



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: 10/04/2018

Date: September 28, 2018
Record No.: 2018-001018CUA
Project Address: 1963 Ocean Avenue
Zoning: Ocean Avenue Neighborhood Commercial Transit District
45-X Height and Bulk District
Block/Lot: 6915/020
Applicant: Cong Phuong T Nguyen/Yong (Blake) He [agent]
948 Moscow Street
San Francisco, CA 94112
Staff Contact: Cathleen Campbell – (415) 575-8732
cathleen.campbell@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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PROJECT DESCRIPTION

The proposal is a Conditional Use Authorization request to amend the Conditions of Approval No. 9, under Motion No. 19271, which restricts the hours open to the public between 11:00 a.m. and 10:00 p.m. Specifically, the proposal is to modify the condition of approval #9, the subject establishment is limited to the following hours of operation: 10a.m. – 2 a.m. daily.

The Tobacco Paraphernalia Establishment retail use, "Happy Vape", was originally approved by the Planning Commission on November 6, 2014 (Case No. 2014.0206C), pursuant to the California Environmental Quality Act, in Motion No. 19271.

The Tobacco Paraphernalia Establishment retail use, "Happy Vape", currently includes e-cigarette sales at the ground floor and a steam stone hookah lounge at the basement level. The existing tenant space measures approximately 1,334 square feet at ground floor and 1,054 square feet at basement level. The operator intends to relocate the hookah lounge to the ground floor and provide the e-cigarette sales at the basement level. The established hookah lounge is not restricted in use size or location per the Planning Code. No ABC license is being sought in conjunction with this Conditional Use authorization. Per the business plan for Happy Vape, no one under the age of eighteen will be allowed; this is made clear through a sign on the entrance door and checking of identification.

E-cigarette smoking, or "vaping", is not allowed inside commercial establishments within San Francisco, or within 15 feet of entrances to commercial establishments.

REQUIRED COMMISSION ACTION

Under Planning Code 303(e), authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use. In order for the project to proceed, the Commission must grant conditional use authorization under Planning Code Section 303(e) to amend a condition of approval in Case Number 2014.0206CUA, Planning Commission Motion 19271 to modify the condition of approval #9, the subject establishment is limited to the following hours of operation: 10a.m. – 2 a.m. daily.

ISSUES AND OTHER CONSIDERATIONS

- As confirmed by Zoning Administrator Letter of Determination September 26, 2014, 1963 Ocean Avenue, the Planning Department defines Hookah use as part of the overall Tobacco Paraphernalia Establishment use. The established hookah lounge is not restricted in use size or location per the Planning Code. Per Health Code Article 19(Q) and 19(F) Flavored hookah with nicotine is prohibited to be inhaled within enclosed areas. All flavored hookah vapor consumed on site will contain no nicotine.
- The department of public health is the city's regulatory agency for tobacco permits. Ordinance no. 140-17, adopted the health code prohibiting the sale of flavored tobacco products as part of [Proposition E](#), it was adopted by the voters at the June 5, 2018 election. The ordinance under Article 19(Q): prohibits cigarettes and tobacco product that has or produces a characterizing flavor, including, but not limited to, text, color, and/or images on the product's Labeling or Packaging that are used to explicitly or implicitly communicate that the Tobacco Product has a characterizing flavor.
- Ordinance No. 030-14 amended the Health Code with restrictions on the sale and use of electronic cigarettes through Board of Supervisor action, effective March 25, 2014. The ordinance generally amended Article 19(N): to prohibit the use of e-cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of e-cigarettes; and prohibit the sale of e-cigarettes where the sale of tobacco products is otherwise prohibited.
- Ordinance No. 230-17 amended the Health Code with restrictions the smoking of tobacco within enclosed areas through Board of Supervisor action, effective January 5, 2018. The ordinance generally amended Article 19(N): smoking is prohibited in buildings and enclosed structures, throughout the building or structure and in the common areas, such as the elevators, hallways, stairways, restrooms, conference and meeting rooms, and eating and break rooms, and certain unenclosed areas that contain any of the facilities or uses such as Tobacco Shops.
- There are no other retail shops completely dedicated to e-cigarette sales in the Ocean Avenue NCT, nor are there other Tobacco Paraphernalia Establishments that have been through the conditional use process. The approximate concentration of establishments that sell e-cigarettes – as peripheral goods and the proposed business - within the Ocean Avenue NCT is 6% of commercial frontage. This represents seven stores, including the subject proposal, out of 144 storefronts in the Ocean Avenue NCT. The two other nearest retail stores dedicated to e-cigarette sales appear to be

located approximately 1.5 miles away from the subject site. However, the Planning Code does not outline restrictions on concentration percentage or proximity to other Tobacco Paraphernalia Establishments.

BASIS FOR RECOMMENDATION

- The project promotes a locally-owned business and contributes to the commercial diversity of Ocean Avenue NCT.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding commercial neighborhood.
- These types of retail sales must meet obtain other agency permits in order to operate as proposed.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization
Exhibit A – Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D– Maps and Context Photos
Exhibit E – Zoning Administrator Letter of Determination
Exhibit F – Conditional Use Application
Exhibit G - Public Correspondence



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Motion No. XXXXX

HEARING DATE: OCTOBER 4, 2018

Date: September 21, 2018
Case No.: 2018-001018CUA
Project Address: 1963 Ocean Avenue
Zoning: Ocean Avenue Neighborhood Commercial Transit District
45-X Height and Bulk District
Block/Lot: 6915/020
Project Sponsor: Cong Phuong T Nguyen/Yong (Blake) He [agent]
948 Moscow Street
San Francisco, CA 94112
Staff Contact: Cathleen Campbell – (415) 575-8732
cathleen.campbell@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 (E), AND 755 TO AMEND THE CONDITIONS OF APPROVAL FOR PLANNING COMMISSION MOTION NO. 19271 TO MODIFY THE CONDITION OF APPROVAL #9, HOURS OF OPERATION TO 10 A.M. – 2 A.M.. TO THE PROJECT AT 1963 OCEAN AVENUE ON ASSESSOR'S BLOCK 6915, LOTS 020 IN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT A 45-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 7, 2014 Cong Phuong Nguyen (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 737.69 to allow establishment of a Tobacco Paraphernalia Establishment retail use (d.b.a. Happy Vape) within the Ocean Avenue NCT (Neighborhood Commercial Transit) District and a 45-X Height and Bulk District.

On November 6, 2014, the San Francisco Planning Commission (hereinafter "Commission") adopted Motion No. 19271 (No. 2014.0206C), granting authorization to permit a Tobacco Paraphernalia Establishment retail use under; Planning Code Section 303 (E), 737.69.

On January 17, 2018, Kam Li, acting on behalf of the property owner ("Project Sponsor"), submitted a request (Case No. 2018-001018CUA) with the City and County of San Francisco Planning Department

("Department") or Conditional Use Authorization under Planning Code Section 303(E) to modify the Condition of Approval No. 9 under Planning Commission Motion No. 19271, which restricts the business operation between the hours of 11:00 am – 10:00 pm.

On September 9, 2018 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

On October 4, 2018, the San Francisco Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2018-001018CUA.

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. 2018-001018CUA, 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. **Project Description.** The proposal is a Conditional Use Authorization request to amend the Conditions of Approval No. 9, under Motion No. 19271, which restricts the hours open to the public between 11:00 a.m. and 10:00 p.m.. Specifically, the proposal is to modify the conditioned hours of operation to allow hours of operation between 10 a.m. to 2 a.m.

The Tobacco Paraphernalia Establishment retail use (d.b.a. Happy Vape) was originally approved by the Planning Commission on November 6, 2014 (Case No. 2014.0206C), pursuant to the California Environmental Quality Act, in Motion No. 19271.

3. **Site Description and Present Use.** The project is located on the southern side of Ocean Avenue, between, Block 6915, Lot 020. The property is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District with 45-X height and bulk district. The property is developed with a one-story-over-partial-basement commercial building, with tenants including a travel agent, a massage/acupuncture establishment and the Tobacco Paraphernalia Establishment retail use (d.b.a. Happy Vape at 1963 Ocean Avenue. The street frontage of the proposed tenant space is 20 feet. The parcel is approximately 4,500 square feet. The site is within the Balboa Park Station Plan Area.
4. **Surrounding Properties and Neighborhood.** The length of the Ocean Avenue NCT District is approximately $\frac{3}{4}$ mile and the City College of San Francisco anchors the southern end of the

district, with approximately 35,000 students. The area surrounding the project site on Ocean Avenue is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Ocean Avenue NCT, including restaurants, cafes, professional services, convenience stores, liquor stores, auto service stations, and other types of retailers.

Buildings along Ocean Avenue typically range from one to five stories in height. Upper floors of buildings are generally occupied by residential units. The surrounding properties are located within the RH-1(D) (Residential House, One-Family Detached), RH-1 (Residential House, One-Family) and RH-2 (Residential House, Two-Family) Districts, with some NC-2 and NC-1 zoned districts interspersed. The area is transit-oriented with the MUNI K-Ingleside line on Ocean Avenue and several bus lines on and connecting to Ocean Avenue. The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices.

5. **Public Comment.** The Department has received 13 letters in support with no comments in opposition to the proposal. The project sponsor also provided a signed petition with printed names and addresses.

6. **Planning Code Compliance:**

The Planning Code Compliance Findings set forth in Motion No. 19271 Case No. 2014.0206C Conditional Use Authorization, pursuant to Planning Code Section 303 (E), AND 755 apply to this Motion, and are incorporated herein as though fully set forth.

In addition, the Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Hours of Operation.** Planning Code Section 755 states that hours of operation between 6a.m. to 2a.m. are permitted as of right.

Conditions of Approval No.9, under Motion No. 19271, restricts the hours open to the public to between 11:00 a.m. and 10:00 p.m. The proposal is to amend the conditioned hours of operation to allow the hours of operation between 10 a.m. - 2 a.m.

- B. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any

decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has approximately 20-feet of frontage on Ocean Avenue with approximately 20 feet devoted to either the retail entrance or window space. The windows are proposed as clear and unobstructed. There are no changes proposed to the commercial frontage.

- C. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.
7. **Planning Code Section 303** establishes criteria for the Commission to consider when reviewing applications for Conditional Use Authorization. The Findings set forth in Motion No. 19271 Case No. 2014.0206C Conditional Use Authorization, pursuant to Planning Code Section 303 (E), AND 755 apply to this Motion, and are incorporated herein as though fully set forth.

In addition, the Commission finds that the Project On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The restaurant use was established in 12014 under Motion No. 19271, Case No. 2014.0206C, with conditions on the operation hours. The proposal expands upon the operation hours of the existing use which has been in place at this location for approximately four years. The modification to Condition of Approval No. 9, to permit hours of operation between the hours of 10:00 am and 2:00 am, will allow the current business operator to better serve the existing customer base. The size of the proposed use is in keeping with other storefronts on the block face. The proposed hours of operation will not impact traffic or parking in the District, as the use is not changing from retail. This will complement the mix of goods and services currently available in the district by providing diverse commercial offerings and contribute to the economic vitality of the neighborhood by removing a vacant storefront.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The amendment proposes no change to the project site or the size, shape and arrangement of structures.

- ii. 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;

With regard to the treatment and impact to the traffic, parking transit, loading, the amendment to Condition of Approval No. 9, to permit hours of operation between the hours of 10:00 am and 2:00 am, will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. The proposed operations amendment is designed to meet the needs of the immediate neighborhood. The Planning Code does not require parking or loading for a 2,423 occupied square-foot retail use. The use is designed to meet the needs of the immediate neighborhood as well as limited comparison shopping goods for a wider market. The site is easily accessible by transit for surrounding neighborhoods, and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The proposal to permit hours of operation between the hours of 10:00 am and 2:00 am will not change existing measures implemented by the operator to prevent noxious or offensive emissions such as noise, glare, dust and odor. The existing use is subject to conditions of approval outlined in Exhibit A. Conditions 3 and 6 under Motion No. 19271, specifically obligates the project sponsor to mitigate odor generated by the Tobacco Paraphernalia Use.

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

The amendment proposes no change to the project site or the size, shape and arrangement of structures including landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable RH-2 District.

The existing use is consistent with the stated purposed of the Ocean Avenue NCT District in that the intended use is located at the ground floor and below, will provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The expend hours of operation enhances the range of comparison goods and services offered by adding another specialty retail store to the District. Further, a survey conducted by the Mayor's Office of

Economic and Workforce Development Invest in Neighborhoods program (February 2013) determined that more diverse commercial offerings were desired by the neighborhood.

- E. With respect to a Tobacco Paraphernalia Establishment, as defined in Section 227(v) of the Planning Code, the Commission shall make the following findings:
- i. The concentration of such establishments in the particular zoning district for which they are proposed does not appear to contribute directly to peace, health, safety, and general welfare problems, including drug use, drug sales, drug trafficking, other crimes associated with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems on the district's public streets and lots;

The existing establishment, is a retail space for an electronic cigarette retail store and steam stone hookah lounge. There are no other Tobacco Paraphernalia Establishments within the Ocean Avenue NCT that have received Conditional Use authorization. The approximate concentration of establishments that sell e-cigarettes – including as peripheral goods and the proposed business - within the Ocean Avenue NCT is 6% of commercial frontage. The project sponsor will maintain current contact information for a Community Liaison per Condition 6 in Exhibit A, will endeavor to create a safe business environment, discourage loitering and e-cigarette smoking outside the storefront, and maintain the public space in front of the storefront free from litter per Condition 4 in Exhibit A. Street parking exists along Ocean Avenue and the area is well-served by MUNI K-Ingleside lightrail line and several bus lines on and connecting to Ocean Avenue.

