



EXECUTIVE SUMMARY

CONDITIONAL USE AUTHORIZATION

HEARING DATE: NOVEMBER 18, 2021

Record No.: 2021-003400CUA
Project Address: 900 Irving Street
Zoning: Inner Sunset Neighborhood Commercial District (NCD) Zoning District
40-X Height and Bulk District
Block/Lot: 1740/018
Project Sponsor: Peter M. Dickstein
1546 10th Avenue
San Francisco, CA 94122
Property Owner: Susan Ferguson
46 Crestlake Drive
San Francisco, CA 94132
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. Solful) at the ground floor (measuring 1,229 square feet) and associated storage space (measuring 1,387 square feet) at the basement level of a two-story mixed-use building at 900 Irving Street. 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 minor changes to the building exterior 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 730, to allow the establishment of a Cannabis Retail use in the Inner Sunset NCD (Neighborhood Commercial District) 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. The Project Sponsor conducted two community outreach meetings on October 14, 2021 and October 16, 2021 respectively. Additionally, the Project conducted also conducted two pre-application meetings on October 14, 2021 and October 16, 2021. The Department has received 7 letters of support and 1 letter of opposition for the application.
- **Geographic Balance.** The Project proposes a new Cannabis Retail use on the City's westside. In the vicinity, the closest open and/or approved cannabis retail storefronts are Barbary Coast, located at 2161 Irving St, approximately 3,900-feet from 900 Irving St, Berner's on Haight, located at 1685 Haight St, approximately 5,315-feet, and FGW Haight, located at 768 Stanyan St, approximately 4,400-feet from site. 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.
- **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:
 - Independence High School: 1350 7th Ave; 1,105' from site
 - Little Angels Japanese Preschool: 1457 9th Ave; 1,170' from site
 - Alice Fong Yu Alternative School: 1541 12th Ave; 1,885' from site
 - Saint Anne Elementary School: 1320 14th Ae; 1,125' from site
 - Woodside International School: 1555 Irving St; 2,115' from site
 - Jefferson Elementary School: 1725 Irving St; 2,750' from site
- **Equity Program.** The licensing application to the City's Office of Cannabis was submitted by Adelheid Hanley, 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 applicant on two other approved Cannabis Retail locations, at 2934 Cesar Chavez Street and at 5801 Mission Street. The approval of this application would bring the total locations under this applicant to three. Additionally, Adelheid Hanley previously operated a Medical Cannabis Dispensary located at 1284 Mission Street (dba ReLeaf Herbal), which was closed due to termination of the business lease agreement by the property owner of 1284 Mission Street.

Environmental Review

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

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the 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: NOVEMBER 18, 2021

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 202.2, 303, AND 730 OF THE PLANNING CODE TO ALLOW A CANNABIS RETAIL USE (D.B.A. SOLFUL), MEASURING APPROXIMATELY 2,616 SQUARE FEET, WITH NO ON-SITE SMOKING OR VAPORIZING OF CANNABIS PRODUCTS, IN AN EXISTING TWO-STORY MIXED-USE BUILDING AT 900 IRVING STREET (ASSESSOR'S BLOCK 1740 LOT 018) WITHIN THE INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On March 23, 2021, Peter Dickstein of 900 Irving LLC (hereinafter "Project Sponsor") filed Application No. 2021-003400CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a Cannabis Retail use (hereinafter "Project") at 900 Irving Street, Block 1740 Lot 018 (hereinafter "Project Site").

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

On November 18, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2021-003400CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2021-003400CUA 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. 2021-003400CUA, 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 2,616 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 1,229 square feet) and associated storage space (measuring 1,387 square feet) at the basement level. 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. Minor changes to the existing 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 3,250 square feet rectangular parcel fronting Irving Street on the north side between 10th and 11th Avenues. The site is developed with a two-story building containing storage space at the basement, one commercial space at the ground floor and a residential unit on the second floor. The commercial space was previously operating as a convenience/liquor store (D.B.A. SF Room Service).
4. **Surrounding Properties and Neighborhood.** The surrounding neighborhood is comprised of a broad mix of uses and buildings have active retail frontage. The surrounding neighborhood has a great concentration of commercial uses including significant number of restaurants, professional and other retail sales and service uses. There are many one to two-story mixed-use buildings, and multi-family residential buildings. The directly adjacent property on the west is a mixed-use building, and a residential building on the north side. There are mixed-use buildings directly south of the Project Site across Irving 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. The Project Sponsor conducted two community outreach meetings on October 14, 2021 and October 16, 2021 respectively. Additionally, the Project conducted also conducted two pre-application meetings on October 14, 2021 and October 16, 2021. The Department has received 7 letters of support and 1 letter of opposition for the application. The letters expressed support for the economic revitalization and balance to geographic distribution of cannabis retail stores that the Project will bring to the Inner Sunset neighborhood. The letter of opposition expressed concerns over consumption of cannabis products and loitering outside the store.
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 Inner Sunset NCD requires a Conditional Use Authorization pursuant to Planning Code Section 730.

The Project Sponsor is requesting a Conditional Use Authorization to establish a Cannabis Retail use in the Inner Sunset NCD (Neighborhood Commercial District) Zoning District.

- B. **Use Size.** Within the Inner Sunset NCD, the Planning Code principally permits Retail Sales and Service Uses (including Cannabis Retail) at up to 2,499 square feet per lot.

The Project would utilize the entirety of the existing 2,616 square feet 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 1,229 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 Inner Sunset NCD are 6:00 am to 2:00 am. 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 10:00 pm, all days of the week. The permitted hours of operation within the Inner Sunset NCD are 6:00 am to 2:00 am. 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 Inner Sunset NCD zoning district requires a Conditional Use Authorization for certain uses, including bars, 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. Even absent smoking or vaporizing of cannabis products, the business is still

required to submit an Odor Mitigation Plan to the Office of Cannabis. 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 metered parking in front and a parking lot in the back with a 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 Inner Sunset District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed-use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls restrict expansion and intensification of existing eating and drinking establishments, and limit tourist hotels. By providing a new neighborhood serving retail activity within an existing, unutilized space on the ground floor, the Project furthers the stated purpose of the Inner Sunset NCD 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 900 Irving Street, the closest open and/or approved cannabis retail storefronts are Barbary Coast, located at 2161 Irving St, approximately 3,900-feet from 900 Irving St, Berner's on Haight, located at 1685 Haight St, approximately 5,315-feet, and FGW Haight, located at 768 Stanyan St, approximately 4,400-feet from site.

Within the general proximity of 900 Irving Street, there is a mix of commercial uses such as restaurants, retail and professional sales and services, 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 is the Little Angels Japanese Preschool, located south-east of 900 Irving St and approximately 1,170 feet from the proposed facility.

Other facilities include Independence High School, Alice Fong Yu Alternative School, Saint Anne Elementary School, Woodside International School, Jefferson Elementary 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 marketplace 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 existing residential use on the second floor will be retained. 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.

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.

The existing building at 900 Irving Street has not been evaluated as to whether it is a historic resource. However, the proposed scope of work (including minor exterior alterations) does not impact any character defining features of the building and conforms to allowed scopes of work for historic resources.

- 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.

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. 2021-003400CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated November 4, 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 November 18, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 18, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a Cannabis Retail Use (d.b.a. Solful) located at 900 Irving Street, Block 1740, and Lot 018, pursuant to Planning Code Sections 202.2, 303, and 730, within the Inner Sunset NCD (Neighborhood Commercial District) Zoning District, and a 40-X Height and Bulk District; in general conformance with plans, dated November 4, 2021, and stamped “EXHIBIT B” included in the docket for Record No. **2021-003400CUA** and subject to conditions of approval reviewed and approved by the Commission on November 18, 2021 under Motion No. **XXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 18, 2021 under Motion No. **XXXXX**.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

Severability

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. “Project Sponsor” shall include any subsequent responsible party.

Changes and Modifications

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

- 1. Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Design – Compliance at Plan Stage

6. **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

7. **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

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

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

Monitoring - After Entitlement

9. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

10. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

planning.org

Operation

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

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, www.sfpublicworks.org

- 12. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

Cannabis Retail Operations

- 13. 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

- 14. On-Site Security.** The checking of identification cards to verify that patrons of the Cannabis Retail establishment meet minimum age requirements shall occur within the licensed premises if possible.

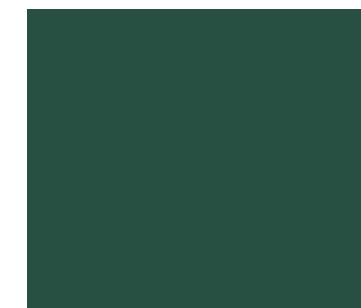
For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sf-planning.org

- 15. 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 cannabis related 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



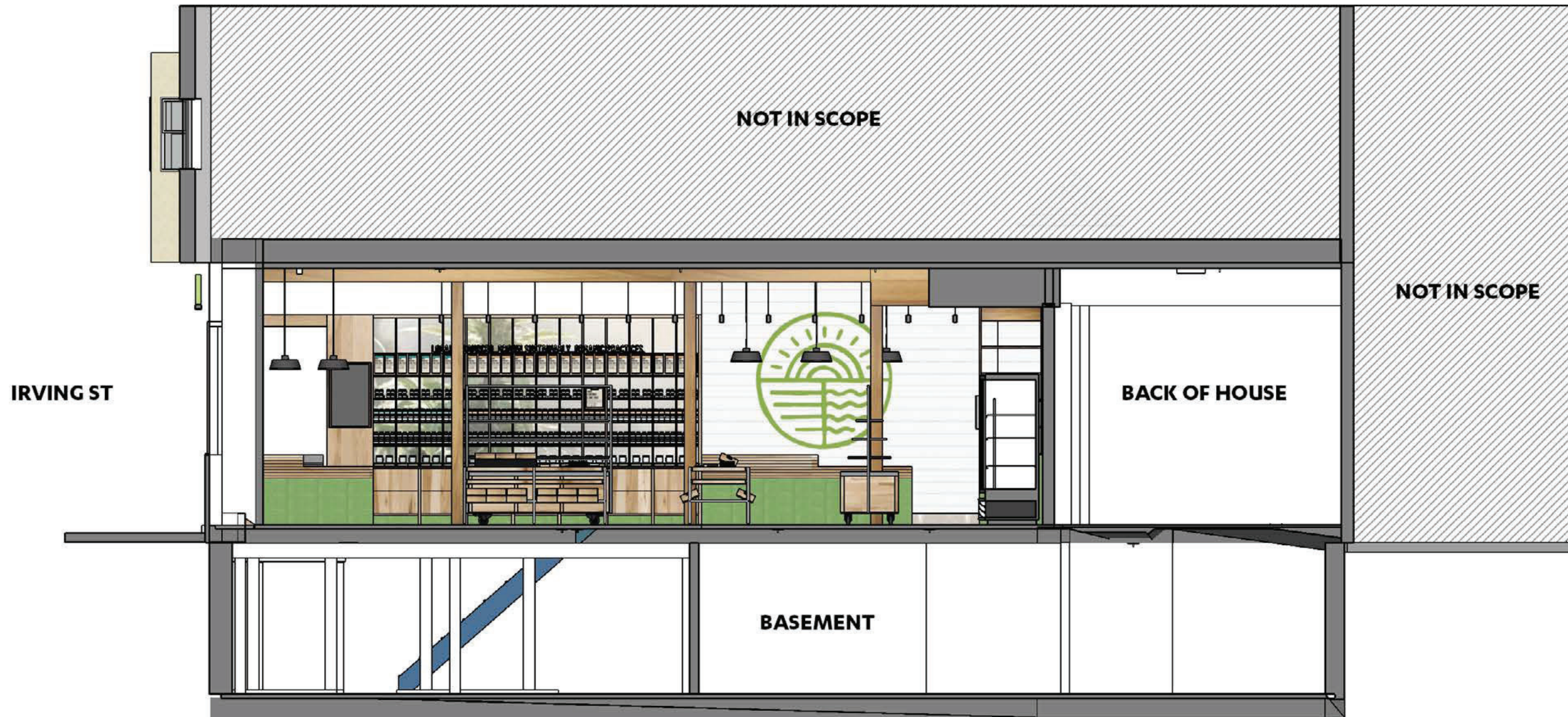
NOTE:
EXISTING WINDOWS TO REMAIN,
WITH VISIBILITY TO THE INTERIOR.
MAINTAIN FACADE TRANSPARENCY

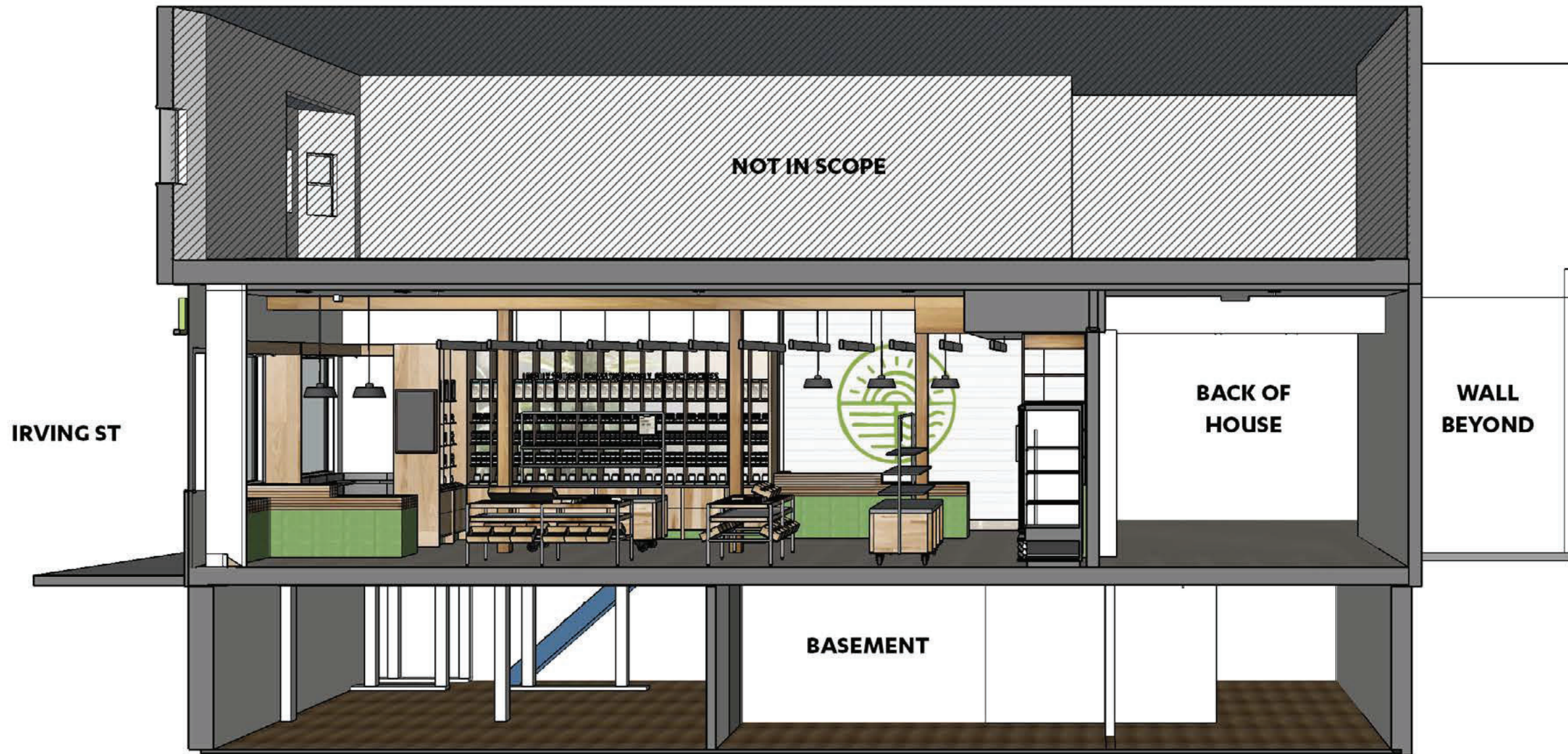


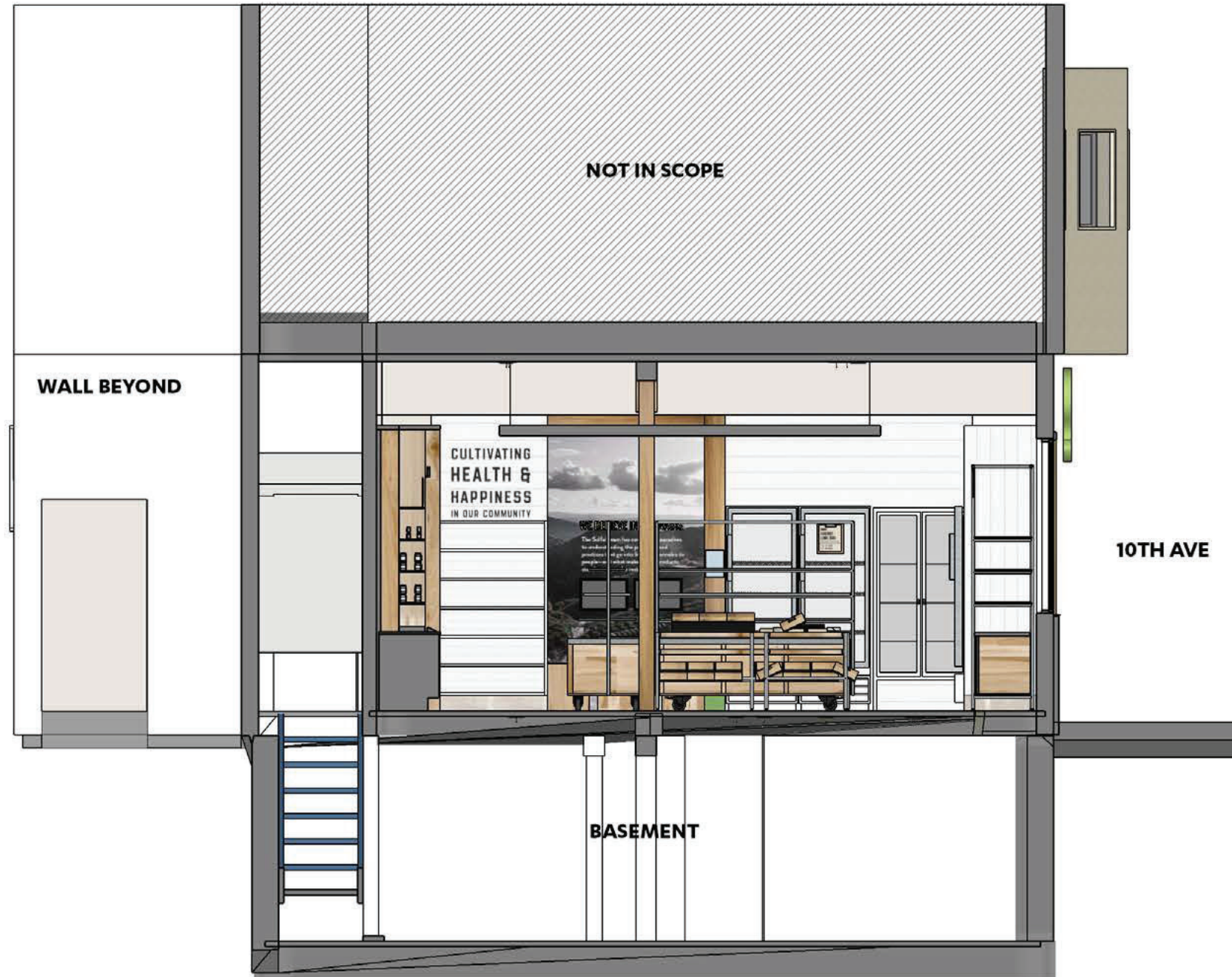
P-1 SHERWIN-WILLIAMS
SW 77468 HUNT CLUB

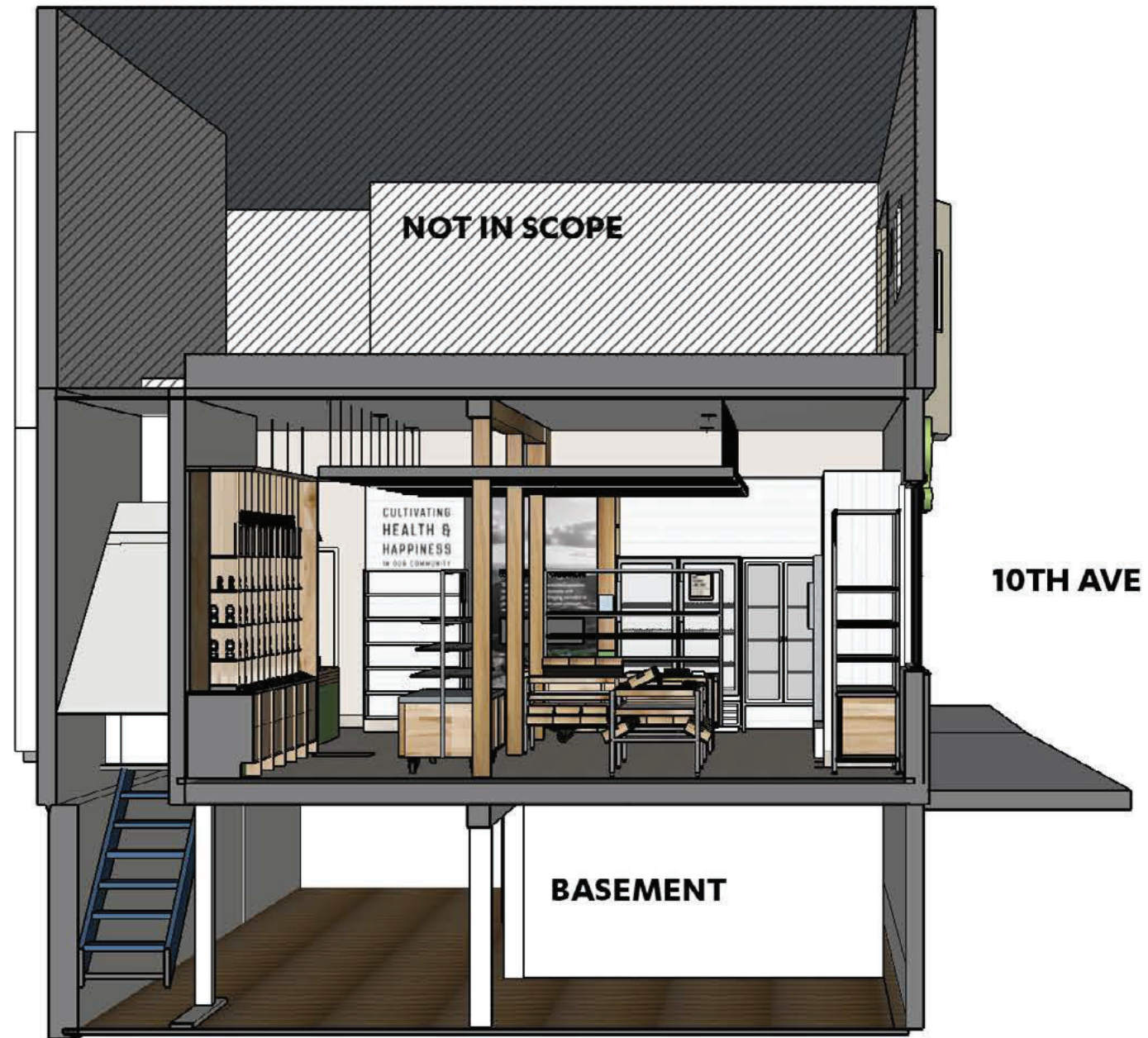


P-2 SHERWIN-WILLIAMS
SW 7750 OLYMPIC RANGE











John D. Hopper, CPP
Independant Security Consultant
Board Certified Crime Prevention Practitioner
PO Box 264 - San Juan Bautista, CA 95045
john@johnhopper.com - 408.386.7301

October 19, 2021

To address the concern of having an open storefront area, the applicant provides the following overview:

The applicant desires to provide an environment with no obstructions by walls or other visual barriers in the retail areas. We believe that providing an open environment allows an opportunity for all employees on-site to have awareness of any security-related concerns, rather than having an isolated waiting area.

The staff/security member assigned to the entry of the facility will be responsible for a variety of tasks.

The primary function of entry staff is to assure that only authorized persons are on the premises to conduct business by verifying the identity of said persons and checking them in.

Employees assigned Entry Staff Duties will be provided a Wireless Panic Button that will be carried upon their person. Other staff within the retail space and facility will also be provided with a combination of hardwired Panic Buttons located under counters and Wireless devices.

Entry Staff and others will be provided radios to communicate with fellow team members. Cellphones will be provided to make emergency calls to 911 or communicate other concerns.

The Entry Staff will be responsible for reporting any conditions that should be escalated to SFPD or other Public Agencies, including situations occurring near entry doors, on sidewalks, or in the street.

Entry Staff will routinely monitor the area for persons under the influence or otherwise impaired.

The Entry person will also make periodic checks to ensure that patrons or others are not consuming any product outside of the facility or elsewhere on the premises.



CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------|
| Project Address | | Block/Lot(s) |
| 900 Irving Street | | 1740018 |
| Case No. | | Permit No. |
| 2021-003400PRJ | | |
| <input checked="" type="checkbox"/> Addition/Alteration | <input checked="" type="checkbox"/> Demolition (requires HRE for Category B Building) | <input type="checkbox"/> New Construction |
| <p>Project description for Planning Department approval.</p> <p>The planned use is storefront retail cannabis for medicinal and recreational purposes. The interior of the building will be demoed down to the studs and rebuilt for the above use. The rebuild will include retail floor space, team member break room and cannabis storage. No changes to the current building envelope are proposed. No variance or zoning code amendments are required.</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 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> 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: 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): Minor exterior facade alterations reviewed by Michelle Taylor. Interior TI. | |
| 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 |
| | | 11/09/2021 |
| <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:



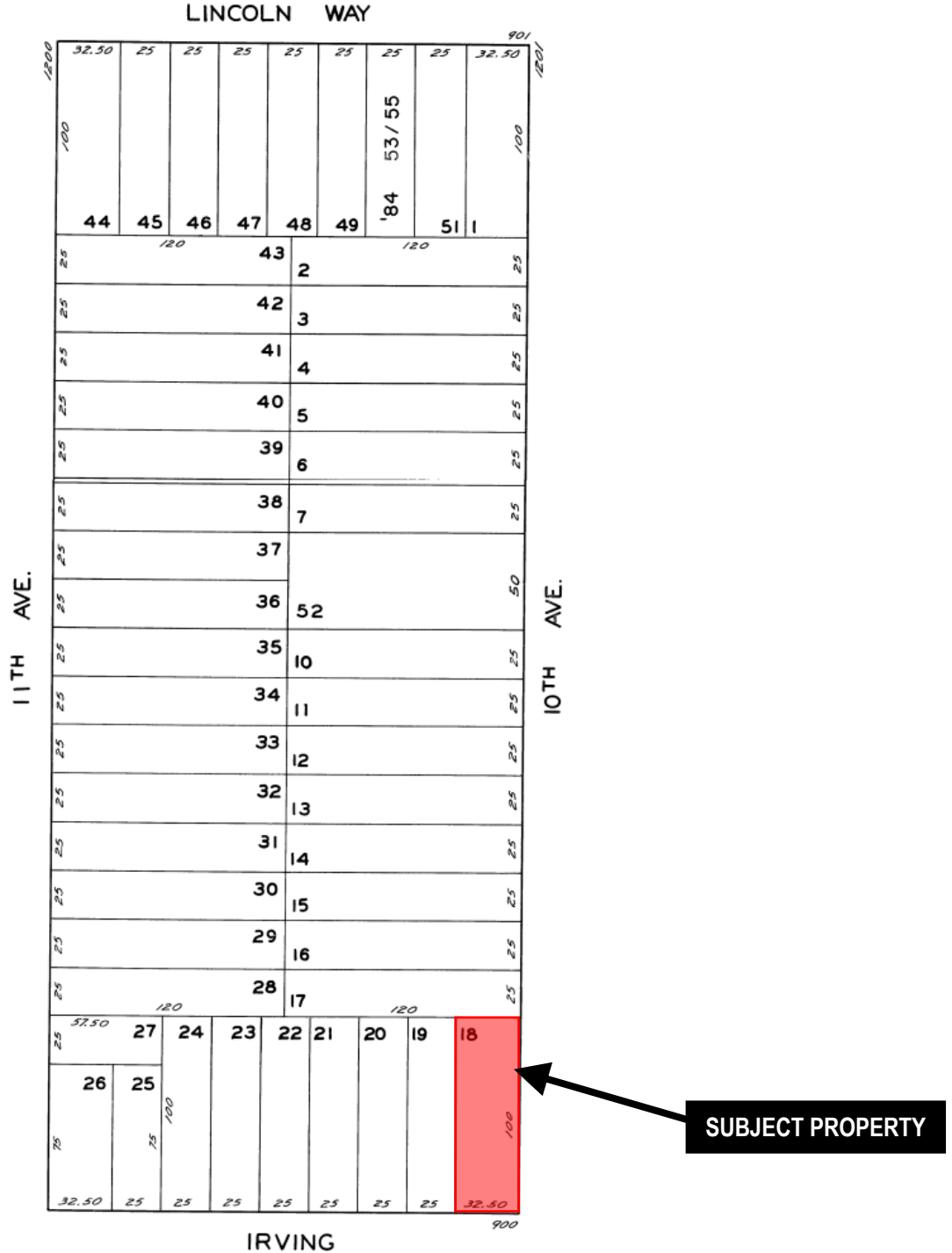
Land Use Information

PROJECT ADDRESS: 900 IRVING ST
RECORD NO.: 2021-003400PRJ

| | EXISTING | PROPOSED | NET NEW |
|---------------------------------------------------------------------|-----------------|----------------|---------------|
| GROSS SQUARE FOOTAGE (GSF) | | | |
| Parking GSF | 0 | 0 | 0 |
| Residential GSF | 0 | 0 | 0 |
| Retail/Commercial GSF | 1,229 | 1,229 | 0 |
| Office GSF | 0 | 0 | 0 |
| Industrial/PDR GSF <i>Production, Distribution, & Repair</i> | 0 | 0 | 0 |
| Medical GSF | 0 | 0 | 0 |
| Visitor GSF | 0 | 0 | 0 |
| CIE GSF | 0 | 0 | 0 |
| Usable Open Space | 0 | 0 | 0 |
| Public Open Space | 0 | 0 | 0 |
| Other () | 1,387 | 1,387 | 0 |
| TOTAL GSF | 2,616 | 2,616 | 0 |
| | EXISTING | NET NEW | TOTALS |
| PROJECT FEATURES (Units or Amounts) | | | |
| Dwelling Units - Affordable | 0 | 0 | 0 |
| Dwelling Units - Market Rate | 0 | 0 | 0 |
| Dwelling Units - Total | 5 | 0 | 0 |
| Hotel Rooms | 0 | 0 | 0 |
| Number of Buildings | 0 | 0 | 0 |
| Number of Stories | 0 | 0 | 0 |
| Parking Spaces | 0 | 0 | 0 |
| Loading Spaces | 0 | 0 | 0 |
| Bicycle Spaces | 0 | 0 | 0 |
| Car Share Spaces | 0 | 0 | 0 |
| Other () | 5 | 0 | 0 |

