

File No. 171188

Committee Item No. \_\_\_\_\_

Board Item No. 26

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: December 5, 2017

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input 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 checked="" type="checkbox"/> | Public Correspondence                        |

#### OTHER (Click text of checked items for a direct link to the document)

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - November 2, 2017</u>                         |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Response Letter - November 27, 2017</u>             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant Supplemental Appeal Letter - November 22, 2017</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice and Clerical Documents</u>                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____   |

Prepared by: Brent Jalipa

Date: November 30, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

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

NOV -2 PM 2:38

BY

*li*

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. \_\_\_\_\_.

  X   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 Aioto

Name

gigiam143@gmail.com

salspizza@aol.com

1320-22nd Ave

Address

Sunset Merchants and  
Neighbors Association

Name

Address

415-515-9466

Telephone Number

Telephone Number

Sal Aioto

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 <sup>35</sup> 24 <sup>th</sup> Ave	1778-035	Christopher and Kate Choi	
2.	1336 <sup>38</sup> 24 <sup>th</sup> Ave	1778-035		
3.	1383 - 22 <sup>nd</sup> Ave	1777-014	TAK TAM	
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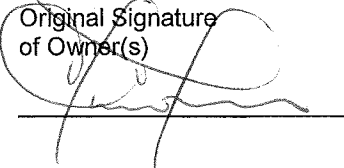
City Planning Commission

Case No. 2016-002424CUA

BY ll

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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>	
2.	_____	_____	_____	_____
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2017 NOV -2 PM 2:38

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

RECEIVED  
 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>1277-24<sup>th</sup> Ave.</u>	<u>1726-016</u>	<u>Frieda Harmon</u>	<u>Frieda Harmon</u>
2. <u>1271-24<sup>th</sup> Ave</u>	<u>1726-015</u>	<u>Alex Eremian</u>	<u>Alex</u>
3. <u>1271 24<sup>th</sup> Ave</u>	<u>1726-015</u>	<u>VALE EREMIAN</u>	<u>Vale</u>
4. <u>1235 24<sup>th</sup> Ave.</u>	<u>1726-006</u>	<u>Caihua Tang</u>	<u>My</u>
5. <u>1219, 24<sup>TH</sup> AVE</u>	<u>1726-002</u>	<u>REBECCA LOW</u>	<u>Reb. Low</u>
6. <u>1219, 24<sup>TH</sup> AVE</u>	<u>1726-002</u>	<u>KEN LOW</u>	<u>Ken Low</u>
7. <u>1321 24<sup>th</sup> Ave</u>	<u>1779-002</u>	<u>Chronga APINOSRI</u>	<u>Chronga</u>
8. <u>1278 24<sup>th</sup> Ave</u>	<u>1727-027</u>	<u>Erica Wang</u>	<u>Erica</u>
9. <u>1278 24<sup>th</sup> Ave</u>	<u>1727-027</u>	<u>Self insured</u>	<u>Min</u>
10. <u>1266-24<sup>th</sup> Ave</u>	<u>1727-030</u>	<u>GUSTAV KRONERT</u>	<u>Gustav Kronert</u>
11. <u>1262-24<sup>th</sup> Ave</u>	<u>1727-031</u>	<u>YIN YEE LEE</u>	<u>Yin Yee Lee</u>
12. <u>1262-24<sup>th</sup> Ave</u>	<u>1727-031</u>	<u>YEE CHEW LEE</u>	<u>Yee Chew Lee</u>
13. <u>1254 24<sup>th</sup> Ave</u>	<u>1727-033</u>	<u>KENT TA</u>	<u>Kent</u>
14. <u>1254 24<sup>th</sup> Ave</u>	<u>1727-033</u>	<u>LINDA TA</u>	<u>Linda</u>
15. <u>1238 24<sup>th</sup> Ave</u>	<u>1727-037</u>	<u>Hoi Fong Ip</u>	<u>Hoi Fong Ip</u>
16. <u>1240 26<sup>th</sup> Ave</u>	<u>1727-037</u>	<u>YIN KENG TANG</u>	<u>Yin Keng Tang</u>
17. <u>1226 24<sup>th</sup> Ave</u>	<u>1727-040</u>	<u>Aron DeLong</u>	<u>Aron DeLong</u>
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2017 NOV -2 PM 2:38

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>1258 23<sup>rd</sup> AVE</u>	<u>Block: 1728 Lot: 033</u>	<u>Timothy McDonnell</u>	<u>Timothy McDonnell</u>
2. <u>1271-1273 23<sup>rd</sup> AVE</u>	<u>Block: 1727 Lot: 015</u>	<u>KUANG, SHI HAO</u>	<u>Kuang Shi Hao</u>
3. <u>1271-1273 23<sup>rd</sup> AVE</u>	<u>Block 1727 Lot 015</u>	<u>CYNTHIA LEE</u>	<u>Cynthia Lee</u>
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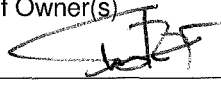
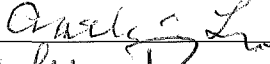
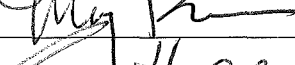
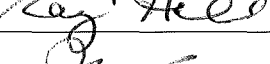


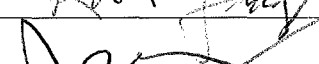





2017 NOV 2 PM 2:30

City Planning Commission  
Case No. 2016-002424CUA

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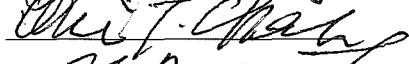

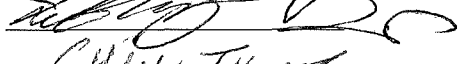
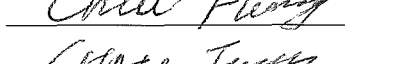
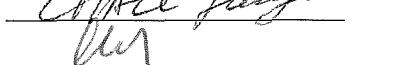

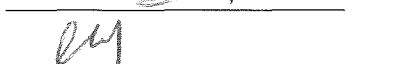


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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
✓ 1. 1323 23RD AVE	1778-002	ALEXANDER LU	
✓ 2. 1323 23RD AVE	1778-002	ANITA LU	
✓ 3. 1341 23rd Ave	1778-008	MAY PON	
✓ 4. 1341 23rd Ave	1778-008	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. 1327 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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2017 NOV 2 PM 2:39

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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	MORIMAN 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 <sup>th</sup> AVE	1778-032	CHRISTY TAM	
8. 1350 24 <sup>th</sup> AVE	1778-032	SAM LIANG	
✓ 9. 1352 24 <sup>th</sup> AVE	1778-032	CHRISTY TAM	
✓ 10. 1352 24 <sup>th</sup> AVE	1778-032	SAM LIANG	
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BOARD OF SUPERVISORS  
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City Planning Commission  
Case No. 2016-002424CMA

2016 NOV 2 PM 2:39

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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 KONGS	
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	Ming Lee	
17. 1369-22nd Ave	1777-013A	Ming and b. Lee	
18. 1352-22nd Ave	1776-009N	DANIEL 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	<del>ANNA</del> HOM	
		RONALD	

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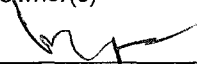


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City Planning Commission  
Case No. 2016-002424CUA

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1.	<u>1349 22<sup>nd</sup> AVE</u>	<u>1777-009</u>	<u>WALTER WONG</u>	
2.	<u>1335-27<sup>th</sup> AVE</u>	<u>1777-006</u>	<u>JANE LEE</u>	
3.	<u>1357-23<sup>rd</sup> AVE</u>	<u>1778-012</u>	<u>Pui Lee</u>	
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2017 NOV 2 PM 2:39

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.

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>1254-22nd Ave.</u>	<u>1729-023D</u>	<u>Kenn<sup>eth</sup> Chan</u>	<u>[Signature]</u>
2. <u>1254-22<sup>nd</sup> Ave</u>	<u>1729-023D</u>	<u>NANCY CHAN</u>	<u>[Signature]</u>
3. <u>1320 22nd Ave</u>	<u>1776-011A</u>	<u>Catherine Alioto</u>	<u>[Signature]</u>
4. <u>1320 22nd Ave</u>	<u>1776-011A</u>	<u>Salvatore Alioto</u>	<u>[Signature]</u>
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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.	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.	<del>1275 23rd Ave</del>			
✓ 14.	1275 23rd Ave	1727-016	KHA PHON	Kha Phon
✓ 15.	1275 23rd Ave	1727-016	KHA LAMOTRA	Kha Lamotra
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SAN FRANCISCO

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City Planning Commission  
Case No. 2016-002424 CUA

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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. 1246 22nd Ave. SFCA	1729-023E	Victor H Le	<i>[Signature]</i>
2. 1246 22nd Ave. SFCA	1729-023E	Susanna Li	<i>[Signature]</i>
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2017 NOV 2 PM 2:30

City Planning Commission  
Case No. 2016-002424LUA

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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>1253-22<sup>ND</sup></u>	<u>1728-010</u>	<u>KWONG Y LUI</u>	<u>K Y Lui</u>
4. <u>1253-22<sup>ND</sup></u>	<u>1728-010</u>	<u>ANNIE LUI</u>	<u>Annie Lui</u>
5. <u>1370 18<sup>TH</sup> AVE.</u>	<u>1772-0050</u>	<u>JOHN LEUNG</u>	<u>John Leung</u>
6. <u>1370-18<sup>TH</sup> AVE</u>	<u>1772-0050</u>	<u>DEBORAH LEUNG</u>	<u>Deborah Leung</u>
7. <u>1387-22<sup>ND</sup> Ave.</u>	<u>1777-014A</u>	<u>Pennie Lau</u>	<u>Pennie Lau</u>
8. <u>1387-22<sup>ND</sup> Ave</u>	<u>1777-014A</u>	<u>Daniel Michael</u>	<u>Daniel Michael</u>
9. <u>1391 22<sup>ND</sup> 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</u>	<u>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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 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 <sup>nd</sup> AVE	1777 & 006	Jane Lee	<i>Jane Lee</i>
2.	1335-22 <sup>nd</sup> AVE	1777 & 006	JESSIE HOUM	<i>Jessie H</i>
3.	1357-23 <sup>rd</sup>	1778 012	Pui LEE	<i>Pui Lee</i>
4.	1338-23 <sup>rd</sup> AVE.	1777 031	Oi Yip	<i>Oi Yip</i>
5.	1347-49 22 <sup>nd</sup> AVE	1777 009	WALTER WAN FAI WONG	<i>Walter Wan</i>
6.	1347-49 22 <sup>nd</sup> AVE	1777 009	WENDY SAM WAN WONG	<i>Wendy Wong</i>
7.	1351- 22 <sup>nd</sup> AVE	1777-010	HOA VUONG	<i>Hoang Vuong</i>
8.	1325 22 AVE.	1777-003	Lino Kwauy	<i>Lino Kwauy</i>
9.	1325 22 AVE	1777-003	Ye Line zhen	<i>Ye Line zhen</i>
10.	1311 21 <sup>st</sup> AVE	1776-003	Quacky Woo	<i>Quacky Woo</i>
11.	1311 21 AVE	1776-003	Yu Kat Lien KHA WOO	<i>Yu Kat Lien</i>
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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 <sup>rd</sup> Ave. SF	1778-007	Vinh C. Duong	
2.	1339 23 <sup>rd</sup> Ave. 94122	1778-007	Tu To Duong	
3.	1339 23 <sup>rd</sup> Ave.	1778-007	Wendy Hoang	
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 BOARD OF SUPERVISORS  
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2017 NOV 2 PM 2:39

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.

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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  
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2017 NOV 2 PM 2:30

City Planning Commission  
Case No. 2016-002424C UA

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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 <sup>st</sup> AVE	1776-005	Suk Tuen LAM	<i>Suk Tuen Lam</i>
2.	1323-21 <sup>st</sup> AVE	1776-006	Shee Luen Shek	<i>Shek</i>
3.	1323-21 <sup>st</sup> AVE	1776-006	Kuk Ting Lin	<i>Kuk Ting Lin</i>
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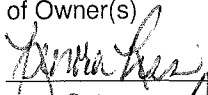
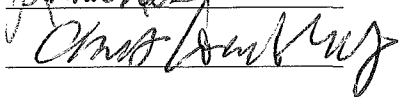
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SAN FRANCISCO

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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SAN FRANCISCO

City Planning Commission  
Case No. 2016-002424CUA

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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>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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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>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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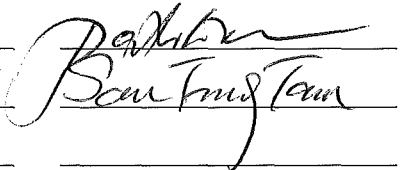
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City Planning Commission  
Case No. 2016-002424 CUA

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>	<del>XXXXXXXXXX</del> <u>(Am Family Trust)</u>	
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SAN FRANCISCO

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.	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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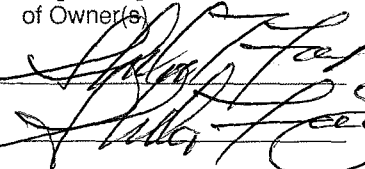
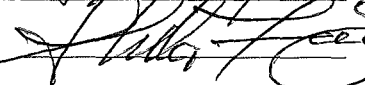

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2017 NOV 2 PM 2:30

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	
3.				
4.	2136-2154 IRVING ST. SF	1728-024	RENE LEE et al	
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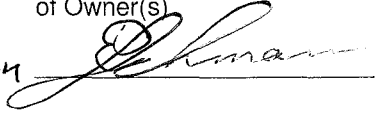
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SAN FRANCISCO

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

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.

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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 - 24<sup>th</sup> Ave</u>	<u>1778/037</u>	<u>Edgar G Lehmann</u>	
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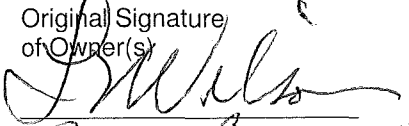
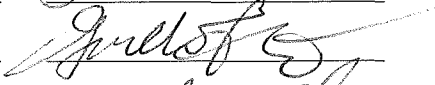
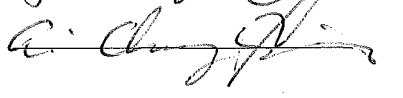
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SAN FRANCISCO

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>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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City Planning Commission

Case No. 2016-002424CUA

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1.	<u>1282 23<sup>rd</sup> AVE</u>	<u>1728/051</u>	<u>Sheldon T. Fong</u>	
2.	_____	_____	_____	_____
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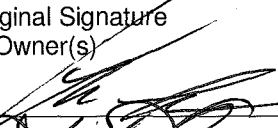

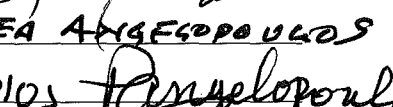
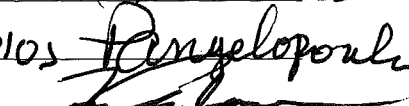
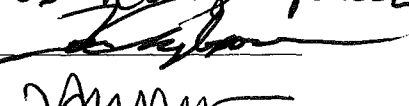
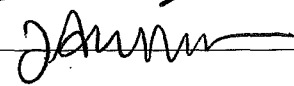
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City Planning Commission  
Case No. 2016-002424CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>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>	
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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 6<sup>th</sup> 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 19<sup>th</sup> Ave and 25<sup>th</sup> 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 6<sup>th</sup> 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

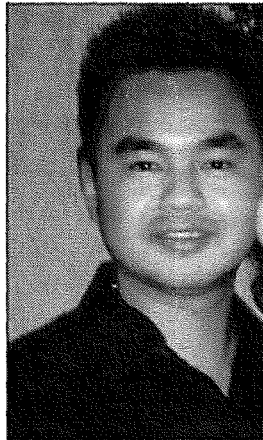
五年前雷家五口命案的審訊11日進入第二天，檢方傳喚雷家兒子雷元驥另一名華裔友人作證，該友人也是雷元驥被審前最後見面者之一。張姓友人Alex Zhang作證說，死者雷元驥曾向他借下總數為10萬元的款項。

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。

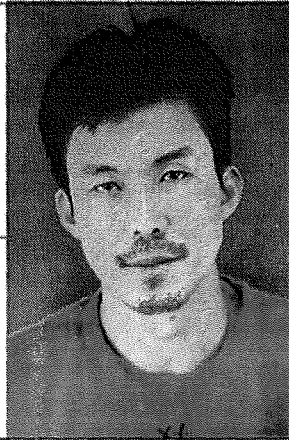
其中一名友人劉宇聲(音譯)已於10日審訊首次被傳喚作證，Alex則是11日上庭作證，他也是在廣東話傳譯員協助下回答檢察官及辯護律師的提問。

## 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，高特羅森在案情說明中表示，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)、王理查和裴豐三人，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-伏爾剛獲勝，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，將在本月底有結果。

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歲的裴豐出生於舊金山華埠，他和他一歲就移民舊金山的華人妻裴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。」裴豐表示。

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1比0獲勝，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，像是中藥草各種成分多，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。自稱和自認是師徒關係的他，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。上周二(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，包括湯凱派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。

記者聯繫湯凱派和李耀輝辦公室，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

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

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。

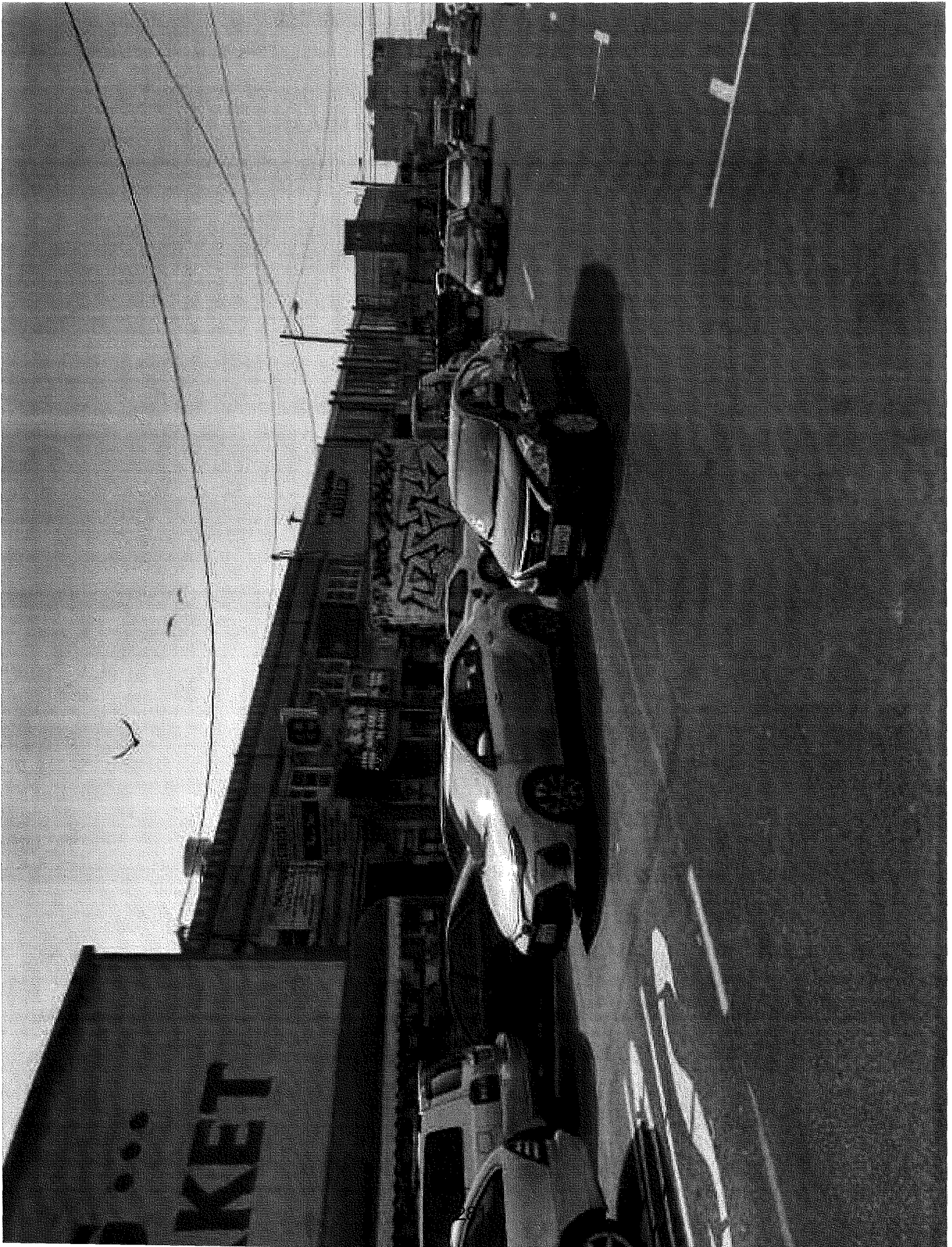
上一篇 柏克萊元旦起可售娛樂大麻 (<http://www.singtaousa.com/sf/446-灣區/339565-%E6%9F%8F%E5%85%E8%90%8A%E5%85%83%E6%97%A6%E8%B5%B7%E5%8F%AF%E5%94%AE%E5%A8%9B%E6%A8%E5%A4%A7%E9%BA%BB>)

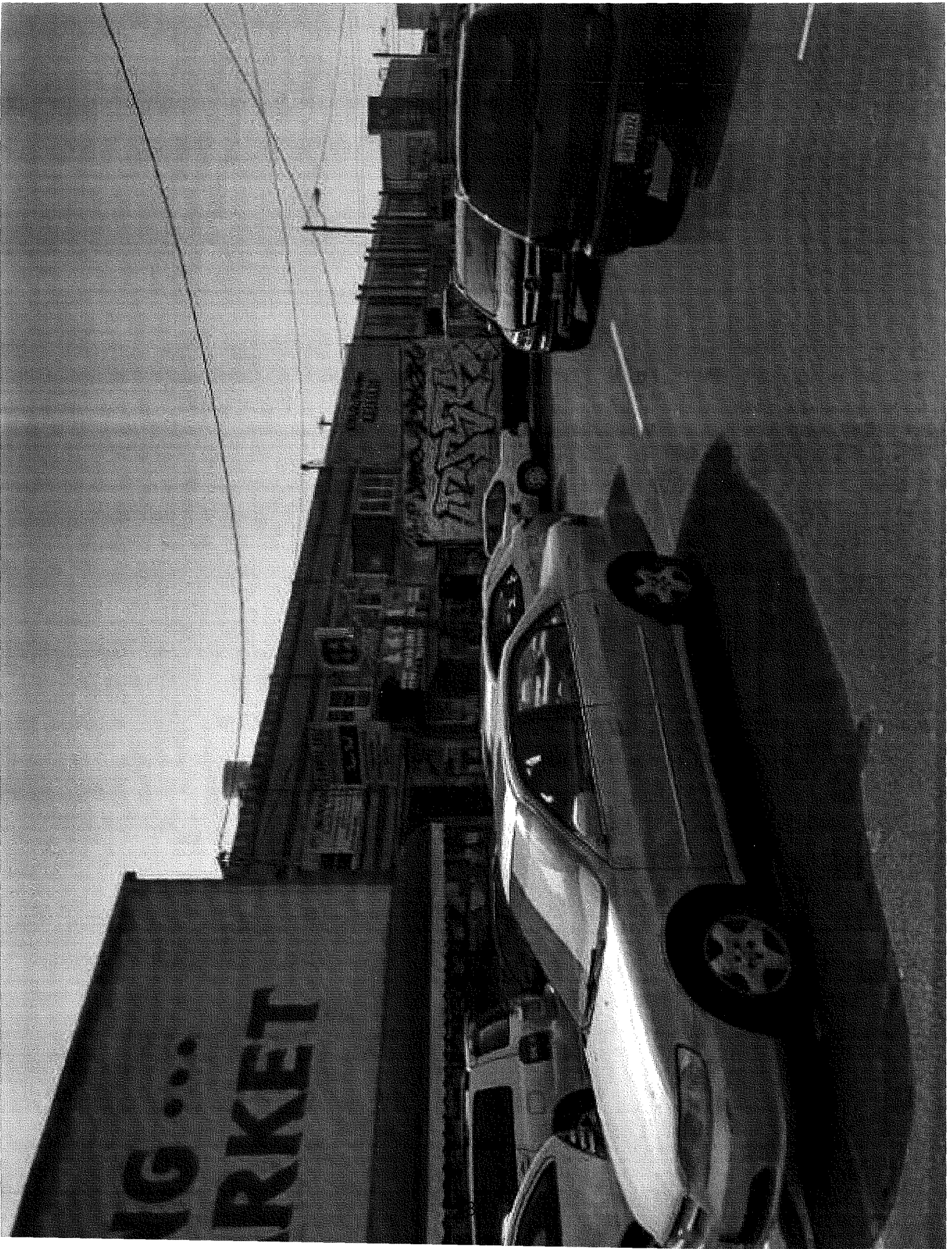
下一篇 雙十書畫展 (<http://www.singtaousa.com/sf/446-灣區/340605-%E9%9B%99%E5%8D%81%E6%9B%E9%95%AB%E5%B1%95>)

即時新聞

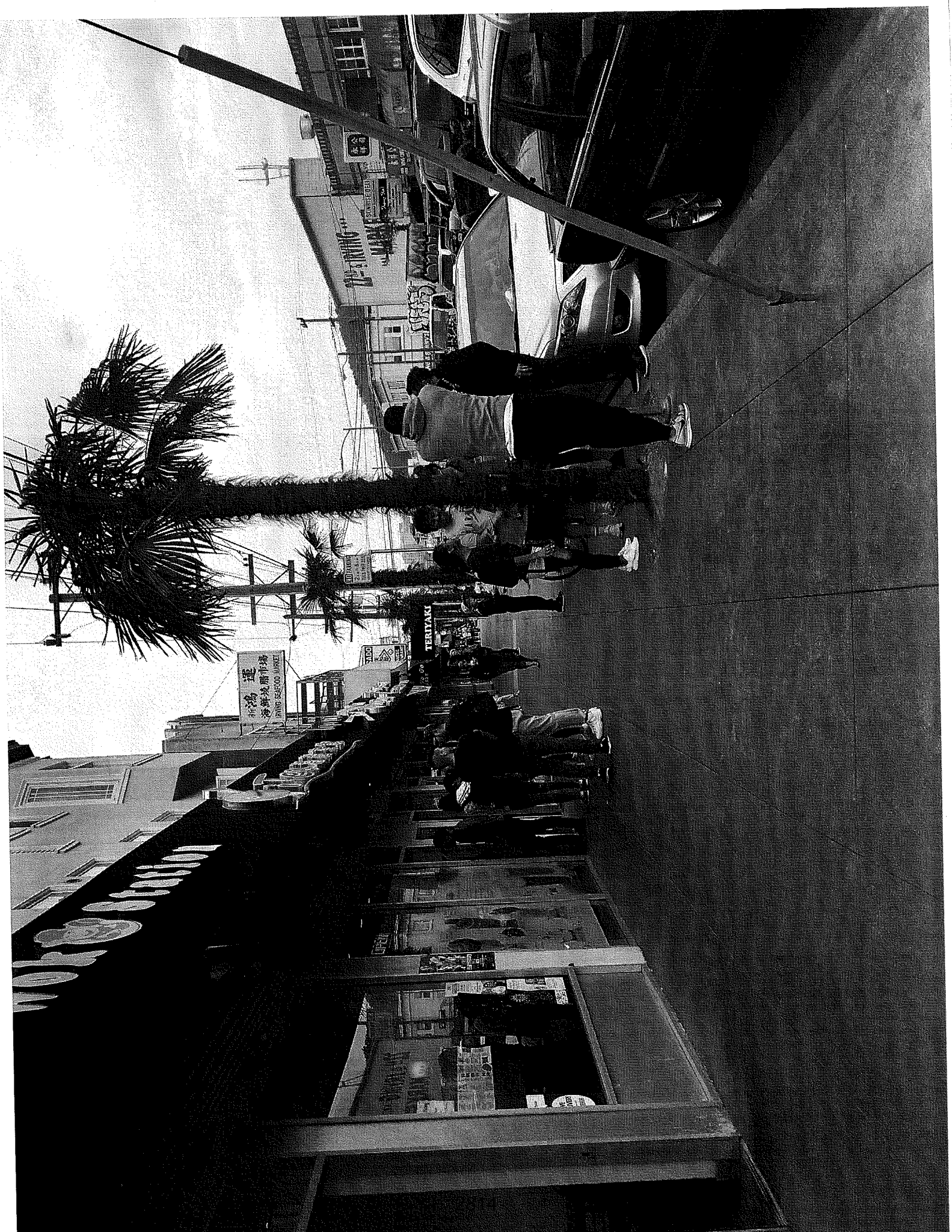
今日精彩內容

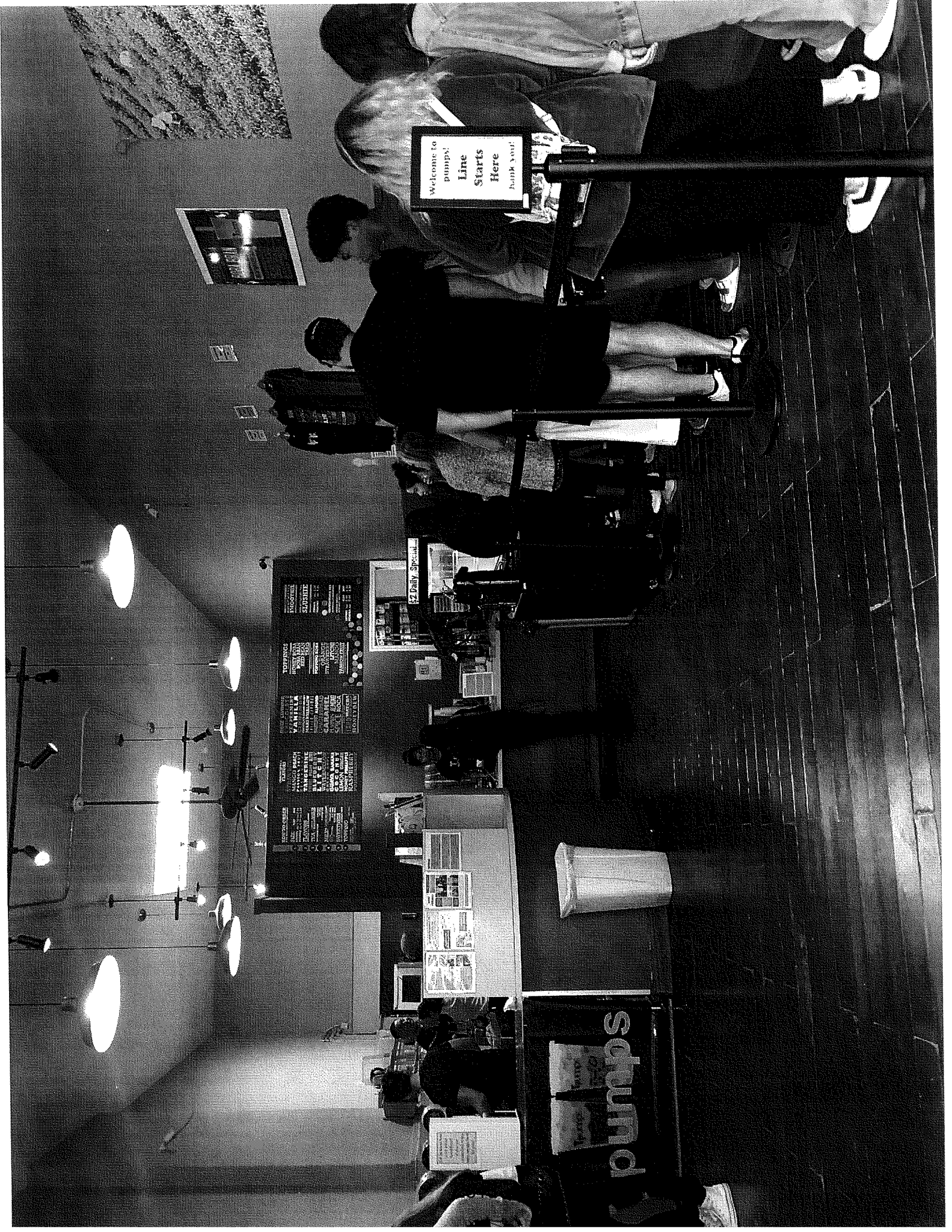
*Exhibit 2-traffic pictures on Irving*











Welcome to  
pumpkin!  
Line  
Starts  
Here  
Thank you!

pumpkin

**ESPRESSO**  
 VANILLA  
 CARAMEL  
 SPECIALLY  
 MONTELLA

**ESPRESSO**  
 VANILLA  
 CARAMEL  
 SPECIALLY  
 MONTELLA

**ESPRESSO**  
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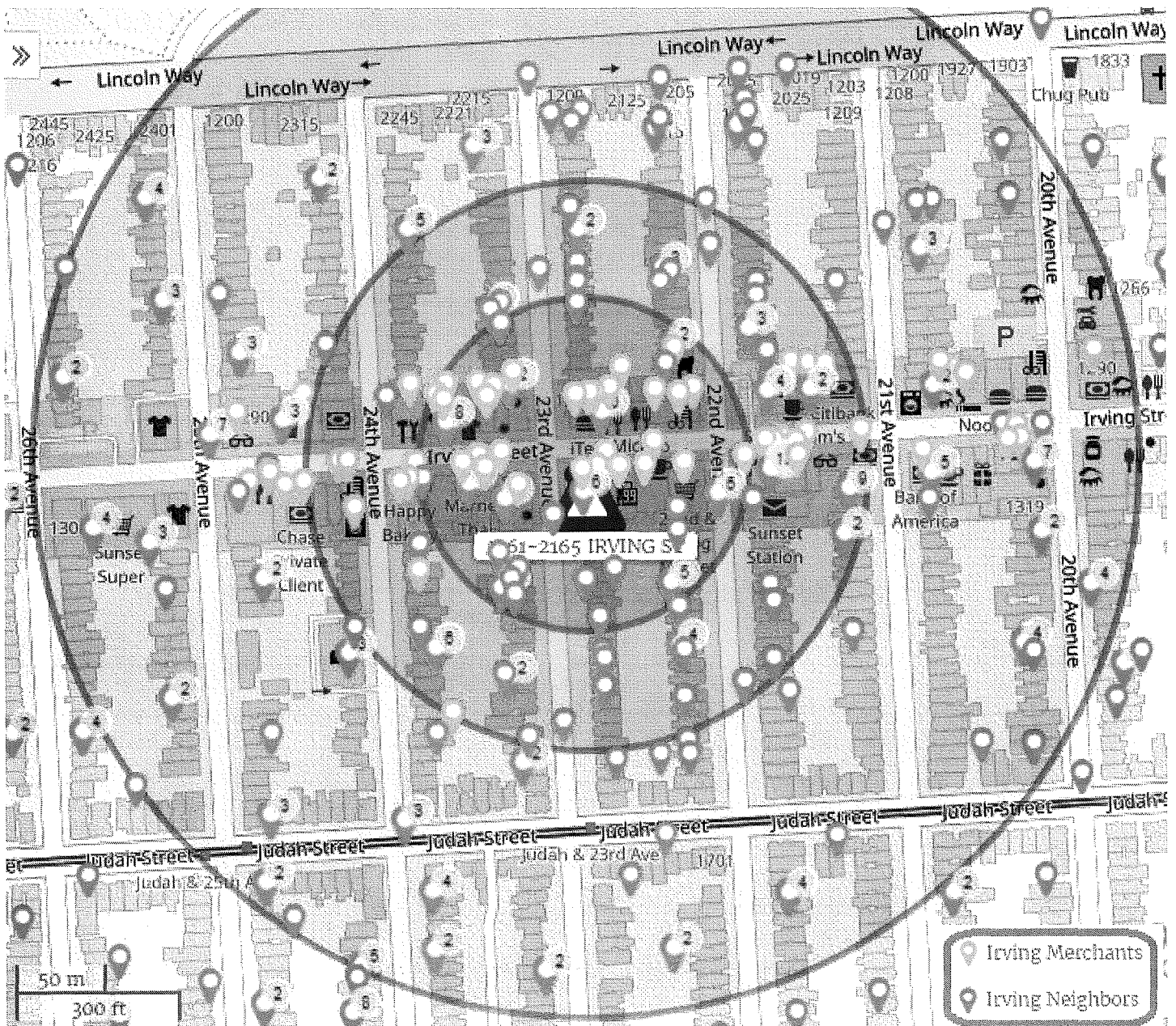
\$2 Daily Special

***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

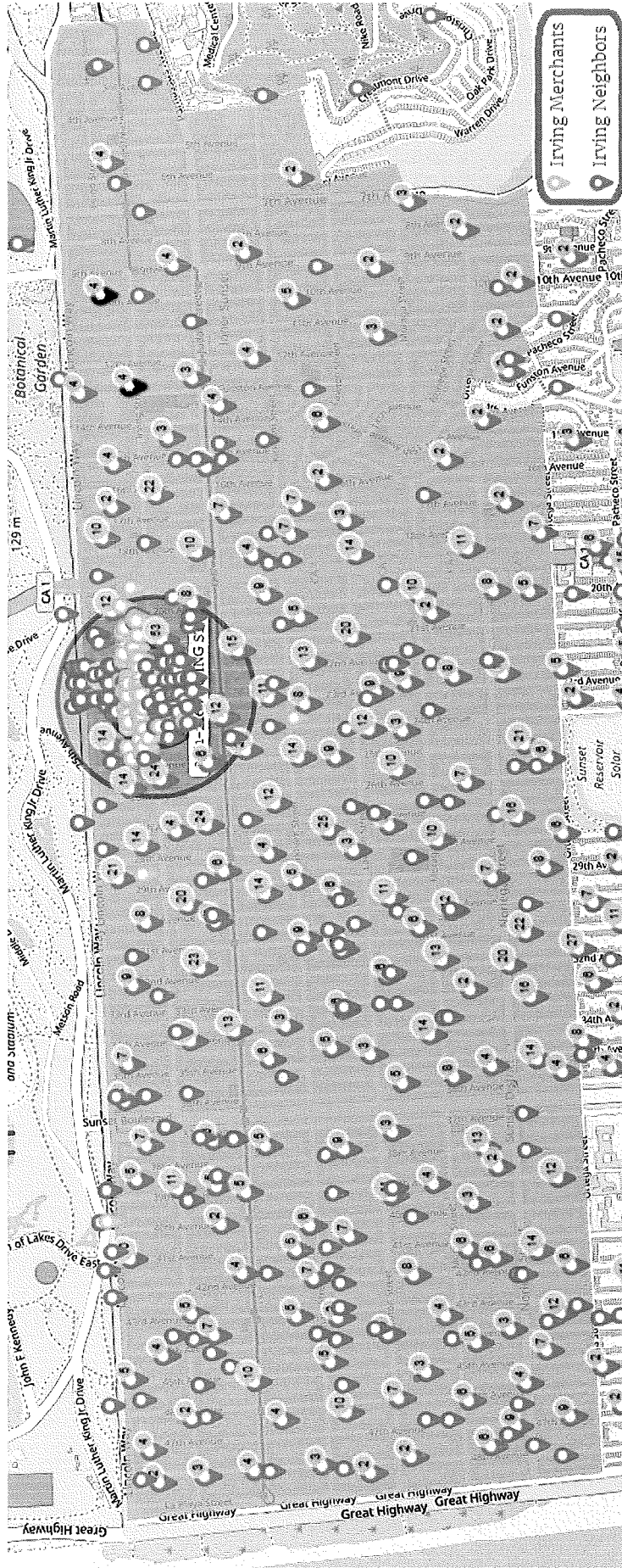
83% Merchants  
say "NO TO  
MCD"



