



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

February 22, 2016

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

Site Address:	5 Leland Avenue (aka 2400 Bayshore Blvd.)
Assessor's Block/Lot:	6249/001
Zoning District:	NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE)
Staff Contact:	Jeff Speirs, (415) 575-9106 or jeffrey.speirs@sfgov.org
Record No.:	2015-014853ZAD

Dear Mr. Platt:

This letter is in response to your request for a Letter of Determination regarding the property at 5 Leland Avenue (aka 2400 Bayshore Blvd.). This parcel is located in the NC-3 (Neighborhood Commercial – Moderate Scale) Zoning District, Visitacion Valley/Schlage Special Use District and 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 use at 73 Leland Avenue (dba Real Option for City Kids, aka "ROCK"), which is 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). In addition, the request seeks a determination if an MCD located at 5 Leland Avenue can share an entrance with a Limited Restaurant at 2400 Bayshore Boulevard.

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 73 Leland Avenue, which contains ROCK, which provides active and academic programming for children. Further information and research gathered by Department staff indicates this location primarily serves as the administration offices for ROCK and serves as a meeting site for children prior to fieldtrips on eighteen Saturdays during the year. Based upon information currently available to the Department, it does not appear that this location is a community facility that primarily serves persons under 18 years of age.

Planning Code 703.2(B)(1)(c) states that both Restaurants and MCDs may not be accessory to another use; however, the Planning Code does not prohibit the sharing of an entrance between a Restaurant and an MCD. That said, the uses must remain independent of each other in terms of operation and space. Any floor area or squarefootage to be used by the MCD, including security and patient screening areas, must be included in the MCD application and building permit application.

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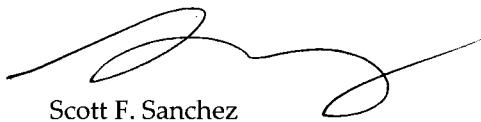
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Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change 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 # 2015 - 014853 ZAD
CK # 1079 \$645. -
J. BANALES (SE)

November 2nd, 2015

BY HAND DELIVERY

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

Re: Request for Written Determination: 2400 Bayshore Boulevard & 5
Leland Avenue (6249/001)

Dear Mr. Sanchez,

I am writing to explore the possibility of opening a Medical Cannabis Dispensary at 5 Leland Avenue (Zoned NC-2) in San Francisco that would be connected to 2400 Bayshore Boulevard (Zoned NC-3). The two addresses are adjacent storefronts on the street level of the same building. The proposed site is located in the Visitacion Valley Neighborhood of San Francisco.

Section 790.141 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.

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 main administrative office for R.O.C.K. (Real Options for City Kids) at 73 Leland Avenue which is less than 1000 feet from our proposed MCD location at 5 Leland Avenue.

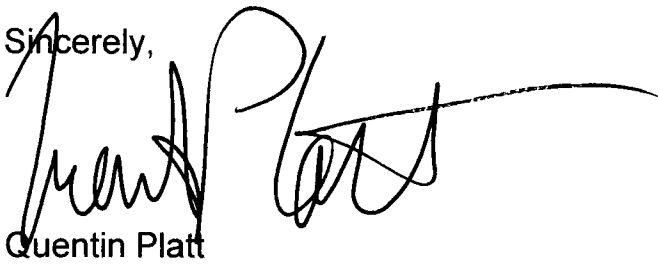
We have spoken with the staff at R.O.C.K. and they confirmed that 73 Leland is strictly an administrative office. Nothing but the administration of the non-profit happens at this location. There are no programs or services at this address that involve children. Although this address is in close proximity to our proposed MCD location we believe it is not in contradiction of the zoning requirements for locating an MCD at 5 Leland Avenue.

R.O.C.K. provides its community outreach services and programs for children at two other locations: 590 Leland Avenue and Visitacion Middle School at 450 Leland Avenue. Both properties that administer services to youth are more than 1000 feet from our proposed MCD Location.

It is our intention to put a limited restaurant in the space at 2400 Bayshore Avenue and put a Medical Cannabis Dispensary in the adjacent space at 5 Leland Avenue. We would like patients to access to the MCD by going through the limited restaurant space at 2400 Bayshore. We would remove a portion of an existing wall and create a door between the adjacent spaces. This would allow us to have the required security and patient screening personnel inside 2400 Bayshore and not on the sidewalk or in the public way. We believe this new system of access will benefit both the neighborhood and our patients.

I am therefore requesting a written determination as to whether or not 5 Leland Avenue conforms to Planning Code Section 790.141 and would thus be an appropriate site for a new MCD as well as if 2400 Bayshore Boulevard would be an appropriate site for a limited restaurant open to the public. Thank you for your assistance in clarifying this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Quentin Platt", with a long horizontal flourish extending to the right.

Quentin Platt

Co-Founder, Equinox Botanicals

Q@access-sf.org

Cell: 415-613-6452