

**TOWN OF FAIRFAX
STAFF REPORT**

To: Planning Commission

From: Garrett Toy, Town Manager ↵
Amanda Charne, Assistant Town Attorney

Date: October 25, 2018

Subject: Consideration of an Ordinance of the Town Council of the Town of Fairfax to Permit Certain Medical Marijuana Dispensaries to Conduct Adult-Use Cannabis Deliveries and Making CEQA Findings of Exemption Pursuant to CEQA Guidelines Sections 15061(B)(3), 15183 and 15301.

BACKGROUND

On November 1, 2017, the Town Council adopted Urgency Ordinance No. 809 pursuant to Government Code Section 65858 establishing a forty-five (45) day moratorium on commercial cannabis uses. On December 6, 2017, the Town Council adopted Urgency Ordinance No. 812 extending the temporary moratorium for 10 months and 15 days until October 31, 2018.

On October 3, 2018, the Town Council adopted Urgency Ordinance No.820 to extend the temporary moratorium for one additional year to enable the Town Planning Commission to complete its study of commercial cannabis uses. Unless action is taken to repeal it earlier, the moratorium will expire on October 31, 2019. Government Code Section 65858 limits the duration of a temporary interim zoning ordinance to two years total, so there are no further extensions of the moratorium available.

During the Town Council's consideration of the moratorium extension on October 3, 2018, the Council also directed Town Staff to prepare an ordinance to permit certain existing medical marijuana dispensaries to conduct adult-use cannabis deliveries during the moratorium period.

The ordinance was originally scheduled to be considered at the October 18, 2018 Commission meeting. The matter was continued to the October 25th, 2018 meeting due to the absence of more than 1/3 of the Commissioners leaving the Commission without the 2/3 voting membership required to make a recommendation on the Ordinance.

DISCUSSION

The attached ordinance is intended to allow any medical marijuana dispensary in any commercial district, that was operating legally as of April 3, 2018 and was permitted to operate a medical marijuana delivery service, to operate as a permitted use, an adult-use cannabis delivery service from its existing premises, as long as any such business applies for and is granted a cannabis delivery permit.

The proposed ordinance has the following key requirements:

- A. The dispensary shall, prior to conducting any adult-use cannabis deliveries, obtain and maintain at all times:
 1. A valid state cannabis license authorizing adult-use cannabis deliveries.
 2. A Town issued commercial cannabis business permit.
- B. No adult-use cannabis retail sales shall be permitted at the premises of any such medical marijuana dispensary.
- C. All cannabis deliveries must conform to State laws and regulations.
- D. No adult-use customers shall be permitted to access or remain in the premises of a medical marijuana dispensary.
- E. Allows adult-use cannabis deliveries within the State buffer zone.
- F. The moratorium remains in place for all other uses.

No conditional use permit (CUP) or use permit amendment would be required for an existing medical marijuana dispensary to conduct recreational cannabis delivery services.

With regard to the above mentioned requirement for a commercial cannabis business permit, staff will be proposing to the Town Council cannabis delivery permit requirements for medical marijuana dispensaries engaging in adult-use cannabis deliveries. This will be established by ordinance in Chapter 5 ("Business taxes, Licenses, and Regulations) of the Town's Municipal Code. At this time, we envision the proposed ordinance will allow the Town Council to establish the application requirements and terms of the permit by resolution.

Although not legally required, the Planning Commission may provide general comments or recommendations to staff in drafting the proposed cannabis delivery permit requirements. The key policy issues would include the following:

- A. The dispensary must apply for a Town issued permit allowing adult-use cannabis delivery service.
- B. The Town Manager would be authorized to approve the application and issue an adult use cannabis delivery-only permit pursuant to guidelines adopted by the Town Council.
- C. Requiring the adult-use cannabis delivery service to operate out of the same commercial space as the existing medical marijuana dispensary.
- D. Establishing restrictions for on-premise signage similar to those in place for medical marijuana dispensaries.
- E. No business identification signage on vehicles.
- F. Compliance with all State regulations governing adult-use cannabis delivery.
- G. Establishing application submittal requirements and review/approval process.
- H. Establishing/imposing application/permit fees.
- I. No transferability of the permit.
- J. Establishing an annual renewal process.

RECOMMENDATION

Staff recommends the Planning Commission adopt Resolution No. 2018-17 recommending the Town Council adopt Ordinance No. 18-XX.

FISCAL IMPACTS

None at this time.

ATTACHMENTS

- Attachment A – Resolution No. 2018-17
- Attachment B – Proposed Ordinance
- Attachment C – Conditional Use Permit conditions for Marin Alliance for Medicinal Marijuana
- Attachment D – Proposed State Recreational Cannabis Regulations for Non-storefront Retailers and Delivery as of 10/19/18
- Attachment E – Public Comments

RESOLUTION NO. 2018-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX
RECOMMENDING THE TOWN COUNCIL ADOPT ORDINANCE NO. ____ ENTITLED “AN
ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX TO PERMIT CERTAIN
MEDICAL MARIJUANA DISPENSARIES TO CONDUCT ADULT-USE CANNABIS
DELIVERIES AND MAKING CEQA FINDINGS OF EXEMPTION PURSUANT TO CEQA
GUIDELINES SECTIONS 15061(b)(3), 15183 AND 15301”**

WHEREAS, in 2016, California voters approved Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), which legalized the adult-use use of marijuana/cannabis by adults over 21 years of age, and provides for State licensing of the adult-use marijuana/cannabis industry; and

WHEREAS, Senate Bill 94 (“SB 94”) amended AUMA to consolidate the State licensing laws applicable to both medical and adult-use commercial cannabis activity under a new law entitled the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and

WHEREAS, MAUCRSA specifically provides that local jurisdictions may adopt and enforce local ordinances that regulate licensed cannabis businesses, including, but not limited to, local zoning and land use requirements, business license requirements, or to completely prohibit the establishment or operation of one or more types of businesses licensed under MAUCRSA within the local jurisdiction (Business and Professions Code, § 26200); and

WHEREAS, the Town Council of the Town of Fairfax has expressed its desire to permit certain existing medical marijuana dispensaries to conduct adult-use cannabis deliveries while comprehensive local commercial cannabis regulations are developed and adopted, and has directed staff to prepare ordinances providing for the conduct of such adult-use cannabis deliveries for consideration by this body and by the Council; and

WHEREAS, staff has prepared such an ordinance, a true and correct copy of which is attached hereto as **Attachment 1** (the “proposed Ordinance”), which, if adopted, will amend the Town’s zoning ordinance, found at Title 17 of the Town Code; and

WHEREAS, in accordance with the State Planning and Zoning Law, the Planning Commission is tasked with considering whether any proposed amendment to the Town’s zoning ordinance would be in conformance with the terms of the Town’s general plan, and the Planning Commission has determined that the proposed Ordinance would, in fact, conform to the Town’s General Plan on the basis of the following:

- The proposed Ordinance permits certain existing medical marijuana dispensaries that currently conduct medical marijuana/cannabis delivery services to also conduct adult-use cannabis delivery services. By addressing existing business, this Ordinance is consistent with Fairfax General Plan Land Use Element Goal LU-5 to “manage future growth while preserving the area’s natural resources” and with Policy LU-5.1.1, which provides that “[n]ew and renewed development shall occur primarily as infill development;” and
- By promoting local existing businesses, the proposed Ordinance is also consistent with Fairfax General Plan Conservation Element, Program CON-1.3.1.4: Educate

citizens on primary means to reduce GHG emissions, such as transportation choices and supporting the local economy, including locally-grown foods and local businesses, to reduce GHG emissions; and

- The proposed Ordinance permits certain existing medical marijuana dispensaries that currently conduct medical marijuana deliveries to expand delivery services to adult-use cannabis customers. This is consistent with Fairfax General Plan Circulation Element Goal C-6, which seeks to “promote less reliance on single-occupant vehicles” because private delivery services can potentially reduce the need for “errand-running” trips, thereby potentially reducing traffic congestion (General Plan, p. C-3); and

WHEREAS, the adoption of the proposed ordinance is exempt from the California Environmental Quality Act (codified at California Public Resources Code §§ 21000, *et seq.*, and 14 California Code of Regulations §§ 15000, *et seq.*, collectively, “CEQA”) under the Class 1 exemption (14 CCR § 15301) because it would permit certain existing medical marijuana dispensaries that currently conduct medical cannabis deliveries to conduct adult-use cannabis deliveries, therefore this project involves negligible or no expansion of use. Additionally, this Ordinance is categorically exempt from environmental review under State CEQA Guidelines Section 15183 as a project consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, and under the general rule that the project will not result in any significant changes to the environment within the meaning of State CEQA Guidelines, Section 15061(b)(3); and

WHEREAS, the Planning Commission has conducted a duly-noticed public hearing to consider the draft ordinance, hear the presentation of a staff report, and receive public comment on the matter.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Fairfax as follows:

SECTION 1. The recitals set forth above are adopted as further findings of the Planning Commission.

SECTION 2. The Planning Commission has reviewed the draft ordinance attached hereto as **Attachment 1** and finds that it is consistent with the Town General Plan, as set forth above.

SECTION 3. The Planning Commission hereby recommends that the Town Council adopt **Attachment 1** hereto in order to amend Title 17 of the Fairfax Town Code to adopt regulations to permit certain medical marijuana dispensaries to conduct adult-use cannabis deliveries.

