



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

May 1, 2017

Matthew Ebrahimoon
4401 Balboa Street
San Francisco, CA 94121

Site Address: 4401 Balboa Street
Assessor's Block/Lot: 1599 / 001
Zoning District: NC-1 (Neighborhood Commercial Cluster District)
Staff Contact: David Weissglass, (415) 575-9177 or david.weissglass@sfgov.org
Record Number: 2017-004642ZAD

Dear Mr. Ebrahimoon:

This letter is in response to your request for a Letter of Determination regarding the property at 4401 Balboa Street. This parcel is located in the NC-1 (Neighborhood Commercial Cluster) Zoning District. The request is for confirmation that a Medical Cannabis Dispensary (MCD) as defined in Health Code Section 3301(f) is a permitted use in the existing ground floor commercial space of the subject building.

Per Planning Code Section 710.84, an MCD is listed as a principally permitted use in the NC-1 Zoning Districts on the first story; however, there is a specific provision that applies to all NC-1 Zoning Districts which states: "only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation and have obtained a final permit to operate by March 1, 2008 are permitted in an NC-1 District." Therefore, new Medical Cannabis Dispensaries (even if they were in operation elsewhere in the City as of April 1, 2005) may not be established in NC-1 Zoning Districts. Based upon a review of City records, the subject property does not contain an MCD that meets the requirements of this provision. As such, an MCD is not a permitted use on the subject property.

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.

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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: Property Owner
Neighborhood Groups
David Weissglass, Planner

4/4/17

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

R# 2017-004642 ZAD
CC #01816106534 \$ 664, -
D. LINDSAY (NW)

RE: Request for a Letter of Determination for 4401 Balboa Street, SF, CA, 94121

(1599/001)

Dear Mr. Sanchez:

I am writing this letter for the purpose of obtaining a written determination as to whether or not a Medical Cannabis Dispensary may be established at the address 4401 Balboa Street, SF, CA, 94121. Please confirm that this location is eligible for a MCD permit pursuant to the regulations in San Francisco County governing medical Cannabis Dispensaries. 4401 Balboa Street a mixed-use building in the Neighborhood Commercial One Zoning Category. Additionally, the parcel does not contain a facility providing substance abuse services.

Please confirm that the property is the required distance from any childcare facility, recreational service for children, public park, or any public or private elementary or secondary school serving persons under the age of eighteen.

Please provide any and all information that can further confirm the eligibility for an MCD specifically at the subject property.

Please find enclosed a check in the amount of six hundred and sixty four dollars in connection with the fee associated with this request.

Sincerely,

MATTHEW EBRAHIMOON

M.Ebrahi:
Ebrahmoon1@yahoo.com

(408) 605-7404

RECEIVED

APR 04 2017

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
ADMINISTRATION