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

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.

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

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

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

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

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

MOVED, That the Board finds that the proposed project will not be necessary or desirable for, and compatible with, the neighborhood or the community; and, be it
FURTHER MOVED, That the Board finds that the proposed project is located in close proximity to Ark of Hope Preschool and the Lutheran Church of the Holy Spirit, both of which offer preschool care for young children; and, be it

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

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

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

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

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

FURTHER MOVED, That these evasive and misleading statements indicate that the project sponsor may not be a reliable neighbor to the community willing to actively and openly engage with community members to ensure public safety, and that the project may not be desirable to the neighborhood; and, be it
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.
City and County of San Francisco
Tails
Motion: M17-160

File Number: 171083  Date Passed: October 17, 2017

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.

October 17, 2017 Board of Supervisors - APPROVED
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 171083  I hereby certify that the foregoing Motion was APPROVED on 10/17/2017 by the Board of Supervisors of the City and County of San Francisco.

[Signature]
for Angela Calvillo
Clerk of the Board