



Conditional Use Authorization Appeal

4835 Mission Street

DATE: December 2, 2022
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Rich Hillis, Planning Director – Planning Department (628) 652-7600
Ryan Balba, Case Planner – Planning Department (628) 652-7331
RE: Board File No. 221141, Planning Case No. 2021-011352CUA 2021-011352PRJ
Appeal of Conditional Use Authorization for 4835 Mission Street
HEARING DATE: December 13, 2022
PROJECT SPONSOR: Steve Ashbel, Mission Advisory Co., 13425 Ventura Blvd. Suite 300
Sherman Oaks, CA 91423
APPELLANTS: Olinda Meza Vega, P.O. Box 885081, San Francisco, CA 94188

INTRODUCTION

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) approval of the application for Conditional Use Authorization under Planning Department Case Number 2021-011352CUA pursuant to Planning Code Sections:

- 202.2: Location and Operating Conditions;
- 303: Conditional Use Authorization; and
- 720: Excelsior Outer Mission Neighborhood Commercial District.

This memorandum addresses the appeal to the Board, filed on October 31, 2022, by Olinda Meza Vega.

The decision before the Board is whether to uphold, overturn, or amend the Planning Commission’s approval of an application for Conditional Use Authorization to allow the proposed Project at the subject property.

PROJECT DESCRIPTION

The Project would establish a Cannabis Retail Use measuring approximately 1,300 square feet in a vacant commercial space within a two-story, mixed-use building located at 4835 Mission Street, APN 6272/021 (“Project Site”). The Project does not include a request for on-site smoking or vaporizing. No changes to the building exterior or envelope are proposed. New business signage will be applied for under a separate permit.

SITE DESCRIPTION & PRESENT USE

The Project is in the Excelsior Outer Mission Street NCD on an approximately 1,300 square foot rectangular parcel fronting Mission Street on the southeast side between Russia and France Avenues. The site is developed with a two-story building containing one commercial space at the ground floor and two residential units above. The commercial space was last occupied by a cellphone shop.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located on a neighborhood commercial corridor surrounded by mixed-use buildings. The two directly adjacent properties are mixed-use buildings with ground floor commercial spaces. Surrounding the commercial corridor is a residential neighborhood made up primarily of single-family homes. Balboa High School is two blocks, or approximately 825' away.

BACKGROUND

- On November 5, 2021, the Project Sponsor filed the Application with the Department.
- On September 29, 2022, the Commission considered the Application and voted unanimously to approve the Project.

CONDITIONAL USE AUTHORIZATION REQUIREMENTS

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for Conditional Use approval. To approve the project, the Commission must find that these criteria have been met:

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; and
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; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.
4. That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

In addition, Planning Code Section 303(w) outlines additional findings for the Commission when

reviewing proposals for new Cannabis Retail establishments.

1. 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.”

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

ISSUE 1: There has been a violation of the Sunshine Ordinance’s public notice requirements.

RESPONSE 1: The September 29 Planning Commission hearing for the Project was properly noticed per the City’s public notice requirements.

Administrative Code Section 67.7-1 states that any public notice that is mailed, posted, or published by a City department, board, agency, or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, concise and written in plain, easily understood English. The Planning Code additionally establishes a minimum noticing period and mailing radius for notices. The Project’s notice met these requirements and was properly noticed per the City’s language access rules, including mailed, posted, and newspaper advertisements.

ISSUE 2: The proposed project is within proximity of Balboa High School. Further, at the hearing one commissioner suggested that the Board of Supervisors should revisit the 600-foot buffer zone.

RESPONSE 2: The Planning Code establishes a 600-foot buffer between Cannabis Retail locations and schools and the project is in compliance with that requirement.

Planning Code Section 202.2(a)(5)(B) states that a new Cannabis Retail Use shall not be located within a 600-foot radius containing an existing public or private School. The Project is not located within a 600-foot radius containing any school as defined by the Planning Code, including Balboa High School which is approximately 825 feet away as a crow flies. Individual statements from commissioners are not actions by the Commission as a whole. The Commission found that the Project meets all the required findings and unanimously voted to approve the project.

ISSUE 3: There is an oversaturation of similar businesses in the area.

RESPONSE 3: The Planning Commission found that the project is appropriately distanced from other cannabis storefronts and does not contribute to clustering.

Along the Mission Street corridor, there are 3 existing Medical Cannabis Dispensaries. Since legalization of adult use cannabis in late 2017, only two Cannabis Retail applications have been approved along this

corridor. Neither location has received an issued building permit for the change of use to Cannabis Retail. Planning Code Section 202.2(a)(5)(B) states that a new 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. The Project meets this requirement, as the closest Cannabis Retailer is located approximately 997 feet away as a crow flies at 4687 Mission.

SUMMARY RESPONSE

The Appellant claims that there has been a violation of the Sunshine Ordinance, specifically regarding public noticing requirements. The Project was properly noticed, as required by the Administrative Code and the Planning Code. The Appellant also expressed concerns with the Project's proximity to Balboa High School; however, staff's analysis showed and the Commission agreed that the site is not within the 600-foot buffer of the school, as required by the Planning Code. The Commission found the Project to meet all necessary requirements. The Appellant's final issue is that the Project would contribute to an oversaturation of similar businesses. The Commission found that the project meets the Planning Code's buffering provisions, and that it contributes to a more balanced geographic distribution of Cannabis Retailers in the City.

CONCLUSION

For the reasons stated in this document, in the attached Resolution, and in the Planning Department case file, the Planning Department recommends that the Board uphold the Planning Commission's decision in approving the Conditional Use authorization for the Project.