The forgoing Resolution was duly passed and adopted at a regular meeting of the Planning Commission of the Town of Fairfax held in said Town on the 18th day of October 2018 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mimi Newton, Chair

Attest:

Ben Berto, Secretary

ORDINANCE NO. ____

**AN ORDINANCE OF THE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
TO PERMIT CERTAIN MEDICAL MARIJUANA DISPENSARIES TO CONDUCT
ADULT-USE CANNABIS DELIVERIES AND MAKING CEQA FINDINGS OF
EXEMPTION PURSUANT TO CEQA GUIDELINES SECTIONS 15061(b)(3), 15183
AND 15301**

WHEREAS, the Town of Fairfax, California (the “Town”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2016, California voters approved Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), which legalized the adult-use use of marijuana/cannabis by adults over 21 years of age, and provides for State licensing of the adult-use marijuana/cannabis industry; and

WHEREAS, Senate Bill 94 (“SB 94”) amended AUMA to consolidate the State licensing laws applicable to both medical and adult-use commercial cannabis activity under a new law entitled the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and

WHEREAS, MAUCRSA recognizes, preserves and does not supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that regulate licensed cannabis businesses, including, but not limited to, local zoning and land use requirements, business license requirements, or to completely prohibit the establishment or operation of one or more types of businesses licensed under MAUCRSA within the local jurisdiction (Business and Professions Code, § 26200); and

WHEREAS, MAUCRSA prohibits the location of a commercial cannabis business premises within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius (Business and Professions Code, § 26054); and

WHEREAS, on November 1, 2017 the Town Council adopted, and later extended for one year, a temporary moratorium on commercial cannabis uses, as defined, pending the completion of studies and the preparation of a comprehensive update to the Town’s municipal and zoning codes to regulate commercial cannabis activities; and

WHEREAS, during the period of December, 2017 to September, 2018, the Town has held numerous policy discussions and public study sessions pertaining to commercial cannabis uses within the Town of Fairfax and gained significant community input and factual information; and

WHEREAS, at a special meeting on August 15, 2018, the Town Council referred the matter to the Town Planning Commission for additional input and policy consideration, particularly on the issues relating to commercial medical and adult use retail uses; and

WHEREAS, on October 3, 2018, the Town Council adopted a final, one-year extension of the moratorium on commercial cannabis uses to enable the Town Planning Commission to complete its study of commercial cannabis uses and also directed Town Staff to prepare an ordinance to permit certain existing medical marijuana dispensaries to conduct adult-use cannabis deliveries; and

WHEREAS, the goals of this Ordinance are to promote the local economy for existing business while comprehensive local commercial cannabis regulations are developed and adopted, and to test the potential primary and secondary impacts of recreational cannabis deliveries within the Town, if any; and

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1. Section 17.110.230, entitled “Adult-Use Cannabis Deliveries by Certain Existing Medical Marijuana Dispensaries” is hereby added to Chapter 17.110 of the Fairfax Municipal Code which shall read as follows:

“§ 17.10.230 ADULT-USE CANNABIS DELIVERIES BY CERTAIN EXISTING MEDICAL MARIJUANA DISPENSARIES.

- A. A medical marijuana dispensary that was legally operating as of April 3, 2018 and is permitted to operate a medical marijuana delivery service, may operate as a permitted use in any commercial district, an adult-use cannabis delivery service from its existing premises, subject to each of the following conditions:
 - 1. The dispensary shall, prior to conducting any adult-use cannabis deliveries, obtain and maintain at all times:
 - (a) A valid state cannabis license authorizing adult-use cannabis deliveries issued by the appropriate state licensing authority pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (California Business and Professions Code, Division 10);
 - (b) A commercial cannabis business permit pursuant to Title 5, Division II, Chapter 5.56 of this Code; and
 - (c) Any other state and local licenses or permits required by this Code or state law.
 - 2. All cannabis deliveries must conform to State laws and regulations adopted pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act.
 - 3. No adult-use customers shall be permitted to access or remain in the premises of a medical marijuana dispensary.
- B. No adult-use cannabis retail sales shall be permitted to occur at the premises of a medical marijuana dispensary. Pursuant to California Business and Professions Code Section 26054(b), as may be amended, the Town finds that no setback or radius is necessary for

the conduct of adult-use cannabis deliveries by an eligible, existing medical marijuana dispensary pursuant to this section, beyond the zoning regulations contained herein.

- C. This Section is not intended to give any person or entity independent legal authority to operate an adult-use cannabis non-storefront retail delivery service, it is intended only to clarify the zoning restrictions regarding certain existing medical marijuana dispensaries that may conduct adult-use cannabis deliveries in the Town pursuant to this Code and state law. This Section is in addition to any other business license and regulatory requirements imposed on medical marijuana dispensaries and non-storefront retail cannabis delivery services by this Code or other applicable state law.

SECTION 2. Moratorium On Commercial Cannabis Uses. Except as amended by this Ordinance regarding adult-use cannabis deliveries by certain existing medical marijuana dispensaries, all other provisions of Urgency Ordinance No. 809, as extended by Town Council by Ordinance No. 812 and No. 820, remain in effect, and nothing contained herein shall be construed to otherwise repeal the existing moratorium on the establishment, creation or expansion of any and all commercial cannabis uses.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Town Council hereby determines that this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (California Public Resources Code §21000 et seq.) pursuant to State CEQA Guidelines Sections 15061(b)(3), 15183 and 15301, each as separate and independent bases. This Ordinance qualifies for the Class 1 exemption because it would permit certain existing medical marijuana dispensaries that currently conduct medical cannabis delivery services to conduct adult-use cannabis delivery services, therefore this project involves negligible or no expansion of use (14 CCR §15301). Additionally, this Ordinance is categorically exempt from environmental review under State CEQA Guidelines, Section 15183 as a project consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, and under the general rule that the project will not result in any significant changes to the environment within the meaning of State CEQA Guidelines, Section 15061(b)(3). The Town Council hereby directs the Town Manager or his/her designee to prepare and file a Notice of Exemption within five business days following adoption of this Ordinance.

SECTION 5. This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

SECTION 6. Filing. The City Clerk shall submit a copy of this ordinance to the Bureau of Cannabis Control as provided by Business and Professions Code, Section 26055.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the __th day of November, 2018, and duly adopted at the next regular meeting of the Town Council on the __ day of December, 2018, by the following vote, to wit:

AYES:
NOES:
ABSENT:

Peter Lacques, Mayor

Attest:

Michele Gardner, Town Clerk

Date

EXHIBIT "B"

RESOLUTION NO. 10-05

A RESOLUTION OF THE FAIRFAX PLANNING COMMISSION GRANTING IN PART AND DENYING IN PART AN APPLICATION FOR MODIFICATION OF USE PERMIT # 97-UP-2 FOR A MEDICAL MARIJUANA DISPENSARY AT 6 SCHOOL STREET PLAZA, SUITE 210, ASSESSOR'S PARCEL NO. 002-112-13

WHEREAS, the Town of Fairfax received an application ("Application") for modification of Use Permit # 97-UP-2 ("Use Permit") from Ms. Lynette Shaw ("Applicant"), who operates the Marin Alliance for Medicinal Marijuana Collective at 6 School Street Plaza, Suite 210, Fairfax, California (Assessor's Parcel No. 002-112-13);

WHEREAS, the Town of Fairfax approved the Use Permit in 1997 subject to 84 conditions; and

WHEREAS, in 2001, the Planning Commission amended the Use Permit, eliminating 12 conditions and modifying others; and

WHEREAS, the Application requests the elimination or modification of 40 of the remaining 72 conditions, relating to a variety of aspects of the use; and

WHEREAS, on March 18, 2010, the Planning Commission held a duly noticed Public Hearing on the Application, and continued the hearing to April 15, 2010, May 20, 2010, and June 17, 2010, at which times all interested parties were given a full opportunity to be heard and to present evidence;

WHEREAS, the Application is Categorically Exempt from the Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1, exempting modifications to the permitting of existing uses; and

NOW, THEREFORE, the Planning Commission does hereby find and determine as follows:

1. In light of the Applicant's successful and largely problem-free operation over the past 15 years, Applicant's request to extend her allowed hours of operation by two hours to allow for additional set-up and close-down time is reasonable.
2. The Applicant's request to permit the sale of immature, non-flowering cloned plants less than twelve inches in height is reasonable. The Planning Commission finds that allowing the sale of clones will benefit patients by allowing patients to cultivate a small number of medical marijuana plants on their private property pursuant the Compassionate Use Act. Limiting the sale to immature, non-

flowering cloned plants of a small size will prevent the cultivation of medical marijuana at the dispensary. Additional record-keeping requirements will ensure that proper records are kept of the sale of cloned plants.

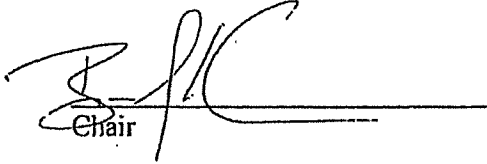
3. The Applicant's request to allow new patients to obtain emergency trial access for 30 days with a verified written doctor's recommendation while they obtain a State ID card is reasonable and will benefit patients who are in the process of obtaining the State ID card and need medical marijuana in the meantime. Additional record-keeping requirements will ensure that the 30-day trial period is appropriately monitored and proper records are kept of verified written doctor's recommendations.
4. The Applicant's request to allow her records to be maintained either onsite or offsite in a secured, accessible storage location is reasonable. The Applicant's request to remove the condition allowing the Chief of Police to inspect her records at any time without a warrant is reasonable in light of current law. The Applicant will continue to offer access to records during her business hours. Similarly, the Applicant's request that, as an alternative to police review, she opt to have the Town appoint a certified public accountant to review her receipts, at her expense, and prepare a report, is reasonable and will not be detrimental or injurious to the neighborhood, the general welfare of the Town or to the health, safety, peace, morals, comfort, or general welfare of residents of and visitors to the Town.
5. The Applicant's request to eliminate the conditions requiring that patients not use medical marijuana on public property and on private property without the permission of the property owner, and other conditions where enforcement is outside of the her direct control, will not be detrimental or injurious to the neighborhood, the general welfare of the Town or to the health, safety, peace, morals, comfort, or general welfare of residents of and visitors to the Town.
6. The operation of a delivery service will benefit disabled, elderly, and homebound patients who have difficulty going to the Marin Alliance for medication. The Planning Commission finds that if such a service is operated pursuant to Conditions 29-36 of the Use Permit 97-UP-2 Modified Conditions of Approval, attached hereto as "Exhibit A" and incorporated into this Resolution, it will benefit patients while avoiding any detriment or injury to the neighborhood, the general welfare of the Town or to the health, safety, peace, morals, comfort, or general welfare of residents of and visitors to the Town.
7. The Planning Commission does not have the jurisdiction to grant the Applicant's request to permit a grow site for medical marijuana without designating a location for a grow site. An application for a grow site on a specific parcel would be subject to public review and Planning Commission deliberation pursuant to the Town Code. Therefore, Applicant's request for permission to operate an unspecified grow site within Town limits is denied.

