



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis Medical Cannabis Dispensary HEARING DATE DECEMBER 8, 2016

Date: November 28, 2016
Case No.: **2016-005475DRM**
Project Address: **739 Bryant Street**
Zoning: SALI (Service/Arts/Light Industrial) Zoning District
40/55-X Height and Bulk District
Block/Lot: 3778/046A
Project Sponsor: Steve Kuryatnik
540 Scott Street, #4
San Francisco, CA 94117
Staff Contact: Jeffrey Speirs – (415) 575-9106
jeffrey.speirs@sfgov.org
Recommendation: **Take Discretionary Review and Approve**

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

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415.558.6378

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Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to establish a new Medical Cannabis Dispensary (MCD) at 739 Gilbert Street (d.b.a. Four Seasons Care Center), in a space (Suite #205) previously used as an office suite at the second level. The space is approximately 200 gross square feet (gsf) in size. The MCD will not be open to the public, and will serve as an office for a delivery-only dispensary. No parking is required and no physical expansion is proposed for the structure.

Suite #205 will serve as the principal place of business for the collective, and activities may include: administration; delivery dispatch; minor storage; and compliance inspections by SFDPH. The proposed MCD would not be open to the public at the project site, nor would any of the collectives 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. Only packaged, ready for sale items will be stored on-site. Additionally, no on-site medication of medical cannabis (e.g. smoking, vaporizing, and consumption of medical cannabis edibles) would be permitted. The proposed hours of operation for the new MCDs are 8 a.m. to 10 p.m., daily.

The project sponsor is not required to make tenant improvements to comply with the Mayor's Office of Disability, pursuant to Section 3308(y)(5) of the San Francisco Health Code. Section 3308(y)(5) stipulates that any medical cannabis dispensary that distributes medical cannabis solely through delivery to qualified patients or primary caregivers and does not engage in on-site distribution or sales of medical cannabis shall be exempt from the requirements of subsection 3308(y).

SITE DESCRIPTION AND PRESENT USE

The project site is a 4,123 square feet (sf) lot, developed with a two-story industrial building located on the southeast side of Bryant Street, near 5th Street, in the South of Market neighborhood. The building is currently occupied by a coworking space (d.b.a SHARED).

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The site is located on the southeast side of Bryant Street, adjacent to 5th Street in the South of Market neighborhood, and is located in SALI (Service/Arts/Light Industrial) Zoning District. Uses along the block are a mix of light-industrial uses, including a residential building at the westernmost corner of the block. The site is located very close to local and regional transportation networks including local bus services and the Caltrain 4th and King Station.

The SALI Zoning District is largely comprised of low-scale buildings with production, distribution, and repair uses. The district is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, and light industrial activities, with an emphasis on preserving and expanding arts activities.

The South of Market area has a number of MCDs; however, they are primarily located in the northern portions of the district, with many along Mission Street. No other existing MCDs are located within 1,000 feet of the proposed site. As a delivery service, the MCDs operating from this site will provide a convenient alternative to storefront MCDs, particularly for patients who are limited in mobility.

ISSUES AND OTHER CONSIDERATIONS

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

San Francisco Health Code, 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 739 Bryant Street, delivery-only (off-site sales) MCD project will afford a small collective the much desired opportunity to comply with the SF Health Code and operate legally and under the

SFDPH supervision. The applicant will still be required to file a permit application with SFDPH and will be subjected to their regulations including tax compliance, non-profit operation, background checks and annual compliance inspections. This dispensary is a change of use to a medical cannabis dispensary use independent of other uses within the existing building.

- **Planning Code Compliance.** The proposed dispensary complies with all relevant Planning Code requirements. Most notably, the subject property was found to not fall within 1000 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. However, the dispensary is within 1000 feet of an adult school (d.b.a Five Keys Charter School). Five Keys Charter School does not serve youth under 18 years of age; thus, the dispensary is a code-complying project.
- **Clustering and Neighborhood Impact.** Although the San Francisco Health Code does not prohibit clustering of MCDs, clustering is an issue that has been raised and may create unique neighborhood impact issues. However, because the proposed MCDs will not be open to the public and will not provide on-site distribution, there will be no increase in the intensity of customers and therefore none of the issues that clustering could potentially create exist with this project. Furthermore, the space is designed primarily for administration and delivery dispatch/coordination.
- **Traffic Impact.** The proposed collective will not be utilizing a dedicated on-street parking space for pick up and/or delivery point for medical marijuana. As the subject space is 200 square feet, it is very unlikely to cause any negative traffic impact around the project site. Additionally, because the MCD is distribution-only, patients-members (patrons) will not be coming to the project site. Therefore, the Project Sponsor does not anticipate any negative impact on traffic on the streets surrounding the project site.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	30 days	November 9, 2016	November 9, 2016	30 days
Mailed Notice	30 days	November 9, 2016	November 8, 2016	31 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	-	1	-
Other neighbors on the block or directly across the street	-	-	-
Neighborhood groups or others	-	-	-

The Department has received one inquiry from the public regarding the proposed MCD, expressing general opposition to the 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.

Not Applicable

The project sponsor does not intend to allow smoking 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 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, which has been recognized as beneficial option to the residents of San Francisco.

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 business into the South of Market Area, increasing the diversity of job and activity types within this District.

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 vacant so the new use will not displace a previous neighborhood serving use.

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

The project occupies a second floor commercial space 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 site is close 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. The operator intends to primarily utilize sustainable modes of transportation such as bicycles and electric scooters for deliveries, reducing potential impact on neighborhood parking, traffic, and the environment.

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

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

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

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

7. Landmarks and historic buildings be preserved.

The existing building is not a historic resource.

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

The project will not restrict access to any open space or parks and will not 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 will not significantly impact public transit.
- The Site is more than 1,000' from any primary and secondary school.
- The Site is more than 1,000' from any active youth-services facility.
- Distribution of medical cannabis would be delivery-only (off-site distribution)
- No on-site distribution (sales) of medical cannabis would be permitted.
- No cannabis plants would be cultivated on-site.
- No on-site medication of medical cannabis (e.g. smoking, vaporizing, and consumption of medical cannabis edibles) would be permitted.
- Only employees registered with SFPDPH will be at the subject property.

CONDITIONS OF APPROVAL

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

1. The operator of the establishment shall maintain the entrances and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping and litter pickup and disposal and washing or steam/pressure cleaning of the entrances and abutting sidewalks at least once every month.
2. The operator shall maintain appropriate odor control equipment to prevent any significant noxious or offensive odors from escaping the premises.
3. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.

RECOMMENDATION

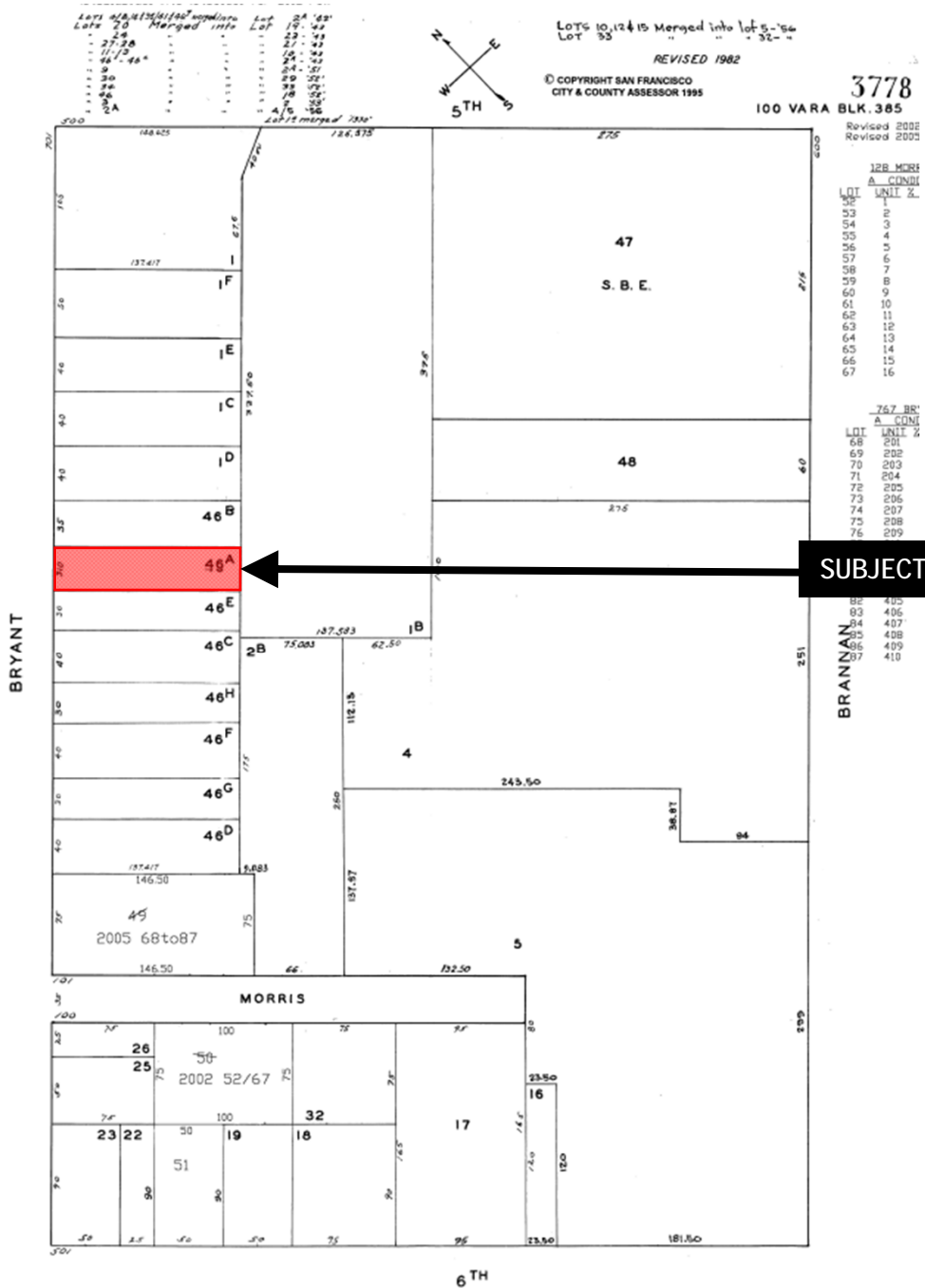
RECOMMENDATION: Take Discretionary Review and Approve the MCD with Modifications

Attachments:

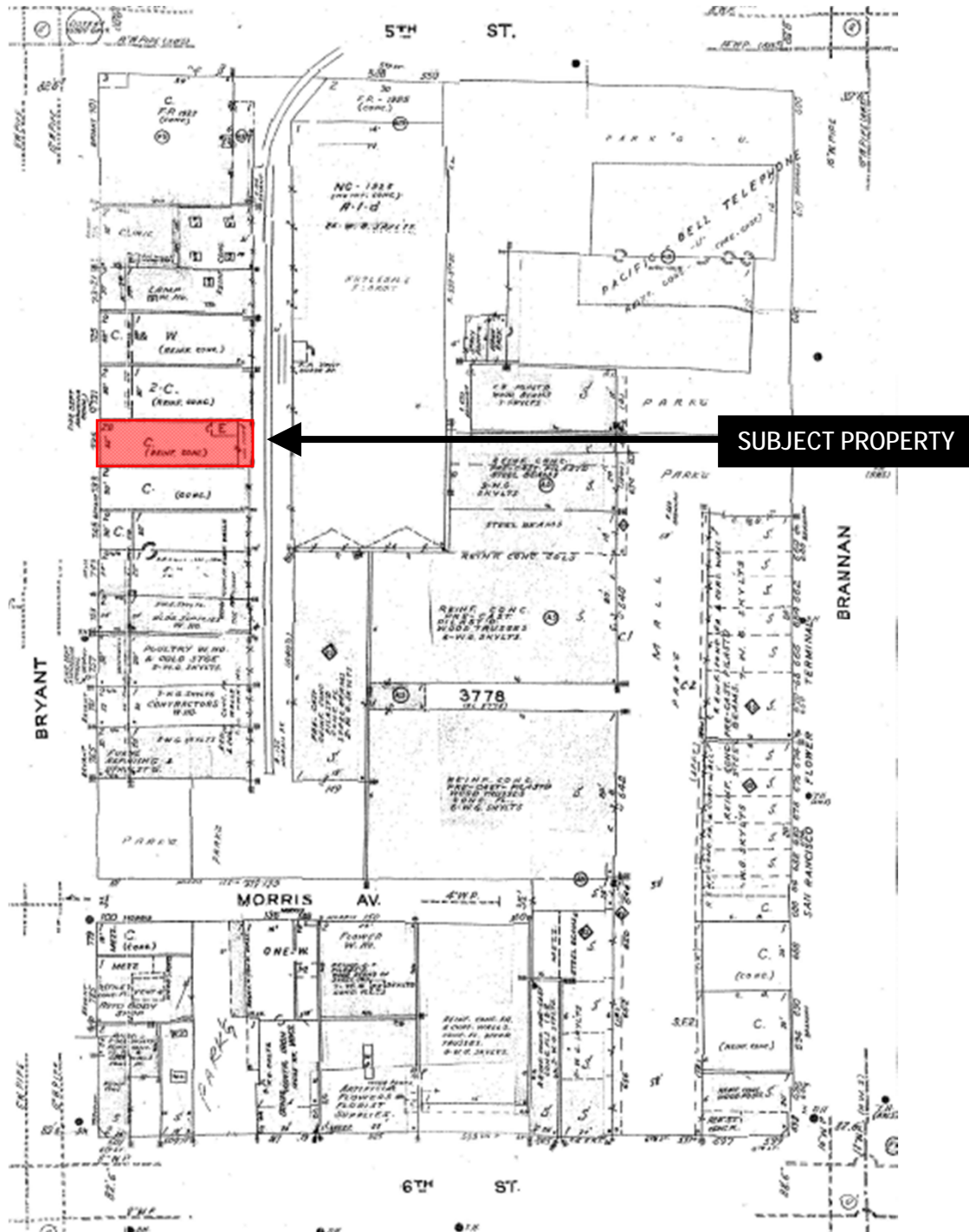
Parcel Map
Sanborn Map
Zoning Map
Aerial Photograph
Site Photographs
1,000' ArcView GIS Map
MCD DR Notice
Applicant's MCD Application
SFPDPH Application
Public Comment

Floor Plans
Environmental Evaluation

Parcel Map



Sanborn Map*



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

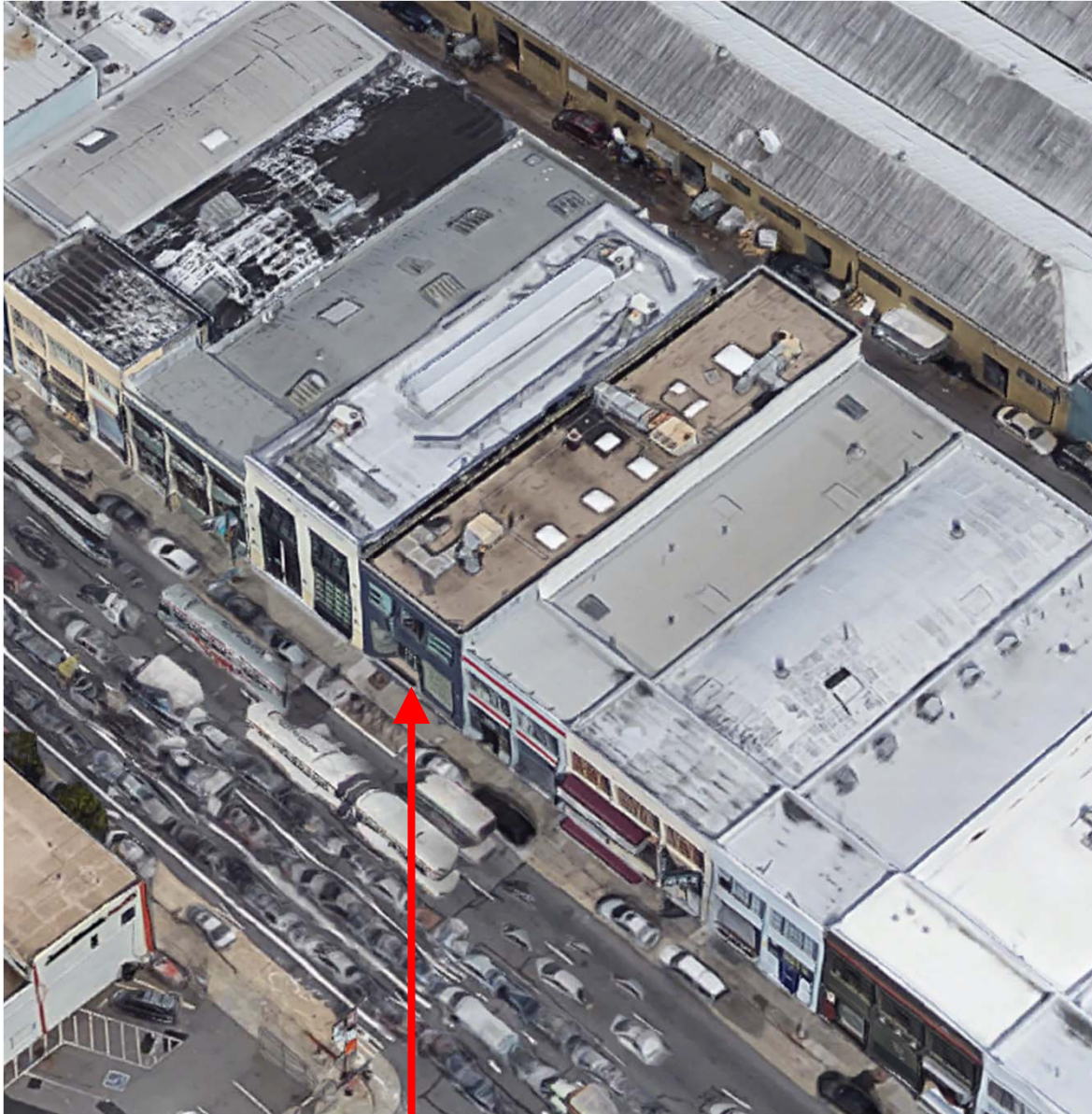
Mandatory Discretionary Review Hearing
December 8, 2016
Case Number 2016-005475DRM
739 Bryant Street



Aerial Photo



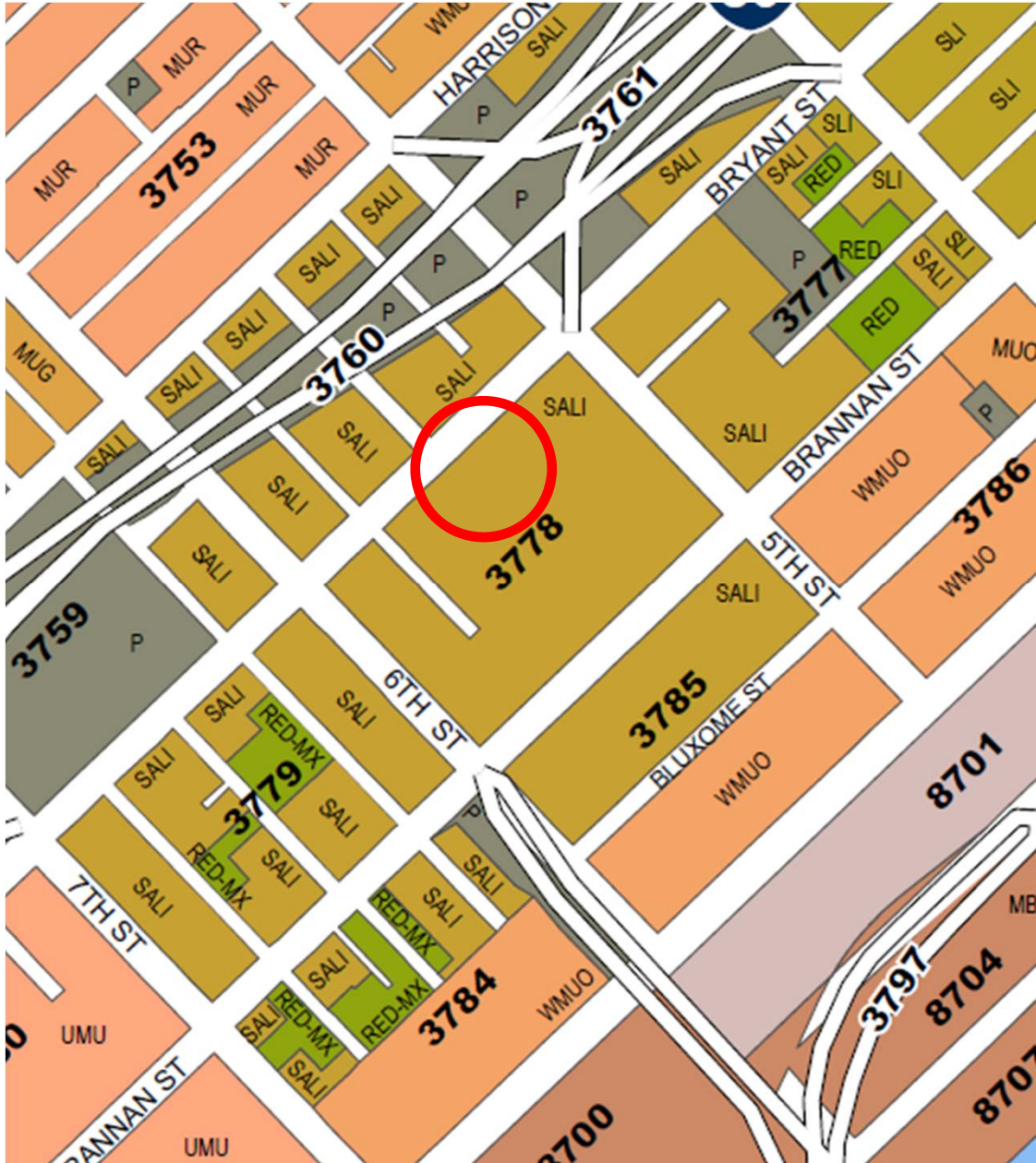
Aerial Photo



SUBJECT PROPERTY

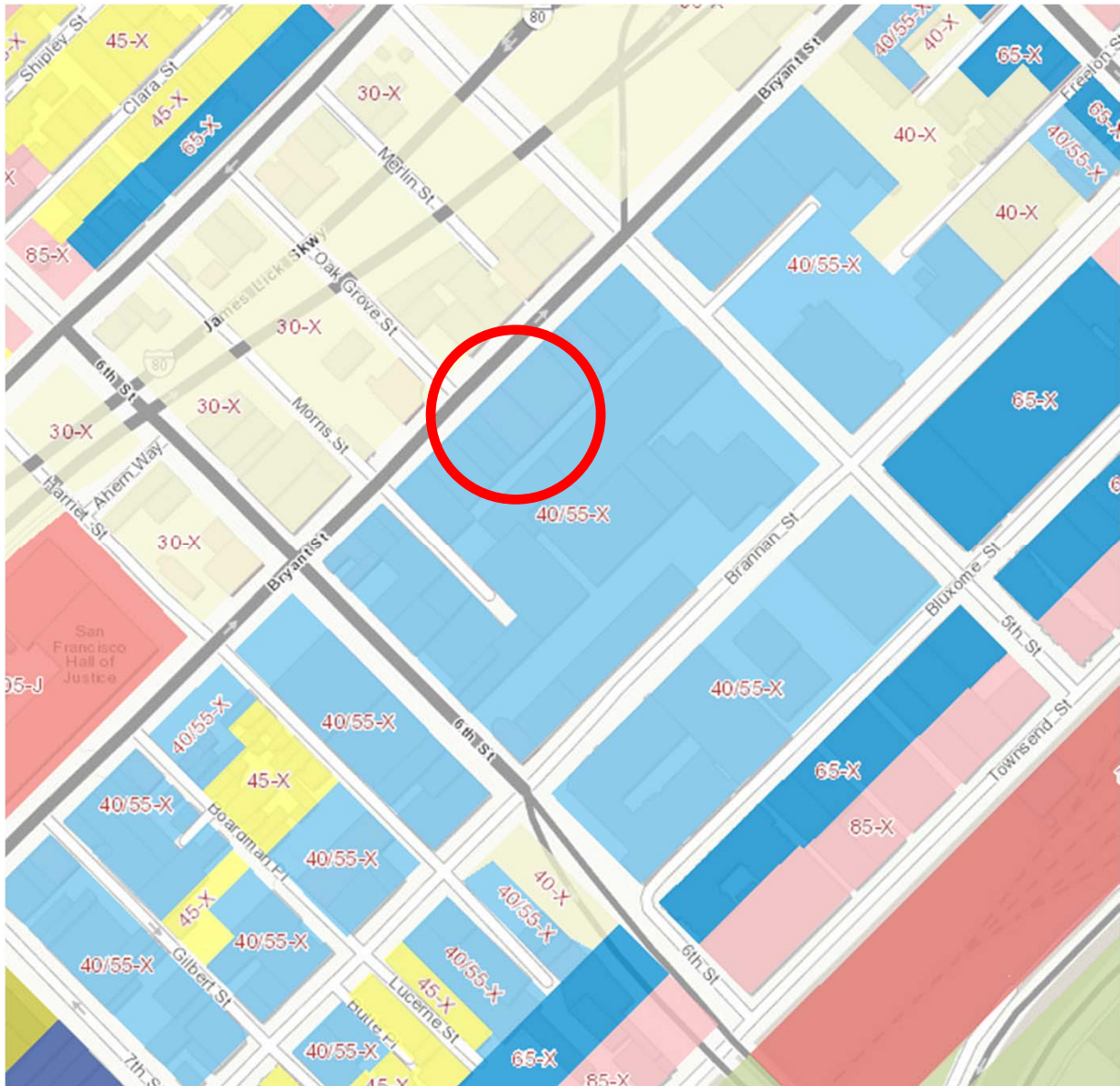


Zoning Map

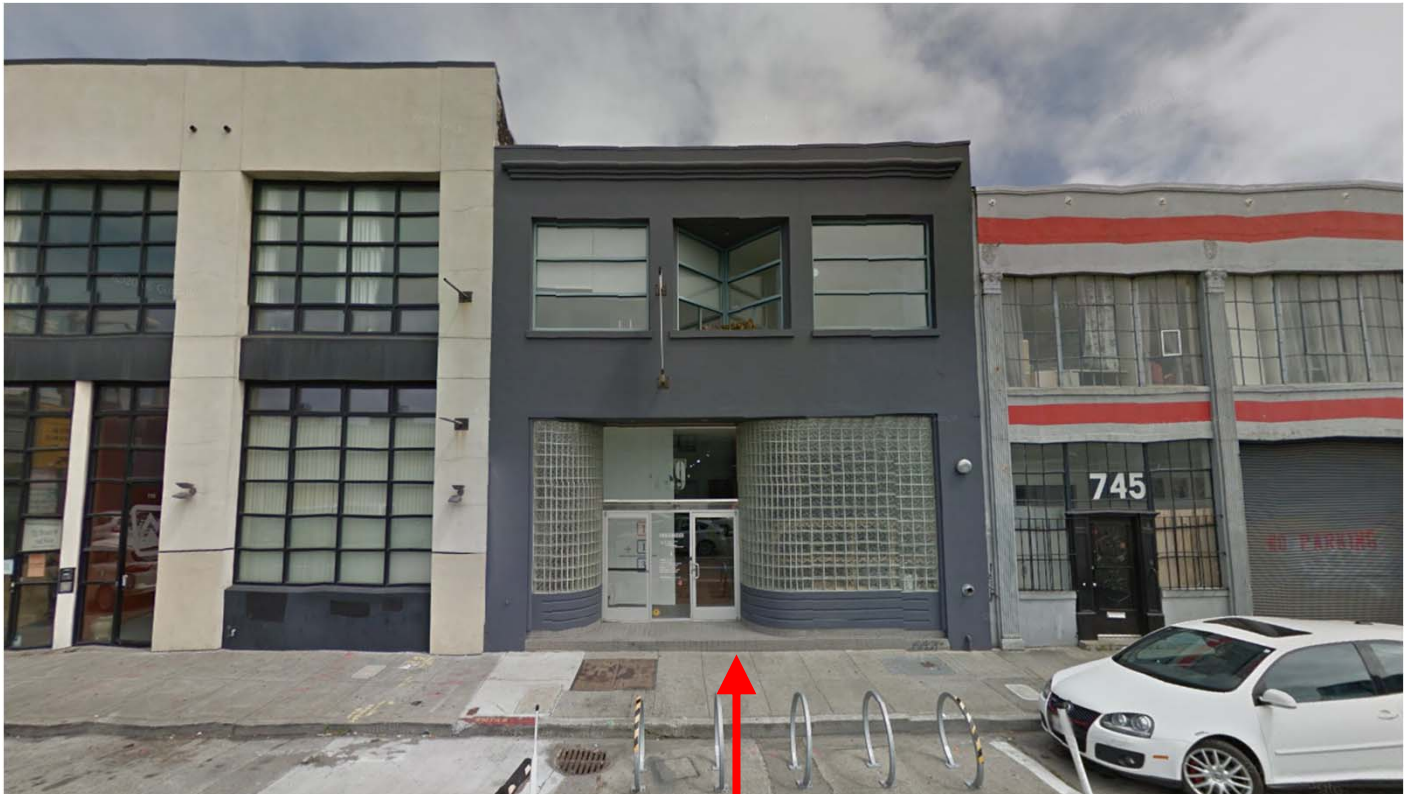


Mandatory Discretionary Review Hearing
December 8, 2016
Case Number 2016-005475DRM
739 Bryant Street

Height and Bulk Map



Site Photo

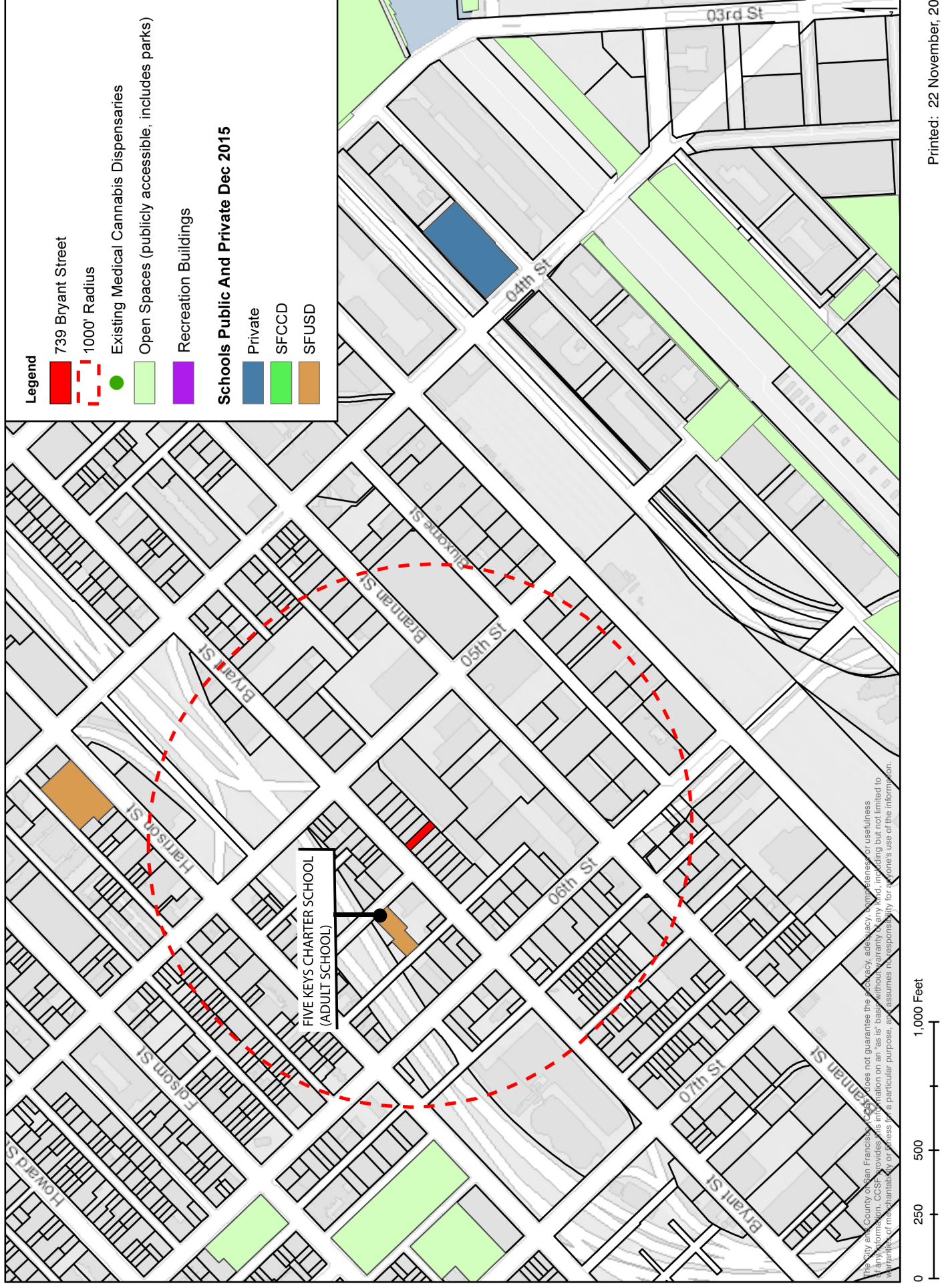


SUBJECT PROPERTY

Site Photo



1000' Radius Map for 739 Bryant Street





SAN FRANCISCO PLANNING DEPARTMENT

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

NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, December 8, 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:	739 Bryant Street	Case No.:	2016-005475DRM
Cross Street(s):	Oak Grove Street	Building Permit:	2016.05.09.6943
Block /Lot No.:	3778 / 046A	Applicant:	Steve Kuryatnik
Zoning District(s):	SALI / 40-X, 55-X	Telephone:	(415) 793 - 5654
Area Plan:	West & Central SOMA, SOMA	E-Mail:	skuryatnik@yahoo.com
PROJECT DESCRIPTION			
<p>The Request is for a Mandatory Discretionary Review of an application for a change of use from Office to a Medical Cannabis Dispensary (MCD) at the second story. The MCD is proposed for delivery only, and will not be open to the public. The associated Building Permit Application 2016.05.09.6943 is for change of use only. No interior or exterior alterations are proposed.</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 and Department recommendation of the proposed project will be available prior to the hearing through the Planning Commission agenda at: http://www.sf-planning.org or by request at the Planning Department office located at 1650 Mission Street, 4th Floor.</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: Jeffrey Speirs Telephone: (415) 575-9106 E-Mail: jeffrey.speirs@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.

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. 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.

APPLICATION TO OPERATE A Medical Cannabis Dispensary

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Marilyn Yu	
PROPERTY OWNER'S ADDRESS: 739 Bryant St SF Ca 94107	TELEPHONE: (415) 317 5905
	EMAIL: marilyn@shared-sf.com

APPLICANT'S NAME: Steve Kuryatnik		Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS: 540 Scott St SF Ca 94117	TELEPHONE: 415 793 5654	EMAIL: skuryatnik@yahoo.com

CONTACT FOR PROJECT INFORMATION: Steve Kuryatnik		Same as Above <input type="checkbox"/>
ADDRESS: 540 Scott St SF Ca 94117	TELEPHONE: (415) 793 5654	EMAIL: skuryatnik@yahoo.com

2. Location and Dispensary Information

STREET ADDRESS OF PROJECT: 739 Bryant St SF Ca	ZIP CODE: 94107
CROSS STREETS: 8th	

ASSESSORS BLOCK/LOT: 3778/046A /	ZONING DISTRICT: SALI
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DISPENSARY SQ. FT.: 200	SQ. FT. ACCESSIBLE TO PATRONS: 0	FLOOR ON WHICH DISPENSARY IS LOCATED:.. 2nd
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PROPOSED BUSINESS NAME (IF KNOWN): Four Seasons Care Center
PRESENT OR PREVIOUS USE: Office

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.



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.



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.



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

Applicants Statements:

Four Seasons Care Center (FSCC) will operate on a not-for-profit basis as a delivery only medical cannabis dispensary. Aiming to bring the highest quality medical cannabis to our patient members who live in San Francisco. The City of San Francisco severely restricts where medical cannabis dispensaries are able to locate which leaves large parts of the city underserved. FSCC will prioritize underserved neighborhoods that lack brick and mortar dispensaries which in turn leave many SF residents without reliable and safe access to high quality medical cannabis.

Mission Statement - To provide safe and reliable delivery of the highest quality medical cannabis to San Francisco patients.

- **Highest Quality Medical Cannabis** - FSCC will be dedicated to sourcing the highest quality medicine for our patients. Working with SC Laboratories we test our entire selection of medical cannabis products and post the results on our website for our patient's reference. SC Labs is a national leader in the field of cannabis science. Founded in 2010, they are one of the first institutions to promote cannabis safety through education, testing, and certification. At SC Labs, they encourage consumer confidence through state of the art cannabis testing and analysis. They strongly believe that patients, caregivers, and providers are entitled to accurate labelling of their medicine. Our testing methods are the product of rigorous peer review and are consistent with FDA, ELAP, and EPA guidelines.
- **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. We have chose to work with Webjoint, a software tracking system developed specifically for the needs of the medical cannabis industry. The software system is designed to cover patient management (doctors recommendation), inventory control, point of sales, and delivery tracking

- **Highest Quality Medical Cannabis** - FSCC will be dedicated to sourcing the highest quality medicine for our patients. Working with SC Laboratories we test our entire selection of medical cannabis products and post the results on our website for our patient's reference. SC Labs is a national leader in the field of cannabis science. Founded in 2010, They are one of the first institutions to promote cannabis safety through education, testing, and certification. At SC Labs, they encourage consumer confidence through state of the art cannabis testing and analysis. They strongly believe that patients, caregivers, and providers are entitled to accurate labelling of their medicine. Our testing methods are the product of rigorous peer review and are consistent with FDA, ELAP, and EPA guidelines.
- **Responsible Delivery** - FSCC is strategically located next to the San Francisco Flower Mart where deliveries are being allocated daily. The location will ensure an easy route for our drivers to reach any part of the city with ease. We are also utilizing the Bay Area Medical Cannabis Entrepreneurs for Safety and Policy standards for our delivery staff.
- **Need for Permitted delivery service in San Francisco** - A report by the planning department from 2014 notes that nearly 50% of SF residents travel an average distance of 3 or more miles to their MCD of choice. The report further states, "We know that navigating even a relatively short distance of three or four miles can become costly and time consuming task in the city of San Francisco in the city of San Francisco. Nearly one third of SF respondents, 32.95% rely on public transportation to travel, while another large chunk, 23.95% travel by car. This indicates that at least 56.8% of SF respondents do not live within walking distance of an MCD. 61.74% of SF Respondents make a trip to an MCD every other day... these figures combined paint a picture of San Francisco patients with a great need for expanded access to cannabis." "There are vast areas of our city with no public, city permitted MCD's where thousands of patients, many of which suffer from chronic pain and mobility barriers live.... This is a disabled access concern." The patients of San Francisco are in need of a reliable delivery service with high quality, laboratory tested medicine.

- **Neighborhood Outreach** - Community Outreach is an integral part to the success of the district. We plan to participate in community events and meetings, helping build strong relationships with fellow business owners and residents. We will listen to others views, issues, hopes and concerns of all those involved in the planning and process. We will strive to keep our neighborhood safe. We want to have an open dialogue with the neighbors about our intentions and will assure that we provide you with accurate information about Four Seasons Care Center. Our aim is to help provide support for the ongoing homeless due to the lack of affordable housing especially in the South of Market District. We have an ongoing communication with various residents and organizations in the district to help create open communication and mutually supportive relationships targeting the homeless crisis. With hopes of working with organizations through volunteering and philanthropic attributes that provide help and care for the growing homeless population of San Francisco's affordable housing.

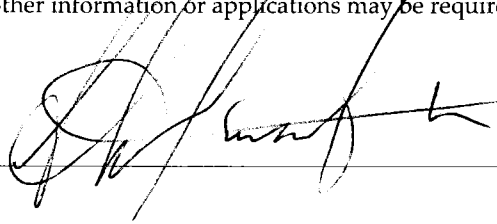
CASE NUMBER:
For Staff Use only

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: _____

5-9-16

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

Steve Kuryatnik

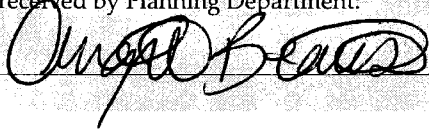
☒ Owner

☐ Authorized Agent (circle one)

For Department Use Only

Application received by Planning Department:

By: _____



Date: _____

7/26/16



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 Director

Medical Cannabis Dispensary Planning Referral

For Health Department Use Only

Date of Application: 12-28-15 Date to Zoning: 4/26/16
Inspector: Douglas Ooana Telephone: 415-252-3993

To be Completed by Applicant

Dispensary DBA: Four Seasons Care Center, Inc.
Address: 739 Bryant St. Zip: 94107
Existing Business Use: Office
Change of Ownership: ☐ Yes ☒ No 2016-005475 MIS
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: 1200 sq ft

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.

SE
Applicant's Name: Steve Kuryatnik
Mailing Address: 540 Scott St. #4, SF, Ca 94117
City, State: San Francisco, Ca Zip Code: 94117
Applicant's Contact Number: 415-793-5654

For Department of City Planning Use Only

Zoning: <u>SALT</u>	Block: <u>3778</u>	Lot: <u>046A</u>
Limitations or Conditions (if any):		
Building Permit Application #:		
Planning Case #:		
Approved: _____ (Planner's Signature)	Date: _____	
Disapproved: _____ (Planner's Signature)	Date: _____	



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 Director

Application for Permit to Operate a Medical Cannabis Dispensary

Date of Application: 12-28-15

Dispensary Address: 739 Bryant St.

Zip Code: 94107

Dispensary DBA: Four Seasons Care Center, Inc.

Dispensary Phone #: 415-793-5654

Dispensary Operation Structure: ☒ Nonprofit Collective ☐ Nonprofit Cooperative - must be registered w/ state

Dispensary Owner(s): Steve Kuryatnik, Jeremy Bragg

Legal Ownership Structure: ☒ Nonprofit Corporation* ☐ Corporation* ☐ Sole Proprietor ☐ Partnership

☐ Cooperative* ☐ Other

(*submit a copy of Article of Incorporation)

Applicant/Operator(s) Name*	Age	ID# and ID Type	Address & Contact Number
1. Steve Kuryatnik	41	B8737770	540 Scott St. #4, SF, Ca 94117
Vice President		Ca DL	415-793-5654
(title, if corporate)		(ID type)	
2. Jeremy Bragg	38	B4321580	774 Panorama Dr., SF, Ca 94131
President		Ca DL	415-722-3697
(title, if corporate)		(ID type)	
Manager(s):*			

*Must submit valid proof of medical cannabis patient or caregiver status along with live scan background check form

Note: California fire code requires a Place of Assembly permit if facility can accommodate 50 or more persons.

*Fire referral included in application packet

Cannabis will be (check all that apply): ☐ Grown on site ☐ Smoked on site ☐ Vaporized on site

*Approval for use granted by San Francisco Planning Department

Signature(s) of Applicant(s):

X

X

X

X

For Department of Public Health Office Use Only

Planning Referral:		Fire Dept. Referral:		Background Check:	
Seller's permit #:		DBI Referral:		Bus. Reg. Certification #:	
MOD Referral:		Facility ID#		Permit Revocation Check:	
DPH Hearing Date:		Additional Notes:			



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
Case No.	Permit No.	Plans Dated	
<input 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 (GO TO STEP 7)
Project description for Planning Department approval.			

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
	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.
	Class ___

STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> 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 > CEQA Catex Determination Layers > 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>Mahe program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: 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"/>	Archeological Resources: 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? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</i>
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i>
<input type="checkbox"/>	Slope = or > 20%: 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? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: 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? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: 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? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required.
<u>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.</u>	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

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

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Parcel Information Map)</i>	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. 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. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) 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.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

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

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

<input type="checkbox"/>	<p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p>(Requires approval by Senior Preservation Planner/Preservation Coordinator) _____</p>
<input type="checkbox"/>	<p>10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p style="padding-left: 40px;"> <input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C </p> <p>a. Per HRER dated: _____ (attach HRER)</p> <p>b. Other (specify): _____</p>
<p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p>
<input type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments (optional):</p> 	
<p>Preservation Planner Signature:</p> 	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply):</p> <p style="padding-left: 40px;"> <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review </p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p>			
<input type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Planner Name:</p> <p>Project Approval Action:</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Signature:</p> </td> </tr> </table> <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>		<p>Planner Name:</p> <p>Project Approval Action:</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p>Signature:</p>
<p>Planner Name:</p> <p>Project Approval Action:</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p>Signature:</p> 			

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

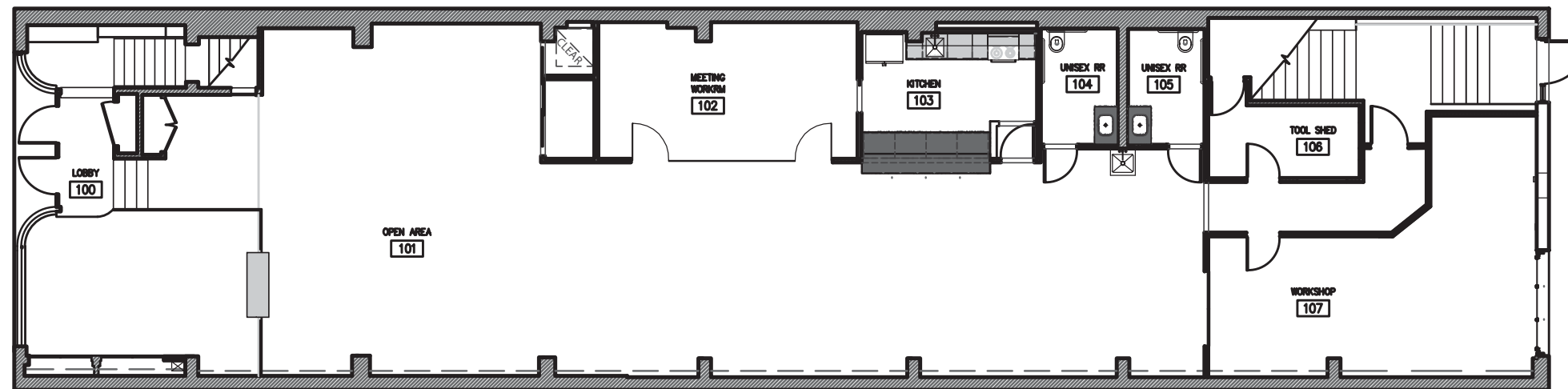
Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

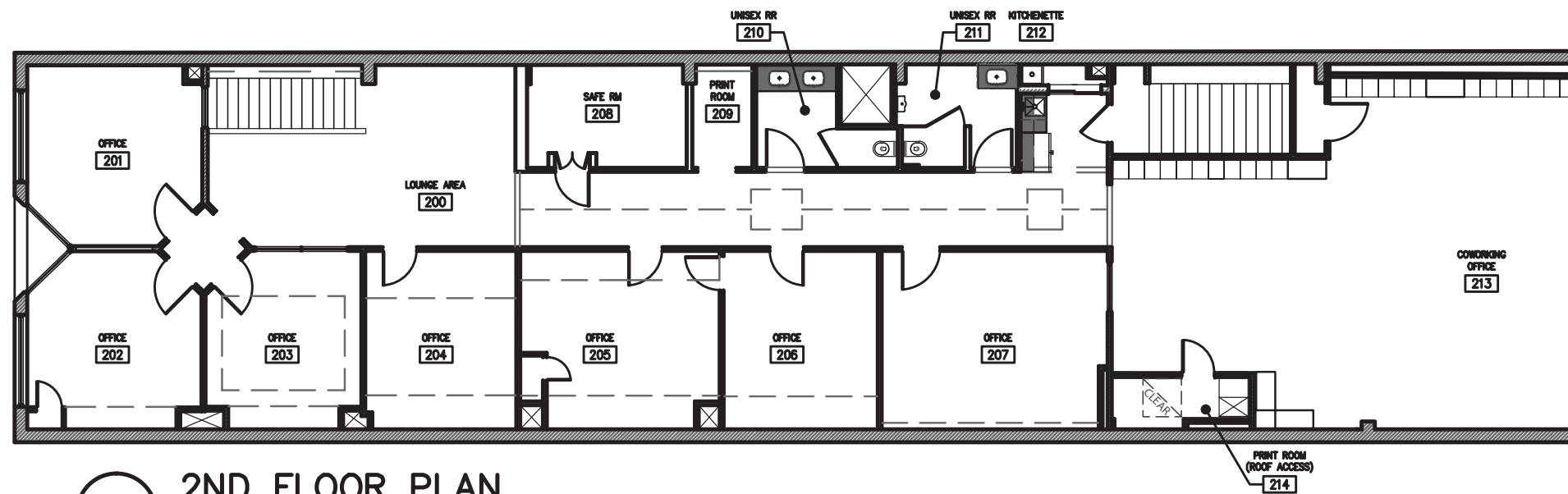
Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input 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.	

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:



1 1ST FLOOR PLAN



2 2ND FLOOR PLAN

objetdesign bill@objetdesign.com 202.841.6660	SHARED-SF	Date: 7-8-15	
	739 BRYANT ST., SAN FRANCISCO, CA		

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