

**MEDICAL MARIJUANA MATRIX  
PROPOSED REGULATIONS VS. INITIATIVES**

<u>ISSUE</u>	<u>COUNCIL DIRECTION</u>	<u>INITIATIVE MEASURE</u> (Hodges)	<u>INITIATIVE MEASURE</u> (Anthony)
<p><b>Number Of Dispensaries Allowed</b></p>	<p>No Maximum. Number Will Be Dictated By Proper Zones And Minimum Buffers Required Between Collectives And Sensitive Uses. (See "Requirements For Minimum Distance From Sensitive Uses" Below)</p>	<p>For Commission To Address If They So Choose.</p>	<p>None Stated.</p>
<p><b>Type Of Establishments Allowed</b></p>	<p>Location Where Qualified Patients And Designated Primary Caregivers Can Associate And Collectively Cultivate Medical Marijuana, In Strict Accordance With California Health &amp; Safety Code Sections 11362.5, <i>Et. Seq.</i></p>	<p>For Commission To Address If They So Choose.</p>	<p>No Detail On Structures But Does Permit Delivery To Members.</p>
<p><b>Status of Current Collectives</b></p>	<p>Collectives Wishing To Operate Need To Go Through A Registration Process Where Owners, Managers And Establishments Are Backgrounded And Site...</p>	<p>For Commission To Address If They So Choose.</p>	<p>Existing Collectives Must, Within 180 Days After The Adoption Of This Initiative, Apply For And Receive A Notice Of Completed Registration From The City Manager Or Cease Conducting Business.</p>

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<p>Status of Current Collectives (cont'd)</p>	<p>Compliance Checks Are Performed.</p>		
<p><b>Regulating Body/Agency</b></p>	<p>City Manager's Office In Conjunction With The Police Department, The Department Of Planning, Building And Code Enforcement, And The Finance Department. Staff Would Report To The Council On The Program And Make Adjustments To The Program As Directed By Council.</p>	<p>Requires Creation Of An 11 Member Commission. 3 Members Will Be Representatives Of Separate Marijuana Businesses, 2 Medical Marijuana Patients Who Are Not Representatives Of Marijuana Businesses, 1 Will Be A Representative Of A School District, 1 Will Be A Representative Of Law Enforcement, The Remaining Members Shall Be Representatives Of Neighborhood Associations, Business Associations, Religious Associations Or Members Of Public...</p>	<p>City Manager Has A "Ministerial Duty" To Implement And Fulfill This Ordinance. The Planning Director Has Control Over Zoning. The PD Or Their City Officer May Inspect With Reasonable Notice. All Violations Will Need To Be Proven To Be A Nuisance In Fact Instead Of Nuisance Per Se.</p>

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Regulating Body/Agency (cont'd)		Commissioners Will Receive A Monthly Payment Of \$150 To Be Paid From The City's General Fund, Offset By Medical Marijuana Program Regulatory Fees, In Addition To Reimbursements For Costs. An Executive Director Will Be Appointed By And Work For The City Manager's Office. The Executive Director's Salary Will Be Established By The City Manager And Approved By Council. Staff And Clerical Personnel May Be Appointed As Necessary.	
<b>Location</b>	Allowed To Locate In Zones Identified By Council. (See "Zoning" Below)	For Commission To Address If They So Choose.	Allowed In Any Location Which Has Obtained A Zoning Code Verification Certificate From Planning.

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<b>Zoning</b>	Limited To The Following Zones: <ul style="list-style-type: none"> <li>• CG-Commercial General;</li> <li>• DC-Downtown Primary Commercial;</li> <li>• LI-Light Industrial; and</li> <li>• CIC – Combined Industrial Commercial;</li> </ul> with option for <ul style="list-style-type: none"> <li>• IP-Industrial Park.</li> </ul>	For Commission To Address If They So Choose.	Prior To Operation, The Collective Must Obtain A Zoning Code Verification Certificate. After Receipt, The Collectives Are Limited To: <ul style="list-style-type: none"> <li>• A-Agricultural</li> <li>• CP – Commercial Pedestrian</li> <li>• CN – Commercial</li> <li>• IP – Industrial Park</li> <li>• LI-Light Industrial</li> <li>• HI- Heavy Industrial</li> </ul>
<b>Hours Of Operation</b>	9:00 A.M. To 9:00 P.M.	For Commission To Address If They So Choose.	9:00 A.M. To 8:00 P.M.
<b>Requirements For Minimum Distance From Sensitive Uses</b>	Collectives Could Not Be Located Within..	For Commission To Address If They So Choose.	Collectives Could Not Be Located Within...

