Proposed 2010 Council Study Issue

CDD 10-03 Framework for Permitting and Regulating Medical Marijuana Dispensaries

Lead Department Community Development

Element or Sub-element Socio-economic Element

New or Previous New

Status Pending **History** **1 year ago** None **2 years ago** None

1. What are the key elements of the issue? What precipitated it?

In recent years, City staff has received inquiries from individuals about whether medicinal marijuana can be sold from businesses in the city. There is currently no express provision for this type of use in the Zoning Code, which has the effect of not allowing them in the City. As a result, these businesses have not been able to locate in the city, and individuals desiring this type of medical assistance have had to travel to other cities for this service.

This study issue would consider the possible framework for permitting and regulating marijuana dispensaries in the city. The staff analysis would evaluate the legal issues related to a dispensary for medical marijuana, including State and Federal laws and applicable case law. Additionally, staff would research how other cities are regulating marijuana dispensaries where such uses are allowed. Staff recognizes the problems other cities have had with regulating and compliance of these uses, and will bring these to the Council's attention as part of this study.

The study would consider the appropriateness and desirability of the use in Sunnyvale. The study would also explore zoning options for appropriate locations for these dispensaries and would define operational limitations, standards of review, and standard conditions of approval.

The study issue would include significant input from the City Attorney's Office and Department of Public Safety.

2. How does this relate to the General Plan or existing City Policy?

Socio-economic Element

Goal 5.1A: Preserve and enhance the physical and social environment and facilitate positive relations and a sense of well-being among all community members, including residents, workers and businesses.

Goal 5.1G: Enhance the provisions of health and social services to Sunnyvale residents by providing opportunities for the private marketplace to meet the health and social service needs of City residents.

Goal 5.1H: Identify pressing health and social needs of the Sunnyvale community, encouraging appropriate agencies to address these needs in an adequate and timely manner.

Policy 5.1H.10: Encourage adequate provision of health care services to Sunnyvale residents.

3. **Origin of issue**

Council Member(s) Whittum, Hamilton and Spitaleri
General Plan
City Staff
Public
Board or Commission none

4. **Multiple Year Project?** No **Planned Completion Year** 2010

5. **Expected participation involved in the study issue process?**

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? Yes
If so, which?
Planning Commission
Is a Council Study Session anticipated? No
What is the public participation process?
Outreach to specific types of businesses, neighborhood groups and the Chamber of Commerce. Public hearings with the Planning Commission and City Council.

6. **Cost of Study**

Operating Budget Program covering costs
242- Land Use Planning
Project Budget covering costs
Budget modification $ amount needed for study
Explain below what the additional funding will be used for

7. **Potential fiscal impact to implement recommendations in the Study approved by Council**

Capital expenditure range None
Operating expenditure range None
New revenues/savings range None
Explain impact briefly

8. **Staff Recommendation**

Staff Recommendation Against Study

If 'For Study' or 'Against Study', explain
Staff is concerned about the number of issues and potential problems associated with these types of uses in the City. These include concerns about how the local rules relate to State and Federal laws pertaining to the issue. Additionally, there is a significant concern about enforcement issues with these uses. Other cities have reported concerns with the unauthorized sale of the product and increased crime rates as a result of the facilities. Staff does not support the study issue because of these significant concerns.

9. Estimated consultant hours for completion of the study issue

Managers

Role	Manager				Hours
Lead	Ryan, Trudi	Mgr CY1:	30	Mgr CY2:	0
		Staff CY1:	240	Staff CY2:	0
Interdep	Berry, Kathryn	Mgr CY1:	60	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Fitzgerald, Kelly	Mgr CY1:	60	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0

Total Hours CY1: 390
Total Hours CY2: 0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

Department Director **Date** 10/15/09

Approved by

City Manager **Date** 10/16/09

Addendum

A. Board / Commission Recommendation

☐ **Issue Created Too Late for B/C Ranking**

Board or Commission	Rank	Rank 1 year ago	Rank 2 years ago
Arts Commission			
Bicycle and Pedestrian Advisory Committee			
Board of Building Code Appeals			
Board of Library Trustees			
Child Care Advisory Board			
Heritage Preservation Commission			
Housing and Human Services Commission			
Parks and Recreation Commission			
Personnel Board			
Planning Commission			

Board or Commission ranking comments

B. Council

Council Rank	(no rank yet)
Start Date	(blank)
Work Plan Review Date	(blank)
Study Session Date	(blank)
RTC Date	(blank)
Actual Complete Date	(blank)
Staff Contact	