



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: JULY 13, 2017

CONTINUED FROM JUNE 8, 2017

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* July 6, 2017  
*Case No.:* **2014-003153CUA**  
*Project Address:* **2505 NORIEGA STREET**  
*Zoning:* Noriega Street Neighborhood Commercial District  
40-X Height and Bulk District  
*Block/Lot:* 2069/012  
*Project Sponsor:* Ryan Hudson  
2029 Market Street  
San Francisco, CA 94114  
*Staff Contact:* Andrew Perry – (415) 575-9017  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The project sponsor proposes to establish a new Medical Cannabis Dispensary (MCD) (d.b.a. The Apothecarium) at 2505 Noriega Street, within a currently vacant ground floor retail commercial space last occupied by Ace Pharmacy. The proposal would allow for the on-site sale of medical cannabis – including concentrates, edibles, and tinctures – and also proposes to provide delivery services to patients of medical cannabis. The MCD would not allow for on-site medication (e.g. smoking, vaporizing, or consumption of edibles), nor on-site cultivation for harvesting of medical product. The proposed hours of operation are 9 a.m. to 9 p.m., seven days a week.

The proposal would make tenant improvements to the approximately 2,780 square foot corner retail space with approximately 103.5 linear feet of frontage along Noriega Street and 32<sup>nd</sup> Avenue at the ground floor of the building. No physical expansion of the building is proposed, and exterior work is limited to repair of the existing storefront only. No parking would be required for the change of use. The project sponsor will maintain a full-time security guard at the storefront, and will install security cameras to cover each room, point of sale, entry, exit, and adjacent sidewalks.

The project sponsor's goal is to provide medical cannabis to registered patients within the Sunset and other nearby neighborhoods, as there are currently no MCDs in the surrounding area. The MCD would operate as the region's first bilingual (Cantonese) and bicultural dispensary, serving the neighborhood community in a manner that collaborates with traditional Asian medical practices. The project sponsor currently operates an MCD at 2029 Market Street in San Francisco and notes that there are more than 3,900 existing Apothecarium patients that reside within the zip codes of the Sunset neighborhood, and who thus stand to benefit from an MCD closer to their place of residence.

On May 5, 2015, the Board of Supervisors passed legislation under Resolution No. 179-15 to impose interim zoning controls for an 18-month period for parcels within the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts, requiring Conditional Use Authorization, and imposing additional conditional use authorization criteria for Medical Cannabis Dispensaries. On December 13, 2016, the Board of Supervisors passed legislation under Resolution No. 544-16 extending these interim controls for an additional six month period. The project sponsor originally filed their application prior to the passage of the interim controls, and subsequently filed a Conditional Use Authorization application when the requirement changed.

The project was first scheduled to appear before the Planning Commission at the June 8, 2017 hearing. However, due to the fact that the interim zoning controls expired on May 5, 2017, staff was informed that the Planning Commission could not hear the request for Conditional Use Authorization on that day, as there was no corresponding Conditional Use Authorization requirement in place. Meanwhile, the Board of Supervisors was in the process of enacting permanent controls to require Conditional Use Authorization for MCDs in the subject zoning district. These controls, enacted through Ordinance No. 100-17, were signed by the Mayor on May 19, 2017 and thus took effect on June 19, 2017. Given that the project would need to comply with the permanent controls in order to obtain an MCD permit under Article 33 of the Health Code, the project and request for Conditional Use Authorization were continued without comment to the July 13, 2017 hearing, when the requirement for Conditional Use Authorization as set forth in the permanent controls would be in effect.

## **SITE DESCRIPTION AND PRESENT USE**

The project is located at the southwest corner of Noriega Street and 32<sup>nd</sup> Avenue, Block 2069, Lot 012. The subject property is located within the Noriega Street Neighborhood Commercial District ("NCD") and a 40-X Height and Bulk District. The property is developed with a one-story commercial building constructed circa 1942, and has two retail tenant spaces. The proposed MCD will occupy the corner retail location; the adjacent commercial space is currently occupied by a Limited Restaurant (d.b.a. Quon Ngon Vietnamese Noodle House). The subject property measures approximately 50 feet by 73 feet, with 3,675 square feet of lot area, and full lot coverage.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The subject property is located within the Noriega Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. The Noriega Street NCD is located in the Outer Sunset neighborhood and stretches along Noriega Street from 19<sup>th</sup> to 27<sup>th</sup> Avenues, and resumes again between 30<sup>th</sup> and 33<sup>rd</sup> Avenues. The District is intended to provide a selection of convenience goods and services for the residents of the Outer Sunset neighborhood, and the controls are designed to promote development that is consistent with existing land use patterns and support the District's vitality. The District currently has a high concentration of restaurants, as well as a number of professional, realty, and business offices, financial institutions, and medical service uses. The area surrounding this part of the Noriega Street NCD is almost exclusively zoned RH-1 (Residential House, One-Family).

The subject location along Noriega Street is served by the 7, 7R, and 7X Muni Bus lines, and is also in proximity to commonly used bicycle routes along Ortega and Kirkham Streets, and along 34<sup>th</sup> Avenue. The immediate area is not identified as part of the Vision Zero High Injury Network for pedestrians and

cyclists, and there are existing traffic calming islands located immediately adjacent to the subject property at 32<sup>nd</sup> Avenue and at 33<sup>rd</sup> Avenue.

There are no other Medical Cannabis Dispensaries currently located in proximity to the subject property; the nearest MCDs are located more than 2 miles away at 4811 Geary Boulevard within the Inner Richmond neighborhood, and 1944 Ocean Avenue near the Ingleside Terraces neighborhood.

## **ENVIRONMENTAL REVIEW**

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

## **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	May 19, 2017	May 17, 2017	22 days
Posted Notice	30 days	May 9, 2017	May 5, 2017	34 days
Mailed Notice	30 days	May 9, 2017	May 8, 2017	31 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process. The hearing notice was mailed to owners and occupants within a 300-foot radius of the subject property, as required per Planning Code Section 790.141(c).

As the proposal was continued at the duly-noticed Planning Commission hearing on June 8, 2017, no additional notification is required under the Planning Code for the date of continuance.

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

- The project sponsor has made extensive community outreach efforts, led in part by former Oakland Mayor Jean Quan and her husband, Floyd Huen, M.D., who has been at the forefront of prescribing medical cannabis to patients. A more detailed summary of outreach efforts can be found as an attachment to the project sponsor's application submittal. The project sponsor's efforts to date include: meetings with a variety of active Sunset neighborhood organizations and merchants along Noriega Street; tours of the Apothecarium's existing MCD facility on Market Street in the Castro neighborhood; interviews and information provided to multiple media outlets including Chinese-language media; door-to-door outreach to neighbors in the vicinity accompanied by Cantonese and Mandarin interpreters; and public meetings held at the Ortega Branch Library, including a patient education class entitled "Cancer and Cannabis: The Non-Euphorics". The project sponsor notes that in addition to the hundreds of letters of support received on the project, that there is general broad support among Sunset residents for medical cannabis, having voted by 66 and 58 percent, respectively, to legalize medical cannabis through Proposition 215 in 1996 and further open marijuana laws through Proposition 64 in 2016.

- To date, the Department has directly received approximately 1,000 emails or letters in support of the proposal, many of which are from residents of the Sunset neighborhood who would utilize the proposed MCD. Many of the communications received contain similar language and format; therefore, while all letters are available as part of the case record, the printed case report only contains a representative example of the letters that were received.

The project sponsor notes in their submittal, which appears as an attachment to this case report, that they have collected 1,457 letters of support from San Francisco residents, 633 of which are from Sunset residents. The project sponsor also notes that 111 are from residents within 1,000 feet of the project site, and that 189 letters are from parents.

- To date, the Department has also received approximately 767 emails or letters in opposition to the proposal, many of which are also from residents of the Sunset neighborhood. Many of these communications contained similar language and format; therefore, while all letters are available as part of the case record, the printed case report only contains a representative example of the letters that were received.

In addition to the individual letters and emails that were submitted, the Department has also received hundreds of pages of petition signatures from San Francisco and non-San Francisco residents alike. In total, it is estimated that upwards of 5,000 signatures have been obtained in this manner; an exact number is difficult to obtain due to the sheer volume of signatures received, as well as due to uncertainties around the possibility of repeated signatures since these pages were submitted by a few organizations over the course of the Department's review, with a large batch initially submitted in 2015 and then again in 2017.

In addition to the opposition documented above, the staff report contains letters submitted on behalf of a collection of residents and merchants along Noriega Street, the Ark of Hope Preschool located two blocks away at Noriega and 34<sup>th</sup> Avenue (and represented by the Pacific Justice Institute), and the Lutheran Church of the Holy Spirit located one block away at Noriega and 31<sup>st</sup> Avenue.

- On June 8, 2017, Supervisor Tang's (District 4) office reported to Department staff the following comment totals that their office received through that date:
  - 926 signatures and letters of support, with 171 from residents of District 4 and 755 from other residents of San Francisco
  - 5,875 signatures and letters of opposition, with 3,217 from residents of District 4, 2,009 from other residents of San Francisco, and 647 from non-San Francisco residents

## ISSUES AND OTHER CONSIDERATIONS

- **Medical Cannabis Dispensary (MCD).** 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

its discretionary review powers over the building permit application. The Conditional Use Authorization hearing satisfies this Code requirement.

*San Francisco Health Code, Article 33, Medical Cannabis Act 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 2505 Noriega Street MCD project will afford the project sponsor the opportunity to comply with the SF Health Code and operate legally and under SFDPH supervision. The applicant will still be required to obtain a permit from SFDPH and will be subject to their regulations including tax compliance, non-profit operation, background checks and annual compliance inspections. This proposal would convert a vacant ground floor retail space to a medical cannabis dispensary use.

- **Planning Code Compliance.** The proposed MCD complies with all relevant Planning Code requirements. Most notably, the subject property was not found to fall within 1,000 feet of any public or private elementary or secondary school, or community facility or recreation center primarily serving persons younger than 18 years of age. A map has been included as an attachment to this report, which demonstrates Planning Code compliance. The map does identify one Early-Age Child Care facility (d.b.a. Ark of Hope Preschool) within 1,000 feet of the subject property; however, this facility only serves children up to the age of 6 years old and as such does not meet the Planning Code definition of a school, and would therefore not automatically prohibit the location of an MCD at the subject property.
- **Clustering and Neighborhood Impact.** In the subject District, the Planning Code does not prohibit the clustering of MCDs, nor does the San Francisco Health Code. As of February 2017, there are thirty-six (36) permitted MCDs<sup>1</sup> with the Department of Public Health (DPH); additionally, the Planning Commission has recently approved eight (8) more MCDs, which have not yet completed the permitting process through DPH. Of the 44 MCDs that are either permitted by DPH or have received Planning Commission approval, there are none that are located within 2 miles of the subject property. A map has been included as an attachment to this report, which

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<sup>1</sup> 7 of the 36 permitted MCDs in the DPH database are operating out of a shared office (delivery-only) space at 214 California Street. Therefore there are only 30 distinct locations with permitted MCDs in the City, with recent Planning Commission approval for 8 additional locations.

shows the concentration of MCDs in the immediate vicinity and City as a whole. As there are no other MCDs in the immediate vicinity of the subject property, there should not be any substantial negative impacts that may arise due to clustering of this land use type.

- **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. The Department maintains a very high level of confidence that San Francisco will embrace the opportunity to establish local land use regulations for adult use cannabis businesses, and in particular that these controls will articulate a discretionary process through which existing MCDs can apply to convert in whole or part to adult use cannabis dispensaries. It is unlikely in the extreme that existing MCDs will be allowed to dispense adult use cannabis on a ministerial (or “automatic”) basis. 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.
- **Additional Findings for MCDs subject to Interim Zoning Controls.** Resolution Nos. 179-15 and 544-16, which created and extended interim zoning controls requiring Conditional Use Authorization for MCDs in the four Sunset NCDs, set forth additional criteria CU criteria that must be satisfied by a proposed MCD, specifically that: the MCD will bring measureable community benefits and enhancements to the NCD; the MCD has prepared a parking and transportation management plan sufficient to address the anticipated impact of patients visiting the MCD; and the MCD has demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the conditional use, including adequate security measures in its operation of the business, and designating a community liaison to deal effectively with current and future neighborhood concerns.

Based on the subject application submittal, the Department does find that the additional criteria have been met, as further detailed in the attached Draft Motion.

The additional findings required by Resolution Nos. 179-15 and 544-16 were not included in the most recent legislation for permanent zoning controls under Ordinance No. 100-17. Therefore, there is no longer a requirement that such findings must be made prior to granting Conditional Use Authorization. However, the Draft Motion (No. 8 in the Findings section) discusses how the project meets these additional criteria in order to provide the Commission with additional information in their consideration of the Conditional Use Authorization request.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow the establishment of a new Medical Cannabis Dispensary (d.b.a. The Apothecarium) within the Noriega Street Neighborhood Commercial District, pursuant to Planning Code Sections 303 and 739.84, and formerly pursuant to Planning Code Section 306.7 and interim zoning controls established under Resolution Nos. 179-15 and 544-16.

## **BASIS FOR RECOMMENDATION**

- The project allows for the establishment of a business with a known registry of some 3,900 existing patients which live within the broader Sunset neighborhood, and which stand to benefit from a Medical Cannabis Dispensary located closer to their residence. There are no MCDs that currently exist within the Sunset neighborhood, and none within 2 miles of the proposed location.
- The proposed operators and owners of the business have extensive experience and expertise on the subjects of medical marijuana regulation, prescription of medical marijuana to patients, and on the operation of an MCD itself. The Apothecarium is a locally-cultivated MCD, which has operated a location in the Castro neighborhood for approximately 6 years, and has grown to be an exemplary model for the operation of MCDs within the City, demonstrating how MCDs can collaborate with and blend into the community, and how an MCD can help to clean up the area in which they operate.
- Similar to the Apothecarium's Castro location, which has since its inception donated more than \$335,000 to neighborhood and other local non-profits and charitable organizations, the owners of the proposed MCD anticipate making similar contributions to the Sunset neighborhood.
- Similar to the Apothecarium's Castro location, the proposed MCD will host free weekly programs that will be available to residents of the neighborhood, including yoga, meditation, anxiety and depression programs, and veteran support groups. The MCD also expects to offer, or support other organizations which offer programming which explores connections between medical cannabis and traditional Chinese medicine, and educational programming around senior access to health care and youth education around medical cannabis.
- The project sponsor has hired a consultant to conduct a parking and traffic study for the proposed MCD, which found that the proposed use would not be detrimental to parking and traffic in the vicinity, as there is a sufficient supply of parking within 1,000 feet of the proposed project to accommodate the anticipated number of vehicle trips during the peak hour. Additionally, trip generation estimates for the proposed MCD are similar to, or less than the trip generation estimates which would be caused by another retail or eating and drinking use, as would likely be located within the District.
- The project site is directly accessible by transit along Noriega Street, and the project sponsor has agreed to voluntary provide certain Transportation Demand Management measures, which should help to further reduce the number of vehicle trips to the MCD.
- The proposed MCD would not allow for any cultivation, processing, smoking, vaporizing, or other means of medication on site.
- The proposed MCD has conducted extensive community outreach and has committed to continue building relationships with Sunset residents, so that any concerns may be addressed quickly. The proposed MCD operator has direct experience in the industry, and plans to employ

- industry-standard best practices with regards to safety and security, including use of a surveillance system and employment of an on-site security guard at the entrance to the business.
- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Noriega Street NCD, as it will occupy a vacant storefront and add to the diversity of goods and services provided within the District.
  - The project meets all applicable requirements of the Planning Code.
  - The project is desirable for, and compatible with the surrounding neighborhood.
  - The business is not a Formula Retail use and would serve the immediate neighborhood.

<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>
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**Attachments:**

Parcel Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
1,000' Radius Map – Schools and Child Care Facilities

MCD Concentration/Proximity Map  
MCD Combined CUA/312 Notice

California Environmental Quality Act ("CEQA") Categorical Exemption  
Resolutions 179-15 and 544-16 – Interim Zoning Controls

Project Sponsor Submittals  
Hearing Brief and Exhibits (dated 6/29/2017)  
Letter to Department (dated 6/20/2017)  
MCD/CUA Application Submittal  
Fehr & Peers Consultant-Prepared Transportation and Parking Study

Project Communications in Support:

Common Example Letter in Support  
Other Letters in Support  
Letter from Castro Merchants Association

Project Communications in Opposition:

Common Example Letter in Opposition  
Other Letters in Opposition  
Example Opposition Petition Signature Page  
Letter from Ark of Hope Preschool (3/25/2017)  
Letter from Pacific Justice Institute – Representing Ark of Hope Preschool (3/30/2017)  
Letter from Lutheran Church of the Holy Spirit  
Letter from Pacific Justice Institute – Representing the Lutheran Church of the Holy Spirit (9/17/2015)  
Letter from Noriega merchants (9/4/2015), updated submittal (6/30/2017)

Reduced Architectural Plans

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project sponsor submittal                              |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: <u>Existing Conditions</u>   |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Parcel Map                  | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input checked="" type="checkbox"/> Context Photos              | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input type="checkbox"/> Site Photos                            | <input type="checkbox"/> RF Report   |
|   | <input type="checkbox"/> Community Meeting Notice  |
|   | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

\_\_\_\_\_AWP\_\_\_\_\_

Planner's Initials

AWP: G:\Documents\CUIS\2014-003153CUA - 2505 Noriega\Case Report\ExecutiveSummary\_2505 Noriega.doc

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# SAN FRANCISCO **PLANNING DEPARTMENT**

*Subject to: (Select only if applicable)*

- Affordable Housing (Sec. 415)  First Source Hiring (Admin. Code)
  - Jobs Housing Linkage Program (Sec. 413)  Child Care Requirement (Sec. 414)
  - Downtown Park Fee (Sec. 412)  Other

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
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# **Planning Commission Draft Motion**

## **HEARING DATE: JULY 13, 2017**

## **CONTINUED FROM JUNE 8, 2017**

*Date:* July 6, 2017  
*Case No.:* **2014-003153CUA**  
*Project Address:* **2505 NORIEGA STREET**  
*Zoning:* Noriega Street Neighborhood Commercial District  
40-X Height and Bulk District  
*Block/Lot:* 2069/012  
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2029 Market Street  
San Francisco, CA 94114  
*Staff Contact:* Andrew Perry – (415) 575-9017  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 739.84, AND FORMERLY PURSUANT TO PLANNING CODE SECTION 306.7 AND INTERIM ZONING CONTROLS ESTABLISHED UNDER RESOLUTIONS 179-15 AND 544-16, TO ESTABLISH A MEDICAL CANNABIS DISPENSARY (MCD) (D.B.A. "THE APOTHECARIUM") WITHIN THE NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

## PREAMBLE

On December 10, 2014, Vincent Gonzaga, on behalf of Ryan Hudson (hereinafter "Project Sponsor"), filed Building Permit Application Number 2014.12.10.3440 with the Department of Building Inspection to authorize a change of use and establish a Medical Cannabis Dispensary (MCD) within an existing, vacant ground floor retail space at 2505 Noriega Street, located within the Noriega Street Neighborhood Commercial District and a 40-X Height and Bulk District. On January 21, 2015, Application No. 2014-003153DRM to operate an MCD (d.b.a. "The Apothecarium") was then filed with the Planning Department (hereinafter "Department") by the Project Sponsor.

On May 5, 2015, the Board of Supervisors passed legislation under Resolution No. 179-15 to impose interim zoning controls for an 18-month period for parcels within the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts, requiring Conditional Use Authorization, and imposing

additional conditional use authorization criteria for Medical Cannabis Dispensaries. On December 13, 2016, the Board of Supervisors passed legislation under Resolution No. 544-16 extending these interim controls for an additional six month period.

On May 21, 2015, the Project Sponsor filed Application No. 2014-003153CUA (hereinafter "Application") with the Department seeking Conditional Use Authorization pursuant to Planning Code Sections 303, 306.7, and interim zoning controls established under No. Resolution 179-15, to establish an MCD in the previously referenced location. Planning staff then analyzed whether a Conditional Use Authorization should be granted for this project pursuant to those interim controls.

The project was duly noticed and scheduled to be heard by the Planning Commission at the June 8, 2017 hearing. However, the interim zoning controls established under Resolutions Nos. 179-15 and 544-16 expired on May 5, 2017. Since the interim controls had expired by the hearing date, the Planning Commission could not hear the request for Conditional Use Authorization at that hearing, as there was no corresponding Conditional Use Authorization requirement in place under the Code. Meanwhile, the Board of Supervisors was in the process of enacting permanent controls to require Conditional Use Authorization for MCDs in the subject zoning district. Given that the project would need to comply with the permanent controls in order to obtain an MCD permit under Article 33 of the Health Code, the project and request for Conditional Use Authorization were continued without comment to the July 13, 2017 hearing, when the requirement for Conditional Use Authorization as set forth in the permanent controls would be in effect. These permanent controls, enacted through Ordinance No. 100-17, were signed by the Mayor on May 19, 2017 and thus took effect on June 19, 2017.

On June 8, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014-003153CUA, and voted to continue the hearing on the project to July 13, 2017, at which point the permanent controls required Conditional Use Authorization would be in effect.

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

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.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014-003153CUA, pursuant to Planning Code Sections 303 and 739.84, and formerly pursuant to Planning Code Section 306.7 and interim controls established under Resolution Nos. 179-15 and 544-16, to establish a Medical Cannabis Dispensary (MCD) (d.b.a. "The Apothecarium"), subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.

2. **Site Description and Present Use.** The project is located at the southwest corner of Noriega Street and 32<sup>nd</sup> Avenue, Block 2069, Lot 012. The subject property is located within the Noriega Street Neighborhood Commercial District ("NCD") and a 40-X Height and Bulk District. The property is developed with a one-story commercial building constructed circa 1942, and has two retail tenant spaces. The proposed MCD will occupy the corner retail location; the adjacent commercial space is currently occupied by a Limited Restaurant (d.b.a. Quon Ngon Vietnamese Noodle House). The subject property measures approximately 50 feet by 73 feet, with 3,675 square feet of lot area, and full lot coverage.
3. **Surrounding Properties and Neighborhood.** The subject property is located within the Noriega Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. The Noriega Street NCD is located in the Outer Sunset neighborhood and stretches along Noriega Street from 19<sup>th</sup> to 27<sup>th</sup> Avenues, and resumes again between 30<sup>th</sup> and 33<sup>rd</sup> Avenues. The District is intended to provide a selection of convenience goods and services for the residents of the Outer Sunset neighborhood, and the controls are designed to promote development that is consistent with existing land use patterns and support the District's vitality. The District currently has a high concentration of restaurants, as well as a number of professional, realty, and business offices, financial institutions, and medical service uses. The area surrounding this part of the Noriega Street NCD is almost exclusively zoned RH-1 (Residential House, One-Family).

The subject location along Noriega Street is served by the 7, 7R, and 7X Muni Bus lines, and is also in proximity to commonly used bicycle routes along Ortega and Kirkham Streets, and along 34<sup>th</sup> Avenue. The immediate area is not identified as part of the Vision Zero High Injury Network for pedestrians and cyclists, and there are existing traffic calming islands located immediately adjacent to the subject property at 32<sup>nd</sup> Avenue and at 33<sup>rd</sup> Avenue.

There are no other Medical Cannabis Dispensaries currently located in proximity to the subject property; the nearest MCDs are located more than 2 miles away at 4811 Geary Boulevard within the Inner Richmond neighborhood, and 1944 Ocean Avenue near the Ingleside Terraces neighborhood.

4. **Project Description.** The project sponsor proposes to establish a new Medical Cannabis Dispensary (MCD) (d.b.a. The Apothecarium) at 2505 Noriega Street, within a currently vacant ground floor retail commercial space last occupied by Ace Pharmacy. The proposal would allow for the on-site sale of medical cannabis – including concentrates, edibles, and tinctures – and also proposes to provide delivery services to patients of medical cannabis. The MCD would not allow for on-site medication (e.g. smoking, vaporizing, or consumption of edibles), nor on-site cultivation for harvesting of medical product. The proposed hours of operation are 9 a.m. to 9 p.m., seven days a week.

The proposal would make tenant improvements to the approximately 2,780 square foot corner retail space with approximately 103.5 linear feet of frontage along Noriega Street and 32<sup>nd</sup> Avenue at the ground floor of the building. No physical expansion of the building is proposed, and exterior work is limited to repair of the existing storefront only. No parking would be required for the change of use. The project sponsor will maintain a full-time security guard at the

storefront, and will install security cameras to cover each room, point of sale, entry, exit, and adjacent sidewalks.

The project sponsor's goal is to provide medical cannabis to registered patients within the Sunset and other nearby neighborhoods, as there are currently no MCDs in the surrounding area. The MCD would operate as the region's first bilingual (Cantonese) and bicultural dispensary, serving the neighborhood community in a manner that collaborates with traditional Asian medical practices. The project sponsor currently operates an MCD at 2029 Market Street in San Francisco and notes that there are more than 3,900 existing Apothecarium patients that reside within the zip codes of the Sunset neighborhood, and who thus stand to benefit from an MCD closer to their place of residence.

5. **Public Comment/Community Outreach.** The project sponsor has made extensive community outreach efforts, led in part by former Oakland Mayor Jean Quan and her husband, Floyd Huen, M.D., who has been at the forefront of prescribing medical cannabis to patients. A more detailed summary of outreach efforts can be found as an attachment to the project sponsor's application submittal. The project sponsor's efforts to date include: meetings with a variety of active Sunset neighborhood organizations and merchants along Noriega Street; tours of the Apothecarium's existing MCD facility on Market Street in the Castro neighborhood; interviews and information provided to multiple media outlets including Chinese-language media; door-to-door outreach to neighbors in the vicinity accompanied by Cantonese and Mandarin interpreters; and public meetings held at the Ortega Branch Library, including a patient education class entitled "Cancer and Cannabis: The Non-Euphorics". The project sponsor notes that in addition to the hundreds of letters of support received on the project, that there is general broad support among Sunset residents for medical cannabis, having voted by 66 and 58 percent, respectively, to legalize medical cannabis through Proposition 215 in 1996 and further open marijuana laws through Proposition 64 in 2016.

To date, the Department has directly received approximately 1,000 emails or letters in support of the proposal, many of which are from residents of the Sunset neighborhood who would utilize the proposed MCD. Many of the communications received contain similar language and format; therefore, while all letters are available as part of the case record, the printed case report only contains a representative example of the letters that were received.

The project sponsor notes in their submittal, which appears as an attachment to this case report, that they have collected 1,457 letters of support from San Francisco residents, 633 of which are from Sunset residents. The project sponsor also notes that 111 are from residents within 1,000 feet of the project site, and that 189 letters are from parents.

To date, the Department has also received approximately 767 emails or letters in opposition to the proposal, many of which are also from residents of the Sunset neighborhood. Many of these communications contained similar language and format; therefore, while all letters are available as part of the case record, the printed case report only contains a representative example of the letters that were received.

In addition to the individual letters and emails that were submitted, the Department has also received hundreds of pages of petition signatures from San Francisco and non-San Francisco residents alike. In total, it is estimated that upwards of 5,000 signatures have been obtained in this manner; an exact number is difficult to obtain due to the sheer volume of signatures received, as well as due to uncertainties around the possibility of repeated signatures since these pages were submitted by a few organizations over the course of the Department's review, with a large batch initially submitted in 2015 and then again in 2017.

In addition to the opposition documented above, the staff report contains letters submitted on behalf of a collection of residents and merchants along Noriega Street, the Ark of Hope Preschool located two blocks away at Noriega and 34<sup>th</sup> Avenue (and represented by the Pacific Justice Institute), and the Lutheran Church of the Holy Spirit located one block away at Noriega and 31<sup>st</sup> Avenue.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Medical Cannabis Dispensary Use Criteria.** Planning Code Section 790.141 sets forth six criteria that must be met by all MCDs and considered by the Planning Commission in evaluating the proposed use.

1. That the proposed site is located not less than 1,000 feet from a parcel containing the grounds of an elementary or secondary school, public or private, nor less than 1,000 feet from a community facility and/or recreation center that primarily serves persons under 18 years of age.

***Project Meets Criteria***

*The parcel containing the proposed MCD is not located within 1,000 feet of a primary or secondary school, public or private, nor a community facility and/or recreation center that primarily serves persons under 18 years of age.*

2. That 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 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 propose to allow any on-site smoking or consumption of medical cannabis 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.*

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 an MCD is proposed at the subject property and that the proposed use is subject to Conditional Use Authorization at a Planning Commission hearing.*

- B. **Use Size.** Planning Code Section 739.21 states that a Conditional Use Authorization is required for uses that are 4,000 square feet in size or larger.

*The proposed MCD would be located in an existing retail space with approximately 2,780 square feet and does not propose any expansion; therefore, the proposed use size is principally permitted within the District.*

- C. **Hours of Operation.** Planning Code Section 739.27 states that a Conditional Use Authorization is required for maintaining hours of operation between 2 a.m. and 6 a.m.

*The proposed MCD would operate between the hours of 9 a.m. and 9 p.m., and therefore the proposed hours are principally permitted within the District. The proposed hours of operation also comply with Section 3308 of the San Francisco Health Code, which states that it is unlawful for a dispensary to remain open between the hours of 10 p.m. and 8 a.m. the next day.*

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of

the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The proposed MCD would provide for active uses on the ground floor within the first 25 feet of building depth and does not propose any parking. The existing subject storefront space has approximately 30.5 feet of linear frontage along Noriega Street and 73 feet of linear frontage along 32<sup>nd</sup> Avenue, of which, only approximately 47.5 feet of frontage is devoted to active uses. The existing building contains approximately 29.5 feet of fenestration along Noriega Street and 28 feet of fenestration along 32<sup>nd</sup> Avenue within the active use portion of the building. In total then, approximately 73.7% of the existing building's frontages with active uses are fenestrated with transparent windows and doorways. The existing building's floor-to-ceiling height of approximately 11'-10" also complies with the minimum height of 10' as required in this District. No changes are proposed to the existing fenestration, nor alteration to the physical nature of the structure.*

- E. **Required Ground Floor Commercial Use.** Planning Code Section 739.13 states that within the Noriega Street NCD, active uses (as defined under Section 145.4(c)) are required at the ground floor, unless exempted by Conditional Use Authorization.

*Planning Code Section 145.4(c) lists uses which shall be included within the definition of "active commercial uses", and specifically includes Medical Cannabis Dispensary within this list. Therefore, the proposed MCD complies with the requirement for ground floor active commercial uses under this Section.*

- F. **Off-Street Parking.** Planning Code Section 151 requires off-street parking for retail uses at the rate of 1 space for each 500 square feet of occupied floor area, where it exceeds 5,000 square feet.

*The proposed MCD would be located in an existing retail space with approximately 2,780 square feet and does not propose any expansion; therefore, the proposed MCD would not require any off-street parking.*

- G. **Off-Street Loading.** Planning Code Section 152 requires off-street loading spaces for retail uses where the gross floor area of the use exceeds 10,000 square feet.

*The proposed MCD would be located in an existing retail space with approximately 2,780 square feet and does not propose any expansion; therefore, the proposed MCD would not require any off-street loading.*

- H. **Bicycle Parking.** Planning Code Section 155.2 requires bicycle parking where a change of occupancy or increase in intensity of use would increase the number of total required bicycle parking spaces (inclusive of Class 1 and 2 spaces in aggregate) by 15 percent.

*The proposed change of use to an MCD would not increase the number of total required bicycle parking spaces by 15 percent or more; therefore no bicycle parking is required. As a voluntary measure, the project sponsor has proposed to provide one (1) Class 1 bicycle parking space available for use by employees, and six (6) Class 2 bicycle parking spaces along the sidewalk, as part of the project sponsor's efforts to encourage travel to the site by alternative means of transportation.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The size of the proposed use is in keeping with other storefronts on the block face, and is a principally permitted use size within the District. No expansion of the existing storefront is proposed, nor merger with the adjacent storefront on the same lot. The proposed Medical Cannabis Dispensary (MCD) will add a unique business type and would provide goods and services that are not otherwise available within the District, nor beyond the immediate District and within the surrounding, broader Sunset neighborhood. The nearest MCDs to the project site are more than 2 miles away (or 3 miles when considering travel over the actual City street network), located along Geary Street in the Inner Richmond neighborhood and along Ocean Avenue near the Ingleside neighborhood. The proposed MCD also intends to operate as the region's first bilingual (Cantonese) and bicultural dispensary, and provide support to programs that focus on senior access to health care, both of which reflect the demographics of the District with higher percentages of both Asians and individuals over the age of 60<sup>1</sup>.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The proposed MCD will be located within an existing building that was once a pharmacy, and which has been vacant for several years. No new construction, additions, or expansion of the building envelope or storefront are proposed.*

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<sup>1</sup> "Invest in Neighborhoods: Noriega Street Neighborhood Profile." p. 7. [<http://investsf.org/wordpress/wp-content/uploads/2014/03/Neighborhood-Profile-NORIEGA-STREET-SUNSET.pdf> ]

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Planning Code does not require parking or loading for a 2,780 square-foot MCD. In terms of trip generation, traffic and parking, the proposed MCD use would be similar to that of the previous pharmacy use, as well as another retail or restaurant use, which are common throughout the District, and would likely locate within the space if the request for Conditional Use Authorization is denied. The proposed dispensary will comply with current accessibility requirements. The project sponsor hired the consultant Fehr & Peers to conduct a transportation and parking study for the proposed project, as part of the findings under the interim zoning controls. The conclusions of this study found that there is adequate parking in the vicinity of the proposed project to meet the anticipated demand and trip generation for the MCD, that this trip generation and demand for parking would be similar to, if not less than, the demand generated by retail or restaurant uses, and that since delivery of medical cannabis is currently prohibited by commercial vehicles, the project does not therefore generate any demand for a commercial loading space. Deliveries must be made by private automobile or another alternate means of transportation, which was included and analyzed with the project's overall trip generation and parking demand calculations.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The proposed MCD would not permit any cultivation or processing of medical cannabis on site, nor would the proposed MCD permit any smoking, vaporization, or other means of consumption of medical cannabis on site. The MCD will employ a security guard on site to monitor the storefront entrance, and who can help to ensure that patients are not medicating once immediately exiting the premises. The proposed MCD will have a mechanical system designed to keep any potential odors from passing into pedestrian space, and as such, should not generate any noxious or offensive emissions such as noise, glare, dust and odor.*

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*The proposed MCD does not require any treatment with regard to landscaping, screening, open spaces, parking and loading areas, or service areas. The Department shall review all lighting and signs proposed for the new business in accordance with Article 6 and Section 790.141(e) of the Planning Code. The existing storefront will be replaced and upgraded with high-quality materials, and should serve to enhance the District.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed project is consistent with the stated purposes of the Noriega Neighborhood Commercial District in that the intended use is located at the ground floor, will provide compatible convenience goods and services for the residents of the Outer Sunset District during daytime hours, and will encourage the street's active retail frontage. The District controls acknowledge that there are a high concentration of restaurants in the District, drawing customers from throughout the City and region. The proposed MCD, while primarily intended to serve those residents of the Outer Sunset neighborhood, does have some potential to draw patients from around the City and region; however, these trips are likely to be limited due to the availability of MCDs in other neighborhoods throughout the City and due to the proposed location's site away from highways.*

8. **Additional Findings Associated With Interim Zoning Controls.** The interim zoning controls enacted through Resolution Nos. 179-15 and 544-16 required the Planning Commission to find that a proposed MCD satisfies the additional Conditional Use criteria set forth below. However, the interim controls have now expired, and the permanent controls enacted through Ordinance No. 100-17 do not contain any such requirement for additional findings. Thus, the additional criteria set forth below need not be satisfied in order to grant the Conditional Use Authorization. However, the project does meet those criteria, as described below.

- A. The MCD will bring measurable community benefits and enhancements to the NCD;

*The proposed MCD will bring measurable benefits to those patients that reside within the Sunset neighborhood, and more broadly within the western side of the City. The proposed MCD currently operates another location within the City on Market Street, and notes that more than 3,900 of their registered patients reside within the Sunset neighborhood; in addition, there are likely many other patients within the Sunset that are not registered with the Apothecarium, but who would stand to benefit from having access to medical cannabis closer to their place of residence.*

*The proposed operator of the MCD has earned a positive reputation within the City over the last six years, while operating at the Market Street location. The Apothecarium has been recognized for their fine service to patients, for the approximately \$335,000 in monetary contributions that have been made by the Apothecarium to community groups since 2011, and for helping to clean up the Market Street corner where they are located. The proposed MCD anticipates being an active member within the Sunset community, and expects to similarly direct monetary contributions to Sunset community organizations, non-profits, and events for the betterment of the neighborhood and NCD.*

*In addition to offering medical cannabis to patients in a location closer to their place of residence, the MCD will also host free weekly programs available to the neighborhood, which may include yoga, meditation, anxiety and depression programs, and veteran support groups. In response to the unique demographic characteristics of the Noriega Street NCD neighborhood, the MCD will operate as a bilingual (Cantonese) establishment, and will serve the neighborhood patient community in a manner that collaborates with traditional Asian medical practices. Dr. Floyd Huen, one of the co-owners of the MCD, has been at the forefront of prescribing medical cannabis to patients, and will help to ensure*

*that the MCD will be staffed with educated professionals that provide in-depth consultations and product information to patients.*

- B. The MCD has prepared a parking and transportation management plan sufficient to address the anticipated impact of patients visiting the MCD;

*The project sponsor commissioned Fehr & Peers to perform a parking and traffic study for the proposed MCD. The submitted analysis calculates an estimated trip generation rate for the proposed MCD, documents existing traffic, parking and loading conditions in proximity to the subject property, and compares the anticipated impacts of the MCD on the parking and transportation network with those impacts that may be expected from other likely land uses, should the MCD application be denied. The analysis looked at weekdays both during the midday and evening periods, and weekends during the midday period.*

*The results of this study indicate that parking occupancy within 1,000 feet of the proposed project is at its highest during the weekend midday period, however, is generally similar to parking occupancy rates in other parts of the City. Most importantly, the study demonstrates that the anticipated trip generation from the MCD would be less than the average number of parking spaces available within 1,000 feet of the proposed project. In this regard, the surrounding neighborhood should already have the capacity to absorb the anticipated parking and traffic impacts from the proposed project. Furthermore, should a different retail business or restaurant be located in the subject vacant storefront instead, the study finds that the proposed MCD would have a similar impact, if not lesser, than these other likely replacement uses.*

*The study also considers potential loading impacts from the MCD. In short, medical cannabis is not currently permitted to be delivered by commercial vehicles; therefore, the proposed project would not generate any demand for commercial loading spaces. All deliveries must instead be made by private vehicle, and has been factored into the trip generation and parking analysis above. Deliveries to the MCD are anticipated to occur twice per day on weekdays, when parking availability in the vicinity is greater; no deliveries to the MCD would occur on weekends. The MCD also proposes to provide delivery services to patients. For these deliveries, the proposed MCD anticipates making one single vehicle trip per day, delivering to multiple locations during the course of the trip. For deliveries within a 10-block radius of the project site, these would be made by bicycle or walking.*

- C. The MCD has demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the conditional use, including adequate security measures in its operation of the business, and designating a community liaison to deal effectively with current and future neighborhood concerns.

*The project sponsor has made extensive community outreach efforts, led in part by former Oakland Mayor Jean Quan and her husband, Floyd Huen, M.D., who has been prescribing medical cannabis to patients for more than 20 years. A more detailed summary of outreach efforts can be found as an attachment to the project sponsor's application submittal. The project sponsor's efforts to date include: meetings with a variety of active Sunset neighborhood organizations and merchants along Noriega Street; tours of the Apothecarium's existing MCD facility on Market Street in the Castro neighborhood; interviews and information provided to multiple media outlets including Chinese-*

*language media; door-to-door outreach to neighbors in the vicinity accompanied by Cantonese and Mandarin interpreters; and public meetings held at the Ortega Branch Library, including a patient education class entitled “Cancer and Cannabis: The Non-Euphorics”.*

*The operators of the proposed MCD are committed to making themselves available to answer all questions from neighbors, and making themselves a known entity and good neighbor in the community. The operators have years of valuable experience running an MCD, have been commended for their business and security practices, and will employ similar security operations in the proposed location.*

9. **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 WORKINIG 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.

##### **Policy 1.2:**

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

##### **Policy 1.3:**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The proposed MCD project will provide desirable goods and services to the neighborhood and will provide employment opportunities to those in the community. The proposed MCD would meet all the performance standards and requirements identified in Planning Code Section 790.141. The project site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan. There are no other MCDs in the vicinity, nor within 2 miles of the project site, which should minimize any potential negative impacts associated with the clustering of MCDs. The MCD will utilize a mechanical system designed to keep any potential odors from passing into pedestrian space, and will employ a security guard to monitor the front entrance and help mitigate any undesirable activities.*

#### **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 locally-owned and established business to expand to a new location within the City, thus providing new job opportunities for local residents. The proposed MCD will also help to diversify the business activity of the immediate Noriega Street NCD and the broader west side of the City, as there are currently no MCDs in the vicinity.*

**OBJECTIVE 6:**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**Policy 6.1:**

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

**Policy 6.2:**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

**Policy 6.9:**

Regulate uses so that traffic impacts and parking problems are minimized.

*The proposed MCD would be located within an existing, vacant storefront, and would thus help to activate this portion of the NCD. The last use within the space was a small, locally-owned pharmacy, and thus a proposed MCD is an appropriate replacement use to serve the changing medical needs of patients in the City. As there are no other MCDs within 2 miles of the proposed location, the proposed MCD would function primarily as a neighborhood-serving use for those patients within the broader Sunset neighborhood. A parking, traffic and transportation study has been prepared for the proposed use and does not find that it would have any detrimental impact on parking and traffic in the vicinity. The proposed MCD is a locally-owned and developed business that has several years of direct experience working within the medical cannabis industry within San Francisco. The MCD would operate between the hours of 9 a.m. and 9 p.m. and would thus not have detrimental impacts on residents due to late-night activity.*

## TRANSPORTATION

### Objectives and Policies

**OBJECTIVE 1:**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

**Policy 1.3:**

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

*The project sponsor has indicated that they will voluntarily provide a host of measures designed to encourage travel to the site by alternative means of transportation, other than by private automobile. These include provision of bicycle parking spaces, on-site bicycle repair and maintenance tools, 100% subsidized transit passes for employees, information on their website to assist those in traveling to the project site by bicycle, foot, or transit, and delivery of medical cannabis by bicycle or foot within a 10-block radius.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The proposal would enhance the district by providing a unique use in an area that does not have another MCD within 2 miles. The business would be locally owned and it creates 12-17 more employment opportunities for the community. The MCD would be located within an existing, vacant storefront, thus helping to activate this portion of the NCD.*

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

*The existing units in the surrounding neighborhood would not be adversely affected. The proposed MCD would operate between the hours of 9 a.m. and 9 p.m., and would thus have minimal detrimental effects due to late-night activity on nearby residences. The project will comply with all signage, lighting, and transparency requirements, in order to help maintain neighborhood character and activate the commercial district.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*The proposed project would have no effect on the City's supply of affordable housing.*

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

*The project site is located along Noriega Street and is served by the 7, 7R, and 7X Muni Bus lines, and is also in proximity to commonly used bicycle routes along Ortega and Kirkham Streets, and along 34<sup>th</sup> Avenue. A parking and traffic study conducted by Fehr & Peers found that there is adequate parking in the vicinity to accommodate the activity generated by the MCD, and that it would not have detrimental effects on street traffic or neighborhood parking.*

- E. That 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 sector establishments.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The MCD will follow standard earthquake preparedness procedures and all construction will comply with current building and seismic safety codes.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site, and the proposed rehabilitation work to the storefront is in keeping with the Secretary of the Interior's Standards.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The project will have no negative effect on existing parks and open spaces, as it is a change of use with no proposed expansion of the building envelope.*

- 11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

## **DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014-003153CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 8, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

**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 ADOPTED the foregoing Motion on July 13, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 13, 2017

# **EXHIBIT A**

## **AUTHORIZATION**

This authorization is for a conditional use to establish a Medical Cannabis Dispensary (MCD) (d.b.a. "The Apothecarium") located at 2505 Noriega Street, Lot 012 in Assessor's Block 2069, pursuant to Planning Code Section(s) 303 and 739.84, and formerly pursuant to Planning Code Section 306.7 and interim zoning controls established under Resolutions 179-15 and 544-16, within the Noriega Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated May 8, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2014-003153CUA and subject to conditions of approval reviewed and approved by the Commission on July 13, 2017 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

## **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on July 13, 2017 under Motion No XXXXXX.

## **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

## **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

## **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

6. **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.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

9. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

10. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

11. **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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Garbage, Recycling, and Composting Receptacles.** 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.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

13. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

14. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Exhibits

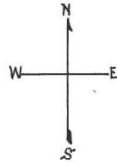
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# Block Book Map

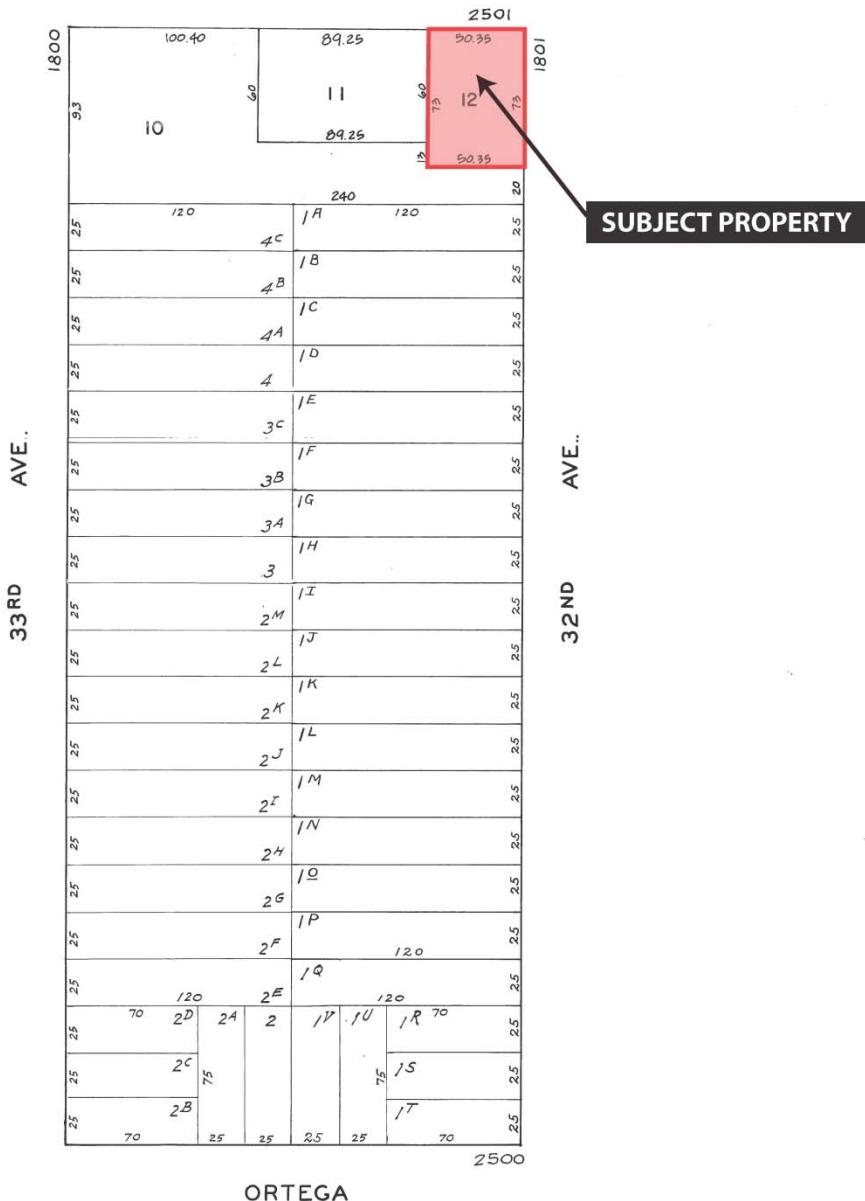
2069

SUNSET BLK. 925

REVISED 1989



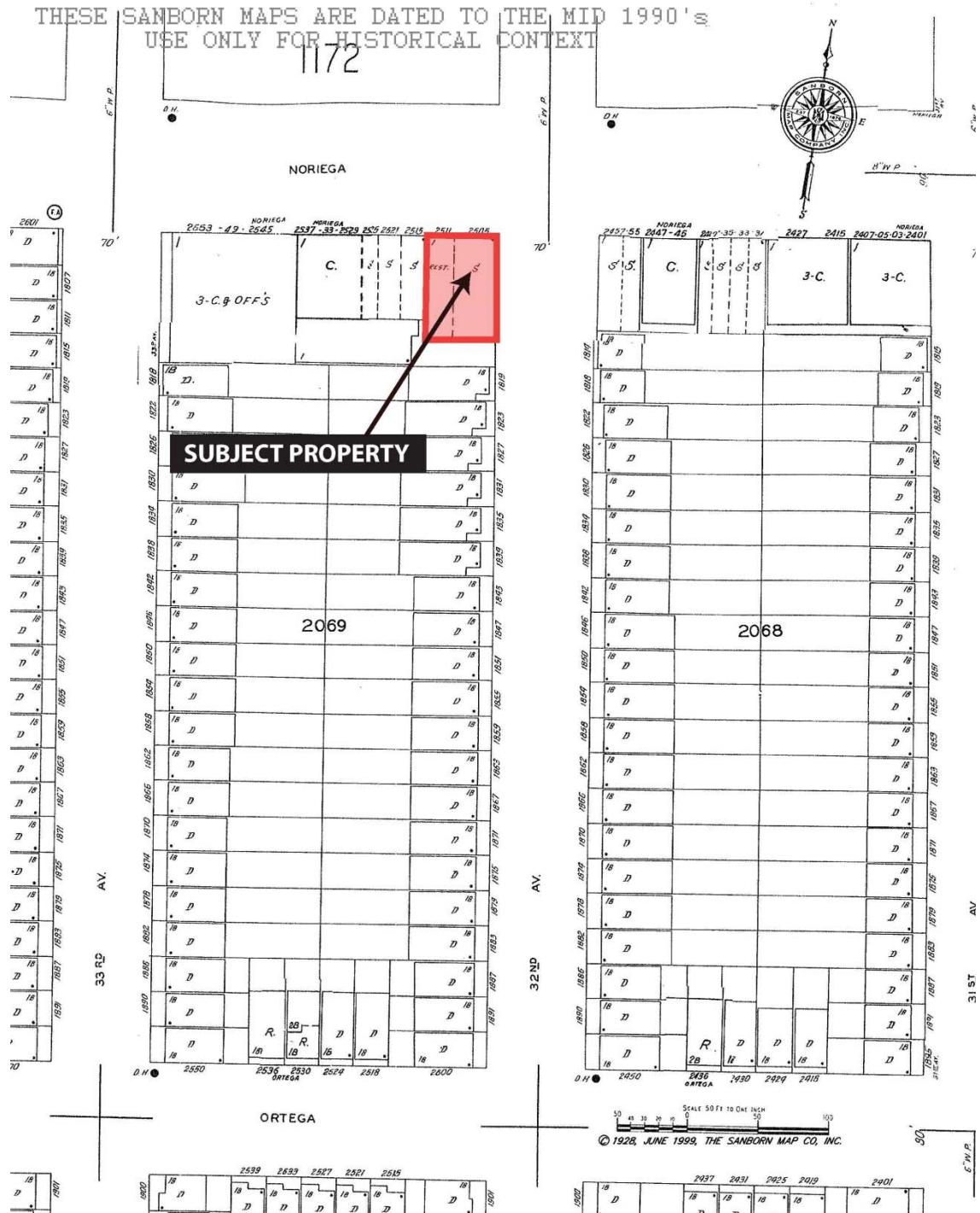
NORIEGA



# Sanborn Map\*

THESE SANBORN MAPS ARE DATED TO THE MID 1990's  
USE ONLY FOR HISTORICAL CONTEXT

1172



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

**SAN FRANCISCO  
PLANNING DEPARTMENT**

Conditional Use Authorization  
**Case Number 2014-003153CUA**  
2505 Noriega Street  
Block 2069 Lot 012

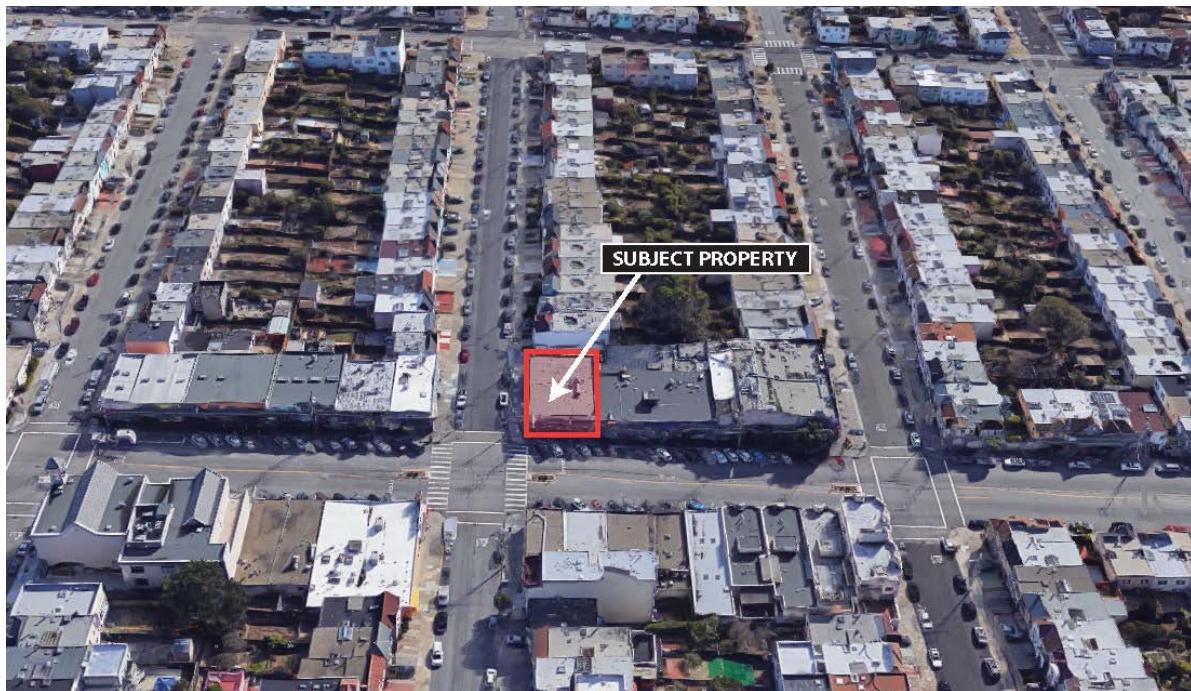
# Zoning Map



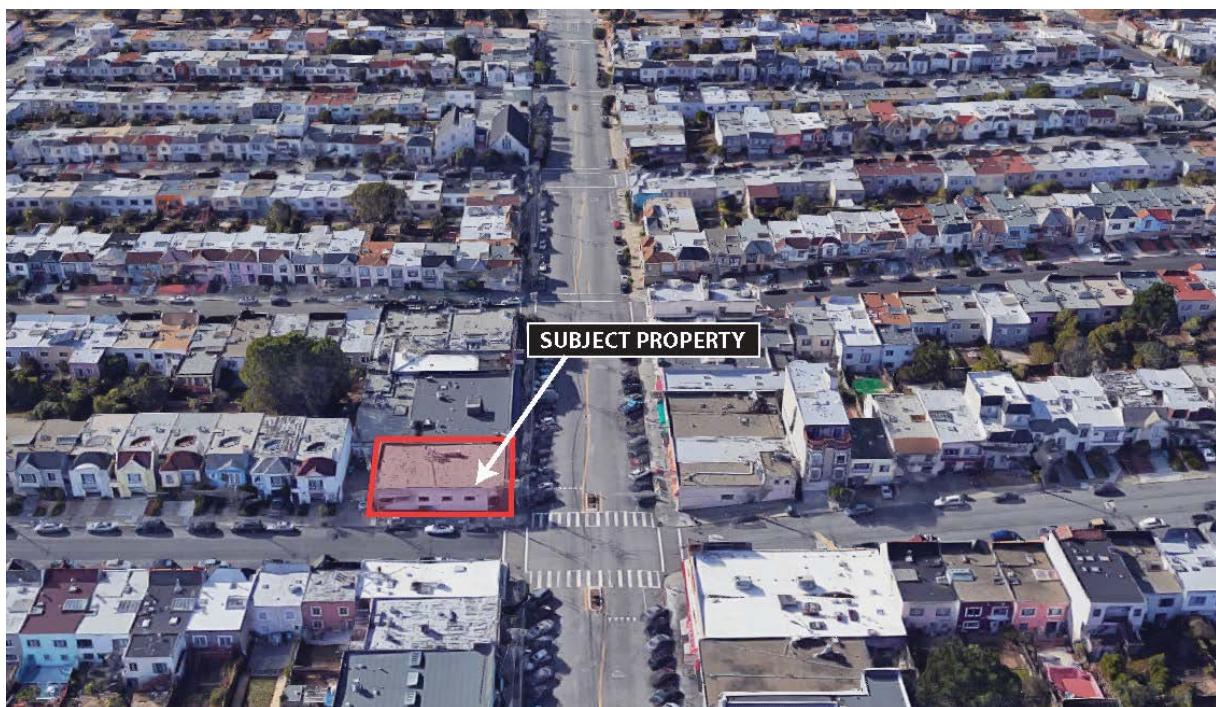
# Aerial Photos (oriented north)



(oriented south)

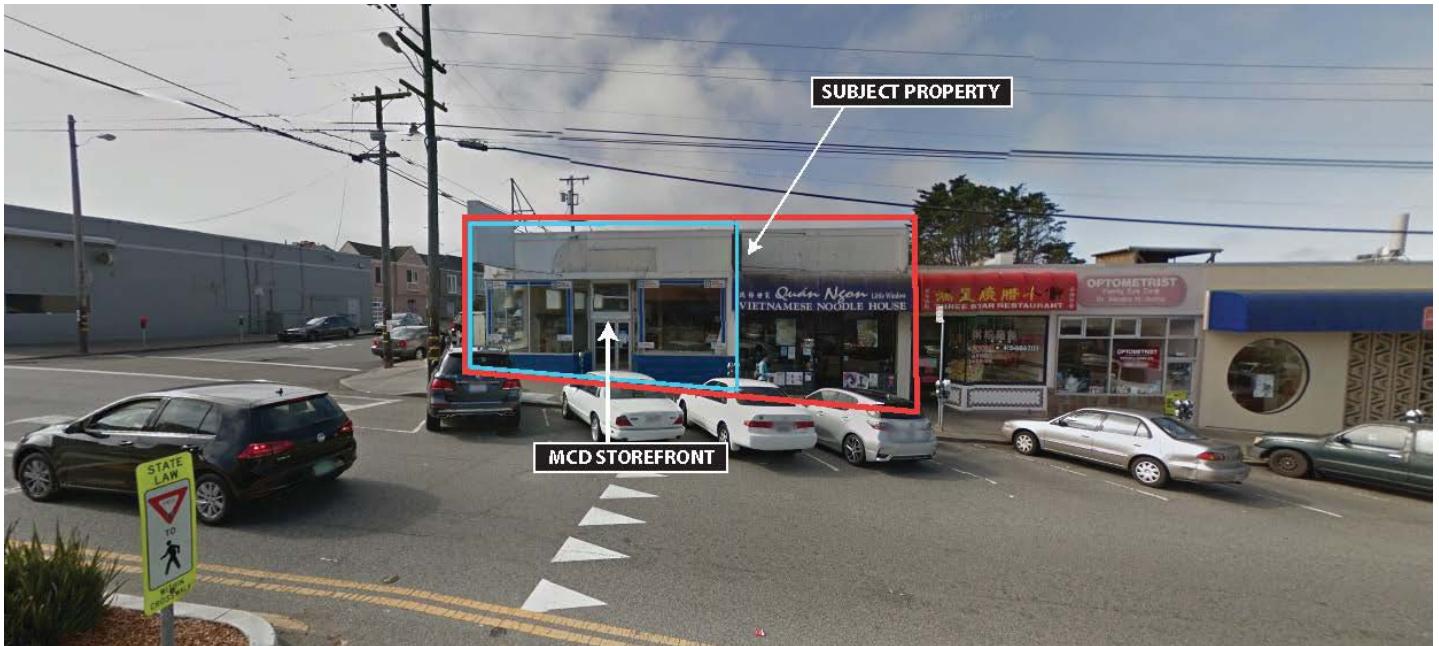


(oriented west)



## Context Photos

(along Noriega Street, opposite subject property)



(oriented east, along Noriega Street)



(oriented west, along Noriega Street)



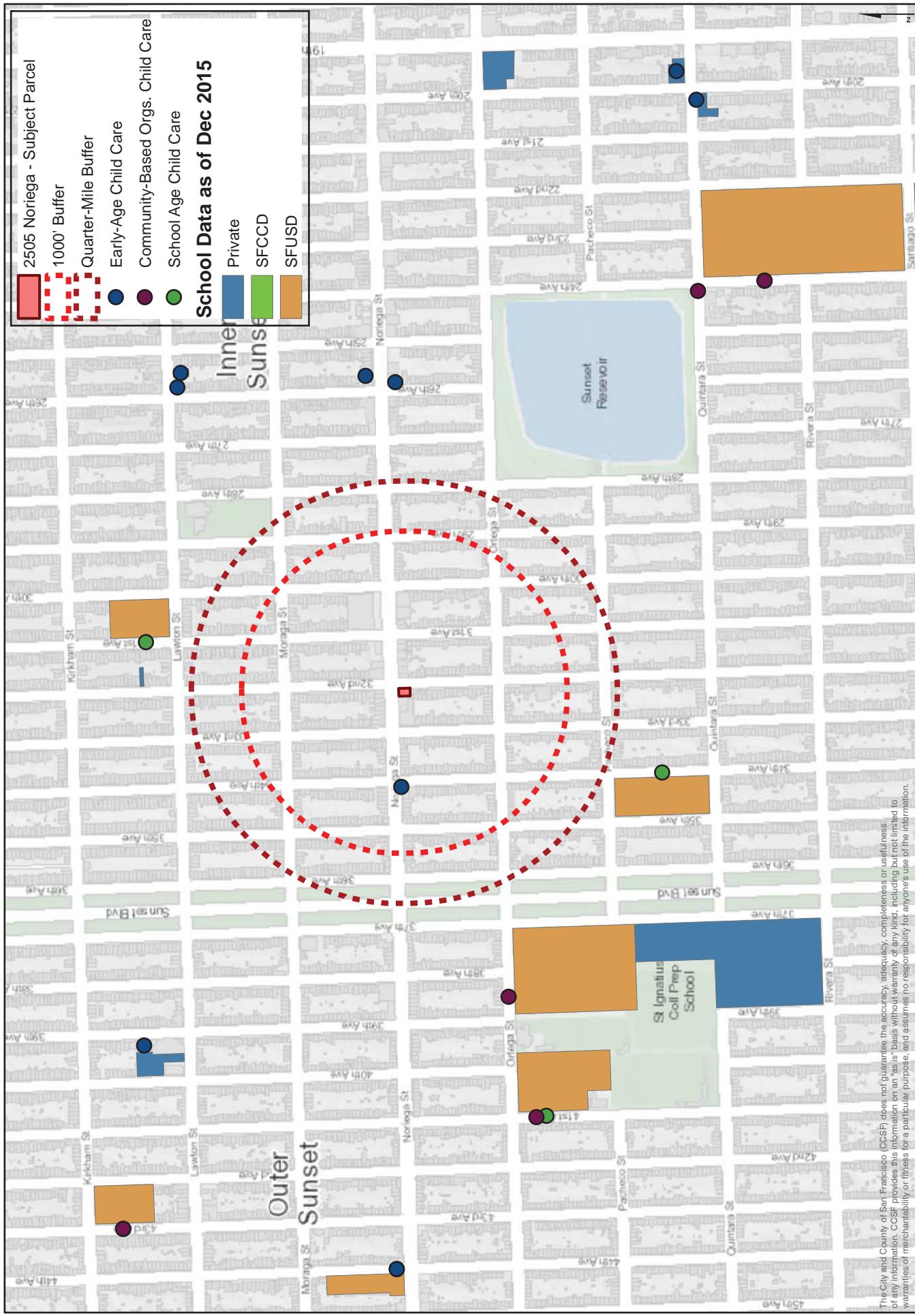
(oriented north, from 32nd Avenue)



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## Schools and Child Care Facilities in Proximity to 2505 Noriega



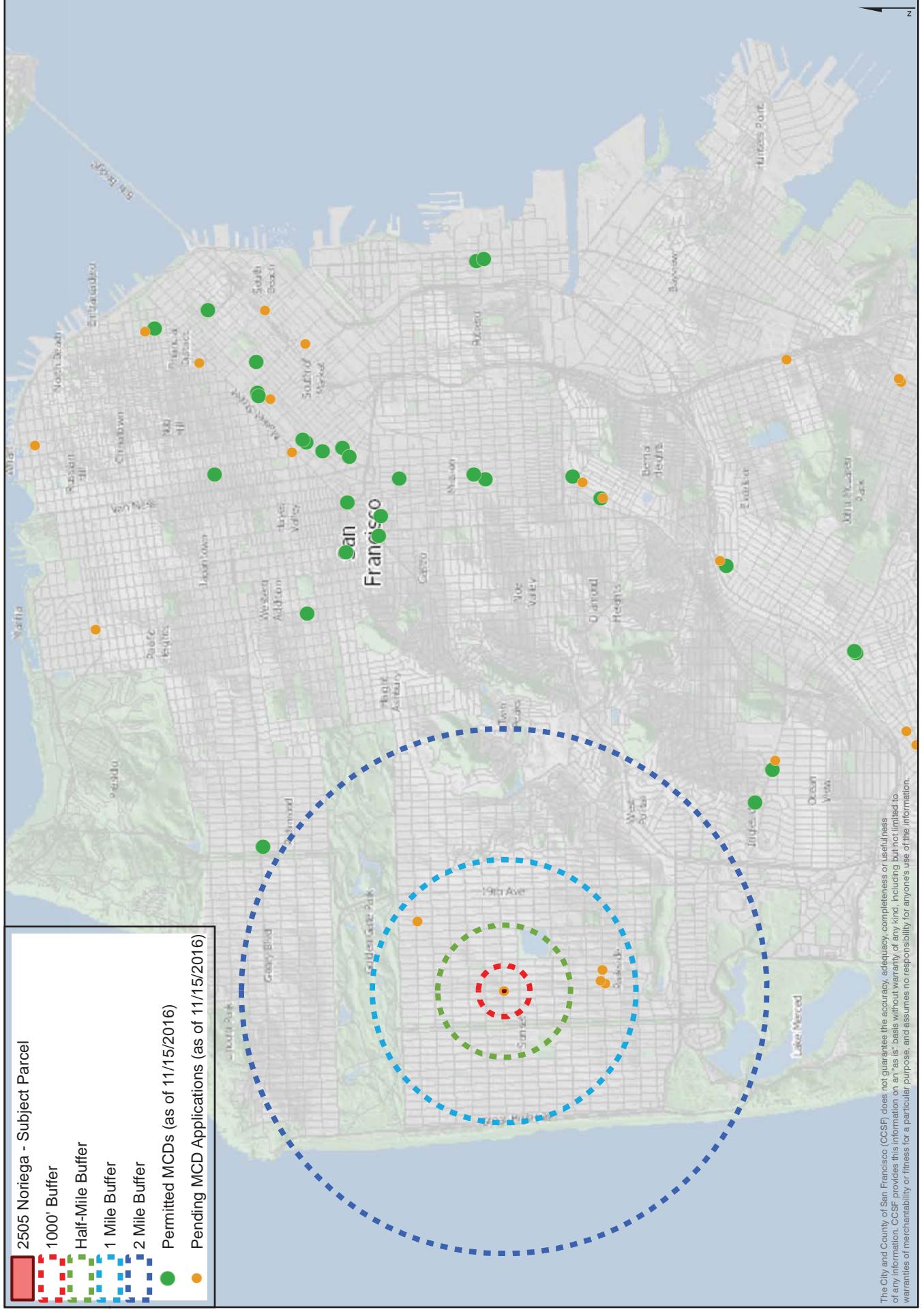
The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an as-is basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

0 350 700 1,400 Feet

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## Permitted and Pending MCDs in Proximity to 2505 Noriega



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# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

## NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, June 8, 2017**

Time: **Not before 12:00 PM (noon)**

Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**

Case Type: **Conditional Use**

Hearing Body: **Planning Commission**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: <b>2505 Noriega Street</b>	Case No.: <b>2014-003153CUA</b>
Cross Street(s): <b>32<sup>nd</sup> Avenue</b>	Building Permit: <b>2014.12.10.3440</b>
Block /Lot No.: <b>2069 / 012</b>	Applicant: <b>Dr. Floyd Huen</b>
Zoning District(s): <b>Noriega NCD / 40-X</b>	Telephone: <b>(415) 598-8160</b>
Area Plan: <b>N/A</b>	E-Mail: <b><a href="mailto:dr.huen@apothecarium.com">dr.huen@apothecarium.com</a></b>

### PROJECT DESCRIPTION

The request is for Conditional Use authorization pursuant to Planning Code Sections 303, 306.7, and interim zoning controls established under Resolutions 179-15 and 544-16, proposing to establish a new Medical Cannabis Dispensary (MCD) (d.b.a. Apothecarium) in a currently vacant commercial space at the ground floor of the subject property, last occupied by Ace Pharmacy. The MCD would not allow for on-site medication of medical cannabis (e.g. smoking, vaporizing, and consumption of medical cannabis edibles), nor would the MCD permit on-site cultivation of plants for harvesting medical product. The MCD would permit on-site sales of medical cannabis and also proposes to provide delivery services.

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

### ADDITIONAL INFORMATION

**ARCHITECTURAL PLANS:** If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans of the proposed project will also be available prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org>

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

### FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Andrew Perry** Telephone: **(415) 575-9017** E-Mail: [andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

# GENERAL INFORMATION ABOUT PROCEDURES

## HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

## BUILDING PERMIT APPLICATION INFORMATION

Pursuant to Planning Code Section 311 or 312, the Building Permit Application for this proposal may also be subject to a 30-day notification of property owners and residents within 150-feet of the subject property. **This notice covers the Section 311 or 312 notification requirements, if required.**

## APPEAL INFORMATION

An appeal of the approval (or denial) of a **Conditional Use application** and/or building permit application associated with the Conditional Use application may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** by the Planning Commission may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

Pursuant to California Government Code Section 65009, if you challenge, in court, the decision of an entitlement or permit, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the Planning Commission prior to, or at, the public hearing.

## ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



# SAN FRANCISCO

# **PLANNING DEPARTMENT**

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
2505 Noriega Street		2069/012	
Case No.	Permit No.	Plans Dated	
2014-003153CUA	2014.12.10.3440	5/8/17	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification <b>(GO TO STEP 7)</b>
Project description for Planning Department approval.			
Change of use from retail pharmacy to Medical Cannabis Dispensary. Interior tenant improvements and repair/in-kind replacement of storefront material finishes only.			

### STEP 1: EXEMPTION CLASS

#### TO BE COMPLETED BY PROJECT PLANNER

<i>*Note: If neither class applies, an Environmental Evaluation Application is required.*</i>	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class _____

### STEP 2: CEQA IMPACTS

#### TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an Environmental Evaluation Application is required.	
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
<b>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</b>	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
<b>Comments and Planner Signature (optional):</b>	

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### STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

**PROPERTY IS ONE OF THE FOLLOWING:** (refer to Parcel Information Map)

<input type="checkbox"/>	Category A: Known Historical Resource. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). <b>GO TO STEP 4.</b>
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). <b>GO TO STEP 6.</b>

## STEP 4: PROPOSED WORK CHECKLIST TO BE COMPLETED BY PROJECT PLANNER

<b>Check all that apply to the project.</b>	
<input checked="" type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

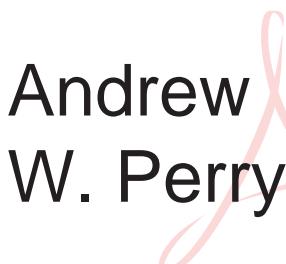
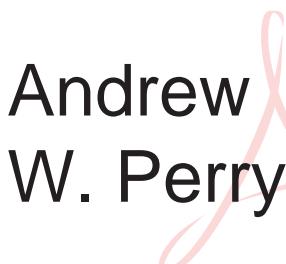
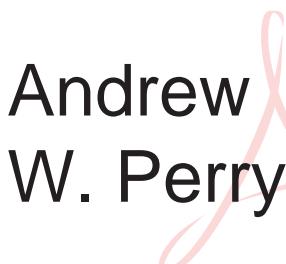
## STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW TO BE COMPLETED BY PRESERVATION PLANNER

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource</b> (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):        

<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i>
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> ( <i>Requires approval by Senior Preservation Planner/Preservation Coordinator</i> )  <input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C a. Per HRER dated: _____ b. Other ( <i>specify</i> ): _____
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>    	
<b>Preservation Planner Signature:</b> Elizabeth Gordon Jonckheer <div style="text-align: right; font-size: small;">         Digitally signed by Elizabeth Gordon Jonckheer          DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Elizabeth.Gordon.Jonckheer, email=Elizabeth.Gordon.Jonckheer@sfgov.org          Date: 2017.06.27 12:02:00 -07'00'       </div>	

## STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either ( <i>check all that apply</i> ):  <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review  <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>		
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA.</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> <b>Planner Name:</b> Andrew Perry   <b>Project Approval Action:</b>             Planning Commission Hearing         </td> <td style="padding: 5px;"> <b>Signature:</b>     <small>Digitally signed by Andrew W. Perry          DN: dc=org, dc=sfgov,          dc=cityplanning, ou=CityPlanning,          ou=Current Planning, cn=Andrew W.          Perry,          email=Andrew.Perry@sfgov.org          Date: 2017.07.02 20:00:30 -07'00'</small> </td> </tr> </table> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p> <p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>	<b>Planner Name:</b> Andrew Perry  <b>Project Approval Action:</b>  Planning Commission Hearing	<b>Signature:</b>   <small>Digitally signed by Andrew W. Perry          DN: dc=org, dc=sfgov,          dc=cityplanning, ou=CityPlanning,          ou=Current Planning, cn=Andrew W.          Perry,          email=Andrew.Perry@sfgov.org          Date: 2017.07.02 20:00:30 -07'00'</small>
<b>Planner Name:</b> Andrew Perry  <b>Project Approval Action:</b>  Planning Commission Hearing	<b>Signature:</b>   <small>Digitally signed by Andrew W. Perry          DN: dc=org, dc=sfgov,          dc=cityplanning, ou=CityPlanning,          ou=Current Planning, cn=Andrew W.          Perry,          email=Andrew.Perry@sfgov.org          Date: 2017.07.02 20:00:30 -07'00'</small>		

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at least one of the above boxes is checked, further environmental review is required. **CATEX FORM**

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:

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1 [Interim Zoning Controls - Conditional Use Authorization for Medical Cannabis Dispensaries in  
2 Irving, Judah, Noriega and Taraval Neighborhood Commercial Districts]

3 **Resolution imposing interim zoning controls to reinstate conditional use authorization  
4 requirement for Medical Cannabis Dispensaries in the Irving, Judah, Noriega, and  
5 Taraval Street Neighborhood Commercial Districts and impose additional conditional  
6 use authorization criteria; and making environmental findings, including findings of  
7 consistency with the eight priority policies of Planning Code, Section 101.1.**

8  
9 WHEREAS, Planning Code, Section 306.7, provides for the imposition of interim  
10 zoning controls to accomplish several objectives, including preservation of residential and  
11 mixed residential and commercial areas in order to preserve the existing character of such  
12 neighborhoods and areas; development and conservation of the commerce and industry of  
13 the City in order to maintain the economic vitality of the City, to provide its citizens with  
14 adequate jobs and business opportunities, and to maintain adequate services for its residents,  
15 visitors, businesses and institutions; control of uses which have an adverse impact on open  
16 space and other recreational areas and facilities; control of uses which generate an adverse  
17 impact on pedestrian and vehicular traffic; and control of uses which generate an adverse  
18 impact on public transit; and

19 WHEREAS, In 2012, the Board of Supervisors passed and the Mayor approved  
20 Ordinance No. 175-12, creating the Irving, Judah, Noriega, and Taraval Street Neighborhood  
21 Commercial Districts (NCDs) in the Outer Sunset neighborhood for non-residential properties  
22 zoned NC-2, with the intent to enhance the character along those commercial corridors by  
23 requiring active ground-floor uses as defined by Planning Code, Section 145.4; and

24 WHEREAS, At the time Ordinance No. 175-12 was approved, a Medical Cannabis  
25 Dispensary (MCD) was not defined as an “active use” under Section 145.4 of the Planning

1       Code, and therefore, pursuant to the zoning controls contained in Ordinance No. 175-12, was  
2       subject to conditional use authorization in the Irving, Judah, Noriega, and Taraval Street  
3       NCDs; and

4               WHEREAS, In approving Ordinance No. 22-15 in February 2015, this Board defined an  
5       MCD as an active use pursuant to Section 145.4 of the Planning Code; and

6               WHEREAS, Ordinance No. 22-15 had the inadvertent effect of eliminating the  
7       conditional use authorization requirement for MCDs in the Irving, Judah, Noriega, and Taraval  
8       Street NCDs; and

9               WHEREAS, The establishment of an MCD in the Irving, Judah, Noriega, or Taraval  
10      Street NCD without conditional use authorization may impact the existing neighborhood  
11      character, pedestrian and vehicular traffic, and open space and other recreational areas and  
12      facilities in those NCDs, due to possible increases in vehicle and pedestrian traffic, litter,  
13      noise, crime, and other activities related to the MCD; and

14               WHEREAS, Policy 2 of the eight priority policies of the City's General Plan and  
15      Planning Code, Section 101.1 establishes a policy "That existing housing and neighborhood  
16      character be conserved and protected in order to preserve the cultural and economic diversity  
17      of our neighborhoods"; and

18               WHEREAS, Policy 4 of the eight priority policies of the City's General Plan and  
19      Planning Code, Section 101.1 establishes a policy "That commuter traffic not impede Muni  
20      transit service or overburden our streets or neighborhood parking"; and

21               WHEREAS, The 2012 conditional use authorization requirement for MCDs allows the  
22      Planning Commission to consider proposed MCD projects and impose conditions necessary  
23      to conserve and protect the neighborhood character of the Irving, Judah, Noriega, and Taraval  
24      Street NCDs; and

1           WHEREAS, These interim controls are intended and designed to address and  
2 ameliorate the problems and conditions associated with the inadvertent removal of the  
3 conditional use authorization requirement for MCDs in the Irving, Judah, Noriega, and Taraval  
4 Street NCDs; and

5           WHEREAS, The passage of these interim controls will allow this Board time to consider  
6 how to regulate MCDs in the Irving, Judah, Noriega, and Taraval Street NCDs; and

7           WHEREAS, This Board has considered the impact on the public health, safety, peace,  
8 and general welfare if the interim controls proposed herein were not imposed; and

9           WHEREAS, This Board has determined that the public interest will be best served by  
10 imposition of these interim controls at this time, in order to ensure that the legislative scheme  
11 that may be ultimately adopted is not undermined during the planning and legislative process  
12 for permanent controls; and

13           WHEREAS, The Planning Department has determined that the actions contemplated in  
14 this Resolution are in compliance with the California Environmental Quality Act (California  
15 Public Resources Code, Section 21000 et. seq.). Said determination is on file with the Clerk  
16 of the Board of Supervisors in File No. 150412 and is hereby affirmed and incorporated by  
17 reference as though fully set forth; now, therefore, be it

18           RESOLVED, Pursuant to Planning Code, Section 306.7, the Board of Supervisors, by  
19 this resolution, hereby requires that, as of the effective date of this Resolution, any proposed  
20 MCD in the Irving, Judah, Noriega, or Taraval Street NCD must obtain conditional use  
21 authorization from the Planning Commission; and, be it

22           FURTHER RESOLVED, That in order to grant a conditional use authorization, the  
23 Planning Commission must find that the facts presented establish that the proposed MCD  
24 satisfies both the criteria set forth in Planning Code Section 303 and the additional criteria set  
25 forth below:

(1) the MCD will bring measurable community benefits and enhancements to the NCD;

(2) the MCD has prepared a parking and transportation management plan sufficient to

address the anticipated impact of patients visiting the MCD; and

(3) the MCD has demonstrated a commitment to maintaining public safety by actively

engaging with the community prior to applying for the conditional use, including adequate

security measures in its operation of the business, and designating a community liaison to

deal effectively with current and future neighborhood concerns; and be it

FURTHER RESOLVED, That these interim controls shall remain in

FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen

months from the effective date of this resolution, or until the adoption of permanent legislation

regulating MCDs in the Irving, Judah, Noriega, and Taraval NCDs, whichever first occurs;

and, be it

FU

FURTHER RESOLVED, That these interim zoning controls advance and are consistent

with Policies 2 and 4 of the Priority Policies set forth in Planning Code Section 101.1, in that

they require consideration of a proposed MCD's impacts on neighborhood character and

pedestrian and vehicular traffic in the Irving, Judah, Noriega, and Taraval Street NCDs, by

retaining the conditional use authorization requirement for MCDs that has been in effect since 1996.

2012 and imposing additional conditional use criteria specific to the potential impacts of

MCDs; and, be it

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1           FURTHER RESOLVED, With respect to Priority Policies 1, 3, 5, 6, 7, and 8, the Board  
2 finds that these interim zoning controls do not, at this time, have an effect upon these policies,  
3 and thus, will not conflict with said policies.

4

5 APPROVED AS TO FORM:

6 DENNIS J. HERRERA, City Attorney

7 By:

  
VICTORIA WONG  
Deputy City Attorney

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**City and County of San Francisco  
Tails  
Resolution**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 150412

**Date Passed:** May 05, 2015

Resolution imposing interim zoning controls to reinstate the conditional use authorization requirement for Medical Cannabis Dispensaries in the Irving, Judah, Noriega, and Taraval Street Neighborhood Commercial Districts, and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

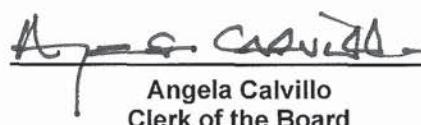
May 04, 2015 Land Use and Transportation Committee - RECOMMENDED AS  
COMMITTEE REPORT

May 05, 2015 Board of Supervisors - ADOPTED

Ayes: 9 - Breed, Campos, Christensen, Cohen, Farrell, Kim, Tang, Wiener and Yee  
Noes: 2 - Avalos and Mar

File No. 150412

I hereby certify that the foregoing  
Resolution was ADOPTED on 5/5/2015 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Date Approved

1 [Extending Interim Zoning Controls - Medical Cannabis Dispensaries in Irving, Judah, Noriega  
2 and Taraval Street Neighborhood Commercial Districts]

3 **Resolution extending interim zoning controls that require conditional use authorization**  
4 **for Medical Cannabis Dispensaries in the Irving, Judah, Noriega, and Taraval Street**  
5 **Neighborhood Commercial Districts and impose additional conditional use**  
6 **authorization criteria; and making environmental findings, including findings of**  
7 **consistency with the eight priority policies of Planning Code, Section 101.1.**

8

9        WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning  
10 controls to accomplish several objectives, including preservation of residential and mixed  
11 residential and commercial areas in order to preserve the existing character of such  
12 neighborhoods and areas; development and conservation of the commerce and industry of  
13 the City in order to maintain the economic vitality of the City, to provide its citizens with  
14 adequate jobs and business opportunities, and to maintain adequate services for its residents,  
15 visitors, businesses and institutions; control of uses which have an adverse impact on open  
16 space and other recreational areas and facilities; control of uses which generate an adverse  
17 impact on pedestrian and vehicular traffic; and control of uses which generate an adverse  
18 impact on public transit; and

19        WHEREAS, In 2012, the Board of Supervisors passed and the Mayor approved  
20 Ordinance No. 175-12, creating the Irving, Judah, Noriega, and Taraval Street Neighborhood  
21 Commercial Districts (NCDs) in the Outer Sunset neighborhood for non-residential properties  
22 zoned NC-2, with the intent to enhance the character along those commercial corridors by  
23 requiring active ground-floor uses as defined by Planning Code, Section 145.4; and

24        WHEREAS, At the time Ordinance No. 175-12 was approved, a Medical Cannabis  
25 Dispensary (MCD) was not defined as an "active use" under Section 145.4 of the Planning

1       Code, and therefore, pursuant to the zoning controls contained in Ordinance No. 175-12, was  
2       subject to conditional use authorization in the Irving, Judah, Noriega, and Taraval Street  
3       NCDs; and

4           WHEREAS, In approving Ordinance No. 22-15 in February 2015, this Board defined an  
5       MCD as an active use pursuant to Section 145.4 of the Planning Code; and

6           WHEREAS, Ordinance No. 22-15 had the inadvertent effect of eliminating the  
7       conditional use authorization requirement for MCDs in the Irving, Judah, Noriega, and Taraval  
8       Street NCDs; and

9           WHEREAS, The establishment of an MCD in the Irving, Judah, Noriega, or Taraval  
10      Street NCD without conditional use authorization may impact the existing neighborhood  
11      character, pedestrian and vehicular traffic, and open space and other recreational areas and  
12      facilities in those NCDs, due to possible increases in vehicle and pedestrian traffic, litter,  
13      noise, crime, and other activities related to the MCD; and

14          WHEREAS, Policy 2 of the eight priority policies of the City's General Plan and  
15      Planning Code, Section 101.1 establishes a policy "That existing housing and neighborhood  
16      character be conserved and protected in order to preserve the cultural and economic diversity  
17      of our neighborhoods"; and

18          WHEREAS, Policy 4 of the eight priority policies of the City's General Plan and  
19      Planning Code, Section 101.1 establishes a policy "That commuter traffic not impede Muni  
20      transit service or overburden our streets or neighborhood parking"; and

21          WHEREAS, The 2012 conditional use authorization requirement for MCDs allows the  
22      Planning Commission to consider proposed MCD projects and impose conditions necessary  
23      to conserve and protect the neighborhood character of the Irving, Judah, Noriega, and Taraval  
24      Street NCDs; and

25

1           WHEREAS, On May 5, 2015, the Board of Supervisors adopted Resolution No. 179-  
2 15, which imposed interim controls requiring that proposed MCDs obtain conditional use  
3 authorization pursuant to Planning Code, Section 303 and satisfy additional conditional use  
4 criteria, for a period of eighteen months; and

5           WHEREAS, The interim controls adopted by this Board in Resolution No. 179-15 are  
6 intended and designed to address and ameliorate the problems and conditions associated  
7 with the inadvertent removal of the conditional use authorization requirement for MCDs in the  
8 Irving, Judah, Noriega, and Taraval Street NCDs; and

9           WHEREAS, The circumstances that led to the adoption of Resolution No. 179-15 still  
10 persist today; and

11          WHEREAS, The extension of these interim controls will allow this Board time to  
12 consider how to regulate MCDs in the Irving, Judah, Noriega, and Taraval Street NCDs; and

13          WHEREAS, This Board has considered the impact on the public health, safety, peace,  
14 and general welfare if the interim controls proposed herein were not extended; and

15          WHEREAS, This Board has determined that the public interest will be best served by  
16 extension of these interim controls at this time, in order to ensure that the legislative scheme  
17 that may be ultimately adopted is not undermined during the planning and legislative process  
18 for permanent controls; and

19          WHEREAS, The Planning Department has determined that the actions contemplated in  
20 this Resolution are in compliance with the California Environmental Quality Act (California  
21 Public Resources Code, Section 21000 et. seq.). Said determination is on file with the Clerk  
22 of the Board of Supervisors in File No. 161283 and is hereby affirmed and incorporated by  
23 reference as though fully set forth; now, therefore, be it

24          RESOLVED, Pursuant to Planning Code, Section 306.7, the Board of Supervisors, by  
25 this Resolution, hereby requires that, as of the effective date of this Resolution, any proposed

1 MCD in the Irving, Judah, Noriega or Taraval Street NCD must obtain conditional use  
2 authorization from the Planning Commission; and, be it

3 FURTHER RESOLVED, That in order to grant a conditional use authorization, the  
4 Planning Commission must find that the facts presented establish that the proposed MCD  
5 satisfies both the criteria set forth in Planning Code, Section 303 and the additional criteria set  
6 forth below:

7 (1) the MCD will bring measurable community benefits and enhancements to the NCD;

8 (2) the MCD has prepared a parking and transportation management plan sufficient to  
9 address the anticipated impact of patients visiting the MCD; and

10 (3) the MCD has demonstrated a commitment to maintaining public safety by actively  
11 engaging with the community prior to applying for the conditional use, including adequate  
12 security measures in its operation of the business, and designating a community liaison to  
13 deal effectively with current and future neighborhood concerns; and be it

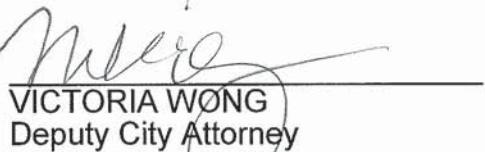
14 FURTHER RESOLVED, That these interim controls shall remain in effect for six  
15 months from the expiration of the interim zoning controls established by Resolution No. 179-  
16 15, or until the adoption of permanent legislation regulating MCDs in the Irving, Judah,  
17 Noriega, and Taraval Street NCDs, whichever first occurs; and, be it

18 FURTHER RESOLVED, That these interim zoning controls advance and are consistent  
19 with Policies 2 and 4 of the Priority Policies set forth in Planning Code, Section 101.1, in that  
20 they require consideration of a proposed MCD's impacts on neighborhood character and  
21 pedestrian and vehicular traffic in the Irving, Judah, Noriega, and Taraval Street NCDs, by  
22 retaining the conditional use authorization requirement for MCDs that has been in effect since  
23 2012 and imposing additional conditional use criteria specific to the potential impacts of  
24 MCDs; with respect to Priority Policies 1, 3, 5, 6, 7, and 8, the Board finds that these interim  
25

1 zoning controls do not, at this time, have an effect upon these policies, and thus, will not  
2 conflict with said policies.

3 APPROVED AS TO FORM:  
4 DENNIS J. HERRERA, City Attorney

5 By:

  
6 VICTORIA WONG  
7 Deputy City Attorney

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**City and County of San Francisco  
Tails  
Resolution**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 161283

**Date Passed:** December 13, 2016

Resolution extending interim zoning controls that require conditional use authorization for Medical Cannabis Dispensaries in the Irving, Judah, Noriega and Taraval Street Neighborhood Commercial Districts and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

December 12, 2016 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

December 13, 2016 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Yee

Vacant: 1 - District 8

File No. 161283

I hereby certify that the foregoing Resolution was ADOPTED on 12/13/2016 by the Board of Supervisors of the City and County of San Francisco.

*Peggy Neven*  
\_\_\_\_\_  
*Angela Calvillo*  
Clerk of the Board

*Christy See*  
\_\_\_\_\_  
Mayor

12/22/16

Date Approved



BRETT GLADSTONE  
PARTNER  
DIRECT DIAL (415) 995-5065  
DIRECT FAX (415) 995-3517  
E-MAIL BGladstone@hansonbridgett.com

June 29, 2017

VIA HAND DELIVERY

Rich Hillis, Commission President  
Planning Department  
1650 Mission Street, Suite 400,  
San Francisco, CA 94103

Re: **The Apothecarium 2505 Noriega Street MCD; July 13, 2017 Hearing**

Dear President Hillis and Commissioners:

We represent PNB Noriega, LLC, whose main principals are Floyd Huen, M.D., former Oakland Mayor Jean Quan, Ryan Hudson and Michael Thomsen. Their business operates under the name "The Apothecarium." Mr. Hudson and Mr. Thomsen already run a Medical Cannabis Dispensary at 2029 Market Street near Dolores Street; they are also about to open a new MCD at 2414 Lombard Street. Dr. Huen, a Board Certified Internist, has treated patients with cannabis products for many years and currently serves as the Medical Advisor to the pending Lombard St. and the existing Market St. dispensaries.

Attached is the proposed floor plan (Exhibit W), along with a drawing of the proposed dispensary's façade (Exhibit C) and photos from The Apothecarium on Market Street (Exhibit D) to show the quality of the design and materials. The Market Street store was recently named the #1 designed dispensary in the country by *Architectural Digest*, (Exhibit J). The new location, on the ground floor of 2505 Noriega St., is to be in the existing one-story building on the southwest corner of Noriega and 32nd Ave.

The Apothecarium has appeared before your Commission three times -- receiving approval in all three instances:

Location	Year	Past Votes of Current Planning Commissioners In Support of Apothecarium
First Castro Location (2095 Market St)	2011	Fong, Moore (unanimous Commission vote including that of Commissioner Antonini)
2414 Lombard St Location	2015	Johnson, Moore, Richards (4-2, one absence)
Second Castro St. Location (Move from 2095 Market to 2029 Market St)	2016	Fong, Hillis, Johnson, Moore, Richards (unanimous Commission vote)

Rich Hillis, Commission President  
June 29, 2017

The commercial space that The Apothecarium will occupy at 2505 Noriega Street is approximately 2,700 square feet and formerly housed Ace Pharmacy.

**I. THE PROJECT SATISFIES UNIQUE ADDITIONAL CUP FINDINGS FOR MCD'S THAT OPEN IN CERTAIN SUNSET NEIGHBORHOOD COMMERCIAL DISTRICTS (EXHIBIT G)**

The Findings call for satisfying the following three criteria in addition to the usual Section 303 Conditional Use Criteria:

**FINDING 1. Measurable Community Benefits**

The SF Planning Department, in its Planning Commission Report to you dated March 20, 2014, praised The Apothecarium for its "community centered approach" and for showing how a dispensary "can successfully blend into the community." (Exhibit F)

The Board of Supervisors has issued a Proclamation honoring the current store for many things (see below), including for helping to clean up the corner where they operate (Exhibit T).

This new Sunset location will not only benefit the 3,900 Apothecarium patients currently living in the Sunset, but also Sunset residents at large through the following community benefit programs:

- A. The Apothecarium intends to replicate the program of community engagement and philanthropy that they have employed successfully in the Castro since 2011. A Philanthropic Advisory Board led by neighborhood leaders will direct donations from The Apothecarium to community-minded groups. Special consideration will be given to nonprofit organizations in the Sunset whose missions directly benefit the neighborhood. The Apothecarium's same program in the Castro has donated more than \$335,000 to over 40 beneficiaries including Maitri Residential Care, Breast Cancer Emergency Fund, Rocket Dog Rescue, Rooms that Rock 4 Chemo, Castro/Upper Market Community Benefit District, Pets are Wonderful Support, Harvey Milk Civil Rights Academy Public School and many others.
- B. The Apothecarium will offer Sunset residents free access to programs that promote the overall health and wellness of the community, similar to programs they offer in the Castro but tailored to the needs of those who live near the new location. These programs will be available to all Sunset residents and will be oriented to reinforce healthy lifestyles and encourage positive behaviors to mitigate stress and create connection. Current programs offered in the Castro include:
  - a. U.S. Veterans' support group;
  - b. Simple Yoga for Busy Times;
  - c. Women's Support Group;
  - d. HIV Support Group;
  - e. The Sacred Art of Self Care

**FINDING 2. Satisfactory Parking/Transportation Management Plan.**

The Apothecarium has engaged one of the City's most respected transportation consultants, Fehr and Peers (a group that the Planning Department hires for its own purposes from time to

time). Their Report is too long to attach here, but we have quoted from some of its Findings in Exhibit H.

As you know, a pharmacy previously existed in the space for over 45 years and has been vacant since approximately 2014. It attracted a number of visitors traveling by car, by foot and by Muni. The transportation consultant found that any parking needs triggered by the MCD use are expected to be fewer than that of the average retailer along Noriega Street (including a new drugstore). Unfortunately, almost all independent drugstores have disappeared in the last twenty years. Retail and restaurant establishments were used by the transportation consultants as a comparison since they are two of the most common uses in the Noriega Street Neighborhood Commercial District.

The analysis further demonstrates that the estimated number of vehicle trips during the peak hour could be accommodated by the existing available parking supply within 1,000 feet of the Proposed Project.

In addition, while the Planning Department has advised us that the Proposed Project is not subject to the City of San Francisco's Transportation Demand Management Program due to its small size and other factors, the Project Sponsor has voluntarily agreed to implement several Transportation Demand Management (TDM) measures (Exhibit I) to encourage travel by sustainable modes of transportation to the new site.

If the proposed project were subject to SF Planning's TDM Program, the sum of these TDM measures - including the fact that the Proposed Project would not provide parking - would result in 23 points according to the program's web-based tool. For comparison purposes, a retail use that *is* subject to SF Planning's TDM Program would be required to attain 13 points, only half as much as *this* proposal's sustainable TDM measures.

### **FINDING 3. Assuring Public Safety .**

The Apothecarium will operate under the same strict security protocols that have made the Castro dispensary free of crimes or police reports since it opened six years ago, including: full-time security, which includes indoor and outdoor video cameras. In addition, unarmed, pedestrian-friendly security staff will be employed inside and outside the subject retail space. See Exhibit X for full details of security protocols. The neighborhood liaison will be Ryan Hudson, co-founder and executive director of The Apothecarium.

Given the nature of the Market St location (underground Muni lines; streetcars and multiple-bus lines; dense development; a serious homelessness problem), the chances of a criminal incident are inherently lower on the quieter Noriega commercial street than in the Castro.

The Apothecarium Market Street has over a dozen residential apartments above its ground floor commercial space, and operates seamlessly with those residents, all of whose apartments (Upper Market condominiums) seem to have lost none of their livability from their presence atop The Apothecarium. Some of those apartments house children; yet no parents have expressed any concerns.

## **II. OTHER REASONS FOR APPROVAL OF THE PROJECT.**

### **1. The Project has Substantial Community Support**

The Apothecarium has collected 1,457 letters of support from San Francisco residents. These are being provided to Planning Staff for public review, including:

- 633 letters of support from Sunset residents
- 824 additional SF letters, including many who work or shop in the Sunset

Of these:

- 111 gave a home address within 1,000 feet of the site
- 189 said they are parents
- 118 are individually written or are form letters with personal notes added

## **2. VISION: Bi-Lingual, Bi-Cultural Patient Service; Diverse Leadership**

The vision for The Apothecarium Sunset is to create a dispensary that is unique to the Sunset neighborhood. The dispensary will provide bicultural, bilingual (Cantonese) patient services. Patient consultants will be trained to work in tandem with traditional Asian medicine. Under the leadership of Dr. Floyd Huen, every effort will be made to partner with the community of health care providers on Noriega Street where there is an existing "Medical Mile" of doctors, optometrists, herb shops and acupuncturists, most within 1-2 blocks of the proposed site. (See map in Exhibit E)

Today there is no dispensary in the Bay Area that adequately serves the needs of monolingual Chinese speaking patients. The proposed MCD plans to fill that void. The owners hope this dispensary will serve as a model to other operators seeking to offer access to underserved communities. If approved, we believe this project will be the first dispensary owned by Chinese Americans in the City (and perhaps in the Bay Area), bringing an important marker of diversity to an industry that has been criticized for a lack of diversity.

Dr. Huen's role will include ensuring staff training meets a high medical standard; that patients receive high-quality consultations; and that this new MCD will be performing community outreach to diverse Sunset communities whether MCD members or not. Dr. Huen will not be seeing patients at this facility or issuing recommendations for medical marijuana at this or any other Apothecarium dispensary.

## **3. The Location Will Not Be a Detriment To the Neighborhood.**

- A. In six years in the Castro, there have been no complaints from merchants or residential neighbors or parents of children living or being schooled nearby, including children living above the Castro MCD.
- B. There have been no police incidents related to the presence of the Apothecarium since it opened in 2011. The new Lombard St. location is not yet in operation.
- C. In its 2014 MCD Report to your Commission, your Department's research indicated that crime may actually go down in areas surrounding MCD's: "Based on the information available to the Department, it does not appear that MCD's have a negative impact on crime or community safety, and they may actually improve safety in certain neighborhoods as they provide additional eyes on the street." (Exhibit F)
- D. The proposed site has the following features (a) no smoking; (b) no substance abuse services; (c) no alcohol for sale; or (d) no food preparation or consumption (e) no growing of

the product.

- E. Neighborhood compatibility is further assured due to the following: (1) the more than 15 requirements of the DPH's MCD Regulations that must be followed. (2) The more than 12 restrictions found in the Planning Code that must be followed.

#### **4. The Site Has Been Carefully Chosen With City-Wide MCD Dispersion In Mind**

The location is eligible for an MCD location due to distance from all uses deemed sensitive by the law. Contrary to statements of opponents, distance from a child-care facility is not a factor as this use is not listed as a sensitive use such as schools. (Exhibit Y)

In addition to being a certain distance from such sensitive uses, the Apothecarium was drawn to this site for several other reasons:

- A. The Apothecarium has more than 3,900 existing member-patients who live in Sunset District zip codes 94122 and 94116 (See attached zip code map at Exhibit K), and this makes this proposal neighborhood serving.
- B. There are no MCDs in the Sunset or anywhere in the City west of 14th Avenue (see Exhibit L), a fact that is contrary to the City's policy of dispersion of this use. See Statement from Planning staff report named "Evaluating Code's Medical Cannabis Dispensaries Locational Requirements. Case No. 2013.1255u. at Exhibit M. The closest MCD (on Geary Blvd near 12th Ave) is a three-mile trip through streets from the proposed site, requiring two bus trips in each direction. That is not adequate for the 3,900 existing Apothecarium patients who live in the Sunset (many with serious medical issues). Presumably there are also many additional cannabis cardholders who are members of dispensaries other than The Apothecarium who live in the above mentioned Sunset zip codes and would become Apothecarium Sunset members, and thus to reduce use of overcrowded Muni services and cars to cross town to Geary and 12<sup>th</sup> Ave.
- C. There is already an informal "Medical Mile" concentration of health and wellness services nearby on Noriega Street, giving The Apothecarium an opportunity to establish some informal business synchronicities, as they have done with a number of such businesses in the Castro. The nearby existing health services exist 1-2 blocks away and include physicians' offices, dentists, acupuncturists, optometrists and practitioners of Traditional Chinese Medicine. This will allow The Apothecarium to "leverage" its services to the benefit of their shared clients. A map of more than a dozen nearby Noriega St. health and wellness stores and services nearby (listing their names) is attached as Exhibit E.
- D. Apothecarium Sunset co-owners Dr. Floyd Huen and recent Oakland Mayor Jean Quan have longstanding family ties to the Sunset and thus a deep commitment to the success of the neighborhood.
- E. Sunset voters approved Proposition 215 (legalizing medical marijuana) with 66 percent support (13,992 votes, per the City's Department of Elections) -- suggesting widespread

support for medical marijuana in the immediate community. This past November, Sunset voters approved increasing access to marijuana sales by supporting Proposition 64 with 58 percent support (compared to just 37 percent opposed). That's 20,014 Sunset voters who supported greater access to marijuana sales just last November.

- F. The site is located at the nexus of significant public transit routes, including MUNI bus lines that run on Noriega Street (7, 7X) and on those that run on nearby Quintara Street (48, 66) and Sunset Blvd (29). Muni Metro Lines N and L are also within walking distance. Driving to the site and double parking will be discouraged in the Member Code of Conduct that all new members will be required to sign. Employees' Fast Passes will be subsidized.

Given the extremely limited number of "Green Zone" parcels in the City's West side there are very few alternative sites that could serve Sunset patients. (See Exhibit N, for a discussion of the owners' difficult search for the right site in the underserved western areas of the City).

## 5. False Fears About Children & The Pacific Justice Institute (PJI)

Some of our opponents incite false fears that a dispensary will cause harm to children. These false fears do not reflect San Francisco's 25+ years of experience with dispensaries. The Apothecarium has excellent relationships with child-serving businesses near their Market Street location -- and even a Lutheran Church, hosting programs for children, located a block away from the Castro dispensary. See Exhibit A for a statement of support from that Church; Exhibit B for a statement from a Martial Arts Studio only a few hundred feet away that also serves children.

Unfortunately, these false fears have been amplified -- and in some cases created -- by the Pacific Justice Institute. PJI is a Sacramento-based organization that has been labeled an anti-LGBT hate group by the Southern Poverty Law Center. For years PJI has spread the falsehood that LGBT people are a danger to children; now they are turning the same argument against cannabis patients and dispensaries, with a particular effort to spread these falsehoods among the Asian Pacific American community. In response to these falsehoods, several Asian Pacific American elected officials wrote a letter denouncing PJI (See Exhibit U), including California State Controller Betty Yee (who grew up in the Sunset) and Board of Equalization Member Fiona Ma (who previously represented the Sunset on the SF Board of Supervisors). The City's two primary LGBTQ political groups – The Alice B. Toklas and Harvey Milk Democratic Clubs -- issued a rare joint proclamation criticizing PJI in very strong terms (Exhibit U).

In March, PJI and its allies shouted down co-owner Dr. Floyd Huen at a Sunset-Parkside community meeting -- preventing him from even speaking to the group that had invited him. Many of these protesters were brought in from outside the district. Another neighborhood meeting was recently scheduled at a nearby Public Library, but the Library then cancelled the meeting for fear of further disruption from PJI and its allies.

At a recent press conference (and in correspondence with the Planning Department), PJI and its allies have spread falsehoods (such as death by marijuana overdose -- See Exhibit U, which is medically impossible). These parties even suggested The Apothecarium might bring gun violence to the Sunset, despite all evidence to the contrary. Their lies and fear mongering have prevented a reasonable public discussion of the issues relevant to Planning Commission approval.

Here we address other false claims:

- A. Danger to Children. San Francisco's first legal dispensaries opened in the early 1990's. After more than 25 years of experience with children and dispensaries, we are unaware of any serious issues related to children and dispensaries here in our city. See Exhibit P for examples of child-serving businesses coexisting in close proximity to MCD's, including the Academy of Ballet children's ballet school, and the martial arts studio 688 feet away from the Market St. Apothecarium, a business that serves children and whose owner has written a letter of support. The Apothecarium Market Street lies within an apartment building whose dwellings are inhabited by parents and their children, and no parent has ever reported any problem.
- B. Teen Use. Research from Colorado suggests that marijuana use by teens has stayed flat or gone down since legalization of marijuana in that state. See Exhibit V.
- C. Traffic Deaths. After analyzing 1.2 million traffic fatalities nationwide from 1985 through 2014" (the American Journal of Public Health). Researchers reported that: "Deaths dropped 11 percent on average in states that legalized medical marijuana." See Exhibit V. Studies suggesting otherwise have been discredited or use cherry-picked data.

## **6. False Claims Made by Ark of Hope Preschool (located within nearby Lutheran Church of The Holy Spirit)**

- A. Claim that an MCD may not be so close to a preschool: There is no law that prevents an MCD from being located close to a preschool or a church that offers programs to children. City Law on that subject is discussed at Exhibit Y. Nor is there any practical reason to keep them at a distance. Opponents the Ark of Hope Preschool and the Lutheran Church of the Holy Spirit are located immediately next door to a liquor store ("Pints & Quarts"), as well as across the street from a grocery store that also sells medications along with alcohol (Safeway), see Exhibit O, and they are situated near many other sources of alcohol and tobacco. Liquor stores are frequently associated with quality-of-life issues and crime. Dispensaries are not. Pints & Quarts and Safeway both allow children inside and sell products that are potentially lethal. Neither is true of The Apothecarium. There is also a massage parlor -- widely reputed to be a house of prostitution – near to The Ark of Hope and the Church.

Church leaders and the Ark of Hope owners have chosen to operate near these sources of alcohol and tobacco. They and parents of the children attending these organizations clearly feel comfortable bringing their children to a location in the immediate vicinity of these sources of alcohol. There is nothing in The Apothecarium's exemplary record to suggest their operations would create even the slightest problem for the Church, Ark of Hope or their patrons.

- B. Claim that Delivery of Medical Cannabis is Sufficient for Neighborhood Residents. We believe delivery alone is insufficient for many reasons:
  - I. Clients of the Apothecarium often come in during a very difficult and traumatic period in their life. Many have just received a diagnosis, begun chemotherapy, or are dealing with

the effects of other serious maladies. In-person attention at these times is of the utmost importance - especially to those with limited English.

- II. Telephone and app-based delivery services do not meet the needs of elderly patients and/or those who do not speak English -- a common population in the Sunset.
- III. The breadth of medicine that this MCD offers is extremely wide as evidenced by a patient menu with approximately 400 items for sale. Without professional help, patients will likely choose ineffective options and potentially engage in unpleasant (although not dangerous) overdosing. Patients need ongoing help in selecting medication and determining dosage. This MCD's professional patient consultants help people through the maze of options to find the right medicine for that particular person. Cannabis is not a single drug, but rather a class of drugs. Patients need ongoing assistance determining what they need and what dosage is appropriate -- counsel not available to them via delivery services.
- IV. People living in certain communal housing situations may not be able to utilize a delivery service without compromising their privacy.
- V. The city does not require residents to rely on delivery for other prescription medications, given the complex interaction of drugs and people's bodies, and it should be no different with MCD's.

## 7. The Sponsors Have a Track Record of Successful MCD Operations

During six years of operations, The Apothecarium has received acclaim from neighbors, community leaders and elected officials:

- A. There has never been a police incident at the Castro dispensary.
- B. The SF Planning Department, in its Planning Commission Report dated March 20, 2014 praised The Apothecarium for its "community centered approach" and for showing how a dispensary "can successfully blend into the community."
- C. We provide you some letters of support from several community leaders (Exhibit Q) who have come to know the Apothecarium well over the past six years:
  - I. Daniel Bergerac, President, Castro Merchants Association.

***"Everyone in the neighborhood loves The Apothecarium: their security improves safety; their foot traffic increases business; their philanthropy helps our community; and their upscale space sets a high standard. We've had no trouble from them — in truth, we need more businesses like The Apothecarium."***

- II. David Troup, Past President, Duboce Triangle Neighborhood Association whose letter of support to your Commission states (in part):

*“...in the case of The Apothecarium, everything they promised to do for the neighborhood actually came to pass. Ryan Hudson, Michael Thomsen and their management team are very ethical people, and they live up to the commitments they make. They told us how their business would operate; how they would benefit our neighborhood and then they made it all happen. They operate a clean, quiet, honest business that has improved the neighborhood significantly. If that weren’t enough, they have also donated \$300,000 -- and counting -- to community nonprofit groups.”*

III. Bevan Dufty, Former San Francisco Supervisor.

**8. Outreach to the Community Has Been Quite Extensive.**

Bilingual outreach began in earnest in October of 2016 and has included the efforts listed in Exhibit R attached. Highlights include:

- Dr. Huen and/or Mayor Quan’s personal visits to each business and residence within a 300 foot radius of the site; they or volunteers have knocked on every door within a 1,000 foot radius of the site
- Dozens of hours of in-person outreach to passersby outside the project site
- Door-to-door outreach to medical providers in the Noriega area

We are proud to have the support of the following community leaders:

- Eric Mar, Former SF Supervisor
- Bevan Dufty, Former SF Supervisor
- Tom Temprano, City College of San Francisco Trustee (met to discuss CCSF’s plans for cannabis education programs)
- Rafael Mandelman, City College of San Francisco Trustee
- Susan Pfeifer, founder of Outer Sunset Parkside Residents Association (OSPRA does not take positions; Susan is an individual supporter)
- Lori Jones, Licensed acupuncturist (met to plan for upcoming continuing education programs related to medical marijuana and acupuncture, for local acupuncturists)
- Ophelia Chong, Founder of Asian Americans for Cannabis Education
- Jamie Goodman, Acupuncturist and leader of Cannabis for Acupuncturists and TCM practitioners
- Alex Feng, founder of Taoist Center, licensed acupuncturist and Traditional Chinese Medicine physician
- David Hua, CEO, Meadow

We also attach positive comments and some of our response to concerns of community members posting on nextdoor.com (an online community bulletin board) -- along with other letters of support. (Exhibit S)

**9. The City’s Current Policy is to Encourage Geographical Dispersion of MCD’s.**

Starting at the end of 2013, the Board of Supervisors responded to citizens’ complaints that new MCD’s were beginning to cluster together in certain neighborhoods such as the Mission and in SOMA. The Board considered legislation to change that, but instead decided to ask the Planning Department to consider whether this was the case and if so, why that was occurring.

Rich Hillis, Commission President  
June 29, 2017

At a Commission Hearing on March 20, 2014, Staff delivered a Report named "Evaluating the Planning Code's Medical Cannabis Dispensaries Locational Requirements. Case No. 2013.1255U."

That Report concluded that the City's Medical Cannabis Act would need amendment if the City is to address MCD concentration. However, there does not seem to be the political will to do so.

## CONCLUSION

An amendment to the MCD legislation to increase the number of green zones would not be necessary if decisionmakers such as yourselves see through some of the rhetoric, and give weight to City-wide dispersion policies and to the needs of 3900 Apothecarium patients currently living in the Sunset who travel across the City to reach a dispensary. Given the number of existing member-patients in the two Sunset zip codes and given the Sunset area programs of the MCD that will be open to non-MCD members, the Commission can easily find that the proposed use is a neighborhood serving one. Helping reduce use of private vehicles and crowded buses to access city-wide dispensaries means the Commission can easily find environmental sustainability reasons for approving the proposed Noriega Street dispensary (the closest MCD to 2505 Noriega is a three-mile journey through city streets).

Ultimately, the best way to judge a person or business is their track record. Unlike many MCD's that come to you, this one has a long track record of successful operations in San Francisco, one that prominent members of the community and neighborhood associations have attested to. There have been no police complaints in six years of operation. We respectfully request your approval.

Very truly yours,

  
Brett Gladstone

Attachments

cc: Jean Quan  
Dr. Floyd Huen  
Ryan Hudson  
Michael Thomsen  
Andrew Perry, Planner

## **Index of Exhibits - Apothecarium at 2505 Noriega St.**

- A. St. Francis Letter
- B. Maru Dojo Letter
- C. Rendering of Exterior of Proposed Project
- D. Photos of The Apothecarium Castro
- E. Maps: Noriega “Medical Mile” & Commercial Zoning Map
- F. 2014 Planning Department Commission Report on MCDs
- G. Findings for Medical Cannabis Dispensaries in Sunset Neighborhood Commercial Districts
- H. Transportation and Parking Study Quotes
- I. Transportation and Demand Management Measures
- J. Number One Designed Dispensary -- *Architectural Digest*
- K. Zip Code Map
- L. Map of Existing Westside Medical Cannabis Dispensaries
- M. Planning Staff Report “Evaluating Code’s Medical Cannabis Dispensaries Locational Requirements”
- N. Ryan Hudson’s Statement on Real Estate Search
- O. Photo of Lutheran Church next-door to “Pints & Quarts” Liquor Store
- P. Proximity of Dispensaries to Child-Serving Businesses
- Q. Neighbors Who Know Us: Castro Letters of Support
- R. Community Outreach Efforts
- S. Support Letters and Nextdoor.com Comments
- T. Proclamation from SF Board of Supervisors: “Apothecarium Day”
- U. About The Pacific Justice Institute
- V. Marijuana Safety Research
- W. Floor Plan of Proposed Project
- X. Detailed Security Plan
- Y. Understanding Whether the Planning Code Prohibits an MCD Within 1,000 FEET of a Child Care Center

# Exhibit A



## St. Francis Lutheran Church

A Reconciling in Christ Congregation,  
where all are welcome.



Evangelical Lutheran Church in America  
God's work. Our hands.

June 10, 2016

Dear San Francisco Board of Appeals,

I write to share my church's experience as a neighbor of The Apothecarium. St. Francis Lutheran Church is about 500 feet away, more-or-less across the street.

We have never received a complaint from a congregant about The Apothecarium or their patients.

St. Francis is a meeting place for a variety of 12-step programs for people recovering from drug and alcohol abuse. Alateen, a group that helps young people deal with addiction in their family, also meet at St. Francis. These are vulnerable, at-risk populations. We have never heard of any issue with The Apothecarium. None of these groups has moved away due to the presence of the dispensary -- or even expressed a concern.

Patients of The Apothecarium are not simply our close neighbors. The Apothecarium's various patient support groups meet inside our church during the week. They are in and out of our church building. We have never had any problem with The Apothecarium's patients being on the property, crossing paths with our congregants or the attendees at the other support groups.

St. Francis Lutheran Church is located on a block that has a lot of pedestrian traffic, including people walking between MUNI lines or walking to and from neighborhoods north and south of the church. Our block also has a number of small businesses. St. Francis has never been contacted by any individual or business on this block with concerns about Apothecarium's patients coming to or meeting at the church. I am hard pressed to think of a single negative impact from The Apothecarium -- or another neighbor that has had a more positive impact.

Sincerely,

Dave Walda

Senior Parish Administrator

# **Exhibit B**

13 June 2016

To Whom It May Concern,

I am the owner of Maru Dojo -- a martial arts studio for children and adults located 390 feet away from The Apothecarium.

I have never had any trouble from The Apothecarium or their patients.

None of my students or their parents has every complained to me about anything to do with The Apothecarium.

I know The Apothecarium simply as a quiet neighbor down the street.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Feliciano".

Ray Feliciano  
Owner, Maru Dojo  
736 14th Street, San Francisco, CA 94114

# Exhibit C

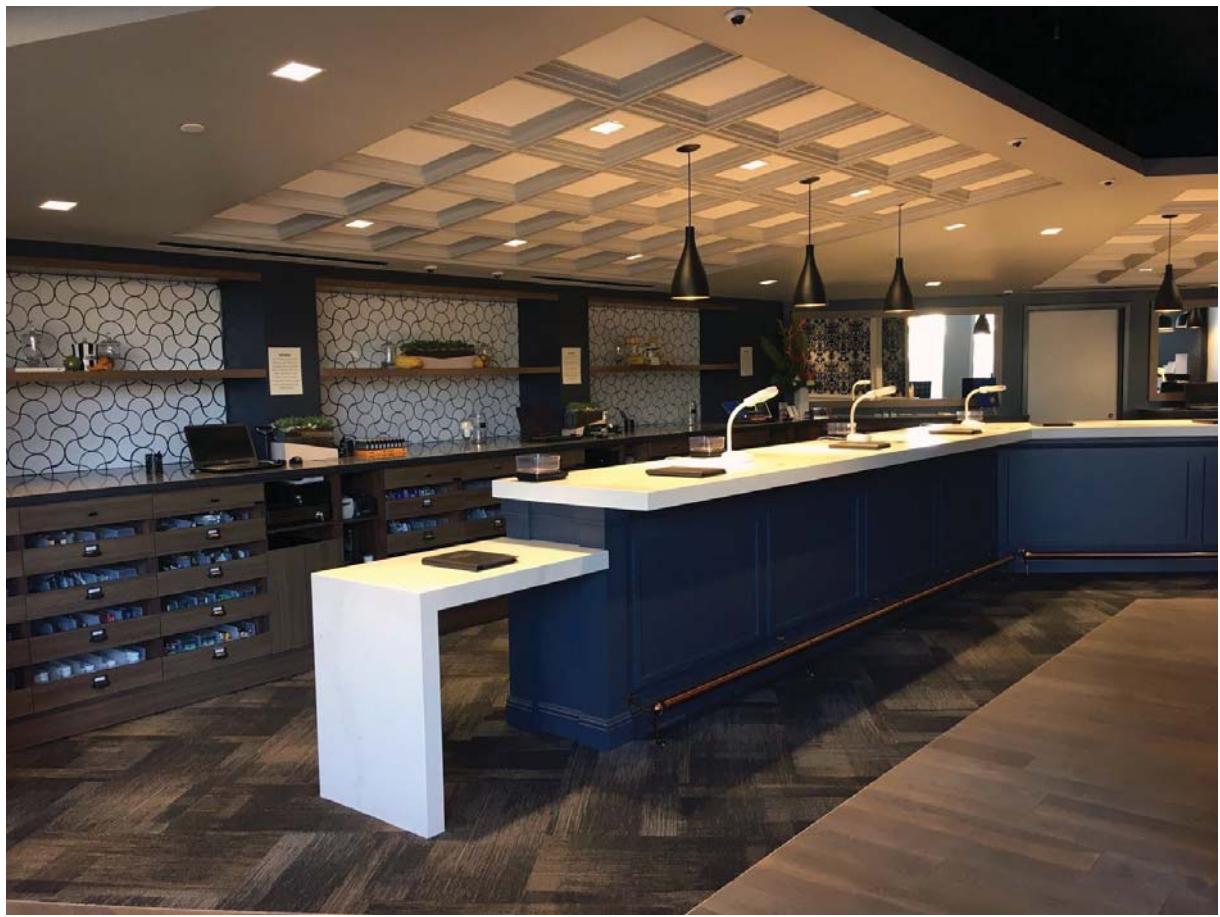


Proposed Exterior of The Apothecarium at 2505 Noriega.

# **Exhibit D**



Exterior of The Apothecarium at 2029 Market St.



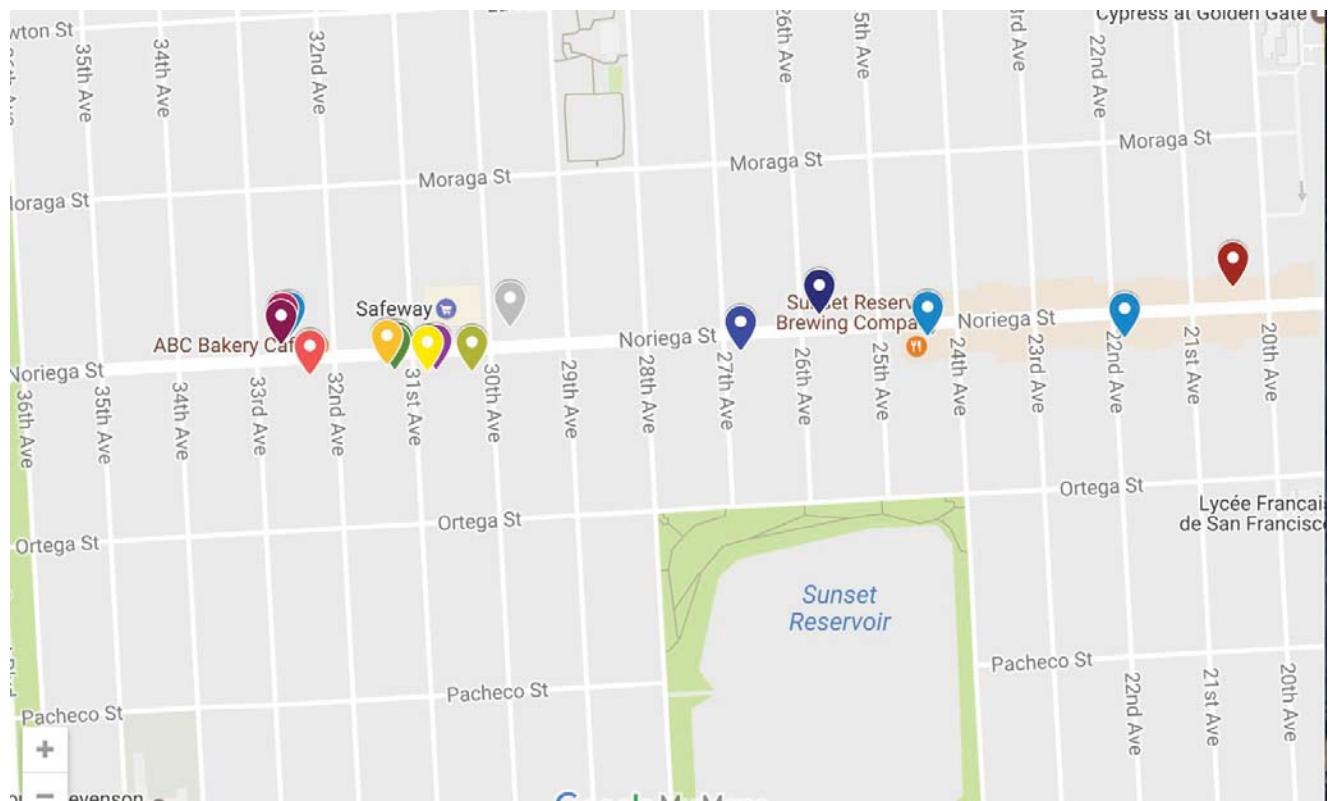
Interior of The Apothecarium at 2029 Market St.



Interior of The Apothecarium at 2029 Market St.

# **Exhibit E**

## Noriega Street “Medical Mile”



## Names of markers

-  Zoe Zhi Qing Zhang, Lac
  -  Dr. Deng's Clinic
  -  Hong Kun Chinese Herb
  -  Dental Health of San Francisco
  -  Jt Dental: Tin Harry DDS
  -  Dr. Julieta J. Carlos, DMD
  -  Sunset Health Services
  -  Family Vision Care: Simsarian Richard Z OD
  -  Golden Gate Pharmacy
  -  Noriega Acupuncture CentER
  -  Facial Plus-Noriega
  -  Nutrilite supplements & Artistry skin care
  -  Gallagher William L DDS
  -  Sunset Premier Dental Group
  -  Hong Stanley DDS
  -  Jeong Sandra H OD
  -  Lee Salena OD
  -  Judah Street Clinic



Sunset Commercial Zoning Map

# **Exhibit F**



# SAN FRANCISCO PLANNING DEPARTMENT

## Draft Planning Commission Report

HEARING DATE: MARCH 20, 2014

*Report Name:* Evaluating the Planning Code's Medical Cannabis Dispensaries Locational Requirements

*Case No.:* 2013.1255U

*Initiated by:* Supervisor John Avalos [Board File 130734]

*Staff Contact:* Aaron Starr, Legislative Planner  
(415) 558-6362 [aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)

*Reviewed by:* AnMarie Rodgers, Manager, Legislative Affairs  
AnMarie.Rodgers@sfgov.org

*Recommendation:* Adopt Report and Forward to the Board of Supervisors

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### STATEMENT OF PURPOSE

This report was prepared in response to an Ordinance (BF 130734), introduced by Supervisor Avalos on July 16, 2013 and passed into law on November 27, 2013, which directs the Planning Commission to prepare and submit a report to the Board of Supervisors evaluating the provisions of the Planning Code related to the location of medical cannabis dispensaries (hereinafter MCDs). This is a draft report prepared for the Planning Commission which, if approved, will be transmitted to the Board of Supervisors.

This report will provide a summary of the medical cannabis<sup>1</sup> laws in San Francisco as well as at the state and at the federal level, it will summarize existing controls for MCDs, and recommend changes to existing regulations. It will also address the specific questions posed in the Ordinance, which include:

1. The extent to which MCDs are concentrated in particular communities within San Francisco;
2. The nature and extent of effects of the location requirements for MCDs on medical cannabis patients' access to medical cannabis;
3. The nature and extent of effects of the location requirements for MCDs on the public health, safety and welfare in the communities in which MCDs are located;
4. Whether increased community input into the approval process to establish an MCD would benefit the public health, safety and welfare, and, if so, what procedures would be most effective in increasing such community input;
5. Projected impacts on the public health, safety and welfare of expanding the areas in which MCDs can be located; and

<sup>1</sup> For consistency, the term cannabis is used instead of "marijuana" or "pot" throughout this report, except when referring to specific laws or titles.

6. Best operational practices that should be employed by MCDs to ensure the public health, safety and welfare, including but not limited to minimum levels of security measures, hours of operation, and location.

In preparing this report, the Department staff consulted with representatives of the medical cannabis community, including dispensary owners, advocates and patients; staff at the Department of Public Health (hereinafter, "DPH"), Police Department (hereinafter, "SFPD"), the San Francisco Unified School District (hereinafter SFUSD) and City Attorney's Office; and neighbors of MCDs. In addition to attending an Axis of Love working group meeting on December 15, 2013 where several MCD owners and members of the MCD community provided input on the content of this report (see Exhibit D), the following individuals were also consulted:

**City Staff.** Ryan Clausnitzer, *Department of Public Health, MCD Division*; Sgt. Ely Turner, *SFPD Permit Officer, Ingleside Station*; Vicky Wong, *Deputy City Attorney*; Captain Hector Sainez, *SFPD*; Chris Armentrout, *SFUSD*; Valley Brown, *former neighborhood advocate (current Board Aide)*;

**MCD Community.** David Owen, *MCD Advocate*; Stephanie Tucker, *MCD Advocate*; Kevin Reed, *Owner, The Green Cross*; Ryan Hudson, *Owner, The Apothecarium*; Patrick Goggin, *Attorney At Law, Mediator*; Shone Gochenaur, *Executive Director, Axis of Love SF*

**Neighbors.** Pat Tura, *Duboce Triangle Neighborhood Association*; Terry Bennett, *President, Merchants of Upper Market and Castro*; Joelle Kenealey, *President, Outer Mission Merchants and Residents Association*; Barbara Fugate, *Cayuga Improvement Association*; Linda D'Avirro, *Excelsior Neighborhood Association*; Laurie Heath, *Neighbor of an MCD*; Dan Weaver, *Executive Director, Ocean Avenue Association*

## BACKGROUND

### Medical Cannabis in California

**Proposition 215.** In 1996, California voters passed Proposition 215, known as the Compassionate Use Act, by a 56% majority making California the first state in the union to allow for the medical use of cannabis. In San Francisco, Proposition 215 passed by a 78% majority. Prop 215 established the right of seriously ill Californians<sup>2</sup> to obtain and use cannabis for medical purposes when recommended by a physician.

