



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0260

HEARING DATE: FEBRUARY 16, 2012

Date: February 27, 2012
Case No.: 2011.0682DD
Project Address: 4218 MISSION STREET
Building Permit: 2011.02.23.0782
Zoning: NC-2 (Neighborhood Commercial, Small-scale) District
40-X Height and Bulk District
Block/Lot: 6803/004
Project Sponsor: Kevin Reed
230 11th Street, #1
San Francisco, CA 94103
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ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0682DD AND THE APPROVAL OF BUILDING PERMIT 2011.02.23.0782 PROPOSING TO ESTABLISH A MEDICAL CANNABIS DISPENSARY (D.B.A. "THE GREEN CROSS") WITHIN AN EXISTING COMMERCIAL SPACE WITHIN THE NC-2 (SMALL-SCALE, NEIGHBORHOOD COMMERCIAL) DISTRICT, AND WITHIN A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 23, 2011, Kevin Reed filed for Building Permit Application No. 2011.02.23.0782 and Mandatory Discretionary Review Case No. 2011.0682D, proposing to establish a Medical Cannabis Dispensary (d.b.a. "The Green Cross") in a vacant commercial space that was last occupied by a church (d.b.a. "Iglesia Espiritu Santo Ebenezer"), within the NC-2 (Small-Scale, Neighborhood Commercial) District and a 40-X Height and Bulk District..

On October 11, 2011, Steven Currier (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2011.0682DD) of Building Permit Application No. 2011.02.23.0782.

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

On February 16, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2011.0682DD.

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.

ACTION

The Commission hereby takes Discretionary Review requested in Application No. 2011.0682DD and approves the Building Permit Application 2011.02.23.0782 subject to the following conditions:

1. **Safety and Security.** The Project Sponsor shall contribute to the general safety and security of the block by providing and maintaining security cameras on-site based on an approved security plan by the San Francisco Police Department. The security plan shall be reviewed and approved by the SFPD, Ingleside Station, prior to Planning approval of the building permit application.

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

2. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan consistent with the approved security plan, providing adequate and appropriate lighting, to the Planning Department prior to Planning Department approval of the building / site permit application.

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

3. **Greenery and Storefront Maintenance.** The Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating additional landscaping or street tree in front of the store front. The exact location, size and species of tree or landscaping shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. Further, the Project Sponsor shall maintain clean, graffiti-free, and well painted facades.

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

4. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint one or more community liaison officer(s), providing bi- and tri-lingual services, to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator 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

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:

1. There are no extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code, the General Plan, and conforms to the Residential Design Guidelines. However, the Commission wants to ensure that the Project Sponsor works with staff on façade design and contribution to the block's aesthetic appearance. Additionally, the Commission wants to ensure that the Project Sponsor has continued dialog with the community and work with the San Francisco Police Department to implement a sound security plan.
2. The Commission determined that no modifications to the project were necessary and they instructed staff to approve the project per plans marked Exhibit A on file with the Planning Department. Specifically, no on-site consumption including vaporization is permitted.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as reference in this action memo on September 8, 2011.

Linda D. Avery
Commission Secretary

AYES: Commissioner Moore, Sugaya, Fong, Antonini, Miguel, Borden, and Wu

NAYS: None

ABSENT: None

ADOPTED: February 24, 2012