

Item #11  
11/15/2018

Email sent

Received at CPC Hearing 11/15/18  
M. Christensen

Commissioners

I am writing to express my concern regarding the proposal to amend Section 190(b)(3) of the Planning Code. Any attempt to allow new MCD's or Retail Cannabis operators to circumvent the 600' radius location limitation should be denied. Allowing ANY new cannabis locations within the now codified 600' radius goes against the intent of preventing the clustering of this type of use.

The location at 5 Leland Ave is of particular concern. As a resident of Visitacion Valley, I was not supportive of any MCD given the apprehensions expressed by many of my neighbors. These concerns were multiplied as two (2) MCD applications simultaneously worked their way thru the approval process. If both were approved, the two storefronts would be less than 100' away from one another.

Both locations were heard before the Planning Commission. Both sponsors were given the opportunity to present their best case. Only one was marginally approved. The sponsors of 5 Leland, possibly sensing the lack of affirmative votes, agreed to a continuance. The sponsors lack follow-up (they did not attempt to address the issues identified during their hearing) is the sole cause for them not being heard before the 600' radius limitation was enacted. Allowing any "grandfather" opportunity undermines the intent of not creating a cluster of cannabis storefronts within any given neighborhood.

Please do not approval ANY modification to Section 190(b)(3) or other sections of the Planning Code that would allow cannabis storefronts to locate within 600' of one another.

