

Flore Group Time Presentation Outline
Case No. 2018-002060CUA: 258 Noe Street

DTNA and Duboce Triangle Neighbors support approval of the Flore Project but with specific Conditions, conditions that were crafted after considerable discussion and negotiation, to address the serious concerns that the neighborhood has regarding the Flore Store. Terrance Alan, the Project Sponsor and Flore Store CEO, has agreed to the conditions, but they must be acknowledged and memorialized by this Commission.

There are 4 primary neighborhood areas of concern that are addressed by the Conditions and which the DTNA asks the Planning Commission to adopt as Conditions of Use in approving the Flore Project.

The Concerns are:

1. The project sponsor of The Flore Store is a corporation, the majority of which is owned by yet another corporation, and that corporation is owned by a long list of investors from all across the country. The largest stockholder, we are told, is an investor from Los Angeles. The convoluted ownership structure and the likelihood of ownership and management changes over time make it particularly important that the agreed conditions be memorialized in the Conditions of Use, to the extent possible, and that the Planning Commission review the project in coming years to ensure that it is abiding by its agreed conditions and that its neighborhood impact is positive or benign, as we hope and expect it to be.
2. 258 Noe Street itself is a unique property located at the end of a short side strip off the main Market Street Commercial Corridor at the entrance to our residential neighborhood, buffered only by the small Noe-Beaver Community Garden. There is a commercial kitchen at the rear of 258 Noe Street that provides food for the Flore Restaurant that is across the street. Sometime ago a portion of the north wall of 258 Noe Street, adjacent to the Community Garden, was removed to provide adequate breezeway access to the kitchen in case of fire. This left PG&E boxes and cables exposed to public view and allowed unhindered access to the (locked) Community Garden, as 258 Noe's sidewalk gate could not be locked per the Fire Department.

Also, the Noe-Beaver corner has been stressed with Drug Use. In fact, the Noe-Beaver Community Garden itself was originally a Mini-Park which became a gathering point for the homeless and drug use until, some time ago, a fight broke out and ended with a homeless man being killed on a Beaver Street neighbor's front steps. The next day the Mini-Park was made a Community Garden.

3. The project will displace a long-time established neighborhood business that has strong ties to residents and may not be able to relocate in the Upper Market. DTNA has never before been asked to support a project which would involuntarily displace a neighborhood merchant, and this has troubled us, especially considering the many retail vacancies in our commercial corridor. The Flore Store's agreement to provide relocation assistance to the existing salon was essential in our decision to support the project.
4. Past behavior by the property owner of the Flore Restaurant and 258 Noe Street has created a strong measure of distrust and suspicion as to whether agreements will be honored over time. Terrance Alan has done his best to distance himself from this distrust, but it remains.

Furthering neighborhood distrust, the first two sets of plans submitted to Planning under the supervision of Jeremy Paul, the Project's expediter, were inaccurate, did not show the non-conforming commercial office space on the residential second floor of the property, and recorded an inaccurate width of the breezeway at 4-feet (which would allow for building a fence on 258 Noe Street property) when in fact it was only 3 -feet 1-inch, a width that precluded building a fence there because of Building Code and Fire Code requirements. Only within the last 30 days were accurate plans finally submitted, and only after a site visit by the Planner discovered the inaccuracies.

The Conditions that DTNA and Neighbors ask the Commission to Adopt as Conditions of Use are documented in the letter of October 2, 2019, from David Troup, DTNA Land Use Chair, to Planning Commission President Myrna Melgar and Members of this Commission.

Our Conditions include:

To address the issues of 258 Noe Street:

1. No on-site drug consumption in 258 Noe Street or its backyard.
2. No cannabis or drug related graphics or advertising on the front awning, exterior of 258 Noe Street or in the planned mural on the North wall of 258 Noe Street adjacent the Community Garden.
3. That the commercial kitchen in 258 Noe Street be kept operationally and physically separate from the Flore Cannabis Store and that there be no use or preparation of cannabis-containing products in any form in the commercial kitchen.
4. That the Flore Store provide security personnel on-site to monitor the front of the store and 100 feet adjacent during all hours the store is

open, plus 30 minutes before opening and 30 minutes after closing, and provide 24/7/365 day video surveillance of these areas, with recorded video retained for a minimum of 90 days and made available to law enforcement upon any request.

