



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0263

HEARING DATE MARCH 1, 2012

Date: March 2, 2012
Case No.: 2011.0794D
Project Address: 70 SECOND STREET
Zoning: C-3-O Downtown, Office, District
150-S Height and Bulk District
Block/Lot: 3707/009
Project Sponsor: Ondyn Herschelle
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ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0794D AND THE APPROVAL OF BUILDING PERMIT 2011.0714.0239 PROPOSING TO ESTABLISH A MEDICAL CANNABIS DISPENSARY (D.B.A. "SEVENTY SECOND") AT 70 SECOND STREET WITHIN THE C-3-O, DOWNTOWN OFFICE ZONING DISTRICT AND A 150-S HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 14, 2011, Ondyn Hershelle filed for Building Permit Application No. 2011.0714.0239 proposing proposal is to establish a new Medical Cannabis Dispensary (d.b.a. "Seventy Second") at 70 Second Street within the C-3-O Downtown Office Zoning District and a 150-X Height and Bulk District.

On July 26, 2011 Ondyn Hershelle (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Mandatory Discretionary Review (2011.0794D) for the proposed Medical Cannabis Dispensary pursuant to Section 217(k) of the Planning Code.

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

On March 1, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2011.0794D.

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. 2011.0794D and approves the Building Permit Application 2011.0714.0239 subject to the following conditions:

1. The operator of the establishment shall contribute to the aesthetics of the block by maintaining the main entrance and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping and litter pickup and disposal and washing or steam/pressure cleaning of the main entrance and abutting sidewalks at least once every month. The sponsor shall monitor and remove graffiti from the façade of the building daily.
2. The project sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive odors from escaping the premises.
3. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
4. The project sponsor shall contribute to the security on the block and shall review the proposed video surveillance system with the Police Department to ensure it is adequate for evidentiary purposes.
5. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall obtain a Minor Permit to Alter for any signs and any modification of the façade of the building, including any application of vinyl films or other coverings to the storefront windows. In order to maintain transparency of storefront windows, generally no more than 25 percent of the glazing may be obscured by features including reflective film or curtains.
6. Smoking, vaporizing, eating or other consumption of cannabis or cannabis products on the site is prohibited.
7. 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 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.

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, and the General Plan.
2. This block of Second Street is well served by transit and short term parking opportunities.

3. This block of Second Street is more than 1,000' from primary and secondary schools.
4. This block of Second Street is more than 1,000' from any active permitted youth-services facility.
5. The project site will be fully renovated to provide a safe, well-lit environment for California Medical Marijuana Patients with proper identification cards.
6. Employment levels are estimated to be between 10 to 15 full- and part-time employees.
7. Patients will not be permitted to smoke on site but will be allowed to inhale product via vaporizers.
8. Seventy Second intends to develop a charitable outreach program that will include supporting food programs for the homeless. The facility will also support counseling programs for patients with severe illnesses.

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 March 1, 2012.

Linda D. Avery
Commission Secretary

AYES: Bordon, Miguel, Moore, Sugaya, and Wu

NAYS: Antonini, and Fong

ABSENT: None

ADOPTED: March 1, 2012