

**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
2700 SLOAT HOLDINGS LLC, \_\_\_\_\_ )  
Appellant(s) )  
vs. )  
ZONING ADMINISTRATOR, \_\_\_\_\_ )  
Respondent

Appeal No. **23-016**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on April 5, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on March 28, 2023, of the Zoning Administrator’s Interpretation of Planning Code Sections 102 and 270 regarding Measurement of Bulk and Plan Dimensions (Unless specified elsewhere in the Planning Code, the maximum Plan Dimensions per specific bulk limits apply within the exterior walls of each individual building or structure, such that a single building may not have multiple vertical elements (i.e. towers, etc.) that collectively exceed the maximum permitted Plan Dimensions. However, separate buildings on the same lot will have separate Plan Dimensions for the purpose of measuring bulk limits).

**FOR HEARING ON May 10, 2023**

Address of Appellant(s):

Address of Other Parties:

2700 Sloat Holdings LLC, Appellant(s) c/o Melinda Sarjapur, Attorney for Appellant(s) Reuben Junius & Rose LLP One Bush Street, Suite 600 San Francisco, CA 94104	N/A
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Date Filed: April 5, 2023

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT FOR APPEAL NO. 23-016**

I / We, **2700 SLOAT HOLDINGS LLC**, hereby appeal the following departmental action: **ISSUANCE** of the Interpretation of Planning Code Sections 102 and 270 by the **Zoning Administrator** which was issued or became effective on: **March 28, 2023**

**BRIEFING SCHEDULE:**

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **April 20, 2023, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), [tina.tam@sfgov.org](mailto:tina.tam@sfgov.org)

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **May 4, 2023, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [msarjapur@reubenlaw.com](mailto:msarjapur@reubenlaw.com)

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, May 10, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place.** The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org). Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

**Please note** that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at [www.sfgov.org/boa](http://www.sfgov.org/boa). You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

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**The reasons for this appeal are as follows:**

Not Submitted

**Appellant or Agent:**

Signature: Via Email

Print Name: Melinda Sarjapur, attorney for appellant



## MEMO TO FILE

March 28, 2023

**Subject:** Zoning Administrator Interpretations  
**Staff Contact:** Corey Teague, Zoning Administrator – (628) 652-7328  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

### Background

Pursuant to Planning Code Section 307(a), the Zoning Administrator (ZA) issues rules, regulations, and interpretations they deem necessary to administer and enforce the provisions of the Code. Formal interpretations are listed within the Planning Code, as well as a series of topical bulletins (e.g., neighborhood notice, bicycle parking, affordable housing, etc.).

### Interpretations

The attached document details several ZA determinations to amend, repeal, or adopt new Planning Code interpretations.

### Appeals

Each individual ZA determination in the attached document is separately appealable to the Board of Appeals within 15 days of issuance. A single appeal may not be filed to encompass two or more separate determinations.

### Attachments:

Amendments to Zoning Administrator Interpretations of the Planning Code – Issued March 28, 2023

cc: Tina Tam, Deputy Zoning Administrator  
Elizabeth Watty, Director of Current Planning  
Odaya Buta, Office of City Attorney  
Citywide Neighborhood Groups

## **Amendments to Zoning Administrator Rules, Regulations, and Interpretations of the Planning Code – March 28, 2023**

NOTE: Additions are *single-underline italics Times New Roman*;  
Deletions are ~~*strike-through italics Times New Roman*~~.

### **INTERPRETATIONS BY CODE SECTION**

Code Section: 102 and 270

Subject: Measurement of Bulk and Plan Dimensions

Effective Date: 03/23

Interpretation:

Section 270(a) states that the bulk limits of Section 270 are measured by Plan Dimensions, which are defined in Section 102. Section 270(a) also states that bulk limits apply to buildings and structures. Per Sec. 102, the Plan Dimensions used to measure bulk are defined to be “dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls.” Section 102 also defines a Building to be any structure having a roof supported by columns or walls. The Planning Code provides no guidance or methods to allow multiple parts of the same building or structure to rely on separate calculations for Plan Dimensions for bulk limits.

Therefore, unless specified elsewhere in the Planning Code, the maximum Plan Dimensions per specific bulk limits apply within the exterior walls of each individual building or structure, such that a single building may not have multiple vertical elements (i.e., towers, etc.) that collectively exceed the maximum permitted Plan Dimensions. However, separate buildings on the same lot will have separate Plan Dimensions for the purpose of measuring bulk limits.

Code Section: 134(f)

Subject: Corner Lots as Through Lots

Effective Date: 03/23

Interpretation:

This section states the following: “Where a lot is a Corner Lot, or is a through lot having both its front and its rear lot line along Streets, Alleys, or a Street and an Alley, and where an adjoining lot contains a residential or other lawful structure that fronts at the opposite end of the lot, the subject through lot

may also have two buildings according to such established pattern, each fronting at one end of the lot, provided that all the other requirements of this Code are met.” While this provision applies to Corner Lots, a typical Corner Lot does not have its rear lot line along a street. Therefore, only a Corner Lot that that has frontage on three separate Streets and/or Alleys may qualify for the provisions of this section (see Block 0145 Lot 037 and Block 4058 Lot 009 as examples).

Subject: Expansion of Legalized Dwelling Units Over Permitted Density

Effective Date: 03/23

Interpretation:

Section 181(c)(2) states that dwelling units that are nonconforming due to density may not be enlarged, altered, or reconstructed beyond the building envelope as it existed on January 1, 2013. Section 207.3 allows the legalization of dwelling units that meet certain criteria. Section 207.3(e)(2) states that one such dwelling unit on a lot is allowed to exceed the permitted density authorized for that zoning district provided that a residential use is principally permitted in that zoning district and that expansion of the additional dwelling unit within the building envelope shall be permitted as part of the legalization process. However, “building envelope” is not defined for this purpose.

The following 1996 interpretation of Section 311 exempts certain “Fill-ins” from notice:

“Fill-ins”: The filling in of the open area under a cantilevered room or room built on columns is exempt only if the height of the open area under the room does not exceed one story or 12 feet. The exemption does not apply to space immediately under a deck nor to space under a room known to be illegal.

Therefore, dwelling units nonconforming as to density per Section 181(c) and dwelling units legalized per Section 207.3 may expand pursuant to the 1996 interpretation for “Fill-ins” and still be considered to be within the existing building envelope.

Code Section: 260(b)(1)

Subject: Height Exemptions

Effective Date: 03/23

Interpretation:

This section allows the Zoning Administrator to grant a height exemption for an elevator penthouse for a building with a height limit of more than 65 feet when it’s found that that such an exemption is required to meet state or federal laws or regulations. The building at 655 Montgomery Street extends higher than its height limit and presented a case where an existing Building Maintenance Unit (BMU) needed to be replaced, but state regulations required a larger BMU to safely service the building.

Therefore, it was determined that the Zoning Administrator height exemption of Section 260(b)(1) shall be expanded to also include BMUs.

Code Section: 303.1

**Effective Date:** 07/09 (Moved and Revised 03/23)

**Interpretation:**

~~SEC. 703.3. FORMULA RETAIL USES and 303(i) CONDITIONAL USES (FORMULA RETAIL).~~  
This section ~~These sections~~ of the Code defines formula retail uses as a type of retail activity "along with eleven or more other retail sales establishments located in the United States" that maintains two or more characteristics listed in this section. A question was has been raised whether it is the eleventh or the twelfth establishment that which triggers the formula retail requirement for approval of a Conditional Use Authorization. It was has been determined that a Conditional Use Authorization is required for the twelfth establishment.

**INTERPRETATIONS – ALPHABETICAL**

**Subject: Formula Retail**

~~Effective Date: 09/07~~

**Interpretation:**

~~—This paragraph requires Conditional Use authorization for all new formula retail uses (as defined by Section 703.3(c)) in any Neighborhood Commercial District. The Zoning Administrator has determined that a change from one formula retail use to another requires a new Conditional Use authorization in Neighborhood Commercial Districts, whether or not a Conditional Use authorization would otherwise be required by the particular change in use in question. This Conditional Use authorization requirement also applies in changes from one Formula Retail operator to another within the same Article 7 use category.~~

~~—However, from time to time, corporations that operate formula retail outlets are purchased in whole or in part by other corporations, often resulting in a name change and necessity for new signage or minor exterior alterations, which require a valid signage or building permit approved by the Planning Department for a number of outlets. A situation arose where a number of outlets of an existing supermarket chain that met the definition of formula retail under the Planning Code were purchased by another supermarket chain that also met the definition of formula retail. The new corporate owner would continue what was considered by the Zoning Administrator to be essentially the same type of operation, with the only major change being the store name. The store size was to remain the same, and the merchandise offering, aside from store brands, would be very similar, providing essentially the same retail service as offered previously. It is hereby determined that the requirement for a new Conditional Use authorization in such cases shall not apply to a change in a formula retailer that meets both of the following criteria:~~

~~—the formula use operation remains the same in terms of its size, function and general merchandise offering as determined by the Zoning Administrator; and~~

~~—the change in the formula retail use operator is the result of multiple existing operations being purchased by another formula retail operator.~~

~~The new operator shall comply with all conditions of approval previously imposed on the existing operator, including but not limited to signage programs and hours of operation; and shall conduct the operation generally in the same manner and offer essentially the same services and/or type of merchandise; or seek and be granted a new Conditional Use authorization.~~

~~Subject: Formula Retail Thresholds~~

~~Effective Date: 07/09~~

~~Interpretation:~~

~~SEC. 703.3. FORMULA RETAIL USES and 303(i) CONDITIONAL USES (FORMULA RETAIL). These sections of the Code define formula retail uses as a type of retail activity "along with eleven or more other retail sales establishments located in the United States" that maintains two or more characteristics listed in this section. A question has been raised whether it is the eleventh or the twelfth establishment which triggers the formula retail requirement for approval of a Conditional Use Authorization. It has been determined that a Conditional Use Authorization is required for the twelfth establishment.~~

# BRIEF SUBMITTED BY THE APPELLANT(S)



Appellant's Brief for Appeal No. 23-016

<https://reubenlaw.egnyte.com/fl/HlzUpwEmux>

**BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)**



# BOARD OF APPEALS BRIEF

**HEARING DATE: May 17, 2023**

May 11, 2023

**Appeal No.:** 23-016  
**Project Address:** N/A  
**Subject:** Interpretation of Bulk Controls (Planning Code Sections 102 and 270)  
**Staff Contact:** Corey Teague, Zoning Administrator – (628) 652-7328  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

## Introduction

The Zoning Administrator (ZA) issued a batch of interpretations on March 28, 2023, that included an interpretation of Sections 102 and 270 related to the application of bulk controls for buildings, which is included as an exhibit to the Appellant's brief. Because it was issued only as a technical interpretation, and not as part of a Letter of Determination, there was no contextual information provided in association with the interpretation. This brief serves as a supplement to the bulk interpretation to provide rationale for the interpretation and responses to the issues raised in the appeal.

## Rationale

Each property in San Francisco has a designated height and bulk district. The height district represents the maximum height of any building permitted on a lot, and the bulk district indicates at what height the massing of a building must be reduced to various dimensions, which are outlined in Table 270 (see Exhibit A). The bulk rules in the Planning Code are derived from the policies in the Urban Design Element of the General Plan, which sets the policy framework for the Planning Code. The bulk rules in the Code originate out of

concerns about the overall appearance of buildings against the sky ("a disconcerting dominance of the skyline and neighborhood"), in the "blocking of near or distant views," and in the general maintenance of adequate light and air. The Urban Design Element clearly states that the essence of bulk rules are "the amount of wall surface that is visible" and "the degree to which the structure extends above its surroundings."

The essential purpose of the bulk rules, therefore, is to limit the contiguous volume of buildings above a certain height. The conjoining of multiple "buildings" above the designated height in a way that creates a contiguous, unseparated facade such that the totality exceeds the maximum bulk dimensions above the prevailing height completely undermines the very purpose of the bulk rules as articulated in the General Plan.

Planning Code Section 270 states that the "limits upon the bulk of buildings and structures shall be as stated in this Section and in Sections 271 and 272. The terms Diagonal Dimension, Height, Length, and Plan Dimensions shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated." For example, within the A bulk district, above a height of 40 feet a building's mass is limited to a maximum length of 110 feet and a maximum diagonal dimension of 125 feet.

The term "Plan Dimensions" is defined in Planning Code Section 102 and encapsulates the definition of "Length" and "Diagonal Dimension" as they are used for measuring bulk:

*"Plan Dimensions. The linear horizontal dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls. The "length" of a building or structure is the greatest plan dimension parallel to an exterior wall or walls and is equivalent to the horizontal dimension of the corresponding elevation of the building or structure at that level. The "diagonal dimension" of a building or structure is the plan dimension between the two most separated points on the exterior walls."*

It's clear that all the language in the Code references the bulk control applying to a single building. A single building's mass is limited to the dimensions in the relevant bulk district. As stated, the bulk controls apply with the exterior walls of a building or structure, and within that single building or structure, the controls represent the maximum building mass permitted.

Using the "A" bulk district again as an example, it is logical that having one building with two adjacent towers above 40 feet in height that are each built to the maximum plan dimensions means the end result is twice the overall building mass above 40 feet than what was intended. There is simply no reference to multiple towers or parts of the same building being able to each have completely separate bulk measurements.

## **Key Points**

The Appellants raise three main points as to why they believe the bulk interpretation is incorrect. A response to each point is provided below.

1. **The Interpretation Creates a New Bulk Limitation, Unsupported by the Language and Intent of Existing Code.** This issue is addressed in the preceding paragraphs, which explain how the interpretation is based heavily on the plain language of the Planning Code. There is no "appeal to ignorance" logical fallacy because the context of the interpretation is in relation to a maximum building control. When a regulation sets a maximum, there is no need to find additional language to support the fact that the maximum may not be exceeded. Additionally, regulations often include caveats, waivers, and other exceptions that represent the only intended circumstances in which such maximums are intended to be exceeded. In this case, the Code provides a clear maximum dimension for buildings above a certain height and a clear method for how to take that single measurement.

The Appellant raises the fact that there are specific bulk districts that reference and provide tower spacing controls in a manner that supports multiple towers and/or portions of buildings above their

bulk height, and that is correct. It is important to note that the interpretation specifically references Planning Code subsection 270(a), which provides the standard bulk controls. The interpretation also states that “unless specified elsewhere in the Planning Code [emphasis added], the maximum Plan Dimensions per specific bulk limits apply within the exterior walls of each individual building or structure, such that a single building may not have multiple vertical elements (i.e., towers, etc.) that collectively exceed the maximum permitted Plan Dimensions.”

There are indeed certain bulk districts and Special Use Districts (SUDs) that provide very specific and detailed bulk and/or mass reduction provisions, as well as tower separation requirements (e.g., S, S-2, Central SoMa, etc.). In fact, numerous bulk districts listed in Table 270 do not list any specific limits but instead refer to other Code sections entirely for the more detailed controls. Importantly, those tower separation requirements are absolutely necessary to ensure that there is adequate spacing of towers above certain heights to maintain the intent and spirit of the bulk controls. The fact that the standard bulk controls listed in Code Section 270(a) and Table 270 do not include tower separation requirements, but other more detailed bulk controls do, signal that the standard bulk controls were not intended for a multiple tower context.

Finally, it’s also important to note that the bulk controls apply to individual buildings, and not to individual development lots. Therefore, if a development project proposes two or more buildings on a single development lot, then each building would be subject to their own separate bulk controls.

2. **The Interpretation Disregards Precedent Application of Planning Bulk Code.** It is not uncommon that past projects may be found that do not comply with an issued interpretation. In fact, interpretations are often needed precisely because there has been inconsistent implementation over time. Such is the case

for the bulk interpretation. As the Appellant states in their brief, the projects they list is not exhaustive, and no comprehensive historical analysis has been conducted related to this interpretation. However, it is important to note that almost every example project listed by Appellant falls within a bulk district and/or SUD that provides specific controls for a multiple tower context. One example project received a bulk exception from the Planning Commission, and another project's second building portion is only slightly above its bulk limit.

3. **The Interpretation Violates State Law.** It is important to note that any dispute regarding the City's or ZA's compliance with State law would ultimately be adjudicated in the courts, and the ZA does not interpret State law. However, it may be helpful for the Board to have additional context related to the Appellant's claim.

In 2020, the state legislature adopted Senate Bill 330 (SB 330), later amended in 2022's Senate Bill 8 ("SB 8"), known as "the Housing Crisis Act" which, among other things, prohibits cities and counties from adopting any zoning controls that would "reduce the intensity of land use" below that which was allowed on January 1, 2018. (Gov't Code § 66300(b)(1)(A).) The prohibition includes legislation that would reduce "height, density, floor area ratio, require new or increased open space, lot size, or setback requirements," or "any other action that would individually or cumulatively reduce the site's residential development capacity," frequently called "downzoning." (Id.)

The ZA's determination here is not a downzoning under the terms of SB 330. Contrary to Appellant's arguments, the interpretation does not change the standards for bulk controls, but merely clarifies the standard bulk controls that have been in place since before January 1, 2018. Indeed, almost none of the examples presented by the Appellants of projects that "could no longer be approved" would be

impacted by the interpretation because they are located in bulk districts and/or SUDs that provide for multi-tower scenarios.

Likewise, the interpretation is not a downzoning because the interpretation does not reduce the residential development capacity of any parcel as compared to the capacity assumed in the recently adopted Housing Element Update. The Housing Crisis Act defines “reducing the intensity of land use” as “reducing the site’s residential development capacity,” but does not define “capacity.” However “capacity” is a term frequently used in the Housing Element context, and should be interpreted similarly in the SB 330 context. Housing Element law requires jurisdictions to have adequate “capacity” to meet their Regional Housing Need Allocation and requires jurisdictions to analyze the potential capacity on a parcel-by-parcel basis. There is no indication that San Francisco’s residential capacity for the recently adopted Housing Element Update assumed multi-tower buildings in bulk districts that do not specifically provide for such context. Therefore, as a practical matter the interpretation would not result in a “net loss” of residential capacity as compared to the capacity calculation in the Housing Element Update. Therefore, the interpretation is not be considered a downzoning.

## **Conclusion**

To conclude, the Zoning Administrator did not err or abuse their discretion by making the bulk interpretation in question. The interpretation was based on the clear intent of the bulk controls pursuant to the General Plan, the plain language of the Planning Code, the relationship of the standard bulk controls with those controls found in more specific bulk districts and/or SUDs that plan for a multi-tower context, and a good faith understanding of State law. As with any Planning Code provision that requires interpretation by the Zoning Administrator, future legislation from the Board of Supervisors may be helpful to clarify the intent and technical



**Board of Appeals Brief**  
**Appeal No. 23-016**  
**Interpretation of Bulk Controls**  
**Hearing Date: May 17, 2023**

details related to the standard bulk controls in the future, and the Department is happy to participate in and contribute to that process.

In light of the information provided in the interpretation and this brief, the Department respectfully requests that the Board of Appeals uphold the Zoning Administrator's determination and deny the appeal.

cc: Melinda Sarjapur (Appellant)  
Austin Yang, Deputy City Attorney

Enclosures: Exhibit A – Planning Code Table 270

## EXHIBIT A

<b>TABLE 270 BULK LIMITS</b>			
<i>District Symbol on <a href="#">Zoning Map</a></i>	<i>Height Above Which Maximum Dimensions Apply (in feet)</i>	<i>Maximum Plan Dimensions (in feet)</i>	
		<i>Length</i>	<i>Diagonal Dimension</i>
<b>TABLE 270 BULK LIMITS</b>			
<i>District Symbol on <a href="#">Zoning Map</a></i>	<i>Height Above Which Maximum Dimensions Apply (in feet)</i>	<i>Maximum Plan Dimensions (in feet)</i>	
		<i>Length</i>	<i>Diagonal Dimension</i>
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100
R	This table not applicable. But see Section <a href="#">270(e)</a> .		
R-2	This table not applicable. But see Section <a href="#">270(f)</a> .		
V		110	140
V	* At setback height established pursuant to Section <a href="#">253.2</a> .		
OS	See Section <a href="#">290</a> .		
S	This table not applicable. But see Section <a href="#">270(d)</a> .		
S-2	This table not applicable. But see Section <a href="#">270(d)</a> .		
T	At setback height established pursuant to Section <a href="#">132.2</a> , but no higher than 80 feet.	110	125
X	This table not applicable. But see Section <a href="#">260(a)(3)</a> .		
TB	This table not applicable. But see Section <a href="#">263.18</a> .		
CP	This table not applicable. But see Section <a href="#">263.24</a> .		
HP	This table not applicable. But see Section <a href="#">263.25</a> .		
PM	This table not applicable. But see Section <a href="#">249.64</a> Parkmerced Special Use District.		
TI	This table not applicable. But see Section <a href="#">263.26</a> .		
EP	This table not applicable. But see Section <a href="#">263.27</a> .		
CS	This table not applicable. But see Section <a href="#">270(h)</a> .		

**PUBLIC COMMENT RECEIVED FOR MAY 17, 2023  
HEARING**

1 RYAN J. PATTERSON (SBN 277971)  
2 BRIAN J. O'NEILL (SBN 298108)  
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10 Attorneys for Yes In My Back Yard;  
11 Sonja Trauss

12 **SAN FRANCISCO BOARD OF APPEALS**

13 2700 SLOAT HOLDINGS, LLC,

14 Appellant,

15 v.

16 SAN FRANCISCO ZONING  
17 ADMINISTRATOR

18 Respondent.

19 ZA Interpretation Code §§ 102 & 270  
20 Appeal No. 23-016

21 **BRIEF IN SUPPORT OF APPEAL**

22 Date: May 10, 2023  
23 Time: 5:00 p.m.

24 **I. INTRODUCTION**

25 Our office represents Yes In My Back Yard Law (YIMBY Law), a California nonprofit, and  
26 Sonja Trauss in her individual capacity. YIMBY Law's mission is to increase the accessibility and  
27 affordability of housing in California by enforcing state housing laws and by advocating for  
28 increased access to housing for households of all income levels. This appeal is regarding the San  
29 Francisco Zoning Administrator (ZA) interpretation of Planning Code Sections 102 and 270, related  
30 to the calculation of the code's bulk limitations. Specifically, the ZA interpreted that bulk limits for  
31 projects with multiple towers that are connected by a common base should be calculated from the  
32 exterior walls of all towers collectively, rather than calculating the bulk of each tower individually.  
33 In other words, the ZA interpretation would count the empty air space between towers as bulk.

34 The ZA interpretation restricts the ability of a developer to build multiple towers, and as a  
35 result reduces the intensity of land use in violation of the Housing Crisis Act (HCA). Moreover, the

1 fact that the ZA issued an interpretation of the Code’s bulk limitation at all confirms that the code’s  
2 bulk limitations are subjective. The Housing Accountability Act (HAA) prohibits the City from  
3 disapproving a housing development project based on subjective code standards; moreover the state  
4 Density Bonus Law (DBL) requires the City to calculate “base density” solely on objective code  
5 standards. If the City attempts to utilize the ZA’s subjective bulk interpretation of the code’s  
6 subjective bulk requirement to disapprove future housing projects (or reject an applicant’s base  
7 density study), the City will be in violation of state law. In fact, the ZA’s bulk interpretation was  
8 issued specifically to reject the “base density” study for the proposed project at 2700 Sloat  
9 Boulevard in violation of state law. If the City wishes to impose an objective bulk standard, the City  
10 must adopt such standards through the Planning Code amendment process.

11 The ZA bulk interpretation reduces the intensity of land use in violation of the HCA and  
12 reliance on this interpretation will lead to additional state law violations. Our clients therefore  
13 respectfully request that the Board disapprove and rescind the subject interpretation.

## 14 II. ARGUMENT

### 15 1. The ZA Bulk Interpretation Violates the Housing Crisis Act.

16 In response to the statewide housing emergency, the Legislature enacted the HCA to place  
17 significant limitations on the ability of local governments to implement any new development  
18 policy, standard, or condition that would “reduce the intensity of land use” on any parcel where  
19 residential uses are allowed. The HCA defines “reduce the intensity of land use” as “reductions to  
20 height, density, or floor area ratio, new or increased open space or lot size requirements, new or  
21 increased setback requirements, minimum frontage requirements, or maximum lot coverage  
22 limitations, or *any other action that would individually or cumulatively reduce the site’s*  
23 *residential development capacity.*” (Gov. Code § 66300(b)(1)(A).)

