

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
GRASSY GROVE, LLC,)
Appellant(s))
vs.)
ZONING ADMINISTRATOR,)
Respondent)

Appeal No. **21-088**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on September 2, 2021, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 18, 2021 to Enso Management Company, of a Letter of Determination (The request seeks confirmation of the following: 1) whether a proposed cannabis museum, including museum tour space, exhibition cannabis growing and processing spaces, and a gift shop containing a licensed retail cannabis dispensary would be considered a General Entertainment use; and 2) whether the gift shop, containing a licensed retail dispensary selling cannabis products, would be subject to the location controls of Planning Code Section 202.2, specifically, the required 600-foot buffer between Cannabis Retail establishments. The Zoning Administrator determined that the proposed cannabis museum would be a use that principally provides entertainment and leisure to the general public and would generally meet the definition of General Entertainment. If certain criteria are met, then the cannabis retail activity within the proposed museum is considered an accessory use and is not subject to Planning Code requirements applying to Cannabis Retail as a Principal or Conditional use, this includes the 600-foot buffer location requirements prescribed by Planning Code Section 202.2) at 145 Jefferson Street.

APPLICATION NO. Record No. 2021-001699ZAD

FOR HEARING ON October 19, 2022

Address of Appellant(s):

Address of Other Parties:

Grassy Grove, LLC, Appellant(s)
c/o Todd Williams, Attorney for Appellant(s)
Wendel, Rosen LLP
1111 Broadway, 24th Floor
Oakland, CA 94607

Enso Management Company, Determination Holder(s)
c/o James Abrams, Attorney for Determination
Holder(s)
J. Abrams Law, P.C.
One Maritime Plaza, Suite 1900
San Francisco, CA 94111



Date Filed: September 2, 2021

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 21-088

I / We, **Grassy Grove, LLC**, hereby appeal the following departmental action: **Reissued Letter of Determination (Record No. 2021-001699ZAD)** by the **Zoning Administrator** which was issued or became effective on: **August 18, 2021**, to: **Enso Management Company**, for the property located at: **145 Jefferson Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **October 21, 2021, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org and jabrams@jabramslaw.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **November 4, 2021, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org and toddwilliams@wendel.com.

Hard copies of the brief do NOT need to be submitted.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, November 10, 2021, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date. (Please note: Should the City's Health Orders permit in-person hearings, the Board reserves the right to hold the hearing at SF City Hall. Advance notice shall be provided to the parties.)

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal

Appeal submitted electronically by Todd Williams, attorney for appellant.

**Statement of Reasons Supporting Appeal of Letter of Determination (LOD)
re 145 Jefferson Street Record No. 2021-001699ZAD (8/18/21) by Grassy Grove LLC**

1. The LOD wrongly classifies the cannabis dispensary as an "accessory use" (SFPC § 102). It is a principal Cannabis Retail use. It is not "necessary, incidental or subordinate" to the museum use (e.g., general public can access the dispensary without buying a museum ticket, museum lobby doubles as a security screening area for the dispensary), and will generate far more income than museum ticket sales. The LOD also underestimates the space devoted to cannabis manufacturing by over 2,400 sf. Areas devoted to growing, processing and display of cannabis products for sale are part of the Cannabis Retail use since they are part of the dispensary operation. Claims that the "primary" intent of the gift shop or showrooms are part of the museum use are misleading and unenforceable. The LOD wrongly classifies the proposed primary use as "general entertainment" under SFPC § 102, instead of what it is: Cannabis Retail.
2. The licensed cannabis dispensary proposed to be part of the museum gift shop does not – and must – abide by the location controls of SFPC § 202.2, including, but not limited to, the 600-foot buffer between Cannabis Retail establishments. The proposed dispensary is within 150-feet from an existing, licensed dispensary, SeaWeed SF, in clear violation of existing standards.
3. Allowing this dispensary as an "accessory use" circumvents the carefully crafted regulations and policies that all other cannabis retail establishments must abide by including location limits, social equity rules and safety requirements, undermines the investments made by primary use operators, and would create a huge loophole in the regulations. (See SFPC §§ 102, 202.2(a), 204.3(a) [limiting cannabis retail accessory uses]; SF Police Code § 1602.)
4. The City has no regulations for accessory cannabis use, and must first approve such regulations before allowing accessory cannabis uses. (SFPC § 204.3 [no Cannabis Retail as accessory use without Office of Cannabis permit; no such permit has been created by SFBOS.]



