

File No. 171041

Committee Item No. 1

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date November 2, 2017

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | Memorandum of Understanding (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"/> | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/> | Information Sheet                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

### OTHER

(Use back side if additional space is needed)

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination</u>                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 20029</u> |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____   |
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Completed by: Alisa Somera Date October 26, 2017

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Planning Code - Cannabis Regulation]

2  
3 **Ordinance amending the Planning Code to 1) regulate cannabis land uses, including,**  
4 **among other things, adult use cannabis retail, Medical Cannabis Dispensaries,**  
5 **delivery-only services, manufacture of cannabis products, cannabis cultivation, and**  
6 **cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning**  
7 **districts; 3) establish a land use process for the conversion of existing Medical**  
8 **Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and**  
9 **operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited**  
10 **the number of medical cannabis dispensaries in Supervisorial District 11; and 6)**  
11 **delete superseded Planning Code provisions; affirming the Planning Department's**  
12 **determination under the California Environmental Quality Act; and making findings of**  
13 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
14 **Section 101.1, and public necessity, convenience, and welfare findings pursuant to**  
15 **Planning Code, Section 302.**

16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
17 **Additions to Codes** are in single-underline italics Times New Roman font.  
18 **Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.  
19 **Board amendment additions** are in double-underlined Arial font.  
20 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
21 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
22 subsections or parts of tables.

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

24 Section 1. Environmental and Land Use Findings.

25 (a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources

1 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
2 Supervisors in File No. 171041 and is incorporated herein by reference. The Board affirms  
3 this determination.

4 (b) On October 19, 2017, the Planning Commission, in Resolution No. 20029,  
5 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
6 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
7 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
8 the Board of Supervisors in File No. 171041, and is incorporated herein by reference.

9 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will  
10 serve the public necessity, convenience, and welfare for the reasons set forth in Planning  
11 Commission Resolution No. 20029, and the Board incorporates such reasons herein by  
12 reference.

13  
14 Section 2. The Planning Code is hereby amended by revising Sections 102, 202.2,  
15 204.3, 209.1, 209.2, 210.3, 303, 303.1, 312, 703, 710-726, 728-734, 750-764, 803.2, 803.3,  
16 810-818, 840-845, 890.52, 890.54, and 890.111; adding Sections 190 and 890.125; and  
17 deleting Sections 739-742, 745, and 748, to read as follows:

18  
19 **SEC. 102. DEFINITIONS.**

20 \* \* \* \*

21 **Agricultural Food, Fiber and Beverage Processing 1.** An Industrial use that involves the  
22 processing of ~~food stuffs~~, agricultural ~~products~~~~fibers~~, and beverages with a low potential for  
23 noxious fumes, noise, and nuisance to the surrounding area, including but not limited to  
24 bottling plants, breweries, dairy products plant, malt manufacturing or processing plant, fish  
25 curing, smoking, or drying, cereal manufacturing, liquor distillery, manufacturing of felt or

1 shoddy, processing of hair or products derived from hair, pickles, sauerkraut, vinegar, yeast,  
2 soda or soda compounds, meat products, and fish oil. This use does not include the  
3 processing of wood pulp, and is subject to the operating conditions outlined in Section  
4 202.2(d).

5  
6 **Agricultural Food, Fiber and Beverage Processing 2.** An Industrial Use that involves the  
7 processing of ~~food-stuffs~~, agricultural products fibers, and beverages with a high potential for  
8 noxious fumes, noise, and nuisance to the surrounding area, including but not limited to a  
9 flour mill,; sugar refinery,; manufacturer of cannabis products or extracts that are derived by using  
10 volatile organic compounds (any use requiring License Type 7—Manufacturer 2, as defined in  
11 California Business and Professions Code, Division 10); and facility for wool pulling or scouring.  
12 This use does not include the processing of wood pulp, and is subject to the operating  
13 conditions outlined in Section 202.2(d).

14  
15 **Agriculture.** A Use Category that includes Industrial Agriculture, Neighborhood Agriculture,  
16 and Large-Scale Urban Agriculture, and Greenhouse.

17  
18 **Agriculture, Industrial Greenhouse.** An Agricultural use that involves the cultivation of plants  
19 for wholesale sales or industrial uses inside a glass building. This use includes, but is not limited to,  
20 plant nurseries and cannabis cultivation operations, and is subject to the location and operating  
21 conditions listed in Section 202.2(c). For the cultivation of cannabis, this definition includes all  
22 cultivation pursuant to state license types that allow for indoor and/or mixed-light cultivation with up  
23 to 22,000 sq. ft. of canopy. This definition does not include accessory structures located in a  
24 required rear yard that comply with Section 136(e)(22) of this Code.  
25



1 **Agriculture, Large-Scale Urban.** An Agricultural Use that is characterized by the use of  
2 land for the production of food or horticultural crops to be harvested, sold, ~~or~~ donated, or  
3 otherwise not used or consumed by the operator of the premises that occur: (a) on a plot of land  
4 one acre or larger or (b) on smaller parcels that cannot meet the physical and operational  
5 standards for Neighborhood Agriculture. This use is subject to location and operational  
6 conditions outlined in Section 202.2(c) of this Code and does not include any cannabis-related use  
7 or any other agricultural activities, including the cultivation of cannabis for personal use.

8  
9 **Agriculture, Neighborhood.** An Agricultural Use that occupies less than one acre for the  
10 production of food or horticultural crops to be harvested, sold, or donated and complies with  
11 the controls and standards herein. The use includes, but is not limited to, home, kitchen, and  
12 roof gardens. Farms that qualify as Neighborhood Agricultural ~~Use~~ may include, but are not  
13 limited to, community gardens, community-supported agriculture, market gardens, and  
14 private farms. Neighborhood Agricultural ~~Use~~ may be principal or accessory use. This use  
15 is subject to location and operational conditions outlined in Section 202.2(c) of this Code and  
16 does not include any cannabis-related use or any other agricultural activities, including the  
17 cultivation of cannabis for personal use.

18 \* \* \* \*

19 **Cannabis Retail.** A Retail Sales and Service Use that sells or otherwise provides cannabis and  
20 cannabis-related products for adult use, and that may also include the sale or provision of cannabis  
21 for medicinal use. Cannabis may be consumed on site pursuant to authorization by the City's Office  
22 of Cannabis and Department of Public Health, as applicable. A Cannabis Retail establishment may  
23 only be operated by the holder of (a) a valid license from the State of California (License Type 10—  
24 Retailer, as defined in California Business and Professions Code, Division 10) and (b) a valid permit  
25

1 from the City's Office of Cannabis. This use is subject to operating and location restrictions set forth  
2 in Section 202.2(a).

3 \* \* \* \*

4 **Industrial Use.** A Use Category continuing the following uses: Agricultural and Beverage  
5 Processing 1 and 2, Automobile Wrecking, Automobile Assembly, ~~Food Fiber and Beverage~~  
6 ~~Processing 1 and 2~~, Grain Elevator, Hazardous Waste Facility, Junkyard, Livestock  
7 Processing 1 and 2, Heavy Manufacturing 1,2, and 3, Light Manufacturing, Metal Working,  
8 Power Plant, Ship Yard, Storage Yard, Volatile Materials Storage, and Truck Terminal.

9 \* \* \* \*

10 **Laboratory.** A Non-Retail Sales and Services Use intended or primarily suitable for  
11 scientific research. The space requirements of uses within this category include specialized  
12 facilities and/or built accommodations that distinguish the space from Office uses, Light  
13 Manufacturing, or Heavy Manufacturing. Examples of laboratories include the following:

14 (a) Chemistry, biochemistry, or analytical laboratory;

15 (b) Engineering laboratory;

16 (c) Development laboratory;

17 (d) Biological laboratories including those classified by the Centers for Disease  
18 Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2,  
19 or Biosafety level 3;

20 (e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as  
21 Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;

22 (f) Support laboratory;

23 (g) Quality assurance/Quality control laboratory; *and*

24 (h) Core laboratory; *and*

1            (i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as  
2 defined in California Business and Professions Code, Division 10).

3            \* \* \* \*

4            **Manufacturing, Light.** An Industrial Use that provides for the fabrication or production of  
5 goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the  
6 premises, primarily involving the assembly, packaging, repairing, or processing of previously  
7 prepared materials. Light manufacturing uses include production and custom activities  
8 usually involving individual or special design, or handiwork, such as the following fabrication  
9 or production activities, as may be defined by the Standard Industrial Classification Code  
10 Manual as light manufacturing uses:

- 11            (a) Food processing;
- 12            (b) Apparel and other garment products;
- 13            (c) Furniture and fixtures;
- 14            (d) Printing and publishing of books or newspapers;
- 15            (e) Leather products;
- 16            (f) Pottery;
- 17            (g) Glass-blowing;
- 18            (h) Commercial laundry, rug cleaning, and dry cleaning facility; ~~or~~
- 19            (i) Measuring, analyzing, and controlling instruments; photographic, medical, and  
20 optical goods; watches and clocks; or

21            (j) Manufacture of cannabis products or cannabis extracts that are derived without the use of  
22 volatile organic compounds (any use requiring License Type 6—Manufacturer 1, as defined in  
23 California Business and Professions Code, Division 10).

1 It shall not include Trade Shop, Agricultural and Beverage Processing 1 or 2, or Heavy  
2 Manufacturing 1, 2, or 3. This use is subject to the location and operation controls in  
3 Section 202.2(d).

4 \* \* \* \*

5 **Medical Cannabis Dispensary.** An Institutional Healthcare Use that is either (a) a  
6 cooperative or collective operating under the authority of a permit issued by the Director of Health  
7 under Article 33 of the Health Code, or (b) a Medicinal Cannabis Retailer as defined in Police Code  
8 Section 1602. A Medical Cannabis Dispensary Use defined in Section 3301(f) of the San Francisco  
9 Health Code, which is permitted only if it meets the conditions listed in Section 202.2(e).

10 \* \* \* \*

11 **Service, Parcel Delivery.** A Non-Retail Automotive Use limited to facilities for the  
12 unloading, sorting, and reloading of local retail merchandise for ~~home~~ deliveries, including but  
13 not limited to cannabis and cannabis products, where the operation is conducted entirely within  
14 a completely enclosed building, including garage facilities for local delivery trucks, but  
15 excluding repair shop facilities. Where permitted in PDR Districts, this use is not required to  
16 be operated within a completely enclosed building.

17 \* \* \* \*

18 **Wholesale Sales.** A Non-Retail Sales and Service Use that exclusively provides goods or  
19 commodities for resale or business use, including accessory storage. This use includes  
20 cannabis distribution (any use requiring License Type 11—Distributor, as defined in California  
21 Business and Professions Code, Division 10). It shall not include a nonaccessory storage  
22 warehouse.

23 \* \* \* \*

1 **SECTION 190. CONVERSION OF MEDICAL CANNABIS DISPENSARIES TO CANNABIS**  
2 **RETAIL ESTABLISHMENTS.**

3 (a) An establishment that holds a valid permit from the Department of Public Health to  
4 operate as a Medical Cannabis Dispensary as of the effective date of the ordinance in Board File  
5 No. \_\_\_\_\_ (“DPH-Permitted MCD”) may convert to a Cannabis Retail Use without  
6 obtaining Conditional Use authorization or seeking Mandatory Discretionary Review, by obtaining a  
7 building permit authorizing the change of use. Such permits are subject to neighborhood notification  
8 pursuant to Sections 311 and 312, if applicable.

9 (b) A DPH-Permitted MCD converting to a Cannabis Retail Use pursuant to this Section 190  
10 is not subject to the locational restrictions for Cannabis Retail set forth in Section 202.2(a).

11 (c) In order for a DPH-Permitted MCD to convert to a Cannabis Retail Use pursuant to this  
12 Section 190, a completed application for the change of use must be submitted to the Department of  
13 Building Inspection no later than June 30, 2018, and a first approval by the Planning Department or  
14 Planning Commission must be received on or before December 31, 2019. An application will be  
15 deemed to have received its first approval from the Planning Department or Planning Commission  
16 when that body issues its decision, regardless of whether any appeal or lawsuit is subsequently filed  
17 challenging any City approval related to the application.

18 (d) All other applications for a change of use from a DPH-Permitted MCD to a Cannabis  
19 Retail Use shall be subject to the zoning controls for the district in which the DPH-Permitted MCD is  
20 located.

21 (e) This Section 190 shall expire by operation of law on January 1, 2020. Upon its  
22 expiration, the City Attorney shall cause this Section 190 to be removed from the Planning Code.

23  
24  
25 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

1 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below  
2 shall be subject to the corresponding conditions:

3 \* \* \* \*

4 (5) Cannabis Retail. A Cannabis Retail establishment must meet all of the following  
5 conditions:

6 (A) A Cannabis Retail establishment must apply for a permit from the Office of  
7 Cannabis pursuant to Article 16 of the Police Code prior to submitting an application to the Planning  
8 Department.

9 (B) The parcel containing the Cannabis Retail Use shall not be located within  
10 a 600-foot radius of a parcel containing an existing School, public or private, unless a State licensing  
11 authority specifies a different radius, in which case that different radius shall apply. In addition, the  
12 parcel containing the Cannabis Retail Use shall not be located within a 300-foot radius of a parcel  
13 for which a valid permit from the City's Office of Cannabis for a Cannabis Retailer or a Medicinal  
14 Cannabis Retailer has been issued. There shall be no minimum radius from a Cannabis Retail Use to  
15 an existing day care center or youth center unless a State licensing authority specifies a minimum  
16 radius, in which case that minimum radius shall apply.

17 \* \* \* \*

18 (c) **Agriculture Use.** The Agricultural Uses listed below shall be subject to the  
19 corresponding conditions:

20 (1) **Agricultural Uses, General.**

21 Any plot of land that exceeds 1,000 square feet and is newly established shall comply  
22 with the applicable water use requirements of Administrative Code Chapter 63. Pursuant to  
23 Section 63.6.2(b) of the Administrative Code, no permit for any site where the modified land  
24 area exceeds 1,000 square feet shall be issued until the General Manager of the Public  
25 Utilities Commission has approved the applicable landscape project documentation.

1 \* \* \* \*

2 (3) Industrial Agriculture.

3 Cannabis must only be grown within an enclosed structure.

4 (d) **Industrial Uses.** The Industrial and PDR uses listed below shall be subject to  
5 the corresponding conditions:

6 (1) **Heavy Manufacturing 1, Metal Working, and Agricultural Food, Fiber,**  
7 **and Beverage Processing 1 and 2.** These uses are required to operate within a  
8 completely enclosed building, with no opening, other than fixed windows or exits required by  
9 law, within 50 feet of any R District; No noise, vibration, or unhealthful emissions shall  
10 extend beyond the premises of the use.

11 \* \* \* \*

12 (e) **Institutional Uses.** The Institutional Uses listed below shall be subject to the  
13 corresponding conditions:

14 (1) **Medical Cannabis Dispensaries.** Medical Cannabis Dispensaries Uses  
15 are required to meet all of the following conditions:

16 (A) A Medical Cannabis Dispensary Use shall apply for a permit from  
17 the Department of Public Health Office of Cannabis pursuant to Section 3304 Article 16 of the San  
18 Francisco Health Police Code prior to submitting an application to the Planning Department.

19 (B) The parcel containing the Medical Cannabis Dispensary Use shall  
20 not be located within a 600-foot radius of less than 1,000 feet from a parcel containing the  
21 grounds of a use primarily serving persons under 18 years of age and which consists of the  
22 following: an existing School, public or private, or a Public Facility, Community Facility, or Private  
23 Community Facility; unless a State licensing authority specifies a different radius, in which case that  
24 different radius shall apply. In addition, the parcel containing the Medical Cannabis Dispensary Use  
25 shall not be located within a 300-foot radius of a parcel for which a valid permit from the City's

1 Office of Cannabis for a Cannabis Retailer or Medicinal Cannabis Retailer has been issued. There  
2 shall be no minimum radius from a Medical Cannabis Dispensary Use to an existing day care center  
3 or youth center unless a State licensing authority specifies a minimum radius, in which case that  
4 minimum radius shall apply. Smoking on the premises of a Medical Cannabis Dispensary Use  
5 located within ~~1000~~600 feet of a School, public or private, ~~or a Public Facility, Community~~  
6 ~~Facility, or Private Community Facility that primarily serves persons under 18 years of age~~ is not  
7 permitted.

8 \* \* \* \*

9 (h) Cannabis-Related Uses. Except as otherwise specified in the Code, there shall be no  
10 minimum radius from a cannabis-related Use to an existing School, public or private; day care  
11 center; or youth center unless a State licensing authority specifies a minimum radius, in which case  
12 that minimum radius shall apply.

13  
14 **SEC. 204.3. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN C, RC, M,**  
15 **AND PDR DISTRICTS.**

16 (a) ~~Commercial, and Residential-Commercial, Districts PDR, and M Districts.~~ No use  
17 shall be permitted as a ~~An a~~ Accessory u ~~Use~~ to a lawful p ~~Principal or e~~ Conditional u ~~Use in any~~  
18 ~~Commercial or Residential-Commercial District which is subject to involves or requires any of the~~  
19 following limitations:

20 (1) Floor Area Limitations. ~~The use of more~~ An Accessory Use cannot occupy more  
21 than one-third of the total floor area occupied by such use, any additional accessory uses, and  
22 the p ~~Principal or e~~ Conditional u ~~Use to which it is accessory, except in the case of accessory~~  
23 off-street parking or loading; ~~or~~

24 (2) Noise and Vibration Limitations. Any noise, vibration, or unhealthful  
25 emissions may not ~~extend~~ beyond the premises of the use.



1                    (3) Limitations on Cannabis Retail Accessory Uses. The sale of cannabis as an  
2 accessory use is subject to any applicable limitations or regulations imposed by the Office of  
3 Cannabis. Cannabis Retail is not permitted as an Accessory Use unless the Cannabis Retail  
4 establishment holds a permit from the City's Office of Cannabis specifically permitting Cannabis  
5 Retail accessory to another activity on the same premises.

6                    (b) ~~PDR and M Districts~~ Specific Controls. ~~No use shall be permitted as an accessory use~~  
7 ~~to a lawful principal or conditional use in any PDR or M District that involves or requires the use of~~  
8 ~~more than one third (1/3) of the total floor area occupied by such use and the principal or~~  
9 ~~conditional use to which it is accessory, except in the case of accessory retail, off-street parking, and~~  
10 ~~loading.~~ Multiple PDR uses within a single building or development may combine their  
11 accessory retail allotment into one or more shared retail spaces, provided that the total  
12 allotment of accessory retail space per use does not exceed what otherwise would be  
13 permitted by this Section 204.3.

14                    (c) **C, M, and PDR Districts** Specific Controls. An antenna or a microwave or satellite  
15 dish shall be permitted in, C, M, and PDR Districts, except PDR-1-B Districts, without regard  
16 to the height of such antenna or microwave or satellite dish and without regard to the  
17 proximity of such antenna or microwave or satellite dish to any R District, if the following  
18 requirements are met:

19                    (1) the antenna or dish will be used for the reception of indoor wireless,  
20 microwave, radio, satellite, or television broadcasts for the exclusive benefit of the residents  
21 or occupants in the building on which the facility is placed; *and*

22                    (2) the antenna or dish is an accessory use to a lawful principal or conditional  
23 use; *and*  
24  
25

(3) the antenna or dish shall comply with any applicable design review criteria, including but not limited to any applicable design review criteria contained in the Wireless Telecommunications Services Facility Siting Guidelines.

\* \* \* \*

**SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

\* \* \* \*

**Table 209.1**

**ZONING CONTROL TABLE FOR RH DISTRICTS**

<b>Zoning Category</b>	<b>§ References</b>	<b>RH-1(D)</b>	<b>RH-1</b>	<b>RH-1(S)</b>	<b>RH-2</b>	<b>RH-3</b>
* * * *						
Agricultural Uses*	§§ 102, 202.2(c)	C	C	C	C	C
<u>Agriculture, Industrial</u>	<u>§§ 102, 202.2(c)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Agriculture, Neighborhood	§§ 102, 202.2(c)	P	P	P	P	P
* * * *						

**SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.**

\* \* \* \*

**Table 209.2**

**ZONING CONTROL TABLE FOR RM DISTRICTS**

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
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\* \* \* \*

<b>Agricultural Use Category</b>					
Agricultural Uses*	§§ 102, 202.2(c)	C	C	C	C
<i>Agriculture, Industrial</i>	§§ 102, 202.2(c)	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Agriculture, Neighborhood	§§ 102, 202.2(c)	P	P	P	P
* * * *					

**SEC. 210.3. PDR DISTRICTS.**

\* \* \* \*

**Table 210.3**

**ZONING CONTROL TABLE FOR PDR DISTRICTS**

Zoning Category	§ References	PDR-1-D	PDR-1-B	PDR-1-G	PDR-2
* * * *					
<b>NON-RESIDENTIAL STANDARDS AND USES</b>					
* * * *					
<b>Industrial Use Category</b>					
* * * *					
<i>Agricultural Food Fiber</i>	§§ 102, 202.2(d)	NP	P	P	P

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and Beverage Processing 1					
<u>Agricultural</u> <u>Food Fiber</u> and Beverage Processing 2	§§ 102, 202.2(d)	NP	C	C	C
<b>Institutional Use Category</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	<u>NPP (1)</u>	<u>NPP (10)</u>	<u>NPP (9)</u>	<u>NPP (1)</u>
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Category</b>					
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P (1)	P (10)	P (9)	P (1)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§ 102,</u> <u>202.2(a)</u>	<u>P (1)(21)</u>	<u>P (10)(21)</u>	<u>P (9)(21)</u>	<u>P (1)(21)</u>
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

1 (21) Cannabis Retail is only permitted where (a) the Cannabis Retail establishment holds a valid  
2 Cannabis Microbusiness permit from the City's Office of Cannabis, and (b) the Cannabis Retail Use  
3 occupies no more than 1/3 of the total floor area occupied by the PDR and Cannabis Retail Uses on  
4 the premises.

5 **SEC. 303. CONDITIONAL USES.**

6 \* \* \* \*

7 **(~~1~~) Affordable Housing Bonus Projects.** The purpose of this Section is to ensure  
8 that all HOME-SF Projects under Section 206.3 and all Analyzed State Density Bonus  
9 Program Projects under Section 206.5 are reviewed in coordination with priority processing  
10 available for certain projects with greater levels of affordable housing. While most projects in  
11 the Program will likely be somewhat larger than their surroundings in order to facilitate  
12 higher levels of affordable housing, the Planning Commission and Department shall ensure  
13 that each project is consistent with the Affordable Housing Bonus Design Guidelines and  
14 any other applicable design guidelines, as adopted and periodically amended by the  
15 Planning Commission, so that projects respond to their surrounding context, while still  
16 meeting the City's affordable housing goals.

17 \* \* \* \*

18 (2) Exceptions. This subsection (~~v~~)(2) shall not apply to State Analyzed  
19 projects. As a component of the review process under this Section 303(~~v~~), the Planning  
20 Commission may grant minor exceptions to the provisions of this Code as provided for  
21 below, in addition to the development bonuses granted to the project in Section 206.3(d).  
22 Such exceptions, however, should only be granted to allow building mass to appropriately  
23 shift to respond to surrounding context, and only when the Planning Commission finds that  
24 such modifications: (1) do not substantially reduce or increase the overall building envelope  
25

1 permitted by the Program under Sections 206.3; and (2) are consistent with the Affordable  
2 Housing Bonus Design Guidelines. These exceptions may include:

3 \* \* \* \*

4 (F) Where not specified elsewhere in this subsection (v)(2),  
5 modification of other Code requirements that could otherwise be modified as a Planned Unit  
6 Development (as set forth in Section 304), irrespective of the zoning district in which the  
7 property is located.

8 \* \* \* \*

9 (3) **Additional Criteria.** In addition to the criteria set forth in subsection (c)(2),  
10 the Planning Commission shall consider the extent to which the following criteria are met:

11 \* \* \* \*

12 (F) whether any existing commercial or retail uses has been  
13 designated, or is eligible to be designated, as a Legacy Business under Administrative Code  
14 Section 2A.242; or is a formula retail business.

15 \* \* \* \*

16 **(w) Cannabis Retail.**

17 With respect to any application for the establishment of a new Cannabis Retail Use, in  
18 addition to the criteria set forth in subsections (c) and (d) above, the Commission shall consider the  
19 geographic distribution of Cannabis Retail Uses throughout the City, the balance of other goods and  
20 services available within the general proximity of the proposed Cannabis Retail Use, any increase in  
21 youth access and exposure to cannabis at nearby facilities that primarily serve youth, and any  
22 proposed measures to counterbalance any such increase.

23 **SEC. 303.1. FORMULA RETAIL USES.**

24 \* \* \* \*

1 (c) "Retail Sales or Service Activity or Retail Sales or Service Establishment."

2 For the purposes of this Section 303.1, a retail sales or service activity or retail sales or  
3 service establishment shall include the following uses, whether functioning as a principal or  
4 accessory use, as defined in Articles 1, 2, 7, and 8 of this Code:

5 \* \* \* \*

6 Tourist Oriented Gift Store §§ 102, 890.39; ~~and~~

7 Non-Auto Vehicle Sales or Rental §§ 102, 890.69; and

8 Cannabis Retail §§ 102, 890.125.

9 \* \* \* \*

10 SECTION 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN  
11 NEIGHBORHOODS MIXED USE DISTRICTS.

12 \* \* \* \*

13 (c) Changes of Use.

14 (1) NC Districts. In NC Districts, all building permit applications for a change of  
15 use to, or the establishment of, the following uses shall be subject to the provisions of subsection  
16 312(d) except as stated below:

17 ~~an~~ Adult Business;

18 Bar;

19 Cannabis Retail

20 Child Care Facility;

21 General Entertainment;

22 Group Housing;

23 Limited Restaurant;

24 Liquor Store;

25 Restaurant;

1            Message Establishment;  
2            Medical Cannabis Dispensary  
3            Nighttime Entertainment;  
4            Outdoor Activity Area;  
5            Post-Secondary Educational Institution;  
6            Private Community Facility;  
7            Public Community Facility;  
8            Religious Institution;  
9            Residential Care Facility;  
10           Restaurant  
11           School;  
12           Tobacco Paraphernalia Establishment; ~~or~~  
13           Trade School ~~shall be subject to the provisions of Subsection 312(d);~~

14 ~~provided, h~~ However, ~~that~~ a change of use from a Restaurant to a Limited-Restaurant shall  
15 not be subject to the provisions of subsection 312(d). In addition, any accessory massage  
16 use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the  
17 provisions of subsection 312(d).

18            **(2) Eastern Neighborhoods Districts.** In all ~~RED and~~ Eastern Neighborhoods  
19 Mixed Use Districts all building permit applications for a change of use from any one land  
20 use category to another land use category or for the establishment of a new Cannabis Retail or  
21 Medical Cannabis Dispensary Use shall be subject to the provisions of ~~S~~ subsection 312(d). For  
22 the purposes of this subsection (c), "land use category" shall mean those categories used to  
23 organize the individual land uses which appear in the use tables in Article 8, immediately  
24 preceding a group of individual land uses, ~~and include the~~ including but not limited to the  
25 following: Residential Use<sub>1</sub>; Institutional Use<sub>1</sub>; Retail Sales and Service Use<sub>1</sub>; ~~a~~ Assembly,



1 Recreation, Arts and Entertainment Use; Office Use; Live/Work Units Use; ~~Motor~~ Vehicle  
 2 Services Use; Vehicle Parking Use; Industrial Use; ~~Home~~ and ~~Business~~ Service Use;  
 3 or ~~Other~~ Use.

4 \* \* \* \*

5 **SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

6 \* \* \* \*

7 (d) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1  
 8 (Accessory Uses for Dwelling Units in R and NC Districts), 204.4 (Dwelling Units Accessory  
 9 to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code,  
 10 Accessory Uses as defined in Section 102 shall be permitted when located on the same lot.  
 11 Any use that does not qualify as an Accessory Use shall be classified as a Principal or  
 12 Conditional Use unless it qualifies as a temporary use under Sections 205 through 205.4 of  
 13 this Code.

14 No Use will be considered accessory to a permitted Principal or Conditional Use that  
 15 involves or requires any of the following:

16 \* \* \* \*

17 (9) Cannabis Retail that does not meet the limitations set forth in Section 204.3(a)(3).

18 \* \* \* \*

19 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

20 \* \* \* \*

21 **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**

22 **ZONING CONTROL TABLE**

23 \* \* \* \*

Zoning Category	§ References	Controls
* * * *	* * * *	* * * *

NON-RESIDENTIAL USES	Controls by Story			
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +

Agricultural Use Category				
---------------------------	--	--	--	--

* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>	§§ 102,	NP	NP	NP
<i>Industrial</i>	202.2(c)			
* * * *				

Institutional Use Category				
----------------------------	--	--	--	--

* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102,	NP(4)	NP	NP
	202.2(e)			
* * * *	* * * *	* * * *	* * * *	* * * *
Residential Care Facility	§ 102	P	P(54)	P(54)
* * * *				

Sales and Service Use Category				
--------------------------------	--	--	--	--

* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202.2(a)	NP	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

Utility and Infrastructure Use Category				
---	--	--	--	--

Utility and Infrastructure*	§ 102	C(65)	C(65)	C(65)
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

1 ~~(4) Permitted with DR if the Medical Cannabis Dispensaries can demonstrate to the Planning~~  
2 ~~Department they were in operation as of April 1, 2005 and have remained in continuous operation~~  
3 ~~and have obtained a final permit to operate by March 1, 2008.~~

4 (~~5~~) C required for 7 or more persons.

5 (~~6~~) C if a Macro WTS Facility; P if a Micro WTS Facility.

