



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: April 4, 2017

TO: Mayor Donahue and Members of the City Council

FROM: Michael A. Guina, City Attorney
Charles S. Bryant, Community Development Director

SUBJECT: Cannabis Regulations

An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 Of The Emeryville Municipal Code To Add Article 22 To Chapter 5 Concerning Standards For Cannabis-Related Activities And To Make Other Related Modifications To The Planning Regulations; CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15061(b)(3)

An Ordinance Of The City Council Of The City Of Emeryville Repealing, Replacing, And Retitling Chapter 28 Of Title 5 Of The Emeryville Municipal Code, "Cannabis"; CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15061(b)(3)

RECOMMENDATION

Staff recommends that the City Council adopt the second readings of the above-referenced ordinances.

DISCUSSION

The City Council held a public hearing and adopted the first reading of the attached ordinances on March 21, 2017. After hearing a staff presentation and taking public testimony, the Council deliberated and adopted the first reading of the ordinances with the following modifications:

- In the Ordinance amending Title 9, change "dwelling unit" to "private residence, as defined in Health and Safety Code section 11362.2(b)(5)" at the end of the second sentence of Section 9-5.2207(a)(2).

This modification is incorporated into the attached ordinance modifying Title 9. No modifications were made to the Ordinance amending Title 5. The staff report for the March 21, 2017 City Council meeting, which provides a detailed explanation of the amendments to the Municipal Code, is attached for reference.

FISCAL IMPACT

Staff will be proposing modifications to the Master Fee Schedule so the City may recover its costs in processing and approving applications for an Operator's Permit. Land use permit processing fees are already included in the Master Fee Schedule.

ENVIRONMENTAL REVIEW

The proposed ordinances are exempt from environmental review under State CEQA Guidelines Section 15061(b)(3), the "general rule" that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Medicinal and recreational Cannabis Sales activities are anticipated to have characteristics similar to Tobacco Sales activities, and medicinal and recreational Cannabis Manufacturing activities are anticipated to have characteristics similar to Pharmaceutical Manufacturing activities. Both are expected to generate a negligible amount of vehicle trips, and any potential impacts on air quality, light and glare, liquid or solid waste, noise, odor, and vibration will be addressed through adherence to the existing Performance Standards in Article 11 of Chapter 5 of the Planning Regulations. In addition, the proposed standards for personal cultivation would address any potential impacts of this accessory use.

CONCLUSION

Staff recommends that the City Council adopt the second reading of the attached ordinances.

Prepared by: Andrea Visveshwara, Assistant City Attorney
Miroo Desai, Senior Planner

APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:



Michael Guina, City Attorney

Attachments:

1. March 21, 2017 Staff Report (w/o attachments)
2. Proposed Ordinance for Land Use Regulations (EMC Title 9)
3. Proposed Ordinance for Operator's Permit Regulations (EMC Title 5)