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BOARD OF SUPERVISORS
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2017 SEP 25 PM 3:40

A handwritten signature in blue ink, appearing to be "BJ", written over a horizontal line.

September 25, 2017

VIA HAND DELIVERY

London Breed, President
San Francisco Board of Supervisors
One Dr. Carlton Goodlett Place,
City Hall, Second Floor
San Francisco, CA 94102

Re: **The Apothecarium Sunset at 2505 Noriega Street MCD; October 3, 2017; Hearing on Appeal of (1) Environmental Review and (2) Conditional Use Permit.**

Dear President Breed and Members of the Board:

We represent PNB Noriega, LLC whose main principals are former Oakland Mayor Jean Quan, her husband Dr. Floyd Huen, Ryan Hudson and Michael Thomsen. Their proposed new Sunset business will operate under the name "The Apothecarium." Mr. Hudson and Mr. Thomsen already run a Medical Cannabis Dispensary called The Apothecarium at 2029 Market Street near Dolores Street, and another at 2414 Lombard Street in the Marina. Dr. Huen, a Board Certified Internist, has treated patients with cannabis products for many years and currently serves as the medical adviser for the Market and Lombard Street stores.

The Castro store was recently named the #1 designed dispensary in the country by *Architectural Digest*, (Exhibit A).¹ In a Report to the Planning Commission dated March 20, 2014, the Planning Department praised The Apothecarium for its "community centered approach" and for showing how a dispensary "can successfully blend into the community." (Exhibit E). The Board of Supervisors has issued a Proclamation honoring the Castro store for helping to clean up the corner where they operate (Exhibit F).

The new location in a single story building at 2505 Noriega St. will be on the southwest corner of Noriega and 32nd Ave. The commercial space that The Apothecarium will occupy is approximately 2,700 square feet and formerly housed Ace Pharmacy, owned by pharmacist Jerry Davalos. He ran the store for about forty years; it has been out of business and vacant for over three years now.

The proposed site will have: (a) no smoking, (b) no substance abuse services, (c) no alcohol for sale, (d) no food preparation or consumption, and (e) no growing of the product.

¹ Attached is the proposed floor plan (Exhibit B), along with a drawing of the proposed dispensary's façade (Exhibit C). Photos from The Castro Apothecarium show typical quality of the design and materials (Exhibit D).

I. IMPORTANCE OF DISPERSION OF MCD LOCATIONS AND DIVERSITY OF MCD OWNERSHIP

(a) Diversity of Locations. There are **no** MCDs in the Sunset **or anywhere in the City west of 14th Avenue**, a fact that is contrary to the City's policy of dispersion of this use. Exhibit U shows the number of MCD's in each district.

Starting at the end of 2013, the Board of Supervisors responded to citizens' complaints that new MCDs were beginning to cluster together in certain neighborhoods such as the Mission and in SOMA. See Planning staff report named "Evaluating Code's Medical Cannabis Dispensaries Locational Requirements" - Case No. 2013.1255U (Exhibit G). The closest MCD (on Geary Blvd near 12th Ave) is a *three-mile trip through streets from the proposed site*, requiring two bus trips in each direction. *That is not adequate for the 3,900 existing Apothecarium patients who live in the Sunset (many with serious medical issues)*. Presumably there are also many additional cannabis cardholders (who are members of dispensaries other than The Apothecarium) who live in the above mentioned Sunset zip codes and would become Apothecarium Sunset members. The proposed site would reduce use of overcrowded MUNI services and cars to cross town to Geary and 12th Ave.

That City report concluded that the City's Medical Cannabis Act would need amendment if the City is to address MCD concentration. *However, the Board has the power to create diversity on a case by case basis, which is what the Planning Commission did in the case before you when it approved the conditional use permit now under appeal to you.*

(b) Diversity of Ownership. *We believe this project will be the first dispensary owned by Chinese Americans in the City, bringing an important marker of diversity to an industry that has been criticized for a lack of diversity.* By the same token, today there is no dispensary in the Bay Area that adequately serves the needs of monolingual Chinese speaking patients.

The dispensary will provide bicultural, bilingual (Cantonese) patient services. Patient Consultants will be trained to work in tandem with traditional Asian medicine, under the leadership of Dr. Floyd Huen² who treats many elderly and Asian patients. Every effort will be made to partner with the community of health care providers on Noriega Street where there is an existing collection of optometrists, herb shops and acupuncturists, within several blocks of the proposed site. See map in Exhibit H.

II. SUNSET VOTERS SUPPORT THE ESTABLISHMENT OF MCDS -- NOTWITHSTANDING A VOCAL MINORITY LED BY APPELLANT, THE PACIFIC JUSTICE INSTITUTE (PJI), A SACRAMENTO BASED HATE GROUP

Sunset voters approved Proposition 215 (legalizing medical marijuana) with 66 percent support (13,992 votes, per the City's Department of Elections) -- suggesting widespread support for medical marijuana in the immediate community. *This past November, Sunset voters approved increasing access to marijuana by supporting Proposition 64 with 58 percent support (compared to just 37 percent opposed). That's 20,014 Sunset voters who supported greater access to marijuana just last November.*

² Dr. Huen will not see patients at this facility or issue recommendations for medical marijuana at this or any other Apothecarium dispensary.

**III. PLANNING COMMISSION WAS CORRECT IN DECIDING THAT THE CRITERIA FOR
CONDITIONAL USE PERMIT ISSUANCE WERE MET**

The two most recent Sunset District Supervisors, including the current Supervisor Katy Tang, have created approval criteria for medical dispensaries in the Planning Code that are unique to District 4 and are more difficult to meet than in other districts. Despite this, the Planning Commission recently approved a conditional use permit (now under appeal to you) by a vote of 5-1 (with Commissioner Richards dissenting on grounds unrelated to the proposed Noriega Site or the applicant). *The next few paragraphs discuss these more challenging criteria and how they have been met.*

(a) Additional Criteria: FINDING 1. Measurable Community Benefits

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

1. Replication of the program of community engagement and philanthropy the organization has employed successfully at the Castro Apothecarium since 2011. A Philanthropic Advisory Board led by neighborhood leaders will direct donations to community-minded groups and nonprofit organizations in the Sunset whose missions directly benefit the neighborhood. The Apothecarium's same Advisory Board in the Castro has donated more than \$350,000 to over 40 beneficiaries.³

2. Offering Sunset residents free access to programs that promote the overall health and wellness of the community, similar to programs offered by the Castro Apothecarium but tailored by co-owner Dr. Floyd Huen to the needs of those who live in the Sunset, whether patients or not. The programs will be oriented to reinforce healthy lifestyles and creation of community.⁴

(b) Additional Criteria: FINDING 2. Satisfactory Parking/Transportation Management Plan.

