



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

January 3, 2017

Travis R. Kelly, Esq.
1 Edwards Court, Suite 204
Burlingame, CA 94010
Travis.Robert.Kelly@gmail.com

Site Address:	443 Folsom Street
Assessor's Block/Lot:	3748/028
Zoning District:	RH-DTR (Rincon Hill Downtown Residential)
Staff Contact:	Michael Christensen, (415) 575-8742 or michael.christensen@sfgov.org
Record No.:	2016-014058ZAD

Dear Mr. Kelly,

This letter is in response to your request for a Letter of Determination regarding the property at 443 Folsom Street. This parcel is located in the RH-DTR (Rincon Hill Downtown Residential) Zoning District and 85/200-R Height and Bulk District. The request is to determine if the subject property may be used as a Medical Cannabis Dispensary (MCD).

Per Planning Code Section 827.26, an MCD is a permitted use in the RH-DTR Zoning District. Planning Code Section 890.133 requires that a parcel containing a proposed MCD may not be located within 1,000 feet of a parcel containing a public or private elementary or secondary school; or a community facility and/or a recreation center that primarily serves persons under 18 years of age.

The subject property is located within 1,000 feet of 303 Second Street, which contains Bright Horizons Child Care Center; and 342 Howard Street, which contains Marin Day School. Both sites offer child care services. In this zoning district, child care is considered a Personal Service Use under the Planning Code; therefore, these facilities are not a use described in Planning Code Section 890.133(a)(1).

Planning Department staff has reviewed available data, and conducted a review of properties within 1000 feet of the subject property. At this time, the subject property has been found to be in compliance with the proximity requirements of Planning Code Section 890.133. Please note that any proposed MCD would be subject to the Mandatory Discretionary Review Hearing requirements of Section 890.133.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

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APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Michael Christensen, Planner

19th October 2016

Scott Sanchez

Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

R # 2016 - 0140582AD
CK # 116 \$ 664. -
R. SUCRE (SE)

RE: REQUEST FOR LETTER OF DETERMINATION FOR MEDICAL
CANNABIS DISPENSARY

Dear Mr. Sanchez,

This Request for a Letter of Determination is with regards to:

Address: 443 FOLSOM STREET, SAN FRANCISCO, CA 94105

Parcel (Block/Lot): 3748/028

This request is to seek determination as to whether the above property meets requirements under San Francisco Planning Code 790.141(a)(1), which bars a proposed MCD from operating within 1,000 feet from a parcel containing (A) *a public or private elementary or secondary school; or (B) a community facility and/or a recreation center that primarily serves persons under 18 years of age (See also: Planning Code 202.2(e)(1)(B)).*

A determination is sought that Bright Horizons Daycare, located at 303 2nd Street #250, does not meet protective requirements under 790.141(a)(1)(A, B) as it is not an elementary or secondary school, nor a community facility or recreation center, but rather a private business.

The determination sought is in line with a past Planning Department LOD dated April 29, 2016 (RE: 79 9th Street) in which several daycares within 1000 feet of a proposed MCD were determined to not yield a restriction under Planning Code 202.2(e)(1)(B).

Furthermore, the parcel does not contain any facility offering substance abuse services [790.141(a)(2)]. The property is currently an existing blacksmith shop; full or partial renovations are desired in order to accommodate a state-of-the-art legal medical cannabis dispensary whilst maintaining and thus preserving unique exterior and interior features of the building.

Please feel free to contact me at the phone number or e-mail address above with any concerns or for further information.

Sincerely,

Travis Robert Kelly, Esq.

CC: Landrace Ventures, Funding Partner
Edna Rosellini, Property Owner

Encl.: Check payable to *San Francisco Planning Dept* [\$664.00]