



# GUIDE TO CANNABIS RELATED LAND USES

## GENERAL PLANNING INFORMATION HANDOUT

APRIL 2018

This document provides general guidance on the process for establishing certain land uses related to cannabis businesses and is principally focused on compliance with the Planning Code. All projects are also subject to review and approval by other City Departments and agencies, including the Department of Building Inspection and the Fire Department. Please contact those Departments for information on specific requirements for your business. Additionally, all cannabis businesses must be permitted by the Office of Cannabis under Article 16 of the Police Code. Please contact the Office of Cannabis prior to any investment to ensure you are eligible to seek a permit and operate a cannabis business in San Francisco.

**Español:** Si desea esta información en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您想用中文獲取這些信息，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung nais mo ang impormasyong ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

## INTRODUCTION

As part of the legislative amendments associated with the passage of Proposition 64, many types of Cannabis related business activities were reclassified under the Planning Code or were classified and made permissible for the first time. As a new or pre-existing business in San Francisco, you must ensure that the specific business activities you are engaging in at sites in San Francisco are permitted by the [Planning Code](#). Consistency with the Planning Code is required prior to permanent permits being issued by the Office of Cannabis for your business to operate in the City

For storefront operations, including Medical Cannabis Dispensaries and Cannabis Retail establishments, we strongly recommend that you consult with Planning Department staff at the [Planning Information Center](#) (PIC) to understand the requirements for those uses. [PIC](#) staff can also answer any questions you have regarding non-storefront uses, and we hope this letter serves to clarify the process of legally establishing these land uses at a particular site.

## NON-STOREFRONT CANNABIS USES UNDER THE PLANNING CODE

Activity	Office of Cannabis Permit	Planning Code Land Use Category	Equivalent State License Types
Cultivation	Cannabis Cultivation Facility	Industrial Agriculture	Type 1A, Type 2A, Type 3A, Processor
Manufacturing using Volatile Organic Compounds	Cannabis Manufacturing Facility	Agriculture and Beverage Processing 2	Type 7
Manufacturing NOT using Volatile Organic Compounds	Cannabis Manufacturing Facility (NOT using any VOCs)	Light Manufacturing	Type 6, Type N, Type P, Type S
Testing Products	Cannabis Testing Facility	Laboratory	Type 8
Distributing Products at Wholesale	Cannabis Distributor	Wholesale	Type 11, Type 13
Dispensing Medical and/or Adult Use Cannabis by Delivery Only	Delivery-Only Cannabis Retailer	Parcel Delivery Service	Type 9

## ESTABLISHING LAND USES AT YOUR SITE

To legally operate at a particular site in the City, and as part of your Cannabis Business Permit Application process, you must obtain a building permit from the Department of Building Inspection to establish each land use at your site.

### *Example:*

A business owner wants to lease a site where they plan to conduct multiple cannabis business activities, including cultivating cannabis, manufacturing cannabis products without using Volatile Organic Compounds, and selling products directly to consumers by delivery after being tested and distributed by a third party. Under the Planning Code, the business would conduct the following land uses: Industrial Agriculture, Light Manufacturing, and Parcel Delivery Service (per the table above).

To establish or legitimize the land uses at your place of business, you need to obtain a building permit which explicitly establishes your land uses at the site. From the example above, the operator would need to obtain a building permit with a project description of ‘establish Industrial Agriculture, Light Manufacturing, and Parcel Delivery Service uses.’ The project description would also need to include any physical modifications that are necessary to conduct these activities on the site, such as building new walls or ventilation systems at the site. Any work previously conducted without the benefit of a permit must also be included in the permit scope.

## **FILING A BUILDING PERMIT APPLICATION**

If you are a new cannabis business or an existing operator seeking to expand your operations, you must start your application for an Article 16 Cannabis Business Permit with the Office of Cannabis prior to submitting an application for Building Permit. Once the Office of Cannabis deems you eligible and you complete the first phase of your application, the Office of Cannabis will then refer you to the Department of Building Inspection to submit your application for your Building Permit(s). For existing sites holding temporary authorization from the Office of Cannabis, you can file your permit applications now by attaching your temporary authorization to your Building Permit Application.

