



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: FEBRUARY 4, 2016

Date: January 25, 2016
Case No.: **2014.1192C**
Project Address: **2310 Market Street**
Zoning: Upper Market Neighborhood Commercial District (NCD)
50-X Height and Bulk District
Block/Lot: 3562/001
Project Sponsor: Ahmad Larizadeh [agent]
Bana Consulting, Inc.
71 Blake Street
San Francisco, CA 94118
Staff Contact: Veronica Flores – (415) 575-9173
veronica.flores@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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415.558.6377

PROJECT DESCRIPTION

The project sponsor proposes to legalize an existing retail store selling primarily tobacco paraphernalia with gift sales as an accessory use. The tobacco paraphernalia store will maintain the name "Koheba Gifts and Smoke Shop". The project does not propose any storefront changes.

The existing tenant space measures approximately 400 square feet, and the size would not change as part of the project. The project sponsor proposes a business that will sell 80 percent tobacco (including water pipes, hooka, and hooka accessories, tobacco, glass pipes, "E" cigarettes for liquid and dry, chewing tobacco, rolling paper, lighters, and cigars) and 20 percent gifts (including cups, incense, key chains, candles, ashtrays, and small miscellaneous items). Proposed hours of operation are 10:00AM to 10:00PM daily. All sale of products will be for take out and there will be no consumption on site.

SITE DESCRIPTION AND PRESENT USE

The project is located on the northern side of Market Street, at 16th Street, Block 3562, Lot 001, within the Upper Market Neighborhood Commercial District (NCD) with 50-X height and bulk district. The property is developed with a four-story building 17 dwelling units and seven commercial businesses on the ground floor including Wells Fargo Bank, California Check Cashing, and Super Duper. The subject property involves a triangular shaped lot, with approximately 150 feet of frontage on Market Street. The subject building covers close to 100% of the lot save for a narrow lightwell alley between the adjacent building to the west.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The length of the Upper Market NCD District is approximately 970 feet. The project site is located near the intersection of Market and 16th Streets. To the immediate west is a five-story building with six dwelling units and commercial business on the ground floor.

Buildings along this section of Market Street 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 Upper Market Neighborhood Commercial Transit District (NCT) and RH-3 (Residential House, Three-Family) Districts. The area is well-served by the Castro Street Metro Station within two blocks which has the L-Taraval, M-Ocean View, and K-Ingleside/T-Third Street light rail lines. The Upper Market NCD is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market.

ENVIRONMENTAL REVIEW

The Project is not considered a project under the California Environmental Quality Act ("CEQA") because it does not cause either a direct physical change in the environment, or a reasonably foreseeable direct physical change in the environment.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 15, 2016	January 15, 2016	20 days
Posted Notice	20 days	January 15, 2016	January 13, 2016	22 days
Mailed Notice	20 days	January 15, 2016	January 13, 2016	22 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- The Department has not received any public comments regarding the project.

ISSUES AND OTHER CONSIDERATIONS

- On October 21, 2008, the Board of Supervisors (BOS) passed Ordinance No. 244-08, which created a new use category in the Planning Code for Tobacco Paraphernalia Establishments, defined as a retail use where more than 15% of the gross square footage of the establishment is dedicated to such sales. This use required Conditional Use Authorization in all Commercial and Industrial districts throughout San Francisco. Effective February 16, 2010 the BOS adopted Ordinance No. 03-10 that amended the definition of a Tobacco Paraphernalia Establishment where more than 10% of the square footage of occupied floor area or 10 linear feet of display area is dedicated to such sales. No restrictions were placed on the proximity of Tobacco Paraphernalia Establishments to each other or to other uses. Per the Ordinance, Tobacco Paraphernalia Establishments were defined as separate and distinct from Medical Cannabis Dispensaries.

- The Department of Public Health is the City's regulatory agency for tobacco permits. 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.
- On August 5, 2014, the Director of SF Department of Public Health sent a letter to the Federal Drug Administration urging regulation of new noncombustible products, including e-cigarettes. The focus of the recommendations was that the FDA requires: regulation of e-cigarettes (and other noncombustibles) in the same manner as existing tobacco products, including to be properly labeled and tested; regulation of marketing/advertising; and restriction of flavorings; and to require child-resistant packaging.
- Koheba Smoke Shop first opened at the project site in 2013 without proper Planning review. This Conditional Use Authorization is the result of Enforcement Case No. 13140_ENF.
- There are five other retail shops consisting of a Tobacco Paraphernalia Establishments within the Castro and Upper Market NCDs. This comprises less than 1% of commercial frontage within the Castro / Upper Market NCDs. This represents five stores, including the subject proposal, out of 430 storefronts in the Upper Market NCD. The three other nearest Tobacco Paraphernalia Establishments appear to be located approximately one mile away from the subject site. However, the Planning Code does not outline restrictions on concentration percentage or proximity to other Tobacco Paraphernalia Establishments.
- Although not required for purposes of this Conditional Use Authorization process, the Planning Department requested that the project sponsor host a Pre-Application meeting according to Department standards. Adjacent property owners and occupants to the subject property, and neighborhood organizations from the Castro/Upper Market areas were invited. Five people attended the Pre-Application meeting, hosted by Ahmad Larizadeh (agent) on February 23, 2015, at the subject site.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to legalize an existing retail store selling primarily tobacco paraphernalia with gift sales as an accessory use on subject property located within the Upper Market Street NCD, pursuant to Planning Code Sections 721.69 and 790.123.

BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Upper Market Street NCD.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood.

- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood and surrounding neighborhood.
- This type of retail sales must continue to maintain other agency permits to continue operation.

RECOMMENDATION: Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Aerial Photographs

Public Correspondence (see also Project Sponsor Submittal)

Project Sponsor Submittal, including:

- Application
- Reduced Plans

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

VAF
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: FEBRUARY 4, 2016

Date: January 25, 2016
Case No.: **2014.1192C**
Project Address: **2310 MARKET STREET**
Zoning: Upper Market Neighborhood Commercial District (NCD)
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 721.69, AND 790.123 OF THE PLANNING CODE TO LEGALIZE AN EXISTING RETAIL STORE SELLING PRIMARILY TOBACCO/TOBACCO PARAPHENALIA WITH GIFT SALES AS AN ACCESSORY USE ON THE SUBJECT PROPERTY WITH A LOT SIZE OF 5,825 SQUARE FEET WITHIN THE NCD (UPPER MARKET NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 11, 2015 Ahmad Larizadeh (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 721.69 to legalize an existing retail store selling primarily tobacco/tobacco paraphernalia with gift sales as an accessory use on the subject property with a lot size of 5,825 square feet within the Upper Market Neighborhood Commercial District (NCD) and a 50-X Height and Bulk District.

On February 4, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.1192C.

The Project is not considered a project under the California Environmental Quality Act ("CEQA") because it does not cause either a direct physical change in the environment, or a reasonably foreseeable direct physical change in the environment.

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. 2014.1192C, 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. **Site Description and Present Use.** The project is located on the northern side of Market Street, at 16th Street, Block 3562, Lot 001. The property is located within the Upper Market Neighborhood Commercial District (NCD) with 50-X height and bulk district. The property is developed with a four-story building with 17 dwelling units and seven commercial businesses on the ground floor including Wells Fargo Bank, California Check Cashing, and Super Duper. The subject property involves a triangular shaped lot, with approximately 150 feet of frontage on Market Street. The subject building covers close to 100% of the lot save for a narrow lightwell alley between the adjacent building to the west.
3. **Surrounding Properties and Neighborhood.** The length of the Upper Market NCD District is approximately 970 feet. The project site is located near the intersection of Market and 16th Streets. To the immediate west is a five-story building with six dwelling units and commercial business on the ground floor.

Buildings along this section of Market Street 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 Upper Market Neighborhood Commercial Transit District (NCT) and RH-3 (Residential House, Three-Family) Districts. The area is well-served by the Castro Street Metro Station within two blocks which has the L-Taraval, M-Ocean View, and K-Ingleside/T-Third Street light rail lines. There are also other several other bus lines on or connecting to Market Street. The Upper Market NCD is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market.

