

1 [1939-1945 Ocean Avenue Medical Cannabis Dispensary]  
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3 **Resolution urging the City Attorney to diligently pursue code enforcement**  
4 **actions in order to address a medical cannabis dispensary at 1939-1945 Ocean Avenue**  
5 **which is in violation of the Planning Code.**  
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7 WHEREAS, Substantial construction activities appear to have taken place at 1939-  
8 1945 Ocean Avenue (hereinafter "Property") in the past three months; and,

9 WHEREAS, No building permits have been sought at the Property since March of  
10 2002, when the occupancy of the property was described in City records as "food and  
11 beverage handling"; and,

12 WHEREAS, Concerned neighbors of the Property contacted various City agencies in  
13 mid-March 2005 to allege that the Property was being converted for use as a medical  
14 cannabis dispensary; and,

15 WHEREAS, On March 21, 2005, Staff from the San Francisco Planning Department  
16 (hereinafter "Planning Department") verified that the Property did not contain any operating  
17 business of any kind but that recent improvements to the Property, indicative of a new  
18 potential tenancy, were visible; and,

19 WHEREAS, The San Francisco Planning Department (hereinafter "Planning  
20 Department") issued a "Notice of Alleged Violation" on March 22, 2005, alleging that the  
21 property was being converted for use as a medical cannabis dispensary without the required  
22 permits; and,

23 WHEREAS, The San Francisco Board of Supervisors (hereinafter "Board of  
24 Supervisors") adopted Urgency Ordinance 64-05 which imposed an interim 45-day zoning  
25 moratorium on all new medical cannabis dispensaries on March 29, 2005; and,

WHEREAS, The Board of Supervisors adopted Urgency Ordinance 98-05 on May 17,  
2005, extending that moratorium by an additional six months; and,

1           WHEREAS, The Planning Department has received no response from the owner of the  
2 property that would indicate the allegations made in the Notice of Alleged Violation were  
3 erroneous; and,

4           WHEREAS, A commercial medical cannabis dispensary has opened for business at  
5 the Property following the enactment of the moratorium; and,

6           WHEREAS, Neighbors of the Property as well as members of the Ocean Avenue  
7 merchant and residential communities have reported incidences of marijuana smoking on  
8 adjacent sidewalks and in the broader neighborhood, loitering, double parking, the blocking of  
9 nearby driveways, the resale of medical cannabis to non-medical clientele by establishment  
10 customers, and patronage of the facility by large groups of energetic, outwardly healthy young  
11 males; and,

12           WHEREAS, The Planning Department transmitted relevant information to the Office of  
13 the City Attorney on June 3, 2005 requesting assistance in remedying the aforementioned  
14 violation of the Planning Code; and,

15           WHEREAS, The continued violation has a significant adverse effect on the quality of  
16 life of residents, merchants, and visitors to the immediate and broader areas; and,

17           WHEREAS, The proximity of the dispensary to two pre-existing medical cannabis  
18 dispensaries may contribute to an over-saturation of such uses in the neighborhood; and,

19           WHEREAS, The proximity of the dispensary to three schools in the immediate area  
20 poses an immediate concern to the well-being of the City's school-age population; and,

21           WHEREAS, The owner of the Property has been unresponsive to enforcement efforts  
22 made by the Planning Department; now, therefore, be it

23           RESOLVED, That the Board of Supervisors urges the San Francisco City Attorney's  
24 Office to diligently pursue an investigation and any appropriate enforcement actions required  
25 to adequately address this violation of the Planning Code; and,

          FURTHER RESOLVED, That the Board of Supervisors urges Jeffrey and Sophie Lau,  
the owners of the Property, to cooperate with the Office of the City Attorney and Planning  
Department and to comply with all applicable City codes and regulations; and,

1 FURTHER RESOLVED, The Clerk of the Board of Supervisors will send written  
2 communication of this resolution to Mr. And Mrs. Lau.  
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City and County of San Francisco

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

Tails  
Resolution

File Number: 051109

Date Passed:


Resolution urging the City Attorney to diligently pursue code enforcement actions in order to address a medical cannabis dispensary at 1939-1945 Ocean Avenue which is in violation of the Planning Code.

June 14, 2005 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,  
Mirkarimi, Peskin, Sandoval  
Absent: 1 - Daly

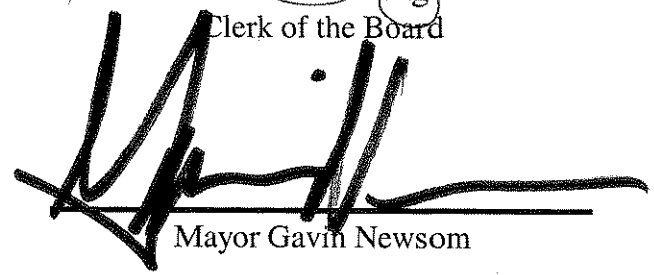
File No. 051109

I hereby certify that the foregoing Resolution was ADOPTED on June 14, 2005 by the Board of Supervisors of the City and County of San Francisco.

  
Gloria L. Young  
Clerk of the Board

JUN 23 2005

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Date Approved

  
Mayor Gavin Newsom