

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 1/18/2011
Reviewed by: BP

SUBJECT: Appeal of the Planning & Zoning Commission Action Denying an Application for a Conditional Use Permit to Allow Operation of a Medical Marijuana Dispensary at 1019 Solano Avenue.

REPORT BY: Jeff Bond, Planning Manager

PLANNING AND ZONING COMMISSION ACTION

On October 12, 2010, the Planning and Zoning Commission held a public hearing on the application. Following receipt of public testimony, the Commission voted 3-0 to deny the application based on the YMCA at 921 Kains Avenue being a youth-oriented facility and the number of children that walk by the proposed dispensary on their way to and from school.

BACKGROUND

At the City Council meeting of January 10, 2011, the City Council held a public hearing on the appeal of the Planning and Zoning Commission decision to deny a conditional use permit for medical marijuana dispensary at 1019 Solano Avenue. Following the public hearing, the City Council began discussion of the appeal. During the discussion, a motion was made and approved by the City Council to continue action on the appeal to the next City Council meeting.

DISCUSSION

At the beginning of the January 10, 2011 public hearing, the appellant submitted a “data packet” containing more than 600 pages of information and several DVDs that were described as documenting the number of children passing by the location of the proposed dispensary. Furthermore, on the day of the public hearing, the City Council received more than 60 emails from the public. In addition, the applicant and more than fifty members of the public spoke at the public hearing. All verbal, written, and video testimony received in advance of or during the public hearing should be considered as part of the administrative record and are available for public review at the City Clerk’s office.

Staff is reviewing the additional materials submitted. In addition, staff is preparing draft findings for City Council consideration.

CONCLUSION OF PUBLIC HEARING

The City Council has closed the public hearing and staff is advising the public not to expect to have an opportunity to address the City Council during the meeting. Thus, the concluding step in the processing of the appeal would be for the City Council to complete its discussion and take action on the appeal.