



EXECUTIVE SUMMARY

CONDITIONAL USE AUTHORIZATION

HEARING DATE: SEPTEMBER 30, 2021

Record No.: 2021-000433CUA
Project Address: 2428 Clement Street
Zoning: Outer Clement Street Neighborhood Commercial District (NCD) Zoning District
40-X Height and Bulk District
Block/Lot: 1408/017
Project Sponsor: Cesar Angobaldo
2428 Clement Street Retail Inc.
2428 Clement Street,
San Francisco, CA 94121
Property Owner: She Hsei
2428 Clement Street,
San Francisco, CA 94121
Staff Contact: Kalyani Agnihotri – (628) 652-7454
kalyani.agnihotri@sfgov.org

Recommendation: Approval with Conditions

Project Description

The Project would establish a Cannabis Retail Use (d.b.a. Clement Greenery) measuring 2,692 square feet in a vacant commercial space on the ground floor and associated office space on the second floor within a two-story commercial building at 2428 Clement St. The Project does not include a request for authorization of on-site smoking or vaporizing of cannabis products. The project proposes minor interior tenant improvements, and no changes to the building exterior or envelope are proposed. New business signage will be applied for under a separate permit.

Required Commission Action

For the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 202.2, 303, and 717, to allow the establishment of a Cannabis Retail use in the Outer Clement Street Neighborhood Commercial Zoning District.

Issues and Other Considerations

- **On-Site Consumption.** The project does not include a request for Type C consumption (smoking or vaporizing of cannabis products). The draft motion for approval of the Project is conditioned to prohibit smoking or vaporizing of cannabis products at the site, such that any future addition of a smoking or vaporizing room would require a subsequent Conditional Use Authorization.
- **Public Comment & Outreach.** The Sponsor conducted outreach under the Office of Cannabis Good Neighbor Policy, which includes providing a mailed notice of the Project to all property owners and occupants within 300-feet of the site and conducting outreach meetings on June 24, 2021. Additionally, the Project conducted a pre-application meeting on June 24, 2021 and a second community outreach meeting on August 30, 2021. The Department has received 2 letters of opposition and no letters of support for the application.
- **Geographic Balance.** The Project proposes a new Cannabis Retail use on the City’s westside. In the vicinity, the Planning Commission did approve a new Cannabis Retailer located at 5600 Geary Boulevard (dba Have A Heart, approximately 2340’ from 2428 Clement). However, the entitlement for the site was abandoned by that Project Sponsor and the site is now a religious facility. The closest open and/or approved cannabis retail storefront is Urbana Geary, located at 4811 Geary Blvd, approximately 4,128-feet from 2428 Clement St. As such, the Project provides a necessary and desirable retail service that is not currently available within the broader neighborhood. It also contributes to the geographic balance of Cannabis Retail uses in the City and would be the western-most outlet in the Richmond District.
- **Planning Section 202.2(a)(5)(B) Compliance.** The subject parcel is not located within a 600-foot radius of a parcel containing an existing private or public school or within a 600-foot radius of a parcel for which a valid permit from the City’s Office of Cannabis for a Cannabis Retailer or a Medicinal Cannabis Retailer has been issued.
 - 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:
 - My Little Learning Tree (preschool): 2118 Clement St; 960’ from site
 - Mother Goose School (preschool): 334 28th Ave; 1056’ from site;
 - Saint Monica School: 5950 Geary Blvd; 1050’ from site;
 - Bambini Montessori School: 2042 Clement St; 1,170’ from site
 - Alamo Elementary School: 250 23rd Ave; 1500’ from site;
 - Saint John of San Francisco Orthodox Academy: 6210 Geary Blvd; 1500’ from site
 - Kittredge School: 2355 Lake St; 1590’ from site;
 - Presidio Middle School: 450 30th Ave; 1630’ from site;
- **Equity Program.** The licensing application to the City’s Office of Cannabis was submitted by Tiara Mitchell, 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 one other Cannabis Retail license which is currently under review, located at 2000 Oakdale Street.

Environmental Review

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

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with 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 Project also contributes to the geographic balance of Cannabis Retail uses in the City. 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: SEPTEMBER 30, 2021

Record No.: 2021-000433CUA
Project Address: 2428 Clement Street
Zoning: Outer Clement Street Neighborhood Commercial District (NCD) Zoning District
40-X Height and Bulk District
Block/Lot: 1408/017
Project Sponsor: Cesar Angobaldo
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 202.2, 303, AND 717 OF THE PLANNING CODE TO ALLOW A CANNABIS RETAIL USE (d.b.a CLEMENT GREENERY), MEASURING APPROXIMATELY 2,692 SQUARE FEET, WITH NO ON-SITE SMOKING OR VAPORIZING OF CANNABIS PRODUCTS, IN AN EXISTING TWO-STORY MIXED USE BUILDING AT 2428 CLEMENT STREET (ASSESSOR'S BLOCK 1408 LOT 017) WITHIN THE OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On December 21, 2020, Cesar Angobaldo (hereinafter "Project Sponsor") filed Application No. 2021-000433CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a Cannabis Retail use (hereinafter "Project") at 2428 Clement Street, Block 1408 Lot 017 (hereinafter "Project Site").

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

On September 30, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2020-000433CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2020-000433CUA 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. 2020-000433CUA, 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 would establish a Cannabis Retail Use measuring 2,526 square feet in a vacant commercial space within a two-story, mixed-use building. The Project proposes to establish the cannabis retail space on the ground floor (measuring 1,521 square feet) and associated, accessory office space (measuring 1,171 square feet) on the second floor. The Project does not include a request for authorization of on-site smoking or vaporizing of cannabis products. The project proposes minor interior tenant improvements such as installing sales counters, display cases, toilets, and some interior partition walls. No changes to the building exterior or envelope are proposed. New business signage will be applied for under a separate permit.
- 3. Site Description and Present Use.** The Project is located on a 2,500 square foot rectangular parcel fronting Clement Street on the north side between 25th and 26th Avenues. The site is developed with a two-story building containing one commercial space at the ground floor and an office space above, and a residential building at the rear. The commercial space was last occupied by a restaurant.
- 4. Surrounding Properties and Neighborhood.** The surrounding neighborhood is comprised of a broad mix of uses and buildings have active retail frontage with residential uses above the ground floor. Clement Street has a great concentration of restaurants along with significant number of professional, realty, and business offices as well as financial institutions. There are many one to two-story fully commercial buildings, and mixed-use residential buildings. The two directly adjacent properties are fully commercial properties, and there are residential buildings directly south of the Project Site across Clement Street.
- 5. Public Outreach and Comments.** The Sponsor conducted outreach under the Office of Cannabis Good Neighbor Policy, which includes providing a mailed notice of the Project to all property owners and occupants within 300-feet of the site and conducting outreach meetings. Additionally, the Project conducted a pre-application meeting and an additional outreach meeting. The Department has received two letters of opposition to 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 establishment of a Cannabis Retail use in the Outer Clement Neighborhood Commercial Zoning District requires a Conditional Use Authorization pursuant to Planning Code Section 717.

The Project Sponsor is requesting a Conditional Use Authorization to establish a Cannabis Retail use in the Outer Clement Street Neighborhood Commercial Zoning District.
 - B. **Use Size.** Within the Outer Clement NCD Zoning District, the Planning Code principally permits Retail Sales and Service Uses (including Cannabis Retail) at up to 2,499 sq ft per lot.

The Project would utilize the entirety of the existing 2,692 square foot space which is already in excess of the principally permitted use size. Per the Zoning Administrator's interpretations, the use of an existing space which is above a permitted use size at the same size does not require a Conditional Use Authorization. With a sales floor area of 1,521 square feet, the proposed use is not overly large compared to the surrounding retail context.

- 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.** permitted hours of operation in the Outer Clement Street NCD Zoning District are 6:00 am to 11:00 pm. State law limits hours of operation for Cannabis Retailers to between 6am and 10pm.

The proposed hours of operation for the Project are 10:00 am to 8:00 pm. The permitted hours of operation within the Outer Clement Street NCD are 6:00 am to 11:00 pm. The Project is required under State law to cease operation between 10:00 pm and 6:00 am.

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

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 retail space at the same size of the existing space, bringing additional goods and services to the local area. By activating a currently vacant commercial space, the Project will provide jobs and street level activation to the neighborhood. The Outer Clement NCD zoning district requires a Conditional Use Authorization for certain uses, including bars, liquor stores, cannabis retail etc. However, given the context, additional design consideration of Cannabis Retailers is warranted. The proposed business places ID check and waiting areas at the front of the businesses, limiting the visibility of cannabis products and sales from the street while maintaining street level activation. In doing so, it is contextually appropriate and compatible with the surrounding neighborhood and community.

- 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 not include an on-site smoking or vaporizing space, and this approval is conditioned to prohibit smoking or vaporizing of cannabis products. As such, there are safeguards to prevent noxious or offensive emission from the site.

- (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. Proposed signage will be approved under a separate permit.

- 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 Outer Clement Street District controls are designed to promote development that is in keeping with the district's existing small-scale, mixed-use character. The building standards monitor large-scale development and protect rear yards at all levels. Future commercial growth is directed to the ground story in order to promote more continuous and active retail frontage. Additional eating and drinking establishments are regulated to prevent over-concentration, while ground-story entertainment and financial service uses are monitored in order to limit the problems of traffic, congestion, noise and late-night activity associated with such uses and to protect existing neighborhood-serving businesses. Other controls restricting late-night activity, hotels, automobile uses, and drive-up facilities are designed to preserve the low-intensity character of the district. By providing a new neighborhood serving retail activity within an existing, unutilized space, the Project furthers the stated purpose of the Zoning District.

- 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 report recommended no numeric or geographic limits to existing or in-process cannabis business permits and recommended that potential future legislation to address the imbalance be applied to new applicants rather than the existing applicant pipeline. The proposed Project would add a new Cannabis Retailer to the City’s western neighborhoods, contributing to the geographic balance of the use in the City.

Within the general proximity of 2428 Clement Street, the Planning Commission did approve one other Cannabis Retailer located within 2,400 feet of the site, located at 5600 Geary Boulevard (dba Have A Heart, approximately 2340’ from 2428 Clement). However, the entitlement for the site was abandoned by that

Project Sponsor and the site is now a religious facility. The closest open and/or approved cannabis retail storefront is Urbana Geary, located at 4811 Geary Blvd, approximately 4,128-feet from 2428 Clement St.

Within the general proximity of 2428 Clement Street, there is a mix of commercial uses such as restaurants and spas, professional services such as real estate and insurance offices, and residential uses. Cannabis Retail is one of the few businesses that is continuing to expand during the pandemic induced economic crisis (though many existing sites, particularly existing Medical Cannabis Dispensaries, are closing permanently). By creating a new retail use, the Project can serve to support the development of other retail and service uses in the general vicinity.

Key facilities in the surrounding neighborhood that serve youth are the My Little Learning Tree preschool and Mother Goose School. These preschools are located east and north-west of 2428 Clement Street respectively and are at least 950' from the proposed facility. Other facilities include Saint Monica School, Bambini Montessori School, Alamo Elementary School, Saint John of San Francisco Orthodox Academy, Kittredge School, Presidio Middle School, which are all at least 1,000 feet from the proposed facility. Cannabis facilities are highly regulated, and it is more likely that youth would gain easy access to cannabis products through the unregulated market, which remains a large and dominant force in the market of San Francisco (partially due to the ease of cultivating cannabis products within a home and partially due to the slow rate of permitting of licensed locations in the City). While this area is traversed by a diverse population with many different age groups, any potential exposure to cannabis to youth that pass by will be mitigated by the strong security presence at the storefront, no visible product from the windows and a staff that is not only monitoring the storefront but also 50 feet in either direction of the store. No one under the age of 21 is allowed in the store, with the exception of persons aged 18 and above possessing a valid doctor's recommendation. The store will only cater to adults who intend to consume cannabis responsibly either medically or recreationally. 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.

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 does 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. Providing access to cannabis products broadly in the City reduces the need for medical or adult use customers to transit across neighborhoods to purchase products.

- 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.

Though there is an accessory office use associated with the proposed project, 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. 2020-000433CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated August 9, 2021, 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 September 30, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 30, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a Cannabis Retail Use (d.b.a. Clement Greenery) located at 2428 Clement Street, Block 1408, and Lot 017, pursuant to Planning Code Sections 202.2, 303, and 717, within the Outer Clement Street Neighborhood Commercial Zoning District, and a 40-X Height and Bulk District; in general conformance with plans, dated August 9, 2021, and stamped “EXHIBIT B” included in the docket for Record No. 2020-000433CUA and subject to conditions of approval reviewed and approved by the Commission on September 30, 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 September 30, 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 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.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 628.652.7463, 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 628.652.7463, 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 628.652.7454, www.sf-planning.org

9. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7454, 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 628.652.7463, 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 628.652.7463, 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, 628.271.2000, www.sfpublishworks.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 628.652.7463, www.sf-planning.org

- 14. On-Site Consumption.** On-site consumption of packaged or prepared cannabis products is permitted as an accessory use to this Cannabis Retail use. On-site smoking or vaporizing of cannabis products is not permitted.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sf-planning.org

DISABLED ACCESS CHECKLIST

D.A. CHECKLIST (p. 1 of 2): The address of the project is: 2428 CLEMENT ST

For ALL tenant improvement projects in commercial use spaces, both pages of this checklist are required to be reproduced on the plan set and signed.

- The proposed use of the project is RETAIL (e.g. Retail, Office, Restaurant, etc.)
- Describe the area of remodel, including which floor: GROUND & SECOND FLOORS
- The construction cost of this project excluding disabled access upgrades to the path of travel is \$ \$125,000.00 which is, (check one) more than / less than the 2020 Valuation Threshold of \$170,466.00

4. Is this a City project and/or does it receive any form of public funding? Check one: Yes / No. Note: If Yes, then see Step 3 on the instructions page of the Disabled Access Upgrade Compliance Checklist package for additional forms required.

Conditions below must be fully documented by accompanying drawings

- Read A through D below carefully and check the most applicable boxes. Check one box only:
 - A: All existing conditions serving the area of remodel fully comply with access requirements.** No further upgrades are required. Fill out page 2 of D.A. Checklist
 - B: Project Adjusted cost of construction is greater than the current valuation threshold.** Fill out and attach page 2 of D.A. Checklist and any other required forms to plans
 - C: Project adjusted cost of construction is less than or equal to the current valuation threshold.** List items that will be upgraded on Form C. All other items shall be checked on page 2 of the D.A. Checklist in the "Not required by code" column.
 - D: Proposed project consists entirely of Barrier removal.** Fill out and attach Barrier removal form to Plans
 - E: Proposed project is minor revision to previously approved permit drawings only.** (Note: This shall NOT be used for new or additional work) Provide previously approved permit application here: _____ Description of revision: _____

CBC chapter 2 section 202 Definitions:

Technically Infeasible: An alteration of a building or a facility, that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

Unreasonable Hardship: When the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:

- The cost of providing access.
- The cost of all construction contemplated.
- The impact of proposed improvements on financial feasibility of the project.
- The nature of the accessibility which would be gained or lost.
- The nature of the use of the facility under construction and its availability to persons with disabilities.

The details of any Technical Infeasibility or Unreasonable Hardship shall be recorded and entered into the files of the Department. All Unreasonable Hardships shall be ratified by the AAC.

~ 6 ~

D.A. CHECKLIST (p. 2 of 2): The address of the project is: 2428 CLEMENT ST

Check all applicable boxes and specify where on the drawings the details are shown:

	Existing Fully Complying	Will be Upgraded to Full Compliance	Equivalent Facilitation will provide full access	Compliance is Technically Infeasible	Approved in compliance with emergency protecting code	Not required by Code (actor none existing)	Non-compliant requires UHR (see Unreasonable Hardship)	Location of details - include detail no. & drawing sheet (do not leave this cell blank!) Also clarification comments can be written here.
A. One accessible entrance including approach walk, vertical access, platform (landings), door / gate and hardware for door/gate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B. An accessible route to the area of remodel including: Parking/access aisles and curb ramps Curb ramps and walks Corridors, hallways, floors Ramps elevators, lifts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C. At least one accessible restroom for each sex or a single unisex restroom serving the area of remodel.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D. Accessible public pay phone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. Accessible drinking fountains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F. Additional accessible elements such as parking, stairways, storage, alarms and signage.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
See the requirements for additional forms listed below								

- No additional forms required
- No additional forms required
- Fill out Request for Approval of Equivalent Facilitation form for each item checked and attach to plan.
- Fill out Request for Approval of Technical Infeasibility form for each item checked and attach to plans.
- Provide details from a set of City approved reference drawings, provide its permit application number here _____ and list reference drawing number on plans.
- No additional forms required
- Fill out Request for an Unreasonable Hardship form for each item checked and attach to plan. All UHR must be ratified by the Access Appeals Commission (see UHR form for details)

~ 7 ~

GENERAL NOTES

- ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH THE 2019 CALIFORNIA BUILDING CODES (CBC), SAN FRANCISCO BUILDING CODES (SFC) AND ALL APPLICABLE AMENDMENTS AND ORDINANCES.
- ALL DIMENSIONS AND DETAILS OF CONSTRUCTION SHALL BE VERIFIED IN THE FIELD BY CONTRACTORS.
- FOR EXISTING CONSTRUCTION TO REMAIN, PROVIDE PROTECTION DURING DEMOLITION & CONSTRUCTION. CLEAN AND PATCH OR REPAIR DAMAGED AREAS AS REQUIRED TO MATCH EXISTING OR TO RECEIVE NEW FINISH.
- CAP ALL UTILITIES WHERE EXISTING PLUMBING, ELECTRICAL OR MECHANICAL FIXTURES AND/OR EQUIPMENT IS BEING REMOVED.
- DO NOT SCALE DRAWINGS.
- ALL DIMENSIONS ARE TO FACE OF STUD OR FACE OF CONCRETE, U.O.N.
- ALL CONSTRUCTION SHALL BE 1 HOUR FIRE-RESISTIVE RATED THROUGHOUT, EXCEPT AS NOTED.
- BUILDING TO BE SPRINKLERED THROUGHOUT PER CBC SECTION 903.3.1.1 AND PER NFPA 13.

PROJECT INFORMATION

ADDRESS: 2428 CLEMENT STREET
SAN FRANCISCO, CA 94121

BLOCK / LOT: 1408 / 017

LOT AREA: 2,500 SQ.FT.

DESCRIPTION: PROPOSED TENANT IMPROVEMENT TO AN EXISTING VACANT TWO-STORY COMMERCIAL BUILDING

ZONING: NCD - OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL

HEIGHT / BULK: 40 - X

SETBACKS: NONE

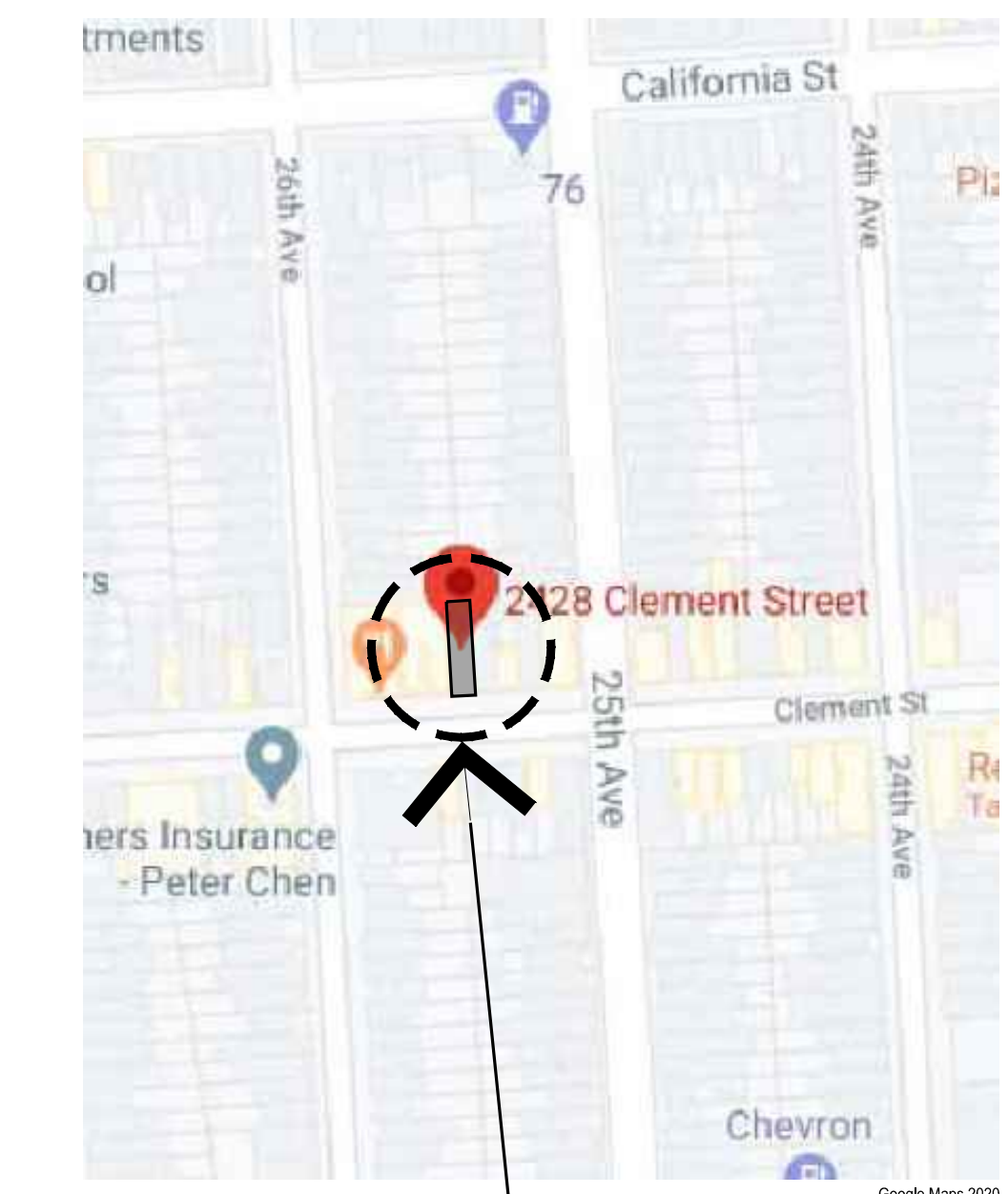
F.A.R.: ALLOWED: 1.8 TO 1
EXISTING: 1.1 TO 1