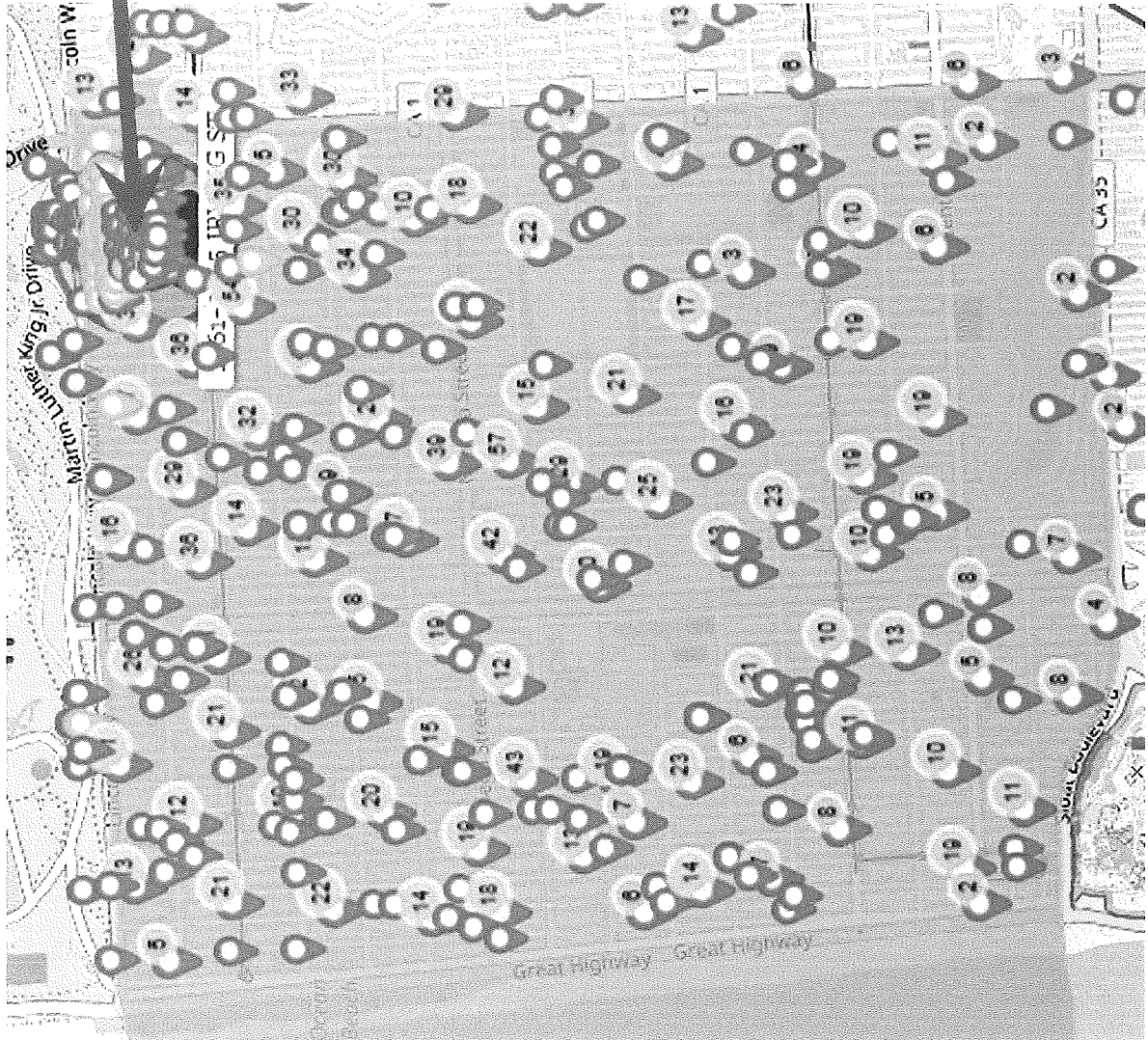
# Oppositions Against The Proposed MCD At 2161-2165 Irving Street

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 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><del>WONG</del> 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>                    |



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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.

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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

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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.

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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~~ <sup>Roy Liu</sup>  
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 Wang  
Date: 10/28/17

Merchants of: Cherimoya 2

Address: 2110 Irving St.

Signature: Derek Wang

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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 Hung 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]

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Sincerely,

1. Printed Name: William Song

Date: 10/28/17

Merchants of: Shangha Vegetarian Rest.

Address: 2026 IRVING ST. SF

Signature: [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: [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: \_\_\_\_\_

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Sincerely,

1. Printed Name: Lisa Chan

Date: 10.27.2017

Merchants of: Uncle Benny's donuts.

Address: ~~222~~ 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: \_\_\_\_\_

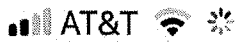
Merchants of: \_\_\_\_\_

Address: \_\_\_\_\_

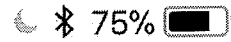
Signature: \_\_\_\_\_

*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](mailto:rswan@sfnchronicle.com) Twitter: @rachelswan

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# SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
MAY 2 2 2017 2:40

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

1650 Mission St.  
Suite 400  
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](mailto: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 Planning 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 23<sup>rd</sup> 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 19<sup>th</sup> to 27<sup>th</sup> 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 22<sup>nd</sup> and 23<sup>rd</sup> 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 19<sup>th</sup> Avenue and 25<sup>th</sup> 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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 NOV 2 PM 2:40

BY ll

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

0115

11-35/1210

date 11/2/17

PAY to  
the ORDER of Planning Department \$ 597.00  
Five hundred ninety-seven <sup>no/</sup> DOLLARS Security features included. Details on back.

BANK OF AMERICA

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



**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [cathyaloto@hotmail.com](mailto:cathyaloto@hotmail.com); [salspizza@aol.com](mailto:salspizza@aol.com); [gigitam143@gmail.com](mailto:gigitam143@gmail.com); [jesse.barbarycoast@gmail.com](mailto:jesse.barbarycoast@gmail.com); [brendan@hallinan-law.com](mailto:brendan@hallinan-law.com)  
**Cc:** [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Tran, Nancy \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [geokimm@sbcglobal.net](mailto:geokimm@sbcglobal.net); [Sider, Dan \(CPC\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** APPEAL RESPONSE: Conditional Use Authorization Appeal - Proposed 2161-2165 Irving Street Project - Appeal Hearing on December 5, 2017  
**Date:** Monday, November 27, 2017 1:15:29 PM  
**Attachments:** [image001.png](#)

---

Greetings,

Please find linked below a memorandum of response received by the Office of the Clerk of the Board from Planning Department regarding the appeal of the Conditional Use Authorization for the proposed project at 2161-2164 Irving Street.

[Planning Response Memo - November 27, 2017](#)

**The appeal hearing for this matter is scheduled for a 4:30 p.m. special order before the Board on December 5, 2017.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171128](#)

[Board of Supervisors File No. 171188](#)

Regards,

**Lisa Lew**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
P 415-554-7718 | F 415-554-5163  
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***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*





# SAN FRANCISCO PLANNING DEPARTMENT

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## Conditional Use Authorization Appeal 2161-2165 Irving Street Medical Cannabis Dispensary

**DATE:** November 27, 2017  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** John Rahaim, Planning Director – Planning Department (415) 558-6411  
Nancy Tran, Case Planner – Planning Department (415) 575-9174  
**RE:** Board File No. 171128, Planning Case No. 2016-002424CUA  
Appeal of the approval of Conditional Use Authorization  
for 2161-2165 Irving Street  
**HEARING DATE:** December 5, 2017  
**PROJECT SPONSOR:** Brendan Hallinan, 345 Franklin Street, San Francisco, CA 94102 on behalf of  
Barbary Coast Dispensary  
**APPELLANTS:** (1) Flo Kimmerling, on behalf of the Mid-Sunset Neighborhood Association, 1282  
26<sup>th</sup> Avenue, San Francisco, CA 94112  
(2) Catherine and Salvatore Alioto, on behalf of the Sunset Merchants and  
Neighbors Association, 1320 22<sup>nd</sup> Avenue, San Francisco, CA 94112

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Planning  
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### INTRODUCTION

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) approval of the application for Conditional Use Authorization under Planning Department Case Number 2016-002424CUA pursuant to Planning Code Sections 303 (Conditional Use Authorization) and 732 (Medical Cannabis Dispensaries), to establish a Medical Cannabis Dispensary (“MCD”) (d.b.a. “Barbary Coast Dispensary”) within existing vacant ground floor retail spaces at 2161-2165 Irving Street.

This memorandum addresses two separate appeals to the Board, the first filed on October 17, 2017 by Flo Kimmerling on behalf of the Mid-Sunset Neighborhood Association (“Kimmerling Appeal”) and the second filed on November 2, 2017 by Salvatore and Catherine Alioto on behalf of the Sunset Merchants and Neighbors Association (“Alioto Appeal”). The Kimmerling Appeal requests that the Board place additional conditions on the Commission’s approval while the Alioto Appeal requests that the Board overturn the Commission’s action in its entirety and disapprove the project.

The decision before the Board is whether to uphold, overturn, or amend the Planning Commission’s approval of an application for Conditional Use Authorization to allow the establishment of an MCD at the subject property.

## **SITE DESCRIPTION & PRESENT USE**

The project is located at the corner of Irving Street and 23rd Avenue in Assessor's 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 containing a massage establishment and professional office on the second floor and four ground floor retail spaces. Two of the ground floor spaces are occupied by restaurants while the remaining two are currently vacant and, under the proposal, would be combined and occupied by the proposed MCD. The spaces in question were most recently occupied by an internet cafe and a produce shop. The subject property measures approximately 85 feet by 100 feet, with 8,500 square feet of lot area and approximately 65% lot coverage.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The Irving Street NCD is located in the Outer Sunset neighborhood and stretches along Irving Street from 19<sup>th</sup> to 27<sup>th</sup> 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 22<sup>nd</sup> and 23<sup>rd</sup> Avenues. A variety of commercial establishments occupy 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 property is adjacent to MUNI service via the 7 and 7X 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 MCD is located roughly two miles away at 4811 Geary Boulevard within the Inner Richmond neighborhood.*

## **PROJECT DESCRIPTION**

The Project Sponsor proposes to establish a new MCD for on-site sales of medical cannabis at the subject property. The project would not permit 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 8:00 AM to 10:00 PM, 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. The Planning Code does not require any off-street parking for the proposed change of use. The Project Sponsor would maintain

security guard presence during business hours and would install cameras within and around the facility for additional security.

The Project Sponsor's stated 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 at 952 Mission Street within the western South of Market neighborhood.

## **BACKGROUND**

On October 12, 2017, the Commission conducted a public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-002424CUA. Over two hours of public testimony was heard on this item, both in support of and in opposition to the proposed project, after which the Commission voted 6-0 (Commissioner Moore absent) to approve the application.

Opponents of the proposed MCD stated concerns including that the business would result in an increase in the amount of traffic, be detrimental to other businesses in the area, reduce the quality of life in the neighborhood, and imperil the safety of children and other nearby residents. Many opponents noted the nearby elementary school (Jefferson Elementary School), as well as other facilities that provide services to youth. Supporters of the proposed MCD discussed issues including Barbary Coast Dispensary's track record of existing business practices for their location on Mission Street, the project sponsor's commitment to the community, especially through charitable giving, and patient need for an MCD located in the Sunset neighborhood, where there are currently no MCDs.

## **CONDITIONAL USE AUTHORIZATION REQUIREMENTS**

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for Conditional Use approval. To approve the project, the Commission must find that these criteria have been met:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - b. 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;
  - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

- d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.
4. That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

In addition, 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.
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.
3. 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.
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.
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.

## APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

*The concerns related to land use that have been raised in the Kimmerling Appeal and the Alioto Appeal are summarized below and are followed by the Department's response. Concerns are numbered and prefaced by a "K" in the case of those raised in the Kimmerling Appeal and an "A" in the case of those raised in the Alioto Appeal.*

**ISSUE K1:** The Appellant proposes that restrictions or conditions developed under the current 45-day moratorium (or any extensions thereof) should be applied retroactively for the proposed MCD.

**RESPONSE K1:** On September 22, 2017, a moratorium on new MCDs [Board File Number 170865] took effect. The moratorium prohibited the Planning Commission from approving any new MCD except for those MCDs for which an application had been scheduled to be heard by the Commission as of September 11, 2017. Because the subject Conditional Use Application had been scheduled for hearing prior to that date, the moratorium allowed it to be considered for approval by the Planning Commission. Therefore, under the moratorium, the Board maintained its full authority and discretion to approve, disapprove, or modify this Conditional Use Authorization on appeal.

While the moratorium was in place at the time of the Commission's action on the subject Conditional Use application, no additional restrictions or conditions were developed as part of it, and the moratorium has now lapsed. As such, this issue is moot.

**ISSUE K2:** The Appellant contends that students at nearby Jefferson Elementary school would be negatively impacted by walking past the proposed MCD. The Appellant proposes (1) prohibiting MCD operations during times of greatest student pedestrian traffic, specifically before 9 A.M. or between 2:30 P.M. and 4 P.M. on weekdays and (2) prohibiting any storefront display of products "enticing to children." visible from outside the dispensary.

**RESPONSE K2:** Minors are not permitted into any MCD; sale of medical cannabis to minors is strictly prohibited. Any violation risks the loss of operating license. To ensure adherence to regulations, trained security personnel for the MCD will be vigilant in verifying that patients have valid identification and recommendation for medical cannabis.

The proposed MCD's operational hours, between 8 A.M. and 10 P.M., are principally permitted within the Irving Street NCD and would comply with Section 3308 of the San Francisco Health Code. The Appellant's suggested hours are unusual and not consistent with existing, specific restrictions on MCD hours of operation as compared to other businesses.

With respect to the Appellant's concern regarding product display, California Health and Safety Code Section 11364.5, along with Article 33 of the San Francisco Health Code, prohibits medical cannabis products, including edible products, from being visible from outside the facility.

**ISSUE K3:** The Appellant proposes that the MCD provide security patrol during business hours to ensure general safety and adherence to the law.

**RESPONSE K3:** The proposed MCD would meet all the performance standards and requirements identified in Planning Code Section 202.2(e)(1) and would employ security personnel to help address any undesirable activities and ensure that patients are not consuming medical cannabis once immediately outside the establishment. The proposed MCD would employ a security guard on-site during business hours and would install cameras within and around the facility.

**ISSUE K4:** The Appellant proposes prohibiting the MCD from expanding its use size or scope of services offered, including future sale of adult use cannabis and delivery of cannabis.

**RESPONSE K4:** Significant changes to the approved MCD use or its conditions of approval (e.g. expansion of use size or conversion to delivery-only) would require Planning Commission approval of a new Conditional Use Authorization. With respect to adult use cannabis sales, while the Board is currently deliberating regulations, Department Staff anticipate that a permitting and/or licensing process will be required prior to allowing adult-use sales on a permanent and ongoing basis. This process would presumably involve an opportunity for input and appeal by interested parties.

**ISSUE K5:** The Appellant proposes prohibiting the MCD from operating after 8 P.M. so as to be consistent with the "average time of closure of the local Walgreens pharmacy."

**RESPONSE K5:** As discussed above, the proposed hours of operation are permitted as-of-right in the Irving Street NCD and further comply with the more restrictive operating hours for MCDs set forth in the Health Code. Additionally, while the pharmacy counter at the Walgreens location one block eastward typically closes at 9 P.M, the retailer itself typically remains open until 10:30 P.M. Furthermore, and with particular respect to pharmacies, the Planning Code provides a specific allowance for 24-hour operation so long as there is a licensed pharmacist on duty, prescription drugs are for sale, and adequate light/security for safety is provided between 11 P.M. and 6 A.M.

**ISSUE K6:** The Appellant “strongly insist[s] that the city monitor the consequences to the surrounding neighborhood.”

**RESPONSE K6:** The Planning Department fully shares the Appellant’s expectation that the proposed MCD operate in strict adherence to all applicable conditions of approval and City and State law. In conjunction with other involved City agencies (e.g. the Department of Public Health), the Planning Department will promptly and thoroughly review and address any reports to the contrary.

**ISSUE K7:** The Appellant has expressed concerns regarding “severe adverse effects on the community” during alleged heavy patronage of the proposed MCD during annual concerts in Golden Gate Park.

**RESPONSE K7:** As noted previously, the proposed MCD would serve only patients for whom medical cannabis has been proscribed by a physician. As such, and apart from the City questioning the medical decisions of a licensed physician, a connection between the proposed MCD and festivals in Golden Gate Park (e.g. Outside Lands, Hardly Strictly Bluegrass) is tenuous. Regardless, congestion in most neighborhoods abutting Golden Gate Park – along with patronage of a broad range of businesses in those neighborhoods - is typically increased during major events.

**ISSUE A1:** The Appellant contends that the proposed MCD is not necessary or desirable and not compatible with the neighborhood.

**RESPONSE A1:** The Commission, by unanimous vote, determined otherwise. The proposed MCD would add a unique business type and would provide goods and services that are not otherwise available within the immediate District, nor within the broader Sunset neighborhood. Additionally, 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. The space in question has been vacant for some time, and as such the proposal would help to activate this portion of the NCD while serving the changing medical needs of the City. As there are no other MCDs within two 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 business that has several years of direct experience working in the medical cannabis industry within San Francisco.

**ISSUE A2:** The Appellant contends that notification of public hearings for, and community meetings regarding, the proposed MCD were inadequate.

**RESPONSE A2:** The Department is currently evaluating compliance with the Planning Code's requirements for neighborhood notice in association with the Commission's public hearing. The Project Sponsor conducted additional meetings open to the public and provided associated neighborhood notice, neither of which were required under the Planning Code.

**ISSUE A3:** The Appellant contends that the Sponsor "is actually intent" on establishing an adult use cannabis retailer with a smoking lounge rather than an MCD.

**RESPONSE A3:** The application that was approved by the Planning Commission and which is the subject of this appeal would authorize only the sale of medical cannabis products for use off site, and only then exclusively to patients for whom medical cannabis had been proscribed by a licensed physician. Any sale of cannabis for non-medical purposes would be subject to the regulatory framework put in place by the Board following January 1, 2018, when the State may begin issuing permits for adult-use consumption of cannabis.

With respect to future on-site consumption, the application does not authorize any on-site smoking, vaporizing, or any other type of consumption. An air filtration and odor-control system has been proposed by the sponsor as a means to limit any odors associated with cannabis and cannabis-products from being detectable outside of the establishment, rather than as a means to address any proposed on-site smoking.

**ISSUE A4:** The Appellant contends that the proposed MCD will exacerbate traffic conditions and jeopardize the safety of pedestrians.

**RESPONSE A4:** The Appellant has provided no evidence that the proposed MCD would negatively affect traffic in the immediate or broader neighborhood to any greater extent than would be the case should the space in question be re-tenanted with the current permitted land uses (retail and restaurant). The proposed MCD would comply with all Planning Code requirements with respect to parking and loading. As discussed above, the subject property is also well served by transit and bicycle routes. Potential safety issues associated with driving while under the influence of cannabis are not anticipated to be affected by the proposed MCD because the proposed MCD would not involve any on-site consumption of medical cannabis.

**ISSUE A5:** The Appellant contends that the MCD will "attract more congestion during concert weekends."

**RESPONSE A5:** Response K7, above, addresses this contention.

**ISSUE A6:** The Appellant contends that the MCD would have a negative effect on nearby existing businesses.

**RESPONSE A6:** In general terms, the Department is unaware of complaints made by merchants who have been negatively impacted by an operating MCD in the immediate area. On the contrary, vacant storefronts – such as those currently found at the subject property - are acknowledged as a detriment to the commercial vitality of a given corridor. Should the Board uphold the Commission's action, employees

and customers of the proposed MCD would be likely to patronize nearby existing businesses, thus supporting existing small businesses along the Irving Street NCD.

**ISSUE A7:** The Appellant contends that approval of the MCD will encourage clustering of other MCDs nearby.

**RESPONSE A7:** Neither the Health Code nor the Planning Code prohibit the clustering of MCDs in the Irving Street NCD. However, of the 49 MCDs that had received Planning Commission approval as of September 2017, the nearest is located two miles away. As such, it cannot be said that there is a clustering problem at present.

During the public hearing on this application, the Planning Commission noted that the minimum required separation between MCDs and sensitive uses (e.g. 1,000 feet from a school/community facility) significantly limits eligible locations for MCDs. The Commission observed that this leads to a geographic equity issue in which there is an overconcentration of MCDs in certain areas while there is a dearth in others.

Any future application for cannabis-related retail uses in the Irving Street NCD (or elsewhere in the City) would be subject to the discretionary permitting process required for all land use authorizations under the City Charter; if any member of the public were to have concerns regarding clustering in the future, such concerns could be addressed through any number of appeal avenues depending on the nature of that application and the final disposition of the cannabis regulations now under consideration by the Board.

**ISSUE A8:** The Appellant contends that a storefront MCD is not necessary in the Sunset; delivery services should suffice.

