

FILE NO. 070667

ORDINANCE NO.

1 [Medical Cannabis Dispensary Permits.]

2

3 Ordinance amending Sections **3301**, 3304, 3305, 3307, and 3308 of the San Francisco  
4 Health Code and Sections 209.3, 217, 790.141 and 890.133 of the San Francisco  
5 Planning Code to (a) require the Director of Public Health to certify that applicants for  
6 Medical Cannabis Dispensary permits have not been convicted of certain felony  
7 offenses, (b) require Dispensaries to provide security measures, including lighting and  
8 alarms, (c) ~~authorize the Department of Building Inspection, after consultation and a~~  
9 ~~nonbinding recommendation from the Mayor's Office of Disability, to approve~~  
10 ~~equivalents to new construction accessibility requirements where Dispensaries~~  
11 ~~demonstrate a hardship and satisfy minimum standards~~ establish minimum disability  
12 access standards; and (d) extend the time period for Dispensaries to obtain a Medical  
13 Cannabis Dispensary permit to ~~January~~ March 1, 2008; (e) authorize the sale and  
14 delivery of medical cannabis to qualified patients with a verifiable, written  
15 recommendation from a physician for medical cannabis; and (f) clarify the definition of  
16 "medical cannabis dispensary"; and (g) adopting General Plan, Planning Code Section  
17 101.1(b) and environmental findings."

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

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

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24 Section 1. Section 1. Findings.

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26 A. On \_\_\_\_\_ at a duly noticed public hearing, the Planning Commission

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28 in Resolution No. \_\_\_\_\_ found that the proposed Planning Code amendments

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1 contained in this ordinance were consistent with the City's General Plan and with Planning  
2 Code Section 101.1(b). A copy of said Resolution is on file with the Clerk of the Board of  
3 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The  
4 Board finds that the proposed Planning Code amendments contained in this ordinance are  
5 consistent with the City's General Plan and with Planning Code Section 101.1(b) for the  
6 reasons set forth in said Resolution.

7 B. Pursuant to Planning Code Section 302, the Board finds that the proposed  
8 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
9 Planning Commission Resolution No. \_\_\_\_\_, which reasons are incorporated  
10 herein by reference as though fully set forth.

11 C. The Planning Department has determined that the actions contemplated in this  
12 Ordinance are in compliance with the California Environmental Quality Act (California Public  
13 Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the  
14 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

15 Section 2. The San Francisco Health Code is hereby amended by amending Sections  
16 3301, 3304, 3305, 3307 and 3308 to read as follows:

17 **SEC. 3301. DEFINITIONS.**

18 For the purposes of this Article:

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

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

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

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

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

13 (f) "Medical cannabis dispensary" means ~~any association, cooperative, or collective of~~  
14 ~~ten or more qualified patients or primary caregivers that facilitates the lawful distribution of~~  
15 ~~medical cannabis any publicly accessible facility that engages in on-site distribution or sales of~~  
16 ~~marijuana for medical purposes to qualified patients and or patients' primary caregivers~~  
17 ~~pursuant to Sections 11362.5 to 11362.83, inclusive, of the Health and Safety Code,~~  
18 ~~commonly referred to as the Compassionate Use Act of 1996 and the Medical Marijuana~~  
19 ~~Program~~ any association, cooperative, or collective of ten or more qualified patients or primary  
20 caregivers that facilitates the lawful distribution of medical cannabis.

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

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

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

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

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

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

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

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

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

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

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

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

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

10          (6) Whether cultivation of medical cannabis shall occur on the premises of the medical  
11 cannabis dispensary;

12          (7) Whether smoking of medical cannabis shall occur on the premises of the medical  
13 cannabis dispensary;

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) That the applicant has provided materially false documents or testimony; or

6 (2) That the applicant has not complied fully with the provisions of this Article; or

7 (3) That the operation as proposed by the applicant, if permitted, would not have  
8 complied will all applicable laws, including, but not limited to, the Building, Planning, Housing,  
9 Police, Fire, and Health Codes of the City, including the provisions of this Article and  
10 regulations issued by the Director pursuant to this Article; or

11 (4) That the permit applicant or any other person who will be engaged in the  
12 management of the medical cannabis dispensary has been convicted of a violent felony as  
13 defined in Penal Code section 667.5(c) within the State of California or a crime that would  
14 have constituted a violent felony as defined in Penal Code section 667.5(c) if committed within the  
15 State off of California. However, the Director may issue a medical cannabis dispensary  
16 provisional permit to any individual convicted of such a crime if the Director finds that the  
17 conviction occurred at least five years prior to the date of the permit application or more than  
18 three years have passed from the date of the termination of a penalty for such conviction to  
19 the date of the permit application and, that no subsequent felony convictions of any nature  
20 have occurred; or

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

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

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

22 (f) The final permit shall contain the following language: "Issuance of this permit by  
23 the City and County of San Francisco is not intended to and does not authorize the violation of  
24 State or Federal law."  
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1           **SEC. 3308. OPERATING REQUIREMENTS FOR MEDICAL CANNABIS**

2           **DISPENSARY.**

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

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

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

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

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

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

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

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

8 (i) All sales and dispensing of medical cannabis shall be conducted on the premises  
9 of the medical cannabis dispensary. However, delivery of cannabis to qualified patients with  
10 valid identification cards or a verifiable, written recommendation from a physician for medical  
11 cannabis and primary caregivers with a valid identification card outside the premises of the  
12 medical cannabis dispensary is permitted if the person delivering the cannabis is a qualified  
13 patient with a valid identification card or a verifiable, written recommendation from a physician  
14 for medical cannabis or a primary caregiver with a valid identification card who is a member of  
15 the medical cannabis dispensary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1           (2) — Department of Building Inspection shall review the hardship exception request  
2 and the medical cannabis dispensary's proposed construction drawings and grant or deny the  
3 hardship exception.

4           (3) — In order to receive a hardship exception, the medical cannabis dispensary shall  
5 provide:

6           (A) an accessible entrance;

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

9           (C) (3) an accessible bathroom, with a toilet and sink, if a bathroom is provided to the public,  
10 except where the Access Appeals Commission grants an unreasonable hardship exemption is  
11 granted.

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

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

18           (5) Any medical cannabis dispensary that distributes medical cannabis solely through  
19 delivery to qualified patients or primary caregivers and does not engage in on-site distribution  
20 or sales of medical cannabis shall be exempt from the requirements of this subsection  
21 3308(y).

22           (z) Any medical cannabis dispensary in a building that began the Landmark Initiation  
23 process (as codified by Article 10 of the San Francisco Planning Code) by August 13, 2007 is  
24

1 exempt from the requirements set forth in section 3308(y) of this legislation until September 1,  
2 2008.

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

7

8 Section 2-3. The San Francisco Planning Code is hereby amended by amending  
9 Sections 209.3, 217, 790.141 and 890.133 to read as follows:

10 **SEC. 209.3. INSTITUTIONS.**

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

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

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

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

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

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

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

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

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

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

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

11 "Issuance of this permit by the City and County of San Francisco is not intended to and does  
12 not authorize the violation of State or Federal law." For purposes of this Section and Sections  
13 217, 790.141, and 890.133, the terms "primarily serves" shall mean regular, continuing, and  
14 verifiable programs for persons under 18 years of age.

15 ~~On March 2, 2008, Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San~~  
16 ~~Francisco Planning Code shall expire by operation of law. Thereafter, the City Attorney shall~~  
17 ~~cause Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San Francisco Planning~~  
18 ~~Code to be removed from future editions of the published Code.~~

19

## 20 **SEC. 217. INSTITUTIONS.**

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

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

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

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

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

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

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

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

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

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

5 (k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco  
6 Health Code provided that: (a) the medical cannabis dispensary has applied for a permit from  
7 the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code;  
8 (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis  
9 dispensary is located not less than 1,000 feet from the parcel containing the grounds of an  
10 elementary or secondary school, public or private, or a community clubhouse that primarily  
11 serves persons under 18 years of age, or neighborhood center as defined in Section 221(e) of  
12 this Code that primarily serves persons under 18 years of age, unless not required by State  
13 law, and, regardless of whether medical cannabis is smoked on the premises, if the  
14 dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located  
15 not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary  
16 school, public or private, or a community clubhouse that primarily serves persons under 18  
17 years of age, or a neighborhood center as defined in Section 221(e) of this Code that primarily  
18 serves persons under 18 years of age; (c) if medical cannabis is smoked on the premises the  
19 dispensary shall provide adequate ventilation within the structure such that doors and/or  
20 windows are not left open for such purposes resulting in odor emission from the premises; (d)  
21 regardless of whether medical cannabis is smoked on the premises the parcel containing the  
22 medical cannabis dispensary is not located on the same parcel as a facility providing  
23 substance abuse services that is licensed or certified by the State of California or funded by  
24 the Department of Public Health; (e) no alcohol is sold or distributed on the premises for on or  
25



1 off-site consumption; (f) upon acceptance of a complete application for a building permit for a  
2 medical cannabis dispensary the Planning Department shall cause a notice to be posted on  
3 the proposed site and shall cause written notice to be sent via U.S. Mail to all owners and  
4 occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on  
5 the block face across from the subject lot as well as to all individuals or groups that have  
6 made a written request for notification regarding specific medical cannabis dispensaries; (g)  
7 all building permit applications shall be held for a period of 30 calendar days from the date of  
8 the mailed notice to allow review by residents, occupants, owners of neighborhood properties  
9 and neighborhood groups; (h) after this 30-day period, the Planning Commission shall  
10 schedule a hearing to consider whether to exercise its discretionary review powers over the  
11 building permit application for a medical cannabis dispensary. The scheduling and the mailed  
12 notice for this hearing shall be processed in accordance with Section 312(e) of this Code; (i)  
13 Medical cannabis dispensaries that can demonstrate to the Planning Department, based on  
14 any criteria it may develop, *that* they were in operation as of April 1, 2005 and have remained  
15 in continuous operation since then, ~~have 18 months from the effective date of this legislation to~~ and  
16 that they have filed an application for a medical cannabis dispensary permit as provided in San  
17 Francisco Health Code section 3304 on or before July 1, 2007, must obtain a final permit on or before  
18 March 1, 2008, or must cease operations ~~at the end of that 18 month period on~~ March 1, 2008, or  
19 upon denial of a permit application if it occurs before ~~the end of that 18 month period~~ March 1,  
20 2008. Medical cannabis dispensaries that were in operation as of April 1, 2005, and were not in  
21 continuous operation since then, but can demonstrate to the Planning Department, based on  
22 any criteria it may develop, that the reason for their lack of continuous operation was not  
23 closure due to an actual violation of federal, state or local law, also ~~have 18 months from the~~  
24 ~~effective date of this legislation to~~ must obtain a permit on or before March 1, 2008, or must cease  
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1 operations ~~at the end of that 18-month period, on March 1, 2008,~~ or upon denial of a permit  
2 application if it occurs before ~~the end of that 18-month period~~ March 1, 2008. Notwithstanding the  
3 foregoing, in no case shall a dispensary that had or has a suspended or revoked permit be  
4 considered to be in continuous operation. Any dispensary that began operation after April 1,  
5 2005, and any dispensary that failed to file a permit application with the Department of Public  
6 Health as provided in San Francisco Health Code section 3304 on or before July 1, 2007, and have  
7 failed to file completed applications, including a California Environmental Quality Act  
8 categorical exemption application and a discretionary review application, with the Planning  
9 Department by August 15, 2007, must immediately cease operations; (j) any permit issued for  
10 a medical cannabis dispensary shall contain the following statement in bold-face type:  
11 "Issuance of this permit by the City and County of San Francisco is not intended to and does  
12 not authorize the violation of State or Federal law.

13 ~~On March 2, 2008, Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San~~  
14 ~~Francisco Planning Code shall expire by operation of law. Thereafter, the City Attorney shall~~  
15 ~~cause Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San Francisco Planning~~  
16 ~~Code to be removed from future editions of the published Code.~~

17

## 18 **SEC. 790.141. MEDICAL CANNABIS DISPENSARY.**

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

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

23 (b) if medical cannabis is smoked on the premises, the parcel containing the medical  
24 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds  
25

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

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

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

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

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

25

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

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

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

22 Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or  
23 revoked permit be considered to be in continuous operation. Any dispensary that began  
24 operation after April 1, 2005, and any dispensary that failed to file a permit application with the  
25

1 Department of Public Health as provided in San Francisco Health Code section 3304 on or before  
2 July 1, 2007, and have failed to file completed applications, including a California  
3 Environmental Quality Act categorical exemption application and a discretionary review  
4 application, with the Planning Department by August 15, 2007, must immediately cease  
5 operations;

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

10 **SEC. 890.133. MEDICAL CANNABIS DISPENSARY.**

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

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

15 (b) if medical cannabis is smoked on the premises, the parcel containing the medical  
16 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds  
17 of an elementary or secondary school, public or private, or a community facility that primarily  
18 serves persons under 18 years of age, or a recreation building as defined in Section 890.50(a)  
19 of this Code that primarily serves persons under 18 years of age, unless not required by State  
20 law, and, regardless of whether medical cannabis is smoked on the premises, if the  
21 dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located  
22 not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary  
23 school, public or private, or a community facility that primarily serves persons under 18 years  
24  
25

1 of age, or a recreation building as defined in Section 890.50(a) of this Code that primarily  
2 serves persons under 18 years of age;

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

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

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

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

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

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

25

1 (i) Medical cannabis dispensaries that can demonstrate to the Planning Department,  
2 based on any criteria it may develop, *that* they were in operation as of April 1, 2005 and have  
3 remained in continuous operation since then, *have 18 months from the effective date of this*  
4 *legislation to and that they have filed an application for a medical cannabis dispensary permit as*  
5 *provided in San Francisco Health Code section 3304 on or before July 1, 2007, must obtain a final*  
6 *permit on or before March 1, 2008, or must cease operations at the end of that 18 month period on*  
7 *March 1, 2008, or upon denial of a permit application if it occurs before the end of that 18 month*  
8 *period March 1, 2008. Medical cannabis dispensaries that were in operation as of April 1, 2005,*  
9 *and were not in continuous operation since then, but can demonstrate to the Planning*  
10 *Department, based on any criteria it may develop, that the reason for their lack of continuous*  
11 *operation was not closure due to an actual violation of federal, state or local law, also have 18*  
12 *months from the effective date of this legislation to must obtain a permit on or before March 1, 2008,*  
13 *or must cease operations at the end of that 18 month period, on March 1, 2008, or upon denial of*  
14 *a permit application if it occurs before the end of that 18 month period March 1, 2008.*  
15 Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or  
16 revoked permit be considered to be in continuous operation. Any dispensary that began  
17 operation after April 1, 2005, *and any dispensary that failed to file a permit application with the*  
18 *Department of Public Health as provided in San Francisco Health Code section 3304 on or before*  
19 *July 1, 2007, and have failed to file completed applications, including a California*  
20 *Environmental Quality Act categorical exemption application and a discretionary review*  
21 *application, with the Planning Department by August 15, 2007, must immediately cease*  
22 *operations;*  
23  
24  
25

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

4 ~~On March 2, 2008, Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San~~  
5 ~~Francisco Planning Code shall expire by operation of law. Thereafter, the City Attorney shall~~  
6 ~~cause Sections 209(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San Francisco Planning~~  
7 ~~Code to be removed from future editions of the published Code.~~

8 Section 4. On March 2, 2008, Sections 209.3(k)(i), 217(k)(i), 790.141(i), and 890.133(i)  
9 of the San Francisco Planning Code shall expire by operation of law. Thereafter, the City  
10 Attorney shall cause Sections 209.3(k)(i), 217(k)(i), 790.141(i), and 890.133(i) of the San  
11 Francisco Planning Code to be removed from future editions of the published Code.

12  
13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15  
16 By: \_\_\_\_\_  
17 Marlena G. Byrne  
18 Deputy City Attorney