Ordinance amending the Administrative Code, by adding Section 2A.54, to direct the Planning Commission to prepare and submit a report to the Board of Supervisors evaluating the provisions of the Planning Code related to the location of medical cannabis dispensaries.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman. Board amendment additions are double-underlined; Board amendment deletions are strikethrough normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors hereby finds that:

(a) Medical cannabis provides significant benefits to the residents of San Francisco;
(b) Medical cannabis dispensaries ("MCDs") may present unique challenges to the communities within San Francisco in which they are located;
(c) Currently, pursuant to Planning Code Sections 209.3(k), 217(k), 790.141 and 890.133, MCDs are permitted only in certain zoning districts, and a parcel containing an MCD must meet certain requirements, including but not limited to a requirement that such a parcel cannot be located within 1000 feet from a parcel containing a public or private elementary or secondary school or a community facility and/or recreation center that primarily serves persons under 18 years of age;
(d) Current laws governing the location of MCDs have led to a concentration of MCDs in a relatively small portion of the City;
(e) This concentration has resulted in varying impacts on the communities in which MCDs are located; and

(f) Current laws governing the location of MCDs have resulted in limited access to medical cannabis for patients in many parts of San Francisco.

Section 2. The San Francisco Administrative Code is hereby amended by adding Section 2A.54, to read as follows:

Section 2A.54. PLANNING COMMISSION EVALUATION OF MEDICAL CANNABIS DISPENSARY LOCATION REGULATIONS.

(a) The Board of Supervisors hereby directs the Planning Commission, by no later than May January 1, 2014, to submit a written report to Board of Supervisors evaluating the impacts on communities in which MCDs are located, and to make recommendations regarding whether Planning Code provisions governing the location of MCDs, including but not limited to Planning Code Sections 209.3(k), 217(k), 790.141 and 890.133, should be amended. In this report, the Board of Supervisors directs the Planning Commission to address the following considerations, at a minimum:

(1) The extent to which MCDs are concentrated in particular communities within San Francisco;

(2) The nature and extent of effects of the location requirements for MCDs on medical cannabis patients’ access to medical cannabis;

(3) The nature and extent of effects of the location requirements for MCDs on the public health, safety and welfare in the communities in which MCDs are located;

(4) Whether increased community input into the approval process to establish an MCD would benefit the public health, safety and welfare, and, if so, what procedures would be most effective in increasing such community input;
Projected impacts on the public health, safety and welfare of expanding the areas in which MCDs can be located; and

Best operational practices that should be employed by MCDs to ensure the public health, safety and welfare, including but not limited to minimum levels of security measures, hours of operation, and location.

In developing this report, the Board of Supervisors directs the Planning Commission and/or Planning Department staff to consult as appropriate with City boards, commissions, departments, entities, and officials, including but not limited to the Director of the Department of Building Inspection, the Director of the Department of Public Health, the Chief of the Fire Department, the Chief of the Police Department, and relevant community stakeholders, including existing permitted medical cannabis dispensaries within the City and County of San Francisco.

Section 3.

(a) Effective Date. This ordinance shall become effective 30 days from the date of passage.

(b) Scope of Ordinance. In enacting this ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, tables, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

(c) Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have
passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance would be subsequently declared invalid or unconstitutional.

(d) Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(e) No Conflict with State or Federal Law. Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: VICTORIA WONG
Deputy City Attorney

 By: .doc

Supervisor Avalos
BOARD OF SUPERVISORS
Ordinance amending the Administrative Code, by adding Section 2A.54, to direct the Planning Commission to prepare and submit a report to the Board of Supervisors evaluating the provisions of the Planning Code related to the location of medical cannabis dispensaries.

October 21, 2013 Land Use and Economic Development Committee - RECOMMENDED

November 05, 2013 Board of Supervisors - AMENDED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

November 05, 2013 Board of Supervisors - PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

November 19, 2013 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/19/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved

11/27/13
Date: November 27, 2012

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

[Signature]
Angela Calvillo
Clerk of the Board

File No.
130734