

File No. 150412

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date May 4, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|----------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" 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 (Use back side if additional space is needed)

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

Completed by: Andrea Ausberry Date April 30, 2015

Completed by: _____ Date _____

1 [Interim Zoning Controls - Conditional Use Authorization for Medical Cannabis Dispensaries in
2 Irving, Judah, Noriega and Taraval Neighborhood Commercial Districts]

3 **Resolution imposing interim zoning controls to reinstate conditional use authorization**
4 **requirement for Medical Cannabis Dispensaries in the Irving, Judah, Noriega, and**
5 **Taraval Street Neighborhood Commercial Districts and impose additional conditional**
6 **use authorization criteria; and making environmental findings, including findings of**
7 **consistency with the eight priority policies of Planning Code, Section 101.1.**

8
9 WHEREAS, Planning Code, Section 306.7, provides for the imposition of interim
10 zoning controls to accomplish several objectives, including preservation of residential and
11 mixed residential and commercial areas in order to preserve the existing character of such
12 neighborhoods and areas; development and conservation of the commerce and industry of
13 the City in order to maintain the economic vitality of the City, to provide its citizens with
14 adequate jobs and business opportunities, and to maintain adequate services for its residents,
15 visitors, businesses and institutions; control of uses which have an adverse impact on open
16 space and other recreational areas and facilities; control of uses which generate an adverse
17 impact on pedestrian and vehicular traffic; and control of uses which generate an adverse
18 impact on public transit; and

19 WHEREAS, In 2012, the Board of Supervisors passed and the Mayor approved
20 Ordinance No. 175-12, creating the Irving, Judah, Noriega, and Taraval Street Neighborhood
21 Commercial Districts (NCDs) in the Outer Sunset neighborhood for non-residential properties
22 zoned NC-2, with the intent to enhance the character along those commercial corridors by
23 requiring active ground-floor uses as defined by Planning Code, Section 145.4; and

24 WHEREAS, At the time Ordinance No. 175-12 was approved, a Medical Cannabis
25 Dispensary (MCD) was not defined as an "active use" under Section 145.4 of the Planning

1 Code, and therefore, pursuant to the zoning controls contained in Ordinance No. 175-12, was
2 subject to conditional use authorization in the Irving, Judah, Noriega, and Taraval Street
3 NCDs; and

4 WHEREAS, In approving Ordinance No. 22-15 in February 2015, this Board defined an
5 MCD as an active use pursuant to Section 145.4 of the Planning Code; and

6 WHEREAS, Ordinance No. 22-15 had the inadvertent effect of eliminating the
7 conditional use authorization requirement for MCDs in the Irving, Judah, Noriega, and Taraval
8 Street NCDs; and

9 WHEREAS, The establishment of an MCD in the Irving, Judah, Noriega, or Taraval
10 Street NCD without conditional use authorization may impact the existing neighborhood
11 character, pedestrian and vehicular traffic, and open space and other recreational areas and
12 facilities in those NCDs, due to possible increases in vehicle and pedestrian traffic, litter,
13 noise, crime, and other activities related to the MCD; and

14 WHEREAS, Policy 2 of the eight priority policies of the City's General Plan and
15 Planning Code, Section 101.1 establishes a policy "That existing housing and neighborhood
16 character be conserved and protected in order to preserve the cultural and economic diversity
17 of our neighborhoods"; and

18 WHEREAS, Policy 4 of the eight priority policies of the City's General Plan and
19 Planning Code, Section 101.1 establishes a policy "That commuter traffic not impede Muni
20 transit service or overburden our streets or neighborhood parking"; and

21 WHEREAS, The 2012 conditional use authorization requirement for MCDs allows the
22 Planning Commission to consider proposed MCD projects and impose conditions necessary
23 to conserve and protect the neighborhood character of the Irving, Judah, Noriega, and Taraval
24 Street NCDs; and

1 WHEREAS, These interim controls are intended and designed to address and
2 ameliorate the problems and conditions associated with the inadvertent removal of the
3 conditional use authorization requirement for MCDs in the Irving, Judah, Noriega, and Taraval
4 Street NCDs; and

