



EXECUTIVE SUMMARY CONDITIONAL USE AUTHORIZATION

HEARING DATE: NOVEMBER 19, 2020

CONSENT CALENDAR

Record No.: 2020-008523CUA
Project Address: 1465 Donner Avenue
Zoning: Production, Distribution & Repair Core (PDR-2) Zoning District
40-X Height and Bulk District
Third Street Alcohol Restricted Use District
Block/Lot: 4910/024
Project Sponsor: Kyle Brunel
Pencil Box Architects, Inc.
237 Clara Street
San Francisco, CA 94107
Property Owner: Willis Trust
165 Ledyard Street
San Francisco, CA 94124
Staff Contact: Michael Christensen – (628) 652-7567
Michael.Christensen@sfgov.org

Recommendation: Approval with Conditions

Project Description

The Project includes the expansion of an existing Industrial Agriculture use through the construction of a 1,410 sq ft mezzanine level within an existing 4,800 sq ft tenant space of a two- unit, one-story Industrial building containing 10,000 sq ft of total Industrial Agriculture use. The existing use was approved under Planning Commission Motion No. 20581, approved on November 21, 2019. No exterior changes or expansion of building volume are proposed.

Required Commission Action

For the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 210.3 and 303 to allow the expansion of an Industrial Agriculture use within the PDR Core (PDR-2) Zoning District.

Issues and Other Considerations

- **Public Comment & Outreach.**
 - Support/Opposition: No formal opposition or support has been received.
- **Scope of Expansion.** The requested authorization would expand the already approved use by 1,410 sq ft, or 14% of the previously approved size. No exterior expansion of the building would occur. The Department considers this to be extremely minor.
- **Renewable Energy Mandate.** As part of the licensing requirements of the City's Office of Cannabis, the business is required to reduce the environmental impact of its operation by selecting one of the following options:
 - By participating in the San Francisco Public Utilities Commission (SFPUC) CleanPowerSF Service, or procurement from electricity suppliers that provide at least equivalent renewable energy, as determined by the Power Content Label reported to the California Energy Commission for the most recent available year;
 - By procuring energy from the SFPUC's Hetch Hetchy hydroelectric power supply; OR
 - By including on-site renewable energy generation as part of the project.

Environmental Review

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

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the purpose of the PDR-2 Zoning District and the Objectives and Policies of the General Plan. The Project allows for the cultivation of cannabis in an existing space and supports other economic activities, including manufacturing. 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 B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F – Planning Commission Motion No. 20581



PLANNING COMMISSION DRAFT MOTION

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ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 210.3 AND 303, TO ALLOW THE EXPANSION OF AN EXISTING INDUSTRIAL AGRICULTURE USE THROUGH THE CONSTRUCTION OF A 1,410 SQ FT MEZZANINE LEVEL WITHIN AN EXISTING 4,800 SQ FT TENANT SPACE OF A TWO- UNIT, ONE-STORY INDUSTRIAL BUILDING CONTAINING 10,000 SQ FT OF TOTAL INDUSTRIAL AGRICULTURE USE, LOCATED AT 1465 DONNER AVENUE, LOT 024 IN ASSESSOR'S BLOCK 4910, WITHIN THE PDR-2 (PRODUCTION, DISTRIBUTION, & REPAIR – CORE) ZONING DISTRICT, THIRD STREET ALCOHOL RESTRICTED USE DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On September 24, 2020, Kyle Brunel of Pencilbox Architects (hereinafter "Project Sponsor") filed Application No. 2020-008523CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization expand an existing Industrial Agriculture use through the construction of a 1,410 sq ft mezzanine level within an existing 4,800 sq ft tenant space of a two- unit, one-story Industrial building containing 10,000 sq ft of total Industrial Agriculture use (hereinafter "Project") at 1465 Donner Avenue, Block 4910 Lot 024 (hereinafter "Project Site").

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

On November 19, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2020-008523CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2020-008523CUA 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. 2020-008523CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** The Project includes the expansion of an existing Industrial Agriculture use through the construction of a 1,410 sq ft mezzanine level within an existing 4,800 sq ft tenant space of a two- unit, one-story Industrial building containing 10,000 sq ft of total Industrial Agriculture use. The existing use was approved under Planning Commission Motion No. 20581, approved on November 21, 2019. No exterior changes or expansion of building volume are proposed.
- 3. Site Description and Present Use.** The Project is located on a 10,000 square foot rectangular lot that is developed with a one-story Industrial building currently used as an Industrial Agriculture facility without the benefit of a permit. The existing building contains an unpermitted second floor which is proposed for removal.
- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the PDR-2 Zoning District in the Bayview Hunters Point Area Plan. The immediate context is primarily industrial in nature. All adjoining properties are used by Industrial uses and are zoned PDR-2.
- 5. Public Outreach and Comments.** The Department has received no public comments on the proposed Project.
- 6. Planning Code Compliance.** The findings pertaining to Planning Code Compliance as set forth in Motion No. 20581, Case No. 2019-001143CUA (Conditional Use Authorization) apply to this Motion and are incorporated herein as though fully set forth, except as provided below:
 - A. Ground Floor Standards in Industrial Districts.** Planning Code Section 145.5 requires that in existing buildings, a minimum clear ceiling height of 15 feet shall be retained where currently existing.

The site currently contains an unpermitted second floor, which reduces the ground floor ceiling height to less than 15 feet. As part of the project, the unpermitted second floor will be removed, and a smaller mezzanine level in compliance with the Planning Code will be constructed. Thus, the proposed project would render the building in compliance with this Section.
- 7. Conditional Use Findings.** The Conditional Use Authorization Findings set forth in Motion No. 20581, Case No. 2019-001143CUA (Conditional Use Authorization) apply to this Motion and are incorporated herein as though fully set forth.
- 8. General Plan Compliance.** The General Plan Findings set forth in Motion No. 20581, Case No. 2019-001143CUA (Conditional Use Authorization) apply to this Motion and are incorporated herein as though fully set forth.

