

LEGISLATIVE DIGEST

[Planning Code - Medical Cannabis Dispensaries]

Ordinance amending the Planning Code to allow Medical Cannabis Dispensaries to be located on the second story and above in zoning districts in which they are permitted; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making a finding of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Existing law allows Medical Cannabis Dispensaries (MCDs) to be located only on the first floor of a building.

Amendments to Current Law

This ordinance would allow MCDs to be located above the first floor in locations where they are otherwise permitted.

Background Information

Since 2005, the San Francisco Health Code has required medical cannabis dispensaries (MCDs) to be accessible pursuant to the California Building Code, with exemptions made for hardship and landmarked buildings. (Health Code § 3308.) The Planning Department, in a 2014 Draft Report on Medical Cannabis Dispensaries, stated that accessibility and appropriate MCD location are two separate issues – there are accessible upper floor locations just as there are inaccessible first floor locations.

The 2014 Draft Report recommended allowing MCDs above the first floor, as it would increase the number of available locations for dispensaries within the City without introducing them into areas where MCDs are prohibited. Furthermore, the Report stated that such a decision would address the aesthetic and exclusivity issues associated with ground floor MCDs. Additionally, the Report stated that this would not exacerbate the housing crisis, as currently existing protections in the Planning Code limiting the conversion of dwelling units reduce the risk that MCDs above the first floor would displace upper-floor dwelling units.

Other cities, such as Denver, Seattle and Portland, Oregon allow MCDs to be located above the first floor.

The City already permits medical cannabis delivery services to be located above the first floor. There are currently six in such locations active within San Francisco, and the Mayor’s Office

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of Disability verified that the locations would be accessible for patients. Therefore, allowing MCDs above the first floor would be consistent with already established City zoning and access laws and policies.

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