



## City Council Staff Report

DATE: January 21, 2015

LEGISLATION

SUBJECT: INITIATION OF AMENDMENTS TO THE CITY'S ZONING CODE REGARDING CULTIVATION OF MARIJUANA IN THE CITY AND TO ALLOW MEDICAL CANNABIS WITHIN COMMERCIAL AND/OR OFFICE ZONES IN THE CITY

FROM: David Ready, City Manager

BY: Douglas Holland, City Attorney

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### SUMMARY

The Council's Subcommittee on medical cannabis is recommending the City Council consider the adoption of two potential ordinances relating to medical cannabis. One of these ordinances would address the issue of cultivation of marijuana in locations other than within an approved medical cannabis co-operative or collective. The second ordinance would address the issue of allowing medical cannabis cooperatives or collectives within commercial and/or office zones. These ordinances are required to be reviewed and considered by the Planning Commission and the Subcommittee is recommending the Council refer these issues to the Planning Commission for its review and recommendations.

### RECOMMENDATION:

1. INTITIAE ZONE TEXT AMENDMENTS PURSUANT TO SECTION 97.07.01.A.1.6 OF THE CITY'S ZONING CODE FOR THE CULTIVATION OF MARIJUANA WITHIN THE CITY AND MEDICIAL CANNABIS COOPERATIVES OR COLLECTIVES WITHIN COMMERCIAL AND/OR OFFICE ZONES IN THE CITY AND REFER THESE AMENDMENT CONCEPTS TO THE PLANNING COMMISSION FOR HEARING, REVIEW, AND RECOMMENDATION.

### STAFF ANALYSIS:

The City currently regulates medical cannabis through zoning and locational requirements of the City's Zoning Ordinance and the operational requirements provided in Chapter 5.35 of the Municipal Code. Medical Cannabis Collectives and Cooperatives (MCCC) are only allowed in the City's industrial zones: the C-M, M-1-P, M-1, and M-2

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Zones. Certain locational requirements are provided in Section 93.23.15 of the Zoning Code. Cultivation of cannabis/marijuana is not specifically addressed in the Zoning Ordinance and a few cultivation requirements are provided as part of the City's regulatory program in Chapter 5.35. Cultivation is only allowed on the premises of each approved MCCC. The Council's Subcommittee on Medical Cannabis is recommending the City Council consider allowing additional cultivation approaches within the City. One approach would allow the approved MCCC's to separately or collectively operate one or more cultivation facilities off-site; that is, on property that is not being operated as a medical cannabis facility. It is contemplated that such facilities would be indoors, within an industrial or commercial building, managed by one or more of the permitted MCCC's and such facilities would not be used for the distribution of cannabis to patients or caretakers. A second approach would be to allow cultivation of marijuana as an agricultural use of land within a building on land where agriculture uses are allowed. Locational requirements and various development standards would also need to be considered.

The Subcommittee is also supportive of increasing the number of permitted MCCC's in the City. If it appears the Council would be willing to consider an increase, the Subcommittee would recommend the Council consider allowing medical MCCC's to be located in commercial and/or office zones the Council and Planning Commission deem most appropriate. For example, the Subcommittee would not recommend such use within the C-B-D, Central Business District Zone. The current locational requirements under the Zoning Code should also be revisited and considered for application to any proposal to allow MCCC's in any other Zone.

The Subcommittee is recommending that the land use and zoning issues identified in this report be referred to the Planning Commission for hearing, review, and recommendation in accordance with the provisions of the City's Zoning Code.

ENVIRONMENTAL ASSESSMENT:

An amendment to the City's Zoning Code is a "project" as defined by CEQA and will be environmentally assessed prior to or concurrently with its review by the Planning Commission and prior to submission to the City Council.

FISCAL IMPACT:

No fiscal impact.



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Douglas Holland, City Attorney



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David Ready, City Manager