The Apothecarium has engaged one of the City's most respected transportation consultants, Fehr and Peers (a group that the Planning Department hires for its own purposes from time to time). Its report is too long to attach here, but we have quoted from some of its findings in Exhibit I.

As you know, a pharmacy existed at this location for over 45 years and has been vacant for 3 years. While open, it attracted a number of visitors traveling by car, by foot and by Muni. *Fehr*

³ They include: Maitri Residential Care, Breast Cancer Emergency Fund, Rocket Dog Rescue, Rooms that Rock 4 Chemo, Castro/Upper Market Community Benefit District, Pets are Wonderful Support, Harvey Milk Civil Rights Academy Public School and many others.

⁴ Current programs offered in the Castro include: U.S. Veterans' support group; Simple Yoga for Busy Times; Women's Support Group; HIV Support Group; The Sacred Art of Self Care.

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and Peers transportation consultants found that any parking needs triggered by the MCD use are expected to be fewer than that of the average retailer along Noriega Street (including a new drugstore at this same location).⁵

The transportation study (accepted as thorough by the Planning Department) demonstrates that the estimated number of vehicle trips during the peak hour could be accommodated by the existing available parking supply within 1,000 feet of the Proposed Project.

In addition, while the Planning Department has advised us that the Proposed Project is not subject to the City of San Francisco's official Transportation Demand Management Program (due to its small size and other factors), the Project Sponsor has voluntarily agreed to implement several Transportation Demand Management (TDM) measures (Exhibit J) to encourage travel to the new site by sustainable modes of transportation.^{6 7}

Additional Criteria: FINDING 3. Assuring Public Safety .

The Apothecarium will operate under the same strict security protocols that have made the Castro dispensary free of crimes or police reports since it opened six years ago, including: full-time security (indoor and outdoor video cameras), unarmed, pedestrian-friendly security staff (inside and outside). Given the nature of the Market St location (MUNI underground station, streetcars and multiple-bus lines; dense development and a serious homelessness problem), the chances of a criminal incident are inherently lower on the less busy Noriega commercial street than in the Castro.

IV. OTHER REASONS FOR APPROVAL OF THE PROJECT.

(a) The Project has Substantial Community Support

Sunset citizens voted for medical cannabis with 66 percent support (13,992 votes). This past November, the Sunset voted for Proposition 64 (Recreational Use) with 58 percent support (compared to just 37 percent opposed).

As a result, it is not surprising that it has been easy for The Apothecarium to collect 1,515 letters of support. They are on file at the Planning Department and show:

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

⁵ Unfortunately, almost all independent drugstores have disappeared in the last twenty years. Retail and restaurant establishments were used by the transportation consultants as a comparison since they are two of the most common uses in the Noriega Street Neighborhood Commercial District.

⁶ If the proposed project were subject to SF Planning's TDM Program, the sum of these TDM measures - including the fact that the Proposed Project would not provide parking - would result in 23 points according to the program's web-based tool. *For comparison purposes, a retail use that is subject to SF Planning's TDM Program would be required to attain 13 points, only half as much as this proposal's sustainable TDM measures.*

⁷ Driving to the site and double parking will be discouraged in the Member Code of Conduct that all new members will be required to sign. Employees will receive a monthly subsidy for use on public transit.

Of these:

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

The Planning Department has looked at the opposition's petition showing a great deal more people in opposition and told the Commission that there are many duplications, many addresses outside the City, and many statements that mischaracterize the nature of the business.

None of that is surprising given the Pacific Justice Institute's misstatements as to crime outside MCD's, as to indoctrination of young persons and the like used by PJI to generate those petitions.

(b) The Apothecarium Has Demonstrated It Is A Good Neighbor

The potential effect of a proposed store on a particular street is best judged by the existing operations of such a business elsewhere in the City today. In that regard, please note the following:

1. The Castro Apothecarium has over a dozen residential condominiums above its ground floor commercial space. Some have children, yet no parents have expressed any concerns.

2. In fact, in the six years in the Castro, there have been no complaints from merchants or residential neighbors or parents of children living or being schooled very nearby.

3. There have been no police incidents related to the presence of the Apothecarium since it opened in 2011. In its 2014 MCD Report to its Commission, the Planning Department wrote that its research staff indicated that crime may actually go down in areas surrounding MCD's: "Based on the information available to the Department, it does not appear that MCD's have a negative impact on crime or community safety, and they may actually improve safety in certain neighborhoods as they provide additional eyes on the street." (Exhibit E)⁸

(c) The Site Has Been Carefully Chosen With City-Wide MCD Dispersion In Mind

The location is eligible for an MCD location due to distance from all uses deemed sensitive by the law. Contrary to statements of opponents, the Planning Department (consulting with the City Attorney) has ruled that distance from a child-care facility is not a factor as child-care facilities are not listed as a sensitive use (such as schools are). The reason given again and again is that unlike grade-schoolers, preschoolers are always supervised when they arrive and depart. (Exhibit L).

The Apothecarium was drawn to this site for several other reasons:

1. The Apothecarium has more than 3,900 existing member-patients who live in

⁸ Neighborhood compatibility is further assured due to the following: (1) the more than 15 requirements of the DPH's MCD Regulations that must be followed. (2) The more than 12 restrictions found in the Planning Code that must be followed.

Sunset District zip codes 94122 and 94116, making this proposal neighborhood serving.

2. The site has been a drug store for forty years. The former pharmacist said he always thought he should have been able to provide medical marijuana because, in his words, it would have been “the safest medicine behind the counter.”

