



DATE: September 14, 2017

TO: Planning Commission

FROM: Planning Manager

SUBJECT: Proposed Zoning Text Amendment (Application No. 201705042) to Chapter 10 (Planning, Zoning, and Subdivisions) of the Hayward Municipal Code and Proposed Adoption of New Land Use Regulations pertaining to Medical and Adult Use Cannabis within the City of Hayward.

RECOMMENDATION

That the Planning Commission recommend to the City Council adoption of the Zoning Text Amendment to Chapter 10, Planning, Zoning, and Subdivisions, of the Hayward Municipal Code and to adopt new Land Use Regulations for Medical and Adult Use Cannabis for Personal Cultivation and Commercial Cannabis Businesses.

SUMMARY

In response to State mandated deadlines and Council direction, the Development Services Department and City Attorney's Office has drafted a new regulatory and land use ordinance to establish guidelines for personal cultivation and provide land use guidelines and development standards to allow the commercial cultivation, distribution, delivery, manufacturing, testing and retail dispensaries of cannabis land uses in the City of Hayward.

City staff is proposing a series of zoning text amendments, coupled with new land use guidelines that rely on the existing land use entitlement process, to permit the establishment of new commercial cannabis businesses in the City and regulate the placement of personal cultivation, consistent with State law. The existing Administrative Use Permit (AUP) and Conditional Use Permit (CUP) process contained in the Zoning Ordinance is sufficient to undertake the processing of land use approvals under these circumstances. Staff proposes to make the following text amendments to the Zoning Ordinance to accommodate commercial cannabis uses: (1) amend the Zoning Ordinance to include land use descriptions of commercial cannabis businesses; (2) amend provisions related to various commercial and industrial zoning districts to identify compatible cannabis land use types which are permitted outright or as an allowed use, subject to issuance of an Administrative Use Permit or Conditional Use Permit (CUP); (3) amend the Zoning Ordinance to include general regulations and special findings that must be made by the in order to approve a commercial cannabis business land use; and (4) amend the Zoning Ordinance to include general regulations pertaining to personal cultivation. The proposed zoning text amendments and land use

ordinance, included as Attachment II, must be reviewed by the Planning Commission prior to consideration by the City Council.

BACKGROUND

In 2015, the State passed three assembly bills (AB 243, 266, and SB 643) which established the state-level licensing and regulatory framework for medical cannabis (MCRSA) as well as created a new California Bureau of Medical Cannabis Regulation. On November 8, 2016, Proposition 64 was approved by California voters and authorized the use, possession, cultivation and processing of marijuana and its products for non-medical (or recreational) uses. As with previous legislation, Proposition 64 provides local agencies the ability to completely ban marijuana uses or allow those uses consistent with local policies and ordinances. The only exception is allowing the personal cultivation, possession and use of marijuana and prohibiting local agencies from banning the cultivation and processing of marijuana within an individual's personal residence or accessory building to the residence for up to six (6) plants. Following the passage of the Adult Use of Marijuana Act (AUMA) in November 2016, the State expanded the regulatory framework to include non-medical cannabis businesses. For the purposes of this report, the two legislative measures applicable to Hayward are referenced using the following acronyms:

- MCRSA (Medical Cannabis Regulation and Safety Act, AB 266, AB 243, SB 643), enacted January 1, 2016); and
- AUMA (Adult Use of Marijuana Act – Proposition 64), enacted November 9, 2016

On June 15, 2017, the legislature passed Senate Bill 94, which repealed MCRSA and incorporated certain provisions from MCRSA related to licensing of medical cannabis businesses into the licensing framework contained in the AUMA. The purpose of SB 94 is to establish a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products and adult-use cannabis and adult use cannabis products. The new consolidated regulatory framework is known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which is administered and enforced by the Bureau of Cannabis Control within the Department of Consumer Affairs.

The State allows local licenses for commercial medical marijuana businesses to be issued now, but licenses for recreational uses will not be allowed until 2018. Per State law, every local agency has until January 1, 2018 to prohibit or permit cannabis businesses. If the City does not expressly prohibit cannabis businesses, the state may issue licenses to Hayward-based applicants. Consequently, the City remains in the position of having to adopt local cannabis regulations to be effective before that date. Otherwise, the State regulations will govern and the City will have no local discretionary review abilities.

While many jurisdictions only allow medical cannabis businesses, the City's proposed regulatory and land use ordinances do not differentiate between medical and adult-use operators. The proposed regulatory and land use ordinances would permit both medical and non-medical cannabis businesses in Hayward, following the issuance of a special Cannabis

Business Permit, approval of the appropriate land use entitlement, and issuance of the State license.

City Council Work Sessions. The City Council held two separate work session earlier this year to discuss cannabis in Hayward: March 2017 and July 2017. During the [March 21, 2017](#) work session, staff provided background and relevant information regarding the state and local regulatory framework for the medical use and the adult recreational use of cannabis.

At that time, the Council was generally in favor of allowing cannabis businesses in Hayward with a focus on uses that would be compatible with the Industrial zoning district. Council favored limiting the number of cannabis businesses initially and was open to considering more businesses in the future assuming positive outcomes from the initial businesses. Council and staff were mindful that Hayward had previously allowed a limited number of medical cannabis dispensaries that were unsuccessful for a variety of reasons. The Council emphasized the necessity of imposing the Measure EE tax approved by the voters on any newly permitted cannabis businesses.

Based on the comments received from the work session in March, staff prepared a draft regulatory ordinance that establishes a framework for the issuance of business permits for commercial cannabis operations and imposes operational and performance standards for commercial cannabis businesses. On [July 18, 2017](#), staff presented the draft regulations for Council review and feedback. While generally supportive of the regulatory framework, the Council directed staff to eliminate the proposed limit to the number of cannabis business permits and suggested that new cannabis businesses be evaluated on a case-by-case basis following the issuance of an RFP process to ensure that the business operations are consistent with the City's long-term economic, environmental and land use objectives. The Council also indicated a willingness to allow a variety of cannabis land uses in the City's commercial and industrial areas. Following the July work session, staff has been working on revisions to the draft regulatory ordinance and has developed a draft land use framework consistent with the direction provided by Council. Following Planning Commission recommendation, staff will present the proposed regulatory and land use ordinance to Council for consideration in October 2017.

Public Outreach. Following the March 21, 2017 City Council work session, the Development Services Department began conducting Lean Empathy interviews to solicit feedback and public opinion on possible cannabis businesses operating in the City of Hayward. Staff interviewed nearly fifty (50) residents, business owners, employees, property owners and various stakeholders on their views of cannabis. Staff also created an on-line survey, and placed door hangers in key residential neighborhoods, along commercial corridors downtown, and within the Industrial area. Staff also solicited broader input from the general public by creating a cannabis webpage, which was on the City's main website and highlighted in *The Stack* newsletter (June 2017). The webpage provides answers to frequently asked questions, status updates, and links to the survey. In total, over 2,250 stakeholders responded to the survey and have asked to receive information regarding progress towards the adoption of cannabis regulations.

Overall, the survey showed that a large majority of respondents (82%) support permitting

cannabis businesses in Hayward and 78% indicated that both medical and recreational cannabis operations should be allowed. When asked about limiting the number of cannabis businesses, 50% of respondents believed the City should allow an unlimited number of businesses, while 13% said the City should only allow delivery operations. Overwhelmingly, 66% of respondents indicated that the City should allow cannabis businesses in the commercial and industrially zoned areas of the City. A copy of the survey results is included as Attachment IV.

PROJECT DESCRIPTION

The proposed land use ordinance would establish performance and operational standards for all commercial cannabis activities in the City of Hayward, including cultivation, manufacturing, testing laboratories, delivery, distribution, and retail dispensaries. Specifically, the Ordinance proposes seven new land use definitions and includes a set of development and operational standards applicable for each:

- Commercial Cannabis Cultivation, up to 5,000 sf
- Commercial Cannabis Cultivation, 5,001 sf or greater
- Commercial Cannabis Dispensaries (Retail)
- Commercial Medical and Non-Medical Cannabis Distribution
- Commercial Medical and Non-Medical Cannabis Manufacturing – Level 1
- Commercial Medical and Non-Medical Cannabis Manufacturing – Level 2
- Commercial Medical and Non-Medical Cannabis Testing Laboratory

Additionally, the Ordinance establishes general criteria for the regulation of personal cannabis cultivation, including location and minimum screening requirements. Details on the specific regulatory and land use requirements are listed below.

