

File No. 161241

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date December 5, 2016

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input 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 type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Notice of Hearing</u> |
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Completed by: Victor Young Date December 2, 2016

Completed by: _____ Date _____

1 [Interim Zoning Controls - Indoor Agriculture]

2
3 **Resolution creating interim zoning controls to require conditional use authorization for**
4 **indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor**
5 **agriculture uses in Production, Distribution, and Repair zoning districts; making**
6 **findings of consistency with the eight priority policies of Planning Code, Section 101.1;**
7 **and affirming the Planning Department’s determination under the California**
8 **Environmental Quality Act.**

9
10 WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning
11 controls to accomplish several objectives, including preservation of residential and mixed
12 residential and commercial areas in order to preserve the existing character of such
13 neighborhoods and areas, and development and conservation of the commerce and industry
14 of the City in order to maintain the economic vitality of the City, to provide its citizens with
15 adequate jobs and business opportunities, and to maintain adequate services for its residents,
16 visitors, businesses and institutions; and

17 WHEREAS, Policy 2 of the eight priority policies of the City’s General Plan and of
18 Planning Code, Section 101.1 establishes a policy “That existing housing and neighborhood
19 character be conserved and protected in order to preserve the cultural and economic diversity
20 of our neighborhoods;” and

21 WHEREAS, Indoor Agricultural uses, as defined in Planning Code, Section 102, and
22 other indoor agriculture uses frequently involve cultivation of medical cannabis; and

1 WHEREAS, California's Proposition 64, the Adult Use of Marijuana Act (AUMA), was
2 passed by the voters on November 8, 2016, permitting commercial cultivation of cannabis for
3 nonmedical purposes, subject to a state licensing requirement; and

4 WHEREAS, Production, Distribution and Repair (PDR) zoning districts are areas in
5 which commercial cannabis cultivation businesses may wish to locate; and

6 WHEREAS, The office of Mayor Edwin M. Lee, the Planning Department, the Office of
7 Economic and Workforce Development and industry stakeholders are considering the
8 recommendations of the San Francisco Cannabis State Legalization Task Force and
9 engaging in broader discussions about amending and updating the existing Planning Code
10 land use controls to allow for cultivation, manufacturing and distribution while ensuring San
11 Francisco's policy goals for PDR-zoned areas are maintained; and

12 WHEREAS, An over-concentration of commercial cannabis cultivation businesses may
13 have a negative impact on the character of neighborhoods within PDR zoning districts, and on
14 the commerce and industry of the City, including within PDR zoning districts; and

15 WHEREAS, It is important that commercial cannabis cultivation operations adequately
16 address public health, safety and general welfare concerns, for example, by having adequate
17 security measures; and

18 WHEREAS, These interim zoning controls advance and are consistent with Policy 2 of
19 the Priority Policies set forth in Planning Code, Section 101.1, in that they address the impacts
20 of proposed cannabis cultivation businesses on neighborhood character in PDR zoning
21 districts; and

22 WHEREAS, With respect to Priority Policies 1, 3, 4, 5, 6, 7 and 8, the Board finds that
23 these interim zoning controls do not, at this time, have an effect upon these policies, and thus,
24 will not conflict with said policies; and

1 WHEREAS, Adoption of these interim controls will allow the Board of Supervisors time
2 to consider how to regulate commercial cannabis cultivation in PDR zoning districts; and

3 WHEREAS, The Board has considered the impact on the public health, safety, peace,
4 and general welfare if the interim controls proposed herein are not imposed; and

5 WHEREAS, The Board has determined that the public interest will be best served by
6 imposition of these interim controls at this time, to ensure that the legislative scheme that may
7 be ultimately adopted is not undermined during the planning and legislative process for
8 permanent controls; and

9 WHEREAS, The Planning Department has determined that the actions contemplated in
10 this Resolution are in compliance with the California Environmental Quality Act (California
11 Public Resources Code, Section 21000 et. seq.); and

12 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
13 File No. _____ and is hereby affirmed and incorporated by reference as though fully set
14 forth; now, therefore, be it

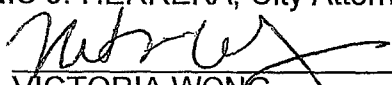
15 RESOLVED, That pursuant to Planning Code, Section 306.7, the City hereby requires
16 that, as of the effective date of this Resolution, any proposed indoor Agriculture use, as
17 defined in Planning Code, Section 102, as well as any other proposed indoor agricultural use,
18 that is located in a PDR zoning district must obtain conditional use authorization from the
19 Planning Commission, pursuant to Planning Code, Section 303; and, be it

20 FURTHER RESOLVED, That these interim zoning controls advance and are consistent
21 with Policy 2 of the Priority Policies set forth in Planning Code, Section 101.1, in that they
22 require consideration of a proposed cannabis cultivation business's impacts on neighborhood
23 character in PDR zoning districts, by requiring conditional use authorization for this new use;
24 and be it

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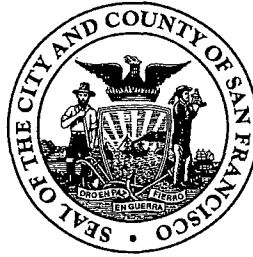
FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen months from the effective date of this Resolution, or until the adoption of permanent legislation regulating commercial cannabis cultivation in PDR zoning districts, whichever first occurs.

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

By: 
VICTORIA WONG
Deputy City Attorney

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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

November 22, 2016

File No. 161241

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

Dear Ms. Gibson:

On November 15, 2016, Mayor Lee introduced the following proposed legislation:

File No. 161241

Resolution creating interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution, and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; 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

for By:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, 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

MEMORANDUM

TO: John Rahaim, Director, Planning Department
Todd Rufo, Director, Office of Economic and Workforce Development

FROM:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: November 22, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on November 15, 2016:

File No. 161241

Resolution creating interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution, and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

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: alisa.somera@sfgov.org.

c: Scott Sanchez, Planning Department
Lisa Gibson, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Jeanie Poling, Planning Department
Ken Rich, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development

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

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

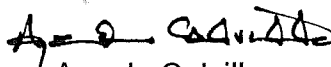
Date: Monday, December 5, 2016

Time: 1:30 p.m.

Location: Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: **File No. 161241.** Resolution creating interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution, and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, December 2, 2016.


Angela Calvillo
Clerk of the Board

DATED: November 23, 2016
PUBLISHED/POSTED: November 25, 2016

CALIFORNIA NEWSPAPER SERVICE BUREAU

DAILY JOURNAL CORPORATION

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Alisa Somera
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description AS - 12.05.16 Land Use - 161241 Interim Zoning Controls

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

11/25/2016

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

EXM# 2950277
NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
LAND USE AND TRANSPORTATION COMMITTEE
MONDAY, DECEMBER 5, 2016 - 1:30 PM
CITY HALL, LEGISLATIVE CHAMBER, ROOM 250
1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 161241. Resolution creating interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution, and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, December 2, 2016. - Angela Calvillo, Clerk of the Board



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BOS-11, B, LU, Leg. Dep.

Dep. City Atty., Mayor's Office.

City Hall BOS IT, Ops

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco 94102-4689

Tel. No. 554-7630

Fax No. 554-7634

TDD/TTY No. 544-5227



President, District 5
BOARD of SUPERVISORS

London Breed

PRESIDENTIAL ACTION

Date: 11/21/16

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 161241 Mayor
(Primary Sponsor)

Title. Resolution creating interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code.

Transferring (Board Rule No 3.3)

File No. _____
(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

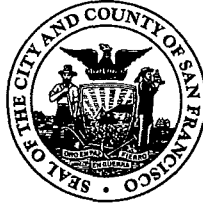
Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)


London Breed, President
Board of Supervisors

21 NOV 21 AM 10:50

OFFICE OF THE MAYOR
SAN FRANCISCO




EDWIN M. LEE

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: *for* Mayor Edwin M. Lee 
RE: Interim Zoning Controls – Indoor Agriculture
DATE: November 15, 2016

Attached for introduction to the Board of Supervisors is a resolution creating interim zoning controls to require conditional use authorization for indoor Agriculture uses, as defined in Planning Code Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

I respectfully request that this item be calendared in Land Use Committee on November 28, 2016 and sent forward as a Committee Report to the full Board on November 29, 2016.

