

San Francisco Board of Supervisors – September 12, 2017 meeting

re: 6. 170865 [Zoning - Interim Moratorium on Medical Cannabis Dispensaries] Sponsor: Cohen
Urgency ordinance approving an interim zoning moratorium on the approval of medical cannabis
dispensaries for 45 days,

Some SF MCD proposed moratorium considerations:

-the original 2005 SF moratorium, when there was a definite problem (50 unlicensed dispensaries,
little neighboring community interaction, no permit process), was indeed a solution for an existing
problem. The proposed MCD moratorium in SF currently is a solution for a non existing problem;

-subsequent MCD application process success, including DPH, Planning, DBI (by 2009
dispensaries numbered under 25). The permit process / regulations worked and still does;

-abject failures of moratoriums in Oakland, Berkeley, where monopolies were created and patients
still remain under-served. Remember, other problem cities - LA, SJ, have suffered historically from
lack of political oversight regarding cannabis issues. Again, San Francisco works;

-state encouragement (Bureau of Cannabis Control; CA Food & Ag Dept.) for local jurisdictions
passing regulations prior to final state regs (1/1/18) enabling fast-tracking licenses (e.g. MCD),
which will be required from both state and local agencies;

-current SF MCD application submittal to permit - approximately 9 months, practically a de-facto
moratorium; not to mention lack of “green zone” clarity. Currently (and for several years) there is
no green zone map available through Planning, with significant delay (attorney confirmation) for
correct info; I believe a Planning letter of determination (1 month, at least) is necessary;

-this moratorium is unnecessary, considering unsuccessful MCD applicants in the Sunset and
Marina, where neighbor and community objections prevented possible inappropriate business
locations. Again, the process / system seems to be operating correctly;

-the SF regulations and permit process have been and continue to be literally a worldwide model
for patient, operator, neighbor/community, political and city worker input and interaction for the
mutual benefit of all parties; successful political oversight;

-a moratorium will not resolve issues like too many MCDs in any district / the upper Mission (a
prime moratorium motivation), clustering, neighbor and community concerns - these should be
addressed/solved by Planning, BOS adjustments, perhaps on a case-by-case basis. Each SF district
should have a medical cannabis dispensary, currently not possible;

-equity participation, a worthy goal with present continuing discussion in Oakland, Berkeley - is
best initiated in manufacturing, cultivation, and non-retail businesses participation, requiring less
capital, faster permitting, and interfacing with cannabis retail businesses. Less investment costs
and achieving additional capital faster, successful micro, manufacturing, cultivation businesses
have the potential to expand, evolve and become permitted MCD delivery and storefront
operations;

-a moratorium would overlook and continue the injustice 2011-12, when a dozen or so SF permitted dispensaries were closed by the DOJ. (BOS responded October 25, 2011 - File no. 111165, Resolution no. 466-11 [*Supporting Regulated and Safe Patient Access to Medical Cannabis*] - *Resolution supporting regulated and safe patient access to medical cannabis in the City and County of San Francisco*, and February 8, 2012, SF BOS - Obama letter - *requesting deprioritizing Marijuana offenses, asked State, Federal govt. to tax and regulate Marijuana use / cultivation / distribution.*) Only 3 of these closed SF businesses have reopened; certainly the BOS should consider any possible assistance, not further delay or elimination for their reopening.

-additionally, re San Francisco's closed (2011-12) permitted MCDs - besides lack of consideration in the moratorium language (unless proper amendment), previous (2012) promised adjustments / facilitations for re-opening from SF DPH / Planning have never been implemented. Unlike Oakland and Berkeley, the mayor and city attorney never supported the closed MCDs with formal DOJ comment or protest.