



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission INFORMATIONAL ONLY

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San Francisco,  
CA 94103-2479

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Planning  
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*Date:* May 24, 2017  
*Case No.:* **2009.0687D**  
*Project Address:* **1256 Mission Street**  
*Zoning:* C-3-G (Downtown General Commercial) District  
150-S Height and Bulk District  
Civic Center & Downtown Plan Areas  
*Block/Lot:* 3701/008  
*Project Sponsor:* Joel Freston  
1256 Mission Street  
San Francisco, CA 94103  
*Staff Contact:* Nicholas Foster – (415) 575-9167  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)  
*Recommendation:* **None (Informational Only)**

### BACKGROUND

On September 10, 2009, the Planning Commission, through Discretionary Review Action Memo No. 0102, approved Building Permit Application No. 2009.06.22.0947, proposing to establish a new Medical Cannabis Dispensary (MCD) (d.b.a. "San Francisco Patient Resource Center" or "SPARC") at 1256 Mission Street. The proposal was to convert a vacant, approximately 1,400 square foot ground-floor commercial space into an MCD, with interior tenant improvements. The subject MCD has been in continuous operation since 2010, offering on-site distribution and on-site consumption. While the C-3-G Zoning District does not otherwise limit hours of operations for MCDs, the hours of operations for MCDs are limited to 8:00 a.m. – 10:00 p.m., as regulated by San Francisco Health Code ("Health Code") Section 3308(e).

### CURRENT PROPOSAL

The Project Sponsor has proposed extending the hours of operation to 24 hours per day, as regulated by Health Code Section 3308(e). Under Health Code Section 3308(e),

"The San Francisco Health Department shall issue permits to two medical cannabis dispensaries permitting them to remain open 24 hours per day. These medical cannabis dispensaries shall be located in order to provide services to the population most in need of 24 hour access to medical cannabis. These medical cannabis dispensaries shall be located at least one mile from each other and shall be accessible by late night public transportation services. However, in no event shall a medical cannabis dispensary located in a Small-Scale Neighborhood Commercial District, a Moderate Scale Neighborhood Commercial District, or a Neighborhood Commercial Shopping Center District as defined in Sections 711, 712 and 713 of the Planning Code, be one of the two medical cannabis dispensaries permitted to remain open 24 hours per day."

**ISSUES AND OTHER CONSIDERATIONS**

- The location-based requirements for the MCD are satisfied:
  - 1) there are no public or private elementary or secondary schools, or community facilities and/or a recreation center that primarily serves persons under 18 years of age within 1,000 feet of the subject parcel; and
  - 2) the MCD is not located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health;
- Currently, no other 24-hour MCDs in San Francisco exist, therefore the one mile separation requirement from any other 24-hour MCD is satisfied;
- The location of the subject MCD is well-served by public transportation, including late night transit service (e.g. Muni Lines N, L, 14, 90, and SamTrans Line 397);
- The Planning Commission, through Discretionary Review Action (DRA) Memo No. 0102, did not otherwise restrict the hours of operation for the subject MCD;
- The proposal would only change the hours of operation and does not include any additions or physical modifications to the existing MCD;
- MCDs (an Institutional Use) are principally permitted uses in the C-3 Districts, subject to Planning Commission review of the Building Permit Application (Mandatory Discretionary Review); and
- Final approval to extend the hours of operation of the subject MCD to 24 hours per day is subject to review by the Department of Public Health (SFDPH).
- The proposal meets all applicable requirements of the Planning Code.

<b>RECOMMENDATION: None (Informational Only)</b>
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**Attachments:**

- Discretionary Review Action (DRA) Memo No. 0102
- 1256 Mission Street MCD Map (Location-Based Analysis GIS Map)

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# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** September 11, 2009  
**TO:** Interested Parties  
**FROM:** Linda D. Avery  
Planning Commission Secretary  
**RE:** Planning Commission Action – DRA No. -- 0102

1650 Mission St.  
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San Francisco,  
CA 94103-2479

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Property Address: 1256 Mission Street  
Building Permit Application No.: 2009.0622.0947  
Discretionary Review Case No.: 2009.0687D

On September 10, 2009, the Planning Commission conducted a Discretionary Review hearing to consider the following project:

1256 Mission Street north side between 8<sup>th</sup> and 9th Streets, Assessor's Block 3701 Lot 008. Mandatory Discretionary Review for a Medical Cannabis Dispensary The proposal is to develop a Medical Cannabis Dispensary (dba San Francisco Patient Resource Center, SPARC) on the ground floor of an existing building within a C-3-G (Downtown, General Commercial) District, and within the 150S Height and Bulk District.

## ACTION

The Commission did not take discretionary review and approved the project.

## FINDINGS

The reasons the Commission took the action described above include:

There are no extraordinary or exceptional circumstances in the case. The proposal complies with all standards and requirements of the Planning Code and advances the objectives and policies of the General Plan.

Speakers at the hearing included:

In support of the project	In support of the DR request
none	none

Ayes: Commissioners Borden, Lee, Miguel, Moore, Olague and Sugaya.

Memo

Nayes: none

Absent: Commissioner Antonini was recused from consideration of this matter.

Case Planner: Rick Crawford – (415) 558-6358

You can appeal the Commission's action to the Board of Appeals by appealing the issuance of the permit. Please contact the Board of Appeals at (415) 575-6880 for further information regarding the appeals process.

cc: Linda D. Avery

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# 1256 Mission Street MCD (Location-Based Analysis Map)

