



EXECUTIVE SUMMARY

CONDITIONAL USE AUTHORIZATION

HEARING DATE: MARCH 25, 2021

Record No.: 2020-006747CUA
Project Address: 3109 Fillmore Street
Zoning: Union Street Neighborhood Commercial (NCD) Zoning District
40-X Height and Bulk District
Block/Lot: 0515/009
Project Sponsor: Jeremy Paul
Quickdraw Permit Consulting
584 Castro Street #466
San Francisco, CA 94114
Property Owner: Wendy and Regan Caponi
563 11th Avenue
San Francisco, CA 94118
Staff Contact: Michael Christensen – (628) 652-7567
Michael.Christensen@sfgov.org

Recommendation: Approval with Conditions

Project Description

The Project includes a change of use of an approximately 1,300 square foot on the second floor of a three-story commercial building from Retail to Cannabis Retail, including authorization of an on-site smoking and vaporizing consumption lounge. No exterior alterations or expansion of the building are proposed.

Required Commission Action

For the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 202.3, 303, and 725 to allow a Cannabis Retail use operating on the second floor within the Union Street NCD Zoning District.

Issues and Other Considerations

- **On-Site Consumption.** The project includes a request for Type C consumption (smoking or vaporizing of cannabis products). The proposed consumption lounge is at the rear of the building, beneath a third-floor space that is used as an Office (non-residential). There is no residential use on the project site. The proposed consumption room, if approved, will be subject to the requirements of Health Code Article 8A, which include:
 - The Designated Smoking room must have a separate heating, ventilation, and air-conditioning (HVAC) system such that none of the air in the Designated Smoking Room will be recirculated into other parts of the Cannabis Business' Premises.
 - The air from a Designated Smoking Room must be directly exhausted to the outdoors by a filtration system that, at a minimum, eliminates all odor and smoke.
 - Smoke from the Designated Smoking Room must not drift to other portions of the Premises.
 - The Designated Smoking Room must be completely separated from the remainder of the Premises by solid partitions or glazing without openings other than doors, and all doors leading to the Designated Smoking Room must be self-closing. All doors to the Designated Smoking Room must be installed with a gasket to provide a seal where the door meets the stop.
- **Public Comment & Outreach.**
 - **Support/Opposition:** The Department has received four emails in opposition to the Project. The emails generally cited concern over traffic and public intoxication. Additionally, comments in opposition cited concern with “customers that come with this kind of business.” One individual contacted Department staff and cited concern with the compatibility of a cannabis consumption lounge with the surrounding context, particularly with the bar use downstairs.
 - **Outreach:** The Project Sponsor conducted a Community Meeting on May 21, 2020 and has also met directly with local businesses and residents to discuss the Project.
- **Compatibility with Bar Use.** The ground floor tenant space of the subject property is occupied by a Bar use (dba Comet Club), which is operated by Regan Caponi, the owner of the subject property and a partial owner of the proposed Cannabis Retailer. Studies have shown that concurrent consumption of any amount of alcohol with cannabis greatly increases the rate of absorption of THC, the psychoactive component of cannabis¹. Given that the proposed Project would place a cannabis consumption lounge on the same site as an existing alcoholic beverage consumption space, it is desirable for the public health and safety to discourage persons under the influence of alcohol from also consuming cannabis products. This approval is conditioned to require that the Cannabis Retailer deny entry into the establishment to any person who appears to be under the influence of alcohol.
- **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

¹ Clinical Chemistry, Volume 61, Issue 6, 1 June 2015, Pages 850–869, <https://doi.org/10.1373/clinchem.2015.238287>

permit from the City's Office of Cannabis for a Cannabis Retailer or a Medicinal Cannabis Retailer has been issued.

- o The closest approved Cannabis storefront is located at 2414 Lombard Street (dba the Apothecarium), approximately 1,600 feet from the Project Site. This site is a Medical Cannabis Dispensary with temporary authorization to conduct adult use sales while being converted to a Cannabis Retailer.
- o In the general vicinity, the following locations were identified as potentially sensitive sites that do not disqualify the location from being used as a Cannabis Retailer:
 - Kids Club Preschool: 161 Pixley Street, 210' from Project Site
 - Young Explorers Preschool: 2145 Filbert Street, 290' from Project Site
 - Circle of Friends Preschool: 265 Moulton Street, 510' from Project Site
 - Little Gators Preschool: 3149 Steiner Street, 525' from Project Site
 - Marina Middle School: 3500 Fillmore Street, 990' from Project Site
- **Equity Program.** The licensing application to the City's Office of Cannabis was submitted by DeShawn Davis, who was determined to meet the criteria of an Equity Applicant. Under Police Code Section 1613, "no permit to operate as a Storefront Cannabis Retailer shall be granted if any individual holding a legal or beneficial interest in the proposed Storefront Cannabis Retailer already holds a legal or beneficial interest in four or more existing Storefront Cannabis Retailers..." The applicant is the listed equity applicant on only this application.

Environmental Review

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

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the purpose and intent of the Union Street NC Zoning District and the Objectives and Policies of the General Plan, and that the Project meets all applicable requirements of the Planning Code. 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 Application



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: MARCH 25, 2021

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ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 202.2, 303, AND 725, TO ALLOW A CHANGE OF USE ON THE SECOND FLOOR OF AN EXISTING THREE-STORY COMMERCIAL BUILDING FROM RETAIL TO CANNABIS RETAIL, LOCATED AT 3109 FILLMORE STREET, LOT 009 IN ASSESSOR'S BLOCK 0515, WITHIN THE UNION STREET NC (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICTS AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On July 20, 2020, Jeremy Paul of Quickdraw Permit Consulting (hereinafter "Project Sponsor") filed Application No. 2020-006747CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to change the use of the 1,300 square foot second floor space of a three-story commercial building from Retail to Cannabis Retail (hereinafter "Project") at 3109 Fillmore Street, Block 0515 Lot 009 (hereinafter "Project Site").

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

On March 25, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2020-006747CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2020-006747CUA is located at 49 South Van Ness Avenue, Suite 1400, 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. 2020-006747CUA, 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 a change of use of an approximately 1,300 square foot on the second floor of a three-story commercial building from Retail to Cannabis Retail, including authorization of an on-site smoking and vaporizing consumption lounge. No exterior alterations or expansion of the building are proposed.
3. **Site Description and Present Use.** The site is developed with a three-story commercial building. Historically the building contained one commercial unit and two residential units on upper floors. Prior to 1990, the upper floor units were removed and converted to non-residential uses, and Retail uses have operated in the second-floor space. The ground floor is occupied by a Bar (dba Comet Club) and the second-floor space is currently vacant.
4. **Surrounding Properties and Neighborhood.** The surrounding neighborhood is developed with a mix of Residential and Mixed-Use structures ranging from one to four stories in height. The surrounding neighborhood has a mix of Retail, Restaurant, Bar, and Entertainment uses. Higher intensity uses align the Lombard Street corridor, located two blocks north of the Project.
5. **Public Outreach and Comments.** The Department has received four emails in opposition to the Project. The emails generally cited concern over traffic and public intoxication. Additionally, comments in opposition cited concern with “customers that come with this kind of business.” One individual contacted Department staff and cited concern with the compatibility of a cannabis consumption lounge with the surrounding context, particularly with the bar use downstairs. The Project Sponsor conducted a Community Meeting on May 21, 2020 and has also met directly with local businesses and residents to discuss the Project.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use.** The Union Street NCD requires a Conditional Use Authorization for Cannabis Retail uses on the second floors of buildings.

The Project is requesting Conditional Use Authorization in compliance with this Section. Cannabis Retailers are prohibited from selling alcohol products within their establishments, but there is not prohibition on operating a Cannabis Retailer on the same parcel as a separate and distinct establishment that sells alcohol products.
 - B. **Use Size.** Within the Union Street NC Zoning District, the Planning Code principally permits individual Non-Residential Uses at up to 2,499 square feet.

The Project would provide a 1,300 square feet (sq ft) Cannabis Retail use which is compliant with this

requirement.

- 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. **Hours of Operation.** There are no limits on hours of operation in the Mixed-Use General Zoning District. State law limits hours of operation for Cannabis Retailers to between 6am and 10pm.

No limit on hours of operation is set at the local level. The Project is required under State law to cease operation between 10pm and 6am.

- E. **Street Frontage in Mixed Use Districts.** Section 145.1 of the Planning Code requires that within Mixed Use Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space complies with this requirement and shall be maintained in compliance with this Section. No significant modification to the front façade is proposed, and the interior changes do not impact compliance with this Section.

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

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project provides a use that is necessary and desirable, and compatible with the surrounding neighborhood and community, in that it activates an existing commercial space at the same size of the existing space, thus bringing additional goods and services to the local area. The Project would further the City's goal of balancing the distribution of Cannabis Retail uses in the City by providing an additional outlet for the City's northern neighborhoods, including the Marina and Cow Hollow, which have historically had limited access.

- 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 visible bulk of the existing building will remain the same. 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 any uses, and the site is very well served by transit services.

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

The Project proposes a Cannabis Retail use which does include an on-site smoking or vaporizing space. The smoking and vaporizing lounge will be reviewed by the Department of Public Health for compliance with Article 8A of the Health Code, which sets physical design and operating standards for Designated Smoking Rooms. The standards provide that no smoke or odor may leave the Designated Smoking Room, and that air vented from the space must be filtered such that no smoke or odor is detectible prior to exhaust from the Site. As such, sufficient safeguards against smoke or odor are afforded to the Project.

- (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 Zoning District.

The Project provides for activation of an existing commercial space, providing goods and services to the surrounding neighborhood and diversifying the types of business in the area. As such, it is in conformity with the purpose of the Union Street NCD.

- 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.”

In the December 2019 report titled “[Cannabis in San Francisco: A Review Following Adult Use Legalization](#),” the City Controller’s Office identified the Mission and South of Market Neighborhoods as more concentrated with Cannabis Retail uses in comparison to the balance of San Francisco. The approval of this application would contribute to the balance and even distribution of Cannabis Retail uses in the City by providing an additional outlet in the City’s northern neighborhoods, which historically have not accommodated these uses. This will reduce the need for customers to travel to other neighborhoods in the City for purchase cannabis products for medical or general use.

The closest approved Cannabis storefront is located at 2414 Lombard Street (dba the Apothecarium), approximately 1,600 feet from the Project Site. This site is a Medical Cannabis Dispensary with temporary authorization to conduct adult use sales while being converted to a Cannabis Retailer.

Within the general area are four preschools, all of which are at least 200’ from the Project Site. By providing a regulated, legal market within the neighborhood, the proposed business would further discourage unregulated sales, making youth access to cannabis products more restricted.

- 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 OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

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

Policy 3.2:

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

OBJECTIVE 4

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

Policy 4.8:

Provide for the adequate security of employees and property.

OBJECTIVE 6

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

Policy 6.2

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

EASTERN SOMA AREA PLAN

Objectives and Policies

OBJECTIVE 6.1

SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS.

Policy 6.1.3:

Provide business assistance for new and existing small businesses in the Eastern Neighborhoods.

The Cannabis industry provides great potential for the City in that it is a rapidly expanding industry, with very highly developed equity ownership, hiring, and procurement requirements, that employs blue-collar workers with wages and benefits typically far higher than other types of retail services. The City Controller's Office December 2019 report titled, ["Cannabis in San Francisco: A Review Following Adult Use](#)

Legalization,” found that crime rates, particularly property crimes, generally decreased in the areas immediately surrounding Cannabis storefronts and dispensaries, compared to an overall increase Citywide. The uses are extremely regulated both at the State and local level, and following any Planning Department approval of a site, additional outreach still occurs to develop a Good Neighbor Policy, Security Plans (with review by SFPD), and Odor Mitigation Plans. By activating existing retail spaces in the City (which suffer from high vacancy rates), employing many blue-collar workers, furthering the City’s equity goals, and providing alternative medicines that are recognized as helping many residents suffering through pain, Cannabis Retail projects further many of the goals of the City’s General Plan and area plans.

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.

No housing is impacted by the Project. The building exterior is maintained, preserving neighborhood character.

- 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 extremely well-served by transit. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking.

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

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

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

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

- G. That landmarks and historic buildings be preserved.

No impact to the Historic Resource status is caused by the Project, which proposes only minor exterior alterations.

- 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. 2020-006747CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated May 6, 2020, 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 March 25, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: March 25, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a 1,300 sq ft Cannabis Retail use located on the second floor of an existing three-story commercial building located at 3109 Fillmore Street, Block 0515 Lot 009 pursuant to Planning Code Section(s) 202.2, 303, and 725 within the Union Street NCD Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated **May 6, 2020**, and stamped “EXHIBIT B” included in the docket for Record No. 2021-006747CUA and subject to conditions of approval reviewed and approved by the Commission on March 25, 2021 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 March 25, 2021 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

Design – Compliance at Plan Stage

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

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

9. **Signage.** Signs and awnings shall be subject to review and approval by Planning Department.

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

Monitoring - After Entitlement

10. **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

- 11. 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

- 12. 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>

- 13. 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

- 14. On-Site Consumption.** On-site consumption of cannabis products, including smoking or vaporizing of cannabis products, is permitted as an accessory use to this Cannabis Retail use, subject to approval by the Department of Public Health.

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

- 15. Customer Management.** The Cannabis Retail establishment shall develop a protocol to screen customers at entry. Any customers who appear to be under the influence of alcohol shall be denied entry into the establishment.

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

ABBREVIATIONS

@	AT	INT.	INTERIOR
#	CENTERLINE	JST	JOIST
°	NUMBER	JT	JOINT
°	DEGREE(S)	KIT.	KITCHEN
o	DIAMETER	KPL.	KICKPLATE
±	PLUS or MINUS	LAM.	LAMINATED
(N)	NEW	LVR.	LOUVER
A.F.F.	ABOVE FINISH FLOOR	MAX.	MAXIMUM
A/C	AIR CONDITIONING	MECH.	MECHANICAL
ABV	ABOVE	MEMB.	MEMBRANE
ACOUS.	ACOUSTICAL	MET.	METAL
AD	AREA DRAIN	MFR	MANUFACTURER
ADJ	ADJACENT	MIN.	MINIMUM
ADJUS.	ADJUSTABLE	MISC.	MISCELLANEOUS
ALT.	ALTERNATE	MTD	MOUNTED
APPROX.	APPROXIMATE	MULL.	MULLION
ARCH.	ARCHITECT	N.I.C.	NOT IN CONTRACT
B.U.	BUILT UP	N.T.S.	NOT TO SCALE
BD	BOARD	NO.	NUMBER
BET.	BETWEEN	O.A.	OVERALL
BLDG	BUILDING	O.C.	ON CENTER
BLK	BLOCK	O.D.	OUTSIDE DIAMETER
BLKG	BLOCKING	OPP.	OPPOSITE
BM	BEAM	P-LAM	PLASTIC LAMINATE
BOT.	BOTTOM	P.BD	PARTICLE BOARD
CAB.	CABINET	PLY WD	PLYWOOD
CER.	CERAMIC	PNL	PANEL
CIRC.	CIRCLE	R.O.	ROUGH OPENING
CLG	CEILING	R.T.W.	RETAINING WALL
CLOS.	CLOSET	REF.	REFERENCE
CLR.	CLEAR(ANCE)	REFL.	REFLECTED
CNTR	COUNTER	REFR	REFRIGERATOR
COL.	COLUMN	REG.	REGISTER
CONC.	CONCRETE	REINF.	REINFORCING
CONST.	CONSTRUCTION	REQ.	REQUIRED
CONT.	CONTINUOUS	REV.	REVISION
CONTR.	CONTRACTOR	RM	ROOM
CPT	CARPET	S.C.	SOLID CORE
CTR	CENTER	S.E.	STRUCTURAL ENGINEERING
DBL	DOUBLE	S.U.D.	SPECIAL USE DISTRICT
DEMO.	DEMOLITION	SECT.	SECTION
DET.	DETAIL	SF	SQUARE FOOT
DF	DOUGLAS FIR	SHT	SHEET
DIA.	DIAMETER	SIM.	SIMILAR
DIM.	DIMENSION	SKYLT	SKYLIGHT
DN	DOWN	SPEC.	SPECIFICATION
DR	DOOR	SQ.	SQUARE
DS	DOWNSPOUT	ST.	STEEL
DW	DISHWASHER	STD	STANDARD
DWG	DRAWING	STOR.	STORAGE
DWR	DRAWER	STRUCT.	STRUCTURAL
EA.	EACH	SUSP.	SUSPENDED
EL.	ELEVATOR	T&G	TONGUE & GROOVE
ELEC.	ELECTRICAL	T.B.D.	TO BE DETERMINED
ELEV.	ELEVATION	T.O.	TOP OF
ENCL.	ENCLOSE(URE)	T.V.	TELEVISION
EQ.	EQUAL	TEL.	TELEPHONE
EQUIP.	EQUIPMENT	TEMP.	TEMPERED
EST.	ESTIMATE	THK.	THICKNESS
EXH.	EXHAUST	THRESH.	THRESHOLD
EXIST. or (E)	EXISTING	TYP.	TYPICAL
EXP.	EXPANSION	U.O.N.	UNLESS OTHERWISE NOTED
EXT.	EXTERIOR	UNFIN.	UNFINISHED
F.F.	FINISH FLOOR	V.I.F.	VERIFY IN FIELD
F.O.C.	FACE OF CONCRETE	VCT	VINYL COMPOSITE TILE
F.O.F.	FACE OF FINISH	VEN.	VENEER
F.O.S.	FACE OF STUD(S)	VERT.	VERTICAL
FAU	FORCED AIR UNIT	W.C.	WATER CLOSET
FIN.	FINISH(ED)	W.P.	WATERPROOF
FLR.	FLOOR	W/	WITH
FLUOR.	FLUORESCENT	W/H	WATER HEATER
FP	FIREPLACE	WD	WOOD
FT	FOOT/FEET	WR	WATER RESISTANT
FTG	FOOTING	WT	WEIGHT
FURR.	FURRED/FURRING		
FUT.	FUTURE		
G.C.	GENERAL CONTRACTOR		
G.F.I.	GROUND FAULT INTERRUPT		
GA.	GAGE		
GEN.	GENERAL		
GL.	GLASS/GLAZING		
GYP.	GYPNUM		
H.C.	HOLLOW CORE		
H.V.A.C.	HEATING VENTILATING		
HD	HEAD		
HDR	HEADER		
HDWR	HARDWARE		
HGT	HEIGHT		
HORIZ.	HORIZONTAL		
INSUL.	INSULATION		

