



# SAN FRANCISCO PLANNING DEPARTMENT

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December 1, 2016

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Tang  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

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**415.558.6377**

**Re: Transmittal of Eighteen-Month Report for the Interim Zoning Controls requiring Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega and Taraval Neighborhood Commercial**

**Board File No: 150412**

Dear Ms. Calvillo and Supervisor Tang,

Attached, please find the Planning Department's Eighteen-Month Report for the Interim Zoning Controls requiring Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega and Taraval Neighborhood Commercial.

Per Planning Code Section 306.7(i), the Planning Department is required to conduct a study of zoning proposal contemplated in interim controls enacted by the Board of Supervisors and propose permanent legislation. This report is intended to satisfy that requirement.

This report is required to be considered in a public hearing duly noticed in accordance with the basic rules of the Board. The Board has the option of accepting or rejecting this report.

If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr  
Manager of Legislative Affairs

cc:  
Victoria Wong, Deputy City Attorney  
Ashley Summers, Aide to Supervisor Tang  
Alisa Somera, Office of the Clerk of the Board

Attachments :

Planning Department's Eighteen-Month Report for the Interim Zoning Controls requiring Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega and Taraval Neighborhood Commercial.



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Department Report Interim Zoning Controls

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

*To:* Angela Calvillo, Clerk of the Board  
*From:* Aaron Starr, Manager of Legislative Affairs  
*Date:* December 1, 2016  
*Regarding:* **Eighteen-Month Report for the Interim Zoning Controls requiring Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega and Taraval Neighborhood Commercial Districts**

*Reporting Date:* November 15, 2016  
*Expiration Date:* November 15, 2016  
*Case Number:* Board File No. 150412/ Resolution No. 179-15

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### STATEMENT OF PURPOSE

Per Planning Code Section 306.7(i), the Planning Department is required to conduct a study of zoning proposal contemplated in interim controls enacted by the Board of Supervisors and propose permanent legislation. For any control that is placed in effect for more than six months, a report to the Board of Supervisors is required six months from the date of the imposition of the controls and at least every six months thereafter. This report is intended to satisfy that requirement.

### BACKGROUND

On May 15, 2015, the Board of Supervisors enacted the a resolution (Enactment #179-15) that reinstated the Conditional Use (CU) authorization requirement for Medical Cannabis Dispensaries (MCDs) in the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts (NCDs), and impose additional CU authorization criteria for an 18-month period.

### REQUIRED ANALYSIS

Per Planning Code Section 306.7, this report is required to address the interim controls; any required study; and an estimate the timeline needed to create permanent controls.

**(1) The status of the interim controls:**

On April 15, 2015, Supervisor Tang Introduced Board File 150412, which was intended to imposed the subject interim controls. The controls became effective on May 15, 2015 and expired on November 15, 2015.

**Summary of the interim controls:**

For 18 months, CU authorization is required for all new MCDs in the four Outer Sunset NCDs, which include Judah, Noriega, Taraval, and Irving NCDs. In addition to the standard criteria in Planning Code Section 303, Planning Commission must find that the facts presented establish that the proposed MCD satisfies the following criteria:

1. The MCD will bring measurable community benefits and enhancements to the Neighborhood Commercial District;
2. The MCD has prepared a parking and transportation management plan sufficient to address the anticipated impact of patients visiting the MCD; and
3. The MCD has demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the conditional use, including adequate security measures in its operation of the business, and designating a community liaison to deal effectively with current and future neighborhood concerns;

**(2) The findings and recommendations to date:**

**History of MCD Regulations in San Francisco**

San Francisco's law covering medical cannabis, the Medical Cannabis Act (MCA), became effective on December 30, 2005. The Act, set forth in Ordinance 275-05 and supported by Ordinances 271-05 and 273-05, amended the Planning, Health, Traffic, and Business and Tax Regulation Codes in order to establish a comprehensive regulatory framework for MCDs in San Francisco. The Act designates DPH as the lead agency for permitting MCDs. DPH conducts its own review of all applications and also refers applications to other involved city agencies, including the Planning Department, in order to verify compliance with relevant requirements. The Planning Department only reviews an application from an MCD once it has received a valid referral from the Department of Public Health. The Planning Commission's review of the MCD application is generally limited to the locational and physical characteristics of MCDs.

