



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis Medical Cannabis Dispensary HEARING DATE MAY 20, 2010

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

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Planning
Information:
415.558.6377

Date: May 13, 2010
Case No.: 2010.0018D
Project Address: 2139 TARAVAL STREET
Permit Application: 2009.09.21.7273
Zoning: NC-2 (Neighborhood Commercial, Small Scale) RUSD (Taraval
 Restaurant and Fast-Food Sub-District)
 50-X Height and Bulk District
Block/Lot: 2394/042
Project Sponsor: Gordon Atkinson
 735A Taraval Street
 San Francisco, CA 94116
Staff Contact: Cecilia Jaroslawsky – (415) 558-6348
Cecilia.Jaroslawsky@sfgov.org
Recommendation: **Take DR and approve project with modifications.**

PROJECT DESCRIPTION

The project is a change of use for the vacant ground floor space, previously a chiropractors' office to a medical cannabis dispensary (d.b.a. "Bay Area Compassion Health Centers, Inc.") at 2139 Taraval Street. The applicant is The Bay Area Compassion Health Center (BACH) which is registered with the state of California as a Mutual Benefit Non-Profit Corporation. This application requires a Mandatory Discretionary Review action for establishing a medical cannabis dispensary per Planning Code Section 790.141.

The structure would contain a 200-square-foot lobby at the entrance, an administrative office, two consultation rooms a small storage area and a bathroom for employees and customers. The site does not contain on-site parking and none is proposed and the maximum number of employees would be 12.

The project sponsor is requesting to operate Monday through Saturday from 9 a.m. to 10 p.m. Business hours on Sunday would be limited to 3 p.m. to 9 p.m. to address concerns expressed by the Pastor of the adjacent church, the Chinese Gospel Church. Hours may be reduced, to suit the needs and patterns of patients and their caregivers and employees. The consumption, ingestion, or smoking of Medical Cannabis inside or around the facility would not be permitted and loitering would not be tolerated. BACH cultivates and processes their own medicine by and for members at their facilities that are inspected and legally operated outside of San Francisco. BACH has their product tested for mold, fungus, bacteria, pesticides as well as the levels of cannabanoids (THC, CBD etc.) to insure purity and inform the patient of the dosage they need and continues to work with their researchers and other researchers to explore and develop new medicines, uses, and methods of delivery. Additional items for

sale include dried Cannabis flowers and concentrates, liniments, salves, creams, tinctures, capsules, edibles, oils, drinks, powdered mixes, food supplements and possibly periodicals and books. There would not be any smoking, vaporizing, ingesting, or medicating of any kind on or around premises. Patients and caregivers limit their stay to 15 minutes. Advice and instruction may occur on site however, there would not be any social lounge or area to linger. The patients and/or their caregivers would purchase their medicine and leave the premises and persons under the age of 21 would not be permitted on the premises unless accompanied by an adult parent or guardian. Children would not be allowed on the premises. The project includes the use of 16 on-site surveillance cameras to mitigate any loitering or noise issues.

SITE DESCRIPTION AND PRESENT USE

The project site is a 25-foot wide by 100-foot deep flat lot on Taraval Street, between 31st and 32nd Avenues in the Sunset District. The subject building is a one-story structure that contains approximately 800 square feet of commercial/retail space with no on-site parking and one, non-complying, residential unit in the rear of the structure. The commercial/retail space was a former chiropractor's office and has been vacant for several years.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project site is located in the NC-2 (Neighborhood Commercial – Small Scale) and RUSD (Taraval Street Taraval Restaurant and Fast-Food Sub-District) as defined in Planning Code Sections 711.1 and 781.1, respectively. The NC-2 Districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

These districts range in size from two or three blocks to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses. Buildings typically range in height from two to four stories with occasional one-story commercial buildings. The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage. Existing residential units are protected by limitations on demolition and upper-story conversions.

The RUSD is intended to preserve the mix and variety of goods and services provided to the Sunset and Parkside neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent further aggravation of parking and traffic congestion in this district.

The NC-2/RUSD District in this area runs along Taraval Street between Funston and 36th Avenues on both sides of the street for approximately 25 blocks. The Project site is located in an area of mixed use along Taraval Street with single-family residential use to the rear (south). Retail and commercial uses in this area include restaurants, grocery stores, bakeries, general retail stores, etc. serving the surrounding residents within this area. The area is served by several public transit lines, including the L, the 29 and the 48.

Medical cannabis dispensaries in NC-2 Districts are only permitted with the approval of the Planning Commission under a Mandatory Discretionary Review permit and may only operate between the hours of 8 a.m. and 10 p.m., Monday through Sunday. The Planning Commission may further restrict hours of operation. Per Section 790.141 of the Planning Code, a medical cannabis dispensary shall be as defined by Section 3301(f) of the San Francisco Health Code provided that: (i), it is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or a community facility that primarily serves persons under 18 years of age or a recreation building as defined in Section 790.50(f) of this Code that primarily serves persons under 18 years of age; (c) 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; (d) regardless of whether medical cannabis is smoked on the premises the parcel containing the medical cannabis dispensary is not 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; and (e) no alcohol is sold or distributed on the premises for on or off-site consumption.

HEARING NOTIFICATION

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|---------------|-----------------|----------------------|--------------------|---------------|
| Posted Notice | 10 days | May 10, 2010 | February 26, 2010 | 73 days |
| Mailed Notice | 10 days | May 10, 2010 | May 10, 2010 | 10 days |

The Project Sponsor has conducted several outreach meetings to answer questions (see attached). Specifically, the applicant advertised with flyers (in English and Chinese) for the outreach meetings, which were held every Wednesday evening from February 2010 to date, and spoke with community groups and polled pedestrians.

PUBLIC COMMENT

| | SUPPORT | OPPOSED | NO POSITION |
|--|-----------|-----------|-----------------------|
| The adjacent neighbor(s) | 2 | 0 | Chinese Gospel Church |
| Other neighbors on the block or directly across the street | See Below | See Below | - |
| Neighborhood Groups | - | 2 | - |

The Planning Department has received 405 pages of multi-signed petitions and 177 letters and e-mails in opposition resulting in thousands of signatures in opposition to the proposed Medical Cannabis Dispensary on the project site. Concerns include increased crime, noise and loitering in the area, accessibility of cannabis to minors, and reduced property values. A letter was received by the Taraval Police Station, expressing concern regarding potential increased level of crime activity (see attached). The Department has received 12 pages of multi-signed petitions and 359 letters and e-mails of support; in addition, the applicant has submitted 1,508 additional petition signatures in support of the project from local residents and merchants (see attached). Due to the number of responses, it could not be determined if any are duplicate submittals and only a sample is attached with this Staff Report. Many of the signatures opposing and in support of the project are from locations outside the Sunset District. Due to the large number of signatures in support and opposition, precise numbers and addresses are difficult to determine, however the neighborhood appears to be well represented.

Opponents believe the proposed Medical Cannabis Dispensary is inappropriate at this location due to proximity to the following uses:

| DISTANCE IN MILES TO SUBJECT SITE: | YOUTH SERVICE | ADDRESS |
|---|-----------------------------------|--------------------------|
| 0.01 | Canaan Tutoring | 2109 Taraval St. |
| 0.06 | Ann Healy Irish Dance | 2036 Taraval St. |
| 0.18 | Synergy Sports & Learning | 2453 Taraval St. |
| 0.23 | Young Artists Studio | 2414 28 th Av |
| 0.23 | Little Star Preschool | 2540 Taraval St. |
| 0.29 | Sunset Movement Arts | 1647 Taraval St. |
| 0.3 | Brainchild Education | 1614 Taraval St. |
| 0.47 | Living Water Fellowship | 2312 Vicente St. |
| 0.49 | Rainbow Montessori | 2358 24 th Av |
| 0.53 | St. Clair's Taekwondo | 3035 Taraval St. |
| 0.54 | Inspire Music | 1241 Taraval St. |
| 0.55 | Parkside Library | 1200 Taraval St. |
| 0.57 | Dianne Feinstein Elementary | 2550 25 th Av |
| 0.61 | Robert Louis Stevenson Elementary | 2051 34 th Av |
| 0.71 | Our Rainbowkids | 2566 23 rd Av |
| 0.75 | Abraham Lincoln H. S. | 2162 24 th Av |
| 0.76 | St. Gabriel School | 2550 41 st Av |
| 0.83 | St. Ignatius College Prep | 2001 37 th Av |
| 0.89 | Dora's Family Daycare | 2667 22 nd Av |
| 1.07 | St. Cecilia School | 660 Vicente St. |
| 1.1 | AP Giannini Middle School | 3151 Ortega St. |
| 1.12 | S.F. Montessori Academy | 1566 32 nd Av |

PROXIMITY TO EXISTING MCD'S

While considering case 2007.0115D on June 21, 2007, 174 Valencia Street (dba Mr. Nice Guy) the Planning Commission determined that in considering the legalization of an MCD, proximity to other existing MCDs shall not influence the Commissions' final decision. However, the nearest MCD to the project site is located at 1944 Ocean Avenue, 2.3 miles from the site (approximately 12,000 feet).

PROJECT ANALYSIS

The project would comply with Section 145.1 of the Planning Code in that at least ½ the total width of the commercial street frontage would be devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. The structure contains a 17-foot-wide window at the ground level and at pedestrian eye-level, which is, along with the entrance, 68% of the width of the site. The applicant is proposing to install a safety window film that reinforces the glass, helps keep broken glass in place, and allows light to penetrate the interior space to deter crime on the premises.

The applicant chose the Sunset District because of San Francisco's disproportionate distribution of MCDs in other areas of the City and believes there is a need to provide the Sunset's 70,000 residents with local, safe, and legal, access to the medicine that they need. The Sunset District has a low incidence of crime and it is the intention of the applicant to help keep it that way. The applicant researched potential locations for their MCD for 14 months to find the location at 2139 Taraval Street. Determining factors included areas where MCDs are permitted, convenient public transit access, a safe and comfortable environment for patients and a location that is currently not served by other MCDs. The proposed MCD, if approved, would be the 29th MCD within the City and County of San Francisco.

Applying Planning Code requirements for MCDs in this District, the permitted locations would be approximately between 33rd and 29th Avenues (see TARAVAL MCD RADIUS map, attached) only. Although there are several lots on Taraval Street to the west of 37th Avenue that are zoned NC-1, new MCDs are not permitted within this district.

The project meets the requirement under Planning Code Section 790.141 in that it is located more than 1,000 feet from any parcel containing the grounds of an elementary or secondary school (see above), public or private, or a community facility that primarily serves persons under 18 years of age or a recreation building as defined in Section 790.50(f) of the Code that primarily serves persons under 18 years of age. Although the first three businesses listed above are located less than 1,000 feet from the project site, Canaan Tutoring, Ann Healy Irish Dance, and Synergy Sports & Learning, none of these establishments are licensed by the State of California, which is a criteria under Section 790.50 of the Planning Code. Further, the applicant contends that the proposed use would be a neighborhood serving use in that the nearest MCD is approximately 2.3 miles away and residents of the Sunset District must travel out of their neighborhood for their medicine.

Supporters of the project believe the excessive opposition is due to miscommunication and lack of knowledge regarding the use of cannabis for medicinal purposes. They have written that the use of cannabis relieves many chronic conditions such as pain, seizure disorders, cancer, diabetes, depression, anxiety and many other ailments and have cited studies that state cannabis is not as addictive as alcohol and/or caffeine. Not unlike the purchase of alcohol or cigarettes at the local markets, identification (proof of age over 21 years) would be required to purchase the medicinal cannabis. Further, several residents have indicated that they are physically handicapped and traveling outside their neighborhood for medicine is a hardship. Supporters also claim that the lack of an MCD in this district, while so many others exist in other neighborhoods, is discriminatory.

ENVIRONMENTAL REVIEW STATUS

The Project was determined by the San Francisco Planning Department to be Categorically Exempt under Class 1 from Environmental Review under the California Environmental Quality Act Guidelines on October 23, 2009.

GENERAL PLAN FINDINGS

The Departments believes the proposed use is consistent with the following relevant objectives and policies of the Commerce and Industry Element of the General Plan.

OJECTIVE 1: MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

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

The location for the existing MCD meets all of the requirements in Sections 790.141 of the Planning Code.

POLICY 1.3: Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

Planning Code Section 711.1 permits the establishment of an MCD within the NC-2 (Small-Scale Commercial) District, with the review and approval of the Planning Commission at a public hearing. The Project site is located in the NC-2 (Neighborhood Commercial – Small Scale) and RUSD (Taraval Street Taraval Restaurant and Fast-Food Sub-District) District as defined in 711.1 and 781.1, respectively. The NC-2 Districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

OJECTIVE 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 chronically ill patients served by the proposed use are in great need of this type of medical service; by allowing the services provided by the MCD, patients are assured safe access to high quality medicine for their ailments. The nearest MCD is located more than two miles away, therefore, the Sunset District is not currently served by a local MCD.

The project is consistent with the following relevant Priority Policies of **Planning Code Section 101.1 ("Prop M findings")**:

Planning Code Section 101.1 establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Project complies with said policies in that:

1. No neighborhood serving retail uses are being displaced or otherwise affected by the proposal.

The proposed MCD would occupy a vacant commercial/retail space and would not displace any neighborhood serving retail use.

2. Existing housing and neighborhood character will not be adversely affected by the proposed project.

The site contains a legal, non-complying residential unit at the rear of the property which would not be affected by the proposed MCD. The proposed MCD would occupy an existing 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 housing and neighborhood character.

3. The Project would have no adverse impact on the City's existing supply of affordable housing.

The existing residence at the rear of the property would remain, therefore, the proposed use will not adversely affect any affordable housing.

1. The Project will not significantly effect automobile traffic congestion or parking problems in the neighborhood.

The site does not contain any on-site parking and none is proposed. The subject property is close to multiple public transit lines and the intent is for the use to be for the residents in the immediate area. Further, the immediate neighborhood provides sufficient short-term street parking.

2. No industrial or service industry establishment would be displaced by the Project.

The use will not displace any industrial or service industry establishments.

3. Earthquake safety requirements would be considered during review of any building permit applications.

The MCD will follow standard earthquake preparedness procedures and have emergency supplies and follow emergency response policies and procedures.

4. That landmarks and historic buildings will be preserved.

The applicant is proposing very minor exterior and interior changes to the building, thereby preserving the building's existing storefront. The project would not have any impact on any landmark or historic buildings.

5. The Project has no impact on open space or parks or their access to sunlight and vistas.

The MCD 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.

CRITERIA

The proposal meets the Criteria for establishing a Medical Cannabis Dispensary as outlined in Section 790.141 of the Planning Code:

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

Criteria Met: *The applicant has applied for a permit from the Department of Public Health. A copy of the referral from the Health Department to the Planning Department is included in this packet. (Exhibit A)*

2. If medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or a community facility that primarily serves persons under 18 years of age, or a recreation building as defined in Section 790.50(a) of this Code that primarily serves persons under 18 years of age, unless not required by State law, and, regardless of whether medical cannabis is smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or a community facility that primarily serves persons under 18 years of age or a recreation building as defined in Section 790.50(f) of this Code that primarily serves persons under 18 years of age;

Criteria Met: *The project is not located within a 1,000-foot radius of the grounds of an elementary or secondary school, public or private, or a community facility that primarily serves persons under 18 years of age, or a recreation building as defined in Section 790.50(a) of the Planning Code and there would not be any on-site smoking.*

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

Criteria Met: *Smoking or vaporizing will not be permitted on the premises.*

4. Regardless of whether medical cannabis is smoked on the premises the parcel containing the medical cannabis dispensary is not 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.

Criteria Met: *There is no facility providing substance abuse services, licensed or certified by the State of California or funded by the Department of Public Health on the project parcel.*

5. Alcohol is not sold or distributed on the premises for on or off-site consumption.

Criteria Met: *Alcohol would not be sold or distributed on the subject property.*

6. Acceptance of a complete application for a building permit for a medical cannabis dispensary by the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all owners and occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well as to all individuals or groups that have made a written request for notification regarding specific properties, areas or medical cannabis dispensaries.

Criteria Met: *The notice for the Section 312 (change of use notice) was sent to all owners and occupants within 300 feet of the subject property stating that a new Medical Cannabis Dispensary was seeking review and approval to operate and that the use was subject to a Mandatory Discretionary Review hearing before the Planning Commission at a public hearing.*

STAFF RECOMMENDATION

The Department recommends the Commission take Discretionary Review and approve the project with the following conditions:

1. Hours of operation shall be Monday to Saturday from 9 a.m. to 8 p.m. and Sundays from 3 p.m. to 8 p.m.
2. The Project Sponsor may request to extend the hours of operation to open at 8 a.m. and close at 10 p.m. Mondays through Saturdays after six months of operation and may be approved by the Zoning Administrator, provided there have not been any complaints or violations on the subject property.

BASIS FOR RECOMMENDATION

The State of California passed Proposition 215 in 1996, known as the Compassionate Use Act, by a 56% majority and Proposition 215, in San Francisco, 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.

The Medical Cannabis Act was approved by the Board of Supervisors and Mayor became effective on December 30, 2005. 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.

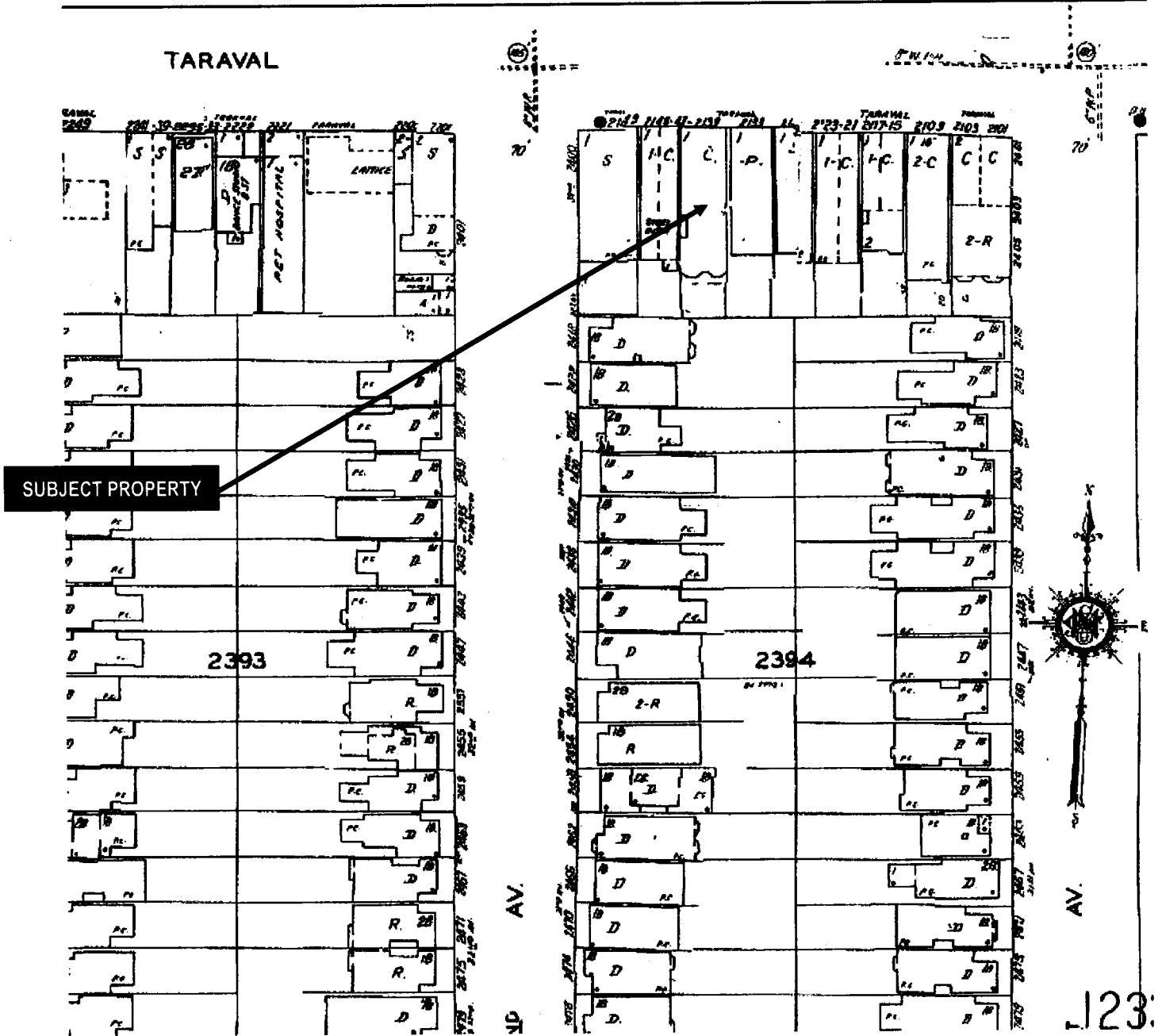
The proposed MCD at 2139 Taraval Street meets all the requirements under the Planning Code and General Plan and the Department believes this would be a necessary use to the residents of the Sunset. The Department recommends that the Commission take Discretionary Review and approve the project for the following reasons:

- The proposed project is located more than 1,000 feet from any parcel containing the grounds of an elementary or secondary school, public or private, or a community facility that primarily serves persons under 18 years of age or a recreation building as defined in Section 790.50(f) of the Code.
- There is a limited area where a new MCD may locate within this District.
- Persons under the age of 21 would not be permitted on the premises.
- The project site is located approximately 2 miles from the nearest Medical Cannabis Dispensary and would therefore serve a need within this community.
- The use would include 16 security cameras.
- The project would have restricted hours of operation: Monday through Saturday from 9 a.m. to 8 p.m. and 3 p.m. to 8 p.m. on Sunday.
- The project is consistent with the General Plan Policies and Objectives and complies with the Planning Code, including Section 790.141 criteria.

Attachments:

Block Book Map
Sanborn Map
Aerial Photographs
Zoning Map
Street and Block Photographs
1,000-Foot Radius Map to Schools, Etc. from project site
Planning Department MCD Location Map
Taraval Street MCD Radius Map showing potential MCD sites.
Section 311 Notice
Environmental Review
Department of Health Application
Applicants' Frequently Asked Questions
MCD Citywide Location map as of 2008
Planning Department Guidelines for New MCDs
Sample Resident Response
Letter from Capt. Schmidt, S.F.P.D.
Letter from Applicant
Reduced Plans

Sanborn Map*



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



SAN FRANCISCO
PLANNING DEPARTMENT

Discretionary Review Hearing
Case Number 2010.0018D
2139 Taraval Street

Aerial Photo



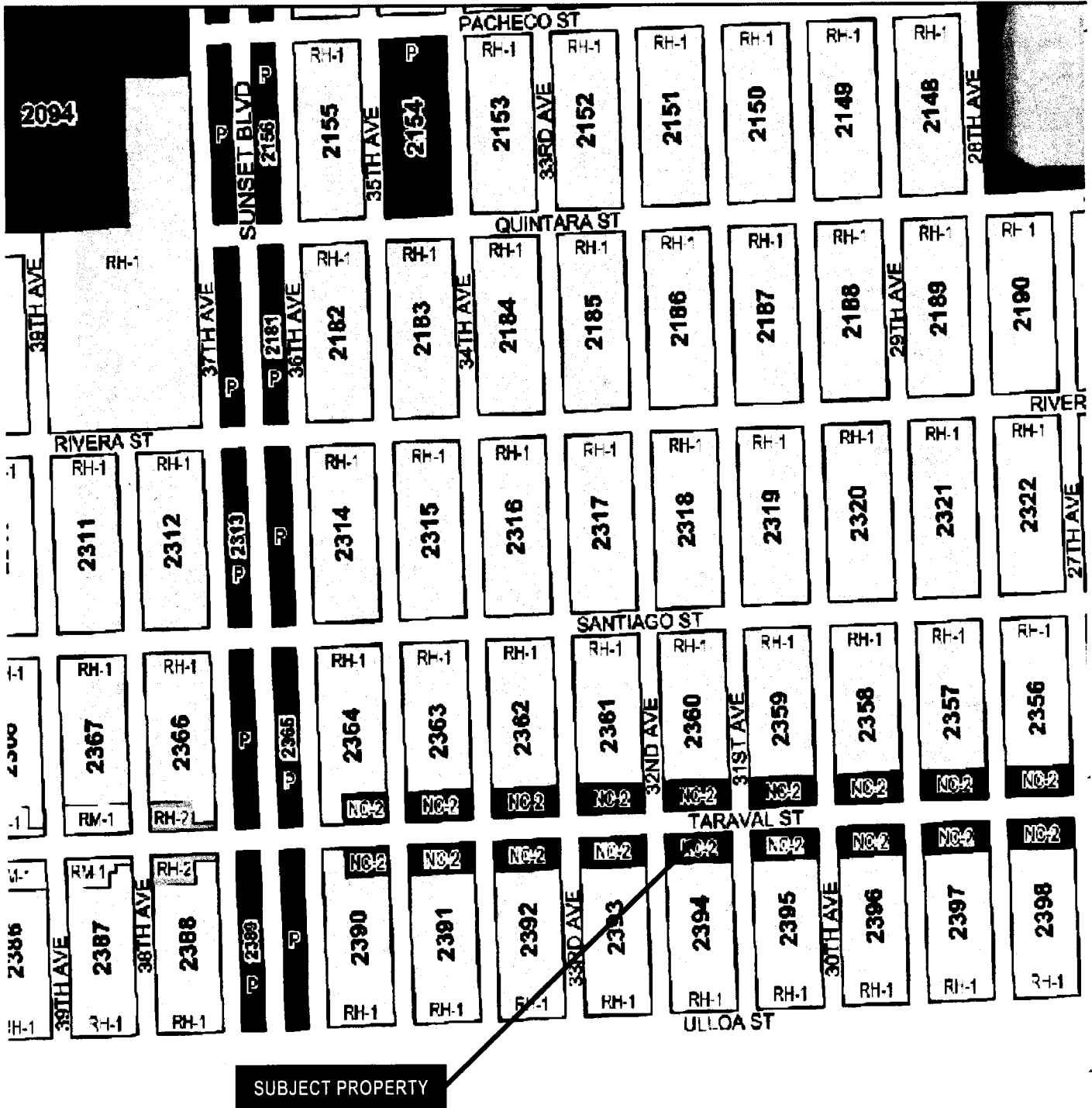
SUBJECT PROPERTY



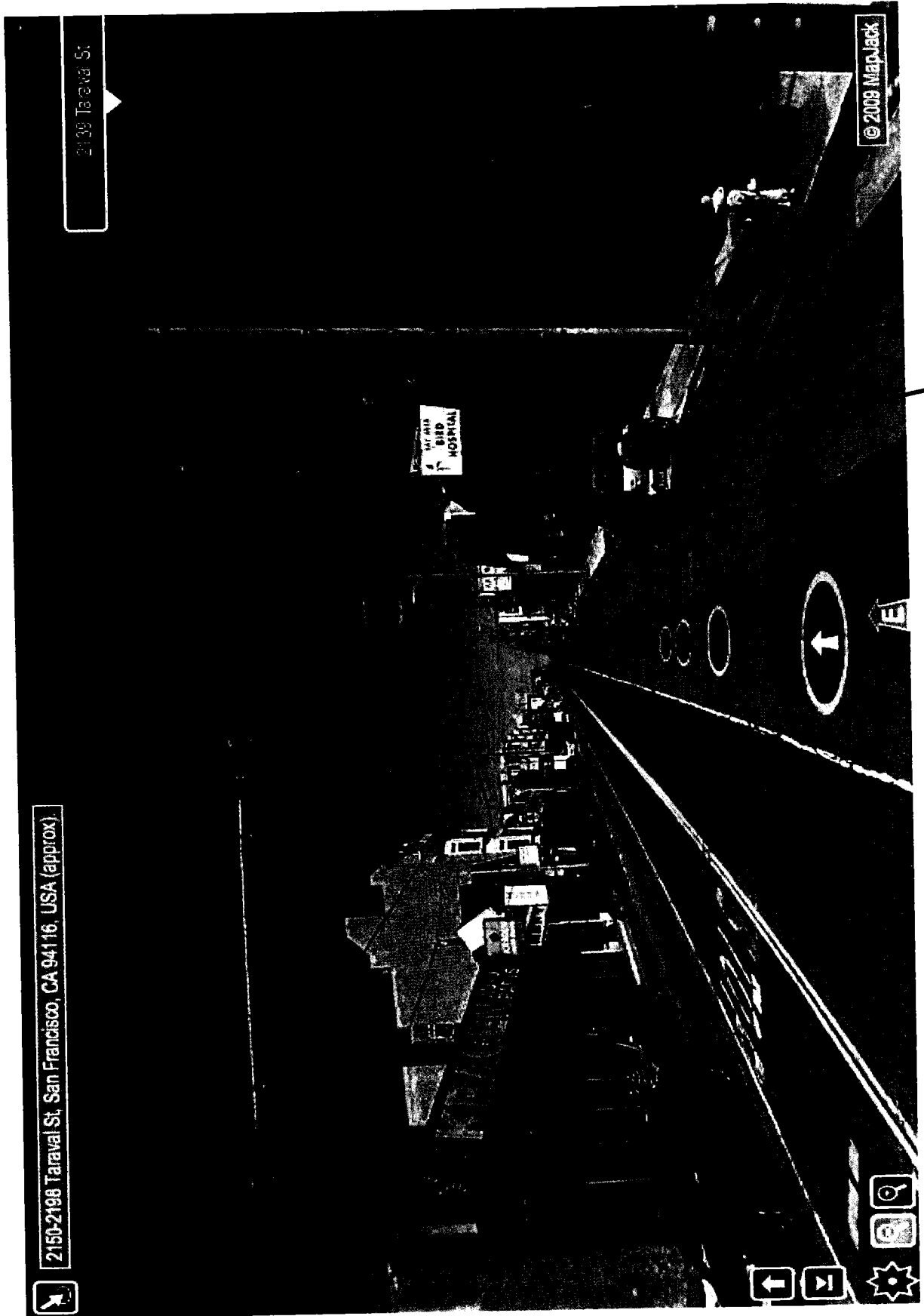
SAN FRANCISCO
PLANNING DEPARTMENT

Discretionary Review Hearing
Case Number 2010.0018D
2139 Taraval Street

Zoning Map



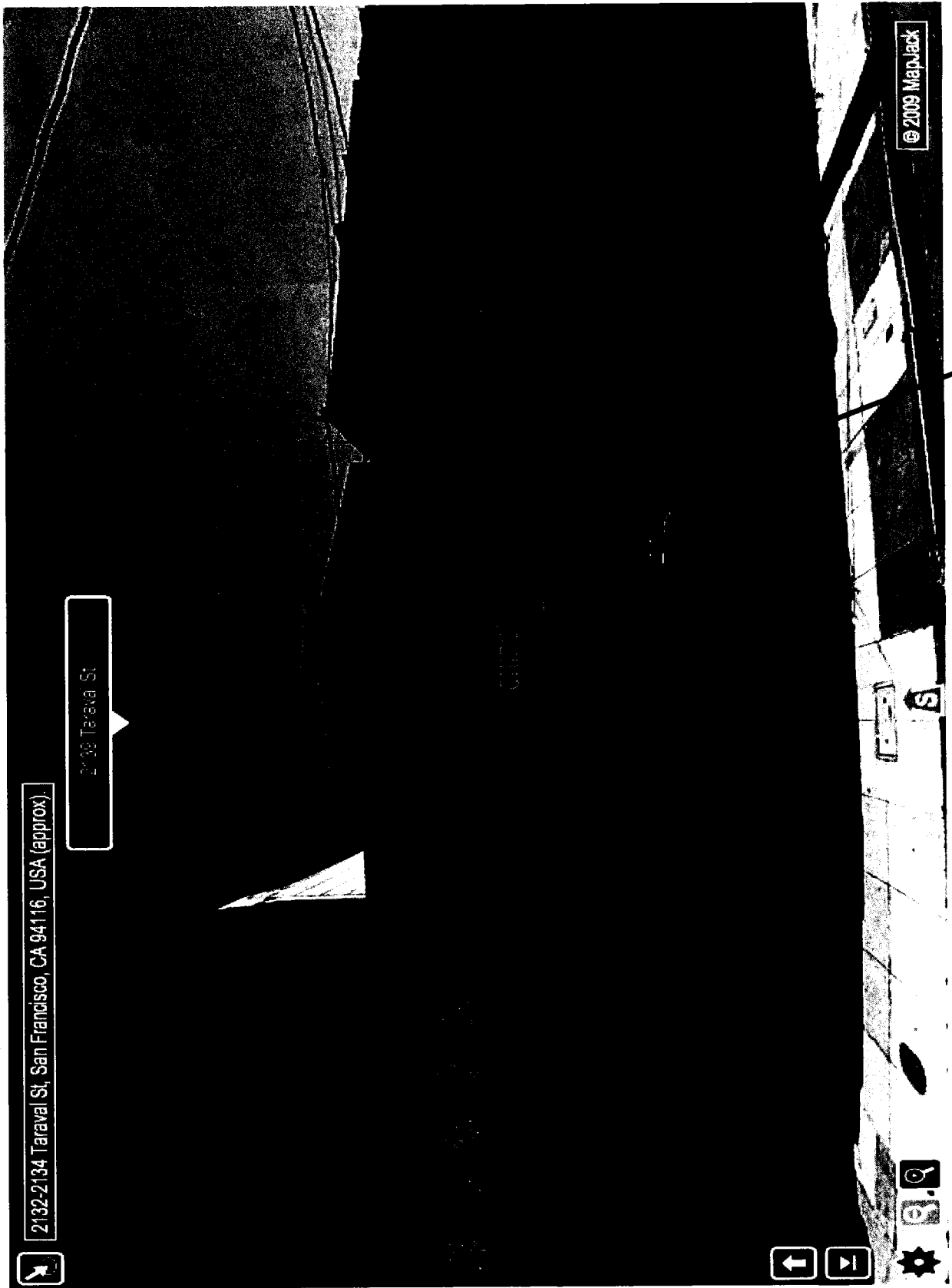
Street Photo



SUBJECT PROPERTY



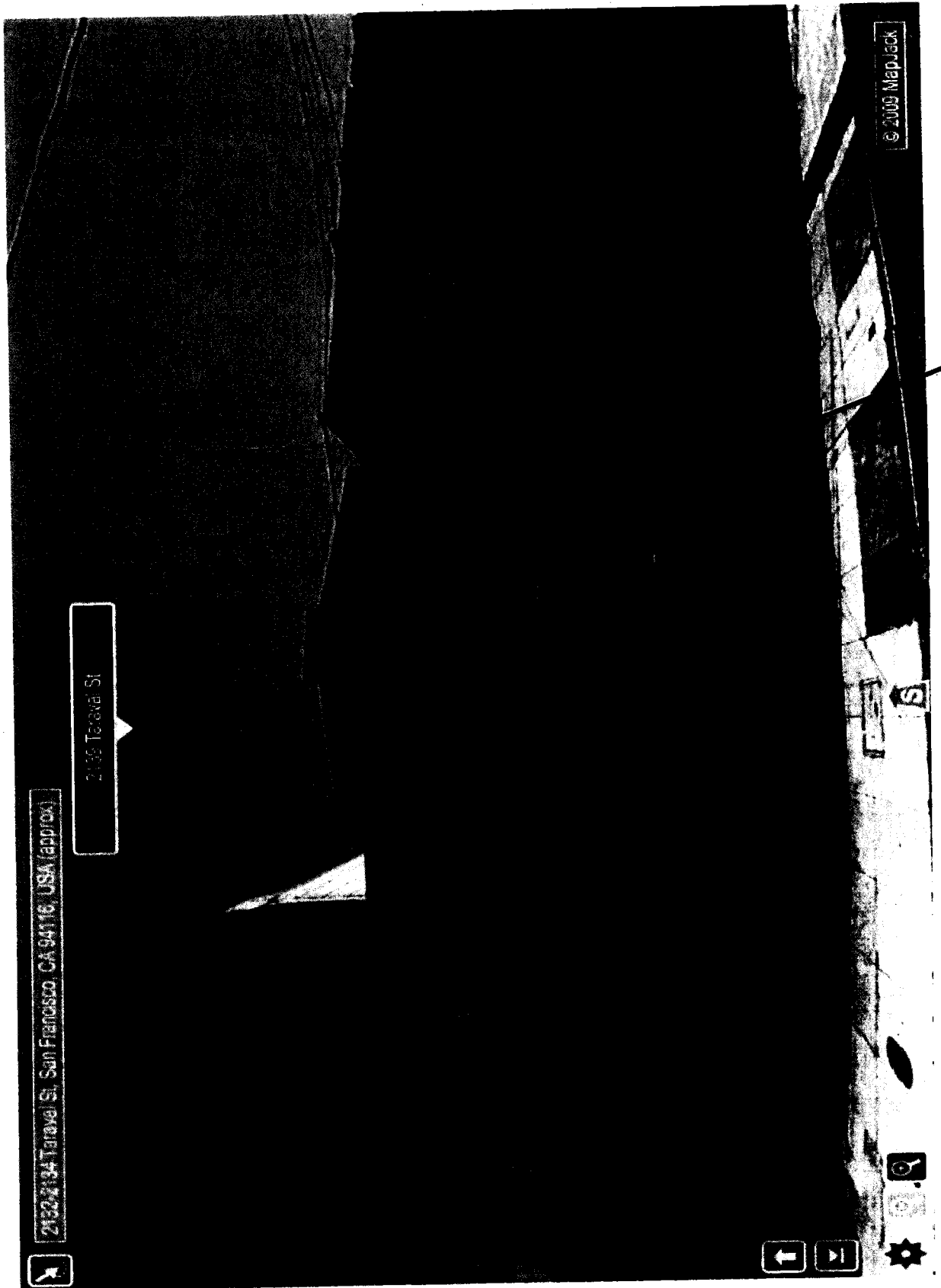
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SUBJECT PROPERTY



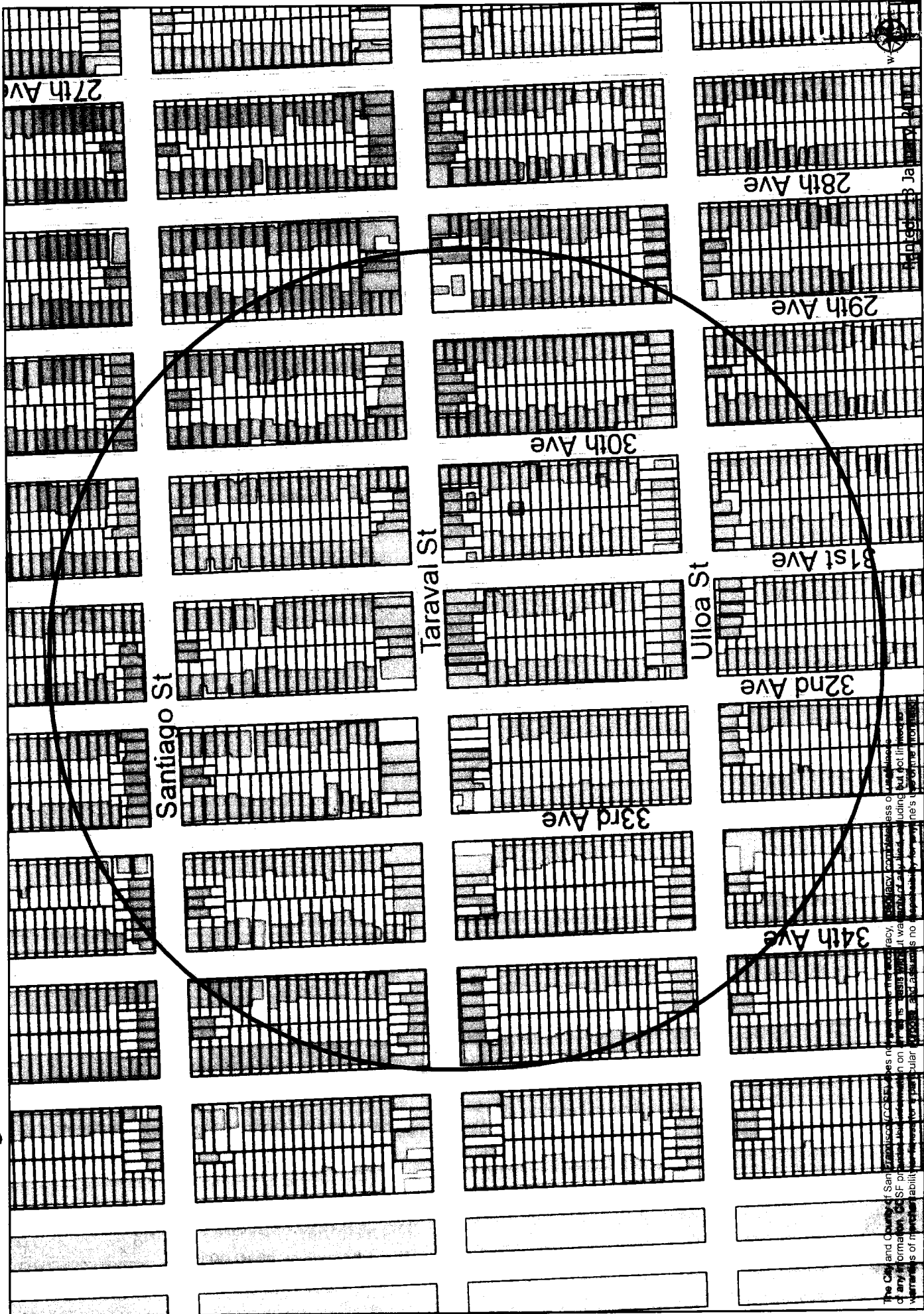
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SAN FRANCISCO
PLANNING DEPARTMENT

Discretionary Review Hearing
Case Number 2010.0018D
2139 Taraval Street




2139 TARAVAL STREET - 1,000 FOOT RADIUS FOR PROPOSED MCD





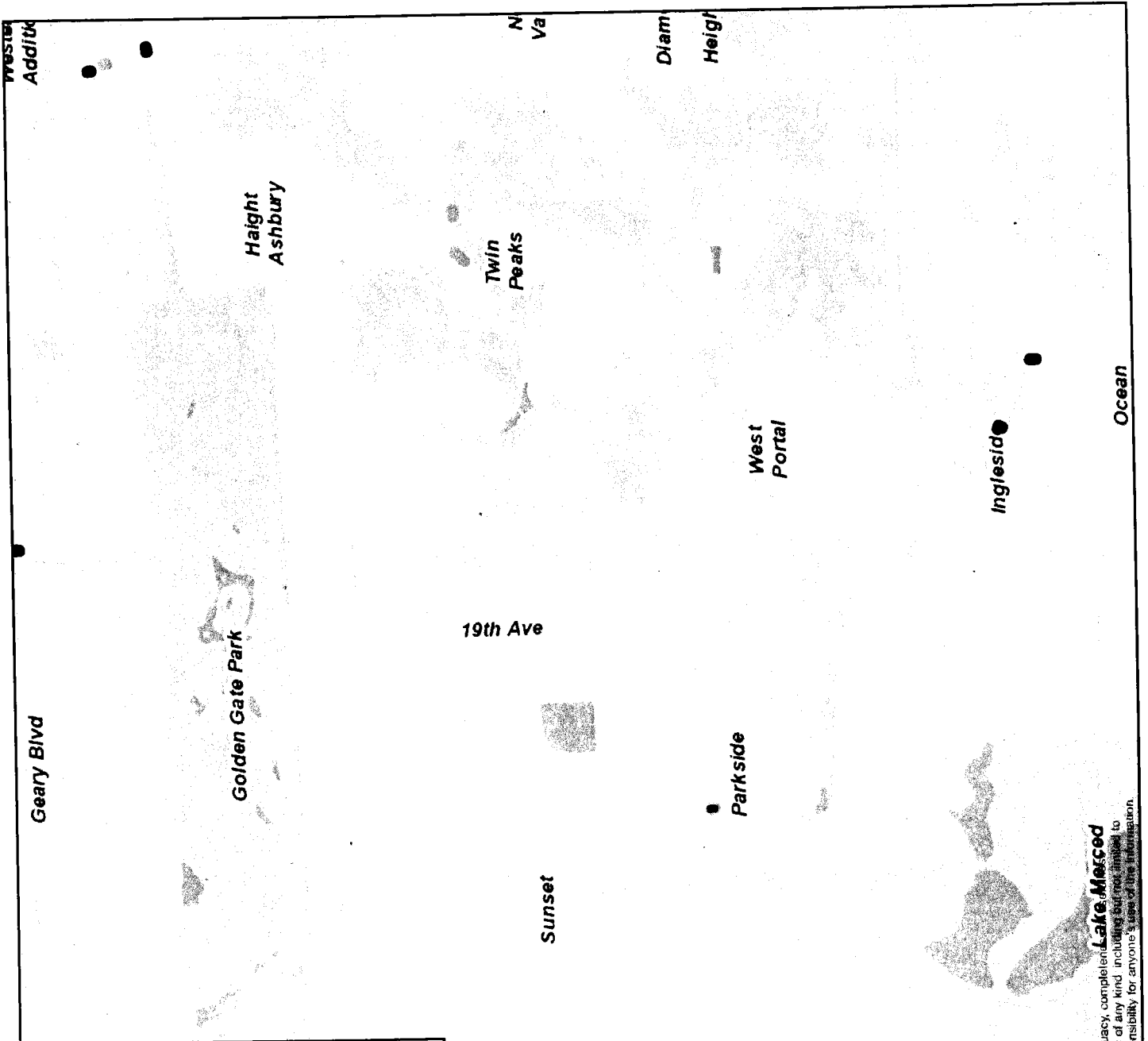
**City and County of San Francisco
Planning Department**