PLANNING COMMISSION MOTION NO. 21178

HEARING DATE: SEPTEMBER 29, 2022

Record No.: 2021-011352CUA
Project Address: 4835 Mission Street
Zoning: Excelsior Outer Mission Street NCD Zoning District
40-X Height and Bulk District
Block/Lot: 6272/021
Project Sponsor: Steve Ashbel of Mission Advisory Co.
13425 Ventura Blvd. Suite 300
Sherman Oaks, CA 91423
Property Owner: Tony W. Lau & Hua Yang
848 Edinburgh St San Francisco, CA 94122
Staff Contact: Ryan Balba – (628) 652-7331
Ryan.Balba@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 202.2, 303, AND 720 OF THE PLANNING CODE TO ALLOW A CANNABIS RETAIL USE MEASURING APPROXIMATELY 1,300 SQUARE FEET, WITH NO ON-SITE SMOKING OR VAPORIZING OF CANNABIS PRODUCTS, IN AN EXISTING TWO-STORY MIXED USE BUILDING AT 4835 MISSION STREET (ASSESSOR'S BLOCK 6272 LOT 021) WITHIN THE EXCELSIOR OUTER MISSION STREET 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 November 8, 2021, Steve Ashbel of Mission Advisory Co. (hereinafter "Project Sponsor") filed Application No. 2021-011352CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a Cannabis Retail use (hereinafter "Project") at 4835 Mission Street, Block 6272 Lot 021 (hereinafter "Project Site").

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

On September 29, 2022, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2021-011352CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2021-011352CUA 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. 2021-011352CUA, 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 approximately 1,300 square feet in a vacant commercial space within a two-story, mixed-use building. The Project does not include a request for authorization of on-site smoking or vaporizing of cannabis products. 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 an approximately 1,300 square foot rectangular parcel fronting Mission Street on the southeast side between Russia and France Avenues. The site is developed with a two-story building containing one commercial space at the ground floor and two residential units above. The commercial space was last occupied by a cellphone shop.
- 4. Surrounding Properties and Neighborhood.** The surrounding neighborhood is dominantly comprised of single-family homes. However, there are many commercial buildings as well as mixed-use residential buildings along the immediate corridor. The two directly adjacent properties are mixed-use buildings with ground floor commercial spaces.
- 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 Department has received 45 letters of support and 13 letters of opposition for the application.
- 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 Excelsior Outer Mission Street NCD Zoning District requires a Conditional Use Authorization pursuant to Planning Code Section 720.

The Project Sponsor is requesting a Conditional Use Authorization to establish a Cannabis Retail use in the Excelsior Outer Mission Street NCD Zoning District.

- B. **Use Size.** Within the Excelsior Outer Mission Street NCD Zoning District, the Planning Code principally permits Retail Sales and Service Uses (including Cannabis Retail) at up to 5,999 sq ft per lot.

The Project would provide a 1,300 sq ft Cannabis Retail use which is compliant with this requirement.

- C. **600-Foot Buffer Rule:** Planning Code Section 202.2(a)(5)(B) states that the parcel containing the Cannabis Retail Use shall not be located within a 600-foot radius of a parcel containing an existing public or private School or within a 600-foot radius of a parcel for which a valid permit from the City's Office of Cannabis for a Cannabis Retailer or a Medicinal Cannabis Retailer has been issued. There shall be no minimum radius from a Cannabis Retail Use to an existing day care center or youth center unless a State licensing authority specifies a minimum radius.

The subject parcel is not located within a 600-foot radius of a parcel containing an existing private or public school or within a 600-foot radius of a parcel for which a valid permit from the City's Office of Cannabis for a Cannabis Retailer or a Medicinal Cannabis Retailer has been issued.

- D. **Hours of Operation.** The Excelsior Outer Mission Street NCD Zoning District limits hours of operation for commercial uses to between 6am and 2am. State law limits hours of operation for Cannabis Retailers to between 6am and 10pm.

The Project is required under State law to cease operation between 10pm and 6am.

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

The subject commercial space complies with this requirement and shall be maintained in compliance with this Section. No significant modification to the front façade is proposed, and the interior changes

do not impact compliance with this Section.

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

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

The Project provides a use that is necessary and desirable, and compatible with the surrounding neighborhood and community, in that it activates an existing commercial space at the same size of the existing space, 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 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.

- 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 Excelsior Outer Mission Street Neighborhood Commercial District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison-shopping goods for a wider market. 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 Retail outlet to the Excelsior Outer Mission neighborhood, creating a more balanced geographic distribution of these uses.

Within the general proximity of 4835 Mission Street, there is one other Cannabis Retailer located within 1,000 feet of the site, located at 4687 Mission Street (dba Green Field, approximately 997’ from 4835 Mission). That location was approved via Conditional Use Authorization as Cannabis Retail which is a conditionally permitted use of the property and no Discretionary Review applications were received during the noticing period or at the Hearing.

Within the general proximity of 4835 Mission Street, there is a mix of residential and small commercial 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.

A key facility in the surrounding neighborhood that serves youth is the Mission Child Care Consortium, which is within 600 feet from the proposed facility. Other facilities such as Little Tigers Day Care, Ana Paula Day Care, Balboa High School, Excelsior Playground, James Denman Middle School, San Miguel Early Education School, and Leadership High School are all at least 600 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). 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 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 is no commercial office development associated with the proposed project and there would be no displacement of any existing industrial or service businesses in the area.

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

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

- G. That landmarks and historic buildings be preserved.

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. 2021-011352CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated October 15, 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 29, 2022.



Jonas P Ionin Digitally signed by Jonas P Ionin
Date: 2022.09.29 10:00:10 -0700

Jonas P. Ionin
Commission Secretary

AYES: Moore, Braun, Diamond, Imperial, Koppel, Ruiz, Tanner

NAYS: None

ABSENT: None

ADOPTED: September 29, 2022

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a Cannabis Retail Use located at 4835 Mission Street, Block 6272, and Lot 021, pursuant to Planning Code Sections 202.2, 303, and 720, within the Excelsior Outer Mission Street NCD Zoning District, and a 40-X Height and Bulk District; in general conformance with plans, dated October 15, 2021, and stamped “EXHIBIT B” included in the docket for Record No. **2021-011352CUA** and subject to conditions of approval reviewed and approved by the Commission on September 29, 2022 under Motion No. **21178**. 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 29, 2022 under Motion No. **21178**.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **21178** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

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

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

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

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

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

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

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

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

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

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

- 6. Additional Project Authorization.** The Project Sponsor shall obtain operating licenses from the City's Office of Cannabis and the State of California prior to commencing any cannabis sales or other activities per Planning Code Section 202.2(a)(5).

