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# Appeal for 1719 Wallace Cannabis Cultivation

B. Tassa  
December 17, 2024

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# Intros

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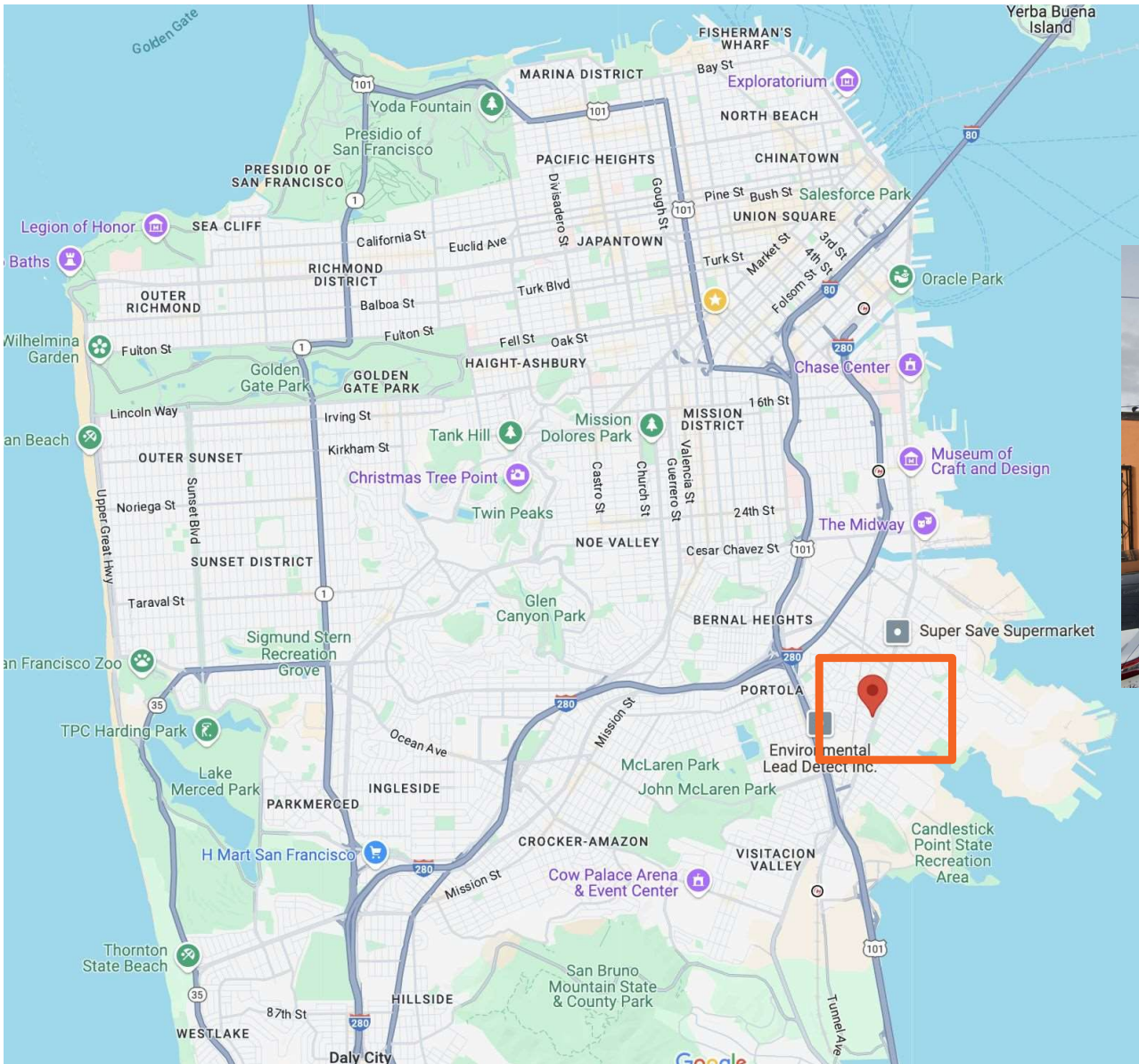


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# Project Area

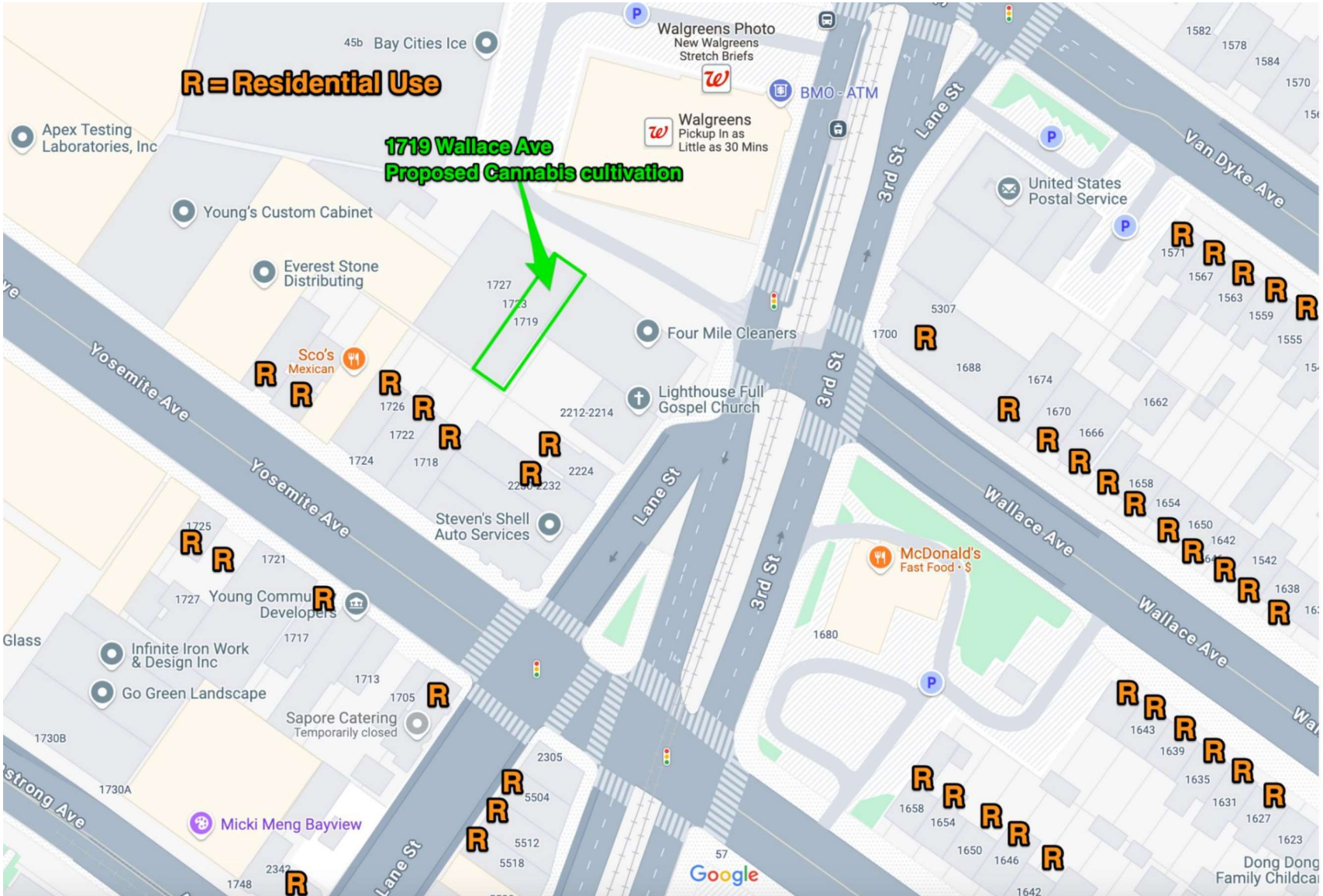
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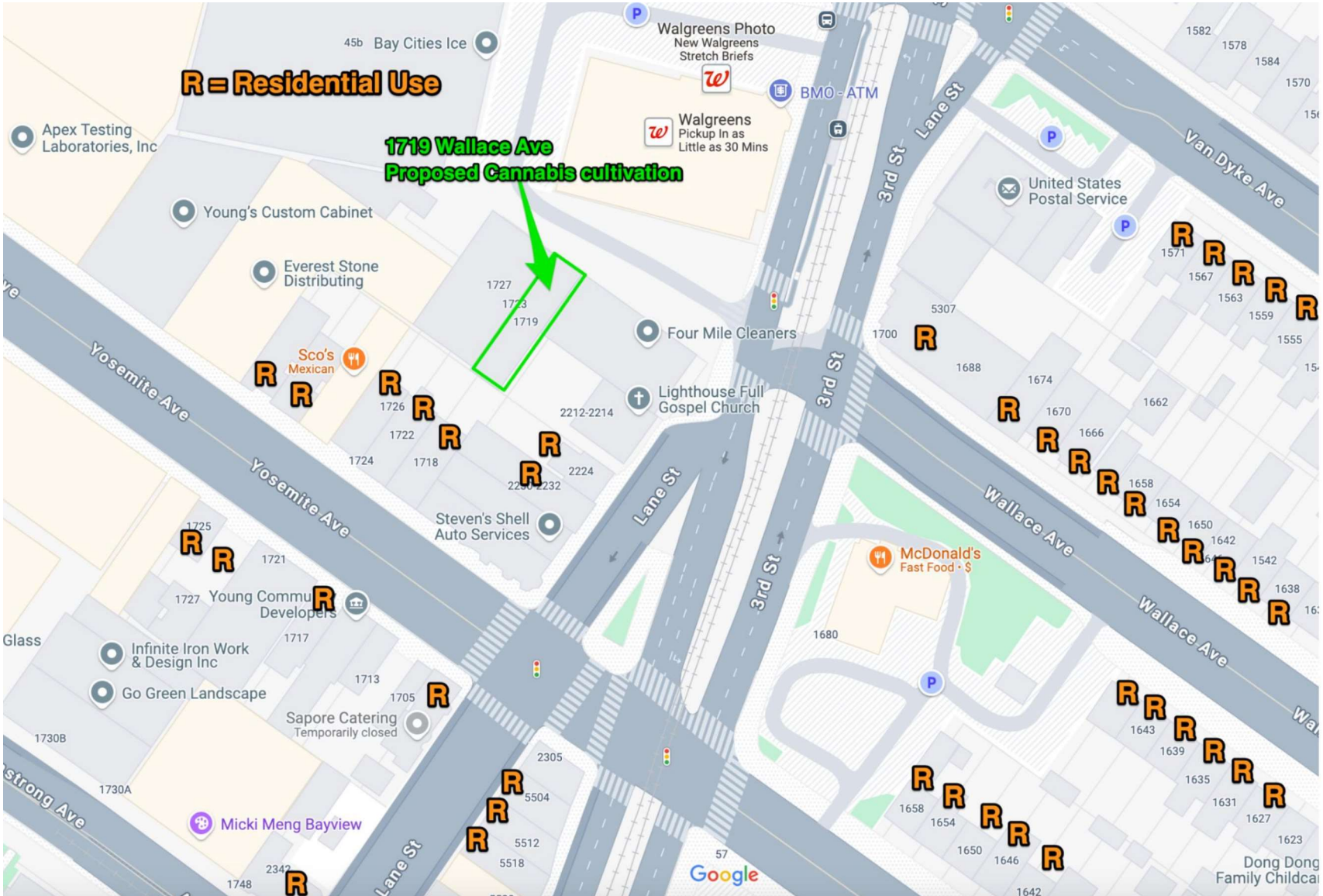
Built 1955