4. **Project Description.** The project sponsor proposes to legalize an existing retail store selling primarily tobacco paraphenalia with gift sales as an accessory use. The tobacco paraphenalia store will maintain the name “Koheba Gifts and Smoke Shop”. The project does not propose any storefront changes.

The existing tenant space measures approximately 400 square feet, and the size would not change as part of the project. The project sponsor proposes a business that will sell 80 percent tobacco

(including water pipes, hooka, and hooka accessories, tobacco, glass pipes, "E" cigarettes for liquid and dry, chewing tobacco, rolling paper, lighters, and cigars) and 20 percent gifts (including cups, incense, key chains, candles, ashtrays, and small miscellaneous items). Proposed hours of operation are 10:00AM to 10:00PM daily. All sale of products will be for take out and there will be no consumption on site.

The proposed use is not a Formula Retail use. The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use Authorization process.

The proposed operation currently has two employees and this number will remain the same in the future. The subject site is well served by public transit so that potential customers should not adversely affect the traffic flow.

5. **Public Comment.** The Department has not received any public comments regarding the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use Size.** Planning Code Section 721.21 permits use sizes up to 2,999 square feet, with a Conditional Use Authorization required for use sizes of 3,000 square feet and above, as defined by Planning Code Section 790.130.

The proposed use size of the retail store is approximately 400 square feet.

- B. **Outdoor Activity.** Planning Code Section 721.24 permits Outdoor Activity Areas in front of building, with a Conditional Use Authorization required if located anywhere else, as defined by Planning Code Section 790.70.

The Project Sponsor does not intend to establish an outdoor activity area.

- C. **Hours of Operation.** Planning Code Section 721.27 permits hours of operation from 6:00AM to 2:00AM, with a Conditional Use Authorization required for maintaining hours of operation from 2:00AM to 6:00AM, as defined by Planning Code Section 790.48.

The Project Sponsor does not seek to operate beyond the permitted hours of operation for the Zoning District. The proposed hours of operation for Koheba Gifts and Smoke Shop are from 10:00AM to 10:00PM daily.

- D. **Rear Yard Requirement in the Upper Market NCD Zoning District.** Planning Code Section 134 states that rear yards shall be provided at grade level, and at each succeeding story of the building.

The proposal does not include any structural expansion.

- E. **Parking.** Planning Code Section 721.22 does not require off-street parking for commercial uses.

The Subject Property contains approximately 400 square feet of occupied floor area and thus does not require any off-street parking.

- F. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 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. 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 subject commercial space has approximately 18 feet of frontage along Market Street with almost 100 percent 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.

- G. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department per Article 6 of the Planning Code.

The proposal seeks to maintain the existing signage. The Project Sponsor does not seek any storefront changes.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. 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 size of the proposed use is in keeping with other storefronts on the block face. The proposal will not impact traffic or parking in the District because it is not a destination retail store. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood.

- 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 height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposal will not affect the building envelope.

- 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;

The Planning Code does not require parking or loading for a 400 square foot retail use. The proposal relies on foot traffic and does not require off-street parking and loading. 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 proposed use is subject to conditions of approval outlined in Exhibit A. Conditions 10 and 14 specifically obligate the project sponsor to mitigate odor generated by the Tobacco Paraphernalia Use.

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

The proposed project does not require additional exterior improvements or new signage, nor does the project require parking or loading.

- 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 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.

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

The proposed project is consistent with the stated purposes of the Upper Market NCD in that the intended use is located at the ground floor, will provide limited convenience goods for the immediately surrounding neighborhoods. The project seeks to retain an existing storefront, which will preserve the fine grain character of the district.

- 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 proposal is to legalize an existing Tobacco Paraphernalia Establishment. There will be no increase in similar uses in the Upper Market NCD and the project will not contribute directly to the peace, health, safety, and general welfare problems in the area. The project sponsor will maintain current contact information for a Community Liaison per Condition 15 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 13 in Exhibit A. Street parking exists along Market Street and the area is well-served by the Castro Street Metro Station within two blocks which has the L-Taraval, M-Ocean View, and K-Ingleside/T-Third Street light rail lines. There are also other several other bus lines on or connecting to Market Street.

- 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;

The proposal is to legalize an existing Tobacco Paraphernalia Establishment. There will be no increase in similar uses in the Upper Market NCD and the project will not adversely impact the health, safety, and welfare of residents in nearby area. There is no proposed expansion to the business.

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

The proposal is to legalize an existing Tobacco Paraphernalia Establishment. 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 the particular district for which it is proposed.

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

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 proposed development will provide specialty goods and services to the neighborhood and will provide employment opportunities to those in the community. Further, the project site is located within a Neighborhood Commercial District and is thus 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 retain an existing commercial activity and 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.

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 proposal would enhance the district by legalizing an existing commercial establishment in the area. The business would be locally owned and it maintains two employment opportunities for the community. The proposed alterations are within the existing building footprint.

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

The existing units in the surrounding neighborhood would not be adversely affected.

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

No housing is removed for this Project.

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

The site is on Market Street and is well served by transit. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking. The area is well-served by the Castro Street Metro Station within two blocks which has the L-Taraval, M-Ocean View, and K-Ingleside/T-Third Street light rail lines. There are also other several other bus lines on or connecting to Market Street.

- 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 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.

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

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.

G. That landmarks and historic buildings be preserved.

The project will have no negative impact on a landmark or historic building.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

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. 2014.1192C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 22, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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. XXXXX. 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 94102.

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 February 4, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 4, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to legalize an existing tobacco paraphernalia located on a lot 5,825 square feet in size located at 2310 Market Street, Block 7538, and Lot 004 pursuant to Planning Code Section 209.1(f) within the NCD (Upper Market Neighborhood Commercial District) and a 50-X Height and Bulk District; in general conformance with plans, dated **February 22, 2015**, and stamped "EXHIBIT B" included in the docket for Case No. **2014.1192C** and subject to conditions of approval reviewed and approved by the Commission on **February 4, 2016** under Motion No **XXXXXX**. 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 **February 4, 2016** 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. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **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

5. **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

MONITORING

6. **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
7. **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

DESIGN

8. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org .
9. **Signage.** The Project Sponsor shall submit a sign permit before any sign updates. Proposed signs should be in compliance with Article 6 of the Planning Code. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **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

11. **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

12. **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>

13. **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/>*

14. **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

15. **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 Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. 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

16. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Sunday through Saturday from 10:00AM to 10:00PM. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

17. **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.

