

**Excerpt of the Draft Minutes from the February 6, 2014 Board of Zoning Adjustments Meeting**

**Item 7A: Miscellaneous**

Information on proposed Zoning Code amendments to allow for a Medical Marijuana Dispensary in certain industrial and commercial districts with a CUP. (Barros)

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**Planner Barros** said this item updates the Zoning Code to implement the passage of City of SAan Leandro Ordinance 2013-020, the Medical Marijuana ordinance, which took effect on January 13, 2014. The proposal is being presented for BZA information and input prior to submittal to the Planning Commission on February 20, 2014. The Planning Commission's recommendation would then go to the City Council, tentatively scheduled for a public hearing at its meeting on March 17, 2014.

Planner Barros said definitions for medical marijuana and dispensaries in the proposed amendment reflect language in the ordinance itself. In addition, the basis upon which the dispensaries would be located also aligns with language in the ordinance, including the length of the buffer around sensitive uses. After considerable discussion, Council determined there would be buffers of:

- 1,000 feet between dispensaries as well as between a dispensary and public and private schools, public libraries, youth centers, parks and recreation facilities and places of worship
- 500 feet around residential zoning districts

**Planner Barros** referred to a color-coded PowerPoint slide indicating the resulting eligible areas for locating dispensaries, noting that zoning in those areas includes:

- Industrial General (IG)
- Industrial Park (IP)
- IG with an Assembly Use overlay (IG-AU)
- Commercial Community (CC)

**Member Daly** said he would prefer the 1,000-foot buffer also apply to residential districts, because dispensaries could create significant foot traffic and 500 feet isn't much distance. Noting the green areas on the map, **Vice Chair Palma** said she wouldn't want to see the ordinance any more stringent than it already is, because the eligible area for dispensaries is already very small, Planner Barros said she believed the radius around the schools was greater than from the residences.

**Planner Barros** said the Zoning Code also would specify dispensary hours of operation, 9:00 a.m. to 7:00 p.m. Monday through Sunday, and indicate that the dispensaries would be subject to performance standards specified in the San Leandro Municipal Code.

**Vice Chair Palma** expressed concern about the concept that a dispensary must be a collective that doesn't allow non-members, but does not indicate how one becomes a member. As she recalled Council discussions, these dispensaries should be available to people who may be visiting from outside the area and need to purchase medical marijuana. She referred to the concept of Harborside Health Center, which requires only an identification card that allows the owner to buy medical marijuana; it may be a cooperative, she said, but it has no membership fees or membership requirements. Mr. Pio Roda said state law requires dispensaries' form of organization to be cooperatives and collectives, and it's up to the cooperative or collective to determine how members are determined. Vice Chair Palma said from the language, it's unclear; it could be taken to mean people who go to a dispensary to buy medical marijuana

must be members. Mr. Pio Roda said that Council may consider clarification of this issue when the Council works on the operational standards for dispensaries.

**Vice Chair Palma** also suggested adding “doctor-recommended” might clarify the “serious medical condition” section.

**Chair Mendieta** asked about using the stalks of marijuana plants for hemp production, and suggested coordinating with dispensaries to use the stalks to manufacture rope and other purposes or otherwise encourage the industrial use of the stalks in San Leandro. Planner Barros explained that the mature stalks of the plant were excluded because they’re considered hemp, which are legally usable parts of the plant aside from the whole medical marijuana rubric. She also said hemp production would be a permitted use in either general industrial or food processing.

**Member Houston** said she did not consider hemp germane to include in the medical marijuana zoning discussion.

**Chair Mendieta** invited public comment.

**Denise Martellacci**, Panitz Street, Hayward, said she appreciated hearing about the interest in hemp, but marijuana for medical purposes is different. She said she thinks hemp for production is now imported from Canada, suggesting that it would be great to use the stalks of plants grown here for that. Part of the reason for being a member of a collective, she said, is that membership data would figure into the amount of cannabis a dispensary could keep on hand. Ms. Martellacci also said she believes state law specifies the 500-foot buffer zone between dispensaries and residential neighborhoods.

**Ms. Evans** said when someone parked in front smoking marijuana in the car, she called the police, but said the City doesn’t have anything to let citizens know what they ought to do in such situations.