



# SAN FRANCISCO PLANNING DEPARTMENT

## New Planning Code Summary: Adult Use Cannabis Regulations

**Amended Sections:** 102, 145.4, 190, 191, 202.2, 204.3, 205.2, 209.1, 209.2, 210.3, 303, 303.1, 312, 703, Zoning Control Tables in Article 7, 803.2, 803.3, Zoning Control Tables in Article 8, 890.52, 890.54, 890.111, and 890.125

**Case Number:** 2017-010365PCA

**Board File/Enactment #:** 171041/ 229-17

**Initiated by:** Mayor Lee and Supervisor Sheehy

**Effective Date:** January 5, 2018

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

The proposed Ordinance amends the Planning Code to establish land use regulations for adult-use cannabis, including growing, manufacturing, distribution, testing, and retail sales. The ordinance also: 1) amended Medical Cannabis Dispensary (MCD) controls to bring them more in line with the new adult-use cannabis controls; 2) established a land use process for the conversion of existing MCDs to Cannabis Retail; and 3) established a temporary use category for Cannabis Retail so that MCDs could start selling adult-use cannabis on a temporary basis starting on January 5, 2018.

### The Way It Was:

### The Way It Is Now:

<p>1 Planning Code did not contain specific references to non-retail cannabis activities.</p>	<p>The following definitions for non-retail uses were amended to explicitly allow for cannabis related activities:</p> <ul style="list-style-type: none"> <li>• <b>Industrial Agriculture</b> (Previously <b>Greenhouse</b> in Section 102 and <b>Non-Retail Greenhouse or Plant Nursery</b> as referenced in Article 8) was amended to allow for the cultivation of cannabis plants.</li> <li>• <b>Agriculture and Beverage Processing 2</b> (formerly <b>Food Fiber and Beverage Processing 2</b>), was amended to allow for the manufacture of cannabis products using volatile organic compounds (VOCs).</li> </ul>
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	<ul style="list-style-type: none"> <li>• <b>Light Manufacturing</b> was amended to allow for the manufacturing of cannabis products without the use of VOCs.</li> <li>• <b>Wholesale</b> was amended to allow for the business to business distribution of cannabis and cannabis products.</li> <li>• <b>Parcel Delivery Service (Business Services in Article 8)</b> was amended to allow for non-storefront retail cannabis delivery.</li> <li>• <b>Laboratory</b> was amended to allow for the testing of cannabis and cannabis products.</li> </ul>
2 The Planning Code did not include a land use definition for the retail sale of adult-use cannabis.	A new <b>Retail Sales and Service</b> use, <b>Cannabis Retail</b> , was added to the Planning Code. This use allows for the sale of both adult-use and medical cannabis. Per Planning Code Section 202.2, <b>Cannabis Retail</b> may not locate within a 600 feet radius of a <b>School</b> , or another <b>Cannabis Retailer</b> or <b>MCD</b> unless it is located in the same place of business. All <b>Cannabis Retailers</b> , regardless of zoning district, are subject to Planning Code Section 312 notification.
3 Per Planning Code Section 202.2, <b>MCDs</b> could not locate within a 1,000 foot radius of a <b>School</b> , or a <b>Public Facility</b> , <b>Community Facility</b> , or a <b>Private Community Facility</b> use that primarily served persons less than 18 years of age. In addition, the Excelsior Outer Mission NCD required <b>MCDs</b> to obtain Conditional Use authorization if they were located closer than 500 feet from another <b>MCD</b> .	Per Planning Code Section 202.2, <b>MCDs</b> may not locate within a 600 foot radius of a <b>School</b> , or another <b>MCD</b> or <b>Cannabis Retailer</b> unless they are located in the same place of business. The Excelsior Outer Mission NCD provision was removed.
4 Unless otherwise specified in the	Unless otherwise specified in the

	Planning Code, <b>MCD</b> applications were subject to a Mandatory Discretionary Review before the Planning Commission, and a mailed notice to owners and occupants within 300 feet of the subject site.	Planning Code, <b>MCDs</b> are still subject to Mandatory Discretionary Review and the 300 foot noticing requirement.
5	The Planning Code did not contain a temporary use that allowed for the sale of adult-use cannabis.	Planning Code Sections 102, 191 and 205.2 now contain temporary use provisions that allow existing <b>MCDs</b> to sell adult-use cannabis as-of-right. <b>MCDs</b> must still obtain authorization from the Department of Public Health prior to selling adult use cannabis on a temporary basis (Health Code Section 3322). Per the requirements outlined in Planning Code Section 190, <b>Temporary Cannabis Retailers</b> must file a change-of-use application to become permanent <b>Cannabis Retailers</b> ; however, these businesses are not required to obtain Conditional Use authorization and are not subject to the location restrictions in Section 202.2.

### Administrative and Health Code Changes

6	Permanent operating permits for cannabis related businesses were issued by the Department of Public Health, per Article 33 of the Health Code	Permanent operating permits for cannabis related businesses will be issued by the Office of Cannabis per Article 16 of the Administrative Code.
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### Link to Signed Legislation:

<https://sfgov.legistar.com/View.ashx?M=F&ID=5678314&GUID=30FB3BF2-49B7-4676-970F-0B30C4D47DC0>