

ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Wednesday, September 7, 2016
1:30 p.m.

Supervisor Scott Haggerty, Chair
Supervisor Nate Miley

Location: Board of Supervisors Chambers – Room 512 5th floor
County Administration Building
1221 Oak Street, Oakland, CA 94612

Summary/Action Minutes

I. Update on Medical Cannabis Dispensary and Cultivation Ordinances

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

Dennis Bozanich, Principal Analyst, County Administrator's Office, and Heather Littlejohn, Deputy County Counsel, presented a memorandum to update the Committee on the Medical Cannabis Dispensary and Cultivation Ordinances.

The existing dispensary ordinance in Chapter 6.108 of the County General Code allows a total of three dispensaries on specified parcels zoned for commercial or industrial use. Proposed changes to the dispensary requirements necessitate revisions to the existing dispensary ordinance as well as amendments to the Zoning Ordinance in Title 17 of the General Code to allow medical cannabis dispensaries as a conditional use, including as a conditional use in combination with cultivation in the "A" (Agricultural) District.

The following changes to the provisions of the existing dispensary ordinance are included in the draft ordinance:

- Increase the maximum number of dispensaries allowed in the unincorporated area from three to six, with no more than four in west county and no more than two in east county.
- Require dispensaries to comply with all zoning requirements in Title 17 of the Alameda County General Code and Alameda County Measure D (Save Agriculture and Open Space Lands), including the requirement to obtain any conditional use permits.
- Prohibit dispensaries in residential zoning districts.
- Allow up to two dispensaries in the "A" (Agricultural) Zoning District as a conditional agriculture-related use accessory to a permitted cannabis cultivation site.
- Reduce the buffer required between dispensaries and sensitive receptors from 1,000 feet to 600 feet to align with the MCRSA.
- Require selection of new dispensaries through a "Request for Proposals" (RFP) process.
- Provide appropriate regulation for each license – deferring to anticipated state regulations and augmenting the state regulations as necessary.
- Allow an unlimited number of permits for the delivery of medical cannabis from permitted "brick-and-mortar" dispensaries located within the unincorporated area and in other jurisdictions to patients.
- Remove the twenty-pound limit on the amount of cannabis that can be stored at a dispensary.
- Allow the sale, distribution, and delivery of edibles if produced in a commercial facility (that does not produce food items) constructed in accordance with applicable building standards and health and safety standards as opposed to private home kitchens.

Next Steps

With the concurrence of the Transportation and Planning Committee, staff will make any revisions to the draft ordinances necessary to incorporate additional direction you provide; and will begin a series of public meetings to obtain public input on the draft ordinance language.

Speakers

Randy Waage agrees with the Sheriff's Office, that the unincorporated area should not carry the burden for other cannabis patients in the area. Dispensaries opposed to additional dispensaries coming into the area.

James Anthony there is a clear policy to add four more dispensaries, reduction in the sensitive receptors, added day care facilities and what constitutes a childcare facility; no dispensary shall be located in a residential zone, what about mixed use zones, which zoning is allowed. East County not doing any cultivations in East County

Jason Oberman, on behalf of Robert Raich, thanked the Committee and County staff for their work on the ordinance, discretionary 15% reduction in distance requirements, should leave in staff discretion, delivery services; clarify that brick and mortar businesses, delivery only licensing; physical proof of delivery by driver, cap can contain in the truck, should have a limit;

Sharif El-Sissi – onsite wastewater, current LAMP does not classify agricultural buildings; lack of clear direction from the County; septic issue; cultivation, indoor cultivation only, indoor or mixed light cultivation; track and trace system, follow what state is doing, batch and lot, instead of individual track and trace; not ingest or onsite smoking; cultivation;

John Norton, stated the testing products and transportation license, request of physical permit for delivery should be reviewed. He would request a digital copy of permit should be sufficient. He stated that medical cannabis should be treated as medicine.

Purpose:

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

Recommendation from the Transportation and Planning Committee: County Counsel and medical cannabis advocates will review some of the issues in the ordinance regarding cultivation and the Onsite Wastewater Treatment (LAMP), clarification of child care facilities and other issues.

II. PUBLIC COMMENT

None.

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