BICYCLE PARKING: CLASS 1: 1 REQUIRED
1 LOCKER PROVIDED
CLASS 2: 2 REQUIRED
1 (E)RACK ON SIDEWALK FOR 2 BICYCLES

USE / OCCUPANCY: EXISTING: VACANT GROUP B - RESTAURANT
PROPOSED: GROUP M - RETAIL CANNABIS

CONSTRUCTION TYPE: EXISTING V - A, FULLY SPRINKLERED

LOCATION MAP



PROJECT SITE
2428 CLEMENT STREET
SAN FRANCISCO, CA 94121

SCOPE OF WORK

TENANT IMPROVEMENT TO AN EXISTING TWO-STORY COMMERCIAL BUILDING

2428

Clement Street

Commercial Tenant Improvement

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Project No: 20-011 Date: 08.20.2020

Revisions

No.	Issue / Date
	ISSUED FOR REVIEW 09.24.2020
	ISSUED FOR REVIEW 12.14.2020
3	PLANNING DEPT. COMMENTS 08.31.21
3	PLANNING DEPT. COMMENTS 09.13.21

AREA CALCULATIONS

BUILDING GROSS FLOOR AREA (PER PLANNING CODE DEFINITION):

	GROSS FLOOR AREA*	
	EXISTING BUILDING	PROPOSED BUILDING
GROUND FLOOR	1,521 SQ.FT.	1,489 SQ.FT.*
SECOND FLOOR	1,171 SQ.FT.	1,171 SQ.FT.
TOTAL GROSS FLOOR AREA	2,692 SQ.FT.	2,660 SQ.FT.*

*GROSS FLOOR AREA IS MEASURED PER PLANNING CODE SECTION 102.9 FROM EXTERIOR FACE OF EXTERIOR WALL AND EXCLUDES BICYCLE PARKING FROM CALCULATIONS:

- BICYCLE PARKING - 32 SQ.FT.

BUILDING OCCUPIED FLOOR AREA (PER PLANNING CODE DEFINITION):

	OCCUPIED FLOOR AREA**	
	EXISTING BUILDING	PROPOSED BUILDING
GROUND FLOOR	1,208 SQ.FT.	1,130 SQ.FT.
SECOND FLOOR	1,077 SQ.FT.	453 SQ.FT.
TOTAL OCCUPIED FLOOR AREA	2,285 SQ.FT.	1,583 SQ.FT.

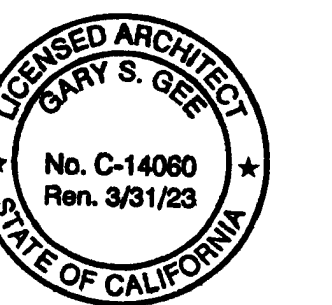
**OCCUPIED FLOOR AREA IS DEFINED PER PLANNING CODE SECTION 102.9 AS GROSS FLOOR AREA MINUS EXTERIOR WALLS OF THE BUILDING, MECHANICAL EQUIPMENT, APERTURES AND AREAS NECESSARY TO THE OPERATION OR MAINTENANCE OF THE BUILDING, RESTROOMS, AREAS FOR RETAIL MANAGEMENT, DISPLAY OR STOCKROOM STORAGE.

DRAWING INDEX

- ARCHITECTURAL
- A0.1 PROJECT INFORMATION, SCOPE OF WORK, DRAWING INDEX, GENERAL NOTES, DISABLED ACCESS CHECKLIST
 - A2.1 EXISTING SITE PLAN
 - A2.2 EXISTING GROUND LEVEL FLOOR PLAN / DEMOLITION PLAN, PROPOSED GROUND LEVEL FLOOR PLAN
 - A2.3 EXISTING SECOND LEVEL FLOOR PLAN / DEMOLITION PLAN, PROPOSED SECOND LEVEL FLOOR PLAN
 - A3.1 EXISTING STREET ELEVATION, PROPOSED STREET ELEVATION
 - A3.1a PROPOSED SOUTH ELEVATION

WORK UNDER SEPARATE PERMIT

FIRE ALARM SYSTEM
FIRE SPRINKLER SYSTEM
MECHANICAL
ELECTRICAL



Project Information

Scale: As Noted

Sheet

A0.1

of

2428

Clement Street

Commercial Tenant Improvement

San Francisco • California

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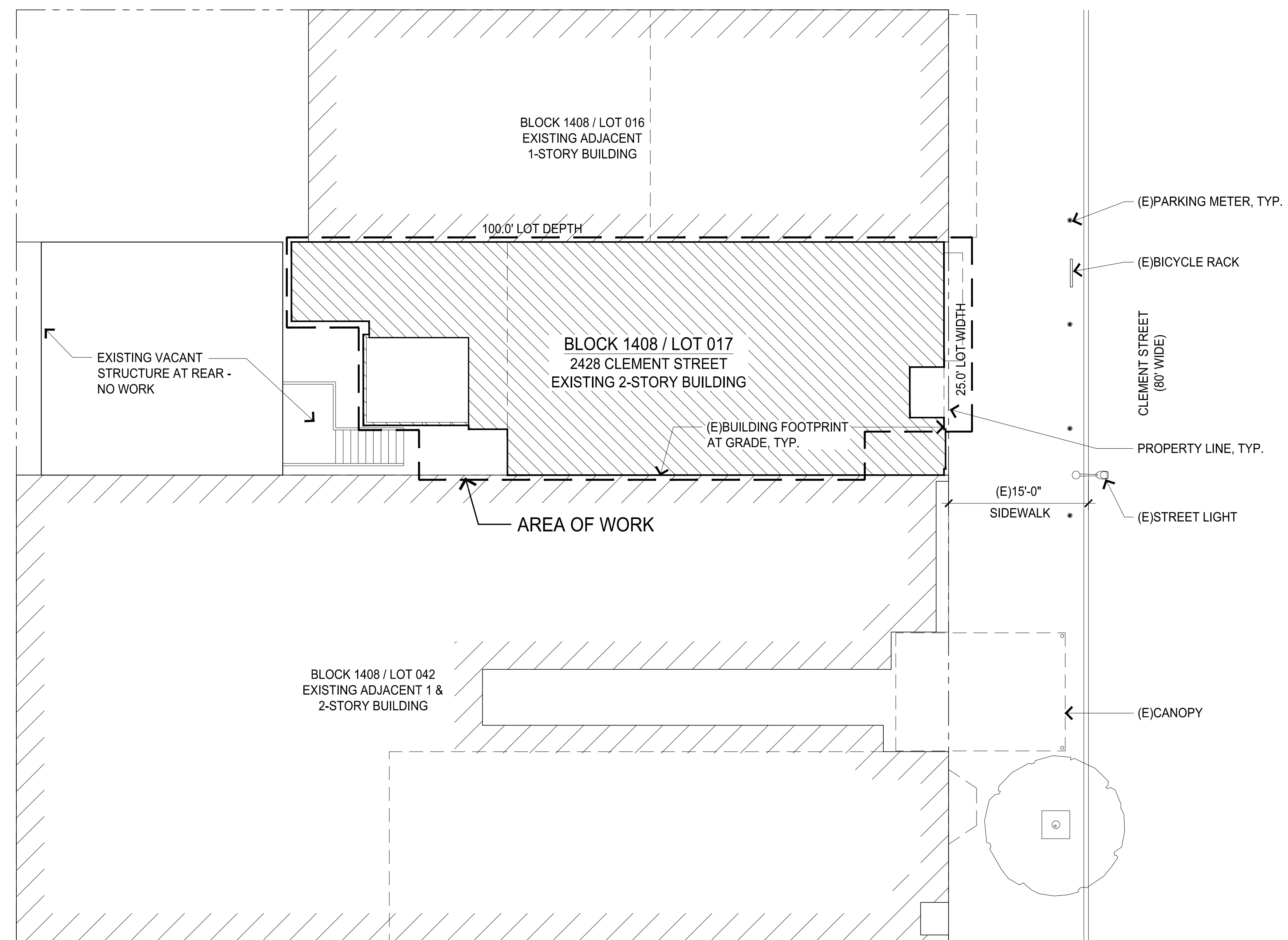
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Project No. 20-011 Date 08.20.2020

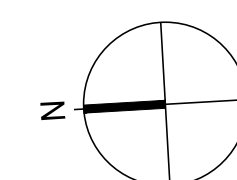
Revisions

No.	Issue / Date
	ISSUED FOR REVIEW 09.24.2020
	ISSUED FOR REVIEW 12.14.2020



EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"



Site Plan

Scale: 1/8" = 1'-0"

Sheet

A2.1

of XX

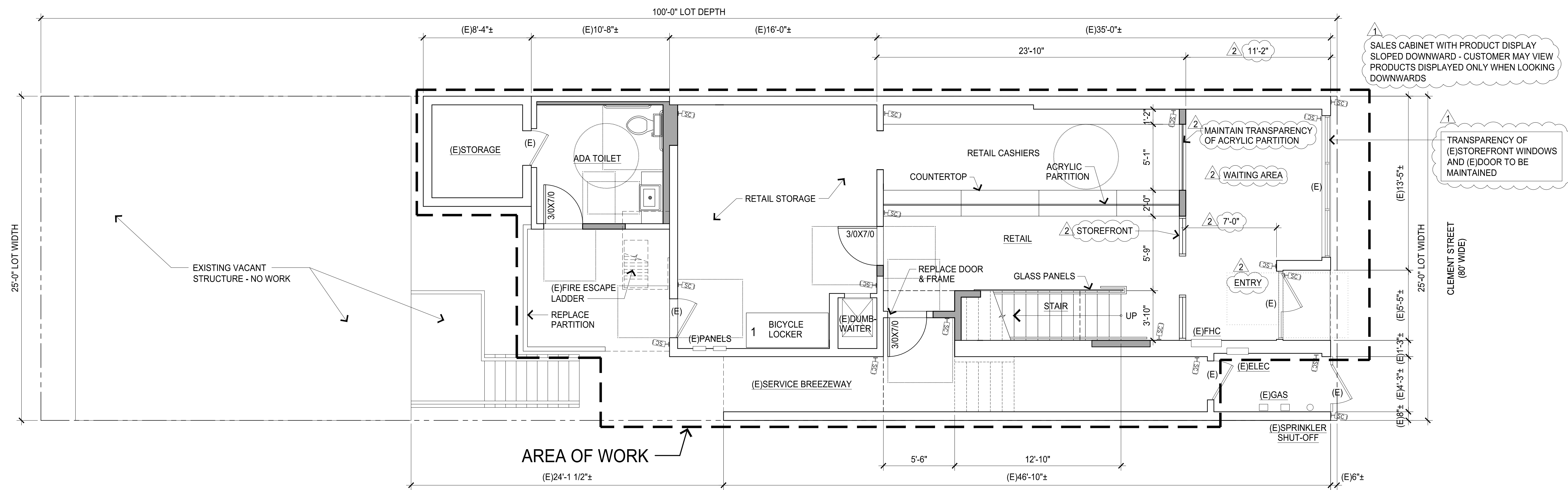
Revisions	
No.	Issue / Date
	ISSUED FOR REVIEW 09.24.2020
	ISSUED FOR REVIEW 12.14.2020
1	PLANNING DEPT. COMMENTS 04.14.21
2	PLANNING DEPT. COMMENTS 07.26.21
2	PLANNING DEPT. COMMENTS 08.09.21

LEGEND

- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE REMOVED
- NEW CONSTRUCTION
- (E) TYP. EXISTING TYPICAL
- SECURITY CAMERA