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<p><b>Requirements For Minimum Distance From Sensitive Uses (cont'd)</b></p>	<ul style="list-style-type: none"> <li>• 1,000 Feet Of Public And Private Schools, Child Daycare Centers, Houses Of Worship With Child Daycare Centers,</li> <li>Community/Recreation Centers, Parks, Libraries And Other Establishments;</li> <li>• 500 Feet Of Substance Abuse Rehabilitation Centers; And</li> <li>• 150 Feet Of Residential Uses.</li> </ul>		<ul style="list-style-type: none"> <li>• 1,000 Feet Of Any Public And Private</li> <li>• K-12 Schools; Public, Private, Junior College Or University; Playground, Housing Facilities Owned By Public Housing Authority</li> <li>• 100 Feet From Private Or Public Youth Centers, Public Swimming Pools Or Video Arcade Facilities</li> <li>• Ground Floor Of Structures</li> <li>• Or Buildings Located Within The DC-Downtown Primary Commercial Zoning District; And</li> <li>• In Any Retail Commercial Shopping Center Located On A Parcel Totaling Over Twenty Acres In Size.</li> </ul>
<p><b>If Located In The Proper Zone</b></p>	<p>Director Of PBCE Would Issue A Zoning Code Verification Certificate Confirming The Location Of A Collective Is In Compliance With Title 20.</p>	<p>For Commission To Address If They So Choose.</p>	<p>Executive Director Would Issue A Zoning Code Verification Certificate Confirming The Location Of A Collective Is In Compliance With Title 20.</p>

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<p><b>Transferability Of Zoning Code Verification Certificate</b></p>	<p>Not Transferable. Certificate Is Specific To The Collective, Its Owners And Its Operators.</p>	<p>For Commission To Address If They So Choose.</p>	<p>Not Transferable. Owners Are Entitled To Re-Locate Provided They Receive A Zoning Code Verification Certificate For The New Location. Their Notice Of Completed Registration Will Then Be Automatically Transferred.</p>
<p><b>Security Requirements</b></p>	<p>Requires Cameras, Lighting, Alarm System, Fire Proof Safe For Records, Secure Storage, And Proper Screening From Public View.</p>	<p>For Commission To Address If They So Choose.</p>	<p>Requires Web Based Closed-Circuit Television And Recording System Which Will Be Maintained For 15 Days, Centrally Monitored Fire and Burglar Alarm Monitored By A Professional Alarm Company, Exterior Lighting On Premises And Parking Area From Dusk To Dawn, Locked Vault, Safe Or Other Secured Storage Structure That Is Bolted To The Floor Or Otherwise Reasonably Immovable.</p>
<p><b>On-Site Representative</b></p>	<p>One Person Designated To Be On-Site And Respond To Public Safety Complaints During Hours Of Operation.</p>	<p>For Commission To Address If They So Choose.</p>	<p>A Manager Is To Be Present At All Times During The Hours Of Operation.</p>

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<p><b>Registration With City</b></p>	<p>Registration Process Which Includes...</p> <ul style="list-style-type: none"> <li>• Criminal Background Checks Of Owners And Operators And Copy Of Physician's Recommendation</li> <li>• Prior History With Dispensaries</li> <li>• Operations Plan</li> <li>• Site Floor Plan</li> <li>• Account Information For Dispensary's Accounts</li> <li>• Authorization For Release Of Information; And</li> <li>• Consent For Audits.</li> </ul>	<p>For Commission To Address If They So Choose.</p>	<p>Registration Process Which Includes Disclosure Of...</p> <ul style="list-style-type: none"> <li>• Legal Name And Any Other Names The Collective May Be Operating Under;</li> <li>• Zoning Code Verification Certificate;</li> <li>• From Senior Managers - Complete Legal Name, Date Of Birth, Copy Of Valid Government Issued Id, Telephone Number And List Of Any Felony Conviction Within The Previous 7 Years For Any Crimes Involving The Use Of Fear, Force, Fraud, Deception, Possession Sale Distribution Or Transportation Of Controlled Substance And Use Of Money To Engage In Criminal Activity;</li> <li>• List Of Duties And Functions</li> <li>• Copy Of The Lease Or Other Proof Of The Collective's Right To Possess</li> <li>• Operations Plan, Management Plan, Security Plan, Rules And Regulations, Site Floor Plan;</li> <li>• Evidence Of Full Payment Of Applicable Taxes Including Applicable Penalties And Interest.</li> </ul>

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PROPOSED REGULATIONS VS. INITIATIVES**

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<b>Restrictions On Possession Of Firearms</b>	Must Have License From State Or Local Agency Authorizing The Person To Be In Possession Of A Firearm.	For Commission To Address If They So Choose.	Must Have License From State Or Local Agency Authorizing The Person To Be In Possession Of A Firearm
<b>On-Site Consumption</b>	Not Allowed.	For Commission To Address If They So Choose.	Not Addressed
<b>Accounting Requirements</b>	Collective Must Provide An Accounting To Its Membership.	For Commission To Address If They So Choose.	Not Addressed
<b>Auditing By City</b>	Annual And Certified By Public Accountant.	For Commission To Address If They So Choose.	Inspect Property And Books Upon Reasonable Notice Subject To Redaction For Member Privacy (Including The Recommendation Of Physician, Identification Card, Medical History Or The Designation Of A Primary Caregiver) And Will Be Provided In Electronic Format Compatible With Microsoft Office.



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<b>Age Limitations</b>	No One Under 18 On Premises Or Member Of Collective.	For Commission To Address If They So Choose.	Minors Are Permitted Only When Accompanied By Their Physician, Parent Or Documented Legal Guardian And Must Be A Qualified Patient.
<b>Point Of Contact For Neighborhood Complaints And Concerns</b>	24-Hour Number For Receiving Complaints To Be Logged And Responded To By Manager.	For Commission To Address If They So Choose.	24-Hour Number For Receiving Complaints To Be Logged And Responded To By Manager
<b>Paraphernalia Restrictions</b>	No Paraphernalia On-Site.	For Commission To Address If They So Choose.	Not Addressed.
<b>Loitering Restrictions</b>	Prohibited.	For Commission To Address If They So Choose.	Loitering For An Illegal Purpose Is Prohibited.
<b>Limitations On Owners/Managers / Growers</b>	Cannot Have Criminal History.	For Commission To Address If They So Choose.	Cannot Have Criminal History Involving The Use Of Force, Fear, Fraud Or Deception; Conviction Within 7 Yrs Of Unlawful Possession, Sale, Distribution Or Transportation Of A Controlled Substance; And

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<b>Limitations On Owners/Managers / Growers (cont'd)</b>			<ul style="list-style-type: none"> <li>• Convicted Within The Last Seven Years Of Using Money To Engage In Criminal Activity.</li> </ul>
<b>Other Limitations On Location</b>	Cannot Be The Site Of Prior Public Nuisance Activity Related To Marijuana.	For Commission To Address If They So Choose.	Cannot Have Violations Of Health, Welfare Or Safety Codes.
<b>Limitations On Dispensing Of Marijuana</b>	Limited To Once Per Day Per Member.	For Commission To Address If They So Choose.	Limited To Twice A Day In An Amount Not To Exceed State Limits
<b>Packing Requirements</b>	Childproof Containers Clearly Labeled With Name Of Patient, Collective, Amount In Container, Name Of Attending Physician, Date, Chemicals or Substances Used In Processing, Health And Safety Warnings.	For Commission To Address If They So Choose.	Not Addressed
<b>Building Requirements</b>	Building Code, Fire Code, Proper Venting, Air Scrubbers.	For Commission To Address If They So Choose.	In Compliance With Local Zoning And Building Codes.

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PROPOSED REGULATIONS VS. INITIATIVES**

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<b>Auditing</b>	Record Maintenance Annually.	For Commission To Address If They So Choose.	Maintained For A Period Of 2 Years.

