



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

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June 20, 2016

Justin Jacobs (property owner)
Lock World
2935 Geary Boulevard
San Francisco CA 94118

Site Address:	2935 Geary Boulevard
Assessor's Block/Lot:	1090/027
Zoning District:	NC-3 (Neighborhood Commercial, Moderate-Scale) District/40-X
Staff Contact:	Sharon M. Young, (415) 558-6346 or sharon.m.young@sfgov.org
Record No.:	2016-006768ZAD

Dear Mr. Jacobs:

This letter is in response to your request for a Letter of Determination regarding the property at 2935 Geary Boulevard. The subject property is located within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and 40-X Height and Bulk District. The subject lot is approximately 4,687 square feet in area (37.50 feet wide by 125 feet deep) and is occupied by a one-story commercial building constructed in 1939. The request is for a determination as to whether a "use change" would be permitted on the subject property to add a delivery-only Medical Cannabis Dispensary (MCD) to the existing locksmith retail business (dba "Lock World"). Per Planning Code Section 790.141(a), an MCD is defined in Section 3301(f) of the San Francisco Health Code as follows:

(f) "Medical cannabis dispensary" means a cooperative or collective of ten or more qualified patients or primary caregivers that facilitates the lawful cultivation and distribution of cannabis for medical purposes and operates not for profit, consistent with California Health & Safety Code Sections 11362.5 et seq., with the Guidelines for the Security and Non-diversion of Marijuana Grown for Medical Use issued by the California Attorney General in August 2008, and with this ordinance. A cooperative must be organized and registered as a Consumer Cooperative Corporation under the Corporations Code, Sections 12300, et seq., or a Nonprofit Cooperative Association under the Food and Agricultural Code, Sections 54002, et seq. A collective may be organized as a corporation, partnership or other legal entity under state law but must be jointly owned and operated by its members. As set forth in Section 3308(q), a medical cannabis dispensary may purchase or obtain cannabis only from members of the cooperative or collective and may sell or distribute cannabis only to members of the cooperative or collective. As set forth in Section 3308(c), a medical cannabis dispensary may operate only on a not for profit basis and pay only reasonable compensation to itself and its members and pay only reasonable out-of-pocket expenses.

The definition contained in Section 3301(f) of the San Francisco Health Code does not exclude delivery-only uses and therefore the proposed MCD delivery service would be considered to be an MCD use. A MCD use may not be considered to be accessory to the permitted principal use (the locksmith retail business) per Planning Code Section 703.2(b)(1)(C)(vii).

Justin Jacobs
Lock Work
2935 Geary Boulevard
San Francisco CA 94118

June 20, 2016
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2935 Geary Boulevard

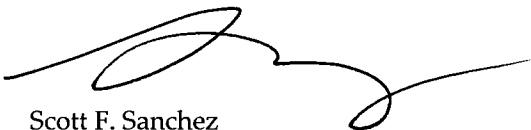
DETERMINATION

Your proposal to add an MCD program to the existing locksmith retail business is not permitted on the subject property since it does not meet the location requirements of Planning Code Section 790.141(a)(1). Planning Code Section 790.141(a)(1) 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 preliminary review of properties within 1,000 feet of the subject property. While the subject parcel does not appear to be within 1,000 feet of parcels containing public or private elementary or secondary schools, it does appear to be within 1,000 feet of a parcel containing a community facility and/or recreation center (Laurel Hill Playground & Clubhouse at 251 Euclid Avenue) primarily dedicated to persons under 18. As such, a proposed MCD use at 2935 Geary Boulevard would not comply with the location requirements for an MCD as set forth in Planning Code Section 790.141(a)(1).

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: Sharon M. Young, Planner
Neighborhood Groups



May 18, 2016

Office of Zoning Administrator
Attention: Mr. Scott Sanchez
1650 Mission Street, Suite 400
San Francisco, CA 94103

R# 2016-006768 ZAD
CK # 13700 \$645.-
D. LINDSAY (NW)

RE: Request for Letter of Determination for 2935 Geary Blvd.

Dear Mr. Sanchez,

I am the property and business owner of Lock World, located at 2935 Geary Blvd. I am requesting a Letter of Determination for a "use change" for a portion of this building. Facts are as follows:

- a) Per property tax bill information: Vol. 08 / Block 1090 / Lot 027
- b) Current use of 2935 Geary Blvd. is a locksmith retail business.
- c) The "use change" I am requesting is to explore the possibility of changing a portion of the building purpose to a **delivery service for a Medical Cannabis Dispensary program**. My intent for this building usage is administrative and delivery service, with no customer foot traffic.

Action Requested:

Can you provide a date stamp received copy of this letter and send it back to me in the self-address stamped envelope?

I look forward to hearing from you and receiving your Letter of Determination. A check for \$645 is enclosed. Thank you for your assistance.

Regards,

Justin Jacobs