24 The HCA’s broad definition of “reduce the intensity of land use” includes *any* reduction or  
25 constraint on the space available on a parcel where housing could potentially be built. In other  
26 words, the goal of the HCA is to provide *more* flexibility and make *more* room for housing on every  
27 parcel, and explicitly prohibits any new standard that would restrict the space where housing could  
28 be built. Reducing the intensity of land use is *only* permissible if a city “concurrently changes the

1 development standards, policies, and conditions applicable to other parcels within the jurisdiction to  
2 ensure that there is no net loss in residential capacity.” (Gov. Code § 66300(i)(1).)

3 Here, the ZA bulk interpretation reduces the intensity of land use by limiting design  
4 flexibility and reducing the area of a lot where residential uses could be constructed. For example, if  
5 bulk were calculated individually by tower, one tower could occupy the northeast corner of a lot and  
6 another tower could occupy the southwest corner of a lot. If bulk were calculated cumulatively, bulk  
7 limitations would force a developer to restrict all residential uses to one area of the lot. Due to other  
8 code requirements, such as dwelling unit exposure and open space requirements, forcing all  
9 residential uses into one tower and one area of a lot limits the number of units that could be  
10 constructed. This type of constraint reduces the intensity of land use and is precisely the type of  
11 restriction that is prohibited by the HCA. The ZA bulk interpretation was not issued concurrently  
12 with other changes to ensure that there is no net loss in residential capacity, and therefore the  
13 interpretation violated the HCA.

14 The HCA states that any new development policy, standard, or condition that does not  
15 comply with its provisions “shall be deemed void.” (Gov. Code § 66300(b)(2). The ZA bulk  
16 interpretation is void per state law, and the Board must therefore disapprove and rescind the  
17 interpretation.

## 18 **2. The ZA Bulk Interpretation Will Lead to State Law Violations.**

19 The HAA requires a local agency to approve housing development projects that comply with  
20 applicable, *objective* general plan, zoning, and subdivision standards and criteria, unless the agency  
21 makes written findings that the housing development project would have a specific, adverse impact  
22 upon the public health or safety. (Gov. Code § 65589.5(j)(1).) The HAA defines “objective” to mean  
23 “involving *no personal or subjective judgment by a public official* and being uniformly verifiable by  
24 reference to an external and uniform benchmark or criterion available and knowable by both the  
25 development applicant or proponent and the public official.” In contrast, a standard is subjective when it  
26 can be “treated as one of design choice” and “there is no clear answer to [an] interpretive question.”  
27 (*Cal. Renters Legal Advocacy & Educ. Fund v. City of San Mateo (“CaRLA”)* (2021) 68 Cal.App.5th  
28 820, 841.)

1 The ZA bulk interpretation states that the Planning Code “provides no guidance” regarding how  
2 to calculate bulk for projects with multiple towers. The interpretation argues that the ZA was therefore  
3 forced to answer an interpretive question for which there was no clear answer, and one which boils  
4 down to a design choice. Not only is this factually incorrect, as multiple code sections explicitly allow  
5 bulk to be calculated separately for different building elements,<sup>1</sup> but the interpretation explicitly  
6 acknowledges that the ZA made a subjective choice that bulk should be calculated collectively rather  
7 than by individual tower. The problem, however, is that this personal judgment by the ZA confirms that  
8 the code’s bulk limitations as currently written are subjective. Objective standards require *no subjective*  
9 *judgment by a public official*, and the code’s bulk limitations clearly fail that test.

10 The ZA bulk interpretation cannot be utilized to transform a subjective code requirement into an  
11 objective requirement. Even where an agency interpretation of its own code can be utilized to resolve  
12 discrete ambiguities, courts only give deference to “long-standing and consistent” interpretations.  
13 (*CaRLA, supra*, 68 Cal.App.5th at 843.) Here, the ZA’s bulk interpretation is neither long-standing nor  
14 consistent. As the Appellant has demonstrated, the City has approved multiple projects where bulk was  
15 not calculated consistent with the ZA’s new interpretation, including the 1634 Pine Street project where  
16 bulk was calculated by individual tower, and 50 First Street, where bulk was calculated separately for  
17 upper and lower towers. Even if a ZA interpretation could be utilized to resolve code ambiguities, a *new*  
18 interpretation that is *inconsistent* with prior City precedent holds no legal weight. If the City were to  
19 attempt to disapprove a housing development project based on the code’s subjective bulk limitation by  
20 relying on this ZA interpretation, such a disapproval would run afoul of the HAA.

21 Similarly, the DBL grants housing development projects that provide a certain percentage of  
22 units as affordable a density increase over the “maximum allowable gross residential density.” (Gov.  
23 Code § 65915(f).) For projects where density is not calculated on a units-per-acre basis, the DBL states  
24 that “maximum allowable gross residential density” shall be calculated by estimating the development  
25 capacity “based on the *objective development standards* applicable to the project, including, but not  
26

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27 <sup>1</sup> See, for example, Planning Code § 132.1(c) and 270(d) in the “S” and “S-2” bulk districts that  
28 expressly allow multiple towers, and Planning Code § 270(e) in the Rincon Hill and South Beach  
DTR Districts that allow upper and lower portions of towers to be calculated separately.

1 limited to, floor area ratio, site coverage, maximum building height and number of stories, building  
2 setbacks and stepbacks, public and private open space requirements, minimum percentage or square  
3 footage of any nonresidential component, and parking requirements.” (*Id. at* § (o)(6)(A).) The DBL  
4 further states that a “developer may provide a base density study and the *local agency shall accept it,*  
5 provided that it includes all applicable objective development standards.”

6 The ZA bulk interpretation was submitted in connection with the proposed housing development  
7 project at 2700 Sloat Boulevard, a project that utilizes the state DBL. The developer provided a base  
8 density study that calculated bulk on an individual tower basis. Rather than accept the base density study  
9 as required by the DBL, the Planning Department made a subjective judgment to reject the base density  
10 study solely due to purported noncompliance with the code’s subjective bulk limitation. To reinforce  
11 and give weight to the Planning Department’s subjective judgment, the ZA issued this interpretation  
12 regarding how to calculate bulk for projects with multiple towers. However, as explained above, the fact  
13 that the ZA issued this interpretation merely confirms that the code’s bulk limitation is, in fact,  
14 subjective, and that the Planning Department’s rejection of the 2700 Sloat Boulevard base density study  
15 was in violation of state law.

16 Furthermore, the ZA bulk interpretation must be disapproved and rescinded because utilizing  
17 this ZA interpretation will inevitably lead to additional state law violations in the future (including if the  
18 ZA bulk interpretation is utilized to disapprove the project at 2700 Sloat Boulevard). State law does not  
19 prevent the City from enacting new *objective* standards, but such standards must be enacted through the  
20 legislative process in compliance with the HCA and other state laws.

### 21 III. CONCLUSION

22 The ZA bulk interpretation reduces the intensity of land use in violation of the HCA  
23 and reliance on this interpretation will lead to future state law violations. Our clients therefore  
24 respectfully request that the Board disapprove and rescind the ZA bulk interpretation.  
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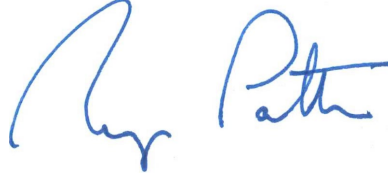


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Dated: May 4, 2023

Respectfully submitted,

PATTERSON & O'NEILL, PC



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By: Ryan J. Patterson  
Attorneys for YIMBY Law and  
Sonja Trauss

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2 BRIAN J. O'NEILL (SBN 298108)  
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9 brian@pattersononeill.com

10 Attorneys for Yes In My Back Yard;  
11 Sonja Trauss

12 **SAN FRANCISCO BOARD OF APPEALS**

13 2700 SLOAT HOLDINGS, LLC,

14 Appellant,

15 v.

16 SAN FRANCISCO ZONING  
17 ADMINISTRATOR

18 Respondent.

19 ZA Interpretation Code §§ 102 & 270  
20 Appeal No. 23-016

21 **SUPPLEMENTAL BRIEF IN SUPPORT OF  
22 APPEAL (CEQA)**

23 Date: May 17, 2023  
24 Time: 5:00 p.m.

25 Our office represents Yes In My Back Yard Law (YIMBY Law), a California nonprofit, and  
26 Sonja Trauss in her individual capacity. We submit these comments in support of the appeal as a  
27 supplement to our May 4, 2023, public comment brief.

28 **THE PLANNING DEPARTMENT MUST COMPLY WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT BEFORE ADOPTING THE ZA INTERPRETATION.**

For the sake of argument, assuming that the ZA Interpretation is authorized to amend the  
Planning Code and that this interpretation complies with state housing laws (which we dispute), the  
City must comply with the California Environmental Quality Act (“CEQA”) before amending the  
Planning Code via ZA Interpretation. CEQA defines a project as “[a]n activity directly undertaken  
by any public agency” that “may cause either a direct physical change in the environment, or a  
reasonably foreseeable indirect physical change in the environment.” (Pub. Res. Code § 21065;  
CEQA Guidelines § 15378.) “Ordinances passed by cities are clearly activities undertaken by a

1 public agency and thus potential ‘projects’ under CEQA.” (*Save the Plastic Bag Coalition v. City of*  
2 *Manhattan Beach* (2011) 52 Cal.4th 155, 171, fn. 7.) Similarly, administrative regulations that may  
3 have reasonably foreseeable direct or indirect impacts on the environment also meet the definition  
4 of “projects” under CEQA. (*Plastic Pipe and Fittings Ass’n v. California Building Standards*  
5 *Com’n* (2004) 124 Cal. App. 4th 1390, 1413 (adoption of California Plumbing Code regulation  
6 subject to CEQA); *see also Inyo Citizens for Better Planning v. Board of Supervisors* (2009) 180  
7 Cal.App.4th 1, 10 (CEQA applicable to general plan amendment redefining a term despite assertion  
8 that it merely clarified long-standing existing policy).)

9 The ZA Interpretation clearly meets the definition of a CEQA project. First, the ZA  
10 Interpretation acknowledges that it is intended to operate as a “formal amendment” to  
11 interpretations that are published directly within the Planning Code. This particular ZA  
12 Interpretation diverges from the City’s past interpretation and past practice of applying the relevant  
13 Code sections. (*See* Appeal Brief’s discussion of prior projects subject to the “Bulk Code.”) The ZA  
14 Interpretation is thus functionally the same as any other zoning ordinance amendment or regulation  
15 that courts have previously deemed to be “projects” under CEQA.

16 Second, the ZA Interpretation will have a direct impact on the environment, as its very  
17 purpose is to change the building form of projects that are subject to the Code sections at issue here.  
18 It is also reasonably foreseeable that this “project” will have an adverse impact on the environment,  
19 as the ZA Interpretation will require more buildings to be constructed to accommodate the same  
20 density that would have otherwise been achievable and allowable under the prior interpretation.  
21 This will shift the location of future large housing development projects and their accompanying  
22 impacts to public services, traffic patterns, utilities, etc. Constructing multiple buildings will also  
23 necessitate additional construction vehicles and equipment that will increase noise, adversely  
24 impact air quality, and increase greenhouse gas emissions.

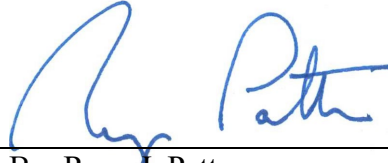
25 Accordingly, the ZA Interpretation is unmistakably a CEQA project that will have a  
26 reasonably foreseeable impact on the environment. Therefore, before the ZA Interpretation may be  
27 adopted, the City must first comply with CEQA. Given that CEQA review was not properly  
28 completed, the ZA Interpretation was not lawfully adopted and must be disapproved and rescinded.

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Dated: May 17, 2023

Respectfully submitted,

PATTERSON & O'NEILL, PC



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By: Ryan J. Patterson  
Attorneys for YIMBY Law and  
Sonja Trauss

**PUBLIC COMMENT RECEIVED FOR JULY 26, 2023  
HEARING**

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

JUL 06 2023

APPEAL # 23-016

**From:** Russell Wiley <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 6, 2023 7:48 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

This is absolutely mind boggling to anyone who lives in the neighborhood and understands how, why, and what makes this part of SF special. To even suggest such a monstrosity is irresponsible and ignorant. Let's consider some facts: The Westerly, which is the condo development right next door, is less than 10% sold and falling apart. Selling it has failed under several developers and brokers. The desire to live in the area and pay for this type of housing is light, which is obvious due to the Westerly's failure, so how is this a good idea? Consider the weather and wear: The areas base is sand with a very high saltwater component. The Westerly dug down to install a parking garage and the water is intruding and degrading the concrete. Digging down deeply into the sand to reach bedrock may be possible but the materials will suffer over the course of time and the structure will also cost a fortune to maintain. Again, look at the Westerly; it is falling apart due to lack of interest in the development and no HOA dues.

San Francisco consistently loses families for a myriad poor policies that drive drive them from the city to live elsewhere. It's not the cost of living, or not as much as the politicians like to politicize housing; but safety, poor education, drug tolerance, and so much more. The western edge of SF is one of the last areas where families remain in SF. This area is known for community, parks, and open spaces. A massive building like this is an eyesore in an area that embraces families and communities of people with a great appreciation for the outdoors. Is there any regard for the the residents and their property in the area? This development makes no sense at all and is completely irresponsible. It will weather poorly, both visibly and structurally. It will ruin the quality of life for people who still embrace life in SF and drive

families from their homes to live elsewhere. Is there any regard for the tax paying citizen in SF anymore? Have you at all considered the residents of the area before trying to push forward such an eyesore in one of the last areas of San Francisco where families live and share a community. Again, the signs are everywhere as to why this is a terrible idea. It's unbelievable that this is even on the table. Follow the money and you will find the corruption. Poor planning ruining one of the last neighborhoods in SF where people still have pride in where they live. Irresponsible!

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

BOARD OF APPEALS (BOA) please UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION and DENY the APPEAL filed by 2700 Sloat Holdings LLC (owners) & their Attorney.

This Appeal is basically BETWEEN 2700 Sloat Holdings LLC & the Zoning Administrator (ZA) but dependent on if the Board of Appeals (BOA) denies OR accepts the Appellants claim, the outcome could allow their intended project to go forward. This or any similar project would be disastrous, set a VERY BAD precedent & would destroy the nature & character of Our Neighborhoods in San Francisco & around California.

Please respect our Neighborhood & Community & take into consideration many of the issues listed below that are associated with this project:

Density & Environmental impact go hand in hand, so the higher the density the MORE important an Environmental Review (Full EIR) becomes. So, CEQA has to be an integral part of this & any review.

- Prior site on multiple Gas & Auto Repair Stations. On the Maher & Cortese lists (see SF PIM)
- Stress the already taxed Infrastructure (water, power, etc.)
- Create huge imposing Shadow patterns
- Block Natural Light & Open Space/Views/Open Skyline (visible from miles away)
- Increase Light Pollution - will interfere with Zoo animals, local wildlife & residents
- Adversely alter or destroy the rare & healthy Soundscapes & Acoustic Environments
- Increase Traffic & Safety to the area (Muni will not add more trains)
- Adversely impact Neighborhood Parking with increased Units (whether is 400+ or 712+)
- Adversely impact the Local Eco-System
- Impact sensitive & fragile Coastal issues

- Site on a potential American Indian Civilization. A Civilization was sited a 1/4 mile away
- Liquefaction issues
- Earthquake & Tsunami Zone
- Built on Sand (no bedrock)
- Increase empty Residential & Commercial space resulting in derelict structures (e.g. The Westerly @ 2800 Sloat Blvd.)
- Have a negative Psychological Impact on the Community
- Put Sloat Garden Center staff out of work & potentially other local small businesses
- Become a blight on the Neighborhood
- Become Urban Development 2.0 - Geneva Towers. Unsuccessful: past & future
- Devalue Property & Neighborhoods (e.g. existing SFR's)

Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,000 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Todd Wiley

Russell Wiley

todd@sfgroup.com

San Francisco, California 94116



HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

**BOARD OF APPEALS**

**From:** Adam Daigian <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 6, 2023 10:56 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 06 2023

APPEAL # 23-016

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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- Put Sloat Garden Center staff out of work & potentially other local small businesses
- Become a blight on the Neighborhood
- Become Urban Development 2.0 - Geneva Towers. Unsuccessful: past & future
- Devalue Property & Neighborhoods (e.g. existing SFR's)

Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,000 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Adam Daigian

Adam Daigian

adam.daigian@gmail.com

San Francisco, California 94122

HO 7/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Michael Fraley <fraley@usfca.edu>  
**Sent:** Thursday, July 6, 2023 11:00 AM  
**To:** BoardofAppeals (PAB); Michael Fraley  
**Subject:** BOA Hearing of July 26, 2023

BOARD OF APPEALS

JUL 06 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I'm writing regarding the BOA Hearing of July 26, 2023. Please uphold the Zoning Administrators (ZA) Determination, and deny the Appeal.

Please do not approve a highrise on the current site of Sloat Gardens, near the SF Zoo. This construction would drastically affect the neighborhood, creating overcrowding, parking and traffic congestion, and negatively impact the quality of life for Outer Sunset residents.

In the matter of 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA)

- Appeal No. 23-016, we ask that the Board of Appeals deny the appeal filed by 2700 Sloat Holdings LLC & their Attorney. A high rise of this kind is not in keeping with the neighborhood. It would destroy the family and small business nature of our surroundings. We value our low crime, low density neighborhood. Please help us protect it from ill-conceived projects that are motivated only by profit, and most likely would fail to even achieve financial success.

Thank you for your consideration,

Michael Fraley  
2459 47th Ave  
San Francisco, CA 94116  
415-740-0058  
fraley@usfca.edu

HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Nina Reed <notchka99@gmail.com>  
**Sent:** Thursday, July 6, 2023 12:50 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** STOP 2700 SLOAT BLVD

BOARD OF APPEALS

JUL 06 2023

APPEAL # 23-016

**Importance:** High

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To: San Francisco Mayors Office, Board Of Supervisors, Planning Department, and HOME-SF  
From: Nina Reed

STOP 2700 SLOAT BLVD

Help to Preserve the Nature & Character of San Francisco Neighborhoods

I vehemently OPPOSE to this high-density, high-rise project. It is NOT an appropriate project for our Neighborhood.

It will NOT serve the Community or Neighborhood.

2700 Sloat Blvd. Project WILL:

Stress the already taxed Infrastructure.

Block natural light & impact our open skyline.

Increase light pollution.

Adversely alter or destroy the rare & healthy Soundscapes & Acoustic Environments.

Increase traffic & create safety risks (Muni is NOT going to add more trains).

Adversely impact residential/neighborhood parking even more.

Adversely impact the local Eco-Systems.

Increase unoccupied residential & commercial space resulting in derelict structures.

Have a negative psychological impact on the Community.

Put people out of work at Sloat Garden Center & potentially other local small businesses.

Become a blight on the neighborhood.

Become Urban Development 2.0 – Unsuccessful: in the past & in the future.

Lower Property Values for all.

Regards,  
San Francisco Resident

AD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Hal Christiansen <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 6, 2023 1:04 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 06 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

As a long-time resident of San Francisco (36 years) I am 100% opposed to this building project. It will completely change the character of the neighborhood. It will cast shadows over the other homes and their garden areas. The traffic will be dangerous for the residents, but especially for children. There will be egregious noise from residents and their visitors, but most especially from their cars. The building size conflicts with the zoning for that area. Plus, I believe that the "affordable housing" ploy is nothing but that. Affordable for who, the homeless persons at Eddy and Jones, or the wealthy persons who already own homes in SF, Majorca, and Monaco? Save our coastline. This luxury condo building is only for developers and will surely lead to other developers pricing out the current residents of the Sunset in order to build more luxury units. This is not Miami Beach or Marina del Rey.

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

BOARD OF APPEALS (BOA) please UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION and DENY the APPEAL filed by 2700 Sloat Holdings LLC (owners) & their Attorney.

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Please respect our Neighborhood & Community & take into consideration many of the issues listed below that are associated with this project:

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Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,000 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Hal Christiansen  
1864 Larkin Street, No. 5  
San Francisco, California

94109

415-346-6810

Hal Christiansen

halc7700@gmail.com

San Francisco, California 94109

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Renee Lazear <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 6, 2023 1:41 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 06 2023

APPEAL # 23-016

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,000 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Renee Lazear  
redpl@aol.com

San Francisco, California 94116

HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

**From:** Victoria Herrick <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 6, 2023 3:30 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 06 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

BOARD OF APPEALS (BOA) please UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION and DENY the APPEAL filed by 2700 Sloat Holdings LLC (owners) & their Attorney.

This Appeal is basically BETWEEN 2700 Sloat Holdings LLC & the Zoning Administrator (ZA) but dependent on if the Board of Appeals (BOA) denies OR accepts the Appellants claim, the outcome could allow their intended project to go forward. This (or any similar project) would be disastrous, set a very bad precedent & destroy the nature & character of Our Neighborhoods in San Francisco & around California.

Please respect our Neighborhood & Community & take into consideration many of the issues listed below that are associated with this project:

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Although currently living in Sonora, I am a life-long San Franciscan. I attended SF public schools from kindergarten to High School, worked in the Financial District for many years after that and for a period of time, was a resident of the outer Sunset District. I feel strongly that 2700 Sloat has no place in the outer Sunset District. It does not represent the character of the neighborhood or its residents. I fear that the overwhelming list of negative impacts would drive people away rather than toward what is currently a peaceful neighborhood setting.

Respectfully,  
Victoria Herrick

Victoria Herrick  
herrickv@gmail.com

Sonora, California 95370

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Frank Cassinelli <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 6, 2023 4:56 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 06 2023

APPEAL # 23-016

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Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,000 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Frank D. Cassinelli

Frank Cassinelli

fcassinelli66@gmail.com

San Francisco, California 94132

HO 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** SON-SF ~ Save Our Neighborhoods SF <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 6, 2023 5:12 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 6 2023

APPEAL # 23-016

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Sincerely,

SON-SF ~ Save Our Neighborhoods SF  
 info@sonsf.org

San Francisco, California 94116

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Vincent Louie <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 6, 2023 5:21 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 06 2023

APPEAL # 23-014

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Sincerely,

Vincent Louie  
 vlouie@cscpsv.org

San Francisco, California 94121

HO 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Joseph Koman <info@sg.actionnetwork.org>  
**Sent:** Friday, July 7, 2023 4:17 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS - EXPRESS  
 Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the  
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JUL 07 2023

APPEAL # 23-016

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Are the contractors trying to destroy every single family neighborhood in San Francisco???

The building across from this site is not even fully occupied. Who wants their kid to grow up in a condo!

Sincerely,  
Joseph A. Koman

Joseph Koman  
joekoman@att.net

San Francisco, California 94112

AD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Susan Smith <info@sg.actionnetwork.org>  
**Sent:** Saturday, July 8, 2023 7:46 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 08 2023

APPEAL # 23-016

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Dear Board of Appeals (BOA),

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Sincerely,  
Susan Smith

Susan Smith  
emberleysusan@gmail.com

San Francisco, California 94105

HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Richard Dudum <info@sg.actionnetwork.org>  
**Sent:** Saturday, July 8, 2023 9:19 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS  
 Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the  
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JUL 08 2023

APPEAL # 23-016

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A SKYSCRAPER AT OCEAN BEACH IS ABSURD, OUT OF CHARACTER, AND 100% OUT OF PLACE.

SAN FRANCISCO IS NOT FOR SALE AND SHOULD NOT BE COMPROMISED TO ACCOMMODATE WEALTHY DEVELOPERS SEEKING PROFIT UNDER THE GUIZE OF AFFORDABLE HOUSING.

Please respect our City.

Sincerely,

Richard Dudum

Richard Dudum

richarddudum@gmail.com

San Francisco, California 94127

HD 7/26/23

FILE

BOARD OF APPEALS

**Mejia, Xiomara (BOA)**

**From:** Jennifer Zarich <info@sg.actionnetwork.org>  
**Sent:** Saturday, July 8, 2023 9:36 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 08 2023

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Sincerely,

Jennifer Zarich

jenniferzarich@gmail.com

San Francisco, California 94122

HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Sharon Cheng <info@sg.actionnetwork.org>  
**Sent:** Saturday, July 8, 2023 11:25 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS  
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JUL 08 2023  
23-016

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Sincerely,

Sharon Cheng  
sharoncky@hotmail.com

San Francisco, California 94116

HD 7/26/23

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Ling Jiang <info@sg.actionnetwork.org>  
**Sent:** Sunday, July 9, 2023 4:15 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 09 2023

APPEAL # 23-016

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Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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This Appeal is basically BETWEEN 2700 Sloat Holdings LLC & the Zoning Administrator (ZA) but dependent on if the Board of Appeals (BOA) denies OR accepts the Appellants claim, the outcome could allow their intended project to go forward. This or any similar project would be disastrous, set a VERY BAD precedent & would destroy the nature & character of Our Neighborhoods in San Francisco & around California.