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

Parcel Map

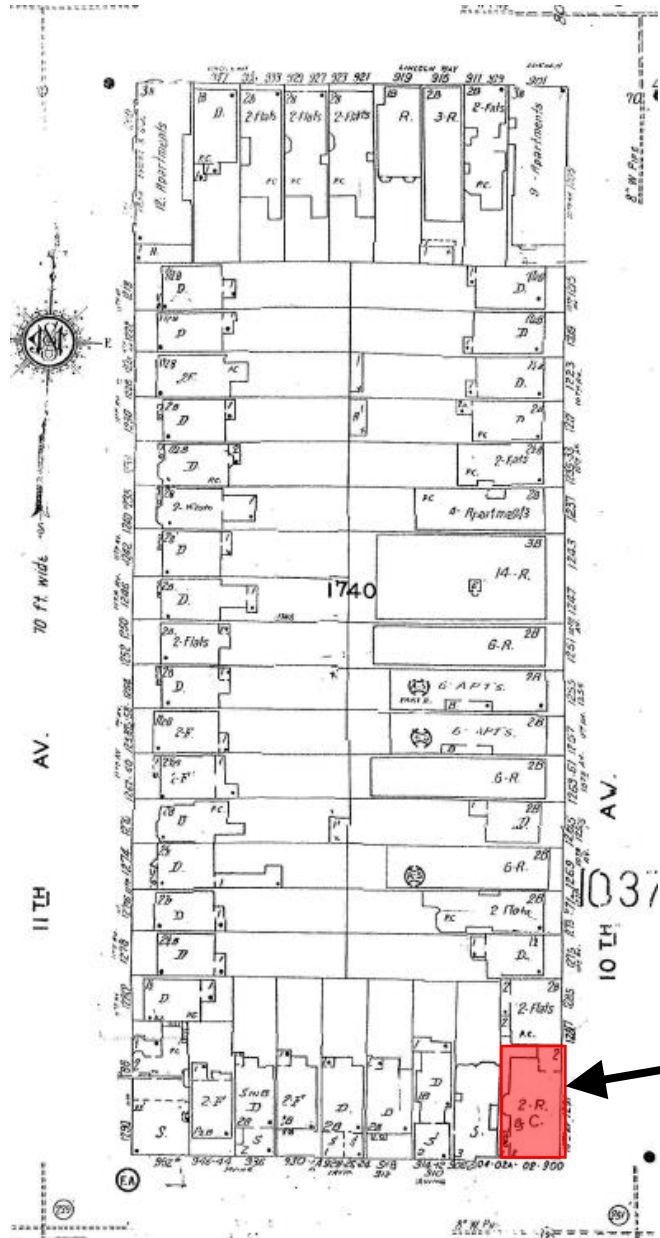


SUBJECT PROPERTY



Conditional Use Authorization
 Case Number 2021-003400CUA
 Cannabis Retail Use
 900 Irving Street

Sanborn Map*



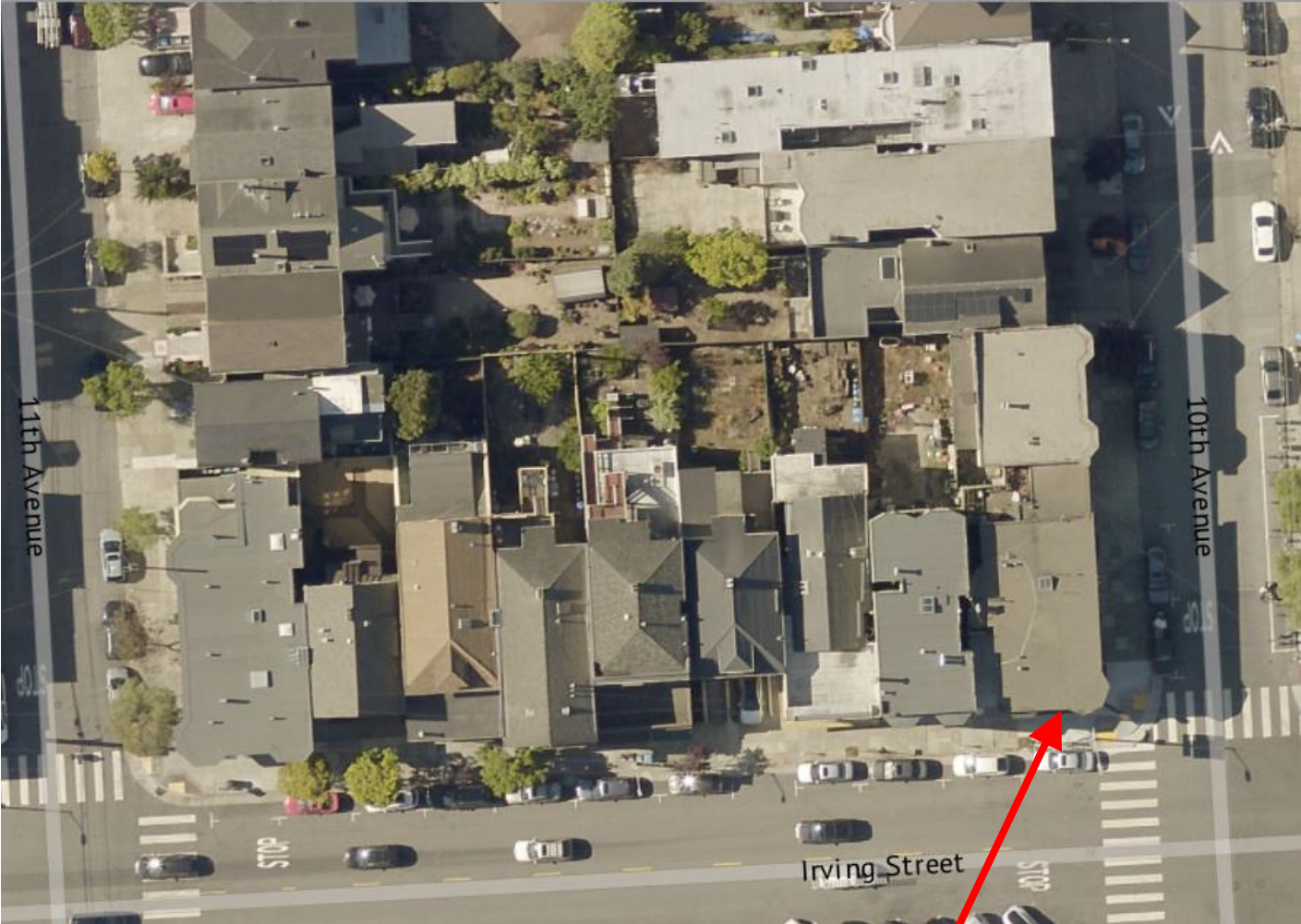
SUBJECT PROPERTY

*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 2021-003400CUA
Cannabis Retail Use
900 Irving Street

Aerial Photo – View 1



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2021-003400CUA
Cannabis Retail Use
900 Irving Street

Aerial Photo – View 2



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2021-003400CUA
Cannabis Retail Use
900 Irving Street

Aerial Photo – View 3

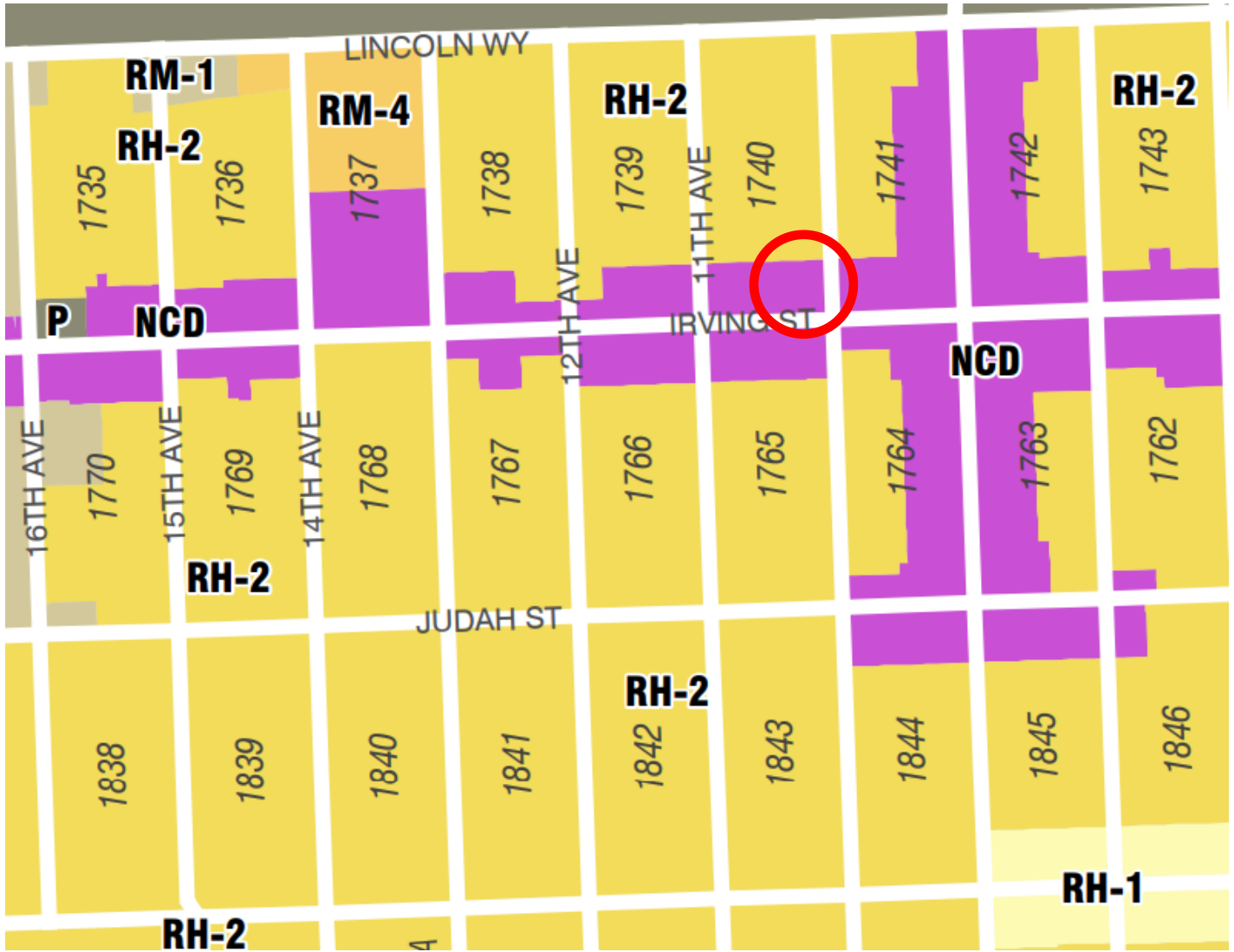


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2021-003400CUA
Cannabis Retail Use
900 Irving Street

Zoning Map



Conditional Use Authorization
Case Number 2021-003400CUA
Cannabis Retail Use
900 Irving Street

