

1 [Adopting findings related to the conditional use appeal on property located at 3620 19<sup>th</sup> St.]

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3 **Motion adopting findings related to the appeal of the Planning Commission's approval**  
4 **of Conditional Use Application No. 99.210C (which would have authorized the**  
5 **development of a residential project comprised of 43 dwelling units and 52 off-street**  
6 **parking spaces, required conditional use approval to develop the project as a Planned**  
7 **Unit Development, with exceptions from rear yard requirements and residential density**  
8 **standards within an RH-2 District and an RH-3 District and a 40-x Height and Bulk**  
9 **District, on property located at 3620 19<sup>th</sup> Street, bounded by 19<sup>th</sup> Street, 18<sup>th</sup> Street,**  
10 **Oakwood Street and Guerrero Street), which findings support the decision of the Board**  
11 **of Supervisors to disapprove the decision of the Planning Commission and to approve**  
12 **the Conditional Use Application, subject to the conditions imposed by the Planning**  
13 **Commission and the additional, superseding conditions imposed by the Board of**  
14 **Supervisors.**

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16 The appellants, John Barbey and Nick Pasquariello, filed a timely appeal on May 7,  
17 2001, protesting the approval by the Planning Commission of an application for a conditional  
18 use authorization (Conditional Use Application No. 99.201C, approved by Commission Motion  
19 No. 16134 on April 5, 2001) authorizing the development of a residential project comprised of  
20 43 dwelling units and 52 off-street parking spaces, requiring conditional use approval to  
21 develop the project as a Planned Unit Development, with exceptions from rear yard  
22 requirements and residential density standards within an RH-2 (residential, house, two-family)  
23 District and an RH-3 (residential, house, three-family) District and a 40-X Height and Bulk  
24 District, on property located at 3620 19<sup>th</sup> Street, bounded on the south by 19<sup>th</sup> Street, on the  
25 north by 18<sup>th</sup> Street, on the west by Oakwood Street, and on the east by Guerrero Street (Lots

1 18, 68, and 70 in Assessor's Block 3587).

2 The public hearing before the Board of Supervisors on said appeal was scheduled for  
3 May 29, 2001. On May 29 the Board conducted a duly noticed hearing on the appeal from the  
4 approval of the requested conditional use authorization. Following the completion of the  
5 public hearing, the Board of Supervisors continued its consideration of the appeal to June 18,  
6 2001. On June 18 the Board of Supervisors continued its consideration of the appeal to June  
7 25, 2001, and also decided to reopen the hearing on the appeal at the June 25 meeting. On  
8 June 25, 2001, the Board of Supervisors conducted the duly reopened hearing. Following the  
9 completion of the reopened hearing, the Board of Supervisors disapproved the decision of the  
10 Planning Commission and granted Conditional Use Application No. 99.201C subject to the  
11 conditions approved by the Planning Commission, and the additional, superseding conditions  
12 imposed by the Board of Supervisors at the June 25 meeting.

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

16 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and  
17 County of San Francisco hereby adopts, except as stated below, as its own and incorporates  
18 by reference herein, as though fully set forth herein, the findings made by the planning  
19 Commission in its Motion No. 16134, dated April 5, 2001; and, be it

20 FURTHER MOVED, That the Board of Supervisors makes the following additional  
21 findings:

22 1. The Project, as proposed, was not necessary or desirable for, and was not  
23 compatible with, the neighborhood or the community because: the project, as proposed, was  
24 not consistent with the neighborhood character of building design, density and mass; the  
25 development was more intense than the surrounding neighborhood.

1           2. The Project, as proposed, would be detrimental to the health, safety, convenience  
2 or general welfare of persons residing or working in the vicinity, or would be injurious to  
3 property, improvements or potential development in the vicinity because: the project, as  
4 proposed, would intrude upon the sun and light of the surrounding neighborhood; the Project  
5 would result in a loss of privacy, due to the placement of unit windows; the project would  
6 result in an increase in noise, traffic, and air pollution resulting from the density of the  
7 development and its parking and vehicular access design; the Project, as designed, would  
8 create safety hazards for Project residents and neighbors due to traffic design and building  
9 security design.

10           3. The Project, as proposed, would adversely affect the objectives and policies of the  
11 City's General Plan by providing housing at a density level that would not be compatible with  
12 the prevailing neighborhood scale, and by not providing a sufficient number of affordable  
13 ownership units.

14           For the reasons stated above the Board of Supervisors imposed, at the June 25, 2001,  
15 Board meeting, the following superseding conditions, in addition to those conditions previously  
16 imposed by the Planning Commission, on the issuance of the requested conditional use  
17 authorization:

18           a. The Gateway Building façade will be notched back from the adjacent corner  
19 building.

20           b. The Gateway Building will be articulated as two masses on 19<sup>th</sup> Street, creating the  
21 appearance of two separate buildings.

22           c. The northern portion of the Gateway Building will be reduced in size.

23           d. The emergency vehicle access will be shifted west with the addition of a lobby and  
24 secured indoor entrance.

25           e. The southern row house will be removed from the west side of the row of houses.

- 1 f. The second floor bedroom windows of the western row of houses must face south,  
2 and not west towards Oakwood.
- 3 g. The one-story access from the Garage to the northern end of the Courtyard will be  
4 relocated to ensure light for existing windows.
- 5 h. The eastern end of the Commons Building will be reduced in size.
- 6 i. The roofs of the Mews Buildings will be pitched down to the east to reduce height at  
7 the property line.
- 8 j. One Mews Building shown on the 15 March, 2001, site plan will be removed.
- 9 k. One pair of Mews Buildings will be shifted to align directly behind the existing  
10 industrial building.
- 11 l. The Project will have the number of dwelling units decreased to 39 units, with 52  
12 independently accessible off-street parking spaces.
- 13 m. The Project sponsor shall designate a total of 5 units as affordable (Below Market  
14 Rate – BMR) rental units to be constructed on the site of the principal Project.
- 15 n. One of these five BMR units shall be of the Project Sponsor's choosing, while the  
16 remaining four (10 percent) of these BMR units shall reflect the unit size mix of the market  
17 rate units and shall be distributed in the following range of unit sizes: two 2-bedroom units in  
18 the Gateway Building; one 1-bedroom unit in the Gateway Building; and one 2-bedroom unit  
19 in the Commons Building.
- 20 o. All five of the BMR units shall be (i) interspersed evenly throughout the Project, (ii)  
21 marketed concurrently with the rental of the market-rate units in the Project, and (iii)  
22 constructed of the same quality and materials as the market-rate units in the Project.
- 23 p. The Project shall be in substantial compliance with the plans dated June 18, 2001,  
24 incorporated herein by reference, which plans were reviewed and considered by the Board of  
25 Supervisors on June 25, 2001 and are on file with the Clerk of the Board in File No. 011224.

1 FURTHER MOVED, That the Board of Supervisors reviewed the Final Negative  
2 Declaration for the Project adopted on April 5, 2001, by Planning Commission Motion No.  
3 99.210E, and hereby adopts and incorporates by reference herein the CEQA findings for such  
4 Project as set forth in Planning Commission Motion No. 99.210E, dated April 5, 2001. The  
5 Board further finds that there is no need to prepare a subsequent Final Negative Declaration  
6 because there have been no substantial project changes, no substantial changes in project  
7 circumstances, and there is no new information of substantial importance that would change  
8 the conclusions set forth in the Final Negative Declaration.

9 FURTHER MOVED, That the Board of Supervisors finds that the proposed Project, as  
10 amended by the additional, superseding conditions imposed by the Board of Supervisors, is in  
11 conformity with the General Plan, and is consistent with the Priority Policies of Planning Code  
12 Section 101.1.

13 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the  
14 competing public and private interests, disapproved and reversed the decision of the Planning  
15 Commission by its Motion No. 16134, dated April 5, 2001, and authorized the development of  
16 a residential project comprised of 39 dwelling units and 52 off-street parking spaces, requiring  
17 conditional use approval to develop the project as a Planned Unit Development, with  
18 exceptions from rear yard requirements and residential density standards within an RH-2  
19 (residential, house, two-family) District and an RH-3 (residential, house, three-family) District  
20 and a 40-X Height and Bulk District, on property located at 3620 19<sup>th</sup> Street, bounded on the  
21 south by 19<sup>th</sup> Street, on the north by 18<sup>th</sup> Street, on the west by Oakwood Street, and on the  
22 east by Guerrero Street (Lots 18, 68, and 70 in Assessor's Block 3587), conditioned upon the  
23 applicant complying with the conditions previously imposed by the Planning Commission, and  
24 the additional, superseding conditions imposed by the Board of Supervisors at the June 25,  
25 2001, Board meeting, as listed earlier in this motion.



# City and County of San Francisco

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

## Tails Motion

**File Number:** 011224

**Date Passed:** July 2, 2001

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 99.210C (which would have authorized the development of a residential project comprised of 43 dwelling units and 52 off-street parking spaces, required conditional use approval to develop the project as a Planned Unit Development, with exceptions from rear yard requirements and residential density standards within an RH-2 District and RH-3 District and a 40-X Height and Bulk District, on property located at 3620 19th Street, bounded by 19th Street, 18th Street, Oakwood Street and Guerrero Street), which findings support the decision of the Board of Supervisors to disapprove the decision of the Planning Commission and to approve the Conditional Use Application, subject to the conditions imposed by the Planning Commission and the additional; superseding conditions imposed by the Board of Supervisors.

June 27, 2001 Board of Supervisors — REFERRED: Board of Supervisors

July 2, 2001 Board of Supervisors — AMENDED


July 2, 2001 Board of Supervisors — APPROVED AS AMENDED

Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom,  
Peskin, Sandoval, Yee

Noes: 1 - Daly

File No. 011224

I hereby certify that the foregoing Motion  
was APPROVED AS AMENDED on July 2,  
2001 by the Board of Supervisors of the City  
and County of San Francisco.

  
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Gloria L. Young  
Clerk of the Board