

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

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

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8 WHEREAS, The Planning Commission on July 18, 2013 approved a Conditional Use
9 Authorization identified as Planning Case No. 2013.0259CV, by its Motion No. 18930, to
10 increase enrollment at an existing preschool (d.b.a. Gan Noe Preschool) and to allow for an
11 accessory religious facility within the preschool, located within a RH-2 (Residential, House,
12 Two-Family) District and a 40-X Height and Bulk District, on property located at: 3771 and
13 3781 Cesar Chavez Street; Assessor's Block No. 6577, Lot Nos. 030 and 045; and

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

19 WHEREAS, Following the conclusion of the hearing, the Board of Supervisors adopted
20 Motion No. M13-11 disapproving the decision of the Planning Commission to approve the
21 Conditional Use Authorization referred to in the first paragraph of this motion, and approving
22 the Conditional Use subject to the conditions set forth in Planning Commission Motion No.
23 18930 as well as additional conditions set forth in the Board of Supervisors' Motion M13-11;
24 and

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1 WHEREAS, The Board of Supervisors also adopted Motion M13-12 on September 17,
2 2013, directing the Clerk of the Board to prepare findings relating to the proposed Conditional
3 Use Authorization approved by the Board at the hearing; and

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

7 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
8 reference herein, as though fully set forth, the findings made by the Planning Commission in
9 its Motion No. 18930 dated July 18, 2013; and

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

14 FURTHER MOVED, That the Board finds that proposed use, with the addition of
15 conditions imposed by Motion M13-11, will provide a development that is necessary or
16 desirable for, and compatible with, the neighborhood or the community, and will not be
17 detrimental to the health, safety, convenience or general welfare of persons residing or
18 working in the vicinity, or injurious to property, improvements or potential development in the
19 vicinity.