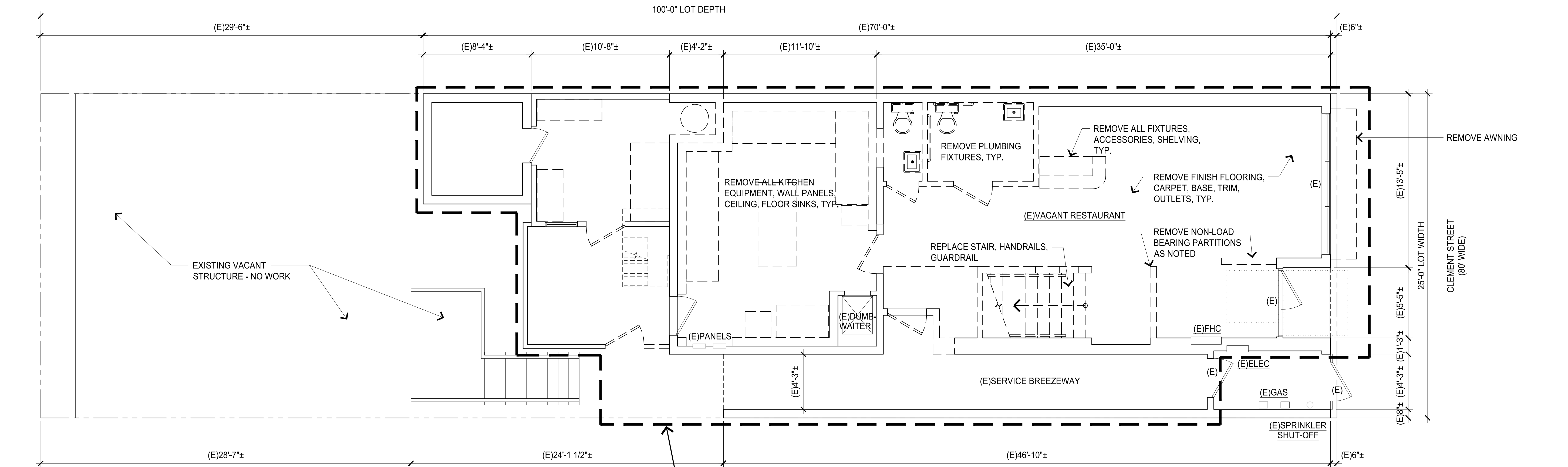
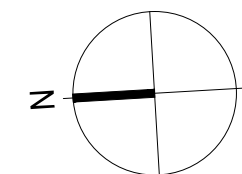
NOTES

1. REFER TO SHEET A0.1 FOR PROJECT INFORMATION, GENERAL NOTES, AND OTHER INFORMATION.
2. FOR EXISTING CONSTRUCTION TO REMAIN, PROVIDE PROTECTION DURING DEMOLITION AND CONSTRUCTION. PATCH & REPAIR DAMAGED AREAS AS REQUIRED TO MATCH EXISTING OR TO RECEIVE NEW FINISH.
3. PROVIDE SHORING / BRACING AS REQUIRED FOR EXISTING CONSTRUCTION TO REMAIN.
4. CAP ALL UTILITIES WHERE EXISTING PLUMBING, ELECTRICAL OR MECHANICAL FIXTURES AND/OR EQUIPMENT IS BEING REMOVED.
5. PROVIDE TEMPERED SAFETY GLASS IN ALL HAZARDOUS LOCATIONS AS DEFINED AND REQUIRED BY CBC SECTION 2406. VERIFY FOR ALL LOCATIONS AND CONDITIONS.
6. STAIRS SHALL HAVE 7" MAXIMUM HIGH RISER WITH 11" MINIMUM TREADS, TYP. HANDRAILS SHALL BE 34" - 36" ABOVE STAIR NOSING, TYP.
7. TRANSPARENCY OF THE EXISTING EXTERIOR STOREFRONT WINDOWS AND DOOR WILL BE MAINTAINED.
8. TRANSPARENCY OF THE INTERIOR ACRYLIC / GLASS PARTITIONS WILL BE MAINTAINED.



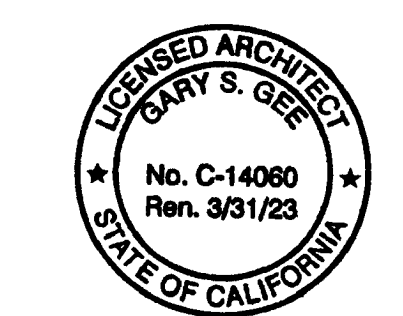
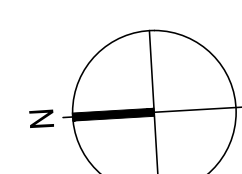
PROPOSED GROUND LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



EXISTING GROUND LEVEL FLOOR PLAN / DEMOLITION PLAN

SCALE: 1/4" = 1'-0"



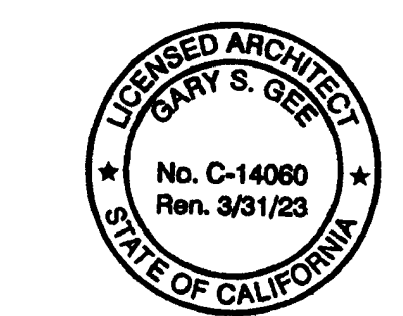
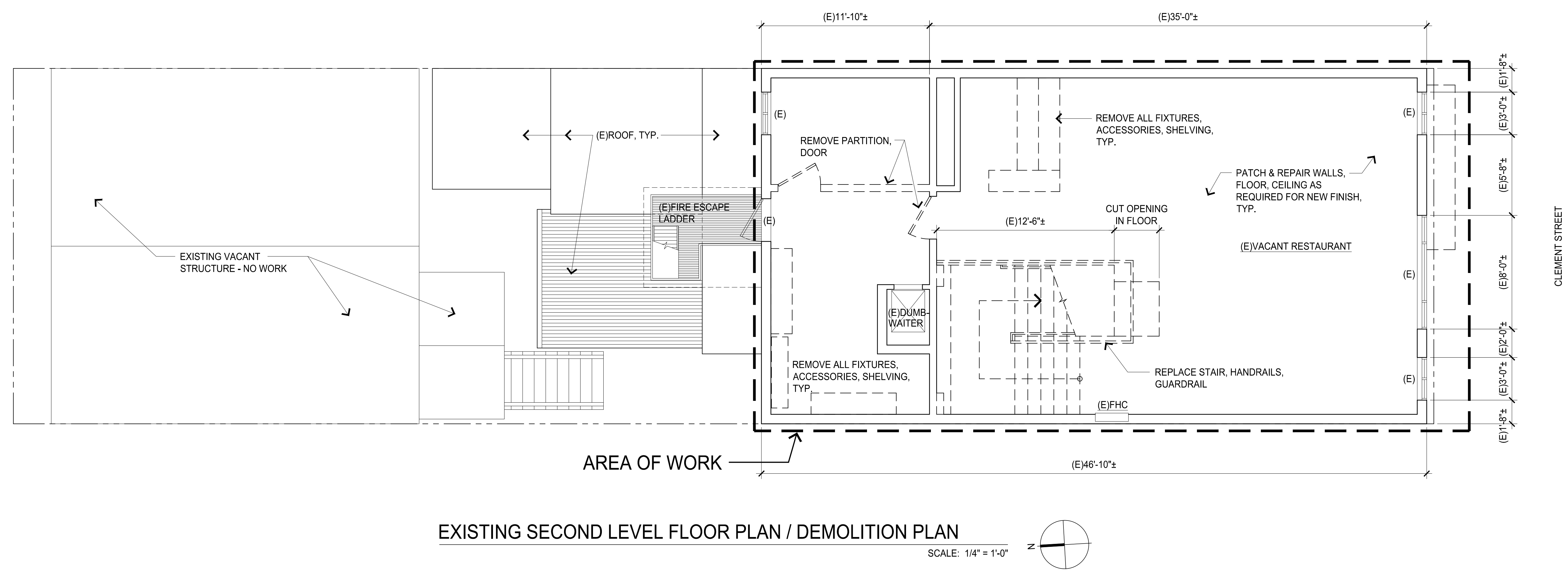
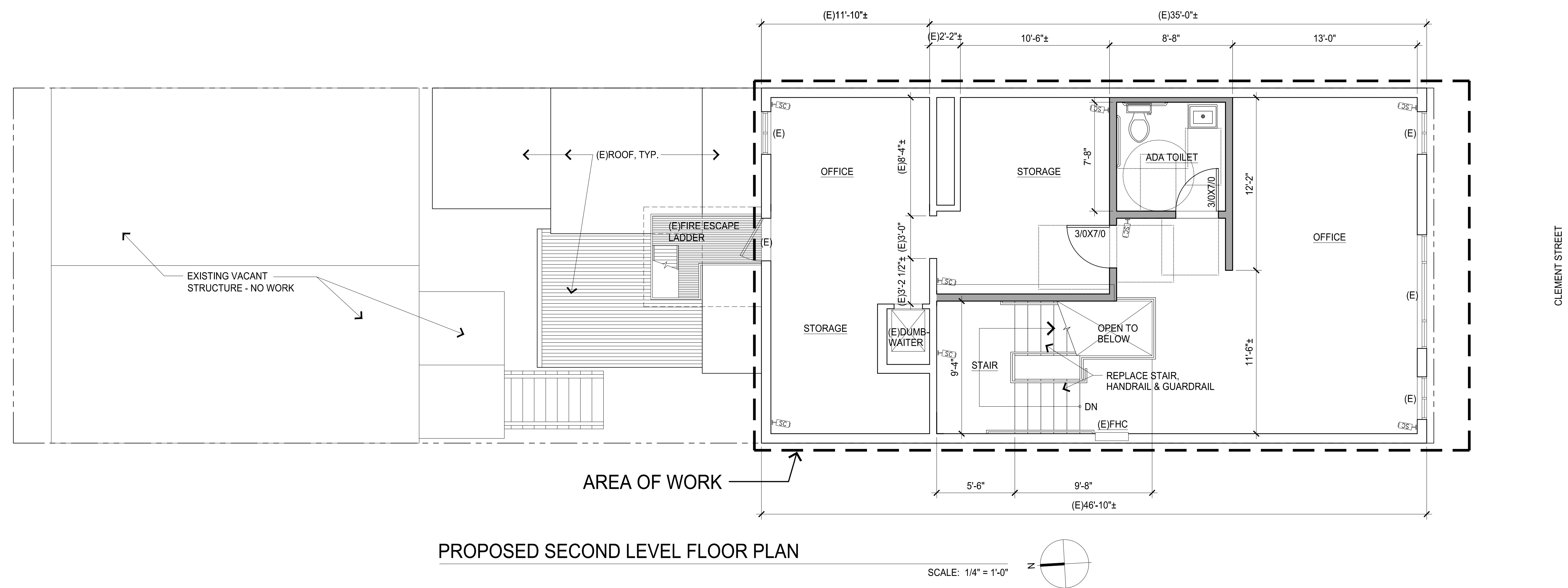
Revisions	
No.	Issue / Date
	ISSUED FOR REVIEW 09.24.2020
	ISSUED FOR REVIEW 12.14.2020
2	PLANNING DEPT. COMMENTS 08.09.21

LEGEND

- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE REMOVED
- NEW CONSTRUCTION
- (E) TYP. EXISTING TYPICAL
- SECURITY CAMERA

NOTES

1. REFER TO SHEET A0.1 FOR PROJECT INFORMATION, GENERAL NOTES, AND OTHER INFORMATION.
2. REFER TO GROUND FLOOR PLAN FOR APPLICABLE NOTES, DIMENSIONS AND OTHER INFORMATION.