6

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

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**Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**

10

**ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
<b>NON-RESIDENTIAL USES</b>		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +

* * * *				
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture,</i>				
<i>Industrial</i>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	DR	NP
* * * *	* * * *	* * * *	* * * *	* * * *

Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202(a)	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

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

\* \* \* \*

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

\* \* \* \*

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +

\* \* \* \*

Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture,</i>				
<i>Industrial</i>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				

Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis	§§ 102, 202.2(e)	DR	DR	<del>DR</del> NP
Dispensary				

* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

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

\* \* \* \*

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

\* \* \* \*

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture.</i>				
<i>Industrial</i>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP

* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<i>NP</i>
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

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

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *

1	Medical Cannabis Dispensary	§§ 102,	DR	<u>NPDR</u>	NP
2		202.2(e)			
3	* * * *	* * * *	* * * *	* * * *	* * * *
4	<b>Sales and Service Use Category</b>				
5	* * * *	* * * *	* * * *	* * * *	* * * *
6	<u>Cannabis Retail</u>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
7	* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

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

\* \* \* \*

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

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture,</u>	§§ 102,			
<u>Industrial</u>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				



* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

**SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture,</u> <u>Industrial</u>	§§102, 202.2(c)	NP	NP	NP

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* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§102, 202.2(e)	DR	<u>NPDR</u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§102,</u> <u>202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

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

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd+</sup>
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *

1	<u>Greenhouse Agriculture,</u>	§§ 102,			
2	<u>Industrial</u>	202.2(c)	NP	NP	NP
3	* * * *				
4	<b>Institutional Use Category</b>				
5	* * * *	* * * *	* * * *	* * * *	* * * *
6	Medical Cannabis	§§ 102,	DR	<u>NPDR</u>	NP
7	Dispensary	202.2(e)			
8	* * * *	* * * *	* * * *	* * * *	* * * *
9	<b>Sales and Service Use Category</b>				
10	* * * *	* * * *	* * * *	* * * *	* * * *
11	<u>Cannabis Retail</u>	§§102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
12	* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

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

\* \* \* \*

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

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				

* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture</u>	§§ 102,			
<u>Industrial</u>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102,	DR	<u>NPDR</u>	NP
	202.2(e)			
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	§§ 102,	<u>C</u>	<u>C</u>	<u>NP</u>
	202.2(a)			
* * * *	* * * *	* * * *	* * * *	* * * *

SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE

Zoning Category	§ References	Controls
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>		
* * * *		
		<b>Controls by Story</b>

		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102,	DR	<i>NPDR</i>	NP
	202.2(e)			
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102,	<i>C</i>	<i>C</i>	<i>NP</i>
	202.2(a)			
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls
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**NON-RESIDENTIAL STANDARDS & USES**

\* \* \* \*

		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102,	DR( <del>+</del> )	DR( <del>+</del> )	DR( <del>+</del> )
	202.2(e)			
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102,	<u>C</u>	<u>C</u>	<u>NP</u>
	202.2(a)			
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

~~(1) MEDICAL CANNABIS DISPENSARIES~~

~~Controls:~~

~~—(a) A Medical Cannabis Dispensary (MCD) seeking to locate within 500 feet of another MCD use may be allowed as a Conditional Use; provided, however, that any amendments to~~

1 ~~regulations governing the proximity of an MCD to another MCD that are applicable to MCDs~~  
2 ~~Citywide shall apply in the Excelsior Outer Mission NCD and will supersede the condition use~~  
3 ~~requirement contained in this Section 745.1~~

4 ~~—(b) In addition to the requirements of Planning Code Section 303, the Planning~~  
5 ~~Commission shall approve the application and authorize the Conditional Use if the facts presented~~  
6 ~~are such to establish that:~~

7 ~~——(i) the MCD will bring measurable community benefits and enhancements to the~~  
8 ~~Excelsior Outer Mission Street Neighborhood Commercial District,~~

9 ~~——(ii) the MCD has prepared a parking and transportation management plan sufficient~~  
10 ~~to address the anticipated impact of its patients,~~

11 ~~——(iii) the MCD has demonstrated a commitment to maintaining public safety by~~  
12 ~~actively engaging with the community prior to applying for the Conditional Use, including adequate~~  
13 ~~security measures in the operation of their business and designating a community liaison to deal~~  
14 ~~effectively with current and future neighborhood concerns.~~

15 ~~—(c) In addition to the above criteria, in regard to a Conditional Use authorization~~  
16 ~~application, the Planning Commission shall consider the existing concentrations of MCDs within the~~  
17 ~~District.~~

18 ~~—(d) A Medical Cannabis Dispensary may only operate between the hours of 8 am and 10~~  
19 ~~pm.~~

20 ~~—(e) A Medical Cannabis Dispensary may locate above the first floor only if it shall be~~  
21 ~~accessible to persons with disabilities as required under the California Building Code.~~

22  
23 **(21) OFF-SALE LIQUOR ESTABLISHMENTS**

24 **Controls:**

1 (a) New Liquor Store uses with Type 20 or Type 21 ABC licenses are not permitted  
2 in the district; provided, however, that any use within the District with an existing Type 20 or  
3 Type 21 ABC license may obtain a new license, if required by the ABC, after it has been  
4 closed temporarily for repair, renovation, remodeling, or reconstruction.

5 (b) Liquor Store uses may relocate within the district with Conditional Use  
6 authorization.

7 (c) General Grocery, Specialty Grocery, and Liquor Store uses with off-sale alcohol  
8 licenses shall observe the following good neighbor policies:

9 (i) Liquor establishments shall provide outside lighting in a manner sufficient  
10 to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain  
11 security, without disturbing area residences;

12 (ii) Advertisements in windows and clear doors are not permitted, and no  
13 more than 25% of the square footage of the windows and clear doors of liquor  
14 establishments shall bear signage of any sort, and all signage shall be placed and  
15 maintained in a manner that ensures that law enforcement personnel have a clear and  
16 unobstructed view of the interior of the premises, including the area in which the cash  
17 registers are maintained, from the exterior public sidewalk or entrance to the premises.

18 (~~3~~) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

19 **Boundaries:** The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties  
20 within the Excelsior Outer Mission Street Neighborhood Commercial District.

21 **Controls:** Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP  
22 pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial  
23 services are P subject to the restrictions set forth in Section 249.35(c)(3).

24 (~~4~~) C if a Macro WTS Facility; P if a Micro WTS Facility.  
25



1 SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

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3 Table 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT  
 4 ZONING CONTROL TABLE

5 \* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
Agricultural Use Category		1 <sup>st</sup> (1)	2 <sup>nd</sup>	3 <sup>rd</sup> +
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture</u> , <u>Industrial</u>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	<u>NPDR</u>	<u>NPDR</u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
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**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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1 SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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3 Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
 4 ZONING CONTROL TABLE

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Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>	§§ 102, 202.2(c)	NP	NP	NP
<i>Industrial</i>				
* * * *				
Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<i>NPDR</i>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>

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**SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102,	DR	<i>NPDR</i>	NP
	202.2(e)			
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				

* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture</u>	§§ 102,			
<u>Industrial</u>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *

Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Medical Cannabis Dispensary</i>	§§ 102, 202.2(e)	<u>DR</u>	<u>DR</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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

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

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>				
<i>Industrial</i>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP



* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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

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

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *



1	Medical Cannabis	§§ 102,	C	<u>APC</u>	NP
2	Dispensary	202.2(e)			
3	* * * *	* * * *	* * * *	* * * *	* * * *
4	<b>Sales and Service Use Category</b>				
5	* * * *	* * * *	* * * *	* * * *	* * * *
6	<u>Cannabis Retail</u>	§§ 102,	<u>C</u>	<u>C</u>	<u>NP</u>
7		202.2(a)			
8	* * * *	* * * *	* * * *	* * * *	* * * *

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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**

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Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture</u>	§§ 102,			
<u>Industrial</u>	202.2(c)	NP	NP	NP
* * * *				

Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
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**SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture,</u> <u>Industrial</u>	§§102, 202.2(c)	NP	NP	NP

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* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§102, 202.2(e)	C	<u>NPC</u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *

1	<u>Greenhouse Agriculture</u>	§§ 102,			
2	<u>Industrial</u>	202.2(c)	NP	NP	NP
3	* * * *				
4	<b>Institutional Use Category</b>				
5	* * * *	* * * *	* * * *	* * * *	* * * *
6	Medical Cannabis	§§ 102,	C	<u>NP</u>	NP
7	Dispensary	202.2(e)			
8	* * * *	* * * *	* * * *	* * * *	* * * *
9	<b>Sales and Service Use Category</b>				
10	* * * *	* * * *	* * * *	* * * *	* * * *
11	<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
12	* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				

* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture,</u>				
<u>Industrial</u>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis	§§ 102, 202.2(e)	C	<u>NP</u>	NP
Dispensary				
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL ~~NEIGHBORHOOD~~  
COMMERCIAL DISTRICT.**

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**Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>		
* * * *		
		<b>Controls by Story</b>

		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture,</u> <u>Industrial</u>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	C	<u>NP<sub>C</sub></u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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

~~—The Noriega Street Neighborhood Commercial District is located in the Outer Sunset neighborhood and includes the non-residential currently zoned NC-2 properties fronting both sides of Noriega Street between 19th and 27th and 30th through 33rd Avenues.~~

~~—The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions.~~

1 ~~The Noriega Street Neighborhood Commercial District controls are designed to promote~~  
2 ~~development that is consistent with its existing land use patterns and to maintain a harmony of uses~~  
3 ~~that support the District's vitality. The building standards allow small-scale buildings and uses,~~  
4 ~~protecting rear yards above the ground story and at residential levels. In new development, most~~  
5 ~~commercial uses are permitted at the first two stories, although certain limitations apply to uses at~~  
6 ~~the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving~~  
7 ~~convenience and comparison shopping businesses and to protect adjacent residential livability. To~~  
8 ~~protect continuous frontage, drive-up uses are prohibited and active, pedestrian-oriented ground~~  
9 ~~floor uses generally must be provided, unless such uses are authorized by Conditional Use. These~~  
10 ~~controls are designed to encourage the street's active retail frontage, and local fabrication and~~  
11 ~~production of goods.~~

12 ~~Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this~~  
13 ~~Code.~~

14 **~~SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.~~**

15 ~~The Irving Street Neighborhood Commercial District is located in the Outer Sunset neighborhood~~  
16 ~~and includes the non-residential currently zoned NC-2 properties fronting both sides of Irving Street~~  
17 ~~between 19th and 27th Avenues. The District provides a selection of convenience goods and services~~  
18 ~~for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing~~  
19 ~~customers from throughout the City and the region. There are also a significant number of~~  
20 ~~professional, realty, and business offices as well as financial institutions.~~

21 ~~The Irving Street Neighborhood Commercial District controls are designed to promote~~  
22 ~~development that is consistent with its existing land use patterns and to maintain a harmony of uses~~  
23 ~~that support the District's vitality. The building standards allow small-scale buildings and uses,~~  
24 ~~protecting rear yards above the ground story and at residential levels. In new development, most~~  
25 ~~commercial uses are permitted at the first two stories, although certain limitations apply to uses at~~

1 ~~the second story. Special controls are necessary to preserve the equilibrium of neighborhood serving~~  
2 ~~convenience and comparison shopping businesses and to protect adjacent residential livability. These~~  
3 ~~controls are designed to encourage the street's active retail frontage, and local fabrication and~~  
4 ~~production of goods.~~

5 ~~Accessory Dwelling Units are permitted within the district pursuant to subsection 207(e)(4) of this~~  
6 ~~Code.~~

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

8 ~~The Taraval Street Neighborhood Commercial District is located in the Outer Sunset neighborhood~~  
9 ~~and includes the non-residential currently zoned NC-2 properties fronting both sides of Taraval~~  
10 ~~Street from 19th through 36th Avenues. The District provides a selection of convenience goods and~~  
11 ~~services for the residents of the Outer Sunset District. There are a high concentration of restaurants,~~  
12 ~~drawing customers from throughout the City and the region. There are also a significant number of~~  
13 ~~professional, realty, and business offices as well as financial institutions.~~

14 ~~The Taraval Street Neighborhood Commercial District controls are designed to promote~~  
15 ~~development that is consistent with its existing land use patterns and to maintain a harmony of uses~~  
16 ~~that support the District's vitality. The building standards allow small scale buildings and uses,~~  
17 ~~protecting rear yards above the ground story and at residential levels. In new development, most~~  
18 ~~commercial uses are permitted at the first two stories, although certain limitations apply to uses at~~  
19 ~~the second story. Special controls are necessary to preserve the equilibrium of neighborhood serving~~  
20 ~~convenience and comparison shopping businesses and to protect adjacent residential livability. These~~  
21 ~~controls are designed to encourage the street's active retail frontage, and local fabrication and~~  
22 ~~production of goods.~~

23 ~~Accessory Dwelling Units are permitted within the district pursuant to subsection 207(e)(4) of this~~  
24 ~~Code.~~

25 **~~SEC. 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.~~**



1 ~~The Judah Street Neighborhood Commercial District is located in the Outer Sunset neighborhood~~  
2 ~~and includes the non-residential currently-zoned NC-2 properties fronting both sides of Judah Street~~  
3 ~~from 29th through 33rd Avenues. The District provides a selection of convenience goods and services~~  
4 ~~for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing~~  
5 ~~customers from throughout the City and the region. There are also a significant number of~~  
6 ~~professional, realty, and business offices as well as financial institutions.~~

7 ~~The Judah Street Neighborhood Commercial District controls are designed to promote~~  
8 ~~development that is consistent with its existing land use patterns and to maintain a harmony of uses~~  
9 ~~that support the District's vitality. The building standards allow small scale buildings and uses,~~  
10 ~~protecting rear yards above the ground story and at residential levels. In new development, most~~  
11 ~~commercial uses are permitted at the first two stories, although certain limitations apply to uses at~~  
12 ~~the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving~~  
13 ~~convenience and comparison shopping businesses and to protect adjacent residential livability. These~~  
14 ~~controls are designed to encourage the street's active retail frontage, and local fabrication and~~  
15 ~~production of goods.~~

16 ~~Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this~~  
17 ~~Code.~~

18 **~~SEC. 745. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL~~**  
19 **~~DISTRICT.~~**

20 ~~The Excelsior Outer Mission Street Neighborhood Commercial District is located along Mission~~  
21 ~~Street between Alemany Boulevard and the San Francisco-San Mateo county line. Outer Mission~~  
22 ~~Street is mixed use, combining street fronting retail businesses on the ground floor and housing on~~  
23 ~~upper floors. The range of comparison goods and services offered is varied and often includes~~  
24 ~~specialty retail stores, restaurants, and neighborhood-serving offices. The area is transit-oriented~~  
25

1 ~~and the commercial uses serve residents of the area as well as residents and visitors from adjacent~~  
2 ~~and other neighborhoods.~~

3 ~~—The Excelsior Outer Mission Street Neighborhood Commercial District is intended to provide~~  
4 ~~convenience goods and services to the surrounding neighborhoods as well as limited comparison~~  
5 ~~shopping goods for a wider market. Housing development in new buildings is encouraged above the~~  
6 ~~second story. Existing residential units are protected by limitations on demolitions and upper-story~~  
7 ~~conversions. Parking for residential and commercial uses is not required. Buildings range in height,~~  
8 ~~with height limits generally allowing up to four stories. Lots vary in size, generally small- or medium-~~  
9 ~~sized with some very large parcels. Accessory Dwelling Units are permitted within the district~~  
10 ~~pursuant to subsection 207(c)(4) of this Code.~~

11 **~~SEC. 748. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.~~**

12 ~~—The Japantown Neighborhood Commercial District extends between Geary Boulevard and Post~~  
13 ~~Street from Fillmore Street to Laguna Street, the north side of Post Street from Webster Street to~~  
14 ~~Laguna Street, and Buchanan Street from Post Street to midway between Sutter Street and Bush~~  
15 ~~Street. The character of these streets is largely commercial, including large malls, although there are~~  
16 ~~some residential units above the ground story. Buildings are typically two to four stories, although~~  
17 ~~there are two taller hotels. Geary Boulevard, Fillmore Street, and Sutter Street are important public~~  
18 ~~transit corridors. The commercial district provides convenience goods and services to the~~  
19 ~~surrounding neighborhoods as well as shopping, cultural, and entertainment uses that attract visitors~~  
20 ~~from near and far.~~

21 ~~—The Japantown Neighborhood Commercial District controls are designed to encourage and~~  
22 ~~promote development that enhances the walkable, commercial character of this area and to support~~  
23 ~~its local and regional role. New commercial development is required on the ground floor and~~  
24 ~~permitted above. Most neighborhood- and visitor-serving businesses are strongly encouraged,~~  
25 ~~including eating, drinking, and retail uses, as long as they do not create a nuisance. Less active~~

1 ~~commercial uses are encouraged above the ground floor, along with housing and institutional uses.~~  
 2 ~~Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this~~  
 3 ~~Code.~~

4 **SEC. 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.**

5 \* \* \* \*

6 **Table 750. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1**  
 7 **ZONING CONTROL TABLE**

8 \* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture,</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis	§§ 102,	<i>DRNP</i>	NP	NP
Dispensary	202.2(e)			
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				

* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	§§ 102, 202.2(a)	NP	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 751. NCT-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture</u> , <u>Industrial</u>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP

* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 752. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture</u>	§§ 102,			
<u>Industrial</u>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *

1	Medical Cannabis	§§ 102,	DR	<u>NPDR</u>	NP
2	Dispensary	202.2(e)			
3	* * * *	* * * *	* * * *	* * * *	* * * *
4	<b>Sales and Service Use Category</b>				
5	* * * *	* * * *	* * * *	* * * *	* * * *
6	<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
7	* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse-Agriculture,</u>	§§ 102,			
<u>Industrial</u>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				

* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture,</u> <u>Industrial</u>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				

Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<i>NPDR</i>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	<i>§§102, 202.2(a)</i>	<i>C</i>	<i>C</i>	<i>NP</i>
* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *



1	<i>Greenhouse-Agriculture,</i>	§§ 102,			
2	<i>Industrial</i>	202.2(c)	NP	NP	NP
3	* * * *				
4	<b>Institutional Use Category</b>				
5	* * * *	* * * *	* * * *	* * * *	* * * *
6	Medical Cannabis Dispensary	§§102,	DR	<i>NPDR</i>	NP
7		202.2(e)			
8	* * * *	* * * *	* * * *	* * * *	* * * *
9	<b>Sales and Service Use Category</b>				
10	* * * *	* * * *	* * * *	* * * *	* * * *
11	<i>Cannabis Retail</i>	<i>§§ 102, 202.2(a)</i>	<i>C</i>	<i>C</i>	<i>NP</i>
12	* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				

1	* * * *	* * * *	* * * *	* * * *	* * * *
2	<u>Greenhouse Agriculture,</u>				
3	<u>Industrial</u>	§§ 102, 202.2(c)	NP	NP	NP
4	* * * *				
5	<b>Institutional Use Category</b>				
6	* * * *	* * * *	* * * *	* * * *	* * * *
7	Medical Cannabis	§§ 102, 202.2(e)	DR	<del>NPDR</del>	NP
8	Dispensary				
9	* * * *	* * * *	* * * *	* * * *	* * * *
10	<b>Sales and Service Use Category</b>				
11	* * * *	* * * *	* * * *	* * * *	* * * *
12	<u>Cannabis Retail</u>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
13	* * * *	* * * *	* * * *	* * * *	* * * *

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19 //  
20 //  
21 //  
22 //  
23 //  
24 //  
25 //

1 SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

2 \* \* \* \*

3 Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
 4 ZONING CONTROL TABLE

5 \* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture,</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Medical Cannabis Dispensary</i>	§§ 102, 202.2(e)	<i>DR</i>	<i>DR</i>	<i>NP</i>
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202.2(a)	<i>C</i>	<i>C</i>	<i>NP</i>
* * * *	* * * *	* * * *	* * * *	* * * *

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1 SEC. 758. REGIONAL COMMERCIAL DISTRICT.

2 \* \* \* \*

3 Table 758. REGIONAL COMMERCIAL DISTRICT  
 4 ZONING CONTROL TABLE

5 \* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture,</u>				
<u>Industrial</u>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				
Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Medical Cannabis</u>	§§ 102, 202.2(e)	<u>DR</u>	<u>DR</u>	<u>NP</u>
<u>Dispensary</u>				
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

1 \* \* \* \*

2 **SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

3 **DISTRICT.**

4 \* \* \* \*

5 **Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

6 **DISTRICT**

7 **ZONING CONTROL TABLE**

8 \* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture,</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis	§§ 102,	DR	<i>NPDR</i>	NP
Dispensary	202.2(e)			
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				

* * * *	* * * *	* * * *	* * * *	* * * *
<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture</u>	§§ 102,			
<u>Industrial</u>	202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP
* * * *	* * * *	* * * *	* * * *	* * * *

Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		Controls by Story		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>	§§ 102,			
<i>Industrial</i>	202.2(c)	NP	NP	NP
* * * *				
Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<del>NPDR</del>	NP



* * * *	* * * *	* * * *	* * * *	* * * *
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	§§ 102, 202.2(a)	<u>C</u>	<u>C</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 762. VALENCIA STREET NEIGHBORHOOD TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Greenhouse Agriculture</i>				
<i>Industrial</i>	§§ 102, 202.2(c)	NP	NP	NP
* * * *				
<b>Institutional Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *



1	Medical Cannabis	§§ 102, 202.2(e)	DR	<u>NPDR</u>	NP
2	Dispensary				
3	* * * *	* * * *	* * * *	* * * *	* * * *
4	<b>Sales and Service Use Category</b>				
5	* * * *	* * * *	* * * *	* * * *	* * * *
6	<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>	<u>C</u>	<u>NP</u>
7	* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 763. 24TH STREET-MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 763. 24TH STREET -MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
* * * *				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd+</sup>
<b>Agricultural Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<u>Greenhouse Agriculture</u>	§§ 102,			
<u>Industrial</u>	202.2(c)	NP	NP	NP
* * * *				

Institutional Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
Medical Cannabis Dispensary	§§ 102, 202.2(e)	DR	<i>NPDR</i>	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Cannabis Retail</i>	<i>§§ 102, 202.2(a)</i>	<i>C</i>	<i>C</i>	<i>NP</i>
* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS &amp; USES</b>				
		<b>Controls by Story</b>		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Agricultural Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *

1	<i>Greenhouse Agriculture,</i>	§§ 102,			
2	<i>Industrial</i>	202.2(c)	NP	NP	NP
3	* * * *				
4	<b>Institutional Use Category</b>				
5	* * * *	* * * *	* * * *	* * * *	* * * *
6	Medical Cannabis	§§ 102,	DR	<i>NPDR</i>	NP
7	Dispensary	202.2(e)			
8	* * * *	* * * *	* * * *	* * * *	* * * *
9	<b>Sales and Service Use Category</b>				
10	* * * *	* * * *	* * * *	* * * *	* * * *
11	<i>Cannabis Retail</i>	<i>§§ 102, 202.2(a)</i>	<i>C</i>	<i>C</i>	<i>NP</i>
12	* * * *	* * * *	* * * *	* * * *	* * * *

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**SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

\* \* \* \*

**TABLE 803.2 USE CATEGORIES PERMITTED IN THE CHINATOWN MIXED USE DISTRICTS**

<i>No.</i>	<i>Zoning Control Categories for Uses</i>	<i>Section Number of Use Definition</i>
* * * *	* * * *	* * * *
<i>803.2.75</i>	<i>Cannabis Retail</i>	<i>§ 890.125</i>
* * * *	* * * *	* * * *

(b) **Use Limitations.** Uses in Chinatown Mixed Use Districts are either permitted, conditional, accessory, temporary, or are not permitted.

1 (1) **Permitted Uses.** All permitted uses in Chinatown Mixed Use Districts shall  
2 be conducted within an enclosed building, unless otherwise specifically allowed in this Code.  
3 Exceptions from this requirement are: accessory off-street parking and loading; uses which,  
4 when located outside of a building, qualify as an outdoor activity area, as defined in Section  
5 890.71 of this Code; Neighborhood Agriculture, as defined in Section 102 of this Code;  
6 Wireless Telecommunications Services Facility, as defined in Section 102 of this Code; and  
7 uses which by their nature are to be conducted in an open lot or outside a building, as  
8 described in Sections 890 through 890.140 of this Code. If there are two or more uses in a  
9 structure and none is classified under Section 803.2(b)(1)(C) of this Code as accessory,  
10 then each of these uses will be considered separately as an independent permitted,  
11 conditional, temporary, or not permitted use.

12 \* \* \* \*

13 (C) **Accessory Uses.** Subject to the limitations set forth below and in  
14 Sections 204.1 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and  
15 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to  
16 the operation or enjoyment of a lawful pPrincipal uUse or eConditional uUse or is  
17 appropriate, incidental, and subordinate to any such use, shall be permitted in Chinatown  
18 Mixed Use Districts as an aAccessory uUse when located on the same lot. Any uUse not  
19 qualified as an aAccessory uUse shall only be allowed as a pPrincipal or eConditional uUse,  
20 unless it qualifies as a temporary use under Sections 205 through 205.2 of this Code.

21 No use in a Chinatown Mixed Use District will be considered accessory to a  
22 pPrincipal uUse which involves or requires any of the following:

23 \* \* \* \*

24 (vii) Cannabis Retail that does not meet the limitations set forth in  
25 Section 204.3(a)(3).

1 \* \* \* \*

2 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**  
3 **DISTRICTS AND SOUTH OF MARKET MIXED USE DISTRICTS.**

4 \* \* \* \*

5 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts and South  
6 of Market Mixed Use Districts are either Principally Permitted, Conditional, Accessory,  
7 temporary, or are not permitted.

8 (1) **Permitted Uses.** If there are two or more uses in a structure, any use not  
9 classified below under Section 803.3(b)(1)(C) of this Code as accessory will be considered  
10 separately as an independent permitted, eConditional, temporary or not permitted use.

11 \* \* \* \*

12 (C) **Accessory Uses.** Subject to the limitations set forth below and in  
13 Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory  
14 Uses for Uses Other Than Dwellings in R Districts), 204.4 (Dwelling Units Accessory to  
15 Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an  
16 accessory use is a related minor use which is either necessary to the operation or  
17 enjoyment of a lawful pPrincipal use or Conditional Use, or is appropriate, incidental, and  
18 subordinate to any such use, and shall be permitted as an accessory use in an Eastern  
19 Neighborhoods Mixed Use District and South of Market Mixed Use District. In order to  
20 accommodate a pPrincipal use which is carried out by one business in multiple locations  
21 within the same general area, such accessory use need not be located in the same  
22 structure or lot as its pPrincipal use provided that (1) the accessory use is located within  
23 1,000 feet of the pPrincipal use; and (2) the multiple locations existed on April 6, 1990 ~~(the~~  
24 ~~effective date of this amendment)~~. accessory uses to non-office uses (as defined in Section  
25 890.70) may occupy space which is non-contiguous or on a different Story as the pPrincipal

1 uUse so long as the aAccessory uUse is located in the same building as the pPrincipal uUse  
 2 and complies with all other restrictions applicable to such aAccessory uUses. Any use which  
 3 does not qualify as an aAccessory uUse shall be classified as a pPrincipal uUse.

4 No use will be considered accessory to a pPrincipal uUse which involves or requires  
 5 any of the following:

6 \* \* \* \*

7 *(vii) Cannabis Retail that does not meet the limitations set forth in*  
 8 Section 204.3(a)(3).

9 \* \* \* \*

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

11 \* \* \* \*

12 **Table 810**

13 **CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Chinatown Community Business Controls by Story		
			1st	2nd	3rd+
<b>Retail Sales and Services</b>					
* * *	* * * *	* * * *	* * * *	* * * *	* * * *
* .75	<i>Cannabis Retail</i>	<u>§§ 202.2(a), 890.125</u>	<i>C</i>	<i>C</i>	
	* * * *	* * * *	* * * *	* * * *	* * * *

22 \* \* \* \*

24 **SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

\* \* \* \*

Table 811

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

\* \* \* \*

No.	Zoning Category	§ References	Chinatown Visitor Retail Controls by Story		
			1st	2nd	3rd+
<b>Retail Sales and Services</b>					
* *	* * * *	* * * *	* * * *	* * * *	* * * *
* *	* * * *	* * * *	* * * *	* * * *	* * * *
.75	<u>Cannabis Retail</u>	<u>§§ 202.2(a), 890.125</u>	<u>C</u>	<u>C</u>	
	* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

\* \* \* \*

Table 812

CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

\* \* \* \*

No.	Zoning Category	§ References	Chinatown Residential Neighborhood Commercial Controls by Story		
			1st	2nd	3rd+

<b>Retail Sales and Services</b>					
* *					
* *	* * * *	* * * *	* * * *	* * * *	* * * *
*					
.75	<i>Cannabis Retail</i>	<u>§§ 202.2(a), 890.125</u>	<u>C</u>		
	* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 813. RED – RESIDENTIAL ENCLAVE DISTRICT.**

\* \* \* \*

<b>Table 813</b>			
<b>RED – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE</b>			
<i>No.</i>	<i>Zoning Category</i>	<i>§ References</i>	<i>Residential Enclave Controls</i>

\* \* \* \*

<b>Other Uses</b>			
* * * *	* * * *	* * * *	* * * *
813.71	<i>Greenhouse or Plant Nursery</i> <i>Industrial Agriculture</i>	<u>§ 227(a)102</u>	NP
* * * *	* * * *	* * * *	* * * *
813.74A	Neighborhood Agriculture	<u>§ 102.35(a)</u>	P
813.74B	Large-Scale Urban Agriculture	<u>§ 102.35(b)</u>	NP
* * * *	* * * *	* * * *	* * * *

\* \* \* \*



1 SEC. 814. SPD – SOUTH PARK DISTRICT.

2 \* \* \* \*

3 Table 814

4 SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	South Park District Controls
* * * *	* * * *	* * * *	* * * *
<b>Retail Sales and Services</b>			
814.31	All Retail Sales and Services, Except for Bars, <i>and</i> Liquor Stores <i>and Cannabis Retail</i>	§§ <u>102.890.104</u> , 890.116	P up to 5,000 sf per lot
* * * *	* * * *	* * * *	* * * *
<u>814.75</u>	<u>Cannabis Retail</u>	§§ <u>202.2(a)</u> , <u>890.125</u>	<u>C up to 5,000 sf per lot</u>
* * * *	* * * *	* * * *	* * * *
<b>Other Uses</b>			
* * * *	* * * *	* * * *	* * * *
814.74A	<i>Greenhouse or Plant Nursery-Industrial Agriculture</i>	§ <u>227(a)102</u>	NP

1	814.74B	Neighborhood Agriculture	§ 102.35(a)	P
2				
3	814.74C	Large-Scale Urban Agriculture	§ 102.35(b)	C
4				
5	* * * *	* * * *	* * * *	* * * *

6 \* \* \* \*

7 **SEC. 815. RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT.**

8 \* \* \* \*

9 Table 815			
10 RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE			
11 No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
12 * * * *			
13			
14 <b>Retail Sales and Services</b>			
15 815.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited-Restaurants, Restaurants, <i>Cannabis Retail</i> and Personal Services	§§ 102, 890.104	P, pursuant to § 803.8(c)
16			
17			
18			
19	* * * *	* * * *	* * * *
20			
21 <b>Other Uses</b>			
22	* * * *	* * * *	* * * *
23	815.74A <i>Greenhouse or Plant Nursery Industrial Agriculture</i>	§ 227(a)102	NP
24	815.74B Neighborhood Agriculture	§ 102.35(a)	P
25	815.74C Large-Scale Urban Agriculture	§ 102.35(b)	C

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**SEC. 816. SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT.**

\* \* \* \*

Table 816 SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Service/Light Industrial/ Residential Mixed Use District Controls
	* * * *		
<b>Retail Sales and Services</b>			
816.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited-Restaurants, Restaurants, <i>Cannabis Retail</i> , and Personal Services	§§ 102, 890.104	P
	* * * *	* * * *	* * * *
<b>Other Uses</b>			
	* * * *	* * * *	* * * *
816.74A	<i>Greenhouse or Plant Nursery Industrial Agriculture</i>	§ 227(a)102	NP
816.74B	Neighborhood Agriculture	§ 102.35(a)	P

1	816.74C	Large-Scale Urban Agriculture	§ 102.35(b)	C
2		* * * *	* * * *	* * * *

3 \* \* \* \*

4 **SEC. 817. SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT.**

5 \* \* \* \*

6 *Table 817*

7 **SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

8	No.	Zoning Category	§ References	Service/Light Industrial District Controls
9				
10	* * * *	* * * *	* * * *	* * * *
11	<b>Retail Sales and Services</b>			
12	817.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited-Restaurants, Restaurants, <u>Cannabis Retail</u> , and Personal Services	§§ 102, 890.104P	
13				
14	* * * *	* * * *	* * * *	* * * *
15	<b>Other Uses</b>			
16	* * * *	* * * *	* * * *	* * * *
17				
18	* * * *	* * * *	* * * *	* * * *
19				
20	* * * *	* * * *	* * * *	* * * *
21				
22	* * * *	* * * *	* * * *	* * * *
23				
24	* * * *	* * * *	* * * *	* * * *
25				

1		<del>Greenhouse or Plant</del>		
2	817.74A	<del>Nursery Industrial</del>	§ <del>227(a)</del> 102	P
3		<del>Agriculture</del>		
4	817.74B	Neighborhood	§ 102.35(a)	P
5		Agriculture		
6	817.74C	Large-Scale Urban	§ 102.35(b)	C
7		Agriculture		
8	* * * *	* * * *	* * * *	* * * *

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**SEC. 818. SSO – SERVICE/SECONDARY OFFICE DISTRICT.**

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Table 818			
SSO – SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Service/Secondary Office District Controls
* * * *	* * * *	* * * *	* * * *
<b>Retail Sales and Services</b>			
818.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited-	§§ <u>102</u> , 890.104	P

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	Restaurants, Restaurants, <i>Cannabis</i> <i>Retail</i> , and Personal Services		
* * * *	* * * *	* * * *	* * * *
<b>Other Uses</b>			
* * * *	* * * *	* * * *	* * * *
818.74A	<i>Greenhouse or Plant</i> <i>Nursery-Industrial</i> <i>Agriculture</i>	§ <del>227(a)</del> 102	P
818.74B	Neighborhood Agriculture	§ <del>102.35(a)</del>	P
818.74C	Large-Scale Urban Agriculture	§ <del>102.35(b)</del>	C
* * * *	* * * *	* * * *	* * * *

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**SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

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Table 840			
MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-General District Controls
* * * *			
<b>Institutions</b>			
* * * *	* * * *	* * * *	* * * *
840.36	Medical Cannabis Dispensary	§ 890.133	MP
* * * *	* * * *	* * * *	* * * *
<b>Retail Sales and Services</b>			
* * * *	* * * *	* * * *	* * * *
<u>840.52</u>	<u>Cannabis Retail</u>	<u>§§ 202.2(a), 890.125</u>	<u>C. Subject to size controls in Section 840.45.</u>
* * * *	* * * *	* * * *	* * * *
<b>Industrial, Home, and Business Service</b>			
* * * *	* * * *	* * * *	* * * *
840.87	<u>Non-Retail Greenhouse or Plant Nursery Industrial Agriculture</u>	§ <u>227(a)102</u>	P
<b>Other Uses</b>			
* * * *	* * * *	* * * *	* * * *

840.97B	Neighborhood Agriculture	§ 102.35(a)	P
840.97C	Large-Scale Urban Agriculture	§ 102.35(b)	C
* * * *	* * * *	* * * *	* * * *

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**SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

\* \* \* \*

Table 841			
MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	<i>Mixed Use- Residential District Controls</i>
* * * *			
<b>Institutions</b>			
* * * *	* * * *	* * * *	* * * *
841.36	Medical Cannabis Dispensary	§ 890.133	AP
* * * *	* * * *	* * * *	* * * *
<b>Industrial, Home, and Business Service</b>			
* * * *	* * * *	* * * *	* * * *
841.87	<i>Non-Retail Greenhouse or Plant Nursery</i> <i>Industrial Agriculture</i>	§ 227(a)102	P
<b>Other Uses</b>			



* * * *	* * * *	* * * *	* * * *
841.97B	Neighborhood Agriculture	§ 102.35(a)	P
841.97C	Large-Scale Urban Agriculture	§ 102.35(b)	C
* * * *	* * * *	* * * *	* * * *

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**SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.**

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Table 842			
MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	<i>Mixed Use-Office District Controls</i>
* * * *			
<b>Institutions</b>			
* * * *	* * * *	* * * *	* * * *
842.36	Medical Cannabis Dispensary	§ 890.133	AP
* * * *	* * * *	* * * *	* * * *
<b>Industrial, Home, and Business Service</b>			
* * * *	* * * *	* * * *	* * * *
842.87	<i>Non-Retail Greenhouse or Plant Nursery</i> <i>Industrial Agriculture</i>	§ 227(a)102	P
<b>Other Uses</b>			
* * * *	* * * *	* * * *	* * * *

842.97B	Neighborhood Agriculture	§ 102.35(a)	P
842.97C	Large-Scale Urban Agriculture	§ 102.35(b)	C
* * * *	* * * *	* * * *	* * * *

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**SEC. 843. UMU – URBAN MIXED USE DISTRICT.**

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<b>Table 843</b>			
<b>UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE</b>			
<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b>Urban Mixed Use District Controls</b>
* * * *			
<b>Institutions</b>			
* * * *	* * * *	* * * *	* * * *
843.36	Medical Cannabis Dispensary	§ 890.133	AP
* * * *	* * * *	* * * *	* * * *
<b>Industrial, Home, and Business Service</b>			
* * * *	* * * *	* * * *	* * * *
843.87	<del>Non-Retail Greenhouse or</del> <del>Plant Nursery Industrial</del> <u>Agriculture</u>	§ 227(a)102	P
<b>Other Uses</b>			
* * * *	* * * *	* * * *	* * * *

843.97B	Neighborhood Agriculture	§ 102.35(a)	P
843.97C	Large-Scale Urban Agriculture	§ 102.35(b)	C
* * * *	* * * *	* * * *	* * * *

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**SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

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<b>Table 844</b>			
<b>WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE</b>			
<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b>WSoMa Mixed Use-Residential District Controls</b>
* * * *			
<b>Institutions</b>			
* * * *	* * * *	* * * *	* * * *
843.36	Medical Cannabis Dispensary	§ 890.133	AP
* * * *	* * * *	* * * *	* * * *
<b>Industrial, Home, and Business Service</b>			
* * * *	* * * *	* * * *	* * * *
844.87	<del>Non-Retail Greenhouse or Plant Nursery-Industrial</del> Agriculture	§ 227(a)102	P

<b>Other Uses</b>			
* * * *	* * * *	* * * *	* * * *
844.97b	Neighborhood Agriculture	§ 102.35(a)	P
844.97c	Large-Scale Urban Agriculture	§ 102.35(b)	NP
* * * *	* * * *	* * * *	* * * *

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**SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

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<b>Table 845</b>			
<b>WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE</b>			
<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b><i>WSOMA/WSoma Mixed Use-Office District Controls</i></b>
* * * *			
<b>Institutions</b>			
* * * *	* * * *	* * * *	* * * *
845.36	Medical Cannabis Dispensary	§ 890.133	AP
* * * *	* * * *	* * * *	* * * *
<b>Industrial, Home, and Business Service</b>			
* * * *	* * * *	* * * *	* * * *
845.87	<i>Non-Retail Greenhouse or Plant</i>	§ 227(a)102	P

	<i>Nursery-Industrial</i>		
	<i>Agriculture</i>		
<b>Other Uses</b>			
* * * *	* * * *	* * * *	* * * *
845.97b	Neighborhood Agriculture	§ 102.35(a)	P
845.97c	Large-Scale Urban Agriculture	§ 102.35(b)	NP
* * * *	* * * *	* * * *	* * * *

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**SEC. 890.52. LABORATORY.**

Laboratory shall mean space within any structure intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from office uses (as defined in Section 890.70), light manufacturing (as defined in Section 890.54(a)), or heavy manufacturing (including uses listed in *Sections* 226(g) through 226(w)). Examples of laboratories include the following:

\* \* \* \*

(h) Core laboratory; *and*

(i) *Cannabis testing (License Type 8—Testing laboratory, as defined in California Business and Professions Code, Division 10).*

**SEC. 890.54. LIGHT MANUFACTURING, WHOLESALE SALES, STORAGE.**

A commercial use, including light manufacturing, wholesale sales, and storage, as defined in Subsections (a), (b), (c), and (d) below.

1 (a) **Light Manufacturing.** A nonretail use ~~which~~that provides for the fabrication or  
2 production of goods, by hand or machinery, for distribution to retailers or wholesalers for  
3 resale off the premises, primarily involving the assembly, packaging, repairing, or  
4 processing of previously prepared materials, when conducted in an enclosed building having  
5 no openings other than fixed windows or exits required by law located within 50 feet of any  
6 R District. Light manufacturing uses include production and custom activities usually  
7 involving individual or special design, or handiwork, such as the following fabrication or  
8 production activities as may be defined by the Standard Industrial Classification Code Manual  
9 as light manufacturing uses:

10 \* \* \* \*

11 (8) Measuring, analyzing, and controlling instruments; photographic, medical  
12 and optical goods; watches and clocks; and

13 (9) Manufacture of cannabis products or cannabis extracts that are derived without  
14 the use of volatile organic compounds (License Type 6—Manufacturer 1, as defined in California  
15 Business and Professions Code, Division 10).

16 \* \* \* \*

17 (b) **Wholesale Sales.** A nonretail use ~~which~~that exclusively provides goods or  
18 commodities for resale or business use, including accessory storage. This use includes  
19 cannabis distribution (License Type 11—Distributor, as defined in California Business and  
20 Professions Code, Division 10). It shall not include a nonaccessory storage warehouse.

21 \* \* \* \*

22 **SEC. 890.111. SERVICE, BUSINESS.**

23 A use ~~which~~that provides the following kinds of services to businesses and/or to the  
24 general public and does not fall under the definition of "office" pursuant to Section 890.70:  
25

1 radio and television stations; newspaper bureaus; magazine and trade publication  
2 publishing; microfilm recording; slide duplicating; bulk mail services; parcel shipping  
3 services; parcel labeling and packaging services; messenger delivery/courier services; sign  
4 painting and lettering services; building maintenance services; and cannabis delivery services.

5 **SEC. 890.125. CANNABIS RETAIL.**

6 *A Retail Sales and Service Use that sells or otherwise provides cannabis and cannabis-related*  
7 *products for adult use, and that may also include the sale of cannabis for medicinal use. Cannabis*  
8 *may be consumed on site pursuant to authorization by the City's Office of Cannabis and Department*  
9 *of Public Health, as applicable. Cannabis Retail establishments may only be operated by the holder*  
10 *of (a) a valid license from the State of California (License Type 10—Retailer, as defined in California*  
11 *Business and Professions Code, Division 10) and (b) a valid permit from the City's Office of*  
12 *Cannabis. This use is subject to operating and location restrictions set forth in Section 202.2(a).*

13  
14 Section 3. Repeal of Ordinance No. 186-17. The City enacted Ordinance No. 186-  
15 17 on September 15, 2017. That ordinance, a copy of which is in Board of Supervisors File  
16 No. 170516, is hereby repealed in its entirety.

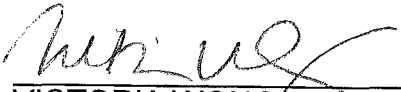
17  
18 Section 4. Alphabetization. In Article 7 Zoning Control Tables, the publisher of the  
19 San Francisco Municipal Code, at the direction of the City Attorney, shall place uses in  
20 alphabetical order within their respective use categories.

21  
22 Section 5. Effective Date. This ordinance shall become effective 30 days after  
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the  
25 Board of Supervisors overrides the Mayor's veto of the ordinance.

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Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By:   
VICTORIA WONG  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(Substituted, 10/3/2017)

[Planning Code - Cannabis Regulation]

**Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.**

Existing Law

On October 9, 2015, Governor Brown signed into law the Medical Marijuana Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which established a comprehensive state licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medicinal cannabis, and which recognized the authority of local jurisdictions to prohibit or impose additional restrictions on commercial activities relating to medicinal cannabis. MMRSA was later renamed the Medical Cannabis Regulation and Safety Act ("MCRSA").

On November 8, 2016, the voters of California approved Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA), which decriminalized the nonmedicinal use of cannabis by adults 21 years of age and older, created a state regulatory, licensing, and taxation system for non-medicinal cannabis businesses, and reduced penalties for marijuana-related crimes.

On June 27, 2017, Governor Brown signed into law the Medicinal and Adult-Use Cannabis Regulations and Safety Act (MAUCRSA), which reconciled MCRSA and Proposition 64, and established a unified state regulatory scheme for commercial activities relating to both medicinal and adult use cannabis. Under MAUCRSA, businesses that engage in commercial cannabis activities will be required to obtain a state cannabis license and comply with strict operating conditions. MAUCRSA requires that state agencies begin issuing state cannabis business licenses by January 1, 2018.

Under MAUCRSA, local jurisdictions may adopt and enforce ordinances to further regulate cannabis businesses, including but not limited to zoning and permitting requirements.

Article 33 of the San Francisco Health Code, adopted in 2005, regulates medical cannabis, and authorizes the San Francisco Department of Public Health to oversee the permitting of medical cannabis dispensaries (MCDs).

Planning Code Section 202.2(e) sets forth location and operating restrictions for MCDs. MCDs are currently prohibited in PDR zoning districts and certain other districts, including some Neighborhood Commercial Districts. (See generally Planning Code, Art. 7.) MCDs are also prohibited in Mixed-Use zoning districts. (See generally Planning Code, Art. 8.) In most Neighborhood Commercial Transit Districts and Neighborhood Commercial Districts, MCDs are allowed on the first floor, subject to Mandatory Discretionary Review by the Planning Commission. (See generally Planning Code, Art. 7.)

Ordinance No. 186-17, enacted on September 15, 2017, creates a limit of three MCDs in Supervisorial District 11.

Currently, there is no City law that authorizes and regulates commercial activities relating to non-medical cannabis. There is also no City law that authorizes and regulates the commercial manufacture, testing, or distribution of cannabis.

Article XXVI of the Administrative Code establishes an Office of Cannabis under the direction of the City Administrator, and authorizes the Director of the Office of Cannabis to issue permits to cannabis-related businesses, and to collect permit application and annual license fees following the enactment of a subsequent ordinance establishing the amounts of those fees.

#### Amendments to Current Law

This ordinance would change the zoning controls for MCDs. Among other things, it would permit MCDs in some Neighborhood Commercial Districts in which they are currently prohibited, subject to Mandatory Discretionary Review by the Planning Commission. It would also permit MCDs on the second floor of most Neighborhood Commercial Districts, subject to Mandatory Discretionary Review, and would make MCDs in PDR Zoning Districts and most Mixed Use Districts a principally permitted use.

This ordinance would also regulate Cannabis Retail as a distinct land use. It would generally permit Cannabis Retail where other retail is permitted. In Neighborhood Commercial Districts, Cannabis Retail uses would be subject to a conditional use authorization. Cannabis Retail as an accessory use would be permitted only where the Office of Cannabis has issued a permit to the Cannabis Retail establishment to operate accessory to another activity on the same

premises. The ordinance would also establish a land use process for the conversion of existing MCDs to Cannabis Retail establishments.

In addition, this ordinance would establish location and operating provisions for MCDs, Cannabis Retail establishments, and other cannabis businesses. Among other things, it would prohibit a Cannabis Retail use or MCD from locating within 600 feet of a school, public or private. It would not require a minimum distance between a Cannabis Retail use or MCD and a day care center or youth center.

In addition, this ordinance would create land use regulations for the cultivation, delivery and testing of cannabis and the manufacture of cannabis products.

This ordinance would also repeal Ordinance No. 186-17, which limited the number of MCDs in Supervisorial District 11 to three.

#### Background Information

In 2015, the City enacted Ordinance No. 115-15, creating the San Francisco Cannabis State Legalization Task Force (“the Task Force”) to advise the Board of Supervisors, the Mayor, and other City departments on matters relating to the potential legalization of non-medical cannabis. In December 2016, the Task Force submitted its Year I Report, and made recommendations related to Public Safety and Social Environment, Land Use and Social Justice, and Regulation and City Agency Framework for the City’s policymakers to consider.

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

October 2, 2017

File No. 171041

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On September 26, 2017, Mayor Lee introduced the following proposed legislation:

**File No. 171041**

**Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c) (2) because it does not result in a physical change in the environment.

**REVIEWED**

**By Joy Navarrete at 11:06 am, Oct 04, 2017**



# SAN FRANCISCO PLANNING DEPARTMENT

October 26, 2017

Ms. Angela Calvillo, Clerk  
Honorable Mayor Edwin Lee  
Honorable Supervisor Jeff Sheehy  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Re: Transmittal of Planning Department Case Number 2017-010365PCA:  
Cannabis Regulations  
Board File No. 171041  
Planning Commission's Action: Approval with Modification

Dear Ms. Calvillo, Mayor Lee and Supervisor Sheehy,

On October 19, 2014, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance, introduced by Mayor Lee and Supervisor Sheehy that would amend the Planning Code to include land use regulations for various cannabis related activities. At the hearing the Planning Commission voted to approve the ordinance with modifications.

The Following are clerical amendments proposed by Staff that the Commission voted to add to the ordinance by a single vote:

1. Add Cannabis Retail to the list of Active Commercial uses in Table 145.4.
2. Change "Non-Retail Greenhouse or Plant Nursery" to "Industrial Agriculture" in Code Section 846.87, the SALI district zoning control table.
3. Delete the following sentence located on Page 11, lines 4-7 in Version 2 of the proposed ordinance:

Smoking on the premises of a Medical Cannabis Dispensary Use located within ~~1000~~600 feet of a School, public or private, ~~or a Public Facility, Community Facility, or Private Community Facility that primarily serves persons under 18 years of age~~ is not permitted.

4. Add the following text to the definition (Section 102) or location and operating conditions (Section 202.2(e)) for MCDs.

"Cannabis may be consumed on site pursuant to authorization by the City's Office of Cannabis and Department of Public Health, as applicable"

The Following amendments were proposed by the Commission and added with separate votes:

5. Increase the 600' buffer around Schools to 1,000 feet, +4 -2 (Koppel and Hillis against);

6. Replace the 300 foot clustering option with the "Orbit Option" outlined in in the staff report, +5 -1 (Hillis against); and
7. Allow Cannabis Retail and MCDs in NC-1 Districts in Supervisorial District 4, +5 -1 (Hillis against).

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Sponsors, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes added by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Aaron D. Starr  
Manager of Legislative Affairs

cc:

Victoria Wong, Deputy City Attorney  
Bill Barnes, Aide to Supervisor Sheehy  
Mawuli Tugbenyoh, Liaison to the Board of Supervisors, Mayor's Office  
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution  
Planning Department Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Amendment HEARING DATE: OCTOBER 19, 2017 90- DAY EXPIRATION DATE: JANUARY 1, 2018

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Cannabis Regulations  
*Case Number:* 2017-010365PCA [Board File No. 171041]  
*Initiated by:* Mayor Lee and Supervisor Sheehy/ Re-Introduced October 3, 2017  
*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
*aaron.starr@sfgov.org, 415-558-6362*  
*Reviewed by:* Daniel A. Sider, AICP; Senior Advisor for Special Projects  
*dan.sider@sfgov.org; (415) 558-6697*  
*Recommendation:* **Approval with Modifications**

### PLANNING CODE AMENDMENT

Ordinance amending the Planning Code to 1) establish regulations for land uses associated with the adult use (i.e. nonmedical) cannabis industry, including Cannabis Retailers, cannabis delivery services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) modify existing regulations for Medical Cannabis Dispensaries to allow them in additional locations throughout the City; and 3) establish a process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments.

#### The Way It Is Now:

1. San Francisco Department of Public Health oversees the licensing and operations of Medical Cannabis Dispensaries (MCDs).
2. MCDs are currently prohibited in PDR, Eastern Neighborhoods Mixed Use, and South of Market Mixed-Use zoning districts; the Japantown, Pacific Avenue, and Folsom Street Neighborhood Commercial Districts (NCDs); and the Regional Commercial District.
3. In most Neighborhood Commercial Transit (NCT) Districts and NCDs, MCDs are allowed on the first floor subject to Mandatory Discretionary Review or Conditional Use (CU) authorization, depending on the zoning district; however, they are generally not allowed on the second floor.
4. MCDs must be located more than a 1,000 from a school or a youth-serving Public or Community Facility.
5. City law is silent on the retail sale of non-medical cannabis.
6. City law is silent on the commercial growing, manufacture, testing, or distribution of cannabis.
7. The Planning Code does not have a provision that allows for the conversion of MCD to a facility that sells adult use cannabis.
8. MCDs are not subject to Formula Retail Controls, but they are subject transparency requirements.
9. There is a limit of three MCDs in Supervisorial District 11.

**The Way It Would Be:**

1. The newly formed Office of Cannabis would regulate the cannabis industry in San Francisco, including MCDs and adult use cannabis facilities, by issuing licenses and setting operating conditions specific to the cannabis industry. The Department of Public Health would still perform its inspection and regulatory functions outside of licensing and the operating conditions of cannabis facilities.
2. MCDs would now be allowed in PDR, Eastern Neighborhoods Mixed Use, South of Market Mixed-Use zoning districts; the Japantown, Pacific Avenue, and Folsom Street NCDs; and the Regional Commercial District. In PDR Districts, MCDs would be subject to the size limits for other retail uses.
3. MCDs would be allowed on both the first and second floor in NC Districts, subject to either Mandatory Discretionary Review or CU authorization, deepening on what the current regulations are for the subject zoning district.
4. The 1000 foot buffer around sensitive uses would be reduced to 600 feet, which is the state standard. In addition, the definition of sensitive uses would be revised to only include Schools; however other sensitive uses would be considered as part of conditional use findings.
5. A new land use definition would be created, Cannabis Retail, which would allow the retail sale of cannabis and cannabis-related products for adult use, and may also include the sale or provision of cannabis for medicinal use and on-site consumption. Cannabis Retail establishments would be prohibited within 600 feet of a School (as defined by the Planning Code), and would not be permitted within 300 feet of another Cannabis Retail or MCD. Cannabis Retailers would be allowed as follows:
  - a. Residential (RH, RM, RTO) Districts: Prohibited.
  - b. Industrial (PDR) Districts: Allowed only in conjunction with a State Microbusiness License; 2/3 of the premises must be dedicated to cannabis-related PDR.
  - c. Neighborhood Commercial (NC) & Chinatown Districts: Allowed on 2nd floor and below with Conditional Use ("CU") excepting (1) a prohibition in the NC-1 and NCT-1 Districts and (2) a prohibition above the ground floor in the CR-NC District.
  - d. Residential-Commercial (RC) Districts: Permitted as of right on the ground floor; CU required above the ground floor.
  - e. Eastern Neighborhoods Districts: Neighborhood notice required, except that CU required in SPD and MUG Districts.
  - f. Community Business (C-2), Downtown (C-3; DTR) and SoMa Districts: Permitted as of right.
6. Existing PDR land uses would be amended to explicitly allow for cannabis related activity. In addition, Neighborhood Agriculture and Large Scale Urban Agriculture definitions would be amended to explicitly prohibit the growing of cannabis for commercial or personal use. Uses that would be amended to include cannabis commercial activity are as follows:
  - a. Industrial Agriculture (currently named Greenhouse) for the growing of cannabis. This use requires that cannabis be grown inside and limits the overall canopy to 22,000 sq. ft.
  - b. Light Manufacturing for the manufacturing of cannabis produced without the use of volatile organic compounds (State License Type 6);
  - c. Agricultural and Beverage Processing 2 for the manufacture of cannabis products using volatile organic compounds (State License Type 7);
  - d. Wholesale for the wholesale distribution of cannabis products (State License Type 11);
  - e. Laboratory for the testing of cannabis and cannabis products (State License Type 8);



- f. Parcel Delivery Service for retail cannabis delivery where there is no on site cannabis retail.
7. Section 190 would be added to the Planning Code, which would allow existing MCDs to convert to Cannabis Retail with only a change of use application. Also, existing MCDs that wish to convert to sell adult use cannabis would not be subject to the location restrictions for Cannabis Retail.
8. MCDs and Cannabis Retail would be subject to Formula Retail Controls and transparency requirements.
9. The limit on three MCDs in Supervisor District 11 would be removed from the Code.

## **BACKGROUND**

On October 9, 2015, Governor Brown signed into law the Medical Marijuana Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which established a comprehensive state licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medicinal cannabis, and which recognized the authority of local jurisdictions to prohibit or impose additional restrictions on commercial activities relating to medicinal cannabis. MMRSA was later renamed the Medical Cannabis Regulation and Safety Act ("MCRSA").

On November 8, 2016, the voters of California approved Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA), which decriminalized the nonmedicinal use of cannabis by adults 21 years of age and older, created a state regulatory, licensing, and taxation system for non-medicinal cannabis businesses, and reduced penalties for marijuana-related crimes. San Franciscans overwhelmingly approved of legalized adult use cannabis with 74.3% voting yes on Proposition 64.

On November 9, 2016, the Mayor issued Executive Directive 16-05, "Implementing Prop 64: Adult Use of Marijuana Act," directing the Department of Public Health and the Planning Department, in consultation with other departments, to move forward with legislation for the Board of Supervisors' consideration that would address land use, licensing, safety, and youth access issues related to adult use cannabis under Proposition 64. Pursuant to that Executive Directive, the City developed this comprehensive legislation that will establish a complete regulatory framework for a broad range of cannabis businesses, and that will identify where, and under what conditions, they may operate.

On June 27, 2017, Governor Brown signed into law the Medicinal and Adult-Use Cannabis Regulations and Safety Act (MAUCRSA), which reconciled MCRSA and Proposition 64, and established a unified state regulatory scheme for commercial activities relating to both medicinal and adult use cannabis. Under MAUCRSA, businesses that engage in commercial cannabis activities will be required to obtain a state cannabis license and comply with strict operating conditions. MAUCRSA requires that state agencies begin issuing state cannabis business licenses by January 1, 2018. Under MAUCRSA, local jurisdictions may adopt and enforce ordinances to further regulate cannabis businesses, including but not limited to zoning and permitting requirements.

## **ISSUES AND CONSIDERATIONS**

### **Office of Cannabis**

The Administrative Code establishes an Office of Cannabis (OOC) under the direction of the City Administrator, and authorizes the Director of the OOC to issue permits to cannabis-related businesses, and to collect permit application and annual license fees following the enactment of a subsequent ordinance establishing the amounts of those fees. The new office is responsible for developing and managing a permitting process for all cannabis-related businesses, dealing with complaints, providing policy analysis and development, and serving as a single point of contact for businesses, the public and state regulators. The offices' budgeted for its first fiscal year is \$700,000, which would include three positions and \$225,000 for web site development, public outreach and overhead. The office is expected to recover at least some of its expenses through permitting fees.

### **First Year of Adult Use Cannabis Sales**

During 2018, only social equity applicants and businesses that have been operating in San Francisco prior to September of 2017 will qualify for a license from the OOC. Further, no permit will be issued until the City establishes an equity program. To that end, the City is in the process of developing an equity program that prioritizes communities that have been unfairly targeted by the war on drugs so that they can be the first to take advantage of legalization. A social equity report on which the equity program will be developed is expected on November 1 of this year.

There are around 40 approved MCDs in the city, all of which will be eligible to convert to Cannabis Retail the first year if they submit an application to the Planning Department prior to June 30, 2018. The number of non-retail uses operating in the City right now is harder to account for. Some businesses have already received planning approval for their operations, but are not registered as cannabis businesses. To ensure that the City captures all existing non-retail businesses, the OOC has opened up a registration process for existing non-retail businesses – those operating both with and without benefit or permit - which closes in late November. Only those non-retail businesses that have registered would be eligible for a license to operate in 2018.

### **Non-Retail Cannabis-related Uses**

San Francisco already has a very robust regulatory structure for Production, Distribution and Repair (PDR) uses, which were minimally amended in the proposed ordinance to explicitly include cannabis related activities. A chart showing what uses are allowed in the various zoning districts is included in Exhibit C. The Ordinance also restricts cannabis cultivation to state license types that allow for indoor and/or mixed-light cultivation with up to 22,000 sq. ft. of canopy. This provision basically limits cannabis growing to indoor facilities and to medium size growing operation per the State's licensing categories.

### **Cannabis Retail**

The proposed ordinance creates a new Retail Sales and Service use called Cannabis Retail, which allows for the sale of cannabis and cannabis-related products for adult use, and that may also include the sale of cannabis for medicinal use. The definition allows for cannabis to be consumed on-site; however only upon the authorization by the City's Office of Cannabis and Department of Public Health. Cannabis Retail is also included in the list of uses considered to be Formula Retail and Cannabis Retail will also be subject to the Planning Code's transparency requirements. The ordinance prohibits Cannabis Retail from being established within 600 of a School, and within 300 feet of an existing MCD or another Cannabis Retail establishment.

### Future of MCDs

The question of whether or not to keep the MCD land use definition in the Planning Code was internally debated and fully considered by Planning Staff. Staff wanted to balance the desire to avoid over complicating the land use categories for retail cannabis, while at the same time acknowledging that MCDs had the potential to persist as a discrete land use with unique – and likely less notable – externalities. The current legislative proposal maintains the separate land use category for medical cannabis at least until the City has a better understanding of how the cannabis industry will take shape. Staff's main reasons for maintaining the MCD definition include:

1. **Clear Conversion Process:** Keeping two distinct land uses provides a clear path for existing MCDs to convert to Cannabis Retail. If we do not keep MCDs as a separate land use, it's not clear how we could control for the conversion from an MCD to a Cannabis Retail use. Nor is it clear how we would treat those that decide not to convert to Cannabis Retail. The problem isn't insurmountable, but maintaining the MCD definition makes the conversion process more straightforward and easier to implement.
2. **Less Impactful Use:** Starting January 1, 2018, the rules for doctors that recommend cannabis will change in three significant ways: 1) The doctor recommending cannabis must be the patient's attending physician; 2) the doctor recommending cannabis cannot have a financial interest in a dispensary or be an employee of a dispensary; and 3) the doctor recommending cannabis has to perform a proper examination before recommending cannabis, lest issuance of the recommendation be deemed unprofessional conduct. Further, the law also has a provision directing the Medical Board of California to consult with the California Marijuana Research Program in order to develop and adopt medical guidelines for the appropriate administration and use of medical cannabis. Presumably, when these guidelines are adopted there will be a set list of medical conditions for which doctors can recommend cannabis. These changes are highly likely to significantly reduce the number of customers for conventional medical-only establishments, making them a less intensive land use. Cannabis Retail, on the other hand, will not only be used by medical users, but also by a range of adult users, both locals and tourists. Further, since Medical Cannabis Dispensaries are likely to be a less impactful land use, a less rigorous approval process was felt to be appropriate.
3. **Medical Cannabis Community.** An ongoing dialogue with those involved in the cannabis community, including through the City's Cannabis Legalization Task Force, suggests a desire to maintain the San Francisco's leading medical cannabis industry and culture. Local MCDs employ experts familiar with what types of cannabis are best for various ailments, have compassionate care programs that provide free cannabis to lower income patients, and provide cannabis products more oriented toward the medical market than the adult use market.
4. **The Unknown:** It is far from clear as to what the adult use cannabis market will look like and how it will impact the medical cannabis industry, or to fully understand its future interaction with our neighborhoods. Keeping the medical use allows the City to take a more measured approach. If, in a few years, it turns out that we no longer need a separate land use category, then the City can reexamine the need for two definitions.

### **“Buffering” Alternatives**

At the September 26, 2017 informational hearing, some Commissioners expressed a dissatisfaction with the proposed 300’ minimum distance between various retail cannabis uses. In response, Staff has developed the following three alternatives to the proposed 300 foot buffering provision in the proposed ordinance:

**The “District Concentration” Option.** Rather than requiring a 300 foot radius around existing Cannabis Retail and MCDs, this option would examine the overall concentration of Cannabis Retailers and MCDs within a given Neighborhood Commercial District when deciding whether or not a new establishment should move forward. This option is similar to how the Department examines Restaurant and Formula Retail concentration; however those two options only look at the immediate 300 foot radius or ¼ mile radius to determine concentration, not the entire Neighborhood Commercial District.

For Restaurants, the concentration is not allowed to exceed 25 percent of the total commercial frontage within 300’ of the subject property (and also located within the same zoning district). For Formal Retail, no specific concentration limit is established in the Code. The Department’s review includes all parcels that are wholly or partially located within the 300-foot radius or quarter-mile radius. For each property, the total linear frontage of the lot facing a public right-of-way is divided by the number of storefronts. Those numbers are then used to calculate the percentage of the total linear frontage for Formula Retail and non-Formula Retail uses within the immediate area.

Staff has some concerns with this approach, the first being: What is the appropriate percentage for a neighborhood commercial district? The second is implementation. Some districts are very large (e.g. several miles long), while others are fairly small, encompassing only a few blocks. Evaluating the composition of an entire NCD every time there is a proposed MCD or Cannabis Retailer will require a significant amount of time and efforts – not just for City Staff but also for prospective applicants and concerned members of the public. Further, while the City’s Zoning Maps present clear boundaries for neighborhood commercial district, members of the public fairly perceive neighborhoods to be less rigid and unencumbered by seemingly arbitrary lines on a map. It would also be difficult to apply to those zoning district that do not require CU authorization for cannabis businesses since this approach would require a level of analysis not typical for as-of-right permits.

**The “Clustering-As-Finding” Option.** This option would remove the mandatory buffering in neighborhoods that require CU authorization, and instead make the 300’ buffer a finding as part of the CU evaluation process. In neighborhoods that do not require CU authorization, a retail cannabis business would be principally permitted unless it was within 300 feet of another retail cannabis business, in which case CU would be required. This option provides more flexibility for retail cannabis business in neighborhoods where CU authorization is required, and also helps ensure that neighborhoods where retail cannabis business are permitted as-of-right don’t become over-concentrated. It’s also fairly straightforward to implement. This criterion would be weighed against existing CU criteria in the Code along with other new CU criteria established by this ordinance.

**The “Orbit” Option.** This option would establish a more general, yet easily understood clustering rule, by allowing a new retail cannabis business only if there were no more than two other existing retail cannabis businesses within a 1,000 foot radius of the proposed site. In other

words, a maximum of three retail cannabis businesses would be permitted within a 1,000 foot radius. Two variants of this option exist, either (1) a “hard cap” that would prohibit more than three retail cannabis establishments within 1,000 feet or (2) a “soft cap” that would trigger CU, with clustering as a finding, if that trigger was met. As above, this latter option allows for more flexibility, while the former is a clearer bright-line regulation. The Orbit Option – or either variant – could theoretically be applied citywide or in certain Zoning Districts. The 1,000 foot radius and number of cannabis retailer could also be adjusted based on further analysis and research.

### **On-site Consumption**

At the September 26, 2017 informational hearing, some Commissioners expressed an interest in allowing at-least some level of on-site adult use cannabis consumption at Cannabis Retailers.

On-site consumption can include, but is not limited to, applying salves or balms, vaporizing or smoking the cannabis flower, or ingesting edibles made with cannabis extracts. As currently written, The Planning Code allows Cannabis Retailer and MCDs to have on-site consumption so long as they get authorization from the OOC and Department of Public Health, as applicable.

Currently, there are eight MCDs in the City that allow on-site vaporizing or smoking. The proposed Ordinance would limit onsite vaporizing or smoking to those eight existing MCDs, and should those MCDs convert to Cannabis Retail they would forfeit their permit to have on-site vaporizing or smoking. The intention, based on the Department of Public Health’s highly successful anti-tobacco campaign, is to maintain indoor air quality for the health of the establishment’s employees and customers. A concern has also been expressed regarding mixed messages with regards to smoking tobacco and smoking cannabis by allowing later, but prohibiting the former.

Department Staff has significant concerns that if the City fails to allow at least some on-site vaporizing or smoking, patrons will undoubtedly vaporize and smoke cannabis on streets, sidewalks, parks, plazas, and other public places. In these places, it is not only prohibited by state law, but where the likelihood of youth exposure to cannabis is dramatically higher. While the Department understands concerns about sending mixed messages, tobacco and cannabis are not analogous. One can smoke tobacco on the sidewalk if you are walking and at the curb if one is not. One can also smoke tobacco in a car, on an outdoor patio at a bar, and at various other places. However, state law categorically prohibits the smoking cannabis in public, leaving no place to consume the product legally for those who are not able to smoke cannabis within their home or for tourists. It is instructional to note that the city of Denver did not provide for a place to consume via smoking or vaporizing and subsequently amended their laws to allow for consumption areas upon an increase in unwanted public smoking of cannabis. Department Staff is concerned that not allowing on-site vaporizing or smoking will lead to the same issues that Denver experienced, and result in more people smoking cannabis in places that will impact a greater number of individuals, particularly youth.

### **Accessory Use Provisions**

The Planning Code allows for the accessory sale of cannabis products contingent upon the approval or the OOC; however accessory level sales are not contemplated to be allowed in the first few years of adult use cannabis sales. The Planning Department believes that allowing accessory level sales will reduce the need for cannabis-only businesses thought the city, and helps to normalize the sale of cannabis along the same lines as alcohol and tobacco sales. It also provides a way for small existing business that many not

have the funds to invest in an entirely new enterprise to benefit from this emerging industry. However, accessory cannabis sales are currently impractical both due to (1) the State's prohibition on the sale of alcohol and/or tobacco along with cannabis at the same premises and (2) the absence of nuanced controls necessary to ensure the sale of adult use cannabis as a genuinely subordinate and incidental accessory. The state prohibits cannabis sales in stores that also sell alcohol or tobacco, and requires that the premises be only open to adults 21 years or older.

## **RECOMMENDATION**

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect. Should the Commission wish to seek amendments to the proposed Ordinance, the foregoing discussion is intended to provide useful options to do so.

## **BASIS FOR RECOMMENDATION**

The Planning Department supports the proposed ordinance because it provides a strong and fair regulatory framework for non-retail and retail adult use cannabis sales, and the supporting PDR activities in San Francisco. The ordinance uses well established land use categories to regulate PDR activities, avoiding extra regulations on cannabis PDR uses. The proposed separation from sensitive uses and from other retail cannabis uses for new retail cannabis operations significantly increases the areas of the city that are allowed to have retail cannabis sales, while also directly and indirectly addressing concerns regarding overconcentration in certain neighborhoods.

## **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

## **IMPLEMENTATION**

The Department has determined that this Ordinance will impact our current implementation procedures; however the proposed changes can be implemented without increasing permit costs or review time.

## **ENVIRONMENTAL REVIEW**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

## **PUBLIC COMMENT**

The Planning Department has participated in hearings at the Small Business Commission, and the Health Commission. It has also been involved with various outreach meetings including meetings with the cannabis growers and manufacturer, and existing MCD operators. The Small Business Commission has not officially taken an action on the proposed ordinance, but was generally in support of the proposed

ordinance and appreciated the 300 foot buffering provision. The Health Commission has also not taken an official action on the ordinance, but expressed concern about allowing on-site consumption. It was also concerned that the proximity to mental health clinics to future retail cannabis operations, or the saturation of alcohol and tobacco establishments wasn't given consideration in the land use evaluation process. Members of the cannabis industry have indicated that they would like an easier path for conversion of existing MCD to Cannabis Retail, and to allow all existing MCD applicants the ability to obtain a license to operate from the OOC in 2018. As of the date of this report, the Department has not received a letter from the industry outlining their concerns over the proposed ordinance; however, we expect that one will come prior to the Planning Commission hearing.

<b>RECOMMENDATION:</b> <b>Approve the proposed Ordinance.</b>
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**Attachments:**

- Exhibit A:        Draft Planning Commission Resolution
- Exhibit B:        Board of Supervisors File No. 171041
- Exhibit C:        Matrix for Non-Retail Cannabis controls.
- Exhibit D:        Map showing the existing and proposed "Green Zone"
- Exhibit E:        Map showing the approval process for Cannabis Retail



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20029

HEARING DATE OCTOBER 19, 2017

*Project Name:* Cannabis Regulations  
*Case Number:* 2017-010365PCA [Board File No. 171041]  
*Initiated by:* Mayor Lee and Supervisor Sheehy/ Re-Introduced October 3, 2017  
*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org); 415-558-6362  
*Reviewed by:* Daniel A. Sider, AICP; Senior Advisor for Special Projects  
[dan.sider@sfgov.org](mailto:dan.sider@sfgov.org); (415) 558-6697

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**APPROVING THE PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO 1) REGULATE CANNABIS LAND USES, INCLUDING, AMONG OTHER THINGS, ADULT USE CANNABIS RETAIL, MEDICAL CANNABIS DISPENSARIES, DELIVERY-ONLY SERVICES, MANUFACTURE OF CANNABIS PRODUCTS, CANNABIS CULTIVATION, AND CANNABIS TESTING; 2) ALLOW MEDICAL CANNABIS DISPENSARIES IN ADDITIONAL ZONING DISTRICTS; 3) ESTABLISH A LAND USE PROCESS FOR THE CONVERSION OF EXISTING MEDICAL CANNABIS DISPENSARIES TO CANNABIS RETAIL ESTABLISHMENTS; 4) ESTABLISH LOCATION AND OPERATING CONDITIONS FOR CANNABIS USES; 5) REPEAL ORDINANCE NO. 186-17, WHICH LIMITED THE NUMBER OF MEDICAL CANNABIS DISPENSARIES IN SUPERVISORIAL DISTRICT 11; AND 6) DELETE SUPERSEDED PLANNING CODE PROVISIONS; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND PUBLIC NECESSITY, CONVENIENCE, AND WELFARE FINDINGS PURSUANT TO PLANNING CODE, SECTION 302.**

WHEREAS, on September 26, 2017 Mayor Lee and Supervisor Sheehy introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 171041, which would amend the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; and,



WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 19, 2017; and,

WHEREAS, The Department determined that the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed modifications include:

The Following are clerical amendments proposed by Staff that the Commission recommend be added to the ordinance by a single vote:

1. Add Cannabis Retail to the list of Active Commercial uses in Table 145.4.
2. Change "Non-Retail Greenhouse or Plant Nursery" to "Industrial Agriculture" in Code Section 846.87, the SALI district zoning control table.
3. Delete the following sentence located on Page 11, lines 4-7 in Version 2 of the proposed ordinance:

Smoking on the premises of a Medical Cannabis Dispensary Use located within ~~1000~~600 feet of a School, public or private, ~~or a Public Facility, Community Facility, or Private Community Facility that primarily serves persons under 18 years of age~~ is not permitted.

4. Add the following text to the definition (Section 102) or location and operating conditions (Section 202.2(e)) for MCDs.

"Cannabis may be consumed on site pursuant to authorization by the City's Office of Cannabis and Department of Public Health, as applicable"

The Following amendments were proposed by the Commission and added with separate votes:

5. Increase the 600' buffer around Schools to 1,000 feet, +4 -2 (Koppel and Hillis against);
6. Replace the 300 foot clustering option with the "Orbit Option" outlined in in the staff report, +5 -1 (Hillis against); and
7. Allow Cannabis Retail and MCDs in NC-1 Districts in Supervisorial District 4, +5 -1 (Hillis against).

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission finds that the proposed ordinance because it provides a strong and fair regulatory framework for non-retail and retail adult use cannabis sales, and the supporting PDR activities, in San Francisco.
2. The Commission finds that the ordinance uses well established land use categories to regulate PDR activities, avoiding extra regulations on cannabis PDR uses.
3. The Commission Finds that the proposed separation from sensitive uses and from other retail cannabis uses for new retail cannabis operations significantly increases the areas of the city that are allowed to have retail cannabis sales, while also directly and indirectly addressing concerns regarding overconcentration in certain neighborhoods.
4. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### COMMERCE AND INDUSTRY ELEMENT

#### OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

##### Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The proposed ordinance locates commercial and industrial activities according existing zoning districts by utilizing well established PDR zoning categories for non-retail activities and by allowing retail cannabis in commercially zoned districts.*

#### OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

##### Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

##### Policy 3.4

Assist newly emerging economic activities.

*The proposed ordinance seeks to attract, retain and expand the newly emerging cannabis industry, which provides employment opportunities for unskilled and semi-skilled workers*

**OBJECTIVE 6**

**MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS  
EASILY ACCESSIBLE TO CITY RESIDENTS.**

**Policy 6.1**

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

**Policy 6.2**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

*The proposed ordinance seeks to balance the need to accommodate the emerging cannabis retail industry, which includes small business enterprises and entrepreneurship with the need to preserve neighborhood-serving goods and services in the city's neighborhood commercial districts. It does this by creating buffering provisions around other similar uses and sensitive uses, effectively controlling the number of cannabis retail businesses that can locate within any one neighborhood commercial district.*

5. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors

from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*


8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

6. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 19, 2017.

  
Jonas P. Ionin  
Commission Secretary

AYES: Fong, Johnson, Koppel, Melgar, Richards

NOES: Hillis

ABSENT: Moore

ADOPTED: October 19, 2017

File No. 171041  
Received via email  
10/19/17

Member, Board of Supervisors  
District 8



City and County of San Francisco

**JEFF SHEEHY**

October 19, 2017

Honorable Members  
San Francisco Planning Commission  
1660 Mission Street  
San Francisco, CA 94103

Re: Proposition 64 Implementation  
File #171041

Dear Honorable Members of the Planning Commission:

Thank you for considering File #171041, an ordinance I am co-sponsoring to enact Planning Code amendments that implement Proposition 64 ("Prop. 64"), the Adult Use of Marijuana Act. I'm heartened by Planning's support for Medical Cannabis Dispensaries (MCDs) in appropriate locations and I look forward to your comments.

Before 1996, Californians with life-threatening illnesses faced an untenable choice: use cannabis for medical purposes and face potential prosecution and imprisonment. With the passage of Proposition 215, California made clear that medical cannabis would be available for those who need it. San Francisco allowed medical cannabis collectives for a decade based solely on that state measure and a Zoning Administrator determination. In 2006, the City established land use and operating standards for MCDs.

Ten years later, Californians adopted Prop. 64 to allow adult use of cannabis. Much like Prop. 215, the state has acted and now San Francisco must properly respond. I hope you will agree that building on our existing infrastructure provides the most efficient path to implementing the will of California voters.

Many key issues are addressed in a separate ordinance that outlines the operating procedures and permit authority of the Office of Cannabis (OOC). With respect to Planning Code amendments, this letter provides the Planning Commission with potential areas of amendment so you may consider them as part of your deliberations.

### **1. Conversion to Cannabis Retail: Expand Notice & Consolidate Appeals**

As introduced, an existing MCD that seeks to add adult cannabis could face five separate appeals. The issuance of a land use permit and an operating permit are separate acts that face different appeal tracks. Specifically, the building permit in Planning Code Section 190 could be appealed to the Board of Appeals and discretionary review could be filed with the Planning Commission. The operating permit could be appealed to the Board of Appeals. Both permits require determinations under the California Environmental Quality Act (CEQA). Those determinations can be appealed to the Board of Supervisors.

I expect amendments to expand neighborhood notification and simplify the appeals process. Specifically, the applicant would begin at the OOC then be referred to Planning for the building permit. If both final permits are issued concurrently, then appeals would be consolidated at the Board of Appeals and Board of Supervisors. I am also working with the City Attorney to exempt existing MCDs from discretionary review.

I also expect amendments to the operations ordinance that would expand public notice beyond Planning Code Section 311/312 requirements by removing them from the Planning Code and transferring them to OOC. Specifically, the OOC would be required to post the location for at least 30 days and mail written notification to occupants within 300 feet of the proposed location, with a requirement of translation into commonly spoken languages required by the Language Access Ordinance. We are also exploring other means to increase public participation, including voluntary pre-application meetings.

### **2. Conversion of MCDs to Cannabis Retail: Addressing Pipeline Applicants**

The legislation provides that any MCD with a valid Department of Public Health (“DPH”) permit by the effective date of the legislation may use a streamlined process to add adult use. This creates uncertainty for other pipeline applicants. Some may have secured a land-use entitlement but have not finished the DPH permitting process. Others may be awaiting a hearing date, all while incurring rent on a retail location.

I expect amendments that would allow any applicant who submitted an application to DPH and remains active in the pipeline to utilize the accelerated timeline, provided they still meet the phase deadlines that would otherwise be applicable in Section 190.

### **3. Limits in the Southern Neighborhoods, including District 11**

The Board recently adopted Ordinance 186-17 (Safai) to establish an MCD limit in District 11. I support this limit because Supervisor Safai made a compelling case that policy choices to limit cannabis retailers in San Mateo County were negatively impacting southern neighborhoods. After discussing this with Planning, I am open to expanding this limit beyond District 11 to cover other southern neighborhoods facing similar impacts. I expect amendments that would reinstate the limit adopted in Ordinance 186-

Letter to the Planning Commission Regarding Cannabis Regulation

17 for MCDs and cannabis retailers and may extend this to a geographic area in the southern neighborhoods greater than District 11.

**4. Reducing Clustering Through the “Orbit” Option**

At the public hearing, some Commissioners noted that a 300 foot limit between MCDs may not be the best approach to address clustering. I understand that Planning will propose an “orbit” approach that looks at multiple locations within a larger land area (e.g. three in a 1,000 foot area). I am hopeful that the Commission will adopt a recommendation that provides greater nuance than the 300 foot limit and believe this alternative may be a better approach.

**5. Neighborhood Commercial Districts**

Finally, the Planning Code recognizes the unique nature of our Neighborhood Commercial Districts (NCDs). Some district supervisors may have unique conditions in their NCDs that could cause the Board to either relax or constrain placement of cannabis retail in their communities. I expect amendments in some neighborhood commercial districts based on these unique conditions.

Thank you for considering my views and for your own thoughtful deliberations on cannabis policy during this important time. I look forward to your recommendations. If I ever can be of assistance, please do not hesitate to contact me directly.

Sincerely,



JEFF SHEEHY

Supervisor for District 8

CC: Members, Board of Supervisors  
Clerk, Board of Supervisors  
Nicole Elliott, Office of Cannabis



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 SEP 26 PM 4:12

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September 26, 2017

Dear President Breed and San Francisco Residents:

We are proud to present to the Board of Supervisors the first draft of San Francisco's updated and comprehensive cannabis laws and regulations. While we have had medical cannabis in the City for some time, the passage of Proposition 64 obligates us to modernize and expand our regulatory infrastructure. With significant input from community members and stakeholders, we are confident that San Francisco will lead the way in creating a regulatory structure that is safe, sensible, and equitable.

The creation of this structure is an important and monumental undertaking for the City. This process will include challenges, but we are committed to developing sound policy that represents all of our communities. These ordinances are simply the beginning of an important City conversation.

In the weeks and months ahead, we look forward to working with the Board of Supervisors to improve these ordinances with broad feedback. We expect to revise the legislation to reflect public input. With your help, we will make San Francisco's cannabis laws strong and representative of our City's values.

We are guided by three key principles. San Francisco's cannabis laws should be:

1. **Safe:** Safe access and safe communities are our overriding objective. Whether for medicinal purposes or for personal use, we want to ensure the availability of safe products and to limit exposure to youth. Cannabis businesses should reflect neighborhood preferences and character, and promote public safety.
2. **Sensible:** We strive for straightforward rules that are clear and make sense for businesses, communities, and consumers.
3. **Equitable:** The decades-long war on drugs wreaked havoc on many communities of color, and we have a moral imperative to develop and employ equity principles that reinvest in our communities and provide economic opportunities to those who need them most.

Starting today, we ask for your collective participation. Please provide us formal comments at [officeofcannabis.sfgov.org](http://officeofcannabis.sfgov.org). Come to City Hall and provide public comment, engage in public meetings or host a forum with your neighborhood association. Help us start a civic conversation; the result will be better legislation that is reflective of our values as a City.

Thank you, and we look forward to hearing from you.

Edwin M. Lee, Mayor

Naomi Kelly, City Administrator

Nicole Elliott, Director, Office of Cannabis

Barbara Garcia, Director, Department of Public Health

John Rahaim, Director, Planning Department



October 26, 2017

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

RE: Proposed Local Cannabis Ordinance Introduced September 26, 2017 – File Nos. 171041, 171042

Dear President Breed and Supervisors,

As members of the San Francisco Cannabis State Legalization Task Force, we have worked diligently for the last two years to present recommendations to the Board of Supervisors.

During the most recent October 18, 2017, Task Force meeting, the Task Force spent a considerable amount of time reviewing the proposed cannabis ordinance introduced on September 26, 2017 – “Local Ordinance.” We revisited what Task Force recommendations were included, what recommendations were excluded, and what recommendations did not need to be addressed with legislation.

We feel that some of our Year I and Year II recommendations still need to be addressed.

The Task Force respectfully submits the below comments regarding the Local Ordinance:

#### General

- **Local Leadership.** In general, San Francisco should provide local leadership for the cannabis industry in instances where State law is unclear or only limited information exists.

#### Consumption

- **Expansion of Adult Use Hospitality Venues.** The Task Force recommends that the Local Ordinance incorporate a general statement of intent to expand opportunities for cannabis use in hospitality venues, such as dining establishments. Implementation strategies for these venues should be developed in collaboration with key stakeholders, such as culinary and hospitality organizations.
- **Consumption Areas.** The Task Force requests that the City continue to explore and consider a land use designation for consumption lounges and establish guidelines to prevent cross-contamination.
- **Smoking/Vaping Locations.** The City should address the issue of equal opportunity for businesses by designating consumption lounges for smoking/vaping consistent with the creation of lounges for the consumption of edibles already contemplated within the Local Ordinance. This can be achieved by allowing applications for consumption lounge permits for smoking/vaping. The Local Ordinance should designate the locations where smoking/vaping can occur.

- **Cannabis Consumption in Parked Cars.** The City should consider enforcement of State law with respect to public cannabis consumption in vehicles (i.e. imposing fines, fees, and arrests) as a low priority.

### Land Use

- **Cannabis Retail Distance of 500 feet from Sensitive Uses.** The Task Force proposes a distance of 500 feet to align with San Francisco’s current distance for existing tobacco retail permittees.  
\* Note: The Task Force reached modified consensus on this issue. Discussion points and concerns related to proximity to sensitive uses were as follows:
  - A distance of 500 feet was proposed to align with San Francisco’s current distance requirements for tobacco retail locations.<sup>1</sup> Some Task Force Members felt that 500 feet was too close of a distance to sensitive uses. Task Force Members also expressed concerns that distances less than the State standard of 600 feet would be contrary to public opinion and make cannabis retailers more susceptible to federal raids and business closures. One Task Force Member expressed concern that distances less than the current San Francisco requirement of 1,000 feet from schools are subject to mandatory minimum sentencing under Federal law, and prefers to keep the status quo of 1,000 feet rather than risk exposing retailers to additional liability of federal incarceration. Other Task Force Members supported a distance less than 500 feet, but agreed to move forward with the overall recommendation.
- **Sensitive Uses Proximity.** The Local Ordinance should include a statement that the City will consider exceptions (i.e. less than the currently proposed 600 feet) with respect to the distance new cannabis retailers can operate in proximity to sensitive uses in specific communities where appropriate, e.g. the Castro. \*Note: the above modified consensus points and concerns are also applicable to this recommendation.
- **Clustering.** The City should use the Conditional Use Authorization approval process in determining alternatives to the 300 foot clustering requirement outlined in the Local Ordinance. \*Note: The Task Force reached modified consensus on this issue, with one Task Force Member supporting a clearly defined clustering requirement rather than the use of Conditional Use Authorization in certain cases. One Task Force Member also felt that 300 feet was too close of a distance between cannabis retail locations.

### Permitting

- **Local Permitting - General.** The Task Force has recommended that the City consider a waiver of permitting requirements for cannabis smoking tents at special events, workforce permitting requirements that create uniform standards across businesses, a non-profit permitting framework, and delivery driver requirements. These issues are either unaddressed or partially

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<sup>1</sup> See San Francisco Health Code § 19H.4(f)(3).

addressed in the Local Ordinance. The Task Force therefore requests that the Local Ordinance reconsider these specific recommendations.

- **Nursery Permitting.** The Local Ordinance should define the nursery permitting structure and approve nursery permits rather than wait for the State to provide further clarity in this area.
- **Community Engagement as Part of Permitting and Land Use Approval Processes.** The Task Force supports the permitting and land use community engagement provisions as drafted.
- **Accessory Use.** The Local Ordinance does not contemplate accessory use permits at this time, and the Task Force supports an accelerated process for developing the accessory use permitting framework. \*Note: The Task Force reached modified consensus on the issue of expedited accessory use consideration, with general support of the accessory use concept. One Task Force Member did not want accessory use to be part of the immediate implementation plan for the City's cannabis legalization framework.
- **Agency Oversight.** The Task Force supports the City agency regulatory structure provisions as drafted.
- **Cannabis Event Permitting.** The Local Ordinance should include a process for cannabis event permitting.

#### Taxation

- **Tax Revenue Allocation Priorities and Data Collection.** The Task Force requests that the Office of Cannabis consider allocating potential tax revenue towards the City's local regulatory, policy, and programmatic goals, and prioritize the collection of appropriate data points to assess the impact of cannabis tax expenditures in achieving these goals. For reference, the Task Force's suggested allocation priorities include, but are not limited to: workforce development, entrepreneurial opportunity funds, education for students and youth, education and training for formerly incarcerated persons, and community-identified priorities.

#### Other

- **SFUSD Collaboration.** The Task Force recommendations specific to collaborating with the San Francisco Unified School District (SFUSD) were not legislated in the Local Ordinance. The Task Force therefore requests that the Local Ordinance contain a statement that references the intent to collaborate with SFUSD in the development of age-appropriate cannabis education in health education programs and builds upon the school district's existing educational model.
- **Public Safety.** The Task Force supports the public safety-related provisions of the ordinance as drafted.

Thank you for your consideration, and please feel free to contact us with any concerns, comments or questions. We look forward to working closely with you to ensure a safe environment for consumers, patients, and workers in San Francisco's regulated cannabis industry.

Sincerely,

Sara Payan, Seat #12 & Co-chair - [sara@sarapayan.com](mailto:sara@sarapayan.com)

Terrance Alan, Seat #19 & Chair - [terrance@sequelmedia.com](mailto:terrance@sequelmedia.com)

Jennifer Garcia, Seat #20 & Co-chair - [jen.garcia7@yahoo.com](mailto:jen.garcia7@yahoo.com)

San Francisco Cannabis State Legalization Task Force

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

Note: NL = Not Legislated

#	Recommendation	Included	Rationale	
<b>Recommendation Category 1: Public Safety and Social Environment (PSSE)</b>				
<b>Recommendation Sub-Category: Public Safety</b>				
Driving Under the Influence (DUI)	1	Local policy guidelines for driving under the influence should be developed that are based on behavior testing until science-based testing exists.	NL	
	2	San Francisco should provide technical assistance to California Highway Patrol (CHP) as they develop DUI protocols and standards. As part of this technical assistance, San Francisco should explore the use of cannabidiol (CBD) as an antidote to manage overconsumption, with the current naloxone program as a potential model.	NL	
	3	San Francisco should develop and implement a city-wide DUI public awareness campaign.	NL	DPH is in the process of crafting a public awareness campaign that will include education around driving under the influence, per the Mayor's request via the November 9, 2016 Executive Directive.
Neighborhood Safety	4	San Francisco should develop cannabis business operating standards to form part of the business permitting process. These standards would ensure that cannabis businesses are "good neighbors" to the communities in which they are located.	Yes	Good Neighborhood Policies are contemplated in the legislation and applicants are required to agree to them as part of the application process. The proposed standards are the following: (i) Provide to residential and commercial neighbors located within 50 feet of the Cannabis Business the name, phone number, and email address of an onsite community relations staff person who may be contacted concerning any problems associated with operation of the establishment; (ii) Maintain the Premises, adjacent sidewalk and/or alley, and associated parking areas in good condition at all times; (iii) Prohibit loitering in or around the Premises, and post notifications on the Premises advising persons of this prohibition.
	5	Cannabis businesses should be like any other business in San Francisco in appearance and manner: well-lit, clean, appropriate hours of operation, guidelines for security, etc.	Yes	Operating standards contemplated will require cannabis businesses to ensure their space and the space surrounding their establishment is secure, remains free of litter, and is lit in a manner that supports public safety.
San Francisco Police Department (SFPD)		Three top considerations for the San Francisco Police Department (SFPD) when it is developing its criminal enforcement and training strategies are:	NL	

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
Enforcement and Training Priorities	6	a) Strategies must represent community sensitivities and be developed together with parents or an agent of family representation;	NL	
		b) Strategies should be informed by subject matter experts in all areas of the cannabis industry, and not simply police officers training and/or educating other police officers;	NL	
		c) The SFPD should collaborate with Child Protective Services to establish guidelines for determining the safety of a juvenile in the custody of an impaired adult.	NL	

San Francisco Cannabis State Legalization Task Force  
 Year 1 Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	# Recommendation	Included	Rationale
<b>Recommendation Sub-Category: Public Consumption</b>			
Meaning of the Word "public"	<p style="text-align: center;">7</p> <p>San Francisco should allow and create policy pathways for smoking cannabis in public places that become privatized. These pathways should follow rules set by the San Francisco Department of Public Health for tobacco use.</p>	No	<p>The California Health and Safety Code states that the smoking of cannabis or cannabis products is prohibited in any location where the smoking of tobacco is prohibited. San Francisco has been a leader in ensuring that everyone has the right to clean air and is not exposed to second hand smoke. San Francisco's policymakers have passed local ordinances that include the prohibition of smoking of tobacco or any other weed or plant products in public areas such as parks, recreation areas and at certain outdoor events. As with the smoking of tobacco, passive exposure to marijuana smoke among children, nonsmokers, and people who work in cannabis businesses is a concern, and the City is committed to maintaining its progressive clean air laws. Therefore, this legislation does not propose allowing smoking/vaping in public places, except at medical cannabis dispensaries that received a prior smoking-area designation from the Planning Department.</p>
	<p style="text-align: center;">8</p> <p>The smoking of cannabis should be allowed anywhere that tobacco smoking is allowed. Indoor venues must provide proper ventilation that addresses odor and smoke if smoking is allowed indoors.</p>	Partial	<p>Under California and San Francisco law, the smoking of tobacco is not allowed in any place of employment, with a limited number of exceptions. Under the proposed legislation, a permitted medical cannabis dispensary with a prior smoking-area designation from the Planning Department will be allowed to maintain its smoking/vaping onsite location for medical use only. Beyond that, smoking/vaping is not proposed to be allowed at other commercial cannabis locations in the City. Note also that the proposed legislation requires such dispensaries to meet ventilation guidelines that will be developed by the Health Department.</p>
	<p style="text-align: center;">9</p> <p>The San Francisco City Attorney should provide further legal guidance regarding consumption in public-private spaces, i.e. where, when and how it could be done in the City.</p>	No	<p>Further clarification is not being sought by the City on this issue at this time.</p>

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
On-site Consumption per Proposition 64	10	San Francisco should allow on-site consumption at cannabis retail locations.	Partial	Under the proposed legislation, the City will allow on-site consumption of edible cannabis products. The Department of Public Health will issue a separate permit to cannabis retailers that wish to allow onsite consumption of edible products, and rules and regulations to that effect will be forthcoming. Note that under the proposed legislation, the definition of consumption does not include smoking/vaping. A permitted medical cannabis dispensary with a prior smoking-area designation from the Planning Department will be allowed to maintain its smoking/vaping onsite location for medical use only. Beyond that, smoking/vaping is not proposed to be allowed at other commercial cannabis locations in the City.
	11	San Francisco's on-site consumption requirements should not be stricter than those outlined in Proposition 64.	Partial	Under the law, The Department of Public Health will develop rules and regulations governing the on-site consumption permit. These rules and regulations will incorporate whatever consumption allowances the State will provide for in its emergency regulations, to be released in November, 2017.
Overconsumption and Encouraging Safe and Responsible use Across the City	12	San Francisco and the Department of Public Health should collaborate with the cannabis industry and the community to develop a health promotion strategy for preventing overconsumption and youth access.	Yes	The Department of Public Health is actively developing a public awareness campaign focused on driving under the influence and youth access and exposure. DPH will aim to include a variety of perspectives in developing and implementing this campaign.
<b>Recommendation Sub-Category: Youth Access and Exposure</b>				
Education	13	The San Francisco Unified School District (SFUSD) should be involved in developing age-appropriate cannabis education for San Francisco schools' health education program.	NL	
	14	The SFUSD has an existing educational model focusing on wellness centers and health-based classroom education that should be used as the foundational framework for age-appropriate cannabis education. This framework should be analyzed (via data review) to identify gaps and revitalize the curriculum to effectively educate schoolchildren about cannabis use.	NL	
	15	Proposition 64 funding for student-focused cannabis education programs should also capture children outside of the SFUSD system.	NL	



San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
	16	Proposition 64 funding for student-focused cannabis education programs should be distributed in a collaborative way across a variety of organizations, especially those that are already engaged in these issues. To ensure this, San Francisco should develop funding criteria for making grants.	NL	
	17	The State should vest decisions regarding student education implementation and funding criteria solely in the counties.	NL	
Preventing Sales to Minors	18	San Francisco should conduct research regarding access for minors in the illicit market after the passage of Proposition 215 and in other states that have legalized cannabis for adult use in order to better understand how minors may access cannabis after adult use is legalized in California.	NL	The Health Department is conducting a health impact assessment that draws together evidence from multiple sources to better understand the potential health impacts from legalization in San Francisco, especially with regard to youth access and exposure. The Health Department will continue to collaborate with research experts to monitor the impact of cannabis legalization on minors
Advertising	19	The regulation of other industries, such as alcohol and tobacco industries, should serve as a model for monitoring the effect of advertising on minors.	Yes	State cannabis related advertising restrictions prohibit cannabis advertising within 1,000 feet of schools, playgrounds, youth centers, or day care centers. State law also prohibits advertising to occur in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products. The City will work with the state, regional and local partners to develop any necessary and appropriate policies regarding monitoring of advertising to minors.
	20	The San Francisco City Attorney should conduct research regarding the free speech limits to regulating cannabis advertising at the local level.	NL	
	21	San Francisco should conduct research to learn more about the strategies other adult use legalization states have used to regulate advertising to protect youth.	NL	
	22	San Francisco's advertising regulating bodies must do continuous forecasting to appropriately guard against "too much cannabis advertising" and be agile in adapting to rapidly emerging social trends that could increase exposure to youth.	NL	The City will work with the state, regional and local partners, including local agencies that provide access to advertising opportunities, to develop any necessary and appropriate policies regarding monitoring of advertising to minors.

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
Criminal Diversion and Decriminalization Options for Youth	23	It is unlikely that, even with the most robust cannabis education programs for youth, there will be a zero percent usage rate among minors in San Francisco - they may continue to consume and/or sell in schools and other places. In light of that, San Francisco schools should take a reality and science-based disciplinary approach and rely on harm reduction principles to manage such situations. For example, for minors who commit cannabis-related offenses while at school, suspension and expulsion should not be the default tools used by schools to discipline students.	NL	
Youth Protection	24	San Francisco Unified School District should identify and collaborate with key stakeholders to explore alternatives to expulsion for youth facing disciplinary action for cannabis.	NL	
	25	San Francisco should develop policies to protect youth, e.g. develop clearly labeled packaging requirements to prevent accidental cannabis consumption by youth.	Yes	The legislation mirrors state requirements that all items sold must be in a child resistant container and placed in an opaque package when transported off a permitted premises.
<b>Recommendation Sub-Category: Tourism/Hospitality</b>				
San Francisco Cannabis Culture		San Francisco should collaborate with stakeholders to develop policies that achieve an appropriate balance between discretion and visibility of adult use cannabis culture. Along these lines, the City should create pathways that allow tourists to access adult use cannabis products and legal consumption spaces while preventing undesired exposure for those who prefer limited interaction with the		
	26	a) Allow cannabis consumption indoors to prevent unintended exposure	Yes	Under the proposed legislation, the Department of Public Health will issue separate permits to cannabis retailers that wish to allow onsite consumption of edible cannabis products, and rules and regulations to that effect will be forthcoming. Tourists would be able to access such spaces for consumption purposes. A permitted medical cannabis dispensary with a prior smoking-area designation from the Planning Department will be allowed to maintain its smoking/vaping onsite location for medical use only. Beyond that, smoking/vaping is not proposed to be allowed at other commercial cannabis locations in the City.
		b) Limit visibility of consumption in adult use retail storefront locations to prevent exposure from the street	Yes	The legislation allows for consumption of cannabis at retail locations that obtain an onsite consumption permit from DPH, and such consumption locations may not be visible from any public place or non-age restricted area.

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
		c) Collaborate with tourism/hospitality stakeholders to provide tourists with educational materials and information about safe access and consumption of adult use cannabis.	Yes	The legislation requires distribution of a Responsible Consumption Fact Sheet at the point of sale, the content of which will be created by DPH. Moreover, the Office of Cannabis is working with SF Travel and the Chamber to develop information for tourism/hospitality to remain educated on the status of adult-use cannabis as well as responsible consumption, etc.
	27	the hospitality and tourism industry to develop pathways for lodging establishments to become "cannabis-friendly," thereby providing a legal consumption space for tourists without access to a private residence.	No	This legislation does not create a pathway for the Department of Public Health to permit consumption in any space other than cannabis retail.
	28	There is a notable desire within the culinary community to incorporate adult use cannabis in dining options/opportunities, including the use of cannabis as a meal ingredient and the establishment of food/cannabis pairing options. San Francisco should collaborate with key stakeholders, such as culinary and hospitality organizations, to develop strategies for increasing these opportunities for restaurants and other food establishments. Strategies could include:		
		a) Developing, proposing and pursuing a state legislative approach that would create an exemption for these types of culinary experiences.	NL	Noted, and will review with the Mayor's Office to inform the City's 2018 state legislative agenda.
		b) Development of a patron notification process for any food establishment offering these opportunities	NL	
		c) Development of mechanisms to determine the appropriate distribution of cannabis-friendly dining venues throughout the City.	NL	
Tourist and Resident Experiences		San Francisco should collaborate with key stakeholders, such as the Department of Public Health and tourism/hospitality organizations, to develop educational materials for tourists and residents that:		

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

#	Recommendation	Included	Rationale
29	a) promote safe cannabis consumption	Yes	The legislation requires distribution of a Fact Sheet related to safe consumption by retailers at the point of sale, the content of which will be created by DPH. DPH is also in the process of developing and implementing a public awareness campaign. The Office of Cannabis is also working with SF Travel and the Chamber to develop information for tourism/hospitality entities to remain educated on the status of adult-use cannabis as well as responsible consumption, etc.
	b) provide information on different product types and their physiological effects, and	Yes	The legislation requires distribution of a Fact Sheet related to safe consumption by retailers at the point of sale, the content of which will be created by DPH. DPH is also in the process of developing and implementing a public awareness campaign. The Office of Cannabis is also working with SF Travel and the Chamber to develop information for tourism/hospitality entities to remain educated on the status of adult-use cannabis as well as responsible consumption, etc.
	c) outline strategies to identify and manage overconsumption.	Yes	The legislation requires distribution of a Fact Sheet related to safe consumption by retailers at the point of sale, the content of which will be created by DPH. DPH is also in the process of developing and implementing a public awareness campaign. The Office of Cannabis is also working with SF Travel and the Chamber to develop information for tourism/hospitality entities to remain educated on the status of adult-use cannabis as well as responsible consumption, etc.
	The educational materials should be made available in various languages and formats (e.g. websites, brochures, signage, mobile applications, etc.), and distributed where adult use cannabis is allowed to be consumed and/or purchased, such as cannabis retail locations.	Yes	While DPH is providing the content for the required Responsible Consumption Fact Sheet, the City can translate this and can have it available in multiple languages for distribution at the point of sale and on the Office of Cannabis website. A general FAQ sheet will also be translated into all languages mandated through the Language Access Ordinance.
30	San Francisco, in collaboration with key City Agencies and stakeholders, should develop educational materials and trainings for cannabis retail licensees, their employees, and cannabis business license applicants on serving cannabis and cannabis products safely, responsibly, and legally. The Licensee Education on Alcohol and Drugs (LEAD) Program could serve as a model for this.	Yes	While LEAD is a good model to provide baseline education for employees regarding the laws and regulations they are required to be aware of and to follow, the City is not aware of existing education related to retail cannabis service. The Office of Cannabis would be happy to partner with city agencies and other stakeholders to identify models and to ultimately ensure appropriate training occurs so that employers and employees understand best practices related to responsible service of cannabis and cannabis products.

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

#	Recommendation	Included	Rationale
<b>Recommendation Category 2: Land Use and Social Justice (LUSJ)</b>			
#	Recommendation		
<b>Recommendation Sub-Category: Land Use</b>			
Non-Retail Uses	1	San Francisco should allow non-retail adult use cannabis uses (i.e. cultivation, manufacturing, distribution) and utilize the existing Planning Code framework to establish land use controls for those uses.	Yes  The legislation contemplates non-retail permits for cultivation, manufacturing, testing and distribution and incorporates analogous land use controls for these activities.
	2	The existing Planning Code framework already addresses distance to sensitive uses for non-retail businesses. Consistent with current regulations for non-retail medical cannabis uses, non- retail adult use cannabis uses should therefore be exempt from distance requirements for sensitive uses (e.g. schools, youth centers, etc.).	Yes  The legislation does not apply sensitive use controls to all self-contained/totally enclosed permit types: cultivation, manufacturing, testing, distribution and nonstorefront retail.
Retail Uses	3	San Francisco should develop meaningful qualitative findings for the Planning Commission and/or other commission(s) to use when reviewing adult use retail applications.	Yes  Specifically, the following text is included: "With respect to any application for the establishment of a new Cannabis Retail Use, in addition to the criteria set forth in subsections (c) and (d) above, the Commission shall consider the geographic distribution of Cannabis Retail Uses throughout the City, the balance of other goods and services available within the general proximity of the proposed Cannabis Retail Use, any increase in youth access and exposure to cannabis at nearby facilities that primarily serve youth, and any proposed measures to counterbalance any such increase."
	4	San Francisco should reduce the distance new cannabis retailers can operate in proximity to sensitive uses to one that is less than the State- required 600 feet.	Partial  The required minimum distance would be 600', which is 400' less than presently required for MCDs. The ordinance reduces proximity to some sensitive uses.
		San Francisco should also measure this distance with a "path of travel" approach rather than a straight line, parcel to parcel measurement.	No  Straight-line measurement would continue to be used; other methodologies are far too ambiguous and would present uncertainty and controversy for cannabis retailers and neighbors alike.
		San Francisco should develop reasonable quantitative standards to regulate the location of, and permitting process for, adult use retail locations in San Francisco. These standards should include, but are not limited to:	

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

#	Recommendation	Included	Rationale
5	a) Strategies to facilitate meetings between the applicant and neighboring community prior to the Planning Commission hearing and/or application process to address neighborhood concerns	Yes	The existing Pre-Application Requirements would apply to all MCDs in NC Districts
	b) Strategies to prevent clustering (as discussed below)	Yes	A 300' clustering requirement would be created
	c) Considerations for proximity to sensitive uses (as discussed below)	Yes	A clear 600' minimum requirement only from schools would be established
6	San Francisco should further define and/or refine definitions of "sensitive uses" and expand locations in which new cannabis retailers could operate, where appropriate.	Yes	As above, sensitive uses would be refined to only include schools and the present 1,000' minimum separation would be reduced to 600', thereby allowing a greater range of geography in which cannabis businesses could seek permission to operate.
7	San Francisco should consider varying approval processes (e.g. neighborhood notice only; notice plus mandatory Discretionary Review hearing; notice plus Conditional Use Authorization; etc.) for different zoning districts, with more rigorous review processes in Neighborhood Commercial Districts or other locations which present potential land use conflicts and less rigorous processes in other districts, such as Downtown or industrial districts.	Yes	NC Districts would generally require CU; Mixed-Use Districts would generally require neighborhood notice; Downtown Districts would generally be as-of-right.
8	San Francisco should develop policies to prevent clustering of adult use cannabis retailers. Strategies may include:		
	a) Use of "buffer zones" around other adult use retail locations. The distance of these buffer zones should balance both community concerns and business interests, with the aim of preventing too high a concentration of retail locations in a given district while also encouraging healthy competition.	Yes	A cannabis businesses could not locate within 300' of another such business.
	b) Stricter clustering provisions in Neighborhood Commercial Districts to balance neighborhood concerns, and less strict clustering requirements in other districts, such as Downtown or Industrial districts.	Partial	While the minimum clustering distance is the same throughout the City, CU criteria applicable in NC districts require that the Commission consider additional adjacencies and other factors such that a higher level of scrutiny would apply.

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
	9	San Francisco should include adult use cannabis retail businesses in existing Formula Retail rules. Note: Formula retail rules state that if an establishment has eleven or more retail locations worldwide, it is subject to a more stringent review and authorization process.	Yes	In the proposed ordinance, Cannabis Retail and MCDs are subject to Formula Retail controls.
	10	San Francisco should allow retail locations in areas other than the ground floor, such as spaces located at basement level, second floor or higher.	Yes	In areas with floor-by-floor zoning controls, cannabis businesses would be allowed on the basement, ground, and 2nd levels. In other areas where allowed, cannabis businesses would be allowed on all levels.
	11	San Francisco should develop a mechanism to prioritize the re-permitting of medical cannabis business operators who were shut down by the federal government or lost their original permit due to sale of building and loss of lease.	Yes	The proposed legislation prioritizes applications from operators who were in good standing with the City but were forced to close due to federal intervention/enforcement.
	12	San Francisco should align regulations for adult use cannabis retail signage on store fronts with regulations for other retail businesses.	Yes	Specific cannabis retail signage provisions are not proposed in the Planning Code changes.
MCD and Adult Use Retail Zoning Approval Processes	13	Medical cannabis dispensaries have more stringent ADA requirements to increase access for patients, which may not be necessary for adult use retailers. Therefore, adult use cannabis retailers, as distinct from medical use cannabis retailers, should not be subject to the heightened ADA requirements that currently apply to MCDs.	Partial	Retailers would be required to retain medical as a use, therefore, their ADA requirements remain just as stringent as those of MCDs.
	14	San Francisco should craft a reasonable process for current medical cannabis dispensaries to transition into the adult use market. A "transition" would include a medical dispensary adding adult use products or a medical dispensary switching to an adult use business model. Such "grandfathered" medical cannabis businesses should be exempt from any new, more restrictive land use provisions that may be applicable to adult use retail businesses.	Yes	The proposed land use controls do provide a way for existing MCD to convert to CRs. The provision exempts existing MCDs from more restrictive clustering provisions, and exempts them from obtaining Conditional Use Authorization.

**Recommendation Sub-Category: Social Justice/Workforce Development**

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
Successful Workforce	15	San Francisco should collaborate with San Francisco City College, San Francisco Unified School District, and other workforce development organizations and key stakeholders, to develop new or build upon existing training and apprenticeship programs as workforce pathways for individuals to participate in all aspects of the cannabis industry (i.e. cultivation, laboratory testing, manufacturing, retail, etc.). These programs should increase opportunities for individuals to enter the cannabis industry, but also be part of a broader workforce strategy to increase job opportunities in	NL	San Francisco Workforce does this for other sectors and will lead initiatives to incorporate cannabis occupations into this approach. Once certification and licensing standards for employees are established, workforce will work to prepare people towards achieving industry-recognized credentials.
	16	San Francisco should ensure that those with a criminal justice history are not automatically barred from job opportunities within the cannabis industry, and that license holders are incentivized to hire people with a criminal justice history to the extent possible.	Yes	The legislation does not contemplate stricter eligibility requirements than the state, notably around conviction history review. The legislation directs the Office of Cannabis to make every effort to coordinate conviction history review with the state so both local and state eligibility is defined at the beginning of the permitting process. Also, by implementing First Source standards, businesses will have direct access to a pipeline of qualified but oftentimes disadvantaged candidates that include people whom have interacted with the criminal justice system.
	17	San Francisco should create incentives (rather than mandates) for cannabis businesses to hire local residents and individuals from communities affected by mass incarceration. The City should also create hiring preference policies for residents who have moved out of the City due to the high cost of living.	Yes	The legislation contemplates requiring participation in the First Source Hiring Program for all permanent permit holders, meaning businesses would post any new entry-level positions with San Francisco's workforce system before posting those positions publicly (i.e. their website, linked in, craigslist, monster, etc.). As a good faith effort (as opposed to a mandate) First Source ensures that participating businesses consider qualified San Francisco residents whom have sought out workforce services before they begin recruiting for candidates through more traditional hiring practices that may lead to under representation by low-income or disadvantaged San Franciscans. First source has proven to be a valuable tool for local businesses in gaining access to a screened pool of qualified candidates for entry-level positions.
	18	San Francisco should lower financial barriers to enter the cannabis industry by collaborating with workforce development organizations to provide high quality, free or low-cost cannabis workforce trainings, which should include both online and in-person modalities.	Yes	As mentioned earlier, San Francisco Workforce does do this for other sectors and will incorporate cannabis occupations into this approach.



San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

#	Recommendation	Included	Rationale
19	The cannabis industry is a dynamic field, and as such, San Francisco should collaborate with workforce development organizations to provide continuing education to maintain a well-trained, competent workforce and assure patient/consumer safety as new technologies and products emerge.	Yes	As mentioned earlier, San Francisco Workforce does do this for other sectors and will incorporate cannabis occupations into this approach.
20	San Francisco should create job opportunities and mechanisms to educate, train, and hire formerly incarcerated persons, transitional age youth (age 18-21), and young adults (age 21-26). The City's current process for hiring formerly incarcerated persons could serve as a model.	Partial	While persons under the age of 21 are not eligible to be employed by a commercial cannabis businesses, the San Francisco workforce system includes a Provider exclusively dedicated to formerly incarcerated participants and their unique hiring needs. In addition both our Adult and Young Adult programs see a disproportionate number of participants with criminal backgrounds. These tend to be the people that access workforce services because of the level of difficulty they face when trying to find employment. The workforce system is designed to offer education and training pathways for its participants to qualify for demand occupations. First Source is a proven model for increasing access to job opportunities by participants in the workforce system
21	San Francisco should work with key stakeholders to develop mechanisms to publicize job opportunities and draw diverse candidates to the cannabis workforce, such as job fairs, public education campaigns, or other pipelines.	NL	The workforce system hosts job fairs regularly and can easily incorporate cannabis employers and opportunities. OEWD's business services team can support communications strategies to increase awareness of the opportunities the industry creates.
22	San Francisco should ensure that existing workforce policies and protections for wage and benefit rights are extended to the cannabis industry workforce, such as connecting worker rights protections to the permitting process.	Yes	Operators will be required to comply with all local and state safety, wage and labor ordinances. Revisions to the legislation will contemplate including a detailed description of how the applicant will meet all state and local laws related to worker rights and protections.
23	Post-legalization, there will be a need for lab technicians with the capacity for testing cannabis products, and San Francisco should invest in this capability.	NL	This could likely align with the City's existing health care sector trainings. Once certification and licensing standards for employees are established, workforce will work to prepare people towards achieving industry-recognized credentials.

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
Entrepreneurs hip Opportunities		San Francisco should engage workforce development organizations, community-based organizations, community members, and other key stakeholders to develop strategies to reduce economic barriers for people of color, women, and formerly incarcerated persons to enter the cannabis industry as entrepreneurs. Strategies could include:		<p>The legislation pending before the Board of Supervisors proposes that no applications for permanent commercial cannabis activity be made available until an Equity Program has been established. This program is intended to encourage a more equitable and inclusive local industry; and it will be developed and informed by an Equity Access Report due to the Board of Supervisors and the Mayor by November 1, 2017.</p> <p>The Office of Cannabis is working on the Equity Report with the Human Rights Commission and the Controller's Office. The report will present available data on disparities in the cannabis industry based on race, income, economic status, gender, disability, sexual orientation, gender identity, and HIV/AIDS status. It will also include recommendations regarding policy options that could (A) foster equitable access to participation in the industry, including promotion of ownership and stable employment opportunities in the industry (B) invest City tax revenues in economic infrastructure for communities that have historically been disenfranchised, (C) mitigate the adverse effects of drug enforcement policies that have disproportionately impacted those communities, and (D) prioritize individuals who have been previously arrested or convicted for marijuana-related offenses.</p>
	24	a) Consider a prioritized permitting process to help operators reduce initial start-up costs (e.g. subsidized rent while undergoing permitting process)	Partial	The legislation does not currently contemplate reallocation of existing funding for the purpose of subsidizing rent. However, the legislation contemplates giving priority processing to Equity Applicants, a category to be defined by the City this fall. Additional policies to support equity operators will be further defined during the development of the proposed Equity Program.
		b) Creation of grants or other funding opportunities to assist people of color, women, and formerly incarcerated persons in achieving business ownership	No	This legislation does not currently contemplate the reallocation of existing funding to assist people of color, women, and formerly incarcerated persons from achieving ownership, however, this will be one area the City will seek to address through the creation of an Equity Program this fall.
		c) Equity licensing	Yes	This legislation contemplates only allowing eligible candidates access to applications for a permanent permit to operate once an Equity Program is established. At the time applications are opened, it is proposed that equity applicants receive priority review for permit processing.

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
		d) Subsidized permitting and licensing fees	Partial	The Equity Program contemplated includes priority permit processing and technical assistance to applicants who meet Equity Criteria. Subsidized permitting and licensing fees will be contemplated during the development of the Equity Program and may be reviewed when the permit and license fee legislation is before the Board of Supervisors this fall.
		e) Use of existing small business support structures and programs as models, such as the Mission Economic Development Agency (MEDA), Minority-owned Business Enterprise (MBE), Women-owned Business Enterprise (WBE) programs, and others.	NL	The Office of Economic and Workforce Development will do a survey of all of small business support structures and programs, and this survey should be able to identify which programs cannabis businesses are eligible for today and where there may be any missing pieces. OEWD can then work with the City and State to identify potential funding sources for additional programming that may be needed.
	25	Due to federal cannabis prohibition, cannabis business owners cannot easily access banking services, and therefore, must operate on a largely cash-only basis. Thus, business ownership is limited to entrepreneurs with access to capital. San Francisco should therefore advocate for a change in federal prohibition policy and explore opportunities to use City funding and/or local credit unions to provide banking	NL	While the federal priorities for the Office of Cannabis will reflect advocacy around changes to federal prohibition to align with state and local law, this legislation does specifically speak to policies related to allowing for city funding for banking services.
Proposition 64 Community Reinvestment Grants	26	San Francisco should apply for Proposition 64 Community Reinvestment Grants and collaborate with key stakeholders to allocate funding to programs that benefit the communities targeted by the Proposition 64 grant funding. Program priority areas could include: <ul style="list-style-type: none"> <li>• the educational system</li> <li>• childcare subsidies</li> <li>• services for formerly incarcerated persons and other communities affected by cannabis prohibition</li> <li>• housing</li> <li>• job creation</li> <li>• behavioral health services</li> <li>• criminal record expungement</li> </ul>	NL	The City has engaged with the State on all funding opportunities and will continue to proactively advocate for funding formula and compete for allocations that benefit San Francisco programs and communities.

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
	27	San Francisco should encourage cannabis businesses to invest in community benefit agreements that allocate resources to community.	Yes	The legislation proposes requiring a community benefits agreement from all commercial cannabis businesses, which at a minimum requires participation in the City's First Source Program. The legislation also proposes prioritizing permit processing based on the following: (1) Applications from Equity Applicants; (2) Applications that, if awarded a permit, would contribute to the continued access to Medicinal Cannabis for individuals who qualify to use Medicinal Cannabis under California Health & Safety Code Section 11362.5; (3) Applications from Applicants that were operating a Medical Cannabis Dispensary in compliance with the Compassionate Use Act prior to September 1, 2016; (4) Applications that demonstrate a commitment on the part of the Applicant to provide benefits to the surrounding community, including but not limited to workforce opportunities and community benefits contributions; and (5) Applications that, if awarded a permit, would provide for the continued employment of persons in the Cannabis industry.
Social Justice	28	San Francisco should include cultural competency trainings as part of the cannabis workforce development strategy.	NL	While the overall workforce strategy is not legislated through these ordinances, the City can review ways to provide appropriate trainings to employees. The Office of Cannabis seeks to better understand if there is/are a specific cultural need(s) that the Task Force seeks to address through this recommendation.
	29	San Francisco should develop pathways, such as an amnesty program, to encourage existing businesses to transition from the illicit to legal market.	Yes	The City is facilitating a registration process for existing medicinal cannabis businesses not currently permitted under Article 33 of the Health Code. This registration process allows San Francisco cannabis businesses to provide the City with information including: Business Registration Certificate, proof to occupy, location, verifiable date of operation, etc. IF businesses have this information and they are conforming to the Planning Code, the business will be subject to an inspection. If the business passes the inspection and provides the City with all necessary information, the business will be eligible for a temporary permit to operate their medical cannabis business. This temporary permit will authorize them to seek a temporary license from the state beginning Jan 1. 2018.

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

#	Recommendation	Included	Rationale
30	San Francisco and the San Francisco Police Department should collaborate with community policing and diversion programs to educate businesses on the transition from the illicit to legal market.	NL	
31	The San Francisco District Attorney and Public Defenders Offices should work to streamline the record expungement and resentencing process for individuals with eligible previous convictions as outlined in the Proposition 64.	NL	

**Recommendation Category 3: Regulation and City Agency Framework (RCAF)**

**Recommendation Sub-Category: Licensing**

Licensing - Local Industry Licenses	1	San Francisco should develop a local adult use cannabis licensing system that aligns and builds upon the State license types and structure.	Partial	While the proposed legislation offers many types of permits, it does not allow for all activities allowed by the state such as nurseries and outdoor agriculture. All local applicants, except retail applicants, are not required to apply for an "M-Type" or and "A-Type" permit (although they will be required by the state)
	2	San Francisco should consider creation of new license types, in addition to the State-defined license types, to accommodate the diverse businesses within the adult use cannabis industry in the City. Any newly created local license types should be shared with the State and may include the following: <ul style="list-style-type: none"> <li>• New category: Manufacturing 6B Special baking/cooking license</li> <li>• New category: Consumption lounge</li> <li>• New category: Events (e.g. commercial events and farmers' markets, etc.)</li> </ul> The City should also explore the possibility for one-day event permits.	No	The legislation only contemplates permit types that align with existing state license types established by MAUCRSA at this time. Manufacturing is allowed, and consumption will be allowed at retail locations, under certain conditions. Special event permits are not contemplated in this legislation.
	3	San Francisco should support opportunities for existing businesses to participate in the cannabis industry by allowing for dual (i.e. the ability to sell both non-cannabis & cannabis products) licensing opportunities.	Yes	The legislation allows cultivators, manufacturers and distributors the opportunity to conduct medicinal and adult use related activities on their premises. The legislation requires retailers to either conduct only medical, or adult-use and medical activities on their premises. No solely adult-use retail activity is permitted under the proposed legislation.

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
	4	In order to provide a consumption space, San Francisco should consider waiving licensing requirements for smoking tents at special events where there is no cannabis distribution.	No	Similar to DPH's approach to onsite consumption at retail locations, San Francisco has been a leader in ensuring that everyone has the right to clean air and is not exposed to second hand smoke. Because the City is committed to maintaining its progressive clean air laws, this legislation does not contemplate permitting smoking tents at special events.
	5	Proposition 64 includes a Type 7 = Manufacture 2 license for sites that manufacture cannabis products using volatile solvents. In planning for these uses, San Francisco should use the Planning Department's zoning map for volatile manufacturing and only issue Type 7 = Manufacturer 2 licenses in these permitted areas.	Yes	This legislation proposes zoning volatile solvent manufacturing only in locations where such activity would be allowed in an analogous use, such as in PDR-1-G, PBR-1-D, and PDR-2.
Licensing - Local Workforce Licensing	6	<p>San Francisco should consider workforce licensing requirements that create uniform standards across businesses. The City should work with relevant stakeholders to identify appropriate training requirements that achieve a balance between creating minimum standards that do not also create a barrier to entering the industry. The City should consider various job training formats (e.g. on-the-job training, apprenticeship certification, continuing education, shadow programs at dispensaries, etc.) and leverage existing programs to develop and implement adult use cannabis workforce education and training. The following entities could be involved in this effort:</p> <ul style="list-style-type: none"> <li>• Office of Small Business</li> <li>• City College of San Francisco and other community colleges</li> <li>• San Francisco Unified School District</li> <li>• Charter or private schools</li> <li>• Unions</li> <li>• Oaksterdam University</li> <li>• Patient Focused Certification Program – Americans for Safe Access</li> </ul>	NL	<p>Professional licenses are generally implemented at the state level, and because this is statewide activity, the City believes this should remain a state responsibility. With that said, the creation of standardized licensing requirements for workforce would allow individuals to train for clearly identified skills that meet the needs of the employer making them more successful at gaining employment. It is important that these standards be universal across geographies, ensuring that the worker has a broad market place for their skills and allowing them to find the best fit for themselves. The Office of Economic and Workforce Development and their workforce providers ensure that all trainings they provide give participants the skills they need for licensure (for example guard cards for security guards).</p> <p>The Office of Economic and Workforce Development as well as the Office of Cannabis can plan to participate in discussions for license establishment at the state level to ensure that such standards meet the needs of both our workforce and businesses. The City can then implement such standards within OEWD/partner trainings to ensure that the workforce participants are able to get the licenses needed to move into the workforce.</p>

San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
Licensing - Non-Profit Licenses	7	San Francisco should encourage the non-profit model and make non-profit licenses available for cannabis organizations that provide compassion programs and supportive services.	Partial	While the City is not creating non-profit specific permits for 2018 (as defined by MAUCRSA) the City is contemplating an allowance for compassion programs, with certain restrictions, so that low income patients are able to continue to access medical cannabis at reduced cost. A report to that effect will be released by the Office of Cannabis in consultation with the Department of Public Health, and Controller's Office on November 1, 2017.
Deliveries	8	San Francisco should consider a local license that would allow for adult use mobile delivery/retail services without the brick and mortar retail requirement. Adult use cannabis retailers that possess a delivery-only license should have a hub, or centralized location, to process orders. In-home cannabis businesses could have impacts on residential neighborhoods, so these hubs should be in non-residential or live/work commercial zoning locations.	Yes	The legislation proposes permits for nonstorefront retail delivery. Zoning for this activity will mirror zoning requirements for distribution activity.
	9	Delivery drivers will need proof of authority to fill delivery orders. The driver should possess an order manifest that includes patient name, order date, delivery date, business name, items ordered, and order time. However, delivery address should not be included, as inclusion of this information may pose a safety risk to consumers.	Partial	Delivery drivers will be required to carry a manifest for each order. It is contemplated that the manifest will include: 1) Permit name and number, 2) Name of purchaser and date of birth, 3) date and time order was placed, 4) a description of the product ordered and amount, and 5) delivery address. These requirements have been contemplated in order to meet state regulations related to delivery. To-date, MAUCRSA requires delivery personnel to carry a physical copy of the delivery request requires the delivery personnel to make it available upon request of the licensing authority and law enforcement officers, however, the City expects that mandatory manifest information will be further clarified in the State's emergency regulations. To discourage "mobile delivery" the City is requiring each order have a specific destination prior to departure from the nonstorefront retail delivery location.
	10	San Francisco should allow permitted medical cannabis dispensaries that currently operate delivery services to continue to provide deliveries.	Yes	The legislation proposes requiring all retail permit holders to meet certain application requirements and operating standards to be eligible to deliver. If the retailer meets these requirements they may continue to deliver cannabis.
	11	Delivery drivers should receive appropriate training to minimize potential safety risks.	Yes	The legislation proposes requiring all retail permit holders to seek authorization to deliver, and as a part of their applications, retail/delivery will be required to sign a statement affirming that they will provide training to all employees concerning the laws governing sales and delivery, and to attend that the operator will take steps to ensure the personal safety of their employees.

San Francisco Cannabis State Legalization Task Force  
Year I Recommendations  
Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
MCDs and Adult Use Market Participation	12	San Francisco should allow cannabis retailers to participate in both the medical cannabis and adult use cannabis markets.	Yes	The legislation proposes requiring all retailers to maintain their medical use while allowing them to add adult use to their location.
	13	The licensing process for medical cannabis dispensaries should not be more restrictive than that for adult use retail licensees.	Yes	As proposed, MCDs would be permitted as of right in all commercial zoning districts, but require a Mandatory DR or CU, depending on the district, in Neighborhood Commercial Districts.
	14	San Francisco should consider creating a licensing priority for current medical cannabis dispensary operators in operation as of, or prior to, September 1, 2016, to apply for adult use cannabis licenses. This aligns with Proposition 64's existing licensing priority provision.	Yes	The legislation states: In reviewing applications for Cannabis Business permits, the Director shall give priority to: (1) Applications from Equity Applicants; <b>(2) Applications from Applicants that were operating a Medical Cannabis Dispensary in compliance with the Compassionate Use Act prior to September 1, 2016;</b> (3) Applications that demonstrate a commitment on the part of the Applicant to provide benefits to the surrounding community, including but not limited to workforce opportunities and community benefits contributions; and (4) Applications submitted by all other Applicants.
<b>Recommendation Sub-Category: Taxation and Revenue</b>				
Taxation	15	Proposition 64 establishes State adult use cannabis taxes. To complement the State's taxation system, San Francisco should consider establishing local cannabis taxes to generate revenue that may be allocated to local cannabis legalization priorities not already funded through state taxes or other funding mechanisms.	NL	The Mayor issued Executive Directive 16-05 on November 9, 2016, that directed his Budget Director to consult with the Controller, Treasurer and Tax Collector, and other stakeholders to propose taxation and permitting fees related to the production and distribution of cannabis products. He also asked staff to consult with other American jurisdictions that allow for non-medical cannabis use to survey their taxation and fee methods, to incorporate lessons learned. This cannabis tax working group will make recommendations for a local ballot measure to tax commercial cannabis activity. These conversations have just begun.
	16	If San Francisco decides to implement local adult use cannabis taxes, the City should consider up to a 1% excise tax or gross receipt tax. The State will impose a 15% excise tax on adult use cannabis. Therefore, the local excise tax should not exceed 1%, to prevent consumers from purchasing from the illicit market due to taxes that are perceived to be too high.	NL	While a specific percentage has not been settled on, the City seeks to ensure a rate that does not shift businesses and consumers back to the illicit market



San Francisco Cannabis State Legalization Task Force  
 Year I Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
	17	Given that the cannabis industry currently operates primarily on a cash-only basis, San Francisco's Office of the Treasurer should create a mechanism to collect local adult use cannabis taxes.	NL	The Office of the Treasurer and Tax Collector is experienced in receiving and handling cash.
Revenue Allocation Priorities	18	San Francisco should consider allocating some potential State and local adult use cannabis tax revenue towards the City's local regulatory, policy, and programmatic goals with respect to cannabis legalization. Allocation priorities include, but are not limited to: <ul style="list-style-type: none"> <li>• Workforce development</li> <li>• Entrepreneurial opportunity fund</li> <li>• Education for students and youth</li> <li>• Education and training for formerly incarcerated persons</li> <li>• Community-identified priorities (e.g. community benefit agreements)</li> </ul>	NL	While not legislated, the Equity Report requested by the Board of Supervisors will contain some recommendations related to the possible investment of City tax revenues in economic infrastructure for communities that have historically been disenfranchised. The Office of Cannabis, Human Rights Commission and Controller will contemplate this recommendation when drafting the report and requisite recommendations.
Data Collection	19	San Francisco should use an evidence-based approach to inform future adult use cannabis policies and legislation. The City should engage key stakeholders to identify and collect appropriate data points to assess the impact of cannabis legalization.	NL	Data collection is not currently contemplated in this legislation, however, the Office of Cannabis is working to define methods of data collection and scope, and will incorporate this collection plan into their 2018 work plan. The Office will seek to use data to inform future policy recommendations for the Mayor and Board of Supervisors.
<b>Recommendation Sub-Category: Agency Oversight</b>				
Local Regulatory and Regulatory Oversight Structure	20	In developing an appropriate local regulatory and regulatory oversight structure for adult use cannabis, San Francisco should consider the following characteristics to ensure success for the entities responsible for regulation: <ul style="list-style-type: none"> <li>• Responsive</li> <li>• Timely</li> <li>• Accountable</li> <li>• Strong leadership</li> <li>• Transparent</li> <li>• Promote certainty in process</li> <li>• Multi-agency collaborative model</li> </ul>	Yes	The role of the Office of Cannabis is to implement the regulatory and permitting policies crafted by the Mayor and Board of Supervisors, and to track and analyze data to inform future policymaking related to cannabis activity. This legislation provides a transparent structure that allows for appeals of Director decisions to a third party hearing officer and then to the Board of Appeals for instances such as permit issuance, suspension and revocation of permits.

San Francisco Cannabis State Legalization Task Force  
Year I Recommendations  
Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Included	Rationale
	21	San Francisco should consider new and/or existing regulatory and regulatory oversight structures for adult use cannabis regulation. Options would include the following: <ul style="list-style-type: none"> <li>• Option 1: Standalone agency with its own staff and commission</li> <li>• Option 2: Standalone agency with its own staff, no commission</li> <li>• Option 3: Part of an existing agency or agencies</li> </ul> Note: Task Force further developed this recommendation in Year II - please see "Other" tab for more information.	NL	In the summer of 2017, the Board of Supervisors and the Mayor established an Office of Cannabis (OOC) under the direction of the City Administrator. This office is authorized to have three positions including the Director.
Local Agency Collaboration	22	San Francisco should anticipate that numerous City agencies will have a role in adult use cannabis regulation. City agencies that may play a role in adult use cannabis regulation include, but are not limited to the: Department of Public Health, Police Department, Planning Department, Fire Department, Tax Collector's Office, Department of Building Inspection, San Francisco Municipal Transportation Authority, and Department of Public Works. The cannabis regulatory role of each agency should be distinct and not overlap.	Yes	In the legislation, these departments are called "referring departments" and each department maintains existing permitting and inspecting responsibilities (except for the proposed sunseting of DPH's final permitting role under Article 33)
Track and Trace	23	Proposition 64 establishes a State-level track and trace monitoring system to track cannabis from seed to sale. This State system is sufficient for local cannabis tracking within San Francisco.	Yes	Each operator will be required to comply with track and trace. The City has engaged the CDFA in their development of the system to request participation in the user outreach and development. The goal is to make this a useful tool for not just the state, but also appropriate agencies in San Francisco.

# **Year II Recommendations**

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Year II Recommendations: Non-Retail Licensing				
Recommendation Sub-Category: Technical				
Non-Retail Licensing Elements - General	1	San Francisco should make local permits for non-retail businesses available for all MCRSA and AUMA license categories and microbusinesses. San Francisco should not license large cultivation though State permit 3 or permit 5.	Partial	San Francisco is proposing to make indoor cultivation permits available for operations with up to 22,000 square feet of canopy. The legislature also proposes to allow for volatile and non-volatile manufacturing, distribution, microbusiness, and testing. The legislature does not propose a nursery permit due to the little information provided by the state related to this activity, however, it may contemplate this permit in the future, and after the state issues emergency regulations associated with this business activity.
	2	<p>In addition to the State-defined license types, the following local license types should be created:</p> <ul style="list-style-type: none"> <li>• New category: Virtual dispensary (i.e. physical location used for delivery with no walk-in retail)</li> <li>• New category: Manufacturing 6B Special baking/cooking license</li> <li>• New category: Consumption lounge, bring your own product (entertainment, restaurants, yoga studio, gym)</li> <li>• New Category: Temporary Events, Cannabis Cup/Cultural Events, and Farmers Market examples</li> </ul> <p>The above licenses would not include retail activity, except in the case of microbusinesses.</p> <p>*Note: Manufacturing 6B, consumption lounge and events with retail activity to be addressed later under retail licensing topic area.</p>	Partial	While the legislation contemplates nonstorefront retail delivery and manufacturing permits, it does not contemplate a stand-alone baking permit, nor does it contemplate permits for standalone consumption lounges and special events. Much of this has to do with concerns related to environmental health, as well as state restrictions on where cannabis may be consumed.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

#	Recommendation	Include	Rationale
	Consumption lounges and temporary events should be allowed in San Francisco. The City should look into whether a license is necessary in these cases.	Partial	The proposed legislation does not allow for temporary events. It does allow for consumption spaces/lounges at permitted cannabis retail locations.
3	San Francisco should issue standalone permits for non-retail businesses; meaning no previous affiliation with medical cannabis dispensaries would be required as part of the licensing process.	Yes	We are not requiring proof of being affiliated with an existing MCD as an eligibility requirement for non-retail and delivery permit applicants.
4	The non-retail permitting process in San Francisco should be streamlined and efficient.	Yes	The Office of Cannabis is partnering with the California College of the Arts DBMA students as well as alumni to process mapping the existing application process with an eye towards streamlining and for the development of the final application system.
5	In the non-retail permitting process, existing permit holders in good standing or those who have been displaced as a result of federal intervention should receive priority processing and licensing status in the City and County of San Francisco. This recommendation should not conflict with Social Justice prioritized permitting processing recommendations.	Yes	The legislation contemplates giving retailers who were operating in good standing post 1996 and were forced to close due to federal intervention access to applications in phase I/2018.
6	San Francisco should respond to all State inquiries regarding local permits in a timely manner.	NL	While not legislated, the Office of Cannabis intends to work closely with our state counterparts on all processes related to local permit and state licensing approvals, including criminal history and over concentration review.
7	Security and Federal Government: Local Licensing agencies should do everything within their legal power to prevent disclosure of sensitive business and personal information to federal agencies. To reduce the risk of theft, local licensing agencies should keep non-retail facility physical addresses discreet, with mailing addresses as an appropriate way of providing information.	NL	The City intends to protect information related to operations of San Francisco based operators in good standing from federal enforcement to the extent allowed by law.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Non-Retail Licensing Elements - Licensing Requirements	8	Existing local and State laws and regulations cover many of the desired requirements for non-retail cannabis businesses. As such, the requirements for non-retail licensing should align with these local and State laws and regulations, including: <ul style="list-style-type: none"> <li>• Board of Equalization (BOE) Sellers permit requirements</li> <li>• Articles of Incorporation</li> <li>• Labor laws</li> <li>• Occupational Safety and Health Administration (OSHA) standards</li> </ul>	Yes	Local operating standards for all cannabis businesses, including non-retail, will require applicants to share with the City all information they share with the state for a state license. The Office of Cannabis will also use the operating standards defined by the state through emergency regulation as the City's baseline operating standards.
	9	Non-retail license applicants should be required to provide the following supporting documentation to the City of San Francisco, as part of the licensing process, depending on the nature of the activity: <ul style="list-style-type: none"> <li>• Hazardous materials and waste storage plan</li> <li>• State nursery program inspection</li> <li>• Building inspections from the Department of Building Inspection (DBI)</li> <li>• Fire Department documentation</li> <li>• Documentation of alignment with Agricultural Department best practices</li> <li>• Security plans</li> </ul>	Yes	All of these recommendations are encompassed in the proposed application requirements except the "State nursery inspection program" suggestion. The legislation does not propose a nursery permit.
	10	An annual inspection and a review of documents by a licensing agent should be required for non-retail license renewal. The inspection and document review should ensure compliance with State and local regulations and good standing with the Board of Equalization (BOE).	Yes	Operators will be required to have an annual inspection, and they will also be required to update all information on file in their application prior to renewing the permit to operate.
	11	San Francisco should issue local non-retail licenses to the operator, and take steps to ensure that licenses are portable.	Partial	Permits will be issued to the permittee. Permits for cannabis activity are tied to a permittee, location, and ownership structure (to an extent).

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Dual Medical and Adult Cannabis Licensing	12	San Francisco should not make a distinction between medical and adult use permitting for non-retail businesses.	Yes	For all non-retail permits, we did not include a distinction for adult-use vs. medical use.
Personal Cultivation	13	Personal, noncommercial cultivation should not require a license in San Francisco.	Yes	These ordinances do not create personal cultivation permits.
<b>Recommendation Sub-Category: Social Justice</b>				
Strategies	14	San Francisco should engage community members in the target populations (people of color, women, transitional-age youth ages 21-24, and formerly incarcerated persons), workforce development organizations, community-based organizations, and other key stakeholders to develop strategies to reduce economic barriers to enter the cannabis industry as workforce or entrepreneurs.	Yes	<p>applications for permanent commercial cannabis activity be made available until an Equity Program has been established. This program is intended to encourage a more equitable and inclusive local industry; and it will be developed and informed by an Equity Access Report due to the Board of Supervisors and the Mayor by November 1, 2017.</p> <p>The Office of Cannabis is working on the Equity Report with the Human Rights Commission and the Controller's Office. The report will present available data on disparities in the cannabis industry based on race, income, economic status, gender, disability, sexual orientation, gender identity, and HIV/AIDS status. It will also include recommendations regarding policy options that could (A) foster equitable access to participation in the industry, including promotion of ownership and stable employment opportunities in the industry (B) invest City tax revenues in economic infrastructure for communities that have historically been disenfranchised, (C) mitigate the adverse effects of drug enforcement policies that have disproportionately impacted those communities, and (D) prioritize individuals who have been previously arrested or convicted for marijuana-related offenses.</p>

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

#	Recommendation	Include	Rationale
15	<p>San Francisco should prioritize the following strategies for development:</p> <p>a) A prioritized permitting process to help operators in the target populations reduce initial start-up costs (e.g. subsidized rent while undergoing permitting process). Existing businesses should be prioritized first, followed by operators in the target population. If the cannabis regulatory agency places a cap on the number of licenses, this prioritization model should be revisited.</p> <p>b) An equity licensing program, which would include:</p> <ul style="list-style-type: none"> <li>• Entrepreneurship grants and other funding opportunities to assist people of color, women, and formerly incarcerated persons in achieving business ownership (funded by cannabis taxes)</li> <li>• Subsidized permitting and license fees</li> <li>• Access to small business support programs and incubator services, such as the</li> </ul> <p>Mission Economic Development Agency (MEDA), SCORE, Minority</p>	Partial	<p>a) The proposed legislation prioritizes Equity applicants and then existing businesses, notably those who have been in operation prior to September 1, 2016. This is to allow Equity applicants to keep pace with the evolution of the industry. Naturally, existing businesses are established and may have more capacity to evolve at a pace that Equity applicants may not, and that is one reason why Equity applicants were prioritized first. b) Funding opportunities, subsidized fees and access to additional services may all be contemplated in the creation of the program. The only component contemplated in this legislation, other than the priority review and processing, is technical assistance. Additional strategies may be contemplated during the development of the Equity Program.</p>



San Francisco Cannabis State Legalization Task Force  
Year II Recommendations  
Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Stakeholders	16	San Francisco should provide a clear, transparent pathway and process for businesses to acquire non-retail licenses, and existing businesses should be allowed to operate for a period of one year	Yes	Temporary permits are being offered for non-retail and delivery. These are eligible for 90 day extensions through the end of 2018.
	17	San Francisco should ensure local regulatory agencies' non-cooperation with federal law enforcement authorities via a San Francisco local ordinance. Additionally, the Board of Supervisors should endorse AB 1578 or analogous state legislation for California State law enforcement non-cooperation with federal law enforcement authorities.	No	Non-cooperation is not specifically called out in this legislation, and the 2017 legislative session has concluded. During the session, AB 1578 was ordered inactive.
	18	The following entities could be involved in the aforementioned social justice-focused efforts: <ul style="list-style-type: none"> <li>• Neighborhood associations</li> <li>• Community business support programs (e.g., MEDA) and other local business associations</li> <li>• City College of San Francisco</li> <li>• Potential and current cannabis employees and entrepreneurs, including formerly incarcerated people, women, and people of color</li> <li>• Landlords</li> <li>• Office of Economic and Workforce Development (OEWD)</li> </ul>	NL	The City will continue to seek input and collaboration from a broad array of stakeholders as we develop our policies, including those related to social justice. While not specifically included in this legislation, this in no way precludes the City from engaging with these entities in the future.
<b>Recommendation Sub-Category: Community Engagement</b>				
Strategies	19	San Francisco should develop cannabis non-retail business operating standards to form part of the non-retail business permitting process. These standards should ensure that cannabis businesses are "good neighbors" to the communities in which they are located. These standards should be enforced meaningfully by regulatory agencies in a non-discretionary manner (e.g., standard set of rules and consequences, such as citations or notices of violation if rules are broken).	Yes	Good Neighborhood Policies are contemplated in the legislation and applicants are required to agree to them as part of the application process. The proposed standards are the following: (i) Provide to residential and commercial neighbors located within 50 feet of the Cannabis Business the name, phone number, and email address of an onsite community relations staff person who may be contacted concerning any problems associated with operation of the establishment; (ii) Maintain the Premises, adjacent sidewalk and/or alley, and associated parking areas in good condition at all times; (iii) Prohibit loitering in or around the Premises, and post notifications on the Premises advising persons of this prohibition. Notice of Violation + permit suspension and revocation (+ appeals pathways) are contemplated in the legislation to ensure accountability of permit conditions such as these.
	20	Cannabis non-retail businesses, when located within 300 feet of a Residential or Neighborhood Commercial Zoning District, must conduct a pre-application meeting as part of the licensing process and notify all residents within 300 feet. The licensing entity would oversee this process.	No	While this is not contemplated in the legislation, the Office of Cannabis is considering amendments to incorporate more community outreach as part of the application process.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
	21	The regulatory agency or agencies overseeing the cannabis industry should make cannabis business regulations clear and accessible to the general public so that the public is informed and aware of the regulations.	Yes	The Office of Cannabis has a website and will seek to use it as a platform to disclose all appropriate regulatory information to the public to ensure full transparency and knowledge of the regulations governing the industry. The website currently houses the draft legislation and provides a platform for comment from members of the public, etc. and provides a place for members of the public to comment regarding how the website can be a better tool for their use.
	22	All employees of non-retail cannabis businesses should receive regulatory compliance training within six months of hiring similar to California Alcohol and Beverage Control LEAD training.	NL	As mentioned for this recommendation in Year I, we are not aware of a model for CA cannabis regulatory compliance training, similar to LEAD. With that said, the Office of Cannabis would be happy to partner with city agencies and other stakeholders to identify models and to ultimately ensure appropriate training occurs so that employers and employees understand best practices related to responsible service of cannabis and cannabis products.
	23	For the sake of public safety, non-retail businesses should not aim to draw unnecessary attention to themselves through signage.	Yes	Specific cannabis retail signage provisions are not proposed in the Planning Code changes.
Stakeholders	24	The following entities are stakeholders in the City's community engagement efforts for non-retail: <ul style="list-style-type: none"> <li>• Businesses</li> <li>• Residents</li> <li>• San Francisco Department of Public Health</li> <li>• San Francisco Police Department</li> <li>• San Francisco Fire Department</li> <li>• San Francisco Unified School District</li> <li>• Office of Economic and Workforce Development (OEWD)</li> <li>• Office of Small Business</li> <li>• Other San Francisco City agencies/departments and potential overarching cannabis regulatory agency</li> </ul>	NL	The City, through the Office of Cannabis, has been engaging many of these stakeholders to assist with the development of: registration inspection standards, components of the local regulatory structure, and policy options to address the future needs of San Francisco with the implementation of commercial cannabis activity in 2018.
Tourism and Hospitality	25	San Francisco should create a certification program for non-retail tour companies in alignment with existing tour bus regulations. Regulations and clear enforcement processes should be established for bus size, bus drivers, and smoking in vehicles, and to mitigate traffic congestion, safety concerns, noise, odors, and waste as a result of tours. Regulations should also set an upper limit on the number of visitors and tour frequency in order to maintain the non-retail nature of the facility.	Partial	The legislation contemplates allowing for tours of certain facilities in 2019, but only after policies are established that address policy priorities such as those outlined here: mitigating neighborhood impacts, address potential congestion and parking impacts, etc.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
	26	Public safety education (e.g., regarding specific regulations) should be required for tour companies. Tour companies should be required to distribute cannabis education materials to patrons as part of the tour.	NL	See above.
	27	Tour companies should be required to designate a community liaison to address concerns and respond to community inquiries.	NL	See above.
Youth Access and Exposure	28	Non-retail cannabis-related waste material should be stored and disposed of securely in order to prevent diversion to youth.	Yes	The legislation requires a waste disposal plan from all operators, and requires trash to be contained and disposed of pursuant to garbage and recycling receptacle guidelines to be developed by DPW. This will include locking receptacles.

Year II Recommendations: Land Use

**Recommendation Sub-Category: Cross-Cutting - Technical and Community Engagement**

Land Use Types	1	San Francisco should allow sales of cannabis products as an accessory use (i.e. where the selling of cannabis is not the location's primary use), develop regulations to specify how cannabis products should be separated from non-cannabis products and how accessory levels of cannabis product should be defined, and develop mechanisms to enforce these regulations. Options for regulating the sale of cannabis as an accessory use could include: a. Limiting the type of cannabis products sold to pre-packaged cannabis products only b. Restricting cannabis products to an area of a business where minors are prohibited c. Enclosing cannabis products in a locked box that an employee would unlock upon request	Partial	While the Planning Code legislation allows for accessory use, it defers that option to the creation of an Accessory Use permit from the Office of Cannabis. This permit type is not being offered at this time, however, once the City better understands state regulations associated to accessory use activity, we will begin to have more focused conversations related to accessory use - policies to regulate, inappropriate vs. appropriate accessory use locations, etc - in an effort to create a pathway for the thoughtful implementation and regulation of accessory use retail in the future.
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San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Land Use Landscape	2	To create a desired mix of businesses and limit displacement of other land use types (e.g., other businesses and housing), San Francisco should: a. Expand locations where new cannabis businesses could operate to include all zoning districts where their conventional equivalents are allowed to operate. b. Establish a buffering distance between primary cannabis retail businesses. c. Allow cannabis business that are in compliance with requirements "as of right" in specifically zoned areas. d. Add cannabis retailers to the formula retail list.	Yes	a. We allow Cannabis Retail in all zoning districts that allow commercial activity, except for NC-1 zoning Districts. Only retail operations with a microbusiness licenses can operate in PDR districts. b. the ordinance established a 300' buffer around cannabis businesses. c. In most commercial districts cannabis retail will be allowed as-of-right, the notable exception being NC Districts. For non-retail, most of the cannabis activities are allowed as of right. d. In the proposed ordinance, Cannabis Retail and MCRs are subject to Formula Retail controls.
	3	Cannabis businesses should be subject to review by an appropriate agency to determine the conditions the business would need to comply with.	Yes	Businesses will be subject to review by multiple referring agencies to determine conditions of their permits. These agencies include DPH, SFFD, SFPD, and OOC.
	4	San Francisco should also measure this distance with a "path of travel" approach rather than a straight line, parcel to parcel measurement. "Path of travel" is defined as the shortest legal distance travelled on foot from the doorway of the business. <del>San Francisco should reduce the distance new cannabis retailers can</del>	No	The legislation proposes to continue to use straight-line measurement; other methodologies are far too ambiguous and would present uncertainty and controversy for cannabis retailers and neighbors alike.
	5	operate in proximity to sensitive uses to 500 feet. Existing MCDs in good standing would be grandfathered, and not be subject to new distance requirements when applying for adult use licenses.  Note: The Task Force reached modified consensus on a distance of 500 feet from sensitive uses. Discussion points and concerns related to proximity to sensitive uses were as follows: • A distance of 500 feet was proposed to align with San Francisco's current distance requirements for tobacco. • Some Task Force members expressed concerns that distances less than the State standard of 600 feet would be contrary to public opinion, and cannabis retailers may be more susceptible to federal raids, business closures, and mandatory sentencing, i.e. harsher sentencing for sale of cannabis within school zones. • Some Task Force members supported a distance less than 500 feet, but agreed to move forward with the aforementioned	Partial	The required minimum distance would be 600', which is 400' less than presently required for MCDs. The ordinance reduces proximity to some sensitive uses. As proposed, existing operating MCDs' locations are grandfathered.

San Francisco Cannabis State Legalization Task Force  
Year II Recommendations  
Office of Cannabis Inventory Document - 10/16/2017

	# Recommendation	Include	Rationale
	6 San Francisco should protect cannabis retailers and other license holders in good standing from the impacts of future sensitive uses that may locate nearby. This means that if a new sensitive use opens within the defined radius of an existing cannabis business, the existing cannabis business should be allowed to continue operation.	Yes	Existing laws cover this already.
	7 Businesses that sell cannabis as an accessory use should undergo a different land use approval process as compared to non-accessory uses.	NL	This is not contemplated in the legislation at this time, however, it will be addressed legislatively at the time if/when accessory use permits are made available.
	8 Existing cannabis businesses should undergo a less restrictive land use approval process as compared to new businesses.		The proposed ordinance includes a provision that allows existing MCDs to convert to Cannabis Retail without CU authorization, or being subject to the new location restrictions. Existing non-retail businesses should not need to receive new land use entitlements as long as they already have them. Those non-retail businesses that operated without the benefit of a permit will have to establish the use at the site, which may require a change of use application or CU authorization.
<b>Recommendation Sub-Category: Technical</b>			
Land Use Types	9 San Francisco should establish a cannabis 'restaurant/food' license, with guidelines to prevent cross contamination. Examples of possible guidelines: a. Restaurant Infusions Onsite: Required Patron Notification of cannabis products, Chef-prepared onsite for retail sale b. Bakery Prepared onsite retail & wholesale sales c. Commercial Kitchen to permit infusions (e.g., baking with non-volatile substances) d. Accessory Use Permit: Existing small business seeking to add retail cannabis products, specific Land Use approval not required, assuming zoning is appropriate.	No	a) Not clear that this activity is currently allowed - the state current prohibits the manufacture of any product considered a potentially hazardous food. Edible cannabis is also not allowed to provide more than 10 milligrams of THC per serving and distribution must be uniform. Finally product must be labeled and packaged in final form before sale. b) & c ) Same as above. If the final product needs time temperature controls to maintain it's quality and safety then it is not eligible for development and consumption. e) The City believes the state needs to provide more guidance re: accessory use, and then further conversations need to occur related to appropriate location and controls for this type of activity before permitting this activity.
	10 San Francisco should consider a land use designation for consumption lounge.	Partial	The legislation contemplates allowing for retailers to have consumption lounges on their premises with DPH approval. The existing 8 onsite consumption lounges for smoking/vaping would be eligible to remain if the retailer maintains their medical activity and does not add adult-use activity to their permit. Adult-use and medical consumption that is non-smoking/non-vaping could be allowed on the premises of permitted retail locations subject to certain conditions applied by DPH.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Land Use Landscape	11	In determining the proper distribution of cannabis businesses across the City, the main goal is ensuring even distribution and access throughout the city.	Yes	While this ordinance was drafted to allow a more even distribution of retail cannabis businesses across the City, San Francisco's industrial lands are clustered on the eastern side of the city; therefore most non-retail businesses is proposed to be located on the eastern side of the City.
Zoning Application Standards	12	San Francisco should allow existing permitted medical cannabis businesses and cannabis businesses that have been closed (as long as they closed in good standing) to have priority consideration in the adult use approval process.	Yes	The proposed legislation prioritizes applications from operators who were in good standing with the City but were forced to close due to federal intervention/enforcement.
<b>Recommendation Sub-Category: Community Engagement</b>				
Application Process	13	Community engagement must be a part of the application review process for cannabis businesses. Policies related to how community engagement is implemented are the charge of the oversight body.	NL	"NL" because this recommendation is unclear in the context of today. This ordinance does not contemplate any new public engagement requirements at this time, however, this may be addressed through future amendments of the ordinances.
	14	There should be a clear application and a clear process based on best practices for cannabis permits and/or licenses. This means that there should be a community engagement process as a minimum standard for both medical and adult use.	Partial	The Office of Cannabis seeks to create a clear and transparent application process. Planning pre-application requirements would apply to all MCDs in NC districts, and the Office of Cannabis is contemplating amendments that would increase community engagement prior to permit approval and issuance.
	15	The zoning application process for cannabis businesses should require documentation of community engagement activities and maximize opportunities for community engagement early on in the process that are as inclusive as possible.	No	The ordinance does not add any new public engagement requirements for cannabis businesses, however, community engagement requirements are being contemplated for inclusion in the ordinance through future amendments.
	16	Different thresholds and expectations should be established for the level of community engagement and review process required for different types of land uses, e.g., a stand-alone cannabis retail store may require more community engagement than a grow house without a public-facing component.	No	The ordinance does not add any new public engagement requirements for cannabis businesses, however, community engagement requirements are being contemplated for inclusion in the ordinance through future amendments.
	17	The application criteria and standards should be applied consistently across businesses and should include mechanisms to ensure accountability and include a high level of transparency.	Yes	The legislation contemplates application requirements and operating standards that will be required of every operator, and then additional standards based on activity type, to ensure thorough and thoughtful regulation of all activities. All criteria and standards will be made public. The legislation proposes inspections to ensure accountability.

Year II Recommendations: Retail Licensing

**Recommendation Sub-Category: Technical**

San Francisco Cannabis State Legalization Task Force  
Year II Recommendations  
Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Retail Licensing Elements	1	San Francisco should make local permits for retail businesses available for all MCRSA and AUMA license categories and microbusinesses.	Partial	While the proposed legislation offers many types of permits, it does not allow for all activities allowed by the state such as nurseries and outdoor agriculture. All local applicants, except retail applicants, are not required to apply for an "M-Type" or and "A-Type" permit (although they will be required by the state)
	2	In addition to the State-defined license types, the following local license types should be created: <ul style="list-style-type: none"> <li>• New category: Manufacturing 6B Special baking/cooking license</li> <li>• New category: Virtual dispensary (i.e. physical location used for delivery with no walk-in retail)</li> <li>• New category: Consumption lounge, bring your own product (entertainment, restaurants, yoga studio, gym)</li> <li>• New Category: Temporary Events, Cannabis Cup/Cultural Events, and Farmers Market examples</li> </ul>	No	The legislation only contemplates permit types that align with existing state license types established by MAUCRSA. This legislation does not propose a stand-alone consumption permit, does not allow for temporary event permits, and does not contemplate a virtual dispensary at this time (public access to nonstorefront retail is not allowed under this proposal).
	3	The retail permitting process in San Francisco should be streamlined and efficient.	Yes	The Office of Cannabis is partnering with the California College of the Arts DBMA students as well as alumni to process mapping the existing application process with an eye towards streamlining and application platform development.
	4	In the retail permitting process, existing permit holders in good standing or those who have been displaced as a result of federal intervention should receive priority processing and licensing status in the City and County of San Francisco. This recommendation should not conflict with Social Justice prioritized permitting processing recommendations.	Yes	The proposed legislation prioritizes applications from operators who were in good standing with the City but were forced to close due to federal intervention/enforcement.
	5	San Francisco should respond to all State inquiries regarding local permits in a timely manner.	Yes	While not legislated, the Office of Cannabis intends to work closely with our state counterparts on all processes related to local permit and state licensing approvals, including criminal history and over concentration review.
	6	San Francisco should develop meaningful qualitative findings for the Planning Commission and/or other commission(s) to use when reviewing adult use retail applications.	Yes	Specifically, the following text is included: "With respect to any application for the establishment of a new Cannabis Retail Use, in addition to the criteria set forth in subsections (c) and (d) above, the Commission shall consider the geographic distribution of Cannabis Retail Uses throughout the City, the balance of other goods and services available within the general proximity of the proposed Cannabis Retail Use, any increase in youth access and exposure to cannabis at nearby facilities that primarily serve youth, and any proposed measures to counterbalance any such increase."

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

#	Recommendation	Include	Rationale
7	<p>San Francisco should develop policies to prevent clustering of adult use cannabis retailers. Strategies may include:</p> <ul style="list-style-type: none"> <li>• Use of “buffer zones” around other adult use retail locations. The distance of these buffer zones should balance both community concerns and business interests, with</li> </ul> <p>the aim of preventing too high a concentration of retail locations in a given district while also encouraging healthy competition.</p> <ul style="list-style-type: none"> <li>• Stricter clustering provisions in Neighborhood Commercial Districts to balance neighborhood concerns, and less strict clustering requirements in other districts, such as Downtown or Industrial districts.</li> </ul>	Yes	<p>The legislation proposes cannabis retailers may not locate within 300’ of another such business. While the minimum clustering distance is the same throughout the City, CU criteria applicable in NC districts require that the Commission consider additional adjacencies and other factors such that a higher level of scrutiny would apply.</p>
8	<p>San Francisco should include adult use cannabis retail businesses in existing Formula Retail rules. Note: Formula retail rules state that if an establishment has eleven or more retail locations worldwide, it is subject to a more stringent review and authorization process.</p>		<p>Formula retail rules would apply to cannabis retailer and medical cannabis retail permits.</p>
9	<p>San Francisco should craft a reasonable process for current medical cannabis dispensaries to transition into the adult use market. A “transition” would include a medical dispensary adding adult use products or a medical dispensary switching to an adult use business model. Such “grandfathered” medical cannabis businesses should be exempt from any new, more restrictive land use provisions that may be applicable to adult use retail businesses.</p>	Yes	<p>The proposed land use controls do provide a way for existing MCD to convert to CRs. The provision exempts existing MCDs from more restrictive clustering provisions, and exempts them from obtaining Conditional Use Authorization.</p>
10	<p>San Francisco should allow cannabis retailers to participate in both the medical cannabis and adult use cannabis markets. The licensing process should include a review of the cannabis retailer’s history (e.g. complaints and violations), possible proximity concerns, public review, traffic study, and a business plan that includes traffic/customer flow management.</p>		<p>The legislation proposes requiring retailers to maintain their medical use, but allows them to add adult-use to their activity. The licensing process, as proposed, would allow for a review of the retailer’s history, business plan, community concerns, etc. as part of the permitting process.</p>
11	<p>San Francisco should not create a separate retail permit for nurseries.</p>	No	<p>The legislation does not currently contemplate nursery permits, however, that is something the City can allow for in the future. It wasn’t incorporated at the time of drafting due to lack of clarification around proposed state regulations associated to nursery facilities.</p>



San Francisco Cannabis State Legalization Task Force  
Year II Recommendations  
Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Retail Licensing Elements - Licensing Requirements	12	San Francisco should not make a distinction between medical and adult use permitting for retail businesses.	Yes	As contemplated, retailers would be required to have both types of activity on the premises, or they would be allowed to retain only their medical activity. This was done to ensure we always have a market for medical cannabis patients.
	13	Existing local and State laws and regulations cover many of the desired requirements for retail cannabis businesses. As such, the requirements for retail licensing should align with these local and State laws and regulations, including: <ul style="list-style-type: none"> <li>• Board of Equalization (BOE) Sellers permit requirements</li> <li>• Articles of Incorporation</li> <li>• Labor laws</li> <li>• Occupational Safety and Health Administration (OSHA) standards</li> </ul>	Yes	All state regulations will be incorporated into City regulation, and will form the baseline standard for all cannabis operations in San Francisco. Any additional regulations put forward by the City will reflect the City's values.
	14	Retail license applicants should be required to provide the following supporting documentation to the City of San Francisco, as part of the licensing process, depending on the nature of the of the activity: <ul style="list-style-type: none"> <li>• Hazardous materials and waste storage plan</li> <li>• State nursery program inspection</li> <li>• Building inspections from the Department of Building Inspection (DBI)</li> <li>• Fire Department documentation</li> <li>• Documentation of alignment with Agricultural Department best practices</li> <li>• Security plans</li> <li>• Weights &amp; Measures</li> </ul>	Yes	The legislation contemplates requiring applicants to submit the following plants and information with their applications: Waste St
	15	An annual inspection and a review of documents by a licensing agent should be required for retail license renewal. The inspection and document review should ensure compliance with State and local regulations and good standing with the Board of Equalization (BOE) or Office of the Treasurer and Tax Collector.		A permit holder will be required to maintain their standing with the state in order to maintain their local permit. In order for an permit holder to receive license renewal, the operator will be required to maintain compliance with all local and state permit conditions, and update their file regularly.
	16	San Francisco should issue local retail licenses to the operator for a particular location.	Yes	Permit are tied to locations and to ownership structure.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
On-Site Consumption	17	San Francisco should allow and create pathways for smoking cannabis in public places that become privatized. These pathways should follow rules similar to alcohol consumption at special events for adults age 21+ and medical card holders age 18+.		The California Health and Safety Code states that the smoking of cannabis or cannabis products is prohibited in a location where smoking tobacco is prohibited. San Francisco has been a leader in ensuring that everyone has the right to clean air and is not exposed to second hand smoke. San Francisco's policymakers have passed local ordinances that include the prohibition of smoking of tobacco or any other weed or plant products in public areas such as parks, recreation areas and at certain outdoor events. As with the smoking of tobacco, passive exposure to marijuana smoke among children, nonsmokers, and people who work in cannabis businesses is a concern, and the City is committed to maintaining its progressive clean air laws. Therefore, this legislation does not propose allowing smoking/vaping in public places, except at medical cannabis dispensaries that received a prior smoking-area designation from the Planning Department.
	18	The San Francisco City Attorney should provide further legal guidance regarding consumption in public-private spaces, i.e., where, when and how it could be done in the City.	Partial	Further clarification is not being sought by the City at this time except for clarifying purposes.
	19	San Francisco should allow on-site consumption at cannabis retail locations and these locations must include proper ventilation systems.	Partial	Smoking/vaping consumption is proposed to remain at the existing medical cannabis dispensary onsite smoking locations for medical use only. Those locations must maintain their current ventilation systems and incorporate any additional standards DPH deems appropriate. Consumption that is non-smoking/non-vaping will be allowed at any retailer that receives a sub-permit from DPH for consumption related activities.
	20	On-site consumption should include nightclubs, bars, cafes; hotel roof-tops; outside spaces at buildings; music festivals/parks (e.g., Hippie Hill); private club/outdoor garden; adult-one spaces in public parks; temporarily privatizing public spaces through permitted activities.	No	Per MAUCRSA, consumption must be restricted to areas where people are 21 or older, it may not be visible from any public place or non-age restricted area, and tobacco and alcohol are not allowed on the premises. San Francisco has been a leader in ensuring that everyone has the right to clean air and is not exposed to second hand smoke. Because the City is committed to maintaining its progressive clean air laws, this legislation does not contemplate permitting consumption (including smoking and vaping) in public places, including at special events.
	21	San Francisco's on-site consumption requirements should not be stricter than those outlined in state cannabis laws.	No	Under the law, The Department of Public Health will develop rules and regulations governing the on-site consumption permit. These rules and regulations will incorporate whatever consumption allowances the State will provide for in its emergency regulations, to be released in November, 2017.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Non-Profit Licensing	22	San Francisco should encourage the non-profit model and make non-profit license available for cannabis organizations that provide compassion programs and supportive services.	Partial	The Office of Cannabis, in consultation with the Department of Public Health and the Controller, is in the process of developing a report and recommendations for providing continued access to medical cannabis at an affordable cost. The report will be released on November 1, 2017.
	23	San Francisco should provide incentives (e.g. tax and licensing incentives) to cannabis organizations that provide compassion programs and supportive services.	No	This is not currently contemplated in the legislation, however, this is something that can be reviewed after or upon the creation of a compassion program.
Tourism and Hospitality	24	<p>policies that achieve an appropriate balance between discretion and visibility of adult use cannabis culture. Along these lines, the City should create pathways that allow tourists to access adult use cannabis products and legal consumption spaces while preventing undesired exposure for those who prefer limited interaction with the cannabis industry. Strategies could include the following:</p> <ul style="list-style-type: none"> <li>• Allow cannabis consumption indoors to prevent unintended exposure</li> <li>• Limit visibility of consumption in adult use retail storefront locations to prevent exposure from the street while complying with existing Planning code requirements for active store front uses</li> <li>• Collaborate with tourism/hospitality stakeholders to provide tourists with educational materials and information about safe access and consumption of adult use Security plans</li> </ul>	Yes	Under the proposed legislation, the Department of Public Health will issue separate permits to cannabis retailers that wish to allow onsite consumption of edible cannabis products, and rules and regulations to that effect will be forthcoming. Tourists would be able to access such spaces for consumption purposes. A permitted medical cannabis dispensary with a prior smoking-area designation from the Planning Department will be allowed to maintain its smoking/vaping onsite location for medical use only. Beyond that, smoking/vaping is not proposed to be allowed at other commercial cannabis locations in the City. The legislation allows for consumption of cannabis at retail locations that obtain an onsite consumption permit from DPH, and such consumption locations may not be visible from any public place or non-age restricted area. The legislation requires distribution of a Responsible Consumption Fact Sheet at the point of sale, the content of which will be created by DPH. Moreover, the Office of Cannabis is working with SF Travel and the Chamber to develop information for tourism/hospitality to remain educated on the status of adult-use cannabis as well as responsible consumption, etc.
	25	San Francisco should allow cannabis retail locations in San Francisco to give tours of their facilities to the public.	Yes	The legislation contemplates allowing tours of certain facilities in 2019, but only after policies are established that address policy priorities such as those previously outlined by the Task Force: mitigating neighborhood impacts, addressing potential congestion and parking impacts, etc.
<b>Recommendation Sub-Category: Social Justice</b>				

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Strategies	26	San Francisco should engage community members in the target populations (people of color and formerly incarcerated persons; and within these groups prioritize women, transitional-age youth ages 21-24, and LGBTQ people) along with workforce development organizations, community-based organizations, and other key stakeholders to develop strategies to reduce economic barriers to enter the cannabis industry as workforce or entrepreneurs.		
	27	San Francisco should reduce annual permitting fees according to the percentage employment of target populations (25% off for 25% employment of target populations, 50% for 50% employment of target populations)	NL	This could be contemplated during the creation of an Equity Program.
	28	San Francisco should prioritize the following strategies for development: a) A prioritized permitting process to help operators in the target populations reduce initial start-up costs (e.g. subsidized rent while undergoing permitting process). Existing businesses should be prioritized first, followed by operators in the target population, and previously licensed businesses closed by actions of the Department of Justice. If the cannabis regulatory agency places a cap on the number of licenses, this prioritization model should be revisited. b) An equity licensing program, which would include: • Entrepreneurship grants and other funding opportunities to assist people of color, women, and formerly incarcerated persons in achieving business ownership (funded by cannabis taxes) • Subsidized permitting and license fees • Access to small business support programs and incubator services, such as the Mission Economic Development Agency (MEDA), SCORE, Minority-owned	NL	This could be contemplated during the creation of an Equity Program.
	29	San Francisco should provide a clear, transparent pathway and process for businesses to acquire retail licenses, and existing businesses should be allowed to operate for a period of one year while a permit application is in process, including issuing a city licensing compliance process guide, integrated into the SF business portal.	Yes	Temporary permits are being offered for non-retail and delivery. These are eligible for 90 day extensions through the end of 2018.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Stakeholders	30	San Francisco should ensure local regulatory agencies' non-cooperation with federal law enforcement authorities via a San Francisco local ordinance. Additionally, the Board of Supervisors should endorse AB 1578 or analogous state legislation for California State law enforcement non-cooperation with federal law enforcement authorities.	NL	This is not currently contemplated in this legislation. The city intends to
	31	The following entities could be involved in the aforementioned social justice-focused efforts: <ul style="list-style-type: none"> <li>• Neighborhood associations</li> <li>• Community business support programs (e.g., MEDA) and other local business associations</li> <li>• City College of San Francisco</li> <li>• Potential and current cannabis employees and entrepreneurs, including formerly incarcerated people, women, and people of color</li> <li>• Landlords</li> <li>• Office of Economic and Workforce Development (OEWD)</li> </ul>	NL	The City will continue to seek input and collaboration from a broad array of stakeholders as we develop our policies, including those related to social justice. While not specifically included in this legislation, this in no way precludes the City from engaging with these entities in the future.
<b>Recommendation Sub-Category: Community Engagement</b>				
Strategies	32	San Francisco should develop cannabis retail business operating standards to form part of the retail business permitting process. These standards should ensure that cannabis businesses are "good neighbors" to the communities in which they are located. These standards should be enforced meaningfully by regulatory agencies in a non-discretionary manner (e.g., standard set of rules and consequences, such as citations or notices of violation if rules are broken).*(Reflects Year 1 PSSE recommendation 4.)	Yes	Good Neighborhood Policies are contemplated in the legislation and applicants are required to agree to them as part of the application process. The proposed standards are the following: (i) Provide to residential and commercial neighbors located within 50 feet of the Cannabis Business the name, phone number, and email address of an onsite community relations staff person who may be contacted concerning any problems associated with operation of the establishment; (ii) Maintain the Premises, adjacent sidewalk and/or alley, and associated parking areas in good condition at all times; (iii) Prohibit loitering in or around the Premises, and post notifications on the Premises advising persons of this prohibition. Notice of Violation + permit suspension and revocation (+ appeals pathways) are contemplated in the legislation to ensure accountability of permit conditions such as these.
	33	The regulatory agency or agencies overseeing the cannabis industry should make cannabis business regulations clear and accessible to the general public so that the public is informed and aware of the regulations.	Yes	The Office of Cannabis has a website and will seek to use it as a platform to disclose all appropriate regulatory information to the public to ensure full transparency and knowledge of the regulations governing the industry. The website currently houses the draft legislation and provides a platform for comment from members of the public, etc. and provides a place for members of the public to comment regarding how the website can be a better tool for their use.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
	34	All employees of retail cannabis businesses should receive regulatory compliance training within six months of hiring similar to California Alcohol and Beverage Control LEAD training.	No	As mentioned for this recommendation in Year I, there is no known model for cannabis regulatory compliance training, similar to LEAD. With that said, the Office of Cannabis would be happy to partner with city agencies and other stakeholders to identify models and to ultimately ensure appropriate training occurs so that employers and employees understand best practices related to responsible service of cannabis and cannabis products.
	35	Community complaints and hearings for licensing and land use issues should be managed by the Office of Cannabis, and priority for hearings should be given to local residents.	Partial	The City's charter places the responsibility for land use decision on the Planning Commission; therefore the ordinance places land use decision for cannabis business with the Planning Commission. Licensing for individual cannabis businesses will be handled by the Office of Cannabis. The Office of Cannabis will track the process for applicants to be permitted/licenses, however the Planning Department will decide timing for hearings based on established practices. The Office of Cannabis will also manage complaints related to permit holder activity where appropriate.
Stakeholders	36	<p>The following entities are stakeholders in the City's community engagement efforts for retail:</p> <ul style="list-style-type: none"> <li>• Businesses</li> <li>• Residents</li> <li>• San Francisco Department of Public Health</li> <li>• San Francisco Police Department</li> <li>• San Francisco Fire Department</li> <li>• San Francisco Unified School District</li> <li>• Office of Economic and Workforce Development (OEWD)</li> <li>• Office of Small Business</li> <li>• Other San Francisco City agencies/departments and potential overarching cannabis regulatory agency</li> </ul>	NL	The City will continue to seek input and collaboration from a broad array of stakeholders as we develop our policies.

San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Tourism and Hospitality	37	<p>There is a notable desire within the culinary community to incorporate adult use cannabis in dining options/opportunities, including the use of cannabis as a meal ingredient and the establishment of food/cannabis pairing options. San Francisco should collaborate with key stakeholders, such as culinary and hospitality organizations, to develop strategies for increasing these opportunities for restaurants and other food establishments.</p> <p>Strategies could include:</p> <ul style="list-style-type: none"> <li>• Developing, proposing and pursuing a state legislative approach that would create an exemption for these types of culinary experiences.</li> <li>• Development of a patron notification process for any food establishment offering these opportunities.</li> <li>• Development of mechanisms to determine the appropriate distribution of cannabis friendly dining venues throughout the City.</li> </ul>	NL	Noted, and will review with the Mayor's Office to inform the City's 2018 state legislative agenda.
	38	San Francisco should allow cannabis consumption in parked cars (i.e., do not impose arrests, fines, or fees for cannabis consumption in parked cars.)	NL	It is a violation of State law to consume cannabis in a public place, including a vehicle, to possess an open container or open package of cannabis/product in a vehicle, and to operate a vehicle while under the influence.
	39	San Francisco should create a certification program for retail tour businesses in alignment with existing regulations (e.g., for tour busses). Regulations and clear enforcement processes should be established for bus size, bus drivers, and smoking in vehicles, and to mitigate traffic congestion, safety concerns, noise, odors, and waste	NL	To contemplate in 2018.
	40	Public safety education (e.g., regarding specific regulations) should be required for tour companies. Tour companies should be required to distribute cannabis education materials to patrons as part of the	NL	To contemplate in 2018.
	41	Tour companies should be required to designate a community liaison to address concerns and respond to community inquiries.	NL	To contemplate in 2018.

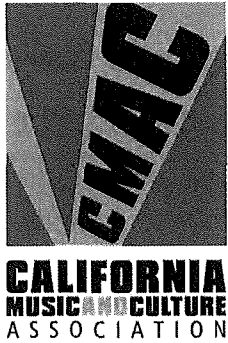
San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations  
 Office of Cannabis Inventory Document - 10/16/2017

	#	Recommendation	Include	Rationale
Youth Access and Exposure	42	San Francisco should collaborate with stakeholders to develop policies that achieve an appropriate balance between discretion and visibility of adult use cannabis culture. Along these lines, the City should create pathways that allow tourists to access adult use cannabis products and legal consumption spaces while preventing undesired exposure for those who prefer limited interaction with the cannabis industry. Strategies could include the following: <ul style="list-style-type: none"> <li>• Allow cannabis consumption indoors to prevent unintended exposure</li> <li>• Limit visibility of consumption in adult use retail storefront locations to prevent exposure from the street.</li> </ul>	Partial	Under the proposed legislation, the Department of Public Health will issue separate permits to cannabis retailers that wish to allow onsite consumption of edible cannabis products, and rules and regulations to that effect will be forthcoming. Tourists would be able to access such spaces for consumption purposes. A permitted medical cannabis dispensary with a prior smoking-area designation from the Planning Department will be allowed to maintain its smoking/vaping onsite location for medical use only. Consumption locations may not be visible from any public place or non-age restricted area.
	43	Retail tour access should be restricted to people ages 21 and over or in possession of a valid medical cannabis recommendation.	NL	This will be something contemplate during the creation of policies regulating tour activity. Under the proposed legislation, tours may be allowed at certain facilities as early as 2019.
	44	Retail cannabis-related waste material should be stored and disposed of securely in order to prevent diversion to youth.	Yes	The legislation requires a waste disposal plan from all operators, and requires trash to be contained and disposed of pursuant to garbage and recycling receptacle guidelines to be developed by DPW. This will include, at a minimum, a requirement that any waste be stored in locked receptacles prior to pickup.



San Francisco Cannabis State Legalization Task Force  
 Year II Recommendations - Other  
 Office of Cannabis Inventory Document - 10/16/2017

Recommendation	Included	Rationale
<b>Year II Recommendation - Agency Oversight</b>		
<p>In terms of a cannabis regulatory oversight structure, San Francisco should establish a standalone agency, with two options for managing the dispute resolution process: (1) a Commission or (2) hearing officer.            Note: this recommendation builds upon Year I Regulation and City Agency Oversight Recommendation #21.</p>	<p style="text-align: center;">Yes</p>	<p>The legislative contemplates the creation of a hearing officer, or ALJ. This officer will serve as the first step of appeals of Director's decisions related to permit suspension and/or revocation.</p>



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Mayor Edwin M. Lee  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 200  
San Francisco, CA 94102

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Nicole Elliott, Director  
San Francisco Office of Cannabis  
1 Dr. Carlton B. Goodlett Place  
City Hall  
San Francisco, CA 94102

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Subject: **Draft Ordinances on Cannabis**

Dear Mayor Lee, Director Elliot, Supervisors, and Planning Commissioners,

The California Music and Culture Association (“CMAC”) advocates for nightlife, the arts, and responsible social consumption of cannabis in San Francisco. As a trade organization based in San Francisco and made up venue owners and operators, many of whom have been actively watching the City’s efforts to regulate adult use cannabis sales and consumption, CMAC would like to raise a number of concerns its members have with the draft cannabis ordinances.

**1. Consumption Limitations**

The draft ordinances make it very difficult to safely consume cannabis in San Francisco. It is already illegal to smoke in parks, on most sidewalks, in a car, and in many apartments. San Francisco’s many public housing residents, some of the City’s most vulnerable citizens, are not allowed to consume in their homes by federal law. Tourists to San Francisco are foreclosed from consuming in their hotels and in public spaces.

In the ordinances’ draft form, only currently-operating medical cannabis dispensaries that have previously received authorization for on-site consumption will be permitted to allow on-site consumption. This, plus the requirement that all consumption take place in areas that are not visible to the public means that cannabis is still being relegated to dark back rooms. **If San Francisco is going to embrace the cannabis industry, these consumption restrictions will stand firmly in the way of normalization.**

Absent more permitted locations for consumption, San Francisco residents and visitors will either consume in public, or be forced to hide in their homes. If San Francisco is committed to being a destination for responsible consumption of regulated cannabis, those that wish to partake should not have to struggle to find a place to do so.

CMAC is not calling for consumption in public, as that will only exacerbate concerns about youth exposure and likely perpetuate the disproportionate police enforcement against people of color. Rather, CMAC hopes that San Francisco can instead establish rational regulations that will begin to remove the stigma that surrounds cannabis consumption. Possible avenues would be loosening the restrictions on where cannabis can be consumed on licensed premises, or the creation of a consumption-only permit for businesses that do not sell cannabis but operate the types of establishments that cater to

PO Box 77406  
San Francisco, CA  
94107

[info@CMACsf.org](mailto:info@CMACsf.org)  
[www.CMACsf.org](http://www.CMACsf.org)

consumers who might be interested in consuming cannabis on-site. Denver's pilot program is a potential route. CMAC is eager to play an active role in helping determine the best path forward for San Francisco. **Without more consumption lounges or accessory use consumption permits, legalization will be illusory at best.**

2. **Adult Use Permits in place in time for Canna-tourism**

January 1, 2018 is fast approaching, and with it, millions of tourists to San Francisco are going to be expecting convenient access to legal adult-use cannabis. With no clear guidance on when adult-use permits will be issued, and the requirement that a business be an already-operating medical retailer prior to applying for an adult-use permit, San Francisco is poised to start the year with no licensed adult-use retailers. **Instead of leading California's regulated cannabis industry, San Francisco will instead be viewed as a restrictive and unwelcoming city, and will push investment, tax, and tourism dollars elsewhere.**

CMAC is also concerned that without sufficient licensed adult-use cannabis retailers, tourists who travel to San Francisco expecting to purchase (and consume) cannabis will simply look elsewhere. This means that the black market, the segment of the industry that regulation is striving to abolish, will instead thrive. San Francisco should have a clear plan to ensure that come January 1, 2018, consumers will have safe and regulated options for adult-use cannabis. **CMAC would recommend the creation of a temporary adult-use permit for currently-operating medical cannabis retailers.** A temporary permit such as this would not guarantee permanent privileges, but would guarantee that San Francisco will be in the position to support a safe, regulated adult-use market from the outset.


We are eager to work with you to refine the proposed cannabis regulations and prepare San Francisco for what will hopefully be a positive addition to the economy and culture of this great city.

Thank you for your leadership in supporting San Francisco's neighborhoods and small businesses.

Very truly yours,



Ben Bleiman  
Co-Chair  
CMAC



Duncan Ley  
Co-Chair  
CMAC

Co-signing organizations:

**GOLDEN GATE  
RESTAURANT  
ASSOCIATION**  
— est. 1936 —

Gwyneth Borden, Executive Director



October 18, 2017

Mr. Rich Hills  
President, San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Cannabis Regulations 2017-010365PCA

Dear President Hills:

The San Francisco Chamber of Commerce, representing over 2,500 local businesses from throughout the city, is writing to urge the Planning Commission to consider a number of issues arising out of the current drafts of both the Planning Code and Police Code amendments regarding the regulation of adult-use cannabis.

While we recognize the huge effort that has gone into the draft legislation and, until very recently, a lack of timely and clear direction from the State of California, the Chamber believes the legislation as drafted is problematic for existing local cannabis businesses, unnecessarily delays reasonable access to cannabis for adult use and will not meet the expectations of the influx of visitors to the city seeking cannabis. As was stated in a recent letter to the Commission by the California Music and Culture Association (CMAC); "San Francisco should have a clear plan to ensure that come January 1, 2018, consumers will have safe and regulated options for adult-use cannabis."

We urge the Planning Commission to recommend the following changes to the draft legislation:

- 1) Any transition provisions impacting current medical dispensary permits should be drafted to ensure that the issuance of temporary permits is a ministerial and not discretionary action by city government. To do otherwise, puts at risk the continued operation of lawfully operating businesses.
- 2) Zoning laws must recognize that much of the cannabis industry is comprised of small businesses, operating "below the radar" in locations that current ordinances or the draft legislation do not authorize for such uses. These "cottage businesses" may actually co-exist in some, if not all neighborhoods, and the Planning Commission should consider a "non-conforming use" process for these locations.

- 3) New permits under the yet to be drafted equity program, should include the right of existing small businesses to apply for such permits.
- 4) Rather than prohibiting existing medical cannabis dispensaries from selling adult-use cannabis in January of 2018, the draft legislation should specifically allow such businesses to receive a temporary business permit to sell cannabis products as anticipated under Proposition 64. These handful of local businesses should be encouraged to meet the demand for what will be a legal product next year.
- 5) While the buffering of cannabis retail uses to minimize impacts in neighborhood commercial districts is an appropriate legislative objective, using a 300 foot radius standard may not be the best solution. Your staff has recommended a number of alternative mechanisms. The "orbit option" set forth in the staff report is worthy of serious consideration by the Commission and Board of Supervisors.
- 6) The draft legislation makes consumption, especially by visitors, almost impossible. Again, as was pointed out the CMAC letter of October 16, the city needs to loosen restrictions on consumption at licensed premises and create a consumption-only and special event permit. In addition, accessory use permits must be developed both for sale and consumption of cannabis.
- 7) The draft legislation restricts the delivery of cannabis to businesses that are only located within San Francisco. On our initial read, this restriction may violate the commerce clause of the U.S. Constitution. Additionally, if followed by other communities, it may prevent San Francisco-based businesses from delivering into adjacent cities and counties, which is a disservice to our local businesses. It appears that the solution is permitting and business licensing, not a ban.

The San Francisco Chamber of Commerce looks forward to working with the Commission, the Board of Supervisors, city departments and the cannabis industry to insure we meet the expectations of our residents and visitors for the safe, lawful and timely implementation of state law for the adult use of cannabis and establishment of related businesses in San Francisco.

Sincerely,



Jim Lazarus  
Senior Vice President of Public Policy

cc. Each member of the Planning Commission, clerk of the Board of Supervisors, to be distributed to all Supervisors, Mayor Ed Lee, Nicole Elliott

171041 | 171042

**From:** Jewel Zimmer <jewel@cocoacollectionsf.com>  
**Sent:** Saturday, October 21, 2017 3:56 PM  
**To:** Mahajan, Menaka (ECN); SBC (ECN); Office of Cannabis (ADM); Somera, Alisa (BOS); Major, Erica (BOS); Breed, London (BOS); Peskin, Aaron (BOS); Kim, Jane (BOS); Fewer, Sandra (BOS); Sheehy, Jeff (BOS); Yee, Norman (BOS); Tang, Katy (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS)  
**Subject:** Public comment regarding Proposed Cannabis Ordinances, BOS File Nos. 171041 and 171042

Dear Office of Cannabis, Small Business Commission, and Board of Supervisors,

My Name is Jewel Zimmer and I own a boutique chocolate company in here in SF. <http://cocoacollectionsf.com/artisan> In the past 18 months I have been working to transition my company into the cannabis world by doing diligent amounts research, having intellectual conversations with analytical labs, chemists, formulators, medical experts, Co2 extractors, farmers and potential delivery partners. As well as, establishing articles, Tax ID, sellers permit and investing extensive amounts of time and money into trying to make the most responsible legal and financial decisions possible to launch in this emerging market. I made the decision not to take on a lease before I understood exactly what would be asked of me as a manufacturer to comply with the city of San Francisco's new regulations. Now that I know what is expected of me, I am in a compromised position to register because I did not secure a zoned location before September 26 2017.

I am writing you today to formally acknowledge that I agree with the Small Business commission's suggested 2 step registration process.

**Step 1:** ALL existing businesses register and show they were in operation. Reduce amount of information required for registration to be only proof of existence by 9/26. This mirrors Oakland's process, which does not require a location (that requirement is considered a barrier to entry).

**Step 2:** Offer a provisional temporary permit to allow nonconforming businesses to move toward compliance.

I ask that you take these suggestions seriously, as my future as a small cannabis business in San Francisco is dependent upon being able to register and work my way towards compliance with a zoned permitted location. I also ask that you consider shared kitchen spaces for manufacturers. This mirrors the current bay area food provenders and how we work collectively to help leverage one another.

Thank you for your time.

In partnership,

Jewel Zimmer

Jewel Zimmer  
San Francisco Ca 94102  
415-305-8421  
[www.cocoacollectionsf.com](http://www.cocoacollectionsf.com)  
[www.juna-world.com](http://www.juna-world.com) (coming soon)

171041 / 171042

**From:** Flour Child Collective <hello@flourchild.org>  
**Sent:** Saturday, October 21, 2017 4:32 PM  
**To:** Mahajan, Menaka (ECN); SBC (ECN); Office of Cannabis (ADM); Somera, Alisa (BOS); Major, Erica (BOS); Breed, London (BOS); Peskin, Aaron (BOS); Kim, Jane (BOS); Fewer, Sandra (BOS); Sheehy, Jeff (BOS); Yee, Norman (BOS); Tang, Katy (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS)  
**Subject:** Public comment regarding Proposed Cannabis Ordinances, BOS File Nos. 171041 and 171042" in the subject line

Dear Small Business Commission, Office of Cannabis, and Board of Supervisors,

My name is Stephany Gocobachi, I am a native of San Francisco and a member of the SF cannabis community, and I agree with the Small Business Commission's suggested 2 step registration process.

**Step 1:** *ALL existing businesses register and show they were in operation. Reduce amount of information required for registration to be only proof of existence by 9/26.* This mirrors Oakland's process, which does not require a location (that requirement is considered a barrier to entry).

Many producers are currently running cottage operations, out of their homes, as per Article 33. We have been waiting on the City's regulations to see what the next move is. For a small business, it isn't affordable to rent and build out a space until zoning is finalized, so many of us have been waiting to see what is going to happen before making a move. We started looking for space this year, and found one in the Dogpatch we loved that seemed like it would be a perfect fit- when we spoke with a lawyer about it, he basically told us that it would probably be ok but there was no guarantee- so we held off until there was more information. Alas, it would have been perfect, but we couldn't afford to build out a space and have it turn out to be in the wrong zone.

Many of those working from home kitchens are afraid to come forward and state they are doing business as such, for fear of their landlord being contacted for an inspection and losing housing, or being slapped with fines and fees. Many of us have been waiting on manufacturing regulations to know what to do next, and don't plan on continuing to work from home for long (and for some with growing businesses, can't). Please consider some sort of grace period for cottage manufacturers to get up to speed, and a reasonable pathway to get there.

**Step 2:** *Offer a provisional temporary permit to allow nonconforming businesses to move toward compliance.* With the condition that we will find a properly zoned location by a certain date.

*Additionally, it should be possible to share a space/address with other manufacturers or other cannabis businesses, with each business holding their own permits but sharing use of a DPH-approved & permitted space.* It should mirror the food industry with many caterers or food producers sharing rental space in the same kitchen. Many small businesses don't need a large space, or can't afford one. Without this option- especially in the real estate market of San Francisco- there is no pathway for small businesses to grow. Small, artisan manufacturing would die. This is the backbone of the industry, and always has been. In terms of safety as well, it would be beneficial to have multiple business sharing in one location. The dispensaries and patients

of San Francisco currently rely on these small producers heavily- without us, there won't be any quality products on the shelves. As tiny businesses, it's extremely difficult to go from being compliant in the current climate to making such a fast jump into such a vastly different one. This way, we could band together and come up to compliance collectively, and give small businesses a chance in this new environment.

Thank you for your time, hard work and your consideration.

Best,  
Stephany Gocobachi  
Founder, Flour Child  
m. 415.251.3541  
[www.flourchild.org](http://www.flourchild.org)



171041 | 171042

**From:** Sharon Krinsky <sharon@societyjane.com>  
**Sent:** Saturday, October 21, 2017 5:21 PM  
**To:** Mahajan, Menaka (ECN); SBC (ECN); Office of Cannabis (ADM); Somera, Alisa (BOS); Major, Erica (BOS); Breed, London (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Fewer, Sandra (BOS); Tang, Katy (BOS); Ronen, Hillary; Yee, Norman (BOS); Safai, Ahsha (BOS); Cohen, Malia (BOS); Peskin, Aaron (BOS); Sheehy, Jeff (BOS)  
**Subject:** Public comment regarding Proposed Cannabis Ordinances, BOS File Nos. 171041 and 171042

Dear Small Business Commission, Office of Cannabis and Board of Supervisors,

My name is Sharon Krinsky and I am CEO and Founder of Hassell Girls, Inc. (DBA Society Jane), a Proposition 215 Medical Cannabis Collective and delivery service in San Francisco. We have been incorporated and conducting business since December of 2015 and are hoping to continue operating once the new regulations for cannabis businesses go into effect.

I am writing to lend my support and agreement to the Small Business Commission's suggested two-step registration process as outlined below:

**Step 1:** *ALL existing businesses register and show they were in operation. Reduce amount of information required for registration to be only proof of existence by 9/26. This mirrors Oakland's process, which does not require a location (that requirement is considered a barrier to entry).*

**Step 2:** *Offer a provisional temporary permit to allow nonconforming businesses to move toward compliance.*

*Additionally,*

*It should be possible to share a space/address with other manufacturers or other cannabis businesses. It should mirror the food industry with many caterers or food producers sharing rental space in the same kitchen. The rental market in SF is, as you know, prohibitively expensive, and I am not even breaking even yet as it is.*

There has to be a way to help small businesses make it work. I will do whatever I can to help, but we can't succeed without you and your level-headed and common-sense guidance.

Not only is Society Jane my livelihood, it is also a lifeline for many patients seeking relief from debilitating pain and chronic health issues. If I am not able to register and obtain a license for Society Jane, the health and well-being of our members is at risk.

I will be attending Monday's meeting at 2:30 pm at City Hall in Room 400 to show my support for the Small Business Commission's suggested registration process. I hope you will join me in lending your support as well.

Sincerely,

Sharon Krinsky

Sharon Krinsky, Founder | CEO  
**SOCIETY JANE**™  
[www.societyjane.com](http://www.societyjane.com)

171041 | 171042

**From:** bridget may <bridget@littlegreenbee.net>  
**Sent:** Saturday, October 21, 2017 10:57 PM  
**To:** Mahajan, Menaka (ECN); SBC (ECN); Office of Cannabis (ADM); Somera, Alisa (BOS); Major, Erica (BOS); Breed, London (BOS); Peskin, Aaron (BOS); Kim, Jane (BOS); Fewer, Sandra (BOS); Sheehy, Jeff (BOS); Yee, Norman (BOS); Tang, Katy (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS)  
**Subject:** Public comment regarding Proposed Cannabis Ordinances, BOS File Nos. 171041 and 171042" in the subject line

Dear Office of Cannabis, Small Business Commission, and Board of Supervisors,

My Name is Bridget May and I run a small cannabis topicals company in San Francisco called Little Green Bee. I make massage oil for localized pain and skin ailments as well as cosmetics such as eye cream and serum. Here is my website:

<http://www.littlegreenbee.net/>

I have been incorporated since 2015 and am part of the supply chain to several delivery-only dispensaries including Sava and FoggyDaze:

<https://www.getsava.com/>    <https://foggydazedelivery.com/>

My background is in botany and chemistry, and I continue to work in the biotech industry as an analytical chemist to help pay my rent in San Francisco. I planned to devote myself full time to my business as soon as I was certain that I would be allowed to continue under the new regulations. I have all the requirements for doing business in the City and County of San Francisco (and California), such as business registration, seller's permit, and corporate meetings and bylaws. I have established an EIN with the IRS and I have been paying taxes since I began. However, I am currently working out of my home under cottage laws which I now know will not be legal come January of 2018. With the new regulations I find myself in a compromised position to register for a local permit because I did not secure a zoned location before September 26 2017.

I am writing to lend my support for the creation of a two-step registration process as outlined below so that I, like many others in my position, will have a path forward and the ability to remain in business under the new regulations.

Step 1: ALL existing businesses register and show they were in operation. Reduce amount of information required for registration to be only proof of existence by 26SEP2017. This mirrors Oakland's process, which does not require a location (this requirement is considered a barrier to entry).

Step 2: Offer a provisional temporary permit to allow nonconforming businesses to move toward compliance.

Also, make it possible to share a space or address with other manufacturers or other cannabis businesses. It should mirror the food industry with many caterers or food producers sharing rental space in the same kitchen, creating a collective/co-op shared kitchen and community space, in which each producer or business is individually permitted but shares a commissary space or central hub. The rental market in SF is, as you know, *prohibitively* expensive, and I am not even breaking even yet as it is. There has to be a way to help small businesses make it work!

I ask that you take these suggestions seriously, as my future as a small cannabis business in San Francisco is dependent upon being able to register and work my way towards compliance with a zoned permitted location.

Thank you for your thoughtful consideration,

**Bridget**  
**Little Green Bee**  
(415) 652-1335

171041 / 171042

**From:** David Rothenberg <dave@mightyfoods.co>  
**Sent:** Sunday, October 22, 2017 12:29 PM  
**To:** Mahajan, Menaka (ECN); SBC (ECN); Somera, Alisa (BOS); Major, Erica (BOS); Breed, London (BOS); Peskin, Aaron (BOS); Kim, Jane (BOS); Fewer, Sandra (BOS); Sheehy, Jeff (BOS); Yee, Norman (BOS); Tang, Katy (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS)  
**Subject:** Public comment regarding Proposed Cannabis Ordinances, BOS File Nos. 171041 and 171042

Dear Small Business Commission, Office of Cannabis, and Board of Supervisors,

My name is David Rothenberg. I'm Founder and CEO of a nutraceuticals startup Called Mighty Health Co that makes dietary supplements with very low doses of cannabis.

I'm writing this email to advocate for the staff suggestions from the Small Business commission's 2 step registration process for cannabis companies:

**Step 1:** ALL existing businesses register and show they were in operation. Reduce amount of information required for registration to be only proof of existence by 9/26. This mirrors Oakland's process, which does not require a location (that requirement is considered a barrier to entry).

**Step 2:** Offer a provisional temporary permit to allow nonconforming businesses to move toward compliance.

Additionally, It should be possible to share a space/address with other manufacturers or other cannabis businesses. It should mirror the food industry with many caterers or food producers sharing rental space in the same kitchen.

Many of us hope to help consumers discover new health and wellness options in the legal cannabis market. There has to be a way to help small businesses make it work in San Francisco.

Thank you for your consideration.

Sincerely,  
Dave Rothenberg  
Mighty Health Co.  
cell: 650-861-1357

171041 / 171042

**From:** Clayton Coker <clayton@somatik.us>  
**Sent:** Sunday, October 22, 2017 1:31 PM  
**To:** Somera, Alisa (BOS); Major, Erica (BOS); Mahajan, Menaka (ECN); Office of Cannabis (ADM); SBC (ECN)  
**Cc:** Peskin, Aaron (BOS); Safai, Ahsha (BOS); Ronen, Hillary; Kim, Jane (BOS); Sheehy, Jeff (BOS); Tang, Katy (BOS); Breed, London (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Yee, Norman (BOS)  
**Subject:** Public comment regarding Proposed Cannabis Ordinances, BOS File Nos. 171041 and 171042

Dear Small Business Commission, Office of Cannabis, and Board of Supervisors,

I'm Clayton Coker of Somatik, a local Cannabis business in San Francisco. I am writing in support of the two-step registration process suggestion outlined in the Office of Small Business staff report. Here's an example of our suggested process:

**Step 1:** ALL existing businesses register and show they were in operation. Reduce amount of information required for registration to be only proof of existence by 9/26. This mirrors Oakland's process, which does not require a location (that requirement is considered a barrier to entry).

**Step 2:** Offer a provisional temporary permit to allow nonconforming businesses to move toward compliance.

Additionally, It should be possible to share a space/address with other manufacturers or other cannabis businesses. It should mirror the food industry with many caterers or food producers sharing rental space in the same kitchen.

The rental market in SF can be prohibitively expensive, and we are a new, not yet profitable business and we're excited to be a permitted

cannabis business helping to diversify San Francisco's economy, and preserve a wide range of business types and sizes. We need your help to ensure small businesses can not only survive, but thrive in San Francisco.

Sincerely  
Clayton Coker  
Somatik Inc.

171041 | 171042

**From:** Chris Schroeder (Somatik) <chris@somatik.us>  
**Sent:** Sunday, October 22, 2017 1:37 PM  
**To:** Clayton Coker; Somera, Alisa (BOS); Major, Erica (BOS); Mahajan, Menaka (ECN); Office of Cannabis (ADM); SBC (ECN)  
**Cc:** Peskin, Aaron (BOS); Safai, Ahsha (BOS); Ronen, Hillary; Kim, Jane (BOS); Sheehy, Jeff (BOS); Tang, Katy (BOS); Breed, London (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Yee, Norman (BOS)  
**Subject:** Public comment regarding Proposed Cannabis Ordinances, BOS File Nos. 171041 and 171042

Heya Small Business Commission, Office of Cannabis, and Board of Supervisors,

My name is Chris Schroeder, the founder of Somatik, a local Cannabis business in San Francisco. We are members of SF Made and advocates of a diverse SF economy. Thank you so much for your willingness to help usher legal cannabis businesses into San Francisco — we couldn't do it without your support.

I'm writing to support a two-step registration process as outlined in the Office of Small Business staff report. Here's an example of our suggested process:

**Step 1:** ALL existing businesses register and show they were in operation. Reduce amount of information required for registration to be only proof of existence by 9/26. This mirrors Oakland's process, which does not require a location (that requirement is considered a barrier to entry).

**Step 2:** Offer a provisional temporary permit to allow nonconforming businesses to move toward compliance.

We also hope it will be possible to share a space/address with other manufacturers or other cannabis businesses. The cannabis industry should mirror the food industry where caterers and food producers can share rental space in the same kitchen.

The real estate market in SF can be prohibitively expensive to. Small business. We are a new, not yet profitable business and we're excited to be a permitted cannabis business helping to diversify San Francisco's economy. We need your help to ensure small businesses can not only survive, but thrive in San Francisco. Thank you for your time. I'll see some of you at tomorrow's SBC meeting.

Sincerely  
Chris Schroeder

Somatik Inc.  
[www.somatik.us](http://www.somatik.us)

--  
-Chris Schroeder

Founder, Somatik Inc.  
[www.somatik.us](http://www.somatik.us)  
415-342-3565



171041 / 171042

**From:** jmeds1@yahoo.com  
**Sent:** Sunday, October 22, 2017 1:44 PM  
**To:** Breed, London (BOS); Peskin, Aaron (BOS); Kim, Jane (BOS); Sheehy, Jeff (BOS); Yee, Norman (BOS); Tang, Katy (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Major, Erica (BOS); Office of Cannabis (ADM); Somera, Alisa (BOS); Somera, Alisa (BOS); SBC (ECN); Mahajan, Menaka (ECN)  
**Subject:** Public comment regarding Proposed Cannabis Ordinances, BOS File Nos. 171041 and 171042

*Dear Small Business Commission, Office of Cannabis, and Board of Supervisors,*

*My name is Jeffrey and*

*I am writing in support of the two-step registration process suggestion outlined in the Office of Small Business staff report.*

**Step 1:** *ALL existing businesses register and show they were in operation. Reduce amount of information required for registration to be only proof of existence by 9/26. This mirrors Oakland's process, which does not require a location (that requirement is considered a barrier to entry).*

**Step 2:** *Offer a provisional temporary permit to allow nonconforming businesses to move toward compliance.*

*Additionally,*

*It should be possible to share a space/address with other manufacturers or other cannabis businesses. It should mirror the food industry with many caterers or food producers sharing rental space in the same kitchen. The rental market in SF is, as you know, prohibitively expensive, and I am not even breaking even yet as it is. There has to be a way to help small businesses make it work.*

*Sincerely*

*Jeffrey Kolsky  
Director J MEDS*

171041 | 171042

**From:** MoonMan's Mistress <moonmansmistress@gmail.com>  
**Sent:** Sunday, October 22, 2017 2:02 PM  
**To:** Mahajan, Menaka (ECN); SBC (ECN); Office of Cannabis (ADM); alisasomera@sfgov.org; Major, Erica (BOS); Breed, London (BOS); Peskin, Aaron (BOS); Kim, Jane (BOS); Fewer, Sandra (BOS); Sheehy, Jeff (BOS); Yee, Norman (BOS); Tang, Katy (BOS); hillary.ronen@sfgv.org; Safai, Ahsha (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS)  
**Subject:** Public comment regarding Proposed Cannabis Ordinances, BOS File Nos. 171041 and 171042

Dear Small Business Commission, Office of Cannabis, and Board of Supervisors,

My name is Jamel Ramiro and Liz Rudner, Co-Founders of MoonMan's Mistress, an edible manufacturer based out of San Francisco and we agree with the Small Business commission's suggested 2 step registration process.

**Step 1:** ALL existing businesses register and show they were in operation. Reduce amount of information required for registration to be only proof of existence by 9/26. This mirrors Oakland's process, which does not require a location (that requirement is considered a barrier to entry).

**Step 2:** Offer a provisional temporary permit to allow nonconforming businesses to move toward compliance. Additionally,

It should be possible to share a space/address with other manufacturers or other cannabis businesses. It should mirror the food industry with many caterers or food producers sharing rental space in the same kitchen. The rental market in SF is, as you know, prohibitively expensive, and I am not even breaking even yet as it is. There has to be a way to help small businesses make it work.

We truly appreciate your consideration and support as a very small business in this industry doing it's best to stay compliant with all the rules and regulations. Thank you.

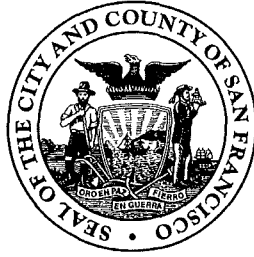
Sincerely,

Jamel Ramiro & Liz Rudner  
Co-Founders, MoonMan's Mistress  
[www.moonmansmistress.com](http://www.moonmansmistress.com)

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[www.moonmansmistress.com](http://www.moonmansmistress.com)  
instagram [@moonmansmistress](#)  
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BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

October 4, 2017

File No. 171041-2

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On October 3, 2017, Mayor Lee introduced the following substitute legislation:

**File No. 171041-2**

**Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

October 4, 2017

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On October 3, 2017, Mayor Lee introduced the following substitute legislation:

**File No. 171041-2**

**Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

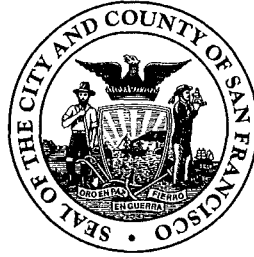
Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

c: John Rahaim, Director of Planning  
Aaron Starr, Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Acting Environmental Review Officer  
AnMarie Rodgers, Senior Policy Advisor  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

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## MEMORANDUM

TO: Nicole Elliott, Director, Office of Cannabis  
Barbara A. Garcia, Director, Department of Public Health  
William Scott, Police Chief, Police Department  
Phil Ginsburg, General Manager, Recreation and Parks Department  
Dr. Vincent Matthews, Superintendent, San Francisco Unified School District

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

DATE: October 4, 2017

SUBJECT: SUBSTITUTE LEGISLATION

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The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Mayor Lee on October 3, 2017:

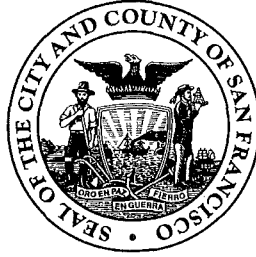
**File No. 171041-2**

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

c: Greg Wagner, Department of Public Health  
Colleen Chawla, Department of Public Health  
Rowena Carr, Police Department  
Kristine Demafeliz, Police Department  
Sarah Madland, Recreation and Parks Department  
Viva Mogi, San Francisco Unified School District  
Esther Casco, San Francisco Unified School District  
Danielle Houck, San Francisco Unified School District

BOARD of SUPERVISORS



City Hall  
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San Francisco 94102-4689  
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## MEMORANDUM

TO: Nicole Elliott, Director, Office of Cannabis  
Barbara A. Garcia, Director, Department of Public Health  
William Scott, Police Chief, Police Department  
Phil Ginsburg, General Manager, Recreation and Parks Department  
Dr. Vincent Matthews, Superintendent, San Francisco Unified School District

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

DATE: October 2, 2017

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on September 26, 2017:

**File No. 171041**

**Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.**

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c: Greg Wagner, Department of Public Health  
Colleen Chawla, Department of Public Health  
Rowena Carr, Police Department  
Kristine Demafeliz, Police Department  
Sarah Madland, Recreation and Parks Department  
Viva Mogi, San Francisco Unified School District  
Esther Casco, San Francisco Unified School District  
Danielle Houck, San Francisco Unified School District

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

**MEMORANDUM**

TO: Regina Dick-Endrizzi, Director  
**Small Business Commission, City Hall, Room 448**

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

DATE: October 2, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 171041**

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

\*\*\*\*\*

**RESPONSE FROM SMALL BUSINESS COMMISSION - Date:** \_\_\_\_\_

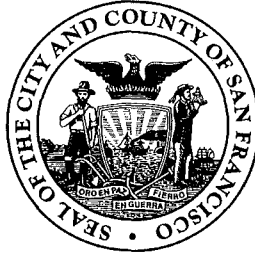
\_\_\_\_\_ **No Comment**

\_\_\_\_\_ **Recommendation Attached**

\_\_\_\_\_  
**Chairperson, Small Business Commission**

c: Menaka Mahajan, Small Business Commission

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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Fax No. 554-5163  
TDD/TTY No. 554-5227

October 2, 2017

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On September 26, 2017, Mayor Lee introduced the following legislation:

**File No. 171041**

**Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

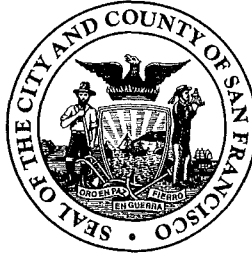
A handwritten signature in cursive script, appearing to read "Erica Major".

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

c: John Rahaim, Director of Planning  
Aaron Starr, Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Acting Environmental Review Officer  
AnMarie Rodgers, Senior Policy Advisor  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning



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October 2, 2017

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

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**File No. 171041**

**Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.**

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Angela Calvillo, Clerk of the Board

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

c: John Rahaim, Director of Planning  
Aaron Starr, Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Acting Environmental Review Officer  
AnMarie Rodgers, Senior Policy Advisor  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

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October 2, 2017

File No. 171041

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On September 26, 2017, Mayor Lee introduced the following proposed legislation:

**File No. 171041**

**Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *for* Mayor Edwin M. Lee *[Signature]*  
RE: Substitute Ordinance – File 171041 - Planning Code - Cannabis Regulation  
DATE: October 3, 2017

---

Attached for introduction to the Board of Supervisors is a substitute ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

Please note that this legislation is co-sponsored by Supervisor Sheehy.

Should you have any questions, please contact Mawuli Tugbenyoh (415) 554-5168.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 OCT -3 PM 2:55  
*[Signature]*

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 SEP 26 PM 4:13

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: ~~for~~ Mayor Edwin M. Lee  
RE: Planning Code - Cannabis Regulation  
DATE: September 26, 2017

---

Attached for introduction to the Board of Supervisors is an ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; and affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.

I respectfully request that this item be heard in Land Use Committee.

Please note that this legislation is co-sponsored by Supervisor Sheehy.

Should you have any questions, please contact Mawuli Tugbenyoh (415) 554-5168.