

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. 554-5227

January 17, 2018

Ms. Carmen Chu
Assessor-Recorder, City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 190
San Francisco, CA 94102

Re: Board of Supervisors Motion No. M18-003

Dear Assessor-Recorder Chu:

On December 5, 2017, the Board of Supervisors held a public hearing of persons interested in or objecting to the certification of a Conditional Use Authorization for a proposed project located at 2161-2165 Irving Street, issued by the Planning Commission by Motion No. 20027 dated October 12, 2017, and adopted Motion Nos. M17-194 and M17-196 (Conditionally Disapproving the Conditional Use Authorization and Approving with Additional Conditions - Proposed Project at 2161-2165 Irving Street) and Motion Nos. M17-195 and M17-197 (Preparation of Findings Related to Conditional Use Authorization Appeal - Proposed Project at 2161-2165 Irving Street).

On January 9, 2018, the Board of Supervisors adopted Motion No. M18-003 (Adoption of Findings Related to Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street).

Pursuant to Administrative Code, Section 34.3, the Clerk of the Board is forwarding the following documents to your attention:

- One certified copy of Motion No. M17-194 (File No. 171130)
- One certified copy of Motion No. M17-196 (File No. 171190)
- One certified copy of Motion No. M18-003 (File No. 180017)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


Angela Calvillo
Clerk of the Board



City and County of San Francisco

Certified Copy

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

171130

[Conditionally Disapproving the Conditional Use Authorization and Approving with Additional Conditions - Proposed Project at 2161-2165 Irving Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; approving a Conditional Use Authorization for the same Planning Case and property with additional conditions, and subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

11/14/2017 Board of Supervisors - CONTINUED

Ayes: 10 - Breed, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee
Excused: 1 - Cohen

12/5/2017 Board of Supervisors - AMENDED

Ayes: 6 - Fewer, Kim, Peskin, Ronen, Tang and Yee
Noes: 4 - Breed, Farrell, Safai and Sheehy
Excused: 1 - Cohen

12/5/2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Breed, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee
Excused: 1 - Cohen

12/5/2017 Board of Supervisors - AMENDED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

12/5/2017 Board of Supervisors - APPROVED AS AMENDED

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy and Yee
Noes: 1 - Tang

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

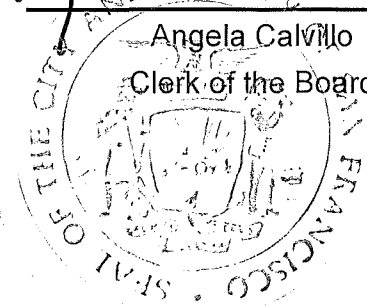
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

January 17, 2018

Date

Angela Calvillo

Angela Calvillo
Clerk of the Board



1 [Conditionally Disapproving the Conditional Use Authorization and Approving with Additional
2 Conditions - Proposed Project at 2161-2165 Irving Street]

3 **Motion conditionally disapproving the decision of the Planning Commission by its**
4 **Motion No. 20027, approving a Conditional Use Authorization identified as Planning**
5 **Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street;**
6 **approving a Conditional Use Authorization for the same Planning Case and property**
7 **with additional conditions, and subject to the adoption of written findings of the Board**
8 **in support of this determination.**

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

16 FURTHER MOVED, That the Board hereby conditionally approves a Conditional Use
17 Authorization for the same property with all conditions imposed by the Planning Commission
18 and with the following additional conditions:

- 19
- 20 • That the Medical Cannabis Dispensary is encouraged to provide indoor space
21 for on-site smoking of cannabis, and
 - 22 • That during its first year of operation, the Medical Cannabis Dispensary's
23 storefront shall operate only during the hours of 9 a.m. to 9 p.m., and thereafter,
24 the Office of Cannabis shall review the Dispensary's hours of operation and may
25 approve different hours of operation in its discretion; and, be it

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FURTHER MOVED, That the disapproval of the Conditional Use Authorization and the approval of the Conditional Use Authorization with additional conditions shall be subject to the adoption of written findings of the Board in support of this determination.



City and County of San Francisco

Tails

Motion: M17-194

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 171130

Date Passed: December 05, 2017

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; approving a Conditional Use Authorization for the same Planning Case and property with additional conditions, and subject to the adoption of written findings of the Board in support of this determination.