- ii. The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas, including fear for the safety of children, elderly and disabled residents, and visitors to San Francisco;

There are no other Tobacco Paraphernalia Establishments within the Ocean Avenue NCT that have received Conditional Use authorization. The approximate concentration of establishments that sell e-cigarettes – including as peripheral goods and the proposed business - within the Ocean Avenue NCT is 6% of commercial frontage. The project sponsor will maintain current contact information for a Community Liaison per Condition 6 in Exhibit A, will endeavor to create a safe business environment, discourage loitering and e-cigarette smoking outside the storefront, and maintain the public space in front of the storefront free from litter per Condition 4 in Exhibit A.

- iii. The proposed establishment is compatible with the existing character of the particular district for which it is proposed.

The use is a retail space for an electronic cigarette retail store and steam stone hookah lounge. The use will remain as retail establishment, and no changes are proposed to the fine-grained, pedestrian-oriented storefront. The establishment is compatible with the existing character of particular district for which it is proposed.

8. **General Plan Compliance.** The General Plan Consistency Findings set forth in Motion No. 19271 Case No. 2014.0206C Conditional Use Authorization, pursuant to Planning Code Section 303 (E), and 755 apply to this Motion, and are incorporated herein as though fully set forth.

NEIGHBORHOOD COMMERCE
OBJECTIVES AND POLICIES

OBJECTIVE 1:
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE
TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The project would provide an entertainment venue to the neighborhood and would provide resident employment opportunities to those in the community. Further, the project site is located within a Neighborhood Commercial District and is consistent with activities in the commercial land use plan.

OBJECTIVE 2:
MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL
STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will enhance the diverse economic base of the City.

OBJECTIVE 6:
MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS
EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. This is not a Formula Retail use.

**BALBOA PARK STATION AREA PLAN
OBJECTIVES AND POLICIES**

Objective 1.2:

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

An independent entrepreneur is sponsoring the proposal. This is not a Formula Retail use.

Policy 1.2.3:

Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhood.

An independent entrepreneur is seeking expand the operation hours of an existing retail use. No retail use is being displaced as the storefront space is currently vacant.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The amendment would provide a small-business owner an opportunity to enhance an existing business that currently provides job opportunities to the City.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The amendment would preserve and enhance the cultural and economic diversity of the neighborhood by helping to retain an existing business in the area. Existing housing would not be affected by this project.

- C. That the City's supply of affordable housing be preserved and enhanced,

The amendment would not displace any affordable housing.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The amendment would not significantly increase traffic congestion or the availability of parking in the neighborhood.

- E. That 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 amendment would not displace or affect any service or industry establishment. Ownership of industrial or service sector businesses would not be affected by this project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The amendment will have no effect on the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The amendment would not affect any city-owned parks or open space.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

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 **APPROVES Conditional Use Application No. 2018-001018CUA** subject to the following conditions attached hereto as "EXHIBIT A," and subject to the Conditions of Approval of Planning Commission Motion No. XXXX, as amended by this approval to modify the Condition No. 9 to permit the hours of operation between 10:00 a.m. and 2:00 a.m.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17820. 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 94012.

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 October 4, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSED:

ADOPTED: October 4, 2018

EXHIBIT A

AUTHORIZATION

This is a Conditional Use Authorization pursuant to Planning Code Section 303(e) and 755 to amend the conditions of approval for Planning Commission Motion No. 19271 to modify the Condition of Approval #9, to the subject establishment is limited to the following hours of operation: 10 a.m. – 2 a.m. daily, at 1963 Ocean Avenue, Lot 020 in Assessor's Block 6915 within the Ocean Avenue NCT (Neighborhood Commercial Transit) a 45-X Height And Bulk District; subject to conditions of approval reviewed and approved by the Commission on November 6, 2014, under Motion No. 19271, as amended by the Commission on October 4, 2018 under Motion No. XXXXXX, in general conformance with plans, dated December 12, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2018-001018CUA. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **October 4, 2018** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
2. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
3. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

DESIGN – COMPLIANCE AT PLAN STAGE

4. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
5. **ID Reader and Signage at Front.** In order to ensure that the business owner maintains restrictions on entry to ages 18 and older, the building permit application to implement the project shall include an Identification reader installed at the entry door and signage at the entry door(s) indicating entry by individuals ages 18 and older.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

OPERATION

6. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

7. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. Further the Project Sponsor shall ensure that e-cigarette and other Tobacco Paraphernalia is not tasted on the sidewalk outside the establishment and that there is no loitering outside the establishment in relation to the subject business.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

8. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 10 a.m. – 2 a.m. daily.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

10. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Community Liaison is Yong (Blake) He, at a business address of 1963 Ocean Avenue, San Francisco, CA 94127, and phone number 415-513-2620. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **ID Reader and Signage at Front.** Appropriate Identification scanning equipment should be installed and utilized at the entry for monitoring entry by individuals ages 18 and older. Appropriate code-complying signage shall be affixed to entry door(s) indicating entry by individuals ages 18 and older.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

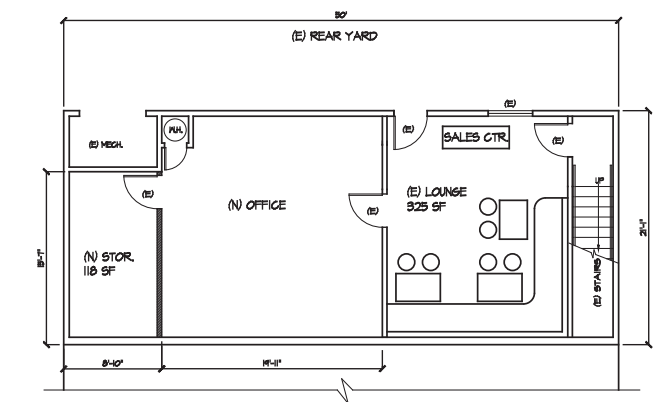
12. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
13. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
14. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

OCCUPANT LOAD CALCULATION				
EXISTING	OCCUPANCY	AREA (SF)	LOAD FACTOR	OCCUPANT LOAD
1ST FLOOR RETAIL	M	202	30	7
1ST FLOOR LOUNGE	M	90	15	6
1ST FLOOR OFFICE	B	105	100	2
1ST FLOOR STORAGE	S-2	188	300	1
1ST FLOOR CIRCULATION	-	366	-	NOT COUNTED
1ST FLOOR STAIRS	-	65.9	-	NOT COUNTED
BASEMENT FLOOR LOUNGE	M	304	15	21
BASEMENT FLOOR RETAIL	M	61	30	2
BASEMENT FLOOR STORAGE	S-2	118	300	1
BASEMENT FLOOR OFFICE	B	388	100	4
BASEMENT FLOOR CIRCULATION	-	73	-	NOT COUNTED
BASEMENT FLOOR STAIRS	-	73	-	NOT COUNTED

EXISTING OCCUPANT LOAD: BASEMENT = 28
1ST FLOOR = 16

PROPOSED LOAD CALCULATION				
EXISTING	OCCUPANCY	AREA (SF)	LOAD FACTOR	OCCUPANT LOAD
1ST FLOOR RETAIL	M	67	30	3
1ST FLOOR LOUNGE	M	372	15	25
1ST FLOOR OFFICE	B	105	100	2
1ST FLOOR STORAGE	S-2	188	300	1
1ST FLOOR CIRCULATION	-	221	-	NOT COUNTED
1ST FLOOR STAIRS	-	65.9	-	NOT COUNTED
BASEMENT FLOOR RETAIL	M	325	30	11
BASEMENT FLOOR STORAGE	S-2	118	300	1
BASEMENT FLOOR OFFICE	B	388	100	4
BASEMENT FLOOR CIRCULATION	-	73	-	NOT COUNTED
BASEMENT FLOOR STAIRS	-	73	-	NOT COUNTED

PROPOSED OCCUPANT LOAD: BASEMENT = 31
1ST FLOOR = 16



1 EXIST. BASEMENT FLOOR PLAN
SC: 1/8" = 1'-0"

BUILDING INFORMATION

ADDRESS: 1963 OCEAN AVE., SAN FRANCISCO CA 94121
BLOCK: 6915 LOT: 20
ZONING: NCT - OCEAN AVE. NEIGHBORHOOD COMMERCIAL TRANSIT

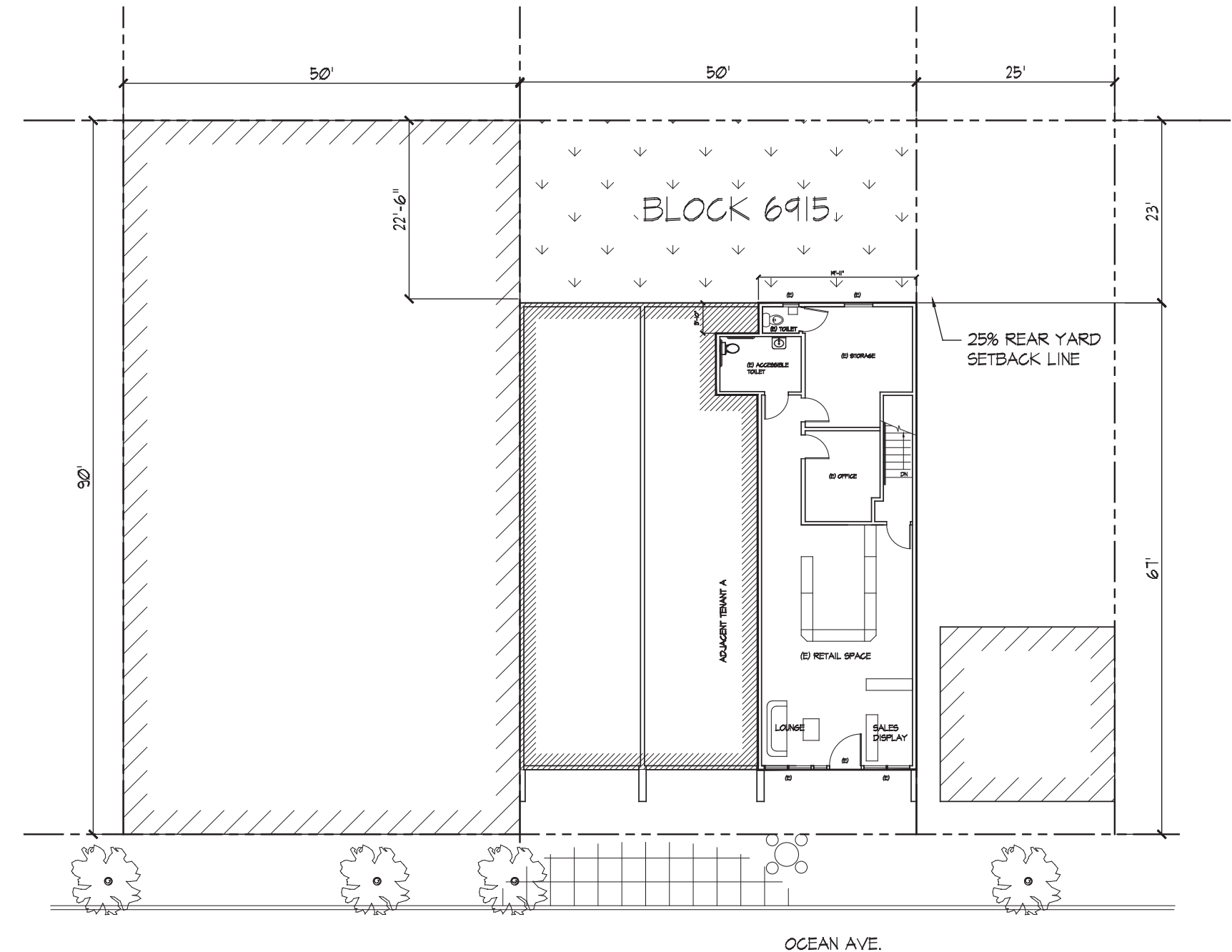
FLOOR: 1ST / BASEMENT
BUILDING TYPE: T-B
BUILT: 1948
LOT AREA: 50'x90' = 4,500 SF

SCOPE OF WORK

1. NO CONSTRUCTION WORK OF AN RETAIL TOBACCO PARAPHERNALIA (E-CIGARETTES & SUPPLIES)
2. RELOCATE FUNCTIONS WITH LOUNGE ON 1ST FLOOR AND RETAIL IN BASEMENT
3. EXTENDED HOURS AND CONDITIONAL USE MODIFICATION

FUNCTIONAL AREA CHANGES

FLOOR	EXISTING	PROPOSED
BASEMENT		
LOUNGE		0
RETAIL	304 SF 61 SF	325 SF
1ST FLOOR		
LOUNGE	90 SF	372 SF
RETAIL	202 SF	67 SF
AREA TOTAL		
LOUNGE	394 SF	372 SF
RETAIL	253 SF	392 SF



2 EXIST. 1ST FLOOR PLAN
SC: 1/8" = 1'-0"



ARCHITECTURE
+ PLANNING
445 Grant Avenue
4th Fl. Suite 404
San Francisco, USA
94108-3208 CA
(415) 391-3313
(Fax) 391-3649

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Project Title:
HAPPY VAPE

1963 OCEAN AVE
SAN FRANCISCO

Consultants:

JOB NO. 2017-45

Date: 12/12/17
Checked By: SK
Drawn By: SK

ISSUANCES & REVISIONS:

No.	Date	Description
1	7/27/18	PLANNING COMMENT

Stamp:



Sheet Title
PROJECT INFO.
SITE PLAN
EXISTING
FLOOR PLANS

Sheet No.

