



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis

Medical Cannabis Dispensary

HEARING DATE NOVEMBER 17, 2016

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: October 24, 2016
Case No.: **2016-002784DRM**
Project Address: **301 Clay Street, Suite #597**
Zoning: C-3-O (Downtown Office) District
300-S Height and Bulk District
Downtown Plan Area
Block/Lot: 0230/028
Project Sponsor: Luis Paredes
1584 Vista Del Sol
San Mateo, CA 94404
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org
Recommendation: **Take Discretionary Review and Approve with Conditions**

PROJECT DESCRIPTION

The proposal ("Project") is to establish a new Medical Cannabis Dispensary (MCD) (d.b.a. "Natural Green Relief") at 301 Clay Street ("Project Site"). The subject tenant space is located within an existing office suite (#597) located on the 5th floor of One Embarcadero Center. The proposed MCD is delivery-only (off-site distribution (sales)); the MCD would not be open to the public at the Project Site, nor would the MCD offer on-site distribution (sales) of medical cannabis. Only employees registered with the San Francisco Department of Public Health (DPH) will be at the subject property on a day-to-day basis. No cannabis plants would be cultivated on-site. Additionally, no on-site medication of medical cannabis (e.g. smoking, vaporizing, and/or consumption of medical cannabis edibles) would be permitted. The Project represents a change of use from Office Use to Institutional Use—which includes MCDs. The Project does not call for any tenant improvements to the existing office space, which, measures approximately 66 square feet in size. No parking is required and no physical expansion or exterior improvements are proposed for the subject building. The proposed hours of operation for the MCD are seven days per week, from 10:00 AM–10:00 PM. Project Sponsor proposes utilizing existing building security (One Embarcadero Center); security is maintained 24hrs/day, seven days per week.

Planning Code Section 202.2(e)(1) states that MCDs are required to be heard by the Planning Commission, which will consider whether or not to exercise their discretionary review powers over the Building Permit Application.

SITE DESCRIPTION AND PRESENT USE

The subject property is a 914,264 square foot, 45-story building on a 74,522 square foot lot, located within the C-3-O (Downtown Office) District and a 300-S Height and Bulk District. The subject building has approximately 196 feet of frontage along Sacramento Street and 88 feet of frontage along both Battery and Front Streets. The northern frontage of the building opens onto an elevated pedestrian right-of-way that is adjacent a 3-story theater that is part of the Embarcadero Center complex. The subject tenant space is an

approximately 66 square foot suite on the 5th floor of One Embarcadero Center. The current use of the suite (Suite #597) is designated for Office Use. The Project represents a change of use from Office Use to Institutional Use (MCD) and does not call for any tenant improvements to the existing office space.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject lot is located on the south side of Clay Street (north side of Sacramento Street), between Front and Battery Streets in the Financial District. The subject building, constructed in 1970, is one of five buildings developed as a master-planned commercial complex within the Financial District. The neighborhood context is characterized by medium- to high-intensity development, with a diversity of commercial uses from office uses located in tall towers, to ground-floor retail uses located in historic buildings ranging from two to five stories in height. Retail uses include bars, restaurants, limited restaurants and other retail sales and service uses. There are a number of formula retail establishments located in the immediate vicinity as well. The Project site is situated three blocks north of the Embarcadero BART/MUNI Station, and approximately five blocks west of the Ferry Building. Numerous MUNI bus lines are accessed either directly in front of, or within one block of the subject property.

ISSUES AND OTHER CONSIDERATIONS

- While principally permitted in the C-3-O District, 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, pursuant to Planning Code Section 202.2(e)(1). The proposed dispensary 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 schools, or community facility or recreation center primarily serving persons younger than 18 years of age.
- Of the 28 permitted MCDs in San Francisco (as of December of 2015), three (3) are located within 1/2 Mile of the subject property: 2One2 California (212 California Street); 70 Second Street (70 2nd Street; and Igzaactly Health Center (527 Howard Street). This higher concentration of MCDs is most likely a result of the permissive Downtown Zoning Districts (e.g. C-3), which, principally permit MCDs with the approval by the Planning Commission (through the Mandatory Discretionary Review process). Other commercial zoning districts located throughout the city either do not permit MCDs outright, require a Conditional Use Authorization, or have additional zoning controls in place which disallow the clustering of MCDs.
- The associated Building Permit Application is for a change of use only. The Project Sponsor does not anticipate any minor, interior tenant improvements for the subject tenant space. Moreover, as a distribution-only MCD, the proposed Project is exempt from the requirements of San Francisco Health Code Article 33, Subsection 3308(y), which, governs accessibility requirements for MCDs.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	30 days	October 19, 2016	October 19, 2016	30 days
Mailed Notice	30 days	October 19, 2016	October 19, 2016	30 days

Applicant's MCD Application
Business Plan and Security Plan for the proposed MCD
Letters of Opposition
Letters of Support
Reduced floorplans showing location of subject tenant space within subject building

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)			
Other neighbors on the block or directly across the street			
Neighborhood groups or others			

To date, the Department has not received any comment on the proposed Project.

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 202.2(e)(1):

1. That the proposed parcel is located not less than 1,000 feet from a parcel containing a public or private elementary or secondary school; or a community facility and/or a recreation center that primarily serves persons under 18 years of age.

Project Meets Criteria

The parcel containing the MCD is not located within 1,000 feet from a parcel containing a public or private elementary or secondary school, or a community facility and/or a recreation center that primarily serves persons under 18 years of age as defined by Section 202.2(e)(1) of the Planning Code.

2. The parcel containing the MCD cannot be located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health.

Project Meets Criteria

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

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

Project Meets Criteria

No alcohol is 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.

Project Meets Criteria

The Project is a distribution-only MCD; no on-site consumption will be permitted.

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 Project Sponsor 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 a MCD is proposed at the subject property and that the building permit was subject to a Mandatory Discretionary Review Hearing.

GENERAL PLAN COMPLIANCE:

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

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

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

The Project will provide access to safe, convenient access to medical cannabis.

Policy 1.2:

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

The location for the proposed MCD meets all of the requirements in Section 202.2(e)(1) of the Planning Code.

OBJECTIVE 2:

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

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The Project introduces a new, locally-owned business to the Financial District, increasing the diversity of employment and activity types within the Area.

OBJECTIVE 7:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

Policy 7.3:

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

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

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 location for the MCD is currently an Office Use; the change of use to Institutional Use will not displace a previous neighborhood-serving use.

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

The project occupies an internal office suite located on the fifth floor of the subject building and will adhere with all signage regulations defined in Article 33 of the Health Code to help preserve the existing neighborhood character. The proposed use would not adversely affect the existing neighborhood character.

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

The proposed use is located in a space previous occupied by non-residential uses so the proposed use will not displace any affordable housing.

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

The project site is located within close proximity to multiple public transit lines and the immediate neighborhood provides sufficient short-term parking so the use will not impede transit operations or impact parking.

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

The proposed Project will not displace any industrial or service industry establishments.

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

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

7. Landmarks and historic buildings be preserved.

The proposed Project is for a change of use only; no interior or exterior work is proposed as part of the Project.

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

The project will not restrict access to any open space or parks and will not impact any open space or park's access to sunlight or vistas.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

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

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

On December 30, 2005, the Medical Cannabis Act, as approved by the Board of Supervisors and Mayor, became effective. The Act, set forth in Ordinance 275-05 and supported by Ordinances 271-05 and 273-05,

amended the Planning, Health, Traffic, and Business and Tax Regulation Codes in order to establish a comprehensive regulatory framework for MCDs in San Francisco.

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

- The MCD complies with all standards and requirements of the Planning Code and advances the objectives and policies of the General Plan.
- This Site is well-served by public transit (including BART, MUNI, and regional Ferry service).
- The Site is more than 1,000' from any public or private primary and secondary schools.
- The Site is more than 1,000' from any community recreation building primarily servicing persons 18 years of age or under.
- The plans indicate that the retail space will be renovated to provide a safe, well-lit environment for California Medical Marijuana Patients with proper identification card.