2428

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Project No. 20-011 Date 08.20.2020

Revisions

No.	Issue / Date
	ISSUED FOR REVIEW 09.24.2020
	ISSUED FOR REVIEW 12.14.2020
2	PLANNING DEPT. COMMENTS 08.09.21
3	PLANNING DEPT. COMMENTS 09.13.21

LEGEND

- EXISTING CONSTRUCTION TO BE REMOVED
- 2 SECURITY CAMERA
- (E) EXISTING

Wall Mount Bracket for The Deputy v2, The Sheriff, and The Informant - WMB26DF
Dimensions(9"x5"x5")
Weight: 2.20lb
Material: Aluminum alloy
<https://www.getscw.com/cctv-accessories/wall-mount-bracket-for-the-deputy-v2-the-sheriff-and-the-informant-wmb26df>

2428 CLEMENT STREET - SECURITY CAMERA MOUNT DETAIL FOR BUILDING FACADE



2 PROPOSED SOUTH ELEVATION (CLEMMENT)
SCALE: 1/4" = 1'-0"



EXISTING SOUTH ELEVATION (CLEMMENT)
SCALE: 1/4" = 1'-0"



Elevation

Scale: 1/4" = 1'-0"

Sheet

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of

2428

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Project No. 20-011 Date 08.20.2020

Revisions

No.	Issue / Date
3	PLANNING DEPT. COMMENTS 09.13.21



PROPOSED SOUTH ELEVATION (CLEMENT)

SCALE: 1/4" = 1'-0"



Elevation

Scale: 1/4" = 1'-0"

Sheet
A3.1a 3
of SHEET ADDED



CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
2428 Clement Street		1408017
Case No.		Permit No.
2021-000433PRJ		202012231651
<input checked="" type="checkbox"/> Addition/Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval. Remodel former restaurant into a retail space. First floor will be cannabis retail. Second floor will be office and storage.</p>		

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"/>	<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>
<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.

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.)? <i>(refer to the Environmental</i></p>
<input type="checkbox"/>	<p>Hazardous Materials: <input type="checkbox"/> Maher or <input type="checkbox"/> Cortese</p> <p>Is the project site located within the Maher area or on a site containing potential subsurface soil or groundwater contamination 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? Is the project site located on a Cortese site or 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 current or former underground storage tanks? <i>if Maher 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.</i></p> <p>Note that a categorical exemption shall not be issued for a project located on the Cortese List</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? Would the project involve the intensification of or a substantial increase in vehicle trips at the project site or elsewhere in the region due to autonomous vehicle or for-hire vehicle fleet maintenance, operations or</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? <i>(refer to the Environmental Information tab on https://sfplanninggis.org/PIM/)</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? <i>(refer to the Environmental Information tab on https://sfplanninggis.org/PIM/)</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? <i>(refer to the Environmental Information tab on https://sfplanninggis.org/PIM/)</i> If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional):</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 type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

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

Check all that apply to the project.	
<input 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): Change of use to cannabis retail, interior TI only	
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: Kalyani Agnihotri
		09/22/2021
<p>Supporting documents are available for review on the San Francisco Property Information Map, which can be accessed at https://sfplanninggis.org/PIM/. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number (ENV) and then clicking on the "Related Documents" link. Once signed or stamped and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action.</p>		

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

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 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

Planner Name:

Date:



Land Use Information

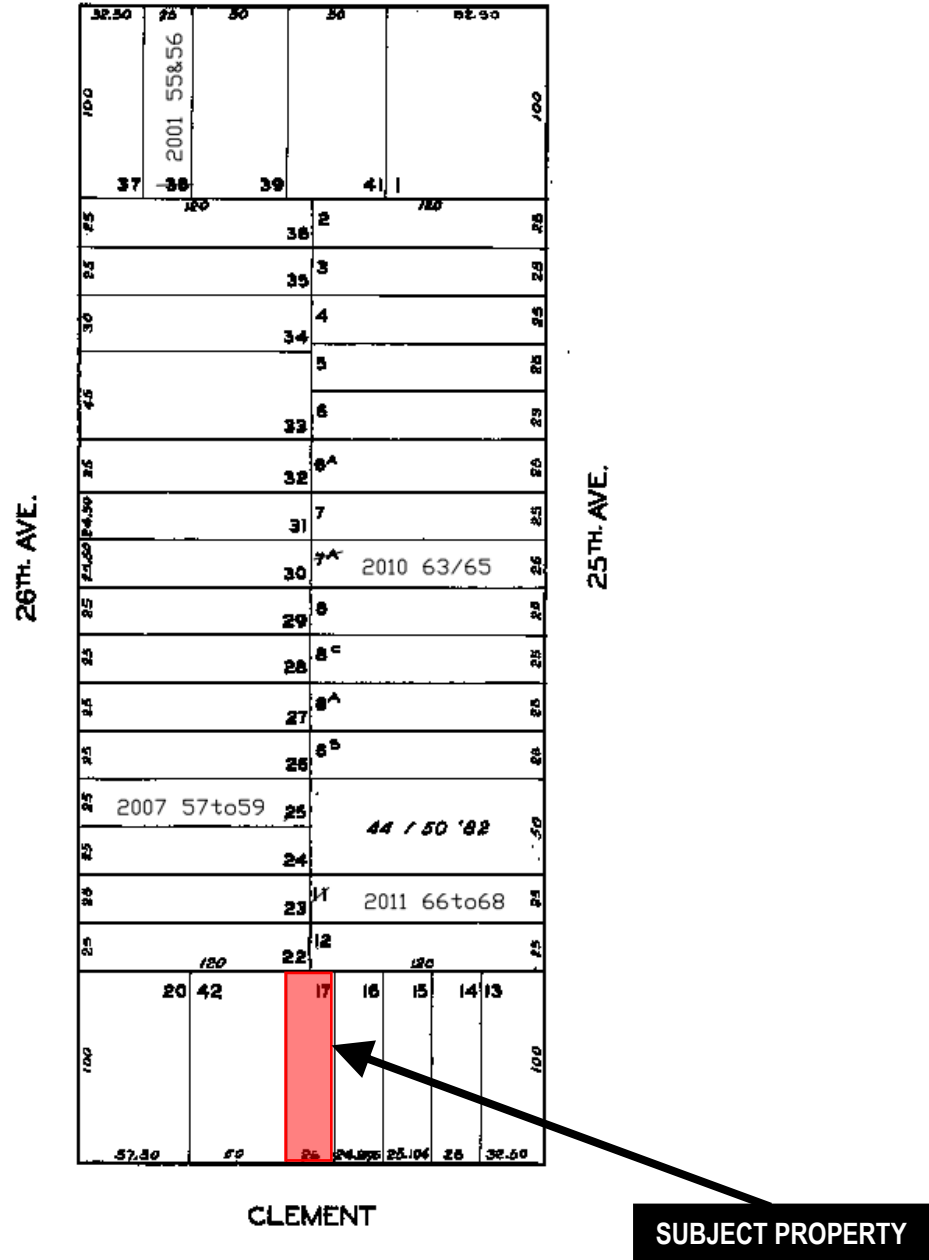
PROJECT ADDRESS: 2428 CLEMENT ST
RECORD NO.: 2021-000433PRJ

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	N/A	N/A	N/A
Residential GSF	695	695	695
Retail/Commercial GSF	2,692	2,692	2,692
Office GSF	N/A	N/A	N/A
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	N/A	N/A	N/A
Medical GSF	N/A	N/A	N/A
Visitor GSF	N/A	N/A	N/A
CIE GSF	N/A	N/A	N/A
Usable Open Space	N/A	N/A	N/A
Public Open Space	N/A	N/A	N/A
Other ()	N/A	N/A	N/A
TOTAL GSF	N/A	N/A	N/A
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	N/A	N/A	N/A
Dwelling Units - Market Rate	1	0	1
Dwelling Units - Total	N/A	N/A	N/A
Hotel Rooms	N/A	N/A	N/A
Number of Buildings	2	0	2
Number of Stories	2	0	2
Parking Spaces	N/A	N/A	N/A
Loading Spaces	N/A	N/A	N/A
Bicycle Spaces	2	1	3
Car Share Spaces	N/A	N/A	N/A
Other ()	N/A	N/A	N/A

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

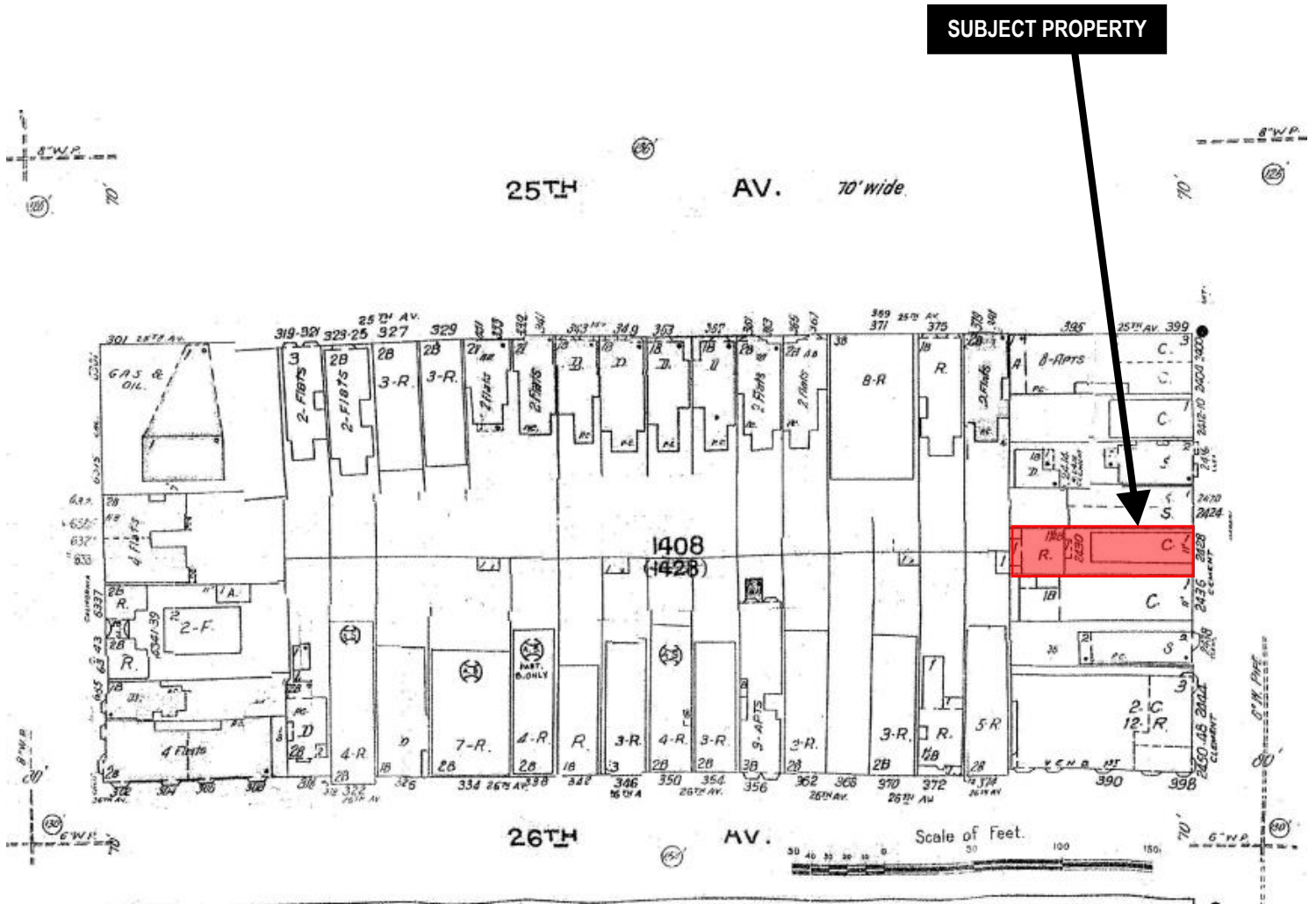
Parcel Map

CALIFORNIA



Conditional Use Authorization
 Case Number 2021-000433CUA
 Cannabis Retail Use
 2428 Clement Street