Classified as "Industrial" in SF Assessor-Recorder Summary



**R = Residential Use**

**1719 Wallace Ave  
Proposed Cannabis cultivation**







Built 1923

Built 1922

Built 1915

Built 1924

Built 1921

All classified as "Dwelling" for Use Type in SF Assessor-Recorder Summary



Built 1900

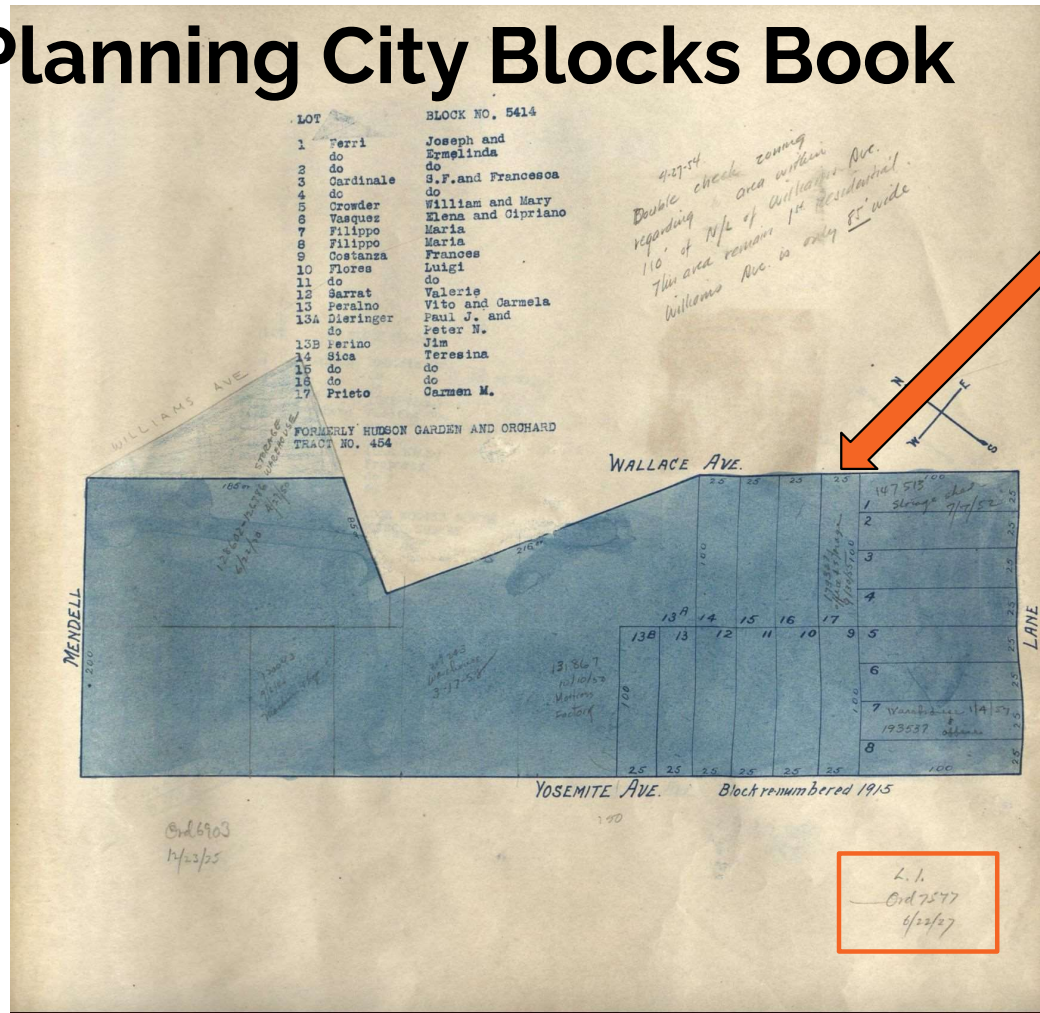
Built 1916

Both classified "Dwelling" for Use Type in SF Assessor-Recorder Summary



VOL. 32  
BLOCKS  
5295-5464  
DEPT. CITY PLANNING  
1935

# 1935 SF Planning City Blocks Book



1719 Wallace shows as "office & storage"

(From: JOURNAL OF PROCEEDINGS, BOARD OF SUPERVISORS,  
CITY AND COUNTY OF SAN FRANCISCO; Vol. 22--  
New Series, No. 25; Monday, June 20, 1927,  
page 1215.)

AMENDING ZONE ORDINANCE PLACING PROPERTY ON WESTERLY  
LINE OF HUDSON GARDEN AND ORCHARD TRACT SOUTH OF  
WILLIAMS AVENUE IN THE LIGHT INDUSTRIAL DISTRICT.

Bill No. 8063, Ordinance No. 7577 (New Series), as follows:

Amending Ordinance No. 5464 (New Series), entitled "Regulating and establishing the location of trades, industries and buildings, and the locations of buildings designed for specific uses, and establishing the boundaries for said purposes, and providing penalties for the violation of its provisions."

Be it ordained by the People of the City and County of San Francisco as follows:

Section 1. Ordinance No. 5464 (New Series), the title of which above recited, is hereby amended as follows:

Section 11 of the Use of Property Zone Map, constituting a part of said ordinance, is hereby ordered changed so as to place the following described property in the Light Industrial District, where not already so zoned, instead of the First Residential and Commercial Districts:

Commencing at a point on the westerly line of the Hudson Garden and Orchard Tract, distant 110 feet southerly from the northerly line of Williams avenue, running thence easterly along a line parallel with and distant southerly 110 feet from the northerly line of Williams avenue to the westerly line of Third street; thence southerly along the westerly line of Third street to the northerly line of the Western Development Tract; thence westerly along the northerly line of the Western Development Tract to a point 50 feet easterly from the westerly line of the Hudson Garden and Orchard Tract; thence northerly along a line 50 feet easterly from and parallel with the westerly line of the Hudson Garden and Orchard Tract to the center line of Carroll avenue; thence westerly along the center line of Carroll avenue to the westerly line of the Hudson Garden and Orchard Tract; thence northerly along the westerly line of the Hudson Garden and Orchard Tract to the point of commencement.

Ayes---Supervisors Badaracco, Byington, Colman, Gallagher, Hayden, Kent, Powers, Roncovieri, Shannon, Stanton--10.

Absent---Supervisors Bath, Deasy, Harrelson, Havenner, Marks, McSheehy, Schmidt, Todd--8.

1927 BoS zoning  
change to light  
industrial.

No mention of  
removing existing  
housing.

Today 1719 Wallece  
is PDR-B-1 zoned,  
Yosemite Ave  
residents M-1



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# Appeal Basis: CEQA

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# CEQA Category 1 & 3 Exemptions do not apply

## CEQA Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b> 1719 WALLACE AVE		<b>Block/Lot(s)</b> 5414015
<b>Case No.</b> 2023-008006PRJ		<b>Permit No.</b>
<input checked="" type="checkbox"/> <b>Addition/Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b>            Conditional Use Authorization to comply with nov 20309156 to legalize existing as-built restroom and mezzanine storage. Proposed Cannabis operation on street level per plan.</p>		

### EXEMPTION TYPE

<b>The project has been determined to be exempt under the California Environmental Quality Act (CEQA).</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> (CEQA Guidelines section 15301) Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	<b>Class 3 - New Construction.</b> (CEQA Guidelines section 15303) 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.

# ***Exceptions to CEQA Exemptions***

CEQA Section 15300.2(c): Significant Effect states that a categorical exemption cannot be used for an activity when there's a **reasonable possibility** of significant environmental effects due to **unusual circumstances**.

CEQA Section 15300.2(a) clarifies that a categorical exemption is qualified by the project's **location**. An ordinarily insignificant project might be significant in a particularly sensitive environment.

CEQA Section 15300.2(b) states that all categorical exemptions are inapplicable when the **cumulative impact** of successive projects of the same type in the same place, over time is significant.



