area in the Eureka Valley neighborhood. The Interim Zoning controls were created in response to an outcry from many neighbors that projects, which threatened the unique character of the neighborhood, were being built. The Interim Zoning Controls provide an additional layer of consideration for developers looking to build or renovate in the area, with a focus on overall building scale and the preservation of a reasonable amount of open space.

The project at 22 Ord Court is the first project in the impacted Interim Zoning Controls area where a developer was granted a Conditional Use permit to exceed both the scale and open space requirements of the legislation. **We ask that you disapprove the Conditional Use permit for the following reasons:**

- Neighbors, in cooperation with an experienced architect in San Francisco, have demonstrated that there are very feasible options for the developer to create a

project that adheres to the Interim Zoning Controls – there has not been a clear demonstration of the “infeasibility” of alternatives by the developer.

- A significant number of neighbors have spoken already – with more than double the required signatures gathered to support the appeal of the Conditional Use decision.
- The project as designed is harmful to the unique nature of the neighborhood.
- The project is precedent setting, and an opportunity for the Board of Supervisors to join many concerned neighbors in backing up the decision you made earlier this year by requiring developers to clearly demonstrate the feasibility hurdle before being granted such Conditional Use permits.



## Overview

The project consists of a vertical addition to an existing home at 22 Ord Court and also the construction of a new home at the rear of the lot which fronts on States Street on this RH-2, through lot. We appeal the Conditional Use at 22 Ord Ct. because the project does not meet the required "feasibility" standards set out in the interim zoning controls applicable to our neighborhood, nor does it meet the standard conditional use findings, most notably the key requirement that the development be "necessary or desirable for, and compatible with, the neighborhood or the community." Prior to the conditional use hearing, we offered a generous compromise to the developer who refused not only our offer but who also refused to make any counteroffer.

The proposed 22 Ord Ct., and adjacent 24 Ord Ct. projects, from the same project sponsor, fall within the boundaries of the Interim Zoning Controls for Large Residential Projects in RH-1, RH-2, and RH-3 Zoning Districts adopted unanimously by the Board of Supervisors on March 10, 2015.<sup>1</sup>

This project, and its sister project at 24 Ord Ct., were heard together as a package at the Planning Commission through the Discretionary Review process: first on December 4, 2014, then February 12, 2015, upon which time they were again continued. Of significant concern to the neighborhood and Commissioners were the preservation of large Monterey Cypress trees at the back of 24 Ord Ct. (they overhang States St.) and the scale of both projects. Thus, the Commissioners sent the project back for redesign on two occasions. Subsequent to the last DR hearing, we participated in the development of the interim zoning controls now applicable to

---

<sup>1</sup> Board of Supervisors Resolution No. 76-15, File No. 150192  
<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/resolutions15/r0076-15.pdf>

our neighborhood. These controls appropriately require conditional use for both projects (22 and 24 Ord Ct.). Both projects returned to the Planning Commission on September 24, 2015 for a conditional use hearing where the project at 24 Ord Ct. was imperfectly denied (explained below) and the project at 22 Ord Ct. was approved. We appeal the approval of the project at 22 Ord Ct. because both buildings on the lot are too large and because the developer refused to compromise on either or both projects and continues to pursue a large project at 24 Ord Ct.

### **Interim Legislation**

The new legislation requires conditional use for large additions *or* large new structures. The proposal consists of both -- a large addition to one building *and* the construction of another large structure in the required rear yard. It requires both a conditional use *and* a rear yard variance.

There are two special findings that must be made to approve a conditional use under the interim legislation: one is that it must be proven that it is infeasible to develop a project that does not exceed 55% lot coverage and the other is that a second building can only be constructed on a through lot if it is infeasible to build two units in one building:

*“FURTHER RESOLVED, That the Planning Commission shall only grant a Conditional Use authorization allowing residential development to result in greater than 55% lot coverage upon finding unique or exceptional lot constraints that would make development on the lot infeasible without exceeding 55% total lot coverage, or, in the case of the addition of a residential unit, that such addition would be infeasible without exceeding 55% total lot coverage;*

*FURTHER RESOLVED, That the Planning Commission, in considering a Conditional Use authorization in a situation where an additional new residential unit is proposed on a through lot on which there is already an existing building on the opposite street frontage, shall only grant such authorization upon finding that it would be infeasible to add a unit to the already developed street frontage of the lot.<sup>2</sup>*

The project does not meet either infeasibility requirement and also does not meet the standard conditional use findings, as further described below.

### **Findings Not Met**

As to the feasibility findings, the developer stated in his conditional use application that it was infeasible to build within 55% and on only one side of the lot because the lot was steep, the lot was narrow and such a project would cast too great a shadow. Many lots within the City and within the RH-2 zoning district of equal or greater steepness contain two units within one building not exceeding 55% lot coverage. Indeed, this is how the standard RH-2 rules came about in 1978 -- from planners seeing that most RH-2 lots on both hills and level lots were developed at this degree of lot coverage. The lot is 25 feet wide. For San Francisco this is not narrow; THIS IS THE STANDARD LOT WIDTH. The proposed project results in a shadow SIGNIFICANTLY in excess of the shadow that would be cast by a single building at 22 Ord that did not require a conditional use or variance.

Both property owners and tenants in the neighborhood chipped in to engage an architect to look at the feasibility issue from a design standpoint. The architect, F. Joseph Butler,

---

<sup>2</sup> Board of Supervisors Resolution No. 76-15, File No. 150192  
<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/resolutions15/r0076-15.pdf>

AIA, who has extensive experience designing residential projects in San Francisco over many decades, confirmed it is entirely feasible to design a two-unit building at 22 Ord Ct. as well as at 24 Ord Ct., both of which would fall within 55% lot coverage. An example of a single structure with two units is shown in the graphic on page 11 as 24 Ord Court. Such a building is feasible for either or both sites -- 22 and/or 24 Ord Court. Mr. Butler's letter attesting to feasibility is also attached.

Finally, the term "feasible," which is not defined in the Planning Code, has been defined in the state's most important land use legislation -- CEQA. The California Resources Code specifically defines this term as:

*"capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."<sup>3</sup>*

Over and over again in precedent-setting California Appeals Court rulings, this standard has been further refined to ask the question: *"whether the marginal costs of the alternative as compared to cost of the proposed project are so great that a reasonably prudent [person] would not proceed with the [altered project]"*<sup>4</sup>

So here we would ask, if you were to disapprove the two-building proposal, would a reasonably prudent owner then proceed instead with a two-unit proposal within the existing home at 22 Ord Ct. or would he find it so infeasible he would not proceed at all. Given that turning buildings like 22 Ord Ct. from 1 unit to 2 units occur all the time, it is obvious the

---

<sup>3</sup> California Public Resources Code, Section 21061.1.  
<http://law.onecle.com/california/public-resources/21061.1.html>, reaffirmed in CEQA guidelines and numerous court cases: § 21061.1; Guidelines, § 15364; *Goleta II, supra*, 52 Cal.3d at p. 565; *Laurel I, supra*, 47 Cal.3d at p. 402, fn. 10.

<sup>4</sup> *SPRAWLDEF v. San Francisco Bay Conservation and Development Commission (Waste Connections, Inc., RPI) (1st Dist., Div. 1, 2014) 226 Cal.App. 4th 905*. Reasserted in *Citizens of Goleta Valley v. Board of Supervisors, supra*, 197 Cal.App.3d at p. 1181 and *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, et al.

answer is "yes" -- a reasonably prudent owner would pursue turning 22 Ord Ct. into two units if the Board disapproved the proposal for two separate buildings.

If we depart from case law to find the meaning of the term and just use the common sense meaning, one would ask -- can a two-unit project in one building be done in a way that makes sense? The answer is also "yes" -- both existing Ord Court buildings can be made into two unit buildings without going beyond 55% lot coverage and without having to put separate structures at both ends of the lots.

Every conditional use must include a number of findings, including that the proposal is necessary or desirable for, and compatible with, the neighborhood or the community. This proposal is neither necessary nor desirable because it overdevelops the lot (lot coverage would be over 64% as compared to the standard of 55%) and builds in both the buildable area and the required rear yard. It increases the square footage by 164%, adding a total of almost 4000 sf (3,932 sf) to the existing 2400 sf home. It reduces the open space around the significant trees at 24 Ord Court. And it will most certainly act as a negating precedent for the new interim legislation, as it is the first project to be considered under this legislation.

Our neighborhood is unusual in that it is largely made up of through lots as opposed to two separate lots back to back. While some lots in our neighborhood have buildings on both ends, many do not. Many of the rear yards that are not developed have mature trees that together provide a transitional habitat for birds and other wildlife between the hardscape of Market Street below and the protected open space of Corona Heights above. The green ovals below show the many nearby lots that are not built on both ends and which contribute to the rustic and transitional nature of our neighborhood. The white oval is the project site (which

includes both 22 and 24 Ord Court). Indeed, the mature Monterey Cypress on 24 Ord is in fact a principal stopping place for the wild parrots of Corona Height. As Planning Commissioner Richards noted at the hearing on February 12, 2015, "those kind of big Monterey Cypress Trees **do** define the neighborhood."<sup>15</sup> Through lot development here and elsewhere removes the trees and the open space around the trees, destroys the habitat, and will remove the rustic feel -- a defining characteristic of our neighborhood.

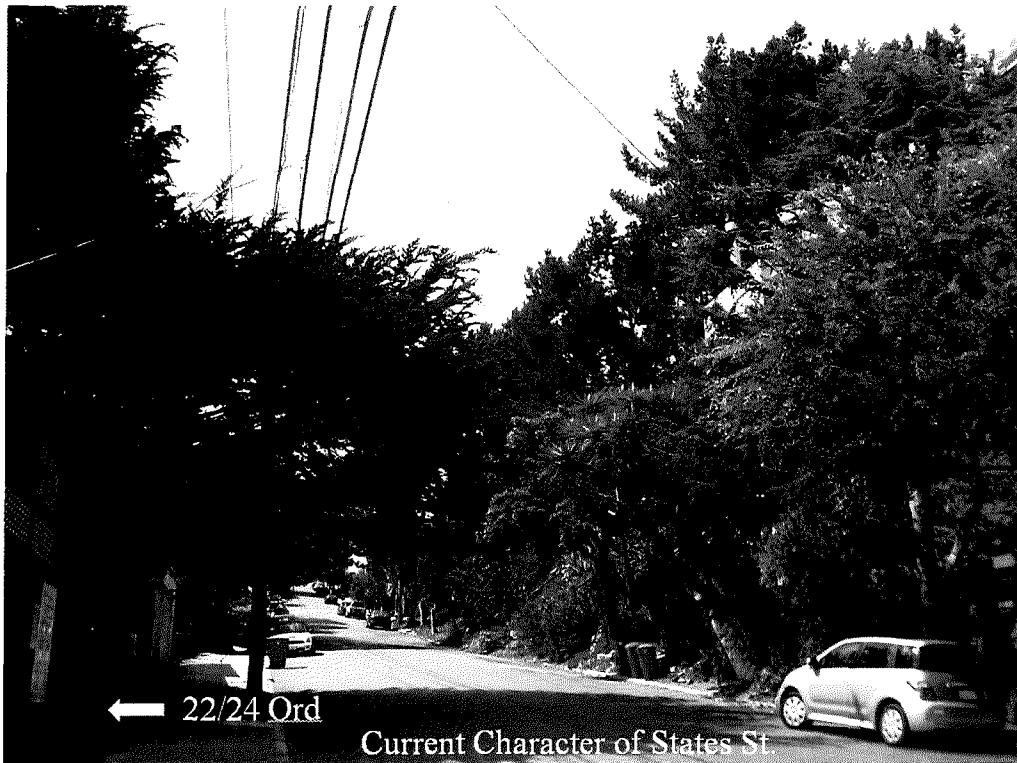


In the upper right is Corona Heights -- unimpeded open space. What you have in our neighborhood is a transition zone. It provides a buffer between the open space and the blocks downhill that are without any street-facing open space. The buffer area includes three streets interspersed with both street-facing development and street-facing open space -- it's a mix of both. It's a transitional neighborhood creating a gentle bridge between hardscape and open space.

---

<sup>15</sup> Planning Commission Hearing 2/12/2015, SFGovTV, timestamp: 4:24  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=22100](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=22100)

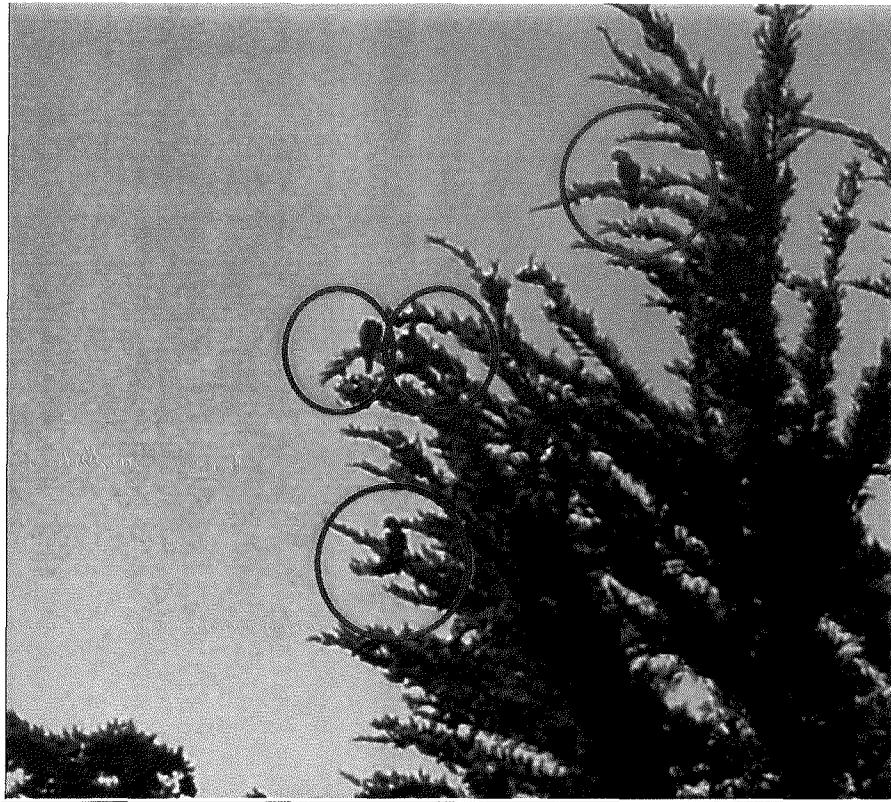
The proposal would put two units each in excess of 3100 sf on the lot, which are not likely to be affordable given recent trends in real estate prices in San Francisco. Two smaller units in one building could still be family-sized and more affordable. It is a misnomer to say the City needs more housing of every type -- both market rate and below market rate. The Planning Department's own monthly tracking of housing shows the City has created more than 100% of its goal for above moderate income housing (116%) but dismally below its below moderate income housing goals (13.9%) and equally bad for low income housing goals (14.1%).<sup>6</sup> And yet, we as a City continue to approve almost exclusively new high-end housing such as the proposal.



Upper States Street is defined by through lots shared with Ord Ct. to the South and Museum Way to the North. Many large, decades old, significant trees reside in these zoning protected rear yards, and provide the character, bucolic nature, and beauty that define States Street. They also provide habitat for the wild parrots of Corona Heights.

---

<sup>6</sup> Monthly Regional Housing Need Report, see page 2.  
[http://commissions.sfplanning.org/cpcpackets/DirectorsReport\\_20151118.pdf](http://commissions.sfplanning.org/cpcpackets/DirectorsReport_20151118.pdf)



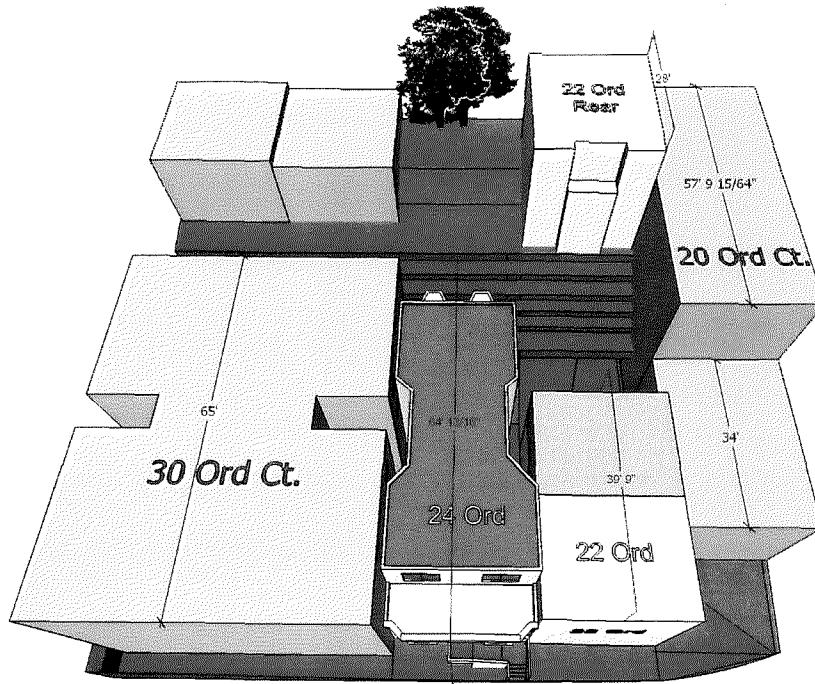
Wild Parrots in the 24 Ord Court Monterey Cypress

**Neighbors' Good Faith Compromise Attempts**

Although we felt that with the new controls in place neither proposal (22 Ord Ct. nor 24 Ord Ct.) met the required findings, especially the infeasibility finding for construction of two buildings on a thru lot, we also believed that a compromise would demonstrate the neighborhood's sincere intentions to work with developers and thereby encourage future developers to work with neighbors instead of against them. We therefore offered to meet the developer half way: we would support a proposal in which a conditional use and variance would be granted for two reduced-sized structures at 22 Ord Ct. in exchange for a smaller project in a single building at 24 Ord Ct. that would not require conditional use or variance and

which would not be anywhere near the two Monterey Cypress on the States Street side of the lot.

This is best understood in the graphic below, which was submitted by neighbors to the Planning Department and Planning Commission at the Sept. 24 Planning Commission Hearing.



Neighbor Proposed Compromise allowing maximum density and preserving the trees

In this graphic, States Street is at the top, Ord Ct. is at the bottom. 22 Ord Ct. is on the right, and 24 Ord Ct. is on the left. Commissioner Richards referenced this graphic multiple times when questioning the project sponsor and others at the Sept. 24 Hearing. As shown in the graphic, neighbors had proposed that the structure on the States Street end be scaled back from 36' to 28' in length, and that the 3rd floor of the existing 22 Ord Ct. building would be expanded on the third floor, but that the project sponsor not add an additional 4<sup>th</sup> floor on top of that. The drawing also shows that a second unit would be added to the existing 24 Ord Ct.

building and that the structure need only have 3 levels and would no longer require a structure on both ends, thus eliminating the conflict with the trees. There would be no decks on either structure.

By a 6 to 1 vote the Commission voted an intent to disapprove 24 Ord Ct. (an intent because the staff had not prepared a motion of disapproval) and also approved the project at 22 Ord Ct. After we appealed the conditional use, the developer withdrew the Conditional Use Application on 24 Ord Ct. to avoid the possibility of a final disapproval motion from ever being acted upon. Fortunately, at the recent hearing on November 19th, Commissioner Richards pointed out that Article 4, Section 6c of the Commission's published Rules and Regulations prohibit the withdrawal of a conditional use after an intent to disapprove.<sup>7</sup> Action on the disapproval motion is now scheduled for December 3rd. We are concerned that because a new building behind 22 Ord Ct. would be constructed, the Zoning Administrator will make a ruling exempting a new building at the rear of 24 Ord Ct. from a variance requirement and that the conditional use requirement will be obviated by the expiration of the Interim controls or by a piecemeal approach that gets approval for a rear building first and then comes back with an expansion proposal of 24 Ord that would further erode the unique neighborhood characteristics we are seeking to preserve.

Through the efforts of our Supervisor's office subsequent to our filing the appeal, neighbors have met several times in another attempt to reach a compromise with the project sponsor. We will continue to focus on a successful outcome to this process.

---

<sup>7</sup> San Francisco Planning Commission Rules and Regulations, 2015.  
<http://www.sf-planning.org/index.aspx?page=1460>

## **The Appeal**

The neighborhood supported this appeal with signatures from property owners representing over 40%<sup>8</sup> of the area within 300 feet of the project. Additional signatures continue to come in. (Notably, many tenants in this City of renters also support the appeal; however, the City does not bother to recognize tenants' signatures in conditional use appeals.) This percentage represents more than double city requirements for this type of appeal and is indicative of the opposition to this project and of the support for the new controls. Should this project not be disapproved or appropriately scaled back, it will invalidate the purpose and intent of the new controls and ensure the characteristics of our neighborhood that are most important will be forever lost.

## **Conclusion**

The neighbors ask that you reinforce the decision you made earlier this year when you created the Interim Zoning Controls. These controls set a high bar for developers to demonstrate exceptional lot constraints that would make development on the lot infeasible without exceeding the controls. That has not been the case for 22 Ord Court. This appeal presents you with an opportunity to deliver a clear message to the planning and development community that San Francisco cherishes the unique attributes of our neighborhoods. The City deserves the best planning and execution of projects that are aligned with the need and desires of our communities. By disapproving this project and requiring one that adheres to the zoning

---

<sup>8</sup> Letter from SF Department of Public Works  
<https://sfgov.legistar.com/View.ashx?M=F&ID=4117085&GUID=BB283587-7694-4AE5-A162-4EEBA4D3902B>

controls implemented for the Corona Heights neighborhood, you will encourage our developers to invest in projects that make sense for the City at large.

Attached below is a letter from Architect F. Joseph Butler, AIA

F. JOSEPH BUTLER  
ARCHITECT

23 November 2015

Supervisor London Breed, President  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

324 Chestnut Street  
San Francisco  
California 94133

415 990 6021  
fjosephbutler@gmail.com

RE: File no. 151113-6; Planning Commission 2013.1521 CUAV; 2619/067

Dear President Breed:

Our office represents several neighbors supporting the Appeal by the Castro Eureka Valley Neighborhood Association, of the Conditional Use Authorization for a new single family residence at the rear of the lot known as 22 Ord Court. Our firm has over 28 years of experience designing primarily single family and 2 unit dwellings in San Francisco, both as alterations and as new construction.

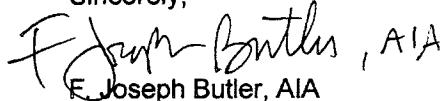
The existing building at 22 Ord Court, on Block 2619, Lot 067, **could feasibly** be expanded by a major alteration to include two units within the 55% lot coverage. There is nothing unique or exceptional about Lot 067, it has Planning Code compliant street frontage, lot width, and well exceeds the minimum lot size. Such an alteration for an additional unit would not have required a Conditional Use Authorization. San Francisco is filled with two unit buildings on such standard lots with similar slope.

Lot 067 however also fronts onto States Street, where the Project Sponsors propose to construct a new single family residence. Supervisor Wiener's Interim Controls Legislation would allow exceeding such limits when adding a unit, only upon finding that it would be infeasible to add a unit to the already developed street frontage. This is clearly not the case for either 22 Ord Court, or their adjacent property at 24 Ord Court.

The Sponsors cited natural lighting, slope steepness, and excessive shading of adjacent parcels as a rationale for infeasibility. However, the lot is even steeper at the rear, and the lower story of the new building proposed would be a basement with natural lighting from only one side.

Without meeting either of the infeasibility requirements, as required by the Interim Controls, there is no justification for this Conditional Use Authorization. Consistent with the legislation our appeal should be upheld.

Sincerely,

  
F. Joseph Butler, AIA

cc Members of the Board of Supervisors

MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Monday, November 23, 2015 4:53 PM  
**To:** csparkes@ieee.org; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Pearson, Audrey (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Jacinto, Michael (CPC); Ionin, Jonas (CPC); Chang, Tina (CPC); AMurphy@perkinscoie.com  
**Cc:** Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS)  
**Subject:** Conditional Use Appeal Hearing - 22 Ord Court - December 1, 2015 - Response Briefs from Planning Dept. and Project Sponsor

**Categories:** 151113

Good afternoon,

Please find linked below appeal response memos received by the Office of the Clerk of the Board from the Planning Department and the Project Sponsor, regarding the conditional use appeal of the proposed project at 22 Ord Court.

[Planning Department Response Memo - November 23, 2015](#)

[Project Sponsor Response Memo - November 23, 2015](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on December 1, 2015.**

I invite you to review the entire matter on our Legislative Research Center by following the links below.

[Board of Supervisors File No. 151113](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

## Carroll, John (BOS)

---

**From:** Murphy, Alan H. (Perkins Coie) <AMurphy@perkinscoie.com>  
**Sent:** Monday, November 23, 2015 3:53 PM  
**To:** BOS Legislation, (BOS); Calvillo, Angela (BOS)  
**Cc:** Chang, Tina (CPC); Ken (kentam@sbcglobal.net); David Clarke (flyerinsf@gmail.com)  
**Subject:** 22 Ord Court Hearing: Project Sponsor's Opposition to Conditional Use Appeal  
**Attachments:** 22 Ord-Brief in Opp to Cond Use Appeal.pdf  
  
**Categories:** 151113

Honorable Supervisors and Clerk Calvillo:

On behalf of the project sponsor, please find enclosed a letter in opposition to the appeal filed over the conditional use authorization issued for 22 Ord Court (Board of Supervisors File No. 151113). This matter will be heard by the Board on December 1, 2015. A hard copy of the attached file is being delivered to Ms. Calvillo's attention this afternoon.

Thank you,

Alan Murphy

**Alan Murphy | Perkins Coie LLP**

COUNSEL  
505 Howard Street, Suite 1000  
San Francisco, CA 94105-3204  
D. +1.415.344.7126  
E. [AMurphy@perkinscoie.com](mailto:AMurphy@perkinscoie.com)

Keep current with our **California Land Use and Development Law Report** at <http://www.californialandusedevelopmentlaw.com/>

---

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

November 23, 2015

Alan Murphy  
AMurphy@perkinscoie.com  
D. 415.344.7126  
F. 415.344-7050

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

**Re: 22 Ord Court: Project Sponsor's Brief in Opposition to Conditional Use Appeal**

Hon. Supervisors:

On December 1, 2015, the Board of Supervisors will consider an appeal from the Planning Commission's conditional use approval for improvements at 22 Ord Court (the "Property"). Since the approved work constitutes part of a larger project that encompasses adjacent 24 Ord Court, we present here background relevant to both parcels. On behalf of the Property's owner, Kenneth Tam, we respectfully request that the Board deny the appeal and uphold the Planning Commission's determination.

The Property and 24 Ord are through lots fronting both Ord Court and States Street, and each lot currently is improved with one single-family home fronting Ord Court. The Planning Commission recently issued conditional use authorization by a 7-0 vote to expand the existing home at the front of the Property and to construct a new single-family home at the Property's rear, fronting States Street (the "Project"). The Commission also indicated its intention to deny conditional use approval for construction of a new single-family home at the rear of 24 Ord, fronting States Street.

By approving a conditional use at the Property and expressing its intent to deny such approval for 24 Ord, the Commission accepted a compromise proposed at the hearing by several neighbors. Since the Commission hearing, the appellant solicited signatures for this appeal by referencing the neighbors' compromise and indicating that the appeal (of 22 Ord) was intended to ensure conditional use authorization was denied at 24 Ord. The project team has withdrawn its conditional use and variance applications for 24 Ord and has committed to designing a code-compliant project, as requested by the appellant. As such, the stated purpose of the appeal has been satisfied, and the Planning Commission's action should be upheld.

**I. 22 Ord Project and 24 Ord Background**

The Project at 22 Ord would result in a total of two single-family homes, and a net gain of one home, on the Property. A rendering is provided in Exhibit A.

**A. 22 Ord (Front): Expansion of Existing Single-Family Home**

An existing single-family home at the front of 22 Ord is three stories at the street, dropping to two stories at its rear half. The Project proposes a one-story vertical addition to the home, a horizontal expansion on the third floor, and interior renovations. Two undersized bedrooms on the second floor will be relocated to the third floor and enlarged. The master bedroom will be relocated from the third story to the new fourth floor. The home's third floor will be set back several feet from its existing condition. The new fourth floor will be set back roughly 20 feet from the street and also will provide a side setback of 5 to 12 feet from its downslope neighbor. The proposed vertical addition will not block any property-line windows of its adjacent neighbors. No horizontal expansion to the rear of the home's existing footprint is proposed. The total floor area increase would be 824 gross square feet.

**B. 22 Ord (Rear): New Single-Family Home Fronting States Street**

The Project also features construction of a new single-family home at the rear of the 118-foot deep Property, fronting States Street. The building has four stories, but, due to the significant slope of the lot, only two stories are above grade at States Street. The proposed building is roughly 20 feet tall, steps up along with the slope of the street, and is set back six feet from States Street. The home includes four bedrooms, with two bedrooms on the first floor and a master bedroom and fourth bedroom on the first level below grade on States Street. A balcony is featured on the home's second floor, while a roof deck is set back from the front of the structure. A garden is provided to the home's rear. The new home would be 3,108 gross square feet, or 2,507 habitable square feet.

**C. 24 Ord Background**

Existing conditions at 24 Ord are similar to those at 22 Ord: The existing home occupies 49 feet of depth from Ord Court with the balance of the uphill lot vacant. As with the Project, Mr. Tam previously proposed a new single-family detached home at the rear of 24 Ord that, if it had been approved, would have resulted in a total of two dwelling units on that lot.

**II. The Planning Commission Compromise**

On September 24, 2015, the Planning Commission considered whether to grant conditional use authorization for the Project described above and for the proposal at 24 Ord. The Project requires conditional use authorization under interim zoning controls for the neighborhood adopted by the Board of Supervisors earlier this year (Resolution 76-15 (Mar. 10, 2015)). This approval is required because residential development increases the existing legal unit count and results in (1) an increase in total gross square footage on a parcel of 3,000 or more and by more than 100 percent; and (2) lot coverage in excess of 55 percent.

The Planning Commission hearing ended in a compromise that mirrored testimony offered by multiple neighbors: Approve the conditional use at 22 Ord, and express an intent to deny the conditional use for 24 Ord. The Commission expressed satisfaction with the Project at 22 Ord, but made clear it would not support a project with development at the rear of 24 Ord. The Planning Commission then appropriately found that the Project at 22 Ord satisfied all required findings for a conditional use and unanimously issued its approval. At the same time (the other half of the compromise), the Commission continued the conditional use hearing at 24 Ord and expressed its intent to disapprove any substantially similar project.

In addition to conditional use authorization, the Project at 22 Ord requires a rear-yard variance. At the Planning Commission hearing, the Zoning Administrator indicated he was inclined to grant the requested variance for the Property. Issuance of a variance would be appropriate, as the Project proposes structures that create a more orderly built environment on the irregularly-developed subject block, replacing a dead space accessible directly from States Street with a single-family home consistent with the height and scale of other homes along the same block.

### **III. Events Since the Planning Commission Hearing**

Following the Planning Commission hearing, in an effort to gather signatures sufficient to appeal the conditional use authorization, neighbors circulated a flier, enclosed here as Exhibit B. The flier acknowledged that the neighbors proposed a compromise to allow for two homes on 22 Ord “the developer’s way,” in exchange for “a code-complying project on 24 Ord Ct.” The flier continued: “The first part of our offer was accepted by the Planning Commission, while a final decision on the second part was continued to a future date. We are appealing the decision until a denial is confirmed on 24 Ord Ct.” In other words, signatures were gathered for the current appeal on the premise that development on 22 Ord could proceed *with* conditional use approval (“the developer’s way”), provided conditional use authorization was not issued for 24 Ord.

The project team has taken efforts to address the appellant’s concerns by withdrawing the pending conditional use and variance applications for 24 Ord. Exhibit C provides excerpts from the November 19, 2015 Planning Commission agenda confirming withdrawal of both applications (Items 2a and 2b). Mr. Tam has abandoned plans for developing a home fronting States Street at 24 Ord and plans instead to proceed with a residential project there that does not require conditional use authorization or any variances (a “code-complying project”). Under the interim zoning controls, the maximum square footage at 24 Ord will be approximately 3,870 gross square feet split between two units.

The project team’s recent actions respond to concerns raised by neighbors and respect the direction provided by the Planning Commission. Accordingly, there is no reason for the Board to overturn the part of the compromise that favors Mr. Tam.

#### **IV. History of Project Modifications**

This is especially true in light of the numerous and significant changes Mr. Tam has made over time to reduce the size and minimize the presence of the Project and improvements at 24 Ord, in response to input received from neighbors, the Planning Department, and the Planning Commission. These modifications include:

- The new home on the Property's rear was reduced from three to two floors above grade, to protect neighboring views and address concerns regarding compatibility with existing buildings.
- New architectural designs were completed for the new home to differentiate it from the home previously proposed for the rear of 24 Ord.
- The footprint of the new top floor of the existing home was reduced to protect further the privacy of occupants of 20 Ord / 231 States.
- Off-street parking spaces were reduced from two to one at the new building, to increase habitable living space.
- At 24 Ord, as stated above, a proposal to develop a new home at the rear was abandoned in response to Planning Commission and neighborhood input. Prior to the Commission hearing, a new setback from States Street was proposed to preserve two significant trees.

Despite the significant nature of these Project revisions—and the substantial concessions they represent—further modifications repeatedly have been requested over time. These requests have shifted from views (now addressed through the reduction in building height) to tree preservation (addressed before the Planning Commission hearing through a setback at the rear of 24 Ord) to minimization of development fronting States Street (now addressed through a withdrawal of conditional use and variance applications at 24 Ord) to further design alterations.

#### **V. Project Attributes and Consistency with the General Plan**

The Project advances a number of General Plan policies by:

- Developing housing suitable for families with children;
- Ensuring development is consistent with the existing character and density of the neighborhood;
- Creating additional residential uses in an area well-served by public transit; and

- Providing and maintaining landscaping that will improve the neighborhood environment.

Among others, the General Plan policies supported by the Project include:

**Housing Element Policy 4.1:**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

The Project directly advances this policy by creating single-family homes, including both new and existing units, that are adequately sized for families with children. Families with children typically seek more bedrooms and larger shared living areas than smaller households. The Project responds to this demand by creating units of a size attractive to this demographic.

**Housing Element Objective 11:**

Support and respect the diverse and distinct character of San Francisco's neighborhoods.

The Project affirmatively supports this objective and its associated policies by featuring new construction that is consistent with the existing density and character of the neighborhood.

The Project's density of two dwelling units per parcel is consistent with the prevailing character of the neighborhood and is beneath that of a number of multi-family structures on the block, including 16 Ord, 20 Ord, and 30 Ord.

The two buildings are compatible with the height and depth of surrounding buildings. The new home at the rear is two stories above street level, consistent with the existing pattern of development on States Street. For the existing home, the single-story vertical addition and horizontal expansion are at an appropriate scale for a block with many structures of at least three stories. Both the 417-square-foot fourth-floor addition and the third-floor roof deck on the existing building are set back, making the fourth floor virtually un-viewable from the street.

Finally, proposed development respects the Property's topography and is not inconsistent with the existing open space pattern. Buildings to the east and west of 22/24 Ord—20 Ord / 231 States and 30 Ord—both cover more than two-thirds of their lots. As such, the amount of open space provided on the Property, including mid-block open space and setbacks from States Street, is consistent with the neighborhood. Additionally, there is no consistent open space pattern on Ord Court and States Street, so development of the new single-family home fronting States Street will not undermine any established pattern of open space.

**Transportation Element 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 directly furthers this policy by creating an additional dwelling unit in an area well-served by the City's public transit systems. The Castro Street Muni Metro Station is less than a 10-minute walk from the Property, while the 24, 33, 35, and 37 bus lines all have stops nearby, as well.

**Urban Design Element Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

The Project furthers this policy by including and maintaining landscaping that will improve the neighborhood environment. Landscaping adjacent to the street will enhance the local environment, while a landscaped roof deck on the States Street-facing home will be visible from upslope residences on States Street and Museum Way. In these ways, the Project will increase the presence of visible vegetation on the Property.

**Urban Design Element Policy 4.15:**

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

The Project furthers this policy by ensuring that incompatible new buildings are not introduced into the existing residential neighborhood. The height and depth of the new building fronting States Street are compatible with the existing building scale. The building's form, façade width, proportions, and roofline are compatible with surrounding buildings. There is no consistent open space pattern on Ord Court or States Street, including any front/rear setback pattern. As such, development of the Project will not undermine any established pattern of open space. Additionally, the Project sites buildings carefully on both the front and the rear of the Property so as to minimize reduction of sunlight to neighboring properties relative to an approach that would cluster both units on the Ord Court street frontage.