The Planning Code defers to the Health Code's definition of an MCD (see above) but places the following additional restrictions on where and how MCDs can operate:

1. The parcel containing the MCD cannot be located within 1,000 feet from a parcel containing a public or private elementary or secondary school; or a community facility and/or recreation center that primarily serves persons under 18 years of age;
2. the MCD is not 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; and
4. if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that the doors and windows are not left open for such purposes, resulting in odor emission from the premises;

MCD applications generally require a mandatory Discretionary Review (DR) hearing before the Planning Commission; however, there are no criteria or findings that commission can use when deciding to approve or disapprove an MCD application. Unlike other mandatory DRs, which only require a 10-day notice to adjacent neighbors, MCDs require a 30-day mailed notification to owners and occupants within a 300 foot radius of the subject property. In the West Portal NCD, a CU is required to establish an MCD, and in the Excelsior Outer Mission NCD a CU is required to establish an MCD within 500 feet of an existing MCD. MCDs are categorized as an Institutional Use, which reflects their status as both a non-profit enterprise and a medical service provider.

### **Regulating MCDs in the Outer Sunset NCDs**

In 2012, Supervisor Carmen Chu introduced Board File 120241, establishing the four Outer Sunset NCDs, which include Noriega, Irving, Judah and Taraval. Among other controls, that ordinance required Active Ground Floor Uses, as defined in Section 145.4, in all Outer Sunset NCDs. Since MCDs were not included on the list in Section 145.4, this effectively required CU authorization for all MCDs within these districts without changing the controls for MCDs in zoning control tables. Planning Staff pointed this out to the sponsoring supervisor at the time and suggested amending the control table to require CU for MCDs in these districts as a more direct and effective way of requiring CUs for MCD; however this changes was not made to the final adopted ordinance.

In 2015, the Board adopted an ordinance (22-15) called the Article 2 Ordinance that restructured Article 2 and consolidated use definitions into Section 102 of the Planning Code. This was phase one of the three-phase Code Reorganization Project. As part of this Ordinance, MCDs were added to the list of Active Ground Floor Uses in Section 145.4. This change was precipitated by the 2014 MCD Report done by Planning Staff, which found that MCDs should be subject to the transparency requirements for ground floor uses in order to make them more compatible with NCDs and to help normalize the use. Since MCDs were required to be open and transparent to the public right-of-way and they essentially function as a retail activity, it made sense that they should also be included as an Active Ground Floor Use in Section 145.4. This change effectively removed the CU requirement for MCDs from the Outer Sunset NCDs, and is what the interim controls are intended to address.

### **Study**

The Article 2 Ordinance was intended to make as few substantive changes as possible while reorganizing the Planning Code so that it uses a common language and standard set of definitions. The change that made MCDs Active Commercial Uses was identified when the Commission was considering the Article 2 Reorganization Ordinance; however, the repercussions of the decision were not fully seen at the time because the intention of the control in the Outer Sunset NCDs was not clearly identified in the Planning Code. For this reason, the Department believes that the Interim Controls are an appropriate response until such time as more permanent controls can be adopted.

Since the interim controls have been in effect only one MCD proposed in the Outer Sunset, located at 2139 Taraval Street, has gone before the Planning Commission; however, this application was submitted to the Department prior to when the CU requirement for MCDs in the Outer Sunset was removed from the Planning Code. The application was denied because the Commission found that the use was not necessary or desirable, and that the project did not meet all of the criteria listed in the interim controls. Specifically, it did not meet first criteria that asks if the proposed *"MCD will bring measurable community benefits and enhancements to the District."* Further, the Commission found that it only met part of the third criteria that asks: *Has the MCD "demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the conditional use, including adequate security measures in its operation of the business, and designating a community liaison to deal effectively with current and future neighborhood concerns."* The Planning Commission's Motion has been attached for reference as Exhibit A.

There are three MCD applications pending review by the Planning Commission within the Outer Sunset NCDs, including the properties 2165 Irving, 2505 Noriega, and 2120 Taraval. Given that the intention was to require CU authorization for MCDs in the Outer Sunset NCD when those districts were created, and the lack of adequate findings in the existing Mandatory DR process, the existing interim controls should be extended for an additional six months so that permanent controls can be adopted.

