

1 [Adopting findings related to the conditional use appeal on property located at 1598 Dolores
2 Street.]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**
4 **of Conditional Use Application No. 2000.1058C (which approved the development of**
5 **two residential buildings with a total of 13 dwelling units ((two of which are affordable))**
6 **and up to 26 off-street parking spaces, and the development of a lot 5,000 square feet**
7 **or more in size within an NC-1 ((Neighborhood Commercial Cluster)) District and a 40-X**
8 **Height and Bulk District, for property located at 1598 Dolores Street, at the northwest**
9 **corner of Dolores and 29th Streets (Lots 7, 9 and 38 in Assessor's Block 6618).**

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11 The appellants, Stephen Williams and Domingo Tavella, filed a timely appeal on July
12 19, 2002, protesting the approval by the Planning Commission of an application for a
13 conditional use authorization (Conditional Use Application No. 2000.1058C, approved by
14 Planning Commission Motion No. 16445, dated June 19, 2002) to develop two residential
15 buildings with a total of 13 dwelling units (two of the units being affordable) and up to 26 off-
16 street parking spaces, to develop a lot 5,000 square feet or more in size, within an NC-1
17 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District on property
18 located at 1598 Dolores (Reilly's Funeral Home), northwest corner of Dolores and 29th Streets
19 (Lots 7, 9 and 38 in Assessor's Block 6618).

20 The public hearing before the Board of Supervisors on said appeal was scheduled for
21 August 12, 2002. On August 12 the Board continued the matter, including the public hearing,
22 to August 26, 2002. On August 26 the Board conducted a duly noticed public hearing on the
23 appeal from the Planning Commission's approval referred to in the first paragraph of this
24 motion. Following the conclusion of the public hearing on August 26, the Board continued its
25 consideration of the matter to September 17, 2002. On September 17 the Board further

1 continued its consideration of the matter to September 23, 2002. On September 23 the Board
2 further continued its consideration of the matter to September 30, 2002. On September 30
3 the Board disapproved the decision of the Planning Commission (Planning Commission
4 Motion No. 16445), and approved the issuance of requested Conditional Use Application No.
5 2000.1058C, subject to conditions imposed by the Planning Commission as modified by the
6 Board of Supervisors (the "Project").

7 In reviewing the appeal of the approval of the requested Conditional Use Authorization,
8 this Board reviewed and considered the written record before the Board and all of the public
9 comments made in support of and opposed to the appeal.

10 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
11 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
12 though fully set forth, the findings made by the Planning Commission in its Motion No. 16445,
13 dated June 19, 2002, except as indicated below.

14 FURTHER MOVED, That the Board of Supervisors took notice of the Planning
15 Commission's decision on June 20, 2002, upholding the preliminary Negative Declaration and
16 adopting and issuing a Final Negative Declaration of Environmental Review pursuant to the
17 Guidelines of the State Secretary of Resources for the implementation of the California
18 Environmental Quality Act. The Commission found that the Final Negative Declaration is
19 adequate and complete, that there is no substantial evidence that the Project would have a
20 significant effect on the environment, and that the Negative Declaration reflects the Planning
21 Commission's independent judgment and analysis. On August 26, 2002, the Board certified
22 its review of the Final Negative Declaration and adopted findings pursuant to Planning Code
23 Section 101.1. The Board finds that there have been no substantial Project changes, no
24 substantial changes in Project circumstances, and no new information of substantial
25 importance that would change the conclusions set forth in the Final Negative Declaration.

1 FURTHER MOVED, That at the public hearing on this appeal members of the public
2 testified that they had concerns that the massing and height of the buildings of the Project
3 would not be compatible with the size and intensity of other buildings in the neighborhood.
4 The Board of Supervisors finds that, based upon the public testimony before the Board, the
5 Project, as approved by the Planning Commission, would not satisfy the requirements of
6 Planning Code Section 303 (c) (1) as effectively as a Project with additional conditions to
7 assure that the Project remains compatible with the neighborhood. On September 30 the
8 Board of Supervisors decided to set back a portion of the fourth floor of the 29th Street building
9 and the Dolores Street building of the Project, thereby making the project more compatible
10 with the size and intensity of other buildings in the neighborhood.