## **VI. Conclusion**

Should the Board uphold the Planning Commission's compromise ruling, the Project will enhance and increase the number of family-sized housing units in the City by renovating an existing single-family home and creating a new single-family homes. As part of a neighborhood well-served by public transit, the Property provides an ideal location for these residences. By increasing the supply of housing, the Project will contribute to alleviating the City's critical housing shortage. Finally, by upholding the Commission's compromise, the Board will help bring to a fair conclusion a lengthy approval process.

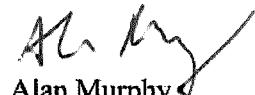
San Francisco Board of Supervisors

November 23, 2015

Page 7

Thank you for your consideration of the Project. I look forward to answering any questions you may have at the upcoming hearing.

Very truly yours,



Alan Murphy

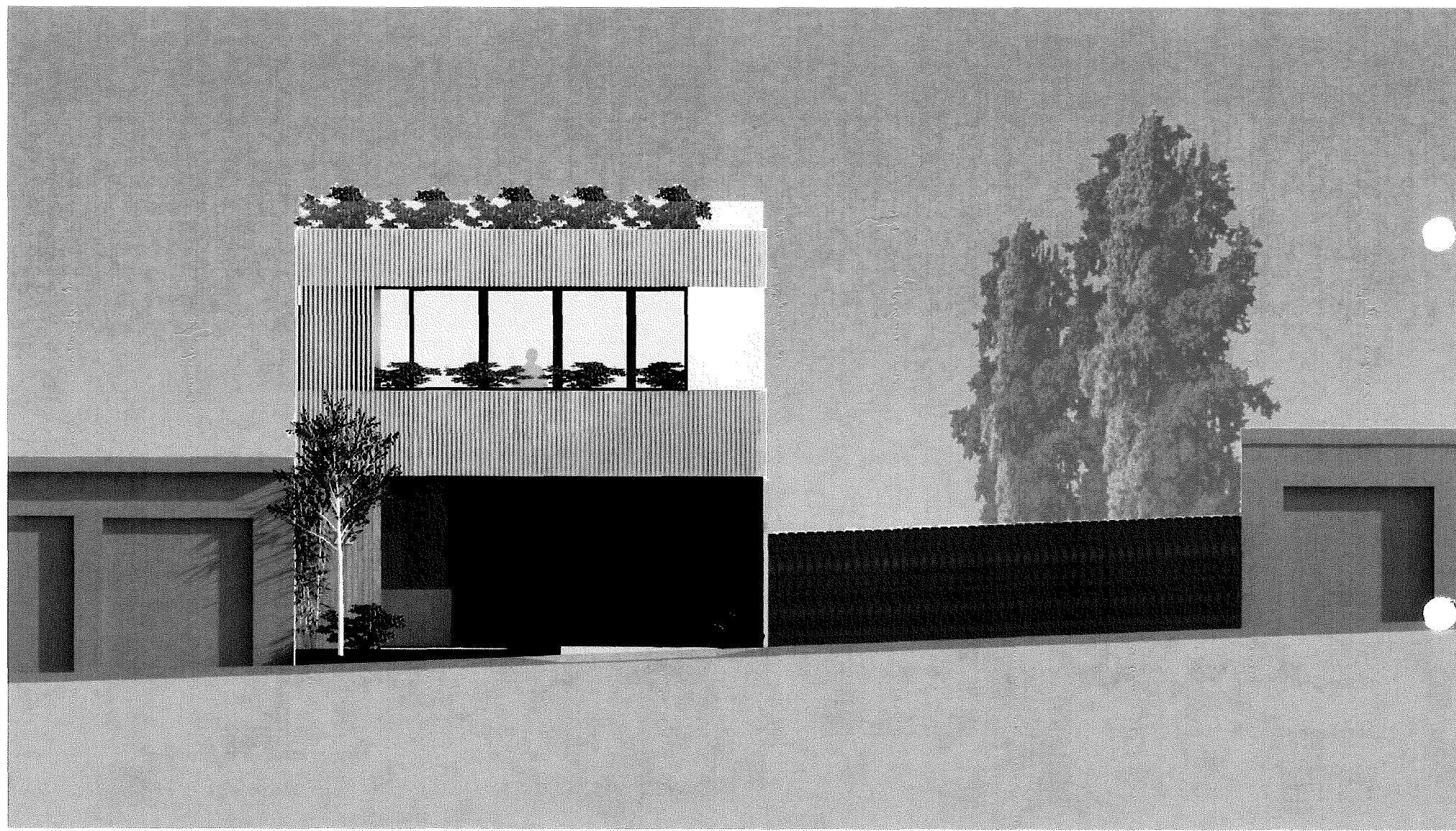
Enclosures

cc:     Angela Calvillo, Clerk of the Board  
          Tina Chang, Planning Department  
          Kenneth Tam, Property Owner  
          David Clarke, Project Contact

128675248.2

# Exhibit A

**Exhibit A**



4661

# **Exhibit B**

**Exhibit B**

# **PROTECT CORONA HEIGHTS!**



DEVELOPMENT IS PLANNED ON STATES, ORD, ORD CT, VULCAN STAIRS, MUSEUM WAY, ROOSEVELT WAY...

#### **LEGAL CONTEXT**

SPECIAL FINDINGS ARE REQUIRED BY NEW CITY LEGISLATION TO PROTECT THE UNIQUE NATURE OF OUR NEIGHBORHOOD, PRESERVE OPEN SPACE AND CONFORM BUILDING SIZE.

#### **PROPOSED DEVELOPMENT: 22-24 ORD COURT**

TWO THRU-LOTS WITH FRONTAGES ON STATES STREET. NEIGHBORS OFFERED A COMPROMISE TO THE DEVELOPER, WHICH RESULTS IN THE SAME NUMBER OF HOUSING UNITS: 22 ORD CT WITH TWO HOMES THE DEVELOPER'S WAY, IN EXCHANGE FOR A CODE-COMPLYING PROJECT ON 24 ORD CT, WITH AN ALTERATION OF THE EXISTING HOME ON JUST ONE END.

A STRONG BLOCK OF NEIGHBORS SHOWED THEIR SUPPORT AT THE PLANNING COMMISSION HEARING AND THROUGH A PETITION.

THE FIRST PART OF OUR OFFER WAS ACCEPTED BY THE PLANNING COMMISSION, WHILE A FINAL DECISION ON THE SECOND PART WAS CONTINUED TO A FUTURE DATE. WE ARE APPEALING THE DECISION UNTIL A DENIAL IS CONFIRMED ON 24 ORD CT. THE OUTCOME OF THIS APPEAL WILL INFLUENCE FUTURE DEVELOPMENTS IN CORONA HEIGHTS AND ELSEWHERE.

IF YOU AGREE, PLEASE FILL OUT THE ENCLOSED FORM AND MAIL IT BACK IN THE SELF ENCLOSED STAMPED ENVELOPE. QUESTIONS: CPARKES@IEEE.ORG. THANKS FOR YOUR SUPPORT!

#### **NOTE**

IF YOUR HOME IS HELD IN A TRUST, PLEASE PROVIDE A COPY OF THE PORTION OF THE TRUST DOCUMENT THAT LISTS THE TRUST TITLE AND YOU AS TRUSTEE OR PARTY AUTHORIZED TO SIGN AS OWNER.

City Planning Commission  
Case No. 2013.1521C

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

# Exhibit C

**Exhibit C**

[Home](#) / [Public Hearings](#) / [Planning Commission](#) / [Agendas](#) / 2015 / November 19, 2015

**November 19, 2015**

# **SAN FRANCISCO PLANNING COMMISSION**

## **Notice of Hearing**

**&**

## **Agenda**

Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Thursday, November 19, 2015**  
**2:00 p.m.**  
**Regular Meeting**

Commissioners:

Rodney Fong, President

Cindy Wu, Vice President

Michael Antonini, Rich Hillis, Christine Johnson, Kathrin Moore, Dennis Richards

Commission Secretary:

Jonas P. Ionin

**Hearing Materials are available at:**

Website: <http://www.sfplanning.org>

Planning Department, 1650 Mission Street, 4<sup>th</sup> Floor, Suite 400

Planning Information Center, 1660 Mission Street, 1<sup>st</sup> Floor

Voice recorded Agenda only: (415) 558-6422 

**Commission Hearing Broadcasts:**

Live stream: <http://www.sfgovtv.org>

Live, Thursdays at 12:00 p.m., Cable Channel 78

Re-broadcast, Fridays at 8:00 p.m., Cable Channel 26

Disability and language accommodations available upon request to:

[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)  or (415) 558-6309  at least 48 hours in advance.

**Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 409; phone (415) 554-7724 ; fax (415) 554-7854 ; or e-mail at [soft@sfgov.org](mailto:soft@sfgov.org) .

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at [www.sfbos.org/sunshine](http://www.sfbos.org/sunshine).

**San Francisco Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; phone (415) 252-3100, fax (415) 252-3112, and online <http://www.sfgov.org/ethics>.

**Accessible Meeting Information**

Commission hearings are held in Room 400 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco. City Hall is open to the public Monday through Friday from 8:00 a.m. to 8:00 p.m. and is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances. A wheelchair lift is available at the Polk Street entrance.

Transit: The nearest accessible BART station is Civic Center. Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness stations). MUNI bus routes also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information regarding MUNI accessible services, call (415) 701-4485 or call 311.

Parking: Accessible parking is available at the Civic Center Underground Parking Garage (McAllister and Polk), and at the Performing Arts Parking Garage (Grove and Franklin). Accessible curbside parking spaces are located all around City Hall.

Disability Accommodations: To request assistive listening devices, real time captioning, sign language interpreters, readers, large print agendas or other accommodations, please contact the Commission Secretary at (415) 558-6309, or [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org) at least 48 hours in advance of the hearing to help ensure availability.

Language Assistance: To request an interpreter for a specific item during the hearing, please contact the Commission Secretary at (415) 558-6309, or [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org) at least 48 hours in advance of the hearing.

Allergies: In order to assist the City in accommodating persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, please refrain from wearing scented products (e.g. perfume and scented lotions) to Commission hearings.

**SPANISH:**

Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al 415-558-6309. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

**CHINESE:**

規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電415-558-6309。請在聽證會舉行之前的至少48個小時提出要求。

**TAGALOG:**

Adyenda ng Komisyon ng Pagpaplano. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag sa 415-558-6309. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

**RUSSIAN:**

Повестка дня Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру 415-558-6309. Запросы должны делаться минимум за 48 часов до начала слушания.

ROLL CALL:

President:	Rodney Fong
Vice-President:	Cindy Wu
Commissioners:	Michael J. Antonini; Rich Hillis; Christine Johnson
	Kathrin Moore; Dennis Richards

**A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2015-000988CWP (C. FLORES:  
(415) 558-6473)

PROPOSED COMMISSION-SPONSORED INTERIM CONTROLS RELATED TO THE MISSION ACTION PLAN (MAP) 2020 - Pursuant to Planning Code Section 306.7(e), on July 9, 2015 the Planning Commission initiated **Interim Controls** in the Mission District. The interim controls are intended to make explicit the Commission's expectation for a dialogue about affordability; allow time for analysis of affordable housing needs; assess sites for affordable housing production; and stem the loss of existing income protected units while maintaining production, distribution, and repair (PDR) capacity in PDR zoned lands and preserving vital community resources. The proposed controls would require a Conditional Use authorization for certain projects which result in any of the following: 1) the loss of one or more rent-controlled dwelling units; or 2) the net addition or new construction of more than 25,000 gross square feet or the net addition of less than 25,000 that would displace a tenant; or 3) demolition or conversion of certain assembly, recreation, arts and entertainment, PDR or institutional uses. The area proposed for interim controls is generally defined by the following boundaries: 13th and Division Streets to Mission Street, to Cesar Chavez Street, to Potrero Avenue, and back to 13th and Division Streets—except that the Mission Street boundary would include any parcel with a property line on either side of Mission Street. The interim controls would be proposed for a period of nine months. At this hearing the Commission may amend and adopt the interim controls.

Preliminary Recommendation: Adopt with Modifications

(Continued from Regular Meeting of September 24, 2015)

**(Proposed for Continuance to January 21, 2016)**

2a. 2013.1522CUAV (T. CHANG:  
(415) 575-9197)

24 ORD COURT - north side of Ord Court; Lot 066 in Assessor's Block 2619 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 306.7 establishing interim zoning controls imposed by Resolution 76-15 on March 9, 2015 to permit lot coverage of a parcel to exceed 55% and an increase to the existing square footage in excess of 3,000 square feet and/or more than 100% by constructing a new +/-2,500 gross square foot, two-story dwelling at the rear of the existing through lot. The Project is located within an RH-2 (Residential House, Two Family) Zoning and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions

(Note: This item was previously brought before the Planning Commission as public initiated Discretionary Review and continued from February 12, 2015, May 24, 2015, June 25, 2015 and August 13, 2015. After the item was continued, interim zoning controls were established in March 2016, requiring Conditional Use authorization for the project as proposed.)

(Continued from Regular Meeting of September 24, 2015)

**WITHDRAWN**

2b. 2013.1522CUAV  
(415) 575-9197

(T. CHANG:

**24 ORD COURT** - North side of Ord Court; Lot 066 in Assessor's Block 2619 - Request for **Variance** from Planning Code Sections 134 for the new construction of a single family home in the required rear yard. The project is located within an RH-2 (Residential House, Two Family) Zoning and 40-X Height and Bulk District.

(Note: This item was continued from February 12, 2015, May 24, 2015, June 25, 2015 and August 13, 2015.)

(Continued from Regular Meeting of September 24, 2015)

**WITHDRAWN**

**B. CONSENT CALENDAR**

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2015-006107CND  
(415) 575-9106

(J. SPEIRS:

**619 SHOTWELL STREET** – east side of Shotwell Street between 20th and 21st Streets; Lot 057 in Assessor's Block 3611 - Request for **Condominium Conversion Subdivision** to convert a three-story, six-unit building into residential condominiums within a RH-3 (Residential, House, Three Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve

**C. COMMISSION MATTERS**

4. Consideration of Adoption:

- Draft Minutes for November 5, 2015

5. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

**D. DEPARTMENT MATTERS**

6. Director's Announcements

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Monday, November 23, 2015 4:53 PM  
**To:** cparkes@ieee.org; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Pearson, Audrey (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Jacinto, Michael (CPC); Ionin, Jonas (CPC); Chang, Tina (CPC); AMurphy@perkinscoie.com  
**Cc:** Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS)  
**Subject:** Conditional Use Appeal Hearing - 22 Ord Court - December 1, 2015 - Response Briefs from Planning Dept. and Project Sponsor

**Categories:** 151113

Good afternoon,

Please find linked below appeal response memos received by the Office of the Clerk of the Board from the Planning Department and the Project Sponsor, regarding the conditional use appeal of the proposed project at 22 Ord Court.

[Planning Department Response Memo - November 23, 2015](#)

[Project Sponsor Response Memo - November 23, 2015](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on December 1, 2015.**

I invite you to review the entire matter on our Legislative Research Center by following the links below.

[Board of Supervisors File No. 151113](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

## Carroll, John (BOS)

---

**From:** Chang, Tina (CPC)  
**Sent:** Monday, November 23, 2015 11:26 AM  
**To:** Calvillo, Angela (BOS); BOS Legislation, (BOS)  
**Cc:** BOS-Legislative Aides; Stacy, Kate (CAT); Givner, Jon (CAT); BOS-Supervisors; Rodgers, AnMarie (CPC); Ken (kentam@sbcglobal.net); David Clarke (flyerinsf@gmail.com); Murphy, Alan H. (Perkins Coie); Chris Parkes  
**Subject:** BF 151113 Appeal of Conditional Use Authorization Approval for 22 Ord Court  
**Attachments:** 22 Ord Court - Appeal Response-Final.pdf  
**Categories:** 151113

Dear Honorable Members of the Board of Supervisors and Clerk Calvillo,

The memorandum and attachments provided with this email constitute our Department's response to the letter of appeal to the Board of Supervisors regarding the Planning Commission's approval of the application for Conditional Use Authorization related to a project at 22 Ord Court (Assessor's Block 2619/ Lots 067). This response addresses the appeal to the Board filed by Jack Keating. These materials are being transmitted for the December 1, 2015 hearing date. One hardcopy will be delivered to the Clerk this afternoon and additional copies can be made available upon request.

Thank you.

Best,

**Tina Chang, AICP, LEED AP**  
**Planner, Current Planning**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
**Direct:** 415-575-9197 **Fax:** 415-558-6409  
**Email:** [Tina.Chang@sfgov.org](mailto:Tina.Chang@sfgov.org)  
**Web:** [www.sfplanning.org](http://www.sfplanning.org)





# SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

MEMO

NOV 25 PM 2:09

ll

## APPEAL OF CONDITIONAL USE AUTHORIZATION

### 22 Ord Court

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**DATE:** November 23, 2015  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** John Rahaim, Planning Director – Planning Department (415) 558-6411  
Tina Chang, Case Planner – Planning Department (415) 575-9197  
**RE:** File No. 151113 Planning Case No. 2013.1521CUAV - Appeal of the approval of  
Conditional Use Authorization for 22 Ord Court

**HEARING DATE:** December 1, 2015

#### ATTACHMENTS:

- A. Planning Commission Staff Report (Executive Summary, Exhibits, & Final Motion)
- B. Project Sponsor Drawings

---

**PROJECT SPONSOR:** Kenneth Tam, 1266 Regency Drive, San Jose CA 95129

**APPELLANT:** Jack Keating, on behalf of the Castro/Eureka Valley Neighborhood Association, 4134 17<sup>th</sup> Street, San Francisco, CA 94114

---

#### INTRODUCTION:

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization) and 306.7 (Interim Zoning Controls), to permit lot coverage of a parcel to exceed 55% and an increase to the existing square footage in excess of 3,000 square feet and/or more than 100% by constructing a new, +/- 3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot. The project is located within an RH-2 (Residential House, Two-Family) Zoning and 40-X Height and Bulk District (“the Project”).

This response addresses the appeal (“Appeal Letter”) to the Board filed on October 26, 2015 by Jack Keating, representing neighbors in opposition to the project. The Appeal Letter referenced the proposed project in Case No. 2013.1521CUAV.

The decision before the Board is whether to uphold or overturn the Planning Commission’s approval of Conditional Use Authorization to demolish two residential units at 395 26<sup>th</sup> Avenue.

#### SITE DESCRIPTION & PRESENT USE:

Memo

The proposed project is located on a through lot at 22 Ord Court with frontages on both Ord Court and States Street in the Castro and Upper Market Neighborhoods. The property is developed with an existing 3-story, approximately 2,400 square-foot, single family structure on an approximately 2,940 square foot lot. The existing building was originally constructed as a single-family dwelling in 1954. A third-story addition was constructed in the 1980's resulting in a change to the building's scale, massing and design. Based on review conducted by Planning Department staff, the existing building at 22 Ord Court lacks sufficient integrity and is not eligible as a historic resource under CEQA. The property is not located within the boundaries of any listed historic districts. Therefore, the property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

#### **SURROUNDING PROPERTIES AND NEIGHBORHOOD:**

The surrounding neighborhood consists of a mixture of one-, two-, and three-story buildings, containing mostly one- or two- residential dwelling-units. The residential neighborhood contains structures of varying heights and depths on an up-sloping street, as one heads west. Both adjacent properties, east and west of the subject property, are three-story buildings containing two dwelling units. The building to the east is a multi-family, two stories-over-garage at the block face, and steps back to five stories after approximately 55' from the front façade. The building to the west is a single-family, one-story-over garage structure at the block face.

The subject property is within the Castro and Upper Market Neighborhoods, and about .4 miles west of the Castro Street and Market Street intersection. Castro Street serves as the cross street on the east side of the property where the neighborhood transitions to a Residential, Mixed, Low-Density (RM-1) zoning district, the Upper Market Street Neighborhood Commercial (NCD) and Upper Market Neighborhood Commercial Transit District (NCT). RM-1 zoning districts contain ground-floor commercial spaces and mostly residential units on upper floors. A mixture of dwelling types found in RH Districts are also found in RM-1 districts, in addition to a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The Upper Market NCT and NCD zoning districts are multi-purpose commercial districts, well served by transit including the Castro Street Station of the Market Street subway and the F-Market historic streetcar line, providing limited convenience goods to adjacent neighborhoods, but also serve as a shopping street for a broader trade area.

#### **PROJECT DESCRIPTION:**

The proposal on 22 Ord Court includes two buildings: 1.) the vertical and horizontal addition of the existing structure, increasing the existing dwelling by approximately 825 square feet to approximately 3,225 square feet, and 2.) the new construction of a new, two-story-above-grade, approximately 3,110 square foot dwelling at the rear of the lot. Were it not for the interim zoning controls<sup>1</sup>, a Conditional Use Authorization would not be required.

The addition would extend the rear of the third floor to the rear building wall, with a 5-foot side setback from the western property line, and construct a fourth floor set back approximately 12'-5" from the front façade, approximately 19 feet from the property line, and 5-foot side setbacks on both sides of the property. The addition alone, pursuant to the interim controls, would not require conditional use authorization, as it does not increase the existing square footage by more than 3,000 square feet or more

---

<sup>1</sup> File No. 150192, Interim Zoning Controls – Large Residential Projects in RH-1, RH-2, RH-3 Zoning Districts

than 75%. It is new construction of the two-story, single-family home at the rear of the subject lot that triggers the need for Conditional Use Authorization.

The 3,110 square foot proposed rear structure would contain two levels below grade and two levels below. The first at-grade floor contains a one-car garage, bedroom and office, with the main living area on the second level, which is setback approximately six feet from the rear property line. An approximately 240 square foot roof deck is proposed above the second level. A rear yard amounting to approximately 25% lot coverage is maintained between the existing and proposed structures; however, this would amount to greater than 55% lot coverage, as well as an increase to the square footage in excess of 3,000 square feet and greater than 100%.

**BACKGROUND:**

On October 21, 2013, Reza Khosnevisan, on behalf of Kenneth Tam, filed Building Permit Application Numbers 201310219832 and 201310219817 to the vertical addition of the existing structure at 22 Ord Court, and for the new construction of a three-story, single family dwelling unit fronting States Street.

On October 18, 2013 Reza Khosnevisan, on behalf of Kenneth Tam, filed a Variance Application Case No. 2013.1521V to construct a three-story single family dwelling unit in the required rear yard of the property at 22 Ord Court.

On September 5, 2014 Chris Parkes filed a Discretionary Review (DR) against Building Permit Application No. 201310219832 for the vertical addition of the existing structure and Building Permit Application No. 201310219817 for the new construction of the three story single family dwelling at the rear of the property. The DR filer also initiated Discretionary Review for Building Permit Application No. 201310219830 for the new construction of a dwelling unit at the rear of 24 Ord Court. Chris Parkes raised concerns about the removal of significant trees at the rear of 24 Ord Court, and felt that the projects at 22 and 24 Ord Court as proposed did not meet Residential Design Guidelines. The DR Requestor was also opposed to the project because of noncompliance with the Planning Code and the need for a variance to construct in the required rear yard.

On December 4, 2014, a duly noticed public hearing was held for the public initiated discretionary review of and variance requests for the proposed projects at 22 and 24 Ord Court. After public testimony in opposition to the Project the Planning Commission continued the subject item to February 5, 2015. The project was subsequently continued to February 12th, to allow for additional time to conduct environmental review of the project changes. Though suggestions were made regarding the existing structure at 22 Ord Court, the Planning Commission made definitive requests to refine the proposed new construction at the rear of the subject property, including the removal of top level of the proposed new structure at the rear; differentiation of architectural design between the proposed structures at the rear of 22 and 24 Ord Court and the reduction of parking provided to increase habitable space within the proposed new structure. Department of Public Works (DPW) Order No 183228 indicates that the removal of the trees at 24 Ord Court had been approved due to poor tree structure. This decision was appealed, and a public hearing was held on November 24, 2014.

At the time of the December 4th hearing, the Department of Public Works DPW had not yet issued the resulting order from the hearing held for the trees in question. In addition to the changes outlined above, the Commission was also interested in learning the outcome of the DPW hearing.

On February 12, 2015, the Commission again heard the Discretionary Review Requests for 22-24 Ord Court. In response to the Commission's requests, the Project Sponsor presented changes to the proposed construction. The changes at that time included 1) a reduction in the number of floors above grade from three to two, 2) a reduction of off-street parking spaces from two-to-one thus increasing habitable living space, and 3) the alteration of the front façade at 22 Ord Court to better differentiate the two structures. By the time of the February 12, 2015 Commission hearing, the resulting order from DPW had been issued indicating that the removal of trees would be approved on the condition that all necessary permit approvals were attained to construct the new building at 24 Ord Court. After public testimony, the Commission voted, again, to continue the item to March 12, 2015, so that the Project Sponsor could explore options to preserve the mature trees at 24 Ord Court. The Commission stated concern for keeping the trees if possible and asked that the Project Sponsor explore ways to differentiate the two buildings at 22 and 24 Ord Court even more.

On March 9, 2015, the Board of Supervisors passed legislation imposing interim zoning controls. The controls were to last for a maximum of 18-months and would apply to parcels in RH-1, RH-2, and RH-3 zoning districts within neighborhoods known as Corbett Heights and Corona Heights. Under the interim controls, Conditional Use authorization would be required for 1) any residential development on a vacant parcel that would result in total residential square footage exceeding 3,000 square feet; or 2) any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet by more than 75% without increasing the existing legal unit count, or 3) that will increase the existing gross square footage by more than 100% if increasing the existing legal unit count; or 4) requiring Conditional Use authorization for residential development that results in greater than 55% total lot coverage. As the project site is located in Corona Heights and subject to the interim legislation, Conditional Use authorization was required for the projects at 22 and 24 Ord Court as proposed. For this reason, the Project Sponsor requested a continuance to May 24, 2015 so that they may prepare a Conditional Use application. The items were again continued to June 25, 2015, August 13, 2015, and finally to September 24, 2015 at the request of the Project Sponsor for additional time to further develop plans.

On June 30, 2015, Alan Murphy, on behalf of Kenneth Tam, (hereinafter "Project Sponsor") filed Application No. 2013.1521CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") seeking authorization, as required by the interim controls, for development exceeding 55% lot coverage, and increasing the existing gross square footage more than 100% with an increase to the legal unit count within the RH-2 Zoning District and a 40-X Height and Bulk District<sup>2</sup>.

---

<sup>2</sup> The proposal includes a vertical and horizontal addition, increasing the existing 2,401 square foot home by approximately 824 square feet to approximately 3,225 square feet. The addition would extend the rear of the third floor to the rear building wall, with a 5-foot side setback from the western property line, and construct a fourth floor set back approximately 12'-5" from the front façade, approximately 19 feet from the property line, and 5-foot side setbacks on both sides of the property. The addition alone would not require conditional use authorization, as it does not increase the existing square footage by more than 3,000 square feet or more than 75%. However, the new construction of the proposed structure at the rear would result in greater than 55% lot coverage and the square footage to exceed 3,000 square feet, and an increase of more than 100%.

The Planning Department, Jonas O. Ionin, is the custodian of records, located in the File for Case Nos. 2013.1521CUAV and 2013.1522CUAV at 1650 Mission Street, 4th Floor, San Francisco, California.

On September 24, 2015, the Planning Commission ("Commission") and Zoning Administrator conducted a public hearing at a regularly scheduled meeting on Case Nos. 2013.1521CUAV and 2013.1522CUAV. 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.

On September 24, 2015, the Planning Commission approved the Conditional Use Authorization for case number 2013.1521CUAV under Motion No. 19483.

The Variance Decision Letter granting a rear yard variance pursuant to Planning Code Section 134(a)(2) is pending.

#### **CONDITIONAL USE AUTHORIZATION REQUIREMENTS:**

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for Conditional Use approval. To approve the project, the Commission must find that these criteria have been met:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - b. 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;
  - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

In addition, interim zoning controls established by Board of Supervisor's Resolution 76-15 established additional triggers requiring Conditional Use Authorization by the Planning Commission, and criteria for review as follows:

New Conditional Use Authorization triggers (the Project meets items two and three of the triggers below):

1. Any residential development on a vacant parcel that would result in total residential square footage exceeding 3,000 square feet; (**Not Applicable**. The proposed project is not on a vacant lot.)
2. Any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet and by more than 75% without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; (**Applicable**. The final project would include the expansion of an existing 2,400 square foot structure (which would increase by approximately 800 square feet), and the addition of a new unit approximately 3,110 square feet in size. square feet. The project would increase the legal unit count and increase the square footage on site by 163%).
3. Any residential development that results in greater than 55% lot coverage (**Applicable**. The final project would be 61% lot coverage.)

Additional criteria that must be met to grant Conditional Use Authorization under the Board's interim controls:

1. The Planning Commission shall only grant a Conditional Use Authorization allowing residential development to result in greater than 55% lot coverage upon finding unique or exceptional lot constraints that would make development on a lot infeasible without exceeding 55% total lot coverage, or in the case of the addition of a residential unit, that such addition would be infeasible without exceeding 55% total lot coverage; and
2. In considering a Conditional Use Authorization in a situation where an additional residential unit is proposed on a through lot on which there is already an existing building on the opposite street frontage, shall only grant such authorization upon finding that it would be infeasible to add a unit to the already developed street frontage of the lot

#### APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

The concerns raised in the Appeal Letter are cited in a summary below and are followed by the Department's response:

**ISSUE #1:** The appellant questions whether the Project meets the infeasibility requirements and other criteria of the interim controls.

**RESPONSE #1a:** The Commission evaluated the project under the feasibility requirements suggested by staff and properly determined that the project would be "infeasible" without exceeding the lot coverage limits. Since the interim legislation did not provide a definition for "infeasible", the Department employed a dictionary definition for the term, "not possible to do easily or conveniently; impracticable". The Project Sponsor presented materials asserting that it would be impracticable to construct an additional unit without exceeding 55% lot coverage due to the significant grade change on the lot. Further, as the existing single-family dwelling already covers a significant percentage of the lot, it would be challenging to add new space for an adequate family-sized unit while maintaining overall lot coverage beneath 55%.

Due to the significant grade change between Ord Court and States Street, the sloping lot further reduces usable interior square footage by requiring that internal space be consumed by stairs connecting living spaces that are spread across multiple floors. To compensate for these inefficiencies in interior design, residential development is infeasible unless spread over more than 55% of the lot.

An alternative approach was explored by the project sponsor that would locate the additional dwelling unit on the Ord Court side of the lot. This alternative also resulted in greater than 55% lot coverage. As further explained below, the alternative would also cast shadow on adjacent properties.

**RESPONSE #1b:** The Commission evaluated the project under the second criterion suggested by staff and properly determined that it would be infeasible to add a unit to the already developed street frontage in a situation where an additional residential unit is proposed on through lot. The Project Sponsor found that it would be impracticable or infeasible to add units on the already developed street frontage of the lots as the resulting development would block light and cast shadows on the windows available to certain units in the adjacent property at 20 Ord Court / 231 States Street. The project would also prevent adequate light from entering the proposed new structure. By locating the proposed new unit on States Street, a much greater proportion of these shadows are directed onto the uninhabited street.

**ISSUE #2:** The appellant cites a concern about the project's adherence to meet the standard conditional use requirements of Planning Code Section 303.

**RESPONSE #2:** The project meets the Conditional Use criteria and has been found to be desirable and compatible with the neighborhood. Specifically the *specific criteria are outlined below in italics*, followed by the Commission's findings in standard font.

- A. *The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or community.*

**Planning Commission Findings:** The proposed uses – a new structure at the rear of 22 Ord Court, a through lot, in an RH-2 Zoning District, is consistent with development patterns in this residential neighborhood and with the requirements of the Planning Code. The proposed structure and addition are modestly sized, but contain enough bedrooms and shared living areas to allow sufficient space for families with children, a demographic the City actively seeks to retain and attract pursuant to General Plan Housing Element Policy 4.1. Expanding an existing single-family dwelling and providing additional dwellings of appropriate size for this demographic, among others, is desirable for and compatible with, the neighborhood and the community. By increasing the supply of housing, the proposed project also contributes to alleviating the City's critical housing shortage.

1. **Additional Discussion Responding to the Appeal Before the Board of Supervisors.** The Project was continually revised to meet requests made by the Planning Commission. After the February 12, 2015 hearing the Project Sponsor made the following changes, as requested by the Planning Commission: A reduction in the number of floors above grade from three to two;
2. A reduction of off-street parking spaces from two-to-one thus increasing habitable living space, and
3. The alteration of the front façade at 22 Ord Court to better differentiate the two structures.

After public testimony made at the February 12, 2015 hearing, the Commission voted again to continue the item due to concern over the two mature trees at 24 Ord Court. The Commission requested that the Project Sponsor explore alternatives which 1.) preserved the trees, and 2.) further differentiated the two facades of the new proposed structure at 22 and 24 Ord Court.

On September 24, 2015, the Project Sponsor presented an alternative that:

1. Preserved the two trees at 24 Ord Court, and
2. Further differentiated the facades of 22 and 24 Ord Court.

During the September 24<sup>th</sup> Planning Commission Hearing, the Appellant expressed dissatisfaction with the Projects at 22 and 24 Ord Court as proposed, because they triggered Conditional Use Authorization criteria stipulated in the interim zoning controls. At the hearing the Appellant proposed that one lot be permitted to proceed with a Conditional Use Authorization and Variance, and one that was Code compliant. The proposal was incorporated into the project before the Board of Supervisors.

THE PROPOSAL

ONE LOT IS DEVELOPED WITH 2 SEPARATE HOMES; ONE LOT IS  
DEVELOPED WITH 2 UNITS FRONTING ON ORD COURT.

ONE LOT REQUIRES A CONDITIONAL USE AND VARIANCE; ONE  
LOT DOES NOT REQUIRE ANY CONDITIONAL USE OR  
VARIANCE

(A screen shot of the proposal presented by the Appellant to the Planning Commission at the September 24, 2015 hearing. The Planning Commission accepted and incorporated the Appellants proposal.)

B. *The use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:*

- i. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.*

**Planning Commission Findings:** The proposed structure is compatible with the height and depth of the surrounding buildings. The single-story vertical addition and horizontal expansion at 22 Ord Court are at an appropriate scale for the home's location on a block with many houses that are three-stories or more as shown in the height diagram, attached. The proposed structure will maintain a three-story façade at the block face, consistent with the other three-story structures on the block, such as 30 Ord Court and 16 Ord Court. The adjacent building at 20 Ord Court / 231 States Street is a three-story, multi-family structure at the block face that steps back to five stories on the States Street frontage. Both the fourth-floor addition and the third-floor roof deck on the existing building at 22 Ord Court are set back, making the fourth floor minimally visible from the street. The fourth floor addition is approximately 417 square feet, and the setback provided at this level far exceeds that required by the Planning Code.

The new building at the rear of 22 Ord Court is two stories above street level, consistent with the existing pattern of development on States Street. States Street is characterized by a mix of building scales and styles, ranging from one to four stories in height.

The existing and proposed dwelling units are deliberately separated between the Ord Court and States Street Frontages to allow for mid-block open space that preserves light to adjacent structures at 20 and 30 Ord Court. The Project Sponsor provided bulk and shadow studies for an alternative design which is included as an enclosure to the attached case report. The bulk and shadow study shows that placing two dwelling units in a building fronting Ord Court would severely restrict light available to adjacent building and to the proposed structure. In contrast, the proposed project preserves the health, safety and general welfare of individuals residing in the vicinity by maintaining their access to light and by substantially reducing shadow coverage on adjacent properties.

ii. **Planning Commission Findings:** 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

The proposed project will not exceed the density permitted by the Planning Code and is well served by public transit. The Castro Street Muni Station is less than a 10-minute walk, while the 24, 33, 35, and 37 bus lines have nearby stops. For these reasons, the type and volume of traffic generated by the proposed project will not be detrimental.

The project features off-street parking for all residences, as required by the Planning Code. The design and placement of garage entrances, doors and gates are compatible with the surrounding area, and the width of all garage entrances is minimized. The placement of curb cuts is also coordinated to maximize on-street parking.

iii. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.*

**Planning Commission Findings:** The proposal will not produce or include uses that would emit noxious or offensive emissions such as noise, glare, dust and odor.

iv. *Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.*

**Planning Commission Findings:** The proposal does not include loading or services areas, nor will it include atypical lighting or signage. The project will comply with Planning Code Section 138, and provide a street tree, as well as landscaping in the building setback fronting States Street.

