



# SAN FRANCISCO PLANNING DEPARTMENT

## Letter of Determination

January 3, 2017

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

Site Address:	761 Bryant Street
Assessor's Block/Lot:	3778/046G
Zoning District:	SALI - SERVICE/ARTS/LIGHT INDUSTRIAL
Staff Contact:	Michael Christensen, (415) 575-8742 or <a href="mailto:michael.christensen@sfgov.org">michael.christensen@sfgov.org</a>
Record No.:	2016-015760ZAD

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 761 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).

Per Planning Code Section 846.36, an MCD is a permitted use within the SALI Zoning District. Planning Code Section 890.133(a) 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 70 Oak Grove Street, which contains Five Keys Charter School. Based upon information available to the Planning Department, this facility is operated by the San Francisco Sheriff's Department Community Programs and primarily serves young adults (18-25 years of age). Given this information, the facility does not primarily serve persons under 18 years of age and would not be a facility described in Planning Code Section 890.133(a)(1).

Planning Department staff has reviewed available data, and conducted a review of properties within 1,000 feet of the property. At this time, the subject property has been found to be in compliance with the proximity requirements of Planning Code Sections 890.133 and 846.36. Please note that any proposed MCD would be subject to the Mandatory Discretionary Review hearing requirements of Section 846.36. Further, MCDs in the SALI Zoning Districts may only operate between the hours of 8:00 am and 10:00 pm.

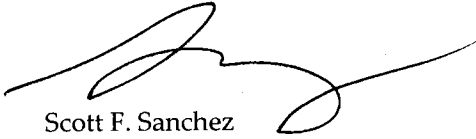
**Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments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

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

January 3, 2017  
Letter of Determination

**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

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

R#2016-015760 ZAD  
CK # 1098 \$ 664. -  
R. SUCRE (SE)

RECEIVED  
NOV 28 2016  
CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

November 21, 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: 761 Bryant Street (3778/0466)

Dear Mr. Sanchez,

I am writing to explore the possibility of opening a Medical Cannabis Dispensary at 761 Bryant Street (Zoned SALI) in San Francisco. This property is directly next door to 757 Bryant, a property the Planning Department has already found to be in compliance with the proximity requirements of Planning Code Sections 890.133 and 846.36. See attached Letter of Determination for a Medical Cannabis Dispensary at 757 Bryant dated June 7, 2016, and my request for Written Determination of 757 Bryant dated April 18, 2016. Perhaps the Planning Department can use the previous Letter of Determination on 757 Bryant to expedite this new request for 761 Bryant.

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 following facilities that we believe do not violate section 790.141 of the SF Planning Code and would therefore not preclude the proposed use of a medical cannabis dispensary at 761 Bryant Street.

**5 Keys Charter School:** This facility is located at 70 Oak Grove Street. This school teaches in the county jail helping incarcerated adults age 17 and older to earn a high school diploma. They also do some work with juvenile offenders but it does not appear they primarily serve youth so it is our interpretation that the 5 Keys Charter School does not violate the requirements of Section 790.141 of the SF planning Code. *This facility has already been considered as part of the Letter of Determination previously issued for 757 Bryant Street.*

**SF Drug Court Treatment Center:** This drug treatment clinic is located at 509 6<sup>th</sup> Street. This clinic is not located on the same parcel as 761 Bryant St. so it is our interpretation that the SF Drug Court Treatment Center does not violate the requirements of Section 790.141 of the SF planning Code. *This facility has already been considered as part of the Letter of Determination previously issued for 757 Bryant Street.*

**Center on Juvenile and Criminal Justice:** These offices are located at 40 Boardman Place. This location serves as the CJCJ's direct service administration office. Most of CJCJ's direct services operate off-site, in their other seven satellite facilities or in the community. It is our interpretation that the CJCJ's administrative office at 40 Boardman Place does not violate the requirements of Section 790.141 of the SF planning Code. *This facility has already been considered as part of the Letter of Determination previously issued for 757 Bryant Street.*

**Playworks San Francisco:** The administrative office for Playworks San Francisco is located at 650 5<sup>th</sup> St #201. Playworks is a non-profit that engages youth at their schools (typically in low income areas) during recess to ensure that every student plays safely, inclusively and with joy. The offices at 650 5<sup>th</sup> street are administrative and do not provide services directly to children. It is our interpretation that the administrative offices for Playworks San Francisco located at 650 5<sup>th</sup> street do not violate the requirements of Section 790.141 of the SF planning Code. *This facility has*

*already been considered as part of the Letter of Determination previously issued for 757 Bryant Street.*

**Victoria Manolo Draves Park:** This ball field, community garden, and playground is located between Harrison and Folsom Streets, and Columbia Square and Sherman Street. There are no events or programs that primarily serve youth at this park. It is our interpretation that Victor Manolo Draves Park does not violate the requirements of Section 790.141 of the SF planning Code. *This is the only facility that we have discovered that **was not** part of the Letter of Determination previously issued for 757 Bryant Street.*

I am therefore requesting a written determination as to whether 761 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,



Quentin Platt

Co-Founder, Equinox Botanicals

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

Cell: 415-613-6452

**Attachments:**

1. Letter of Determination: 757 Bryant
2. Request for Written Determination: 757 Bryant



FOR REFERENCE ONLY ATTACHMENT #1  
**SAN FRANCISCO  
PLANNING DEPARTMENT**

**Letter of Determination  
RECEIVED**

June 7, 2016

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

NOV 28 2016

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

<b>Site Address:</b>	757 Bryant Street
<b>Assessor's Block/Lot:</b>	3778/046F
<b>Zoning District:</b>	SALI - SERVICE/ARTS/LIGHT INDUSTRIAL
<b>Staff Contact:</b>	Jeff Speirs, (415) 575-9106 or <a href="mailto:jeffrey.speirs@sfgov.org">jeffrey.speirs@sfgov.org</a>
<b>Record No.:</b>	2016-005281ZAD

Dear Mr. Platt:

This letter is in response to your request for a Letter of Determination regarding the property at 757 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 addition, the request seeks a determination if an MCD located at 757 Bryant Street can operate on the second floor of the subject building.

Planning Code Section 890.133(a) 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.

Planning Department staff has reviewed available data, and conducted a review of properties within 1,000 feet of the property. At this time, the subject property has been found to be in compliance with the proximity requirements of Planning Code Sections 890.133 and 846.36. Please note that any proposed MCD would be subject to the Mandatory Discretionary Review hearing requirements of Section 846.36. Further, MCDs in the SALI Zoning Districts may only operate between the hours of 8:00 am and 10:00 pm.

Regarding your request as to whether an MCD could operate at the second floor of the subject building, the SALI Zoning District does not restrict permitted uses by floor. As such, an MCD may be authorized under the requirements of the Planning Code on any floor in the subject building through the Mandatory Discretionary Review hearing process..

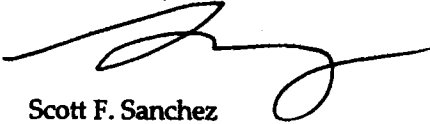
Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must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

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

June 7, 2016  
Letter of Determination

**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 # 2016-005281ZAD  
CK # 1089 \$ 645 -  
R. SUCRE (SE)

April 18, 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: 757 Bryant Street (3778/046F)

Dear Mr. Sanchez,

I am writing to explore the possibility of opening a Medical Cannabis Dispensary at 757 Bryant Street (Zoned SALI) in San Francisco.

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 following facilities that we believe do not violate section 790.141 of the SF Planning Code and would therefore not preclude the proposed use of opening a medical cannabis dispensary at 757 Bryant Street:

**5 Keys Charter School:** This school teaches in the county jail helping incarcerated adults age 17 and older to earn a high school diploma. They also do some work with juvenile offenders but it does not appear they "primarily serve youth" so it is our interpretation that the 5 Keys Charter School does not violate the requirements of Section 790.141 of the SF planning Code.

**SF Drug Court Treatment Center:** This drug treatment clinic is located at 509 6<sup>th</sup> Street. This clinic is not located on the same parcel as 757 Bryant St. so it is our interpretation that the SF Drug Court Treatment Center does not violate the requirements of Section 790.141 of the SF planning Code.

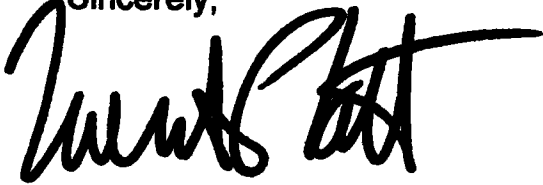
**Center on Juvenile and Criminal Justice:** These offices are located at 40 Boardman Place. This location serves as the CJCJ's direct service administration office. Most of CJCJ's direct services operate off-site, in their other seven satellite facilities and offices or in the community. It is our interpretation that the CJCJ's administrative office at 40 Boardman Place does not violate the requirements of Section 790.141 of the SF planning Code.

**Playworks San Francisco:** The administrative offices for Playworks San Francisco are located at 650 5<sup>th</sup> St #201. Playworks is a non-profit that engages youth at their schools (typically in low income areas) during recess to ensure that every student plays safely, inclusively and with joy. The offices at 650 5<sup>th</sup> street are administrative and do not provide services directly to children. It is our interpretation that the administrative offices for Playworks San Francisco located at 650 5<sup>th</sup> street do not violate the requirements of Section 790.141 of the SF planning Code.

I am therefore requesting a written determination as to whether 757 Bryant Street conforms to Planning Code Section 790.141 and would thus be an appropriate site for a new MCD. I am also requesting a written determination as to whether an MCD at 757 Bryant Street could operate on the 2<sup>nd</sup> floor of the building.

Thank you for your assistance in clarifying this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Quentin Platt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Quentin Platt

Co-Founder, Equinox Botanicals

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

Cell: 415-613-6452

FOR REFERENCE ONLY = Attachment #2 – Request for LOD for 757 Bryant Street.

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

April 18, 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: 757 Bryant Street

Dear Mr. Sanchez,

I am writing to explore the possibility of opening a Medical Cannabis Dispensary at 757 Bryant Street (Zoned SALI) in San Francisco.

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 following facilities that we believe do not violate section 790.141 of the SF Planning Code and would therefore not preclude the proposed use of opening a medical cannabis dispensary at 757 Bryant Street:

**5 Keys Charter School:** This school teaches in the county jail helping incarcerated adults age 17 and older to earn a high school diploma. They also do some work with juvenile offenders but it does not appear they "primarily serve youth" so it is our interpretation that the 5 Keys Charter School does not violate the requirements of Section 790.141 of the SF planning Code.

**SF Drug Court Treatment Center:** This drug treatment clinic is located at 509 6<sup>th</sup> Street. This clinic is not located on the same parcel as 757 Bryant St. so it is our interpretation that the SF Drug Court Treatment Center does not violate the requirements of Section 790.141 of the SF planning Code.

**Center on Juvenile and Criminal Justice:** These offices are located at 40 Boardman Place. This location serves as the CJCJ's direct service administration office. Most of CJCJ's direct services operate off-site, in their other seven satellite facilities and offices or in the community. It is our interpretation that the CJCJ's administrative office at 40 Boardman Place does not violate the requirements of Section 790.141 of the SF planning Code.

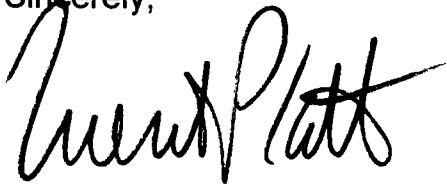
**Playworks San Francisco:** The administrative offices for Playworks San Francisco are located at 650 5<sup>th</sup> St #201. Playworks is a non-profit that engages youth at their schools (typically in low income areas) during recess to ensure that every student plays safely, inclusively and with joy. The offices at 650 5<sup>th</sup> street are administrative and do not provide services directly to children. It is our interpretation that the administrative offices for Playworks San Francisco located at 650 5<sup>th</sup> street do not violate the requirements of Section 790.141 of the SF planning Code.

FOR REFERENCE ONLY = Attachment #2 - Request for LOD for 757 Bryant Street.

I am therefore requesting a written determination as to whether 757 Bryant Street conforms to Planning Code Section 790.141 and would thus be an appropriate site for a new MCD. I am also requesting a written determination as to whether an MCD at 757 Bryant Street could operate on the 2<sup>nd</sup> floor of the building.

Thank you for your assistance in clarifying this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Quentin Platt". The signature is fluid and cursive, with a large initial "Q" and a long horizontal stroke extending to the right.

Quentin Platt

Co-Founder, Equinox Botanicals

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

Cell: 415-613-6452