

1 [Medical Cannabis Dispensary Permits.]

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3 Ordinance amending Sections 3301, 3304, 3305, 3307, and 3308 of the San Francisco
4 Health Code and Sections 209.3, 217, 790.141 and 890.133 of the San Francisco
5 Planning Code to (a) require the Director of Public Health to certify that applicants for
6 Medical Cannabis Dispensary permits have not been convicted of certain felony
7 offenses, (b) require Dispensaries to provide security measures, including lighting and
8 alarms, (c) ~~authorize the Department of Building Inspection, after consultation and a~~
9 ~~nonbinding recommendation from the Mayor's Office of Disability, to approve~~
10 ~~equivalents to new construction accessibility requirements where Dispensaries~~
11 ~~demonstrate a hardship and satisfy minimum standards~~establish minimum disability
12 access standards; ~~and~~ (d) extend the time period for Dispensaries to obtain a Medical
13 Cannabis Dispensary permit to ~~January~~March 1, 2008; (e) authorize the sale and delivery
14 of medical cannabis to qualified patients with a verifiable, written recommendation from a
15 physician for medical cannabis; and (f) clarify the definition of "medical cannabis dispensary."

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17 Note: Additions are *single-underline italics Times New Roman*;
18 deletions are *strikethrough italics Times New Roman*.
19 Board amendment additions are double underlined.
20 Board amendment deletions are ~~strikethrough normal~~.

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

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22 Section 1. The San Francisco Health Code is hereby amended by amending Sections
23 3301, 3304, 3305, 3307 and 3308 to read as follows:

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24 **SEC. 3301. DEFINITIONS.**

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25 For the purposes of this Article:

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1 (a) "Cannabis" means marijuana and all parts of the plant Cannabis, whether growing
2 or not; the seeds thereof; the resin extracted from any part of the plant; and every compound,
3 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes
4 marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber
5 produced from the stalks, oil or cake made from the seeds of the plant, any other compound,
6 manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin
7 extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant are incapable of
8 germination.

9 (b) "City" means the City and County of San Francisco.

10 (c) "Convicted" means having pled guilty or having received a verdict of guilty,
11 including a verdict following a plea of nolo contendere, to a crime.

12 (d) "Director" means the Director of Public Health or any individual designated by the
13 Director to act on his or her behalf, including but not limited to inspectors.

14 (e) "Excessive profits" means the receipt of consideration of a value substantially
15 higher than the reasonable costs of operating the facility. Such reasonable costs shall include,
16 expenses for rent or mortgage, utilities, employee costs, furniture, maintenance, or reserves
17 maintained in a segregated account set aside exclusively for potential financial or legal
18 liability.

19 (f) "Medical cannabis dispensary" means ~~any association, cooperative, or collective of~~
20 ~~ten or more qualified patients or primary caregivers that facilitates the lawful distribution of~~
21 ~~medical cannabis~~ any publicly accessible facility that engages in on-site distribution or sales of
22 marijuana for medical purposes to qualified patients and or patients' primary caregivers
23 pursuant to Sections 11362.5 to 11362.83, inclusive, of the Health and Safety Code.

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1 commonly referred to as the Compassionate Use Act of 1996 and the Medical Marijuana
2 Program.

3 (g) "Medical Cannabis Identification Card" or "Identification Card" means a document
4 issued by the State Department of Health Services pursuant to California Health and Safety
5 Code Sections 11362.7 et seq. or the City pursuant to Health Code Article 28 that identifies a
6 person authorized to engage in the medical use of cannabis and the person's designated
7 primary caregiver, if any, or identifies a person as a primary caregiver for a medical cannabis
8 patient.

9 (h) "Permittee" means the owner, proprietor, manager, or operator of a medical
10 cannabis dispensary or other individual, corporation, or partnership who obtains a permit
11 pursuant to this Article.

12 (i) "Primary caregiver" shall have the same definition as California Health and Safety
13 Code Section 11362.7 et seq., and as may be amended, and which defines "primary
14 caregiver" as an individual, designated by a qualified patient or by a person with an
15 identification card, who has consistently assumed responsibility for the housing, health, or
16 safety of that patient or person, and may include a licensed clinic, a licensed health care
17 facility, a residential care facility, a hospice, or a home health agency as allowed by California
18 Health and Safety Code Section 11362.7(d)(1-3).

19 (j) "Qualified patient" shall have the same definition as California Health and Safety
20 Code Section 11362.7 et seq., and as may be amended, and which states that a "qualified
21 patient" means a person who is entitled to the protections of California Health and Safety
22 Code Section 11362.5, but who does not have a valid medical cannabis identification card.
23 For the purposes of this Article, a "qualified patient who has a valid identification card" shall
24 mean a person who fulfills all of the requirements to be a "qualified patient" under California
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1 Health and Safety Code Section 11362.7 et seq. and also has a valid medical cannabis
2 identification card.

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4 **SEC. 3304. APPLICATION FOR MEDICAL CANNABIS DISPENSARY PERMIT.**

5 (a) Every applicant for a medical cannabis dispensary permit shall file an application
6 with the Director upon a form provided by the Director and pay a non-refundable permit
7 application fee of \$6691.00 to cover the costs to all City departments of investigating and
8 processing the application and any applicable surcharges, exclusive of filing fees for appeals
9 before the Board of Appeals. Beginning with fiscal year 2006-2007, the application fee may be
10 adjusted each year, without further action by the Board of Supervisors, to reflect changes in
11 the relevant Consumer Price Index, as determined by the Controller. No later than April 15th
12 of each year, the Health Department shall, in collaboration with the Tax Collector's Office,
13 submit the application fee to the Controller, who shall apply the price index adjustment to
14 produce a new application fee for the following year. No later than May 15th of each year, the
15 Controller shall file a report with the Board of Supervisors reporting the new application fee
16 and certifying that: (a) the application fee produces sufficient revenue to support the costs of
17 providing the services for which the annual fee is being charged and (b) the application fee
18 does not produce revenue that exceeds the costs of providing the services for which the
19 application fee is charged. Notwithstanding the procedures set forth in this Section, the Board
20 of Supervisors, in its discretion, may modify the application fee by ordinance at any time.

21 (b) The permit application form shall provide clear notice to applicants that the
22 California Fire Code includes a requirement, among others that may apply, that an
23 establishment obtain a place of assembly permit if it will accommodate 50 or more persons
24 based on its square footage.

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1 (c) The applicant for a medical cannabis dispensary permit shall set forth, under
2 penalty of perjury, following on the permit application:

3 (1) The proposed location of the medical cannabis dispensary;

4 (2) The name and residence address of each person applying for the permit and any
5 other person who will be engaged in the management of the medical cannabis dispensary;

6 (3) A unique identifying number from at least one government-issued form of
7 identification, such as a social security card, a state driver's license or identification card, or a
8 passport for of each person applying for the permit and any other person who will be engaged
9 in the management of the medical cannabis dispensary;

10 (4) Written evidence that each person applying for the permit and any other person
11 who will be engaged in the management of the medical cannabis dispensary is at least 18
12 years of age;

13 (5) All felony convictions of each person applying for the permit and any other person
14 who will be engaged in the management of the medical cannabis dispensary;

15 (6) Whether cultivation of medical cannabis shall occur on the premises of the medical
16 cannabis dispensary;

17 (7) Whether smoking of medical cannabis shall occur on the premises of the medical
18 cannabis dispensary;

19 (8) Whether food will be prepared, dispensed or sold on the premises of the medical
20 cannabis dispensary; and

21 (9) Proposed security measures for the medical cannabis dispensary, including
22 lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

23 (e) If the applicant is a corporation, the applicant shall set forth the name of the
24 corporation exactly as shown in its articles of incorporation, and the names and residence
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1 addresses of each of the officers, directors and each stockholder owning more than 10
2 percent of the stock of the corporation. If the applicant is a partnership, the application shall
3 set forth the name and residence address of each of the partners, including limited partners. If
4 one or more of the partners is a corporation, the provisions of this Section pertaining to a
5 corporation apply.

6 (f) The Director is hereby authorized to require in the permit application any other
7 information including, but not limited to, any information necessary to discover the truth of the
8 matters set forth in the application.

9 ~~(g) Each person applying for the permit and any other person who will be engaged in the~~
10 ~~management of the medical cannabis dispensary shall submit with the permit application a signed~~
11 ~~waiver authorizing the San Francisco Police Department to perform a thorough and complete criminal~~
12 ~~background check. The waiver shall state that it does not authorize the San Francisco Police~~
13 ~~Department to disclose the results of the criminal background check to any department, agency or~~
14 ~~entity not affiliated with the City and County of San Francisco. The Department of Public Health shall~~
15 ~~make reasonable efforts to arrange with the Department of Justice and with DOJ-certified~~
16 ~~fingerprinting agencies for fingerprinting services and criminal background checks for the purposes of~~
17 ~~verifying the information provided under Section 3304 (c)(5) and certifying the listed individuals as~~
18 ~~required by Section 3307(c)(4). The applicant or each person listed in Section 3304(c)(5) shall assume~~
19 ~~the cost of fingerprinting and background checks, and shall execute all forms and releases required by~~
20 ~~the DOJ and the DOJ-certified fingerprinting agency.~~

21 **SEC. 3305. REFERRAL TO OTHER DEPARTMENTS.**

22 (a) Upon receiving a completed medical cannabis dispensary permit application and
23 permit application fee, the Director shall immediately refer the permit application to the City's
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1 Planning Department, Department of Building Inspection, ~~Police Department~~ Mayor's Office on
2 Disability, and Fire Department.

3 (b) Said departments shall inspect the premises proposed to be operated as a
4 medical cannabis dispensary and confirm the information provided in the application and shall
5 make separate written recommendations to the Director concerning compliance with the
6 codes that they administer. ~~Specifically, the Police Department shall perform a thorough and~~
7 ~~complete criminal background check on each person applying for the permit and any other person who~~
8 ~~will be engaged in the management of the medical cannabis dispensary. Departments' written approval,~~
9 ~~rejection and/or recommendations regarding the permit shall be delivered to the Director. If the any~~
10 ~~department rejects the permit, it shall inform the Director of the reasons for the rejection and the~~
11 ~~measures the permit applicant can take to cure the rejection. The Director shall inform the permit~~
12 ~~applicant that the application is denied based on rejection by a department, the reasons for the~~
13 ~~departmental rejection, measures the permit applicant can take to cure the departmental rejection, and~~
14 ~~that the denial is appealable pursuant to Section 3317 of this Article.~~

15 **SEC. 3307. ISSUANCE OF MEDICAL CANNABIS DISPENSARY PERMIT.**

16 (a) Within 14 days following a hearing, the Director shall either issue a provisional
17 permit or mail a written statement of his or her reasons for denial thereof to the applicant.

18 (b) In recommending the granting or denying of a provisional permit and in granting or
19 denying the same, the Director shall give particular consideration to the capacity,
20 capitalization, complaint history of the applicant and any other factors that in their discretion
21 he or she deems necessary to the peace and order and welfare of the public. In addition, prior
22 to granting a provisional permit, the Director shall review criminal history information provided by the
23 Department of Justice for the purpose of certifying that each person applying for the permit and any
24 other person who will be engaged in the management of the medical cannabis dispensary has not been
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1 convicted of a violent felony within the State of California, as defined in Penal Code section 667.5(c),
2 or a crime that would have constituted a violent felony as defined in Penal Code section 667.5(c) if
3 committed within the State of California. However, the Director may certify and issue a medical
4 cannabis dispensary provisional permit to any individual convicted of such a crime if the Director finds
5 that the conviction occurred at least five years prior to the date of the permit application or more than
6 three years have passed from the date of the termination of a penalty for such conviction to the date of
7 the permit application and, that no subsequent felony convictions of any nature have occurred.

8 (c) No medical cannabis dispensary provisional permit shall be issued if the Director
9 finds:

- 10 (1) That the applicant has provided materially false documents or testimony; or
11 (2) That the applicant has not complied fully with the provisions of this Article; or
12 (3) That the operation as proposed by the applicant, if permitted, would not have
13 complied will all applicable laws, including, but not limited to, the Building, Planning, Housing,
14 Police, Fire, and Health Codes of the City, including the provisions of this Article and
15 regulations issued by the Director pursuant to this Article; or
16 (4) That the permit applicant or any other person who will be engaged in the
17 management of the medical cannabis dispensary has been convicted of a violent felony as
18 defined in Penal Code section 667.5(c) within the State of California or a crime that would
19 have constituted a violent felony as defined in Penal Code section 667.5(c) if committed within the
20 State off of California. However, the Director may issue a medical cannabis dispensary
21 provisional permit to any individual convicted of such a crime if the Director finds that the
22 conviction occurred at least five years prior to the date of the permit application or more than
23 three years have passed from the date of the termination of a penalty for such conviction to

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1 the date of the permit application and, that no subsequent felony convictions of any nature
2 have occurred; or

3 (5) That a permit for the operation of a medical cannabis dispensary, which permit
4 had been issued to the applicant or to any other person who will be engaged in the
5 management of the medical cannabis dispensary, has been revoked, unless more than five
6 years have passed from the date of the revocation to the date of the application; or

7 (6) That the City has revoked a permit for the operation of a business in the City which
8 permit had been issued to the applicant or to any other person who will be engaged in the
9 management of the medical cannabis dispensary unless more than five years have passed
10 from the date of the application to the date of the revocation.

11 (d) Applicants with provisional permits shall secure a Certificate of Final Completion
12 and Occupancy as defined in San Francisco Building Code Section 307 and present it to the
13 Director. ~~and After the applicant has secured a Certificate of Final Completion and~~
14 ~~Occupancy, the Police Department shall review the security measures for the medical~~
15 ~~cannabis dispensary, including lighting and alarms, to ensure the safety of persons and to~~
16 ~~protect the premises from theft. The Police Department shall deliver to the Director its written~~
17 ~~approval or rejection of the security measures for the medical cannabis dispensary. If the~~
18 ~~Police Department rejects the security measures, it shall inform the Director of the reasons for~~
19 ~~the rejection and the measures the permit applicant can take to cure the rejection. The~~
20 ~~Director shall inform the permit applicant that the application is denied based on rejection by a~~
21 ~~department, the reasons for the departmental rejection, measures the permit applicant can~~
22 ~~take to cure the departmental rejection, and that the denial is appealable pursuant to Section~~
23 ~~3317 of this Article. If the Police Department approves the security measures for the medical~~
24 ~~cannabis dispensary, and an applicant with a provisional permit has presented a Certificate of~~

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1 ~~Final Completion and Occupancy to the Director~~, the Director shall issue the applicant a final
2 permit.

3 (e) The Director shall notify the Police Department of all approved permit applications.

4 (f) The final permit shall contain the following language: "Issuance of this permit by
5 the City and County of San Francisco is not intended to and does not authorize the violation of
6 State or Federal law."

7 **SEC. 3308. OPERATING REQUIREMENTS FOR MEDICAL CANNABIS**
8 **DISPENSARY.**

9 (a) Medical cannabis dispensaries shall meet all the operating criteria for the
10 dispensing of medical cannabis as is required pursuant to California Health and Safety Code
11 Section 11362.7 et seq., by this Article, and by the Director's administrative regulations for the
12 permitting and operation of medical cannabis dispensaries.

13 (b) Medical cannabis dispensaries shall be operated only as collectives or
14 cooperatives in accordance with California Health and Safety Code Section ~~11326.7~~ 11362.7 et
15 seq. All patients or caregivers served by a medical cannabis dispensary shall be members of
16 that medical cannabis dispensary's collective or cooperative.

17 (c) The medical cannabis dispensary shall receive only compensation for actual
18 expenses, including reasonable compensation incurred for services provided to qualified
19 patients or primary caregivers to enable that person to use or transport cannabis pursuant to
20 California Health and Safety Code Section 11362.7 et seq., or for payment for out-of-pocket
21 expenses incurred in providing those services, or both. Sale of medical cannabis for
22 excessive profits is explicitly prohibited. Once a year, commencing in ~~January~~ March ~~2007~~
23 2008, each medical cannabis dispensary shall provide to the Department a written statement
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1 by the dispensary's permittee made under penalty of perjury attesting to the dispensary's
2 compliance with this paragraph.

3 (d) Medical cannabis dispensaries shall sell or distribute only cannabis manufactured
4 and processed in the State of California that has not left the State before arriving at the
5 medical cannabis dispensary.

6 (e) It is unlawful for any person or association operating a medical cannabis
7 dispensary under the provisions of this Article to permit any breach of peace therein or any
8 disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct, or
9 otherwise, or to permit such dispensary to remain open, or patrons to remain upon the
10 premises, between the hours of 10 p.m. and 8 a.m. the next day. However, the Department
11 shall issue permits to two medical cannabis dispensaries permitting them to remain open 24
12 hours per day. These medical cannabis dispensaries shall be located in order to provide
13 services to the population most in need of 24 hour access to medical cannabis. These
14 medical cannabis dispensaries shall be located at least one mile from each other and shall be
15 accessible by late night public transportation services. However, in no event shall a medical
16 cannabis dispensary located in a Small-Scale Neighborhood Commercial District, a Moderate
17 Scale Neighborhood Commercial District, or a Neighborhood Commercial Shopping Center
18 District as defined in Sections 711, 712 and 713 of the Planning Code, be one of the two
19 medical cannabis dispensaries permitted to remain open 24 hours per day.

20 (f) Medical cannabis dispensaries may not dispense more than one ounce of dried
21 cannabis per qualified patient to a qualified patient or primary caregiver per visit to the medical
22 cannabis dispensary. Medical cannabis dispensaries may not maintain more than ninety-nine
23 (99) cannabis plants in up to 100 square feet of total garden canopy measured by the
24 combined vegetative growth area. Medical cannabis dispensaries shall use medical cannabis
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1 identification card numbers to ensure compliance with this provision. If a qualified patient or a
2 primary caregiver has a doctor's recommendation that this quantity does not meet the
3 qualified patient's medical needs, the qualified patient or the primary caregiver may possess
4 and the medical cannabis dispensary may dispense an amount of dried cannabis and
5 maintain a number cannabis plants consistent with those needs. Only the dried mature
6 processed flowers of female cannabis plant or the plant conversion shall be considered when
7 determining allowable quantities of cannabis under this Section.

8 (g) No medical cannabis shall be smoked, ingested or otherwise consumed in the
9 public right-of-way within fifty (50) feet of a medical cannabis dispensary. Any person violating
10 this provision shall be deemed guilty of an infraction and upon the conviction thereof shall be
11 punished by a fine of \$100. Medical cannabis dispensaries shall post a sign near their
12 entrances and exits providing notice of this policy.

13 (h) Any cultivation of medical cannabis on the premises of a medical cannabis
14 dispensary must be conducted indoors.

15 (i) All sales and dispensing of medical cannabis shall be conducted on the premises
16 of the medical cannabis dispensary. However, delivery of cannabis to qualified patients with
17 valid identification cards or a verifiable, written recommendation from a physician for medical
18 cannabis and primary caregivers with a valid identification card outside the premises of the
19 medical cannabis dispensary is permitted if the person delivering the cannabis is a qualified
20 patient with a valid identification card or a verifiable, written recommendation from a physician
21 for medical cannabis or a primary caregiver with a valid identification card who is a member of
22 the medical cannabis dispensary.

23 (j) The medical cannabis dispensary shall not hold or maintain a license from the
24 State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a
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1 business that sells alcoholic beverages. Nor shall alcoholic beverages be consumed on the
2 premises or on in the public right-of-way within fifty feet of a medical cannabis dispensary.

3 (k) In order to protect confidentiality, the medical cannabis dispensary shall maintain
4 records of all qualified patients with a valid identification card and primary caregivers with a
5 valid identification card using only the identification card number issued by the State or City
6 pursuant to California Health and Safety Code Section 11362.7 et seq. and City Health Code
7 Article 28.

8 (l) The medical cannabis dispensary shall provide litter removal services twice each
9 day of operation on and in front of the premises and, if necessary, on public sidewalks within
10 hundred (100) feet of the premises.

11 (m) The medical cannabis dispensary shall provide and maintain adequate security on
12 the premises, including lighting and alarms reasonably designed to insure ensure the safety of
13 persons and to protect the premises from theft. ~~The medical cannabis dispensary shall~~
14 ~~maintain the security measures approved by the Department of Building Inspection.~~

15 (n) Signage for the medical cannabis dispensary shall be limited to one wall sign not
16 to exceed ten square feet in area, and one identifying sign not to exceed two square feet in
17 area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the
18 medical cannabis dispensary has no exterior wall sign, shall include the following language:
19 "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable,
20 written recommendation from a physician for medical cannabis may obtain cannabis from
21 medical cannabis dispensaries." The required text shall be a minimum of 2 inches in height.
22 This requirement shall remain in effect so long as the system for distributing or assigning
23 medical cannabis identification cards preserves the anonymity of the qualified patient or
24 primary caregiver.

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1 (o) All print and electronic advertisements for medical cannabis dispensaries,
2 including but not limited to flyers, general advertising signs, and newspaper and magazine
3 advertisements, shall include the following language: "Only individuals with legally recognized
4 Medical Cannabis Identification Cards or a verifiable, written recommendation from a
5 physician for medical cannabis may obtain cannabis from medical cannabis dispensaries."
6 The required text shall be a minimum of 2 inches in height except in the case of general
7 advertising signs where it shall be a minimum of 6 inches in height. Oral advertisements for
8 medical cannabis dispensaries, including but not limited to radio and television
9 advertisements shall include the same language. This requirement shall remain in effect so
10 long as the system for distributing or assigning medical cannabis identification cards
11 preserves the anonymity of the qualified patient or primary carver.

12 (p) The medical cannabis dispensary shall provide the Director, ~~the Chief of Police~~ and
13 all neighbors located within fifty (50) feet of the establishment with the name phone number
14 and facsimile number of an on-site community relations staff person to whom one can provide
15 notice if there are operating problems associated with the establishment. The medical
16 cannabis dispensary shall make every good faith effort to encourage neighbors to call this
17 person to try to solve operating problems, if any, before any calls or complaints are made to
18 the Police Department or other City officials.

19 (q) Medical cannabis dispensaries may sell or distribute cannabis only to members of
20 the medical cannabis dispensary's' collective or cooperative.

21 (r) Medical cannabis dispensaries may sell or distribute cannabis only to those
22 members with a medical cannabis identification card or a verifiable, written recommendation
23 from a physician for medical cannabis. This requirement shall remain in effect so long as the
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1 system for distributing or assigning medical cannabis identification cards preserves the
2 anonymity of the qualified patient or primary caregiver.

3 (s) It shall be unlawful for any medical cannabis dispensary to employ any person who
4 is not at least 18 years of age.

5 (t) It shall be unlawful for any medical cannabis dispensary to allow any person who is
6 not at least 18 years of age on the premises during hours of operation unless that person is a
7 qualified patient with a valid identification card or primary caregiver with a valid identification
8 card or a verifiable, written recommendation from a physician for medical cannabis.

9 (u) Medical cannabis dispensaries that display or sell drug paraphernalia must do so
10 in compliance with California Health and Safety Code §§ 11364.5 and 11364.7.

11 (v) Medical cannabis dispensaries shall maintain all scales and weighing mechanisms
12 on the premises in good working order. Scales and weighing mechanisms used by medical
13 cannabis dispensaries are subject to inspection and certification by the Director.

14 (w) Medical cannabis dispensaries that prepare, dispense or sell food must comply
15 with and are subject to the provisions of all relevant State and local laws regarding the
16 preparation, distribution and sale of food.

17 (x) The medical cannabis dispensary shall meet any specific, additional operating
18 procedures and measures as may be imposed as conditions of approval by the Director in
19 order to insure that the operation of the medical cannabis dispensary is consistent with the
20 protection of the health, safety and welfare of the community, qualified patients and primary
21 caregivers, and will not adversely affect surrounding uses.

22 (y) Medical cannabis dispensaries shall be ~~wheelchair~~ accessible as required for new
23 construction under Chapter 11B of the ~~California San Francisco~~ California Building Code ~~as~~
24 ~~contained within Title 24 of the California Code of Regulations.~~ Notwithstanding the foregoing, if a
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1 ~~medical cannabis dispensary can~~ cannot show that it will not be able to meet the disabled access
2 standard for new construction ~~due to the physical constraints of its location and/or building, a~~
3 ~~hardship exception may be granted by the Department of Building Inspection, after~~
4 ~~consultation and a nonbinding recommendation from the Mayor's Office of Disability.~~ it shall
5 meet the following minimum standards:

6 (1) ~~A medical cannabis dispensary requesting a hardship exception shall submit a~~
7 ~~hardship exception request detailing each item that does not meet the new construction~~
8 ~~standard and propose an equivalency for each item.~~

9 (2) ~~Department of Building Inspection shall review the hardship exception request~~
10 ~~and the medical cannabis dispensary's proposed construction drawings and grant or deny the~~
11 ~~hardship exception.~~

12 (3) ~~In order to receive a hardship exception, the medical cannabis dispensary shall~~
13 ~~provide:~~

14 (A) ~~an accessible entrance;~~

15 (B) ~~(2) any ground floor service area must be accessible service areas, including an~~
16 ~~accessible reception counter and access aisle to the employee workspace behind; and,~~

17 (C) ~~(3) an accessible bathroom, with a toilet and sink, if a bathroom is provided to the public.~~

18 (4) ~~A "limited use/limited access" (LULA) elevator that complies with ASME A17.1 Part~~
19 ~~XXV or an Article 15 elevator may be used on any accessible path of travel, but vertical or inclined~~
20 ~~platform lifts may not.~~

21 (5) ~~If a hardship exception is granted, the Department of Building Inspection shall~~
22 ~~inspect the medical cannabis dispensary according to plans incorporating the hardship~~
23 ~~exception approved by the Mayor's Office of Disability.~~

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1 (z) Any medical cannabis dispensary in a building that began the Landmark Initiation
2 process (as codified by Article 10 of the San Francisco Planning Code) by August 13, 2007 is
3 exempt from the requirements set forth in section 3308(y) of this legislation until September 1,
4 2008.

5 ~~(z)~~(aa) Prior to submission of a building permit application, the applicant shall submit
6 its application to the Mayor's Office on Disability. The Mayor's Office on Disability shall review
7 the application for access compliance and forward recommendations to the Department of
8 Building Inspection.

9
10 Section 2. The San Francisco Planning Code is hereby amended by amending
11 Sections 209.3, 217, 790.141 and 890.133 to read as follows:

12 **SEC. 209.3. INSTITUTIONS.**

13 (a) Hospital, medical center or other medical institution which includes facilities for
14 inpatient care and may also include medical offices, clinics, laboratories, and employee or
15 student dormitories and other housing, operated by and affiliated with the institution, which
16 institution has met the applicable provisions of Section 304.5 of this Code concerning
17 institutional master plans.

18 (b) Residential care facility providing lodging, board and care for a period of 24 hours
19 or more to six or fewer persons in need of specialized aid by personnel licensed by the State
20 of California. Such facility shall display nothing on or near the facility which gives an outward
21 indication of the nature of the occupancy except for a sign as permitted by Article 6 of this
22 Code, shall not provide outpatient services and shall be located in a structure which remains
23 residential in character. Such facilities shall include but not necessarily be limited to a board
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1 and care home, family care home, long-term nursery, orphanage, rest home or home for the
2 treatment of addictive, contagious or other diseases or psychological disorders.

3 (c) Residential care facility meeting all applicable requirements of Subsection 209.3(b)
4 above but providing lodging, board and care as specified therein to seven or more persons.

5 (d) Social service or philanthropic facility providing assistance of a charitable or public
6 service nature and not of a profitmaking or commercial nature. (With respect to RC Districts,
7 see also Section 209.9(d).)

8 (e) Child-care facility providing less than 24-hour care for 12 or fewer children by
9 licensed personnel and meeting the open-space and other requirements of the State of
10 California and other authorities.

11 (f) Child-care facility providing less than 24-hour care for 13 or more children by
12 licensed personnel and meeting the open-space and other requirements of the State of
13 California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)

14 (g) Elementary school, either public or private. Such institution may include employee
15 or student dormitories and other housing operated by and affiliated with the institution. (With
16 respect to RC Districts, see also Section 209.9(d).)

17 (h) Secondary school, either public or private, other than a school having industrial
18 arts as its primary course of study. Such institution may include employee or student
19 dormitories and other housing operated by and affiliated with the institution. (With respect to
20 RC Districts, see also Section 209.9(d).)

21 (i) Post secondary educational institution for the purposes of academic, professional,
22 business or fine arts education, which institution has met the applicable provisions of Section
23 304.5 of this Code concerning institutional master plans. Such institution may include
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1 employee or student dormitories and other housing operated by and affiliated with the
2 institution. Such institution shall not have industrial arts as its primary course of study.

3 (j) Church or other religious institution which has a tax-exempt status as a religious
4 institution granted by the United States Government, and which institution is used primarily for
5 collective worship or ritual or observance of common religious beliefs. Such institution may
6 include, on the same lot, the housing of persons who engage in supportive activity for the
7 institution. (With respect to RC Districts, see also Section 209.9(d).)

8 (k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco
9 Health Code provided that: (a) the medical cannabis dispensary has applied for a permit from
10 the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code;
11 (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis
12 dispensary is located not less than 1,000 feet from the parcel containing the grounds of an
13 elementary or secondary school, public or private, or a recreation building as defined in
14 Section 209.4(a) of this Code that primarily serves persons under 18 years of age, unless not
15 required by State law, and, regardless of whether medical cannabis is smoked on the
16 premises, if the dispensary was not in operation as of April 1, 2005, as defined in Subsection
17 (i), it is located not less than 1,000 feet from the parcel containing the grounds of an
18 elementary or secondary school, public or private, or a recreation building as defined in
19 Section 209.4(a) of this Code that primarily serves person under 18 years of age; (c) if
20 medical cannabis is smoked on the premises the dispensary shall provide adequate
21 ventilation within the structure such that doors and/or windows are not left open for such
22 purposes resulting in odor emission from the premises; (d) regardless of whether medical
23 cannabis is smoked on the premises the parcel containing the medical cannabis dispensary is
24 not located on the same parcel as a facility providing substance abuse services that is
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1 licensed or certified by the State of California or funded by the Department of Public Health;
2 (e) no alcohol is sold or distributed on the premises for on or off-site consumption; (f) upon
3 acceptance of a complete application for a building permit for a medical cannabis dispensary
4 the Planning Department shall cause a notice to be posted on the proposed site and shall
5 cause written notice to be sent via U.S. Mail to all owners and occupants of properties within
6 300 feet of the subject lot in the same Assessor's Block and on the block face across from the
7 subject lot as well as to all individuals or groups that have made a written request for
8 notification regarding specific medical cannabis dispensaries; (g) all building permit
9 applications shall be held for a period of 30 calendar days from the date of the mailed notice
10 to allow review by residents, occupants, owners of neighborhood properties and
11 neighborhood groups; (h) after this 30-day period, the Planning Commission shall schedule a
12 hearing to consider whether to exercise its discretionary review powers over the building
13 permit application for a medical cannabis dispensary. The scheduling and the mailed notice
14 for this hearing shall be processed in accordance with Section 312(e) of this Code; (i) Medical
15 cannabis dispensaries that can demonstrate to the Planning Department, based on any
16 criteria it may develop, *that* they were in operation as of April 1, 2005 and have remained in
17 continuous operation since then, *have 18 months from the effective date of this legislation to and*
18 *that they have filed an application for a medical cannabis dispensary permit as provided in San*
19 *Francisco Health Code section 3304 on or before July 1, 2007 must obtain a final permit on or before*
20 *March 1, 2008,* or must cease operations *at the end of that 18 month period on March 1, 2008,* or
21 upon denial of a permit application if it occurs before *the end of that 18 month period* March 1,
22 2008. Medical cannabis dispensaries that were in operation as of April 1, 2005, and were not in
23 continuous operation since then, but can demonstrate to the Planning Department, based on
24 any criteria it may develop, that the reason for their lack of continuous operation was not
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1 closure due to an actual violation of federal, state or local law, also *have 18 months from the*
2 *effective date of this legislation to must* obtain a permit on or before March 1, 2008, or must cease
3 operations *at the end of that 18 month period,* on March 1, 2008, or upon denial of a permit
4 application if it occurs before *the end of that 18 month period* March 1, 2008. Notwithstanding the
5 foregoing, in no case shall a dispensary that had or has a suspended or revoked permit be
6 considered to be in continuous operation. Any dispensary that began operation after April 1,
7 2005, and any dispensary that failed to file a permit application with the Department of Public
8 Health as provided in San Francisco Health Code section 3304 on or before July 1, 2007, and have
9 failed to file completed applications, including a California Environmental Quality Act
10 categorical exemption application and a discretionary review application with the Planning
11 Department by August 15, 2007, must immediately cease operations; (j) any permit issued for
12 a medical cannabis dispensary shall contain the following statement in bold-face type:
13 "Issuance of this permit by the City and County of San Francisco is not intended to and does
14 not authorize the violation of State or Federal law." For purposes of this Section and Sections
15 217, 790.141, and 890.133, the terms "primarily serves" shall mean regular, continuing, and
16 verifiable programs for persons under 18 years of age.
17 On March 2, 2008, Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San
18 Francisco Planning Code shall expire by operation of law. Thereafter, the City Attorney shall
19 cause Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San Francisco Planning
20 Code to be removed from future editions of the published Code.

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22 **SEC. 217. INSTITUTIONS.**

23 (a) Hospital, medical center or other medical institution which includes facilities for
24 inpatient care and may also include medical offices, clinics, laboratories, and employee or

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1 student dormitories and other housing, operated by and affiliated with the institution, which
2 institution has met the applicable provisions of Section 304.5 of this Code concerning
3 institutional master plans.

4 (b) Residential care facility providing lodging, board and care for a period of 24 hours
5 or more to persons in need of specialized aid by personnel licensed by the State of California.
6 Such facilities shall include but not necessarily be limited to a board and care home, family
7 care home, long-term nursery, orphanage, rest home or home for the treatment of addictive,
8 contagious or other diseases or psychological disorders.

9 (c) Clinic primarily providing outpatient care in medical, psychiatric or other healing
10 arts and not a part of a medical institution as specified in Subsection 217(a) above.

11 (d) Social service or philanthropic facility providing assistance of a charitable or public
12 service nature.

13 (e) Child-care facility providing less than 24-hour care for children by licensed
14 personnel and meeting the open-space and other requirements of the State of California and
15 other authorities.

16 (f) Elementary school, either public or private. Such institution may include employee
17 or student dormitories and other housing operated by and affiliated with the institution.

18 (g) Secondary school, either public or private, other than a school having industrial
19 arts as its primary course of study. Such institution may include employee or student
20 dormitories and other housing operated by and affiliated with the institution.

21 (h) Postsecondary educational institution for the purposes of academic, professional,
22 business or fine-arts education, which institution has met the applicable provisions of Section
23 304.5 of this Code concerning institutional master plans. Such institution may include
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1 employee or student dormitories and other housing operated by and affiliated with the
2 institution. Such institution shall not have industrial arts as its primary course of study.

3 (i) Secondary or postsecondary educational institution, other than as specified in
4 Subsection 217(g) and (h) above.

5 (j) Church or other religious institution. Such institution may include, on the same lot,
6 the housing of persons who engage in supportive activity for the institution.

7 (k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco
8 Health Code provided that: (a) the medical cannabis dispensary has applied for a permit from
9 the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code;
10 (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis
11 dispensary is located not less than 1,000 feet from the parcel containing the grounds of an
12 elementary or secondary school, public or private, or a community clubhouse that primarily
13 serves persons under 18 years of age, or neighborhood center as defined in Section 221(e) of
14 this Code that primarily serves persons under 18 years of age, unless not required by State
15 law, and, regardless of whether medical cannabis is smoked on the premises, if the
16 dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located
17 not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary
18 school, public or private, or a community clubhouse that primarily serves persons under 18
19 years of age, or a neighborhood center as defined in Section 221(e) of this Code that primarily
20 serves persons under 18 years of age; (c) if medical cannabis is smoked on the premises the
21 dispensary shall provide adequate ventilation within the structure such that doors and/or
22 windows are not left open for such purposes resulting in odor emission from the premises; (d)
23 regardless of whether medical cannabis is smoked on the premises the parcel containing the
24 medical cannabis dispensary is not located on the same parcel as a facility providing
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1 substance abuse services that is licensed or certified by the State of California or funded by
2 the Department of Public Health; (e) no alcohol is sold or distributed on the premises for on or
3 off-site consumption; (f) upon acceptance of a complete application for a building permit for a
4 medical cannabis dispensary the Planning Department shall cause a notice to be posted on
5 the proposed site and shall cause written notice to be sent via U.S. Mail to all owners and
6 occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on
7 the block face across from the subject lot as well as to all individuals or groups that have
8 made a written request for notification regarding specific medical cannabis dispensaries; (g)
9 all building permit applications shall be held for a period of 30 calendar days from the date of
10 the mailed notice to allow review by residents, occupants, owners of neighborhood properties
11 and neighborhood groups; (h) after this 30-day period, the Planning Commission shall
12 schedule a hearing to consider whether to exercise its discretionary review powers over the
13 building permit application for a medical cannabis dispensary. The scheduling and the mailed
14 notice for this hearing shall be processed in accordance with Section 312(e) of this Code; (i)
15 Medical cannabis dispensaries that can demonstrate to the Planning Department, based on
16 any criteria it may develop, *that* they were in operation as of April 1, 2005 and have remained
17 in continuous operation since then, ~~have 18 months from the effective date of this legislation to~~ and
18 that they have filed an application for a medical cannabis dispensary permit as provided in San
19 Francisco Health Code section 3304 on or before July 1, 2007, must obtain a final permit on or before
20 March 1, 2008, or must cease operations ~~at the end of that 18 month period on~~ March 1, 2008, or
21 upon denial of a permit application if it occurs before ~~the end of that 18 month period~~ March 1,
22 2008. Medical cannabis dispensaries that were in operation as of April 1, 2005, and were not in
23 continuous operation since then, but can demonstrate to the Planning Department, based on
24 any criteria it may develop, that the reason for their lack of continuous operation was not
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1 closure due to an actual violation of federal, state or local law, also *have 18 months from the*
2 *effective date of this legislation to must* obtain a permit on or before March 1, 2008, or must cease
3 operations *at the end of that 18 month period,* on March 1, 2008, or upon denial of a permit
4 application if it occurs before *the end of that 18 month period* March 1, 2008. Notwithstanding the
5 foregoing, in no case shall a dispensary that had or has a suspended or revoked permit be
6 considered to be in continuous operation. Any dispensary that began operation after April 1,
7 2005, and any dispensary that failed to file a permit application with the Department of Public
8 Health as provided in San Francisco Health Code section 3304 on or before July 1, 2007, and have
9 failed to file completed applications, including a California Environmental Quality Act
10 categorical exemption application and a discretionary review application with the Planning
11 Department by August 15, 2007, must immediately cease operations; (j) any permit issued for
12 a medical cannabis dispensary shall contain the following statement in bold-face type:
13 "Issuance of this permit by the City and County of San Francisco is not intended to and does
14 not authorize the violation of State or Federal law.
15 On March 2, 2008, Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San
16 Francisco Planning Code shall expire by operation of law. Thereafter, the City Attorney shall
17 cause Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San Francisco Planning
18 Code to be removed from future editions of the published Code.

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20 **SEC. 790.141. MEDICAL CANNABIS DISPENSARY.**

21 A medical cannabis dispensary shall be as defined by Section 3301(f) of the San
22 Francisco Health Code provided that:

23 (a) the medical cannabis dispensary has applied for a permit from the Department of
24 Public Health pursuant to Section 3304 of the San Francisco Health Code;

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1 (b) if medical cannabis is smoked on the premises, the parcel containing the medical
2 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds
3 of an elementary or secondary school, public or private, or a community facility that primarily
4 serves persons under 18 years of age, or a recreation building as defined in Section 790.50(a)
5 of this Code that primarily serves persons under 18 years of age, unless not required by State
6 law, and, regardless of whether medical cannabis is smoked on the premises, if the
7 dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located
8 not less than 1000 feet from the parcel containing the grounds of an elementary or secondary
9 school, public or private, or a community facility that primarily serves persons under 18 years
10 of age or a recreation building as defined in Section 790.50(f) of this Code that primarily
11 serves persons under 18 years of age;

12 (c) if medical cannabis is smoked on the premises the dispensary shall provide
13 adequate ventilation within the structure such that doors and/or windows are not left open for
14 such purposes resulting in odor emission from the premises;

15 (d) regardless of whether medical cannabis is smoked on the premises the parcel
16 containing the medical cannabis dispensary is not located on the same parcel as a facility
17 providing substance abuse services that is licensed or certified by the State of California or
18 funded by the Department of Public Health;

19 (e) no alcohol is sold or distributed on the premises for on or off-site consumption;

20 (f) upon acceptance of a complete application for a building permit for a medical
21 cannabis dispensary the Planning Department shall cause a notice to be posted on the
22 proposed site and shall cause written notice to be sent via U.S. Mail to all owners and
23 occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on
24 the block face across from the subject lot as well as to all individuals or groups that have
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1 made a written request for notification regarding specific properties, areas or medical
2 cannabis dispensaries;

3 (g) all building permit applications shall be held for a period of 30 calendar days from
4 the date of the mailed notice to allow review by residents, occupants, owners of neighborhood
5 properties and neighborhood groups;

6 (h) after this 30-day period, the Planning Commission shall schedule a hearing to
7 consider whether to exercise its discretionary review powers over the building permit
8 application for a medical cannabis dispensary. The scheduling and the mailed notice for this
9 hearing shall be processed in accordance with Section 312(e) of this Code;

10 (i) Medical cannabis dispensaries that can demonstrate to the Planning Department,
11 based on any criteria it may develop, *that* they were in operation as of April 1, 2005 and have
12 remained in continuous operation since then, *have 18 months from the effective date of this*
13 *legislation to and that they have filed an application for a medical cannabis dispensary permit as*
14 *provided in San Francisco Health Code section 3304 on or before July 1, 2007, must obtain a final*
15 *permit on or before March 1, 2008, or must cease operations at the end of that 18-month period on*
16 *March 1, 2008, or upon denial of a permit application if it occurs before the end of that 18-month*
17 *period March 1, 2008. Medical cannabis dispensaries that were in operation as of April 1, 2005,*
18 *and were not in continuous operation since then, but can demonstrate to the Planning*
19 *Department, based on any criteria it may develop, that the reason for their lack of continuous*
20 *operation was not closure due to an actual violation of federal, state or local law, also have 18*
21 *months from the effective date of this legislation to must obtain a permit on or before March 1, 2008,*
22 *or must cease operations at the end of that 18-month period, on March 1, 2008, or upon denial of*
23 *a permit application if it occurs before the end of that 18-month period March 1, 2008.*

24 Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or
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1 revoked permit be considered to be in continuous operation. Any dispensary that began
2 operation after April 1, 2005, and any dispensary that failed to file a permit application with the
3 Department of Public Health as provided in San Francisco Health Code section 3304 on or before
4 July 1, 2007, and have failed to file completed applications, including a California
5 Environmental Quality Act categorical exemption application and a discretionary review
6 application with the Planning Department by August 15, 2007, must immediately cease
7 operations;

8 (j) any permit issued for a medical cannabis dispensary shall contain the following
9 statement in boldface type: "Issuance of this permit by the City and County of San Francisco
10 is not intended to and does not authorize the violation of State or Federal law."

11 **SEC. 890.133. MEDICAL CANNABIS DISPENSARY.**

12 A medical cannabis dispensary shall be as defined by Section 3301(f) of the San
13 Francisco Health Code provided that-;

14 (a) the medical cannabis dispensary has applied for a permit from the Department of
15 Public Health pursuant to Section 3304 of the San Francisco Health Code;

16 (b) if medical cannabis is smoked on the premises, the parcel containing the medical
17 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds
18 of an elementary or secondary school, public or private, or a community facility that primarily
19 serves persons under 18 years of age, or a recreation building as defined in Section 890.50(a)
20 of this Code that primarily serves persons under 18 years of age, unless not required by State
21 law, and, regardless of whether medical cannabis is smoked on the premises, if the
22 dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located
23 not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary
24 school, public or private, or a community facility that primarily serves persons under 18 years
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1 of age, or a recreation building as defined in Section 890.50(a) of this Code that primarily
2 serves persons under 18 years of age;

3 (c) if medical cannabis is smoked on the premises the dispensary shall provide
4 adequate ventilation within the structure such that doors and/or windows are not left open for
5 such purposes resulting in odor emission from the premises;

6 (d) regardless of whether medical cannabis is smoked on the premises the parcel
7 containing the medical cannabis dispensary is not located on the same parcel as a facility
8 providing substance abuse services that is licensed or certified by the State of California or
9 funded by the Department of Public Health;

10 (e) no alcohol is sold or distributed on the premises for on or off-site consumption;

11 (f) upon acceptance of a complete application for a building permit for a medical
12 cannabis dispensary the Planning Department shall cause a notice to be posted on the
13 proposed site and shall cause written notice to be sent via U.S. Mail to all owners and
14 occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on
15 the block face across from the subject lot as well as to all individuals or groups that have
16 made a written request for notification regarding specific properties, areas or medical
17 cannabis dispensaries;

18 (g) all building permit applications shall be held for a period of 30 calendar days from
19 the date of the mailed notice to allow review by residents, occupants, owners of neighborhood
20 properties and neighborhood groups;

21 (h) after this 30-day period, the Planning Commission shall schedule a hearing to
22 consider whether to exercise its discretionary review powers over the building permit
23 application for a medical cannabis dispensary. The scheduling and the mailed notice for this
24 hearing shall be processed in accordance with Section 312(e) of this Code;

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1 (i) Medical cannabis dispensaries that can demonstrate to the Planning Department,
2 based on any criteria it may develop, *that* they were in operation as of April 1, 2005 and have
3 remained in continuous operation since then, *have 18 months from the effective date of this*
4 *legislation to and that they have filed an application for a medical cannabis dispensary permit as*
5 *provided in San Francisco Health Code section 3304 on or before July 1, 2007, must obtain a final*
6 *permit on or before March 1, 2008, or must cease operations at the end of that 18 month period on*
7 *March 1, 2008, or upon denial of a permit application if it occurs before the end of that 18 month*
8 *period March 1, 2008. Medical cannabis dispensaries that were in operation as of April 1, 2005,*
9 *and were not in continuous operation since then, but can demonstrate to the Planning*
10 *Department, based on any criteria it may develop, that the reason for their lack of continuous*
11 *operation was not closure due to an actual violation of federal, state or local law, also have 18*
12 *months from the effective date of this legislation to must obtain a permit on or before March 1, 2008,*
13 *or must cease operations at the end of that 18 month period, on March 1, 2008, or upon denial of*
14 *a permit application if it occurs before the end of that 18 month period March 1, 2008.*
15 Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or
16 revoked permit be considered to be in continuous operation. Any dispensary that began
17 operation after April 1, 2005, *and any dispensary that failed to file a permit application with the*
18 *Department of Public Health as provided in San Francisco Health Code section 3304 on or before*
19 *July 1, 2007, and have failed to file completed applications, including a California*
20 *Environmental Quality Act categorical exemption application and a discretionary review*
21 *application with the Planning Department by August 15, 2007, must immediately cease*
22 *operations;*
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1 (j) any permit issued for a medical cannabis dispensary shall contain the following
2 statement in bold-face type: "Issuance of this permit by the City and County of San Francisco
3 is not intended to and does not authorize the violation of State or Federal law."

4 On March 2, 2008, Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San
5 Francisco Planning Code shall expire by operation of law. Thereafter, the City Attorney shall
6 cause Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San Francisco Planning
7 Code to be removed from future editions of the published Code.
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10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 TERENCE J. HOWZELL
14 Deputy City Attorney
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