



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: DECEMBER 12, 2019

Record No.: 2019-015307CUA
Project Address: 2222 Bush Street
Zoning: Upper Filmore Street Neighborhood Commercial District (NCD)
Zoning District
40-X Height and Bulk District
Japantown Plan Area
Block/Lot: 0659/006
Project Sponsor: Sharon Cox
Plinth Architecture Urban Design Interiors
58 West Portal Ave #328
San Francisco, CA 94127
Property Owner: GR San Fran Retail, LLC
60 Cutter Mill Road, Suite 303
Great Neck, NY 11021
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
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415.558.6377

PROJECT DESCRIPTION

The Project would establish a Cannabis Retail Use measuring 2,252 square feet in a vacant commercial space (formerly Unity Church) within a mixed-use building. The proposal will involve interior tenant improvements on the ground floor and basement levels with no expansion of the existing tenant space or building envelope. Exterior modifications are limited to installation of security cameras; new business signage (under separate permit) and fenestration changes on the rear façade.

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 718, to allow the establishment of a Cannabis Retail use in the Upper Filmore Street NCD Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Planning Department has received seven letters in support of the application and 90 petition signatures in support of the application. Two of the support letters are from local merchant groups (Japantown Merchants Association and Fillmore Merchants Association), both groups cite that the new business will be a good fit and will strengthen the economic vitality of the neighborhood. Additionally, the new use is expected provide a necessary

and desirable service to residents who rely on cannabis products for medical needs and will bring new customers to the neighborhood. One letter in opposition has been received; the letter cites concerns about parking. The project sponsors held a community meeting in the format of a Pre-Application Meeting on July 18, 2019. There were eight attendees.

- **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. However, the following sites are identified as potentially sensitive uses:
 - Cottage Row Mini Park: Sutter and Fillmore Streets, 528 feet from site (walking distance).
 - Hamilton Recreation Center: 1900 Geary Boulevard, 1,584 feet from site.
- **On-Site Consumption.** Cannabis may be consumed or smoked on site pursuant to authorization by the Department of Public Health. The project sponsor has not proposed a consumption lounge onsite 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 Planning 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”) as a Class 1 categorical exemption.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Japantown Cultural Heritage and Economic Sustainability Strategy and the Objectives and Policies of the General Plan. The project activates an existing vacant commercial space, brings a new type of retail business to the area, 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 – Plans and Renderings
- Exhibit C – Environmental Determination
- Exhibit D – Land Use Data
- Exhibit E – Maps and Context Photos
- Exhibit F – Project Sponsor Brief
- Exhibit G – Project Application



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 718 OF THE PLANNING CODE TO ALLOW A CANNABIS RETAIL USE MEASURING APPROXIMATELY 2,252 SQUARE FEET IN AN EXISTING COMMERCIAL SPACE IN A TWO-STORY-OVER-BASEMENT MIXED-USE BUILDING AT 2222 BUSH STREET (ASSESSOR'S BLOCK 0659 LOT 006) WITHIN THE UPPER FILMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 14, 2019, Sharon Cox of Plinth Architecture Urban Design Interiors (hereinafter "Project Sponsor") filed Application No. 2019-015307CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a Cannabis Retail use (hereinafter "Project") at 2222 Bush Street, Block 0659 Lot 006 (hereinafter "Project Site").

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

On December 12, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-015307CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-015307CUA 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. 2019-015307CUA, 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 approximately 2,252 square feet in an existing ground floor tenant space in an existing two-story-over-basement mixed-use building. The developed basement level will be utilized for storage and administrative uses. The proposal involves interior tenant improvements on the ground and basement levels with no expansion of the existing tenant space or building envelope. Exterior modifications are limited to installation of security cameras, business signage, and fenestration changes at the rear of the building, which are not visible to Wilmot Street. The applicant, Liberty SF, has ten existing locations. The next additional retail store following this application will mark the twelfth store and thus will be considered Formula Retail.
3. **Site Description and Present Use.** The Project is located on a 3,188 square foot through lot on the north side of Bush Street between Steiner and Fillmore Streets. The back of the lot fronts on Wilmot Street; a narrow one-way street with no parking. The site is developed with a two-story-over-basement mixed-use building. The subject tenant space is currently vacant and was formerly occupied by a church, which also utilized the basement level and fenced rear yard area.
4. **Surrounding Properties and Neighborhood.** The Upper Fillmore Street NCD Zoning District is located in the Western Addition neighborhood and Japantown planning area. Adjacent parcels are located within the same zoning district. Bush Street borders the Upper Fillmore and the Fillmore Street NCT districts. Japantown is located one block southeast of the project site. Surrounding residential districts are zoned RH-3 and RM-1.
5. **Public Outreach and Comments.** The project sponsors held a community meeting in the format of a Pre-Application Meeting on July 18, 2019. There were eight attendees. The Planning Department has received seven letters in support of the application and 90 petition signatures in

support of the application. Two of the support letters are from local merchant groups (Japantown Merchants Association and Fillmore Merchants Association), both groups cite that the new business will be a good fit and will strengthen the economic vitality of the neighborhood. Additionally, the new use is expected provide a necessary and desirable service to residents who rely on cannabis products for medical needs and will bring new customers to the neighborhood. One letter in opposition has been received; the letter cites concerns about parking.

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.** The establishment of a Cannabis Retail use in the Upper Fillmore NCD requires a Conditional Use Authorization pursuant to Planning Code Section 718.

The Project Sponsor is requesting a Conditional Use Authorization to establish a Cannabis Retail use in the Upper Fillmore Street NCD Zoning District. No on-site consumption proposed.

- B. **Use Size.** Within the Upper Fillmore Street Neighborhood Commercial Zoning District, the Planning Code principally permits non-residential uses up to 2,499 square feet and requires Conditional Use Authorization for uses 2,500 square feet and above.

The Project would utilize the entirety of the existing 2,252 square-foot ground floor retail space, which, is within the use size limits established by the Planning Code. The Project site has an existing developed basement level that is not visible to the street and not accessible to patrons of the site.

- C. **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.

- D. **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 not proposed on-site consumption as part of this request. If the Project sponsor wishes to add a consumption lounge at a later date, they must comply with all relevant Planning Code Requirements and requirements of the Department of Public Health and the Office of Cannabis.

- E. **Hours of Operation.** Planning Code Section 718 states that the permitted hours of operation are from 6 a.m. to 2 a.m.

The Project sponsors have proposed hours of operation that fall within the permitted hours of operation as defined by Planning Code Section 718.

- F. **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. These requirements are further outlined in condition number 7 of this Motion.

The subject commercial space complies with this requirement and shall be maintained in compliance with this Section. The subject commercial space has approximately 20 feet of frontage on Bush Street. The entire storefront consists of clear, unobstructed glass devoted to either the business entrance or window space. There are no changes proposed to the building façade other than the addition of security cameras and new business signage.

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.

The size of the proposed use is in keeping with other storefronts on the block face. The proposed Cannabis Retail establishment will not impact traffic or parking in the District as it will occupy an existing commercial tenant space. The use will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by maintaining an active storefront. This project will provide a desirable and compatible service to the community.

The impact of increased access and visibility of cannabis to youth is a paramount concern for the City. There are no sensitive uses (as defined in Planning Code Section 202.2) within 600 feet of the proposed site. 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 are proposed at the front façade to continue to activate the space. With this configuration, the visibility of products and potential impact to youth passing by is minimal.

- 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 the Project 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 an approximately 2,252 square-foot Cannabis Retail establishment. The Project site is located within a neighborhood commercial district with metered on-street parking. 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.

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

The Project does not propose any on-site consumption and therefore no additional requirements from the San Francisco Health Code apply.

- (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, lighting 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 Upper Fillmore Street Neighborhood Commercial Zoning District in that the intended use will provide diversity to this medium scaled, multi-purpose retail corridor and a compatible retail service to the public in the immediately surrounding neighborhoods and to a larger market area during daytime and evening 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. 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 Western Addition neighborhood which will also serve the Upper Fillmore Street and Fillmore Street neighborhoods. The nearest operating cannabis storefront is located 1.1 miles away on Grove Street in the Haight-Ashbury neighborhood. This Project will provide a desirable service to the northwest side of the City which is currently underserved by Cannabis Retail establishments.

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.

Policy 2.1:

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

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNIES 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.

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 project sponsor is a qualified equity applicant Article 16 of the Police Code requires local sourcing of products and services. 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. The Project is not a Formula Retail use; chain stores are not permitted in the Upper Fillmore NCD.

The Project would activate an existing, vacant storefront with a new Cannabis Retail use (also a Retail Sales and Service Use), providing goods that are desirable for the neighborhood, attracting new customers to the vicinity. As such, the proposed use is supportive of creating a thriving business community within the neighborhood. Overall, there exists a diversity and balance of goods and services within the general vicinity and the proposed Project would help maintain that balance.

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.

The Project site will provide a new retail tenant and new use for the neighborhood. The addition of this business will enhance foot traffic to the benefit neighboring businesses. 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.

The existing residential unit on the 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 Project site is well-served by transit. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking. The subject site has multiple MUNI transit lines located within one quarter mile (2-Clement, 3-Jackson, 22-Filmore, 33-Ashbury, and 38-Geary). The applicant will also provide secure bicycle parking and monthly Muni passes to employees.

- 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. The applicant has commitments in its Operating Agreement, as well as obligations under City polity to source products and services from local businesses, particularly those owned by and employing residents who meet Cannabis Equity Criteria. As such, the business aims to increase employment and resident ownership in local cannabis enterprises.

- 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 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 an identified historic resource and was not surveyed as part of this project given that the proposed scope of work is minor and not impactful to any potential historic features.

- 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. 2019-015307CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated November 5, 2019, 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 December 12, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 12, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Cannabis Retail (d.b.a. **Liberty SF**) located at 2222 Bush Street, Block 0659, and Lot 006 pursuant to Planning Code Sections 202.2, 303, and 718 within the **Upper Fillmore Street NCD** District and a **40-X** Height and Bulk District; in general conformance with plans, dated **November 5, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2019-015307CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 12, 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 **December 12, 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 per 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

DESIGN – COMPLIANCE AT PLAN STAGE

8. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

9. **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
10. **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

11. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

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

12. **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

13. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

APPLICATION FOR CONDITIONAL USE AUTHORIZATION FOR CANNABIS RETAIL USE: LIBERTY SF

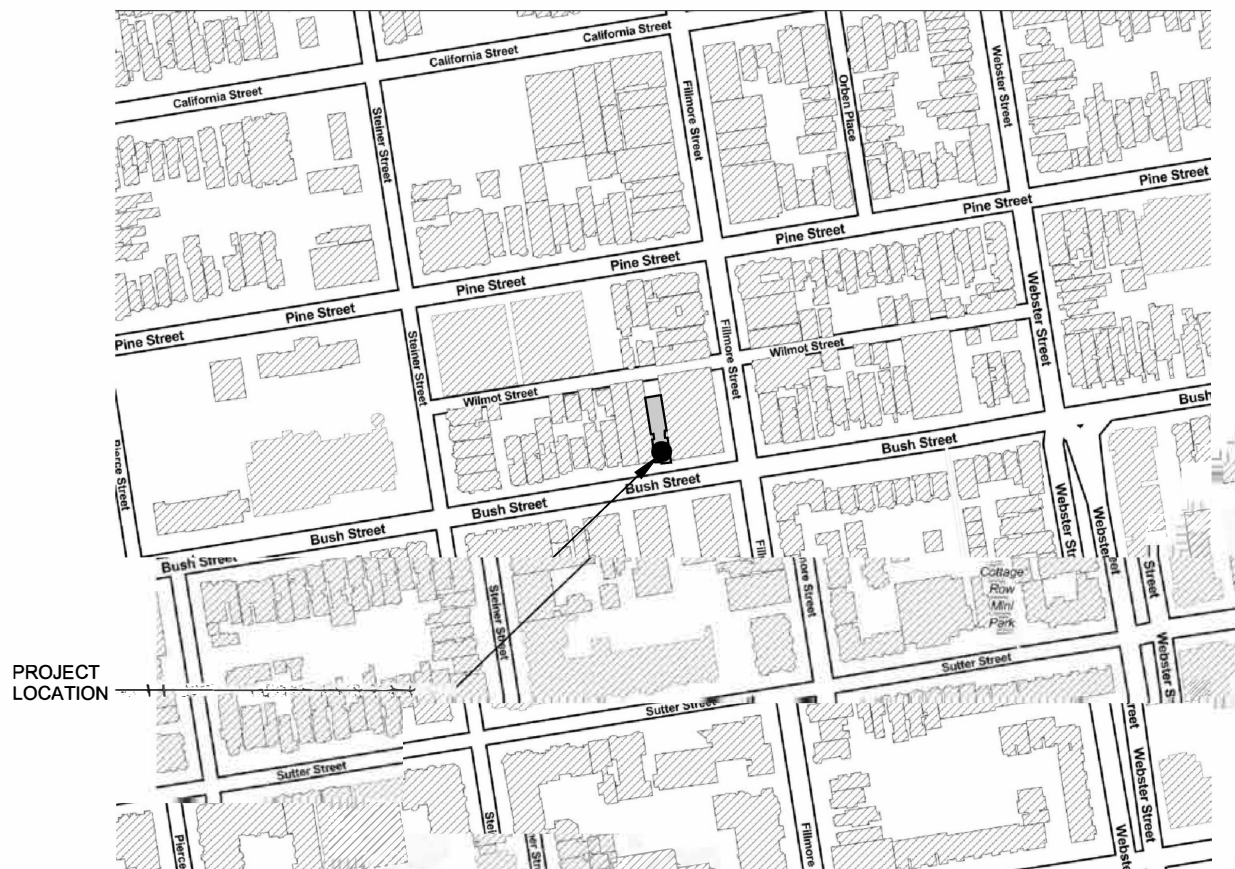
2222 Bush Street
San Francisco, CA 94115
5 NOVEMBER 2019