11 FURTHER MOVED, That the Planning Commission decision requires the sponsor to
12 construct up to 26 off-street parking spaces on the ground and between ground floors. The
13 Board finds that the City's Transit First Policies should be supported by requiring the inclusion
14 of a minimum of 13 parking spaces in the Project, but allowing the sponsor to include up to 13
15 additional parking spaces (a total of 26 possible parking spaces, with 13 spaces being
16 required). The Project, as revised and approved by the Board, would meet Planning Code
17 Section 151 requirements that one independently accessible off-street parking space be
18 constructed for every dwelling unit. The project would also maintain the present availability of
19 on street parking with the proposal of a single curb cut and garage entrance on 29th Street.

20 FURTHER MOVED, That the Planning Commission decision required the sponsor to
21 designate a total of two dwelling units as affordable (Below Market Rate) units to be
22 constructed in the Project. In light of the City's policies in support of suitable affordable
23 housing units for larger families, the Board determined that the sponsor shall designate a
24 three-bedroom unit as an affordable unit (Unit # 10 in the Project). In exchange for the
25 designation of unit # 10, a three-bedroom unit, as an affordable housing unit, and the

1 impositions of the additional 4 foot set backs on both the 29th Street and Dolores buildings, the
2 Board of Supervisors determined that it was in the best interests of the City to require only the
3 one larger affordable unit, rather than two smaller affordable units. This decision by the Board
4 is consistent with, and in furtherance of, the Planning Code Section 101.1 Priority Policy that
5 requires that the City's supply of affordable housing be preserved and enhanced.

6 FURTHER MOVED, That at its September 30, 2002, meeting the Board of Supervisors
7 disapproved the decision of the Planning Commission, approved the issuance of Conditional
8 Use Application No. 2000.1058C, approved and imposed the conditions of the Planning
9 Commission in its Motion No. 16445, and imposed the following amendments to the
10 conditions imposed by the Planning Commission:

11 1. Planning Commission Conditions 1, 6, and 7 are amended to provide that one
12 affordable housing unit shall be constructed, that unit being the three-bedroom unit
13 designated by the sponsor as unit # 10.

14 2. Planning Commission Condition 1 is amended to provide that a minimum of 13
15 parking spaces, and up to 26 parking spaces, shall be constructed at the Project.

16 3. Planning Commission Condition 1 is amended to add that the end portion of the
17 proposed fourth floor on the western end of the 29th Street building will be further notched
18 back 4 feet away from neighboring buildings to the west on 29th Street, and that the end
19 portion of the proposed fourth floor on the northern end of the Dolores Street building will be
20 further nothced back 4 feet away from the neighboring buildings to the north on Dolores
21 Street.

22 FURTHER MOVED, That with the imposition of the revised Conditions, as listed above,
23 the Board of Supervisors finds that the Project, as proposed and approved with the conditions
24 imposed by the Planning Commission as amended by the Board, will meet the requirements
25 of Planning Code Section 303. The revised Project will provide a development that is

1 necessary or desirable for, and compatible with, the neighborhood of the community, and that
2 such use will not be detrimental to the health, safety, convenience or general welfare of
3 persons residing or working in the vicinity, or injurious to property, improvements or potential
4 development in the vicinity, and that such use will not adversely affect the General Plan.

5 FURTHER MOVED, That, on balance, the Project, as approved by the Planning
6 Commission and revised by the Board of Supervisors, is consistent with the Objectives and
7 Policies of the General Plan, and is consistent with the Priority Policies of Planning Code
8 Section 101.1.

9 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the
10 competing public and private interests, disapproved the decision of the Planning Commission
11 by its Motion 16445, dated June 19, 2002, and approved the issuance of Conditional Use
12 Application No. 2000.1058C on property located at 1598 Dolores Street, subject to the revised
13 conditions imposed by the Board on September 30, 2002, as referred to earlier in this motion.

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