

AMENDMENT TO CHAPTER 10-40 OF THE SANTA ROSA CITY CODE - MEDICAL CANNABIS DISPENSARIES

January 7, 2014

Background

- On November 1, 2005, Council voted 4-2 to adopt an Ordinance adding Chapter 10-40, titled Medical Cannabis Dispensaries, to the Santa Rosa City Code, which authorized the establishment of permitted Medical Cannabis Dispensaries within the City of Santa Rosa.

Background (cont'd)

- In 2011, the City Council created a Medical Cannabis Subcommittee that met several times with interested parties to consider amendments to the ordinance requested by dispensaries and patients.
- During that time, the courts reached inconsistent decisions regarding the ability or limitations of local jurisdictions to regulate sale of medical cannabis and the committee was placed on hold and did not come forward with recommendations at that time.

Background (cont'd)

- The committee was reconvened in 2013 with then Vice Mayor Carlstrom, Council Member Wysocky and Council Member Olivares serving on the subcommittee.
- Chief Tom Schwedhelm, Community Development Director Chuck Regalia and City Attorney Caroline Fowler participated in the meetings to provide staff input as needed.

Background (cont'd)

- The committee heard from dispensary operators and patient advocates regarding the need for changes to the ordinance to accommodate the needs of patients.
- The proposed amendment would address those concerns.

Proposed Changes

- The proposed amendments to Chapter 10-40 make the following changes to the existing ordinance:
 - Removes the prior 500 patient cap but retains discretion to lower the authorized number of patients when a permit is renewed if the number of patients being served has caused problems in surrounding neighborhoods or businesses.
(10-40.110 (D)(1)&(2))

Proposed Changes (cont'd)

- Provides that after the initial one year permit, the City Manager shall have discretion to renew permits for a two year period if the Dispensary has been operating in compliance with the ordinance and any proposed changes at the time of renewal are consistent with the requirements of applicable state and local ordinances.
(10-40.050; 10-40.120(G) and 10-40.130)

Proposed Changes (cont'd)

- Allows up to 150 square feet of space if authorized as part of the permit to be used for sale of devices for consumption of medical cannabis and related products only to qualified patients and consistent with applicable zoning regulations and other state laws.
(10-40.110 (H)(2)&(3))

Proposed Changes (cont'd)

- Allows dispensaries to be operated seven days a week between the hours of 9:00 a.m. to 9:00 p.m. (10-40.110 (C))

Proposed Changes (cont'd)

- Allows dispensaries to apply for signage consistent with the city's process and procedure for signs for other business with the added requirement that any signage shall not have any logos or information that specifies the nature of product being sold at the dispensary.
(10-40.110 (J)(4))

Proposed Changes (cont'd)

Allows for qualified patients who are employees of the dispensary to medicate on site out of public view and only by inhalation or oral consumption.

(10-40.110 (G))

Proposed Changes (cont'd)

Updates patient verification requirements to be required at least once every twelve months or upon expiration of the patient authorization, if sooner.
(10-40.110 (F)(5))

Recommendation

It is recommended by the Medical Marijuana subcommittee that the City Council approve amendments to Chapter 10-40.