



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0275

HEARING DATE: APRIL 12, 2012

Date: April 25, 2012
Case No.: 2011.1058 D
Project Address: 471 JESSIE STREET
Zoning: C-3-G District
160-F Height and Bulk District
Block/Lot: 3704/028
Project Sponsor: Daniel Bornstein
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ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.1058D AND THE APPROVAL OF BUILDING PERMIT 2011.11.08.8514 PROPOSING A MEDICAL CANNABIS DISPENSARY WITHIN THE C-3-G (DOWNTOWN GENERAL COMMERCIAL) ZONING DISTRICT AND A 160-F HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 14, 2011, Daniel Bornstein filed for Building Permit Application No. 2011.11.08.8514 proposing to establish a new Medical Cannabis Dispensary (dba "JM Collective") at 471 Jessie Street. The proposed Medical Cannabis Dispensary (MCD) would sell cannabis but would not allow the sale of cannabis foodstuffs, or on-site cultivation, smoking or vaporizing. Since the project is a Medical Cannabis Dispensary, the Project is subject to a Mandatory Discretionary Review.

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

On April 12, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Mandatory Discretionary Review Application 2011.1058D.

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 does not take Discretionary Review requested in Application No. 2011.1058D and approves the Building Permit Application 2011.11.08.8514, subject to the following conditions:

1. The Project Sponsor will have their security plan reviewed and approved by the San Francisco Police Department prior to the issuance of the Certificate of Occupancy.

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. The Commission does not find the reference to MCD's as nuisance uses in the Central Market Economic Strategy a reason for disapproval.
3. 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.

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 April 12, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Miguel, Moore, Sugaya, Wu

NAYS: Commissioners Antonini, Borden

ABSENT: Commissioner Fong

ADOPTED: April 12, 2012