



# San Francisco Office of Cannabis

Presented by  
Office of Cannabis and Planning Department

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# Agenda

- ▶ Accessory Use Cannabis Retail Permit Type
- ▶ What is it?
- ▶ Discussion Questions

## Accessory Use Permit Type:

- ▶ A Letter of Determination from Planning sets the stage for this conversation
  - ▶ The 600-ft buffer rule prescribed in Planning Code Section 202.2.
- ▶ An Accessory Use Cannabis Retail Permit type does not presently exist under Article 16 of the Police Code
- ▶ It would have to be legislated by the Board of Supervisors
- ▶ Today's discussion is to help inform the creation of an Accessory Use Cannabis Retail Permit if it were to be legislated

# What is Accessory Use?

## Planning Code Section 102:

Accessory Use: 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. Accessory Uses are regulated by Sections [204](#) through [204.5](#) and Sections [703\(d\)](#), [803.2\(d\)](#), [803.3\(b\)\(1\)\(C\)](#), [825\(c\)\(1\)\(C\)](#), and [986](#) of this Code.

## Planning Code Section 204.3:

- ▶ (a) Commercial, Residential-Commercial, PDR, and M Districts. An Accessory Use to a lawful Principal or Conditional Use is subject to the following limitations:
  - ▶ (1) Floor Area Limitations. 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.
  - ▶ (2) Noise and Vibration Limitations. Any noise, vibration, or unhealthful emissions may not extend beyond the premises of the use.
  - ▶ (3) 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.

## What is Accessory Use? (Continued)

The Planning Department must determine that a proposed activity is appropriate, incidental, and subordinate to a Principal Use for the activity to be an Accessory Use. It is not automatic.

### Examples:

- ▶ A Restaurant that serves alcohol is not a Bar Use
- ▶ A small office in a Warehouse that serves to manage the Warehouse is not a separate Office Use, it's part of the Warehouse
- ▶ Conducting limited delivery sales from a Cannabis Retailer is a typical Accessory Use. 'Parcel Delivery Service' uses are not allowed in NC Districts, but Cannabis Retailers may still conduct delivery sales as an Accessory Use.

## What is Accessory Use? (Continued)

- ▶ Planning will require a Letter of Determination to substantiate the project meets the definition of Accessory Use.
- ▶ Planning retains discretion over all permits and will not approve an operation that does not meet the technical requirements and intent of Accessory Use.

# Accessory Use Cannabis Retail Permit Type

## ► Factors to Consider:

### ► Scope of the Permitted Activity

- Per Planning's LOD, accessory uses must be appropriate, incidental and subordinate to the Principal use.
- A business with an Accessory Use permit cannot operate on its own hours apart from the Principal Use; it cannot market itself independently
- Accessory Use Cannabis Retail Permit ≠ Cannabis Storefront Retail Permit; it must be more limited

# Accessory Use Cannabis Retail Permit Type

## ► Factors to Consider:

- What should this permit type allow to be sold?
  - Only products produced on-site?
  - Only products using the company's brand, prohibiting external products?
  - White labeled products only? (White labeling is when a product or service removes its brand and logo from the product and instead uses the branding requested by the purchaser)
  - Only equity products?
  - All products available at a dispensary with a Storefront Retail permit?



## Questions to Discuss & for Community Input

1. If legislated and created, what should it look like?
2. What role should equity play in the creation of such a permit type?