

ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Wednesday, April 13, 2016
1:30 p.m.

Supervisor Scott Haggerty, Chair, excused Location: Board of Supervisors Chambers – Room 512 5th floor
Supervisor Nate Miley County Administration Building
1221 Oak Street, Oakland, CA 94612

Summary/Action Minutes

I. Report on the Marijuana Stakeholders Group

Supervisor Nate Miley, District 4, presented an oral report from the Marijuana Stakeholders Group.

As a result of the Transportation & Planning Committee meeting held on January 21, 2016, the Committee convened a stakeholders group to discuss the new State Medical Marijuana Safety Regulations.

There have been two (2) stakeholder group meetings to discuss revisions to the County's existing Medical Marijuana Ordinance and implement regulations around cultivation and manufacturing.

The following is a summary of discussions to date:

The stakeholder group will take up the Medical Marijuana Regulations and Safety Act in two (2) phases: 1) retail medical marijuana dispensaries and 2: manufacturing & cultivation of medical marijuana.

- The County wants to protect the two (2) existing dispensaries that have been permitted in Alameda County over the last 10 or more years
- Review opening up an additional permit, to allow for a third dispensary in Alameda County
- Review social equity and community benefits as a result of the war on drugs
- Regulate delivery options of medical marijuana
- Develop a mechanism for taxation to be considered as a part of the ordinance but not levy a tax; any fees and costs associated with implementation will be charged
- The County entity to administer the revised Medical Marijuana Ordinance is the Community Development Agency

Purpose:

- Report progress
- Advocacy or Education
- Request Transportation and Planning Committee recommendation
- Other:

Speakers

Alex Zavell thanked the Board of Supervisors for convening the stakeholder group. It is important to bring medical marijuana into consistency with other products as agricultural. Mr. Zavell supports the regulating authority for the ordinance to be the Community Development Agency instead of the Sheriff's Office. In addition he stated that there was consensus from the stakeholder meeting to allow a total of eight permits for dispensaries in the unincorporated area.

Luke Bruner stated that medical cannabis access is important and supports the permitting of eight dispensaries for Alameda County.

Denise Martellacci commended Supervisor Miley for convening the process and supports the permitting of eight dispensaries.

James Anthony thanked the Board of Supervisors for working on the revisions to the Medical Marijuana Ordinance and supports the permitting of eight dispensaries.

Dale Gieringer supports the permitting of eight dispensaries because there will be a major expansion of the market.

Shariff El-Sissi, Garden of Eden dispensary operator, commended Supervisor Miley and Alameda County staff on their work and would like to see the County lead the state in medical marijuana regulations.

II. Medical Marijuana Regulation and Safety Act

[Attachment](#)
[Attachment](#)

Dennis Bozanich, Principal Analyst, County Administrator's Office and Albert Lopez, Director, Planning Department, presented a PowerPoint presentation on the Medical Marijuana Regulation and Safety Act concerning permitting, local licensing, public process and budgetary impacts.

State legislation of three (3) bills which were approved in September of 2015 will allow the State of California to begin regulating medical marijuana in the areas of commercial cultivation, manufacturing, laboratory testing and dispensaries.

At the January 21st meeting of the Transportation & Planning Committee, County staff was directed to convene a working group to revise the County's current Medical Marijuana Ordinance to align with the new state regulations.

The working group consist County staff from the County Administrator's Office, Sheriff's Office, Community Development Agency, Health Care Services Agency, and the Office of the County Counsel.

Permitting

If the Board of Supervisors allows for commercial Medical marijuana facilities the County would have to amend the County Zoning Ordinance to specify where facilities would be allowed and specific standards and limitations.

Local Licensing

There are several cultivator, manufacturing & dispensary licensing options for the Board to consider, including operational plan review, tracking system, compliance with health and safety codes, compliance with agriculture and weights & measure codes in addition to restricting the quantity, size and concentration of licenses.

Public Process

The public process would include the Zoning Amendment process in addition to meetings before the following:

- Agricultural Advisory Committee
- Sunol Citizens Advisory Committee
- District 4 Agricultural Committee

- Castro Valley Municipal Advisory Council
- San Lorenzo Village Homes Association
- Alameda County Planning Commission
- Unincorporated Services Committee
- Transportation & Planning Committee
- Board of Supervisors meeting

Budgetary impacts

The Working Group estimates that the Board of Supervisors could anticipate expenditures for an Environmental Impact Report in addition to ongoing monitoring and enforcement of licensing requirements. Anticipated sources of funds include fees from Proposition 26 and a possible voter approved tax. The

Andrea Weddle, Assistant County Counsel, presented a PowerPoint presentation on the Stakeholders' proposal for Medical Marijuana Dispensary Ordinance revisions.

The current Medical Marijuana Ordinance was adopted in 2005 and regulates medical marijuana dispensaries in the unincorporated area of Alameda County. The ordinance limits the County to three (3) dispensaries.

A group of community stakeholders drafted proposed amendments to the current ordinance to align with new state regulations per Supervisor Miley's request.

The Stakeholder's proposed amendments include:

- Adds a requirement for a local delivery permit and an inclusive delivery and dispensary permit
- Increase the number of dispensaries from three (3) to six (6) in the unincorporated area
- Reduces the distance requirement for proximity to schools, public parks, playgrounds, drug recovery facilities or recreation centers from 1,000 feet to 600 feet
- Expands the zones where dispensaries may be located from commercial and industrial zones to other "appropriately zoned locations" as determined by the board of supervisors on a case-by-case basis
- Eliminates the right of the county to terminate permits and operate a county dispensary
- Deletes the requirement that a renewal applicant have been in operation in the 4 months prior to filing for renewal
- Adds an exemption from the dispensary permit process for the 2 existing dispensaries who were in good standing as of January 1, 2016 – if they are issued new permits as "vertically integrated commercial cannabis operations"
- Directs the Community Development Agency to initiate a request for proposal (RFP) process to solicit applications for dispensary (and presumably delivery) permits
- Requires inclusion of a social justice component in the RFP process as a selection factor

Speakers

Alex Zavell stated that the County should allow for business to be permitted for cultivation that are not dispensaries while continuing to work on modifications to the Medical Marijuana Ordinance.

Luke Bruner asked the Committee to consider vertically integration of all dispensaries as opposed to the two existing dispensaries.

Jack Norton thanked County staff and Supervisor Miley for their work on medical marijuana.

Shariff El-Sissi supports vertical integration for the two existing dispensaries.

James Anthony stated that the County should strongly consider dual tracking of the process of modifying ordinances for cultivation and manufacturing of medical marijuana. Mr. Anthony supports increasing the current allowable dispensaries from three to six dispensaries.

Michael Colbruno stated that he would like the County to weigh in on the social justice issue of people of color and marijuana convictions. Mr. Colbruno suggested that the County work with the local court system on an expungement program for persons convicted of marijuana sales and possession. He is in favor of increasing the number of allowable dispensaries.

Tsion Sunshine Lencho, Supernova Women, stated that her organization helps to reclassify drug convictions from felonies to misdemeanors through Proposition 47. Ms. Lencho urged the County to address the issue of the disproportionate impact the “War on Drugs” has on people of color to allow for more persons of color to participate in the medical marijuana market. She supports the increase in allowable dispensaries.

Supervisor Miley stated that District 4 has held resource fairs on Proposition 47 to assist persons in reclassifying their convictions. He encouraged Supernova Women to contact his office regarding the resource fairs.

Purpose:

- Report progress
- Advocacy or Education**
- Request Transportation and Planning Committee recommendation
- Other:

Recommendation from Supervisor Miley: The County Counsel staff was directed to analyze the Stakeholder’s Proposal Ordinance and report out at the next Transportation & Planning Committee meeting. County Counsel will meet with internal and external stakeholders as part of the analysis.

County Counsel will review and report on a proposed social justice/community benefit component of the medical ordinance.

III. PUBLIC COMMENT

None.

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