

ATTACHMENT 1: COMPARISON OF NEIGHBORING JURISDICTIONS REGULATION OF MEDICAL MARIJUANA CULTIVATION

City	Operator Permit	Zoning	Personal Cultivation Allowed?	Tax
Alameda	Not Applicable	Prohibited Use	No	Not Applicable
Albany*	Not Applicable	Prohibited Use	No	Not Applicable
Berkeley	<ul style="list-style-type: none"> • Generally no permit required; but may require a home occupation permit if qualified caregiver has patients visiting the house. • Considering whether to allow commercial cultivation. 	<ul style="list-style-type: none"> • Only allowed as incidental to residential use; • Considered incidental to residential use if limited to lesser of 200 sq. feet or 25% building sq. ft.) • Limit of 10 plants if viewed from public view • Home Occupation Permit may be required • Considering to allow in Manufacturing Zone 	Yes, if incidental to a residential use as defined in zoning. (See Zoning Column.)	<ul style="list-style-type: none"> • \$25 per \$1000 gross receipts for either medical or non-medical cannabis business • If genuine non-profit, taxed at \$25 per square foot up to 3000 square feet, and then taxed at \$10 per square foot for all square feet above 3000 square feet.
Oakland	<ul style="list-style-type: none"> • Limit of four Special Business Permits issued by the City Administrator • Annual permits 	<ul style="list-style-type: none"> • If special business permit required, requires use permit as required light manufacturing industrial zone. 	<ul style="list-style-type: none"> • Yes, if less than 32 square feet on parcel • Yes, if less than 32 square feet in residential building • Yes, if max of 216 plants on 96 square feet for indoor grow by cooperative/collective • Yes, if max of 60 outdoor plants on one parcel • No more than 48 oz. dried cannabis on site for residence 	<ul style="list-style-type: none"> • Section 5.04.480 levy's annual business tax at \$50.00 for each \$1000.00 of gross receipts for medical cannabis. • Section 5.04.481 levy's annual business tax at \$100.00 for each \$1000.00 of gross receipts for medical cannabis.
San Leandro*	Not Applicable	Prohibited Use	<ul style="list-style-type: none"> • Yes, if limited to qualified patient or primary givers when group is 3 or less individuals and cultivation is incidental use to a residential unit or a single non-residential parcel of land and consistent with state law 	Not Applicable

* Based on City staff's review of the code.