Sanborn Map*



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



Conditional Use Authorization
Case Number 2021-000433CUA
Cannabis Retail Use
2428 Clement Street

Aerial Photo – View 1



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2021-000433CUA
Cannabis Retail Use
2428 Clement Street

Aerial Photo – View 2

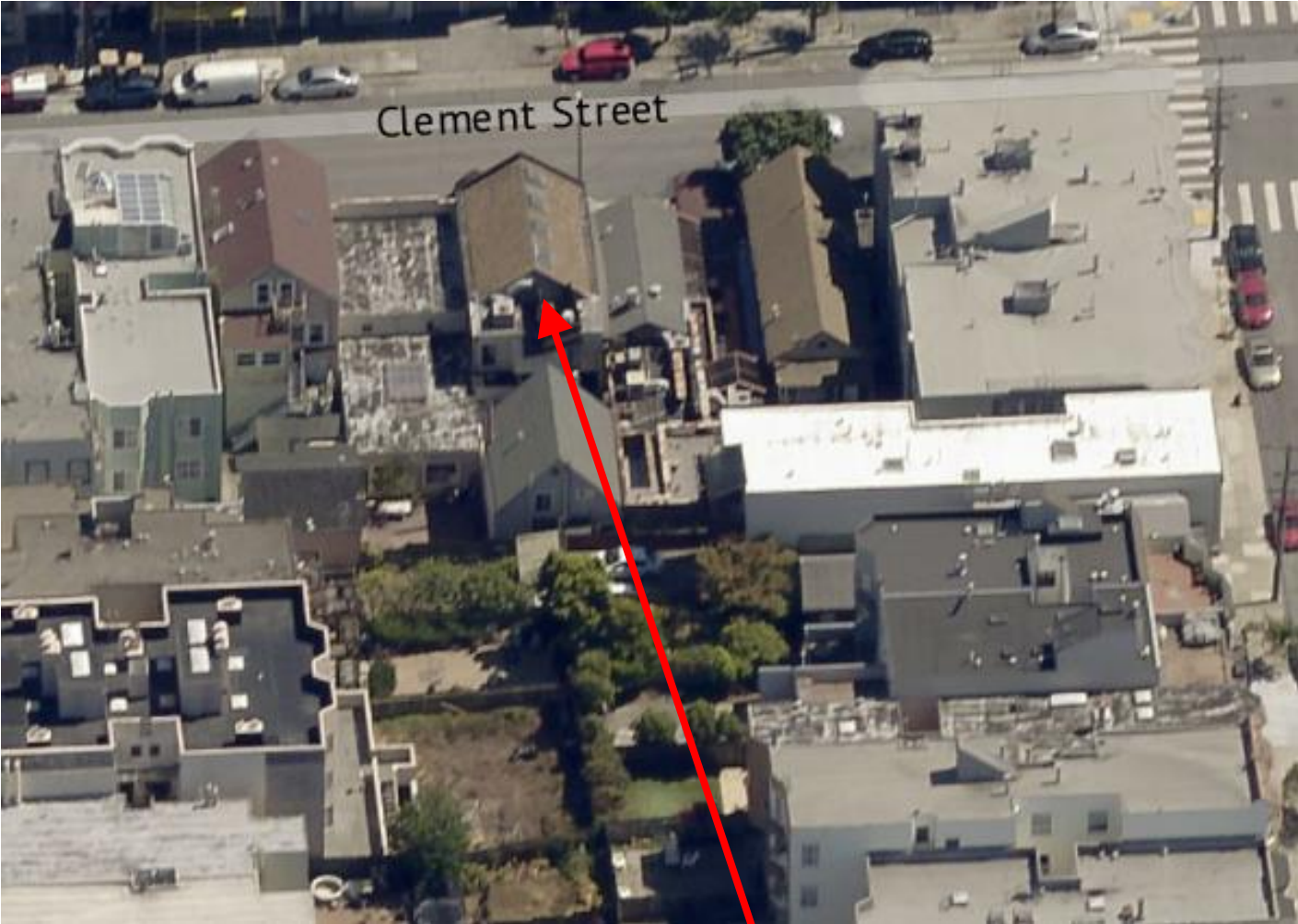


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2021-000433CUA
Cannabis Retail Use
2428 Clement Street

Aerial Photo – View 3

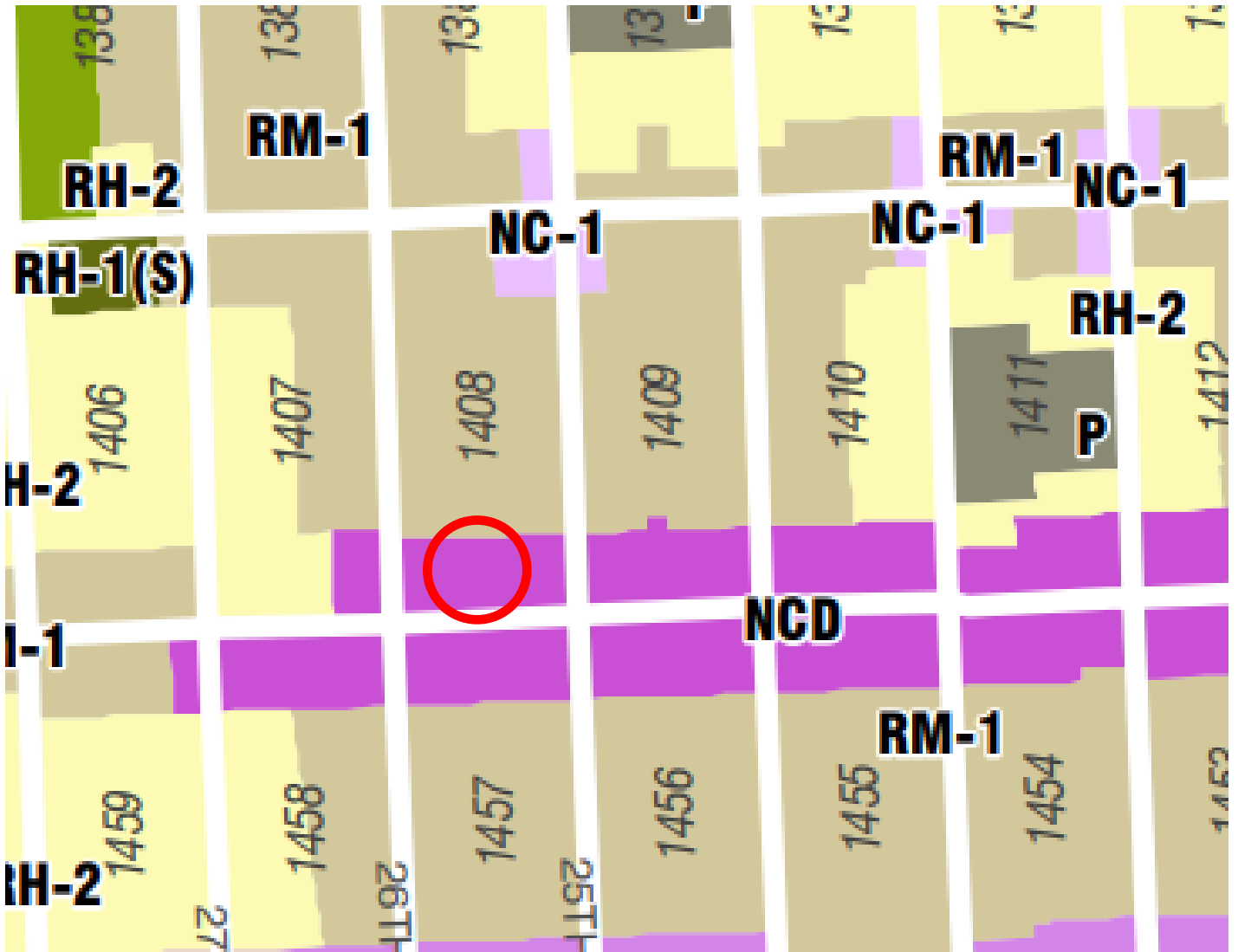


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2021-000433CUA
Cannabis Retail Use
2428 Clement Street

Zoning Map



Conditional Use Authorization
Case Number 2021-000433CUA
Cannabis Retail Use
2428 Clement Street

Site Photo



Conditional Use Authorization
Case Number 2021-000433CUA
Cannabis Retail Use
2428 Clement Street



San Francisco Planning

PROJECT APPLICATION (PRJ)

GENERAL INFORMATION

Property Information

Project Address: 2428 Clement Street

Block/Lot(s): 1408/017

Property Owner's Information

Name: She Hsei

Address: 2428 Clement Street, SF, CA 94121

Email Address: katty02@yahoo.com

Telephone: 415.819.0211

Applicant Information

Same as above

Name: Cesar Angobaldo

Company/Organization: 2428 Clement Street Retail Inc.

Address: 2428 Clement Street, SF, CA 94121

Email Address: cesar.angobaldo@gmail.com

Telephone: 510.435.1632

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): N/A +

Related Preliminary Project Assessments (PPA)

N/A

PPA Application No: N/A

PPA Letter Date: N/A

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.

Remodel former restaurant into a retail space. First floor will be cannabis retail. Second floor will be office and storage.

PROJECT DETAILS:

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

- 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: Cannabis Retail

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	1,000	1,000
	Retail/Commercial GSF	2,482	2,101
	Office GSF	105	453
	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	1	1
	Dwelling Units - Total	1	1
	Hotel Rooms		
	Number of Building(s)	2	2
	Number of Stories	2	2
	Parking Spaces		
	Loading Spaces		
	Bicycle Spaces	2	3
	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	1	1
	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	5 months
1b. General	Does the project involve replacement or repair of a building foundation? If yes, please provide the foundation design type (e.g., mat foundation, spread footings, drilled piers, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
1c. General	Does the project involve a change of use of 10,000 square feet or greater?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Transportation	Does the project involve a child care facility or school with 30 or more students, or a location 1,500 square feet or greater?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit an Environmental Supplemental- <u>School and Child Care Drop-Off & Pick-Up Management Plan</u> .
3. Shadow 	Would the project result in any construction over 40 feet in height?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, an initial review by a shadow expert, including a recommendation as to whether a shadow analysis is needed, may be required, as determined by Planning staff. (If the project already underwent Preliminary Project Assessment, refer to the shadow discussion in the PPA letter.) An additional fee for a shadow review may be required.
4a. Historic Preservation	Would the project involve changes to the front façade or an addition visible from the public right-of-way of a structure built 45 or more years ago or located in a historic district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a complete <u>Historic Resource Determination</u> Supplemental Application. Include all materials required in the application, including a complete record (with copies) of all building permits.
4b. Historic Preservation	Would the project involve demolition of a structure constructed 45 or more years ago, or a structure located within a historic district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, a historic resource evaluation (HRE) report will be required. The scope of the HRE will be determined in consultation with CPC-HRE@sfgov.org .