C. *That such use or feature as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.*

**Planning Commission Findings:** The proposed project complies with all applicable requirements and standards of the Planning Code, once the requested variance is issued, and is consistent with the Objectives and Policies of the General Plan as follows:

#### HOUSING ELEMENT

##### Objectives and Policies

###### 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.

*The Project directly advances this policy by creating a new single-family home and expanding an existing one to be adequately sized for families and children. Families with children typically seek more bedrooms and larger shared living areas than smaller households. The project responds to this demand by creating units of a size attractive to families with children.*

###### OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERS 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 11.5:

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

*The proposed project supports these policies by featuring new construction that is consistent with the existing character and density of the neighborhood. The project is consistent with all accepted design standards, including those related to site design, building scale and form, architectural features and building details. The project respects the site's topography and provides mid-block open space. The height and depth of the new building on States Street is compatible with the existing building scale. The building's form, facade width, proportions and roofline are also compatible with surrounding buildings. Finally, the project's density is consistent with the prevailing character of the neighborhood.*

**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 proposed project directly furthers this policy by creating additional residential uses in an area well-served by the City's public transit systems. The Castro Street Muni Station is less than a 10-minute walk from the project site, while the 24, 33, 35 and 37 bus lines all have bus stops nearby as well. The numerous nearby public transit options will help ensure the proposed project has no adverse impacts on traffic patterns in the vicinity of the project site.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 4:**

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

**Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

*The proposed project furthers this policy by including and maintaining landscaping that will improve the neighborhood environment. Landscaping will be provided on the States Street frontage where the building is set back from the property line. The roof decks on States Street will be visible from upslope residences on State Street and Museum Way; the project will increase the presence of visible vegetation on the properties.*

**Policy 4.15:**

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

*The proposed project furthers this policy by ensuring that incompatible new buildings are not introduced to the existing neighborhood. The height and depth of the new buildings on States Street is compatible with the existing building scale. The buildings' form, facade width, proportions and roofline are compatible with surrounding buildings. While there is no consistent mid-block open space pattern on Ord Court and States Street, the project helps create one between buildings fronting Ord Court and States Street. The proposed project places buildings carefully on both the front and rear of the lots so as to minimize reduction of*

*sunlight to neighboring properties and new dwelling units relative to an approach that would cluster all units on the Ord Court street frontage.*

**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 does comply 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.

*This policy does not apply to the proposed project, as the project is residential and will not affect or displace any existing neighborhood-serving retail uses.*

B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The proposed project is consistent with this policy, as the existing single-family home at 22 Ord Court is preserved, with only a modest expansion. The new proposed single-family home is designed to be consistent with the height and size typical of the existing neighborhood. Moreover, the project preserves existing significant trees on the States Street side to further conserve the character of the neighborhood.*

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

*The proposed project at 22 Ord Court preserves one existing single-family home and adds one new single-family home to the City's housing stock, which will increase housing supply and make housing more affordable in general. No affordable housing units will be removed, and no new affordable housing units are required under the Planning Code.*

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

*The proposed project is located in an area well-served by the City's public transit systems and incorporates off-street parking that satisfies City parking requirements. The Castro Street Muni Station is less than a 10 minute walk from the project site, while the 24, 33, 35, and 37 bus lines all have stops nearby as well. The proposed project, therefore, will not overburden Streets or neighborhood parking, or overburden Muni transit service.*

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.

*This policy does not directly apply to the proposed project, as the project does not include commercial office development and will not displace industrial or service sector uses. Nevertheless, the development of an additional single family home on the 22 Ord Court property may enhance future opportunities for resident employment and ownership in the industrial and service sectors. The proposed project is consistent, therefore, with this policy to the extent it applies.*

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

*The proposed residential building and addition will comply with all applicable structural and seismic safety requirements of the City's Building Code and any other requirements related to earthquake safety and therefore are consistent with this policy.*

G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on the project site.*

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

*The proposed project is consistent with this policy, as parks and public open space will not be developed, nor will their access to sunlight be affected by its development. No vistas will be blocked or otherwise affected by the proposed project.*

**ISSUE #3:** The appellant is concerned that the interim zoning controls may be rendered useless, as applied to this project.

**RESPONSE #2:** To the contrary, the interim zoning controls do not prohibit new development such as the proposed project, but instead establish parameters for approvals of such projects. As described above, the interim zoning controls require that the Project Sponsor procure Conditional Use Authorization where the Commission finds that the Project meet certain aforementioned criteria. The Commission duly considered both the standard Conditional Use criteria of Planning Code Section 303 as well as the additional criteria of the interim controls and appropriately approved the project..

### **CONCLUSION:**

For the reasons stated above, the Department recommends that the Board uphold the Commission's decision in approving the Conditional Use authorization for the new construction of a two-story building at the rear of 22 Ord Court, with the new building fronting States Street and deny the Appellant's request for appeal.

*This page intentionally left blank.*

## **ATTACHMENT A**

*This page intentionally left blank.*



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use Authorization

HEARING DATE: SEPTEMBER 24, 2015

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* September 15, 2015  
*Case No.:* 2013.1521CUAV  
*Project Address:* 22 Ord Court  
*Permit Application:* 201310219832 (Alteration to Existing)  
201310219817 (Proposed New Construction at Rear)  
*Zoning:* RH-2 (Residential House, Two-Family)  
40-X Height and Bulk District  
*Block/Lot:* 2619/067  
*Project Sponsor:* David Clarke – (415) 370.5677  
P.O. Box 14352  
San Francisco, CA 94114  
*Staff Contact:* Tina Chang – (415) 575.9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
*Recommendation:* Approval with Conditions

### PROJECT DESCRIPTION

The proposal includes a vertical and horizontal addition, increasing the existing +/-2,400 square foot home approximately 3,225 square feet, an increase of approximately 825 square feet. The addition would extend the rear of the third floor to the rear building wall, with a 5-foot side setback from the western property line, and construct a fourth floor set back approximately 12'-5" from the front façade, approximately 19 feet from the property line, and 5-foot side setbacks on both sides of the property. The addition alone would not require conditional use authorization, as it does not increase the existing square footage by more than 3,000 square feet or more than 75%, the threshold triggering Conditional Use authorization if the legal unit count is not increased under Resolution 76-15. The new construction of a two-story, +/- 3,110 square foot, single-family structure at the rear of the existing single-family dwelling is also included as part of the proposal. The proposed rear structure would contain two levels below grade, to include a family room and two bedrooms. The first at-grade floor contains a one-car garage, bedroom and office, with the main living area on the second level, which is setback approximately 6 feet from the rear property line. A +/- 240 square foot roof deck is proposed above the 2<sup>nd</sup> level. A 29'-7" deep rear yard amounting to approximately 25% lot coverage is maintained between the existing and proposed structures; however, this would amount to greater than 55% lot coverage, as well as an increase to the square footage in excess of 3,000 square feet and greater than 100%, the threshold triggering Conditional Use authorization when the legal unit count of a property is increased under Resolution 76-15. The Project Sponsor is also constructing a new single family dwelling at the rear of 24 Ord Court, under Building Permit Number 201310219830 and Case Number 2013.1522CUAV. Under the California Environmental Quality Act, the projects at both 22 and 24 Ord Court were analyzed as one comprehensive project, though there are three separate building permits for each of the three buildings, two at 22 Ord Court, and one at 24 Ord Court.

It should be noted that this project previously came before the Planning Commission as a public initiated requested for Discretionary Review, first on December 4, 2014. After public testimony in opposition to the Project the Planning Commission continued the subject item to February 5, 2015. The project was subsequently continued to February 12<sup>th</sup>. At the hearing, the Planning Commission made definitive requests to reduce the size of the proposed new construction at the rear of the subject property, including the removal of top level of the proposed new structure at the rear; differentiation of architectural design between the proposed structures at the rear of 22 and 24 Ord Court and the reduction of parking provided to increase habitable space within the proposed new structure. The removal of the trees at 24 Ord Court had been approved by the Department of Public Works due to poor structure, though this decision was appealed. At the time of the December 4<sup>th</sup> hearing, the Department of Public Works DPW had not yet issued the resulting order from the hearing held for the trees in question. In addition to the changes outlined above, the Commission was also interested in learning outcome of the DPW hearing.

On February 12, 2015, the Commission again heard the Discretionary Review Requests for 22-24 Ord Court. In response to the Commission's requests, the Project Sponsor presented changes to the proposed construction which included a reduction in the number of floors above grade from three to two, a reduction of off-street parking spaces from two-to-one thus increasing habitable living space, and the alteration of the front façade at 22 Ord Court to better differentiate the two structures. By the time of the February 12, 2015 hearing, the resulting order from the DPW had been issued indicating that the removal of trees would be approved on the condition that all necessary permit approvals were attained to construct the new building at 24 Ord Court. After public testimony, the Commission voted, again, to continue the item to March 12, 2015, so that the Project Sponsor could explore options to preserve the mature trees at 24 Ord Court, while also exploring ways to differentiate the two buildings at 22 and 24 Ord Court even more.

On March 9, 2015, the Board of Supervisors passed interim legislation to impose interim zoning controls for an 18-month period for parcels in RH-1, RH-2, and RH-3 zoning districts within neighborhoods known as Corbett Heights and Corona Heights, requiring Conditional Use authorization for any residential development on a vacant parcel that would result in total residential square footage exceed 3,000 square feet; Conditional Use authorization for any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet by more than 75% without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; and requiring Conditional Use authorization for residential development that results in greater than 55% total lot coverage. As the project site was affected by the interim legislation, therefore requiring Conditional Use authorization for the projects at 22 and 24 Ord Court as proposed, the Project Sponsor requested a continuance to May 24, 2015. The items were again continued to June 25, 2015, August 13, 2015, and finally to September 24, 2015 at the request of the Project Sponsor.

## **SITE DESCRIPTION AND PRESENT USE**

The proposed project is located on a through lot at 22 Ord Court with frontages on both Ord Court and States Street in the Castro / Upper Market Neighborhood. The property is developed with an existing 3-story, +/- 2,400 square-foot, single family structure on a +/-2,940 square foot lot. The existing building was originally constructed as a single-family dwelling in 1954. A third-story addition was constructed in the

1980's resulting in a change to the building's scale, massing and design. Based on review conducted by Planning Department staff, the existing building at 22 Ord Court lacks sufficient integrity and is not eligible as a historic resource under CEQA. The property is not located within the boundaries of any listed historic districts. Therefore, the property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The surrounding neighborhood consists of a mixture of one-, two-, and three-story buildings, containing mostly one- or two- residential dwelling-units. The residential neighborhood contains dwellings of varying heights and depths on an up-sloping street, as one heads west. Both adjacent properties, east and west of the subject property, are three-story buildings containing two dwelling units. The building to the east is a multi-family, two stories-over-garage structure at the block face, and steps back to five stories after approximately 55' from the front façade. The building to the west is a single-family, one-story-over garage structure at the block face.

The subject property is within the Castro / Upper Market Neighborhood, and about .4 miles west of the Castro / Market Street intersection. Castro Street serves as the cross street on the east side of the property where the neighborhood transitions to a Residential, Mixed, Low-Density (RM-1) zoning district, the Upper Market Street Neighborhood Commercial (NCD) and Upper Market Neighborhood Commercial Transit District (NCT). RM-1 zoning districts contain ground-floor commercial spaces and mostly residential units on upper floors. A mixture of dwelling types found in RH Districts are also found in RM-1 districts, in addition to a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The Upper Market NCT and NCD zoning districts are multi-purpose commercial districts, well served by transit including the Castro Street Station of the Market Street subway and the F-Market historic streetcar line, providing limited convenience goods to adjacent neighborhoods, but also serve as a shopping street for a broader trade area.

## **ENVIRONMENTAL REVIEW**

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and Class 3 categorical exemption.

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	September 4, 2015	September 2, 2015	22 days
Posted Notice	20 days	September 4, 2015	August 31, 2015	25 days
Mailed Notice	20 days	September 4, 2015	September 4, 2015	20 days

The proposal requires a Section 311-neighborhood notification, which was conducted in conjunction with the conditional use authorization process. Section 311 neighborhood notification for the project was also conducted from August 8, 2014 to September 7, 2014, prior to the request for Discretionary Review of the project.

## **PUBLIC COMMENT**

As of September 14, 2015, the Staff has received a couple inquiries from members of the public. One inquiry was made by a Eureka Valley Neighborhood Association representative regarding the contents of the case report, and the process of the hearing – specifically how the previously filed requests for discretionary review would interact with the Conditional Use Authorization Hearing. The representative was informed that since decisions made by the Planning Commission on conditional use authorizations could not be appealable to the Board of Appeals, which is the appeal body for building permit applications and discretionary review items, the discretionary review previously filed would effectively be dropped. However, the Commission Secretary would grant the DR Requestors 10 minutes to present their case, which is the same amount of time granted to the Project Sponsor. Neither party would receive time for rebuttals as would occur during Discretionary Review Hearings.

Another inquiry was made by the President of the Corbett Heights Neighbors who asked about continuing the duly noticed Conditional Use Hearing to await plans for the existing structure at 24 Ord Court. To date, the Planning Department has not been made aware of any plans for the existing structure at 24 Ord Court.

Public comment for the previously filed discretionary review for the project can be found under case number 2013.1521DDV.

## **ISSUES AND OTHER CONSIDERATIONS**

- Interim zoning controls under Resolution 76-15 require that the Commission grant Conditional Use authorization allowing residential development to result in greater than 55% lot coverage upon finding unique or exceptional lot constraints that would make development infeasible without exceeding 55% total lot coverage. Findings are made in the draft motion, demonstrating that the project meets these conditions. Since the lot is significantly sloped between Ord Court and States Street, the existing structure covers a significant percentage of the lot, making it infeasible to add new space for an adequate, family-sized unit while maintaining overall lot coverage beneath 55%. Usable interior square footage is further reduced by increasing the need for stairwells and related space to allow for development spread across multiple levels. A bulk and shadow analysis is also included as an attachment to the subject Commission Packet.
- Interim zoning controls under Resolution 76-15 also require that the Commission, in considering a Conditional Use authorization in a situation where an additional residential unit is proposed on a through lot on which there is an existing building on the opposite street frontage, grant such authorization upon finding that it would be infeasible to add a unit to the already developed street frontage of the lot. Findings were made in the draft motion demonstrating that the project meets these conditions. In bulk and shadow analysis conducted by the Project Sponsor, it was determined that constructing all units on the Ord Court frontage would result in several loss of light and air to adjacent properties.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant conditional use authorization to allow the construction of the proposed new construction of a +/-3,100 square foot, two-story, single-family dwelling

at the rear of the existing structure at 22 Ord Court, which would result in greater than 55% lot coverage, and an increase of the existing square footage in excess of 3,000 square feet and 100%.

## **BASIS FOR RECOMMENDATION**

- The project would add an additional, family-sized dwelling unit to the City's housing stock, while improving an existing unit.
- The project is well serviced by and would not over-burden the City's public transportation network.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>
------------------------	---------------------------------

**Attachments:**

Parcel Map

Sanborn Map

Zoning Map

Aerial Photograph

Site Photograph

Project Sponsor Submittal, including:

- Letter from Sponsor (including Renderings)
- Reduced Plans
- Shadow Study for Proposal
- Shadow Study for Infeasible Alternative
- Height Study Diagram
- Arborist Memorandum

Interim Zoning Controls – Resolution 76-15

Attachment Checklist

<input checked="" type="checkbox"/> Executive Summary	<input checked="" type="checkbox"/> Project sponsor submittal
<input checked="" type="checkbox"/> Draft Motion	Drawings: <u>Proposed Project</u>
<input type="checkbox"/> Environmental Determination	<input checked="" type="checkbox"/> Check for legibility
<input checked="" type="checkbox"/> Zoning District Map	<input type="checkbox"/> Health Dept. review of RF levels
<input type="checkbox"/> Height & Bulk Map	<input type="checkbox"/> RF Report
<input checked="" type="checkbox"/> Parcel Map	<input type="checkbox"/> Community Meeting Notice
<input checked="" type="checkbox"/> Sanborn Map	<input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance
<input checked="" type="checkbox"/> Aerial Photo	
<input type="checkbox"/> Context Photos	
<input checked="" type="checkbox"/> Site Photos	

Exhibits above marked with an "X" are included in this packet

TC

Planner's Initials

TC G:\Documents\CONDITIONAL USE\22 Ord Court\_2013.1521CUAV\Reports\22 Ord Court--Exec. Summary.docx



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

Affordable Housing (Sec. 415)  First Source Hiring (Admin. Code)  
 Jobs Housing Linkage Program (Sec. 413)  Child Care Requirement (Sec. 414)  
 Downtown Park Fee (Sec. 412)  Other (Market & Octavia Impact Fees)

## Planning Commission Motion 19483

HEARING DATE: SEPTEMBER 24, 2015

*Date:* September 15, 2015  
*Case No.:* 2013.1521CUAV  
*Project Address:* 22 Ord Court  
*Permit Application:* 201310219832 (Alteration to Existing)  
201310219817 (Proposed New Construction at Rear)  
*Zoning:* RH-2 (Residential House, Two-Family)  
40-X Height and Bulk District  
*Block/Lot:* 2619/067  
*Project Sponsor:* David Clarke – (415) 370.5677  
P.O. Box 14352  
San Francisco, CA 94114  
*Staff Contact:* Tina Chang – (415) 575.9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
*Recommendation:* Approval with Conditions

ADOPTING FINDINGS GRANTING CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 306.7 ESTABLISHING INTERIM ZONING CONTROLS IMPOSED BY RESOLUTION NO. 76-15 ON MARCH 9, 2015 TO PERMIT LOT COVERAGE OF A PARCEL TO EXCEED 55% AND AN INCREASE TO THE EXISTING SQUARE FOOTAGE IN EXCESS OF 3,000 SQUARE FEET AND/ OR MORE THAN 100% BY CONSTRUCTING A NEW, +/- 3,110 GROSS SQUARE FOOT, TWO-STORY DWELLING UNIT AT THE REAR OF THE EXISTING THROUGH LOT. THE PROJECT SITE IS LOCATED WITHIN AN RH-2 (RESIDENTIAL HOUSE, TWO FAMILY) ZONING AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On October 21, 2013, Reza Khosnevisan, on behalf of Kenneth Tam, filed Building Permit Application Numbers 201310219832 and 201310219817 to the vertical addition of the existing structure at 22 Ord Court, and for the new construction of a three-story, single family dwelling unit fronting States Street.

On October 18, 2013 Reza Khosnevisan, on behalf of Kenneth Tam, filed a Variance Application Case No. 2013.1521V to construct a three-story single family dwelling unit in the required rear yard of the property at 22 Ord Court.

On September 5, 2014 Chris Parkes filed a Discretionary Review (DR) against Building Permit Application No. 201310219832 for the vertical addition of the existing structure and Building Permit Application No. 201310219817 for the new construction of the three story single family dwelling at the rear of the property. The DR filer also initiated Discretionary Review for Building Permit Application No. 201310219830 for the new construction of a dwelling unit at the rear of 24 Ord Court. Chris Parkes raised concerns about the removal of significant trees at the rear of 24 Ord Court, and felt that the projects at 22 and 24 Ord Court as proposed did not meet Residential Design Guidelines. The DR Requestor was also opposed to the project because of noncompliance with the Planning Code and the need for a variance to construct in the required rear yard.

On December 4, 2014, a duly noticed public hearing was held for the public initiated discretionary review of and variance requests for the proposed projects at 22 and 24 Ord Court. After public testimony in opposition to the Project the Planning Commission continued the subject item to February 5, 2015. The project was subsequently continued to February 12<sup>th</sup>, to allow for additional time to conduct environmental review of the project changes. Though suggestions were made regarding the existing structure at 22 Ord Court, the Planning Commission made definitive requests to refine the proposed new construction at the rear of the subject property, including the removal of top level of the proposed new structure at the rear; differentiation of architectural design between the proposed structures at the rear of 22 and 24 Ord Court and the reduction of parking provided to increase habitable space within the proposed new structure. The removal of the trees at 24 Ord Court had been approved by the Department of Public Works due to poor structure, though this decision was appealed. At the time of the December 4<sup>th</sup> hearing, the Department of Public Works DPW had not yet issued the resulting order from the hearing held for the trees in question. In addition to the changes outlined above, the Commission was also interested in learning outcome of the DPW hearing.

On February 12, 2015, the Commission again heard the Discretionary Review Requests for 22-24 Ord Court. In response to the Commission's requests, the Project Sponsor presented changes to the proposed construction which included a reduction in the number of floors above grade from three to two, a reduction of off-street parking spaces from two-to-one thus increasing habitable living space, and the alteration of the front façade at 22 Ord Court to better differentiate the two structures. By the time of the February 12, 2015 hearing, the resulting order from the DPW had been issued indicating that the removal of trees would be approved on the condition that all necessary permit approvals were attained to construct the new building at 24 Ord Court. After public testimony, the Commission voted, again, to continue the item to March 12, 2015, so that the Project Sponsor could explore options to preserve the mature trees at 24 Ord Court, while also exploring ways to differentiate the two buildings at 22 and 24 Ord Court even more.

On March 9, 2015, the Board of Supervisors passed interim legislation to impose interim zoning controls for an 18-month period for parcels in RH-1, RH-2, and RH-3 zoning districts within neighborhoods known as Corbett Heights and Corona Heights, requiring Conditional Use authorization for any residential development on a vacant parcel that would result in total residential square footage exceed 3,000 square feet; Conditional Use authorization for any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet by more than 75%

without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; and requiring Conditional Use authorization for residential development that results in great than 55% total lot coverage. As the project site was affected by the interim legislation, therefore requiring Conditional Use authorization for the projects at 22 and 24 Ord Court as proposed, the Project Sponsor requested a continuance to May 24, 2015. The items were again continued to June 25, 2015, August 13, 2015, and finally to September 24, 2015 at the request of the Project Sponsor.

On June 30, 2015, Alan Murphy, on behalf of Kenneth Tam, (hereinafter "Project Sponsor") filed Application No. 2013.1521CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") seeking authorization for development exceeding 55% lot coverage, and increasing the existing gross square footage in excess of 3,000 square feet or more than 100% with an increase to the legal unit count within the RH-2 (Residential House, Two Family) Zoning District and a 40-X Height and Bulk District. The proposal includes a vertical and horizontal addition, increasing the existing 2,401 square foot home by approximately 824 square feet to approximately 3,225 square feet. The addition would extend the rear of the third floor to the rear building wall, with a 5-foot side setback from the western property line, and construct a fourth floor set back approximately 12'-5" from the front façade, approximately 19 feet from the property line, and 5-foot side setbacks on both sides of the property. The addition alone would not require conditional use authorization, as it does not increase the existing square footage by more than 3,000 square feet or more than 75%. However, the new construction of the proposed structure at the rear would result in greater than 55% lot coverage and the square footage to exceed 3,000 square feet, and an increase of more than 100%.

The Planning Department, Jonas O. Ionin, is the custodian of records, located in the File for Case Nos. 2013.1521CUAV and 2013.1522CUAV at 1650 Mission Street, 4<sup>th</sup> Floor, San Francisco, California.

On September 24, 2015, the Planning Commission ("Commission") conducted public hearing at a regularly scheduled meeting on Case Nos. 2013.1521CUAV and 2013.1522CUAV.

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 approves the Conditional Use authorization pursuant to Planning Code Sections 303 and 306.7 establishing interim zoning controls imposed by Resolution No. 76-15 on March 9, 2015 to permit lot coverage of a parcel to exceed 55% and an increase to the existing square footage in excess of 3,000 square feet and more than 100% by constructing a new, +/- 3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot at 22 Ord Court under Case No. 2013.1521CUAV, subject to the conditions contained in "EXHIBIT A" of this motion, 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. **Site Description and Present Use.** The proposed project is located on a through lot at 22 Ord Court with frontages on both Ord Court and States Street in the Castro / Upper Market Neighborhood. The property is developed with an existing 3-story, +/- 2,400 square-foot, single family structure on a +/- 2,940 square foot lot. The existing building was originally constructed as a single-family dwelling in 1954. A third-story addition was constructed in the 1980's resulting in a change to the building's scale, massing and design. Based on review conducted by Planning Department staff, the existing building at 22 Ord Court lacks sufficient integrity and is not eligible as a historic resource under CEQA. The property is not located within the boundaries of any listed historic districts. Therefore, the property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.
3. **Surrounding Properties and Neighborhood.** The surrounding neighborhood consists of a mixture of one-, two-, and three-story buildings, containing mostly one- or two- residential dwelling-units. The residential neighborhood contains dwellings of varying heights and depths on an up-sloping street, as one heads west. Both adjacent properties, east and west of the subject property, are three-story buildings containing two dwelling units. The building to the east is a multi-family, two stories-over-garage at the block face, and steps back to five stories after approximately 55' from the front façade. The building to the west is a single-family, one-story-over garage structure at the block face.

The subject property is within the Castro / Upper Market Neighborhood, and about .4 miles west of the Castro / Market Street intersection. Castro Street serves as the cross street on the east side of the property where the neighborhood transitions to a Residential, Mixed, Low-Density (RM-1) zoning district, the Upper Market Street Neighborhood Commercial (NCD) and Upper Market Neighborhood Commercial Transit District (NCT). RM-1 zoning districts contain ground-floor commercial spaces and mostly residential units on upper floors. A mixture of dwelling types found in RH Districts are also found in RM-1 districts, in addition to a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The Upper Market NCT and NCD zoning districts are multi-purpose commercial districts, well served by transit including the Castro Street Station of the Market Street subway and the F-Market historic streetcar line, providing limited convenience goods to adjacent neighborhoods, but also serve as a shopping street for a broader trade area.

4. **Project Description.** The proposal includes a vertical and horizontal addition, increasing the existing +/- 2,400 square foot home by approximately 825 square feet to approximately 3,225 square feet. The addition would extend the rear of the third floor to the rear building wall, with a 5-foot side setback from the western property line, and construct a fourth floor set back approximately 12'-5" from the front façade, approximately 19 feet from the property line, and 5-foot side setbacks on both sides of the property. The addition alone would not require conditional use authorization, as it does not increase the existing square footage by more than 3,000 square feet or more than 75%. The new construction of a two-story, +/- 3,110 square foot,

single-family structure at the rear of the existing single-family dwelling is also included as part of the proposal. The proposed rear structure would contain two levels below grade, to include a family room and two bedrooms. The first at-grade floor contains a one-car garage, bedroom and office, with the main living area on the second level, which is setback approximately 6 feet from the rear property line. A +/- 240 square foot roof deck is proposed above the 2<sup>nd</sup> level. A rear yard amounting to approximately 25% lot coverage is maintained between the existing and proposed structures; however, this would amount to greater than 55% lot coverage, as well as an increase to the square footage in excess of 3,000 square feet and greater than 100%.

5. **Public Comment.** As of September 14, 2015, the Staff has received a couple inquiries from members of the public. One inquiry was made by a Eureka Valley Neighborhood Association representative regarding the contents of the case report, and the process of the hearing – specifically how the previously filed requests for discretionary review would interact with the Conditional Use Authorization Hearing. The representative was informed that since decisions made by the Planning Commission on conditional use authorizations could not be appealable to the Board of Appeals, which is the appeal body for building permit applications and discretionary review items, the discretionary review previously filed would effectively be dropped. However, the Commission Secretary would grant the DR Requestors 10 minutes to present their case, which is the same amount of time granted to the Project Sponsor. Neither party would receive time for rebuttals as would occur during Discretionary Review Hearings.

Another inquiry was made by the President of the Corbett Heights Neighbors who inquired about continuing the duly noticed Conditional Use Hearing to await plans for the existing structure at 24 Ord Court. To date, the Planning Department has not been made aware of any plans for the existing structure at 24 Ord Court.

Public comment for the previously filed discretionary review for the project can be found under case number 2013.1521DDV.

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. **Rear Yard (Section 134).** 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.

*The adjacent property to the east at 231 States Street is developed with nearly full lot coverage and is setback approximately 3 feet from the rear lot line whereas the adjacent property to the west at 24 Ord Court currently has a rear yard of approximately 71'-7". For a code-compliant rear yard, development would need to be set back approximately 37'-3.5" from the rear property line. As the Project Sponsor is proposing development built approximately 6 feet from the rear property line with a 29'-7" deep rear yard internalized between the existing and proposed structures, a Variance is required. The hearing for the Variance will be heard by the Zoning Administrator on September 24, 2015. The Variance Hearing for the project was initially scheduled for August 27, 2015, but continued to December 4, 2014,*

*February 5, 2015, February 12, 2015, June 25, 2015, August 13, 2015 and finally to September 24, 2015 to be heard in conjunction with the Planning Commission Hearing.*

**B. Open Space (Section 135).** The Planning Code Requires 125 square feet of open space for each dwelling unit if all private, and 166.25 square feet of open space per dwelling unit if shared. The Project requires at least 250 square feet of open space for both dwelling units, or 332.5 square feet of open space, if common.

*The proposed structure at the year includes a +/- 240 square foot roof deck that would satisfy the open space requirements for the dwelling unit, as well as a +/- 740 square foot shared rear yard, exceeding the open space requirements. The front structure also includes roof decks at the 3<sup>rd</sup> and 4<sup>th</sup> levels amounting to X square feet.*

**C. Streetscape and Pedestrian Improvements (Section 138.1).** Planning Code Section 138.1 requires one new street tree for every 20 feet of street frontage for projects proposing new construction.

*The Project includes the new construction of a two-story residential building and the vertical and horizontal addition on an existing structure on a lot with frontage 25 feet of frontage on both Ord Court and States Street. The total Project frontage is approximately 50 feet with one existing street tree along the Ord Court frontage. The Project Sponsor will plant one new tree along the States Street frontage. The exact location, size and species of trees shall be as approved by the Department of Public Works (DPW). The Project Sponsor will be required to pay an in-lieu fee for any tree that may not be planted.*

**D. Bird Safety (Section 139).** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

*The subject lot is located in close proximity to a possible urban bird refuge. The Project will be required to meet the requirements of location-related standards, and will ensure that the Bird Collision Zone, which begins at grade and extends upwards for 60 feet, consists of no more than 10% untreated glazing.*

**E. Dwelling Unit Exposure (Section 140).** Planning Code Section 140 requires that at least one room of all dwelling units face directly onto 25 feet of open area (a public street, alley or side yard) or onto an inner courtyard that is 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

*Both the existing structure fronting Ord Court and the proposed structure fronting States Street meets the exposure requirement in that at least one room of each dwelling unit faces directly onto 25 feet of open area – in the form of the public streets and 29'-7" rear yard in between both structures.*

**F. Section 151. Off-Street Parking:** Planning Code Section 151 requires one off-street parking space per dwelling units.

*The Project includes a one-car garage for the existing structure at 22 Ord Court and a one car garage for the proposed dwelling at the rear of the property fronting States Street.*

7. **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 the criteria of Section 303, in that:

- The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or community.

*The proposed uses – a new structure at the rear of 22 Ord Court, a through lot, in an RH-2 Zoning District, is consistent with development patterns in this residential neighborhood and with the requirements of the Planning Code. The proposed structure and addition are modestly sized, but contain enough bedrooms and shared living areas to allow sufficient space for families with children, a demographic the City actively seeks to retain and attract pursuant to General Plan Housing Element Policy 4.1. Expanding an existing single-family dwelling and providing additional dwellings of appropriate size for this demographic, among others, is desirable for and compatible with, the neighborhood and the community. By increasing the supply of housing, the proposed project also contributes to alleviating the City's critical housing shortage.*

- The use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:
  - The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.

*The proposed structure is compatible with the height and depth of the surrounding buildings. The single-story vertical addition and horizontal expansion at 22 Ord Court are at an appropriate scale for the home's location on a block with many houses that are three-stories or more as shown in the height diagram, attached. The proposed structure will maintain a three-story façade at the block face, consistent with the other three-story structures on the block, such as 30 Ord Court and 16 Ord Court. The adjacent building at 20 Ord Court / 231 States Street is a three-story, multi-family structure at the block face that steps back to five stories on the States Street frontage. Both the fourth-floor addition and the third-floor roof deck on the existing building at 22 Ord Court are set back, making the fourth floor minimally visible from the street. The fourth floor addition is approximately 417 square feet, and the setback provided at this level far exceeds that required by the Planning Code.*

*The new building at the rear of 22 Ord Court is two stories above street level, consistent with the existing pattern of development on States Street. States Street is characterized by a mix of building scales and styles, ranging from one to four stories in height.*

*The existing and proposed dwelling units are deliberately separated between the Ord Court and States Street Frontages to allow for mid-block open space that preserves light to adjacent structures at 20 and 30 Ord Court. As shown in the bulk and shadow studies for an alternative design, enclosed as an attachment to this case report, placing two dwelling units in a building fronting Ord Court would severely restrict light available to adjacent buildings and to the new structures themselves, casting shadows across to neighboring buildings. In contrast, the proposed project preserves the health, safety and general welfare of individuals*

*residing in the vicinity by maintaining their access to light and by substantially reducing shadow coverage on adjacent properties.*

- ii. 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

*The proposed project will not exceed the density permitted by the Planning Code and is well served by public transit. The Castro Street Muni Station is less than a 10-minut walk, while the 24, 33, 35, and 37 bus lines have nearby stops. For these reasons, the type and volume of traffic generated by the proposed project will not be detrimental.*

*The project features off-street parking for all residences, as required by the Planning Code. The design and placement of garage entrances, doors and gates are compatible with the surrounding area, and the width of all garage entrances is minimized. The placement of curb cuts is also coordinated to maximize on-street parking.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.

*The proposal will not produce or include uses that would emit noxious or offensive emissions such as noise, glare, dust and odor.*

- iv. 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 will comply with Planning Code Section 138, and provide a street tree, as well as landscaping in the building setback fronting States Street.*

- C. That such use or feature as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The proposed project complies with all applicable requirements and standards of the Planning Code, once the requested variance is issued, and is consistent with the Objectives and Policies of the General Plan as follows:*

9. **Interim Zoning Controls (Resolution 76-15).** On March 9, 2015, the Board of Supervisors passed interim legislation to impose interim zoning controls for an 18-month period for parcels in RH-1, RH-2, and RH-3 zoning districts within neighborhoods known as Corbett Heights and Corona Heights, requiring Conditional Use authorization for any residential development on a vacant parcel that would result in total residential square footage exceed 3,000 square feet; Conditional Use authorization for any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet by more than 75% without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; and requiring Conditional Use authorization for residential development that results in great than 55% total lot coverage.

A. The Planning Commission shall only grant a Conditional Use authorization allowing residential development to result in greater than 55% lot coverage upon finding unique or exceptional lot constraints that would make development on the lot infeasible without exceeding 55% total lot coverage, or in the case of the addition of a residential unit, that such addition would be infeasible without exceeding 55% total lot coverage; and

*The proposed project will increase the number of residential units from one to two on 22 Ord Court. Total lot coverage would exceed 55%; it would be infeasible to add a second dwelling unit without exceeding 55% lot coverage as the lot is significantly sloped between Ord Court and States Street. For this reason, the existing single-family dwelling already covers a significant percentage of the lot, making it infeasible to add new space for an adequate family-sized unit while maintaining overall lot coverage beneath 55%.*

*Due to the significant intra-lot elevation difference between Ord Court and States Street, the sloping further reduces usable interior square footage by increasing the need for stairs and related space to allow for living spaces to spread across multiple levels. To compensate for these inefficiencies in interior design, residential development of reasonable size is infeasible unless spread over more than 55% of the lot.*

*An alternative approach to the proposed project that would locate all dwelling units on the Ord Court side of the lots (enclosed as an attachment to this case report), would exceed 55% total lot coverage. While this alternative is infeasible for reasons identified below, it demonstrates that exceedance of 55% lot coverage is unavoidable regardless of whether the buildings are massed exclusively on the Ord Court frontage or are split between the Ord Court and States Street frontages.*

B. The Planning Commission, in considering a Conditional Use authorization in a situation where an additional residential unit is proposed on a through lot on which there is already an existing building on the opposite street frontage, shall only grant such authorization upon finding that it would be infeasible to add a unit to the already developed street frontage of the lot.

