



Legislation Text

File #: 14-130, **Version:** 1

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 Related to a Medical Marijuana Dispensary (adds medical marijuana dispensary definition, use regulations, and parking requirements to the Zoning Code)

The City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. PURPOSE.

WHEREAS, in 1996 the voters of the State of California approved Proposition 215, codified as Health and Safety Code Section 11362.5 et. seq. and entitled “The Compassionate Use Act of 1996”; and

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of medical marijuana for specified medical purposes to obtain medical marijuana, and use it under limited, specified circumstances; and

WHEREAS, in 2002, the City of San Leandro adopted a new General Plan, which states that “the San Leandro General Plan aspires to reshape the industrial areas of West and Central San Leandro to meet the demands of the new economy.” Furthermore, the General Plan states that “the guiding objectives in the City’s large business districts are to promote business retention and diversification”; and to “locate the most intensive industrial uses in the areas that are furthest away from residential neighborhoods”; and

WHEREAS, the City of San Leandro Planning Division has been tasked with periodic updates to the Zoning Code; and

WHEREAS, in December 2013, the City Council of the City of San Leandro adopted Ordinance 2013-020, which allows for the establishment of one Medical Marijuana Dispensary, subject to selection and performance standards, which became effective on January 15, 2014; and

WHEREAS, the proposed amendments to the Zoning Code apply to a Medical Marijuana Dispensary; and

WHEREAS, the City has determined that the proposed amendments to the Zoning Code are exempt from environmental review under subsections (b)(2) and (b)(3) of Section 15061 of the CEQA Guidelines as a minor amendment of the Zoning Code to provide for a Medical Marijuana Dispensary use in the IG, IG(AU), IP and CC zoning districts with a Conditional Use Permit, because these amendments will not have a significant effect on the environment; and

WHEREAS, the final General Plan and the Zoning Code are incorporated herein by reference, and are available for review at City Hall during normal business hours.

SECTION 2. FINDINGS FOR THE ZONING CODE AMENDMENT. As required under state law, the City Council finds as follows:

a. The amendments pertaining to a Medical Marijuana Dispensary 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 are in general agreement with General Plan Policies 7.02, 8.02, 10.01 and 12.03, as further explained in the staff report associated with this ordinance.

b. The proposed Zoning Code amendments are internally consistent with the City's Zoning Ordinance. The amendments meet the requirements and standards of the Zoning Ordinance and the procedural requirements of Government Code sections 65856 and 65867, and Article 27, "Amendments," as required by sections 5-2708 and 5-2712 of the Zoning Code.

SECTION 3. ADOPTION OF THE ZONING CODE AMENDMENTS. Based on the entirety of the record, as described above, 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; are hereby amended, as set forth in Exhibit A, attached hereto and incorporated into this Ordinance by this reference.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.