REISSUED LETTER OF DETERMINATION

August 18, 2021

Jim Abrams
J. Abrams Law, P.C.
One Maritime Plaza, Suite 1900
San Francisco, CA 94111

Record No.: **2021-001699ZAD**
Site Address: **145 Jefferson Street**
Assessor's Block/Lot: 0013 / 016
Zoning District: C-2 (Community Business)
Staff Contact: Michael Christensen - (628) 652-7567 or Michael.Christensen@sfgov.org

Dear Jim Abrams:

A letter was originally issued on July 13, 2021 in response to your request for a Letter of Determination regarding the property at 145 Jefferson Street. The original request was submitted on February 18, 2021 and a supplemental request was submitted on June 11, 2020. However, when the original letter was issued, proper notice was not provided to an interested party that had requested to receive a copy. Therefore, the letter is being reissued to provide proper notice to interested parties.

The request seeks confirmation of the following: 1) whether a proposed cannabis museum, including museum tour space, exhibition cannabis growing and processing spaces, and a gift shop containing a licensed retail cannabis dispensary would be considered a General Entertainment use; and 2) whether the gift shop, containing a licensed retail dispensary selling cannabis products, would be subject to the location controls of Planning Code Section 202.2, specifically, the required 600-foot buffer between Cannabis Retail establishments.

DESCRIPTION OF PROPOSED CANNABIS MUSEUM USE

While detailed floor plans remain in the early stages of design, an updated conceptual-level description of the proposed use of the premises is described by floor below. Please note that floor plan markups and listed square footage approximations listed below were not prepared or reviewed by a professional designer (i.e. are not verified Gross Floor Area summaries), but instead are applicant-prepared figures intended to provide sufficient understanding of how the proposed Cannabis Museum would function and comply with Planning Code use regulations.

First Floor

In its existing condition, the premise's ground floor space contains approximately 7,000 square feet of open floor area. In the proposed Cannabis Museum layout, all visitors would enter on Jefferson Street, first walking into an approximately 1,500 square foot reception and lobby space, where visitors would check in and register, queue for the beginning of a scheduled tour, and also view historical photos, artifacts, and informational displays about the Cannabis Museum's contents and purpose. The reception and lobby area would wrap around an approximately 3,600 square foot gift shop, which would be a fully licensed retail dispensary selling cannabis and cannabis products, including those grown and processed on-site. The gift shop would be open to the general public. However, its primary intent would be to serve as an end point for tours through the Cannabis Museum and items for sale would not be limited to cannabis and cannabis products, but would also include branded merchandise, books and periodicals pertaining to the cannabis industry and its history, and other items. The gift shop's size (representing approximately 15% of the premises overall floor area) is modeled on the size of analogous entertainment museum gift shops in the surrounding area, including the Aquarium of the Bay, San Francisco Dungeon, and Madam Tussauds. While exact building materials remain under review, the gift shop would be physically partitioned from the reception and lobby space, such that gift shop patrons would enter through a limited number of ingress/egress points.

Ticketed museum goers would enter the first tour area space (approximately 1,900 square feet), which would offer a glassed-in view of the dispensary and informational displays regarding the licensing and operation of dispensaries in San Francisco and California. The first-floor tour area would also lead to elevators and stairs leading to the second floor of the Premises.

A graphic markup of the first floor conceptual plan is shown in **Figure 1** below:

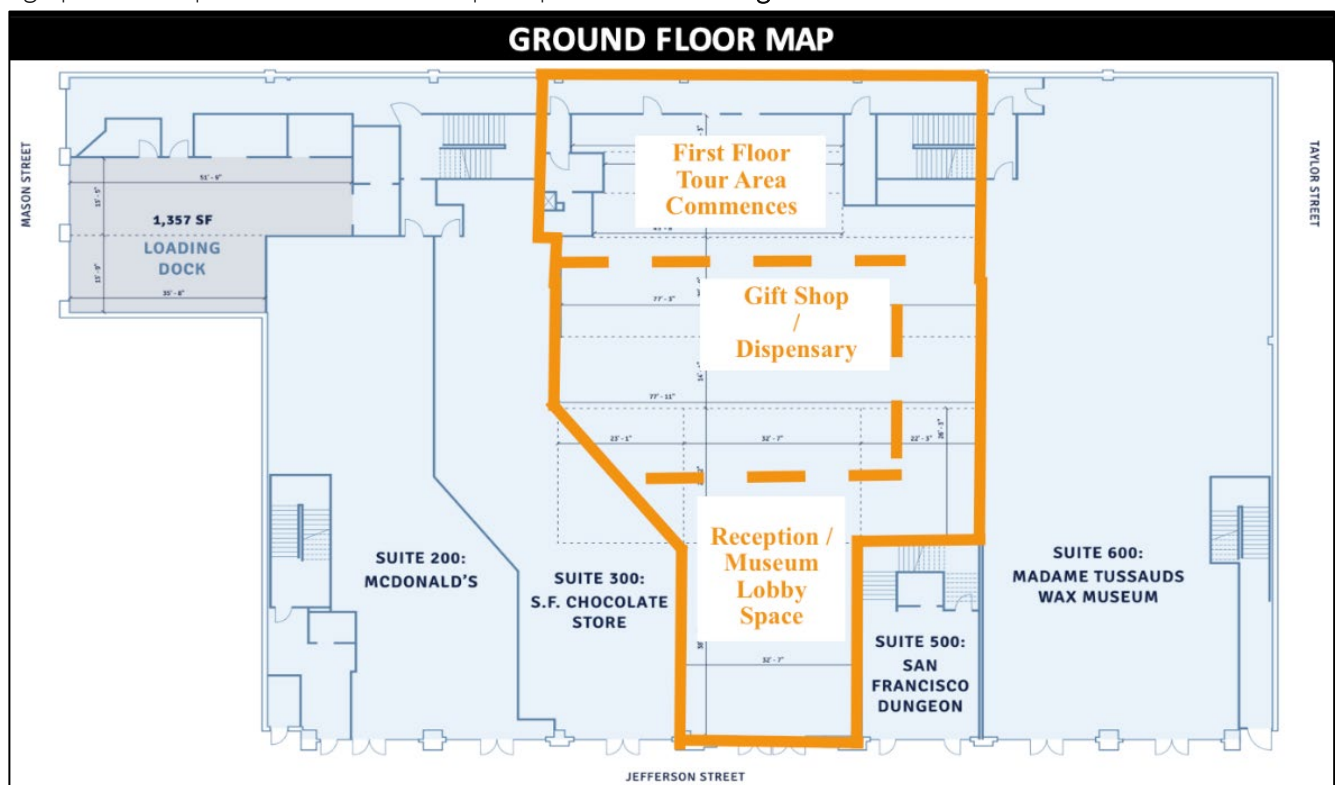


Figure 1: Conceptual floor plan for the first floor.

Second Floor

In its existing condition, the premise's second floor space contains approximately 12,260 square feet of floor area, with an existing approximately 2,500 square foot commercial kitchen on the Taylor Street side of the Premises. In the proposed Cannabis Museum layout, visitors entering the second level would exit stairs and elevators into a large tour area, containing a small theater space (intended for informational movie displays, talking events, performances, etc.) and various informational displays and exhibits geared towards educating visitors on the basic elements of the history of cannabis, specifically cannabis in San Francisco and California.

The central tour area (approximately 10,460 square feet) would be anchored by two show rooms on either side of the space. On the Mason Street side of the second floor there would be an approximately 900 square foot indoor cannabis cultivation room separated by a glass wall, where visitors would be able to observe and learn about cultivation, including the standards and quality required in cannabis cultivation. Informational displays in the tour area near the cultivation show room would educate visitors on how cannabis is selected for its aromas and flavors. The show room would not be designed as an industrial-scale cultivation area intended to produce cannabis for off-site sale, but instead would be primarily designed and curated to educate visitors of the museum and produce cannabis products sold in the first-floor gift shop dispensary.

On the Taylor Street side of the second floor the existing commercial kitchen would be reduced in size to about 900 square feet and similarly be partitioned by a glass wall, with the kitchen area used to prepare and package edible cannabis products. Visitors would be able to observe kitchen activity from their side of the glass wall. The commercial kitchen area would not be used for extraction of cannabis flowers to create oil, but instead would prepare edibles from cannabis flowers grown and dried on site for sale in the gift shop dispensary.

A graphic markup of the second floor conceptual plan is shown in Figure 2 below:

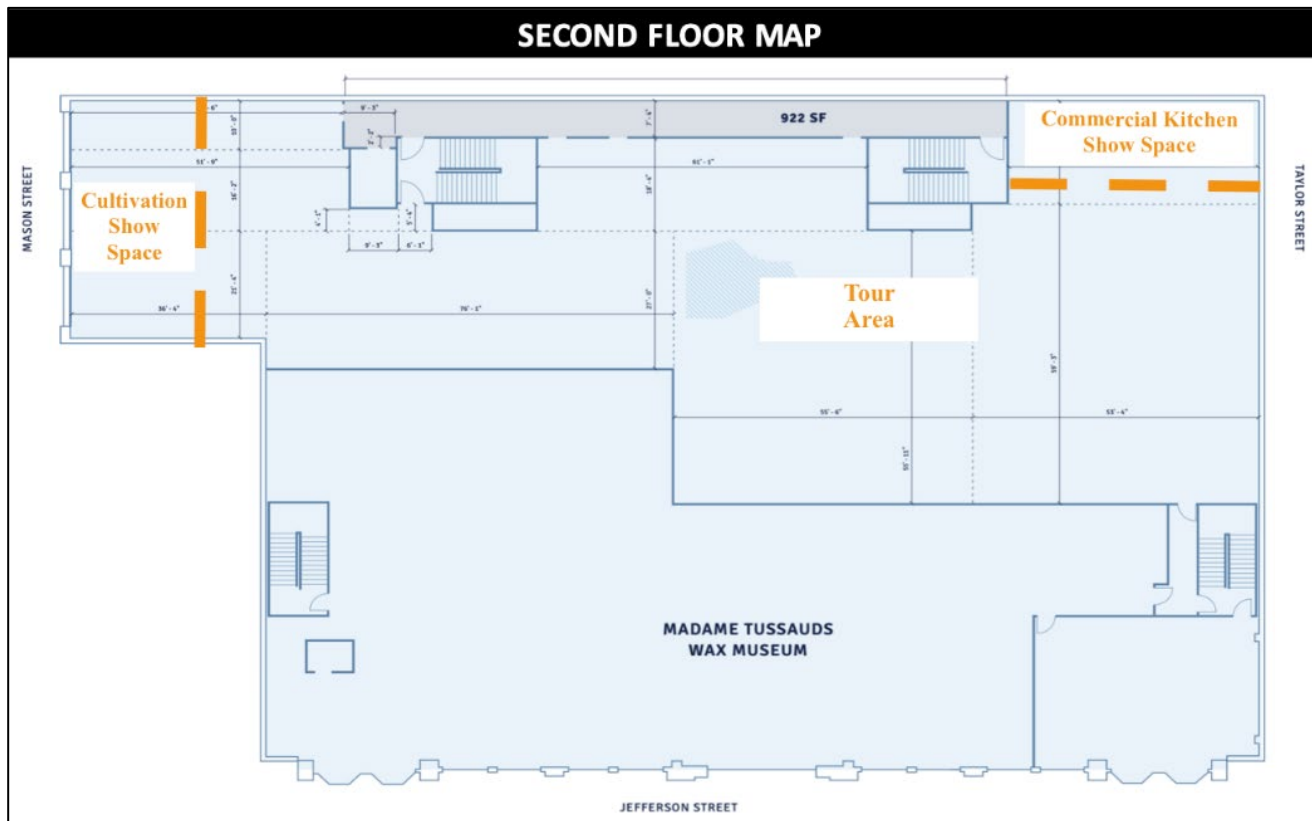


Figure 2: Conceptual floor plan for the second floor.

