



DISCRETIONARY REVIEW ABBREVIATED ANALYSIS

HEARING DATE: October 8, 2020

CONTINUED FROM: April 16, April 23, May 21, July 9, August 27, 2020

Record No.: 2019-014214DRP
Project Address: 457 Mariposa Street
Permit Application: 2019.0702.4973
Zoning: Urban Mixed Use (UMU) Zoning District
68-X Height and Bulk District
Block/Lot: 3994/043
Project Sponsor: Michael Batryn
5 Whiting Way
San Francisco, CA 94130
Staff Contact: Michael Christensen – (628) 652-7567
Michael.Christensen@sfgov.org

Recommendation: Do Not Take DR and Approve as Proposed

Project Description

The Project proposes to establish a new, approximately 2,500 square foot Cannabis Retail establishment, including an on-site consumption lounge, within an existing one-story, 5,000 square foot industrial building that is demised into two adjacent industrial units.

Site Description and Present Use

The Project Site is an approximately 5,000 square foot, one-story Industrial building. The subject tenant space is currently vacant.

Surrounding Properties and Neighborhood

The Project Site is located within the Urban Mixed Use (UMU) Zoning District, at the boundary between the Dogpatch and Mission Bay neighborhoods. South of the Project Site, the neighborhood is comprised of a mix of small industrial, residential, and retail uses, with the neighborhood rapidly developing as part of the Eastern Neighborhoods Plan. To the northwest of the Project Site is the UCSF Children's Hospital, and directly to the north are major office blocs under development as part of the Mission Bay Redevelopment Plan, and further north is the new Chase Arena.

Building Permit Notification

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
311 Notice	30 days	December 17, 2019 – January 16, 2020	January 9, 2020	October 8, 2020	273 days

Public Comment

One letter of support of the Project and opposed to the Discretionary Review (DR) has been received. Additionally, the Dogpatch Neighborhood Association provided a letter in opposition to the Project, which is attached to this report.

Environmental Review

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

DR Requestors

The request for Discretionary Review was filed by Joel Bean, a resident of the surrounding neighborhood.

DR Requestor’s Concerns and Proposed Alternatives

The DR Requestor has indicated three principal concerns with the Project:

1. That the broader Dogpatch neighborhood is becoming overconcentrated with Cannabis Retail uses.
2. That the proposed business would remain open later than existing Cannabis storefronts in the neighborhood.
3. That the UCSF Mission Bay Children’s Hospital (located within 600’ of the site) provides educational services, and that the DR requestor believes this should be considered a ‘School’ use under Planning Code Section 202.2.

See attached *Discretionary Review Application*.

Department Review

The Department does not find an exceptional or extraordinary circumstance with the proposed Project.

In response to the concerns raised by the DR Requestor:

1. The Dogpatch neighborhood was rezoned to Mixed Use Zoning Districts (under Article 8 of the Planning Code) under the Central Waterfront Area Plan. These zoning districts principally permit Cannabis Retail uses with neighborhood notice per Planning Code Section 311. While it is true that the neighborhood has historically lacked commercial activity as it has transitioned from an industrial neighborhood to a mixed-use district, the addition of commercial activities to the neighborhood is allowed by and

encouraged by the zoning controls and Area Plan. Additionally, while there has been the addition of two new Cannabis Retail locations to the neighborhood (including this site, and two others in adjacent Potrero Hill), the neighborhood is hitting an effective cap in applications due to the required 600' buffer between sites and to Schools. While it is possible that another location may be feasible in the neighborhood, there is not capacity for the neighborhood to add any significant number of Cannabis Retail establishments.

2. The long serving existing Medical Cannabis Dispensary located at 2544 3rd Street (dba Dutchmans Flat) has historically operated with hours of operation between 10am and 8pm, with some variation over time. However, the City standard hours of operation for Medical Cannabis Dispensary uses under Article 33 of the Heath Code was 8am to 10pm daily, and this has been the Planning Department's precedent except in specific cases where compatibility was of concern. At this site, the existing site use and the use of both adjacent parcels is industrial. Across Mariposa Street is a vacant parcel used as a staging area for other construction, which in the long term is planned to be part of the UCSF Mission Bay campus. No Residential or Institutional uses are in the immediate block. The underlying UMU Zoning District provides no limits to hours of operation and further does not limit late night uses, such as Nighttime Entertainment, which is principally permitted. As such, there is not a contextual basis for a limit on hours of operation at the site. If some limit is desired, the Department would recommend a limit of 8am to 10pm daily, which was the standard limit for Medical Cannabis Dispensaries and is what was proposed by the Project Sponsor during their discussions with the DR Requestor.
3. In response to the request for Discretionary Review, on March 6, 2020 the Project Sponsor submitted a request for a Letter of Determination regarding the use of the property located at 1900 Third Street (UCSF Mission Bay Children's Hospital), specifically whether it constitutes a 'School' use under the Planning Code. While children are in in-patient care at the facility, the Hospital provides educational services in conjunction with the SFUSD. On September 18, 2020, the Zoning Administrator provided a determination that the UCSF Benioff Children's Hospital Marie Wattis School is an Accessory Use to the principal Hospital use of the site. Additionally, the determination states that the facility operates in a manner atypical to a School in terms of its student population and daily transportation to the facility, given that students of the facility are in inpatient care at the Hospital. As such, the site does not disqualify 457 Mariposa from being used as a Cannabis Retail facility under Planning Code Section 202.2.