Prop 215 removed state-level criminal penalties on the use, possession and cultivation of cannabis by patients who possess a written or oral recommendation from their physician that he or she would benefit from medical cannabis. Patients diagnosed with any debilitating illness where the medical use of cannabis has been deemed appropriate and has been recommended by a physician are afforded legal protection under this act. The bill did not set limits on the amount of medical cannabis a patient could possess at any one time; it was silent on medical cannabis

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<sup>2</sup> Conditions typically covered by the law include, but are not limited to, arthritis; cachexia; cancer; chronic pain; HIV or AIDS; epilepsy; migraine; and multiple sclerosis.

address the issue of double parking, such as requiring certain monitoring conditions as part of the approval process, but the most effective way to address this issue is to have the City's parking and traffic laws more consistently and effectively enforced.

**Diversion.** While there are no hard statistics on the practice, diversion or reselling is a common complaint and has been witnessed by several community members. The issue arises when a patient buys medical cannabis and then resells it, often around the corner or even in front of the MCD, to a non-patient. Like the double parking issue, the planning and land use process is not the most effective way to deal with this issue. If reselling is witnessed by police there should be legal consequences, but short of catching resellers in the act the next most effect way to deal with the issue is for the MCD operators to have a strict no tolerance policy for this type of behavior and monitor the area around their stores to ensure that this doesn't happen. The Health Code does have rules that require MCD operators to monitor the front of their establishments for litter and cannabis smoking, but there isn't a specific provision in the Health Code that addresses reselling or diversion monitoring.

**Convenient Access.** Convenient access to MCDs is a benefit to a community's, health, safety and welfare. MCD patients that suffer from physically debilitating illnesses greatly benefit from convenient access because they can more easily access their medication. But even beyond that population, having convenient access benefits all MCD patients and the City overall. It allows patients to shop in their communities, saving time and reducing traffic. It also lessens the burden on City neighborhoods where MCDs are clustered. We wouldn't expect only a few neighborhoods to have essential services such as grocery stores or banks, and we shouldn't expect only a few neighborhoods in the City to have MCDs.

**Crime and Safety.** Based on the information available to the Department, it does not appear that MCDs have a negative impact on crime or community safety, and they may actually improve safety in certain neighborhoods because they provide additional eyes on the street. According to the report submitted to the Department by SFPD (see Exhibit C), the few issues reported to SFPD regarding MCDs have more to do with quality of life concerns, such as double parking, smell, and loitering, rather than crime and safety. This is also consistent with the types of complaints filed with DPH. There are also several related studies out of UCLA that deal with this issue. One study showed that there was "no correlation between increased violent and property crime and the density of MCDs."<sup>17</sup> And another study showed that MCDs located in Sacramento with robust security systems actually had lower crime rates within 250 feet than MCDs without those security systems<sup>18</sup>. Another study done by RAND Corporation showed that crime actually decreased around MCDs in Los Angeles; however, this study was later retracted

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<sup>17</sup> PubMed.Gov. "Exploring the ecological association between crime and medical marijuana dispensaries." <http://www.ncbi.nlm.nih.gov/pubmed/22630790>, July, 2012. Web January 21, 2014

<sup>18</sup> Hewitt, Allison. "Tracking how pot dispensaries affect crime." <http://newsroom.ucla.edu>, September 27, 2011. Web December 11, 2013.

**Staff.** It's important for MCDs to hire employees that are knowledgeable, professional and friendly. These three characteristics not only improve the patient experience, but they also help maintain good relationships with the adjacent community. Staff at MCDs should know their product so that patients are informed about their choices and they should have a good understanding of Health Code rules and regulation. In addition, security staff should also appear authoritative and professional, yet also friendly to non-patients and patients alike. Owners aren't always there, so it is essential that MCDs hire professional and friendly staff as ambassadors for their MCD to the community.



**Transparency.** As discussed above, two of the main complaints about MCDs are their exclusivity and "vibe". While this can sometimes be attributed to the neighborliness of the MCD employees, it can also be determined by design and how MCDs relate to the street. Many MCDs obscure their windows, but there are some that provide transparency into the store, which helps to better integrate the dispensary into the community. Two MCD in particular, Apothecarium and Barbary Coast, show how an MCD can successfully blend into the community by complying with the Codes existing transparency requirements. Both dispensaries have transparent windows and use half-opened blinds to provide some privacy<sup>27</sup>. The Apothecarium even has an open door staffed by security that further increases the connection to the neighborhood. While privacy concerns should be considered, hiding medical cannabis behind obscured windows only increases the feeling that MCDs are an illicit business.

**Compassionate Care.** Compassionate care is the idea of providing free or reduced cost medicine to patients in need. This service reinforces an MCD's role as a non-profit organization and of taking care of the sick. In 2008, the Board of Supervisors adopted a non-binding resolution urging MCDs to "institute compassionate care programs to relieve the suffering of qualified low and no (income) patients who are not able, due to income, to attain safe and legal access to medical quality cannabis as recommended by a

<sup>27</sup> Blinds and curtains are not prohibited by the Planning Code's transparency rules, but should remain at least partially open.

# **Exhibit G**

**Findings for Medical Cannabis Dispensaries in Sunset Neighborhood Commercial Districts:**

FURTHER RESOLVED,

That in order to grant a conditional use authorization [in the Noreiga Neighborhood Commercial Use District], the

Planning Commission must find that the facts presented establish that the proposed MCD satisfies both the criteria set forth in Planning Code, Section 303 and the additional criteria set forth below:

- (1) the MCD will bring measurable community benefits and enhancements to the NCO;
- (2) the MCD has prepared a parking and transportation management plan sufficient to address the anticipated impact of patients visiting the MCD; and
- (3) the MCD has demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the conditional use, including adequate security measures in its operation of the business, and designating a community liaison to deal effectively with current and future neighborhood concerns.

# Exhibit H

## Transportation and Parking Study -- Quotes

The numbered items below are excerpts from a Transportation and Parking Study prepared by one of the best known traffic and parking consultants in the City, Fehr and Peers. That group has been hired from time to time by the City of SF itself for transportation studies.

1. "The analysis further demonstrates that the estimated peak hour vehicle trip generation could be accommodated by the existing parking availability within 1,000 feet of the Proposed Project."
2. "On-street parking during the weekday evening period (5pm-8pm) is typically 77 percent occupied and, therefore, approximately 300 spaces are available within 1,000 feet of the Proposed Project. Parking occupancy in the vicinity of the Proposed Project is similar to other locations in the City. For context, the City's SFpark program has identified 60-80 percent as its target parking occupancy range. This target occupancy rate aims to ensure that on-street parking is readily available and accommodates as many customers as possible for adjacent businesses."
3. "The peak hour vehicle trip generation estimates [for the proposed project] presented in Table 6 are less than the average number of parking spaces available within 1,000 feet of the Proposed Project, which are presented in Table 2."
4. "The results of this analysis reveal that the estimated number of Proposed Project-generated trips would likely be less than the number expected to be generated by a retail or restaurant use in the same space. Retail and restaurant establishments are used as a comparison since they are two of the most common uses in the Noriega Street Neighborhood Commercial District, where the Project is located. The analysis further demonstrates that the estimated number of vehicle trips during the peak hour could be accommodated by the existing available parking supply within 1,000 feet of the Proposed Project."
5. "In addition, while the Proposed Project is not subject to the City of San Francisco's Transportation Demand Management Program, due to its small size and other factors, the Project Sponsor has voluntarily agreed to implement several Transportation Demand Management (TDM) measures to encourage travel by sustainable modes of transportation (e.g. walking, bicycling, and transit) and further reduce single occupancy vehicle (SOV) trips to the Proposed Project. If the Proposed Project were subject to SF Planning's TDM Program, the sum of these TDM measures – and including the fact that the Proposed Project would not provide parking – would result in 23 points according to the program's web-based tool. For comparison purposes, a retail use that is subject to SF Planning's TDM Program that provides 0-4 parking spaces would be required to attain 13 points."

# Exhibit I

# Transportation and Demand Management Measures

## ATTACHMENT B

### Proposed TDM Menu Items

While the Proposed Project is not subject to Section 169, the Project Sponsor has voluntarily agreed to implement the following TDM measures from the Standards for the Transportation Demand Management Program that would reduce SOV trips to and from the Project Site.

1. Provide a minimum of 1 on-site Class I and 6 Class II bicycle parking spaces to encourage bicycling by employees and visitors;
2. Provide bicycle maintenance tools and supplies within the store on a permanent basis and in good condition to encourage bicycling by employees and visitors;
3. Provide delivery services by bicycle, on foot, or in a vehicle that makes multiple stops, when possible, to reduce Vehicle Miles Traveled from single-stop motorized deliveries;
4. Provide 100% subsidized monthly transit passes to employees, as requested, to encourage employee transit use;
5. Produce tailored marketing and communication campaigns and distribute information via the Project Sponsor's website and/or member on-boarding forms to encourage visitor use via bicycle, on foot, or transit.

If the Proposed Project were subject to SF Planning's TDM Program, the sum of these TDM measures – and including the fact that the Proposed Project would not provide parking – would result in 23 points according to the program's web-based tool.

# Exhibit J



# AD

ARCHITECTURAL DIGEST

**ARCHITECTURE**

## 7 of the Best-Designed Marijuana Shops Across America

TEXT BY NICK MAFI  
Posted April 18, 2017



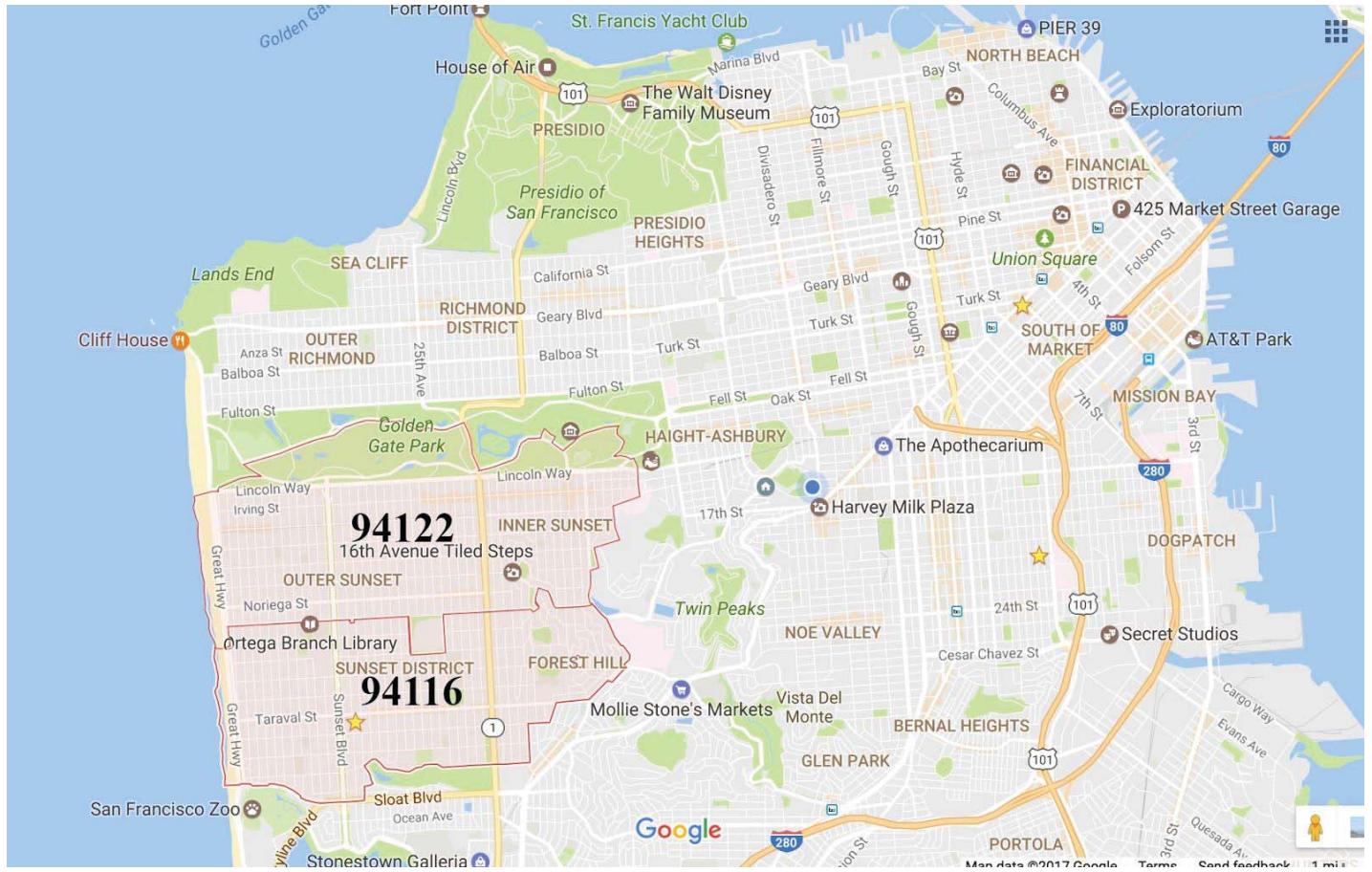
#1/7

### THE APOTHECARIUM

Located two miles southwest of San Francisco's financial district, The Apothecarium was designed by the California-based firm Urban Chalet along with architect, Vincent Gonzaga. "We wanted to ensure that the space was accessible and comfortable for anyone who might experience the space," says Michelle Granelli, principal at Urban Chalet. To that end, they blended modern and traditional tones throughout the space, allowing for easy flow around the store as well as maximum privacy, an element Granelli says is very important to consider when designing a marijuana dispensary.

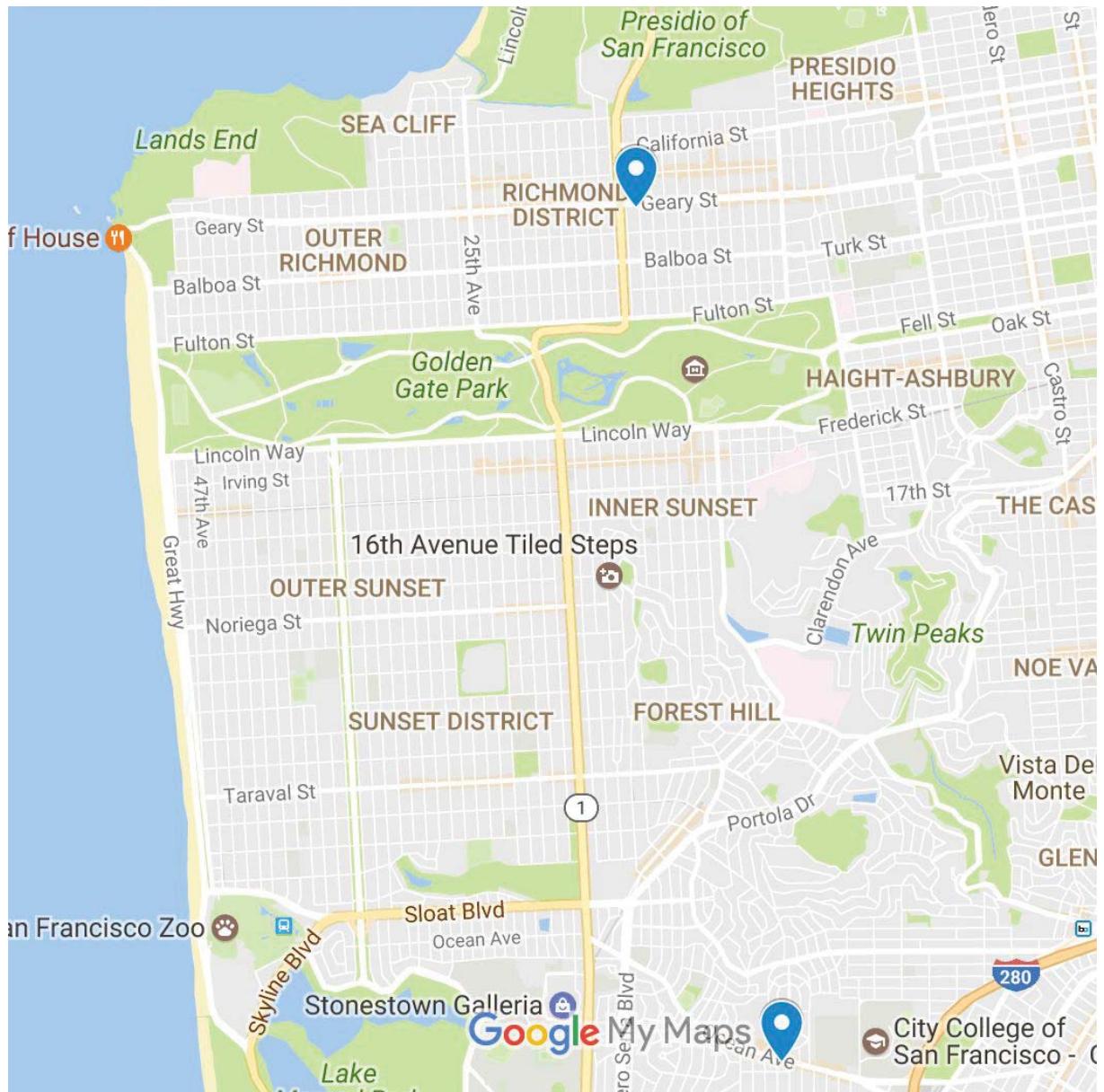
[apothecarium.com/](http://apothecarium.com/)

# Exhibit K



## Sunset Neighborhood Zip Codes 94122 and 94116

# Exhibit L



## Existing Westside Medical Cannabis Dispensaries

# **Exhibit M**

## **Evaluating the Planning Code's Medical Cannabis Dispensaries Locational Requirements**

Planning Commission Report – Hearing Date: March 20, 2014, excerpt p. 12-13

The largest area of the Green Zone is located in the downtown core, but there are parts of Green Zone in most areas of the City. As shown in Exhibit F, of the 29 permitted and operational MCDs in San Francisco, 21 or 72% are located in the north eastern part of the City (Divisadero to the west and Caesar Chávez to the south), and the majority of those, 17 of the 21 or 81%, are located South of Market Street. The north eastern part of the City has the greatest population density and contains the largest area of the green zone, so it isn't surprising that most of the MCDs would be located in these areas. However, that doesn't explain the complete lack of MCDs in other areas, which presumably have medical cannabis patients and contain portions of the Green Zone. Notably, there are no MCDs located in the Inner or Outer Sunset Districts, Outer Richmond, Park Side, West Portal, Haight Ashbury, Laurel Heights, the Marina, or North Beach; and there is only 1 MCD in the Outer Richmond.

Some of this could be inertia; MCDs, like other businesses, may gravitate towards one another to attract customers and provide choice. Some of it might be because MCDs want to open in areas with the least amount of neighborhood opposition; MCDs that are located downtown or in SOMA probably don't face as much neighborhood opposition as MCDs that try to locate within neighborhood commercial districts. Whatever the specific reason, it is hard to deny that MCDs are clustering in certain neighborhoods. This is at least partly because of the land use restrictions enacted in the 2005 MCA that limits the areas where they can locate, but because the Green Zone is dispersed throughout the City it can also be attributed to outside forces that discourage MCD in certain neighborhoods.

### **The nature and extent of effects of the location requirements for MCDs on medical cannabis patients' access to medical cannabis.**

Patients and patient advocates assert that the City's location requirements are having a significantly negative effect to their access. As mentioned above, there are numerous neighborhoods in the City that do not have any MCDs. This unequal distribution requires some patients to travel long distances to obtain their medicine and for patients who require a large amount of medicine and have to visit MCDs several times a week, this can be quite a burden. Based on a survey conducted by American's For Safe Access (See Exhibit E) 48.49% of SF Residents travel an average distance of three or more miles to their MCD of choice. Further, at least 56.8% of San Francisco respondents do not live within walking distance of an MCD and 61.74% of made a trip to an MCD every other day. Journeys to MCDs by public transit from underserved neighborhoods can take up to an hour each way, which is a long time for anyone but especially for patients that have illnesses or disabilities that impair their mobility.

Several MCDs offer delivery service, and three locations in the City only operate as delivery service. This is a great solution for some patients who don't live near an MCD or who can't leave home because of their illness. However, according to advocates, there are patients that cannot use delivery services or prefer to go to the MCD for a variety of reasons. Patients may not feel comfortable having medical cannabis delivered to their home; some MCD patients live in government assisted housing or SROs where anti-drug policies are strictly enforced. Some patients prefer to discuss their medication options with the person behind the counter; different strains of cannabis have different affects, and the person behind the counter has the expertise to help patients find the right strain of cannabis to address their particular needs. And finally, MCDs provide patients a way to socially interact with other patients helping to foster community, which also aids in improving health and wellness.

# Exhibit N

## Ryan Hudson's Statement on Real Estate Search

I searched for a little more than 2 years for a suitable location on the Westside of San Francisco to locate a dispensary. I did this nearly every week. In addition to monitoring craigslist, LoopNet and other listing services. The search entailed walking the "green zone" areas along the Noriega corridor. I was looking for real estate that was; for sale, for lease, housed a declining business or one that we thought may be amenable to being bought out of their lease. Due to the banking issues our industry suffers from, our search could not include ground floor retail in new construction or any property that had any note on it. The reason for that is that leasing to a dispensary would have resulted in the lender pulling the note on the building - a risk that very few property owners are willing to take. Further restricting the options to chose from we are required to be located only on the ground floor, with ADA compliant ingress, and between the size of 1,500-3,500 sq ft. Anything smaller would not allow enough administrative space to operate nor the ability to comport with ADA (we are held to the higher standard of a medical building by the Mayor's Office on Disability).

Additionally, we had a real estate agent, Drew Bulfer, searching inventory and monitoring listing services available only to agents. When a prospective location was found for lease, we would call the real estate agent to get the details on the property - invariably and unsurprisingly, the first thing out of the agent's mouth was "what is the intended use?". Once they heard it was an MCD they would say "We are not interested" in some fashion or another. About half the time the agent would mention that the owner had already received multiple calls from people who wanted to lease it for an MCD.

Our luck changed when I happened upon Gerry and Sally Davalos who had owned Ace Pharmacy at 2505 Noriega St until they retired. Gerry, Sally and I hit it off immediately. They loved the idea of their pharmacy being turned into a dispensary and said they had always thought they should sell medical cannabis at their pharmacy. Plenty of their patients used it already. Gerry reminded me, "Unlike marijuana, we sell all kinds of things that can kill you if you take too much of it." We worked with the Davalos' on a lease for about a month and we executed it in October of 2014.

# **Exhibit O**

# Nextdoor Neighbors:

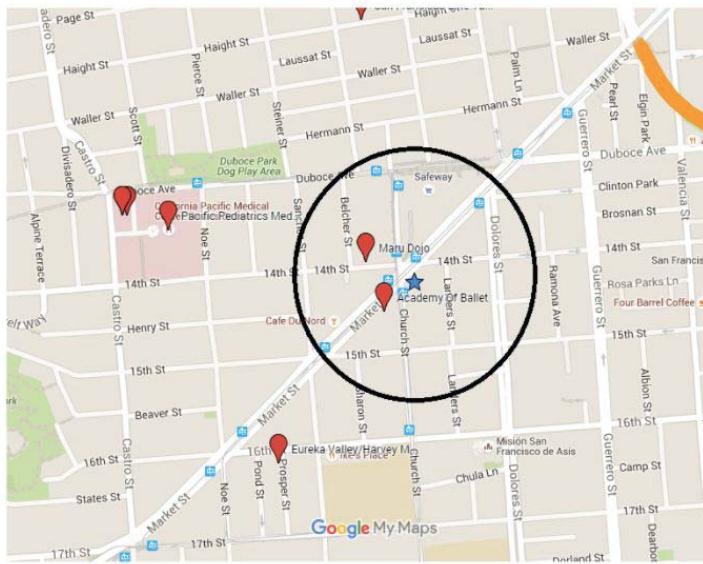
Liquor Store

Lutheran Church & Ark of Hope Daycare



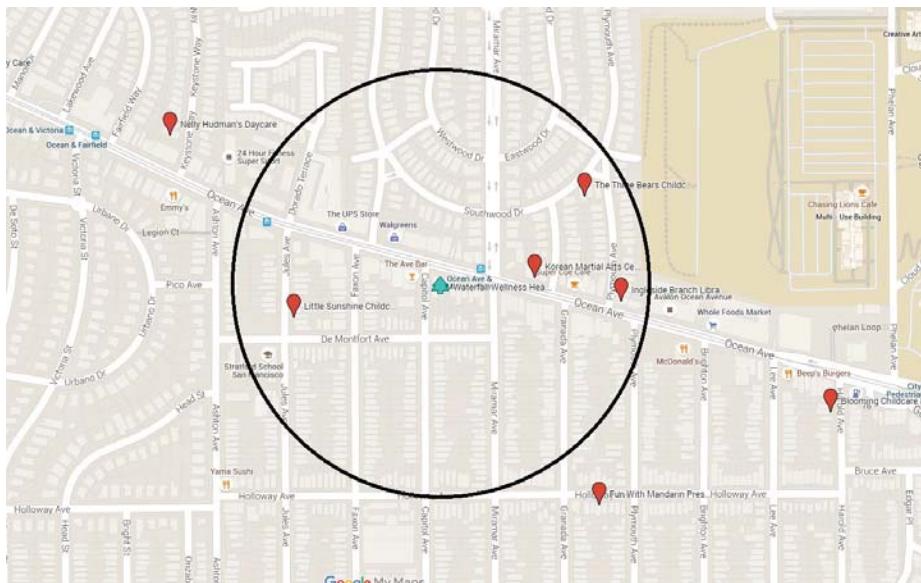
# **Exhibit P**

# Apothecarium Castro



- Academy of Ballet - 728 ft
- Maru Dojo - 665 ft

# Waterfall Wellness Health Center



- Korean Martial Arts Center - 408 ft
- Little Sunshine Childcare - 628 ft
- The Three Bears Childcare - 728 ft
- Ingleside Branch Library - 767 ft

## Tutoring Facilities

Bernal Heights Collective	Kumon Math and Reading	630 ft
Good Fellows Cannabis	San Francisco Elite Tutors	102 ft
Greenway	Tenderloin Neighborhood Dev...	900 ft

## Daycare Facilities

1944 Ocean Cooperative	Nelly Hudman's Daycare	161 ft
	Little Angels Day Care	899 ft
	Little Sunshine Childcare	1000 ft
Waterfall Wellness Health Center	Little Sunshine Childcare	628 ft
	The Three Bears Childcare	728 ft

## Driving Schools

Valencia Street Caregivers	Rivadavia Driving School	493 ft
	Guerrero Driving School	616 ft
Med Thrive Co-op	J.R. Driving School	337 ft
70 Second Street	Hearst Parking Center	921 ft

## Pediatric Facilities

Mission Herbal Care	David Tejeda, MD	530 ft
Cookies415	David Tejeda, MD	520 ft
Grass Roots	Melissa Congdon, MD	972 ft
2ONE2 California Street	Fernando Miranda, MD	594 ft

## Libraries

Waterfall Wellness Health Center	Ingleside Branch Library	767 ft
Shambhala Medical Cannabis Collective	Ourshelves	789 ft
Purple Star	Ourshelves	683 ft
Green Evaluations	Park Branch Library	701 ft
Compassionate Health Options	Prelinger Library	811 ft
SPARC	San Francisco Main Library	985 ft
70 Second Street	Mechanics' Institute Library	787 ft
Harvest Shop	Richmond Branch Library	900 ft

# Dance Studios

Valencia Street Caregivers	Mission Cultural Center	727 ft
Purple Star	Zumba with Adriana	466 ft
	Mission City Swing	570 ft
Shambhala Medical Cannabis Collective	Zumba with Adriana	959 ft
The Apothecarium	Academy of Ballet	728 ft
SF Foundation on Going Green	City Dance Studios	941 ft
Urban Pharm	Aerial Artique	546 ft
San Francisco Med Canna...	Aerial Artique	286 ft
SPARC	Aerial Artique	411 ft
Compassionate Health O...	Aerial Artique	704 ft
Greenway	Alonzo King...	853 ft
	Virginia Iglesias...	888 ft
Harvest Shop	Geary Dance Center	795 ft

# Exhibit Q

May 18, 2017

Rich Hillis  
President  
San Francisco Planning Commission  
1660 Mission Street  
San Francisco, CA 94103

Dear President Hillis and Commissioners:

I am writing to support the Apothecarium's application for Noriega and 32nd Avenue.

Apothecarium has been my long-time neighbor as I've lived in the Lower Haight for 10 years and its location is within 3-4 blocks of me.

Ryan Hudson has run a top-notch business that has been an asset to our community in every respect. People with medical needs should have safe access to medical cannabis. Apothecarium has been an anchor on a stretch of Market Street that can be challenging. Their facilities are always clean, well maintained and visually interesting.

Apothecarium has also supported a wide range of neighborhood and community nonprofits. I know they will do the same in the Sunset.

As the parent of a 10-year old, we walk by their beautiful Market Street location and I've talked with Sid about medical cannabis, pending legalization and that this is an example of the future of MCDs. This has never felt unsafe or dangerous.

I hope that unwarranted fear will not stand in the way of the values and leadership San Francisco has provided to make medical cannabis accessible to people of all backgrounds.

Sincerely,

BEVAN DUFY



## Duboce Triangle Neighborhood Association

PMB # 301, 2261 Market Street, San Francisco, CA 94114

(415) 295-1530 / [www.dtna.org](http://www.dtna.org)

October 6, 2015

Rodney Fong  
Commission President  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Fong and Commissioners:

More than four years ago, the owners of The Apothecarium approached the Duboce Triangle Neighborhood Association and asked for our support for the medical marijuana dispensary they hoped to open in the Castro. After careful consideration of their plans, we voted to give them our support. **We have never regretted it.** Indeed, in their four years operating in the Castro, The Apothecarium has become a true pillar of the community and one of the most respected and popular business in our neighborhood.

DTNA's board is often skeptical of the many businesses that come before us, seeking support. We hear lots of talk about plans for improving the neighborhood, making donations and operating to a high standard. Sadly, many of these claims turn out not to be true.

However, in the case of The Apothecarium, everything they promised to do for the neighborhood actually came to pass. Ryan Hudson, Michael Thomsen and their management team are very ethical people, and they live up to the commitments they make. They told us how their business would operate; how they would benefit our neighborhood and then they made it all happen. They operate a clean, quiet, honest business that has improved the neighborhood significantly. If that weren't enough, they have also donated \$300,000 -- and counting -- to community nonprofit groups.

I would recommend that any neighborhood in San Francisco welcome The Apothecarium. I cannot think of another business in our community that has been as generous with their time and money to the causes that matter to the neighborhood. My sense is that their generosity is not a tactic, but instead is a way to do tangible good in the communities they serve, an expression of gratitude for their success. Although we have not received a single complaint about The Apothecarium, I know that if something did come up, I could reach out to them and that they would listen and quickly address any issue.

One more thing: one of the reasons The Apothecarium is so popular in the Castro is that so many of their employees live in neighborhood. Many of their employees are LGBT -- so they truly represent the community they serve. Knowing how they operate, I am confident they would use similar employment practices in their new location to reflect the Marina community.

Best regards,

David Troup  
President, Duboce Triangle Neighborhood Association



584 Castro Street #333  
San Francisco CA 94114-2512

formerly "Merchants of Upper Market & Castro - MUMC"  
**415/431-2359**  
[Info@CastroMerchants.com](mailto:Info@CastroMerchants.com)  
[www.CastroMerchants.com](http://www.CastroMerchants.com)

April 21, 2015

By Email and USPS hardcopy

Sarah Vellve, Staff Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

Re: Case No. 2015-002683DRM, for 2414 Lombard Street, San Francisco  
Conditional Use Authorizations & etc. for Medical Cannabis Dispensary (MCD)

Dear Ms. Vellve,

**CASTRO MERCHANTS** hereby expresses its support for the proposed Medical Cannabis Dispensary (MCD) Application from our Member, The Apothecarium, proposed for 2414 Lombard Street, in San Francisco. The Apothecarium has operated a similar MCD in our service area, at 2095 Market Street for almost four years.

**CASTRO MERCHANTS** is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19<sup>th</sup> Street; and cross streets throughout that area. This area is one of the most historic and vibrant retail corridors in the City. Preserving that character and economic vibrancy (here and elsewhere in the City's neighborhood business areas) is an important goal of **CASTRO MERCHANTS**. **CASTRO MERCHANTS** has over 300 currently-paid Members. The Apothecarium's current MCD at 2095 Market Street is within our organization's primary service area, and we write this letter based on observations and experience with that location.

When The Apothecarium first applied for an MCD permit in our neighborhood, it prompted a spirited debate about the appropriateness of the business. Our community raised numerous issues and concerns during the process, all of which were addressed by the applicant. But the real proof has been in how the Apothecarium actually has operated since they moved into our neighborhood. They have been a model business, with a well-run MCD that has never had a police incident in its three years of operation. The storefront is beautifully designed, spotlessly clean and staffed at the front door during operating hours to prevent loitering, double-parking or other nuisances.

The Apothecarium has been a benefit to the surrounding neighborhood businesses. San Francisco's Planning Staff even referenced them as a dispensary that successfully blends into the community, in its 2014 Report to the Board of Supervisors.

..... *continued*

## CASTRO MERCHANTS

San Francisco Planning Department

April 21, 2015

Re: The Apothecarium; Case No. 2015-002683DRM, for 2414 Lombard Street, San Francisco

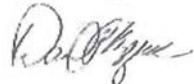
The Apothecarium also gives back generously to the community in which they operate. Their Philanthropic Advisory Board directs funds back into the community, making it a stronger place through their generosity. They have supported over 30 neighborhood groups in the area, including Canine Companions for Independence, Mutville Senior Dog Rescue, Lyon-Martin Health Services, Dolores Street Community Services, Maitri, SF AIDS Foundation, and Rooms that Rock 4 Chemo. They also provide a Veteran Support Group and Patient Wellness Program through their dispensary.

We urge your favorable consideration of The Apothecarium's current application. We believe that the Marina District community will be well served by having The Apothecarium join your retail family and neighborhoods. It is a model business that actually invests in the neighborhood where it operates with the goal of making it a better place for everyone to live.

In addition to today's email to you and to the individuals cc'd below, a hardcopy of this letter is being mailed to you today.

Please let us know if you have any questions regarding **CASTRO MERCHANTS' SUPPORT** for this Application. Please include this letter in the matter's permanent file with your Department, and assure that it is provided to all of your Department's Staff and Commissioners and to any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,



Daniel Bergerac, President

Email and hardcopy cc: Ryan Hudson, The Apothecarium

email cc: Supervisor Mark Farrell

Capt. Greg McEachern, SFPD Northern Station



## CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

The neighborhood association for the Castro, Upper Market and all of Eureka Valley since 1878

EVNA  
PO Box 14137  
San Francisco, CA  
94114  
[www.evna.org](http://www.evna.org)  
[Board@EVNA.org](mailto:Board@EVNA.org)

August 20, 2013

Re: Recommendation for Ryan Hudson and Michael Thomsen, proprietors of The Apothecarium, AKA RHMT, LLC.

To whom it concerns:

It is an honor for me, as President of Castro/Eureka Valley Neighborhood Association (EVNA) to write this letter of recommendation for Ryan Hudson and Michael Thomsen of RHMT, LLC.

EVNA is the oldest continuously operating Neighborhood Association in San Francisco established as Eureka Valley Promotion Association in 1878. For 135 years, our members have been working to make this neighborhood a great place to live, work and play. Today, we strive to preserve the unique character of our diverse neighborhood while maintaining a balance between prospering businesses and residential livability.

Over the past several years, EVNA has heard numerous presentations for proposed Medical Cannabis Dispensaries (MCD) in the Upper Market/Castro neighborhood. While EVNA did not, and does not have a blanket position on MCDs, prior to The Apothecarium we had opposed each proposed project primarily due to a lack of clear focus on business and community priorities, project plans that did not demonstrate an integration and improvement to the neighborhood esthetics and character, and a lack of a clear plan to alleviate nuisance and crime that an MCD might draw.

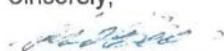
When we heard Ryan Hudson and Michael Thomsen's plans for The Apothecarium, the board of EVNA was thoroughly impressed with their presentation. They had developed a clear and thoughtful approach to operating the business in a way that would add value to our community, and alleviate potential crime and other neighborhood nuisances that one imagines being associated with an MCD. Their project design was of a high-caliber "Parisian Café" that not only added esthetically to a corner in need of it, but also provided the many HIV+ people in our community with a comfortable, stylish and safe place to secure medically necessary relief. In fact, crime and nuisance activities in the vicinity of the Apothecarium has actually decreased over the past 30 months since their opening.

Moreover, Ryan and Michael demonstrated a clear commitment to giving back to the community. While they did not have a plan in place, they immediately seized the opportunity to better understand how they could effectively create a community philanthropy program. The results have been most impressive! In just over 24 months, Michael and Ryan have lived up to their commitment contributing over \$140,000 to over 25 local charities. Their activities not only include writing a check, but they host neighborhood events, clothing drives and community activities to encourage us all to give back.

EVNA, and I personally, believe that the addition of The Apothecarium to the Castro/Upper Market neighborhood added significantly to its unique character and vibrancy. Furthermore, the owners, Ryan Hudson and Michael Thomsen have demonstrated time and again their commitment to our neighborhood, our residents, and those in need. Their commitment to community far outshines and even sets a standard for others business and community leaders to follow.

Should you have any questions, please feel free to call me at 415/244.5152 or email me at [Alan.Beach@EVNA.org](mailto:Alan.Beach@EVNA.org).

Sincerely,

  
Alan R. Beach-Nelson  
President



July 1, 2015

Sara Vellve  
SF Planning Department  
1650 Mission St., #400  
SF, CA. 94103-4279  
(415) 575-9197  
[sara.vellve@sfgov.org](mailto:sara.vellve@sfgov.org)

Dear Ms. Vellve,

As Executive Director of one of San Francisco's oldest community-based cancer and HIV nonprofits, the Shanti Project, I'm writing to offer my strong support of The Apothecarium's proposed medical marijuana dispensary at 2414 Lombard Street.

I'm proud to support The Apothecarium's commitment to community. As you may know, since opening in Duboce Triangle in 2011, The Apothecarium has:

- Donated \$250,000+ to community groups, including Shanti Project and other nonprofits, schools and community benefit districts
- Never had a single police incident
- And has received praise from Dan Bergerac, President of the Castro Merchants' Association, who said:

**"Everyone in the neighborhood loves the Apothecarium: their security improves safety; their foot traffic increases business; their philanthropy helps our community; and their upscale space sets a high standard. We've had no trouble from them — in truth, we need more businesses like the Apothecarium."**

I agree and I hope you will support The Apothecarium's new dispensary. Patients in San Francisco's Marina District deserve the opportunity to purchase their medicine in a safe, responsible dispensary run by a company with a strong track record of being a positive force in the community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kaushik Roy".

Kaushik Roy  
Executive Director  
The Shanti Project  
730 Polk Street, 3<sup>rd</sup> Floor, San Francisco, CA 94109  
[\(415\) 674-4722](mailto:kroy@shanti.org)

P.S. As someone who works at an agency that annually serves over 2,000 clients facing terminal and life-threatening illnesses, the topic of medicinal marijuana is very important to us, as we know how invaluable medicinal marijuana is to clients as they strive to maintain the highest quality of life possible.

# Exhibit R

# Community Outreach Efforts

The Apothecarium Sunset has made extensive community outreach efforts, led by former Oakland Mayor Jean Quan and her husband, Dr. Floyd Huen.

We are proud to have the support of the following community leaders:

- Eric Mar, Former SF Supervisor
- Bevan Dufty, Former SF Supervisor
- Tom Temprano, City College of San Francisco Trustee (met to discuss CCSF's plans for cannabis education programs)
- Rafael Mandleman, City College of San Francisco Trustee
- Susan Pfeifer, founder of Outer Sunset Parkside Residents Association (OSPRA does not take positions; Susan is an individual supporter)
- Lori Jones, Licensed acupuncturist (met to plan for upcoming continuing education programs related to medical marijuana and acupuncture, for local acupuncturists)
- Ophelia Chong, Founder Asian Americans for Cannabis Education
- Jamie Goodman, Acupuncturist and leader of Cannabis for Acupuncturists and TCM practitioners
- Alex Feng, founder Taoist Center, licensed acupuncturist and Traditional Chinese Medicine physician
- David Hua, CEO, Meadow

In addition, we held many informational meetings in the community, including:

- Kaiser Oncology Palliative Care Team at Kaiser SF
- Outer Sunset Parkside Residents Association (OSPRA)
- Chinese American Democratic Club
- Outer Sunset Merchant Professional Association
- Neighborhood Watch meeting, April 21. Meeting in the home of the leader of a neighborhood watch group within two blocks of 2505 Noriega St.
- Invited 75 health care professionals from Noriega Street's "Medical Mile" to attend a dinner in the Sunset
- Anni Chung, CEO, Self-Help for Elderly
- Ray Law, aide to Supervisor Katy Tang
- Walking the neighborhood to speak with neighbors and business owners
- Outreach to passersby at 2505 Noriega
- Professor Zou, Dean of Academy of Traditional Chinese Medicine
- Earth Day Beach Clean Up & Block Party (Noriega between 45th & 46th); spoke to 75+ residents
- Jaynry Mak, former Board of Supervisors aide
- Bill Lee, former City Administrator
- Francis Tsang, Aide to Mayor Ed Lee
- Lutheran Church of the Holy Spirit, Noriega Street

- Taraval Police Station, Officer Dan McLaughlin
- Leon Chow, Health Care Advocate
- Supervisor Sandra Lee Fewer
- Cindy Wu, Former SF Planning Commissioner
- Ted Fang, former Asian Week publisher
- Sue Lee, Chinese Historical Society
- Frances Fu and Nick Lau, young community leaders
- Distributed information on medical cannabis to 50+ acupuncturists at an October 2016 conference
- Door-to-door outreach to medical providers in the Noriega area
- Hosted three events where existing patients were invited to attend along with family, friends and neighbors to learn more about plans for The Apothecarium Sunset

We also gave tours of The Apothecarium Castro to:

- Supervisor Katy Tang
- California Assembly member Phil Ting
- California Controller Betty Yee
- Kaiser Oncology Palliative Care Team (discussed needs of Chinese-speaking patients)
- UCSF Pharmacy Residents Tour
- Ed Chow, President, SF Health Commission
- Mel Lee, The Avenue Assisted Living & Board of Trustee, Chinese Hospital
- Sunset Action Day Event for Existing Patients in the Sunset
- James Chang, Political activist; Degree in Political Economics & Chinese language
- Aneeka Chaundry, Aide to Mayor Ed Lee
- Jacalyn Mah, Sunset resident and former signer of opposition petition who changed to support after discussion
- “Cancer and Cannabis: The Non-Euphorics” -- patient education class, May 8, Ortega Branch Library, open to the public.
- Knocked on doors of all residences and businesses within 300' of property to answer questions, accompanied by a Cantonese and Mandarin interpreter.
- Bilingual displays in the windows of 2505
- Members of Neighborhood Watch group within two blocks of project site
- Tim Murphy, President La Playa Park Neighborhood Association

#### Bilingual Media Outreach

- San Francisco Chronicle interview with Dr. Huen about seniors and medical cannabis (front-page article)
- Sing Tao Daily (a Chinese language newspaper) ran an article similar to the one in the Chronicle.
- KTSF-26 (a Cantonese language TV station) invited Dr. Huen to appear on AnniChung's

public affairs program

- Sing Tao Daily ran a photo of Mayor Quan and Dr. Huen with a girl scout, selling Girl Scout Cookies outside The Apothecarium Castro
- Multiple additional interviews with Dr. Huen about The Apothecarium Sunset have run in English and Chinese language media outlets including: Sing Tao Daily, World Journal, SFGate, The SF Chronicle, SF Weekly, Bay City News, KTVU, KTSF, NBC3, SFSU Student newspaper and many others.

Other Groups We Have Invited to Meet / Tour (Offers Pending or Declined):

- Greater West Portal Neighborhood Assn.
- Wild Equity Institute
- Mid-Sunset Neighborhood Association
- SPEAK (Sunset-Parkside Education and Action Committee)
- Sherwin Williams Ocean Ave
- Saint Ignatius Neighborhood Association
- Housing Rights Committee of San Francisco
- Sunset Heights Association of Responsible People
- People of Parkside Sunset
- Sunset Youth Services
- Taraval Community Police Advisory Board

# **Exhibit S**

Dear Supervisor Tang and Mr. Perry,

I'm writing to voice my support for the Apothecarium's proposed medical cannabis dispensary at 2505 Noriega St. Just some quick personal background, so you know where I'm coming from. I'm a 25-year-old, Chinese American, Sunset District native and current resident. As a proud product of SFUSD (Jefferson Elementary, Hoover MS, and Lowell HS), I went on to study sociology and public health at UC Merced. I'm particularly interested in drug use and drug policy. Since obtaining my bachelor's degree in 2013, I've been working as a research assistant with the Center for Substance Abuse Studies at the Institute for Scientific Analysis here in the city. I work on several National Institute on Drug Abuse (NIDA)-funded studies, including a qualitative study of Baby Boomer marijuana users in the SF Bay Area. I've gained insights from interviews with over a hundred study participants, medical and recreational cannabis users in my own family, and my own life experiences, so I want to share some perspective on this complex issue.

Establishing a dispensary in the Sunset would be an asset to our community. With at least 20 dispensaries in other parts of the city, Sunset residents have very limited options for safe local access to their medicine. They are forced to travel across town, putting an extra burden on patients, especially those with limited mobility. Some rely on delivery services, but these often lack the personalized, face-to-face consultations that many patients need when searching for the right products. Other residents skip the dispensaries altogether and continue to get their cannabis from illicit sources. They face increased risks of getting a contaminated product, cheated, robbed, and arrested in an unregulated market. Californians and an increasingly majority of Americans have already voted in favor of legalizing cannabis for medical and recreational purposes. Activists around the world have fought long and hard for cannabis policy reforms because this plant is at the intersection of so many other issues: civil rights, social justice, environmental sustainability, public health and safety, just to name a few. Punitive drug control measures marginalize members of our community, while threatening the environment, public health and safety because prohibition sustains the underground economy. I think you're aware of the consequences and failures of the war on drugs. It's clear that taxation and regulation is a more humane, effective strategy at minimizing the risks and maximizing the benefits associated with cannabis cultivation, distribution, and use. We won't benefit from these policy reforms if we continue to ban legal businesses in our neighborhood. Dispensaries also offer services beyond cannabis products, such as referrals to substance abuse treatment programs and social services, social support groups, art and entertainment programs, educational programs, and they act as a host for community events. The Apothecarium's "CONNECT! Community Services" currently offers yoga classes, women's and veterans' support groups, a meditation group, and other self-help classes

through a partnership with a local church. The Apothecarium has already donated over \$250,000 to nonprofits and schools, contributing to development in other neighborhoods. Why should we miss out on these opportunities for building a healthier, thriving community? When there was conflict over a proposed dispensary on Taraval St., I went to City Hall to share my opinion and listen to my neighbors' testimonies. I understand the concerns of the opposition, but I support evidence-based arguments. I want to touch upon a few points of contention here, because I cannot respect the arguments based on fear, prejudice, and lack of knowledge.

Some perceive medical cannabis to be a hoax, and regard any drug use to be immoral. Others consider cannabis users to be dangerous criminals or unproductive members of society. If we want to develop into a more compassionate, inclusive society, we must overcome the prejudicial remnants of "Reefer Madness" propaganda and "Just Say No" rhetoric, cultural taboos, and the criminalization of otherwise law-abiding citizens. While the federal government continues to maintain that cannabis is as dangerous as heroin, accumulating evidence<sup>1</sup> supports something our ancestors have said for thousands of years: cannabis is a safe and effective treatment for a variety of medical conditions. An important emerging trend is the use of cannabis as a substitute for other drugs, particularly pharmaceuticals<sup>2</sup>, which has significant public health implications:

"Prescription drug overdose is now the leading cause of accidental death in the United States. Many of these overdoses are related to the increasing number of people taking opiate-based medications for pain related conditions. Marijuana has been shown as an effective treatment for pain, and has a better safety profile than opiates with less risk for dependence and no risk of fatal overdose. States that have passed medical marijuana laws have seen a decrease in opiate related mortality, and medical marijuana patients are claiming that the use of marijuana as a substitute for opiates is resulting in relief without the worries about dependence."<sup>3</sup>

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<sup>1</sup> The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research. (<http://nationalacademies.org/hmd/reports/2017/health-effects-of-cannabis-and-cannabinoids.aspx>)

<sup>2</sup> Lau, N., Sales, P., Averill, S., Murphy, F., Sato, S.-O., & Murphy, S. (2015). A safer alternative: Cannabis substitution as harm reduction. *Drug and Alcohol Review*, 34(6), 654–659.

Lucas, P., Walsh, Z., Crosby, K., Callaway, R., Belle-Isle, L., Kay, R., ... Holtzman, S. (2016). Substituting cannabis for prescription drugs, alcohol and other substances among medical cannabis patients: The impact of contextual factors. *Drug and Alcohol Review*, 35(3), 326–333.

<sup>3</sup> Marijuana and Opiates. (<http://www.drugpolicy.org/resource/marijuana-and-opiates>)

Unfortunately, many patients- especially elderly Chinese folks- don't understand or can't accept that...yet. When they begin to get it, the results can be life-changing. My 79-year-old grandmother's experience is a prime example (she's also a Sunset resident). She is prescribed opiates for chronic pain, but pharmaceuticals have had limited efficacy and negative side-effects such as constipation, loss of appetite, moodiness, and increased risk of developing an ulcer. My aunt, cousins, and I had to push my father, who oversees my grandma's healthcare, to advocate for medical cannabis with her doctor. The doctor finally suggested cannabis when all other options had been exhausted. My grandma recently started using it to replace her opiates, with positive results. Although my grandfather creates a hostile environment with his disapproving attitudes, I'm happy to see my grandma relieved of some suffering. I only wish we were able to quell misperceptions and convince them to try it sooner. Cannabis is improving my grandma's quality of life, but the reluctance and cultural divide were a serious hurdle.

One major issue in our medical cannabis system is the lack of integration with healthcare and service providers. Doctors can recommend cannabis for therapeutic use, but they lack the formal education required to discuss the specifics of treatment options. Patients are left to develop a regimen on their own. Dispensaries act as a bridge between these formal and informal sectors of healthcare to help patients determine which strains, doses, or routes of administration to choose. I came across a study which indicated that places with a higher number of dispensaries were associated with more marijuana-related hospitalizations.<sup>4</sup> This may be due to the fact that some people, particularly novice users, are unequipped with knowledge. Harm reduction information is especially important for the minimizing risks associated with using new and unfamiliar delivery systems, such as concentrates or edibles.<sup>5</sup> I anticipate that the study's findings could be used as a rationale for banning dispensaries altogether. However, it actually highlights the need for more education at the point of access. This is further complicated by language-barriers, an issue that the proposed dispensary seeks to address. They plan to hire bilingual staff, which will be monumental for increasing equal access to healthcare services in San Francisco. They also seek to collaborate with acupuncturists and herbalists to provide an integrative, holistic approach more in line with traditional Chinese medicine. The dispensary will serve as a vital resource, especially for Chinese-speaking patients. I believe the dispensary would

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<sup>4</sup> Mair, C., Freisthler, B., Ponicki, W.R., Gaidus, A. (2015). The impacts of marijuana dispensary and neighborhood ecology on marijuana abuse and dependence. *Drug and Alcohol Dependence*, 154, 111-116.

<sup>5</sup> Murphy, F., Sales, P., Murphy, S., Averill, S., Lau, N., & Sato, S.-O. (2015). Baby Boomers and Cannabis Delivery Systems. *Journal of Drug Issues*, 45(3), 293-313.

also have significant symbolic value, working to eliminate stigma and increase recognition of cannabis as medicine in our community.

There are concerns about increased crime and youth use, but these are speculative fears. For example, a study found no association between crime rates and the density of dispensaries, concluding that “measures dispensaries take to reduce crime (i.e., doormen, video cameras) may deter possible motivated offenders.”<sup>6</sup> Cannabis prohibition is supported in the name of protecting the youth, but teens actually find it easier to buy marijuana than beer because drug dealers don’t ask for ID. These illicit transactions are the real “gateway” to other drugs, when kids are seeking marijuana but are offered other substances. Dealers get free reign in areas without dispensaries. Dispensaries provide a legal option for adults to purchase their cannabis, which separates drug markets and drives out illicit competition. I know some are worried about being confronted with a public storefront, and perceive it to be encouraging use. It’s difficult for some parents to talk about cannabis and other drug use with their children, but this is a larger sociocultural issue and not a basis to ban a dispensary. A dispensary in our community could actually eliminate some barriers to harm reduction drug education, because it represents a realistic approach to drugs that youth can respect. It’s the “safety first” approach.<sup>7</sup> Regulating cannabis provides safer access, drives out illicit competition, and demonstrates to non-users that cannabis users are normal people too. They’re co-workers, church congregation members, neighbors, family, and so on. While motivations for cannabis use can range from recreational, to medical and spiritual (these aren’t mutually-exclusive categories), adults typically use it in a controlled, responsible manner.<sup>8</sup>

Dispensaries are key to the implementation of sensible drug control policies that prioritize public health and safety. Failure to uphold the right to establish a dispensary in my community will impede the progress of drug policy reforms, limit access to medical cannabis in District 4, deny the expressed desires of the majority of voters, and contradict the city and county’s directive to support policies to tax and regulate marijuana for adults.<sup>9</sup>

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<sup>6</sup> Kepple, N.J. & Freisthler, B. (2012). Exploring the ecological association between crime and medical marijuana dispensaries. *Journal of Studies on Alcohol and Drugs*, 73, 523-530.

<sup>7</sup> Safety First: A Reality-Based Approach to Teens and Drugs ([www.drugpolicy.org/sites/default/files/DPA\\_SafetyFirst\\_2014\\_0.pdf](http://www.drugpolicy.org/sites/default/files/DPA_SafetyFirst_2014_0.pdf))

<sup>8</sup> Lau, N., Sales, P., Averill, S., Murphy, F., Sato, S.-O., & Murphy, S. (2015). Responsible and controlled use: Older cannabis users and harm reduction. *International Journal of Drug Policy*, 26(8), 709–718.

<sup>9</sup> SEC. 12X.7. MARIJUANA POLICY REFORM: (a) It shall be the policy of the City and County of San Francisco to support policies to tax and regulate marijuana for adults.

Thank you for taking the time to consider my viewpoint. Please contact me with any questions. I would gladly speak more on this issue, as it hits very close to home.

Sincerely,

Nicholas Lau



San Francisco, CA 94122

Hello, my name is Michael Yen.

I am a Chinese-American resident of San Francisco and I write to state my strong support for a new Apothecarium dispensary in the Sunset district.

As a result of a work-related injury, I suffer from recurring and at times debilitating back pain. After trying many pharmaceutical pain medicines and also alternative treatments including acupuncture, I obtained a license and tried medical marijuana. A combination of that and Chinese herbal medicine finally alleviated my pain.

I was reluctant to share my story with friends due to the cultural prejudice against cannabis, especially in the Chinese community due to its conflation with opium. However, when one of my best friends had post-op pain due to a severe fall, I urged him to try it after he found no relief from the medicines prescribed to him. It was the only thing that worked for him.

I later learned that many people I knew were using medical marijuana without talking about it for fear of stigma. Even my very straight laced brother-in-law told me it was the only thing that worked for his chronic insomnia. But, the fact that even recreational marijuana is now legal in California has not removed the bias against medical marijuana.

As an employee and later the manager of a bookstore on Valencia street I observed that well managed dispensaries, especially the higher end ones like the Apothecarium, had a positive effect on businesses in their area.

I often shop on Noriega Street and I am certain the restaurants and shops in the neighborhood will benefit from a responsibly run dispensary that will bring new shoppers to the area. I am also sure that the folks at the Apothecarium will help enforce the no smoking in public clause of the law. Cannabis has a long history in Chinese medicine and it is unfortunate that some people in my community forget that and fixate on a "Reefer Madness" propaganda attitude against it.

I would attend the Planning Commission Hearing in person to state my case, but as the main caregiver to my elderly and disabled mother, I probably cannot. I therefore request that this letter be read at the Hearing in support of what I know will be a beneficial addition to the social fabric of the neighborhood.

Thank you for your attention.

Michael Yen

[REDACTED]

San Francisco, CA.



Ynez Carrasco &lt;ynez@apothecarium.com&gt;

## my support for Apothecarium

Cindy Lutz [REDACTED]

Sat, May 6, 2017 at 10:32 AM

To: [REDACTED] &lt;[REDACTED]&gt;

Cc: [REDACTED]

Dear Ms. Tang and Mr.Perry,

I would like to share with you why I support Apothecarium coming into my neighborhood. I think you will find that my story is not unusual, and could happen to anyone. I would like to preface that I do not use marijuana either medically or recreationally (but I would medically if a health issue arose).

Last July, doctors discovered cancer around my best friend's heart. O. had not been a smoker, a drinker or a marijuana user. He was straight laced to almost a fault. Since the cancer had progressed to fluid build up in the lungs and the prognosis was poor, O. and his support team of doctors, friends and family chose a path of quality over quantity. My boyfriend and I, having known him for thirteen years, became his main caregivers.

From July until October, managing the symptoms worked. He had to have fluid drained from his lungs a couple of times, and we took life a little slower. Hikes in Fairfax turned into walks up to Safeway on Noriega. We cooked with less salt. We watched more Netflix. We had that period of time where we thought maybe it wasn't real, that maybe we could manage it like a chronic condition. Magical thinking.

In October, my partner and I flew to Hawaii to visit our new granddaughter and O. enthusiastically went to spend the week with a mutual friend. When we returned, our friend warned us that O.'s cough had gotten pretty bad. We took him to urgent care the next day. The good doctors were able to temporarily clear up his lungs so he could breath for the time being. He was put on a strong medicines that would also help keep his lungs from filling with fluid, but not without some unpleasant (but manageable) side effects.

Through October and November, O. had mostly good days. We could no longer take our walks up to Safeway, so we would walk to the free library a block away on 35th. The cough was constantly present. There were occasional seizures as well. One of O.'s doctors added a Chinese medicine formula to the regime of his daily medicines, which I purchased each week at the shop just across the street from the proposed dispensary. His breathing was noticeably easier, and his jolly spirit came back. His pain remained manageable, but the slow suffocation we'd been warned about was clearly becoming apparent.

In December, my partner and I managed our work schedules the best that we could so that O. would not have to be alone for long periods of time, and others visited him as they were able. He still did not complain about pain, but the coughing fits were clearly stressful and the fluid draining was becoming a more frequent event. And all through this, O. remained the most cheerful and fun-loving guy you could ever meet. On Christmas Eve, we opened gifts together, O. doing his traditional clowning around of throwing wrapping paper around. On Christmas morning, he seemed too frail to join the family gathering which he'd attended the last twelve years, so my partner and O. had a quiet dinner together.

In January, the doctors said we should start considering our hospice plan. O., possibly because he didn't do the chemo route, had not lost his appetite or his sense of humor, so it was hard to fathom the reality of this. She suggested that we consider using a CBD in conjunction with his other medicines, because the anxiety he was having over the possibility of passing out during a coughing fit (it had happened a couple of times now), could actually make it even harder to breath. My partner has a medical card, so he began visiting Sparc (another reputable dispensary) and worked with a someone there to fine tune what would be best for O.

We anticipated the usual resistance from O., but after the first "homeopathic" small dose, he had almost no anxiety and wanted to take a walk outside. CBD strains contain almost no THC, which means there is no psychoactive effects on the patient. He would just take a small piece of a jelly-like candy, and in a half hour, he would take a big smiling sigh and ask for something to eat. For the next three weeks, he never increased his dose. He managed it like the other meds (still the Western, the Chinese, and now the CBD), he did quite well as far as living a relatively normal life. We took some small walks, and even one day he wanted to go to Ocean Beach. He didn't need a hospital bed. He struggled to breath, but the pain was minimal and the CBD tamed the anxiety of trying to catch his breath almost completely.

Late in January, he died. It was raining that night, but the day had been sunny and warm. O. and my boyfriend had chatted about life in the backyard. O. didn't need to go into hospice or spend weeks in a hospital. He was lucid and jolly until about a half hour before he passed, in fact he even wanted something to eat. He slipped into sleep while my partner

hugged him. He "snored" and then he passed away. If there is such a thing, it was a beautiful death.

When we think now about how O. chose a quality over quantity (little joys over more days), as caregivers, one of the best decisions was having the option of using the CBD. The other medicines managed the cancer's physical symptoms, and the CBD probably kept the pain away, but definitely kept him eating and kept him from becoming depressed and anxious. My partner was traveling across town between working and caregiving to pick up the medications. Having to leave a fragile person alone is very stressful. For anyone who has been a caregiver, the difference between leaving someone alone for more than an hour or being able to go down the block and be gone ten minutes is enormous. What an extra miracle it would have been to have a place like Apothecarium two blocks away during this time! Every neighborhood deserves a compassionate dispensary because these kinds of situations are very real in all families.

Most patients and caregivers who visit the new Apothecarium won't be handling an end of life scenario, but they will be facing worries and anxieties over treating illness and injuries. When I was young and invincible, I could not imagine the weight of this. I'm 48, my boyfriend is 62, and my aging parents are facing new health challenges all of the time. As we navigate a healthcare system where the only affordable healthcare might come from alternative medicine like Chinese and medical marijuana, each neighborhood needs upstanding dispensaries such as this one. There are definitely sketchy "pot clubs" around the Bay Area, but Apothecarium is on par with an Apple Store by comparison. As a neighborhood that will eventually have a dispensary in it, shouldn't we set the bar high now?

Please, consider this dispensary to be the very needed and compassionate addition to our neighborhood. So many people lives could actually become better by its arrival. They legitimately care about patients; test their products for safety; and have a proven record for community outreach, the chances of bringing down the neighborhood are null.

Thank you for taking the time to listen to my story. Supporters of this project are not "stoners", we are people who care about the well being of others and recognize that this is an opportunity for exactly that. I would not be so quick to advocate for any and every dispensary, but Apothecarium could have a really special place in our community.

I appreciate that you took the time to read my story and reasons for supporting this community endeavor (which is really what it is.)

Sincerely,  
Cindy Lutz

Andrew Perry | SF Planning Department | 1650 Mission St., #400 | SF, Ca. 94103-4279  
(415) 575-9197 | andrew.perry@sfgov.org

Dear Mr. Perry,

I'm writing to support The Apothecarium's proposed medical marijuana dispensary at 2505 Noriega Street. I believe patients on San Francisco's West Side need access to their medicine in their own neighborhood.

The Apothecarium would be a positive addition to the neighborhood. They are a community-minded nonprofit that has donated \$335,000+ to community groups and has never had a single police incident since they began operations in 2011.

The President of the Castro Merchants' Association says:

**"Everyone in the neighborhood loves The Apothecarium: their security improves safety; their foot traffic increases business; their philanthropy helps our community; and their upscale space sets a high standard. We've had no trouble from them — in truth, we need more businesses like The Apothecarium."**

Patients on San Francisco's West Side deserve the opportunity to purchase their medicine in a safe, responsible dispensary run by a company with a strong track record of being a positive force in the community.

Please check all that apply:

- I live in the Sunset  
 I live within two blocks of 32nd Ave & Noriega  
 I expect to use the proposed location  
 I am a parent

Sincerely,

Name (First & Last) Kristen Carvalho-Wilson

Full Address (Letters without addresses will be [REDACTED]) Noriega St.

