
Legislative Review: BOS File #220971 – Planning Code - Gates, Railings, and Grillwork Exceptions for Cannabis Retail Uses and Existing Non-Residential Uses

Name: Safai

Date Introduced: 9/13/2022

Date Referred: 9/22/2022

Scheduled for BOS Committee: Land Use and Transportation Committee

Legislative Overview: This legislation would exempt Cannabis retail businesses from the 75% transparency requirements associated with gates/railings/grillwork. It would also grandfather in existing retail businesses that are not currently compliant with the transparency requirements.

Existing law:

Under current Planning Code, all street frontages in neighborhood commercial, commercial, residential-commercial, and mixed-use districts must maintain a 75% transparency requirement (including when the business is closed) in order to create an attractive streetscape. Rolling or sliding security gates should be mesh or contain open grillwork, not be a solid piece of material. The current exception to this requirement is for historical buildings.

Amendments to Current Law

Proposed changes: This legislation would exempt Cannabis retail uses from the 75% transparency requirement, allowing them to utilize opaque materials on gates or grillwork that are to be used when the business is closed.

- If the Cannabis business permit is revoked, or the business is abandoned or ceases to operate, this exemption no longer applies and the grillwork/gates should be removed.
- New Cannabis retail uses may install grillwork/gates that do not meet the transparency requirement but must include a statement acknowledging the above requirements.
- This exemption expires three years after enactment.

This legislation would also make an exemption for existing retail uses that have not been discontinued or abandoned as of September 13, 2022. Grillwork/gates that are not exempt will be treated as noncomplying structures.

Legislative Intent:

Supervisor Safai's office heard several requests from Cannabis businesses regarding security concerns. Cannabis businesses can be targeted for vandalism, theft, or looting given potential cash on hand and

the value of cannabis products. As such, businesses have requested they be exempt from storefront transparency requirements in order to utilize the most secure gates/grillwork when their business is closed.

Recognizing that vandalism is an ongoing issue for many businesses, not just Cannabis businesses, this proposal grandfathers in already existing gates/grillwork that does not meet the City's transparency requirements.

Background

The SF Planning Department is currently only enforcing on active businesses and not on vacant storefronts as these violations are considered a low priority. Some businesses boarded up storefronts for security reasons during the pandemic and are now facing violations that can be costly to address.

Considerations

- Who benefits from or will be burdened by your proposal (geographically, ethnically, linguistically)? What are your strategies for advancing racial equity or mitigating unintended consequences?
- What was the development process of this proposal? Whose input have you sought out? What feedback did you hear and did you incorporate it into this proposal? If not, why not?
 - This legislation grew out of conversations with businesses who were receiving notices of violation for their gates/grillwork.
- Is this proposal punitive or enforcement based? What are the other alternatives for proactive compliance?
 - This proposal would decrease punitive measures on businesses that utilize non-transparent gates/grillwork etc.
- Given the diversity of San Francisco, how would this policy play out in different cultural settings? How does it accommodate cultural norms?
 - Some commercial corridors have utilized non-transparent gates for murals/art, which have improved neighborhood aesthetics.
 - In other places, like NYC, solid roll-down gates are being phased out because of a proliferation of graffiti (transparent gates are not conducive for graffiti).
- Should new businesses be included in this proposal?
 - The City's Planning Department has indicated that the transparency requirement is important to the aesthetics of a commercial corridor, and the Fire Department has indicated its preference for transparent grillwork/gates. As such, this proposal does not extend the exemption to new businesses.
- Which business districts are hardest hit by vandalism/crime? Would gates/grillwork assist them or would it further contribute to blight?
- Does commercial vandalism disproportionately impact BIPOC businesses, or neighborhoods with large BIPOC populations?
- SF Shines is currently the main way businesses could apply for storefront improvements. There is also a vandalism relief grant to support businesses after an incident occurs. Does the City need to do more to assist businesses aside from grandfathering rolldown gates? Are there other resources to offer or other strategies to consider?