Project:
LIBERTY SF
2222 Bush Street
San Francisco, CA 94115

plinth
Architecture Urban Design Interiors

58 West Portal Ave. # 328
San Francisco CA 94127
(415) 260-6889

VICINITY MAP



DRAWING INDEX

- 0.0 COVER SHEET
- 0.1 ROOF / SITE PLAN
- 0.2 SITE PHOTOS

- A1.0 EXISTING AND PROPOSED BASEMENT FLOOR PLANS
- A1.1 EXISTING AND PROPOSED GROUND FLOOR PLANS
- A2.0 EXISTING AND PROPOSED BUSH STREET ELEVATION
- A2.1 EXISTING AND PROPOSED REAR ELEVATION
- A2.2 SIGNAGE DETAILS
- A3.0 EXISTING AND PROPOSED STOREFRONT RENDERING
- A3.1 INTERIOR CONCEPT AND MATERIALS

SCOPE OF EXTERIOR MODIFICATIONS

- EXISTING AWNING AND BLADE SIGN TO BE REMOVED
- NEW NON-ILLUMINATED PAINTED WOOD BLADE SIGN (SIGNAGE UNDER SEPARATE PERMIT)
- NEW EXTERNALLY ILLUMINATED AND HALO LIT WALL SIGN (SIGNAGE UNDER SEPARATE PERMIT)
- FRONT AND REAR FACADES TO RECEIVE NEW PAINT
- NEW DOME TYPE SECURITY CAMERAS AT FRONT AND REAR FACADES
- NEW PAINTED METAL SECURITY DOOR WITH TRIM TO MATCH AT REAR FACADE
- NEW PAINTED WOOD DOOR IN EXISTING OPENING AT REAR FACADE

Sheet Title:
COVER SHEET

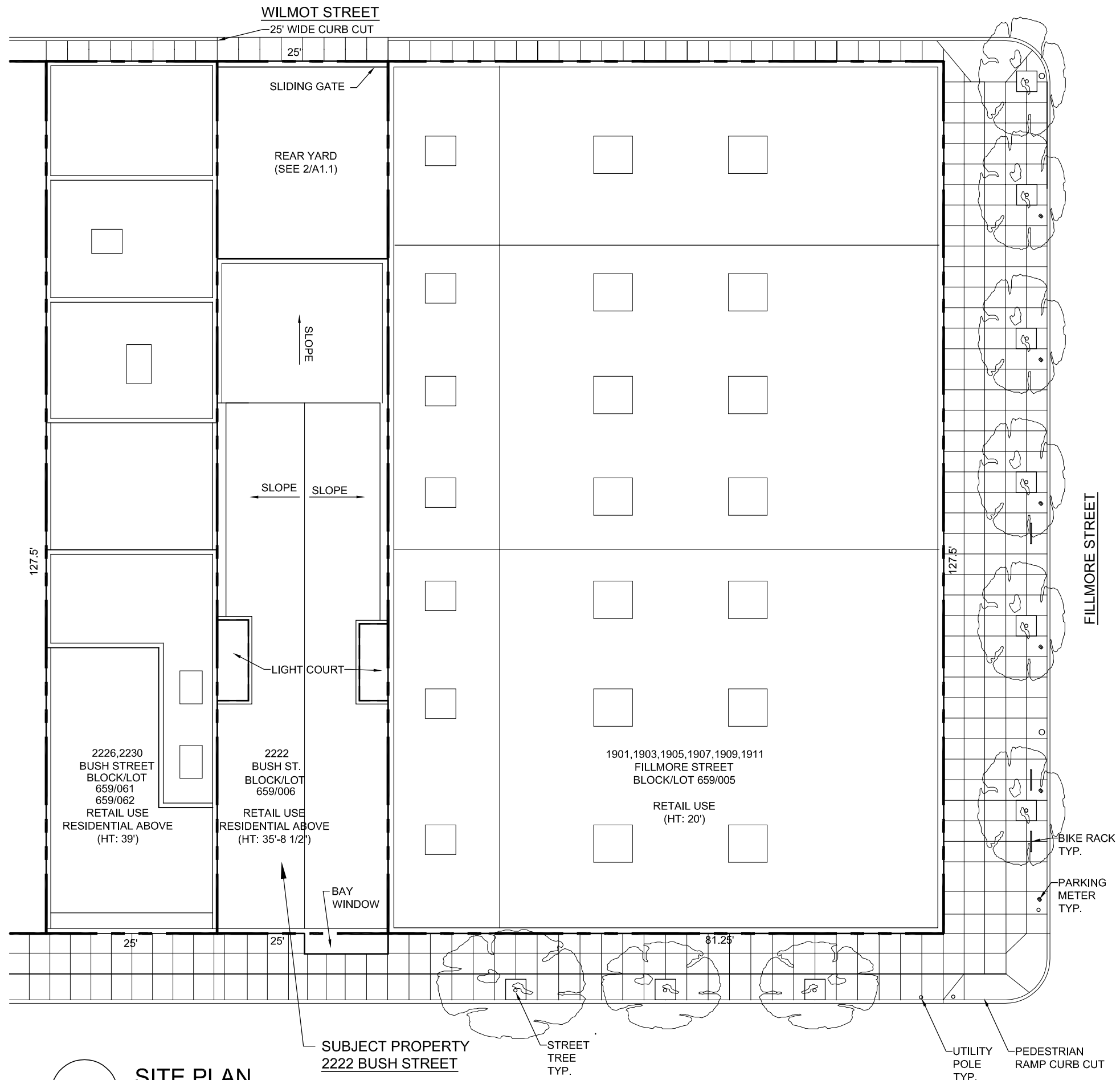
Date: 8 August 2019
Project: LIB Bush Street

Issued For: CU Submission
Revisions

Scale: N.A.
File:
Project: LIB Bush Street

Checked By: SC
Sheet No:

Ref North:  **0.0**



1

SITE PLAN

1/16" = 1'-0"

**SUBJECT PROPERTY
2222 BUSH STREET**

STREET
TREE
TYP.

UTILITY
POLE
TYP.

PEDESTRIAN
RAMP CURB CUT


Project:
LIBERTY SF
2222 Bush Street
San Francisco, CA 94115

plinth
Architecture Urban Design Interiors

58 West Portal Ave. # 328
San Francisco CA 94127
(415) 260-6889

Sheet Title:
SITE / ROOF PLAN

Date: 8 August 2019
Project: LIB Bush Street
Issued For: CU Submission
5 November 2019 Revisions

Scale: 1/16" = 1'-0" @ 11X17
File:
Project: LIB Bush Street
Ref North: 
Checked By: SC
Sheet No: **0.1**



STEINER STREET

FILLMORE STREET

SUBJECT
PROPERTY

1 2222 BUSH STREET - FULL BLOCK EXISTING CONTEXT
N.T.S.



SUBJECT
PROPERTY

2 2222 BUSH STREET - NEIGHBORING CONTEXT
N.T.S.

Sheet Title:
**SITE CONTEXT
PHOTOS**

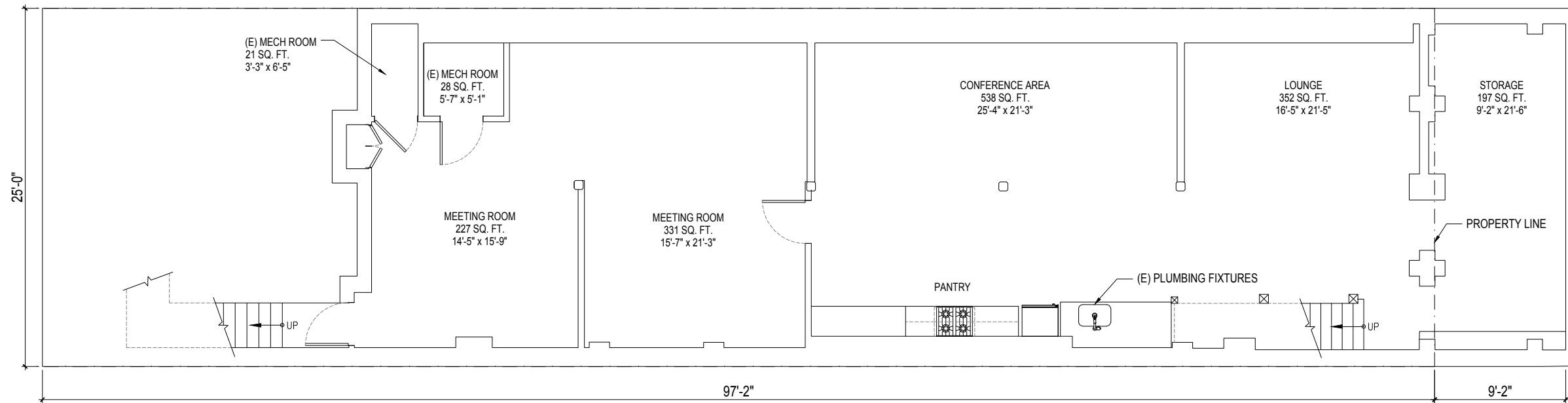
Date: 8 August 2019
5 November 2019
Issued For: CU Submission
Revisions

Scale: NTS @ 11X17
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Project: LIB Bush Street

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Sheet No:

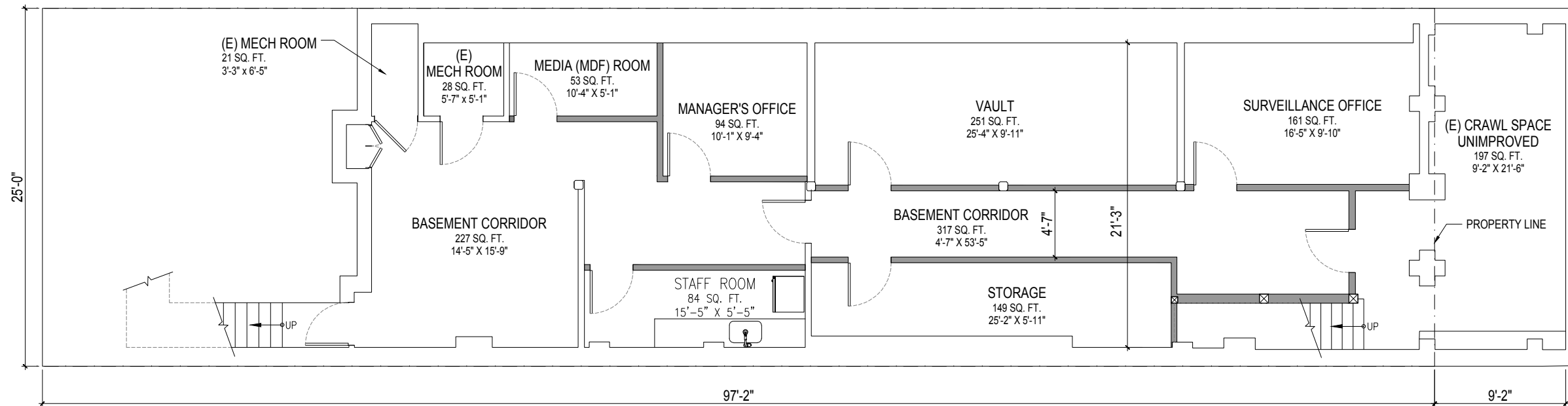
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PROPERTY OF AD ASSOCIATES - PLOT DATE: 11/4/2019 FILE: C:\Users\AD_Associates\Dropbox (AD_Associates)\Associates Projects\2019\US_Liberty\US-56_H-Bush St_SF_CA\Arch\Conditional Use Submission\Sheet\A1.0_CONSTRUCTION PLAN.dwg



1 BASEMENT EXISTING FLOOR PLAN

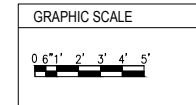
1/4" = 1'-0"



2 BASEMENT PROPOSED FLOOR PLAN

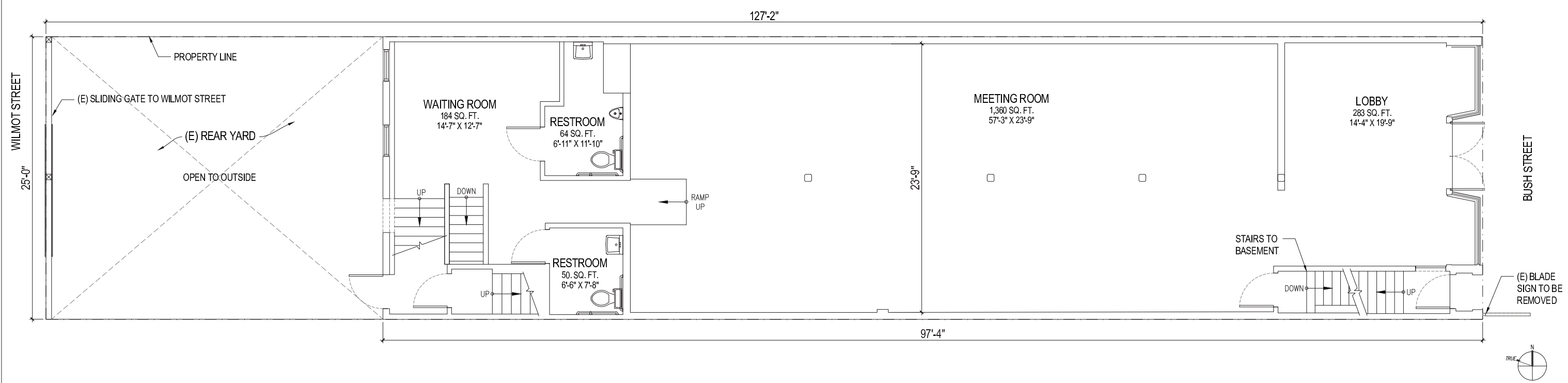
1/4" = 1'-0"

GROSS AREA SUMMARY	
GROUND FLOOR:	2,252 SQ. FT.
BASEMENT:	2,143 SQ. FT.
TOTAL GROSS AREA:	4,395 SQ. FT.

