



City of Santa Clara

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Agenda Report

19-594

Agenda Date: 5/21/2019

REPORT TO COUNCIL

SUBJECT

Action on Adoption of Ordinance No. 2000 Amendment to Zoning Code Section 18.102.010 - Commercial Marijuana Activity Prohibited

BACKGROUND

At the May 7, 2019 Council meeting, proposed Ordinance No. 2000 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, proposed Ordinance No. 2000 was published on May 15, 2019, and copies were posted in three public places. The Ordinance now comes to Council for final adoption.

DISCUSSION

The proposed amendment to Section 18.102.010 ("Commercial Marijuana Activity Prohibited") of Chapter 18.102 ("Regulation of Marijuana") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" will extend the temporary ban of all commercial cannabis activity to June 30, 2020. Due to other time sensitive and competing priorities, staff requires more time to prepare the analysis requested by the City Council and following further Council discussion then to either 1) develop and bring forward the remaining ordinances and resolutions regulating commercial cannabis businesses in the City of Santa Clara or 2) bring forward a permanent ban on commercial cannabis activity.

If Santa Clara's temporary ban is not extended, State law would allow commercial cannabis businesses to seek permits from the State to operate in the City without any local control over such businesses starting July 1, 2019.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is a loss of potential tax revenue until a regulatory framework is brought forward to Council for consideration, becomes effective, and commercial activity is operational.

COORDINATION

This report has been coordinated with the City Attorney's Office and Community Development Department.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board

outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt Ordinance No. 2000 Amendment to Zoning Code Section 18.102.010 - Commercial Marijuana Activity Prohibited.

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Ordinance