To minimize the potential impact of the proposed use on the surrounding commercial area the following conditions are recommended for imposition on the project, and are generally required of MCDs through Planning Code requirements:

1. *Community Liaison.* Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

RECOMMENDATION

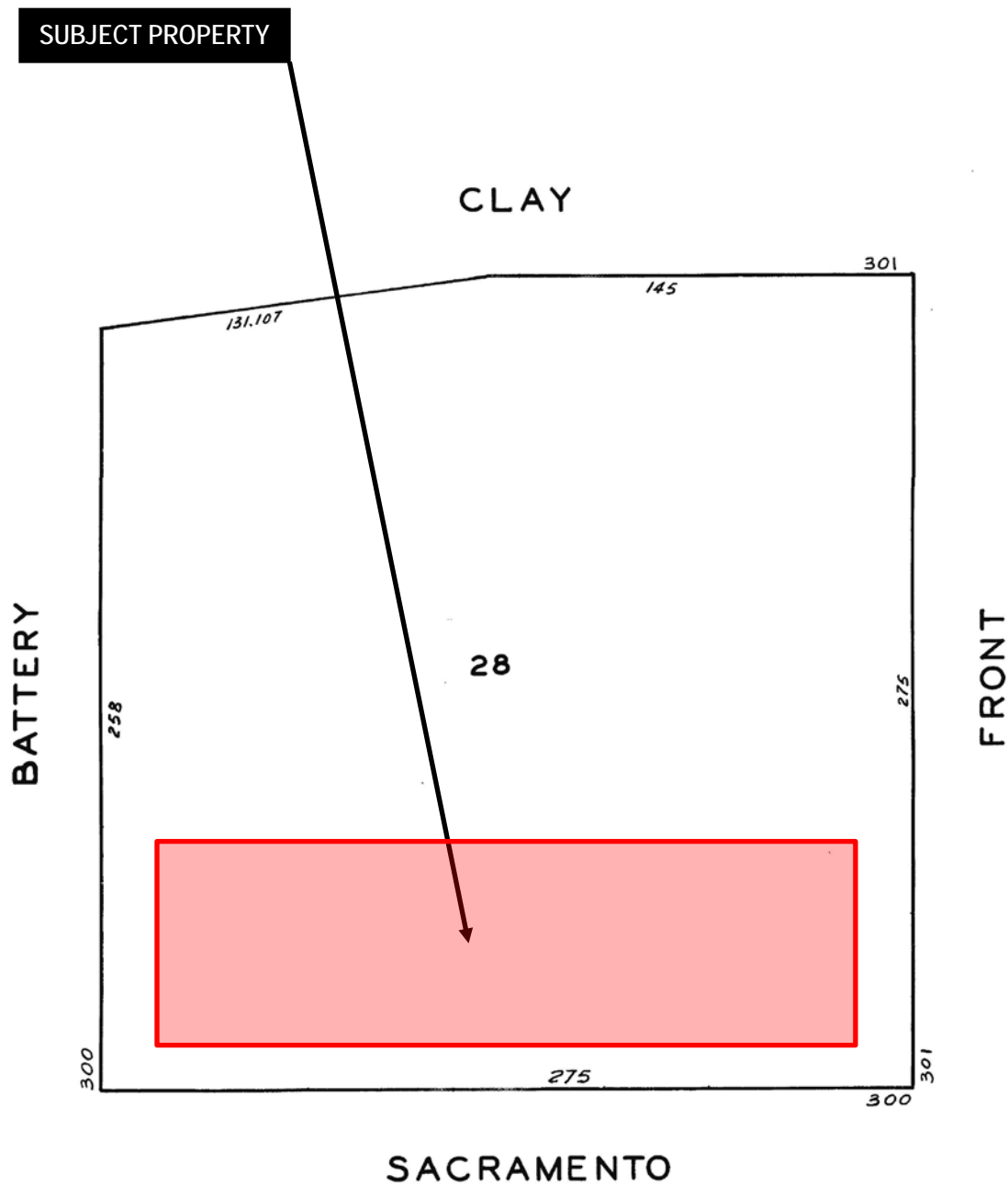
RECOMMENDATION: Take Discretionary Review and Approve the MCD with Conditions
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Attachments:

Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Site Photographs
GIS 1,000' Radius Map
MCD DR Notice
SFDPH Annual Director's Report on MCDs (2015)

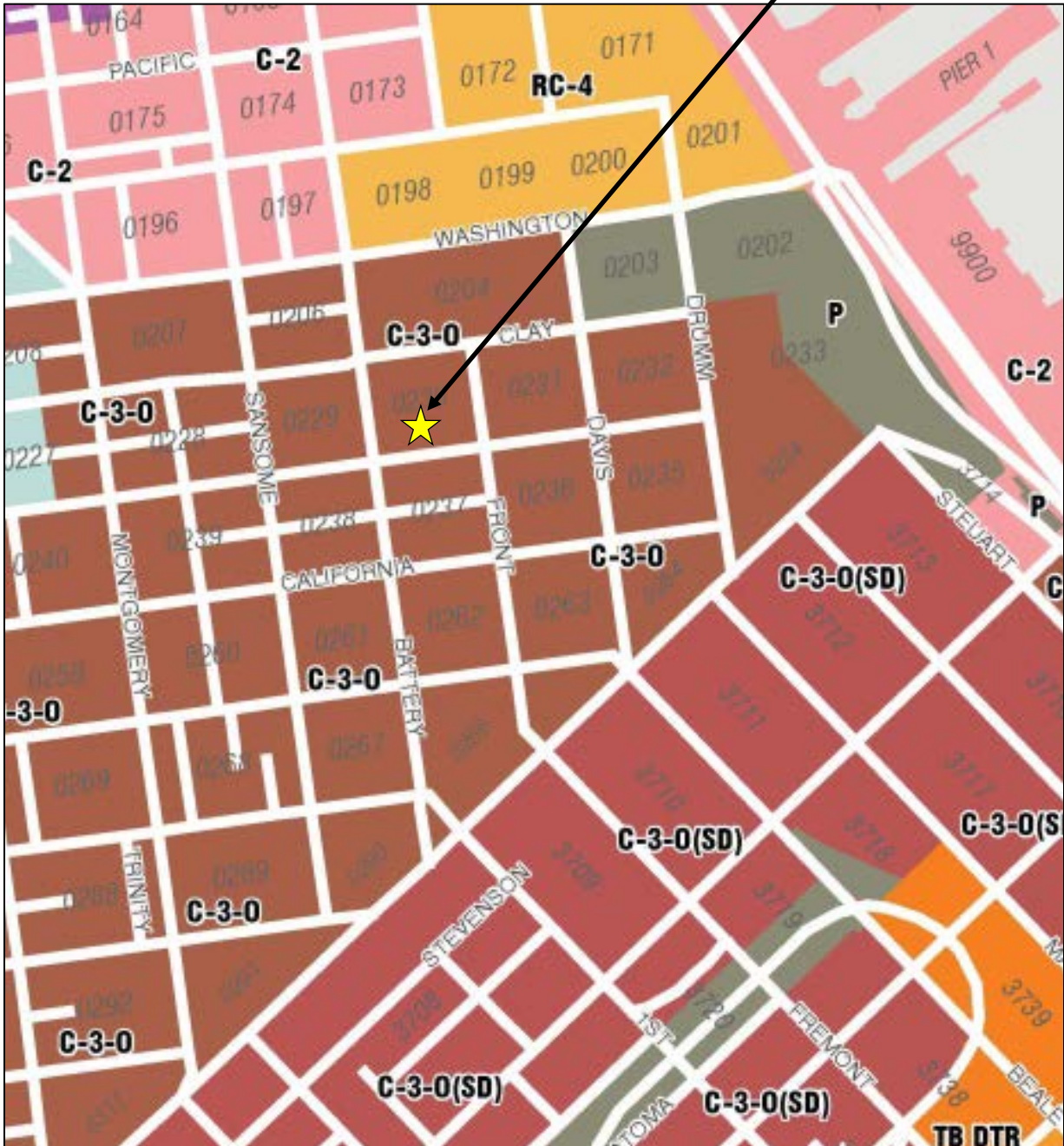
Exhibits

Parcel Map



Zoning Map

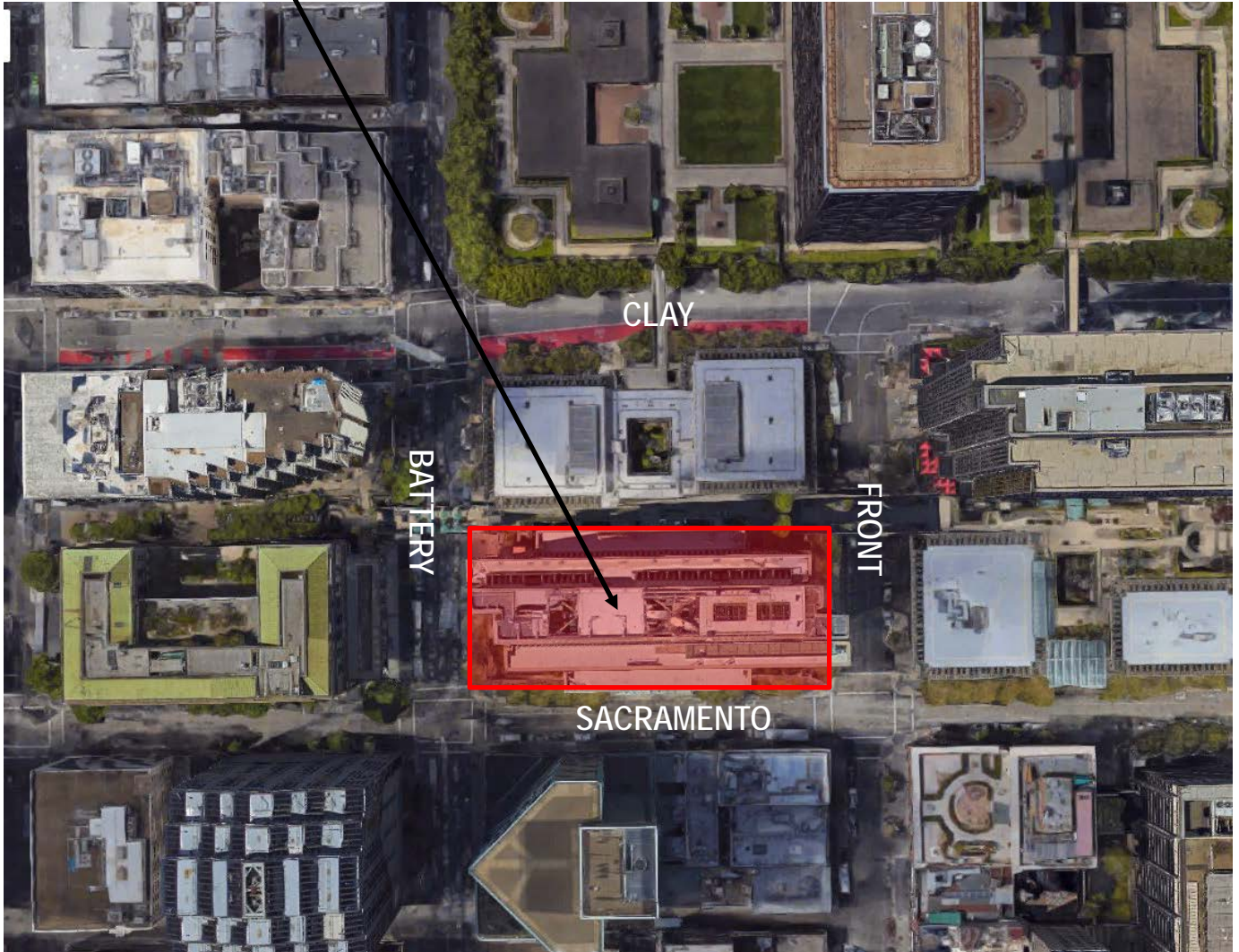
SUBJECT PROPERTY



Mandatory Discretionary Review Hearing
Case Number 2016-002784DRM
301 Clay Street, Suite #597

Aerial Photo

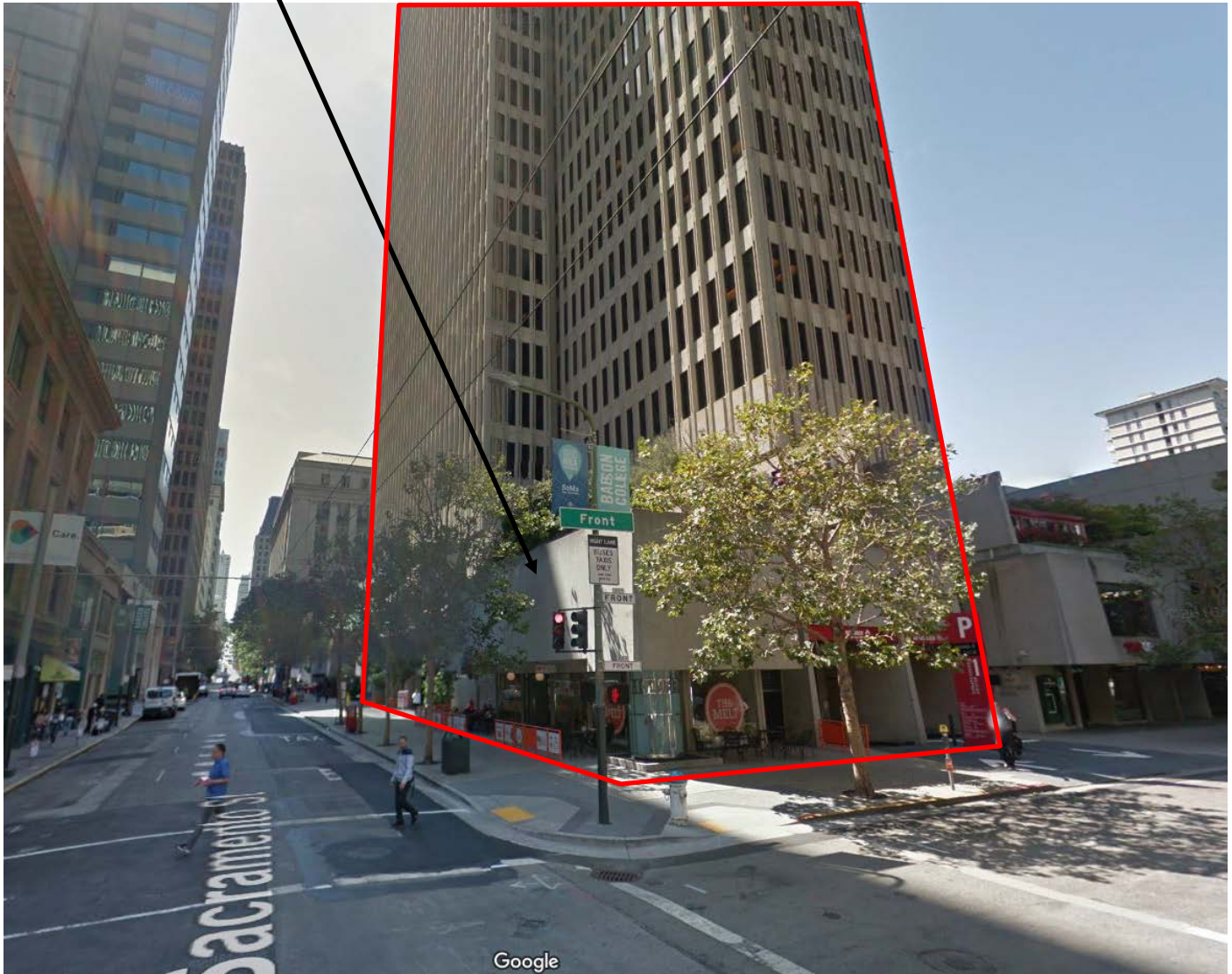
SUBJECT PROPERTY



Mandatory Discretionary Review Hearing
Case Number 2016-002784DRM
301 Clay Street, Suite #597

Site Photo

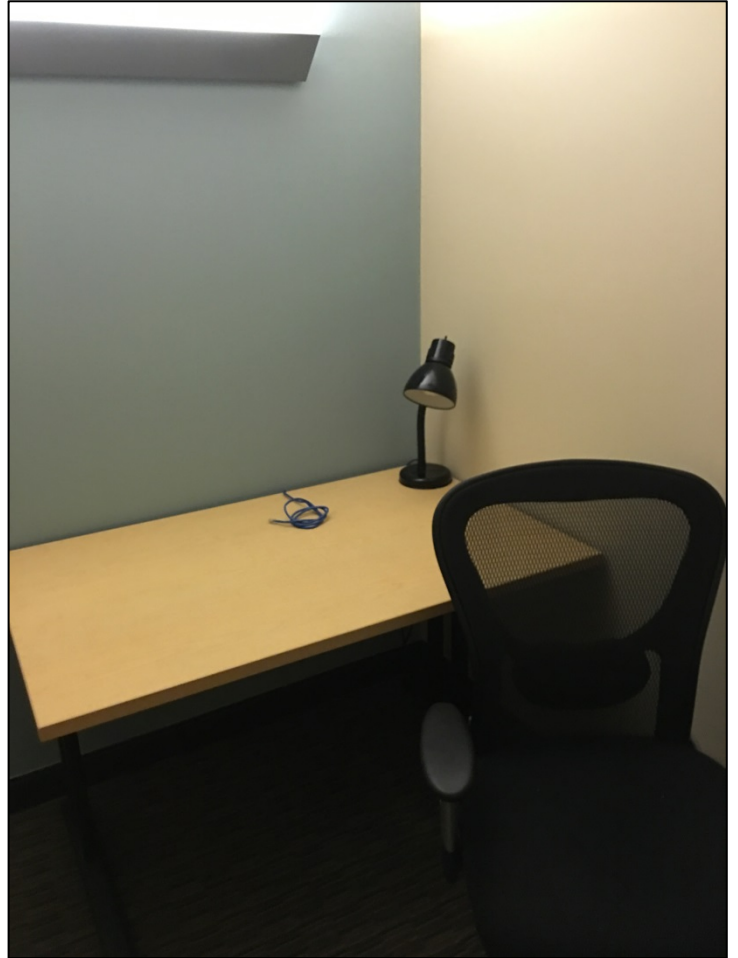
SUBJECT PROPERTY



Street View of One Embarcadero (301 Clay Street) from corner of Sacramento/Front Streets.

Mandatory Discretionary Review Hearing
Case Number 2016-002784DRM
301 Clay Street, Suite #597

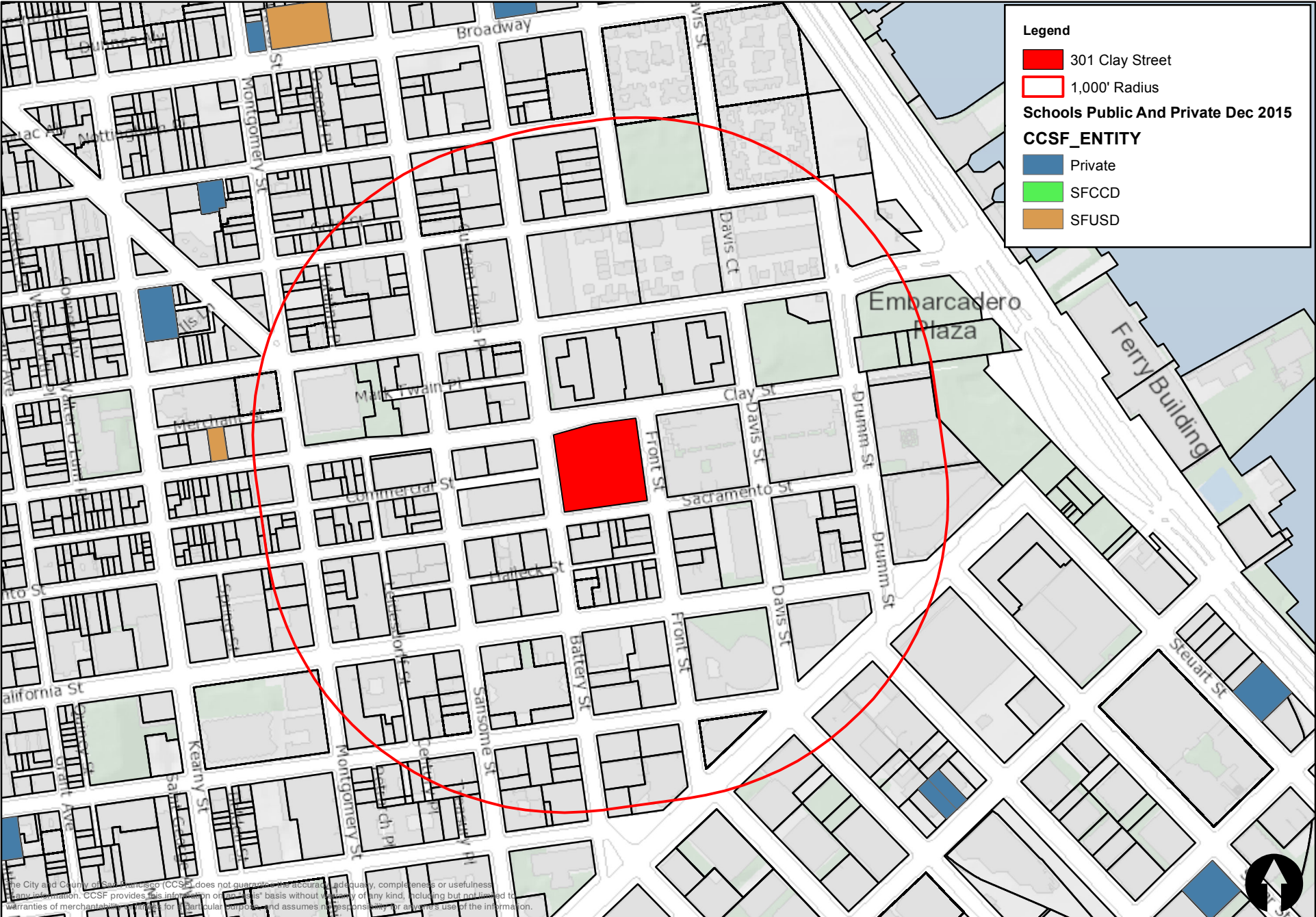
Site Photos



Interior photos of the subject tenant space (One Embarcadero Center, Suite #597).

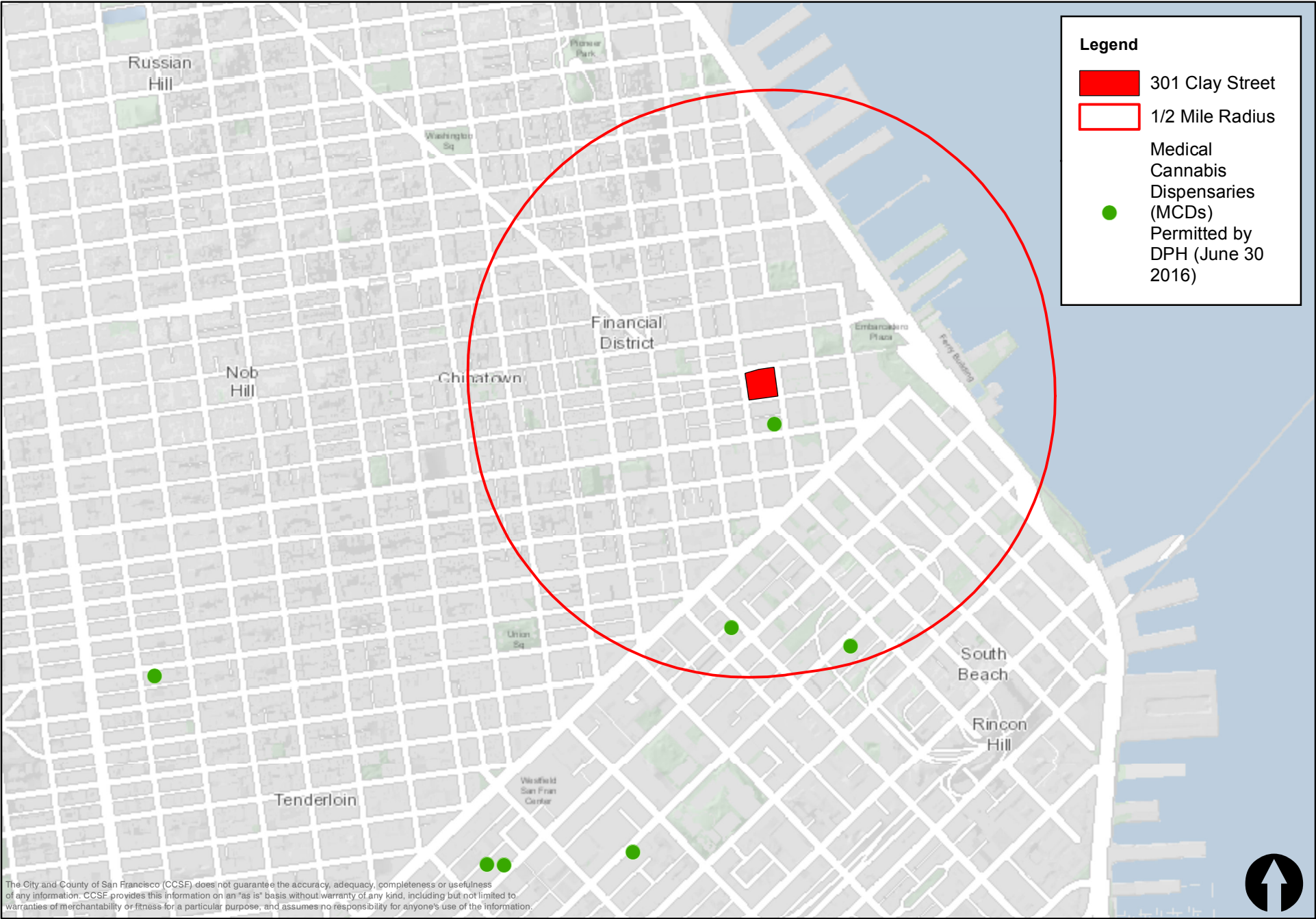
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MCD Map: 301 Clay Street (Case No. 2016-002784DRM)



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 a "best basis" basis without warranty of any kind, including but not limited to warranties of merchantability and fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

MCD 1/2 Mile Radius Map: 301 Clay Street (Case No. 2016-002784DRM)



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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, November 17, 2016**

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

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

Case Type: **Mandatory Discretionary Review**

Hearing Body: **Planning Commission**

PROPERTY INFORMATION		APPLICATION INFORMATION	
Project Address:	301 Clay Street (One Embarcadero Center, Suite #597)	Case No.:	2016-002784DRM
Cross Street(s):	Battery/Front Streets	Building Permit:	2016.05.05.6641
Block /Lot No.:	0230/028	Applicant:	Luis Paredes
Zoning District(s):	C-3-0 / 300-S	Telephone:	(650) 521-6487
Area Plan:	Downtown	E-Mail:	lpgomez19@gmail.com
PROJECT DESCRIPTION			
<p>The request is for a Mandatory Discretionary Review of a Building Permit Application to establish a new Medical Cannabis Dispensary (MCD) (d.b.a. "Natural Green Releaf") within an existing office suite located on the 5th floor of the subject property. The proposed MCD would not be open to the public at the project site, nor would the MCD offer on-site distribution (sales) of medical cannabis. All distribution would be delivery-only (off-site distribution). Only employees registered with SFDPH will be at the subject property on a day-to-day basis. No cannabis plants would be cultivated on-site. Additionally, no on-site medication of medical cannabis (e.g. smoking, vaporizing, and consumption of medical cannabis edibles) would be permitted.</p> <p>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).</p>			
ADDITIONAL INFORMATION			
<p>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</p> <p>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.</p>			
<p>FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF: Planner: Nicholas Foster Telephone: (415) 575-9167 E-Mail: nicholas.foster@sfgov.org</p>			

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.

APPEAL INFORMATION

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.

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. 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.

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2015 Annual Director's Report on Medical Cannabis Dispensaries

Article 33 Section 3321 of the San Francisco Health Code requires the Director of Public Health make a report to the Board of Supervisors that:

1. sets forth the number and location of medical cannabis dispensaries currently permitted and operating in the City;
2. sets forth an estimate of the number of medical cannabis patients currently active in the City;
3. provides an analysis of the adequacy of the currently permitted and operating medical cannabis dispensaries in the City in meeting the medical needs of patients; and
4. provides a summary of the past year's violations of this Article and penalties assessed.

I. Number and Location of Medical Cannabis Dispensaries:

As of December 31st, 2015, there were 28 Permitted Medical Cannabis Dispensaries (MCD) operating in the City and County of San Francisco

DBA	Owner	Full Address
1944 Ocean Cooperative	1944 Ocean, Inc	1944 Ocean Ave, San Francisco, CA 94127
2One2 California	CSBB, Inc.	212 California, San Francisco, CA 94111
70 Second St	Seventy Second Street	70 2nd St, San Francisco, CA 94105
Barbary Coast Collective	BCSF, Inc	952 Mission St, San Francisco, CA 94103
BASA (Collective)	Bay Area Safe Alternatives Collective, Inc.	1328 Grove St, San Francisco, CA 94117
Bernal Heights Cooperative (Collective)	Bernal Heights Cooperative, Inc.	33 29th St, San Francisco, CA 94110
Bloom Room	Jessie St. Collective	471 Jessie St, San Francisco, CA 94103
Dutchman's Flat	Dogpatch Collective, LLC	2544 3rd St, San Francisco, CA 94107
Grass Roots	Grass Roots Nonprofit Collective, Inc.	1077 Post St, San Francisco, CA 94109
Green Cross (DELIVERY ONLY)	Bay Area Cross Dispensary, Inc.	230 11th St, San Francisco, CA 94103
Green Door	CCPC, Inc	843 Howard St, San Francisco, CA 94103
Harvest on Geary	Harvest on Geary	4811 Geary Blvd, San Francisco, CA 94118
Igzactly Health Center	Igzactly Enterprises, Inc.	527 Howard St, San Francisco, CA 94105
Ketama Collective	Ketama Cooperative, Inc.	14 Valencia St, San Francisco, CA 94103
Love Shack	The Love Shack Cooperative	502 14th St, San Francisco, CA 94103
Medthrive Co-op (DELIVERY ONLY)	Med Thrive Cooperative, Inc	1933 Mission St, San Francisco, CA 94103
Mission Herbal Care (Herbal Mission)	Mission Herbal Care, Inc	3139 Mission St, San Francisco, CA 94110
Mission Organics (Center)	Mission Organics Center, Inc	5258 Mission St, San Francisco, CA 94112
Purple Star MD Collective	Purple Star MD Collective	2522 Mission St, San Francisco, CA 94110
Re-leaf Herbal Cooperative, Inc.	Re-leaf Herbal Cooperative, Inc.	1284 Mission St, San Francisco, CA 94103
SF Foundation on Going Green (SFFOGG)	San Francisco Foundation on Going Green	211 12th St, San Francisco, CA 94103
Shambhala Healing Center	Shambhala Healing Center, Inc.	2441 Mission St, San Francisco, CA 94110
SPARC	Bay Pacific Networks, Inc	1256 Mission St, San Francisco, CA 94103
The Apothecarium	RHMT, LLC	2095 Market St, San Francisco, CA 94114
The Green Cross	Bay Area Cross Dispensary, Inc.	4218 Mission St, San Francisco, CA 94112
TreeMed Cannabis Dispensary	MSTMA, Inc.	5234 Mission St, San Francisco, CA 94112
Urban Pharm	Urban Flowers, Inc.	122 10th St, San Francisco, CA 94103
Waterfall Wellness Health Center	Waterfall Wellness Cooperative, Inc.	1545 Ocean Ave, San Francisco, CA 94112

II. Estimated number of medical cannabis patients active in the city

To obtain Medical Cannabis from a licensed MCD in San Francisco, a patient must:

1. have a current and verified doctor's recommendation for medical cannabis
2. be a member of the dispensary from which they wish to obtain Medical Cannabis (each permitted MCD is organized as either a collective or cooperative, and a patient may be a member of more than one dispensary)
3. have a valid government issued ID to verify they are a California resident and are over the age of 18.

Dispensaries' membership (patients) numbers range widely from 1,000 to 20,000 members.

San Francisco does not keep track the number of state issued medical cannabis cards because Doctors recommendations are sufficient to obtain membership in a permitted Medical Cannabis Dispensary.

III. Adequacy of currently permitted and operating MCDs to meet the medical needs of patients:

The health department does not have a formal mechanism to assess the adequacy of the currently permitted and operating MCDs to meet the medical needs of patients in San Francisco. Staff have not received any formal complaints about inability to access medical cannabis.

IV. 2015 Violations

In 2015, SFDPH received 21 complaints from the public that were either abated onsite or during a follow-up inspection. The complaints included an unclean facility, improper product packaging, loitering/nuisance, dogs in facility, and not checking IDs upon entry. Violations found during routine inspections included: improperly labeled edible cannabis, current business licenses not posted and/or paid, intake procedure and record keeping inadequate, measurement devices inaccurate and general nuisances. All violations were abated voluntarily within the allotted time set forth in Article 33.

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APPLICATION TO OPERATE A Medical Cannabis Dispensary

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Luis Paredes

PROPERTY OWNER'S ADDRESS:

1584 Vista del Sol
San Mateo, CA 94404

TELEPHONE:

(650) 921-6487

EMAIL:

lpomez19@gmail.com

APPLICANT'S NAME:

Same as Above ☒

APPLICANT'S ADDRESS:

TELEPHONE:

()

EMAIL:

CONTACT FOR PROJECT INFORMATION:

Same as Above ☒

ADDRESS:

TELEPHONE:

()

EMAIL:

2. Location and Dispensary Information

STREET ADDRESS OF PROJECT:

1 Embarcadero Center #500 (301 Clay San Francisco) 94111

ZIP CODE:

CROSS STREETS:

Sacramento/Battery

ASSESSORS BLOCK/LOT:

0230/028

ZONING DISTRICT:

C-3-O Downtown office

DISPENSARY SQ. FT.:

65.7 sqft.

SQ. FT. ACCESSIBLE TO PATRONS:

0

FLOOR ON WHICH DISPENSARY IS LOCATED:

5th

PROPOSED BUSINESS NAME (IF KNOWN):

Natural Green Releaf

PRESENT OR PREVIOUS USE:

Office space

3. Dispensary Proximity

PROXIMITY TO SCHOOLS

(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.

LP

PROXIMITY TO RECREATION BUILDINGS

(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.

LP

PROXIMITY TO SUBSTANCE ABUSE TREATMENT FACILITIES

(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.

LP

4. Dispensary Services

ON SITE MEDICATING

Will you allow patrons or employees to smoke or vaporize medical cannabis, or otherwise medicate with medical cannabis, on the premises?

☒ NO
☐ YES

MEDICAL CANNABIS EDIBLES

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.

(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.)

☒ NO
☐ YES
☐ Dispensing
☐ Production
SQ FT

ON-SITE MEDICAL CANNABIS CULTIVATION

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.

(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.)

☒ NO
☐ YES
SQ FT

OFF-SITE MEDICAL CANNABIS CULTIVATION

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.

(Note that any off-site growing facility located in San Francisco must be properly permitted under applicable state and local law.)

☐ NO
☒ YES
☐ Within San Francisco
☒ Outside San Francisco

5. Applicant's Statement

Please discuss:

1. The business plan for the proposed Medical Cannabis Dispensary;

Patients will need to apply for membership either online or by phone, must have valid government issued identification as well as doctor recommendations. Driver will need to see proof of I.D. & medical recommendations at time of delivery. order will be exchanged for a cash donation. Drivers will be professional and discreet, will not be advertising any logos. Deliveries will be made throughout the bay area, including the Peninsula and all San Francisco Districts. We are a delivery service only and will not be providing an accessible storefront for patrons. Donations can vary from \$5-\$200.00 depending on size of order, minimum orders of \$50.00 for delivery. Delivery is free.

2. Specific factors which contribute to the compatibility and appropriateness of the Medical Cannabis Dispensary with the immediate neighborhood and broader City environment;

- Providing a convenient, discreet delivery service to patients suffering from ailments in the bay area.

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;

As a start up delivery service, the need for future employment will take place as membership increases.

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

This does not apply to our services as there will be no changes to the facilities.

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

This does not apply to our business as we will not be making any changes to housing.

3. Neighborhood outreach efforts made and the results/input from those efforts;

Notify neighboring businesses of our delivery service and emphasize the company mission to provide convenience and discreet services to medical marijuana patients. Also note that the premises are not accessible to patrons and will not draw any negative attention to the neighborhood.

4. Any other circumstances applying to the property involved which you feel support your application.

The property premises will solely be used to organize distribution location. The driver will carry majority of product in delivery vehicle for daily deliveries.

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

This statement does not apply as we will be a delivery service and the drivers will be in and out of city limits.

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;

We will not be developing additional commercial office space, the space we are using is already designated office space.

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

This statement does not apply to our business as the office space we are using is already permitted by the city.

7. That landmarks and historic buildings be preserved; and

This does not apply to our business as we will make no developments that will affect landmarks and historic buildings.

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

This statement does not apply to our business as we are a delivery service and will not develop any properties that affect open space or vistas.

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: _____

11/17/15

Print name, and indicate whether owner, or authorized agent:

Levi's Pineda
Owner / Authorized Agent (circle one)

For Department Use Only

Application received by Planning Department:

By: _____

Heisha C.

Date: _____

3/1/2016

Natural Green ReLeaf

MCD Business Plan for 1 Embarcadero Center

N.G.R Membership Group doing business as “Natural Green ReLeaf”. NGR will operate as a nonprofit delivery service providing its member’s high quality cannabis options.

NGR will operate in full compliance with all federal/state codes and laws. NGR will also operate as required under California Proposition 215 – The Compassionate Act of 1996 and the Guidelines of the Security and Non-Diversion of Marijuana Grown for Medical Use August 2008.

Goals

Being a Non-Profit medical cannabis Collective, NGR fosters a non-judgmental, caring, compassionate environment where its members can have quality medication delivered. All medicinal cannabis will be provided in a professional and safe manner. We, here at NGR, are going to implement an arrangement that accommodates chronically ill and at times “free” medical cannabis of their choosing. We will deliver to hospitals, hospices, nursing homes, and bed-ridden or house - bound patients.

NGR Mission

Natural Green ReLeaf was established to help patients improve the quality of life and gain easier access to medical cannabis. Whether you lack transportation to get to a dispensary, suffer from an injury or serious medical condition, our service is here to assist you. Green ReLeaf is a non-profit collective based in Northern California, home of the finest cannabis.

We operate under a full license with the strict compliance of Proposition 215 and the CA Senate legislature. We supply and deliver top quality medical cannabis to qualified patients in the Bay Area. Our dedicated team provides a safe, professional and discreet service to our members whether they are at home, work or their caregiver’s home. Here at Natural Green ReLeaf, we take our jobs serious as we offer superior quality medicine at a reasonable donation.

NGR Members

We keep it safe and simple. First you will need to have a valid doctor's recommendation along with a valid government identification card. Then fill out our online membership form or call us and place your order (we can also get you verified over the phone if you cannot upload your rec and gov ID). Upon delivery, the driver will need to see your driver's license (or valid ID card) and doctor's recommendation. You will also need to sign a membership form if you have not completed our online form (for first time members only).

Your order will be exchanged for a donation. Our friendly drivers are very professional and discreet. They will not be dressed or drive a vehicle with any logos or advertisement of Marijuana. Please keep in mind that our drivers do not carry any money or change with them during the delivery. In the near future we will be accepting credit cards but currently we are accepting cash for donations.

Qualified Patient:

A qualified patient is a person whose physician has recommended the use of medical cannabis to treat a serious illness, including cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which medical cannabis provides relief.

Verification will involve personal contact with the recommending physician, verification of the physician's identity, as well as his or her state licensing status. Copies will be made of the physician's recommendation and patient's identification card.

Do you have a storefront location?

Currently we are a delivery service only. We are based in Northern California and follow all compliance with Proposition 215 and Senate 420. We deliver to many locations.

Is Marijuana Legal?

While recreational use of Marijuana is illegal, Medical Cannabis (Medical Marijuana) is recognized as a legal medicine in California under Proposition 215 also known as the Compassionate Use of Act 1996. All patients must have a valid

medical cannabis recommendation from a licensed physician before using the medicine.

What are the uses of cannabis?

- Cannabis has a long history of medicinal use, with evidence dating back to 2,000 B.C.E. These uses can improve the quality of life for those who suffer from chronic pains, critical illness and even the terminally ill. Although there are many different strains and cross strains available, each has its own effects. Marijuana comes in two basic types – sativa and indica.
- **Sativas** are often characterized as uplifting and energetic. The effects are mostly cerebral. They give a feeling of optimism, well-being and provides pain relief for many symptoms. A few pure sativas are also very high in THC content. Many patients prefer a sativa during the daytime.
- **Indicas** are great for relaxation, stress relief along with an overall sense of calm and serenity. Marijuana indicas are also very effective for overall body pain relief and often used in the treatment of insomnia. Many patients prefer an indica during the evening or night.
- Cross strains also known as **hybrids** which are sativas and indicas mixed in different percentages. It will take some time and experimentation to find the most effective balance for each individual.

NGR Services

NGR will acquire, possess, and distribute only lawfully cultivated medical cannabis. All products will be sourced from members of the collective and will be lab tested for potency and impurities.

NGR will track and document all sales by a state of the art Point of Sale System or POS. This online software will also allow us to monitor and track each member purchases related to their doctors recommendations.

NGR will provide cannabis products in these forms:

- 1) Cannabis buds (Flowers)
- 2) Edibles
- 3) Concentrates
- 4) Seeds

Education Focus on Patient Wellness

NGR will consult regularly with each member and focus on these three areas:

- 1) Nutrition
- 2) Eating Edibles
- 3) Long term goals
- 4) Physical well being

NGR Patients Rights

NGR will be operating under the guidelines of the California health and Safety code 11362.5 and 11362.7 and the San Francisco health Code (Medical Cannabis Act). Some local jurisdictions might have placed additional restrictions on the rights of medical-cannabis patients. It is the patient's responsibility to research their local guidelines. Until the federal Government starts to follow up with California's revolutionary stance, possession of cannabis is still illegal under federal law.

Community involvement

Being involved in the community means a lot. In the future we plan to get involved with various community groups through charity and a way to give back to those less fortunate. We plan on expanding and hiring more drivers as patient awareness increases in San Francisco and the rest of the bay area.

OPERATIONS

Hours: 10:00am – 10:00pm Monday - Sunday

No Smoking , Growing, or Selling on Site (see key benefits)

Key Benefits for allowing Natural Green ReLeaf “Delivery Service” on the Embarcadero

- Allowing surrounding California Medical Cannabis Patients their recommended medication delivered to them in a timely fashion daily, weekly, and monthly to their office or home.
- Potential Job growth to future drivers to that share the same vision as NGR.
- As a delivery service no advertising is posted anywhere and will operate discretely in a non-disturbing and professional manner.
- No construction will be conducted at physical location
- No Vaping, Cultivating, Selling or Smoking will be allowed at 1 Embarcadero.

Safety and Security

NGR is expected to set the standard for member interaction (online and in person), community engagement, and neighborly relations. A major responsibility is the observation, identification, and reporting of critical and suspicious events. The goal is to implement a safe and secure environment while maintaining a strong and presence in the community. This will be achieves by the following means:

- Accurate checking of documentation and identification (Online and upon delivery), and admission of only qualified individuals into the dispensary. If patients lack the necessary qualifications to join they are identified and denied access.
- Strict safety and security policies and procedures for employees.
- Active development of an open relationship with neighbors and community, enabling better ability to protect the area, members, and staff.
- Trained, experienced security guards from diverse backgrounds (already present on ground floor provided by building management).
- Proactive enforcement of a comprehensive Member Code of Conduct, including actively enforcing restrictions on the redistribution of medicine, consumption, drinking, loitering, illegal parking, and other nuisance activity.
- State-of-the-art security camera and DVR system for 24-hour monitoring coverage of interior and exterior.
- Sophisticated security-alarm system with 24-hour response and ability to immediately and discreetly alert police and emergency

personnel in the event of an emergency.

- Private, third-party security company that provides additional support, including afterhours camera monitoring, after-hours alarm response, and patrol quality checks.
- Fire-alarm system.
- Raid and robbery training every six months for all staff.
- GPS in all delivery Vehicles and equip drivers with cell phones to report back all activates that include customer transactions and verification of membership.
- Established Injury Illness Prevention Plan (IIPP) to keep employees and members safe from injury and illness.
- CPR and AED training for Safety and Management Teams.

Our first concern is the safety and security of our employees, members, and neighbors. This comprehensive Safety Plan is designed to provide employees with information about various aspects of our safety and security program. Our Safety Plan is designed to comply with the safety and health standards that have been developed by federal, state, and local governments and current industry standards. It is our goal and intent to be in compliance at all times. In order to accomplish this goal, each employee must actively participate in the implementation of the Safety Plan and be aware of workplace conditions that could pose a potential danger. Each employee is expected to be proactive in their own, coworkers', and members' personal safety.

Emergency Action Plan:

EAP procedures have been developed, and are updated annually, to minimize risks arising from incidents that could threaten the

safety of employees and members. The EAP includes the following response plans:

- Fire emergencies
- Earthquake
- First-aid emergencies
- Robbery

The EAP will be communicated to all employees by means of a Safety Training Program. EAP procedures will be required in the training for all employees upon hiring and will be reviewed by all employees at annual safety trainings. The EAP describes, in detail, the responsibilities of all employees during emergencies and critical incidents. Employee trainings shall be documented by our management and records kept in the Master Safety Plan Binder.

Fire Emergencies:

The objective of the Fire Emergency Action Plan is to ensure the safety of employees and members in the case of a fire emergency. Training includes making each staff member aware of his or her specific duties during a fire emergency. The Safety Training Plan will give staff members training and preparation to deal with a possible fire emergency. Staff Training and Preparedness.

Fire Prevention Plan

The Fire Prevention Plan is designed to provide safe workplace practices that minimize the risk of a fire emergency. The Fire Prevention Plan includes:

- Conducting and recording periodic facility inspections and identifying and correcting any unsafe conditions.

- Conducting and recording monthly safety inspections of fire emergency equipment including all: smoke detectors, emergency evacuation lighting, and fire extinguishers.
- Conducting periodic inspections and tests of the fire alarm systems in accordance with state and local regulations.
- Conducting periodic fire drills in accordance with the procedures of the Fire Emergency Action Plan.
- Checking to make sure electrical cords and cables are in good working condition and are not frayed or worn.

Earthquake Response

Earthquakes will most likely occur with little or no warning. If the intensity of the quake is such that it causes alarm among the employees, there is the likelihood that there will be building or structural damage. In the event of an earthquake the following response plans should be followed:

- Shelter in place. Protect yourself from falling objects. Crawl under a desk, table, or door frame until all shaking stops.
- Stay clear of windows, heavy and unstable furniture and equipment.
- Remain sheltered in place for a few minutes to account for any potential aftershocks.
- Management will assess if the building should be evacuated or to remain inside. Proceed outside when instructed by Management.
- Once outside, if possible, get into an open area away from buildings, power lines, falling debris or glass.

First Aid Emergencies

Serious injuries and first aid emergencies can occur with almost any emergency or work activity. At least 1 first aid trained and certified staff member is required to be present. All Safety staff and Management are required to be CPR and first aid trained and certified. All staff will know the location of all first aid kits and eye wash stations. Detailed Action Plan will be developed when NGR is operational.

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City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH BRANCH
Medical Cannabis Dispensary Program

Edwin M. Lee, Mayor
Barbara A. Garcia, MPA, Director of Health

Richard J. Lee, MPH, CIH, REHS
Acting Environmental Health Officer

RECEIVED

Medical Cannabis Dispensary Planning Referral

NOV 16 2015

For Health Department Use Only		CITY & COUNTY OF S.F. PLANNING DEPARTMENT TAC TEAM
Date of Application: <u>11/10/15</u>	Date to Zoning: _____	
Inspector: <u>Ryan Clausenitzer</u> <u>Larry Kessler</u>	Telephone: <u>415-252-3856</u> <u>3841</u>	

To be Completed by Applicant

Dispensary DBA: NCR
Address: 1 Embarcadero CTR #500, San Francisco Zip: 94111
Existing Business Use: office space
Change of Ownership: ☐ Yes ☒ No
New Establishment: ☒ Yes ☐ No
Is location now vacant? ☒ Yes ☐ No
What floor(s) will the business occupy? (check all that apply) ☐ Street Level ☐ Other than street level
Dispensary Square Footage: 65.7

2015-015340 MRS

Special Note: If any other room or building is to be used in connection with this application; OR, if any part of the proposed operation is not located within or connected to address above, attach explanation sheet.

NE
Applicant's Name: Luis Paredes
Mailing Address: 1584 Vista Del Sol
City, State: San Mateo, CA Zip Code: 94404
Applicant's Contact Number: 650-521-6487

For Department of City Planning Use Only		
Zoning: <u>C-3-O</u>	Block: <u>0230</u>	Lot: <u>028</u>
Limitations or Conditions (if any):		
Building Permit Application #:		
Planning Case #:		
Approved: _____ (Planner's Signature)		Date: _____
Disapproved: _____ (Planner's Signature)		Date: _____

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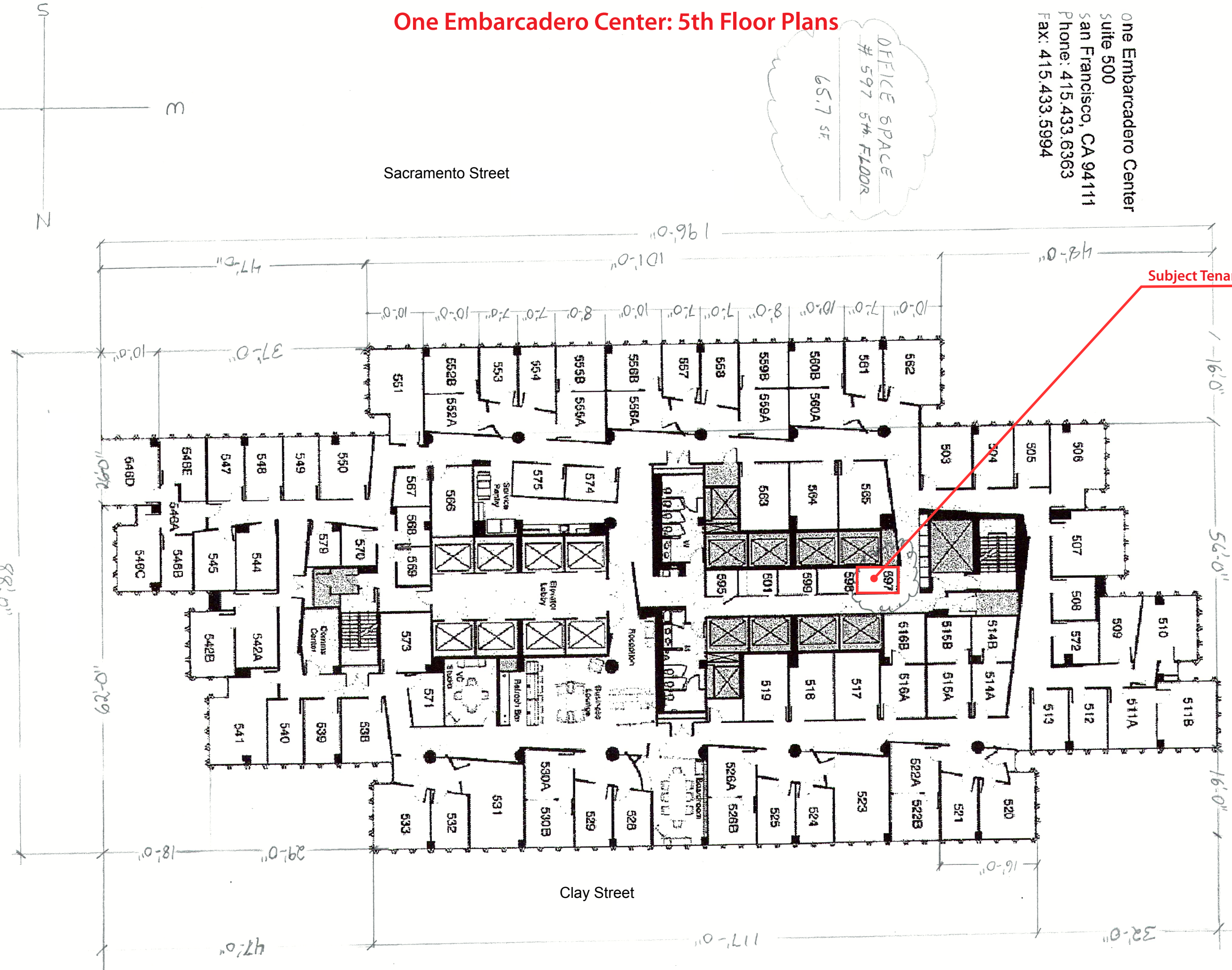
One Embarcadero Center: 5th Floor Plans

One Embarcadero Center
Suite 500
San Francisco, CA 94111
Phone: 415.433.6363
Fax: 415.433.5994

OFFICE SPACE
597 5th Floor

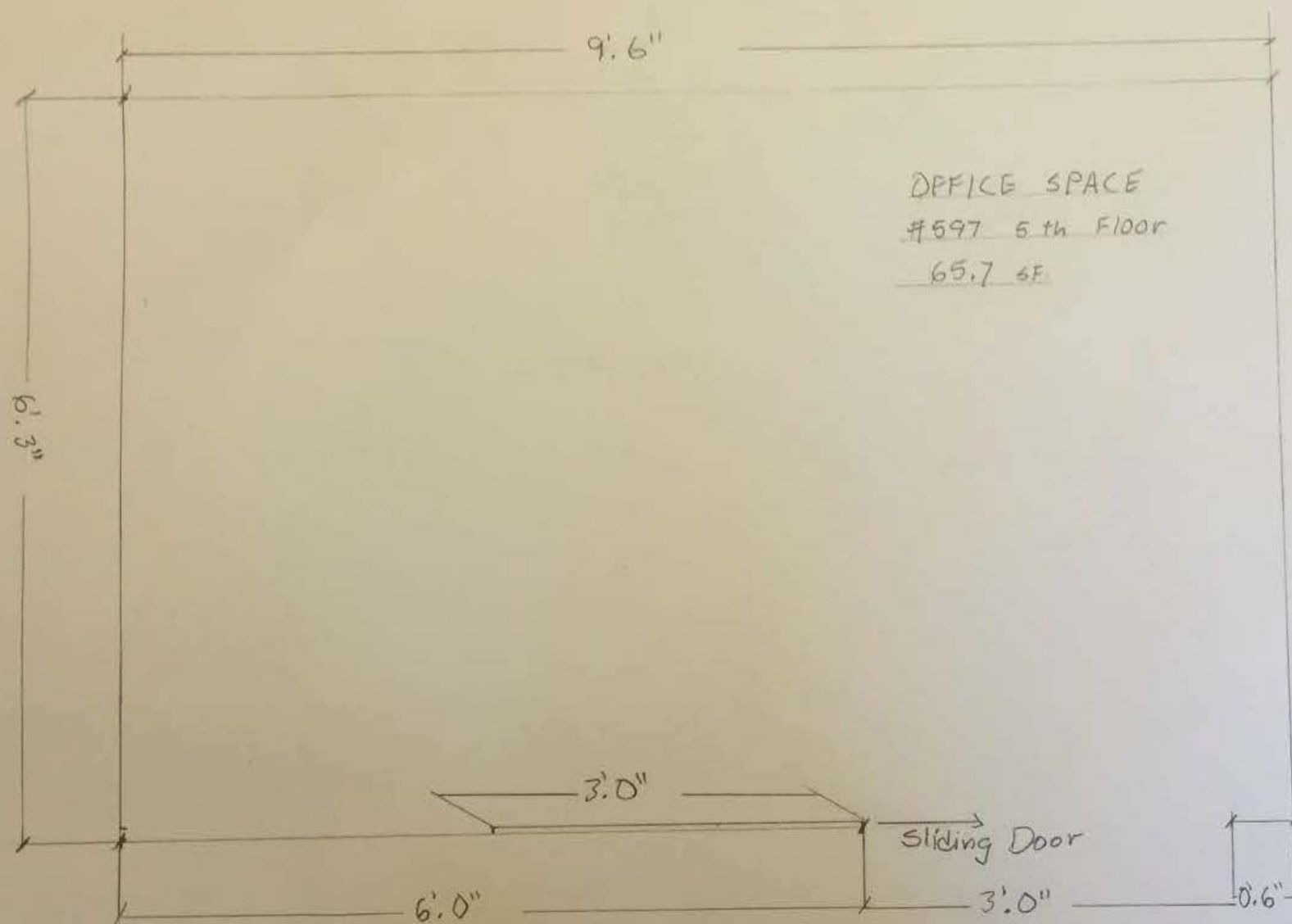
65.7 SF

Subject Tenant Space



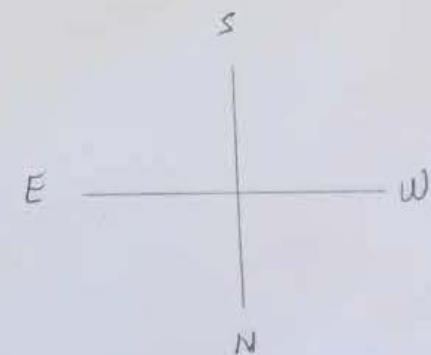
5th Floor Plan
Scale one 16th of inch Per foot
1/16 Per Foot

One Embarcadero Center: Suite #597 Plans



OFFICE SPACE
#597 5th Floor
65.7 SF

One Embarcadero Center
Suite 500
San Francisco, CA, 94111
Fax: 415.433.6363



Scale 1" Per Foot

BULMARO MARQUEZ
(831) 588.0731
(831) 722.7196 (FAX)
B_MARQUEZ_4@YAHOO.COM
LIC# 8175