# Unusual Circumstances + Location + Cumulative Impact = NOT CEQA Exempt



**unusual circumstances** = residential dwellings in contact with property that predated the light industrial zoning



**reasonable possibility** of environmental effects = **air quality**



**cumulative impact** = 11 existing + 24 additional cultivation projects in the pipeline with about 300,000 sq feet of cannabis cultivation in Bayview alone

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**How does cannabis cultivation  
work?**

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# Cultivation Equipment & Systems

## HVAC Components:

- Air Handling Units
- Dehumidifiers
- CO2 injection systems
- Air filtration & odor control

## Lighting Systems

## Irrigation Systems

## Control systems

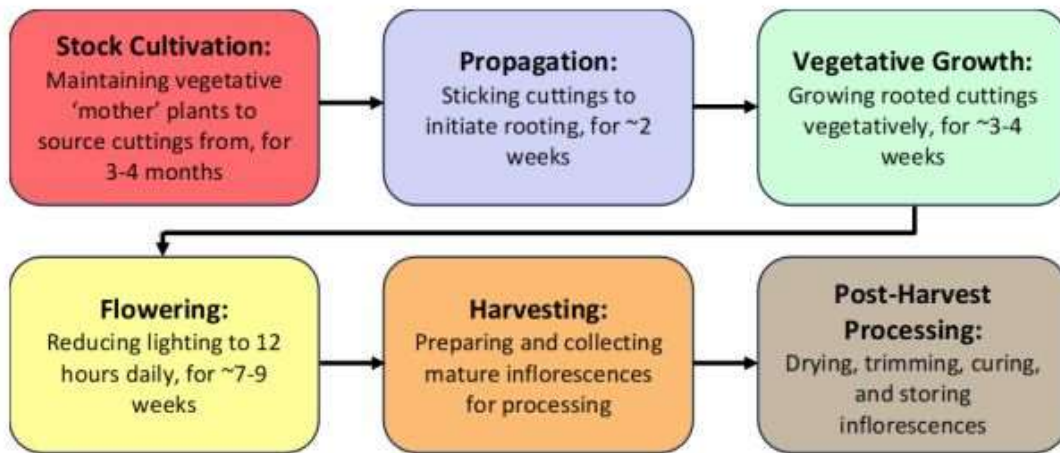
## Nutrient & Water Systems

## Control for:

- Air Circulation
- CO2 Levels
- Humidity
- Temperature
- Light
- Crop output, plant disease



# Cannabis cultivation stages



**Figure 1.** The different stages of cannabis production under greenhouse conditions. Each crop cultivation cycle from propagation to harvest spans ~12–15 weeks. This is followed by a final stage of post-harvest processing that includes drying, trimming, curing, and storage.

3-4 cropping cycles/year

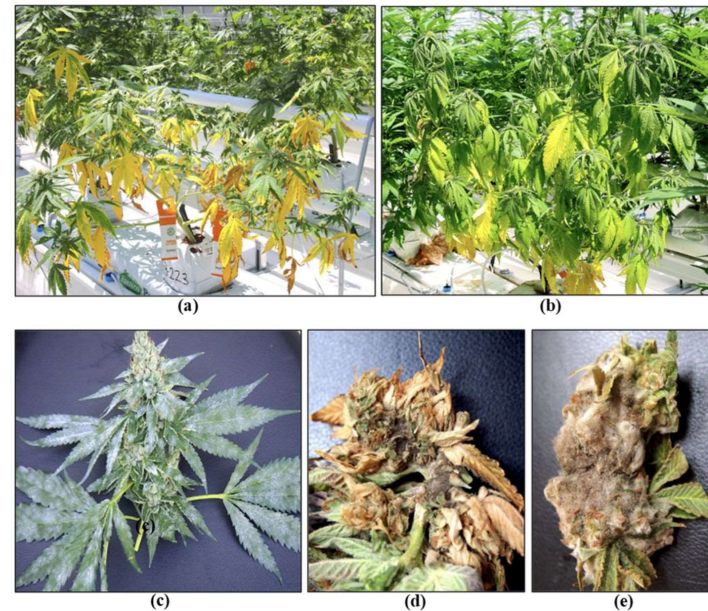
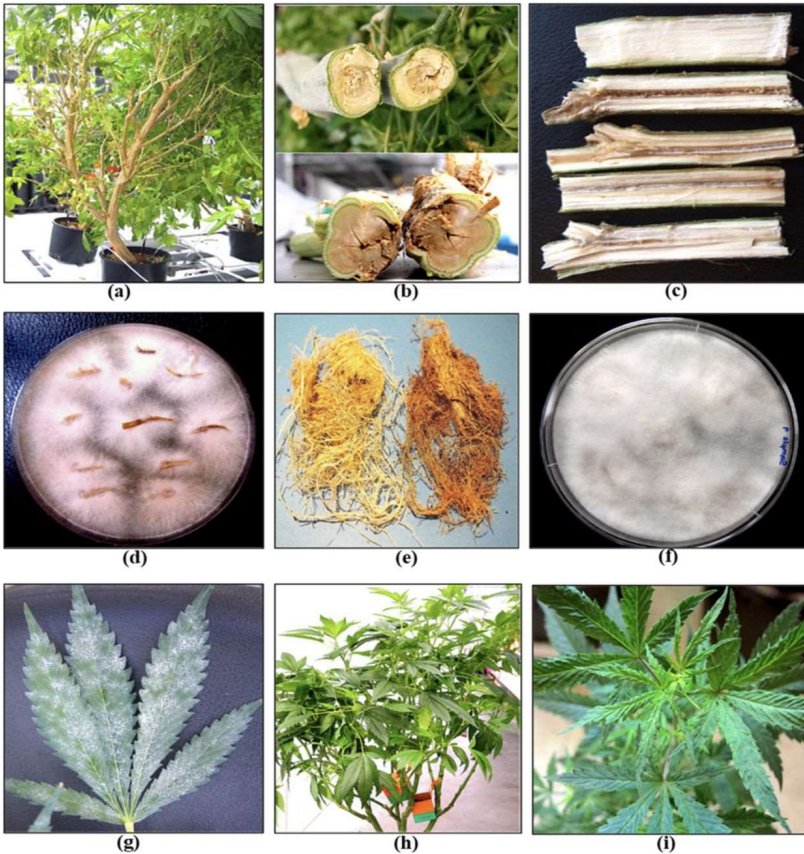


**Figure 2.** The stages of cannabis crop development. (a) Stock plants. (b) Rooting of cuttings. (c) Vegetative plants. (d,e) Flowering plants. (f) Harvested inflorescences being hung to dry. (g) Bucked and trimmed inflorescences.