Third Floor

In its existing condition, the premises' third floor space contains a total of approximately 4,960 square feet in two discrete spaces: an approximately 2,900 square foot open floor space and an approximately 2,060 square foot irregularly shaped floor area that offers views to the second floor area of the Premises below. In the proposed Cannabis Museum layout, the 2,900 square foot room would contain a show room space (approximately 610 square feet) for drying the cannabis flowers grown in the second-floor cultivation show room and then either packaged for sale in the gift shop dispensary or moved to the second-floor kitchen show room for cooking into edible cannabis products. The remainder of the 2,900 square foot room (approximately 2,290 square feet) would contain tour area (separated by a glass wall), where visitors could view into the drying room and read informational displays on the drying and packaging process. The noncontiguous 2,060 square foot space would be used for site administration (i.e. accessory office and storage).

A graphic markup of the third floor conceptual plan is shown in **Figure 3** below:

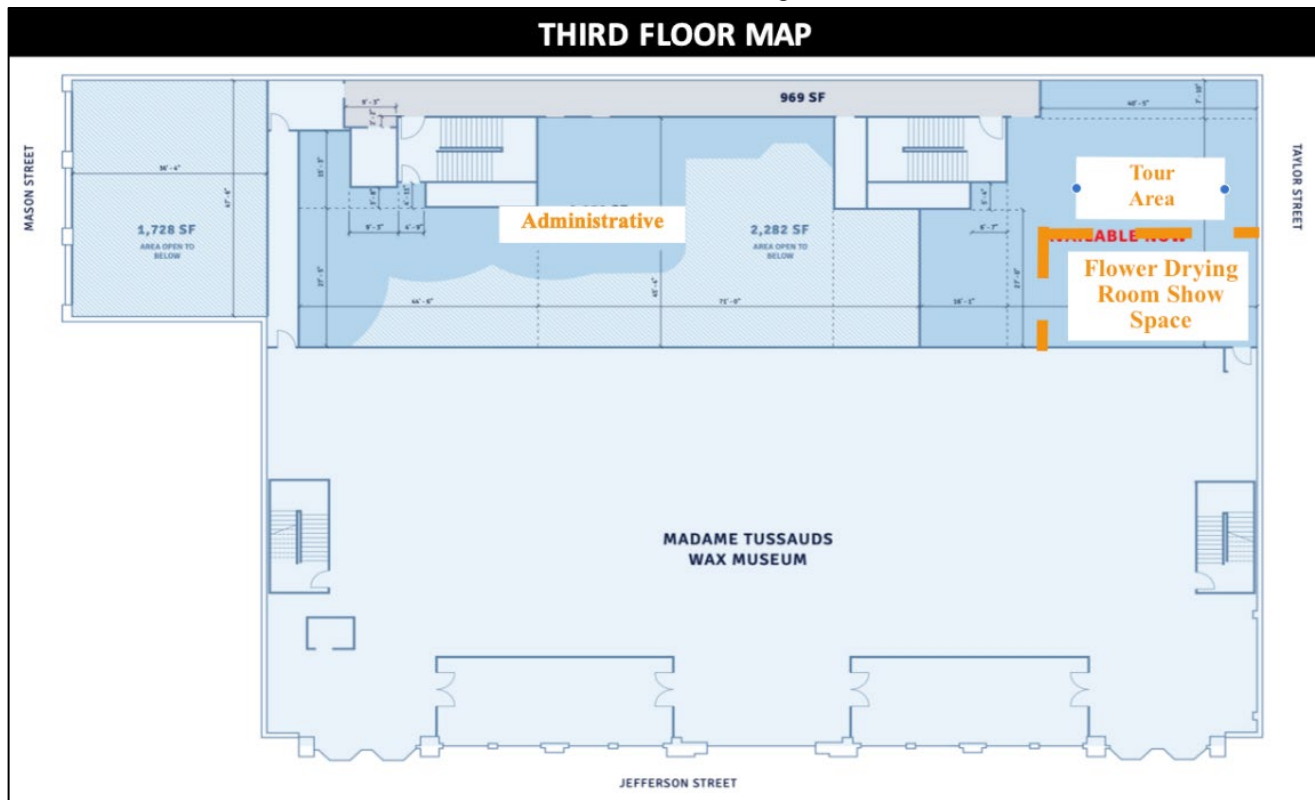


Figure 3: Conceptual floor plan for the third floor.

SUMMARY OF PROPOSED PLANNING CODE USES

Table 1 (below) summarizes the approximate principal and accessory use square footages proposed as part of the Cannabis Museum:

TABLE 1 SUMMARY OF PROPOSED PLANNING CODE USES		
Floor	Use	Approximate Square Footage
Floor 1	General Entertainment	7,000
	Principal General Entertainment	3,400
	Accessory Cannabis Retail	3,600
Floor 2	General Entertainment	12,260
Floor 3	General Entertainment	4,960
	Principal General Entertainment	2,900
	Accessory Office and Storage Space	2,060
Total	Retail General Entertainment	24,220

Planning Code Section 102 defines General Entertainment as:

“A Retail Entertainment, Arts and Recreation Use that provides entertainment or leisure pursuits to the general public including dramatic and musical performances where alcohol is not served during performances, arcades that provide eleven or more amusement game devices (such as video games, pinball machines, or other such similar mechanical and electronic amusement devices), billiard halls, bowling alleys, skating rinks, and mini-golf, when conducted within a completely enclosed building, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Mechanical amusement devices are further regulated in Sections [1036](#) through [1036.24](#) of the Police Code.”

Planning Code Section 102 defines Accessory Use as:

“A related minor Use that is either necessary to the operation or enjoyment of a lawful Principal Use or Conditional Use, or appropriate, incidental, and subordinate to any such use, and is located on the same lot.”

Planning Code Section 204.3(a)(1) stipulates that an accessory use cannot occupy more than one-third of the total floor area occupied by such use, any additional accessory uses, and the Principal or Conditional Use to which it is accessory, except in the case of accessory off-street parking or loading. Additionally, Planning Code Section 204.3(a)(3) states the following regarding Cannabis Retail as an accessory use:

*“**Limitations on Cannabis Retail Accessory Uses** The sale of cannabis as an accessory use is subject to any applicable limitations or regulations imposed by the Office of Cannabis. Cannabis Retail is not permitted as an Accessory Use unless the Cannabis Retail establishment holds a permit from the City’s Office of Cannabis specifically permitting Cannabis Retail accessory to another activity on the same premises.”*

DETERMINATION

Based on the information provided above, it is my determination that the proposed cannabis museum would be a use that principally provides entertainment and leisure to the general public and would generally meet the definition of General Entertainment. The proposed accessory uses represent 23.4% of the total floor area, of which approximately 15% would be devoted to the gift shop containing the accessory cannabis retail use. In order to ensure the accessory uses are incidental and subordinate to the principle General Entertainment use, the following provisions must be met: 1) the growing and manufacturing of cannabis products on-site is principally conducted as an exhibition for the entertainment and view of the general public and not for the production of cannabis for distribution to other facilities, and 2) the proposed gift shop, conducting adult use sales of cannabis products, is not signed or marketed separately from the museum activity and is not open for sales when the museum activity is not in operation.

Please note that the Office of Cannabis has not yet formally established a permit for accessory cannabis retail. Therefore, such a permit must be created, and the business must obtain such a permit demonstrating that the accessory cannabis retail is accessory to another activity on the same premises, before an accessory cannabis retail use may be authorized under the Planning Code.

If the criteria above are met, then the cannabis retail activity within the proposed museum is considered an accessory use at the site and is not subject to Planning Code requirements applying to Cannabis Retail as a

Principal or Conditional use. This includes the location requirements prescribed in Planning Code Section 202.2 (e.g. 600-foot buffer). If the criteria above are not met, then the sale of cannabis on-site may only be conducted as a separate Principal or Conditional use and would be subject to the location requirements prescribed in Planning Code Section 202.2. As of the writing of this letter, any principal Cannabis Retail use at 145 Jefferson Street would not be compliant with the location standards of Section 202.2 because it is within 600 feet of 2627 Taylor Street, which contains a Cannabis Retail use licensed by the Office of Cannabis.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: An appeal may be filed with the Board of Appeals within 15 days of the date of this letter if you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator. Please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475, call (628) 652-1150, or visit www.sfgov.org/bdappeal.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Michael Christensen, Senior Planner
Claudine Asbagh, Principal Planner, NE Quadrant

