

MARIJUANA-RELATED LEGISLATIVE ACTIONS IN THE CITIES OF SANTA CLARA COUNTY

October 5, 2017

| CITY/TOWN | ORDINANCE ALLOWING SOME LEVEL OF MARIJUANA USE? | OTHER MARIJUANA/CANNABIS ORDINANCES/MEASURES PASSED | OTHER ACTIONS DISCUSSED, FAILED, CONTEMPLATED, ETC., & GENERAL NOTES |
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| *City of Campbell | Yes. Ord. 2218, 1/17/17, Allows Limited Delivery from Dispensaries Outside the City to Qualified Patients within the City, and Limited Cultivation of Medical Marijuana, and Clarifies Smoking Regulations | <p>Ord. 2197, 3/1/16, Bans the Processing, Dispensing, or Delivery of Marijuana; Amended by Ord. 2218, 1/17/17 (now allowing limited delivery/cultivation)</p> <p>Urgency Ord. 2214, 11/1/16, Bans all Non-Medical Marijuana Use and Limits Cultivation; Amended by Ord. 2218, 1/17/17 (now allowing limited delivery/ cultivation)</p> <p>On 1/17/17 Council put two City-sponsored measures on the 4/25/17 Special Election ballot:</p> <p>Measure A - a Gross Receipts Tax Measure setting a tax rate range of 7-15% on deliveries. The Measure passed and resulted in the adoption of Ord. 2219; and</p> <p>Measure C - a moratorium of up to two years to develop processes and regulations after which time the Council may allow dispensaries, with an emphasis on setting distance restrictions to areas where children are present. The Measure passed and resulted in the adoption of Ord. 2224.</p> <p>The two-year moratorium will end on 4/1/19, at which time the Council will consider further marijuana related actions.</p> | On 1/12/17 Council called for a Special Election to be held on 4/25/17 after a successful ballot measure by Keep Campbell Green – Measure B -- to allow up to 3 dispensaries in commercial, manufacturing and PD zones, and allow delivery from dispensaries to patients or caregivers, and cultivation up to 100 sf for patients and 500 sf for caregivers. This Measure failed. |

*Data verified by City staff.

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| City of Cupertino | Yes. Ord. 16-2140, 2/2/16, Bans Medical Marijuana Dispensaries, Deliveries and Cultivation, but Allows Exceptions for Qualified Patients and Primary Caregivers | Urgency Ord. 16-2139, 1/19/16, Bans Medical Marijuana Dispensaries, Cultivation Facilities, Commercial Cannabis Activities and Medical Marijuana Deliveries Pending Update to the Muni Code (now expired) Interim Urgency Ord. 16-2153, 10/18/16, Bans Non-Medical Marijuana Dispensaries, Cultivation Facilities, Commercial Cannabis Activities and Marijuana Transport and Deliveries Pending Update to Zoning Code; Extended by Urgency Ord. 16-2160, 11/15/16 ; Extended by Urgency Ord. 17-2167, 9/19/17 (expires 9/30/18) | City is currently monitoring the status of State of California's licensing and regulation and will consider additional zoning and regulatory ordinances if necessary. |
| City of Gilroy | No. | Ord. 2016-01, 1/25/16, Bans Marijuana Cultivating, Processing, Delivery and Dispensary Uses (repeals 2010 ord. banning medical marijuana dispensaries) | |
| City of Los Altos | No. | Urgency Ord. 2016-418, 1/26/16, Bans Marijuana Cultivation, Processing, Delivery and Dispensary Uses (repeals 2009 ord. banning medical marijuana dispensaries) | |
| City of Monte Sereno | Yes. Ord. NS-199, 1/26/16, Bans Medical Marijuana Dispensaries, Bans All Cultivation and Processing, Prohibits Uses Not Allowed by State or Federal Law, but Permits Medical Marijuana Deliveries to | | The City is looking into changes to the current ordinance to address Prop. 64. Timeframe unknown. |

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| | Qualified Patients or Primary Caregiver | | |
| City of Morgan Hill | No. | Interim Urgency Ord. 1820, 3/7/07 (uncodified), Bans Medical Marijuana Dispensaries Pending Study & Possible Amendments to Muni Code; Extended by Interim Urgency Ord. 1824, 4/18/07 (uncodified); Extended by Interim Urgency Ord. 1869 (uncodified), 2/20/08 (expired 2/20/09) Ord. 2015, 6/1/11, Bans Medical Marijuana Distribution Facilities, Amended in its entirety by Ord. 2183 (New Series), 1/20/16 Ord. 2183 (New Series), 1/20/16, Bans Marijuana Cultivation, Delivery and Medical Marijuana Dispensary or Distribution Facilities | No further ordinances are contemplated for the immediate future, except perhaps a clean-up ordinance that will refer to Prop. 64. |
| City of Mountain View | No, but there is no current ban on cultivation. | Ord. 6.10, 3/9/10, Bans Medical Marijuana Dispensaries; Amended by Ord. 4.11, 3/1/11 Ord. 4.11, 3/1/11, Deletes One Year Sunset Limitation of Ord. 6.10 Interim Urgency Ord. 14.16, 11/1/16, Bans Outdoor Cultivation of Marijuana (expired 12/23/16) | A proposed Ord. Extending Interim Urgency Ord. 14.16 Banning Outdoor Cultivation failed on 12/13/16 – none currently in effect. City Council voted in a study session 9/19/2017 to pursue allowing recreational dispensaries, personal cultivation and deliveries. Two moratorium urgency ordinances are planned for 12/5/17 to allow them time to develop regulations. |
| *City of Palo Alto | No. | Urgency Ord. 4422 (Uncodified), 6/9/97, Bans Medical Marijuana Dispensaries | An Urgency Ordinance banning cultivation and delivery was not heard on 2/1/16 and was to be continued in Feb, if necessary. It was thereafter not heard. |

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| | | Ord. 5399, 11/14/16, Bans all Outdoor Cultivation (expires 11/14/17) | <p>Staff was directed to return within 12 months of Ord. 5399 (by 11/14/17) following public outreach for potential changes to this Ord.</p> <p>Currently there is tentatively an ordinance planned for the late October agenda extending the prohibition.</p> |
| City of San Jose | <p>Yes. Ord. 29420, 6/17/14, Zoning Ordinance Allows Medical Marijuana Collectives</p> <p>Ord. 29421, 6/10/14, Regulatory Ordinance Regulates Operation of Collectives (including cultivation & delivery), Amended by Ords. 29575, 29664, 29715, 29805</p> | <p>Ord. 2010.2, adopted by electorate 11/2/10, Marijuana Business Tax (Measure U) imposing 10% tax on gross receipts of businesses in the city that sell marijuana.</p> <p>Ord. 29805, 10/18/16 allows Registered Collectives to deliver medical marijuana in San Jose after an additional review process and receipt of a Registration notice.</p> <p>Urgency Ord. 29813, 11/1/16 confirming prohibition on cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana; confirming limitations on personal cultivation of nonmedical marijuana should Proposition 64 pass.</p> | <p>On 10/18/16 the Council directed staff to return by June 2017 with recommendations on whether distributors, manufacturers, and testing labs should operate in City and with analysis of Prop 64.</p> <p>The City now expects to make decisions later this year after the State releases its own regulations.</p> |
| City of Santa Clara | No. | Ord. 1888, 8/16/11, Bans Medical Marijuana Dispensaries | No urgency ordinances are in place re: outdoor cultivation, delivery, etc. The Council requested more information and analysis, and the City is considering hiring a consultant in these regards. The analysis |

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| | | | and/or any regulatory scheme will not be complete by 1/1/18, therefore on 9/12/17, the CAO recommended a temporary ban of all commercial activity be enacted. The Council is requesting more information to consider its options. |
| City of Saratoga | Yes. Ord. 349, 6/7/17, Prohibits Commercial Marijuana Activity, All Outdoor Cultivation, and Regulates Indoor Cultivation for Personal Use Permitted by State law. | Ord. 286, 7/6/11, Bans Medical Marijuana Dispensaries Urgency Ord. 343, 11/2/16, Temporarily Banning all Outdoor Cultivation; Extended by Ord. 343A, 12/7/16 (expires 10/22/18) | |
| City of Sunnyvale | Yes. Ord. 3125-17, 10/3/17, Updates the Existing Prohibition Against Commercial Marijuana Activity to Expressly Include Non-Medical Marijuana, to Regulate Indoor Personal Cultivation of Marijuana Consistent with State Law, and to Prohibit | Ord. 2947-10, 1/4/11, Bans Medical Marijuana Cultivation, Processing, Delivery, Distribution, Dispensaries and any other Commercial Activity; Amended by Ord. 3077-16, 4/19/16 Ord. 3077-16, 4/19/16, Amends Ord. 2947-10 to Strengthen/Clarify Prohibitions. | |

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| | Outdoor Personal Cultivation | | |
| Town of Los Altos Hills | Yes. Ord. 562, 5/19/16, Bans Medical Marijuana Dispensaries, Medical Marijuana or Cannabis Cultivation, Including Personal Cultivation, and all Commercial Medical Marijuana or Cannabis Operations, but Allows Delivery of Medical Marijuana by Legally Licensed Operators | Urgency Ord. 561, 1/27/16, Bans Medical Marijuana Dispensaries, Medical Marijuana or Cannabis Cultivation, Including Personal Cultivation, and all Commercial Medical Marijuana or Cannabis Operations; Amended by Ord. 562, 5/19/16 | |
| Town of Los Gatos | No. | Interim Urgency Ord. 2183, 11/2/09, Extending Interim Urgency Ord. Banning Medical Marijuana Dispensaries (extends 10/5/09 Interim Urgency Ord. through 10/4/10) Ord. 2198, 8/15/11, Bans Medical Marijuana Dispensaries Ord. 2249, 2/16/16, Bans Cultivation and Delivery of Medical Marijuana Urgency Ord. 2251, 2/16/16, Bans Cultivation and Delivery of Medical Marijuana | Urgency Ord. 2251 and Ord. 2249 provisions banning cultivation as written could be interpreted to also apply to non-medical marijuana. |