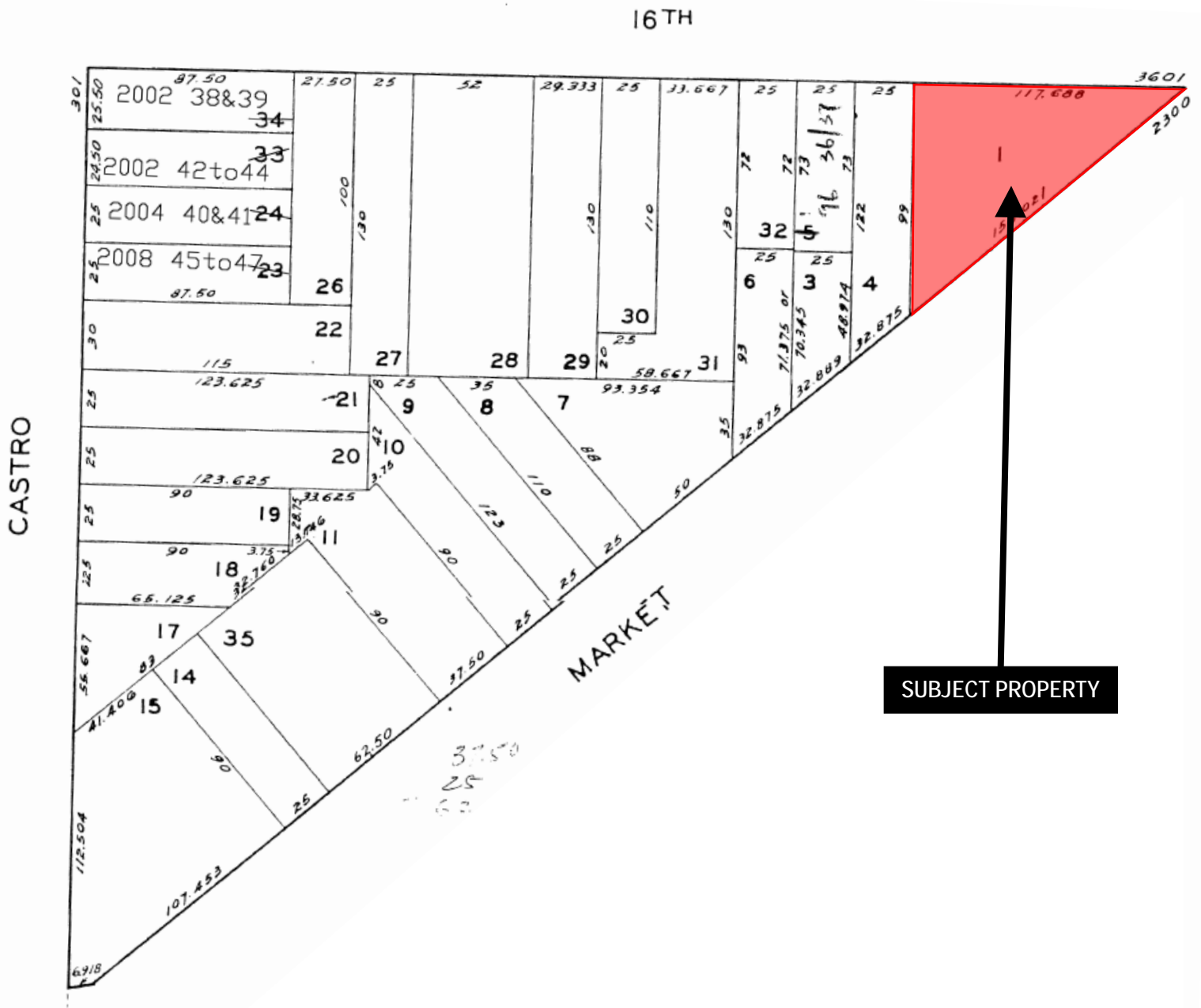
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

18. **Six-Month Monitoring.** Planning Commission shall be provided an update on operations six months after approval.

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

Exhibits

Parcel Map

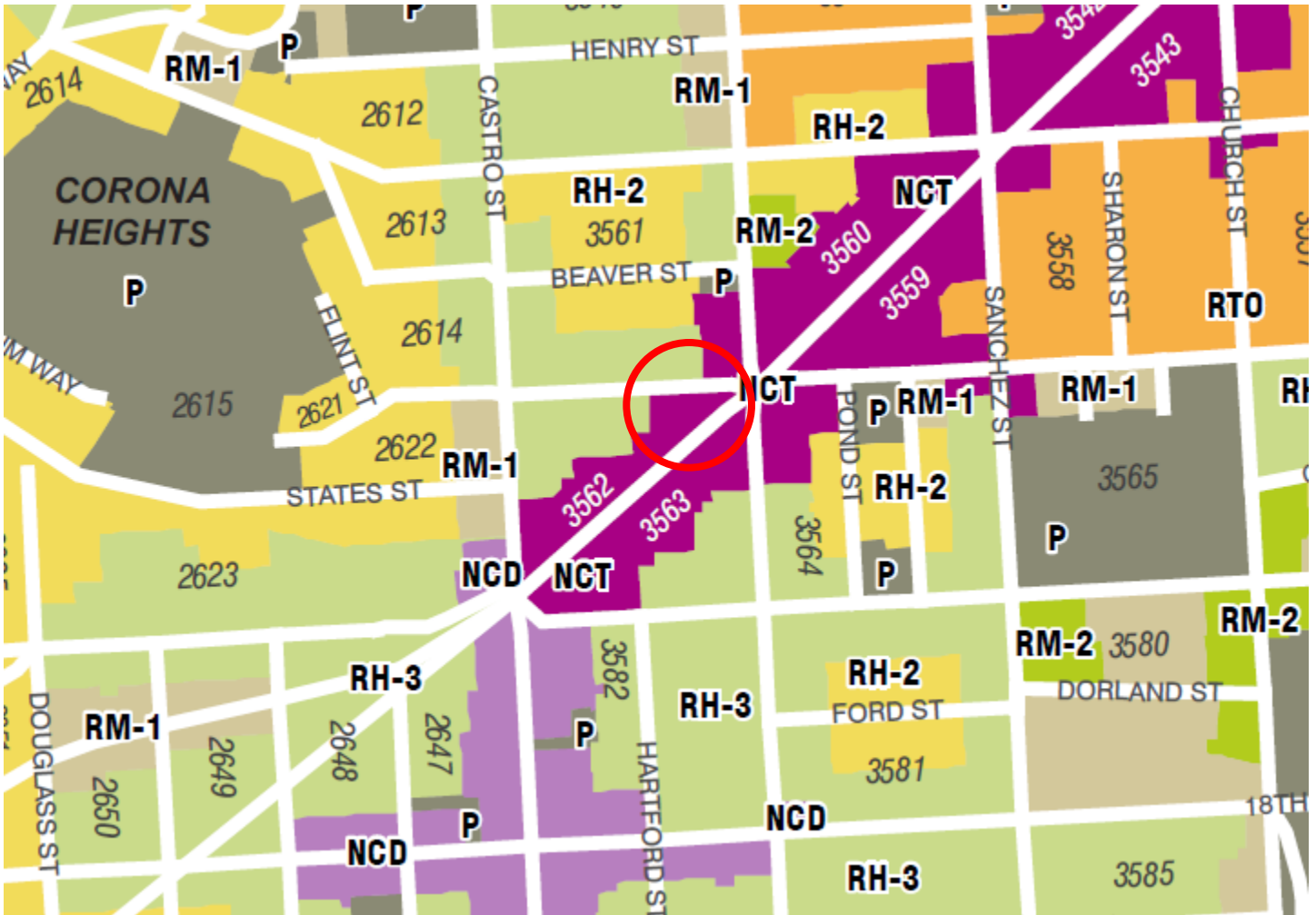


Conditional Use Authorization Hearing
Case Number 2014.1192C
2310 Market Street

The map shows the Castro neighborhood with streets including 16th St, Market St, and Castro St. A red triangle highlights a specific property at the intersection of 16th St and Market St, with an arrow pointing to it from the label 'SUBJECT PROPERTY'.

