

City and County of San Francisco Meeting Minutes Land Use and Transportation Committee

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Members: Mark Farrell, Aaron Peskin, Katy Tang

Clerk: Erica Major (415) 554-4441

Thursday, November 2, 2017

12:00 PM

City Hall, Committee Room 263

Special Meeting

President London Breed appointed Supervisor Jeff Sheehy, replacing Vice Chair Aaron Peskin, to the Land Use and Transportation Committee for the meeting of November 2, 2017.

Present: 3 - Mark Farrell, Katy Tang, and Jeff Sheehy

Absent: 1 - Aaron Peskin

The Land Use and Transportation Committee met in special session on Thursday, November 2, 2017, with Chair Mark Farrell presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Farrell called the meeting to order at 12:35 p.m. On the call of the roll, Chair Farrell, Member Tang, and Member Sheehy were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

<u>171041</u> [Planning Code - Cannabis Regulation]

Sponsors: Mayor; Sheehy

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.

09/26/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/26/2017.

10/02/17; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission pursuant to Planning Code Section 302(b) for public hearing and recommendation; Office of Cannabis, Department of Public Health, Police Department, Recreation and Parks Department, and the San Francisco Unified School District for informational purposes; Small Business Commission for comment and recommendation.

10/03/17; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee. Mayor Lee introduced a substitute Ordinance bearing the same title.

10/04/17; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

10/04/17; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission pursuant to Planning Code Section 302(b) for public hearing and recommendation; Office of Cannabis, Department of Public Health, Police Department, Recreation and Parks Department, and the San Francisco Unified School District for informational purposes; Small Business Commission for comment and recommendation.

Heard in Committee. Speakers: Aaron Starr (Planning Department); Supervisor Ahsha Safai and Supervisor Jane Kim (Board of Supervisors): Director Nicole Elliott (Office of Cannabis): Israel Nives-Rivera and Dr. Tomas Arajon (Department of Public Health); Jon Givner (Office of the City Attorney); provided an overview and responded to questions raised throughout the discussion. Jim Lazarus (SF Chamber of Commerce); Bobby Bruno; Joelle Kenealey and Marleen Norman (Outer Mission Merchants and Residents Association); Michael Starr; Male Speaker; Keena Middleton; Johnny Delphine; Victoria Belmont; Domino; Karen Sparks; Luke Brunen; Dave Cooper; Female Speaker; Mr. Seger; Braudon Brown; Sam Paltro; Shauna Govner; Denise Dorey; Aaron Ash (Golden Gate University School of Law); Tamara Risk; Male Speaker; Alisa McRoberts; Michele Gezbo; Male Speaker; Don Marcanelly; Travis Kelly; Leslie Hoeper (Axis of Love); Andrea Greenberg; Nancy Doh; Aaron Flynn (California Growers Association); Dr. Chris Summerson: Henry V.W.: Danny Wax; Jennifer Garcia (Local 648); Mark Malone; Jennifer Low (Office of Supervisor Norman Yee); Female Speaker; Jesse Stout; spoke in support of the matter. Stephanie Cajina (Excelsior Action Group); Sonya Ng; Female Speaker; Elizabeth; Troy Campbell (Fisherman's Wharf CBD); Rose Kong; Andrey Leong; Female Speaker (translated); Female Speaker (translated); Female Speaker (translated); Female Speaker (translated); Female Speaker (translated): Female Speaker (translated): Female Speaker (translated): Female Speaker (translated); Male Speaker (translated); Male Speaker (translated); Female Speaker (translated); Tasha Sole; Christi; Alice; Male Speaker (translated); Wendy Wong; Female Speaker; spoke in opposition of the matter. Vince Courtney; Wendy McPherson (Flower Power Dispensary); spoke neither in support nor opposition on the matter.

The Committee called and adopted the following portions of Supervisor Sheehy's proposed amendments separately, each by a unanimous positive vote: 1) Limit the number of Cannabis Retail in the Excelsior district; 2) Require the Office of Cannabis and the Planning Department to

make reasonable efforts to ensure that the building permit authorizing the change of use from a Medical Cannabis Dispensary Use to a Cannabis Retail Use and the Office of Cannabis permit required for operation of the Cannabis Retail establishment shall be issued concurrently; 3) Add Agriculture Use Category; 4) Require Conditional Use authorization if there are more than two other existing Cannabis Retail establishments or Medical Cannabis Dispensaries within 1,000 feet radius of the proposed site; 5) Allow the Commission to consider the concentration of Cannabis retail and Medical Cannabis Dispensary Uses within the general proximity of the proposed Medical Cannabis Dispensary Use; 6) Allow for Cannabis to be consumed or smoked on site pursuant to the authorization of the City's Office of Cannabis.

Member Sheehy moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to limit the number of Cannabis Retail in the Excelsior district; require the Office of Cannabis and the Planning Department to make reasonable efforts to ensure that the building permit authorizing the change of use from a Medical Cannabis Dispensary Use to a Cannabis Retail Use and the Office of Cannabis permit required for operation of the Cannabis Retail establishment shall be issued concurrently; add Agriculture Use Category; require Conditional Use authorization if there are more than two other existing Cannabis Retail establishments or Medical Cannabis Dispensaries within 1,000 feet radius of the proposed site; allow the Commission to consider the concentration of Cannabis retail and Medical Cannabis Dispensary Uses within the general proximity of the proposed Medical Cannabis Dispensary Use; allow for Cannabis to be consumed or smoked on site pursuant to the authorization of the City's Office of Cannabis; and making other clarifying, clerical, and conforming amendments. The motion carried by the following vote:

Ayes: 3 - Farrell, Tang, Sheehy

Absent: 1 - Peskin

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; 6) create a limit of three Medical Cannabis Dispensaries and Cannabis retail uses, in any combination, in the Excelsior Outer Mission Street Neighborhood Commercial District; and 7) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.

Member Tang moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to increase the minimum distance of Cannabis Retail Use from existing schools, public or private, from 600 feet to 1000 feet. The motion carried by the following vote:

Ayes: 2 - Farrell, Tang Noes: 1 - Sheehy Absent: 1 - Peskin

CONTINUED AS AMENDED to November 6, 2017, by the following vote:

Ayes: 3 - Farrell, Tang, Sheehy

Absent: 1 - Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:55 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Land Use and Transportation Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.