



Medical Marijuana – Zoning Code Amendments

City Council
April 21, 2014



City Council Goals

Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride

Ordinance adopted December 2013

- One permit
- Public hearing with BZA for Conditional Use Permit (CUP)
- Locational parameters – 1,000 feet from sensitive uses; 500 feet from residential zones
- Hours limited to 9 am - 7 pm
- On-site preparation of edibles or other products allowed
- Permit application fees; annual permit renewal and Business License fees
- Marijuana sourced from members of dispensary in a “closed loop”

Extensive Public Process

- **October 2010** – Urgency Moratorium on marijuana dispensaries
- **November 2010** – Worksession on legal issues
- **February 2011** – Worksession on extending moratorium
- **May 2011** – Ordinance to prohibit dispensaries (failed)
- **September 2011** – Moratorium extended
- **June 2012** – Ordinance to prohibit dispensaries (passed)
- **July 2012** – Ordinance Second Reading is tabled; staff directed to work on new ordinance to allow a dispensary
- **November 2012** – Rules Committee reviewed ordinance
- **December 2012** – Action item directed staff to hold worksession
- **February 2013** – Special worksession at Senior Center
- **May 2013** – City Attorney Update on legal issues
- **November 2013** – City Council Review of Draft Ordinance
- **December 2013** – City Council Public Hearing – Ordinance Approved

Public Review of Zoning Code Amendments

- BZA supported proposed amendments, February 6, 2014
- PC hearing, February 20, 2014
 - Motion on staff recommendation *failed* 3-4
 - Motion to consider smaller-scale collectives/cooperatives, with up to 6 members, less permitting, and growing allowed
approved 5-2

Proposed Zoning Amendments

1. Definitions for Medical Marijuana and Medical Marijuana Dispensary
2. Allow with CUP in CC Commercial Community, IG Industrial General, IG(AU) Industrial General with Assembly Use Overlay, and IP Industrial Park, subject to:
 - Locational Parameters: 1,000 feet from sensitive uses and 500 feet from Residential zones
 - Hours Limited to 9 am to 7 pm
3. Parking requirements of 1 space per 200 square feet for sales; back areas, as determined per CUP

Staff Recommendation

- Adopt the findings that this item is exempt from CEQA under Section 15061(b)(3)
- Adopt the Ordinance amending the City of San Leandro Zoning Code in Article 3, Section 1-304 Definitions; Article 6, Section 2-606 CC Districts - Use Regulations; Article 7, Sections 2-706 IG District - Use Regulations, 2-708 IP District - Use Regulations, and 2-712 IG(AU) District - Use Regulations; and Article 17, Section 4-1704 Off-Street Parking and Loading Spaces Required