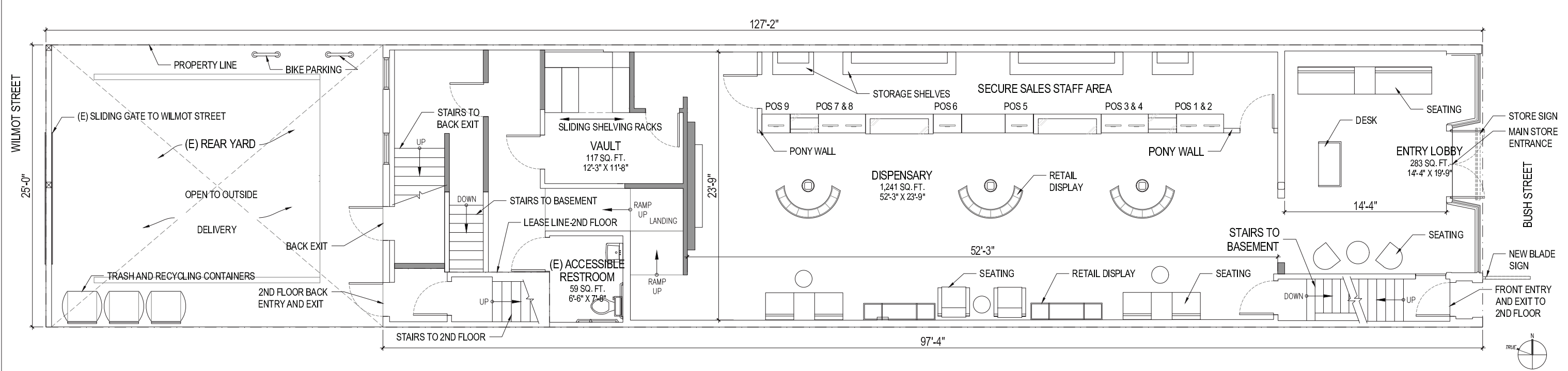


WALL LEGEND	
	(E) WALLS
	NEW FLOOR TO CEILING PARTITION

PROPERTY OF AD ASSOCIATES - PLOT DATE: 11/4/2019 FILE: C:\Users\AD_Associates\Dropbox (AD_Associates)\Associates\Projects\2019\US-56_H-Bush St SF CA\Arch\Conditional Use Submission\Sheet\A1.0_CONSTRUCTION PLAN.dwg

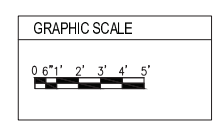


1 GROUND LEVEL EXISTING FLOOR PLAN
1/4" = 1'-0"



2 GROUND LEVEL PROPOSED FLOOR PLAN
1/4" = 1'-0"

GROSS AREA SUMMARY	
GROUND FLOOR:	2,252 SQ. FT.
BASEMENT:	2,143 SQ. FT.
TOTAL GROSS AREA:	4,395 SQ. FT.



WALL LEGEND	
	(E) WALLS
	NEW FLOOR TO CEILING PARTITION

AD+ASSOCIATES
INTERNATIONAL DESIGN CONSULTANTS
930 CARLETON STREET
BERKELEY, CA 94710
www.adassociatesad.com

ALL DRAWINGS AND WRITTEN MATERIAL HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

CONDITIONAL USE SUBMISSION
November 5, 2019

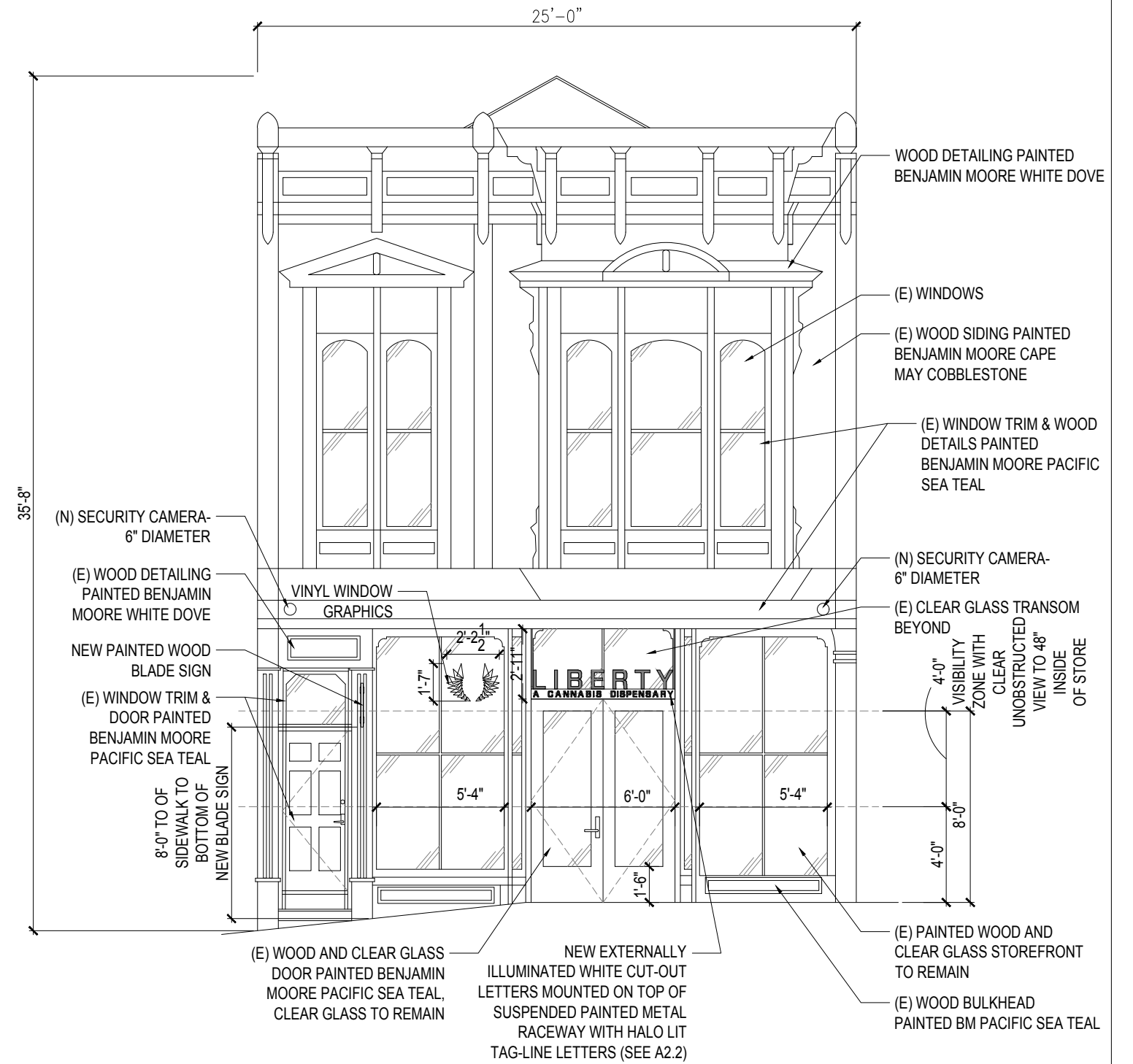
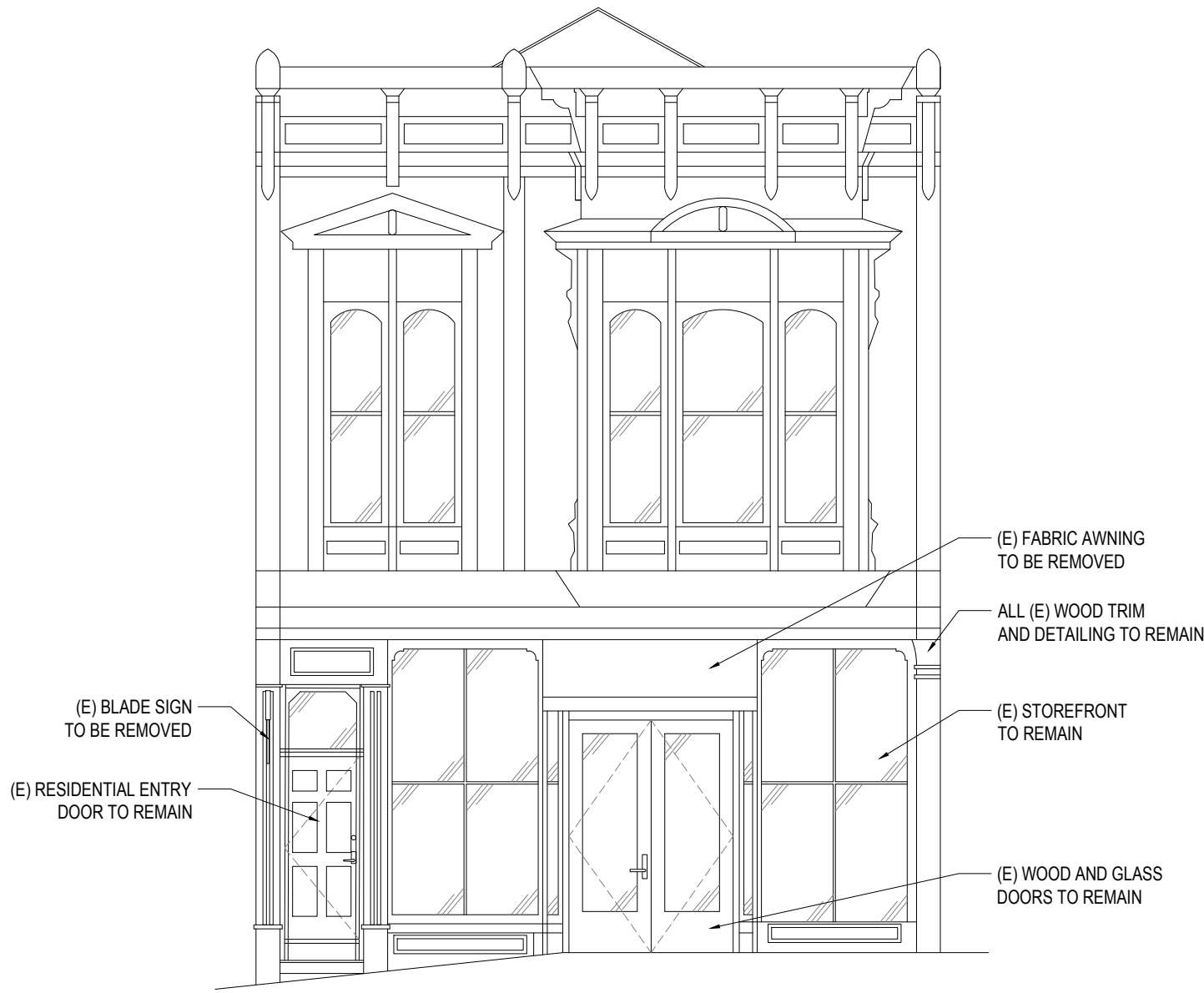


Liberty
2222 BUSH ST
San Francisco, CA 94115

GROUND LEVEL
EXISTING AND PROPOSED
FLOOR PLANS

A1.1

PROPERTY OF AD ASSOCIATES - PLOT DATE: 11/4/2019 FILE: C:\Users\AD Associates\Dropbox (AD Associates)\AD Associates\Projects\2019\US\Liberty\US-56 HI-Bush St SF, CA\Arch\Conditional Use Submission\Sheets\A2.0_EXTERIOR ELEVATIONS.dwg



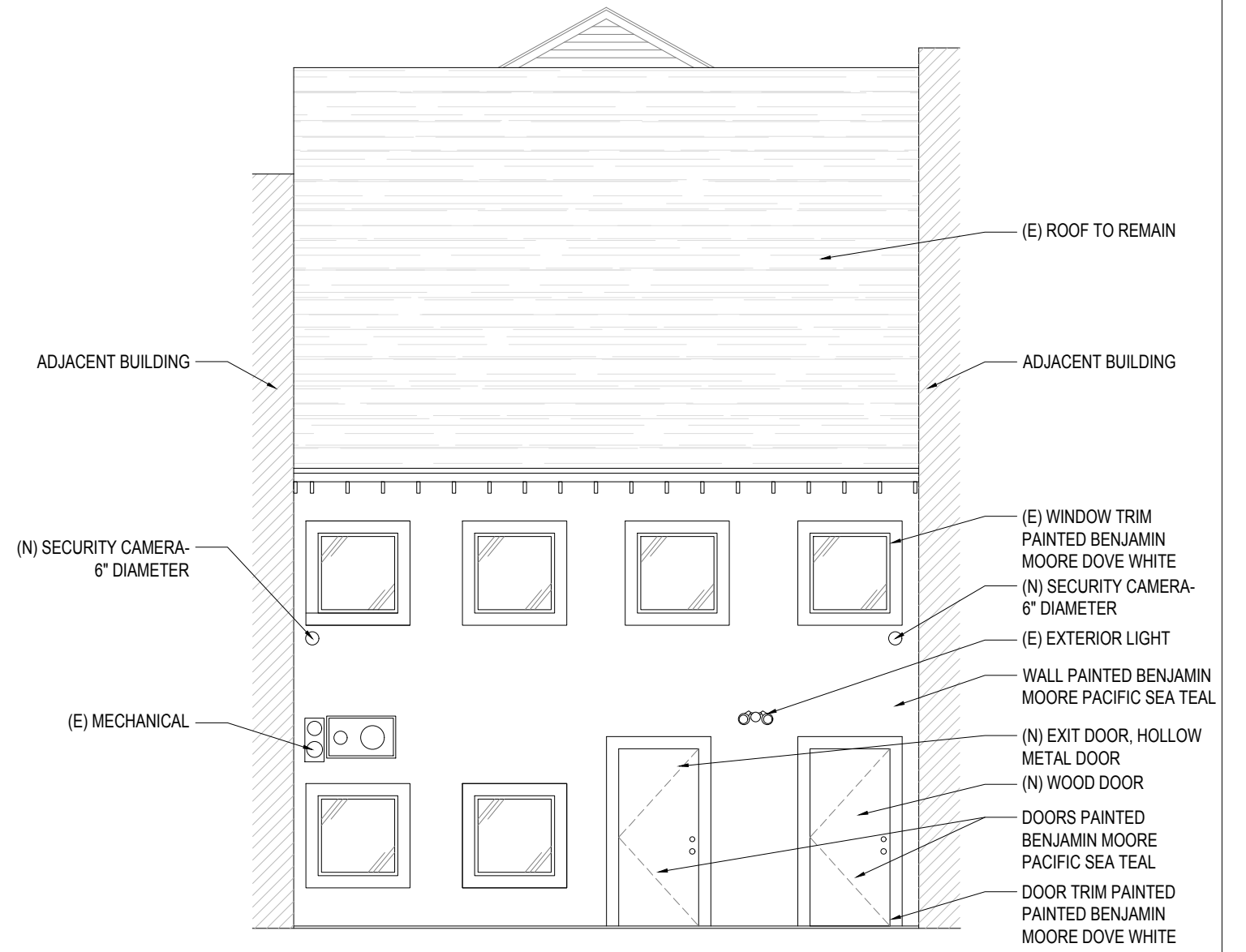
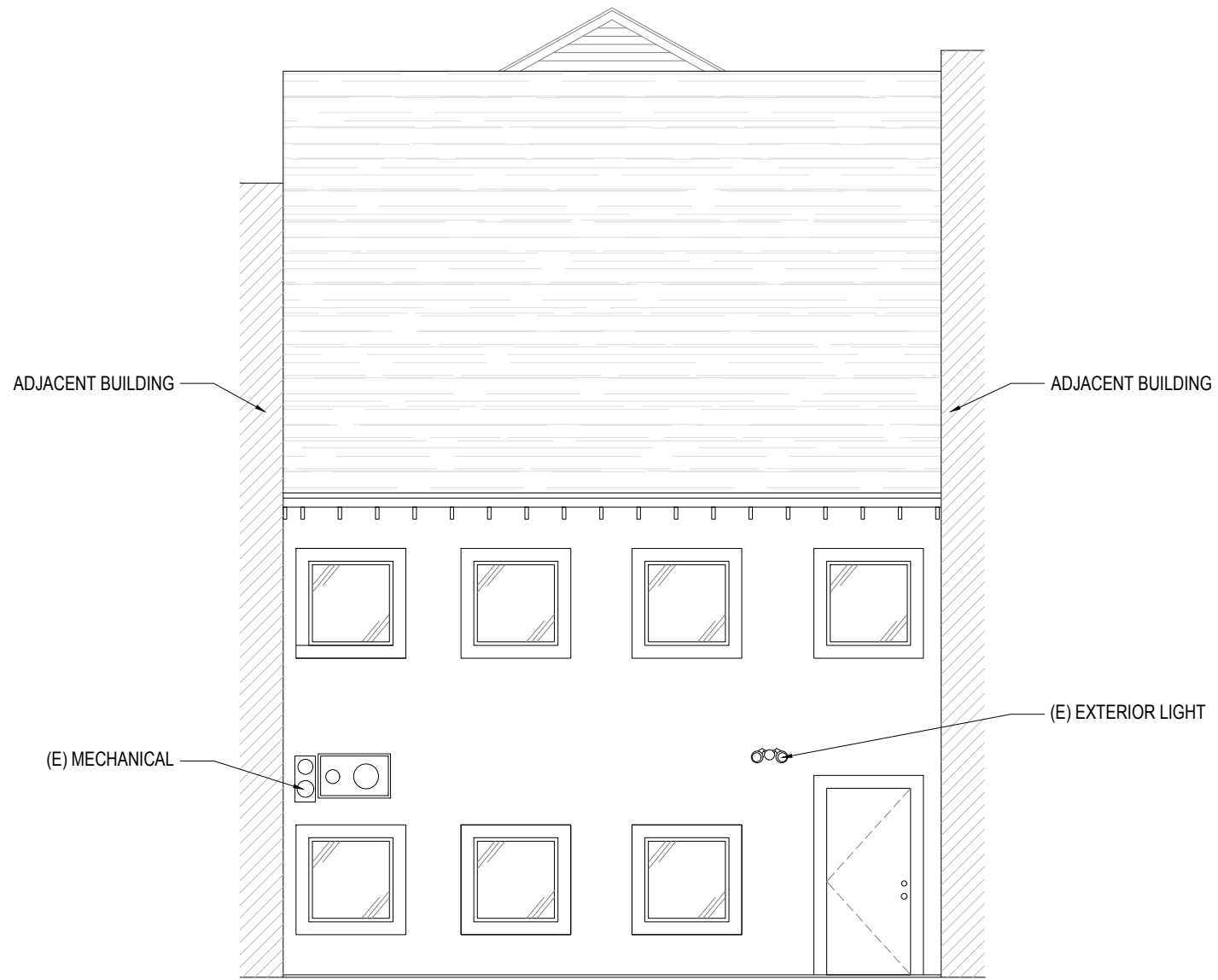
NOTE: SIGNAGE UNDER SEPARATE PERMIT

NOTE: ALL (E) WOOD DETAILING TO REMAIN AND RECEIVE NEW PAINT ONLY

1 BUSH STREET EXISTING ELEVATION
3/8" = 1'-0"

2 BUSH STREET PROPOSED ELEVATION
3/8" = 1'-0"

PROPERTY OF AD ASSOCIATES - PLOT DATE: 11/4/2019 FILE: C:\Users\AD Associates\Dropbox (AD Associates)\Associates Projects\2019\US\Liberty\US-56 HI-Bush St SF, CA\Arch\Conditional Use Submission\Sheets\A2.0_EXTERIOR ELEVATIONS.dwg

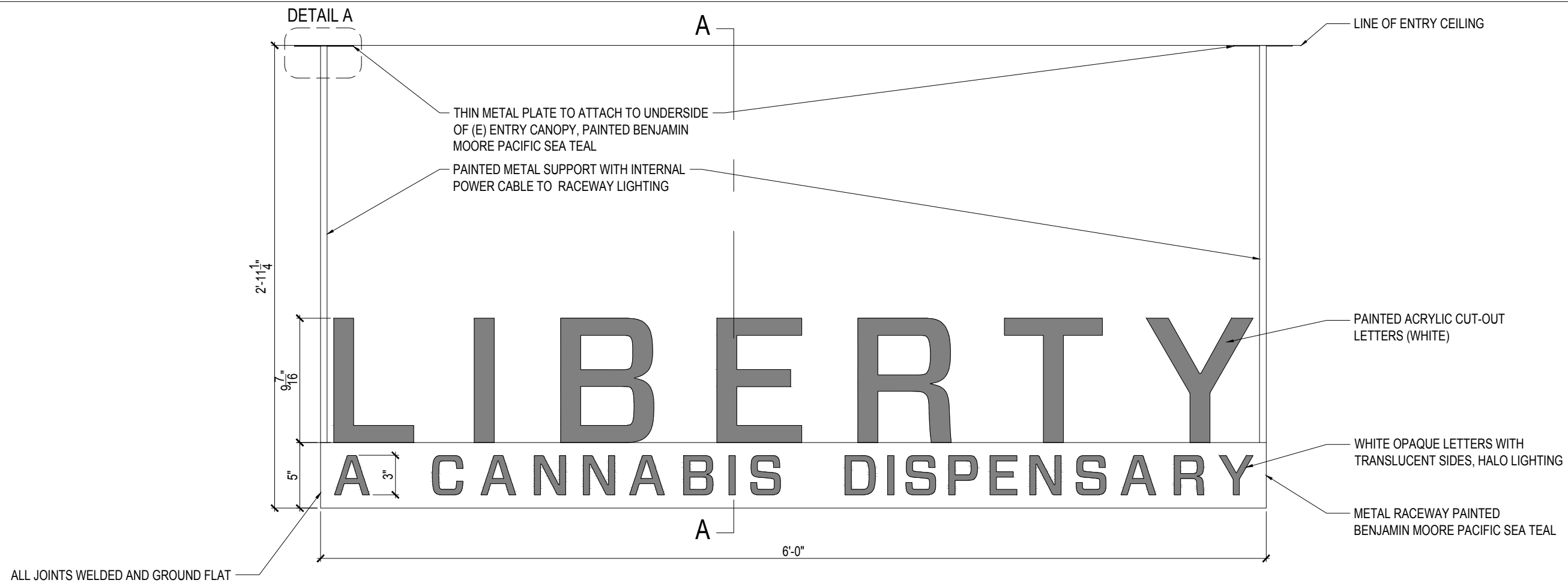


NOTE: ALL (E) WOOD DETAILING TO REMAIN AND RECEIVE NEW PAINT ONLY

1 BUILDING REAR EXISTING ELEVATION
3/8" = 1'-0"

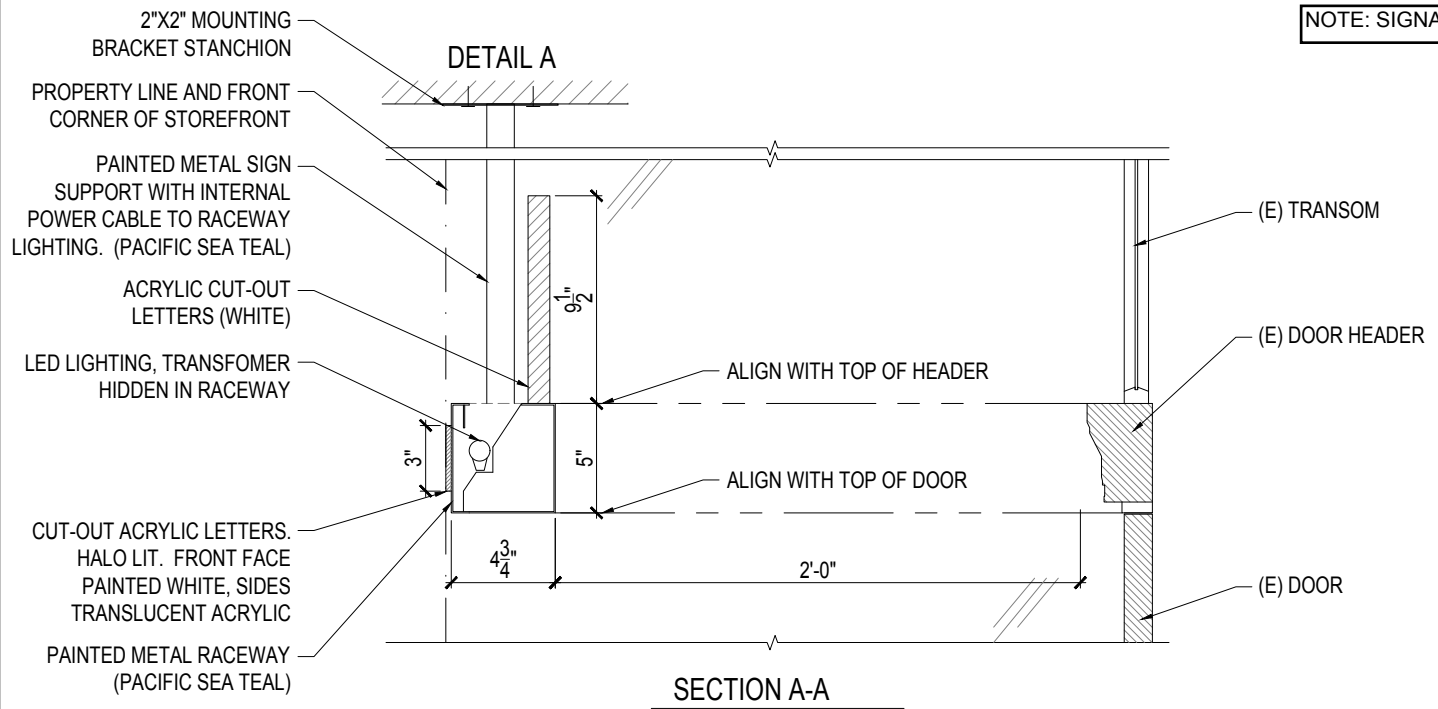
2 BUILDING REAR PROPOSED ELEVATION
3/8" = 1'-0"

