



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street Sacramento CA 95814-2604

STAFF REPORT  
July 24, 2012

Honorable Members of the  
Law and Legislation Committee

**Title:** Discussion on Cultivation of Medical Marijuana in Residential Areas (M12-008)

**Location/Council District:** Citywide

**Recommendation:** Discussion and recommendation on amending the City Code to add regulations regarding the cultivation of medical marijuana in residential areas in the City of Sacramento.

**Contact:** Joy Patterson, Principal Planner, (916) 808-5607

**Presenter:** Joy Patterson, Principal Planner, (916) 808-5607

**Department:** Community Development

**Division:** Planning

**Organization No:** 21001221

**Description/Analysis:**

**Issue:** At the City Council meeting of September 27, 2011 Council member Sheedy requested that City staff prepare a report for the Law and Legislation Committee on if the City could place restrictions on the outdoor cultivation of medical marijuana in residential areas. Outdoor cultivation has posed an attractive nuisance in her district as the plant has a distinct odor during the harvesting season and, when visible, the home where it is grown may be a target for burglary.

Staff research has found that several jurisdictions in California limit the growing of marijuana to indoor locations including Moraga, San Mateo, Biggs, Elk Grove, Gridley, and Corning. Nevada County provides for outdoor cultivation in limited amounts. The San Mateo code states the following:

7.46.110 (Health, Sanitation & Public Nuisances)  
Marijuana Produced for Individual Residential On-site Consumption

- (a) Nothing in this chapter shall be deemed to make unlawful an individual's cultivation of medical marijuana at their own residence for their own use, or

- for the use by another person regularly residing at such residence, if such cultivation, possession or use is lawful under Health and Safety Code sections 11362.7 through 11362.77.
- (b) Marijuana cultivated and possessed at a private residence must not be visible from adjacent public areas or neighboring properties, and must be secured within structures consisting of at least four walls and a roof with standard locks.

In order to modify the location criteria the City Council would need to amend Title 8, the Nuisance Code, of the Sacramento City Code. If the City Council chooses to amend the code staff recommends that the ordinance become effective in January 2013 to give the owners of plants currently growing time to harvest their outdoor medicinal plants this fall.

**Committee/Commission Action:** None.

**Policy Considerations:** Currently the Sacramento City Code does not address the topic of cultivation. The proposed amendment would allow for the cultivation of medical marijuana in residential areas but also insure that the growing of the plants does not become an attractive nuisance.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** Because this report concerns general policy and procedure making, CEQA does not apply per Section 15378(b)(3), which states that continuing administrative or maintenance activities, which are not conducted in conjunction with a project subject to CEQA review, are not considered to be “projects” and are therefore exempt from CEQA.

**Sustainability Considerations:** None.

**Rationale for Recommendation:** Amending the Sacramento City Code would assist in regulating what has become an attractive nuisance in residential zones and would be beneficial to both the occupants of the residence and adjacent residential neighbors.

**Financial Considerations:** None.

**Emerging Small Business Development (ESBD):** None

July 24, 2012

Respectfully Submitted by:  \_\_\_\_\_  
Joy Patterson  
Principal Planner

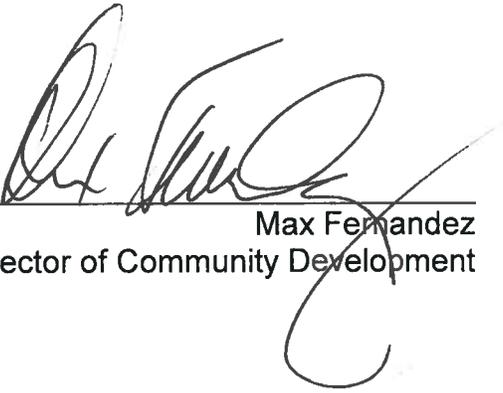
Approved by:  \_\_\_\_\_  
Max Fernandez  
Director of Community Development

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