**RESPONSE A8:** The project allows for the establishment of an MCD which would serve patients who live in the Sunset and who stand to benefit from a Medical Cannabis Dispensary located closer to their residence. In-person services at an MCD can help tailor a treatment regimen to individual patient needs. Much like with conventional medical treatments and products, in some cases medical cannabis patients can advantage themselves from home delivery services, while in other cases an in-person consultation at a brick-and-mortar setting leads to better health outcomes.

**ISSUE A9:** Throughout the Alioto Appeal, it is suggested that the Board should disapprove the proposed MCD owing to the concentration of youth in the immediate and broader neighborhood and the effects of the proposed MCD on those under 18 years of age.

**RESPONSE A9:** Limiting youth access and exposure to cannabis is a core value of the City. To that end, the Planning Code identifies specific land uses (e.g. schools) close to which MCDs may not locate. Furthermore, the Health Code and State Law provide for strict limits (discussed above) for signage and public product display, respectively. These and other controls were adopted in order to provide for a clear, consistent framework to limit youth access and exposure, and the proposed MCD would comply with all of them. Furthermore, during the deliberation, the Commission expressed disagreement that



outright prohibition of the proposed MCD - or any other MCD - would limit risks to youth, instead stating that improved education and open discussion on the matter is more effective.

#### SUMMARY RESPONSE

Contrary to the appeals, the Planning Commission found the proposed MCD to be necessary and desirable for the community as it 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 Commission determined that the project complies with all Section 303(c) Conditional Use criteria along with all other applicable provisions of the Planning Code. The Commission considered the proposed MCD to be a benefit in part because the vacant storefront would be activated and occupied by a successful operator with a sterling track-record at its Mission Street location. Specifically, the Planning Commission found as follows:

*The size of the proposed use is in keeping with other storefronts on the block face, and [the size] 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 proposed MCD will be located within an existing building that has been vacant for several years. The existing storefront will be replaced and upgraded with high-quality materials, and should serve to enhance the District.*

*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.*

*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 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.*

#### CONCLUSION

Despite having implemented a regulatory framework for medical cannabis more than ten years ago, and despite having nearly 50 MCDs operating in the City today, the entire Sunset District is devoid of any

such use. This stands in marked contrast to decades of local and state law<sup>1</sup> supporting patient access to medical cannabis.

The Appellants in this case variously ask that the Board modify or overturn a unanimous decision by the Planning Commission in which it found, with the recommendation of Department Staff, that the proposed use at the subject property was necessary and desirable, that the elimination of a vacant storefront in-lieu of an active institutional use appropriate, that the geographic equity of MCDs for medical cannabis patients laudable, and the Project Sponsor's successful operational experience auspicious.

For the reasons stated in this document, in the attached Resolution, and in the Planning Department case file, the Planning Department recommends that the Board uphold the Planning Commission's decision in approving the Conditional Use authorization to establish an MCD in the existing vacant ground floor retail spaces at the subject property and deny the requests from Appellants Kimmerling and Alioto to overturn or modify the Commission's decision.

---

<sup>1</sup> State Proposition 215 ("The Compassionate Use Act of 1996"); California Senate Bill 420 ("The Medical Marijuana Program Act"); Board of Supervisors Resolution 955-01 ("Declaration of Sanctuary City for Medical Cannabis")

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [cathyalio@hotmail.com](mailto:cathyalio@hotmail.com); [salspizza@aol.com](mailto:salspizza@aol.com); [gigitam143@gmail.com](mailto:gigitam143@gmail.com); [jesse.barbarycoast@gmail.com](mailto:jesse.barbarycoast@gmail.com); [brendan@hallinan-law.com](mailto:brendan@hallinan-law.com)  
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**Subject:** SUPPLEMENTAL APPEAL LETTER: Conditional Use Authorization Appeal - Proposed 2161-2165 Irving Street Project - Appeal Hearing on December 5, 2017  
**Date:** Wednesday, November 22, 2017 4:17:35 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

Please find linked below a supplemental appeal letter received by the Office of the Clerk of the Board from Catherine Alioto on behalf of the Appellants regarding the appeal of the Conditional Use Authorization for the proposed project at 2161-2165 Irving Street.

[Appellant Letter - November 22, 2017](#)

**The appeal hearing for this matter is scheduled for a 4:30 p.m. special order before the Board on December 5, 2017.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171188](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

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San Francisco, California

**Catherine Alioto**  
**1320 22<sup>nd</sup> Avenue**  
**San Francisco, CA 94122**  
**cathyalimoto@hotmail.com**

**Sunset Merchants and Neighbors Association**  
**File No. 171188 – Appeal to Conditional Use**  
**Authorization – 2161-2165 Irving Street Project**  
**Tuesday, December 5, 2017 at 4:30pm**

**November 22, 2017**

**To: San Francisco Board of Supervisors**

**From: Catherine Alioto**

**Sunset Merchants & Neighbors Associations**

**Re: File No. 171188 – Appeal of Conditional Use Authorization  
2161-2165 Irving Street Project**

**Table of Contents:**

- 1. Letter of Introduction and my personal appeal**
- 2. Executive Summary Report 2017 from the San Francisco Department Of Public Health**
- 3. UCSF Report “One Minute of Second-Hand Marijuana Smoke Impairs Cardiovascular Function”**
- 4. Map – showing Pre-Schools, Elementary Schools, Middle Schools & High Schools and there walking distance to proposed MCD. (There will Be clarification in regards to the map by one of our speakers)**

**November 22, 2017**

**Dear San Francisco Board of Supervisors;**

**My name is Catherine Alioto. My husband and I have lived at 22<sup>nd</sup> Avenue and Irving Street for over 43 years. We are homeowners and used to have a small business in San Francisco for 28 years. (Paradise Pizza & Pasta) We have raised 3 incredible children here who all went to local schools. We presently have 2 granddaughters who also go to local schools. All our kids live in San Francisco.**

**We understand that Marijuana is now legal, and feel strongly about the Medicinal use of Marijuana, having several immediate family members die from Cancer.**

**We both also feel that you all have a very important job in regards to the rules, regulations and locations for the Marijuana Dispensaries. We do not envy you with this task.**

**We feel that the MCD that is proposed at 2161-2165 Irving Street is not the right location for this store. This is a very busy corridor of the outer Sunset and lots of children frequent this area of Irving. About 6 weeks ago, Montessori Academy just opened at 22<sup>nd</sup> Avenue and Irving Street. We are aware that pre-schools are not included in the buffer zone, but we would appreciate it if you would include pre-schools in your regulations. There is also an "Urgent Care" facility opening right next door to the proposed MCD. This is something that the neighborhood is looking forward to.**

**The majority of the residents within the 600 feet diameter do not want a MCD in this location.**

**We all want a Safe and friendly place for our children, and we feel that way about Irving Street now.**

**Thank you for listening and taking the time to read the information that I have included in this presentation.**

**Please keep our children and neighborhood a safe place. Please consider added pre-schools to the buffer zone.**

**Sincerely,**

A handwritten signature in cursive script that reads "Catherine Alioto".

**Catherine Alioto**

**Sunset Merchants and Neighbors Association**



# Cannabis Legalization in San Francisco

- A Health Impact Assessment



Office of Policy and Planning  
San Francisco Department of Public Health

Executive  
Summary Report  
Fall 2017

The Centers for Disease Control and Prevention (CDC)  
provided funding for this work through the Health Impact  
Assessment to Foster Healthy Community Design grant.  
2869





## Executive Summary

On November 8, 2016, California voters passed Proposition 64, the "Adult Use of Marijuana Act". This proposition made it legal for individuals age 21 and older to use, possess, and make non-medical cannabis available for retail sale.<sup>a</sup> While the legalization of cannabis may have direct benefits to communities, from the regulation and taxation of cannabis sales to the substance's continued de-criminalization, the public health impacts of legalization are lessor known. The legalization of adult use cannabis is relatively new in the United States and therefore there is limited and conflicting evidence on its public health implications.

This report assesses the most up-to-date information and draws together evidence from multiple sources to better understand the potential health impacts associated with cannabis legalization in San Francisco. The report aims to help inform discussions on the legalization process and provide a health lens to more fully understand its implications. This report uses a health impact assessment (HIA) framework to evaluate any potential negative health impacts or harms to communities from legalization and strategies for their preventions and/or mitigation. The following goals were used to provide an overall structure to guide the project:

- Prevent youth access and exposure to cannabis
- Minimize potential harms to communities from cannabis use
- Prevent the renormalization of tobacco product use and reverse of declining use rates
- Ensure perceptions of cannabis recognize risks associated with use

Based on these goals, the following research question was formulated for the analysis: What are the health impacts of *adult use cannabis retailers* on San Francisco communities? More specifically, the report wanted to evaluate: How does the density of and proximity to adult use cannabis retailers impact youth exposure and neighborhood quality of life<sup>b</sup>? And how does allowing onsite consumption of adult use cannabis impact youth exposure and neighborhood quality of life? For the latter question, evidence in the literature was sparse and key informant feedback was somewhat limited, thus it was not a focal point of the report.

<sup>a</sup>. The proposition allows the possession, transportation, purchasing and consuming up to one ounce of adult use cannabis and eight grams of adult use cannabis concentrates, and allows personal cultivation for up to six plants in a private residence.

<sup>b</sup>. Neighborhood quality of life refers to issues such as crime, nuisances (e.g. noise, double parking, etc.), and traffic related injuries (e.g. pedestrian, bike, and vehicle-related injuries).

### This report was prepared by

The San Francisco Department of Public Health  
The Health Impact Assessment (HIA) Program  
HIA Project Director: Cynthia Comerford  
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### Acknowledgments

San Francisco Department of Public Health (SFDPH) provided funding for staff to participate in this project.

The Centers for Disease Control and Prevention (CDC) provided funding for this project through a Health Impact Assessment grant (CDC.RFA.EH11.1104).

Colleagues and organizations were generous with their time and ideas.



This assessment draws together evidence from multiple different data sources to develop a holistic understanding of the health impacts associated with cannabis legalization in order to answer the aforementioned research questions. Data sources included epidemiological data, scientific literature, expert and key informant opinions collected from interviews and focus groups, and diverse quantitative indicators associated with health and the neighborhood environment. These data sources were analyzed for population wide trends and stratified to examine potential disproportionate impacts of different sub-populations (e.g. by age, race/ethnicity) in following with the goals of the report. Since adult use cannabis in the United States is an emerging industry and there was limited evidence about specialized cannabis services such as onsite consumption.

The following sections of this executive summary highlight cross-cutting key findings identified throughout the different analyses, and provide recommendations for mitigating the impacts documented by the findings.

SECTION 1

## Cross-cutting Key Findings

### Disproportional Impacts

Certain communities, especially communities of color, are disproportionately impacted by the location of existing medical cannabis dispensaries (MCDs), current cannabis youth use rates, and negative health outcomes associated with cannabis use.

**Youth Cannabis Use Rates:** According to data from the Youth Risk Behavior Survey (YRBS), Black/African Americans, Native Hawaiian/other Pacific Islander, and Latino/Hispanic middle schools students in San Francisco have the highest reported cannabis use rates among racial/ethnic groups. Among San Francisco high school students, American Indian/Alaska Native, Black and African Americans, and Whites have the highest rates of current cannabis use among racial/ethnic groups. Both local key informants and focus group participants in this study noted that there is low perception of risk associated with cannabis use among youth. This follows nationwide trends of decreasing perceptions of risk associated with cannabis use among youth.<sup>1</sup>

**MCD Locations:** Land use planning and zoning can influence location and density of retail in the built environment, which may impact health. The densities of alcohol and tobacco retailers have been found to influence youth

exposure to these substances and have been associated with other community health harms. These retail types have also been found to disproportionately impact certain communities and concentrate in low income communities of color. Increasing evidence suggest that MCDs and adult use retailers could have similar impacts. In San Francisco, MCDs are not spread throughout the city evenly, with 64% of dispensaries operating in just four neighborhoods (South of Market, Mission, Outer Mission and Financial District). The areas surrounding MCDs were found to have higher poverty rates and higher concentrations of people of color in comparison to areas without MCDs. Specifically, areas around MCDs were more likely to have higher percentages of Black/African American and Latino/Hispanic populations.

Historically in the United States, specific land use policies have contributed to negative impacts on communities, especially low income communities and communities of color.<sup>2</sup> In San Francisco, these policies have led to many different issues, including creating neighborhoods with high densities of alcohol and tobacco retailers. The location of these retailers are influenced by zoning laws specifying where commercial uses can locate, which are often in denser parts of the city with large populations of low-income residents and residents of color. The location of MCDs may be following these distributional patterns due to current zoning laws, and concentrating in select neighborhoods. Of note, even though many areas of the City allow for MCDs based on current zoning rules, community organization and participation in the approval process can have significant impact and varies by neighborhood.

**Cannabis Related Hospitalizations:** According to California State hospitalization data, Black/African Americans in San Francisco have the highest cannabis-related hospitalizations and emergency room (ER) visits rates compared to other racial/ethnic groups in the city. Between 2010 and 2015, Black/African Americans had 5.8 times the age-adjusted hospitalization rate and 5.2 times the ER visit rate as the overall city population.

Based on the key informant interviews and focus groups in this study, none of the stakeholders representing organizations serving communities of color, or living in these communities, believed cannabis legalization would benefit communities of color, and instead would have a negative impact and exacerbate current conditions. They specified that cannabis retailers would concentrate in these communities and place vulnerable residents at risk (e.g. youth), and that existing residents would not be able to access economic opportunities afforded by the new market (e.g. ownership of retailers).

### Concerns about Cannabis Edibles

The majority of cities and states that have legalized adult



use cannabis have experienced health impacts with the initial roll out of edibles from adult retailers, with data demonstrating increases in emergency room visits for poisonings associated with the ingestion of edibles following legalization.<sup>c</sup> This issue was also a top concern among key stakeholders in this study, especially among physicians addressing substance use disorders. While cannabis-related hospitalizations are still much lower than the hospitalization rates for alcohol use disorder, San Francisco has observed a significant increase in the rates of hospitalizations and ER visits related to cannabis poisonings over the past ten years according to California State hospitalization data. Between 2006-2010 and 2011-2015, the rate of hospitalizations for cannabis-related poisonings increased 137%, with hospitalization counts increasing from 21 to 52. For the same time period, the rate of ER visits increased 88%, with ER visit counts increasing from 133 to 251.



### Youth Normalization and Advertising

Advertising is an important driver for normalizing substance use behaviors, with research demonstrating that youth and young adults are strongly influenced by heavily-advertised products. Research on effects of tobacco advertising could be instructive for understanding the potential impacts from allowing different types of cannabis advertising on youth. According to the US Surgeon General, tobacco advertising, including branding, imagery, event sponsorship, and marketing campaigns, cause the onset and progression to smoking among young people<sup>6, 7</sup>. Even minimal exposure to tobacco advertising can positively influence youth attitudes and perceptions on smoking.<sup>8</sup> Cannabis-focused advertising is occurring throughout San Francisco and already being seen as a problem by stakeholders who participated in this report. Responsible advertising is key to reducing underage use of cannabis and has been shown to be an effective substance use prevention strategy. Restrictions of advertising are recognized by the World Health Organization as one of the most effective strategies for reducing tobacco product use, with complete marketing bans proving to be the most effective.<sup>9</sup>

c. Drug poisoning refers to a state of major disturbance of consciousness level, vital functions, and behavior following the administration in excessive dosage (deliberate or accidentally) of a psychoactive substance. The risk for acute toxicity of cannabinoids is considered to be low and there are no reports of fatal overdoses in the epidemiological literature from cannabis. The most common acute adverse effects of cannabis include anxiety, panic reactions, and psychotic symptoms. There are reports of cannabis intake resulting in coma in children, and in other cases, resulting in cardiac arrhythmia, acute myocardial infarction, and transitory ischemic attack.<sup>10-12</sup>

## Recommendations

1. **Take a measured approach to regulating adult-use cannabis.** The City should consider taking a measured approach in regulating the entry of new adult use cannabis retailers and the different adult use cannabis modalities (i.e. on-site consumption, delivery). This will allow for the evaluation of each modality and the ability to create a feedback loop to inform the next phase of licensing. This approach should consider:

Ensuring current health protective laws, like tobacco regulations and clean air rules, are not reversed.

For new adult-use cannabis retailers, after the initial licensing phase, consider instituting mechanisms that would assure only the numbers of outlets needed to serve the market are opened and prevent the over-concentration of retailers in neighborhoods. Mechanisms that exist include density ordinances and de-concentration ordinances.

For on-site consumption, delivery, and accessory use consider having a substantial evaluative approach in order to assess emerging social and public health impacts.

A social equity lens should guide the development and evaluation of these new modalities, and provide input on future land use and licensing regulations. Policies should consider communities currently disproportionately and negatively impacted by issues associated with substance use and other related health harms.

2. **Implement a robust public educational campaign.** The City should consider a robust public educational campaign that addresses cannabis legalization and cannabis use across the lifespan that encompasses targeted messages for different sub-population, including pregnant women, children, parents and seniors (e.g. for children it should focus on delay the age of the initiation of cannabis use). All public educational campaigns should be fact-based and highlight potential risks for cannabis, but not overstate negative health outcomes. This campaign should begin early- ideally the same time as permits are issued for adult use retail. If funding for public health prevention and for educational campaigns is dependent on an excise tax, there should be a mechanism to ensure upfront funding is provided (e.g. loan from the general fund) to prevent any delays in the initiative.
3. **Integrate cannabis into youth prevention programming.** The City should consider providing youth substance use prevention programming and integrate



cannabis-specific health education into current health education that leverages existing resources. Education on cannabis should start early (middle school) and should take a non-punitive approach that focuses on reducing the negative impacts associated with drug use. Programming should include peer-to-peer education modalities, especially at the high school levels.

- 4. Address potential disproportionate impacts to communities.** When considering approaches for permitting adult use retailers, especially in communities experiencing high rates of substance use disorders and other health disparities, the City should consider robust community education and ensure engagement processes be put in place. Historically, government public input processes favor communities that are familiar with civic decision-making processes and can actively and continuously engage, leaving neighborhoods without the same experience and resources underrepresented. Underrepresented communities are more likely to be the same ones that could be vulnerable to any potential negative impacts of legalization, and have been shown to be at risk for the concentration of medical cannabis dispensaries and other types of retail that are associated community health harms (e.g. tobacco and alcohol retailers). There are several potential options that would lend themselves to community protections:

*Consider providing preventative outreach that aims to enhance stakeholder engagement to make sure that regulations are relevant for their specific neighborhood. The stakeholder engagement should take a people-centered planning approach where residents, businesses, and city agencies work together to actively shape the cannabis landscape for their neighborhoods. It would be important to be inclusive of communities that are low-income, have high rates of violent crime, high density of alcohol and tobacco outlets and high rates of substance use disorders.*

*Consider community factors related to health during the approval process for adult use retailer permits. Factors such as low-income levels, density of alcohol and tobacco outlets, and rates of substance use disorders should be considered in the decision to issue a permit.*

- 5. Strong regulation of cannabis edibles.** The City should consider strong regulations for cannabis edibles and implement and enforce all state rules, including limiting the concentration of THC, requiring clear and simple instructions on how to safely consume, and prohibiting products that appeal to children (e.g. candy). Efforts to augment state rules, could include requiring all products should come in plain, sealed, and in re-sealable packaging with sufficient warnings. Explore the use of active

public health surveillance to monitor for incidences of poisonings and accidental overdoses, including strategies that leverage Poison Center data.

- 6. Develop advertising standards to protect youth and work to avoid creating social norms.** The City should consider regulating cannabis advertisements, as is currently done for alcohol and tobacco products. This could include a range of options such as working with the cannabis industry and other key stakeholders to adopt and comply with self-regulatory standards to reduce the extent to which cannabis advertising targets youth by both placement and content. Additionally, options could be explored for legally restricting advertising in youth-centered locations. While evidence is somewhat limited with cannabis, making consumption of tobacco less socially acceptable has been a major lesson of tobacco control over past decades. Prohibiting or reducing on-site consumption, as with tobacco, may also help to avoid creating social norms of acceptability of cannabis consumption.

The following section provides an Appendix with a summary of the relevant analyses from data generated from the literature review, key informant interviews, focus group interviews, youth survey information and baseline conditions of MCDs. Details about the methodology and an expanded explanation and discussion of the findings of this study are detailed in the full report (forthcoming November 2017).