5. That Flore Store fund the building of a new wooden fence of maximum permissible height along the length of the 258 Noe breezeway separating the Noe-Beaver Community Garden, atop or aligned with the existing retaining wall between the two properties.
6. That the Flore Store complete the upgrade of the north and east sides of 258 Noe Street as described in current plans prior to commencing cannabis sales.

To Address neighborhood distrust regarding keeping agreements:

1. That the Planning Department review the project for compliance at one, two, and five years after Conditional Use approval.

To address the displacement and retention in the Upper Market of the current 258 Noe Street tenant:

Terrance Alan has made a private agreement to provide financial assistance to Gloss 'n Glam, the current 258 Noe Street tenant, with the intent of allowing them to relocate and build out another suitable space in the neighborhood and continue their business in the Upper Market.

Terrance Alan has worked with the neighborhood in good faith to address many neighborhood concerns. *Terrance updated the plans as inaccuracies were brought to his attention. The non-conforming second floor office space was converted to storage space, something the kitchen will actually need as the Flore Cannabis Store plans call for including the current kitchen storage space within the footprint of the Cannabis store.*

Terrance removed the 258 Noe Street's rotted, collapsed backyard shed that was overgrown with ivy and was a breeding ground for vermin; has entered into an agreement with Rec & Park to fund the building and painting of a fence on the Community Garden land adjacent the breezeway that will return security to the garden and screen the PG&E boxes and cables from public view; and has agreed to fund the Upper Market/Castro CBD's fees for inclusion of the sidewalk margins of the Community Garden in the CBD sidewalk cleaning program until such time that Rec & Park provides funding.

DTNA asks that Planning Commission include as Conditions of Use the Conditions that DTNA and the Project Sponsor have agreed upon.

Received at CPC Hearing 10/10/19
G. Pantoja

From: Marty
To: Pantoja, Gabriela (CPC)
Subject: Record Number: 2018-016284DRP
Date: Thursday, October 10, 2019 11:05:52 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms Pantoja,

I am forwarding this email on request from my neighbor Mary Fama (4023 26th st. SF)

Thank you,
Marty Cohen

----- tear here -----

Begin forwarded message:

From: Mary Fama <mimizella@gmail.com>
Date: August 26, 2019 at 3:01:29 PM PDT

When I lived in Mpls, Minnesota I frequented a nearby shopping area similar to Noe Valley. A coffee shop in that neighborhood began roasting their own beans. It was a nasty sharp burnt smell, the smell lingered like cigarette smoke. The shops smelled too. They roasted week days, I chose to shop elsewhere. If Maricar begins roasting beans, I don't get to choose another home to live in during roasting days.

The smell of roasting beans doesn't smell like coffee brewing. Anyone who claims it smells like fresh coffee brewing either has never actually smelled roasting beans (for hours) or they are lying.

I garden 2 to 3 hours daily, my garden is awesome. If Mariecar roasts beans I will be gardening in heavily burnt coffee air daily. And since we open our windows for fresh air, (we do not have an air purifying system) our home will be permeated with burnt coffee stink. Burnt coffee smell is heavy and doesn't waft out as easily as it wafts in.

Do not allow Maricar to set up and roast coffee beans.

From: Brad Bettinger
To: Pantoja, Gabriela (CPC)
Subject: RE: Record Number: 2018-016284DRP
Date: Wednesday, October 09, 2019 6:24:29 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Pantoja,

My bedroom is approximately 250 feet from Spin City. I am sensitive to toxic air contaminants. I oppose the provision to allow coffee roasting on site at Spin City using the Vortex smoke abatement device. The amount of formaldehyde or acetaldehyde emissions would be at 90% of the trigger levels defined by BAAQMD. This has the potential of making my life so uncomfortable that I would be forced to sell the house I have lived in for 28 years and move.

Sincerely,

Bradley Bettinger, MD, FACR
4022 Cesar Chavez St
San Francisco CA 94131
Cell: 415-515-7512
Fax: 888-437-8377

From: Luke Spray <lukespray@gmail.com>

Date: October 9, 2019 at 1:59:27 PM PDT

To: myrna.melgar@sfgov.org, joel.koppel@sfgov.org, frank.fung@sfgov.org,
milicent.johnson@sfgov.org, kathrin.moore@sfgov.org,
dennis.richards@sfgov.org, commissions.secretary@sfgov.org

Subject: Support for Noe Valley Coffee

President Melgar & fellow Commissioners,

My name is Luke Spray and I live at 135 Clipper Street in Noe Valley, where I have lived for the past four years. For nearly all of that time I've had the pleasure of knowing Maricar and her team at Noe Valley Coffee, and I write to you today to express my full support for their proposed change of use.

