

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
NOV -2 PM 2:38

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL
FROM ACTION OF THE CITY PLANNING COMMISSION**

BY

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 2161-2165 Irving Street, San Francisco, CA 94122.

10/12/2017

Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

11/2/17

Appeal Filing Date

 The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. .

 The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. .

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2016-002424CUA.

 The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. .

Statement of Appeal:

- a) Set forth the part(s) of the decision the appeal is taken from: *see attachment*
Planning Commission's decision made on Oct. 12, 2017, case #: 2016-002424CUA

- b) Set forth the reasons in support of your appeal: *See attachment*
This project does NOT fully meet the criteria of Conditional Use permit by allowing a non-principal use in a neighborhood that has grossly rejected its necessity and desirability. It would bring negative impacts on the surrounding neighborhood in regards to traffic and livability for children and families. It doesn't fit into the general plan of the MCD Moratorium that has become law before this appeal's hearing date. This project locates at about 600' of a publicly funded preschool - it may be legal within the zoning requirement but undesirable for many residents nearby. This business will also likely run up the rent

Person to Whom Notices Shall Be Mailed at the corridor and bring gentrification.

Name and Address of Person Filing Appeal:

SALVATORE Aiuto

Name

gigitam143@gmail.com

salspizza@aol.com

1320-22nd Ave

Address

Sunset Merchants and
Neighbors Association

Name

Address

415-515-9466

Telephone Number

Telephone Number

Sal Aiuto

Signature of Appellant or
Authorized Agent




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City Planning Commission
Case No. 2016-002424 CUA

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1336 ³⁵ 24 th Ave	1778-035	Christopher and Kate Choi	
2.	1336 ³⁸ 24 th Ave	1778-035		
3.	1383 - 22 nd Ave	1777-014	TAK TAM	
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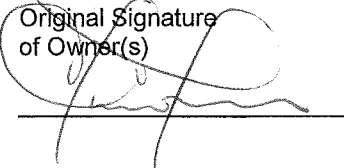
City Planning Commission

Case No. 2016-002424CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1331 22ND AVE</u>	<u>177-009</u>	<u>STEVEN KUM</u>	
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Case No. 2016-002424CUA

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1. 2301 IRVING ST.	1779 001	CHAO, MING FA	Mingfa Chao
2. 2305 IRVING ST.	1779 001	CHAO, MING FA	Mingfa Chao
3. 1311 24 TH AVENUE	1779 001	CHAO, MING FA	Mingfa Chao
4. 1313 24 TH AVE.	1779 001	CHAO, MING FA	Mingfa Chao
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24th - 1277

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BOARD OF SUPERVISOR City Planning Commission
SAN FRANCISCO Case No. 2016-002424CUA

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>1277-24th Ave.</u>	<u>1726-016</u>	<u>Frieda Harmon</u>	<u>Frieda Harmon</u>
2. <u>1271-24th Ave</u>	<u>1726-015</u>	<u>Alex Eremian</u>	<u>Alex</u>
3. <u>1271 24th Ave</u>	<u>1726-015</u>	<u>VALE EREMIAN</u>	<u>Vale</u>
4. <u>1235 24th Ave.</u>	<u>1726-006</u>	<u>Caihua Tang</u>	<u>My</u>
5. <u>1219, 24TH AVE</u>	<u>1726-002</u>	<u>REBECCA LOW</u>	<u>Reb. Low</u>
6. <u>1219, 24TH AVE</u>	<u>1726-002</u>	<u>KEN LOW</u>	<u>Ken Low</u>
7. <u>1321 24th Ave</u>	<u>1779-002</u>	<u>Chronga APINOSRI</u>	<u>Chronga</u>
8. <u>1278 24th Ave</u>	<u>1727-027</u>	<u>Erica Wang</u>	<u>Erica</u>
9. <u>1278 24th Ave</u>	<u>1727-027</u>	<u>Self insured</u>	<u>Wen</u>
10. <u>1266-24th Ave</u>	<u>1727-030</u>	<u>GUSTAV KRONERT</u>	<u>Gustav Kronert</u>
11. <u>1262-24th Ave</u>	<u>1727-031</u>	<u>YIN YEE LEE</u>	<u>Yin Yee Lee</u>
12. <u>1262-24th Ave</u>	<u>1727-031</u>	<u>YEE CHEW LEE</u>	<u>Yee Chew Lee</u>
13. <u>1254 24th Ave</u>	<u>1727-033</u>	<u>KENT TA</u>	<u>Kent</u>
14. <u>1254 24th Ave</u>	<u>1727-033</u>	<u>LINDA TA</u>	<u>Linda</u>
15. <u>1238 24th Ave</u>	<u>1727-037</u>	<u>Hoi Fong Ip</u>	<u>Hoi Fong Ip</u>
16. <u>1240 26th Ave</u>	<u>1727-037</u>	<u>YIN KENG TANG</u>	<u>Yin Keng Tang</u>
17. <u>1226 24th Ave</u>	<u>1727-040</u>	<u>Aron DeLong</u>	<u>Aron DeLong</u>
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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>1258 23rd AVE</u>	<u>Block: 1728 Lot: 033</u>	<u>Timothy McDonnell</u>	<u>Timothy McDonnell</u>
2. <u>1271-1273 23rd AVE</u>	<u>Block: 1727 Lot: 015</u>	<u>KUANG, SHI HAO</u>	<u>Kuang Shi Hao</u>
3. <u>1271-1273 23rd AVE</u>	<u>Block 1727 Lot 015</u>	<u>CYNTHIA LEE</u>	<u>Cynthia Lee</u>
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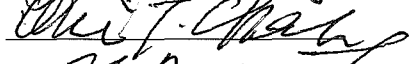

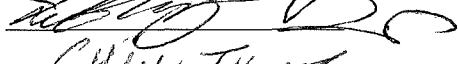
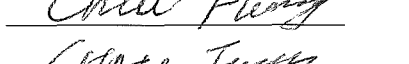
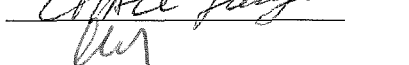

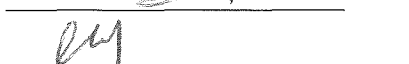


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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
✓ 1.	1323 23RD AVE	1778-002	ALEXANDER LU	
✓ 2.	1323 23RD AVE	1778-002	ANITA LU	
✓ 3.	1341 23rd Ave	1778-008	MAY PON	
✓ 4.	1341 23RD Ave	1778-008	Raymond Hall	
✓ 5.	1358 23rd Ave	1777-026	JASON WU	
✓ 6.	1350-23rd Ave	1777-028	FRANCES JANG	
✓ 7.	1350-23rd Ave	1777-028	ROBERT JANG	
✓ 8.	1527 23RD AVE	1778-004	Mang Zhang	
✓ 9.	1322 23rd Ave	1777-035	Ten Kei	
✓ 10.	1342 22nd Ave	1777-030	Kouhu Wang	
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✓ 1270 22ND AVE	1729-023M	JASON PENG	
2. 1222 22ND AVE	1729-023G	Wei T Chen	
3. 1274 22ND AVE	1729-023L	MORIMON TSAO	
✓ 4. 1274 22ND AVE	1729-023L	TIFFANY TSAO	
✓ 5. 1271-22 ND AVE	1728-016	CHAU FUNG	
6. 1279-22 ND AVE	1728-017	CHAU FUNG	
✓ 7. 1350 24 th AVE	1778-032	CHRISTY TAM	
8. 1350 24 th AVE	1778-032	SAM LIANG	
✓ 9. 1352 24 th AVE	1778-032	CHRISTY TAM	
✓ 10. 1352 24 th AVE	1778-032	SAM LIANG	
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City Planning Commission
Case No. 2016-002424CMA

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1. 1247-1249 22nd Ave SF. CA 94122	1728-009	Robert KONG	
2. 1261 22nd AVE SF. CA. 94122	1728-009	ROSE KONG	
3. 1261 22nd Ave	1728-013	CHI QUACH	
4. 1261 22nd Ave	1728-013	SANH TRAN	
5. 1219-22nd Ave	1728-002	LINDA NG	
6. 1219-22nd Ave	1728-002	Joanne Ng	
7. 1214 22nd Ave	1728-001C	Valdean Klumpp	
8. 1222 22nd AVE	1729-023G	Wei Chen	
9. 1218 22nd Ave	1729-023H	MARIA SHAPIRO	
10. 1338 22nd AVE	1776-011	Stacy Bouldt	
11. 1348 22nd Ave	1776-010	Lilly Angelopoulos	
12. 1348 22nd Ave	1776-010	CHRIS Angelopoulos	
13. 1364 22nd Ave	1776-009K	LI ZHU KHA	
14. 1364 22nd Ave	1776-009K	ERIC KHA	
15. 1364 22nd Ave	1776-009K	HAD KHA	
16. 1369-22nd Ave	1777-013A	Minh Lee	
17. 1369-22nd Ave	1777-013A	Minh Lee	
18. 1352-22nd Ave	1776-009N	DAN LEE	
19. 1352-22nd Ave	1776-009N	Diana Lee	
20. 1359-22nd Ave	1777-012	Kiersten Dunbar	
21. 1387 22nd Ave	1777-014A	Daniel Michael	
22. 1265-1222 22nd Ave	1728-015	ANNA HOM	
1265 22nd Ave	1728-015	ANNA HOM RONALD	

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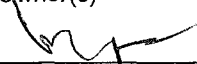


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1.	1349 22 nd AVE	1777-009	WALTER WONG	
2.	1335-27 th AVE	1777-006	JANE LEE	
3.	1357-23 rd AVE	1778-012	Pui Lee	
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✓ 1. <u>1254-22nd Ave.</u>	<u>1729-023D</u>	<u>Kenn^{eth} Chan</u>	<u>[Signature]</u>
✓ 2. <u>1254-22nd Ave</u>	<u>1729-023D</u>	<u>NANCY CHAN</u>	<u>Nancy Chan</u>
✓ 3. <u>1320 22nd Ave</u>	<u>1776-011A</u>	<u>Catherine Alioto</u>	<u>Catherine Alioto</u>
✓ 4. <u>1320 22nd Ave</u>	<u>1776-011A</u>	<u>Salvatore Alioto</u>	<u>Salvatore Alioto</u>
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✓ 1.	1257 23rd Ave	1727-012	Chen Changyi	Changyi Chen
✓ 2.	1257 23rd Ave	1727-012	Shiu Lan Chen	Shiu Lan Chen
✓ 3.	1266 23rd Ave	1728-031	HUGO SALINAS	Hugo Salinas
✓ 4.	1266 23rd Ave	1728-031	Bowyoung SALINAS	Bowyoung Salinas
✓ 5.	1250 23rd Ave	1728-035	Christina Martin	Christina Martin
✓ 6.	1250 23rd Ave	1728-035	Margaret Martin	Margaret Martin
✓ 7.	1270 23rd Ave	1728-030	ANGELA KESHISHIAN	ANGELA KESHISHIAN
✓ 8.	1278 23rd Ave	1728-028	ADRIENNE SUM	Adrienne Sum
✓ 9.	1279 23rd Ave	1727-017	DANIEL TAM	Daniel Tam
✓ 10.	1279 23rd Ave	1727-017	AU LIEN KHA	Au Lien Kha
✓ 11.	1238 23rd Avenue	1728-038	ERNESTINE FLORENCE	Ernestine Florence
✓ 12.	1267 23rd Ave	1727-014	JAMES BROWN	James Brown
✓ 13.	1275 23rd Ave		JAMES BROWN	James Brown
✓ 14.	1275 23rd Ave	1727-016	KHA PHON	Kha Phon
✓ 15.	1275 23rd Ave	1727-016	KHA LAMOTRINH	Kha Lamotrin
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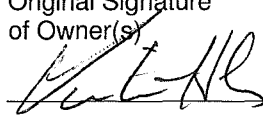

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1. 1246 22nd Ave. SFCA	1729-023E	Victor H Le	
2. 1246 22nd Ave. SFCA	1729-023E	Susanna Li	
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 NOV 2 PM 2:30

City Planning Commission
Case No. 2016-002424LUA

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>1255 22nd</u>	<u>1728-012</u>	<u>William Rueda</u>	<u>William Rueda</u>
2. <u>1255 22nd</u>	<u>1728-012</u>	<u>DINORAH Rueda</u>	<u>D Rueda</u>
3. <u>1253-22ND</u>	<u>1728-010</u>	<u>KWONG Y LUI</u>	<u>K Y Lui</u>
4. <u>1253-22ND</u>	<u>1728-010</u>	<u>ANNIE LUI</u>	<u>Annie Lui</u>
5. <u>1370 18TH AVE.</u>	<u>1772-0050</u>	<u>JOHN LEUNG</u>	<u>John Leung</u>
6. <u>1370-18TH AVE</u>	<u>1772-0050</u>	<u>DEBORAH LEUNG</u>	<u>Deborah Leung</u>
7. <u>1387-22ND Ave.</u>	<u>1777-014A</u>	<u>Pennie Lau</u>	<u>Pennie Lau</u>
8. <u>1387-22ND Ave</u>	<u>1777-014A</u>	<u>Daniel Michael</u>	<u>Daniel Michael</u>
9. <u>1391 22ND Ave.</u>	<u>1777-015</u>	<u>Sanford Lau</u>	<u>Sanford Lau</u>
10. <u>1724 Judah st</u>	<u>1777-017</u>	<u>Youn Gae So & Youn Gae So</u>	<u>Youn Gae So & Youn Gae So</u>
11. <u>1372 22nd Ave.</u>	<u>1776-0090</u>	<u>Miyuki Raveano</u>	<u>Miyuki Raveano</u>
12. <u>1289 22nd Ave</u>	<u>1728-020</u>	<u>Gerald Lee</u>	<u>Gerald Lee</u>
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RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO

City Planning Commission
 Case No. 2016-002424CUA

2017 NOV 2 PM 2:30

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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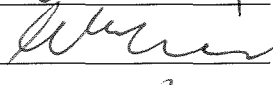

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1335-22 nd AVE	1777 & 006	Jane Lee	
2.	1335-22 nd AVE	1777 & 006	JESSIE HOUM	
3.	1357-23 rd	1778 012	Pui LEE	
4.	1338-23 rd AVE.	1777 031	Oi Yip	
5.	1347-49 22 nd AVE	1777 009	WALTER WAN FAI WONG	
6.	1347-49 22 nd AVE	1777 009	WENDY SAM WAN WONG	
7.	1351- 22 nd AVE	1777-010	HOA VUONG	
8.	1325 22 AVE.	1777-003	Lino Kwau	
9.	1325 22 AVE	1777-003	Ye Line zhen	
10.	1311 21 st AVE	1776-003	Quacky Woo	
11.	1311 21 AVE	1776-003	Yu Kat Lien KHA WOO	
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BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2016-002424CUA