5 WHEREAS, The passage of these interim controls will allow this Board time to consider
6 how to regulate MCDs in the Irving, Judah, Noriega, and Taraval Street NCDs; and

7 WHEREAS, This Board has considered the impact on the public health, safety, peace,
8 and general welfare if the interim controls proposed herein were not imposed; and

9 WHEREAS, This Board has determined that the public interest will be best served by
10 imposition of these interim controls at this time, in order to ensure that the legislative scheme
11 that may be ultimately adopted is not undermined during the planning and legislative process
12 for permanent controls; and

13 WHEREAS, The Planning Department has determined that the actions contemplated in
14 this Resolution are in compliance with the California Environmental Quality Act (California
15 Public Resources Code, Section 21000 et. seq.). Said determination is on file with the Clerk
16 of the Board of Supervisors in File No. 150412 and is hereby affirmed and incorporated by
17 reference as though fully set forth; now, therefore, be it

18 RESOLVED, Pursuant to Planning Code, Section 306.7, the Board of Supervisors, by
19 this resolution, hereby requires that, as of the effective date of this Resolution, any proposed
20 MCD in the Irving, Judah, Noriega, or Taraval Street NCD must obtain conditional use
21 authorization from the Planning Commission; and, be it

22 FURTHER RESOLVED, That in order to grant a conditional use authorization, the
23 Planning Commission must find that the facts presented establish that the proposed MCD
24 satisfies both the criteria set forth in Planning Code Section 303 and the additional criteria set
25 forth below:

1 (1) the MCD will bring measurable community benefits and enhancements to the NCD;

2 (2) the MCD has prepared a parking and transportation management plan sufficient to
3 address the anticipated impact of patients visiting the MCD; and

4 (3) the MCD has demonstrated a commitment to maintaining public safety by actively
5 engaging with the community prior to applying for the conditional use, including adequate
6 security measures in its operation of the business, and designating a community liaison to
7 deal effectively with current and future neighborhood concerns; and be it

8 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
9 months from the effective date of this resolution, or until the adoption of permanent legislation
10 regulating MCDs in the Irving, Judah, Noriega, and Taraval NCDs, whichever first occurs;
11 and, be it

12 FURTHER RESOLVED, That these interim zoning controls advance and are consistent
13 with Policies 2 and 4 of the Priority Policies set forth in Planning Code Section 101.1, in that
14 they require consideration of a proposed MCD's impacts on neighborhood character and
15 pedestrian and vehicular traffic in the Irving, Judah, Noriega, and Taraval Street NCDs, by
16 retaining the conditional use authorization requirement for MCDs that has been in effect since
17 2012 and imposing additional conditional use criteria specific to the potential impacts of
18 MCDs; and, be it

19 //

20 //

21 //

22 //

23 //

24 //

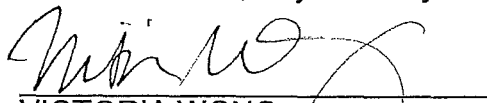
25

1 FURTHER RESOLVED, With respect to Priority Policies 1, 3, 5, 6, 7, and 8, the Board
2 finds that these interim zoning controls do not, at this time, have an effect upon these policies,
3 and thus, will not conflict with said policies.
4

5 APPROVED AS TO FORM:

6 DENNIS J. HERRERA, City Attorney

7
8 By:


VICTORIA WONG
Deputy City Attorney

n:\legana\as2015\1500734\01010425.doc

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

April 23, 2015

File No. 150421

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On April 21, 2015, Supervisor Tang introduced the following legislation:

File No. 150412

Resolution imposing interim zoning controls to reinstate conditional use authorization requirement for Medical Cannabis Dispensaries in the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

New Order



Your Order is sent.

Customer Information

Customer Name	S.F. BD OF SUPERVISORS (NON-CONSECUTIVE)	Master Id	52704
Address	1 DR CARLTON B GOODLETT PL #244	Phone	4155547704
City	SAN FRANCISCO	Fax	4155547714
State - Zip	CA - 94102		

Product Information

Legal GOVERNMENT - GOVT PUBLIC NOTICE

Order Information

Attention Name Andrea A.

Billing Reference No.

