

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
SUBJECT: AMENDMENT TO CHAPTER 10-40 OF THE SANTA ROSA
CITY CODE - MEDICAL CANNABIS DISPENSARIES
STAFF PRESENTER: CAROLINE FOWLER, CITY ATTORNEY
CITY ATTORNEY
AGENDA ACTION: INTRODUCTION OF ORDINANCE AMENDMENT

ISSUE(S)

Shall the Council approve amendments to Chapter 10-40 of the Santa Rosa City Code - Medical Cannabis Dispensaries?



COUNCIL GOALS/STRATEGIES

Goal 1: Create a strong and sustainable economic base.

Goal 6: Committed to making Santa Rosa a healthy community where people feel safe to live, work and play.

Dispensary operators and patients have indicated a need to make adjustments to certain limitations contained in the current ordinance in order to serve the needs of their patients.

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.

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.

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The committee was reconvened in 2013 with then Vice Mayor Carlstrom, Council Member Wysocky and Council Member Olivares. Chief Tom Schwedhelm, Community Development Director Chuck Regalia and City Attorney Caroline Fowler participated in the meetings. 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.

ANALYSIS

1. The proposed amendments to Chapter 10-40 make the following changes to the existing ordinance:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. Allows dispensaries to be operated seven days a week between the hours of 9:00 a.m. to 9:00 p.m.
 - e. 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.
 - f. 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.
 - g. Updates patient verification requirements to be required at least once every twelve months or upon expiration of the patient authorization, if sooner.
2. The remaining provisions of the ordinance remain unchanged.

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CANNABIS DISPENSARIES

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ENVIRONMENTAL REVIEW STATUS

EXEMPT PROJECT

This ordinance is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Council finds and determines that there is nothing in this ordinance or its implementation that could foresee ably has any significant effect on the environment.

RECOMMENDATION

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

Author: Caroline Fowler, City Attorney

Attachment: Redline Version of Ordinance incorporating changes