2017/10/11 2:51:39
The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1339 23 rd Ave. SF	1778-007	Vinh C. Duong	
2.	1339 23 rd Ave. 94122	1778-007	Tu To Duong	
3.	1339 23 rd Ave.	1778-007	Wendy Hoang	
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 BOARD OF SUPERVISORS
 SAN FRANCISCO

2017 NOV 2 PM 2:39

City Planning Commission
 Case No. 2016-002424CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1335-1337</u>	<u>1778 Lot=006</u>	<u>TONY KWAN</u>	<u>Tony Kwan</u>
2.	<u>23rd AVE SE</u>	<u>1778-006</u>	<u>TERESA KEDAN</u>	<u>Teresa Kwan</u>
3.	<u>Ca. 94122</u>	<u>1778-006</u>	<u>Stephen Kwan</u>	<u>Stephen Kwan</u>
4.		<u>1778-006</u>	<u>Deborah Kwan</u>	<u>Deborah Kwan</u>
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BOARD OF SUPERVISORS
SAN FRANCISCO

2017 NOV 2 PM 2:30

City Planning Commission
Case No. 2016-002424C UA

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1319-21 st AVE	1776-005	Suk Tuen LAM	<i>Suk Tuen Lam</i>
2.	1323-21 st AVE	1776-006	Shee Luen Shek	<i>Shek</i>
3.	1323-21 st AVE	1776-006	Kuk Ting Lin	<i>Kuk Ting Lin</i>
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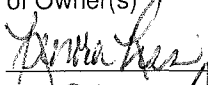
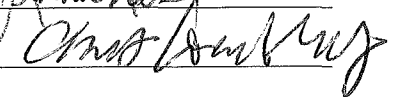
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BOARD OF SUPERVISORS
SAN FRANCISCO

2017 NOV 2 PM 2:30

City Planning Commission
Case No. 2016-002424CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1362-64 24th Ave.	1778-029	Lena F. Riss	
2.	1242. 24th Ave.	1727-036	Chun Lien Huang	
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2016-002424CUA

2017 JUN 2 PM 2:30

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1353-23RD AVENUE</u>	<u>1778/011</u>	<u>BRIAN M YOUNG</u>	<u>[Signature]</u>
2.	<u>1351 23RD AVENUE</u>	<u>1778/010</u>	<u>OLIVER M MUESSIG</u>	<u>[Signature]</u>
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2016-002424 CUA

2017 NOV 2 PM 2:30

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1281-24TH AVE.</u>	<u>1726 -017</u>	<u>Lydia McNair</u>	<u>Lydia McNair</u>
2.	<u>2236 IRVING ST.</u>	<u>1727 -019</u>	<u>Lydia McNair</u>	<u>Lydia McNair</u>
3.	<u>2206 IRVING ST.</u>	<u>1727 -019</u>	<u>Lydia McNair</u>	<u>Lydia McNair</u>
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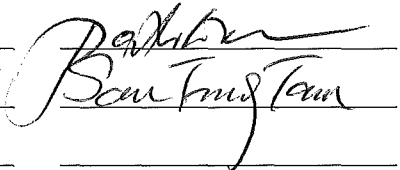
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BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2016-002424 CUA

NOV 2 PM 2:30

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>2214-2218 Irving</u>	<u>1727-020</u>	<u>149 Morris, LLC</u>	
2. <u>2131-2135 Irving</u>	<u>1771-039</u>	XXXXXXXXXX <u>(Am Family Trust)</u>	
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2016-002424CUA

2016 JUN 2 PM 2:30
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1350-23rd Ave	177-028	FRANCES JANG	Frances Jang
2.	1350-3rd Ave	177-028	ROBERT JANG	Robert Jang
3.	1550 Tuleah St	1778-023	Stephanie	Stephanie
4.	1850 Tuleah	1778-023	Eric Chen	Eric Chen
5.	1346 24th Ave	1778-033	Kuo S. LIN	Kuo S. Lin
6.	1346 24th Ave	1778-033	HAO AI LIN	Hao Ai Lin
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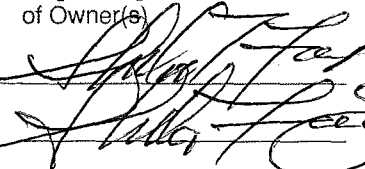
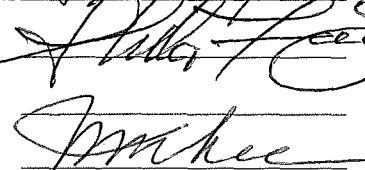

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BOARD OF SUPERVISORS
SAN FRANCISCO

2017 NOV 2 PM 2:30

City Planning Commission
Case No. 2016-002424 CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1288-1292 23RD AVE	Block # 1728 LOT 56, 57, 58	SHELDON FONG	
2.	1282A-1282B 23RD AVE	Block # 1728 LOT 51, 52	SHELDON FONG	
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4.	2136-2154 IRVING ST. SF	1728-024	RENE LEE et al	
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BOARD OF SUPERVISORS
SAN FRANCISCO

2017/10/17 2:30 PM 2:30

City Planning Commission
Case No. 2016-002424 CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1330 - 24th Ave</u>	<u>1778/037</u>	<u>Edgar G Lehmann</u>	<u>[Signature]</u>
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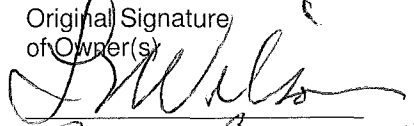
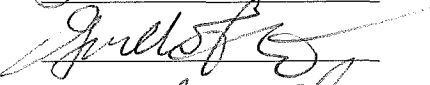

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BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2016-002424CUA

2017 JUN 2 PM 2:40

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property).

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1334 24th AVE</u>	<u>1178/036</u>	<u>LOREN WILSON</u>	
2.	<u>1356 24th Ave</u>	<u>1778/031</u>	<u>Guo CHAO LIANG</u>	
3.	<u>1356 24th AVE</u>	<u>7778/031</u>	<u>AI Chang Liang</u>	
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BOARD OF SUPERVISORS
SAN FRANCISCO


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City Planning Commission

Case No. 2016-002424CUA

BY ll
The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1282 23rd AVE</u>	<u>1728/051</u>	<u>Sheldon T. Fong</u>	
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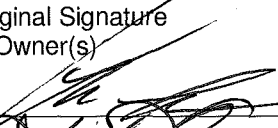

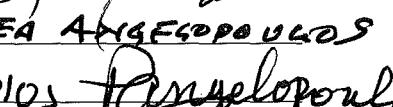
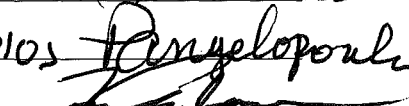
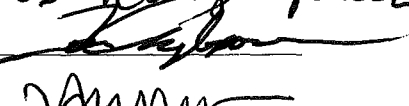
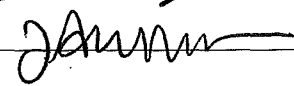
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BOARD OF SUPERVISORS
SAN FRANCISCO

2017 NOV 2 PM 2:40

City Planning Commission
Case No. 2016-002424CUA

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1348 22nd AVE</u>	<u>1776 10</u>	<u>CHRIS ANGELOPOULOS</u>	
2.	<u>1348 22nd AVE</u>	<u>1776 10</u>	<u>Lillian U. Angelopoulos</u>	
3.	<u>1347 21st AVE</u>	<u>1776 009B</u>	<u>Chris Angelopoulos</u> <u>ANDREA ANGELOPOULOS</u>	
4.	<u>1349 21st Ave</u>	<u>1776 009B</u>	<u>POLLY ANGELOPOULOS</u>	
5.	<u>1351 21st AVE</u>	<u>1776 009C</u>	<u>TOM ANGELOPOULOS</u>	
6.	<u>1351 21st AVE</u>	<u>1776 009C</u>	<u>JENIFER ANGELOPOULOS</u>	
7.	_____	_____	_____	_____
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20.	_____	_____	_____	_____
21.	_____	_____	_____	_____
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To: San Francisco Board of Supervisors
Re: MCD on 2161-2165 Irving, It's Unnecessary and Undesirable!!!
Case #: 2016-002424CUA

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We would like to present strong opposition from the Upper-Sunset Merchants & Neighbors Association in regards to the above-mentioned case. We hereby appeal the decision made on 10/12/2017 by the Planning Commission. While there is another neighborhood association that would accept the proposed MCD with conditions, **this group does NOT entertain the idea and would NOT accept the proposed MCD under any condition.**

1. We believe the project does NOT fully meet the criteria of a Conditional Use permit by allowing a non-principle use in a neighborhood that has adamantly rejected its necessity and desirability. A cannabis dispensary in this location is both unnecessary and undesirable. We will make a number of arguments to support that contention.
2. We believe the merchants and neighbors were NOT GIVEN APPROPRIATE OR ADEQUATE PUBLIC NOTICE of the community meetings, public hearings, and Planning Commission meeting where the conditional use permit was approved on Oct. 12.
3. Barbary Coast is actually intent on establishing itself as an adult use cannabis dispensary with a smoking lounge, not as a medical marijuana dispensary.
 - That is a different issue and the city should not give Barbary Coast an MCD license, which will grandfather in a preferential option for an adult use license under legislation currently before the Board of Supervisors.
 - Documents submitted to the Planning Department include construction specs that include a filter system so smoked cannabis cannot escape to outside. Only necessary if smoking is planned for the location—which is not allowed under the current permit regulations for medical marijuana dispensary because of the location.
 - Representatives of Barbary Coast acknowledged at the Planning Commission, and in discussions with neighbors that it was eventually hoping to have an adult use permit
 - Barbary Coast's Mission and 6th Street operation began as an MCD and added a smoking lounge later.

WHY WE ARE OPPOSED:

1. Barbary Coast will negatively impact Irving Street and the surrounding neighborhood in terms of traffic congestion and increased danger of accidents, with an increased risk of pedestrian fatalities.
2. Barbary Coast will attract more congestion during concert weekends, above and beyond what already occurs.
 - i. The project sponsors in the Planning Commission hearing said they deliberately picked this location for an MCD in order to

serve the crowd from events at the Golden Gate Park. Not only will the annual Hardly Strictly Blue Grass and the Outside Lands weekend concerts likely draw more traffic and disruption if there is a cannabis dispensary on Irving, the 4.20 marijuana fest every April will also likely send some overflow to our part of Irving.

3. Barbary Coast will negatively affect the area's general ambiance and livability for residents, particularly children and families.
4. Barbary Coast will negatively affect existing businesses along the Irving corridor, potentially driving up rents and very likely substantially changing the character of the neighborhood. It will drive out some customers, may cause some businesses to close and others have said they will leave once their leases are up if a cannabis dispensary is located in the area.
 - a. We do not believe either the Haight Ashbury or Ocean Avenue business districts are appropriate models for where Irving Street should go—and those are business districts similar to Irving Street but have MCDs.
5. We do not want a medical dispensary but we very much oppose a defacto 'cannabis bar' aka smoking lounge and granting this permit will set that in motion.
6. Approval of Barbary Coast may encourage clustering. Already two other nearby locations have applied for MCD permits, 2401 Irving Street and 2511 Irving Street. Will approving Barbary Coast mean that we will have a wave of applications and approvals—clustering of MCDs in our neighborhood as happened in other districts?

APPEARANCE OF UNDUE INFLUENCE BY A POLITICAL OPERATOR ON ELECTED OFFICIALS (*Exhibit 1-David Ho bragged on Chinese media*)

1. We are also disturbed by the history and actions of one of the project sponsors, David Ho. **David Ho** is a well known political operative who bragged in Chinese media about his ability to get both the Planning Commission and the Board of Supervisors to vote his way. (See attached reports from Sing Tao Daily and World Journal Newspapers).
2. David Ho bragged to the Chinese media the day before the 10/12/2017 Planning Commission hearing, that he will win 7-0 at the Commission and 11-0 at the Board of Supervisor for this appeal.
 - i. The first part of his statement has pretty much come true with a 6-0 vote at the Planning Commission despite many hours of testimony by those opposed.
 - ii. And if the second part also occurs, it will at least raise a question of pay to play politics between David Ho and the elected officials making this decision.
3. Despite claims by Barbary Coast that it has employees who live in the Sunset, there is no groundswell of support around Irving for this. It would be very, very sad to see the good of our community sacrificed

because this business with deep pockets and connections to the political establishment wants to expand to our neighborhood.

We have compiled the following counter arguments against the project sponsors' statements, which we contend further prove that this project does not have the merit to meet the high bar of a Conditional Use Permit.

I. Counter arguments against the claims in the project application:

TRAFFIC ISSUES (*Exhibit 2-traffic pictures on Irving*)

Claim A - Item 4 page 8 Project Summary Table – On application Conditional Use Authorization on item 4, there are 2 existing parking spaces.

Barbary Coast will exacerbate severe traffic congestion and parking issues on Irving. Even if Barbary Coast can claim those two parking spots, there will be much more traffic.

The executive director Jesse Henry pointed out during the open house we attended on 9/12/17 from 7pm-8pm, that in any particular busy day, they served around 300-500 clients daily. In a slow typical day, they serve between 200-300 clients daily. And on the application, the owner will encourage people to ride bicycles, take public transportation or walk to Barbary Coast.

Refute:

1. Encouraging clients' to take public transit is a good idea but we are unsure what that will actually accomplish.
2. The neighborhood is already congested, and finding available parking spaces is an arduous task.
3. Double parking is already prevalent.
4. If Barbary Coast opens, any added traffic caused by their customers would create a serious environmental impact to an already problematic traffic issue.
5. Barbary Coast's expected high traffic from customers can reasonably be expected to create excessive hardship to those trying to park, and vendors trying to unload and/or make deliveries to existing merchants.
6. It will also cause more congestion for those trying to drive down Irving Street in general.
7. The impact is likely to be adding DAILY 200 to as many as 500 (if Barbary Coast's customer impact is correct) to an already seriously impacted street and surrounding neighborhoods.
 - i. As the executive director at Barbary Coast Jesse Henry said "they are serving very large number of patients daily."

JOB OPPORTUNITIES MINIMAL

Claim B - Attachment A: Conditional Use Findings - The proposed use will add a new and compatible use to the Irving Street Neighborhood Commercial District - Barbary Coast pointed out that they will create job opportunities to the community....