*The proposed project will increase the number of residential units from one to two on each of two through lots (22 and 24 Ord Court), with each new single-family home located on the opposite street frontage (States Street) from the existing buildings. It would be infeasible to add units on the already developed street frontage of the lots, as the resulting development would block light and cast shadows on the few windows available to certain units in adjacent buildings at 30 Ord Court and 20 Ord Court / 231 States Street. Such a project would also prevent adequate light from entering the new structures on the project site.*

*Due to the significant sloping on the lots between Ord Court and States Street, usable interior square footage is reduced by increasing the need for stairwells and related space to allow for development spread across multiple levels. This lot constraint forces development on the lots to extend toward the property lines. Additionally, the slope is most severe on the rear 40% of the lots. Where units are concentrated on the already developed street frontage (the side with the more gentle slope), this constraint limits the ability to design for usable open space. For these reasons, sloping constraints further would necessitate use of the full width of the lots for any "concentrated" development on the*

*Ord Court side. An enclosed bulk study shows hypothetical buildings that would add new dwelling units to the already developed street frontage at Ord Court.*

*However, this type of concentrated development on the Ord Court frontage would block substantial light and cast significant shadows on adjacent buildings at 30 Ord Court and 20 Ord Court / 231 States Street.*

*To begin, as shown in the bulk study and in a bird's-eye view photograph of 30 Ord Court, a structure on 24 Ord Court that concentrates units on the Ord Court side would cover four property-line windows on 30 Ord Court. These windows are not legally protected, but do provide light and air to four dwelling units.*

*Although these same units also receive light from a building light well, shadows would be cast on the light well by concentrated development on Ord Court. An enclosed shadow study assesses shadows that such buildings would cast on three days throughout the year—March 21 (the spring equinox), June 21 (the summer solstice), and December 21 (the winter solstice). The studies show that large structures on Ord Court would completely cover in shadow the light well at 30 Ord Court on the mornings of March 21, June 21, and December 21. In contrast, a separate shadow study shows that developing new units on the opposite street frontage from existing development (the States Street side) would not cast shadows on the light well throughout most of the year (as shown in the March 21 and June 21 simulations). Moreover, under the proposed project, property-line windows at 30 Ord Court would not be blocked, thus further alleviating concerns over shadowing on the light well.*

*The shadow studies for the “concentrated” development on Ord Court and for the proposed project also provide evidence of two other reasons why developing new units on the Ord Court street frontage would be infeasible:*

- *First, such development would result in a significantly greater amount and duration of shadows across multiple adjacent properties than will the proposed project. Massing new units on the Ord Court side of the property would direct many shadows onto adjacent buildings and yards, including 30 Ord Court and 20 Ord Court / 231 States Street, rather than onto the street (States Street). This is a highly undesirable outcome, as it needlessly would increase shadowing effects on neighbors and open space relative to the proposed project. By locating new dwelling units on States Street, the proposed project directs a much greater proportion of these shadows onto the uninhabited street.*
- *Second, development of new dwelling units on the already developed street frontage severely would limit light and air available to the interior of the new structures. As seen on the shadow study, the narrowness of the lots at 22 and 24 Ord Court would leave few entries for light into these units and would contribute to buildings that lack appropriate levels of natural light and air.*

*In sum, adding units to the already developed street frontage of the lots at 22 and 24 Ord Court would have detrimental effects on natural light and air available to residents of neighboring buildings and of new buildings on the project site. For these reasons, it would be infeasible to add a unit to the already*

*developed street frontage of the lots at 22 Ord Court or 24 Ord Court. In contrast, as shown under the proposed project, adding units located on the opposite street frontage will be feasible.*

10. **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 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.

*The Project directly advances this policy by creating a new single-family home and expanding an existing one to be adequately sized for families and children. Families with children typically seek more bedrooms and larger shared living areas than smaller households. The project responds to this demand by creating units of a size attractive to families with children.*

#### **OBJECTIVE 11**

SUPPORT AND RESPECT THE DIVERS 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 11.5:**

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

*The proposed project supports these policies by featuring new construction that is consistent with the existing character and density of the neighborhood. The project is consistent with all accepted design*

standards, including those related to site design, building scale and form, architectural features and building details. The project respects the site's topography and provides mid-block open space. The height and depth of the new building on States Street is compatible with the existing building scale. The building's form, façade width, proportions and roofline are also compatible with surrounding buildings. Finally, the project's density is consistent with the prevailing character of the neighborhood.

## **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 proposed project directly furthers this policy by creating additional residential uses in an area well-served by the City's public transit systems. The Castro Street Muni Station is less than a 10-minute walk from the project site, while the 24, 33, 35 and 37 bus lines all have bus stops nearby as well. The numerous nearby public transit options will help ensure the proposed project has no adverse impacts on traffic patterns in the vicinity of the project site.*

## **URBAN DESIGN ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 4:**

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

#### **Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

*The proposed project furthers this policy by including and maintaining landscaping that will improve the neighborhood environment. Landscaping will be provided on the States Street frontage where the building is set back from the property line. The roof decks on States Street will be visible from upslope residences on State Street and Museum Way; the project will increase the presence of visible vegetation on the properties.*

#### **Policy 4.15:**

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

*The proposed project furthers this policy by ensuring that incompatible new buildings are not introduced to the existing neighborhood. The height and depth of the new buildings on States Street is compatible with the existing building scale. The buildings' form, façade width, proportions and roofline are compatible with surrounding buildings. While there is no consistent mid-block open space pattern on Ord Court and States Street, the project helps create one between buildings fronting Ord Court and States Street. The proposed project places buildings carefully on both the front and rear of the lots so as to minimize reduction of sunlight to neighboring properties and new dwelling units relative to an approach that would cluster all units on the Ord Court street frontage.*

11. **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 does comply 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.

*This policy does not apply to the proposed project, as the project is residential and will not affect or displace any existing neighborhood-serving retail uses.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The proposed project is consistent with this policy, as the existing single-family home at 22 Ord Court is preserved, with only a modest expansion. The new proposed single-family home is designed to be consistent with the height and size typical of the existing neighborhood. Moreover, the project preserves existing significant trees on the States Street side to further conserve the character of the neighborhood.*

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

*The proposed project at 22 Ord Court preserves one existing single-family home and adds one new single-family home to the City's housing stock, which will increase housing supply and make housing more affordable in general. No affordable housing units will be removed, and no new affordable housing units are required under the Planning Code.*

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

*The proposed project is located in an area well-served by the City's public transit systems and incorporates off-street parking that satisfies City parking requirements. The Castro Street Muni Station is less than a 10 minute walk from the project site, while the 24, 33, 35, and 37 bus lines all have stops nearby as well. The proposed project, therefore, will not overburden Streets or neighborhood parking, or overburden Muni transit service.*

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.

*This policy does not directly apply to the proposed project, as the project does not include commercial office development and will not displace industrial or service sector uses. Nevertheless, the development of an additional single family home on the 22 Ord Court property may enhance future opportunities for resident employment and ownership in the industrial and service sectors. The proposed project is consistent, therefore, with this policy to the extent it applies.*

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

*The proposed residential building and addition will comply with all applicable structural and seismic safety requirements of the City's Building Code and any other requirements related to earthquake safety and therefore are consistent with this policy.*

G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on the project site.*

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

*The proposed project is consistent with this policy, as parks and public open space will not be developed, nor will their access to sunlight be affected by its development. No vistas will be blocked or otherwise affected by the proposed project.*

11. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

*The Project Sponsor completed the First Source Hiring Affidavit in January 2014.*

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

13. The Commission hereby finds that approval of the Conditional Use Authorization would 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 **APPROVES Conditional Use Authorization No. 2013.1521CUAV** under Planning Code Sections 303 and 306.7 establishing interim zoning controls imposed by resolution no. 76-15 on March 9, 2015 to permit lot coverage of a parcel to exceed 55% and an increase to the existing square footage in excess of 3,000 square feet and more than 100% by constructing a new, +/-3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot. The project site is located within an RH-2 (Residential House, Two-Family) zoning and a 40-x height and bulk district. The project also seeks a variance from the rear yard requirements per Planning Code Section 134. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 3, 2015 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19483. 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 September 24, 2015.

Jonas P. Ionin  
Commission Secretary

**AYES:** Commissioners Antonini, Fong, Johnson, Richards, Hillis, Moore, and Wu

**NAYS:** None

**ABSENT:** None

**ADOPTED:** September 24, 2015

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Conditional Use to permit lot coverage of a parcel exceeding 55% and an increase to the existing square footage in excess of 3,000 square feet and more than 100% by constructing a new, +/-3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot at 22 Ord Court; in general conformance with plans, dated September 3, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1521CUAV and subject to conditions of approval reviewed and approved by the Commission on September 3, 2015 under Motion No. 19483. The project site is located within an RH-2 (Residential House, Two-Family) zoning and a 40-X height and bulk district. A Variance from rear yard requirements pursuant to Planning Code Section 134 is also being sought. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 24, 2015 under Motion No. 19483.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19483 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

6. **Additional Project Authorization.** The Project Sponsor must obtain a variance from the Zoning Administration to address the requirements for rear yard (Planning Code Section 134). The conditions set forth below are additional conditions required in connection with the Project. If these

conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## **DESIGN – COMPLIANCE AT PLAN STAGE**

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. Therefore, the Project is required to one tree along the States Street frontage of 22 Ord Court. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. The Project Sponsor will be required to pay an in-lieu fee for the remaining five trees that cannot be planted.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## **PARKING AND TRAFFIC**

10. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning

Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

## MONITORING AFTER ENTITLEMENT

11. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

12. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

## OPERATION

13. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

14. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

15. **Lighting.** All Project lighting shall be directed onto the project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property. Lighting shall also be designed to comply with the "Standards for Bird Safe Buildings" found here:

**Motion 19483**  
**September 24, 2015**

**CASE NO. 2013.1521CUA**  
**22 Ord Court**

<http://50.17.237.182/docs/PlanningProvisions/Standards%20for%20Bird%20Safe%20Buildings-%208-11-11.pdf#page=29>.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

*Case No.:* 2013.1521E  
*Project Title:* 22-24 Ord Court  
*Zoning:* RH-2 (Residential – House, Two Family)  
40-X Height and Bulk District  
*Block/Lot:* 2619/066 and 067  
*Lot Size:* 5,884 square feet  
*Project Sponsor:* Aidin Massoudi, SIA Consulting Corporation  
(415) 922-0200  
*Staff Contact:* Christopher Espiritu – (415) 575-9022  
Christopher.Espiritu@sfgov.org

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION:

The proposed project includes the construction of two new single-family residences to be located within the rear yards of two adjacent lots, Assessor's Block 2619 Lots 066 and Lot 067, at 22 and 24 Ord Court. The lots are comprised of two existing buildings: a three-story, three bedroom, single-family residence on 22 Ord Court and a two-story, two-bedroom, single-family residence on 24 Ord Court. The construction of the two proposed buildings would establish new frontages along States Street. Each of the proposed buildings would include a two-bedroom residential unit with two vehicle parking spaces. The proposed project would also include the expansion of the existing building at 22 Ord Court adding a new fourth floor, creating one new bedroom with a full bathroom. The proposed project is located on the block bounded by States Street to the north, Ord Court to the south, and Ord Street to the east, with no westbound throughway access, and is within the Castro/Upper Market neighborhood.

### EXEMPT STATUS:

Categorical Exemption, Class 1 and 3 (California Environmental Quality Act (CEQA) Guidelines Section 15303).

### REMARKS:

See next page.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

  
Sarah B. Jones

Environmental Review Officer

  
Date

cc: Aidin Massoudi, Project Sponsor  
Tina Chang, Current Planner  
Tina Tam, Preservation Planner

Virna Byrd, M.D.F.  
Supervisor Wiener, District 8 (via Clerk of the Board)

**PROJECT DESCRIPTION (continued):**

The proposed expansion of the residence at 22 Ord Court would involve the addition of approximately 442 square feet (sq ft) to horizontally extend the existing third floor to the full building envelope and the addition of 460 sq ft for a new fourth floor. The existing building is three-stories, approximately 2,400 sq ft, and approximately 30 feet tall. The resulting building would be four stories, approximately 3,270 sq ft, and approximately 38 feet tall. No work is being proposed to the existing residence on the adjacent lot at 24 Ord Court. The proposed new single-family residences at the rear of 22 and 24 Ord Court would be approximately 3,285 sq ft and 3,220 sq ft, respectively, and both would be about 21 feet tall (two stories). The proposed buildings would each include two vehicle parking spaces in enclosed garages fronting States Street. The resulting buildings would both be two stories with full basement levels. The proposed project would include excavation to a depth of 23 feet below ground surface (bgs), but only for the two proposed residences located at the rear of the lots (fronting States Street).

**Project Approvals**

The proposed project would require the following approvals:

- Variance (*Zoning Administrator*) – The proposed project would require a Variance from the Planning Code rear yard requirements under Section 134 to allow the construction of a second dwelling unit within the rear yard.
- Site Permit (*Department of Building Inspection*) – The project would require approval of a Site Permit by the Department of Building Inspection (DBI)

**Approval Action:** The proposed project would be subject to notification under Section 311 of the Planning Code. If discretionary review before the Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the issuance of a building permit by DBI is the Approval Action. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

**REMARKS:**

**Historic Architectural Resources.** The Planning Department's Historic Preservation staff evaluated the property at 22 Ord Court to determine whether the existing structure on the project site is a historical resource as defined by CEQA.<sup>1</sup> No historic evaluation was performed at 24 Ord Court, since no work is proposed on the existing building. According to information from Planning Department archives, and information provided in the Environmental Evaluation Application, including historic photographs, and building permit records, the existing building at 22 Ord Court lacks sufficient integrity and is not eligible as a historic resource under CEQA. The existing building was originally constructed as a two-story

<sup>1</sup> Tina Tam – Senior Preservation Planner, *Preservation Team Review Form, 22-24 Ord Court, June 10, 2014*. This report is available for review as part of Case No. 2013.1521E.

dwelling in 1954. A third-story addition was later constructed in the 1980's, resulting in a change to the building's scale, massing, and design. Based upon review of the adjacent block and immediate vicinity, there is an assortment of building types (buildings ranging from the early 1900's to the late 1950's) and varying appearances, which precludes the appearance of a potential historic district.

The property is not located within the boundaries of any listed historic districts. Therefore, the property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

Based on the above, the Planning Department has determined that the proposed project would cause no adverse impacts to known or potential historic architectural resources.

**Geotechnical.** According to Planning Department records, the project site is not located within a Landslide Hazard Zone or Liquefaction Hazard Zone; however, the property is located on a site with a slope of approximately 20 percent or more. A Geotechnical Investigation was conducted for the property and is summarized below.<sup>2</sup>

The Geotechnical Investigation notes that the site slopes downward toward the southeast at an average inclination of about 1:1 (horizontal:vertical) and was likely graded during past development of the project site. Based on the soil samplings (borings) conducted, the project site is underlain by about four and a half to seven feet of loose to moderately compacted fill material, consisting of sandy clay with gravel. Beyond seven feet, soil samples found sandy clay colluvial stratum which extended from seven to nine and a half feet bgs, which consists of hard colluvium materials. Underlying the colluvium is chert bedrock which extends to the maximum depth explored of 12 feet. No groundwater was encountered in the soil sample. The Geotechnical Investigation concluded that the project site is suitable for the proposed project, noting that the primary geotechnical issues of concern are the presence of loosely to moderately compacted and undocumented fill and foundation selection, the control of surface water and subsurface groundwater, and seismic hazards. These concerns are addressed below.

*Undocumented Fill / Foundation Selection.* The Geotechnical Investigation noted that the fill materials identified in the soil samples (borings) have been present at the site for many years, however, the materials appeared to be of variable composition and density, and placed on-site without geotechnical engineering hillside fill placement techniques. Further, the fill is underlain by colluvial soils, which were also of variable composition, moisture, and density. These soils are considered weak and potentially compressible, and prone to differential settlement under the loads of new construction. Therefore the Geotechnical Investigation recommends that the structure be supported on a cast-in-place pier and grade beam system designed to resist lateral pressures generated from soil creep. A mat foundation may be used as an alternative if the spread footings are expected to cover a substantial portion of the building area. Drilled piers may be used to support the project or for shoring and underpinning, if required.

---

<sup>2</sup> PJC & Associates, Inc., *Geotechnical Investigation, Proposed Addition and Multi-Family Residential Units, 22 & 24 Ord Court, San Francisco, California, February 13, 2014*. This report is available for review as part of Case No. 2013.1521E.

*Surface Runoff.* The Geotechnical Investigation noted that given the presence of undocumented fill and compressible materials at the site, the control of surface runoff is critical for sloping topography. Uncontrolled surface runoff causes erosion and is detrimental to slope stability. The investigation recommended that provisions for control of surface runoff should be incorporated into the project plans and should be designed by an engineer specializing in drainage design. Additionally, the investigation noted that although groundwater or seepage was not encountered in the soil sampling, like most hillside sites, transitory seepage could develop during and following prolonged rainfall. Provisions to control subsurface seepage should be incorporated into the project.

*Seismic Hazards.* Because the project site does not lie within the Alquist-Priolo earthquake Fault Zone as defined by the California Division of Mines and Geology, the potential risk for damage to improvements at the site due to surface rupture from faults is low. Moreover, compliance with the Building Code would reduce potential impacts related to earthquake shaking. The project site does not lie within a potential liquefaction zone, and the earth materials encountered in the soil sample were not subject to liquefaction; thus, the project would have low potential for impacts related to liquefaction, and consequently, it would also have low potential for impacts related to lateral spreading.<sup>3</sup> Furthermore, the project has a low potential to result in densification, as earth materials subject to densification do not exist beneath the site in sufficient thickness to cause this potential impact.<sup>4</sup> Finally, the geotechnical investigation notes the project site is not located within an area of potential earthquake-induced landsliding and there were no observed evidence of active slope instability at the site. Thus, the project site has a low potential for damage to the proposed structure due to slope instability at the site.

The Geotechnical Investigation provided specific technical recommendations and requirements concerning site preparation and grading, seismic design, foundations, retaining walls, structural concrete slabs-on-grade, and site drainage. The report ultimately concluded that the project site is suitable to support the proposed project, provided that its recommendations are incorporated into the design and construction of the proposed project. The project sponsor has agreed to implement these recommendations, subject to Building Code requirements. The Geotechnical Investigation was conducted for a previous proposal on the project site. However, a Geotechnical Plan Review of the updated proposal was conducted on January 2015 and concluded that design changes to the project (as shown on plans dated January 22 and 26, 2015) conformed with the Geotechnical Investigation previously prepared for the project.<sup>5</sup>

The San Francisco Building Code ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the Department of Building Inspection (DBI) permit review process. Prior to issuing a building permit for the proposed project, the DBI would review the geotechnical report to ensure that the security and stability of adjoining properties

<sup>3</sup> Lateral spreading or lurching is generally caused by liquefaction of marginally stable soils underlying gentle slopes.

<sup>4</sup> Densification generally occurs in clean, loose granular soils during earthquake shaking, resulting in seismic settlement and differential compaction.

<sup>5</sup> PJC & Associates, Inc., *Geotechnical Plan Review, Proposed Addition and Multi-Family Residential Units, 22 & 24 Ord Court, San Francisco, California, January 28, 2015*. This report is available for review as part of Case No. 2013.1521E.

and the subject property is maintained during and following project construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through compliance with the San Francisco Building Code.

**EXEMPT STATUS:**

CEQA State Guidelines Section 15301(l)(1), or Class 1, provides an exemption for minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Additionally, Class 1 exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed project would include the horizontal and vertical expansion of an existing single-family residence located at 22 Ord Court. Therefore, the proposed addition meets the criteria for exemption from environmental review under Class 1.

CEQA State Guidelines Section 15303(b), or Class 3, provides an exemption from environmental review for the construction (or conversion) of small structures and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Additionally, Class 3 provides an exemption for the construction of a duplex or similar multi-family residential structure totaling no more than four dwelling units. In urban areas, the exemption also applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The proposed project would include the construction of two new dwelling units and would therefore meet the criteria for exemption under Class 3.

**CONCLUSION:**

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.



# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

Preservation Team Meeting Date:	6/10/2014	Date of Form Completion	6/19/2014
---------------------------------	-----------	-------------------------	-----------

PROJECT INFORMATION:		
Planner:	Address:	
Tina Tam	22 - 24 Ord Court	
Block/Lot:	Cross Streets:	
2619/066	Ord Street	
CEQA Category:	Art. 10/11:	BPA/Case No.:
Cat B	N/A	2013.1521E

PURPOSE OF REVIEW:	PROJECT DESCRIPTION:		
<input checked="" type="checkbox"/> CEQA	<input type="checkbox"/> Article 10/11	<input type="checkbox"/> Preliminary/PIC	<input type="checkbox"/> Alteration <input type="checkbox"/> Demo/New Construction

DATE OF PLANS UNDER REVIEW:	4/14/2014
-----------------------------	-----------

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	

PRESERVATION TEAM REVIEW:				
Historic Resource Present		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No *	<input type="checkbox"/> N/A
Individual		Historic District/Context		
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:		
Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Criterion 3 - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Criterion 3 - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Period of Significance: <input type="text"/>		Period of Significance: <input type="text"/>		
		<input type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor		

Complies with the Secretary's Standards/Art 10/Art 11:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

\* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

**PRESERVATION TEAM COMMENTS:**

Based upon the information provided in the Environmental Evaluation application, including historic photo and building permit records, the subject building lacks sufficient integrity and is not eligible as a historic resource under CEQA. The subject building was originally constructed as a two-story dwelling in 1954. A third story addition was later constructed in the 1980s resulting in a change to the building's scale, massing, and design. Based upon visual inspection of the subject block and immediate context, there is an assortment of building types (buildings ranging from early 1900s to late 1950s) and eclectic appearance, there doesn't appear be a potential historic district.

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	6/19/2014

2 FT.  
BLUE

FLV

34,600

32,000

2. Gas

PHOTO



# Exhibits

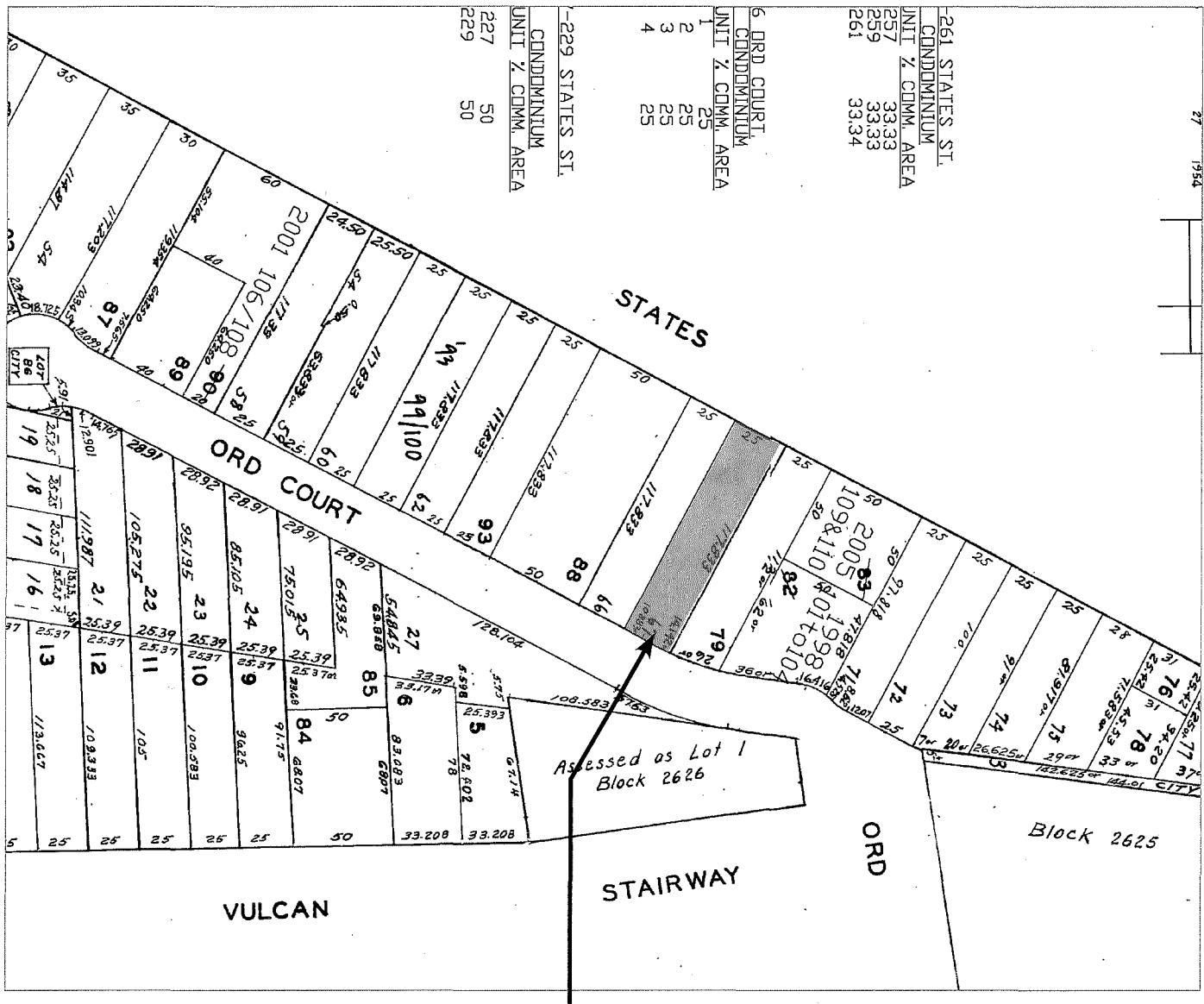
SAN FRANCISCO  
**PLANNING DEPARTMENT**

Conditional Use  
Case Number 2013.1521CUAV  
22 Ord Court  
Block 2619 Lot 067

*This page intentionally blank.*

# Parcel Map

4561 42

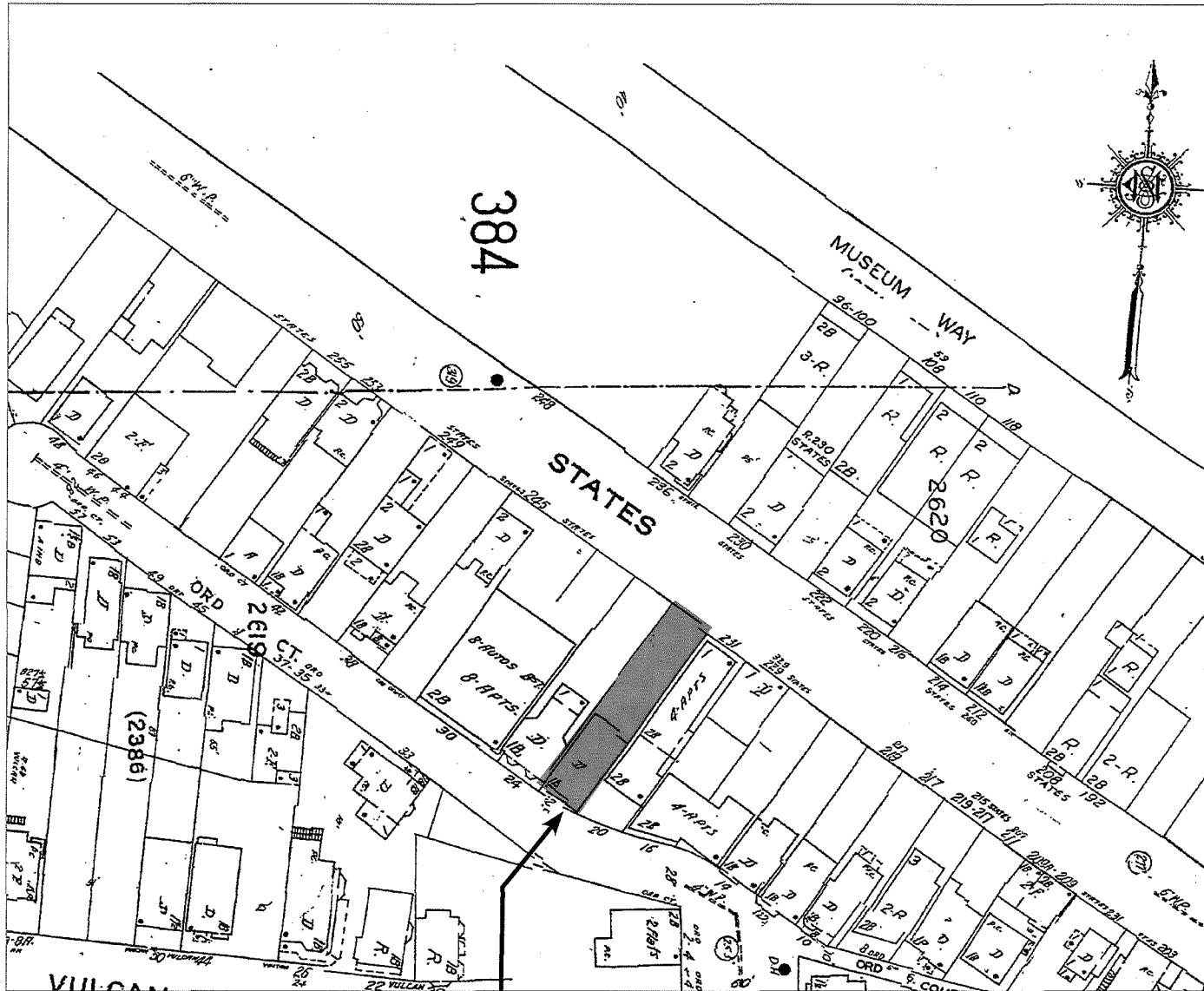


## Subject Parcel

**SAN FRANCISCO  
PLANNING DEPARTMENT**

Conditional Use  
Case Number 2013.1521CUAV  
22 Ord Court  
Block 2619 Lot 067

# Sanborn Map

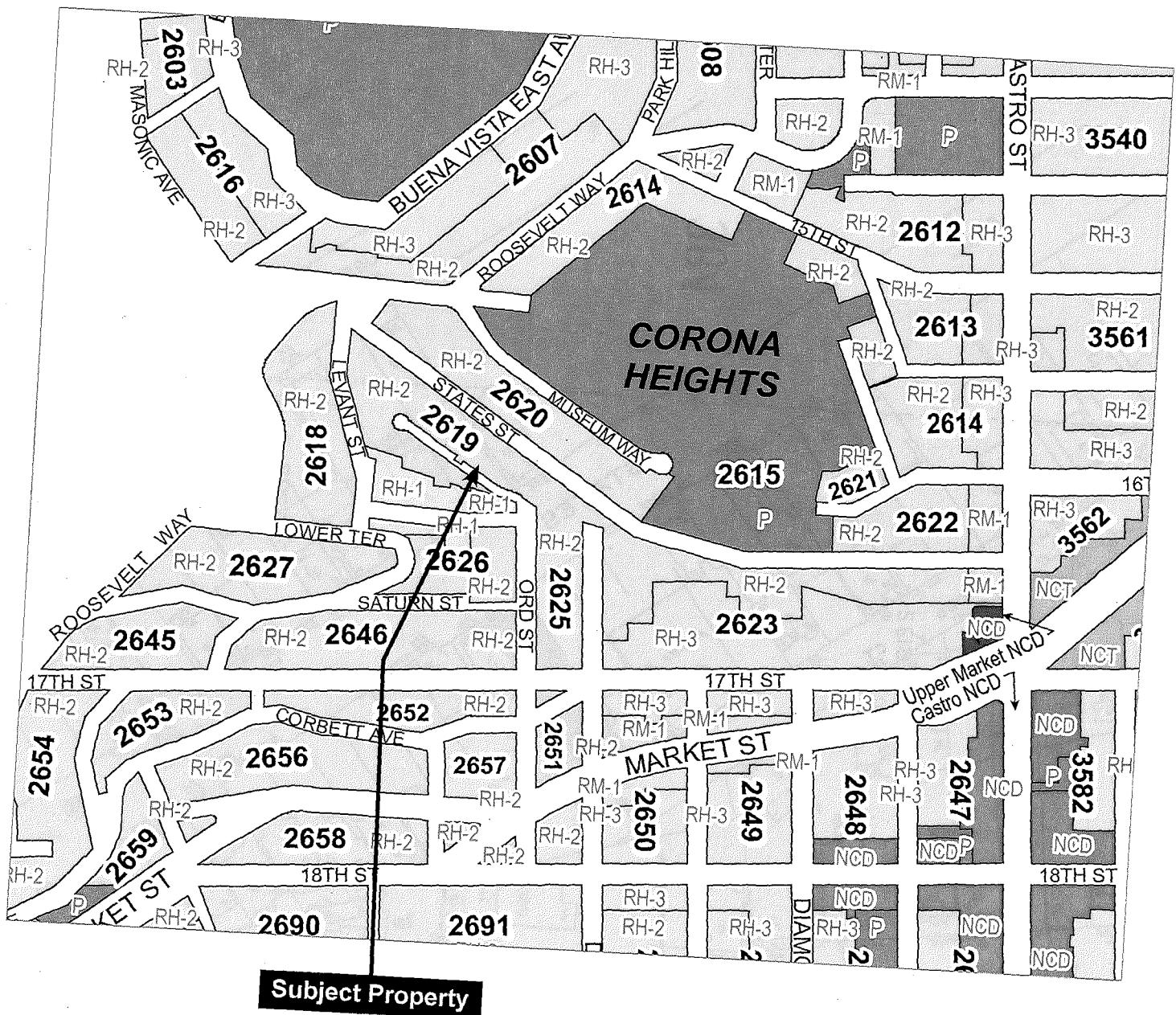


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

SAN FRANCISCO  
PLANNING DEPARTMENT

Discretionary Review  
Case Number 2013.1521CUAV  
New Construction  
22 Ord Court

# Zoning Map



**SAN FRANCISCO  
PLANNING DEPARTMENT**

Conditional Use  
**Case Number 2013.1521CUAV**  
22 Ord Court  
Block 2619 Lot 067

# Aerial Photo - Facing North



**Subject Property**

SAN FRANCISCO  
**PLANNING DEPARTMENT**

Discretionary Review  
Case Number 2013.1521CUAV  
New Construction  
22 Ord Court

# Aerial Photo - Facing South



**Subject Property**

SAN FRANCISCO  
**PLANNING DEPARTMENT**

Conditional Use  
Case Number 2013.1521CUAV  
22 Ord Court  
Block 2619 Lot 067

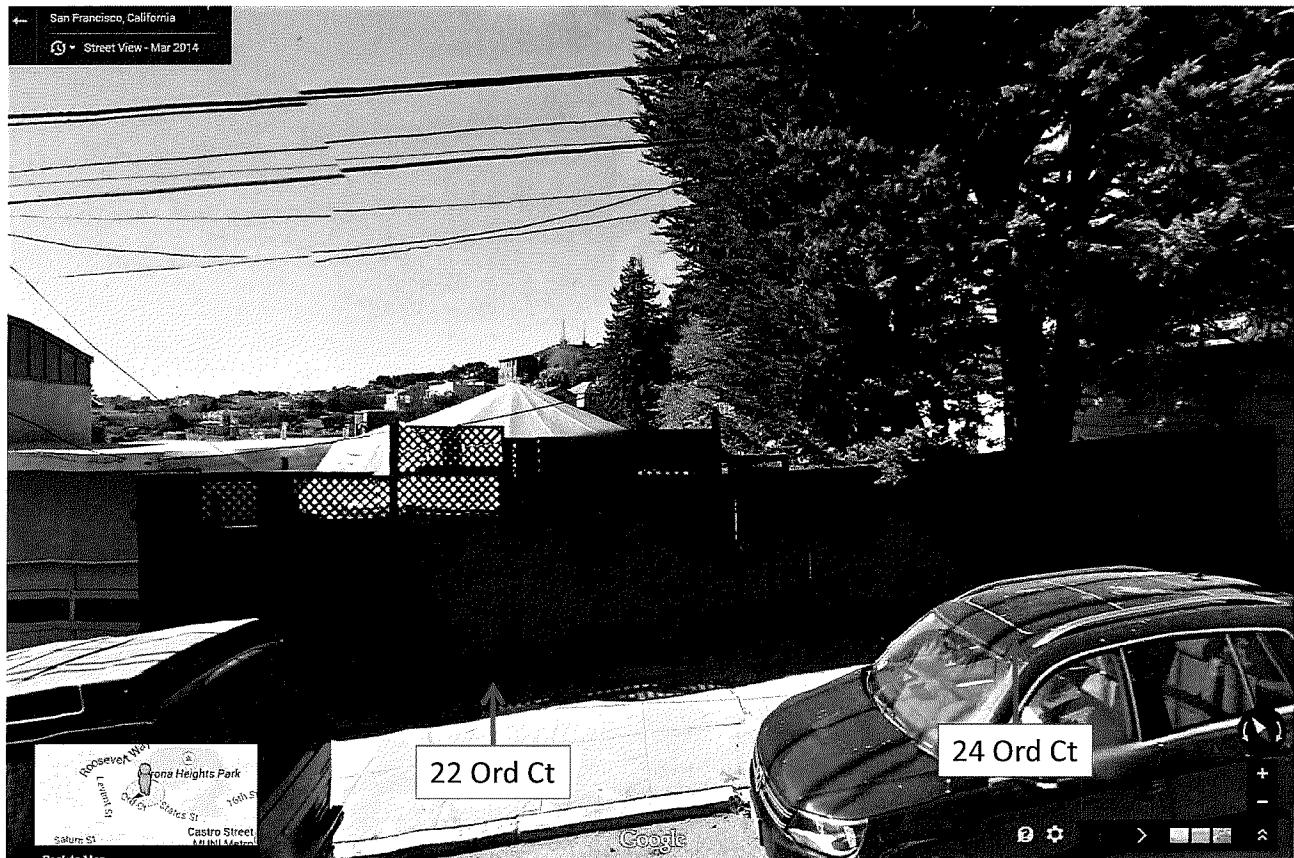
# Site Photos - Front



SAN FRANCISCO  
**PLANNING DEPARTMENT**

Discretionary Review  
Case Number 2013.1521CUAV  
New Construction  
22 Ord Court

# Site Photos - Rear



SAN FRANCISCO  
PLANNING DEPARTMENT

Conditional Use  
Case Number 2013.1521CUAV  
22 Ord Court  
Block 2619 Lot 067

September 4, 2015

Alan Murphy  
AMurphy@perkinscoie.com  
D. +1.415.344.7126**VIA E-MAIL**

San Francisco Planning Commissioners  
c/o Tina Chang  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: 22/24 Ord Court:  
Brief in Support of Application for Conditional Use Authorization and in  
Opposition to Request for Discretionary Review**

Hon. Commissioners:

On September 24, 2015, the Planning Commission will be asked to consider a conditional use application and a discretionary review request for a project located at 22 Ord Court and 24 Ord Court (the "Property"). The Property consists of two through lots fronting both Ord Court and States Street, and is currently improved with two single-family homes fronting Ord Court. The Property's owner, Kenneth Tam, proposes to (1) renovate and expand the existing home at the front of 22 Ord Court to enhance its habitability as a family-sized dwelling unit; (2) construct a new single-family home at the rear of 22 Ord Court, fronting States Street; and (3) construct a new single-family home at the rear of 24 Ord Court, fronting States Street (the "Project"). No work is proposed to the existing unit at the front of 24 Ord Court.

