

ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, November 6, 2017
9:30 a.m.

Supervisor Scott Haggerty, Chair
Supervisor Nate Miley

Location: Board of Supervisors Chamber – 5th Floor
County Administration Building
1221 Oak Street, Oakland, CA 94612

Summary/Action Minutes

I. Proposed Amendments to County Zoning Ordinance to allow Microbreweries and Microbrewery Related Uses in the A (Agriculture) District

[Attachment](#)

Sharon Grewal, Planner, Community Development Agency, presented a memorandum and proposed amendments to the County Zoning Ordinance to allow microbreweries and microbrewery related uses in the Agriculture District.

There has been an increased interest in promoting agri-tourism by allowing additional uses such as microbreweries. The proposed amendments submitted would help to encourage a strong agri-tourism industry by supporting enterprises that are appropriate in agricultural areas and consistent with long-term sustainable agricultural practices and operations in order to increase the economic viability of working farms and ranches.

The proposed amendments would allow the development of a microbrewery as a permitted use in the A (Agriculture) District; microbrewery related uses would be conditionally permitted within the A District only with approval of a conditional use permit by the Board of Zoning Adjustments.

Staff requests that the Transportation and Planning Committee support the proposed amendments and after, the proposal will be presented to the Board of Supervisors for adoption.

Purpose:

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

Recommendation from Transportation & Planning Committee: Support. Move to the full Board of Supervisors.

II. Medical Cannabis Ordinances Implementation Update

[Attachment](#)

Elizabeth McElligott, Assistant Agency Director, Community Development Agency, presented a memorandum to update the Committee on the Medical Cannabis Ordinances Implementation.

The Medical Cannabis Dispensary and Cultivation Ordinances went into effect on October 12, 2017. Staff released a Request for Proposals (RFP) on October 16, 2017, to solicit applications for the two East County dispensaries pursuant to the dispensary ordinance. Applications are due on November 13, 2017.

Permits will be granted to the applications that rank highest in the competitive selection process and that also conform to the five-mile distance requirement of the dispensary ordinance.

Consideration of an ordinance to temporarily ban the cultivation and sale of adult use cannabis

The Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) establishes a state licensing scheme for both medicinal and adult use cannabis while preserving local authority to regulate cannabis businesses within the jurisdiction.

The County currently does not allow or permit adult use cannabis businesses. As the State of California begins to issue licenses for adult use cannabis businesses in January 2018, staff recommends that the County exercise caution and adopt a temporary ban on adult use businesses to clarify to the public and would-be operators that adult use businesses are not permitted at this time. The Board of Supervisors may repeal the ordinance if and when the Board determines that the ban should be lifted and adult use cannabis businesses should be regulated and permitted by the County.

At the December Transportation & Planning Committee meeting, staff will report on progress made on the RFP selection process for the medical cannabis dispensary and cultivation ordinances and also the consideration of new ordinances for cannabis manufacturing operations, distributors and testing labs.

Henry Levy, Tax Collector, presented a PowerPoint presentation on exploring options for a potential measure to be placed on the November 2018 ballot to impose a tax on cannabis operations in the unincorporated area. The current Business License Tax Ordinance was adopted in 1991 within an exemption for agricultural.

Purpose:

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

Recommendation from Transportation & Planning Committee:

- Staff directed to draft a ban on adult use cannabis
- Tax Collector to return with more information on potential cannabis taxation ballot measure and fees compared to other Bay Area Counties and cities
- Staff to research and report back on boutique type cannabis businesses

III. Cannabis Cultivation Pilot Update

[Attachment](#)

Elizabeth McElligott, Assistant Agency Director, Community Development Agency, presented a memorandum to update the Committee on the Cannabis Cultivation Pilot program.

The Medical Cannabis Cultivation Ordinance was amended to implement a pilot program authorizing and regulating the cultivation of medical cannabis in the unincorporated area of Alameda County. The Cultivation Pilot program allows a maximum of six cultivation sites. Up to two permitted dispensaries in good standing are eligible for ministerial cultivation permits. The pilot program allows for the approval of up to four cultivation permits subject to a selection process and applying for a Conditional Use Permit (CUP) for cannabis cultivation.

On October 6, 2017, staff released a Request for Proposals (RFP) to solicit applications for the remaining four available cultivation permits. Applications are due by November 6, 2017.

Staff will continue to work with the two existing dispensary operators to assist them in completing their cultivation permit and CUP applications. In addition, staff will continue the application selection process for the four remaining cultivation permits with the goal of granting permits before the end of the year.

Purpose:

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

This item was informational only and required no Committee action.

IV. PUBLIC COMMENT

None

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