3. There is already what we informally call a “medical mile” concentration of health and wellness services nearby on Noriega Street, giving The Apothecarium an opportunity to establish some informal business synchronicities. Existing health services within 1-2 blocks include physicians’ offices, dentists, acupuncturists, optometrists and practitioners of Traditional Chinese Medicine. This will allow The Apothecarium to “leverage” its services to the benefit of their shared clients. A map of more than a dozen nearby Noriega St. health and wellness stores and services nearby (listing their names) is attached as Exhibit H.

4. The site is located at the nexus of significant public transit routes, including MUNI bus lines that run on Noriega Street (7, 7X) and on those that run on nearby Quintara Street (48, 66) and Sunset Blvd (29). Muni Metro Lines N and L are also within walking distance.⁹

Given the extremely limited number of “Green Zone” parcels in the City’s West Side there are very few alternative sites that could serve Sunset patients.

The City has turned down all prior attempts to open an MCD in the Sunset. On July 13th of this year, the Planning Commission decided that Sunset patients deserve access in their own neighborhood and that The Apothecarium meets all criteria.

(d) False Fears About Children Raised by The Pacific Justice Institute (PJI)

Some of our opponents incite false fears that a dispensary will cause harm to children. These false fears do not reflect San Francisco’s 25+ years of experience with dispensaries. *The Apothecarium has excellent relationships with child-serving businesses near their Market Street location – including a great relationship with a Lutheran Church that hosts programs for children, located a block away from the Castro dispensary.* The Church also runs a nearby childcare center. See Exhibit M for a statement of support from that Church; Exhibit N for a statement from a Martial Arts Studio only a few hundred feet away that also serves children.

Our opponent, the Lutheran Church of the Holy Spirit, is located immediately next door to a liquor store (“Pints & Quarts”). See Exhibit O. Liquor stores are frequently associated with quality-of-life issues and crime. Dispensaries are not. Pints & Quarts allows children inside and sells products that are potentially lethal. Neither is true of The Apothecarium. There is also a massage parlor -- widely reputed to be a house of prostitution – near to The Ark of Hope preschool.

There is nothing in The Apothecarium’s exemplary record (including operating below condominiums on Market Street where children reside) to suggest their operations would create even the slightest problem for the Church, Ark of Hope or their patrons.

⁹ In addition, Apothecarium Sunset co-owners Dr. Floyd Huen and recent Oakland Mayor Jean Quan have longstanding family ties to the Sunset and thus a deep commitment to the success of the neighborhood.

The group that has disseminated these false fears, the Pacific Justice Institute, is a Sacramento-based organization that has been labeled an anti-LGBT hate group by the Southern Poverty Law Center. For years PJI has spread the falsehood that LGBT people are a danger to children; now they are turning the same argument against cannabis patients and dispensaries, with a particular effort to spread these falsehoods among the Asian Pacific American community. **Additional information about the false statements of PJI can be found on Exhibit P attached.**

In response to these falsehoods, several Asian Pacific American elected officials wrote a letter denouncing PJI (See Page 1 of Exhibit Q), including California State Controller Betty Yee (who grew up in the Sunset) and Board of Equalization Member Fiona Ma (who previously represented the Sunset on the SF Board of Supervisors). The City's two primary LGBTQ political groups – The Alice B. Toklas and Harvey Milk Democratic Clubs -- issued a rare joint proclamation criticizing PJI in very strong terms (See Page 2 of Exhibit Q).

At a March 2017 Sunset-Parkside community meeting PJI and its allies shouted down co-owner Dr. Floyd Huen. Many of these protesters were brought in from outside the district by PJI and their allies. Another neighborhood meeting was recently scheduled at a nearby Public Library, but the Library then cancelled the meeting for fear of further disruption from PJI and its allies. At a recent press conference, PJI and its allies spread falsehoods (such as death by marijuana overdose -- See Pages 3-7 of Exhibit Q -- which is medically impossible). These parties even suggested The Apothecarium might bring gun violence to the Sunset, despite all evidence to the contrary.

(e) Claim that Delivery of Medical Cannabis Is Sufficient for Neighborhood Residents. We Believe Delivery Alone is Insufficient for Many Reasons:

1. Clients of the Apothecarium often come in during a very difficult and traumatic period in their life. Many have just received a diagnosis, begun chemotherapy, or are dealing with the effects of other serious maladies. In-person attention at these times is of the utmost importance - especially to those with limited English.

2. Telephone and app-based delivery services do not meet the needs of elderly patients and/or those who do not speak English -- a common population in the Sunset.

3. *The breadth of medications offered by this MCD is extremely wide (as evidenced by a patient menu with approximately 400 items for sale). Without professional help, patients will likely choose ineffective options and potentially engage in unpleasant (although not dangerous) overdosing. Patients need ongoing help in selecting medication and determining dosage. This MCDs professional patient consultants help people through the maze of options to find the right medicine for that particular person.*

4. People living in certain communal housing situations may not be able to utilize a delivery service without compromising their privacy.

5. The city does not require residents to rely on delivery for other prescription medications, given the complex interaction of drugs and people's bodies, and it should be no different with MCDs.

(f) The Sponsors Have a Track Record of Successful MCD Operations

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During six years of operations, The Castro Apothecarium has received acclaim from neighbors, community leaders and elected officials (Exhibit R). And there has never been a police incident at the Castro dispensary. Two of these support letters are from residential neighborhood associations nearest to our client's first MCD.

(g) Outreach to the Community Has Been Quite Extensive.

Bilingual outreach began in earnest in October of 2016 and has included the following efforts:

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

See also Exhibit S.

(h) Responding to Concerns of Supervisor Tang

Supervisor Tang expressed only two exact concerns in her letter to the Planning Commission, in a letter delivered to the Commission the night before the Commission's hearing on the MCD project: (1) ensuring that the neighborhood liaison is bilingual and (2) pedestrian safety at the intersection where the Apothecarium was seeking approval. *In my reply to Supervisor Tang dated August 17, 2017, I wrote the following:*

"In your letter to the Commission, you recommended that the community liaison be bilingual and focus on education and outreach regarding the medicinal use of cannabis, to help dispel the stereotypes and factual inaccuracies you indicate you have witnessed throughout the process leading up to this hearing. My client has witnessed the same, and since the hearing Dr. Floyd Huen (who is bilingual) has already held several meetings with health providers and residents in the Sunset regarding the benefit of medicinal use and will continue that educational activity on an ongoing basis into the future. Dr. Huen has created a Task Force which has already met several times, and it will continue in the future. Its membership is shown on Exhibit T."
(Emphasis Added).

