

Office of the City Attorney

Memorandum

TO: Zack Beck, City Clerk

FROM: John Mullen, City Attorney

DATE: April 25, 2016

SUBJECT: Christopher Siegel Notice of Intent to Circulate Petition

In accordance with Elections Code section 9203(b), please find the attached ballot title and summary for the above referenced initiative petition. Please let me know if you have any questions.

BALLOT TITLE

An Initiative Measure to Amend the City of Oceanside Zoning Ordinance to Allow Medical Marijuana Dispensaries, the Commercial Cultivation of Medical Marijuana, the Manufacturing of Medical Marijuana Products, And Personal Cultivation of up to Eight Marijuana Plants by a Qualified Patient or Personal Caregiver

BALLOT SUMMARY

This initiative measure seeks to change the City of Oceanside's laws that currently prohibit storefront medical marijuana dispensaries and commercial medical marijuana businesses. The proposed initiative would amend Oceanside's zoning ordinance to allow three new types of medical marijuana activities not currently permitted.

First, the initiative amends the Oceanside zoning ordinance to allow medical marijuana dispensaries to operate in General Industrial and Light Industrial zoning districts subject to the approval of a conditional use permit by the City. Under the proposal, dispensaries would not be allowed to operate within 1000 feet from childcare centers, playgrounds, minor-oriented facilities, schools or other dispensaries. Consultations by medical professionals would be prohibited at the dispensary.

Second, the proposed initiative would amend the Oceanside zoning ordinance to allow commercial cultivation of medical marijuana in General Industrial zones and Agricultural zones. Two types of commercial cultivation would be allowed subject to the approval of a conditional use permit by the City: (1) indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises and (2) nursery cultivation as defined in California Business and Professions Code section 19332(g)(1). The proposal requires all plants to be cultivated in response to a pre-existing supply or purchase agreement between a cultivator and a licensed dispensary or distributor.

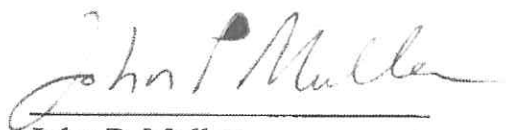
Third, the proposed initiative would change the Oceanside zoning ordinance to allow the manufacturing of medical marijuana products, including edible cannabis products, in General Industrial zones subject to the approval of a conditional use permit by the City.

The initiative proposes that any conditional use permit approved by the City for dispensaries, commercial cultivation or manufacturing activities include conditions regulating lighting, security, signage, hours of operation, and public access in addition to other standard city-imposed conditions of approval. In addition, permittees would be required to obtain applicable state licenses and comply with state medical marijuana laws.

The initiative authorizes the City to revoke or suspend a conditional use permit in response to legitimate complaints concerning loitering, noise, odors, non-compliance with any condition of approval or the violation of any state local regulation. However, the City would be required to provide the permittee with a reasonable opportunity to correct the violation before suspension or revocation of the conditional use permit.

Finally, the proposed initiative would allow a qualified patient or personal caregiver to grow up to eight marijuana plants for personal use unless disallowed by the building owner, management or governing housing association. Any personal cultivation must comply with building, electrical and waste disposal codes. No conditional use permit from the City would be required to engage in personal cultivation.

Dated: April 25, 2016

A handwritten signature in cursive script that reads "John P. Mullen". The signature is written in dark ink and is positioned above a horizontal line.

John P. Mullen
City Attorney