



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

BACKGROUND INFORMATION FOR POTENTIAL OPERATORS OF MEDICAL CANNABIS DISPENSARIES

On December 30, 2005, the Medical Cannabis Act, as approved by the Board of Supervisors and Mayor, became effective. The Act, set forth in Ordinance 275-05 and supported by Ordinances 271-05 and 273-05, amended the Planning, Health, Traffic, and Business and Tax Regulation Codes in order to establish a comprehensive regulatory framework for Medical Cannabis Dispensaries (MCD's) in San Francisco. The Ordinances are available on-line at the City's web site.

The Act designates the Department of Public Health (DPH) as the lead agency for permitting MCD's. DPH conducts its own review of all applications and also refers applications to other involved City Agencies, including the Planning Department, in order to verify compliance with relevant requirements. The Planning Department's review is generally limited to the locational and physical characteristics of MCD's.

We hope the following list of questions-and-answers is helpful. You may wish to read the following in conjunction with materials available from DPH and other relevant City agencies. Please also note that this document relates only to MCD review activities conducted by the Planning Department. It is intended to summarize major land-use issues contained in the Act as well as relevant Planning Department policies and does not supercede, modify, or reinterpret any portion of the Act.

1. I am interested in opening a new MCD. Where can I seek to operate?

All C (Commercial), C-M (Heavy Commercial), and RC (Residential Commercial) zoning districts are eligible for consideration. MCD's may also seek to operate on the ground floor of parcels within the Chinatown Mixed Use Districts. New MCD's may not locate in NC-1 (Neighborhood Commercial Cluster) Districts, but may locate on the ground floor of all other NC (Neighborhood Commercial) Districts. Furthermore, no new MCD may locate within 1,000' of school or recreation building nor may it operate on the same parcel as a substance abuse treatment center. MCD's may not operate in M (Industrial) Districts, RH or RM (Residential) districts, or any South of Market District. [Note that different standards apply to MCD's which were existing before April 1, 2005. This is discussed in question 3, below.]

2. How do I find a location for my new MCD?

A map entitled "Planning Department Guidelines for New Medical Cannabis Dispensaries" is available in electronic format (which may be viewed at high resolution) on our website at www.sfgov.org/planning under the 'Applications' section. Use this map to determine the preliminary eligibility of properties under consideration. Do not contact the Planning Information Counter regarding the eligibility of a particular parcel unless (1) you have information which suggests that a particular property is identified erroneously or (2) a particular property is 'too close to call' based on your reading of the map. Also note that while the map includes the best information available with respect to schools and associated proximity criteria, similar information for recreation buildings is not included. As such, please consider the map only as a guide. It is your responsibility to determine that at least 1,000' exists between a potential location and a recreation building, substance abuse treatment facility, or school. Staff will verify your findings upon application submittal. [Note that different standards apply to MCD's which were existing before April 1, 2005. This is discussed in question 3, below.]

What is a 'recreation building'?

The precise definition varies depending on which zoning district the facility is located in. For general purposes, however, a recreation building can be defined as an institutional, assembly, or social service use. Such uses are not generally publicly owned but are typically open for public use and generally serve recreational, counseling, cultural, recreational or social purposes. They include but are not necessarily limited to community clubhouses and facilities, neighborhood or cultural centers, and meeting halls.

What is meant by a 'school'?

The Act refers to "elementary or secondary schools, public or private." This definition encompasses facilities offering regular courses of academic instruction to students in grades K-12 (primary school through high school).

3. I operate an existing MCD. How does the Act apply to me?

Existing MCD's – regardless of current permit status - must go through the same DPH and Planning Department processes, including mandatory public hearings as described below, but are generally not subject to zoning and proximity restrictions such as those identified in items one and two, above. With limited exceptions for MCD's in residential zoning districts, any MCD which can demonstrate to the satisfaction of the Planning Department that it has been in continuous operation since before April 1, 2005 may seek to remain in its current location. The Act requires, however, that a DPH permit to operate be obtained prior to July 1, 2007 or the MCD must cease operation. Please note that if a 'grandfathered' MCD is located within 1,000' of a school or recreation building, it may not allow on-site smoking, regardless of whether on-site smoking has been offered in the past.

4. What does the Planning Department review process involve?

Our review includes (1) verification of the submittal of a complete application, (2) verification of your compliance with zoning and proximity restrictions as applicable, (3) verification of compliance with CEQA [California Environmental Quality Act] standards (4) mailing and posting of a neighborhood notice [with your cooperation], (5) internal land use compatibility analysis, and (6) coordination of a public hearing at the Planning Commission. A Mandatory Discretionary Review (DR) hearing is required of all proposed MCD’s excepting those within the West Portal NCD, where a CU (Conditional Use) hearing is required. Both types of hearing involve testimony from the applicant (you), Department Staff, and any interested parties (neighbors or any other concerned citizens). Should the Planning Commission authorize the use, our Department will advise DPH that it may continue to process the application. Note that if CU is required, you will be required to complete and file an additional application for Conditional Use with the Planning Department. This CU application is available on-line at our web site.

5. What do I need to do in order to provide food or drink products?

If you intend to dispense medical cannabis (or any other) food or drink products, all required permits must be obtained from DPH. We strongly recommend that you contact DPH directly, as health and safety requirements associated with food sale and/or preparation can be extensive. Generally speaking, there is no distinction made by the Planning Department as to the form of the medical cannabis dispensed.

6. What do I need to know about on-site smoking?

Should you be permitted to choose to provide on-site smoking, the Act requires that you “provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises.” This will – in almost all cases – require complete mechanical ventilation with appropriate filtration systems. Permits for dispensaries which seek to provide on-site smoking will be reviewed by the Department of Building Inspection for compliance with this requirement.

7. When can I expect to finish Planning Department review?

It is the Department’s target to complete required field studies, neighborhood notification, and administrative and Planning Commission review within 90 days of the date of filing. This time period is (1) in addition to the time it will take DPH, DBI, and other involved agencies to review your application, and (2) exclusive of time required to process and review appeals, should any be filed. Note that the speed of the process depends heavily on the number of applications received as well as the responsiveness of an applicant. Should additional information be required it is incumbent on the applicant to provide a swift response.

8. Will I be approved?

The process involves discretion on the part of the Planning Commission and other elected and appointed bodies. Irrespective of zoning and proximity restrictions, it is possible that there will be sites in the City which may at first inspection appear suitable but in fact prove to be inappropriate for MCD’s. While provisions of the Act attempt to address foreseeable neighborhood compatibility issues, it is critical that any applicant approach neighborhood outreach efforts with both sincerity and flexibility. Common-sense good-neighbor efforts should be employed prior to and throughout the application process. Should the Planning Commission approve an application, it may impose a conditions on that approval regarding neighborhood compatibility (loitering, traffic, noise, days and hours of operation, etc).

9. Can I do this by myself?

No. At the least, floor plans of all MCD’s must be reviewed for compliance with accessibility requirements and, depending on the services you wish to offer, DBI may need to review your facility with respect to mechanical and life/safety systems. Planning Staff will also require plans to understand the use and character of the facility. Accordingly, you will need to retain a building professional, such as a licensed architect or engineer, to draw plans of the facility and to propose satisfactory measures to address City requirements. You may also wish – but are not required - to retain a permit consultant or attorney to assist you with other aspects of the process.

10. How do I apply?

DPH is the City’s lead agency for processing permit applications for MCD’s. Once you have identified a location, an application must first be lodged with DPH. You may then file the “Planning Department Application to Operate a Medical Cannabis Dispensary” along with other required materials (identified on that form, which is available on our web site at www.sfgov.org/planning in the “Applications” section) with the Planning Department only after your DPH filing. Please note that no MCD-related applications will be accepted by the Planning Department unless accompanied by photocopy of a receipt of application fee payment from DPH.

11. What if I have questions?

We strongly advise all potential applicants to arrange for both a ‘pre-application meeting’ with DBI [call (415) 558-6133 to schedule] and a ‘project review meeting’ with the Planning Department [call (415) 558-6371 to schedule]. These meetings will afford you the opportunity to review a specific site with City Staff and discuss planning and building requirements. However, if you have brief questions that can be answered over the telephone, you may wish to use one of the numbers below.

- Planning Department Information Counter [zoning information].....(415) 558-6377*
- Department of Public Health (DPH) – Environmental Health Section.....(415) 252-3800*
- Police Department (SFPD).....(415) 553-0123*
- Department of Building Inspection (DBI).....(415) 558-6096*



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

PLANNING DEPARTMENT APPLICATION TO OPERATE A MEDICAL CANNABIS DISPENSARY

THESE MATERIALS REQUIRED IN ADDITION TO DPH APPLICATION

APPLICATION INSTRUCTIONS

All applications must be filed in person by the owner of the property or authorized agent of the owner at 1660 Mission Street. We are located between Duboce and South Van Ness Avenues and are open during regular weekday business hours. Upon arrival at our building, proceed first to the Department of Building Inspection's Commercial Plancheck Division on the 2nd floor. You will present your plans and Building Permit Application form for preliminary review and routing instructions. You will then be directed to the Planning Information Counter (PIC) on the 1st floor. Do not visit the PIC until directed to do so by DBI staff. After reviewing your application with Planning Staff at the PIC, you will be directed to other stations including the Central Permit Bureau (CPB) where a fee and all remaining application materials will be collected. You can expect to be contacted by phone or mail by your assigned Staff Planner in two to six weeks.

APPLICATION CHECKLIST

Please every page of this application along with all required materials identified below. While no appointment is necessary to file your application, we recommend that you allow several hours to complete the filing process. Please either (a) complete all forms in neat, legible handwriting or (b) attach printed pages providing all required information.

	CHECK WHEN COMPLETE	REQUIREMENT	DESCRIPTION
STEP ONE Visit DBI Commercial Plancheck on the 2 nd floor for preliminary review and routing instructions. Retain all materials.	A	DBI Building Permit Application Form 3	This document (a pink, legal-sized form) must indicate the proposed Medical Cannabis Dispensary use along with all physical improvements to the property. Should significant construction activities be proposed, DBI may require additional information. We strongly recommend that you contact DBI in advance of your filing to verify requirements, including accessibility and ventilation requirements. Please note that only original copies of this form will be accepted. Forms are available only on the ground level of our building at 1660 Mission Street.
	B	Architectural Drawings	Provide TWO sets of professionally drawn, full-size architectural plans which demonstrate your compliance with all relevant Planning and Building Code provisions.
	C	Letter of Authorization	If the applicant is the authorized agent of the property owner, rather than the owner, a letter signed by the owner and creating or acknowledging that agency must be attached. If the applicant is the owner of the property, you may disregard this requirement.
STEP TWO Visit the Planning Department Information Counter on the 1 st Floor for preliminary review. Retain all materials.	D	Planning Department Application Form	This form must be completed in full and signed by the applicant.
	E	Photographs	Color photographs mounted on 8.5"x11" paper which depict the subject block face and opposite block face. Applicants often choose to submit digital panoramic photos printed on desktop color printers.
	F	Notification Materials [discussed in greater detail on opposite side]	map list labels
	G	Photocopy of DPH filing receipt	Before lodging your Supplemental Planning Department Application Form, you must provide evidence of the successful lodging of your primary DPH application.
STEP THREE While at the Planning Counter, submit these materials and obtain a receipt.	H	CEQA Review Materials	Under state law, all applications must be checked for compliance with the California Environmental Quality Act (CEQA). An application for CEQA review must be completed in full and is available under the "Applications" section of our web page at www.sfgov.org/planning . Please note that for MCD applications, additional plans or photos are NOT required. Planning Department CEQA review fee [\$65 payable by check only]
STEP FOUR Additional review requirement.	Depending on the nature of your application, you may be required to visit other City Agencies, such as the Fire Department or the Department of Public Works (DPW) at this point. This will be established as part of the application's routing in STEP ONE.		
STEP FIVE Visit the Central Permit Bureau (CPB) on the 1 st Floor.	I	Building Permit Application Fee	This fee is based on the total cost of construction and is payable by check or credit card. Once the required fee is paid, all application materials will be accepted by CPB, concluding the filing process.

ADDITIONAL INFORMATION ON NEIGHBORHOOD NOTIFICATION

The Act requires that all properties within 300' of the subject property receive notice of your intent to open an MCD. This involves a mailed notice as well as a notice posted on the subject property. Accordingly, the Department requires a map, list, and labels of all property occupants within 300' of the parcel containing the proposed MCD. Applicants oftentimes choose to have a third party prepare notification materials on their behalf. A list of businesses who have identified themselves to the Planning Department as offering these services appears below. [Please note that, should you wish to use one of these services, we recommend that you advise the business that the requested materials are for a Medical Cannabis Dispensary application. The notification materials required for this application are unique to MCD's. Some service providers may not be familiar with these requirements.]

Build CADD	3515 Santiago St., SF CA 94116, (415) 759-8710
Carol Cosseboom, Maps & Mailings	584 Castro St. #840, SF CA 94114, (415) 391-9900
Radius Services	445 Grant Ave. #400, SF CA 94108, (415) 391-4775
Gerard Gibbons, Architectural Drafting	2268 15 th St., SF CA 94114 (415) 255-6388
Notice This	(800) 677-0694, www.noticethis.com
Small Buildings	(415) 285-8826
Harvey Wong & Associates Architecture and Planning	543 38 th Ave., SF CA 94121 (415) 752-5847
Jerry Brown Designs	2596 Post St., SF CA 94115, (415) 210.0355, jbdsgn@aol.com

Please be aware that you are not required to use one of the above services; should you choose to prepare these materials yourself note that Assessor's Block and Lot information is available at the Assessor's Office, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 190.

As part of the application process, you or your agent must provide the Planning Department with the following:

1. NOTIFICATION MAP

This map shall be drawn at 1" = 50 scale and show:

- a) Street names and property addresses
- b) Assessor's Block and Lot numbers
- c) Number of dwelling units per lot
- d) Number of commercial tenants per lot
- e) Any vacant lots labeled with a "V"
- f) Any condominiums with all Lot Numbers included

2. NOTIFICATION LIST

Prepare a list of all properties within the notification area described above. For each property, list the Assessor's Block and Lot Number. Note that some lots may have multiple tenants. One can often identify the number of dwellings or businesses on a lot from (a) the property owner or building manager or (b) by counting mail-boxes, doorbells, or business signs. Use addresses shown on the door, mailbox, or doorbell and include any letter suffixes (123a) or fractions (249½). Be sure to include an entry for yourself and anyone else you wish notified.

3. NOTIFICATION LABELS

Submit self-adhesive mailing labels with the information described above. Use one label per address. Place the word 'occupant' on the first line of each label.