DISCRETIONARY REVIEW ANALYSIS

HEARING DATE: September 10, 2020

Record No.: 2018-004330DRM
Project Address: 2442 Bayshore Blvd
Permit Applications: 2020.0219.4816
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
Visitation Vallen / Schlage Special Use District
55-X Height and Bulk District
Block/Lot: 6249 / 020
Project Sponsor: Victor Nguyen
2442 Bayshore Blvd
San Francisco, CA 94134
Staff Contact: Michael Christensen – (628) 652-7567
Michael.Christensen@sfgov.org

Recommendation: Take DR and Approve with conditions

Project Description

The project proposes to amend Condition of Approval No. 6 of Discretionary Review Action No. 500 to permit the existing Medical Cannabis Dispensary at the site to operate between the hours of 8 a.m. and 10 p.m. where currently limited to the hours of 9 a.m. and 7 p.m. daily. As the existing use was approved under Mandatory Discretionary Review, alteration of the hours of operation requires another Mandatory Discretionary Review.

Site Description and Present Use

The property is an irregular lot fronting both Bayshore Blvd and Visitacion Avenue, developed with a two-story building containing one commercial unit at the ground floor (occupied by the Medical Cannabis Dispensary) and two residential units on the upper floor. The existing use is a Medical Cannabis Dispensary operating with temporary authorization for adult-use sales. The site has requested conversion to a Cannabis Retailer, which is pending review by the Office of Cannabis prior to beginning the land use entitlement process.

Surrounding Properties and Neighborhood

The surrounding neighborhood is generally developed with small residential buildings, typically no more than two stories in height. Along Bayshore Blvd and Leland Avenue, ground floor uses are commercial with many vacant storefronts. Across Bayshore Blvd is the site of the Schlage Lock Plan, where a new mixed-use community of over 1,500 residential units will be constructed over a 15-year period. No schools or other Medical Cannabis Dispensaries / Cannabis Retailers are located within 600 feet of the Project Site.
Hearing Notification

<table>
<thead>
<tr>
<th>Type</th>
<th>Required Period</th>
<th>Required Notice Date</th>
<th>Actual Notice Date</th>
<th>Actual Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Posted Notice</td>
<td>20 days</td>
<td>August 21, 2020</td>
<td>August 21, 2020</td>
<td>20 days</td>
</tr>
<tr>
<td>Mailed Notice</td>
<td>20 days</td>
<td>August 21, 2020</td>
<td>August 21, 2020</td>
<td>20 days</td>
</tr>
<tr>
<td>Online Notice</td>
<td>20 days</td>
<td>August 21, 2020</td>
<td>August 21, 2020</td>
<td>20 days</td>
</tr>
</tbody>
</table>

Public Comment

<table>
<thead>
<tr>
<th></th>
<th>Support</th>
<th>Opposed</th>
<th>No Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letters</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Petition Signatures</td>
<td>145</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Environmental Review

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Section 15301 (Class 1 – Existing Facilities).

Department Review

The Department supports inclusion of a Condition of Approval to limit the hours of operation for the Medical Cannabis Dispensary at the site given that the NC-3 District does not provide any limit to hours of operation. The existing hours of operation were proposed by the Project Sponsor when the business was first proposed, and over time they have found that the 7pm closing time prevents the business from serving many customers, including those who live in Visitacion Valley but commute to other districts for work. The new proposed hours of operation are in line with other dispensaries in the City and other businesses on the block, and no opposition has been received as of the writing of this case report. As such, the Department recommends that the Commission take DR and approve the Project with conditions as proposed in the attached draft Discretionary Review Action.

**Recommendation:** Take DR and Approve with conditions

Attachments:

Draft Discretionary Review Action
Mandatory DR Application
January 12, 2017 CPC hearing packet
DRAFT DISCRETIONARY REVIEW ACTION

HEARING DATE: September 10, 2020

Record No.: 2018-004330DRM
Project Address: 2442 Bayshore Blvd
Permit Applications: 2020.0219.4816
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
Visitacion Vallen / Schlage Special Use District
55-X Height and Bulk District
Block/Lot: 6249 / 020
Project Sponsor: Victor Nguyen
2442 Bayshore Blvd
San Francisco, CA 94134
Staff Contact: Michael Christensen – (628) 652-7567
Michael.Christensen@sfgov.org