On behalf of Mr. Tam, we are pleased to present to the Commission a plan for adding new family-sized dwelling units to the Property in a manner compatible with the existing character and density of this transit-rich neighborhood. Extensive neighborhood outreach has resulted in numerous and significant changes to reduce the Project's height and size, minimize its presence in the neighborhood, and preserve significant trees. Since all feasible plan revisions now have been made, we respectfully request that the Commission issue conditional use authorization for the Project, deny a request to exercise discretionary review, and approve the Project as proposed.

**I. Project Overview**

The Project would result in a total of four single-family homes, and a net gain of two homes, on the Property. Updated renderings are provided in Exhibit A.

The Property's topography includes significant sloping, both along Ord Court and States Street, as well as between the two streets. Both parcels are narrow.

**A. 22 Ord Court (Front): Expansion of Existing Single-Family Home**

An existing single-family home at the front of 22 Ord Court is three stories at the street, dropping to two stories at its rear half. The Project proposes a one-story vertical addition to the home, a horizontal expansion on the third floor, and interior renovations. Two undersized bedrooms on the second floor will be relocated to the third floor and enlarged. The master bedroom will be relocated from the third story to the new fourth floor. The home's third floor will be set back several feet from its existing condition. The new fourth floor will be set back roughly 20 feet from the street and also will provide a side setback of 5 to 12 feet from its downslope neighbor. The proposed vertical addition will not block any property-line windows of its adjacent neighbors. No horizontal expansion to the rear of the home's existing footprint is proposed. The total floor area increase would be 824 gross square feet.

**B. 22 Ord Court (Rear): New Single-Family Home Fronting States Street**

The existing home at 22 Ord Court occupies 46 feet of depth on a 118-foot deep lot. The Project features construction of a new single-family home at the rear of the lot, fronting States Street. The building has four stories, but, due to the significant slope of the lot, only two stories are above grade at States Street. A 6-foot setback from States Street is provided. The home includes four bedrooms, with two bedrooms on the first floor and a master bedroom and fourth bedroom on the first level below grade on States Street. A balcony is featured on the home's second floor, while a roof deck is set back from the front of the structure. A garden is provided to the home's rear. The new home would be 3,108 gross square feet, or 2,507 habitable square feet.

The adjacent residential building has no lot line windows along the shared property line. A light well is incorporated to match the adjacent building's light well.

**C. 24 Ord Court (Rear): New Single-Family Home Fronting States Street**

The existing conditions at 24 Ord Court are similar to those at 22 Ord Court: The existing home occupies 49 feet of depth from Ord Court with the balance of the uphill lot vacant. The Project features construction of a new single-family home at the rear of the lot, fronting States Street. The building has four stories, but, due to significant lot sloping, only two stories are above ground at States Street. A 12-foot setback from States Street is provided, a sufficient distance to enable preservation of two mature Monterey Cypress trees located just within the rear property line. The home includes four bedrooms, with two bedrooms on the first floor, a master bedroom on the first level below grade on States Street, and a guest bedroom / family room on the home's lowest level. A small balcony is included on the rear of the home's second floor, while a deck covers a portion of the roof. A garden is provided to the home's rear. The new home would be 2,494 gross square feet, or 2,186 habitable square feet.

The adjacent parking garage has no lot line windows along the shared property line.

The two proposed buildings along States Street each are roughly 20 feet tall and step up along with the slope of the street.

#### **D. Variances**

A rear yard variance is required for both new homes fronting States Street. A variance is appropriate, as the Project proposes structures that create a more orderly built environment on the irregularly-developed subject block. The Project replaces a dead space accessible directly from States Street with single-family homes consistent with the height and scale of other homes along the same block. Variance hearings already have been held, and the Zoning Administrator's decision is pending resolution of the discretionary review cases.

The required conditional use authorization will be discussed in detail in Part III of this brief.

#### **II. Project Modifications and Neighborhood Outreach**

The Planning Commission heard and continued a discretionary review request on the Project on December 4, 2014 and on February 12, 2015. During the course of Project development, both before and after these hearings, Mr. Tam and his team have met with neighbors of the Property on at least 6 occasions.

In response to input received over time from neighbors, the Planning Department, and the Planning Commission, Mr. Tam has made numerous and substantial changes to reduce the Project's size and minimize its presence.

Since the last Planning Commission hearing, a new 12-foot setback from States Street has been incorporated into the Project to preserve the two significant trees at the rear of 24 Ord Court. The applicant team has worked diligently to identify tree protection measures that enable preservation. This major Project modification will help maintain the sylvan character of States Street treasured by many of its residents and will address the central concern raised at the previous Planning Commission hearings.

Other changes made to the Project since it was introduced include:

- Both new homes on the Property's rear were reduced from three to two floors above grade, to protect neighboring views and address concerns regarding compatibility with existing buildings.
- Square footages of the two new homes were reduced in response to concerns the homes would be out of character with others nearby.

- New architectural designs were completed for the two new homes to differentiate them from each other.
- The footprint of the new top floor of 22 Ord Court (front) was reduced to protect further the privacy of occupants of 20 Ord Court / 231 States Street.
- Off-street parking spaces were reduced from two to one at the new buildings, to increase habitable living space.

Despite the significant nature of these Project revisions—and the substantial concessions they represent—some neighbors, including the discretionary review requestor, continue to ask for further modifications to the Project that simply are not feasible. Indeed, their requests have shifted over time, moving from views (now addressed through the reduction in building heights) to tree preservation (now addressed through the 12-foot setback and tree protection plan at the rear of 24 Ord Court) to current unrelated demands that would minimize development fronting States Street.

A recent request was made for a complete Project redesign that would (1) obviate any need for conditional use authorization on either parcel and (2) eliminate the proposed home at the rear of 24 Ord Court, in favor of massing two dwelling units, including one new unit, at the front of that parcel. The next section explains why these changes to the Project cannot be accommodated.

### **III. Conditional Use Authorization**

The Project requires conditional use authorization under interim zoning controls for the neighborhood adopted by the Board of Supervisors earlier this year (Resolution 76-15 (Mar. 10, 2015)). This approval is required because residential development on each parcel increases the existing legal unit count and results in either or both of (1) an increase in total gross square footage on a parcel of 3,000 or more and by more than 100 percent; and (2) lot coverage in excess of 55 percent.

Although the Property is zoned to allow two dwelling units per parcel, it would be infeasible to add the second dwelling units without exceeding 55 percent lot coverage, as both lots are narrow and have significant sloping between Ord Court and States Street on the lots' rear. For these reasons, the existing single-family homes already cover a significant percentage of each lot. As such, it would be infeasible to add new space for adequate additional units while maintaining overall lot coverage beneath 55 percent. Additionally, the lots' exceptional sloping and narrowness requires the dedication of significant space within units to stairwells and passages between rooms to allow for living spaces spread across multiple levels, thus reducing usable interior square footage. To compensate for these inefficiencies in interior design, residential development of adequate size is infeasible unless spread over more than 55 percent of each lot.

The neighbors' request to mass two units at the front of 24 Ord Court is similarly infeasible. The shadow study included in our conditional use application and attached to this brief as Exhibit B shows that hypothetical concentrated development on the Ord Court frontage would block substantial light and cast significant shadows on the few windows available to certain units in adjacent buildings at 30 Ord Court and 20 Ord Court / 231 States Street. Such a project also would allow inadequate light into the interior of the new monolithic structure on 24 Ord Court. As seen on the shadow study, the narrowness of the lots would leave few entries for light into these units and would contribute to buildings that lack appropriate levels of natural light and air. These dramatic detrimental effects simply make for an infeasible proposal that cannot be pursued.

Our conditional use application describes further why these modifications would be infeasible and how the current Project satisfies all findings required for a conditional use approval.

#### **IV. Project Attributes and Consistency with City Policies**

##### **A. General Plan Consistency**

The Project advances a number of General Plan policies by:

- Developing housing suitable for families with children;
- Ensuring development is consistent with the existing character and density of the neighborhood;
- Creating additional residential uses in an area well-served by public transit; and
- Providing and maintaining landscaping that will improve the neighborhood environment, including preservation of two existing significant trees.

Among others, the General Plan policies supported by the Project include:

##### **Housing Element Policy 4.1:**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

The Project directly advances this policy by creating single-family homes, including both new and existing units, that are adequately sized for families with children. Families with children typically seek more bedrooms and larger shared living areas than smaller households. The Project responds to this demand by creating units of a size attractive to this demographic.

**Housing Element Objective 11:**

Support and respect the diverse and distinct character of San Francisco's neighborhoods.

The Project affirmatively supports this objective and its associated policies by featuring new construction that is consistent with the existing character and density of the neighborhood. The Project is consistent with all accepted design standards, including those related to site design, building scale and form, architectural features, façade width, proportions, roofline, and other building details.

Proposed development respects the Property's topography and is not inconsistent with the existing open space pattern. Buildings to the Property's east and west—20 Ord Court / 231 States Street and 30 Ord Court—both cover more than two-thirds of their lots. As such, the amount of open space provided on the Property, including mid-block open space and setbacks from States Street, is consistent with the neighborhood. Additionally, there is no consistent open space pattern on Ord Court and States Street, so development of the two new single-family homes fronting States Street will not undermine any established pattern of open space.

Each of the buildings proposed as part of the Project is compatible with the height and depth of surrounding buildings. The single-story vertical addition and horizontal expansion at 22 Ord Court are at an appropriate scale for the home's location on a block with many structures of at least three stories. The Project will maintain a three-story façade at the street on Ord Court, consistent with the three-story buildings two doors uphill (30 Ord Court) and two doors downhill (16 Ord Court). An adjacent building, 20 Ord Court / 231 States Street, is a three-story, multi-family structure at the block face that steps back to five stories on the States Street side. Both the fourth-floor addition and the third-floor roof deck on the existing building at 22 Ord Court are set back, making the fourth floor virtually un-viewable from the street. The fourth-floor addition is only approximately 417 square feet, and its front setback substantially exceeds that required under the Planning Code. Significant setbacks also are provided from the east side of the front 22 Ord Court building out of sensitivity to pedestrian traffic and neighbors at 20 Ord Court / 231 States Street.

The new homes at the rear of 22 and 24 Ord Court are two stories above street level, consistent with the existing pattern of development on States Street. That block is characterized by a mix of building scales and styles, ranging from one to four stories in height.

Finally, the Project's density of two dwelling units per parcel is consistent with the prevailing character of the neighborhood and is beneath that of a number of multi-family structures on the block, including 16 Ord Court, 20 Ord Court, and 30 Ord Court.

**Transportation Element 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 directly furthers this policy by creating additional residential uses in an area well-served by the City's public transit systems. The Castro Street Muni Metro Station is less than a 10-minute walk from the Property, while the 24, 33, 35, and 37 bus lines all have stops nearby, as well.

**Urban Design Element Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

The Project furthers this policy by including and maintaining landscaping that will improve the neighborhood environment. Two existing significant trees located near States Street are preserved under the Project. Additional landscaping adjacent to the street, particularly on the States Street side, will enhance the local environment. Landscaped roof decks on the States Street-facing homes will be visible from upslope residences on States Street and Museum Way. In these ways, the Project will increase the presence of visible vegetation on the Property.

**Urban Design Element Policy 4.15:**

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

The Project furthers this policy by ensuring that incompatible new buildings are not introduced into the existing residential neighborhood. The height and depth of the new buildings fronting States Street are compatible with the existing building scale. The buildings' form, façade width, proportions, and roofline are compatible with surrounding buildings. There is no consistent open space pattern on Ord Court or States Street, including any front/rear setback pattern. As such, development of the Project will not undermine any established pattern of open space. Additionally, the Project sites buildings carefully on both the front and the rear of the lots so as to minimize reduction of sunlight to neighboring properties and new dwelling units relative to an approach that would cluster all units on the Ord Court street frontage.

**B. Consistency with the Residential Design Guidelines**

For similar reasons as those identified above, the Project is consistent with the Residential Design Guidelines (RDG). As discussed, the Project features buildings responsive to the overall neighborhood context, without any visually disruptive changes (RDG, p. 7). The height and depth of Project buildings are compatible with the existing building scale on Ord Court and States Street (RDG, pp. 23-24). Finally, the Project respects the topography of the site and the surrounding area (RDG, p. 11) by setting back the proposed fourth floor of the existing home at

San Francisco Planning Commissioners  
September 4, 2015  
Page 8

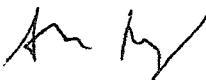
22 Ord Court 20 feet from the street so that it is unseen from Ord Court, and by developing new homes on the rear of the Property that are set back from States Street.

**V. Conclusion**

Should this Commission grant its approval, the Project will enhance and increase the number of family-sized housing units in the City by renovating one existing single-family home and creating two new single-family homes. As part of a neighborhood well-served by public transit, the Property provides an ideal location for these residences. The Project is consistent with the existing character and density of the neighborhood, and will improve the local environment by adding landscaping and preserving two existing significant trees. By increasing the supply of housing, the Project will contribute to alleviating the City's critical housing shortage.

Thank you for your consideration of the Project. I look forward to answering any questions you may have at the upcoming hearing.

Very truly yours,



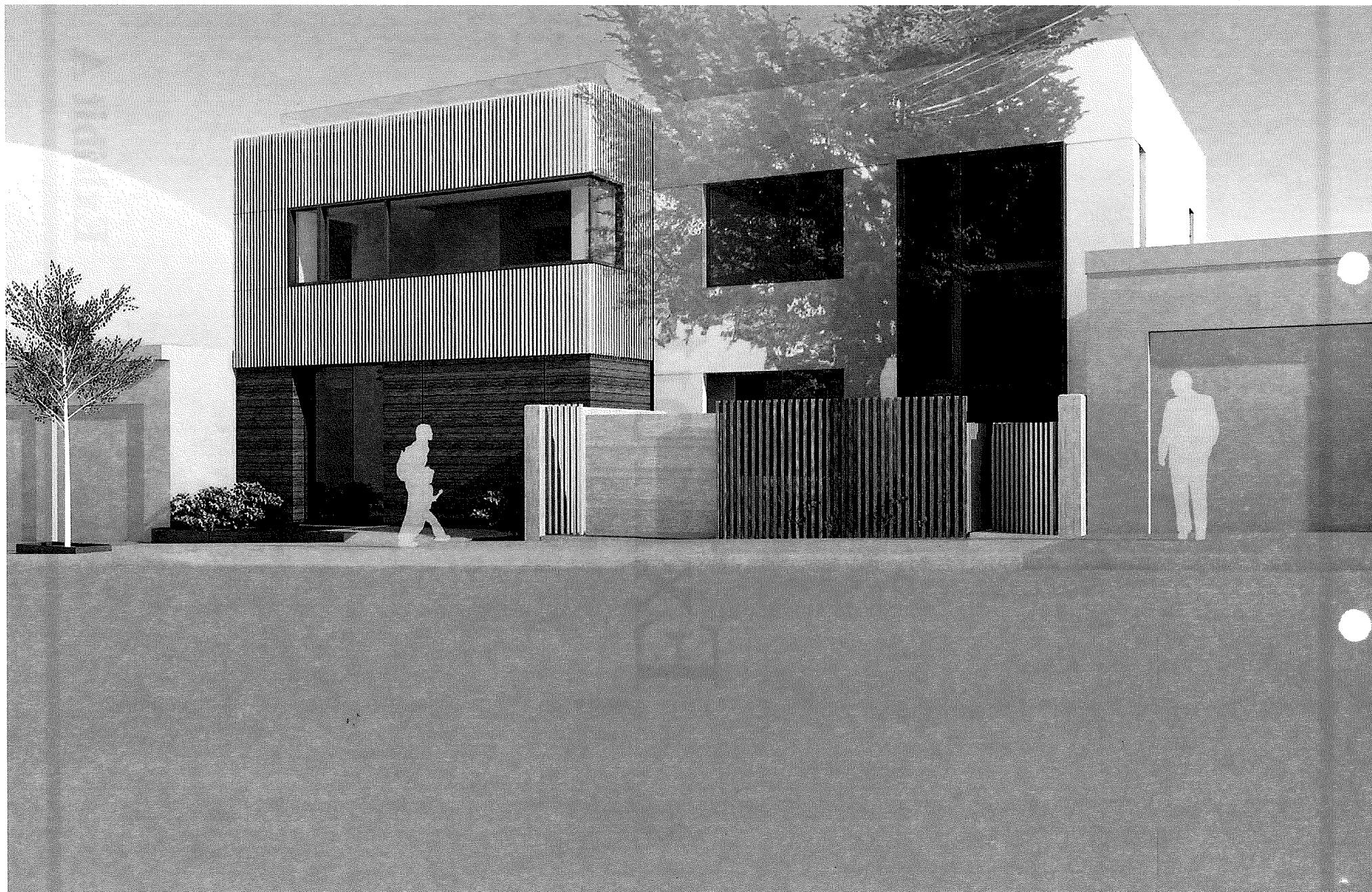
Alan Murphy  
Enclosures

cc: Jonas Ionin, Planning Commission Secretary  
Kenneth Tam, Property Owner  
David Clarke, Project Contact

