

**DRAFT ORDINANCE PERMITTING
THE ESTABLISHMENT AND
OPERATION OF MEDICAL
MARIJUANA DISPENSARIES**

City Council Meeting

September 16, 2013

Richard D. Pio Roda, City Attorney

- Summary of Past City Council Actions & Directions
- Legal Update
- Summary of Ordinance
- Direction to Staff

CITY COUNCIL DIRECTION

- October 4, 2010: City Council passed a 45-day interim urgency ordinance
- November 15, 2010: Moratorium extended 10 months, 15 days to September 30, 2011
- February 28, 2011: City Council work session. City Council directed staff to prepare an ordinance prohibiting the establishment and operation of medical marijuana dispensaries

CITY COUNCIL DIRECTION

- May 16, 2011: City Council delayed action on an ordinance prohibiting the establishment of medical marijuana dispensary land uses
- September 6, 2011: City Council voted to extend the moratorium to September 30, 2012

CITY COUNCIL DIRECTION

- July 2, 2012: An ordinance providing for a ban with a sunset provision was continued.
- July 16, 2012: The City Council authorized the City Council Rules & Communications Committee to work with staff to prepare an ordinance to establish and permit the operation of medical marijuana dispensaries in the City
- November 7, 2012: City Council Rules & Communications Committee recommended to the full City Council a proposed DRAFT ordinance

CITY COUNCIL DIRECTION

- December 3, 2012: City Council reviewed a first draft of the ordinance. The City Council, by consensus, agreed to hold a City Council work session in February 2013 to receive public input on the draft medical marijuana dispensaries ordinance.
- February 12, 2013: City Council held a community meeting on the proposed draft ordinance

LEGAL UPDATE

- *Qualified Patients Association v. City of Anaheim*
- *City of Riverside v. Inland Empire Patient's Health and Wellness Center*
- *County of Los Angeles v. Alternative Medicinal Cannabis Collective*
- Department of Justice August 29, 2013 memo
- AB 604 (Ammiano)

Summary of Ordinance

- Provides regulations on the issuance of permits, operations, recordkeeping, security, signage, suspension, revocation and continuing operations.
- All regulations, including distance restrictions, comply with the 2008 California Attorney General Guidelines and are similar to the Cities of Oakland and Berkeley and Alameda County (1,000 ft. from sensitive uses; 500 ft. from residential zones; allowed only with a conditional use permit in industrial and commercial zones)

Summary of Ordinance cont.

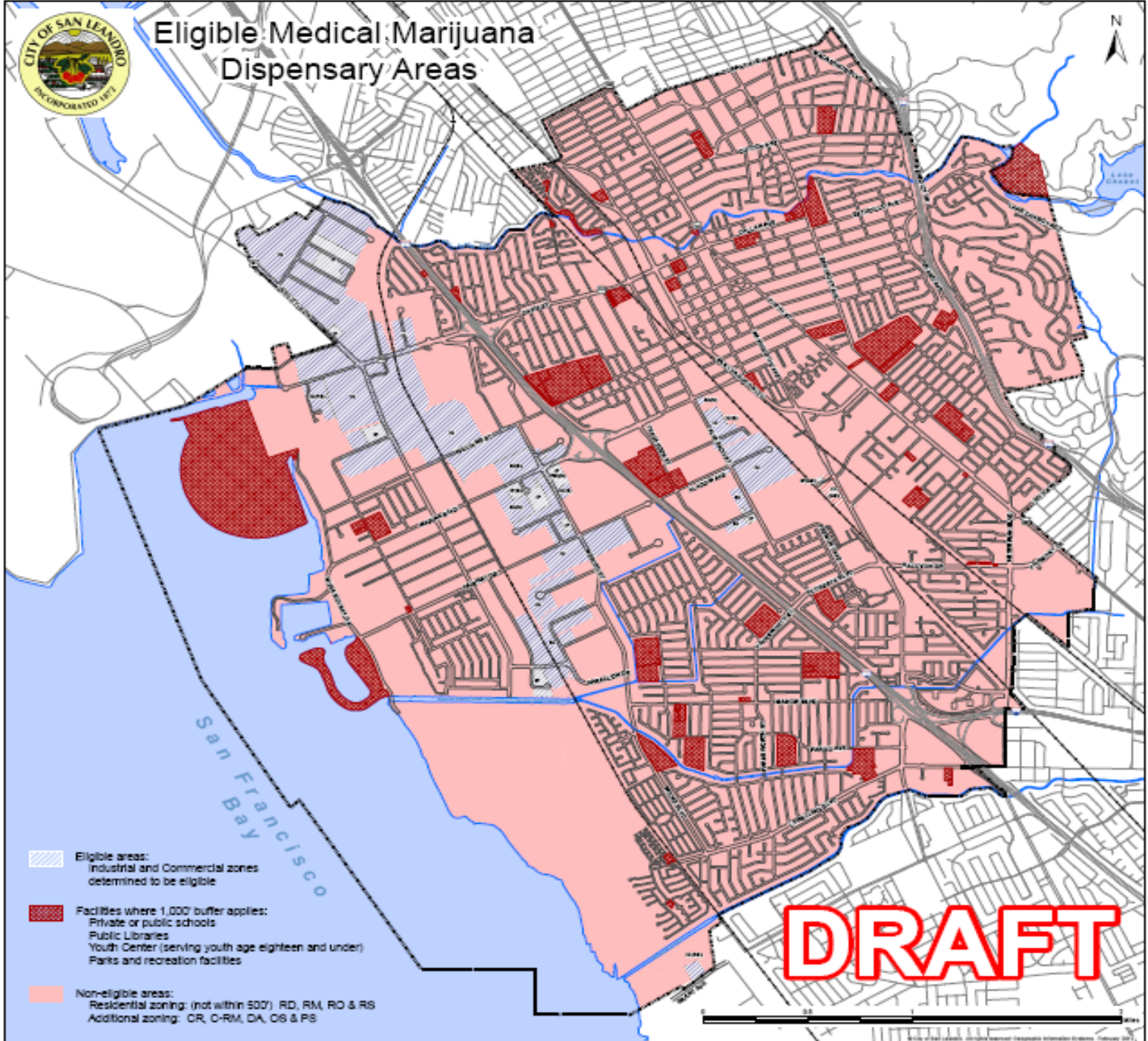
- Edible cannabis product preparation regulations are similar to City and County of San Francisco, as recommended by CCSF Dept. of Public Health
- City Manager may impose additional conditions to protect public health and safety
- Dispensaries may sell sales taxable items other than medical marijuana so long as the sale of such items does not cause a dispensary to violate its non-profit status




Summary of Ordinance cont.

- Growing and dispensing of a collective or cooperative's medical marijuana must be through a "closed loop system" i.e. the amount grown and dispensed must match the amount individual members may grow within the cooperatives' membership, whether grown on-site or other property of the cooperative.
- Fees (to be set by the City Council): Non-refundable application fee, Annual Permit Renewal fee, and Business License fee.



Eligible Medical Marijuana Dispensary Areas



-  Eligible areas:
Industrial and Commercial zones
determined to be eligible
-  Facilities where 1,000' buffer applies:
Private or public schools
Public Libraries
Youth Center (serving youth age eighteen and under)
Parks and recreation facilities
-  Non-eligible areas:
Residential zoning: (not within 500') RD, RM, RO & RS
Additional zoning: CR, C-RM, DA, OS & PS

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DIRECTION TO STAFF

- Develop Zoning Code amendments that allow medical marijuana dispensaries in the “I” and “C” Districts with a conditional use permit
- Review draft Zoning Code amendments with the Board of Zoning Adjustments
- Forward Board of Zoning Adjustments comments to the Planning Commission for its review and recommendation on the proposed Zoning Code amendments
- Schedule City Council hearing on the Zoning Code amendments and First Reading of the ordinance