# Appendix A

## Summary of Key Analyses: Literature Review, Youth Survey Data, Youth Focus Groups, MCD Location Analysis, ER and Hospitalization Trends, Key Informant and Thematic Analysis, and Outside Jurisdiction Interviews

Literature Review: Findings on legalized cannabis in other jurisdictions

### Methods

The literature review was conducted on key topics related to the assessment focus, including: health impacts of cannabis use, impacts associated with medical cannabis dispensaries, impacts associated with retail-locations allowing on-site use, and impacts from legalized recreational cannabis use on youth. The review primarily used systematic reviews when available, and individual peer-reviewed studies and impact analyses when systematic reviews were unavailable. **Please note that both research and regulations for cannabis use are rapidly evolving and the information presented in this review may not align with the information most currently available**

### Findings

- Systemic literature reviews found moderate to substantial evidence demonstrating the association between cannabis use and multiple health and social outcomes, including: worse respiratory symptoms, lower infant birth weight, development of schizophrenia, impaired performance in cognitive domains of learning, memory, and attention, and increased the risk for developing substance dependence.<sup>10</sup>
- Individual state monitoring reports have noticed increasing trends of cannabis related hospitalizations, increase in emergency department visits and increase calls to poison control mentioning human cannabis exposure increasing.
- The scientific literature examining the impacts of cannabis retailers and medical cannabis dispensaries (MCDs) is extremely limited, provides mixed findings, and focuses predominantly on MCDs. Studies examining MCD and retailer impacts have found that, similar to the impacts of alcohol and tobacco outlets, their proximity to and/or density within communities is positively associated with current cannabis use<sup>11</sup>, recent cannabis use by certain adolescents groups (8<sup>th</sup> and 10<sup>th</sup> graders)<sup>12</sup>, lower age of cannabis use onset<sup>13</sup>, cannabis use disorder hospitalizations<sup>14</sup>, and frequency of child physical abuse.<sup>15</sup> Recent studies have also found that neighborhoods with lower household incomes, higher proportion of racial and ethnic minorities, higher crime, or greater density of on premise alcohol outlets have a greater density of MCDs.<sup>16,17</sup>
- A recent study of Colorado adult use cannabis retailers found that stores were more likely to located in neighborhoods with lower proportions of young people, higher proportions of racial



and ethnic minority population, lower household incomes, higher crime rates, or greater densities of on premise alcohol outlets.<sup>18</sup>

- Conversely, some studies have also found no association between the density of medical cannabis dispensaries and specific issues such as violent or property crimes<sup>19</sup>, recent cannabis use by certain adolescents groups (12<sup>th</sup> graders)<sup>12</sup>, or lifetime cannabis use.<sup>11</sup>
- Literature on the impacts of onsite use of cannabis is sparse, in part, because this form of use is illegal in most places. No systematic reviews were identified, and the journal articles that were found focused on the impacts of sites in the Netherlands. These studies showed conflicting findings on the overall impact of onsite use locations in surrounding communities.<sup>20,21</sup>
- The scientific literature on the impacts of alcohol outlets is substantially more robust than the cannabis literature and may provide insight into their potential impacts. Multiple systematic reviews have found that increases in outlet density is positively associated with increases in alcohol consumption and alcohol related harms, including, but not limited to crime, injuries and alcohol misuse.<sup>22–24</sup> Alcohol outlets are also disproportionately located in certain communities, with neighborhoods that have lower household incomes and greater proportions of ethnic and racial minorities having greater outlet densities.<sup>25,26</sup> For tobacco retailers, higher densities have shown to influence minors' perception of acceptability, availability, enforcement, as well as their likelihood of purchasing their own products.<sup>27,27–31</sup>

## Youth Risk Behavioral Survey: Existing Conditions

### Methods

Cannabis use among youth can have significant health and social impacts.<sup>4,10,32</sup> Youth who use cannabis regularly are more likely to have a hard time learning, problems remembering and lower math and reading scores. Cannabis can be addictive and it harder for youth to stop if they start at a young age. This analysis examines cannabis use patterns among San Francisco Unified School District middle and high school students between 2009 and 2015 using survey data gathered using the Youth Risk Behavior Survey (YRBS). The survey asks students questions on a variety of different health behaviors, including substance use. The survey is administered to a random sample of classes at the middle and high school levels, and has an average sample size across of approximately 2,000 students per survey. The data collected provides insights into cannabis use patterns in youth and whether there are disparities by gender, race/ethnicity, and sexual orientation.

### Findings

#### *Middle School Students*

##### **Cannabis**

Between 2008 and 2014:

- The percentage of students who have ever used cannabis has remained relatively stable. In 2014, 6.9% of students reporting using cannabis.
- Males and females have similar rates of cannabis use.



- Among racial/ethnic groups, Black/African American, Native Hawaiian/other Pacific Islander, and Latino/Hispanic groups reported having the highest percentages that ever used cannabis, with rates of 22.7%, 21.6% and 16.2%, respectively.
- Students who self-identify as Gay, Lesbian, or Bisexual had the highest percentage of reporting to have ever used cannabis among sexual orientation groups, with rates of 32.7%.

## Tobacco

Between 2008 and 2014:

- Cigarette use has declined as measured by the percent that have ever smoked (from 15.7% to 8.7%), smoked before age 11 (from 4.3% to 1.9%), and current use (from 4.7% to 1.8%)
- Males and females have similar rates of smoking.
- Black and African Americans and Latino/Hispanic have the highest rates of current cigarette use among racial/ethnic groups, with rates of 5.7% and 4.8%, respectively.
- Students who self-identify as Gay, Lesbian, or Bisexual had the highest current cigarette use among sexual orientation groups, with rates of 19% (2008-2014)

## Vapor Products

- In 2014, 8% of middle school students reported currently using vapor products. The survey question does not specify if products are cannabis or tobacco.

High School Students

## Cannabis

Between 2009 and 2015:

- The percentage of students who have ever used cannabis has remained relatively stable. In 2014, 28.7% of students reporting using cannabis. This rate is lower than the most recent national rates, where 40.7% of high school students reported having ever used cannabis. Additionally, San Francisco's high school student use rate is lower than rates in states that have legalized recreational cannabis. In 2015, approximately 38% of Colorado high school students report having ever used cannabis. While the legalization of the recreational cannabis market has not been open long enough to reliably evaluate its health consequences, there have been several initial post-impact analyses of legalization in Washington, Colorado, Oregon, and Alaska.<sup>33-37</sup> Data show that legalization has not had a demonstrated impact on overall use rates and risk perception. Among different youth age groups in Colorado, Washington, Oregon and Alaska, survey data suggests that use rates (last 30 days and lifetime use) have remained stable or slightly decreased following legalization.<sup>35 31, 57, 58</sup>
- Males and females have similar rates of cannabis use.
- American Indian/Alaska Native, Black and African Americans, and Whites have the highest rates of current cannabis use among racial/ethnic groups, with rates of 49.2% (large MOE), 37.4%, and 34.5%, respectively. Latina/Hispanic and Native Hawaiian/other Pacific Islander also had high than average rates, with 29.3% and 27.2% reporting current cannabis use.
- Students who self-identify as Gay/Lesbian or Bisexual have the highest percentages of current cannabis use among sexual orientation groups, with rates of 28.0% and 37.2%, respectively.

## Tobacco



Between 2009 and 2015:

- Cigarette use has declined as measured by the percent that have ever smoked (from 35.6% to 24.4%), smoked before age 13 (from 8.5% to 5.4%), and current use (from 10.4% to 5.4%)
- Males and females have similar rates of smoking
- Native Hawaiian/other Pacific Islander, White, Latino/Hispanic, and Black and African Americans have the highest rates of current cigarette use among racial/ethnic groups, with rates of 24.2% (had large MOE), 18.9%, 11.7%, and 11%, respectively.
- Students who self-identify as Gay/Lesbian or Bisexual had the highest current cigarette use among sexual orientation groups, with rates of 24.8% and 22.8 %, respectively.

#### Vapor Products

- In 2015, 13% of high school students reported currently using vapor products. The survey question does not specify if products are cannabis or tobacco.

### Youth Focus Group on Cannabis Legalization

#### Methods

An hour-length focus group was conducted with 14 local youth age 14 to 22 using a semi-structured question guide. The focus group transcripts were then analyzed for key themes, which were identified based on the number of focus group subjects who mentioned them.

#### Findings

##### Current Environment Key Themes:

- There are concerns about the health impacts, but also information isn't provided about what they are.
- Cannabis is easy to access and use is normalized and associated with being chill/cool
- Cannabis use starts early, with some youth using it to cope with life stressors
  - "I'm scared about how young students are when they start using. They don't have the information about the issue because they're starting so young"
  - "Some people smoke to cope with different emotions and struggles in life. Sometimes cannabis makes it even worse".
- MCD are seen as having a negative impacts on neighborhoods: They are not benefiting communities, increasing in presence, and they disproportionately located in communities of color.
  - "Community members are influenced by stores located near them. Just like how liquor stores lead to more smoking, obesity. People of color are not benefiting from these dispensaries."

##### Future Environment Key Themes:

- Legalization will not benefit communities of color and instead have a negative impact.
- Subjects specified fears of criminalization of youth and that legalization will increase exposure, use, and normalization of cannabis.





### Youth Focus Group Recommendations:

- Provide education on health risks and on what the rules are.
  - “Need education around regulations. There wasn’t enough information about new tobacco laws that passed and people got in trouble without even know what rules they were breaking.
- Provide Education at an early age and ensure parents are included as well
  - Incorporate harm reduction and peer-to-peer approaches
    - “Peer on peer education that includes people of color. You need to ensure educators reflect the students they are educating”
- Provide restorative programs and policies: clear records of imprisoned, less criminalization of youth, provide opportunities to ownership for communities of color
- Ensure there rules for dispensaries: buffer from schools, no concentrating in communities of color
  - “Can’t keep placing dispensaries in our communities. The dispensaries need to be spread out and not concentrated in one area”

### Medical Cannabis Dispensaries in San Francisco: Existing Conditions

#### Methods

The literature demonstrates that land use types like MCDs, cannabis retailers, and retailers associated with community harms (e.g. alcohol outlets) often concentrate in low income communities and communities of color and can influence youth exposure to harmful substances. The following analysis examines whether these distributional patterns are being reproduced in San Francisco with MCDs, and how the current proposal to change land use restrictions overseeing MCDs and cannabis retailers (per Ordinance 171041, as introduced Sept 26, 2017) could impact that distribution. The geographic analyses were conducted using the most recently available data from San Francisco Department of Public Health (SFDPH), San Francisco Department of City Planning (SF Planning), American Community Survey (ACS) and California Department of Education (CDE) and sought to examine three main questions:

- (1) Where are MCDs (excluding delivery-only locations) currently operating in San Francisco?
- (2) Based on current San Francisco land use regulations, what areas are currently zoned for new MCDs?
- (3) What are the demographic characteristics in areas with MCDs and areas that are currently zoned for new MCDs?

#### Findings

- As of August 2017, there are a total of 28 licensed MCDs (excludes delivery only licensed MCDs, n=10) operating in San Francisco.
- MCDs are not spread throughout the City evenly, with several neighborhoods and supervisorial districts containing a disproportionate share of MCDs in operation. MCDs are located in 12 different neighborhoods, with 64% operating in just four neighborhoods: South of Market (8), Mission (4), Outer Mission (3), and Financial District (3). MCDs are located in 10 of the 11 supervisorial districts, with 68% operating in just three districts: District 6 (11), District 9 (5), and District 11 (3).



- MCDs follow a similar distributional patterns as alcohol outlets and tobacco retailers throughout San Francisco. The neighborhoods with some of the highest concentrations of MCDs, SOMA, Mission, and the Financial District were also the neighborhoods with some of the highest densities of alcohol outlets and tobacco retailers. Of note, MCDs were found to concentrate to a high degree in SOMA, Financial District, and Outer Mission in comparison with alcohol and tobacco retailers.
- Similar to the geographic distribution of MCDs, areas zoned to allow dispensaries are not distributed equally across the city. Three neighborhoods contain 46% of the zoned area that allow for new MCDs to open: South of Market with 19.5% of total MCD zoned areas, Financial District with 15.7%, and North Beach with 10.4%. By Supervisorial District, three districts account for 63% of area zoned for new MCDs: District 3 (21.0%), District 6 (30.0%), and District 10 (12.0%).
- Areas surrounding MCDs were found to have higher poverty rates (35.1% vs 27.0%) and higher concentrations of people of color (64.4% vs 58.5%) in comparison to areas without MCDs. There were differences in the percentage of youth populations between the two areas, with areas without an MCD having a lower percentage of youth population (11.4% vs. 13.5%)
- When examining by specific racial/ethnic categories, the areas surrounding MCDs were more likely to have higher percentages of Black/African American (6.8% vs 5.3%) and Latino/Hispanic (19.9% vs. 15.1%) populations compared to areas without MCDs. Inversely, areas with MCDs have lower percentages of White populations compared to areas without MCDs (35.6% vs. 41.5%).
- Areas surrounding areas zoned for MCDs (“green zone”) not within 1,000 feet of schools were found to have higher rates of poverty (29.8% vs 25.9%), but similar percentages of people of color (59.2% vs 58.5%). There were differences in the percentage of youth populations between the two areas, with areas not containing green zone areas having a lower percentage of youth population (12.0% vs. 14.3%).
- Under the proposed rules under Ordinance 171041 (as introduced 9/26/17) to expand the green zone (excluding PDR zoning allowances), South of Market, Financial District, and Downtown/Civic Center would have the most area zoned for MCDs and cannabis retailers and would contain 43.1% of the proposed additions to the green zone. Areas surrounding the proposed green zones were found to have higher rates of poverty (30.6% vs 23.2%), similar percentages of people of color (58% vs 58%), and a lower percentage of youth (11.9% vs 15.4%). By race/ethnicity, there would be similar proportions of African American, and White, and differences in the percentage of Asian (32% vs 35%) and Latinos (16% vs 13%).

## Cannabis-Related Hospitalization and Emergency Department: Existing Conditions

### Methods

Hospitalizations and emergency room (ER) from cannabis use disorder and poisonings are potential health outcomes associated with cannabis use.<sup>10,40</sup> This analysis examines the burden of cannabis-related hospitalizations and emergency room (ER) visits among San Francisco residents, as measured by hospitalizations and ER visits where cannabis could be a causal, contributing, or coexisting factor noted by the physician during the ER visit or hospitalization. Hospitalizations and ER visits were included if they had a cannabis-related ICD-9 code (E854.1, 969.6, 305.20-305.230-305.20-305.233) in one or more of the diagnostic fields (one primary field, and up-to 24 other diagnosis can be noted) or injury field (one



primary injury code, and up to 4 other injury codes can be noted). Hospitalization and ER data was obtained from the Office of State Health Planning and Development (OSHPD). **Please note that cannabis may not be a causal reason for the hospitalizations or ER visits in the analysis.**

### Findings

- Hospitalizations and ER visits with cannabis-related primary diagnosis represent a very small fraction of cannabis-related cases. Between 2010 and 2015, 1% of all cannabis-related hospitalizations and an estimated 10% of all cannabis-related ER visits had cannabis-related primary diagnoses.
- Cannabis use disorder diagnoses are responsible for most cannabis-related hospitalizations and ER visits where cannabis-related ICD-9 codes are present in any diagnosis field. Between 2010 and 2015, cannabis use disorder diagnoses accounted for an estimated 99% of all cannabis-related hospitalizations and 95% of all cannabis-related ER visits.
- Among cannabis-related hospitalizations and ER visits with cannabis-related primary diagnosis, cannabis poisonings accounted for 68% of hospitalizations and 40% of ER visits.
- Between 2006-2010 and 2011-2015, cannabis-related hospitalizations and ER visits increased substantially. Hospitalization counts increased 50%, the percentage of hospitalizations increased 45%, and age-adjusted rates increased 45%. ER visit counts increased 185%, the percentage ER visits increased 140%, and age-adjusted rates increased 180%.
- By sex, males had the highest cannabis-related hospitalizations and ER visits rates. Between 2010 and 2015, males had 1.8 times the age-adjusted hospitalization rate and 2.1 times the ER visit rate as females.
- By race and ethnicity, Black and African Americans had the highest cannabis-related hospitalizations and ER visits rates. Between 2010 and 2015, Black and African Americans had 5.8 times the age-adjusted hospitalization rate and 5.2 times the ER visit rate as the overall population.
- Young adults age 18-20 and adults age 21-24 had the highest hospitalization and ER rates among all age groups. Between 2011 and 2015, these age groups had hospitalization rates about two times the overall cannabis hospitalizations rate, and ER rates over three times the overall cannabis ER visit rates.
- When examined by cause, cannabis use disorder was the primary drivers of most age-specific rates and counts of hospitalizations and ER Visits. Among those ages 0-4, cannabis-related poisonings accounted for all hospitalizations and most ER visits.
- Residents from zip codes 94102 (Downtown Civic Center, Western Addition) and 94103 (South of Market, Mission, Financial District, Mission Bay) had the highest hospitalization rates for cannabis, with rates of 29 hospitalizations per 1,000 total hospitalizations and 30 hospitalizations per 1,000 total hospitalizations.
- Residents from zip codes 94104 (Financial District) and 94117 (Haight Ashbury, Western Addition) had the highest ER visit rates for cannabis, with rates of 8.3 visits per 1,000 total ER visits and 11.6 visits per 1,000 total ER visits.
- Primary diagnoses were examined for hospitalizations where cannabis-related diagnosis was not listed a primary diagnosis. The prevalence of the primary diagnosis category *mental illness* was over five-fold higher among cannabis-related hospitalizations compared to hospitalizations without cannabis-related diagnosis.



- The primary diagnoses were also examined for ER visits where cannabis-related diagnosis was not listed a primary diagnosis. The prevalence of the primary diagnosis category *mental illness* was over two-fold higher among cannabis-related ER visits compared to ER visits without cannabis-related diagnosis.
- Overall, cannabis-related hospitalizations in San Francisco are still much lower than the hospitalization rates for alcohol use disorder. Between 2012 and 2014, age-adjusted hospitalizations due to alcohol use disorder in adults, age 18-plus, was 8.37 per 10,000 residents<sup>a</sup>. In comparison, between 2011 and 2015, the hospitalizations rate where cannabis was a primary diagnosis was 0.11 per 10,000 residents (notes this estimate includes all age groups).

## San Francisco Key Informant Interviews with on Cannabis Legalization

### Methods

Hour-length structured interviews were conducted with 11 different key informants regarding the current and future impacts of cannabis and recommendations for their mitigation. Key informants included three physicians with focus on substance use issues and cannabis use, two representatives from local regulatory agencies, a neighborhood organization, three youth serving organizations, cannabis/tobacco policy researchers, and a cannabis industry representative. Interview transcripts were analyzed for key themes, which were identified based on the number of informants who mentioned them.

### Findings

#### Current Environment Key Themes:

- There are negative impacts to individuals from use, especially cognitive impacts on youth. There are disparities in these impacts, especially by age and race.
  - According to a substance use physician, “Though 6% of the population is black, they account for 20-30% of treatment population in every addiction treatment program in the City”.
  - There is a low perception of risk about the harms associated with cannabis use.
- According to a substance use physician, “Marijuana is seen as natural, nicotine isn’t. Pills aren’t natural, but marijuana is. They think of it like basil”
- Key informants had diverse views on Medical Cannabis Dispensaries. Some thought that they had minimal impact on surrounding community (e.g. don’t contribute crime; most adhere to rules; any issues are mostly quality of life issues), some thought they had positive impact on the neighborhood (e.g. improved block; lowered crime through activation and security), and others thought they negatively impacted communities (e.g. cluster in certain neighborhoods; crowd out other retail; attract problem clientele; have normalizing effect on youth)
- According to youth organization key informant: “MCDs are open early in the morning. The exposure to kids when they walk by makes a difference. Cannabis becomes normalized when

<sup>a</sup> Patient Inclusion criteria are: 1) 18 or over at the time of admission, 2) primary diagnosis equal to any of the following ICD9 codes: 291, 2910, 2911, 2912, 2913, 2914, 2915, 2918, 2919, 29181, 29182, 29189, 303, 3030, 3039, 3575, 4255, 5353, 3050, 5710, 5711, 5712, 5713, 7903, 9800, E860, E8600, E8601, and 3) residence in San Francisco at the time of admission.



they walk by it every day. If you see cannabis every day, young people may not realize that it still needs to be consumed responsibly”

- Cannabis is widely available and use is already de-facto legalized
- Several informants noted that some of cannabis’s impacts were not as significant, especially in comparison to other drugs (e.g. cancer risk, addiction).

