



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

April 29, 2016

Mr. Martin Olive  
539 Dolores Street  
San Francisco, CA 94110

**Site Address:** 79 9th Street  
**Assessor's Block/Lot:** 3701/023  
**Zoning District:** C-3-G (Downtown – General)  
**Staff Contact:** Nicholas Foster, (415) 575-6167 or [nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)  
**Record No.:** 2016-005206ZAD

1650 Mission St.  
Suite 400  
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CA 94103-2479

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Dear Mr. Olive:

This letter is in response to your request for a Letter of Determination regarding the property at 79 9th Street. This parcel is located in the C-3-G (Downtown – General) Zoning District and 120-X Height and Bulk Districts. The letter requested whether the subject property meets the requirements of the Planning Code such that a medical cannabis dispensary (MCD) would be permitted at this location.

Per Planning Code Sections 210.2 and 202.2(e)(1), an MCD is considered to be an Institutional Use and is allowed as a principally permitted use at the subject property. These sections require a Mandatory Discretionary Review for the use with associated neighborhood notification and public hearing before the Planning Commission. Additionally, these sections include the following location-based requirements:

- (1) The parcel containing the MCD cannot be located 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; and
- (2) The MCD is not located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health.

Based upon available information, it appears that the subject property meets the location requirements as set forth in Planning Code Section 202.2(e)(1)(B). It should be noted that while Staff has determined that the subject property appears to meet the location requirements as set forth in Planning Code Section 202.2(e)(1)(B), there are a number of facilities located within 1,000' of the Property that provides child care services. These facilities include: Love and Learn Nursery School, located at 1419 Howard Street; Marin Day School, located at 1390 Market Street; South of Market Child Care Center (Judith Baker Child Development Center), located at 685 Natoma Street; and The Maureen & Craig Sullivan Youth Center, located within the Catholic Charities' 10th & Mission Support Services facility, located at 801 Jessie Street. While these facilities do not constitute a Community Facility, as defined by the Planning Code, the

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facilities are nevertheless listed as a School Age Day Care Centers, by the California Department of Social Services.

**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.**

**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: Nicholas Foster, Planner  
Juan Carlos Cancino, Office of Economic and Workforce Development  
Property Owner  
Neighborhood Groups  
BBN Requestor (if any)

Martin Olive

539 Dolores Street  
San Francisco, CA, 94110  
415-254-0777  
martin@vaporroom.com

April 6, 2016

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

R# 2016-005206 ZAD  
CK# 137 \$ 645 -  
M. LUELLEN (NE)

Dear Zoning Administrator:

I am requesting a Letter of Determination for the address 79 9th Street with the intended use of a Medical Cannabis Dispensary at the location. The San Francisco Property Information Map indicates an address range for the building of 77 to 83 9th Street, Block/Lot 3701/023. The building is zoned C-3-G.

The Property Information Map identifies that a pre-school is nearby, however, that does not conflict with Medical Cannabis Dispensary distance requirements from schools as it is not K - 12. While we have not identified any other conflicting uses within 1000', we request an analysis by your office to confirm eligibility before we proceed with an MCD application.

We have walked the area thoroughly and have found two organizations within 1000' that provide ancillary services to families and youth but we understand that they are not the principally permitted use at the property. Judith Baker Child Development Center at 685 Natoma Street is part of the South of Market Child Care Organization (<http://www.somacc.org/>). They appear to be a pre-school that also offers satellite services for the SOMA Family Resource Center that is located well outside well outside of the 1000' zone at 790 Folsom Street. The Maureen & Craig Sullivan Youth Center located at 801 Jessie Street is part of the Catholic Charities of San Francisco Organization. However, it is located within a large Mercy Housing facility and is, therefore, not the principally permitted use at the property.

It is worth noting that neither of the named facilities above were mentioned as issues from the Planning Department during SPARC's MCD application around the corner, though they were both within 1000' of their address as well and existed prior to SPARC's application submittal. We ask that you please confirm that the proposed location does not have a K - 12 school, recreation/ community center primarily serving youth within 1000' and is a complaint address for an MCD.

We greatly appreciate your efficient assistance in determining compliance at this address so we can move forward with an application.

Thank you for your attention to this matter.

Sincerely yours,

Martin Olive