

# FREQUENTLY ASKED QUESTIONS (FAQs)

## COMMERCIAL CANNABIS OPERATOR'S PERMIT



The following document contains a list of questions received through the City of San Bruno's [planning@sanbruno.ca.gov](mailto:planning@sanbruno.ca.gov) and [cannabis@sanbruno.ca.gov](mailto:cannabis@sanbruno.ca.gov) emails.

Questions Received in the Week of December 12, 2022

**Q: How is the 600' distance to a sensitive use measured?**

**A:** San Bruno Municipal Code Section 12.300.070(D) states that "The distance between any commercial cannabis operation and any sensitive uses shall be measured in a straight line, without regard to the boundaries of the City and intervening structures, from the nearest property line of the site containing the commercial cannabis operation to the nearest property line of the sensitive uses." So, the measurement is property line to property line. If a parcel of land has multiple uses, the distance is not measured from the leased space that is a sensitive use to the property line of the property of the proposed cannabis business.

**Q: How is the 600' distance to a sensitive use measured at the Shops at Tanforan?**

**A:** In the case of The Shops at Tanforan, the distance is measured from the perimeter of any individual lease space or store and not the property line for the overall property.

**Q: A property I am considering appears compliant per the PDF map on the city website, however, it looks like there is a nearby sensitive use site in a neighboring community (e.g., Millbrae or South San Francisco) that is approximately 400 ft away from the subject property. Would this be a compliant property?**

**A:** Staff cannot provide any approvals or reviews of potential locations. Noted on the map on our Cannabis Regulations & Permitting site, all potential Commercial Cannabis Operators shall conduct their own research for Sensitive Use Sites at time of application submittal. Sensitive uses may be in neighboring communities and need to be considered in selection of a potential location.

**Q: Is there a distance requirement between two cannabis retailers?**

**A:** No, there is no distance requirement between two cannabis retail stores.

**Q: Can a location in the Cannabis Qualifying Zones operate both retail and distribution?**

**A:** No, commercial cannabis operators cannot operate both retail and distribution services. Pursuant to San Bruno Municipal Code 12.300.080, no cannabis distribution facility shall conduct or permit to be conducted any retail sales of cannabis or cannabis goods or services to the general public on or from the business site." Cannabis retail stores are only permitted in the following zones: C-B-D, MXR, TOD1, TOD2, and P-D. Cannabis distribution facilities are only permitted in the M-1 Zone (north of I-380).

**Q: Does the City of San Bruno offer any fee waivers for the Commercial Cannabis Operator's Permit applicants?**

**A:** At this point in time, the City of San Bruno does not offer any fee waivers for the Commercial Cannabis Operator's Permit. The required deposit is necessary to cover staff or consultant time in reviewing the application.

**Q: Does Forest Lane Park qualify as a sensitive use site?**

**A:** As defined in San Bruno Municipal Code Section 12.300.020, a park is defined as "a playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on City, county, or state parks". Forest Lane Park includes play amenities and a basketball court and would be considered a sensitive use, and a 600' distance would be required. Please note that "Park" does not include small "pocket parks," such as Posy Park.

**Q: How many parking spots are required per/sf for a commercial cannabis business?**

**A:** Commercial cannabis sales is considered a retail use. If the site being purchased or leased was previously a retail commercial business, no additional parking would be required. If the proposed business will be converting a less intense buildings, such as warehouse with a small office, parking or parking fees may be required. Parking requirements will be considered during the Conditional Use Permit process.

**Q: I am a property owner that has been approached regarding the potential leasing of my property for a Commercial Cannabis Operation. What is my role in the permitting process?**

**A:** As the property owner, you may be asked, upon your consent and agreement, to provide a signed Letter of Intent to Lease as part of the Commercial Cannabis Operator's Permit (CCOP) Application Process. The application process will also require that you sign the CCOP Application, a Property Owner Authorization Form, and a Planning Application Form for a potential Conditional Use Permit.