Signature K. Wilson

Date 05/4/17

Additional Notes or Comments:

I live down the street, and work in the mission. And I hate that I have to travel all the way to Western Addition or the Mission to get my medicine, its not fair. I would love to have a dispensary in my neighborhood.

Andrew Perry / SF Planning Department | 1650 Mission St., #400 | SF, Ca. 94103-4279  
(415) 575-9197 | andrew.perry@sfgov.org

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Please check all that apply:

- I live in the Sunset  
 I live within two blocks of 32nd Ave & Noriega  
 I expect to use the proposed location  
 I am a parent

Sincerely,

Name (First & Last)



Full Address (Letters without addresses will be ignored)

 32nd Ave

Signature



Date

9/28/17

Additional Notes or Comments:

I live a couple houses down & have been waiting a long time for Apothecarium to open for the convenience of having a club that I don't have to drive to.

Leah [REDACTED] from Outer Parkside · 14 Mar

Wai Chan, there are delivery services but the selection is often lacking. It's not as simple as having someone deliver you a joint or a brownie. There are numerous strains with different properties and many ways to ingest the product.

Being able to go to a dispensary with a variety of products and knowledgeable staff is important. I occasionally use medical MJ for PTSD. I prefer to take a very small amount of a very specific compound. I also don't smoke, so prefer edibles. The service that we sometimes use for delivery was out of my preferred product for several months.

If I take the wrong thing, like something with too much THC and not enough CBD, it can cause my PTSD to be triggered. The staff at Apothecarium were invaluable in my hunt for the right product. A delivery website and driver are not going to provide that patience and knowledge.

Thank

Allen, Dana, Ryan, and 4 others thanked Leah

David-[REDACTED] from Outer Sunset · 13 Feb

I think it would be grand. I am forced to travel great distances in the city because the sunset has no dispensary. I would love not having to go so far for my medication.

Thank

Simon, Ryan, Greg, and 6 others thanked David-John

Jeri [REDACTED] from Central Sunset · 14 Mar

Wai, homeless and kids aren't hanging around in front of the other dispensaries in town. Security and legitimacy of their clientele is a must for dispensaries. They can get closed down in the blink of an eye if they are allowing people to hang out in front waiting for a hand out or if their clients are handing it out to people outside.

These are businesses who have to look out after interests. Their top two interests are both security and legitimacy of their customers.

There are a lot of people in the Sunset that will benefit by having a dispensary close by. Many of them are elderly or sick and don't have vehicles.

Thank

Allen, Leah, Ryan, and 4 others thanked Jeri

Jim [REDACTED] from Central Parkside · 13 Mar

Hmmm. Since legal pot growers won't be planting illegally and fouling ground water and streams with nitrogen fertilizers, rat poison or trespassing on watershed land, and it will be 100% legal to use it, within the guidelines of the law, and data shows that use among teenagers actually went down in Washington and Colorado, where it is already legal, and smugglers, cartels and street dealers will not profit like they have since prohibition, and no one, not one person has ever died from an overdose.... not to mention all the Other Legal drugs, especially Tobacco and Alcohol that have Huge death tolls and societal costs that are not a problem with cannabis... I say to those opposed, "why are you not complaining about tobacco sales, and the corner liquor stores, grocery stores and bars that sell alcoholic beverages?" Just wondering.

Ref: <https://goo.gl/fKLm5k>

<https://goo.gl/fxV92E>

Edited on 13 Mar

Thank

John, Allen, Eric, and 13 others thanked Jim

Rob [REDACTED] from Central Sunset · 13 Mar

It is distressing how many NIMBYs have no concept of how benign a cannabis dispensary is compared to a liquor store or c-store selling cigarettes. I am not a user, but I have a B.S. in Molecular Biology. I have done a significant amount of reading and research on the topic of cannabis as an ameliorative for depression, anxiety, pain, mood swings, insomnia, nausea and much more. There is no question it is an effective treatment in many cases. The "LD 50" (the dosage at which 50% of recipients are fatally overdosed) are at a level similar to caffeine. THC is not physically addictive - in fact not nearly as much as reruns of Friends are to some people. It has been proven not to be a "gateway drug" to meth... heroin etc. I've had several friends with sports injuries, chronic pain and chemotherapy treatments whose pain and discomfort have been alleviated by medicinal cannabis. If you are opposed to neighborhood dispensaries, please take some time to look into the matter and educate yourself. You may be surprised at how beneficial these prescribed substances are to our neighbors and other members of our community.

Thank

John, Allen, Susan, and 14 others thanked Rob

# Exhibit T



Scott Wiener

@Scott\_Wiener



Following

Honoring the @ApothecariumSF, terrific #medicalcannabisdispensary in the #Castro. #cannabis #SanFrancisco



RETWEETS 6 FAVORITES 12



9:39 AM - 1 Oct 2015



*The City and County of San Francisco*

**PROCLAMATION  
THE APOTHECARIUM DAY  
OCTOBER 1, 2015**

**WHEREAS**, The Apothecarium, a premium medical cannabis dispensary, began serving patients in June 2011 at Market & Church; and

**WHEREAS**, During that period it has served over 30,000 patients, helping them deal with conditions like seizures, HIV/AIDS, cancer, diabetes, insomnia, pain and other disorders; and

**WHEREAS**, The Apothecarium has become a vital part of the Castro/Upper Market/Duboce Triangle neighborhood, including donating over \$300,000 to local community groups through their Philanthropic Advisory Board; and

**WHEREAS**, Local merchant groups and the police have commended it for cleaning up the corner at Market & Church and invigorating the local business community; and

**WHEREAS**, The Apothecarium hosts a Women's Support Group, Veteran's Support Group, Simple Yoga for Busy Times, Meditation Group, and an Anxiety and Depression Support program; now, therefore be it

**RESOLVED**, That the City & County of San Francisco honors The Apothecarium on its four year anniversary; and, be it

**FURTHER RESOLVED**, That the City & County of San Francisco commends The Apothecarium for investing \$300,000 in local charities and non-profits in order to improve access to goods and services in local neighborhoods; and, be it

**FURTHER RESOLVED**, That the Board of Supervisors hereby proclaims October 1st, 2015 to be **The Apothecarium Day** in the City and County of San Francisco.

*Scott Wiener*

Scott Wiener  
Member, Board of Supervisors  
October 1, 2015

# Exhibit U

Wednesday, March 15, 2017

Fellow Californians,

A right-wing hate group called the Pacific Justice Institute (PJI) is gaining a foothold in California among the Asian Pacific American community. PJI is using our community's concern for our families and our religious beliefs to advance their own hateful agenda.

PJI is known for their anti-LGBT views and for being part of the extreme religious right. This includes support for the discredited practice of "reparative therapy" that seeks to change a person's sexual orientation or gender identity. The PJI also opposes civil unions, marriage equality and allowing transgender students access to the bathroom of their choice. They use hatred and fear to demonize the LGBT community. They have been designated an anti-LGBT hate group by the Southern Poverty Law Center.

Today this group is spreading lies and fear in our community about medical cannabis dispensaries. They are suggesting these facilities bring crime to our neighborhoods and danger to our children. The PJI's lies and distortions about cannabis and youth have been repeatedly disproven. Legal, regulated dispensaries have kept drugs off of our streets and out of the hands of children. Crime statistics show a *drop in crime* when dispensaries are opened, as drug money and related crime is eliminated from neighborhoods.

In the early days of the HIV/AIDS epidemic, the cannabis community stepped up to provide medication that improved the quality of life of those suffering from the disease. In many cases, cannabis kept people alive long enough so that they could begin regimens of life-saving drugs.

As community leaders, we reject the misinformation and fear campaigns by the Pacific Justice Institute regarding both LGBT equality and medical cannabis. No one should use lies and fear to manipulate and divide our community.

We encourage everyone in the Asian Pacific American community to reject this hateful organization and their campaign of misinformation, prejudice and divisiveness.

Sincerely,

Rob Bonta California State Assembly Member	Benny Lee City of San Leandro Council Member
Fiona Ma Board Member, California Board of Equalization	Eric Mar Former San Francisco Supervisor
Jean Quan Former Oakland Mayor	Gabriel Quinto City of El Cerrito Council Member
Betty T. Yee California State Controller	

**Joint Resolution condemning the Pacific Justice Institute (PJI) and their campaign of fear-based tactics against the LGBTQ and Medical Cannabis communities**

WHEREAS, the Pacific Justice Institute (PJI) is a Sacramento based organization that has been declared a hate group by the Southern Poverty Law Center; and

WHEREAS, PJI has fought for years to oppose domestic partnerships, civil unions, marriage equality and access to restrooms by transgender citizens and have been one of the most active anti-LGBTQ groups in the country; and

WHEREAS, PJI has a long history of promoting “gay conversion therapy”; and

WHEREAS, PJI fabricated a story about a transgender teenager harassing other students and launched website called GenderInsanity.com, which fights transgender protections in schools and gay inclusion in the Boy Scouts; and

WHEREAS, PJI Executive Director Brad Dacus says a law designed to protect transgender students will turn CA schools "into a horror film" and compared stopping marriage equality to stopping the Nazis; and

WHEREAS, PJI is now attacking the Castro-based business The Apothecarium and other legally permitted medical cannabis dispensaries and other legal medical cannabis dispensary applicants such as Connect SF, using the same fear tactics that they used against the LGBT community, citing a “danger to our kids” and shutting down a meeting about the medical efficacy of cannabis for people with potentially life-threatening illnesses; and

WHEREAS, there is a deep connection between the LGBTQ community and the cannabis community, dating back to the 1990’s when Dennis Peron and Brownie Mary provided safe havens like the S.F. Cannabis Buyers Club for patients with HIV/AIDS to obtain their medicine; and

WHEREAS, medical cannabis was and is used for people with HIV/AIDS and cancer to treat pain, nausea, appetite loss and cachexia; and

WHEREAS, our community cannot stand idly by while these fear-based tactics deny people both their civil rights and their access to medical care; and

WHEREAS the Pacific Justice Institute has now opened up a Bay Area office in Oakland with the intent of organizing and fomenting anti-LGBTQ and anti-medical cannabis activity within the Asian-American community; and

NOW, THEREFORE, BE IT RESOLVED that the Harvey Milk Democratic Club and the Alice B. Toklas Democratic Club jointly condemn the actions of the Pacific Justice Institute and their fear-based tactics claiming that the LGBTQ community and the medical cannabis community are “threats to our children”; and

BE IT FURTHER RESOLVED, that we jointly call on our appointed and elected officials to condemn these fear-based activities against both the LGBTQ community and the medical cannabis community; and

BE IT FURTHER RESOLVED that this resolution be sent to the San Francisco Planning Commission, San Francisco Board of Supervisors and the Office of Mayor Edwin Lee.

## Sunset cannabis fight heats up

Bay Area Reporter, May 18, 2017 by Sari Staver

Opponents of a medical cannabis dispensary in the Sunset are apparently making unsubstantiated claims about marijuana in an effort to scuttle the project.

At a news conference organized by the anti-LGBT hate group Pacific Justice Institute earlier this month, pastor Chris Ng of the Lutheran Church of the Holy Spirit announced that there have been several marijuana overdose deaths among relatives of his parishioners.

"I don't know anything more, that was what I was told," Ng said when pressed for more details.

San Francisco officials sharply disputed Ng's claim.

"Oh, come on," said Supervisor Jeff Sheehy, a gay HIV-positive man who is also a medical marijuana patient, when told about purported overdoses.

"It is widely known that nobody has died from an overdose," Sheehy said in a phone interview with the Bay Area Reporter. "Just the opposite. It helps people deal with diseases and provides relief for many conditions."

Sheehy likened PJI's tactics to those of President Donald Trump, who has been criticized for numerous false and misleading statements.

"It's sad to see the type of tactics used by President Trump here in San Francisco," Sheehy said. "Using blatantly false statements to manipulate voters, in coordination with an anti-LGBT hate group, is so unfortunate and very divisive."

At issue is a proposal by the Apothecarium, a Castro-based medical cannabis dispensary, to open a facility in the Sunset. Dr. Floyd Huen, an internist and medical adviser to the Apothecarium, was shouted down at a recent community meeting in the neighborhood.

At that same March 15 news conference, held at the San Francisco Community Empowerment Center, Frank Lee, a community activist and local spokesman for PJI, urged San Franciscans to "come together" to oppose medical marijuana dispensaries trying to locate near facilities where children congregate.

"We at PJI are here to weigh in on behalf of every community group and religious institution to be sure rights of children are respected," said Lee.

According to the Southern Poverty Law Center, PJI has been listed as an "anti-LGBT hate group" for several years, following repeated incidents where members of the group publicly demonized the LGBT community.

Agreeing with Lee were two longtime neighborhood activists, both former Democratic candidates for the San Francisco Board of Supervisors, Marlene Tran and Teresa Duque.

Tran, spokeswoman for the Visitacion Valley Asian Alliance, said in a follow-up interview with the B.A.R. that dispensaries are likely to "bring additional crime to a neighborhood."

When asked about evidence, Tran pointed to a recent attempted kidnapping of a child in Bernal Heights. "The news story said the kidnapper was high on alcohol and marijuana," she said.

In addition, Tran said she is acquainted with police officers who are opposed to new dispensaries. "If dispensaries were safe, why would police be opposed?" she asked.

Tran said she became acquainted with Lee when they jointly opposed an open-air urinal at Mission Dolores Park. PJI was unsuccessful in its lawsuit to remove it.

When asked if she was aware of PJI's long-standing opposition to many LGBT issues, Tran said, "I don't agree with them on everything."

Supe's nuanced stance:

Other politicians have taken a more nuanced approach to proposals to open dispensaries in their districts.

District 4 Supervisor Katy Tang, who represents the Sunset where the Apothecarium is trying to open a dispensary at 2505 Noriega Street, has gone on record as believing that her constituents are "strongly opposed" to the new business.

In an interview with the B.A.R. last week, Tang emphasized that she has personally not taken a position on the issue, because if she did she would have to recuse herself if it came before the Board of Supervisors.

Tang insisted that her office's relationship with PJI has been "mischaracterized," pointing out that nobody from her office attended its March 15 news conference, where representatives announced marijuana overdose deaths and claimed that dispensaries were a danger to children.

But when pressed, Tang acknowledged that she had met with PJI's Lee, although she said the meeting was arranged by other neighborhood activists and that she was not told that Lee would be attending.

Tang said that the calls and letters to her office are running "seven to one" in opposition to the dispensary, although she said they are not keeping count on how many total communications have been received. Those that are in favor of the dispensary "all sound alike," she said, "leading me to believe they may be based on a form letter."

The Apothecarium's community outreach director, Eliot Dobris, a gay man, noted that the dispensary has over 700 letters of support from members, half of whom live in District 4. Dobris also questioned Tang's math.

"If they're not counting the number of calls and letters coming in, how do they know it is seven to one against?" he asked.

When told that some 3,500 residents of her district were members of the Apothecarium in the Castro, Tang said she was unaware of that. Her legislative aide, Ray Law, who joined the interview, said he had learned that fact at a meeting just the night before and had not had a chance to share that information with the supervisor. Tang said she "of course would take that information into consideration" in deciding how a dispensary might affect her constituents.

Other facts seem to illustrate support for medical cannabis among Sunset residents, said Dobris. He pointed out that the majority of voters in the Sunset supported both Proposition 215 in 1996, legalizing medical marijuana, as well as last year's Proposition 64, legalizing adult recreational use.

"Those are two separate issues," said Tang. "People may be in favor of cannabis but not want it sold in their neighborhood."

Daniel Bergerac, a gay man who's president of the Castro Merchants, wrote in an email to the B.A.R., "Katy Tang should be very concerned about being manipulated by this anti-LGBT hate group. The Pacific Justice Institute is telling lies to her constituents and those lies are getting repeated back to her."

"It's hard to overstate the positive impact the Apothecarium has had on the Castro neighborhood," Bergerac added. "They have improved the quality of life on their block and have never had a single police incident. They've also given more than \$300,000 in donations, primarily to neighborhood nonprofits. I have never heard a single complaint about the Apothecarium. I would welcome more businesses like them."

The Apothecarium's executive director and co-founder, Ryan Hudson, said they will fight for the project.

In an email to the B.A.R., Hudson wrote, "We're disappointed to see the same old false fears about medical cannabis dispensaries being used today in the Sunset. The Apothecarium has never had problems in the Castro – so there's no reason to think we would in the Sunset."

Hudson said the dispensary has had to reduce its charitable giving due to the costs of fighting "this outside hate group."

"We're looking forward to getting past this fight and resuming our regular, quarterly donations to nonprofits in the Castro. We also hope to begin a similar program of giving in the Sunset," he wrote.

With the passage of Prop 64 in November, it's likely that dozens more dispensaries will be selling to adults over the counter beginning in January. Additional controversies with neighborhood activists and medical marijuana dispensaries are likely, officials said.

Dennis Richards, a gay man who's a member of the San Francisco Planning Commission, which approves dispensary applications, put the situation in perspective. In a phone interview with the B.A.R., Richards said, it is common for "busloads" of several hundred people to testify against dispensaries at Planning Commission hearings, leading to a "lot of theatrics."

With the legalization of recreational adult use of cannabis coming in January, Richards pointed out that there will likely be a "tidal wave" of new dispensaries applying to open their doors.

When that happens, the lengthy debates that are taking place now "will look like mouse nuts in comparison to what we're going to be dealing with beginning next year," he said.

### **Anti-LGBT group opposes medical cannabis dispensary**

Bay area Reporter, March 16, 2017 by Sari Staver

A longtime anti-LGBT hate group has taken on another cause: opposing new medical marijuana dispensaries.

The Pacific Justice Institute, which has a long record of opposition to a wide variety of LGBT-related issues, claims that new dispensaries located near facilities used by children are a danger to the neighborhood.

"We're concerned about the children," said Frank Lee, a vocal supporter of PJI, citing a refrain often used by so-called pro-family organizations, in a telephone interview with the Bay Area Reporter.

PJI announced a news conference for Wednesday, March 15 to detail its opposition to the dispensary.

The PJI's concerns about medical marijuana dispensaries came to a head at a raucous community meeting of the People of Parkside Sunset, held at the Taraval Police Station in early March. At the meeting, members of PJI, a Sacramento-based nonprofit with offices throughout the state, shouted down a representative from the Castro medical marijuana dispensary, the Apothecarium, who was invited to speak about the proposal to open a medical marijuana dispensary in the neighborhood.

Dr. Floyd Huen, an internist and medical adviser to the Apothecarium, began to introduce himself to the some 100 neighborhood residents crowded into a small conference room, he said in an interview with the B.A.R. But before he could finish his first sentence, a number of people in the audience shouted him down, chanting "no cannabis."

"Physically, it was very intimidating," said Huen.

Huen and his wife, former Oakland mayor Jean Quan, are hoping to open a dispensary at 2505 Noriega Street in partnership with the current owners of the Apothecarium, he told the B.A.R. in an interview.

Huen, a soft-spoken man who has prescribed medical cannabis for the past decade, said he "decided it would be best to leave." The former medical director of the Alameda County Medical Center and director of a pioneering Berkeley community health clinic for seniors, Huen now has a part-time private practice and consults for the state on the medical evaluation of injured workers.

Huen told the B.A.R. that there is a "great need" for a dispensary in the Sunset, where some 3,500 residents travel to the Castro dispensary.

"Our main interest is to introduce the product to that community," he said.

Huen said that the incident at the community meeting "makes me very sad."

### **Convinced of cannabis' effectiveness**

Huen said that 20 years ago, he became convinced of the effectiveness of cannabis in treating pain in elderly patients, many of whom had been prescribed opiates.

"This is an important health care issue. The notion that dispensaries lead to crime is just not supported by any of the data," he said.

"I've been a community organizer for over 40 years," he said. "Here in San Francisco, and in this country, free speech is a sacred right and the basis for democracy."

Huen believes the community supports cannabis, citing statistics that the majority of voters in the Sunset supported Proposition 215 in 1996 that allowed the use of cannabis for medical purposes and another measure last November, Proposition 64, which legalized adult use of cannabis throughout the state.

PJI's Lee told the B.A.R. in a phone interview that he represents "the neighborhood" as well as the institute. PJI's founder and president, Brad Dacus, said that Lee is not an official spokesman or employee but "understands our goals."

"I'm not familiar with the particulars of this case," said Dacus, "but I'm confident that whatever Frank Lee says is accurate. He knows the neighborhood and the issues."

According to the Southern Poverty Law Center, PJI has been listed as an "anti-LGBT hate group" for several years, following repeated incidents where members of the group publicly demonized the LGBT community.

According to Heidi Beirich, director of SPLC's Intelligence Project, Dacus "has a horrible track record" regarding LGBTs, including defending a pastor who wanted to stone gay people to death and saying that homosexuality was "more dangerous" than cigarette smoking.

In an announcement written by Lee, the purpose of Wednesday's news conference is to announce PJI's "serious protest" to the Noriega Street dispensary and other proposed dispensaries at 2442 Bayshore Boulevard and 3150 San Bruno Avenue.

In order to gain the city's permission to open, medical marijuana dispensaries must go through a lengthy and expensive application process, which typically sparks controversy from neighbors, who, for a variety of reasons, object to the establishment of medical marijuana dispensaries. Most dispensaries try to meet with community groups during the application process, as the Apothecarium did with the Sunset residents.

According to Lee, the Noriega facility is in violation of city regulations prohibiting a medical marijuana dispensary within 1,000 feet of "registered children's facilities." Lee also said he believes dispensaries bring more crime to a neighborhood.

A query to the office of District 4 Supervisor Katy Tang was unanswered at press time.

Elliot Dobris, head of community outreach for the Apothecarium, said the dispensary "is totally confident" that its application to open a dispensary at Noriega and 32nd streets does not violate city regulations.

Dobris pointed out that while the city does prohibit dispensaries from opening near a private or public school or a city-run children's program, the regulations do not cover privately owned businesses that cater to children.

"If that was the rule," said Dobris, "we wouldn't have any dispensaries in San Francisco." Dobris noted that there is a children's ballet school near the Apothecarium on Market Street and a martial arts studio near the company's proposed location on Lombard Street.

The PJI representatives "are deliberately misreading the law," said Dobris.

According to Dobris, the city will hold a hearing about the Apothecarium's proposed location on Noriega, likely in late spring, with hopes that it might open in 2018. The Apothecarium is also building a dispensary in the Marina, scheduled to open in late spring and is planning to open a location in Berkeley in the latter half of 2017.

Terrance Alan, the chairman of San Francisco's Cannabis State Legalization Task Force, said that when it comes to cannabis, "a big part of the problem is that the cannabis story has been narrated for 50 years by untrue, fear-based proclamations from parts of our government."

"It has been a masterful hoax, which played on people's most devote values of family, children, public safety and community," said Alan.

"Today, right here in San Francisco, we have evidence those fear-based claims about cannabis are just not true," Alan added. "We need a new story about the role of cannabis in our lives written by experience and facts. I urge people on both sides of this issue to look at the realities of the other's position and help write this new story where the patients don't get forgotten."

# Exhibit V

## **After states legalized medical marijuana, traffic deaths fell**

**Reuters - Ronnie Cohen**

**28 Dec 2016**

Legalization of medical marijuana is not linked with increased traffic fatalities, a new study finds. In some states, in fact, the number of people killed in traffic accidents dropped after medical marijuana laws were enacted.

"Instead of seeing an increase in fatalities, we saw a reduction, which was totally unexpected," said Julian Santaella-Tenorio, the study's lead author and a doctoral student at Columbia University's Mailman School of Public Health in New York City.

Since 1996, 28 states have legalized marijuana for medical use.

Deaths dropped 11 percent on average in states that legalized medical marijuana, researchers discovered after analyzing 1.2 million traffic fatalities nationwide from 1985 through 2014.

The decrease in traffic fatalities was particularly striking - 12 percent - in 25- to 44-year-olds, an age group with a large percentage of registered medical marijuana users, the authors report in the American Journal of Public Health.

Though Santaella-Tenorio was surprised by the drop in traffic deaths, the results mirror the findings of another study of data from 19 states published in 2013 in The Journal of Law and Economics. It showed an 8 to 11 percent decrease in traffic fatalities during the first full year after legalization of medical marijuana.

"Public safety doesn't decrease with increased access to marijuana, rather it improves," Benjamin Hansen, one of the authors of the previous study, said in an email. Hansen, an economics professor at the University of Oregon in Eugene, was not involved in the current study.

He cautioned that both marijuana and alcohol are drugs that can impair driving.

It's not clear why traffic deaths might drop when medical marijuana becomes legal, and the study can only show an association; it can't prove cause and effect.

The authors of both studies suggest that marijuana users might be more aware of their impairment as a result of the drug than drinkers. It's also possible, they say, that patients with access to medical marijuana have substituted weed at home for booze in bars and have stayed off the roads.

Or, they suggest, the drop in traffic fatalities could stem from other factors, such as an increased police presence following enactment of medical marijuana laws.

Law-enforcement authorities have yet to devise a way to test drivers for marijuana intoxication, and have raised concerns about drivers high on cannabis.

Though traffic deaths dropped following legalization of medical marijuana laws in seven states, fatality rates rose in Rhode Island and Connecticut, the study found.

California immediately cut traffic deaths by 16 percent following medical marijuana legalization and then saw a gradual increase, the study found. Researchers saw a similar trend in New Mexico, with an immediate reduction of more than 17 percent followed by an increase.

The findings highlight differences in various states' medical marijuana laws and indicate the need for research on the particularities of how localities have implemented them, Santaella-Tenorio said.

Voters in Denver, Colorado approved a November ballot measure to allow public consumption of marijuana, Hansen noted. But, he said, "We don't know the public health consequences of those types of policy changes yet."

### **After legalization, teen marijuana use drops sharply in Colorado**

Washington Post, December 21, 2016 By [Christopher Ingraham](#)

Teen marijuana use fell sharply in Colorado in the years 2014 and 2015, after the opening of that state's recreational marijuana market, [new federal survey data show](#).

The state-level data from the National Survey on Drug Use and Health showed that 18.35 percent of Coloradans ages 12 to 17 had used marijuana in the past year in 2014 or 2015, down sharply from 20.81 percent in 2013/2014. (In this survey, years are paired for state-level data to provide larger sample sizes). That works out to roughly a 12 percent drop in marijuana use, year-over-year.

Year-over-year teen marijuana use fell in most states during that time period, including in Washington, the other state to open recreational marijuana markets in 2014. But that drop wasn't statistically significant.

Conversely, adult marijuana use rose significantly in Colorado over the same time period. Among Coloradans ages 26 and older, past-year marijuana use rose from 16.80 percent in 2013/2014 to 19.91 percent in 2014/2015. Annual adult marijuana use was up in most states during the same time frame. The legal marijuana markets in Colorado, Washington and elsewhere feature [strict age and purchasing limits](#).

This federal data released this week is the first clear evidence of a drop in teen marijuana use in Colorado following legalization. Legalization supporters [have long argued that the best way](#) to prevent underage marijuana use is to legalize and regulate the drug.

Marijuana use is generally a riskier endeavor for adolescents and young adults, whose brains are still developing. Studies show people who start using marijuana in their teens [are at a greater risk than adults of becoming dependent on the drug or suffering from mental health issues](#) related to it.

The federal data doesn't speak to what, exactly, is behind the decrease in teen marijuana use in Colorado. Broadly speaking, adolescent substance use has [declined across the board](#) in recent years.

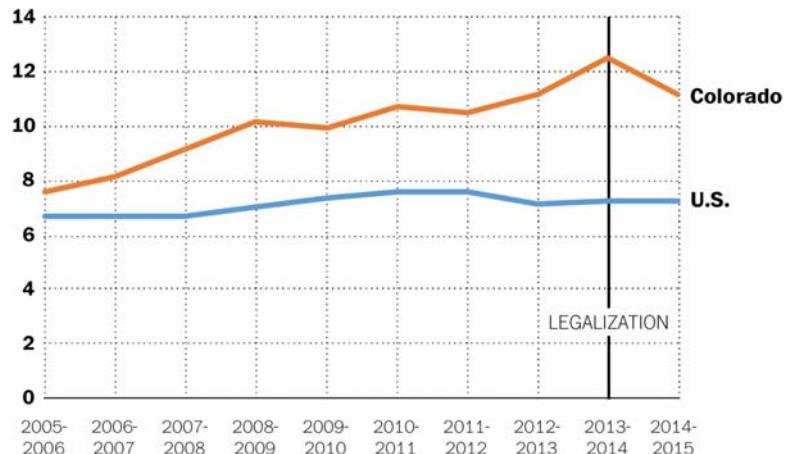
In Colorado, the drop in teen marijuana use could reflect changes related to legalization, [such as a diminution of the black market](#). Or it could be a reflection of broader cultural trends, such as [increasing disapproval of teen drug use](#) or [better substance abuse prevention](#) programs for kids. It's likely that a number of factors are at play.

Some experts [had expected more permissive attitudes toward pot to lead to increased teen use](#) and have subsequently [been surprised](#) to find that teen marijuana use has held steady or even fallen nationwide over the past few years.

The federal survey data do show that the overall rate of teen marijuana use remains higher in Colorado than it is in any other state. But that trend began well before legalization, as the chart below of monthly marijuana use in Colorado and the United States shows.

## Teen pot use drops sharply in Colorado

% of 12-to-17 year olds using marijuana in the past month



WAPO.ST/WONKBLOG

Source: National Survey on Drug Use and Health

Other data sources, [including the Colorado Department of Health's own numbers](#), show that Colorado is essentially middle-of-the-pack among the states on adolescent marijuana use.

In either case, the overall trend — flat or falling teen use — appears to support legalization supporters' arguments that liberalizing marijuana policies will not pose a serious public health threat to adolescents.

### Colorado's Teen Marijuana Usage Dips after Legalization

Government study puts the state's high school cannabis use below the national average  
Reuters - Scientific American, June 21, 2016, by Steve Gorman and Diane Craft

Marijuana consumption by Colorado high school students has dipped slightly since the state first permitted recreational cannabis use by adults, a new survey showed on Monday, contrary to concerns that legalization would increase pot use by teens.

The biannual poll by the Colorado Department of Public Health and Environment also showed the percentage of high school students indulging in marijuana in Colorado was smaller than the national average among teens.

According to the department, 21.2 percent of Colorado high school students surveyed in 2015 had used marijuana during the preceding 30 days, down from 22 percent in 2011, the year before voters statewide approved recreational cannabis use by adults 21 and older. The first state-licensed retail outlets for legalized pot actually opened in 2014.

Nationwide, the rate of pot use by teens is slightly higher at 21.7 percent, the study found.

"The survey shows marijuana use has not increased since legalization, with four of five high school students continuing to say they don't use marijuana, even occasionally," the department said in a statement.

The department conducts the voluntary survey every two years in conjunction with the University of Colorado and a citizens advisory committee. About 17,000 students responded to the poll.

Voters in Colorado and three other states - Washington, Oregon and Alaska - have approved recreational pot sales to adults in recent years, and Colorado was the first state to open retail marijuana shops in 2014. Six other states are considering

similar proposals.

A pro-legalization advocacy group said the findings show fears of widespread pot use by minors in states with legalized cannabis are unfounded.

"These statistics clearly debunk the theory that making marijuana legal for adults will result in more teen use," said Mason Tvert, spokesman for the Marijuana Policy Project.

But Diane Carlson, of SMART Colorado, an organization that pushes for tighter regulations to keep cannabis away from children, said data from a 2015 survey by the federal Department of Health and Human Services showed that Colorado ranks first in the nation for marijuana use by youth between the ages of 12 and 17.

Carlson said it was "deeply concerning" that the Colorado survey showed that just 48 percent of the students polled viewed regular marijuana use as a risky behavior.

"Youth marijuana use can have lifelong implications. The risks, which include psychosis, suicide, drug addiction and lower IQs, have been reported based on research on much lower THC potencies than are typically sold on Colorado's commercial market," she said.

(Editing by Steve Gorman and Diane Craft)

# Exhibit W



# Exhibit X



# FACILITY/ SECURITY

## FIRE SAFETY PLAN

### **Code Compliance**

The Apothecarium Sunset (TAS) will comply with all applicable City of San Francisco fire codes.

Upon receipt of a permit, we will contract with Reed Brothers Security for any necessary upgrades to meet fire codes. The following description addresses our understanding of a typical code-confirming plan. We have determined that a sprinkler system will not be required for our proposed building. Central Station monitoring will be provided for all alarm and trouble signals.

### **Fire Alarms**

A fire alarm system will be designed and installed to comply with City of San Francisco requirements and NFPA 13. It will be a fully analog addressable fire alarm system comprising of a main fire alarm panel, which is fully networkable and expandable. The main fire alarm panel will be located in the first floor Security Storage room. In compliance with the San Francisco Fire Department requirement, a remote annunciator will be located outside the Waiting Area for fire department access. Manual pull stations will be

located at each exit and at each stairwell exit. Audio/visual fire alarm devices will be located in the Waiting Area, egress areas and restrooms. Smoke detectors will be located in the Service Area and in the Secure Storage room. The fire alarm system will be installed using open plenum rated standards. There will be a communication dialer for Central Station notification upon receipt of alarm and trouble conditions.

Details of all annunciation and control panels to be installed will be submitted to the Fire Department for review and approval prior to installation.

### **Site Maintenance**

The site will be kept clean at all times as necessary to prevent accumulation of waste, trash and debris, and to minimize the hazards therefrom. All waste, trash and debris will be stored in approved containers or in rooms constructed of noncombustible materials. All waste, trash and debris will be disposed of legally on a regular basis in a safe, acceptable manner, in accordance with applicable laws and ordinances and as prescribed by authorities having jurisdiction.

## Extinguishers

Portable fire extinguishers will be located in accordance with National Fire Protection Association 10 (NFPA) and City of San Francisco requirements.

## Monitoring Services

While our first objective is always to prevent fires, in the event of an emergency, TAS uses fire monitoring services or "Remote Station Monitoring." When an alarm signal is received, our contracted company will dispatch the fire department and notify our on-duty manager for immediate corrective action.

All signals from our fire monitoring system are sent to a UL listed central station that is staffed 24 hours a day, 365 days a year. The central station is ready to receive signals from our premises and take action. All fire-monitoring systems send a timer test signal to the central station every 24 hours. The timer test signal enables confirmation that the fire monitoring system is operating normally without problem.

Our fire monitoring system has a fire communications module or a communications panel. The communications panel is required to have two conventional telephone lines by which the panel communicates to the central station.

As a life safety system, the fire monitoring system constantly supervises its wiring, phone lines, AC power, battery and general operations. If one phone line should fail, the system uses the other phone line to call the central station and to notify TAS of a phone line failure. The same is true of most other system problems; the system calls the central station and identifies the problem so the situation can be corrected.

Computer automation is an essential part of the central station operation. The computers receive alarm and trouble signals and presents the information to the station operators. This allows TAS to take action as quickly and efficiently as possible.

When an alarm distress signal is received, the fire department is dispatched and one of TAS' responsible parties is contacted. In an effort to

conserve false alarms and City resources, when an alarm signal is received, our fire monitoring service first asks our responsible party whether it is necessary to dispatch the fire department, or whether there was an equipment malfunction.

## Fire Evacuation Plan

TAS recognizes that the safe, orderly and prompt evacuation of our employees and other building occupants depends on having the physical safety features of the building in operating condition in addition to having an emergency evacuation plan.

The cooperation and participation of every building occupant is essential. Every employee has an individual responsibility to know how to evacuate in an emergency and to accomplish the evacuation when the fire alarm device sounds or when directed by an authority or management. TAS's Fire Evacuation Plan includes the following:

### a) Pre-planning the escape

- + The locations of fire alarm pull box will be clearly identified and all employees will be made aware of them.
- + Exits will be checked routinely to ensure there are at least two unobstructed pathways out.
- + The fire exits will be checked routinely to make sure they are usable.
- + Periodic fire drills will be provided to ensure employees learn the sound of the building's fire alarm.
- + Emergency telephone numbers will be posted near all telephones.
- + Fire evacuation exit diagrams will be posted throughout the building.
- + Exits will be clearly marked.

### b) Evacuate if there is a fire or fire alarm

- + When an employee discovers a fire or smoke condition, he/she must sound the building alarm by activating the nearest pull station, and make a follow-up call to 911.
- + Whenever the fire alarm is sounded, all employees must leave immediately! Employees must not assume the fire alarm is false or a test and wait to see what others do. In a fire, seconds count.
- + Each employee must try to help others, if he/she can do so safely.

- + Unless unusual conditions dictate otherwise, all employees must use the nearest hallway as this is the best evacuation route to the nearest exit.
- + When leaving, each employee must close but not lock the door behind. If the door locks automatically, the employee shall carry his/ her key in case the employee needs to return for refuge.
- + Once outside, the employee shall meet at the relevant assembly point and a head count will be taken to ensure everyone is out of the premises, and accounted for. Employees must never attempt to re-enter the building to search for someone believed to be missing; instead promptly inform the fire or police officials.

#### c) Check the door

- + Before opening a door, each employee should make sure there is no fire on the other side by using the back of one's hand to feel the door, door knob or door frame for excessive heat.
- + If the door, doorknob or door frame feels hot, the door shall not be opened, as there is probably fire on the other side. If the door, door knob or door frame feels cool, the door should be opened slowly, and the employee shall leave the area and close the door without locking behind them.
- + Stay low when there is smoke.
- + If an employee encounters smoke while escaping, crawl or get as low as possible as the cleanest air will be within 1 to 2 feet from the floor. If the main exit is blocked by fire or smoke, the employee should use their alternate route. If this is not feasible, the employee shall go back in his/her room to wait for rescue.

#### d) If one can't escape

- + Close all doors between the employee and the fire.
- + All cracks around doors must be sealed with cloth to keep the smoke out.
- + Call 911 to notify emergency personnel of the employee's location.

#### **Signs & Notification for Hazardous Materials**

TAS will comply with applicable local and state requirements regarding the posting of signs identifying the presence of hazardous materials on the facility. This will include the posting of NFPA diamond signs used by emergency personnel to quickly and easily identify the risks posed by nearby hazardous materials. This is necessary to help determine what, if any, specialty equipment should be used, procedures followed, or precautions taken during the first moments of an emergency response.

In addition, TAS will comply with applicable local and state regulations regarding the notification of appropriate agencies in the event of release or threatened release of hazardous material into the workplace or environment. This includes providing all state, city, or county fire or public health or safety personnel and emergency rescue personnel with access to the facility as necessary to mitigate the emergency.

## SECURITY PLAN

TAS is committed to providing our patients and staff with a safe and secure setting. As part of our execution of this commitment, we've developed a comprehensive and facility-specific security plan, which includes the following:

- + Comprehensive **risk identification**, mitigation and response protocol.
- + State-of-the-art video **surveillance system** electronically monitored and recorded 24/7 by contracted security professionals. This system utilizes 20 conspicuously placed video cameras to provide a highly visible deterrent, while protecting the interior and exterior of the facility. The system automatically records all activity to a digital server for future viewing as needed.
- + State-of-the-art **security alarm system**, incorporating door and window sensors, fixed/remote panic switches monitored live 24/7 by contracted outside security professionals.
- + State-of-the-art **card key system**, programmed for specific staff access to authorized areas of the facility. The issuance of card keys to each staff person ensures electronic access only to authorized secure areas, while providing digital evidence of the cards use for future review. Deactivation of the card keys is immediate, when authorized by facility management.
- + **Hand-held radio system** ensures constant communications between management, staff and security personnel.
- + **Industrial-grade safe**, with access allowed only to the General Manager or Assistant General Manager, for product and cash storage. Proposed 1,481 lb. "Commander" model from Cannon Safe Co.
- + **Security Director** assigned to oversee a staff of two security team members with training specific to the special needs of our patients and staff. The security team may be equipped with non-lethal implements and incorporate non-confrontational, high profile techniques to deter robbery, theft and disturbances.

We have retained Bay Alarm and Reed Brothers Security for video monitoring and system maintenance.

**Importantly, we have secured debit and credit card processing ability identical to the system currently active in The Apothecarium's location in the Castro. Thus, we anticipate patient cash transactions to be no more than 20% of total projected activity, limiting the potential risk from maintaining large amounts of cash on-hand.**

**Our Service Plan has been reviewed by an independent Security Consultant and deemed appropriate for our facility and intended operation.**

## SECURITY STAFF

In keeping with TAS's emphasis on ensuring the protection of our patients and staff, the security plan requires three security staff members to monitor and secure the facility. The members will be unarmed with additional training in facility protocols for safety and response to critical situations and emergencies. The Security Plan emphasizes communication, vigilance, high visibility, deterrence, and avoiding physical confrontation.

- + An unarmed security staff member will be posted at the front door of the facility, trained to greet and identify current and prospective patients. The security staff member will provide a highly visible presence and deterrent to potential criminal activity by ensuring only those visiting the facility are allowed entry for legitimate business. This staff member will remain aware of suspicious activity on the exterior of the premises. The officer will also screen delivery personnel, non-product vendors and visitors to the facility as mandated by TAS protocol.
- + One unarmed security staff member will be stationed at the entrance security podium to verify patient credentials, and provide

presence and protection for the clients, staff and property.

- + One unarmed security staff member will provide a high visible presence throughout the facility. The staff members will conduct foot patrols of the facilities exterior and nearby bus stops, and provide escorts for product vendors, following TAS protocols for screening, surveillance and safe passage for clients, staff and delivery personnel. The staff member may also provide assistance to clients and staff to ensure safe passage to vehicles and nearby transportation stops as appropriate.

### **Security Training**

All TAS staff will receive security training upon hiring as well as quarterly scheduled training to constantly update and address security response and protocol. During these training sessions, security protocols are reviewed and employees participate in role-play to demonstrate protocol understanding.

## **RISK MITIGATION AND RESPONSE**

<b>Risk</b>	<b>Mitigation Strategy</b>	<b>Response</b>
<b>Penetration of the perimeter while the facility is unoccupied</b>	As a matter of protocol, all doors are locked and alarmed; all windows are alarmed with glass break sensors. The interior has "four-step" motion detection, in case of a break in or a hidden intruder manages secretion before closing. Video surveillance will capture all internal and external activity 24/7.	Alarm activation will result in the alarm company notifying SFPD. A secondary call to the facility manager and security director will also be made so that a facility representative with keys and knowledge of the premises responds immediately to assist SFPD and provide assistance with walkthroughs, video accessibility, etc.
<b>Penetration of the perimeter while the facility is occupied</b>	Security staff provide vigilance and deterrence through high visibility, face-to-face contact with visitors and passersby, constant communication with colleagues and staff, while on patrols or at fixed posts. Security and other authorized staff are equipped with hand-held radios, fixed, remote alarm triggers, and non-lethal devices. A state of the art video surveillance and alarm system is used.	Security and staff will trip fixed and remote alarms to alert SFPD via the alarm company. Security staff will evaluate the threat of the intruder and make contact as appropriate to determine the threat level and segregate the intruder from clients and staff if possible. Staff and security will follow the established TAS protocol for robberies and hostile encounters.
<b>Unauthorized personnel entering through main entry or delivery doors</b>	During normal business hours, the exterior doors are locked. The security officer posted outside of the security doors maintains ingress to the secure facility under TAS protocols. Two security officers are posted in the rear and control ingress to the rear delivery door. Hand-held radios, fixed/remote alarms, a video monitoring screen at the security podium, and a high visibility security presence are utilized to proactively protect the entries.	In the event an unauthorized person makes entry through the front doors the security officers will intercept and ask the intruder to leave the premises. Should the intruder refuse to leave the intruder will be told they are trespassing and will be arrested. The security officers will consider client/staff safety when deciding to affect an arrest and may elect to restrict the intruder's movement and call SFPD for assistance. Should the front or rear door guards be needed to assist in providing cover, the facility will be locked down until the incident is under control and no ingress or egress should occur.

Risk	Mitigation Strategy	Response
<b>Public disturbance or unrest</b>	<p>When the facility is closed, all doors are locked and alarmed; all windows are alarmed with glass break sensors. The interior has "four-step" motion detection in case of a break in. Video surveillance will capture all activity. While open for business, security officers provide vigilance and deterrence through high visibility, face-to-face contact with visitors and passersby, constant communication with colleagues/staff, along with facility patrols. Security officers and staff are equipped with hand-held radios, fixed and remote alarm triggers. The security director will maintain a liaison with SFPD in the event of unrest or a demonstration is eminent.</p>	<p>At the discretion of the facility manager, the building can be closed and secured. In the event the business remains open, security officers will be on heightened alert for disturbances that may affect the safety of the clients/staff and maintain communication with the facility manager. The security manager will maintain a liaison with SFPD and utilize discretion in closing the business or taking heightened security measures to ensure client/staff safety. Should an unforeseen disturbance arise, security officers will enter the facility, ensure all clients and staff are encouraged to remain inside, and set all perimeter alarms. The facility manager will notify SFPD and advise them they are secured in the facility. The security officers will maintain vigilance of doors and windows and utilize hand-held video recorders as a deterrent to potential vandals.</p>
<b>Tampering of security systems by a staff member</b>	<p>Security cameras and alarm systems are tamper-proof and monitored 24/7. All security systems will be maintained and serviced regularly as per contract with the alarm vendor.</p>	<p>Should employee tampering of the security system be discovered, the security director will conduct an internal investigation to determine the circumstances of the incident, gather all evidence, interview staff and complete a report of the findings. TAS management will review the findings and determine the next course of action, should the evidence indicate an employee was involved in security system tampering. Disciplinary action may result in a warning or escalate to termination and notification to law enforcement at the discretion of TAS management.</p>
<b>Employee theft of inventory or proceeds from storage</b>	<p>Inventory and proceeds will be secured in safes and vaults with limited access by authorized staff. Authorized staff will follow strict TAS protocols for access, removal and return of inventory to storage and proceeds to safes, vaults and registers. Audits will be performed to ensure inventory and proceeds accuracy, as per TAS protocols. Security cameras and alarms strategically placed throughout the facility act as a theft deterrent and will be randomly reviewed for employee integrity. A state-of-the-art card key system protects locked areas and identifies which staff member has utilized the card.</p>	<p>Comprehensive background checks for all employees, including known associations, will be conducted prior to date of hire. Should an employee theft be discovered the security director would conduct an internal investigation to determine the circumstances of the incident, gather all evidence, interview staff and complete a report of the findings. TAS management will review the findings and determine the next course of action, should the evidence indicate an employee has been involved in a theft. Disciplinary action may result in a warning or escalate to termination and notification to law enforcement at the discretion of TAS management.</p>

Risk	Mitigation Strategy	Response
<b>Power, phone or network power is cut to facility</b>	The security system is protected against a power failure by a redundant landline phone and cellular transmitter. In case of power loss, the landline transmitter will back-up the cellular signal to ensure uninterrupted coverage. The facility is equipped with a back-up generator, which will start immediately after any disruption of normal power. The generator will be inspected and tested monthly.	Should a power interruption occur normal business should not be affected due to back-up systems. Security officers will be vigilant of any suspicious activity that may occur due to an unexpected power loss and report any unusual activity. Should a total failure occur, ingress and egress should be halted and entry-exits be secured by uniformed security. Clients may be asked to remain until security is confirmed; however, they will be escorted out of the facility upon request.
<b>Generator fails to operate in event of power failure</b>	The generator will be inspected and tested monthly.	TAS protocols for a power failure will be followed.
<b>Attempted takeover at opening, closing or during normal business hours</b>	Security staff members provide vigilance and deterrence through high visibility, face-to-face contact with visitors and passersby, constant communication with colleagues and staff, while on patrols or posts. Security officers and authorized staff are equipped with hand-held radios, fixed and remote alarm triggers.	The preservation of life and public safety is paramount; product and proceeds are secondary. Should security be breached and subjects execute a "take-over" style robbery, all security and staff will react in a manner that does not escalate the threat or injury to staff or clients. Staff will follow TAS protocols for armed robberies, which place life and safety over product and proceeds.
<b>Cash transfer interruption</b>	80% of patients' payments will be conducted via debit or credit card. Remaining cash will be used for vendor payments.	TAS will establish internal cash handling protocols that address remaining cash and deposit to a nearby bank branch, if needed.

## TRANSACTIONAL AND INVENTORY MANAGEMENT SECURITY

### ***Transactional Security Policies***

Maintaining fiscal integrity and discipline is paramount in the medical cannabis industry. As a certain portion of transactions still take place with cash, TAS has established accountability and transparency protocols to reduce the temptation and opportunity for internal theft. TAS will encourage use of credit and debit cards in an effort to automate the process reducing and mitigating the possibility of fraud. The entire transaction process will take place through our POS system that ties directly into our inventory management systems. When bulk product is received it is broken down into retail units and a barcode is applied that relates to the bulk batch. The retail barcode is scanned into inventory for retail sale.

When a transaction takes place payment is collected in the form of cash, credit or debit. The outgoing medication is scanned and removed from the inventory system. At any time TAS can undertake a flash audit showing any shortfalls in payments or medication.

For example, if one pound of bulk product is broken down into 16, one ounce retail packages, each package will be bar-coded and input into the POS system. If six packages are sold in a week's time, a flash audit should show 10 packages in inventory and the sale of six packages and the corresponding payment associated with those transactions. If a shortfall exists TAS can identify where that shortfall originated. All cash drawers will be reconciled after each shift and signed off by a retail manager. Each station is assigned a drawer with an allotment of starting cash for each day as well as a current inventory

pool of medications to pull from. This enables TAS to reconcile individual stations quickly and accurately. Any discrepancies should show at the close of a drawer or station. If additional cash or medication is needed during the day, it is signed out by a retail manager and reconciled with their starting allotment.

The Assistant General Manager signs off on all the drawers at the end of each and every shift and creates a daily batch report that is reviewed by the general manager daily. The CFO and General Manager review the daily batch reports weekly. This series of checks and balances will effectively mitigate the risk of financial indiscretions that may occur at any level of the financial reporting process.

## PRODUCT SECURITY AND INVENTORY MANAGEMENT

Keeping accurate records and tracking inventory is essential for ensuring proper accounting and full legal compliance. Accurate record keeping also provides a clear and easy way to manage the progress of our patients' care and ongoing health. After extensive research, TAS has selected for use MJ Freeway, a software tracking system developed specifically for the needs of the medical cannabis industry. The software system is made up of three core modules covering patient management, inventory control, and point of sales. Using this system, TAS will enable precise tracking, traceability, and transparency in its inventory protocols.

### Tracking

Tracking product from intake to patient provisioning is a priority for TAS. When bulk product arrives and is broken down to smaller retail packages, it goes through an extensive bar-coding system so that each retail pack will be associated with the larger bulk shipment that was received into inventory.

For example, if one pound of bulk product is broken down into 16, one ounce retail packages, each package will be bar-coded and input into the inventory system. If six packages are sold in a week's time, a flash audit of the system should show the arrival of the original one-pound bulk

### The MJ Freeway system allows us to:

- + Track inventory gram by gram from supplier to patient
- + Set up unlimited inventory categories
- + Set up specials by individual product or across all products.
- + Get one-click conversion of inventory from bulk to retail product
- + Track and sort product by custom attributes
- + Generate bar codes and product labels
- + Produce inventory reports for a clear snapshot of our products at any time.
- + Produce restricted inventory adjustment screens and reports
- + Ensure vendor compliance by tracking by vendor and purchase order, selected by date, weight, and product
- + Track for fields such as name, description, cost, retail price, received date, expiration date, image, attributes specific to the product, barcodes, notes, and quality/condition
- + Track patient's documentation and history
- + Help caregivers meet HIPAA requirements
- + Mitigate the risk of financial fraud and diversion
- + Enable compliance with legal requirements
- + Pay attention to industry specific details such as card expirations, incoming orders, weighed vs. sold quantities, doctor verification, and medicinal attributes

shipment, the resulting ten packages in inventory and the sale of six packages. This allows TAS to locate and track all products in the supply chain, and to immediately identify any shrinkage or diversion.

### Traceability

Traceability is a crucial part of patient health. If any conTASinated product is found, the TAS inventory management system enables scanning each retail package and determining from which

bulk product purchase the retail pack originated. TAS can then move back down the supply chain and locate all other potentially contaminated retail packages for removal from inventory. Any patients that have received contaminated product can be alerted immediately to mitigate quality control problems.

### **Transparency**

This bar-coding inventory system is fully integrated in the TAS retail Point of Sale (POS) system, allowing for seamless communication between inventory and sales. This adds an additional level of security, preserving patient safety as well as inventory and financial integrity. TAS can manage the entire supply chain and financial history from one interface, effectively eliminating the risk of diversion and financial fraud.

## **DELIVERY AND RECEIVING SECURITY PROTOCOL**

- + Before registering as a vendor with TAS, a cultivator must make an appointment with our Supply and Purchasing Manager to provide all necessary forms and documents demonstrating that their garden is in compliance with State and local laws and regulations.
- + Upon registration, the cultivator identification is entered into a secure database and the cultivator is given a special phone number and email address with which to make vending appointments.
- + Vending appointments must be requested and confirmed via email 24 hours in advance.
- + Vendor checks-in with the security staff member at the building exterior.
- + Using a Daily Vendor Appointment Schedule, the security staff member checks the vendor ID, verifies that the vendor has an appointment, and notifies the Supply and Purchasing Manager to confirm readiness to receive product.
- + If the vendor does not have an appointment, he/she will be asked to leave.
- + If the vendor is early, or if the Supply and Purchasing Manager is not ready, the vendor will be asked to wait in their vehicle.
- + When ready, one of the two security guards will escort the vendor to a private monitored door. The other guard will remain on lookout.
- + Once the vendor is escorted to the private door, the Supply and Purchasing Manager will greet the vendor, and provide escort to the buying office.
- + The security guard will remain on lookout outside the private door during the transaction.
- + In the buying office, the Supply and Purchasing Manager will examine the vendor's product.
- + If the product specimen meets TAS standards and TAS chooses to accept the product, the Supply and Purchasing Manager will radio the Inventory and Packaging Specialist to receive the product.
- + The Inventory and Packaging Specialist will take the product to the Product Handling Room and provide an additional visual inspection.
- + Once the Inventory and Packaging Specialist confirms the product's visual cleanliness and quality, he/she will direct the General Manager to provide the appropriate payment amount to the Supply and Purchasing Manager.
- + The Supply and Purchasing Manager will re-count the funds and issue the vendor a receipt.
- + Once the transaction is complete, the vendor is escorted to the private door. Upon exit, the security staff member will escort the vendor to the vendor's vehicle and monitor departure.
- + If the product does not meet TAS standards, TAS will return it to the vendor without payment and escort the vendor to their vehicle in the same manner as above.

## **Visitor Security**

We extend the same overall security concerns and requirements to visitors, such as local business people or officials, who may seek to visit TAS.

Visitor security protocol will include:

- + Visitors must make an appointment with the Assistant General Manager or General Manager 24 hours in advance of their planned visit. Their name and anticipated time of arrival will be provided to the Security Supervisor on duty that day.
- + Visits will be limited to 10:00 to 12:00 pm and 1:00 pm to 3:00 pm.
- + Upon arrival, he or she will present a valid photo ID to the Security Supervisor, and then sign the visitor log, with time of arrival.
- + The visitor will be provided a badge clearly identifying their visitor status. This badge must be visibly worn throughout their visit.
- + The Security Supervisor will then contact via radio the on-duty Assistant General Manager or General Manager, who will come to the dispensary entrance and accompany the visitor throughout their time within the building.
- + At the conclusion of their visit, the visitor shall sign the visitor log, with time of departure, and relinquish the visitor badge.

## **3rd Party Contractor Security**

Security protocols for site visits by 3rd party contractors will include:

- + All 3rd party contractor firms shall be pre-approved, via rigorous application process, by the General Manager.
- + All individuals designated to work at the dispensary site shall submit to prior 3rd party background checks, and added to a pre-approved service provider list.
- + A supervisor from the contracting firm must make an appointment with the General Manager 24 hours in advance of the planned visit. The name of the individual contractor and specified time of arrival will be provided to the Security Supervisor on duty that day. His or her name will be cross-checked with the list of individuals pre-approved to provide services.
- + Upon arrival, he or she will present a valid photo ID to the Security Supervisor, and then sign the contractor log, with time of arrival.

- + The contractor will be provided a badge clearly identifying their contractor status. This badge must be visibly worn throughout their visit.
- + The Security Supervisor will then contact via radio the on-duty Assistant General Manager or General Manager, who will come to the dispensary entrance and accompany the contractor throughout their time within the building.
- + At the conclusion of their visit, the contractor shall sign the contractor log, with time of departure, and relinquish the contractor badge.

## **SECURITY SYSTEMS – CCTV AND ACCESS CONTROL DEVICES**

TAS has engaged Reed Bros. Security, a leading security hardware firm, to install the following CCTV related equipment:

- + (1) Hikvision 32 Channel 12TB NVR
- + (2) Hikvision 16 Port POE Network Switch
- + (16) Hikvision 3MP 4MM IP Indoor Dome Cameras
- + (3) Hikvision 3MP 2.7-9MM IP Outdoor Vandal Dome Cameras

Reed Brothers will also install computer programmed card lock door access devices for all internal and external access points.

## **ALARM DEVICES**

Reed Brothers will install and monitor on a 24/7 basis alarm devices for points of ingress and egress as well as window contacts. Installed equipment will include:

- + (1) Honeywell Lynx Touch – All-in-One Alarm Control System (Built in siren, touch screen, backup battery, panic button)
- + (3) Wireless Door and/or Window Contacts
- + (1) Glass Break Detector
- + (1) Motion Detector
- + (1) 4 Button Wireless Remote Control with Panic Button
- + (1) GSM Radio

# Exhibit Y

## **Understanding Whether the Planning Code Prohibits an MCD Within 1,000 FEET of a Child Care Center.**

### **Is Child Care a use that triggers the 1000 foot distance rule?**

No, Child Care is not listed as a “sensitive site” in the City’s MCD legislation, and the 1000 foot rule is not triggered. If the City wanted to include Child Care in the sensitive site list, it could amend the Code to include it.

### **Is Child Care listed as one example of some sub-category of sensitive uses (such as "Community Facility"), and thus indirectly made into a sensitive use?**

No, see the definition of Community Facility, which is a “sensitive site” in the MCD legislation.

**Community Facility.** An Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education other than Institutional Uses as defined in this Section.

### **First Conclusion:**

Childcare is not a community clubhouse, neighborhood center, or cultural center. But does it fall under “other community facilities not publicly owned but open for public use”?

To be in the this residual category, the business must:

- (1) be a nonprofit (few childcare facilities are) AND
- (2) must have as its chief function:
  - (a) the gathering of persons (that means adults and children and not solely children) and
  - (b) those persons must be from the immediate neighborhood (not a requirement of those who run child care).

### **Second Conclusion:**

Child care is not in the residual category of “other community facilities not public owned but open for public use”.



BRETT GLADSTONE  
PARTNER  
DIRECT DIAL (415) 995-5065  
DIRECT FAX (415) 995-3517  
E-MAIL BGladstone@hansonbridgett.com

June 20, 2017

VIA E-MAIL AND U.S. MAIL

John Rahaim  
Director of Planning  
City and County of San Francisco  
1660 Mission Street, 5th Floor  
San Francisco CA 94103

Re: July 13, 2017 Hearing, Apothecarium Sunset Store at 2505 Noreiga Street  
Our File No. 33465.1

Dear John:

My client The Apothecarium has asked me to give you an update on the strong neighborhood support it has for its proposed dispensary at 2505 Noriega St. Also, we wanted to bring to the City's attention some troubling information about the documents submitted by the opposition to this project.

1. The Apothecarium has submitted (or will submit to your staff) a total of 1,246 letters of support, including:

--545 from the two Sunset zip codes  
(of which 84 come from residents within 1,000 feet of the project site)

Unlike the opposition documents your staff has received, these are not petition signatures. While some are form letters, a large number of signers have added their own remarks. 155 are from parents.

This amount of support is not surprising, given that 20,014 Sunset residents voted last November to support Proposition 64 which legalized recreational cannabis. That is 58% percent of the Sunset's voters, compared to 37% who opposed.

2. There are serious issues with many of the opposition petition signatures. I attach samples -- just a few of the many more problematic ones delivered to your staff. Problems include:

--Multiple signatures by the same person yet with different neighbor's names.  
--Missing addresses, presumably not San Francisco residents  
--Addresses listed which are not San Francisco addresses

John Rahaim  
June 20, 2017  
Page 2

The Apothecarium team will be delivering to your staff its support letters mentioned above and as these numbers change, we will be reporting them to your staff.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brett Gladstone".

Brett Gladstone

cc: Planner Andrew Perry  
Dan Sider

Same Signature Handwriting: Lines 1-10  
 我們強烈反對大麻店在三藩市日落區 2505 Noriega Street 開設！

### San Francisco Residents 三藩市居民 Please sign only once 請只簽一次)

	Name 姓名	Address 地址	Phone/WeChat/Email 電話 / 微信 / 電郵	Signature 簽名
1	AMY AU	1858-35 <sup>TH</sup> AVE SAN FRANCISCO CA 94122	415-242-4335	Amyau
2	TONY YUEN	1858-35 <sup>TH</sup> AVE SAN FRANCISCO CA 94122	415-242-4335	TONY YUEN
3	PIK YU KO	1731-22 <sup>ND</sup> AVE SAN FRANCISCO CA 94122	415-566-0490	PIK YU KO
4	Anita Ng	1731-22 <sup>ND</sup> AVE SAN FRANCISCO CA 94122	415-806-9753	Anita Ng
5	AU CHIU CHAN	1719-26 <sup>TH</sup> AVE SAN FRANCISCO CA 94122	415-535-6298	chuiuchun au
6	Piu Chan	1719-26 <sup>TH</sup> AVE SAN FRANCISCO CA 94122	415-806-0108	Piu chan
7	IMELDA OU	1355-34 <sup>TH</sup> AVE SAN FRANCISCO CA 94122	415-759-5373	Imelda Ou
8	HARRY OU	1355-34 <sup>TH</sup> AVE SAN FRANCISCO CA 94122	415-828-2693	Harry Au
9	CHAN KING MAN	1719-26 <sup>TH</sup> AVE SAN FRANCISCO CA 94122	415-212-1328	King Handon
10	MARTINA AU	562-6 <sup>TH</sup> AVE SAN FRANCISCO CA 94122	415-305-2349	Martina Au

Please contact:

Pastor Shiu Ming Lau  
 Lutheran Church of the Holy Spirit

Address:  
 2400 Noriega Street  
 San Francisco, CA 94122  
 Phone: (650) 455-8842  
 Wechat I.D.: Shiuminglau

請聯絡：  
 路德會聖靈堂 - 劉少銘牧師  
 地址：2400 Noriega Street, SF, CA 94122  
 電話：(650) 455-8842  
 微信：Shiuminglau



Please note the date of hearing. Show up and Say NO to MCD!

Same Handwriting: Lines 1-5

We Strongly Oppose the opening of a MCD at 2505 Noriega Street in the Sunset District, San Francisco!  
我們強烈反對大麻店在三藩市日落區 2505 Noriega Street 開設！

## San Francisco Residents 三藩市居民

	Name 姓名	Address 地址	Phone/WeChat/Email 電話 / 微信 / 電郵	Signature 簽名
1	Eric King Lau	2011 34th Ave, SF 94127		Eric King Lau
2	Matthew Lau	156 South Ave, SF 94127		Matthew Lau
3	Melissa Lau	256 South Ave, SF 94127		Melissa Lau
4	Sophie Lau	256 South Ave, SF 94127		Sophie Lau
5	Kat Lau	256 South Ave, SF 94127		Kat Lau
6				
7				
8				
9				
10				

Please contact:

Pastor Shiu Ming Lau

Lutheran Church of the Holy Spirit

Address:

2400 Noriega Street

San Francisco, CA 94122

Phone: (650) 455-8842

Wechat ID.: Shiuminglau

請聯絡：

路德會聖靈堂 - 劉少銘牧師

地址 : 2400 Noriega Street, SF, CA 94122

電話 : (650) 455-8842

微信 : Shiuminglau

Please note the date of hearing. Show up and Say NO to MCD!