Noe Valley Coffee has been an excellent neighbor, and I'm thrilled to see them expand into a more robust operation. Maricar has created a true community hub where neighbors gather to share coffee, snacks, and stories. It is the type of business that celebrates and fosters the social fabric that is so important to the culture of our City. It is the type of business that makes new San Franciscans fall in love, and reminds old San Franciscans that the City still retains its magic.

Considering all of this, I urge you to approve this project immediately. I also encourage you to reconsider the process that enables ill-intentioned neighbors to jeopardize a project without merit. I would like to live in a City where small, women-owned businesses with a broad level of neighborhood support can easily expand their operations to meet community needs. The years of delays that I have observed have shown that we do not yet live in that kind of City, and it is the responsibility of leaders like yourself to create the conditions needed for merchants like this to thrive.

Thank you,

Luke Spray

From: Stan Posey
To: Pantoja, Gabriela (CPC)
Subject: Hearing for No. 2018.1129.6993
Date: Tuesday, October 08, 2019 12:32:15 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi, this is Stan Posey, I just left you a vmail. My number is 408 207 7439.

I live at 3980 26th St. and was sent a notice about a public hearing on 10 Oct for Permit No. 2018.1129.6993.

I have expressed my deep concern before to the BAAQMD who largely ignored these concerns!

What is my next step? What proof points do you require? I plan to attend the hearing on Thu at 1 pm.

Here is it for your review:

- **This location is urban dense and is not place for a roaster with children just downwind (winds flow easterly)**
 - **There are 8 children total within 150 feet and downwind (easterly) of the roaster stack!**
 - **There is a disabled stage 4 cancer stricken adult within 90 feet and downwind (easterly) of the roaster stack!**
- **My family of 3 has an 8 year old child in the upper unit 3980 26th St**
 - There are 2 other families in the building, **a total of 4 children**
 - Middle unit has family of 3 with a 2 yo child – 3978 26th St
 - Lower unit has family of 4 with a 10 and 12 year old children – 3976 26th St
- We have a roof top deck which I measured is 89 feet from the toxic roaster stack! (I can send a photo)
 - **My 8 year old on the deck will be subject to easterly winds of the roaster toxic pollutants!**
- **One mother in the building has Stage 4 metastatic breast cancer and is disabled!**
 - She should not be subject to potential respiratory problems in addition
- **A family of 5 with 3 children aged 7, 5, and 1 (yes newborn) live just next to our building going East!**

Thank you.

--

Stan Posey

NVIDIA

Program Manager

Earth System Science and CFD Solutions Development

sposey@nvidia.com

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Pantoja, Gabriela (CPC)

From: Devon Watts <devonwatts@gmail.com>
Sent: Wednesday, October 02, 2019 10:16 AM
To: Pantoja, Gabriela (CPC)
Subject: Support for Spin City change of use application

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SF Planning Department,

I am writing this letter of support for the request for a Change of Use at Spin City at 1299 Sanchez St. We are neighbors and customers, and we look forward to enjoying the expanded cafe and coffee roaster.

Spin City has been a partner in strengthening the Noe Valley community. It is a safe, clean meeting place where every community member is welcomed.

My young children and I come to Spin City almost daily, and we are always greeted by friendly staff and neighbors. We hope you will approve the expansion of this wonderful neighborhood cafe.

Thank you,

Devon Watts
3742 26th Street
San Francisco, CA 94110

devonwatts@gmail.com
(415) 823-9565



Received at CPC Hearing 10/10/19
J. Horn 584 Castro Street #333
San Francisco CA 94114-2512

415/431-2359

formerly "Merchants of Upper Market & Castro – MUMC"

Info@CastroMerchants.com
www.CastroMerchants.com

Masood Samereie, President

Commissioners:

Thank you for this opportunity to comment briefly.

I am Masood Samereie, President of Castro Merchants, which has about 300 Members in San Francisco's Castro/Upper Market area.

