

# City of Brisbane

## Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: Proposed Ordinance No. 625 (Zoning Text Amendment RZ-1-18) - Zoning Text amendments to eliminate the prohibition of cannabis businesses within 600 feet of a school or daycare for properties located within zoning districts where such uses are permitted

DATE: March 15, 2018

### **City Council Goals:**

To promote economic development that stabilizes and diversifies the tax base. (#4)

### **Purpose:**

To eliminate the 600-foot buffer requirement for cannabis businesses from schools and daycares.

### **Recommendation:**

That the City Council introduce Ordinance No. 625.

### **Background:**

In September 2017, the City Council adopted Ordinance 617 to regulate certain types of cannabis-related businesses within the City, subject to certain performance standards and permitting processes as detailed in the Ordinance. One such requirement is that new cannabis businesses are prohibited to be established within 600 feet of a school or daycare.

Subsequently to the Ordinance's adoption, a prospective cannabis business interested in locating in Brisbane noted that the 600-foot buffer requirement represents a significant business constraint by restricting allowable locations in an industrial market (Crocker Park) with limited vacancy rates. At its January 4, 2018, meeting, the City Council directed staff to draft zoning text amendments to eliminate the buffer requirement as it pertains to Crocker Park. The Council's determination was primarily based on the lack of pedestrian connectivity between Lipman School and sites within the Crocker Industrial Park, as well as the fact that any Conditional Use Permit (CUP) applications for cannabis businesses would consider site and business-specific factors pertaining to public safety and welfare.

Consistent with the Council's direction, the Planning Commission considered zoning text amendments that would eliminate the 600-foot buffer from schools and daycares at their January 23, 2018 meeting. The Commission voted 3-0 (Anderson abstaining) to recommend Council approval of the text amendments. The Planning Commission Resolution RZ-1-18 is attached for the Council's reference.

**Discussion:**

The draft zoning text amendments would eliminate the 600-foot buffer entirely by deleting subsection 17.33.020.A. The only school and daycare within 600 feet of commercial districts where cannabis-related businesses are allowed or conditionally allowed are Lipman Middle School and Silverspot Co-op. Other existing schools and daycare facilities are within residential districts where no cannabis businesses are allowed. Additionally, there are no existing or proposed new schools or daycares anywhere within 600 feet of commercial districts where cannabis-related businesses are allowed or conditionally allowed. Hence, the buffer only impacts the TC-1 Crocker Park District.

Cannabis labs/testing business are permitted in the SCRO-1, Southwest Bayshore and SP-CRO, Sierra Point districts. While these businesses are not defined as "cannabis businesses" by the Zoning Ordinance, they are subject to the standards of Chapter 17.33, including the locational requirements. While it's possible that in the future daycares could be potentially established in the SCRO-1 (large family daycare in single-family home, CUP required), or SP-CRO (CUP required) districts within 600 feet of a permitted cannabis testing lab in those districts, the Planning Commission would be able to consider compatibility of the proposed daycare use with adjacent uses as part of the CUP application. There are currently no licensed daycares within either of these districts.

Considering its exclusive impact on businesses in Crocker Park, where cannabis businesses are otherwise allowed with approval of a CUP, and limited potential for impacts in any other commercial districts, elimination of the 600-foot buffer is recommended.

**Fiscal Impact:**

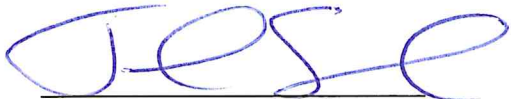
None.

**Measure of Success:**

Adoption of Ordinance 625 will eliminate barriers to the establishment of cannabis businesses in zoning districts in which they are permitted or conditionally permitted uses.

**Attachments:**

1. Draft Ordinance No. 625 redlined text
2. Draft Ordinance No. 625
3. Planning Commission Resolution RZ-1-18 (without attachments)
4. Planning Commission agenda report and minutes from January 23, 2018 meeting



John Swiecki, Community Development Director



Clay Holstine, City Manager