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- Prior site on multiple Gas & Auto Repair Stations. On the Maher & Cortese lists (see SF PIM)
- Stress the already taxed Infrastructure (water, power, etc.)
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- Become a blight on the Neighborhood
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Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,000 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Ling Jiang  
tl26ling@gmail.com

San Francisco, California 94116

HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Harry Pariser <info@sg.actionnetwork.org>  
**Sent:** Sunday, July 9, 2023 7:57 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS:

JUL 09 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

This skyscraper is an aesthetic horror, will ruin the Sunset, and it is incredible that this is even being considered — at any height other than two story!

Harry S. Pariser

Sunset

Harry Pariser

friskoan@gmail.com

San Francisco, California 94122

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Lisa Arjes <info@sg.actionnetwork.org>  
**Sent:** Sunday, July 9, 2023 8:20 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS  
 Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the  
 ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 09 2023

23-016

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Sincerely,

Lisa Arjes

Lisa Arjes

[lisa.arjes@gmail.com](mailto:lisa.arjes@gmail.com)

San Francisco, California 94122



HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Werner Blumer <info@sg.actionnetwork.org>  
**Sent:** Monday, July 10, 2023 8:21 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 10 2023

APPEAL # 23-016

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Uphold the law not to aid and abet illegal immigrants with the sanctuary city status, then we do not need more housing. If humans cause global warming why are you not discourage people from coming here? What does your twisted mind want?

Sincerely,

Werner Blumer  
 dart273@gmail.com

San Francisco, California 94118

HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** maria markoff <info@sg.actionnetwork.org>  
**Sent:** Monday, July 10, 2023 9:02 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS  
 Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the  
 ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 10 2023

23-016

BOARD OF APPEALS

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Sincerely,

maria markoff  
mm123x45@gmail.com

San Francisco, California 94116

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

JUL 11 2023

**From:** Susan Wong <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 11, 2023 9:14 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

APPEAL # 28-016

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Sincerely,

Susan Wong

Susan Wong

reichert.wong@juno.com

San Francisco, California 94116

HO 7/26/23

FILE

BOARD OF APPEALS

**Mejia, Xiomara (BOA)**

**From:** Jonathan Maguire <amoeba.maguire@gmail.com>  
**Sent:** Tuesday, July 11, 2023 11:46 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Uphold the Zoning Administrator's determination & deny the appeal filed by 2700 Sloat Holdings LLC

JUL 11 2023

APPEAL # 23-014

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals,

I am writing to express my strong opposition to the proposed construction project, as it stands before you in the appeal case between 2700 Sloat Holdings LLC and the Zoning Administrator. Allowing this or any similar project to proceed would be disastrous, set a dangerous precedent, and irreversibly harm the nature and character of our neighborhoods in San Francisco. There are several significant issues that need to be considered in relation to this project, including negative impacts on the environment, infrastructure, and community.

One crucial point to consider is the density of the proposed project. It is essential to recognize that density and environmental impact are interconnected. As the density increases, the need for a comprehensive Environmental Impact Review (Full EIR) becomes even more critical. Therefore, it is imperative that the California Environmental Quality Act (CEQA) be an integral part of the review process for this project, as well as any future developments.

The project's massive size would create imposing shadow patterns that extend over neighboring properties, blocking natural light and obstructing open spaces, views, and the open skyline. This negative impact would be visible from miles away and fundamentally change the character of the surrounding area.

Another crucial consideration is the strain that this project would put on the already taxed infrastructure, including water and power systems. The addition of a large-scale development like this would further burden these resources and could lead to inadequate provision of essential services to the area.

The increased density resulting from this project would lead to higher light pollution levels, adversely affecting the well-being of Zoo animals, local wildlife, and residents. Additionally, the unique soundscapes and acoustic environments, which are rare and healthy in this neighborhood, would be significantly altered or even destroyed.

Furthermore, the increased number of units would adversely impact neighborhood parking and traffic, exacerbating an already challenging parking situation. This would have a detrimental effect on the daily lives of local residents.

The proposed construction would also have significant consequences for the local ecosystem and the sensitive coastal issues in the area. It is crucial to consider the potential long-term environmental damage that could occur as a result of this project.

The geological conditions of the site pose additional concerns. The area is prone to liquefaction, and it lies within an earthquake and tsunami zone. The fact that the proposed construction would be built on sand without a bedrock foundation raises serious questions about its long-term stability and safety.

Allowing this project to proceed would also contribute to an increase in empty residential and commercial spaces, potentially leading to derelict structures similar to The Westerly at 2800 Sloat Blvd. This would have a negative impact on the overall appearance and desirability of the neighborhood.

The negative psychological impact on the community cannot be underestimated. This project would disrupt the sense of belonging and well-being that residents currently enjoy in their neighborhood, causing distress and a sense of displacement. Allowing this project to proceed would be detrimental to the neighborhood, becoming a blight on the community.

Finally, it is important to consider the potential devaluation of properties and neighborhoods resulting from this project. The adverse impacts on the quality of life, environmental factors, and the overall character of the area would inevitably have a negative effect on property values and the desirability of the neighborhood.

In light of these significant concerns, I urge the Board of Appeals to carefully consider the long-term consequences of approving this proposed construction project. It is crucial to prioritize the preservation of our neighborhoods, environmental well-being, and the quality of life for current and future residents. I implore you to deny the appeal and protect the best interests of our community.

Thank you for your attention to these important matters.

Sincerely,

Jonathan Maguire  
2646 45th Ave



HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Evan Conrad <evan@roomservice.dev>  
**Sent:** Tuesday, July 11, 2023 12:16 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Support 2700 Sloat Blvd

BOARD OF APPEALS

JUL 11 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi!

I'm writing in support of 2700 Sloat Blvd, in both the giant tower form, and the multi-family apartment form.

I would like to one day be able to afford an apartment in San Francisco without spending most of my budget on rent. Blocking new buildings creates a monopoly for landlords in the city, and shoots up rent prices.

Please help end the landlord monopoly in San Francisco and approve new units, especially large multi-family apartment complexes!

I live at 548 Laguna Street, in Dean Preston's district.

-Evan

HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

JUL 11 2023

APPEAL # 23-016

**From:** Dena Gardi <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 11, 2023 12:36 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Sincerely,

Dena Gardi  
Resident of district 7

Dena Gardi  
gardi1@mindspring.com

San Francisco, California 94127

HD 7/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** vic rod <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 11, 2023 7:02 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

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APPEAL # 23-016

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Sincerely,

Victor Rod

vic rod

junk@killdozing.com

San Francisco, California 94121

HO 7/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Alex Corns <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 11, 2023 8:07 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 11 2023

APPEAL # 23-016

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Dear Board of Appeals (BOA),

I urge you not to allow this project to go forward while I support affordable housing this is not the answer. And you can bet it will not be affordable. We should try converting some vacant downtown office space into affordable housing before killing our neighborhoods.

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,000 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Alex Corns  
 acorns8564@aol.com

San Francisco, California 94112

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** nancy zerner <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 11, 2023 8:45 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS  
Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the  
ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 11 2023

APPEAL #23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

BOARD OF APPEALS (BOA) please UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION and DENY the APPEAL filed by 2700 Sloat Holdings LLC (owners) & their Attorney.

This Appeal is basically BETWEEN 2700 Sloat Holdings LLC & the Zoning Administrator (ZA) but dependent on if the Board of Appeals (BOA) denies OR accepts the Appellants claim, the outcome could allow their intended project to go forward. This or any similar project would be disastrous, set a VERY BAD precedent & would destroy the nature & character of Our Neighborhoods in San Francisco & around California.

Please respect our Neighborhood & Community & take into consideration many of the issues listed below that are associated with this project:

Density & Environmental impact go hand in hand, so the higher the density the MORE important an Environmental Review (Full EIR) becomes. So, CEQA has to be an integral part of this & any review.

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- Stress the already taxed Infrastructure (water, power, etc.)
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- Increase Light Pollution - will interfere with Zoo animals, local wildlife & residents
- Adversely alter or destroy the rare & healthy Soundscapes & Acoustic Environments
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Sincerely,

Nancy Zerner

THIS IS INSANE!

nancy zerner

nancyfancypants@yahoo.com

San Francisco, California 94121

FILE

BOARD OF APPEALS

JUL 11 2023

APPEAL # 23-016

**Mejia, Xiomara (BOA)**

**From:** Monica Wong <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 11, 2023 9:26 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS  
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Sincerely,

Monica Wong  
mw72\_98@yahoo.com

San Francisco, California 94112

HD 7/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** David Friedlander <info@sg.actionnetwork.org>  
**Sent:** Wednesday, July 12, 2023 8:02 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 12 2023

APPEAL # 23-016

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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As a native of the Outer Sunset neighborhood and a frequent visitor to friends and family in the Outside Lands I strongly oppose this development.

Sincerely,

David Friedlander  
Nashville, Tennessee

David Friedlander  
david@friedlanders.us

Nashville, Tennessee 37205

HD 7/26/23

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Susan Crider nie Nelson <info@sg.actionnetwork.org>  
**Sent:** Wednesday, July 12, 2023 8:20 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 12 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

I no longer reside in San Francisco. However when I visited my old neighborhood I was quite upset over the ugly multi unit appartments built on the grounds of the legendary Play Land. My last visit I went down to ocean beach and was horrified how the ocean environment had turned those units even more ugly. The owners were not doing any maintenance, chipped peeling paint, dirty windows and a real eyesore.

If you allow more of these multi high rises you will completely destroy the beauty and quaint charm of the seaside Neighborhoods and ocean environment.

As a non resident I would not advise anyone to move to the Bay Area while those in charge have no concern over protecting the charm of the San Francisco way of life we all love.

Spend your time helping to preserve what makes San Francisco the most beautiful city in the world.

Thank you for allowing me this venue to express my love of San Francisco.

Susan R Nelson-Crider.

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Sincerely,

Susan R Nelson-Crider

Susan Crider nie Nelson  
srncrider@gmail.com

Kansas City, Missouri 64138



HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** norma yee <norma.yee@sbcglobal.net>  
**Sent:** Wednesday, July 12, 2023 8:48 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** No highrises in Sunset district at 2700 Sloat Blvd!

BOARD OF APPEALS

JUL 12 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

dear boa-sf,

no high rises in my sunset district!

i am a native san franciscan, home owner and have lived on the west side for over 20 years.

do not destroy our neighbor with terrible designs and building heights that will plague our community forever.

thank you,  
norma yee  
parkside home owner

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Deirdre Papalexopoulos <info@sg.actionnetwork.org> JUL 17 2023  
**Sent:** Monday, July 17, 2023 9:17 PM  
**To:** BoardofAppeals (PAB) APPEAL #23-016  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS  
 Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the  
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Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Sincerely,

Deirdre Papalexopoulos  
deirdrep55@gmail.com

San Francisco, California 94127

AD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** John Farrell <info@sg.actionnetwork.org>  
**Sent:** Monday, July 17, 2023 10:10 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 17 2023

APPEAL # 23-016

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Sincerely,

John Farrell

farrellreinvestments@yahoo.com

San Francisco, California 94116

HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

**From:** Laiching LamSeto <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 18, 2023 1:17 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 18 2023

APPEAL #23-016

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Sincerely,

Laiching LamSeto

laichinglamseto@gmail.com

San Francisco, California 94116

HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

JUL 18 2023

**From:** Kathryn Ann Dougery <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 18, 2023 12:14 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

APPEAL # 23-016

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Dear Board of Appeals (BOA),

Do not allow this to be built!

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Sincerely,

Kathryn Ann Dougery

Kathryn Ann Dougery  
kdougery@gmail.com

San Francisco, California 94127

HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Nick Shebalin <CatalinaPilot@hotmail.com>  
**Sent:** Tuesday, July 18, 2023 5:53 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 Sloat

BOARD OF APPEALS

JUL 18 2023

APPEAL # 23-014

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear BOA,

I was born and raised in the Sunset and I and my family are really hoping that the proposed monstrosity at 2700 Sloat WILL NOT BE approved nor will other such out of place projects that will destroy our neighborhoods, the shoreline, and our quality of life. This is not only an aesthetic nightmare which will grossly intrude on the neighborhood but it is also a logistical/environmental nightmare as well. Then there's the fact that it's public knowledge that this folly is proposed by a greedy out of town developer, one who has a criminal conviction circa 2005 involving Ponzi schemes in the North Bay. To date and for the record the abhorrent bunker like "Westerly Building" ( 2800 Sloat) is still unsold and has since day one been considered neighborhood blight. Everyone here despises the lackluster Westerly and everyone is also very enraged at the prospect of this very non San Franciscan proposal at 2700 Sloat. There is nothing in this project that at all benefits our neighborhood in any capacity it only serves to push locals out and grossly devalue our very hard earned homes.

Sincerely,

N.P. Shebalin and family ( Sunset Parkside residents since 1964)

Sent from Mail for Windows

HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

**From:** Patricia Murphy <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 18, 2023 10:23 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 18 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

This project will sit next to a mostly empty building. We have many empty buildings downtown. This building will also change the neighborhood around it forever. It's BIG and does not fit the area at all.

It would suit the west side so much mor to leave Sloat Garden Center in place.

San Francisco still needs to protect the uniqueness of our neighborhoods. Not turn it into Manhattan

Patricia Murphy

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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- Become Urban Development 2.0 - Geneva Towers. Unsuccessful: past & future
- Devalue Property & Neighborhoods (e.g. existing SFR's)

Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,500 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Patricia Murphy  
mac4murph@gmail.com

San Francisco, California 94127

HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

JUL 18 2023

**From:** Aaron Goodman <amgodman@yahoo.com>  
**Sent:** Tuesday, July 18, 2023 9:19 AM  
**To:** Board of Supervisors (BOS); BoardofAppeals (PAB); BOS Clerks Office (BOS); Breed, Mayor London (MYR); MelgarStaff (BOS); Joel Engardio  
**Subject:** Fwd: Where's the transit ? 🤔?????

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Too long we watched the paltry solutions and lacking transit planning step up if you're really gonna step up the proposals for density fix the transit solutions!!!!  
Ag D11

Sent from my iPhone

Begin forwarded message:

**From:** Aaron Goodman <amgodman@yahoo.com>  
**Date:** July 18, 2023 at 9:17:22 AM PDT  
**To:** jdineen@sfchronicle.com  
**Subject:** Where's the transit ? 🤔?????

Sloat sunset article and Hickey background aside, where were we with transit planning for all this density? (Where's the beef 🤔 ad comes to mind)

With parkmerced stalled, stonestown and sfsu-csu / Daly City and sloat proposals and density push for the westside where is that subway planning at that was supposedly in progress to meet this tsunami 🌊 of density and planning for the westside?

Ocean beach erosion and sewer system issues, soft dune landscape and liquifaction issues prior 55 chumasero tower in parkmerced and lacking proposals to meet the numbers through proper scaled infill seems to be the real problem.

When u have single story bank buildings along west portals K/L/M exit and lots of opportunity for density, why only look downtown for transit changes? The M line was supposed to be accelerated it's gone nowhere fast. The alemany flyover and brotherhood way development and proposals for more density means traffic issues when construction vehicles and contractors have multiple sites in construction simultaneously.

We had suggested the L line being shifted as was proposed by SFMTA over to sloat and up sloat with a link to west portal and tunneling south at 20th vs 19th using the pumpkin 🎃 patch as a T platform interchange with wider streets to bring the trains below grade. Even trackless train systems and e-shuttle bus options could amp up initial transit lagging development. But without a real kick in the ass transit wise these towers should be laid to the side literally along sunset Blvd as a berm sea wall and put micro towers above and train LRV below 🏠 with a lineal park like and solar and fog moisture collectors above.

Solutions are there but when planners like hillis focus on one proposal and site at a time they lose their imagination on what can solve multiple issues with one swoop.

Think hard SF a the issue goes beyond density and housing it's about the future of the westside and how it wants to evolve as a whole....planning wise and solution concept Wise.

Ag D11

Sent from my iPhone

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Maria Sheeran <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 18, 2023 11:14 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 18 2023

APPEAL # 23-016

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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This Appeal is basically BETWEEN 2700 Sloat Holdings LLC & the Zoning Administrator (ZA) but dependent on if the Board of Appeals (BOA) denies OR accepts the Appellants claim, the outcome could allow their intended project to go forward. This or any similar project would be disastrous, set a VERY BAD precedent & would destroy the nature & character of Our Neighborhoods in San Francisco & around California.

Please respect our Neighborhood & Community & take into consideration many of the issues listed below that are associated with this project:

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Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,500 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Maria Sheeran

Maria Sheeran

jandmsheeran@aol.com

San Francisco, California 94122



AD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Mary Ryan <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 18, 2023 1:03 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 18 2023

APPEAL # 23-016

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Sincerely,

Mary Ryan  
birr99@aol.com

San Francisco, California 94116

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Elizabeth Avalos <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 18, 2023 1:24 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 18 2023

APPEAL # 23-016

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Sincerely,

Elizabeth Avalos  
eavalossf@gmail.com

San Francisco, California 94116

HO 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Shannon Cronan <info@sg.actionnetwork.org>  
**Sent:** Tuesday, July 18, 2023 2:32 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 18 2023

APPEAL # 23-016

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Sincerely,

Shannon Cronan

Shannon Cronan

Scronan@mindspring.com

San Francisco, California 94127

HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

JUL 19 2023

**From:** Renee Lazear <info@sg.actionnetwork.org>  
**Sent:** Wednesday, July 19, 2023 9:36 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

#23-016

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Sincerely,

Renee Lazear  
redpl@aol.com

San Francisco, California 94116



HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

**From:** RL <redpl@aol.com>  
**Sent:** Wednesday, July 19, 2023 9:54 AM  
**To:** BoardofAppeals (PAB); Teague, Corey (CPC); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); Peskin, Aaron (BOS); Board of Supervisors (BOS); Hillis, Rich (CPC); Sider, Dan (CPC); Hicks, Bridget (CPC); EngardioStaff (BOS)  
**Subject:** Letter to the BOA Etc. - 2700 SLOAT BLVD APPEAL 7/26/23

JUL 19 2023

APPEAL # 23-014

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello All,

I want to apologize for sending an email (system error) that came from me to each of you multiple times.

However, the message is the same: Please **Uphold the ZA's Determination & Deny the Appeal filed by 2700 Sloat Holdings LLC.**

Best regards,

Renee Lazear  
D4 Resident  
Co-Founder of SON-SF ~ Save Our Neighborhoods SF

HD 7/26/23

FILE

**Mejia, Xiomara (BOA)**

**BOARD OF APPEALS**

**From:** Devon Bolla <devon@pattersononeill.com>  
**Sent:** Wednesday, July 19, 2023 11:03 AM  
**To:** BoardofAppeals (PAB); Longaway, Alec (BOA); Rosenberg, Julie (BOA)  
**Cc:** Ryan Patterson; Brian O'Neill  
**Subject:** Supplemental Brief in Support of Appeal No. 23-016  
**Attachments:** 2023.07.18 YIMBY Supplemental Brief ISO Appeal No. 23-016 - Sunshine Documents - Executed.pdf; 7.18.2023 YIMBY BON DEC ISO Appeal No. 23-016.pdf

JUL 19 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good morning,

Please see the attached supplemental brief in support of Appeal No. 23-016 submitted on behalf of Yes in My Back Yard and Sonja Trauss.

Thank you,

Devon J. Bolla  
Paralegal  
Patterson & O'Neill, PC  
Office: (415) 907-9110  
Direct: (415) 907-7703  
Fax: (415) 907-7704  
600 California Street, 11th Floor  
San Francisco, CA 94108  
[devon@pattersononeill.com](mailto:devon@pattersononeill.com)  
[www.pattersononeill.com](http://www.pattersononeill.com)

This email may contain privileged or confidential material for the sole use of the intended recipient. Review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the original sender and delete all copies. Nothing in this email or any attachments should be regarded as tax advice unless expressly stated.

FILE

1 RYAN J. PATTERSON (SBN 277971)  
2 BRIAN J. O'NEILL (SBN 298108)  
3 PATTERSON & O'NEILL, PC  
4 600 California Street, 11<sup>th</sup> Floor  
5 San Francisco, CA 94108  
6 Tel: (415) 907-9110  
7 Fax: (415) 907-7704  
8 ryan@pattersononeill.com  
9 brian@pattersononeill.com

BOARD OF APPEALS

JUL 19 2023

APPEAL # 23-016

10 Attorneys for Yes In My Back Yard;  
11 Sonja Trauss

12 SAN FRANCISCO BOARD OF APPEALS

13 2700 SLOAT HOLDINGS, LLC,

14 Appellant,

15 v.

16 SAN FRANCISCO ZONING  
17 ADMINISTRATOR

18 Respondent.

ZA Interpretation Code §§ 102 & 270  
Appeal No. 23-016

**SUPPLEMENTAL BRIEF IN SUPPORT OF  
APPEAL**

Date: July 26, 2023

Time: 5:00 p.m.

PATTERSON & O'NEILL, PC  
600 CALIFORNIA STREET, 11<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94108

19 Our office represents Yes In My Back Yard (YIMBY Law), a California nonprofit, and  
20 Sonja Trauss in her individual capacity. We submit these comments in support of the appeal as a  
21 supplement to our May 4, 2023 and May 17, 2023 submittals. Included with this brief is the  
22 Declaration of Brian O'Neill, as well as true and correct copies of Planning Department records that  
23 were provided in response to our June 29, 2023 Sunshine Ordinance request.

24 As previously explained, the Housing Crisis Act ("HCA") prohibits an agency from enacting  
25 any new development policy, standard, or condition that would "reduce the intensity of land use" on  
26 residentially zoned parcels, defined as any "action that would individually or cumulatively reduce  
27 the site's residential development capacity." (Gov. Code § 66300(b)(1)(A).) The HCA's broad  
28 definition of "reduce the intensity of land use" includes any reduction or constraint on the space  
available on a parcel where housing could potentially be built.

1 The Planning Department’s records confirm that the ZA’s bulk code interpretation was  
2 specifically intended to reduce the space available on a parcel for housing to be built. The ZA  
3 interpreted the bulk limits for projects with multiple towers connected by a common base to be  
4 calculated from the exterior walls of all towers collectively, rather than calculating the bulk of each  
5 tower individually. In other words, the ZA interpretation would count the empty air space between  
6 towers toward the bulk limit, thereby reducing the space on a site where multi-tower housing  
7 projects could be built. Prior to issuing the LOD, the ZA acknowledged in an email that multiple  
8 Planning Department officials “seemed to think it would be ok if there were multiple towers if they  
9 each met applicable bulk controls,” and he stated that he was “torn, personally.” Ultimately, the ZA  
10 decided to subjectively interpret the bulk code narrowly to “be conservative and generally apply a  
11 one-tower only interpretation.” Put another way, the ZA specifically intended for the bulk code  
12 interpretation to reduce the amount of housing that could potentially be built, even though other  
13 Planning Department officials confirmed that the existing Planning Code standards did not prohibit  
14 multi-tower designs. This new ZA policy clearly reduces the intensity of land use in violation of the  
15 HCA and is therefore void. (Gov. Code § 66300(b)(2).)

16 Moreover, the Housing Accountability Act (“HAA”) limits an agency’s ability to disapprove  
17 housing development projects based on subjective zoning code standards and criteria, and requires  
18 approval of any project that complies with applicable objective standards. (Gov. Code §  
19 65589.5(j)(1).) The HAA defines “objective” to mean “involving no personal or subjective  
20 judgment by a public official . . .”, while a subjective standard is one where “there is no clear  
21 answer to [an] interpretive question.” (Gov. Code § 65589.5(h)(8); *Cal. Renters Legal Advocacy &*  
22 *Educ. Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820, 841.) The Planning Department’s  
23 records clearly demonstrate that the bulk code limit is *not* an objective standard, and therefore  
24 relying on this subjective standard to disapprove a housing development project will violate the  
25 HAA.

26 We respectfully request that the Board disapprove and rescind this unlawful ZA bulk  
27 interpretation.  
28

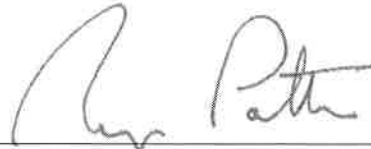
PATTERSON & O'NEILL, PC  
600 CALIFORNIA STREET, 11<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94108

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Dated: July 18, 2023

Respectfully submitted,

PATTERSON & O'NEILL, PC



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By: Ryan J. Patterson  
Attorneys for YIMBY Law and  
Sonja Trauss

FILE

BOARD OF APPEALS

JUL 19 2023

APPEAL # 23-016

1 RYAN J. PATTERSON (SBN 277971)  
2 BRIAN J. O'NEILL (SBN 298108)  
3 PATTERSON & O'NEILL, PC  
4 600 California Street, 11<sup>th</sup> Floor  
5 San Francisco, CA 94108  
6 Tel: (415) 907-9110  
7 Fax: (415) 907-7704  
8 ryan@pattersononeill.com  
9 brian@pattersononeill.com

10 Attorneys for Yes In My Back Yard;  
11 Sonja Trauss

12 **SAN FRANCISCO BOARD OF APPEALS**

13 2700 SLOAT HOLDINGS, LLC,

14 Appellant,

15 v.

16 SAN FRANCISCO ZONING  
17 ADMINISTRATOR,

18 Respondent.

19 ZA Interpretation Code §§ 102 & 270  
20 Appeal No. 23-016

21 **DECLARATION OF BRIAN O'NEILL IN  
22 SUPPORT OF APPEAL**

23 Date: July 26, 2023

24 Time: 5:00 p.m.

25 **DECLARATION OF BRIAN O'NEILL**

26 1. I am an attorney at law duly licensed to practice before all courts of the State of  
27 California and a partner in the law firm of Patterson & O'Neill, PC, attorneys for Yes In My Back  
28 Yard ("YIMBY") Law and Sonja Trauss. I make this declaration in support of Appeal No. 23-016  
filed by 2700 Sloat Holdings, LLC to the Board of Appeals regarding the Zoning Administrator  
interpretation of San Francisco Planning Code Sections 102 and 270 (the "Appeal"). The facts set  
forth below are true of my own personal knowledge, and if called upon to testify as to them, I could  
and would competently do so under oath.

2. On June 29, 2023, I submitted an immediate disclosure request to the Planning  
Department pursuant to the San Francisco Sunshine Ordinance requesting all documents and  
records regarding the Zoning Administrator's interpretation of the bulk requirements contained in  
Planning Code Section 270, in addition to any documents related to the bulk requirements for the

PATTERSON & O'NEILL, PC  
600 CALIFORNIA STREET, 11<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94108

1 project at 2700 Sloat Avenue.

2 3. On June 30, 2023, I received an email from Chan Son, Executive Secretary of the  
3 Planning Department, with a .zip file attachment that included Planning Department records in  
4 response to my request.

5 4. **Exhibit A** is a true and correct copy of excerpts from a Planning Department record  
6 entitled "CTeague's Emails.pdf" that was provided by Chan Son in response to my June 29, 2023  
7 Sunshine Ordinance request.

8 5. **Exhibit B** is a true and correct copy of a Planning Department record entitled "Bulk  
9 Interpretation\_CT Teams Chat.pdf" that was provided by Chan Son in response to my June 29,  
10 2023 Sunshine Ordinance request.

11 I declare under penalty of perjury pursuant to the laws of the State of California that the  
12 foregoing facts are true and correct. Executed on July 18, 2023 at San Francisco, California.

13  
14 PATTERSON & O'NEILL, PC

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16 

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Brian O'Neill  
17 Attorneys for YIMBY Law and  
18 Sonja Trauss  
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# **EXHIBIT A**



**From:** [Teague, Corey \(CPC\)](#)  
**To:** [Grob, Carly \(CPC\)](#); [Sanchez, Scott \(CPC\)](#)  
**Cc:** [Conner, Kate \(CPC\)](#)  
**Subject:** RE: Bulk Question  
**Date:** Monday, July 08, 2019 6:00:44 PM

---

Long story short, this issue needs more detailed analysis and consideration. Until then, we should be conservative and generally apply a one-tower only interpretation.

**Corey A. Teague, AICP, LEED AP**  
**Zoning Administrator**

San Francisco Planning Department  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415.575.9081 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

---

**From:** Grob, Carly (CPC)  
**Sent:** Monday, July 08, 2019 5:45 PM  
**To:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>; Sanchez, Scott (CPC) <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>  
**Cc:** Conner, Kate (CPC) <[kate.conner@sfgov.org](mailto:kate.conner@sfgov.org)>  
**Subject:** RE: Bulk Question

Hi Again,

FYI – this Project Sponsor is coming in for a project review tomorrow, so I just wanted to refresh this question. Any thoughts?

Thanks!

**Carly Grob, Senior Planner**  
**Office of Executive Programs**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
**Direct:** 415-575-9138 **Fax:** 415-558-6409  
**Email:** [carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
**Web:** [www.sfplanning.org](http://www.sfplanning.org)

---

**From:** Grob, Carly (CPC)  
**Sent:** Thursday, June 27, 2019 10:51 AM  
**To:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>; Sanchez, Scott (CPC) <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>  
**Cc:** Conner, Kate (CPC) <[kate.conner@sfgov.org](mailto:kate.conner@sfgov.org)>  
**Subject:** RE: Bulk Question

Hi All,

This question has come up on a proposed project at 2700 Sloat. The site is about 40,000 square feet and is located within a 100-A Zoning District, where bulk controls would apply above 40 feet\*. The applicant would like to construct a Residential Care Facility at the ground floor that occupies the entire site. I'm wondering if 1.) they could construct more than one tower above 40 feet, 2) if so, then how many could they build, and 3) what, if any, controls would regulate the size and spacing of the towers.

\*The applicant also wants to use HOME-SF to add height to both the towers and the podium, but the fundamental question is the same.

Happy to chat further. Thanks!

**Carly Grob, Senior Planner**  
**Office of Executive Programs**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
**Direct:** 415-575-9138 **Fax:** 415-558-6409  
**Email:** [carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
**Web:** [www.sfplanning.org](http://www.sfplanning.org)

---

**From:** Teague, Corey (CPC)  
**Sent:** Thursday, June 27, 2019 10:12 AM  
**To:** Sanchez, Scott (CPC) <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>  
**Cc:** Grob, Carly (CPC) <[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)>; Conner, Kate (CPC) <[kate.conner@sfgov.org](mailto:kate.conner@sfgov.org)>  
**Subject:** RE: Bulk Question

Per my email below from last September, this question is no longer hypothetical, and a formal determination is needed. So I'd love to get your thoughts on this issue, either by email or in person. Thanks.

**Corey A. Teague, AICP, LEED AP**  
**Zoning Administrator**

San Francisco Planning Department  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415.575.9081 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

---

**From:** Teague, Corey (CPC)  
**Sent:** Monday, September 17, 2018 4:44 PM  
**To:** Sanchez, Scott (CPC) (<[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)> <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>)  
**Subject:** Bulk Question

Regarding our earlier conversation, Sec. 270(a) states that plan dimension, length, and diagonal dimension shall be as defined in the Code (i.e. 102). They are defined as follows:

**Plan Dimensions.** The linear horizontal dimensions of a building or structure, at a given level,

between the outside surfaces of its exterior walls. The "length" of a building or structure is the greatest plan dimension parallel to an exterior wall or walls and is equivalent to the horizontal dimension of the corresponding elevation of the building or structure at that level. The "diagonal dimension" of a building or structure is the plan dimension between the two most separated points on the exterior walls.

This calls out the dimension of a building or structure at a certain level, and does not really acknowledge a two-tower scenario as part of a single building. The diagonal dimension especially seems to be conservative regarding "the two most separated points on the exterior wall" measurement. These definitions would have me think the measures are total for each level, such that two towers each of max bulk on the same building would not meet 270. Having said that, both Marcelle and Josh seemed to think it would be ok if there were multiple towers if they each met applicable bulk controls. I'm torn, personally.

This is just a hypothetical for an email, so no rush on a determination. But it's interesting to ponder, and I think we'll eventually have to make a formal determination. Thanks.

**Corey A. Teague, AICP, LEED AP**  
**Principal Planner, Assistant Zoning Administrator**

San Francisco Planning Department  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415.575.9081 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

**EXHIBIT B**

## **Bulk Interpretation – CT MS Teams Chat**

5/9 10:01 AM

Any chance you can join the bulk interp discussion now?

Switzky, Joshua (CPC) 5/9 10:03 AM

I can join for a few min. Be there in a minute



Switzky, Joshua (CPC) 5/9 1:22 PM

Another thought came to mind would be to also refer to what the GP says about bulk in reinforcing the idea that the purpose of bulk rules is to limit the total mass above a certain height and ensure spacing between building. The UD Element has a lot of language to this effect. Both the specifics and general discussion of bulk in the UDE is about how the purpose of bulk rules is to limit the total mass above a certain prevailing height. The intro under "Major New Development" has a couple paragraphs on bulk and Policy 3.6 has more detailed language. It specifically says "If two or more towers are to be built on a single property, their total effect should be considered and a significant separation should be required between them." The whole discussion reinforces the notion that the purpose of bulk rules is to limit the apparent mass above the prevailing height and to ensure separation between buildings for light, air and views; ergo the sponsor's theory that a tower at the max bulk could be stacked side-by-side with no separation to create a single streetwall up to the height limit is not at all supported by the GP and in fact is contrary the very purpose of bulk limits as laid out in the GP.

And the fact that the code does not specify a particular tower separation minimum for this bulk district does not undermine the GP policy that the purpose is to have separation and that no project to date, including in districts where there is no min tower spacing standard within the same parcel, has ever been approved or built with zero separation, because of course that is antithetical to any reading of the purpose of the bulk rules.

So any interpretation of the bulk rules has to result in some min separation between mass above the designated prevailing height. What that spacing is potentially is debatable, but it there is no supporting evidence in the GP that the minimum is zero.

5/9 1:29 PM

Thanks for all that. I think the separation issue is key, but challenging. Without specifics from the Code, it would be hard to interpret that the "requirement" allows multiple towers on the same building but also "requires" a minimum separation. Thus, only one tower is permitted per building.

Also, any chance you'd be willing to draft up a passage about the purpose of the bulk controls as referenced in the GP? That would be very helpful.

Switzky, Joshua (CPC) 5/9 2:41 PM

sure

5/9 2:46 PM

Thanks! The brief is due by 4:00pm this Thursday. So if you can provide something by the end of tomorrow, that would be great.

5/11 7:02 AM

Good morning. Just following up on your offer to see if there is an ETA. Thanks again for the help.

Switzky, Joshua (CPC) 5/11 11:06 AM

I started working on it but got sidetracked. I'll get you something before I leave today

5/11 12:02 PM

Ok. I have to submit the final brief by 4:30pm today. So the earlier you can send something, the better. Thanks.

Switzky, Joshua (CPC) 5/11 1:29 PM

oh shoot. Sorry. in my mind it was Friday.

I'll try to get you something sooner

HO 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

**From:** Alexandra Tong <info@sg.actionnetwork.org>  
**Sent:** Wednesday, July 19, 2023 11:25 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 19 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

BOARD OF APPEALS (BOA) please UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION and DENY the APPEAL filed by 2700 Sloat Holdings LLC (owners) & their Attorney.

This Appeal is basically BETWEEN 2700 Sloat Holdings LLC & the Zoning Administrator (ZA) but dependent on if the Board of Appeals (BOA) denies OR accepts the Appellants claim, the outcome could allow their intended project to go forward. This or any similar project would be disastrous, set a VERY BAD precedent & would destroy the nature & character of Our Neighborhoods in San Francisco & around California.

Please respect our Neighborhood & Community & take into consideration many of the issues listed below that are associated with this project:

Density & Environmental impact go hand in hand, so the higher the density the MORE important an Environmental Review (Full EIR) becomes. So, CEQA has to be an integral part of this & any review.

