

City of Alameda



OPEN GOVERNMENT COMMISSION
2263 Santa Clara Avenue, Suite 380
Alameda, CA 94501
(510) 747-4800

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission: City Council

Name of individual contacted at Department or Commission: _____

☐ Alleged violation of public records access.

☒ Alleged violation of public meeting. Date of meeting: 10/16/2018

Sunshine Ordinance Section: 2-91.5 Agenda Requirements
(If known, please cite specific provision(s) being violated)

Please describe alleged violation: Use additional paper if needed. Please attach all relevant documentation supporting your complaint. Documentation is required.

City Council voted to add 2 additional cannabis dispensary permits
without prior notification

A complaint must be filed no more than fifteen (15) days after an alleged violation of the Sunshine Ordinance.

Name: Serena Chen Address: 931 Independence

Telephone No: (510) 435-5889 E-mail Address: serenatchen@gmail.com

Date: 10/30/2018 [Signature]
Signature

On Oct. 16, 2018, the city council voted 3-2 to amend section 30-10 (Cannabis) to revise and add fees. See below for published agenda item title and description. [Video of council meeting.](#)

Title Adoption of Resolution Amending Master Fee Resolution No. 12191 to Revise Fees to Add New Cannabis Business Operator and Regulatory Fees;

Public Hearing to Consider Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30-10 (Cannabis) to (1) Add Cannabis Retail Businesses as Conditionally Permitted Uses in the C-1, Neighborhood Business and C-M, Commercial-Manufacturing Zoning Districts; (2) Add Two Delivery-Only Cannabis Retail Businesses as a Conditionally Permitted Use in the C-M, Commercial-Manufacturing Zoning District; (3) Amend Certain Portions of the Zoning Code to Enable Cannabis Retail Businesses to Dispense Non-Medicinal or "Adult Use" Cannabis; and (4) Amend Certain Portions of the Zoning Code to Eliminate the Dispersion Requirement for Delivery-Only Cannabis Businesses;

Introduction of Ordinance Amending the Alameda Municipal Code by Amending Article XVI (Cannabis Businesses) of Chapter VI (Businesses, Occupations and Industries) to (1) Eliminate the Cap on Testing Laboratories; (2) Add Two Delivery-Only Dispensaries; (3) Allow Adult Use; (4) Create a Two-Tier Buffer Zone from Sensitive Uses for Dispensaries and Cultivation Businesses; and (5) Make Other Clarifying Revisions; and

Recommendation to Confirm Continued Use of Request for Proposal (RFP) Process to Administer Cannabis Retail Dispensary Business Operators' Permit Selection Process. (Economic Development)

No where in the title and text of the staff report is any mention of the doubling of the number of full-service dispensaries from the two previously approved to four. The summary does mention the addition of "two delivery-only cannabis retail businesses as a conditionally permitted use in the C-M..." but I believe that delivery-only businesses are substantively different than two full-service storefront dispensaries.

Within the body of the report, staff makes it clear that the Delivery-Only Dispensaries would be closed to the public.

Conditionally Permit Delivery-Only Dispensaries (closed to the public) in the C-M Zone

Allowing delivery-only dispensaries as a conditionally permitted use in the C-M district would be consistent with the underlying intent for that zone. The nature of delivery-only dispensaries would be no different than other distribution or warehouse uses that already exist in those locations. With all cannabis businesses, the City has the ability to impose conditions of approval to address potential impacts through the use permit process.

The public was not notified in advance and the decision to transform the delivery-only businesses seemed to have occurred during the council member discussion – after public comment had been closed.

Had I known that two additional full-service retail dispensary permits were under consideration, I would have submitted comments beforehand and made every effort to attend. I was however denied that opportunity due the lack of advance public notice.

I believe that the actions of the council violated the goal of the Sunshine Ordinance.

2.90.1 - Goal.

An informed public is essential to democracy. It is the goal of the ordinance codified in this article to ensure that the citizens of Alameda have timely access to information, opportunities to address the various legislative bodies **prior** to decisions being made, and easy and timely access to all public records.

The published agenda did not propose doubling the number of full-service marijuana dispensaries thereby denying Alameda residents an opportunity to comment on such a significant change.

2-91.5 - Agenda Requirements; Regular Meetings.

- a. Twelve (12) days before a regular meeting of City Council, and seven (7) days for all other policy bodies, the policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. These time requirements shall apply to posting on the internet.
- b. A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. It shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be posted with the agenda or, if such documents are of more than one (1) page in length, made available for public inspection and copying at a location indicated on the agenda during normal office hours.