

1 [Adoption of Findings Related to Conditional Use Authorization - Proposed Project at 2505  
2 Noriega Avenue]

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. 19961, regarding the**  
5 **Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a**  
6 **proposed medical cannabis dispensary located at 2505 Noriega Avenue.**

7

8 WHEREAS, On July 27, 2017, Ray D. Hacke, on behalf of Ark of Hope Preschool, filed  
9 a timely appeal protesting the approval by the Planning Commission of an application for a  
10 Conditional Use Authorization identified as Planning Case No. 2014-003153CUA (Motion No.  
11 19961) for a medical cannabis dispensary doing business as The Apothecarium within the  
12 Noriega Street Neighborhood Commercial District, located at 2505 Noriega Avenue; and

13 WHEREAS, On September 5, 2017, after hearing public comment, the Board of  
14 Supervisors continued the hearing until October 3, 2017; and

15 WHEREAS, On October 3, 2017, the Board of Supervisors held a duly noticed public  
16 hearing on the appeal from the approval of the Conditional Use Authorization; and

17 WHEREAS, Following the conclusion of the public hearing that day, the Board voted to  
18 conditionally disapprove the decision of the Planning Commission and to deny the issuance of  
19 the requested Conditional Use Authorization by a vote of 9-2; and

20 WHEREAS, In deciding the appeal, the Board reviewed and considered the entire  
21 written record before the Board and all the public comments made in support of and in  
22 opposition to the appeal; now, therefore, be it

23 MOVED, That the Board finds that the proposed project will not be necessary or  
24 desirable for, and compatible with, the neighborhood or the community; and, be it

25

1 FURTHER MOVED, That the Board finds that the proposed project is located in close  
2 proximity to Ark of Hope Preschool and the Lutheran Church of the Holy Spirit, both of which  
3 offer preschool care for young children; and, be it

4 FURTHER MOVED, That the Board finds that neither facility is a School, as that term is  
5 defined in the Planning Code, but the proximity of the proposed project to youth-serving  
6 facilities demonstrates that the proposed project is not necessary or desirable for, and  
7 compatible with, the neighborhood and would have a negative impact on the neighborhood  
8 character; and, be it

9 FURTHER MOVED, That the proposed project would not bring measurable community  
10 benefits and enhancements to the commercial district; and, be it

11 FURTHER MOVED, The project sponsor has not demonstrated a commitment to  
12 maintaining public safety by actively engaging with the community; and, be it

13 FURTHER MOVED, That the project sponsor did not adequately engage with the  
14 community by conducting sufficient community outreach prior to applying for the conditional  
15 use authorization; and, be it

16 FURTHER MOVED, That the project sponsor's responses to questions from the Board  
17 of Supervisors at the October 3 hearing regarding the project sponsor's future plans for the  
18 dispensary were evasive and contradicted statements that the project sponsor previously  
19 made to the Planning Commission on the same subject; and, be it

20 FURTHER MOVED, That these evasive and misleading statements indicate that the  
21 project sponsor may not be a reliable neighbor to the community willing to actively and openly  
22 engage with community members to ensure public safety, and that the project may not be  
23 desirable to the neighborhood; and, be it

1           FURTHER MOVED, That based on the foregoing findings and the entire record in  
2 Board File No. 170898, the Board of Supervisors disapproved the decision of the Planning  
3 Commission by its Motion 19961 and denied the issuance of Conditional Use Authorization.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25