T-1



ARCHITECTURE
+ PLANNING
445 Grant Avenue
4th Flr. Suite 404
San Francisco, USA
94108-3208 CA
(415) 391-3313
(Fax) 391-3649

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Project Title:

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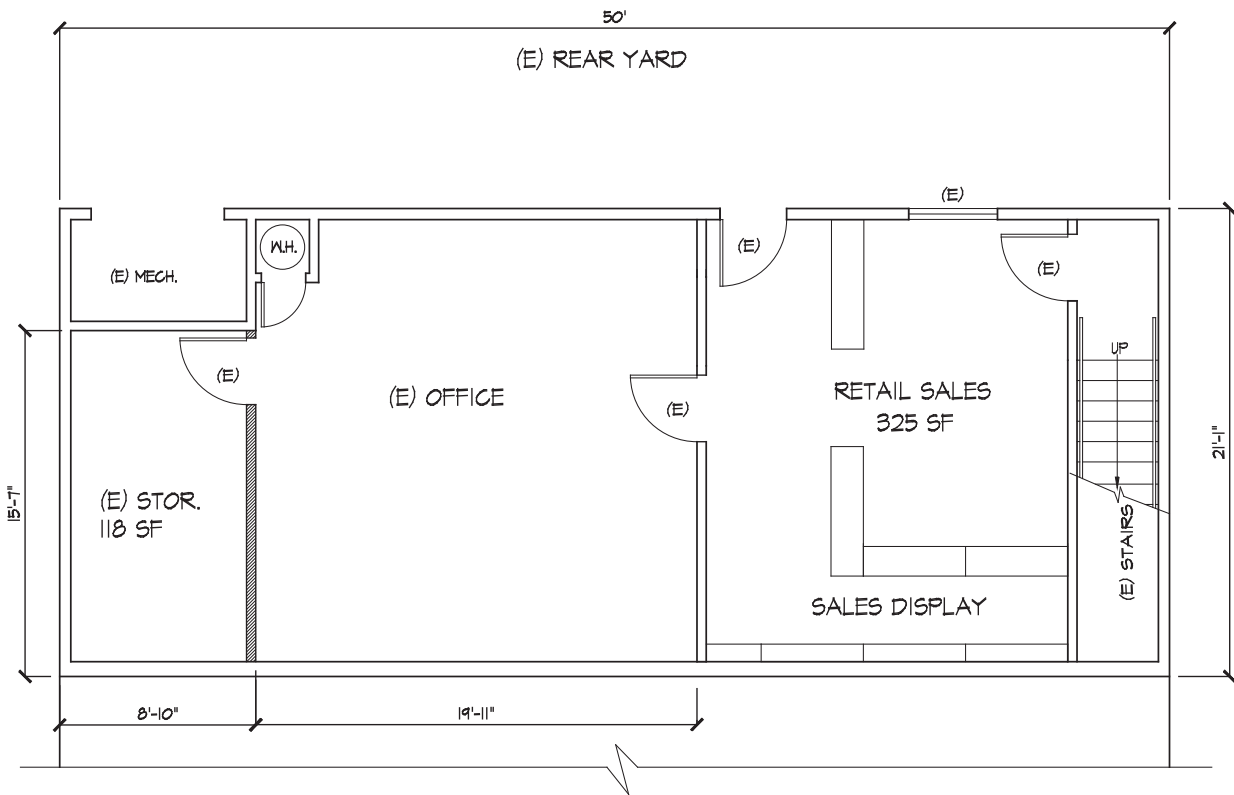


Sheet Title

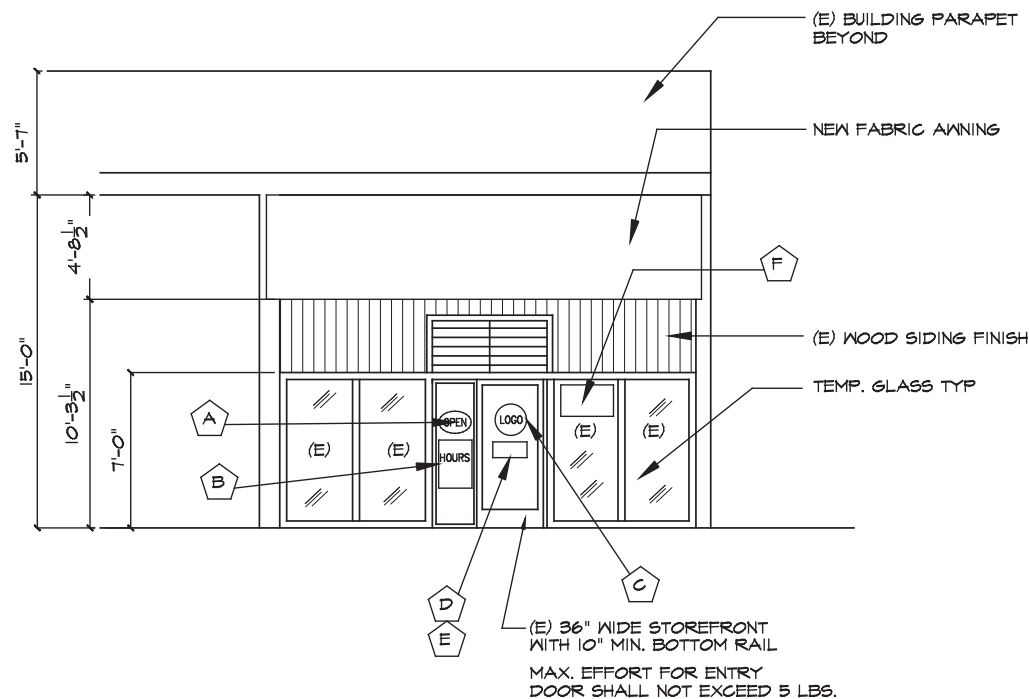
PROPOSED FLOOR
PLANS

Sheet No.

A-1

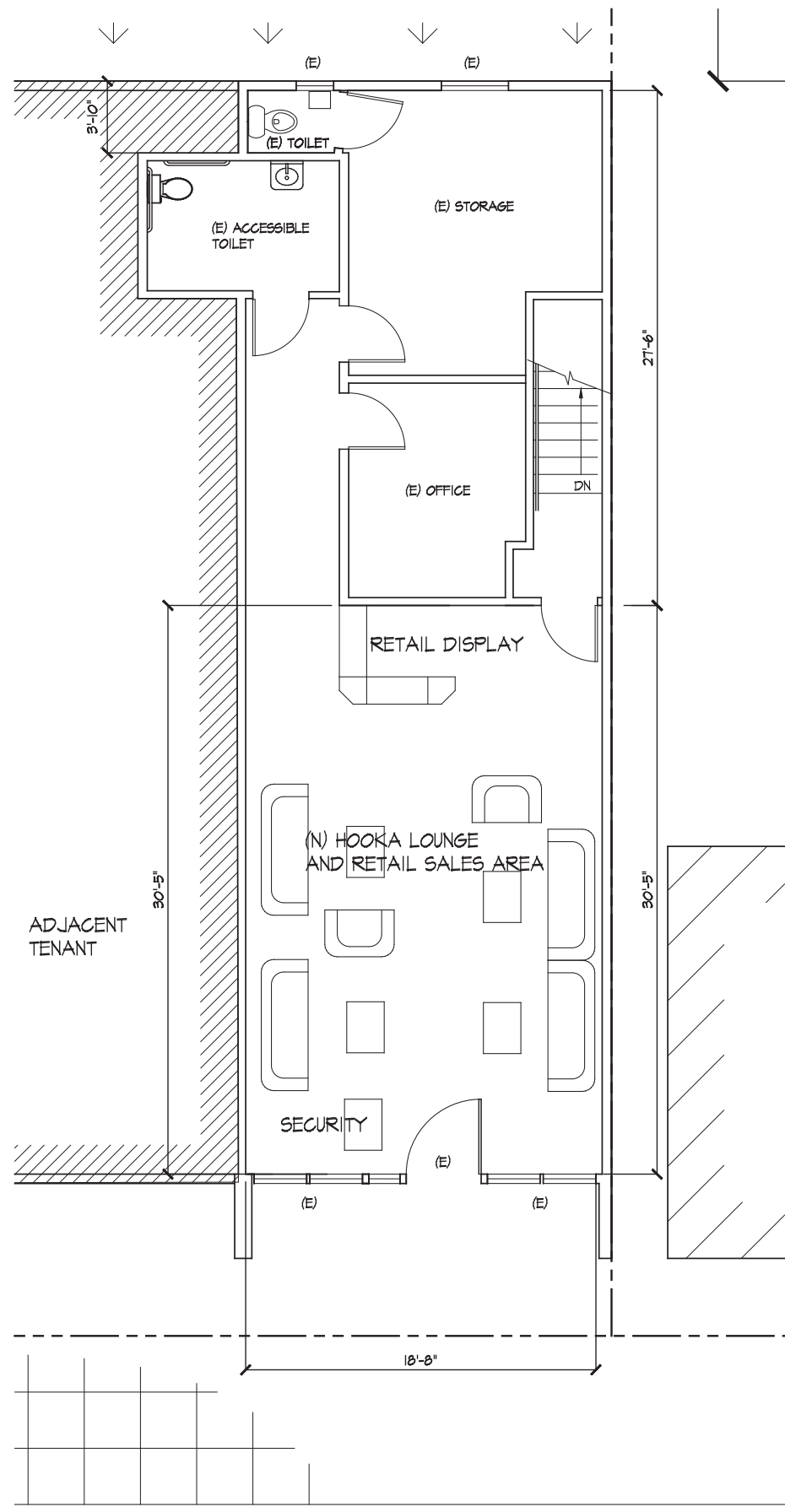


1 PROPOSED BASEMENT PLAN
SC: 1/4" = 1'-0"



3 STREET ELEVATION (OCEAN AVE.)
SC: 1/4" = 1'-0"

SIGNAGE SCHEDULE	
A	OPEN "LED" SIGN
B	HOURS OF OPERATION
C	LOGO
D	18 AND OVER SIGN
E	WE CHECK ID AND NO VAPING/SMOKING ON PREMISE
F	SF HEALTH CODE ARTICLE 19F SIGN SIGN AT EACH ENTRY NO HIGHER THAN 8' AND LOWER THAN 5', WITHIN 10' OF DOOR TO READ: "SMOKING ONLY 1) AT CURB OR 2) IF NO CURB AT 15' FROM ENTRANCES, EXITS, OPERABLE WINDOWS, AND VENTS.



2 PROPOSED 1ST FLOOR PLAN
SC: 1/4" = 1'-0"



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
1963 OCEAN AVE		6915020
Case No.		Permit No.
2018-001018PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Conditional Use Authorization to extend hours of operation d.b.a Happy Vape.		

STEP 1: EXEMPTION CLASS

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input checked="" type="checkbox"/>	Class ____ Non-project, hours of operation

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.

If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.

Comments and Planner Signature (optional): Cathleen Campbell

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)

<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.

<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.

Note: Project Planner must check box below before proceeding.

<input checked="" type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.

<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Cathleen Campbell	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Cathleen Campbell 09/07/2018
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
1963 OCEAN AVE		6915/020
Case No.	Previous Building Permit No.	New Building Permit No.
2018-001018PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

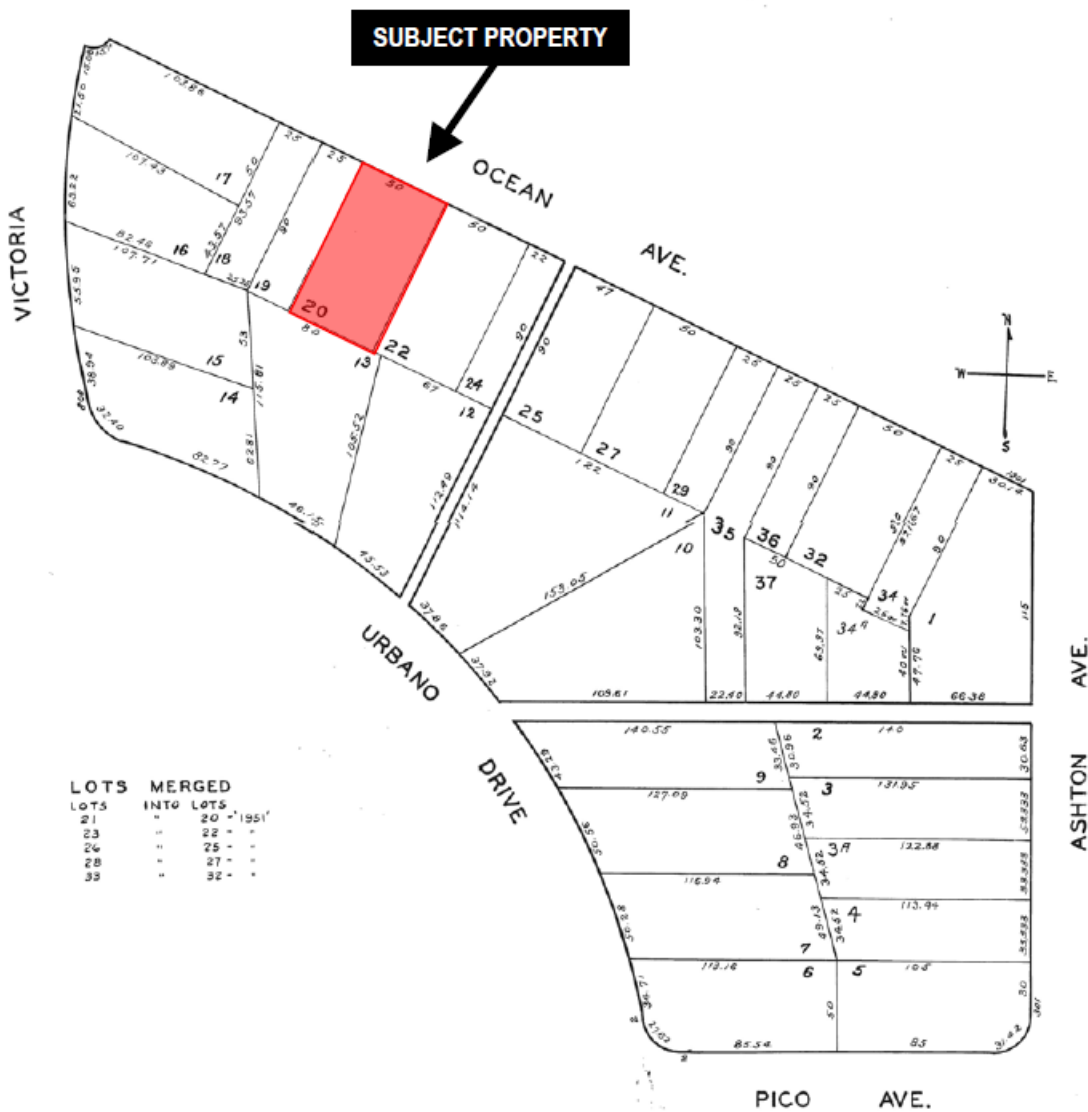
<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:

Parcel Map

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CITY & COUNTY ASSESSOR 1995

6915
INGLESIDE TER. BLK. 12

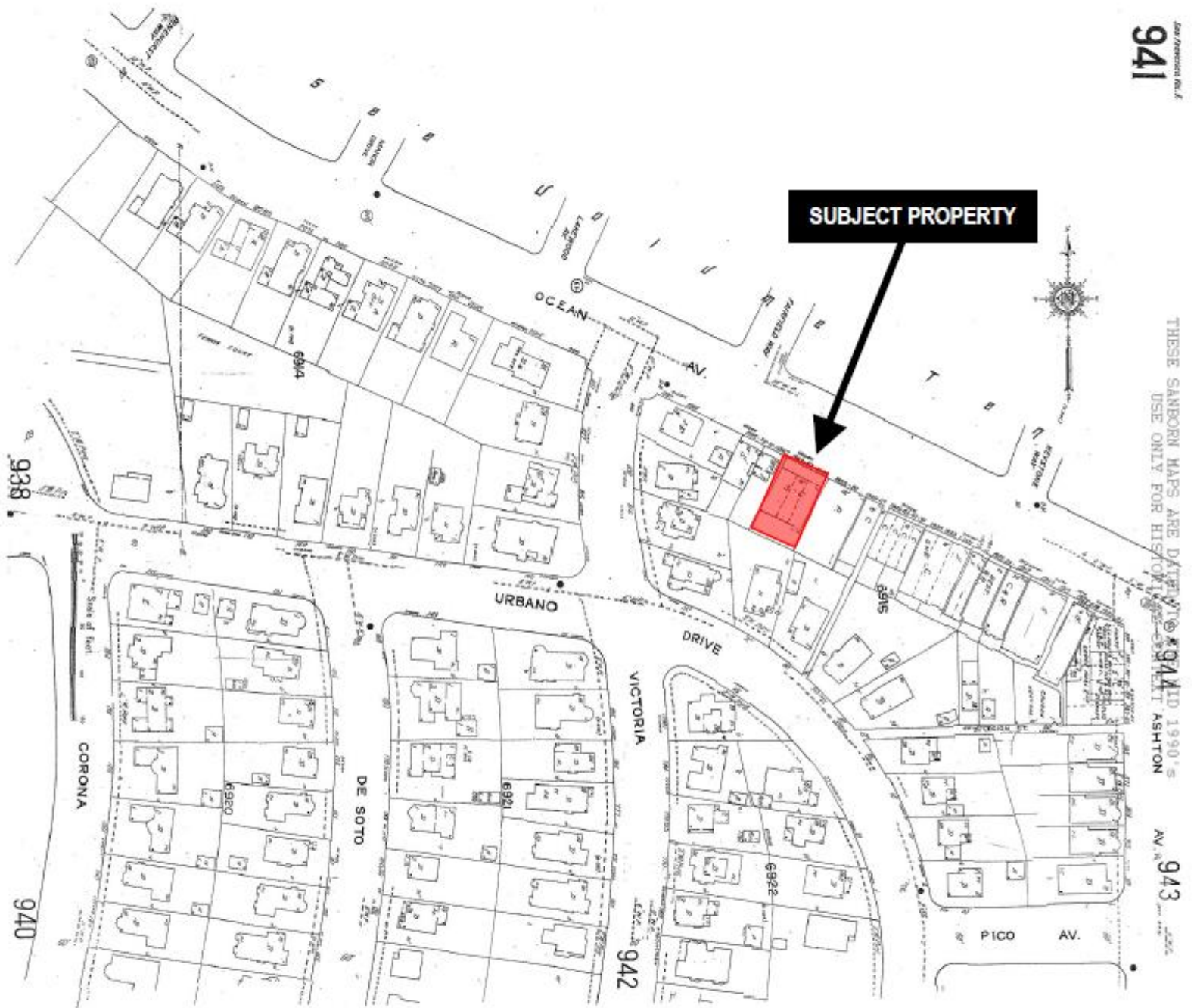
REVISED '59
" '87



CONDITIONAL USE
Happy Vape
Case Number 2018-001018CUA
1963 OCEAN AVE



Sanborn Map

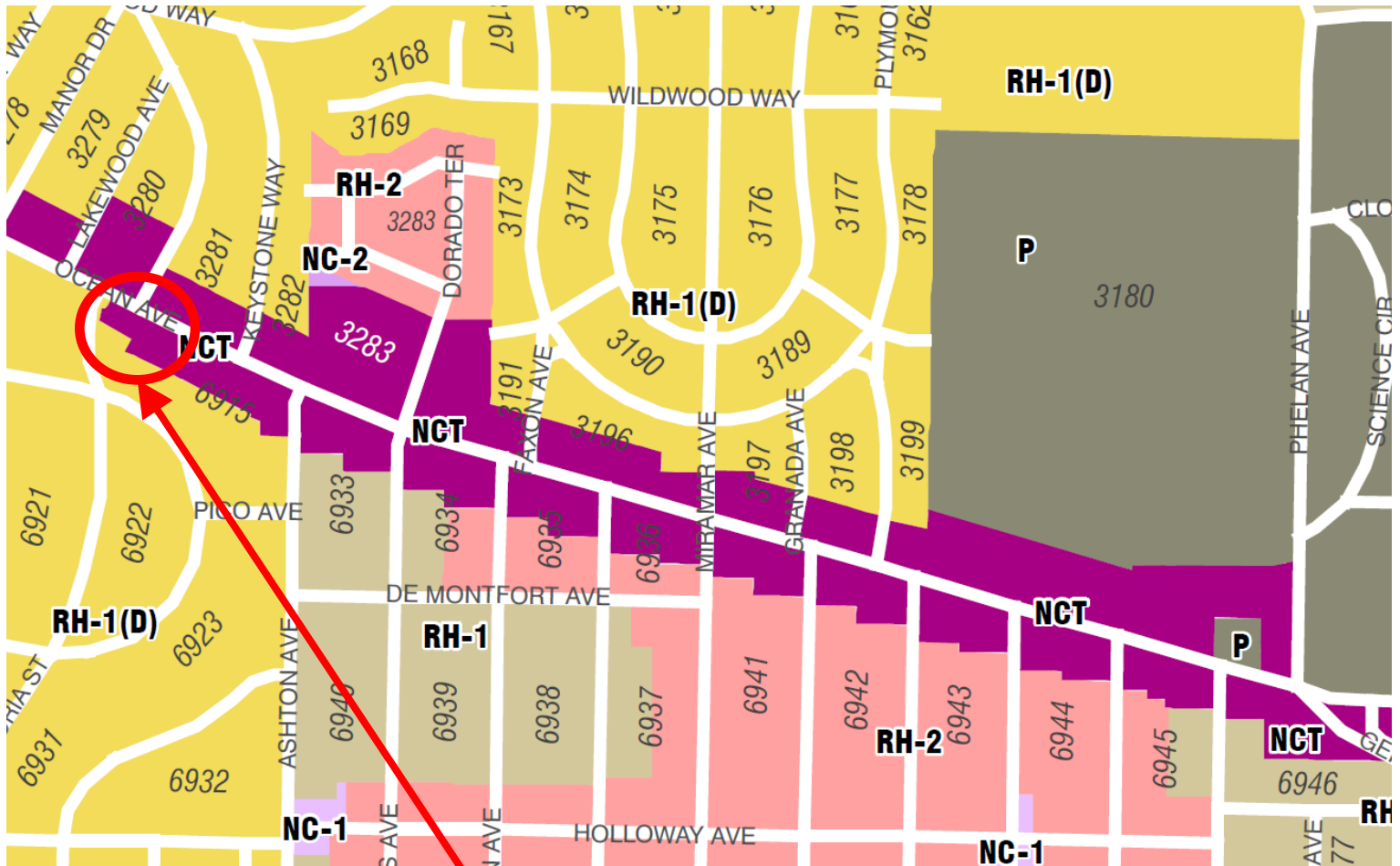


**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*



CONDITIONAL USE
Happy Vape
Case Number 2018-001018CUA
1963 OCEAN AVE

Zoning Map



SUBJECT PROPERTY



CONDITIONAL USE
Happy Vape
Case Number 2018-001018CUA
1963 OCEAN AVE

Aerial Photos



SUBJECT PROPERTY



CONDITIONAL USE
Happy Vape
Case Number 2018-001018CUA
1963 OCEAN AVE

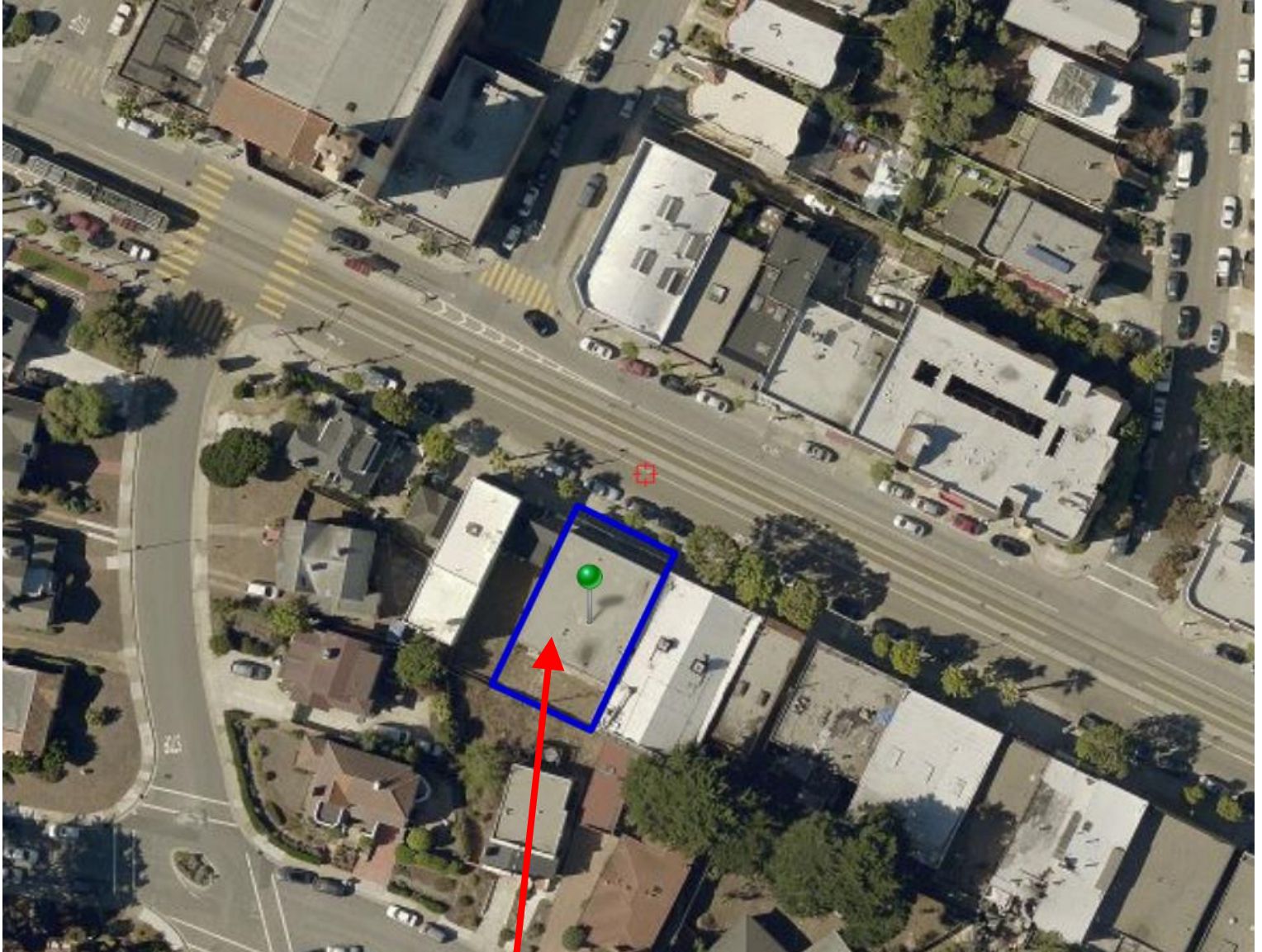
Aerial Photos



SUBJECT PROPERTY



Aerial Photos



SUBJECT PROPERTY



CONDITIONAL USE
Happy Vape
Case Number 2018-001018CUA
1963 OCEAN AVE

Context Photos



SUBJECT TENANT SPACE



CONDITIONAL USE
Happy Vape
Case Number 2018-001018CUA
1963 OCEAN AVE

Context Photos



SUBJECT PROPERTY



Context Photos



ACROSS THE STREET
FROM SUBJECT
PROPERTY





SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

September 26, 2014

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

Site Address:	1963 Ocean Avenue
Assessor's Block/Lot:	6915/020
Zoning District:	Ocean Avenue Neighborhood Commercial Transit
Staff Contact:	Marcelle Boudreaux, (415) 575-9140 or marcelle.boudreaux@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Garland:

This letter is in response to your request for a Letter of Determination regarding the property at 1963 Ocean Avenue, a vacant retail use with proposal to establish a retail use selling e-cigarettes and related materials and steam stone hookah lounge with outdoor activity area (dba "Happy Vape"). This parcel is located in the Ocean Avenue Neighborhood Commercial Transit (NCT) Zoning District and 45-X Height and Bulk District.

CURRENT PROPOSAL

Per Planning Code Section 790.123, Tobacco Paraphernalia Establishment is defined as an establishment with greater than 10 linear feet or 10% of sales area devoted to display and sales of tobacco paraphernalia and (per Section 737.69) requires Conditional Use Authorization. Additionally, per Section 737.24, an outdoor activity area also requires a Conditional Use Authorization.

On February 7, 2014, the Project Sponsor submitted a Conditional Use Authorization application (Case No. 2014.0206C) for the subject property to establish a Tobacco Paraphernalia Establishment on the ground floor, a steam stone hookah lounge on the basement level and an outdoor activity area at the rear to allow sampling of e-cigarettes.

LETTER OF DETERMINATION REQUEST

The request seeks answers to the following: are steam stone hookahs allowed for indoor and outdoor use; is vaping allowed for indoor and outdoor use; are sales of packaged snacks and soft drinks allowed on the premises; and, would the use be considered a "cigar bar."

RESPONSE

In regards to allowed areas for steam stone hookahs, note that while the Planning Department would consider the hookah use as part of the overall Tobacco Paraphernalia Establishment use, the Department of Public Health (DPH) is responsible for regulating hookah establishments.

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

September 26, 2014
Letter of Determination
1963 Ocean Avenue

In regards to allowed areas for vaping, it is the Planning Department's understanding of recent legislation enacted by DPH that vaping/e-cigarette smoking is now regulated in a similar manner to tobacco smoking. Please review Public Health Code Sections 19(N) and 19(F) and note that DPH is responsible for regulating such activity.

In regards to packaged drinks and snacks (food handling) being sold on the same premises as the Tobacco Paraphernalia Establishment and hookah use, please note that DPH is responsible for regulating such activity.

In regards to whether the proposed hookah use would be considered a "cigar bar"; this use would be considered as part of the Tobacco Paraphernalia Establishment use.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Marcelle Boudreaux, Planner
Business Contacts: *Owner* - Cong Phuong Nguyen (948 Moscow St, San Francisco, CA 94112);
Manager - Blake He (blakehe@gmail.com)
Property Owner: Timoleon and Corinne Zaracotas
Neighborhood Groups

Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133
marshagarland@att.net 415/531/2911
stefanocassolato@att.net 415/875/0818

June 24, 2014

Mr. Scott Sanchez, Zoning Administrator
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

ID # 12004 (SW)
D. WASHINGTON
CR # 5003 \$ 625. -

Re: 1963 Ocean Avenue, Happy Vape 6915/020

Dear Mr. Sanchez:

This letter is to request a Letter of Determination for an innovative concept called Happy Vape at 1963 Ocean Avenue. The business plan for Happy Vape includes selling e-cigarettes, e-cigarette liquids with and without nicotine, packaged snacks, soft drinks and other peripherals associated with e-cigarettes as well as steam stone hookahs. Happy Vape would like to dedicate some of its leased area to lounge space in which customers can vape and socialize.

Happy Vape will occupy a 2,000 square foot commercial space with 1,000 feet on ground level and 1,000 feet below ground. There is also an adjacent outdoor area. Drawings and an aerial photograph are enclosed.

According to the Internet, "Hookah Steam Stones are a new concept in the hookah world. Instead of smoking Steam Stones allow you to inhale vapor. Hookah Steam Stones are available in a variety of flavors. Steam stones are know to produce huge clouds and are a great way to smoke without the nicotine".

On May 5 and May 21, 2014 the project sponsor held pre-application meetings at 1963 Ocean Avenue for the community. In total eight people attended. Attached are copies of their questions and our responses.

The project sponsor has been in touch with Marcelle Boudreaux of the Planning Department and was scheduled for a conditional use permit hearing on July 24. That date has now been continued.

We understand that there is pending legislation regarding e-cigarettes but this is a new concept that has helped many smokers reduce their nicotine intake, if not quit smoking altogether, improve their health risks, and live in a cleaner environment.

Additionally Happy Vape will fill a vacancy on Ocean Avenue, create two or three new jobs, and, with the on site vaping component, will allow patrons the opportunity to taste and sample various flavors in order to make an informed product purchase. The new social activity of sharing a common experience will bring people together and create an opportunity for people to connect and interact.

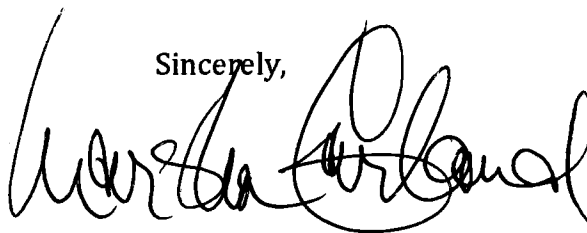
We need to know if steam stone hookahs are legal for indoor use and outdoor use, are packaged snacks and soft drinks allowed on the premises, is vaping allowed inside the premises, and is vaping allowed in the outdoor patio area?

As far as the question of tobacco goes (and tobacco is not in all of the products) would Happy Vape be deemed akin to cigar bars? The project sponsor has been in touch with the Department of Public Health but no one seems to be able to fit them into a suitable category, which is why they are wondering about the comparison to cigar bars.

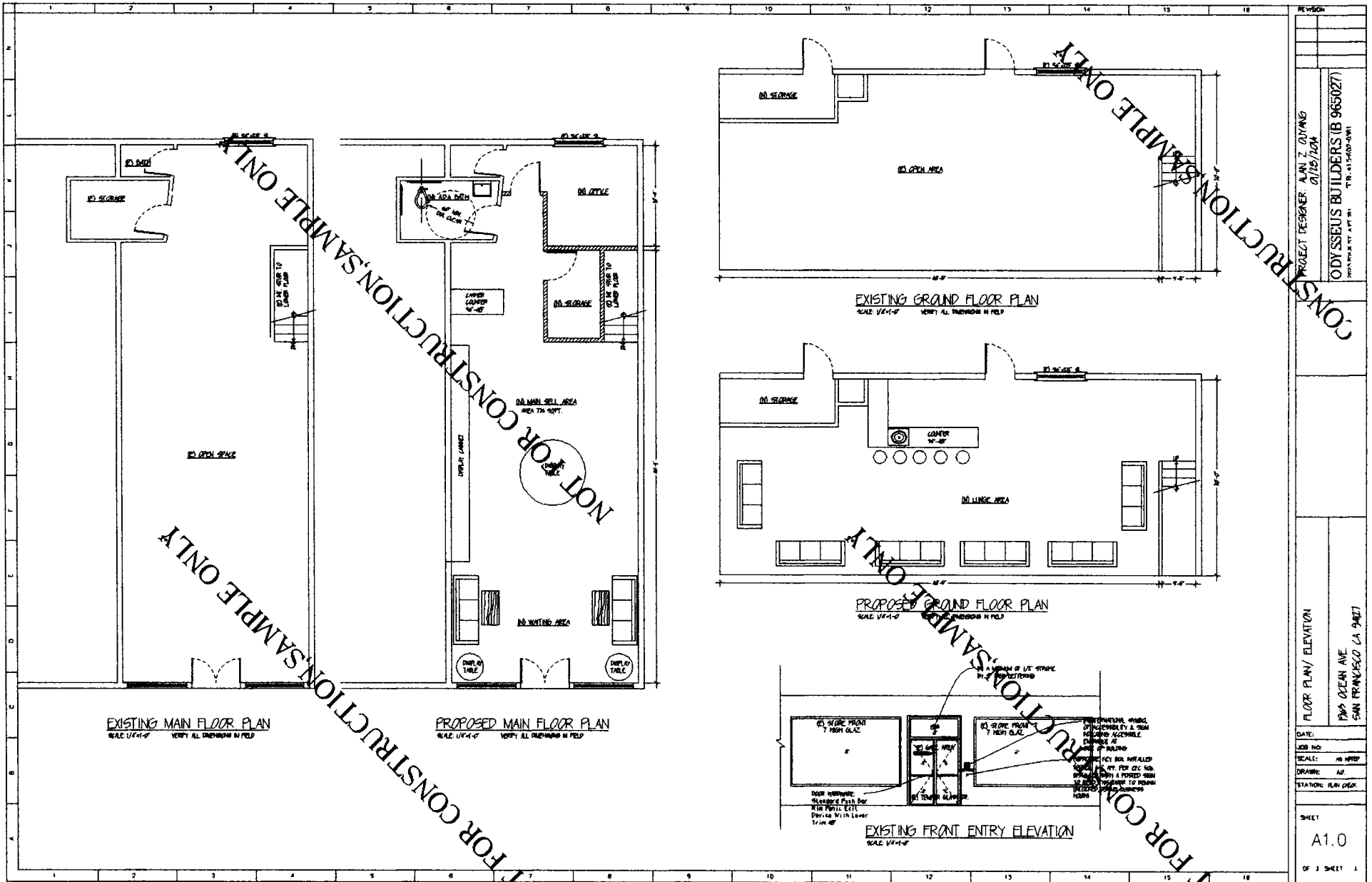
It is, therefore, the reason they have decided to request a Letter of Determination. Please advise exactly what it is they do need in order for this new business concept to be in compliance with the city's zoning laws.

A check for \$625 made payable to SF Planning is enclosed. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marsha Garland', with a large, stylized flourish at the end.

Marsha Garland



PROJECT DESIGNER: A.M. Z. OYANG 01/25/2014	
ODYSSEUS BUILDERS (B 965027) PROJECT NO. 14-01-01	
FLOOR PLAN / ELEVATION 1401 OCEAN AVE SAN FRANCISCO, CA 94112	
DATE:	
JOB NO:	
SCALE:	AS SHOWN
DRAWN:	AD
STATION:	PLAN DECK
SHEET	
A1.0	
OF 3 SHEET	1

Diagram illustrating the Site & Roof Plan of a building. The plan shows a rectangular structure with dimensions 30' 0" x 30' 0" (30' 0" x 30' 0" and 30' 0" x 30' 0"). The plan includes annotations for various features and dimensions:

- Dimensions:**
 - 30' 0" x 30' 0" (overall dimensions)
 - 30' 0" x 30' 0" (internal dimensions)
 - 30' 0" x 30' 0" (internal dimensions)
 - 30' 0" x 30' 0" (internal dimensions)
- Annotations:**
 - 30' 0" x 30' 0" (overall dimensions)
 - 30' 0" x 30' 0" (internal dimensions)
 - 30' 0" x 30' 0" (internal dimensions)
 - 30' 0" x 30' 0" (internal dimensions)
- Other Labels:**
 - 30' 0" x 30' 0" (overall dimensions)
 - 30' 0" x 30' 0" (internal dimensions)
 - 30' 0" x 30' 0" (internal dimensions)
 - 30' 0" x 30' 0" (internal dimensions)

[illegible][illegible][illegible]

LOS CALIFORNIA MEDICAL CODE
LOS CALIFORNIA ELECTRICAL CODE
LOS CALIFORNIA PLUMBING CODE
LOS CALIFORNIA PIERCE CODE
LOS CALIFORNIA PIPE CODE

Dr. B. S. Joshi

A LO EBBING & MORGAN PAPERMAN/ELEVATOR

APPREMIATIONS

[illegible]