GENERAL NOTES

- ALL DIMENSIONS ARE TO FACE OF FINISH, UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL REVIEW ALL PLANS AND SPECIFICATIONS TO COORDINATE WITH EXISTING BUILDING CONDITIONS. ANY VARIANCES AND / OR DISCREPANCIES THAT ARISE IN THE ABOVE REVIEW SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY FOR RESOLUTION.
- DISCREPANCIES IN DIMENSION OR LAYOUT SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION.
- DO NOT SCALE DRAWINGS!
- DESIGN AND CONSTRUCTION SHALL CONFORM TO ALL GOVERNMENT CODES AND ORDINANCES: 2019 CALIFORNIA & SAN FRANCISCO CODES, INCLUDING BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, AND PLANNING.
- ALL MANUFACTURED ARTICLES, MATERIALS AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED, USED, CLEANED, ADJUSTED, AND CONDITIONED AS DIRECTED BY THE MANUFACTURER UNLESS HEREIN SPECIFIED TO THE CONTRARY.
- ALL MATERIALS SHALL BE NEW AND UNUSED, UNLESS OTHERWISE NOTED, AND OF THE HIGHEST QUALITY IN EVERY RESPECT. ALL WORK SHALL BE DONE IN A THOROUGH, WORKMANLIKE MANNER COMPLYING WITH ALL APPLICABLE CODES AND ORDINANCES. WORKMANSHIP SHALL BE EQUAL TO THE BEST STANDARDS OF PRACTICE.
- ALL DIMENSIONS NOTED "VERIFY" SHALL BE CHECKED BY THE CONTRACTOR PRIOR TO CONSTRUCTION AND REPORTED TO THE ARCHITECT.
- FEATURES OF CONSTRUCTION NOT FULLY SHOWN SHALL BE OF SAME CHARACTER AS SHOWN FOR SIMILAR CONDITIONS.
- ELECTRICAL SUBCONTRACTOR SHALL FURNISH AND INSTALL, COMPLETE, ALL MATERIALS, EQUIPMENT AND LABOR AS SHOWN AND IS NECESSARY FOR A COMPLETE WORKABLE SYSTEM. ALL MATERIALS SHALL BE NEW AND FREE FROM ANY DEFECTS. ALL ELECTRICAL MATERIALS AND EQUIPMENT SHALL BE LISTED BY UNDERWRITERS LABORATORIES.
- EXHAUST SYSTEM SHALL CONFORM TO ALL GOVERNMENT CODES AND ORDINANCES.
- MECHANICAL SUBCONTRACTOR SHALL PERFORM ALL TESTING REQUIRED BY CODES.
- ELECTRICAL AND PLUMBING CONTRACTORS ARE RESPONSIBLE FOR THE FILING OF THEIR OWN PERMITS.
- THE BUILDING, ITS GROUNDS AND THE NEIGHBORING BUILDINGS, PROPERTIES AND STREET SHALL BE PROTECTED FROM ANY DAMAGE THAT MAY OCCUR DUE TO THIS WORK. ANY DAMAGES THAT OCCUR ARE THE FINANCIAL RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- ALL WASTE AND REFUSE CAUSED BY THE WORK SHALL BE REMOVED FROM THE PREMISES AND DISPOSED OF BY THE CONTRACTOR. THE PREMISES SHALL BE LEFT CLEAN AND CLEAR TO THE SATISFACTION OF THE ARCHITECT.
- GENERAL CONTRACTOR GUARANTEES ALL MATERIAL AND WORKMANSHIP FOR A PERIOD OF ONE YEAR AFTER SUBSTANTIAL COMPLETION.

PROJECT DATA

OWNER:	REGAN CAPONI DBA COMET CLUB 3111 FILLMORE STREET SAN FRANCISCO, CA 94123
ARCHITECT:	LEVY ART + ARCHITECTURE 2501 BRYANT STREET SAN FRANCISCO, CA 94110 415.641.7320
PROJECT ADDRESS:	3109 FILLMORE STREET SAN FRANCISCO, CA 94123
ASSESSOR'S BLOCK:	BLOCK #0515 / LOT #009
ZONING:	DISTRICT 2 MARINA NCD UNION STREET NEIGHBORHOOD COMMERCIAL
OCCUPANCY (BLDG CODE):	M (PROPOSED PROJECT) ABOVE A-2 OCCUPANCY ON GROUND FLOOR
USE:	RETAIL SALES ABOVE FOOD/BEVERAGE HANDLING
CONSTRUCTION TYPE:	VB
PROPOSED STORIES/BASEMENT:	3 STORIES/ 0 BASEMENT
EXISTING STORIES/BASEMENT:	3 STORIES/ 0 BASEMENT
NO. OF UNITS:	1 GROUND FLOOR COMMERCIAL 1 SECOND FLOOR CANNABIS RETAIL 3 THIRD FLOOR PROFESSIONAL OFFICE SUITES
BUILDING SPRINKLERED:	NONE

PROJECT DESCRIPTION

CONVERT (E) SECOND FLOOR RETAIL TO CANNABIS RETAIL SALES VIA CUA PER SF PLANNING CODE

ALTERATION TO CONSIST OF:

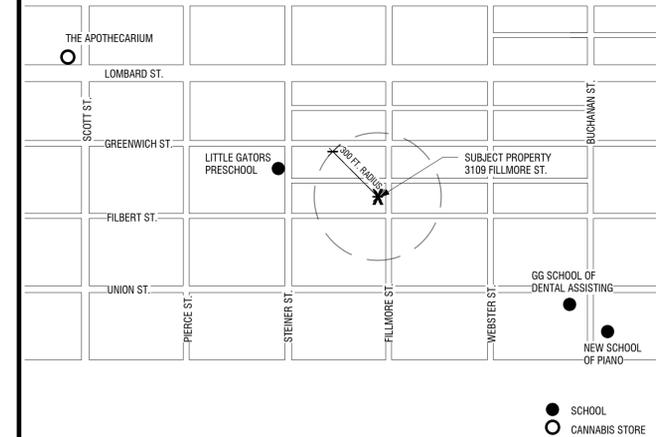
- INSTALL NEW ADA BATHROOM
- INSTALL NEW WOOD FLOORING
- INSTALL NEW SECURE STORAGE ROOM
- INSTALL NEW RETAIL SALES DISPLAY
- PAINT
- INSTALL REQUIRED FILTRATION AND VENTILATION SYSTEMS
- INSTALL NEW LIGHTING PER T-24 STANDARD
- ELECTRICAL AND PLUMBING UNDER SEPARATE PERMITS

BUILDING AREA

CONDITIONED AREA	EXISTING	GROSS PROPOSED AREA
FIRST FLOOR:	2059 SF	2059 SF
SECOND FLOOR:	1307 SF	1307 SF
THIRD FLOOR:	1158 SF	1158 SF
TOTAL:	4524 SF	4524 SF
INCREASE IN AREA:	0 SF	+0 SF

NOTE: ALL AREA CALCULATIONS ARE GROSS SQUARE FEET AS DEFINED BY THE SAN FRANCISCO PLANNING CODE.

SHEET INDEX	
NUMBER	TITLE
A0.1	PROJECT DATA & NOTES
A0.2	SITE PLAN
A1.1	EXISTING 1ST AND 2ND FLOOR PLANS
A1.2	EXISTING 3RD FLOOR/ ROOF PLAN
A2.1	PROPOSED 1ST AND 2ND FLOOR PLANS
SC.1	SECURITY PLAN



VICINITY MAP

SAN FRANCISCO GREEN BUILDING CODE

- CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION - 100% OF MIXED DEBRIS MUST BE TRANSPORTED BY A REGISTER HAULER TO A REGISTER FACILITY AND BE PROCESSED FOR RECYCLING.
- RECYCLING BY OCCUPANTS: PROVIDE ADEQUATE SPACE AND EQUAL ACCESS FOR STORAGE, COLLECTION AND LOADING OF COMPOSTABLE, RECYCLABLE AND LANDFILL MATERIALS.
- CONSTRUCTION SITE RUNOFF POLLUTION PREVENTION - PROVIDE A CONSTRUCTION SITE STORMWATER POLLUTION PREVENTION PLAN AND IMPLEMENT SFPUC BEST MANAGEMENT PRACTICES.
- STORMWATER CONTROL PLAN - PROJECTS DISTURBING ≥ 5,000 SF OF GROUND SURFACE MUST IMPLEMENT A STORMWATER CONTROL PLAN MEETING SFPUC STORMWATER DESIGN GUIDELINES.
- WATER EFFICIENT IRRIGATION - PROJECTS THAT INCLUDE 1,000 SF OR MORE OF NEW OR MODIFIED LANDSCAPE MUST COMPLY WITH THE SAN FRANCISCO WATER EFFICIENT IRRIGATION ORDINANCE.

