

1 [Adopting findings related to the conditional use appeal on property located at 4501 Irving
2 Street.]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**
4 **of Conditional Use Application No. 2000.1261EC (which authorized, subject to certain**
5 **conditions, the development of a new four-story, mixed use building, at a maximum**
6 **height of forty feet, containing approximately 1,800 square feet of commercial**
7 **office/retail space and eleven off-street parking spaces in the ground floor garage, and**
8 **ten dwelling units on the remaining three upper floors, on two lots with a total area**
9 **exceeding 5,000 square feet) in an NC (Neighborhood Commercial Cluster) District and**
10 **a 40-X Height and Bulk District, on property located at 4501 Irving Street, southwest**
11 **corner of Irving Street and 46th Avenue (Lots 47 and 49, in Assessor's Block 1801).**

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13 The appellant, Harry J. Aleo, filed a timely appeal on July 30, 2001, protesting the
14 approval by the Planning Commission of an application for a conditional use authorization
15 (Conditional Use Application No. 2000.1261EC, approved by Commission Motion No. 16182
16 on June 28, 2001) to develop a new four-story, mixed-use building, at a maximum height of
17 forty feet, containing approximately 1,800 square feet of commercial office/retail space and
18 eleven off-street parking spaces in the ground floor garage, and ten dwelling units on the
19 remaining three upper floors, on two lots with a total area exceeding 5,000 square feet, in an
20 NC (Neighborhood Commercial Cluster) District and a 40-X height and Bulk District, on
21 property located at 4501 Irving Street, southwest corner of Irving Street and 46th Avenue (Lots
22 47 and 49 in Assessor's Block 1801).

23 The public hearing before the Board of Supervisors on said appeal was scheduled for
24 August 20, 2001. On August 20 the Board continued the public hearing to September 24,
25 2001. On September 24 the Board conducted a duly noticed hearing on the appeal from the

1 Planning Commission's approval referred to in the first paragraph of this motion. Following
2 the conclusion of the public hearing on September 24, the Board disapproved the decision of
3 the Planning Commission (Planning Commission Motion No. 16182), and approved the
4 issuance of requested Conditional Use Application No. 2000.1261EC subject to conditions
5 imposed by the Board of Supervisors, those conditions being different from those imposed by
6 the Planning Commission in several respects.

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. 16182,
13 dated June 28, 2001, except as indicated below.

14 FURTHER MOVED, That the Board of Supervisors took notice that a Certificate of
15 Determination of Exemption/Exclusion from Environmental Review for Case No.
16 2000.1261EC was issued on February 15, 2001, by the Planning Department, confirming that
17 the project could not have a significant effect on the environment, and that no further
18 environmental review is required. The Board finds that there have been no substantial project
19 changes, no substantial changes in project circumstances, and no new information of
20 substantial importance that would change the determination of exemption issued by the
21 Planning Department.

22 FURTHER MOVED, That the Board of Supervisors finds that it appears that the project
23 developer intends to develop the housing units on the site as ownership units. The
24 development of these units as ownership units is subject to the laws of the City and County of
25 San Francisco and of the State of California with regard to subdivisions.

1 FURTHER MOVED, That the conditional use authorization conditions approved by the
2 Board of Supervisors on September 24 included the revision of the building to be a three-
3 story, mixed use building, at a maximum height of thirty-three feet, containing approximately
4 1,800 square feet of commercial office/retail space and no less than eleven, but up to twelve
5 off-street parking spaces, with the twelfth parking space, if provided, allowed as independently
6 accessible or tandem parking, in the ground floor garage, and eight dwelling units on the
7 remaining two upper floors. The conditions approved by the Board also included the deletion
8 of conditions 6 through 11 of the conditions of approval in Exhibit A of Planning Commission
9 Motion No. 16182, the modification of condition 1 of Exhibit A to be consistent with the
10 Board's September 24 decision, and the retention of the remaining conditions in Exhibit A.
11 Planning Commission finding 2 is amended and adopted by the Board accordingly.