 Please see the Property Information Map or speak with Planning counter staff at the Permit Center to determine if this applies.

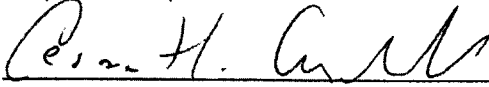
Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
5. Archeology 	Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeologically sensitive area or eight (8) feet below grade in a non-archeologically sensitive area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, provide depth of excavation/disturbance below grade (in feet*): <i>*Note this includes foundation work</i>
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): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project: 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. A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.
6b. Geology and Soils 	Does the project involve a lot split located on a slope equal to or greater than 20 percent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 . <u>Maher enrollment may also be required for other circumstances as determined by Environmental Planning staff.</u>
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 counter staff at the Permit Center 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

Cesar Angobaldo

Name (Printed)

December 21, 2020

Date

Manager

510-435-1632

cesar.angobaldo@gmail.com

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



San Francisco Planning

CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 2428 Clement Street

Block/Lot(s): 1408/017

Action(s) Requested

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

Proposed cannabis retail requires SF Planning Code Sections 303(c) and 303(w) conditional use approval.

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).

See attached letter.

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

See attached letter.

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

See attached letter.

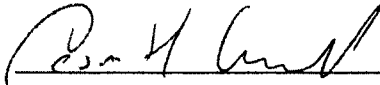
4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

See attached letter.

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

Cesar Angobaldo

Name (Printed)

12/21/2020

Date

Manager

510-435-1632

cesar.angobaldo@gmail.com

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

ATTACHMENT A
CONDITIONAL USE FINDINGS & PROJECT DESCRIPTION

1. The proposed project, Clement Street Retail, will add a new and compatible use to the Richmond District.

This project is being developed and operated by local Richmond residents and POC cannabis entrepreneurs that have a deep appreciation and understanding for the Richmond District, with a particular focus on social equity in the workplace and throughout the cannabis supply chain. The operating team has a proven track record of experience in the recreational and medical cannabis market. The Upper Clement Street corridor is known for its combination of charming family run restaurants, trendier bars, locally owned coffee shops, and other boutique and specialty small businesses. This project is consistent with the neighborhood character as Clement Street Retail will offer high quality cannabis retail products, job opportunities, customer education, and direct community support to the neighborhood while fitting in with the unique culture and style of the Richmond District.

The operating team is known for their contributions to the Bay Area's cannabis social equity program and the advancement of people of color within the cannabis industry, with Clement Street's COO Amber Senter being one of the principle proponents and foremost crafters of Oakland's Cannabis Equity Program. The operating team additionally hires management and staff exclusively from within marginalized communities and those that would otherwise benefit from or qualify for these same programs and opportunities Amber Senter helped foster. Our CEO, Tiara Mitchell, is a second generation San Franciscan and one of only a handful of women participating in SF's Equity program. She brings with her over a decade of dispensary management & operating experience, starting out at reception and working her way up to Assistant General Manager of her current employer, Apothecarium.

Use Proposed at 2428 Clement Street, San Francisco

The proposed use is a medical and adult use dispensary. The project is being designed to align with the District's unique character, culture and demographics. This use will be primarily neighborhood serving and is necessary, desirable, and compatible with the neighborhood for the following reasons: There is currently only one cannabis retail store operating in the Richmond District. It is a legal complimentary use that will fit in with the unique character of the neighborhood, provide jobs, and fill a currently vacant storefront. The Dispensary will bring more residents to Clement Street and the neighboring restaurants, bars & merchants will benefit from increased foot traffic and service synergy.

Character of the District

Clement Street Retail will be a locally owned small business, designed to be a neighborhood serving dispensary for the Richmond District. The storefront floor space will be limited, with a focus on online customer education, browsing, and ordering as opposed to a traditional storefront cannabis retail environment. The interior and façade designs will be sensitive to preserving the

cannabis retail environment. The interior and façade designs will be sensitive to preserving the cultural style of the District.

Current Uses in the Area

Clement Street is a San Francisco neighborhood commercial corridor, vibrant day and night. The street is filled with small boutiques, cafes, restaurants, bars and neighborhood service businesses. The location for this project was formerly a Taiwanese restaurant.

There are no other cannabis retail facilities on Clement Street, and the project sponsor thinks this location is perfect for this use as it will blend in and does not create a “chain” cannabis retail destination that is out of line with the character of Clement Street and the Richmond District.

This project will provide economic diversity by providing a new business type to the area which does not compete with the existing businesses. Instead, the proposed business will provide complimentary products and services at a range of price points. The other small businesses in the corridor will see an uptick in sales as new customers from the neighborhood are brought to the area for a product that is not otherwise available in walking distance. Clement Street Retail will be a stable business which will operate in the neighborhood for years to come and will remain a strong proponent of community focused initiatives within the District.

Medical Cannabis Expertise & Services

Although cannabis is now legal for adult use, Clement Street Retail still supports and emphasizes the benefits of medical cannabis products. Clement Street Retail’s operating experience in the cannabis industry has allowed the management and staff to develop unparalleled expertise and access to specialty medicinal products. Neighbors looking for a safe and effective alternative to pharmaceutical drugs will find Clement Street Retail to be a safe, sanitary, and socially distanced environment for customers to acquire their cannabis medications.

Location, Size & Intensity of the Project

The project site is located on Clement Street, between 24th & 25th Streets. The dispensary will be designed to be a comfortable, and provide a friendly environment for people to legally and safely purchase their cannabis products. Planters along the front will further obscure the view within the establishment. As an establishment catered to Richmond residents, we expect the facility to fit unobtrusively within the neighborhood.

Desirability & Compatibility of the Project

Clement Street Retail is a model San Francisco small business owned and operated by local POC cannabis entrepreneurs and Richmond District Natives. Adult use and medical cannabis are a part of the culture and history in San Francisco for a large portion of the City’s residents. Additionally, Cannabis is now legal in California but the economic benefits of legalization are often not experienced by those who suffered the most due to it’s criminalization. By focusing on providing employment opportunities to local marginalized communities and the preservation of

providing employment opportunities to local marginalized communities and the preservation of our unique local culture of cannabis use, this project will satisfy the requirements to create a desirable and compatible cannabis retail experience on Clement Street. Although there may be some individuals and groups in the community who are concerned that cannabis will bring crime, vagrancy, blight, loitering and other negative impacts, existing dispensary storefronts in San Francisco have proven not to contribute to any measurable escalation of crime. Clement Street Retail has seen that there is a large community of medical cannabis users and patients in the Richmond District and we seek to provide a safe and convenient option for residents to access their adult use and medical cannabis without excess congregation and without having to leave the safety and comfort of their neighborhood.

Small Business Development and Economic Opportunity Plan

The proposed retail site creates living wage jobs, job training, and opportunities for economic advancement for San Francisco residents. Clement Street Retail employs preferential hiring of marginalized San Francisco residents, provides job training, and will prioritize promoting management from within the organization. Clement Street Retail feels that all full-time jobs in the cannabis industry should be at living wages with an opportunity to grow within the organization.

Local Hire Preference, and Job Training

The dispensary is owned and operated by local San Francisco and Bay Area residents. One of the core values of the ownership group is to create meaningful benefit to San Francisco and its local communities. The dispensary has a local hiring preference policy and has an extensive training program for new staff. The principals of the dispensary have 20 years of combined experience operating medical cannabis businesses and have extensive knowledge in a variety of areas specific to medical cannabis including but not limited to: Retail facility management; Product sourcing and development; Manufacturing operations; State and local compliance; Inventory control and cash flow management; Site Security.

Increased and Enhanced Workplace Diversity

The ownership group is committed to increased and enhanced workplace diversity and opportunity including job training, mentoring and management opportunities. The ownership group recognizes that the cannabis business has not yet achieved a significant level of diversity in business ownership. Providing increased opportunity and access to job training and mentoring to members of San Francisco's LGBT community, Asian, African, Latino Americans, and women of all backgrounds is a social benefit codified into the bylaws of the corporation.

Business Ownership Opportunity and Mentoring

The ownership group offers mentoring to staff members and promotes from within. This business and ownership group has a verifiable track record of not only offering employment and advancement for Bay Area Residents, but also opportunities for small business ownership to its employees. We feel these opportunities for business ownership are imperative and allow individuals and families a pathway to financial security and the ability to remain in their local

community without fear of displacement. This project exemplifies these values as the companies CEO, Tiara Mitchell is an equity qualified individual and owner of this business.

Measurable Community Benefits of this project include

- A. Increased employment and training opportunities for San Francisco residents, at various levels from entry to skilled, in a developing industry with tremendous opportunity for employees to establish a career in the cannabis economy.
- B. Clement Street Retail has a policy of mentoring staff in operations and management skills and promoting from within.
- C. Community Non-Profit Support is a large part of the Clement Street Retail business model. Community support is not viewed as an obligation but an honor and duty.
- D. Neighborhood Beautification - Opportunities for beautification of the neighborhood streetscape are proactively pursued including the greening of the streetscape with plants and trees as permitted by the City and scheduled daily trash collection in the area near the storefront by our staff.
- E. Public Safety - Cameras and a professional security presence in and around the facility ensures a safe environment for patrons and neighbors alike. We will work to prevent loitering, double parking, general nuisance behavior, and other acts which negatively impact the quality of life in the neighborhood and public safety.
- F. Education and Support - Specialized and unique educational and support programs for seniors, new patients, women, and local non-english speaking communities through the use of guest speakers including educators, advocates, and healthcare professionals.
- G. Parking & Transportation Management Plan - Members will be encouraged to walk, ride bicycles, and/or use public transportation to access the dispensary.
- H. Community Engagement - A Community Liaison will represent Clement Street Retail at community events, meetings, and in neighborhood & merchant groups.

Community Benefit Plan

Clement Street Retail will support local not for profit organizations and community benefit initiatives. A sample of community benefit programs Clement Street Retail will support: The Richmond Neighborhood Center, Interrupting Criminalization, Young Women's Freedom Center, Hip Hop for Change, Rafiki Coalition, and the National Center for Youth Law.

2. The use will not be detrimental to the health, safety, or general welfare of the residents.

This project is designed to serve the residents in the northwest neighborhoods of San Francisco. There is adequate street parking and pedestrian access as well as public transportation options. There will be one vacant storefront that will be activated. In portions of the facility where cannabis will be dispensed or stored there will be carbon air filters to insure there are no odors emitted onto Grant Avenue.

This location will not impact youth or teenagers in any significant way. Attached is a radius map that shows youth schools, centers, and services in the area. There are no other schools or youth services within 600 feet and there are no bus stops nearby where youth congregate or other businesses that primarily serve children. This facility and its signage, advertising, and products will be designed to attract adults and seniors and will not be designed to attract the attention of youth in any way.

Clement Street Retail Dispensary will have 24-hour monitored camera surveillance with trained security staff on site during business hours. Clement Street Retail Dispensary will provide neighbors with a 24-hour contact number as well as a dedicated community liaison.