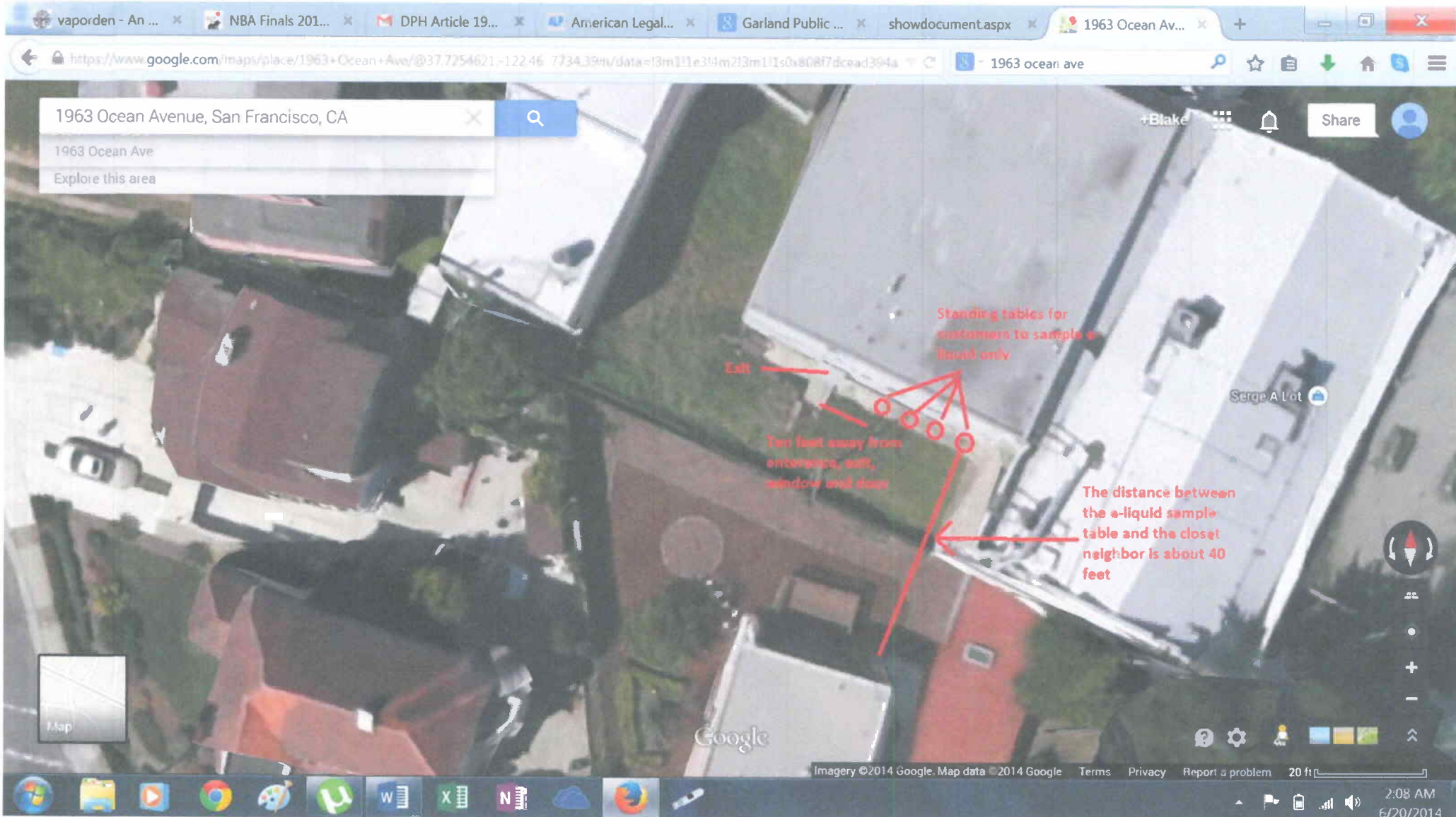
1963 OCEAN AVE.
SAN FRANCISCO CA 94127

PROJECT DESIGNER: ALAN Z. OYANE
01/25/14

ODYSSEUS BUILDERS (B 9
PROPOSED ST APT 01 TEL: 415-602-0001

ODYSSEUS BUILDERS (B 965027)
2025 POLK ST APT 101 TR. 415-605-0991

AO.0





SAN FRANCISCO
PLANNING
DEPARTMENT

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

APPLICATION PACKET FOR Conditional Use Authorization

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding applications for the authorization of Conditional Use. The first pages consist of instructions which should be read carefully before the application form is completed.

Planning Department staff are available to advise you in the preparation of this application. Call (415) 558-6377 for further information.

WHAT IS A CONDITIONAL USE?

A Conditional Use is a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative impact on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will “condition” the use by applying operational conditions that may mitigate neighborhood concerns as well as apply conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to residential demolition, Planned Unit Developments (PUD's), and exemptions from off-street parking in certain Zoning Districts. Please consult a planner at the Planning Information Counter (PIC) for additional information regarding these applications.

HOW DOES THE PROCESS WORK?

Please review the instructions in this application and ask PIC staff if you have any questions. After filling out the application and collecting the required notification materials and plans, please contact the Planning Department for an intake appointment to process your application. At this appointment a planner will review your application to ensure that it is complete. The application will then be assigned to a planner on a specific Quadrant Team, dependent upon the location of the subject property. The assigned planner will review the application against the San Francisco General Plan, the Planning Code, and Planning Department policies and set a Planning Commission hearing date. All owners within 300 feet of the subject property will receive notification of the hearing. The assigned planner will gather comments and concerns from the neighborhood during the notification period. Neighborhood support or opposition will be reflected in a staff report presented at the Planning Commission hearing complete with the Planning Department recommendation for approval or disapproval of the conditional use.

WHO MAY APPLY FOR A CONDITIONAL USE AUTHORIZATION?

A Conditional Use Authorization is an entitlement that runs with the property; therefore, the property owner or a party designated as the owner's agent may apply for a Conditional Use Authorization. [A letter of agent authorization from the owner must be attached.]

INSTRUCTIONS:

The attached application for a Conditional Use Authorization includes a project description, necessary contact information, and two sets of findings that must be answered. The first set of findings is for the Conditional Use Authorization process and consists of a list of questions asking whether the use is necessary or desirable and whether such use may negatively impact the surrounding neighborhood. The second set of findings are Priority General Plan Policy Findings, which determine San Francisco General Plan consistency. Please answer all questions fully. Please type or print in ink and attach pages if necessary.

Please provide the following materials with this application:

- **300 Foot Radius Map and Address List:** See instructions on page 4.
 - **Authorization:** If the applicant in this case is the authorized agent of the property owner, rather than the owner, a letter signed by the owner and creating or acknowledging that agency must be attached and is included in the application for Conditional Use Authorization.
 - **Owner, Applicant, Contact Person, and Community Liaison:** The attached application includes fields for the property owner, applicant, project contact, and community liaison contact information (in many cases, these roles may be held by the same individual). The property owner is the owner of the parcel of land associated with the entitlement. The applicant may be the property owner, a business owner, an architecture firm or an expeditor. The project contact may be a representative of any of the above and will serve as the primary contact for the planner assigned to the application. The community liaison may also be a representative of any of the above and will serve as the primary contact to address any construction and/or operational concerns of the community. The community liaison contact is an ongoing requirement; therefore, any changes to the community liaison should be reported to the Zoning Administrator.
 - **Drawings:** The application must be accompanied by plans sufficient for proper determination of the case. In most cases a **plot plan** will be required, accurately showing existing and proposed structures on both the subject property and on immediately adjoining properties, open spaces, driveways, parking areas, trees, and land contours where relevant. Where the size or use of floor areas is material to the case, **floor plans** will also be required.
- Drawings of building **elevations** must be provided in most cases. All **landscaping** should be clearly shown on the plans, calling out species type. A sign program may be submitted at this time. Certain types of conditional uses have additional special requirements under the Code and may require additional information to be submitted with the application; the Department staff will assist in determining what materials are required. A north arrow and scale shall be shown on each plan, and unless an exception is specifically granted by the Zoning Administrator the scale shall be not less than 1" = 20' for plot plans, 1/8" = 1' 0" for floor plans, and 1/4" = 1' 0" for plans showing layout of parking and loading.
- **Photographs:** The application must be accompanied by unmounted photographs, large enough to show the nature of the property but not over 11 X 17 inches.
- All plans and other exhibits submitted with this application will be retained as part of the permanent public record in this case.
- After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.**

Fees:

Please refer to the Planning Department Fee Schedule available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at (415) 558-6377. Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.

The Pre-Application Process:

The following types of projects require a Pre-Application Meeting, provided that the scope of work is subject to Planning Code Section 311 or 312 Notification. Please be aware that a Pre-Application meeting is also required prior to filing any Planning entitlement application (i.e. Conditional Use Authorization, Variance) for projects subject to 311 or 312 Notification.

- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization.

Please refer to the Pre-Application Meeting Instruction Packet for further detail or contact planning staff with questions. The Pre-Application Meeting Instruction Packet is available at www.sfplanning.org or at the Planning Information Center (PIC) counter at 1660 Mission Street, First Floor, San Francisco.

CEQA Review:

The California Environmental Quality Act (CEQA) and Chapter 31 of the San Francisco Administrative Code implementing that act may require an Environmental Evaluation before the application may be considered. Please consult the Planning Department staff to determine if an Environmental Evaluation application must be submitted with this application. A separate fee is required for environmental review.

Additional Conditional Use Criteria:

For certain types of conditional uses, the Planning Code sets out additional criteria for approval in the Code section under which authorization is sought. If any such criteria apply in this case, state in detail the manner in which you believe they will be met. The referenced Code sections are available on-line and may be explained to you at the PIC.

Planning Commission Hearing Material:

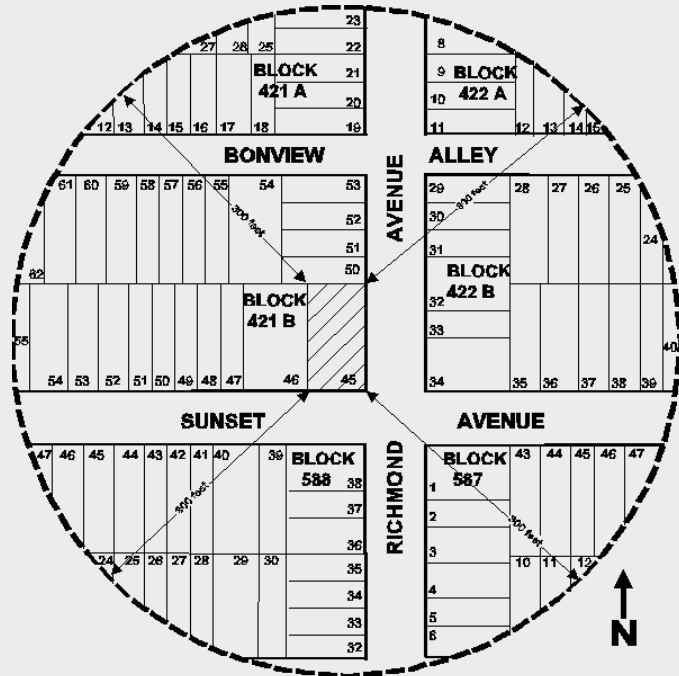
This timeline includes a deadline for project sponsors to submit material to staff to be included in the Commission packet. If the Sponsor does not submit the necessary material by the deadline, the project will be continued to a later hearing date.

- Three weeks prior to hearing: Project Sponsor submits draft project graphics (plans, renderings etc) to project planner.
- Two weeks prior to hearing: Project planner submits Draft staff report (must include draft attachments) to Team Leader for review.
- Ten days prior to hearing (5pm on Monday): Deadline for submittal of all sponsor material and public comment to be included in Commission packets
- One week prior to hearing: Project planner delivers complete Commission packets to the Commission Secretary.

To file your Conditional Use application, please call (415) 558-6378 in advance to schedule an intake appointment. At your scheduled appointment with a staff planner, please bring your completed application with all required materials.

300-foot Radius Map Instructions

1. The map must show all properties within 300-feet of the EXTERIOR boundaries of the property; a 300-foot radius map, drawn to a scale of 1 inch to 50 feet, either the original on TRACING paper or a blueprint copy (no photocopy accepted) is required for submittal with applications under the Planning Code, including variance, reclassification (rezoning), large project authorization, conditional use, and certain subdivision applications.
2. Submit two lists of the names and addresses, including the block and lot for each one, of all owners of the properties within 300 feet of the subject property and self-adhering labels with the same data. The latest Citywide tax roll is available at the Office of the Treasurer and Tax Collector, City Hall Room 140, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102, for the preparation of this list. The labels will be used to mail notice of the time and place of the public hearing required.



NOTE: THIS EXAMPLE IS NOT TO REQUIRED SCALE

EXAMPLE OF MAILING LABEL

Block # / Lot #	#9331 / #07
Name	JOHN DOE
Address	123 South Street #2 San Francisco, CA 94100

3. If you wish to prepare the materials yourself, block maps may be traced at the office of the Assessor, 81 Dr. Carlton B. Goodlett Place, City Hall, Room 190. The width of the public right-of-way for the streets separating the blocks may be determined at the Department of Public Works, Bureau of Street Use and Mapping, 875 Stevenson Street, Room 460, 554-5810.
4. You may, for a fee that varies by firm, have a private drafting or mailing service prepare these materials.

The following businesses have indicated that they provide professional notification services. This listing does not constitute an endorsement. Other professionals can also perform this work and can be added to this list upon request.

Build CADD
3515 Santiago Street
San Francisco, CA 94116
(415) 759-8710

Javier Solorzano
3288 - 21st Street #49
San Francisco, CA 94110
(415) 724-5240
Javier131064@yahoo.com

Jerry Brown Designs
619 - 27th Street, Apt. A
Oakland, CA 94612
(415) 810-3703
jbdsgn328@gmail.com

Ted Madison Drafting
P.O. Box 8102
Santa Rosa, CA 95407
(707) 228-8850
tmadison@pacbell.net

Notificationmaps.com
Barry Dunzer
(866) 752-6266
www.notificationmaps.com

Radius Services
1221 Harrison Street #18
San Francisco, CA 94103
(415) 391-4775
radiusservices@aol.com

Notice This
(650) 814-6750

What Applicants Should Know About the Public Hearing Process and Community Outreach

- A. The Planning Commission encourages applicants to meet with all community groups and parties interested in their application early in the entitlement process. Department staff is available to assist in determining how to contact interested groups. Neighborhood organization lists are available on the Department's website. Notice of the hearing will be sent to groups in or near the neighborhood of the project. The applicant may be contacted by the Planning Department staff with requests for additional information or clarification. An applicant's cooperation will facilitate the timely review of the application.
- B. The Commission requests that applicants familiarize themselves with the procedure for public hearings, which are excerpted from the Planning Commission's Rules and Regulations below.

Hearings. A public hearing may be held on any matter before the Commission at either a Regular or a Special Meeting. The procedure for such public hearings shall be as follows:

1. A description of the issue by the Director or a member of the staff along with the Planning Department's recommendation.
2. A presentation of the proposal by the project sponsor for a period not to exceed 15 minutes.
3. A presentation of opposition to the proposal, by organized opposition, for a period not to exceed 15 minutes. Organized opposition will be recognized only upon written application to the president at or prior to the hearing. Such application should identify the organization(s) and speaker(s).
4. Public testimony from proponents of the proposal. An individual may speak for a period not to exceed 3 minutes. An organization or group will be given a period not to exceed 5 minutes if the organization or group is represented by one speaker.
5. Public testimony from opponents of the proposal would be taken under conditions parallel to those imposed on proposal proponents, 3 minutes for an individual and 5 minutes for a group or organization if the group or organization is represented by one speaker.
6. The project sponsor or applicant will be given a period, not to exceed 5 minutes, within which to clarify any questions raised in previous testimony.
7. Organized opposition, recognized in accordance with Paragraph 3 above, will be given a period not to exceed 5 minutes, within which to clarify any questions raised in previous testimony.
8. Discussion and vote by the Planning Commission on the matter before it.
9. The President may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

C. **Private Transcription.** The Commission President may authorize any person to transcribe the proceedings of a Regular, Special or Committee Meeting provided that the President may require that a copy of such transcript be provided for the Commission's permanent records.

D. **Opportunities for Appeals by Other Bodies:** Planning Commission actions on Conditional Uses are final unless appealed to the Board of Supervisors within **30 days** of Commission action.

APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Timoleon and Corinne Zaracotas	
PROPERTY OWNER'S ADDRESS: 1 Corte Princesa Millbrae, CA 94030	TELEPHONE: (650) 692 - 5388 EMAIL: astertravel@hotmail.com
APPLICANT'S NAME: Cong Phuong T. Nguyen Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS: 948 Moscow Street San Francisco CA, 94112	TELEPHONE: (415) 529 - 8085 EMAIL: ntcphuong85@yahoo.com
CONTACT FOR PROJECT INFORMATION: Yong Yuan He Same as Above <input type="checkbox"/>	
ADDRESS: 948 Moscow Street San Francisco CA, 94112	TELEPHONE: (415) 513 - 2620 EMAIL: blackhe@gmail.com
COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: () EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT: 1963 Ocean Avenue, San Francisco CA		ZIP CODE: 94127
CROSS STREETS: Victoria Street		
ASSESSORS BLOCK/LOT: 6915 / 020	LOT DIMENSIONS: 50 x 90	LOT AREA (SQ FT): 4500
ZONING DISTRICT: Ocean Avenue NCT		HEIGHT/BULK DISTRICT: 45 - X

3. Project Description

(Please check all that apply) <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify:		ADDITIONS TO BUILDING: <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard	PRESENT OR PREVIOUS USE: Retail Store - Tobacco Paraphernalia Establishment PROPOSED USE: Retail Store - Tobacco Paraphernalia Establishment
		BUILDING APPLICATION PERMIT NO.:	DATE FILED:

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	0	No Change	No Change	0
Hotel Rooms	0	No Change	No Change	0
Parking Spaces	0	No Change	No Change	0
Loading Spaces	0	No Change	No Change	0
Number of Buildings	1	No Change	No Change	1
Height of Building(s)	20 Feet 7 Inches	No Change	No Change	20 Feet 7 Inches
Number of Stories	1 + Basement	No Change	No Change	1 + Basement
Bicycle Spaces	0	No Change	No Change	0
GROSS SQUARE FOOTAGE (GSF)				
Residential	0	No Change	No Change	0
Retail	**	No Change	No Change	**
Office	0	No Change	No Change	0
Industrial/PDR <i>Production, Distribution, & Repair</i>	0	No Change	No Change	0
Parking	0	No Change	No Change	0
Other (Specify Use)	0	No Change	No Change	0
TOTAL GSF				

Please describe any additional project features that are not included in this table:

(Attach a separate sheet if more space is needed)

** Building Gross Area is 3996 sq. ft.

Tenant (Happy Vape) Area is 2273 sq. ft.

1st Floor 1219 sq. ft., Basement 1054 sq. ft.

5. Action(s) Requested (Include Planning Code Section which authorizes action)

Conditional Use Authorization to allow an existing electronic cigarette retailer and steam stone hookah lounge (Tobacco Paraphernalia Establishment, as defined by the Planning Commission) (d.b.a. "Happy Vape") to extend the permitted hours of operation 10:00 a.m. - 2:00 a.m.

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That 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; and
2. That 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;
 - (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;
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

The proposed project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below. The change of hours is to remain competitive and condusive to other hookah lounges in the San Francisco. We plan to open for the covenience of our customers and provide the hookah experience to the Ocean Avenue Neighborhood Commercial Transit District.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

We will be utilizing the space for an electronic cigarette retail store and steam stone hookah lounge, which is new to the area, will help in diversifying the local economy, and better serve the neighborhood while creating employment opportunities.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

We will be altering the signage on the awning that covers the front of the store to reflect our own establishment, in doing this we will consider the neighborhoods character and abide by all guidelines set forth by the City and County of San Francisco. Other than the signage we will make no other alterations to our establishment thus conserving and protecting the existing housing and neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

We are a retail establishment that should not affect the affordable housing in the area.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

Commuter traffic should not impede MUNI transit service or overburden our streets or neighborhood parking as the current retail establishment has plenty of metered parking on the street and the KT-Ingleside/Third Street Muni light rail line runs through this area unimpeded, as it has designated tracks and pedestrian/median islands.

5. That 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 Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The Project is designed and constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake. All items are secured as appropriate in cabinets and shelves which are properly secured to prevent damage and injury due to earthquakes.

7. That landmarks and historic buildings be preserved; and

The Project does not include any construction and would have no effect on any landmark or historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project does not include any construction and would have no negative effect on existing parks and open spaces.

Estimated Construction Costs

TYPE OF APPLICATION:	
Conditional Use Authorization	
OCCUPANCY CLASSIFICATION:	
Tobacco Paraphernalia Establishment	
BUILDING TYPE:	
5-B	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
No Construction	
ESTIMATED CONSTRUCTION COST:	
None	
ESTIMATE PREPARED BY:	
FEE ESTABLISHED:	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: _____

Date: _____

Print name, and indicate whether owner, or authorized agent:

Owner / Authorized Agent (circle one)

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Site Plan	<input type="checkbox"/>
Floor Plan	<input type="checkbox"/>
Elevations	<input type="checkbox"/>
Section 303 Requirements	<input type="checkbox"/>
Prop. M Findings	<input type="checkbox"/>
Historic photographs (if possible), and current photographs	<input type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Original Application signed by owner or agent	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	<input type="checkbox"/>

NOTES:

- ☐ Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- ☒ Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- ☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



**SAN FRANCISCO
PLANNING
DEPARTMENT**

**FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department**

Central Reception

1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**

FAX: **415 558-6409**

WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)

1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

som**ba** South of Market Business Association

615 Seventh Street • San Francisco , CA 94103-4910 • www.sfsomba.org

Phone: 415.621.7533 • Fax: 415.621.7583 • e-mail: info@sfsomba.com

September 16, 2018

Mr. Jonas Ionin
Commission Secretary
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Honorable Members of the Planning Commission:

Happy Vape operators Ronald Xie and Blake He have been dedicated to the Ocean Avenue business community since establishing their business.

Community partnership and private investment are paramount to a thriving neighborhood, and through their participation they have contributed to the vibrancy and the success of the small businesses along Ocean Avenue

Their effort to adapt to the changing legislation of their industry is commendable.

Their involvement with the community is clearly central to the ethos of Happy Vape and I encourage the Commission to support Happy Vape's proposal to extend their hours of operation.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. Karnilowicz".

Henry Karnilowicz
President



Ocean Avenue Association
1728 Ocean Ave., PMB 154
San Francisco, CA 94112

Planning Commission
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

September 11, 2018

To Whom It May Concern:

In November of 2017 the Board of Directors of the Ocean Avenue Association passed a motion in support of Happy Vape's application to extend its hours.

Happy Vape operators Ronald Xie and Blake He have been visibly involved in the Ocean Avenue business community since establishing their business. Their effort to adapt to the changing legislation of their industry is commendable.

I would like to encourage the Commission to support Happy Vape's proposal.

Sincerely,



















A handwritten signature in black ink that reads "Daniel Weaver". The signature is written in a cursive, flowing style.

Daniel Weaver
Executive Director

PETITION For A Conditional Use Application

The Project Sponsor seeks Conditional Use Authorization to allow an existing vape store and hookah lounge (Tobacco Paraphernalia Establishment, as defined by the Planning Code) (d.b.a. "Happy Vape") to expand the permitted hours of operation to 12:00 p.m. – 2:00 a.m. No expansion of the existing establishment or other physical changes are proposed.







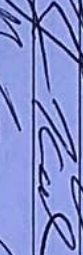






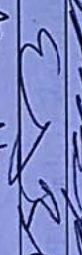
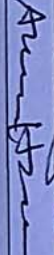





The Petitioners signed below support the project and its request for expansion of hours.

Name/Business	Address	City/County	Post Code	Signature	Date
1. Gaseetha Fol	178 DEBAND D.	ST	94127		05/12/18
2. Ben Johnson	61 Piedmont Way	ST	94127		05/14/18
3. Justin Jire	145 Kika Rd	ST	94124		5/17/18
4. Michael Redhead	718 Edinburg St.	S.F.	94118		5/31/18
5. Ross Newman	3928 ANTONIO AVE	ST	94124		5/31/18
6. Jason Conley	2119 Ocean Ave.	ST	94127		6/1/18
7. Brandon Sullivan	2326 Vicente St	ST	94116		6/19/18
8. Hunter Erick	1384 Paloa Ave	ST	94024		6/10/18
9. Hunter Secrest	825 Geneva Ave.	ST	94112		7/1/18
10. Joel Smith	135 CAMP ST	ST	94110		7/3/18
11. Calvin Lui	127 Lee Ave	ST	94112		7/4/18
12. TEO LOHNDON	140 MUSCOY ST	ST	94107		7/26/18
13. David Stan	3808 Young St	ST	94122		8/3/18
14. David Stan	1260 Johnson	ST	94122		8/11/18
15. David Stan	650 Head St	ST	94132		8/22/18
16. David Stan	2531 31st Ave	ST	94116		8/8/18
17. Wendy Wisniewski	195 Santa Ana	ST	94127		11 Aug 2018
18. Monica Barthill	274 Lakes Ave	ST	94112		12 Aug 2018
20.					
21.					
22.					

PETITION For A Conditional Use Application

The Project Sponsor seeks Conditional Use Authorization to allow an existing vape store and hookah lounge (Tobacco Paraphernalia Establishment, as defined by the Planning Code) (d.b.a. "Happy Vape") to expand the permitted hours of operation to 12:00 p.m. - 2:00 a.m. No expansion of the existing establishment or other physical changes are proposed.





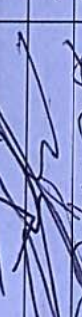
















The Petitioners signed below support the project and its request for expansion of hours.

Name/Business	Address	City/County	Post Code	Signature	Date
1. Kent Lien	780 HESD ST, SE 9494132	BAY AREA	94132		1/30/18
2. Erik Dorey	480 Warren Dr #320 SF 94131				
3. Lucy Wu	2004 Mt. Hamilton Dr, Antioch, CA	Antioch	94531		2/3/18
4. Jack P	57 Los Altos Rd	Los Altos	94022		2/4/18
5. Yurij Pavlin	230 N. Lake Merced Hills Apt 204	San Francisco	94132		2/4/18
6. Juan Claudio	1291 Sunnydale Ave	SF	94134		2/4/18
7. Gordo McNeill	339 Dorado Ter.	SF	94112		2/7/18
8. Jeffrey Tan	6523 3rd Street	SF	94124		2/6/18
9. János Konstantinos	280 Brighton Ave	SF	94112		2/7/18
10. Jesse Kalamian	280 Brighton	SF	94112		2/7/18
11. Benjamin Laurent	250 Telegraph Ave	SF	94112		2/7/18
12. Norman Phan	451 Oriente St	Daly City	94014		2/9/18
13. Nartan Gaur	111 Saint Charles Ave	SF	94132		2/13/18
14. APRIAL LOHILL	350 MISTY HT SAN BRUNO CA	SAN BRUNO	94064		2/14/18
15. Preston Segura	175 Lumbado Way	SF	94127		2/11/18
16. Ricardo Hernandez	466 Vernon St	SF	94132		2/15/18
17. Sarah Gonzalez	1118 Doist and St.	SF	94116		2/21/18
18. Andrew Shiri	338 Staples Ave.	SF	94112		2/21/18
20. Christopher Corral	2 Cortez Ave.	SF	94127		2/24/18
21. Chikara Blum	734 Sycamore St.	San Francisco	94112		2/24/18
22. Xueshen Chen	1035 Glenwood Dr.	Berkeley	94713		2/28/18

PETITION For A Conditional Use Application

The Project Sponsor seeks Conditional Use Authorization to allow an existing vape store and hookah lounge (Tobacco Paraphernalia Establishment, as defined by the Planning Code) (d.b.a. "Happy Vape") to expand the permitted hours of operation to 12:00 p.m. - 2:00 a.m. No expansion of the existing establishment or other physical changes are proposed.

