

LARA WEISIGER

From: Serena Chen <serenatchen@gmail.com>
Sent: Monday, December 10, 2018 1:40 PM
To: Trish Spencer
Cc: Jim Oddie; Frank Matarrese; Malia Vella; Marilyn Ezzy; LARA WEISIGER
Subject: Re: Dec. 18 Council Meeting - No to definition change

Dear Mayor Spencer,

I have family members who are medicinal marijuana users and I do appreciate that they have been able to avail themselves to it. I support medical marijuana and the research needed to confirm the efficacy of the different products.

My concern is in the hasty manner in which council has chosen to severely reduce the number of youth-sensitive locations/establishments from the buffer zone protections using criteria that fail the stink test. On what basis is the city determining that these set of youth establishments are less worthy of being protected than the ones that are?

In 2016, 66.4% of Alameda County voters approved **Prop. 64**, the Adult Use of Marijuana Act. In Section 2 - Findings and Declarations, item (D) the proposition addresses the intent of adopting measures to protect children from advertising and marketing that targets them, provide drug abuse prevention education, and bar "marijuana businesses from being located **within 600 feet of schools and other areas where children congregate.**"

(D) Currently, children under the age of 18 can just as easily purchase| marijuana on the black market as adults can. By legalizing marijuana, the Adult Use of Marijuana Act will incapacitate the black market, and move marijuana purchases into a legal structure with strict safeguards against children accessing it. The Adult Use of Marijuana Act prohibits the sale of nonmedical marijuana to those under 21 years old, and provides new resources to educate youth against drug abuse and train local law enforcement to enforce the new law. It bars marijuana businesses from being located within 600 feet of schools and other areas where children congregate. It establishes mandatory and strict packaging and labeling requirements for marijuana and marijuana products. And it mandates that marijuana and marijuana products cannot be advertised or marketed towards children.

<https://static.cdfa.ca.gov/MCCP/document/Comprehensive%20Adult%20Use%20of%20Marijuana%20Act.pdf>

This language is what 66.4% of Alameda voted for in 2016. People wanted to decriminalize adult use but at the same time provide for protections that were intended to reduce the possibility of increased youth use. Please respect the intent of youth protections, the intent of the authors of Prop. 64, and the intent of the education and parent communities.

Sincerely,

Serena Chen

On Mon, Dec 10, 2018 at 10:59 AM Trish Spencer <TSpencer@alamedaca.gov> wrote:

Dear Ms. Chen,

Thank you for your email.

I appreciate your comments. I'm happy to offer to take you, or anyone else, to visit Harborside or a dispensary of your choice.

I'm confident that a local dispensary can operate successfully, providing quality, legal services without interfering with other community members.

I recently visited Big Sur Canna Botanicals in the Barnyard Shopping Center in Carmel and from the outside it appears similar to all the other storefronts, with children and families walking past without concern. I've attached a picture for you. I expect a dispensary in town to have similar practices.

I'm not sure you appreciate the medicinal value of cannabis, the importance of offering safe, legal cannabis, or the comparisons between cannabis and tobacco or alcohol for recreation. I'm happy to meet with you, or anyone, to further discuss this matter. As cannabis becomes more available legally, I hope it will become less available on the street, in our parks and in our schools, which children attend.

Sincerely,

Trish Spencer
Mayor, City of Alameda

On Thu, Dec 6, 2018 at 5:56 PM -0800, "Serena Chen" <serenatchen@gmail.com> wrote:

Dec. 6, 2018

Dear Mayor Spencer and Members of the Council:

As you know I have been a public health advocate since 1991 when I was hired to help cities and communities adopt local protections against secondhand tobacco smoke and reduce youth access to tobacco products. In the past two years, I have been researching best practices for limiting the potential public health consequences that marijuana legalization poses for youth and sharing that information with cities and other substance use prevention staff in Solano County as a contractor.

I must urge you to pause this hurried response that may actually delay the process. Vote no on Item 2-J. Please take the time to work with our community of parents, educators, and youth service providers on solutions that work for **both** potential cannabis businesses *and* our existing services for youth. It's always better to engage stakeholders in solutions than to defend hastily crafted fixes.

Moreover, I also urge you to take close look at the state cannabis enabling legislation. I recently re-read the law and it appears that there appears to be no option for changing the definition of "youth center."

Under CHAPTER 1. General Provisions and Definitions [26000 - 26002]
(Chapter 1 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

[26001.](#)

For purposes of this division, the following definitions shall apply:

(av) "Youth center" has the same meaning as in [Section 11353.1 of the Health and Safety Code.](#)

[Section 11353.1 of the Health and Safety Code as referenced in BPC 26001.](#)

(2) "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

The Licensing section that discusses the 600-foot radius also does not seem to allow for changes other than of the radius distance itself.

[CHAPTER 5. Licensing \[26050 - 26059\]](#)

(Chapter 5 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26054.

(a) A licensee shall not sell alcoholic beverages or tobacco products on or at any premises licensed under this division.

(b) A premise licensed under this division shall not be located 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. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.

...

(Amended by Stats. 2017, Ch. 27, Sec. 38. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

As with all new state laws there are ambiguities that cities are allowed some leeway to clarify, but I urge you to respect **the intent of the law and the protections that were incorporated** – and not excise protections for an entire class of youth services. Singling out martial arts schools in the language of the definition is especially hurtful. To have done so provides a clear and very negative message – that the City believes that these children are not as worthy of safe zones as others.

An NBC-Bay Area news reporter covering this issue informed us that there are long lines outside of Oakland dispensaries on Fridays and weekends. Is this really an appropriate location that is bound to impact a mosque, a church, a farmers' market, and a martial arts school?

Respectfully,

Serena Chen
Marina Village

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[Serena](#)
Serena Chen

LARA WEISIGER

From: Serena Chen <serenatchen@gmail.com>
Sent: Thursday, December 06, 2018 5:56 PM
To: Trish Spencer; Frank Matarrese; Malia Vella; Jim Oddie; LARA WEISIGER; Marilyn Ezzy Ashcraft
Subject: Dec. 18 Council Meeting - No to definition change

Dec. 6, 2018

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Respectfully,

Serena Chen
Marina Village

LARA WEISIGER

From: Jean Choung <haemmerleassistant@gmail.com>
Sent: Tuesday, November 27, 2018 6:05 PM
To: Trish Spencer; Malia Vella; Marilyn Ezzy Ashcraft; Frank Matarrese; Jim Oddie; City Clerk
Subject: Re: Current Municipal Code Definition of Youth Center

Dear Alameda government officials,

I've been an Alameda resident for over 15 years and live a few blocks away from the International Chi Institute. I walk by there often and see children at that facility constantly.

Please do not change the current municipal code definition of youth center to allow for a marijuana dispensary to be established next to the International Chi Institute. The definition of youth center should cover all facilities that services children regardless of the activity. It does not make sense that the definition of youth center should exclude martial arts/combat sports, cultural education, or physical fitness.

The City of Alameda should protect youth from possible exposure to marijuana use or other substances which could be harmful to our children.

Please keep our children/youth safe. I expect and hope our city officials will do so.

Thank you!

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Jean Haemmerle
530 Santa Clara Ave. #302
Alameda, CA 94501
510-520-2427