Based upon these conditions, and given the zoning and context of the location, the Department does not find an exceptional or extraordinary circumstance with the Project and recommends that the Commission does not take discretionary review and approve as proposed.

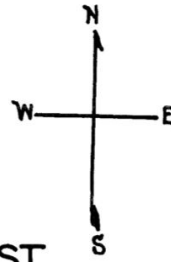
Recommendation: Do Not Take DR and Approve as Proposed

Attachments:

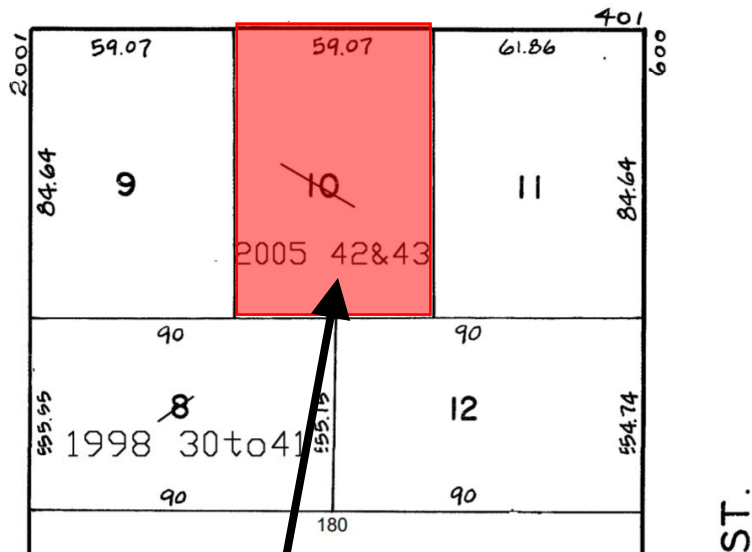
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs

Context Photographs
Section 311 Notice
CEQA Determination
Letter of Determination Request dated March 6, 2020
Letter of Determination Response dated September 18, 2020
DR Application
Dogpatch Neighborhood Association Letter
Project Plans

Block Book Map



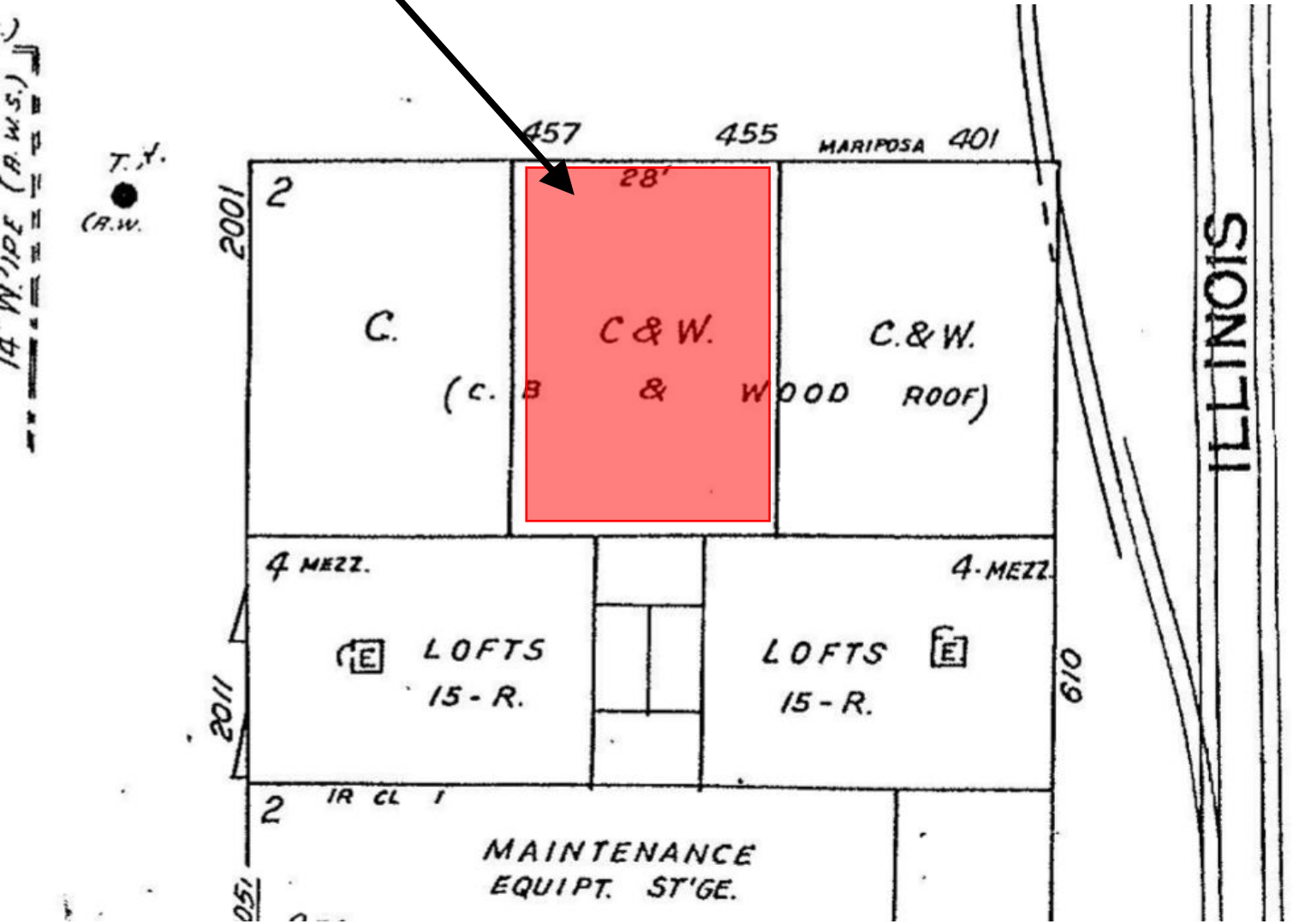
MARIPOSA ST.



SUBJECT PROPERTY

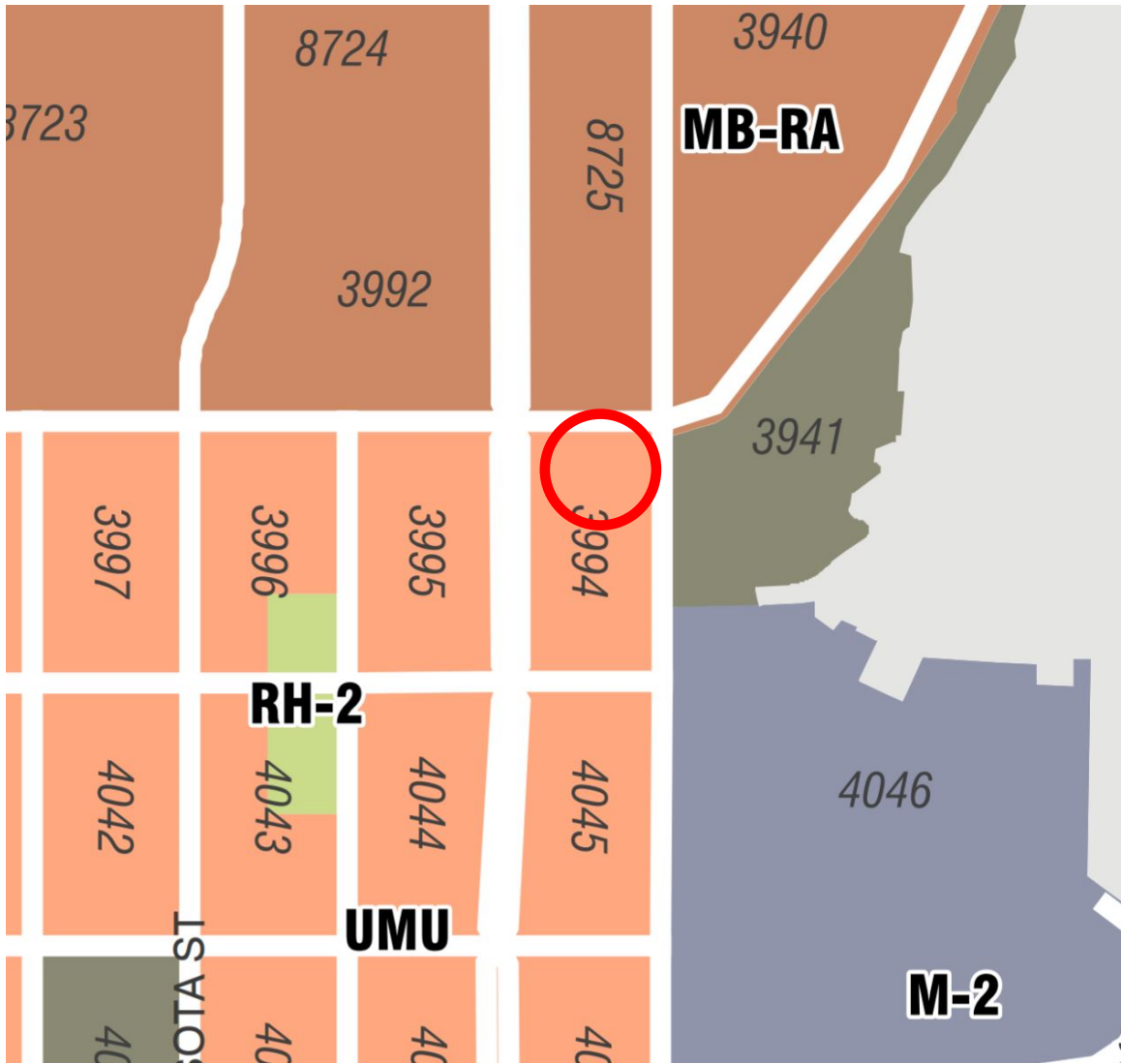
Sanborn Map*

SUBJECT PROPERTY



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

Zoning Map



Aerial Photo



SUBJECT PROPERTY

Context Photo



SUBJECT PROPERTY



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **July 2, 2019**, Building Permit Application No. **2019.0702.4973** was filed for work at the Project Address below.

Notice Date: December 17, 2019

Expiration Date: January 16, 2020

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	457 Mariposa Street	Applicant:	Michael Batryn, Mavrik Studio
Cross Street(s):	3rd Street	Address:	5 Whiting Way
Block/Lot No.:	3994/042	City, State:	San Francisco, CA 94130
Zoning District(s):	UMU / 68-X	Telephone:	(408) 480-5532
Record No.:	2019-014214PRJ	Email:	Michael@mavrikstudio.com

You are receiving this notice as an owner or occupant of property within 150 feet of the proposed project. **You are not required to take any action.** For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Industrial	Cannabis Retail
PROJECT DESCRIPTION		
<p>The project includes a change in use of approximately 2,486 square feet from industrial to Cannabis Retail, including a request for authorization of on-site consumption of cannabis products. The project includes interior alterations and façade alterations. As part of the project, the curb cut along Mariposa Street would be removed and the curb restored.</p> <p>Cannabis Retail is only permitted if at least 600' from any school, public or private, and any other Cannabis Retailer or Medical Cannabis Dispensary. Based on City record, the site was found to be compliant with this requirement. If you believe this determination to be incorrect, please contact the planner listed below prior to the expiration date.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

To view plans or related documents, visit sf-planning.org/notices and search the Project Address listed above. Once the property is located, click on the dot(s) to view details of the record number above, its related documents and/or plans.

For more information, please contact Planning Department staff:
Michael Christensen, 415-575-8742, Michael.Christensen@sfgov.org

GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, contact the Planning Information Center (PIC) at 1660 Mission Street, 1st Floor (415) 558-6377 or pic@sfgov.org. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. **You must submit the application in person** at the Planning Information Center (PIC), with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. **If the project includes multiple building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.**

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
457 MARIPOSA ST		3994043
Case No.		Permit No.
2019-014214PRJ		201907024973
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval. Change of use from warehouse/office to cannabis dispensary. (n) recessed entry w/ interior/exterior ramp per da-04 for accessible entry. (n) accessible restroom provided for customers. Sales area w/ (n) millwork in front & consumption lounge in rear</p>		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<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"/>	<p>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:</p> <p>(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.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input type="checkbox"/>	Class _____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>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)</p>
<input type="checkbox"/>	<p>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?</p> <p>Note that a categorical exemption shall not be issued for a project located on the Cortese List 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).</p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? 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?</p>
<input type="checkbox"/>	<p>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? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p>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). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 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 and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 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 and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 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 and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Michael Christensen</p>	

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to <i>Property Information Map</i>)	
<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): <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i>
<input type="checkbox"/>	10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation)</i> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): <input type="checkbox"/> Reclassify to Category C <i>(attach HRER or PTR)</i>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<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 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	Signature: Michael Christensen
		10/01/2020
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>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 approval action.</p> <p>Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.</p>		

Brendan V. Hallinan
345 Franklin Street
San Francisco, CA 94102
brendan@hallinan-law.com
415.786.0139

March 6, 2020

Office of the Zoning Administrator
1650 Mission Street, Suite 400
San Francisco, CA 94103

R # 2020 - 003489 ZAD
R. SUCRE (SE)

Re: Request for Written Determination
Address: 457 Mariposa Street (3994/043)

Zoning Administration:

The purpose of the letter is to request a determination of eligibility for cannabis retail use at 457 Mariposa Street, San Francisco. The proposed project site is situated between Third Street and Illinois Street, approximately 200' from the rear of the parcel containing UCSF Benioff Children's Hospital.