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**Questions received 12/12 - 12/16**

**Q. Does the City have a specific form to use for the Property Owner Consent Form? Are applicant required to develop our own statement/language for the Property Owner to execute and notarize?**

**A:** As required by projects that go through the permitting process, the City requires that applicants complete and return a Property Owner Authorization Form. This form can be at this link: <https://www.sanbruno.ca.gov/DocumentCenter/View/266/Property-Owner-Authorization-Form-PDF?bidId=> for Lease Agreements and "Letter of Intention" to

Lease, the applicant and the property owner are required to develop their own statement/language.

**Q. PDF File #3 requires Background Check Documentation, but we do not see anywhere in the application materials that directs applicants to the background check process. How do we complete the background check process?**

**A:** Background checks will occur after applications are received. Applicants may be selected to move forward in the CCOP process upon successful initial screening. Page 4 of the CCOP application will be forwarded to Police Department who will contact successful applicants and conduct the background checks.

**Q: What is the City considering as Tax Compliance? Is a Federal Tax ID Number (EIN) sufficient for this requirement? Are applicants required to register our business and obtain a local business license with the Finance Department?**

**A:** Cannabis distributors and retailers are required to register for a California Department of Tax and Fee Administration (CDTFA) seller's permit. The Cannabis Excise Tax form the CDTFA provides can be used as proof. Applicants selected by City Council for a Commercial Cannabis Operator's Permit will need to be approved for a Use Permit by the Planning Commission before applying for a local business license with the Planning Division and Finance Department.

**Q. What is the City considering Proof of Insurance? Are applicants required to have an active policy or is a Letter of Intent with an insurance company sufficient?**

**A:** A letter of intent would be sufficient for the COOP process.

**Q: The city's website it mentions parks as a sensitive use but says that "pocket parks" are exempt. Does the city have a definition for what makes a pocket park?**

**A:** Although the City does not have a definition for what makes a pocket park, we can refer to the list of small parks as provided by the Community Services Department. Because Posy Park, at 0.5 acres, is considered a "pocket park", we can consider any other park and open space facilities of equal or lesser size to be a pocket park as well. See also the response for Forest Lane Park, above.

Please see page 5 of the link for the entire list of small parks/tot lots:  
<https://sanbruno.ca.gov/DocumentCenter/View/1053/Adopt-A-Park-PDF?bidId=>

**Q: Is the city allowing more than one cannabis retail application to be submitted at the same location (e.g., by different operators/owners)?**

**A:** Yes, more than one cannabis retail applicant may apply for the same location.

**Q. How will the City address potential change of owners after a cannabis retailer is up and running? As far as I can tell, it's not addressed in the code.**

**A.** Section 4.70.170 (as found in ordinance 1931) outlines the process for transferring an operator's permit. A new operator's permit application and fee are required. The permit and request for transfer is evaluated by the City Manager.

**Q. Is there a final version of the legislation somewhere online? All I've found is the version recommended by Planning in August. Was it amended by Council thereafter? The online SBMC does not appear updated to reflect this legislation.**

**A.** The San Bruno Municipal Code has been updated to include Ordinance 1930 and Ordinance 1931 which were adopted by the San Bruno City Council on October 11, 2022. The Cannabis Regulation & Permitting webpage also includes the City Council Public Hearing Adoption Ordinance & Procedures from the October 11 meeting.

**Ordinance 1930:** Adds Chapter 12.300 COMMERCIAL CANNABIS OPERATIONS to Article III of Title 12; Amends 12.96.150 M-1 industrial district; Amends 12.96.190 P-D planned development district; and Amends 12.280.020 Permitted uses.

[https://content.qcode.us/lib/san\\_bruno\\_ca/alerts/documents/ordinance\\_1930.pdf](https://content.qcode.us/lib/san_bruno_ca/alerts/documents/ordinance_1930.pdf)

**Ordinance 1931:** Amends 3.18.010 Imposition of tax; Amends 6.59.010 Definitions; Amends 6.59.020 Prohibition of commercial cannabis activities; and Adds Chapter 4.70 COMMERCIAL CANNABIS OPERATOR PERMIT

[https://content.qcode.us/lib/san\\_bruno\\_ca/alerts/documents/ordinance\\_1931.pdf](https://content.qcode.us/lib/san_bruno_ca/alerts/documents/ordinance_1931.pdf)

**Q. The property I am interested in is located outside the Cannabis qualifying zones, but it is more than 600 feet away from a sensitive use site. Would this site be eligible for Cannabis retail sales?**

**A.** No, all commercial cannabis uses must be located within the cannabis qualifying zones. To view where the cannabis qualifying zone boundaries are located, please refer to the map found in the Cannabis Regulation & Permitting webpage. The applicant is responsible for identifying any sensitive uses within 600' of the site.

