

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

REPEALING IN ITS ENTIRETY ORDINANCE NO. 3228 (ORDINANCE AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING ARTICLE XVI (CANNABIS BUSINESSES) OF CHAPTER VI (BUSINESSES, OCCUPATIONS AND INDUSTRY) TO (1) ELIMINATE THE CAP ON TESTING LABORATORIES, (2) ALLOW FOR TWO ADDITIONAL CANNABIS BUSINESSES TO OPERATE AS "DISPENSARY/DELIVERY" (DELIVERY REQUIRED; OPEN TO THE PUBLIC) WITHIN THE ZONING DISTRICTS FOR CANNABIS RETAIL, (3) AMEND THE DISPERSION REQUIREMENT TO REQUIRE NO MORE THAN TWO CANNABIS RETAIL BUSINESSES TO OPERATE ON EITHER SIDE OF GRAND STREET, (4) CREATE A TWO-TIER BUFFER ZONE FROM SENSITIVE USES FOR CANNABIS BUSINESSES, (5) AMEND CERTAIN PORTIONS OF THE REGULATORY ORDINANCE TO ENABLE CANNABIS RETAIL BUSINESSES TO DISPENSE NON-MEDICINAL OR "ADULT USE" CANNABIS, (6) MODIFY REQUIREMENTS FOR OFF-ISLAND DELIVERY, AND (7) MAKE OTHER CLARIFYING OR CONFORMING AMENDMENTS THERETO)

THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Ordinance No. 3228 (ORDINANCE AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING ARTICLE XVI (CANNABIS BUSINESSES) OF CHAPTER VI (BUSINESSES, OCCUPATIONS AND INDUSTRY) TO (1) ELIMINATE THE CAP ON TESTING LABORATORIES, (2) ALLOW FOR TWO ADDITIONAL CANNABIS BUSINESSES TO OPERATE AS "DISPENSARY/DELIVERY" (DELIVERY REQUIRED; OPEN TO THE PUBLIC) WITHIN THE ZONING DISTRICTS FOR CANNABIS RETAIL, (3) AMEND THE DISPERSION REQUIREMENT TO REQUIRE NO MORE THAN TWO CANNABIS RETAIL BUSINESSES TO OPERATE ON EITHER SIDE OF GRAND STREET, (4) CREATE A TWO-TIER BUFFER ZONE FROM SENSITIVE USES FOR CANNABIS BUSINESSES, (4) AMEND CERTAIN PORTIONS OF THE REGULATORY ORDINANCE TO ENABLE CANNABIS RETAIL BUSINESSES TO DISPENSE NON-MEDICINAL OR "ADULT USE" CANNABIS, (5) MODIFY REQUIREMENTS FOR OFF-ISLAND DELIVERY, AND (6) MAKE OTHER CLARIFYING OR CONFORMING AMENDMENTS THERETO) is repealed in its entirety.

Section 2: CEQA DETERMINATION

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Business and Professions Code section 26055(h) as discretionary review and approval, which shall include any applicable

environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code, shall be required in order to engage in commercial cannabis activity within the City of Alameda under such Ordinance. Adoption of this Ordinance is additionally exempt from CEQA pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

Section 3: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on this ____ day of _____, 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City on this ____ day of _____, 2019.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Michael H. Roush, Interim City Attorney
City of Alameda