9. **Planning Code Section 101.1(b).** The Priority Plan Findings set forth in Motion No. 20581, Case No. 2019-001143CUA (Conditional Use Authorization) apply to this Motion and are incorporated herein as though fully set forth.
10. 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.
11. 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. 2020-008523CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated October 14, 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 June 2, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 19, 2020

EXHIBIT A

Authorization

This authorization is for a conditional use to allow the expansion of an existing Industrial Agriculture use through the construction of a 1,410 sq ft mezzanine level within an existing 4,800 sq ft tenant space of a two-unit, one-story industrial building containing 10,000 sq ft of total Industrial Agriculture use, located at 1465 Donner Avenue, Lot 024 in Assessor's Block 4910, within the PDR-2 (Production, Distribution, & Repair – Core) Zoning District, the Third Street Alcohol Restricted Use District and a 40-X Height and Bulk District; in general conformance with plans, dated October 14, 2020 and stamped "EXHIBIT B" included in the docket for Record No. 2020-008523CUA and subject to conditions of approval reviewed and approved by the Commission on November 19, 2020 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 November 19, 2020 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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.org

- 6. Prior Project Authorization.** The Project authorization and associated conditions of approval obtained via Motion No. 20581 apply to this Motion and are incorporated herein as though fully set forth, except as modified above. The conditions set forth are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

1465 DONNER AVE CONDITIONAL USE APPLICATION

PROJECT DATA

DBI CONSTRUCTION PERMIT IN RESPONSE TO NOV #201832262 PROJECT DESCRIPTION:
TI TO REMOVE PREVIOUSLY UNWARRANTED CONSTRUCTION - NEW TI CONSTRUCTION INCLUDES NEW CULTIVATION AREAS, BATHROOM, OFFICE AREA AND COLD WATER EXTRACTION AND DISTRIBUTION TO COMPLY WITH CANNABIS MICROBUSINESS LICENSE REQUIREMENTS - 2 NEW EXTERIOR DOORS AT FRONT FACADE AND ROOF PLATFORM FOR NEW MECHANICAL UNITS
PREVIOUS CUA APPROVAL RECEIVED AND INCLUDED
REFERENCE PERMIT NUMBER 2019-0128-1400
PERMIT CONDITIONAL USE PROJECT DESCRIPTION:
CONDITIONAL USE FROM CANNABIS MIX USE CULTIVATION AND PRODUCTION FACILITY TO CANNABIS MIX USE CULTIVATION AND PRODUCTION FACILITY WITH MEZZANINE

PROJECT LOCATION:
1465 DONNER AVENUE, SAN FRANCISCO, CA

BLOCK/LOT:
4910/24
ZONING:
PDR-2

OCCUPANCY GROUP:
PROPOSED F-1

CONSTRUCTION TYPE:
EXISTING - III-B
PROPOSED - III-B

SPRINKLERS:
EXISTING - NONE
PROPOSED - NFPA 13 COMPLIANT

AREA OF WORK:
+/- 4,800 SF L1 AND +/- 1,580 SF MEZZANINE: TOTAL SF AREA 6,380 SF

NUMBER OF FLOORS:
EXISTING - 2
PROPOSED - 1 + MEZZANINE

PROJECT DIRECTORY

BUILDING OWNER:
WILLIS TRUST
ROLAND WILLIS SR. & LAN FO
165 LEDYARD STREET
SAN FRANCISCO, CA 94124

TENANT:
THE BETTY PROJECT
ANNA WYATT, CEO
1465 DONNER AVE.
SAN FRANCISCO, CA 94107

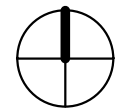
ARCHITECT:
KYLE BRUNEL, AIA, LEED AP BD+C
PENCIL BOX ARCHITECTS, INC.
237 CLARA STREET
SAN FRANCISCO, CA 94107
415-699-5953

DRAWING LIST

CUA-0.0	PROJECT DATA COVER SHEET
CUA-1.0	PLOT PLAN
CUA-1.1	ASSESSORS AND SANBORN MAPS
CUA-2.0	PLAN - (E) DEMO L1
CUA-2.1	PLAN - (E) DEMO L2
CUA-3.0	PLAN - PROPOSED L1
CUA-3.1	PLAN - PROPOSED MEZZANINE
CUA-4.0	EXTERIOR ELEVATIONS (E) AND PROPOSED
CUA-5.0	OVERALL BUILDING SECTIONS

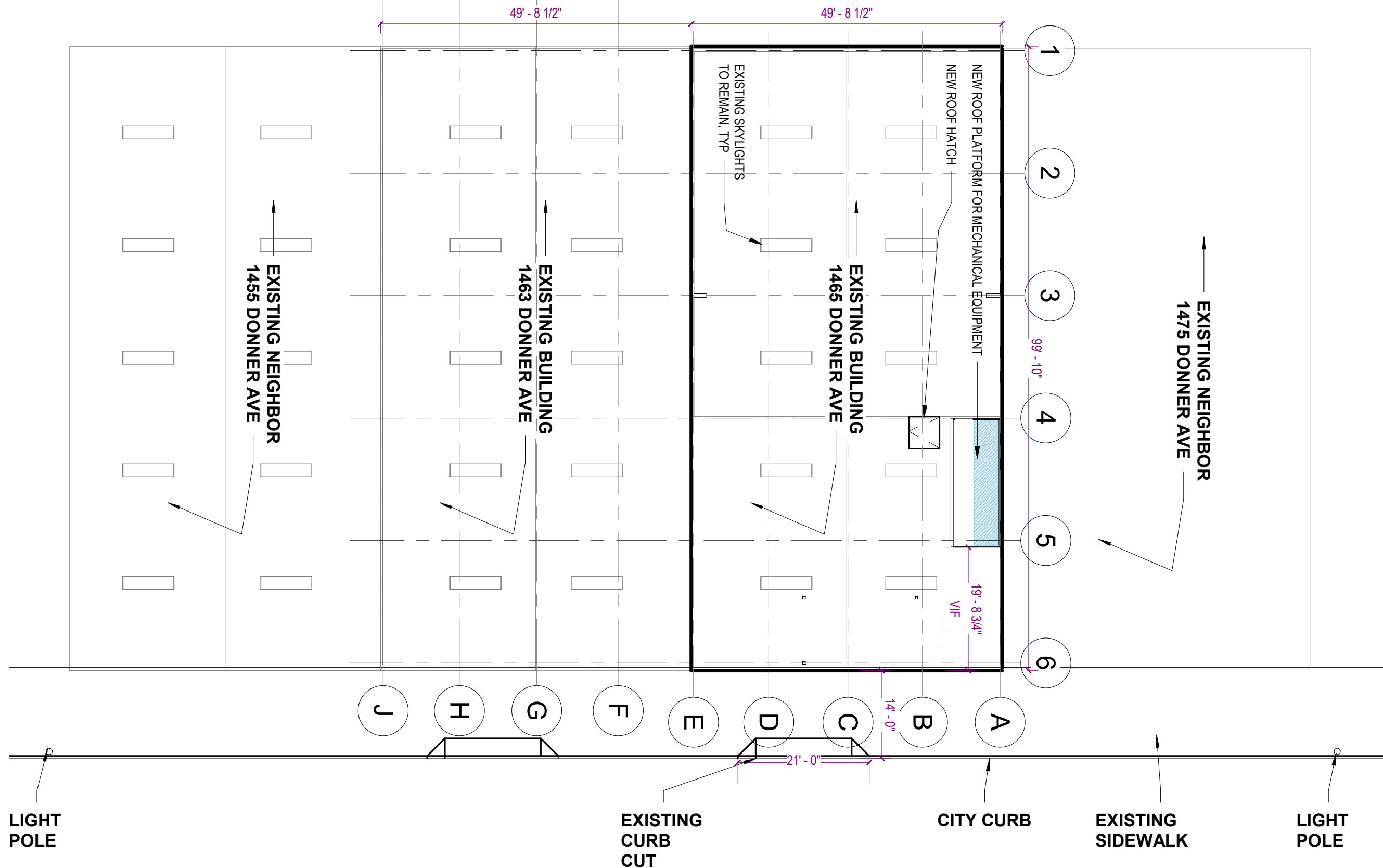
VICINITY MAP

BLOCK 4910



NORTH





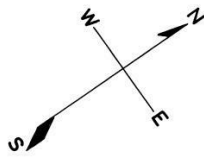
DONNER AVENUE

PLOT PLAN
1465 DONNER AVENUE

1/16" = 1'-0"
CUA-1.0
 OCTOBER 14, 2020

LOTS MERGED
 lots 9A & 11 merged into lot 10, 1956
 lots 13/15 merged into lot 12, 1956
 17 " " 28 & 29 '84

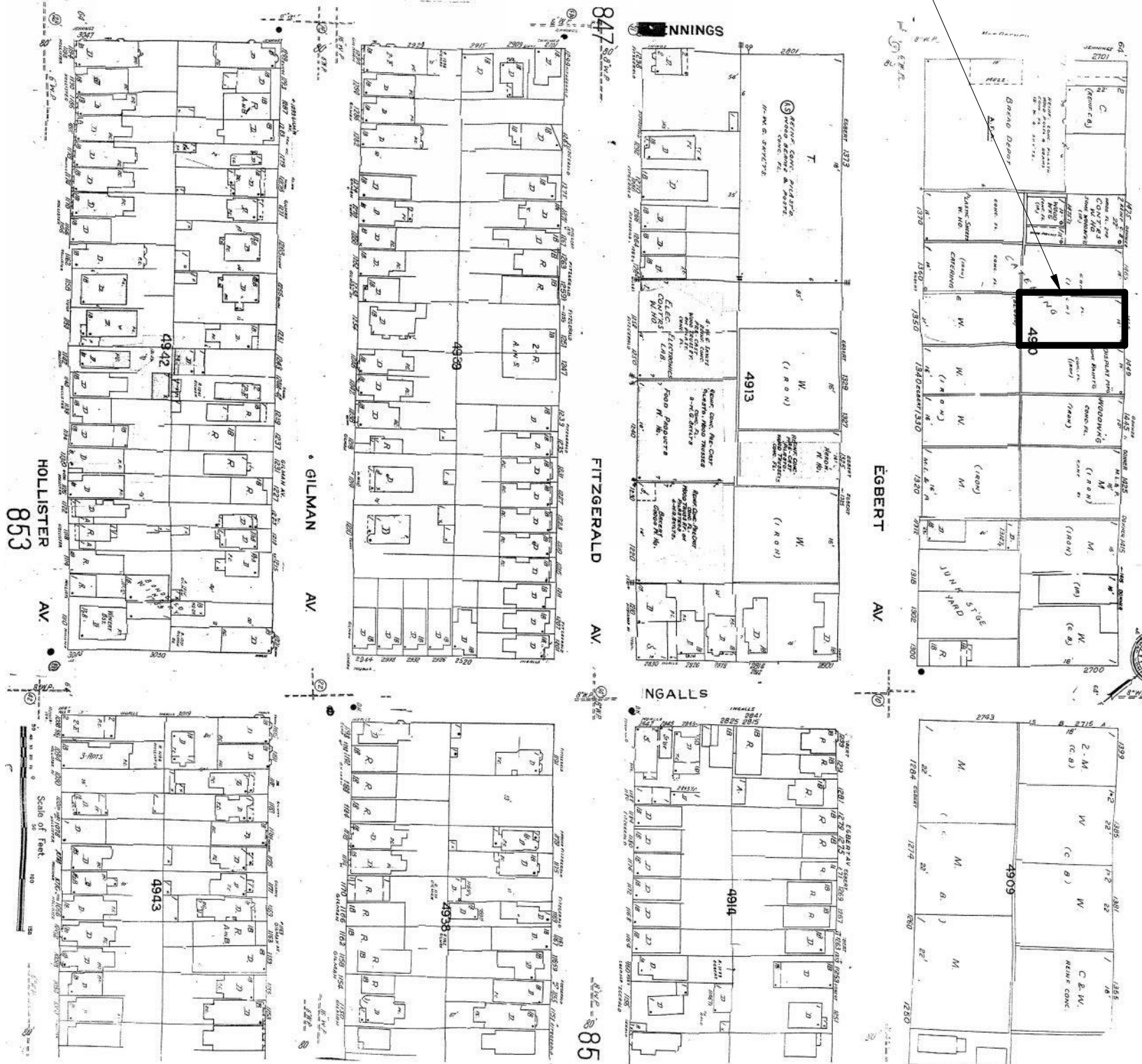
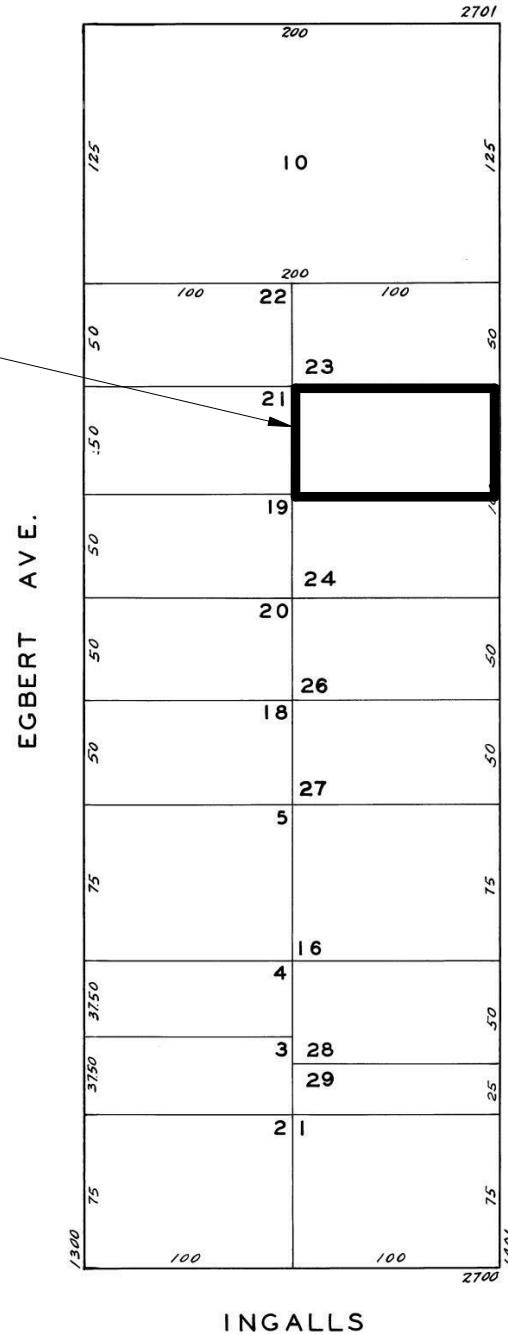
© COPYRIGHT SAN FRANCISCO
 CITY & COUNTY ASSESSOR 1995



4910
 BAYVIEW HD. ASSN. BLK. 516
 REVISED '60
 " '67
 " '77
 " '84

HISTORIC SANBORN MAP BLOCK AND LOT

ASSESSORS
 MAP BLOCK
 AND LOT - 1465
 DONNER AVE



San Francisco Cal. 1914
849
 U
 4882
 THESE SANBORN MAPS ARE DATED TO THE MID 1990'S
 USE ONLY FOR HISTORICAL CONTEXT
 897
 AV
 DONNER
 AV
 0
 4883

HISTORIC SANBORN MAP AND ASSESSORS PARCEL MAP



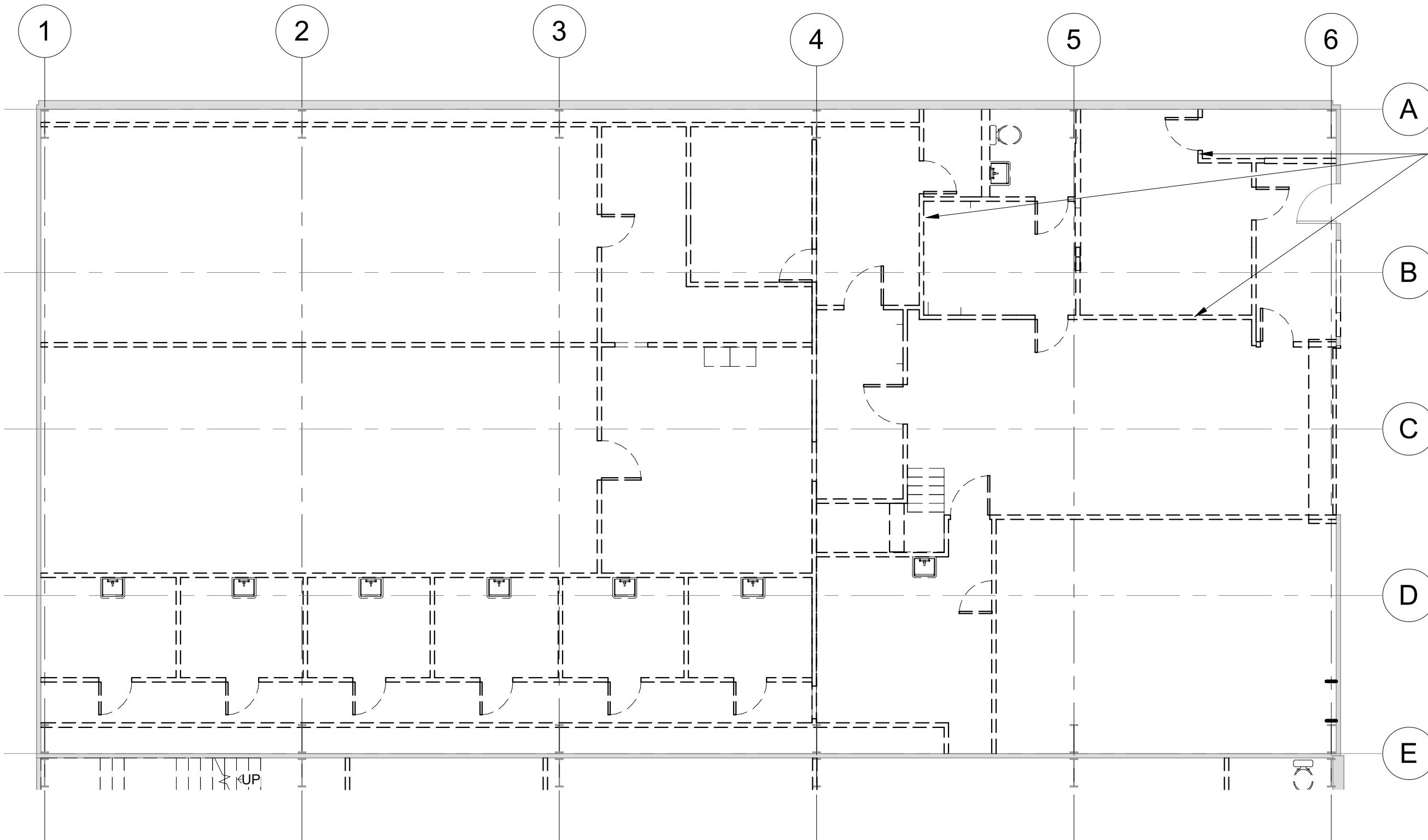
ASSESSORS AND SANBORN MAPS

CUA-1.1

237 CLARA STREET, SAN FRANCISCO, CA 94117
 WWW.PENCILBOXARCHITECTS.COM

1465 DONNER AVENUE

OCTOBER 14, 2020



DASHED LINES INDICATE
REMOVAL OF ALL INTERIOR
FRAMING, FINISHES,
DOORS, WINDOWS,
MECHANICAL ELECTRICAL
AND PLUMBING FIXTURES
AND FITTINGS, TYP.

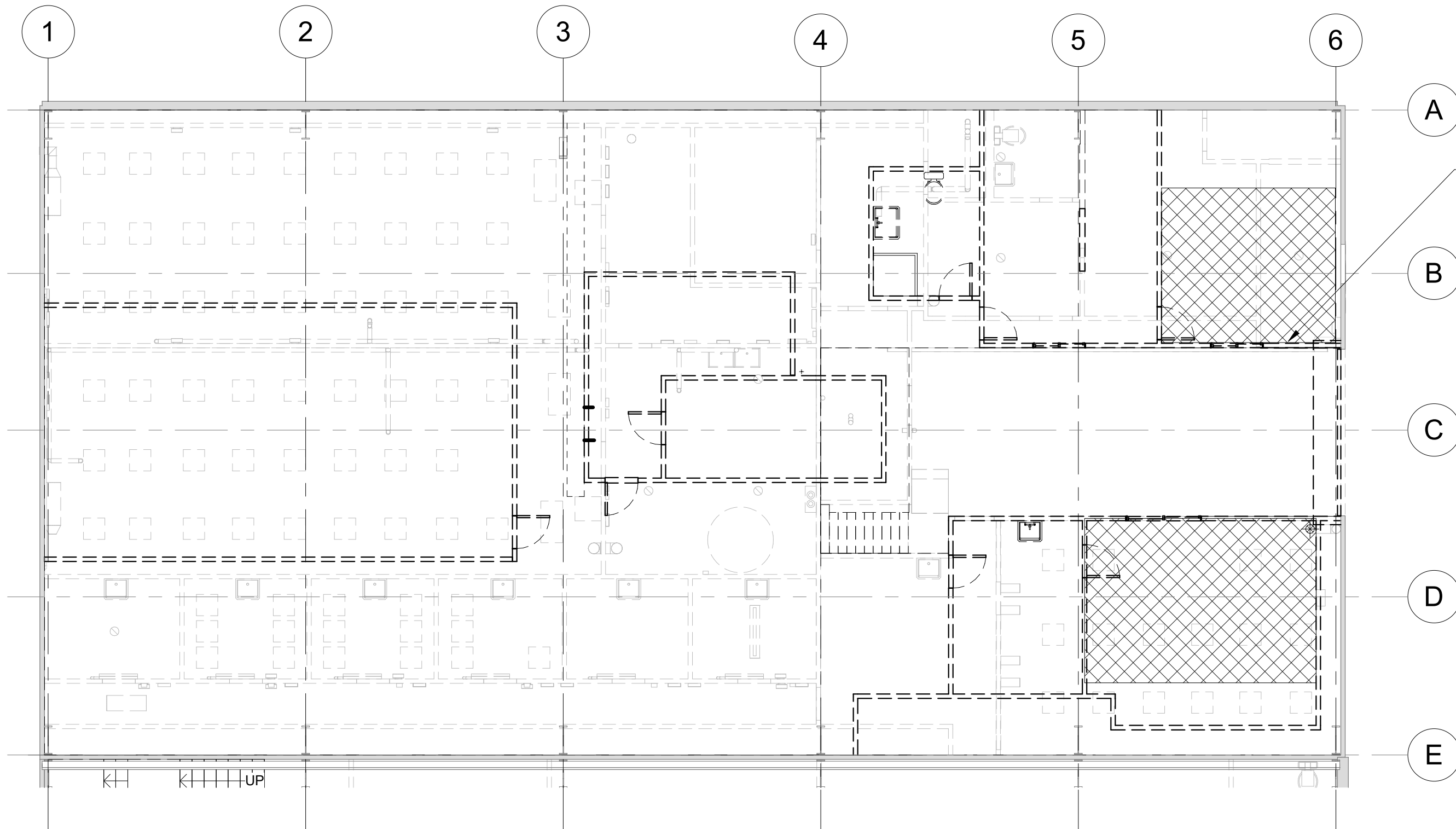


PENCIL BOX
ARCHITECTS, INC.
237 CLARA STREET, SAN FRANCISCO, CA 94117
WWW.PENCILBOXARCHITECTS.COM

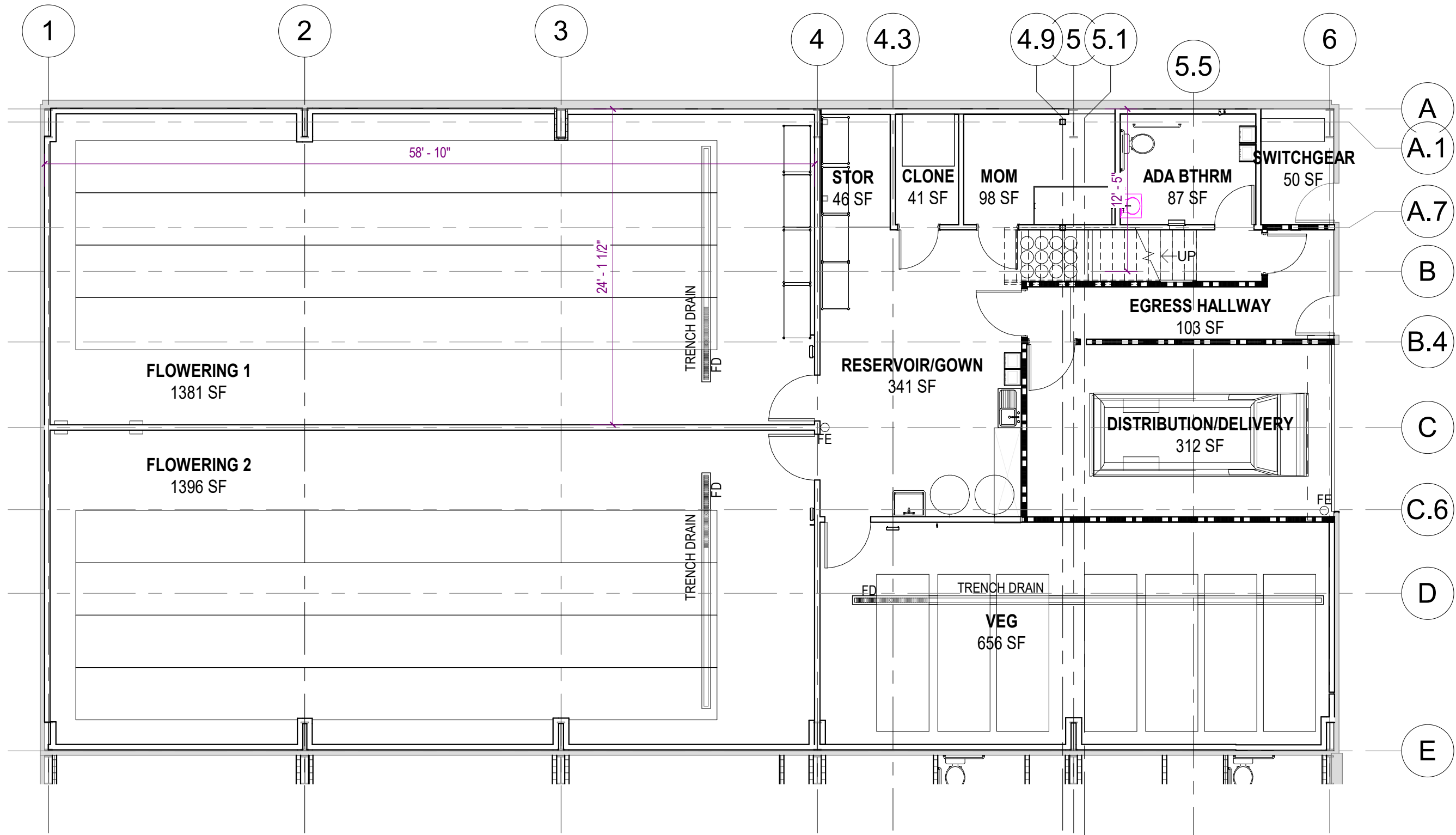
PLAN - (E) + DEMO L1

1465 DONNER AVENUE

