



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

November 16, 2016

Nicole Howell Neubert
MCD
201 Spear Street, Suite 1100
San Francisco, CA 94105

Site Address:	2401 Irving Street
Assessor's Block/Lot:	1780/001
Zoning District:	Irving Street Neighborhood Commercial District
Staff Contact:	Veronica Flores, (415) 575-9173 or veronica.flores@sfgov.org
Record No.:	2016-012770ZAD

1650 Mission St.
Suite 400
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CA 94103-2479

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Dear Ms. Lockwood:

This letter is in response to your request for a Letter of Determination regarding the property at 2401 Irving Street. This parcel is located in the Irving Street Neighborhood Commercial District (NCD) and 40-X Height and Bulk District. The request is to determine the proximity of the subject parcel to any public or private elementary or secondary school, or a community facility and/or recreation center that primarily serves persons under 18 years of age for the purpose of establishing a Medical Cannabis Dispensary (MCD) (per Planning Code Section 790.141, an MCD cannot be placed within 1000' of the aforementioned facilities or on the same parcel as a substance abuse treatment facility) and to clarify project application requirements.

Based upon information provided in your request letter and additional preliminary staff research, it does not appear that any schools, community facilities or recreation center that primarily serves persons under 18 years of age are located within 1000' of the proposed MCD location. The Department is aware that the following uses are located within 1000' of the subject property:

- Jefferson Early Education School
- San Francisco Dhammaram Temple
- ThinkTank Learning
- Kuman Math and Reading Center

However, based upon available information, the above uses do not appear to be public or private elementary or secondary schools, or community facilities or recreation centers primarily serving persons under 18 years of age.

Pursuant to Board of Supervisors Resolution No. 179-15 (Interim Zoning Controls – Conditional Use Authorization for MCDs in Irving, Judah, Noriega and Taraval NCDs - BOS File No 150412), proposed MCDs in the Irving Street NCD require Conditional Use Authorization from the Planning Commission. These Interim Controls were effective from May 15, 2015 to November 15, 2016; however, it is my understanding that the Board of Supervisors will consider an extension of these controls in the coming

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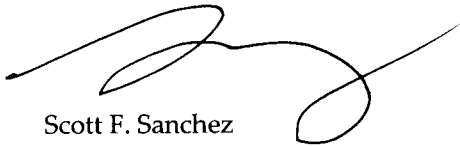
November 16, 2016
Letter of Determination
2401 Irving Street

weeks. If these Interim Controls are not renewed or otherwise made permanent, a Discretionary Review application will be required for the proposed MCD pursuant to Planning Code Section 740.84. Additionally, an MCD in the Irving Street NCD may only operate within the hours of 8am and 10pm.

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.

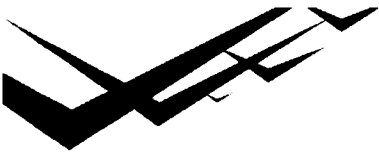
APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact 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: Veronica Flores, Planner
Property Owner
Neighborhood Groups
Dolly Sithounnolat, MOEWD



**CLARK
NEUBERT** LLP

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D. WASHINGTON (SW)

September 16, 2015

Scott Sanchez
Zoning Administrator
City and County of San Francisco
1650 Mission Street, #400
San Francisco, CA 94103

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SEP 22 2016

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
ZA OFFICE

**Re: Medical Cannabis Dispensary (MCD)
2401 Irving Street
Assessors Block/Lot: 1780/001
Zoning District: NCD – Irving Street Neighborhood Commercial
District**

Dear Mr. Sanchez:

This letter seeks a determination as to whether a Medical Cannabis Dispensary (MCD) may be established on the above-referenced parcel. Specifically, as counsel for the project sponsor we seek a Letter of Determination: (1) regarding the parcel's eligibility for an MCD permit under Planning Code Section 202.2(e)(1), (2) confirmation that when the Interim Control Measure, BOS File No. 150412, expires on November 15, 2016, that an application for an MCD at this location address would be subject to the Discretionary Review process.

An initial search of the area indicates that The San Francisco Dhammaram Temple, ThinkTank Learning, and Kumon Math and Reading Center may be flagged as sensitive uses within 1,000 feet of the subject parcel.

Very truly yours,

Nicole Howell Neubert

Encl. \$1415 check

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