1	[Planning Code - Medical Cannabis Dispensaries in Supervisorial District 11]
2	
3	Ordinance amending the Planning Code to limit the number of medical cannabis
4	dispensaries in Supervisorial District 11 to three at any given time; affirming the
5	Planning Department's determination under the California Environmental Quality Act;
6	making findings of consistency with the General Plan, and the eight priority policies of
7	Planning Code, Section 101.1; and making a finding of public necessity, convenience,
8	and welfare pursuant to Planning Code, Section 302.
9	NOTE: Unchanged Code text and uncodified text are in plain Arial font.
10	Additions to Codes are in <u>single-underline italics Times New Roman font</u> . Deletions to Codes are in <u>strikethrough italics Times New Roman font</u> .
11	Board amendment additions are in <u>double-underlined Arial font</u> . Board amendment deletions are in strikethrough Arial font.
12	Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.
13	
14	Be it ordained by the People of the City and County of San Francisco:
15	
16	Section 1. Environmental and Land Use Findings.
17	(a) The Planning Department has determined that the actions contemplated in this
18	ordinance comply with the California Environmental Quality Act (California Public Resources
19	Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
20	Supervisors in File No. 170516 and is incorporated herein by reference. The Board affirms
21	this determination.
22	(b) On July 20, 2017, the Planning Commission, in Resolution No. 19964, adopted
23	findings that the actions contemplated in this ordinance are consistent, on balance, with the
24	City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
25	

adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
 Board of Supervisors in File No. 170516, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
4 proposed Planning Code amendments will serve the public necessity, convenience, and
5 welfare for the reasons set forth in Planning Commission Resolution No. 19964, and the
6 Board incorporates such reasons herein by reference.

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Section 2. General Findings.

9 (a) Supervisorial District 11 is adequately served by the existing number of medical
10 cannabis dispensaries (MCDs) in the District. There are three permitted MCDs currently
11 located in District 11. Two additional MCDs are located just outside the boundaries of District
12 11 in San Francisco. Two more MCDs are currently proposing to locate in District 11. District
13 11 residents recently mobilized to oppose two other proposed MCDs in District 11.

(b) Locations available for new MCDs in San Francisco are limited. District 11
includes several areas in which MCDs are permitted, resulting in a clustering of MCDs along
the Mission Street corridor. This clustering creates disproportionate detrimental land use
impacts on District 11 and its residents. Specifically, District 11 residents have complained of
youth cannabis usage, undesirable odors, loitering, and traffic congestion caused by existing
MCDs.

(c) District 11 is bordered by San Mateo County on the south. San Mateo County has
banned all MCDs from operating within its boundaries. Therefore, MCD operators may seek
to locate in District 11 in order to serve San Mateo County residents, as well as residents of
San Francisco. As a result, District 11 and its residents bear the land use impacts of MCDs
that serve both San Francisco and San Mateo County residents.

25

1	(d) Due to the dearth of land available in District 11 and the demand for other types of									
2	commercial establishments in District 11, limiting the use of vacant commercial property for									
3	MCDs would benefit local residents, by allowing the land to be used for other purposes. In									
4	particular, District 11 residents have requested more neighborhood-serving, family-friendly									
5	businesses, s	such as childcare estab	lishments and a vi	able, clean, a	and safe groc	ery store in				
6	the district.									
7	(e) Dis	strict 11's business corr	ridors are among t	he the worst-	performing in	the city.				
8	Attracting a w	vide range of businesse	s that are neighbo	rhood-servin	g and family-	friendly would				
9	improve the p	performance and useful	ness of these busi	ness corrido	rs for the loca	l community.				
10										
11	Section	n 3. The Planning Cod	e is hereby amend	led by revisir	ng Sections 7	11, 712, 713,				
12	731, 734, 737	7, and 745, to read as fo	ollows:							
13										
14	SEC. 711. N	C-2 – SMALL-SCALE	NEIGHBORHOOI	COMMERC		CT.				
15	* * * *									
16	Table	711. SMALL-SCALE N ZOI	IEIGHBORHOOD NING CONTROL		IAL DISTRIC	T NC-2				
17	* * * *									
18										
19	No.	Zoning Category	§ References	NC-2	Controls by	Story				
20			§ 790.118	1st	2nd	3rd+				
21	* * * *									
22	Institutions	s and Non-Retail Sales	s and Services							
23	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *				
24	711.84	Medical Cannabis Dispensary	§ 790.141	P #						
25	* * * *									

	SPECIFIC PROV	ISIONS FOR	NC-2 DISTRICTS		
Article 7 Code Sectio	on Other Code Section		Zoning Contro	ols	
* * * *	* * * *	* * * *			
§ 711.84 § 790.141	Health Code § 3308	may only op and 10 p.m.	nabis dispensaries perate between the h <u>No more than three</u> any given time within <u>District 11.</u>	nours of a	8 a.m.
	* * * *	* * * *			
* * * *	* * * *				
* * * *					
EC. 712. NC-3	3 – MODERATE-SCAL 2. MODERATE-SCAL	ENEIGHBOR	HOOD COMMERC		
EC. 712. NC-3	S – MODERATE-SCAL 2. MODERATE-SCAL ZO	E NEIGHBOR	HOOD COMMERC		
EC. 712. NC-3 * * * * Table 71	S – MODERATE-SCAL 2. MODERATE-SCAL ZO	E NEIGHBOR E NEIGHBOR NING CONTR	HOOD COMMERC	IAL DIS	

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				*	*	
712.84	Medical Cannabis Disp	ensary	§ 790.141	P #		
	SPECIFIC PROVI	SIONS FOR	NC-3 DISTRICTS			
Article 7 Code Secti	()thar (`ada		Zoning Cont	rols		
* * * *	* * * *	* * * *				
§ 712.84 § 790.141	Health Code § 3308	may only op and 10 p.m	nabis dispensarie berate between the . <u>No more than thre</u> <u>any given time withi</u> <u>l District 11.</u>	e hours of e <u>MCDs s</u>	f 8 a.m. <u>hall be</u>	
* * * *	* * * *	* * * *				
* * * :	-S – NEIGHBORHOOD (* 13. NEIGHBORHOOD C					
* * * *	*					
No.	Zoning Categ	jory	§ References	NC	C-S Con Stoi	

		§ 790.118	1st	2nd	3rd+
* * * *					
Institutio	ns and Non-Retail Sales and Service	s			
* * * *	* * * *	* * * *	* * * *	* * *	* * * *
			* 3	٢	
713.84	Medical Cannabis Dispensary	§ 790.141	P#		
* * * *	· · · · ·				

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
		Medical cannabis dispensaries in NC-S Distri
		may only operate between the hours of 8 a.m
§ 713.84	Health Code	and 10 p.m. No more than three MCDs shall be
§ 790.141	§ 3308	
		permitted at any given time within the boundaries
		<u>Supervisorial District 11.</u>
* * * *	* * * *	* * * *
		·
SEC. 731.	NCT-3 – MODERAT	E-SCALE NEIGHBORHOOD COMMERCIAL
RANSIT DISTRI	СТ.	
* * * *		
* * * * Ti	able 731. MODERAT	E-SCALE NEIGHBORHOOD COMMERCIAL

TRANSIT DISTRICT NCT-3 ZONING CONTROL TABLE

7

25

1	* * :	* *					
2	No.	Zoning	§	NCT 2 Controlo by Sto		v Story	
3		Category	References		3 Controls by Story		
4			§	1.01	Ond	2	
5			790.118	1st	2nd	3rd+	
6	* *	* *					
7	Instit	utions and Non-Retail S	Sales and Servi	ces			
8	* *	* * * *	* * *	* *	* * *	* *	
9	* *		*	* *	*	* *	
10		Medical Cannabis					
11	731.84	Dispensary	§ 790.141	P #	-	-	
12	* *	* *					
13	L						

1	5

1	7
1	8
1	9



Article 7	Other Code	Zoning Controls
Code Section	Section	
* * * *	* * * *	* * * *
		Medical cannabis dispensaries in NCT-3
\$ 724 94	Health	District may only operate between the hours of 8
§ 731.84 § 790.141	Code	am and 10 pm. <u>No more than three MCDs shall be</u>
§ 790.141	§ 3308	permitted at any given time within the boundaries of
		Supervisorial District 11.

