

San Francisco Cannabis State Legalization Task Force
Land Use DRAFT Workgroup Recommendations

Cross-cutting: Technical and Community Engagement

Notes for Task Force Member consideration are italicized.

Land Use Types	<p>1. San Francisco should allow sales of cannabis products as an accessory use (i.e. where the selling of cannabis is not the location’s primary use), and develop regulations to specify how cannabis products should be separated from non-cannabis products.</p> <p>Options for regulating the sale of cannabis as an accessory use could include: limiting the type cannabis products sold to pre-packaged cannabis products only, restricting cannabis products to an area of a business where minors are prohibited, and/or enclosing cannabis products in a locked box that an employee would unlock upon request.</p>
Land Use Landscape	<p>2. To create a desired mix of businesses and limit displacement of other land use types (e.g., other businesses and housing), San Francisco should:</p> <ul style="list-style-type: none"> a. Expand locations in which new cannabis retailers could operate to include all zoning districts b. Establish a buffering distance from other cannabis businesses so that similar uses are not clustered c. Take appropriate measures to ensure equity in the distribution of cannabis business locations; for example, consult neighbors, assess environmental impacts using accepted equity measures, and develop community agreements. d. Allow cannabis business that are compliant with requirements to operate “as of right” in specifically zoned areas, or be subject to review by an appropriate agency to determine the conditions the business would need to comply with. <i>(Clarify whether this refers to existing cannabis businesses (MCDs) or new adult use businesses and what type of “requirements” are being referenced here. Workgroup noted conditional use process (CUP) if businesses are located too close to one another – clarify whether this should form part of the recommendation.)</i>

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e. Add cannabis retailers to the formula retail list. *(This is identical to Year I recommendation LUSJ 9. Clarify whether this is a re-stating of the Year I recommendation or whether added information is needed.)*

3. Reduce the distance new cannabis retailers can operate in proximity to sensitive uses to one that is less than the State- required 600 feet. San Francisco should also measure this distance with a "path of travel" approach rather than a straight line, parcel to parcel measurement. *(This is identical to Year I LUSJ recommendation 4. Clarify whether this is a restating of the Year I recommendation or whether added information is needed.)*

The community engagement workgroup noted that a reduction in proximity radius may attract federal attention.

The technical workgroup noted that more robust conversation about reducing youth consumption is needed to recommend solutions to the concerns that radius regulations are intended to address. The considerations outlined in notes are:

- Ventilation/odors/fumes
- Consumers cannot enter non-retail businesses
- Minors (age 21 and under) should not have access)

4. Separate sensitive use definitions and standards should be developed for retail and non-retail facilities.

5. All licensed schools (preK-12, public and private) should be considered sensitive uses. Sensitive uses should not include daycare or childcare facilities, parks, or religious facilities. Criteria to consider when determining whether a location should be considered a sensitive use are: child age, level of supervision, whether the facility is licensed, and whether the facility operates full-time or part-time.

(See recommendation 4 above – clarify whether this criteria applies to retail, non-retail, or both.)

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6. San Francisco should protect retailers and other license holders in good standing from the impacts of future sensitive uses that may locate nearby. This means that if a new sensitive use opens within the defined radius of an existing cannabis business, the existing cannabis business should be allowed to continue operation.
7. Businesses that sell cannabis as an accessory use and existing cannabis businesses should both undergo a less restrictive land use approval process.

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Technical

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Land Use Types	<ol style="list-style-type: none"> 1. San Francisco should establish a cannabis ‘restaurant/food’ license, with guidelines to prevent cross contamination. <i>(This recommendation aligns with Year 1 Recommendation PSSE 28 – Clarify whether this is a restating of the Year I recommendation or whether added information is needed.)</i> 2. San Francisco should issue a permit for a cannabis lounge where consumption is permitted, but retail sales are not allowed. <i>(This aligns with Year I recommendation RCAF 2. Clarify whether this is a restating of the Year I recommendation or whether added information is needed.)</i>
Land Use Landscape	<ol style="list-style-type: none"> 3. In determining the proper distribution of cannabis retail businesses across the City, three goals that should be considered are: <ol style="list-style-type: none"> a. ensuring even distribution and access throughout the city; b. restricting adult use access for minors; and c. the prevention of clustering
Zoning Application Standards	<ol style="list-style-type: none"> 4. San Francisco should implement the following steps in the adult use retail application zoning approval process: <ol style="list-style-type: none"> A. Existing medical cannabis dispensaries seeking to enter the adult market would be subject to the rules of the cannabis department; if qualified, they would receive a public hearing; OR B. Issue a mandatory mailing or notice on change of use, and if compliant with _____, a hearing would be triggered. C. Noticing would not be required if Planning Code Section 312 notification

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	<p style="text-align: center;">does apply.</p> <p style="text-align: center;"><i>(Clarify each of the above steps.)</i></p> <p>The above steps should include mediation and/or community boards prior to discretionary review filings.</p>
Non-Retail	<ol style="list-style-type: none"> 5. The public notice process (described in recommendation 4 above) may not apply to nonretail facilities. <i>(The current language “may not” is vague; clarify whether the public notice process should or should not apply to nonretail facilities.)</i> 6. For non-retail facilities, noticing neighbors would not be required if Planning Code Section 312 notification does apply. <i>(Reconcile with Recommendation 5 above.)</i> 7. Applicants with financial hardship should be eligible for a discretionary review waiver. <i>(Confirm whether this applies only to non-retail cannabis businesses.)</i>

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Community Engagement

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Application Process	<ol style="list-style-type: none">1. There should be a clear application process based on best practices and that uses the application information currently required for medical cannabis dispensaries (MCD) as a foundation and minimum standard. This means that the community engagement process for current MCDs should be the minimum standard for adult use business community engagement requirements, and entities already experienced with MCD applications should review and decide upon adult use zoning applications. <i>(Confirm whether this recommendation is specific to land use zoning applications or if it would also apply to the retail/non-retail cannabis licensing application.)</i>2. The zoning application process for cannabis businesses should require documentation of community engagement activities and maximize opportunities for community engagement early on in the process that are as inclusive as possible.3. Different thresholds and expectations should be established for the level of community engagement required for different types of land uses, e.g., a stand-alone cannabis retail store may require more community engagement than a bakery selling cannabis products as an accessory use. <i>(Refer to Year 1 LUSJ recommendation 7 and determine whether additional specificity regarding thresholds/expectations is needed.)</i>4. The application criteria and standards should be applied consistently across businesses and should include mechanisms to ensure accountability.
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