#### Future Environment Key Themes:

- Almost all key informants raised concerns about the legalization of cannabis. Primary concerns from legalization included:
  - Increase in access and use from increased exposure to cannabis and normalization of use, especially among youth.
    - Accidental overdoses from cannabis products not being properly dosed, labeled, and/or packaged
    - Widespread advertisement campaigns by industry and the targeting of youth and communities of color with marketing and misinformation
      - A youth organization representative noted: “I think about the impact of the tobacco industry, and how young people of color are the target of advertisements, having the product more readily available, and available in more acceptable manner”.
- Impacts of onsite use, especially in relation to smoke exposure and public intoxication
- Impacts on high risk/vulnerable communities. Communities with high rates of mental illness, chronic disease, substance use disorders, violence will be vulnerable to the impacts of legalization and these same communities will be targeted for dispensaries
- Increased influence of cannabis industry/big business leading pressures to roll back regulations, crowding out of small retailers, and more engineered products
- There won’t be legal place to consume cannabis (especially for tourists), leading to unsafe and public consumption
- Several informants specified positive impacts from legalization, including economic benefits, decriminalization of cannabis, and the de-medicalization of cannabis.
- Several informants believed that cannabis legalization won’t have substantial impact because cannabis use is already de-facto legal in San Francisco.
  - According to substance use physician, “95% of people who are going to use cannabis are already using cannabis. There isn’t going to be a huge expansion of it. It’s already been effectively legal and available for 20 years”



### Recommendations Key Themes:

- ◆ Near unanimous agreement for education and awareness of legalization and cannabis's impacts.
  - Education needs to explain the health impacts, especially on youth
  - Education and messaging needs to be fact-based and not be sensational:
    - "We need to break the myth that cannabis is harmless. Education doesn't need to go the reefer madness route. There is enough evidence to make a solid case otherwise"- Researcher
  - Education needs to target both youth and adults, explain legalization and what the rules are, educate parents how to talk to youth, focus on targeting youth early, focus on de-normalizing use, and use peer-led models for youth education.
    - According to a school official: "It's confusing to students and students need to understand that it's not allowed and they need to be informed about what the law is."
- Near unanimous agreement for restrictions for retailers, especially to ensure they don't disproportionately impact low-income communities, communities of color, and communities with high health-risks (e.g. substance use issues, violence, chronic disease).
  - Provide land-use restrictions, including rules on: anti-clustering, anti-density, sensitive site buffers (e.g. schools, youth serving facilities)
  - Provide operating hours for retailers
- If onsite use is allowed, provide rules on enhanced ventilation
- There needs to be interdepartmental coordination, especially to ensure consistent application of rules and consistent messaging.
- Most suggested that, overall, rulemaking should initially take a "restrictive approach" and slowly legalize.
  - "We should not repeat the mistakes made with tobacco and alcohol"-Youth Organization
- Some suggestions for liberalized rules (e.g. loosen zoning controls) and to not over regulate or tax.
- Provide prevention and treatment programming, especially for youth, and approaches need to focus on harm reduction and not criminalization.
- There needs to be advertising rules to prevent saturation campaigns, predatory marketing, and youth targeted marketing
- Provide strong product controls, especially with regards to dosing and labeling to prevent accidental overdoses and targeting of youth.

### Outside Jurisdictions Key Informant Interviews with on Cannabis Legalization

#### Methods

Hour-length structured interviews were conducted with health agency representatives from six different government jurisdictions that have legalized recreational cannabis regarding health impacts it has had. Jurisdictions included Washington State, King County, Oregon, Multnomah County, Colorado, and



Denver. Interview transcripts were analyzed for key themes, which were identified based on the number of informants who mentioned them.

### Findings

- Most of the jurisdictions interviewed felt that the retail sales of cannabis were rolled out too quickly and there was not adequate time to prepare. There was also long delay of before prevention funds were ready due to the delay in the excise tax.
- Edible cannabis poisonings was seen as a significant health problem. Many of the jurisdictions wished that they had had better control over the cannabis market with regard to concentration of THC, packaging and availability. None of the places that had legalized cannabis had permitted on-site consumption.
- While most jurisdictions saw a reduction in tobacco use, they stated that there should be no leeway with tobacco laws. Some jurisdictions saw an increase of e-cigarette use.
- Many of the jurisdictions have recommended having very strict advertising laws in place. Places that had legalized adult use cannabis saw rampant advertising and also spoke about many advertising loop-holes being exploited by the cannabis industry.
- Most of the jurisdictions interviewed thought that they had put a successful youth education campaigns in place. Access to these campaigns and materials were available on-line. One jurisdiction had a failed campaign because it overstated the health risk associated with cannabis and warned other jurisdictions not to focus on “dramatic health impacts”.
- Many of the jurisdictions spoke about equity issues that were persistent in the legalization. Many of the residents of places that legalized cannabis felt that starting a cannabis businesses was very expensive and opportunities were limited to the wealthy and non-minorities. Also those inequities were perpetuated in that there were prohibitions against individuals getting cannabis dispensary licenses if owner had prior convictions.
- There were neighborhood issues with the clustering of cannabis dispensaries and it was recommended to have a de-concentration ordinance geared towards reducing density in certain neighbors.
- Many local jurisdictions felt there was a reduction in crime after the legalization of cannabis with the exception of the cannabis retailer being subject to robberies because most of them being cash businesses.
- Most jurisdictions said the number one community complaint was odor. There were also some mentions of the pesticide use and violation of the clean air act.

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# One Minute of Second-Hand Marijuana Smoke Impairs Cardiovascular Function

## Effects Are Like Tobacco's, But Last Three Times Longer

By Leigh Beeson on July 27, 2016

One minute of exposure to second-hand smoke (SHS) from marijuana diminishes blood vessel function to the same extent as tobacco, but the harmful cardiovascular effects last three times longer, according to a new study in rats led by UC San Francisco researchers.

In a healthy animal, increased blood flow prompts arteries to widen, a process known as flow-mediated dilation (FMD). When FMD is compromised, as happens during SHS exposure, blood flow is

impeded, and the risks of heart attack, atherosclerosis and other heart problems increase, said UCSF's Matthew Springer (<http://profiles.ucsf.edu/matthew.springer>), PhD, professor of medicine and senior author of the new study.

"Your blood vessels can carry more blood if they sense that they need to pass more blood to the tissues," Springer said. "They dilate to allow more blood through. But that's inhibited by exposure to smoke."

Previous work by Springer and others has shown that as little as one minute of exposure to tobacco SHS diminishes FMD, but the effects of marijuana SHS hadn't been examined. In the new research, published online in the July 27, 2016, issue of the *Journal of the American Heart Association*, a team of scientists in Springer's laboratory measured rats' FMD, which works similarly to FMD in humans, before and after exposure to both tobacco SHS and marijuana SHS.

The researchers found that rats exposed to marijuana SHS experienced a more than 50 percent reduction in FMD, similar to the reduction in artery function seen in both rats and humans exposed to tobacco smoke in previous studies. As with tobacco, the reduction occurred after just one minute of exposure to SHS from marijuana. However, while rats exposed for one minute to tobacco SHS recover



within 30 minutes – an observation that was reproduced in the new study – one minute of exposure to marijuana SHS still significantly affected FMD 90 minutes after the initial exposure.

The research group used equipment designed to mechanically “smoke” cigarettes and fill a reservoir with the resulting smoke. In a series of experiments using marijuana cigarettes, when the smoke in the collecting chamber was determined to be at a level roughly comparable to those found in restaurants that allow smoking, the rats were exposed to the marijuana smoke.

Using methodology that they developed for previous tobacco studies, the researchers temporarily blocked off blood flow to rats’ legs after they were exposed to SHS. They then let the blood rush back into the arteries and used ultrasound technology to measure the resulting widening of the femoral artery, a vessel similar to the human brachial artery of the arm, where FMD is typically measured in clinical studies.

The study fills a void in SHS research, as marijuana studies are difficult to undertake because of its illicit status and the numerous agencies, such as the Drug Enforcement Agency and the Food and Drug Administration, that must approve the use of the drug in experiments.

“The biggest reason that people believe marijuana second-hand smoke is harmless is because the public health community hasn’t had direct evidence of its harmful effects like it does with tobacco,” Springer said. “We hadn’t done the experiments, so I think there is definitely an underestimation of how harmful marijuana smoke is.”

To ensure the effect on FMD wasn’t a result of smoke from the rolling paper used in marijuana cigarettes or the cannabinoid compounds like tetrahydrocannabinol (THC, the main psychoactive substance in marijuana), the researchers also tested marijuana not rolled in paper and with cannabinoid compounds removed. Arterial function was still impaired in those situations, leading the team to conclude that smoke from burning marijuana plant matter itself caused the decline in FMD.

The rats were likely exposed to less SHS than people at certain rock concerts, such as one Springer attended in 2010, where there were so many people smoking marijuana that there was a haze in the air. This experience prompted his curiosity about whether marijuana SHS was really as benign as people made it out to be.

“It was really interesting to me, and distressing, because all these people in the stands would not tolerate it if the person next to them started smoking a cigarette,” Springer said, “but they were fine with the marijuana.”

Springer’s preliminary findings, presented at the November 2014 American Heart Association Annual Scientific Sessions, helped inspire California Assembly Bill 2300, a proposed law working its way through the State Legislature that would allow landlords to prohibit marijuana smoking—even for medicinal purposes—if smoking is already banned in their building. The medicinal use of marijuana complicates such public policy questions, Springer said, but he believes the current study solidifies the evidence that exposure to marijuana SHS carries risks.

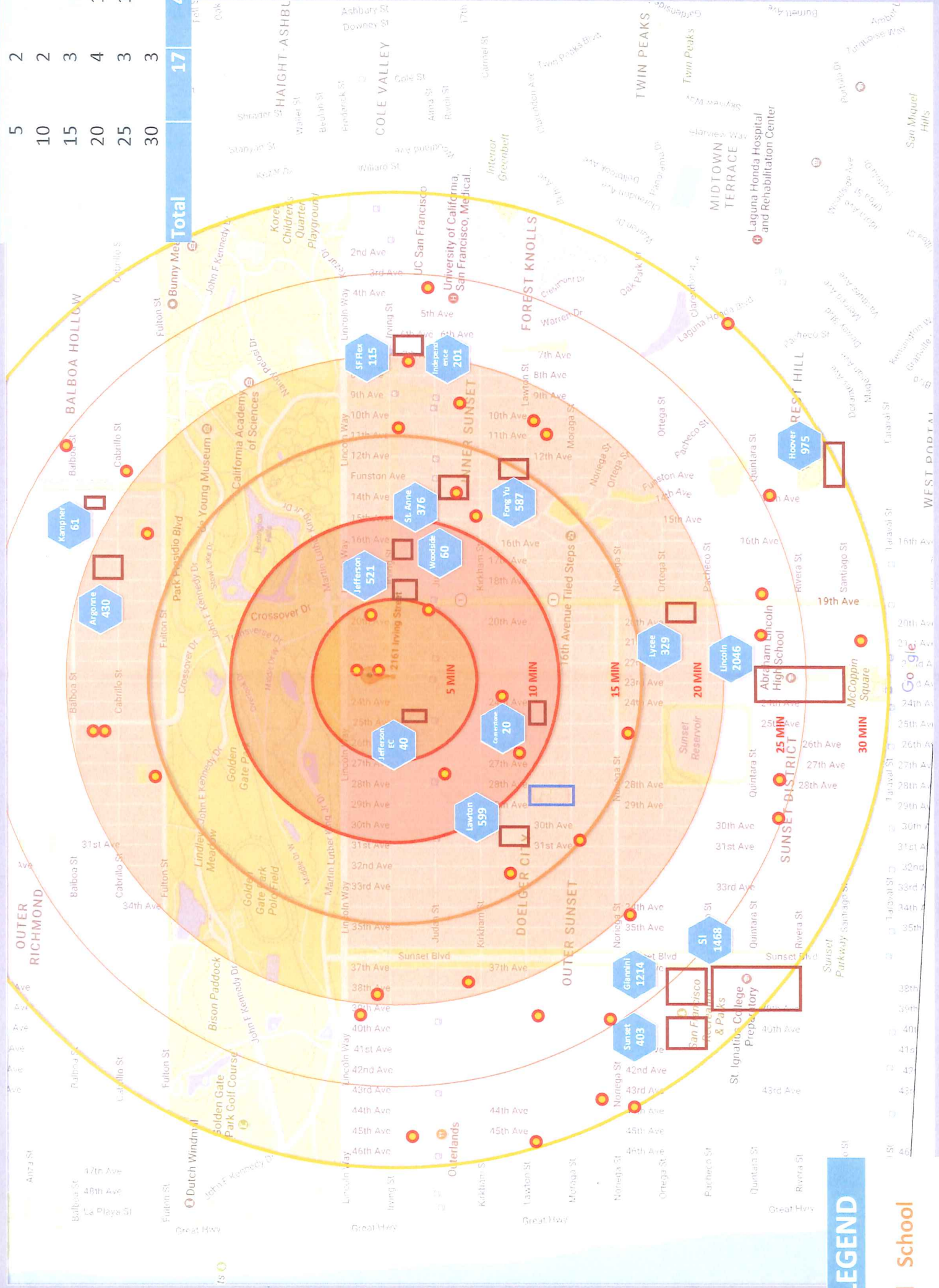
“At this point, we’re saying that inhaling any smoke is detrimental to your health,” Springer said. “I think that people should avoid inhaling smoke whether it’s from tobacco or marijuana cigarettes, forest fires, barbecues—just avoid smoke.”

Study co-authors from Springer's UCSF lab are Xiaoyin Wang (<http://profiles.ucsf.edu/xiaoyin.wang>) , MD; Ronak Derakhshandeh, MS; Jiangtao Liu (<http://profiles.ucsf.edu/jiangtao.liu>) , MD; Shilpa Narayan; Pooneh Nabavizadeh, MD; Stephenie Le; Olivia M. Danforth; Kranthi Pinnamaneni, MD; Hilda J. Rodriguez; Emmy Luu; and Richard E. Sievers. Other UCSF co-authors include Suzaynn F. Schick (<http://profiles.ucsf.edu/suzaynn.schick>) , PhD, assistant adjunct professor of medicine, and Stanton A. Glantz (<http://profiles.ucsf.edu/stanton.glantz>) , PhD, professor of medicine.

The study was funded by the National Institutes of Health's National Institute on Drug Abuse, and the Elfenworks Foundation.

*UCSF is a leading university dedicated to promoting health worldwide through advanced biomedical research, graduate-level education in the life sciences and health professions, and excellence in patient care. It includes top-ranked graduate schools of dentistry, medicine, nursing and pharmacy; a graduate division with nationally renowned programs in basic, biomedical, translational and population sciences; and a preeminent biomedical research enterprise. It also includes UCSF Health, which comprises two top-ranked hospitals, UCSF Medical Center (<http://ucsf.us13.list-manage2.com/track/click?u=e6b057768c79924cab3237922&id=e75794cf2e&e=4d175a5d8c>) and UCSF Benioff Children's Hospital San Francisco (<http://ucsf.us13.list-manage1.com/track/click?u=e6b057768c79924cab3237922&id=229feb288a&e=4d175a5d8c>) , and other partner and affiliated hospitals and healthcare providers throughout the Bay Area.*

Distance (time - min)	School	Pre-K
5	5	4
10	10	3
15	15	5
20	20	11
25	25	11
30	30	7
<b>Total</b>		<b>41</b>



**LEGEND**

- School
- Pre-K

**Locations of Schools in vicinity of proposed site**  
**9445 children enrolled in schools within walking distance**

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Marijuana Dispensary on Irving b/t 22nd and 23d  
**Date:** Monday, November 27, 2017 8:33:02 AM

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**From:** Paul Roscelli [mailto:paulroscelli@comcast.net]  
**Sent:** Sunday, November 26, 2017 1:12 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Marijuana Dispensary on Irving b/t 22nd and 23d

Dear Board

As a long time member of the outer sunset community, I strongly oppose the opening of the Marijuana Dispensary on Irving b/t 22nd and 23d. I do NOT challenge the legality of using marijuana but rather the location of the dispensary in this community, nearby as it will be to so many local businesses, the park and schools and churches. Please reconsider the permit. I have seen what these places have done in other parts of SF—not to mention those who now come from Marin and San Mateo to do what their communities will not allow. I will not support members of the board who endorse this proposal. I will not be able to make the Dec 5th discussion, so I'd appreciate it if you would make my voice heard

Paul Roscelli  
1347 31st Ave SF

"It is difficult to free fools from the chains they revere."  
-- Voltaire

"Go Bears!"--Oski

Retail Property  
Specialists  
California License #00418305



FILE #171188  
BOS-11  
San Francisco and  
The Greater Bay Area

November 25, 2017

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton Goodlett Place, Room 244  
San Francisco, California 94102-4689

RE: case 2016-002424CUA

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 NOV 29 PM 2:30  
AK

Dear Ms. Calvillo,

We represent the property owners at 1800 , 1816, 2048, and 2050 IRVING STREET.

We definitely do not want a marijuana store in the vicinity of the above mentioned properties.

Marijuana smoke will ruin the business of the coffeeshop at 1800 Irving, will ruin the taste of the food at PDQ Restaurant at 1816 Irving, will hurt the clean environment of the Walgreens drug store at 22<sup>nd</sup> and Irving.

**Please do not give them a permit to open a marijuana store at 2161-2165 Irving Street**

Thank you for your consideration

Cordially yours,  
Blatteis Realty Co., Inc.  
Property Manager

By: David Blatteis  
415-321-7488  
dsblatteis@blatteisrealty.com

44 Montgomery Street, Suite 1288, San Francisco, California 94104  
415-321-7488 Fax: 415-981-4986 www.SFRETAIL.NET



# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St

Action petitioned for 3 We, the undersigned, are concerned citizens who urge our leaders to act now to deny a permit for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF  
 14 PAGES

Printed Name	Signature	Address	Date
TERESA DAY		1873.37th AVE SF.	11/25/17
Yim can ng		2170 30th AVE S.F.	11/25/17
stephen c		1479 43rd AVE	11/25/17
Teresa Kwan		1542-42nd AVE S.F.	11/25/17
Alvin Lee		1554-38th AVE. S.F.	11-25-17
APRIL JUNG		1307, 25th AVE. #309 S.F.	11-25-17
PERRY MAN		1262-25th AVE. S.F.	11-28-2017
Sun Lum		1262-25th AVE. S.F.	11-27-2017
FRENK LAM		1262-25th AVE S.F.	11-27-2017
Jerry Lam		1264-25th Ave S.F.	11-27-2017
Lia-Cole-Lay		1264-25th Ave S.F.	11-27-2017
Betty Nassiments		1829-44th Ave. S.F.	11-28-17






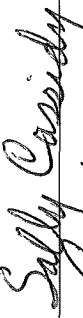
# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St

Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now to deny a permit for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF

Printed Name	Signature	Address	Date
VIRGINIA MAH	<i>Virginia Mah</i>	1908 - 23 BRIDGE ST, CA 94116	11-25-17
MAK, PAUDREY	<i>Paudrey Mak</i>	1726 17th Ave, SF CA 94112	11-25-2017
John Perromat	<i>John Perromat</i>	1563 4th Ave SF CA 94112	11-25-2017
David Nalle-Schwank	<i>David Nalle-Schwank</i>	2070 29th Avenue, SF, CA 94116	11-26-17
Bene HARGREAVES	<i>Bene Hargreaves</i>	1321. 48th Ave #104 SF 94122	11.26.17
Michael <del>Blum</del> <i>Michael Surfin</i>	<i>Michael Surfin</i>	1755 South North Fair Avenue	11-26 17
JOSE VILLALBA	<i>Jose Villalba</i>	1859 46 Ave SF. CA. 94122	11-26-17
DIANA CRISI	<i>Diana Crisi</i>	1687 35th Ave SF CA 94122	11/26/17
Julia Quock	<i>Julia Quock</i>	20 Quartz way SF, CA 94131	11/26/17
Maureen Amalia	<i>Maureen Amalia</i>	24 Chateau Ct. So SF CA 94080	11/26/17
JERRY BACK	<i>Jerry Back</i>	1582 39th Ave SF CA 94122	11/26/17
JUANNA CHAN	<i>Juanna Chan</i>	1486 - 42nd Ave.	11/26/17

# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St

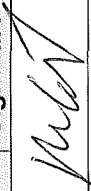





Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now to deny a permit for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF

Printed Name	Signature	Address	Date
ARNOLD ZAMORA		1555 39th Ave, SF, CA 94122	11/25/17
RAMSEY RAMOS		1690 34th Ave SF CA 94122	11/25/17
LOURDES TANG		1575 33rd Ave, SF, CA 94122	11/25/17
JAMES TANG	James Tang	1575 33rd Ave, SF, CA 94122	11/25/17
MARGARET GANNNEY	Margaret Gannney	1875 40th Ave S.F. Ca 94122	11-25-17
IGNATIUS WANG		1555-39th Ave CA 94122	
Hilda dela Cruz		1285 45th Ave S. F. CA 94122	
Lazaro dela Cruz	Lazaro Cruz	1285 45th Ave S.F. CA 94122	
NORA SHEA	Nora Shea	1423-42nd Ave SF 94122	11-26-17
CLARITA CARRETERO	Clarita Carretero	1578 46th Ave SF 94122	11-26-17
Sally Casvidua		4581 Irving St SF 94122	11-26-17
Benito Capuyan	BENITO CAPUYAN	133 Pierce St. SF 94122	11-26-17

# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St

Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now to deny a permit for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF

Printed Name	Signature	Address	Date
Elizabeth Skidmore	<i>Elizabeth Skidmore</i>	2078 3rd St, San Francisco, CA 94116	Nov. 26, 2017
MONICA SYREN	<i>Monica Syren</i>	2054 43rd Ave, SF	11-26-2017
S MITH BENTON	<i>S MITH BENTON</i>	1563 4th Avenue, SA, CA	11-26-2017
CRISPAYUNG	<i>CRISPAYUNG</i>	1566 45th Ave. S.F. CA	11-26/17
RENATO PAYUNG	<i>RENATO PAYUNG</i>	1566 45th Ave S.F	11-26/2017

Printed Name	Signature	Address	Date
MIA A - PALCA		1210-39 <sup>th</sup> AVE SF 94122	11/26/17
Melanie Vu		1798 39 <sup>th</sup> Ave #10 SF 94122	11/26/17
Christine Seard		1250-46th AVO Apt A 94122	11/26/17
Lillibeth Cuiffone		2254-46th Ave. SF CA 94122	11/26/17
Lennie Aguirre		1281 31 <sup>st</sup> AVE SF CA 94122	11/26/17
Silver Cusi		2254-46th Ave 94116	11/27/17

# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St





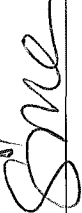
**Action petitioned for** We, the undersigned, are concerned citizens who urge our leaders to act now to deny a permit for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF

Printed Name	Signature	Address	Date
Clare	Mrc Kenno	1350 38 <sup>TH</sup> AVE	11-26-17
LARRY	Lucy M. Durafino	2287 88 <sup>TH</sup> Ave. SF CA	11-26-17
Petra	Dolung	2287-38 <sup>th</sup> Ave SE	11-26-17
George Arisla	[Signature]	24 Chelsea Ct, SSF 94080	11-26-17
Laveria Bunnay	[Signature]	1718. 46 <sup>th</sup> AVE. SF 94122	11-26-17
JULIUS S. BUENT	JULIUS S. BUENT	161 ST. FRANCIS BLD. DAY CITY, CA 94545	11-26-17
Seanna W	[Signature]	1655-37th Ave, SF CA 94122	11-26-17
Dawn Co	[Signature]	1655-37th Ave, SF CA 94122	11-26-17
WNO W	[Signature]	1655-37th Ave, SF CA 94122	11-26-17
Xina Lam	[Signature]	1655-37th Ave, SF CA 94122	11-26-17
EMILIAM	[Signature]	1655-37th Ave, SF CA 94122	11-26-17
Isabelle W	[Signature]	1655-37th Ave, SF CA 94122	11-26-17

# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St

Action petitioned for

We, the undersigned, are concerned citizens who urge our leaders to act now to deny a permit for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF

Printed Name	Signature	Address	Date
BRAND BOYD		1534-39TH AVE. SAN FRANCISCO	11-26-2017
Manuel Roldan		3832 Lawton St SF 94122	11-26-2017
Arjolina Relampagos		3832 Lawton St. SF 94122	11-26-2017
DEWEZIA BUNTED		2442-42nd AVE SF, CA 94116	11-26-17
Sarah Curie SMC		459 Colon Ave 94127	11/26/17

Printed Name	Signature	Address	Date
MARGARETA L. RINKLEY	Margaretta L. Rinney	4725 Irving St. #4 San Francisco, CA 94122	11/25/2017
A. Hidalgo	[Signature]	1643 - 59th Ave SF 94122	11/26/17
DAVID BEACH	David Beach	1415 45th Ave SF, CA 94122	11/26/17
Brenda C. Petropoulos	[Signature]	561 Arguello Blvd #4, CA 94118-3237	11/26/17
Melva Aguirre	[Signature]	1687 - 44th Ave. SF, Ca. 94122	11/26/17
Weslynn Kuhl	[Signature]	411 <del>Hastings St.</del> Hi 80800000	11/26/17
KIPPY CHAN	[Signature]	1955-46th Ave. SF CA 94116	11/26/17
Alice Mibad	[Signature]	1459-37th Ave SF CA 94122	11/26/17
Kenny Long	[Signature]	1955 46th Ave.	11/26/17
MYLENE TRAV	[Signature]	45TH AVE SF CA	11/26/17
ALAN BAYER	[Signature]	1798 39th Ave #101 SF, CA 94122	11/26/17
Pat Robinson	[Signature]	3832 Lawton St SF, CA 94102	11/26/17
Sheryl D'Indy	[Signature]	1644 45TH AVE S.F. CA 94122	11/26/17
GEORGE GUIN	[Signature]	3636 MORAGA ST SF - CA 94122	11/26/17
SOFIA Aguirre	[Signature]	1281-31st - Ave. SF CA	11/26/17
Andrew Corrier	[Signature]	469 Colon Ave, SF, CA 94127	11/26/17



# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St

Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now **to deny a permit** for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF

Printed Name	Signature	Address	Date
Marguerite Chen	MARGUERITE CHEN	1627-33rd Ave S.F. Cal. 94122	11/26/17
AMY YAM	Amy Yam	2459 25th Ave S.F. CA 94116	11/25/17
Amy Jang	Amy Jang	1467-37th Ave SF 94122	11-25-17
MEGGAN CHAN	MEI JUN CHAN	1726 17th Ave SF 94122	11-25-17
Nick Yip	Nick Yip	2725 Lombard Ave SF 94132	11-25-17
Ris Olivier	Ris Olivier	1726 17th Ave SF 94132	11/25/17
STEPHAN MAK	Stephan Mak	1357 La Playa St #23 SF 94122	11/25/17
COLLEEN LIPE	Colleen Lipe	2407 21st Ave SF CA 94116	11/25/17
Imelda Lu	Imelda Lu	2059 47th Ave SF CA 94116	11/25/17
MSAMSON	Marta Samson	1962-34th Ave ST 94116	11/25/17
Ai Lin Morten	Ai Lin Morten	2578 33rd Avenue SF 94116	11/25/2017
ETSIEN SPRIGER	Etsien Spriger	1467-37th Ave SF 94122	11/25/2017

# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St

Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now to deny a permit for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF

Printed Name	Signature	Address	Date
Evelyn Nordstrom	<i>Evelyn Nordstrom</i>	1574-39 Ave SF 94122	11/26/17
Evelyn Nordstrom	<i>Evelyn Nordstrom</i>	1588 45th Ave SF 94122	11/26/17
JULIE LOZANO	<i>Julie Lozano</i>	1830-43rd Ave SF 94122	11/26/17

# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St

Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now to **deny a permit** for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF

Printed Name	Signature	Address	Date
Mary W. Chow	<i>ml</i>	1690 40th Avenue, SF CA 94122	11/26/17
Kim Skidmore	<i>Kim Skidmore</i>	1824 18th Avenue, SF CA 94122	11/26/17
Margaret Costello	<i>Margaret Costello</i>	1370 36th Ave S F 94122	11/26/17
Paul Roszell	<i>Paul Roszell</i>	1391 33rd Ave SF 94122	11/26/17
ANTONIO SIDECO	<i>Antonio Sidico</i>	1214 39th Ave SF CA 94122	11-26-17
RESALINDA SIDICO	<i>Resalinda A. Sidico</i>	1214 39th Ave SF CA 94122	11-26-17
CELESTE PARRERA	<i>Celeste Parrera</i>	1210 - 39th Ave. S.F. 94122	11-26-17
MERLITO CADAMA	<i>Merlito Cadama</i>	1643 39th Ave SF 94122	11.26.17
GLORIA D. ETCHECET	<i>Gloria D. Etchechet</i>	2345 MORAGA ST., S.F., CA 94122	11/26/17
Sophie Luu	<i>Sophie Luu</i>	2527 Kirkham St. SF, CA 94122	11/26/17
ERNESTO ALVARO	<i>Ernesto Alvaro</i>	2442. 42nd Ave SF CA 94116	11-26-17
Johanna Buelat	<i>Johanna Buelat</i>	1526 - 47th Ave. SF. Ca. 94122	11-26-17

Printed Name	Signature	Address	Date
Valerie Toy		1867 - 30 <sup>th</sup> Ave. SF. Ca.	11-25-2017
Jackie Samuel		125046 <sup>th</sup> Ave. Apt 1 SF CA	11/25/2017
Grey Tane		1431-40th Avenue SF CA 94122	11-25-17
Justin Tong		1575 33rd Ave SF CA 94122	11-25-17
Russell Tong		1575 33rd Ave SF CA - 94122	11-25-17
Alice Rainio		1638 - 35 <sup>th</sup> Ave SF CA 94122	11-26-17
ED ROSARIO		1638 - 35 <sup>th</sup> Ave SF CA 94122	11-26-17
Osleres Sacha		1424 La Playa St SF CA 94122	11-26-17
Louis W. Stropoulos		561 Arguello Blvd, Apt. 4	11-26-17
Katherine Cartmel		1263 44 <sup>th</sup> Ave SF CA 94122	11-26-17
Marin Ann		1434 34th Ave 94122	11-26-17
Sharifah Gomes		3640 - Santiago Street <sup>1st</sup> SF CA 94116	11/26/17
CHARLES CATHY		1163 PIERCE ST. 94115	11/26/17
Rosinda Cusi		2254 46th Ave SF CA 94116	11/26/17
Rionil Cusi		" " " " " "	11/26/17
Anne Ma		1281-31st Ave SF 94122	11/26/17

# Petition to Ban The Barbary Coast Marijuana Dispensary @ Irving St

<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now <u>to deny a permit</u> for the proposed marijuana dispensary currently under consideration for Sunset District, called The Barbary Coast dispensary at 2161 and 2165 Irving Street. SF
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Printed Name	Signature	Address	Date
LOUIS CHAN	<i>Louis Chan</i>	1630 36TH AVE., SF	11-25-17
IVY CHAN	<i>Ivy Chan</i>	1630 36TH AVE., SF	11-25-17
ALYDIA LEE	<i>Alydia Lee</i>	1542 36TH AVE., SF	11-25-17
FRANCIS LEE	<i>Francis Lee</i>	1554 38TH AVE	11/25/17
SINDY WONG	<i>Sindy Wong</i>	2752-41 <sup>ST</sup> AVE.	NOV-25-17
MARIALAI	<i>Marialai</i>	1459, 42nd Ave	11-25-17
Richard Cheung	<i>Richard Cheung</i>	2280 17 <sup>th</sup> Ave.	11-25-2017



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Marijuana Dispensary on Irving b/t 22nd and 23d  
**Date:** Monday, November 27, 2017 8:33:02 AM

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**From:** Paul Roscelli [mailto:paulroscelli@comcast.net]  
**Sent:** Sunday, November 26, 2017 1:12 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Marijuana Dispensary on Irving b/t 22nd and 23d

Dear Board

As a long time member of the outer sunset community, I strongly oppose the opening of the Marijuana Dispensary on Irving b/t 22nd and 23d. I do NOT challenge the legality of using marijuana but rather the location of the dispensary in this community, nearby as it will be to so many local businesses, the park and schools and churches. Please reconsider the permit. I have seen what these places have done in other parts of SF—not to mention those who now come from Marin and San Mateo to do what their communities will not allow. I will not support members of the board who endorse this proposal. I will not be able to make the Dec 5th discussion, so I'd appreciate it if you would make my voice heard

Paul Roscelli  
1347 31st Ave SF

"It is difficult to free fools from the chains they revere."  
-- Voltaire

"Go Bears!"--Oski

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Marijuana Dispensary  
**Date:** Monday, November 27, 2017 8:32:50 AM

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**From:** Grace Garcia [mailto:grace.garcia@att.net]  
**Sent:** Sunday, November 26, 2017 1:24 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Marijuana Dispensary

I join with other Sunset district residents in opposing the proposed marijuana dispensary at 22<sup>nd</sup> & Irving.

It is not an appropriate location for this type of business.

Thank You,

Grace Garcia

1622-38<sup>th</sup> Ave.



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors; BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Ban Marijuana Dispensary @ 2161-5 Irving St., SF  
**Date:** Monday, November 27, 2017 8:32:40 AM

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**From:** Louis Chan [mailto:louiskchan46@yahoo.com]  
**Sent:** Sunday, November 26, 2017 2:25 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Ban Marijuana Dispensary @ 2161-5 Irving St., SF

Dear Board of Supervisors of SF:

Please note that we are writing to oppose having the adult marijuana dispensary at 2161-5 Irving Street, San Francisco.

At the same time, we are for the following proposals.

- 1) Make buffer zones minimum 1,000'.
- 2) Count preschools, daycare centers and public libraries in the buffer zones.

Sincerely,  
Louis Chan  
Ivy Chan  
1630 36th Avenue, San Francisco

case #: 2016-002424CUA

# 38 Parents Signatures obtains from Kumon Math and Reading Center of SF

2215 Judah St, San Francisco, CA 94122 (Between 27 & 28<sup>th</sup>)

Phone: (415) 665-4169

From Kumon  
28th Ave + Judah

**To: San Francisco Board of Supervisors**  
**Re: MCD on 2161-2165 Irving, Case #: 2016-002424CUA**

We the undersigned **strongly oppose** the cannabis dispensary at 2161-2165 Irving Street and urge the San Francisco Board of Supervisors to overturn the San Francisco Planning Commission's approval of the Barbary Coast medical cannabis dispensary. We do not want the dispensary under any conditions. It is bad for our family-oriented neighborhood, will increase traffic, and make marijuana more available and acceptable. Further, the environmental impact of second-hand smoke from cannabis is unacceptable and we fear the danger of cannabis edibles falling on the sidewalk or being given to our children and pets.

Please listen to our community and vote NO to the Barbary Coast MCD under any circumstances.

NAME	ADDRESS	PHONE/EMAIL
Renee Tremmel	514 Marin Ave <sup>Mill Valley CA 94941</sup>	415-830-0863
Jada Truong	2619 45th Ave	415-632-6385
Corinne Dong	2243 37th Ave	415-819-8400
梁建明	7722 27th Ave	415-229-1948
Vivian Tan	1431 35th Ave	(415) - 810-8998
Li Wang	2030 44th Ave	(415) 503-8846
Joanna Szeto	1332 S Mayfair Ave	650-757-1236
Nobuya Jin	1332 S Mayfair Ave	650.278.3548
Minnie Kwan	1774 39th Avenue	415 566 9535
Wendy Kwan	696 Grove Ave <sup>SF</sup>	(415) 606 3314
Elaine Mak	1 Hahn St. <sup>CA 94134</sup>	(415) 830-7288
Joseph Yu	342 23rd Ave <sup>CA 94112</sup>	650 821 9456
Bichen	4668 Ocean Ave	(415) 939-9326
Nilesh Bhandari	1750 32nd Ave	(617) 780-7556
Jessira Situ	1876 Funston Ave SF	415-819-1689

**To: San Francisco Board of Supervisors**  
**Re: MCD on 2161-2165 Irving, Case #: 2016-002424CUA**

We the undersigned **strongly oppose** the cannabis dispensary at 2161-2165 Irving Street and urge the San Francisco Board of Supervisors to overturn the San Francisco Planning Commission's approval of the Barbary Coast medical cannabis dispensary. We do not want the dispensary under any conditions. It is bad for our family-oriented neighborhood, will increase traffic, and make marijuana more available and acceptable. Further, the environmental impact of second-hand smoke from cannabis is unacceptable and we fear the danger of cannabis edibles falling on the sidewalk or being given to our children and pets.

Please listen to our community and vote NO to the Barbary Coast MCD under any circumstances.

NAME	ADDRESS	PHONE/EMAIL
Kipling Lee	1876 Funston Ave SF, CA 94116	415-601-9594
Rose Situ	1687 46th Ave, SF CA	415-681-1689
Sandy Situ	1474 28th Ave SF 94122	415-260-1508
CAZ Xia Guan	1687 46TH AVE S.F., CA 94122	415-734-6380
Christine Chang	2215 Judah St SF CA 94122	415 665-4169
Amy Chang	1137 Geneva Ave SFA 94112	415-680-6082
Jan Ping Li	1825 Noriega 25th AVE SF 94122	415-860-8857
Bing Lu	1291.34th Ave SF CA 94122	415-867-2383
Jenny Zhong	535 Judah St	(415) 665-2511
Henny Piauwasdf	1038 NORIEGA ST 94122 CA	<del>415 664 6923</del> 415 664 6923
MOEL Deynaco	2223 3th ave S.F. CA 94116	(415) 694-0418
1114 Zhu	1431 35th Ave	415-769-5176
Yanling Wang	1238th Ave apt#3	415-753-0234
Angela Shim	3738 Kirkham St	512-705-3296
Jiashun Zheng	1375 27th Ave #3	415-650-8901

From Emma  
25th  
→ Juelah

**To: San Francisco Board of Supervisors**  
**Re: MCD on 2161-2165 Irving, Case #: 2016-002424CUA**

We the undersigned **strongly oppose** the cannabis dispensary at 2161-2165 Irving Street and urge the San Francisco Board of Supervisors to overturn the San Francisco Planning Commission's approval of the Barbary Coast medical cannabis dispensary. We do not want the dispensary under any conditions. It is bad for our family-oriented neighborhood, will increase traffic, and make marijuana more available and acceptable. Further, the environmental impact of second-hand smoke from cannabis is unacceptable and we fear the danger of cannabis edibles falling on the sidewalk or being given to our children and pets.

Please listen to our community and vote NO to the Barbary Coast MCD under any circumstances.

NAME	ADDRESS	PHONE/EMAIL
Lilian Zheng	1948 29th Ave	lilyzheng68@yahoo.com
Yue Ma	1790 29th Ave	(415) 889-389
Tracy FENG	1931 31st Ave	(415) 812-6806
Seon Lwin	2154 - 32nd Ave	415-606-6285
Xuejia Shan	1201 14th Ave Apt 204#	REALITY-STE@Hotmail.com
Wu Jing	27 AVE 1375	415-650-8501
JUAN LI	490 Vernon St.	415 425 6990
David Chang	1449 Lincoln Way 3F	415 816-3880

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [Somera, Alisa \(BOS\)](#); [Young, Victor](#); [Jalipa, Brent \(BOS\)](#); [Lew, Lisa \(BOS\)](#); [Wong, Linda \(BOS\)](#)  
**Subject:** FW: I strongly object to the Marijuana dispensaries in the Sunset District  
**Date:** Tuesday, November 14, 2017 10:55:53 AM

---

**From:** Heather Murdock [mailto:hgmurdock@yahoo.com]  
**Sent:** Monday, November 13, 2017 9:34 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>  
**Cc:** hknight@sfchronicle.com  
**Subject:** I strongly object to the Marijuana dispensaries in the Sunset District

Hello Board of Supervisors, especially Norman and Katy  
I know this is last minute but I heard you are voting on the medical marijuana dispensary in the Sunset District tomorrow and I would like to voice my strong objection to granting a permit for a dispensary on Irving near Jefferson Elementary School and numerous Day Care centers.