A Discretionary Review has been filed against the project asserting that the location is prohibited because Children's Hospital contains an accessory school program. This program is not identified as a School on the Planning Department's website or on the SFUSD website. There are no other Schools or prohibiting uses within a 600' radius of the project site. The following is a description of the program as set forth on the Hospital's website:

While children are in the hospital we encourage them to continue their education through the hospital's School Program. UCSF Benioff Children's Hospital's **Marie Wattis School** serves children in kindergarten to 12th grade. The school, operated by Child Life Services, is part of the San Francisco Unified School District and is staffed by credentialed teachers.

Our regular and special education teachers provide instruction in the schoolroom and at the bedside, offering school activities and special programs in math, science and art. They work closely with each child's school to ensure that class requirements are met, and students can receive attendance and school credit for the work they've completed in the hospital.

(https://www.ucsfbenioffchildrens.org/services/school_program/index.html)

I therefore request a written determination as to whether or not the school program at Benioff Children's Hospital qualifies as a School facility under the SF Planning Code and thus disqualifies 457 Mariposa Street from cannabis retail use. Thank you for your assistance in clarifying this matter.

Sincerely,



Brendan V. Hallinan



LETTER OF DETERMINATION

September 18, 2020

Brendan V. Hallinan
345 Franklin Street
San Francisco, CA 94102
brendan@hallinan-law.com

Record No.: **2020-003489ZAD**
Site Address: **457 Mariposa Street**
Assessor's Block/Lot: **3994 / 043**
Zoning District: **UMU (Urban Mixed Use)**
Staff Contact: **Michael Christensen, (415) 575-8742 or michael.christensen@sfgov.org**

Dear Brendan Hallinan:

This letter is in response to your request for a Letter of Determination regarding the property at 457 Mariposa Street. The request is for a determination of whether the UCSF Benioff Children's Hospital Marie Wattis School is considered a School Use under the Planning Code, and if so, whether this precludes the property at 457 Mariposa Street from being used as a Cannabis Retail establishment under the 600-foot buffer established in Planning Code Section 202.2(a)(5)(B).

Per Planning Code Section 202.2(a)(5)(B), the parcel containing a Cannabis Retail Use shall not be located within a 600-foot radius of a parcel containing an existing School, public or private. Planning Code Section 102 defines a School as "an Institution Educational Use, public or private, certified by the Western Association of Schools and Colleges that provides educational instruction to students in kindergarten through twelfth grade." Planning Code Section 102 also defines Use as "the purpose for which land or a structure, or both, are legally designed, constructed, arranged, or intended, or for which they are legally occupied or maintained, let, or leased." It is also important to note that public schools are not required by the State to be certified by the Western Association of Schools and Colleges.

The Principal Use of the site located at 1975 4th Street is a Hospital, which is an Institutional Healthcare Use. The Marie Wattis School located at the site operates as an accessory use to the Hospital at the site. Per the UCSF Benioff Children's Hospital Marie Wattis School website, it provides educational services to patients of the hospital under

extended stays and is not open to the general public. Students attend the school while in inpatient care at the hospital, and do not come and go from the site daily as is typical for a School Use.

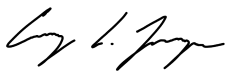
The UCSF Benioff Children's Hospital Marie Wattis School does have a relationship with the San Francisco Unified School District (SFUSD), and as recently as 2016 both organizations were parties to a Memorandum of Agreement outlining that relationship. This relationship includes the employment of three SFUSD teachers, the use of SFUSD curriculum, and allowing attendance at the UCSF Benioff Children's Hospital Marie Wattis School to qualify for SFUSD and California state attendance tracking. However, after several months of review, neither the UCSF Benioff Children's Hospital Marie Wattis School nor SFUSD were able to provide a current Memorandum of Agreement or any other documentation to formalize that relationship.

Considering there is no permanent, formal relationship between the UCSF Benioff Children's Hospital Marie Wattis School and SFUSD, and the UCSF Benioff Children's Hospital Marie Wattis School operates in a manner atypical to a typical school in terms of its student population and daily transportation to and from the facility, it is determined that the UCSF Benioff Children's Hospital Marie Wattis School is **not** a School use under the Planning Code and does not disqualify 457 Mariposa Street from being used as a Cannabis Retail establishment.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: An appeal may be filed with the Board of Appeals within 15 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

cc: Property Owner
Neighborhood Groups
BBN Holder
Michael Christensen, Planner



**DISCRETIONARY REVIEW PUBLIC (DRP)
APPLICATION**

Discretionary Review Requestor's Information

Name: **Joel Douglas Bean**
 Address: **700 Illinois Street**
 Email Address: **jdbean46@gmail.com**
 Telephone: **(415) 203-4511**

Information on the Owner of the Property Being Developed

Name: **Michael Batryn (Applicant)**
 Company/Organization: **Mavrik Studio**
 Address: **5 Whiting Way**
 Email Address: **Michael@mavrikstudio.com**
 Telephone: **(408) 480-5532**

Property Information and Related Applications

Project Address: **457 Mariposa Street**
 Block/Lot(s): **3994/042**
 Building Permit Application No(s): **2019-014214PRJ**

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case? (including Community Boards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Changes Made to the Project as a Result of Mediation. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes that were made to the proposed project.		

DISCRETIONARY REVIEW REQUEST

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

The project does not enhance or conserve neighborhood character or balance the right to develop the property with impacts on nearby properties or occupants in the following respects:

1. The project is adjacent to Crane Cove Park which is due to open in early 2020. The park will contain a children's playground.
2. The project is adjacent to the UCSF Benioff Children's Hospital, its SFUSD K-12 school, and its children's playground at Mariposa Park.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how.

The project site is in the midst of an entirely residential block and the area is surrounded by a children's hospital, two children's playgrounds, and a family park. The development of a retail outlet that primarily sells hallucigens (or that primarily sells intoxicants or recreational drugs of any kind) is contrary to the family-centered nature of the neighborhood

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

The project should be located in a retail hub and in an area that is both in compliance with the planning code and in keeping with the nature of the neighborhood. Locating a cannabis retail outlet in a family-centered recreational area near children's playgrounds, parks and a children's hospital that houses a K-12 school classroom is inappropriate and does not conserve the neighborhood's character.



September 28, 2020

San Francisco Planning Commission
49 South Van Ness Avenue, 14 th Floor
San Francisco, CA 94103
September 21, 2020

RE: Record No.: 2019-014214DRP (457 Mariposa Street)

Dear Commissioners:

The Dogpatch Neighborhood Association (DNA) is opposed to the development of a cannabis lounge and retail outlet at 457 Mariposa Street because of its location adjacent to three public parks which contain two children's playgrounds and because of its location directly across from and within 600 feet of the UCSF Benioff Children's Hospital which contains a K-12 school, under the auspices of the SFUSD, for patients and their siblings. We are also very concerned about the growing concentration of cannabis outlets within the Dogpatch area.

The DNA has been successful with other applicants for cannabis permits in reaching agreement regarding "good neighbor policies". A copy of our current outline for these policies is attached. While waiting for the Commission's decision on the application and Discretionary Review for 457 Mariposa Street we entered into negotiations with the applicant to develop a memorandum of understanding regarding their proposed development.

The DNA and the applicant had reached basic agreement on a memorandum of understanding by April 23, 2020, with one primary issue outstanding: operating hours. All cannabis outlets within the Dogpatch area have agreed to operating hours between 10:00AM and 9:00PM. The applicant for 457 Mariposa wishes to have extended operating hours from 8:00AM to 10:00PM. We are opposed to these hours as being both longer than other cannabis retailers in the area and inappropriate to a primarily residential area. We have indicated to the applicant that – pending the outcome of the Zoning Administrator's Letter of Determination regarding the school located in the Benioff Children's Hospital -- we would willing to withdraw the Discretionary Review request if they would be willing to reduce their operating hours and otherwise comply with the good neighbor policies that we had jointly negotiated.

Should the Commission determine that the application for 457 Mariposa should be approved, we would urge that it be approved based upon operating hours between 10:00AM and 9:00PM. If that were the case the DNA would be willing to enter into a memorandum of understanding with the applicant that incorporates the good neighbor policies that we jointly negotiated in April. Thank you for the opportunity to comment on this application and the existing discretionary review request.

Sincerely,

Katherine Doumani

Katherine Doumani - President, on behalf of the DNA Board

Dogpatch Neighborhood Association

Email: president@dogpatchna.org

Web: <http://www.dogpatchna.org>

Facebook: <https://www.facebook.com/DogpatchNeighborhoodAssociation>

Instagram: [@dogpatchna](#)

MARIPOSA STREET DISPENSARY



MARIPOSA STREET DISPENSARY
457 MARIPOSA STREET
SAN FRANCISCO, CA 94107

SYMBOLS

PROPERTY LINE
 CENTER LINE
 MATCH LINE
 COLUMN GRID
 EXTERIOR ELEVATION
 SECTION
 INTERIOR ELEVATION
 DETAIL REGION CALLOUT
 DOOR TAG
 WINDOW/STOREFRONT TAG
 MATERIAL TAG
 EQ-EQUIPMENT/FURNITURE/PLUMBING/MW-MILLWORK TAG
 KEYNOTE TAG
 PARTITION TYPE TAG
 ALIGN TAG
 CONTROL OR DATUM POINT
 REVISION AND DELTA

VICINITY MAP



SCOPE OF WORK

CHANGE OF USE FROM EXISTING INDUSTRIAL WAREHOUSE AND TO CANNABIS DISPENSARY

EXTERIOR:

- INSTALLATION OF ASSISTED DOOR OPENER WITH RAMP PER DA-04 AND DA-05
- NEW RECESSED ENTRY TO ALLOW FOR OUTSWINGING DOOR OVER NEW RAMP
- NEW AWNING OVER ENTRIES WITH SIGNAGE BAND ABOVE
- REPLACE EXISTING UPPER SLIDER WINDOWS WITH NEW FIXED PICTURE WINDOWS IN PLACE, FROST WINDOWS AND INSTALL NEW EXTRUDED FRAME
- NEW CLASS 2 EXTERIOR BIKE RACK
- REMOVE (E) CURB CUT

INTERIOR:

- RELOCATION OF EXISTING PARTITIONS AND DOORS
- REMOVAL OF (E) MEZZANINE LEVEL
- NEW CONSUMPTION LOUNGE IN REAR AND SALES ARE IN FRONT OF SUITE
- NEW FINISHES THROUGHOUT SUITE
- NEW MILLWORK AND SALES COUNTER W/ (8) BAR HEIGHT STATIONS AND (1) ADA ACCESSIBLE STATION
- (2) NEW ADA ACCESSIBLE RESTROOMS
- NEW RESTAURANT EQUIPMENT BEHIND SALES COUNTER TO SERVE LOUNGE AREA DRINK CONSUMPTION
- NEW MECHANICAL, ELECTRICAL, AND PLUMBING UNDER A DEFERRED SUBMITTAL
- NEW SIGNAGE UNDER DEFERRED SUBMITTAL

PROJECT INFORMATION

LOCATION
ADDRESS: 457 MARIPOSA STREET, SAN FRANCISCO, CA 94107
BLOCK/LOT: 3994/043
YEAR BUILT: 1996
HISTORIC STATUS: C - NO HISTORIC RESOURCE PRESENT

BUILDING DESCRIPTION

	REQUIRED	EXISTING	PROPOSED
ZONING:	UMU	UMU	NO CHANGE
HEIGHT/BULK DISTRICT:	68-X	23'-6"	NO CHANGE
SETBACKS:			
FRONT:	NOT REQUIRED	0'-0"	NO CHANGE
SIDES:	NOT REQUIRED	0'-0"	NO CHANGE
REAR:	15'-0" IF GROUND LEVEL DWELLING PERMITTED; 4' MAX EXTENSION IF OVER 10'	N/A	NO CHANGE
AWNING AND CANOPY:		NONE EXISTING	AWNING W/ 4' EXTENSION X 18'-11"
OFF STREET PARKING:		NOT REQUIRED	0 SPACES
BIKE PARKING:			
CLASS 1:	1 / 7500 SF	0 SPACES	1 SPACE
CLASS 2:	1 / 2500 SF, MIN 2 PER TABLE 722	0 SPACES	1 RACK - 2 SPACES
USE:		WAREHOUSE / OFFICE	CANNABIS RETAIL
OCCUPANCY GROUP:		S-2 STORAGE	M MERCANTILE
		B BUSINESS	B BUSINESS
		III-B	NO CHANGE
CONSTRUCTION TYPE:		1 - MEZZANINE	1
NUMBER OF STORIES:			NO CHANGE
LOT SIZE:		4,992 SF	NO CHANGE
SUITE AREA:		2,486 SF	NO CHANGE

SHEET INDEX

SHEET NUMBER	SHEET NAME	PLANNING SUBMITTAL	PLANNING COMMENTS	RECORD DRAWINGS
1 - PROJECT DATA				
G0.00	COVER SHEET			
G1.00	SAN FRANCISCO GREEN BUILD REQUIREMENTS			
G2.00	ACCESSIBILITY DIAGRAMS - MANEUVERING CLEARANCES AND DOORS			
G2.01	ACCESSIBILITY DIAGRAMS - SIGNS, RESTROOMS, AND SITE			
G2.02	DISABLED ACCESS FORMS			
G3.00	CODE ANALYSIS AND EGRESS PLAN			
2 - DEMOLITION				
D1.00	DEMO SITE PLAN			
D2.00	DEMOLITION FIRST AND MEZZANINE FLOOR			
3 - ARCHITECTURAL				
A1.00	ARCHITECTURAL SITE PLAN			
A2.00	PROPOSED FIRST FLOOR PLAN			
A3.00	PROPOSED REFLECTED CEILING PLAN			
A7.00	EXISTING & PROPOSED EXTERIOR ELEVATIONS			
A7.10	PROPOSED RESTROOM INTERIOR ELEVATIONS			

DEFERRED SUBMITTALS

THE FOLLOWING DEFERRED SUBMITTALS SHALL BE FIRST SUBMITTED TO THE ARCHITECT FOR REVIEW AND CONSIDERATION FOLLOWING THE COMPLETION OF THE ARCHITECT REVIEW AND COORDINATION THE CONTRACTOR SHALL SUBMIT TO THE CITY FOR REVIEW AND APPROVAL. NO WORK MAY PROCEED ON THESE COMPONENTS UNTIL APPROVED CITY STAMPED DRAWINGS ARE PROVIDED TO THE CONTRACTOR AND INSPECTOR.

- FIRE ALARM SYSTEM
- FIRE SPRINKLER SYSTEM
- MECHANICAL
- ELECTRICAL
- PLUMBING
- SIGNAGE

FIRE ALARMS SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT OR ENGINEER OF RECORD WHO SHALL REVIEW THEM AND FORWARD THEM TO THE GOVERNING AGENCY WITH A NOTATION INDICATING THE SHOP DRAWINGS HAVE BEEN REVIEWED AND THAT THEY HAVE BEEN FOUND TO BE IN GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING. THE INSTALLATION OF THE FIRE ALARM SYSTEM SHALL NOT BEGIN UNTIL THE SHOP DRAWINGS ARE APPROVED BY THE GOVERNING AGENCY. FOR THE PURPOSES THIS APPROVAL, INSTALLATION OF THE FIRE ALARM SYSTEM SHALL INCLUDE CONDUIT, JUNCTION BOXES, WIRING, AND ANY OTHER COMPONENT INSTALLATION.

ALL REFERENCES TO FIRE SPRINKLER SYSTEMS, UNDERGROUND FIRE SERVICE MAINS, STANDPIPE SYSTEMS, OR SPECIAL FIRE SUPPRESSION SYSTEMS ON THESE DRAWINGS SHALL BE USED FOR BIDDING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION.

FIRE PROTECTION SYSTEM SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT OR ENGINEER OF RECORD WHO SHALL REVIEW THEM AND FORWARD THEM TO THE GOVERNING AGENCY WITH A NOTATION INDICATING THE SHOP DRAWINGS HAVE BEEN REVIEWED AND THAT THEY HAVE BEEN FOUND TO BE IN GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING. THE INSTALLATION OF THE FIRE SPRINKLER SYSTEM SHALL NOT COMMENCE UNTIL THE SHOP DRAWINGS ARE APPROVED BY THE GOVERNING AGENCY. DRAWINGS SHALL BE STAMPED BY A C-16, C-34 OR C-36 SPECIALTY CONTRACTOR, A CLASS "A" GENERAL CONTRACTOR, OR A FIRE PROTECTION ENGINEER, CIVIL ENGINEER OR MECHANICAL ENGINEER.

PROJECT DIRECTORY

LANDLORD:
GORDON AND REGINA TAO
150 HAGAR AVENUE PIEDMONT, CA 94611
CONTACT: CARLOS SERRANO-QUAN,
MANAGING DIRECTOR, VERAKIN REAL ESTATE
EMAIL: CARLOS@VERAKINRE.COM
PHONE: 415-608-8409

TENANT:
BALE INIS, INC. D.B.A. BARBARY COAST
NORTH BEACH
457 MARIPOSA STREET
SAN FRANCISCO, CA 94107
CONTACT: BRENDAN HALLINAN
EMAIL: BRENDAN@HALLINAN-LAW.COM
PHONE: 415-863-1520

ARCHITECT:
MAVRK STUDIO
5 WHITING WAY
SAN FRANCISCO, CA 94130
CONTACT: MICHAEL BATRYN
EMAIL: MICHAEL@MAVRKSTUDIO.COM
PHONE: 408-480-5532

STRUCTURAL ENGINEER:
TBD

TITLE 24 COMPLIANCE:
CARSTAIRS ENERGY
2238 BAYVIEW HEIGHTS DRIVE, SUITE E
LOS OSOS, CA 93402
CONTACT: TIMOTHY CARSTAIRS
EMAIL: TITL24@YAHOO.COM
PHONE: 805-904-9048

CONTRACTOR:
TBD

NO.	REVISION	DATE
1	PLANNING SUBMITTAL	06-21-2019
2	PLANNING COMMENTS	08-22-2019



DRAWINGS NOT FOR CONSTRUCTION UNTIL STAMPED JOB COPY BY BUILDING DEPARTMENT
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE REPRODUCED, COPIED, OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT

COVER SHEET
G0.00