The proposed Flore Store location is within our primary service area. The business (and adjacent Flore Café) are both active Castro Merchants Members. Our Letter of Support is in your packets for this Hearing.

- The Flore Store will serve an important new retail consumers' need in our area.
- It will be operated knowledgeably, professionally, and securely.
- The owners tell us that The Flore Store's success is important to the continued operation of the adjacent Flore Café, which is a treasured institution in the Castro, and under similar ownership.
- We also are pleased to see in your Hearing packets that The Flore Store has resolved some issues, reached agreement with, and received important support from the local neighborhood residents' organization.

I appreciate this opportunity to confirm Castro Merchants' support for The Flore Store.

Masood Samereie

Masood Samereie, CASTRO MERCHANTS President

CmNotesFloreStorePlanningMs101019

Horn, Jeffrey (CPC)

From: J W <r2sdayx@gmail.com>
Sent: Wednesday, October 09, 2019 5:23 PM
To: CPC-Commissions Secretary; Horn, Jeffrey (CPC); MandelmanStaff, [BOS]; Board of Supervisors, (BOS); Office of Cannabis (ADM)
Cc: 285NoeStore@gmail.com
Subject: Support 258 Noe Street Retail Cannabis Case # 2018-002060CUA

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SF Planning Department and District Supervisor Mandelman,

I am writing to ask for your yes vote on the Conditional Use request for a cannabis retail store at 258 Noe Street scheduled for hearing on September 19, 2019. Cannabis retail at 258 Noe will be a positive impact on the surrounding businesses, bringing new and much needed shoppers, add heightened security, offer good paying jobs and give a boost to the commercial diversity of the Upper Market and Castro areas.

My name is JC Walker, I've lived in San Francisco for over 40 years.

I was involved with Diet Popstitute & KLUBSTiTUTE in the 1990s when we put on the 1st benefit show for Prop 215. About this time Diet introduced me to Terrance Alan. We were also producing a play I wrote called Rocky Horror Superstar & not having a budget & needing a place to rehearse I contacted Terrance who had a huge warehouse for his restaurant supply business & offered him cheap rent to rehearse in his space. He agreed, made us very welcome & didn't charge us anything.

A couple years later I wanted to bring the play back & hopefully raise enough money to produce it better. I didn't really know him well but Terrance had been supportive before & had enjoyed the show so I approached him. I knew he knew more people with money than I did so I hoped he could help connect me with several people who might invest in the show. He told me he really supported queer arts but had never done theater & wanted to learn, so he would produce the whole show. WOW!!

He put in lots of time & a whole lot of money & allowed me to put on a better show than I ever envisioned. We ran for over a month at the Victoria & had great reviews & big crowds but the theater reneged on a promise to let us extend the show, they booked in someone else without telling us. As a result Terrance lost a ton of money but still paid the cast a bonus at the end even though all had been performing for free just for the love of performing.

Over the years he continued working with the KLUBSTiTUTE KOLLECTiVE as we did various shows & also put on the Virgin Queen and Faux Queen Pageants, which were benefits that raised thousands of dollars for various community charities while he donated all his time.

Over the years since he has remained active in his support for the queer community & for San Francisco.

I fully support him & his partners in this endeavor as I am sure he will bring the same generosity of spirit & commitment to this project that he has brought to others.

Sincerely JC Walker, 10/8/19

Received at CPC Hearing 10/10/19
J. Horn

Horn, Jeffrey (CPC)

From: Michael <sfrumprdr@gmail.com>
Sent: Wednesday, October 09, 2019 7:24 AM
To: Horn, Jeffrey (CPC)
Subject: Reference: 258 Noe St, San Francisco, CA 94114

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Jeff

Reference: 258 Noe St, San Francisco, CA 94114

I understand there is a public meeting scheduled for October 10th.

I would like to express a very poor decision by the City of San Francisco Planning to allow an established, a one person, active business to move out of the area (Gloss and Glam on Noe street in the Castro) so that a another retail marajuna shop can take over. Why relocating one active business for another when there are plenty of empty store fronts available.

Relocation for a salon is hard on the owner but the customers will follow. What about the rest of the building and its future ??

It was stated that an ilegal Air BnB was being run from the upper floor unit. So now lets reward them for breaking an San Francisco law??

Please consider the effect your commission is having on the character of the neighborhood.

Thank you

Michael Leonhardt
Phone 650-991-3920