**Medical Cannabis Dispensaries
Near 2139 Taraval Street**

-  2139 Taraval Street
-  MCD Permit - Approved
-  MCD Permit - At DCP



Printed: 10 February, 2010



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SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312) and STAFF INITIATED DISCRETIONARY REVIEW (DR)

On December 3, 2009, the Applicant named below filed Building Permit Application No. 2009.12.03.2572 (Alteration) with the City and County of San Francisco.

| CONTACT INFORMATION | | PROJECT SITE INFORMATION | |
|---------------------|-------------------------|----------------------------|---|
| Applicant: | Gordon Atkinson | Project Address: | 2139 Taraval Street |
| Address: | 735A Taraval Street | Cross Streets: | 31 st and 32 nd Avenues |
| City, State: | San Francisco, CA 94116 | Assessor's Block /Lot No.: | 2394/042A |
| Telephone: | (415) 731-9927 | Zoning Districts: | NC-2/50-X/Taraval RUSD |

Under San Francisco Planning Code Section 312 and 790.141 (Medical Cannabis Dispensary), you, as a property owner or resident within 300 feet of this proposed project, are being notified of this Building Permit Application for a change of use to MCD. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. This project requires a public hearing under a staff initiated Discretionary Review before the Planning Commission at the date below.

| PROJECT SCOPE | | | |
|---|--------|---|---|
| <input type="checkbox"/> DEMOLITION | and/or | <input type="checkbox"/> NEW CONSTRUCTION | or <input checked="" type="checkbox"/> ALTERATION |
| <input type="checkbox"/> VERTICAL EXTENSION | | <input checked="" type="checkbox"/> CHANGE OF USE | <input type="checkbox"/> FACADE ALTERATION(S) |
| <input type="checkbox"/> HORIZ. EXTENSION (FRONT) | | <input type="checkbox"/> HORIZ. EXTENSION (SIDE) | <input type="checkbox"/> HORIZ. EXTENSION (REAR) |

| PROJECT FEATURES | EXISTING CONDITION | PROPOSED CONDITION |
|--------------------------------|--------------------|----------------------------------|
| BUILDING USE | Vacant | Medical Cannabis Dispensary |
| BUSINESS NAME | Vacant | Bay Area Compassion Centers Inc. |
| COMMERCIAL SQUARE FOOTAGE..... | 800 | No Change |
| NUMBER OF STORIES..... | 1 | No Change |
| NUMBER OF DWELLING UNITS..... | 0 | No Change |

PROJECT DESCRIPTION

This is a change of use notice for the vacant ground floor space, previously a chiropractors' office to a medical cannabis dispensary (d.b.a. "Bay Area Compassion Health Centers, Inc.") at 2139 Taraval Street. This application is the subject of a staff-initiated Discretionary Review action for establishing a medical cannabis dispensary per Planning Code Section 790.141. The Discretionary Review, Case No. 2010.0018D, will be heard before the Planning Commission at a date to be determined. Any interested party with concerns about the project has the opportunity to file a separate Discretionary Review before the 30-day expiration date noted on this Section 312 notice. See attached plans.

PLANNER'S NAME:

~~Cecilia Jaroslowsky~~

PHONE NUMBER:

(415) 558-6348

DATE OF THIS NOTICE:

4-2-10

EMAIL:

Cecilia.Jaroslowsky@sfgov.org

EXPIRATION DATE:

5-2-10

NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls), and floor plans (where applicable) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

If you determine that the impact on you from this proposed development is significant and you wish to seek to change the proposed project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
2. Call the nonprofit organization Community Boards at (415) 920-3820. They are specialists in conflict resolution through mediation and can often help resolve substantial disagreement in the permitting process so that no further action is necessary.
3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects, which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission over the permit application, you must make such request within 30 days of this notice, prior to the Expiration Date shown on the reverse side, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at www.sfgov.org/planning). You must submit the application to the Planning Information Center during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check for \$300.00, for each Discretionary Review request payable to the Planning Department. If the project includes multi building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

BOARD OF APPEALS

An appeal of the approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the Board of Appeals within 15 days after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form 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 their current fees, contact the Board of Appeals at (415) 575-6880.

Date received:



**SAN FRANCISCO
PLANNING DEPARTMENT**

Environmental Evaluation Application

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects. In San Francisco, environmental review under CEQA is administered by the Major Environmental Analysis (MEA) division of the Planning Department. The environmental review process begins with the submittal of a completed Environmental Evaluation (EE) Application to the Planning Department. Only the current EE Application form will be accepted. No appointment is required but staff is available to meet with applicants upon request.

The EE Application will not be processed unless it is completely filled out and the appropriate fees are paid in full. Checks should be made payable to the San Francisco Planning Department. See the current *Schedule of Application Fees* and contact the staff person listed below for verification of the appropriate fees. Fees are generally non-refundable. Documents in italics are available online at sfgov.org/planning.

The EE Application is comprised of four parts. Part 1 is a checklist to ensure that the EE Application is complete; Part 2 requests basic information about the site and the project; Part 3 is a series of questions to help determine if additional information is needed for the EE Application; and Part 4 is a project summary table.

The complete EE Application should be submitted to the Planning Department staff as follows: For projects greater than 10,000 square feet in size and where Part 3 Questions #3, #8, #10, or #11 are answered in the affirmative, or for projects that require mitigation measures, please send the application materials to the attention of Ms. Kienker. For all other projects, please send the application materials to the attention of Mr. Bollinger.

Brett Bollinger
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9024, brett.bollinger@sfgov.org

Leigh Kienker
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9036, leigh.kienker@sfgov.org

| PART 1 – EE APPLICATION CHECKLIST | Provided | Not Applicable |
|---|-------------------------------------|-------------------------------------|
| Two copies of this application with all blanks filled in | <input checked="" type="checkbox"/> | |
| Two sets of project drawings (see "Additional Information" at the end of page 4,) | <input checked="" type="checkbox"/> | |
| Photos of the project site and its immediate vicinity, with viewpoints labeled | <input checked="" type="checkbox"/> | |
| Fee | <input type="checkbox"/> | |
| <i>Supplemental Information Form for Historical Resource Evaluation and/or Historic Resource Evaluation Report</i> , as indicated in Part 3 Questions 1 and 2 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Geotechnical Report, as indicated in Part 3 Questions 3a and 3b | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Tree Disclosure Statement</i> , as indicated in Part 3 Question 4 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Phase I Environmental Site Assessment, as indicated in Part 3 Question 8 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Additional studies (list) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Applicant's Affidavit. I certify the accuracy of the following declarations:

- a. The undersigned is the owner or authorized agent of the owner(s) of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. I understand that other applications and information may be required.

Signed (owner or agent):

Date: OCT-23-09

(For Staff Use Only) Case No. 2010.0018E

Address: 3619 BALBOA ST SF 94112

Block/Lot: 2394 / 042

PART 2 - PROJECT INFORMATION

Owner/Agent Information

Property Owner Jack Chan Telephone No. 415 - 350 - 3299
 Address 201 San Benito Way Fax No. _____
San Francisco, 94127 Email _____
 Project Contact GORDON ATKINSON Telephone No. 415 - 731 - 9927
 Company GORDON ATKINSON ARCHITECT Fax No. 415 - 731 - 9942
 Address 735 A TARAVAL STREET Email gordonatkinson@sbcglobal.net
SAN FRANCISCO, CA 94116

Site Information

Site Address(es): 2139 TARAVAL STREET , SAN FRANCISCO, CA 94116
 Nearest Cross Street(s) 32ND AVENUE
 Block(s)/Lot(s) 2394 / 042 Zoning District(s) UC2
 Site Square Footage 2,495 Height/Bulk District 50 X
 Present or previous site use VACANT NOW , FORMER CHIROPRACTOR'S OFFICE
 Community Plan Area (if any) _____

Project Description - please check all that apply

- Addition Change of use Zoning change New construction
 Alteration Demolition Lot split/subdivision or lot line adjustment
 Other (describe) _____ Estimated Cost \$ 8700

Describe proposed use MEDICAL CANNABIS DISPENSARY

Narrative project description. Please summarize and describe the purpose of the project.

Establishing a new medical cannabis dispensary in a former ADA compliant chiropractor's office. Minor change to interior: removal of interior wall and building new interior walls. No change to facade and no change to ADA compliant restroom.

| PART 3 - ADDITIONAL PROJECT INFORMATION | | Yes | No |
|---|--|-------------------------------------|-------------------------------------|
| 1. | Would the project involve a major alteration of a structure constructed 50 or more years ago or a structure in an historic district? If yes, submit a <i>Supplemental Information Form for Historical Resource Evaluation</i> . Instructions on how to fill out the form are outlined in the <i>San Francisco Preservation Bulletin No. 16</i> (see pages 28-34 in Appendix B). | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. | Would the project involve demolition of a structure constructed 50 or more years ago or a structure located in an historic district? If yes, a Historic Resource Evaluation Report (HRER)* will be required. The scope of the HRER will be determined in consultation with the Department's Preservation Coordinator. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3a. | Would the project result in excavation or soil disturbance/modification greater than 10 feet below grade? If yes, how many feet below grade would be excavated? _____ What type of foundation would be used (if known)? _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3b. | Is the project site located in an area of potential geotechnical hazard as identified in the San Francisco General Plan or on a steep slope or would the project be located on a site with an average slope of 20% or more? If yes to either Question 3a or 3b, please submit a Geotechnical Report.* | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. | Would the project involve expansion of an existing building envelope, or new construction, or grading, or new curb cuts, or demolition? If yes, please submit a <i>Tree Disclosure Statement</i> . | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. | Would the project result in ground disturbance of 5,000 gross square feet or more? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. | Would the project result in any construction over 40 feet in height? If yes, apply for a Section 295 (Proposition K) Shadow Study. This application is available on the Planning Department's website and should be submitted at the Planning Information Center, 1660 Mission Street, First Floor. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. | Would the project result in a construction of a structure 80 feet or higher? If yes, an initial review by a wind expert, including a recommendation as to whether a Wind Analysis* is needed, may be required, as determined by Department staff. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. | Would the project involve work on a site with an existing or former gas station, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks? If yes, please submit a Phase I Environmental Site Assessment (ESA).* A Phase II ESA (for example, soil testing) may be required, as determined by Department staff. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. | Would the project require any variances, special authorizations, or changes to the Planning Code or Zoning Maps? If yes, please describe. MANDATORY DISCRETIONARY REVIEW | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. | Is the project related to a larger project, series of projects, or program? If yes, please describe. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11. | Is the project in a Community Plan Area? If yes, please identify the area (for example, Market/Octavia). _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

* Report or study to be prepared by a qualified consultant who is contracted directly by the project sponsor.

PART 4 - PROJECT SUMMARY TABLE

If you are not sure of the eventual size of the project, provide the maximum estimates.

| Gross Square Footage (GSF) | Existing Uses | Existing Uses to be Retained | Net New Construction and/or Addition | Project Totals |
|----------------------------|---------------|------------------------------|--------------------------------------|----------------|
| Residential | | | | |
| Retail | | | | |
| Office | 800 | 800 | - | 800 |
| Industrial | | | | |
| Parking | | | | |
| Other (specify use) | | | | |
| Total GSF | 800 | 800 | - | 800 |
| Dwelling units | | | | |
| Hotel rooms | | | | |
| Parking spaces | 0 | | 0 | 0 |
| Loading spaces | 0 | | 0 | 0 |
| Number of buildings | 1 | 1 | | 1 |
| Height of building(s) | 16' | | 0 | |
| Number of stories | 1 | 1 | | 1 |

Please describe any additional project features that are not included in this table:

Additional Information: Project drawings in 11x17 format should include existing and proposed site plans, floor plans, elevations, and sections, as well as all applicable dimensions and calculations for existing and proposed floor area and height. The plans should clearly show existing and proposed off-street parking and loading spaces; driveways and trash loading areas; vehicular and pedestrian access to the site, including access to off-street parking and parking configuration; and bus stops and curbside loading zones within 150 feet of the site. A transportation study may be required, depending on existing traffic conditions in the project area and the potential traffic generation of the proposed project, as determined by the Department's transportation planners. Neighborhood notification may also be required as part of the environmental review processes.

**SAN FRANCISCO DEPARTMENT OF PLANNING
CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW**

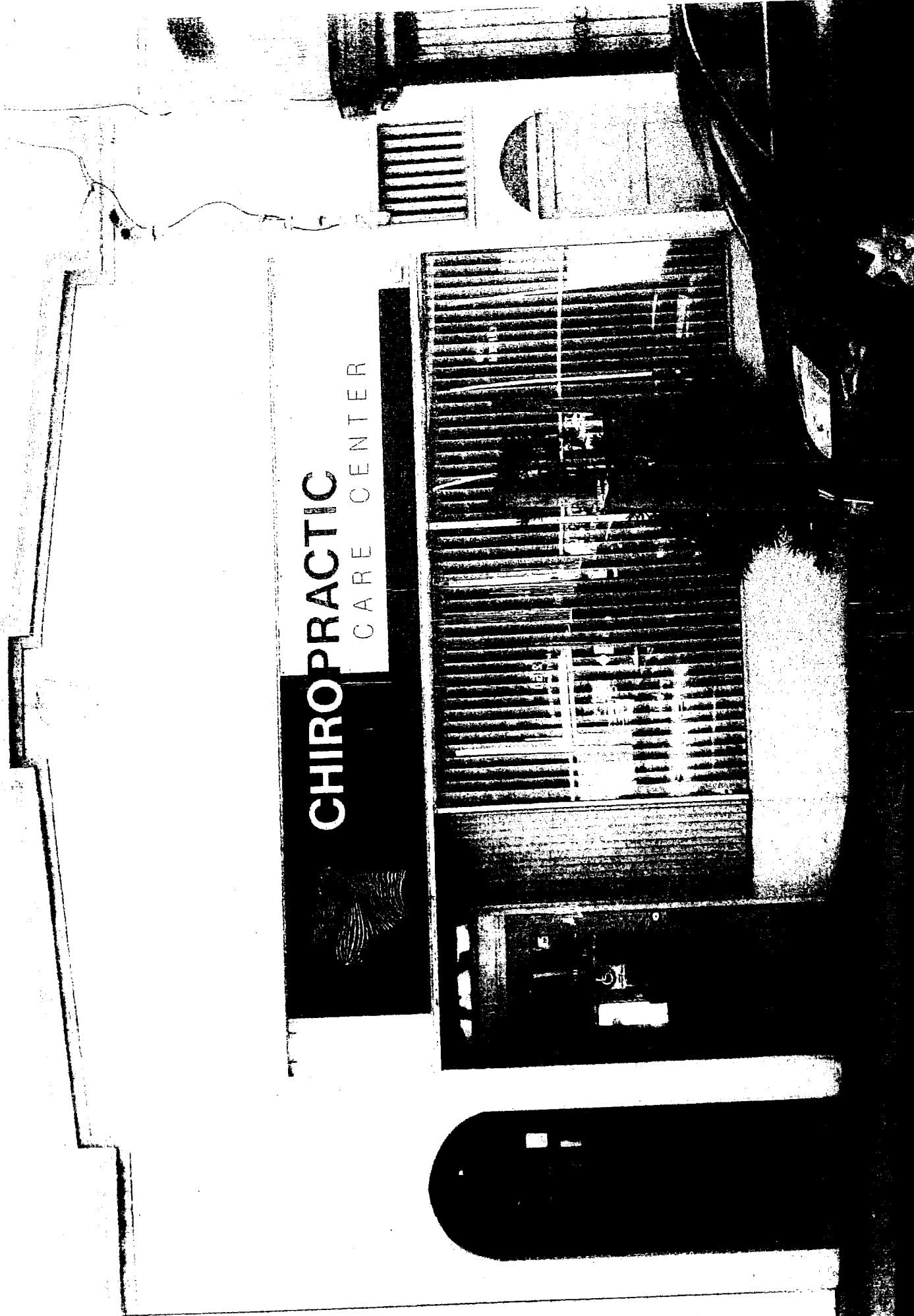
CLASS 1 - Existing Facilities
Negligible or no expansion of building.
All interior improvements.

Butt Kelly 1/29/20

SUBJECT BLUR FACE

CHIROPRACTIC

CARE CENTER



14020

INDEX CODE
HCHPBMEDCMGF
SUB. OBJ.

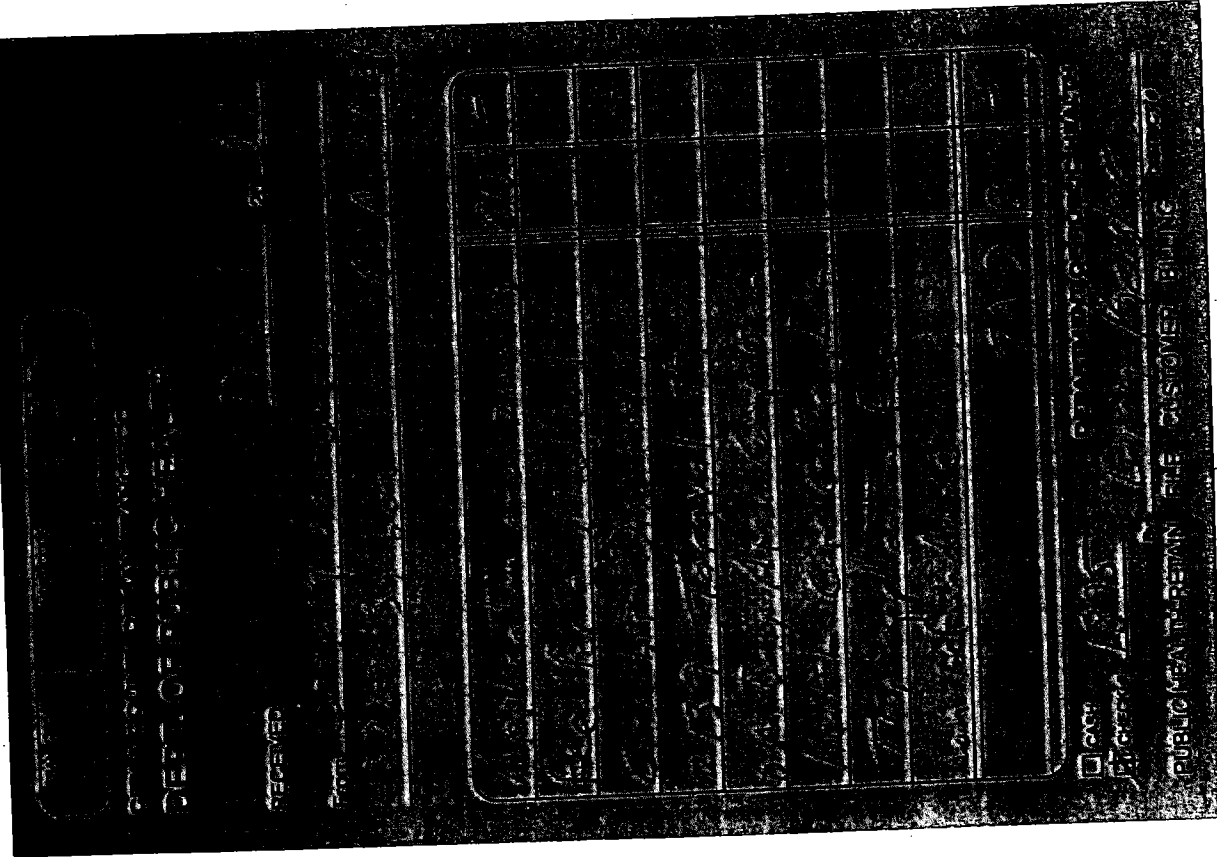
CITY & COUNTY OF SAN FRANCISCO
DEPT. OF PUBLIC HEALTH

RECEIVED
Dec. 1 20 09

FROM Gregory Schoepp
3729 Balboa St. SFCA 94121

| | |
|--------------------------|-------|
| Application and zoning | 8459- |
| fee for a Medical | |
| Cannabis Dispensary @ | |
| 2139 Taraval St. | |
| DPA: Bay Area Compassion | |
| Health Care Center, Inc. | |
| This application fee is | |
| non-refundable | |
| PAID | 8459- |

CASH
 CHECK # 1895
DEPARTMENT OF PUBLIC HEALTH
FILE CUSTOMER BILLING DISTRICT #
Lorry Kessler





PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378 PLANNING COMMISSION ADMINISTRATION CURRENT PLANNING/ZONING LONG RANGE PLANNING
 FAX: 558-6409 FAX: 558-6426 FAX: 558-6409 FAX: 558-6426

PLANNING DEPARTMENT APPLICATION TO OPERATE A MEDICAL CANNABIS DISPENSARY

THESE MATERIALS REQUIRED IN ADDITION TO DPH APPLICATION

APPLICATION INSTRUCTIONS

All applications must be filed in person by the owner of the property or authorized agent of the owner at 1660 Mission Street. We are located between Duboce and South Van Ness Avenues and are open during regular weekday business hours. Upon arrival at our building, proceed first to the Department of Building Inspection's Commercial Plancheck Division on the 2nd floor. You will present your plans and Building Permit Application form for preliminary review and routing instructions. You will then be directed to the Planning Information Counter (PIC) on the 1st floor. Do not visit the PIC until directed to do so by DBI staff. After reviewing your application with Planning Staff at the PIC, you will be directed to other stations including the Central Permit Bureau (CPB) where a fee and all remaining application materials will be collected. You can expect to be contacted by phone or mail by your assigned Staff Planner in two to six weeks.

APPLICATION CHECKLIST

Please every page of this application along with all required materials identified below. While no appointment is necessary to file your application, we recommend that you allow several hours to complete the filing process. Please either (a) complete all forms in neat, legible handwriting or (b) attach printed pages providing all required information.

| | CHECK WHEN COMPLETE | REQUIREMENT | DESCRIPTION |
|---|---------------------|--|--|
| STEP ONE Visit DBI Commercial Plancheck on the 2 nd floor for preliminary review and routing instructions. Retain all materials. | A | DBI Building Permit Application Form 3 | This document (a pink, legal-sized form) must indicate the proposed Medical Cannabis Dispensary use along with all physical improvements to the property. Should significant construction activities be proposed, DBI may require additional information. We strongly recommend that you contact DBI in advance of your filing to verify requirements, including accessibility and ventilation requirements. Please note that only original copies of this form will be accepted. Forms are available only on the ground level of our building at 1660 Mission Street. |
| | B | Architectural Drawings | Provide TWO sets of professionally drawn, full-size architectural plans which demonstrate your compliance with all relevant Planning and Building Code provisions. |
| | C | Letter of Authorization | If the applicant is the authorized agent of the property owner, rather than the owner, a letter signed by the owner and creating or acknowledging that agency must be attached. If the applicant is the owner of the property, you may disregard this requirement. |
| STEP TWO Visit the Planning Department Information Counter on the 1 st Floor for preliminary review. Retain all materials. | D | Planning Department Application Form | This form must be completed in full and signed by the applicant. |
| | E | Photographs | Color photographs mounted on 8.5"x11" paper which depict the subject block face and opposite block face. Applicants often choose to submit digital panoramic photos printed on desktop color printers. |
| | F | Notification Materials (discussed in greater detail on opposite side) | map list labels |
| STEP THREE While at the Planning Counter, submit these materials and obtain a receipt. | G | Photocopy of DPH filing receipt | Before lodging your Supplemental Planning Department Application Form, you must provide evidence of the successful lodging of your primary DPH application. |
| | H | CEQA Review Materials | Under state law, all applications must be checked for compliance with the California Environmental Quality Act (CEQA). An application for CEQA review must be completed in full and is available under the "Applications" section of our web page at www.sfgov.org/planning . Please note that for MCD applications, additional plans or photos are NOT required. Planning Department CEQA review fee: \$65 payable by check only |
| STEP FOUR Additional review requirement: | | Depending on the nature of your application, you may be required to visit other City Agencies, such as the Fire Department or the Department of Public Works (DPW) at this point. This will be established as part of the application's routing in STEP ONE. | |
| STEP FIVE Visit the Central Permit Bureau (CPB) on the 1 st Floor. | I | Building Permit Application Fee | This fee is based on the total cost of construction and is payable by check or credit card. Once the required fee is paid, all application materials will be accepted by CPB, concluding the filing process. |

MCD Supplemental Application Form

ADDITIONAL INFORMATION ON NEIGHBORHOOD NOTIFICATION

The Act requires that all properties within 300' of the subject property receive notice of your intent to open an MCD. This involves a mailed notice as well as a notice posted on the subject property. Accordingly, the Department requires a map, list, and labels of all property occupants within 300' of the parcel containing the proposed MCD. Applicants oftentimes choose to have a third party prepare notification materials on their behalf. A list of businesses who have identified themselves to the Planning Department as offering these services appears below. [Please note that, should you wish to use one of these services, we recommend that you advise the business that the requested materials are for a Medical Cannabis Dispensary application. The notification materials required for this application are unique to MCD's. Some service providers may not be familiar with these requirements.]

| | |
|--|--|
| Build CADD | 3515 Santiago St., SF CA 94116, (415) 759-8710 |
| Carol Cosseboom, Maps & Mailings | 584 Castro St. #840, SF CA 94114, (415) 391-9900 |
| Radius Services | 445 Grant Ave. #400, SF CA 94108, (415) 391-4775 |
| Gerard Gibbons, Architectural Drafting | 2268 15 th St., SF CA 94114 (415) 255-6388 |
| Notice This | (800) 677-0694, www.noticethis.com |
| Small Buildings | (415) 285-8826 |
| Harvey Wong & Associates Architecture and Planning | 543 38 th Ave., SF CA 94121 (415) 752-5847 |
| Jerry Brown Designs | 2596 Post St., SF CA 94115, (415) 210.0355, jbdsgn@aol.com |

Please be aware that you are not required to use one of the above services; should you choose to prepare these materials yourself note that Assessor's Block and Lot information is available at the Assessor's Office, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 190.

As part of the application process, you or your agent must provide the Planning Department with the following:

1. NOTIFICATION MAP

This map shall be drawn at 1" = 50 scale and show:

- a) Street names and property addresses
- b) Assessor's Block and Lot numbers
- c) Number of dwelling units per lot
- d) Number of commercial tenants per lot
- e) Any vacant lots labeled with a "V"
- f) Any condominiums with all Lot Numbers included

2. NOTIFICATION LIST

Prepare a list of all properties within the notification area described above. For each property, list the Assessor's Block and Lot Number. Note that some lots may have multiple tenants. One can often identify the number of dwellings or businesses on a lot from (a) the property owner or building manager or (b) by counting mail-boxes, doorbells, or business signs. Use addresses shown on the door, mailbox, or doorbell and include any letter suffixes (123a) or fractions (249½). Be sure to include an entry for yourself and anyone else you wish notified.

3. NOTIFICATION LABELS

Submit self-adhesive mailing labels with the information described above. Use one label per address. Place the word 'occupant' on the first line of each label.

TYPE OF APPLICATION [CHECK ONE]

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | EXISTING MEDICAL CANNABIS DISPENSARY This application is made in order to seek a permit for a Medical Cannabis Dispensary which was in operation as of April 1, 2005 and has remained in continuous operation since then. [Note that reported existing dispensaries will be verified for consistency with Department surveys and other criteria.] |
| <input checked="" type="checkbox"/> | NEW MEDICAL CANNABIS DISPENSARY This application is made in order to seek a permit for a Medical Cannabis Dispensary which (a) was not in operation as of April 1, 2005, (b) was in operation as of April 1, 2005 but has not remained in continuous operation since then, or (c) has or has had a suspended or revoked permit. |

PROPOSED LOCATION

| | |
|------------------------|--|
| Street Address | 2139 TARAVAL STREET |
| Zip Code | CA 94116 |
| Cross Streets | 31 ST AND 32 ND AVENUE |
| Assessor's Information | BLOCK: 2394 LOT: 042 |
| Zoning District | NC 2 |

APPLICANT INFORMATION

| | |
|---------------------------------|---------------------------------------|
| Name (must be an individual) | GREGORY J. SCHOEPP |
| Daytime Telephone | 415-298-0948 or 415-221-6913 (OFFICE) |
| Mailing Address | 3619 BALBOA STREET, SF, CA 94121 |

PROPERTY OWNER'S INFORMATION

| | |
|-------------------|----------------------------------|
| Name | JACK CHAN |
| Daytime Telephone | 415-350-3299 |
| Mailing Address | 201 SAN BENITO WAY, SF, CA 94127 |

DISPENSARY INFORMATION

| | |
|--|---|
| Present or Previous Use | PRESENTLY VACANT, FORMER CHIROPRACTOR |
| Proposed Business Name (if known) | BAY AREA COMPASSION HEALTH CARE CENTER INC. |
| Gross square footage | 800 |
| Square footage of establishment accessible to patrons | 800 |
| Linear feet of street frontage | 25 |
| Level on which dispensary is located (e.g. ground, 2 nd story) | GROUND LEVEL |
| Number of on-site parking spaces available for exclusive use of MCD employees and patrons | Ø |
| Number of off-site parking spaces available for exclusive use of MCD employees and patrons | Ø |

DISPENSARY SERVICES

| | |
|--|--|
| <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <p>ON-SITE SMOKING Will you allow patrons or employees to smoke or vaporize medical cannabis on the premises? Note that [1] existing dispensaries that are located within 1,000' of a school or recreation building may NOT offer on-site smoking and [2] other dispensaries which choose to provide on-site smoking must provide adequate ventilation.</p> |
| <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <p>CANNABIS FOODSTUFFS Will you offer medical cannabis in the form of food or drink? Note that additional permits will be required from the Department of Public Health.</p> |
| <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <p>CANNABIS GROWING Will any live marijuana plants be kept on the premises for purposes of harvesting medical product? Note that additional mechanical systems may be required and that Planning Code standards for accessory uses may preclude the dedication of more than 1/4 of the total floor area of the dispensary for such use. If yes, indicate proposed square footage devoted to growing activities: _____</p> |

ACCESSIBILITY COMPLIANCE

All dispensaries must provide full wheelchair accessibility to the same level required of new construction (Chapter 11B of the California Building Code; Title 24 of the California Code of Regulations). In the space below, please indicate the existing and/or proposed features of the proposed dispensary which afford or will afford this access.

AS INDICATED ON THE DRAWINGS THE PROPOSED MCD WILL BE WHEELCHAIR ACCESSIBLE.

THE SITE IS ON THE GROUND FLOOR AND WILL PROVIDE AN ADA COMPLIANT RESTROOM.

PRIORITY GENERAL PLAN POLICIES FINDINGS

Proposition M was adopted by the voters on November 4, 1986. It requires that the City find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the 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. | <p>That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;</p> <p>NO NEIGHBORHOOD - SERVING RETAIL ESTABLISHMENTS WOULD BE DISPLACED.</p> |
| 2. | <p>That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;</p> <p>THE PROPOSED MCD WOULD OCCUPY AN OCCUPIED EXISTING SPACE.</p> |
| 3. | <p>That the City's supply of affordable housing be preserved and enhanced;</p> <p>NO RESIDENCES WOULD BE DISPLACED</p> |
| 4. | <p>That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;</p> <p>OWNER WILL APPLY TO DPT FOR WHITE ZONE PARKING. IN ADDITION THE SITE IS SERVED BY MUNI.</p> |
| 5. | <p>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;</p> <p>THE PROPOSED MCD WOULD BE IN AN EXISTING SPACE AND WOULD NOT DISPLACE ANY INDUSTRIAL OR SERVICE INDUSTRY ESTABLISHMENTS.</p> |
| 6. | <p>That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;</p> <p>THE MCD STAFF WILL BE INSTRUCTED TO FOLLOW STANDARD EARTHQUAKE PREPAREDNESS PROCEDURES. ALL NEW WORK WILL COMPLY W / BLDG. CODE FOR SEISMIC DESIGN.</p> |

MCD Supplemental Application Form

| | |
|----|--|
| 7. | <p>That landmarks and historic buildings be preserved; and</p> <p><i>This project proposes no changes to the existing building facade and is merely a tenant improvement.</i></p> |
| 8. | <p>That our parks and open space and their access to sunlight and vistas be protected from development.</p> <p><i>No new development. MCD in existing space</i></p> |

DECLARATION OF RELEVANT PROXIMITIES

Under penalty of perjury the following declarations are made:

| | |
|---|---|
|  (initial here) | <p>PROXIMITY TO SCHOOLS</p> <p>I have used all reasonable resources available to me, including (1) maps and zoning information made available by the Planning Department and (2) 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.</p> |
|  (initial here) | <p>PROXIMITY TO RECREATION BUILDINGS</p> <p>I have used all reasonable resources available to me, including (1) maps and zoning information made available by the Planning Department and (2) 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.</p> |
|  (initial here) | <p>PROXIMITY TO SUBSTANCE ABUSE TREATMENT FACILITIES</p> <p>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.</p> |

APPLICANT'S STATEMENT

The proposed project location is in an NCD2 use district- a small-scale neighborhood commercial district where "neighborhood-serving business is strongly encouraged" (SF Planning Code Section 711.1). Medical Cannabis dispensaries are a permitted principal use in this district. Our proposed MCD will replace another medical related business. The project site is on an arterial street with streetcar service. There are no existing MCD's in the area. As many MCD patrons may be elderly and/or disabled, we believe it is important to offer a safe and convenient location to serve local residents who are not able or inclined to travel downtown to access this type of service.

The project sponsor intends to operate a safe, low-profile, efficient and compassionate retail outlet for legitimate and responsible patients. He will provide substantial security measures including a private guard posted on-site during business hours. No signage will be displayed outside the building. He will obtain a street permit for a white zone in front of the building and will employ a physician to provide on-site consultation. No medicine will be grown or used on site. The dispensary owner owns and maintains his own supply stream of medicine and will not purchase from other suppliers. His medicine is organically farmed, locally, on his own land in compliance with State law. All patient purchases will be recorded and monitored and limited to physician-prescribed quantities.

In order to gauge the neighborhood's response to our project, we have sent letters of introduction to residents and property owners within 300 feet of our proposed location and are in the process of conducting a door to door survey. Additionally, we have met with Supervisor Carmen Chu and have her assurance that she will support our efforts if we are able to enlist the support of the community.

APPLICANT'S STATEMENT

Use this space to discuss why you feel that an MCD is appropriate from a land use and urban planning perspective at the proposed location. Your discussion may include, but is not limited to, (1) specific factors which contribute to the compatibility and appropriateness of the MCD use with the immediate neighborhood and broader City environment, (2) neighborhood outreach efforts you have made and the results of those efforts [Have you talked to neighbors about the project? Do neighbors support the project?], and (3) any other circumstances applying to the property involved which you feel support your application.

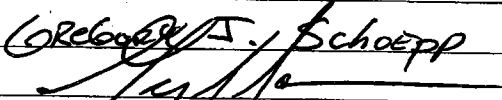
A large, empty rectangular box with a thin black border, intended for the applicant to write their statement. The box occupies most of the lower half of the page.

MCD Supplemental Application Form
Page 8 of 10

APPLICANT'S AFFIDAVITS

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.

| | |
|-------------------------------------|--|
| Nature of Applicant: [CHECK ONE] | <input checked="" type="checkbox"/> AUTHORIZED AGENT <input type="checkbox"/> OWNER |
| Printed Full Name | |
| Signed |  |
| Dated | 10/23/09 |

**Bay Area Compassion Health Center
2139 Taraval Street (at 32nd)
Sunset District, San Francisco**

Frequently Asked Questions

- 1) What is Bay Area Compassion Health Center?
- 2) What is a medical cannabis dispensary?
- 3) Why are you doing this? Marijuana is illegal.
- 4) Aren't cannabis dispensaries associated with high incidence of crime?
- 5) What will stop our children from using medical cannabis?
- 6) There are many medical cannabis dispensaries in San Francisco. Why can't sick people go somewhere else?
- 7) Isn't marijuana addictive?
- 8) I've heard that marijuana is a "gateway drug". Won't it create heroin addicts?
- 9) Where do you get the cannabis that you have in the dispensary?
- 10) What do you mean by "Medical Grade" Cannabis?
- 11) Why don't these sick people just use conventional prescription drugs? If they must use marijuana, isn't it available in a pill form from a pharmacy?
- 12) Won't it be dangerous on the streets with all these people driving under the influence of medical marijuana?
- 13) I have heard that anyone can get a recommendation. How can you be sure that your members are "Qualified Patients"?

1) What is Bay Area Compassion Health Center?

Bay Area Compassion Health Center (BACH) is a nonprofit mutual benefit corporation registered with the State of California and the Franchise Tax Board. BACH is comprised entirely of legally qualified medical cannabis patients and primary caregivers who have chosen to collectively and cooperatively associate with one another in order to more effectively provide

for their health care needs, including but not limited to, the cultivation of medical cannabis.

2) What is a medical cannabis dispensary?

Most of California's estimated 200,000 patients obtain their medical marijuana from a Medical Cannabis Dispensing Collective (MCDC), often referred to as a "dispensary." Dispensaries are usually storefront facilities that provide medical marijuana and other services to patients who have obtained a doctor's recommendation to use cannabis to treat their illness.

Today, there are many legal dispensaries operating in California. In order for patients and primary caregivers to be admitted to the dispensary, they MUST be members of the collective; only members may obtain medical marijuana at the dispensary. Membership is only accepted if the appropriate documentation (valid doctor's recommendation and valid CA driver's license or CA identification card) is verified by the BACH.

3) Why are you doing this? Marijuana is illegal.

California's original medical cannabis law, the Compassionate Use Act (Prop. 215), directs local officials to implement ways for qualified patients to access their medicine.

With the passage of state legislation (SB 420) in 2003, and the 2005 court ruling in *People v. Urziceanu*, medical cannabis dispensing collectives (or dispensaries) are now recognized as legal entities. Since most of the estimated 203,000 cannabis patients in California rely on dispensaries for their medicine, communities across the state are facing requests for business licenses or zoning decisions related to the operation of dispensaries.

While the Compassionate Use Act does not explicitly discuss medical cannabis dispensaries, it calls for federal and state governments to "implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana." (Health & Safety Code § 11362.5) This portion of the law has been the basis for the development of compassionate, community-based systems of access for patients in various parts of California. In some cases, this has meant the creation of patient-run collectives that allow those with cultivation expertise to help other patients obtain medicine.

The majority of medical marijuana (cannabis) patients cannot cultivate their medicine for themselves or find a caregiver to grow it for them. Most of California's estimated 200,000 patients obtain their medicine from a Medical Cannabis Dispensing Collective (MCDC), often referred to as a "dispensary." Dispensaries are typically storefront facilities that provide medical cannabis and other services to patients in need. There are 23 dispensaries operating in San Francisco as of August 2009. Dispensaries operate with a closed membership that allows only patients and caregivers to obtain cannabis and only after membership is approved (upon verification of patient documentation) Currently there is no Medical Cannabis Dispensary in the San Francisco Sunset District neighborhood.

Legally regulated dispensaries can benefit the local community by providing:

- A safe convenient environment for member patients;
- Legal access to marijuana for medicinal use in the patients neighborhood;
- Social support programs, including convenient seminars and clinics for (medical marijuana) patients;
- Community outreach and charitable contributions in the neighborhood being served.

Legally regulated dispensaries reduce neighborhood crime because:

- Dispensary provides their own security cameras and security guards serve as a deterrent to criminal activity and other problems on the street. This reduces crime in the vicinity;
- Illegal Street sales in the neighborhood decrease;
- More Criminal activity in the neighborhood gets reported to police.

Legally regulated dispensaries:

- Help to revitalize and promote the well-being of patients in their own neighborhoods;
- Encourage more foot traffic, bringing new customers to neighboring businesses;
- abide by Local regulations and community input and not a source of community complaints.

4) Aren't cannabis dispensaries associated with a high incidence of crime?

Some reports have suggested that dispensaries are magnets for criminal activity or other behavior that is a problem for the community, but the experience of those cities with dispensary regulations says otherwise. Crime statistics and the accounts of local officials surveyed by Americans for Safe Access indicate that crime is actually reduced by the presence of a dispensary. Complaints from citizens and surrounding businesses are either negligible or are significantly reduced with the implementation of local regulations.

This trend has led multiple cities and counties to consider regulation as a solution. Kern County, which passed a dispensary ordinance in July 2006, is a case in point. The sheriff there noted in his staff report that "regulatory oversight at the local levels helps prevent crime directly and indirectly related to illegal operations occurring under the pretense and protection of state laws authorizing Medical Marijuana Dispensaries." Although dispensary related crime has not been a problem for the county, the regulations will help law enforcement determine the legitimacy of dispensaries and their patients.

The sheriff specifically pointed out that, "existing dispensaries have not caused noticeable law enforcement of secondary effects and problems for at least one year. As a result, the focus of the proposed Ordinance is narrowed to ensure Dispensary compliance with the law" (Kern County Staff Report, Proposed Ordinance Regulating Medical Cannabis Dispensaries, July 11, 2006). The presence of a dispensary in the neighborhood can actually improve public safety and reduce crime. Most dispensaries take security for their members and staff more seriously than many businesses. Security cameras are used both inside and outside the premises, and security guards are employed to ensure safety. Both cameras and security guards serve as a deterrent to criminal activity and other problems on the street. Those likely to engage in such activities will tend to move to a less-monitored area, thereby ensuring a safe environment not only for dispensary members and staff but also for neighbors and businesses in the surrounding area.

On 1/16/2010, Los Angeles Police Department Chief Charlie Beck told reporters at the Daily News that medical cannabis collectives do not attract crime, adding that "banks are more likely to get robbed than medical marijuana dispensaries."

Residents in areas surrounding dispensaries have reported improvements to the neighborhood. Kirk C., a long-time San Francisco resident, commented at a city hearing, "I have lived in the same apartment along the Divisadero corridor in San Francisco for the past five years. Each store that has opened in my neighborhood has been nicer, with many new restaurants quickly becoming some of the city's hottest spots. My neighborhood's crime and vandalism seems to be going down year after year. It strikes me that the dispensaries have been a vital part of the improvement that is going on in my neighborhood."

Oakland's city administrator for the ordinance regulating dispensaries, Barbara Killey, notes that "the areas around the dispensaries may be some of the safest areas of Oakland now because of the level of surveillance since the ordinance passed."

Likewise, Santa Rosa Mayor Jane Bender noted that since the city passed its ordinance, there appears to be "a decrease in criminal activity. There certainly has been a decrease in complaints. The city attorney says there have been no complaints either from citizens or from neighboring businesses."

5) What will stop our children from using medicinal cannabis?

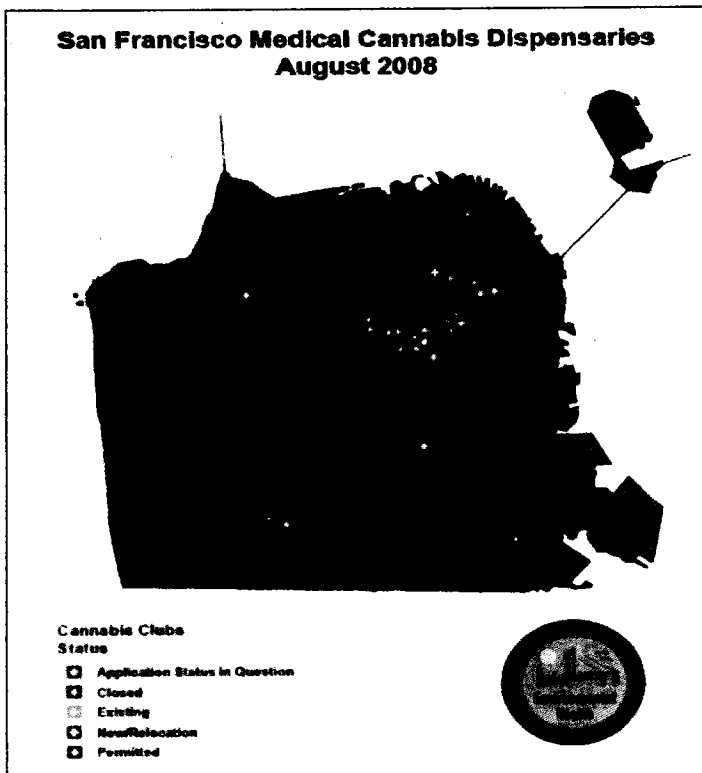
There are many activities that only adults may legally engage in, such as purchasing and consuming alcohol and purchasing and smoking cigarettes. However, we do not forbid adults from responsibly engaging in these activities in order to dissuade our children from doing so. Nor can we justify depriving adult cannabis patients from their medicine on the grounds of sending a message to children. Like alcohol and cigarettes, medical cannabis is legally regulated

Therefore, like alcohol and cigarettes, medical marijuana dispensaries do not permit anyone under the age of age 18 to obtain medical marijuana from the dispensary.

Even though it is legal for anyone 18 years or older to obtain a doctor's recommendation, BACH will not allow ANYONE under 21 years of age into its facility unless accompanied by an adult parent or guardian. Further, BACH is outside the city's allowable distance to schools, but BACH recognizes that Lincoln High School and St. Ignatius School are nearby. Because BACH is committed to act in the best interests of the community to ensure that its medicine is not available to anyone under the age of 21.

6) There are many medical cannabis dispensaries in San Francisco. Why can't sick people go somewhere else?

San Francisco is divided into many districts, each having their own personality and character. The need for access to a patient's medication, however, is citywide. Currently the dispensaries are located disproportionately to the population of the city (See map).



This SF Department of Public Health map shows the locations of dispensaries in San Francisco in 2008. Not much has changed since then regarding locations.

The BACH location at 32nd and Taraval serves San Francisco as a whole by affording convenient access proportionate to the city. It also serves the Sunset District by providing local access to qualified patients and their caregivers.

7) Is marijuana addictive?

Substantial research exists regarding marijuana and addiction. While the scientific community has yet to achieve full consensus on this matter, the majority of epidemiological and clinical research demonstrate that the reinforcing properties of marijuana in humans is low in comparison to other drugs of abuse, including alcohol and nicotine. According to the U.S. Institute of Medicine (IOM), fewer than one in 10 marijuana smokers become regular users of the drug, and most voluntarily cease their use after 34 years of age. By comparison, 15 percent of alcohol consumers and 32 percent of tobacco smokers exhibit symptoms of drug dependence.

According to the IOM, observable cannabis withdrawal symptoms are rare and have only been identified under unique patient settings. These remain limited to adolescents in treatment facilities for substance abuse problems, and in a research setting where subjects were given marijuana or THC daily. Compared with the profound physical syndrome of alcohol or heroin withdrawal, marijuana-related withdrawal symptoms are mild and subtle. Symptoms may include restlessness, irritability, mild agitation and sleep disruption. However, for the overwhelming majority of marijuana users, these symptoms are not severe enough to re-initiate their use of cannabis.

8) I've heard that marijuana is a "gateway drug". Won't it create heroin addicts?

There is no conclusive evidence that the effects of marijuana are linked to the subsequent use of other illicit drugs. Preliminary animal studies alleging that marijuana "primes" the brain for other drug-taking behavior, have not been replicated, nor are they supported by epidemiological human data. Statistically, for every 104 Americans who have tried marijuana, there is only one regular user of cocaine, and less than one user of heroin. Marijuana is clearly a "terminus" rather than a gateway for the overwhelming majority of marijuana smokers.

For the minority of marijuana smokers who do graduate to other substances, it is marijuana prohibition -- which forces medical marijuana patients to associate with the illegal drug market -- rather than the use of marijuana itself, that may lead to the use of other drugs. The more medical marijuana patients are required to obtain it from sources where other illegal drugs can also be obtained, the greater the chances that these substances will be the subject of experimentation.

In Holland, where politicians decided over 25 years ago to separate marijuana from the illegal drug market by permitting coffee shops to sell small amounts of marijuana to adults, the use of marijuana and other drugs are used at rates that are less than half of their American counterparts.

9) Where do you get the cannabis that you have in the dispensary?

Within BACH's membership, are experienced master gardeners and cultivators with facilities in northern California outside of San Francisco that are both legal and safe. Special attention is paid to growing methods and practices to ensure that the end product is:

1. Safe- Free from bacteria, mold, and harmful pesticides;
2. Legal- Cultivating plants that will meet the needs of its members;
3. Medicinal- Medical grade

There has been much publicity about "grow houses": houses where marijuana is illegally cultivated and distributed, endangering local communities in residential neighborhoods. **BACH has neither the need to nor the intention of obtaining medical marijuana from illegal sources. BACH provides a legal, safe alternative.**

10) What do you mean by "Medical Grade" Cannabis?

Medical marijuana patients are hoping to achieve specific medical benefits from its use, so the production of medical marijuana must be strictly tested and controlled. While cannabis is a weed and can be easily grown in many climates, medical

grade marijuana is unlike other types preferred by recreational users.

For example, of the more than 60 compounds that provide benefits to patients, THC (Tetrahydrocannabinol) and CBD and CBN (Cannabidiol and Cannabinol) are the best understood. BACH is committed to providing the highest quality medical cannabis available to its members.

11) Why don't these sick people just use conventional prescription drugs? If they must use marijuana, isn't it available in a pill form from a pharmacy?

For many patients, traditional medications do work and they do not need or want to use medical marijuana. However, for a significant number of patients, including those suffering from:
AIDS,
Cancer,
Glaucoma,
Epilepsy,
Multiple Sclerosis and
chronic pain, etc.

Traditional medications do not provide symptomatic relief as effectively as medicinal cannabis. These patients should not be branded as criminals or endure serious pain and hardship.

Dronabinol (trade name Marinol), a pill made up of marijuana's most psychoactive ingredient, THC, is available by prescription. It is a legal, synthetic THC alternative to cannabis. Nevertheless, many patients claim they find minimal relief from it, particularly when compared to inhaled marijuana. The active ingredient in Marinol, delta-9-tetrahydrocannabinol, is only one of the compounds isolated in marijuana that appears to be medically beneficial to patients. Marinol does not contain other beneficial compounds such as cannabidiol (CBD), an anti-convulsant, and cannabichromine (CBC), an anti-inflammatory.

Marinol is effective for some patients. But for others, this highly potent synthetic drug has significant side effects.

1. Patients complain of being "knocked out" shortly after taking the pill.

2. Marinol also does not stimulate appetite as well as "whole marijuana" commonly does.
3. Marinol is also expensive -- as much as \$30,000 a year for one patient's prescription.

12) Won't it be dangerous on the streets with all these people driving under the influence of medical marijuana?

The responsible cannabis patient does not operate a motor vehicle or other dangerous machinery under the influence of cannabis, using the same caution as driving when consuming alcohol, or when taking many prescription drugs.

Although cannabis is said by most experts to be safer than alcohol and many prescription drugs, responsible cannabis patients never operate motor vehicles under the influence of marijuana. Authorities will take steps to ensure that objective methods are developed to test a driver's capacity to drive safely.

13) I have heard that anyone can get a recommendation. How can you be sure that your members are "Qualified Patients"?

Legally a patient need only produce a recommendation and a valid ID to obtain medicine from a dispensary. BACH takes the extra step to verify a potential member's recommendation by calling the doctor directly.

BACH will only take care of its membership. Membership is allowed after and only after the doctor's recommendation is verified on the phone by a BACH staff-member. If a patient comes to BACH requesting membership and the doctor cannot be reached we will keep trying until it is verified. No transactions will occur until this process is complete. We will then issue a BACH card that expires on the date the recommendation expires. The member must renew every year with a new recommendation. If the patient has a Ca. State card the verification has already been performed and membership would be granted once the identity is verified and agreement with the rules and policies are signed. Membership with BACH is free. Bach has a policy of only admitting members that are over 21 years of age to enter the dispensary (unless accompanied by an adult). These restrictions are practices that BACH voluntarily imposes on itself to help insure that the system is not being abused.

Thank you for taking the time to understand our mission. And we hope this information helps answers your questions.

We would like to hear your comments and answer any questions you might have. We will be holding an Open House in the near future to meet with the community. Please email us at the address below and we will put you on our mailing list. And please feel free to contact us for more details, or to leave feedback.

Bay Area Compassion Health Center

info@bachcares.com

(415) 298-1737

San Francisco Medical Cannabis Dispensaries August 2008



Cannabis Clubs Status

- Application Status in Question
- Closed
- Existing
- New/Relocation
- Permitted



Planning Department Guidelines for New Medical Cannabis Dispensaries

CDAP Ordinance No. 174-04
Printed: 01/18/16

- Probable Permitted Areas
- Uncertain Areas
- Prohibited Areas

NOTES ABOUT THIS MAP

- (1) PROBABLE PERMITTED AREAS are those areas which are zoned appropriately and which previously had a medical cannabis dispensary or have been verified for compliance with applicable zoning and other regulations.
- (2) UNCERTAIN AREAS are those areas which are zoned appropriately but have not been verified for compliance with applicable zoning and other regulations.
- (3) PROHIBITED AREAS are those areas which are not zoned appropriately and therefore may not be considered for any new MCD.
- (4) This map does NOT depict the prohibition on MCD's located on the same parcel as an existing MCD.
- (5) MCD's are not permitted in the Visual Peak NOD use permissible only with Conditional Use authorization from the Planning Commission.
- (6) MCD's are not permitted in the Visual Peak NOD use permissible only after a successful referendum from the Planning Commission.
- (7) MCD's are not permitted in the Visual Peak NOD use permissible only after a successful referendum from the Planning Commission.
- (8) This map is subject to change based on the findings of the Planning Commission.
- (9) This map is subject to change based on the findings of the Planning Commission.
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- (20) This map is subject to change based on the findings of the Planning Commission.



SITE



Jim
<nmskydown@g
mail.com>

04/11/2010 11:42
PM

To cecilia.jaroslowsky@sfgov.org

cc Paul <Paul@bachcares.com>, carmen.chu@sfgov.org

bcc

Subject In support of Medical Cannabis Dispensary at 2139 Taraval

Dear Ms Jaroslowsky:

I am writing to express strong support for the proposed Medical Cannabis Dispensary at 2139 Taraval. Cannabis is a very useful medicine for some conditions, and this part of the city, in which I live, is underserved.

I am puzzled by Ms Carmen Chu's objections, listed in a flyer that landed on my doorstep recently.

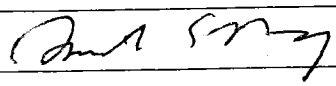
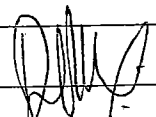
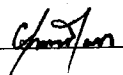
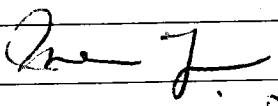
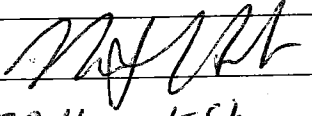
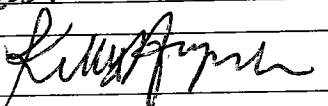
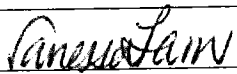
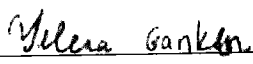
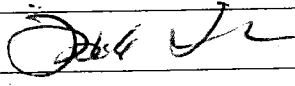
Ms Chu says, "Marijuana does not cure!" I would suggest that Ms Chu take a look at the local Walgreens. Her statement is questionable but, even if true, is misdirected. Most of the medicines on sale at any pharmacy do not cure. Asthma is not curable, yet the bronchodilators and anti-inflammatories that are commonly prescribed are a very great help to many patients, allowing them to live fairly normal lives. Parkinson's disease is not curable, yet the dopamine agonists that are commonly prescribed give patients additional years of more normal muscle control. Shall we all undergo surgery without anesthesia because anesthetics cure nothing? There is evidence accumulating that the active ingredient of Cannabis may, indeed, cure some conditions. But even if it does not, the palliative effect is of great value to many patients. If we accept this argument against the dispensary then, to be consistent, we will have to close all the pharmacies in Ms Chu's district as well.

Ms Chu asks us "To protect our children and youth". Well of course, who could disagree with that? But against what? Does she really think that children will get fake papers and go to the dispensary, when all they have to do is ask a friend at school (and for far worse than marijuana)? If she really wants to protect children, she should focus on figuring out a way to keep drugs off of school grounds.

I can feel somewhat more sympathy with the position of Captain Denise A. Schmitt of the Taraval Police Station (http://www.taraval.org/canabis_ltr.html), but I must respectfully disagree. Her main objection seems to be that dispensaries are sites of crime ("Dispensaries have experienced take-over robberies, burglaries, shootings, stabbings, fights and homicides.") This may be true in the Tenderloin, but it is unlikely to be true on Taraval. I say I disagree with respect because I can easily imagine that even the possibility of increased crime would be quite distasteful to someone charged with maintaining law and order. However I disagree not only because of the facts, but because of the principle. Shall we refuse to have banks in our neighborhood because sometimes armed robberies occur at banks? Shall we outlaw pharmacies because they are sometimes robbed of dangerous drugs that find their way to the streets? That would be very bad policy. If there is very strong evidence that the dispensaries cause crime, then perhaps we need to change either the law or the design of the

Oppose Medical Marijuana Dispensary Proposed for Taraval and 31st Avenue

We, the undersigned, oppose the proposed Medical Cannabis Dispensary at 2139 Taraval and ask the City of San Francisco to deny any permits for that purpose. With the large number of schools, parks, playgrounds, after-school enrichment programs, churches and other family oriented centers and activities, the Sunset District is not an appropriate place for this establishment.

| | | |
|-----|---|--|
| 1. | Signature: <u></u> | Name Printed: <u>MICHAEL MOY</u> |
| | Address: <u>1500 NORIEGA ST</u> | Tel/Email: <u>MOYZRUS @ AOL.COM</u> |
| 2. | Signature: <u></u> | Name Printed: <u>Dennis Moy</u> |
| | Address: <u>1508 Noriega St.</u> | Tel/Email: <u>moy.dennis@gmail.com</u> |
| 3. | Signature: <u></u> | Name Printed: <u>ANNA TAN</u> |
| | Address: <u>142 Judah Street</u> | Tel/Email: <u>aw120609@gmail.com</u> |
| 4. | Signature: <u></u> | Name Printed: <u>Yu, MEZEI</u> |
| | Address: <u>91 Forest View Dr.</u> | Tel/Email: <u>(415) 812-3038</u> |
| 5. | Signature: <u></u> | Name Printed: <u>Huynh, Mindy</u> |
| | Address: <u>2537 Clement St.</u> | Tel/Email: <u>01061118@sbcglobal.net</u> |
| 6. | Signature: <u></u> | Name Printed: <u>HUYNH, KELLY</u> |
| | Address: <u>2539 CLEMENT ST.</u> | Tel/Email: <u>(415) 306-2103</u> |
| 7. | Signature: <u></u> | Name Printed: <u>vanessa TAM</u> |
| | Address: _____ | Tel/Email: <u>VTTT123@yahoo.com</u> |
| 8. | Signature: <u></u> | Name Printed: <u>Yelena Gankin</u> |
| | Address: _____ | Tel/Email: <u>gankinyelena@gmail.com</u> |
| 9. | Signature: <u></u> | Name Printed: <u>Wai Kye MAH</u> |
| | Address: _____ | Tel/Email: <u>WMAH@FENIEXPRESS.COM</u> |
| 10. | Signature: _____ | Name Printed: _____ |
| | Address: _____ | Tel/Email: _____ |

請填妥後複製一份每份分別寄往以下地址：

When completed, please make a copy and send each to the following addresses:

| | |
|--|--|
| <p>Ms. Carmen Chu City Hall Office of San Francisco Supervisor. 1 Dr. Carlton B. Goodlett Place #244 San Francisco, CA 94102</p> | <p>Ms. Cecilia Jaroslowsky Planning Department 1650 Mission Street, #400 San Francisco, CA 94103</p> |
|--|--|



John Lundberg
<john.lundberg@gmail.com>

03/29/2010 06:28 PM

To carmen.chu@sfgov.org, cecilia.jaroslowsky@sfgov.org

cc

bcc

Subject Approval for Medical Cannabis Dispensary in Sunset

Dear Ms. Chu and Ms. Jaroslowsky,

I am writing this email in approval for a Medical Cannabis Dispensary on Taraval Street in the Sunset District.

Currently there are no MCDs in our area (the closest is on Ocean near City College). For some people it might be difficult to make it to the closest MCD.

Medical Cannabis is a medical drug prescribed by a licensed physician. For me it has helped greatly in alleviating my depression and anxiety. There are others it has helped who have chronic pain, seizure disorders, cancer, diabetes, and many other serious ailments.

As for the claims that it will corrupt the youth and lead to crime in the area are utterly unfounded. MCDs are very discrete. They only allow in people with the proper credentials (signed Therapeutic Cannabis Recommendation or proof of recommendation via a Medical Marijuana Patient ID card). People do not hang out in front of the dispensary and there are security guards for protection. I also think that dispensaries are good members of the community and actively support keeping our neighborhood safe.

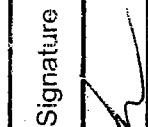
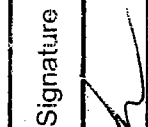
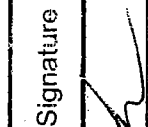
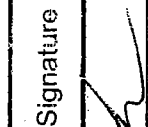
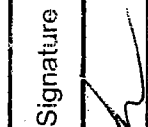
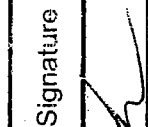
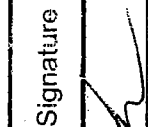
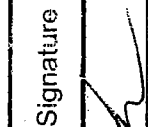
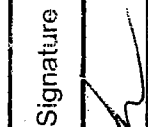
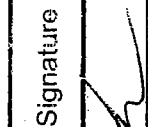
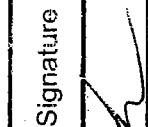
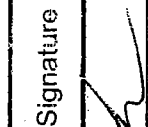
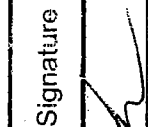
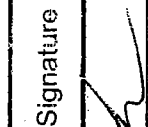
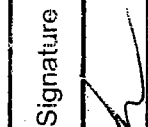
John Lundberg
33rd and Rivera

Bay Area Compassion Health Centers Inc

BACHC a responsible and caring medical cannabis dispensary (MCD) is set to open at 2139 Taraval Street, San Francisco, subject to the City's approval. It shall always be our commitment to adhere to **A GOOD NEIGHBOR POLICY** that will always exhibit and protect the utmost safety, tranquility and cleanliness of our neighborhood.

Petition in Favor of Medical Cannabis Dispensary located at 2139 Taraval Street

This petition is for San Francisco residents age of 18 and over.

| Name | Address | Phone | Patient ID/Dr. Recommendation | Signature |
|--------------------------|---------------------------|-----------------------|-------------------------------|---|
| Don Ino | 551-36th Ave. | (415) 600-4669 | XXXXXXXXXX |  |
| Gloria Jimenez | 879 41st Ave | (415) 750-3688 | RICHARDS BLAIR |  |
| Joseph Betteke | 4874 7th Ave | (415) 742-4407 | |  |
| Jocelyn Mirkenson | 6624 Fulton St. | 415. 742-0971 | |  |
| Jeremy Randolph | 499 38th Ave #315 S.F. CA | 510-305-8602 | |  |
| Ernie Marinova The | 1464 CA-Playa SF CA | 415-731-8888 | Dr |  |
| Margaret Grise-Dow | 716-36th Ave, SF, CA. | 415-386-3116 | |  |
| Robyn Greenberg | 3915 Balboa St, SF CA | 415-666-3953 | MediCann |  |
| Adam Gallegos | 836 38th Ave SF CA | 949-433-4339 | 369463 |  |
| Edith Jettin | 121 Cuban St. SF | (415) 431-2779 | |  |
| Kevin Krauss | 675 29th Ave SF | 387-7323 | Dr S. GORTA |  |
| Kevin Krauss | 619 38th Ave SF, CA 94111 | 415 6089552 | |  |
| Edward P. Child | 717-31st Ave SF CA 94121 | | |  |
| Regina Noble | 527 | | |  |
| Mary Elizabeth Patterson | 400 Lonsdale SF | 415 587 3267 94127 | |  |



David Golden
<david@davidgolden.
com>

02/09/2010 04:23 PM

To "cecilia.jaroslowsky@sfgov.org"
<cecilia.jaroslowsky@sfgov.org>

cc

bcc

Subject MCD on Taraval

Dear Ms Jaroslowsky,

As a resident, neighbor, and parent of two young children, I am writing to express my opposition to the proposed MCD on Taraval. This use is inconsistent with the character of the neighborhood of private homes, schools, playgrounds, day care, and will create significant adverse impacts on the quality of life in the neighborhood. These facilities are all found in abundance within a 10 block radius if the proposed location.

The resulting impacts of additional loitering, extra parking, smoking, and increased crime can not be addresses by the applicant and the city should deny the application on those grounds.

The city of Los Angelas has recently adobted agressive limits to the poliferation of these facilities after extensively studying the adverse impacts and abuses that are common.

I urge the planning department to recommend against approval of this facility.

Please keep me informed of all actions taken on this application so I can continue to voice my opposition.

Thank You,

David Golden, AIA
201 Creatlake Drive
San Francisco, CA 94132

We **oppose** the Cannabis Dispensary Club (Marijuana store) opening on 2139 Taraval St or anywhere in the Sunset District

First & Last Name

Address

Phone #

Signature

| | | | |
|----------------|---|----------------|----------------|
| Angelica Chen | 1923 31 ST AVE S.F. CA 94116 | (415) 669-8998 | Angelica Chen |
| Hank Chan | 1223 31 ST AVE S.F. CA 94116 | (415) 664-8998 | Hank Chan |
| Lena La | 146 Beyer St | 650 785 6463 | Lena La |
| Irene Woo | 7825 Geary Blvd. S.F. CA 94121 | (415) 386-6702 | Irene Woo |
| Clorissa Huang | 70 Mountview CT 94131 S.F. CA | (415) 226-9676 | Clorissa Huang |
| Jung Cheung | 8 MORNING SIDE | 415 681 8113 | EDWIN Cheung |
| KATHALIN CHAN | 2242 41 ST AVE S.F. CA 94116 | (415) 601-0829 | Kathalin Chan |
| RONALD PHAN | 2242 41 ST AVE S.F. CA 94116 | (415) 600-3822 | Ronald Phan |
| STEVEN LEO | 1882 30 TH AVE S.F. CA 94122 | 415 681-3985 | Steven Leo |
| Min Qian Liu | 2776 41 AVE S.F. CA 94116 | 415-215-4118 | Min Qian Liu |
| Emily Jada | 2231 31 ST AVE S.F. CA 94116 | 415-425-6671 | Emily Jada |

When completed, please make a copy and send each to the following addresses:

請填妥後複製一份, 每份分別寄往以下地址:

Carmen Chu

Cecilia Jaroslowsky
Planning Department
1650 Mission St, #400
San Francisco, CA 94103

City Hall Office of San Francisco Supervisor
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

7-59-3100



GAVIN NEWSOM
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

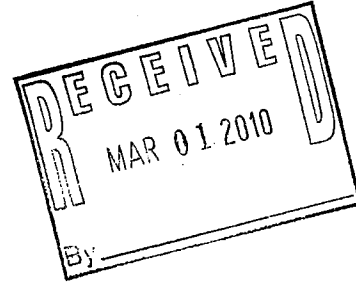
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GEORGE GASCÓN
CHIEF OF POLICE

February 22, 2010

Ms. Cecilia Jaroslawsy
Planning Department
1650 Mission St, #400
San Francisco, CA 94103



Dear Ms. Jaroslawsy:

Recently, I was made aware that the Planning Department is processing an application to open a Medical Cannabis Dispensary, (MCD), at 2139 Taraval Street. As the Commanding Officer of Taraval Police Station, I write to express the concern I have over the proposed location. I understand that the proposal is being considered to enable the legally permissible distribution of marijuana pursuant to the California Compassionate Use Act and subsequent regulations established by the City and County of San Francisco. I believe that the largely residential characteristics of the neighborhood coupled with the types of pedestrian and commercial businesses on the thoroughfare of Taraval St itself, make this a poor location for such an enterprise.

From a Law Enforcement standpoint, MCDs have proven an attractive target for violent criminals due to the large amount of marijuana and cash maintained on site. Dispensaries have experienced take-over robberies, burglaries, shootings, stabbings, fights and homicides. Additionally, criminals target the pedestrian traffic in and around MCDs for strong-arm and armed robberies, knowing that the potential for these victims to be carrying either cash and or marijuana is highly likely. Reports of street sales of marijuana by individuals leaving the dispensaries are routinely the subject of investigations. Complaints are also received of public smoking of medicinal marijuana in the streets and public parks around these locations. These potential side effects of an MCD are very concerning given the residential character of the neighborhood.

Taraval Street is a commercial corridor that links the residents from the western avenues to the 19th Avenue corridor and West Portal residential area. The 2100 block of Taraval has light commercial activity. The Avenues surrounding this block, however, are largely single family homes. There are 3 public parks; 10


schools; numerous music, art and enrichment programs for children; eight daycare facilities and 11 houses of worship within a 10 block radius of the proposed location. Most of the storefronts on the 2100 block are ground floor operations with residences on the second story which open onto Taraval Street. Directly next door to the proposed location is Chinese Gospel Church. This Church holds services on Saturdays and Sundays which include Sunday School for children 4 to 15 years old.

Taraval Street is serviced by the L Taraval MUNI streetcar line. Many of the students from Lincoln High School, Independence High School, St. Ignatius High School and Mercy High School utilize the L Taraval to go to and from school and after school activities. Lincoln High School, located 8 blocks from the proposed location, has a student population of 2300. These 13 to 18 year old children have open campus for lunch and on a daily basis are either in the adjacent park or on Taraval Street patronizing the local merchants. One of the stops for the L Taraval is in front of 2222 Taraval, a 7-11 retail store diagonal from the proposed location. 7-11 is a daily draw for the youth of the district and enjoys a steady business from the local High School and Elementary school students who walk or ride the L Taraval during lunch hour and after school.

In short, Taraval Street in general and the 2100 block in particular are magnets for the school age children of the district. The potential for these children to be seen as a market for marijuana after sales by persons purchasing products at an MCD is predictable. The Police Department would be required to focus a great deal of resources on this section of Taraval St, the Public Parks within walking distance and the MUNI Line itself in an attempt to prevent this criminal activity.

The County of San Francisco has the highest concentration of licensed Dispensaries per square mile in the State. The Taraval District is already the location of two MCDs located on the Ocean Avenue corridor. Both of these locations are ADA accessible and provide ample access for the needs of the community. While I appreciate the City's interest in supporting new business ventures, I request that the Planning Department give serious consideration to the negative public safety consequences of locating an MCD in this residential area with such a high concentration of children and deny this application.

Sincerely,


Captain Denise A. Schmitt
Commanding Officer
Taraval Police Station

Bay Area Compassion Health Center
2139 Taraval St.
San Francisco, Ca. 94116

May 11, 2010

Cecilia Jaroslawaky
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Jaroslowsky:

Our count of signatures and letters supporting the Bay Area Compassion Health Center that we supplied to you is as follows:

- 1,508 petition signatures
- 343 letters including patients, merchants, and residents. The majority of these letters have been verified as within the Sunset District.

It is worth noting that we did NOT disturb the residents by knocking on doors. Nor did we have access to community email databases. We respect their right to privacy and did not choose to invade their privacy to politicize our project. We advertised with flyers (in English and Chinese) for the outreach meetings we hold every Wednesday evening and spoke with community groups and to people on the street.

Please also find the information sheets (and quotation) on the security system we intend to install at 2139 Taraval after our permit is approved.

Regards.

Paul Hansbury

Bay Area Compassion Health Center

Paul@BACHcares.com

(415) 404-6630

RECEIVED

MAY 11 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK