

File No. 180017

Committee Item No. _____

Board Item No. 32

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: January 9, 2018

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|--------------------------|--------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: Brent Jalipa

Date: January 4, 2018

Prepared by: _____

Date: _____

1 [Adoption of Findings Related to Conditional Use Authorization - Proposed Project at 2161-
2 2165 Irving Street]

3 **Motion adopting findings in support of the Board of Supervisors' disapproval of the**
4 **decision of the Planning Commission by its Motion No. 20027, approving a Conditional**
5 **Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed**
6 **project located at 2161-2165 Irving Street, and the Board's approval of a Conditional**
7 **Use Authorization for the same Planning Case and property with additional conditions.**

8
9 WHEREAS, On October 12, 2017, the Planning Commission approved a Conditional
10 Use Authorization identified as Planning Case No. 2016-002424CUA, by its Motion
11 No. 20027, to establish a Medical Cannabis Dispensary, dba Barbary Coast Dispensary,
12 within the Irving Street Neighborhood Commercial District and a 65-A height and bulk district,
13 for a proposed project located at 2161-2165 Irving Street, Assessor's Parcel Block No. 1777,
14 Lot No. 037; and

15 WHEREAS, On October 17, 2017, the Mid-Sunset Neighborhood Association filed a
16 timely appeal, subscribed by five members of the Board of Supervisors, protesting the
17 approval of the Conditional Use Authorization by the Planning Commission; and

18 WHEREAS, On November 2, 2017, Salvatore Alioto on behalf of the Sunset Merchants
19 and Neighbors Association, filed a second timely appeal protesting the approval of the
20 Conditional Use Authorization by the Planning Commission; and

21 WHEREAS, On December 5, 2017, the Board of Supervisors held a duly noticed public
22 hearing on the two appeals from the approval of the Conditional Use Authorization; and

23 WHEREAS, Following the conclusion of the public hearing that day, the Board voted to
24 conditionally disapprove the decision of the Planning Commission and to approve the
25

1 requested Conditional Use Authorization with additional conditions, subject to adoption of
2 written findings by the Board; and

3 WHEREAS, In deciding the appeals, the Board reviewed and considered the entire
4 written record before the Board and all the presentations and public comments made in
5 support of and in opposition to the appeals; now, therefore, be it

6 MOVED, That the Board finds that with the additional conditions imposed by the Board
7 at the December 5, 2017 meeting, the proposed project is necessary or desirable for, and
8 compatible with, the neighborhood and the community; and, be it

9 FURTHER MOVED, That the nature of the commercial corridor and the hours of
10 operation of other storefronts in the immediate vicinity of the proposed Medical Cannabis
11 Dispensary support the additional conditions imposed by the Board of Supervisors at the
12 December 5, 2017 meeting; and, be it

13 FURTHER MOVED, That these conditions are consistent with and supported by the
14 Planning Commission's findings, including the Commission's findings of consistency with the
15 General Plan and Planning Code Section 101.1, and the Board hereby incorporates those
16 findings and adopts them as its own.

17
18
19
20
21
22
23
24
25

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Adoption of Findings Related to Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street

The text is listed below or attached:

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street, and the Board's approval of a Conditional Use Authorization for the same Planning Case and property with additional conditions.

Signature of Sponsoring Supervisor: *Alisa J. Bernal*

For Clerk's Use Only:

180017