



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Change Summary:

Haight Street NCD & Lower Haight Street Tobacco Paraphernalia Restricted Use District: Tobacco Paraphernalia Establishments

Case Number: Board File No. 09-0141

Initiated by: Supervisor Mirkarimi / Introduced February 3, 2009

Effective Date: August 10, 2009

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The Way It Was:

Tobacco Paraphernalia Establishments (commonly called head shops) were a new use category that was enacted in mid-2008. This use requires a conditional use authorization if a retail store sells *more than 15%* of merchandise that is classified as tobacco paraphernalia.

This applied in both the Haight Street NCD and in the NC-1 district along lower Haight.

The Way It Is Now:

The Ordinance did several things:

1. Reduced the threshold of 15% for a retail space to qualify as a tobacco paraphernalia establishment to a *zero-%* threshold for the Haight Street NCD and the NC-1 area on lower Haight Street;
2. Prohibited tobacco paraphernalia establishments in the Haight Street NCD;
3. Created a new Lower Haight Tobacco Paraphernalia Restricted Use District and made these establishments not permitted;
4. Lowered the abandonment period for this use in these districts to 18 months; and
5. Incorporated a 3-year sunset clause.

Link to signed legislation:

<http://www.sfgov.org/site/uploadedfiles/bdsupvrs/ordinances09/o0151-09.pdf>