8. The operation of Applicant's business does not conflict with or create any problems for any organized youth activities that occur in the nearby area. On the other hand, the Use Permit's limitations on operation of Marin Alliance during youth activities have had a detrimental impact on patients who need to obtain medical marijuana during those times. Eliminating these limitations is unlikely to harm youth and will benefit patients who need to obtain medical marijuana on weekends and afternoons when youth activities are occurring.
9. The Use Permit's age limitation for patients adversely impacts underage patients, forcing patients under age 18 to remain outside while their caregivers obtain medical marijuana for them. Allowing patient members under the age of 18 to enter Marin Alliance in the company of a parent, legal guardian, or personal medical professional will allow legitimate underage patients to personally obtain medical marijuana while still prohibiting non-patient minors from entering Marin Alliance premises.
10. Other clerical changes to the conditions were made, with the agreement of the Applicant, to streamline and clarify the condition requirements and remove redundant language.

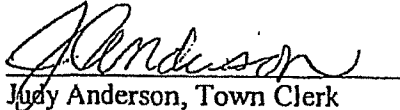
NOW, THEREFORE, the Planning Commission of the Town of Fairfax does hereby grant the ~~Application for Modification of Use Permit #97-UP-2 in part and deny the Application in part~~, as described in the Use Permit 97-UP-2 Modified Conditions of Approval, attached hereto as "Exhibit A" and incorporated into this Resolution.

The foregoing Resolution was duly passed and adopted at a Regular Meeting of the Planning Commission of the Town of Fairfax held in said Town on the 17th day of June, 2010 by the following vote, to wit:

AYES: Ramsay, Boyan, Ketchum, LaMotte
NOES: Lacques
ABSENT: Meigs


Chair

Attest:


Judy Anderson, Town Clerk

"EXHIBIT A"

USE PERMIT 97-UP-2 MODIFIED CONDITIONS OF APPROVAL

1. The dispensary is to be operated in an area zoned as Limited Commercial (CL). A dispensary will not be located in a residential area.
2. No dispensary shall be operated within 500ft of any public or private school.
3. No dispensary shall be operated after 10:00 PM at night or before 8:00 AM in the morning. The dispensary shall not be open to the public between 8:00 AM and 9:00 AM, but this time may be used for setup and other administrative functions. Similarly, the dispensary shall not be open to the public between 9:00 PM and 10:00 PM, but this time may be used for closedown, cleaning, inventory and other administrative functions.
4. Neither live marijuana plants nor cultivation of marijuana is permitted in the dispensary, except that immature, non-flowering cloned live marijuana plants measuring less than 12 inches in height may be stored and sold.
5. There shall be no transportation of medicinal marijuana except the lawful transportation by patients, caregivers, and deliveries conducted pursuant to Conditions 29-36.
6. No amount of medicinal marijuana which is unduly disproportionate to the average number of patients served by the dispensary may be stored in the dispensary.
7. All clients of the Marin Alliance for Medical Marijuana are required to possess valid and current Marijuana for Medical Purposes identification card from the County of Marin Department of Health Services, the City and County of San Francisco Department of Public Health, or the City of Oakland Department of Public Health.

Prior to obtaining a State ID card, patients may given a 30-day trial membership. A current, written physician's recommendations that is confirmed by telephone shall be required for a 30-day trial membership. During this trial membership, patients should carry permittee-issued ID cards. The permittee shall maintain a written record of the telephone verification, including the name of the employee who made the telephone call and the name and contact information of the person who verified the physician's recommendation, for the 30-day period. At the conclusion of the 30-day trial period, the permittee shall verify that the patient has obtained a State ID card.

The permittee will contract a licensed physician to conduct an audit of client records prior to the close of any six month use permit compliance period, and report the findings of the audit to the Town of Fairfax to ensure compliance with this condition.

8. Should the patient be a minor, the record shall include the signed consent of the parent or legal guardian of the minor.

9. Patients may have a designated caregiver on record that shall be entitled to obtain marijuana on behalf of the patient.
10. Any designated caregiver of a patient of the Permittee shall comply with any and all requirements as set forth by the health department grantee (either the Marin Department of Health and Human Services, the San Francisco Department of Public Health, or the City of Oakland Department of Public Health) from which the patient has valid current identification card for the use of marijuana for medical purposes. Prior to obtaining a State ID card, patients may be given a 30-day trial membership pursuant to Condition 7, above, and may designate a caregiver to obtain marijuana on their behalf during that time.
11. Prior to commencing business each day, the permittee will record the total gross weight of all marijuana possessed at the dispensary which is no longer affixed to any living marijuana plant. In addition, the permittee shall record the total numbers of cloned live marijuana plants being stored or offered for sale pursuant to Condition 4.
12. At the close the business each day, permittee will record the total gross weight of marijuana dispensed on that date and the total gross weight of all marijuana possessed at the dispensary which is no longer affixed to any living marijuana plant.
13. The permittee or his or her employee, shall record upon an individual receipt the membership number of the person obtaining the marijuana, the amount of marijuana purchased, the amount paid for the marijuana, and the time and date the marijuana was dispensed. Receipts shall be retained pursuant to Condition 22.
14. Permittee shall maintain financial records identifying information for all savings accounts, checking accounts, investment accounts and trusts associated with the operation of the dispensary.
15. Permittee shall maintain ledgers documenting all credits and debits affecting said accounts.
16. Permittee shall maintain records documenting all parties involved in, amounts of and purposes, for all cash transactions.
17. Permittee shall maintain records of all transactions related to the operation of the dispensary, including but not limited to rent, utilities, inventory, insurance and payroll.
18. Permittee shall maintain the records regarding the actual address, including Assessor's Parcel Number, of each site that medicinal marijuana is cultivated, grown and/or harvested on behalf of the dispensary.
19. Permittee shall maintain the records regarding the estimated yield that the growth will provide during each harvest of each site that medical marijuana is cultivated pursuant to Condition 17.

20. The dispensary shall not obtain marijuana from any other source other than those identified pursuant to Condition 18.
21. The cultivation site(s) identified pursuant to Condition 18 shall not be in areas zoned as residential.
22. Permittee shall maintain all of the required records at the dispensary site or in secured, accessible storage at all times.
23. All required records shall be subject to inspection by the Chief of Police, or his designee, without warrant and without notice, during the time the dispensary is open for business.
24. Nothing in this section shall prohibit the discovery of seizure of records pursuant to court process.
25. Permittee may use alternatives for inspection of designated records. Records not specifically exempted herein shall be available to police inspection pursuant to Condition 23.
26. As an alternative to police inspection and with the consent of the Marin County Department of Health and Human Services, the Marin County Department of Health and Human Services shall conduct the patient and care giver records inspection. With this alternative the permittee will maintain, for police inspection, the letter of consent and a letter verifying that an inspection has been conducted within 6 months. The letter of verification shall also contain the number of patients, and the estimated total marijuana by weight that is necessary to support patient requirements.
27. As an alternative to police inspection, the Town of Fairfax may request that an audit of receipts be conducted by a Certified Public Accountant (CPA) chosen by the Town and paid for by the permittee. The permittee shall provide a summary of the report to the Town.
28. As an alternative to police inspection and with the consent of the Marin County Department of Agriculture, the Marin County Department of Agriculture shall inspect grower records and inspect the actual agricultural site. With this alternative the permittee will maintain, for police inspection, the letter of consent and a letter verifying that an inspection of the records and the growing site has been conducted within four months. The letter of verification shall contain the number of growing sites and the estimated yield, by weight, of medicinal marijuana.
29. The permittee may operate a delivery service and deliver medical marijuana to patients pursuant to the conditions of this permit.
30. The hours of the delivery service are limited to Monday through Saturday, between the hours of 9:00 AM and 5:00 PM. Permittee may utilize up to two vehicles for deliveries at any one time.

31. Permittee must maintain current automobile insurance in the amount of \$1 million per incident, and shall agree to indemnify, defend, and hold harmless the Town of Fairfax, its officers, agents, employees and volunteers from all claims, suits, or actions of every name, kind and description arising from or connected with the delivery service. Permittee shall name the Town of Fairfax as an additional insured on its automobile insurance policy. Permittee's insurance records shall be maintained and subject to inspection pursuant to Conditions 22 and 23.
32. Delivery vehicles shall be unmarked. Delivery vehicles shall carry no more than sixteen ounces of medical marijuana, no more than \$2,500 worth of other medical marijuana products, and no more than \$2,500 in cash at any time. In no event shall the quantity of medical marijuana carried exceed the reasonable amount required by the patients being delivered to
33. Each delivery vehicle shall be staffed by at least two persons: a licensed driver and permittee or another employee designated as a caregiver pursuant to state law, during all deliveries. All drivers and caregivers shall submit to a criminal background check with the Town Police Department. Persons convicted of a felony shall not be allowed to operate or accompany delivery vehicles.
34. Deliveries shall be made to residential properties only.
35. Permittee shall note the member number and address of the patient by telephone when taking orders for delivery, and the permittee or their employee shall verify the patient's identity by checking the patient's State or permittee-issued ID card at the point of delivery. Permittee shall maintain records and receipts of all deliveries pursuant to Conditions 13 and 23.
36. Permittee shall provide its delivery schedule and delivery vehicle information to the Fairfax Police Department on request during dispensary business hours.
37. No amount of medicinal marijuana which is unduly disproportionate to the average number of patients served by the dispensary may be brought to the dispensary location.
38. When a patient or care-giver is in possession of medicinal marijuana, the person shall also be in possession of a State or permittee-issued identification card as specified in Condition 7.
39. No medicinal marijuana will be used or consumed at the dispensary site.
40. Permittee shall not distribute medicinal marijuana to any person without confirming the patient's lawful ability to obtain marijuana in compliance with Health and Safety Code Section 11362.5.

41. Permittee shall not provide medicinal marijuana to any person without confirming the patient's or care giver's identity by means of valid government issued identification which bears a photograph of the patient or care giver obtaining the marijuana.
42. Permittee shall not distribute any amount of medicinal marijuana which exceeds one ounce to, or on behalf of, any one person during any consecutive seven day period without a physician's written recommendation.
43. Any marijuana that is dispensed shall be in sealed containers. Commercially manufactured child-resistant containers shall be available.
44. The medicinal marijuana dispensary shall be equipped with an operable alarm system. This alarm system, at a minimum, will protect the perimeter of the dispensary and the location within the structure where medicinal marijuana is stored, packaged or dispensed.
45. The alarm is to be monitored by a professional alarm company at all times when the dispensary is closed for business.
46. All doors and windows of the premises shall be equipped with adequate security devices.
47. All medicinal marijuana and cash shall be stored in a locked safe at all times which the dispensary is closed for business.
48. This safe will be retained at the dispensary at all times.
49. All medicinal marijuana and cash shall be stored in a locked safe at all times when the dispensary is closed for business.
50. This safe will be retained at the dispensary at all times.
51. Permittee shall notify the Fairfax Police Department of all criminal activity which is occurs at, or adjacent to, the dispensary.
52. This activity shall be reported as it is occurring, or when first discovered by the permittee, and shall include all activity that can reasonably be determined to be criminal in nature.
53. For the purpose of these requirements the term: a) "Permittee" is defined to include, but not be limited to, the permittee, and all owners, directors, advisors, consultants, contractors, employees and volunteers engaged in, or assisting in the operation of a medicinal marijuana dispensary, whether operated for profit or not.
54. "Premises" is defined to include, but not be limited to, all offices, rooms, storage facilities, lockers, stationary conveyances, outbuildings, parking lots and ground, whether open to the public or not.
55. Any violation of these conditions shall be cause for revocation of the use permit.

56. The use must be conducted in compliance with the provisions of Proposition 215.
57. No persons under the age of 18 shall be permitted in the dispensary at any time, except for underage members accompanied by a parent, legal guardian, or the member's personal medical professional.
58. No retail sales of any products other than medical marijuana will be permitted at the dispensary located at 6 School Street Place, Suite 210.
59. The dispensary is required to have a display on the front door and within the waiting room advising its clientele that no person under the age of 18 is permitted onto the premises except underage members accompanied by a parent, legal guardian, or the member's personal medical professional.
60. The use shall be subject to all State adopted guidelines immediately upon adoption of such guidelines.
61. The use permit shall be revoked if any final judicial decision is made rendering the use illegal.
62. The applicant shall make a good faith effort to obtain any and all required permits and/or licenses from the State of County agencies having jurisdiction over this type of use (i.e. Marin County Health Department, State Board of Equalization, etc.).
63. There shall be no alcohol used on the premises of the dispensary.

10/19/18 PROPOSED STATE REGULATIONS FOR NON-STOREFRONT RETAILERS
AND DELIVERY REGULATIONS

(1) Prior to January 1, 2020, a package containing cannabis goods shall be tamper-evident but is not required to be resealable or child resistant.

(2) Beginning January 1, 2020, a package containing cannabis goods shall be resealable, tamper-evident, and child resistant.

(b) All ~~C~~cannabis goods purchased by a customer shall not leave the licensed retailer's premises unless the goods are placed in an resealable child-resistant opaque exit package.

(1) Prior to January 1, 2020, all exit packaging shall be resealable, child resistant, and opaque.

(2) Beginning January 1, 2020, all exit packaging shall be opaque but is not required to be resealable or child resistant.

(c) Notwithstanding subsections (a) and (b) of this section, immature plants and seeds sold by a licensed retailer are not required to be placed in resealable, tamper-evident, child resistant packaging.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070.1 and 26120, Business and Professions Code.

§ 5414. Non-Storefront Retailer

(a) A non-storefront retailer licensee shall be authorized to conduct retail ~~cannabis~~ sales exclusively by delivery as defined in Business and Professions Code section 26001(p).

(b) A complete application for a non-storefront retailer license shall include all the information required in an application for a retailer license.

(c) A Non-Storefront Retailer licensee shall comply with all the requirements applicable to retailer licensees, except for those provisions related to public access to the licensed premises and the retail area.

(d) The licensed premises of a non-storefront retailer licensee shall be closed to the public.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26012 and 26070, Business and Professions Code.

§ 5415. Delivery Employees

(a) All deliveries of cannabis goods shall be performed by a delivery employee that is directly employed by a licensed retailer.

(b) Each delivery employee of a licensed retailer shall be at least 21 years of age.

(c) All deliveries of cannabis goods shall be made in person. A delivery of cannabis goods shall not be made through the use of an unmanned vehicle.

(d) The process of delivery begins when the delivery employee leaves the retailer's licensed premises with the cannabis goods for delivery. The process of delivering ends when the delivery employee returns to the retailer's licensed premises after delivering the cannabis goods, or attempting to deliver cannabis goods to the customer(s). During the process of delivery, the

licensed retailer's delivery employee may not engage in any activities except for cannabis goods delivery and necessary rest, fuel, or vehicle repair stops.

(e) A delivery employee of a licensed retailer shall, during deliveries, carry a copy of the retailer's current license, the employee's government-issued identification, and an identification badge provided by the employer pursuant to section 5043 of this division.

(f) Prior to providing cannabis goods to a delivery customer, a delivery employee shall confirm the identity and age of the delivery customer as required by section 5404 of this division and place the cannabis goods in an resealable child-resistant opaque exit package ensure that all cannabis goods sold comply with requirements of section 5413 of this division.

(g) A licensed retailer shall maintain an accurate list of the retailer's delivery employees and shall provide the list to the Bureau upon request.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§ 5415.1. Deliveries Facilitated by Technology Platforms

(a) A licensed retailer or licensed microbusiness shall not sell or otherwise transfer any cannabis goods to a customer through the use of an unlicensed third party, intermediary business, broker, or any other business or entity.

(b) Notwithstanding subsection (a) of this section, a licensed retailer or licensed microbusiness may contract with a service that provides a technology platform to facilitate the sale and delivery of cannabis goods, in accordance with all of the following:

(1) The licensed retailer or licensed microbusiness does not allow for delivery of cannabis goods by the technology platform service provider.

(2) The licensed retailer or licensed microbusiness does not share in the profits of the sale of cannabis goods with the technology platform service provider, or otherwise provide for a percentage or portion of the cannabis goods sales to the technology platform service provider.

(3) The licensed retailer or licensed microbusiness shall not advertise or market cannabis goods in conjunction with the technology platform service provider, outside of the technology platform, and shall ensure that the technology platform service provider does not use the licensed retailer's or licensed microbusiness's license number or legal business name on any advertisement or marketing that primarily promotes the services of the technology platform

(4) The licensed retailer or licensed microbusiness shall ensure the following information is provided to customers:

(A) Any cannabis goods advertised or offered for sale on or through the technology platform shall disclose, at a minimum, the licensed retailer's or licensed microbusiness's legal business name, and license number.

(B) Customers placing an order for cannabis goods through the technology platform shall be able to easily identify the licensed retailer or licensed microbusiness that each cannabis good is being ordered or purchased from. This information shall be available to the customer prior to the customer placing an order or purchasing the cannabis goods.

(5) All required sales invoices and receipts, including any receipts provided to the customer, shall disclose, at a minimum, the licensed retailer's or licensed microbusiness's legal business name and license number.

(6) All other delivery, marketing, and advertising requirements under this division are complied with.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26001, 26070, 26090, 26151, and 26152, Business and Professions Code.

§ 5416. Delivery to a Physical Address

(a) A delivery employee may only deliver cannabis goods to a physical address in California.

(b) A delivery employee shall not leave the State of California while possessing cannabis goods.

(c) A delivery employee shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency. This prohibition applies to land held in trust by the United States for a tribe or an individual tribal member unless the delivery is authorized by and consistent with applicable tribal law.

(d) A delivery employee may deliver to any jurisdiction within the State of California provided that such delivery is conducted in compliance with all delivery provisions of this division.

(e) A delivery employee shall not deliver cannabis goods to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§ 5417. Delivery Vehicle Requirements

(a) A licensed retailer's delivery employee, carrying cannabis goods for delivery, shall only travel in an enclosed motor vehicle. Any vehicle used in the delivery of cannabis goods shall be operated by a delivery employee of the licensee. A vehicle used in the delivery of cannabis goods shall not have any marking or other indications on the exterior of the vehicle that may indicate that the delivery employee is carrying cannabis goods for delivery. Only the licensee or an employee of the retailer licensee for whom delivery is being performed shall be in the delivery vehicle.

(b) While carrying cannabis goods for delivery, a licensed retailer's delivery employee shall ensure the cannabis goods are not visible to the public. Cannabis goods shall be locked in a fully enclosed box, container, or cage that is secured on the inside of the vehicle. No portion of the enclosed box, container, or cage shall be comprised of any part of the body of the vehicle or trailer. For purposes of this section, the inside of the vehicle includes the trunk.

(c) A licensed retailer's delivery employee shall not leave cannabis goods in an unattended motor vehicle unless the motor vehicle is locked and equipped with an active vehicle alarm system. Any cannabis goods left in an unattended vehicle must be stored in a container as required in subsection (b) of this section.

(d) A vehicle used for the delivery of cannabis goods shall be outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle

and recording a history of all locations traveled to by the delivery employee while engaged in delivery. A dedicated GPS device must be owned by the licensee and used for delivery only. The device shall be either permanently or temporarily affixed to the delivery vehicle and shall remain active and inside of the delivery vehicle at all times during delivery. At all times, the licensed retailer shall be able to identify the geographic location of all delivery vehicles that are making deliveries for the licensed retailer and document the history of all locations traveled to by a delivery employee while engaged in delivery. A licensed retailer shall provide ~~that~~ this information to the Bureau upon request. The history of all locations traveled to by a delivery employee while engaging in delivery shall be maintained by the licensee for a minimum of 90 days.

(e) Upon request, a licensed retailer shall provide the Bureau with information regarding any motor vehicle used for the delivery of cannabis goods, including the vehicle's make, model, color, Vehicle Identification Number, license plate number and Department of Motor Vehicles registration information.

(f) Any motor vehicle used by a licensed retailer to deliver cannabis goods is subject to inspection by the Bureau. Vehicles used to deliver cannabis goods may be stopped and inspected by the Bureau at any licensed premises or during delivery.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§ 5418. Cannabis Goods Carried During Delivery

(a) A licensed retailer's delivery employee shall not carry cannabis goods in the delivery vehicle with a value in excess of ~~\$10,000~~ \$5,000 at any time. The value of cannabis goods carried in the delivery vehicle for which a delivery order was not received and processed by the licensed retailer prior to the delivery employee departing from the licensed premises may not exceed \$3,000. ~~shall be determined using the current retail price of all cannabis goods carried by, or within the delivery vehicle of, the retailer's delivery employee.~~

(b) For the purposes of this section, the value of cannabis goods shall be determined using the current retail price of all cannabis goods carried by, or within the delivery vehicle, of the licensed retailer's delivery employee.

~~(c)~~(b) A delivery employee may only carry cannabis goods in the delivery vehicle and may only perform deliveries for one licensed retailer at a time. A delivery employee must depart and return to the same licensed premises before taking possession of any cannabis goods from another licensee to perform deliveries.

~~(d)~~(e) A licensed retailer's delivery employee shall not leave the licensed premises with cannabis goods without at least one delivery order that has already been received and processed by the licensed retailer.

~~(e)~~(d) Before leaving the licensed premises, the licensed retailer's delivery driver must have a delivery inventory ledger of all cannabis goods provided to the licensed retailer's delivery driver. For each cannabis good, the delivery inventory ledger shall include the type of good, the brand, the retail value, the track and trace identifier, and the weight, volume or other accurate measure of the cannabis good. All cannabis goods prepared for an order that was received and processed

by the licensed retailer prior to the delivery driver's departure from the licensed premises must be clearly identified on the inventory ledger. After each customer delivery, the delivery inventory ledger must be updated to reflect the current inventory in possession of the licensed retailer's delivery driver. Delivery inventory ledgers may be maintained electronically.

~~(f)(e)~~ The licensed retailer's delivery driver shall maintain a log that includes all stops from the time the licensed retailer's delivery driver leaves the licensed premises to the time that the licensed retailer's delivery driver returns to the licensed premises, and the reason for each stop. The log shall be turned in to the licensed retailer when the licensed retailer's delivery driver returns to the licensed premises. The licensed retailer must maintain the log as a commercial cannabis activity record as required by this division. The log may be maintained electronically.

~~(g)(f)~~ Prior to arrival at any delivery location, the licensed retailer must have received a delivery request from the customer and provided the delivery request receipt to the licensed retailer's delivery driver electronically or in hard copy. The delivery request receipt provided to the licensed retailer's delivery driver shall contain all of the information required in section 5420 of this division, except for the date and time the delivery was made, and the signature of the customer.

~~(h)(g)~~ Immediately upon request by the Bureau or any law enforcement officer, the licensed retailer's delivery driver shall provide:

(1) All delivery inventory ledgers from the time the licensed retailer's delivery driver left the licensed premises up to the time of the request;

(2) All delivery request receipts for cannabis goods carried by the driver, in the delivery vehicle, or any deliveries that have already been made to customers; and

(3) The log of all stops from the time the licensed retailer's delivery driver left the licensed premises up to the time of the request.

~~(i)(h)~~ If a licensed retailer's delivery driver does not have any delivery requests to be performed for a 30-minute period, the licensed retailer's delivery driver shall not make any additional deliveries and shall return to the licensed premises. Required meal breaks shall not count toward the 30-minute period.

~~(j)(i)~~ Upon returning to the licensed premises, all undelivered cannabis goods shall be returned to inventory and all necessary inventory and track-and-trace records shall be updated as appropriate that same day.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070, ~~and~~ 26090, and 26160, Business and Professions Code.

§ 5419. Cannabis Consumption During Delivery

A licensed retailer's delivery employees shall not consume cannabis goods while delivering cannabis goods to customers.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§ 5420. Delivery Request Receipt

A licensed retailer shall prepare a hard copy or electronic delivery request receipt for each delivery of cannabis goods.

(a) The delivery request receipt shall contain the following:

(1) The name and address of the licensed retailer;

(2) The first name and employee number of the licensed retailer's delivery employee who delivered the order;

(3) The first name and employee number of the licensed retailer's employee who prepared the order for delivery;

(4) The first name of the customer and a licensed retailer-assigned customer number for the person who requested the delivery;

(5) The date and time the delivery request was made;

(6) The delivery address;

(7) A detailed description of all cannabis goods requested for delivery. The description shall include the weight, volume, or any other accurate measure of the amount of all cannabis goods requested;

(8) The total amount paid for the delivery, including any taxes or fees, the cost of the cannabis goods, and any other charges related to the delivery; and

(9) Upon delivery, the date and time the delivery was made, and the handwritten or electronic signature of the customer who received the delivery.

(b) At the time of the delivery, the delivery employee of the retailer shall provide the customer who placed the order with a hard or electronic copy of the delivery request receipt. The delivery employee shall retain a hard or electronic copy of the signed delivery request receipt for the licensed retailer's records.

(c) For the purposes of this section, an employee number is a distinct number assigned by a licensed retailer to their employees that would allow the licensed retailer to identify the employee on documents or records using the employee number rather than the employee's full name. A licensed retailer shall be able to identify the employee associated with each employee number upon request from the Bureau.

(d) For the purposes of this section, a customer number is a distinct number assigned by a licensed retailer to a customer that would allow the licensed retailer to identify the customer in documents or records using the customer number rather than the customer's full name. A licensed retailer shall be able to identify the customer associated with each customer number upon request from the Bureau.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070, 26090, and 26160, Business and Professions Code.

§ 5421. Delivery Route

While making deliveries of cannabis goods, a licensed retailer's delivery employee shall only travel from the retailer's licensed premises to the delivery address; from one delivery address to another delivery address; or from a delivery address back to the retailer's licensed premises. A delivery employee of a licensed retailer shall not deviate from the delivery path described in this section, except for necessary rest, fuel, or vehicle repair stops, or because road conditions make continued use of the route unsafe, impossible, or impracticable.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§ 5422. Receiving Shipments of Inventory

(a) A licensed retailer shall receive a shipment of cannabis goods only from a licensed distributor or licensed microbusiness authorized to engage in distribution.

(b) A licensed retailer shall accept shipments of cannabis goods only between the hours of 6:00 a.m. Pacific Time and 10:00 p.m. Pacific Time.

(c) During business hours, shipments of cannabis goods shall not enter the licensed premises through an entrance or exit that is available for use by the public.

(d) A licensed retailer whose licensed premises only has one entryway may be exempt from the requirements of subsection (c) of this section if the licensed retailer obtains authorization from the local jurisdiction explicitly authorizing this activity. The licensed retailer shall be required to provide this authorization to the Bureau upon request. For this section to apply, the licensed premises must physically have only one entryway and cannot have any other entryways.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26012 and 26070, Business and Professions Code.

§ 5423. Inventory Documentation

A licensed retailer shall maintain an accurate record of its inventory. A licensed retailer shall provide the Bureau with the record of inventory immediately upon request. A licensed retailer shall keep a record of the following information for all cannabis goods the licensed retailer has in its inventory:

(a) A description of each item such that the cannabis goods can easily be identified;

(b) An accurate measurement of the quantity of the item;

(c) The date and time the cannabis goods were received by the licensed retailer;

(d) The sell-by or expiration date provided on the package of cannabis goods, if any;

(e) The name and license number of the licensed distributor or licensed microbusiness that transported the cannabis goods to the licensed retailer; and

(f) The price the licensed retailer paid for the cannabis goods, including taxes, delivery costs, and any other costs.

Authority: Section 26013, Business and Professions Code. Reference: Section 26160, Business and Professions Code.

§ 5424. Inventory Reconciliation

(a) A licensed retailer shall be able to account for all ~~perform a reconciliation~~ of its inventory, at least once every 14 calendar days.

(b) In conducting an inventory reconciliation, a licensed retailer shall verify that the licensed retailer's physical inventory is consistent with the licensed retailer's records pertaining to inventory.

(c) The result of inventory reconciliation shall be retained in the licensed retailer's records and shall be made available to the Bureau upon request.

(d) If a licensed retailer identifies any evidence of theft, diversion, or loss, the licensed retailer shall notify the Bureau and law enforcement pursuant to section 5036 of this division.

(e) If a significant discrepancy as defined in section 5034 of this division is discovered between a licensed retailer's physical inventory and the licensed retailer's inventory records, the licensed retailer shall notify the Bureau and law enforcement pursuant to section 5036 of this division.

Authority: Section 26013, Business and Professions Code. Reference: Section 26160, Business and Professions Code.

§ 5425. Record of Sales [reserved]

(a) ~~A licensed retailer shall maintain an accurate record of sale for every sale made to a customer.~~

(b) ~~A record of cannabis goods sold to a customer shall contain the following information:~~

(1) ~~The first name and employee number of the licensed retailer employee who processed the sale;~~

(2) ~~The first name and the retailer assigned customer number for the customer who made the purchase;~~

(3) ~~The date and time of the transaction;~~

(4) ~~A list of all the cannabis goods purchased, including the quantity purchased; and~~

(5) ~~The total amount paid for the sale including the individual prices paid for each cannabis good purchased and any amounts paid for taxes.~~

(c) ~~For the purposes of this section, an employee number is a distinct number assigned by a licensed retailer to their employees that would allow the licensed retailer to identify the employee on documents or records using the employee number rather than the employee's full name. A licensed retailer shall be able to identify the employee associated with each employee number upon request from the Bureau.~~

10/1/18

Proposal from Marin Alliance to the Fairfax Town Council Regarding Extension of the Cannabis Business Moratorium

Regarding agenda item 11 on your October 3 agenda, Marin Alliance makes the following proposal regarding an amendment to your renewal of the cannabis business moratorium.

As we presented at the September 20, 2018 Planning Commission meeting, we are hoping that Fairfax will consider adoption of a new ordinance under Fairfax Town Code Chapter 17.110 which governs Medical Marijuana Dispensaries. The proposed ordinance would permit currently licensed medical cannabis dispensaries, including the Marin Alliance for Medical Marijuana, to apply for an amendment to their Use Permit to allow Adult Use under approved conditions after 6 months to a year of probationary medical only operations. The probationary period would give the town more data upon which to consider amending the Use Permit for Adult use. The Marin Alliance has almost a 20 year track record of working with the town to address its concerns.