**Q. I am trying to interpret the code in reference to the required lobby. Does the lobby need to be secured from the retail floor or can it be an open floor concept lobby?**

**A.** Although the Commercial Cannabis Operations code does not explicitly state whether the lobby should be enclosed or open, the City prefers a lobby secured from the retail floor. Pursuant to Ordinance 1930, section 12.300.090(A), the purpose of the lobby (or other receiving areas satisfactory to the City) is to receive persons into the site and to verify whether they are allowed in the retail customer area. A securely enclosed lobby will better prevent unauthorized entrance into areas containing cannabis or cannabis products and deter and prevent the theft of cannabis or cannabis products. Applicants interested in an open floor concept lobby must provide details on how the retailer will receive customers and prevent unauthorized entrance and theft.

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Questions received 12/31 - 1/6

**Q. I did not see specified hours of operation for cannabis retail storefronts in the City's cannabis ordinance. Will cannabis retail storefronts be permitted to operate during the State permitted hours (6:00 AM to 10:00 PM)?**

**A.** Hours of operation shall be determined by the conditions set forth in the Conditional Use Permit. This standard applies to both Commercial Cannabis Retailers and Commercial Cannabis Distribution Facilities.

**Q. The City cannabis ordinance requires perimeter fencing (SBMC §12.300.100(A)(1)). By requiring perimeter fencing, does the City mean (i) that a fence surrounding the applicant's entire property is required, or (ii) only fencing surrounding a portion of the property, such as the secure delivery loading area required by SBMC §12.300.090(B)?**

**A.** Any fencing that is needed or recommended will be reviewed in conjunction with the security plan and as part of the Conditional Use Permit process. Since each property will be unique, with some properties being stand-alone businesses and others retail spaces in the downtown area, the ability to provide fencing and the need for fencing will vary.

**Q. The Application Criteria calls for "location and procedures for receiving deliveries during business hours," but nothing in the Ordinance states whether or not deliveries can be received outside of business hours. Is there an hour restriction for receiving deliveries?**

**A.** There is no restriction on hours for receiving deliveries. Delivery/transport plans and/or routes are required with the Conditional Use Permit and will be reviewed in conjunction with the security plan. This standard applies to both Commercial Cannabis Retailers and Commercial Cannabis Distribution Facilities.

**Q. For qualifying properties in the area covered by the Transit Corridors Plan, which parking requirements apply - the parking for General Retail under Table 12.100-1 in SBMC §12.100.030 (1 space per 300 square feet of floor area), or the Proposed Transit Corridors Plan Standard shown in Table 7.8: Transit Corridors Plan Parking Requirements (1.5 per ksf GFL minimum, 3 per ksf GFL maximum)?**

**A.** For qualifying properties within the Transit Corridors Specific Plan Area, the parking requirements in SBMC section 12.100.030 shall take precedent. However, it is important to note that if a retail business is moving into a retail tenant space with or without existing parking, there is not a requirement to provide parking if the retail parking is non-conforming or where the retail use is served by a city parking lot. Parking will be evaluated on a case-by-case basis as part of the Conditional Use Permit review process.

**Q. For a property in the Transit Corridors Plan area in which there is existing parking in excess of both the City's general retail standard under SBMC §12.100.030 AND the Transit Corridors Plan Standard, if the applicant does not plan on making any modifications to the parking area, will there be a fee charged for parking in excess of the maximum as suggested by the Transit Corridors Plan?**

**A.** No. This provision applies to new development where more than code required parking is desired.