

1 [Adoption of Findings Related to Conditional Use Authorization - 1846 Grove Street]

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3 **Motion adopting findings in support of the Board of Supervisors’ disapproval of**  
4 **Planning Commission Motion No. 20681, approving a Conditional Use Authorization,**  
5 **identified as Planning Case No. 2018-011441CUA, for a proposed project at 1846 Grove**  
6 **Street, and the Board’s approval of a Conditional Use Authorization for the same**  
7 **Planning Case and property with different conditions; adopting findings of consistency**  
8 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1;**  
9 **and affirming the Planning Department’s determination under the California**  
10 **Environmental Quality Act.**

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12 WHEREAS, The project (“Project”) would involve the construction of four two-story  
13 single-family dwelling units on a vacant lot within an RH-2 (Residential, house - Two Family)  
14 and RH-3 (Residential House - Three Family) Zoning District and a 40-X Height and Bulk  
15 District; and

16 WHEREAS, On April 9, 2020, the Planning Commission found that the Project is  
17 consistent with the General Plan, and the eight priority policy findings of the Planning Code,  
18 Section 101.1, for the reasons set forth in Planning Commission Resolution No. 20681, and  
19 approved Conditional Use Authorization No. 2018-011441CUA, to allow the construction of  
20 four single family homes; and

21 WHEREAS, On November 21, 2019, the Planning Department determined that the  
22 Project is categorically exempt from further environmental review; and

23 WHEREAS, On May 11, 2020, Meg Gray and Malinda Steven Kai Tuazon and other  
24 property owners affected by the proposed conditional use (“Appellants”) filed a timely appeal  
25 protesting the approval of the Conditional Use Authorization by the Planning Commission; and

1           WHEREAS, On September 29, 2020, this Board held a duly noticed public hearing to  
2 consider the appeal; and

3           WHEREAS, At the September 29, 2020 hearing, the Board heard extensive testimony  
4 about the Project, including information about the project site, which is a “flag lot” that has a  
5 50-foot long, 3.5-foot wide breezeway as its sole means of ingress and egress, both during  
6 and after construction; and

7           WHEREAS, The project, as approved by the Planning Commission, would allow the  
8 construction of four dwelling units in an RH-2 Zoning District where typically only two dwelling  
9 units are principally permitted; and

10           WHEREAS, In the event of a fire, earthquake, or other adverse event, residents of the  
11 dwelling units and their guests would be required to exit through the narrow breezeway, at the  
12 same time that first responders would be required to enter through same; and

13           WHEREAS, Wheelchair users and individuals with mobility impairments would find  
14 egress impracticable, and could be at extremely high risk during an emergency; and

15           WHEREAS, Following the conclusion of the public hearing on September 29, 2020, the  
16 Board voted to conditionally disapprove the decision of the Planning Commission and to  
17 approve the requested Conditional Use Authorization with the following conditions, subject to  
18 adoption of written findings by the Board, as reflected in Board of Supervisors Motion No. 20-  
19 136: 1) those conditions imposed by the Planning Commission in Planning Commission  
20 Motion No. 20681; 2) a limit of two dwelling units on the lot; and 3) a maximum occupancy of  
21 16 people; and

22           WHEREAS, In deciding the appeal, the Board considered the entire written record  
23 before the Board and all the presentations and public comments made in support of an in  
24 opposition to the appeals; and

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1           WHEREAS, The written record and oral testimony in support of and opposed to the  
2 appeal and deliberation of the oral and written testimony at the public hearing before the  
3 Board of Supervisors by all parties and the public in support of and opposed to the appeal is  
4 in the Clerk of the Board of Supervisors' File No. 200750, and is incorporated in this motion as  
5 though set forth in its entirety; now, therefore, be it

6           MOVED, That the Board finds that with the conditions imposed by the Board at the  
7 September 29, 2020 hearing, the Project is necessary or desirable for, and compatible with,  
8 the neighborhood and the community; and, be it

9           FURTHER MOVED, That the Board finds that the conditions imposed by the Board of  
10 Supervisors in Motion No. 20-136 will reduce the size and intensity of the project so that the  
11 project is not detrimental to the health and safety of persons living at the Project and nearby,  
12 given the significant safety risks presented by the narrow path of ingress and egress, and will  
13 prevent adverse impacts by reducing the risk that residents, neighbors, and first responders  
14 will be unable to enter and/or exit the lot safely during an emergency; and, be it

15           FURTHER MOVED, That these conditions are consistent with and supported by the  
16 Planning Commission's findings of consistency with the General Plan, and Planning Code,  
17 Section 101.1, and the Board hereby incorporate these findings and adopts them as its own;  
18 and, be it

19           FURTHER MOVED, That on September 29, 2020, this Board affirmed the  
20 Planning Department's determination of exemption from further review under CEQA, which  
21 affirmation is on file with the Clerk of the Board of Supervisors in File No. 200747 and is  
22 incorporated herein by reference.

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