- Prior site on multiple Gas & Auto Repair Stations. On the Maher & Cortese lists (see SF PIM)
- Stress the already taxed Infrastructure (water, power, etc.)
- Create huge imposing Shadow patterns
- Block Natural Light & Open Space/Views/Open Skyline (visible from miles away)

· Increase Environmental & Light Pollution that will interfere with ZOO animals, local wildlife & residents

- Adversely alter or destroy the rare & healthy Soundscapes & Acoustic Environments
- Increase Traffic & Safety to the area (Muni will not add more trains)
- Adversely impact Neighborhood Parking with increased Units (whether is 400+ or 712+)
- Adversely impact the Local Eco-System
- Impact sensitive & fragile Coastal issues
- Site on a potential American Indian Civilization. A Civilization was sited a 1/4 mile away
- Liquefaction issues
- Earthquake & Tsunami Zone
- Built on Sand (no bedrock)
- Increase empty Residential & Commercial space resulting in derelict structures (e.g. The Westerly @ 2800 Sloat Blvd.)
- Have a negative Psychological Impact on the Community
- Put Sloat Garden Center staff out of work & potentially other local small businesses
- Become a blight on the Neighborhood
- Become Urban Development 2.0 - Geneva Towers. Unsuccessful: past & future
- Devalue Property & Neighborhoods (e.g. existing SFR's)

Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,500 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Alexandra Tong

Alexandra Tong  
alexbrumder@gmail.com

San Francisco, California 94116



HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Amy Laing <info@sg.actionnetwork.org>  
**Sent:** Wednesday, July 19, 2023 12:52 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 19 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

We are zoo members, visiting often and stay at nearby Ocean Park Motel each summer to enjoy SF weather.

The new construction will cause wind issues to neighbors and cast afternoon shadows on the zoo grounds and playground depriving children and animals the warmth of the sun. We should all be free to benefit from the sunshine. How could you consider stealing the sunshine? Don't you already have enough?

-Amy Briseno Laing  
408-914-5802

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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- Devalue Property & Neighborhoods (e.g. existing SFR's)

Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,500 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

}

PS

We are zoo members, visiting often and stay at nearby Ocean Park Motel each summer to enjoy SF weather.

The new construction will cause wind issues to neighbors and cast afternoon shadows on the zoo grounds and playground depriving children and animals the warmth of the sun. We should all be free to benefit from the sunshine. How could you consider stealing the sunshine?

-Amy Briseno Laing

408-914-5802

Amy Laing

amylautomaton@gmail.com

San Jose, California 95125

HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

JUL 19 2023

**From:** Maurice Meyer <info@sg.actionnetwork.org>  
**Sent:** Wednesday, July 19, 2023 3:51 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

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Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,500 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Maurice Meyer

Maurice Meyer

maurice\_meyer@hotmail.com

San Francisco, California 94122

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Anthony Wong <info@sg.actionnetwork.org>  
**Sent:** Wednesday, July 19, 2023 5:35 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 19 2023

APPEAL # 23-016

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Sincerely,

A. Wong

Anthony Wong

anthonywong8@hotmail.com

San Francisco, California 94116

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** aeboken <aeboken@gmail.com>  
**Sent:** Wednesday, July 19, 2023 9:46 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** Rosenberg, Julie (BOA)  
**Subject:** Strongly OPPOSING Board of Appeals, Appeal No. 23-016 for 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA)

JUL 19 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

TO: Board of Appeals members

cc: Executive Director

FROM: Eileen Boken, President

Sunset-Parkside Education and Action Committee (SPEAK)

RE: Appeal No. 23-016

2700 Sloat Holdings LLC vs Zoning Administrator (ZA)

Position: Strongly OPPOSING

Sunset-Parkside Education and Action Committee (SPEAK) is strongly opposing the appeal by 2700 Sloat Holdings LLC based on the proposed project:

- Would be a non-conforming use in terms of height and bulk.
- Would be inconsistent with the current zoning of NC-2 Neighborhood Commercial, Small Scale.
- Would be constructed on sand dunes, not bedrock.
- Is in the Tsunami Zone.
- The site was at one time a gas station.
- The San Andreas Fault runs right off the coast.
- Bomb Cyclone and Pineapple Express winds are strongest at the coast. Less velocity winds have blown out windows in the Financial District and SoMa skyscrapers.
- Site is in the fog belt and would be surrounded by fog a significant period each year.



- In 2024, traffic on the Great Highway south of Sloat will be diverted onto this section of Sloat Boulevard before linking to Skyline Boulevard.

- The General Plan 8 Priority Policies includes preservation of the character of neighborhoods.

###

Sent from my Verizon, Samsung Galaxy smartphone

HD 7/20/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Jean Barish <jeanbbarish@hotmail.com>  
**Sent:** Thursday, July 20, 2023 12:00 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

JUL 20 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Swig and Members of the Board of Appeals,

I am writing to urge you to uphold the determination of the Zoning Administrator that the Project at 2700 Sloat Blvd. exceeds the maximum permitted Plan Dimensions of several sections of San Francisco's Planning Code. I stand with the Zoning Administrator and many others in asking that you deny the Appeal by 2700 Holdings LLC of the Zoning Administrator's determination.

The Zoning Administrator's Brief of May 11, 2023, (<https://sf.gov/sites/default/files/2023-05/Item%207%2C%20Appeal%20No.%2023-016%20Zoning%20Administrator%E2%80%99s%20Interpretation%20of%20Planning%20Code%20Sections%20102%20and%20270.pdf>) sets forth the most important reasons why this appeal must be denied. There was no abuse of discretion and the determination was clearly based on a sound interpretation of all relevant laws and policies.

This monstrous building is an unacceptable non-conforming use in terms of height and bulk. It will create huge shadows throughout the neighborhood, including Fleishacker Zoo, block natural light and open skyline, and increase light pollution that will interfere with zoo animals and residents.

A building with this height and bulk will also significantly alter the character of this neighborhood of small, single-family homes. It will tower over surrounding buildings, alter or destroy the acoustic environment, and create traffic and safety problems,

Additionally, this building poses serious environmental hazards. It would be constructed near the San Andreas Fault on unstable sand dunes, not bedrock. That poses unacceptable hazards. It is also unsafe, as it is in the coastal tsunami zone. Clearly, a building of this height is unsafe on such unstable ground.

Please deny this Appeal and uphold the determination of the Zoning Administrator.

Thank you for your consideration.

*Jean*  
Jean B Barish, JD, MS, MA  
jeanbbarish@hotmail.com

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Evan Rosen <er@sonic.net>  
**Sent:** Thursday, July 20, 2023 1:10 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** Rosenberg, Julie (BOA)  
**Subject:** OPPOSING Board of Appeals, Appeal No. 23-016 for 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA)

JUL 20 2023

APPEAL # 23-016

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To: Board of Appeals members  
cc Julie Rosenberg, Executive Director  
RE: Appeal No. 23-016, 2700 Sloat Holdings LLC vs Zoning Administrator (ZA)

Position: OPPOSING

This is to respectfully request that the Board of Appeals uphold the Zoning Administrator's determination and DENY the appeal.

Clearly, the Zoning Administrator did not err or abuse discretion by making the bulk interpretation.

Contrary to briefs in support of the appeal, the Zoning Administrator applied objective--not subjective--standards to its bulk determination. The San Francisco Planning Department's brief opposing the appeal points out that the bulk rules in the Planning Code stem from the General Plan. The 2700 Sloat project as proposed would certainly dominate the skyline and neighborhood and block near or distant views in violation of the Planning Code's bulk rules.

Appellant offers a specious argument that the Zoning Administrator's bulk interpretation "violates state law." Another brief in support of the appeal indicates the interpretation will "inevitably lead to additional state law violations in the future." Clearly, this is conjecture.

Regardless, the Board of Appeals is the incorrect forum for the appellant to seek an interpretation of state law.

For all of the above reasons, I respectfully request that the Board of Appeals DENY the appeal.

Respectfully submitted,

Evan Rosen  
Parkside resident

HD 7/26/23

FILE

BOARD OF APPEALS

Mejia, Xiomara (BOA)

JUL 20 2023

APPEAL # 23-016

**From:** Igor Korelov <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 20, 2023 6:22 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

BOARD OF APPEALS (BOA) please UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION and DENY the APPEAL filed by 2700 Sloat Holdings LLC (owners) & their Attorney.

This Appeal is basically BETWEEN 2700 Sloat Holdings LLC & the Zoning Administrator (ZA) but dependent on if the Board of Appeals (BOA) denies OR accepts the Appellants claim, the outcome could allow their intended project to go forward. This or any similar project would be disastrous, set a VERY BAD precedent & would destroy the nature & character of Our Neighborhoods in San Francisco & around California.

Please respect our Neighborhood & Community & take into consideration many of the issues listed below that are associated with this project:

Density & Environmental impact go hand in hand, so the higher the density the MORE important an Environmental Review (Full EIR) becomes. So, CEQA has to be an integral part of this & any review.

- Prior site on multiple Gas & Auto Repair Stations. On the Maher & Cortese lists (see SF PIM)
- Stress the already taxed Infrastructure (water, power, etc.)
- Create huge imposing Shadow patterns
- Block Natural Light & Open Space/Views/Open Skyline (visible from miles away)

- Increase Environmental & Light Pollution that will interfere with ZOO animals, local wildlife & residents
- Adversely alter or destroy the rare & healthy Soundscapes & Acoustic Environments
- Increase Traffic & Safety to the area (Muni will not add more trains)
- Adversely impact Neighborhood Parking with increased Units (whether is 400+ or 712+)
- Adversely impact the Local Eco-System
- Impact sensitive & fragile Coastal issues
- Site on a potential American Indian Civilization. A Civilization was sited a 1/4 mile away
- Liquefaction issues
- Earthquake & Tsunami Zone
- Built on Sand (no bedrock)
- Increase empty Residential & Commercial space resulting in derelict structures (e.g. The Westerly @ 2800 Sloat Blvd.)
- Have a negative Psychological Impact on the Community
- Put Sloat Garden Center staff out of work & potentially other local small businesses
- Become a blight on the Neighborhood
- Become Urban Development 2.0 - Geneva Towers. Unsuccessful: past & future
- Devalue Property & Neighborhoods (e.g. existing SFR's)

Currently, SON-SF ~ Save Our Neighborhoods SF is approaching 3,500 Petition Signatures of Concerned Neighbors, Voters, Businesses & Organizations who OPPOSE this project.

Sincerely,

Igor Korelov  
eestiigkor@gmail.com

Pittsburg, California 94565

HD 7/20/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Svetlana Solomatnikova <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 20, 2023 6:23 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 20 2023

APPEAL # 23-016

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Sincerely, Svetlana.

Svetlana Solomatnikova  
svetlana.solomatnikova@gmail.com

Pittsburg, California 94565

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** kyle stanner <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 20, 2023 9:31 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 20 2023

APPEAL # 23-016

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Dear Board of Appeals (BOA),

Re: 2700 Sloat Holdings LLC vs. Zoning Administrator (ZA) - Appeal No. 23-016

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Sincerely,

Kyle Stanner

kyle stanner

kstanner@gmail.com

San Francisco, California 94122

HD 7/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Randa Ghnaim <info@sg.actionnetwork.org>  
**Sent:** Thursday, July 20, 2023 10:54 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 2700 SLOAT BLVD. - APPEAL 7/26/23 @ 5 P.M. - BOA PUBLIC COMMENTS: EXPRESS Your Opinions & ENCOURGAGE the BOARD OF APPEALS (BOA) to UPHOLD the ZONING ADMINISTRATORS (ZA) DETERMINATION & DENY the APPEAL \*

JUL 20 2023

APPEAL # 23-016

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Sincerely,

Randa Ghnaim  
2554 32nd Avenue  
SF, CA 94116

Randa Ghnaim  
randaghnaim@comcast.net

San Jose, California 95116

**From:** [Shawna J. McGrew](#)  
**To:** [BoardofAppeals \(PAB\)](#); [Rosenberg, Julie \(BOA\)](#)  
**Subject:** 2700 Sloat Blvd  
**Date:** Thursday, July 20, 2023 1:22:24 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Rick Swig

I am writing you to request that you uphold the zoning administrators determination and deny the appeal by 2700 Sloat Holdings LLC a Nevada LLC.

The 2700 Sloat proposed building exceeds the maximum permitted planning dimensions of many sections in the SF Planning code.

I know you will receive many E mails regarding the fragile environment at the ocean. The sand, the fault line, the Tsunami zone, it would sit on the Coastal zone and much more like the Zoo.

I feel this Nevada Co. is disrespectful to this small neighborhood of single family homes.

Thank you

Shawna McGrew