The proposed ordinance would expedite consideration of needed amendments to the Marin Alliance's Use Permit without having to complete full drafting and adoption of a separate Adult Use Chapter in the Town Code. It would also create a fair and comparable process for any other medical dispensaries that receive a Use Permit under Chapter 17.110 in the interim. Hence, the Council could go ahead with extension of the moratorium ordinance on its separate Adult Use ordinance while allowing consideration of modification of the Marin Alliance Use Permit.

As set forth in the attached copy of the Marin Alliance's memorandum to the Planning Commission, we believe that the State of California's micro-business license would be the most practical licensing vehicle for our dispensary. Proposition 64 has drastically changed the legal cannabis market in California. Medical Marijuana only dispensaries cannot compete with adult use facilities in price or in volume. As a result, many medical marijuana customers are migrating to Adult Use operations and Medical Only dispensaries are quickly fading from the market. Given these market changes, it is essential for the Marin Alliance to move forward with a modification of its Use Permit in order for it to be financially capable of continuing its core mission to the community.

The Marin Alliance for Medical Marijuana is completely agreeable to crafting regulations on its micro-business permit with the Town of Fairfax which would restrict and specify the type of activities allowed (packaging and making low impact cannabis products, deliver and sales), the size of the operations, and other limitations while continuing the regulations controlling

ATTACHMENT E

signage, public access and location. As part of that process, we would propose that Town approve an exception to California's exclusionary zoning rules for pre-existing licensed medical marijuana dispensary facilities in Fairfax to address the zoning rules that inhibit the location of adult use outlets. Such a process would also address some of the concerns expressed by community members about allowing an Adult Use facility in Fairfax.

At its September hearing to discuss the cannabis issue, the six commissioners present came to consensus on numerous issues, pending further input that they will receive during their scheduled October 13 hearing on the topic. Among the items upon which they reached consensus was a suggestion that work on the Marin Alliance Use Permit be expedited. The six commissioners were also unanimous in their support for allowing medicinal and adult-use retail, allowing dispensaries to operate as town-regulated micro businesses, and allowing delivery from retail establishments, among other issues outlined by staff at the council's direction.

We request that the council act favorably and swiftly upon the commission's expedited use permit review process recommendations as it extends its moratorium.

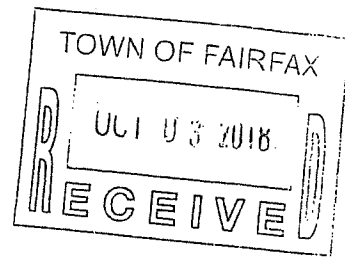
Thank you for your consideration. We look forward to seeing you on October 3.

Lynnette Shaw

Marin Alliance for Medical Marijuana.

To the Members of the Fairfax Town Council
And The Members of the Planning Commission

From Alice Ducayet, 30 Claus Circle
October 3, 2018



The Planning Commission did a thoughtful job of pursuing many issues around sale of marijuana in town.

However, owing to the seductive quandary of saving a business that is becoming obsolete (The Alliance), all members ended up proceeding as if there will be retail sales of marijuana in Fairfax, which skews the argument away from the very popular option of NO RETAIL SALES.

We voted to decriminalize, not to provide it. I have heard the members use this vote as indication that the public in general wants to sell marijuana in town.

Please continue to consider a policy of no retail sales in town.

Respectfully.

Alice Ducayet

Linda Neal

From: Patrece Bryan <patrecemichellebryan@gmail.com>
Sent: Wednesday, September 19, 2018 1:03 PM
To: Linda Neal
Subject: Planning Commission Meeting 9.18.18 -- PLEASE FORWARD TO COMMISSIONERS
Attachments: PlanningCommission9.20.18.pdf

Categories: Blue category

Dear Linda,

Can you please forward the missive below along with the attached pdf to all members of the Planning Commission in advance of this Thursday's meeting. It provides a helpful, 3rd party backgrounder on the legalization of cannabis in Fairfax.

Thanks in advance for your help with this.

Wednesday, September 19

Re: Cannabis Legalization in Fairfax

Dear Chair Newton, Vice Chair Swift and Planning Commission Members,

In advance of Thursday's Planning Commission discussion regarding the consideration of local cannabis regulatory policy options I wanted to provide you with a 3rd party sourced pdf compiled of a few (4) illuminating articles that give a helpful backgrounder on some of the items that have come up to date in Town Council discussions on the matter.

A recurring topic that has been expressed by Fairfax voters like myself is that any policy enacted by the town should not focus on one business's interest. For clarification, I am NOT connected to or employed by Marin Alliance or Lynette Shaw in any way shape or form. In fact, I believe there should be two dispensaries in Fairfax to ensure competition and provide for the best cannabis products for consumers, both medical and adult-use.

By way of background, I moved to Fairfax from San Francisco on July 1st and have been a business, political and marketing consultant my entire career. Prior to leaving San Francisco I ran social media for the successful Mayoral campaign of London Breed, a friend. Although I have quickly become a very active local cannabis legalization proponent, I've previously focused on this topic from a national basis, as you'll see from my comments made to the Chicago Tribune (<https://www.makechange.aspiration.com/articles/2017/3/2/weed-business-under-fire>) and in this Bloomberg article (<https://www.bloomberg.com/news/articles/2017-02-24/marijuana-industry-angered-by-white-house-reversal>). To date, I have only consulted for ancillary cannabis businesses (aka *not plant touching*) that are distributed nationwide. Net: I have never represented the issues of any dispensary, Marin Alliance or otherwise.

However, in the spirit of full transparency, I am working with former Council Member and 3X Mayor, Lew Tremaine, to ensure that due process is followed in regards to legalization in Fairfax and also to further his political aspirations.

In past Council meetings there appears to have been a bit of confusion over the existing state regulatory infrastructure and the terms and language used , from microbusiness (commonly referred to as a “vertically integrated business” and preferred by policymakers statewide as it is an example of a business that is more effectively and efficiently regulated than one-off shops) to adult-use.

To this end, I've compiled a pdf comprised of brief articles to illuminate the following;

- The role adult-use plays in combatting black market sales by meeting market demand
- A recent study showing teen use dropping significantly in legalized markets
- Brief overview of definition of microbusiness & associated guidelines

I hope the information I've provided is helpful and that you're able to take a quick read prior to Thursday's meeting. All articles in the pdf are brief, however the page count is deceiving because of the way a pdf compiles Internet information.

I look forward to this Thursday's discussion with you all.

Best Regards,

Patrece Bryan
Fairfax Registered Voter and Get out the Vote Proponent

Patrece Bryan
mobile: 310.863.6948
<https://www.linkedin.com/in/patrecebryan>



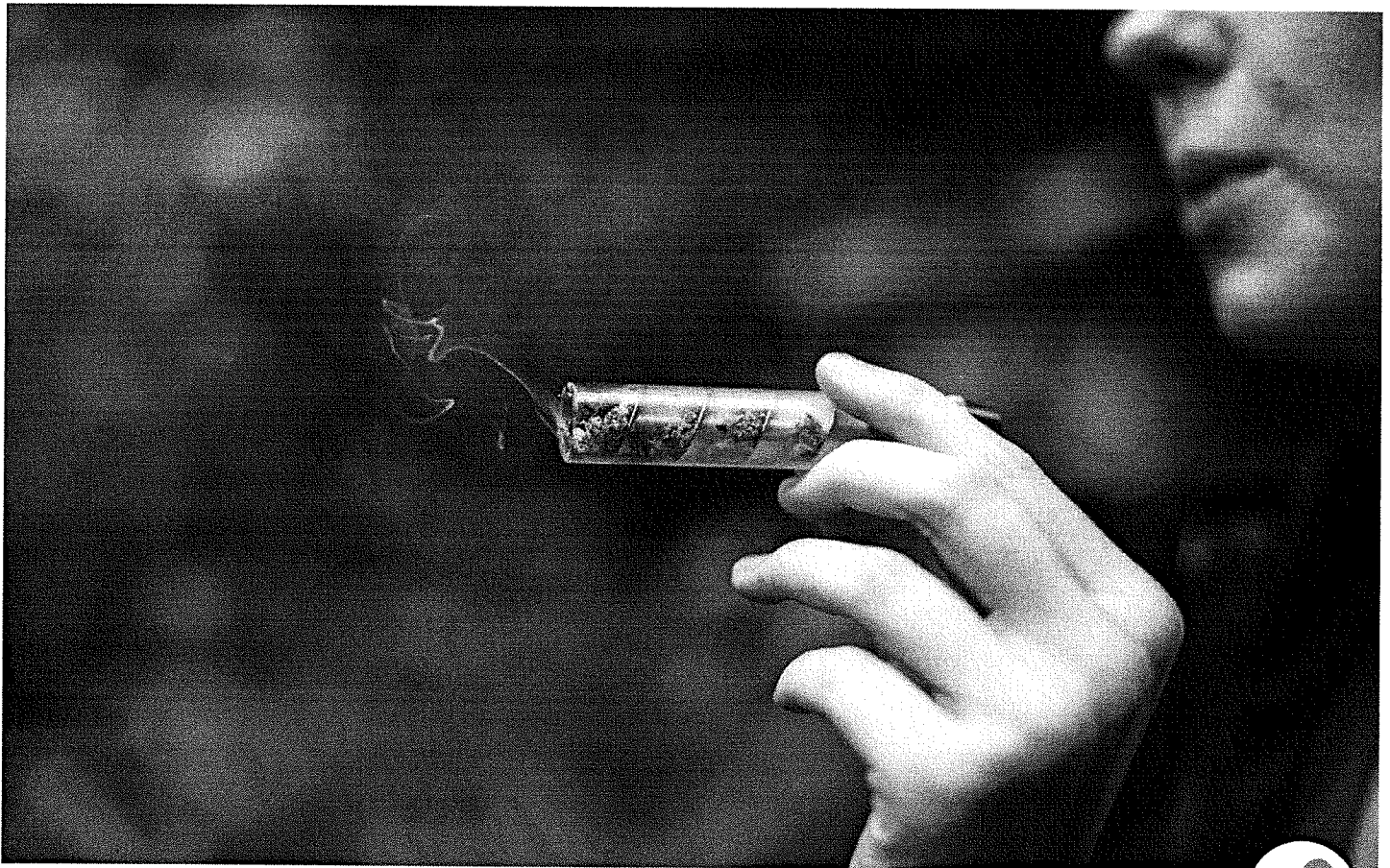
Health | SEE ALL

BROWSE NEWS CATEGORIES

HEALTH

Teen Cannabis Use Plummets Amid California Legalization, Data Reveal

DAVID DOWNS
August 22, 2018



Teens did not spark up on legalization election night 2016. (Julia Sumpter/Leafly)

Cannabis use reported by high schoolers in California dropped significantly amid the

legalization and regulation of the botanical drug for adults ages 21 and older.