Should you have any questions, please contact Nicole Elliott at (415) 554-7940.

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City SAN FRANCISCO **Fax** (415)554-7714
State - Zip CA - 94102

Ad Placement Information: Section of Newspaper and Type of Notice

Legal GOVERNMENT - GOVT PUBLIC NOTICE

Order Information

Attention Name Alisa Somera **Billing Reference No.** Contract Award 95442
Ad Description AS - 12.05.16 Land Use - 161241 Interim Zoning Controls **Sale/Hrg/Bid Date**

Special Instructions

Orders Created

Order No.	Newspaper Name	Publishing Dates	Ad	Price Description	Price	Ad Status
2950277	SAN FRANCISCO EXAMINER 10%, CA Billed To: CCSF BD OF SUPERVISORS (OFFICIAL NOTICES) Created For: CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)	11/25/2016	Depth : 5.87" Lines : 71	No Pricing Formula for 2183		Pricing will be done by DJC Sent

Order No.	Newspaper	View
2950277	SAN FRANCISCO EXAMINER 10%	View Ad In PDF

NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
LAND USE AND TRANSPORTATION COMMITTEE
MONDAY, DECEMBER 5, 2016 - 1:30 PM
CITY HALL, LEGISLATIVE CHAMBER, ROOM 250
1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA
 NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: **File No. 161241.** Resolution creating interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution, and Repair zoning districts; making findings of consistency with the eight priority policies of Planning

Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, December 2, 2016. - Angela Calvillo, Clerk of the Board

Somera, Alisa (BOS)

From: melinda_vazquez@dailyjournal.com
Sent: Tuesday, November 22, 2016 2:28 PM
To: Somera, Alisa (BOS)
Subject: Confirmation of Order 2950277 for AS - 12.05.16 Land Use - 161241 Interim Zoning Controls

Dear Customer:

The order listed below has been received and processed. If you have any questions regarding this order, please contact your ad coordinator or the phone number listed below.

Customer Account Number: 120503
Type of Notice : GPN - GOVT PUBLIC NOTICE
Ad Description : AS - 12.05.16 Land Use - 161241 Interim Zoning Controls
Our Order Number : 2950277
Newspaper : SAN FRANCISCO EXAMINER 10%
Publication Date(s) : 11/25/2016

Thank you.

MELINDA VAZQUEZ
DAILY JOURNAL CORPORATION
CALIFORNIA NEWSPAPER SERVICE BUREAU
Phone: (800) 788 7840 / (213)229-5300
Fax: (800) 540 4089 / (213)229-5481

Lew, Lisa (BOS)

From: Lew, Lisa (BOS)
Sent: Tuesday, November 22, 2016 2:11 PM
To: Rahaim, John (CPC); Rufo, Todd (ECN)
Cc: Sanchez, Scott (CPC); Gibson, Lisa (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Navarrete, Joy (CPC); Poling, Jeanie (CPC); Rich, Ken (ECN); Pagan, Lisa (ECN); Somera, Alisa (BOS)
Subject: BOS Referral: File No. 161241 - Interim Zoning Controls - Indoor Agriculture
Attachments: 161241 FYI.pdf

Hello,

The following legislation is being referred to your department for informational purposes:

File No. 161241

Resolution creating interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution, and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

Sent on behalf of Alisa Somera, Land Use and Transportation Committee. Please forward any comments or reports to Alisa Somera.

Regards,

Lisa Lew
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
P 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org



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Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

Lew, Lisa (BOS)

From: Lew, Lisa (BOS)
Sent: Tuesday, November 22, 2016 2:11 PM
To: Gibson, Lisa (CPC)
Cc: Navarrete, Joy (CPC); Poling, Jeanie (CPC); Somera, Alisa (BOS)
Subject: BOS Referral: File No. 161241 - Interim Zoning Controls - Indoor Agriculture
Attachments: 161241 CEQA.pdf

Hello,

The following proposed legislation is being transmitted to you for environmental review:

File No. 161241

Resolution creating interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution, and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

Sent on behalf of Alisa Somera, Land Use and Transportation Committee. Please respond directly to Alisa Somera.

Regards,

Lisa Lew

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
P 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org



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