PROPERTY OF AD ASSOCIATES - PLOT DATE: 11/4/2019 FILE: C:\Users\AD Associates\Dropbox (AD Associates)\Associates Projects\2019\US\Liberty\US-56 HI-Bush St SF, CA\Arch\Conditional Use Submission\Sheets\A2.0_EXTERIOR ELEVATIONS.dwg



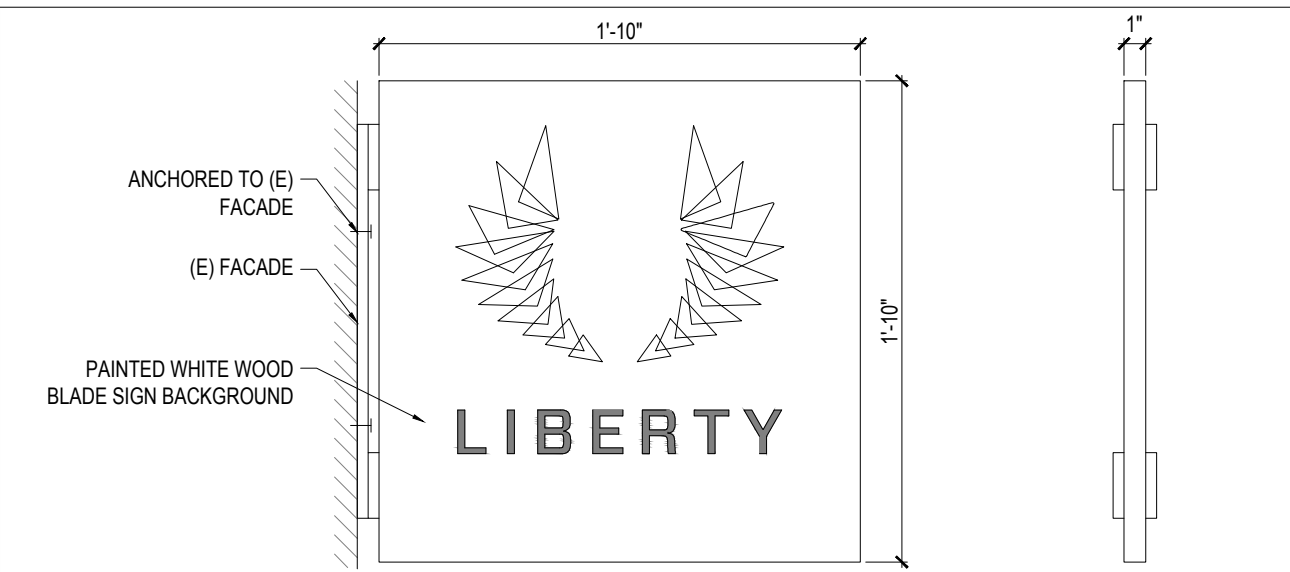
FRONT ELEVATION

NOTE: SIGNAGE UNDER SEPARATE PERMIT



SECTION A-A

NOTE: SIGNAGE UNDER SEPARATE PERMIT



FRONT ELEVATION

SIDE ELEVATION

NOTE: SIGNAGE UNDER SEPARATE PERMIT

1 MAIN SIGNAGE DETAILS
3" = 1'-0"

2 BLADE SIGN DETAILS
3" = 1'-0"

PROPERTY OF AD ASSOCIATES - PLOT DATE: 11/5/2019 FILE: C:\Users\AD Associates\Dropbox (AD Associates)\AD Associates\Projects\2019\US\Liberty\US-56-H-Bush St SF, CA\Arch\Conditional Use Submission\Sheets\A3.0_RENDERINGS.dwg



(E) BLADE SIGN TO BE REMOVED
(E) RESIDENTIAL ENTRY DOOR TO REMAIN

(E) FABRIC AWNING TO BE REMOVED
ALL (E) WOOD TRIM AND DETAILING TO REMAIN
(E) STOREFRONT TO REMAIN
(E) WOOD AND GLASS DOORS TO REMAIN



VINYL WINDOW GRAPHICS
(N) SECURITY CAMERA-6" DIAMETER
(E) WOOD DETAILING PAINTED BENJAMIN MOORE WHITE DOVE
NEW PAINTED WOOD BLADE SIGN
(E) WINDOW TRIM & DOOR PAINTED BENJAMIN MOORE PACIFIC SEA TEAL

WOOD DETAILING PAINTED BENJAMIN MOORE WHITE DOVE
(E) WINDOWS
(E) WOOD SIDING PAINTED BENJAMIN MOORE CAPE MAY COBBLESTONE
(E) WINDOW TRIM & WOOD DETAILS PAINTED BENJAMIN MOORE PACIFIC SEA TEAL
(N) SECURITY CAMERA-6" DIAMETER
(E) CLEAR GLASS TRANSOM BEYOND
NEW EXTERNALLY ILLUMINATED WHITE CUT-OUT LETTERS MOUNTED ON TOP OF SUSPENDED PAINTED METAL RACEWAY WITH HALO LIT TAG-LINE LETTERS
(E) PAINTED WOOD AND CLEAR GLASS STOREFRONT TO REMAIN

(E) WOOD AND CLEAR GLASS DOOR PAINTED BENJAMIN MOORE PACIFIC SEA TEAL, CLEAR GLASS TO REMAIN

NOTE: SIGNAGE UNDER SEPARATE PERMIT

1 BUSH STREET EXISTING ELEVATION
N.T.S.

2 BUSH STREET PROPOSED ELEVATION
N.T.S.

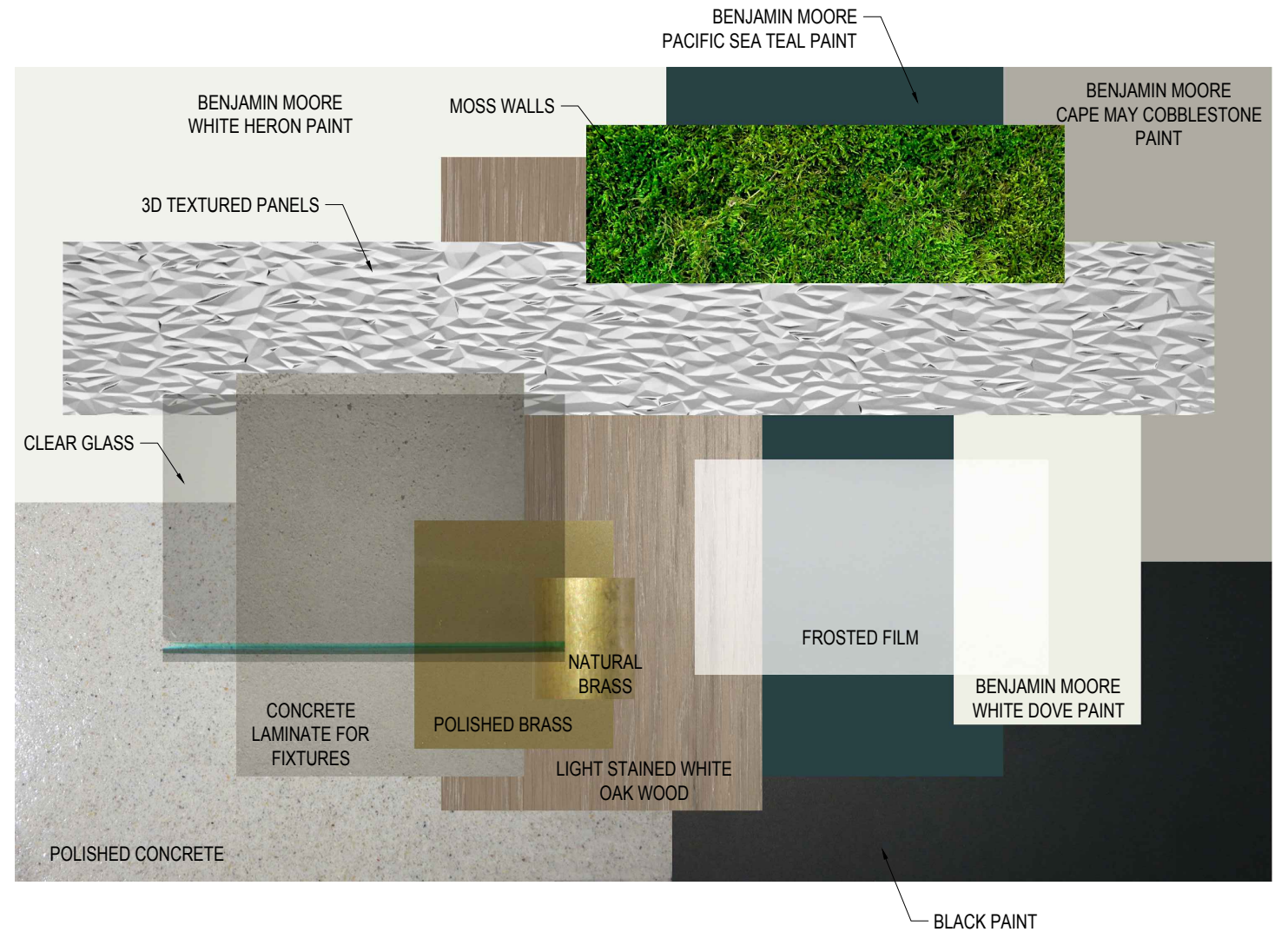
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1 INTERIOR CONCEPT- LOBBY
N.T.S.



2 INTERIOR CONCEPT- SALES COUNTER
N.T.S.



3 MATERIALS AND FINISHES
N.T.S.



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
2222 BUSH ST		0659006
Case No.		Permit No.
2019-015307PRJ		
<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. The project entails interior renovations on the ground floor and basement, signage and new exterior doors for a Cannabis Retail Store</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 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><i>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></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): Laura Ajello</p> <p>Conditional Use Authorization to permit a cannabis retail use on the ground floor and basement (formerly dba Unity Church).</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 checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

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

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

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" 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 <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input checked="" 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: Elizabeth Gordon Jonckheer	

**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: Laura Ajello
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	11/25/2019
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 approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
2222 BUSH ST		0659/006
Case No.	Previous Building Permit No.	New Building Permit No.
2019-015307PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Planning Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 2222 BUSH ST
RECORD NO.: 2019-015307CUA

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

Reception:
415.558.6378

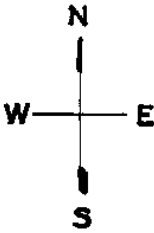
Fax:
415.558.6409

Planning
Information:
415.558.6377

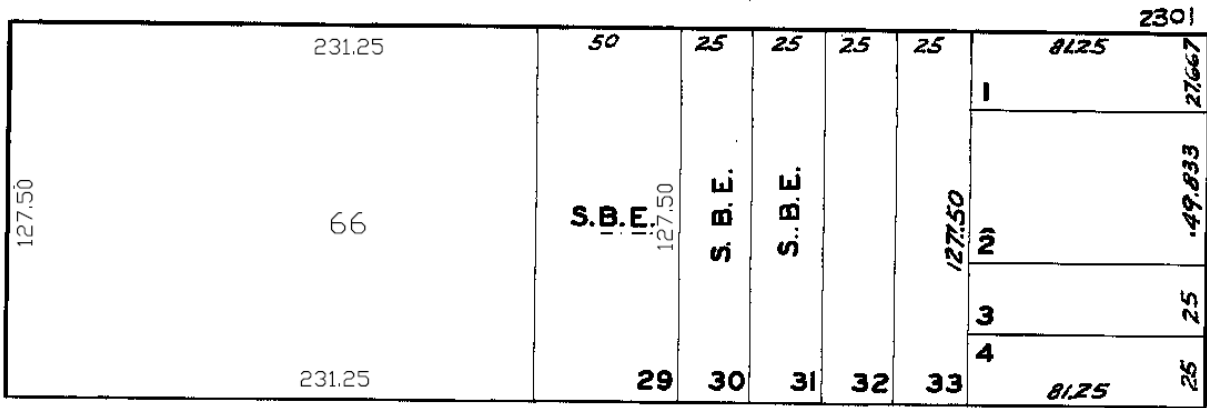
	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	0	0	0
Residential GSF	2541	0	0
Retail/Commercial GSF	0	4395	4395
Office GSF	N/A	0	0
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	N/A	0	0
Medical GSF	N/A	0	0
Visitor GSF	N/A	0	0
CIE GSF	N/A	0	0
Usable Open Space	N/A	0	0
Public Open Space	N/A	0	0
Other (church)	4395	0	0
TOTAL GSF	6936	0	6936
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	N/A	0	0
Dwelling Units - Market Rate	1	0	1
Dwelling Units - Total	1	0	1
Hotel Rooms	N/A	0	0
Number of Buildings	1	0	1
Number of Stories	2	0	2
Parking Spaces	0	0	0
Loading Spaces	1	0	1
Bicycle Spaces	0	8	8
Car Share Spaces	0	0	0
Other ()			

