

1 [Adopting findings related to the conditional use appeal on property located at 1005-1007
2 Geneva Avenue.]

3 **Motion adopting findings related to the appeal of the Planning Commission's**
4 **disapproval of Conditional Use Application No. 2002.0015C (which requested**
5 **authorization to demolish a residential unit at the second story pursuant to Planning**
6 **Code Section 712.39, and to construct a four-story mixed use building with three**
7 **residential units and a ground floor commercial space in an NC-3, Moderate Scale**
8 **Neighborhood Commercial, District and in a 40-X Height and Bulk District) on property**
9 **located at 1005-1007 Geneva Avenue, north side of Geneva Avenue, between Paris**
10 **Street and Lisbon Street (Lot 13 in Assessor's Block 6408).**

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12 The appellant and applicant, Manuel Gomez, through his agent, Quickdraw Permit
13 Consulting, filed a timely appeal on July 18, 2002, protesting the disapproval by the Planning
14 Commission of an application for a conditional use authorization (Conditional Use Application
15 No. 2002.0015C, disapproved by Planning Commission Motion No. 16440, dated June 20,
16 2002), pursuant to Planning Code Section 712.39, to demolish a residential unit at the second
17 story and to construct a four-story mixed use building with three residential units and a ground
18 floor commercial space in an NC-3 (Moderate Scale Neighborhood Commercial) District and
19 in a 40-X Height and Bulk District, on property located at 1005-1007 Geneva Avenue, north
20 side of Geneva Avenue, between Paris and Lisbon Streets (Lot 13 in Assessor's Block No.
21 6408).

22 The public hearing before the Board of Supervisors on said appeal was scheduled for
23 August 19, 2002. On August 19, 2002, the Board conducted a duly noticed hearing on the
24 appeal from the Planning Commission's disapproval referred to in the first paragraph of this
25 motion. Following the conclusion of the public hearing on August 19, the Board disapproved

1 the decision of the Planning Commission (Planning Commission Motion No. 16440), and
2 approved the issuance of the requested Conditional Use Application No. 2002.0015C.

3 In reviewing the appeal of the disapproval of the requested conditional use
4 authorization, this Board reviewed and considered the written record before the Board and all
5 of the public comments made in support of and opposed to the appeal.

6 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
7 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
8 though fully set forth, the findings made by the Planning Commission in its Motion No. 16440,
9 dated June 20, 2002, except as indicated below; and, be it

10 FURTHER MOVED, That the Board of Supervisors further took notice that the project
11 was determined by the Department of Planning to be categorically exempt from the
12 environmental review process pursuant to Class 3 (a) and (c) exemptions of Title 14 of the
13 California Administrative Code. The Board finds that there have been no substantial changes
14 in project circumstances, and no new information of substantial importance that would change
15 the determination of categorical exemption issued by the Planning Department; and, be it

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

17 1. There was no expressed opposition to the project.

18 2. Finding 4 made by the Planning Commission was incorrect and without
19 substantiation for the following reasons:

20 (a) There is sufficient evidence to support the demolition of the existing house.

21 The current condition of the house is a threat to the public health and safety, and the
22 estimated repair costs are too great to support repair. Removal and construction of a new
23 building would put the land to its best use and better serve the community.

24 (b) The proposed building is not too tall in comparison to nearby buildings, and
25 will not have the negative effect of encouraging inappropriate demolitions and development on

1 Geneva Avenue.

2 (c) The demolition of the existing house will not reduce the supply of affordable
3 housing and deprive potential first-time homebuyers the opportunity to enter into the housing
4 market.

5 3. The proposed use or feature, at the size and intensity contemplated and at the
6 proposed location, will provide a development that is necessary or desirable for, and
7 compatible with, the neighborhood and the community.

8 4. The proposed use or feature will not be detrimental to the health, safety,
9 convenience or general welfare of persons residing or working in the vicinity, or be injurious to
10 property, improvements or potential development in the vicinity, with respect to aspects
11 including, but not limited to, the following:

12 (a) The nature of the proposed site, including its size and shape, and the
13 proposed size, shape and arrangement of the structure.

14 (b) The accessibility and traffic patterns for persons and vehicles, the type and
15 volume of such traffic, and the adequacy of proposed off-street parking and loading.

16 (c) The safeguards afforded to prevent noxious or offensive emissions such as
17 noise, glare, dust, and odor.

18 (d) Treatment given, as appropriate, to such aspects as landscaping, screening,
19 open spaces, parking and loading areas, lighting and signs.

20 5. The proposed use will comply with the applicable provisions of the City's Planning
21 Code, and will not adversely affect the General Plan.

22 6. The proposed use will provide development that is in conformity with the stated
23 purpose of the NC-3 District.

24 FURTHER MOVED, That, on balance, the project, as proposed, is consistent with the
25 objectives and Policies of the General Plan, and is consistent with the Priority Policies of

1 Planning Code Section 101.1.

2 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the
3 competing public and private interests, disapproved the decision of the Planning Commission
4 by its Motion No. 16440, dated June 20, 2002, and approved the issuance of Conditional Use
5 Application No. 2002.0015C on property located at 1005 – 1007 Geneva Avenue.

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