**The estimated time of completion of such study and proposed permanent legislation:**

The study of potential permanent controls is complete. The interim controls are intended as a stop gap measure until such time that permanent CU controls could be put back into place. Currently, the Department is working on the Article 7 Reorganization Ordinance, which is the second phase of the Planning Code Reorganization Project. That ordinance also includes changes that would require a CU for MCDs within the four Outer Sunset NCDs, and is scheduled to be heard by the Planning Commission on February 2, 2016. If passed, this ordinance should be effective by the time the six-month extension runs out on May 15, 2016.

**REQUIRED BOARD ACTION**

This Report is required to be considered in a public hearing duly noticed in accordance with the basic rules of the Board. The Board has the option of accepting or rejecting this report.



# SAN FRANCISCO PLANNING DEPARTMENT

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 (Rincon Hill Impact Fees)

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## Planning Commission Motion No. 19381

HEARING DATE: MAY 21, 2015

*Date:* May 11, 2014  
*Case No.:* **2013.1223CUA**  
*Project Address:* **2139 Taraval Street**  
*Zoning:* Taraval Street NCD  
 50-X Height and Bulk District  
 Taraval Street Restaurant Subdistrict  
 ¼ of Existing Fringe Financial Service  
*Block/Lot:* 2394/042  
*Project Sponsor:* Gordon Atkinson  
 735A Taraval Street  
 San Francisco, CA 94116  
 415.731.9927  
*Staff Contact:* Tina Chang – 415.575.9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
*Recommendation:* **Disapproval**

**ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND PENDING INTERIM LEGISLATION REQUIRING CONDITIONAL USE AUTHORIZATION FOR MEDICAL CANNABIS DISPENSARIES IN THE IRVING, JUDAH, NORIEGA AND TARAVAL NEIGHBORHOOD COMMERCIAL DISTRICTS, TO ALLOW A MEDICAL CANNABIS DISPENSARY (D.B.A BAY AREA COMPASSION HEALTH CARE) WITHIN THE TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 30<sup>th</sup>, 2015, Gordon Atkinson on behalf of Greg Schoepp (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Sections 303 of the Planning Code and pending interim legislation requiring conditional use authorization for medical cannabis dispensaries in the Irving, Judah, Noriega and Taraval Neighborhood Commercial Districts to establish a new medical cannabis dispensary at 2139 Taraval Street (d.b.a. “Bay Area Compassion Health Care”) within the Taraval Street Neighborhood Commercial District (NCD).

On May 21, 2015, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Case Number 2013.1223CUA.

This is not considered a Project under the California Environmental Quality Act, and does not require environmental review.

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. 2013.1223CUA, 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.** The subject property is on the south side of Taraval Street, between 31<sup>st</sup> and 32<sup>nd</sup> Avenues and falls within a 50-X height and bulk district, and the Taraval Street Neighborhood Commercial District. The subject one-story commercial building was constructed circa 1924, and is sandwiched between a bird hospital and Chinese gospel church. The proposed MCD site occupies approximately 17' of frontage; the remaining 8' of frontage is devoted to the entrance to the residence at the rear of the property.
3. **Surrounding Neighborhood.** The Taraval Street Neighborhood Commercial District is located in the Outer Sunset neighborhood and includes the non-residential currently-zoned NC-2 properties fronting both sides of Taraval Street from 19th through 36th Avenues. The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are 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 Taraval Street Neighborhood Commercial District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. These controls are designed to encourage the street's active retail frontage and local fabrication and production of goods.

The District is fairly well-served by transit, including the Muni L-line, and several busses that run in the surrounding blocks, such as the 48, 28, 29 and 66.



No other Medicinal Cannabis Dispensaries currently exist within 1000' radius of the subject property. Aside from the subject proposed MCD, the Planning Department has received a referral from the Department of Public Health and a Conditional Use Authorization application for a proposed MCD at 2120 Taraval Street (d.b.a Sunset Holistics).

4. **Project Description.** The proposal is to establish a new Medical Cannabis Dispensary at 2139 Taraval Street d.b.a. "Bay Area Compassion Health Care", to replace a vacant ground floor commercial space previously occupied by a chiropractor's office. The proposed retail space is approximately 800 square feet in size with approximately 17-feet of frontage. No parking is required and no physical expansion is proposed for the structure.

The proposed Medical Cannabis Dispensary (MCD) will not permit on-site smoking or vaporizing, nor will it cultivate cannabis on site. Tenant improvements will be made on this property to comply with Mayor's Office of Disability requirements. The proposed hours of operation are 11 a.m. to 8 p.m., Monday – Saturday and 4 p.m. to 8 p.m. Sunday.

The Project Sponsor's goal is to maintain a safe, low-profile, efficient and compassionate retail outlet for legitimate and responsible patients.

The project sponsor will maintain full-time security, which includes indoor and outdoor video cameras. In addition, security guards will be employed inside and outside the subject retail space.

5. **Public Comment.** The Department has received 3 letters and 2 phone calls expressing opposition to the project, two letters and one phone call in support of the project, as well as 4 emails and approximately 5 phone calls of inquiry regarding the project from neighbors and members of the press.
6. **Planning Code Compliance:** The Commission finds that the Project, on balance, is not compliant with relevant provisions of the Planning Code in the following manner:

- A. **Pending Interim Legislation Medical Cannabis Dispensary Criteria:** Below are the three criteria to be considered by the Planning Commission in evaluating Medical Cannabis Dispensaries, per pending interim legislation, expected to be effected May 15, 2015:

- a. That the MCD will bring measurable community benefits and enhancements to the Taraval Street NCD.

*Project Does Not Meets Criteria*

*The project sponsor believes that measurable benefits and enhancements to the community will be provided. However, it is not clear that the proposed MCD and products provided will bring measurable community benefits and enhancements to the Taraval Street NCD.*

- b. The MCD has prepared a parking and transportation management plan sufficient to address the anticipated impact of patients visiting the MCD; and

***Project Meets Criteria***

*The subject site is well serviced by transit and per Planning Code 741.22, parking for commercial uses is not required for floor areas less than 5,000 square feet. The subject project would occupy 800 square feet. Traffic patterns and type of traffic are not anticipated to change significantly from the previous use. The traffic volume may increase as the number of patrons to the MCD is expected to be greater than that of the previous chiropractor's office. However, the duration of the visit is expected to be short, thus offsetting the impacts to parking. The project Sponsor intends to request new, short-term parking spaces adjacent to the proposed facility from the San Francisco Municipal Transportation Agency. No loading space will be provided as the relative volume of medicine to be dispensed is relatively small and can be transported by automobile and hand carried. The MCD will not provide off-street parking at the subject site; though according to the project sponsor, a parking and transportation management plan has been prepared to sufficiently address the anticipated impacts of patients visiting the MCD. To date, this plan has not been submitted to the Planning Department.*

- c. The MCD has demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the conditional use, including adequate security measures in its operation of the business, and designating a community liaison to deal effectively with current and future neighborhood concerns.

***Project Partially Meets Criteria***

*According to the Public Sponsor, the MCD has demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the subject Conditional Use Authorization, and plans to include adequate security measures in its business operations. The Project Sponsor has also designated a community liaison to effectively handle current and future neighborhood concerns. The appointed community liaisons have been made available to answer questions and concerns through various outreach programs. According to the Project Sponsor, a weekly open house meeting on Wednesdays from 5-7pm has been held at the proposed project site. In addition to the weekly meetings, the Project Sponsor has presented to People of Parkside Sunset and the monthly meeting for business association members held at the Taraval Police Station. However, the Planning Commission has received a letter expressing opposition from the proposed MCD's adjacent neighbor, expressing concerns communicated 4 years ago when the project sponsor first applied to establish an MCD at the subject location. The letter, included in this case report, indicates that over 3,000 signatures from community members opposing the project were*

*collected. The Chinese Gospel Church was also the appellant for the appeal filed against the project's 2011 approval. The appeal was granted and upheld. Planning Commission Staff has also been contacted by members of the press. It is not clear that the designated community liaison is effectively dealing with current and future neighborhood concerns.*

**B. Planning Code Section 303 Criteria:** Below are standard criteria to evaluate Conditional Use Authorizations per Planning Code Section 303.

- a. 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.

***Project Does Not Meets Criteria***

*According to the Project Sponsor, the project team has conducted extensive research to find a suitable and permissible location on the west side of the City to provide legal, safe and local access to patients of the Sunset District, far from the Downtown cluster. The Project Sponsor believes that their business model positions the subject MCD to be compatible with and a contributory partner to the community. However, it is not clear that the proposed project is necessary or desirable for, and compatible with the neighborhood or the community.*

- b. 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;

***Project meets criteria.*** *The proposed project will not alter the proposed size and shape of the site, or the 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of the Code.

***Project meets criteria.*** *According to the Project Sponsor, the project has been upgraded, with respect to accessibility, according to the Mayor's Office of Disability requirements. The proposed project should not alter the accessibility or traffic patterns. The volume may increase to a small degree as the frequency of patrons' visits would be greater than that for a chiropractor's office. However, the duration of the visit is expected to be shorter, presumably offsetting the impact on parking. No off-street parking will be provided, however, according to the Project Sponsor, ample*

*street parking is available. Additionally the Project Sponsor intends to request new, short-term parking spaces adjacent to the proposed facility from MTA.*

- c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

***Project meets criteria.** Smoking cannabis on site will not be permitted and the medicines will be delivered, stored and dispensed in sealed containers thus preventing odors from being emitted on site.*

- d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

***Project does not meet criteria.** No landscaping or outdoor lighting will be provided as part of this project*

- e. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan; and

***The project does not meet all criteria** set forth in Section 303 of the Planning Code or pending interim legislation expected to be effective May 15, 2015, affecting MCDs in the subject zoning district.*

- f. Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District; and

***Project does not meet criteria.** The Taraval Street Neighborhood Commercial District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. These controls are designed to encourage the street's active retail frontage, and local fabrication and production of goods.*

*It is not clear that the proposed project will protect adjacent residential livability.*

- g. The use or feature satisfies any criteria specific to the use or feature in Subsections (g), *et seq.* of this Section 303.

*Not applicable, as the proposed use is not a hotel or motel.*

7. **General Plan Compliance:** The Commission finds that on balance, it is not clear that the Project is compliant with the priority General Plan Policies:

**PRIORITY GENERAL PLAN FINDINGS:**

Planning Code Section 101.1 establishes eight priority policies and requires review of permits for consistency, on balance, with these policies. It is not clear that the Project, on balance, complies with these policies as follows:

1. Existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.  
*The proposed facility will replace an existing vacant professional office and provide approximately fifteen new jobs for residents in the community.*
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.  
*It is not clear that neighborhood character will be conserved and protected to preserve the cultural and economic diversity of the Taraval Street Neighborhood Commercial District will be protected as a result of the proposed MCD.*
3. That the City's supply of affordable housing be preserved and enhanced.  
*The project will not affect the City's supply of affordable housing.*
4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.  
*The site is close to multiple public transit lines and the immediate neighborhood provides sufficient short-term parking so the use will not impede transit operations and is not expected to impact parking. However, the Project Sponsor intends to request new, short-term parking spaces adjacent to the proposed facility from MTA.*
5. 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 building is vacant and will not displace any industrial or service industry establishments.*
6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.  
*According to the Project Sponsor, no structural changes are proposed as a part of this project.*
7. Landmarks and historic buildings be preserved.  
*The proposed project does not involve the alteration of any character-defining features, thus not affecting landmarks or historic buildings*
8. Parks and open space and their access to sunlight and vistas be protected from development.  
*The project will not restrict access to any open space or parks and will not impact any open space or park's access to sunlight or vistas.*

**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 **DISAPPROVES Conditional Use Application No. 2013.1223CUA** in general conformance with plans on file, dated February 10, 2015, 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 the disapproval of this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19381. 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 May 21, 2015.

Jonas Ionin  
Commission Secretary

AYES: Wu, Antonini, Hillis, Johnson, Moore, Richards

NAYS: 0

ABSENT: Fong

ADOPTED: May 21, 2015