Data from the large, independent California Healthy Kids Survey released this week indicate:

- Seventh grade pot use dropped 47% from 2013 to 2017. (Californians legalized cannabis in 2016.)
- Among 9th graders, reported cannabis use dropped 25% during the study period.
- Among 11th graders, reported cannabis use dropped 16% during the study period.
- The percentage of teens reporting using cannabis multiple times and/or repeatedly within the past 30 days declined for all age groups.

For Adults Only

LEAFLY LISTS ONLY LICENSED CALIFORNIA DISPENSARIES

[Click to Locate Legal Cannabis Nearby](#)

“The declines in substance use are striking.”

– California Health Kids Survey Report, 2017

“The declines in substance use are striking. Almost all major indicators of alcohol and marijuana use, overall prevalence as well as frequent or heavy use, are down by 3 or more points,” researchers concluded.

Funding for the survey of teens is nonpartisan. It comes from taxes spent by the California Department of Health Care Services in collaboration with the California Department of Education. This survey of 45,264 students came from the 2015–17 administration of the CHKS to a randomly selected representative sample of California 7th, 9th, and 11th graders. It's the 16th biennial statewide student survey, which began in 1985 and became mandated by the California Legislature in 1991. Here is a [link to the CHKS 2015-2017 results](#).

Declining Trend Amid Rise of Legalization

California has had legal medical cannabis since 1996 and dispensaries for adults 18 and older since the early 2000s. Yet “marijuana use has been declining among students,” researchers reported.

Legalization critics note that the study period does not cover more recent developments. Retail adult use cannabis began after the CHKS study period ended. There are drugged driving and long-term health dangers, anti-cannabis groups like Project SAM warn.

“How the recent legalization of marijuana use for adults in California effects [sic] the declining trend among youth warrants attention,” the survey report concluded. “The next biennial survey will be of particular interest to shed light on whether the change in state marijuana laws affect these findings.”

RELATED STORY

Federal Gov't: Teen Cannabis Use Rate Drops to 20-Year Low

Researchers could not say why fewer teens report using cannabis.

“Current results suggest that two factors may help to explain these declines: (1) increases in parental, peer, and, to a lesser extent, personal disapproval; and (2) declines in the

percentage of students reporting it was very easy to get alcohol and marijuana.”

Legalization supporters said the survey result mirror data from other legalization states, which all share a age limit of 21 and strong anti-youth smoking campaigns. California legalization Proposition 64 earmarks millions of dollars each year in cannabis excise and sales taxes for anti-marijuana ads aimed at youth.

RELATED STORY

Washington Sees Declines in Teen Use, Treatment Admissions Since Legalization

“These initial reports confirm that legalizing and regulating cannabis doesn’t increase youth marijuana use, but rather it has the opposite effect,” said Ellen Komp, deputy director of California NORML. “The fact that the biggest drop in reported use came from younger age groups is a particularly encouraging indicator of the success of regulation.”

Cannabis arrests are a primary entry point for the school-to-prison pipeline, activists note. Cannabis laws are enforced disproportionately on black people and other people of color, as compared to caucasians, ACLU studies have concluded.

“It’s time to stop trying to ‘send a message’ to young people about drugs and instead implement sound, science-based policies that best protect our children and public safety, along with our privacy and human rights,” concluded Komp.

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David Downs

David Downs directs news and lifestyle coverage as the California Bureau Chief for Leafly.com. He's written for WIRED, Rolling Stone and Billboard, and is the former cannabis editor of the San Francisco Chronicle, as well as the author of several cannabis books including 'Marijuana Harvest' by Ed Rosenthal and David Downs. He writes a weekly column, The Cali Way. TW: @davidrdowns | IG @daviddowns



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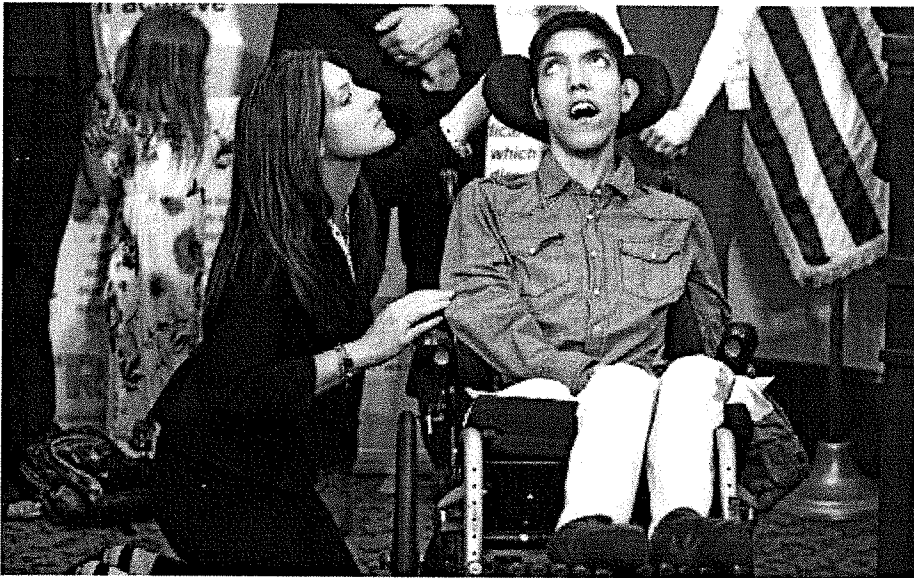
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Karstein Stuverud · 23 days ago

The tension of prohibition is one ruling cause of people needing constant relief with the reefer. Paranoia causes people to smoke too much too fast. It would be wonderful to have a relaxed affair with the sacred leaf.

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Chart: Number of California licensed recreational marijuana stores falls short


Published August 27, 2018 | By [Eli McVey \(/about-us/staff/#editorial-staff\)](#)


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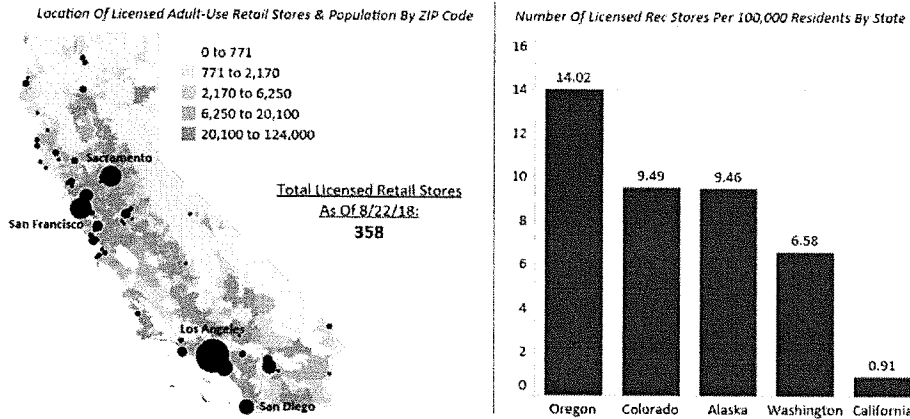
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Adult-Use Stores In California: Location & Number Per 100,000 Residents



Source: California Bureau of Cannabis Control, state marijuana program websites, U.S. Census Bureau
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(<https://mjbizdaily.com/wp-content/uploads/2018/08/8-27-18-COTW-Revised.png>)

(This story has been updated from an earlier version with the start date for adult-use sales in Long Beach, California.)

The number of licensed recreational cannabis stores in California is far short of what's needed to adequately supply the market, as licensing logjams at the local level constrain establishment of operations in large portions of the state.

It's yet another issue hampering the rollout of California's recreational marijuana industry, which has experienced lower-than-expected tax revenue (<https://mjbizdaily.com/second-quarter-california-marijuana-taxes-nets-only-74-million-black-market-factor/>) and a flourishing black market (<https://mjbizdaily.com/consumer-study-nearly-1-in-5-california-consumers-buy-from-black-market/>).

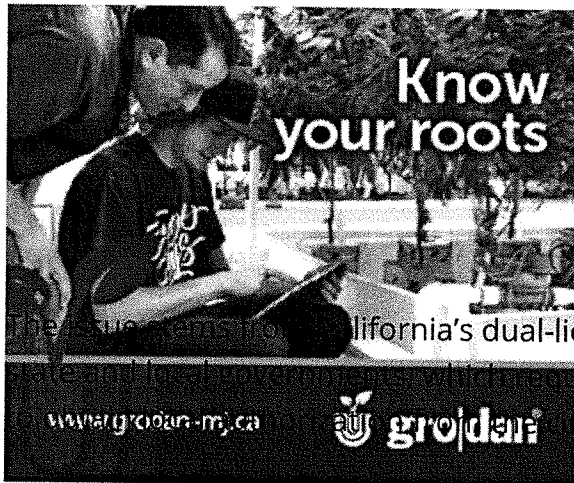
Some numbers swirling around the situation include:

According to data from the California Bureau of Cannabis Control, the state currently has 358 licensed recreational marijuana stores. That's less than one store per 100,000 residents – about 15 times less than the number of adult-use stores in Oregon on a per-capita basis.

In some major population centers throughout the state – such as Fresno and Bakersfield, which have a combined

population of more than 900,000 – the nearest recreational store is more than an hour's drive away.

Along Interstate 5 between San Francisco and Los Angeles – a major stretch of highway spanning more than 350 miles – adult-use shops are nearly nonexistent.



<https://adbutler-fermion.com/redirect.spark?>

California's dual-licensing system between
requires cannabis businesses
y and/or the county in

<https://adbutler-fermion.com/redirect.spark?MID=172085&plid=816079&setID=299585&channelID=0&CID=0&banID=519610224&PID=0&textadID=>
which they'll operate before they can apply for a state license.