Refute: A merchant should enhance a neighborhood and not detract from it. A cannabis dispensary is not in keeping with the character of the Irving Street neighborhood. The cost is not worth the few jobs that Barbary Coast will offer

- a. **A majority of merchants OPPOSE (Exhibit 3-Merchant petition letter and signatures & 4-mapline showed merchant and neighbors opposition)**
 - i. 61/72 of the merchants on Irving Street between 21st & 25th Ave already signed the petition to against MCD opening on Irving Street. (Total 72 stores on Irving: 1 neutral position, 61 against MCD, 0 support MCD, 4 empty stores and 6 no signatures).
- b. Would serve a small group of consumers
- c. Would potentially attract crime because of cash nature of the business
- d. **Many merchants emphasized that they will consider moving their businesses once their lease is up if a MCD is so close by.**

DISAGREE THAT MCD IS A NECESSARY AND DESIRABLE ADDITION

Claim C - Attachment A: Use Proposed at 2165 Irving Street: The size & Intensity contemplated at the proposed location, will provide a development that is necessary and desirable for...

Refute: Barbary Coast claims it has 900 medical marijuana patients in the Sunset district—

- a. An onsite cannabis dispensary is unnecessary in the Sunset
 - i. DELIVERY SERVICES:
 - 1. Eaze.com and many other cannabis delivery services in SF. In 2015, Planning Commission approved 214 California cannabis delivery hub with room for 16 cannabis delivery services.
 - 2. Eaze.com promises delivery in 20 minutes
 - 3. There is one delivery service in Sunset: 4506 Irving St
 - ii. Planning Commission approved a licensed, shared workspace for up to sixteen medical cannabis delivery businesses at 214 California Street.
- b. Other dispensaries are nearby on Geary, and in the Haight and Ocean Avenue as well.

DISAGREE IT WILL HELP BUSINESS DISTRICT

Claim D - Attachment A: Current Uses in the Area: - There are some empty storefront spaces on Irving between 19th Ave and 25th Ave.

Refute:

1. A MCD is NOT what we need for to improve our business district, which is very family and child-oriented.
 - i. We recommend and encourage more education activities like tutoring, Kung Fu learning, Tai Chi, After School Programs, Community Services, Senior Center & Youth Programs that are family friendly.
 - ii. Currently, there is only one senior center serving the whole Sunset district (at South Sunset) that's not enough.
2. Yes, we need to encourage more business and find ways to help small businesses stay viable on Irving. We do not think a cannabis dispensary is a good solution.

DON'T NEED CANNABIS MARKETING MASQUARADING AS CONCERN FOR SENIORS

Claim E - Attachment A: Aging Population in the Outer Sunset – The Collective has developed programs to educate adults and seniors as to the benefits and proper use of medical cannabis to help them with pain management and supplemental treatments for more serious conditions.

Refute:

1. Seniors have many options for pain management through the public health and private health systems. Nearby are Urgent Care, Ocean Park Health Center, Walgreens Pharmacy and UCSF.

- a. Urgent Care Center, right next door to the proposed MCD on Irving Street
- b. Ocean Park Health Center (1351 24th Ave, San Francisco, CA 94122) Two blocks away from proposed MCD
- c. Walgreens Pharmacy (2050 IRVING ST. San Francisco, CA 94122), right around the corner of propose MCD
- d. UCSF (300-500 Parnassus Ave, SF CA 94143) 5 minutes driving from proposed MCD

2. For those who want the medical cannabis option, there are some convenient options available as well—as mentioned above, there are cannabis delivery services by phone or Internet. Some are even advertising on the sides of our buses. For example, eaze.com promises delivery within 20 minutes. That is just one. There are many websites providing phone order, same day (within 2 hours or less), and next day, weekly or monthly delivery services to patients' doors at any specific time/location as requested.

Following are some links for marijuana delivery services:

<http://sanfrancisco.delivery-medical-marijuana.com/>

[Foggy Daze Delivery Service – Order \(415\) 200-7451](#)

[The Green Cross](#)

[SF Green Delivery \(SFGD\)](#)

[San Francisco Marijuana Delivery Services | California medical marijuana](#)

Claim F - Attachment A: Medical Cannabis Support Group for seniors

Refute:

1. We believe a better use of resources would be a senior center in the mid Sunset to give seniors support, education and companionship.
2. This is a solution in search of a problem
3. This is a marketing ploy to get more customers—by an operation that plans to become adult use aka recreational use as soon as viable.

LIKELY NEGATIVE IMPACT ON YOUTH

Claim G - Attachment A: Location, Size & Intensity of the Project: There are no schools or youth serving facilities nearby. The facility is not designed for appeal to youth or teenagers and has very limited exposure to these group that we want to avoid marijuana and marijuana use.

Refute:

1. Irving Street is our major street for all local neighbors to do our daily grocery shopping and run errands.
2. Although there are no schools or youth serving facilities within 1000 feet, Irving Street is a central location for many schools including Jefferson Elementary School, Lincoln High School, Washington High School, Lawton School, St Anne and Holy Name of Jesus grammar schools.
3. Irving is the center main street for kids, teens (under 18 age) and families to hang around and socialize with friends at the nearby snacks spots, ice cream stores, restaurants, pizza and drink shops. Teens can be seen hanging out with friends until after 9 p.m. during the week and later on the weekends.
 - a. This MCD will create an undesirable environment for them and directly expose these young people to a cannabis environment. You see, if it's there, it's sending a powerful message and children will believe it's OK to use cannabis because it's been approved by our city government to be among the merchants we frequent.
4. Barbary Coast does sell edibles including chocolate chip cookies and other cannabis options that would be appealing to youth at its Mission Street location.
 - a. <https://menu.treez.io/barbarycoast/>

Claim H - Community Benefit Plan: Barbary Coast has a long and well documented history of supporting local not for profit organizations and community benefit initiatives

Refute:

1. Barbary Coast has repeatedly mentioned on their flyer that they are giving back the community.

2. We believe giving money to charities is a good thing, but it does not make up for bringing in a business that will likely dramatically change our neighborhood and that is opposed by most of the small business owners.
 3. Sunset businesses also contribute to charity, as do many neighbors. .
- (Please visit <https://charitylook.org/zipcode-94122> district charity organizations)

NEGATIVE IMPACT ON AREA CULTURE

Claim I - The use will not be detrimental to the health, safety, and general welfare of the residents. This project is designed to serve the residents on in the western neighborhoods of SF. There is adequate street parking and pedestrian access as well as public transportation options.....This location will not impact youth or teenagers in any significant way....

Refute:

1. Currently there are lots of teens and families using Irving Street as their primary shopping and dining location or social place where they can social and mingle with friends. We believe an MCD, especially one that plans to convert to a smoking lounge for adult use, should go through a process similar to that for a liquor license.
2. A family friendly place is not appropriate for a MCD, it's UNDESIRABLE.
3. Children and families deserve a neighborhood free of second hand smoke.
4. The current legislation for controlling use of medical cannabis in public is not yet well established, Please don't open an MCD on Irving until the legislation is ready. Our family, our kids, our community need your protection.
5. There is not adequate street parking for the kind of traffic that Jesse Henry is predicting his business will attract. As we mention in our points above refuting Claim A

JOBS CLAIM IS QUESTIONABLE

Claim J - Measurable Community Benefits of this project include:

a. Increased employment and training opportunities for SF residents...

Refute: According to what the project sponsor said at one of the open house events, the proposed MCD on Irving will likely add about 10 employees. However, at the same time, many current Irving Street employees may lose their jobs due to store relocation because of the MCD shop. Thus the MCD may well result in more empty shops on Irving and loss of thousands of dollars in revenue, loss of tax dollars for the city, as the opposing merchants will vacate and the 10 employees will be at the cost of 50 or more people losing jobs and our neighborhood losing the stores we've grown to depend on as a community.

DON'T NEED MORE TREES FROM MCD

b) Neighborhood Beautification... offer more greening of the streetscape with plants and trees.

Refute: Supervisor Tang's project greening and streetscape was just completed. We do NOT need additional streetscape at this point or for the next decade. Barbary Coast keeps citing what it did on Mission Street and Sixth Street, one of the most notorious parts of the city with public drug use, public urination, prostitution and other undesirable activities. Mission Street near 6th Street is still an undesirable place to walk at any time of day even with the green plants in front of Barbary Coast on Mission Street.

MCD WILL NOT ADD TO PUBLIC SAFETY (*Exhibit 5-Examiner.com Article dated 11/1/17 & Chronicle 10/18/17*)

c) Public safety. Cameras and professional and classy security presence in and around the facility insures a safe environment for patrons and neighbors alike.

Refute: The Sunset neighborhood is already a safe area; we do not need security guard or cameras if a MCD is not present. Also, the surveillance camera and security staff outside of the store can only guarantee its own safety, but not the safety of other neighbors or anyone else. If we are looking for security, we will call our very reliable Taraval station police officers.

MCD WILL INCREASE TRAFFIC CONGESTION (*Refer Exhibit 1*)

d) Parking & Transportation Management Plan-Members will be encouraged to walk, ride bicycles and/or public transportation to the dispensary

Refute:

1. As we mentioned previously, currently Irving Street is already very crowded, and encouraging clients to walk and use public transportation and bicycles is admirable but we are not sure what impact that encouragement will have.
2. Irving Street cannot handle the traffic that appears inevitable if the MCD is successful.
3. In addition, the Barbary Coast has already constructed its site to host a smoking and vaping lounge even though the current application is not for that. At its Mission and Sixth Street location, it added a smoking lounge later. That is a likely scenario if Barbary Coast gets this location—and that will add to parking and traffic problems as well.

II. Inadequate public notice to the community:

1. As we went door to door in the last couple weeks, we realized many neighbors who live within 300 feet did not receive the public hearing notice. We are not sure why. As a result, many people were shocked that they were not informed and alerted of what is going on with the MCD. Many neighbors were wondering what the current process is now. How can a proposed merchant circumvent a neighborhood's opinion and how can they be acting on good faith when the community was not informed of the meeting?
2. Barbary Coast disguised an open house as a community meeting. And it told Sing Tao no one came to the community meeting. However, the notice telling people about the proposed MCD went out after the community meeting/open house was held

- a. As required by Planning Department, Public Hearing Notes were posted on MCD door on Sept. 12. On the same day, Planning Department also sent out letters to people who live within 300 feet radius; usually people don't receive it in mail until the second or third day after.
- b. However, on Sept. 13, Barbary Coast announced on the Chinese Sing Tao News that no one showed up at their first and second community meetings that were held on Sept. 7 and Sept. 12.
 - i. We, as the community felt the MCD has not been honest to the public. How can they expect people to know about the MCD meeting before the event if they have not yet received the notice in the mail?
 - ii. By the time people received the notice and saw what was on the news, everyone thought they already missed the community meeting opportunities.
 - iii. Again, the MCD representatives are making stories up to confuse and mislead the public. NOT A TRUSTWORTHY owner
3. At its open houses, Barbary Coast representatives said 70 percent of the merchants on Irving support them. This is FALSE.
 - a. In the past two-three weeks, when volunteers stopped by all merchants of Irving, almost all (more than 95%) merchants signed the petition against the MCD shop opening on Irving.
4. The public notices of the MCD were written in English but most of the surrounding area merchants are monolingual in Chinese. There were no Chinese Public Hearing notices.
5. Public Hearing Notes and other post notes were posted in a very low position from the window or door, unreadable. Anyone 5 feet or taller has to bend to their knee to read the notes, this make it especially hard to elderly to read. We feel this is very insulting.

III Additional arguments against Barbary Coast at 2161-2165 Irving

1. Jefferson Preschool is located on 1350 25th Ave, which is within around 1,050 foot radius from the MCD. This is undesirable. Please help us protect the kids, please do not allow the MCD at this location.
2. Currently, Wah Mei School Preschool and Jefferson Preschool are both located very close by, which are only within around 1,000 foot radius. Both schools emphasized that they do take kids for neighborhood walks on Irving blocks pretty often.
3. The Prop 64 results showed there were 58% Sunset District voters supporting adult use in the 2016 election.
 - a. According to our surveys, 50% of Sunset residents were Asian and either not active voters or Green Card holders. THEY WERE NOT INCLUDED IN THAT 58 percent so the vote did not reflect accurately the feelings of the area residents.
 - b. During 2015 Taraval MCD petition, 7,000 petition signatures were collected, that prove our point that Sunset residents do NOT want a MCD in our neighborhood. The strong opposition to The Apothecarium on Noriega is another sign of Sunset opposition.

4. Most importantly, the existing regulations on dispensary control are not good enough; the current system is not consistent. We need to wait for strengthening of regulations before can approve an MCD in our neighborhood.

VI. In conclusion, as our elected representatives, you have an obligation to consider the will of the people. It is clear that the practices to get MCD approved on Irving Street were not in good faith and did not represent all the no-votes of the community. We have to stop putting profits, and political advantages to work against the very people that vote our representatives into office. Again, as a well-established family community we beg you to disapprove and say NO to MCD opening its profitable doors at the cost of our community, and your constituents. Our community pleads with you to keep our family neighborhood safe by saying NO to MCD on Irving Street!