12 FURTHER MOVED, That at the public hearing, members of the public urged the Board
13 to disapprove the decision of the Planning Commission because of their concerns about the
14 height of the proposed development, the number of housing units, and the amount of off-
15 street parking spaces provided for the proposed ten housing units and the commercial space
16 in the proposed project. The Board finds that neighborhood opposition to the project, as
17 proposed, is significant, and that finding 3 of the Planning Commission is incorrect. The
18 Board adopts this finding in place of the Planning Commission's finding 3.

19 FURTHER MOVED, That the Board of Supervisors finds that finding 4 of the Planning
20 Commission is incorrect, and the Board adopts this finding in place of Planning Commission
21 finding 4. The (proposed four-story) mass and façade of the proposed structure are
22 incompatible with the existing scale of the district, which is characterized by two story
23 buildings in the areas adjacent to the proposed project. The Board also finds that the
24 proposed ten units of housing are out of scale with the adjacent properties in the
25 neighborhood. The Board further finds that the revised three-story building and eight housing

1 units are compatible with the existing scale of the district, and with the design and features of
2 adjacent facades, and that it will contribute to the positive visual quality of the district.

3 FURTHER MOVED, That the Board reduced the number of housing units in the
4 proposed project from ten to eight. The parking requirements were also altered to require no
5 less than eleven, but up to twelve parking spaces, with the twelfth parking space, if provided,
6 allowed as independently accessible, or tandem, parking, in the ground floor garage. These
7 changes are consistent with City requirements, as referred to in Planning Commission
8 findings 10 and 11, and Planning Commission finding 10 is amended and adopted by the
9 Board accordingly.

10 FURTHER MOVED, That the Board altered the proposed project to provide eight
11 housing units. This change is consistent with City requirements, as referred to in Planning
12 Commission finding 12, and Planning Commission finding 12 is amended and adopted by the
13 Board accordingly.

14 FURTHER MOVED, That the Board finds that the revised project (which deletes the
15 requirement of two affordable housing units), as approved by the Board, will meet the
16 requirements of Planning Code Section 303. The revised project will provide a development
17 that is necessary or desirable for, and compatible with, the neighborhood or the community,
18 and that such use will not be detrimental to the health, safety, convenience or general welfare
19 of persons residing or working in the vicinity, or injurious to property, improvements or
20 potential development in the vicinity, and that such use will not adversely affect the General
21 Plan. The project as approved by the Planning Commission, contrary to finding 13 of the
22 Planning Commission, would not have met the requirements of Planning Code Section 303,
23 due to its height, mass, number of housing units, and insufficient parking for the size of the
24 project. Findings 13 and 15c of the Planning Commission ~~is~~ are amended, and adopted by
25 the Board as amended, to reflect that the revised project, as approved by the Board, will

1 increase the availability and variety of neighborhood serving commercial establishments with
2 the ground floor retail space and will also provide eight much needed dwelling units in the
3 City. The revised project will be compatible with recent development in the community.

4 FURTHER MOVED, That on balance, the project, as revised by the Board of
5 Supervisors, is consistent with the Objectives and Policies of the General Plan. Finding 14 of
6 the Planning Commission is amended and adopted by the Board as amended to reflect that
7 the revised project, as approved by the Board, will result in a building height compatible with
8 the character of surrounding buildings, rather than a prominent corner building, and, by adding
9 eight housing units, will increase the supply of housing, but not affordable units, without
10 affecting the prevailing character of the existing neighborhood.

11 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the
12 competing public and private interests, disapproved the decision of the Planning Commission
13 by its Motion 16182, dated June 28, 2001, and approved the issuance of the Conditional Use
14 Application, subject to the conditions imposed by the Board on September 24, 2001 and
15 referred to earlier in this motion.

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