

3832 18th St
Conditional Use Authorization

Appellant Presentation

2020-001610CUA-02

The Project Sponsor seeks to demolish an exceedingly narrow single-family home, to build a 6-story building with *19 units, only 350 sq. ft. each*, using the state's density bonus law.



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5th F.F.
103'-0"

4th F.F.
93'-2"

3rd F.F.
83'-4"

2nd F.F.
73'-6"

1st F.F.
63'-8"

Cntr @ P.L.

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More than 50 neighbors asserting their Due Process right is not "harassment."

Project Sponsor: 5-story building is violation of the state density bonus law.

More fundamental flaw makes both 5 and 6-story versions illegal.

The Proposed Building Is
Not Group Housing

Group Housing does not have “individual cooking facilities” (current and previous definitions)

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SEC. 102 DEFINITIONS.

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Group Housing. A Residential Use that provides lodging or both meals and lodging,

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without individual or limited cooking facilities or kitchens, by prearrangement for 30 days a week

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or more at a time and intended as Long-Term Housing, in a space not defined by this Code as a

Each unit in **this application** has:

- a refrigerator,
- a sink,
- a two-ring burner, and
- a combination microwave and convection oven.

In the absence of a statutory definition, principles of statutory construction require to be interpreted according to “a plain and commonsense meaning.” *Gajanan, Inc. v. City and Cty. of San Francisco*, 77 Cal. App. 5th 780, 792 (2022).

The plain language of the Planning Code is binding, and no interpretation or application contrary to that language is permitted. *See Stolman v. City of Los Angeles*, 114 Cal. App. 4th 916 (2003) (the Zoning Administrator's interpretation is not binding when it conflicts with the Code).

- Board has recognized that individual ownership was not and is not the purpose of Group Housing
- Proposed application is neither a “residence club” nor a “commune”.