



## Legislation Details (With Text)

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<b>Title:</b>	Staff Report for an Ordinance Amending Zoning Code Article 3, Definitions; Article 6, Commercial and Professional Districts; and Article 7, Industrial Districts; Involving Updates to Definitions and Regulations of Land Uses Involving Medical Cannabis.				
<b>Sponsors:</b>	Cynthia Battenberg				
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Staff Report for an Ordinance Amending Zoning Code Article 3, Definitions; Article 6, Commercial and Professional Districts; and Article 7, Industrial Districts; Involving Updates to Definitions and Regulations of Land Uses Involving Medical Cannabis.

### SUMMARY AND RECOMMENDATIONS

Staff requests that the City Council consider the revised ordinance amending the Zoning Code to be consistent with the Municipal Code. The proposal will replace the term “marijuana” with “cannabis” and remove the one thousand (1,000) foot separation requirement between medical cannabis dispensaries. The proposed changes reflect the Council’s action from its December 19, 2016 meeting.

### BACKGROUND

The City Council considered amendments to the Zoning Code related to cannabis at a public hearing during its December 19, 2016 meeting. At the hearing, the Council took action to separate the Planning Commission’s recommendation into two separate items for future consideration. The Council directed the proposed code consistency items to return for consideration on January 17, 2017 and to have staff return with additional analysis and information regarding the two proposed land uses, “Laboratories, Cannabis Testing Facilities” and “Industry, Cannabis Product Manufacturing” for consideration.

### Analysis

The amendments before the City Council will bring the Zoning Code into alignment with the Municipal

Code. The proposed changes are essentially code “clean-up” items that reflect prior changes approved by the Council for the Municipal Code. The use of the term “cannabis” has become standardized throughout state regulations. The proposal amends the Zoning Code by replacing the term “marijuana” with “cannabis” and eliminates the one thousand (1,000) foot distancing requirement between medical cannabis dispensaries, as currently codified in the Municipal Code. The definition of “Medical Cannabis Dispensary” has also been updated to delete a reference requiring edible products to be manufactured by members of dispensaries, in accord with recent State legislation under Assembly Bill 243 placing regulations pertaining to the production and labeling of edibles under the authority of the California State Department of Public Health. State regulations require all medical cannabis dispensaries to obtain City approval before a State license can be issued.

### **Previous Actions**

The City Council adopted Ordinance 2013-020 in December 2013, which allowed for the establishment of one medical cannabis dispensary subject to performance standards.

The City Council adopted Ordinance 2014-003 in April 2014, implementing performance standards for medical cannabis dispensaries, by amending the Zoning Code to enable the use of medical cannabis dispensaries.

The City Council adopted Ordinance 2016-007 in June 2016, allowing the establishment of a second medical cannabis dispensary.

The City Council adopted Ordinance 2016-013 in September 2016, allowing the establishment of a third medical cannabis dispensary and removing the requirement that a dispensary not be located within one thousand (1,000) feet from another dispensary.

### **Environmental Review**

The proposed Zoning Code amendments are exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines, as they constitute minor amendments to the Zoning Code necessary for consistency with the Municipal Code and state law. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment and thus are not subject to CEQA.

### **Planning Commission Review and Actions**

The Planning Commission considered the proposed amendments presented to the City Council on December 19, 2016 at its November 17, 2016 meeting and unanimously recommended City Council approval. Because the clean-up provisions in the revised Ordinance were reviewed and a recommendation was made by the Planning Commission, no further Planning Commission approvals are necessary. There were no public comments presented at the Planning Commission or received prior to the preparation of this report.

### **Fiscal Impacts**

The proposed ordinance will have no fiscal impact.

## ATTACHMENTS

- Draft Ordinance (16-710)
- Exhibit A, Article 3, Definitions, Proposed Changes
- Exhibit B, Article 6, Commercial and Professional, Proposed Changes
- Exhibit C, Article 7, Industrial, Proposed Changes

## PREPARED BY:

Andrew J. Mogensen, AICP  
Planning Manager