

POLICY COMMITTEE



DATE: April 21, 2015

TO: Policy Committee/City Manager

FROM: Alicia Poon, Deputy City Attorney

SUBJECT: REQUEST FOR DIRECTION ON ESTABLISHING A MEDICAL MARIJUANA ORDINANCE AMENDING THE SAN RAMON MUNICIPAL CODE

RECOMMENDED ACTION

It is recommended that the Policy Committee discuss, deliberate and provide direction to Staff. If the direction is to proceed with a medical marijuana ordinance, then it is recommended that the Policy Committee direct the City Attorney's Office to develop a medical marijuana ordinance amending the San Ramon Municipal Code and that the proposed ordinance be brought to the City Council for introduction at a future council meeting.

BACKGROUND/DISCUSSION

It has come to the staff's attention that at the present time, there are only three cities which have not expressly prohibited or regulated Medical Marijuana Dispensaries in Contra Costa County. One of the three cities is San Ramon (the other two cities are Hercules and Walnut Creek). Due to statewide concern about the establishment of medical marijuana dispensaries in cities, in 2010, the City of San Ramon initiated a moratorium on Medical Marijuana; however, the moratorium expired and no ordinance either prohibiting or regulating medical marijuana dispensaries was ever adopted.

The City's Planning Department receives a few inquiries each year about establishing a medical marijuana dispensary in San Ramon. The general response to such inquiry is that to establish a medical marijuana dispensary, one would need to apply for a zoning ordinance amendment. As it stands right now, the San Ramon Municipal Code is silent on the issue and one could establish a medical marijuana dispensary in San Ramon if the planning commission and city council approved the zoning ordinance amendment. The City Attorney's Office has requested the opinion of the police department on this matter and Chief Joe Gorton's recommendation is to adopt an ordinance which prohibits Medical Marijuana Dispensaries in San Ramon.

Staff is seeking direction from the policy committee to determine if they are supportive of one of the following options:

1. Draft an Ordinance that completely prohibits Medical Marijuana Dispensaries in San Ramon;
2. Draft an Ordinance that regulates Medical Marijuana Dispensaries in San Ramon; or

3. Do nothing and leave the status quo.

FISCAL ANALYSIS

Adoption of the ordinance will have no fiscal impact on the City.

STEPS FOLLOWING APPROVAL

Depending on the direction of the Policy Committee, the City Attorney's Office will work with Staff to draft a medical marijuana ordinance which amends the San Ramon Municipal Code and that ordinance will be placed on the City Council agenda.

ATTACHMENTS

Attachment A: Table showing Various Cities' Policies on Medical Marijuana Dispensaries

Medical Marijuana Dispensary Code Provisions

City	Policy	Code Provision	Notes
County: Contra Costa			
Antioch	Prohibited	Muni Code 5-21.01-.03	
Brentwood	Prohibited	<u>Muni Code 9.50</u>	Zoning. Defined in 17.04.138 17.04.138 Medical Marijuana Dispensary. A facility or location where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5 (Proposition 215). (Ordinance No. 448, 2013)
Clayton	Prohibited	Muni Code 17.36.080	
Concord	Prohibited	Muni Code 5.80	
Danville	Prohibited	<u>Muni Code 32-94 (Vol. II, Ch. XXXII)</u>	
El Cerrito	Prohibited	Muni Code 6.80	No license shall be issued pursuant to the provisions of this Chapter authorizing the conduct or continuance of any business which violates state or federal law. (Ord. 415 § 1, 2006
Hercules	Not expressly prohibited	Muni Code 8-6.103	
Lafayette	Prohibited	<u>Muni Code 6-429.5, 6-528</u>	
Martinez	Regulated: With conditional use permit	Muni Code 22.41	Conditional Use Permit Required
Moraga	Prohibited	<u>Muni Code 7.32, 8.160, 1.24.050</u>	
Oakley	Prohibited	<u>Muni Code 4.12 (Title 4, Ch. 12)</u>	
Orinda	Prohibited	<u>Muni Code 17.8.8 E, 19.02.011</u>	
Pinole	Prohibited	Muni Code 5.64	
Pittsburg	Prohibited	<u>Muni Code 5.70</u>	
Pleasant Hill	Prohibited	<u>Muni Code 18.50.140, 18.140</u>	
Richmond	Regulated: Collectives	<u>Muni Code 7.102</u>	
San Pablo	Prohibited	<u>Muni Code 5.34</u>	
San Ramon	Not expressly prohibited	Moratorium expired	
Walnut Creek	Not expressly prohibited	<u>Muni Code 10-2.1.204 (Title 10, Ch.2)</u>	Zoning Use of Land Limited: No use shall be made of land...which violates state or federal law...

Medical Marijuana Dispensary Code Provisions

City	Policy	Code Provision	Notes
Other: Unincorporated County	Prohibited	Code 82-2.022	Land Use Prohibited: The following land uses are prohibited at all locations in all zoning districts in the county: (a)Any use that violates state or federal law. (b)Medical marijuana dispensary.
County: Alameda			
Dublin	Prohibited	Muni Code 5.58	
Livermore	Prohibited	Muni Code 5.80	
Pleasanton	Prohibited	Muni Code 6.18	
Other: Unincorporated County	Permit required	Code 6.108	Consistent with State law. 6.108.010 - Purpose and intent. The purpose and intent of this chapter is to implement state law by providing a means for regulating the operation of medical marijuana dispensaries in a manner that is consistent with state law and which promotes the health, safety and general welfare of the residents and businesses within the unincorporated portions of the county. (Ord. 2005-52 § 2 (part); Ord. 2005-25 § 2 (part))
Contra Costa	Total Prohibited		14
	Total Regulated		2
	No specific provision		3
	Total Cities		19