

File No. 200144

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: May 25, 2023

Board of Supervisors Meeting:

Date: _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Cannabis Oversight Committee Letter – April 17, 2020
- CEQA Determination – February 28, 2020
- Referrals, CEQA, SBC, and FYI to Depts – February 19, 2020
- _____
- _____
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: May 19, 2023

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

1 [Police Code - Ceasing Acceptance of New Applications - Cannabis Retail Permits]

2

3 **Ordinance amending the Police Code to provide that cannabis retail permit**
4 **applications will not be accepted as of the effective date of this Ordinance; and**
5 **affirming the Planning Department’s determination under the California Environmental**
6 **Quality Act.**

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

11

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

13

14 Section 1. The Planning Department has determined that the actions contemplated in
15 this ordinance comply with the California Environmental Quality Act (California Public
16 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
17 Board of Supervisors in File No. 200144 and is incorporated herein by reference. The Board
18 affirms this determination.

19

20 Section 2. Background, Findings, and Purpose.

21 (a) As of February 11, 2020, the existing cannabis retail industry in San Francisco
22 includes 37 operating Storefront Cannabis Retail businesses, 41 operating Delivery-Only
23 Cannabis Retail businesses, no operating Microbusiness permittees, and no Medicinal
24 Cannabis Retail businesses separate from the Storefront Cannabis Retail and Delivery-Only
25 Cannabis Retail businesses previously listed.

1 (b) As of February 11, 2020, there are 145 pending applications for Storefront
2 Cannabis Retail business permits, 42 pending applications for Delivery-Only Cannabis Retail
3 business permits, and 40 pending applications for Microbusiness permits (which may
4 authorize any of the full range of Cannabis business activities covered by Article 16, including
5 but not limited to retail activities). As of February 11, 2020, there were no pending
6 applications for Medicinal Cannabis Retail permits.

7 (c) Based on data from the Office of the Controller regarding profit trends among
8 cannabis retail businesses, it appears doubtful that the San Francisco market can sustain
9 additional Cannabis Retail businesses in a number greater than those already in the
10 application pipeline.

11 (d) In addition, new applicants for Cannabis Retail business permits slow the pace
12 of the permitting process for earlier applicants, as limited City resources must be distributed to
13 process pending applications. Many Equity Program applicants qualify for a reduction or
14 waiver of permit fees, so the burden of processing additional applications must largely be
15 borne by scarce General Fund revenues.

16 (e) The Board of Supervisors finds that the above considerations warrant the City's
17 ceasing to accept new applications for Cannabis Business Permits for retail sales – including
18 permits for Storefront Cannabis Retail, Delivery-Only Cannabis Retail, Medicinal Cannabis
19 Retail, and retail-related Cannabis Microbusiness – as of the effective date of this ordinance.
20

21 Section 3. Article 16 of the Police Code is hereby amended by revising Section 1606
22 to read as follows:

23 **SEC. 1606. APPLICATIONS FOR CANNABIS BUSINESS PERMITS.**

24 * * * *

LEGISLATIVE DIGEST

[Police Code - Ceasing Acceptance of New Applications - Cannabis Retail Permits]

Ordinance amending the Police Code to provide that cannabis retail permit applications will not be accepted as of the effective date of this Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Existing law, in Sections 1606 and 1609 of the Police Code, provides for the Office of Cannabis to accept applications for Cannabis Business Permits on an indefinite basis, with no end date for the office's acceptance of any such applications.

Amendments to Current Law

This ordinance would require the Office of Cannabis to decline to accept for processing, as of the effective date of this ordinance, any new applications for Cannabis Business Permits in the following categories: Cannabis Retailer, Storefront Cannabis Retailer, Delivery-Only Cannabis Retailer, Medicinal Cannabis Retailer, and Cannabis Microbusiness (to the extent relating to retail activity).

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April 17, 2020
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

To the Honorable Board of Supervisors:

The San Francisco Cannabis Oversight Committee sincerely hopes that this letter finds all of you in good health and that your loved ones are safe and healthy in this time of COVID-19. We are aware of the sensitivity of this time period and want to acknowledge the many challenges facing the City and express our gratitude for your offices taking the time to review our recommendations regarding the language set forth in Ordinance (File#200144) to Cease Acceptance of New Applications for Cannabis Retail Permits.

The Cannabis Oversight Committee discussed this proposal at length and took public comment during its regular committee meeting on March 3, 2020. Committee members agreed that a moratorium would be more appropriate than an indefinite stoppage of permit application submissions. Upon request, the Office of Cannabis (OOC) offered insight on an appropriate moratorium timeframe based on the current number of applications in the queue and based on the length of time it takes to process an application which is anywhere from 18 to 24 months. As a result of these discussions, the Cannabis Oversight Committee submits to the Board of Supervisors the following concerning San Francisco Police Code Section 1606(e):

Recommendation:

- (e) As of the effective date of the ordinance in Board File No. 200144 enacting this subsection (e), the Director shall decline to accept for processing any new applications for Cannabis Business Permits under this Article 16 in the following categories: Cannabis Retailer, Storefront Cannabis Retailer, Delivery-Only Cannabis Retailer, Medicinal Cannabis Retailer, and Cannabis Microbusiness (to the extent relating to retail activity) until after two years following the enactment of Board File No. 200144 or once the number of equity storefront retailers is equal to the number of pre-existing cannabis storefront businesses.

Although the Committee recommends such a moratorium (motion approved with four Ayes: Jamalian, Flynn, Stout, Richard; two Nays: Parks & Cry), we want your offices to be aware that the comments from the community expressed a great concern that the process into permit and licensure is still inequitable and that ceasing to provide an opportunity to submit applications does not help to make a more equitable playing field for people who have been harmed by the “War on Drugs.” Community members shared that those harmed by the “War on Drugs” are trying to play catch up in acquiring knowledge and skill sets to set up businesses in a heavily regulated cannabis industry.

The Cannabis Oversight Committee would like to work closely with both Supervisors Safai and Walton's offices to support the development of more innovative solutions.

Thank you for your time and consideration.

Sincerely,

Nina Parks

Chair

On Behalf of the San Francisco Cannabis Oversight Committee

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

February 19, 2020

File No. 200144

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson:

On February 11, Supervisor Walton introduced the following legislation:

File No. 200144

Ordinance amending the Police Code to provide that cannabis retail permit applications will not be accepted as of the effective date of this Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: John Carroll, Assistant Clerk
Public Safety and Neighborhood Services Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planner
Don Lewis, Environmental Planner

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

2/28/2020 *Joy Navarrete*

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

MEMORANDUM

TO: William Scott, Chief, Police Department
Marisa Rodriguez, Director, Office of Cannabis
Ben Rosenfield, City Controller

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: February 19, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Walton on February 11, 2020:

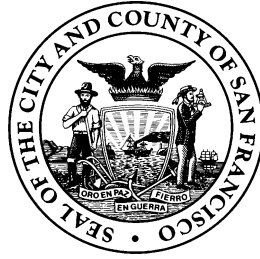
File No. 200144

Ordinance amending the Police Code to provide that cannabis retail permit applications will not be accepted as of the effective date of this Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have any 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.

c: Rowena Carr, Police Department
Asja Steeves, Police Department
Ray Law, Office of Cannabis
Todd Rydstrom, Office of the Controller
Peg Stevenson, Office of Controller

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

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

FROM: John Carroll, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: February 19, 2020

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Public Safety and Neighborhood Services Committee

The Board of Supervisors' Public Safety and Neighborhood Services 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. 200144

Ordinance amending the Police Code to provide that cannabis retail permit applications will not be accepted as of the effective date of this Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act.

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, California 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ **No Comment**

_____ **Recommendation Attached**

Chairperson, Small Business Commission

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
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February 19, 2020

File No. 200144

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson:

On February 11, Supervisor Walton introduced the following legislation:

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: John Carroll, Assistant Clerk
Public Safety and Neighborhood Services Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planner
Don Lewis, Environmental Planner

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 FEB 11 PM 5:13
Time stamp
or meeting date

BY



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

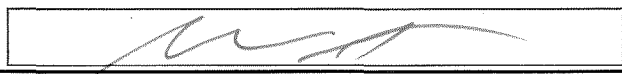
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:



For Clerk's Use Only