The proposed Site will bring added services to the community while blending into the neighborhood. It is not the objective of nor the desire for the retail location to disrupt, cause unease, or displace any members of the community. In fact, we claim that Clement Street Retail Dispensary will help to increase the overall health, safety and general welfare of the community. Members of Clement Street Retail Dispensary are currently launching a comprehensive outreach effort to meet with and engage with as many stakeholders in the local community as possible to educate them about the plan and develop strategies to alleviate their concerns.

3. The proposed Use will comply with all provisions of the Code and will not adversely affect the General Plan of the Community

As described above, Clement Street Retail Dispensary will actively provide community services beyond the clean, safe dispensing of laboratory tested cannabis and cannabis products; through its Senior program and alignment with various support groups, this cannabis retail location will bring added community benefits to the neighborhood without disrupting or affecting the character of Clement Street or the Richmond District.

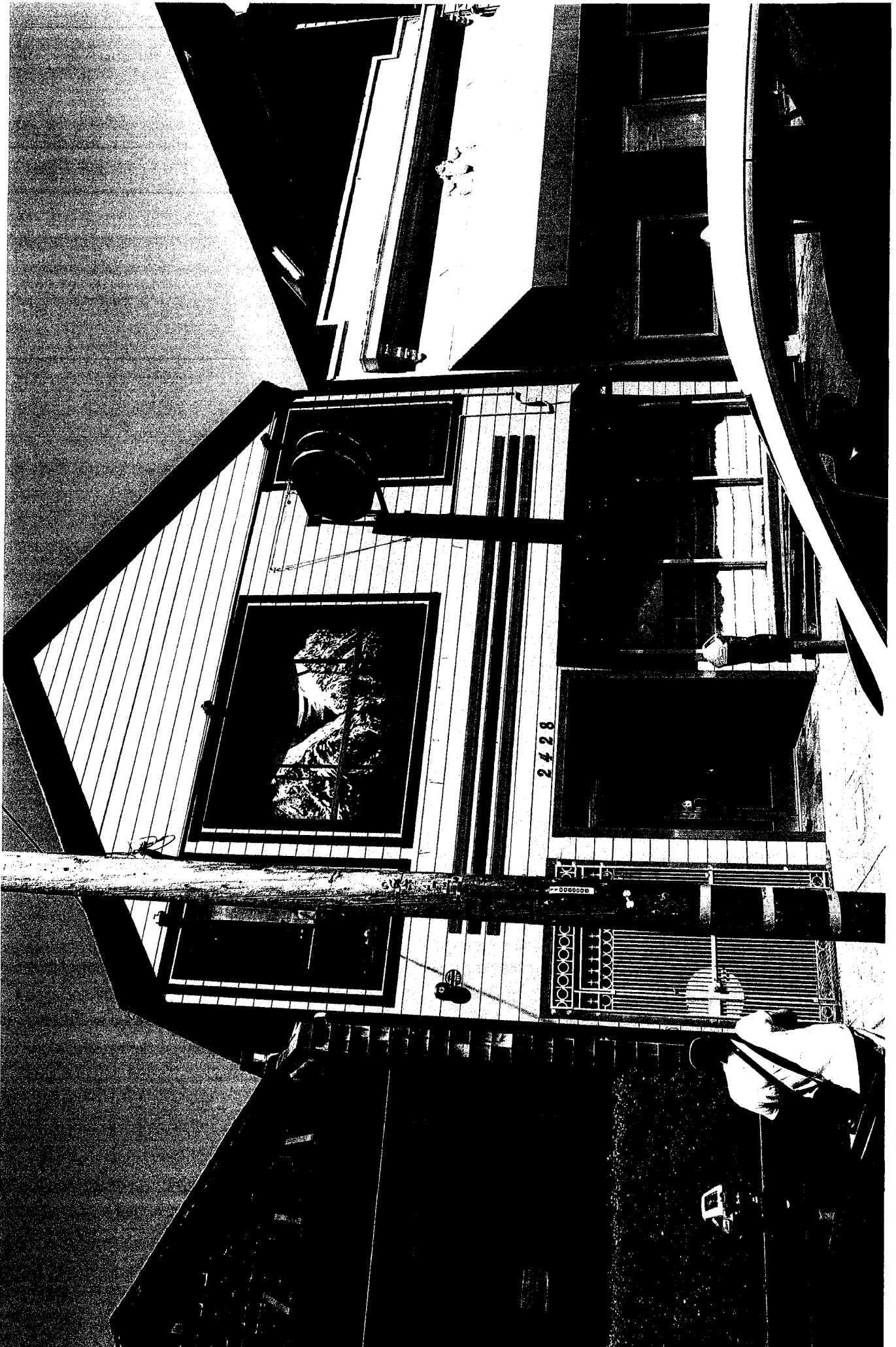
The dispensary will provide safe and easy access for a sizable portion of San Francisco's population which must currently travel across to Geary and 16th to obtain their legal medical cannabis products. Public transportation is excellent in the neighborhood and the dispensary will work with the City and neighbors to install bicycle parking racks. A community liaison will also remain in contact with the neighbors to address illegal parking or any other issues that may arise due to the cannabis retail patrons. Security working for the retail location will not let anyone inside the dispensary if they are parked illegally or not complying with local restrictions such as mask requirements in the event of continued public health emergencies.

Clement Street Retail Dispensary is committed to not only fit in with the plan of the District, but will contribute to the District and intends to become a valuable and trusted community partner.

4. The proposed use satisfies the Criteria of Planning Code Section 303(g), et seq.

(w) **Cannabis Retail.** With respect to any application for the establishment of a new Cannabis Retail Use, in addition to the criteria set forth in subsections (c) and (d) above, the Commission shall consider the geographic distribution of Cannabis Retail Uses throughout the City, the concentration of Cannabis Retail and Medical Cannabis Dispensary Uses within the general proximity of the proposed Cannabis Retail Use, the balance of other goods and services available within the general proximity of the proposed Cannabis Retail Use, any increase in youth access and exposure to cannabis at nearby facilities that primarily serve youth, and any proposed measures to counterbalance any such increase.

Currently there is one cannabis retail storefront in District 1. This existing cannabis retail storefront is located in District 1 is approximately one mile away. The proposed Cannabis Retail location is in the heart of the North West Quadrant and will be able to service local residents at their convenience while limiting unnecessary travel.



2428

TK
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NotificationMaps.com

Radius Maps Owner and Occupant Lists Mailing Services

July 3, 2018

RE: 600' Radius Map - Consideration Points for 2428 Clement St, San Francisco, CA

To Whom It May Concern:

As per San Francisco Planning Code 202.2 requirements noted on the Medical Cannabis License Application under the General Information section:

Planning Code 202.2

*(5) **Cannabis Retail.** A Cannabis Retail establishment must meet all of the following conditions:*

(A) A Cannabis Retail establishment must apply for a permit from the Office of Cannabis pursuant to Article 16 of the Police Code prior to submitting an application to the Planning Department.

(B) The parcel containing the Cannabis Retail Use shall not be located within a 600-foot radius of a parcel containing an existing School, public or private, unless a State licensing authority specifies a different radius, in which case that different radius shall apply. In addition, the parcel containing the Cannabis Retail Use shall not be located 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, except that a Cannabis Retail Use may be located in the same place of business as one or more other establishments holding valid permits from the City's Office of Cannabis to operate as Cannabis Retailers or Medicinal Cannabis Retailers, where the place of business contains a minimum of 350 square feet per Cannabis Retail or Medical Cannabis Dispensary Use, provided that such locations are permitted by state law. 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, in which case that minimum radius shall apply.

(C) Cannabis may be consumed or smoked on site pursuant to authorization by the Department of Public Health as applicable.

Based off of information found through the DataSF on the San Francisco website as well as property information acquired through the County Assessor's office, it is concluded that there is ONE consideration point that must be noted for the property at 2428 Clement St, San Francisco, CA.

- Holy Virgin Cathedral 6210 Geary Blvd, San Francisco, CA 94121

The information here is based upon the most up-to-date records of the county tax assessor and is deemed reliable, but is not guaranteed.

Please contact me at (949) 338-0029 if you have questions.

Celeste Marshall

Thank you.
Celeste Marshall

600' Radius Map
2428 Clement St



From: Cesar Angobaldo cesar.angobaldo@gmail.com
Subject: Fwd: Request for formal planning review of cannabis permit application (second planning review)
Date: December 21, 2020 at 9:40 PM
To: Cesar Angobaldo cesar.angobaldo@gmail.com



----- Forwarded message -----

From: San Francisco Office of Cannabis <noreply@dobt.co>
Date: Wed, Apr 8, 2020 at 3:41 PM
Subject: Request for formal planning review of cannabis permit application (second planning review)
To: Amber Senter <amber.e.senter@gmail.com>
Cc: <michael.christensen@sfgov.org>, <cpc.cannabis@sfgov.org>, <tiamitchell630@gmail.com>, <amber.e.senter@gmail.com>, <cesar.angobaldo@gmail.com>, <ken@partnerequity.net>

You have a new message from San Francisco Office of Cannabis



**SAN FRANCISCO
OFFICE OF CANNABIS**

Dear Planning Department,

The Office of Cannabis has determined the following location to be eligible to proceed with obtaining necessary permits and/or authorizations to operate. Please authorize the applicant identified below to apply for any required permits and/or authorizations for the land uses related to the license types for which they have applied. Please respond directly to this email at such time that necessary permits and/or authorizations have been obtained OR at such time that the applications for such permits and/or authorizations have been disapproved

Site Information

Block & Lot Number: 1408017

2428 CLEMENT ST
SAN FRANCISCO California 94121

SAN FRANCISCO, California 94121

Estimated Square footage: 2400

Narrative Description of Use: Adult use cannabis dispensary and consumption lounge

Floor Level: 1

Previous use of tenant space: Restaurant

Is site vacant: No

If vacant, how long: 4 days

Informal planning review response: Zoning Compliant, additional approval required

Operation Information

Permit Application #: P-15164

Microbusiness: No

San Francisco Activity Types

retailer (medical and adult use)

State of California Activity Types

Storefront Retailer: Type 10

Business name: 2428 CLEMENT ST. RETAIL, INC.

Hours of operation: Business hours: TBD

Number of locations open or approved worldwide: 0

Applicant Information / Planning Contact

Applicant Name: Amber Senter

Phone Number:

E-Mail: amber.e.senter@gmail.com

Entitlements

Prior BPA number: N/A

Prior CUA approval: N/A

Thank you for your assistance,

Office of Cannabis

This message was sent regarding your submission to "Initial cannabis application". If you'd like San Francisco Office of Cannabis to stop sending you messages, [click here](#) to unsubscribe.

**She H. Hseih ("Katie")
2428 Clement Street, San Francisco 94121
415-819-0211**

November 15, 2019

2428 Clement Street, San Francisco 94121

RE: Acknowledgment of Cannabis Use: 2428 Clement Street, San Francisco CA 94121

To Whom It May Concern:

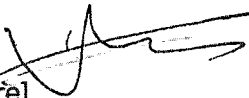
She Hseih is the landowner of the real property located at 2428 Clement Street, San Francisco, CA 94121 of which 2428 Clement Street Retail Inc, is the tenant.

Landlord has the authority to consent, and consents to tenant's use of the premises for cannabis retail sales and consumption.

Please consider this letter the Landlord's acknowledgment of the above stated items.

Sincerely,

By: [Landlord's Signature]

A handwritten signature in black ink, appearing to be 'Katie', written over a horizontal line.

She H. Hseih,
Property Owner, 2428 Clement Street, SF, 94121