I also wrote the following:

"In your letter to the Commission you ask the Commission to instruct MTA to install stop signs at the intersection. The Commission did not act on that. Please let me know how my client can help your office make that happen."

CONCLUSION

Exhibit U shows the number of MCDs in each district. This will be the first MCD serving Sunset patients in their own neighborhood. For dispersion reasons alone, we ask you to deny this appeal.

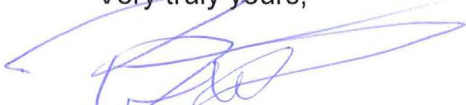
An amendment to the MCD legislation to increase the number of green zones would not be necessary if decision makers such as yourselves give weight to City-wide dispersion policies and reject these appeals. There are 3900 Apothecarium patients currently living in the Sunset who travel across the City to reach a dispensary. Helping reduce use of private vehicles and

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crowded buses to access other dispensaries is yet one more reason for approving the proposed Noriega Street dispensary. The closest MCD to 2505 Noriega is a three-mile journey through city streets.

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

Very truly yours,



Brett Gladstone

Attachments

- cc: Jean Quan
Dr. Floyd Huen
Ryan Hudson
Michael Thomsen
Members, Board of Supervisors
Clerk, Board of Supervisors
John Rahaim, Planning Department
Dan Sider, Planning Department
Aaron Starr, Planning Department

Index of Exhibits - Apothecarium at 2505 Noriega St.

- A. #1 Designed Dispensary – *Architectural Digest*
- B. Floor Plan of Proposed Project
- C. Rendering of Exterior of Proposed Project
- D. Photos of Interior of The Apothecarium at 2029 Market St (Castro)
- E. 2014 Planning Department Commission Report on MCDs
- F. Proclamation from SF Board of Supervisors: “Apothecarium Day”
- G. Planning Staff Report “Evaluating Code’s Medical Cannabis Dispensaries Locational Requirements”
- H. Maps: Noriega “Medical Mile” & Commercial Zoning Map
- I. Transportation and Parking Study Quotes
- J. Transportation and Demand Management Measures
- K. Support Letters and Nextdoor.com Comments
- L. Understanding Whether the Planning Code Prohibits an MCD Within 1,000 Feet of a Child Care Center
- M. Letter from St. Francis Lutheran Church
- N. Letter from Maru Dojo
- O. Photo of Lutheran Church next-door to “Pints & Quarts” Liquor Store
- P. False Claims Made By Opponents
 - 1. Proximity of Dispensaries to Child-Serving Businesses
 - 2. “After States Legalized Medical Marijuana, Traffic Deaths Fell”
- Q. The Pacific Justice Institute
- R. Letters of Support from Community Leaders
- S. Community Outreach Efforts
- T. Sunset Advisory Committee
- U. Chart of MCDs In Each SF District

Exhibit A



AD

ARCHITECTURAL DIGEST

ARCHITECTURE

7 of the Best-Designed Marijuana Shops Across America

TEXT BY NICK MAFI
Posted April 18, 2017



#1/7

THE APOTHECARIUM

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

apothecarium.com/

Exhibit B



VINCENT
GONZAGA
ARCHITECT
SAN FRANCISCO
415 895 7958

1000 PROJECT NO.
SAN FRANCISCO, CALIFORNIA



CLAIMANT/OWNER: CLIENT
DESIGNER: ARCHITECT
DATE: DATE
SCALE: 1/8" = 1'-0"
PROJECT NAME:

THE APOTHECARIA
TENANT IMPROVEMENT
2205 KOBLEA STREET
SAN FRANCISCO, CA 94133
BLOCK 1000, LOT 012

PROJECT NUMBER: 1003
DATE: 10/27/16
SHEET TITLE:

PROPOSED GROUND FLOOR
PLAN

SHEET NUMBER:
A111

PLAN LEGEND

WALLS AND DOORS
AS SHOWN IN CONTRACT

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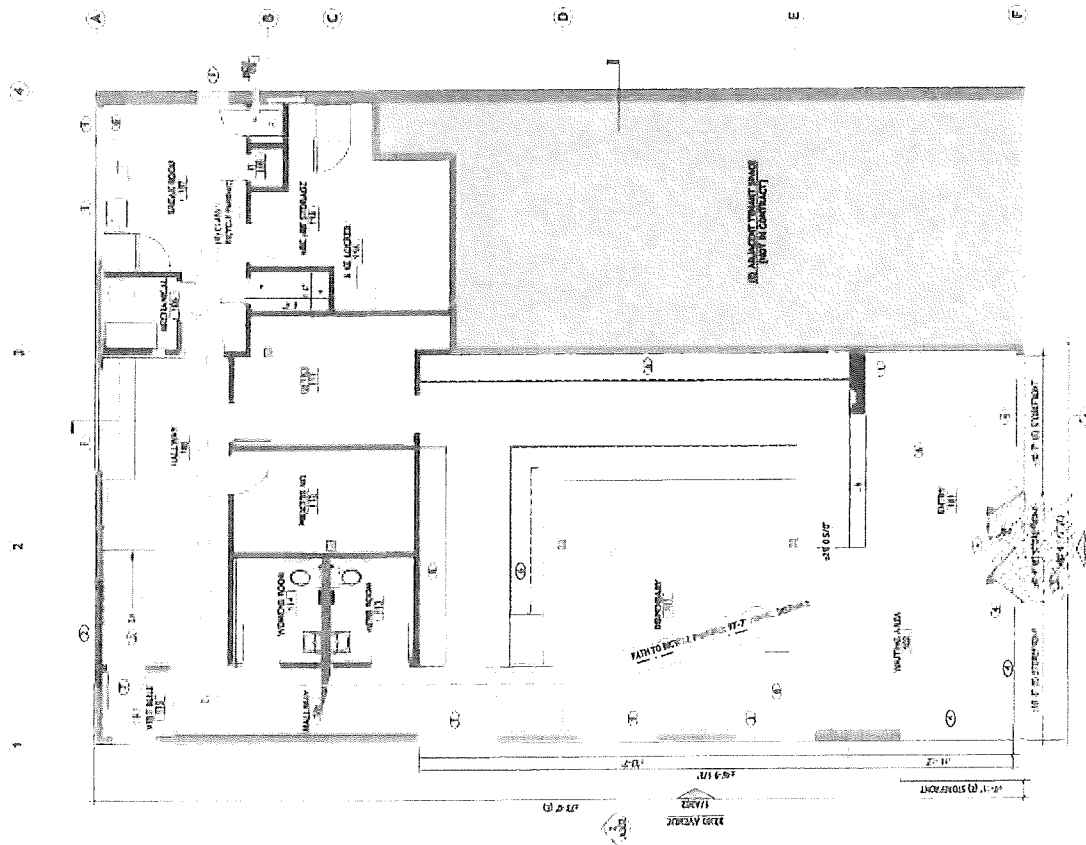
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GENERAL PLAN NOTES

1. ALL DIMENSIONS ARE TO FINISH FACE UNLESS OTHERWISE NOTED.
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KEYED NOTES

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PROPOSED GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

Exhibit C



Proposed Exterior of The Apothecarium at 2505 Noriega.

Exhibit D



Interior of The Apothecarium at 2029 Market St.



Interior of The Apothecarium at 2029 Market St.

Exhibit E



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Report

HEARING DATE: MARCH 20, 2014

Report Name: Evaluating the Planning Code's Medical Cannabis Dispensaries
Locational Requirements
Case No.: 2013.1255U
Initiated by: Supervisor John Avalos [Board File 130734]
Staff Contact: Aaron Starr, Legislative Planner
(415) 558-6362 aaron.starr@sfgov.org
Reviewed by: AnMarie Rodgers, Manager, Legislative Affairs
AnMarie.Rodgers@sfgov.org
Recommendation: Adopt Report and Forward to the Board of Supervisors

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STATEMENT OF PURPOSE

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

This report will provide a summary of the medical cannabis¹ laws in San Francisco as well as at the state and at the federal level, it will summarize existing controls for MCDs, and recommend changes to existing regulations. It will also address the specific questions posed in the Ordinance, which include:

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

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

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

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

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

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

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

BACKGROUND

Medical Cannabis in California

Proposition 215. In 1996, California voters passed Proposition 215, known as the Compassionate Use Act, by a 56% majority making California the first state in the union to allow for the medical use of cannabis. In San Francisco, Proposition 215 passed by a 78% majority. Prop 215 established the right of seriously ill Californians² to obtain and use cannabis for medical purposes when recommended by a physician.

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

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

Exhibit F

Scott Wiener
Member, Board of Supervisors

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



6 12



The City and County of San Francisco
PROCLAMATION
THE APOTHECARIUM DAY
OCTOBER 1, 2015

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

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

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

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

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

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

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

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

Scott Wiener

Scott Wiener
Member, Board of Supervisors
October 1, 2015

Exhibit G

Evaluating the Planning Code's Medical Cannabis Dispensaries Locational Requirements
Planning Commission Report – Hearing Date: March 20, 2014, excerpt p. 12-13

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

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

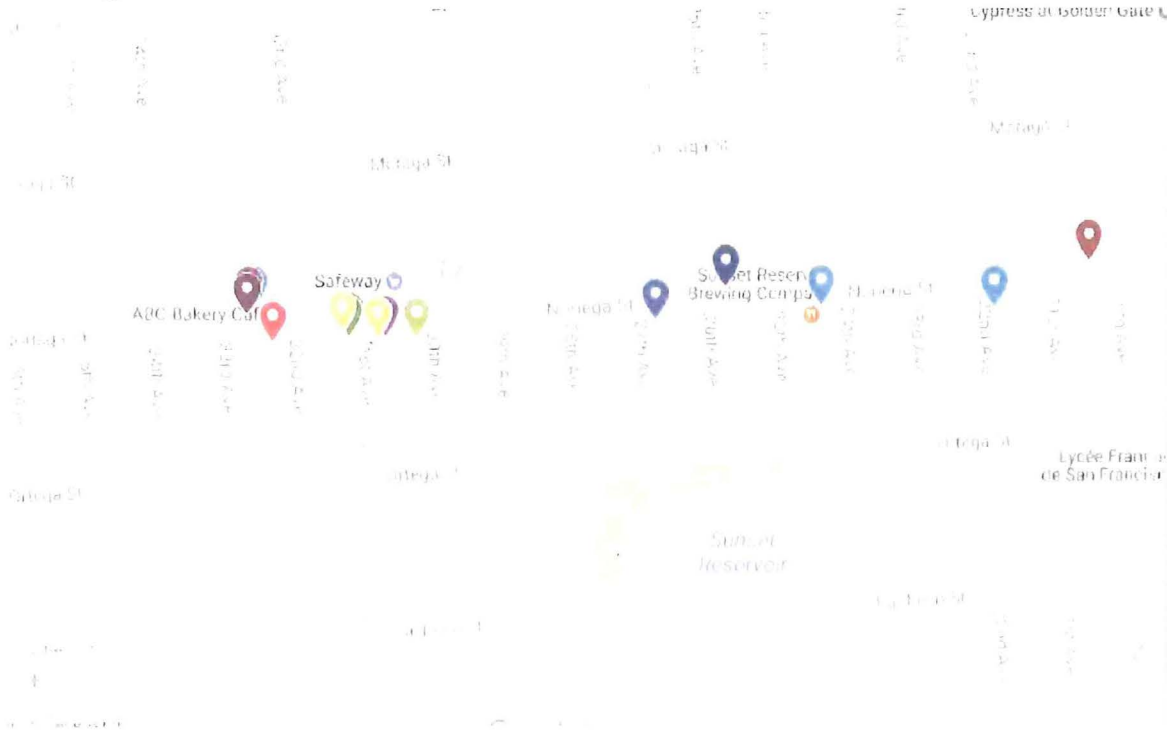
The nature and extent of effects of the location requirements for MCDs on medical cannabis patients' access to medical cannabis.

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



















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

Exhibit H

Noriega Street "Medical Mile"



Names of markers

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

Sunset Commercial Zoning Map

41ST AVE									
	2077	2009	190						
	2076	2010	19C						
	2075	2011	19I						
	2074	2012	19J						
	2073	2013							
2099	2072	2014	19						
2100	2071	2015	19						
2101	2070	2016	19I						
2102	2069	2017	1I						
2103	2068	2018	1I						
2104	2067	2019	1						
2105	2066	2020	1						
2106	2065	2021							
	2064	2022							
	2063	2023							
	2062	2024							

Exhibit I

Transportation and Parking Study -- Quotes

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

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

Exhibit J

Transportation and Demand Management Measures

ATTACHMENT B

Proposed TDM Menu Items

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

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

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

Exhibit K

Dear Supervisor Tang and Mr. Perry,

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

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

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

Some perceive medical cannabis to be a hoax, and regard any drug use to be immoral. Others consider cannabis users to be dangerous criminals or unproductive members of society. If we want to develop into a more compassionate, inclusive society, we must overcome the prejudicial remnants of "Reefer Madness" propaganda and "Just Say No" rhetoric, cultural taboos, and the criminalization of otherwise law-abiding citizens. While the federal government continues to maintain that cannabis is as dangerous as heroin, accumulating evidence¹ supports something our ancestors have said for thousands of years: cannabis is a safe and effective treatment for a variety of medical conditions. An important emerging trend is the use of cannabis as a substitute for other drugs, particularly pharmaceuticals², which has significant public health implications:

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

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

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

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

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

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

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

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

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

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

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

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

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

⁷ Safety First: A Reality-Based Approach to Teens and Drugs
(www.drugpolicy.org/sites/default/files/DPA_SafetyFirst_2014_0.pdf)

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

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

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

Sincerely,

Nicholas Lau



San Francisco, CA 94122

Hello, my name is Michael Yen.

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

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

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

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

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

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

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

Thank you for your attention.

Michael Yen

[REDACTED]
San Francisco, CA.



Ynez Carrasco <ynez@apothecarium.com>

my support for Apothecarium

Cindy Lutz [REDACTED]

Sat, May 6, 2017 at 10:32 AM

To: [REDACTED]
Cc: [REDACTED]

Dear Ms. Tang and Mr. Perry,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,
Cindy Lutz

 22

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

Dear Mr. Perry,

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

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

The President of the Castro Merchants' Association says:

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

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

Please check all that apply:

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

Sincerely,

Name (First & Last) Kristen Carrutho Wilson

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

Signature 

Date 05/4/17

Additional Notes or Comments:

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

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

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

Sincerely,

Name (First & Last)

Samuel Dennis Conrad Pundak

Full Address (Letters without addresses will be ignored)

[Redacted] 32nd Ave

Signature

[Handwritten Signature]

Date

9/28/17

Additional Notes or Comments:

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

Leah [REDACTED] from Central Sunset 17 Feb

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

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

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

Thank

Allen, Dana, Ryan, and 4 others thanked Leah

David [REDACTED] from Outer Sunset 13 Feb

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

Thank

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

Jer [REDACTED] from Central Sunset 14 Mar

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

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

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

Thank

Allen, Leah, Ryan, and 4 others thanked Jer

Jim [redacted] from Central Parkside · 13 Mar

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

Ref: <https://goo.gl/IKLm5k>

<https://goo.gl/fxV92E>

Edited on 13 Mar

Thank

John, Allen, Susan, and 14 others thanked Jim

Rob [redacted] from Central Summit · 13 Mar

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

Thank

John, Allen, Susan, and 14 others thanked Rob

Exhibit L

Understanding Whether the Planning Code Prohibits an MCD Within 1,000 Feet of a Child Care Center

Is Child Care a use that triggers the 1,000 foot distance rule?

No, Child Care is not listed as a "sensitive site" in the City's MDC legislation, and the 1,000 foot rule is not triggered. If the City wanted to include Child Care in the sensitive site list, it could amend the Code to include it.

Is Child Care listed as one example of some sub-category of sensitive uses (such as "Community Facility"), and thus indirectly made into a sensitive use?

No, see the definition of Community Facility, which is a "sensitive site" in the MCD legislation.

Community Facility. An Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned, but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education other than Institutional Uses as defined in this Section.

First Conclusion:

Child Care is not a community clubhouse, neighborhood center, or cultural center. But does it fall under "other community facilities not publicly owned but open for public use"?

To be in the residual category, the business must:

- (1) be a non-profit (few childcare businesses are) AND
- (2) must have as its chief function:
 - (a) the gathering of persons (that means adults and children and not solely children) and
 - (b) those persons must be from the immediate neighborhood (not a requirement of those run child cares).

Second Conclusion:

Child Care is not in the residual category of "other community facilities not publicly owned but open for public use."

Exhibit M



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

St. Francis Lutheran Church

A Reconciling in Christ Congregation,
where *all* are welcome.



June 10, 2016

Dear San Francisco Board of Appeals,

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

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

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

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

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

Sincerely,

Dave Walda
Senior Parish Administrator

Exhibit N

13 June 2016

To Whom It May Concern,


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

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

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

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

Sincerely,


Ray Feliciano

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

Exhibit O

Nextdoor Neighbors:

Liquor Store

Lutheran Church & Ark of Hope Daycare



Exhibit P

Exhibit P - False Claims Made By Opponents

A. Danger to Children. San Francisco's first legal dispensaries opened in the early 1990's. After more than 25 years of experience with children and dispensaries, we are unaware of any issues related to children and dispensaries here in our city. *See Attachment 1 for examples of child-serving businesses coexisting in close proximity to MCD's, including the Academy of Ballet children's ballet school, and the martial arts studio 688 feet away from the Market Street Apothecarium, a business that serves children and whose owner has written a letter of support.* The Apothecarium Market Street lies within an apartment building whose dwellings are inhabited by parents and their children, and *no parent has ever reported any problem.*

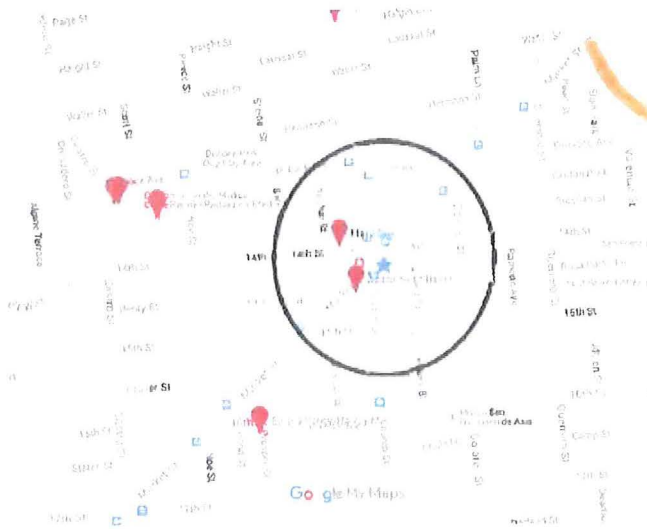
B. Teen Use. Research from Colorado suggests that marijuana use by teens has stayed flat or gone down since legalization of marijuana in that state. *See Attachment 2.*

C. Traffic Deaths. After analyzing 1.2 million traffic fatalities nationwide from 1985 through 2014" (the American Journal of Public Health). Researchers reported that: "Deaths dropped 11 percent on average in states that legalized medical marijuana." *See Attachment 2.* Studies suggesting otherwise have been discredited or use cherry-picked data.

D. Claim that an MCD may not be so close to a preschool: As stated in our brief, there is no current law that prevents an MCD from being located close to a preschool or a church that offers programs to children.

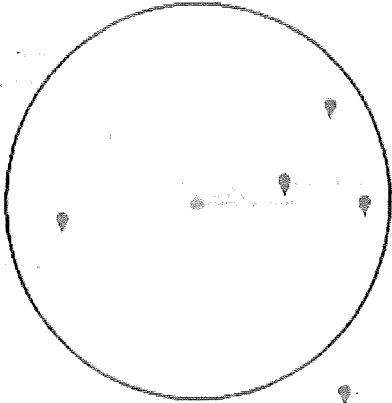
ATTACHMENT 1

Apothecarium Castro



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

Waterfall Wellness Health Center



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

Tutoring Facilities

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

Daycare Facilities

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

Driving Schools

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

Pediatric Facilities

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

Libraries

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

Dance Studios

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

ATTACHMENT 2

After states legalized medical marijuana, traffic deaths fell
Reuters - Ronnie Cohen
28 Dec 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

After legalization, teen marijuana use drops sharply in Colorado

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

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

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

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

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

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

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

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

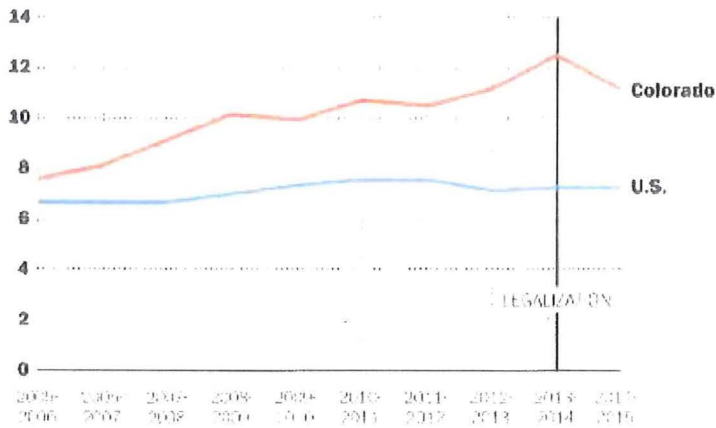
In Colorado, the drop in teen marijuana use could reflect changes related to legalization, [such as a diminution of the black market](#). Or it could be a reflection of broader cultural trends, such as [increasing disapproval of teen drug use](#) or [better substance abuse prevention](#) programs for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

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

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

Teen pot use drops sharply in Colorado

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



WORKBLOG

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

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

Colorado's Teen Marijuana Usage Dips after Legalization

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

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

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

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

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

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

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

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

similar proposals.

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

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

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

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

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

(Editing by Steve Gorman and Diane Craft)

Exhibit Q

Wednesday, March 15, 2017

Fellow Californians,

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

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

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

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

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

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

Sincerely,

Rob Bonta
California State Assembly Member

Benny Lee
City of San Leandro Council Member

Fiona Ma
Board Member, California Board of Equalization

Eric Mar
Former San Francisco Supervisor

Jean Quan
Former Oakland Mayor

Gabriel Quinto
City of El Cerrito Council Member

Betty T. Yee
California State Controller

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sunset cannabis fight heats up

Bay Area Reporter, May 18, 2017 by Sari Staver

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

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

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

San Francisco officials sharply disputed Ng's claim.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supervisor's nuanced stance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Anti-LGBT group opposes medical cannabis dispensary

Bay area Reporter, March 16, 2017 by Sari Staver

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

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

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

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

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

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

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

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

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

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

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

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

Convinced of cannabis' effectiveness

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit R

Exhibit R - Community Support

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

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

On the next few pages, we provide you some letters of support from several community leaders who have come to know the Apothecarium well over the past six years:

- I. Daniel Bergerac, President, Castro Merchants Association.

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

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

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

- III. Bevan Dufty, Former San Francisco Supervisor.

May 18, 2017

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

Dear President Hillis and Commissioners:

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

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

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

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

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

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

Sincerely,

BEVAN DUFTY

Duboce Triangle Neighborhood Association

1230 Market Street, Suite 400, San Francisco, CA 94103

(415) 295-1530 / www.dtna.org

October 6, 2015

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

Dear President Fong and Commissioners:

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

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

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

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

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

Best regards,



David Troup
President, Duboce Triangle Neighborhood Association



584 Castro Street #333
San Francisco CA 94114-2512

formerly "Merchants of Upper Market & Castro - MUMC"

415/431-2359

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April 21, 2015

By Email and USPS hardcopy

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

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

Dear Ms. Velve,

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

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

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

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

... continued

CASTRO MERCHANTS

San Francisco Planning Department

April 21, 2015

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

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

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

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

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

Respectfully,



Daniel Bergerac, President

Email and hardcopy cc: Ryan Hudson, The Apothecarium
email cc: Supervisor Mark Farrell
Capt. Greg McEachern, SFPD Northern Station



CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

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

EVNA
PO Box 14137
San Francisco, CA
94114
www.evna.org
Board@EVNA.org

August 20, 2013

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

To whom it concerns:

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

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

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


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

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

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

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

Sincerely,


Alan R. Beach-Nelson
President

EXECUTIVE COMMITTEE

Alan Beach-Nelson
President
Castro Street

Rob Cox
Secretary
Hartford Street

Gary Weiss
Treasurer
IXIA

DIRECTORS:

Patrick Crogan
Market Street

Tim Eicher
Q Bar

Mary Edna Herrell
Castro Street

Judith Hoyem
17th Street

Mark McHaie
Hearth Real Estate

Aaron Selvertson
Hartford Street

EX OFFICIO DIRECTORS:

Steve Clark Hall
19th Street

James Kelm
Castro Village Wine Co.

Orie Zaklad
Collingwood Street



July 1, 2015

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

Dear Ms. Vellve,

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

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

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

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

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

Sincerely,

Kaushik Roy
Executive Director
The Shanti Project
730 Polk Street, 3rd Floor, San Francisco, CA 94109
kroy@shanti.org / (415) 674-4722

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

Exhibit S

Community Outreach Efforts

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

We held many informational meetings in the community, including:

- Kaiser Oncology Palliative Care Team at Kaiser SF
- Outer Sunset Parkside Residents Association (OSPRA)
- Chinese American Democratic Club
- Outer Sunset Merchant Professional Association
- Neighborhood Watch meeting, April 21. Meeting in the home of the leader of a neighborhood watch group within two blocks of 2505 Noriega St.
- Invited 75 health care professionals from Noriega Street's "Medical Mile" to attend a dinner in the Sunset
- Anni Chung, CEO, Self-Help for Elderly
- Ray Law, aide to Supervisor Katy Tang
- Walking the neighborhood to speak with neighbors and business owners
- Outreach to passersby at 2505 Noriega
- Professor Zou, Dean of Academy of Traditional Chinese Medicine
- Earth Day Beach Clean Up & Block Party (Noriega between 45th & 46th); spoke to 75+ residents
- Jaynry Mak, former Board of Supervisors aide
- Bill Lee, former City Administrator
- Francis Tsang, Aide to Mayor Ed Lee
- Lutheran Church of the Holy Spirit, Noriega Street
- Taraval Police Station, Officer Dan McLaughlin
- Leon Chow, Health Care Advocate
- Supervisor Sandra Lee Fewer
- Cindy Wu, Former SF Planning Commissioner
- Ted Fang, former Asian Week publisher
- Sue Lee, Chinese Historical Society
- Frances Fu and Nick Lau, young community leaders
- Distributed information on medical cannabis to 50+ acupuncturists at an October 2016 conference
- Door-to-door outreach to medical providers in the Noriega area
- Hosted three events where existing patients were invited to attend along with family, friends and neighbors to learn more about plans for The Apothecarium Sunset

We also gave tours of The Apothecarium Castro to:

- Supervisor Katy Tang
- California Assembly member Phil Ting
- California Controller Betty Yee
- Kaiser Oncology Palliative Care Team (discussed needs of Chinese-speaking patients)
- UCSF Pharmacy Residents Tour

- Ed Chow, President, SF Health Commission
- Mel Lee, The Avenue Assisted Living & Board of Trustee, Chinese Hospital
- Sunset Action Day Event for Existing Patients in the Sunset
- James Chang, Political activist; Degree in Political Economics & Chinese language
- Aneeka Chaundry, Aide to Mayor Ed Lee
- Jacalyn Mah, Sunset resident and former signer of opposition petition who changed to support after discussion
- "Cancer and Cannabis: The Non-Euphorics" -- patient education class, May 8, Ortega
- Branch Library, open to the public.
- Knocked on doors of all residences and businesses within 300' of property to answer questions, accompanied by a Cantonese and Mandarin interpreter.
- Bilingual displays in the windows of 2505
- Members of Neighborhood Watch group within two blocks of project site
- Tim Murphy, President La Playa Park Neighborhood Association

Bilingual Media Outreach

- San Francisco Chronicle interview with Dr. Huen about seniors and medical cannabis (front-page article)
- Sing Tao Daily (a Chinese language newspaper) ran an article similar to the one in the Chronicle.
- KTSF-26 (a Cantonese language TV station) invited Dr. Huen to appear on AnniChung's public affairs program
- Sing Tao Daily ran a photo of Mayor Quan and Dr. Huen with a girl scout, selling Girl Scout Cookies outside The Apothecarium Castro
- Multiple additional interviews with Dr. Huen about The Apothecarium Sunset have run in English and Chinese language media outlets including: Sing Tao Daily, World Journal, SFGate, The SF Chronicle, SF Weekly, Bay City News, KTVU, KTSF, NBC3, SFSU Student newspaper and many others.

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

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

Exhibit T

Sunset Advisory Committee

The Committee is tasked with assisting The Apothecarium Sunset in its educational mission of informing the community about medical uses of cannabis and ensuring that youth are encouraged not to use any substances including alcohol or cannabis.

The committee was formed shortly after The Apothecarium Sunset received approval from The Planning Commission in July 2017. The group is co-chaired by Dr Floyd Huen and Nick Lau, a Sunset resident.

Other Members Include:

1. Eric Mar, former San Francisco Supervisor
2. Art Tom, Sunset Resident
3. Candace Li, Sunset Resident
4. Andy Wernette, Sunset Resident
5. Michelle Wernette, Sunset Resident
6. Collin Lam, Richmond resident
7. Frances Fu, Employed in the Sunset
8. Frank Mah, Sunset Resident
9. Abraham Drucker, Sunset Resident
10. Shabnam Malek, Sunset Resident

Upcoming Plans and Activities:

- Actively recruit new members including from key health care organizations serving Sunset residents.
- Publicize educational events organized by the Apothecarium (including seminars on Cancer & Cannabis; Traditional Chinese Medicine and Cannabis; and Chronic Pain and Cannabis)
- Outreach to practitioners of Traditional Chinese Medicine

Exhibit U

Table of MCD's per SF District as of June 2017

District	Pending Permit	Permit	Grand Total
1		1	1
2		1	1
3	5	9	14
4	4		4
5	1	2	3
6	11	13	24
7	1	1	2
8	1	1	2
9	3	6	9
10	2	1	3
11	2	3	5
Grand Total	30	38	68