Exhibit 1-David Ho bragged on Chinese media

雷家山案第2天 雷元驥及人作證

Alex是死者生前最後見面者之一 曾販售大麻 指死者曾向他借貸10萬元

記者李秀蘭/舊金山報導

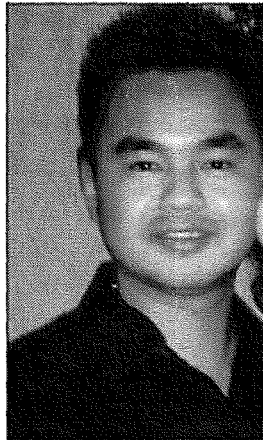
五年前雷家五口命案的審訊11日進入第二天，檢方傳喚雷家兒子雷元驥另一名華裔友人作證，該友人也是雷元驥被審前最後見面者之一。張姓友人Alex Zhang作證說，死者雷元驥曾向他借下總數為10萬元的款項。

命案的五死者包括雷元驥的妻子、父母及二姊，大姊因已婚不同住而逃過一劫。五年來警方的調查工作集中在雷元驥。雷元驥於2012年3月23日凌晨被殺前的晚上，與兩名華裔友人在尚化區的一住宅聚會。

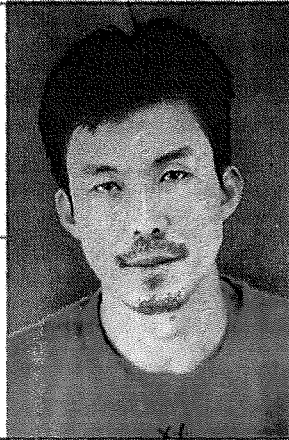
其中一名友人劉宇聲(音譯)已於10日審訊首次被傳喚作證，Alex則是11日上庭作證，他也是在廣東話傳譯員協助下回答檢察官及辯護律師的提問。

也認識陸太平

Alex作證說，他也是建築工人，命案發生前與雷元驥已認識八年，也認識被告陸太平，大家經常在一起，他未發現雷元驥與陸太平之間有任何爭執或不和。



來自中國的Alex說，命案發生前他曾回中國一個多月。他在中國有生意，回中國是業務關係。回中國前，已與雷元驥約好返到舊金山當天見面，討論雷元驥新購房子的裝修問題。



雷家兒子雷元驥是警方調查五謀殺案動機的重點。(本報檔案照片)

被告陸太平否認殺害雷家五口。(圖、舊金山警方提供)

一棟房子，雷元驥有意由他和劉宇聲等人裝修新房子。

雷元驥遇害前一天傍晚，Alex由中國飛回舊金山。Alex說，雷元驥和劉宇聲及另一名華裔友人駕車接機，然後直接到尚化區雷元驥新購的住宅。晚上11時多，雷元驥接到妻子朱嘉慧打來的電話。

聽見雷元驥與妻子對話

Alex表示，他聽見雷元驥在電話上與妻子對話，「阿平(陸太平)找我什麼事?」「等我回家再說，我現在就回家。」雷元驥告訴他們，陸太平已在他們家裡。

Alex也是命案發生後與警方聯絡的友人之一。Alex在回答警方的提問時承認，雷元驥遇害前幾年，雷元驥曾多次向他借錢，總額約是10萬元。雷元驥償還了部份借款，並沒有還清。

辯護律師高特羅森說，雷元驥曾於2009年10月間出售大麻。Alex回答，他並不清楚。高特羅森又問Alex：「你曾於2013年10月買大麻?」Alex回答：「是的。」

陸太平被控五項謀殺罪名，高特羅森在案前說明中表示，陸太平絕沒有殺死五人，兇手是另有其人，仍逍遙法外。

病患使用權 3華人大麻店長籲社區開放、接受



何文健(左圖起)、王理查和裴耀三人，均是開設大麻店的華裔代表。他們三人的開店計畫亦會在本月內有結果。(記者李誠/攝影)

記者李誠/舊金山報導

舊金山華裔社區因為大麻店的爭議被提得分外不平。日落區Noriega-14街剛獲勝，反大麻華裔都未能鬆懈，因為Irving街新一間大麻店12日將呈交舊金山規畫委員會審議，決定是否推出許可。除此之外，華人激烈抗議的舊金山尚化區(Portola)、河谷區大麻店開店計畫，都未受到禁令影響，將在月底有結果。

日落區和尚化區的大麻店均有華裔主持開店。本報採訪了這三位處境相似的華人男子，一探他們對華人反對大麻爭議的看法。28歲的裴耀出生於舊金山華埠，他和他一歲就移民舊金山的華人妻兒在一個家庭聚會上認識。出於對大麻益處的共同感受，他們計畫在尚化區開一間大麻店，讓癌症患者和退伍老兵們能夠獲得藥用大麻的權利。

「我並不覺得我們可以成功說服華人相信大麻的益處。」王理查表示，針對華人對大麻的禁忌感，他們二人都表示並不存在。「雖然大家都是華人，但是或許語言說的話都不一樣，所謂的華人傳統不喜歡大麻，我覺得並沒有。」裴耀表示。

目前他們表示只申請了藥用大麻的許可，沒有轉為藥用大麻店的計畫。同時，反大麻華裔質疑二人有幫派背景，二人亦

表示開設大麻店必須經過資格審查，有犯罪紀錄者都會受到影響。

相比之下，日落區Irving街計畫中的大麻店老闆的何文健，則自信得多。「我覺得我會出現在規畫委員會12日09時，他們(反大麻人士)要是上訴到市議會，我也是11比0贏。」

針對華人反大麻的爭議，「我認為華人移民社區在認識大麻上有滯後。」生於澳門，成長於日落區的他表示，中國人應該要有開放心態，進步的心態來接受大麻。他舉例而言，像是中草藥各種成分多，也不能亂吃，要嚴格規管。處理大麻的心態也應該一樣，不應一味反對。

何文健的政治勢力亦是焦點之一。他曾擔任多位進步派市議員競選幕僚，近期亦參與創辦了白蘭社區基金會。自稱和自願是師徒關係的他，曾在華協中心工作。因此無論在華埠還是市內，他都小有名氣。

因此，何文健強大的政治人脈關係和背景，也被Irving街反大麻華裔代表譏諷認為是「有恃無恐」。譚啟表示，目前已經收集到了三、四千個日落區居民的簽字。「我們最在乎的就是不想大麻店影響小孩子。Irving街附近太多學校，很多小孩子放學都會在那裡社交購物。如果規畫委員會通過了開店許可，我們一定會上訴。」

PJI煽動華裔反大麻?日落區居民抗議扭曲

記者李誠/舊金山報導

有關太平洋法律協會(PJI)在利用、鼓動日落區華裔反大麻的說法，一直是舊金山本地左派政客和大麻店Apothecarium的理據。上週二(3日)，市議會審議爭議多時的大麻店許可時，市議員李耀輝更是聲源領下，包括湯凱菲在內多名市議員亦齊聲反對太平洋法律協會，讓這個並非舊金山本地的保守派組織不要再插手本地事務。

目前多名日落區反大麻華裔代表，包括王連、附近學前班校長陳寶芳(Mary Ping)、教會代表周海瑞等聯合舉辦新聞發布會，表示反大麻一直是本地社區自己的聲音，而非受到太平洋法律協會的操弄，並

譴責市議員上週二的有關言論，聲援太平洋法律協會。

引發爭議的地方在於，太平洋法律協會因為其反對性少數(LGBT)權益的立場被認為是仇恨組織。

教會長老周海瑞表示，不能因為別人反對同性戀就認定是仇恨組織。他稱自己代表的宗教機構也不認同同性戀，但是並非仇恨組織。

太平洋法律協會並未派代表在場。王連表示，正是因為不希望再被人認定是太平洋法律協會的人鼓吹，現在華人的發言均是代表自己的聲音。

記者聯繫湯凱菲和李耀輝辦公室，她們均表示對此「沒有評論」。



日落區反大麻華裔代表舉辦新聞發布會，維護太平洋法律協會，購買市議員。(記者李誠/攝影)

大火吞噬3500屋 快檢視你的房屋險 華宅頻遇搶劫 盼警局拿辦法

記者李秀蘭/舊金山報導

華商保險公司更新合約後 保險屋主權益，處理基本保單無法應付

記者李秀蘭/舊金山報導

華商保險公司更新合約後 保險屋主權益，處理基本保單無法應付

首頁 (<http://www.singtaousa.com/sf>) 灣區 (<http://www.singtaousa.com/sf/446-灣區>)

灣區

Irving大麻店搞手 何文健惹僑領非議

2017年10月21日 05:59 灣區 (<http://www.singtaousa.com/sf/446-灣區>)

Irving大麻店搞手 何文健惹僑領非議



(<https://media.singtaousa.com/wp-content/uploads/master/2017/10/sf01-1-19.jpg>)

要在Irving街開藥用大麻店的資方講建議計劃, 包括何文健(中)。本報資料圖片



(<https://media.singtaousa.com/wp-content/uploads/master/2017/10/sf01-2-18.jpg>)

日落區Irving街擬開藥用大麻店獲規劃委員會批准。本報資料圖片

(本報記者黃偉江三藩市報道)

規劃委員會昨日表決通過了三藩市大麻辦公室的規劃條例：開放市內容許開大麻店的範圍，包括華埠以及日落區業區，規定大麻店需與學校保持1000呎以上距離、並且，1000呎以內不能有兩間大麻店。

「規限大麻店與學校保持1000呎以上距離，讓昨天去參加抗爭的華人群體很受鼓舞，但離勝利很遙遠，需繼續抗爭。」三藩市社區資源中心行政主任杜麗莎表示，他們還向市長李孟賢、11位市參事辦公室分別派發信函，提醒政要們「何文健曾經積極參與助選，但不應該成為交換的理由，希望市長和市參事傾聽社區的意見。」杜麗莎質疑何文健放言規劃委員會7:0、市參事會11:0全票通過，「若果如他所言，我們有理由懷疑是內定，必定追查到底！」

身為白蘭基金會董事

對於身為「白蘭基金會」董事的何文健在日落區Irving街的大麻店計劃，中華總商會監事長區國雄表示：「既然社區應該尊重社區，要賺錢可以找其他地方開大麻店。雖然，他有法律和政治背景，但如果社區強烈反對，反對方可以訴。」

獲悉何文健要經營大麻店，中華總商會會長陳傑民撇清其與總商會的關係「他不是中華總商會董事、也不是會員。他的言行，與商會無關。」

一名不願署名的華協中心資深職員表示，很遺憾何文健計劃在他生活和成長的社區經營大麻店，何文健曾經在華工作，積極參與和推動李孟賢參選市長，並參與多名市參事助選工作、與白蘭亦師亦友，參與共同創辦白蘭基金會，到，他借助華人社區對他的信任，在政界獲得了「勢力」，為了個人利益，做出了有違華人傳統文化和道德的選擇，一些讓華人社區失望的言論。

潮商會會長林志斯表示，雖然加州已經通過大麻合法化，但大麻只適合某些病患者治療需要，不能像超市百貨店到處開隨便買。林志斯說，他有相熟的朋友在日落區Irving街經商，「就曾經遇到何文健帶幾名壯男入店，知會東主附近開大麻店，形同恐嚇。很囂張，為了賺錢不擇手段。我們不會客氣，只要追查到他們有任何利益輸送的交易，光。」

罔顧華人強烈反對

華埠街坊會主席李兆祥表示，不一定每個地方都經營大麻店，大麻店一旦氾濫，將對社會帶來負面作用，引誘青

試，後果不堪設想。李兆祥希望市長和市參事要聽取社區意見，對大麻店從嚴管制。社區住客聯會一直得到華協支持，該會主席梁榮浩稱：「要賺錢有許多渠道，何文健身為華人卻不尊重自己族群的意見，不顧華人強烈反對，令人失望。」退休教師、社區人士陳美玲表示，公聽會上，缺合適的翻譯服務，對華人非常不公平。她指計劃委員會未有完全聽取社區及華人意見。她認為校區應該有權獲悉大麻店開設的地方，並有責任表態。10月26日(下周)，規畫會將就2442 Bayshore Blvd、5 Leland Ave的大麻店在市政府舉行公聽會，希望大家前去反對大麻店的氾濫。記者多次聯繫，至昨晚截稿時間，何文健沒有回覆。

上一篇 柏克萊元旦起可售娛樂大麻 (<http://www.singtaousa.com/sf/446-灣區/339565-%E6%9F%8F%E5%85%E8%90%8A%E5%85%83%E6%97%A6%E8%B5%B7%E5%8F%AF%E5%94%AE%E5%A8%9B%E6%A8%E5%A4%A7%E9%BA%BB>)

下一篇 雙十書畫展 (<http://www.singtaousa.com/sf/446-灣區/340605-%E9%9B%99%E5%8D%81%E6%9B%E9%95%AB%E5%B1%95>)

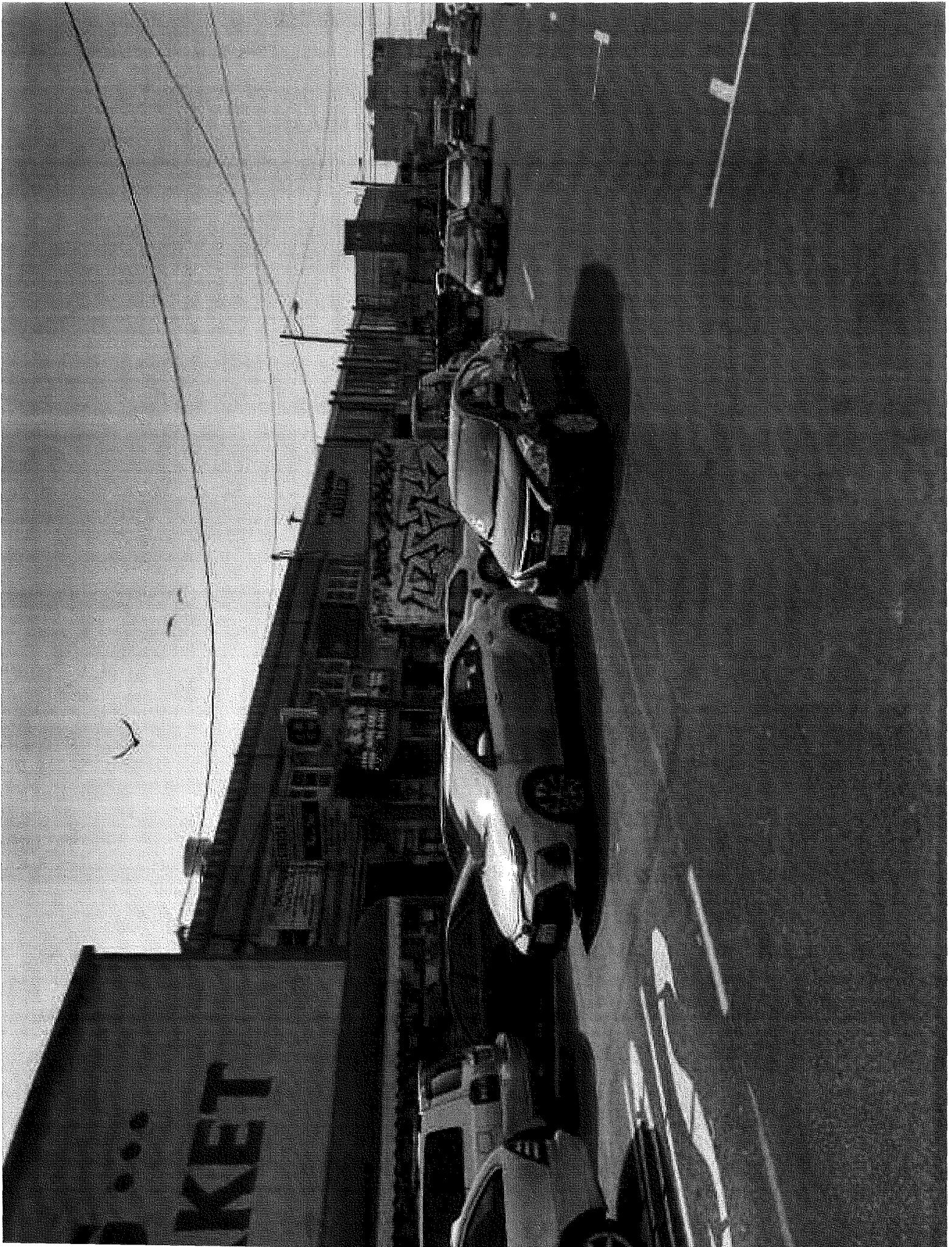
即時新聞

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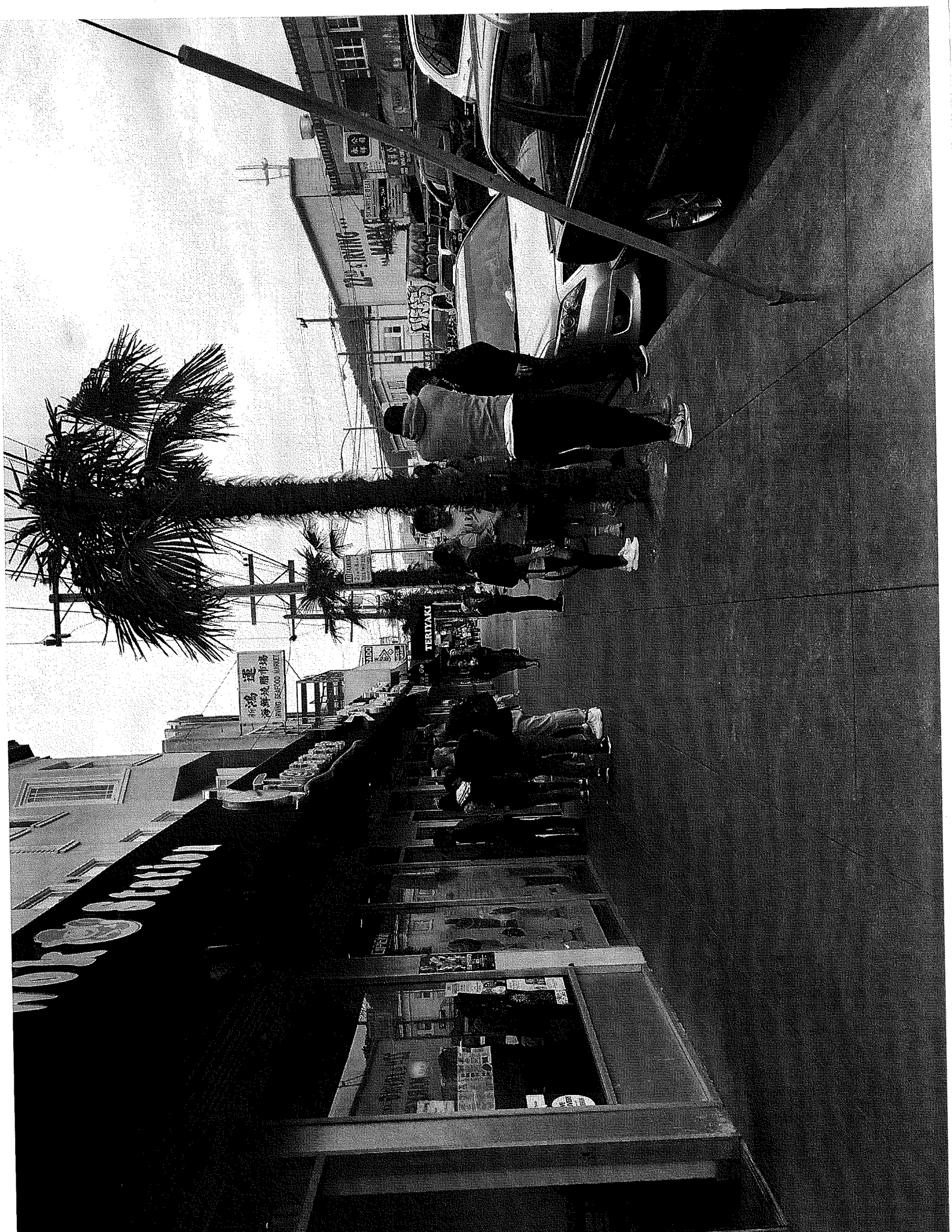
今日精彩內容

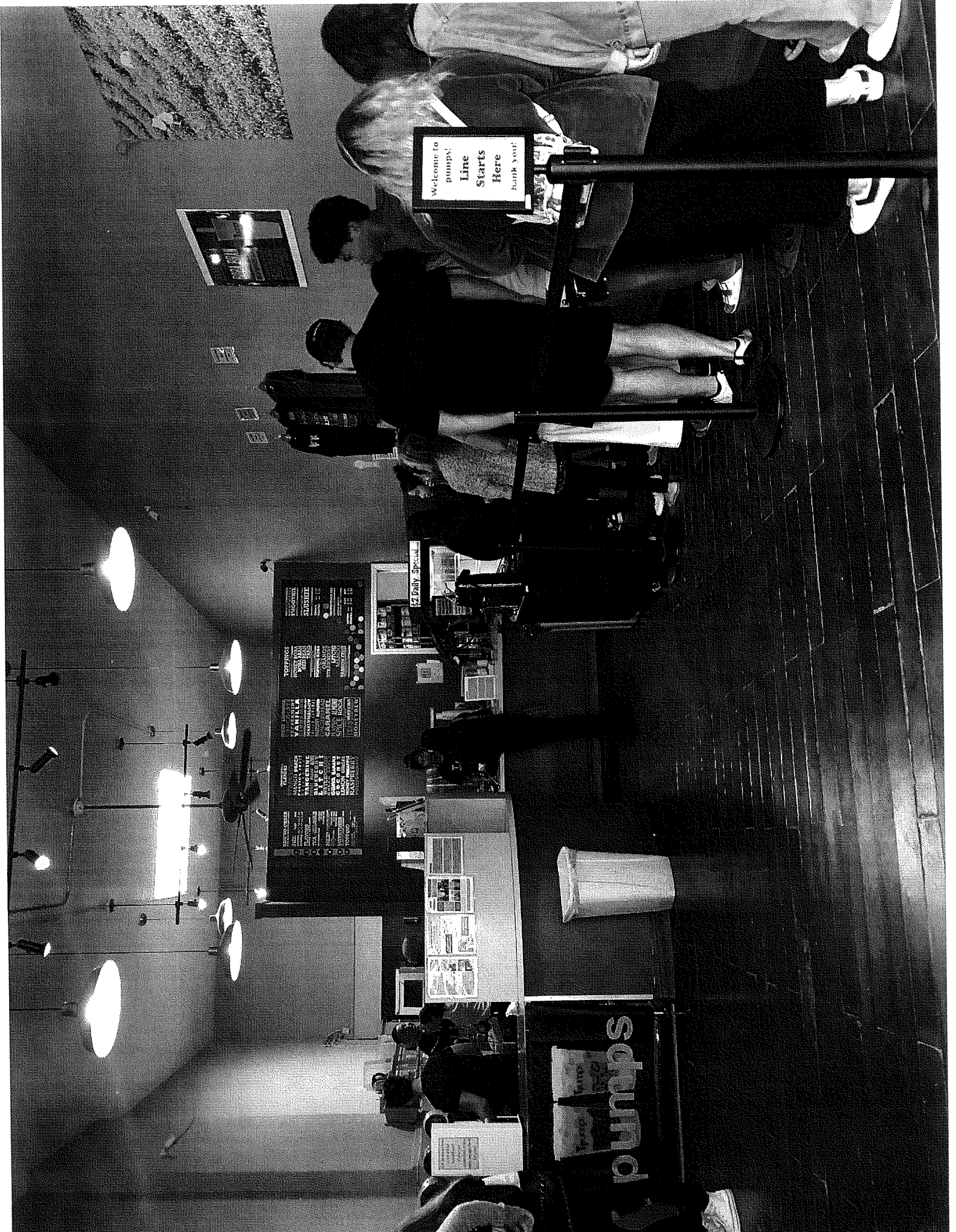
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Exhibit 2-traffic pictures on Irving









Welcome to
pumpkin!
Line
Starts
Here
Thank you!

pumpkin

ESPRESSO
 VANILLA
 CARAMEL
 SPICE
 MONTELEONE

TOPPING
 VANILLA
 CARAMEL
 SPICE
 MONTELEONE

MILK
 VANILLA
 CARAMEL
 SPICE
 MONTELEONE

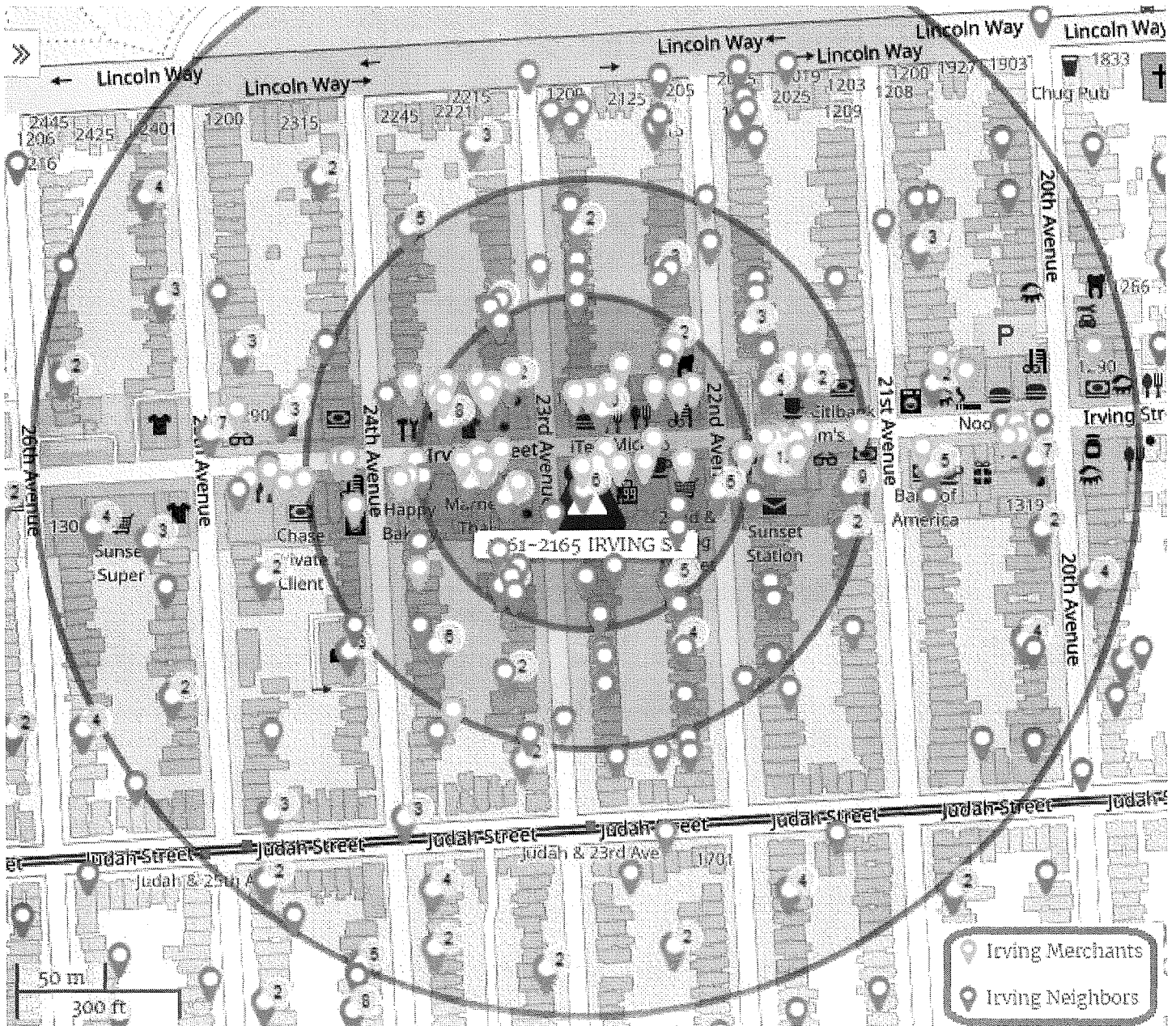
\$2 Daily Special

***Exhibit 3-Merchant petition letter and signatures & 4-mapline showed merchant
and neighbors opposition***

Oppositions Against The Proposed MCD At 2161-2165 Irving Street

Neighbors	Oppose
Adjacent	10
Same/Across Street	184
Organizations	10
Within 300 Foot	115 (41 Merchants, 74 Neighbors)
Within 500 Foot	224 (61 Merchants, 163 Neighbors)
Within 1000 Foot	407 (79 Merchants, 328 Neighbors)
Others	3,683

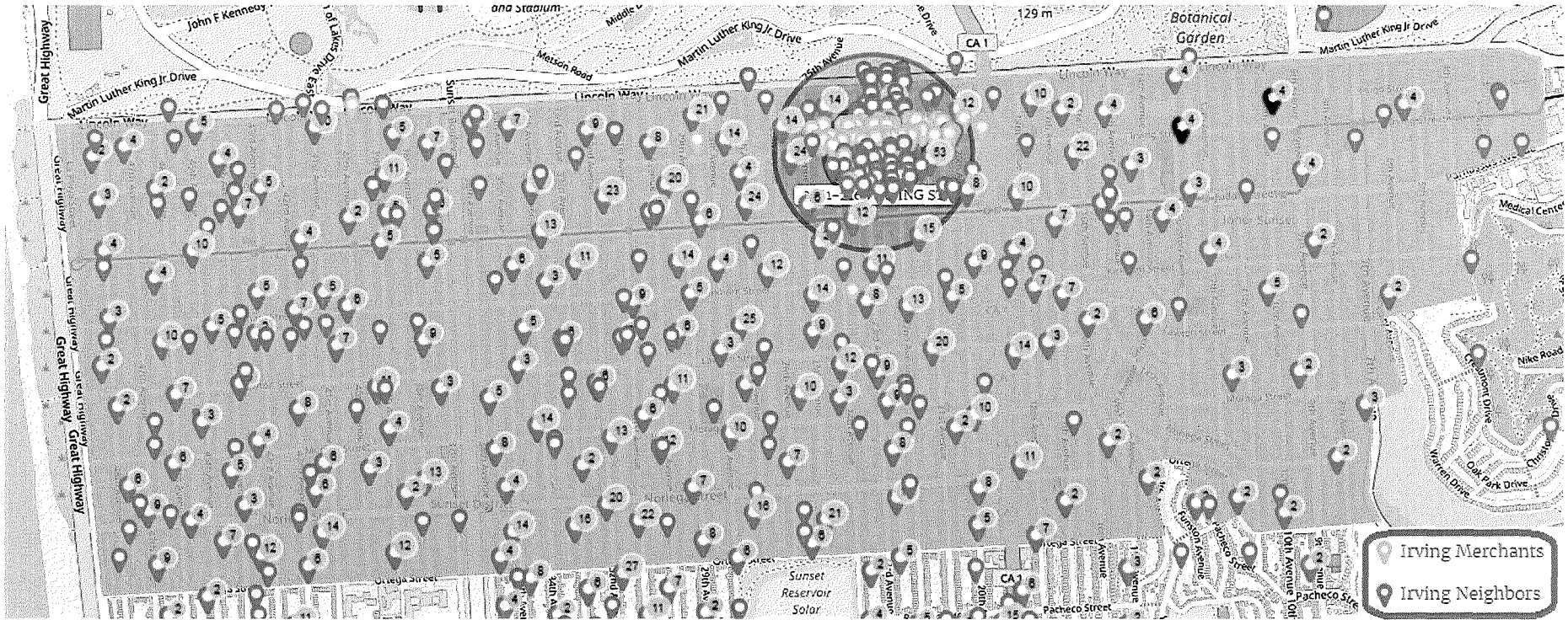
83% Merchants
say "NO TO
MCD"



