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 an 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.

The appellants, John Barbey and Nick Pasquariello, filed a timely appeal on May 7, 2001, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 99.201C, approved by Commission Motion No. 16134 on April 5, 2001) authorizing the development of a residential project comprised of 43 dwelling units and 52 off-street parking spaces, requiring 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 (residential, house, two-family) District and an RH-3 (residential, house, three-family) District and a 40-X Height and Bulk District, on property located at 3620 19th Street, bounded on the south by 19th Street, on the north by 18th Street, on the west by Oakwood Street, and on the east by Guerrero Street (Lots...
The public hearing before the Board of Supervisors on said appeal was scheduled for May 29, 2001. On May 29 the Board conducted a duly noticed hearing on the appeal from the approval of the requested conditional use authorization. Following the completion of the public hearing, the Board of Supervisors continued its consideration of the appeal to June 18, 2001. On June 18 the Board of Supervisors continued its consideration of the appeal to June 25, 2001, and also decided to reopen the hearing on the appeal at the June 25 meeting. On June 25, 2001, the Board of Supervisors conducted the duly reopened hearing. Following the completion of the reopened hearing, the Board of Supervisors disapproved the decision of the Planning Commission and granted Conditional Use Application No. 99.201C subject to the conditions approved by the Planning Commission, and the additional, superseding conditions imposed by the Board of Supervisors at the June 25 meeting.

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

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

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

1. The Project, as proposed, was not necessary or desirable for, and was not compatible with, the neighborhood or the community because: the project, as proposed, was not consistent with the neighborhood character of building design, density and mass; the development was more intense than the surrounding neighborhood.
2. The Project, as proposed, would be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or would be injurious to property, improvements or potential development in the vicinity because: the project, as proposed, would intrude upon the sun and light of the surrounding neighborhood; the Project would result in a loss of privacy, due to the placement of unit windows; the project would result in an increase in noise, traffic, and air pollution resulting from the density of the development and its parking and vehicular access design; the Project, as designed, would create safety hazards for Project residents and neighbors due to traffic design and building security design.

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

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

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

b. The Gateway Building will be articulated as two masses on 19th Street, creating the appearance of two separate buildings.

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

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

e. The southern row house will be removed from the west side of the row of houses.
f. The second floor bedroom windows of the western row of houses must face south, and not west towards Oakwood.

g. The one-story access from the Garage to the northern end of the Courtyard will be relocated to ensure light for existing windows.

h. The eastern end of the Commons Building will be reduced in size.

i. The roofs of the Mews Buildings will be pitched down to the east to reduce height at the property line.

j. One Mews Building shown on the 15 March, 2001, site plan will be removed.

k. One pair of Mews Buildings will be shifted to align directly behind the existing industrial building.

l. The Project will have the number of dwelling units decreased to 39 units, with 52 independently accessible off-street parking spaces.

m. The Project sponsor shall designate a total of 5 units as affordable (Below Market Rate – BMR) rental units to be constructed on the site of the principal Project.

n. One of these five BMR units shall be of the Project Sponsor's choosing, while the remaining four (10 percent) of these BMR units shall reflect the unit size mix of the market rate units and shall be distributed in the following range of unit sizes: two 2-bedroom units in the Gateway Building; one 1-bedroom unit in the Gateway Building; and one 2-bedroom unit in the Commons Building.

o. All five of the BMR units shall be (i) interspersed evenly throughout the Project, (ii) marketed concurrently with the rental of the market-rate units in the Project, and (iii) constructed of the same quality and materials as the market-rate units in the Project.

p. The Project shall be in substantial compliance with the plans dated June 18, 2001, incorporated herein by reference, which plans were reviewed and considered by the Board of Supervisors on June 25, 2001 and are on file with the Clerk of the Board in File No. 011224.
FURTHER MOVED, That the Board of Supervisors reviewed the Final Negative Declaration for the Project adopted on April 5, 2001, by Planning Commission Motion No. 99.210E, and hereby adopts and incorporates by reference herein the CEQA findings for such Project as set forth in Planning Commission Motion No. 99.210E, dated April 5, 2001. The Board further finds that there is no need to prepare a subsequent Final Negative Declaration because there have been no substantial project changes, no substantial changes in project circumstances, and there is no new information of substantial importance that would change the conclusions set forth in the Final Negative Declaration.

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

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved and reversed the decision of the Planning Commission by its Motion No. 16134, dated April 5, 2001, and authorized the development of a residential project comprised of 39 dwelling units and 52 off-street parking spaces, requiring 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 (residential, house, two-family) District and an RH-3 (residential, house, three-family) District and a 40-X Height and Bulk District, on property located at 3620 19th Street, bounded on the south by 19th Street, on the north by 18th Street, on the west by Oakwood Street, and on the east by Guerrero Street (Lots 18, 68, and 70 in Assessor's Block 3587), conditioned upon the applicant complying with the conditions previously imposed by the Planning Commission, and the additional, superseding conditions imposed by the Board of Supervisors at the June 25, 2001, Board meeting, as listed earlier in this motion.
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
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.

Gloria L. Young
Clerk of the Board