



# City of San Leandro

Meeting Date: December 19, 2016

## Staff Report

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**File Number:** 16-672

**Agenda Section:** PUBLIC HEARINGS

**Agenda Number:** 4.C.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Cynthia Battenberg  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** Staff Report for an Ordinance to Amend the City of San Leandro Zoning Code Article 3, Definitions; Article 6, Commercial and Professional Districts; and Article 7, Industrial Districts; involving updates to definitions and regulations of land uses involving Cannabis

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### SUMMARY AND RECOMMENDATIONS

Staff requests that the City Council consider the proposed ordinance to amend Zoning Code provisions updating definitions and regulations involving cannabis. The purpose of the proposed changes are to 1) bring existing provisions of the Zoning Code into alignment with the Municipal Code and 2) enable two new conditionally-permitted land uses specific to the manufacturing and testing of cannabis products. Staff and the Planning Commission recommend City Council approval of the proposed ordinance.

### BACKGROUND

Three assembly bills that passed in 2015 (Assembly Bills 243 and 266, and Senate Bill 643) established a new licensing and regulatory framework for medical cannabis as well as the new California Bureau of Medical Cannabis Regulation. The Bureau will be responsible for developing regulations and issuing licenses at the State level for the cultivation, manufacture, distribution, transportation, laboratory testing, and sale of medical cannabis. These state-level licenses will be issued in conjunction with local permits. With the recent passage of Proposition 64, it is anticipated that many of these state-level regulatory functions for the non-medical/adult use of cannabis will be merged with this same agency.

In light of this legislation and local approval of ballot Measure NN, which enables the City of San Leandro to tax up to 10% of the gross receipts of cannabis businesses, the proposed amendments will add new land uses to the Zoning Code to accommodate the manufacturing and laboratory testing of cannabis products as a conditionally-permitted use in certain zoning districts.

The proposed amendments will also bring the Zoning Code into alignment with the Municipal Code with consistent provisions and terminology by replacing the term “marijuana” with “cannabis” and eliminating the 1,000 foot distancing requirement between medical cannabis dispensaries, as currently codified in the Municipal Code. The use of the term “cannabis” has become standardized through state regulations.

### **Analysis**

Two of the proposed changes are essentially code “clean-up” items, bringing the Zoning Code into consistency with the Municipal Code, while the third will enable two new conditionally-permitted land uses related to cannabis: “Industry, Cannabis Product Manufacturing,” and “Laboratories, Cannabis Testing Facilities.” The first new land use will enable land uses that manufacture cannabis products and the second will enable laboratories that provide analytical quality control and testing services of cannabis and cannabis products. Both of these new uses would require review and approval of a Conditional Use Permit by the Board of Zoning Adjustments prior to establishment.

“Laboratories, Cannabis Testing Facilities” and “Industry, Cannabis Product Manufacturing” will be defined and identified in Zoning Code Articles 3, 6, & 7 as follows:

“Laboratories, Cannabis Testing Facilities. Laboratories conducting safety, quality control, and analytical testing services of cannabis and products derived from cannabis as a service to cannabis dispensaries, medical facilities, government agencies, cannabis product manufacturers, or other entities as allowed by state law. This definition does not include the cloning, planting or cultivation of cannabis plants or the direct sales, distribution, delivery, or dispensing of cannabis and cannabis products to the public.”

“Laboratories, Cannabis Testing Facilities” would be allowed in the Community Commercial (CC), Industrial General (IG), Industrial General - Assembly Use (IG-AU), and Industrial Park (IP) zoning districts with an approved Conditional Use Permit. These are the same zoning districts where the City currently allows Medical Cannabis Dispensaries. Laboratories, Cannabis Testing Facilities are not proposed to be subject to the same buffer or distance requirements as a dispensary. Cannabis testing laboratories will be limited to performing analytical testing and quality control of cannabis and cannabis products as a service and will be prohibited from growing or selling cannabis.