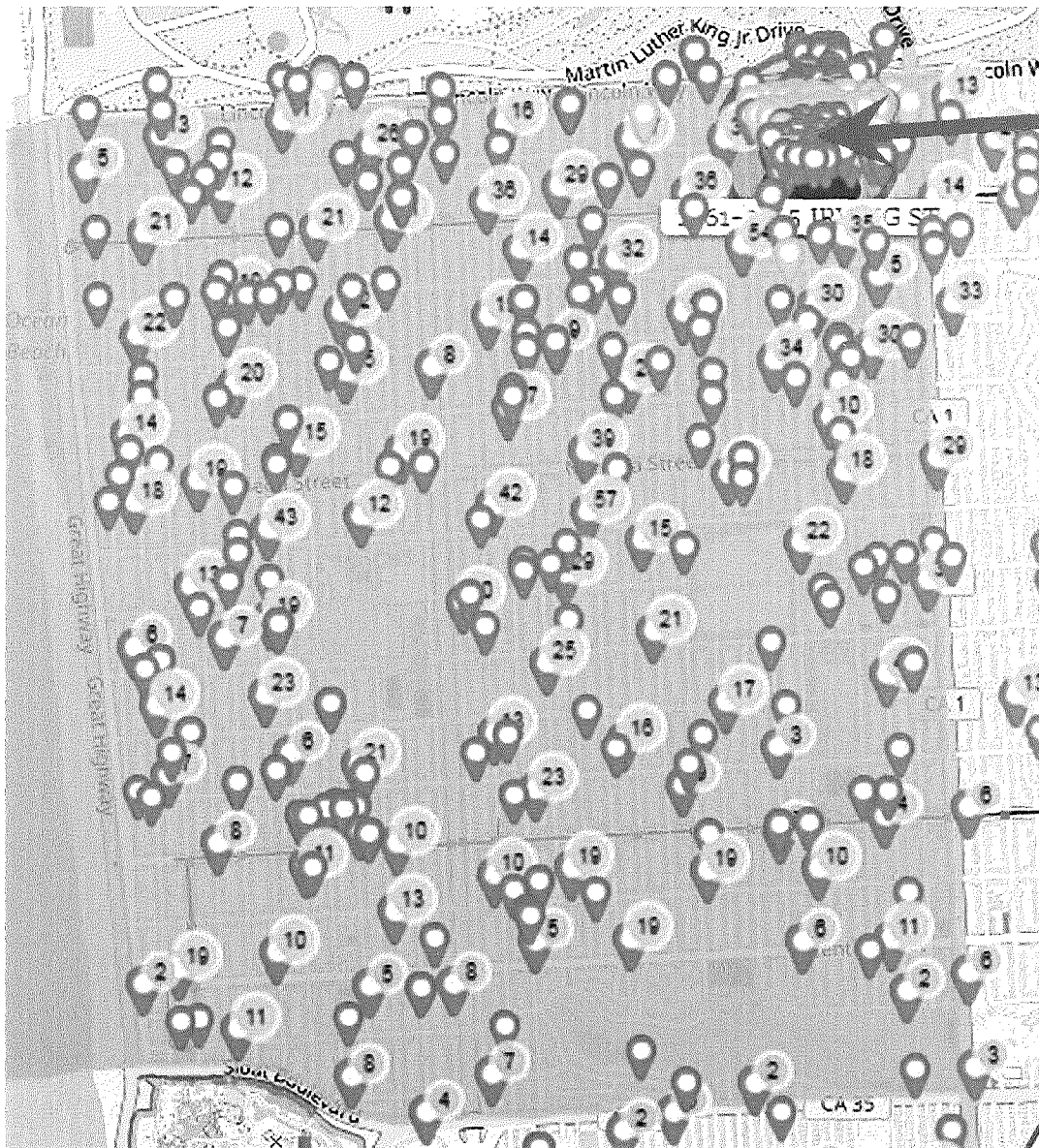
Oppositions Against The Proposed MCD At 2161-2165 Irving Street

Within the zip code of 94122 where the proposed MCD is located,

- Total oppositions: 1,841
- Total oppositions within 1,000 feet radius from the proposed MCD site: 407
- Oppositions exist throughout the communities of the 94122 area.
- Oppositions become extremely intensified within the 1,000 feet radius.



Oppositions Against The Proposed MCD At 2161-2165 Irving Street



2161-2165 Irving Street
Proposed MCD Site

Irving Merchants

Irving Neighbors

Within the San Francisco
Supervisorial District 4 (D4) where
the proposed MCD is located

- Total oppositions: 2,393
- Total oppositions within 1,000 feet radius from the proposed MCD site: 407
- Oppositions exist throughout the communities of the D4 area.
- Oppositions become more and more intensified when getting closer and closer to the proposed MCD site.
- Oppositions become extremely intensified within the 1,000 feet radius.

October 2017

Re: Neighboring Merchants' Opposition to the proposed MCD-2165 Irving Street, San Francisco, CA 94122; Case No. 2016-002424CUA

Dear Mayor Ed Lee and Supervisors,

We are a coalition of local merchants near the proposed Medical Cannabis Dispensary at 2165 Irving Street in San Francisco. We hereby inform you that we strongly oppose to this proposed facility in our neighborhood and are very concerned.

A merchant should enhance a neighborhood and not detract from it. MCD is not a good business model for a neighborhood location like Irving Street. It would serve a small group of consumers that will negatively impact thousands in our community, and it's contrary to our family way of life. In addition, our concern is it may invite those who may not share in our values and the potential impact may unwittingly invite as a result of its existence. 61/72 (83%) of the merchants on Irving Street between 21st & 25th Ave already signed the petition to against MCD opening on Irving Street. As demonstrated by the outcome of the petition MCD is not welcome in this location by almost all merchants and close-by neighbors. Many merchants emphasized that they will consider move their business out of Sunset once the lease is up when a MCD is so close by.

Yes, Barbary Coast will create few job opportunities to the community, but at the same time, many people will lose jobs due to merchant's relocation of their business if MCD should be approved. You see, creating a handful of jobs, increasing the traffic burden by up to 500 more cars daily does not equate to good commerce. If you approve the Irving Street location of MCD, it will be in the face of the opposition of merchants and neighbors alike. For us the question becomes should one merchant outweigh the desires of your constituents. Again, it would create a correlation of job loss, negative environmental impact and a negative outcome for many local families both in safety and financially. Please do NOT change the working neighborhood makeup by disrupting and damaging a neighborhood model that works. Adding MCD to a small family owned business neighborhood is clearly not population appropriate in our community.

We understand that in accordance with the City of San Francisco Planning Code, marijuana dispensaries cannot be located within 1000 ft of schools and recreational facilities. Please note that there are three preschools, one music center, one sober house and one home school are located within 1000 feet of the proposed MCD. Jefferson Early Education School is about 600 feet away and a Jefferson Elementary School is about 1050 feet away from proposed MCD.

Preschool #1: Publically funded Jefferson Early Education School; 1350 25th Ave, SF; 0.1 miles away from proposed MCD

Preschool #2: Montessori Preschool; 1281 22nd Ave, right around the corner of the propose MCD

Preschool #3: The Neighborhood School; 1214 20th Ave;

Music City Academy Center: 1929 Irving St; 0.1 miles away from proposed MCD; 100 youth enrollment; majority age range from 5-18

Home School: Within 1000 radius, address is confidential, but address can be provided when needed.

Jefferson Elementary School: 1725 Irving St. 0.3 miles away from proposed MCD; 500 enrollment; around 200 elementary students walk pass by proposed MCD daily

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above mentioned marijuana dispensary. Your help is greatly appreciated.

Sincerely,

- | | |
|---|--|
| 1. Printed Name: <u>Patrick Tam</u> | 2. Printed Name: <u>CHAI SIRIYARN</u> |
| Date: <u>10/27/17</u> | Date: <u>10/27/17</u> |
| Merchants of: <u>Cutting Corner Salon</u> | Merchants of: <u>Marnie Thai</u> |
| Address: <u>2301 Irving St</u> | Address: <u>2225 Irving St</u> |
| Signature: <u>[Signature]</u> | Signature: <u>[Signature]</u> |
| 3. Printed Name: <u>YONG MAN JIANG</u> | 4. Printed Name: <u>MIKE MIKE LIN</u> |
| Date: <u>10/27/2017</u> | Date: <u>10/27/17</u> |
| Merchants of: <u>MEI SHEN</u> | Merchants of: <u>Wok Station</u> |
| Address: <u>2206 IRVING ST.</u> | Address: <u>2152 IRVING ST</u> |
| Signature: <u>[Signature]</u> | Signature: <u>[Signature]</u> |
| 5. Printed Name: <u>ISSARA SRIPRASOM</u> | 6. Printed Name: <u>WONG Suk. Umm</u> |
| Date: <u>10/27/2017</u> | Date: <u>10/27/17</u> |
| Merchants of: <u>CHABAA THAI CUISINE</u> | Merchants of: <u>EDDIE LAM</u> |
| Address: <u>2123 Irving Ave</u> | Address: <u>2148 IRVING ST</u> |
| Signature: <u>[Signature]</u> | Signature: <u>[Signature]</u> |

Home School: Within 1000 radius, address is confidential, but address can be provided when needed.

Jefferson Elementary School: 1725 Irving St. 0.3 miles away from proposed MCD; 500 enrollment; around 200 elementary students walk pass by proposed MCD daily

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above mentioned marijuana dispensary. Your help is greatly appreciated.

Sincerely,

1. Printed Name: Lisa Lei

Date: 10/26/17

Merchants of: Vip express

Address: 2216 Irving St.

Signature: [Signature]

2. Printed Name: Yudang Zhang

Date: 10/26/2017

Merchants of: BQR sdong

Address: 2230 Irving St.

Signature: [Signature]

3. Printed Name: Lucy Wang

Date: 10/26/2017

Merchants of: Bei Fang style

Address: 2218 Irving St

Signature: [Signature]

4. Printed Name: Quang Han Bang

Date: 10/26/17

Merchants of: Lois Vietnamese R

Address: 2228 IRVING ST

Signature: [Signature]

5. Printed Name: Ho, Sea Ming.

Date: 10/26/2017

Merchants of: TC Pastery

Address: 2222 Irving St

Signature: [Signature]

6. Printed Name: CHAN TO LOI

Date: 10/26/17

Merchants of: Lois VIETNAMESE

Address: 2228 IRVING ST

Signature: [Signature]

Home School: Within 1000 radius, address is confidential, but address can be provided when needed.

Jefferson Elementary School: 1725 Irving St. 0.3 miles away from proposed MCD; 500 enrollment; around 200 elementary students walk pass by proposed MCD daily

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above mentioned marijuana dispensary. Your help is greatly appreciated.

Sincerely,

1. Printed Name: Lydia McNaair

Date: 10/26/17

Merchants of: James P. McNAIR Co. Inc.

Address: 2236 Irving St.

Signature: Lydia McNaair

2. Printed Name: Leann

Date: 10/26/2017

Merchants of: Tea Way

Address: 2250 Irving St.

Signature: Leann

3. Printed Name: Jennifer Luong

Date: 10/26/17

Merchants of: Saiwale Roman

Address: 2240 IRVING ST

Signature: [Signature]

4. Printed Name: may jia

Date: 10-27-17

Merchants of: ~~2249~~ 2249

Address: 2249 Irving St.

Signature: may jia

5. Printed Name: Julie Chin

Date: 10/26/17

Merchants of: Dim Long Hardware

Address: 2244 Irving St

Signature: [Signature]

6. Printed Name: Elaine Huang

Date: 10/27/17

Merchants of: S & B

Address: 2203 Irving St

Signature: Elaine Huang

Home School: Within 1000 radius, address is confidential, but address can be provided when needed.

Jefferson Elementary School: 1725 Irving St. 0.3 miles away from proposed MCD; 500 enrollment; around 200 elementary students walk pass by proposed MCD daily

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above mentioned marijuana dispensary. Your help is greatly appreciated.

Sincerely,

1. Printed Name: Milee LIN

Date: 10/27/17

Merchants of: DN DOT

Address: 2142 IRVING ST

Signature: [Signature]

2. Printed Name: YU QIAN CHEN

Date: 10/28/17

Merchants of: MIGU U.S.A. SF Branch

Address: 2151 IRVING ST, #202

Signature: [Signature]

3. Printed Name: Young S. Pak

Date: 10.27.17

Merchants of: MICADO

Address: 2126 IRVING ST

Signature: [Signature]

4. Printed Name: Ketty Ou

Date: 10/28/17

Merchants of: MATS Inc

Address: 2151 Irving St #208

Signature: [Signature]

5. Printed Name: [Signature]

Date: 10-27-17

Merchants of: 2130 Irving Street

Address: 2130 IRVING Street

Signature: [Signature]

6. Printed Name: KATHY MARKS

Date: 10/28/17

Merchants of: Meditation By J.

Address: 2151 IRVING ST #215

Signature: [Signature]

Home School: Within 1000 radius, address is confidential, but address can be provided when needed.

Jefferson Elementary School: 1725 Irving St. 0.3 miles away from proposed MCD; 500 enrollment; around 200 elementary students walk pass by proposed MCD daily

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above mentioned marijuana dispensary. Your help is greatly appreciated.

Sincerely,

1. Printed Name: Wilson Lu
Date: 10 28 17

Merchants of: Que Huong

Address: 2138 Spring St.

Signature: [Signature]

3. Printed Name: Winnie Li
Date: 10/28/17

Merchants of: Sushi Uma

Address: 2146 Irving st

Signature: Winnie Li

5. Printed Name: 2150 ~~Irving St~~ ^{Roy Liu}
Date: 10/28/17 ~~Roy Liu~~ 10/28/17

Merchants of: I tea

Address: 2150 Irving st

Signature: Roy Liu

2. Printed Name: Alice Woy
Date: 10 28 17

Merchants of: Wok Station

Address: 2154 Irving st.

Signature: [Signature]

4. Printed Name: Ledou Lin
Date: 10/28/17

Merchants of: Quickly

Address: 2116 Irving st

Signature: Ledou Lin

6. Printed Name: Derek Wing
Date: 10/28/17

Merchants of: Cherimoya 2

Address: 2110 Irving St.

Signature: Derek Wing

Home School: Within 1000 radius, address is confidential, but address can be provided when needed.

Jefferson Elementary School: 1725 Irving St. 0.3 miles away from proposed MCD; 500 enrollment; around 200 elementary students walk pass by proposed MCD daily

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above mentioned marijuana dispensary. Your help is greatly appreciated.

Sincerely,

1. Printed Name: Jia Lei Qin

Date: 10/27/17

Merchants of: Yum Yum Fish

Address: 2181 Irving St.

Signature: [Signature]

3. Printed Name: HARRY CHAN

Date: 10/27/17

Merchants of: Wing Chung Co.

Address: 2121 IRVING ST.

Signature: [Signature]

5. Printed Name: Billy Chiu

Date: 10/27/2017

Merchants of: _____

Address: _____

Signature: _____

2. Printed Name: Patrick Tam

Date: 10/27/17

Merchants of: IRVING Houseware

Address: 2200 IRVING ST

Signature: [Signature]

4. Printed Name: Patrick Tam

Date: 10/27/17

Merchants of: Salon De H.K

Address: 2100 Irving St

Signature: [Signature]

6. Printed Name: Patrick Tam

Date: 10/27/17

Merchants of: Designer Hair Salon

Address: 2102 Irving St

Signature: [Signature]

Home School: Within 1000 radius, address is confidential, but address can be provided when needed.

Jefferson Elementary School: 1725 Irving St. 0.3 miles away from proposed MCD; 500 enrollment; around 200 elementary students walk pass by proposed MCD daily

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above mentioned marijuana dispensary. Your help is greatly appreciated.

Sincerely,

1. Printed Name: William Song

Date: 10/28/17

Merchants of: Shangha Vegetarian Rest.

Address: 2026 IRVING ST. SF

Signature: [Handwritten Signature]

2. Printed Name: _____

Date: _____

Merchants of: _____

Address: _____

Signature: _____

3. Printed Name: EMILY JEE

Date: 10/29/17

Merchants of: SUN Maxim

Address: 2034 IRVING

Signature: [Handwritten Signature]

4. Printed Name: _____

Date: _____

Merchants of: _____

Address: _____

Signature: _____

5. Printed Name: _____

Date: _____

Merchants of: _____

Address: _____

Signature: _____

6. Printed Name: _____

Date: _____

Merchants of: _____

Address: _____

Signature: _____

Home School: Within 1000 radius, address is confidential, but address can be provided when needed.

Jefferson Elementary School: 1725 Irving St. 0.3 miles away from proposed MCD; 500 enrollment; around 200 elementary students walk pass by proposed MCD daily

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above mentioned marijuana dispensary. Your help is greatly appreciated.

Sincerely,

1. Printed Name: Lisa Chan

Date: 10.27.2017

Merchants of: Uncle Benny's donuts.

Address: ~~22~~ 2049 Irving Street.

Signature: [Signature]

2. Printed Name: Sharon

Date: 10/28/17

Merchants of: Familial Plus

Address: 2032 IRVING ST.

Signature: [Signature]

3. Printed Name: Virginia

Date: 10/24/2017

Merchants of: 2039 Irving St.

Address: 2039 Irving St.

Signature: [Signature]

4. Printed Name: Yuki Hasegawa

Date: 10/28/17

Merchants of: ZONE HART DESIGN

Address: 2004 IRVING ST

Signature: [Signature]

5. Printed Name: [Signature]

Date: 10/28/17

Merchants of: Wonderful Desert & Cafe

Address: 2035 Irving

Signature: [Signature]

6. Printed Name: _____

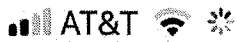
Date: _____

Merchants of: _____

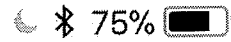
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Signature: _____

Exhibit 5-Examiner.com Article dated 11/1/17 & Chronicle 10/18/17



7:02 AM



sfexaminer.com



By Joshua Sabatini on November 1, 2017 12:40 pm



San
Francisco
may begin

issuing permits for recreational marijuana sales beginning Jan. 1, despite city officials previously indicating they wouldn't be ready by then.

Supervisor Malia Cohen announced legislation Wednesday that would implement an equity program to prioritize who can obtain city permits to sell recreational cannabis when it becomes legal statewide Jan. 1 as result of last year's voter approved Proposition 64.

The equity program is meant to help people of color, low-income residents and those who were arrested or convicted of drug offenses since 1971 — when then-President Richard Nixon declared a “war on drugs” — find employment and business opportunities in the cannabis industry.

SEE RELATED: SF's proposed cannabis regulations make hazy when recreational sales could begin

Mayor Ed Lee introduced — with the blessing of The City's first Office of Cannabis director Nicole Elliott — proposed regulations on Sept. 26 for recreational sales and use that said no permits for recreational use sales would be issued until an equity program was adopted.

Excelsior merchants fume over pot clubs

*By Rachel Swan
Chronicle 10/18/17*

From day one, they seemed like interlopers.

Two cannabis dispensaries, wedged together on the same block in San Francisco's Excelsior neighborhood — a neighborhood freckled with produce shops and hole-in-the-wall churches, and filled with merchants who

hadn't asked to be part of a "green zone."

It didn't take long for the complaints to pile up. **A baker said cannabis patients were smoking in his doorway and chasing away customers.** A beauty shop owner said

the pungent smell of **marijuana was seeping through her walls.** The owner of a chicken restaurant knocked persistently on the clubs' doors,

trying to tell the operators that their customers had all but commandeered her small parking lot at Mission and Niagara streets. With the sale of recreational marijuana becoming legal next year in California,

this type of turf war could soon be replicated all over the city.

"You have businesses that have been there for 20 or 30 years, and then you have these new (dispensaries) coming in with a real transient, in-and-out clientele," said Supervisor Ahsha Safai, who represents the Excelsior.

He's complained at Board of Supervisors meetings that the pot clubs on Mission Street aren't "cigar-lounge beautiful" and that one has bars on its doors and armed security guards standing outside.

Over the summer, Safai stepped in to mediate the conflict between merchants on the 5200 block of Mission Street and the two dispensaries, Mission Organic and Cookies SF.

So far, it hasn't been easy.

“The cannabis patients — they don’t respect us,” said Raquel Alvarez, owner of El Pollo Supremo, the chicken restaurant. Her relationship with the two dispensaries grew so bad that Cookies SF now assigns an armed

security guard to stand in her parking lot and make sure cannabis patients don’t use it.

But Mission Organic owner Mikhail Mekk said the clubs are being scapegoated.

“It’s easy for her (Alvarez) to blame us,” Mekk said. “But from our perspective, she’s always getting a free security guard.”

Mekk, who opened in 2012, said he’s tried to be a good neighbor. He installed air filtration systems, attended neighborhood meetings and sent his staff to pick up litter at nearby Cayuga Park. His building seems

designed to be inoffensive, with its lobby that resembles a doctor’s office and its iridescent green cross in the window.

But those concessions haven’t satisfied Mekk’s neighbors. The conflict escalated in 2013 when another dispensary, TreeMed, moved in — it later changed ownership and became Cookies SF.

“Since (the dispensaries) arrived, my business has dropped by 40 percent,” said Mauricio Varela,

manager of the Pan Lido bakery, which is sandwiched between Cookies SF and El Pollo Supremo. He’s among several shop owners who now place “Out of Service” signs on their bathrooms so that cannabis patients can’t use them.

Recently, a separate battle flared up in the Outer Sunset, where neighbors rallied to prevent a high-end dispensary from opening on Noriega Street. Crowds of mostly older Chinese residents packed City Hall hearings

throughout the summer, saying the club would bring crime and drug-trafficking to their neighborhood. Some compared marijuana to the opioid epidemic. Others called it a form of gentrification.

The opponents ultimately swayed the Board of Supervisors, which voted to revoke the club’s permit during a dramatic, seven-hour meeting earlier this month. It signaled that cannabis may already be the most divisive

land use issue in the city — and that politicians who claim to be pro-marijuana wobble easily under pressure from constituents.

“There will definitely be tension,” said state Sen. Scott Wiener, D-San Francisco, who is also a former supervisor. He noted that even though San Francisco voters overwhelmingly support cannabis, “it’s different

when a dispensary wants to locate near where they live.”

For years, San Francisco’s cannabis clubs have clustered on scrappy corridors in SoMa or the outer pockets of the city — mostly because zoning laws prevent the clubs from opening in neighborhoods that are zoned

as residential or industrial, or within 1,000 feet of the nearest school. The Excelsior became a particularly desirable spot because it borders San Mateo County, where dispensaries have been prohibited.

But the neighborhood’s culture and topography made conflict almost inevitable.

“You have a commercial area surrounded by a lot of residential side streets,” said

San Francisco Police Capt. Joseph McFadden, who runs the Ingleside district station. Since the dispensaries moved in,

he’s received numerous complaints about customers double-parking and people smoking marijuana in residents’ driveways and refusing to leave.

“We’re kind of a forgotten neighborhood,” said Sean Ingram, co-owner of the Dark Horse, a craft beer bar that sits kitty-corner to Mission Organics and Cookies SF. Ingram said the Excelsior is already struggling

with a number of other problems, such as underground casinos and boarded-up storefronts.

He and others say it became a dumping ground for cannabis largely because it’s a working-class, immigrant neighborhood without a lot of political juice.

“I’ve noticed there aren’t any pot clubs in Noe Valley,” he said.

City officials say they will fix the clustering problem when the Board of Supervisors passes new cannabis regulations in the coming weeks, reducing the school buffer

from 1,000 to 600 feet and requiring at least 300 feet between dispensaries.

Safai, meanwhile, is trying to play both sides.

In July, he sponsored an ordinance to limit the number of cannabis clubs in his district to the current three — the third, called the Green Cross, sits farther north on Mission Street and appears to have a more

amicable relationship with its neighbors.

As the supervisor works to limit the cannabis trade in his district, he is also trying to broker a peace plan between the existing clubs and their neighbors.

He's urged Mission Organic and Cookies SF to emulate the Green Cross, which has an elaborate system of surveillance cameras that connect to a central control room. Its security guards wear dark suits and ear pieces,

and patrol the block in small cars with sirens.

"The Green Cross has a much more professional look," Safai said, noting that he will ask the other clubs to voluntarily add a network of surveillance cameras and guards with patrol cars.

Mekk bristled at Safai's request, saying he can't afford to hire a new security detail.

"I understand what (Safai) wants, but this is all very expensive," he said. "I'm a small business with taxes to pay and competition next door. Is (Safai) going to make the liquor stores and the produce market hire

security?"

Cookies SF, which has the barred doors and the armed security guards, did not return numerous calls for comment. The owners have been on good terms with Alvarez since they began sending guards to patrol the parking

lot at El Pollo Supremo.

"Cookies SF is trying to help," Alvarez said.

Other neighbors just want to get rid of the clubs altogether.

Among them is Varela, the baker. He winces, recalling a petition that circulated a few years ago to prevent the two dispensaries from opening.

Varela regrets that he didn't sign it.

Rachel Swan is a San Francisco Chronicle staff writer. Email:

rswan@sfnchronicle.com Twitter: @rachelswan

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- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 20027

HEARING DATE: OCTOBER 12, 2017

Case No.: 2016-002424CUA
 Project Address: 2161-2165 IRVING STREET
 Zoning: Irving Street Neighborhood Commercial District
 65-A Height and Bulk District
 Block/Lot: 1777/037
 Project Sponsor: Brendan Hallinan
 345 Franklin Street
 San Francisco, CA 94102
 Staff Contact: Nancy Tran – (415) 575-9074
nancy.h.tran@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 732, TO ESTABLISH A MEDICAL CANNABIS DISPENSARY (MCD) (D.B.A. BARBARY COAST DISPENSARY) WITHIN THE IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 18, 2015, Brendan Hallinan, on behalf of Barbary Coast Dispensary (hereinafter "Project Sponsor"), filed Building Permit Application Number 2015.12.18.5450 with the Department of Building Inspection to authorize a change of use and establish a Medical Cannabis Dispensary (MCD) within existing, vacant ground floor retail spaces at 2161-2165 Irving Street, located within the Irving Street Neighborhood Commercial District and a 65-A Height and Bulk District. On March 30, 2017, the Project Sponsor filed Application No. 2016-002424CUA seeking Conditional Use Authorization pursuant to subject Planning Code Sections 303 and 732 to establish an MCD (d.b.a. Barbary Coast Dispensary) at the location.

Per Ordinance No. 100-17 (effective June 19, 2017), MCDs proposed within the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts are subject to permanent controls requiring Conditional Use Authorization. On September 12, 2017, the Board of Supervisors passed an interim zoning control to impose a 45-day moratorium prohibiting the Planning Commission from approving any new MCDs, except for those whose application have been scheduled to be heard by the Commission as of September 11, 2017. The moratorium, enacted through ordinance No. 190-17, was signed by the

Mayor on September 22, 2017. The application for an MCD at 2161-2165 Irving Street is exempt from the ordinance as its hearing was scheduled before the Plannign Commission prior to September 11, 2017.

On September 26, 2017, Mayor Lee introduced legislation with respect to adult use cannabis. The Planning Commission is scheduled to hear and make a formal recommendation on the matter at its October 19 meeting.

On October 12, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-002424CUA.

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption under CEQA.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2016-002424CUA, pursuant to Planning Code Sections 303 and 732, to establish a Medical Cannabis Dispensary (MCD) (d.b.a. Barbary Coast Dispensary), subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located at the corner of Irving Street and 23rd Avenue, Block 1777, Lot 037. The subject property is located within the Irving Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. The property is developed with a two-story commercial building. There is a massage establishment and professional office on the second floor and two ground floor restaurants. The MCD is proposed in two ground floor tenant spaces that have been vacant for several years and previously occupied by an internet cafe and a grocery store. The subject property measures approximately 85 feet by 100 feet, with 8,500 square feet of lot area, and approximately 65% lot coverage.
3. **Surrounding Properties and Neighborhood.** The subject property is within the Irving Street NCD located in the Outer Sunset neighborhood which stretches along Irving Street from 19th to 27th Avenues. The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There is a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions. The area surrounding this part of the Irving Street NCD is zoned RH-2 (Residential House, Two-Family).

The project site is located on the Irving Street commercial corridor between 22nd and 23rd Avenues. A variety of commercial establishments are located within ground floor storefronts in the Irving Street NCD, including restaurants, apparel stores, personal service, office and other types of retailers. Buildings in the vicinity range from two to three stories in height. Upper floors of buildings are generally occupied by offices or residential units.

The subject location along Irving Street is served by the 7 and 7X MUNI Bus lines. It is also in proximity to 28, 28R, 29, N, NX lines as well as bicycle routes along 20th Avenue and Kirkham Street. The immediate area is not identified as part of the Vision Zero High Injury Network for pedestrians and cyclists. There are no other MCDs currently located in proximity to the subject property; the nearest established MCD is located two miles away at 4811 Geary Boulevard within the Inner Richmond neighborhood. The Conditional Use Authorization for an MCD at 2505 Noriega Street, located approximately one mile away from the subject property, was approved by the Commission on July 13, 2017 and is currently under appeal with the Board of Supervisors

- 4. Project Description.** The Project Sponsor proposes to establish a new Medical Cannabis Dispensary (MCD) (d.b.a. Barbary Coast Dispensary) at 2161-2165 Irving Street, within two vacant ground floor retail commercial spaces last occupied by an internet cafe and a grocery store. The project does not propose on-site medication (e.g. smoking, vaporizing, or consumption of edibles) or on-site cultivation for harvesting of medical product. The proposed hours of operation are 8:00AM to 10:00PM, seven days a week.

The proposal includes tenant improvements to the two retail spaces, which combined consist of approximately 2,600 square feet and 44 linear feet of frontage along Irving Street. No physical expansion of the building is proposed and exterior work would be limited to signage only. No parking would be required for the change of use. The Project Sponsor will maintain security guard presence during business hours and will install cameras within and around the facility

The Project Sponsor's goal is to provide medical cannabis to registered patients within the Outer Sunset and other nearby neighborhoods, as there are currently no MCDs in the surrounding area. The Project Sponsor currently operates an MCD within San Francisco at 952 Mission Street.

- 5. Public Comment/Community Outreach.** The Project Sponsor conducted door-to-door outreach with Cantonese and Mandarin interpreters to adjacent neighbors and businesses on Irving Street between 19th Avenue and 25th Avenue. The sponsors hosted 18 open houses at the proposed property prior to the Commission hearing and promoted the events through a segment on KTSF 26 Chinese news. Additionally, the sponsors attended two community meetings with the Outer Sunset Merchants Association and Sunset Youth Services. A more detailed summary of outreach efforts can be found as an attachment to the project sponsor's application submittal.

To date, the Department has received approximately (89) communications in favor of the project, which praise the Project Sponsor for its responsible management and professionalism at its other established MCDs within San Francisco. The letters state that the proposal would provide better access to medical marijuana, more jobs in the area and would improve the neighborhood. In addition, the Department received a petition in support of the project with nearly 1,400

signatures; the printed case report only contains a representative sample of the signed petition received

To date, the Department has received approximately (369) comments in opposition to the proposal. These individuals expressed concerns that the proposal is neither necessary nor desirable for the neighborhood. They also cited that it will lead to clustering of MCDs in the area and will negatively affect the family-oriented character of the neighborhood. In addition, the Department received petitions in opposition of the project with over 3,000 signatures; the printed case report only contains a representative sample of the signed petition received.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Medical Cannabis Dispensary Use Criteria.** Planning Code Section 202.2(e)(1) sets forth the following criteria that must be met by all MCDs and considered by the Planning Commission in evaluating the proposed use.

1. That the proposed site is located not less than 1,000 feet from a parcel containing the grounds of an elementary or secondary school, public or private, nor less than 1,000 feet from a community facility and/or recreation center that primarily serves persons under 18 years of age.

Project Meets Criteria

The parcel containing the proposed MCD is not located within 1,000 feet of a primary or secondary school, public or private, nor a community facility and/or recreation center that primarily serves persons under 18 years of age.

2. That the parcel containing the MCD cannot be located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health.

Project Meets Criteria

The subject parcel does not contain a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health.

3. No alcohol is sold or distributed on the premises for on or off site consumption.

Project Meets Criteria

No alcohol is sold or distributed on the premises for on- or off-site consumption.

4. If Medical Cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises.

Criteria not Applicable

The Project Sponsor does not propose to allow any on-site smoking or consumption of medical cannabis on the premises.

5. The Medical Cannabis Dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code.

Project Meets Criteria

The applicant has applied for a permit from the Department of Public Health.

6. A notice shall be sent out to all properties within 300-feet of the subject lot and individuals or groups that have made a written request for notice or regarding specific properties, areas or Medical Cannabis Dispensaries. Such notice shall be held for 30 days.

Project Meets Criteria

A 30-day notice was sent to owners and occupants within 300-feet of the subject parcel and neighborhood groups identifying that an MCD is proposed at the subject property and that the proposed use is subject to Conditional Use Authorization at a Planning Commission hearing.

- B. **Use Size.** Planning Code Section 732 states that a Conditional Use Authorization is required for uses that are 4,000 square feet in size or larger.

The proposed MCD would be located in an existing vacant retail spaces of approximately 2,600 square feet combined and does not propose any expansion; therefore, the proposed use size is principally permitted within the District.

- C. **Hours of Operation.** Planning Code Section 732 states that a Conditional Use Authorization is required for maintaining hours of operation between 2 a.m. and 6 a.m.

The proposed MCD would operate between the hours of 8 a.m. and 10 p.m., and therefore the proposed hours are principally permitted within the District. The proposed hours of operation also comply with Section 3308 of the San Francisco Health Code, which states that it is unlawful for a dispensary to remain open between the hours of 10 p.m. and 8 a.m. the next day.

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to

provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The proposed MCD would provide for active uses on the ground floor within the first 25 feet of building depth and does not propose any parking. The existing subject storefront space has approximately 44 feet of linear frontage along Irving Street and will meet minimum fenestration requirement with respect to transparent windows and doorways. No changes are proposed to the existing fenestration, nor alteration to the physical nature of the structure.

- E. Required Ground Floor Commercial Use.** Planning Code Section 732 does not require commercial uses at the ground floor.

Planning Code Section 145.4(c) lists uses which shall be included within the definition of "active commercial uses," and specifically includes Medical Cannabis Dispensary within this list. While not required, the proposed MCD will provide an active commercial at the ground floor under this Section.

- F. Off-Street Parking.** Planning Code Section 151 does not require off-street parking for institutional uses as listed in the required parking table.

The proposed MCD is considered an institutional use and does not propose any expansion; therefore, it would not be required to provide any off-street parking. However, two existing spaces at the rear will be provided for staff and meets the maximum accessory quantity permitted.

- G. Off-Street Loading.** Planning Code Section 152 requires off-street loading spaces for retail uses where the gross floor area of the use exceeds 10,000 square feet.

The proposed MCD would be located in a existing retail spaces with approximately 2,600 square feet and does not propose any expansion; therefore, the proposed MCD would not require any off-street loading.

- H. Bicycle Parking.** Planning Code Section 155.2 requires bicycle parking where a change of occupancy or increase in intensity of use would increase the number of total required bicycle parking spaces (inclusive of Class 1 and 2 spaces in aggregate) by 15 percent.

The proposed change of use to an MCD would not increase the number of total required bicycle parking spaces by 15 percent or more; therefore no bicycle parking is required. As a voluntary measure, the project sponsor has proposed to provide four (4) Class 2 bicycle parking spaces along the sidewalk, as part of the project sponsor's efforts to encourage travel to the site by alternative means of transportation.

- 7. Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The size of the proposed use is in keeping with other storefronts on the block face, and is a principally permitted use size within the District. While a merger with the adjacent storefront is proposed on the same lot, it does not exceed the use size limitation allowed. The proposed Medical Cannabis Dispensary (MCD) will add a unique business type and would provide goods and services that are not otherwise available within the District, nor beyond the immediate District and within the surrounding, broader Sunset neighborhood. The nearest MCD to the project site is approximately 2 miles away, located along Geary Street in the Inner Richmond neighborhood. The Conditional Use Authorization for an MCD at 2505 Noriega Street, located approximately one mile away from the subject property, was approved by the Commission on July 13, 2017 and is currently under appeal with the Board of Supervisors.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The proposed MCD will be located within an existing building that has been vacant for several years. No new construction, additions, or expansion of the building envelope or storefront are proposed.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for a 2,600 square-foot MCD. In terms of trip generation, traffic and parking, the proposed MCD use would not increase the occupancy or intensity of use from the previous uses (internet café and restaurant). Another retail or restaurant use, which are common throughout the District, would likely locate within the space if the request for Conditional Use Authorization is denied. The proposed dispensary will comply with current accessibility requirements. Delivery of medical cannabis is currently prohibited by commercial vehicles, the project does not therefore generate any demand for a commercial loading space. Deliveries must be made by private automobile or another alternate means of transportation.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed MCD would not permit any cultivation or processing of medical cannabis on site, nor would the proposed MCD permit any smoking, vaporization, or other means of consumption of medical cannabis on site. The MCD will employ a security guard on site who can help to ensure that patients are not medicating once immediately exiting the premises. The proposed MCD will

have a mechanical system designed to keep any potential odors from passing into pedestrian space, and as such, should not generate any noxious or offensive emissions such as noise, glare, dust and odor.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The proposed MCD does not require any treatment with regard to landscaping, screening, open spaces, parking and loading areas, or service areas. The Department shall review all lighting and signs proposed for the new business in accordance with Article 6 and Section 790.141(e) of the Planning Code. The existing storefront will be replaced and upgraded with high-quality materials, and should serve to enhance the District.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purposes of the Irving Neighborhood Commercial District in that the intended use is located at the ground floor, will provide compatible convenience goods and services for the residents of the Outer Sunset District during daytime hours, and will encourage the street's active retail frontage. The District controls acknowledge that there are a high concentration of restaurants in the District, drawing customers from throughout the City and region. The proposed MCD, while primarily intended to serve those residents of the Outer Sunset neighborhood, does have some potential to draw patients from around the City and region; however, these trips are likely to be limited due to the availability of MCDs in other neighborhoods throughout the City and due to the proposed location's site away from highways.

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed MCD project will provide desirable goods and services to the neighborhood and will provide employment opportunities to those in the community. The proposed MCD would meet all the performance standards and requirements identified in Planning Code Section 202.2(e)(1). The project site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan. There are no other established MCDs operating in the vicinity, nor within 2 miles of the project site, which should minimize any potential negative impacts associated with the clustering of MCDs. The MCD will utilize a mechanical system designed to keep any potential odors from passing into pedestrian space, and will employ a security guard and help mitigate any undesirable activities.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will allow a locally-owned and established business to expand to a new location within the City, thus providing new job opportunities for local residents. The proposed MCD will also help to diversify the business activity of the immediate Irving Street NCD and the broader west side of the City, as there are currently no MCDs in the vicinity.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

Policy 6.9:

Regulate uses so that traffic impacts and parking problems are minimized.

The proposed MCD would be located within existing, vacant storefronts, and would thus help to activate this portion of the NCD. The last uses within the two tenant spaces were an internet café and restaurant, and thus a proposed MCD is an appropriate replacement use to serve the changing medical needs of patients in the City. As there are no other MCDs within 2 miles of the proposed location, the proposed MCD would function primarily as a neighborhood-serving use for those patients within the broader Sunset neighborhood. The proposed MCD is a locally-owned and developed business that has several years of direct experience working within the medical cannabis industry within San Francisco. The MCD would operate between the hours of 8 a.m. and 10 p.m. and would thus not have detrimental impacts on residents due to late-night activity.

TRANSPORTATION

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The project sponsor has indicated that they will voluntarily provide bicycle parking and encourage travel to the site by alternative means of transportation, other than by private automobile.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would enhance the district by providing a unique use in an area that does not have another MCD within 2 miles. The business would be locally owned and it creates 15-20 more employment opportunities for the community. The MCD would be located within an existing, vacant storefront, thus helping to activate this portion of the NCD.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The existing units in the surrounding neighborhood would not be adversely affected. The proposed MCD would operate between the hours of 8 a.m. and 10 p.m., and would thus have minimal detrimental effects due to late-night activity on nearby residences. The project will comply with all

signage, lighting, and transparency requirements, in order to help maintain neighborhood character and activate the commercial district.

- C. That the City's supply of affordable housing be preserved and enhanced,

The proposed project would have no effect on the City's supply of affordable housing.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The project site is located along Irving Street is served by the 7 and 7X MUNI Bus lines. It is also in proximity to 28, 28R, 29, N, NX lines as well as bicycle routes along 20th Avenue and Kirkham Street.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The subject tenant spaces are vacant and will not displace any industrial or service sector establishments.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The MCD will follow standard earthquake preparedness procedures and all construction will comply with current building and seismic safety codes.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site, and the proposed rehabilitation work to the storefront is in keeping with the Secretary of the Interior's Standards.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative effect on existing parks and open spaces, as it is a change of use with no proposed expansion of the building envelope.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014-002424CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 29, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 20027. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on October 12, 2017.


Jonas P. Tonin
Commission Secretary

AYES: Hillis, Richards, Fong, Johnson, Koppel, Melgar

NAYS: None

ABSENT: Moore

ADOPTED: October 12, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to establish a Medical Cannabis Dispensary (MCD) (d.b.a. Barbary Coast Dispensary) located at 2161-2165 Irving Street, Lot 037 in Assessor's Block 1777, pursuant to Planning Code Section(s) 303 and 732, within the Irving Street Neighborhood Commercial District and a 65-A Height and Bulk District; in general conformance with plans, dated September 29, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2016-002424CUA and subject to conditions of approval reviewed and approved by the Commission on October 12, 2017 under Motion No. 20027. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on October 12, 2017 under Motion No 20027.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20027 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

9. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
10. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

11. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a bilingual (Mandarin and Cantonese) community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
12. **Cultural and Educational Services.** The Project Sponsor and proposed MCD shall offer bilingual (Mandarin and Cantonese) cultural and educational services as it relates to medical cannabis and its applied usage within health care.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
13. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>
14. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
15. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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SALVATORE J ALIOTO
CATHERINE A ALIOTO
1320-22ND AVE
SAN FRANCISCO, CA 94122.1604

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date 11/2/17

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the ORDER of Planning Department \$ 597.00
Five hundred ninety-seven ^{no/} DOLLARS Security features included. Details on back.

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for A/S # 2016-002424CUA Sal Alioto MP

