

File No. 170183

Committee Item No. \_\_\_\_\_

Board Item No. 66.

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: February 28, 2017

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

**(Click the text below for a direct link to the document)**

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Ordinance in Board File No. 161129</u>          |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Legislative Digest in Board File No. 161129</u> |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____  |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____  |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____  |

Prepared by: John Carroll

Date: February 23, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Approval of a 220-Day Extension for Planning Commission Review of Medical Cannabis  
2 Dispensaries (File No. 161229)]

3 **Resolution extending by 220 days the prescribed time within which the Planning**  
4 **Commission may render its decision on an Ordinance (File No. 161229) amending the**  
5 **Planning Code to allow Medical Cannabis Dispensaries to be located on the second**  
6 **story and above in zoning districts in which they are permitted; affirming the Planning**  
7 **Department’s California Environmental Quality Act determination; making findings of**  
8 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
9 **Section 101.1; and making a finding of public necessity, convenience, and welfare**  
10 **under Planning Code, Section 302.**

11  
12 WHEREAS, On November 8, 2016, Supervisor Campos introduced legislation  
13 amending the Planning Code to exempt certain designated historic landmarks from obtaining  
14 conditional use authorization to remove certain Production, Distribution, and Repair,  
15 Institutional Community, and Arts Activities uses, and providing replacement space for such  
16 uses; and affirming the Planning Department’s California Environmental Quality Act  
17 determination; and making Planning Code, Section 302, findings, and making findings of  
18 consistency with the General Plan, and the eight priority policies of Planning Code,  
19 Section 101.1; and

20 WHEREAS, On or about December 13, 2016, the Clerk of the Board of Supervisors  
21 referred the proposed ordinance to the Planning Commission; and

22 WHEREAS, The Planning Commission shall, in accordance with Planning Code  
23 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date  
24 of referral of the proposed amendment or modification by the Board to the Commission; and  
25

1           WHEREAS, Failure of the Commission to act within 90 days shall be deemed to  
2 constitute disapproval; and

3           WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d) may, by  
4 Resolution, extend the prescribed time within which the Planning Commission is to render its  
5 decision on proposed amendments to the Planning Code that the Board of Supervisors  
6 initiates; and

7           WHEREAS, Supervisor Ronen has requested additional time for the Planning  
8 Commission to review the proposed Ordinance; and

9           WHEREAS, The Board deems it appropriate in this instance to grant to the Planning  
10 Commission additional time to review the proposed Ordinance and render its decision; now,  
11 therefore, be it

12           RESOLVED, That by this Resolution, the Board hereby extends the prescribed time  
13 within which the Planning Commission may render its decision on the proposed Ordinance for  
14 approximately 220 additional days, until October 19, 2017.

1 [Planning Code - Medical Cannabis Dispensaries]

2

3 **Ordinance amending the Planning Code to allow Medical Cannabis Dispensaries to be**  
4 **located on the second story and above in zoning districts in which they are permitted;**  
5 **affirming the Planning Department’s determination under the California Environmental**  
6 **Quality Act; making findings of consistency with the General Plan, and the eight**  
7 **priority policies of Planning Code, Section 101.1; and making a finding of public**  
8 **necessity, convenience, and 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 ~~italics Times New Roman font~~.  
12 **Board amendment additions** are in Arial font.  
13 **Board amendment deletions** are in ~~Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

13

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

15

16 Section 1. Environmental and Land Use Findings.

17 (a) The Planning Department has determined that the actions contemplated in this  
18 ordinance comply with the California Environmental Quality Act (California Public Resources  
19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
20 Supervisors in File No. 161229 and is incorporated herein by reference. The Board affirms  
21 this determination.

22 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
23 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
24 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The

25

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
2 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the  
4 proposed Planning Code amendments will serve the public necessity, convenience, and  
5 welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_, and  
6 the Board incorporates such reasons herein by reference.

7  
8 Section 2. General Findings.

9 (a) Since 2005, the San Francisco Health Code has required medical cannabis  
10 dispensaries (MCDs) to be accessible pursuant to the California Building Code, with  
11 exemptions made for hardship and landmarked buildings. Initially, the City did not permit  
12 MCDs above the first floor due to concerns over accessibility. However, as stated by the  
13 Planning Department in a 2014 Draft Report on Medical Cannabis Dispensaries, accessibility  
14 and appropriate MCD location are two separate issues – there are accessible upper floor  
15 locations just as there are inaccessible first floor locations.

16 (b) The 2014 Draft Report recommended allowing MCDs above the first floor, as it  
17 would increase the number of available locations for dispensaries within the City without  
18 introducing them into areas where MCDs are prohibited. Furthermore, the Report stated that  
19 such a decision would address the aesthetic and exclusivity issues associated with ground  
20 floor MCDs. Additionally, the Report stated that this would not exacerbate the housing crisis,  
21 as currently existing protections in the Planning Code limiting the conversion of dwelling units  
22 reduce the risk that MCDs above the first floor would displace upper-floor dwelling units.

23 c) Other cities already permit MCDs above the first floor. For example, Denver permits  
24 this, with permission granted by the Denver Community Planning and Development's Zoning  
25 Division. Seattle does not regulate MCDs as a distinct use and therefore has no floor controls

1 on MCDs. The Oregon Liquor Control Commission, which regulates MCDs in Portland, OR,  
 2 also does not prohibit MCDs above the first floor.

3 (d) The City already permits medical cannabis delivery services to be located above  
 4 the first floor. There are currently six in such locations active within San Francisco, and the  
 5 Mayor’s Office of Disability verified that the locations would be accessible for patients.  
 6 Therefore, allowing MCDs above the first floor would be consistent with already established  
 7 City zoning and access laws and policies.

8 (e) For the foregoing reasons, the Board of Supervisors finds that the establishment of  
 9 MCDs above the first floor should be permitted, as it will expand the areas where MCDs can  
 10 be established and increase accessibility, without impacting the existing housing stock or  
 11 changing the existing buffer zone between MCDs and schools and other sensitive uses.

12  
 13 Section 3. The Planning Code is hereby amended by revising Sections 711, 712, 713.  
 14 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731,  
 15 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 746, 747, 810, 811, and 812, to read as  
 16 follows:

17  
 18 **SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

19 \* \* \* \*

20 **Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**  
 21 **ZONING CONTROL TABLE**

22 \* \* \* \*

No.	Zoning Category	§ References	NC-2 Controls by Story		
		§ 790.118	1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

Institutions and Non-Retail Sales and Services					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
711.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

\* \* \* \*

**SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3 ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	NC-3 Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Institutions and Non-Retail Sales and Services					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
712.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

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**SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.**

\* \* \* \*

**Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	NC-S Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Institutions and Non-Retail Sales and Services					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

713.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>
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**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

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No.	Zoning Category	§ References	Broadway Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
714.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

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**SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

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No.	Zoning Category	§ References	Castro Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
715.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>



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SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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No.	Zoning Category	§ References	Inner Clement Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
716.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

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SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

\* \* \* \*

Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

\* \* \* \*

No.	Zoning Category	§ References	Outer Clement Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
717.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

\* \* \* \*

1 **SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
 4 **ZONING CONTROL TABLE**

5 \* \* \* \*

No.	Zoning Category	§ References	Upper Fillmore Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
718.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

11 \* \* \* \*

12  
 13 **SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

14 \* \* \* \*

15 **Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
 16 **ZONING CONTROL TABLE**

17 \* \* \* \*

No.	Zoning Category	§ References	Haight Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
719.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

24 \* \* \* \*

1 **SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

2 \* \* \* \*

3 **Table 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
**ZONING CONTROL TABLE**

4 \* \* \* \*

No.	Zoning Category	§ References	Hayes-Gough Transit Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
720.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

10 \* \* \* \*

11  
12 **SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

13 \* \* \* \*

14 **Table 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

15 \* \* \* \*

No.	Zoning Category	§ References	Upper Market Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
721.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

22 \* \* \* \*

23  
24 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

25 \* \* \* \*

Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

\* \* \* \*

No.	Zoning Category	§ References	North Beach Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
722.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

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SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

\* \* \* \*

No.	Zoning Category	§ References	Polk Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
723.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

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SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

\* \* \* \*

Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

\* \* \* \*

No.	Zoning Category	§ References	Sacramento Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
724.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

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**SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Union Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
725.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

\* \* \* \*

**SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Valencia Street Transit Controls by Story
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		§ 790.118	1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
726.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

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**SEC. 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	24th Street - Mission Transit Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *			
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
727.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

\* \* \* \*

**SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	24th Street – Noe Valley Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
728.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

\* \* \* \*

**SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	West Portal Avenue Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
729.84	Medical Cannabis Dispensary	§ 790.141	C	<u>C</u>	<u>C</u>

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**SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Inner Sunset Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

Institutions and Non-Retail Sales and Services					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
730.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

\* \* \* \*

**SEC. 731. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	NCT-3 Controls by Story		
		§ 790.118	1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Institutions and Non-Retail Sales and Services					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
731.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

\* \* \* \*

**SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Upper Market Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+



* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
733.84	Medical Cannabis Dispensary	§ 790.141	P	<u>P</u>	<u>P</u>

\* \* \* \*

**SEC. 734. NCT-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	NCT-2 Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
734.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

\* \* \* \*

**SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	SoMa Transit Controls by Story
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		§ 790.118	1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
735.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

\* \* \* \*

**SEC. 736. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 736. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Mission Street Transit Controls by Story		
			1st	2nd	3rd+
		§ 790.118	1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
736.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

\* \* \* \*

**SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Mission Street Transit Controls by Story		
			1st	2nd	3rd+
		§ 790.118	1st	2nd	3rd+

* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
737.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

\* \* \* \*

**SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Glen Park Transit Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
738.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P</u>	<u>P</u>

\* \* \* \*

**SEC. 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Noriega Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

739.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>
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**SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Irving Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
740.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

\* \* \* \*

**SEC. 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Taraval Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
741.84	Medical Cannabis	§ 790.141	P#	<u>P#</u>	<u>P#</u>

	Dispensary				
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**SEC. 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Judah Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
742.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

\* \* \* \*

**SEC. 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Divisadero Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
746.84	Medical Cannabis	§ 790.141	P#	<u>P#</u>	<u>P#</u>

	Dispensary				
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**SEC. 747. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 747. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

No.	Zoning Category	§ References	Fillmore Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
747.84	Medical Cannabis Dispensary	§ 790.141	P#	<u>P#</u>	<u>P#</u>

\* \* \* \*

**SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

\* \* \* \*

**Table 810  
CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Chinatown Community Business Controls by Story		
			1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions</b>					
* * *	* * * *	* * * *	* * * *	* * * *	* * * *
*					
.83	Medical Cannabis Dispensary	§ 890.133	P	<u>P</u>	<u>P</u>

\* \* \* \*

1  
2 **SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

3 \* \* \* \*

4 **Table 811**  
5 **CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

6 \* \* \* \*

No.	Zoning Category	§ References	Chinatown Visitor Retail Controls by Story		
			1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
.83	Medical Cannabis Dispensary	§ 890.133	P	<u>P</u>	<u>P</u>

12 \* \* \* \*

13  
14 **SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

15 \* \* \* \*

16 **Table 812**  
17 **CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**  
18 **ZONING CONTROL TABLE**

19 \* \* \* \*

No.	Zoning Category	§ References	Chinatown Residential Neighborhood Commercial Controls by Story		
			1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Institutions</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
.83	Medical Cannabis Dispensary	§ 890.133	P	<u>P</u>	<u>P</u>

25 \* \* \* \*

1  
2 Section 3. Effective Date. This ordinance shall become effective 30 days after  
3 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
4 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
5 of Supervisors overrides the Mayor's veto of the ordinance.  
6

7 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
11 additions, and Board amendment deletions in accordance with the "Note" that appears under  
12 the official title of the ordinance.  
13

14 Section 5. No Conflict with Federal or State Law. Nothing in this ordinance shall be  
15 interpreted or applied so as to create any requirement, power, or duty in conflict with any  
16 federal or state law.  
17

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

20 By: \_\_\_\_\_  
21 VICTORIA WONG  
Deputy City Attorney

22 n:\legana\as2016\1700171\01149456.docx  
23  
24  
25



## LEGISLATIVE DIGEST

[Planning Code - Medical Cannabis Dispensaries]

**Ordinance amending the Planning Code to allow Medical Cannabis Dispensaries to be located on the second story and above in zoning districts in which they are permitted; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making a finding of public necessity, convenience, and welfare under Planning Code, Section 302.**

### Existing Law

Existing law allows Medical Cannabis Dispensaries (MCDs) to be located only on the first floor of a building.

### Amendments to Current Law

This ordinance would allow MCDs to be located above the first floor in locations where they are otherwise permitted.

### Background Information

Since 2005, the San Francisco Health Code has required medical cannabis dispensaries (MCDs) to be accessible pursuant to the California Building Code, with exemptions made for hardship and landmarked buildings. (Health Code § 3308.) The Planning Department, in a 2014 Draft Report on Medical Cannabis Dispensaries, stated that accessibility and appropriate MCD location are two separate issues – there are accessible upper floor locations just as there are inaccessible first floor locations.

The 2014 Draft Report recommended allowing MCDs above the first floor, as it would increase the number of available locations for dispensaries within the City without introducing them into areas where MCDs are prohibited. Furthermore, the Report stated that such a decision would address the aesthetic and exclusivity issues associated with ground floor MCDs. Additionally, the Report stated that this would not exacerbate the housing crisis, as currently existing protections in the Planning Code limiting the conversion of dwelling units reduce the risk that MCDs above the first floor would displace upper-floor dwelling units.

Other cities, such as Denver, Seattle and Portland, Oregon allow MCDs to be located above the first floor.

The City already permits medical cannabis delivery services to be located above the first floor. There are currently six in such locations active within San Francisco, and the Mayor's Office

FILE NO. 161229

of Disability verified that the locations would be accessible for patients. Therefore, allowing MCDs above the first floor would be consistent with already established City zoning and access laws and policies.

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Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 FEB 14 PM 4:52

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):**

Ronen

**Subject:**

Approval of a 220-Day Extension for Planning Commission to Review of Medical Cannabis Dispenseries (File No. 161229)

**The text is listed below or attached:**

Please see the attached resolution.

Signature of Sponsoring Supervisor:  Kelly Rowe

For Clerk's Use Only: