

1 [Adopting findings related to the conditional use appeal on property located at 1193 Oak  
2 Street.]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**  
4 **of Conditional Use Application No. 2002.1007C (which allowed the establishment of a**  
5 **bed and breakfast inn with five guestrooms within the existing second floor dwelling**  
6 **unit of a building located in an RM-2 District and a 40-X Height and Bulk District) for**  
7 **property located at 1193 Oak Street (Lot 023 in Assessor's Block 1218).**

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9 The appellants, George DeVries and Judith Kaminsky, filed a timely appeal on  
10 February 10, 2003, protesting the approval by the Planning Commission of an application for  
11 a conditional use authorization (Conditional Use Application No. 2002.1007C, approved by  
12 Planning Commission Motion No. 16504 dated January 9, 2003), pursuant to Planning Code  
13 Sections 303 and 209.2(d), to allow the establishment of a Bed and Breakfast Inn with five  
14 guestrooms within the existing second floor dwelling unit of a building in an RM-2 District and  
15 a 4-X Height and Bulk District, located at 1193 Oak Street (Lot 023 in Assessor's Block No.  
16 1218).

17 The public hearing before the Board of Supervisors on said appeal was scheduled for  
18 March 4, 2003. On March 4, 2003, the Board conducted a duly noticed hearing on the appeal  
19 from the Planning Commission's approval referred to in the first paragraph of this motion.  
20 Following the conclusion of the public hearing on March 4, the Board continued its  
21 consideration of the matter to March 25, 2003. On March 25, 2003, the Board further  
22 continued its consideration of the matter to April 1, 2003. On April 1, 2003, the Board  
23 disapproved the decision of the Planning Commission (Planning Commission Motion No.  
24 16504), and denied the issuance of requested Conditional Use Application No. 2002.1007C.

25 In reviewing the appeal of the approval of the requested conditional use authorization,

1 this Board reviewed and considered the written record before the Board and all of the public  
2 comments made in support of and opposed to the appeal.

3 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and  
4 County of San Francisco hereby adopts as its own and incorporates by reference herein, as  
5 though fully set forth, the findings made by the Planning Commission in its Motion No. 16504,  
6 dated January 9, 2003, except as indicated below.

7 FURTHER MOVED, That the Board of Supervisors took notice that the proposed  
8 Conditional Use was determined by the Planning Department to be categorically exempt from  
9 the environmental review process under the provisions of the California Administrative Code.  
10 The Board finds that there have been no substantial Project changes, no substantial changes  
11 in Project circumstances, and no new information of substantial importance that would change  
12 the conclusions set forth in the Certificate of Exemption/Exclusion from Environmental Review  
13 finding that the proposed Project is exempt/excluded from environmental review.

14 FURTHER MOVED, That at the public hearing on this appeal members of the public  
15 testified, primarily, that there was no need for another inn in this neighborhood, that the  
16 Project was not desirable for the neighborhood, that the use of the rear patio by guests in the  
17 evening would be detrimental to the neighborhood, and that the Project would have an  
18 adverse impact on neighborhood parking.

19 FURTHER MOVED, That the Board of Supervisors finds that:

20 Finding 5 made by the Planning Commission was incorrect and without substantiation  
21 for the following reasons:

22 (1.) There are already a large number of Inns in this neighborhood. This Project  
23 is not necessary or desirable for this neighborhood.

24 (2.) This Project will provide housing for a resident(s), as well as five  
25 guestrooms. The Project provides only two tandem off-street parking spaces. The lack of

1 sufficient parking for this Project in a neighborhood where on-street, available parking is  
2 severely limited and difficult for residents to find will result in an adverse impact on parking  
3 availability for residents and businesses of the neighborhood, thereby causing a detrimental  
4 impact on traffic in the neighborhood.

5 (c) The use of the rear patio by guests in the evening will create noise that will  
6 be intrusive, obnoxious and offensive to the Project's neighbors.

7 FURTHER MOVED, That, on balance, the Project, as proposed, is consistent with the  
8 Objectives and Policies of the General Plan, but is inconsistent with the Priority Policies of  
9 Planning Code Section 101.1 in that the Project will not enhance the neighborhood character  
10 and diversity of the neighborhood by creating an unnecessary new commercial activity, a new  
11 Inn. The Project also provides insufficient parking for its activities, and thereby overburdens  
12 neighborhood streets and parking.

13 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the  
14 competing public and private interests, disapproved the decision of the Planning Commission  
15 by its Motion No. 16504, dated January 9, 2003, and denied the issuance of Conditional Use  
16 Application No. 2002.1007C on property located at 1193 Oak Street.

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