請記下開會日期，出席並說不！

# APPLICATION FOR Conditional Use Authorization

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
Gerald & Sallyanne Davalos	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
140 San Fernando Way, San Francisco, Ca. 94127	( 415 ) 661-2480
	EMAIL:
	N/A

APPLICANT'S NAME:	Same as Above <input type="checkbox"/>
Ryan Hudson, Floyd Huen, M.D., Michael Thomsen, Jean Quan	
APPLICANT'S ADDRESS:	TELEPHONE:
2029 Market Street, San Francisco, CA, 94114	( 415 ) 928-3300
	EMAIL:
	ryan@apothecarium.com

CONTACT FOR PROJECT INFORMATION:	
Ryan Hudson	Same as Above <input type="checkbox"/>
ADDRESS:	TELEPHONE:
2029 Market Street San Francisco, CA 94114	( 415 ) 928-3300
	EMAIL:
	ryan@apothecarium.com

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
	Same as Above <input type="checkbox"/>
ADDRESS:	TELEPHONE:
2029 Market Street San Francisco, CA 94114	( 415 ) 928-3300
	EMAIL:
	ryan@apothecarium.com

## 2. Location and Classification

STREET ADDRESS OF PROJECT:		ZIP CODE:
2505 Noriega Street		94112
CROSS STREETS:		
32nd Ave and 33rd Ave		

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
2069 / 012	50.35' x + 3675.55		Noriega Street - NCD	40-X

### 3. Project Description See Attachment B

( Please check all that apply )		ADDITIONS TO BUILDING:		PRESENT OR PREVIOUS USE:	
<input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify:		<input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard		Pharmacy / Drug Store	
				PROPOSED USE:	
				Medical Cannabis Dispensary	
				BUILDING APPLICATION PERMIT NO.:	DATE FILED:
				201412103440	12/10/2014

### 4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
<b>PROJECT FEATURES</b>				
Dwelling Units	0	+ 0	0	0
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	0	0
Loading Spaces	0	0	0	0
Number of Buildings	1	1	0	1
Height of Building(s)	17'-2"	17'-2"	0	17'-2"
Number of Stories	1	1	0	1
Bicycle Spaces	0	0	0	0
<b>GROSS SQUARE FOOTAGE (GSF)</b>				
Residential	0	0	0	0
Retail	2780	0	0	0
Office	0	0	2780	2780
Industrial/PDR <i>Production, Distribution, &amp; Repair</i>	0	0	0	0
Parking	0	0	0	0
Other (Specify Use)	0	0	0	0
<b>TOTAL GSF</b>	<b>2780</b>	<b>0</b>	<b>2780</b>	<b>2780</b>

Please describe any additional project features that are not included in this table:  
( Attach a separate sheet if more space is needed )

Note: Medical Cannabis Dispensary is considered Office use for this table.

5. Action(s) Requested (Include Planning Code Section which authorizes action)

## Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
  2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
    - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
    - (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
    - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
    - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
  3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.



See Attached.

# Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

See Attached.

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

See Attached.

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

See Attached.

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

See Attached.

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5. That 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;

See Attached.

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6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

See Attached.

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7. That landmarks and historic buildings be preserved; and

See Attached.

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8. That our parks and open space and their access to sunlight and vistas be protected from development.

See Attached.

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# Estimated Construction Costs

TYPE OF APPLICATION:	
Conditional Use Authorization	
OCCUPANCY CLASSIFICATION:	
B	
BUILDING TYPE:	
VB	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
2780	Mediccal Cannabis Dispensary
ESTIMATED CONSTRUCTION COST:	
ESTIMATE PREPARED BY:	
FEE ESTABLISHED:	

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print name, and indicate whether owner, or authorized agent:

\_\_\_\_\_  
Owner / Authorized Agent (circle one)

# Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input type="checkbox"/>
Prop. M Findings	<input type="checkbox"/>
Historic photographs (if possible), and current photographs	<input type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Original Application signed by owner or agent	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	<input type="checkbox"/>

Our records show the Planning Department has the materials listed below.

## NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_



SAN FRANCISCO  
PLANNING  
DEPARTMENT

**FOR MORE INFORMATION:**  
**Call or visit the San Francisco Planning Department**

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*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*

# APPLICATION TO OPERATE A

# Medical Cannabis Dispensary

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
Gerald & Sallyanne Davalos	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
140 San Fernando Way, San Francisco, Ca. 94127	(415 ) 661-2480
	EMAIL:
	N/A

APPLICANT'S NAME:	Same as Above <input type="checkbox"/>
Ryan Hudson, Floyd Huen, M.D., Michael Thomsen, Jean Quan	
APPLICANT'S ADDRESS:	TELEPHONE:
2029 Market Street, San Francisco, CA 94114	(415 )928-3300
	EMAIL:
	ryan@apothecarium.com

CONTACT FOR PROJECT INFORMATION:	Same as Above <input type="checkbox"/>
Ryan Hudson	
ADDRESS:	TELEPHONE:
2029 Market Street, San Francisco, CA 94114	( 415 )928-3300
	EMAIL:
	ryan@apothecarium.com

## 2. Location and Dispensary Information

STREET ADDRESS OF PROJECT:		ZIP CODE:
2505 Noriega Street		94112
CROSS STREETS:		
32nd Avenue & 33rd avenue		

ASSESSORS BLOCK/LOT:	ZONING DISTRICT:
2069 / 012	NCD-Noriega Street Neighborhood Commercial District

DISPENSARY SQ FT:	SQ FT. ACCESSIBLE TO PATRONS:	FLOOR ON WHICH DISPENSARY IS LOCATED::
2,721	1,593	1

PROPOSED BUSINESS NAME (IF KNOWN):
The Apothecarium
PRESENT OR PREVIOUS USE:
Drug Store/Pharmacy

### 3. Dispensary Proximity

<b>PROXIMITY TO SCHOOLS</b>	( Initial Below )
I have used all reasonable resources available to me, including maps and zoning information made available by the Planning Department and a personal and thorough inspection of the broader vicinity of the subject property and have found that, to the best of my knowledge, the property is not within 1,000 feet of an elementary or secondary school, public or private.	
<b>PROXIMITY TO RECREATION BUILDINGS</b>	( Initial Below )
I have used all reasonable resources available to me, including maps and zoning information made available by the Planning Department and a personal and thorough inspection of the broader vicinity of the subject property and have found that, to the best of my knowledge, the property is not within 1,000 feet of a recreation building, as defined in the Planning Code.	
<b>PROXIMITY TO SUBSTANCE ABUSE TREATMENT FACILITIES</b>	( Initial Below )
I have used all reasonable resources available to me, including a personal inspection of the subject property and have found that, to the best of my knowledge, the property does not contain a substance abuse treatment facility.	

### 4. Dispensary Services

<b>ON SITE MEDICATING</b>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
Will you allow patrons or employees to smoke or vaporize medical cannabis, or otherwise medicate with medical cannabis, on the premises?	
<b>MEDICAL CANNABIS EDIBLES</b>	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> Dispensing <input type="checkbox"/> Production SQ FT <input type="text"/>
Will you offer medical cannabis in the form of food or drink or will medical cannabis edibles be produced on-site? If so, please check the appropriate boxes and, if applicable, declare the proposed square footage to be dedicated to on-site production of edibles.  <small>( Note that Planning Code standards may prohibit [1] the dedication of more than 1/4 of the total floor area of the dispensary for the production of food and/or [2] the off-site dispensing of any products that are made on-site. Also please note that if food is provided or produced, additional permits will be required from the Department of Public Health.)</small>	
<b>ON-SITE MEDICAL CANNABIS CULTIVATION</b>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES SQ FT <input type="text"/>
Will any live marijuana plants be kept on the premises for purposes of harvesting medical product? If so, please declare the proposed square footage to be dedicated to growing activities.  <small>( Note that additional safety measures may be required. Consult with the Department of Public Health regarding the use and storage of chemicals associated with the growing process and with the Department of Building Inspection regarding associated building safety issues. Also note that the Planning Code may prohibit the use of more than 1/4 of the total area of the dispensary for such purpose. )</small>	
<b>OFF-SITE MEDICAL CANNABIS CULTIVATION</b>	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> Within San Francisco <input type="checkbox"/> Outside San Francisco
Will any medical cannabis distributed on the premises have been grown elsewhere than on the premises? If so, please declare whether medical cannabis cultivation will occur within or outside the City and County of San Francisco.  <small>( Note that any off-site growing facility located in San Francisco must be properly permitted under applicable state and local law. )</small>	

CASE NUMBER:  
For Staff Use only

## 5. Applicant's Statement

Please discuss:

1. The business plan for the proposed Medical Cannabis Dispensary;

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See attachments to Conditional Use Application

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2. Specific factors which contribute to the compatibility and appropriateness of the Medical Cannabis Dispensary with the immediate neighborhood and broader City environment;

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See attachments to Conditional Use Application

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3. Neighborhood outreach efforts made and the results/input from those efforts;

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**See attachments to Conditional Use Application**

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4. Any other circumstances applying to the property involved which you feel support your application.

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**See attachments to Conditional Use Application**

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## Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

- 1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

See Priority General Plan Policy Findings attached to conditional use application.

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

See Priority General Plan Policy Findings attached to conditional use application.

- 3. That the City's supply of affordable housing be preserved and enhanced;

See Priority General Plan Policy Findings attached to conditional use application.

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

We expect the dispensary to employ approximately the same number of people as the previous pharmacy/drug store.

5. That 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 proposed dispensary will not displace any industrial or service businesses. The proposed dispensary will provide employment opportunities in addition to those that moved with the previous tenant.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed tenant improvement will comply with current building code and seismic requirements.

7. That landmarks and historic buildings be preserved; and

The proposed dispensary will not affect any historic landmarks or historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The proposed dispensary will not reduce open space nor decrease access to sunlight and/or views.

CASE NUMBER:  
For Staff Use only

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print name, and indicate whether owner, or authorized agent:

\_\_\_\_\_  
Owner / Authorized Agent (circle one)

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_



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No appointment is necessary.*

## **ATTACHMENT A**

### *Conditional Use Findings (Continued from page 9 of CU Application Form)*

1. The proposed Medical Cannabis Dispensary will add a unique and needed service to the Outer Sunset neighborhood. The next closest dispensaries are located in The Richmond and on Ocean Avenue -- a nearly 3-mile trip through city streets. The proposed dispensary will add employment opportunities and add to the character of the neighborhood.
- 2.a. The proposed Medical Cannabis Dispensary will be located within an existing building that was once a pharmacy -- it has been vacant for several years. No new construction or additions are proposed.
- 2.b. The proposed Medical Cannabis Dispensary will not change existing accessibility or traffic. The proposed dispensary is analogous to the previous pharmacy use. We expect to have the same number of employees and visitors. The proposed dispensary will comply with current accessibility requirements.
- 2.c. No smoking, vaporization, growing or processing of marijuana will take place on site. The proposed Medical Cannabis Dispensary will have a mechanical system designed to keep any potential odors from passing into pedestrian space. We do not expect the proposed dispensary to produce noise, glare or dust.
- 2.d. The existing storefront will be replaced and upgraded with high quality materials and a design that enhances the commercial district. Proposed signage and a new awning will comply with the Planning Code.
3. The proposed Medical Cannabis Dispensary will comply with all applicable provisions of the Planning Code. In keeping with the Master Plan, it will enhance the Noriega Street Neighborhood Commercial District economically and esthetically. It will provide a needed service to this area of San Francisco and will reduce the need for residents to travel to other parts of the city to obtain this service.

## ATTACHMENT B

### **BACKGROUND**

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 Sunset neighborhood currently has no medical cannabis dispensaries. The closest MCDs are located in the Richmond and on Ocean Ave, more than a 3-mile trip through city streets.
- 2505 Noriega Street is well served by transit (served by MUNI 71L, 16X, 71)
- 2505 Noriega Street is more than 1,000' from primary and secondary schools.
- 2505 Noriega Street is more than 1,000' from any of the kinds of uses listed in the Planning Code that triggers this measurement.
- The project site will be been renovated to provide a safe, well-lit environment for California Medical Marijuana Patients with proper identification cards.
- Employment levels are estimated to be between 12-17 full-time / part-time employees, approximately the same number as the previous use of a pharmacy.
- Patients will not be permitted to smoke or inhale product via vaporizers on-site.
- Marijuana cultivation will not be permitted on-site.

## **PROJECT ANALYSIS**

### **MEDICAL CANNABIS DISPENSARY CRITERIA**

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

1. The Medical Cannabis Dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 and 3305 of the San Francisco Health Code.

#### ***Project Meets Criteria***

*The Project Sponsor applied for a permit from the Department of Public Health on October 28, 2014.*

2. 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 a community facility or recreation center, as defined by Section 790.50(a) of the Planning Code.

#### ***Project Meets Criteria***

*The Site is not located within 1000' of an elementary or secondary school, public or private, nor is it located within 1000' of an active recreation center or community facility, which primarily serves persons 18 years or less, as defined by Section 790.50(a).*

3. 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 establishment of a new MCD at the Site would not include an on-site smoking or vaporizing area.*

4. 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 Property does not contain any facility providing substance abuse services.*

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

#### ***Project Meets Criteria***

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

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***

*Mailing labels and a map have been provided to allow notice to neighbors.*

7. An MCD must meet all of the requirements in Article 33 of the San Francisco Health Code.

#### **Project Meets Criteria**

*The proposed MCD will meet all of the requirements of Article 33 of the San Francisco Health Code.*

#### **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:**

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 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 ill patients who would be served by the proposed use are in great need of this type of medical service. By allowing the services provided by the MCD, its patients are assured to safe access to medication for their ailments.*

*There are no MCDs in the Sunset or anywhere in the City west of 14th Avenue, a fact that is contrary to the City's policy of dispersion of this use. The closest MCD (on Geary Blvd near 12th Ave) is a three-mile trip through city streets from the proposed site, requiring at least two bus rides in each direction. Yet there are 3,900+ existing Apothecarium patients alone in the two Sunset zip codes: 94122 and 94116. Presumably there are also many additional medical marijuana patients who are not members of the Apothecarium who would also benefit from a neighborhood dispensary.*

*See below for information about The Apothecarium Sunset's plans to be the region's first bilingual (Cantonese), bicultural dispensary.*

## **SECTION 101.1 PRIORITY POLICIES**

Planning Code Section 101.1 establishes eight 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. The proposed tenant space for the MCD is currently vacant so the new use will not displace any 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 to all signage regulations of the Planning Code and Article 33 of the Health Code to help preserve the existing neighborhood character. The street-facing windows will use clear, transparent glass; no tinting or obscured glass will be permitted to ensure an active ground floor use. The use is considered an Active Use under Section 145.4. The proposed use would not adversely affect, but rather it would complement, the existing neighborhood character.*

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

*The existing tenant space was most recently occupied by a pharmacy use thus this Project will not adversely impact the City's supply of affordable housing.*

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

*The Site is on the Noreiga Street public transit lines so the use will not impede transit operations or impact parking.*

5. A diverse economic base be maintained, 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-sector 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; all construction will comply with current building and seismic-safety codes.*

7. Landmarks and historic buildings be preserved.

*Although the subject building was constructed circa 1942, it is not on the California or federal Register of Historic Places and is not a City landmark. As a result, the renovation or the façade should not interfere with the preservation of an historic building or landmark. In addition, plans are being developed in conjunction with historic planning staff to be contextual to the neighborhood.*

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

*The Project involves a change of use to an MCD. A change of use with no expansion of the building envelope will not impact parks or open spaces.*

## **Proposed Criteria for Conditional Use Approval of a MCD in the Noriega Street NCD**

1. The MCD will bring measurable community benefits and enhancements to the NCD.

*The Apothecarium Sunset will be the first bilingual (Cantonese), bicultural dispensary in the Bay Area, serving the neighborhood patient community in a manner that collaborates with traditional Asian medical practices. The collective has four primary co-owners: Floyd Huen, M.D., Ryan Hudson, Jean Quan and Michael Thomsen. We will draw on the extensive medical cannabis industry experience of Ryan Hudson and Michael Thomsen, co-founders of the Apothecarium Castro. We will also benefit from the deep ties that former Oakland Mayor Jean Quan and her husband Floyd Huen, M.D., have to the Asian Pacific American community generally, and their longstanding family ties to the Sunset neighborhood. Mayor Quan brings unparalleled marijuana regulatory experience; she authored the regulatory framework for Oakland's medical marijuana industry -- widely considered a national model. Dr. Huen, a noted internist, has been prescribing cannabis to patients for more than 20 years.*

*The Apothecarium Sunset will offer medical cannabis products produced by members of our collective with legal cultivation rights in the State of California. The dispensary will be staffed with educated professionals that provide in-depth consultations and product information to patients. The organization will also partner with prominent non-profits, as we have done in the Castro, to strengthen and support the needs of the community.*

*There are currently no MCDs in the Sunset so patients will not have to travel to other neighborhoods for medicine. In addition, the Apothecarium will host free weekly programs, available to the neighborhood, such as yoga, meditation, anxiety and depression programs, and veteran support groups – similar to the programs we already offer in the Castro.*

*The organization's current MCD has operated in the Castro community for almost six years. In this short period of time, the Apothecarium Castro has grown to be an exemplary model for professional medical cannabis dispensaries. The Planning Department has deemed the business an asset to the community, as noted in the Draft Planning Commission Report on MCDs (published March 20, 2014), which praises the Apothecarium for its "community centered approach" and for showing how a dispensary "can successfully blend into the community."*

*On October 1, 2015, Scott Wiener (then a San Francisco Board of Supervisors Member) issued a proclamation declaring the day "Apothecarium Day" and congratulating the dispensary for their fine service to patients, their \$300,000 in donations to community-minded groups and for helping to clean up the corner where they operate.*

*The investment the Apothecarium Castro has made into its community, leaders, and associations has built an extremely positive rapport with its neighbors. The organization's co-founder, Ryan Hudson, serves as a Board Member of the Castro Merchants Business Association, a member of the Duboce Triangle Neighborhood, and Eureka Valley Neighborhood Associations.*

*In addition to the community associations, the Apothecarium formed a Philanthropic Advisory Board shortly after its inception in June 2011. The purpose of this Board is to direct contributions to local non-profits, charitable organizations, and events for the betterment of the community. We expect to do the same for the Sunset neighborhood.*

*Since 2011, The Apothecarium has given away more than \$335,000 to community-minded groups such as Castro/Eureka Valley Foundation, Equality California, LYRIC, Lyon-Martin Health services, Larkin St. Youth Center, PAWS (Pets are Wonderful Support), SF Pride, SF Aids Foundation, The Sisters of Perpetual Indulgence, AIDS Emergency Fund, Rooms that Rock4Chemo, Maitri Compassionate Care and many more.*

*The Apothecarium Sunset will offer a similar program in the Sunset, tailored to the needs of the neighborhood. We expect to offer cash grants to neighborhood nonprofits and wellness programs that emphasize the links between medical marijuana and Traditional Chinese Medicine, senior access to health care and youth education.*

2. The MCD has prepared a parking and transportation management plan sufficient to address the anticipated impact of patients visiting the MCD.

*The MCD has commissioned Fehr & Peers to do a parking and traffic study. In the study, The Apothecarium has listed transportation management ideas to address any potential impact. The results of this analysis reveal that the estimated number of Proposed Project- generated trips would likely be less than the number expected to be generated by a retail or restaurant use in the same space. Retail and restaurant establishments are used as a comparison since they are two of the most common uses in the Noriega Street Neighborhood Commercial District, where the Project is located. The analysis further demonstrates that the estimated number of vehicle trips during the peak hour could be accommodated by the existing available parking supply within 1,000 feet of the Proposed Project.*

*In addition, while the Proposed Project is not subject to the City of San Francisco's Transportation Demand Management Program, due to its small size and other factors. The Project Sponsor has voluntarily agreed to implement several Transportation Demand Management (TDM) measures to encourage travel by sustainable modes of transportation (e.g. walking, bicycling, and transit) and further reduce single occupancy vehicle (SOV) trips to the Proposed Project. If the Proposed Project were subject to SF Planning's TDM Program, the sum of these TDM measures – and including the fact that the Proposed Project would not provide parking – would result in 23 points according to the program's web-based tool. For comparison purposes, a retail use that is subject to SF Planning's TDM Program that provides 0-4 parking spaces would be required to attain 13 points.*

3. The MCD has demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the conditional use, including adequate security measures in its operation of the business, and designating a community liaison to deal effectively with current and future neighborhood concerns.

*The Apothecarium Sunset has made extensive community outreach efforts, led by former Oakland Mayor Jean Quan and her husband, Dr. Floyd Huen.*

*These include offsite meetings in the community with:*

- Kaiser Oncology Palliative Care Team at Kaiser SF
- Outer Sunset Parkside Residents Association (OSPRA)
- Chinese American Democratic Club
- Outer Sunset Merchant Professional Association
- Neighborhood Watch meeting, April 21. Meeting in the home of the leader of a neighborhood watch group within two blocks of 2505 Noriega St.
- Invited 75 health care professionals from Noriega Street's "Medical Mile" to attend a dinner in the Sunset
- Anni Chung, CEO, Self-Help for Elderly
- Lori Jones, Licensed acupuncturist (to plan for upcoming continuing education programs related to medical marijuana and acupuncture, for local acupuncturists)
- Ray Law, aide to Supervisor Katy Tang
- Walking the neighborhood to speak with neighbors and business owners
- Outreach to passersby at 2505 Noriega
- Ophelia Chong, Founder Asian Americans for Cannabis Education
- Professor Zou, Dean of Academy of Traditional Chinese Medicine
- Earth Day Beach Clean Up & Block Party (Noriega between 45<sup>th</sup> & 46<sup>th</sup>); spoke to 75+ residents
- Jaynry Mak, former Board of Supervisors aide
- Bill Lee, former City Administrator
- Francis Tsang, Aide to Mayor Ed Lee
- Lutheran Church of the Holy Spirit, Noriega Street
- Taraval Police Station, Officer Dan McLaughlin
- Leon Chow, Health Care Advocate
- Supervisor Sandra Lee Fewer
- Former Supervisor Eric Mar
- Cindy Wu, Former SF Planning Commissioner
- Ted Fang, former Asian Week publisher
- Sue Lee, Chinese Historical Society
- Jamie Goodman, Acupuncturist and leader of Cannabis for Acupuncturists and TCM practitioners
- Frances Fu and Nick Lau, young community leaders
- Distributed information on medical cannabis to 50+ acupuncturists at an October 2016 conference
- Door-to-door outreach to medical providers in the Noriega area
- Hosted three events where existing patients were invited to attend along with family, friends and neighbors to learn more about plans for The Apothecarium Sunset

*Tours of The Apothecarium Castro with:*

- Supervisor Katy Tang
- California Assembly member Phil Ting
- California Controller Betty Yee
- Alex Feng, founder Taoist Center, licensed acupuncturist and Traditional

*Chinese Medicine physician*

- *Tom Temprano, City College of San Francisco Trustee (discuss CCSF's plans for cannabis education programs)*
- *Kaiser Oncology Palliative Care Team (discussed needs of Chinese-speaking patients)*
- *UCSF Pharmacy Residents Tour*
- *Susan Pfeifer, leader of Outer Sunset Parkside Residents Association (OSPRA)*
- *Ed Chow, President, SF Health Commission*
- *Sunset Action Day Event for Existing Patients in the Sunset*
- *David Hua, CEO, Meadow*
- *James Chang, Political activist; Degree in Political Economics & Chinese language*
- *Aneeka Chaundry, Aide to Mayor Ed Lee*
- *Jacalyn Mah, Sunset resident and former signer of opposition petition who changed to support after discussion*
- *"Cancer and Cannabis: The Non-Euphorics" -- patient education class, May 8, Ortega Branch Library, open to the public.*
- *Knocked on doors of all residences and businesses within 300' of property to answer questions, accompanied by a Cantonese and Mandarin interpreter.*
- *Bilingual displays in the windows of 2505*
- *Members of Neighborhood Watch group within two blocks of project site*
- *Tim Murphy, President La Playa Park Neighborhood Association*

#### *Media Outreach*

- *San Francisco Chronicle interview with Dr. Huen about seniors and medical cannabis (front-page article)*
- *Sing Tao Daily (a Chinese language newspaper) ran an article similar to the one in the Chronicle.*
- *KTSF-26 (a Cantonese language TV station) invited Dr. Huen to appear on Anni Chung's public affairs program*
- *Sing Tao Daily ran a photo of Mayor Quan and Dr. Huen with girl scout Danielle Lei, selling Girl Scout Cookies outside The Apothecarium Castro*
- *Multiple additional interviews with Dr. Huen about The Apothecarium Sunset have run in English and Chinese language media outlets including: Sing Tao Daily, World Journal, SFGate, The SF Chronicle, SF Weekly, Bay City News, KTVU, KTSF, NBC3, SFSU Student newspaper and many others.*

#### *Upcoming / In-progress:*

- *Employments Advertisements in Chinese language newspapers encouraging bilingual staff to apply to work for The Apothecarium*
- *Bilingual website [www.2505noriega.com](http://www.2505noriega.com) with information about the project*

#### *Other Groups We Have Invited to Meet / Tour (Offers Pending or Declined)*

- *Greater West Portal Neighborhood Assn.*
- *Wild Equity Institute*
- *Mid-Sunset Neighborhood Association*

- *SPEAK (Sunset-Parkside Education and Action Committee)*
- *Sherwin Williams Ocean Ave*
- *Saint Ignatius Neighborhood Association*
- *Housing Rights Committee of San Francisco*
- *Sunset Heights Association of Responsible People*
- *People of Parkside Sunset*
- *Sunset Youth Services*
- *Taraval Community Police Advisory Board*

*The operators of the Apothecarium Sunset are committed to making themselves available to answer all questions and becoming a known entity to neighbors. The Apothecarium values outreach as an essential part of the planning stages of a professionally run dispensary and will continue to build positive connections with key members of the community as early as possible. The MCD plans security measures including a security guard on site monitoring storefront, surveillance system installed by a security company covering each room, point of sale, entrances, exits and adjacent sidewalks, and safe cash handling practices such as frequent cash drops to limit cash on site.*

*We believe there is extensive community support in the Sunset neighborhood for medical marijuana:*

- *66 percent of Sunset voters approved Proposition 215 (legalizing medical marijuana) in 1996. The City's Department of Elections recorded 13,992 Sunset voters supporting this law.*
- *58 percent of Sunset voters supported Proposition 64 (further opening marijuana laws this past November). The city recorded 20,014 Sunset voters supporting greater access to marijuana.*
- *We have collected 1,106 letters of support from San Francisco residents, including:*
  - *456 letters of support from Sunset residents*
  - *652 additional letters including many who work or shop in the Sunset*
  - *52 letter writers identify themselves as living within two blocks of the site*
  - *136 letter writers identify themselves as parents*
  - *50 letters are individually written or form letters with personal notes*

*Over the course of the last six years, The Apothecarium has had four Commission/Board hearings on a total of three locations. The Apothecarium has prevailed in all four -- including two unanimous planning commission hearings. We believe that record of approvals is unparalleled among MCDs in San Francisco.*

*While there has been neighborhood opposition in some instances (as there is in most hearings) we look forward to showing the department the amount of support we have in the Sunset.*



## MEMORANDUM

Date: May 10, 2017

To: Ryan Hudson, The Apothecarium

From: Eleanor Leshner & Eric Womeldorf, Fehr & Peers

**Subject: 2505 Noriega Street Transportation and Parking Study**

SF17-0921

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This focused transportation and parking study assesses the local traffic, parking<sup>1</sup>, and loading conditions near the proposed Medical Cannabis Dispensary (MCD) at 2505 Noriega Street (the "Proposed Project") in the Sunset District of San Francisco. The study also estimates trip generation, parking and loading demand, and presents a Transportation Demand Management (TDM) plan for the Proposed Project. This study was requested by the project sponsor, The Apothecarium, in order to address the Findings of the Planning Code and help guide decision makers as to whether to approve the proposed use. To develop this study, Fehr & Peers has used several standard methodologies used for projects subject to CEQA by the San Francisco Planning Department and its transportation guidelines, although the Proposed Project is not subject to CEQA analysis.

The results of this study reveal that there is adequate parking in the vicinity of the Proposed Project to meet the anticipated demand and trip generation for the MCD. In addition, other retail or restaurant uses would result in similar, if not larger, trip generation and demand for parking. Retail and restaurant establishments are used as a comparison since they are two of the most common uses in the Noriega Street Neighborhood Commercial District, where the Proposed Project is located.

In addition, since medical cannabis and cannabis-related products are not currently allowed to be delivered by commercial vehicles, the Proposed Project would not generate demand for commercial loading vehicles. All deliveries to the MCD will be made by private passenger vehicles that park in

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<sup>1</sup>Parking is included as a topic of this study although typically it is included for informational purposes as part of project-specific environmental review conducted for CEQA



regular parking spaces. Delivery activity both to and from the Proposed Project is accounted for in the trip generation estimates that is compared to the existing parking supply.

Finally, while the Proposed Project is not subject to the City of San Francisco's Transportation Demand Management Program, due to its small size and other factors, the Project Sponsor has voluntarily agreed to implement several TDM measures to encourage travel by sustainable modes of transportation (e.g. walking, bicycling, and transit) and further reduce single occupancy vehicle (SOV) trips to/from the Proposed Project.

## PROJECT DESCRIPTION

As shown in **Figure 1**, the Proposed Project is located at 2505 Noriega Street on the southwest corner of Noriega Street and 32nd Street in the Noriega Street Neighborhood Commercial District. The Proposed Project would inhabit the existing building at the address, which has one floor and includes 2,721 gross square feet (gsf) of MCD use. The Proposed Project does not propose any accessory parking spaces.

## EXISTING CONDITIONS

To assess existing conditions in the vicinity of the Proposed Project, Fehr & Peers collected information regarding the traffic, parking, and loading conditions near the Proposed Project. To better understand the area, Fehr & Peers also conducted a site visit on Tuesday, February 28, 2017.

**Traffic Conditions:** Fehr & Peers conducted 24-hour vehicle volume counts at two blocks adjacent to the Proposed Project site on Wednesday, February 22, 2017. Approximately, 7,000 vehicles travel on Noriega Street per day, with even vehicle volumes traveling in each direction.



*Inset Figure 1. Existing Storefront at 2505 Noriega*

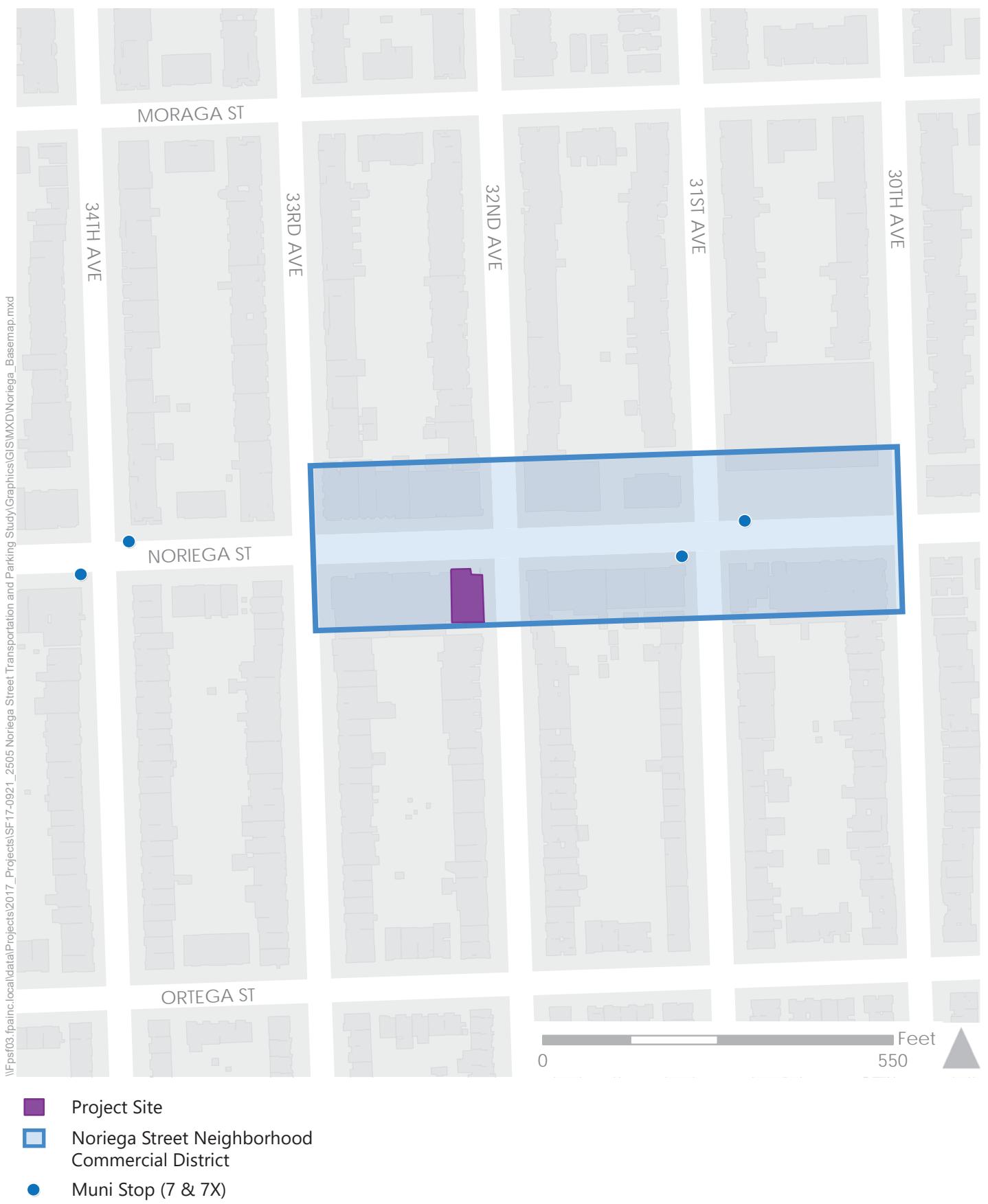


Figure 1  
Project Location





**Parking Conditions:** Fehr & Peers conducted parking and loading surveys on Saturday, February 18, 2017 (a typical weekend day) between 11am and 2pm, and on Wednesday, February 22, 2017 (a typical weekday) from 11am to 2pm, and from 5pm to 8pm. Approximately 1,300 parking spaces are supplied within an approximately 1,000 feet radius of the Proposed Project site. **Table 1** summarizes the average parking occupancy observed by time period and **Table 2** presents the average parking availability by time period. **Figure 2A** and **2B** present average parking occupancy by time period and by block.

**TABLE 1: AVERAGE PARKING OCCUPANCY BY TIME PERIOD**

Day	Midday (11am-2pm)	Evening (5pm-8pm)
Weekday	70%	77%
Weekend	87%	n/a

Source: Fehr & Peers, 2017.

Note: study area includes on-street parking and loading spaces within 1,000 feet of the Proposed Project site.

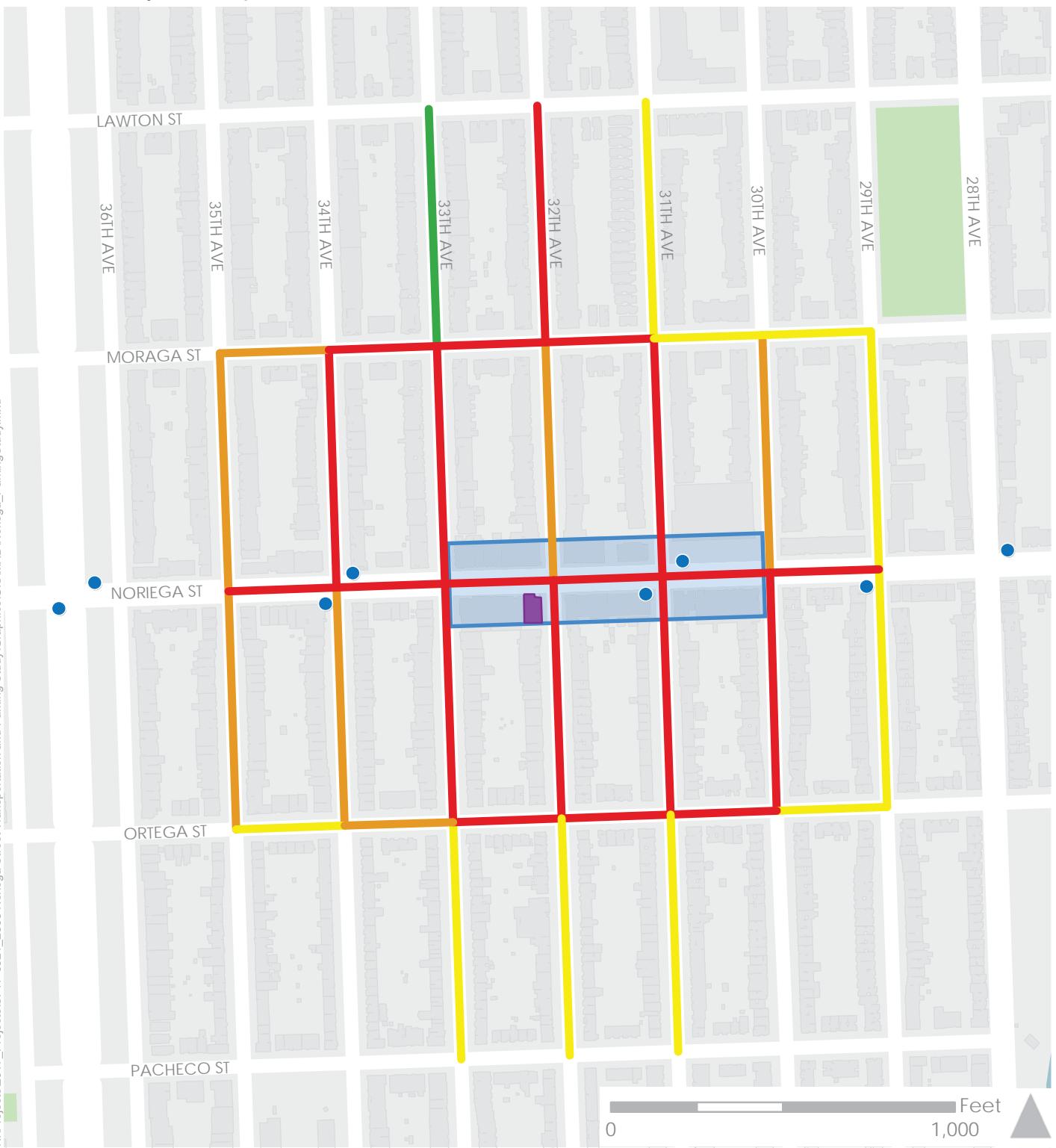
During the weekday midday period (11am-2pm), on-street parking is generally 70 percent occupied and, therefore, approximately 390 spaces are available within 1000 feet of the Proposed Project. During this time period, parking on Noriega Street and 31<sup>st</sup>, 32<sup>nd</sup>, and 33<sup>rd</sup> avenues one block south of Noriega Street is generally more occupied than other blocks observed, as presented in **Figure 2A**. On-street parking during the weekday evening period (5pm-8pm) is typically 77 percent occupied and, therefore, approximately 300 spaces are available within 1000 feet of the Proposed Project.

During this time period, parking occupancy is highest on Noriega Street between 31<sup>st</sup> and 32<sup>nd</sup> avenues but generally more evenly distributed across all blocks in the study area, compared to the midday time period. During the weekend midday (11am-2pm), on-street parking spaces are generally more occupied (87 percent) compared to the weekday time periods and approximately 175 spaces are available within 1000 feet of the Proposed Project. Generally, the blocks on and closest to Noriega Street are most occupied during the weekend midday time period, as presented in **Figure 2B**.



**Weekend Midday (11am - 2pm)**

N:\Projects\2017\_Projects\SF17-09221\_2505 Noriega Street Transportation and Parking Study\Graphics\GIS\MD\Noriega\_ParkingStudy.mxd



#### On-Street Parking Occupancy

- 0% - 59% Occupied
- 60% - 69% Occupied
- 70% - 79% Occupied
- 80% - 89% Occupied
- 90% - 100% Occupied

- Project Site
- Noriega Street Neighborhood Commercial District
- Muni Stop (7 & 7X)

On-Street Parking Occupancy, Existing Conditions

Figure 2B



**TABLE 2: AVERAGE PARKING AVAILABILITY BY TIME PERIOD**

<b>Day</b>	<b>Midday (11am-2pm)</b>	<b>Evening (5pm-8pm)</b>
Weekday	390 spaces	300 spaces
Weekend	170 spaces	n/a

Source: Fehr & Peers, 2017.

Note: study area includes on-street parking and loading spaces within 1,000 feet of the Proposed Project site.

Parking occupancy in the vicinity of the Proposed Project is similar to other locations in the City. For context, the City's SFpark program has identified 60-80 percent as its target parking occupancy range.<sup>2</sup> This target occupancy rate aims to ensure that on-street parking is readily available and accommodates as many customers as possible for adjacent businesses. In addition, according to a study by the San Francisco County Transportation Authority, which documented parking conditions in residential and commercial areas in Bernal Heights, Cow Hollow, Hayes Valley and West Portal in 2009, parking occupancy ranged between 63 – 96 percent, 71 – 97 percent, and 80 – 99 percent during the weekday midday, weekday evening and weekend midday periods, respectively.<sup>3</sup> The parking occupancy observed in the vicinity of the Proposed Project falls within these ranges for all time periods observed.

**Loading Conditions:** A total of seven commercial loading spaces are supplied within two blocks of the Proposed Project site. **Table 3** summarizes loading zone occupancy observed by time period. During weekday midday hours, loading spaces are generally 45 percent occupied. Loading occupancy during the weekday evening period is typically 82 percent full. Loading spaces are generally more occupied during the weekend midday time period (94 percent), when four loading spaces were observed as occupied during the entire time period. Generally, each loading space accommodates 2-6 unique loading vehicles during the time periods observed. Turnover rates by time period for the weekday midday, weekday evening, and weekend midday periods average 2.6, 2.7, and 4.3 vehicles, respectively.

<sup>2</sup> SFMTA (2014). SFpark: Pilot Project Evaluation. Accessed at <http://sfpark.org/about-the-project/pilot-evaluation/>

<sup>3</sup> San Francisco County Transportation Authority (2009). the "On-Street Parking Management and Pricing Study." Retrieved from <http://www.sfcta.org/transportation-planning-and-studies/current-research-and-other-projectsstudies/street-parking-management-and-pricing-study>.

**TABLE 3: LOADING OCCUPANCY BY TIME PERIOD**

<b>Day</b>	<b>Midday (11am-2pm)</b>	<b>Evening (5pm-8pm)</b>
Weekday	45%	82%
Weekend	94%	n/a

Source: Fehr & Peers, 2017.

Note: study area includes on-street loading spaces within two blocks of the Proposed Project site.

## TRIP GENERATION

Since City or industry-standard trip generation information is not available for MCD land uses, Fehr & Peers collected data at the Project Sponsor's existing MCD on Market Street in San Francisco to better understand trip generation patterns at this land use and determine its empirical trip generation rate. Trip generation for the Proposed Project was then estimated using the empirical trip generation rate associated with the existing MCD, and finally compared to trip generation for a retail or restaurant use as presented in the SF Guidelines, which provide guidance on calculating trip generation and performing travel demand forecasts for projects in San Francisco.

Entry/exit counts were conducted at the Project Sponsor's existing MCD location, located at 2029 Market Street, on Thursday, February 23, 2017 (a typical weekday) and Saturday, February 25 (a typical weekend day) during hours of operation, between 9am and 9pm. On a typical weekday, entry/exits at the existing location are evenly spaced throughout the day, in general, with the largest number of people entering/exiting the location between 2:45pm and 3:45pm and the least amount of activity occurring between 9am and 11am. On a typical weekend day, the entry/exits are more concentrated in the afternoon, with the largest number of entries/exits occurring between 3pm and 4pm, and least amount of activity occurring between 9am and 11am, and between 8pm and 9pm. According to the Project Sponsor, the typical length of stay for each visitor is approximately 15 minutes.

**Table 4** compares the daily and PM peak hour trip generation rates per 1,000 gsf based on the observations conducted at the existing MCD to the trip generation rates for retail and restaurant uses presented in SF Guidelines. Retail and restaurant uses were selected for comparison as two of the most common uses in the Noriega Street Neighborhood Commercial District. For example, although the Proposed Project's storefront is currently vacant, it was previously a pharmacy, which is a kind of retail use.

**TABLE 4: PERSON TRIP GENERATION RATES PER 1,000 GSF**

<b>Reference</b>	<b>Day<sup>1</sup></b>	<b>Use<sup>2</sup></b>	<b>Daily</b>	<b>PM Peak Hour (4-6pm)</b>
<b>SF Guidelines</b>	Weekday	Retail	150	14
	Weekday	Restaurant	200	27
<b>Observations at Market Street MCD</b>	Weekday	MCD	98	10
	Weekend	MCD	136	17

Source: Fehr & Peers, 2017; SF Guidelines, 2002.

Note:

1. SF Guidelines provides guidance for estimating weekday trips only; observations at the existing MCD on Market Street were taken on both a weekday and weekend day.
2. SF Guidelines were referenced to determine trip rates for both Retail and Restaurant uses, which are two of the most common uses in the Noriega Street Neighborhood Commercial District, for comparison purposes.

The general characteristics of the Proposed Project will be similar to the Project Sponsor's Market Street location. However, **Table 5** summarizes the ways in which the Proposed Project will differ from the existing MCD on Market Street. In general, the ways in which the Proposed Project would differ from the existing MCD on Market Street would likely result in less trip generation at the Noriega Street location. For example, the catchment area (i.e. the area from which people would be drawn from) for the existing location at Market Street (given its location at an important public transit node, walkability, and sole location in the City) represents the entire City of San Francisco whereas the Proposed Project expects to pull from a smaller catchment area, only the Western Neighborhoods (i.e. Richmond, Sunset, West of Twin Peaks, Ocean View, Merced Heights, Ingleside and Lake Merced districts). This is partially due to the fact that there is only one public transit line near the Noriega Street location, which is in the western portion of the City. Also, considering the prevalence of single family homes in the Sunset District, the development density near the Noriega Street site is lower than the Market Street location where buildings of more than two stories predominate.

The Project Sponsor expects delivery sales at the Proposed Project to work similarly to the existing delivery services provided at the Market Street location. Approximately one delivery trip will be made per day from the MCD and will go to up to 10 different locations within San Francisco's city limits. Twenty-five percent of deliveries will be made by foot or by bicycle, within 10 blocks of the Project, and 75 percent of deliveries will be made by private passenger vehicle, for destinations



further than 10 blocks or when the weather is poor. Since each delivery would go to up to 10 different locations, increased delivery sales (+5 percent) at the Proposed Project would likely result in less vehicle trip generation compared to the Market Street location. In addition, the entry/exit counts performed at the Market Street location, which inform the trip generation rates presented in **Table 4**, captured all deliveries, both to and from the MCD, since the main entrance on Market Street is the MCD's only entry/exit point. As another example, the Project Sponsor indicated that approximately 10 people on weekdays and 50 people on weekends enter the existing MCD on Market Street who are merely "curious passers-by"; these individuals are typically pedestrians walking by who are "curious" about what the store is but do not have the intention of becoming a member or making a purchase. It is anticipated that due to the lower pedestrian volumes on Noriega Street compared to Market Street, the Proposed Project would generate fewer entry/exits by "curious passers-by." Therefore, it is expected that the Proposed Project would generate less trips than the Market Street location based on the difference in their catchment areas, the number of "curious passers-by," and the other characteristics presented in **Table 5**.

**TABLE 5: EXISTING VS. PROPOSED MCD COMPARISON**

<b>Characteristic</b>	<b>Estimates</b>			
	<b>Market Street (Existing)</b>	<b>Noriega Street (Proposed)</b>	<b>Difference/ Ratio</b>	<b>Effect on Trip Generation</b>
<b>Size (gsf)</b>	5,200	2,721	0.52	-
<b>Employees</b>	25-30	12-16	13-14	(neutral)
<b>Curious passers-by</b>	20 (weekday) 50 (weekend day)	5 (weekday) 10 (weekend day)	-15 (weekday) -40 (weekend day)	-
<b>Delivery Sales</b>	15%	20%	+5%	-
<b>Catchment Area</b>	Entire City of San Francisco	Western Neighborhoods	Smaller catchment area	-
<b>Pedestrian Activity</b>	High	Moderate	Less pedestrian activity	-
<b>Visitor Length of Stay</b>	15 minutes	15 minutes	n/a	(neutral)

Source: The Apothecarium & Fehr & Peers, 2017.

To estimate trip generation for the Proposed Project, Fehr & Peers applied the rates presented in **Table 4** to the size of the Proposed Project. The results of this exercise are presented in **Table 6**.



Based on this analysis, the estimated number of daily person and vehicle trips based on the Market Street observations, for both weekdays and weekends, are less than those estimated according to SF Guidelines for weekday retail and restaurant uses.

During the PM peak hour, the trip generation estimate based on weekday observations at the existing MCD on Market Street are also less than those estimated using SF Guidelines. However, the trip generation estimate for the PM peak hour trips based on weekend observations on Market Street is greater than SF Guideline's weekday estimate for retail uses but less than SF Guideline's estimate for restaurant uses. This finding reflects that shopping and dining-related trips tend to occur more on weekends compared to weekdays.

**TABLE 6: TRIP GENERATION ESTIMATES**

<b>Reference</b>	<b>Day<sup>1</sup></b>	<b>Use<sup>2</sup></b>	<b>Daily</b>		<b>PM Peak (4-6pm)</b>	
			<b>Person Trips<sup>3</sup></b>	<b>Vehicle Trips<sup>4</sup></b>	<b>Person Trips<sup>3</sup></b>	<b>Vehicle Trips<sup>4</sup></b>
<b>SF Guidelines</b>	Weekday	Retail	408	306	37	28
	Weekday	Restaurant	544	407	73	55
<b>Observations at Market Street MCD</b>	Weekday	MCD	266	199	27	20
	Weekend	MCD	369	277	46	34

Source: Fehr & Peers, 2017.

Note:

1. SF Guidelines provides guidance for estimating weekday trips only; observations at the existing MCD on Market Street were taken on both a weekday and weekend day.
2. SF Guidelines were referenced to determine trip rates for both Retail and Restaurant uses, which are two of the most common uses in the Noriega Street Neighborhood Commercial District, for comparison purposes.
3. Person trips refers to trips taken by all modes.
4. Mode split for all trip generation estimates is based on SF Guidelines Table E-16: Visitor Trips to SD-4: Retail.

In addition, the trip generation estimates presented in **Table 6** reflect only the change in size between the existing and proposed MCD locations. The information presented in **Table 5** suggests that trip generation at the proposed location on Noriega Street would likely be less than the estimates presented in **Table 6** since the estimates presented in **Table 6** do not account for the smaller catchment area, lower pedestrian volumes and lower number of "curious passers-by" associated with the Noriega Street location. In general, this analysis reveals that estimated trip



generation for the Proposed Project would likely be less than trip generation related to a retail or restaurant use, which are two of the most common uses in the Noriega Street Neighborhood Commercial District.

## Parking Demand

The peak hour vehicle trip generation estimates presented in **Table 6** are less than the average number of parking spaces available within 1000 feet of the Proposed Project, which are presented in **Table 2**. Further, vehicle trip generation estimates include both people who park their vehicle to access the store and those who are dropped off by a vehicle (e.g. private vehicles, taxis, Uber/Lyft vehicles). Therefore, not all vehicle trips generate demand for a parking space.

## Loading Demand

Since medical cannabis and cannabis-related products are not currently allowed to be delivered by commercial vehicles, the existing MCD on Market Street does not and the Proposed Project would not generate demand for commercial loading vehicles.<sup>4</sup> All deliveries to the MCD will be made by private passenger vehicles that park in regular parking spaces.

The Project Sponsor expects that two deliveries will be made to the MCD per day on weekdays. No deliveries to the MCD will occur on weekend days. Deliveries to the MCD are carried by hand to the MCD from private passenger vehicles. As described above, one delivery trip will be made per day from the MCD and will go to up to 10 different locations within San Francisco's city limits. If one of the two short-term metered parking spaces adjacent to the Proposed Project on 32nd Avenue are available, private passenger vehicles making deliveries to/from the site could use those spaces, as any other private passenger vehicle, and make a short walk to the front or rear door of the Proposed Project.

The entry/exit counts performed at the Market Street location, which inform the trip generation rates presented in **Table 4**, captured all deliveries, both to and from the MCD, since the main entrance on Market Street is the facility's only entry/exit point. Therefore, delivery activity both to and from the Proposed Project is accounted for in the peak hour vehicle trip generation estimates

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<sup>4</sup> If the law changes such that it would allow delivery by commercial vehicles, the Project Sponsor would comply with the law and may or may not change its delivery model, depending on the conditions after a change in the law.



presented in **Table 6** and compared to the average number of parking spaces available within 1000 feet of the Proposed Project (see **Table 2**) in the *Parking Demand* sub-section.

For comparison purposes, **Table 7** presents the truck trip generation rates as well as the daily and peak hour truck trip generation estimates for retail and restaurant uses, as presented in SF Guidelines. The estimates are based on a land use of the same size as the Proposed Project. For a comparable retail or restaurant use of the same size as the Proposed Project, peak hour loading demand would likely fall in the range of 0 - 1 truck trip per peak hour.

**TABLE 7: TRUCK TRIP GENERATION RATES AND ESTIMATES**

<b>Use</b>	<b>Rate<sup>1</sup></b>	<b>Estimate</b>	
		<b>Daily</b>	<b>Peak Hour</b>
<b>Retail<sup>2</sup></b>	0.22	0.60	0.03
<b>Restaurant<sup>2</sup></b>	3.60	9.80	0.57

Source: Fehr & Peers, 2017; SF Guidelines, 2002

Note:

1. Daily rate per 1,000 gsf.

2. Referred to as Retail (composite) and Restaurant/bar in SF Guidelines, Appendix H.

Based on the observations presented in the Existing Conditions section of this memorandum, a peak hour loading demand of up to one vehicle could likely be accommodated by the existing commercial loading supply within two blocks of the Proposed Project. The supply of commercial loading spaces is most occupied during the weekend midday. If the Proposed Project were to generate demand for commercial loading spaces in the future, the Project Sponsor could limit commercial loading activities during the weekend midday to avoid increasing demand for commercial loading spaces during that time period.

## TDM PLAN

The Project Sponsor will implement a Transportation Demand Management (TDM) program as part of the Proposed Project. The TDM program will encourage travel via sustainable modes of transportation (e.g. walking, bicycling, and transit) and further reduce single occupancy vehicle (SOV) trips to the Proposed Project. SF Planning's Transportation Demand Management Program,



which was approved in February 2017 under Planning Code Section 169, provides a menu of potential TDM measures.<sup>5</sup> While the Proposed Project is not subject to Section 169, the Project Sponsor has agreed to implement the following TDM measures from the Standards for the Transportation Demand Management Program that would reduce SOV trips to and from the Project Site.<sup>6</sup>

1. Provide a minimum of 1 on-site Class I and 6Class II bicycle parking spaces to encourage bicycling by employees and visitors;
2. Provide bicycle maintenance tools and supplies within the store on a permanent basis and in good condition to encourage bicycling by employees and visitors;
3. Provide delivery services by bicycle, on foot, or in a vehicle that makes multiple stops, when possible, to reduce Vehicle Miles Traveled from single-stop motorized deliveries;
4. Provide 100% subsidized monthly transit passes to employees, as requested, to encourage employee transit use;
5. Produce tailored marketing and communication campaigns and distribute information via the Project Sponsor's website and/or member on-boarding forms to encourage visitor use via bicycle, on foot, or transit.

If the Proposed Project were subject to SF Planning's TDM Program, the sum of these TDM measures – and including the fact that the Proposed Project would not provide parking – would result in 23 points according to the program's web-based tool.<sup>7</sup> For comparison purposes, a retail use that is subject to SF Planning's TDM Program that provides 0-4 parking spaces would be required to attain 13 points.

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<sup>5</sup> SF Planning (2017). "SHIFT: Transportation Demand Management (TDM)." Accessed at <http://sf-planning.org/shift-transportation-demand-management-tdm>

<sup>6</sup> SF Planning (2017). "Standards for the Transportation Demand Management Program." Accessed at [http://default.sfplanning.org/plans-and-programs/emerging\\_issues/tsp/TDM\\_Program\\_Standards\\_02-17-2017.pdf](http://default.sfplanning.org/plans-and-programs/emerging_issues/tsp/TDM_Program_Standards_02-17-2017.pdf)

<sup>7</sup> SF Planning (2017). SF TDM Tool. Accessed at <http://www.sftdmtool.org/>

Andrew Perry  
SF Planning Department  
1650 Mission St., #400  
SF, Ca. 94103-4279  
(415) 575-9197  
Andrew.perry@sfgov.org

Dear Mr. Perry,

I'm writing to support The Apothecarium's proposed medical marijuana dispensary at 2050 Noriega Street. I believe patients on San Francisco's West Side need access to their medicine in their own neighborhood.

The Apothecarium would be a positive addition to the neighborhood. They are a community-minded nonprofit that has donated \$335,000+ to community groups and has never had a single police incident since they began operations in 2011.

The President of the Castro Merchants' Association says:

**"Everyone in the neighborhood loves the Apothecarium: their security improves safety; their foot traffic increases business; their philanthropy helps our community; and their upscale space sets a high standard. We've had no trouble from them — in truth, we need more businesses like the Apothecarium."**

Patients on San Francisco's West Side deserve the opportunity to purchase their medicine in a safe, responsible dispensary run by a company with a strong track record of being a positive force in the community.

Check all that apply:

- I live in the Sunset  
 I live within two blocks of 32<sup>nd</sup> Ave. & Noriega  
 I expect to use the proposed location.  
 I am a parent

Sincerely,

Name Kelly Brusky Date: 2/22/17  
Signature Kelly Brusky

Address (Required)  
1654 27 th ave  
San Francisco, CA

Yes, please keep me informed about other ways I can support The Apothecarium's new location.

**From:** [Virginia Ramsay](#)  
**To:** [Tang, Katy \(BOS\)](#); [Perry, Andrew \(CPC\)](#); [ynez@apothecarium.com](mailto:ynez@apothecarium.com)  
**Subject:** Another Sunset resident pro Apothecarium at 2505 Noreiga  
**Date:** Friday, March 10, 2017 12:24:31 PM

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I am writing in support of a proposed medical marijuana dispensary at 32nd and Noreiga, specifically 2505 Noreiga.

I am a resident of the Sunset, near 25th and Noreiga, who is in favor of the opening of a neighborhood Apothecarium. Our community would benefit by this addition by making it convenient for residents and others in the area to have access to cannabis, our beneficial medicine and spiritual ally. This particular part of our city is in dire need of a culturally relevant, safe, community oriented cannabis business. Such development along this Noreiga commercial strip is welcome by the majority of Sunset voters who have shown by their votes that they are in favor of both medical marijuana and are pro legalization, as you know. In 1996 Sunset residents voted 66% in favor of medical marijuana and last November 58% voted pro legalization.

I recall this same situation: proposed dispensary permit application vs. noisy minority opposition occurring nearly 13 years ago here. I have been waiting for my neighborhood to have a dispensary as so many other neighborhoods in San Francisco have. But NOT my neighborhood...yet. At that time there was an attempt to open a local dispensary. I remember one of the participating moms at the end of a local infant and baby group session loudly denouncing that permit application with vehement lies about the increase in crime and risk to children that would result if a dispensary were to open and her appeal to attend the community meeting and voice opposition. There was no dispensary permitted then. I don't know how many other unsuccessful attempts have been made since then. !3 years! This is civic injustice. It is past time for our community to have a dispensary. The people have spoken with their vote. How can you deny in good conscience the needs of Sunset residents and the positive business history of the Apothecarium?

The presence of noisy minority opponents who prevent community meeting and civil discourse to proceed continues as evidenced by the events at the community meeting at the Taraval police station last week. Do not let your mission as Supervisor and Planner be thwarted by the presence of minority opposition particularly when instigated by those who wish to deny rights to others different from them or with different politics and who try to undermine the establishment of a legal and needed business here in the Sunset. We have waited long enough!

When this sorely needed dispensary opens I will become a regular patron. I will walk to this location smiling as I make a legal purchase of cannabis in this wonderful city.

Virginia Ramsay  
1847 25th Avenue  
San Francisco, CA 94122

415 225 9157

**From:** [sasha.zullo](#)  
**To:** Perry, Andrew (CPC); [eliot@apothecarium.com](mailto:eliot@apothecarium.com); [ynez@apothecarium.com](mailto:ynez@apothecarium.com)  
**Subject:** Apothecarium on Noriega  
**Date:** Monday, May 08, 2017 2:27:03 PM

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Hello,

I am writing to you regarding the proposed opening of The Apothecarium at 32nd & Noriega. As a Sunset mother of two young children attending St Ann's (where I'm a room parent); a business executive who works downtown near another MCD; and an active member of this community, I'd like to share my perspective:

Years ago I was a passenger in a car that got in terrible accident. I underwent physical therapy, medical procedures, acupuncture, and countless doctors visits to manage the lingering pain from injuries sustained to my spine. My doctor prescribed me powerful opioids.

However, I'm a lightweight when it comes to drugs. Those painkillers, while they helped relieved my pain, made me utterly dysfunctional. I was loopy and drowsy and confused on them. As a corporate VP and active school mom, such pills were not a viable solution. When I brought this up with my new doctor, he recommended I try medical marijuana instead. At first I protested because I equated marijuana with the same symptoms I experienced on painkillers: drowsiness, loopiness, confusion. There's also the reputation MJ users have of being listless and lazy that I never wanted to be associated with. However, something had to be done for my pain so I gave it a try. On the advice of my doctor's assistant, I visited the Apothecarium in the Castro (she said it was meant for people like me. Not sure if that was an insult, but she was right!). It was very clean. Tastefully decorated. Professional.

I was intimidated because I didn't know much about marijuana but the staff was extremely polite, very helpful, and walked me through all of my options after I described my symptoms and concerns. I never felt rushed or pressured into buying anything and appreciated their patience and empathy. I wound up with a product that helped alleviate the pain but did not make me lose focus or get me "high." It was a game changer. I can now manage my pain but still be active, alert and able to tend to my responsibilities.

I believe the objections to The Apothecarium opening on Noriega are rooted in ignorance about what medical marijuana dispensaries are really about. These are deep seated blanket anti-drug biases that are shrouded in misconceptions and urban legends. I've never seen anyone loitering in front of the Apothecarium's Castro store. Crime has not escalated because of the store. It's not a shady place. Patients there are not "stoners" or lazy bums. They're people like me: good members of the community trying to alleviate their symptoms so they can continue to be active/helpful/productive members of society.

I ask that you please keep an open mind regarding the Apothecarium and use a bit of the empathy that was bestowed unto me by the employees there. Empathy for the Sunset grandmother battling cancer, who shouldn't have to trek across town to pick up her marijuana oil that will quell her nausea. Empathy for the young Sunset man who is fighting crippling anxiety and still trying to get to work on time every day. Empathy for the Sunset dad who would give anything to be able to play basketball with his kids and not spend the next day suffering in pain because of it.

Please support this good business opening in our neighborhood. West side residents who rely on medical marijuana should not have to endure long treks across town (especially when they're sick) to alleviate the ignorance and biases of a select few. This is San Francisco's chance to demonstrate that the Sunset is a compassionate community with empathy and common sense. Please, I urge you to support this business opening on Noriega. It would be a welcomed addition.

Thank you,  
Sasha Zullo

**From:** [Qoo Guy](#)  
**To:** [Tang, Katy \(BOS\)](#); [Perry, Andrew \(CPC\)](#)  
**Cc:** [eliot@apotheccarium.com](#); [Ynez Carrasco](#)  
**Subject:** Letter of Support (address added)  
**Date:** Monday, May 15, 2017 10:25:18 AM

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Hello, my name is Michael Yen. I am a Chinese-American resident of San Francisco and I write to state my strong support for a new Apothecarium dispensary in the Sunset district.

As a result of a work-related injury, I suffer from recurring and at times debilitating back pain. After trying many pharmaceutical pain medicines and also alternative treatments including acupuncture, I obtained a license and tried medical marijuana. A combination of that and Chinese herbal medicine finally alleviated my pain.

I was reluctant to share my story with friends due to the cultural prejudice against cannabis, especially in the Chinese community due to its conflation with opium. However, when one of my best friends had post operation pain due to a severe fall, I urged him to try it after he found no relief from the medicines prescribed to him. It was the only thing that worked for him.

I later learned that many people I knew were using medical marijuana without talking about it for fear of stigma. Even my very straight laced brother-in-law told me it was the only thing that worked for his chronic insomnia. But, the fact that even recreational marijuana is now legal in California has not removed the bias against medical marijuana.

As an employee and later the manager of a bookstore on Valencia street that was next to a badly managed dispensary, I can attest that we had issues with people who smoked marijuana outside that operation. It was later closed by the City for selling to unqualified customers. However, I observed that well managed dispensaries, especially the higher end ones like the Apothecarium, had a positive effect on businesses in their area.

I often shop on Noreiga Street and I am certain the restaurants and shops in the neighborhood will benefit from a responsibly run dispensary that will bring new shoppers to the area. I am also sure that the folks at the Apothecarium will help enforce the no smoking in public clause of the law. Cannabis has a long history in Chinese medicine and it is unfortunate that some people in my community forget that and fixate on a "Reefer Madness" propaganda attitude against it.

I would attend the Planning Commission Hearing in person to state my case, but as the main caregiver to my elderly and disabled mother, I probably cannot. I therefore request that this letter be read at the Hearing in support of what I know will be a beneficial addition to the social fabric of the neighborhood.

Thank you for your attention.

Michael Yen  
181 Margaret Ave.  
San Francisco, CA.

**From:** [Cindy Lutz](#)  
**To:** [Tang, Katy \(BOS\)](#); [Perry, Andrew \(CPC\)](#)  
**Cc:** [ynez@apothecarium.com](#); [eliot@apothecarium.com](#)  
**Subject:** my support for Apothecarium  
**Date:** Saturday, May 06, 2017 10:32:33 AM

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Dear Ms. Tang and Mr.Perry,

I would like to share with you why I support Apothecarium coming into my neighborhood. I think you will find that my story is not unusual, and could happen to anyone. I would like to preface that I do not use marijuana either medically or recreationally (but I would medically if a health issue arose).

Last July, doctors discovered cancer around my best friend's heart. O. had not been a smoker, a drinker or a marijuana user. He was straight laced to almost a fault. Since the cancer had progressed to fluid build up in the lungs and the prognosis was poor, O. and his support team of doctors, friends and family chose a path of quality over quantity. My boyfriend and I, having known him for thirteen years, became his main caregivers.

From July until October, managing the symptoms worked. He had to have fluid drained from his lungs a couple of times, and we took life a little slower. Hikes in Fairfax turned into walks up to Safeway on Noriega. We cooked with less salt. We watched more Netflix. We had that period of time where we thought maybe it wasn't real, that maybe we could manage it like a chronic condition. Magical thinking.

In October, my partner and I flew to Hawaii to visit our new granddaughter and O. enthusiastically went to spend the week with a mutual friend. When we returned, our friend warned us that O.'s cough had gotten pretty bad. We took him to urgent care the next day. The good doctors were able to temporarily clear up his lungs so he could breath for the time being. He was put on a strong medicines that would also help keep his lungs from filling with fluid, but not without some unpleasant (but manageable) side effects.

Through October and November, O. had mostly good days. We could no longer take our walks up to Safeway, so we would walk to the free library a block away on 35th. The cough was constantly present. There were occasional seizures as well. One of O.'s doctors added a Chinese medicine formula to the regime of his daily medicines, which I purchased each week at the shop just across the street from the proposed dispensary. His breathing was noticeably easier, and his jolly spirit came back. His pain remained manageable, but the slow suffocation we'd been warned about was clearly becoming apparent.

In December, my partner and I managed our work schedules the best that we could so that O. would not have to be alone for long periods of time, and others visited him as they were able. He still did not complain about pain, but the coughing fits were clearly stressful and the fluid draining was becoming a more frequent event. And all through this, O. remained the most cheerful and fun-loving guy you could ever meet. On Christmas Eve, we opened gifts together, O. doing his traditional clowning around of throwing wrapping paper around. On Christmas morning, he seemed too frail to join the family gathering which he'd attended the last twelve years, so my partner and O. had a quiet dinner together.

In January, the doctors said we should start considering our hospice plan. O., possibly because he didn't do the chemo route, had not lost his appetite or his sense of humor, so it was hard to fathom the reality of this. She suggested that we consider using a CBD in conjunction with his other medicines, because the anxiety he was having over the possibility of passing out during a coughing fit (it had happened a couple of times now), could actually make it even harder to breath. My partner has a medical card, so he began visiting Sparc (another reputable dispensary) and worked with a someone there to fine tune what would be best for O.

We anticipated the usual resistance from O., but after the first "homeopathic" small dose, he had almost no anxiety and wanted to take a walk outside. CBD strains contain almost no THC, which means there is no psychoactive effects on the patient. He would just take a small piece of a jelly-like candy, and in a half hour, he would take a big smiling sigh and ask for something to eat. For the next three weeks, he never increased his dose. He managed it like the other meds (still the Western, the Chinese, and now

the CBD), he did quite well as far as living a relatively normal life. We took some small walks, and even one day he wanted to go to Ocean Beach. He didn't need a hospital bed. He struggled to breath, but the pain was minimal and the CBD tamed the anxiety of trying to catch his breath almost completely.

Late in January, he died. It was raining that night, but the day had been sunny and warm. O. and my boyfriend had chatted about life in the backyard. O. didn't need to go into hospice or spend weeks in a hospital. He was lucid and jolly until about a half hour before he passed, in fact he even wanted something to eat. He slipped into sleep while my partner hugged him. He "snored" and then he passed away. If there is such a thing, it was a beautiful death.

When we think now about how O. chose a quality over quantity (little joys over more days), as caregivers, one of the best decisions was having the option of using the CBD. The other medicines managed the cancer's physical symptoms, and the CBD probably kept the pain away, but definitely kept him eating and kept him from becoming depressed and anxious. My partner was traveling across town between working and caregiving to pick up the medications. Having to leave a fragile person alone is very stressful. For anyone who has been a caregiver, the difference between leaving someone alone for more than an hour or being able to go down the block and be gone ten minutes is enormous. What an extra miracle it would have been to have a place like Apothecarium two blocks away during this time! Every neighborhood deserves a compassionate dispensary because these kinds of situations are very real in all families.

Most patients and caregivers who visit the new Apothecarium won't be handling an end of life scenario, but they will be facing worries and anxieties over treating illness and injuries. When I was young and invincible, I could not imagine the weight of this. I'm 48, my boyfriend is 62, and my aging parents are facing new health challenges all of the time. As we navigate a healthcare system where the only affordable healthcare might come from alternative medicine like Chinese and medical marijuana, each neighborhood needs upstanding dispensaries such as this one. There are definitely sketchy "pot clubs" around the Bay Area, but Apothecarium is on par with an Apple Store by comparison. As a neighborhood that will eventually have a dispensary in it, shouldn't we set the bar high now?

Please, consider this dispensary to be the very needed and compassionate addition to our neighborhood. So many people lives could actually become better by its arrival. They legitimately care about patients; test their products for safety; and have a proven record for community outreach, the chances of bringing down the neighborhood are null.

Thank you for taking the time to listen to my story. Supporters of this project are not "stoners", we are people who care about the well being of others and recognize that this is an opportunity for exactly that. I would not be so quick to advocate for any and every dispensary, but Apothecarium could have a really special place in our community.

I appreciate that you took the time to read my story and reasons for supporting this community endeavor (which is really what it is.)

Sincerely,  
Cindy Lutz  
1719 35th Avenue  
San Francisco, CA 94122

**From:** [Michael J Lamperd](#)  
**To:** [Tang, Katy \(BOS\)](#); [Perry, Andrew \(CPC\)](#); [ynez@apothecarium.com](#); [eliot@apothecarium.com](#); [jashley.summers@sfgov.org](#); [Law, Ray \(BOS\)](#)  
**Subject:** New Cannabis Dispensary on Noriega Street  
**Date:** Monday, April 10, 2017 9:14:16 PM

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I completely support the cannabis dispensary on Noriega.

I use marijuana for major pain, from a horrendous sports injury suffered in 1981. I don't want to be hooked on unnatural pain killers. It is my right foot - the last operation was in 2014. I can walk with special appliances from the UCSF Medical Center, but I must be very careful.

I have no car. Thus, I take Muni to whatever dispensary is closest. There are three (the Apothecarium on Market Street, Harvest on Geary Blvd., and one on Ocean Avenue) that I have used. Trips to these places all entail a difficult ride for me. I am 73 years old.

Suddenly, I find that it may be possible to go somewhere that is much closer. This will help me greatly.

This dispensary on Noriega has my full support. Thank you.

**Michael J. Lamperd**

4611 Lincoln Way, Apt. 3  
San Francisco, CA 94122, USA

*One's life is all about being who you truly are. - Robert Earl Burton*

**From:** [joel kamisher](#)  
**To:** [Perry, Andrew \(CPC\)](#)  
**Cc:** [Richards, Dennis \(CPC\)](#); [Tang, Katy \(BOS\)](#)  
**Subject:** Noriega Street Medicinal Marijuana Dispensary  
**Date:** Thursday, June 22, 2017 1:22:38 PM

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I am urging all of you to support the proposal to open up a dispensary that will be considered at the July 17 Planning Commission meeting if it meets all of the code requirements for a business in that neighborhood as well as any special use rules for a dispensary and any special conditions that might be appropriate for Noriega Street.

That store front has been vacant for several years and has been a frequent target for graffiti vandals.

Putting the building back in use will reduce neighborhood blight.

I live in The Sunset District. I don't use medicinal marijuana but I have several friends and family members who use it and say it is helpful to them so they should have the right to buy it in a safe and legal location and not from a dealer on the street.

I know that other medicinal marijuana outlets operate in San Francisco and they are able to co-exist with other businesses. I'm sure that this one on Noriega will fit in well.

If problems come up they should be resolved in an appropriate manner or the operating permit should be revoked although I don't think this is likely to happen since a lot of thought has gone into this and the operators appear to have a good background.

Lastly, I hope that you will have sufficient security on hand to allow all voices to be heard in a respectful manner.

Unfortunately it was widely documented by local media that a previous meeting at the Taraval Police station was disrupted by a small but vocal group of overzealous opponents who forced it to adjourn before supporters could be heard.

I hope you won't let that happen again.

Sincerely,

Joel Kamisher

**From:** [maelig@chez.com](mailto:maelig@chez.com)  
**To:** [Tang, Katy \(BOS\)](#); [Perry, Andrew \(CPC\)](#)  
**Cc:** [ynez@apothecarium.com](#); [eliot@apothecarium.com](#); [Summers, Ashley \(BOS\)](#); [Law, Ray \(BOS\)](#)  
**Subject:** The Apothecarium at 2505 Noriega  
**Date:** Sunday, April 09, 2017 8:39:07 PM

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Dear Katy and Andrew,

It came to my attention that the proposed medical cannabis dispensary on Noriega Street and 32nd Avenue is facing some backlash. I am a Sunset resident, and while I am not (currently) a patient, I fully SUPPORT it.

I have been paying attention to how the Apothecarium has benefited the neighborhood and communities around their original location in the Castro, and I look forward to having them do the same on the west side of San Francisco.

As a scientist working in biomedical research, I also understand the importance for patients to be educated and have access to their medicine in a safe, reliable, and knowledgeable environment such as a well-run dispensary. As a cancer and HIV researcher, I also know how critical it is for patients to be able to have this option available for the management of their pain and other symptoms.

I am also a father of 2 children, and I am NOT AT ALL worried by the presence of this dispensary in our neighborhood. I would even wish we had one closer to our place near the Judah corridor as we are lacking new small businesses and the many benefits that they are bringing to our community, and that the Apothecarium will certainly bring to the Noriega corridor.

This is why I hope that you will both support this new dispensary and join me in welcoming such a responsible and community-oriented business in our neighborhood.

Thanks for reading me,

Maelig Morvan, Outer Sunset resident

**From:** [Sherif Soliman](#)  
**To:** [Perry, Andrew \(CPC\)](#)  
**Subject:** Support for the Apothecarium Sunset  
**Date:** Thursday, June 08, 2017 9:38:15 AM

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Dear Mr. Perry,

as a 16 year resident and home owner on the Noriega corridor and a father of a four year old, I strongly support the proposed Apothecarium at 32nd and Noriega.

I first want to make it clear that I'm not a cannabis user of any kind and that my support of project is purely because I think it will improve our neighborhood.

First, this project will greatly help the neighborhood because first it will prohibit smoking of any kind within 100 feet of the Apothecarium. This is critical because right across the street is Fire Fly bar where smokers often congregate outside during the afternoon and night. In addition, up the same block, at the Donut Time shop, every morning there is loitering and heavy smoking.

Second, this project will greatly beautify a run-down corner and stretch of the Noriega corridor that has been neglected for well over a decade. The Apothecarium, in addition to being a high end retail store, has promised to plant trees at the proposed section which are desperately needed as the entire corridor has very few trees.

As a volunteer for friends of the urban forest, a resident, a home owner and a father, I reaffirm my support for this project.

Sherif K Soliman  
1767 39th Ave  
San Francisco

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**Collin Lam**  
4441 Balboa St #2  
San Francisco, CA 94121

June 8, 2017

Subject: Apothecarium Support

To Supervisor Tang and Mr. Perry:

**I'm writing to support The Apothecarium's proposed medical marijuana dispensary at 2505 Noriega Street.**

I live on the Westside of San Francisco in the neighboring Richmond District. We currently have one medical marijuana dispensary, which has beautified our Geary St retail corridor, attracted a desirable clientele, and provided a safe and welcoming environment for patients. Patients on the Westside need more options and allowed convenient access to their medicine.

The Apothecarium is a world-class retail operation. Rather than drive across the City, safe access to medical marijuana for the Westside's residents is a quality-of-life priority for me as a San Francisco homeowner, property tax payer and voter.

I am a second generation Chinese American, native San Franciscan, alumni of Saint Ignatius College Prep (Class of 2001) and consider Sunset District, my "home" neighborhood.

I prefer to have the Apothecarium serve the neighborhood rather than drive across town or order delivery from gray-market delivery services that currently serve your district (over 24+ MMJ delivery services advertise to the Sunset District on Weedmaps). Having a storefront operated by The Apothecarium provides access to knowledgeable patient consultants and treatment support in a safe environment. MMJ transactions are already occurring in your district in an unsafe and unregulated manner, which is a riskier proposition than allowing a best-in-class operator to provide superior service in a regulated medical cannabis market. This is the marketplace which has been envisioned by San Francisco's Board of Supervisors for decades and now affirmed by the will of the voters of the State of California.

Sincerely,



Collin Lam  
4441 Balboa St #2  
San Francisco, CA 94107

P.S. The following apply to me:

- I live in the Richmond District and currently own my property.
- I live within 5-7 min drive of 32nd Ave & Noriega.
- I expect to use the proposed location at 2505 Noriega Street.
- I am a parent.

Dear Supervisor Tang and Mr. Perry,

I'm writing to voice my support for the Apothecarium's proposed medical cannabis dispensary at 2505 Noriega St. Just some quick personal background, so you know where I'm coming from. I'm a 25-year-old, Chinese American, Sunset District native and current resident. As a proud product of SFUSD (Jefferson Elementary, Hoover MS, and Lowell HS), I went on to study sociology and public health at UC Merced. I'm particularly interested in drug use and drug policy. Since obtaining my bachelor's degree in 2013, I've been working as a research assistant with the Center for Substance Abuse Studies at the Institute for Scientific Analysis here in the city. I work on several National Institute on Drug Abuse (NIDA)-funded studies, including a qualitative study of Baby Boomer marijuana users in the SF Bay Area. I've gained insights from interviews with over a hundred study participants, medical and recreational cannabis users in my own family, and my own life experiences, so I want to share some perspective on this complex issue.

Establishing a dispensary in the Sunset would be an asset to our community. With at least 20 dispensaries in other parts of the city, Sunset residents have very limited options for safe local access to their medicine. They are forced to travel across town, putting an extra burden on patients, especially those with limited mobility. Some rely on delivery services, but these often lack the personalized, face-to-face consultations that many patients need when searching for the right products. Other residents skip the dispensaries altogether and continue to get their cannabis from illicit sources. They face increased risks of getting a contaminated product, cheated, robbed, and arrested in an unregulated market. Californians and an increasingly majority of Americans have already voted in favor of legalizing cannabis for medical and recreational purposes. Activists around the world have fought long and hard for cannabis policy reforms because this plant is at the intersection of so many other issues: civil rights, social justice, environmental sustainability, public health and safety, just to name a few. Punitive drug control measures marginalize members of our community, while threatening the environment, public health and safety because prohibition sustains the underground economy. I think you're aware of the consequences and failures of the war on drugs. It's clear that taxation and regulation is a more humane, effective strategy at minimizing the risks and maximizing the benefits associated with cannabis cultivation, distribution, and use. We won't benefit from these policy reforms if we continue to ban legal businesses in our neighborhood. Dispensaries also offer services beyond cannabis products, such as referrals to substance abuse treatment programs and social services, social support groups, art and entertainment programs, educational programs, and they act as a host for community events. The Apothecarium's "CONNECT! Community Services" currently offers yoga classes, women's and veterans' support groups, a meditation group, and other self-help classes

through a partnership with a local church. The Apothecarium has already donated over \$250,000 to nonprofits and schools, contributing to development in other neighborhoods. Why should we miss out on these opportunities for building a healthier, thriving community? When there was conflict over a proposed dispensary on Taraval St., I went to City Hall to share my opinion and listen to my neighbors' testimonies. I understand the concerns of the opposition, but I support evidence-based arguments. I want to touch upon a few points of contention here, because I cannot respect the arguments based on fear, prejudice, and lack of knowledge.

Some perceive medical cannabis to be a hoax, and regard any drug use to be immoral. Others consider cannabis users to be dangerous criminals or unproductive members of society. If we want to develop into a more compassionate, inclusive society, we must overcome the prejudicial remnants of "Reefer Madness" propaganda and "Just Say No" rhetoric, cultural taboos, and the criminalization of otherwise law-abiding citizens. While the federal government continues to maintain that cannabis is as dangerous as heroin, accumulating evidence<sup>1</sup> supports something our ancestors have said for thousands of years: cannabis is a safe and effective treatment for a variety of medical conditions. An important emerging trend is the use of cannabis as a substitute for other drugs, particularly pharmaceuticals<sup>2</sup>, which has significant public health implications:

"Prescription drug overdose is now the leading cause of accidental death in the United States. Many of these overdoses are related to the increasing number of people taking opiate-based medications for pain related conditions. Marijuana has been shown as an effective treatment for pain, and has a better safety profile than opiates with less risk for dependence and no risk of fatal overdose. States that have passed medical marijuana laws have seen a decrease in opiate related mortality, and medical marijuana patients are claiming that the use of marijuana as a substitute for opiates is resulting in relief without the worries about dependence."<sup>3</sup>

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<sup>1</sup> The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research. (<http://nationalacademies.org/hmd/reports/2017/health-effects-of-cannabis-and-cannabinoids.aspx>)

<sup>2</sup> Lau, N., Sales, P., Averill, S., Murphy, F., Sato, S.-O., & Murphy, S. (2015). A safer alternative: Cannabis substitution as harm reduction. *Drug and Alcohol Review*, 34(6), 654–659.

Lucas, P., Walsh, Z., Crosby, K., Callaway, R., Belle-Isle, L., Kay, R., ... Holtzman, S. (2016). Substituting cannabis for prescription drugs, alcohol and other substances among medical cannabis patients: The impact of contextual factors. *Drug and Alcohol Review*, 35(3), 326–333.

<sup>3</sup> Marijuana and Opiates. (<http://www.drugpolicy.org/resource/marijuana-and-opiates>)

Unfortunately, many patients- especially elderly Chinese folks- don't understand or can't accept that...yet. When they begin to get it, the results can be life-changing. My 79-year-old grandmother's experience is a prime example (she's also a Sunset resident). She is prescribed opiates for chronic pain, but pharmaceuticals have had limited efficacy and negative side-effects such as constipation, loss of appetite, moodiness, and increased risk of developing an ulcer. My aunt, cousins, and I had to push my father, who oversees my grandma's healthcare, to advocate for medical cannabis with her doctor. The doctor finally suggested cannabis when all other options had been exhausted. My grandma recently started using it to replace her opiates, with positive results. Although my grandfather creates a hostile environment with his disapproving attitudes, I'm happy to see my grandma relieved of some suffering. I only wish we were able to quell misperceptions and convince them to try it sooner. Cannabis is improving my grandma's quality of life, but the reluctance and cultural divide were a serious hurdle.

One major issue in our medical cannabis system is the lack of integration with healthcare and service providers. Doctors can recommend cannabis for therapeutic use, but they lack the formal education required to discuss the specifics of treatment options. Patients are left to develop a regimen on their own. Dispensaries act as a bridge between these formal and informal sectors of healthcare to help patients determine which strains, doses, or routes of administration to choose. I came across a study which indicated that places with a higher number of dispensaries were associated with more marijuana-related hospitalizations.<sup>4</sup> This may be due to the fact that some people, particularly novice users, are unequipped with knowledge. Harm reduction information is especially important for the minimizing risks associated with using new and unfamiliar delivery systems, such as concentrates or edibles.<sup>5</sup> I anticipate that the study's findings could be used as a rationale for banning dispensaries altogether. However, it actually highlights the need for more education at the point of access. This is further complicated by language-barriers, an issue that the proposed dispensary seeks to address. They plan to hire bilingual staff, which will be monumental for increasing equal access to healthcare services in San Francisco. They also seek to collaborate with acupuncturists and herbalists to provide an integrative, holistic approach more in line with traditional Chinese medicine. The dispensary will serve as a vital resource, especially for Chinese-speaking patients. I believe the dispensary would

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<sup>4</sup> Mair, C., Freisthler, B., Ponicki, W.R., Gaidus, A. (2015). The impacts of marijuana dispensary and neighborhood ecology on marijuana abuse and dependence. *Drug and Alcohol Dependence*, 154, 111-116.

<sup>5</sup> Murphy, F., Sales, P., Murphy, S., Averill, S., Lau, N., & Sato, S.-O. (2015). Baby Boomers and Cannabis Delivery Systems. *Journal of Drug Issues*, 45(3), 293-313.

also have significant symbolic value, working to eliminate stigma and increase recognition of cannabis as medicine in our community.

There are concerns about increased crime and youth use, but these are speculative fears. For example, a study found no association between crime rates and the density of dispensaries, concluding that “measures dispensaries take to reduce crime (i.e., doormen, video cameras) may deter possible motivated offenders.”<sup>6</sup> Cannabis prohibition is supported in the name of protecting the youth, but teens actually find it easier to buy marijuana than beer because drug dealers don’t ask for ID. These illicit transactions are the real “gateway” to other drugs, when kids are seeking marijuana but are offered other substances. Dealers get free reign in areas without dispensaries. Dispensaries provide a legal option for adults to purchase their cannabis, which separates drug markets and drives out illicit competition. I know some are worried about being confronted with a public storefront, and perceive it to be encouraging use. It’s difficult for some parents to talk about cannabis and other drug use with their children, but this is a larger sociocultural issue and not a basis to ban a dispensary. A dispensary in our community could actually eliminate some barriers to harm reduction drug education, because it represents a realistic approach to drugs that youth can respect. It’s the “safety first” approach.<sup>7</sup> Regulating cannabis provides safer access, drives out illicit competition, and demonstrates to non-users that cannabis users are normal people too. They’re co-workers, church congregation members, neighbors, family, and so on. While motivations for cannabis use can range from recreational, to medical and spiritual (these aren’t mutually-exclusive categories), adults typically use it in a controlled, responsible manner.<sup>8</sup>

Dispensaries are key to the implementation of sensible drug control policies that prioritize public health and safety. Failure to uphold the right to establish a dispensary in my community will impede the progress of drug policy reforms, limit access to medical cannabis in District 4, deny the expressed desires of the majority of voters, and contradict the city and county’s directive to support policies to tax and regulate marijuana for adults.<sup>9</sup>

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<sup>6</sup> Kepple, N.J. & Freisthler, B. (2012). Exploring the ecological association between crime and medical marijuana dispensaries. *Journal of Studies on Alcohol and Drugs*, 73, 523-530.

<sup>7</sup> Safety First: A Reality-Based Approach to Teens and Drugs  
([www.drugpolicy.org/sites/default/files/DPA\\_SafetyFirst\\_2014\\_0.pdf](http://www.drugpolicy.org/sites/default/files/DPA_SafetyFirst_2014_0.pdf))

<sup>8</sup> Lau, N., Sales, P., Averill, S., Murphy, F., Sato, S.-O., & Murphy, S. (2015). Responsible and controlled use: Older cannabis users and harm reduction. *International Journal of Drug Policy*, 26(8), 709–718.

<sup>9</sup> SEC. 12X.7. MARIJUANA POLICY REFORM: (a) It shall be the policy of the City and County of San Francisco to support policies to tax and regulate marijuana for adults.

Thank you for taking the time to consider my viewpoint. Please contact me with any questions. I would gladly speak more on this issue, as it hits very close to home.

Sincerely,

Nicholas Lau

(415) 608-5629

1638 26<sup>th</sup> Avenue  
San Francisco, CA 94122

Dear Neighbors and Former Customers,

Ace Pharmacy is proud to have been an integral part of the community since 1935. I have worked for Ace Pharmacy since 1966 and have been the pharmacist and owner since April 1, 1983. Throughout the past 48 years, it has been my good fortune to have made numerous lasting friendships while serving three generations of San Francisco families and watching them grow. Many neighborhood young people have been employed by Ace Pharmacy along with our three children who worked through high school and college.

Upon my retirement, the owners of The Apothecarium approached us to lease this building for a medical cannabis dispensary. As a responsible neighbor and landlord, I did not consider it until I could see how their business in the Duboce Triangle was run. I went to the building and to my surprise their security people refused to let me in because I did not have the proper paperwork to enter a cannabis dispensary. Even when I explained why I needed to see the interior, I was told legally I could not enter. I was impressed that they followed the law so strictly.

Later, after making special arrangements with the owner, I was given a tour and I was extremely impressed with the way they conduct their business.

The nature of health care practice is changing, along with the understanding of the use of cannabis as medicine. I believe cannabis should be dispensed legally and safely. I am impressed with the way the Apothecarium is run and I think it would be a positive addition to our neighborhood.

Gerald Davalos, Pharmacist

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584 Castro Street #333  
San Francisco CA 94114-2512

formerly "Merchants of Upper Market & Castro – MUMC"

415/431-2359

[Info@CastroMerchants.com](mailto:Info@CastroMerchants.com)  
[www.CastroMerchants.com](http://www.CastroMerchants.com)

April 21, 2015

*By Email and USPS hardcopy*

Andrew Perry, Staff Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

Re: Case No. 2014-003153CUA, for 2505 Noreiga Street, San Francisco  
Conditional Use Authorizations & etc. for Medical Cannabis Dispensary (MCD)

Dear Mr. Perry,

**CASTRO MERCHANTS** hereby expresses its support for the proposed Medical Cannabis Dispensary (MCD) Application from our Member, The Apothecarium, proposed for 2505 Noreiga Street, in San Francisco. The Apothecarium has operated a similar MCD in our service area, at 2095 Market Street for almost four years.

**CASTRO MERCHANTS** is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19<sup>th</sup> Street; and cross streets throughout that area. This area is one of the most historic and vibrant retail corridors in the City. Preserving that character and economic vibrancy (here and elsewhere in the City's neighborhood business areas) is an important goal of **CASTRO MERCHANTS**. **CASTRO MERCHANTS** has over 300 currently-paid Members. The Apothecarium's current MCD at 2095 Market Street is within our organization's primary service area, and we write this letter based on observations and experience with that location.

When The Apothecarium first applied for an MCD permit in our neighborhood, it prompted a spirited debate about the appropriateness of the business. Our community raised numerous issues and concerns during the process, all of which were addressed by the applicant. But the real proof has been in how the Apothecarium actually has operated since they moved into our neighborhood. They have been a model business, with a well-run MCD that has never had a police incident in its three years of operation. The storefront is beautifully designed, spotlessly clean and staffed at the front door during operating hours to prevent loitering, double-parking or other nuisances.

The Apothecarium has been a benefit to the surrounding neighborhood businesses. San Francisco's Planning Staff even referenced them as a dispensary that successfully blends into the community, in its 2014 Report to the Board of Supervisors.

..... *continued*

## CASTRO MERCHANTS

San Francisco Planning Department

Re: The Apothecarium; Case No. 2014-003153CUA, for 2505 Noreiga Street, San Francisco

April 21, 2015

The Apothecarium also gives back generously to the community in which they operate. Their Philanthropic Advisory Board directs funds back into the community, making it a stronger place through their generosity. They have supported over 30 neighborhood groups in the area, including Canine Companions for Independence, Muttville Senior Dog Rescue, Lyon-Martin Health Services, Dolores Street Community Services, Maitri, SF AIDS Foundation, and Rooms that Rock 4 Chemo. They also provide a Veteran Support Group and Patient Wellness Program through their dispensary.

We urge your favorable consideration of The Apothecarium's current application. We believe that the Noreiga/Taraval communities will be well served by having The Apothecarium join your retail family and neighborhoods. It is a model business that actually invests in the neighborhood where it operates with the goal of making it a better place for everyone to live.

In addition to today's email to you and to the individuals cc'd below, a hardcopy of this letter is being mailed to you today.

Please let us know if you have any questions regarding **CASTRO MERCHANTS' SUPPORT** for this Application. Please include this letter in the matter's permanent file with your Department, and assure that it is provided to all of your Department's Staff and Commissioners and to any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,



Daniel Bergerac, President

Email and hardcopy cc: Ryan Hudson, The Apothecarium

email cc: Supervisor Katy Tang

Capt. Curtis Lum, SFPD Taraval Station

.... LtrPlanningApothecariumTaraval041715.docx

April 22, 2017

Andrew Perry – Project Manager  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94013

Dear Mr. Andrew Perry:

As a resident of Sunset, I strongly oppose to the opening of medical marijuana outlet (MCD) at 2505 Noriega Street in San Francisco. If opened, it will be disastrous and intolerable for the residents and merchants in the vicinity.

To begin with, there are children facilities within 1,000 feet of the proposed MCD and thus such proposal violates Californian State Law. Regardless, more consideration and protection should be given to the children, not to profit-oriented marijuana businessmen. Please spare our children and future generations from drugs!

In addition, the proposed MCD is in a busy area. Thus, traffic problems will aggravate, not to mention the likely tremendous increase in traffic accidents related to marijuana as reflected in other marijuana states.

Crime rate will likely increase very considerably due to the MCD, and residents will have to live in an unsafe environment. According to California District Attorneys Association, their biggest worries about legalization of marijuana are the infiltration of drug gangs and traffic accidents.

Businesses in the vicinity will be adversely impacted to a large extent. Some of them may have to go out of business. This is really unfair to them.

Suffice it to say, because of the various pernicious effects, please definitely reject the MCD application at 2505 Noriega Street.

Your help is greatly appreciated.

Sincerely,



**From:** [Frank Lee](#)  
**To:** [Perry, Andrew \(CPC\)](#)  
**Cc:** [Rahaim, John \(CPC\)](#)  
**Subject:** 2505 Noriega Street MCD Application  
**Date:** Monday, March 20, 2017 7:04:52 AM

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Dear Mr. Perez,

On behalf of a large number of businesses and residents in Sunset District in the vicinity of 2505 Noriega Street in San Francisco, I hereby ask you and your department to disapprove the MCD application on 2505 Noriega Street.

In accordance with the current law, no MCD can be opened within 1,000 of schools or registered child care centers. Within just 250 feet or two blocks of this location, Ark of Hope Preschool, Inc., a state registered child care center, has been operating there for over 10 years. Now their administrators and parents are extremely concerned with this MCD application and they would likely go out of business if this MCD application was granted. They have already found attorneys to handle the case and will use every effort to oppose to the application.

Residents in the vicinity are vehemently objecting to the application, which can be reflected by the vociferous opposition on March 2<sup>nd</sup> when Dr. Huen, an owner of this MCD, tried to convince residents in a meeting. The news story of that evening by CBS (KPIX Channel 5) can be found at Youtube when one types “Residents of San Francisco Sunset District Protest Pot”. Local residents and merchants are extremely concerned with this MCD application since it will likely cause various pernicious problems to the neighborhood including but not limited to crime, traffic accidents and congestion, youngsters’ addiction rate, loss of business, living environment, etc.

Right across the street from 2505 Noriega Street is Lutheran Church of the Holy Spirit. In accordance with California law, church is also a place where children congregate and no MCD can be opened nearby. In fact, we are continuously collecting signatures from local businessmen and residents even though more than 10,000 signatures have already been obtained including from all the merchants in the vicinity. According to the “Conditional Use” provision in Sunset, no MCD can be opened without the blessings of local residents who are determined to fight against this to the end of their tether including going to court if needed.

Suffice it to say, please handle this impartially, keep us posted, and disapprove the MCD application of 2505 Noriega Street. This is a straightforward application case which should be rejected or disapproved beyond any shadow of a doubt. We look forward to hearing from you. Thank you very much!

**From:** [maureen murphy](#)  
**To:** [Perry, Andrew \(CPC\)](#)  
**Subject:** 2505 NORIEGA STREET MCD  
**Date:** Thursday, June 01, 2017 3:43:59 PM

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Hi, I am writing to express my strong opposition to the Medical Marijuana Dispensary on Noriega Street. I was born in San Francisco and grew up in the Sunset. As an adult I bought a home in the Sunset. That is 52 years living here and I live here for many reasons. One of them being that the Sunset is the last of the truly residential neighborhoods. People establish roots here and raise a family. It is a quiet neighborhood where until recently there was barely any crime. The crime rate sky rocketed when the City or State passed the legislation that let criminals with drug charges free. (Can't remember the name of it). They let drug addicted people back on the street and in order to feed their habit they need money so they rob and steal. This has upset the neighborhood and brought a fear into the Sunset we never had.

Regarding the Dispensary. This has already been rejected by the neighborhood in years past. Anyone can pay around \$100 and get a doctor to approve a card for headaches, a sore back, etc. There are plenty of Dispensaries in the City and Medical Marijuana is available to everyone by delivery. I have gone by the one in the Haight where there were 5 men who looked homeless and dirty and they were standing outside smoking and talking and laughing. My point being that the Dispensaries are not always being used by true patients. The Sunset is adjacent to Golden Gate Park where there are homeless and drug addicts living there. I believe this will bring more crime and undesirable people into our quiet neighborhood of families with children.

I also think, but I'm not sure, that this is the first time the proposed owners and developer of a Sunset Dispensary are Chinese. I think the Mayor and Katy Tang are trying to push this through for whatever reasons they have, while the residents who are 50% are Chinese (not sure of percentage) are opposed. The Chinese have their own doctors and medicinal herbs. Nobody wants this around their kids. I think you would find that people who are opposed are home owners that pay property taxes, while renters who are transient and have no investment in the Sunset may approve it.

One argument the proposed owners have is that patients should be able to get medicine in their neighborhood. I belong to UCSF, and if I need to get an MRI or see a general practitioner I need to go to Mission Bay campus. If I need podiatry they send me to St. Lukes campus. If I need other things I go to the Main campus. Medical services do not always come in a neat little package that is close to home. The fact the other Dispensaries are located within San Francisco and will deliver to one's home should be acceptable to patients.

Please help keep the Sunset a safe residential area where people plant roots and raise a family. Please keep the Medical Marijuana Dispensary out of the Sunset.

Maureen Murphy  
3218 Moraga Street  
San Francisco, Ca 94122

Sent from my iPad

**From:** [Alexandra Butler](#)  
**To:** Perry, Andrew (CPC); Vellve, Sara (CPC); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Christensen, Julie (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS); [planning@rodneyfong.com](mailto:planning@rodneyfong.com); [cwu.planning@gmail.com](mailto:cwu.planning@gmail.com); [wordweaver21@aol.com](mailto:wordweaver21@aol.com); [richhillisf@yahoo.com](mailto:richhillisf@yahoo.com); Johnson, Christine (CPC); [mooreurban@aol.com](mailto:mooreurban@aol.com); Richards, Dennis (CPC); Kessler, Larry (DPH)  
**Subject:** Apothecarium Planned New Locations - Letter of Protest  
**Date:** Tuesday, June 30, 2015 10:11:08 AM

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Good Morning,

My name is Alexandra Butler. I am a resident of the Sunset, a public health and cannabis professional and a former employee of the Apothecarium. I write to you to implore you to STOP the expansion of this awful business in the Marina AND the Sunset.

I am a resident of the Sunset (94122) and a community public health activist; I worked at Apothecarium from August 2012 until late 2014. And if you doubt my claims, please note Apothecarium still uses me to promote their business (you will see my face if you look at [apothecariumsf.com](http://apothecariumsf.com) on the main page next to Senator Dina Titus). I support safe access to medical cannabis, but I DO NOT support Apothecarium in their bid to expand to the marina or to the sunset.

### Why?

#### 1. They lie to patients and sell poison as medicine.

When I worked at Apothecarium, I pressured management to improve standards for testing. They began testing their medicine for poisonous, neurotoxic, neurodegenerative residual solvents. They had me do media work to get this published nationally (Cannabis Now Magazine, issue 11, see interview with Alexandra Butler). As soon as I quit, they got rid of this rule. They still test their medicine, but they are knowingly releasing very high levels of these poisons into their patients. Additionally, despite being notified of the health effects of drinking isopropyl alcohol, they have had a product on their shelves for years that is an isopropyl extract that they recommend for oral use. In my time working there, I saw many people get sick off the medicine Apothecarium was dispensing, which is why I worked hard to establish reasonable limits on toxic substances in these items marketed as medicines. I find it morally unconscionable that these individuals knowingly make their patients sicker (even though they have every resource available to improve community health).

#### 2. Poor community outreach

In their first application to the board of supervisors, Apothecarium made a lot of promises. In my time there or in the time since, I have not once seen Apothecarium clean the sidewalks as they promised. I have seen them cut programs that my research showed was needed including a veterans group that I established after performing a community health needs and resource assessment, AND I have seen them cut funds to their education program. My neighborhood, the Sunset, does NOT want this business here. I would love safe access to medicine in my neighborhood, but I do not consider Apothecarium a provider of safe or affordable medicine.

#### 3. Bad business practices

Simply enough, this group of very greedy people is very wealthy, wants more money, and cares not for the effects its actions take on others. I left this

organization in good standing after putting in my two weeks notice in August 2014. I was not paid my last check for months, until January 2014, despite repeated requests. Poor management and a lack of understanding of how to operate a legal business reflects badly on this business; they have a cadre of disgruntled former employees who would agree.

Apothecarium is quite simply a BAD ACTOR in this industry. They are not activists, they do not help patients, and if you vote to support them you, our supervisors, are knowingly making a choice to poison the people of San Francisco. This organization does not deserve the glowing reputation they have achieved. I spoke out to support SPARC during their hearings last year; I am also a former employee of that organization and even though I was fired from SPARC I would support them anyday over the Apothecarium. I understand this is an organization that has gone out of its way to sway your opinions and I beg you to understand that they are liars, they are not good business people and they are knowingly hurting patients. I particularly implore those of you who generally do support safe access (Mr. Richards, I remember you from Apothecarium, and Ms. Johnson, I remember you from SPARC) to STOP the expansion of this business.

I would support any other dispensary operator from the City of San Francisco in its expansion OTHER than Apothecarium: SPARC, The Green Cross, Barbary Coast and many others are doing a lot to make REAL medicine available for people. I have proof of all of this and am happy to speak to any of you in person.

There are real good actors in this industry, just not Apothecarium. As a heads up, I have designed and am planning to implement a citywide community health research and needs assessment relating to medical canabis (I was going to do this with the Harvest on Geary team but have decided to keep it grass roots, no pun intended) and I would love the input of the Board of Supervisors and Department of Public Health in this process. I emailed Larry Kessler last week to touch base and he was excited. In any case, thank you for your time and attention, and please vote to stop the expansion of Apothecarium San Francisco.

Best,  
Alexandra Butler  
Founder, The Hepburns  
MPH, GIPH, NYU, International and Community Public Health  
BA, UCLA

**From:** [elena rodriguez](#)  
**To:** [Perry, Andrew \(CPC\)](#); [Richhillissf@yahoo.com](#); [Richards, Dennis \(CPC\)](#); [Tang, Katy \(BOS\)](#).  
**Subject:** marijuana dispensary  
**Date:** Saturday, June 24, 2017 4:10:50 PM

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Dear voting party

Please do not advocate for this dispensary in the sunset. It's common knowledge that many "patients" of marijuana are obtaining quicky prescriptions to get their addiction satisfied.

I do understand those that truly need the product, but I know that the methods for obtaining their needed medicine is available through many different methods.

If it goes through, what I foresee, is a lot of people that are heavily addicted frequenting an establishment like the dispensary along with others selling more potent drugs.

It's sad seeing our young getting addicted so easily and I don't really want our neighborhood making it easier. All the data regarding how young minds are altered permanently from habitually smoking marijuana is worrisome and again, why make it easier.

I also foresee people with prescriptions buying at the dispensary and then selling it to those who don't have a prescription , much like adults buying liquor for minors.

I don't know. Shootings are increasing in the sunset, homelessness is increasing as well. Pease. let's not be naive and say that a dispensary will not attract a crowd that can sometimes be desperate and careless while driving and careless with their own health.,

You have a lot of power and a lot of responsiblity. My hope is that you remember that every action will have consequences.

Sincerly,

Ilma and James longtime sunset residents

**From:** [David Pelfrey](#)  
**To:** [Perry, Andrew \(CPC\)](#)  
**Subject:** MCD - 2505 Noriega Strongly Opposed  
**Date:** Friday, May 26, 2017 9:53:22 PM  
**Attachments:** [marijuanan rpt0315.pdf](#)

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Dear Commissioner Perry,

My name is David Pelfrey and I am a supervisory ranger with the National Park Service and I live at 1751 32nd Ave in San Francisco, a few houses north of the proposed MCD.

I strongly oppose this site use on several grounds. Firstly, it is possible to purchase marijuana and have it delivered to one's door through the Apothecarium company on a same-day delivery basis with the existing footprint. If one desires to order groceries online for delivery, one must typically order by 6pm the day previous to the expected delivery. In short, one may obtain marijuana more efficiently in this city than food & vegetables. There is simply no viable need for this service in our neighborhood.

Secondly, the City & County of San Francisco needs to consider carefully any public policy that expands the number of MCDs in its jurisdiction. This urban area is a large demand market on Marijuana cultivated & produced in this state. Presently there are insufficient resources & controls in place to monitor environmental compliance & enforcement of laws designed to protect both the public & the environment.

I attach here a PDF from the California Department of Fish & Wildlife/California State Water Resource Control Boards outlining the current, ongoing, environmental impacts of marijuana cultivation in the state, its impacts on watersheds, wildlife, & public lands. Under the present system, both state & federal agencies are inadequately funded to ensure basic compliance & my career in the field is a testimony to the severe and ongoing impact of poorly regulated marijuana cultivation in our state.

The City and County of San Francisco should do its part and craft a sound policy that severely limits the MCD facilities to a number small enough to allow law enforcement & public health authorities to easily monitor compliance with existing law. Marijuana needs to be sustainably grown, free of harmful toxins, and marketed in areas close to departments that are tasked with monitoring & compelling compliance.

Aside from the massive environmental catastrophe the marijuana industry has visited on our state, there is the issue of the Eagle 20 fungicide. I understand that Apothecarium allegedly tests all of its product via the Steep Hill laboratory; however, what testing program does the San Francisco Department of Public Health have in place to safeguard the public in this area of compliance? If the answer is none, there should be no further discussion of allowing an MCD to operate as a business where the potential byproduct of smoking the marijuana is hydrogen cyanide. It is already difficult to take children to a public park and not have to inhale second-hand marijuana smoke of undetermined origin. I would like some assurance that the SF Department of Public Health has an inspection & monitoring plan in place and that the number of MCDs is small enough for the department to guarantee full

compliance with existing California law.

I urge the commission not to allow the proposed MCD, the Apothecarium at 2505 Noriega Street, San Francisco CA 94122, to conduct business in our neighborhood. Moreover, I urge the Planning Commission to cease granting any additional permits for MCDs in the City & County of San Francisco until the marijuana industry matures into a less environmentally destructive force in this state.

[https://www.youtube.com/watch?v=TOZPLRXR\\_xk](https://www.youtube.com/watch?v=TOZPLRXR_xk)

[https://www.youtube.com/watch?v=RGx\\_u648W28](https://www.youtube.com/watch?v=RGx_u648W28)

Kind Regards,

David Pelfrey  
415-716-1807

**From:** [Myron Lee](#)  
**To:** [Perry, Andrew \(CPC\)](#)  
**Subject:** Medical Marijuana In Sunset  
**Date:** Friday, June 30, 2017 8:45:31 PM

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Hi Andrew Perry,

I am a resident of the Parkside/Sunset and so are my parents. I am writing to protest the location of the proposed dispensary on Noriega and let me quickly outline why:

1. Noriega is notoriously busy and there is already limited parking during most of the day.
2. The proposed location is a couple blocks away from at least 2 preschools (Moraga and 31st and Ark of Hope at Noriega and 34). You don't put strip joints there or a liquor store, please don't put a dispensary there.
3. The location is also close to the tree line along Sunset Blvd. People already hang out there to smoke so you can imagine it's a place to hide and light up right next to a West Portal Lutheran (Moraga and 36th).
4. There are 2 churches (31st and Noriega, 34th and Noriega) where a number of family church activities are held.
5. Sunset is really one of the last affordable refuge for families. Many parents oppose opening one near schools their kids attend including mine.

Personally, within 2 years of me moving to 31st and Lawton, I was attacked by a medicinal marijuana user. The person tried to follow my family into my house and I had to push him out to keep him out. He took a swing at my dad and I. The cops came and because he had a medical card, they can only take him to the "tank" (similar to drunk people) to sober up. They asked if we wanted to press charges but did not due to what could happen if he comes back with his friends. I've had to add a security metal gate to my house, change my front door to a heavy metal gate, added a metal side security gate and an alarm system.

Given Stonestown mall or the shopping center at Sloat where parking is much easier and there are mall security guards, please ask them to move there. Help keep the kids and our family safe and keep the sunset family friendly. I'm not opposing the dispensary, I'm opposing the location near pre-schools and in an area that is very difficult to find parking.

Thanks,  
Myron Lee

**From:** [Linda Medina-Sam](#)  
**To:** [Tang, Katy \(BOS\)](#); [Richards, Dennis \(CPC\)](#); [Perry, Andrew \(CPC\)](#)  
**Cc:** [richillissf@yahoo.com](mailto:richillissf@yahoo.com)  
**Subject:** No Medical Cannabis Dispensary (MCD) in the Sunset District at (2505 Noriega Street, 94122) - Hearing today  
6/8/17  
**Date:** Thursday, June 08, 2017 1:22:08 PM

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Dear Planning Commission and Supervisor Tang,

As 25+ year resident living within a 2-block radius of the proposed MCD, I strongly oppose the opening of this retailer in my neighborhood along with my other neighbors. As a mother of two children; one currently attending and one that recently graduated from Lowell High school, I cannot begin to tell you the challenges of raising two good kids with all the distractions and temptations already in our neighborhoods and the City alone. Our quiet neighborhood does NOT need a MCD!

The proposed MCD is within 2-3 blocks of two different elementary schools and a middle school (that my children attended). Our quiet Sunset neighborhood **DOES NOT NEED** or require a medical Marijuana (Cannabis) dispensary where kids may be exposed to or tempted by adults or individuals that will wander in our neighborhood streets. The proposed MCD location is within the same blocks that mothers / grandparents and seniors shop for groceries with their young children and grandchildren. We don't want our kids to be tempted to try marijuana or our seniors to be robbed on their neighborhood streets. This is the same location where families and regular neighborhood residents bring their families to enjoy a night out for dinner. The proposed MCD in our neighborhood will provide only opportunities for crime and exposure to individuals that may be addicted to other illegal drugs and substances. Our neighborhood and community cannot afford to have our children and seniors exposed to such potential threats dangers. The MCD does not provide value to our Sunset neighborhoods. The MCD investors are only interested in lining their pockets with profit, not to improve the quality of life in our quiet Sunset neighborhoods.

This is the second or third time an MCD has been proposed in the Sunset and I do not want to have this MCD on Noriega or any other block in the Sunset. I have personally spoken to the MCD investors at this Noriega location and have asked they consider moving their "investment" to other areas that are more accessible to public transportation near the City's downtown areas if this is truly a business interested in helping those that need this medical cannabis treatment. The Sunset doesn't need this type of retailer/clinic. I'd rather see a new hospital/clinic, school, or childcare business in our neighborhood than an MCD.

As a resident of the Sunset and a voter in San Francisco, I ask that you deny an MCD in this Sunset location and other nearby locations. An MCD will not benefit our community. This is a business that will only provide profit to the MCD investors and will NOT provide value to the established neighborhoods where our families, children, and seniors thrive.

Thank you for your consideration.

**From:** [Anna Wall](#)  
**To:** [Perry, Andrew \(CPC\)](#); [Tang, Katy \(BOS\)](#)  
**Cc:** [richhillissf@yahoo.com](mailto:richhillissf@yahoo.com); [Richards, Dennis \(CPC\)](#)  
**Subject:** Opposition to MCD in Sunset District (2505 Noriega St)  
**Date:** Thursday, May 25, 2017 4:30:26 PM

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Dear Mr. Perry & Supervisor Tang:

We are the residents of Sunset District for 20 years in 2018. Ironically, 2018 is when recreational marijuana takes effect. I am a single mother who raised 2 children in the neighborhood, started the pre-school at Ark of Hope Preschool & ended at Lincoln High. My whole life is in Sunset & we, at least I have no intention to leave my beloved neighborhood.

Although my children are all grown & not in their teens, having an MCD on 2505 Noriega St. may not be my major concern. However, I feel very sorry for my neighbors who have children to raise in the neighborhood where MCD is right at the corner. As a parent, you will try all your best to provide a safe & decent neighborhood for your children to learn, experience & grow. But, having an MCD in my neighborhood is totally irresponsible because of its location where pre school, daycare, community centers are so closed by. It has more negative impact to our community than helping other patients who need marijuana for medical use.

I was on-line & did my little research. Patients who need marijuana for pain due to illness can have delivery service with no obstacles. In fact, the delivery service is impressively efficient & even in minutes to get to patients' doorstep. My mother is a cancer patient whose pain is controlled under the supervision of her family doctor. I understand every patient's need is different but the goal of keeping our Sunset community free from marijuana is inevitable the same.

Please say No to MCD on 2505 Noriega St.

Thank you!

Regards,

Anna Wall  
Sunset Resident on 30th Ave.

**From:** [Clee](#)  
**To:** [Perry, Andrew \(CPC\)](#)  
**Subject:** Pot dispensary On Noriega St & 32 nd Ave  
**Date:** Wednesday, May 24, 2017 9:42:51 AM

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Dear Andrew Perry, Rich Hillis, Dennis Richards, Katy Tang,

I am the former Graphics Supervisor of DCP. I retired in 2003. One of my assign duties was preparing CU maps for the planners.(ask long timers like Ozzie Taeb) I live just 2 blocks down from the proposed Pot Dispensary. I remember preparing many 1000 ' radius maps for projects such as this. Isn't this a Planning Code Violation on the proposed usage? It is just 1 block down from a Lutheran church day school. Many kids go there. 2 blocks down is a church pre-school day care.

The proposed for profit marijuana store is extremely bad for our neighborhood. Besides the above mentioned kids schools, the neighborhood contains many small businesses. Many popular restaurants. grocery markets, food take out stores, dim sum store, 4 banks, Chinatown health clinic, acupuncture and herb stores, bar, hardware store, 2 dentist offices, coffee shop, packaging store, travel offices, watch & clock store, liquor store, 2 churches, massage parlor, misc. stores & offices. And a big Safeway store. These are all I can think of now. I'm sure you have prepared the entire list. The point is, is that all of them generate an immense amount of traffic in the area. It is often congested with cars. Drivers circling the block to find a parking spot. Delivery trucks parking in the middle of the street to make deliveries. At times I have noticed that many of the available parking spaces are occupied with "disable card" automobiles. So there is not a whole lot of parking here.

Yet the pot store has posters on the window boasting of serving over 4000 needy clients. I can not imagine what will happen to the traffic here. Where will these additional 4000 people find a parking space? Surely, I do not want them parking in front of my garage! Nor do Safeway. High on pot! In the last few years, several store and bank fronts have been smashed into by drivers stepping on the gas instead of the brakes. Will these "brain impaired" pot drug takers be able to park correctly? The pot store window also shows a poster of an Asian elderly couple who take the drug. Will they take a bus or drive over here? Very scary. Many kids and elderly people walking around. I be very afraid to cross the street with someone high on pot driving around here.

The pot store window poster also mentioned that a Lutheran church pastor approves and endorse this dispensary. We thought it was the Lutheran church pastor up the block. No, it it's Not him. This Church disapprove of the MCD dispensary store. The referenced pastor is somewhere downtown. They also mentioned in "donating" money to help the neighborhood. They are trying desperately to deceive & "influence" the people living here with mis-information. Not a good sign for the future of this neighborhood. We do not need "drug profits" help here.

There are a handful of bio drugs companies developing pain control drugs using a ingredient from marijuana without having a patient getting high or addicted to it. These drugs are in clinical trials. So this proposed pot store will be totally unnecessary.

As Safeway already has a pharmacy, we don't need a specialized "drug" store. We and our neighbors do not need nor want this proposed pot store in our neighborhood. Please REJECT their application for this proposed MCD store at 2505 Noriega Street. Thank you for your time in reading this.

Mr. & Mrs. Clarence Lee  
2708 Noriega Street

Sent from my iPad

**From:** [Jonathan Saunders](#)  
**To:** [Perry, Andrew \(CPC\)](#)  
**Subject:** Rejection of The Apothecarium's Proposed Noriega Location  
**Date:** Wednesday, March 29, 2017 9:36:32 PM

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Andrew Perry  
SF Planning Department  
1650 Mission St., #400  
SF, CA 94103-4279  
(415) 575-9197  
[Andrew.Perry@sfgov.org](mailto:Andrew.Perry@sfgov.org)

Dear Mr. Perry,

I'm writing to NOT support The Apothecarium's proposed medical marijuana dispensary at 2050 Noriega Street. I live within blocks from the proposed location and am a frequent visitor of The Apothecarium's 2029 Market Street location. I greatly admire the Apothecarium for its nonprofit focus to community groups and am happy to know that not a single police incident has occurred since they began operations in 2011.

As someone who has a medical condition that requires the support they provide, I do not believe they will be a positive addition to the neighborhood. My rejection of the location has nothing to do with concerns of safety or fears that they will not support the community. My rejection stems from the knowledge that their proposed location will not provide an additive benefit to the community or the customers they already provide service to. The San Francisco's West Side can benefit from a host of other businesses or community efforts. A medical marijuana dispensary is not one of those businesses. Additionally, if an impairment kept me, an individual dedicated and loyal to The Apothecarium, from physically commuting to their location, I know they offer a delivery service, which in my opinion negates the necessity of requiring their services in my neighborhood.

I am free to discuss my opinions further if necessary.

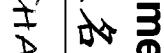
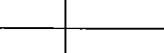
Sincerely,

Jonathan Saunders  
2131 26th Avenue,  
San Francisco, CA 94116  
(415) 879-2604  
[jonjsaunders@gmail.com](mailto:jonjsaunders@gmail.com)

We Strongly Oppose the opening of a MCD at 2505 Noriega Street in the Sunset District, San Francisco!

我們強烈反對大麻店在三藩市日落區 2505 Noriega Street 開設！

## San Francisco Residents 三藩市居民 (Please sign only once in this campaign 這次簽名行動中請只簽一次名)

	Name 姓名	Address 地址	Phone/WeChat/Email 電話 / 微信 / 電郵	Signature 簽名
1	MONA CHAN	1530 31ST AVENUE SF CA 94122	415. 595. 7149	
2	Wayne Young Young, Wayne	1530 31st Ave SF CA 94122	415-609-1616	
3	Bonnie Chan	1535 31st Ave SF CA 94122	415 676-9505	
4	Ava Chan	1530 31st Ave SF 94122	415 - 902 - 1742	
5	Cheng Yanna	1526 - 31st Ave SF 94122	415 - 823 - 6242	
6	Sara Lee Chen	1526 - 31st Ave SF 94122	415 - 522 - 1259	
7	KAM WU CHAN	1534 31ST AVN SF CA 94122	415 - 335 - 5421	
8	Sharon Chan	1534 31st AVN SF CA 94122	415 - 335 - 5420	
9	KENT T. LIM	718 7 st AVE SF CA 94118	415 - 786 - 6430	
10	BONNIE CHAN	1530 - 31st AVE SF CA 94122	415/314 - 1994	

Please contact:

Pastor Shiu Ming Lau

Lutheran Church of the Holy Spirit

Address:

2400 Noriega Street

San Francisco, CA 94122

Phone: (650) 455-8842

Wechat I.D.: Shiuminglau

請聯絡：

路德會聖靈堂 - 劉少銘牧師

地址 : 2400 Noriega Street, SF, CA 94122

電話 : (650) 455-8842

微信 : Shiuminglau

Please note the date of hearing. Show up and Say NO to MCD!

**From:** [Mary](#)  
**To:** [Perry, Andrew \(CPC\)](#)  
**Subject:** MCD Application for 2505 Noriega Street, SF  
**Date:** Thursday, March 30, 2017 10:15:44 AM

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**ARK of Hope Preschool**  
**2701 Noriega Street, San Francisco, CA 94122**

3/25/2017

To whom it may concern,

**We strongly oppose to the MCD application at 2505 Noriega Street in San Francisco.** We are voicing our objection to the opening of a marijuana dispensary within a 1000 feet of our preschool. We are a state licensed preschool which has been an important part of the neighborhood, offering childcare to the families of the Sunset District of San Francisco. We have been at our location at 2701 Noriega since 2007. We have an enrollment of 42 children between the ages of 2.5-6 years of age.

We consider the opening of the cannabis dispensary a hazard to the safety and well-being of our children who walk past the dispensary on their way to our facility, and because we often walk our children around the neighborhood for exercise and education. We take our children out for neighborhood walks on a regular basis to introduce the variety and uniqueness of their environment. Because of the homeless often camping near or on our property, and the increasing traffic... our outings have been more challenging. Recently, we and the children have been noticing the odors of marijuana in the air. Comments like... "what's stinky", "I smell a skunk", "yew yucky smelly", "what's that stuff" are heard from the children. On one occasion the police was called because of a homeless person camped on the corner of Noriega and 34th Avenue at the bus stop... he was obviously intoxicated and high (open container by him plus the smell of marijuana). People waiting for the bus and a driver stopped at the stop sign were concerned for us and called the police for us. Already, the children are exposed to the risks of marijuana.

There is a contention that preschool students should not be protected under the 1,000-foot rule against marijuana outlets since preschool students never come out of preschool during the day and are just for parents to drop off and pick up. The notion that preschoolers are in "lock-down" after they arrive at school is ridiculous. Preschoolers can be seen daily at public playgrounds, on their way to dance and music classes, visiting the local police/fire stations, visiting the zoo, museums, and walking the neighborhood. We were instrumental in reopening a public playground in the neighborhood after it was burned to the ground. Outdoor activity is important to preschoolers. **It shouldn't matter if the children attend public or private facilities... they are still children... and our responsibility to keep safe.** Suffice it to say, based on above-mentioned facts, this contention does not stand and

marijuana outlets should not be opened near a preschool.

We consider marijuana, whether for medicinal or recreation use a hazard to our children, and threat to our business if parents withdraw their patronage due their opinions regarding the use of marijuana. We do not wish to be a testing nor proving ground for marijuana tolerance at the expense of our children. Do it where there are no children. Let's not make the same mistakes we made with tobacco use... hundreds of years before we discover and admit its harm. Only now we ban it from most public places, and away from children.

We would object as a preschool, the opening of a bar, a brothel, an X-rated bookstore, a casino, or even the construction of a micro-wave communication tower... because of the risk of harm, and negative influence to our children. There are already ordinances and restrictions for these risks in place. Marijuana, a classified narcotic, a substance known to adversely affect teens, negatively affect driving and decision making, and still illegal in many places in the US and internationally, should be no exception. Keep it out of reach and influence of our children. Keep the marijuana dispensary away from our preschools, schools and playgrounds.

A bar doesn't by intent mean harm... but it's very nature provides a facility and lure to drunkenness, violence, DUIs, underage drinking, etc. Marijuana may prove to be the same. Children are children and need to be protected.

Will and Mary Ping  
Owners, staff and parents of the Ark of Hope Preschool

CAPITAL OFFICE:  
P.O. Box 276600, Sacramento, CA 95827  
916.857.6900 · FAX 916.857.6902

Brad W. Dacus  
President

SOUTHERN CALIFORNIA OFFICE  
P.O. Box 11630, Santa Ana, CA 92711  
714.796.7151 · FAX 714.796.7182

Edwin Meese, III  
*Former U.S. Attorney General*  
*Advisory Board Chairman*



Kevin T. Snider  
*Chief Counsel*

March 30, 2017

**SENT VIA E-MAIL**

Andrew Perry, Planner  
PLANNING DEPT.  
CITY & COUNTY OF SAN FRANCISCO  
1650 Mission Street  
San Francisco, CA 94103  
E-mail: [andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

**Re: 2505 Noriega Street, San Francisco, CA 94122  
Proposed Medical Marijuana Dispensary  
California Public Policy**

Dear Mr. Perry:

This office represents Ark of Hope Preschool, Inc. (“Ark of Hope” or the “Preschool”), located in the Sunset District at 2701 Noriega Street, San Francisco, CA 94122. Kindly direct all communications related to this matter to the undersigned at [rhacke@pji.org](mailto:rhacke@pji.org).

The purpose of this letter is to register my client’s opposition to the proposed plans for a medical marijuana dispensary (“MMD”) to operate at the real property at 2505 Noriega Street, San Francisco, CA 94122 (the “Property”). At least two religious organizations, Holy Spirit Lutheran Church (the “Church”) and Ark of Hope, are located on Noriega Street not 600 feet away from the Property. The Planning Department (the “Department”) for the City and County of San Francisco (collectively “San Francisco”) should deny the MMD’s permit application because it is inconsistent with public policy, deprives some of the most vulnerable members of the community of the equal protections under the law, and fails to meet conditional use requirements. Each of these shortcomings will be discussed in turn.

**1. Allowing an MMD to Operate at the Property Would Violate California’s Public Policy of Shielding Children From the Evils of Drug Trafficking.**

Section 790.141(a) of the San Francisco Planning Code prohibits MMDs from locating within 1,000 feet of any parcel of land that contains (1) “a public or private elementary or secondary school,” or (2) “a community facility and/or recreation center that primarily serves persons under 18 years of age.” The existence of § 790.141(a) indicates an implicit recognition on the Planning

Department's part that the children of San Francisco need to be protected from the evils attendant to commercial marijuana activity to the greatest extent possible. However, § 790.141(a) appears to leave certain children unprotected. Such children include those who attend preschool at Ark of Hope – which serves 42 preschoolers between the ages of 2½ and 6 – as well as those who worship or participate in other religious activities, such as youth groups or Bible studies, at the Church.

Section 11362.768(f) of the California Health & Safety Code grants cities and counties wide latitude to restrict the locations or establishments of MMDs. San Francisco should thus exercise that latitude in a manner consistent with California's longstanding public policy of shielding children from the evils of drug trafficking:

[W]here children congregate in large numbers before, during, and after school sessions, they are readily subject to the illicit activities of those who ply narcotics to the victims of drug abuse and addiction. The sale and distribution of drugs to youngsters for their use may subject them to the evils of addiction, a hazard to them not only physically and psychologically but financially, with the prospect that their need for drugs, once they are addicted, will lead them into a life of crime to obtain funds to support their habit. They may be drawn into drug rings as participants themselves, aiding the sale and distribution of narcotics to others, including their schoolmates. Indeed, judicial notice may be taken of the destructive results of drug addiction, the source of which Congress clearly intended to keep out of the easy reach of school-age children.

*People v. Williams*, 10 Cal. App. 4<sup>th</sup> 1389, 1395 (Cal. App. 3<sup>rd</sup> Dist. 1992) (hereinafter *Williams*) [quoting *U.S. v. Nieves*, 608 F. Supp. 1147, 1149 (S.D.N.Y. 1985)].

Although MMDs are a relatively recent phenomenon, they are akin to other businesses which may legally sell or distribute intoxicating substances that pose a danger to children – specifically, liquor stores and taverns. Because a liquor store or tavern “is a business attended with danger to the community, **it may be entirely prohibited or permitted under such circumstances as will limit to the utmost its evils.**” *Schaub's, Inc. v Dept. of Alcoholic Beverage Control*, 153 Cal. App. 2d 858, 866 (Cal. App. 2<sup>nd</sup> Dist. 1957) (emphasis added) (hereinafter *Schaub's*) [quoting *Crowley v. Christiansen*, 137 U.S. 86, 91 (1890)]. In fact, “because of the problems presented by traffic in liquor … regulations by way of exceptions with respect to churches and schools **should be liberally construed in favor of such regulations and against applicants for license** to sell liquor within prescribed areas.” *Id.* at 867 (emphasis added). The word “marijuana,” with or without the word “medical” in front of it, could easily replace the word “liquor” in this case.

“Deterrence of future drug activity … provides ample justification for applying” California’s Juvenile Drug Trafficking and Schoolyard Act of 1988 “**at all times[.]**” *Williams*, 10 Cal. App. 4<sup>th</sup> at 1395 (emphasis added); *see also* Cal. Health & Saf. Code § 11353.6. The Planning Department should thus deny the permit application of the MMD that wishes to set up shop near the Church and the Preschool.

## **2. San Francisco Would Violate the U.S. Constitution's Equal Protection Clause by Allowing an MMD to Operate at the Property.**

The Planning Code provides protections to children and youth in kindergarten through high school but does not explicitly safeguard preschool children. Whether due to oversight or other reasons, the distinction does not meet the constitutional standard of rational basis.

Section 1 of the U.S. Constitution's Fourteenth Amendment, aka the Equal Protection Clause (the "EPC"), prohibits state and municipal governments from denying to anyone within their jurisdiction equal protection of the law. U.S. Const. amend. XIV, § 1. The EPC applies whenever a state or municipal government agency takes any action that treats distinct classes of similarly situated persons differently. *Ross v. Moffitt*, 417 U.S. 600, 609 (1974).

Most classifications are subject to rational basis review. *Geiger v. Kitzhaber*, 994 F. Supp. 2d 1128, 1139 (9th Cir. 2014). "Under rational basis review, the Equal Protection Clause is satisfied if: (1) there is a plausible policy reason for the classification, (2) the legislative facts on which the classification is apparently based rationally may have been considered to be true by the governmental decisionmaker, and (3) the relationship of the classification to its goal is not so attenuated as to render the distinction arbitrary or irrational." *Id.* [quoting *Bowers v. Whitman*, 671 F.3d 905, 917 (9th Cir. 2012)].

In this case, in excluding the children who attend the Church and the Preschool from the protections available under Planning Code § 790.141(a), San Francisco has created distinct classes of similarly situated persons who are treated differently under the law. For one thing, § 790.141(a)(1) protects children who attend "public and private elementary or secondary schools"; the language of § 790.141(a) thus implies that the children who attend religious activities at the Church or preschool at Ark of Hope are not protected. Furthermore, § 790.141(a)(2) protects "community facilities and/or recreation centers that primarily serve youth under 18." At best, the language of § 790.141(a)(2) is vague, as the Planning Code provides no clear definition of what constitutes a "community facility" or a "recreation center." At worst, § 790.141(a) reflects San Francisco's belief that preschoolers are less deserving of protection than school-aged children and that children engaged in activities at religious institutions are less worthy of protection than children engaged in activities at secular community facilities or recreation centers.

The classifications created under § 790.141(a) would thus fail the rational basis test for the following reasons:

- **No plausible policy reason:** The preschoolers who attend Ark of Hope and the children who attend worship services and other activities at the Church are every bit as vulnerable to the evils of drug trafficking as children at schools, community facilities, or recreation centers, if not more so. The children who attend Ark of Hope are especially vulnerable given that they frequently leave the Preschool's facility to take field trips.
- **No rational basis for the classification:** It is difficult to conceive of what facts led the governmental decision-maker – in this case, San Francisco – to decide that children

attending schools, community facilities, or recreation centers were more worthy of protection than children attending churches or preschools. Multiple California cases have recognized that there are sound public policy reasons for keeping adult-oriented businesses, such as liquor stores, taverns, and adult movie theaters or novelty shops, away from churches. *See Schaub's*, 153 Cal. App. 2d at 867 [quoting *Weiss v. State Bd. of Equalization*, 40 Cal. 2d 772, 776 (Cal. 1953), to support the court's assertion that a business' proximity to a church could be a sufficient ground to deny the business a liquor license because "a reasonable person could conclude that the sale of any liquor on such premises would adversely affect the public welfare and morals"]; *see also Madain v. City of Stanton*, 185 Cal. App. 4<sup>th</sup> 1277, 1292 (Cal. App. 4<sup>th</sup> Dist. 2010) (Sills, P.J., concurring) [noting that (1) the locations best suited for adult-oriented businesses are those "generally removed from places where children are likely to congregate, (2) such places include churches, and (3) adult-oriented businesses should be restricted to where their secondary effects will have the least impact on children"].

- **The distinctions are arbitrary or irrational:** The goal of § 790.141(a) is presumably to protect the children of San Francisco. This is a worthy goal, but § 790.141(a) is written in such a way that San Francisco does not entirely accomplish that goal – it protects some children, but not others. The relationship between the goal of protecting San Francisco's children from the evils of drug trafficking is thus too attenuated from the classifications set up by § 790.141(a).

### **3. Any MMD in the Noriega Street Neighborhood Commercial District Must Meet Strict Conditional Use Requirements.**

Pursuant to Resolution No. 179-15, which passed by a 9-2 vote on May 5, 2015, any proposed MMD in the Noriega Street Neighborhood Commercial District (the "District") must obtain conditional use authorization from the Planning Commission. Resolution No. 179-15 1, 3:18-21 (May 5, 2015) (hereinafter "Res." when cited). Resolution No. 179-15, a copy of which is attached hereto for your convenience, is to remain in effect until the adoption of permanent legislation regulating MMDs in the District. *Id.* at 4:8-10. As of this writing, no such legislation has been adopted.

Furthermore, Resolution No. 179-15 requires that any MMD that proposes to set up shop in the District must comply with the requirements of Planning Code § 303 as well as other criteria. Res. at 3:22-4:7. Planning Code § 303(c)(2) requires that any proposed conditional use "not be detrimental to the health, safety, convenience, or general welfare of persons working in the vicinity" of the property where the MMD intends to operate.

In this case, a proposed MMD would be very detrimental to the health, safety, and general welfare of the teachers, administrators, and other employees who work at Ark of Hope and the Church: Ark of Hope's employees frequently take the Preschool's children for field trips around the neighborhood to explore its unique environment or play at nearby parks or playgrounds. While out walking, children have smelled the distinct, pungent odor of marijuana and made comments such as, "What's stinky?" "I smell a skunk," and "Ewww! Yucky! Smelly!" The children have also encountered individuals who are high on marijuana. This is to say nothing of

parents who stand to encounter marijuana dealers or users while walking their children to the Preschool. Even granting that the parents are only exposed to such hassles for a limited time while dropping off or picking up their children, they are still exposed, and such exposure is presumably why San Francisco sought to keep MMDs away from public and private schools. It is easy to imagine parents pulling their children out of Ark of Hope – and Ark of Hope having to shut down – because the parents do not want their children exposed to, or endangered by, the illegal drug activity in which the MMD is participating. (And make no mistake: The possession, sale, and/or distribution of marijuana, for any purpose, is illegal under federal law.)

As for the Church, the San Francisco Police Department has stated that MMDs tend to attract violent criminals due to the large amounts of marijuana and cash maintained on site. Imagine a youth pastor having to fend off drug dealers – who may or may not be armed – attempting to sell marijuana to the youth who attend his church. Imagine the youth pastor being good enough at protecting the youth he's watching out for that a dealer decides he's "bad for business" and retaliating accordingly. Imagine the youth pastor dealing with the fallout of teens falling victim to temptation and becoming addicted to marijuana. Some of the youth that a youth pastor encounters in his job are wayward to begin with; a youth pastor does not need the additional stress of combating drug dealers who may send youngsters further down a destructive path.

Based on the foregoing, Ark of Hope respectfully requests that the Department deny the application for the proposed MMD at the Property.

Thank you kindly for your time and attention to this matter. Please keep me informed about the status of this case moving forward. Furthermore, please feel free to contact me at either (916) 857-6900 or [rhacke@pji.org](mailto:rhacke@pji.org) if you wish to discuss this matter further.

Sincerely,



Ray D. Hacke  
Staff Attorney  
Pacific Justice Institute

CC: Rich Hillis  
President  
PLANNING COMMISSION  
[richhillissf@yahoo.com](mailto:richhillissf@yahoo.com)

CC: Dennis Richards  
Vice President  
PLANNING COMMISSION  
[dennis.richards@yahoo.com](mailto:dennis.richards@yahoo.com)

CC: Rodney Fong  
Commissioner  
PLANNING COMMISSION  
[planning@rodneyfong.com](mailto:planning@rodneyfong.com)

CC: Christine D. Johnson  
Commissioner  
PLANNING COMMISSION  
[christine.d.johnson@sfgov.org](mailto:christine.d.johnson@sfgov.org)

CC: Joel Koppel  
Commissioner  
PLANNING COMMISSION  
[joel.koppel@sfgov.org](mailto:joel.koppel@sfgov.org)

CC: Myrna Melgar  
Commissioner  
PLANNING COMMISSION  
[myrna.melgar@sfgov.org](mailto:myrna.melgar@sfgov.org)

CC: Kathrin Moore  
Commissioner  
PLANNING COMMISSION  
[kathrin.moore@sfgov.org](mailto:kathrin.moore@sfgov.org)

CC: John Rahaim  
Director of Planning  
PLANNING DEPARTMENT  
[john.rahaim@sfgov.org](mailto:john.rahaim@sfgov.org)

CC: Scott Sanchez  
Zoning Administrator  
PLANNING DEPARTMENT  
[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)

CC: Jonas P. Ionin  
Commission Secretary  
PLANNING COMMISSION  
[Commissions.Secretary@sfgov.org](mailto:Commissions.Secretary@sfgov.org)

**From:** [Chris Ng](#)  
**To:** [Tang, Katy \(BOS\)](#); [Perry, Andrew \(CPC\)](#); [richhillissf@yahoo.com](mailto:richhillissf@yahoo.com)  
**Subject:** Community comment on proposed MCD 2505 Noriega St  
**Date:** Monday, May 08, 2017 3:40:20 PM  
**Attachments:** [Non SF Residents-Oppose MCD Signatures 4-19-2017.pdf](#)  
[NWHIDTAMarijuanaImpactReportVolume1.pdf](#)

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Dear Supervisor Tang, Mr. Perry, and Mr. Hillis,

I'm one of the pastors at Lutheran Church of the Holy Spirit (2400 Noriega St.) and I've been working there for the past 8 years. I've sent, via Certified Mail, a package of collected signatures each to Mr. Perry and Mr. Hillis of the Planning Department. The signatures are from SF residents and non-residents, within these past two months, who oppose the proposed medical cannabis dispensary on 2505 Noriega St. Here is the [hyperlink to file](#) since the SF resident file is 116MB and over Gmail's 25MB attachment limit. I wish for this data to be included in the case report.

I also wish to detail some reasons for my objection to the proposed dispensary:

- 1) This location is on a pedestrian and traffic heavy corridor. School age children walk through here to neighboring schools (Lawton, Robert Louis Stevenson, A.P. Gianini) from morning to early evening. The Ark of Hope Preschool (2701 Noriega St.) is also within 250ft away; it has had a documented police call to address the public nuisance of a person loitering on property under the influence of alcohol and marijuana. My church has been hosting the Mayor's Youth Employment and Education Program Sunset cohort for the past three years, serving students from Abraham Lincoln High School. This corridor also has seen its share of vehicles jumping the curb, due to driver error, and crashing into buildings, most recently at 2533 Noriega St., which has a new storefront.
- 2) The business interested in the proposed dispensary apparently has permission from the landlord of 2505 Noriega to post advertisement on the storefront window, detailing the business' safety and the benefits to the local community and contact for job positions. Granted that is their prerogative, but I find a conflict of interest that Dr. Floyd Huen can recommend medical marijuana as a doctor and be a partial owner of this business selling medical marijuana. Matier & Ross of the SF Chronicle posed the question "Why doesn't Quan and Floyd open a business in Oakland?" and the [report](#) follows that the spokesperson of the Apothecarium says that they don't want to give the appearance of a conflict of interest. What makes it ok in SF?
- 3) Although the business touts the harmlessness of medical cannabis dispensaries, please consider the proximity of a bar 75ft across the street (2457 Noriega St.) and two liquor stores within a block's radius. I have no wish to vilify anyone's legal use of substances, but I see potential risk of having them in close proximity, much like household chemical products in earthquake safety and preparedness. The March 2016 Washington State Marijuana Impact Report (see attached) by the Northwest High Density Trafficking Area has relevant statistics on teen access and school violations, active-THC impaired driving and fatalities, and marijuana-related crime which serve as counter-points (Key Points pg 8-10, Conclusion pg 134).
- 4) Recent crime (residential break-ins) and a daylight attempted kidnapping of a teen, where the suspect admitted being under the influence of alcohol and marijuana, do not inspire much confidence in what a cannabis dispensary can bring to the Sunset neighborhood.  
<http://www.sfchronicle.com/crime/article/Man-arrested-in-SF>
- 5) While Dr. Huen notes his partnership with the Apothecarium and the under-serviced patients in the Sunset District, a search on Yelp.com ("medical cannabis" "Outer Sunset") yields over 20 selections (2 dispensaries and 20 delivery services) in the vicinity before reaching the Apothecarium in the Castro District.
- 6) I find it unfortunate that Dr. Huen considers opposition of the proposed MCD to be new immigrants

with limited knowledge of the benefits of medical marijuana. This dismisses various residents and perspectives on the issue of how legalization concerns communities.

Thank you for your time and consideration.

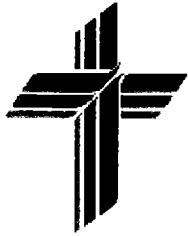
Sincerely,

Christopher Ng

Associate Pastor

Lutheran Church of the Holy Spirit

2400 Noriega St. San Francisco, CA 94122



# 路 德 會 聖 靈 堂

## Lutheran Church of the Holy Spirit

2400 Noriega Street  
San Francisco, CA 94122  
Telephone (415) 661-1120  
Fax (415) 661-1820

Rev. Shiu Ming Lau 劉少銘牧師  
Senior Pastor  
主任牧師

Rev. Christopher Ng 吳向榮牧師  
Associate Pastor  
副牧師

Allan Tong 唐嘉良  
Dir. of Christian Education  
基督教教育主任

Ashley Wong 黃婉靖  
Dir. of Christian Education  
基督教教育主任

Mr. Andrew Perry  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

April 25, 2017

Dear Mr. Andrew Perry,

Greetings. My name is Christopher Ng. I am a born and raised resident of the Sunset District (grades K-12), and I have been working in this district at Lutheran Church of the Holy Spirit for the past eight years. I would like to express my opposition to the proposed medical cannabis dispensary at 2505 Noriega St.

I have sent with this letter a collection of signatures from San Francisco residents and non-San Francisco residents, 514 pages and 63 pages respectively, also in opposition to the opening of the proposed dispensary. A similar package has been sent to Mr. Rich Hillis of the planning commission. The signatures have been collected within the past two months in the Sunset District via grassroot efforts. I wish for these voices of the community to be included as public comments in the packet of the case report. I will also email you the scanned files in PDF for your convenience.

I hope the approximately 5,000 signatures will support the stance of the community on the issue. In 2015, approximately 3,000 signatures were submitted to the planning department with the same position.

Please also consider the Washington State Marijuana Impact Report, March 2016, which lists statistics of teens and school violations, marijuana-only related traffic fatalities, marijuana commerce across state lines, and marijuana-related crimes.  
<http://www.riag.ri.gov/documents/NWHIDTAMarijuanalImpactReportVolume1.pdf>  
While some of these issues are beyond the scope of our professional duties, yours and mine, the case history of other states can inform how we work for the community.

Respectfully,

Rev. Christopher Ng

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**CAPITAL OFFICE:**  
P.O. Box 276600, Sacramento, CA 95827  
916.857.6900 · FAX 916.857.6902

**SOUTHERN CALIFORNIA OFFICE**  
P.O. Box 11630, Santa Ana, CA 92711  
714.796.7151 · FAX 714.796.7182

**SF BAY AREA OFFICE:**  
212 9TH St Suite 208, Oakland, CA 94607  
510.834.7232 · FAX 510.877.8353



**Brad W. Dacus**  
*President*

**Edwin Meese, III**  
*Former U.S. Attorney General  
Advisory Board Chairman*

**Kevin T. Snider**  
*Chief Counsel*

September 17, 2015

Andrew Perry, Planner  
CITY & COUNTY OF SAN FRANCISCO  
PLANNING DEPARTMENT  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

**Re: Medical Cannabis Dispensary (Sunset Holistics) -- 2505 Noriega Street**

Dear Mr. Perry,

This office represents the Lutheran Church of the Holy Spirit located at 2400 Noriega Street in the above-referenced matter. The Church offers this letter in opposition to the application for a proposed Medical Cannabis Dispensary (“MCD”) known as The Apothecarium.

**INTRODUCTION**

Because there are two religious entities and one childcare facility within 500 or less feet of the proposed location, and two other childcare facilities less than 1000 feet away, the application must be denied as a matter of law.<sup>1</sup> Further, the Sunset District, made up primarily of persons of Chinese descent, strongly opposes the insertion of an MCD into their neighborhoods. Historically, drug establishments have been a scourge on their communities in San Francisco. Therefore, this is a very sensitive if not volatile issue which militates against approval of the application.

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<sup>1</sup> San Francisco, Cal., Planning Code § 202.2(e)(B)

## BACKGROUND

More than four years ago, another applicant submitted a request for a medical marijuana clinic about six blocks away.<sup>2</sup> Approval of the application was recommended by the Planning Department and was indeed subsequently approved by the Planning Commission. But an appeal, led by Supervisor Carmen Chu and her staff, including current supervisor Katy Tang, was made. Many voiced opposition to the MCD including representatives from the San Francisco Unified School District, the Taraval Parkside Merchant's Association, the Principal of St. Ignatius College Preparatory School, and representatives from the San Francisco Police Department. But more crucial than these notable figures, hundreds of ordinary people from the area came out to plead their cause against the introduction of a marijuana shop in the neighborhood. The application was ultimately rejected by the San Francisco Board of Appeals because an MCD in that community was not in the interest of neighborhood children who comprise a vulnerable population. The Board noted that its discretionary denial was consistent with the intent of Planning Code §740.191(b), i.e., the prevention of the establishment of MCD's in close proximity to facilities that primarily serve children under 18 years of age. The specific findings of the Board included the following:

- Legitimate community needs to provide for children's safety and to limit access to marijuana for a vulnerable population;
- Several programs for children operate within 1000 feet of the Property;
- There is a children's educational, residential and day treatment program just over 1000 feet from the property;
- The Property is in a densely populated commercial corridor serviced by the L Taraval Muni line, and serves as a main transportation route for students from several nearby middle and high schools, including two that lie just beyond 1000 feet from the proposed MCD;
- The 2300 Lincoln High School students have an open campus and routinely patronize nearby businesses, including the 7-Eleven store located diagonally from the Property "creat[ing] a teenage population in the area vulnerable to an MCD in this location;
- Based on extensive testimony at the hearing from neighbors and long-time residents of the neighborhood, the Board finds there is widespread opposition to opening an MCD at the Property because of concerns for the safety of neighborhood children;
- The City "has the highest concentration of licensed MCDs per square mile in the State," and that there are already two licensed MCDs in the Taraval District;
- Home delivery services for medical cannabis exist in the City, such that Taraval District residents have "alternative means of obtaining medical cannabis without having to travel to other parts of the City."

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<sup>2</sup> 2139 Taraval Street.

After denial of the application, the City and County of San Francisco was sued in Superior Court by the MCD. The Court found San Francisco's findings supported by substantial evidence. In sum, prohibiting an MCD in the neighborhood was well within the Board's discretion.

This is not at all surprising. California courts have found that the proximity of a church to a liquor store is a sufficient ground to deny any liquor license.<sup>3</sup> Indeed, a liquor license may be denied if the proposed location is within the immediate vicinity of churches and hospitals, or within at least 600 feet of schools, public playgrounds and nonprofit youth facilities. Of course, no fundamental difference exists between an establishment that sells liquor and one that sells marijuana. In *Madain v. City of Stanton*,<sup>4</sup> the presiding justice noted in a concurring opinion that the places most "well suited" for adult businesses are those "generally removed from places where children are likely to congregate."

In recent months, the same MCD sought a conditional use permit. On May 21, more than 200 citizens appeared to speak in opposition to the MCD. Commissioner Richards remarked that the Commission had not seen so many speakers before. Petitions with 7,000 signatories opposing MCDs in the area were submitted. Unlike the previous MCD application, the Planning Department recommended denial of the CUP. The Commission voted unanimously against introducing a marijuana establishment in the neighborhood.

That was an appropriate response to the community position. Concern of neighbors is sufficient to constitute substantial evidence that a contemplated use is detrimental to the welfare of the community.<sup>5</sup> "It is appropriate and even necessary for the [agency] to consider the interest of neighboring property owners in reaching a decision whether to grant or deny a land use entitlement and the opinions of neighbors may constitute substantial evidence on this issue."<sup>6</sup>

## CURRENT APPLICATION

Based on its nearby location, the present application should fare no better. The factors justifying the denial of the other MCD applications argue forcefully for a denial of The Apothecarium dispensary. A review of properties operating in close proximity to the proposed MCD, shows that many entities provide community services for children and youth in the community. Such provides necessary context for neighborhood opposition.

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<sup>3</sup> *Schaub's, Inc. v. Department of Alcoholic Beverage Control*, (1957) 153 Cal. App. 2d 858

<sup>4</sup> *Madain v. City of Stanton*, (2010) 185 Cal. App. 4th 1277, 1292 (App. 4th Dist. 2010) (Sills, P.J., concurring).

<sup>5</sup> *Desmond v. County of Contra Costa*, (1993) 21 Cal.App. 4th 330.

<sup>6</sup> *Harris v. City of Costa Mesa*, (1994) 25 Cal. App. 4th 963, 973.

### *Nearby Establishments*

My client, Lutheran Church of the Holy Spirit is less than 300 feet from the proposed site. The Church has numerous activities for minors everyday of the week as follows:

#### Sundays

9:00 – noon  
Worship service and Sunday School  
(English 9:00 a.m.)  
(Cantonese 10:30 a.m.)

#### Monday through Friday

2:00 - 6:00 p.m.  
After school outreach ministry for (60) children in 1st through 8th grades.

#### Wednesdays

7:00 - 8:30 p.m.<sup>7</sup>  
Boys and Girls Bible Study Groups

#### Tuesdays, Wednesdays and Fridays

4:00 – 6:30 p.m.  
Community Youth Center of San Francisco - Mayor's Youth Employment and Education Program (CYC-MYEEP) uses the Church facilities to conduct workshops and tutoring for high school students.<sup>8</sup>

#### Mondays and Fridays

4:00 – 6:30 p.m.  
CYC-MYEEP One-on-one tutoring

#### Fridays

6:30 - 10:00 p.m.  
Fellowship groups for English speaking middle and high school students.

#### Saturdays

5:00 - 7:30 p.m. (1st & 3rd Saturdays)  
Family Support Group from young children (new born through 10 years old) and their families

#### Saturdays

7:00 - 9:00 p.m. (2nd & 4th Saturdays)

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<sup>7</sup> Of note, the tutors for the children stay at the Church and have dinner together.

<sup>8</sup> CYC-MYEEP begins September 28 and runs through the school year.

Living Word Fellowship - for Cantonese speaking  
high school and college students

Saturdays

1:00 - 5:00pm (about 6 Saturdays annually)  
Sunny Paths Special Needs Ministry hosts  
Respite Day for Families with children who have special needs

Saturdays

4:00 - 8:00pm (4 times annually)  
Family Lock Ins - for 1st through 8th grades First children and parents

Another church, San Francisco Chinese Baptist Church, is approximately 500 feet from the marijuana shop. This church is located at 1811 34th Ave, San Francisco, CA 94122. It has a high school youth group that meets at the Church.

Around 500 feet from the proposed MCD is Ark of Hope Preschool located at 2701 Noriega St. The children at Ark of Hope Preschool range in ages from 2.5 years to 5 years and 11 months. The preschool operates from 7:00 a.m. to 6 p.m., Monday through Friday.

Additionally, 700 to 800 feet from The Apothecarium sits Little Wonders of Montessori located at 1663 32nd Ave. Children enrolled here range in ages starting at 18 months and 5 years old. The school operates from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Kids Paradise also lies about 900 feet from the applicant, i.e., 1700 31st Ave. This facility provides programs for children in nursery, pre-school, pre-kindergarten and kindergarten. It programs run Monday through Friday from 7:00 a.m. to 6:00 p.m.

It is self-evident that children of these tender ages require the highest level of protection that local government can provide.

#### *Surrounding Properties Preclude An MCD From This Area*

The presence of two churches and three childcare facilities requires the denial of the MCD application as a matter of law. The City of San Francisco has expanded protections for children in the Medical Cannabis Act.<sup>9</sup> According to the provisions of San Francisco's ordinance, an MCD must operate in conformity with the other sections of San

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<sup>9</sup> San Francisco, Cal., Health Code. Art. 33. See Cal. Health & Safety Code § 11362.83 (Allowing local ordinances which would further regulate the location and operation of Medical marijuana establishments.)

Francisco's municipal codes, including the San Francisco Planning Code.<sup>10</sup> If operational after April 1, 2005, regardless of whether cannabis is smoked on the premises, the dispensary shall not be located less than 1,000 feet from any elementary or secondary school, or a Public or Community Facility that primarily serves persons under 18 years of age.<sup>11</sup> A "community facility" includes an "institutional community use."<sup>12</sup> An "institutional community use" encompasses a "child care facility" and "religious institution."<sup>13</sup>

Courts in California have held that "[i]t clearly makes sense to restrict" businesses that can only serve adults "from areas which are an intrinsic draw for children." A church building is an intrinsic draw for children because the facility "may have a Sunday-school class and have regularly organized youth groups other days of the week."<sup>14</sup>

Concern for the safety and welfare of children is a substantial government interest. The State of California has passed legislation that prohibits the posting of tobacco product advertising within 1,000 ft of any school or public playground.<sup>15</sup> Further, the State of California has passed laws that prohibit MCDs from being located within 600 feet of any school throughout the state.<sup>16</sup> Lawmakers intended to keep narcotics away from children by passing the Juvenile Drug Trafficking and Schoolyard Act of 1988.<sup>17</sup> The law's purpose was "not only the prevention of the sale of drugs to students on their way to and from school, but, of equal importance, the protection of school-age children from drug sellers, drug buyers, and the hazards presented in drug trafficking."<sup>18</sup>

### *Community Opposition*

Marijuana is a Category I drug<sup>19</sup> with debatable medical value. As a 2012 study from Yale University School of Medicine indicates, young people who use more damaging drugs often start with "soft" drugs such as marijuana as a gateway drug.<sup>20</sup> As discussed at length above, the residents of the Sunset District vehemently opposed the introduction

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<sup>10</sup> San Francisco, Cal., Health Code § 3307(c)(3)

<sup>11</sup> San Francisco, Cal., Planning Code § 202.2(e)(B)

<sup>12</sup> San Francisco, Cal., Health Code §102.

<sup>13</sup> Id.

<sup>14</sup> *Madain v. City of Stanton*, 185 Cal. App. 4th 1277, 1292 (App. 4th Dist. 2010) (Sills, P.J., concurring)

<sup>15</sup> Cal. Bus. & Prof. Code § 22961(a)

<sup>16</sup> Cal. Health & Safety Code § 11362.768

<sup>17</sup> Cal. Health & Safety Code § 11353.6

<sup>18</sup> *People v. Marzet*, (1997) 57 Cal. App. 4th 329, 338.

<sup>19</sup> 21 U.S.C. §813

<sup>20</sup> Journal of Adolescent Health, *Previous Use of Alcohol, Cigarettes, and Marijuana and Subsequent Abuse of Prescription Opioids in Young Adult*, February 2013, Vol. 52, Issue 2, pages 158-163. Lynn E. Fiellin, M.D., Jeanette M. Tetrault, M.D., William C. Becker, M.D., David A. Fiellin, M.D., Rani A. Hoff, Ph.D.

of marijuana into their neighborhood for the last applications for MCD. That sentiment remains today.

A quick skim of the 7,000 signatures in opposition to the location of the MCD reveals that many of these signatories are of Chinese descent. Cannabis stores serve as the modern version of the neighborhood opium den. No sober parent desires the reintroduction of such an establishment in the vicinity of their children. In view of the history of San Francisco, the optics of enabling the operation of a MCD in a community with a heavy Chinese population demonstrates a profound lack of judgment.

#### *Cannabis Users Have Other Options*

Those with prescriptions for marijuana in San Francisco may request free home delivery, seven days a week. One MCD states that delivery is a mere 20-40 minutes from the order.<sup>21</sup> There are also apps for home delivery.<sup>22</sup> In sum, access to the City's users is more convenient than ordering pizza. There is simply no reason to put a bricks and mortar dispensary in a predominantly Chinese neighborhood that is saturated with entities that cater to children and youth.

#### **CONCLUSION**

In view of the foregoing, the Church respectfully requests that this MCD be deemed incompatible with the neighborhood. Thank you for your deliberation and service to the community.

Sincerely,



Kevin T. Snider  
Attorney for Chinese Gospel Church

cc. Rodney Fong, President  
Cindy Wu, Vice President  
Michel Antonini, Commissioner  
Rich Hillis, Commissioner  
Christine Johnson, Commissioner  
Kathrin Moore, Commissioner  
Dennis Richards, Commissioner

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<sup>21</sup> <http://foggydazedelivery.com/>

<sup>22</sup> For example, <https://getmeadow.com/>

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September 4, 2015

Mr. Andrew Perry  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

RE: Neighboring Merchants' Opposition to the Proposed Apothecarium/Marijuana Dispensary -  
2505 Noriega Street, San Francisco, CA 94122

Dear Mr. Perry,

We are a coalition of local merchants near the proposed apothecarium or marijuana dispensary, herein as MCD, at 2505 Noriega Street in San Francisco. We hereby inform you that we strongly oppose to this proposed facility in our neighborhood and are very concerned.

As local merchants, we believe the MCD will give rise to unwanted and intractable problems in our community and really affect our businesses. To start with, the proposed MCD will bring much more traffic causing issues of both road usage and parking especially during busy hours, not to mention the possible problem of drug driving. This is already a busy commercial district with the presence of youngsters.

The patrons of MCD, moreover, are typically not the potential customers of our businesses. On the contrary, some of our original customers may stop patronizing us due to the MCD. We are afraid that it may even lead to the increase in crime rate in our neighborhood.

We understand that in accordance with the City of San Francisco Planning Code, marijuana dispensaries cannot be located within 1,000 ft of schools and recreational facilities. Please note that the Ark of Hope Preschool, located at 2701 Noriega Street, is approximately only 650 ft from the proposed MCD. Furthermore, with a little more than 1,000 ft from the proposed MCD, there are West Portal Lutheran School and AP Giannini Middle School.

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above-mentioned marijuana dispensary to the Planning Commission. Your help is greatly appreciated.

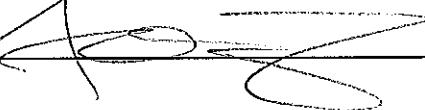
Sincerely,

cc: Josephine Chen ([josephine.chen@sfgov.org](mailto:josephine.chen@sfgov.org))

Printed Name: Jennifer Ching  
Date: 9/15/15

Merchant of: JL FOODS

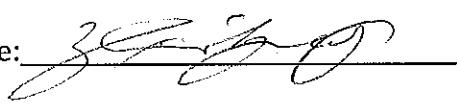
Address: 2551 Noriega Street

Signature: 

Printed Name: ZHIXINYANG  
Date: 9/16/15

Merchant of: ACE Hardware

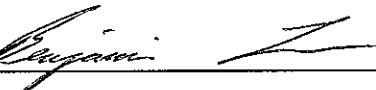
Address: 2526 Noriega St

Signature: 

Printed Name: BENJAMIN LAU  
Date: 09-16-2015

Merchant of: ALL INCLUSIVE TRAVEL

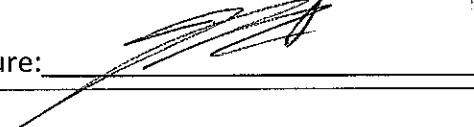
Address: 2568 NORIEGA ST # 202

Signature: 

Printed Name: Teresa CHAN  
Date: 16/9/2015

Merchant of: SBT HONG KONG

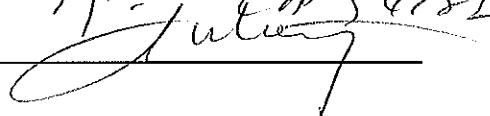
Address: 2188 noriega ST.

Signature: 

Printed Name: Anita Yee  
Date: 9-16-2017

Merchant of: Farmers

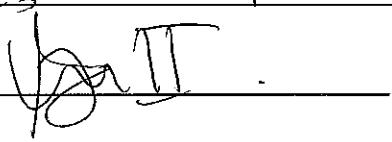
Address: 2323 Noriega St #206  
37-1st fl #5418L

Signature: 

Printed Name: Filipa Francisca  
Date: 9/16/2015

Merchant of: state fair Filipa Francisca

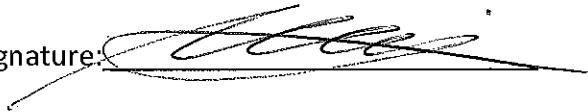
Address: 2315 Noriega St, SF CA

Signature: 

Printed Name: Linda Lin  
Date: 9-16-15

Merchant of: Noriega St Cleaners

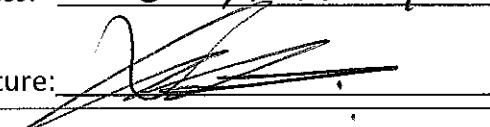
Address: 1711 Noriega St

Signature: 

Printed Name: Yong man Jeng  
Date: 9/16/2015

Merchant of: MET SELL LTD

Address: 2206 IRVING SE

Signature: 

September 4, 2015

Mr. Andrew Perry  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

RE: Neighboring Merchants' Opposition to the Proposed Apothecarium/Marijuana Dispensary -  
2505 Noriega Street, San Francisco, CA 94122

Dear Mr. Perry,

We are a coalition of local merchants near the proposed apothecarium or marijuana dispensary, herein as MCD, at 2505 Noriega Street in San Francisco. We hereby inform you that we strongly oppose to this proposed facility in our neighborhood and are very concerned.

As local merchants, we believe the MCD will give rise to unwanted and intractable problems in our community and really affect our businesses. To start with, the proposed MCD will bring much more traffic causing issues of both road usage and parking especially during busy hours, not to mention the possible problem of drug driving. This is already a busy commercial district with the presence of youngsters.

The patrons of MCD, moreover, are typically not the potential customers of our businesses. On the contrary, some of our original customers may stop patronizing us due to the MCD. We are afraid that it may even lead to the increase in crime rate in our neighborhood.

We understand that in accordance with the City of San Francisco Planning Code, marijuana dispensaries cannot be located within 1,000 ft of schools and recreational facilities. Please note that the Ark of Hope Preschool, located at 2701 Noriega Street, is approximately only 650 ft from the proposed MCD. Furthermore, with a little more than 1,000 ft from the proposed MCD, there are West Portal Lutheran School and AP Giannini Middle School.

We ask you to consider our opinions seriously in deciding on the future of our local community in the Sunset District. We respectfully request that you do not recommend the above-mentioned marijuana dispensary to the Planning Commission. Your help is greatly appreciated.

Sincerely,

cc: Josephine Chen ([josephine.chen@sfgov.org](mailto:josephine.chen@sfgov.org))

Printed Name: Raymond Huen G  
Date: 9-10-15

Merchant of: Honest Kauai

Address: 2658 Kehiaga Ct S.F.CA94124

Signature: Raymond Huen G

Printed Name: Wong Lee Lin  
Date: 8/10/15

Merchant of: Sunlight Video

Address: 2560 Noriega St

Signature: Wong Lee Lin

Printed Name: Shirley Chan  
Date: 9/10/15

Merchant of: Three Star

Address: 2515 Noriega St

Signature: Shirley Chan

Printed Name: Ri Shanti  
Date: 9/10/15

Merchant of: Tiki Tiki

Address: 2520 Noriega

Signature: R.S.C

Printed Name: Cathy Hei  
Date: September 10, 2015

Merchant of: Ca Wy & C.

Address: 2436 Noriega St. SF

Signature: M

Printed Name: Kevin

Date: 9/10/2015

Merchant of: Kevin

Address: 2421 Noriega St

Signature: Kevin Huan Wen Li

Printed Name: YAN KAM FU WOLY  
Date: 9-10-15

Merchant of: Superb Garden

Address: 2433 Noriega st

Signature: Yam Kam Fu Wong

Printed Name: Mei Lin Lee  
Date: 09/10/15

Merchant of: TAK KEE LEE RESTAURANT

Address: 2435 NORIEGA STREET St.

Signature: Mei Lin Lee

Date: June 30, 2017

To: Katy Tang  
Supervisor of Dist. 4

Andrew Perry  
Planning Dept.

RECEIVED

JUN 30 2017

CITY & COUNTY OF S.F.  
DEPT. OF CITY PLANNING  
RECEPTION

From: Sunset Dist. Volunteers  
Noriega Merchants Group  
Noriega Employees Group

RE: Opposition MCD in Sunset Dist.

Pages: 25 (incl. cover sheet)

# **Facts & Community Events**

## **Opposition to Apothecarium MCD**

### **2505 Noriega St . San Francisco**

#### **Community Events**

***Mar 2<sup>nd</sup>, 2017 :***

1<sup>st</sup> meeting with Dr. Huen at the Taraval Police Station. Dr. Huen was 20 minutes late & neighbors were “impatient” & shout “no marijuana in our neighborhood”. The meeting was dismissed due to the fire code that the room is not able to have 100+ people ....

**Result:** Neighbors were promised to have another meeting in a bigger meeting room.

***May 3<sup>rd</sup>, 2017:***

Dr. Huen, MCD sponsor posted a notice to meet with neighbors at Ortega Library at 6:30 pm .

Jean Quan (Dr. Huen’s wife), former Oakland Mayor showed up at 5’s pm & met with the media where a lot of Sunset residents were still on their way home. She left & disappeared before the neighbors arrived by 6:30 pm.

**Result:** The meeting was cancelled in the very last minute. When there were over 70+ neighbors arrived by 6:30 pm, there were 10+ LBGT rallying in front of the Ortega library calling “PJI lie” & labeled all neighbors as “HATE Group” . There was no communication or apology from the MCD sponsor aftr the meeting was cancelled. It was irresponsible, arrogant and disrespectful of the project sponsor to our local community.

In return, it became a rally for the project sponsor/Dr. Huen & created the impression that those in attendance from the community were labeled as a “hate group” bad intention as “smear campaign” to label all attendants of the meeting as “hate group” . This is certainly not the case. There was no other meeting arranged by the project sponsor/Dr. Huen & Sunset residents thereafter.

## **Further Result:**

Sunset volunteers formed & obtained adjacent merchants, merchants' employees & neighbors within a four block radius of the opposed MCD within this light commercial (4 blocks) Sunset area. (Signatures will be furnished on the date of Public Hearing July 13<sup>th</sup>, 2017)

## ***June 27<sup>th</sup>, 2017:***

Neighbors attended a rally in front of City Hall to voice out their concerns. Mainstream medias (both English & Chinese) reported the rally on the same day through TV & newspapers in the next morning.

Five speakers shared with all of us that marijuana should be banned as creational use. Ms Mary Ting who is the principal of School of Ark (500 ft) from the MCD site spoke out in the rally that she opposes the MCD site near children. She even had to call police to deal with marijuana smokers on the sidewalk near her pre-school.

Based on our brief research, Apothecarium MCD location on 2505 Noriega St has violated State Law 790.141 (a)(1)(B). Further disappointment from our communities (who care about the quality of life) that local law Sec. 98B.5 has loosing up marijuana offenses & treats marijuana offenses as the lowest law enforcement priority.

## **Facts:**

We truly care about patients who MUST have marijuana as their medical daily use. Based on Apothecarium website, they have delivery services to their patients. Other MCD in the area will also deliver marijuana to patients within minutes.

In 2018, once marijuana can be used as creational based on prop 64, this location is highly exposed to our young children of PG Giannini Middle School, Sunset Elementary School which are only 5 blocks from the proposed MCD site. Needless to say, Sunset Blvd (which is 3 blocks from the proposed MCD site) is the corridor for bus lines from Lincoln High School & Lowell High School.

Our young children cannot vote, as their parents, relatives, teachers & neighbors, we are the ones who can step up to protect them. With the same mission of City of San Francisco and its residents, we are working to maintain

good communities where vast majority of the immediate neighbors live, work and raise their families. Please deny the issuance of MCD near our children.

## **Unknown Facts**

Irreversible Damages that are unknown to our communities after 01/01/2018:

- Is there any intensive training to our law enforcers to detect marijuana smoker who are behind the wheels?
- Are there any effective devices (alcohol test) to test marijuana offenders & hold them countable for hurting innocent residents?
- Who will regulate the contents of cookies/candies that will be introducing to public consumption? Our consumer products have very detail & labeling the ingredients of food. Are we ready to open up marijuana to public in food?
- Do we have any program in mass media to educate San Franciscans & others the danger of having overdose & addiction of marijuana? How do we keep our community save if law enforcer is unavailable to help us in the event of marijuana related incidents?
- and many many more uncertainties.....

If we are not ready yet, please hear from our local community, "NO MCD in our neighborhood!"

Joint Petitions:

Noriega Merchants Group  
Noriega Employees Group  
Sunset District Volunteers

(a) San Francisco Law Enforcement Officers shall make law enforcement activity relating to **marijuana** offenses by adults their lowest law enforcement priority. Law enforcement activities include, but are not limited to, investigation, citation, arrest, and seizure of property.

(b) This lowest law enforcement priority policy shall not apply to the following:

(1) Distribution or sale of **marijuana** to minors;

(2) Possession, use, sale or distribution of **marijuana** by minors;

(3) Distribution or sale of **marijuana** on public property (including public streets, sidewalks, parks, buildings or other public property) or within view of any person on public property, provided that the lowest law enforcement shall apply to distribution or sale of **marijuana** occurring entirely within a private

- (c);
- (4) Driving under the influence; or
- (5) A **marijuana** offense that occurs in conjunction with or is related to an act or threat of violence, or where law enforcement officers reasonably believe that the **marijuana** offense poses a substantial threat of serious physical harm to the public.
- (c) The City and County of San Francisco urges the District Attorney to adopt a policy making prosecution of adults for **marijuana** offenses, as described herein, the lowest prosecutorial priority.
- (d) This lowest law enforcement priority policy shall apply to cooperating with federal agents to arrest, cite, investigate, prosecute, or seize property from adults for **marijuana** offenses included in the lowest law enforcement priority policy, where those **marijuana** offenses do not occur in

for **marijuana** offenses included in the lowest law enforcement priority policy, where those **marijuana** offenses do not occur in conjunction with other criminal activity.

(e) San Francisco law enforcement officers and other City and County employees shall not accept or renew formal deputization or commissioning by a Federal law enforcement agency if such deputization or commissioning is for the sole or primary purpose of investigating, citing, arresting, or seizing property from adults for **marijuana** offense included in the lowest law enforcement priority policy.

(f) The City and County of San Francisco shall not accept any Federal funding that would be used solely or primarily to investigate, cite, arrest, or seize property from adults for **marijuana** offenses.

(Added as Sec. 12X.5 by Ord. 297-06, File No. 061295, App. 11/29/2006; redesignated by Ord. 189-16, File No.

160425, App. 10/14/2016, Eff. 11/13/2016, Oper. 2/11/2017)

1. The child care facility may not need to be registered. Public policy, as established by both Congress and the California Legislature, favors that children be shielded from the evils of the illegal drug trade to the greatest extent possible. *See People v. Williams*, 10 Cal. App. 4<sup>th</sup> 1389, 1395 (App. 3<sup>rd</sup> Dist. 1992) [quoting *U.S. v. Nieves*, 608 F. Supp. 1147, 1149 (S.D.N.Y. 1985)]; Cal. Health & Saf. Code § 11353.6; and *People v. Marzet*, 57 Cal. App. 4<sup>th</sup> 329, 338 (App. 2<sup>nd</sup> Dist. 1997). Licensed child care facilities are just one of the types of organizations that medical marijuana dispensaries (MMDs) need to be kept away from. *See San Francisco Planning*. Code §§ 790.50(b) [concerning "(a) use which provides less than 24-hour care for 13 or more children by licensed personnel and which meets the requirements of the State of California and other authorities"]. 790.51(a) [concerning "(a) use which provides less than 24-hour care for 12 or fewer children by licensed personnel and which meets the requirements of the State of California and other authorities"], and 790.141(a)(1)(B) [prohibiting MMDs from locating within 1,000 feet of "a community facility and/or a recreation center that primarily serves persons under 18 years of age"]. Section 790.50(a) defines "Assembly and Social Service" to include "[a] use which provides ***social, fraternal, counseling or recreational gathering*** services to the community. It includes a ***private noncommercial*** club house, lodge, ***meeting hall, recreation building, or community facility not publicly owned***" (emphasis added). Section 790.50(d) defines "Religious Facility" to include "[a] use which provides religious services to the community, such as a church, temple or synagogue." Facilities that provide child care may fall into either category. As long as either type of facility serves youth, it does not matter whether the facility has a license -- the locations best suited for businesses that present a danger to children, such as MMDs, are those "generally removed from places where children are likely to congregate." *Madain v. City of Stanton*, 185 Cal. App. 4<sup>th</sup> 1277, 1292 (App. 4<sup>th</sup> Dist. 2010) (Sills, P.J., concurring); *see also Schaub's, Inc. v Dept. of Alcoholic Beverage Control*, 153 Cal. App. 2d 858, 866 (App. 2<sup>nd</sup> Dist. 1957) (hereinafter *Schaub's*) [stating that where a business is "attended with danger to the community, it may be entirely prohibited or permitted under such circumstances as will limit to the utmost its evils"].

2. Whether a facility is "primarily used by youths" is not so important. What matters is whether the facility is an intrinsic draw for

children. *Madain*, 185 Cal. App. 4<sup>th</sup> at 1292 (Sills, P.J., concurring). It does not even matter whether, or how often, children are present at the facility. *Williams*, 10 Cal. App. 4<sup>th</sup> at 1395 ["Deterrence of future drug activity ... provides ample justification for applying" California's Juvenile Drug Trafficking and Schoolyard Act "at all times, whether or not" children are likely to be present]. As long as children are likely to come there for whatever reason, then public policy all but mandates that MMDs be kept as far away as possible: As at least one court has noted, regulations concerning controlled substances "**should be liberally construed in favor of such regulations** and against applicants for license to sell" such substances in areas where children are likely to congregate. *Schaub's*, 153 Cal. App. 2d at 867



2505 Noriega  
Apothecarium  
MCD

2505 Noriega St.  
Proposed MCD Site

Opposing merchants  
39

Opposing neighbors  
179

Day car & Preschool  
2

\* Noriega Merchants Group (39)  
Noriega Employees Group (59 ppl)  
Sunset Dist. Volunteers (27 ppl)

#### PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		3	
Other neighbors on the block or directly across the street		39	
Neighborhood groups or others		3 *	
Petition Signatures			

# No to marijuana!

# No to MCD!

## On 2505 Noriega St

- 200 ft from Church\* *Community center  
2400 Noriega st.*
- 220 ft from daycare *1867 31<sup>st</sup> Ave (Noriega)*
- 425 ft from Church\* *34<sup>th</sup> Ave & Noriega st.*
- 500 ft from pre-school\*\* *2701 Noriega st.  
40+ children*
- 5 blocks from middle school

## Stay away from kids!

# No means No!

\*Church= community center

\*\* pre-school with >12 young kids

**Adjacent Merchants Opposing 2505 Noriega St MCD updated as of 6/27/17**

Name	Address	City	State
Blissfu Tea LLC	2570 Noriega St	San Francisco	CA
Mongkok Dim Sum	2438 Noriega St	San Francisco	CA
Hong Kun	2558 Noriega St	San Francisco	CA
Wenel Liu	2560 Noriega St	San Francisco	CA
New Century Market	2427 Noriega	San Francisco	CA
Ming Tui Restaurant	2455 Noriega	San Francisco	CA
Sandra H Jeong OD	2521 Noriega	San Francisco	CA
S&T Hong Kong Seafood Inc	2588 Nnoriega	San Francisco	CA
All Inclusive Travel	2568-202 Noriega	San Francisco	CA
Angel Face	2568-201 Noriega	San Francisco	CA
Angel Face	2568-209 Noriega	San Francisco	CA
Healthy Life Concepts	2568-208 Noriega	San Francisco	CA
Oriental Seafood	2520 Noriega	San Francisco	CA
Magic Design	2512 Noriega	San Francisco	CA
Wells Fargo	2454 Noriega	San Francisco	CA
New Heng Fung Inc	2444 Noriega	San Francisco	CA
Big Big Pan	2445 Noriega	San Francisco	CA
Howhini	2431 Noriega	San Francisco	CA
In Style Hair Salon	2421 Noriega	San Francisco	CA
Tak Kee Lee Restaurant	2435 Noriega	San Francisco	CA
TJ Cups	2437 Noriega	San Francisco	CA
Superb Garden Grocery	2433 Noriega	San Francisco	CA
Shanghai Herb Co.	2403 Noriega	San Francisco	CA
Shanghai Herb Co.	2405 Noriega	San Francisco	CA
Donut Time	2401 Noriega	San Francisco	CA
Cheung Hing Restaurant	2339 Noriega	San Francisco	CA
Quests N Prints	2434 Noriega	San Francisco	CA
California W&C	2436 Noriega	San Francisco	CA
ABC Café	2500 Noriega	San Francisco	CA
Bubble Tea Café	1788 32nd Ave	San Francisco	CA
Lutheran Church of the Holy Spirit	2400 Noriega	San Francisco	CA
Subway	2516 Noriega	San Francisco	CA
Duan Ngan	2511 Noriega	San Francisco	CA
Three Star	2515 Noriega	San Francisco	CA
Synergy Hair	2545 Noriega	San Francisco	CA
Sun Star Spa	2545A Noriega	San Francisco	CA
Boss Supermarket	2551 Noriega	San Francisco	CA
JP Accountant LLP	2578 Noriega	San Francisco	CA
Sunset Health Services	1800 31st Ave	San Francisco	CA

Adjacent Employees

Merchant	Employee	Address	City	State	Zip code
Sunset Health Service	Jane Fung	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Molly He Ma	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Qi Li Deng	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Dr. Frank Chen	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Dian Ming Lee	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Dr. Anderson Eng	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Sandy La	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Xiao Yun Li	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Lai Ling Chan	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Mak Shek Leung	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Linda Wong	1800 31st Ave	San Francisco	CA	94122
Sunset Health Service	Lai Ching	1800 31st Ave	San Francisco	CA	94122
Bank of America	YanZhu Zeng	2325 Noriega St	San Francisco	CA	94122
Bank of America	Judy Cheng	2325 Noriega St	San Francisco	CA	94122
Bank of America	Christine Kwong	2325 Noriega St	San Francisco	CA	94122
Bank of America	Wai Lan Chan	2325 Noriega St	San Francisco	CA	94122
Bank of America	Antonio Ng	2325 Noriega St	San Francisco	CA	94122
Donut Time	Connie Mak	2401 Noriega St	San Francisco	CA	94122
Boss Super Market	2403 Noriega St	2403 Noriega St	San Francisco	CA	94122
In Style Hair Salon	Ye Qing Chen	2421 Noriega St	San Francisco	CA	94122
New Century Superma	Guan Xin Huang	2427 Noriega St	San Francisco	CA	94122
Hamtini Discount Stor	Roaer F Dominguez	2431 Noriega St	San Francisco	CA	94122
TJ Cups	Yk Ying Cheung	2437 Noriega St	San Francisco	CA	94122
TJ Cups	Dami Wu	2437 Noriega St	San Francisco	CA	94122
TJ Cups	Christina Quock	2437 Noriega St	San Francisco	CA	94122
Noriega Market	Ying Ting Lei	2444 Noriega St	San Francisco	CA	94122
Noriega Market	Jian Liang Lei	2444 Noriega St	San Francisco	CA	94122
Noriega Market	Yuxian Lei	2444 Noriega St	San Francisco	CA	94122
Noriega Market	Bao Zhu Lei	2444 Noriega St	San Francisco	CA	94122
Ming Tai Noodle Won	Julie Chu	2455 Noriega St	San Francisco	CA	94122
Ming Tai Noodle Won	Ming Tai Lin	2455 Noriega St	San Francisco	CA	94122
Ming Tai Noodle Won	Lisa Kam	2455 Noriega St	San Francisco	CA	94122
Ming Tai Noodle Won	Yan Yun Chen	2455 Noriega St	San Francisco	CA	94122
ABC	Huan Chi Dong	2500 Noriega St	San Francisco	CA	94122
ABC	Xiu Juan Su	2500 Noriega St	San Francisco	CA	94122
ABC	Jeanne Wong	2500 Noriega St	San Francisco	CA	94122
ABC	Ema Chen	2500 Noriega St	San Francisco	CA	94122
ABC	Dan Xiu Chen	2500 Noriega St	San Francisco	CA	94122
ABC	Kong Zhao Qiang	2500 Noriega St	San Francisco	CA	94122
ABC	Mei Lan Cai	2500 Noriega St	San Francisco	CA	94122
ABC	Li Qiang Liu	2500 Noriega St	San Francisco	CA	94122
Quan Ngon Pho	Yan Hong Lin	2511 Noriega St	San Francisco	CA	94122
Quan Ngon Pho	Winnie Wong	2511 Noriega St	San Francisco	CA	94122
Quan Ngon Pho	Angel Zhao	2511 Noriega St	San Francisco	CA	94122
Magic Design Hair	Zhang Rui Li	2512 Noriega St	San Francisco	CA	94122
Oriental Seafood	Le Li	2520 Noriega St	San Francisco	CA	94122
East West Bank	Wendy Kuang	2533 Noriega St	San Francisco	CA	94122
East West Bank	Lisa Wu	2533 Noriega St	San Francisco	CA	94122
East West Bank	Cherie Lam	2533 Noriega St	San Francisco	CA	94122
East West Bank	Betty Tan	2533 Noriega St	San Francisco	CA	94122

Security guard

East West Bank	Tammy Lee	2533 Noriega St	San Francisco	CA	94122
East West Bank	Frances Lui	2533 Noriega St	San Francisco	CA	94122
Sun Star Spa	Lisa Zhen	2545 A Noriega St	San Francisco	CA	94122
Boss Super Market	Rui Ding Huang	2551 Noriega St	San Francisco	CA	94122
Angel Face Image	Bao Ling Dens	2568 Noriega St #201	San Francisco	CA	94122
HK Seafood	Helen Cheung	2588 Noriega St	San Francisco	CA	94122

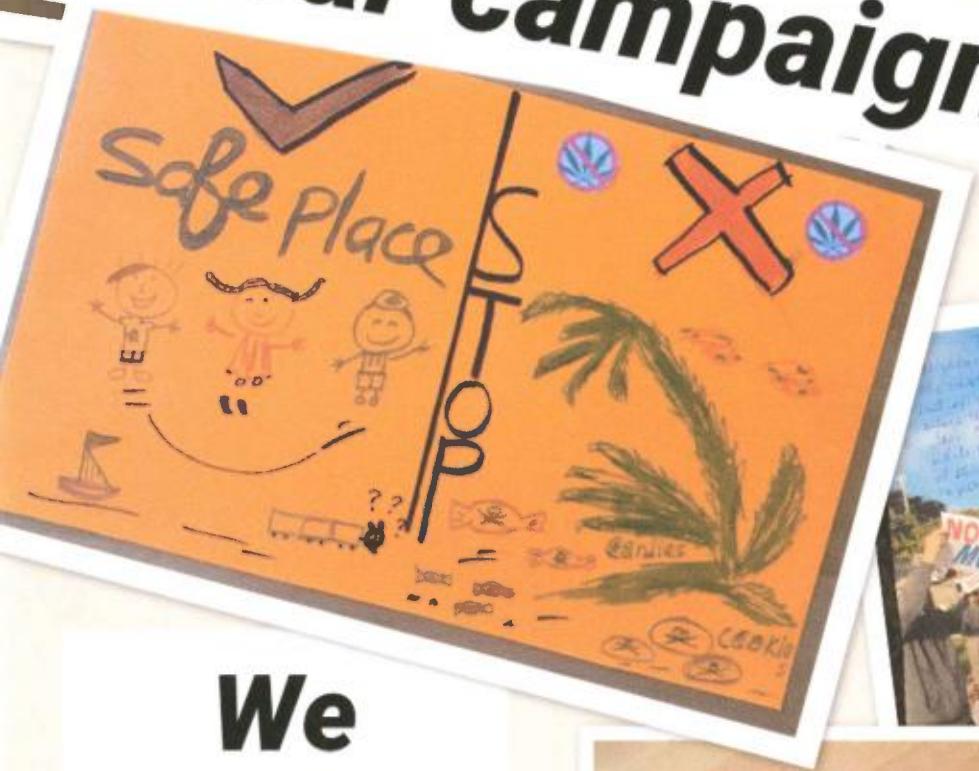
Petition letters will be  
furnished on the hearing date

7/13/17

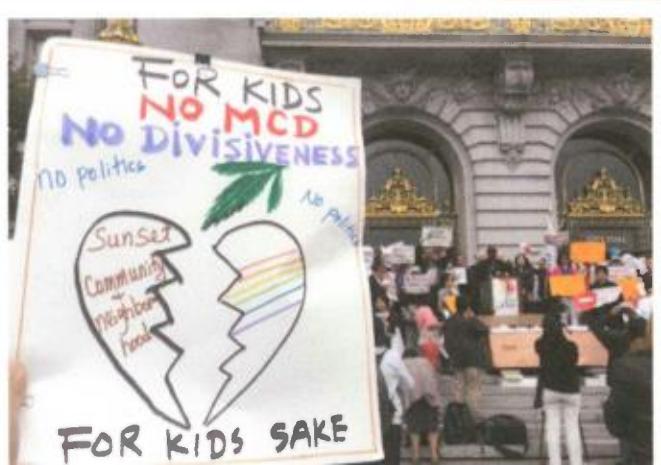
Noriega Employees Group  
59 join petitions  
dated 6/28/2017



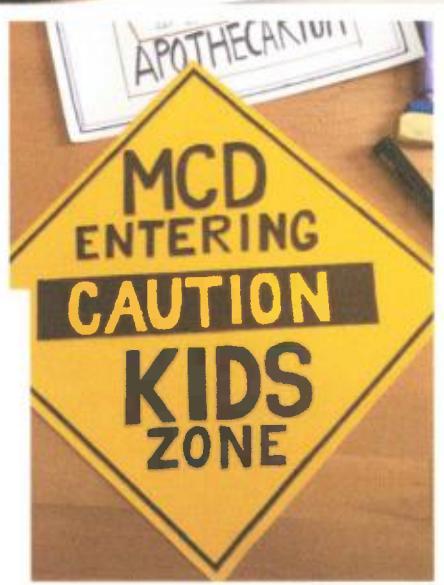
# *Smear campaign by MCD*



**We  
don't  
hate...**



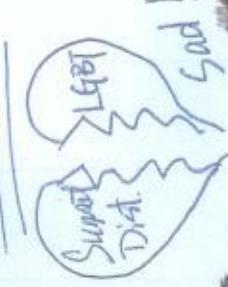
**We  
do  
care!**



MCD



Divisiveness



No MCD  
for kids  
but opposition

May 3rd 6:30 PM

Huen & Quan arranged  
meeting but was canceled  
@ last minute. It became  
rally w/ LGBT Divisiveness?

What?  
Xtra  
Huen





3/6/17 media covered



No means no!

The difference between  
acupuncture, herbal & Marijuana  
posted at the adjacent  
merchant window.



## 中醫針灸與大麻

羅鴻基 三易市

Alex Fong 在星島日報 5月11號發表為「中藥-犯罪性的有效」的文章。真可謂「自食其言」十分荒謬。把中醫說成是「犯罪性的有效」那是徹底的無知！顛倒黑白！罪不在中藥，罪在不尊重事實的法律。

總有一天，法律會承認中藥的合法性功績！就如四十年前加州通過針灸合法化法律一樣。

把大麻與許多中藥的歷史混為一談，簡直是荒唐至極。大麻從來都是中草藥中的另類。需要特別的警告和慎用。它只能在相關的專職指導規範下作治療用。大麻與中藥、針灸的根本不同點是：中藥、針灸是一種安全的調理治療手段。而大麻因它的成癮性作用而一直處於被嚴格監管之下。並納入醫生的

治療規範。一旦成癮，難以自拔，難以戒斷。繼而向更深的毒品招手而導致一系列嚴重的後果。我們不反對嚴密監管下使用大麻。但必須反對濫用和不負責任宣傳。推廣。近來的所謂「娛樂度大麻合法化」，更是荒唐和危險，是對青少年的誤導。誤導及進一步危害社會，毒害人類。是與人類文明社會的發展背道而馳。是人類社會慣性自毀。這種對民眾和自己都是不負責任的行為。追求自身的虛幻快樂，而不顧他人感受和社會和諧，實乃害己的「合法」。

另外吸食大麻還會導致危險駕駛。危險操作，精神恍惚，工作散漫等無可估量的意外、混亂、妨礙。危害公眾安全。特別對青少年的成長極大的危害。這是每個公民必須正視和思考並作出判斷的極其嚴重的問題。

writer:  
Dr. Zong  
4)

Dr. Zong, is the local resident in Sunset Dist. who also practices acupuncture on Noriega St.

### 請出席公聽會 反對開麗珍大麻店

設於 2505 Noriega 夾 32nd 街

日期：2017年6月8日(星期四)

時間：不早於中午 12 點

地點：City Hall, 市府大樓, 400 房

1 Carlton B Goodlett Pl, Room# 400

### 目的：強烈反對大麻店設於我們的社區

不支持暴力衝突與仇視，法律給予我們：

- 1) 權力 - 保護好自己的社區
- 2) 行動 - 電郵到以下的電址
- 3) 發聲 - 出席公聽會讓政府聽到我們一致的聲音：不要大麻店在我們的社區！  
地點完全不適當！

請假一天帶同家人踴躍參與這公聽會，為家人和鄰里爭取社區的安靜，絕對值得！

Andrew.perry@sfgov.org  
richhillissf@yahoo.com  
dennis.richards@sfgov.org  
kathy.tang@sfgov.org

\*\*請帶水，這公聽會持續數小時之久\*\*



"One in Six Children Hospitalized due to Marijuana Smoke Exposure"



Say NO to cannabis on 2505 Noriega Street, corner of Noriega and 32nd Ave. Do you want a marijuana store where you and your children live or play? I DON'T!!

I was at the public hearing on 6/8/17 (continued to 7/13/2017). Sadly, a friend and myself were the youngest attendees. Majority of us were in their retired age. We need young families like ourselves to show up at the public hearing to let the City know our standing. You can also bring your kids to the public hearing. We are here to protect our kids.



The marijuana concerns me as a mother of two young kids. Honestly, I don't like the smell of it and I would not like my kids to smell or expose to it. Who can guarantee these people would not drive after they smoke it. Drive under the influence of marijuana is dangerous which means there will more car accidents. They will have difficulty thinking and problem solving that leads to more crimes. Imagine your kid(s) walking down the street is disturbed or even hurt by these people.



I am not against marijuana. It just cannot be in my community where a lot of young kids live.

If this concerns you too, please take few hours out of work to attend the public hearing on 7/13/2017, Thursday @ 12:00 Noon @ City Hall, Room 400. This affects our kids' future. Act now or deal with the consequences to your kid(s) health.



Rally on 6/27/2017, Tuesday @ 11 am, in front of City Hall, held by Cal Sheriffs Association, Cal Anti Marijuana Alliance, Organization of Justice & Equality (OJE), and many more

### Public Hearing

No MCD in Our Neighborhood (2505 Noriega St)

Date: June 08, 2017 (Thurs)

Time: not before 12 noon

Location: City Hall

1 Carlton B. Goodlett Pl, Room #400

#### 1) Your Right

- to keep our neighborhood simple

#### 2) Your Action

- to email your concerns to Planning Department

#### 3) Your Voice

- to show up the public hearing & voice out:  
**"NO Medical Cannabis Dispensary  
in Sunset District!"**

**"The location is not appropriate!"**

Please email your concerns to:

Andrew.perry@sfgov.org

Richhillissf@yahoo.com

Dennis.richards@sfgov.org

Kathy.tang@sfgov.org

**\*\*Please be reminded to bring water & dry food with you as this hearing will last for hours.**

# Speakers at the Rally 6/27/17



**No marijuana  
in our  
community!**

Mary Ting  
PTO school  
owner  
2701 Noriega  
(Scoot from MCD)



No MCD  
on 2505  
Noriega



**KRON** 4  
The Bay Area's News Station



**KRON4**  
News on  
rally  
6/27/17





**反對大麻店開業 華人抬棺材遊行**

華人反對大麻店開業，抬棺材遊行抗議。抗議者認為，大麻會對青少年造成嚴重的身心健康危害，並呼籲政府採取行動。抗議者在遊行中高舉標語，呼籲「停止大麻店開業」。

**卡斯楚區公車撞貨車傷力**

卡斯楚區公車撞貨車，造成一名司機受傷。這起事故發生在卡斯楚區的一個十字路口，當時公車駕駛員在避讓行人時撞上了貨車。司機受傷後被送醫治療，目前情況穩定。

**KTSF 26**

**Singtao News & Epoch Times & etc**

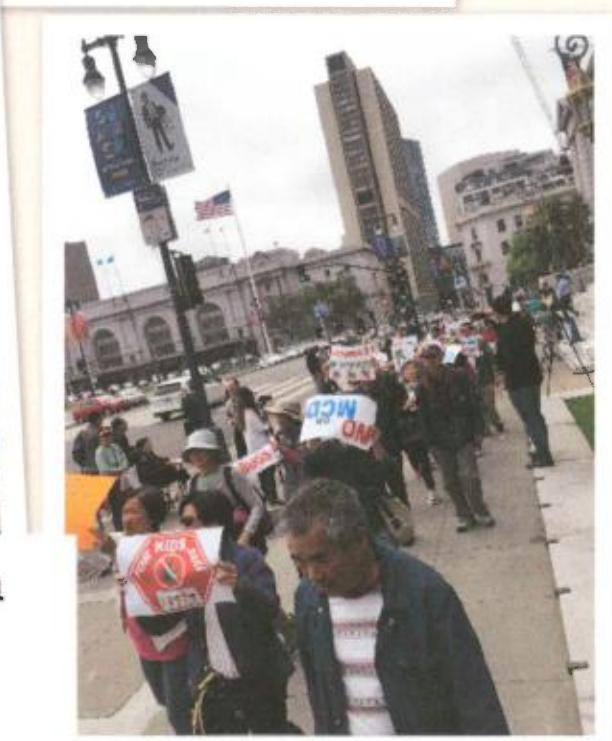
# KTSF 26

**Singtao  
News &  
Epoch  
Times &  
etc**

**反大麻示威  
舊金山社區表達強烈願望**

舊金山社區表達強烈願望，反對大麻店開業。抗議者在舊金山市區舉行示威遊行，呼籲政府採取行動。抗議者認為，大麻會對青少年造成嚴重的身心健康危害。

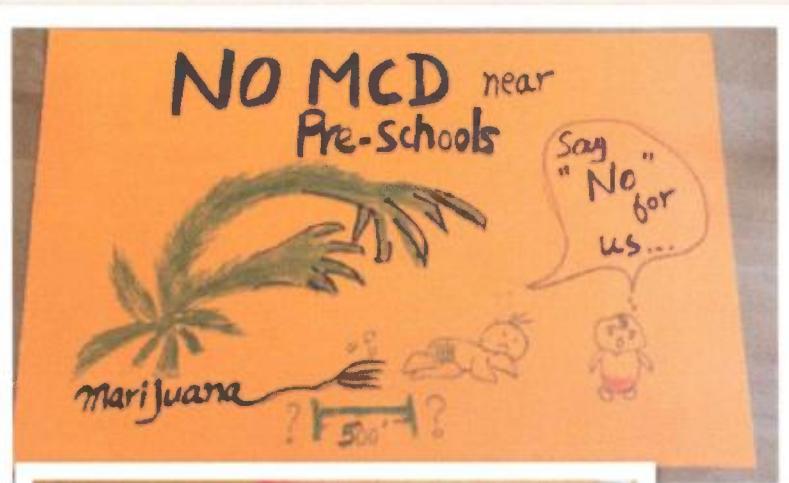
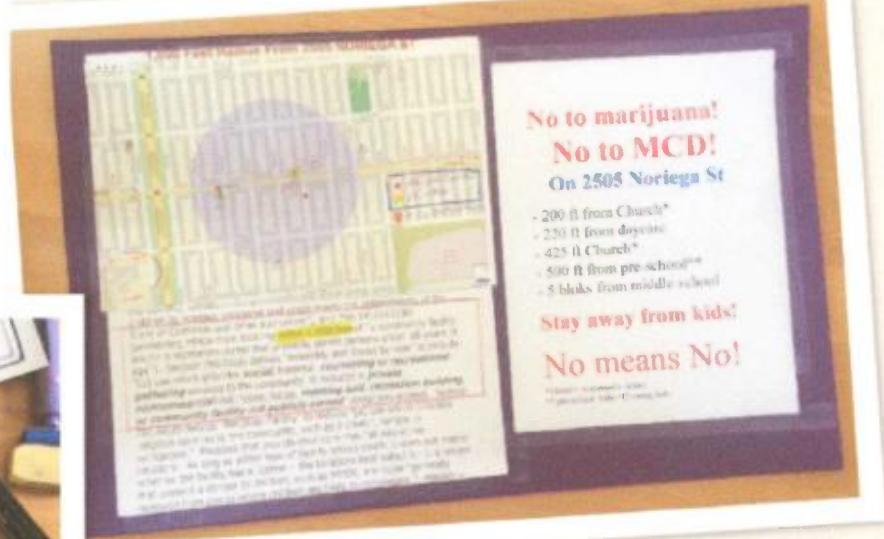
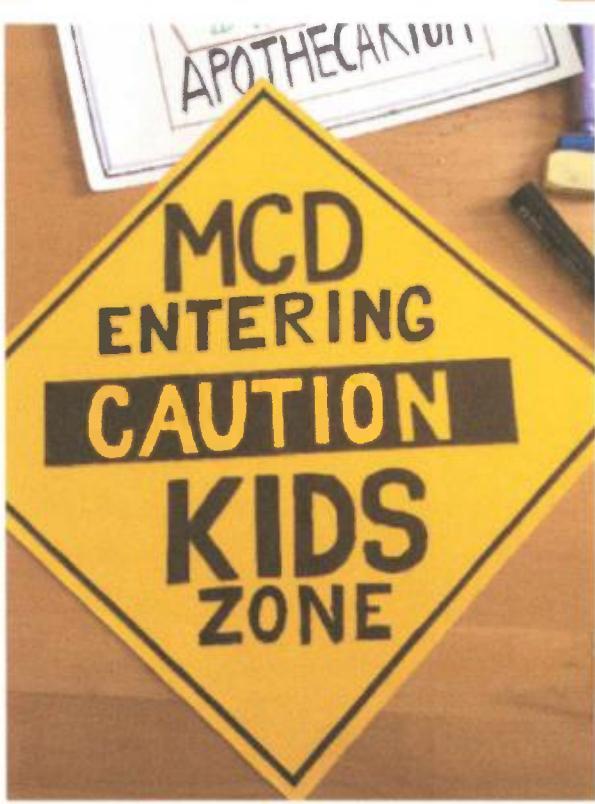
**Chinese  
Media  
covered  
the rally**



## Opposition to MCD near kids rally

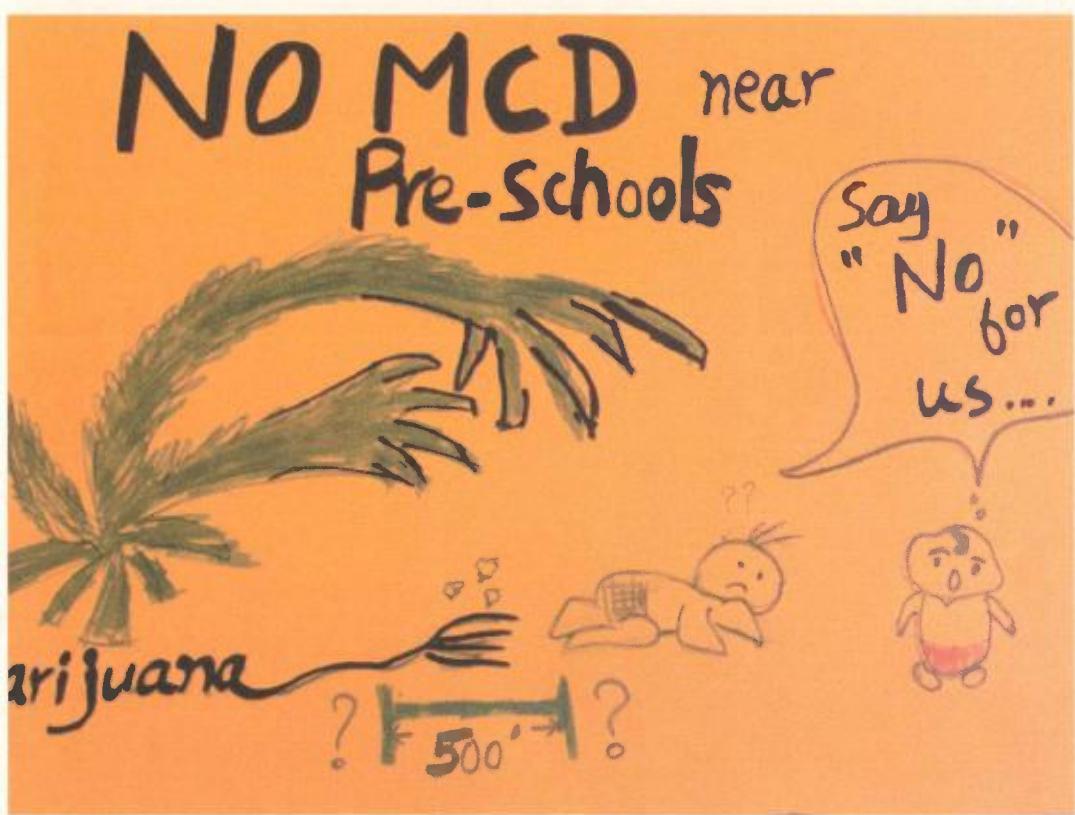
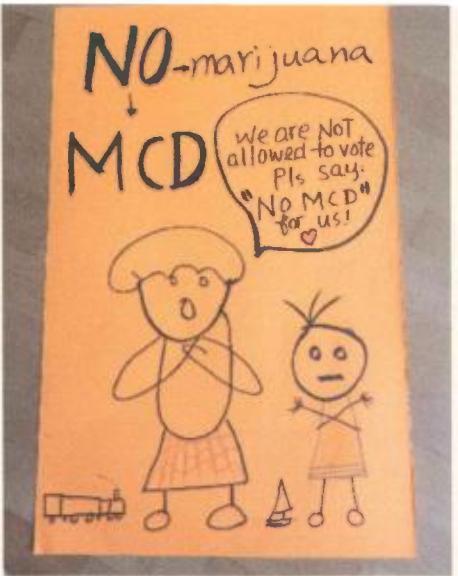


# Kathy signs

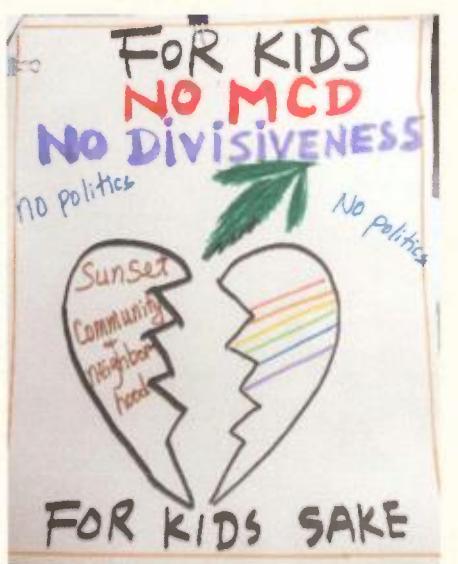


YES	NO
Kids well being Community safety neighbors' voices	MCD MCD MCD

# More rally signs



NO 2505  
Noriega

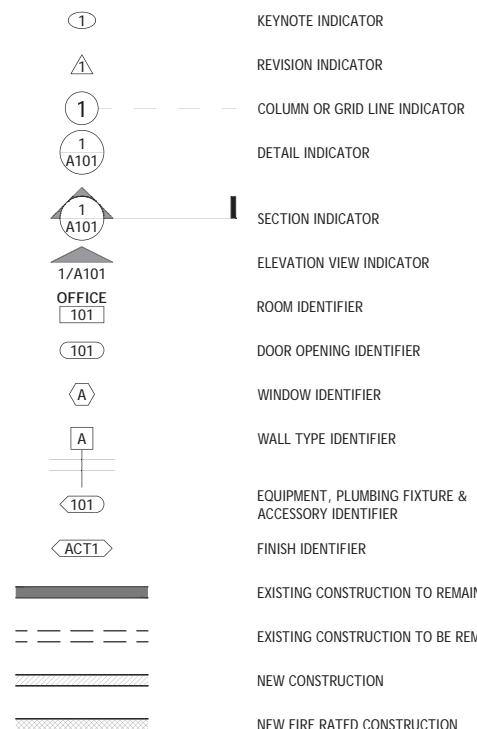


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## ABBREVIATIONS

@	AT	JB	JUNCTION BOX
ABV	ABOVE	JT	JOINT
ACT	ACOUSTICAL TILE	LAM	LAMINATE
ADJ	ADJUSTABLE	MATL	MATERIAL
AFF	ABOVE FINISHED FLOOR	MAX	MAXIMUM
ALUM	ALUMINUM	MECH	MECHANICAL
BD	BOARD	MFR	MANUFACTURER
B.O.	BOTTOM OF	MIN	MINIMUM
BLDG	BUILDING	MTL	METAL
BSMT	BASEMENT	(N)	NEW
CH	CEILING HEIGHT	NIC	NOT IN CONTRACT
OFCI	OWNER FURNISHED CONTRACTOR	OC	ON CENTER
	INSTALLED	OFCI	OWNER FURNISHED, CONTRACTOR
CJ	CONTROL JOINT	INSTALLED	
€	CENTERLINE	OH	OPPOSITE HAND
CT	CERAMIC TILE	PL	PROPERTY LINE
CLG	CEILING	P LAM	PLATE
CLOS	CLOSET	PNLS	PLASTIC LAMINATE
CLR	CLEAR	PT	PANELS
COL	COLUMN	PTD	PRESSURE TREATED
CONC	CONCRETE	R	PAINTED
CORR	CORRIDOR	RCP	REFLECTED CEILING PLAN
CPT	CARPET	REF	REFER
D	DRYER	REQD	REQUIRED
DA	DISABILITY ACCESS	RF	RESILIENT FLOORING
DET	DETAIL	RFRG	REFRIGERATOR
DIA	DIAMETER	RM	ROOM
DN	DOWN	SED	SEE ELECTRICAL DRAWINGS
DWG	DRAWING	SIM	SIMILAR
(E)	EXISTING	SMD	SEE MECHANICAL DRAWINGS
EA	EACH	SPD	SEE PLUMBING DRAWINGS
EL/ELEV	ELEVATION	SSD	SEE STRUCTURAL DRAWINGS
ELEC	ELECTRICAL	SS	STAINLESS STEEL
EP	ELECTRICAL PANEL	STL	STEEL
EQ	EQUAL	SUSP	SUSPENDED
EQUIP	EQUIPMENT	TEMP	TEMPERED
EXT	EXTERIOR	T.A.	TOP OF
FD	FLOOR DRAIN	TYP	TYPICAL
FEC	FIRE EXTINGUISHER CABINET	UON	UNLESS OTHERWISE NOTED
FIN	FINISH	VCT	VINYL COMPOSITION TILE
FLR	FLOOR	VERT	VERTICAL
FOUND	FOUNDATION	W	WASHER
FURN	FURNACE	WD	WITH
GA	GAUGE	WH	WOOD
GALV	GALVANIZED	WR	WATER RESISTANT
GC	GENERAL CONTRACTOR		
GYP	GYPSUM		
HM	HOLLOW METAL		
HORIZ	HORIZONTAL		
HT	HEIGHT		
INSUL	INSULATION		

## SYMBOL LEGEND



## PROJECT DATA SUMMARY

- PROJECT ADDRESS: 2505 NORIEGA STREET SAN FRANCISCO CA 94122
- BLOCK/LOT: 2069/012
- YEAR BUILT: 1942
- NUMBER OF DWELLING UNITS: EXISTING: 0 PROPOSED: 0 (UNCHANGED)
- NUMBER OF STORIES: EXISTING: 1 PROPOSED: 1
- ZONING DISTRICT: NCD (NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT)
- HEIGHT & BULK DISTRICT: 40-X
- SPECIAL USE DISTRICT: NONE
- LEGISLATIVE SETBACKS: NONE
- COASTAL ZONE: NOT IN THE COASTAL ZONE
- PORT: NOT UNDER PORT JURISDICTION
- USE: EXISTING: PHARMACY PROPOSED: MEDICAL CANNABIS DISPENSARY
- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE REMOVED
- NEW CONSTRUCTION
- NEW FIRE RATED CONSTRUCTION
- BUILDING FULLY SPRINKLERED: NO
- FIRE ALARM SYSTEM: NO

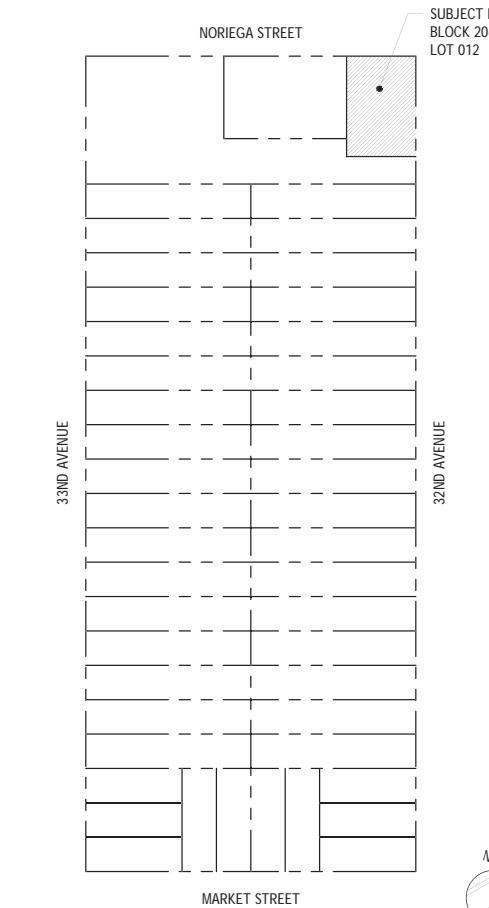
## PROJECT DIRECTORY

- TENANT  
PNB NORIEGA, LLC  
2029 MARKET ST  
SAN FRANCISCO CA 94114  
CONTACT: RYAN HUDSON  
PHONE: (415) 928-3300
- ARCHITECT  
P VINCENT GONZAGA  
1190 PINE ST APT 103  
SAN FRANCISCO CA 94109  
CONTACT: VINCENT GONZAGA  
PHONE: (415) 690-7738
- EXISTING: VB PROPOSED: VB [UNCHANGED]
- EXISTING: M (SUBJECT TENANT), A-2 (ADJACENT TENANT)  
PROPOSED: M (SUBJECT TENANT), A-2 (ADJACENT TENANT)[UNCHANGED]
- 2013 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO AMENDMENTS  
2013 CALIFORNIA MECHANICAL CODE WITH SAN FRANCISCO AMENDMENTS  
2013 CALIFORNIA PLUMBING CODE WITH SAN FRANCISCO AMENDMENTS  
2013 CALIFORNIA ELECTRICAL CODE WITH SAN FRANCISCO AMENDMENTS  
2013 CALIFORNIA ENERGY CODE WITH SAN FRANCISCO AMENDMENTS  
2013 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH SAN FRANCISCO AMENDMENTS
- 2013 CALIFORNIA FIRE CODE  
2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

## APPLICABLE CODES

## BLOCK & LOT PLAN

SCALE: NOT TO SCALE



## DEFERRED SUBMITTALS SCOPE OF WORK

SIGNAGE

INTERIOR TENANT IMPROVEMENT IN AN (E) ONE STORY COMMERCIAL BUILDING. REMOVE INTERIOR PARTITIONS, MILLWORK AND PLUMBING FIXTURES.

## DRAWING INDEX

### GENERAL

G001 COVERSHEET

### ARCHITECTURAL

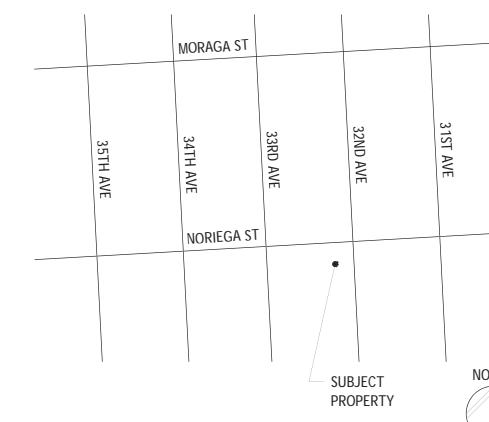
- A001 SITE PLAN
- A101 GROUND FLOOR EXISTING & DEMOLITION PLAN
- A111 GROUND FLOOR PROPOSED PLAN
- A201 EXTERIOR ELEVATIONS
- A202 EXTERIOR ELEVATIONS
- A301 BUILDING SECTIONS
- A302 BUILDING SECTIONS



VINCENT  
GONZAGA  
ARCHITECT  
SAN FRANCISCO  
415 690 7738  
1190 PINE ST APT 103  
SAN FRANCISCO CA 94109



## LOCATION MAP



## THE APOTHECARIUM TENANT IMPROVEMENT

2505 NORIEGA STREET  
SAN FRANCISCO, CA 94122  
BLOCK: 2069, LOT: 012

PROJECT NUMBER 1603  
DATE 10/27/16  
SHEET TITLE

## COVERSHEET

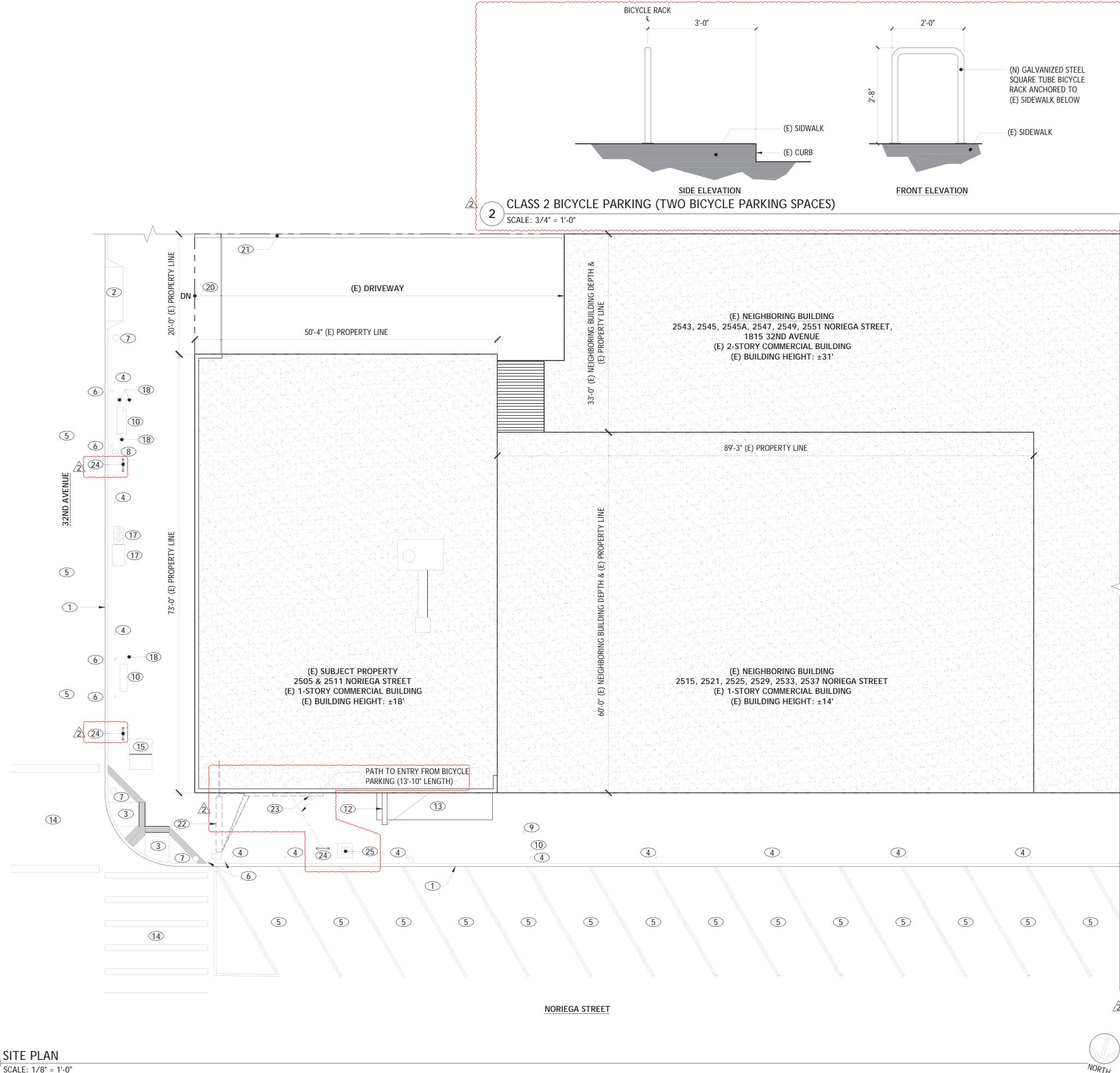
SHEET NUMBER

NORTH  
G001



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ARCHITECT  
SAN FRANCISCO  
415 690 7738

1190 PINE ST APT 103  
SAN FRANCISCO CA 94109





### PLAN LEGEND



SHADeD AREA INDICATES  
AREA NOT IN CONTRACT



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ARCHITECT  
SAN FRANCISCO  
415 690 7738

1190 PINE ST APT 103  
SAN FRANCISCO CA 94109



### EXISTING/DEMOLITION PLAN NOTES

1. CONTRACTOR SHALL COORDINATE THE EXTENT OF THE DEMOLITION WITH CONSTRUCTION PLANS AND PROTECT PORTIONS OF THE (E) STRUCTURE TO REMAIN.
2. CONTRACTOR SHALL ENSURE THE STABILITY OF ALL (E) STRUCTURE, FRAMING AND FOUNDATIONS TO REMAIN DURING DEMOLITION AND CONSTRUCTION OF NEW WORK.
3. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE DESIGN, ADEQUACY AND SAFETY OF ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, ETC.
4. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR SAFE REMOVAL AND DISPOSAL OF ALL MATERIALS NOT FOR RE-USE ON THIS PROJECT, RECYCLE AND HAUL ALL DEBRIS IN ACCORDANCE WITH LOCAL JURISDICTION REQUIREMENTS.
5. 100% OF MIXED DEBRIS MUST BE TRANSPORTED BY A REGISTERED HAULER TO A REGISTERED FACILITY AND BE PROCESSED FOR RECYCLING, IN COMPLIANCE WITH THE SAN FRANCISCO CONSTRUCTION AND DEMOLITION DEBRIS ORDINANCE.
6. CAP OFF ALL PLUMBING, GAS AND ELECTRICAL LINES AS REQUIRED
7. REMOVE ALL (E) FINISHES, HARDWARE, EQUIPMENT, CONDUIT, PLUMBING AND FRAMING NECESSARY TO ACCOMMODATE ALL NEW WORK.
8. DOCUMENTATION DOES NOT AUTHORIZE, DESCRIBE, REQUIRE OR INCLUDE THE REMOVAL OF ANY HAZARDOUS MATERIALS OR ELEMENTS, INCLUDING ASBESTOS AND PCBs. GENERAL CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, REGULATIONS, ORDINANCES AND RULES RELATING TO ANY HAZARDOUS OR TOXIC MATERIALS. IF GENERAL CONTRACTOR DISCOVERS ANY SUCH MATERIALS ON THE PROPERTY, GENERAL CONTRACTOR SHALL PROMPTLY NOTIFY THE OWNER. ANY REMOVAL OF HAZARDOUS MATERIALS SHALL BE DOCUMENTED SEPARATELY AND SHALL OCCUR AS REQUIRED BY CODE AND REGULATORY REQUIREMENTS.
9. CONTRACTOR TO PREPARE (E) FLOOR SLAB AS REQUIRED FOR (N) FLOORING
10. CONTRACTOR TO ENSURE ALL (E) WALLS ARE PATCHED, REPAIRED AND/OR REPLACED TO PROVIDE "LIKE NEW" LEVEL-4 APPEARANCE.
11. ALL STRUCTURAL WALLS, BEAMS AND COLUMNS SHALL REMAIN. CONTRACTOR SHALL NOTIFY ARCHITECT IMMEDIATELY UPON DISCOVERY OF ANY UNDOCUMENTED STRUCTURAL COMPONENT.
12. REMOVE ALL (E) SECURITY EQUIPMENT FROM PREVIOUS TENANT

### KEYED NOTES

- (1) REMOVE (E) PARTITION
- (2) REMOVE (E) DOOR, DOOR FRAME AND HARDWARE
- (3) REMOVE (E) MILLWORK
- (4) REMOVE (E) PLUMBING FIXTURES
- (5) REMOVE (E) FLOOR FINISH THROUGHOUT
- (6) REMOVE (E) CEILING MOUNTED MECHANICAL EQUIPMENT AND ASSOCIATED PIPES AND CONDUIT. CAP (E) CONNECTIONS IN WALL/FLOOR
- (7) REMOVE (E) CONCRETE RAMP
- (8) (E) ELECTRIC PANEL
- (9) (E) WATER HEATER
- (10) REMOVE (E) LIGHT FIXTURES THROUGOUT
- (11) REMOVE (E) MILLWORK SUSPENDED FROM CEILING
- (12) REMOVE (E) ACCESSORIES AND FURNISHINGS THROUGHOUT
- (13) REMOVE (E) WOOD PANELING AT (E) WALL
- (14) (E) STOREFRONT TO BE REPAIRED
- (15) REMOVE (E) WINDOW

THE APOTHECARIUM  
TENANT IMPROVEMENT  
2505 NORIEGA STREET  
SAN FRANCISCO, CA 94122  
BLOCK: 2069, LOT: 012

PROJECT NUMBER 1603

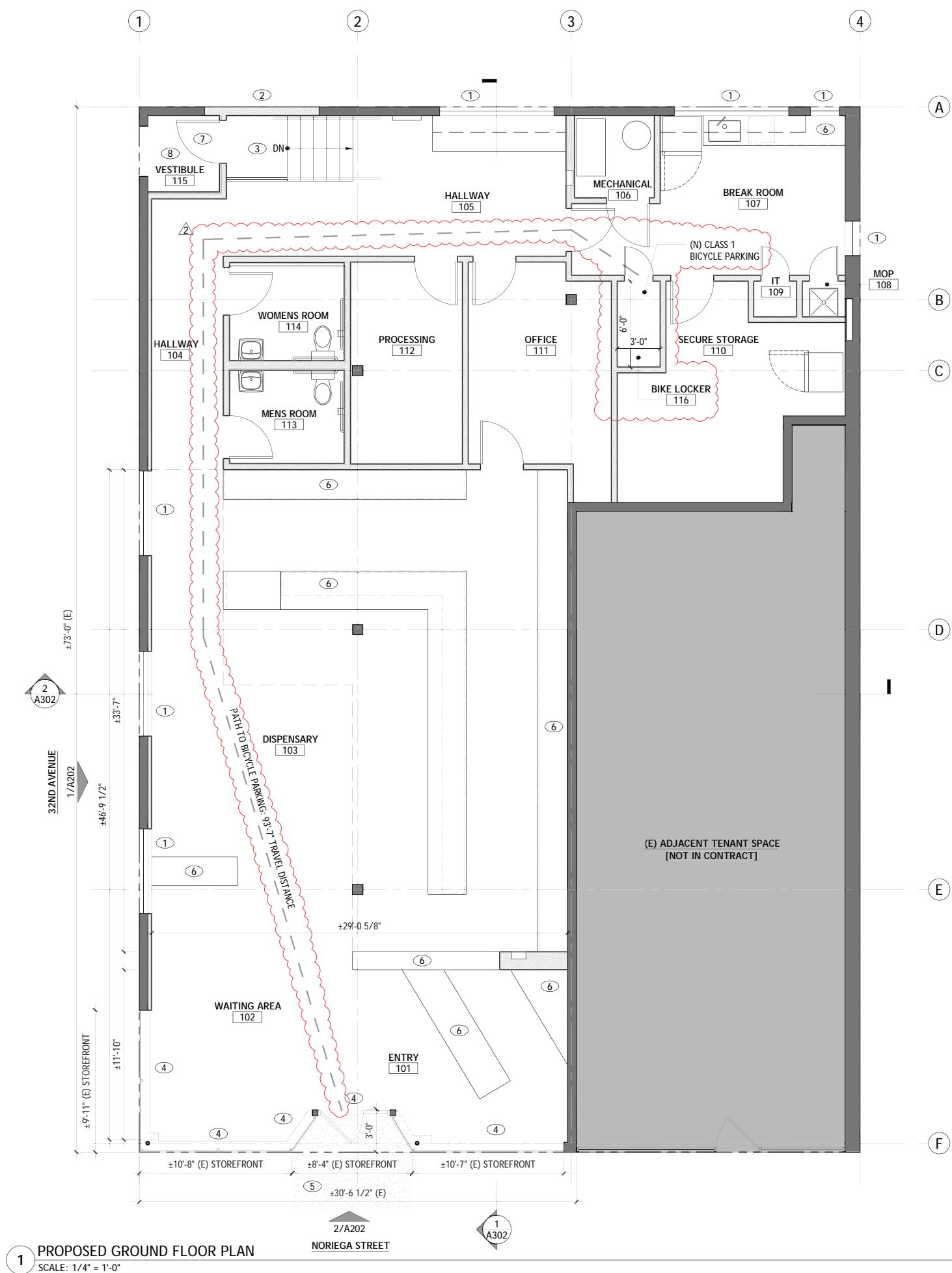
DATE 10/27/16

SHEET TITLE

GROUND FLOOR EXISTING &  
DEMOLITION PLAN

SHEET NUMBER

A101



### PLAN LEGEND



SHADE AREA INDICATES AREA NOT IN CONTRACT

KEYNOTE INDICATOR

101 DOOR OPENING IDENTIFIER, SEE A601

E-01 EQUIPMENT IDENTIFIER, SEE A601

P-01 PLUMBING FIXTURE IDENTIFIER, SEE A601

A-01 ACCESSORY IDENTIFIER, SEE A601

A WALL TYPE IDENTIFIER, SEE A602

(E) DOOR TO REMAIN

(N) DOOR, SEE A601



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GONZAGA  
ARCHITECT  
SAN FRANCISCO  
415 690 7738

1190 PINE ST APT 103  
SAN FRANCISCO CA 94109



### GENERAL PLAN NOTES

1. ALL DIMENSIONS ARE TO FINISHED FACE, CENTER OF OPENING OR CENTER OF EQUIPMENT, UNLESS OTHERWISE NOTED.
2. ALL DOORS NOT TAGGED ARE EXISTING TO REMAIN, UNLESS OTHERWISE NOTED.
3. PROVIDE CEMENT BACKER BOARD IN AREAS TO RECEIVE TILE FINISH.
4. PATCH AND REPAIR (E) WALLS AS REQUIRED TO PREPARE FOR NEW FINISHES AND TO PROVIDE A "LIKE NEW" APPEARANCE.
5. IN ADDITION TO BACKING NOTED ON PLANS, CONTRACTOR TO PROVIDE BACKING, BRACING AND/OR BRACKETS AS REQUIRED FOR ALL (N) MILLWORK, (N) WALL MOUNTED PLUMBING FIXTURES AND (N) WALL MOUNTED EQUIPMENT.
6. CONTRACTOR TO ENSURE SMOOTH OPERATION AND CLEAN APPEARANCE OF ALL (E) TO REMAIN DOORS
7. LOCATIONS OF ALL ACCESS PANELS MUST BE APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION
8. CONTRACTOR TO SCAN SLAB BEFORE ANCHORING OR MAKING PENETRATIONS IN (E) SLAB ABOVE TO AVOID AFFECTING ANY (E) REINFORCING AND/OR (E) POST-TENSIONING MEMBERS.
9. MEP TESTING AND ADJUSTING
  - 9.1. GENERAL CONTRACTOR TO DEVELOP AND IMPLEMENT A PLAN OF PROCEDURES FOR TESTING AND ADJUSTING NEW SYSTEMS, INCLUDING (AS APPLICABLE): HVAC, INDOOR AND OUTDOOR LIGHTING AND CONTROLS, WATER HEATING, RENEWABLE ENERGY, LANDSCAPE IRRIGATION, AND WATER REUSE SYSTEMS
  - 9.2. GENERAL CONTRACTOR TO BALANCE NEW HVAC SYSTEMS BEFORE OPERATION FOR NORMAL USE
  - 9.3. GENERAL CONTRACTOR TO PROVIDE THE OWNER OR REPRESENTATIVE WITH A FINAL REPORT OF TESTING
  - 9.4. GENERAL CONTRACTOR TO PROVIDE THE BUILDING REPRESENTATIVE WITH DETAILED OPERATING AND MAINTENANCE INSTRUCTIONS AND COPIES OF ALL GUARANTEES/WARRANTIES FOR EACH SYSTEM

△ CUA APPLICATION 05/08/17

△ COMMENT RESPONSE 10/27/16

REV# DESCRIPTION DATE

ISSUE DATES / REVISIONS

PROJECT NAME

### THE APOTHECARIUM TENANT IMPROVEMENT

2505 NORIEGA STREET  
SAN FRANCISCO, CA 94122  
BLOCK: 2069, LOT: 012

PROJECT NUMBER 1603

DATE 10/27/16

SHEET TITLE

### PROPOSED GROUND FLOOR PLAN

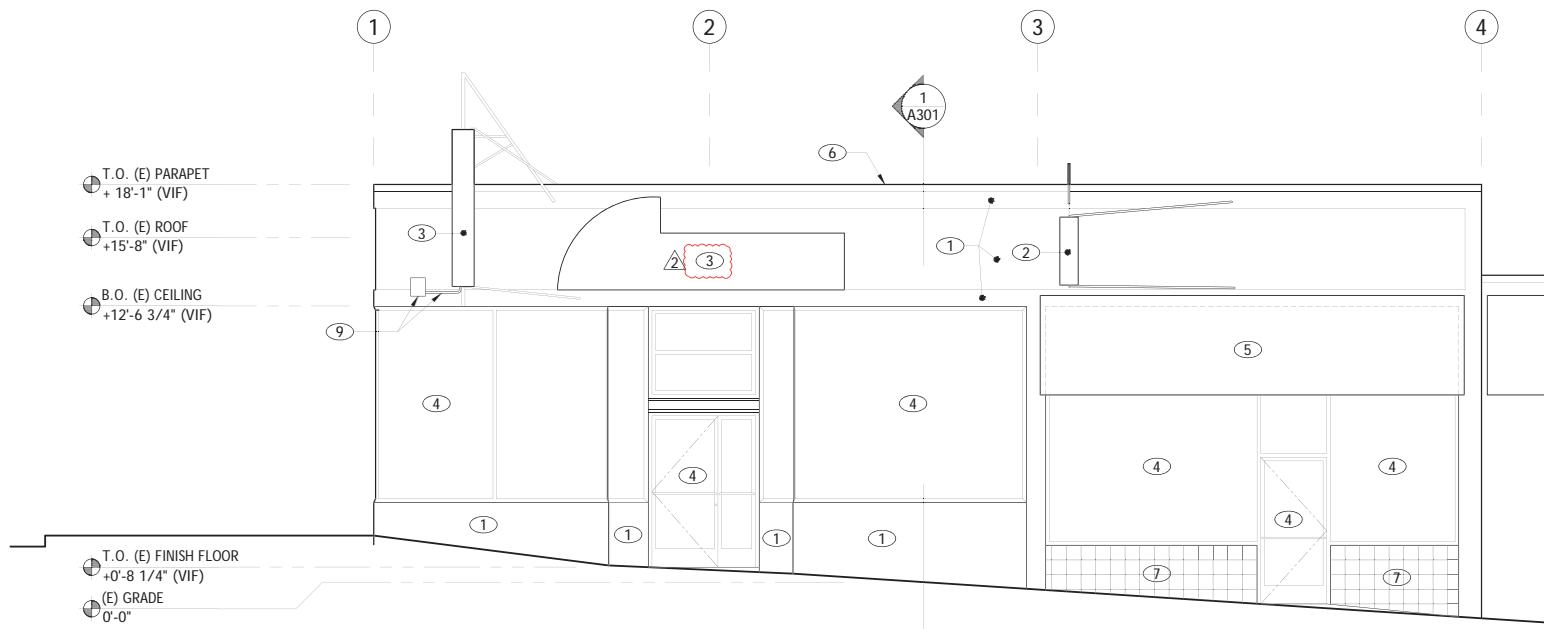
SHEET NUMBER

A111



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415 690 7738

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SAN FRANCISCO CA 94109

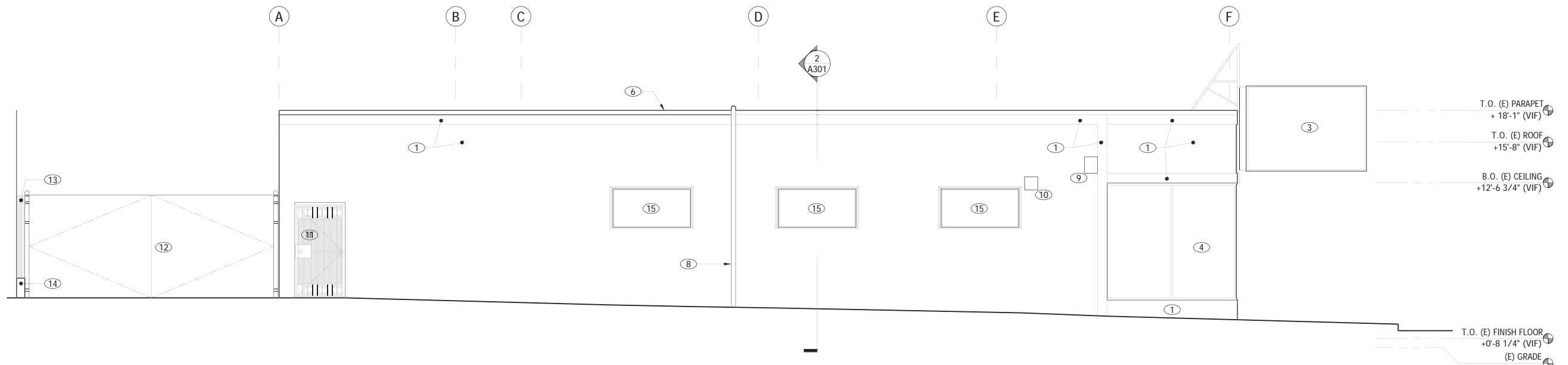


2 EXISTING NORIEGA STREET (NORTH) ELEVATION

SCALE: 1/4" = 1'-0"

**KEYED NOTES**

- ① (E) PAINTED STUCCO
- ② (E) NOT USED
- ③ (E) WALL-MOUNTED SIGN TO BE REMOVED
- ④ (E) METAL AND GLASS STOREFRONT TO BE REPAIRED
- ⑤ (E) AWNING
- ⑥ (E) METAL CAP FLASHING
- ⑦ (E) TILE WALL FINISH
- ⑧ (E) PIPE FOR ADJACENT TENANT'S MECHANICAL SYSTEM
- ⑨ (E) SIGNAGE TRANSFORMER BOX & CONDUIT TO BE REMOVED
- ⑩ (E) ABANDONED ALARM SYSTEM BOX TO BE REMOVED
- ⑪ (E) METAL SECURITY GATE AND DOOR TO BE REMOVED
- ⑫ (E) WOOD GATE
- ⑬ (E) METAL FENCE
- ⑭ (E) CONCRETE RETAINING WALL
- ⑮ (E) WINDOW



1 EXISTING 32ND AVENUE (EAST) ELEVATION

SCALE: 1/4" = 1'-0"

CUA APPLICATION 05/08/17  
COMMENT RESPONSE 10/27/16  
REV# DESCRIPTION DATE

ISSUE DATES / REVISIONS

PROJECT NAME

**THE APOTHECARIUM  
TENANT IMPROVEMENT**

2505 NORIEGA STREET  
SAN FRANCISCO, CA 94122  
BLOCK: 2069, LOT: 012

PROJECT NUMBER 1603

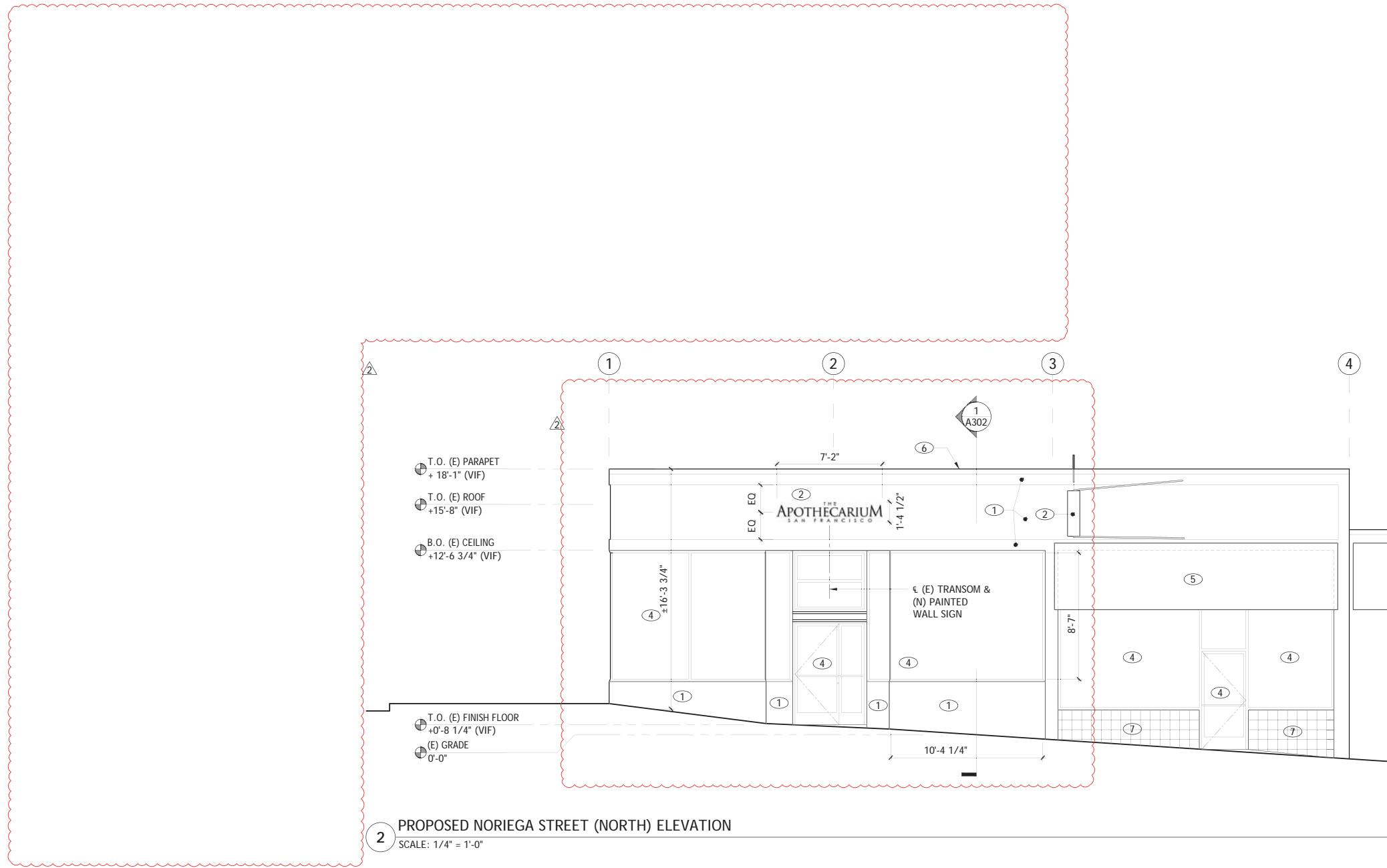
DATE 10/27/16

SHEET TITLE

**EXTERIOR ELEVATIONS**

SHEET NUMBER

A201



### KEYED NOTES

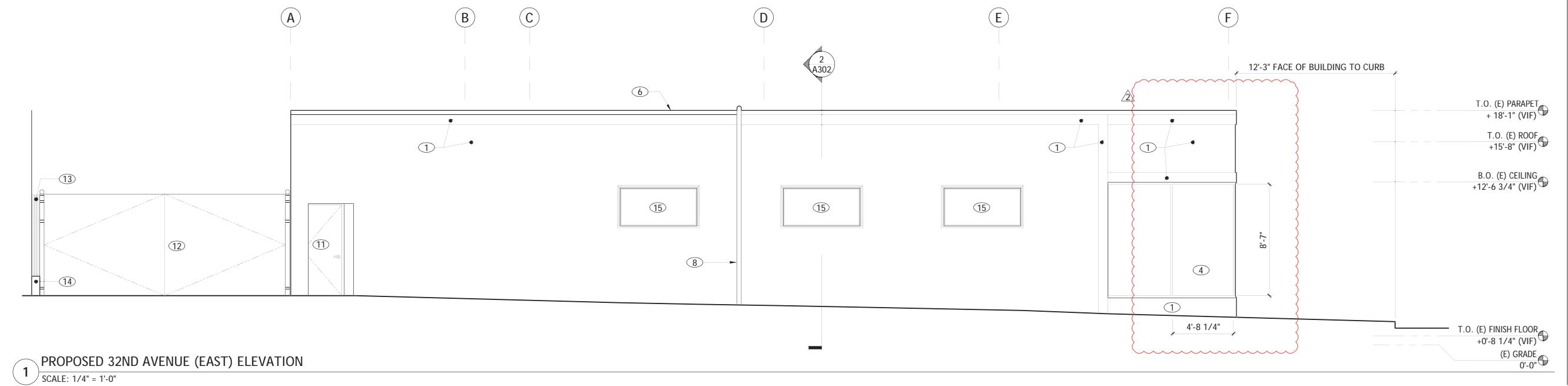
- (1) PAINT (E) STUCCO
- (2) (N) PAINTED WALL SIGN
- (3) NOT USED
- (4) REPAIR AND PAINT (E) STOREFRONT
- (5) (E) AWNING
- (6) (E) METAL CAP FLASHING
- (7) (E) TILE WALL FINISH
- (8) (E) PIPE FOR ADJACENT TENANT'S MECHANICAL SYSTEM
- (9) NOT USED
- (10) NOT USED
- (11) (N) PAINTED METAL DOOR IN (N) VESTIBULE BEYOND
- (12) (E) WOOD GATE
- (13) (E) METAL FENCE
- (14) (E) CONCRETE RETAINING WALL
- (15) (E) WINDOW

### SIGNAGE CALCULATIONS

#### WALL SIGN

ALLOWABLE SIGNAGE AREA:  
PROPOSED SIGNAGE AREA:

10 SF  
7'-2" X 1'-4 1/2" = 9.85 SF



VINCENT  
GONZAGA  
ARCHITECT  
SAN FRANCISCO  
415 690 7738

1190 PINE ST APT 103  
SAN FRANCISCO CA 94109



△ CUA APPLICATION 05/08/17  
△ COMMENT RESPONSE 10/27/16  
REV# DESCRIPTION DATE

ISSUE DATES / REVISIONS

PROJECT NAME

THE APOTHECARIUM  
TENANT IMPROVEMENT

2505 NORIEGA STREET  
SAN FRANCISCO, CA 94122  
BLOCK: 2069, LOT: 012

PROJECT NUMBER 1603

DATE 10/27/16

SHEET TITLE

EXTERIOR ELEVATIONS

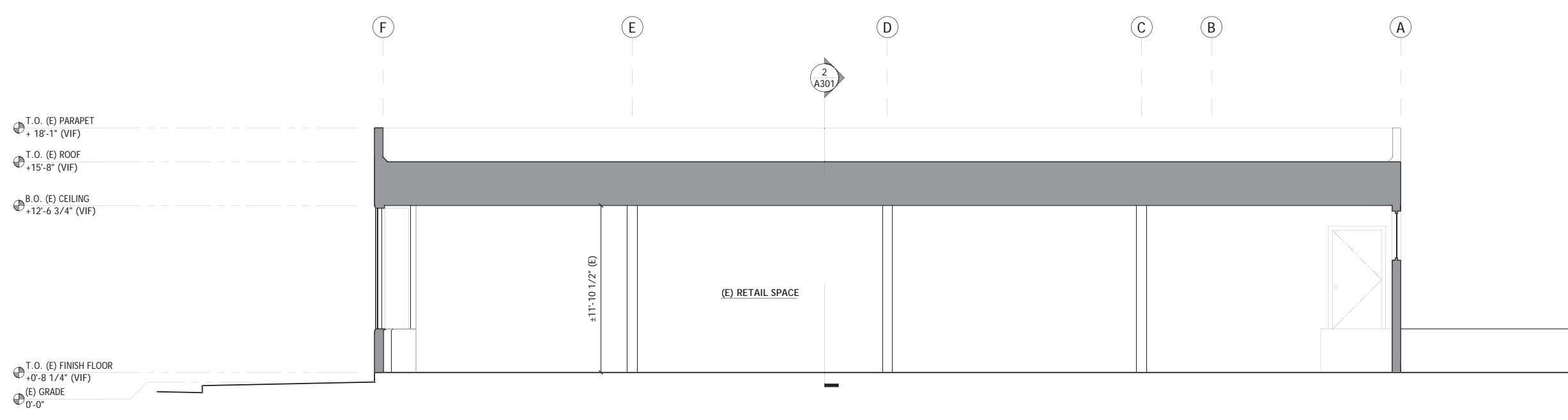
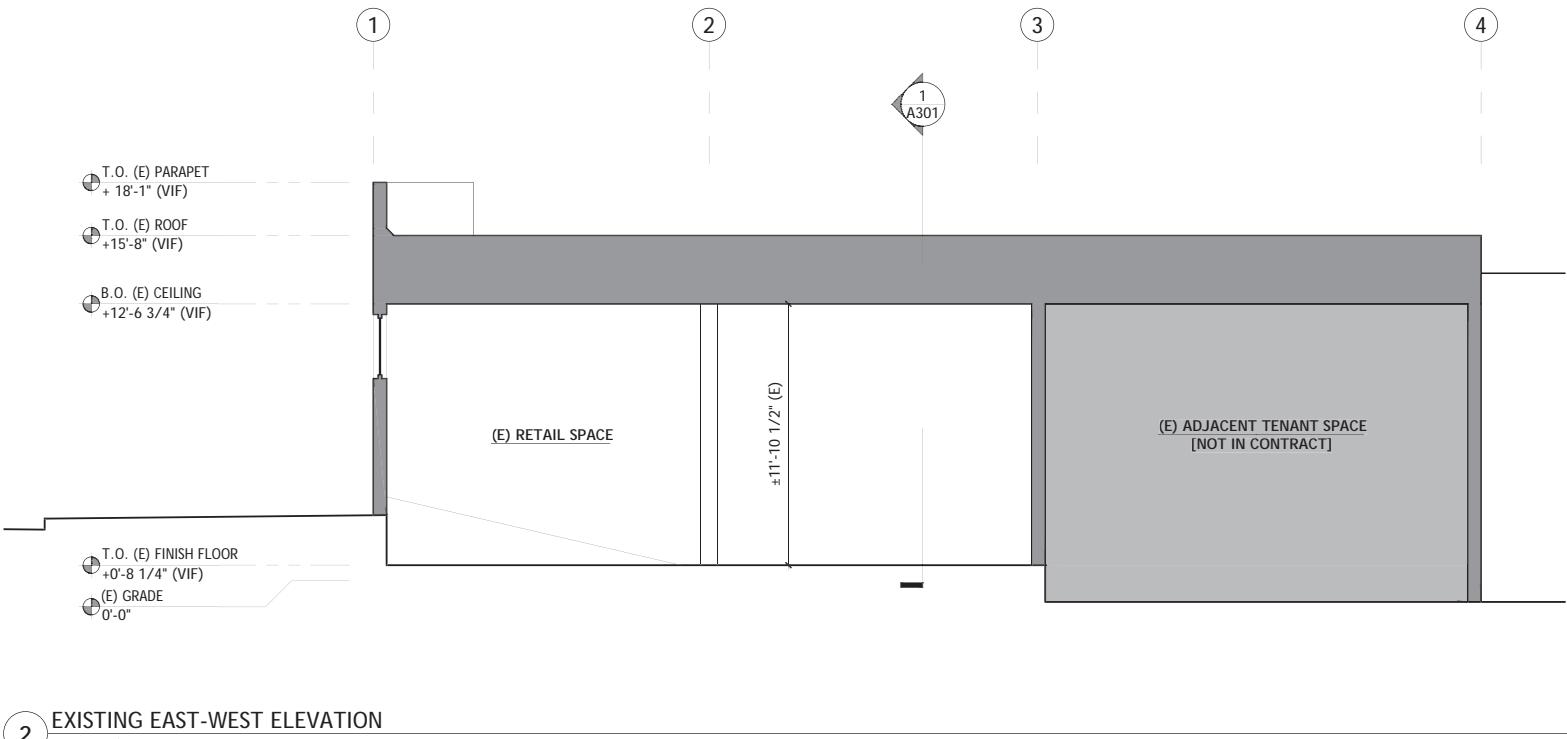
SHEET NUMBER

A202



VINCENT  
GONZAGA  
ARCHITECT  
SAN FRANCISCO  
415 690 7738

1190 PINE ST APT 103  
SAN FRANCISCO CA 94109



COMMENT RESPONSE 10/27/16  
REV# DESCRIPTION DATE  
ISSUE DATES / REVISIONS  
PROJECT NAME

THE APOTHECARIUM  
TENANT IMPROVEMENT  
2505 NORIEGA STREET  
SAN FRANCISCO, CA 94122  
BLOCK: 2069, LOT: 012

PROJECT NUMBER 1603  
DATE 10/27/16  
SHEET TITLE

#### BUILDING SECTIONS

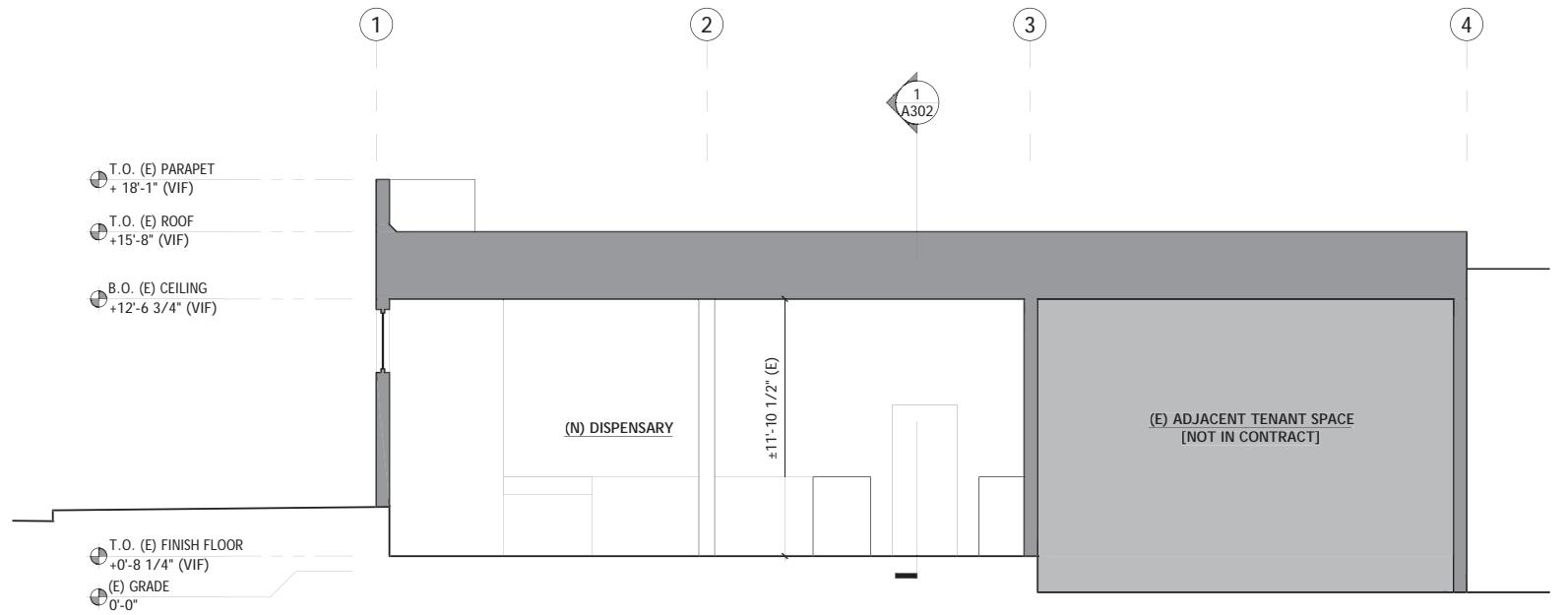
SHEET NUMBER

A301

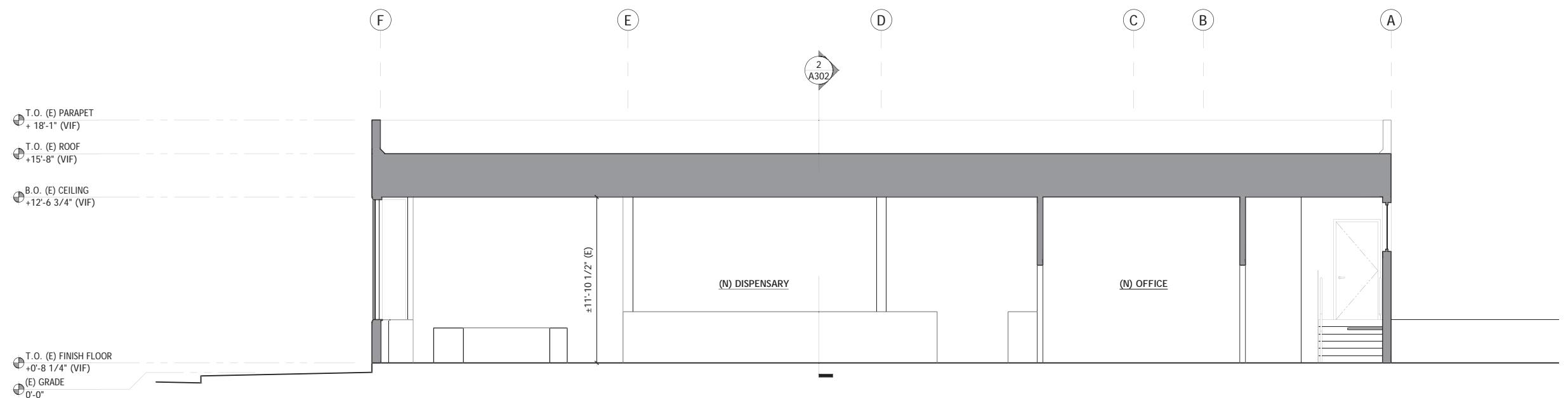


VINCENT  
GONZAGA  
ARCHITECT  
SAN FRANCISCO  
415 690 7738

1190 PINE ST APT 103  
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② PROPOSED EAST-WEST ELEVATION  
SCALE: 1/4" = 1'-0"



△ COMMENT RESPONSE 10/27/16  
REV# DESCRIPTION DATE

ISSUE DATES / REVISIONS

PROJECT NAME

**THE APOTHECARIUM  
TENANT IMPROVEMENT**

2505 NORIEGA STREET  
SAN FRANCISCO, CA 94122  
BLOCK: 2069, LOT: 012

PROJECT NUMBER 1603

DATE 10/27/16

SHEET TITLE

**BUILDING SECTIONS**

SHEET NUMBER

△ **A302**