To file a Building Permit Application, submit an application for a Building Permit to the [Department of Building Inspection](#) (DBI), located at 1660 Mission Street. Plans which meet the [Plan Submittal Guidelines](#) are required as part of any application to change or establish a land use. Your permit will also be reviewed by other City Departments, including the Department of Building Inspection (DBI) and the Fire Department, and they may require additional information prior to acceptance or approval of your permit. Plans generally must be prepared by a licensed architect in order to be accepted. Large format 24" x 36" plans are generally required, but in some cases reduced size 11" x 17" plans may be accepted at the discretion of DBI and Planning Department staff. In any case, plans must be sized to be easily readable.

## **DETERMINING IF YOUR ACTIVITY IS ALLOWED**

In order to obtain a permit to conduct a specific activity on a site, the proposed activity must be allowed under the Planning Code for the respective Zoning District. The Planning Code designates Zoning Districts throughout San Francisco, and each district has different allowed uses. In general, uses can be 'NP' (Not Permitted), 'P' (Permitted, possibly subject to [Neighborhood Notification](#) and/or [Discretionary Review](#)), or 'C' ([Conditional Use Authorization](#) required). Additionally, if a use is not listed, it is not a permitted use in the district. You can determine if your uses are allowed at your site by looking it up on the [Property Information Map](#) and clicking the Zoning District on the 'Zoning' tab. The Zoning Control Table lists allowed uses for the district. For questions about the Planning Code, please contact the [Planning Information Center](#) for assistance.

If your specific activity requires a Conditional Use Authorization (CUA), that process must be completed prior to approval of any permit for your use. Particularly for existing uses which have strict deadlines for state licensing, such as cultivators that hold temporary permits from the Office of Cannabis, we strongly recommend that you begin the process of legitimizing your uses immediately as these entitlements require a public hearing before the [Planning Commission](#) and this process can take some time. For existing sites holding temporary authorization from the Office of Cannabis, you can file your permit applications now by attaching your temporary authorization to your application for building permit.

## **CANNABIS SALES AS AN ACCESSORY USE**

Planning Code Section 204.3 specifically prohibits the sale of cannabis as an accessory use to a non-cannabis use. This means that a general retailer (e.g. a corner grocer) cannot begin the sale of cannabis products at their retail location without first adding Cannabis

Retail as a principal land use at their location and complying with the location and permitting requirements of the Planning Code. Currently, no storefront cannabis sales may operate as an accessory use under the Planning Code.

The sale of cannabis by delivery may occur as an accessory use to a Cannabis Retail storefront, provided that the primary use of the space remains a storefront operation, and only after obtaining an authorization from the Office of Cannabis do conduct delivery sales. In many locations, particularly Neighborhood Commercial Districts, conducting only delivery sales (Parcel Delivery Service) is Not Permitted, so it is important to ensure that accessory delivery sales do not become the primary use of your space.

## **ADDITIONAL REQUIREMENTS**

Certain uses may have specific requirements to operate in San Francisco. For example, to operate an 'Agriculture and Beverage Processing 2' use, the use must operate within a completely enclosed building, with no openings other than fixed windows or exits required by law within 50 feet of any Residential District; additionally, no noise, vibration, or unhealthful emissions shall extend beyond the premises of the use. Generally, these standards can be found in [Planning Code Section 202.2](#).

Your project is also subject to review under the California Environmental Quality Act (CEQA). In most cases involving reuse of an existing structure, Department staff will prepare the required environmental review document as part of the review of your permit application. However, for large projects or projects with unique or sensitive conditions, you may be required to file an [Environmental Evaluation Application](#) for the project.

## **QUESTIONS AND ASSISTANCE**

If you have any questions regarding this process, please feel free to contact the [Planning Information Center](#). San Francisco Planning is happy to work with you to ensure that your establishment understands and meets the requirements of the Planning Code to establish your business in San Francisco.



## San Francisco Planning

**FOR MORE INFORMATION:**

Call or visit San Francisco  
Planning

**Central Reception**

1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**

FAX: **415 558-6409**

WEB: **<http://www.sfplanning.org>**

**Planning Information Center (PIC)**

1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**

Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.