**SAN FRANCISCO
PLANNING DEPARTMENT**

Zoning Map



Conditional Use Authorization Hearing
Case Number 2014.1192C
2310 Market Street

Aerial Photo

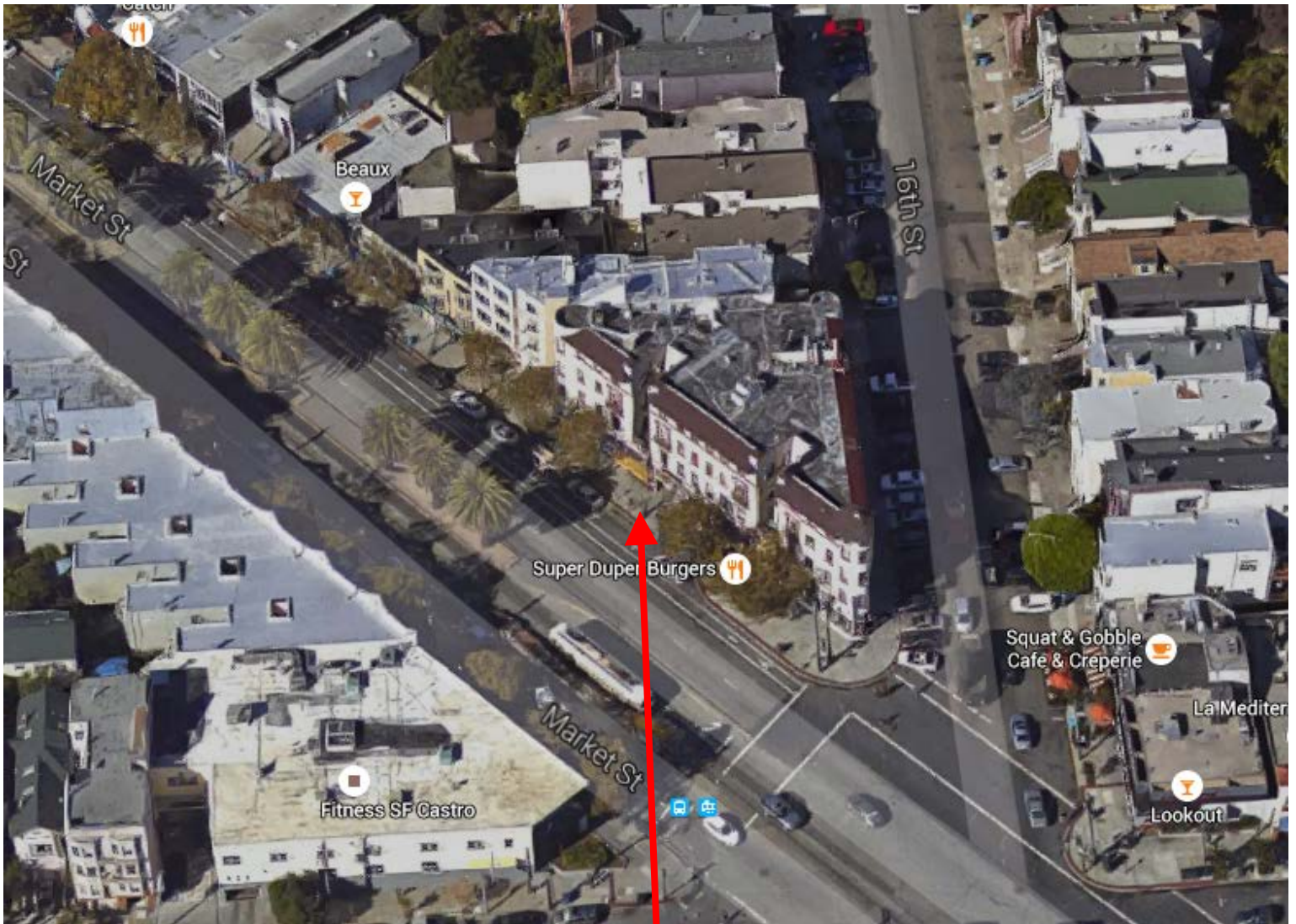


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2014.1192C
2310 Market Street

Aerial Photo

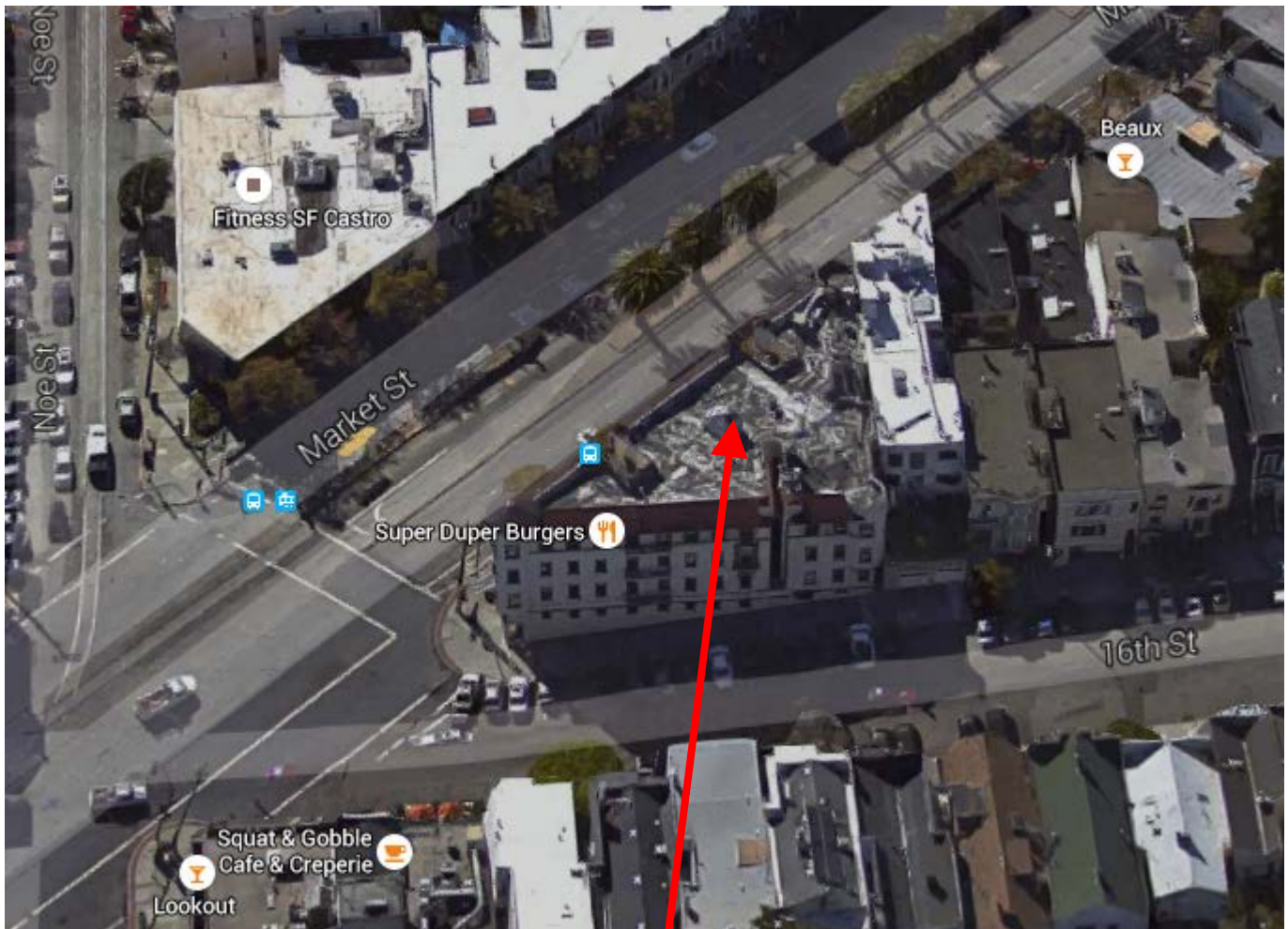


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2014.1192C
2310 Market Street

Aerial Photo

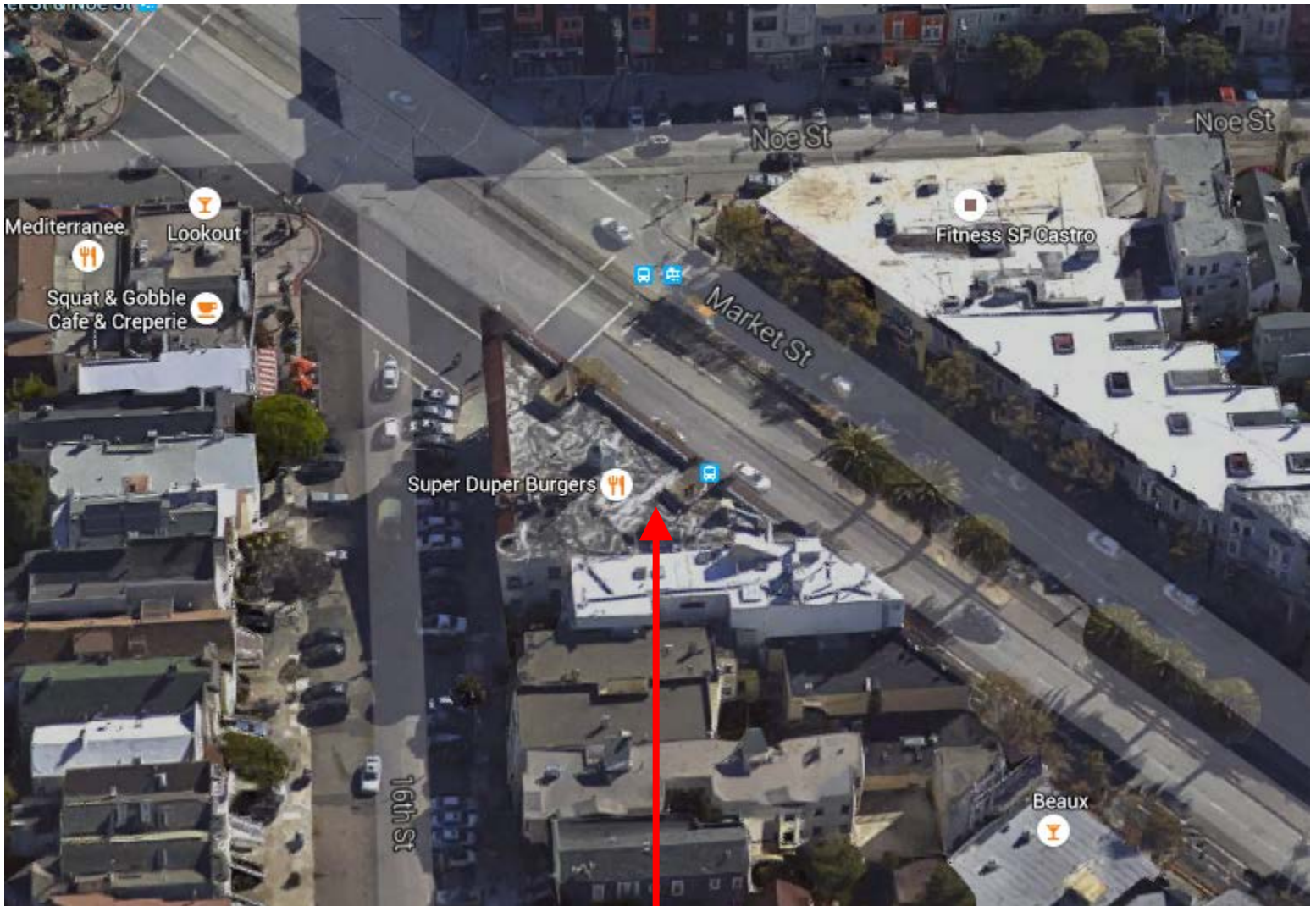


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2014.1192C
2310 Market Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2014.1192C
2310 Market Street

Site Photo



SUBJECT PROPERTY

Conditional Use Authorization Hearing
Case Number 2014.1192C
2310 Market Street

LETTER OF AUTHORIZATION

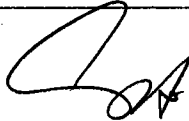
THIS WILL AUTHORIZE **AHMAD LARIZADEH dba BANA CONSULTING, INC.** AND IT'S PERSONNEL, TO ACT AS MY AGENT IN MATTERS OF BUILDING PERMITS, HISTORICAL DOCUMENTS, APPEALS, ASSESSORS RECORDS, APPLICATION SUBMITTAL AND WITHDRAWAL, AND RELATED MATTERS ON MY PROPERTY LOCATED AT:

2310 MARKET STREET SAN FRANCISCO CA

Legal Address _____

Signed: _____

SAMIH ARIKAT



Owner of record of the above named property

Print Name: _____

SAMIH ARIKAT

Print Home Address: _____

2392 31ST AVE SAN FRANCISCO CA 94116

Date: _____

3/11/15

APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: SAMIH ARIKAT	
PROPERTY OWNER'S ADDRESS: 2392 31ST AVE SAN FRANCISCO CA 94116	TELEPHONE: (415) 235 9307 EMAIL:

APPLICANT'S NAME: AHMAD LARIZADEH Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS: 71 BLAKE STREET SAN FRANCISCO CA 94118	TELEPHONE: (415) 716 9099 CELL EMAIL: BANAINC_AOL.COM

CONTACT FOR PROJECT INFORMATION: Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: () EMAIL:

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: 2310 MARKET SAN FRANCISCO CA		ZIP CODE: 94114		
CROSS STREETS: 16TH STREET				
ASSESSORS BLOCK/LOT: 3562 / 001	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT: NCT	HEIGHT/BULK DISTRICT: 50X

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

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.

**(^A) 400 SQ FT OF RETAIL EXISTING BUSINESS WILL REMAIN THE SAME WITH
EXISTING 20 PERCENT TOBACCO PRODUCTS AND 80 PERCENT MISC GIFTS**

~~PROPOSED 80 PERCENT TOBACCO AND 20 PERCENT GIFTS - NO CHANGE IN SIZE OF BUSINESS~~

**(B) THIS BUSINESS RELIES ON FOOT TRAFFIC AND DOES NOT REQUIRE OFF STREET PARKING
AND LOADING**

**(C) NO CONSUMPTION ON SITE - JUST SALE OF PRODUCTS FOR TAKE OUT - NO NOXIOUS
EMISSIONS , NOISE, GLARE DUST OR ODOR**

**(D) DOES NOT AFFECT ANY LANDSCAPE, OPEN SPACES, PARKING OR LOADING
- CANOPY SIGN IS EXISTING AND THEY INTEND TO KEEP THE SAME NAME
KOHEBA GIFTS AND SMOKE SHOP - THEY HAVE BEEN IN BUSINESS FOR 2 YEARS**

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;

~~GIFT SHOP HAS ONE PERSON WORKING - BUT IN FUTURE MAY NEED ADDITIONAL
HELP AND WILL OFFER EMPLOYMENT OPPORTUNITIES IN THE NEAR FUTURE~~

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

~~ALL ITEMS ARE SECURED WELL IN THE CABINETS AND SHELVES WHICH ARE
PROPERLY SECURED TO PREVENT DAMAGE AND INJURY DUE TO EARTHQUAKES~~

7. That landmarks and historic buildings be preserved; and

~~IT IS A LOCATED IN A HISTORIC BUILDING AND THERE IS NO CHANGE
TO THE EXTERIOR OF THE BUSINESS~~

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

~~DOES NOT AFFECT PARKS, OPEN SPACE AND VISTAS~~

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 checked="" type="checkbox"/>
300-foot radius map, if applicable	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" 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: _____

2310 Market Street San Francisco CA 94114
Block 3562/Lot 001

PREAMBLE

The application (HEREINAFTER "Application") is made for conditional use Authorization on the property at 2310 Market Street, Block # 3562/Lot 001(hereinafter, "property" and/or "Project Site") to allow an existing gift shop which sells 80% gifts and 20% smoke paraphernalia to 80% smoke shop and 20% other gift items.

This location is a NCT district which is mixed use. Location of this store is on the street level with residential above. The size of the store is 400 sq ft approximately . There are approximately 7 formula retail businesses namely Chevron Gas, Subway sandwiches, Wells Fargo Bank, Pottery Barn, Western Union, SF Fitness, Coldwell Banker. There are 2 coffee shops and 3 restaurants in the vicinity and a variety of other small businesses like flower shop, frame shop, nail place, hair salon, jewelry , clothing, ups, dental office.

Existing gift shop has smoke products which include water pipes, hooka and hooka accessories, tobacco, glass pipes, "E" cigarettes for liquid and dry, chewing tobacco, rolling paper, lighters, cigars. Gift items include cups, incense, key chains, candles, ashtrays and small misc items.

Affidavit of Conducting a Pre-Application Meeting, Sign-in Sheet and Issues/Responses submittal

I, **AHMAD LARIZADEH**, do hereby declare as follows:

1. I have conducted a Pre-Application Meeting for the proposed new construction, alteration or other activity prior to submitting any entitlement (Building Permit, Variance, Conditional Use, etc.) in accordance with Planning Commission Pre-Application Policy.
2. The meeting was conducted at **2310 MARKET** (location/address) on ~~FEB 23 2015~~ (date) from ~~6PM TO 8 PM~~ (time).
3. I have included the mailing list, meeting invitation and postmarked letter, sign-in sheet, issue/response summary, and reduced plans with the entitlement Application. I understand that I am responsible for the accuracy of this information and that erroneous information may lead to suspension or revocation of the permit.
4. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, **MARCH 11TH 2015**, 20 IN SAN FRANCISCO.

