



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

June 29, 2016

Rimma Ludovico
130 Limestone Dr.
Vallejo, CA 94589

Site Address: 865 Post Street
Assessor's Block/Lot: 0303/015
Zoning District: RC-4 (Residential-Commercial, High Density), North of Market Residential 2 SUD, Fringe Financial Services RUD, 80-T
Staff Contact: Andrew Perry, (415) 575-9017 or andrew.perry@sfgov.org
Record No.: 2016-008031ZAD

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Ludovico:

This letter is in response to your request for a Letter of Determination regarding the property at 865 Post Street. This parcel is located in the RC-4 (Residential-Commercial, High Density) Zoning District and 80-T Height and Bulk District. The request is to clarify the definition of "community facility" and to determine whether there are community facilities located within 1000 feet of the subject property, which would preclude the operation of a Medical Cannabis Dispensary ("MCD") at the subject property.

Per Planning Code Sections 209.3 and 202.2(e)(1), an MCD is considered to be an Institutional Use and is allowed as a principally permitted use at the subject property. These sections require a Mandatory Discretionary Review for the use with associated neighborhood notification and public hearing before the Planning Commission. Additionally, Section 202.2(e)(1) includes the following location-based requirements:

- (1) The parcel containing the MCD cannot be located within 1,000 feet from a parcel containing:
 - (A) a School, public or private; or
 - (B) a Community Facility, Public Facility, or Private Community Facility that primarily serves persons under 18 years of age; and
- (2) 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.

Under Section 102 of the Planning Code, a "Community Facility" is defined as "an Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education."

Rimma Ludovico
130 Limestone Dr.
Vallejo, CA 94589

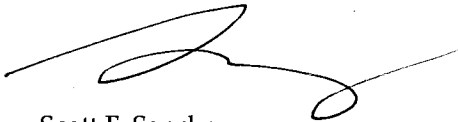
June 29, 2016
Letter of Determination
865 Post Street

Based on available information, there are no Schools, public or private, located within 1000 feet of the subject property, nor is there a facility on the subject parcel that provides substance abuse services. However, there do appear to be two establishments located within 1000 feet of the subject property that operate as community facilities that primarily serve persons under 18 years of age. Specifically, there is the Community Youth Center San Francisco (CYCSF) at 1038 Post Street which offers a variety of programs for youth in this space. Additionally, there is Glide Child Care and Family Support at the Janice Mirikitani Family, Youth, and Childcare Center at 434 Ellis Street which offers after-school programming for elementary students helping with homework, computer skills, literacy, health and nutrition, creative arts, and athletics. As such, a the property at 865 Post Street would not comply with the location-based requirements of Planning Code Section 202.2(e)(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: Harry Villegas (Property Owner) – 865 Post Street, San Francisco, 94109
Neighborhood Groups
Andrew Perry, Planner

(415)876-SOLD (7653)
www.RimmaRealtyTeam.com



Fax: (415) 520-6520
RimmaRealty@gmail.com

June 18, 2016

R# 2016 - 008031 ZAD

RECEIVED

VIA HAND DELIVERY:

CK # 3043 \$ 645. -

JUN 20 2016

Scott Sanchez
Zoning Administrator
City and County of San Francisco
1650 Mission Street.
San Francisco CA 94102

M. LUELLEN (NE)

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

RE: 865 Post St., San Francisco, CA 94109, APN #0303/015 (the "Property")

REQUEST FOR LETTER OF DETERMINATION

Dear Mr. Sanchez,

This letter is a Request for a Letter of Determination on behalf of my client Dmitry Shkolnikov whether a Medical Cannabis Dispensary ("MCD") may operate at the Property. Enclosed is a check in the amount of \$645.00 for this Determination.

Based on a review of the Planning Department's Property Information Map and Potential Medical Cannabis Dispensary (MCD) Locations Map, there are no schools within 1,000 feet of the Property and it is zoned to allow MCD use.

Moreover, my client's search has not identified any public or private elementary or secondary schools within 1,000 feet of the Property.

My client's search for the community facilities or recreation centers that primarily serve persons under 18 years identified the following facilities:

1. CYCSF - Main Office
Community Youth Center
1038 Post St.
San Francisco, CA 94109.
2. Raphael House of San Francisco
1065 Sutter Street
San Francisco, CA 94109.
3. Rally Family Visitation Services
900 Hyde St
San Francisco, CA 94109.

(415)876-SOLD (7653)
www.RimmaRealtyTeam.com



Fax: (415) 520-6520
RimmaRealty@gmail.com

Due to the absence of definition of “community facilities” and “recreational centers” in the Planning Code, we would like the determination of relevance of above listed facilities and/or any other you might identify to the ability of running MCD out of the Property.

Please, email your letter of determination to rimmarealty@gmail.com and mail the hard copy to the following mailing address:

Rimma Ludovico
130 Limestone Dr.
Vallejo, CA 94589.

I can be reached directly at 415-819-7380 for any questions or clarification.

Very Truly Yours

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

Rimma Ludovico