

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

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

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

13 (a) Medical cannabis provides significant benefits to the residents of San Francisco;

14 (b) Medical cannabis dispensaries (“MCDs”) may present unique challenges to the
15 communities within San Francisco in which they are located;

16 (c) Currently, pursuant to Planning Code Sections 209.3(k), 217(k), 790.141 and
17 890.133, MCDs are permitted only in certain zoning districts, and a parcel containing an MCD
18 must meet certain requirements, including but not limited to a requirement that such a parcel
19 cannot be located within 1000 feet from a parcel containing a public or private elementary or
20 secondary school or a community facility and/or recreation center that primarily serves
21 persons under 18 years of age;

22 (d) Current laws governing the location of MCDs have led to a concentration of
23 MCDs in a relatively small portion of the City;
24
25

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;

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

14 By: _____
15 VICTORIA WONG
16 Deputy City Attorney
17 n:\legana\as2013\1300446\00856424.doc

18
19
20
21
22
23
24
25