“Industry, Cannabis Product Manufacturing. Manufacturing, processing, and packaging of products derived from or infused with cannabis, including edibles, concentrates and extracts for wholesale or retail trade to cannabis dispensaries or other cannabis product distributors and manufacturers as allowed by state law. This definition does not include the cloning, planting or cultivation of cannabis plants or the direct sales, distribution, delivery, or dispensing of manufactured cannabis products to the public.”

“Industry, Cannabis Product Manufacturing” would be allowed in the Industrial General (IG), Industrial General - Assembly Use (IG-AU), and Industrial Park (IP) zoning districts with a Conditional Use Permit. With the exception of Community Commercial (CC) which is not an industrial zone, the IG, IG-AU, and IP industrial zoning districts are the same the zones that accommodate Medical Cannabis Dispensaries. Approved businesses that manufacture

cannabis products under this proposed ordinance will be prohibited from growing cannabis or selling or distributing their products directly to the public. As Cannabis Product Manufacturing facilities will be limited to industrial zones with a Conditional Use Permit and will not be accessible to the public, they are not proposed to be subject to the same buffer or distance requirements as a dispensary.

Both of these new land uses are not anticipated to have a noticeable impact different from other types of laboratories or manufacturing facilities. The City will have the ability to evaluate and condition each proposed business on a case-by-case basis through the Conditional Use Permit process, which requires review and approval by the Board of Zoning Adjustments at a public hearing. Should problems arise in the future, the City has the authority to issue citations, revisit or revoke a Conditional Use Permit.

By enabling these two new land uses, the City will be positioned to accommodate the anticipated growth in the manufacturing of cannabis products as well as the anticipated tax revenue and employment stemming from those new uses. Over the past year, staff has received a number of inquiries from manufacturers who have been seeking potential locations to legally manufacture products containing cannabis to supply to existing dispensaries. There are few cities in California that currently enable the manufacturing of cannabis products. These provisions will enable manufacturers to consider locating their operations in San Leandro. With the recent establishment of the California Bureau of Medical Cannabis Regulation, cannabis laboratories and manufacturing businesses will be required to comply with both local and state regulations, while providing a source of revenue and employment to the City.

### **Previous Actions**

The City Council adopted Ordinance 2013-020 in December 2013, which allowed for the establishment of one medical cannabis dispensary subject to performance standards.

The City Council adopted Ordinance 2014-003 in April 2014, implementing performance standards for medical cannabis dispensaries, by amending the Zoning Code to enable the use of medical cannabis dispensaries.

The City Council adopted Ordinance 2016-007 in February 2016, allowing the establishment of a second medical cannabis dispensary.

The City Council adopted Ordinance 2016-013 in September 2016, allowing the establishment of a third medical cannabis dispensary.

### **Applicable General Plan Policies**

The proposed recommendations are consistent with the recently adopted 2035 General Plan, which identifies policies and actions to ensure the City remains flexible and responsive to industrial trends:

- Policy LU-7.3 - Zoning Flexibility. “Ensure that industrial zoning regulations are flexible enough to achieve the vision of San Leandro’s industrial area as an “innovation

ecosystem”, where new methods of production, operations, and design are supported.”

- Action LU-7.3.A - Zoning Review. “Regularly review the Zoning Code to respond to real estate market and development trends, as well as changes in technology. The City shall routinely review the lists of permitted and conditionally permitted uses in industrial areas to ensure that desired and potentially compatible uses are not excluded.”
- Policy LU-7.4 - Tax Base Enhancement. “Encourage business development that improves the City’s ability to provide the public with high-quality services and which minimizes increases in the tax burden for existing businesses and residents.”

### **Environmental Review**

The proposed Zoning Code amendments are exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines, as they constitute minor amendments to the Zoning Code necessary for consistency with the Municipal Code and state law, and that any potential project enabled under the amendments will be further subject to review under CEQA. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment and thus are not subject to CEQA.

### **Planning Commission Review and Actions**

The Planning Commission considered the proposed amendments at its November 17, 2016 meeting and unanimously recommended City Council approval of the proposed Ordinance. The Planning Commission posed a number of questions to staff and noted support for additional revenue generation. There were no public comments presented at the Planning Commission or received prior to the preparation of this report.

### **Fiscal Impacts**

With the approval of Measure NN, which enables the City of San Leandro to tax up to 10% of the gross receipts of cannabis businesses, approval of the proposed ordinance could expand potential revenue sources for the City.

### **ATTACHMENTS**

- Draft Ordinance (16-674)
- Exhibit A, Article 3, Definitions, Proposed Changes
- Exhibit B, Article 6, Commercial and Professional, Proposed Changes
- Exhibit C, Article 7, Industrial, Proposed Changes

### **PREPARED BY:**

Andrew J. Mogensen, AICP  
Planning Manager



# City of San Leandro

Meeting Date: December 19, 2016

## Ordinance

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**File Number:** 16-674

**Agenda Section:** PUBLIC HEARINGS

**Agenda Number:**

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Cynthia Battenberg  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** ORDINANCE Amending Zoning Code Article 3, Definitions; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; Related to Medical Cannabis Dispensaries and the Manufacturing and Testing of Cannabis Products.

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**WHEREAS**, California’s Medical Cannabis Regulation and Safety Act established a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, testing, and distribution of cannabis and cannabis products; and

**WHEREAS**, the State of California enables local governments to adopt new ordinances to regulate local cannabis-related businesses in preparation for State licensing; and

**WHEREAS**, in 2016, the City of San Leandro adopted a new General Plan, which states that “[t]he San Leandro General Plan aspires to reshape the industrial areas of West and Central San Leandro to meet the demands of the new economy.” Furthermore, the General Plan states that “[t]he guiding objectives in the City’s large business districts are to promote business retention and diversification”; and to “locate the most intensive industrial uses in the areas that are furthest away from residential neighborhoods”; and

**WHEREAS**, the General Plan establishes policies to “[e]nsure that industrial zoning regulations are flexible enough to achieve the vision of San Leandro’s industrial area as an ‘innovation ecosystem’, where new methods of production, operations, and design are supported”; and

**WHEREAS**, the General Plan directs the City to “[r]egularly review the Zoning Code to respond to real estate market and development trends, as well as changes in technology,” and directs that “[t]he City shall routinely review the lists of permitted and conditionally permitted uses in industrial areas to ensure that desired and potentially compatible uses are not excluded”; and

**WHEREAS**, the proposed Amendments are in accord with the policies of the General Plan in that the Amendments will “encourage business development that improves the City’s ability to provide the public with high-quality services and which minimizes increases in the tax burden for existing businesses and residents”; and

**WHEREAS**, in December 2013, the City Council of the City of San Leandro adopted Ordinance 2013-020, which allowed for the establishment of a Medical Marijuana Dispensary, subject to selection and performance standards, which became effective on January 13, 2014; and

**WHEREAS**, in April 2014, the City Council of the City of San Leandro adopted Ordinance 2014-003, implementing performance standards for medical cannabis dispensaries, by amending the Zoning Code to enable the use of medical cannabis dispensaries; and

**WHEREAS**, in June 2016, the City Council of the City of San Leandro adopted Ordinance 2016-007, which allowed for the establishment of a second Medical Marijuana Dispensary, which became effective on July 20, 2016; and

**WHEREAS**, in September 2016, the City Council of the City of San Leandro adopted Ordinance 2016-013, establishing a third Medical Marijuana Dispensary, which became effective on November 3, 2016; and

**WHEREAS**, the City of San Leandro’s Planning Services Division is tasked with periodic updates to the Zoning Code for conformance with General Plan policy and State law; and

**WHEREAS**, the proposed Amendments to the Zoning Code will update and modernize existing regulations pertaining to medical cannabis dispensaries and enable new regulations for those industries that support them in accord with General Plan policy; and

**WHEREAS**, the proposed Amendments are intended to make the provisions of the Zoning Code consistent with those found in the Municipal Code; and

**WHEREAS**, the proposed Amendments to the Zoning Code will replace the term “marijuana” with “cannabis” for consistency between the Municipal Code, the Zoning Code, and state law; and

**WHEREAS**, the terms “marijuana” and “cannabis” are used interchangeably herein for purposes of description; and

**WHEREAS**, the General Plan and the Zoning Code are incorporated herein by reference, and are available for review at City Hall during normal business hours; and

**WHEREAS**, the Planning Commission reviewed the proposed Zoning Code Amendments at a duly noticed public hearing on November 17, 2016 and unanimously recommended City Council approval of the proposed ordinance by approving Resolution

2016-007 by a 7-0 vote; and

**WHEREAS**, the City Council reviewed the staff report and exhibits and finds that the proposed Amendments to the Zoning Code are exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, as they constitute minor amendments to the Zoning Code necessary for consistency with the Municipal Code and state law, and that any potential project enabled under the Amendments will be further subject to review under CEQA; and

**WHEREAS**, the Amendments to the Zoning Code text are set forth in attached **Exhibits A through C**, incorporated herein by reference.

NOW THEREFORE, The City Council of the City of San Leandro does **ORDAIN** as follows:

**SECTION 1. RECITALS.** The above recitals are true and correct and made a part of this ordinance.

**SECTION 2. CEQA.** The proposed Amendments to the Zoning Code are exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, as they constitute minor amendments to the Zoning Code necessary for consistency with the Municipal Code and State law, and that any potential project enabled under the amendments will be further subject to review under CEQA. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed Amendments could have a significant effect on the environment and thus are not subject to CEQA.

**SECTION 3. FINDINGS.** Based on the entirety of the record, the City Council hereby finds that the proposed zoning text Amendments shown in Exhibits A-C are consistent with the recently adopted 2035 General Plan. The City Council further finds that consideration of the proposed zoning Amendments complied with the notice and hearing provisions of the Zoning Code.

**SECTION 4. Approval.** The City Council hereby approves the Zoning Code text Amendments as shown in attached Exhibits A-C, described as follows:

Exhibit A: Amended Article 3 Definitions (excerpts only)

Exhibit B: Amended Article 6 Commercial and Professional Districts (excerpts only)

Exhibit C: Amended Article 7 Industrial Districts (excerpts only)

**SECTION 5. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or

unenforceable.

**SECTION 6. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.



**Ordinance \_\_\_\_\_, Exhibit A**  
**Amendments to Article 3, Section 1-304 Definitions (Excerpts)**

Note: Underlined text represents new text; ~~strike through~~ represents text to be eliminated.

The following definitions are additions or modifications to existing definitions as follows and no changes are proposed to definitions not listed here:

**Laboratories.** Establishments providing medical or dental laboratory services; or establishments with less than two thousand (2,000) square feet providing photographic, analytical, or testing services. Other laboratories are classified as ~~limited~~ “Industry, Research and Development” or “Laboratories, Cannabis Testing Facilities.”

**Laboratories, Cannabis Testing Facilities.** Laboratories conducting safety, quality control, and analytical testing services of cannabis and products derived from cannabis as a service to cannabis dispensaries, medical facilities, government agencies, cannabis product manufacturers, or other entities as allowed by state law. This definition does not include the cloning, planting or cultivation of cannabis plants or the direct sales, distribution, delivery, or dispensing of cannabis and cannabis products to the public.

**Industry, Cannabis Product Manufacturing.** Manufacturing, processing, and packaging of products derived from or infused with cannabis, including edibles, concentrates and extracts for wholesale or retail trade to cannabis dispensaries or other cannabis product distributors and manufacturers as allowed by state law. This definition does not include the cloning, planting or cultivation of cannabis plants or the direct sales, distribution, delivery, or dispensing of manufactured cannabis products to the public.

**Medical Cannabis Marijuana.** All parts of the plant *Cannabis sativa* L., also referred to as marijuana, whether growing or not, as defined by California Health and Safety Code Section 11018, as amended from time to time. This includes “cannabis” as: the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant incapable of germination.

**Medical Cannabis Marijuana Dispensary.** A collective, or, cooperative, or other non-profit or for profit entity qualified or permitted to do business in the State of California and the City of San Leandro that distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away cannabis (“marijuana”) for medicinal purposes to four (4) or more qualified patients and/ or primary caregivers pursuant to California Health and Safety Code Sections 11362.5 and 11362.7 et seq. Baked medicinal products (i.e., brownies, bars, cookies, cakes), tinctures and other non-refrigerated type items are acceptable for

manufacture and sale at a dispensary. ~~Edible cannabis products for sale or distribution at a dispensary must have been prepared by a member of that dispensary. No non-member edible cannabis products are allowed for sale or distribution at a dispensary.~~

**Ordinance \_\_\_\_\_, Exhibit B:  
Amended Article 6, Commercial and Professional Districts (Excerpt)**

Note: Underlined and bolded text represents new text; ~~strike through~~ represents text to be eliminated.

**2-606 CC District—Use Regulations**

**B. CC District—Conditionally Permitted Uses.**

The following uses are allowed in the CC District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Animal Boarding.
3. Animal Hospitals.
4. Automobile Washing, Unattended.
5. Bars.
6. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
7. Beer and Wine Stores. [Beer and wine stores shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and wine stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing beer and wine store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.]
8. Billiard Parlors.
9. Bingo Parlors.
10. Building Materials and Services.
11. Coin-Operated Laundry Businesses.
12. Commercial Parking Facility.
13. Commercial Recreation.
14. Convenience Stores. (Convenience markets shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Convenience markets may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing convenience store shall not be deemed a nonconforming use

solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.)

15. Cultural Institutions.
16. Dance Clubs.
17. Department Stores.
18. Drive-Up Facilities.
19. Emergency Health Care.
20. Entertainment Events. (Entertainment events, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
21. Farmers' Market.
22. Fast Food Establishments, Large Scale.
23. Financial Institutions, Personal Loan Services. (Financial institutions, personal loan services uses shall not be located within one thousand five hundred (1,500) feet from other financial institutions, personal loan services uses. Financial institutions, personal loan services uses may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)
24. Fortune-Telling Establishments.
25. Game Centers.
26. Government Offices.
27. Gun or Weapon Shop.
28. Hospitals.
29. Hotels, Motels, and Time-Share Facilities.
30. **Laboratories, Cannabis Testing Facilities.**
- ~~31. 30.~~ Liquor Stores. (Liquor stores shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Liquor stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing liquor store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.)
- ~~32. 31.~~ Massage Therapy.
- ~~33. 32.~~ Medical **Cannabis** Marijuana Dispensary. (A medical **cannabis** marijuana dispensary shall not be located within one thousand (1,000) feet of a public or private school, public library, youth center [serving youth ages eighteen (18) and under], parks and recreation facilities, **or** facilities for religious worship and incidental religious education, ~~or another dispensary;~~ and shall not be located within five hundred (500) feet from a residential zone. A dispensary may be open during hours as specified in the San Leandro Municipal Code and are further subject to performance standards in the San Leandro Municipal Code.)

- ~~34.~~ ~~33.~~ Mixed-Use Residential.
- ~~35.~~ ~~34.~~ Multi-Family Residential.
- ~~36.~~ ~~35.~~ Park and Recreation Facilities.
- ~~37.~~ ~~36.~~ Pawn Shop.
- ~~38.~~ ~~37.~~ Public Safety Facilities.
- ~~39.~~ ~~38.~~ Retail Sales, Big Box.
- ~~40.~~ ~~39.~~ Secondhand Sales.
- ~~41.~~ ~~40.~~ Service Stations.
- ~~42.~~ ~~41.~~ Supermarkets.
- ~~43.~~ ~~42.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~44.~~ ~~43.~~ Theaters.
- ~~45.~~ ~~44.~~ Tobacconist/Cigarette Stores. [Tobacconist/cigarette stores shall not be located within one thousand five hundred (1,500) feet of a site occupied by a public or private school, park, library, or recreational facilities, or of other tobacconist/cigarette stores, and no exterior vending machines shall be permitted. Tobacconist/cigarette stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.]
- ~~46.~~ ~~45.~~ Two-Family Residential.
- ~~47.~~ ~~46.~~ Utilities, Major.
- ~~48.~~ ~~47.~~ Vehicle/Equipment Repair, Limited.
- ~~49.~~ ~~48.~~ Vehicle/Equipment Repair, General.
- ~~50.~~ ~~49.~~ Vehicle/Heavy Equipment Dealers, New.
- ~~51.~~ ~~50.~~ Vehicle/Heavy Equipment Dealers, Used.
- ~~52.~~ ~~51.~~ Vehicle/Heavy Equipment Rentals.

# Ordinance \_\_\_\_\_, Exhibit C Amended Article 7 (Excerpt)

Note: **underlined and bolded** text represents new text; ~~strike through~~ represents text to be eliminated

## 2-706 IG District—Use Regulations

### B. IG District—Conditionally Permitted Uses.

The following uses are allowed in the IG District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.
2. Animal Boarding (with outside use).
3. Bars.
4. Corporation Yards.
5. Cultural Institutions.
6. Dance Clubs.
7. Drive-Up Facilities.
8. Drugstores.
9. Farmers' Market.
10. Fast Food Establishments, Large Scale.
11. Furniture, Electronics and Appliance Sales.
12. Game Centers.
13. Industrial Transfer/Storage/Treatment Facilities for Hazardous Waste.
14. **Industry, Cannabis Product Manufacturing.**
- ~~15.~~ 14. 15. Industry, Hazardous Materials or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
- ~~16.~~ **16. Laboratories, Cannabis Testing Facilities.**
- ~~17.~~ 15.—Massage Therapy.
- ~~18.~~ 16. Medical **Cannabis** Marijuana Dispensary. (A medical cannabis marijuana dispensary shall not be located within one thousand (1,000) feet of a public or private school, public library, youth center [serving youth ages eighteen (18) and under], parks and recreation facilities, or facilities for religious worship and incidental religious education, ~~or another dispensary~~; and shall not be located within five hundred (500) feet from a residential zone. A dispensary may be open during hours as specified in the San Leandro Municipal Code and are further subject to performance standards in the San Leandro Municipal Code.)
- ~~19.~~ 17. Public Safety Facilities.
- ~~20.~~ 18. Public Storage.
- ~~21.~~ 19. Recycling Facilities, Heavy Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~22.~~ 20. Residuals Repositories for Hazardous Waste.

- ~~23.~~ 24. Service Stations.
- ~~24.~~ 22. Small-Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~25.~~ 23. Supermarkets.
- ~~26.~~ 24. Transfer Stations.
- ~~27.~~ 25. Trucking Terminals.
- ~~28.~~ 26. Utilities, Major.
- ~~29.~~ 27. Vehicle/Equipment Repair, General.
- ~~30.~~ 28. Vehicle/Equipment Repair, Limited.
- ~~31.~~ 29. Vehicle/Heavy Equipment Dealers, Used.
- ~~32.~~ 30. Vehicle/Heavy Equipment Rentals.
- ~~33.~~ 31. Vehicle Storage.
- ~~34.~~ 32. Warehouse—Storage Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use or if a new building of any size is proposed to accommodate this use.)
- ~~35.~~ 33. Warehouse—Wholesale/Retail Distribution Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use.)

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## 2-708 IP District—Use Regulations

### B. IP District—Conditionally Permitted Uses.

The following uses are allowed in the IP District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

- 1. Accessory uses when in conjunction with a conditional use.
- 2. Animal Boarding (with outdoor use).
- 3. Automobile Parts Sales.
- 4. Bars.
- 5. Cultural Institutions.
- 6. Dance Clubs.
- 7. Drive-Up Facilities.
- 8. Emergency Health Care.
- 9. Farmers' Market.
- 10. Fast Food Establishments, Large Scale.
- 11. Food Processing, General.
- 12. Furniture, Electronics, and Appliance Sales.
- 13. **Industry, Cannabis Product Manufacturing.**
- ~~14.~~ 13. Industry, General.

