

1 [Declaring intent of the City and County of San Francisco with regard to pending legislation
2 amending the Medical Cannabis Act of 2005]

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4 **Resolution declaring the intent of the City and County of San Francisco not to take**
5 **enforcement action against those medical cannabis dispensaries that have properly**
6 **applied for the necessary permits before July 1, 2007, while current legislation is**
7 **pending.**

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9 WHEREAS, The Board of Supervisors passed the Medical Cannabis Act in November
10 of 2005, thereby requiring dispensaries operating as of April 1, 2005 to obtain a permit to
11 operate within eighteen (18) months of the effective date of the ordinance or cease
12 operations; and,

13 WHEREAS, The Medical Cannabis Act, as approved by the Board of Supervisors and
14 Mayor, became effective on December 30, 2005, thus the deadline to obtain a permit to
15 operate pursuant to this ordinance is July 1, 2007; and,

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17 WHEREAS, It is incumbent on the medical cannabis dispensary owners to proactively
18 apply for the proper permits; and,

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20 WHEREAS, Based on letters on inquiry submitted to the Planning Department, the
21 Department of Public Health, and the Department of Building Inspection on March 27, 2007,
22 the Department of Public Health has received 26 applications, has issued five provisional
23 permits, and has not issued any final permits; and,

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1 WHEREAS, The Department of Public Health concluded that July 1, 2007, is an
2 unrealistic deadline due to the lengthy permitting process and issues surrounding the San
3 Francisco Police Department's directive to approve the security and lighting plans for each
4 medical cannabis dispensary; and,

5 WHEREAS, The Planning Department does not accept applications to operate a
6 medical cannabis dispensary until the applicant has filed with the Department of Building
7 Inspection and the Department of Public Health; and,

8 WHEREAS, The Medical Cannabis Act requires that all medical cannabis dispensaries
9 be classified as new construction, thereby assuring that the dispensaries meet the current
10 code for disabled access; and,

11 WHEREAS, Prior to April 5, 2007, the Department of Building Inspection was not
12 accepting medical cannabis dispensary permits that could not meet "Full Disabled Access for
13 New Buildings;" and,

14 WHEREAS, Supervisor Alioto-Pier introduced legislation on May 15, 2007, to address
15 the San Francisco Police Department's involvement in the permitting process, to allow for
16 hardship requests in the event a medical cannabis dispensary cannot meet the new
17 construction standards for accessibility, and to extend the deadline for six (6) for those
18 medical cannabis dispensaries who have submitted an application by the current deadline of
19 July 1, 2007; and,

20 WHEREAS, The proposed legislation amends the Planning Code and must therefore
21 be heard at the Planning Commission; and,
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1 WHEREAS, Based on noticing requirements, the Planning Commission hearing is not
2 scheduled until July 12, 2007; and,

3 WHEREAS, The proposed legislation must be heard in the City Operations and
4 Neighborhood Services Committee on July 26, 2007, before it can be sent to the Board of
5 Supervisors and the Mayor for final approval; now, therefore, be it

6 RESOLVED, That it is the intent of the City and County of San Francisco not to take
7 enforcement action against those medical cannabis dispensaries that have properly applied
8 for the necessary permits before July 1, 2007, while the current legislation is pending
9 approval.
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