



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis

Medical Cannabis Dispensary

HEARING DATE MARCH 9, 2017

CONTINUED FROM DECEMBER 1, 2016

Date: March 2, 2017
Case No.: **2016-006839DRM**
Project Address: **160 Gilbert Street**
Zoning: SALI (Service/Arts/Light Industrial) Zoning District
40/55-X Height and Bulk District
Block/Lot: 3784/025
Project Sponsor: Brendan Hallinan, Hallinan & Hallinan, PC
345 Franklin Street
San Francisco, CA 94102
Staff Contact: Michael Christensen – (415) 575-8742
Michael.Christensen@sfgov.org
Recommendation: **Take Discretionary Review and Approve with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to establish a new Medical Cannabis Dispensary (MCD) at 160 Gilbert Street (d.b.a. Delta 11), within a vacant warehouse space. The space is approximately 2,000 gsf in size. No parking is required and no physical expansion is proposed for the structure.

This case is to permit the use of the existing single-story warehouse for several MCDs. The front half of the space would remain as storage and loading space while the rear would be partitioned to function as multi-suite and shared work space, with up to four (4) MCDs (collectives) operating out of independently-operated office suites. Each of the suites will serve as the principal place of business for each collective, and activities may include: administration; product development; product packaging; quality control; 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 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).

The proposed hours of operation for the new MCDs are 8 a.m. to 10 p.m., daily. The subject commercial space has approximately 26' of frontage along Gilbert Street at the end of the dead-end street. The project sponsor will maintain full-time security, which includes video cameras.

SITE DESCRIPTION AND PRESENT USE

The project site is a 2,080 sf lot, developed with a one-story warehouse building located on the south side of Gilbert Street, near Brannan Street, in the South of Market neighborhood. The entire building is currently vacant.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The site is located on the south side of Gilbert Street, adjacent to Brannan Street in the Financial District, and is zoned SALI (Service/Arts/Light Industrial). This portion of Gilbert Street dead-ends adjacent to the project site, terminating at a driveway for Ana Furniture. Uses along the block are a mix of residential and light-industrial uses, including a locksmith and the furniture distributor. The site is located very close to local and regional transportation networks including local bus services and the Caltrain 4th and King Station.

The Service/Arts/Light Industrial (SALI) 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 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

- **Project Updates.** This item was heard at the December 1, 2016 Planning Commission hearing. During that hearing, the item was continued with direction to the project sponsor to continue to work with residents along Gilbert Street to address concerns with security, traffic, and parking along Gilbert Street. The project sponsor has reported to have met with the homeowner's association for 161 Gilbert Street and has reached an agreement for operational conditions to address the concerns of neighbors. Staff recommends that the terms of the agreement (attached), be incorporated as Conditions of Approval for the project. Specifically, staff recommends that:
 - Deliveries of products to the site shall be limited to the hours of 10 AM to 2 PM
 - Deliveries of products from the site shall cease no later than 9 PM on Mondays, Tuesdays, and Wednesdays.
 - Security services shall be maintained at 160 Gilbert Street, including alarm, security cameras, and 24-hour response. Up to date contact information for the security service

and for the operators located at 160 Gilbert Street shall be provided to the Homeowner's Association of 161 Gilbert Street.

- The operators located at 160 Gilbert Street shall make reasonable effort to ensure that no loitering and/or smoking occurs in front of or adjacent to 160 Gilbert Street.
 - Operators shall observe all traffic and parking codes at all times, including during deliveries. Operators shall make every effort to have all deliveries utilize the off-street garage spaces.
 - Outgoing bicycle delivery couriers shall walk their bicycles from the site to the intersection of Brannan Street and Gilbert Street before proceeding on bicycle.
 - No exterior branding or signage shall be added to the site, except any signage required for compliance with any city and county, state, or federal regulation.
 - Exterior lighting shall turn on automatically after sunset.
- **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 160 Gilbert Street, multi-office MCD project will afford small collectives, delivery services, and research and development groups the much desired opportunity to comply with the SF Health Code and operate legally and under the SFDPH supervision. Each 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 facility is being designed to be a hub for innovation and collaboration in the medical cannabis space consistent with the current business and technology culture of San Francisco.

- **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.
- **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 offices are designed for administration only during normal business hours.
- **Traffic Impact.** The proposed collectives will not be utilizing a dedicated on-street parking space for pick up and/or delivery point for medical marijuana. In order to avoid any negative traffic impact around the project site, the landlord will require, through a lease agreement with each of the collectives, that delivery drivers be required to pick up and/or drop off their medical cannabis inventory in the morning (before 9:00 AM) and in the evening (after 6:00 PM) only. During the hours of 9:00 AM through 6:00 PM, the collectives will be using the MCD space for only for the following activities: administration; product development; product packaging; quality control; storage; and compliance inspections by SFPD. Additionally, because the MCDs are 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. To further limit potential traffic impact, the project sponsor has discussed further limitations on hours of deliveries, which staff has proposed as Conditions of Approval, as detailed on pages two and three of this report.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	30 days	November 1, 2016	October 31, 2016	31 days
Mailed Notice	30 days	November 1, 2016	November 1, 2016	30 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	-	2	-
Other neighbors on the block or directly across the street	-	-	-
Neighborhood groups or others	-	-	-

The Department has received two inquiries from the public regarding the proposed MCD with one adjacent neighbor expressing general opposition to the project. One letter of opposition was submitted to

Department staff and is included in this packet. No additional comments were received since the December 1, 2016 Planning Commission hearing.

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 ground 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 bicycle and electric scooters for deliveries, reducing potential impact on neighborhood parking and traffic.

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 is well served by public transit (including MUNI service, BART, Caltrain, etc.).
- 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 SFDPH 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.
4. Deliveries of products to the site shall be limited to the hours of 10 AM to 2 PM. After January 1st, 2018, the hours of deliveries may be modified by the Zoning Administrator if the operators of the site demonstrate that they are not able to procure a licensed delivery service to deliver products during the site between 10AM and 2PM.
5. Deliveries of products from the site shall cease no later than 9 PM on Mondays, Tuesdays, and Wednesdays.
6. Security services shall be maintained at 160 Gilbert Street, including alarm, security cameras, and 24-hour response. Up to date contact information for the security service and for the operators located at 160 Gilbert Street shall be provided to the Homeowner's Association of 161 Gilbert Street.
7. The operators located at 160 Gilbert Street shall make reasonable effort to ensure that no loitering and/or smoking occurs in front of or adjacent to 160 Gilbert Street.
8. Operators shall observe all traffic and parking codes at all times, including during deliveries. Operators shall make every effort to have all deliveries utilize the off-street garage spaces.
9. Outgoing bicycle delivery couriers shall walk their bicycles from the site to the intersection of Brannan Street and Gilbert Street before proceeding on bicycle.