Supervisor Safai BOARD OF SUPERVISORS

1								
2								
3		24 NG	CT-2 – SMALL-	80				
4		34. NU	-1-2 - SIVIALL-	36/	ALE NEIGF	IBURHUUL		AL IRANSII
5	DISTRICT.	*						
6								
7		18	able 734. SMAL					
8	.	ъ	IRANSII DIS	IRI	CINCI-24	ZONING CC	ONTROL TABL	.E
9 10	No.	Zor	ning Category	R	§ References	NC	T-2 Controls b	y Story
11				§	790.118	1st	2nd	3rd+
12	* * * *	and M	lon-Retail Sales	c	ad Sorvico	<u> </u>		
13		* * *	*	<u>s a</u>	* * *	* * * *	* * * *	* * * *
14	734.84		cal Cannabis	§	790.141	P #		
15	* * * *		•	-				
16								
17		1	SPECIFIC PRO	VIS	IONS FOR	NCT-2 DIS	TRICTS	
18 19	Article 7 Code Section Section		e		Zonii	ng Controls		
20	* * * * * * * * *		* * * *		* * * *			
21				Medical cannabis dispensaries in NCT-2 District				
22	§ 734.84		Health Code		may only o	operate bety	ween the hours	of 8 a.m.
23 24	§ 790.141		§ 3308		and 10 p.r	n. <u><i>No more</i></u>	than three MCD.	<u>s shall be</u>
25					permitted a	<u>it any given t</u>	ime within the bo	oundaries of

		<u>Super</u>	visorial Distric	<u>t 11.</u>		
* * * *	* * * *	* * *	* *			
* * *	EAN AVENUE NEIGHI EAN AVENUE NEIGHI ZONI	BORHO		CIAL TRA		
No.	Zoning Catego	ry	§ Reference s	Ocean Avenue Trans Controls by Story		
			§ 790.118	1st	2nd	3
* * * *	and New Detail Colors					-
	and Non-Retail Sales a	and Serv		* * * *	* * * *	* *
	Medical Cannabis Disp	ensary	§ 790.141	Р#		^ ^
* * * *			3100.111			<u> </u>
SPE	CIFIC PROVISIONS FO	OR THE	OCEAN AVE		DISTRICT	
Article 7	Article 7Other CodeZoning ContCode SectionSection					
* * * *	* * * *	* *	* *			
§ 737.84	Health Code	MED	ICAL CANNA	BIS DISPE	INSARIES	
§ 790.141	§ 3308	Bou	ndaries: Ocea	an Avenue	Neighborh	boc
		Com	mercial Trans	it District		
		Con	trols:			

1	(a) A Medical Cannabis Dispensary (MCD)
2	seeking to locate within 500 feet of another
3	MCD use may be allowed as a conditional use;
4	provided, however, that any amendments to
5	regulations governing the proximity of an MCD
6	to another MCD that are applicable to MCDs
7	Citywide shall apply in the Ocean Avenue NCT
8	District and will supersede the conditional use
9	
10	requirement contained in this Section 737.
11	(b) The Planning Commission shall approve
12	the application and authorize the conditional
13	use if, in addition to the application's satisfying
14	the requirements of Planning Code Section 303,
15	the facts presented establish that:
16 17	(1) the MCD will bring measurable
18	community benefits and enhancements to the
19	Ocean Avenue NCT District;
20	(2) the MCD has prepared a parking and
21	transportation management plan sufficient to
22	
23	address the anticipated impact of patients
24	visiting the MCD; and

23	* * * *	* * * *	* * * *
22			<u>Supervisorial District 11.</u>
21			at any given time within the boundaries of
20			
19			(e) No more than three MCDs shall be permitted
18			between the hours of 8 a.m. and 10 p.m.
17			Ocean Avenue NCT District may only operate
16			(d) Medical Cannabis Dispensaries in the
14 15			District.
13			existing concentrations of MCDs within the
12			the Planning Commission shall consider the
11			to a Conditional Use authorization application,
10			(c) In addition to the above criteria, in regard
9			neighborhood concerns.
8			liaison to deal effectively with current and future
7			
6			the business, and designating a community
5			adequate security measures in its operation of
4			applying for the Conditional Use, including
3			actively engaging with the community prior to
2			commitment to maintaining public safety by
1			(3) the MCD has demonstrated a

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- 25

1	SEC. 745. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL			RCIAL			
2	DISTRICT.						
3	* * *	*					
4		Table 745. EXCELSIOR OUTER MISSION STREET					
5	N	NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE					
6	* * *	*					
7 8	No.	z	Zoning Category	§ References		Outer Miss atrols by St	
9				§ 790.118	1st	2nd	3rd+
-		ond N	lon Dotoil Coloo on	d Convisoo			
10			lon-Retail Sales an	a Services			
11	* * * *	* *	* *	* * * *	* * * *	* * * *	* * * *
12	745.84		lical Cannabis pensary	§ 790.141	P #	P #	P #
13	* * * *		·	•			
14							
15	SPECIFIC PROVISIONS FOR THE EXCELSIOR OUTER MISSION STREET						ET
16			NEIGHBORHOO	D COMMERCIA	L DISTRICT		
17 18	Article Code Sect		Other Code Section		Zoning Con	ntrols	
19	* * * *		* * * *	* * * *			
20	§ 745.84		Health Code	MEDICAL CA	NNABIS DIS	PENSARIE	S
21	§ 790.141		§ 3308	Boundaries:	Excelsior Out	er Mission S	Street
22				Neighborhood	I Commercial	District.	
23				Controls:			
24				(a) A Medio	cal Cannabis	Dispensary	(MCD)
25							

1	seeking to locate within 500 feet of another
2	MCD use may be allowed as a conditional use;
3	provided, however, that any amendments to
4	regulations governing the proximity of an MCD
5	to another MCD that are applicable to MCDs
6	Citywide shall apply in the Excelsior Outer
7	Mission NCD and will supersede the conditional
8	use requirement contained in this Section 745.
9	
10	(b) In addition to the requirements of
11	Planning Code Section 303, the Planning
12	Commission shall approve the application and
13	authorize the conditional use if the facts
14	presented are such to establish that:
15	
16	(1) the MCD will bring measurable
17	community benefits and enhancements to the
18	Excelsior Outer Mission Street Neighborhood
19	Commercial District,
20	(2) the MCD has prepared a parking and
21	transportation management plan sufficient to
22	address the anticipated impact of its patients,
23	
24	(3) the MCD has demonstrated a
25	

1	commitment to maintaining public safety by
2	actively engaging with the community prior to
3	applying for the Conditional Use, including
4	adequate security measures in the operation of
5	their business and designating a community
6	liaison to deal effectively with current and future
7	neighborhood concerns.
8	(c) In addition to the above criteria, in regard
9	(c) in addition to the above chiena, in regard
10	to a Conditional Use authorization application,
11	the Planning Commission shall consider the
12	existing concentrations of MCDs within the
13	District.
14	(d) A Medical Cannabis Dispensary may
15	
16	only operate between the hours of 8 am and 10
17	pm.
18	(e) A Medical Cannabis Dispensary may
19	locate above the first floor only if it shall be
20	accessible to persons with disabilities as
21	required under the California Building Code.
22	(f) No more than three MCDs shall be permitted
23	
24	at any given time within the boundaries of
25	

	G					
1		pervisorial District 11.				
2	* * * * * * * * * *	* *				
3						
4						
5	Section 4. Effective Date. This ordinance shall become effective 30 days after					
6	enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the					
7	ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board					
8	of Supervisors overrides the Mayor's veto of the ordinance.					
9						
10	Section 5. Scope of Ordinance. In en	acting this ordinance, the Board of Supervisors				
11	intends to amend only those words, phrases,	paragraphs, subsections, sections, articles,				
12	numbers, punctuation marks, charts, diagram	numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal				
13	Code that are explicitly shown in this ordinan	Code that are explicitly shown in this ordinance as additions, deletions, Board amendment				
14	additions, and Board amendment deletions ir	additions, and Board amendment deletions in accordance with the "Note" that appears under				
15	the official title of the ordinance.					
16						
17						
18	APPROVED AS TO FORM:					
19	DENNIS J. HERRERA, City Attorney					
20	Ву:					
21	VICTORIA WONG Deputy City Attorney					
22	n:\legana\as2017\1700451\01189125.docx					
23						
24						
25						