

1 [Adoption of Findings Related to Conditional Use Authorization - 2785 San Bruno Avenue
2 Project]

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3 **Motion adopting findings in support of the Board of Supervisors' disapproval of the**
4 **decision of the Planning Commission by its Motion No. 19702, regarding the**
5 **Conditional Use Authorization identified as Planning Case No. 2014-003173CUA for a**
6 **proposed project located at 2785 San Bruno Avenue.**

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8 WHEREAS, On August 15, 2016, Stephen M. Williams filed a timely appeal protesting
9 the approval by the Planning Commission of an application for a Conditional Use
10 Authorization identified as Planning Case No. 2014-003173CUA (Motion No. 19702),
11 authorizing the demolition of a one-story single family dwelling with an unauthorized
12 residential unit on property located at 2785 San Bruno Avenue; and

13 WHEREAS, On September 20, 2016, the Board of Supervisors held a duly noticed
14 public hearing on the appeal from the approval of the Conditional Use Authorization; and

15 WHEREAS, Following the conclusion of the public hearing that day, the Board voted to
16 disapprove the decision of the Planning Commission and denied the issuance of the
17 requested Conditional Use Application by a vote of 11-0, in Board of Supervisors Motion No.
18 M16-129; and

19 WHEREAS, In deciding the appeal, the Board reviewed and considered the entire
20 written record before the Board and all the public comments made in support of and in
21 opposition to the appeal; now, therefore, be it

22 MOVED, That the Board finds that, as provided in Planning Code Section 317, San
23 Francisco faces a continuing shortage of affordable housing; there is a high ratio of rental to
24 ownership tenure among the City's residents; the General Plan recognizes that existing

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1 housing is the greatest stock of rental and financially accessible residential units, and is a
2 resource in need of protection; and, be it

3 FURTHER MOVED, That the Board finds that the rear unit of the existing site at 2785
4 San Bruno Avenue is an unauthorized rental unit, and based on the evidence presented to the
5 Board, including the testimony of the Acting Director of the Rent Board, the Board concludes
6 that the unit is a covered unit under the Rent Stabilization and Arbitration Ordinance
7 Administrative Code Chapter 37 (the "Rent Ordinance") and, as such, may be subject to the
8 Rent Ordinance's rent control provisions; and, be it

9 FURTHER MOVED, That the Board finds that because of the unauthorized unit, the
10 proposed project would result in the demolition of two residential units of housing that may be
11 subject to the rent control provisions of the Rent Ordinance, and would replace those units
12 with new residential units that would not be subject to rent control; and, be it

13 FURTHER MOVED, That the Board finds that the because of State law restrictions on
14 the ability of local jurisdictions to impose rent control on units in new buildings, the number of
15 rent controlled units in the City is irrevocably diminishing; and, be it

16 FURTHER MOVED, That the Board finds that the units that would be demolished as a
17 result of the proposed project would be permanently removed from the City's rent-controlled
18 housing stock; and, be it

19 FURTHER MOVED, That the Board finds that Planning Code Section 317 establishes
20 criteria for the Board to consider in reviewing applications to demolish or convert residential
21 buildings, and those criteria on balance support denial of the requested Conditional Use
22 Application; and, be it

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1 FURTHER MOVED, The following criteria listed in Section 317 militate against the
2 proposed project:

- 3 • The project could remove rental units subject to the Rent Ordinance, as
4 described above;
- 5 • The proposed project would not conserve existing housing to preserve cultural
6 and economic neighborhood diversity, for the reasons described in the Planning
7 Commission’s Motion No. 19702;
- 8 • The proposed project would not conserve neighborhood character to preserve
9 neighborhood cultural and economic diversity by potentially removing rent-
10 controlled units from the neighborhood;
- 11 • The proposed project would not protect the relative affordability of existing
12 housing, for the reasons described in the Planning Commission’s Motion No.
13 19702;
- 14 • The proposed project would not increase the number of permanently affordable
15 units governed by Planning Code, Section 415, for the reasons described in the
16 Planning Commission’s Motion No. 19702; and
- 17 • The proposed project would not create new supportive housing, for the reasons
18 described in the Planning Commission’s Motion No. 19702; and, be it

19 FURTHER MOVED, That for the foregoing reasons, the Board finds that the proposed
20 project is not necessary or desirable for, or compatible with, the neighborhood or the
21 community, as required for a Conditional Use Authorization under Planning Code Section 303;
22 and, be it

23 FURTHER MOVED, That the Board finds that the potential loss of residential units
24 subject to rent control is an adverse impact in contravention of the policies set forth in the
25 Housing Element of the General Plan, and in Planning Code Section 317; and, be it

1 FURTHER MOVED, That based on the foregoing findings and the entire record in
2 Board File No. 160918, the Board of Supervisors disapproved the decision of the Planning
3 Commission by its Motion 19702, and denied the issuance of Conditional Use Authorization.
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