November 14, 2017 Board of Supervisors - CONTINUED

Ayes: 10 - Breed, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee
Excused: 1 - Cohen

December 05, 2017 Board of Supervisors - NOT AMENDED

Ayes: 6 - Fewer, Kim, Peskin, Ronen, Tang and Yee
Noes: 4 - Breed, Farrell, Safai and Sheehy
Excused: 1 - Cohen

December 05, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Breed, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee
Excused: 1 - Cohen

December 05, 2017 Board of Supervisors - AMENDED


Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

December 05, 2017 Board of Supervisors - APPROVED AS AMENDED

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy and Yee
Noes: 1 - Tang

File No. 171130

I hereby certify that the foregoing Motion
was APPROVED AS AMENDED on
12/5/2017 by the Board of Supervisors of
the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy

Motion

171190

[Conditionally Disapproving the Conditional Use Authorization and Approving with Additional Conditions - Proposed Project at 2161-2165 Irving Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; approving a Conditional Use Authorization for the same Planning Case and property with additional conditions, and subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

12/5/2017 Board of Supervisors - AMENDED

Ayes: 6 - Fewer, Kim, Peskin, Ronen, Tang and Yee
Noes: 4 - Breed, Farrell, Safai and Sheehy
Excused: 1 - Cohen

12/5/2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Breed, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee
Excused: 1 - Cohen

12/5/2017 Board of Supervisors - AMENDED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

12/5/2017 Board of Supervisors - APPROVED AS AMENDED

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy and Yee
Noes: 1 - Tang

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

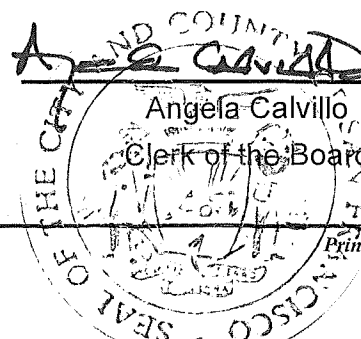
CLERK'S CERTIFICATE

I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

January 17, 2018

Date



1 [Conditionally Disapproving the Conditional Use Authorization and Approving with Additional
2 Conditions - Proposed Project at 2161-2165 Irving Street]

3 **Motion conditionally disapproving the decision of the Planning Commission by its**
4 **Motion No. 20027, approving a Conditional Use Authorization identified as Planning**
5 **Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street;**
6 **approving a Conditional Use Authorization for the same Planning Case and property**
7 **with additional conditions, and subject to the adoption of written findings of the Board**
8 **in support of this determination.**

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

16 FURTHER MOVED, That the Board hereby conditionally approves a Conditional Use
17 Authorization for the same property with all conditions imposed by the Planning Commission
18 and with the following additional conditions:

- 19
- That the Medical Cannabis Dispensary is encouraged to provide indoor space
20 for on-site smoking of cannabis, and
 - That during its first year of operation, the Medical Cannabis Dispensary's
21 storefront shall operate only during the hours of 9 a.m. to 9 p.m., and thereafter,
22 the Office of Cannabis shall review the Dispensary's hours of operation and may
23 approve different hours of operation in its discretion; and, be it
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1 FURTHER MOVED, That the disapproval of the Conditional Use Authorization and the
2 approval of the Conditional Use Authorization with additional conditions shall be subject to the
3 adoption of written findings of the Board in support of this determination.

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City and County of San Francisco
Tails
Motion: M17-196

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 171190

Date Passed: December 05, 2017

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; approving a Conditional Use Authorization for the same Planning Case and property with additional conditions, and subject to the adoption of written findings of the Board in support of this determination.

December 05, 2017 Board of Supervisors - NOT AMENDED

Ayes: 6 - Fewer, Kim, Peskin, Ronen, Tang and Yee

Noes: 4 - Breed, Farrell, Safai and Sheehy

Excused: 1 - Cohen

December 05, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Breed, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

Excused: 1 - Cohen

December 05, 2017 Board of Supervisors - AMENDED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

December 05, 2017 Board of Supervisors - APPROVED AS AMENDED

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy and Yee

Noes: 1 - Tang

File No. 171190

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on 12/5/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy

Motion

180017

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

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

1/9/2018 Board of Supervisors - APPROVED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO


CLERK'S CERTIFICATE


I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

January 11, 2018

Date



Angela Calvillo
Clerk of the Board


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

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

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

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

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

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

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

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

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

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

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

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



City and County of San Francisco

Tails

Motion: M18-003

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 180017

Date Passed: January 09, 2018

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

January 09, 2018 Board of Supervisors - APPROVED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 180017

I hereby certify that the foregoing Motion was APPROVED on 1/9/2018 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in blue ink, appearing to read "Angela Calvillo", written over a horizontal line.

Angela Calvillo
Clerk of the Board