

1 [Adopting findings related to the conditional use appeal on property located at 2815 Diamond  
2 Street, southeast corner of Diamond and Wilder Streets, between Bosworth and Chenery.]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**  
4 **of Conditional Use Application No. 2002.0124CVR, which allows a lot size to exceed**  
5 **9,999 square feet, permits nonresidential uses over 3,999 square feet (a branch library**  
6 **and grocery store), and allows a public use (library) on a site for a mixed-use**  
7 **development of 15 dwelling units, with approximately 9,200 gross square feet of public**  
8 **use and approximately 7,037 gross square feet of other retail sales and services use,**  
9 **per Section 303 of the Planning Code, in a NC-2, Small Scale Neighborhood**  
10 **Commercial District, and within the 40-X Height and Bulk District, located at 2815**  
11 **Diamond Street, southeast corner of Diamond and Wilder Streets between Bosworth**  
12 **and Chenery Streets (Lots 025A, 026-029, and 063 in Assessor's Block 6745).**

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14 The appellants, Mark Zinky and James A. Estey, pursuant to Planning Code Section  
15 303, filed a timely appeal on January 6, 2003, protesting the approval by the Planning  
16 Commission of an application for a conditional use authorization (Conditional Use Application  
17 No. 2002.0124CVR, approved by Planning Commission Motion No. 16489, dated December  
18 5, 2002) that allows development on a lot exceeding 9,999 square feet (Planning Code  
19 Section 121.1), allows 2 nonresidential uses greater than 3,999 square feet in area (branch  
20 library and grocery store) (Planning Code Section 121.2), and allows a public use (branch  
21 library) (Planning Code Section 711.83), for a mixed-use development of 15 dwelling units,  
22 with approximately 9,200 gross square feet for public use (branch library) and approximately  
23 7.037 gross square feet for other retail sales and service uses (grocery store/liquor store), in a  
24 NC-2, Small Scale Neighborhood Commercial District, and within the 40-X Height and Bulk  
25 District, located at 2815 Diamond Street, southeast corner of Diamond and Wilder Streets

1 between Bosworth and Chenery Streets (Lots 025A, 026-029, and 063 in Assessor's Block  
2 6745).

3 The public hearing before the Board of Supervisors on said appeal was scheduled for  
4 February 4, 2003. On February 4, 2003, the Board conducted a duly noticed hearing on the  
5 appeal from the Planning Commission's approval referred to in the first paragraph of this  
6 motion. Following the conclusion of the public hearing on February 4, 2003, the Board  
7 approved the decision of the Planning Commission (Planning Commission Motion No. 16489),  
8 and approved the issuance of requested Conditional Use Application No. 2002.0124CVR,  
9 subject to the conditions imposed by the Planning Commission.

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

13 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and  
14 County of San Francisco hereby adopts as its own and incorporates by reference herein, as  
15 though fully set forth, the findings made by the Planning Commission in its Motion No. 16489,  
16 dated December 5, 2002.

17 FURTHER MOVED, That the Board of Supervisors, at the February 4, 2003 meeting,  
18 approved a Motion certifying its review of the Preliminary Mitigated Negative Declaration  
19 related to the proposed conditional use of property at 2815 Diamond Street, and adopting  
20 findings pursuant to Planning Code Section 101.1. The Board finds that there have been no  
21 substantial project changes, no substantial changes in project circumstances, and there has  
22 been no new information of substantial importance that would change the conclusions set  
23 forth in the Preliminary Mitigated Negative Declaration.

24 FURTHER MOVED, That, on balance, the project, as approved by the Planning  
25 Commission and the Board of Supervisors, is consistent with the Objectives and Policies of

1 the General Plan, and is consistent with the Priority Policies of Planning Code Section 101.1.

2 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the  
3 competing public and private interests, approved the decision of the Planning Commission by  
4 its Motion No. 16489, dated December 5, 2002, and approved the issuance of Conditional  
5 Use Application No. 2002.0124CVR on property located at 2815 Diamond Street, southeast  
6 corner of Diamond and Wilder Streets between Bosworth and Chenery (Lots 025A, 026-029,  
7 and 063, in Assessor's Block 6745), subject to the conditions imposed by Planning  
8 Commission Motion No. 16489.

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