

1 [Adopting findings related to the conditional use appeal on property located at 3130-3154
2 Noriega Street.]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**
4 **of Conditional Use Application No. 2001.0995CE (which approved the development of a**
5 **new four-story, mixed use building, at a maximum height of forty feet, containing**
6 **approximately 3,400 square feet of commercial/retail space and nine dwelling units on**
7 **a lot with a total area exceeding 5,000 square feet) for property in an NC-1**
8 **(Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District located**
9 **at 3130-3154 Noriega Street on the north side of Noriega Street at 39th Avenue (Lot 7 in**
10 **Assessor's Block 2011).**

11
12 The appellant, Carolyn Kwan, filed a timely appeal on May 22, 2002, protesting the
13 approval by the Planning Commission of an application for a conditional use authorization
14 (Conditional Use Application No. 2001.0995CE, approved by Planning Commission Motion
15 No. 16390, dated April 25, 2002) under Planning Code Sections 121.1, 710.11, and 710.21,
16 for the development of a new four-story, mixed use building, at a maximum height of forty feet,
17 containing approximately 3,400 square feet of commercial/retail space and nine dwelling units
18 on a lot with a total area exceeding 5,000 square feet, for property in an NC-1 (Neighborhood
19 Commercial Cluster) District and a 40-X Height and Bulk District located at 3130-3154
20 Noriega Street on the north side of Noriega Street at 39th Avenue (Lot 7 in Assessor's Block
21 2011).

22 The public hearing before the Board of Supervisors on said appeal was scheduled for
23 June 17, 2002. On June 17, 2002, the Board of Supervisors granted a requested continuance
24 of the hearing and consideration of this appeal to July 1, 2002. On July 1, 2002, the Board
25 conducted a duly noticed hearing on the appeal from the Planning Commission's approval

1 referred to in the first paragraph of this motion. On July 1 the Board heard public comment
2 regarding the appeal, and following the conclusion of the public hearing the Board continued
3 its consideration of the appeal to the meeting of July 8, 2002. On July 8 the Board continued
4 its consideration of the appeal to the meeting of July 15. On July 15 the Board disapproved
5 the decision of the Planning Commission (Planning Commission Motion No. 16390), and
6 approved the issuance of requested Conditional Use Application No. 2001.0995CE subject to
7 the conditions imposed by the Planning Commission, and subject to additional conditions
8 imposed by the Board of Supervisors.

9 In reviewing the appeal of the approval of the requested conditional use authorization,
10 this Board reviewed and considered the written record before the Board and all of the public
11 comments made in support of and opposed to the appeal.

12 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
13 County of San Francisco hereby adopts as its own and incorporate by reference herein, as
14 though fully set forth, the findings made by the Planning Commission in its Motion No. 16390,
15 dated April 25, 2002, except as indicated below.

16 FURTHER MOVED, That the Board of Supervisors took notice that on March 27, 2002,
17 the Planning Department issued a Certificate of Determination of Exemption/Exclusion from
18 Environmental Review finding that the proposed Project could not have a significant effect on
19 the environment and that no further environmental review is required. The Planning
20 Commission reviewed and concurred with that determination. The Board finds that there have
21 been no substantial Project changes, no substantial changes in Project circumstances, and no
22 new information of substantial importance that would change the conclusions set forth in the
23 Certificate of Determination of Exemption/Exclusion from environmental review.

24 FURTHER MOVED, That at the public hearing on this appeal many members of the
25 public testified that they had concerns that the size and intensity of the Project would not be

1 compatible with the size and intensity of other buildings in the neighborhood. The Board of
2 Supervisors finds that, based upon the public testimony before the Board, the Project, as
3 approved by the Planning Commission, would not satisfy the requirements of Planning Code
4 Section 303 (c) (1) as effectively as a Project with additional conditions to assure that the
5 Project remains compatible with the neighborhood.

