



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

April 6, 2009

Patrick D. Goggin
Law Offices of Patrick D. Goggin
870 Market Street, Suite 1148
San Francisco CA 94102

RE: 1933 Mission Street
Block: 3553 Lot: 023

Dear Mr. Goggin:

This letter is in response to your request for a letter of determination regarding the property at 1933 Mission Street. This parcel is located in the Mission Street Neighborhood Commercial Transit District, previously a NC-3 (Neighborhood Commercial, Moderate Scale) District, with an 80-B height and bulk limitation. The determination request is whether **a new operator** may proceed with an application to continue operating the Medical Cannabis Dispensary hereinafter MCD, known as "Patients and Caregivers," despite the existing applicant's recent termination of its MCD operations there. On December 2008, "Patients and Caregivers" operator, Richard Evans, left town thereby terminating the MCD's operations.

BACKGROUND

"Patients and Caregivers" was established at its current location in 1998, as a non-profit organization. The MCD maintains only one employee. Their hours of operation are between 2p.m. and 7p.m., Monday through Saturday. Patients and Caregivers is a small neighborhood-serving MCD, which serves approximately 50 total patients. Approximately 15-20 patients visit per day at a frequency of one or two times per week. Patients are not allowed to visit the premises more than once per day. Patients generally stay on the premises no longer than five or ten minutes at any one time.

PROCEDURAL BACKGROUND FOR MEDICAL CANNABIS DISPENSARIES

Pursuant to Planning Code Sections 217(k), 790.141 and 890.133 Medical Cannabis Dispensaries that could demonstrate to the Planning Department that they were in operation as of April 1, 2005 were permitted to apply and remain at their existing locations. Once a completed application for a building permit for a medical cannabis dispensary was received, the Department publically noticed the proposed site to all owners and occupants of properties within 300 feet of the subject lot of the proposal to legalize the existing MCD. Building permit applications were held for a period of 30 calendar days from the date

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of the mailed notice to allow review by residents, occupants, owners of neighborhood properties and neighborhood groups. After the 30-day period, the Planning Commission considered whether to exercise its discretionary review powers over the building permit application for a MCD.

The subject MCD, "Patients and Caregivers," was determined to be an existing medical cannabis dispensary and on May 10, 2007, the Planning Commission conducted a publically noticed "Mandatory Discretionary Review" hearing to consider building permit application no. 2007.0206.3532, to maintain operation of an existing Medical Cannabis Dispensary with no smoking on-site (d.b.a. "Patients and Caregivers"). The Commission did not take Discretionary Review and approved the project as proposed. No opposition to the project of any type was received.

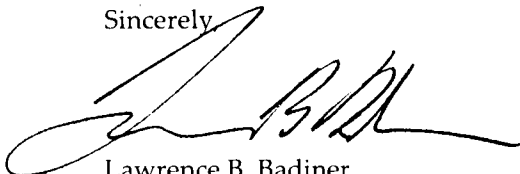
DETERMINATION

It is hereby determined that a Medical Cannabis Dispensary has been legally established at 1933 Mission Street pursuant to Planning Case No. 2007.0192D and building permit application No. 2007.0206.3532. A new operator may proceed with an application to continue operating the MCD and the "change of ownership" will not trigger further review from the Planning Department or public hearings before the Planning Commission.

Pursuant to Planning Code Section 712.84 and 790.141, MCD's must obtain a final permit on or before January 21, 2009, or must cease operations. Department of Building Inspection records indicate that building permit No. 2007.0206.3532 has been issued but not completed. Therefore the existing MCD is not permitted to remain open pending final completion of the aforementioned building permit.

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,



Lawrence B. Badiner
Zoning Administrator

cc: Edgar Oropeza, Planner