Signature

AHMAD LARIZADEH

Name (type or print)

AGENT

Relationship to Project (e.g. Owner, Agent)

(if Agent, give business name & profession)

2310 MARKET ST SAN FRANCISCO CA

Project Address

Pre-Application Meeting Sign-in Sheet

Meeting Date: 2-23-15
 Meeting Time: 6 PM TO 8 PM
 Meeting Address: 2310 MARKET ST
 Project Address: SAME
 Property Owner Name: RAAD HAB HAB
 Project Sponsor/Representative: AHMAD-LARIZADEH

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1. Ryan Baker	821 Bryant St. SECA 94103	519 855 50	r.baker08@gmail.com	<input type="checkbox"/>
2. Josh Powers	3000 Cow #6	415 722 7242	zerotimesinfinite@gmail.com	<input type="checkbox"/>
3. Chris Hershberger	2425 Market St #9	415 579 5422	chris.hershberger@gmail.com	<input type="checkbox"/>
4. Nate Altman	2319 Market St.	415.431.6900	natealtman@yahoo.com	<input type="checkbox"/>
5. Stephanie Kesi-Kalkens	2304 Market St.	510 812 1912	stephkesi-kalkens@gmail.com	<input type="checkbox"/>
6.				<input type="checkbox"/>
7.				<input type="checkbox"/>
8.				<input type="checkbox"/>
9.				<input type="checkbox"/>
10.				<input type="checkbox"/>
11.				<input type="checkbox"/>
12.				<input type="checkbox"/>
13.				<input type="checkbox"/>
14.				<input type="checkbox"/>
15.				<input type="checkbox"/>
16.				<input type="checkbox"/>
17.				<input type="checkbox"/>
18.				<input type="checkbox"/>

Summary of discussion from the Pre-Application Meeting

Meeting Date: 2-23-15
 Meeting Time: 6 PM TO 8 PM
 Meeting Address: 2310 MARKET
 Project Address: SAME
 Property Owner Name: DAAD HABHAB
 Project Sponsor/Representative: AHMAD-LARIZADEH

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group):

I SUPPORT THE PROJECT

I support the project

Project Sponsor Response:

(Support this project) christy Healy

Question/Concern #2: I SUPPORT THE PROJECT / Nate Attridge

Project Sponsor Response: I SUPPORT THE PROJECT / STEPHANIE BESA-KALLENS

Question/Concern #3:

Project Sponsor Response:

Question/Concern #4:

Project Sponsor Response:

Pre-Application Meeting Sign-in Sheet

Meeting Date: 2-23-15
 Meeting Time: 6 PM TO 8 PM
 Meeting Address: 2310 MARKET
 Project Address: SAME
 Property Owner Name: RAAD HAB HAB
 Project Sponsor/Representative: AHMAD LABZADEH

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1.	Richard MAGARY	554 PASTOR #333	415-431-2359	inpc@CASTRO Merchants. com	<input type="checkbox"/>
2.	Dennis Herbert	2306 Market St Apt # 402	510-837-4579	5xcentifalk@gmail.com	<input type="checkbox"/>
3.	Jose Angel Rodriguez	2312	415 678 8272		<input type="checkbox"/>
4.	Jose Tania S	180 Turk St Apt #202	(646) 416-4604	mascaenwh@yahoo.com	<input type="checkbox"/>
5.	Ghandi Roldan	183 Prague	415 548 1504	ghandiroldan@gmail.com	<input type="checkbox"/>
6.	Bon Acker	2302 MARKET	415-431-500	SHOETISF@GMAIL.COM	<input type="checkbox"/>
7.	Joseph Valliere	451 Justin Dr SF, CA 94112			<input type="checkbox"/>
8.	Marc-anthony Johnson	2600 19th St San Pablo CA 94806			<input type="checkbox"/>
9.	San Felix	10339 Davis Blvd 95093			<input type="checkbox"/>
10.	Brian	555 Bartlett St #251			<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>
15.					<input type="checkbox"/>
16.					<input type="checkbox"/>
17.					<input type="checkbox"/>
18.					<input type="checkbox"/>

Summary of discussion from the Pre-Application Meeting

Meeting Date: 2-23-15
 Meeting Time: 6 PM TO 8 PM
 Meeting Address: 2310 MARKET ST.
 Project Address: SAME
 Property Owner Name: RAAD HAB HAB
 Project Sponsor/Representative: AHMAD LARIZADEH

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group):
Donna Herbert supports this project.
Jose Angel Rodriguez supports the project.
Jose Farias supports the project.
 Project Sponsor Response: Joseph Rolden Support the Project

Ron Achter supports the project
Joseph Valliere support project
 Question/Concern #2: Marc-anthony Johnson Support this project 100%
Joe Daniel Hensler Support this project 100%

Project Sponsor Response: Brian Mann - supporter!

Question/Concern #3: _____

Project Sponsor Response: _____

Question/Concern #4: _____

Project Sponsor Response: _____

Pre-Application Meeting Sign-in Sheet

Meeting Date: 2-23-15
 Meeting Time: 6 PM TO 8 PM
 Meeting Address: 2310 MARKET ST
 Project Address: SAME
 Property Owner Name: RAAD HAB HAB
 Project Sponsor/Representative: AHMAD-LARIZADEH

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1. MANUEL MUÑOZ	2394 Redwood Ave, San Pablo	94806 510 375-7896		<input type="checkbox"/>
2. Raju Kumar	440 Valencia Str # C401 S.F	415 867-7424		<input type="checkbox"/>
3. JR RELOSAPPO	1930 E 27th St OAKLAND		jrelosa@gmail.com	<input type="checkbox"/>
4. Kyle Blum	175 Castro St. Apt. 3 SE, CA	415-283-7913		<input type="checkbox"/>
5. FRANK KUTTER	63 DOUGLASS ST	415 845-5535		<input type="checkbox"/>
6. Jim Raymond	2103 Market ST		AXE2000@gmail.com	<input type="checkbox"/>
7. Adam Moore	2215 Market ST		DICKSONPS	<input type="checkbox"/>
8. Lorraine Chamberlain	3434 16th St. SF CA	415 431-3754		<input type="checkbox"/>
9. DAVID HYMAN	766 ANDERSON SF	74110 415 623626		<input type="checkbox"/>
10. Dominik Schieweck	185 Corwin	94114 415-484444		<input type="checkbox"/>
11. Jeremy Braffman	373 NOE St. SF CA	94114 415 87075022		<input type="checkbox"/>
12. Daniel Ann	18 GARDEN ST SE CA	94131 415 647-9777		<input type="checkbox"/>
13. JON RYAN	449 BURRILL AVE. SF	94131 415 675-6337		<input type="checkbox"/>
14. GARY CLAYTON	3645 MARKET ST. #3 SF CA	94131 415 845 5546		<input type="checkbox"/>
15. Judith Johnson	138 Henry St SF CA	94114 415 552 8540		<input type="checkbox"/>
16. Matthew Boney	2306 MARKET ST. #308			<input type="checkbox"/>
17. CRAIG FUNK	2324 MARKET #5	(415) 685-1352		<input type="checkbox"/>
18. Silvio Nampa	5815 Maschen	510/932 3853		<input type="checkbox"/>
Business 2312 Market Street				

Summary of discussion from the Pre-Application Meeting

Meeting Date: 2-23-15
 Meeting Time: 6 PM TO 8 PM
 Meeting Address: 2310 MARKET
 Project Address: SAME
 Property Owner Name: DAAD HABHAS
 Project Sponsor/Representative: AHMAD-LARIZADEH

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group): I SUPPORT THE PROJECT. MANUEL MUNOZ
Raju Kumar, I Support the Project 100%

Project Sponsor Response: JK RELLOJANO I support the project
Kyle Biquier I support the project
I support the project
I support the project

Question/Concern #2: Adam Moore I SUPPORT the project
I support the project - Laurence Chamberlain

I support this project. David Hyman
 Project Sponsor Response: I support this project. Dominik Schiawack
I support the project. Jeremy Boetman
I support the project. Jeremy Boetman

Question/Concern #3: Jon Ryan I support the project!
GARY CLAYTON - I support this initiative
Judith Johnson I support the project

Project Sponsor Response: Matthew Bonen - I support the project!
Yang Jun I support the project
Sofia Hume I support the project

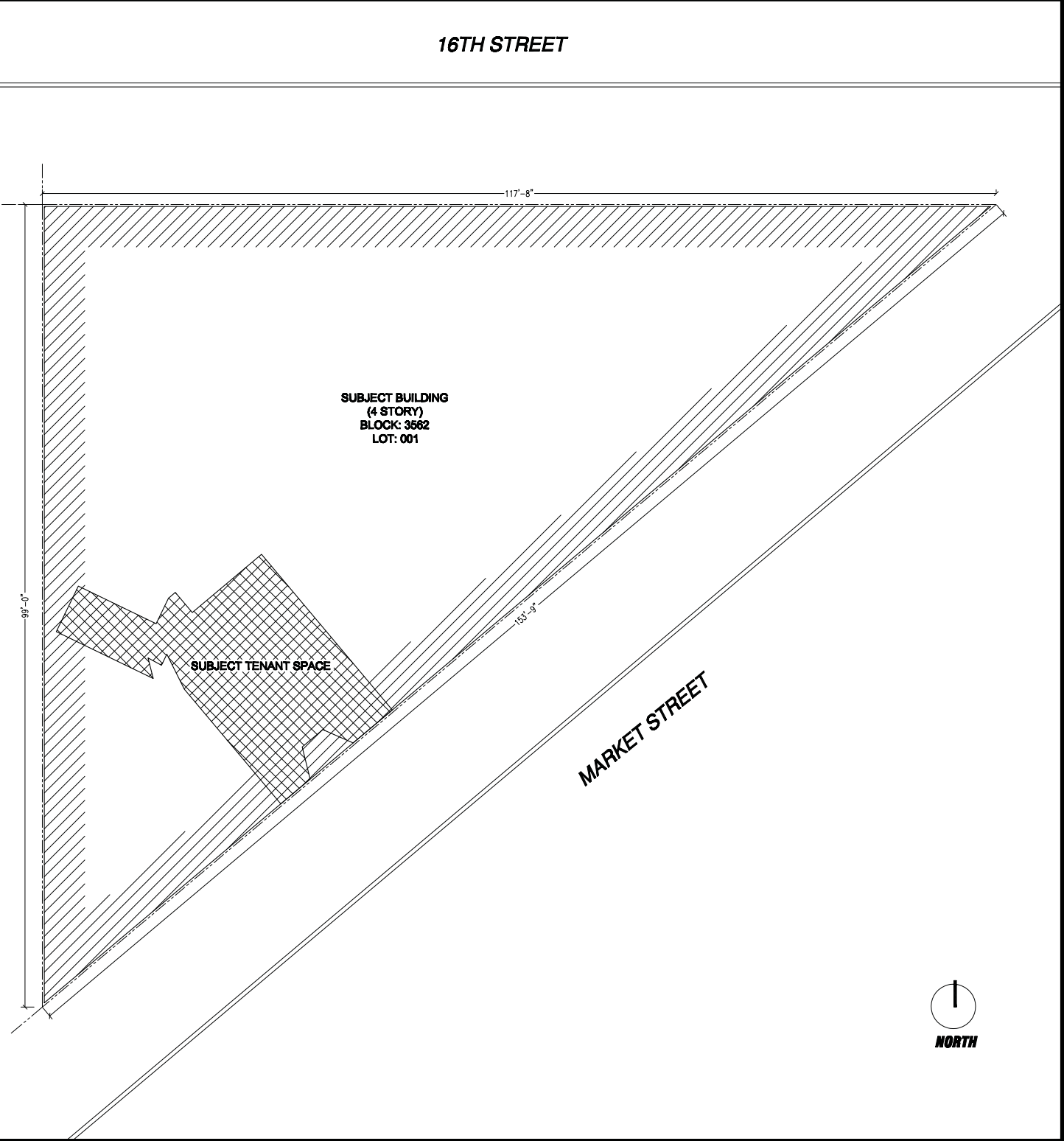
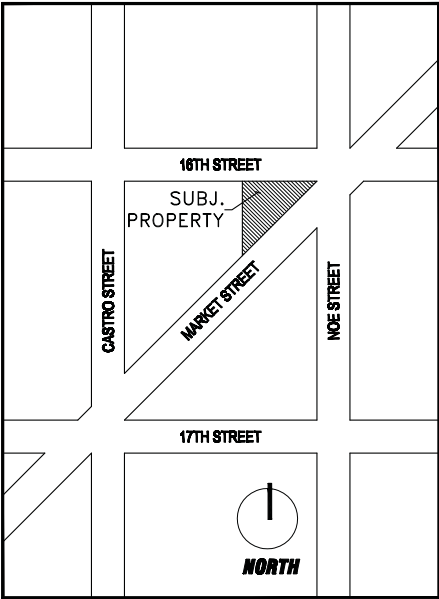
Question/Concern #4: _____

 Project Sponsor Response: _____

CONDITIONAL USE FOR ACCESSORY TOBACCO SALE

2310 MARKET STREET

SAN FRANCISCO CA 94114

GENERAL NOTES:	SHEET INDEX	(E) SITE PLAN
<div>1. CONTRACTOR SHALL VISIT THE SITE, REVIEW THE BUILDING SHELL DRAWINGS AS SUBMITTED BY THE LANDLORD AND BECOME THOROUGHLY FAMILIAR WITH THE SITE CONDITIONS PRIOR TO BIDDING OR CONSTRUCTION.</div> <div>2. ALL WORK SHALL BE PERFORMED IN STRICT COMPLIANCE WITH LOCAL, COUNTY, STATE AND FEDERAL CODES AND ORDINANCES.</div> <div>3. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES.</div> <div>4. CONTRACTOR TO VERIFY ALL DIMENSIONS, INCLUDING CLEARANCES REQUIRED BY OTHER TRADES, AND NOTIFY THE LANDLORD OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH THE WORK. ALL DIMENSIONS ARE TO THE FACE OF THE FINISHED SURFACE UNLESS NOTED OTHERWISE. ALL DIMENSIONS TO BE TAKEN FROM DESIGNATED DATUM POINT. DO NOT SCALE DRAWINGS.</div> <div>5. CONTRACTOR SHALL PATCH AND REPAIR ALL EXISTING WALLS, FLOORS, CEILINGS OR OTHER SURFACES IDENTIFIED TO REMAIN THAT MAY BECOME DAMAGED DURING THE COURSE OF THE WORK.</div> <div>6. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING PERMITS FOR FIRE PROTECTION, PLUMBING, MECHANICAL AND ELECTRICAL SYSTEMS PRIOR TO INSTALLATION OF SUCH SYSTEMS.</div>	A-0 COVER SHEET, PROJECT DATA	<div>SCALE: 1/8" = 1'-0"</div> <div>16TH STREET</div> <div></div>
	A-1 EXISTING FLOOR PLANS	
	SCOPE OF WORK	
	<div>— CONDITIONAL USE APPLICATION FOR ACCESSORY TOBACCO SALE IN EXISTING SOUVENIR GIFT SHOP.</div>	
PROJECT DATA	VICINITY MAP	
<div>OWNER:</div> <div>BLOCK: 3562</div> <div>LOT: 001</div> <div>TYPE OF CONSTR: TYPE V-B</div> <div>SPRINKLERS: NONE</div> <div>NO. OF STORIES: 4</div> <div>PRESENT USE: TOBACCO SHOP</div> <div>OCCUPANCY: B</div>	<div>SCALE: NTS</div> <div></div>	
APPLICABLE CODES:		
<div>JURISDICTION: CITY AND COUNTY OF SAN FRANCISCO BUILDING CODE:</div> <div>2013 CALIFORNIA BUILDING CODE ADMENDMENTS</div> <div>2013 CALIFORNIA MECHANICAL CODE</div> <div>2013 CALIFORNIA ELECTRICAL CODE</div> <div>2013 CALIFORNIA PLUMBING CODE</div> <div>2010 CALIFORNIA ENERGY CODE</div> <div>2013 CALIFORNIA FIRE CODE & ALL RELATED</div> <div>2013 SAN FRANCISCO BUILDING CODE ORDINANCES</div> <div>OF THE CITY & COUNTY OF SAN FRANCISCO</div>		

REVISIONS

BANA INC.

71 BLAKE STREET

SAN FRANCISCO, CA 94118

TEL. 415-752-2824

2310 MARKET STREET

SAN FRANCISCO CA 94114

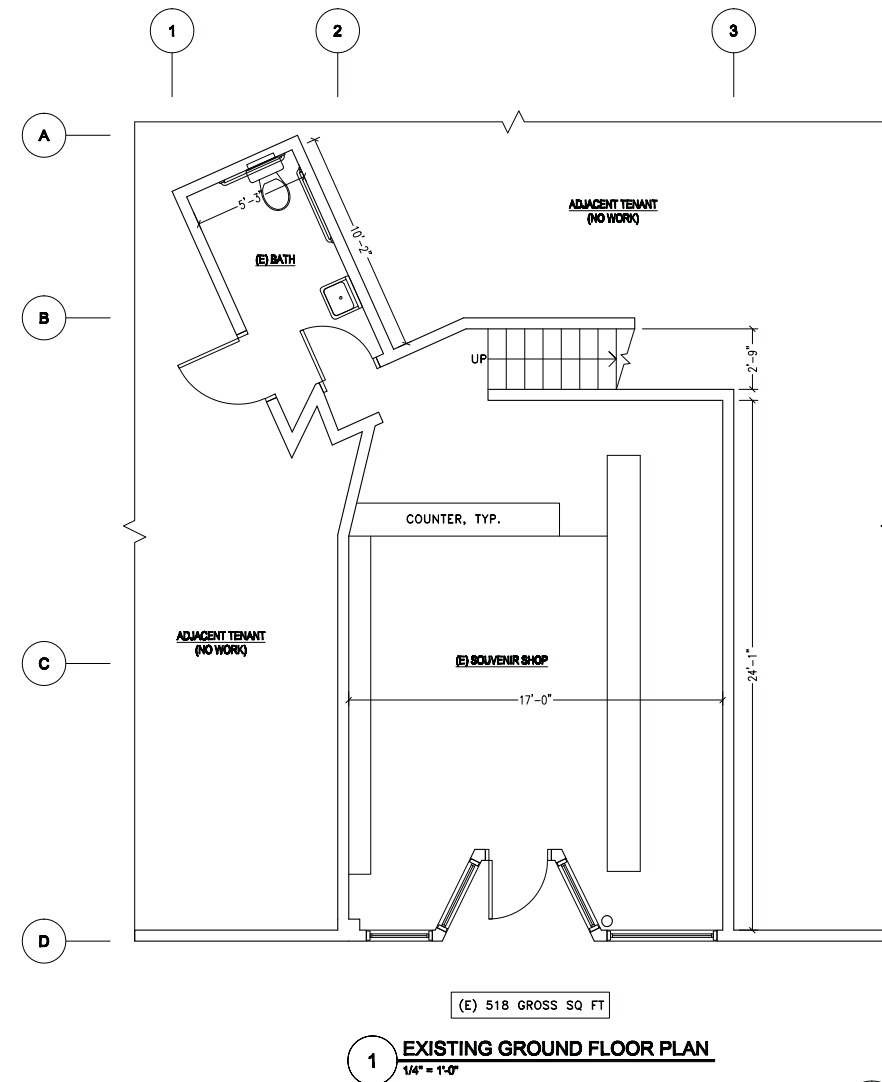
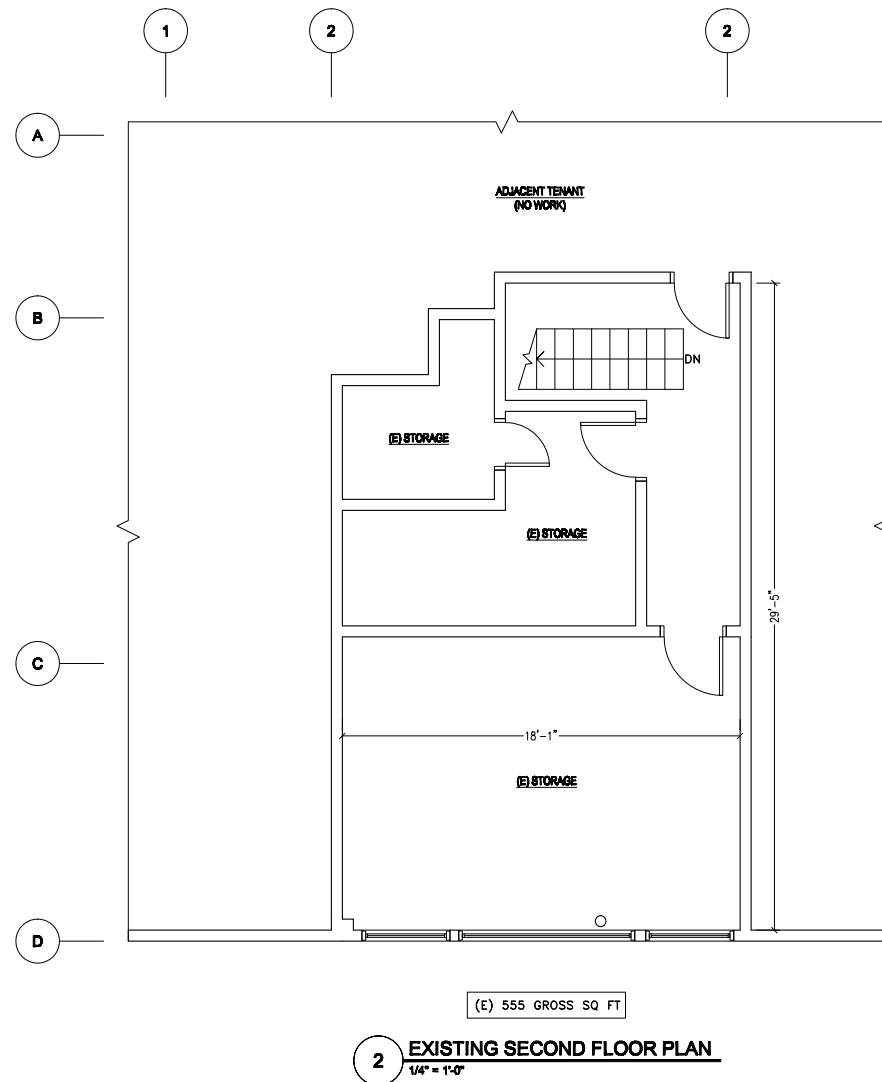
COVER SHEET,
PROJECT DATA,
EXISTING
SITE PLAN

DATE: 02/22/15

SCALE: AS NOTED

SHEET:

A0



BANA INC.
71 BLAKE STREET
SAN FRANCISCO, CA 94118
TEL. 415-752-2824

2310 MARKET STREET
SAN FRANCISCO CA 94114

EXISTING
FLOOR PLANS

DATE: 02/22/15

SCALE: AS NOTED

SHEET:

A1

Flores, Veronica (CPC)

From: Christopher Tan <christophertsuantan@gmail.com>
Sent: Sunday, November 08, 2015 8:58 PM
To: Flores, Veronica (CPC)
Subject: 2310 Market Street NOPDR #2 Response

Follow Up Flag: Follow up
Flag Status: Flagged

Good Evening Veronica,

The following is the requested responses to the "Additional Findings for Tobacco Paraphernalia Establishments" per the NOPDR #2. Please note that our responses are the italicized. Also the storefront picture with dimensions is also included. I hope this is satisfactory for a final review from you. Please let me know if there is anything else you will need in order to complete your review.

Thank you,
Christopher Tan

Additional Findings for Tobacco Paraphernalia Establishments.

a. Please review the additional findings required under Section 303(m) of the Planning Code, and prepare responses to each:

i. (A) 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 Koheba Smoke and Gift Shop at 2310 Market Street, will not contribute directly to the peace health and safety and general welfare problems because the proposed work is to merely expand the store's dedicated floor space for smoke products from 20% to 80% of the stores total square footage. The portion of the shop's square footage allocated for gift sales and products will hence become 20% of the stores total square footage.

(B) 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; and

The proposed store floor change will not adversely affect the health of the public or residents of nearby areas because the actual usage of the store is exactly the same as it exists today.

(C) The proposed establishment is compatible with the existing character of the particular district for which it is proposed.

The proposed project is not changing its character from what it is today and therefore conditions of the neighborhood will remain intact as well as benefit the storeowner.