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF RECORD NO. 2018-004330DRM AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2020.0219.4816, WHICH PROPOSES TO AMEND CONDITION OF APPROVAL NO. 6 OF DISCRETIONARY REVIEW ACTION NO. 0500 TO ALTER THE PERMITTED HOURS OF OPERATION OF THE EXISTING MEDICAL CANNABIS DISPENSARY LOCATED AT 2442 BAYSHORE BLVD FROM 9AM – 7PM DAILY TO 8AM TO 10PM DAILY, WITH NO OTHER ALTERATIONS TO THE PROPERTY OR USE. THE SUBJECT PROPERTY IS DEVELOPED WITH A TWO-STORY BUILDING CONTAINING TWO DWELLING UNITS AND ONE COMMERCIAL UNIT AND IS WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE) ZONING DISTRICT, THE SCHLAGE LOCK SPECIAL USE DISTRICT, AND A 55-X HEIGHT AND BULK DISTRICT.

Preamble

On January 26, 2017, the Planning Commission approved Building Permit Application No. 2016.0830.6390 which established an 880 square foot Medical Cannabis Dispensary at the ground floor of 2442 Bayshore Boulevard through Discretionary Review Action (DRA) 0500, including a limit on hours of operation to 9am to 7pm daily.

On February 19, 2020, Victor Nguyen filed Building Permit Application No. 2020.0219.4816, requesting to alter Condition of Approval No. 6 of DRA-500 to permit the Medical Cannabis Dispensary to operate between 8am and 10pm daily. To amend the prior Condition of Approval, Victor Nguyen also filed a request for Mandatory Discretionary Review on February 26, 2020 under Case No. 2018-004330DRM.

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.
On September 10, 2020, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2018-004330DRM.

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 Record No. 2018-004330DRM and approves Building Permit Application 2020.0219.4816, subject to the following Conditions of Approval:

1. All Conditions of Approval of DRA-0500 remain in effect, except for Condition of Approval No. 6, which is amended as follows: “The subject establishment is limited to the following hours of operation: daily from 9:00AM to 7:00PM.”

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

1. Amendment of prior Conditions of Approval requires Mandatory Discretionary Review

2. The Commission determined that the proposed hours of operation are in keeping with other Cannabis storefronts in the City and the surrounding businesses.

3. The NC-3 Zoning District provides for no hours of operation limits, and the Commission finds that setting a limit for the proposed establishment is necessary to achieve compatibility with surrounding uses.
APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals only after the Department of Building Inspection (DBI) takes action (issuing or disapproving) the permit. Such appeal must be made within fifteen (15) days of DBI’s action on the permit. For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Ave, Suite 1475, San Francisco, CA 94103.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission’s adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator’s Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

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 10, 2020.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:
May 7, 2019

Michael Christensen
Senior Planner
San Francisco Planning Department, SE Quadrant Team
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Building Permit # 201803234483

Dear Mr. Christensen,

By this letter Elevated San Francisco, Inc. is requesting a change in the hours of operation of our cannabis dispensary which currently is 9:00 AM to 7:00 PM to 8:00 AM to 10:00 PM. We have been advised that a letter making this request will suffice, and a new Building Permit Application is not required, because we have an active permit under review (Building Application Permit # 201803234483).

We are requesting this change in the hours of operation so we can remain economically viable. The 8:00 am to 9:00 AM commuter time and the 7:00 PM to 10:PM sales period are extremely important time slots and would make the difference whether we can compete in the changing commercial cannabis market. We must compete against all the other dispensaries who operate during those time periods, and the growing cannabis delivery services.

We have contributed to our Visitation Valley neighborhood by our stabilizing presence with our security guards ensuring safe streets, our charitable contributions of more than $70,000.00 to nonprofit service agencies, many of which are local such as T.U.R.F., No Limit Workshop, J & J Resource, The Way Project and The Junior 49ers. In addition, we hire locally, and promote the City’s equity goals. The delivery services, which sell cannabis in our neighborhood after 7:00 PM, provide none of these benefits. Our customers, both medical and non-medical, should be able to buy locally, and not depend instead on anonymous delivery services.

We have fully complied with the required conditions imposed on our dispensary by the Planning Department (Discretionary Review Action DRA-0500) since we opened our doors on December 18, 2017. As far as we are aware, there have been no complaints by our neighbors, nor by the police. The owner of the property, Charlie Seto, as well as our surrounding neighbors have no opposition to extending our business hours of operations. We have hundreds of signatures in support.

Our request to extend our hours of operation will have no adverse effect.

Accordingly, we request that we be treated the same as every other San Francisco dispensary and be allowed to operate from 8:00 AM 10:00 PM. Thank you.
Sincerely,

[Signature]

Victor Nguyen
CEO, Elevated Systems, Inc.
Discretionary Review Analysis

Medical Cannabis Dispensary

HEARING DATE JANUARY 26, 2017

Date: January 12, 2017
Case No.: 2016-009352DRM
Project Address: 2442 Bayshore Boulevard
Zoning: NC-3 (Moderate-Scale Neighborhood Commercial District), RH-1 (Residential, House-One-Family) District
55-X Height and Bulk District
Visitacion Valley / Schlage Special Use District
Block/Lot: 6249 / 020
Project Sponsor: Victor Nguyen, Elevated Systems Inc.
2442 Bayshore Blvd, San Francisco, CA 94134
bayshoregroupinc@gmail.com or (415) 710-4411
Property Owner: Charlie Seto, 2440 Bayshore Blvd #1, San Francisco, CA 94134
charliewaiseto@gmail.com or (415) 298-9527
Staff Contact: Colin Clarke at (415) 575-9184 Colin.Clarke@sfgov.org
Recommendation: Take Discretionary Review and Approve with Conditions

PROJECT DESCRIPTION

The proposal is a request for a Mandatory Discretionary Review of Building Permit Application No. 2016.0830.6390, pursuant to Planning Code Sections 202.2(e)(1) and 712.84, to establish a Medical Cannabis Dispensary (MCD) use (d.b.a. Elevated Systems) in the existing 880 square-foot vacant tenant space at the ground floor of the existing two-story mixed-use building. No parking is required and no physical expansion is proposed for the structure.

The proposed MCD would include on-site sales of medical cannabis and medical cannabis edibles. The MCD would not include on-site use of medical cannabis (e.g. smoking, vaporizing, or consumption of medical cannabis edibles), or on-site cultivation (harvesting of cannabis). The operator will fully comply with the comprehensive regulatory framework for MCDs in San Francisco. The site will be fully renovated to meet the requirements of the Department of Public Health, Department of Building Inspection, and other agencies. Modifications will be made to comply with Mayor’s Office of Disability requirements, i.e. new accessible restroom.

The Elevated Systems business has been formed with the purpose of providing safe, secure, affordable, and convenient access to medical cannabis to underserved patients in the Visitacion Valley area and District 10 residents, and helping to revitalize the commercial corridor (many vacancies exist) and the community in partnership with civic leaders (non-governmental organizations (NGOs) with an emphasis on education and youth centers, non-profits, charities, service providers), with priorities that include regulatory compliance, patient education, dispensing the proper medication, compassion, vendor quality, patient safety, respecting neighbors, and becoming a trusted community partner. Medical Cannabis
Dispensaries in the NC-3 District (Planning Code Section 712.84) may operate between the hours of 8am and 10pm. However, the proposed MCD would operate with hours daily between 9am-7pm, closing earlier than the permitted 10pm, out of courtesy for neighbors.

The operator has stated that Expert Service Professionals Security, a San Francisco company “with deep roots in Visitacion Valley” will be employed for security. The operator will maintain full-time security, including two security guards at all times during operations, interior and exterior video cameras, motion detectors, alarms, and panic buttons monitored 24/7 by Tyco Integrated Systems, Inc. There will be a security guard at the front door, who will be checking IDs and doctor recommendations and providing a visible presence on the block to deter criminal activity. Additionally, there will be a second security guard to patrol the immediate neighborhood to actively enforce good-neighbor policies and to ensure that the MCD positively contributes to the neighborhood commercial district, including patrolling the area to prevent double-parking, cannabis consumption, loitering, harassment, and crime, ensure patients and community members are safe, and escort patients to their vehicles. Security guards will use a handheld radio system to ensure constant contact with management and security personnel. There will be a Knowledge Transfer phase at the end of each security shift, e.g. to communicate their patrol, risk issues, unruly patient list, and any other relevant information, between security personnel and management.

Planning Code Section 790.141 states that all MCDs are required to be heard by the Planning Commission, which will consider whether or not to exercise their discretionary review powers over the building permit application.

SITE DESCRIPTION AND PRESENT USE

The project site is improved with a two-story mixed-use building of approximately 3,250 square feet. The ground floor tenant space has been vacant since 2015 when Asian Pacific American Community Center (APACC) vacated, and relocated to 66 Raymond Avenue. The proposed MCD would occupy approximately 880 square feet at the ground floor below two existing dwelling units at the second floor. The building is located within the Neighborhood Commercial, Moderate Scale (NC-3) Zoning District. A portion of the lot, including off-street parking, residential common open space, storage, and waste bins, is within the RH-1 (Residential - House, One-Family) Zoning District.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is near the middle of the west side of the 2400 block of Bayshore Boulevard, between Visitacion and Leland Avenues. The property is within the Visitacion Valley Invest in Neighborhoods (JIN) Initiative Area. This corridor was rezoned during the Visitacion Valley planning process. The building is located within the Neighborhood Commercial, Moderate Scale (NC-3) Zoning District. The NC-3 District is intended to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. The NC-3 District is a linear district located along a heavily trafficked thoroughfare (Bayshore Boulevard) that also serves as a major transit route. NC-3 Districts include some of the longest linear commercial streets in the City, with this one having continuous commercial (and some industrial development) for many blocks. Large-scale lots and buildings and wide streets distinguish the district from smaller-scaled commercial streets, although the District includes small as well as moderately scaled lots. Buildings typically range in height from two to four stories with
occasional taller structures. NC-3 building standards permit moderately large commercial uses and buildings. A diversified commercial environment is encouraged for the NC-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, financial service and certain auto uses generally are permitted with certain limitations at the first and second stories. Other retail businesses, personal services, and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

The vicinity of 2442 Bayshore Boulevard contains medical uses including North East Medical Services and Visitacion Valley Pharmacy within two blocks. Other uses within the subject block include dwellings, vacant storefronts, banks, grocery markets, food uses, nail salon, cleaners, mobile phone retail store, post office, church, auto service centers, and a large future development site (Schlage Lock) across the street.

The Project Site is well-served by transit, with major buses running along Bayshore Boulevard, and cross-town and local-serving buses nearby. Given the area’s accessibility to the City’s transit network, parking is not required. The Project Site is located within one-quarter-mile of MUNI lines KT, 9R, 9, 8AX, 8BX, 8, and 56, within 0.6-miles of the regional-serving Caltrain Bayshore Station (which will be 0.2-miles when streets are developed on the Schlage Lock site, e.g. Visitacion Avenue extension to Tunnel Avenue), and within 3-miles of two regional-serving BART stations (Glen Park and Balboa Park). The General Plan includes Transit Preferential Streets: Bayshore Blvd is Transit Important and Visitacion Ave is Transit Oriented. There is metered parking on Leland Ave and Desmond Street with hours of 9am-6pm Mon-Sat and 12-6pm Sun (refer to attached map). Two public parking garages are located within approximately one block. There is a bike lane along Bayshore Boulevard and nearby access to U.S. Highway 101.

**ISSUES AND OTHER CONSIDERATIONS**

- **Medical Cannabis Dispensary (MCD).** Planning Code Section 202.2(e)(1) states that all MCDs are required to be heard by the Planning Commission, which will consider whether or not to exercise its discretionary review powers over the building permit application.

  San Francisco Health Code Section 3308
  (e) It is unlawful for any person or association operating a medical cannabis dispensary under the provisions of this Article to permit any breach of peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct, or otherwise, or to permit such dispensary to remain open, or patrons to remain upon the premises, between the hours of 10 p.m. and 8 a.m. the next day. However, the 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.
The proposed MCD at 2442 Bayshore Blvd will afford the non-profit cooperative the much desired opportunity to comply with the SF Health Code and operate legally and under the SFDPH supervision. The applicant is still required to file a permit application with SFDPH and will be subject to their regulations including tax compliance, non-profit operation, background checks, and annual compliance inspections. This project is a change of use to a Medical Cannabis Dispensary use independent of other uses within the existing building.

- **Planning Code Compliance.** The proposed Medical Cannabis Dispensary complies with all standards and requirements of the Planning Code. The Zoning Administrator confirmed in the 2015-014222ZAD letter dated May 16, 2016 that the site meets the proximity requirements, and re-confirmed during preparation of this staff report. Most notably, the Project Site was found to be located more than 1,000-feet from any active permitted community facility or recreation center that primarily serves persons under 18 years of age; no public or private elementary or secondary schools are located within 1,000-feet. However, the proposed MCD is within 1,000-feet of the uses described below, which do not have proximity restrictions that would prevent the proposed MCD use from Planning Code compliance.
  1. 73 Leland Ave, 0.1-mile away: includes the administrative office for Real Options for City Kids (ROCK), which is also used for middle and high school students during the school year on weekends, but does not primarily serve persons under 18 years old.
  2. 50 Raymond Ave, 0.2-miles away: Visitacion Valley Community Center is not primarily youth-oriented as the majority of their services include senior services, food distribution, and resources/referrals for families.
  3. 66 Raymond Ave, 0.2-miles away: Asian Pacific American Community Center (APACC) services are primarily for seniors, and for adults by providing education, resources, and referrals, and serves families, with linguistics and cultural programs.
  4. The Community Garden of the Visitacion Valley Greenway includes 26 individual gardening plots, with six (6) plots for youth programs. This facility does not primarily serve persons under 18 years old.
  5. The Herb Garden of the Visitacion Valley Greenway is an outdoor park with a terraced herb garden, picnic areas, patios, and landscaping, with a venue for outdoor activities, but no specific programs are operated there primarily for youth.

- **MCD Concentration, Clustering, and Effect on Neighborhood.** Although the SF Health Code does not prohibit clustering of MCDs, clustering is an issue that has been raised and may create unique neighborhood issues. However, there are no other Medical Cannabis Dispensaries permitted in the neighborhood or in the subject property’s Zoning District. The nearest permitted Medical Cannabis Dispensary is 4218 Mission Street (2.6 miles away) d.b.a. The Green Cross. There is an MCD proposed 1-mile away at 3015 San Bruno Ave d.b.a. SBA Wellness; after the hearing and closing public comment on January 5, 2017, 2016-000119DRM was continued to September 21, 2017. There is an MCD (2016-013942DRM) proposed 249-feet away at 5 Leland Ave / 2400 Bay Shore Blvd d.b.a. Connected SF. Please refer to the attached maps. With no clustering impacts, and security patrols to prevent illegal activity, the Project Sponsor will work to ensure minimal effects on the neighborhood.
Proposition 64/Adult Use of Marijuana Act. Although approved by the voters in November 2016, the Adult Use of Marijuana Act does not authorize any existing or future MCD to distribute nonmedical (aka “adult use”) cannabis without (1) a state license and (2) compliance with San Francisco’s local laws. While Proposition 64 requires the State to begin issuing licenses by January 2018, the Planning Department, along with other City agencies, is crafting local land use and other regulatory controls to address the production, processing, and sale of adult use cannabis. Per Mayor Lee’s Executive Directive 16-05, these regulations are to be introduced by September 2017 so that they can be effective prior to the onset of the State licensing system. It is anticipated that these controls will address existing MCDs that wish to distribute cannabis for adult use in addition to, or instead of, medical use. As with any change to the Planning Code, these controls will be presented to the Planning Commission for review and discussion prior to consideration by the Board of Supervisors and Mayor.

**PUBLIC COMMENT**

<table>
<thead>
<tr>
<th>SUPPORT</th>
<th>OPPOSED</th>
<th>NO POSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent neighbor(s)</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Other neighbors on the block or directly across the street</td>
<td>None</td>
<td>5</td>
</tr>
<tr>
<td>Neighborhood groups or others</td>
<td>680</td>
<td>1</td>
</tr>
</tbody>
</table>

The Project Sponsor began outreach to the community approximately one year ago. In early 2016, the Project Sponsor met with Rex Tabora from Asian Pacific American Community Center (APACC), Jack Siu from Visitacion Valley Strong Families (VVFSC: Family Services Collaborative), and Lesette Gray from Mayor’s Youth Employment & Education Program (MYEEP), to introduce the project. In mid-2016, the Project Sponsor met with Kim Mitchel from TURF (Together, United, Recommitted Forever at 1652 Sunnydale Ave, 0.9-miles away), Drew Jenkins from The Way Program (Sunnydale: PTSD, cancer treatment and education), and Ruth Jackson from Polly’s Family Support Center. The Project Sponsor later met with TURF and The Way Program several times, and Ruth Jackson twice. The Project Sponsor donated to and volunteered at TURF’s Back Pack Day event, and has partnered with the Willie Brown Community Center’s TURF, which seeks to inspire the future leaders of the District by building self-esteem, improving job readiness skills, and providing access to education, recreation, training, support, and advocacy services in a safe and positive environment. With the assistance of TURF, the Project Sponsor began donation programs such as establishing a scholarship to help provide books for students entering college. Drew Jenkins from The Way Program introduced the Project Sponsor to Freeda Rawson.
of Mercy Housing. The Project Sponsor participated in and donated to Mercy Housing’s Game Day and their Christmas Dinner and Annual Christmas Giveaway. In autumn 2016, the Project Sponsor met with Rudy Corpus from United Playaz (1038 Howard St) and has since partnered with them in the Gun Buy Back program. The Project Sponsor has attended every Gun Buy Back meeting, helped promote, donate to, and spread the word about the Gun Buy Back program, volunteered at an event day, and attended the annual Christmas party.

The Project Sponsor has been meeting with as many organizations and neighbors as possible and has held an outreach meeting with District Supervisor Malia Cohen. Opposition was discovered at an outreach meeting with approximately 40 people in attendance on December 29, 2016. The Project Sponsor held an additional public outreach meeting on January 19, 2017 with an invitation in English, but also translated into Cantonese, Vietnamese, and Spanish. Invitations for the aforementioned meetings have been sent to organizations including the Mayor’s Youth Employment & Education Program (MYEEP), the Visitacion Valley Strong Families (VVFSC, Family Services Collaborative), Asian Perinatal Advocates (APA), Asian Pacific American Community Center (APACC), and the Cross Cultural Family Center.

The Project Sponsor has provided six (6) letters demonstrating the company’s contribution to the community (e.g. from Mercy Housing at 1711 Sunnydale Ave, 0.9-miles away), with four (4) signed letters (all attached) also serving as support for the proposed use, from TURF (Together, United, Recommited Forever at 1652 Sunnydale Ave, 0.9-miles away), United Playaz (Gun Buy Back program, 1038 Howard St), The Way Program (Sunnydale: PTSD, cancer treatment and education) and Success Center.

The Department received a petition with names of 676 persons supporting the proposed MCD (attached).

The Department has received two (2) calls from the public expressing general opposition to the proposed MCD. The Department has received one (1) letter in opposition, generally due to the proximity to the uses (VVFSC, MYEEP at 50 Raymond Ave; ROCK at 73 Leland Ave) that have been determined not to be community facilities or recreation centers that primarily serve persons under 18 years of age. The Department has also received 3 letters requesting a continuance (all letters attached).

**PROJECT ANALYSIS**

**MEDICAL CANNABIS DISPENSARY CRITERIA**

Below are the six (6) criteria to be considered by the Planning Commission in evaluating Medical Cannabis Dispensaries, per Planning Code Section 790.141:

1. That the proposed site is located not less than 1,000-feet from the parcel containing the grounds of an elementary or secondary school, public or private, or recreation buildings as defined by Section 221(e) of the Planning Code.

*Project Meets Criteria*

The parcel containing the proposed MCD is not located within 1000-feet of an elementary or secondary school, public or private, or active permitted community facility or recreation center that primarily serves persons under 18 years of age as defined by Planning Code Section 790.141.
2. The parcel containing the MCD cannot be 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.

**Project Meets Criteria**

*The subject parcel does not contain a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health.*

3. No alcohol is sold or distributed on the premises for on- or off-site consumption.

**Project Meets Criteria**

*No alcohol is or will be sold or distributed on the premises for on- or off-site consumption.*

4. If Medical Cannabis is smoked on the premises, the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises.

**Criteria Not Applicable**

*The Project Sponsor does not intend to allow any on-site smoking or consumption on the premises.*

5. The Medical Cannabis Dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code.

**Project Meets Criteria**

*The applicant has applied for a permit from the Department of Public Health (2016-009352MIS).*

6. A notice shall be sent out to all properties within 300-feet of the subject lot and individuals or groups that have made a written request for notice or regarding specific properties, areas or Medical Cannabis Dispensaries. Such notice shall be held for 30 days.

**Project Meets Criteria**

*A 30-day notice was sent to owners and occupants within 300-feet of the subject parcel identifying that a Medical Cannabis Dispensary is proposed at the subject property and that the building permit was subject to a Mandatory Discretionary Review hearing at the Planning Commission.*

**GENERAL PLAN COMPLIANCE:**

The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

**COMMERCE AND INDUSTRY**

Objectives and Policies
OBJECTIVE 1:
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:
Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

*The operator will provide safe, convenient access to medical cannabis, which has been recognized as a beneficial option to San Francisco residents.*

Policy 1.2:
Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

*The location for the proposed MCD meets all of the requirements in Section 790.141 of the Planning Code.*

OBJECTIVE 2:
MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:
Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will allow a new business to locate in a mixed-use building with commercial activity (now vacant) on the ground floor within the Visitacion Valley neighborhood, increasing the diversity of job and activity types within the District, and will help maintain the diverse economic base of the City.*

OBJECTIVE 7:
ENHANCE SAN FRANCISCO’S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

Policy 7.3: Promote the provision of adequate health and educational services to all geographical districts and cultural groups in the city.

*The Project will serve chronically ill patients in great need of this type of medical service. By allowing the services provided by the MCD, its patients will be provided with safe, convenient access to medication for their ailments.*

SECTION 101.1 PRIORITY POLICIES
Planning Code Section 101.1 establishes eight (8) priority policies and requires review of permits for consistency, on balance, with these policies. The Project complies with these policies as follows:
1. Existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The proposed use is a neighborhood-serving use. Because the location for the MCD is currently vacant, the new use will not displace a previous neighborhood-serving use.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The project occupies a ground floor commercial space and will adhere with all sign regulations defined in Article 33 of the Health Code to help preserve the existing neighborhood character. The proposed use would not adversely affect the existing neighborhood character.*

3. That the City’s supply of affordable housing be preserved and enhanced.

*Because the proposed use is located in an existing ground floor tenant space previously occupied by a non-residential use, the proposed use will not displace any affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*Because the Project Site is close to multiple public transit lines and the immediate neighborhood provides sufficient short-term parking, the use will not impede transit operations or affect parking.*

5. A diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The subject tenant space is vacant and will not displace any industrial or service industry establishments.*

6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The MCD will follow standard earthquake preparedness procedures and any construction would comply with contemporary building and seismic codes.*

7. Landmarks and historic buildings be preserved.

*The subject building is not considered a historical resource.*

8. Parks and open space and their access to sunlight and vistas be protected from development.

*The Project will not restrict access to any open space or parks and will not affect any open space or park’s access to sunlight or vistas.*
ENVIROMENTAL REVIEW

The project is categorically exempt from the environmental review process under Section 15301 Class 1 and Class 3 of the California Environmental Quality Act (CEQA) Guidelines, pursuant to Title 14 of the California Administrative Code.

BASIS FOR RECOMMENDATION

In 1996, California voters passed Proposition 215, known as the Compassionate Use Act, by a 56% majority. In San Francisco, Proposition 215 passed by a 78% majority. The legislation established the right of seriously ill Californians, including those suffering from illnesses such as AIDS, cancer and glaucoma, to obtain and use marijuana for medical purposes when prescribed by a physician.

MCDs began to be established in San Francisco shortly after Proposition 215 passed as a means of providing safe access to medical cannabis for those suffering from debilitating illnesses. At that time, San Francisco did not have any regulatory controls in place to restrict the placement and operations of the dispensaries. As a result, over 40 dispensaries were established in the City without any land use controls, often resulting in incompatible uses next to each other.

On December 30, 2005, the Medical Cannabis Act, as approved by the Board of Supervisors and Mayor, became effective. The Act, set forth in Ordinance 275-05 and supported by Ordinances 271-05 and 273-05, amended the Planning, Health, Traffic, and Business and Tax Regulation Codes in order to establish a comprehensive regulatory framework for MCDs in San Francisco.

The Act designates the Department of Public Health (DPH) as the lead agency for permitting MCDs. DPH conducts its own review of all applications and also refers applications to other involved City Agencies, including the Planning Department, in order to verify compliance with relevant requirements. The Planning Department’s review is generally limited to the location and physical characteristics of MCDs.

- The MCD complies with all standards and requirements of the Planning Code and advances the objectives and policies of the General Plan.
- The Project will not significantly affect public transit. The Project Site is well-served by transit, bikeways, and existing parking. Bayshore Blvd has a bike lane and the Project Sponsor has volunteered to add two Class-2 bicycle parking spaces.
- The Project Site is more than 1,000-feet from any active permitted community facility or recreation center that primarily serves persons under 18 years of age.
- The Project Site is more than 1,000-feet from primary and secondary schools.
- No on-site use of medical cannabis (e.g. smoking, vaporizing, or consumption of medical cannabis edibles) or on-site cultivation (harvesting of cannabis) will be permitted.
- The Project Site will be fully renovated to provide a safe, well-lit, well-surveilled environment for California Medical Cannabis Patients with proper identification cards.
- Only employees registered with SFDPH will be at the subject tenant space.
• The operator will focus hiring on Visitacion Valley residents, and a diverse workforce, interested in having a positive effect on the community, to include approximately six (6) full-time and four (4) part-time employees.

CONDITIONS OF APPROVAL

To minimize the potential impact of the proposed use on the surrounding area, the following conditions are recommended for imposition on the project:

1. **Sidewalk Maintenance.** The operator of the establishment shall maintain 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.

2. **Odor Control.** The operator will maintain appropriate air cleaning or odor control equipment if necessary to prevent any significant noxious or offensive odors from escaping the premises. Odor control ducting shall not be applied to the primary façade of the building.

3. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

4. **Notices Posted.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

5. **Community Liaison.** 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.

RECOMMENDATION

RECOMMENDATION: Take Discretionary Review and Approve the MCD with Conditions
Parcel Map

LELAND AVE.

2442 Bayshore Boulevard
 Parcel Map

SUBJECT PROPERTY

DISCRETIONARY REVIEW - MANDATORY
Record Number 2016-009352DRM
2442 Bayshore Boulevard
Historic Block Map

SUBJECT PROPERTY

Discretionary Review - Mandatory
Record Number 2016-009352DRM
2442 Bayshore Boulevard
Sanborn Map

*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*
Zoning Map

Discretionary Review - Mandatory
Record Number 2016-009352DRM
2442 Bayshore Boulevard
Height and Bulk Map

SUBJECT PROPERTY
Aerial Photo

Source: 2016 Google imagery

SUBJECT PROPERTY

Discretionary Review - Mandatory Record Number 2016-009352DRM
2442 Bayshore Boulevard
Aerial Photo

Source: 9/9/2015 Pictometry

SUBJECT PROPERTY
Site Photo

(Access via Visitacion Ave)

Source: June 2016 Google imagery

Gate permitted under BPA-2016.1208.4446 / BPA-9817067

Discretionary Review - Mandatory
Record Number 2016-009352DRM
2442 Bayshore Boulevard
Interior Photo

View toward Bayshore Blvd
Interior Photo

View from Bayshore Blvd
Exterior Photo (Rear Yard)

View toward Visitacion Ave

Source: Project Sponsor
Exterior Photo (Rear Yard)

View from Visitacion Ave

Source: Project Sponsor
Exterior Photo (Rear Yard)

View toward Bayshore Blvd

Source: Project Sponsor
Exterior Photo (Rear Yard)

View away from Bayshore Blvd

Source: Project Sponsor
<table>
<thead>
<tr>
<th>METERED COLOR CODE</th>
<th>METERED HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Meter</td>
<td><strong>REGULAR METER HOURS:</strong></td>
</tr>
<tr>
<td>Short Term Parking</td>
<td>MONDAY THRU SATURDAY 9AM TO 6PM</td>
</tr>
<tr>
<td>Commercial Vehicles</td>
<td>TIME LIMIT: 120 MINUTES</td>
</tr>
<tr>
<td>Restricted / Tow Away</td>
<td>SUNDAY 12PM TO 6PM</td>
</tr>
<tr>
<td>Motorcycle Meter</td>
<td>TIME LIMIT: 240 MINUTES</td>
</tr>
</tbody>
</table>

NOTE: METER & PARKING MAP GENERATED BY X STREET.ORG

METERED PARKING LOCATIONS - FOR REFERENCE ONLY

2442 BAYSHORE BLVD. SAN FRANCISCO, CA 94110
SITE PLAN NOTES

1. METERED PARKING AVAILABLE ON ADJACENT STREETS ON DESMOND ST. AND LELAND AVE.
2. NON-METERED PARKING AVAILABLE ON VISITACION AVE.
3. NO PARKING IN FRONT ALONG BAYSHORE BLVD.
4. WASTE BINS ARE AT GROUND FLOOR LEVEL BENEATH 2ND FLOOR BAY WINDOWS

LEGEND

- TENANT IMPROVEMENT -

2442
BAYSHORE BLVD.
SAN FRANCISCO, CA 94134

D-Scheme Studio
Design - Architecture - Landscape
210 8TH STREET
SAN FRANCISCO, CALIFORNIA 94103
T: 415-252-0888
F: 415-252-0888
WWW.DSCHEME.COM

DRAWN BY:
CHECKED BY:

PROPOSED SITE PLAN (NO CHANGE)
PARTITION OPENING DETAILS

4. TACTILE EXIT SIGN

BASE AT DOOR OPENINGS

5. NON-RATED PARTITION - FULL HEIGHT

6. NON-RATED PARTITION - PARTIAL HEIGHT

7. ACCESSIBILITY SIGN @ ENTRY

8. TACTILE EXIT SIGN

PARTITION NOTES

1. HEAD AT OPENINGS UP TO 2'-5" CLEAR

2. JAMB

3. BASE AT DOOR OPENINGS

4. PARTITION OPENING DETAILS

5. TYP. HORIZ. STUD BACKING

6. REVISION 4 PER PLANNING

7. REVISED SITE PLAN PER PLANNING

8. FOR REVIEW

9. FOR PLANNING SUBMITTAL

10. FOR REVIEW