127540248.3

# Exhibit A

**Exhibit A**



4742

# Exhibit B

**Exhibit B**

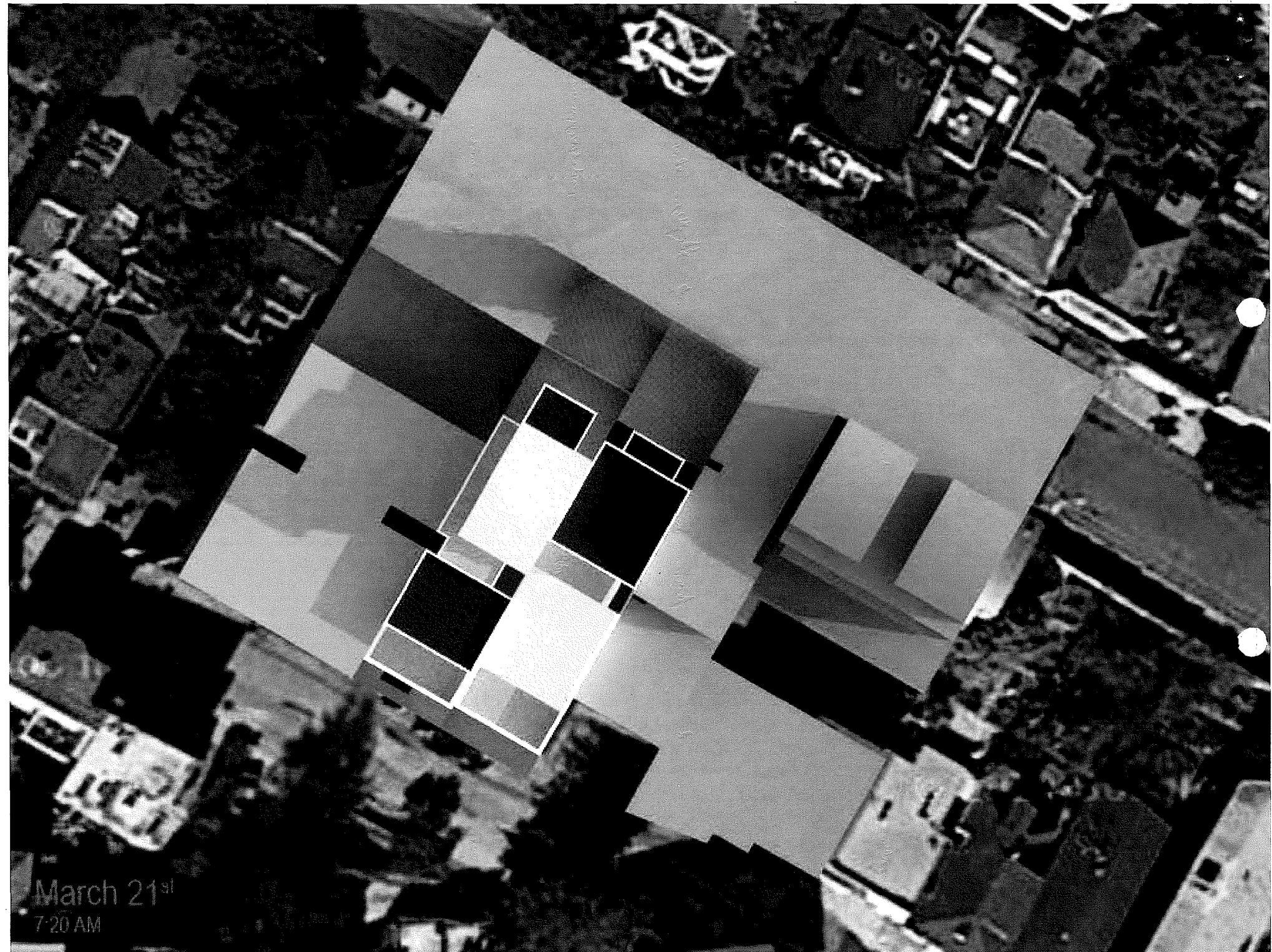
**24 ORD COURT**  
**APPLICATION FOR CONDITIONAL USE AUTHORIZATION**

\* \* \* \* \*

**Shadow Study:**

**Infeasible Alternative  
with Units Concentrated on  
the Ord Court Frontage**

\* \* \* \* \*

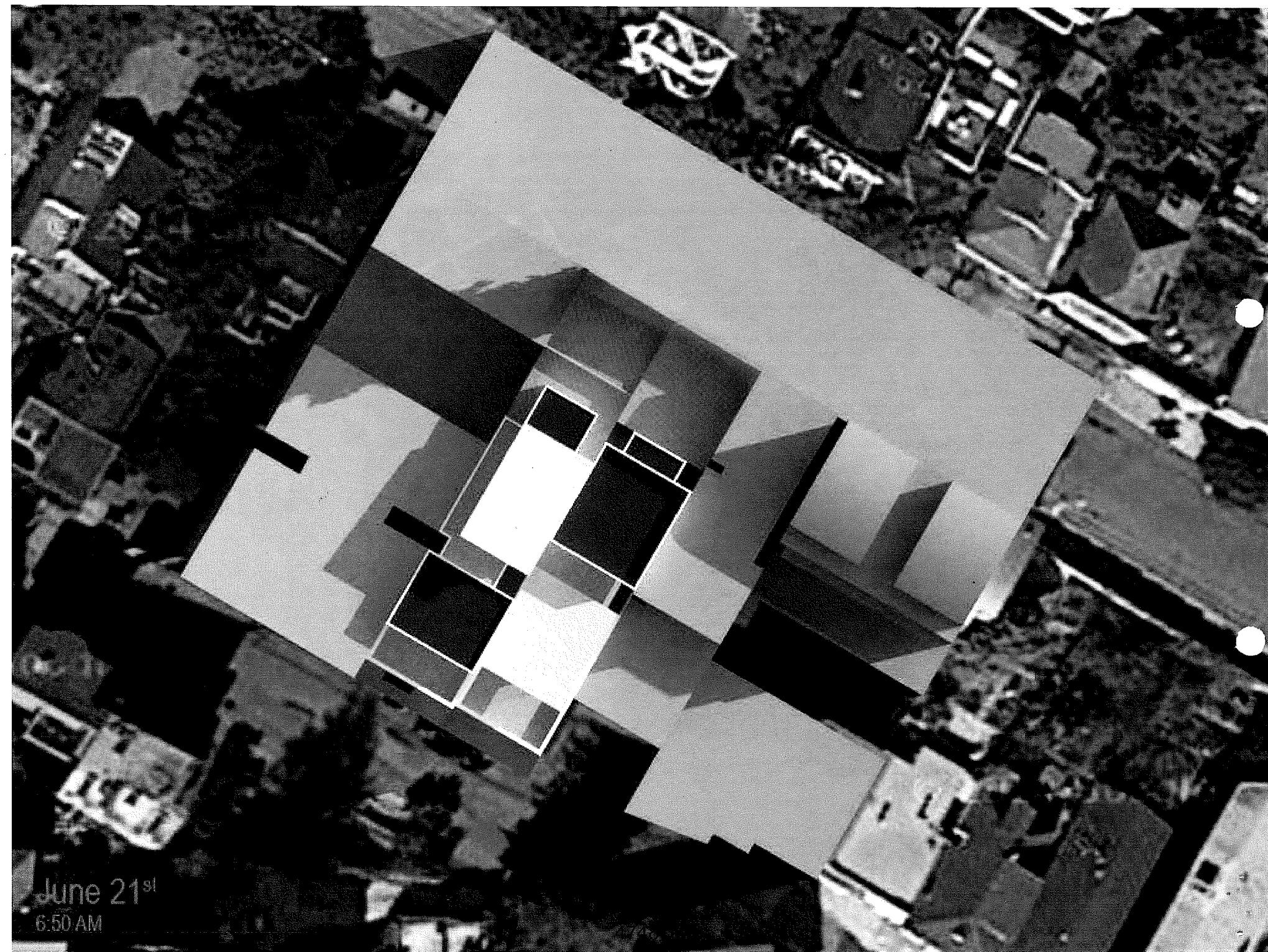


March 21<sup>st</sup>  
7:20 AM



March 21<sup>st</sup>  
12:20 PM





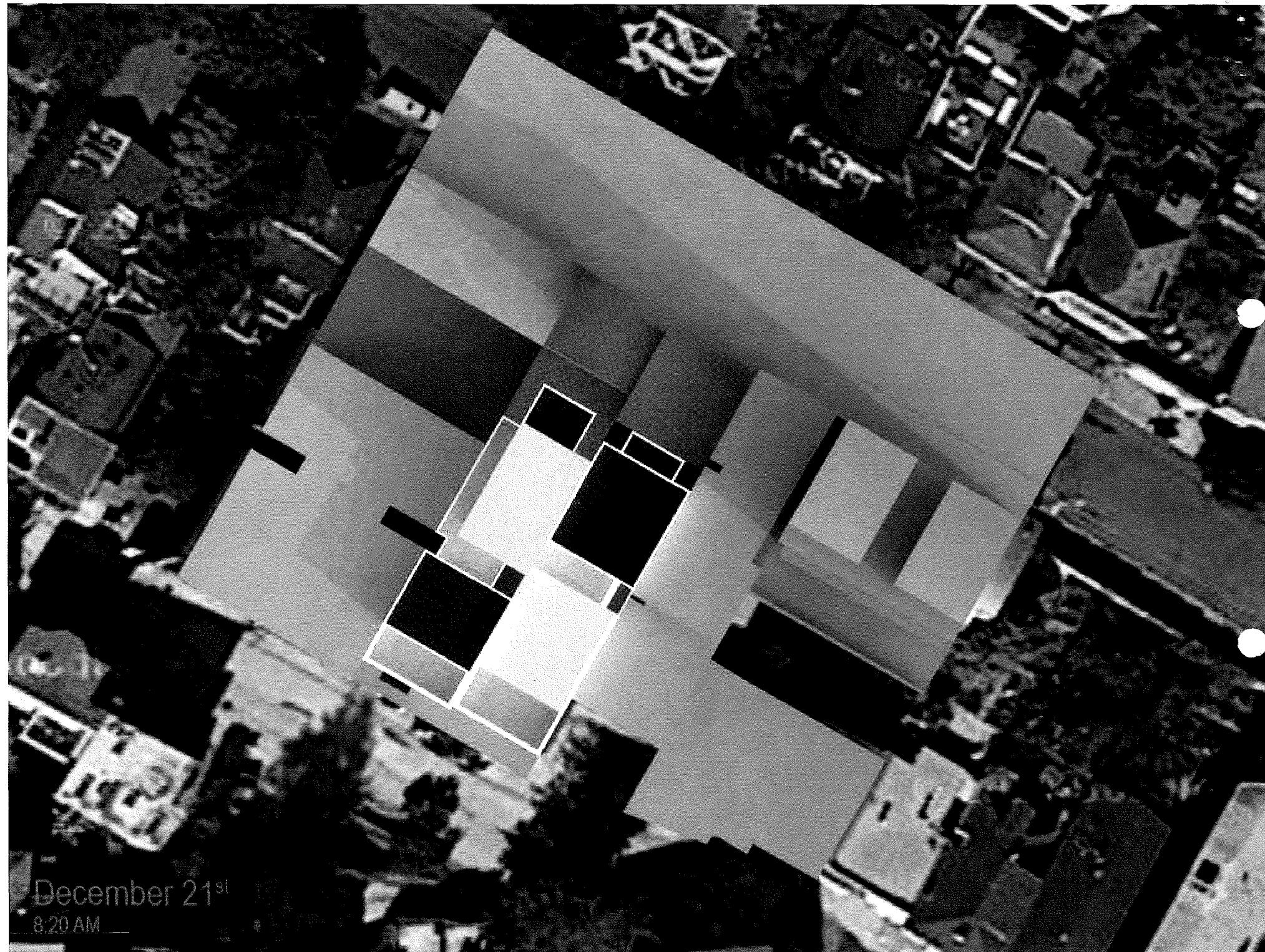
June 21<sup>st</sup>  
6:50 AM



June 21st  
1:00 PM



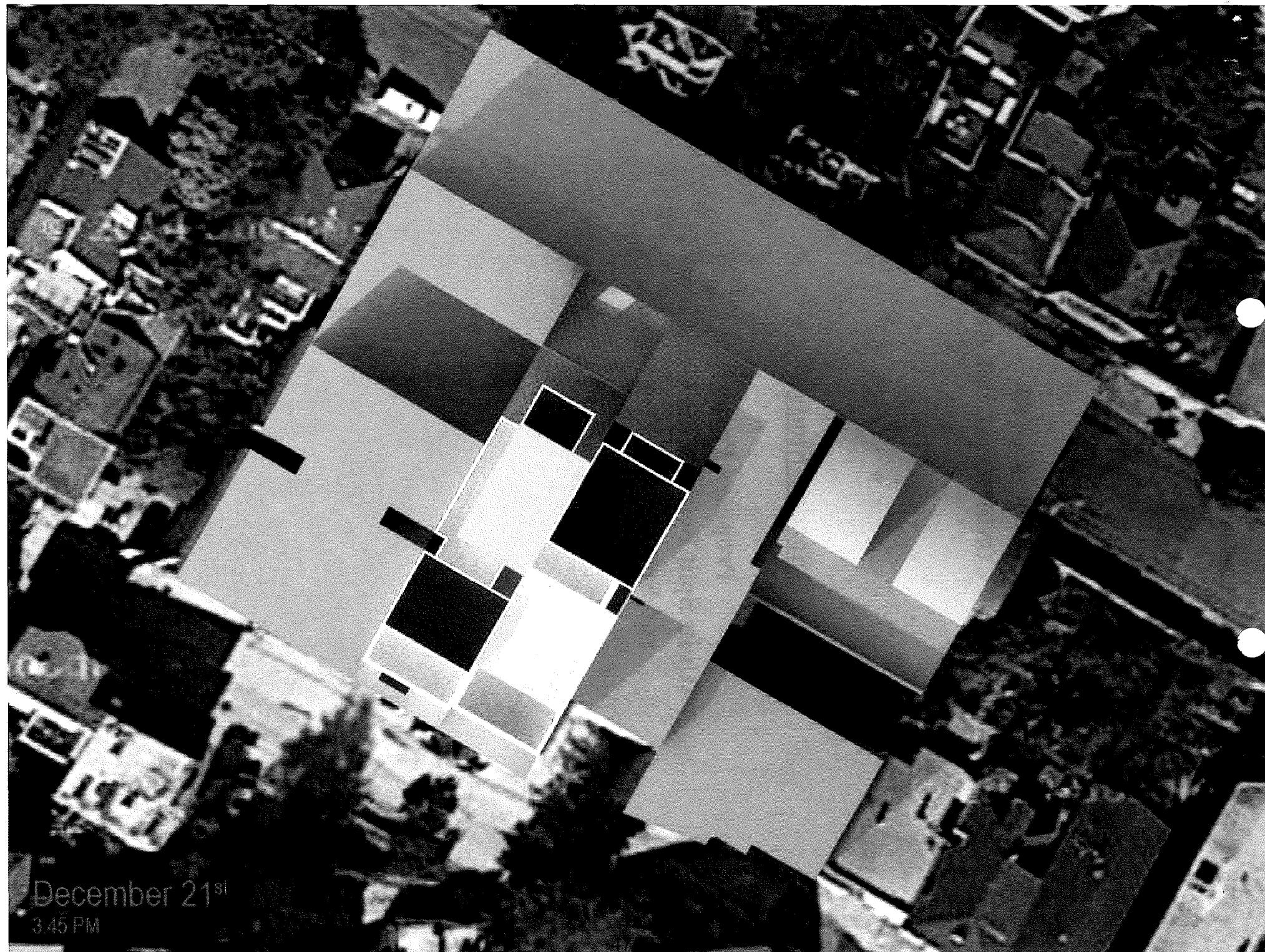
June 21<sup>st</sup>  
6:30 PM



December 21<sup>st</sup>  
8:20 AM



December 21<sup>st</sup>  
12:20 PM



December 21<sup>st</sup>  
3:45 PM

**22 ORD COURT**  
**APPLICATION FOR CONDITIONAL USE AUTHORIZATION**

\* \* \* \* \*

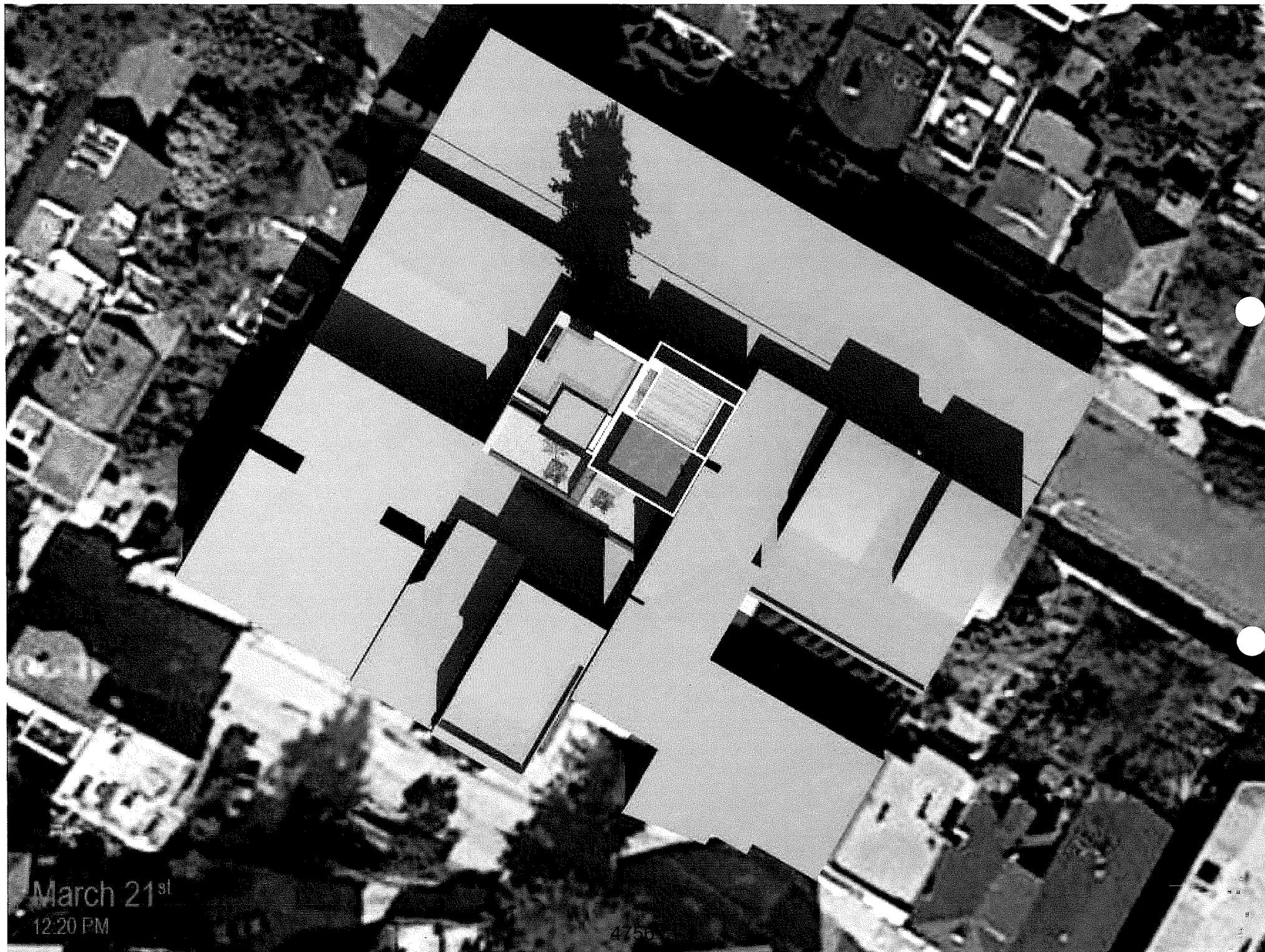
**Shadow Study:**

**Proposed Project**  
**(Units Split Between the Ord Court**  
**and States Street Frontages)**

\* \* \* \* \*



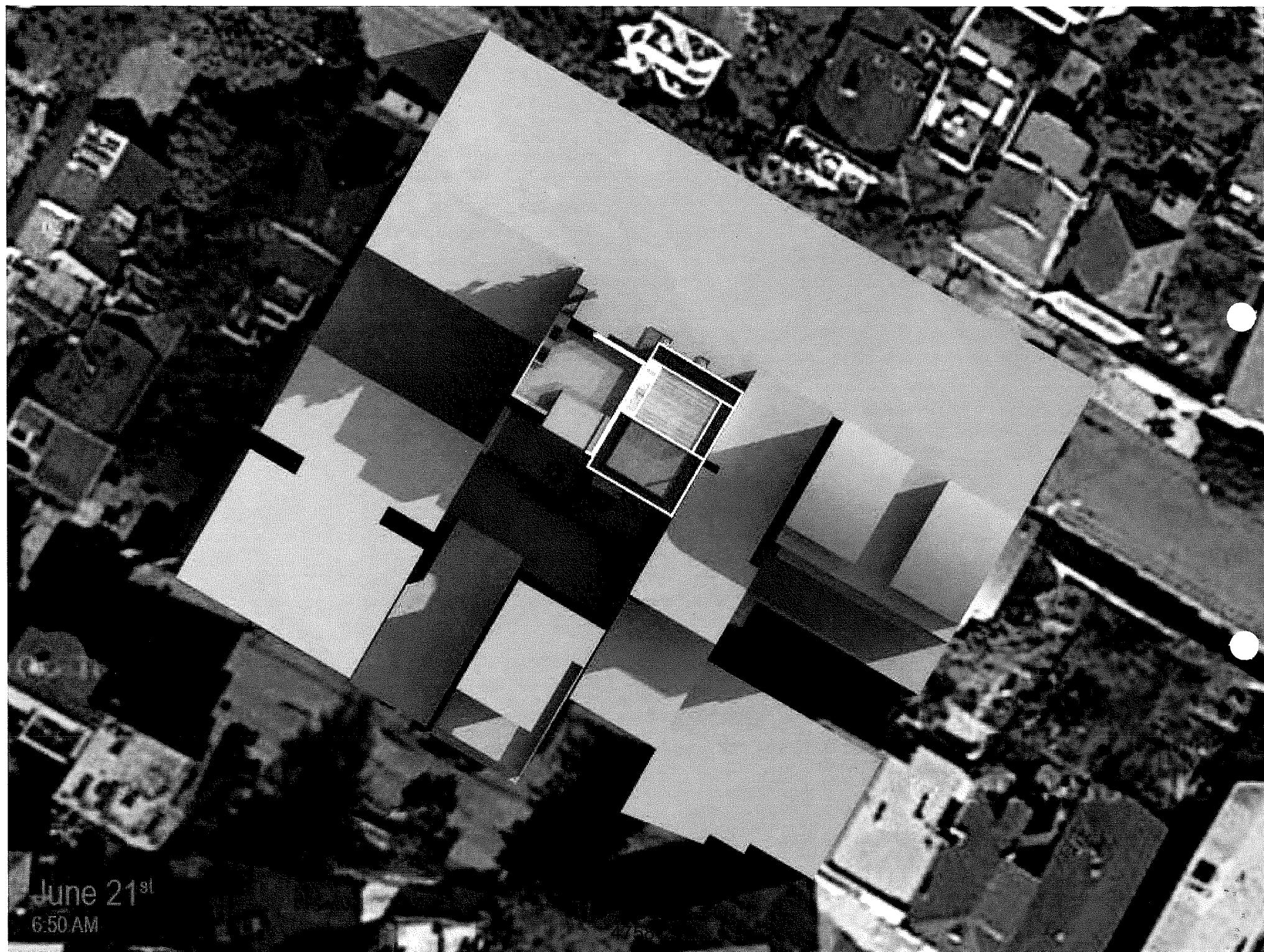
March 21<sup>st</sup>  
7:20 AM



March 21<sup>st</sup>  
12:20 PM

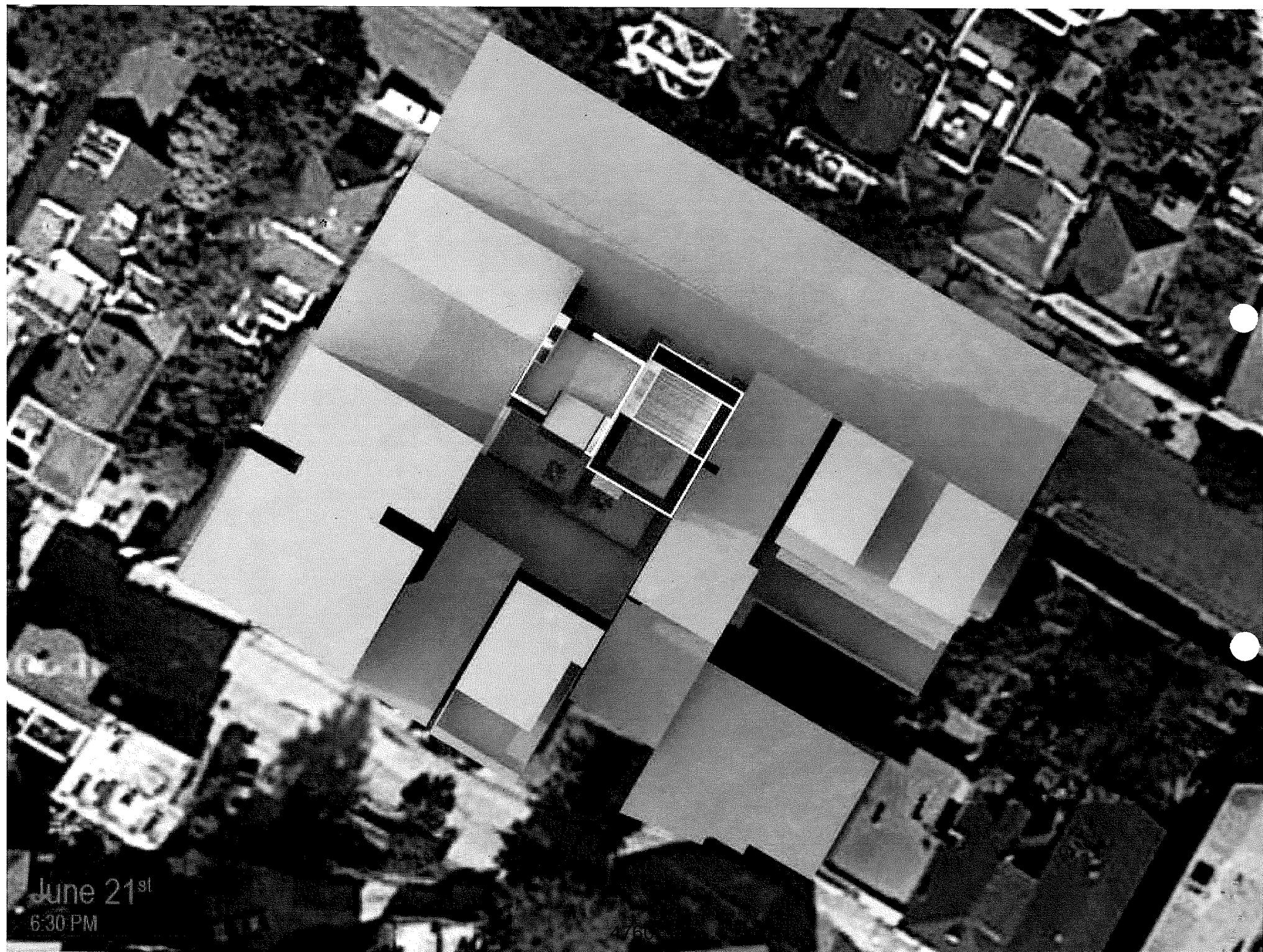
4756



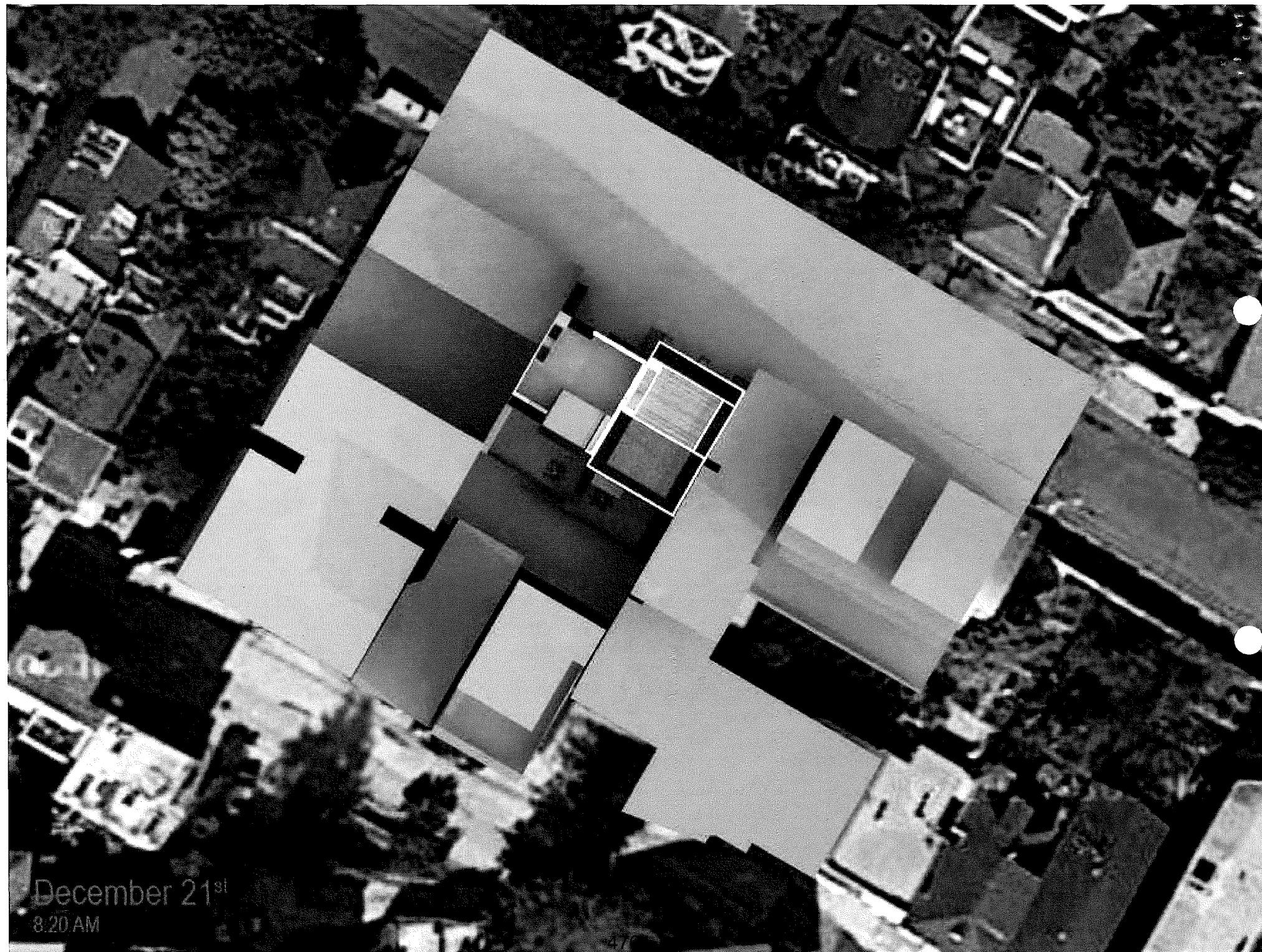


June 21<sup>st</sup>  
6:50 AM





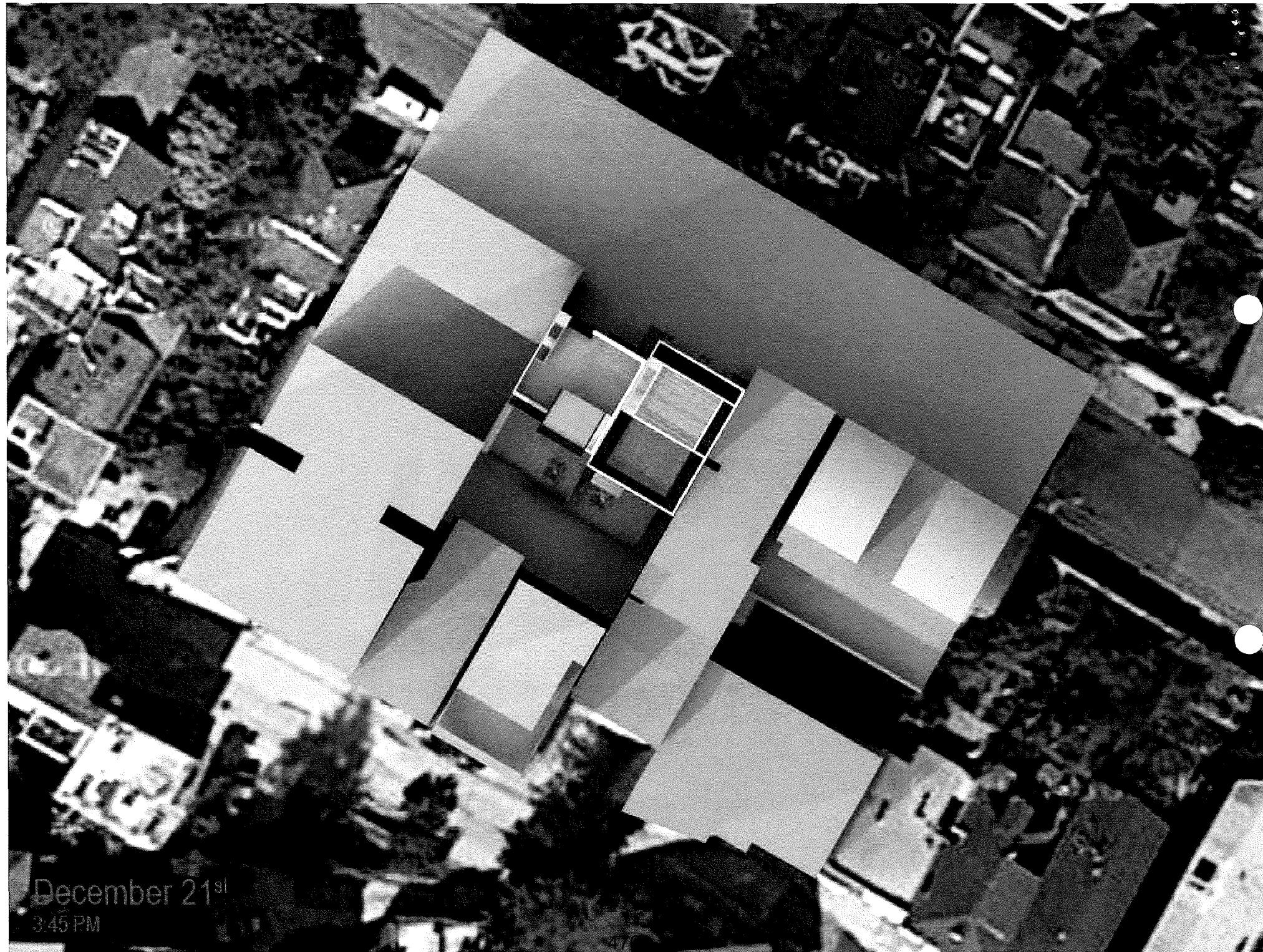
June 21<sup>st</sup>  
6:30 PM



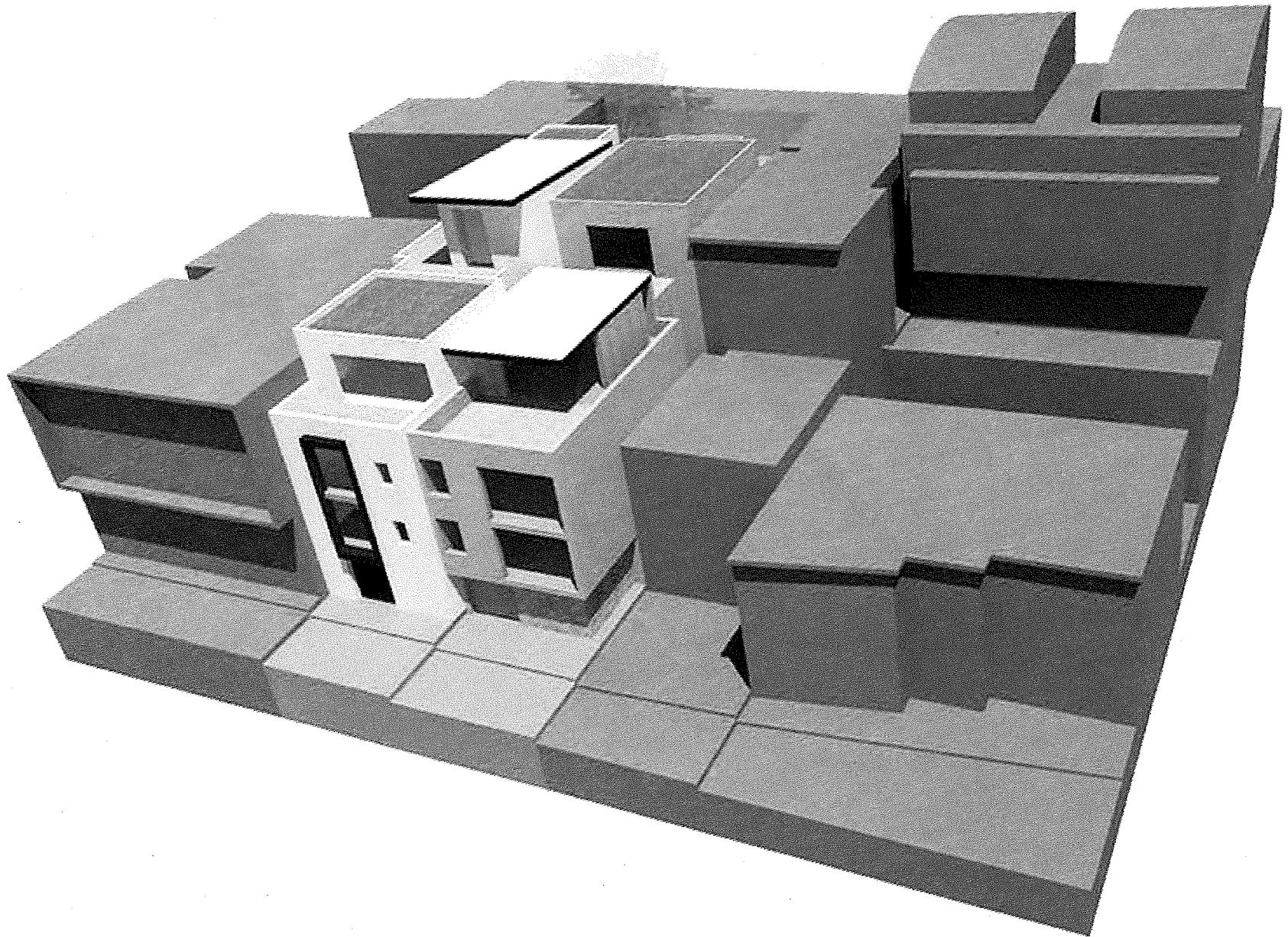


December 21<sup>st</sup>  
12:20 PM

476



December 21<sup>st</sup>  
3:45 PM



4764



# Tree Management Experts

## Consulting Arborists

3109 Sacramento Street  
San Francisco, CA 94115

Member, American Society of Consulting Arborists  
Certified Arborists, Tree Risk Assessment Qualified

cell/voicemail 415.606.3610

office 415.921.3610

fax 415.921.7711

email RCL3@mindspring.com



**Kenneth Tam**

**1266 Regency Drive  
San Jose, CA 95129**

**RE: 24 Ord Court, San Francisco**

**Date: 6/24/15**

## ARBORIST MEMORANDUM

### Tree Protection for 2 Significant Trees

#### Tree Protection Measures

1. Prune both trees before construction begins, thereby reducing the risk of a tree failure and protecting the trees from accidental damage.
2. Identify a combined tree protection zone for both trees to isolate, care for and protect the trees from accidental damage.
3. Provide fertilization.
4. Provide irrigation.
5. Provide mulch.
6. Provide root buffers, where needed.
7. Maintain existing soil grades within the tree protection zone.
8. Participate in design of a bridged driveway design to minimize root impacts.
9. Participate in proper root cutting, as needed for massive excavation, retaining walls and foundation construction.
10. Participate in trench placement and techniques required to pass utilities through to the street.
11. Participate in root inspections and possible pruning during sidewalk replacement and curb cuts.

Each of these tree protection measures will be developed and incorporated into a Tree Protection Plan and a Schedule of Services and Inspections to become part of the approved plan set. It is my professional opinion that if each of these tree protection measures is followed and the tree protection plan is effectively integrated into the design, then the trees can be saved and will remain in a reasonably healthy and safe condition.

# Tree Management Experts

## Consulting Arborists

3109 Sacramento Street  
San Francisco, CA 94115

Member, American Society of Consulting Arborists  
Certified Arborists, Tree Risk Assessment Qualified

cell/voicemail 415.606.3610

office 415.921.3610

fax 415.921.7711

email RCL3@mindspring.com



## Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Title and ownership of all property considered are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. Various diagrams, sketches and photographs in this report are intended as visual aids and are not to scale, unless specifically stated as such on the drawing. These communication tools in no way substitute for nor should be construed as surveys, architectural or engineering drawings.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written or verbal consent of the consultant.
7. This report is confidential and to be distributed only to the individual or entity to whom it is addressed. Any or all of the contents of this report may be conveyed to another party only with the express prior written or verbal consent of the consultant. Such limitations apply to the original report, a copy, facsimile, scanned image or digital version thereof.
8. This report represents the opinion of the consultant. In no way is the consultant's fee contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule, an agreement or a contract.
10. Information contained in this report reflects observations made only to those items described and only reflects the condition of those items at the time of the site visit. Furthermore, the inspection is limited to visual examination of items and elements at the site, unless expressly stated otherwise. There is no expressed or implied warranty or guarantee that problems or deficiencies of the plants or property inspected may not arise in the future.

## Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

# Tree Management Experts

## Consulting Arborists

3109 Sacramento Street  
San Francisco, CA 94115

Member, American Society of Consulting Arborists  
Certified Arborists, Tree Risk Assessment Qualified

cell/voicemail 415.606.3610

office 415.921.3610

fax 415.921.7711

email RCL3@mindspring.com



Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. An arborist cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

## Certification of Performance

I, Roy C. Leggitt, III, Certify:

- That we have inspected the trees and/or property evaluated in this report. We have stated findings accurately, insofar as the limitations of the Assignment and within the extent and context identified by this report;
- That we have no current or prospective interest in the vegetation or any real estate that is the subject of this report, and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions and conclusions stated herein are original and are based on current scientific procedures and facts and according to commonly accepted arboricultural practices;
- That no significant professional assistance was provided, except as indicated by the inclusion of another professional report within this report;
- That compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I am a member in good standing of the American Society of Consulting Arborists and a member and Certified Arborist with the International Society of Arboriculture.

I have attained professional training in all areas of knowledge asserted through this report by completion of a Bachelor of Science degree in Plant Science, by routinely attending pertinent professional conferences and by reading current research from professional journals, books and other media.

I have rendered professional services in a full time capacity in the field of horticulture and arboriculture for more than 25 years.

A handwritten signature in black ink that reads "Roy C. Leggitt". The signature is fluid and cursive, with a small "III" written above the "t" at the end.

Signed:

Date: 6/24/15

1 [Interim Zoning Controls - Large Residential Projects in RH-1, RH-2, and RH-3 Zoning  
2 Districts]

3        Resolution imposing interim zoning controls for an 18-month period for parcels  
4        in the RH-1, RH-2, and RH-3 zoning districts within a perimeter established by Market  
5        Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way,  
6        the eastern property line of Assessor's Parcel Block No. 2620, Lot No. 063, the eastern  
7        property line of Assessor's Parcel Block No. 2619, Lot No. 001A, and Douglass Street,  
8        requiring Conditional Use authorization for any residential development on a vacant  
9        parcel that will result in total residential square footage exceeding 3,000 gross square  
10      feet; requiring Conditional Use authorization for any new residential development on a  
11      developed parcel that will increase the existing gross square footage in excess of 3,000  
12      square feet and by more than 75% without increasing the existing legal unit count, or  
13      more than 100% if increasing the existing legal unit count; requiring Conditional Use  
14      authorization for residential development that results in greater than 55% total lot  
15      coverage; and making environmental findings, including findings of consistency with  
16      the General Plan, and the eight priority policies of Planning Code, Section 101.1.

17        WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning  
18      controls that promote the public interest, including but not limited to development and  
19      conservation of the City's commerce and industry to maintain the City's economic vitality and  
20      maintain adequate services for its residents, visitors, businesses, and institutions; and  
21      preservation of neighborhoods and areas of mixed residential and commercial uses and their  
22      existing character; and

23        WHEREAS, The area within a perimeter established by Market Street, Clayton Street,  
24      Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of  
25

1 parcel 2620/063, the eastern property line of parcel 2619/001A, and Douglass Street is  
2 composed primarily of residential buildings, many of which are small in scale and located on  
3 large lots and on through lots; and

4 WHEREAS, Existing zoning controls generally allow residential development much  
5 larger in scale than the existing residential fabric within the boundaries established by this  
6 Resolution; and

7 WHEREAS, The Planning Code encourages development that preserves existing  
8 neighborhood character yet recent residential development proposals within the boundaries  
9 established by this Resolution have been significantly larger and bulkier than existing  
10 residential buildings; and

11 WHEREAS, The interim controls established by this Resolution will allow time for the  
12 orderly completion of a planning study and for the adoption of appropriate legislation; and

13 WHEREAS, This Board of Supervisors ("Board") has considered the impact on the  
14 public health, safety, peace, and general welfare if these interim controls are not imposed;  
15 and

16 WHEREAS, The Board has determined that the public interest will best be served by  
17 imposition of these interim controls to ensure that the legislative scheme which may be  
18 ultimately adopted is not undermined during the planning and legislative process for  
19 permanent controls; and

20 WHEREAS, The Board makes the following findings of consistency with the Priority  
21 Policies set forth in Planning Code Section 101.1: By requiring Conditional Use authorization  
22 for (1) any residential development that will result in total residential square footage exceeding  
23 3,000 gross square feet on a parcel if the residential development will occur on a vacant  
24 parcel; (2) any residential development that will increase the total existing gross square  
25 footage on a developed parcel in excess of 3,000 square feet and by (a) more than 75%

1 without increasing the existing legal unit count or (b) more than 100% if increasing the existing  
2 legal unit count; and (3) any residential development, either as an addition to an existing  
3 building or as a new building, that results in greater than 55% lot coverage, these interim  
4 controls advance Priority Policy 2, that existing housing and neighborhood character be  
5 conserved and protected to preserve the cultural and economic diversity of our  
6 neighborhoods; and these interim controls do not conflict with the other Priority Policies of  
7 Section 101.1; and

8 WHEREAS, The Planning Department has determined that the actions contemplated in  
9 this Resolution are in compliance with the California Environmental Quality Act (California  
10 Public Resources Code, Sections 21000 et seq.). Said determination is on file with the Clerk  
11 of the Board of Supervisors in File No.150192 and is incorporated herein by reference. The  
12 Board hereby affirms this determination; now, therefore, be it

13 RESOLVED, That pursuant to Planning Code, Section 306.7, the Board hereby  
14 requires that for all parcels zoned RH-1, RH-2, or RH-3 within a perimeter established by  
15 Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum  
16 Way, the eastern property line of parcel 2620/063, the eastern property line of parcel  
17 2619/001A, and Douglass Street, (1) a Conditional Use authorization pursuant to Planning  
18 Code Section 303 is required for any residential development that will result in total residential  
19 square footage exceeding 3,000 gross square feet on a parcel if the residential development  
20 will occur on a vacant parcel; (2) a Conditional Use authorization pursuant to Planning Code  
21 Section 303 is required for any residential development that will increase the total existing  
22 gross square footage on a developed parcel in excess of 3,000 square feet and by (a) more  
23 than 75% without increasing the existing legal unit count or (b) more than 100% if increasing  
24 the existing legal unit count; and (3) a Conditional Use authorization pursuant to Planning  
25

1 Code Section 303 is required for any residential development, either as an addition to an  
2 existing building or as a new building, that results in greater than 55% lot coverage; and, be it

3                   FURTHER RESOLVED, That the Planning Commission shall only grant a Conditional  
4 Use authorization allowing residential development to result in greater than 55% lot coverage  
5 upon finding unique or exceptional lot constraints that would make development on the lot  
6 infeasible without exceeding 55% total lot coverage, or, in the case of the addition of a  
7 residential unit, that such addition would be infeasible without exceeding 55% total lot  
8 coverage; and, be it

9                   FURTHER RESOLVED, That the Planning Commission, in considering a Conditional  
10 Use authorization in a situation where an additional new residential unit is proposed on a  
11 through lot on which there is already an existing building on the opposite street frontage, shall  
12 only grant such authorization upon finding that it would be infeasible to add a unit to the  
13 already developed street frontage of the lot; and, be it

14                   FURTHER RESOLVED, That upon imposition of these interim controls, the Planning  
15 Department shall conduct a study of the contemplated zoning proposal and propose  
16 permanent legislation to address the issues posed by large residential development projects  
17 within an existing fabric of smaller homes; and, be it

18                   FURTHER RESOLVED, That these interim controls shall apply to all applications for  
19 residential development in the area covered by the controls where a final site or building  
20 permit has not been issued as of the effective date of this Resolution; and, be it

21                   FURTHER RESOLVED, That for projects currently scheduled for a hearing at the  
22 Planning Commission under a Discretionary Review as of the effective date of this Resolution,  
23 the Planning Department is requested to expedite the processing and calendaring of any  
24 required Conditional Use authorization under these controls; and, be it

1           FURTHER RESOLVED, That these interim controls shall remain in effect for a period  
2 of eighteen (18) months unless extended in accordance with Planning Code Section 306.7(h)  
3 or until permanent controls are adopted; and, be it

4           FURTHER RESOLVED, That the Planning Department shall provide reports to the  
5 Board pursuant to Planning Code Section 306.7(i).