	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units	0	0	0
One Bedroom Units	0	0	0
Two Bedroom Units	0	0	0
Three Bedroom (or +) Units	1	0	1
Group Housing - Rooms	0	0	0
Group Housing - Beds	0	0	0
SRO Units	0	0	0
Micro Units	0	0	0
Accessory Dwelling Units	N/A	0	0

Parcel Map

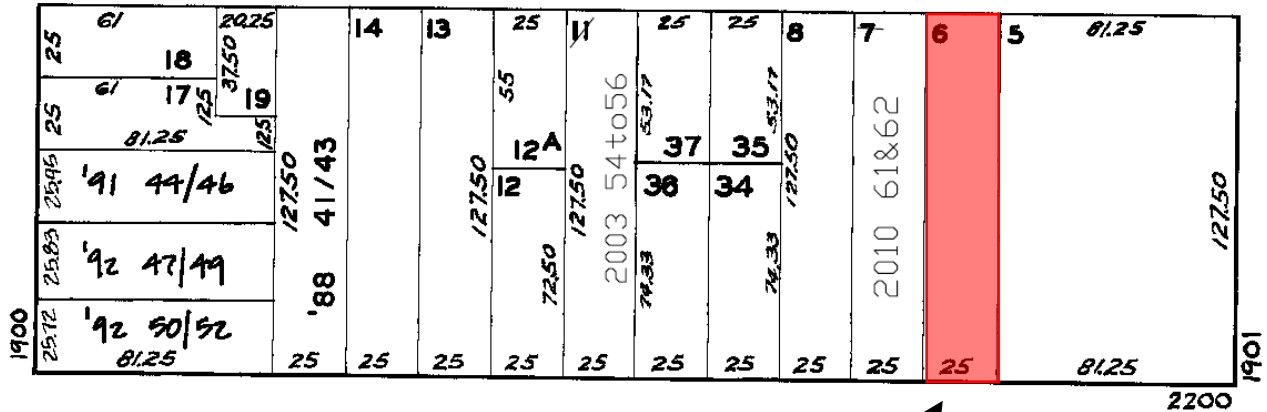


PINE



STEINER

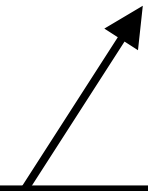
WILMOT



FILLMORE

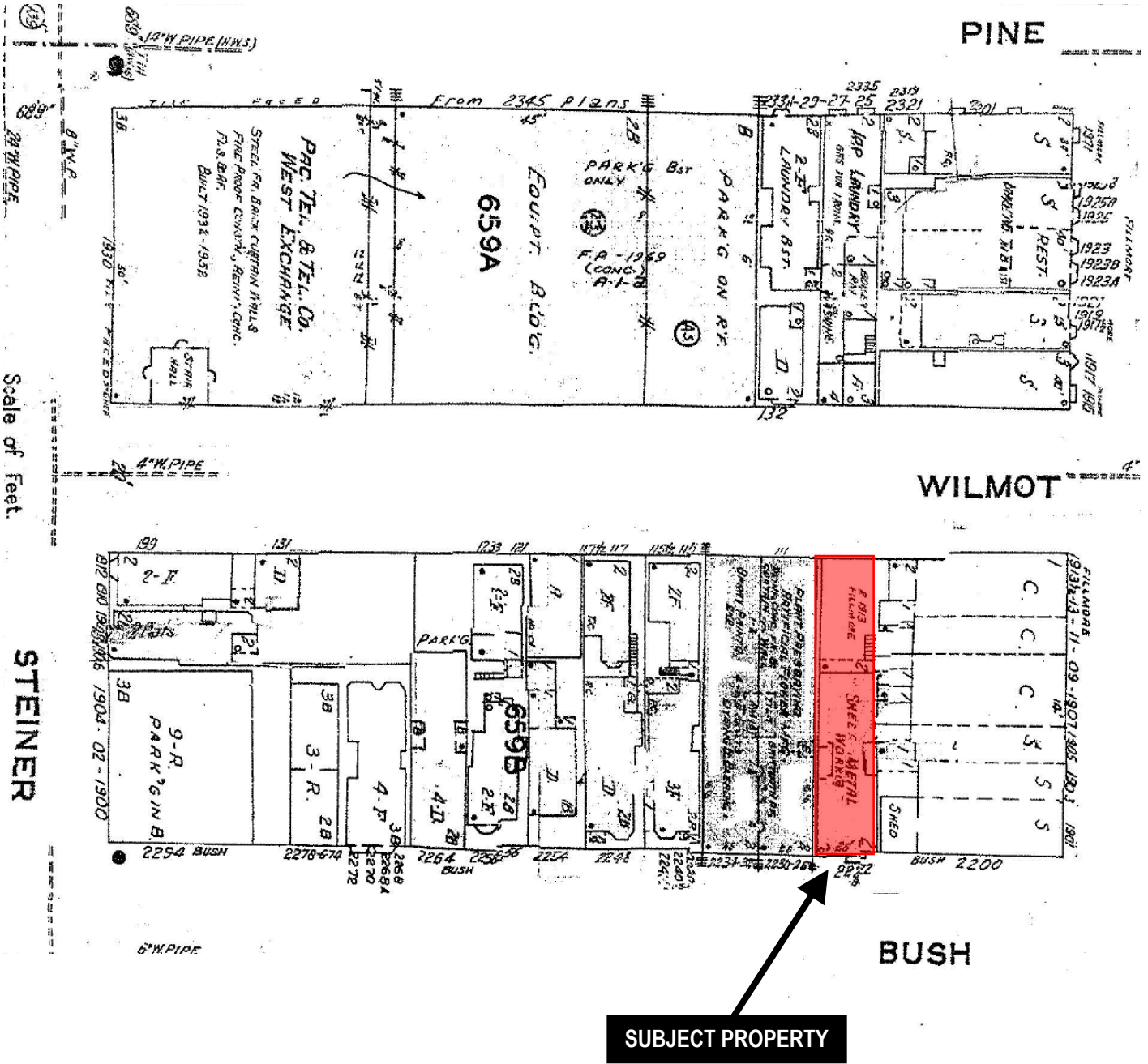
BUSH

SUBJECT PROPERTY



Conditional Use Hearing - Exhibit E
 Case Number 2019-015307CUA
 Cannabis Retail – Liberty SF
 2222 Bush Street

Sanborn Map*

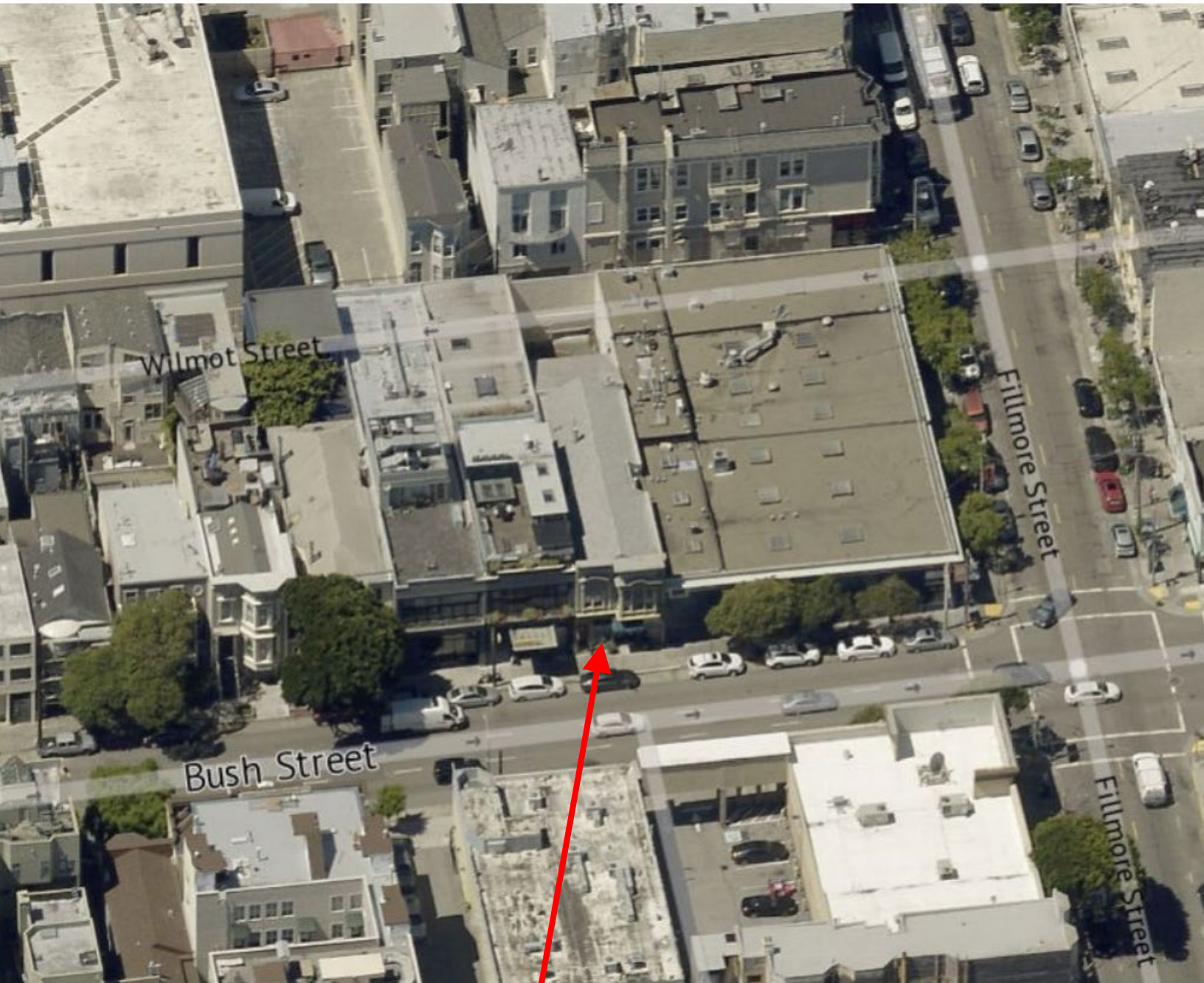


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
 Case Number 2019-015307CUA
 Cannabis Retail – Liberty SF
 2222 Bush Street

Aerial Photo – View 1

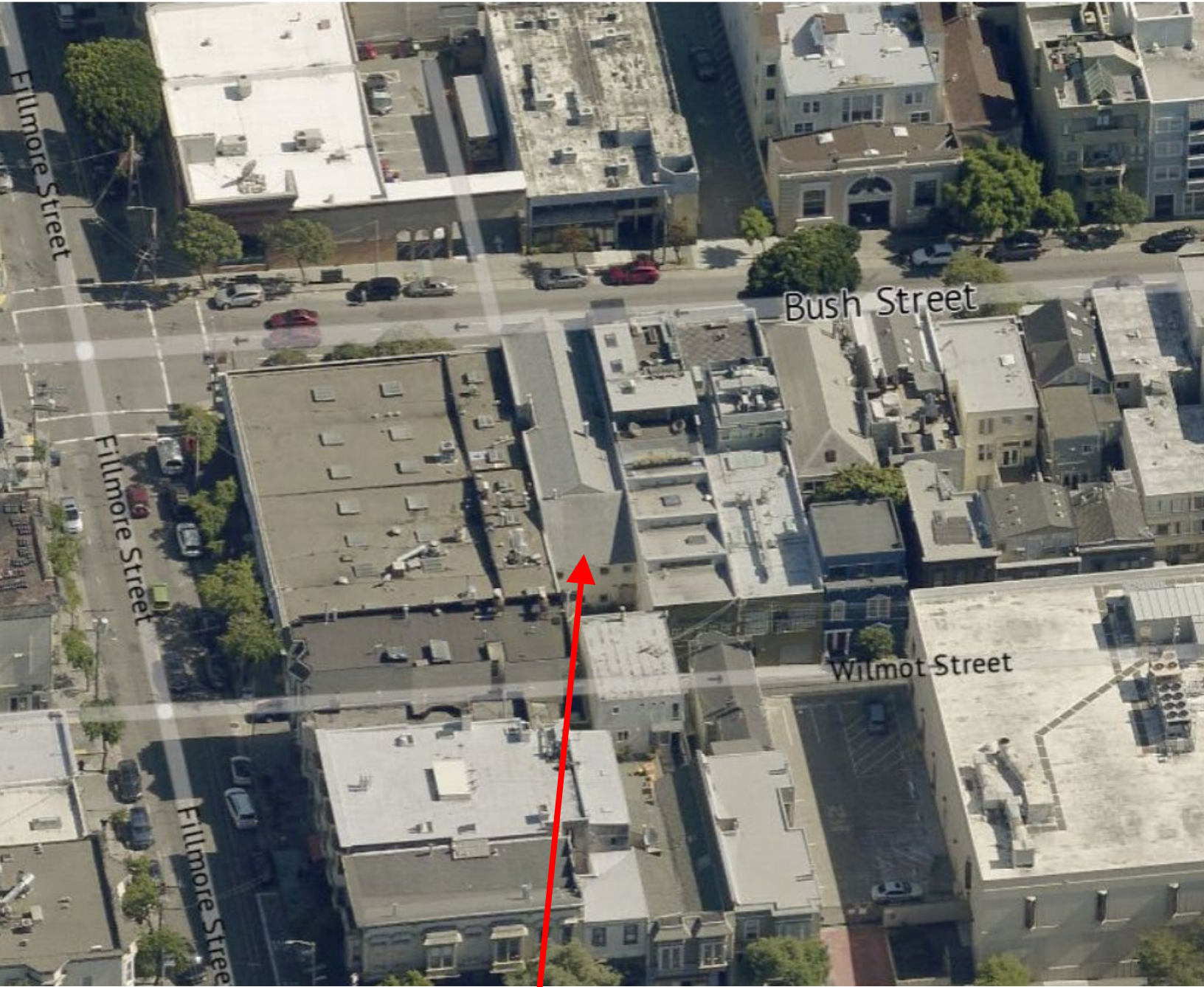


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2019-015307CUA
Cannabis Retail – Liberty SF
2222 Bush Street