10. No exterior branding or signage shall be added to the site, except any signage required for compliance with any city and county, state, or federal regulation.
11. Exterior lighting shall turn on automatically after sunset.

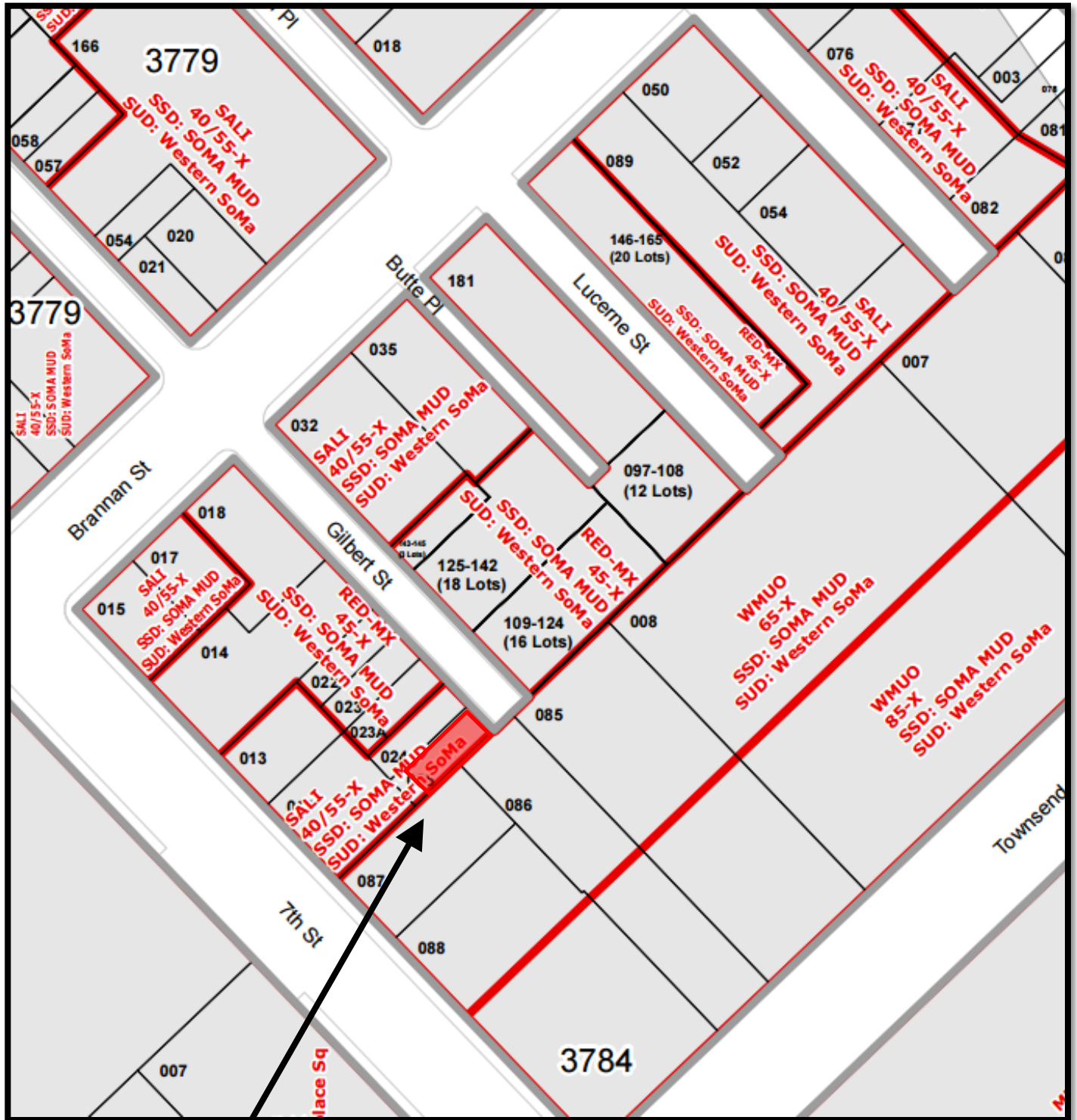
RECOMMENDATION

RECOMMENDATION: Take Discretionary Review and Approve with Conditions
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Attachments:

Parcel Map
Sanborn Map
Zoning Map
Height & Bulk Map
Aerial Photograph
Site Photographs
1,000' ArcView GIS Map
MCD DR Notice
Applicant's MCD Application
SFDPH Application
Public Comment
Floor Plans
Environmental Evaluation
Project Sponsor Notes from Neighborhood Meeting

Parcel Map



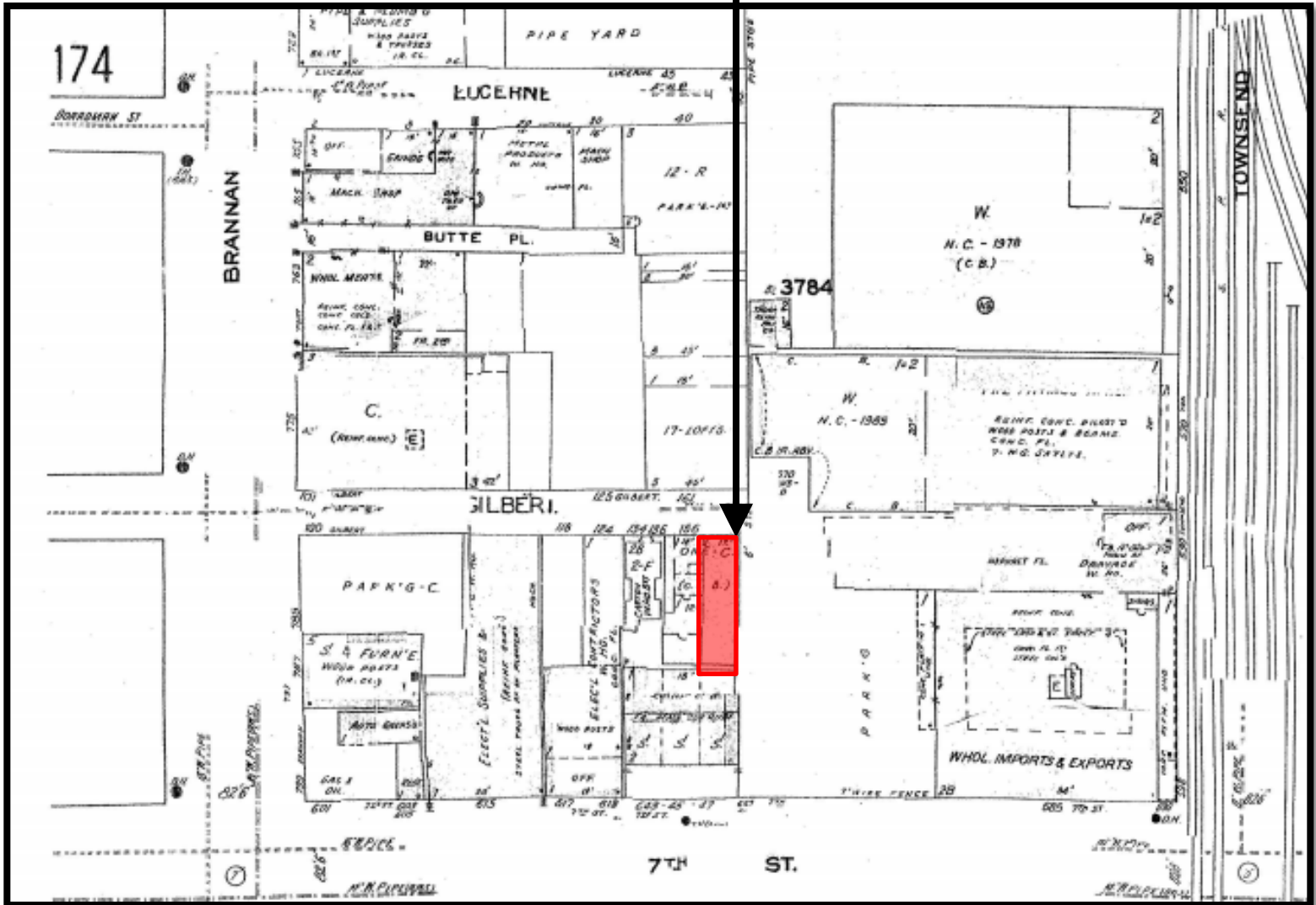
SUBJECT PROPERTY



Mandatory Discretionary Review Hearing
Case Number 2016-006839DRM
160 Gilbert Street

Sanborn Map*

SUBJECT PROPERTY

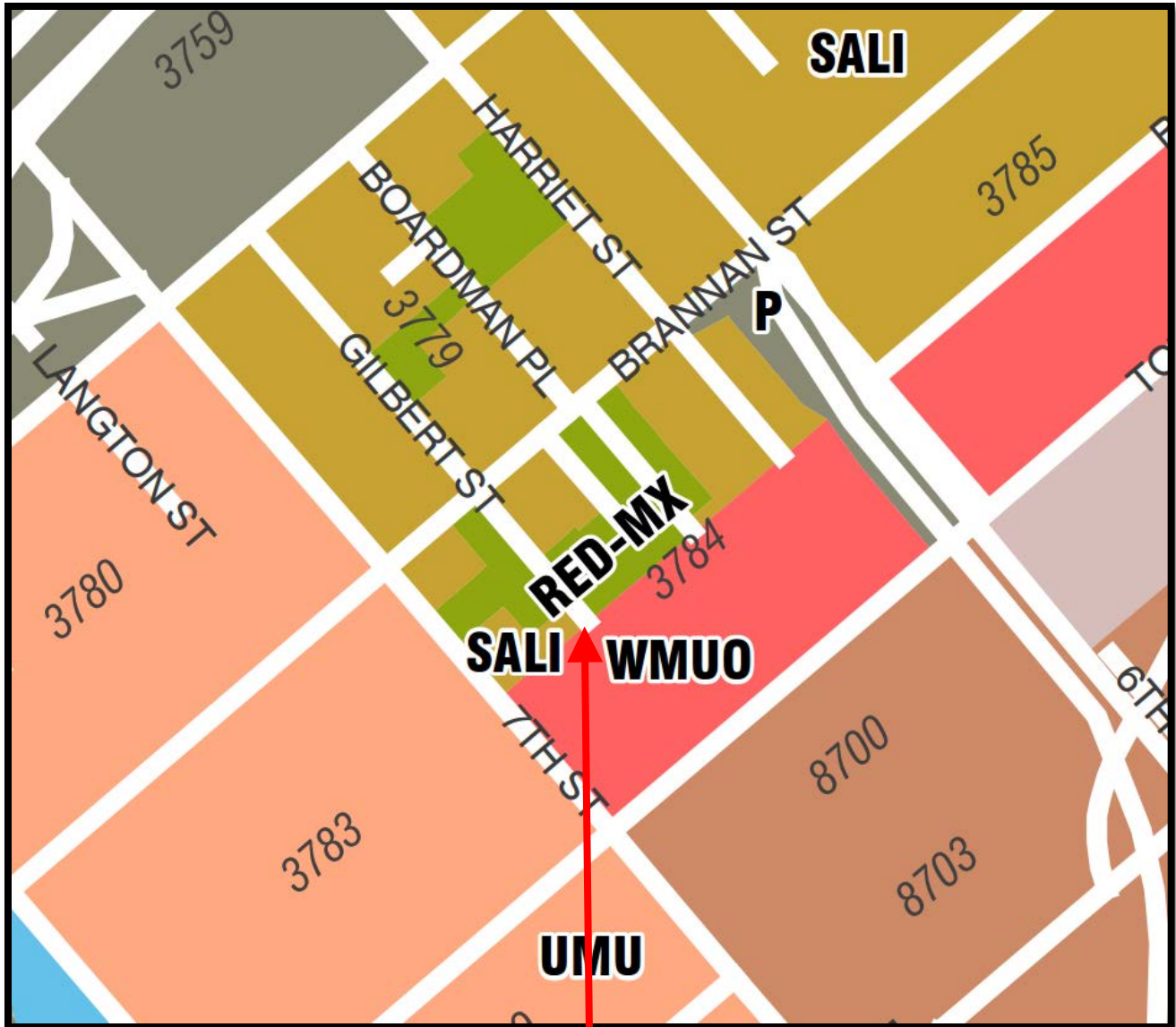


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Mandatory Discretionary Review Hearing
Case Number 2016-006839DRM
160 Gilbert Street

Zoning Map

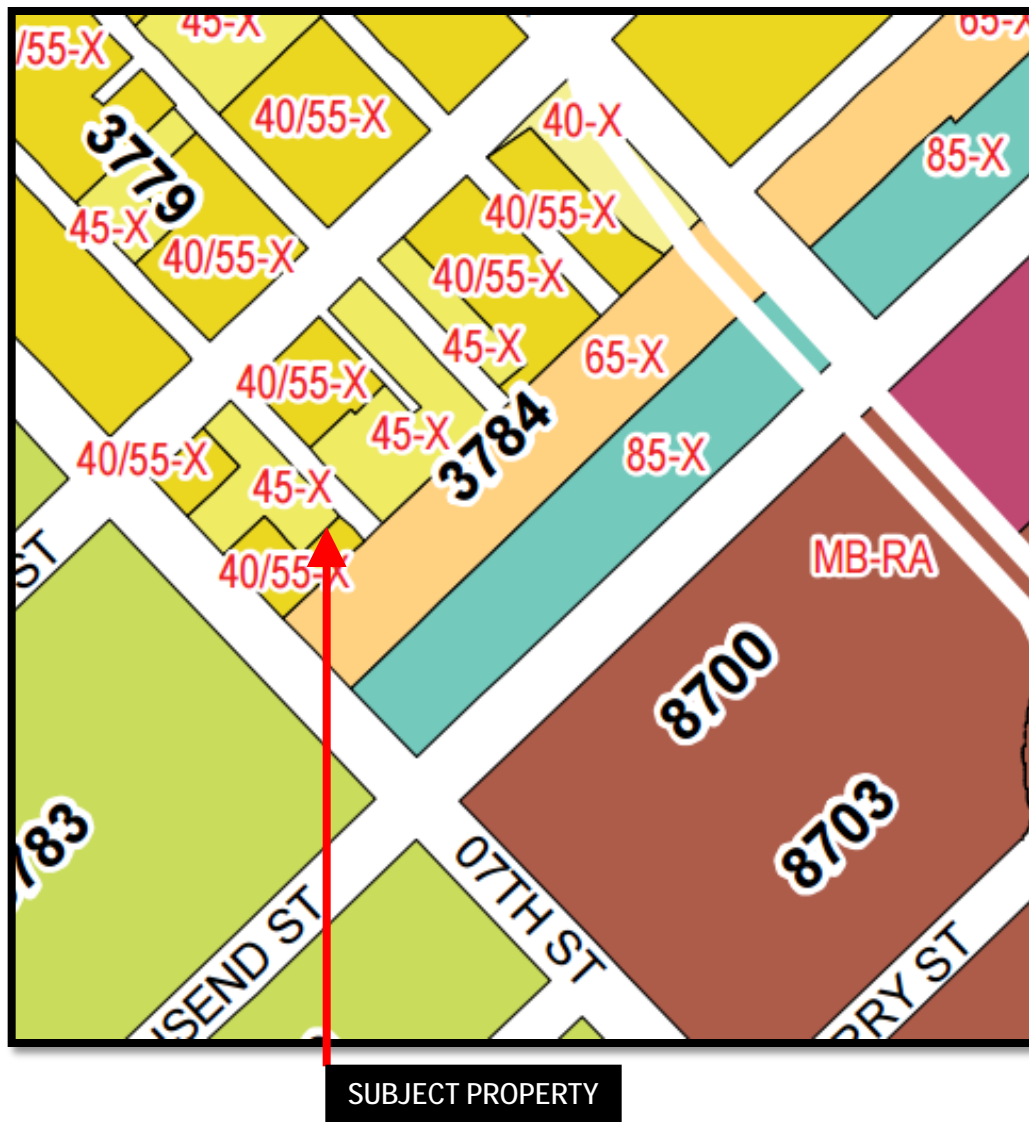


SUBJECT PROPERTY



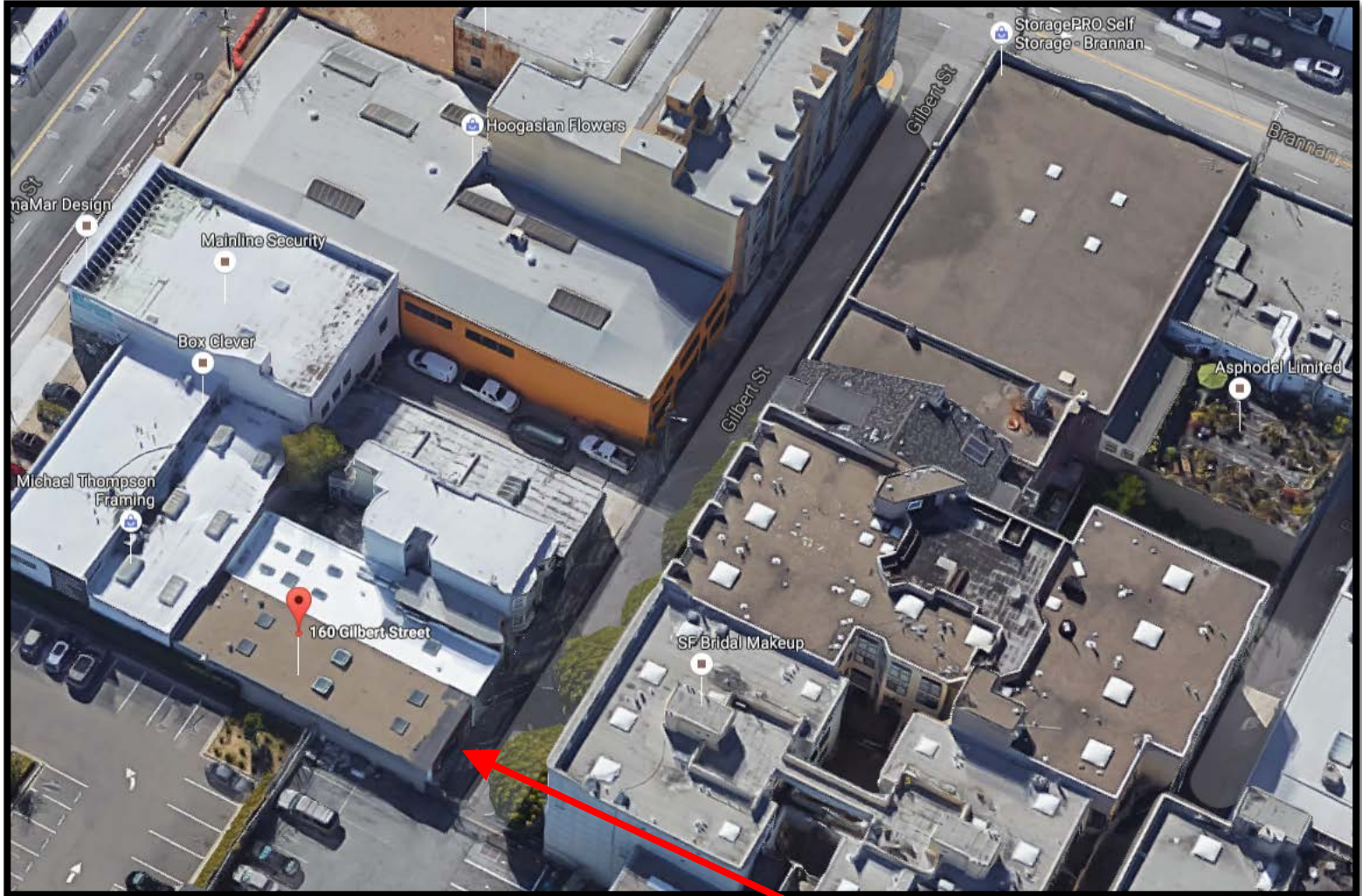
Mandatory Discretionary Review Hearing
Case Number 2016-006839DRM
160 Gilbert Street

Height & Bulk Map



Mandatory Discretionary Review Hearing
Case Number 2016-006839DRM
160 Gilbert Street

Aerial Photo



SUBJECT PROPERTY

Mandatory Discretionary Review Hearing
Case Number 2016-006839DRM
160 Gilbert Street

Site Photo



160 Gilbert Street (Google Maps, May 2016)

Mandatory Discretionary Review Hearing
Case Number 2016-006839DRM
160 Gilbert Street

MCD Map: 160 Gilbert Street (Case No. 2016-006839DRM)





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 1, 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: 160 Gilbert Street	Case No.: 2016-006839DRM
Cross Street(s): Brannan Street	Building Permit: 2016.05.05.6621
Block /Lot No.: 3784 / 025	Applicant: Brendan Hallinan
Zoning District(s): SALI / 40/55-X	Telephone: (415) 863-1520
Area Plan: WESTERN SOMA	E-Mail: <u>Brendan@hallinan-law.com</u>

PROJECT DESCRIPTION

The Request is for a Mandatory Discretionary Review of an application to allow for a Medical Cannabis Dispensary (MCD) to operate at the subject property. The Project Sponsor seeks to develop four office suites within an existing one-story warehouse building for multiple medical cannabis businesses (collectives). Each of the suites will serve as the principal place of business for each collective, and activities may include: administration; product development; product packaging; quality control; storage; and compliance inspections by the San Francisco Department of Public Health (SFPDH). 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 SFPDH will be at the subject property on a day-to-day basis. No cannabis plants would be cultivated on-site, and edible medical cannabis products would not be prepared on site. Additionally, no on-site medication of medical cannabis (e.g. smoking, vaporizing, and consumption of medical cannabis edibles) would be permitted.

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

ADDITIONAL INFORMATION

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

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

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Michael Christensen** Tel.: **(415) 575-8742** E-Mail: **michael.christensen@sfgov.org**

Date: **November 1, 2016**

The attached notice is provided under the Planning Code. It concerns property located at **160 Gilbert Street(2016-006839DRM) ~ M. Christensen**. A hearing may occur, a right to request review may expire or a development approval may become final unless appealed by **December 1, 2016**.

To obtain information about this notice in Spanish, Tagalog or Chinese, please call (415) 575-9010. Please be advised that the Planning Department will require at least one business day to respond to any call.

附上的是三藩市城市規劃局的通告。

此通告是與位於 **160 Gilbert Street(2016-006839DRM) ~ M. Christensen** 的建築計劃有關。如果在 **December 1, 2016** 之前沒有人申請聽證會來檢討這一個建築計劃,這計劃可會被核准。

如果你需要用華語獲得關於這通告的細節,請電 415-575-9010, 然後, 請按 “8” 及留言。

規劃部門將需要至少一個工作天回應。華語資料提供只是城市規劃局的一項服務, 此項服務不會提供額外的權利或延伸任何要求檢討的期限。

El documento adjunto es referente a la siguiente dirección: **160 Gilbert Street(2016-006839DRM) ~ M. Christensen**. Es un requisito del Código de Planeamiento (Planning Code). La posibilidad de una audiencia puede ocurrir. El derecho para revisar el archivo de este proyecto puede expirar o una decisión puede ser final si usted no presenta un documento de apelación antes de: **December 1, 2016**.

Para obtener más información en Español acerca de este proyecto, llame al siguiente telefono (415) 575-9010. Por favor tome en cuenta que le contestaremos su llamada en un periodo de 24 horas. El servicio en Español es proporcionado por el Departamento de Planeamiento (Planning Department) de la ciudad de San Francisco. Eso no garantiza ningun derecho adicional o extensión del tiempo requerido por la ley.

Ang nakalakip na paunawa ay ibinibigay alinsunod sa Planning Code. Tinatalakay nito ang propyedad na matatagpuan sa **160 Gilbert Street(2016-006839DRM) ~ M. Christensen**. Maaring may paglilitis na mangyayari, may mapapasong paghiling ng isang pagrerepaso (review), o ang na-aprohang pagpapatayo ay malapit nang ipagtibay sa **December 1, 2016**.

Para humiling ng impormasyon tungkol sa paunawang ito sa Tagalog, paki tawagan ang (415) 575-9121. Mangyaring tandaan na mangangailangan ang Planning Department ng dikukulangin sa isang araw ng pangangalakal para makasagot sa anumang tawag.

CASE NUMBER:
For Staff Use only

2016-006839DRM

APPLICATION TO OPERATE A Medical Cannabis Dispensary

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: CK Gilbert, LLC	
PROPERTY OWNER'S ADDRESS: 225 Ranchito Lane San Luis Obispo, CA 93401	TELEPHONE: (415) EMAIL: Keith

APPLICANT'S NAME: Delta II, Inc. Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS: 25 Truman Dr. Novato, CA 94947-7405	TELEPHONE: () EMAIL: alex.boggio@yahoo.com

CONTACT FOR PROJECT INFORMATION: Brendan Hallinan Same as Above <input type="checkbox"/>	
ADDRESS: 345 Franklin St. SF CA 94102	TELEPHONE: (415) 863-1520 EMAIL: brendan@hallinan-law.com

2. Location and Dispensary Information

STREET ADDRESS OF PROJECT: 160 Gilbert Street	ZIP CODE: 94103
CROSS STREETS: 7th Street	

ASSESSORS BLOCK/LOT: 3784 1025	ZONING DISTRICT: SAL1
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DISPENSARY SQ FT: 2080	SQ FT. ACCESSIBLE TO PATRONS: ⊖	FLOOR ON WHICH DISPENSARY IS LOCATED: GROUND
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PROPOSED BUSINESS NAME (IF KNOWN): DELTA II + TBD
PRESENT OR PREVIOUS USE: OFFICE / WAREHOUSE

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.	YBH
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.	YBH
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.	YBH

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?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> 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. <small>(Note that Planning Code standards may prohibit [1] the dedication of more than 1/4 of the total floor area of the dispensary for the production of food and/or [2] the off-site dispensing of any products that are made on-site. Also please note that if food is provided or produced, additional permits will be required from the Department of Public Health.)</small>	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> Dispensing <input type="checkbox"/> Production SQ FT <input type="text"/>
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. <small>(Note that additional safety measures may be required. Consult with the Department of Public Health regarding the use and storage of chemicals associated with the growing process and with the Department of Building Inspection regarding associated building safety issues. Also note that the Planning Code may prohibit the use of more than 1/4 of the total area of the dispensary for such purpose.)</small>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES SQ FT <input type="text"/>
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. <small>(Note that any off-site growing facility located in San Francisco must be properly permitted under applicable state and local law.)</small>	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> Within San Francisco <input checked="" type="checkbox"/> Outside San Francisco

160 Gilbert Street MCD Application

Project Description

This application seeks to use the ground floor of 160 Gilbert Street as a multi-tenant work space which is similar and compatible to existing offices used in the south of market district. The project applicant intends to build 4 individual MCD office suites which will be used for storage, packaging, quality control, product development, administration, record-keeping, and compliance inspections by the Department of Public Health. The facility will not serve as a pick up or delivery point for medical marijuana patients. In fact, **it will be prohibited for any off the tenants to offer on-site distribution of medical cannabis and the office suites will not be open to the public at any time.** Only SFDPH registered managers and employees will be at the project site on a day to day basis. Additionally, there will be no manufacturing, cultivation, or consumption of cannabis allowed on-site at 160 Gilbert Street.

Traffic Impact

The 160 Gilbert Street facility is a converted warehouse and the floor plan was designed to have ample space for the delivery drivers to pull into the facility. The operators primarily intend to use traditional or electric bicycles to make their deliveries. There will be limited access to automobiles. Providing delivery by means of bicycles and/or scooters will prevent any impact on traffic in the City.

Clustering and Neighborhood Impact

Although the SF 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 MCDs will not be open to the public and will not provide on-site distribution there will be no increase in the intensity of traffic, employees, or customers and therefore none of the issues that clustering could potentially create exist with this project. Furthermore, the offices are designed for administration only during normal business hours.

Accessibility Requirements

All of the units will be exempt from the Accessibility Requirements of the Medical Cannabis Act because none of the tenants will offer on site distribution or consumption of medical cannabis. **Section 3308 (Y)(5)** of the SF Medical Cannabis Act specifically states 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 this **subsection 3308(Y).**" However, the facility does have a large, fully operational elevator and the bathrooms that will be wheel chair accessible and ADA compliant.

Hours of Operation

The collectives will not be using the space for pick up and/or delivery point for medical marijuana during normal business hours. In order to avoid any negative traffic impact around the project site, the landlord is required in the lease agreement delivery drivers will be required to pick up and/or drop off their medical cannabis inventory in the morning before 9am and after 6pm. During the hours of 9am-6pm hours the collectives will be

using the facility primarily as their business offices for dispatch, admin, preparation, record keeping, and inspections. Additionally patients-members (patrons) will not be coming to the project site because medicine will not be available to them on site. Because of this we do not anticipate any negative impact on traffic on the streets surrounding the project site.

Conclusion

The 160 Gilbert Street, delivery only MCD project will permit four additional delivery services in San Francisco which will comply with the SF Health Code and operate legally and under the DPH supervision. Each applicant and will be apply for California state licenses in 2018 and will operate in full compliance with State and Local laws including tax compliance, non-profit operation, background checks and annual compliance inspections.

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;

The proposed use will provide an opportunity for resident employment.
The MCD is projected to employ 15-20 residents. No neighborhood-serving business will be displaced.

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

The proposed MCD use has no impact on housing and the project was designed to make no physical alteration to the exterior facade of the building and will have no impact on cultural and economic diversity of the neighborhood.

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

The project will not affect the City's supply of affordable housing.

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

The facility will not be open to the public and will not create traffic impact. Deliveries are going to be done primarily by bicycle, electric bicycle or scooter. The facility has off street parking for employees and there will be no need for additional on street parking.

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

The proposed use is on the ground floor and will enhance future opportunity for resident employment and ownership. The use is a diverse economic use which protects service sectors employment.

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

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

7. That landmarks and historic buildings be preserved; and

There are no exterior alterations as a part of this project. There will be no impact on the SOMA district.

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

The proposed project has no effect on this policy as there is no new construction or expansion of the subject property.

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: Brendan Hallinan

Date: 5.24.2016

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

Brendan Hallinan

Owner ☒ Authorized Agent (circle one)

For Department Use Only

Application received by Planning Department:

By: [Signature]

Date: 5/24/16



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, MPA, Acting Environmental Health Director

RECEIVED

Medical Cannabis Dispensary Planning Referral

JUN 7 2016

For Health Department Use Only		CITY & COUNTY OF S.F. PLANNING DEPARTMENT NEIGHBORHOOD PLANNING
Date of Application:		Date to Zoning:
Inspector: <u>Ryan Clausen</u>		Telephone: 415-252-3856

To be Completed by Applicant:

Dispensary DBA: Delta II
Address: 160 Gilbert St. Zip: 94103
Existing Business Use: Office
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: 2080

2016-007489 MIS

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.

Applicant's Name: Alessandro Boggio / Delta II, Inc
Mailing Address: 25 Truman Dr.
City, State: Novato, CA Zip Code: 94947
Applicant's Contact Number: _____

SE

For Department of City Planning Use Only		
Zoning: <u>SALI</u>	Block: <u>3784</u>	Lot: <u>025</u>
Limitations or Conditions (if any):		
Building Permit Application #:		
Planning Case #:		
Approved: _____	Date: _____	
(Planner's Signature)		
Disapproved: _____	Date: _____	
(Planner's Signature)		



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: 5.24.2016
Dispensary Address: 160 Gilbert St. Zip Code: 94103
Dispensary DBA: Delta II Dispensary Phone #: _____
Dispensary Operation Structure: ☒ Nonprofit Collective ☐ Nonprofit Cooperative - must be registered w/ state
Dispensary Owner(s): Delta II, Inc.
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. <u>Alessandro Boggio</u>			
(title, if corporate)		(ID type)	
2. _____			
(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 pocket

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):

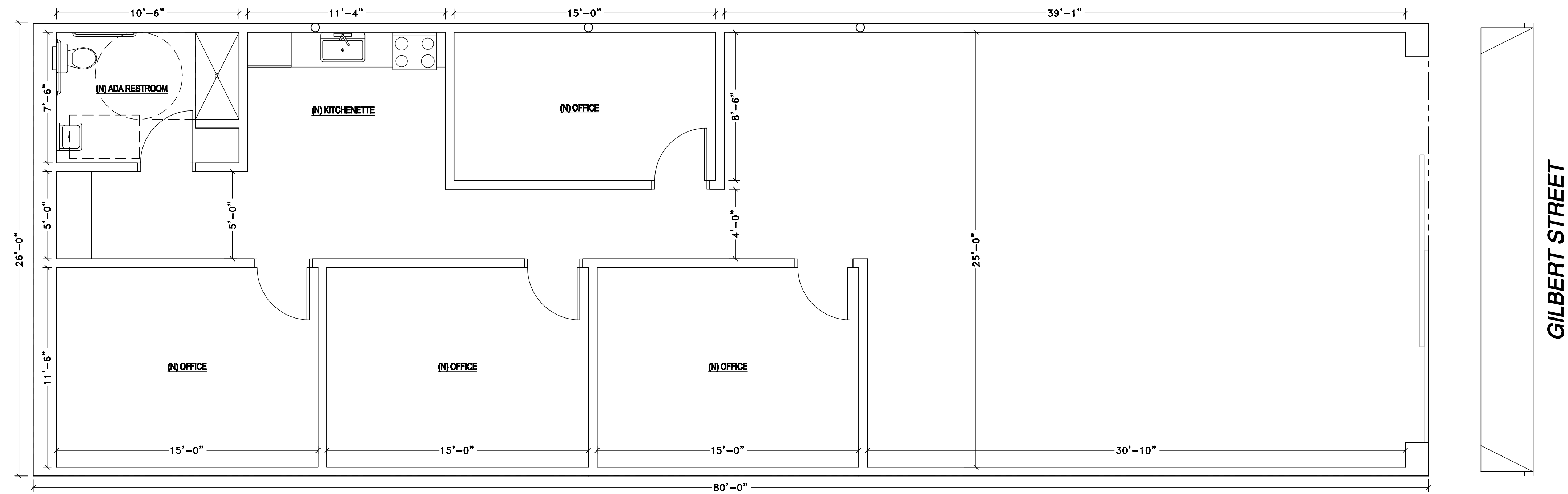
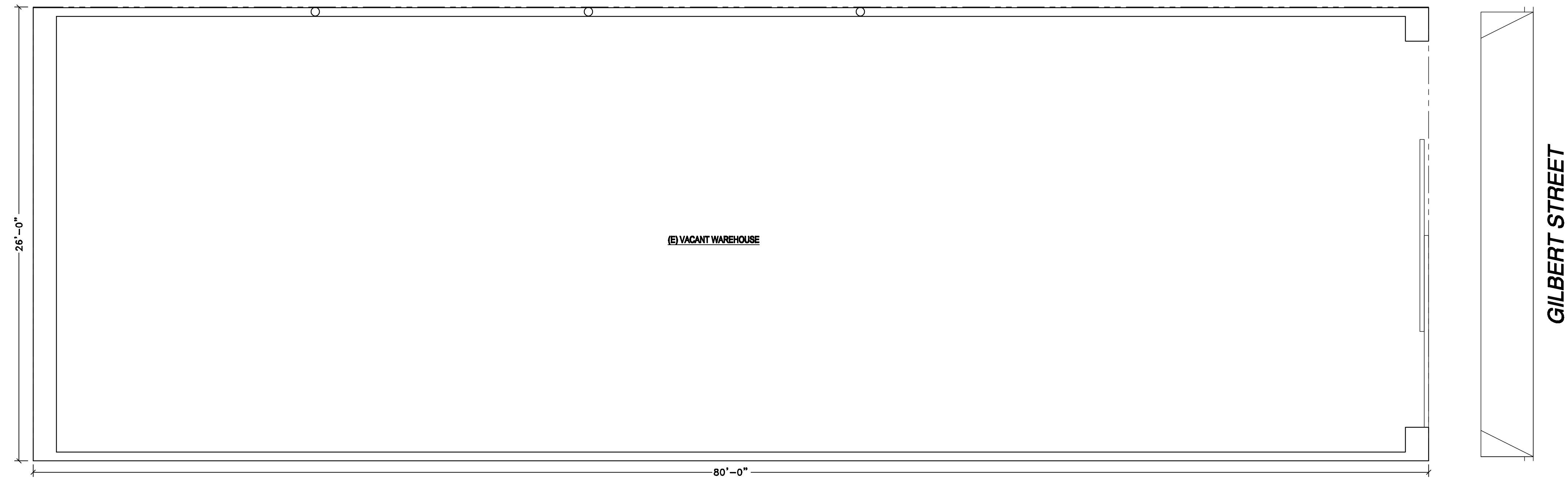
X [Signature]

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:			



REVISIONS	

BANA INC.
71 BLAKE STREET
SAN FRANCISCO, CA 94118
TEL. 415-752-2824

160 GILBERT STREET
SAN FRANCISCO CA 94103

EXISTING AND PROPOSED FLOOR PLANS

DATE: 04/21/2016

SALE: AS NOTED

HEET:

A1



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
160 Gilbert Street		3784/025	
Case No.	Permit No.	Plans Dated	
2016-006839DRM	2015.05.05.6621	6/7/2016	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Change of use from warehouse to a delivery-only medical cannabis dispensary.			

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

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

STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <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>Maher 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u>	
<input checked="" 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): Michael Christensen <div style="float: right; font-size: small;"> Digitally signed by Michael Christensen DN: cn=Michael Christensen, o=City and County of San Francisco, ou=Southeast Quadrant, email=Michael.Christensen@sf.gov.org, c=US Date: 2016.11.17 14:24:19 -0800 </div>	

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" 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 style="padding-left: 40px;">a. Per HRER dated: _____ (attach HRER)</p> <p style="padding-left: 40px;">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 checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>	
	<p>Planner Name: Michael Christensen</p>	<p>Signature:</p>
	<p>Project Approval Action:</p> <p style="padding-left: 20px;">Planning Commission Hearing</p> <p style="font-size: small;">If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p style="font-size: 2em; margin: 0;">Michael Christensen</p> <p style="font-size: small; margin-top: 10px;">Digitally signed by Michael Christensen DN: cn=Michael Christensen, o=City and County of San Francisco, ou=Southeast Quadrant, email=michael.christensen@sfgov.org, c=US Date: 2016.11.17 14:24:04 -08'00'</p>
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>		

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. ATEX FORM	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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

Public Comments Received

Dear Mr. Christensen:

I'm the owner of a live/work loft at 161 Gilbert St. #10. I've owned the loft since April 2000. I strongly object to the application for a Medical Cannabis Dispensary to be located at 160 Gilbert St. This portion of Gilbert St. is primarily residential and is a dead end street. The proposed dispensary would be located at the end of the dead end street, which is already difficult to negotiate when autos and trucks have to turn around because there's no exit at this location. The entrance to the loft garage is directly across the street from the proposed dispensary driveway. Incoming delivery vehicles supplying the dispensary and outgoing deliveries to dispensary customers will cause further unacceptable congestion and unsafe conditions for this already narrow and difficult dead end street. I strongly urge the planning commission to NOT APPROVE the application.

Thank you for your consideration.

Fred Krefetz

November 17, 2016

San Francisco Planning Department
Attn: Michael Christensen, Planner
1 Dr. Carlton B. Goodlett Place
City Hall Room #400
San Francisco, CA 94102

RE: CASE #2016-006839DRM, proposed Medical Cannabis Dispensary at 160 Gilbert Street

Sir,

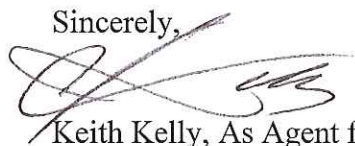
The Lucerne Street of San Francisco Owners' Association Board recently received a notice of public hearing regarding the proposed Medical Cannabis Dispensary at 160 Gilbert Street. A summary of this information was shared with the Association members, who were then polled on their opinions. The majority of those responding were *against* the location of this dispensary so close to their homes. It's understood from the project description in the notice that the site is not intended to distribute medicinal cannabis directly to patients on-site or directly for use in the area; however, the business is still generally incompatible with the neighborhood along Brannan, which is increasingly *residential* condos or apartments with young children, rather than storefronts and industrial use.

The homeowners at 5-45 Lucerne Street cannot all attend the upcoming hearing on the matter, so they have asked that the Board send this letter as a formal record of their preferences related to the project.

Please request the relocation of this proposed dispensary.

Thank you for your attention.

Sincerely,



Keith Kelly, As Agent for the Lucerne Street of SF Owners' Association (5-45 Lucerne Street)
kkelly@hill-co.com
(415) 321-3132

CC: Board of Directors

President Nam Doan-Huy, Sec. Guillaume Luccisano, Treasurer Raphael Krystek

160 Gilbert Street – HOA Meeting Notes 02/01/2017

Hearing Date: March 9, 2017

Agreed upon operating conditions:

Incoming delivery/product drop off window will be minimized to 10-2 for the remainder of 2017. In 2018 when the state begins to regulate distribution Mr. Sweeney will get details of how the new distributions system operates and will update the HOA Board.

Outgoing deliveries will cease no later than 9pm Monday-Wednesday.

Alarm and Camera Monitoring Company will be contracted by 160 Gilbert owner and occupants. 24-hour security response, phone number will be provided to HOA & neighbors for neighborhood safety matters.

No loitering clause in leases at 160 Gilbert (no smoking, no loitering in front of building & no parallel parking in front of the building). Mr. Sweeney will share language with HOA.

Outgoing bicycle couriers will walk their bikes to the top of Gilbert Street and mount/ride on Brannan.

No exterior branding or signage on 160 Gilbert Street.

Exterior lighting will be connected to a photocell so they will turn on automatically after sunset.