6  
7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9 By:   
10 ROBB KAPLA  
11 Deputy City Attorney  
n:\legana\as2015\1500585\00998479.docx



**City and County of San Francisco**  
**Tails**  
**Resolution**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 150192

**Date Passed:** March 10, 2015

Resolution imposing interim zoning controls for an 18-month period for parcels in the RH-1, RH-2, and RH-3 zoning districts within a perimeter established by Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of Assessor's Parcel Block No. 2620, Lot No. 063, the eastern property line of Assessor's Parcel Block No. 2619, Lot No. 001A, and Douglass Street, requiring Conditional Use authorization for any residential development on a vacant parcel that will result in total residential square footage exceeding 3,000 gross square feet; requiring Conditional Use authorization for any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet and by more than 75% without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; requiring Conditional Use authorization for residential development that results in greater than 55% total lot coverage; and making environmental findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

March 09, 2015 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

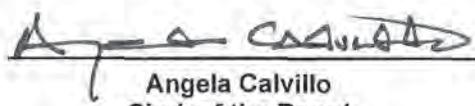
March 09, 2015 Land Use and Transportation Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

March 10, 2015 Board of Supervisors - ADOPTED

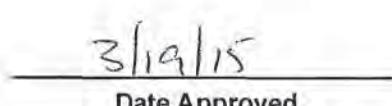
Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150192

I hereby certify that the foregoing Resolution was ADOPTED on 3/10/2015 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Date Approved

## **ATTACHMENT B**

*This page intentionally left blank.*

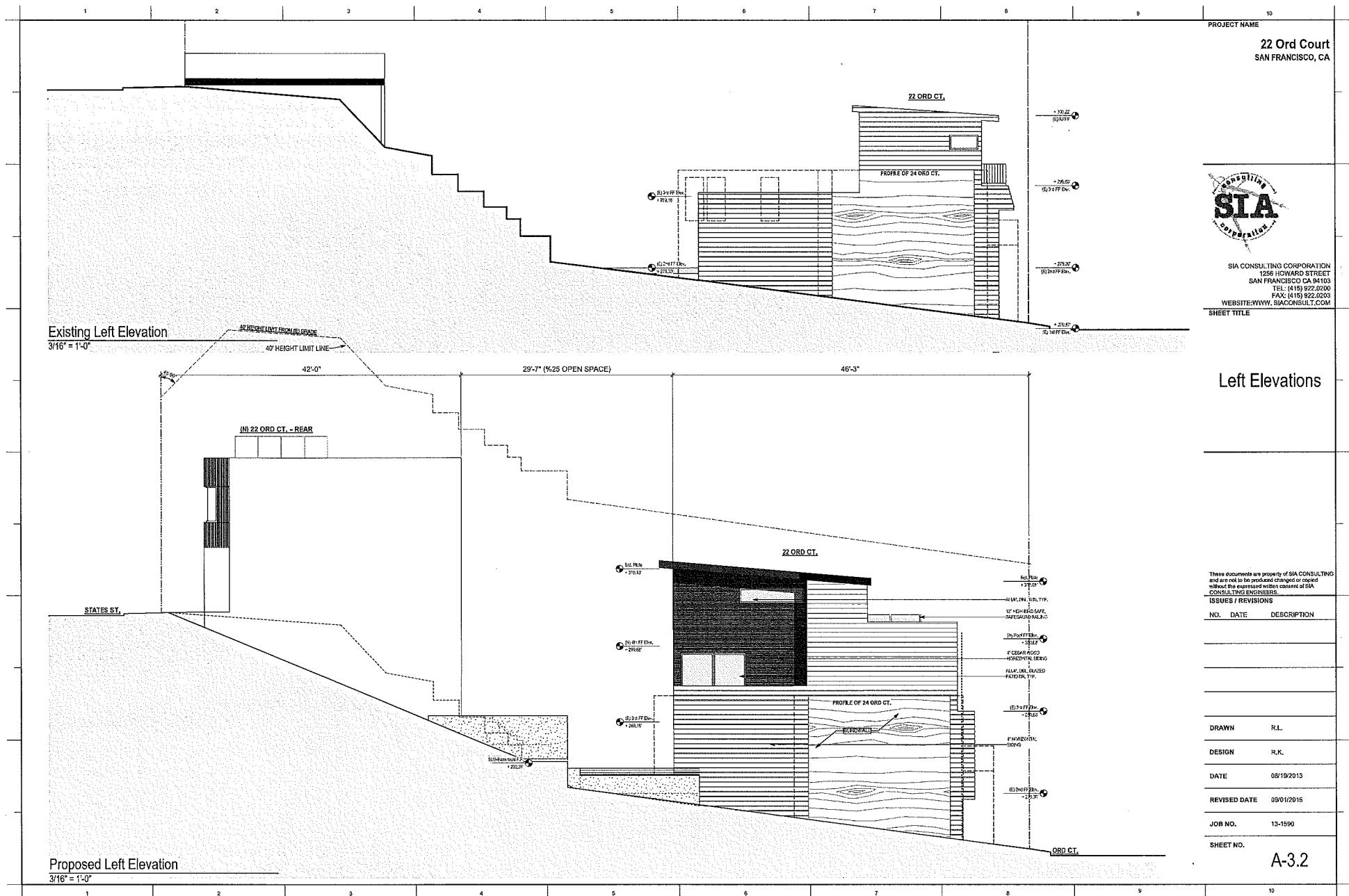


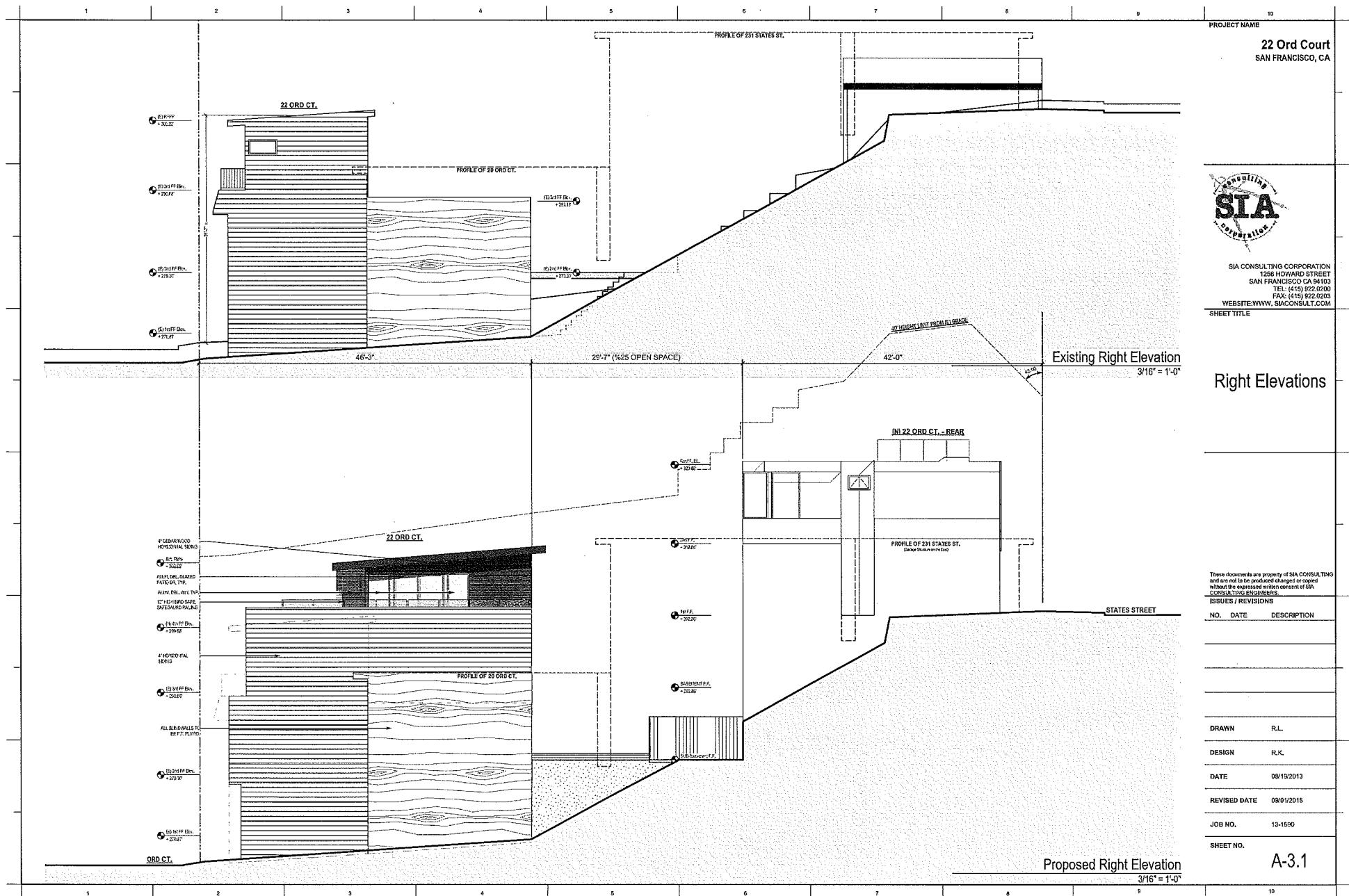






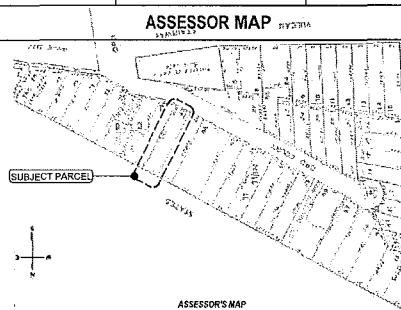
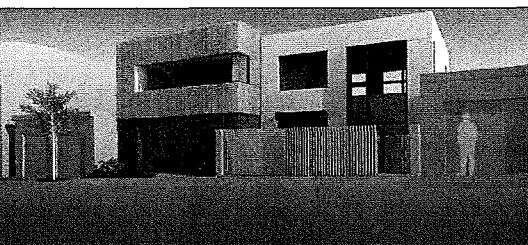
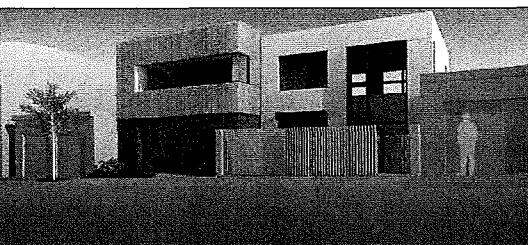






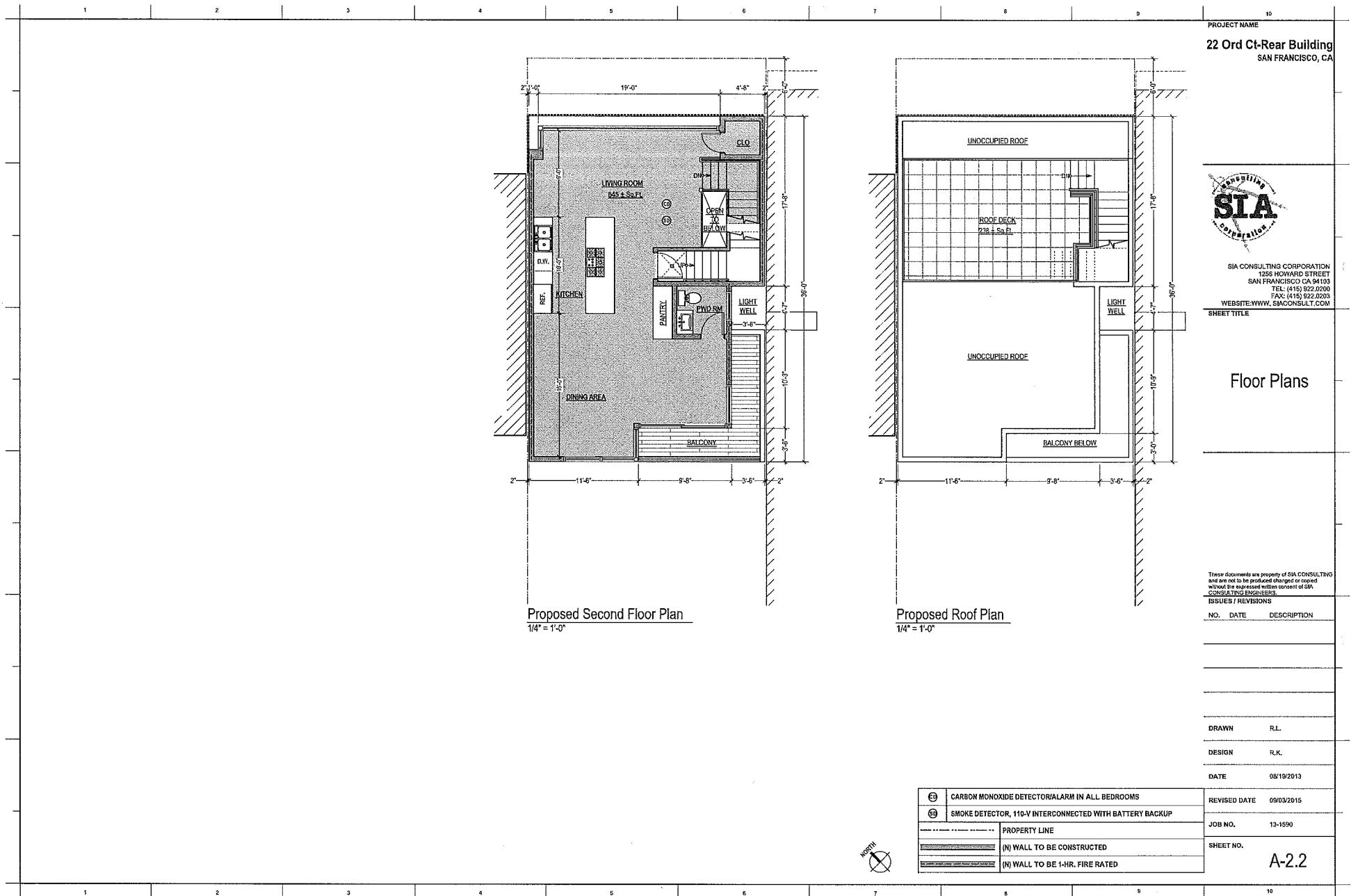


1	2	3	4	5	6	7	8	9	10											
PROJECT NAME										22 Ord Court SAN FRANCISCO, CA										
<b>Green Building: Site Permit Checklist</b>																				
<b>BASIC INFORMATION:</b> These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.																				
Project Name 22 ORD CT		Block/Lot 2619 / 067		Address 22 ORD CT																
Gross Building Area 3,225 S.F. +/-		Primary Occupancy R-3		Design Professional/Applicant: Sign & Date Bahman Ghassemzadeh																
# of Dwelling Units 1		Height to highest occupied floor 40'-0"		Number of occupied floors 4																
<b>ALL PROJECTS, AS APPLICABLE</b>																				
<b>LEED PROJECTS</b>																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>New Large Commercial</th> <th>New Residential Mid-Rise<sup>1</sup></th> <th>New Residential High-Rise<sup>2</sup></th> <th>Commercial Interior</th> <th>Commercial Alteration</th> <th>Residential Alteration</th> <th></th> <th></th> <th></th> </tr> </thead> </table>											New Large Commercial	New Residential Mid-Rise <sup>1</sup>	New Residential High-Rise <sup>2</sup>	Commercial Interior	Commercial Alteration	Residential Alteration				
	New Large Commercial	New Residential Mid-Rise <sup>1</sup>	New Residential High-Rise <sup>2</sup>	Commercial Interior	Commercial Alteration	Residential Alteration														
Type of Project Proposed (Indicate at right)																				
Overall Requirements:																				
LEED certification level (includes prerequisites):		SILVER	SILVER	SILVER	SILVER	SILVER	SILVER	SILVER	SILVER											
Base number of required points:		50	50	50	50	50	50	50	50											
Adjustment for retention / demolition of historic features / building:										n/a										
Final number of required points (base number +/- adjustment)										50										
Specific Requirements: (n/r indicates a measure is not required)																				
Construction Waste Management – 75% Diversion LEED MR 2, 2 points		•	•	•	•	•	•	•	•	Meet C&D ordinance only										
15% Energy Reduction Compared to Title 24, 2008 (or ASHRAE 90.1-2007) LEED EA 1, 5 points		•	•	•	•	•	•	•	•	LEED prerequisites only										
Renewable Energy or Enhanced Energy Efficiency Effective 1/1/2012: Generate renewable energy on-site 35% of total annual energy cost (LEED EA 2). OR Divide annual energy use by 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008). OR Purchase Green-e certified renewable energy credits for 35% of total electricity use (LEED EA 2).		•	n/r	n/r	n/r	n/r	n/r	n/r	n/r											
Meet LEED prerequisites																				
Enhanced Commissioning of Building Energy Systems LEED EA 3		•	•	•	•	•	•	•	•											
Water Use - 30% Reduction LEED WE 3, 2 points		•	n/r	•	•	•	•	•	•	Meet LEED prerequisites										
Enhanced Refrigerant Management LEED EA 4		•	n/r	n/r	n/r	n/r	n/r	n/r	n/r											
Indoor Air Quality Management Plan LEED IEQ 3.1		•	n/r	n/r	n/r	n/r	n/r	n/r	n/r											
Low-Emitting Materials (LEED IEQ 4.1, 4.2, 4.3, and 4.4)		•	n/r	•	•	•	•	•	•											
Recycling by Occupants: Provide space for storage, collection, and banking of compost, recycling, and trash. Exceeds requirements of LEED MR prerequisite 1. See Administrative Bulletin 268 for details.		•	•	•	•	•	•	•	•											
Bicycle parking: Provide short-term and long-term bicycle parking for 5% of total机动车 parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater, or meet LEED credit SBC 2. (13C.S.106.4)		•	n/r	•	•	•	•	•	•											
Designated parking: Mark 2% of total parking stalls for low-emitting, fuel efficient, and carpool/ van pool vehicles. (13C.S.105.5)		•	•	•	•	•	•	•	•											
Water Meters: Provide submeters for spaces projected to consume more than 1,000 gallons/day, or more than 100 gallons/day in buildings over 50,000 sq. ft. (13C.S.105.1)		•	n/r	n/r	n/r	n/r	n/r	n/r	n/r											
Air Filtration: Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit IEQ 4.3). (13C.S.5.504.3)		•	n/r	n/r	•	•	n/r	n/r	n/r											
Air Filtration: Provide MERV-13 filters in residential buildings in all non-hot-spots (or LEED credit IEQ 5). (SF Health Code Adm 26 and SF Building Code 1203)		n/r	•	•	•	n/r	n/r	n/r	n/r											
Acoustical Control: Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.S.5.507.4)		•	•	•	•	•	n/r	n/r	n/r											
See San Francisco Planning Code 155																				
See CBC 1207																				
See CA T24 Part 1 Section 5.714.7																				
See CA T24 Part 11 Section 3.714.7																				
See CA T24 Part 1 Section 5.714.8																				
See CA T24 Part 1 Section 5.714.9																				
See CA T24 Part 1 Section 5.714.10																				
See CA T24 Part 1 Section 5.714.11																				
See CA T24 Part 1 Section 5.714.12																				
See CA T24 Part 1 Section 5.714.13																				
See CA T24 Part 1 Section 5.714.14																				
See CA T24 Part 1 Section 5.714.15																				
See CA T24 Part 1 Section 5.714.16																				
See CA T24 Part 1 Section 5.714.17																				
See CA T24 Part 1 Section 5.714.18																				
See CA T24 Part 1 Section 5.714.19																				
See CA T24 Part 1 Section 5.714.20																				
See CA T24 Part 1 Section 5.714.21																				
See CA T24 Part 1 Section 5.714.22																				
See CA T24 Part 1 Section 5.714.23																				
See CA T24 Part 1 Section 5.714.24																				
See CA T24 Part 1 Section 5.714.25																				
See CA T24 Part 1 Section 5.714.26																				
See CA T24 Part 1 Section 5.714.27																				
See CA T24 Part 1 Section 5.714.28																				
See CA T24 Part 1 Section 5.714.29																				
See CA T24 Part 1 Section 5.714.30																				
See CA T24 Part 1 Section 5.714.31																				
See CA T24 Part 1 Section 5.714.32																				
See CA T24 Part 1 Section 5.714.33																				
See CA T24 Part 1 Section 5.714.34																				
See CA T24 Part 1 Section 5.714.35																				
See CA T24 Part 1 Section 5.714.36																				
See CA T24 Part 1 Section 5.714.37																				
See CA T24 Part 1 Section 5.714.38																				
See CA T24 Part 1 Section 5.714.39																				
See CA T24 Part 1 Section 5.714.40																				
See CA T24 Part 1 Section 5.714.41																				
See CA T24 Part 1 Section 5.714.42																				
See CA T24 Part 1 Section 5.714.43																				
See CA T24 Part 1 Section 5.714.44																				
See CA T24 Part 1 Section 5.714.45																				
See CA T24 Part 1 Section 5.714.46																				
See CA T24 Part 1 Section 5.714.47																				
See CA T24 Part 1 Section 5.714.48																				
See CA T24 Part 1 Section 5.714.49																				
See CA T24 Part 1 Section 5.714.50																				
See CA T24 Part 1 Section 5.714.51																				
See CA T24 Part 1 Section 5.714.52																				
See CA T24 Part 1 Section 5.714.53																				
See CA T24 Part 1 Section 5.714.54																				
See CA T24 Part 1 Section 5.714.55																				
See CA T24 Part 1 Section 5.714.56																				
See CA T24 Part 1 Section 5.714.57																				
See CA T24 Part 1 Section 5.714.58																				
See CA T24 Part 1 Section 5.714.59																				
See CA T24 Part 1 Section 5.714.60																				
See CA T24 Part 1 Section 5.714.61																				
See CA T24 Part 1 Section 5.714.62																				
See CA T24 Part 1 Section 5.714.63																				
See CA T24 Part 1 Section 5.714.64																				
See CA T24 Part 1 Section 5.714.65																				
See CA T24 Part 1 Section 5.714.66																				
See CA T24 Part 1 Section 5.714.67																				
See CA T24 Part 1 Section 5.714.68																				
See CA T24 Part 1 Section 5.714.69																				
See CA T24 Part 1 Section 5.714.70																				
See CA T24 Part 1 Section 5.714.71																				
See CA T24 Part 1 Section 5.714.72																				
See CA T24 Part 1 Section 5.714.73																				
See CA T24 Part 1 Section 5.714.74																				
See CA T24 Part 1 Section 5.714.75																				
See CA T24 Part 1 Section 5.714.76																				
See CA T24 Part 1 Section 5.714.77																				
See CA T24 Part 1 Section 5.714.78																				
See CA T24 Part 1 Section 5.714.79																				
See CA T24 Part 1 Section 5.714.80																				
See CA T24 Part 1 Section 5.714.81																				
See CA T24 Part 1 Section 5.714.82																				
See CA T24 Part 1 Section 5.714.83																				
See CA T24 Part 1 Section 5.714.84																				
See CA T24 Part 1 Section 5.714.85																				
See CA T24 Part 1 Section 5.714.86																				
See CA T24 Part 1 Section 5.714.87																				
See CA T24 Part 1 Section 5.714.88																				
See CA T24 Part 1 Section 5.714.89																				
See CA T24 Part 1 Section 5.714.90																				
See CA T24 Part 1 Section 5.714.91																				
See CA T24 Part 1 Section 5.714.92																				
See CA T24 Part 1 Section 5.714.93																				
See CA T24 Part 1 Section 5.714.94																				
See CA T24 Part 1 Section 5.714.95																				
See CA T24 Part 1 Section 5.714.96																				
See CA T24 Part 1 Section 5.714.97																				
See CA T24 Part 1 Section 5.714.98																				
See CA T24 Part 1 Section 5.714.99																				
See CA T24 Part 1 Section 5.714.100																				
See CA T24 Part 1 Section 5.714.101																				
See CA T24 Part 1 Section 5.714.102																				
See CA T24 Part 1 Section 5.714.103																				
See CA T24 Part 1 Section 5.714.104																				
See CA T24 Part 1 Section 5.714.105																				
See CA T24 Part 1 Section 5.714.106																				
See CA T24 Part 1 Section 5.714.107																				
See CA T24 Part 1 Section 5.714.108																				
See CA T24 Part 1 Section 5.714.109																				
See CA T24 Part 1 Section 5.714.110																				
See CA T24 Part 1 Section 5.714.111																				
See CA T24 Part 1 Section 5.714.112																				
See CA T24 Part 1 Section 5.714.113																				
See CA T24 Part 1 Section 5.714.114																				
See CA T24 Part 1 Section 5.714.115																				
See CA T24 Part 1 Section 5.714.116																				
See CA T24 Part 1 Section 5.714.117																				
See CA T24 Part 1 Section 5.714.118																				
See CA T24 Part 1 Section 5.714.119																				
See CA T24 Part 1 Section 5.714.120																				
See CA T24 Part 1 Section 5.714.121																				
See CA T24 Part 1 Section 5.714.122																				
See CA T24 Part 1 Section 5.714.123																				
See CA T24 Part 1 Section 5.714.124																				
See CA T24 Part 1 Section 5.714.125																				
See CA T24 Part 1 Section 5.714.126																				
See CA T24 Part 1 Section 5.714.127																				
See CA T24 Part 1 Section 5.714.128																				
See CA T24 Part 1 Section 5.714.129																				
See CA T24 Part 1 Section 5.714.130																				
See CA T24 Part 1 Section 5.714.131																				
See CA T24 Part 1 Section 5.714.132																				
See CA T24 Part 1 Section 5.714.133																				
See CA T24 Part 1 Section 5.714.134																				
See CA T24 Part 1 Section 5.714.135																				
See CA T24 Part 1 Section 5.714.136																				
See CA T24 Part 1 Section 5.714.137																				
See CA T24 Part 1 Section 5.714.138																				
See CA T24 Part 1 Section 5.714.139																				
See CA T24 Part 1 Section 5.714.140																				
See CA T24 Part 1 Section 5.714.141																				
See CA T24 Part 1 Section 5.714.142																				
See CA T24 Part 1 Section 5.714.143																				
See CA T24 Part 1 Section 5.714.144																				
See CA T24 Part 1 Section 5.714.145																				
See CA T24 Part 1 Section 5.714.146																				
See CA T24 Part 1 Section 5.714.147																				
See CA T24 Part 1 Section 5.714.148																				
See CA T24 Part 1 Section 5.714.149																				
See CA T24 Part 1 Section 5.714.150																				
See CA T24 Part 1 Section 5.714.151																				
See CA T24 Part 1 Section 5.714.152																				
See CA T24 Part 1 Section 5.714.153																				
See CA T24 Part 1 Section 5.714.154																				
See CA T24 Part 1 Section 5.714.155																				
See CA T24 Part 1 Section 5.714.156																				
See CA T24 Part 1 Section 5.714.157																				
See CA T24 Part 1 Section 5.714.158																				
See CA T24 Part 1 Section 5.714.159																				
See CA T24 Part 1 Section 5.714.160																				
See CA T24 Part 1 Section 5.714.161																				
See CA T24 Part 1 Section 5.714.162																				
See CA T24 Part 1 Section 5.714.163																				
See CA T24 Part 1 Section 5.714.164																				
See CA T24 Part 1 Section 5.714.165																				
See CA T24 Part 1 Section 5.714.166																				
See CA T24 Part 1 Section 5.714.167																				
See CA T24 Part 1 Section 5.714.168																				
See CA T24 Part 1 Section 5.714.169																				
See CA T24 Part 1 Section 5.714.170																				
See CA T24 Part 1 Section 5.714.171																				
See CA T24 Part 1 Section 5.714.172																				
See CA T24 Part 1 Section 5.714.173																				
See CA T24 Part 1 Section 5.714.174																				
See CA T24 Part 1 Section 5.714.175																				
See CA T24 Part 1 Section 5.714.176																				
See CA T24 Part 1 Section 5.714.177																				
See CA T24 Part 1 Section 5.714.178																				
See CA T24 Part 1 Section 5.714.179																				
See CA T24 Part 1 Section 5.714.180																				
See CA T24 Part 1 Section 5.714.181																				
See CA T24 Part 1 Section 5.714.182																				
See CA T24 Part 1 Section 5.714.183																				
See CA T24 Part 1 Section 5.714.184																				
See CA T24 Part 1 Section 5.714.185																				
See CA T24 Part 1 Section 5.714.186																				
See CA T24 Part 1 Section 5.714.187																				
See CA T24 Part 1 Section 5.714.188																				
See CA T24 Part 1 Section 5.714.189																				
See CA T24 Part 1 Section 5.714.190																				
See CA T24 Part 1 Section 5.714.191																				
See CA T24 Part 1 Section 5.714.192																				
See CA T24 Part 1 Section 5.714.193																				
See CA T24 Part 1 Section 5.714.194																				
See CA T24 Part 1 Section 5.714.195																				
See CA T24 Part 1 Section 5.714.196																				
See CA T24 Part 1 Section 5.714.197																				
See CA T24 Part 1 Section 5.714.198																				
See CA T24 Part 1 Section 5.714.199																				
See CA T24 Part 1 Section 5.714.200																				
See CA T24 Part 1 Section 5.714.201																				
See CA T24 Part 1 Section 5.714.202																				

1	2	3	4	5	6	7	8	9	10		
SCOPE OF WORK			ASSESSOR MAP SYSTEM			DRAWING INDEX			PROJECT NAME		
PROPOSED NEW CONSTRUCTION OF SINGLE FAMILY HOME AT THE REAR LOT OF 22 ORD COURT						ARCHITECTURAL			22 Ord Ct-Rear Building SAN FRANCISCO, CA		
						A-0.1 COVER SHEET A-1.1 SITE PLANS, & NOTES A-2.1 SUB-BASEMENT, BASEMENT, & FIRST FLOOR PLANS A-2.2 SECOND FLOOR & ROOF PLANS A-3.1 FRONT & REAR ELEVATIONS A-3.2 SIDE ELEVATION A-3.3 SIDE ELEVATION A-4.1 BUILDING SECTION A-A GP-0.1 GREEN POINT CHECKLIST C-1.0 SURVEY					
GENERAL NOTES			ABBREVIATION			MASS STUDY					
1. ALL WORK SHALL BE PERFORMED IN COMPLETE COMPLIANCE WITH ALL APPLICABLE CODES, LAWS, ORDINANCES AND REGULATIONS OF ALL AUTHORITIES HAVING JURISDICTION OVER THE WORK. ALL CONTRACTORS SHALL HOLD HARMLESS THE ARCHITECT/ENGINEER AND THE OWNER FROM ALL DAMAGES AND/OR PENALTIES ARISING OUT OF VIOLATION THEREOF. 2. ALL ATTACHMENTS, CONNECTIONS OR FASTENING OF ANY NATURE ARE TO BE PROPERLY AND PERMANENTLY SECURED IN CONFORMANCE WITH THE BEST PRACTICE OF THE BUILDING INDUSTRY. DRAWINGS SHOWS ONLY SPECIAL REQUIREMENTS TO ASSIST THE CONTRACTOR AND DO NOT ILLUSTRATE EVERY DETAIL. 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL CONDITIONS, DIMENSIONS, AND MEASUREMENTS IN THE FIELD BEFORE BEGINNING WORK. ANY AND ALL DISCREPANCIES, UNUSUAL CIRCUMSTANCES, ERRORS, OMISSIONS AND/OR CONFLICTS FUNDS SHALL BE REPORTED TO THE ARCHITECT/ENGINEERS AND THE OWNER ATTENTION IMMEDIATELY BEFORE PROCEEDING WITH THE WORK. 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION BETWEEN ARCHITECTURAL, STRUCTURAL, FIRE PROTECTION, MECHANICAL, PLUMBING, AND ELECTRICAL, THIS INCLUDES REVIEWING REQUIREMENTS OF INDIVIDUAL SYSTEMS BEFORE ORDERING AND INSTALLATION OF ANY WORK. VERIFY ALL ARCHITECTURAL DETAILS AND ALL FINISH CONDITIONS (WHETHER DEPICTED IN DRAWINGS OR NOT) WITH THE SAME DISCIPLINES. 5. UNLESS OTHERWISE NOTED, ALL ANGLES SHALL BE 90° ANGLES, ALL LINES WHICH APPEAR PARALLEL SHALL BE PARALLEL, AND ALL ITEMS WHICH APPEAR CENTERED SHALL BE CENTERED. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL LINES TRUE LEVEL, PLUMB AND SQUARE. 6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SHORING AND PROTECTION DURING CONSTRUCTION, ALL EXISTING IMPROVEMENTS TO REMAIN SHALL BE PROTECTED. ALL MATERIALS DELIVERED TO THE SITE SHALL BE PROPERLY STORED AND PROTECTED UNTIL INSTALLATION. ALL LUMBER SHALL BE PROTECTED FROM MOISTURE AND STORED ABOVE GROUND. 7. DETAILED AND/OR LARGER SCALE DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL AND SMALLER SCALE DRAWINGS. FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. ALL SCALDED DIMENSIONS SHALL BE VERIFIED. 8. ALL WORK SHALL BE DONE UNDER PERMIT. PLANS AND CALCULATIONS AS REQUIRED, SHALL BE SUBMITTED TO AND APPROVED BY THE BUILDING DEPARTMENT. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS. 9. NOTE THAT MECHANICAL, ELECTRICAL, FIRE PROTECTION, PLUMBING AND COMMUNICATIONS ARE DESIGN-BUILD ITEMS. ARCHITECTURAL DRAWINGS SHOW DESIGN INTENT. CONTRACTOR TO CONFIRM ALL SYSTEM REQUIREMENTS WITH BUILDING OWNER AND ARCHITECT PRIOR TO INSTALLATION. CONTRACTOR/SUBCONTRACTOR SHALL SUBMIT PLANS FOR THEIR RESPECTIVE WORK TO THE BUILDING DEPARTMENT AS REQUIRED FOR PLAN CHECK AND PERMIT ISSUANCE, INCLUDING PAYING FOR ALL PLAN CHECK AND PERMIT FEES. 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING AND OBTAINING ALL REQUIRED INSPECTIONS TO CONFORM WITH LOCAL BUILDING AND FIRE CODES. 11. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN. 12. DETAILS SHOWN ARE TYPICAL. SIMILAR DETAILS APPLY IN SIMILAR CONDITIONS. 13. VERIFY CLEARANCES FOR VENTS, CHASES, SOFFITS, FIXTURES BEFORE ANY CONSTRUCTION, ORDERING OF, OR INSTALLATION OF ANY ITEM OF WORK. 14. UNLESS OTHERWISE NOTED, THE CONTRACTOR SHALL PROVIDE SOLID BLOCKING AND BACKING AS RECD FOR ALL NAILING OF INTERIOR TRIM AND FINISHES, AND SHALL COORDINATE AND PROVIDE ALL FRAMING, BACKING AND BRACING AS NECESSARY FOR INSTALLATION OF EQUIPMENT INDICATED ON THE DRAWINGS, PROVIDE BACKING PLATES FOR BATH ACCESSORIES, HANDBARS, CABINETS, TOWEL BARS, WALL MOUNTED FIXTURES AND ANY OTHER ITEM ATTACHED TO WALLS. 15. INSTALL ALL FIXTURES, EQUIPMENT, AND MATERIALS PER MANUFACTURER'S RECOMMENDATIONS AND CODE REQUIREMENTS. ALL APPLIANCES, FIXTURES, AND EQUIPMENT ASSOCIATED WITH PLUMBING, ELECTRICAL, MECHANICAL SYSTEMS SHALL BE LISTED BY A NATIONALLY RECOGNIZED AND APPROVED AGENT. 16. THERMAL AND SOUND INSULATING INSULATION SHALL COMPLY WITH CBC SEC. 719. 17. ALL WALL AND CEILING FINISHES SHALL COMPLY WITH CBC CHAPTER 8. 18. ALL NEW SMOKE DETECTORS TO BE HARD WIRED.						Cover Sheet					
<b>NOTE: WATERPROOFING OF BUILDING ENVELOPE IS NOT UNDER THE SCOPE OF THIS PERMIT. OWNER IS TO HIRE A WATERPROOFING EXPERT TO PROVIDE WATERPROOFING DETAILS</b>			# POUND OR NUMBER & AND @ ABOVE ACT ACOUSTIC CEILING TILE AD AREA DRAIN AFF ABOVE FINISHED FLOOR ALUM ALUMINUM APPROX APPROXIMATE ANDO ANODIZED ASPH ASPHALT BD BOARD BLDG BUILDING BKG BLOCKING BOT BOTTOM BSMT Basement BST BOTTOM OF STAIRS BYND BEYOND CIP CAST IN PLACE CHNL CHANNEL CJ CONTROL JOINT CLG CEILING CLO CLOSET CLR CLEAR CNTR CENTER CMU CONCRETE MASONRY UNIT COL COUPLIN COMPRESS COMPRESSIBLE COPO CORROSION CONT CONTINUOUS CORR CORRIDOR CPT CUPBOARD CT CERAMIC TILE CTR CENTER CTYD COURTYARD DBL DOUBLE DEDRO DEDRO DET DETAIL D.F. DIAMETER DIA DIA DMS DRAWDRAWINGS DN DOWN DR DOOR DWG DRAWING (E) EXTERIOR EA EACH EL ELEVATION ELEC ELECTRICAL ELEV ELEVATOR/ELEVATION ED END EXT EXTERIOR EXP JT EXPANSION JOINT F.D. FLOOR DRAIN FEC FIRE EXTINGUISHER CABINET FIX FIXTURE FLR FLOOR FLUOR FLUORESCENT FM FILLED METAL FND FOUNDATION FO FACE OF F.O.F. FACE OF FINISH FURR FURNING GA GAUGE GALV GALVANIZED G.B. GRAB BAR GND GROUND GSP GSP GVB GYPSUM WALL BOARD GYP GYPSUM			H.C. HANDICAPPED HI HIGH HM HOLLOW METAL HP HIGH POINT HR HOUR HVAC HEATING, VENTILATING, AND AIR CONDITIONING IRRIGATION IRRIGIB ILD IN LIEU OF INSUL INSULATED INT INTERIOR LO LOW MAX MAXIMUM MECH MECHANICAL MINIMUM MIN MINIMUM MO MASONRY OPENING MTL METAL (N) NOT INC NUMBER NOM NORMAL N.T.S. NOT TO SCALE OGD OWNER OFF OFFICE OH OPPOSITE HAND OZ OZ PCG PRECAST CONCRETE PLC PROPERTY LINE PLUMB PLUMBING PLYWD PLYWOOD PT PICTURE TREATED PNT PAINTPAINTED PVC POLYVINYL CHLORIDE RBR RUBBER RCD RECESSED CEILING PLAN RDW ROOF DRAIN RDWD REDWOOD RECD REQUIRED RHR REHAB SF SQUARE FOOT SIMI SIMILAR SPEC SPECIFIED OR SPECIFICATION SPK SPECIFICATION SST STAINLESS STEEL STC SOUND TRANSMISSION COEFFICIENT STD STANDARD STEE STEEL STRUCT STRUCTURAL SQ. SQUARE T&G TONGUE AND GROOVE TO TOP OF CURB TEL TELEPHONE TLT TOILET TO TOP OF TOC TOP OF CONCRETE TOS TOP OF STEEL TPS TOILET PAPER DISPENSER TSD TELEPHONE/SDATA TST TOP OF STARS TWP TOP U.X.Q. UNLESS NOTED OTHERWISE UNDERSIDE V.F. VERIFY IN FIELD VGP VISION PANEL W/ WITH WOOD W.H. WATER HEATER			PROJECT DATA		
						LOT AREA: 2,942 ± S.F. # OF UNIT: 1 # OF COVER PARKING SPACE: 1 # OF STORIES: 2-OVER TWO BASEMENTS ALLOWABLE BUILDING HEIGHT: 40-X BUILDING HEIGHT: 20'-7" @ CENTER OF FRONT P.L. CONSTRUCTION TYPE: TYPE "V-B" OCCUPANCY GROUP: R-3 BLOCK & LOT: 2619 / 067 ZONING: RH-2 APPLICABLE CODES: 2010 CALIFORNIA CODES EDITIONS W/ SAN FRANCISCO AMENDMENTS			These documents are property of SIA CONSULTING and are not to be reproduced, copied, stored in any medium or transmitted, in whole or in part, without the consent of SIA CONSULTING ENGINEERS. ISSUES / REVISIONS NO. DATE DESCRIPTION		
						GROSS FLOOR AREA: SUB-BASEMENT GROSS AREA: 613 ± S.F. BASEMENT GROSS AREA: 888 ± S.F. FIRST FLOOR GROSS AREA (INCL. GARAGE): 840 ± S.F. SECOND FLOOR GROSS AREA: 767 ± S.F. TOTAL GROSS FLOOR AREA: 3,108 ± S.F.			DRAWN R.L. DESIGN R.K. DATE 08/19/2013 REVISED DATE 09/03/2015 JOB NO. 13-1590 SHEET NO. A-0.1		









SIA CONSULTING CORPORATION  
1256 HOWARD STREET  
SAN FRANCISCO CA 94103  
TEL: (415) 922-0200  
FAX: (415) 922-0203  
WEBSITE: [WWW.SIACONSULT.COM](http://WWW.SIACONSULT.COM)

**SHEET TITLE**

## Front & Rear Elevation

### Proposed Front Elevation

3/16" = 1'-0"

PROFILE OF 241 STATES S

STATES STREET

### Proposed Rear Elevation

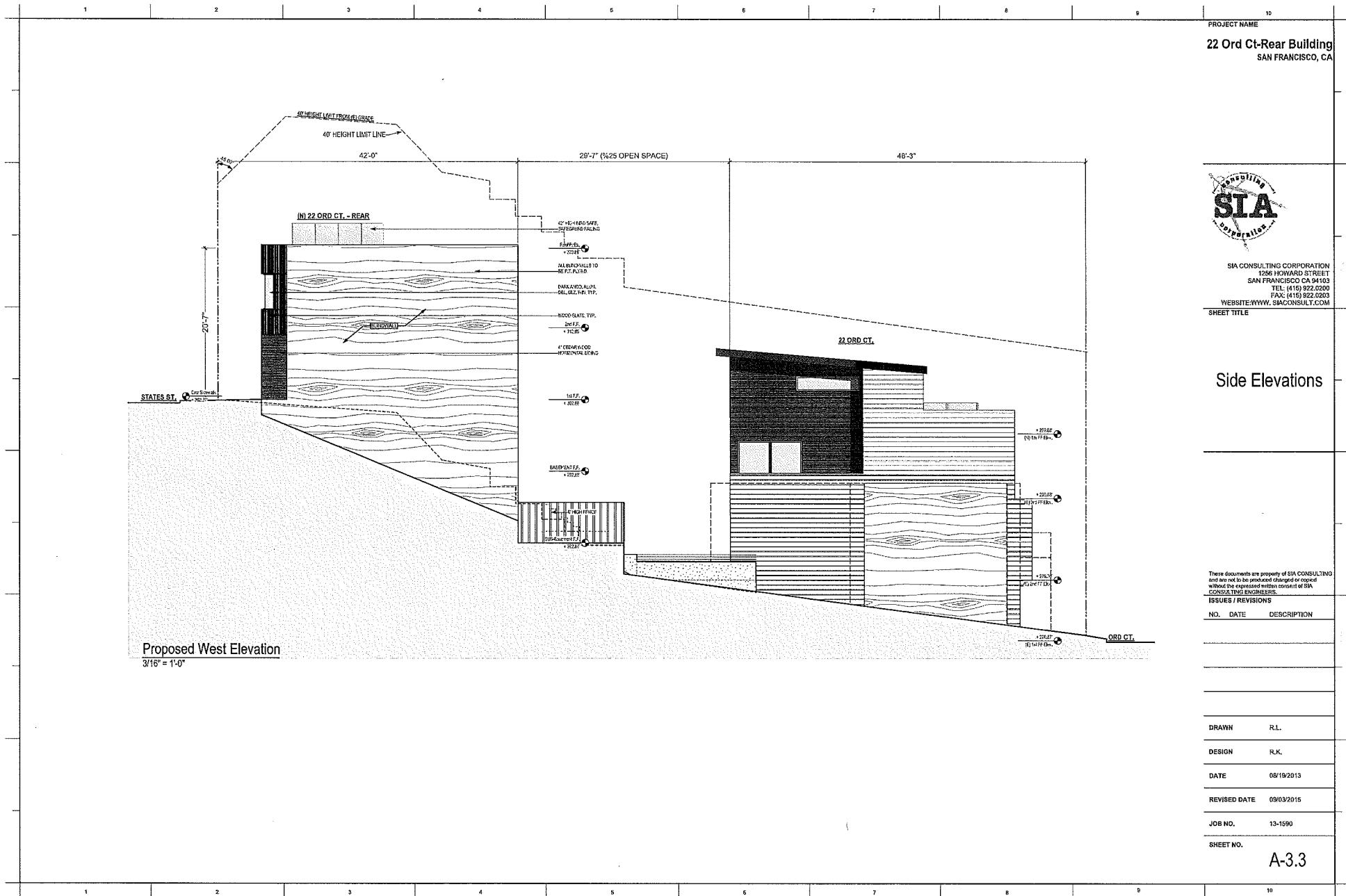
3/16" = 1'-0"

These documents are property of SIA CONSULTING and are not to be produced changed or copied without the expressed written consent of SIA CONSULTING ENGINEERS.