- 15.** 44. Industry, Hazardous Materials, or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
- 16. Laboratories, Cannabis Testing Facilities.**
- 17.** 45. Massage Therapy.
- 18.** 46. Medical **Cannabis** Marijuana Dispensary. (A medical cannabis marijuana dispensary shall not be located within one thousand (1,000) feet of a public or private school, public library, youth center [serving youth ages eighteen (18) and under], parks and recreation facilities, or facilities for religious worship and incidental religious education, ~~or another dispensary~~; and shall not be located within five hundred (500) feet from a residential zone. A dispensary may be open during hours as specified in the San Leandro Municipal Code and are further subject to performance standards in the San Leandro Municipal Code.)
- 19.** 47. Public Safety Facilities.
- 20.** 48. Service Stations.
- 21.** 49. Utilities, Major.
- 22.** 20. Vehicle/Heavy Equipment Dealers, Used.
- 23.** 21. Warehouse—Storage Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use or if a new building of any size is proposed to accommodate this use.)
- 24.** 22. Warehouse—Wholesale/Retail Distribution Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use.)

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## **2-714 IG(AU) District—Use Regulations**

### **B. IG(AU) District—Conditionally Permitted Uses.**

The following uses are allowed in the IG(AU) District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.
2. Animal Boarding (with outdoor use).
3. Assembly Uses.
4. Bars.
5. Commercial Recreation.
6. Corporation Yards.
7. Cultural Institutions.
8. Dance Clubs.
9. Drive-Up Facilities.
10. Drugstores.



11. Entertainment Events. (Entertainment events, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
12. Farmers' Market.
13. Fast Food Establishments, Large Scale.
14. Furniture, Electronics and Appliance Sales.
15. Game Centers.
16. Industrial Transfer/Storage/Treatment Facilities for Hazardous Waste.
- 17. Industry, Cannabis Product Manufacturing.**
- 18.** ~~17.~~ Industry, Hazardous Materials or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
- 19. Laboratories, Cannabis Testing Facilities.**
- 20.** ~~18.~~ Massage Therapy.
- 21.** ~~19.~~ Medical **Cannabis** Marijuana Dispensary. (A medical cannabis marijuana dispensary shall not be located within one thousand (1,000) feet of a public or private school, public library, youth center [serving youth ages eighteen (18) and under], parks and recreation facilities, or facilities for religious worship and incidental religious education, ~~or another dispensary~~; and shall not be located within five hundred (500) feet from a residential zone. A dispensary may be open during hours as specified in the San Leandro Municipal Code and are further subject to performance standards in the San Leandro Municipal Code.)
- 22.** ~~20.~~ Public Safety Facilities.
- 23.** ~~21.~~ Public Storage.
- 24.** ~~22.~~ Recycling Facilities, Heavy Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 25.** ~~23.~~ Residuals Repositories for Hazardous Waste.
- 26.** ~~24.~~ Service Stations.
- 27.** ~~25.~~ Small-Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 28.** ~~26.~~ Supermarkets.
- 29.** ~~27.~~ Transfer Stations.
- 30.** ~~28.~~ Trucking Terminals.
- 31.** ~~29.~~ Utilities, Major.
- 32.** ~~30.~~ Vehicle/Equipment Repair, General.
- 33.** ~~31.~~ Vehicle/Equipment Repair, Limited.
- 34.** ~~32.~~ Vehicle/Heavy Equipment Dealers, Used.
- 35.** ~~33.~~ Vehicle/Heavy Equipment Rentals.
- 36.** ~~34.~~ Vehicle Storage.
- 37.** ~~35.~~ Warehouse—Storage Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use.)
- 38.** ~~36.~~ Warehouse—Wholesale/Retail Distribution Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten

thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use.)