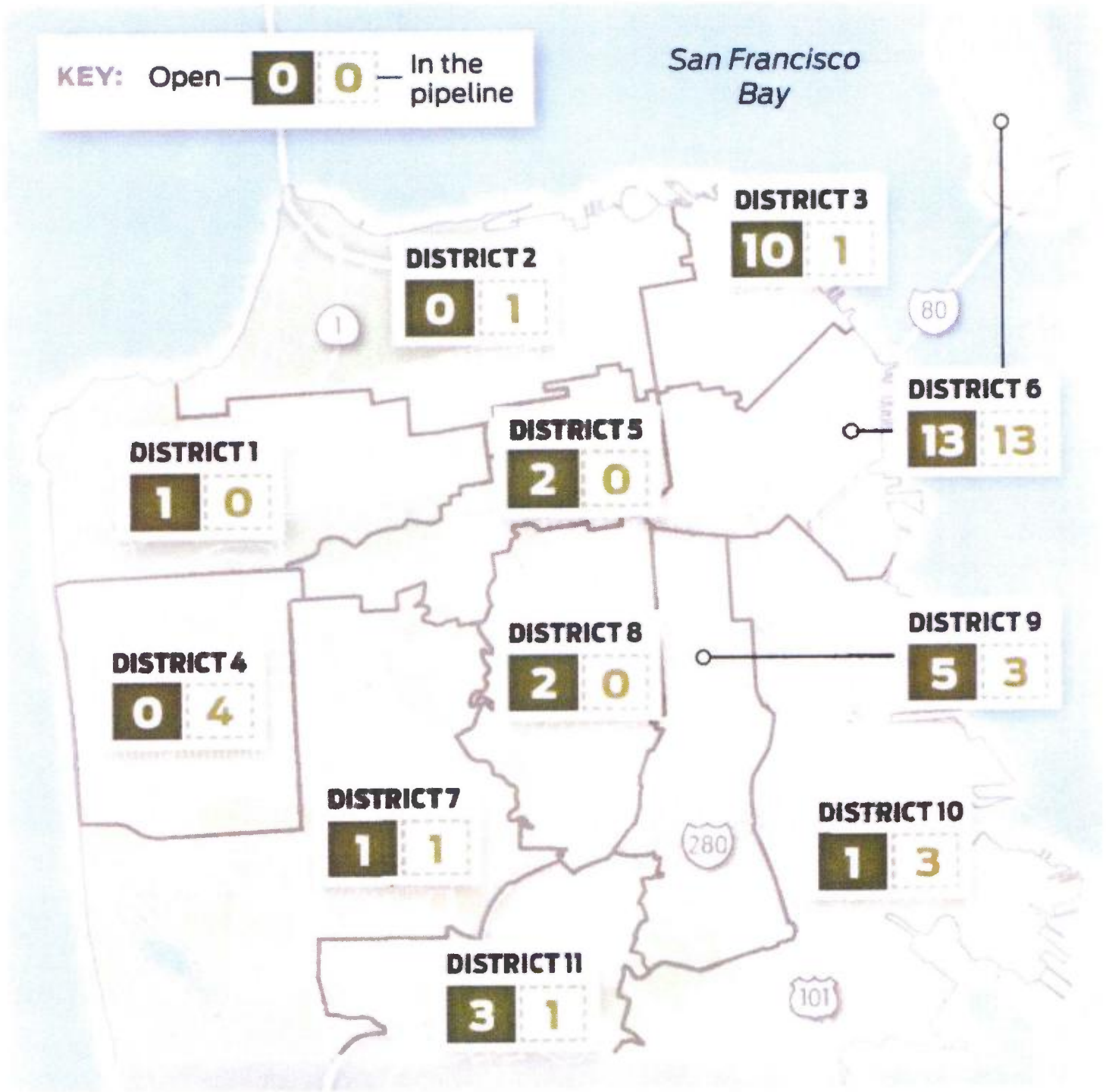
Thank You

Russel Morine  
Visitacion Valley Resident

Received at CRC Hearing  
M. Christensen

# Medical cannabis dispensaries in S.F.

By supervisorial district



Todd Trumbull / The Chronicle

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# GUIDE TO CANNABIS RELATED LAND USES

## GENERAL PLANNING INFORMATION HANDOUT

SEPTEMBER 2018

This document provides general guidance on the process for establishing certain land uses related to cannabis businesses and is principally focused on compliance with the Planning Code. All projects are also subject to review and approval by other City Departments and agencies, including the Department of Building Inspection and the Fire Department. Please contact those Departments for information on specific requirements for your business. Additionally, all cannabis businesses must be permitted by the Office of Cannabis under Article 16 of the Police Code. Please contact the Office of Cannabis prior to any investment to ensure you are eligible to seek a permit and operate a cannabis business in San Francisco.

**Español:** Si desea esta información en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您想用中文獲取這些信息, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung nais mo ang impormasyong ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

## INTRODUCTION

As part of the legislative amendments associated with the passage of Proposition 64, many types of Cannabis related business activities were reclassified under the Planning Code or were classified and made permissible for the first time. As a new or pre-existing business in San Francisco, you must ensure that the specific business activities you are engaging in at sites in San Francisco are permitted by the [Planning Code](#). Consistency with the Planning Code is required prior to permanent permits being issued by the Office of Cannabis for your business to operate in the City

## CANNABIS USES UNDER THE PLANNING CODE

Activity	Office of Cannabis Permit	Planning Code Land Use Category	Equivalent State License Types
Selling Cannabis Products to both Adult-Use and Medical Customers at a Retail Store	Cannabis Retailer	Cannabis Retail (Retail Sales and Service Category)	10, 10A



Activity	Office of Cannabis Permit	Planning Code Land Use Category	Equivalent State License Types
Selling Cannabis Products to <b>ONLY</b> Medical Customers at a Retail Store	Medical Cannabis Retailer	Medical Cannabis Dispensary	10, 10A
Cultivation	Cannabis Cultivation Facility	Industrial Agriculture	Type 1A, Type 2A, Type 3A, Processor
Manufacturing using Volatile Organic Compounds	Cannabis Manufacturing Facility	Agriculture and Beverage Processing 2	Type 7
Manufacturing NOT using Volatile Organic Compounds	Cannabis Manufacturing Facility (NOT using any VOCs)	Light Manufacturing	Type 6, Type N, Type P, Type S
Testing Products	Cannabis Testing Facility	Laboratory	Type 8
Distributing Products at Wholesale	Cannabis Distributor	Wholesale	Type 11, Type 13
Dispensing Medical and/or Adult Use Cannabis by Delivery Only	Delivery-Only Cannabis Retailer	Parcel Delivery Service	Type 9

## ESTABLISHING LAND USES AT YOUR SITE

To legally operate at a particular site in the City, and as part of your Cannabis Business Permit Application process, you must obtain a building permit from the Department of Building Inspection to establish each land use at your site.