I teach Biology at San Francisco State University, and cover the pros and cons of Marijuana in my classes and there are so many more negatives than positives with this drug. I can see the negatives in my classes with the amount of students that have admitted to using the drug and how many are addicted or have friends with MJ addiction. (Out of 279 students 63 of them (23%) know of someone that is having Marijuana abuse problems, 53% of them know of someone with another type of addiction. Our society has so much substance abuse already and we're just going to add to it with legalization of Marijuana and the proliferation of both medical and recreational marijuana dispensaries.)

While I understand that Medical Marijuana can alleviate many symptoms for people that are in pain, have nausea, eating disorders, PTSD, anxiety, sleep issues, cancer, MS, glaucoma etc. etc. The fact remains that Marijuana is mostly used recreationally and putting a medical dispensary near schools will just further de-stigmatize this drug, making kids think it's okay to use. In California less than 5% of medical marijuana cardholders actually have HIV, glaucoma, Multiple Sclerosis, cancer or other life-threatening diseases. Most of the other medical marijuana users list "chronic pain" or "insomnia", and use it recreationally. (Please note, there is no valid research to date that actually proves marijuana is safe or healthy, despite often being called "medical".)

It's an addictive drug that can cause damage to the nervous system, respiratory system and cardiovascular system. It is also considered a "Gateway Drug" since many Marijuana users build up a tolerance for MJ and need to move onto a more potent drug to get the "high" that they are craving. Since legalization in other states there have been more instances of ER visits due to MJ (especially children ingesting edibles), fatal car crashes, animals being subjected to MJ, etc. etc..

If people need MJ for medical purposes there are plenty of delivery services that can bring the drug to their home. I don't think we need to subject our neighborhood to more drug use because the drug industry would like to make more money. We all know this is just a money issue - not a public service issue. Legalizing marijuana is actually going to harm our society in the long run and cost us more in health care, substance abuse programs, mental health programs, unemployment and welfare costs, and it will decrease the quality of life and cause family strife for so many users.

I was very much against legalizing it in the 1st place and I'm just going to attach the letter that I wrote to L.G. Gavin Newsom since my opinion has not changed since then and the letter has the information that I think you should be considering about Marijuana in general. I'm also ccing Heather Knight from the San Francisco Chronicle since she wrote a piece attacking your debate on granting dispensaries in the city

recently. I'm glad you're considering the 1000 ft rule as well as the 600 ft buffer. I think Newsom, the Board of Supervisors, and the Chronicle staffers needs to research the adverse affects of Marijuana a little more before promoting more drug use in San Francisco.

I have kids and don't want them to think using Marijuana is "Okay" because it is so accessible, advertised everywhere we go, accepted and portrayed as "medical". When I asked my students how many of them got any sort of Marijuana education in elementary, middle or high school less than 10% of them raised their hands - most of them had no idea the adverse affects of marijuana on their bodies and for some of them it's a little late since they are already hooked. I've had plenty of friends that have had life long problems due to their marijuana usage as teens so I really do not like this drug.

Here's more info in the letter I wrote before the election: August 2016

Dear Lieutenant Governor Gavin Newsom and the San Francisco Chronicle

I'd like to explain some adverse effects of marijuana, so that the voters are better educated on the subject before we rush to legalize.

Here are some conclusive facts about marijuana:

- When the psychoactive ingredient in marijuana, THC binds to the cannabinoid receptors meant for our own natural chemicals, it causes an array of harmful effects, especially on the brain, heart and lungs.
- THC is particularly damaging to the brains of teens and young adults because their brains are not fully mature until around 25 and the THC can cause permanent damage.
- Marijuana affects the areas of the brain that control memory, mood, motivation, motor coordination, decision-making, communication, pain, pleasure, appetite, judgment, reward, learning, alertness, self-conscious awareness, concentration and addiction.
- It also increases the incidents of mental illnesses such as depression, panic attacks, paranoia, anxiety and schizophrenia. Exposure to marijuana increases the risk of developing schizophrenia in people with genetic vulnerability by 40%.
- Frequent marijuana usage can lower IQ, educational outcome and job performance.
- Marijuana usage increases the risk of heart attack, stroke, chronic bronchitis and other health issues.
- Marijuana is very addictive. There are **4.4 million Americans addicted to Marijuana!** One reason is that the THC potency has increased from 3-5% in the 60's to 15 – 25% in 2015. This stronger potency effects brain structure, function, addiction, IQ and psychosis more.
- Marijuana is often a "gateway drug" with users moving to harder drugs like crack, cocaine, heroin, methamphetamines, and Oxycontin.
- Marijuana usage can be fatal. There are over 3000 traffic fatalities per year associated with impaired driving due to marijuana. This number will increase with legalization, as will the number of violent crimes, job-related injuries, overdoses from

harder drugs and suicides.

- Some people argue if alcohol and tobacco are both legal shouldn't marijuana be legal as well? Alcohol and tobacco both do a great amount of damage to our society, but that's not a rational argument to add more damage to the population by increasing addiction and health issues with one more dangerous substance. Out of the 158 million Americans that consume alcohol 10-15% are addicted (there are similar addiction rates for the 19 million marijuana users) and 88,000 die from excess alcohol usage yearly. Out of the 58 million tobacco users in American at least 60% are addicted, and tobacco causes 148,000 deaths per year. We currently spend more than 600 billion dollars a year on health care for substance abuse. It's reprehensible to legalize yet another drug to add to these statistics.
- Marijuana can alleviate pain and suffering and increase appetite, but should only be used for medicinal purposes for people with severely debilitating health issues. In California less than 5% of medical marijuana cardholders actually have HIV, glaucoma, Multiple Sclerosis, cancer or other life-threatening diseases. Most of the other medical marijuana users list "chronic pain" or "insomnia", and use it recreationally. (Please note, there is no valid research to date that actually proves marijuana is safe or healthy, despite often being called "medical".)
- Marijuana usage is also linked with decreased fertility, increased sexually transmitted infections, unplanned pregnancies, preterm labor, increased ER visits, child neglect and animal poisonings.
- The costs associated with increased marijuana usage far outweigh the revenue we will receive in taxes if legalization goes through. Some propose that the revenue could be used for education. This is ironic since we'll be making it more accessible and acceptable for our youth to use a substance that damages their brain, lowers their IQ and motivation, increases dropout and expulsion rates and leads to lower paying jobs and life satisfaction.

In conclusion: legalizing marijuana will cause MORE...usage in teens, addiction, overdoses from harder drugs, crime, incarceration, higher enforcement needs, traffic fatalities, educational decline, unemployment, detrimental health issues including mental illness, healthcare costs, homelessness, and ruined lives. We should be concentrating on education and prevention in order to DECREASE the use of marijuana, so that we have a healthier, safer, saner, more functional society.

Thank you for your consideration,  
Heather Murdock, SFSU Biology Lecturer

References:



Claire D. Advokat, Joseph E. Comaty, Robert M. Julien. *Julien Primer of Drug Action: A comprehensive Guide to the Actions, Uses and Side Effects of Psychoactive Drugs*. 13<sup>th</sup> edition. . Worth Publishers, NY 2014

Nora D. Volkow, M.D., Ruben D. Valer, Ph.D., Wilson M. Compton, M.D. and Susan R.B. Weiss, Ph.D., “Adverse Health Affects of Marijuana Use”, *The New England Journal of Medicine*. June 4, 2014.

William J. Bennet and Robert A. White, *Going to Pot: Why the Rush to Legalize Marijuana is Harming America*, Center Street Hatchett Book Group, NY 2014

Heather Murdock, *Fundamentals of Human Biology and Health*, 3<sup>rd</sup> edition, Cognella Inc., U.S.A. 2013

Melissa Healy “Regular Pot Smokers have Shrunken Brains, Study Says”, 11/14/14, L.A. Times.com

What The Mind Hungers For: The Craving Brain World Science Festival with Panel of Brain Scientists: Nora Volkow, Eric Nestler, Kim Janda, Amire Levine, 2014,

<https://www.youtube.com/watch?v=p0IL1MN2yCs>

“Heroin Use in US Reaches Epidemic Numbers”, Reuters, July 7, 2015,

<https://www.yahoo.com/health/heroin-use-in-us-reaches-epidemic-numbers-123474454392.html>

Addiction on the Brain presentation by Katie McQueen, <https://www.youtube.com/watch?v=iSFCMOa4Xyk>

Alex Dobuzinskis, “Casual pot use causes brain abnormalities in the young: study”, April

16, 2014, <http://www.reuters.com/article/2014/04/16/us-usa-marijuana-study-idUSBREA3F04F20140416>

BOARD of SUPERVISORS



City Hall  
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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

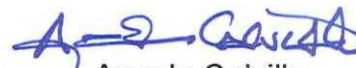
## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Tuesday, December 5, 2017
- Time:** 4:30 p.m.
- Location:** Legislative Chamber, City Hall, Room 250  
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA
- Subject:** **File No. 171188.** Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303 and 732, for a proposed project located at 2161-2165 Irving Street, Assessor's Parcel Block No. 1777, Lot No. 037, identified in Case No. 2016-002424CUA, issued by the Planning Commission by Motion No. 20027 dated October 12, 2017, to establish a Medical Cannabis Dispensary, dba Barbary Coast Dispensary, within the Irving Street Neighborhood Commercial District and a 65-A height and bulk district. (District 4) (Appellant: Salvatore Alioto for Sunset Merchants and Neighbors Association) (Filed November 2, 2017).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in these matters and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to these matters will be available for public review on Friday, December 1, 2017.

  
Angela Calvillo  
Clerk of the Board

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

**PROOF OF MAILING**

Legislative File No. 171188

Description of Items: Public Hearing Notices - Hearing - Appeal of Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street - 156 Notices Mailed


I, Lisa Lew, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: November 22, 2017

Time: 8:15 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Docs. SF \(LIB\)](#)  
**Cc:** [BOS Legislation. \(BOS\)](#)  
**Subject:** FW: HEARING NOTICE: Conditional Use Authorization Appeal - Proposed 2161-2165 Irving Street Project - Appeal Hearing on December 5, 2017  
**Date:** Wednesday, November 22, 2017 8:31:56 AM  
**Attachments:** [image001.png](#)

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Good morning,

Please kindly post the below linked hearing notice for public viewing.

Thank you.

**Lisa Lew**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
P 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

---

**From:** BOS Legislation, (BOS)  
**Sent:** Wednesday, November 22, 2017 8:28 AM  
**To:** [salspiza@aol.com](mailto:salspiza@aol.com); [gigitam143@gmail.com](mailto:gigitam143@gmail.com); [jesse.barbarycoast@gmail.com](mailto:jesse.barbarycoast@gmail.com); [brendan@hallinan-law.com](mailto:brendan@hallinan-law.com)  
**Cc:** Givner, Jon (CAT) <[jon.givner@sfgov.org](mailto:jon.givner@sfgov.org)>; Stacy, Kate (CAT) <[kate.stacy@sfgov.org](mailto:kate.stacy@sfgov.org)>; Jensen, Kristen (CAT) <[kristen.jensen@sfgov.org](mailto:kristen.jensen@sfgov.org)>; Rahaim, John (CPC) <[john.rahaim@sfgov.org](mailto:john.rahaim@sfgov.org)>; Sanchez, Scott (CPC) <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>; Gibson, Lisa (CPC) <[lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org)>; Starr, Aaron (CPC) <[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)>; Tran, Nancy (CPC) <[Nancy.H.Tran@sfgov.org](mailto:Nancy.H.Tran@sfgov.org)>; Ionin, Jonas (CPC) <[jonas.ionin@sfgov.org](mailto:jonas.ionin@sfgov.org)>; BOS-Supervisors <[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org)>; BOS-Legislative Aides <[bos-legislative\\_aides@sfgov.org](mailto:bos-legislative_aides@sfgov.org)>; Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>; [geokimm@sbcglobal.net](mailto:geokimm@sbcglobal.net); Sider, Dan (CPC) <[dan.sider@sfgov.org](mailto:dan.sider@sfgov.org)>  
**Subject:** HEARING NOTICE: Conditional Use Authorization Appeal - Proposed 2161-2165 Irving Street Project - Appeal Hearing on December 5, 2017

Greetings,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **December 5, 2017, at 4:30 p.m.**, to hear an appeal regarding the Conditional Use Authorization for the proposed project at 2161-2165 Irving Street.

Please find the following link to the hearing notice for the matter:

[Hearing Notice - November 22, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171188](#)

Regards,

**Lisa Lew**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
P 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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November 10, 2017

**File Nos. 171188-171191**  
**Planning Case No. 2016-002424CUA**

Received from the Board of Supervisors Clerk's Office one check, in the amount of Five Hundred Ninety Seven Dollars (\$597) representing the filing fee paid by Salvatore Alioto, on behalf of the Sunset Merchants and Neighbors Association, for the appeal of the Conditional Use Authorization for the proposed project at 2161-2165 Irving Street.

**Planning Department**  
**By:**

*Greg Went*

Print Name

*[Signature]*  
Signature and Date

11/13/17

**From:** [Somera, Alisa \(BOS\)](#)  
**To:** [salspizza@aol.com](mailto:salspizza@aol.com); [gigitam143@gmail.com](mailto:gigitam143@gmail.com); [jesse.barbarycoast@gmail.com](mailto:jesse.barbarycoast@gmail.com); [brendan@hallinan-law.com](mailto:brendan@hallinan-law.com)  
**Cc:** [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Tran, Nancy \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [geokimm@sbcglobal.net](mailto:geokimm@sbcglobal.net); [Sider, Dan \(CPC\)](#); [Jalipa, Brent \(BOS\)](#); [Lew, Lisa \(BOS\)](#)  
**Subject:** Conditional Use Authorization Appeal - Proposed 2161-2165 Irving Street Project - Appeal Hearing on December 5, 2017  
**Date:** Thursday, November 09, 2017 6:06:40 PM  
**Attachments:** [image001.png](#)

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Good evening,

The Office of the Clerk of the Board has scheduled your initial hearing for Special Order before the Board of Supervisors on **December 5, 2017, at 4:30 p.m.** Please find linked below the letter of appeal filed against the proposed project at 2161-2164 Irving Street, and an informational letter from the Clerk of the Board.

[Conditional Use Authorization Appeal Letter - November 2, 2017](#)

[Public Works Letter - November 6, 2017](#)

[Clerk of the Board Letter - November 9, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 171188](#)

Regards,

*Alisa Somera*

Legislative Deputy Director  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
415.554.7711 direct | 415.554.5163 fax  
[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)

 Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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*provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*



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November 9, 2017

Salvatore Alioto  
Sunset Merchants and Neighbors Association  
1320-22nd Avenue  
San Francisco, CA 94122

**Subject: File No. 171188 - Appeal of Conditional Use Authorization - 2161-2165  
Irving Street Project**

Dear Mr. Alioto:

Thank you for your appeal filing regarding the proposed project at 2161-2165 Irving Street. Public Works has informed the Board of Supervisors in a letter received November 6, 2017, (copy attached) that the signatures represented with your appeal filing on November 2, 2017, have been checked pursuant to the Planning Code, and represent owners of more than 20% of the property involved and sufficient for an appeal.

The filing period to appeal this conditional use authorization closes on Monday, November 13, 2017. Our office received an earlier filing of appeal for the same project on October 17, 2017. Pursuant to Planning Code, Section 308.1, an initial hearing date for the previously filed appeal has been scheduled for Tuesday, November 14, 2017.

Given that there are now two appeals on this project, the Board may entertain a motion at the November 14, 2017, meeting to continue the initial hearing to **Tuesday, December 5, 2017, at 4:30 p.m.**, to consolidate and hear both appeals on the same day at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94122.

Please provide to the Clerk's Office by noon:

**20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

**11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.


For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and two copies of the documentation for distribution.

Continues on next page

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

Very truly yours,

  
Angela Calvillo  
Clerk of the Board

c: Jesse Henry, Executive Director, Barbary Coast Collective  
Brendan Hallinan, Hallinan and Hallinan, Project Sponsor  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
John Rahaim, Planning Director  
Scott Sanchez, Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
Dan Sider, Senior Advisor, Planning Department  
Nancy Tran, Staff Contact, Planning Department  
Jonas Ionin, Planning Commission Secretary  
Flo Kimmerling, Vice-President, Mid-Sunset Neighborhood Association



November 6, 2017

Ms. Angela Calvillo  
Clerk of the Board  
1 Dr. Carlton B. Goodlet Place  
City Hall – Room 244  
San Francisco, CA 94102

Edwin M. Lee  
Mayor

Mohammed Nuru  
Director

**Bruce R. Storrs P.L.S.**  
City and County Surveyor

Bureau of Street Use & Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel (415) 554-5827  
Subdivision.Mapping@sfdpw.org

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

RE: 2161-2165 Irving St., Lot 037 of Assessor's Block 1777  
Appealing Planning Commissions Approval of Conditional Use  
Application No. 2016-002424CUA

Dear Ms. Calvillo:

This letter is in response to your November 3, 2017 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal. Please be advised that per our calculations the appellants' signatures represent 32.19% of area, which is greater than 20% of the area involved and is therefore sufficient for appeal.

Sincerely,

*for Javier O. Rivera*  
Bruce R. Storrs, P.L.S.  
City & County Surveyor



**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Storrs, Bruce \(DPW\)](#)  
**Cc:** [Sanguinetti, Jerry \(DPW\)](#); [Rivera, Javier \(DPW\)](#); [Bergin, Steven \(DPW\)](#); [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Jensen, Kristen \(CAT\)](#); [Gibson, Lisa \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Tran, Nancy \(CPC\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street - Verification of Signatures  
**Date:** Friday, November 03, 2017 4:26:21 PM  
**Attachments:** [image001.png](#)  
[Appeal Ltr 110217.pdf](#)  
[COB Ltr 110317.pdf](#)

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Hello Mr. Storrs:

The Office of the Clerk of the Board is in receipt of an appeal of the Conditional Use Authorization for the proposed project at 2161-2165 Irving Street. The appeal was filed by Salvatore Alioto on behalf of Sunset Merchants and Neighbors Association on November 2, 2017.

Please find the attached appeal filing packet, and a letter requesting verification of signatures submitted with the appeal filing.

Kindly review for verification of signatures. Thank you.

Regards,

**Lisa Lew**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
P 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

November 3, 2017

Bruce R. Storrs  
City and County Surveyor, Public Works  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

**Planning Case No. 2016-002424CUA  
2161-2165 Irving Street - Conditional Use Authorization Appeal**

Dear Mr. Storrs:

The Office of the Clerk of the Board is in receipt of an appeal filed by Salvatore Alioto, on behalf of Sunset Merchants and Neighbors Association, from the decision of the Planning Commission on October 12, 2017, relating to the approval of a Conditional Use Authorization (Case No. 2016-002424CUA) 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, for a proposed project located at:

2161-2165 Irving Street, Assessor's Parcel Block No. 1777, Lot No. 037

By copy of this letter, the City and County Surveyor is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m. on Wednesday, November 8, 2017.

Sincerely,

  
Angela Calvillo  
Clerk of the Board

c: Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping  
Javier Rivera, Public Works  
Steve Bergin, Public Works  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Lisa Gibson, Planning Department  
Joy Navarette, Planning Department  
Scott Sanchez, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Nancy Tran, Planning Department

Print Form

# Introduction Form

By a Member of the Board of Supervisors or 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 [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached 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 the Imperative Form.**

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street

The text is listed:

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303, and 732, for a proposed project located at 2161-2165 Irving Street, Assessor's Parcel Block No. 1777, Lot No. 037, identified in Case No. 2016-002424CUA, issued by the Planning Commission by Motion No. 20027 dated October 12, 2017, to establish a Medical Cannabis Dispensary, dba Barbary Coast Dispensary, within the Irving Street Neighborhood Commercial District and a 65-A height and bulk district. (District 4) (Appellant: Salvatore Alioto for Sunset Merchants and Neighbors Association) (Filed November 2, 2017).

Signature of Sponsoring Supervisor: *Alisa Somera*

For Clerk's Use Only

*Ar*  
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