LEGEND

	EXISTING WALL TO REMAIN		REFERENCE GRID LINE
	EXISTING WALL TO BE DEMOLISHED		SECTION REFERENCE SHEET NUMBER
	PROPOSED WALL		DETAIL REFERENCE SHEET NUMBER
	FIRE RATED WALL (1-HOUR U.O.N.)		
	DOOR TAG		
	WINDOW TAG		
	REVISION		

NO.	DESCRIPTION	BY	DATE



LEVY
ART + ARCHITECTURE

2501 BRYANT STREET
SAN FRANCISCO, CA 94110
415.641.7320
levyaa.com

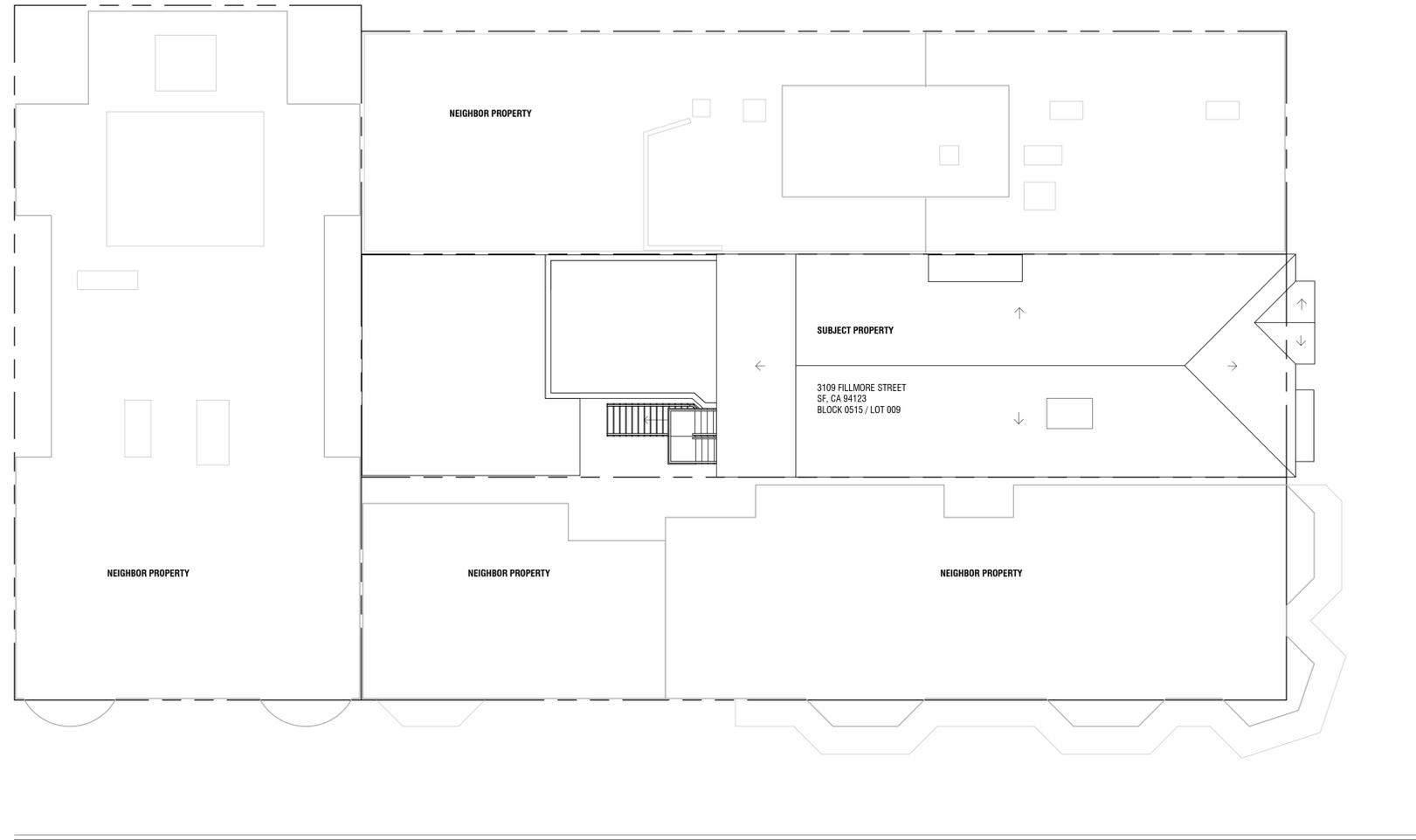


Comet Club
3109 Fillmore Street
San Francisco, CA 94123
BLOCK 0515 / LOT 009

DESCRIPTION	PROJECT DATA & NOTES
DATE	5/06/2020
SCALE	As indicated
DRAWN BY	FW, SM
JOB	Comet Club
SHEET	

A0.1

NO.	DESCRIPTION	BY	DATE



FILBERT STREET

FILLMORE STREET

1 SITE PLAN
1/8" = 1'-0"



LEVY
ART + ARCHITECTURE

2501 BRYANT STREET
SAN FRANCISCO, CA 94110
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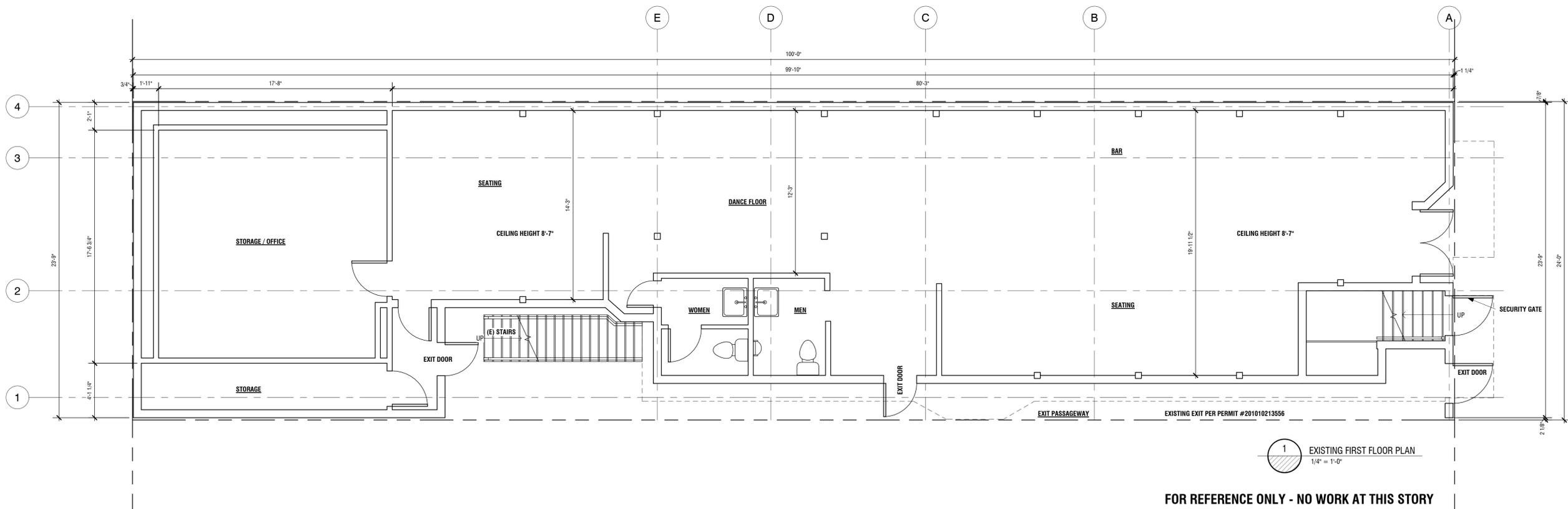
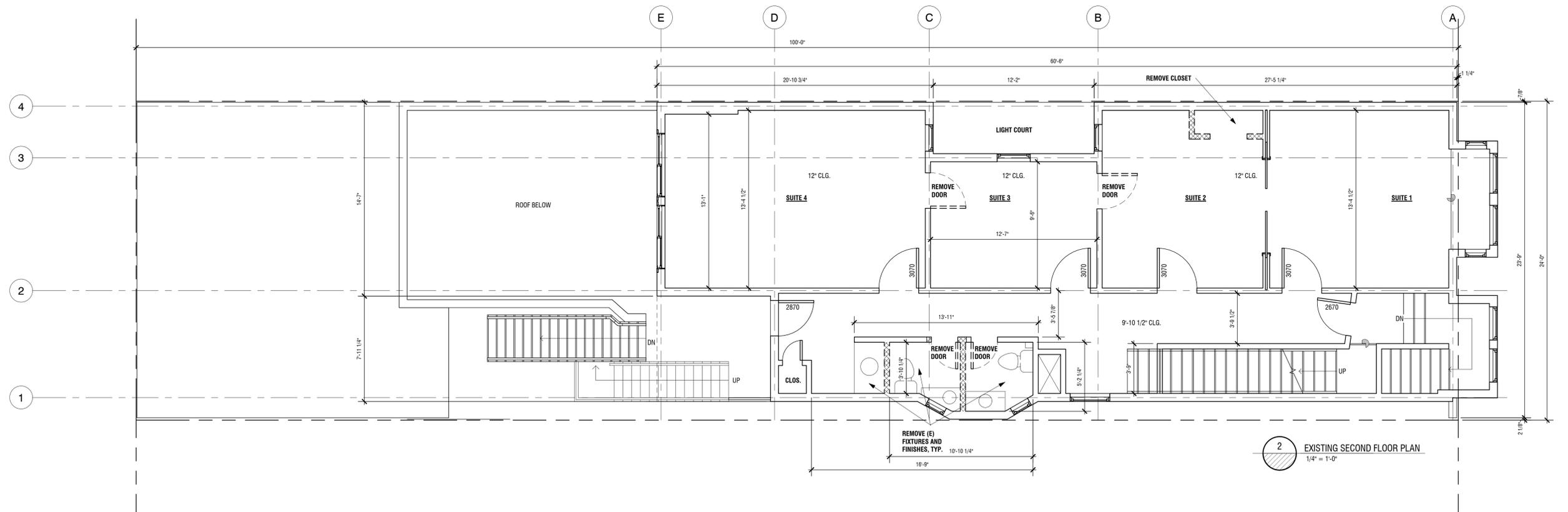


Comet Club
3109 Fillmore Street
San Francisco, CA 94123
BLOCK 0515 / LOT 009

DESCRIPTION	DATE
SITE PLAN	5/06/2020
SCALE	1/8" = 1'-0"
DRAWN BY	FW, SM
JOB	Comet Club
SHEET	A0.2

A0.2

NO.	DESCRIPTION	BY	DATE



2501 BRYANT STREET
SAN FRANCISCO, CA 94110
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levyaa.com



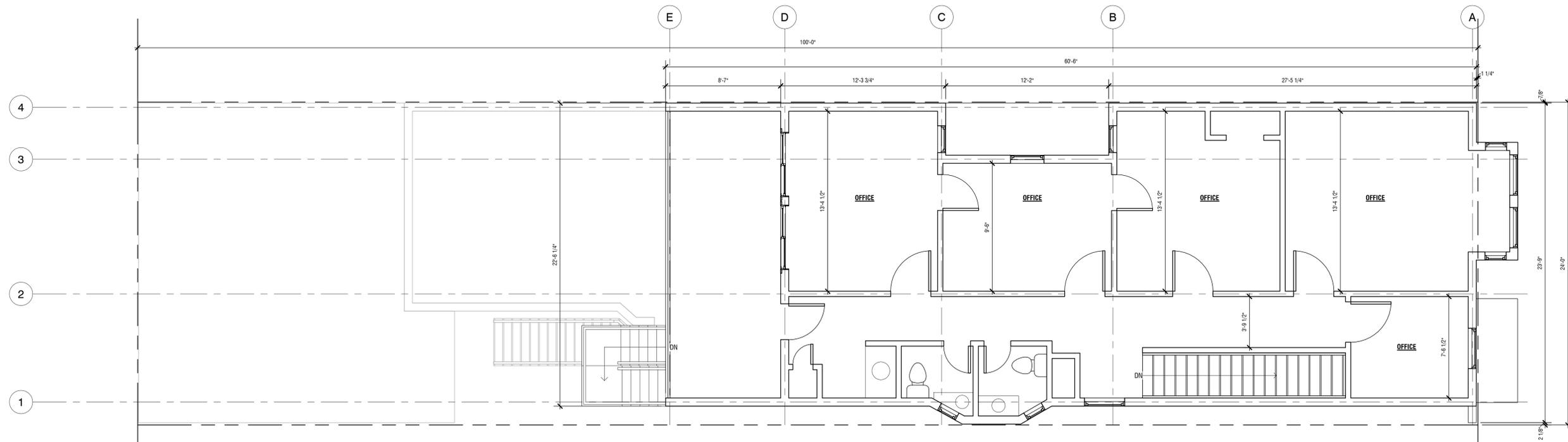
Comet Club
3109 Fillmore Street
San Francisco, CA 94123
BLOCK 0515 / LOT 009

DESCRIPTION
EXISTING 1ST AND 2ND FLOOR PLANS
DATE 5/06/2020
SCALE 1/4" = 1'-0"
DRAWN BY FW, SM
JOB Comet Club
SHEET

A1.1

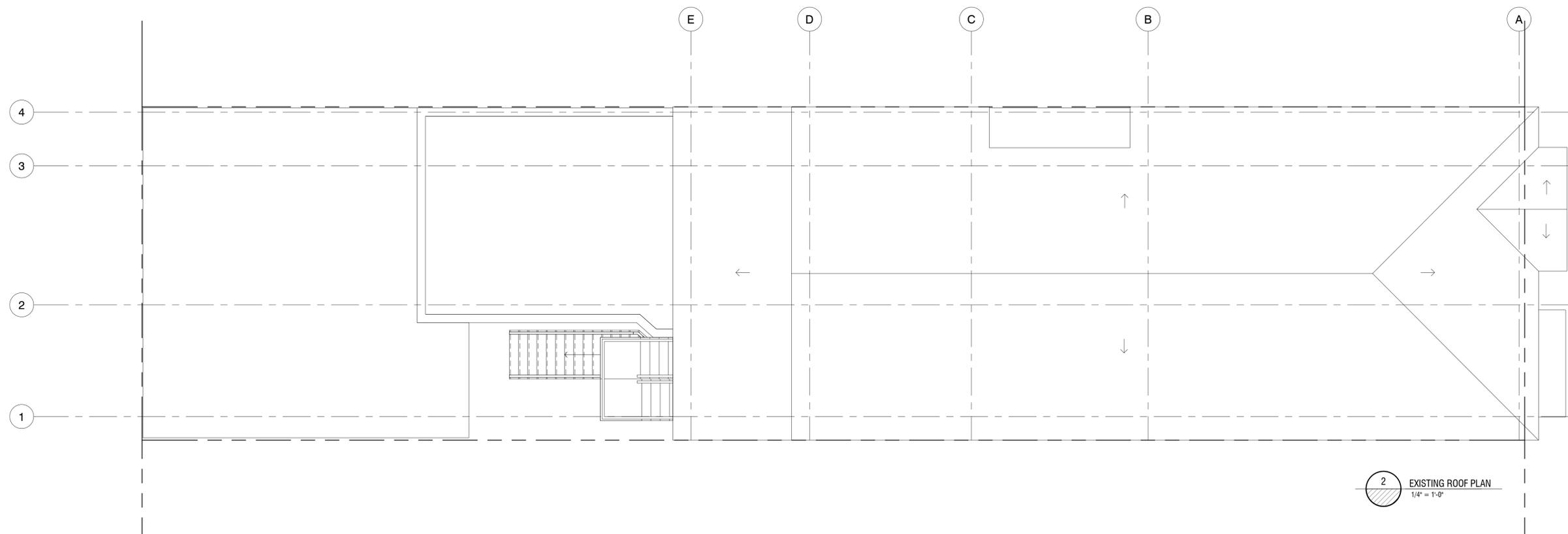


NO.	DESCRIPTION	BY	DATE



1 03-LEVEL 3 EXISTING
1/4" = 1'-0"

FOR REFERENCE ONLY - NO WORK AT THIS STORY



2 EXISTING ROOF PLAN
1/4" = 1'-0"



LEVY
ART + ARCHITECTURE

2501 BRYANT STREET
SAN FRANCISCO, CA 94110
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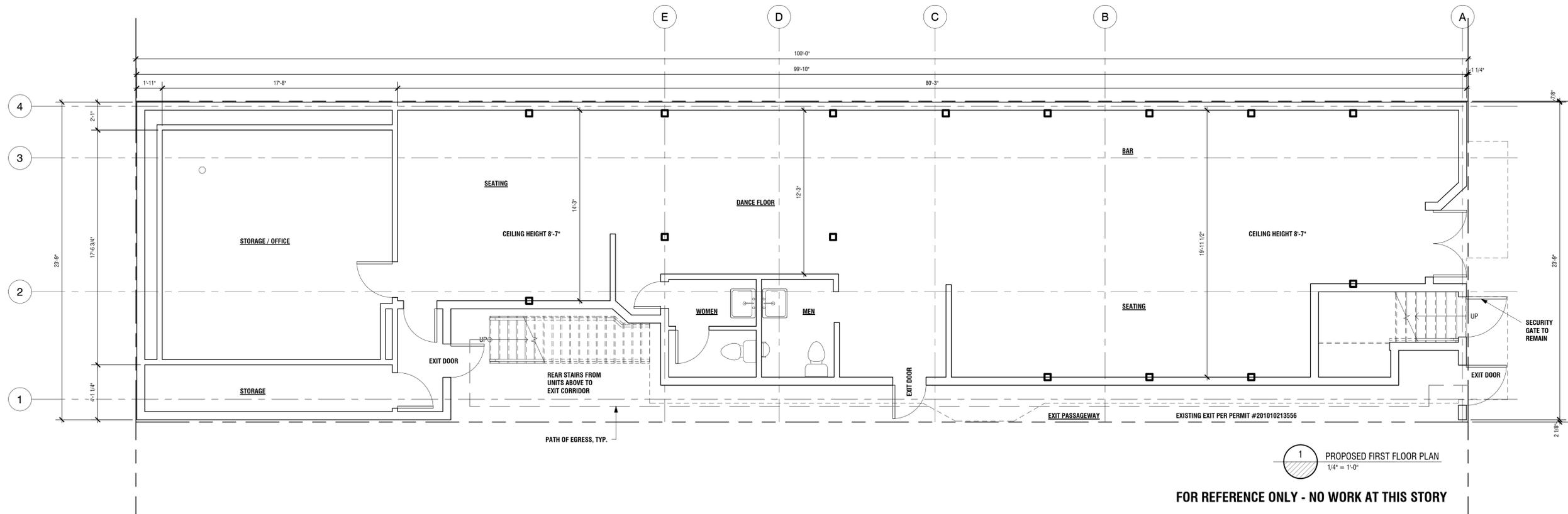
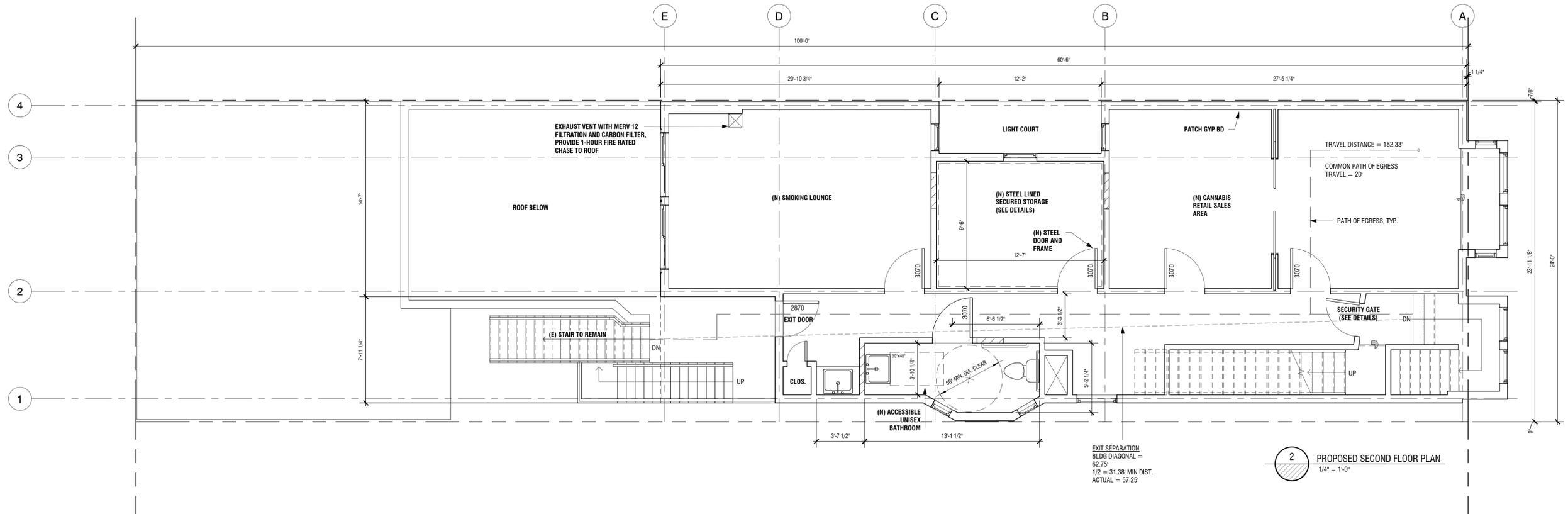


Comet Club
3109 Fillmore Street
San Francisco, CA 94123
BLOCK 0515 / LOT 009

DESCRIPTION
EXISTING 3RD
FLOOR/ ROOF PLAN
DATE 5/06/2020
SCALE 1/4" = 1'-0"
DRAWN BY FW,SM
JOB Comet Club
SHEET

A1.2

NO.	DESCRIPTION	BY	DATE



FOR REFERENCE ONLY - NO WORK AT THIS STORY



LEVY
ART + ARCHITECTURE

2501 BRYANT STREET
SAN FRANCISCO, CA 94110
415.641.7320
levyaa.com



Comet Club
3109 Fillmore Street
San Francisco, CA 94123
BLOCK 0515 / LOT 009

DESCRIPTION
PROPOSED 1ST AND 2ND FLOOR PLANS
DATE 5/06/2020
SCALE 1/4" = 1'-0"
DRAWN BY FW, SM
JOB Comet Club
SHEET

A2.1



CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
3109 FILLMORE ST		0515009
Case No.		Permit No.
2020-006747PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Conditional Use Authorization request for new cannabis retail sales with on-site lounge consumption in existing second-floor.		

STEP 1: EXEMPTION TYPE

The project has been determined to be exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Other _____
<input type="checkbox"/>	Common Sense Exemption (CEQA Guidelines section 15061(b)(3)). It can be seen with certainty that there is no possibility of a significant effect on the environment . FOR ENVIRONMENTAL PLANNING USE ONLY

STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT

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. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to <i>The Environmental Information tab on the San Francisco Property Information Map</i>)</p>
<input type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p>Note that a categorical exemption shall not be issued for a project located on the Cortese List if box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant. (refer to <i>The Environmental Information tab on the San Francisco Property Information Map</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, archeology review is required.</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 <i>The Environmental Information tab on the San Francisco Property Information Map</i>) If box is checked, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Average Slope of Parcel = or > 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? (refer to <i>The Environmental Planning tab on the San Francisco Property Information Map</i>) If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic Hazard: <input type="checkbox"/> Landslide or <input type="checkbox"/> Liquefaction Hazard Zone:</p> <p>Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? (refer to <i>The Environmental tab on the San Francisco Property Information Map</i>) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Michael Christensen</p>	

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

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Property Information Map)</i>	
<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input 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 checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

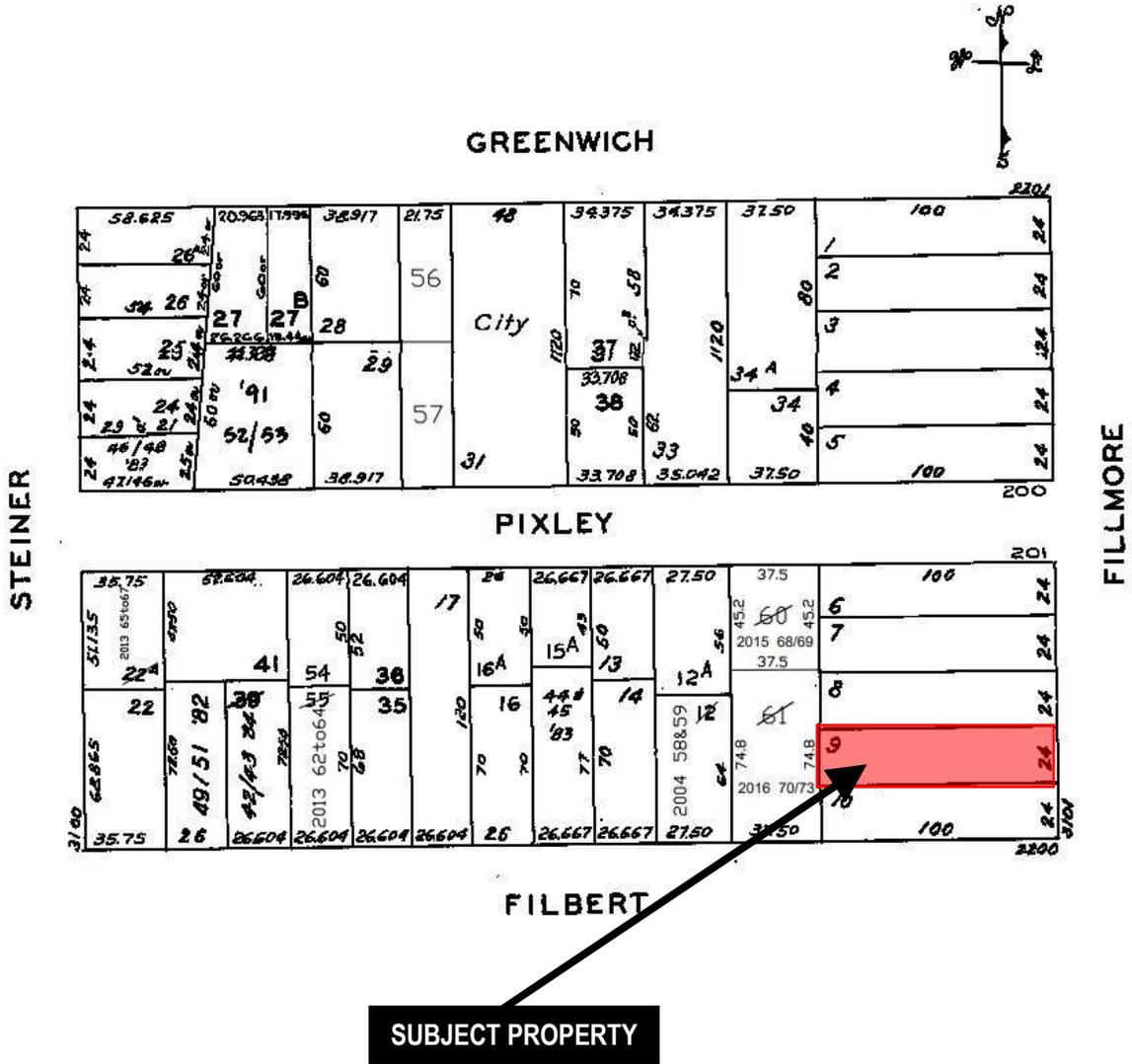
Check all that apply to the project.	
<input type="checkbox"/>	1. Reclassification of property status. <i>(Attach HRER Part I)</i> <input type="checkbox"/> Reclassify to Category A a. Per HRER b. Other <i>(specify):</i> <input type="checkbox"/> Reclassify to Category C <i>(No further historic review)</i>
<input type="checkbox"/>	2. 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"/>	3. Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.
<input type="checkbox"/>	4. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	8. Work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties (Analysis required)</i> :
<input type="checkbox"/>	9. Work compatible with a historic district (Analysis required):
<input type="checkbox"/>	10. Work that would not materially impair a historic resource (Attach HRER Part II).
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with exemption review. The project has been reviewed by the Preservation Planner and can proceed with exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

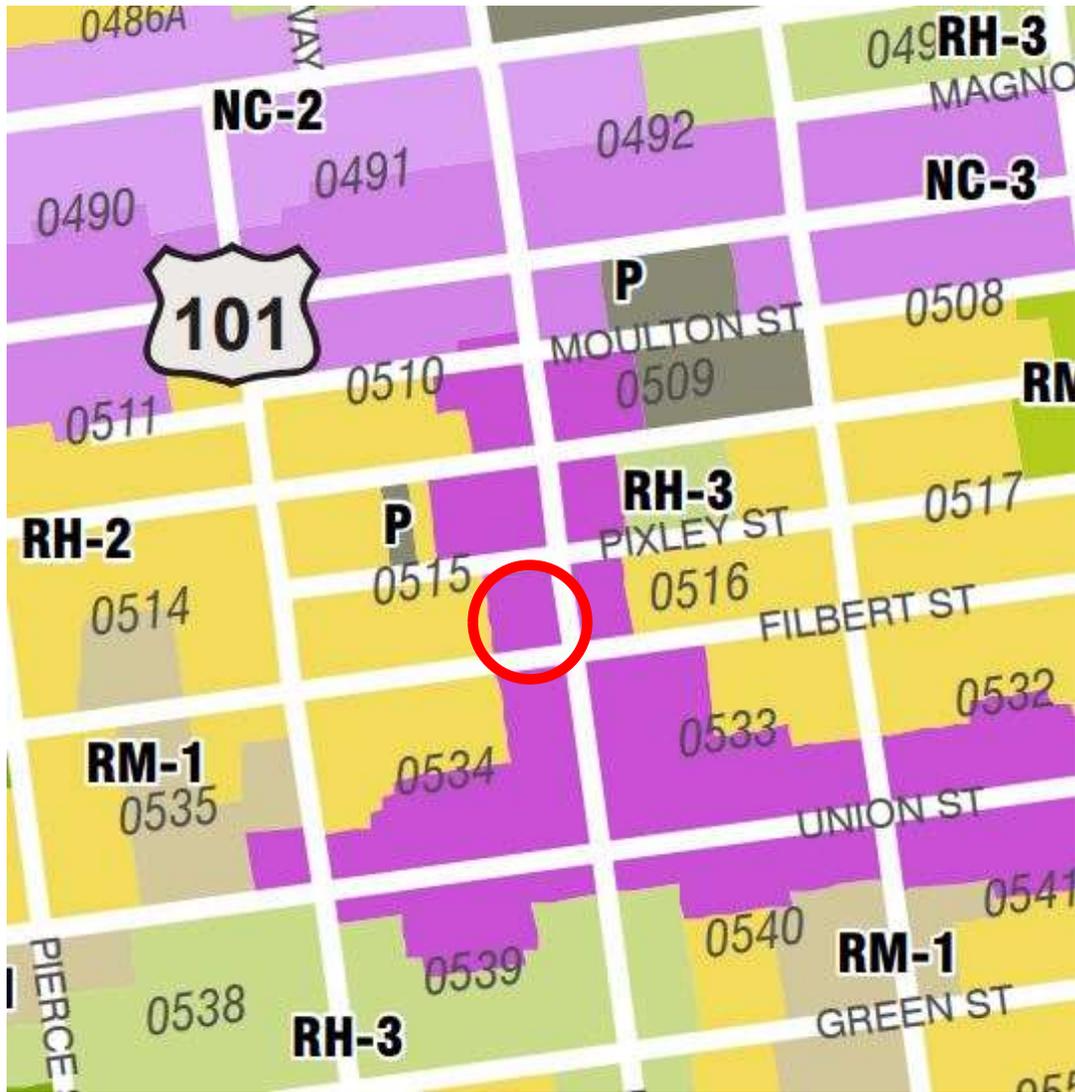
**STEP 6: EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing	Signature: Michael Christensen
		03/18/2021
<p>Once signed or stamped and dated, this document constitutes a n exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors 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.</p>		

Parcel Map

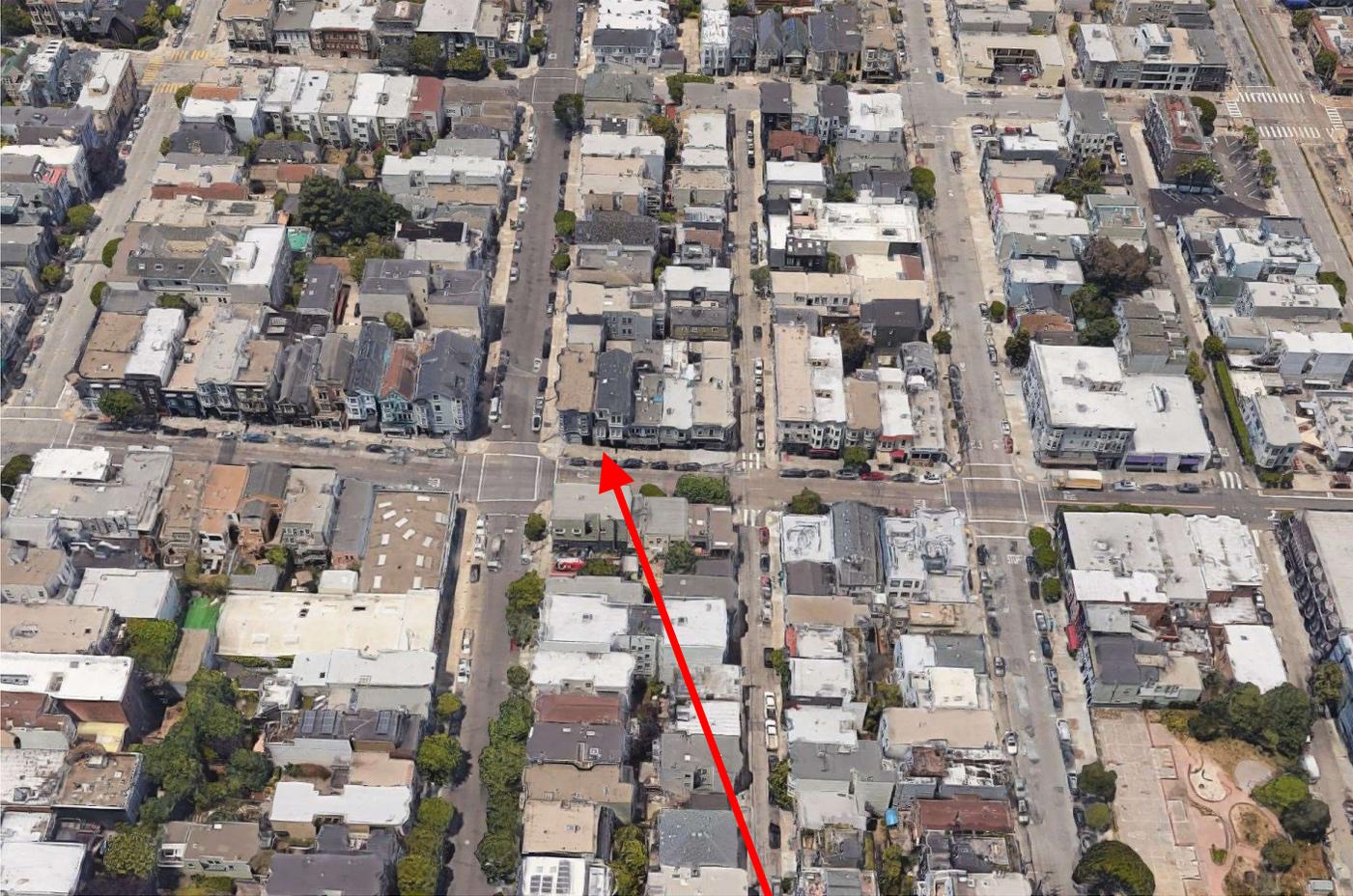


Zoning Map



Conditional Use Authorization Hearing
Case Number 2020-006747CUA
3109 Fillmore Street

Aerial Photo – View 3



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2020-006747CUA
3109 Fillmore Street

Site Photo



Conditional Use Authorization Hearing
Case Number 2020-006747CUA
3109 Fillmore Street



PROJECT APPLICATION (PRJ)

A Project Application must be submitted for any Building Permit Application that requires an intake for Planning Department review, including for environmental evaluation or neighborhood notification, or for any project that seeks an entitlement from the Planning Department, such as a Conditional Use Authorization or Variance.

For more, see the [Project Application Informational Packet](#).

Cost for Time and Materials: Any time and materials exceeding initial fees charged for services provided are subject to billing.

For more information call 415.558.6377, or email the Planning Information Center (PIC) at pic@sfgov.org.

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 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

BUILDING PERMIT APPLICATIONS

HOW TO SUBMIT:

For Building Permit Applications that require intake for Planning Department review, present this Project Application together with the Building Permit Application at the Planning Information Center (PIC), 1660 Mission Street, Ground Floor.

WHAT TO SUBMIT:

- One (1) complete and signed application.
- Two (2) hard copy sets of plans that meet the Department of Building Inspection's submittal standards. Please see the [Planning Department's Plan Submittal Guidelines](#) for more information.
- A Letter of Authorization from the owner(s) designating an Authorized Agent to communicate with the Planning Department on their behalf.
- Pre-Application Meeting materials, if required. See the [Pre-Application Meeting Informational Packet](#) for more information.

Note: The applicable fee amount for Building Permit Applications will be assessed and collected at intake by the Department of Building Inspection at the Central Permitting Bureau at 1660 Mission St, Ground Floor.

(See [Fee Schedule and/or Calculator](#)).

ENTITLEMENTS

HOW TO SUBMIT:

For projects that require an entitlement from the Planning Department (e.g., Conditional Use, Variance), submit a Project Application with any required supplemental applications online at sfplanning.org/resource/prj-application, or to submit in person, submit an [Intake Request Form](#) to CPC.Intake@sfgov.org.

WHAT TO SUBMIT:

- One (1) complete and signed PRJ application, or complete online submittal, including the following:
- An electronic copy (online or USB drive) of plans formatted to print at 11" x 17". Please see the [Department's Plan Submittal Guidelines](#) for more information about the required contents of plan submittals.
- A Letter of Authorization from the owner(s) designating an Authorized Agent to communicate with the Planning Department on their behalf.
- Pre-Application Meeting materials, if required. See the [Pre-Application Meeting Informational Packet](#) for more information.
- Current or historic photograph(s) of the property.
- All supplemental entitlement applications (e.g., Conditional Use, Variance) and information for environmental review, as indicated in this Project Application or in the Preliminary Project Assessment (PPA) letter.
- Payment via check, money order or debit/credit card for the total fee amount for all required supplemental applications. (See [Fee Schedule and/or Calculator](#)).