The Petitioners signed below support the project and its request for expansion of hours.

Name/Business	Address	City/County	Post Code	Signature	Date
1. Chris Jones					3/9/18
2. 2nd Mahajan	San Francisco 609 donato Ter				3/9/18
3. Blanca Ramirez	118 DE MONTFORT AVE. SF 94112	SF	94112		3/10/18
4. Adan Bragero	614 San Diego Ave	Daly City	94014		3/11/18
5. Tiffany Byrd	1554 37th Ave.	San Francisco	94112		3/11/18
6. Kim Rodriguez	2558 19th Ave	SF	94116		3/13/18
7. Sonoma Onu	150 CAMPBELL DR.	SF	94132		3/16/18
8. Zelel Bealare	1366 Isabel Ct	Pittsburg	94565		3/17/18
9. Delana L.	565 Marina Lane	Pacific	94044		3/17/18
10. Kris B.	87 Fallon Ave. St.	SF	94112		3/17/18
11. Kytkaka	259 Frankfort St. Pacific				3/25/18
12. Presto	175 Lurando Way	SF	94127		3/28/18
13. MARK	52 SANTA YSABEL AVE	SF	94112		3/28/18
14. Dale	105 Miguel	SF	94131		4/1/18
15. Tetayash.	105 Miguel	SF	94137		4/1/18
16. Heng van	3524 Central St.	SF	94131		4/1/18
17. Jay Singh	349 Alamo St.	SF	94132		4/19/18
18. Monika JD	629 LAKEMORE AVE	SF	94112		4/24/18
20. Joel Brakma	921 Geneva Ave	SF	94112		4/29/18
21. Eric Dancy	480 Warren Dr	SF	94131		5/1/18
22. Gabe Pothier	238 Hallway	SF	94112		5/5/18

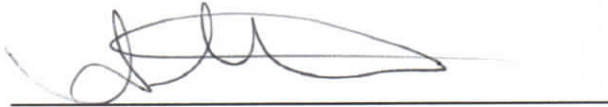
December 29, 2017

Serge-A-Lot
1949 Ocean Avenue
San Francisco, CA 94127

To the Planning Commission of San Francisco,

I, Sherri Stratton, the owner and operator of the business located at 1949 Ocean Avenue, dba Serge-A-Lot, pledge my support of Happy Vape's conditional use application for expansion of hours from 10:00pm to 2:00am. Happy Vape has remained communicative, informative, and an asset to the neighborhood. There have been no reports of adverse incidents, or increase of crimes in the area since there opening over 20 months ago. I believe that the expansion of hours will allow them to align with operational hours of all other hookah lounges in the city. Please approve of this conditional use application.

Thank You,



Sherri Stratton (Owner)

12-29-17 (Date)

January 17, 2018

Marcelle Boudreaux,
San Francisco Department of City Planning
Marcelle.boudreaux@sfgov.org
415-575-9140

RE: SUPPORT LETTER FOR HAPPY VAPE
CONDITIONAL USE APPLICATION

Dear Marcelle,

For over 40 years, ASIAN, Inc. has been a staunch supporter of small minority businesses in San Francisco and throughout California. Our decision to support the Happy Vape conditional use application will promote the growth of other small minority businesses along Ocean Avenue. Particularly with Happy Vape's expansion of operating hours to 2am that this will improve the Ocean Avenue retail district, create meaningful jobs for local residents, and attract more customers and visitors who will further patronize other businesses along Ocean Avenue.

We applaud Happy Vape's management team's commitment to the Ocean Avenue retail district and their transparency and forthright approach in meeting the needs of the community and of their business.

Please do not hesitate to contact me if you have any questions regarding our support letter.

Thanks,



Michael A. Chan
President

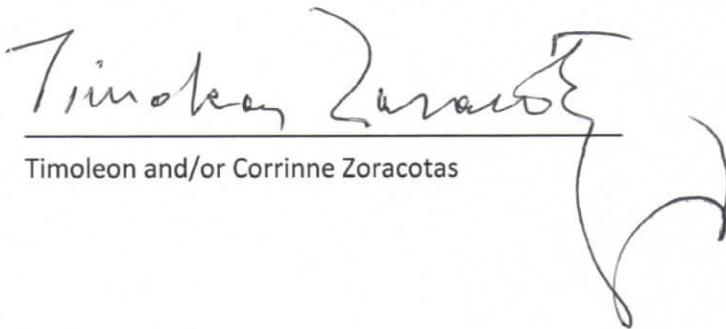
November 22, 2017

Aster Travel
1961 Ocean Avenue
San Francisco, CA 94127

To the Planning Commission of San Francisco,

We, Timoleon and Corinne Zoracotas, the owners of the property at 1963 Ocean Avenue hereby approve of Happy Vape's conditional use application for expansion of hours from 10:00pm to 2:00am. The project sponsor and business owners have remained communicative and informative, from the signing lease 4 years ago to present day. There have been no reports of adverse incidents, or increase of crimes in the area since the leasing. The tenant pays all rents, bills, and charges on time and without issue. The tenant has also been flexible and accommodating of all changes required to allow this project to be a functioning retail establishment. The project sponsor's desire of expansion of hours allows them to align with operational hours of all other hookah lounges in the city. Please approve of this conditional use application.

Thank You,

A handwritten signature in black ink, appearing to read "Timoleon Zoracotas", written over a horizontal line. To the right of the signature is a large, stylized handwritten flourish or mark.

Timoleon and/or Corrinne Zoracotas

11-22-17 (Date)

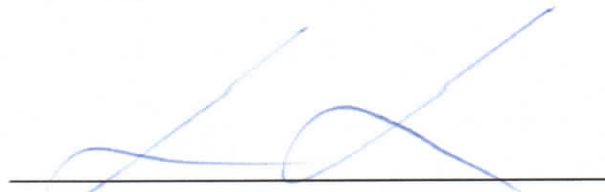
December 9, 2017

Bay Area Gold and Silver
1967 Ocean Avenue
San Francisco, CA 94127

To the Planning Commission of San Francisco,

I, Larry Li, the owner and operator of the business located at 1967 Ocean Avenue, dba Bay Area Gold and Silver, pledge my support of Happy Vape's conditional use application for expansion of hours from 10:00pm to 2:00am. Happy Vape has been a wonderful neighbor, extremely helpful, and always a pleasure to work with. There have been no reports of any incidents, or increase of crimes in the area since there opening. I believe that the expansion of hours will allow them to compete other hookah lounges in the city. Please approve of this conditional use application.

Thank You,



Larry Li (Owner)

12/13/17 (Date)

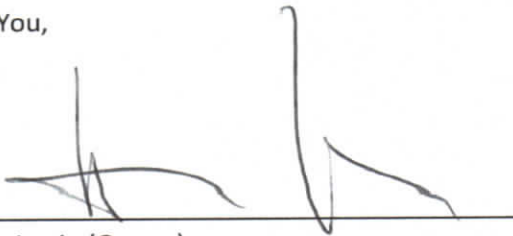
December 9, 2017

Dri-Clean Express
1973 Ocean Avenue
San Francisco, CA 94127

To the Planning Commission of San Francisco,

I, William Louie, the owner and operator of the business located at 1973 Ocean Avenue, dba Dri-Clean Express, pledge my support of Happy Vape's conditional use application for expansion of hours from 10:00pm to 2:00am. Happy Vape has remained communicative, informative, and an asset to the neighborhood. There have been no reports of adverse incidents, or increase of crimes in the area since there opening. I believe that the expansion of hours will allow them to align with operational hours of all other hookah lounges in the city. Please approve of this conditional use application.

Thank You,

A handwritten signature in dark ink, appearing to be 'William Louie', written over a horizontal line.

William Louie (Owner)

12-13-17 (Date)

12/7, 2017

Planning Department
1650 Mission Street, #400
San Francisco, CA 94103

Letter of Support re: Happy Vape, 1963 Ocean Avenue, SF, CA 94127

Dear Planner,

Please accept this letter of Support for:

Happy Vape

And their new opening hours till 2:00AM.

Sincerely,

LARRY LUMB

Owner

Pei Yu

Manager

Conditiona Use Application		
Happy Vape		
Address: 1963 Ocean Ave San Francisco CA 94127		
Block: 6915 Lot: 020		
List of support letters and related documents		
Date	From	Location
11/22/2017	Timoleon Zoracosta(Owner of Property)	1963 Ocean Ave Sster Travel
12/4/2017	Mike Ngyen	18 Fairfield Way SF CA 94127
12/7/2017	Tom Phan	1947 Ocean Ave SF CA 94127
12/7/2017	Joe Chen	1945 Ocean Ave SF CA 94127
12/7/2017	Larry Leong	Kaisen Don Restaurant
12/13/2017	Larry Li	Bay Area Gold and Silver
12/13/2017	William Louie	1973 Ocean Ave Dri-Clean Express
12/29/2017	Sherri Stranton	1929 Ocean Ave Serge-A Lot
1/2/2018	Daniel Weaver	Ocean Ave Associaion 1728 Ocean Ave PMB 154 SF CA 94112
12/12/2017	Miles Escobedo and Alexander Mullaney	OMI Business Association
1/17/2018	Michael Chan	Asian Inc. 1167 Mission St SF CA 94203
Application Form	Happy Vape	CUA Appliocation package, Consitional Use Final Edits 12/27/17
Listing	Prepared by Happy Vape	City wide Hookah Lounge Hours of Operation summary
Plans	Plans Prepared by ARCUS Architecture	Exsiting and Proposed floor plans

12-4, 2017

Planning Department
1650 Mission Street, #400
San Francisco, CA 94103

Letter of Support re: Happy Vape, 1963 Ocean Avenue, SF, CA 94127

Dear Planner,

Please accept this letter of Support for:

Happy Vape

And their new opening hours till 2:00AM.

Sincerely,

MIKE NGUYEN
Name

18 FAIRFIELD way 94127
Address

(415) 225-8479
Phone Number/E-mail

12/7/17, 2017



PROFESSIONAL NAIL CARE
Sculptured Nail • Tip Overlay
China Silk Wrap • Manicure • Pedicure
Nail Charm • Nail Tip Acrylic • Nail Biter

Open: Mon to Sat.
9 am - 8 pm
1947 Ocean Avenue
(between Keystone & Fairfield)
S.F., CA 94127
415-586-9055

Day _____ Time _____

Planning Department
1650 Mission Street, #400
San Francisco, CA 94103

Letter of Support re: Happy Vape, 1963 Ocean Avenue, SF, CA 94127

Dear Planner,

Please accept this letter of Support for:

Happy Vape

And their new opening hours till 2:00AM.

Sincerely,

Tom PHAN 1947 OCEAN AVE SF - CA - 94127
Owner

Manager



Ocean Avenue Association
Street Life Committee
1728 Ocean Ave., PMB 154
San Francisco, CA 94112

January 2, 2018

Dear San Francisco Planning Department,

This request to expand business hours at 1963 Ocean Avenue is in the Ingleside neighborhood and the Ocean Avenue Community Benefit District. The Ocean Avenue Association, which manages the Ocean Avenue CBD, supports this application for extended hours proposed by Blake He and his wife Cong Phuong Nguyen. They and their associates at the Happy Vape have done excellent outreach to our organization and other community organizations from the beginning of their operations in the neighborhood. We urge the planning department and commission to approve this application with the expansion of hours requested, between 10:00am – 2:00am. This will help sustain their business model so they can continue to welcome guests and visitors to the 1900 Block of Ocean Avenue. OAA supports the activation of the Ocean Avenue neighborhood commercial corridor and therefore we support this extension of hours proposal.

Please contact me if you have questions about this recommendation.

Sincerely,

A handwritten signature in black ink that reads "Daniel Weaver". The signature is written in a cursive, flowing style.

Daniel Weaver
Executive Director
Ocean Avenue Association



Ocean View-Merced Heights-Ingleside Business Association

Dec 12, 2017

To whom it may concern,

The Ocean View-Merced Heights-Ingleside Business Association supports Happy Vape's wish to expand the hours of operation for its steam stones hookah lounge.

Given that the small business' primary business will be banned in 2018, there is some urgency for them to adapt as soon as possible. Further, OMIBA believes this use will contribute to building the commercial corridor's night life.

Sincerely,
OMIBA co-founders Miles Escobedo and Alexander Mullaney

WEBSITE www.omibusinessassociation.com
EMAIL info@omibusinessassociation.com
TWITTER OMIBASF
FACEBOOK OMIBASF

12/7, 2017



Planning Department
1650 Mission Street, #400
San Francisco, CA 94103

Letter of Support re: Happy Vape, 1963 Ocean Avenue, SF, CA 94127

Dear Planner,

Please accept this letter of Support for:

Happy Vape

And their new opening hours till 2:00AM.

Sincerely,

22/1/17 1945 Ocean Ave, SF, 94127
Owner

Manager