Aerial Photo – View 2

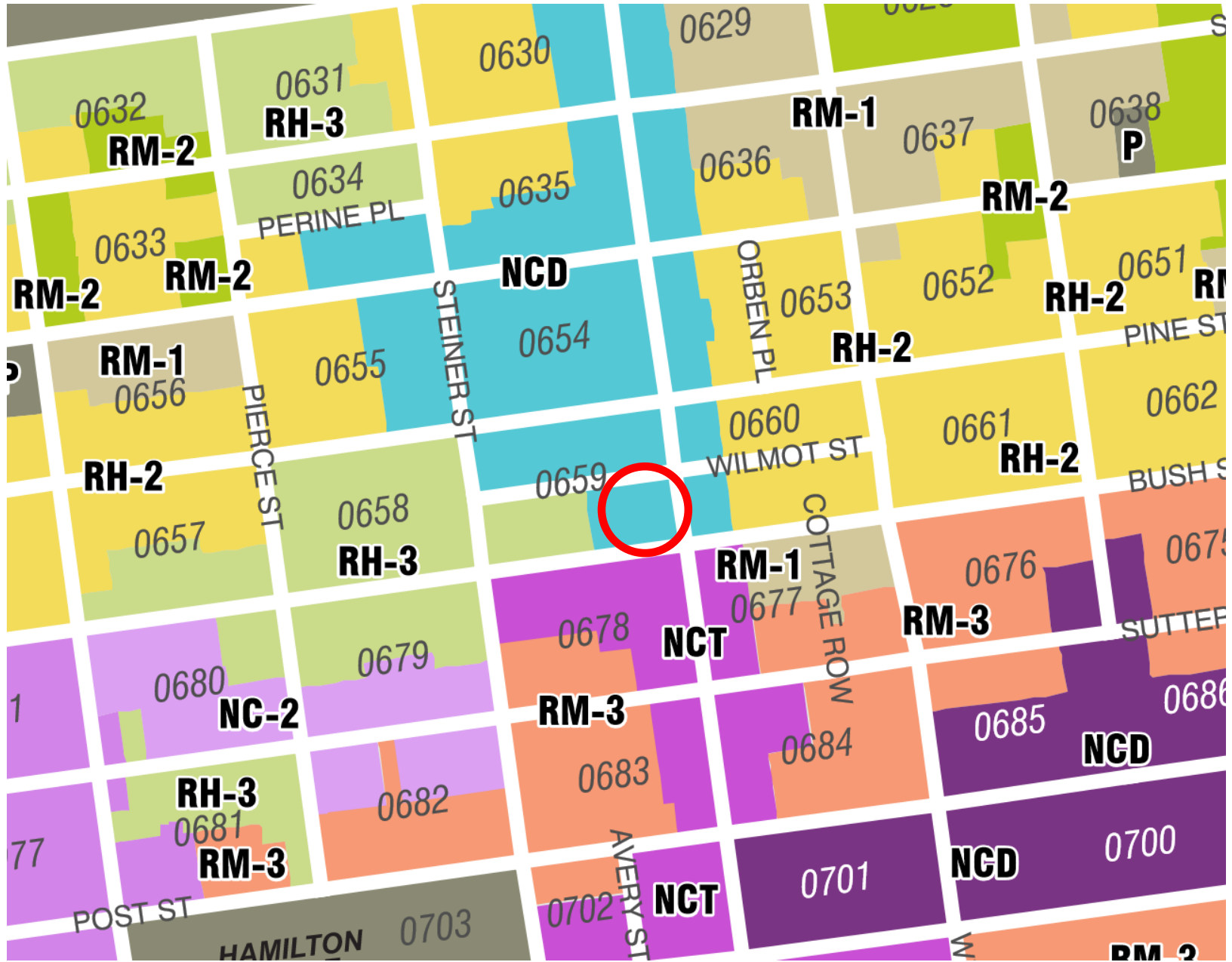


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2019-015307CUA
Cannabis Retail – Liberty SF
2222 Bush Street

Zoning Map



Conditional Use Hearing
Case Number 2019-015307CUA
Cannabis Retail – Liberty SF
2222 Bush Street

Site Photo



Conditional Use Hearing
Case Number 2019-015307CUA
Cannabis Retail – Liberty SF
2222 Bush Street

Site Photo 2

Wilmot Street (rear façade)



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2019-015307CUA
Cannabis Retail – Liberty SF
2222 Bush Street



Dear President Melgar and Members of the Planning Commission,

Liberty San Francisco will be a different type of cannabis dispensary, focused on cannabis education and customer well-being. Our model prioritizes relationships over transactions, or as we like to say, "hugs over haggling!" This vision was born from the life experiences of our founders, Timothy Omi and Josh Genderson.

Josh's family owns Schneider's of Capitol Hill — a fourth generation, vertically-integrated wine and spirits company operating in our nation's capital for over 70 years. Josh grew up in his family's business, first working in the retail store, then making his way into the front office and helping to launch the company's e-commerce platform, before taking over the reigns as CEO at the age of 30. Josh's education running a vertically integrated business in a highly regulated industry has proven invaluable to his work in cannabis. As has his knowledge of what kept four generations of customers loyal, mainly, an obsession with over the top customer care.

In 2011, after winning 2 out of 7 cultivation licenses issued in Washington DC's newly minted Medical Marijuana Program, Josh was introduced to Lisa Leyden, mother of 8-year-old Jackson. Jackson had recently been diagnosed with intractable epilepsy after 13 different antiepileptic medications and multiple rounds of methylprednisolone and IVIG infusions failed to stop his seizures. Lisa was part of a group of 50 DC-based mothers whose children had similar diagnoses. The only relief that these mothers ever found for their children was through non-psychoactive medicine rich in CBD and THC-A, which until that point, could only be obtained in California or Colorado.

Jackson became the first minor enrolled in D.C.'s medical marijuana program, and working with Jackson's medical team, Liberty engineered proprietary, non-psychoactive medicine rich in CBD and THC-A that we called "Jackson's Courage." We offered the medicine to all 50 families at no cost and worked with a team of doctors to develop a research trial and treatment protocol. The results were incredible: Jackson's Courage had a 96% success rate in either significantly reducing or completely eliminating seizures in all 50 children. As for Jackson, he has now returned to school and is an honor roll student!

Jackson's story epitomizes the values that drive Liberty San Francisco: an unwavering commitment to customer care, high-quality cannabis products, and the belief that cannabis can be a force for good. These values are also what led Josh to partner with Timothy Omi to launch Liberty San Francisco.

Tim has lived in or around the Bay area for his entire life. He loves and respects the San Francisco community. For the last 12 years, Tim has owned and operated a spiritual retreat business, traveling the world leading retreats, teaching meditation and mindfulness practices. For more than 7 years he has been involved in the Northern California Cannabis Industry. His relationships with area cannabis farmers will form the backbone of Liberty San Francisco's supply chain. Tim is passionate about locally sourced cannabis, with a special interest in supporting smaller farms struggling to make it in the legal marketplace.



Tim and Josh share a conviction that cannabis can be a force for good. To that end, 2% of net profits from the sale of our in-house brand will be donated to Liberty's Lower Pacific Heights Community Impact Fund. The Fund will be managed by a Community Advisory Board – an independent and diverse group of community leaders drawn from the Lower Pacific Heights neighborhood. The Board will oversee the investment of funds into projects and organizations focused on improving the health and welfare of our local community. Last year alone, Liberty donated more than \$100,000 in similar projects.

Beyond financial commitments, Liberty is passionate about community outreach. We have already kicked off our educational programming, partnering with a nearby gym to offer a class on Cannabis & Exercise. We plan to host monthly educational seminars, both at our dispensary location and in area community centers. Our goal is to improve the quality of life of our customers and inform neighbors about the potential benefits of cannabis and its many applications.

SOME ADDITIONAL FACTS ABOUT LIBERTY SAN FRANCISCO

- Hours of operation: 10am-9pm
- Estimated # of employees: 15 full-time & 10 part-time
- No onsite consumption
- Strong support from neighboring businesses and neighborhood councils (See attached "Letters of Support")
- Inventory will include a wide array of wellness-oriented cannabis products, many of which contain little or no THC, the psychoactive ingredient in the cannabis plant
- Plans to cooperate with other local businesses on Fillmore Street events designed to enhance the desirability of the Fillmore Street retail corridor

DESCRIPTION OF THE PROPOSED SITE

The proposed dispensary site is located in the heart of the Upper Fillmore Street Neighborhood Commercial District. It is situated approximately one mile from the nearest Cannabis Retail location, and approximately half a mile from the nearest high school. There are no businesses in the immediate area that are a magnet for youth. More so, the design of Liberty SF's storefront, signage and lobby is not targeted to attract the attentions of youth. Liberty SF is committed to promoting a mature and educated use of cannabis.

The dispensary will be housed in an existing wood frame building located at the proposed site. That building is two stories tall with a traditional design 25' wide storefront. Other than repainting the existing façade and adding new signage, Liberty will maintain the current look of the building in a manner that is very compatible with the neighborhood.



LIBERTY

SERIOUS ABOUT SECURITY

Liberty San Francisco's Chief Security Officer, Vince Canales, is past-President of the Maryland Fraternal Order of Police and a six-year veteran of the United States Air Force. He was awarded the National

Defense Medal for his service in Operation Desert Storm and is an alumnus of the prestigious Harvard Kennedy School Executive Education program. Vince and his team have years of experience securing cannabis dispensaries, processing and cultivation centers. He has developed security protocols that meet and often exceed California's strict requirements. Liberty San Francisco is as serious about security, as we are about cannabis.

LIBERTY IS MORE THEN A NAME

The name of our dispensary, Liberty San Francisco, is a nod to our mission to 'liberate the cannabis experience.' We are a collection of patients and caregivers, parents and professionals, cannabis enthusiasts and activists, all working to bring cannabis out of shadows...away from any sense of stigma or shame. We recognize that the future of cannabis will be based around caring, giving and wellbeing. The Lower Pacific Heights neighborhood offers the perfect mix of culture, sophistication and San Francisco values to bring this vision to life. We are so excited to get started!

Sincerely,

Josh Genderson

Liberty SF

Tim Omi

Liberty SF



PROJECT APPLICATION (PRJ)

GENERAL INFORMATION

Property Information

Project Address: 2222 Bush Street

Block/Lot(s): 0659 / 006

Property Owner's Information

Name: GR San Fran Retail LLC

Address: 60 Cutter Mill Road Suite 303 Great Neck NY 11021

Email Address: kyle@gouldlp.com

Telephone: 516 466-9261

Applicant Information

Same as above

Name: Sharon Cox

Company/Organization: Plinth Architecture Urban Design Interiors

Address: 58 West Portal Ave # 328

Email Address: cox@plintharch.com

Telephone: 415 260-6889

Please Select Billing Contact:

Owner

Applicant

Other (see below for details)

Name: Josh Genderson

Email: josh.genderson@holisticindustries.com

Phone: 202 543-9300

Please Select Primary Project Contact:

Owner

Applicant

Billing

RELATED APPLICATIONS

Related Building Permit Applications

N/A

Building Permit Application No(s):

Related Preliminary Project Assessments (PPA)

N/A

PPA Application No:

PPA Letter Date:

PROJECT INFORMATION

Project Description:

Please provide a narrative project description that summarizes the project and its purpose. Please list any special authorizations or changes to the Planning Code or Zoning Maps if applicable.

The project entails interior renovations on the ground floor and basement, signage, and new exterior doors for a Cannabis Retail Store.

Project Details:

- Change of Use New Construction Demolition Facade Alterations ROW Improvements
 Additions Legislative/Zoning Changes Lot Line Adjustment-Subdivision Other _____

- Residential:** Senior Housing 100% Affordable Student Housing Dwelling Unit Legalization
 Inclusionary Housing Required State Density Bonus Accessory Dwelling Unit

Indicate whether the project proposes rental or ownership units: Rental Units Ownership Units Don't Know

- Non-Residential:** Formula Retail Medical Cannabis Dispensary Tobacco Paraphernalia Establishment
 Financial Service Massage Establishment Other: _____

Estimated Construction Cost: \$450,000

PROJECT AND LAND USE TABLES

	Existing	Proposed	
General Land Use	Parking GSF	0	0
	Residential GSF	2,541	2,541
	Retail/Commercial GSF	4,395	4,395
	Office GSF		
	Industrial-PDR	0	0
	Medical GSF	0	0
	Visitor GSF	0	0
	CIE (Cultural, Institutional, Educational)	0	0
	Useable Open Space GSF	746	746
	Public Open Space GSF	0	0

Project Features	Dwelling Units - Affordable	0	0
	Dwelling Units - Market Rate	1	1
	Dwelling Units - Total	1	1
	Hotel Rooms	0	0
	Number of Building(s)	1	1
	Number of Stories	2	2
	Parking Spaces	1	1
	Loading Spaces	1	1
	Bicycle Spaces	0	8
	Car Share Spaces	0	0
Other: _____			


Land Use - Residential	Studio Units	0	0
	One Bedroom Units	0	0
	Two Bedroom Units	0	0
	Three Bedroom (or +) Units	1	1
	Group Housing - Rooms	0	0
	Group Housing - Beds	0	0
	SRO Units	0	0
	Micro Units	0	0
	Accessory Dwelling Units For ADUs, list all ADUs and include unit type (e.g. studio, 1 bedroom, 2 bedroom, etc.) and the square footage area for each unit.	0	0


ENVIRONMENTAL EVALUATION SCREENING FORM





This form will determine if further environmental review is required.


If you are submitting a Building Permit Application only, please respond to the below questions to the best of your knowledge. You do not need to submit any additional materials at this time, and an environmental planner will contact you with further instructions.

If you are submitting an application for entitlement, please submit the required supplemental applications, technical studies, or other information indicated below along with this Project Application.

Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
1a. General	Estimated construction duration (months):	N/A	
1b. General	Does the project involve replacement or repair of a building foundation? If yes, please provide the foundation design type (e.g., mat foundation, spread footings, drilled piers, etc)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Transportation	Does the project involve a child care facility or school with 30 or more students, or a location 1,500 square feet or greater?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit an Environmental Supplemental- School and Child Care Drop-Off & Pick-Up Management Plan .
3. Shadow	Would the project result in any construction over 40 feet in height?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, an initial review by a shadow expert, including a recommendation as to whether a shadow analysis is needed, may be required, as determined by Planning staff. (If the project already underwent Preliminary Project Assessment, refer to the shadow discussion in the PPA letter.) An additional fee for a shadow review may be required.
4a. Historic Preservation 	Would the project involve changes to the front façade or an addition visible from the public right-of-way of a structure built 45 or more years ago or located in a historic district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a complete Historic Resource Determination Supplemental Application. Include all materials required in the application, including a complete record (with copies) of all building permits.
4b. Historic Preservation	Would the project involve demolition of a structure constructed 45 or more years ago, or a structure located within a historic district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, a historic resource evaluation (HRE) report will be required. The scope of the HRE will be determined in consultation with CPC-HRE@sfgov.org .

 Please see the [Property Information Map](#) or speak with Planning Information Center (PIC) staff to determine if this applies.

Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
5. Archeology 	Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeologically sensitive area or eight (8) feet below grade in a non-archeologically sensitive area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, provide depth of excavation/disturbance below grade (in feet*): <i>*Note this includes foundation work</i>
6. Geology and Soils 	Is the project located within a Landslide Hazard Zone, Liquefaction Zone or on a lot with an average slope of 20% or greater? ----- Area of excavation/disturbance (in square feet): 0 ----- Amount of excavation (in cubic yards): 0 -----	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project: <ul style="list-style-type: none"> ● The project involves: <ul style="list-style-type: none"> ○ excavation of 50 or more cubic yards of soil, or ○ building expansion greater than 1,000 square feet outside of the existing building footprint. ● The project involves a lot split located on a slope equal to or greater than 20 percent. <i>A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.</i>
7. Air Quality 	Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollutant Exposure Zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, the property owner must submit copy of initial filed application with department of public health. More information is found here .
8a. Hazardous Materials	Would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a Phase I Environmental Site Assessment prepared by a qualified consultant.
8b. Hazardous Materials 	Is the project site located within the Maher area and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a copy of the Maher Application Form to the Department of Public Health. Also submit a receipt of Maher enrollment with the Project Application. For more information about the Maher program and enrollment, refer to the Department of Public Health's Environmental Health Division . <i>Maher enrollment may also be required for other circumstances as determined by Environmental Planning staff.</i>

 Please see the [Property Information Map](#) or speak with Planning Information Center (PIC) staff to determine if this applies.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.



Sharon Cox

Signature

Name (Printed)

08/08/19

Date

Authorized Agent

415 260-6889

cox@plintharch.com

Relationship to Project
(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



CONDITIONAL USE AUTHORIZATION

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding Conditional Use Authorization applications.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS A CONDITIONAL USE AUTHORIZATION?

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

WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

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

Fees

Please refer to the [Planning Department Fee Schedule](#) available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at 415.558.6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.



CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 2222 Bush Street

Block/Lot(s): 0659 / 006

Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

Conditional Use for Cannabis Retail

Conditional Use Findings

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

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

(1) The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the Non-Residential Use Size limitations for the district in which the use is located, the following shall be considered:

(A) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

(B) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

(C) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

See Exhibit A

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

See Exhibit A

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

See Exhibit A

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

See Exhibit A

APPLICANT'S AFFIDAVIT

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- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

Signature

Sharon Cox

Name (Printed)

08/08/19

Date

Authorized Agent

415 260-6889

Phone

cox@plintharch.com

Email

Relationship to Project
(i.e. Owner, Architect, etc.)

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

APPLICANT'S AFFIDAVIT

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- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.



Sharon Cox

Signature

Name (Printed)

08/08/19

Date

Authorized Agent

415 260-6889

cox@plintharch.com

Relationship to Project
(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 2222 Bush Street

Block/Lot(s): 0659 / 006

Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

Conditional Use for Cannabis Retail

Conditional Use Findings

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

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

(1) The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the Non-Residential Use Size limitations for the district in which the use is located, the following shall be considered:

(A) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

(B) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

(C) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

See Exhibit A

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

See Exhibit A

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

See Exhibit A

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

See Exhibit A

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.



Sharon Cox

Signature

Name (Printed)

08/08/19

Date

Authorized Agent

415 260-6889

cox@plintharch.com

Relationship to Project
(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

EXHIBIT A

CONDITIONAL USE FINDINGS

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(C)(1)(A-C)

The Upper Fillmore Street Neighborhood Commercial District is a medium-scaled, multi-purpose commercial district encompassing a variety of neighborhood-serving businesses and a variety of businesses with clientele that is citywide. Commercial businesses are active during both day and evening and include a number of bars, restaurants, specialty grocery and clothing stores.

The existing wood frame building that is proposed to house the Liberty SF store is two stories tall with a traditional design 25' wide storefront. The height and width is typical of this neighborhood commercial district. Liberty is not making any changes to the storefront of their proposed store. They will repaint the façade and add new signage. The store and storefront treatment will be very compatible with the neighborhood.

Liberty San Francisco is a desirable use in that it will be a different type of cannabis dispensary. Liberty's model is focused cannabis education and the well-being of its customers. The store will offer a wide array of wellness-oriented cannabis products, many of which will not contain THC, the psychoactive ingredient in the cannabis plant. Liberty's 40% equity partner, Timothy Made' Omi's, will use long term connections in the Northern California area to source locally from farmers who are struggling to make it in the legal marketplace.

Liberty will offer a different, educational based experience and the highest quality cannabis in the city. Liberty continually engineers new strains of medical marijuana, adjusting terpene and cannabinoid profiles to relieve debilitating illnesses resistant to traditional medication. Liberty's expanding variety of adult-use cannabis products are manufactured to the same pharmaceutical-grade standards as their medications.

Liberty has proven itself to be a force for good. Liberty has dedicated a percentage of its annual revenue to combat opiate addiction and support recovery efforts. In 2018 alone, Liberty donated more than \$100,000 to fund addiction related research, including the Pennsylvania pilot study evaluating the impact of medical marijuana on opioid overdoses and mortality rates.

For this Lower Pacific Heights neighborhood, Liberty will create a Community Investment Fund, funded through contributions of a percentage of profits from the sale of Liberty branded products sold in the store. A Community Advisory Board made up of members and leaders of the local community will decide how to utilize this fund for the benefit of the neighborhood.

Beyond financial commitments, Liberty will provide educational seminars and lecture series. Liberty's ultimate goal: to improve the quality of life for our customers and inform neighbors about the potential benefits of cannabis and its many applications.

Both Timothy Made' Omi and his partner Josh Genderson have a long history establishing their commitment to helping people to wellness.

1a. (per 303 (C)(1)(A-C)

(A) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

(B) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

(C) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

The ground floor retail store will be 2,252 square feet in size, within the range of an allowable typical neighborhood commercial district retail store. The Liberty leased space comes with an additional 2,143 square feet of space in the basement bringing to total area over the non-residential use size for the district. The basement has historically been used by the ground floor retail tenant such that this project does not increase the size of an existing non-residential use.

This additional area is not visible from the street and therefore does not affect the scale of development in the district. The basement space will be used for secure storage of stock. Having the additional stock area will allow deliveries to be less frequent and therefore allow the store to function with less impact on the neighborhood. The overall size of the leased area will not have any impact on other neighborhood serving uses.

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of the persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity with respect to aspects including but not limited to the following:

a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structures.

The height and bulk of the existing building will remain the same. The 25' wide lot width is in scale with the neighborhood.

The Project will involve interior tenant improvements, as well as installation of new signage on the first floor of the building's exterior. These improvements will activate the existing ground-floor retail space at the Property by providing a desirable and appropriately-scaled new neighborhood serving amenity. Increased pedestrian traffic to the property throughout the day will increase safety in the area.

b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading:

The proposed location is located in close proximity to several major Muni crosstown bus lines, the 38 Geary, 38 Limited, 22 Fillmore, 2 Clement and 3 Jackson.

Vehicular and pedestrian traffic will be similar to the patterns of typical retail sales and there will not be a significant change to either the property or any other improvements within the vicinity. Secure loading will take place off street in the rear yard such that it will not impact traffic patterns. The increase in pedestrian traffic is seen as a benefit to the neighborhood.

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

There are no features that produce noxious or offensive emissions in this project. All products sold will be air-tight packaged. All waste will be disposed of in a manner according to the state regulations which will prevent any odors from escaping. There will be no on-site consumption and Liberty will actively enforce a 150' radius prohibition of consumption.

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

The existing building has no front yard. Store manager parking and loading will take place in the gated secured rear yard. The existing rear gate to Wilmot Street screens all views into the loading area. Bush street exterior lighting will be limited to external and internal sign lighting.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

This business complies with the intent of the Neighborhood Commercial Zoning and will not adversely affect the General Plan. The project is consistent with the General Plan eight priority policies listed below:

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

Timothy Made' Omi, the equity partner, is a local resident of many years. The staff of approximately 15 full time and 10 part time staff will also be hired locally. Liberty is an equal opportunity employer and believes that a diverse company is vital to facilitating innovation and promoting a safe and happy workplace environment. As such, Liberty has developed a comprehensive plan to ensure that individuals from various backgrounds are afforded an equal opportunity to join our team in a meaningful way.

Liberty is dedicated to promoting from within. The combination of industry leading training, compensation, benefits and upward mobility has made working at a Liberty store an intensely sought out position.

Liberty SF plans to cooperate with other local businesses for Fillmore Street events and for other promotions to enhance the desirability of the Fillmore Street retail corridor. A stronger and more diverse retail corridor will preserve and enhance opportunities of other businesses and opportunities for employment.

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

Liberty SF will not change the building's storefront other than paint color and signage. The character of the building will remain very much as it is today. The character and scale of the business is comparable to others in that neighborhood.

There will be no effect on the residential unit within this building. The property owners, independent of Liberty SF, are proceeding with re-establishing a residential use on the second floor of the building.

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

This new use has no effect on the supply of affordable housing.

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

Liberty SF will offer Muni monthly transportation passes as part of the employment package as well as secure bicycle parking in the rear yard of the property for employees. The store manager will have parking available in the rear yard.

Liberty will not burden the streets beyond that of a typical retail store and less than neighboring restaurant uses while extending the vitality of Fillmore street corridor.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

This store does not affect uses for the City's industrial or service sectors and does not contain a commercial office development.

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

As a low rise wood frame building, the property has a low likelihood of damage in an earthquake. Liberty SF will implement an earthquake preparedness plan.

7. That Landmarks and historic buildings are preserved.

No changes to the exterior of the building are proposed other than new paint and signage.

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

No additions to the existing building envelope are proposed, and the building has no impact on parks or open space.

4. The use or feature satisfies criteria specific to the use of features listed in the Planning Code Section 303(g) et seq.:

(w) Cannabis Retail. With respect to any application for the establishment of a new Cannabis Retail Use, in addition to the criteria set forth in subsections (c) and (d) above, 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.

The proposed location is situated approximately one mile from the nearest Cannabis Retail location. There are no businesses in the immediate area that are a magnet for youth, and the store location is approximately half a mile from the nearest high school.

Liberty SF is committed to promoting a mature and educated use of cannabis, and the design of the storefront, signage and lobby visible from the street is not targeted to attract the attentions of a youth culture.