



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: MAY 2, 2019

Record No.: [2019-000186CUA](#)
Project Address: [828 Innes Avenue](#)
Zoning: [Neighborhood Commercial, Small Scale \(NC-2\) Zoning District](#)
[40-X Height and Bulk District](#)
Block/Lot: [4645/019](#)
Project Sponsor: Chereese Benton
Posh Green Collective
828 Innes Avenue Suite 110
San Francisco, CA 94124
Property Owner: Frances and Patrick Doherty
PO Box 885473
San Francisco, CA 94118
Staff Contact: Michael Christensen – (415) 575-8742
michael.christensen@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
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Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project would establish a Cannabis Retail Use measuring 2,020 square feet at the ground level of an existing four-story mixed-use building. The proposal will involve interior tenant improvements with no expansion of the existing tenant space or building envelope.

REQUIRED COMMISSION ACTION

For the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 202.2, 303, and 711, to allow the establishment of a Cannabis Retail use in the NC-2 Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Planning Department has not received any public comment on the proposed project, and it is not within the subject area of the Bayview Hunters Point Citizens Advisory Committee. The Department did receive an inquiry from an occupant of a residential unit above the proposed space requesting information on odor control and the potential impact of the proposed use on the building's master insurance policy.
- **Planning Section 202.2(a)(5)(B) Compliance.** The subject parcel is not located within a 600-foot radius of a parcel containing an existing private or public school or within a 600-foot radius of a parcel for which a valid permit from the City's Office of Cannabis for a Cannabis Retailer or a Medicinal Cannabis Retailer has been issued.

- **On-Site Consumption.** Cannabis may be consumed or smoked on site pursuant to authorization by the Department of Public Health. The project sponsor has proposed a consumption lounge on-site as part of this requested authorization.
- **Equity Program.** The Project Sponsor has been verified by the City's Office of Cannabis as an Equity Applicant. The Department does not receive detail of how a specific equity applicant meets the requirements of the program. However, to qualify as an equity applicant, an individual must:
 - apply as a person, not a company
 - have net assets below established limits for each household (currently 193,500 for a one-person household).
 - be one of the following:
 - the business owner,
 - own at least 40% of the business and be the CEO,
 - own at least 51% of the business,
 - a board member of a non-profit cannabis business where most of the board also qualify as Equity Applicants, or
 - an individual with a membership interest in a cannabis business formed as a cooperative.
 - meet at least three of the following six conditions:
 - have a household income below 80% of the average median income (AMI) in San Francisco for 2018,
 - have been arrested for or convicted of the sale, possession, use, manufacture, or cultivation of cannabis (including as a juvenile) from 1971 to 2016,
 - have a parent, sibling or child who was arrested for or convicted of the sale, possession, use, manufacture, or cultivation of cannabis (including as a juvenile) from 1971 to 2016,
 - lost housing in San Francisco after 1995 through eviction, foreclosure or subsidy cancellation,
 - attended school in the San Francisco Unified School District for a total of 5 years from 1971 to 2016, or
 - have lived in San Francisco census tracts for a total of 5 years from 1971 to 2016 where at least 17% of the households had incomes at or below the federal poverty level.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") under Class 1 and Class 3 categorical exemptions.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Bayview Hunters Point Area Plan and the Objectives and Policies of the General Plan. The Project activates an existing vacant retail space and supports the City's Equity program, administered by the Office of Cannabis. The Department also finds the Project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization with Conditions of Approval (Exhibit A)

Exhibit B – Environmental Determination

Exhibit C – Land Use Data

Exhibit D – Maps and Context Photos

Exhibit E – Plans and Renderings



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 202.2, 303 AND 711 OF THE PLANNING CODE TO ALLOW A CANNABIS RETAIL USE MEASURING 2,020 SQUARE FEET WITHIN AN EXISTING FOUR-STORY BUILDING AT 828 INNES AVENUE, ASSESSOR'S BLOCK 4645 LOT 019 WITHIN THE NEIGHBORHOOD COMMERCIAL SMALL SCALE ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On January 4, 2019, Chereese Benton (hereinafter "Project Sponsor") filed Application No. 2019-000186CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a Cannabis Retail use (hereinafter "Project") at 828 Innes Avenue, Block 4645, Lot 019 (hereinafter "Project Site").

The Project is exempt from the California Environmental Quality Act ("CEQA") under Class 1 and Class 3 categorical exemptions.

On May 2, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-000186CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-000186CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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 Authorization as requested in Application No. 2019-000186CUA, 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 Project includes the establishment a Cannabis Retail Use measuring 2,020 square feet at the ground level of an existing four-story mixed-use building. The proposal will involve interior tenant improvements with no expansion of the existing tenant space or building envelope.
3. **Site Description and Present Use.** The Project is located on a 7,500 square foot parcel on the north side of Innes Avenue. The site is developed with a four-story building with nine dwelling units on upper floors and three ground floor commercial spaces. The subject tenant space is currently vacant.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the NC-2 Zoning District in the Bayview Hunters Point Area Plan. The surrounding neighborhood consists largely of vacant parcels, with a mix of industrial and residential buildings. The Hunter’s View housing development, administered by the San Francisco Housing Authority, is located above the site to the south. To the north, the India Basin development project is approved and will add 1,575 housing units, parks, and other supporting uses to the neighborhood.
5. **Public Outreach and Comments.** The Planning Department has not received any public comment on the proposed project, and it is not within the subject area of the Bayview Hunters Point Citizens Advisory Committee. The Department did receive an inquiry from an occupant of a residential unit above the proposed space requesting information on odor control and the potential impact of the proposed use on the building’s master insurance policy.
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.** Cannabis Retail requires a Conditional Use Authorization to establish in the NC-2 Zoning District.

The Project Sponsor is requesting Conditional Use Authorization to establish a Cannabis Retail use in the NC-2 Zoning District.

- B. **600-Foot Buffer Rule:** Planning Code Section 202.2(a)(5)(B) states that the parcel containing the Cannabis Retail Use shall not be located within a 600-foot radius of a parcel containing an existing public or private School or within a 600-foot radius of a parcel for which a valid permit from the City's Office of Cannabis for a Cannabis Retailer or a Medicinal Cannabis Retailer has been issued. There shall be no minimum radius from a Cannabis Retail Use to an existing day care center or youth center unless a State licensing authority specifies a minimum radius.

The subject parcel is not located within a 600-foot radius of a parcel containing an existing private or public school or within a 600-foot radius of a parcel for which a valid permit from the City's Office of Cannabis for a Cannabis Retailer or a Medicinal Cannabis Retailer has been issued.

- C. **On-Site Consumption.** Planning Code Section 202.2 allows for on-site consumption of cannabis as an accessory use, if approved by the Department of Public Health.

The Project Sponsor has proposed an on-site consumption area as part of this request.

- D. **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 is in compliance with this requirement and shall be maintained in compliance with this Section.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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.

Given that the surrounding context is largely vacant land, there is not a typical size of storefronts; however, the proposed project does not alter the size or configuration of the existing storefront. The proposed Cannabis Retail establishment will not impact traffic or parking in the District as it will occupy an existing retail space. This will complement the mix of goods and services currently available in the district 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:

- (1) 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.

- (2) 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 any use. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The applicant intends to diligently prevent double-parking by customers who visit the store.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

While on-site consumption of cannabis is proposed, the San Francisco Health Code requires installation of HVAC systems to prevent odors and emissions from the space from impacting persons or property in the vicinity. The Department of Public Health will not issue a permit for on-site consumption if such odors and emissions are not controlled. As such, the project has safeguards to prevent noxious or offensive emissions such as noise, glare, dust and odor.

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

The Project site has no parking, open spaces or loading area and there will be no addition of parking spaces, loading facilities, open space or service areas. All Project signage and projections will be consistent with the controls of the Planning Code.

- 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 Neighborhood Commercial District.

The proposed project is consistent with the stated purposes of the NC-2 District in that the intended retail use will provide diversity to the retail corridor and a compatible retail service to the public in the immediately surrounding neighborhoods and to a larger market area during daytime hours.

8. **Additional Conditional Use Findings for Cannabis Retail.** Planning Code Section 303(w) outlines additional findings for the Commission when reviewing proposals for new Cannabis Retail establishments. The Commission shall consider “the geographic distribution of Cannabis Retail Uses throughout the City, the concentration of Cannabis Retail and Medical Cannabis Dispensary Uses within the general proximity of the proposed Cannabis Retail Use, the balance of other goods and services available within the general proximity of the proposed Cannabis Retail Use, any increase in youth access and exposure to cannabis at nearby facilities that primarily serve youth, and any proposed measures to counterbalance any such increase.”

Cannabis Retail is a newly created land use definition, and as such the distribution of sites that are permitted as Cannabis Retail is limited. However, it is expected that most or all existing Medical Cannabis Dispensaries will convert to Cannabis Retail uses once authorized by the Office of Cannabis to do so, likely in 2020. Currently, most sites are operating as Medical Cannabis Dispensaries with temporary authorization from the Department of Public Health to sell cannabis products to adult-use consumers.

Currently, such dispensaries and retailers (collectively outlets) are extremely concentrated in the eastern neighborhoods of the City, particularly in the South of Market and Mission neighborhoods. There are no currently operating outlets in the Sunset District, with one site approved but not yet in operation. The Richmond District currently only has one outlet in operation. Southwestern neighborhoods such as Ingleside and the Excelsior contain four outlets. The remaining thirty-three outlets are largely concentrated in eastern neighborhoods. The distribution of such outlets can be reviewed using the City’s [Cannabis Retail Map](#).

The proposed project would add a Cannabis Retail use to the Bayview District, there are currently no outlets within the District. The nearest outlets are in the Portola District, Visitacion Valley, and Dogpatch. As such,

while the project increases the overbalance of such outlets in the eastern half of the City, it does not overconcentrate such uses within the specific neighborhood.

In terms of the diversity and balance of goods and services within the general vicinity, there exists an overconcentration of alcohol sales establishments, prompting the establishment of the [Third Street Alcoholic Beverage Restrictive Use District](#) in 2001. The immediate area is characterized by vacant land and largely vacant storefronts, though the area is expected to experience significant growth in the coming years as the India Basin, Hunters Point, and Candlestick point projects are implemented.

The impact of increased access and visibility of cannabis to youth is a paramount concern for the City. While there are no sensitive uses (as defined in Planning Code Section 202.2) within 600 feet of the proposed site, there are multiple outlets providing services to youth, including college preparatory services. However, the retail storefront has been specifically designed to have a security check in at the main entryway to prevent the entrance of minors. Additionally, display cases and sales areas are setback from the front façade to limit the visibility of products. A reception and waiting area is proposed at the front façade to continue to activate the space, and the proposed consumption lounge is at the second floor of the site and not visible from the street. With this configuration, the visibility of products and potential impact to youth passing by is minimal.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

OBJECTIVE 4:

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.8:

Provide for the adequate security of employees and property.

OBJECTIVE 6:

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

Policy 6.2:

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

BAYVIEW HUNTERS POINT AREA PLAN

LAND USE

Objectives and Policies

OBJECTIVE 2

IMPROVE USE OF LAND ON THIRD STREET BY CREATING COMPACT COMMERCIAL AREAS, ESTABLISHING NODES FOR COMPLEMENTARY USES, AND RESTRICTING UNHEALTHY USES

POLICY 2.1

Improve the physical and social character of Third Street to make it a more livable environment.

Cannabis is one of the fastest growing job categories in the country and one of the few retail uses that is burgeoning even in the face of e-commerce. The proposed business is entirely owned by local residents and will hire directly from the community. The business has commitments in its Operating Agreement, as well as obligations under City policy, to source products and services from local businesses, particularly those owned by and employing residents who meet the Cannabis Equity Criteria. As such, the business aims to increase employment and resident ownership both in its own Cannabis Retail business and in the cannabis cultivation, manufacturing, and distribution businesses that are provided hundreds of skilled, unskilled, and semi-skilled jobs to San Francisco residents.

Cannabis retailers are proven to improve security for the entire neighborhood they serve. A UCLA study funded by the National Institutes of Health demonstrated that neighborhoods with cannabis stores have no more crime than other neighborhoods and that “measures dispensaries take to reduce crime (i.e., doormen, video cameras), may increase guardianship” of the area. The project will have professional security and multiple cameras, as required by law, and will partner with SFPD, local merchants, and the community to increase safety on the corridor.

Regulated cannabis is a burgeoning industry specifically because it is at the innovative edge, not just of technology but of government regulation and laws. This is a field that can create small business ownership and employment opportunities for San Francisco residents, renewed vitality on commercial corridors, and destination locations for tourists. Additionally, the Project is not a Formula Retail use.

10. **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 complies 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.

Existing neighborhood-serving retail uses are not impacted by the establishment of the proposed Cannabis Retail use. The surrounding neighborhood is largely vacant land. Cannabis is one of the fastest growing job categories in the country and one of the few retail uses that is burgeoning even in the face of e-commerce.

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

Existing residential units on upper floor and in the surrounding neighborhood would not be adversely affected by the Project. The proposal does not affect housing or change the character of the building.

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

The Project has no effect on housing and does not convert housing to a non-residential use.

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

The surrounding area will experience increased MUNI service in the future as surrounding large-scale developments are implemented. Given that much of the surrounding area is vacant, it is unlikely that the use will overburden neighborhood parking.

- 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.

There is no commercial office development associated with the proposed project and there would be no displacement of any existing industrial or service businesses in the area.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The site is not a historic resource.

- 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.

11. 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.
12. 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 Authorization Application No. 2019-000186CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 15, 2018, 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. 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 May 2, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 2, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow Cannabis Retail use measuring 2,020 square feet located at 828 Innes Avenue pursuant to Planning Code Sections 202.2, 303, and 711 within the NC-2 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated December 15, 2018, and stamped "EXHIBIT B" included in the docket for Record No. 2019-000186CUA and subject to conditions of approval reviewed and approved by the Commission on May 2, 2019 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 **May 2, 2019** 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

6. **Additional Project Authorization.** The Project Sponsor shall obtain operating licenses from the City's Office of Cannabis and the State of California prior to commencing any cannabis sales or other activities as defined in Planning Code section 202.2(a)(5).

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

7. **Transparency and Fenestration.** Pursuant to Planning Code Section 145.1, the site shall be maintained 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.

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

MONITORING - AFTER ENTITLEMENT

8. **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

9. **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

OPERATION

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 Project Sponsor shall provide

the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
828 INNES AVENUE, #110		4645019
Case No.		Permit No.
2019-000186PRJ		
<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. The Project would establish a Cannabis Retail Use measuring 2,020 square feet at the ground level of an existing four-story mixed-use building. The proposal will involve interior tenant improvements with no expansion of the existing tenant space or building envelope.		

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 checked="" 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 type="checkbox"/>	Class ____

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*): Michael Christensen

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input 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 checked="" 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 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:	

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: Planning Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Michael Christensen 04/25/2019
	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.	



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 828 INNES AVE 110

RECORD NO.: 2019-000186PRJ

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

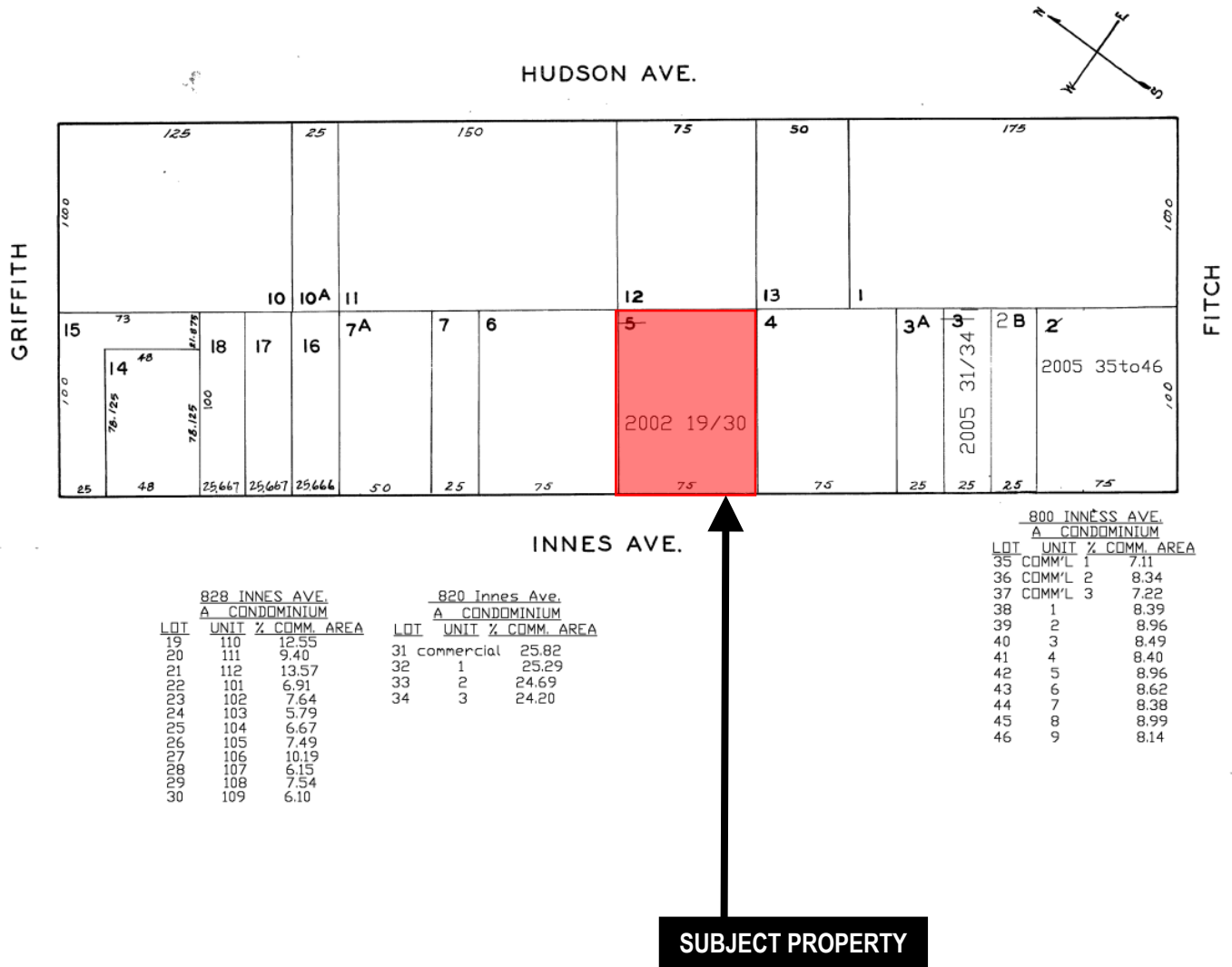
Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF			
Residential GSF			
Retail/Commercial GSF	2,020	2,020	0
Office GSF			
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>			
Medical GSF			
Visitor GSF			
CIE GSF			
Usable Open Space			
Public Open Space			
Other ()			
TOTAL GSF			
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable			
Dwelling Units - Market Rate			
Dwelling Units - Total			
Hotel Rooms			
Number of Buildings			
Number of Stories			
Parking Spaces			
Loading Spaces			
Bicycle Spaces			
Car Share Spaces			
Other ()			

Parcel Map



Conditional Use Authorization Hearing
Case Number 2019-000186CUA
 Cannabis Retail – Posh Green
 828 Innes Avenue, Block 4645, Lot 019

Aerial Photo – View 1



SUBJECT PROPERTY



Aerial Photo – View 2



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2019-000186CUA
Cannabis Retail – Posh Green
828 Innes Avenue, Block 4645, Lot 019

Aerial Photo – View 3

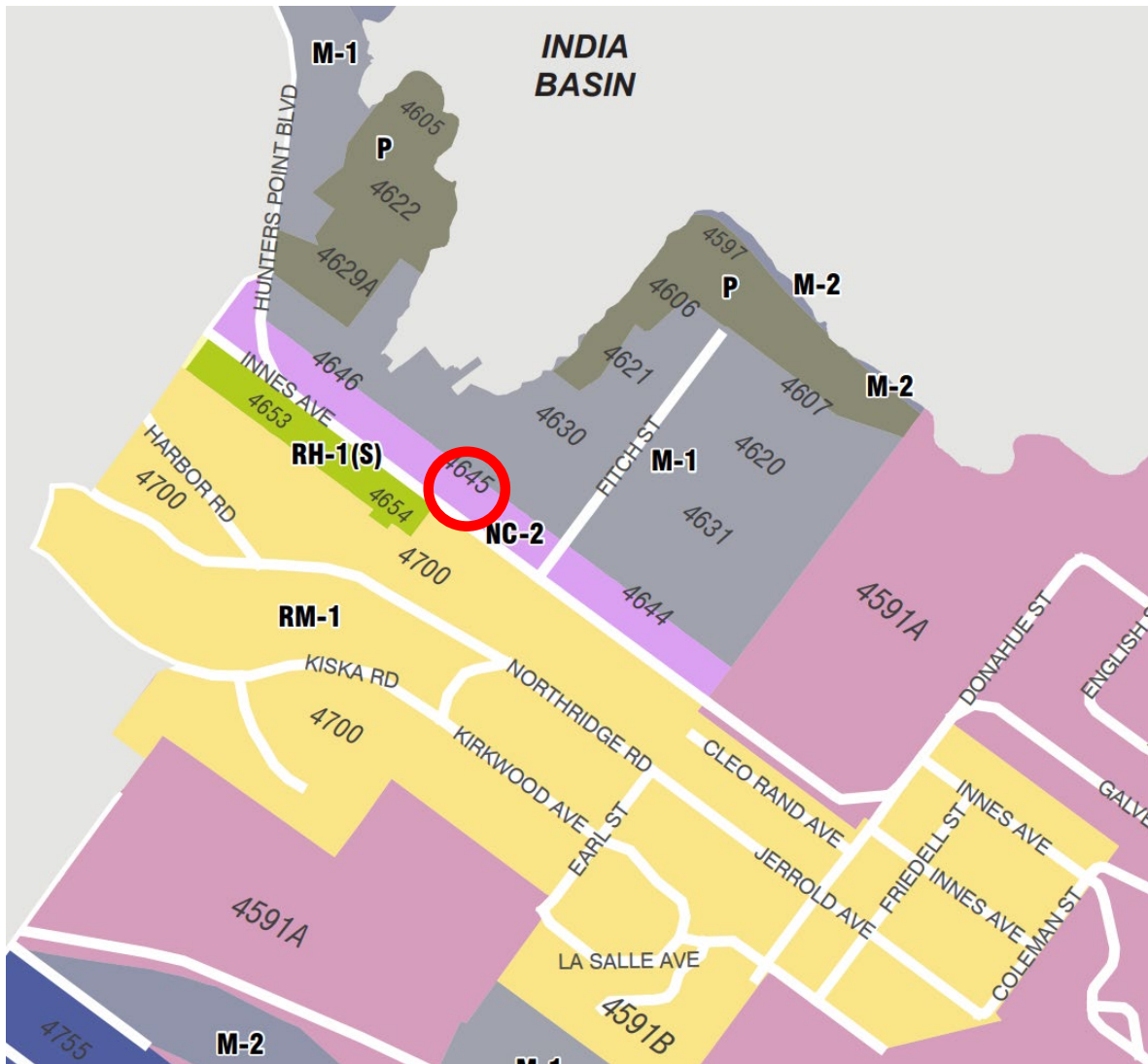


INDIA BASIN PROJECT

SUBJECT PROPERTY



Zoning Map

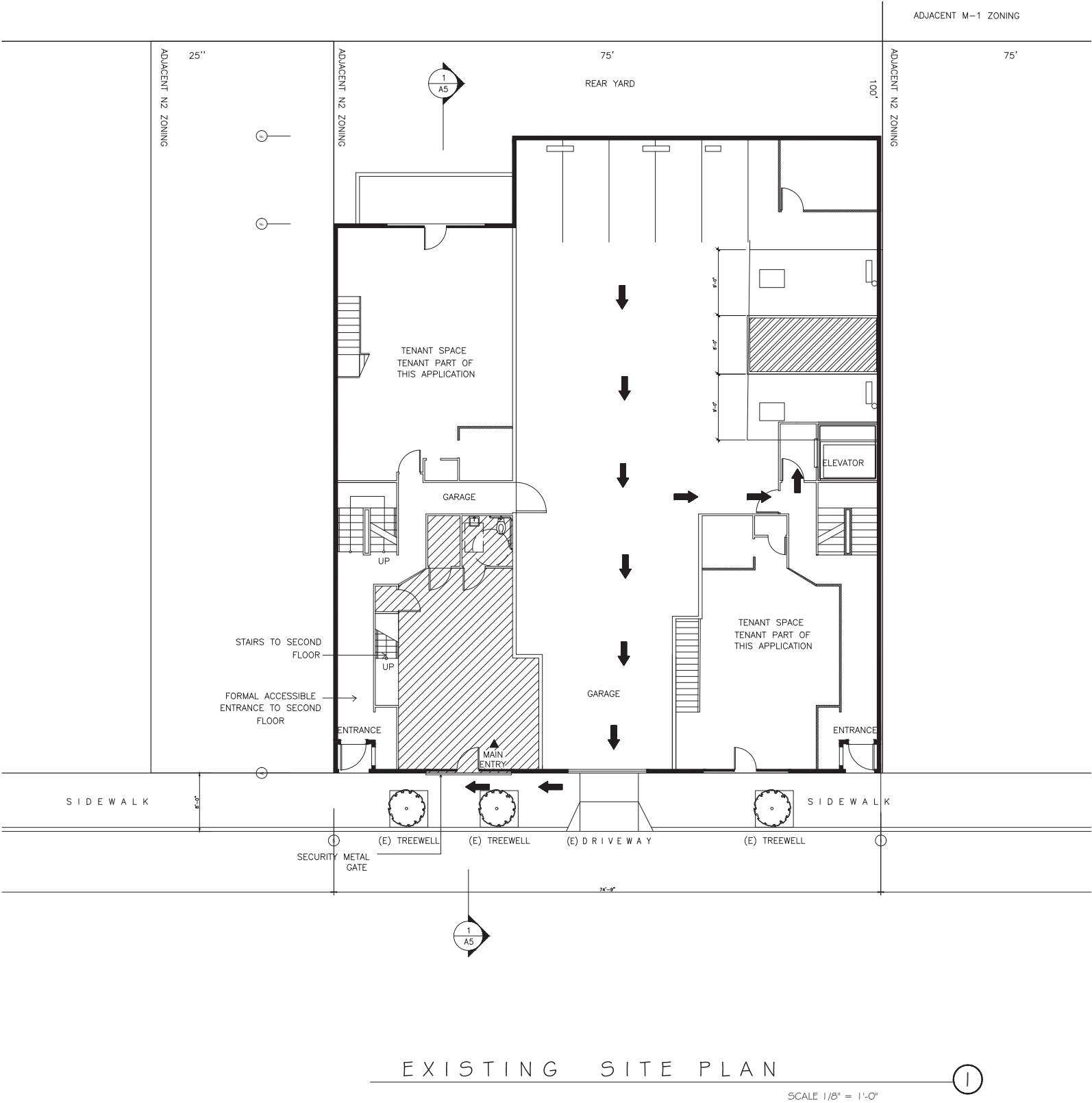


Site Photo



Conditional Use Authorization Hearing
Case Number 2019-000186CUA
Cannabis Retail – Posh Green
828 Innes Avenue, Block 4645, Lot 019

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SITE PLAN GENERAL NOTES

A. SIGNAGE - GENERAL CONTRACTOR MUST PROVIDE MAXIMUM OCCUPANCY LOAD SIGNAGE IN EVERY ROOM OR SPACE THAT IS AN ASSEMBLY OCCUPANCY. SIGNS MUST BE PERMANENT AND LOCATED IN A CONSPICUOUS PLACE NEAR THE EXIT OR EXIT ACCESS DOORWAY OF THE ASSEMBLY ROOM OR SPACE PER CBC 1004.3 SEE DETAIL XX FOR SIGNAGE SPECIFICATIONS

SCOPE OF WORK

A. SCOPE OF WORK IS THE INSTALLATION OF A NEW SINGLE STORY WOOD FRAME BUILDING TO HOUSE NEW KITCHEN AND NEW BATHROOMS. THE SCOPE OF WORK INCLUDES THE RESTORATION OF EXISTING BUILDING AS THE DINING AREA FOR THE PROPOSED RESTAURANT WORK INCLUDES NEW PLUMBING, NEW ELECTRICAL AND MECHANICAL TO BOTH THE EXISTING AND THE PROPOSED BUILDING.

WALL LEGEND

- (E) PARTITION TO REMAIN
- (N) 2X6 FULL HEIGHT PARTITIONS

SYMBOL LEGEND

- TENANT SPACE
- GARAGE AND PARKING OTHER BUILDING AREAS NOT A PART OF THIS APPLICATION
- LIMITED ACCESS AREA
- PATH OF TRAVEL
- NEW FREE STANDING SHELVES
- SHELVING
- SECURITY GUARD



PE C I
Pacific Engineering &
Construction, Inc.
470 3rd Street, Suite 105
San Francisco, CA 94107
Phone/Fax: (415) 974-1653

POSH GREEN/DISPENSARY
828 INNES AVENUE
SAN FRANCISCO, CALIFORNIA

SITE PLAN

-	-
-	-
-	-
-	-
-	-
REVISIONS	BY
JOB NO:	
DATE: 12.15.2018	
SCALE: AS SHOWN	
DRAWN BY: AMW	
SHEET NO:	

A1.1



EXISTING FRONT ELEVATION ⑤

NO SCALE



NORTH EAST ④

NO SCALE



SOUTH EAST ③

NO SCALE



SOUTH WEST ②

NO SCALE



NORTH WEST ①

NO SCALE

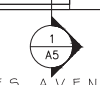


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828 INNES AVENUE
SAN FRANCISCO, CALIFORNIA

NEIGHBORHOOD PHOTOS

-	-
-	-
-	-
-	-
-	-
REVISIONS	BY
JOB NO:	
DATE: 12.15.2018	
SCALE: AS SHOWN	
DRAWN BY: AMW	
SHEET NO:	



SCALE 3/8" = 1'-0"

TOTAL AREA	2020 SQ FT
------------	------------



SCALE 1/4" = 1'-0"

A2.0



SCALE 3/8" = 1'-0"



FLOOR AREA SUMMARY	
AREA	
FIRST FLOOR	613 SQ FT
SECOND FLOOR	1407 SQ FT
TOTAL AREA	2020 SQ FT

SCALE 3/8" = 1'-0"

A2.1



PROPOSED ELEVATION

- 1 - EXTERIOR CEMENT STUCCO (COLOR 1)
- 2 - ASPHALT SHINGLES TYPE B ROOFING
- 3 - ALUMINUM CLAD WINDOW FRAMES
- 4 - 2 PANE CLR GLASS
- 5 - MTL GUTTER AND DOWNSPOUT
- 6 - GALVANIZED METAL REVEAL
- 7 - EXPOSED CONCRETE
- 8 - PAINTED WOOD SIDING

PROPOSED
PROJECT
STOREFRONT

EXISTING SOUTH ELEVATIONS

SCALE 1/4" = 1'-0"

1



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Construction, Inc.
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San Francisco, CA 94107
Phone/Fax: (415) 974-1853

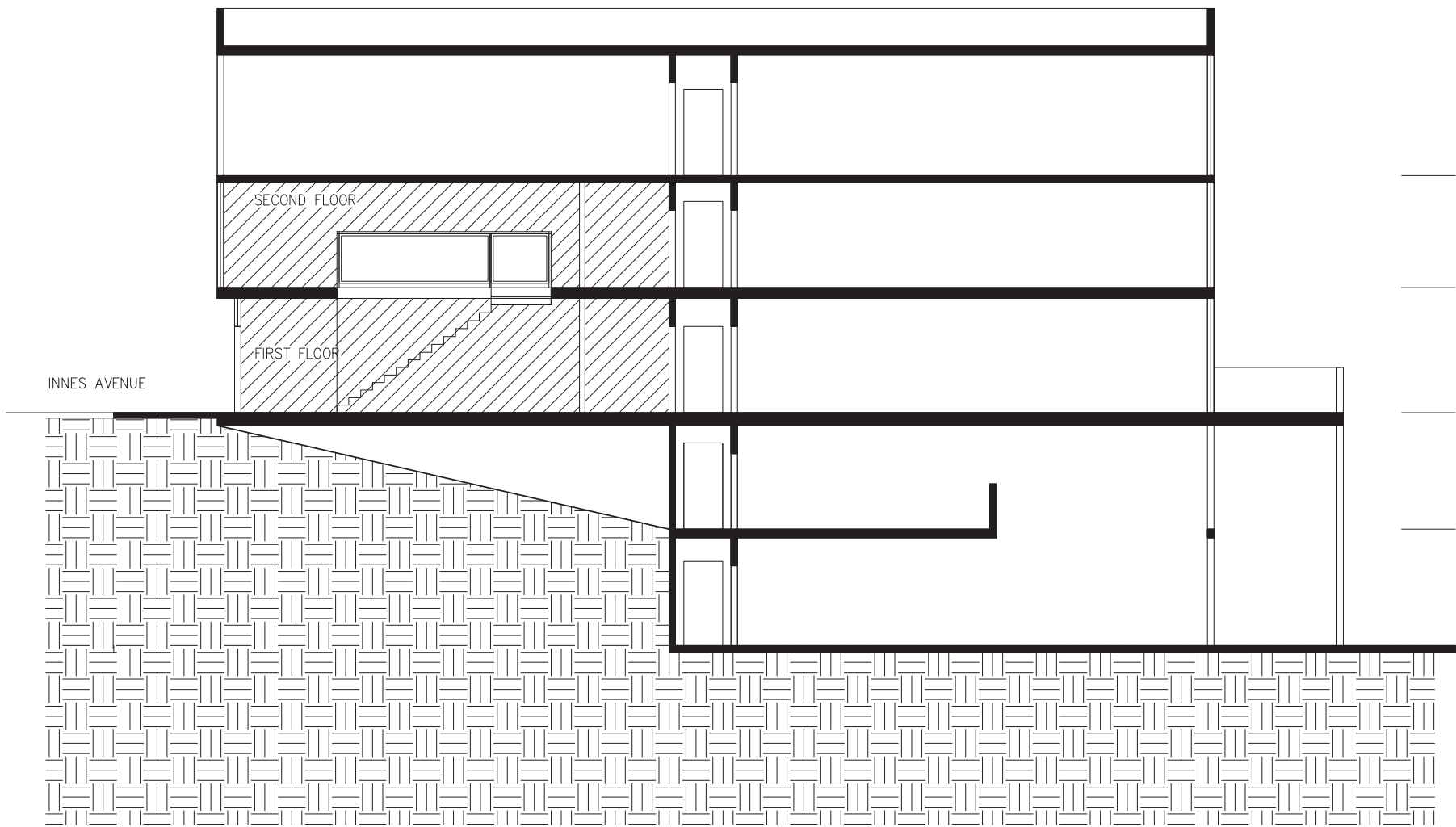
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828 INNES AVENUE
SAN FRANCISCO, CALIFORNIA

EXTERIOR SOUTH
ELEVATIONS

-	-
-	-
-	-
-	-
-	-
REVISIONS	BY

JOB NO:
DATE: 12.15.2018
SCALE: AS SHOWN
DRAWN BY: AMW
SHEET NO:

A4.0



BUILDING SECTION

SCALE 1/8" = 1'-0" ①



SITE PLAN GENERAL NOTES

A. BUILDING SECTION DEMONSTRATES BUILDING TYPE I I I . ALL WALLS ARE ONE HOUR RATED.

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San Francisco, CA 94107
Phone/Fax: (415) 974-1853

SCOPE OF WORK

A. SCOPE OF WORK IS LIMITED TO INSTALLATION OF SECURITY CAMERAS AND SPOT LIGHT FIXTURES, ALL CABINETRY TO BE WALL MOUNTED.

POSH GREEN/DISPENSARY
828 INNIS AVENUE
SAN FRANCISCO, CALIFORNIA

WALL LEGEND

- (E) PARTITION TO REMAIN
- (N) 2X6 FULL HEIGHT PARTITIONS

DRAWING LEGEND

- TENANT SPACE
- NOT A PART OF APPLICATION

BUILDING SECTION

REVISIONS	BY
JOB NO:	
DATE: 12.15.2018	
SCALE: AS SHOWN	
DRAWN BY: AMW	
SHEET NO:	

A5.0