

1 [Administrative Code - Planning Commission Review of Medical Cannabis Dispensary
2 Location Regulations]

3 **Ordinance amending the Administrative Code, by adding Section 2A.54, to direct the**
4 **Planning Commission to prepare and submit a report to the Board of Supervisors**
5 **evaluating the provisions of the Planning Code related to the location of medical**
6 **cannabis dispensaries.**

7
8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strike through italics Times New Roman*~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings. The Board of Supervisors hereby finds that:

- 14 (a) Medical cannabis provides significant benefits to the residents of San Francisco;
- 15 (b) Medical cannabis dispensaries ("MCDs") may present unique challenges to the
16 communities within San Francisco in which they are located;
- 17 (c) Currently, pursuant to Planning Code Sections 209.3(k), 217(k), 790.141 and
18 890.133, MCDs are permitted only in certain zoning districts, and a parcel containing an MCD
19 must meet certain requirements, including but not limited to a requirement that such a parcel
20 cannot be located within 1000 feet from a parcel containing a public or private elementary or
21 secondary school or a community facility and/or recreation center that primarily serves
22 persons under 18 years of age;
- 23 (d) Current laws governing the location of MCDs have led to a concentration of
24 MCDs in a relatively small portion of the City;

1 (e) This concentration has resulted in varying impacts on the communities in which
2 MCDs are located; and

3 (f) Current laws governing the location of MCDs have resulted in limited access to
4 medical cannabis for patients in many parts of San Francisco.
5

6 Section 2. The San Francisco Administrative Code is hereby amended by adding
7 Section 2A.54, to read as follows:

8 Section 2A.54. PLANNING COMMISSION EVALUATION OF MEDICAL CANNABIS
9 DISPENSARY LOCATION REGULATIONS.

10 (a) The Board of Supervisors hereby directs the Planning Commission, by no later than
11 January 1, 2014, to submit a written report to Board of Supervisors evaluating the impacts on
12 communities in which MCDs are located, and to make recommendations regarding whether Planning
13 Code provisions governing the location of MCDs, including but not limited to Planning Code Sections
14 209.3(k), 217(k), 790.141 and 890.133, should be amended. In this report, the Board of Supervisors
15 directs the Planning Commission to address the following considerations, at a minimum:

16 (1) The extent to which MCDs are concentrated in particular communities within
17 San Francisco;

18 (2) The nature and extent of effects of the location requirements for MCDs on
19 medical cannabis patients' access to medical cannabis;

20 (3) The nature and extent of effects of the location requirements for MCDs on the
21 public health, safety and welfare in the communities in which MCDs are located;

22 (4) Whether increased community input into the approval process to establish an
23 MCD would benefit the public health, safety and welfare, and, if so, what procedures would be most
24 effective in increasing such community input;
25

1 (5) Projected impacts on the public health, safety and welfare of expanding the
2 areas in which MCDs can be located; and

3 (6) Best operational practices that should be employed by MCDs to ensure the
4 public health, safety and welfare, including but not limited to minimum levels of security measures,
5 hours of operation, and location.

6 (b) In developing this report, the Board of Supervisors directs the Planning Commission
7 and/or Planning Department staff to consult as appropriate with City boards, commissions,
8 departments, entities, and officials, including but not limited to the Director of the Department of
9 Building Inspection, the Director of the Department of Public Health, the Chief of the Fire Department,
10 the Chief of the Police Department, and relevant community stakeholders, including existing permitted
11 medical cannabis dispensaries within the City and County of San Francisco.

12
13 Section 3.

14 (a) Effective Date. This ordinance shall become effective 30 days from the date of
15 passage.

16 (b) Scope of Ordinance. In enacting this ordinance, the Board intends to amend
17 only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters,
18 punctuation marks, charts, diagrams, tables, or any other constituent part of the Planning
19 Code that are explicitly shown in this legislation as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the "Note" that appears under
21 the official title of the legislation.

22 (c) Severability. If any section, subsection, sentence, clause, phrase, or word of
23 this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
24 court of competent jurisdiction, such decision shall not affect the validity of the remaining
25 portions of the ordinance. The Board of Supervisors hereby declares that it would have

1 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
2 word not declared invalid or unconstitutional without regard to whether any other portion of
3 this ordinance would be subsequently declared invalid or unconstitutional.

4 (d) Undertaking for the General Welfare. In enacting and implementing this
5 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
6 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
7 is liable in money damages to any person who claims that such breach proximately caused
8 injury.

9 (e) No Conflict with State or Federal Law. Nothing in this ordinance shall be
10 interpreted or applied so as to create any requirement, power, or duty in conflict with any
11 federal or state law.

12
13 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

14
15 By:


VICTORIA WONG
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code--Planning Commission Review of Medical Cannabis Dispensary Location Regulations]

Ordinance amending the Administrative Code by adding section 2A.54 to direct the Planning Commission to prepare and submit a report to the Board of Supervisors evaluating the provisions of the Planning Code related to the location of medical cannabis dispensaries.

Existing Law

There is currently no requirement to submit a report to the Board of Supervisors about Planning Code provisions addressing locations of medical cannabis dispensaries.

Amendments to Current Law

Section 2A.54 of the Administrative Code would direct the Planning Commission to prepare and submit to the Board of Supervisors by January 1, 2014, a report evaluating the impacts of location requirements and restrictions for medical cannabis dispensaries ("MCDs") on the public health, safety and welfare, and to make recommendations regarding whether Planning Code provisions governing the location of MCDs should be amended. The Ordinance would direct the Planning Commission to address certain considerations in the report, and to consult with various City departments and community stakeholders in preparing the report.

Background Information

This purpose of this legislation is to direct the Planning Commission to study the effects of current requirements regarding the location of MCDs in the City on local communities and medical cannabis patients. The purpose of the study is to consider the benefits of MCDs for the residents of San Francisco, the accessibility of medical cannabis for patients in San Francisco, and the effects of MCDs on the communities where MCDs are allowed and concentrated.

Wong, Linda (BOS)

To: Rahaim, John; Ionin, Jonas; Rodgers, AnMarie
Subject: FILE 130734 - REFERRAL FROM BOARD OF SUPERVISORS (Rules Committee)

The Board of Supervisors Rules Committee has received the attached proposed ordinance, which is being referred to the Planning Commission for comment and recommendation.

File 130734

Ordinance amending the Administrative Code, by adding Section 2A.54, to direct the Planning Commission to prepare and submit a report to the Board of Supervisors evaluating the provisions of the Planning Code related to the location of medical cannabis dispensaries.

Please submit your response to Linda Wong, Rules Committee Clerk at Linda.Wong@sfgov.org or the address listed below.

Thank you for your attention.

Sincerely,

Linda Wong
Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Telephone No. 415-554-7719 Fax No. 415-554-7714

Complete a Board of Supervisors Customer Satisfaction form by clicking:
<http://www.sfbos.org/index.aspx?page=104>.

President, District 3
BOARD of SUPERVISORS



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COB, Leg Dep,
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San Francisco 94102-4689
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TDD/TTY No. 544-5227

DAVID CHIU

邱信福
市參事會主席

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 OCT - 3 AM 10:34
AK

PRESIDENTIAL ACTION

Date: 10/3/2013

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Transferring (Board Rule No. 3.3)

File No. 130734 Avalos
(Primary Sponsor)

From: Rules Committee

To: Land Use & Economic Development Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

David Chiu

David Chiu, President
Board of Supervisors

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Avalos

Subject:

Ordinance: Administrative Code--Planning Commission Review of Medical Cannabis Dispensary Location Regulations

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor:

For Clerk's Use Only: