

File No. 211275

Committee Item No. _____

Board Item No. 43

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: December 14, 2021

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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Prepared by: Lisa Lew

Date: December 10, 2021

Prepared by: _____

Date: _____

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

2
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.**
6

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
25

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.

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- ☒ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: