

LEGISLATIVE DIGEST

[Planning Code - Medical Cannabis Dispensaries - Ocean Avenue Neighborhood Commercial Transit District]

Ordinance amending the Planning Code to require that, in the Ocean Avenue Neighborhood Commercial Transit District, a Medical Cannabis Dispensary (MCD) may be allowed within 500 feet of another MCD as a conditional use, provided that no other Citywide regulation governing the proximity of MCDs to each other becomes law; affirming the Planning Department’s California Environmental Quality Act determination; and making Planning Code, Section 302, findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Currently there is no requirement in the Ocean Avenue Neighborhood Commercial Transit District (Ocean Avenue NCT District) of a minimum distance between medical cannabis dispensaries (MCDs). Nor is there any such Citywide requirement. The Planning Code, Section 745, requires that, in the Excelsior Outer Mission Street Neighborhood Commercial District, an MCD seeking to locate within 500 feet of another MCD may be allowed as a conditional use. It also provides that if a Citywide regulation is put in place governing the proximity of an MCD to another MCD, Section 745’s conditional use requirement will be superseded.

Amendments to Current Law

This ordinance would apply the same conditional use requirements for MCDs to the Ocean Avenue NCT District as those that apply to the Excelsior Outer Mission Street Neighborhood Commercial District. Where a proposed MCD is to be located within 500 feet of an existing MCD in the Ocean Avenue NCT District, the proposed MCD will be allowed as a conditional use. In deciding whether to authorize the conditional use, the Planning Commission would consider the requirements of Planning Code Section 303. In addition, the Planning Commission would consider whether the MCD would bring measurable community benefits and enhancements to the Ocean Avenue NCT District; whether the MCD has an adequate parking and transportation management plan; whether the MCD has demonstrated a commitment to public safety; and the existing concentration of MCDs in the Ocean Avenue NCT District. This ordinance would be superseded if controls are enacted regulating Citywide the proximity of MCDs to one another.

Background Information

Administrative Code Section 2A.54 requires the Planning Commission to prepare a report for the Board of Supervisors evaluating the impacts of MCDs on the communities in which they are located, including the impacts of requirements regarding the location of MCDs. This report must be submitted by May 1, 2014. Thus, the issue of proximity of MCDs to one another, and the concentrations of MCDs in particular communities, is currently being studied by the City.