[Adopting findings related to the conditional use appeal on property located at 2863 California Street.]

Motion adopting findings related to the appeal of the Planning Commission’s approval of Conditional Use Application No. 2002.0408C (which approved a proposed three story mixed-use building without off-street parking for four residential units in a Small Scale NC-2, Neighborhood Commercial District) for property located at 2863 California Street, on the south side between Broderick and Divisadero Streets (Lot 23 in Assessor’s Block 1028).

Under the provisions of Section 308.1 (b) of the City Planning Code, having determined that they believed there was sufficient public interest and concern in the matter to warrant a hearing before the Board of Supervisors, five members of the Board of Supervisors filed a notice of appeal on July 22, 2002, bringing before the Board the decision of the Planning Commission to approve a conditional use authorization (Conditional Use Application No. 2002.0408C, approved by Motion No. 16446, dated June 20, 2002), pursuant to Planning Code Section 161(j), for a proposed three story mixed-use building without off-street parking for four residential units in an NC-2 (Small Scale Neighborhood Commercial District), located at 2863 California Street, on the south side between Broderick and Divisadero Streets (Lot 23 in Assessor’s Block 1028).

The public hearing before the Board of Supervisors on said appeal was scheduled for August 19, 2002. On August 19, 2002, the Board conducted a duly noticed hearing on the appeal from the Planning Commission’s approval referred to in the first paragraph of this motion. Following the conclusion of the public hearing on August 19, 2002, the Board continued its consideration of the matter to August 26, 2002. On August 26, 2002, the Board further continued its consideration of the matter to September 17, 2002. On September 17,
2002, the Board further continued its consideration of the matter to September 23, 2002. On September 23, 2002, the Board further continued its consideration of the matter to September 30, 2002. On September 30, 2002, the Board disapproved the decision of the Planning Commission (Planning Commission Motion No. 16446), and approved the issuance of requested Conditional Use Application No. 2002.0408C, subject to conditions imposed by the Planning Commission, as modified by the Board of Supervisors (the "Project").

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 as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16446, dated June 20, 2002, except as indicated below.

FURTHER MOVED, That the Board of Supervisors took notice that the proposed Conditional Use was determined by the Planning Department to be categorically exempt from the environmental review process pursuant to Class 3 (a) and (c) exemptions of Title 14 of the California Administrative Code. The Board finds that there have been no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the Certificate of Exemption/Exclusion from Environmental Review finding that the proposed Project is exempt/excluded from environmental review.

FURTHER MOVED, That the primary objection to the Planning Commission's decision was its decision not to require four on-site parking spaces for the Project. Section 711.94 of the Planning Code requires one parking stall for each dwelling unit in this Project. Section 161(j) of the Planning Code allows a reduction in the number of off-street parking spaces...
required for dwelling units in Neighborhood Commercial Districts, and establishes criteria for
consideration of an exception. The Planning Commission found that the Project, with the
elimination of the four required parking stalls, complied with the criteria of Planning Code
Sections 161(j) and 303(c). The Board of Supervisors finds that, based upon the public
testimony and public record before the Board, this Planning Commission finding was
erroneous. The Project as approved by the Planning Commission, contrary to its findings,
would not have met the requirements of Planning Code Sections 161(j) and 303(c), due to the
Project’s impact on neighborhood parking, traffic and convenience.

FURTHER MOVED, That the Board finds that the approval of the Project without four
on-site parking stalls would not be justified, due to the reasonably anticipated auto usage of
residents of, and visitors to, the Project. It can be anticipated that residents of the Project
would have automobiles that would need to be parked in the neighborhood, and visitors to the
building may also need to park their automobiles in the neighborhood. The resulting increase
in parking demand, traffic congestion, and neighborhood noise and pollution resulting from
drivers attempting to park cars in an already crowded neighborhood that has limited street
parking available, will be detrimental to the health, safety, convenience and general welfare of
persons residing or working in the vicinity. The Planning Commission Conditions allow the
sponsor to satisfy the residential parking requirement by providing off-site parking to the
residential tenants 24 hours a day and seven days a week. Visitors to the Project would not
be provided with off-site parking stalls. It is also reasonable to expect that residents would
more likely use on-site parking spaces, and might not wish to use off-site parking spaces,
especially at night or in inclement weather. The securing of off-site parking at a distance from
the Project does not ensure that residents of the Project will not attempt to use street parking
near their residences. On-site parking stalls would more likely keep residents from congesting
neighborhood streets and street parking areas with their automobiles.
FURTHER MOVED, That the Board was advised at the September 30, 2002, Board meeting that the sponsor of the Project had agreed to include in the Project four subterranean off-street parking stalls.

FURTHER MOVED, That at its September 30, 2002, meeting the Board of Supervisors disapproved the decision of the Planning Commission, approved the issuance of requested Conditional Use Application No. 2002.0408C, approved and imposed the conditions of the Planning Commission in its Motion No. 16446, except that Condition 3 of the Planning Commission ("Project Sponsor shall satisfy the residential parking requirement by providing off-site parking to the residential tenants 24 hours a day and seven days a week.") and Condition 8 ("The new on-street parking space, created as a result of eliminating the existing curb cut, shall be preserved as a metered space for the life of the new residential units and shall not be converted to a passenger loading or unloading zone or other zone.") were deleted.

FURTHER MOVED, That with the imposition of the revised Conditions, as listed above, the Board of Supervisors finds that the Project, as proposed and approved with the conditions imposed by the Planning Commission and as amended by the Board, will meet the requirements of Planning Code Section 303. The revised Project will provide a development that is necessary or desirable for, and compatible with, the neighborhood of the community, and that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, and that such use will not adversely affect the General Plan.

FURTHER MOVED, That, on balance, the Project, as revised by the Board of Supervisors, is consistent with the objective and Policies of 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 the decision of the Planning Commission by its Motion 16446, dated June 20, 2002, and approved the issuance of Conditional Use Application No. 2002.0408C on property located at 2863 California Street, subject to the revised conditions imposed by the Board on September 30, 2002, as referred to earlier in this motion.
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0408C (which approved a proposed three story mixed-use building without off-street parking for four residential units in a Small Scale NC-2, Neighborhood Commercial District) for property located at 2863 California Street, on the south side between Broderick and Divisadero Streets (Lot 23 in Assessor's Block 1028).

October 2, 2002 Board of Supervisors — REFERRED: Board of Supervisors
October 7, 2002 Board of Supervisors — APPROVED
   Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
   Absent: 1 - Yee
I hereby certify that the foregoing Motion was APPROVED on October 7, 2002 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board