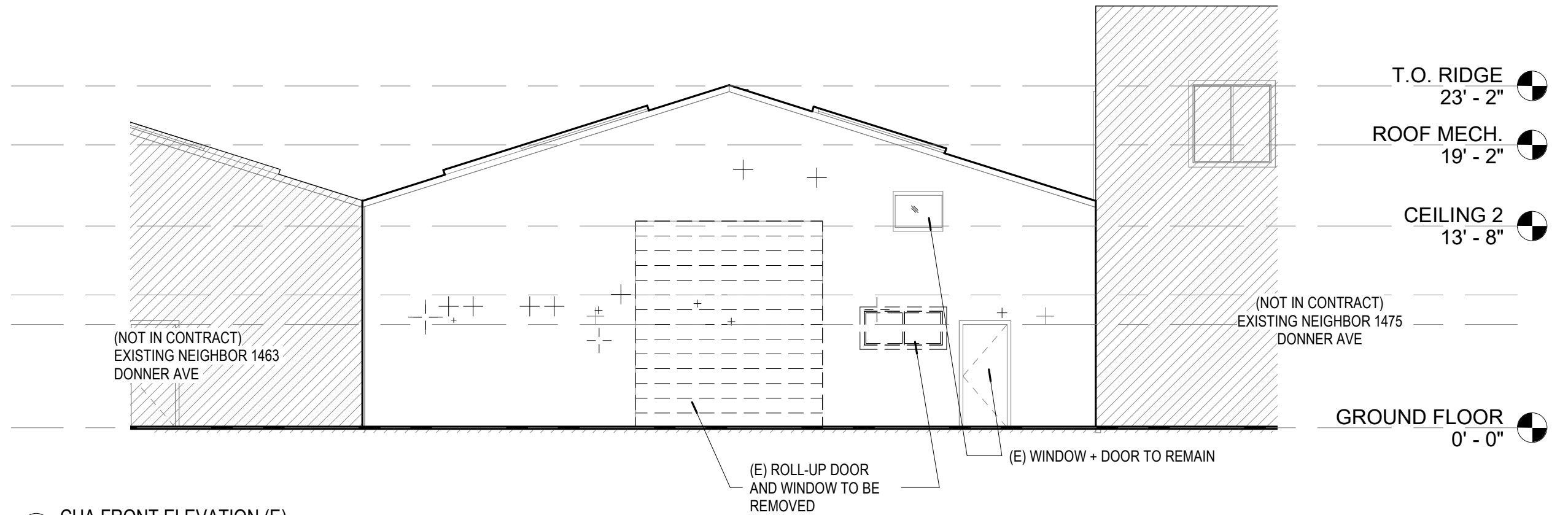
1/8" = 1'-0"
CUA-2.0
OCTOBER 14, 2020



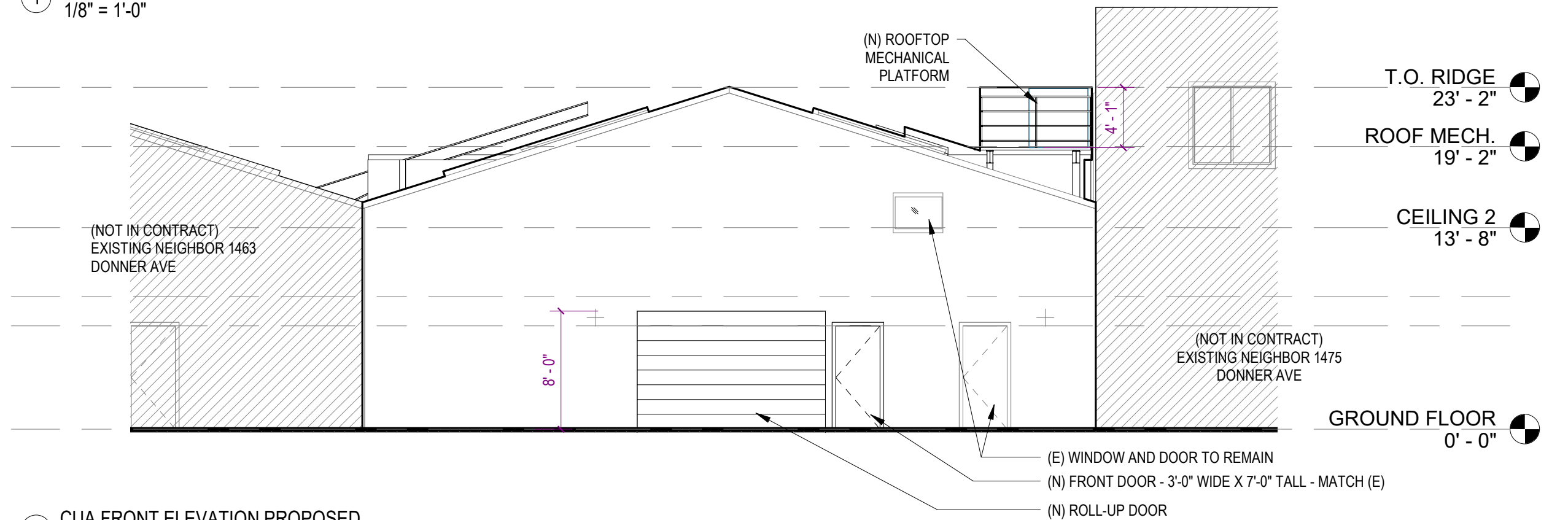
DASHED LINES INDICATE
REMOVAL OF ALL FRAMING,
FINISHES, DOORS, WINDOWS,
MECHANICAL, ELECTRICAL
AND PLUMBING FIXTURES
AND FITTINGS, TYP.



