

1 [Adopting findings related to the conditional use appeal on property located at 80 West Portal  
2 Avenue.]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**  
4 **of Conditional Use Application No. 2005.0698C (which allowed the establishment of a**  
5 **mortgage brokerage as a business or professional service (Guarantee Mortgage), in a**  
6 **vacant ground floor commercial space approximately 2,318 gross square feet in the**  
7 **West Portal Avenue Neighborhood Commercial District and 26-X Height an Bulk**  
8 **District) for property located at 80 West Portal (Lot 008, in Assessor's Block 2931).**

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10 The appellant Kenneth D. Kruszka, representing the Greater West Portal  
11 Neighborhood Association, filed a timely appeal on November 1, 2005, protesting the  
12 approval by the Planning Commission of an application for a conditional use authorization  
13 (Conditional Use Application No. 2005.0698C, approved by Planning Commission Motion No.  
14 17117 dated October 6, 2005), pursuant to Planning Code Section 729.53, to allow the  
15 establishment of a mortgage brokerage as a business or professional service (Guarantee  
16 Mortgage), in a vacant ground floor commercial space approximately 2,318 gross square feet  
17 in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk  
18 District) for property located at 80 West Portal (Lot 008, in Assessor's Block 2931).

19 The public hearing before the Board of Supervisors on said appeal was scheduled for  
20 November 22, 2005, and was continued to December 6, 2005. On December 6, 2005, the  
21 Board conducted a duly noticed hearing on the appeal from the Planning Commission's  
22 approval referred to in the first paragraph of this motion. The project sponsor did not appear  
23 nor did any person appear on behalf of the project sponsor. Following the conclusion of the  
24 public hearing on December 6, the Board disapproved the decision of the Planning  
25 Commission (Planning Commission Motion No. 17117), and denied the issuance of requested

1 Conditional Use Application No. 2005.0698C.

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

5 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and  
6 County of San Francisco hereby adopts as its own and incorporates by reference herein, as  
7 though fully set forth, the findings made by the Planning Commission in its Motion No. 17117,  
8 dated October 6, 2005, except as indicated below.

9 FURTHER MOVED, That the Board of Supervisors took notice that the proposed  
10 Conditional Use was determined by the Planning Department to be categorically exempt from  
11 the environmental review process under the provisions of the California Administrative Code.  
12 The Board finds that there have been no substantial Project changes, no substantial changes  
13 in Project circumstances, and no new information of substantial importance that would change  
14 the conclusions set forth in the Certificate of Exemption/Exclusion from Environmental Review  
15 finding that the proposed Project is exempt/excluded from environmental review.

16 FURTHER MOVED, That at the public hearing on this appeal members of the public  
17 testified, primarily, that there was no need for another financial institution, financial type  
18 service or mortgage brokerage in this neighborhood, that the Project was not desirable for the  
19 neighborhood and that the use of this "showplace frontage" space for the proposed use is  
20 inconsistent with other uses in the area and therefore detrimental to the neighborhood.

21 FURTHER MOVED, That the Board of Supervisors finds that Finding 7 made by the  
22 Planning Commission was incorrect and without substantiation because there are already a  
23 large number of financial institutions in this neighborhood. Evidence introduced during the  
24 hearing demonstrates that there are four mortgage brokerages within four blocks of the  
25 project site and twenty financial institutions within .7 miles of the area. This Project is

1 therefore not necessary or desirable for this neighborhood.

2 FURTHER MOVED, That, on balance, the Project, as proposed, is inconsistent with  
3 the Priority Policies of Planning Code Section 101.1 in that the Project will not enhance the  
4 neighborhood character and diversity of the neighborhood.

5 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the  
6 competing public and private interests, disapproved the decision of the Planning Commission  
7 by its Motion No. 17117, dated October 6, 2005, and denied the issuance of Conditional Use  
8 Application No. 2005.0698C on property located at 80 West Portal Avenue.

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