

BOARD of SUPERVISORS



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MEMORANDUM

TO: Marisa Rodriguez, Director, Office of Cannabis

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: February 5, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Walton on January 28, 2020:

File No. 200087

Ordinance amending the Planning Code and Zoning Map to create the Bayview Industrial Triangle Cannabis Restricted Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Ray Law, Office of Cannabis

1 [Planning Code, Zoning Map - Bayview Industrial Triangle Cannabis Restricted Use District]

2
3 **Ordinance amending the Planning Code and Zoning Map to create the Bayview**
4 **Industrial Triangle Cannabis Restricted Use District; affirming the Planning**
5 **Department's determination under the California Environmental Quality Act; and**
6 **making findings of consistency with the General Plan, and the eight priority policies of**
7 **Planning Code, Section 101.1, and findings of public necessity, convenience, and**
8 **welfare under Planning Code, Section 302.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

17 Section 1. Environmental and Land Use Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance are excluded from review under the California Environmental Quality Act (California
20 Public Resources Code Sections 21000 et seq.) because CEQA applies only to projects
21 which have the potential for causing a significant effect on the environment under CEQA
22 Guidelines section 15061(b)(3). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
24 this determination.

25 (b) On _____, the Planning Commission, in Resolution No. _____,
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board finds that this ordinance will
5 serve the public necessity, convenience, and welfare for the reasons set forth in Planning
6 Commission Resolution No. _____, and incorporates such reasons by this reference
7 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
8 No. _____.

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10 Section 2. General Findings.

11 (a) Since cannabis-related uses were permitted in California, the City has
12 experienced an influx of applications for cannabis-related uses, including retail,
13 manufacturing, and cultivating, especially in the Bayview neighborhood. Although cannabis-
14 related use applications exist in other areas of San Francisco, applications are heavily
15 concentrated in the SoMa and downtown areas, the Mission, and Bayview neighborhoods.
16 Bayview neighborhood community members have expressed concern over the impacts of
17 cannabis-related uses on the neighborhood and its residents, and the disproportionate
18 concentration of cannabis-related uses in their neighborhood.

19 (b) The City is currently reviewing multiple applications for retail cannabis permits,
20 and has already approved multiple cannabis retail permits. According to the City's Cannabis
21 Retail Map, prepared by the Office of Cannabis, in the Bayview neighborhood, seven retail
22 cannabis permits have been submitted for review, three permits are processing, and two are
23 under construction. The only other neighborhoods in San Francisco with greater amounts of
24 Cannabis Retail permits and applications than the Bayview, including the Mission and SoMa,
25 have higher residential, office, and commercial density. Areas of San Francisco with high

1 concentration of cannabis retail establishments have, as a result, experienced health, safety,
2 and general welfare problems, including increased youth cannabis usage, and undesirable
3 odors and loitering near cannabis establishments. These problems negatively impact the
4 quality of life for residents of nearby single- and multiple-family homes, as well as patrons of
5 nearby recreation and community facilities. The high concentration of cannabis-related
6 storefronts and the associated problems discourage more neighborhood-serving businesses
7 that are also needed and desired in the Bayview.

8 (c) Due to the demand and desire to maintain the Bayview Industrial Triangle for
9 Production, Distribution and Repair (PDR) and community-serving establishments, limiting the
10 use of vacant property for cannabis-related uses will benefit local residents by preserving
11 retail and other types of space for these other purposes. In particular, Bayview residents have
12 requested more neighborhood-serving, family-friendly businesses, such as grocery stores,
13 community centers, movie theaters, health clinics, and space for nonprofit organizations in the
14 neighborhood, all of which are permitted or conditionally permitted in the proposed zoning
15 districts.

16
17 Section 3. The Planning Code is hereby amended by adding new Section 249.88, to
18 read as follows:

19
20 **SEC. 249.88. BAYVIEW INDUSTRIAL TRIANGLE CANNABIS RESTRICTED USE DISTRICT.**

21 (a) Purpose and findings. As of January 2020, there are a large number of establishments
22 applying for cannabis-related use permits in Bayview Neighborhood. Further, the number of already-
23 permitted cannabis-related establishments in Bayview, compared to other areas of San Francisco, is a
24 health, safety, and equity concern. In order to preserve the neighborhood-serving commercial uses of
25 the area, the Bayview Industrial Triangle Cannabis Restricted Use District is hereby established, the

1 boundaries of which are shown on Sectional Map SU10 of the Zoning Map and are stated in Section 4
2 of the ordinance in Board File No. _____ enacting this Section 249.88.

3 (b) **Controls.** No new Cannabis Retail establishment shall be permitted in the Bayview
4 Industrial Triangle Cannabis Restricted Use District.

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6 Section 4. The Planning Code is hereby amended by revising Sectional Map SU10 of
7 the Special Use District Map of the City and County of San Francisco to establish the
8 boundaries of the Bayview Industrial Triangle Cannabis Restricted Use District. The following
9 block and lots shall be the complete list of blocks and lots included in the Bayview Industrial
10 Triangle Cannabis Restricted Use District:

11 Assessor's Block 5235, Lot 003; Assessor's Block 5242, Lots 015, 016, 020, 021, 022,
12 023, 024, 042; Assessor's Block 5253, Lots 008, 009, 013, 015, 016, 017, 018, 020, 028, 029,
13 030, 031, 032, 033, 034, 039; Assessor's Block 5260, Lots 001, 004, 010, 019, 030, 031, 032,
14 034, 035, 036, 037, 038, 041, 042; Assessor's Block 5272, Lots 011, 014, 015, 016, 017, 018,
15 019, 020, 043, 044, 045, 048; Assessor's Block 5278, Lot 015; Assessor's Block 5279, Lots
16 001, 002, 003, 004, 033, 034, 035, 036, 037, 039, 041, 042, 043, 044, 045, 048, 049, 051,
17 053, 054.

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1 Section 5. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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

7 By:


8 AUDREY W. PEARSON
9 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Bayview Industrial Triangle Cannabis Restricted Use District]

Ordinance amending the Planning Code and Zoning Map to create the Bayview Industrial Triangle Cannabis Restricted Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302

Existing Law

Currently, the zoning in the Bayview Industrial Triangle Redevelopment Area permits cannabis related uses.

Amendments to Current Law

The ordinance creates the Bayview Industrial Triangle Cannabis Restricted Use District. Cannabis retail uses are prohibited in the district.

Background Information

This legislation responds to Bayview community member concerns regarding the growing number of cannabis-related establishments operating and applying for permits to operate in the Bayview.

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