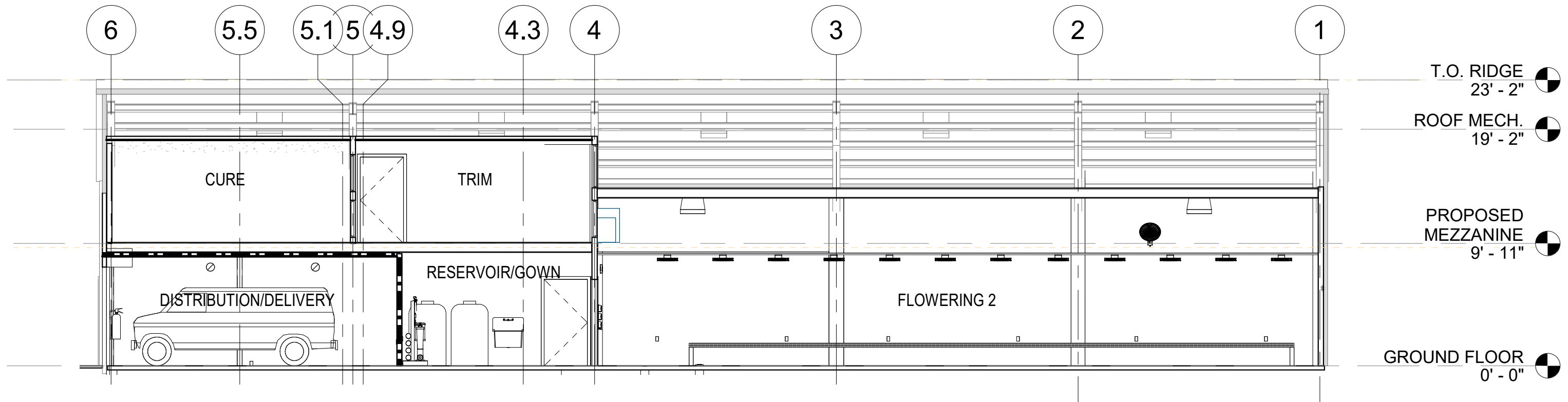
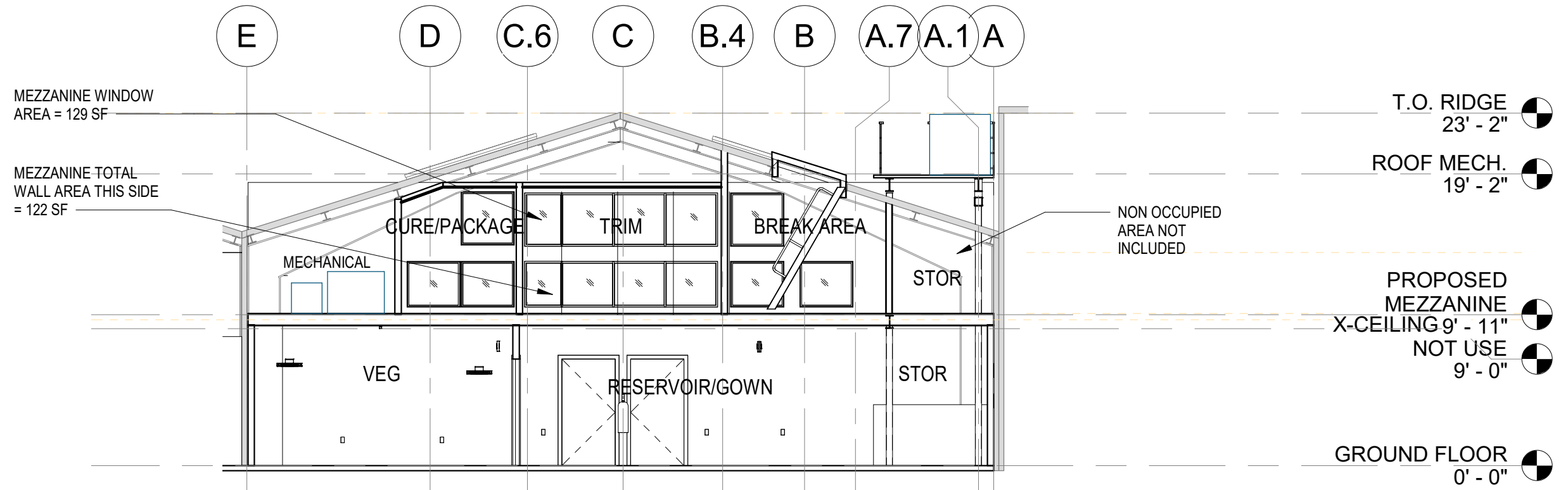




① CUA FRONT ELEVATION (E)
1/8" = 1'-0"



② CUA FRONT ELEVATION PROPOSED
1/8" = 1'-0"





CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
1465 DONNER AVE		4910024
Case No.		Permit No.
2020-008523PRJ		201901281400
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval. Request is made to add a mezzanine to an existing approved Cannabis Cultivation building. Interior TI with minor exterior improvements.</p>		

STEP 1: EXEMPTION CLASS

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

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? Note that a categorical exemption shall not be issued for a project located on the Cortese List if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
<input type="checkbox"/>	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?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional):	

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to <i>Property Information Map</i>)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

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

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

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

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

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing	Signature: Michael Christensen 11/12/2020
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- | | |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

Planner Name:

Date:



LAND USE INFORMATION

PROJECT ADDRESS: 1465 DONNER AVE
RECORD NO.: 2020-008523PRJ

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	0	0	0
Residential GSF	0	0	0
Retail/Commercial GSF	0	0	0
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	10,000	11,410	1,410
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	0	0	0
Public Open Space	0	0	0
Other ()	0	0	0
TOTAL GSF	10,000	11,410	1,410
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	0	0
Dwelling Units - Total	0	0	0
Hotel Rooms	0	0	0
Number of Buildings	0	0	0
Number of Stories	0	0	0
Parking Spaces	0	0	0
Loading Spaces	0	0	0
Bicycle Spaces	0	0	0
Car Share Spaces	0	0	0
Other ()	0	0	0

Zoning Map



Aerial Photo



SUBJECT PROPERTY

Site Photo





SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20581

HEARING DATE: NOVEMBER 21, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Record No.: 2019-001143CUA
Project Address: 1465 Donner Avenue
Zoning: Production, Distribution & Repair Core (PDR-2) Zoning District
40-X Height and Bulk District
Third Street Alcohol Restricted Use District
Block/Lot: 4910/024
Project Sponsor: Kyle Brunel
Pencil Box Architects, Inc.
237 Clara Street
San Francisco, CA 94107
Property Owner: Willis Trust
165 Ledyard Street
San Francisco, CA 94124
Staff Contact: Michael Christensen – (415) 575-8742
Michael.Christensen@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 210.3 AND 303, TO ALLOW THE ESTABLISHMENT OF A 10,000 SQUARE-FOOT INDUSTRIAL AGRICULTURE USE IN AN EXISTING ONE-STORY WAREHOUSE SPACE, LOCATED AT 1465 DONNER AVENUE, LOT 024 IN ASSESSOR'S BLOCK 4910, WITHIN THE PDR-2 (PRODUCTION, DISTRIBUTION, & REPAIR – CORE) ZONING DISTRICT, THIRD STREET ALCOHOL RESTRICTED USE DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 19, 2019, Kyle Brunel of Pencilbox Architects (hereinafter "Project Sponsor") filed Application No. 2019-001143CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization establish a 10,000 square foot Industrial Agriculture use (hereinafter "Project") at 1465 Donner Avenue, Block 4910 Lot 024 (hereinafter "Project Site").

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

On November 21, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-001143CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2019-001143CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2019-001143CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes the establishment of a 10,000 Industrial Agriculture (cannabis cultivation) use in an existing one-story warehouse space. The Project also includes the removal of an unpermitted second floor within the existing building.
3. **Site Description and Present Use.** The Project is located on a 10,000 square foot rectangular lot that is developed with a one-story Industrial building currently used as an Industrial Agriculture facility without the benefit of a permit. The existing building contains an unpermitted second floor which is proposed for removal.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the PDR-2 Zoning District in the Bayview Hunters Point Area Plan. The immediate context is primarily industrial in nature. All adjoining properties are used by Industrial uses and are zoned PDR-2.
5. **Public Outreach and Comments.** The Department has received no public comment on the proposed 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.** Planning Code Section 210.3 requires a Conditional Use Authorization to operate an Industrial Agriculture use in the PDR-2 Zoning District.

The project sponsor is seeking Conditional Use Authorization to establish an Industrial Agriculture use at the site.

- B. **Location and Operation Conditions.** Per Planning Code Section 202.2, Agricultural Use is subject to the corresponding conditions:

(1) *Agricultural Uses, General.* Any plot of land that exceeds 1,000 square feet and is newly established shall comply with the applicable water use requirements of Administrative Code Chapter 63. Pursuant to Section 63.6.2(b) of the Administrative Code, no permit for any site where the modified land area exceeds 1,000 square feet shall be issued until the General Manager of the Public Utilities Commission has approved the applicable landscape project documentation.

(2) *Industrial Agriculture.* Cannabis must only be grown within an enclosed structure.

C. **Ground Floor Standards in Industrial Districts.** Planning Code Section 145.5 requires that in existing buildings, a minimum clear ceiling height of 15 feet shall be retained where currently existing.

The site currently contains an unpermitted second floor, which reduces the ground floor ceiling height to less than 15 feet. As part of the project, the unpermitted second floor will be removed. Thus, the proposed project would render the building in compliance with this Section.

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

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

The size of the proposed use is in keeping with other industrial units on the block face. The proposed uses are supportive of a new small business to the City, thus providing economic opportunity and employment for residents. The size of the proposed business is in keeping with the size of previous businesses. Overall, the addition of new industrial and commercial uses is necessary and desirable with the overall character of the surrounding neighborhood.

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

(1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope.

- (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. The site is well served by transit and will not generate any volume of traffic not already expected by the existing Industrial uses at the site.

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

The facility will be reviewed by the City's Office of Cannabis for control of any potential odors from the site. Maintaining control of such odors is a requirement of the operator licensing from the Office of Cannabis.

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

The existing building configuration and streetscape are not altered by the Project.

- 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 is consistent with the stated purposes of PDR-2 Districts in that the intended uses are light and contemporary industrial activity with low potential for noxious emissions, providing economic and employment opportunities to the City and neighborhood.

8. **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 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

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 3.4

Assist newly emerging economic activities.

The Project is a small-scale industrial project, activating 10,000 square feet of industrial space to provide employment and economic opportunity. The Cannabis industry is a new, burgeoning industry that is creating a cluster of economic activity in San Francisco. While cultivation may yield a similar job density as distribution and warehousing, it is complementary to other cannabis uses that provide significant job opportunities to unskilled and semi-skilled workers, such as manufacturing. Additionally, the City's equity requirements provide for employment of local residents, increasing the economic vitality of the Bayview District.

9. **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 does not possess any neighborhood-serving retail uses and is not principally zoned for such uses. As such, existing neighborhood-serving retail uses be preserved.

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

The project site does not possess any housing, and the Project proposes no changes to the massing or exterior of the existing structure.

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

The Project site does not contain any existing affordable housing; thus, the City's supply of affordable housing be preserved.

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

The Project Site is served by nearby public transportation options. As such, it is well served by transit and the project will not overburden streets or neighborhood parking.

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

The Project does not include commercial office development. The project proposes to establish a new industrial business owned and managed by a local resident, providing for economic activity to the neighborhood.

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

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

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain any City Landmarks or historic buildings.

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

The project makes no change to the existing massing or design of the building.

10. 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.
11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

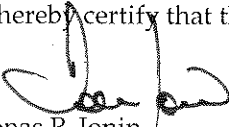
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2019-001143CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 28, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 21, 2019.


Jonas P. Ionin
Commission Secretary

AYES: Diamond, Johnson, Koppel, Melgar, Richards

NAYS: None

ABSENT: Fung, Moore

ADOPTED: November 21, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow an Industrial Agriculture use measuring 10,000 square feet located at 1465 Donner Avenue, Lot 024 in Assessor's Block 4910, pursuant to Planning Code Sections 210.3 and 303, within the PDR-2 Zoning District, Third Street Alcohol Restricted Use District, and a 40-X Height and Bulk District; in general conformance with plans, dated October 28, 2019, and stamped "EXHIBIT B" included in the docket for Record No. 2019-001143CUA and subject to conditions of approval reviewed and approved by the Commission on November 21, 2019 under Motion No. 20581. 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 November 21, 2019 under Motion No. 20581.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20581 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 operator licenses from the City's Office of Cannabis and the State of California Bureau of Cannabis Control prior to commencing operation of any commercial cannabis activity.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

7. **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
8. **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

9. **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
10. **Agricultural Use, General.** Per Planning Code Section 202.2, any plot of land that exceeds 1,000 square feet and is newly established shall comply with the applicable water use requirements of Administrative Code Chapter 63. Pursuant to Section 63.6.2(b) of the Administrative Code, no permit for any site where the modified land area exceeds 1,000 square feet shall be issued until the

General Manager of the Public Utilities Commission has approved the applicable landscape project documentation.

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

11. **Industrial Agriculture.** Per Planning Code Section 202.2, cannabis must only be grown within an enclosed structure.

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