### *Example:*

A business owner wants to lease a site where they plan to conduct multiple cannabis business activities, including cultivating cannabis, manufacturing cannabis products without using Volatile Organic Compounds, and selling products directly to consumers by delivery after being tested and distributed by a third party. Under the Planning Code, the business would conduct the following land uses: Industrial Agriculture, Light Manufacturing, and Parcel Delivery Service (per the table above).

To establish or legitimize the land uses at your place of business, you need to obtain a building permit which explicitly establishes your land uses at the site. From the example above, the operator would need to obtain a building permit with a project description of 'establish Industrial Agriculture, Light Manufacturing, and Parcel Delivery Service uses.' The project description would also need to include any physical modifications that are necessary to conduct these activities on the site, such as building new walls or ventilation systems at the site. Any work previously conducted without the benefit of a permit must also be included in the permit scope.

'Microbusiness' is a license type available from the State and the Office of Cannabis, but it is not a land use under the Planning Code. To obtain a microbusiness license, you must obtain land use approval for each part of that business.

## **FILING A BUILDING PERMIT APPLICATION**

If you are a new cannabis business or an existing operator seeking to expand your operations, you must first submit your application for an Article 16 Cannabis Business Permit with the Office of Cannabis. Once the Office of Cannabis deems you eligible and you complete the first phase of your application, the Office of Cannabis will then refer you to the Department of Building Inspection to submit your application for your Building Permit(s). For existing sites holding temporary authorization from the Office of Cannabis, you can file your permit applications now by attaching your temporary authorization to your Building Permit Application.

To file a Building Permit Application, submit an application for a Building Permit to the [Department of Building Inspection](#) (DBI), located at 1660 Mission Street. You must provide a completed [Project Application](#) at the time of filing. Plans which meet the [Plan Submittal Guidelines](#) are required as part of any application to change or establish a land use. Your permit will also be reviewed by other City Departments, including the Department of Building Inspection (DBI) and the Fire Department, and they may require additional information prior to acceptance or approval of your permit. Plans generally must be prepared by a licensed architect in order to be accepted. Large format 24" x 36" plans are generally required, but in some cases reduced size 11" x 17" plans may be accepted at the discretion of DBI and Planning Department staff. In any case, plans must be sized to be easily readable.

## **DETERMINING IF YOUR ACTIVITY IS ALLOWED**

In order to obtain a permit to conduct a specific activity on a site, the proposed activity must be allowed under the Planning Code for the respective Zoning District. The Planning Code designates Zoning Districts throughout San Francisco, and each district has different allowed uses. In general, uses can be 'NP' (Not Permitted), 'P' (Permitted, possibly subject to [Neighborhood Notification](#) and/or [Discretionary Review](#)), or 'C' ([Conditional Use Authorization](#) required). Additionally, if a use is not listed, it is not a permitted use in the district. You can determine if your uses are allowed at your site by looking it up on the [Property Information Map](#) and clicking the Zoning District on the 'Zoning' tab. The Zoning Control Table lists allowed uses for the district. For questions about the Planning Code, please contact the [Planning Information Center](#) for assistance.

## **WHEN CONDITIONAL USE AUTHORIZATION IS REQUIRED**

If your specific activity requires a Conditional Use Authorization (CUA), that process must be completed prior to approval of any permit for your use. If a CUA is required, the Planning Department strongly recommends beginning the process soon, as these entitlements require a public hearing before the Planning Commission and this process can take some time. Particularly for uses which have strict deadlines for state licensing, such as cultivators, we strongly recommend that you begin the process of legitimizing your uses immediately.

A CUA is a separate application that is submitted directly to the Planning Department. To file, complete a [Project Application](#) and a [Conditional Use Authorization Supplemental Application](#) and then schedule an intake appointment. To set an intake appointment, please complete the Intake Request Form and email it to [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org). Additional fees are required to file a CUA.

A CUA may only be approved by the Planning Commission at a public hearing. Notices of the hearing are sent to residents and property owners in the area around your proposed location, as well as interested neighborhood groups. It is your responsibility as a project sponsor to conduct extensive outreach to your surrounding neighborhood and neighborhood groups prior to the hearing to listen to any concerns and address any concerns that can be addressed through project design and operational changes.

If your Conditional Use Authorization is approved, you will receive additional documents to file on the property at the Assessor-Recorder's Office at City Hall. Once these documents are recorded and printed into the building permit for the use, Planning Staff can approve the building permit to establish your proposed use.

## **WHEN NEIGHBORHOOD NOTIFICATION IS REQUIRED**

Neighborhood notification is required under Sections 311 and 312 of the Planning Code. All Cannabis Retail storefronts are subject to neighborhood notification, regardless of zoning district or status as a microbusiness. Additionally, certain changes of use may be subject to notice, particularly in Mixed-Use Districts that cover most of SoMa. In these areas, changes in land use category are subject to notice. For example, if you propose to occupy a space last used as an automotive repair facility and utilize the space as a Light Manufacturing facility, you are changing the land use category of the space from 'Automotive Uses' to 'Industrial Uses' and thus the permit is subject to notice. Additionally, if a Block Book Notice is active on your location, it may cause your permit to be subject to notice even if notice is not typically required for your scope of work.

During the 30-day notice period for your permit, any person or group may file a request for Discretionary Review of the application. If such a request is received, the project requires a public hearing before the Planning Commission, at which time the Commission will determine if any exceptional or extraordinary circumstances exist with the site or proposed use. If such circumstances are found, the Commission may modify or deny the application.

It is your responsibility as a project sponsor to conduct extensive outreach to your surrounding neighborhood and neighborhood groups prior to the notice period to listen to any concerns and address any concerns that can be addressed through project design and operational changes.



## **LOCATIONAL CONTROLS FOR CANNABIS USES**

Cannabis Retailers and Medical Cannabis Retailers may not be located within a 600-foot radius of any parcel containing an existing School, public or private, OR any parcel that contains another Cannabis Retailer or Medical Cannabis Dispensary. You can use the Cannabis Retail Map to verify if your site falls within these buffers. The map serves as a guide, but conditions may change by the time you file your permit application. Additionally, where multiple applications are received within 600 feet of one another, the Office of Cannabis will only refer one application for review, pursuant to the Final Regulations on the 600 Foot Rule. The 600 foot rule is measured from parcel boundary to parcel boundary. Factors such as walking distance or topography are not considered.

For Industrial Agriculture (Cultivation), the operation must take place within an enclosed structure. Outdoor operations are not permitted.

For Agriculture and Beverage Processing 2 (manufacturing with the use of Volatile Organic Compounds), the use is required to operate within a completely enclosed building, with no opening, other than fixed windows or exits required by law, within 50 feet of any Residential District; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

## **CANNABIS SALES AS AN ACCESSORY USE**

Planning Code Section 204.3 specifically prohibits the sale of cannabis as an accessory use to a non-cannabis use. This means that a general retailer (e.g. a corner grocer) cannot begin the sale of cannabis products at their retail location without first adding Cannabis Retail as a principal land use at their location and complying with the location and permitting requirements of the Planning Code. Currently, no storefront cannabis sales may operate as an accessory use under the Planning Code.

The sale of cannabis by delivery may occur as an accessory use to a Cannabis Retail storefront, provided that the primary use of the space remains a storefront operation, and only after obtaining an authorization from the Office of Cannabis do conduct delivery sales. In many locations, particularly Neighborhood Commercial Districts, conducting only delivery sales (Parcel Delivery Service) is Not Permitted, so it is important to ensure that accessory delivery sales do not become the primary use of your space.

## **ENVIRONMENTAL REVIEW**

Your project is also subject to review under the California Environmental Quality Act (CEQA). In most cases involving reuse of an existing structure, Department staff will prepare the required environmental review document as part of the review of your permit application. However, for large projects or projects with unique or sensitive conditions, an additional evaluation may be necessary.

## **QUESTIONS AND ASSISTANCE**

If you have any questions regarding this process, please feel free to contact the [Planning Information Center](#). San Francisco Planning is happy to work with you to ensure that your establishment understands and meets the requirements of the Planning Code to establish your business in San Francisco.



## San Francisco Planning

### FOR MORE INFORMATION:

Call or visit San Francisco  
Planning

### Central Reception

1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**

FAX: **415 558-6409**

WEB: **<http://www.sfplanning.org>**

### Planning Information Center (PIC)

1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**

Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.