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**Title:** Staff Report for Resolution Amending Resolution No. 2015-145 for City Council Approval of Minor Amendments to the Previously Awarded Medical Cannabis Dispensary Permit to Harborside San Leandro

**Sponsors:** City Attorney, Rich Pio Roda

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Staff Report for Resolution Amending Resolution No. 2015-145 for City Council Approval of Minor Amendments to the Previously Awarded Medical Cannabis Dispensary Permit to Harborside San Leandro

**SUMMARY AND RECOMMENDATIONS**

Staff recommends that the City Council approve staff’s recommendation for minor amendments to the conditions of approval for the Medical Cannabis Dispensary Permit that was awarded to Harborside San Leandro.

**BACKGROUND**

On September 8, 2015, the City Council took a historic action by awarding to Harborside San Leandro the City’s first medical cannabis dispensary permit. That permit contained particular conditions, to which Harborside San Leandro must adhere in order for it to operate lawfully. Following conversations with Harborside’s counsel that took place subsequent to the posting of the September 8<sup>th</sup> agenda, City staff determined that some minor technical changes to the adopted resolution would be necessary in order to align the City’s conditions of approval with relevant accounting and tax regulations that would be applicable to the dispensary’s contribution of funds to the City of San Leandro. These minor technical changes would not change the substance of the conditions, nor the fundamental obligations contained within those conditions, which were already reviewed and authorized by the City Council as part of its September 8<sup>th</sup> action. ~~Strike-through~~ language is what was previously approved, and the underlined language is the new language that will be part of the permit’s conditions.

“3. That said permittee [Harborside San Leandro] shall be subject to the following additional

conditions of approval:

a. ~~Permittee voluntarily commits~~ agrees to contribute 1% of its annual gross receipts to the City of San Leandro. ~~The contribution shall be net of any income tax liability or payment should it be found that such contribution is not deductible to permittee for income tax purposes;~~

b. ~~Permittee voluntarily commits~~ agrees to contribute 4% of its annual gross receipts to a Community Benefits Fund, at least 80% of which will be distributed to local San Leandro-based non-profit organizations through a community grants program. Permittee voluntarily agrees to appoint an oversight board, the membership of which shall be composed of a majority of San Leandro residents, who shall recommend to HSL which local San Leandro-based non-profit organizations should receive such funds;

c. ~~Permittee voluntarily commits~~ agrees to contribute 10% of its annual net income to the City of San Leandro." ~~The contribution shall be net of any income tax liability or payment should it be found that such contribution is not deductible to permittee for income tax purposes.~~

### **Fiscal Impacts**

None.

**PREPARED BY:** Eric Engelbart, Assistant to the City Manager, City Manager's Office