PROJECT APPLICATION (PRJ)

GENERAL INFORMATION

Property Information

Project Address: _____

Block/Lot(s): _____

Property Owner's Information

Name: _____

Address: _____

Email Address: _____

Telephone: _____

Applicant Information

Same as above

Name: _____

Company/Organization: _____

Address: _____

Email Address: _____

Telephone: _____

Please Select Billing Contact:

Owner

Applicant

Other (see below for details)

Name: _____ Email: _____ Phone: _____

Please Select Primary Project Contact:

Owner

Applicant

Billing

RELATED APPLICATIONS

Related Building Permit Applications (any active building permits associated with the project)

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 required approvals (e.g. Variance) or changes to the Planning Code or Zoning Maps if applicable.

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

Indicate whether a Preliminary Housing Development Application (SB-330) is or has been submitted: Yes No

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

Estimated Construction Cost: _____

PROJECT AND LAND USE TABLES

All fields relevant to the project **must be completed** in order for this application to be accepted.

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

Project Features	Dwelling Units - Affordable		
	Dwelling Units - Market Rate		
	Dwelling Units - Total		
	Hotel Rooms		
	Number of Building(s)		
	Number of Stories		
	Parking Spaces		
	Loading Spaces		
	Bicycle Spaces		
	Car Share Spaces		
	Roof Area GSF - Total		
	Living Roof GSF		
	Solar Ready Zone GSF		
	Other: _____		

Land Use - Residential	Studio Units		
	One Bedroom Units		
	Two Bedroom Units		
	Three Bedroom (or +) Units		
	Group Housing - Rooms		
	Group Housing - Beds		
	SRO Units		
	Micro Units		
	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.		

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.)	Yes	No	
1c. General	Does the project involve a change of use of 10,000 square feet or greater?	Yes	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?	Yes	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?	Yes	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?	Yes	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?	Yes	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?	Yes	No	If Yes, provide depth of excavation/disturbance below grade (in feet*): <i>*Note this includes foundation work</i>
6a. Geology and Soils 	Is the project located within a Landslide Hazard Zone, Liquefaction Zone or on a lot with an average slope of 25% or greater? ----- Area of excavation/disturbance (in square feet): _____ Amount of excavation (in cubic yards): _____	Yes	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 500 square feet outside of the existing building footprint. <i>A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.</i>
6b. Geology and Soils	Does the project involve a lot split located on a slope equal to or greater than 20 percent?	Yes	No	A categorical exemption cannot be issued. Please contact CPC.EPIntake@sfgov.org , once a Project Application has been submitted.
7. Air Quality 	Would the project add new sensitive receptors (residences, schools, child care facilities, hospitals or senior-care facilities) within an Air Pollutant Exposure Zone?	Yes	No	If yes, submit an Article 38 Compliance application with the Department of Public Health.
8a. 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?	Yes	No	If yes, submit a Maher Application Form to the Department of Public Health and submit documentation of Maher enrollment with this Project Application. Certain projects may be eligible for a waiver from the Maher program. For more information, 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>
8b. 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?	Yes	No	If yes, submit documentation of enrollment in the Maher Program (per above), or a Phase I Environmental Site Assessment prepared by a qualified consultant.

 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.

Signature 

Name (Printed)

Date

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:

Block/Lot(s):

Action(s) Requested

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

Conditional Use Findings

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

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. 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).

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.

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.

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

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.

Signature 

Name (Printed)

Date

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

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).

***Comet Express Cannabis Store and Lounge** near the corner of Fillmore and Union Streets will complement the mix of goods and services currently available in the Cow Hollow District and contribute to the economic vitality of the neighborhood by occupying a second story retail gallery space that has been vacant since 2018 and would otherwise not significantly contribute to the surrounding business environment.*

*The property owner is Regan & Wendy Caponi, they are the owner/operator of the Comet Club, a much loved neighborhood watering hole and comedy club which operates on the ground floor of the subject property. Mr. Caponi is currently serving as president of the Union Street Association (formerly Union Street Merchants Association), and is deeply committed to the revitalization of one of San Francisco's most important neighborhood commercial districts. Regan sees **Comet Express Cannabis Store and Lounge** as an important step to bring more shoppers out to the district.*

3109 Fillmore Street has functioned as a second floor retail space for many years. Most prominently this has been a gallery space. According to Polk Directory records, at it's peak in 1980 there were 4 separate businesses operating at this address:

#200 - Avon Inflatables Raft Sales and Service / Outdoor Adventures

#202 - Underwood Photo Archives & Gallery

#203 - Geriatric Counseling & Planning

#204 - Art Photography Gallery

In recent years, the once thriving gallery business has dropped off in the district resulting in reduced foot traffic and many retail vacancies. It's been hard times.

The state legalized adult cannabis use on January 1, 2018 and cannabis dispensaries are currently located throughout the City in similar retail spaces. Small-scale cannabis retail, as is proposed for this site, has uniformly had a positive impact on the local commercial districts. The proposed cannabis retail use will not negatively affect vehicular traffic or parking in the district because it is a specialized retail use, small in size.

***Comet Express Cannabis Store and Lounge** has submitted a detailed Community Benefits Program to the Office of Cannabis as part of the application process, and looks*

forward to being an active and positive member of the community.

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.

Comet Express Cannabis Store and Lounge will improve health, safety, and convenience in its vicinity. It will provide improved access for local medical cannabis patients who need medicine, and for residents and tourists seeking adult use cannabis. The project is located in a walkable, accessible area of the Cow Hollow District that is served by multiple Muni lines, bicycle routes and is well served by short-term metered parking along Fillmore Street.

With respect to safety, the new store will have professional security and multiple cameras, as required by law, and will partner with SFPD, local merchants, and the community to increase safety throughout the Union Street Neighborhood Commercial District.

a. The subject retail space has been vacant for more than two years and has not been contributing to the vitality of the community. The approximately 1300 ft.² retail space will have accessibility upgrades and interior renovations to make it more appropriate for cannabis sales. In its enhanced state the store will be a productive contributor to the cultural landscape of the neighborhood.

b. The project will be a retail business in a space that has long housed retail businesses. The traffic patterns, parking, and loading should not be noticeably different from previous uses in the space or other retail uses on the corridor. The Fillmore Street commercial corridor is very walkable, served by multiple transit lines, and has significant metered and un-metered parking.

The project sponsors are aware that some other cannabis retailers in San Francisco have had problems with their customers double parking. The sponsors will be extremely diligent in preventing this and will forbid anyone who does double park from entering the premises.

c. There will be no noxious or offensive emissions.

We have discussed the consumption lounge extensively with our neighbors and community members and we are committed to a zero-tolerance emissions policy.

d. Only minor exterior alterations are proposed. The windows will be unobstructed, no cannabis products will be visible from the exterior. New lighting will be added to ensure the safety of our customers and our neighbors and all signage will be subject to the requirements of The San Francisco Planning Code

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.

The proposed cannabis retail will comply with all applicable provisions of this code and will not adversely affect the General Plan.

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

303(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

- 1) The geographic distribution of Cannabis Retail Uses throughout the City,
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.
- 2) The concentration of Cannabis Retail and Medical Cannabis Dispensary Uses within the general proximity of the proposed Cannabis Retail Use,
There is no currently active adult use cannabis retail in the immediate neighborhood. The closest Cannabis Retail is on the Lombard 101 corridor.
- 3) The balance of other goods and services available within the general proximity of the proposed Cannabis Retail Use,
Cow Hollow is a lively and richly diverse commercial district with services oriented to neighborhood residents, visitors from other parts of San Francisco and tourists. This part of the Cow Hollow is a busy pedestrian oriented neighborhood. The area enjoys many fine dining and neighborhood serving businesses along Union and Fillmore Streets.

4) 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 subject location is not in immediate proximity of any facilities that primarily serve youth. This facility will not be at street level so there will not be a traditional "eyecatching" storefront, eliminating the possibility of youth observing cannabis retail occurring within. Careful design attention will be paid in creating a entry celebrates the Cow Hollow neighborhood without emphasis on retail cannabis.

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 and enhance a youth-friendly environment in the Cow Hollow district.

Security operations will include:

- 1. The licensed security guard will be stationed at the front interior or exterior of the retail store at all times the store is open.*
- 2. A licensed security guard will be present on site 30 minutes before and 30 minutes after the stores opening and closing.*
- 3. A licensed security guard shall be responsible patrol an area 50 feet on either side of the entrance to the retail store.*
- 4. Our licensed security team will receive additional training educating them to the sensitivities of security at a cannabis retail store. This training includes a thorough review of age restrictions in place for the store specifically that no one under the age of 21 shall EVER be allowed into the premises, whether open to the public or not, unless they are in possession of a valid California Medical Cannabis Identification Card. Our security training shall also include sensitivity training on the "moving on" or "call for service" assisting of any underage or homeless citizen who may choose to frequent the area 50 feet either side of the entrance to the cannabis retail store.*

Signage will be prominent and well lit placed at the entrance and exit of the retail store including signs stating the following :

No loitering or littering within 100 feet of the store entry

No cannabis smoking in public places including sidewalks and business entrances

No Double Parking

Please Keep Driveways and Handicap Spaces Clear for Authorized Users

We Support a Peaceful Neighborhood!

Through careful architectural lighting the cannabis retail store will illuminate the sidewalk to discourage loitering and provide safe passage for youth, pedestrians, and other non-patrons.

Store management will be responsible for maintaining a clean swept and litter free public sidewalk.

The store general manager will maintain a dedicated cell phone that will be in use at all times the store is open and for 30 minutes before and after store hours to receive an answer any community calls. This phone number will be posted on the exterior of the store and will be mailed to our surrounding neighbors prior to our grand opening.