

Medical Marijuana Cultivation ZTA

City Council
January 5, 2016

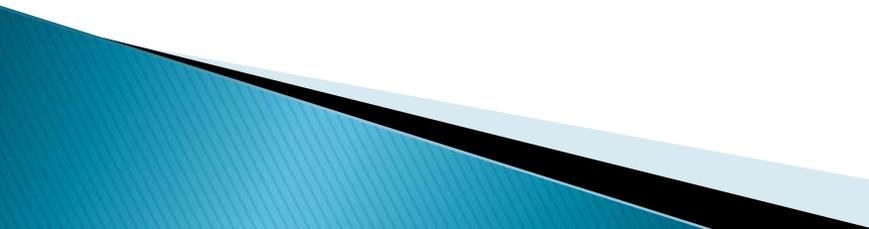
Current Law

- ▶ 1996
 - CA Prop. 215 – Compassionate Use Act (CUA)
- ▶ 2004
 - CA Medical Marijuana Program Act (MMPA)
- ▶ 2006
 - Fremont Medical Marijuana Dispensary Ban
- ▶ 2014
 - Fremont Medical Marijuana Cultivation Limits

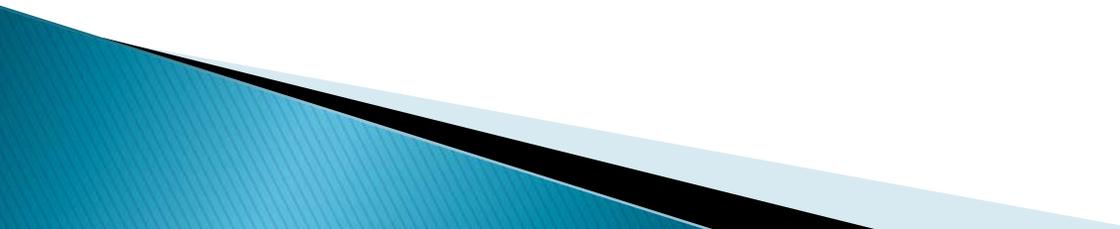
Brief Judicial Background

- ▶ CA Supreme Court – CUA and MMPA do not limit local land use regulation
 - ▶ CA Courts – A ban on all marijuana cultivation within a City does not conflict with law
 - ▶ CA/Federal Courts – Recognize local concerns about illegal marijuana use
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Medical Marijuana Regulation and Safety Act—AB 266, AB 243, SB 643

- ▶ Signed by Governor Brown in October 2015
 - ▶ Dual licensing structure—requires both a state license and a local license or permit
 - ▶ Protects local licensing practices and zoning ordinances; authorizes a ban on deliveries
 - ▶ AB 243: Cities that do not regulate or prohibit cultivation by March 1, 2016, will lose the authority to do so within city limits.
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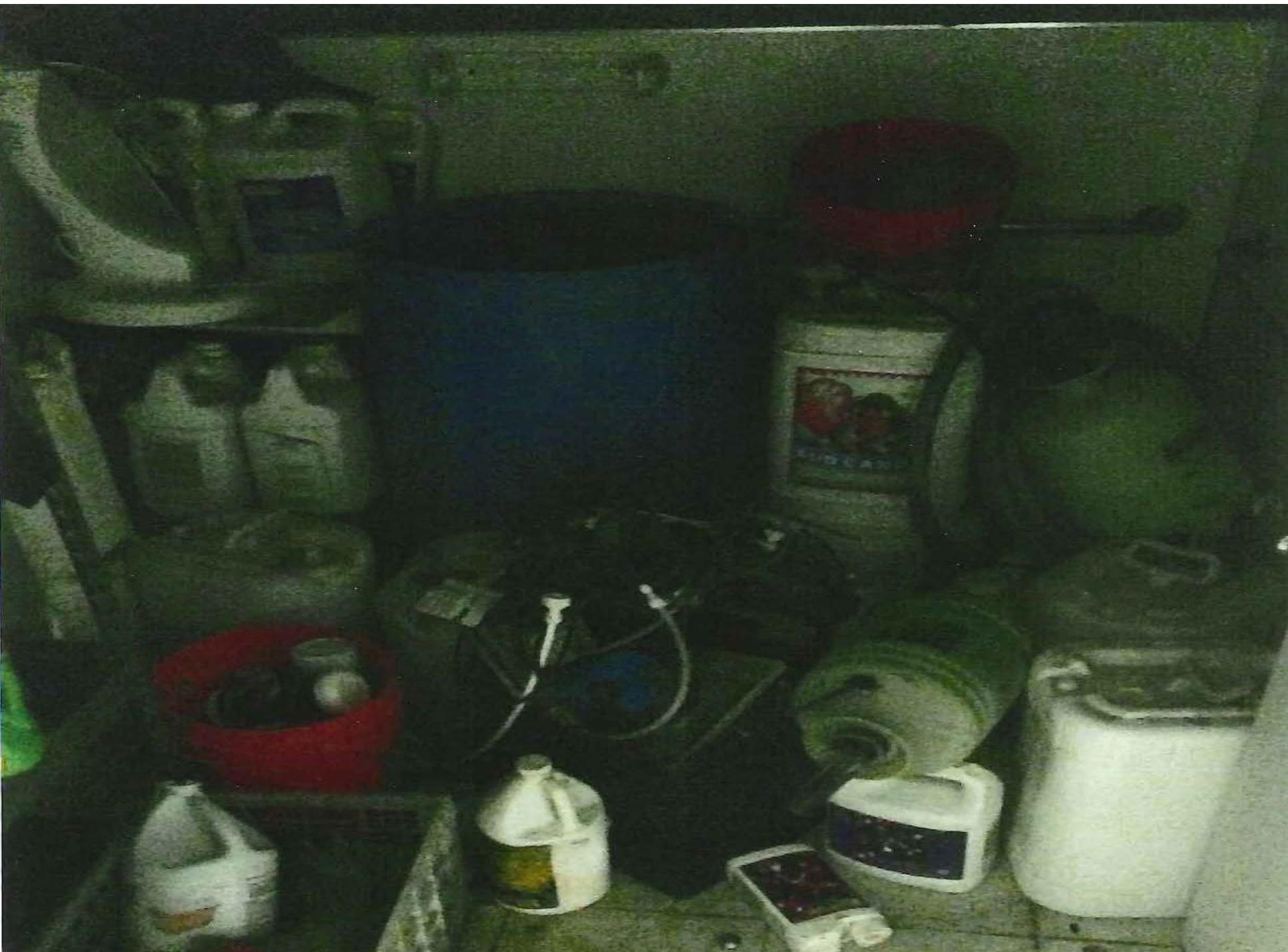
Community Impact 2014-15

- ▶ Responses since current cultivation ordinance became effective:
 - ▶ 2014: recovery of 1,113 marijuana plants and over 68 pounds of marijuana. (3 cases)
 - ▶ 2015: recovery of 2,177 marijuana plants (5 cases)
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15 135/230 • 1st ROOM
GOT MIX 3

• 2ND ROOM GOT ~~LOW~~ MIX

• 3RD GOT MIX 3

• SMALL TABLE IN BACK
GOT MIX 3

16 136/229 BACK ROOM
DELETED

• SPRAYED FOR
MOLD

17

Back

TENT

First

22 142/223

23 143/222

24

144/221













Area Impacts

- ▶ Resident Complaints and Calls for Service
 - Offensive Odors
 - Neighborhood Disputes / Divisiveness
 - Fire Hazards
 - Demands on Patrol Staffing
 - Cultivation Can Attract Criminal Activity

Zoning Text Amendment Scope

- ▶ Revise definitions of medical marijuana cultivation and dispensary to match state law
 - ▶ Add definition of medical marijuana delivery
 - ▶ Prohibit all medical marijuana cultivation and delivery
 - ▶ Violations treated as public nuisance and also subject to civil enforcement remedies
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