But only 70 of the state's 482 cities allow adult-use retail stores,
according to a database

<http://www.thecannifornian.com/cannabis-business/database-see-cannabis-laws-support-differ-among-california-cities/>

created by The Cannifornian, a news outlet covering the California marijuana industry.

Though it's still very early for California's recreational marijuana industry, and more towns and municipalities will likely eventually allow adult-use stores, the state has not kept pace with other markets on the number of licensed rec shops early on.

Colorado, for example, had 242 licensed recreational marijuana stores nine months after the launch of its adult-use industry – about 4.3 per 100,000 residents, nearly five times California's current count on a per-capita basis.

Additional findings from the state licensing data include:

Combined, Los Angeles, San Francisco and Sacramento account for about 14% of California's total population but are home to more than half of all adult-use stores in the state. Overall, roughly 30% of the state's residents live in a city or town with a licensed recreational marijuana store.


To reach the same number of licensed adult-use stores on a per-capita basis as Colorado, California would need more than 3,700 retail locations – or more than 10 times the amount currently licensed. To match Oregon, California would require more than 5,500 recreational retail shops.


Four of the top 10 most-populous cities in California – Fresno, Long Beach, Bakersfield and Anaheim, which have a combined population of 1.7 million – do not have any retail marijuana stores. Long Beach, however, is slated to begin recreational sales Sept. 1.


Eli McVey can be reached at elim@mjbizdaily.com


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11 comments on “Chart: Number of California licensed recreational marijuana stores falls short”

George Bianchini on [August 27th, 2018 - 1:48pm](#)
(<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232793>)

Jerry Brown's BCC picks reminds me of how Donald Trump picks only the finest and best people for his cabinet. Our Rules and Reg's are being designed to crash and burn. Pay attention to the new testing rules that start this week. The blind leading the blind! I had one test last week that came back with a total cannabinoid count at 1084 mg/g. When I discussed it with the BCC, they saw no issue with the results as the lab was certified and I should consider relabeling the product packaging. This is fifth grade math folks, and the BCC has no idea what they're doing.

Don't expect many more dispensaries to start sprouting up in California with this regulatory Board in place. The new grey market is being met with customers that treat them as a godsend. Products at half the price and profits that make it well worth the risk. It's the Black market that scares me. They are getting more powerful day by day and people are going to be collateral damage in the race to see who gains control of the industry after the BCC destroys it. I wonder how much of the \$30 million the BCC borrowed from the state is left. Their prop 64 Hemp partner and it's new Board did not get a dime of that seed money. Since Lorie Ajax intended to make Cannabis CBD sourced from hemp illegal to sell in cannabis dispensaries, why give them money to organize?

REPLY

Ak on [August 27th, 2018 - 2:21pm](#)
(<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232797>)

George, maybe the illegal market wouldn't exist if they had the opportunity to continue cultivating without the need to find half a million dollars in order to meet requirements. All the legal cultivators are rich folks who haven't grown a cannabis plant in their life yet alone any plant!!! Now you guys are applying for multiple licenses. The legal cartel is far worse than the illegal one believe me. I hope the illegal market not only thrives, but puts these rich white men trying to make even more money bankrupt!!!! We could have had thousands making decent money instead of a few ending up making billions!

REPLY

Doc on August 27th, 2018 - 2:31pm (<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232798>)

As a consumer I love the "black market," have relied on it for years, and hope it flourishes into the future until the State gets its act together. (Very possibly never.) The State has made a joke of implementing the will of its voters: everyone responsible for this fundamental failure of democracy needs to be turned out.

REPLY

Ak on August 27th, 2018 - 2:45pm (<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232800>)

Half the articles about the industry is about companies like medmen as if they deserve praise for trying to become the Starbucks of cannabis. Are we that blind? We really need to stop with having laws that benefit a few especially in an industry where thousands of us were doing this long before the current business owners.

REPLY

Matthew on August 27th, 2018 - 3:32pm
(<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232807>)

Legalization takes time, and there are inevitably hiccups along the way. California will necessarily lead the cannabis market simply due to its productive potential and cultural influence. I'm not worried. 😊

REPLY

Pat on August 27th, 2018 - 9:10pm

(<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232821>)

"California will necessarily lead the cannabis market simply due to its productive potential and cultural influence. I'm not worried."

Matt, you haven't been paying attention. And, I think you're missing the point entirely.

REPLY

Jack Ajax on August 28th, 2018 - 8:10am

(<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232861>)

Obviously a state paid agent. No one in their right mind that is aware of history would say that.

"I'm not worried." Said Patt.

Wow. The BCC operates like state propaganda flooded CHINA paying state agents to respond with positive statements when the BCC and its agents are all uncle toms for the slavemaster!

REPLY

Pat on August 28th, 2018 - 10:57am

(<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232872>)

"Matt" said: "I'm not worried", and not Pat(t), Jack. Go back and re-read.

REPLY

Patrick McNeal on August 27th, 2018 - 3:54pm

(<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232810>)

It is clear that the League of Cities and local politicians have succeeded in blocking the implementation of the Voter's Choice. Unfortunately, as long as you allow local government, which is largely anti-cannabis to control the licensing, you will get this type of disparity.

There should be a state-wide vote to amend the regulations and allow for state-wide licensing, and set up regional districts to otherwise regulate the amount and location of licensed businesses. Possibly patterned after the Alcohol Beverage Control Board... It would free up much of the log jam in production, distribution and retail sales of licensed product. Get the Local Governments out of it, they will never go along with a full implementation of the Legislation,, it has been over 20 years since the Compassionate Use Act was passed, and we are still largely relying upon black market to service the legitimate needs of the consumer.

REPLY

Baron on August 28th, 2018 - 3:21pm

(<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-232934>)

Anyone know who the largest medical and recreational cannabis company is in California?

REPLY

Rick on August 30th, 2018 - 5:10pm

(<https://mjbizdaily.com/chart-number-california-licensed-recreational-marijuana-stores-falls-short/#comment-233599>)

Prop 64 high taxes and restrictions currently leaves millions of Californians (former legal medical marijuana users) doing illegal marijuana business in the black market.

When is this enforcement supposed to start ? When the state gets more money from City people marijuana buyers ?\

Black market criminal – to be or not to be? At ten times the cost

REPLY

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A Macro-Overview of Cannabis Microbusiness Laws In California



Margolin & Lawrence

December 13, 2017

Our Los Angeles Cannabis Attorneys are constantly fielding questions about a popular license category called microbusiness. The Type 12 license allows you to engage in multiple cannabis activities on the same premises. For example, you could cultivate up to 10,000 sq. ft. of canopy, and distribute, and deliver under one license for microbusiness. The chance to diversify your business and conduct multiple activities under one license is appealing to many existing and prospective cannabis business owners.

The Bureau of Cannabis Control (BCC), released their final regulations for cannabis microbusiness licensees last week, after revising

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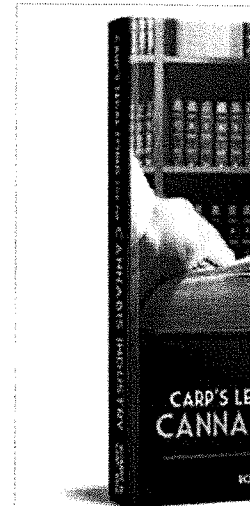
them post SB-94 (you can read more about the process here). Here's what they have to say about the restrictions on cannabis microbusinesses:

- Microbusinesses **must** engage in at least 3 different commercial cannabis activities
- Microbusiness applicants have to describe operating procedures as required for each activity
- If a microbusiness license is revoked or suspended, it affects every activity done using that license
- Microbusiness license fees range from \$5,000 to \$120,000 depending on size of operation (up to \$5 million)
- Retail operations & Microbusinesses with retail sales can give out free samples to medicinal marijuana customers, as long as it meets the same conditions as normal retail sales
- Sales at events are allowed
- Retailers & Microbusinesses with retail will have to employ security guards

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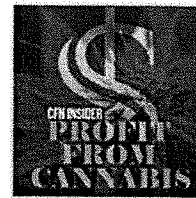
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Linda Neal

From: David Spampanato <david.spampanato@oracle.com>
Sent: Friday, October 19, 2018 10:53 AM
To: Linda Neal
Subject: Marijuana Dispensary in Fairfax

Hi Planning Commission,

I'm a board member of West Marin little League and a fairfax resident (3250 SFDB). I also coach and have boys attending Manor Elementary.

It is hard to imagine that the Town would consider putting a marijuana dispensary in the current location (25 feet from a youth baseball field, within 600 feet of the Pavilion, and adjacent to tennis courts and the Peri Park playground). If anyone else tried outside of Lynette Shaw it would have been rejected. Central field is not only the heart and soul of WMLL (450 kids playing 8 months a year with 7 days a week in the peak season), but is a main artery for kids of the community to play and congregate. WH Middle School and Drake High kids frequent Central Field every day. There are other businesses like the HUB which are kid friendly (outdoor seating) that is no more than 30 feet from the Dispensary

I strongly oppose this **location** for a marijuana dispensary especially with the extended use now being asked "recreational". I feel we should develop marijuana policy objectively, and considering all aspects and needs of the community as a whole, rather than develop policy based on a narrow set of specific circumstances involving one particular individual who is highly connected. I understand there are financial circumstances for the current owner and hence why she's asking for expanded use, but that does not seem to make good policy for the town and the future.

A few questions/comments:

1. With the proposed expanded use – what additional Security measures being taken? I walked past the shop yesterday and the door to the dispensary was wide open.
2. What about disposal of waste - how is that being handled?
3. What about Advertising, Marketing, Give away promotions - these recreational products are targeted to kids - candy items, gummy bears, etc
4. What is the Volume of trips and traffic this will create on School St?
5. Has a parking study and traffic impact report been completed?
6. What about impaired driving and enforcement?

If Recreational Use is approved (Delivery/Store Front) this place will become a Destination Place and will create a huge impact to our kids and WMLL. State Law requires a 600 Foot Buffer and some communities expanded that to over 1000. Many kids are waiting outside for parent pickup/drop-off and many use School St as a place to gather, bike/scooter to and from.

Location and Safety to kids are my top concerns for the kids.

Thanks for Reading!

-David

David Spampanato, CISSP
Security and Management Cloud Specialist
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