



# SAN FRANCISCO PLANNING DEPARTMENT

## Letter of Determination

March 7, 2016

Quentin Platt  
Equinox Botanicals  
530 Divisadero St., Ste 226  
San Francisco, CA 94117

**Site Address:** 1190 Bryant Street  
**Assessor's Block/Lot:** 3525/056  
**Zoning District:** SALI (SERVICE, ARTS, LIGHT INDUSTRIAL)  
**Staff Contact:** Jeff Speirs, (415) 575-9106 or [jeffrey.speirs@sfgov.org](mailto:jeffrey.speirs@sfgov.org)  
**Record No.:** 2016-000615ZAD

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Dear Mr. Platt:

This letter is in response to your request for a Letter of Determination regarding the property at 1190 Bryant Street. This parcel is located in the SALI (Service, Arts, Light Industrial) Zoning District, Western SOMA Special Use District and 40/55-X Height and Bulk District. The request is to determine if the subject property may be used as a Medical Cannabis Dispensary (MCD). In particular, the request seeks a determination as to whether the uses at 407 9<sup>th</sup> Street (dba Harbor House) and 934 Brannan Street (dba SOMArts), which are within 1,000 feet of the subject property, would render the subject location ineligible pursuant to the requirements of Planning Code Section 790.141(a).

Planning Code Section 790.141(a)(1)(B) 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 407 9<sup>th</sup> Street, which contains Salvation Army's Harbor House, which provides state licensed chemical dependency program for single parent homeless families seeking self-sufficiency. Further information and research gathered by Department staff indicates this location primarily serves adults through a variety of services for recovery, workforce development, education, parenting, and counseling. In addition, there is an onsite childcare service for children not more than five years of age. Per Planning Code 890.50(b), childcare is classified as an Institution - Other use, and is not considered to be a community facility and/or recreation center. Based upon information currently available to the Department, it does not appear that 407 9<sup>th</sup> Street is a community facility and/or recreation center that primarily serves persons under 18 years of age.

The subject property is located within 1,000 feet of 934 Brannan Street, which contains SOMArts, which provides for art exhibitions, classes, events and performances. The classes offered by SOMArts are primarily adult oriented, with one class for youth (ceramics). Based upon information currently available to the Department, it does not appear that 934 Brannan Street is a community facility and/or recreation center that primarily serves persons under 18 years of age.

At this time, the subject property has been found to be in compliance with the proximity requirements of Planning Code Section 790.141. Please note that any proposed MCD would be subject to the Mandatory

Quentin Platt  
530 Divisadero St., Ste 226  
San Francisco, CA 94117

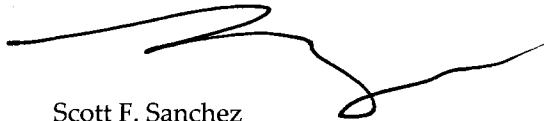
March 7, 2016  
Letter of Determination

Discretionary Review Hearing requirements of Section 790.141, and additional review of surrounding uses will be conducted upon receiving a Medical Cannabis Dispensary Application.

**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: Property Owner  
Neighborhood Groups  
Jeff Speirs, Planner

Equinox Botanicals  
530 Divisadero St. Ste 226  
San Francisco, CA 94117

R # 2016 - 000615ZAD  
CK # 1083 \$ 645. -  
J. BANALES (SE)

January 13, 2016

**BY HAND DELIVERY**

Mr. Scott Sanchez, Zoning Administrator  
San Francisco Planning Department  
1650 Mission St, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Request for Written Determination: 1190 Bryant Street (3525/056)

Dear Mr. Sanchez,

I am writing to explore the possibility of opening a Medical Cannabis Dispensary(MCD) at 1190 Bryant Street in San Francisco. 1190 Bryant St is zoned SALI, a zone where MCD's are permitted.

Section 790.141 of the San Francisco Planning Code states:

**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.**

Section 790.141 of the San Francisco Planning Code also requires:

**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.**

Our team has performed a thorough search of the surrounding area and have not found any primary or secondary schools, nor community facilities or recreation centers that primarily serve youth under the age of 18 within 1000 feet of the proposed site. Furthermore, the proposed site 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.

Our search did yield the discovery of the Salvation Army's Harbor House at 407 9<sup>th</sup> Street which is less than 1000 feet from 1190 Bryant. The Salvation Army's Harbor House is a drug treatment center primarily serving single parents.

Harbor House also has a daycare center that serves children ages 0-5. This allows parents going through recovery to have convenient, on site child care. Harbor House at 407 9<sup>th</sup> street is not on the same parcel as 1190 Bryant so it is our interpretation that this facility does not violate the requirements of Section 790.141 of the SF Planning Code.

Our search yielded one other facility of interest less than 1000 feet from 1190 Bryant. SOMArts located at 934 Brannan is a city-owned cultural center with exhibition, theatre, rehearsal and design spaces. SOMArts offers many classes for adults including printmaking, dance, figure drawing, and photography. SOMArts currently offers only one youth program; a ceramics class for children 12-19 years of age held every Friday from 4:30-6:30pm. We spoke with an employee at SOMArts and they confirmed that the majority of the programs at their facility are for adults.

Since the resources and programs that SOMArts provides to the community are not primarily for youth under the age of 18 it is our interpretation that this facility does not violate the requirements of Section 790.141 of the SF planning Code.

I am therefore requesting a written determination as to whether 1190 Bryant Street conforms to Planning Code Section 790.141 and would thus be an appropriate site for a new MCD.

Thank you for your assistance in clarifying this matter.

Sincerely,

A handwritten signature in black ink that reads "Quentin Platt". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Quentin Platt

Co-Founder, Equinox Botanicals

[Q@access-sf.org](mailto:Q@access-sf.org)

Cell: 415-613-6452