



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0262

HEARING DATE: FEBRUARY 16, 2012

Date: February 27, 2012
Case No.: 2010.0468 DD
Project Address: 5234 MISSION STREET
Permit Application: 2010.06.16.4643
Zoning: NC-2 (Neighborhood Commercial, Small-scale) District
40-X Height and Bulk District
Block/Lot: 7031 / 002C
Project Sponsor: Inna G. Yakubov
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San Francisco, CA 94121
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ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2010.0468DD AND APPROVING WITH CONDITIONS BUILDING PERMIT 2010.06.16.4643 TO ESTABLISH A MEDICAL CANNABIS DISPENSARY (D.B.A. TREEMED) WITHIN AN NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL-SCALE) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 16, 2010, Inna Yakubov (hereinafter "Project Sponsor") filed for Building Permit Application No. 2010.06.16.4643 proposing to establish a medical cannabis dispensary (d.b.a TreeMed) at a vacant ground floor commercial storefront at 5234 Mission Street located within an NC-2 (Neighborhood Commercial, Small-scale) District and a 40-X Height and Bulk District. The proposed medical cannabis dispensary shall not allow on-site smoking, vaporizing, consumption, or growing of cannabis on site. It would offer a delivery service to accommodate those who, due to mobility issues, cannot physically access the MCD. The proposed hours of operation are 10:00 AM to 7:00 PM, Monday through Sunday.

On June 17, 2010, the Project Sponsor filed an application with the Planning Department (hereinafter "Department") for Mandatory Discretionary Review (2010.0468DD) of Building Permit Application No. 2010.06.16.4643.

On September 27, 2011 the Outer Mission Merchants and Residents Association (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2010.0468DD) of Building Permit Application No. 2010.06.16.4643.

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 2010.0468DD.

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. 2010.0468DD and approves the Building Permit Application 2010.06.16.4643 with modifications to include the following conditions of approval to the project:

1. **Safety and Security Plan.** The Project Sponsor shall implement a security plan to 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.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
2. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, 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 storefront. 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 in 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 trilingual 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. The proposal complies with all standards and requirements of the Planning Code and advances the Objectives and Policies of the General Plan. 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 Police Department to implement a sound security plan.
2. The Commission determined that the conditions of approval as listed above were necessary to address issues and concerns raised by Supervisor Avalos, the Police Department, and neighbors.
3. The proposed Medical Cannabis Dispensary would not allow on-site smoking, vaporizing, consumption, or growing of cannabis on site.

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 February 27, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Miguel, Fong, Moore, Borden, and Wu

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February 27, 2012

Case No. 2010.0468DD
5234 Mission Street

NAYS: Commissioner Antonini and Sugaya

ABSENT: None

ADOPTED: February 16, 2012