

# Hope fades for HopeNet

*S.F.'s tough distance-from-a-school law may be pot club's undoing*

BY TOM CARTER

THE feds are tightening the noose around another medical pot dispensary, 10-year-old HopeNet, which is flailing against U.S. Attorney Melinda Haag's campaign to wreck the area's medical marijuana infrastructure.

And this time she can use the city's own rule on a dispensary's distance from a school, much stricter than the state's regulation.

The state Health Code requires pot dispensaries to be at least 600 feet from any K-12 school, public or private, significantly closer than the distance between HopeNet and Presidio Knolls School, a Mandarin-immersion preschool at 250 10th St., a block away.

But in 2005, when then-Supervisor Ross Mirkarimi spearheaded the revisions of the city's 2002 pot dispensary regulations, in an amendment seconded by Chris Daly, they made the distance a dispensary could be from a school much stricter than the state. San Francisco's Planning Code Article 7, Section 790.141 stretches the prohibitive mark from parcel to parcel to 1,000 feet.

The Extra consulted Google Maps, which calculated the sidewalk footage between HopeNet and the school at 1,056 feet; Google Search came up with 950 feet. The owner's son took a measurement and came up with more than 1,300 feet. In any case, a questionable call as cause for the U.S. attorney to close a thriving, decade-old small business.

Five dispensaries in the city have closed since November, the Examiner recently reported, after Haag wrote to their landlords, threatening to prosecute and seize their buildings if they continue renting to pot clubs.

The Department of Public Health, which oversees the dispensaries, says 25 — two of them delivery operations — were operating as of March 21. There were 31 in 2007.

The last to fold under Haag's threat was Sanctuary on O'Farrell Street, an unassuming storefront with fewer than 1,000 patients, the majority with HIV/AIDS or cancer. It was the last dispensary in the Tenderloin and had no complaints in its eight years. It was targeted, Haag's letter to sanctuary's landlord said, because it's immediately behind Tenderloin Children's Playground.

Another dozen city dispensaries' landlords have received letters from Haag. HopeNet's landlord's letter, dated Feb. 21, stated that the dispensary at 223 Ninth St. is in violation of federal law, and, moreover, subject to "enhanced penalties" because it is "within a prohibitive distance of a school, Presidio Knolls School."

Cathy Smith, who started the cooperative in 2002 with her grower husband, Steven Smith, organized some blowback. March 13, she faxed 650 signed protests to Haag's office. The next day, 175

personal letters were sent, asking Haag to lay off.

Smith had asked the Department of Public Health, which oversees marijuana dispensaries, for a letter assessing HopeNet's compliance with San Francisco law. March 23, the letter arrived. It said HopeNet is "in compliance" with city Health Code requirements, operates "in a manner consistent with public health and safety," and had "no outstanding public complaints." It was signed by Rajiv Bhatia, DPH's environmental health director. Smith says that next she'll appeal to Sen. Barbara Boxer, who promoted Haag's appointment as U.S. attorney in 2010, Smith said.

But federal law trumps state and local law. A Board of Supervisors resolution in October opposed Haag's crackdown, but it's questionable what effect, if any, that could have.

District 6 Supervisor Jane Kim voted for that resolution.

"But we don't have any jurisdiction locally," Kim says. "It's not just the loss of dispensaries, but the loss of jobs, too. It's sad to see. They (the feds) choose what they want to enforce."

In a California Watch story March 15, Haag told the reporter her prime concerns.

"When a dispensary comes to my attention that is close to a school, a park or playground or to children," she said, "that's a line I've decided to draw, and those are the dispensaries that I'm looking at."

HopeNet has operated peacefully and without major incident and, Smith says, it has 8,000 registered patients. "We're growing all the time. It's an older group and style, working middle-class, lots of them with ties."

She's had two complaints, she says, both over the smell of marijuana on the street. She installed a \$10,000 fan that blows smoke 8 feet above the roof.

In the narrow room adjacent to the dispensary, HopeNet hosts Wednesday lunches for veterans and for women on Thursdays. About 15 people show up for each, Smith says. Some Saturdays, HopeNet volunteers make 300 peanut butter sandwiches to distribute in SoMa and in the Tenderloin, Smith



PHOTO BY TOM CARTER

HopeNet co-owner Cathy Smith hosts a lunch for military veterans every Wednesday. This lunch was served March 14.

says. And they give free medicinal smokes and edibles to vets at Laguna Honda Hospital. Also, Smith says, Bridgette Flores, who formerly worked at Hospitality House, offers health and safety, origami and life skills classes and dispenses hygiene supplies.

Haag's enhanced penalties are on Smith's mind this March day at the dispensary. Presidio Knolls, with 99 children, intends to add K-2 in the fall, according to its website. The neighborhood newcomer moved into 250 Tenth St. and held its grand opening in June.

The prohibited distance is not spelled out in Haag's letter and The Extra's repeated efforts to talk to Haag or an aide by phone and fax were unsuccessful. ■

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CENTRAL CITY EXTRA is published monthly by San Francisco Study Center Inc., a private nonprofit serving the community since 1972. The Extra was initiated through grants from the S.F. Hotel Tax Fund and the Richard and Rhoda Goldman Fund. The contents are copyrighted by the San Francisco Study Center, 944 Market Street, Suite 701, San Francisco, CA 94102.

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Central City Extra is a member of the  
SAN FRANCISCO NEIGHBORHOOD NEWSPAPER  
PUBLISHERS ASSOCIATION, SOCIETY OF PROFESSIONAL JOURNALISTS,  
NORTHERN CALIFORNIA CHAPTER,  
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