

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

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

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10 Under the provisions of Section 308.1 (b) of the City Planning Code, having determined  
11 that they believed there was sufficient public interest and concern in the matter to warrant a  
12 hearing before the Board of Supervisors, five members of the Board of Supervisors filed a  
13 notice of appeal on July 22, 2002, bringing before the Board the decision of the Planning  
14 Commission to approve a conditional use authorization (Conditional Use Application No.  
15 2002.0408C, approved by Motion No. 16446, dated June 20, 2002), pursuant to Planning  
16 Code Section 161(j), for a proposed three story mixed-use building without off-street parking  
17 for four residential units in an NC-2 (Small Scale Neighborhood Commercial District), located  
18 at 2863 California Street, on the south side between Broderick and Divisadero Streets (Lot 23  
19 in Assessor's Block 1028).

20 The public hearing before the Board of Supervisors on said appeal was scheduled for  
21 August 19, 2002. On August 19, 2002, the Board conducted a duly noticed hearing on the  
22 appeal from the Planning Commission's approval referred to in the first paragraph of this  
23 motion. Following the conclusion of the public hearing on August 19, 2002, the Board  
24 continued its consideration of the matter to August 26, 2002. On August 26, 2002, the Board  
25 further continued its consideration of the matter to September 17, 2002. On September 17,

1 2002, the Board further continued its consideration of the matter to September 23, 2002. On  
2 September 23, 2002, the Board further continued its consideration of the matter to September  
3 30, 2002. On September 30, 2002, the Board disapproved the decision of the Planning  
4 Commission (Planning Commission Motion No. 16446), and approved the issuance of  
5 requested Conditional Use Application No. 2002.0408C, subject to conditions imposed by the  
6 Planning Commission, as modified by the Board of Supervisors (the "Project").

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

10 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and  
11 County of San Francisco hereby adopts as its own and incorporates by reference herein, as  
12 though fully set forth, the findings made by the Planning Commission in its Motion No. 16446,  
13 dated June 20, 2002, except as indicated below.

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

22 FURTHER MOVED, That the primary objection to the Planning Commission's decision  
23 was its decision not to require four on-site parking spaces for the Project. Section 711.94 of  
24 the Planning Code requires one parking stall for each dwelling unit in this Project. Section  
25 161(j) of the Planning Code allows a reduction in the number of off-street parking spaces

1 required for dwelling units in Neighborhood Commercial Districts, and establishes criteria for  
2 consideration of an exception. The Planning Commission found that the Project, with the  
3 elimination of the four required parking stalls, complied with the criteria of Planning Code  
4 Sections 161(j) and 303(c). The Board of Supervisors finds that, based upon the public  
5 testimony and public record before the Board, this Planning Commission finding was  
6 erroneous. The Project as approved by the Planning Commission, contrary to its findings,  
7 would not have met the requirements of Planning Code Sections 161(j) and 303(c), due to the  
8 Project's impact on neighborhood parking, traffic and convenience.

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

1 FURTHER MOVED, That the Board was advised at the September 30, 2002, Board  
2 meeting that the sponsor of the Project had agreed to include in the Project four subterranean  
3 off-street parking stalls.

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

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

23 FURTHER MOVED, That, on balance, the Project, as revised by the Board of  
24 Supervisors, is consistent with the objective and Policies of the General Plan, and is  
25 consistent with the Priority Policies of Planning Code Section 101.1.

1           FURTHER MOVED, That the Board of Supervisors, after carefully balancing the  
2 competing public and private interests, disapproved the decision of the Planning Commission  
3 by its Motion 16446, dated June 20, 2002, and approved the issuance of Conditional Use  
4 Application No. 2002. 0408C on property located at 2863 California Street, subject to the  
5 revised conditions imposed by the Board on September 30, 2002, as referred to earlier in this  
6 motion.

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# City and County of San Francisco

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

## Tails Motion

**File Number:** 021673

**Date Passed:** October 7, 2002

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

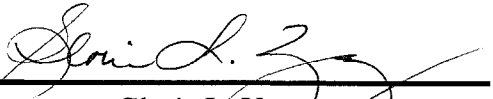
October 7, 2002 Board of Supervisors — APPROVED

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

Absent: 1 - Yee

File No. 021673

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.



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Gloria L. Young  
Clerk of the Board