

1 [Adopting findings related to the conditional use appeal on property located at 4041 Geary  
2 Boulevard.]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**  
4 **of Conditional Use Application No. 2007.0286C, subject to certain conditions, to allow**  
5 **the establishment of a Formula Retail Use (dba Starbucks, retail coffee store), with**  
6 **approximately 750 square feet in floor area in a vacant commercial space located in a**  
7 **recently approved auto service and repair shop (dba "Service Center for San Francisco**  
8 **Toyota"), a one-story commercial building. The project site is located in an NC-3**  
9 **(Moderate Scale) Neighborhood Commercial District and a 40-X Height and Bulk**  
10 **District on property located at 4041 Geary Boulevard, Lot 050 on Assessor's Block**  
11 **1540.**

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13 The appellant Jesse Fink, representing the Clement Street Merchant Association, filed  
14 a timely appeal on July 11, 2007, protesting the approval by the Planning Commission by its  
15 Motion No. 17448 dated June 14, 2007, approving Conditional Use Application No.  
16 2007.0286C, subject to certain conditions, to allow the establishment of a Formula Retail Use  
17 (dba Starbucks, retail coffee store), with approximately 750 square feet in floor area in a  
18 vacant commercial space located in a recently approved auto service and repair shop (dba  
19 "Service Center for San Francisco Toyota"), a one-story commercial building. The project site  
20 is located in an NC-3 (Moderate Scale) Neighborhood Commercial District and a 40-X Height  
21 and Bulk District on property located at 4041 Geary Boulevard, Lot 050 on Assessor's Block  
22 1540.

23 The public hearing before the Board of Supervisors on said appeal was scheduled for  
24 August 7, 2007, and was continued to September 11, 2007. On September 11, 2007, the  
25 Board conducted a duly noticed hearing on the appeal from the Planning Commission's

1 approval referred to in the first paragraph of this motion. Following the conclusion of the  
2 public hearing on September 11, 2007, the Board disapproved the decision of the Planning  
3 Commission (Planning Commission Motion No. 17448), and denied the issuance of requested  
4 Conditional Use Application No. 2007.0286C.

5 In reviewing the appeal of the approval of the requested conditional use authorization,  
6 this Board reviewed and considered the written record before the Board, the presentations on  
7 behalf of the appellants, the Planning Department and the project sponsor, and all of the  
8 public comments made in support of and opposed 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. 17448,  
12 dated June 14, 2007, except as indicated below.

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

20 FURTHER MOVED, That the Board of Supervisors finds that there are already at least  
21 five formula retail establishments within the immediate vicinity of the project site and several  
22 additional formula retail establishments within the neighborhood and the Project is therefore  
23 not necessary or desirable for this neighborhood.

24 FURTHER MOVED, The Board disapproves Planning Commission findings 10 and 11  
25 in that, on balance, the Project, as proposed, is inconsistent with the Priority Policies of

1 Planning Code Section 101.1 and the criteria of Section 303(c)(3) of the General Plan in that  
2 the Project will not enhance the neighborhood character and diversity of the neighborhood.

3 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the  
4 competing public and private interests, disapproved the decision of the Planning Commission  
5 by its Motion No. 17448, dated June 14, 2007, and denied the issuance of Conditional Use  
6 Application No. 2007.0286C on property located at 4041 Geary Boulevard, Lot 050 on  
7 Assessor's Block 1540.

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