BRIEF SUBMITTED BY THE APPELLANT(S)

September 29, 2022

ELECTRONIC MAIL ONLY (BOARDOFAPPEALS@SFGOV.ORG)

San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103

Re: Appeal No. 21-088
Grassy Grove, LLC vs. ZA
Appeal of Letter of Determination for 145 Jefferson Street
Record No.: 2021-001699ZAD)
Our File No.: 521238.0001

Dear Board of Appeals:

This letter brief is submitted on behalf of Appellant Grassy Grove, LLC in the above-referenced appeal of the Zoning Administrator's Letter of Determination (LOD) re 145 Jefferson Street.

I. The Appeal Is Moot Since the LOD Request Is Being Withdrawn

As an initial matter, we are informed that the applicant of the LOD (i.e., the determination holder), Enso Management Company, no longer has any interest in the property located at 145 Jefferson Street and is not pursuing the use described in the LOD and wishes to withdraw the request for an LOD. Enso does not own or lease said property, indicates the property is not available and does it have a business license to operate there. We are informed that Mark Vargas of Enso has asked the property owner to confirm that the location is not available and the proposed cannabis museum is not going forward.

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As such, we believe that the LOD should be declared moot and depublished given that the request is being withdrawn and proposed use is not being pursued at this site.

II. The Appeal Should Be Upheld for the Reasons Stated

The main basis of this appeal is that the LOD essentially creates a giant loophole in San Francisco's cannabis regulations. Were Cannabis Retail be allowed to constitute an Accessory Use, it would be exempt from many of the controls placed on all other Cannabis Retail businesses in San Francisco. As such, existing (and prospective) cannabis retailers who have complied with all rules, would have to compete with rival businesses that may largely be masquerading as cannabis retailers under the veil of a different primary use, such as the proposed "museum." One can imagine an art gallery, or other similar cultural space, proposing to have a Cannabis Retail accessory use that could sidestep compliance with the City's regulations providing and unlevel and inequitable playing field for cannabis retailers.

A. The Land Use Analysis for Accessory Sales Is Flawed

Zoning Administrator Teague argues in the LOD that if a cannabis retailer meets the criteria for accessory use, i.e. uses only a portion of the premises' square footage: "then the cannabis retail activity...is not subject to Planning Code requirements applying to Cannabis Retail as a Principal or Conditional use. This includes the location requirements prescribed in Planning Code Section 202.2 (e.g. 600-foot buffer)."

The problem with this conclusion is that there is no such thing in the SF Planning Code as "cannabis retail activity" that is not "Cannabis Retail." If an operator sells cannabis on-site, it is a Cannabis Retailer -- and a Cannabis Retailer is subject to the restrictions thereon.

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Planning Code Sec. 102: “*Cannabis Retail. A **Retail Sales and Service Use that sells or otherwise provides cannabis** and cannabis-related products...This use is **subject to operating and location restrictions** set forth in Section 202.2(a).*” [Emphasis added]

Police Code Sec. 1602: ““*Cannabis Retailer*” means **a fixed place of business where Cannabis and/or Cannabis Products are Sold** to Customers.” [Emphasis added]

It is our view that any “cannabis retail activity” is “Cannabis Retail” activity, subject to all the same regulations and restrictions regardless of its square footage, or whether it is accessory, principal, or conditional. But even if one were to concede Mr. Teague’s point, the matter still lands back at the Office of Cannabis.

B. The Office of Cannabis Cannot Approve Accessory Sales

The Board of Supervisors’ original 2017 cannabis legislation specifically carved out Cannabis Retail as subject to stricter regulation regarding accessory use, adding this to Planning Code 204.3(a):

***Limitations on Cannabis Retail Accessory Uses.** The sale of cannabis as an accessory use is subject to any applicable limitations or regulations imposed by the Office of Cannabis. Cannabis Retail is not permitted as an Accessory Use unless the Cannabis Retail establishment holds a permit from the City’s Office of Cannabis specifically permitting Cannabis Retail accessory to another activity on the same premises.*

This is a restriction, not an authorization. It is a requirement imposed on Cannabis Retail that other potential retail accessory uses are not subject to, rather only the Office of Cannabis can permit it. However, the Board of Supervisors and the Mayor have not created such a permit anywhere in the Planning Code. As such, the Office of Cannabis has no legal authority to issue an accessory use Cannabis Retail permit.

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C. The Office of Cannabis and Board Should Not Approve Accessory Sales

The Board of Supervisors has not adopted legislation creating an accessory use Cannabis Retail permit. The LOD should not be used in the absence of such legislative direction.

Allowing a Cannabis Retailer to circumvent the anti-clustering, Social Equity, safety, access, or other regulations that other Cannabis Retailers must follow — simply because that Retailer operates inside a larger premises — would be counter to everything the Office of Cannabis has been working to build for the past five years.

It would be irredeemably unfair to existing retailers who were told they could count on some exclusivity in their immediate area. It would undermine the cause of Social Equity broadly, and the actual businesses of Social Equity Applicants specifically. It would be counter to the Board's, the Mayor's, and the community's goals in creating San Francisco's cannabis regulations. And it would send a message to everyone who has worked so hard to follow the rules that the faith they placed in the City was wrong. Someone else bypassed those rules. Someone with more square footage, more money, more access, snuck in through the side door.

For instance, consider the Social Equity Applicants who signed leases in early 2018. They worked with lawyers, created partnerships, cobbled together the money they needed. And when applications opened in May of 2018, they were denied the opportunity to open their business because someone within 600 feet beat them to it. Who wants to tell them the 600 foot rule does not matter anymore? Who wants to let them know, that years later, someone else is getting the opportunity they did not?

III. Summary of Reasons to Grant the Appeal

In summary, the appeal should be granted for the following four reasons:

First, the LOD wrongly classifies the cannabis dispensary as an "accessory use" (SFPC § 102). It is a principal Cannabis Retail use. It is not "necessary, incidental or subordinate" to the proposed "museum" use. For example, the general public can access the dispensary without buying a museum ticket; the museum lobby doubles as a security screening area for the dispensary; and will generate far more income than museum ticket sales. In essence, the museum use is a front for the Cannabis Retail use.

The LOD also underestimates the space devoted to cannabis manufacturing by over 2,400 square feet. Areas devoted to growing, processing and display of cannabis products for sale are part of the Cannabis Retail use since they are part of the dispensary operation. Claims that the "primary" intent of the gift shop or showrooms are part of the museum use are misleading and unenforceable. The LOD wrongly classifies the proposed primary use as "general entertainment" under SFPC § 102, instead of what it is: Cannabis Retail.

Second, the licensed cannabis dispensary proposed to be part of the museum gift shop does not – and must – abide by the location controls of SFPC § 202.2, including, but not limited to, the 600-foot buffer between Cannabis Retail establishments. The proposed dispensary is within 150-feet from an existing, licensed dispensary, SeaWeed SF, in clear violation of existing standards.

Third, as noted above, allowing this dispensary as an "accessory use" circumvents the carefully crafted regulations and policies that all other cannabis retail establishments must abide

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by including location limits, social equity rules and safety requirements; undermines the investments made by primary use operators; and would create a huge loophole in the regulations. (See SFPC §§ 102, 202.2(a), 204.3(a) [limiting cannabis retail accessory uses]; SF Police Code § 1602.)

Fourth, the City has no regulations for “accessory” cannabis retail use, and must first approve such regulations before allowing accessory cannabis uses. (SFPC § 204.3 [no Cannabis Retail as accessory use without Office of Cannabis permit; no such permit has been created by SF Board of Supervisors.] The LOD should not create a new path to circumvent a use (i.e., accessory cannabis retail use) that does not exist in the Planning Code.

For the reasons stated herein, we respectfully request that the appeal be granted.

Sincerely,

FENNEMORE WENDEL



Todd A. Williams

TAWI/tawi

cc: Julie Rosenberg
Alec Longaway
James Abrams (jabrams@jabramslaw.com)
Romwald (Ray) Connolly (ray@castroplace.com)

THE DETERMINATION HOLDER DID NOT SUBMIT A BRIEF