

1 [Findings Related to Conditional Use Authorization - 249 Texas Street]

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3 **Motion adopting findings in support of the Board of Supervisors' decision to**  
4 **disapprove a Conditional Use Authorization, identified as Planning Case No. 2020-**  
5 **003223CUA, for a proposed project at 249 Texas Street.**

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7 WHEREAS, On June 3, 2021, the Planning Commission approved a Conditional Use  
8 Authorization identified as Planning Case No. 2020-003223CUA, by its Motion No. 20930, to  
9 demolish the existing 3,908 square-foot three-story single-family dwelling with an  
10 unauthorized dwelling unit and construct a new three-story 4,864 square-foot residential  
11 building containing two dwelling units above a garage with two off-street parking spaces,  
12 within the RH-2 (Residential House, Two-Family) Zoning District and a 40-X Height and Bulk  
13 District, for a proposed project located at 249 Texas Street ("Proposed Project"); and

14 WHEREAS, On July 6, 2021, Sasha Gala and Kathleen Roberts-Block filed a timely  
15 appeal protesting the Planning Commission's approval by Motion No. 20930 of the application  
16 for a Conditional Use Authorization for the Proposed Project; and

17 WHEREAS, On October 19, 2021, the Board of Supervisors ("Board") held a duly  
18 noticed public hearing on the appeal from the approval of the Conditional Use Authorization;  
19 and

20 WHEREAS, Following the conclusion of the public hearing that day, the Board voted to  
21 conditionally disapprove the decision of the Planning Commission and to disapprove the  
22 issuance of the requested Conditional Use Authorization by a vote of 11-0; and

23 WHEREAS, In deciding the appeal, the Board reviewed and considered the entire  
24 written record before the Board, which is on file with the Clerk of the Board of Supervisors in  
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1 File No. 210791, and all the public comments made in support of and in opposition to the  
2 appeal; now, therefore, be it

3 MOVED, That the Board finds that:

4 (1) The property that is proposed to be demolished is a partially remodeled building,  
5 which includes an upper unit with two bedrooms and a lower unit with three rooms used as  
6 bedrooms and a separate front entrance; and

7 (2) There is indisputable evidence of renter history in both units; and

8 (3) The two units are subject to rent control, and are therefore affordable to low-  
9 income and working families; and

10 (4) The Proposed Project would replace two affordable, family-sized units with a  
11 luxury four-bedroom unit, and a studio apartment that does not include the same number of  
12 bedrooms as the demolished unit that it will replace, and that lacks a separate entrance from  
13 the street; and

14 (5) Although the Project Sponsor has agreed to subject both units to the City's rent  
15 control laws, the Project Sponsor has stated their intention to occupy the top unit and make  
16 the lower unit available to a relative;

17 (6) Sixty-two percent of San Francisco's residents are renters; and, be it

18 FURTHER MOVED, That the Board finds that based on the forgoing findings and the  
19 entire record in Board File No. 210791, the Proposed Project will remove two family-sized,  
20 affordable units from the rental market, and therefore will not provide a development that is  
21 necessary or desirable for, and compatible with, the neighborhood or the community, as  
22 required by Planning Code, Section 303; and be it

23 FURTHER MOVED, That the Board finds that based on the forgoing findings and the  
24 entire record in Board File No. 210791, the Proposed Project does not meet the standard for  
25 residential demolition under Planning Code, Section 317 because it would:

- 1           (1)    Convert rental housing to owner-occupied housing;
- 2           (2)    Fail to protect the relative affordability of existing housing by removing two
- 3 affordable units from the rental market;
- 4           (3)    Decrease the number of family-sized units on-site by replacing a three-bedroom
- 5 unit with a studio unit; and
- 6           (4)    Decrease the number of on-site bedrooms in the lower unit, from three to zero;
- 7 and, be it

8           FURTHER MOVED, That based on the forging findings and the entire record in Board

9 File No. 210791, the Board disapproved the decision of the Planning Commission by its

10 Motion No. 20930 and denied issuance of the Conditional Use Authorization.

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