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

Design – Compliance at Plan Stage

- 7. Transparency and Fenestration.** Pursuant to Planning Code Section 145.1, the site shall be maintained with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

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

- 8. Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

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

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

Monitoring - After Entitlement

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

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

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

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

Operation

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

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

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

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

- 14. On-Site Consumption.** On-site consumption of 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.

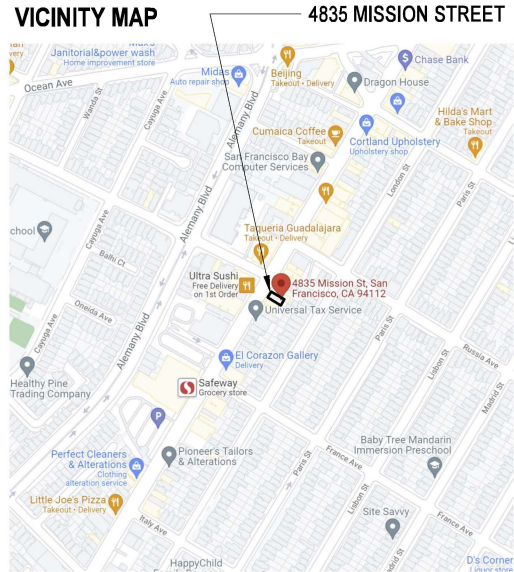
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4835 MISSION STREET CANNABIS RETAIL TENANT IMPROVEMENT

EXTERIOR VIEW



VICINITY MAP



**PENCIL BOX
ARCHITECTS, INC.**

237 CLARA STREET, SAN FRANCISCO, CA 94107
WWW.PENCILBOXARCHITECTS.COM
TELEPHONE: 415.699.5953

CONDITIONAL USE PERMIT APPLICATION PROJECT DESCRIPTION:
CHANGE OF USE FROM B-BUSINESS TO M-CANNABIS RETAIL
CONDITIONAL USE APPLICATION FOR CANNABIS RETAIL

PROJECT LOCATION PROPOSED:
4835 MISSION STREET, SAN FRANCISCO, CA

BLOCK/LOT:
6272/021

ZONING:
NCD INDIVIDUAL (NAMED, CONTROLS VARY)
EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL
DISTRICT

OCCUPANCY GROUP:
EXISTING B - BUSINESS
PROPOSED B + M - BUSINESS + MERCANTILE MEDICAL + ADULT USE
STOREFRONT CANNABIS RETAIL

CONSTRUCTION TYPE:
EXISTING - VB
PROPOSED - VB

SPRINKLERS:
EXISTING - NO
PROPOSED - NO (NO CHANGE)

AREA OF WORK:
+/- 1,300 SF

NUMBER OF FLOORS:
EXISTING - 2
PROPOSED - 2 (NO CHANGE)

SHEET LIST

CUA-00	COVER SHEET
CUA-01	PLOT PLAN
CUA-01A	ASSESSOR'S MAP
CUA-02	FLOOR PLAN EXISTING
CUA-03	PREMISES DIAGRAM
CUA-04	EXTERIOR ELEVATION EXISTING
CUA-05	EXTERIOR ELEVATION PROPOSED
CUA-06	INTERIOR ELEVATIONS
CUA-07	INTERIOR ELEVATIONS
CUA-08	INTERIOR ELEVATIONS
CUA-09	INTERIOR RENDERING
CUA-10	SECURITY CAMERA SPECIFICATION

PROJECT DIRECTORY

BUILDING OWNER:
NAME: MMD SHOPS, INC.
ADDRESS:
SAN FRANCISCO, CA ZIP
TEL

TENANT:
NAME: MMD SHOPS, INC.
ADDRESS:
LOS ANGELES, CA ZIP
213-422-7439

ARCHITECT:
FUMIKO DOCKER, AIA
PENCIL BOX ARCHITECTS, INC.
237 CLARA STREET
SAN FRANCISCO, CA 94107
415-314-6429

COVER SHEET

4835 MISSION ST CANNABIS RETAIL
SAN FRANCISCO, CA 94112

CUA-00

10/15/2021

MISSION STREET

EXISTING PARKING METER, TYP

EXISTING BIKE RACK

EXISTING SIDEWALK

EXISTING PARKING SPACE

EXISTING BLADE SIGN TO BE REFURBISHED WITH NEW SIGNAGE

EXISTING SIDEWALK

4833 MISSION STREET
6272/021
EXISTING OCCUPANCY:
MIXED USE
R2-RESIDENTIAL (UPPER FLOORS)
R-RETAIL (GROUND FLOOR, CLOTHING STORE)

EXISTING REAR YARD

PROPERTY LINE, TYP

4835-4837 MISSION STREET
6272/021
EXISTING OCCUPANCY:
MIXED USE
R-3 RESIDENTIAL (2ND FLOOR)
B-BUSINESS (GROUND FLOOR)
PROPOSED OCCUPANCY:
MIXED USE
R-3 RESIDENTIAL (2ND FLOOR)
M-MERCANTILE
B-BUSINESS (GROUND FLOOR)

WH

EXISTING REAR YARD

4841 MISSION STREET
6272/020
EXISTING OCCUPANCY:
MIXED USE
R-3 RESIDENTIAL (2ND FLOOR)
A2-ASSEMBLY (GROUND FLOOR, RESTAURANT)

EXISTING REAR YARD

83' - 6"

25' - 0"

25' - 0"

25' - 0"



NORTH

1" = 10'-0"



PENCIL BOX ARCHITECTS, INC.

