

File No. 230589

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

Board Item No. 43

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

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

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

Board of Supervisors Meeting

Date: May 23, 2023

#### Cmte Board

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

#### OTHER

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Prepared by: Lisa Lew

Date: May 19, 2023

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

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

1 [Adoption of Findings Related to Conditional Use Authorization - 800 Taraval Street]

2  
3 **Motion adopting findings in support of the Board of Supervisors' disapproval of the**  
4 **decision of the Planning Commission by its Motion No. 21246, approving a Conditional**  
5 **Use Authorization, identified as Planning Case No. 2022-001838CUA, for a proposed**  
6 **project at 800 Taraval Street; and approving a Conditional Use Authorization for the**  
7 **same Planning Case and property with different conditions; adopting findings of**  
8 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
9 **Section 101.1; and affirming the Planning Department's determination under the**  
10 **California Environmental Quality Act.**  
11

12 WHEREAS, The project is a cannabis retail use located on the second floor of a  
13 commercial building located at 800 Taraval Street in the Inner Taraval Street Neighborhood  
14 Commercial Zoning District (the "Project"); and

15 WHEREAS, On February 2, 2023, the Planning Commission found that the Project is  
16 consistent with the General Plan, and the eight priority policy findings of the Planning Code,  
17 Section 101.1, for the reasons set forth in Planning Commission Motion 21246, and approved  
18 Conditional Use Authorization No. 2022-001838CUA, to allow the establishment of the  
19 cannabis retail use, with stated conditions; and

20 WHEREAS, On January 26, 2023, the Planning Department determined that the  
21 Project is categorically exempt from further environmental review; and

22 WHEREAS, On March 6, 2023, Lefteris Eleftheriou, on behalf of individuals residing  
23 near the Project ("Appellants"), filed a timely appeal protesting the approval of the Conditional  
24 Use Authorization by the Planning Commission; and  
25

1 WHEREAS, On April 18, 2023, this Board held a duly noticed public hearing to  
2 consider the appeal; and

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

6 WHEREAS, The written record and oral testimony in support of and opposed to the  
7 appeal and deliberation of the oral and written testimony at the public hearing before the  
8 Board of Supervisors by all parties and the public in support of and opposed to the appeal is  
9 in the Clerk of the Board of Supervisors' File No. 230285, and is incorporated in this Motion as  
10 though set forth in its entirety;

11 WHEREAS, Following the conclusion of the public hearing on April 18, 2023, the Board  
12 voted to conditionally disapprove the decision of the Planning Commission and to approve the  
13 requested Conditional Use Authorization with different conditions, as reflected in Board of  
14 Supervisors Motion No. 23-058; now, therefore, be it

15 MOVED, That the Board finds that:

- 16 • The Project is located in a residential neighborhood, near facilities that serve  
17 children; and
- 18 • Appellants and other neighbors were not aware until after the Planning  
19 Commission hearing that the Commission would be considering and deciding  
20 whether to allow consumption of cannabis products onsite, and therefore did not  
21 have the opportunity to voice their opinions about onsite consumption at the  
22 Planning Commission; and
- 23 • Onsite consumption of cannabis products could result in customers leaving the  
24 Project under the influence of cannabis, and driving their cars through the  
25 neighborhood, which would present safety risks; and

- Allowing the Project to remain open for business until 10:00pm would interfere with the peace and quiet sought by the neighbors at that late hour; and
- Allowing scheduled deliveries to the Project to happen during the hours when families are typically picking up or dropping of their children at child care facilities and schools (e.g. before 9:00AM and after 4:30PM) could cause traffic congestion and safety issues; and
- It is in the best interest of the neighborhood that the Project Sponsor engage with neighbors and merchants to strengthen their Good Neighbor Policy to address concerns regarding loitering and parking; and, be it

FURTHER MOVED, That the Board finds that with the conditions imposed by the Board at the April 18, 2023, hearing, as memorialized in the document entitled “Conditions for Conditional Use Authorization at 800 Taraval Street,” dated April 18, 2023, in the Clerk of the Board of Supervisors File No. 230287, the Project is necessary or desirable for, and compatible with, the neighborhood and the community; and, be it

FURTHER MOVED, That conditions imposed by the Board of Supervisors in Motion No. 23-058, as memorialized in the document entitled “Conditions for Conditional Use Authorization at 800 Taraval Street,” will minimize the potential adverse impacts of the Project on the community; and, be it

FURTHER MOVED, That these conditions are consistent with and supported by the Planning Commission’s findings of consistent with the General Plan, and Planning Code, Section 101.1, and the Board hereby incorporate these findings and adopts them as its own; and, be it

FURTHER MOVED, That this Board affirms the Planning Department’s determination of exemption from further review under CEQA, which determination is on file with the Clerk of the Board of Supervisors in File No. 230285 and is incorporated herein by reference.

## Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

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

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☒ 2. Request for next printed agenda (For Adoption Without Committee Reference)  
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor [ ] inquiries..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on [ ]

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission    ☐ Youth Commission    ☐ Ethics Commission
- ☐ Planning Commission    ☐ Building Inspection Commission    ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes    ☐ No

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

Sponsor(s):

Clerk of the Board

Subject:

Adoption of Findings Related to Conditional Use Authorization - 800 Taraval Street

Long Title or text listed:

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 21246, approving a Conditional Use Authorization, identified as Planning Case No. 2022-001838CUA, for a proposed project at 800 Taraval Street; and approving a Conditional Use Authorization for the same Planning Case and property with different conditions; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor:

