

**PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 14, 2017**

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

SUBMITTED BY

NICK CUNHA

PH #17-085

CANNABIS REGULATIONS

Ordinance Responses

1. Current Proposal: B. Required Setbacks. All Commercial Cannabis businesses operating within the City of Hayward shall be subject to a 600-foot minimum setback from sensitive land uses as described in California Business and Professions Code section 26054 and California Health and Safety Code Section 11362.768, including any public parks, libraries and public open space areas. The distance shall be made in a straight line from the closest boundary line of the property on which the Cannabis Business is located to the closest boundary line of the property on which the school or sensitive land use is located.

[Map with old 600 ft. Buffer]



[Map with new 600 ft. Buffers Yet no indication about change in parameters]



Clarification: Trying to clarify why there is a buffer discrepancy. This is observed at multiple sites throughout the map and the example above is an example. Further analysis from other areas determined no sensitive use areas were located within certain locations while the previous map appeared to be more accurate.

2. Current Proposal: A. Dual Licensing. The City recognizes that state law requires dual licensing at the state and local level for all Cannabis Businesses. All Cannabis Operators shall therefore be required to diligently pursue and obtain a state cannabis license at such time as the state begins issuing such licenses, and shall comply at all times with all applicable state licensing requirements and conditions related to that license.

Additional relevant Info: We recommend having the licensing requirements in place by November to begin accepting applications as soon as possible. The reason we are recommending quick actions is because this will allow us to begin the process of getting an AUP or CUP permit while also applying for a temporary license under the state as has been suggested by licensing authorities at the Bureau of Medical Cannabis Control. The city can also place additional restrictions as a condition of the cannabis operations while state application is pending.

3. Current Proposal: Multiple Permits Per Site. Multiple Cannabis Businesses and Cannabis Operators proposed on any one site or parcel shall be permitted only if all the proposed Cannabis Businesses and their co-location operators are located on a separate and distinct premises as defined in Business and Professions Code section 26001 and have obtained all necessary local and state permits or licenses, and land use approvals from appropriate local and state agencies. Cannabis Operators holding multiple licenses from the state must maintain separate and distinct premises for each license in compliance with Business and Professions Code section 26053.

Additional Relevant Info: From Articles

(<https://www.leafly.com/news/politics/california-lawmakers-rush-put-cannabis-regulations-place>)

"The bill also includes a provision that requires businesses that have multiple licenses, such as a storefront that wants to sell both medical and adult-use cannabis, keep the operations "separate and distinct." The requirement has sent some industry members scrambling, as earlier reports suggested that medical and adult-use operations could co-locate in a single storefront. Brown's office has indicated that the "separate and distinct" requirement was the result of a drafting error and will be addressed in future legislation."

Attachment A: AB133 is the Cannabis Technical Fix Bill California Needs

“Holder of multiple cannabis license would no longer be required to keep their licenses ‘separate and distinct.’ This likely will mean you can combine your multiple licenses or your adult use and medical operations on a single ‘premises.’”

4. Current Proposal: Section: 10-1.3605 Commercial Cannabis Cultivation

E. Ancillary Retail Use. The retail sale of cannabis and cannabis products is allowed only as a component of a microbusiness operation as defined by Business and Professions Code section 26070. The operator must hold a microbusiness (Type 12) license issued by the state Bureau of Cannabis Control. The cumulative floor area of the retail activity shall not exceed 10 percent of the first-floor area of the industrial building. All cannabis and cannabis products for sale must have been cultivated, produced and manufactured on-site.

Suggested Amendment: Ancillary Retail Use. The retail sale of cannabis and cannabis products is allowed only as a component of a microbusiness operation as defined by Business and Professions Code section 26070. The operator must hold a microbusiness (Type 12) license issued by the state Bureau of Cannabis Control. The cumulative floor area of the retail activity shall not exceed 10 percent of the first-floor area of the industrial building. All cannabis and cannabis products for sale must have been cultivated, produced, manufactured on-site.

5. Current Proposal: In general, On-Site Consumption of cannabis and cannabis products by customers or employees is prohibited. If permitted, the consumption of Cannabis and Cannabis Products shall be subject to the following requirements:

Suggestion: We recommend the city take a more innovative approach different from other cities and experiment with the possibility of on-site consumption if facilities meet the standards set forth by the city and state. Doing so will increase the amount of tourism the city receives.

6. Clarification: Are Commercial Cannabis Delivery Only businesses “Dispensaries” required to get a retail license to make sales or are they simply a delivery driver service? If so, what state licensing would apply to them?


7. Urgency to Move Quickly: If the City does not have licensed facilities in place by January 1, 2018, it could be awhile before businesses are allowed to open locally depending on the rate at which the State would grant full-time licenses.

Attachment B: Baldwin Park Gives Green Light to Commercial Cultivation of Recreational, Medical Marijuana

"City officials explained it was important to get the law on the books now and begin the process of issuing permits to businesses so that they could be first in line to get the required state licenses when the state begins issuing them Jan. 1. Businesses that do not have local permits and are not operating by then may have to wait 12 to 24 months before getting a state license, according to the staff report."

File Can Be Accessed at:

https://docs.google.com/document/d/1tTx2_mfXsBig63TbO3Ng57Js_di2lJ0B4KsQajt6-qk/edit?usp=sharing



NICK CUNHA - HOC
Cal Green Farms

SUBMITTED BY

REBECCA FEENEY

PH #17-085

CANNABIS REGULATIONS

Jeremy Lochirco

Subject: RE: Comment for Tonight's Planning Commission Meeting

From: Lauren Mendelsohn

Date: September 14, 2017 at 6:03:26 PM PDT

To: <Sara.Buizer@hayward-ca.gov>

Subject: Comment for Tonight's Planning Commission Meeting

Hi,

My client Rebecca Feeney, a Pleasant Hill resident, is unable to attend tonight's meeting due to a family emergency, but wanted me to pass along her comments to the Planning Commission in the hope that it could be taken with the rest of the public comments. This is for Item #2, about cannabis regulation:

September 14, 2017

Dear Planning Commissioners and City Staff,

Thank you for all the work you've done so far to put together this draft ordinance, and for having this very important discussion here in my home city of Hayward.

I'm a resident of Hayward and have lived here for a number of years. I love this city and want to raise my family here. I pay my taxes, vote, and am always respectful to my neighbors.

I am also a medical cannabis dispensary operator, and I've been following state law and waiting for the chance to get a local permit and state license, so I can continue serving the patients in Hayward and the surrounding areas who need compassionate care and safe access to their medicine. I would love the opportunity to operate my business in the city that I know and care for.

Residents of Hayward want the cannabis industry here. You can see it in the way we voted for Prop. 64, how people responded to the city's survey, and from the comments you've been receiving. The patients in Hayward also need access to quality medicine, and they shouldn't have to travel to another city.

Cannabis operators want to be good neighbors and active members of society. We want to pay taxes and contribute to the local economy. We want our buildings to be clean, tasteful, and safe just like everyone else.

Therefore, I urge you to pass the ordinance and allow cannabis businesses, including medical cannabis businesses, here in the city of Hayward.

Thank you.

- Rebecca Feeney

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