237 CLARA STREET, SAN FRANCISCO, CA 94107
WWW.PENCILBOXARCHITECTS.COM
TELEPHONE: 415.699.5953

PLOT PLAN

4835 MISSION ST CANNABIS RETAIL SAN FRANCISCO, CA 94112

CUA-01

10/15/2021

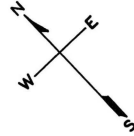
ASSESSOR-RECORDER'S OFFICE

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

LOTS MERGED

LOTS	INTO LOT	"1948"
2	16 27	"49"
17	7	

lot26 into lots30to32 for 1999 roll
lots2A&24 into lots33&34 for 2000 roll
lot32 into lots47to50 for 2009 roll



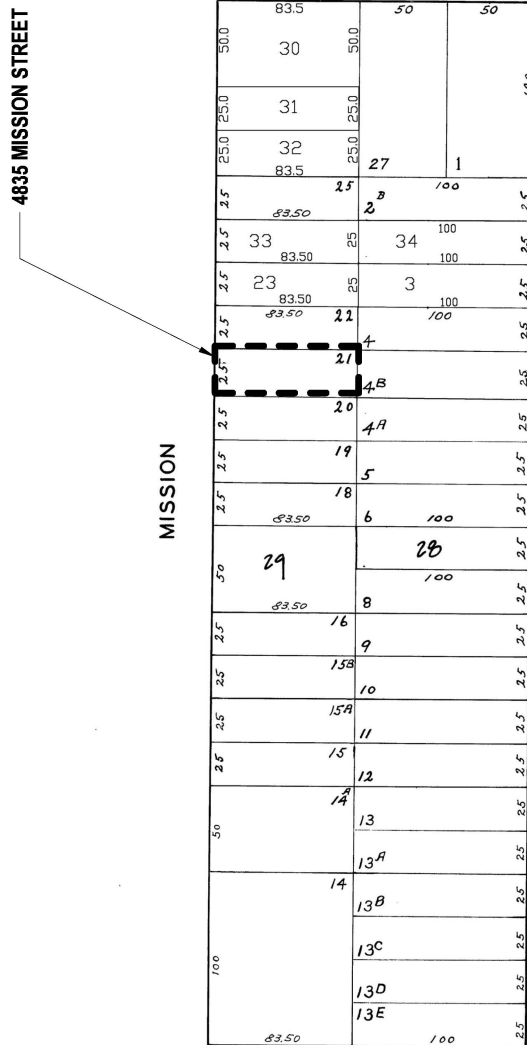
6272
EXCELSIOR HD ASS'N
BLK 5

Revised 1999
Revised 2000
Revised 2009

CUA-01A

10/15/2021

RUSSIA AVE.

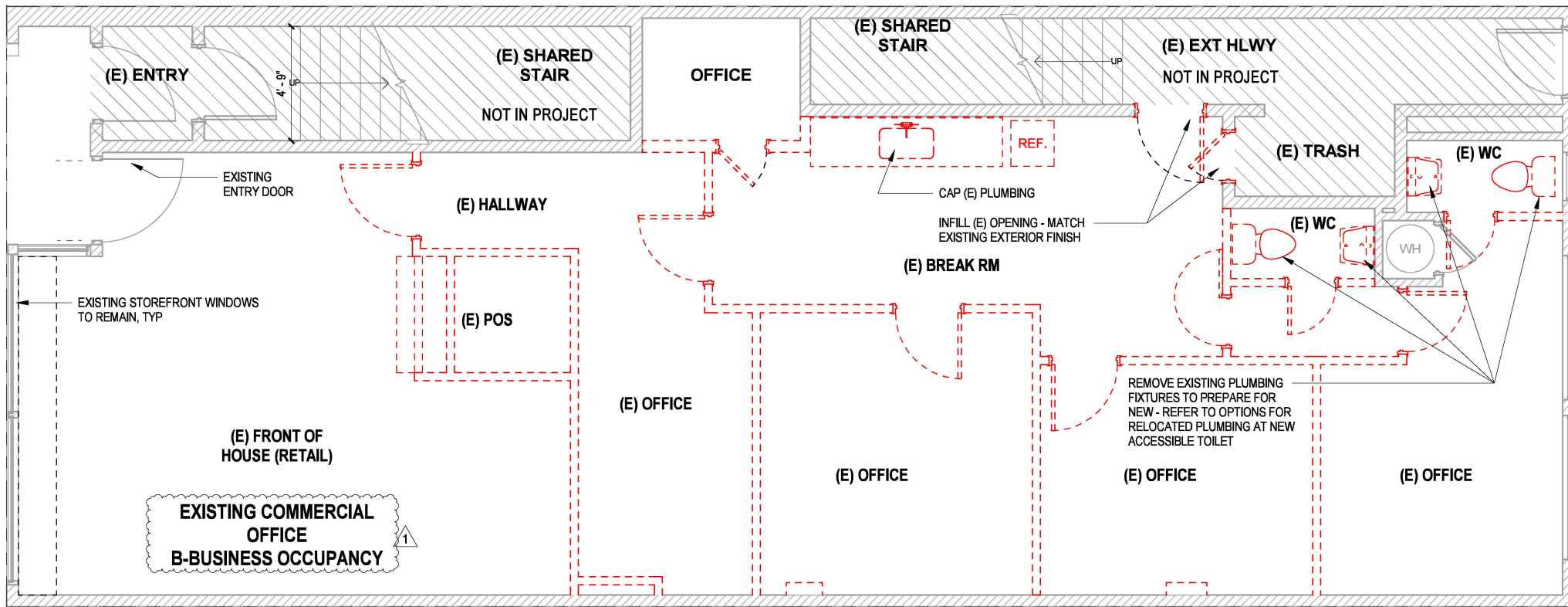


ASSESSOR'S MAP

4835 MISSION ST CANNABIS RETAIL
SAN FRANCISCO, CA 94112

PENCIL BOX
ARCHITECTS, INC.
237 CLARA STREET, SAN FRANCISCO, CA 94107
WWW.PENCILBOXARCHITECTS.COM
TELEPHONE: 415.699.5953





