

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
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June 8, 2023

Mr. Joaquin Torres
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. M23-081

Dear Assessor-Recorder Torres:

On April 18, 2023, 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 800 Taraval Street issued by the Planning Commission by Motion No. 21246, dated February 2, 2023, and adopted Motion No. M23-058 (Disapproving the Conditional Use Authorization - 800 Taraval Street) and Motion No. M23-059 (Preparation of Findings Related to Conditional Use Authorization - 800 Taraval Street).

On May 23, 2023, the Board of Supervisors adopted Motion No. M23-081 (Adoption of Findings Related to Conditional Use Authorization - 800 Taraval 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. M23-058 (File No. 230287)
- One certified copy of Motion No. M23-081 (File No. 230589)

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,

A handwritten signature in blue ink, appearing to read "Angela Calvillo".

f Angela Calvillo
Clerk of the Board

jw:ll:ak:ams

- c. Juan Carlos Cancino, Office of the Assessor-Recorder
Kurt Fuchs, Office of the Assessor-Recorder
Holly Lung, Office of the Assessor-Recorder



City and County of San Francisco

Certified Copy

Motion

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

230589

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

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. (Clerk of the Board)

5/23/2023 Board of Supervisors - APPROVED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani and Walton

Excused: 1 - Melgar

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.

May 30, 2023

Date

Angela Calvillo

Clerk of the Board

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

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.

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

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

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

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

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.



City and County of San Francisco
Tails
Motion: M23-081

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

File Number: 230589

Date Passed: May 23, 2023

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.


May 23, 2023 Board of Supervisors - APPROVED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani and Walton

Excused: 1 - Melgar

File No. 230589

I hereby certify that the foregoing Motion was APPROVED on 5/23/2023 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

Certified Copy

Motion

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

230287

[Disapproving the Conditional Use Authorization - 800 Taraval Street]

Motion disapproving 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. (Clerk of the Board)

4/18/2023 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 9 - Chan, Dorsey, Mandelman, Melgar, Peskin, Preston, Ronen, Safai and Walton

Noes: 2 - Engardio and Stefani

4/18/2023 Board of Supervisors - APPROVED AS AMENDED

Ayes: 9 - Chan, Dorsey, Mandelman, Melgar, Peskin, Preston, Ronen, Safai and Walton

Noes: 2 - Engardio and Stefani

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.

May 30, 2023

Date

f Angela Calvillo

Clerk of the Board

1 [Disapproving the Conditional Use Authorization - 800 Taraval Street]

2
3 **Motion disapproving the decision of the Planning Commission by its Motion No. 21246,**
4 **approving a Conditional Use Authorization, identified as Planning Case No. 2022-**
5 **001838CUA, for a proposed project at 800 Taraval Street; and approving a Conditional**
6 **Use Authorization for the same Planning Case and property with different conditions.**

7
8 MOVED, That the Planning Commission's approval on February 2, 2023, of a
9 Conditional Use Authorization identified as Planning Case No. 2022-001838CUA, by its
10 Motion No. 21246, to allow the establishment of a Cannabis Retail Use (D.B.A. Green Mirror),
11 measuring approximately 977 square feet within an existing vacant, mezzanine commercial
12 tenant space which will be converted to a new fully enclosed second floor within a two-story
13 commercial building within the Inner Taraval Street Neighborhood Commercial Zoning District
14 and a 40-X Height and Bulk District, for a proposed project located at:

15 800 Taraval Street, Assessor's Parcel Block No. 2347, Lot No. 009A,

16 is hereby disapproved, and, be it

17 FURTHER MOVED, That the Board hereby approves a Conditional Use Authorization
18 for the same property subject to the conditions set forth in the document, entitled "Conditions
19 for Conditional Use Authorization at 800 Taraval Street," dated April 18, 2023, on file with the
20 Clerk of the Board of Supervisors in File No. 230287, which is hereby declared to be part of
21 this Motion as if set forth fully herein; and, be it

22 FURTHER MOVED, That the Board directs the Clerk to submit copies of this Motion
23 and the document, entitled "Additional Conditions for Conditional Use Authorization at 800
24 Taraval," to the Planning Department, Office of Cannabis, and the Department of Public
25 Health.



City and County of San Francisco
Tails
Motion: M23-058

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

File Number: 230287

Date Passed: April 18, 2023

Motion disapproving 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.

April 18, 2023 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE
BEARING NEW TITLE

Ayes: 9 - Chan, Dorsey, Mandelman, Melgar, Peskin, Preston, Ronen, Safai and
Walton

Noes: 2 - Engardio and Stefani

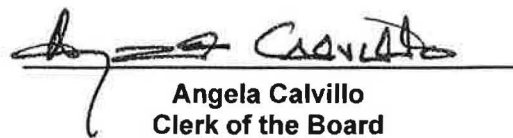
April 18, 2023 Board of Supervisors - APPROVED AS AMENDED

Ayes: 9 - Chan, Dorsey, Mandelman, Melgar, Peskin, Preston, Ronen, Safai and
Walton

Noes: 2 - Engardio and Stefani

File No. 230287

**I hereby certify that the foregoing Motion
was APPROVED AS AMENDED on 4/18/2023
by the Board of Supervisors of the City and
County of San Francisco.**


Angela Calvillo
Clerk of the Board