

1 [Adoption of Findings Related to Conditional Use Authorization - 395-26th Avenue]

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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. 19229, regarding the**
5 **Conditional Use Authorization identified as Planning Case No. 2013.0205CEKSV on**
6 **property located at 395-26th Avenue.**

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8 WHEREAS, On October 6, 2014, 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. 2013.0205CEKSV (Motion No. 19229),
11 authorizing the demolition of a second floor residential unit on property located at 395-26th
12 Avenue; and

13 WHEREAS, The Board of Supervisors scheduled a public hearing on the appeal for
14 November 4, 2014; at that meeting, the Board of Supervisors opened the public hearing and
15 continued it for three weeks to November 25, 2014; on November 25, 2014, the Board
16 conducted a duly noticed hearing on the appeal from the approval of the Conditional Use
17 Authorization. Following the conclusion of the public hearing that day, the Board voted to
18 disapprove the decision of the Planning Commission and denied the issuance of the
19 requested Conditional Use Application by a vote of 10-0, in Board of Supervisors Motion No.
20 M14-197; and

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

24 MOVED, That the Board finds that, as provided in Planning Code, Section 317(a), San
25 Francisco faces a continuing shortage of affordable housing. There is a high ratio of rental to

1 ownership tenure among the City’s residents. The General Plan recognizes that existing
2 housing is the greatest stock of rental and financially accessible residential units, and is a
3 resource in need of protection; and, be it

4 FURTHER MOVED, That the Board finds that the proposed project for which the Real
5 Party In Interest sought a Conditional Use Authorization would result in the demolition of two
6 residential units of housing subject to the Residential Rent Stabilization and Arbitration
7 Ordinance, Administrative Code Chapter 37, and would replace those units with new
8 residential units that would not be subject to rent control; and, be it

9 FURTHER MOVED, That the Board finds that the because of State law restrictions on
10 the ability of local jurisdictions to impose rent control on units in new buildings, the number of
11 rent controlled units in the City is irrevocably diminishing. As one measure of the loss of rent-
12 controlled units in the City, the City Controller’s City Service Performance Measure Reports
13 for FY2007-2008 and FY2013-2014 indicate that there were 180,997 housing units subject to
14 the Rent Stabilization and Arbitration Ordinance in 2004-2005 and only 171,305 such units in
15 2012-2013; 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. The following criteria listed in Section 317 militate against the proposed project:

- 23 • The proposed project would convert rental housing to other forms of tenure or
24 occupancy;

- 1 • The project would remove rental units subject to the Rent Stabilization and
2 Arbitration Ordinance;
- 3 • The proposed project would not conserve existing housing to preserve cultural
4 and economic neighborhood diversity;
- 5 • The proposed project would not conserve neighborhood character to preserve
6 neighborhood cultural and economic diversity;
- 7 • The proposed project would not protect the relative affordability of existing
8 housing;
- 9 • The proposed project would not increase the number of permanently affordable
10 units governed by Planning Code, Section 415;
- 11 • The existing building is free of a history of serious, continuing Code violations,
12 and has been maintained in a decent, safe, and sanitary condition. The building
13 is structurally sound, and testimony at the hearing demonstrated that it is
14 currently inhabited; and, be it

15 FURTHER MOVED, That for the foregoing reasons, the Board finds that the proposed
16 project is not necessary or desirable for, or compatible with, the neighborhood or the
17 community, as required for a Conditional Use Authorization under Planning Code, Section
18 303; and, be it

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

22 FURTHER MOVED, That based on the foregoing findings and the entire record in
23 Board File No. 141046, the Board of Supervisors disapproved the decision of the Planning
24 Commission by its Motion 19229, and denied the issuance of Conditional Use Authorization.

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