 **PENCIL BOX ARCHITECTS, INC.**

237 CLARA STREET, SAN FRANCISCO, CA 94107
 WWW.PENCILBOXARCHITECTS.COM
 TELEPHONE: 415.699.5953

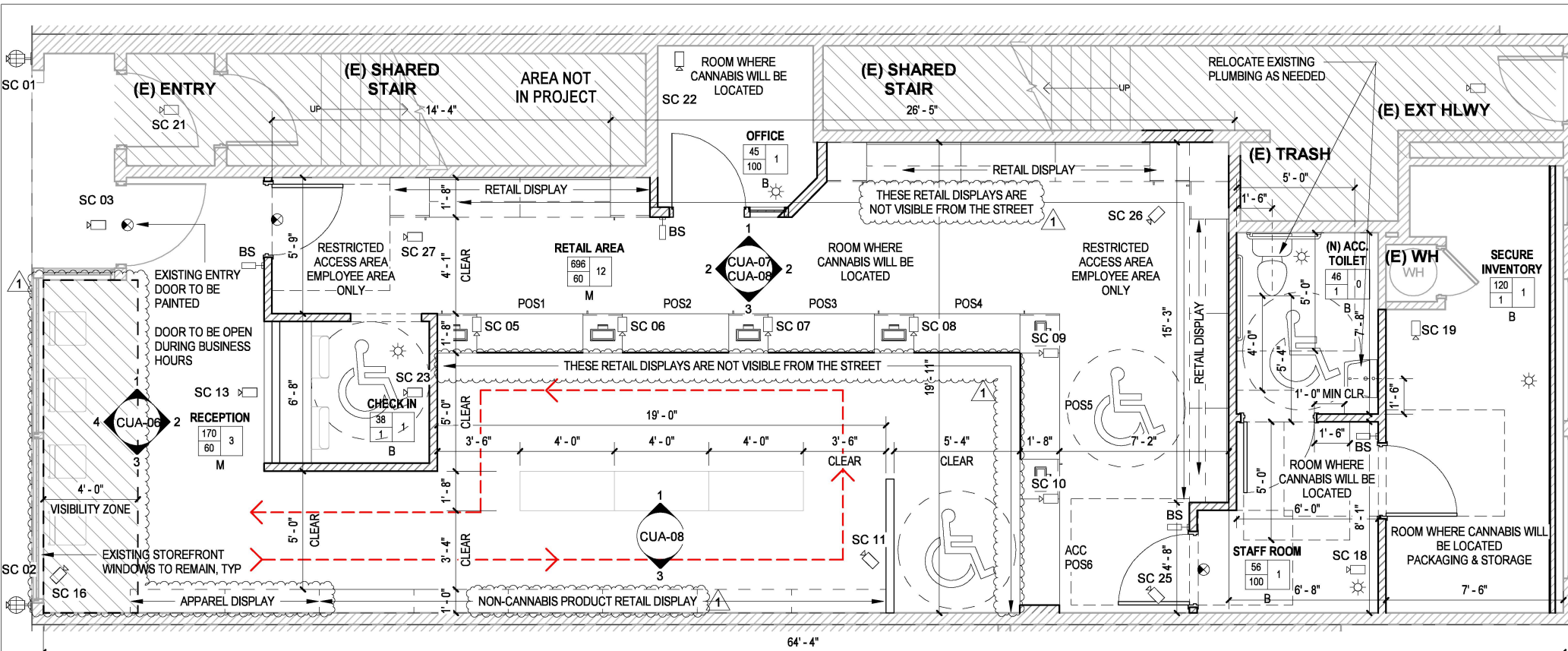
FLOOR PLAN EXISTING

4835 MISSION ST CANNABIS RETAIL
 SAN FRANCISCO, CA 94112

1/4" = 1'-0"

CUA-02

10/15/2021



- SC ## SECURITY CAMERA
- MOTION SENSOR
- BS BIOMETRIC SCANNER
- KP KEY PAD
- WC WIRELESS DOOR CONTACT

GROSS AREA CALCULATION (SF)

RETAIL AREA (INCLUDING BACK OF HOUSE)	1,300 SF
EXISTING SHARED STAIR (NO WORK THIS AREA)	135 SF
TOTAL AREA	1,435 SF

PENCIL BOX ARCHITECTS, INC.
 237 CLARA STREET, SAN FRANCISCO, CA 94107
 WWW.PENCILBOXARCHITECTS.COM
 TELEPHONE: 415.699.5953

PREMISES DIAGRAM

4835 MISSION ST CANNABIS RETAIL SAN FRANCISCO, CA 94112

1/4" = 1'-0"
CUA-03
 10/15/2021

4833 MISSION STREET

4835-4837 MISSION STREET

4841 MISSION STREET



- AREA OF WORK
- EXISTING ENTRY DOOR TO REMAIN
- EXISTING STOREFRONT WINDOWS TO REMAIN
- EXISTING BLADE SIGN TO BE REFURBISHED WITH NEW SIGNAGE (SEPARATE PERMIT APPLICATION)
- EXISTING LIGHT FIXTURE TO REMAIN

EXTERIOR ELEVATION EXISTING

4835 MISSION ST CANNABIS RETAIL
SAN FRANCISCO, CA 94112

3/16" = 1'-0"

CUA-04

10/15/2021



**PENCIL BOX
ARCHITECTS, INC.**

237 CLARA STREET, SAN FRANCISCO, CA 94107
WWW.PENCILBOXARCHITECTS.COM
TELEPHONE: 415.699.5953

4833 MISSION STREET

4835-4837 MISSION STREET

4841 MISSION STREET



- AREA OF WORK
- EXISTING ENTRY DOOR TO REMAIN - NEW PAINT
- EXISTING LIGHT FIXTURE TO REMAIN
- REQUIRED VISIBILITY ZONE; STOREFRONT TO BE MAINTAINED AS TRANSPARENT PER SF PLANNING CODE SECTION 145.1
- EXISTING STOREFRONT WINDOWS TO REMAIN
- EXISTING BLADE SIGN TO BE REFURBISHED WITH NEW SIGNAGE (SEPARATE PERMIT APPLICATION)
- EXISTING CEMENT PLASTER FACADE, PAINTED, COLOR TBD
- NEW SECURITY CAMERA, TYP



PENCIL BOX ARCHITECTS, INC.
 237 CLARA STREET, SAN FRANCISCO, CA 94107
 WWW.PENCILBOXARCHITECTS.COM
 TELEPHONE: 415.699.5953

