[Adopting Findings Related to Conditional Use Application - 3771 and 3781 Cesar Chavez Street]

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18930, approving Conditional Use Application identified as Planning Case No. 2013.0259CV on property located at 3771 and 3781 Cesar Chavez Street, pursuant to Motion No. M13-11, approved September 17, 2013.

WHEREAS, The Planning Commission on July 18, 2013 approved a Conditional Use Authorization identified as Planning Case No. 2013.0259CV, by its Motion No. 18930, to increase enrollment at an existing preschool (d.b.a. Gan Noe Preschool) and to allow for an accessory religious facility within the preschool, located within a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at: 3771 and 3781 Cesar Chavez Street; Assessor's Block No. 6577, Lot Nos. 030 and 045; and

WHEREAS, The appellant, Richard Rochman, filed a timely appeal of the approval of the Conditional Use Authorization, and the Board of Supervisors conducted a duly noticed hearing on the matter on September 17, 2013. At the hearing, the appellant and the project sponsor indicated that they had reached a resolution of their dispute and agreed to the approval of the Conditional Use with additional conditions set forth in Motion No. M13-11; and

WHEREAS, Following the conclusion of the hearing, the Board of Supervisors adopted Motion No. M13-11 disapproving the decision of the Planning Commission to approve the Conditional Use Authorization referred to in the first paragraph of this motion, and approving the Conditional Use subject to the conditions set forth in Planning Commission Motion No. 18930 as well as additional conditions set forth in the Board of Supervisors' Motion M13-11; and
WHEREAS, The Board of Supervisors also adopted Motion M13-12 on September 17, 2013, directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Authorization approved by the Board at the hearing; and

WHEREAS, In considering the appeal of the approval of the requested Conditional Use Authorization, the Board reviewed and considered the written record before the Board and all the comments made in support of and in opposition to the appeal; now therefore be it

MOVED, That the Board of Supervisors 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. 18930 dated July 18, 2013; and

FURTHER MOVED, That the Board of Supervisors additionally finds that the additional conditions will address concerns expressed by the Appellant and neighbors regarding the concentration of vehicle and pedestrian traffic in the area of the proposed use during drop-off and pick-up times in the mornings and afternoons; and

FURTHER MOVED, That the Board finds that proposed use, with the addition of conditions imposed by Motion M13-11, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community, and 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.
Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18930, approving Conditional Use Application identified as Planning Case No. 2013.0259CV on property located at 3771 and 3781 Cesar Chavez Street, pursuant to Motion No. M13-11, approved September 17, 2013.

October 08, 2013 Board of Supervisors - APPROVED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Motion was APPROVED on 10/8/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board