

1 [Findings – 1969 California Street]

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3 **Motion adopting findings related to the appeal of a decision of the Planning**
4 **Commission, Motion No. 17959, approving Conditional Use Application 2009.0639C on**
5 **property located at 1969 California Street.**

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7 WHEREAS, the Planning Commission issued a decision by Motion No. 17959 dated
8 October 8, 2009, approving Conditional Use Application No. 2009.0639C subject to certain
9 conditions, to allow the establishment of an art gallery and associated offices (d.b.a. Anthony
10 Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House,
11 in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on
12 property located at 1969 California Street, Lot No. 016 in Assessor’s Block 0649; and

13 WHEREAS, said determination was timely appealed to the Board of Supervisors on
14 November 9, 2009, by Greg Scott on behalf of Pacific Heights Residents Association;

15 WHEREAS, on January 12, 2010, the Board conducted a duly noticed public hearing
16 on the appeal from the Planning Commission's approval referred to in the first paragraph of
17 this motion. Following the conclusion of the public hearing on January 12, the Board
18 disapproved the decision of the Planning Commission (Planning Commission Motion No.
19 17959 dated October 8, 2009) and approved the issuance of requested Conditional Use
20 Application No. 2009.0639C, subject to the conditions imposed by the Planning Commission
21 in its Motion No. 17959, and further subject to the following additional conditions imposed by
22 the Board of Supervisors:

- 23 1. Added to Condition #11: Deliveries related to the art gallery shall occur only on
24 street cleaning days;

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1 2. Added to Condition #14: Valet Parking for art events must have off-street parking
2 for all vehicles and in no instance shall off-street parking spaces be used. Valet parking
3 operations must not unreasonably obstruct driveways at any time; and

4 3. New Condition #17: No residential parking permits shall be used by gallery
5 employees. Alternatively, the gallery must provide employees with off-street parking; and

6 WHEREAS, in reviewing the appeal of the approval of the requested conditional use
7 authorization, the Board of Supervisors reviewed and considered the written record before the
8 Board and all of the public comments made in support of and in opposition to the appeal;

9 NOW, THEREFORE, BE IT MOVED, that the Board of Supervisors of the City and
10 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
11 though fully set forth, the findings made by the Planning Commission in its Motion No. 17959
12 dated October 8, 2009, approving Conditional Use Application No. 2009.0639C;

13 FURTHER MOVED, That the Board of Supervisors took notice that Planning found the
14 Project categorically exempt from environmental review under the California Environmental
15 Quality Act (CEQA) on September 18, 2009. Specifically, the Planning Department found the
16 project exempt pursuant to section 15301(a) of the CEQA Guidelines. The Board finds that
17 there have been no substantial Project changes, no substantial changes in Project
18 circumstances, and no new information of substantial importance that would change the
19 determination that the Project is categorically exempt from environmental review under
20 CEQA.