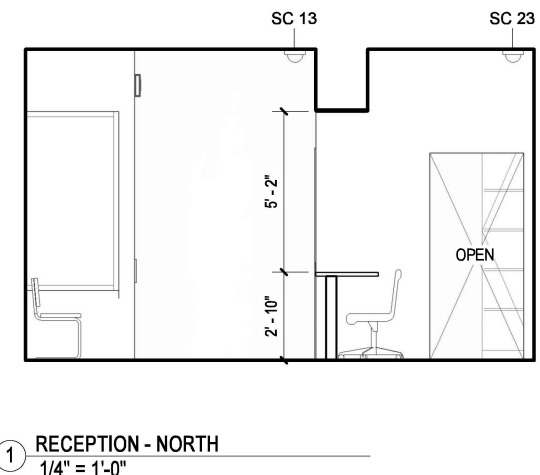
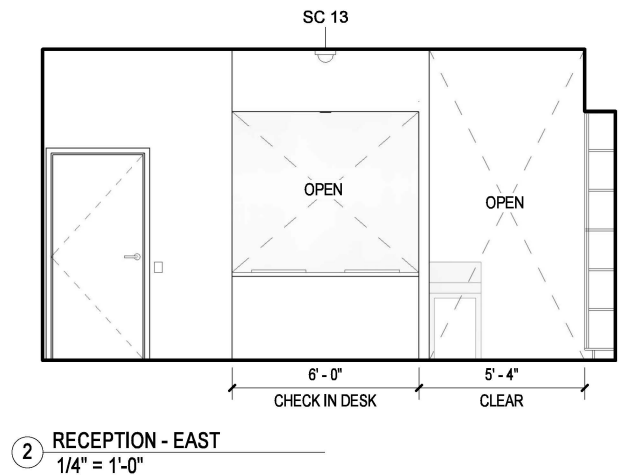
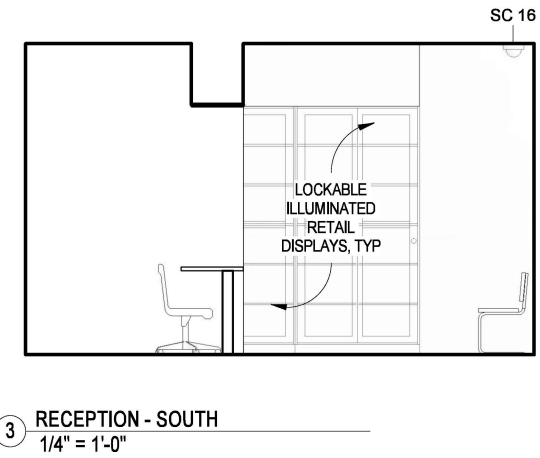
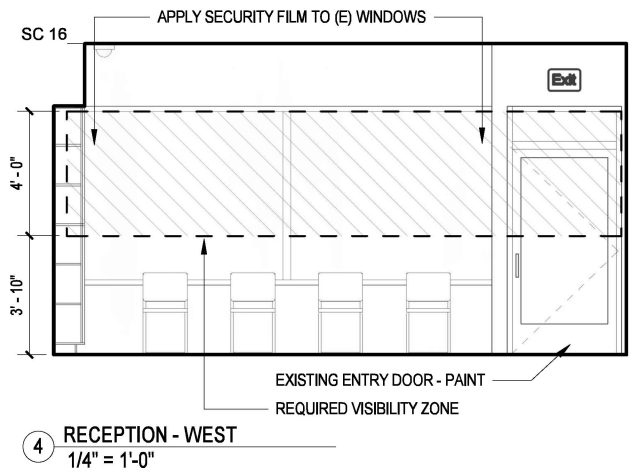
EXTERIOR ELEVATION PROPOSED

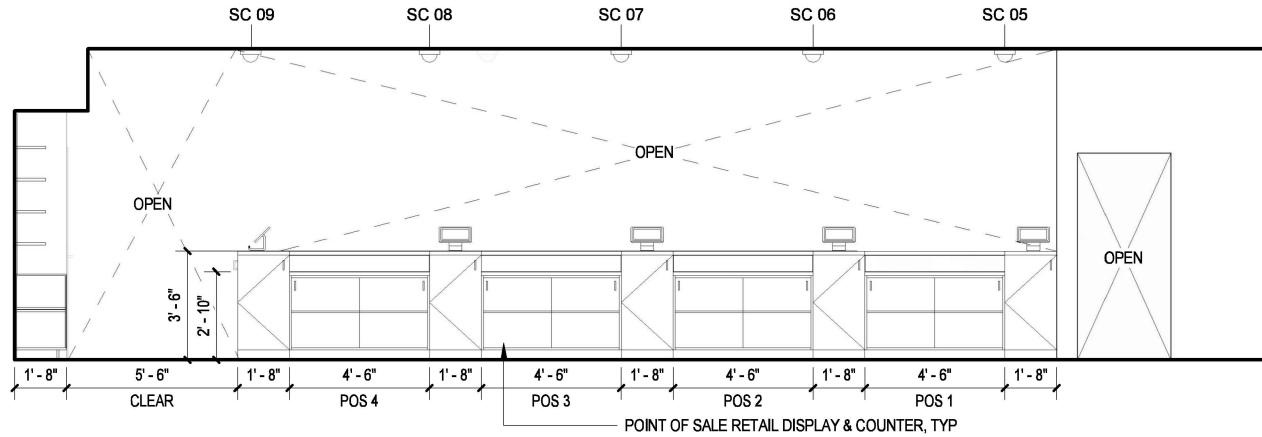
**4835 MISSION ST CANNABIS RETAIL
 SAN FRANCISCO, CA 94112**

3/16" = 1'-0"

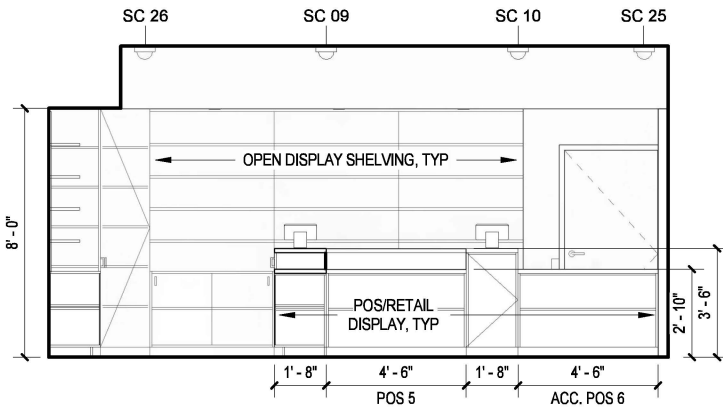
CUA-05

10/15/2021

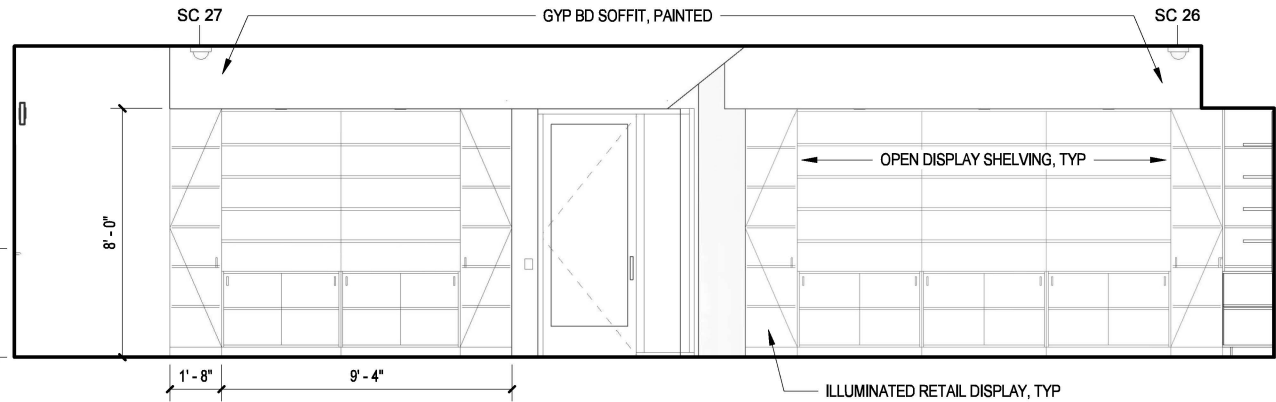




③ RETAIL AREA - SOUTH
1/4" = 1'-0"



② RETAIL AREA - EAST
1/4" = 1'-0"



① RETAIL AREA - NORTH
1/4" = 1'-0"

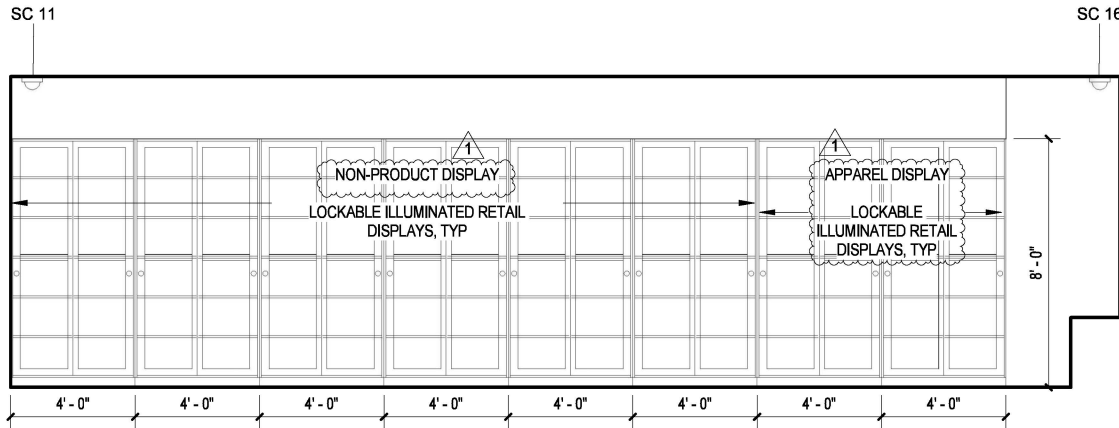


PENCIL BOX
ARCHITECTS, INC.

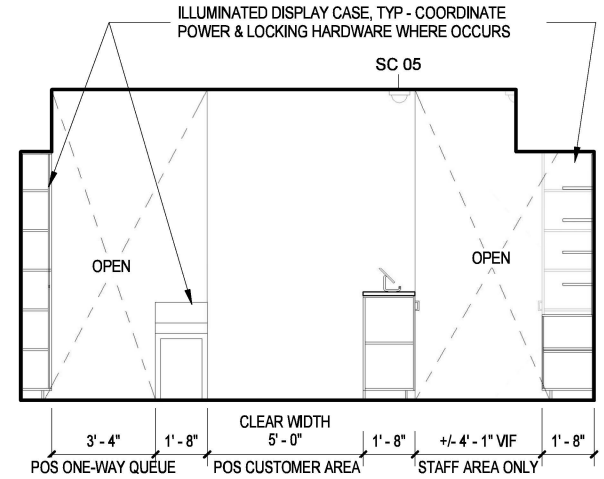
237 CLARA STREET, SAN FRANCISCO, CA 94107
WWW.PENCILBOXARCHITECTS.COM
TELEPHONE: 415.699.5953

INTERIOR ELEVATIONS
4835 MISSION ST CANNABIS RETAIL
SAN FRANCISCO, CA 94112

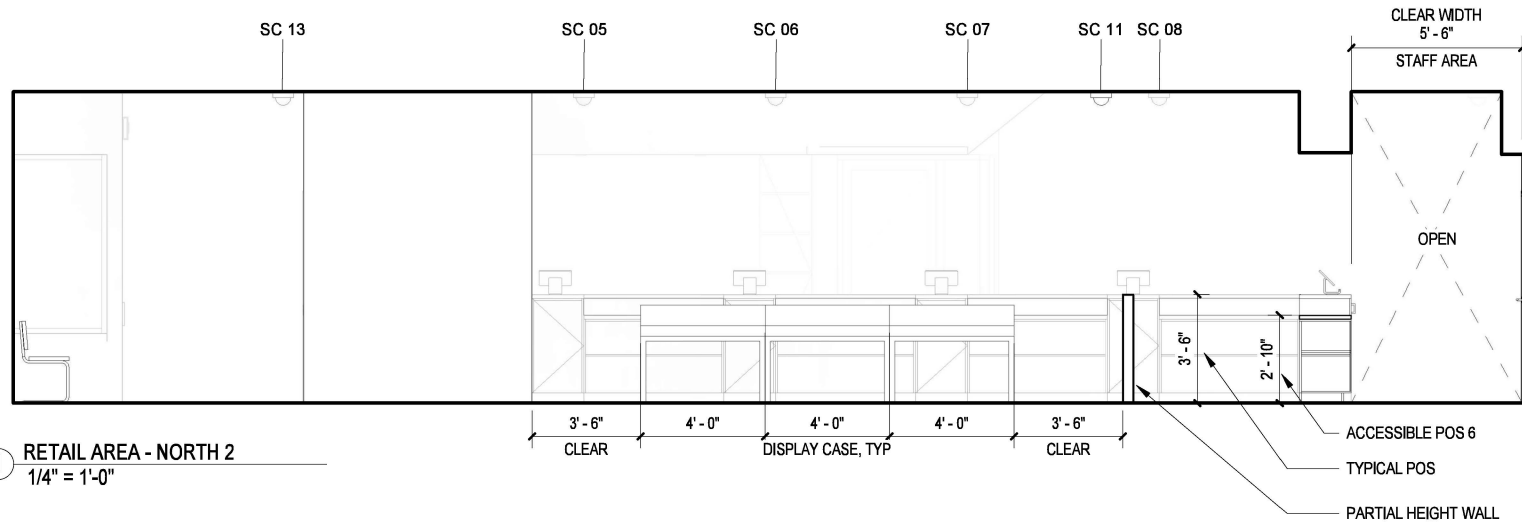
1/4" = 1'-0"
CUA-07
10/15/2021



③ RETAIL AREA - SOUTH 2
1/4" = 1'-0"



② RETAIL AREA - WEST
1/4" = 1'-0"



① RETAIL AREA - NORTH 2
1/4" = 1'-0"



PENCIL BOX
ARCHITECTS, INC.

237 CLARA STREET, SAN FRANCISCO, CA 94107
WWW.PENCILBOXARCHITECTS.COM
TELEPHONE: 415.699.5953

INTERIOR RENDERING
4835 MISSION ST CANNABIS RETAIL
SAN FRANCISCO, CA 94112

CUA-09

10/15/2021

CMIP7223-S

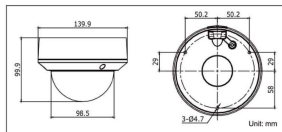
2.0MP VF IR Dome Network Camera



Key features

- 2 megapixel (1920 x 1080) high resolution
- Full HD1080p real-time video
- 2.8-12mm varifocal lens
- Video Content Analytics(VCA)
- Region of Interest(ROI)
- IR LEDs: up to 100ft(about 30m)
- DWDR & 3D DNR & BLC
- 3-Axis
- On-board storage (up to 64GB)
- Audio I/O, Alarm I/O
- IP66
- Vandal-proof

Dimensions



CMIP7223-S	
Camera	
Image sensor	1/3" sensor
Min. illumination	0.014lux @(F1.4,AGC ON) 0 lux with IR
Shutter time	1/25s ~ 1/100,000s
Lens	2.8 ~ 12mm @ F1.4, Angle of view: 113° ~33.8°
Lens mount	φ14
Day & night	ICR
ROI	Yes, up to 4 configurable areas
Digital noise reduction	3D DNR
Wide dynamic range	Digital WDR
Backlight compensation	Yes, zone optional
Angle adjustment	Pan: 0° - 355° , Tilt: 0° - 75° , Rotation: 0° - 355°
Compression standard	
Video compression	H.264 / MJPEG
H.264 compression profile	Main profile
Bit rate	32 Kbps ~ 16 Mbps
Audio compression	G.711/G.726/MP2L2
Audio bit rate	64Kbps(G.711) / 16Kbps(G.726)/ 32~128Kbps(MP2L2)
Dual Stream	Yes
Image	
Max. image resolution	1920 x 1080
Frame rate	60Hz: 30fps (1920 x 1080) 50Hz: 25fps (1920 x 1080)
Image settings	Saturation, brightness, contrast adjustable through client software or web browser
Network	
Network storage	NAS
Alarm trigger	Motion detection, Tampering alarm, Network disconnect, IP address conflict, Storage full, Storage error
Protocols	TCP/IP,ICMP,HTTP,HTTPS,FTP,DHCP,DNS,DDNS,RTP,RTSP,RTCP,PPPoE,NTP,UPnP,SMTP,SNMP,IGMP,802.1X,QoS,IPv6,Bonjour
System compatibility	ONVIF, PSIA, CGI, ISAPI
General functionalities	User Authentication, Watermark
Interface	
Communication interface	1 RJ45 10M / 100M ethernet port
On-board storage	Built-in Micro SD/SDHC/SDXC card slot, up to 64 GB
Audio Input/Output	1/1
Alarm Input/Output	1/1
General	
Operating conditions	-22 ° F ~ 140 ° F(-30 ° C ~ 60 ° C), humidity 95% or less (non-condensing)
Power supply	DC12V ± 10%, PoE (802.3af)
Power consumption	Max. 5.5W
Impact protection	IEC60068-2-75Eh, 50J; EN50102, up to IK10
Ingress protection level	IP66
IR range	Up to 100ft(About 30m)
Dimensions	φ5.5" x 3.9" (φ140.0 x 99.9mm)
Weight	2.2lbs(1000g)



Parameter Construction Dimension Weight
 Wall Mount Bracketwith junction Box
 Aluminum Alloy
 φ136×243×290mm (5.4"×9.6"×11.4")
 1490g (3.3lbs)

NOTE: SECURITY CAMERA IS MOUNTED TO FACADE WITH (4) SMALL SCREWS. NO DAMAGE TO THE FACADE SHALL RESULT UPON REMOVAL.

PENCIL BOX ARCHITECTS, INC.

237 CLARA STREET, SAN FRANCISCO, CA 94107
 WWW.PENCILBOXARCHITECTS.COM
 TELEPHONE: 415.699.5953

SECURITY CAMERA SPECIFICATION

4835 MISSION ST CANNABIS RETAIL
 SAN FRANCISCO, CA 94112

CUA-10

10/15/2021