

## IMPARTAL ANALYSIS OF MEASURE Y

### CITY ATTORNEY

If approved by a majority of the voters, Measure Y would allow – without having to get permits from the City -- the establishment and operation of commercial cannabis businesses, including commercial manufacturing, distribution, cultivation, transportation, testing, retail sales, and delivery of cannabis in all commercial zoning districts in the City. No limitations are set on the number of such businesses that can open in the City. Multiple, unspecified numbers of cannabis businesses can locate on the same parcel. Unless prohibited by the City's anti-smoking ordinance, consumption of cannabis at retail businesses is permitted. No provision is made for the City or the community to examine and mitigate, in advance of their opening, such businesses' impacts on the community and the environment.

Other than for temporary special events where cannabis may be sold and consumed, Measure Y does not require submittal of a permit application or create a procedure for the City to accept, review and act on permit applications through a public process, but instead provides that with limited exceptions, the only City approval that is required to open a cannabis business is a "zoning clearance." A "zoning clearance" is not a permit; it is a statement issued by the Planning Director that a proposed business is located within the correct zoning district and complies with the district's requirements, such as the building height limit. A "zoning clearance" is issued over the counter and without notice or hearing.

Under Measure Y, operators who were engaged in medicinal cannabis businesses before September 9, 2016, would be entitled to continue or re-commence those operations provided they state that they were operating such businesses in compliance with the Compassionate Use Act of 1996 and pay the City a fee. The City would be required to issue such an operator a certificate of compliance and allow that business to operate even if the business had violated City laws.

Only those cannabis retailers whose businesses are located in the City would be authorized to deliver cannabis to their City customers; except deliveries from out-of-city businesses would be allowed upon the payment of an enhanced fee.

The measure would permit indoor personal medical cannabis cultivation in all residential districts: unclear whether personal cultivation of adult use cannabis is permitted. Outdoor personal cultivation is not permitted. Personal cultivation cannot exceed six cannabis plants "per adult", but Measure Y does not limit the number of "adults" who are permitted to so cultivate. Thus, the number of cannabis plants allowed to be cultivated per residence cannot be determined. Additionally, Measure Y permits the indoor cultivation of up to 30 cannabis plants on any residential property by caregivers for their patients.

Cannabis businesses must be at least 600' from schools and City parks, 1000' from the Plaza, and 250' from the City library. No buffer is required between a cannabis business and daycare centers or youth facilities.

Measure Y was placed on the ballot by a petition signed by the requisite number of voters.

  
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Jeffrey A. Walter,  
City Attorney

**TO COUNTY ELECTIONS OFFICIALS:**

**IF THE ENTIRE TEXT OF THE MEASURE IS NOT PRINTED ON THE BALLOT, NOR IN THE VOTER INFORMATION PORTION OF THE SAMPLE BALLOT, PLEASE PRINT THE FOLLOWING LANGUAGE IMMEDIATELY BELOW MY IMPARTIAL ANALYSIS, AND BEFORE MY SIGNATURE BLOCK. THANK YOU.**

The above statement is an impartial analysis of Measure Y. If you desire a copy of the Measure, please call the elections official's office at 707-933-2216 and a copy will be mailed at no cost to you.