Local and State Licensing Requirements. As part of the regulatory and land use framework proposed by staff, cannabis operators would be required to obtain multiple approvals through a two-step process at the local level in addition to State licensing. First, an applicant would require approval of a Commercial Cannabis Business Permit by the City to assure that all regulatory requirements are met. Second, the applicant would be required to obtain the necessary land use entitlements, that consider the location, size and types of proposed uses allowed, consistent with the Zoning Ordinance standards. Once both the City's and State's licensing processes are established, any cannabis business operating in the City will also be required to obtain a license from the State. As currently proposed, the failure to obtain the State license would be grounds for revoking the City's permit.

In response to local and state licensing requirements, the cannabis industry has been adjusting to the new regulatory oversight from the State and the local agencies that choose to regulate this industry. Local agencies in California generally have little experience regulating cannabis uses and best practices will evolve over time. As such, any community choosing to allow this use and regulate this industry, including the City of Hayward, will most likely need to adapt and update the regulatory and land use framework to respond to unforeseen issues. If warranted, Staff will propose adjustments to the regulatory and land use ordinance for consideration by the Council in the future.

Special Use Permit Findings. In addition to the required findings in the City's Zoning Ordinance for Administrative Use Permits and Conditional Use Permits, staff is recommending four special findings be made for all cannabis land uses. These more specific land use findings allow the City the opportunity to evaluate site-specific locations and business operations on a case-by-case basis and provide greater direction on mitigating potential impacts. Staff is recommending these four special findings be made in addition to the general findings necessary to approve any Administrative or Conditional Use Permit:

1. The proposed cannabis use will not be detrimental to the public health, safety, or general welfare in that the cannabis operation is situated in an appropriate location where sensitive land uses will not be adversely impacted; and
2. Appropriate measures have been taken to address nuisances related to odor, noise, exhaust, and waste related to the cannabis operation; and
3. The cannabis operation is designed to be safe, secure and aesthetically compatible with the surrounding area; and
4. The cannabis operation will not place a burden on the provision of public services disproportionate to other industrial or commercial uses.

Personal Cultivation. Both AUMA/MAUCRSA legislation allows cultivation of cannabis by persons aged 21 or older on private property for personal use. Specifically, the State law allows cultivation for personal use of up to 6 cannabis plants per dwelling. While the City can impose reasonable regulations on cultivation for personal use, the City cannot prohibit it.

While the proposed Ordinance does not regulate the indoor vs. outdoor location of cannabis cultivation, it does include some general regulations that govern placement on the site, screening, and provisions that require indoor cultivation be within a legally constructed structure and grown by someone who resides on the property. In addition, State law does allow landlords the ability to prohibit cannabis cultivation from being grown by tenants on-site if the property owner chooses to prohibit this activity as part of a lease agreement. The proposed Ordinance regulations are not intended to be overly burdensome, but are intended to ensure that any personal cultivation activity in a residential area does not result in increased public safety, building code or public nuisance issues.

Additional Municipal Code Revisions. In addition to the regulatory and land use ordinance proposed, several other Municipal Code revisions would be necessary to ensure consistency with existing regulatory and land use regulations adopted by the Council, as well as to ensure consistency with the new requirements of State law. For example, revisions to Chapter 4, Article 1 (Public Nuisances) and Chapter 5, Article 6 (Smoking Pollution Control) are necessary and are currently being revised to incorporate provisions for cannabis. Staff expects to present these additional Municipal Code revisions with the proposed regulatory and land use ordinance to City Council for their consideration in October 2017. No formal action from the Commission on these Code revisions is required at this time.

Sustainability Plan. Under the proposed land use framework, the Administrative Use Permit and Conditional Use Permit process would identify and address sustainability impacts related to commercial cannabis businesses. While each proposed project will be subject to CEQA

environmental assessment, the proposed land use ordinance requires cannabis cultivation and manufacturing operations submit a Sustainability Plan that demonstrates and incorporates project-specific sustainable features, such as green building materials, incorporation of water conserving devices and use of solar panels.

POLICY CONTEXT AND CODE COMPLIANCE

Per Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all text amendments, reclassifications and pre-zonings. The Planning Commission may recommend approval of or deny a text amendment, reclassification, or pre-zoning to the City Council. Recommendations for approval shall be based upon all the following findings:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;

The proposed text amendment and land use ordinance will promote the public health, safety, convenience, and general welfare of the residents of Hayward by providing additional employment and business opportunities with the allowance of commercial cannabis businesses in Hayward. Additionally, the proposed changes will result in land uses in the commercially and industrially zoned areas that are compatible with existing and future uses and will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

As proposed, the land use regulations will ensure that any cannabis business will operate in such a manner to minimize public safety and public nuisance impacts while incorporating appropriate measures to mitigate possible environmental impacts associated with business activities. The State, through the passage of the MAUCRSA, has found substantial evidence that cannabis has medicinal value for many health conditions that otherwise would result in a compromised quality of life for residents.

2. The proposed change is in conformance with all applicable, officially adopted policies and plans;

The proposed zoning amendments contained herein are consistent with the goals and policies of all elements of the *Hayward 2040 General Plan*, and any applicable specific plan in that the amendments will direct commercial cannabis businesses to appropriate commercial and industrial districts designated to support such uses. The proposed zoning amendments are internally consistent with other applicable provisions of Chapter 10 of the Municipal Code in that the entirety of the Code will apply to cannabis as a new land use classification, such as identifying where the use is allowed, under what permit authority development and parking standards and processes. The proposed recommendations within land use ordinance are consistent with the following policies and actions of the *Hayward 2040 General Plan*:

LU-5.2 Flexible Land Use Regulations

The City shall maintain flexible land use regulations that allow the establishment of economically productive uses in regional and community centers.

LU-5.6 Adaptive Reuse, Renovation or Redevelopment

The City shall support the adaptive reuse, renovation or redevelopment of community and regional shopping centers that are no longer viable due to changing market conditions, demographics, or retail trends. The City shall consider alternative land uses if market conditions limit the feasibility of commercial uses.

LU-6.1 Land Uses

The City shall encourage employee-intensive uses, such as professional office, corporate campuses, research and development, traditional and specialized manufacturing, throughout the Industrial Technology and Innovation Corridor.

ED-1.6 Advances and Specialized Manufacturing

The City shall encourage the establishment and expansion of advanced and specialized manufacturing businesses to counter declining employment trends in traditional industrial manufacturing.

ED-1.11 Local Serving Retail

The City shall encourage the establishment and expansion of commercial businesses that increase local spending within Hayward and provide needed goods and services to local residents and businesses.

ED-3.2 Fast Growing Industries

The City shall monitor industry and market trends to identify fast-growing industries, and coordinate with local businesses within those industries to proactively assist with potential business expansion plans.

ED-6.2 Land Use Certainty

The City shall strive to enhance land use certainty for businesses by identifying and removing unnecessary regulatory barriers that discourage private-sector investment.

HLQ-4.1 Adequate Health Care Facilities

The City shall encourage the development and maintenance of a full range of health care facilities, including hospitals, acute care facilities, neighborhood health portals/clinics, and mental health facilities, to meet the needs of all residents.

HQL-10.6 Parks as Buffers

The City shall consider the use of parks and recreational corridor as buffers between incompatible land uses.

3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and

As conditioned, the streets and public facilities that currently serve the City are not expected to be significantly impacted with additional cannabis land uses. Much of the proposed land use activities associated with cannabis are consistent and compatible with the other land uses that are currently permitted or conditionally permitted in the zoning districts. No properties are proposed to be reclassified or rezoned with the proposed text amendment. As such, the streets and public facilities, both existing and

proposed, would be adequate to serve the potential development of new cannabis and cannabis-related businesses in the City.

4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

No properties are proposed to be reclassified with the proposed text amendment and land use regulations pertaining to cannabis. A beneficial effect will be achieved with the proposed revision to the HMC, as it will allow for additional land uses and create additional business and employment opportunities in Hayward that would not be obtainable under the City's exclusionary Zoning Ordinance. As conditioned, the proposed regulations with special findings and operational requirements, will ensure that any proposed cannabis business will operate in a manner which is compatible with present and potential future land uses.

Other Regulatory Ordinances. As of March 2017, there were eighteen licensed medical marijuana retailers in Alameda County – six in Berkeley, seven in Oakland, two in San Leandro (with a third pending) and two in unincorporated Alameda County.

All local jurisdictions that allow MCRSA businesses have adopted regulatory ordinances unique to these kinds of business models. These ordinances require ownership disclosures and backgrounds of the owners and employees, hours of operations, security requirements, signage and lighting controls on air emissions, inventory controls and financial practices, license review, inspections and revocation and so on. These requirements would be in addition to the state licensing requirements under MCRSA and AUMA. The City's proposed land use regulations incorporate similar operational measures to minimize environmental impacts and ensure public safety.

Some jurisdictions have established a limit on the number of MCRSA businesses allowed – San Leandro has a maximum of three MCRSA businesses, while unincorporated Alameda County will allow up to five dispensaries. With this approach, jurisdictions often invite requests for qualifications to vet potential businesses before selecting an operator. Other jurisdictions use land use controls and separation requirements, which by their nature tend to limit the number of such businesses. While the City Council did not support a limit to the total number of cannabis businesses operating in the City, there was some support to limit certain types of cannabis businesses and evaluate the impacts and benefits of those businesses through an RFP process, which is anticipated to be released shortly. While the draft land use Ordinance does not propose a limit to the number of cannabis businesses in Hayward, the City Council retains the discretion to limit the number of licenses issued, if desired.

STAFF ANALYSIS

Based on feedback from Council, staff is proposing several zoning text amendments to accommodate commercial cannabis land uses in the City as well as establish a series of cannabis specific guidelines that apply to personal cultivation and commercial cannabis businesses in the City. As previously mentioned in this report, the proposed zoning ordinance

text amendment would amend select commercial and industrial zoning districts to add six new land use definitions and related business activities for commercial cannabis uses and establish an entitlement process required for each. A more thorough review and analysis for each of the proposed land uses is detailed below.

Commercial Cannabis Cultivation. The State defines, regulates and licenses Commercial Cultivation businesses based on the size of the proposed land use: Cannabis Cultivation up to 5,000 square feet; and Cannabis Cultivation 5,001 square feet and over. Similarly, staff believes that the scale of the Commercial Cannabis Cultivation operations should be considered when evaluating potential land use impacts and processing land use entitlements. For smaller-scale Cultivation businesses containing 5,000 square feet and below, staff is recommending these be permitted in the Industrial zoning district with an Administrative Use Permit. For large-scale Cultivation operations that exceed 5,000 square feet, staff is recommending these be permitted in the Industrial zoning district with a Conditional Use Permit. Additionally, both small and large-scale cultivation activities would be subject to the general requirements and use-specific regulations contained in Section 10-1.3600.

Commercial Cannabis Testing Laboratories. Commercial Cannabis Testing Laboratories are not anticipated to have noticeably different impacts than other testing facilities currently in operation in Hayward. In fact, staff anticipates that many of the existing testing facilities currently operating in the City, will expand their business operations to accommodate the new State licensing requirements related to cannabis testing. Staff believes the additional business operations, which will be regulated by the State, will have little, if any, land use impacts as a result of cannabis and as such, staff is recommending that these cannabis testing laboratories be permitted (Industrial) or administratively permitted (Commercial), pursuant to the general requirements established in Section 10-1.3600.

Commercial Cannabis Manufacturing. For the purposes of the land use impacts, there are two types of manufacturing activities designated by the State: Level 1 and Level 2. The principal distinction between the two levels is that Level 1 involves the use of non-volatile solvents or no solvents for the manufacturing process while Level 2 may involve use of volatile solvents, such as butane. Allowing both types of manufacturing creates opportunities for additional cannabis businesses to operate within the City, but Level 2 manufacturing has a greater potential for public safety issues, including a higher risk for explosion and fire. Although the State does regulate the use and storage of Level 2 volatile substances in the manufacturing process, much of the regulations and oversight depend on the level and degree of business compliance with the State regulations. Due to the relatively unknown use of these substances in the cannabis manufacturing process, staff is recommending a prohibition on this type of activity until greater and more detailed research is completed.

While manufacturing operations can vary greatly, the Commercial Cannabis Manufacturing – Level 1 uses are not anticipated to be noticeably different from other manufacturing uses that do not involve cannabis. For example, the impacts related to the manufacturing and production of edible cannabis products, such as candy or baked goods, may not be significantly different from other food production uses already in existence in the City. Staff believes the CUP for Level 1 manufacturing activities is appropriate and provides an

opportunity for the City to evaluate these uses on a case-by-case basis and incorporate any site or use-specific conditions to mitigate impacts. Additionally, all Commercial Cannabis Manufacturing operations would be subjected to the general regulations and use-specific requirements contained in Section 10-1.3600.

Commercial Cannabis Retail Dispensaries. Commercial Cannabis Retail Dispensaries are typically the land use activity that results in the greatest number of potential impacts related to public safety, traffic, noise, and odors. In evaluating possible locations where retail dispensaries could locate, staff reviewed the existing commercial zoning districts that allowed the age-restricted, controlled access land uses, such as bars, nightclubs, smoking lounges, and determined that from a land use perspective, retail cannabis dispensaries were not significantly different. As such, the draft land use ordinance only proposes to allow retail cannabis dispensaries in select zoning districts that currently permit similarly sensitive land uses but includes additional site and operational requirements intended to mitigate and minimize potential impacts on-site and on nearby properties. Staff believes that similar to other controlled-accessed land uses, retail cannabis dispensaries should be subject to the CUP process and be required to meet all the general and land use regulations identified in Section 10-1.3600.

Commercial Cannabis Delivery. Although cannabis delivery operations associated with a Commercial Cannabis Retail Dispensary would be conditionally permitted and evaluated as part of the CUP process, staff considers a delivery-only business that provides the transport of medical and non-medical cannabis to clients and between various cannabis operators to be similar in nature to other Administrative and Professional Office uses currently established in the City. Many of these proposed uses would require multiple vehicles to facilitate the delivery of goods and an office area for the personnel, operational and administrative functions of the business. Staff believes these business operations will have little, if any, site-specific impacts resulting from cannabis delivery. As such, staff is recommending Commercial Cannabis Delivery be a “permitted” use in the Industrial zoning district and allowed in select Commercial zoning districts with an Administrative Use Permit. Like other uses, Commercial Cannabis Delivery operations are subject to the general regulations and use-specific requirements in Section 10-1.3600.

Development Standards and Mandatory Buffer. While many of the existing development standards for the underlying zoning district would apply to cannabis land uses (parking, building setbacks, landscaping), there are additional guidelines which staff has included in the draft Ordinance to ensure public safety and minimize potential impacts to other sensitive land uses in the area. Specifically, State law requires that all Cannabis businesses be subject to a 600-foot minimum setback from the sensitive land uses as described in California Business and Professions Code Section 26054 and California Health and Safety Code Section 11362.768. These sensitive land uses include kindergarten, any schools (grades 1 through 12), day care center, and youth/recreation centers. In addition to the uses identified by the State, staff is proposing to expand the buffer to include other land uses where children and under-aged persons could congregate, including public parks, libraries and designated open space areas. Staff notes that while this expanded list of land uses is over and above the State’s minimum requirements, the proposed buffers will further minimize possible exposure of

these uses by minors and are consistent with how the City has controlled other sensitive, age-restricted uses, including bars, nightclubs, liquor stores and smoking establishments.

In addition to the 600-foot mandated State buffer, staff is also recommending a commercial cannabis retail dispensary buffer of 1,000 feet to minimize potential for over-concentration of these uses in the City's commercial areas. Even with the proposed 1,000-foot minimum buffer, staff believes the potential number of retail dispensaries, unless limited, remains significant. Maps of the permitted zoning districts for each of the cannabis land uses are included as Attachment III.

ENVIRONMENTAL REVIEW

The proposed Zoning Ordinance 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, and that any potential project enabled under the amendments will be subject to review under CEQA. 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. MAUCRSA (Business and Professions Code section 26055(h), also provides an exemption until July 1, 2019 for the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity provided that the project-level discretionary review includes applicable environmental review pursuant to CEQA.

NEXT STEPS

Following Planning Commission feedback and recommendation, Staff will forward the proposed regulatory and land use ordinances to the City Council for a first reading and consideration at a regular meeting in October 2017. If approved, the proposed regulatory and land use ordinances would become effective in December 2017.

Prepared by: Jeremy Lochirco, Principal Planner

Recommended by: Sara Buizer, AICP, Planning Manager

Approved by:



Sara Buizer, AICP, Planning Manager



Stacey Bristow, Development Services Director