#### ISSUES / REVISIONS

A-3.1







# Green Building: Site Permit Checklist

## BASIC INFORMATION:

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

Project Name 22 ORD CT-REAR	Block/Lot 2619 / 067	Address 22 ORD CT-REAR
Gross Building Area 3,108 S.F. +/-	Primary Occupancy R-3	Design Professional/Applicant: Sign & Date Bahman Ghassemzadeh
# of Dwelling Units 1	Height to highest occupied floor 20'-7"	Number of occupied floors 4

## ALL PROJECTS, AS APPLICABLE

Construction activity stormwater pollution prevention and site runoff controls - Provide a construction site Stormwater Pollution Prevention Plan and Implement SFPUC Best Management Practices.	<input checked="" type="radio"/>
Stormwater Control Plan: Projects disturbing 25,000 square feet must implement a Stormwater Control Plan meeting SFPUC Stormwater Design Guidelines	<input checked="" type="radio"/>
Water Efficient Irrigation - Projects that include ≥ 1,000 square feet of new or modified landscape must comply with the SFPUC Water Efficient Irrigation Ordinance.	<input checked="" type="radio"/>
Construction Waste Management - Comply with the San Francisco Construction & Demolition Debris Ordinance	<input checked="" type="radio"/>
Recycling by Occupants: Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials. See Administrative Bulletin 088 for details.	<input checked="" type="radio"/>

## GREENPOINT RATED PROJECTS

Proposing a GreenPoint Rated Project (Indicate at right by checking the box.)	<input type="checkbox"/>
Base number of required Greenpoints:	75
Adjustment for retention / demolition of historic features / building:	
Final number of required points (base number +/- adjustment)	
GreenPoint Rated (i.e. meets all prerequisites)	<input checked="" type="radio"/>

Energy Efficiency: Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6.

Meet all California Green Building Standards Code requirements (CalGreen measures for residential projects have been integrated into the GreenPoint Rated system.)

## Notes

- 1) New residential projects of 75' or greater must use the "New Residential High-Rise" column. New residential projects with >3 occupied floors and less than 75 feet to the highest occupied floor may choose to apply the LEED for Homes Mid-Rise rating system; if so, you must use the "New Residential Mid-Rise" column.
- 2) LEED for Homes Mid-Rise projects must meet the "Silver" standard, including all prerequisites. The number of points required to achieve Silver depends on unit size. See LEED for Homes Mid-Rise Rating System to confirm the base number of points required.
- 3) Requirements for additions or alterations apply to applications received on or after July 1, 2012.

## Instructions:

As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Building Code Chapter 13C, California Title 24 Part 11, and related local codes. Attachment C3, C4, or C5 will be due with the applicable addendum. To use the form:

(a) Provide basic information about the project in the box at left. This info determines which green building requirements apply.

AND

(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but such tools are strongly recommended to be used.

Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. This form is a summary; see San Francisco Building Code Chapter 13C for details.

LEED PROJECTS							
	New Large Commercial	New Residential Mid-Rise <sup>1</sup>	New Residential High-Rise <sup>1</sup>	Commercial Interior	Commercial Alteration	Residential Alteration	
Type of Project Proposed (Indicate at right)							
Overall Requirements:							
LEED certification level (includes prerequisites):	GOLD	SILVER	SILVER	GOLD	GOLD	GOLD	
Base number of required points:	60	2	50	60	60	60	
Adjustment for retention / demolition of historic features / building:				n/a			
Final number of required points (base number +/- adjustment)				50			
Specific Requirements: (n/r indicates a measure is not required)							
Construction Waste Management - 75% Diversion AND comply with San Francisco Construction & Demolition Debris Ordinance LEED MR 2, 2 points	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	Meet C&D ordinance only	<input checked="" type="radio"/>	
15% Energy Reduction Compared to Title 24 2008 (or ASHRAE 90.1-2007) LEED EA 1, 3 points	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	LEED prerequisite only		
Renewable Energy or Enhanced Energy Efficiency Effective 1/1/2012: Generate renewable energy on-site ≥ 1% of total annual energy cost (LEED EA2), OR, Demonstrate annual 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR, Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EA6).	<input checked="" type="radio"/>	n/r	n/r	n/r	n/r	n/r	
Enhanced Commissioning of Building Energy Systems LEED EA 3	<input checked="" type="radio"/>	Meet LEED prerequisites					
Water Use - 30% Reduction LEED WE 3, 2 points	<input checked="" type="radio"/>	n/r	<input checked="" type="radio"/>	Meet LEED prerequisites			
Enhanced Refrigerant Management LEED EA 4	<input checked="" type="radio"/>	n/r	n/r	n/r	n/r	n/r	
Indoor Air Quality Management Plan LEED IEQ 3.1	<input checked="" type="radio"/>	n/r	n/r	n/r	n/r	n/r	
Low-Emitting Materials LEED IEQ 4.1, 4.2, 4.3, and 4.4	<input checked="" type="radio"/>	n/r	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
Bicycle parking: Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater, or meet LEED credit SS4c.2, (13C.5.106.4)	<input checked="" type="radio"/>	n/r See San Francisco Planning Code 165	<input checked="" type="radio"/>	<input checked="" type="radio"/>	n/r	n/r	
Designated parking: Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpool van pool vehicles. (13C.5.108.5)	<input checked="" type="radio"/>		<input checked="" type="radio"/>	<input checked="" type="radio"/>	n/r	n/r	
Water Meters: Provide submeters for spaces projected to consume > 1,000 gal/day, or more than 100 gal/day if in building over 50,000 sq. ft. (13C.5.303.1)	<input checked="" type="radio"/>	n/r	n/r	n/r	n/r	n/r	
Air Filtration: Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit IEQ 5, (13C.5.504.5))	<input checked="" type="radio"/>	n/r	n/r	<input checked="" type="radio"/>	n/r	n/r	
Air Filtration: Provide MERV-13 filters in residential buildings in air-quality hot-spots (or LEED credit IEQ 5, (SF Health Code Article 38 and SF Building Code 1203.5))	n/r	<input checked="" type="radio"/>	<input checked="" type="radio"/>	n/r	n/r	n/r	
Acoustical Control: Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	<input checked="" type="radio"/>	See CBC 1207		<input checked="" type="radio"/>	n/r	n/r	

OTHER APPLICABLE NON-RESIDENTIAL PROJECTS							
Requirements below only apply when the measure is applicable to the project. Code references below are applicable to New Non-Residential buildings. Corresponding requirements for additions and alterations can be found in Title 24 Part 11, Division 5.7. Requirements for additions or alterations apply to applications received on or after July 1, 2012 or after.	Other New Non-Residential	>2,000 sq ft OR \$500,000 <sup>1</sup>					
Type of Project Proposed (Check box if applicable)							
Energy Efficiency: Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6, (13C.5.201.1)							
Bicycle parking: Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater (or LEED credit SS4c.2), (13C.5.106.5)							
Fuel efficient vehicle and carpool parking: Provide stall marking for low-emitting, fuel efficient, and carpool van pool vehicles; approximately 8% of total spaces, (13C.5.106.5)							
Water Meters: Provide submeters for spaces projected to consume > 1,000 gal/day, or > 100 gal/day if in buildings over 50,000 sq. ft.							
Indoor Water Efficiency: Reduce overall use of potable water within the building by 20% for showerheads, urinals, kitchen faucets, wash fountains, water closets, and urinals. (13C.5.303.2)							
Commissioning: For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building system components meet the owner's project requirements. (13C.5.410.2) OR for buildings less than 10,000 square feet, testing and adjusting of systems is required.							
Protect duct openings and mechanical equipment during construction (13C.5.504.3)							
Adhesives, sealants, and caulk: Comply with VOC limits in SCAQMD Rule 1168 VOC limits and California Code of Regulations Title 17 for aerosol adhesives. (13C.5.504.4.1)							
Paints and coatings: Comply with VOC limits in the Air Resources Board Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints. (13C.5.504.4.2)							
Carpet: All carpet must meet one of the following: 1. California Title 24 Institute Green Label Plus Program 2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350) 3. NSF/ANSI 140 at the Gold level 4. Scientific Certification Systems Sustainable Choice AND Carpet cushion must meet CRI Green Label. AND Carpet adhesive must not exceed 50 g/L VOC content. (13C.5.504.4.4)							
Composite wood: Meet CARB 1 Toxics Control Measure for Composite Wood (13C.5.504.4.5)							
Resilient flooring systems: For 50% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor Covering Institute (RFCI) FloorScore program. (13C.5.504.4.6)							
Environmental Tobacco Smoke: Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows. (13C.5.504.7)							
Air Filtration: Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings. (13C.5.504.8)							
Acoustical Control: Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)							
CFCs and Halons: Do not install equipment that contains CFCs or Halons. (13C.5.508.1)							
Additional Requirements for New A, B, I, OR M Occupancy Projects 5,000 - 25,000 Square Feet							
Construction Waste Management - Direct 75% of construction and demolition debris AND comply with San Francisco Construction & Demolition Debris Ordinance.							
Renewable Energy or Enhanced Energy Efficiency Effective January 1, 2012: Generate renewable energy on-site equal to ≥ 1% of total annual energy cost (LEED EA2), OR demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EA6).							

22 Ord Ct-Rear Building

SAN FRANCISCO, CA

Building Section

Sheet Title

These documents are property of SIA CONSULTING and are to be returned to SIA CONSULTING or copied with the express written consent of SIA CONSULTING ENGINEERS.

ISSUES / REVISIONS

NO. DATE DESCRIPTION

1 08/19/2013

2 09/03/2015

3 13-1590

4 G-1.0

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

November 2, 2015

**FILE NO. 151113**

Received from the Board of Supervisors Clerk's Office one check, in the amount of Five Hundred Sixty Two Dollars (\$562), representing filing fee paid by Jack Keating for Conditional Use appeal for the proposed project at 22 Ord Court.

**Planning Department**

By:

Tony Young  
Print Name

Signature and Date

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

RECEIVED  
BOARD OF SUPERVISORS  
NOV 20 2015  
2:20 PM

*[Handwritten signature]*

PROOF OF MAILING

Legislative File No. 151113

Description of Items: **Hearing of persons interested in or objecting to the Planning Commission certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303 and 306.7, for a project located 22 Ord Court, Assessor's Parcel Block No. 2619, Lot No. 067, identified in Planning Case No. 2013.1521CUAV, by Motion No. 19483, dated September 24, 2015, to permit lot coverage of a parcel to exceed 55%, and an increase to the existing square footage in excess of 3,000 square feet and/or more than 100% by constructing a new approximately 3,110 gross square foot two-story dwelling unit at the rear of the existing lot. (District 8) (Appellant: Jack Keating, on behalf of the Castro/Eureka Valley Neighborhood Association) (Filed October 26, 2015).**

I, John Carroll, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: November 20, 2015

Time: 2:20 p.m..

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: *[Handwritten signature]*

Instructions: Upon completion, original must be filed in the above referenced file.

## Carroll, John (BOS)

---

**From:** SF Docs (LIB)  
**Sent:** Friday, November 20, 2015 4:22 PM  
**To:** BOS Legislation, (BOS)  
**Subject:** Re: Hearing Notice - Conditional Use Appeal - 22 Ord Court - Appeal Hearing on December 1, 2015

**Categories:** 151113

Hi John,

I have posted the hearing notices.

Thank you,

Michael

---

**From:** BOS Legislation, (BOS)  
**Sent:** Friday, November 20, 2015 2:54 PM  
**To:** SF Docs (LIB)  
**Cc:** BOS Legislation, (BOS)  
**Subject:** FW: Hearing Notice - Conditional Use Appeal - 22 Ord Court - Appeal Hearing on December 1, 2015

Good afternoon,

Please post the below-linked hearing notices for public viewing.

Regards,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**From:** Carroll, John (BOS)

**Sent:** Friday, November 20, 2015 2:52 PM

**To:** cparkes@ieee.org; Givner, Jon (CAT) <jon.givner@sfgov.org>; Stacy, Kate (CAT) <kate.stacy@sfgov.org>; Byrne, Marlena (CAT) <marlena.byrne@sfgov.org>; Pearson, Audrey (CAT) <audrey.pearson@sfgov.org>; Rahaim, John (CPC) <john.rahaim@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Jones, Sarah (CPC) <sarah.b.jones@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Jacinto, Michael (CPC) <michael.jacinto@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Chang, Tina (CPC) <tina.chang@sfgov.org>; AMurphy@perkinscoie.com

**Cc:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Caldeira, Rick (BOS) <rick.caldeira@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>

**Subject:** Hearing Notice - Conditional Use Appeal - 22 Ord Court - Appeal Hearing on December 1, 2015

Good afternoon,

The Office of the Clerk of the Board has scheduled appeal hearings for Special Order before the Board on **December 1, 2015, at 3:00 p.m.**, for the Conditional Use Appeal for a proposed project at 22 Ord Court, filed by Jack Keating, on behalf of the Castro/Eureka Valley Neighborhood Association.

The following links are the hearing notices in English, Spanish, and Chinese.

[December 1, 2015 - Board of Supervisors - Appeal Hearing - Conditional Use - 22 Ord Court](#)

[1 de diciembre de 2015 - Junta de Supervisores - Audiencia de Apelación - Uso Condicional - 22 Ord Corte](#)

[2015 年 12 月 1 日 - 市參事委員會 - 上訴聽證 - 條件性使用 - 22 Ord Court](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below.

[Board of Supervisors File No. 151113](#)

Thank you,

**John Carroll**

**Legislative Clerk**

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.



## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** **Tuesday, December 1, 2015**

**Time:** **3:00 p.m.**

**Location:** **Legislative Chamber, City Hall, Room 250**  
**1 Dr. Carlton B. Goodlett, Place, San Francisco, CA 94102**

**Subject:** **File No. 151113.** Hearing of persons interested in or objecting to the Planning Commission certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303 and 306.7, for a project located 22 Ord Court, Assessor's Parcel Block No. 2619, Lot No. 067, identified in Planning Case No. 2013.1521CUAV, by Motion No. 19483, dated September 24, 2015, to permit lot coverage of a parcel to exceed 55%, and an increase to the existing square footage in excess of 3,000 square feet and/or more than 100% by constructing a new approximately 3,110 gross square foot two-story dwelling unit at the rear of the existing lot. (District 8) (Appellant: Jack Keating, on behalf of the Castro/Eureka Valley Neighborhood Association) (Filed October 26, 2015).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94012. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Wednesday, November 25, 2015.

A handwritten signature in black ink, appearing to read "Angela Calvillo".  
Angela Calvillo  
Clerk of the Board



## 公聽會通知

## 三藩市市及縣市參事委員會

日期: 2015年12月1日星期二

時間: 下午3時

地點: 市政廳, 立法會議廳250室, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

議題: 檔案號碼 151113。聆訊感興趣或反對人士對規劃委員會依據規劃法規第303和306.7條所作出條件性使用授權 (Conditional Use Authorization) 核證的意見。鑑於規劃案No. 2013.1521CUAV上所指明的計劃 (位於22 Ord Court, 評估街區號碼2619, 地段號碼067), 通過動議No. 19483 (日期: 2015年9月24日), 容許該幅土地的地段覆蓋範圍超過55%, 以及在原有平方英尺的面積上增愈3000平方英尺和/或超過100%, 通過在原有地段的後方增建一個新的總面積約3,110平方英尺的兩層居住單位。(第8選區) (上訴人: Jack Keating, 代表 Castro/Eureka Valley鄰里協會) (於2015年10月26日已提交)。

  
 Angela Calvillo  
 市參事委員會書記

日期: November 18, 2015  
 張貼/郵寄/: November 20, 2015

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTIFICACIÓN DE AUDIENCIA PÚBLICA DE SUPERVISORES DE LA CIUDAD Y CONDADO DE SAN FRANCISCO

**Fecha:** Martes, 1ro de diciembre de 2015

**Hora:** 3:00 p.m.

**Lugar:** Cámara Legislativa, Ayuntamiento, Salón 250  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Asunto:** **Nº de Expediente 151113.** Audiencia para personas interesadas en o que se oponen a la certificación de una Autorización de Uso Condicional por parte de la Comisión de Planificación según las Secciones 303 y 306.7 del Código de Planificación, para un proyecto situado en 22 de Ord Court, Lote Núm. 067 de la Parcela Núm. 2619 del Tasador, identificado en el Caso de Planificación Núm. 2013.1521CUAV, por el Nº de Moción 19483, fechado el 24 de septiembre de 2015; para autorizar el uso de un lote de parcela que supera un 55 % del área de superficie, y un aumento al pietaje cuadrado actual de más de 3,000 pies cuadrados y/o más de 100% para la construcción de una nueva unidad de vivienda de dos pisos de aproximadamente 3,110 pies cuadrados brutos en la parte trasera del lote existente. (Distrito 8) (Apelante: Jack Keating, en nombre de la Asociación de Vecinos y Vecinas de Castro/Eureka Valley) (Fichado el 26 de octubre de 2015).

A handwritten signature in black ink, appearing to read "A. Calvillo".

Angela Calvillo  
Secretaria de la Junta

FECHADO: 18 de noviembre de 2015  
PUBLICADO/ANUNCIADO: 20 de noviembre de 2015

## Carroll, John (BOS)

---

**From:** BOS Legislation, (BOS)  
**Sent:** Tuesday, November 03, 2015 11:59 AM  
**To:** David Clarke  
**Cc:** BOS Legislation, (BOS)  
**Subject:** Conditional Use Appeal - 22 Ord Court - Appeal Hearing on December 1, 2015  
  
**Categories:** 151113

Thanks so much for getting back to me. For your convenience, I'm forwarding the below message to you.

---

Good afternoon,

The Office of the Clerk of the Board has scheduled a hearing date for Special Order before the Board of Supervisors on **December 1, 2015, at 3:00 p.m.** Please find linked below a letter regarding the Conditional Use Appeal for the proposed project at 22 Ord Court, as well as direct links to Public Work's memo indicating the sufficiency of the appeal signatories, and the Appeal Letter.

[Clerk of the Board Letter - November 2, 2015](#)

[Public Works Memo - October 30, 2015](#)

[Appeal Letter - October 26, 2015](#)

I invite you to review this matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 151113](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**From:** David Clarke [mailto:[flyerinsf@gmail.com](mailto:flyerinsf@gmail.com)]  
**Sent:** Tuesday, November 03, 2015 9:12 AM  
**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Subject:** 22 Ord Ct

Good morning, Mr. Carroll,

I received your phone call yesterday afternoon. My contact information is below. This is regarding 22 Ord Ct Condition Use Appeal.

Thank you,  
-d

--  
David Clarke

415.370.5677 - mobile  
San Francisco, CA

\*-----o-(\_)-o-----\*

[FlyerInSF@gmail.com](mailto:FlyerInSF@gmail.com)

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Monday, November 02, 2015 4:47 PM  
**To:** cparkes@ieee.org; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Pearson, Audrey (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Jacinto, Michael (CPC); Ionin, Jonas (CPC); Chang, Tina (CPC); AMurphy@perkinscoie.com  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS)  
**Subject:** Conditional Use Appeal - 22 Ord Court - Appeal Hearing on December 1, 2015

Good afternoon,

The Office of the Clerk of the Board has scheduled a hearing date for Special Order before the Board of Supervisors on **December 1, 2015, at 3:00 p.m.** Please find linked below a letter regarding the Conditional Use Appeal for the proposed project at 22 Ord Court, as well as direct links to Public Work's memo indicating the sufficiency of the appeal signatories, and the Appeal Letter.

[Clerk of the Board Letter - November 2, 2015](#)

[Public Works Memo - October 30, 2015](#)

[Appeal Letter - October 26, 2015](#)

I invite you to review this matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 151113](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

November 2, 2015

Jack Keating  
Castro/Eureka Valley Neighborhood Association  
4134 17<sup>th</sup> Street  
San Francisco, CA 94114

**Subject: Conditional Use Appeal - 22 Ord Court**

Dear Mr. Keating:

This is in reference to the appeal you submitted of the decision of the Planning Commission by Motion No. 19483 (Case No. 2013.1521CUAV), for property located at:

22 Ord Court, Assessor's Block No. 2619, Lot No. 067.

The Director of Public Works has informed the Board of Supervisors in a letter dated October 30, 2015, (copy attached), that the signatures represented with your appeal of October 26, 2015, have been checked pursuant to the Planning Code and represent owners of more than 20 percent of the property involved and would be sufficient for an appeal.

Pursuant to Planning Code, Section 308.1, a hearing date has been scheduled on **Tuesday, December 1, 2015, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by:

**11 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing in spreadsheet format; and

**8 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

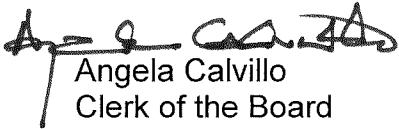
For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and one hard copy of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.



If you have any questions, please feel free to contact John Carroll, Legislative Clerk, at (415) 554-4445.

Sincerely,

  
Angela Calvillo  
Clerk of the Board

C:

David Clarke, Project Sponsor  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
Scott Sanchez, Zoning Administrator, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Tina Chang, Planning Department  
Jonas Ionin, Planning Commission  
Mohammed Nuru, Director of Public Works  
Fuad Sweiss, City Engineer, Public Works  
Jerry Sanguinetti, Manager, Public Works-Bureau of Street Use and Mapping  
Bruce Storrs, Public Works  
Steven Bergin, Public Works



October 30, 2015

Ms. Angela Calvillo  
Clerk of the Board  
1 Dr. Carlton B. Goodlet Place  
City Hall – Room 244  
San Francisco, CA 94102

Edwin M. Lee  
Mayor

Mohammed Nuru  
Director

Fuad Swiss  
Deputy Director and City Engineer

Jerry Sanguinetti  
Bureau of Street Use & Mapping  
Manager

Bruce R. Storrs P.L.S.  
City and County Surveyor

Bureau of Street Use & Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel: (415) 554-5827  
[subdivision.mapping@sfdpw.org](mailto:subdivision.mapping@sfdpw.org)

[sfpblicworks.org](http://sfpblicworks.org)  
[facebook.com/sfpblicworks](http://facebook.com/sfpblicworks)  
[twitter.com/sfpblicworks](http://twitter.com/sfpblicworks)

RE: 22 Ord Ct.  
Lot 067 of Assessor's Block 2619  
Appealing Planning Commissions Approval of  
Conditional Use Application No. 2013.1521 C

Dear Ms. Calvillo:

This letter is in response to your October 26, 2015 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal.

Please be advised that per our calculations the appellants' signatures represent 40.24% of the area within the 300 foot radius of the property of interest; which is more than the minimum required 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely,



Bruce R. Storrs  
City & County Surveyor

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Monday, November 02, 2015 10:08 AM  
**To:** Zhu, Karen (CPC); Ko, Yvonne (CPC)  
**Cc:** BOS Legislation, (BOS); BOS-Operations  
**Subject:** New Appeal Check Available for Pickup in the Clerk's Office - 22 Ord Court

There is a new appeal check available for pickup here in the Clerk's Office, room 244.

Conditional Use Appeal - 22 Ord Court

Best to you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

## Carroll, John (BOS)

---

**From:** Bergin, Steven (DPW)  
**Sent:** Friday, October 30, 2015 2:13 PM  
**To:** Carroll, John (BOS)  
**Cc:** Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Storrs, Bruce (DPW); Rivera, Javier (DPW); Leibof, Steven (DPW); Chan, Cheryl (DPW)  
**Subject:** RE: Conditional Use Appeal - 22 Ord Court - Verification of Signatures  
**Attachments:** Response to Board.pdf

John,

See attached copy of our response to your request for sufficiency of signatures. The original has been sent via inter-office mail.

Thank you,

Steve Bergin  
Bureau of Street Use & Mapping | San Francisco Public Works  
1155 Market St, 3rd Floor | San Francisco, CA 94103  
(415) 554-5886 | [steven.bergin@sfdpw.org](mailto:steven.bergin@sfdpw.org)

---

**From:** Bergin, Steven (DPW)  
**Sent:** Thursday, October 29, 2015 2:38 PM  
**To:** Carroll, John (BOS) <[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org)>  
**Cc:** Nuru, Mohammed (DPW) <[mohammed.nuru@sfdpw.org](mailto:mohammed.nuru@sfdpw.org)>; Sanguinetti, Jerry (DPW) <[jerry.sanguinetti@sfdpw.org](mailto:jerry.sanguinetti@sfdpw.org)>; Storrs, Bruce (DPW) <[bruce.storrs@sfdpw.org](mailto:bruce.storrs@sfdpw.org)>; Rivera, Javier (DPW) <[javier.rivera@sfdpw.org](mailto:javier.rivera@sfdpw.org)>  
**Subject:** RE: Conditional Use Appeal - 22 Ord Court - Verification of Signatures

Hi John,

I am in the process of reviewing the aforementioned Conditional Use Appeal and wanted to inform you that the signed area has exceeded 20 percent at this point. I will follow up with an official response once all signatures have been taken into account and the calculations are complete.

Thank you,

Steve Bergin  
Bureau of Street Use & Mapping | San Francisco Public Works  
1155 Market St, 3rd Floor | San Francisco, CA 94103  
(415) 554-5886 | [steven.bergin@sfdpw.org](mailto:steven.bergin@sfdpw.org)

---

**From:** Carroll, John (BOS)  
**Sent:** Tuesday, October 27, 2015 5:37 PM  
**To:** Nuru, Mohammed (DPW) <[Mohammed.Nuru@sfdpw.org](mailto:Mohammed.Nuru@sfdpw.org)>

**Cc:** Sweiss, Fuad (DPW) <[Fuad.Sweiss@sfdpw.org](mailto:Fuad.Sweiss@sfdpw.org)>; Sanguinetti, Jerry (DPW) <[Jerry.Sanguinetti@sfdpw.org](mailto:Jerry.Sanguinetti@sfdpw.org)>; Storrs, Bruce (DPW) <[Bruce.Storrs@sfdpw.org](mailto:Bruce.Storrs@sfdpw.org)>; Rivera, Javier (DPW) <[Javier.Rivera@sfdpw.org](mailto:Javier.Rivera@sfdpw.org)>; Bergin, Steven (DPW) <[Steven.Bergin@sfdpw.org](mailto:Steven.Bergin@sfdpw.org)>; Givner, Jon (CAT) <[jon.givner@sfgov.org](mailto:jon.givner@sfgov.org)>; Stacy, Kate (CAT) <[kate.stacy@sfgov.org](mailto:kate.stacy@sfgov.org)>; Jones, Sarah (CPC) <[sarah.b.jones@sfgov.org](mailto:sarah.b.jones@sfgov.org)>; Sanchez, Scott (CPC) <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>; Rodgers, AnMarie (CPC) <[anmarie.rodgers@sfgov.org](mailto:anmarie.rodgers@sfgov.org)>; Starr, Aaron (CPC) <[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)>; Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Caldeira, Rick (BOS) <[rick.caldeira@sfgov.org](mailto:rick.caldeira@sfgov.org)>; BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>; Carroll, John (BOS) <[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org)>; Pearson, Audrey (CAT) <[audrey.pearson@sfgov.org](mailto:audrey.pearson@sfgov.org)>; Chang, Tina (CPC) <[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)>; Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; BOS-Supervisors <[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org)>; BOS-Legislative Aides <[bos-legislative\\_aides@sfgov.org](mailto:bos-legislative_aides@sfgov.org)>

**Subject:** Conditional Use Appeal - 22 Ord Court - Verification of Signatures

Good afternoon Director Nuru,

The Office of the Clerk of the Board has tentatively scheduled an appeal hearing for a Special Order before the Board on November 17, 2015, at 3:00 p.m. The appeal was filed by Jack Keating, on behalf of the Castro/Eureka Valley Neighborhood Association, concerning the Conditional Use Authorization for 22 Ord Court.

Please find attached the appeal filing packet, and a letter requesting verification of signatures submitted with the appeal filing. The signatures begin on page 28 of the appeal letter.

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*



October 30, 2015

Ms. Angela Calvillo  
Clerk of the Board  
1 Dr. Carlton B. Goodlet Place  
City Hall – Room 244  
San Francisco, CA 94102

Edwin M. Lee  
Mayor

Mohammed Nuru  
Director

Fuad Sweiiss  
Deputy Director and City Engineer

Jerry Sanguinetti  
Bureau of Street Use & Mapping  
Manager

Bruce R. Storrs P.L.S.  
City and County Surveyor

Bureau of Street Use & Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel: (415) 554-5827  
[subdivision.mapping@sfdpw.org](mailto:subdivision.mapping@sfdpw.org)

[sfpblicworks.org](http://sfpblicworks.org)  
[facebook.com/sfpblicworks](http://facebook.com/sfpblicworks)  
[twitter.com/sfpblicworks](http://twitter.com/sfpblicworks)

RE: 22 Ord Ct.  
Lot 067 of Assessor's Block 2619  
Appealing Planning Commissions Approval of  
Conditional Use Application No. 2013.1521 C

Dear Ms. Calvillo:

This letter is in response to your October 26, 2015 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal.

Please be advised that per our calculations the appellants' signatures represent 40.24% of the area within the 300 foot radius of the property of interest; which is more than the minimum required 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely,



Bruce R. Storrs  
City & County Surveyor

BOARD of SUPERVISORS



City Hall

1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

October 26, 2015

Mohammed Nuru  
Director, Public Works  
1 Dr. Carlton B. Goodlett Place, Room 348  
San Francisco, CA 94102

**Planning Case No. 2013.1521CUAV  
22 Ord Court - Conditional Use Authorization Appeal**

Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Jack Keating, on behalf of the Castro/Eureka Valley Neighborhood Association, of the decision of the Planning Commission by its Motion No. 19483 dated September 24, 2015, relating to the approval of a Conditional Use Authorization (Case No. 2013.1521CUAV) pursuant to Planning Code, Sections 303 and 306.7, for a proposed residential construction project located at:

22 Ord Court, Assessor's Block No. 2619, Lot No. 067

By copy of this letter, the City Engineer's Office is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., on Thursday, October 29, 2015, to give us time to prepare and mail out the hearing notices, as the Board of Supervisors has tentatively scheduled the appeal to be heard on November 17, 2015, at 3:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Calvillo'.

Angela Calvillo  
Clerk of the Board

C:  
Fuad Sweiss, City Engineer, Public Works  
Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping  
Bruce Storrs, Public Works  
Javier Rivera, Public Works  
Steve Bergin, Public Works  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
Sarah Jones, Planning Department  
Scott Sanchez, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Tina Chang, Planning Department

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)

2. Request for next printed agenda Without Reference to Committee.

3. Request for hearing on a subject matter at Committee.

4. Request for letter beginning "Supervisor" [redacted] inquires"

5. City Attorney request.

6. Call File No. [redacted] from Committee.

7. Budget Analyst request (attach written motion).

8. Substitute Legislation File No. [redacted]

9. Reactivate File No. [redacted]

10. Question(s) submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

Small Business Commission       Youth Commission       Ethics Commission  
 Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Clerk of the Board

**Subject:**

Public Hearing - Appeal of Conditional Use Authorization - 22 Ord Court

**The text is listed below or attached:**

Hearing of persons interested in or objecting to the Planning Commission certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303 and 306.7, for a project located 22 Ord Court, Assessor's Parcel Block No. 2619, Lot No. 067, identified in Planning Case No. 2013.1521CUAV, by Motion No. 19483, dated September 24, 2015, to permit lot coverage of a parcel to exceed 55%, and an increase to the existing square footage in excess of 3,000 square feet and/or more than 100% by constructing a new approximately 3,110 gross square foot two-story dwelling unit at the rear of the existing lot. (District 8) (Appellant: Jack Keating, on behalf of the Castro/Eureka Valley Neighborhood Association) (Filed October 26, 2015).

Time stamp  
or meeting date

Signature of Sponsoring Supervisor:

*Alia Smeral*

For Clerk's Use Only: