

File No. 171083

Committee Item No. _____

Board Item No. 37

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: October 17, 2017

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: October 11, 2017

Prepared by: _____

Date: _____

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

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

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FURTHER MOVED, That based on the foregoing findings and the entire record in Board File No. 170898, the Board of Supervisors disapproved the decision of the Planning Commission by its Motion 19961 and denied the issuance of Conditional Use Authorization.

Print Form

Introduction Form

By a Member of the Board of Supervisors or 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 [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. 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 the Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Adoption of Findings Related to Conditional Use Authorization - Proposed Project at 2505 Noriega Avenue

The text is listed:

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 19961, regarding the Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a proposed medical cannabis dispensary located at 2505 Noriega Avenue.

Signature of Sponsoring Supervisor:

Allegromera

For Clerk's Use Only

