[Adopting findings related to the conditional use appeal on property located at 1193 Oak Street.]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.1007C (which allowed the establishment of a bed and breakfast inn with five guestrooms within the existing second floor dwelling unit of a building located in an RM-2 District and a 40-X Height and Bulk District) for property located at 1193 Oak Street (Lot 023 in Assessor's Block 1218).

The appellants, George DeVries and Judith Kaminsky, filed a timely appeal on February 10, 2003, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 2002.1007C, approved by Planning Commission Motion No. 16504 dated January 9, 2003), pursuant to Planning Code Sections 303 and 209.2(d), to allow the establishment of a Bed and Breakfast Inn with five guestrooms within the existing second floor dwelling unit of a building in an RM-2 District and a 4-X Height and Bulk District, located at 1193 Oak Street (Lot 023 in Assessor's Block No. 1218).

The public hearing before the Board of Supervisors on said appeal was scheduled for March 4, 2003. On March 4, 2003, 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 March 4, the Board continued its consideration of the matter to March 25, 2003. On March 25, 2003, the Board further continued its consideration of the matter to April 1, 2003. On April 1, 2003, the Board disapproved the decision of the Planning Commission (Planning Commission Motion No. 16504), and denied the issuance of requested Conditional Use Application No. 2002.1007C.

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. 16504,
dated January 9, 2003, 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 under the provisions 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 at the public hearing on this appeal members of the public
tested, primarily, that there was no need for another inn in this neighborhood, that the
Project was not desirable for the neighborhood, that the use of the rear patio by guests in the
evening would be detrimental to the neighborhood, and that the Project would have an
adverse impact on neighborhood parking.

FURTHER MOVED, That the Board of Supervisors finds that:
Finding 5 made by the Planning Commission was incorrect and without substantiation
for the following reasons:

(1.) There are already a large number of Inns in this neighborhood. This Project
is not necessary or desirable for this neighborhood.

(2.) This Project will provide housing for a resident(s), as well as five
guestrooms. The Project provides only two tandem off-street parking spaces. The lack of
sufficient parking for this Project in a neighborhood where on-street, available parking is
severely limited and difficult for residents to find will result in an adverse impact on parking
availability for residents and businesses of the neighborhood, thereby causing a detrimental
impact on traffic in the neighborhood.

(c) The use of the rear patio by guests in the evening will create noise that will
be intrusive, obnoxious and offensive to the Project's neighbors.

FURTHER MOVED, That, on balance, the Project, as proposed, is consistent with the
Objectives and Policies of the General Plan, but is inconsistent with the Priority Policies of
Planning Code Section 101.1 in that the Project will not enhance the neighborhood character
and diversity of the neighborhood by creating an unnecessary new commercial activity, a new
Inn. The Project also provides insufficient parking for its activities, and thereby overburdens
neighborhood streets and parking.

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 No. 16504, dated January 9, 2003, and denied the issuance of Conditional Use
Application No. 2002.1007C on property located at 1193 Oak Street.
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.1007C (which allowed the establishment of a bed and breakfast inn with five guestrooms within the existing second floor dwelling unit of a building located in an RM-2 District and a 40-X Height and Bulk District) for property located at 1193 Oak Street (Lot 023 in Assessor's Block 1218).

April 7, 2003 Board of Supervisors — REFERRED: Board of Supervisors
April 15, 2003 Board of Supervisors — APPROVED
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 1 - Ma
I hereby certify that the foregoing Motion was APPROVED on April 15, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board