

1 [Exempting certain medical cannabis dispensaries from the requirement that all new
2 dispensaries be located not less than 1000 feet from a school, community facility, or
3 recreation building.]

4 **Ordinance amending the San Francisco Planning Code by amending Sections 209.3,**
5 **217, 790.141, and 890.133 to exempt certain medical cannabis dispensaries from the**
6 **requirement that all medical cannabis dispensaries that commenced operation after**
7 **April 1, 2005 be located not less than 1000 feet from the parcel containing a school,**
8 **community facility, or recreation building; amending the San Francisco Health Code by**
9 **amending Section 3304 to conform to the San Francisco Fire Code and Section 3305 to**
10 **provide for referral of permit applications to the Department of Building Inspection; and**
11 **making environmental findings and findings of consistency with the priority planning**
12 **policies of Planning Code Section 101.1 and the General Plan.**

13 Note: Additions are *single-underline italics Times New Roman*;
14 deletions are *strikethrough italics Times New Roman*.
15 Board amendment additions are double underlined.
16 Board amendment deletions are ~~strikethrough normal~~.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. Findings. The Board of Supervisors of the City and County of San
19 Francisco hereby finds and determines that:

20 (a) On _____, at a duly noticed public hearing, the Planning Commission in
21 Motion No. _____ found that the proposed Planning Code amendments were
22 consistent with the City's General Plan and with Planning Code Section 101.1(b). In addition,
23 the Planning Commission, in Resolution No. _____, recommended that the Board of
24 Supervisors adopt the Planning Code amendments. Copies of said Resolution and Motion
25 are on file with the Clerk of the Board of Supervisors in File No. _____ and are
incorporated herein by reference. The Board finds that the proposed Planning Code

1 amendments are consistent with the City's General Plan and with Planning Code Section
 2 101.1(b) for the reasons set forth in said Resolution and Motion.

3 (b) Pursuant to Planning Code Section 302, the Board finds that the proposed zoning
 4 reclassification and map amendment will serve the public necessity, convenience and welfare
 5 for the reasons set forth in Planning Commission Resolution No. _____, which
 6 reasons are incorporated herein by reference as though fully set forth.

7 (c) Environmental Findings. The Planning Department has determined that the actions
 8 contemplated in this Ordinance are exempt from the California Environmental Quality Act
 9 (California Public Resources Code section 21000 et seq.). Said determination is on file with
 10 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein
 11 by reference.

12 Section 2. The San Francisco Planning Code is hereby amended by amending Section
 13 209.3 to read as follows:

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 15 **SEC. 209.3. INSTITUTIONS.**

RH- 1 (D)	RH- 1	RH- 1 (S)	RH- 2	RH- 3	R M- 1	R M- 2	R M- 3	R M- 4	R C- 1	R C- 2	R C- 3	R C- 4	
C	C	C	C	C	C	C	C	C	C	C	C	C	(a) Hospital, medical center or other medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code

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													concerning institutional master plans.
P	P	P	P	P	P	P	P	P	P	P	P	P	(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services and shall be located in a structure which remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
C	C	C	C	C	C	C	C	C	C	C	C	C	(c) Residential care facility meeting all applicable requirements of Subsection 209.3 (b) above but providing lodging, board and care as specified therein to seven or more persons.
									C	C	C	C	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature and not of a profitmaking or commercial nature. (With

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													respect to RC Districts, see also Section 209.9(d).)
P	P	P	P	P	P	P	P	P	P	P	P	P	(e) Child-care facility providing less than 24-hour care for 12 or fewer children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
C	C	C	C	C	C	C	C	C	C	C	C	C	(f) Child-care facility providing less than 24-hour care for 13 or more children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	(g) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	(i) Post secondary educational institution for the

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													purposes of academic, professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.
C	C	C	C	C	C	C	C	C	C	C	C	C	(j) Church or other religious institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution. (With respect to RC Districts, see also Section 209.9(d).)
									P	P	P	P	(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code provided that: (a) the medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health

Section 3. The San Francisco Planning Code is hereby amended by amending Section 217 to read as follows:

SEC. 217. INSTITUTIONS.

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	
C	C	C	C	C	C	C	C		(a) Hospital, medical center or other medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	C	P	P		(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
P	P	P	P	P	P	P	P	P	(c) Clinic primarily providing outpatient care in medical, psychiatric or other healing arts and not a part of a medical institution as specified in Subsection 217(a) above.
P	P	P	P	P	P	P	P	P	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature.
P	P	P	P	P	C	P	P		(e) Child-care facility providing less than 24-hour care for children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
P	P	P	P	P	P	P	P		(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.

1	P	P	P	P	P	P	P		(g) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
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4	P	P	P	P	P	P	P		(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.
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10						P	P	P	(i) Secondary or postsecondary educational institution, other than as specified in Subsection 217(g) and (h) above.
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12	P	P	P	P	P	P	P	P	(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.
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14	P	P	P	P	P	P			(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code provided that: (a) the medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code; (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or a community clubhouse, or neighborhood center as defined in Section 221(e) of this Code, unless not required by State law, and, regardless of whether medical cannabis is smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as defined in subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of an
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									<p>elementary or secondary school, public or private, or recreation buildings as defined in Section 221(e) of this Code; <u>provided, however, that a medical cannabis dispensary that is eligible under subsection (i) for the 18-month grace period to obtain a permit, but that must relocate to comply with state or local law or a legal settlement or court order, shall be exempt from the above requirements of this subsection (b) if (1) medical cannabis is not smoked on the relocated premises, and (2) the relocated medical cannabis dispensary obtains a permit for its new location within the 18-month grace period set forth in subsection (i);</u> (c) if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises; (d) regardless of whether medical cannabis is smoked on the premises the parcel containing the medical cannabis dispensary 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; (e) no alcohol is sold or distributed on the premises for on or off-site consumption; (f) upon acceptance of a complete application for a building permit for a medical cannabis dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well as to all individuals or groups which have made a written request for notification of regarding specific properties, areas or medical cannabis dispensaries; (g) all building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties and neighborhood groups; and (h)</p>
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									<p>after this 30 day period, the Planning Commission shall schedule a hearing to consider whether to exercise its discretionary review powers over the building permit application for a medical cannabis dispensary. The scheduling and the mailed notice for this hearing shall be processed in accordance with Section 312(e) of this code; (i) Medical cannabis dispensaries that can demonstrate to the Planning Department, based on any criteria it may develop, they were in operation as of April 1, 2005 and have remained in continuous operation since then, have 18 months from the effective date of this legislation to obtain a permit or must cease operations at the end of that 18 month period, or upon denial of a permit application if it occurs before the end of that 18 month period. Medical cannabis dispensaries that were in operation as of April 1, 2005, and were not in continuous operation since then, but can demonstrate to the Planning Department, based on any criteria it may develop, that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, also have 18 months from the effective date of this legislation to obtain a permit or must cease operations at the end of that 18 month period, or upon denial of a permit application if it occurs before the end of that 18 month period. Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or revoked permit be considered to be in continuous operation. Any dispensary operating in a Residential-House or Residential-Mixed district of the City or which began operation after April 1, 2005, must immediately cease operations; (j) any permit issued for a medical cannabis dispensary shall contain the following statement in bold-face type: "Issuance of this permit by the City and County of San Francisco is not intended to and does not authorize the violation of State or Federal law.</p>
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1 Section 4. The San Francisco Planning Code is hereby amended by amending Section
2 790.141 to read as follows:

3 SEC. 790.141. MEDICAL CANNABIS DISPENSARY.

4 A medical cannabis dispensary shall be as defined by section 3301(f) of the San
5 Francisco Health Code provided that:

6 (a) the medical cannabis dispensary has applied for a permit from the Department of
7 Public Health pursuant to Section 3304 of the San Francisco Health Code;

8 (b) if medical cannabis is smoked on the premises, the parcel containing the medical
9 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds
10 of an elementary or secondary school, public or private, or a community facility, or recreation
11 building as defined in Section 790.50(a) of this Code, unless not required by State law, and,
12 regardless of whether medical cannabis is smoked on the premises, if the dispensary was not
13 in operation as of April 1, 2005, as defined in subsection (i), it is located not less than 1000
14 feet from the parcel containing the grounds of an elementary or secondary school, public or
15 private, or recreation buildings as defined in Section 790.50(f) of this Code; provided, however,
16 that a medical cannabis dispensary that is eligible under subsection (i) for the 18-month grace period
17 to obtain a permit, but that must relocate to comply with state or local law or a legal settlement or
18 court order, shall be exempt from the above requirements of this subsection (b) if (1) medical cannabis
19 is not smoked on the relocated premises, and (2) the relocated medical cannabis dispensary obtains a
20 permit for its new location within the 18-month grace period set forth in subsection (i);

21 (c) if medical cannabis is smoked on the premises the dispensary shall provide
22 adequate ventilation within the structure such that doors and/or windows are not left open for
23 such purposes resulting in odor emission from the premises;
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1 (d) regardless of whether medical cannabis is smoked on the premises the parcel
2 containing the medical cannabis dispensary is not located on the same parcel as a facility
3 providing substance abuse services that is licensed or certified by the State of California or
4 funded by the Department of Public Health;

5 (e) no alcohol is sold or distributed on the premises for on or off-site consumption;

6 (f) upon acceptance of a complete application for a building permit for a medical
7 cannabis dispensary the Planning Department shall cause a notice to be posted on the
8 proposed site and shall cause written notice to be sent via U S. Mail to all properties within
9 300 feet of the subject lot in the same Assessor's Block and on the block face across from the
10 subject lot as well as to all individuals or groups which have made a written request for
11 notification of regarding specific properties, areas or medical cannabis dispensaries;

12 (g) all building permit applications shall be held for a period of 30 calendar days from
13 the date of the mailed notice to allow review by residents, occupants, owners of neighborhood
14 properties and neighborhood groups; and

15 (h) after this 30 day period, the Planning Commission shall schedule a hearing to
16 consider whether to exercise its discretionary review powers over the building permit
17 application for a medical cannabis dispensary. The scheduling and the mailed notice for this
18 hearing shall be processed in accordance with Section 312(e) of this Code;

19 (i) Medical cannabis dispensaries that can demonstrate to the Planning Department,
20 based on any criteria it may develop, they were in operation as of April 1, 2005 and have
21 remained in continuous operation since then, have 18 months from the effective date of this
22 legislation to obtain a permit or must cease operations at the end of that 18 month period, or
23 upon denial of a permit application if it occurs before the end of that 18 month period. Medical
24 cannabis dispensaries that were in operation as of April 1, 2005, and were not in continuous
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1 operation since then, but can demonstrate to the Planning Department, based on any criteria
2 it may develop, that the reason for their lack of continuous operation was not closure due to
3 an actual violation of federal, state or local law, also have 18 months from the effective date of
4 this legislation to obtain a permit or must cease operations at the end of that 18 month period,
5 or upon denial of a permit application if it occurs before the end of that 18 month period.
6 Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or
7 revoked permit be considered to be in continuous operation. Any dispensary operating in a
8 Residential-House or Residential-Mixed district of the City or which began operation after April
9 1, 2005, must immediately cease operations;

10 (j) any permit issued for a medical cannabis dispensary shall contain the following
11 statement in boldface type: "Issuance of this permit by the City and County of San Francisco
12 is not intended to and does not authorize the violation of State or Federal law."

13 Section 5. The San Francisco Planning Code is hereby amended by amending Section
14 890.133 to read as follows:

15 **SEC. 890.133. MEDICAL CANNABIS DISPENSARY.**

16 A medical cannabis dispensary shall be as defined by Section 3301(f) of the San
17 Francisco Health Code provided that.

18 (a) the medical cannabis dispensary has applied for a permit from the Department of
19 Public Health pursuant to Section 3304 of the San Francisco Health. Code;

20 (b) if medical cannabis is smoked on the premises, the parcel containing the medical
21 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds
22 of an elementary or secondary school, public or private, or a community facility, or recreation
23 building as defined in Section 890.50(a) of this Code, unless not required by State law, and,
24 regardless of whether medical cannabis is smoked on the premises, if the dispensary was not
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1 in operation as of April 1, 2005, as defined in subsection(i), it is located not less than 1,000
2 feet from the parcel containing the grounds of an elementary or secondary school, public or
3 private, or recreation buildings as defined in Section 890.50(a) of this Code; provided, however,
4 that a medical cannabis dispensary that is eligible under subsection (i) for the 18-month grace period
5 to obtain a permit, but that must relocate to comply with state or local law or a legal settlement or
6 court order, shall be exempt from the above requirements of this subsection (b) if (1) medical cannabis
7 is not smoked on the relocated premises, and (2) the relocated medical cannabis dispensary obtains a
8 permit for its new location within the 18-month grace period set forth in subsection (i);

9 (c) if medical cannabis is smoked on the premises the dispensary shall provide
10 adequate ventilation within the structure such that doors and/or windows are not left open for
11 such purposes resulting in odor emission from the premises;

12 (d) regardless of whether medical cannabis is smoked on the premises the parcel
13 containing the medical cannabis dispensary is not located on the same parcel as a facility
14 providing substance abuse services that is licensed or certified by the State of California or
15 funded by the Department of Public Health;

16 (e) no alcohol is sold or distributed on the premises for on or off-site consumption;

17 (f) upon acceptance of a complete application for a building permit for a medical
18 cannabis dispensary the Planning Department shall cause a notice to be posted on the
19 proposed site and shall cause written notice to be sent via U.S. Mail to all properties within
20 300 feet of the subject lot in the same Assessor's Block and on the block face across from the
21 subject lot as well as to all individuals or groups which have made a written request for
22 notification of regarding specific properties, areas or medical cannabis dispensaries;

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1 (g) all building permit applications shall be held for a period of 30 calendar days from
2 the date of the mailed notice to allow review by residents, occupants, owners of neighborhood
3 properties and neighborhood groups; and

4 (h) after this 30 day period, the Planning Commission shall schedule a hearing to
5 consider whether to exercise its discretionary review powers over the building permit
6 application for a medical cannabis dispensary. The scheduling and the mailed notice for this
7 hearing shall be processed in accordance with Section 312(e) of this Code;

8 (i) Medical cannabis dispensaries that can demonstrate to the Planning Department,
9 based on any criteria it may develop, they were in operation as of April 1, 2005 and have
10 remained in continuous operation since then, have 18 months from the effective date of this
11 legislation to obtain a permit or must cease operations at the end of that 18 month period, or
12 upon denial of a permit application if it occurs before the end of that 18 month period. Medical
13 cannabis dispensaries that were in operation as of April 1, 2005, and were not in continuous
14 operation since then, but can demonstrate to the Planning Department, based on any criteria
15 it may develop, that the reason for their lack of continuous operation was not closure due to
16 an actual violation of federal, state or local law, also have 18 months from the effective date of
17 this legislation to obtain a permit or must cease operations at the end of that 18 month period,
18 or upon denial of a permit application if it occurs before the end of that 18 month period.
19 Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or
20 revoked permit be considered to be in continuous operation. Any dispensary operating in a
21 Residential-House or Residential-Mixed district of the City or which began operation after April
22 1, 2005, must immediately cease operations.

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1 (j) any permit issued for a medical cannabis dispensary shall contain the following
2 statement in bold-face type: "Issuance of this permit by the City and County of San Francisco
3 is not intended to and does not authorize the violation of State or Federal law."

4 Section 6. The San Francisco Health Code is hereby amended by amending Section
5 3304 to read as follows:

6 SEC. 3304. APPLICATION FOR MEDICAL CANNABIS DISPENSARY PERMIT.

7 (a) Every applicant for a medical cannabis dispensary permit shall file an application
8 with the Director upon a form provided by the Director and pay a non-refundable permit
9 application fee of \$6691.00 to cover the costs to all City departments of investigating and
10 processing the application and any applicable surcharges, exclusive of filing fees for appeals
11 before the Board of Appeals. Beginning with fiscal year 2006-2007, the application fee may
12 be adjusted each year, without further action by the Board of Supervisors, to reflect changes
13 in the relevant Consumer Price Index, as determined by the Controller. No later than April
14 15th of each year, the Health Department shall, in collaboration with the Tax Collector's
15 Office, submit the application fee to the Controller, who shall apply the price index adjustment
16 to produce a new application fee for the following year. No later than May 15th of each year,
17 the Controller shall file a report with the Board of Supervisors reporting the new application
18 fee and certifying that: (a) the application fee produces sufficient revenue to support the costs
19 of providing the services for which the annual fee is being charged and (b) the application fee
20 does not produce revenue that exceeds the costs of providing the services for which the
21 application fee is charged. Notwithstanding the procedures set forth in this Section, the Board
22 of Supervisors, in its discretion, may modify the application fee by ordinance at any time.

23 (b) The permit application form shall provide clear notice to applicants that the Fire
24 Code includes a requirement, among others that may apply, that an establishment obtain a
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1 place of assembly permit if it will accommodate ~~10049~~ or more persons based on its square
2 footage.

3 (c) The applicant for a medical cannabis dispensary permit shall set forth, under
4 penalty of perjury, following on the permit application:

5 (1) The proposed location of the medical cannabis dispensary;

6 (2) The name and residence address of each person applying for the permit and any
7 other person who will be engaged in the management of the medical cannabis dispensary;

8 (3) A unique identifying number from at least one government-issued form of
9 identification, such as a social security card, a state driver's license or identification card, or a
10 passport for of each person applying for the permit and any other person who will be engaged
11 in the management of the medical cannabis dispensary;

12 (4) Written evidence that each person applying for the permit and any other person
13 who will be engaged in the management of the medical cannabis dispensary is at least 18
14 years of age;

15 (5) All felony convictions of each person applying for the permit and any other person
16 who will be engaged in the management of the medical cannabis dispensary;

17 (6) Whether cultivation of medical cannabis shall occur on the premises of the medical
18 cannabis dispensary;

19 (7) Whether smoking of medical cannabis shall occur on the premises of the medical
20 cannabis dispensary;

21 (8) Whether food will be prepared, dispensed or sold on the premises of the medical
22 cannabis dispensary; and

23 (9) Proposed security measures for the medical cannabis dispensary, including lighting
24 and alarms, to insure the safety of persons and to protect the premises from theft.

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1 (e) If the applicant is a corporation, the applicant shall set forth the name of the
2 corporation exactly as shown in its articles of incorporation, and the names and residence
3 addresses of each of the officers, directors and each stockholder owning more than 10
4 percent of the stock of the corporation. If the applicant is a partnership, the application shall
5 set forth the name and residence address of each of the partners, including limited partners.
6 If one or more of the partners is a corporation, the provisions of this Section pertaining to a
7 corporation apply.

8 (f) The Director is hereby authorized to require in the permit application any other
9 information including, but not limited to, any information necessary to discover the truth of the
10 matters set forth in the application.

11 (g) Each person applying for the permit and any other person who will be engaged in
12 the management of the medical cannabis dispensary shall submit with the permit application a
13 signed waiver authorizing the San Francisco Police Department to perform a thorough and
14 complete criminal and employment background check. The waiver shall state that it does not
15 authorize the San Francisco Police Department to disclose the results of the criminal and
16 employment background check to any department, agency or entity not affiliated with the City
17 and County of San Francisco.

18 Section 7. The San Francisco Health Code is hereby amended by amending Section
19 3305 to read as follows:

20 SEC. 3305. REFERRAL TO OTHER DEPARTMENTS.

21 (a) Upon receiving a completed medical cannabis dispensary permit application and
22 permit application fee, the Director shall immediately refer the permit application to the City's
23 Planning Department, *Department of Building Inspection*, Police Department and Fire
24 Department.
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2 (b) Said departments shall inspect the premises proposed to be operated as a medical
3 cannabis dispensary and confirm the information provided in the application and shall make
4 separate written recommendations to the Director concerning compliance with the codes that
5 they administer. Specifically, the Police Department shall perform a thorough and complete
6 criminal and employment background check on each person applying for the permit and any
7 other person who will be engaged in the management of the medical cannabis dispensary.
8 The Police Department shall approve the security measures for the medical cannabis
9 dispensary, including lighting and alarms, to insure the safety of persons and to protect the
10 premises from theft. Departments' written approval, rejection and/or recommendations
11 regarding the permit shall be delivered to the Director. If the any department rejects the
12 permit, it shall inform the Director of the reasons for the rejection and the measures the permit
13 applicant can take to cure the rejection. The Director shall inform the permit applicant that the
14 application is denied based on rejection by a department, the reasons for the departmental
15 rejection, measures the permit applicant can take to cure the departmental rejection, and that
16 the denial is appealable pursuant to Section 3317 of this Article.

17 Section 8. Promotion of the General Welfare. By regulating medical cannabis
18 dispensaries, the City and County of San Francisco is assuming an undertaking only to
19 promote the general welfare. It is not assuming, nor is it imposing on its officers and
20 employees, an obligation for breach of which it is liable in money damages to any person who
21 claims that such breach proximately caused injury. To the fullest extent permitted by law, the
22 City shall assume no liability whatsoever, and expressly does not waive sovereign immunity,
23 with respect to the permitting and licensing provisions of this Article, or for the activities of any
24 medical cannabis dispensary. To the fullest extent permitted by law, any actions taken by a
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1 public officer or employee under the provisions of this Article shall not become a personal
2 liability of any public officer or employee of the City. This ordinance does not authorize the
3 violation of state or federal law.

4 Section 9. Severability. If any provision of this ordinance or the application thereof to
5 any person or circumstances is held invalid or unconstitutional, such invalidity or
6 unconstitutionality shall not affect other provisions or applications of this ordinance which can
7 be given effect without the invalid or unconstitutional provision or application. To this end, the
8 provisions of this ordinance shall be deemed severable.

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10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

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By:

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Marlena G. Byrne
Deputy City Attorney

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