6 FURTHER MOVED, That the Board finds that the applicant offered, during the Board's
7 consideration of this appeal, to make the largest of the two bedroom residential units in the
8 Project subject to the City's Affordable Inclusionary Housing Ordinance, and that such offer is
9 consistent with, and in furtherance of, the Planning Code Section 101.1 Priority Policy which
10 requires that the City's supply of affordable housing be preserved and enhanced.

11 FURTHER MOVED, That at its July 15 meeting the Board of Supervisors disapproved
12 the decision of the Planning Commission, approved the issuance of Conditional Use
13 Application No. 2001.0995CE, approved and imposed the conditions of the Planning
14 Commission in its Motion No. 16390, and imposed the following additional conditions to those
15 imposed by the Planning Commission:

16 "9. The owners of this building shall make the largest of the two bedroom units in the
17 building subject to the City's Affordable Inclusionary Housing Ordinance.

18 10. No building permit or site permit shall issue unless the Department of Building
19 Inspection has received, reviewed and approved a survey performed by a licensed surveyor
20 showing that no point in the newly proposed building (other than ducts, flues, skylights,
21 chimneys, mechanical equipment, ventilators, cooling towers, window-washing equipment,
22 and other minor appurtenances necessary to the operation or maintenance of the structure
23 itself) shall be at a higher elevation above sea level than the highest point of any portion of the
24 parapet of the existing building know as "3100-3126 Noriega Street."

25 11. The Department of Building Inspection shall issue no Certificate of Final

1 Completion and Occupancy for the Project until it independently verifies, or confirms a
2 surveyor's certification, by field inspection or otherwise, that the property owner has complied
3 with the height limitation stated in Condition 10."

4 FURTHER MOVED, That with the imposition of Conditions 9-11, as listed above, the
5 Board of Supervisors finds that the Project, as proposed and approved with the conditions
6 imposed by the Planning Commission and as amended by the Board's additional conditions,
7 will better meet the requirements of Planning Code Section 303 (c) (1) and Planning Code
8 Section 101.1. The revised Project will provide a development that is necessary or desirable
9 for, and compatible with, the neighborhood or the community, and that such use will not be
10 detrimental to the health, safety, convenience or general welfare of persons residing or
11 working in the vicinity, and that such use will not adversely affect the General Plan.

12 FURTHER MOVED, That, on balance, the Project, as revised by the Board of
13 Supervisors, is consistent with the Objectives and Policies of the General Plan, and is
14 consistent with the Priority Policies of Planning Code Section 101.1.

15 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the
16 competing public and private interests, disapproved the decision of the Planning Commission
17 by its Motion No. 16390, dated April 25, 2002, and approved the issuance of Conditional Use
18 Application No. 2001.0995CE on property located at 3130-3154 Noriega Street, subject to the
19 eight (8) conditions imposed by Planning Commission Motion No. 16390 and an additional
20 three (3) conditions imposed by the Board on July 15, 2002, and referred to earlier in this
21 motion.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Motion

File Number: 021239

Date Passed: July 22, 2002

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2001.0995CE (which approved the development of a new four-story, mixed use building, at a maximum height of forty feet, containing approximately 3,400 square feet of commercial/retail space and nine dwelling units on a lot with a total area exceeding 5,000 square feet) for property in an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District located at 3130-3154 Noriega Street on the north side of Noriega Street at 39th Avenue (Lot 7 in Assessor's Block 2011).

July 17, 2002 Board of Supervisors — REFERRED: Board of Supervisors

July 22, 2002 Board of Supervisors — APPROVED

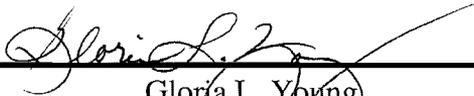
Ayes: 8 - Daly, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee

Noes: 2 - Ammiano, McGoldrick

Absent: 1 - Gonzalez

File No. 021239

I hereby certify that the foregoing Motion
was APPROVED on July 22, 2002 by the
Board of Supervisors of the City and County
of San Francisco.



Gloria L. Young
Clerk of the Board