# Cannabis plants need active disease management

Mold, mildew, viruses, but rot and other plant pathogens and microbes affect cannabis production





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**What is the concern about  
cannabis cultivation?**

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# Environmental & Health Impacts

## 1. Air Quality

- Volatile Organic compounds (VOCs) create ozone and particulate matter formation, along with terpenes released by plants, have health respiratory disease impacts
- Odors (terpenes, thiols, Volatile Sulphur Compounds) affect health in psychological pathways (stress, sleep disruption)

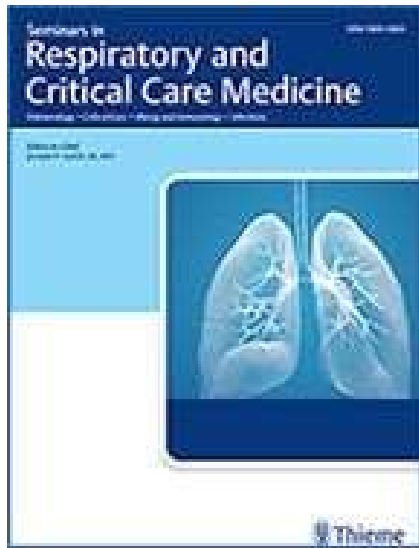
## 2. Water Consumption & Pollution

- cannabis in a growing season needs twice as much as the water required by maize, soybean, and wheat.
- Applied pesticides (including herbicides, insecticides, fungicides, nematodes, and rodenticides), due to routine pest and disease controls, make their way into the water without restriction and therefore posing significant risks to the water environment deterioration

## 3. Energy consumptions

- High-intensity lighting (lamps 500x greater than standard reading light), HVAC systems and other high energy equipment draw excessive energy. Often use diesel power as backup in power outages, adding to diesel pollution.





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## The Emerging Spectrum of Respiratory Diseases in the U.S. Cannabis Industry

Coralynn Sack, MD, MPH<sup>1,2</sup> Christopher Simpson, PhD, MSc<sup>1</sup> Karin Pacheco, MD, MSPH<sup>3</sup>

<sup>1</sup> Department of Environmental and Occupational Health Sciences, University of Washington, Seattle, Washington

<sup>2</sup> Department of Medicine, University of Washington, Seattle, Washington

<sup>3</sup> Department of Environmental and Occupational Health Sciences, National Jewish Hospital, Denver, Colorado

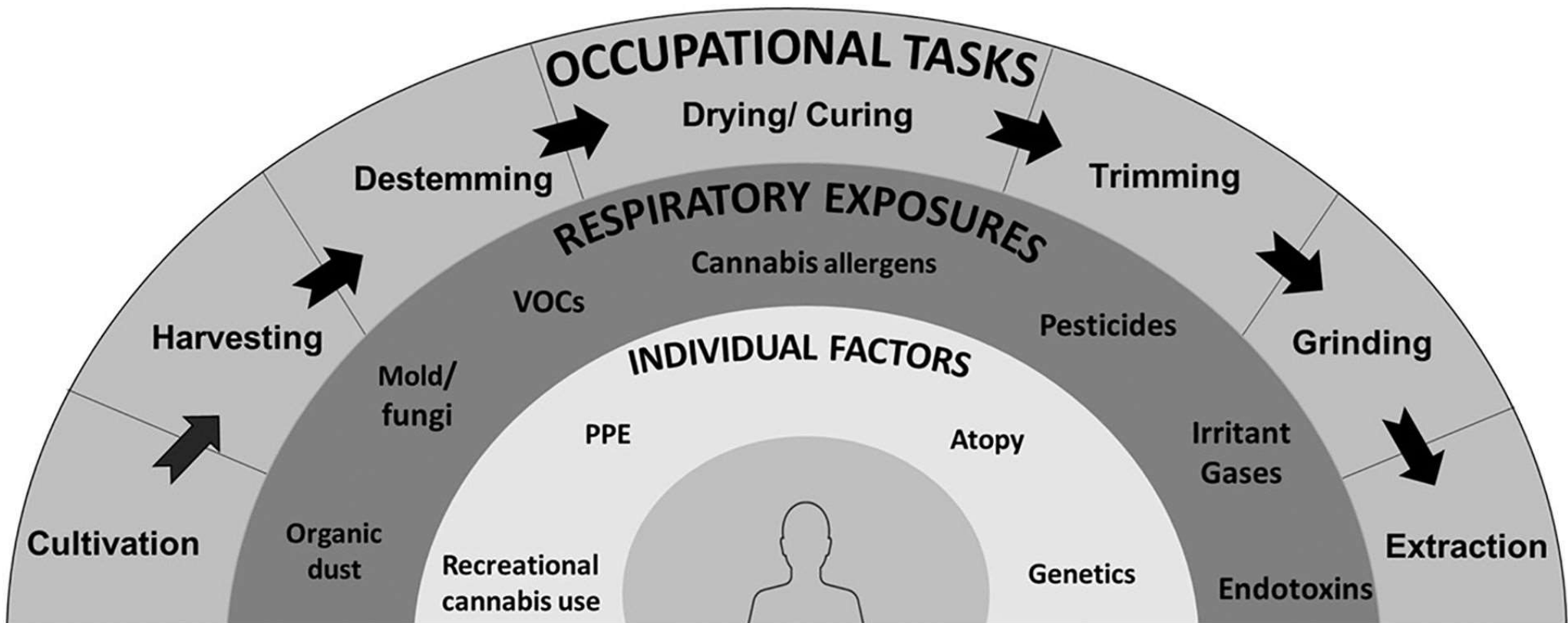
Address for correspondence: Coralynn Sack, MD, MPH, Departments of Medicine, and Environmental and Occupational Health Sciences, University of Washington, Suite 303, 4225 Roosevelt Way NE, Seattle, WA 98105 (e-mail: [cssack@uw.edu](mailto:cssack@uw.edu)).

Semin Respir Crit Care Med 2023;44:405–414.

*“...there is concern for **significant respiratory exposures to bioaerosols containing microbial and plant allergens, chemicals such as pesticides, volatile organic compounds and other irritant gases.**”*

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# Employee Exposures





**cannabis terpenes...are classified as VOCs because they evaporate easily and release molecules into the atmosphere.**

terpenes are one of many VOC sources but the molecules released can play a role in the **production of ozone smog** if not properly controlled.

In both Colorado and Washington, **regulators attribute cannabis odor to air quality issues.** Cannabis cultivation facilities in Denver County have increased the total VOC emission rate by up to 3.5% with terpene emissions estimated at 362 tons per year - **representing more than half the emissions of the entire state.**



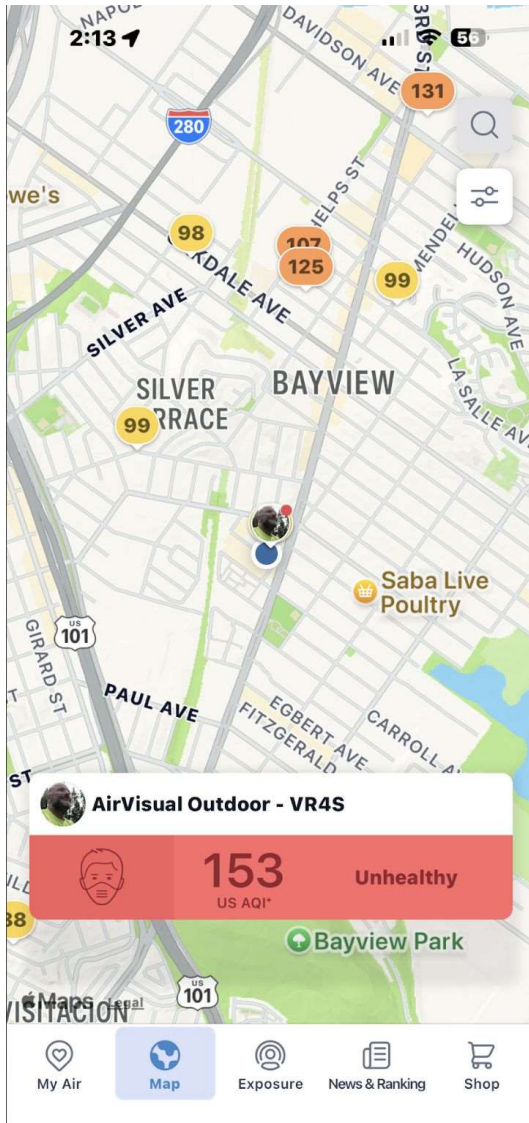
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## Community Impact

“terpenes...are classified as VOCs because they evaporate easily and release molecules into the atmosphere.

...the molecules released can play a role in the production of ozone smog if not properly controlled.

In both Colorado and Washington, regulators attribute cannabis odor to air quality issues. Cannabis cultivation facilities in Denver County have increased the total VOC emission rate by up to 3.5% with terpene emissions estimated at 362 tons per year - representing more than half the emissions of the entire state”.



## Bioaerosols

### Microbial Pathogens

*Aspergillus fumigatus*,  
*Pseudomonas aeruginosa*,  
*Mucor*, *Rhizopus*, *Candida albicans*

### Microbial Metabolites

Endotoxin, Ergosterol,  
Peptidoglycan, (1→3)-β-D-glucan,  
Mycotoxins, other Bioactive Agents  
and Breakdown Products

### Protein Allergens

Mold Allergens, Cannabis Allergens,  
other Allergen Sources from Pests,  
Amendments, and Substrates

## Potential Exposure Effects

### Infectious Disease

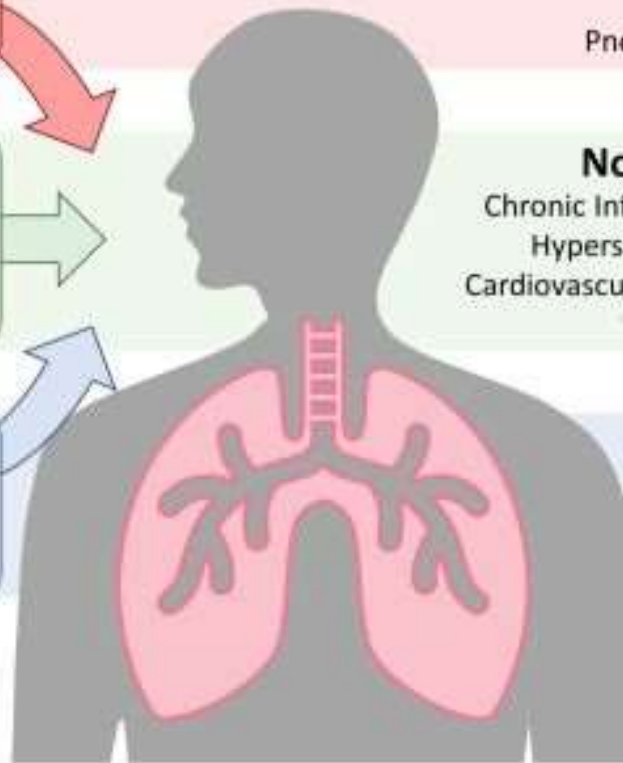
Fungal or Bacterial  
Pulmonary Infection,  
Pneumonia, Systemic Infection

### Non-Infectious Disease

Chronic Inflammatory Lung Diseases, Asthma,  
Hypersensitivity Pneumonitis, Cancers,  
Cardiovascular and Neurodegenerative Diseases,  
“Sick Building Syndrome”

### Allergenic Disease

Itchy Eyes, Inner Ear, and Throat,  
Airway Inflammation, Asthma,  
Allergic Rhinitis, Anaphylaxis




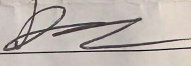


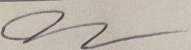
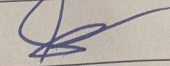
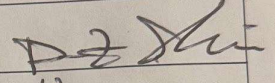
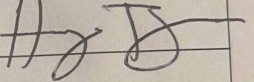
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# Public Comments Against the 1719 Wallace project

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# 8 Signed and 8 emailed letters = 16 opposed

Name	Address	Signature
Jessica Turner	1727 Yosemite Ave San Francisco CA	Jessica Turner
Luis Barajas	1735 Yosemite Ave	Luis Barajas
Silvia Barajas	1726 Yosemite Ave San Francisco CA 94124	Silvia Barajas
Ricardo Ayala	1734 Yosemite San Francisco 94124	
Dominic Cobarrubias	1725 Yosemite Ave 94124	

Name	Address	Signature
Barbara Tassa	1718 Yosemite Ave	
STEVEN CHENG	2838 LANE STREET	
Daniel Shiu	2200 LANE ST	
Hugo Barajas	1726 Yosemite Ave	

Represent the large majority of nearby neighbors

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# Responses to the Appeal

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# Cultivation Notice of Violation

10/9/24, 10:15 AM

Enforcement and Compliance Tracker: Enforcement Data - Airtable

Created

6/13/2023

A Location	1719 Wallace Avenue
☰ Complaint/Activity Initiated	Activity Initiated X +
☑ NOV Issued?	<input checked="" type="checkbox"/>
☰ Business Names Associated With	
☰ Unregulated Activity	Cultivation X +
☉ Status	Closed: Resolved
📅 Date Closed	8/7/2023
☰ Notes	
☰ Case Reference	
📅 Inspection Date	6/13/2023
📅 Inspection Date 2	mm/dd/yyyy
📅 Inspection Date 3	mm/dd/yyyy



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# Project Sponsor Response to Cultivation

On 06/07/2023 San Francisco city inspectors issued complaints for unpermitted alterations, electrical work, and cannabis cultivation at 1719 Wallace Ave and at 1723 Wallace Avenue. The operators at Lucon, Inc. at 1719 Wallace Avenue were confused because they had not been cultivating. They had only been storing equipment in the space in order to prepare for their imminent operation; they had begun their application process already. As an equity applicant they were encouraged to begin their planning application after completing their

neighborhood outreach in May of 2023. The description on complaint 202309158, issued for 1723 Wallace Ave, the next-door neighbor, exactly matches the description on complaint 202309156, issued for 1719 Wallace Ave that same day.

Applicant explained this to the inspector, but it seems they never corrected the copy-and-pasted the violation from the neighbor, at 1723 Wallace Ave, who had been cultivating: “--- illegal marijuana growing at this location “Illegal Change of Occupancy, Unlicensed construction and unlicensed electrical”. The Inspector indicated that the complaints would resolve once plans were attained and inspections were passed to bring the building up to code. They were instructed not to store their equipment in the facility so they removed all the equipment and prepared building, electrical, mechanical and plumbing permits to bring the existing layout into compliance. Applicant has prepared plans to bring the space into compliance and will fully correct all complaints prior to operating.

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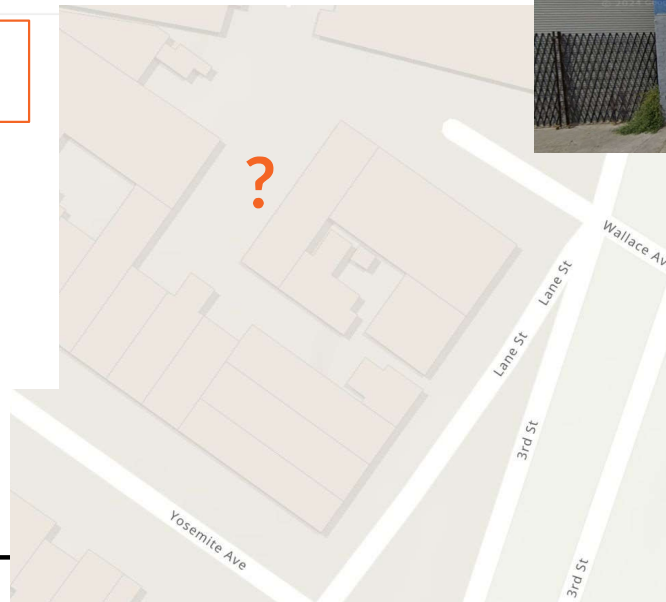
# 1723 Wallace appears as a vacant lot on SF Assessor Map

## Assessor's Report

Parcel 5414016  
Address 1723 WALLACE AV

Assessed Values	
Land	\$361,211.00
Structure	-
Fixtures	-
Personal Property	-
Last Sale	1/12/2007
Last Sale Price	\$275,000.00
Year Built	-
Building Area	-
Parcel Area	2,500 sq ft
Parcel Frontage	-

Construction Type	-
Use Type	Vacant Lot Comm and Ind
Units	-
Stories	-
Rooms	-
Bedrooms	-
Bathrooms	-
Basement	-
Parcel Shape	Rectangular
Parcel Depth	-



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# Odor Mitigation

Project sponsor proposing:

- CanLite Carbon Filter rated at 1,500 CFM, 24/7
- All rooms negative pressure

More appropriate:

- Choose a location away from residential uses
  - Multiple Filtration Stages: pre-filter to capture particulates, high-quality activated carbon filter, supplemental technologies like HEPA & UV-C
  - Proper ventilation, ducting for no odors, VOCs, VSCs, terpenes, etc to escape
  - Comprehensive, multi-faceted odor and VOC control strategy
  - Frequent monitoring & maintenance
  - Public visibility to air quality markers around building
-

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**Who regulates cannabis  
cultivation?**

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**Cannabis Businesses Require Both State Licenses and Local Authorization Prior to Commercial Operation**

**STATE REQUIREMENTS**

Department of Cannabis Control Issues State Licenses\*

**1.**  
Evidence of exemption or compliance with CEQA.

**2.**  
A detailed description of the applicant's operating procedures.

**3.**  
Background checks of business owners.

**LOCAL REQUIREMENTS**

Local Jurisdictions May Provide Authorization†

Our audit focused on local authorization.

**1.**  
Land Use Permits and Business Permits.

**2.**  
Permission to operate a cannabis business from the property owner.

**3.**  
Background checks of business owners.

**Authority to Operate Commercial Cannabis Business**



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## **Local control remains**

**Proposition 64** safeguards local control over the authorization and regulation of cannabis businesses. Therefore, local jurisdictions' processes for authorizing and regulating cannabis businesses may vary.

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✔ **Allow: 46%**

Cities and counties allow at least one cannabis business type.

✘ **Prohibit: 54%**

Cities and counties prohibit all cannabis business types.

**46%**

of cities and counties allow at least one type of cannabis business

(250 out of 539)

**54%**

of cities and counties do not allow any type of cannabis business

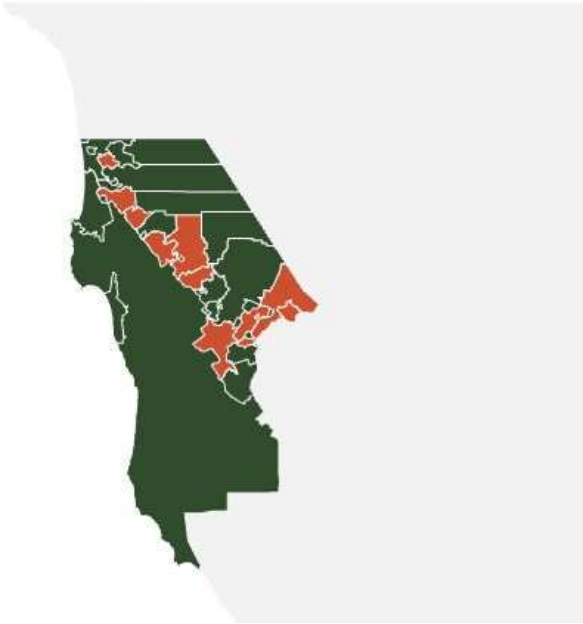
(289 out of 539)

**57%**

of cities and counties do not allow any retail cannabis business

(308 out of 539)

# San Mateo County

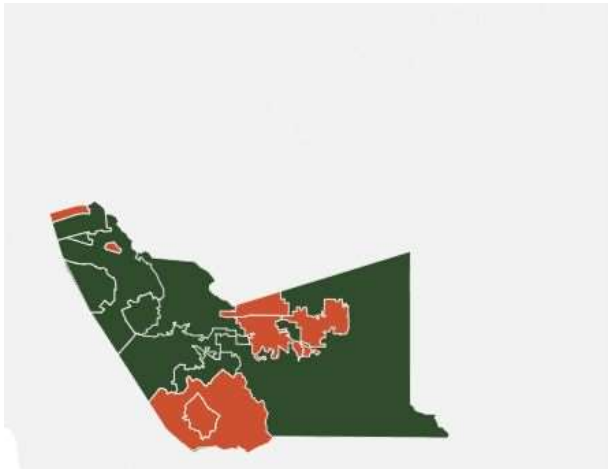


- ✔ 10 cities allow at least one cannabis business type.
- ✘ 10 cities prohibit all cannabis business types.
- ✔ At least one cannabis business type is allowed in unincorporated parts of the county.

Cities and Counties	Retail (storefront)	Retail (delivery)	Distribution	Testing	Manufacturing	Cultivation
San Mateo County	✘	✘	✘	✘	✘	✔
Atherton	✘	✘	✘	✘	✘	✘
Belmont	✘	✘	✘	✘	✘	✘
Brisbane	✘	✔	✔	✔	✔	✘
Burlingame	✘	✔	✘	✘	✘	✘
Colma	✘	✘	✘	✘	✘	✘
Daly City	✔	✔	✘	✔	✘	✘
East Palo Alto	✘	✘	✘	✘	✘	✘
Foster City	✘	✘	✘	✔	✘	✘
Half Moon Bay	✘	✘	✘	✘	✘	✔
Hillsborough	✘	✘	✘	✘	✘	✘
Menlo Park	✘	✘	✘	✘	✘	✘
Millbrae	✘	✘	✘	✘	✘	✘
Pacifica	✔	✔	✔	✔	✔	✘
Portola Valley	✘	✘	✘	✘	✘	✔
Redwood City	✔	✔	✘	✘	✘	✔
San Bruno	✘	✘	✘	✘	✘	✘
San Carlos	✘	✘	✔	✔	✔	✔
San Mateo	✘	✘	✘	✘	✘	✘
South San Francisco	✘	✔	✔	✔	✔	✔
Woodside	✘	✘	✘	✘	✘	✘



# Alameda County



- ✔ 7 cities allow at least one cannabis business type.
- ✘ 7 cities prohibit all cannabis business types.
- ✔ At least one cannabis business type is allowed in unincorporated parts of the county.

Cities and Counties	Retail (storefront)	Retail (delivery)	Distribution	Testing	Manufacturing	Cultivation
Alameda County	✔	✔	✔	✔	✔	✔
Alameda	✔	✔	✔	✔	✔	✔
Albany	✘	✘	✘	✘	✘	✘
Berkeley	✔	✔	✔	✔	✔	✔
Dublin	✘	✘	✘	✘	✘	✘
Emeryville	✔	✔	✔	✔	✔	✘
Fremont	✘	✘	✘	✘	✘	✘
Hayward	✔	✔	✔	✔	✔	✔
Livermore	✘	✘	✘	✘	✘	✘
Newark	✘	✘	✘	✘	✘	✘
Oakland	✔	✔	✔	✔	✔	✔
Piedmont	✘	✘	✘	✘	✘	✘
Pleasanton	✘	✘	✘	✘	✘	✘
San Leandro	✔	✔	✔	✔	✔	✘
Union City	✔	✔	✔	✔	✔	✔

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# Distances

## San Jose:

**Medical cannabis collectives, medical cannabis businesses, and non-medical cannabis businesses are not allowed to locate within:**

- 1,000 feet of:
  - A public or private preschool, elementary school, or secondary school;
  - A child daycare center;
  - A community or recreation center;
  - A park; or
  - A library
- 500 feet of:
  - A substance abuse rehabilitation center; or
  - An emergency residential shelter
- 150 feet of places of:
  - A religious assembly;
  - An adult daycare center; or
  - A residential use (including legal non-conforming residential use)
- 50 feet of another collective or cannabis business\*

*\*Excluding the 50-foot buffer between two cultivation-only sites and/or a shared cultivation-only site. A cultivation-only site would still be required to be separated by at least 50 feet from a dispensing location*

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## CA State regulations:

- 600' outside schools and sensitive groups

## Local Examples:

- San Jose: 150' to residential use
- Modesto: 100' to residential use

Local governments can impose additional restrictions, including increasing or decreasing the state-mandated buffer zones and adding other sensitive locations such as residential neighborhoods

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## In Summary

1. NOT CEQA Exempt on Category 1 & 3
2. Air Quality and health impacts for directly nearby residents
3. Cumulative Effects with cannabis cultivation concentration in Bayview
4. Needs an EIR
5. Needs clear monitoring and public data sharing plans

1719 Wallace Ave cannabis cultivation project should not be allowed to proceed.

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**Thank you**

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Cities and Counties	Retail (storefr	Retail (delivery	Distribution	Testing	Manufacturing	Cultivation
San Francisco County	✓	✓	✓	✓	✓	✓
San Francisco	✓	✓	✓	✓	✓	✓

# Marin County



- ✓ 3 cities allow at least one cannabis business type.
- ✗ 8 cities prohibit all cannabis business types.
- ✓ At least one cannabis business type is allowed in unincorporated parts of the county.

Cities and Counties	Retail (storefront)	Retail (delivery)	Distribution	Testing	Manufacturing	Cultivation
Marin County	✗	— Medical only	✗	✗	✗	✗
Belvedere	✗	✗	✗	✗	✗	✗
Corte Madera	✗	✗	✗	✗	✗	✗
Fairfax	— Medical only	✓	✗	✗	✗	✗
Larkspur	✗	✗	✗	✗	✗	✗
Mill Valley	✗	✗	✗	✗	✗	✗
Novato	✗	✓	✓	✓	✓	✓
Ross	✗	✗	✗	✗	✗	✗
San Anselmo	✗	✗	✗	✗	✗	✗
San Rafael	✗	✓	✓	✓	✓	✗
Sausalito	✗	✗	✗	✗	✗	✗
Tiburon	✗	✗	✗	✗	✗	✗



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Re: PART 2: 1719 Wallace (VCO Video)

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From Khanh Luu  A

Date Mon 7/1/2024 1:34 AM

To Dennis, Scott (ADM) <scott.dennis@sfgov.org>

Cc muki barkan muki barkan@gmail.com Law Ray (ADM) ray.law@sfgov.org

Hi Scott,

Thank you for checking in with us. We are still stuck at Planning. Planning wants us to go through the Bayview CAC (Citizen Advisory Committee) before coming back to Planning for a preview. We have been at the meeting for the Bayview CAC every month since March 2024. We will have another meeting next month. On our last project for 1555 Yosemite Ave., we did not have to go through the Bayview CAC, I don't know why they are making us go through it now. I will give you an update once we are finished with the Bayview CAC meeting.

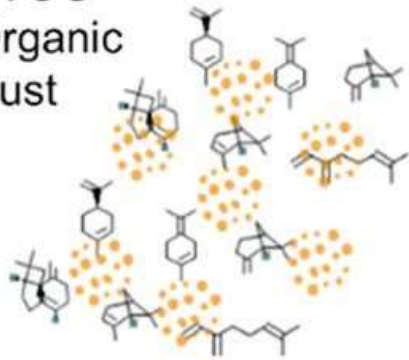
Best regards,

Kenny Luu

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# ENVIRONMENTAL Science & Technology

BVOC +  
Organic  
Dust



Ozone



Odor



Exposure



Health

