June 14, 2013

Gelb Tabachnik
1888 Geneva Avenue #710
San Francisco, CA 94134

Site Address: 4130 Mission Street
Assessor’s Block/Lot: 6804/002
Zoning District: NC-2 (Neighborhood Commercial, Small Scale) Zoning District
Staff Contact: Doug Vu, (415) 575-9120 or Doug.Vu@sfgov.org

Dear Mr. Tabachnik:

This letter is in response to your request for a Letter of Determination regarding the property at 4130 Mission Street. This parcel is located in the NC-2 (Neighborhood Commercial, Small Scale) Zoning District and a 40-X Height and Bulk District.

Pursuant to Planning Code Section 790.141(a), the establishment of a new Medical Cannabis Dispensary is prohibited if located within 1,000 feet of a parcel containing a public or private elementary or secondary school, or a community facility and/or recreation center [as defined under PC Section 790.50(a)] that primarily serves persons under 18 years of age. Section 790.50(a) defines an Assembly and Social Service as a type of use which “provides social, fraternal, counseling or recreational gathering services to the community. It includes a private noncommercial club house, lodge, meeting hall, recreation building, or community facility not publicly owned. It also includes an unenclosed recreation area or noncommercial horticulture area not publicly owned.”

Your request is to determine whether a new Medical Cannabis Dispensary would be permitted within 1,000 feet of the Mission YMCA, located at 4080 Mission Street. As indicated on its website at www.ymcasf.org/mission, the Mission YMCA offers a range of community programs for young children, teenagers, adults, seniors and families, and does not primarily serve persons under 18 years of age. Furthermore, the majority of the programs offered to young children and teenagers such as after school childcare, day camps, learning and sports programs are conducted at nearby elementary schools including Sunnyvale, L.R. Flynn, Monroe and Visitacion Valley, or at the Excelsior Community Center. None of these elementary schools, nor the Excelsior Community Center are located within 1,000 feet of the property at 4130 Mission Street.

Therefore, it is my determination that the property at 4130 Mission Street is permitted to be used as a Medical Cannabis Dispensary, pursuant to Planning Code Section 790.141.
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: Doug Vu, Planner
    Property Owner
    Neighborhood Groups
March 22, 2013

Office of the Zoning Administrator
1650 Mission Street, Suite 400
San Francisco, CA 94101

Re: Request for Letter of Determination

Dear Sir:

I write to request a Letter of Determination on whether the property located at 4080 Mission St., due to its specific use classification and proximity to the site of a proposed medical cannabis dispensary (MCD), would prevent the approval of an MCD permit for 4130 Mission St. under Planning Code section 790.141. That section requires that an MCD be located no closer than 1,000 feet from "(A) a public or private elementary or secondary school; or (B) a community facility and/or recreation center that primarily serves persons under 18 years of age."

The Mission YMCA is located at 4080 Mission St., and offers programs for seniors, adults and children; however, it does not appear that the Mission YMCA primarily serves minors at that location, nor are the preschool or daycare services a disqualifying use. It is our understanding from the Mission YMCA website and other sources that the facility operates a senior center Monday through Friday from 7:30 a.m. to 3:30 p.m., and has a senior lunch program at the site. The on-site preschool and the peewee sports program are limited to kids under 5 years old. Other youth programs available through the Mission YMCA such as after school childcare, day camp, ExCEL and recreational, learning and sports programming are conducted off-site at the Sunnyside Elementary School, L.R. Flynn Elementary School, Monroe Elementary School, Visitation Valley Elementary School and Excelsior Clubhouse.

Enclosed please find a check for the fee for the requested Letter of Determination. Please contact me if this request is unclear or if you require additional information or materials in order to issue a Letter of Determination in response to this request. Your attention to this matter is sincerely appreciated.

Very truly yours,

Gelb Tabachnik