Save

Ad Description Interim Control File No.150412

Sale/Hrg/Bid Date

Special Instructions

Orders Created

Order No.	Newspaper Name	Publishing Dates	Ad	Price Description	Price	Ad Status
2744713	SAN FRANCISCO EXAMINER 10%, CA Billed To: CCSF BD OF SUPERVISORS (OFFICIAL NOTICES) Created For: CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)	04/24/2015	Depth : 5.26" Lines : 63	\$3.75 63 lines * 1 Inserts[\$236.25] \$ 10% set aside [\$-23.63]	\$212.62	Sent

Order No.	Newspaper	View
2744713	SAN FRANCISCO EXAMINER 10%	View Ad In PDF

NOTICE OF PUBLIC HEARING LAND USE AND TRANSPORTATION COMMITTEE SF BOARD OF SUPERVISORS MAY 4, 2015 - 1:30 PM LEGISLATIVE CHAMBER, ROOM 250, CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SF, CA

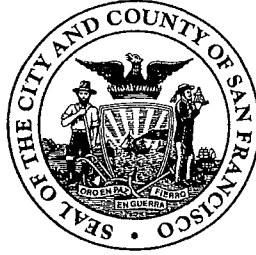
NOTICE IS HEREBYGIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150412. Resolution imposing interim zoning controls to reinstate the conditional use authorization requirement for Medical Cannabis Dispensaries in the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts, and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the

Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, May 1, 2015. Angela Calvillo, Clerk of the Board

**NOTICE OF PUBLIC
HEARING LAND USE AND
TRANSPORTATION
COMMITTEE SF BOARD
OF SUPERVISORS MAY 4,
2015 - 1:30 PM LEGISLA-
TIVE CHAMBER, ROOM
250, CITY HALL 1 DR.
CARLTON B. GOODLETT
PLACE, SF, CA**

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150412, Resolution imposing interim zoning controls to reinstate the conditional use authorization requirement for Medical Cannabis Dispensaries in the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts, and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, May 1, 2015. 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. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, May 4, 2015

Time: 1:30 p.m.

Location: Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 150412. Resolution imposing interim zoning controls to reinstate the conditional use authorization requirement for Medical Cannabis Dispensaries in the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts, and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, May 1, 2015.

A handwritten signature in black ink that reads "Angela Calvillo".

Angela Calvillo, Clerk of the Board

DATED: April 23, 2015
POSTED/PUBLISHED: April 24, 2015

**LAND USE & ECONOMIC DEVELOPMENT COMMITTEE
NOTICE REVIEW**

Legislative File No. 150412
Interim Zoning Controls - Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega, and Taraval Neighborhood Commercial Districts

Initial: AA Initial: OM w/ minor changes
Date: April 23, 2015

Publishing Logistics

10-days in advance mailing of notice:

Hearing Date: May 4

Notice Must be Submitted: Apr. 23

Notice Must be Mailed: N/A

Notice Will Publish: Apr. 24

Member, Board of Supervisors
District 10



RECEIVED
BOARD OF SUPERVISORS
City and County of San Francisco

2015 APR 29 PM 3:15

BJ

MALIA COHEN
馬莉亞郭嫻

DATE: April 29, 2015

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Malia Cohen
Chairperson

RE: Land Use and Transportation
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on May 5, 2015, as a Committee Report:

150412 [Interim Zoning Controls - Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega and Taraval Neighborhood Commercial Districts]

Resolution imposing interim zoning controls to reinstate conditional use authorization requirement for Medical Cannabis Dispensaries in the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

This matter will be heard in the Land Use and Transportation Committee on May 4 2015, at 1:30 p.m.

Sincerely,

A handwritten signature in cursive script that reads "Malia".

Malia Cohen
Member, Board of Supervisors

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

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

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

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

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

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

Sponsor(s):

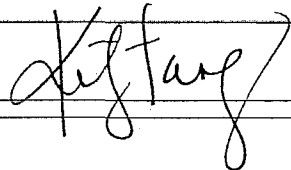
Supervisor Katy Tang

Subject:

Interim Zoning Controls - Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega and Taraval Neighborhood Commercial Districts

The text is listed below or attached:

Please see attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