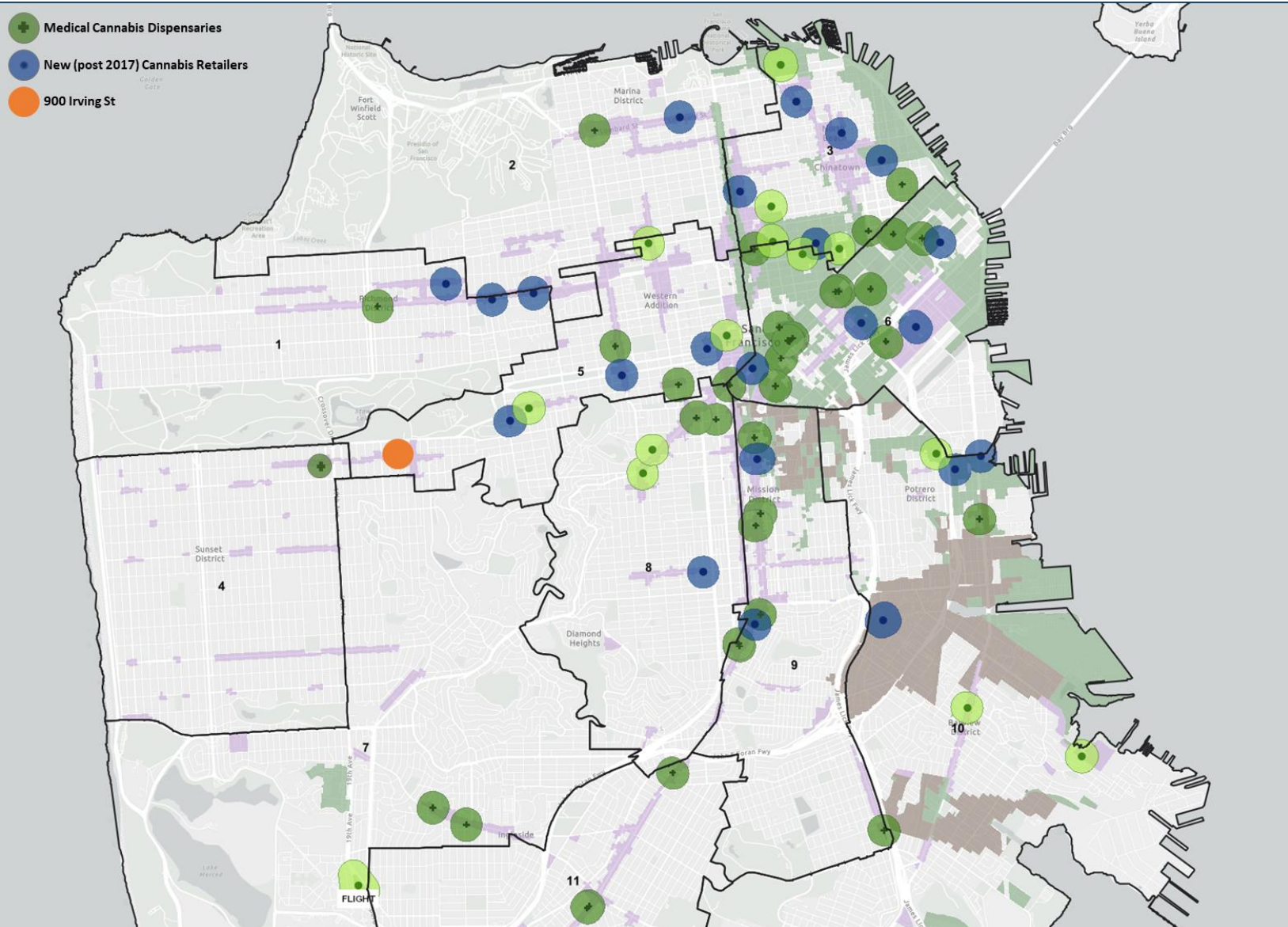
Site Photo



Conditional Use Authorization
Case Number 2021-003400CUA
Cannabis Retail Use
900 Irving Street

Cannabis Retail Geographical Distribution

Map



Conditional Use Authorization
Case Number 2021-003400CUA
Cannabis Retail Use
900 Irving Street



PROJECT APPLICATION (PRJ)

A Project Application must be submitted for any Building Permit Application that requires an intake for Planning Department review, including for environmental evaluation or neighborhood notification, or for any project that seeks an entitlement from the Planning Department, such as a Conditional Use Authorization or Variance. For more, see the [Project Application Informational Packet](#).

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

For questions, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

Filipino: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

BUILDING PERMIT APPLICATIONS

HOW TO SUBMIT:

For projects that do not require an entitlement action by the Planning Department, but require Planning Department review of a Building Permit Application, please present a complete signed Project Application along with the Building Permit Application for intake at <https://sf.gov/apply-building-permit>.

WHAT TO SUBMIT:

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

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

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

ENTITLEMENTS

HOW TO SUBMIT:

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

WHAT TO SUBMIT:

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



PROJECT APPLICATION (PRJ)

GENERAL INFORMATION

Property Information

Project Address: _____

Block/Lot(s): _____

Property Owner's Information

Name: _____

Address: _____

Email Address: _____

Telephone: _____

Applicant Information

Same as above

Name: _____

Company/Organization: _____

Address: _____

Email Address: _____

Telephone: _____

Please Select Billing Contact: Owner Applicant Other (see below for details)

Name: _____ Email: _____ Phone: _____

Please Select Primary Project Contact: Owner Applicant Billing

RELATED APPLICATIONS

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

N/A

Building Permit Application No(s): _____

Related Preliminary Project Assessments (PPA)

N/A

PPA Application No: _____

PPA Letter Date: _____

PROJECT INFORMATION

PROJECT DESCRIPTION:

Please provide a narrative project description that summarizes the project and its purpose. Please list any required approvals (e.g. Variance) or changes to the Planning Code or Zoning Maps if applicable.

PROJECT DETAILS:

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

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

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

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

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

Estimated Construction Cost: _____

PROJECT AND LAND USE TABLES

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

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

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


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


ENVIRONMENTAL EVALUATION SCREENING FORM





This form will determine if further environmental review is required.


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

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

| Environmental Topic | Information | Applicable to Proposed Project? | Notes/Requirements |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1a. General | Estimated construction duration (months): | N/A | |
| 1b. General | Does the project involve replacement or repair of a building foundation? If yes, please provide the foundation design type (e.g., mat foundation, spread footings, drilled piers, etc.) | Yes No | |
| 1c. General | Does the project involve a change of use of 10,000 square feet or greater? | Yes No | |
| 2. Transportation | Does the project involve a child care facility or school with 30 or more students, or a location 1,500 square feet or greater? | Yes No | If yes, submit an Environmental Supplemental- School and Child Care Drop-Off & Pick-Up Management Plan . |
| 3. Shadow  | Would the project result in any construction over 40 feet in height? | Yes No | If yes, an initial review by a shadow expert, including a recommendation as to whether a shadow analysis is needed, may be required, as determined by Planning staff. (If the project already underwent Preliminary Project Assessment, refer to the shadow discussion in the PPA letter.) An additional fee for a shadow review may be required. |
| 4a. Historic Preservation | Would the project involve changes to the front façade or an addition visible from the public right-of-way of a structure built 45 or more years ago or located in a historic district? | Yes No | If yes, submit a complete Historic Resource Determination Supplemental Application. Include all materials required in the application, including a complete record (with copies) of all building permits. |
| 4b. Historic Preservation | Would the project involve demolition of a structure constructed 45 or more years ago, or a structure located within a historic district? | Yes No | If yes, a historic resource evaluation (HRE) report will be required. The scope of the HRE will be determined in consultation with CPC-HRE@sfgov.org . |

 Please see the [Property Information Map](#) or speak with Planning 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? | Yes No | If Yes, provide depth of excavation/disturbance below grade (in feet*): <i>*Note this includes foundation work</i> |
| 6a. Geology and Soils  | Is the project located within a Landslide Hazard Zone, Liquefaction Zone or on a lot with an average slope of 25% or greater? ----- Area of excavation/disturbance (in square feet): _____ Amount of excavation (in cubic yards): _____ | Yes No | A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project: 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? | Yes No | A categorical exemption cannot be issued. Please contact CPC.EPIntake@sfgov.org , once a Project Application has been submitted. |
| 7. Air Quality  | Would the project add new sensitive receptors (residences, schools, child care facilities, hospitals or senior-care facilities) within an Air Pollutant Exposure Zone? | Yes No | If yes, submit an Article 38 Compliance application with the Department of Public Health. |
| 8a. Hazardous Materials | Is the project site located within the Maher area and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use? | Yes No | If yes, submit a Maher Application Form to the Department of Public Health and submit documentation of Maher enrollment with this Project Application. Certain projects may be eligible for a waiver from the Maher program. For more information, refer to the Department of Public Health's Environmental Health Division . <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? | Yes No | If yes, submit documentation of enrollment in the Maher Program (per above), or a Phase I Environmental Site Assessment prepared by a qualified consultant. |

 Please see the [Property Information Map](#) or speak with Planning 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

Name (Printed)

Date

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____