

# MEETING OF THE MEDICAL CANNABIS COMMISSION

City Hall  
2180 Milvia Street  
Redwood Room (Sixth Floor)

Thursday, January 7, 2016  
2:00 PM

## AGENDA

- I. **Call to Order**
  - A. Roll Call
  - B. Changes to Order of Agenda
- II. **Public Comment**
- III. **Approval of Minutes**
  - A. November 5, 2015 Draft Action Minutes (Attachment)
- IV. **Planning Staff Report**
- V. **Chairperson's Report**
- VI. **Subcommittee Reports**
- VII. **Discussion and Action Items**
  - A. Changes to Zoning Ordinance: Discuss outcome of 11-18-15 and 12-16-15 Planning Commission consideration of Zoning Ordinance cultivation changes and expansion of cultivation outside the M district. Possible vote on MCC representative for February 23<sup>rd</sup> Council meeting and vote on a recommendation to Council regarding the Planning Commission's recommendation. Two attachments:
    1. Memo distributed 11/18/15 to Planning Commission re. limits on cultivation to M District and 6 locations (from Commissioner Rice)
    2. Memo distributed 12/16/15 to Planning Commission re. removing limit on number of cultivation locations (from Commissioner Rice)
  - B. Dispensary selection process: Discussion of upcoming MCC review of applications for the 4<sup>th</sup> dispensary. One attachment:
    1. Memo outlining suggestion for meeting format
  - C. Changes to the Berkeley Municipal Code: Discuss chapter numbering and Council hearing status. Discuss and vote on staff recommendations to Council regarding selection process and energy use. Vote on MCC representative for February 23, 2016 Council meeting. One attachment:
    1. Staff memo: Chapter numbering changes and staff recommendations
  - D. Cultivation selection process: Discuss whether a selection process is necessary. One attachment:
    1. Description of non-discretionary and discretionary approvals for businesses.
- VIII. **Information Items** (*In compliance with the Brown Act, no action may be taken on these items. However, they may be discussed and placed on a subsequent agenda for action.*)
  - A. 2016 MCC meeting dates (approved 11-5-15)

**IX. Correspondence**

None.

**X. Adjournment**

Berkeley Medical Cannabis Commission website: <http://www.cityofberkeley.info/medicalcannabis/>)

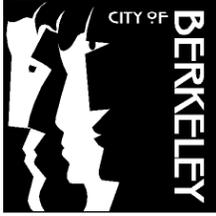
Medical Cannabis Commission Secretary: Elizabeth Greene, 2118 Milvia Street 2nd Floor, Berkeley CA 94704. Phone: 510-981-7484 [EGreene@cityofberkeley.info](mailto:EGreene@cityofberkeley.info)

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Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Planning and Development Department located at 2120 Milvia Street, Berkeley CA. Please contact the Commission Secretary for further information.

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# MEETING OF THE MEDICAL CANNABIS COMMISSION

City Hall  
2180 Milvia Street  
Redwood Room (Sixth Floor)

Thursday, November 5, 2015  
2:00 PM

## DRAFT ACTION MINUTES

### I. Call to Order – 2:05

#### A. Roll Call

Commissioners present (and ex parte communications): Ferguson-Riffe (none), Jones (arrived at 2:10) (none), Pappas (spoke with attorney working for Amoeba dispensary applicant, discussed the permitting process), Rice (none), Tims (spoke with Jed Riffe, discussed a documentary project).

Absent: Cooper (excused) and Rush (excused).

Staff present: Secretary Elizabeth Greene, Alex Amoroso (Principal Planner and Secretary to the Planning Commission)

#### B. Changes to Order of Agenda

Motion to move Item VII.F (2016 Calendar adoption) to the second, third or fourth item, depending on when Commissioner Jones arrives. (Pappas/\_\_\_\_\_). Motion carried 4-0-0-3 (Ayes: Ferguson-Riffe, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Jones, Rush.)

### II. Public Comment

None.

### III. Approval of October 8 Draft Action Minutes

Motion/second to approve the minutes (Pappas/Ferguson-Riffe). Motion carried 5-0-0-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Rush.)

### IV. Planning Staff Report

Secretary Greene made the following announcements:

- There are two excused absences (Cooper and Rush). There are still two open seats (the Mayor and Councilmember Moore's appointees). People interested in filling those positions should fill out a form with the City Clerk, and can also contact the appointing Council member.
- With the open seats and two excused absences, the number of appointed members of the MCC is 5. The quorum for action is 3 votes.
- Update on dispensary application process: Redacted applications are accessible from the MCC page. Six community meetings will be held, starting on November 7<sup>th</sup> and ending on November 20<sup>th</sup>, each by one of the applicants. These are not City meetings – they are run by the applicants and are designed for the residents and property owners in the area of each proposed dispensary. If you are interested in attending a meeting, please contact the applicants directly. If MCC member

attend, please remember:

- Should only observe – speaking or other participation could disqualify a commissioner from the selection process.
  - Don't speak with other members of the MCC who might be at the same meeting.
  - Let staff know if you plan to attend a meetings so we can avoid a quorum (4).
  - Must disclose attendance as ex parte communication at the selection meeting.
- One late item – Chairman's update of articles and legislation

## V. **Chairperson's Report**

Chair Pappas reviewed the late item he submitted. 9<sup>th</sup> Circuit Court decision will allow a San Francisco dispensary in the Marina District to reopen. He is concerned that information for the dispensary applicants' community meetings is not posted in the public library. He is waiting to hear from the City Attorney about this. He is also concerned that the lack of appointments by the City Council reflects a marginalization of the MCC.

## VI. **Subcommittee Reports**

None.

## VII. **Discussion and Action Items**

### A. **Discuss Planning Commission changes to the Zoning Ordinance, give direction regarding changes, and vote on a representative to attend the November 18<sup>th</sup> meeting:**

- **Changes to respond to State regulations (Section 23E.72.040)**
- **Changes related to expanding cultivation beyond the M District**
- **Develop strategy to explain the need for cultivation beyond the M District.**

Staff introduced Secretary Amoroso. He explained that the Planning Commission would consider two medical cannabis cultivation issues at their November 18<sup>th</sup> meeting: 1) changes to the M District to address State changes; and 2) changes to other districts to allow cultivation to expand into other districts besides the M District. The first item will probably be forwarded to a vote at the December 16<sup>th</sup> Planning Commission meeting. The second item is more complex and will likely take at least three meetings for the Planning Commission to make a decision.

Public Comment: Two comments, one about 420 doctor evaluations, and one asking about why cultivation was originally limited to the M District, and whether small cultivators would be permitted.

Discussion: Staff mentioned that MCC direction is needed on: 1) the number of locations and buffers from sensitive sites. Discussion followed regarding the potential loss of City revenue and the possibility that preference for sites would be given to large growers if the cap on locations is not modified or removed. There was concern that the Planning Commission could come up with a more restrictive number for cultivation sites. One Commissioner suggested limiting cultivations sites to a number between 8 and 20, with a 180,000 square-foot total limit of area for cultivations. Another Commissioner suggested

keeping the 180,000 square-foot limit, and removing the cap on the number of sites.

Motion/second to remove the limit on cultivation sites and specify a total square-footage for cultivation no greater than 180,000 square feet (Pappas/Rice). Motion carried 5-0-0-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Rush.)

Commissioner Pappas offered to speak for the MCC at the Planning Commission meeting, and requested that another commissioner accompany him. All commissioners present except Jones stated that they had plans on November 18<sup>th</sup>. Jones will check his calendar, and staff will ask Commissioner Cooper if he is available.

Motion/second that Chair Pappas will speak on behalf of the MCC at the Planning Commission meeting, accompanied by either Commissioner Jones or Cooper (Rice/Tims). Motion carried 5-0-0-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Rush.)

**F. Adopt calendar for 2016 MCC meetings.**

Staff explained that two dates are shown for months that have a holiday at the beginning of the month. The Commissioners should select one of the two dates.

Public comment: None.

Motion/second to meet on the first Thursday of the month each month (Pappas/Jones). Motion carried 5-0-0-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Rush.)

Motion/second to discuss Item VII.G now (Pappas/Rice). Motion carried 5-0-0-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Rush.)

**G. Discuss and possibly vote on special meeting date to review dispensary proposals.**

Staff explained that the selection process states that the MCC “may make a recommendation to the City Council”, and suggested that a meeting to review applications occur at a special meeting in the evening so that applicants and the public could attend. Staff asked for days of the week when commissioners are generally available at the end of January, and also asked for ideas about the format of the meeting.

Public comment: None.

Discussion: Thursday evenings are preferable. Wednesdays and Tuesdays also work, as long as the meeting is not scheduled on the same night as a City Council meeting. In terms of the meeting format, ideas suggested were to take comments on each applications and not give a ranking, give “high, medium, low” rankings, or have each commissioner give his/her own opinion. The MCC did not want to lock in a recommendation process prior to hearing from the applicants. There was general agreement to listen to the presentations and public comment and close the public hearing at the special meeting, then use the regular February meeting to discuss and make a recommendation. This will be discussed again at the regular January meeting.

**B. Final discussion and vote on 12.28.**

Staff reviewed the most recent changes.

Motion/second that the energy offset (12.28.080) should not exceed 10% of the energy bill of the cultivator (Pappas/Ferguson-Riffe). Motion carried 3-0-1-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice. Noes: None. Abstain: Tims. Absent: Cooper, Rush.)

Public Comment: One comment, to clarify that the energy offset is only for cultivators, and not other industries.

Motion/second to approve Chapter 12.28 with staff recommended changes and the MCC change to the energy offset language (Ferguson-Riffe/Pappas). Motion carried 5-0-0-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Rush.)

**C. Final discussion and vote on 12.25.**

Staff explained that this chapter contains all of the definitions and general regulations that apply to Chapters 12.26, 12.17 and 12.28.

Public Comment: None.

Motion/second to approve Chapter 12.25 (Pappas/Jones). Motion carried 5-0-0-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Rush.)

**D. Final discussion and vote on 12.26.030 (Definitions).**

Staff explained that definitions were moved to Chapter 12.25.

Public Comment: None.

Motion/second to approve Chapter 12.26.030 (Jones/Tims). Motion carried 5-0-0-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Rush.)

**E. Final discussion and vote on 12.27.020 (Definitions), .030 (Eligibility Requirements), .050 (Operating Standards) and .070 (Testing).**

Staff explained that changes were made to 12.27 to reflect information moved to 12.25, to be compatible with new State law, and address concerns about testing language.

Public comment: None

Motion/second to approve Chapter 12.26.030 (Jones/Tims). Motion carried 5-0-0-2. (Ayes: Ferguson-Riffe, Jones, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Rush.)

**X. Adjournment**

Motion to adjourn at 3:45.

One late item was distributed at the meeting:

- a) Chair Pappas: Berkeley Medical Cannabis Commission Chairman's Updates  
November 2015 – Legal & Health / Medical Updates

Commissioners in attendance: 5

Members of the public in attendance: Approximately 13

Public speakers: 3

Length of meeting: 1 hour, 40 minutes

APPROVED: \_\_\_\_\_

Elizabeth Greene

Medical Cannabis Commission Secretary



# Important Facts - Part II

## Medical Cannabis Cultivation in a New Environment

Prepared by the Medical Cannabis Commission for the 11/18/15 Planning Commission Meeting

### THE PROBLEMS

- **Cultivation of medical cannabis in Berkeley is not possible, unless more space is allocated.**
- **The City loses potential jobs & \$5,500 in annual sales tax for every 1,000 sq. ft. that is not cultivated.**

### THE SOLUTIONS

- ✓ **Expand the allowable area for cultivation beyond the M District**  
(e.g., MM, MULI, block-by-block Overlay Multiple Zoning designation. One realtor gave very specific examples of landlords open to leasing for cannabis cultivation in areas outside the M District.)
- ✓ **Remove the 6-location limit, while building compliance with new state law**  
(Refer to 4.c below for the reasoning.)

### THE REASONING

#### 1. The California Medical Marijuana Regulation & Safety Act, 10/09/15:

- a. Cultivation licensees will have to declare themselves “agricultural employers” (SB 643, 19322)
- b. Dept. of Food & Agriculture (DFA) will license cultivation sites (AB243)
- c. 5,000 square-foot maximum for many cultivation license types (AB 266 (19300.7 & SB 643 (19331(g))), with 22,000 square-foot maximum for many other license types (AB 266 (19300.7 & SB 643 (19331(g)))

#### 2. Berkeley Medical Cannabis Rules Affect 0.000339 of Total City Land.

- a. 30,000 maximum square feet at a single location, 6 locations maximum (23E.72.040), which equals 180,000 square feet in the City, which equals 4.13 acres, which equals 0.000339 of total City land area

#### 3. City Rules Uniquely Limit Cultivation of Medical Cannabis to the M District.

- a. The District has an essential 0% vacancy rate (documentation previously submitted to the Planning Commission).
- b. All other 35 Permitted Uses in the M District are allowed in some other districts (documentation previously submitted).
- c. The Light Manufacturing category, which includes indoor farming (e.g., broccoli, orchids), is allowed in all four manufacturing districts and West Berkeley Commercial, except farming of the cannabis plant.

#### 4. ~120+ FT Jobs\* & \$1,000,000 in Annual City Sales Tax Would Be Generated by Medical Cannabis Cultivators.

- a. IF 180,000 square feet is cultivated (arithmetic previously submitted), BECAUSE
- b. Farmers of cannabis would have additional location options beyond the M District, and
- c. Elimination of the 6-location limit would mean that the licensing of small cannabis cultivators/farmers would not preclude the possibility of utilizing all allowable 180,000 square feet for cultivation.  
(Many warehouses in Berkeley are in the 3,000 to 5,000 square foot range.)

\*Job estimate based on RAND Working Paper “Estimated Cost of Production for Legalized Cannabis”, Caulkins, 7/2010; corroborated as a conservative number by respected members of the cannabis community.

**NOTE: Did not include as part of hand-out because Charley put this point in his written piece.**

**5. “Pot not major threat, cops say”, headline from SF Chronicle article, 11/6/15, based on**

- a. Drug Enforcement Administration’s “2015 National Drug Threat Assessment Survey”
- b. Sample of 1000 law enforcement agencies asked what they saw as biggest drug threats
- c. Marijuana came in at bottom of the list, named only in 6% of survey respondents
- d. Per article, percent steadily declining since mid-2000s, even as some states have legalized marijuana
- e. The Berkeley Safe Neighborhoods Committee (BSNC) on 7/20/15 discussed the problem of underage and young adult binge-drinking and the subsequent overwhelming of the City’s capacity to respond. City officials stated unequivocally that the problem is alcohol, not marijuana or other obvious drugs (observed by a Medical Cannabis Commissioner attending the meeting as a private citizen).

## Important Facts – Part III

# The Case for Removing the Restriction on the Number of Cultivation Sites While Keeping the 180,000 Aggregate Square Feet (SF) Maximum

Prepared by the Medical Cannabis Commission (MCC) for the 12/16/15 Planning Commission (PC) Meeting

### Excerpt from MCC 11/18/14 transmittal to Berkeley City Council (BCC) that was referred to the Planning Commission (provided in 11/18/15 PC meeting materials)

“Producing high quality medical grade cannabis in an indoor environment requires a combination of scientific knowledge, technical expertise and a craftsman-like approach. As cannabis cultivation finally becomes a legal and licensed industry, new rules and regulations should ensure that cultivators adhere to Best Practices, while allowing for experimentation and innovation in this exciting and emerging field. Berkeley should craft rules that encourage and empower small local growers to elevate indoor cannabis cultivation to new levels of quality, sustainability and professionalism.” [Aspiring Berkeley-Licensed Cultivator]

### Reasons for removing the restriction on the number of cultivation sites:

#### 1. Removal allows for diversity of cultivators while maximizing tax revenue

- \$1,000,000 in taxes annually if all allowed 180k sf are cultivated.
- \$165,000 in taxes annually if six 5k sf sites are cultivated. (Many warehouses ≤5,000 sf.)
- \$835,000 lost taxes annually because all six allowed locations have been used
- Base calculation: \$5,500 in taxes annually for every 1,000 sf cultivated.

#### 2. 180,000 aggregate SF limit should be the factor that controls total cultivation and the impact on neighborhoods, not an arbitrary number of sites. 180,000 SF equals:

- 4.4% of the M District: 180,000 sf/4,094,640 sf
- 0.7% of all four Manufacturing districts: 180,000 sf/25,831,080 sf<sup>1</sup>
- 0.03% of the City of Berkeley: 180,000 sf/529,773,160 sf in all of Berkeley
- Neighborhood Impact: Cultivators establish discreet sites so the nature of the business is not obvious.

#### 3. Denver and Colorado Springs<sup>2</sup> are different from Berkeley.

- Denver and Colorado Springs do NOT have an aggregate SF limit on cultivation within their cities.
- In Colorado Springs (which allows medical only) 1.5% of industrial market is used for cultivation (500k sf/34.1M sf), and the number of licenses and locations have declined since 2010 (from 186 to 103 (+13 pending), and 303 to 141 (+26 pending), respectively)
- Denver allows both medical & recreational, little industrial space outside the area
- Colorado doesn't border a state with legalized recreational marijuana.

#### 4. Cultivation is the only use in West Berkeley with restriction on number of locations.

<sup>1</sup> West Berkeley Plan: M=94 acres, MM=79 acres, MU-LI = “roughly 300 acres”, MUR=“some 120 acres”. 43,560 sf = 1 acre

<sup>2</sup> Sources: “Marijuana Producers Gobble Up Warehouse Space in Denver Area”, 8/25/15, Wall Street Journal; “Medical marijuana businesses gobble up Colorado Springs industrial space”, The Gazette, 4/13/15; MCC interviews with quoted sources.



**TO: Medical Cannabis Commission**

**FROM: Elizabeth Greene, Secretary**

**SUBJECT: Proposed Format for MCC Consideration of Dispensary Applicants and Proposed list of topics for applicants to address**

**DATE: January 7, 2016**

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This memo will:

- 1) Outline a possible format for the review of the six dispensary applicants, based on the November 5<sup>th</sup> MCC discussion; and
- 2) Suggest topics for the applicants to include in their presentations to help the MCC compare and contrast the applications.

**Proposed Format for Meetings**

On November 5, 2015, the MCC discussed how to review the dispensary applications in order to give a recommendation to Council. The following format was generally agreed to, with an understanding that the process would be discussed further at the regular January MCC meeting:

1. Hold a special meeting at the end of January to hear from the applicants, allow the commissioners to ask questions of the applicants and hear public comment. This meeting has been scheduled for the evening of Thursday, January 28<sup>th</sup>.
2. Use the regular February MCC meeting (February 4, 2016) to take additional public comment, discuss the applications and make a recommendation.
3. The type of recommendation would be determined at the February meeting.

With this format in mind, below is a suggestion of how the meetings could run:

**January 28<sup>th</sup>**

Item	Time/applicant	Total time
Staff intro – process to date and future meetings	N/A	10 minutes
Applicant presentations	10 minutes	60 minutes
MCC questions to applicants (either after each presentation or after all presentations)	5-10 minutes each	30 – 60 minutes
Public comment	N/A	Remainder of meeting

**February 4<sup>th</sup>**

Item	Total time
Public comment (either at beginning or end of meeting)	30 minutes
Additional MCC questions to applicants	30 minutes
Commission discussion	60 minutes

The room for the January meeting has been reserved from 5:00 PM until 10:30 PM. Allowing for time to set-up and take-down the room, the maximum amount of time for the meeting would be four hours, beginning at 6:00 PM and ending at 10:00 PM.

Public comment is generally limited to three minutes per speaker. Depending on the number of people who wish to speak, speaker time may be limited, but not to less than one minute per person. The MCC will also have the option to set an end time for public comment if the meeting starts running late.

### **Proposed Topics to Include in Applicant Presentations**

In order to better compare the six applicants, it may be helpful to ask each applicant to include specific information in their presentations. Staff suggests that the applicants provide the following information in their presentation:

1. Introduction: Principals and experience in medical cannabis and/or running a business in general
2. Overview of security and neighborhood compatibility (how will the dispensary fit in with the neighborhood/ address neighborhood concerns)
3. What distinguishes their proposal from the other proposals.

Other potential topics can be discussed at the January meeting, keeping in mind that the presentations will only be 10 minutes each.

**TO: Medical Cannabis Commission**  
**FROM: Elizabeth Greene, Secretary**  
**SUBJECT: Recommended Changes to BMC Ordinance since November 5, 2015  
MCC meeting**  
**DATE: January 7, 2016**

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On November 5, the MCC voted to recommend that the Council adopt two new Berkeley Municipal Code chapters and revisions to two other chapters.

After that meeting, Staff developed two additional recommendations related to energy use and implementation of the regulations. It was also determined that the numbering of the chapters should be changed. These changes are listed below so that the MCC is aware of them and can make a decision on the two staff recommendations. These decisions will be included in the MCC report to Council.

1. Changes to the numbering of the chapters. Staff realized that there was already a Chapter 12.28 in the Berkeley Municipal Code. Based on the City Clerk's recommendation not to change the number of an existing chapter, staff has renumbered the proposed chapters in the following way:

Previous Number	New Number
Chapter 12.28 (Cultivation)	12.25
Chapter 12.25 (Definitions and General Regulations)	12.23

This re-numbering keeps all of the medical cannabis chapters sequential and puts the more general chapter (12.23) ahead of the chapters which deal with specific issues (dispensaries and cultivation). **This is for information only: no vote is necessary regarding this change.**

2. 12.25.070.F – Energy Use. At the November 5<sup>th</sup> meeting, the MCC voted to modify the language related to the energy offset fee, capping it at 10% of the energy bill of the cultivator at the site. Staff reviewed this change and agreed with it, but added language to review the fee after five years to determine if it needs to be modified to reflect economic factors. The staff recommended language is shown as underlined text in subsection F below:

F. The annual amount paid by a Cultivation Business to both mitigate carbon dioxide emissions caused by the generation of electrical energy to its Facility and to offset the carbon content of all electrical energy delivered to its Facility shall not exceed 10% of the Facility's annual energy bill. This fee shall be reconsidered after five years to determine

whether it should be readjusted to reflect lower energy rates or higher renewable energy certificates.

**The MCC should vote to either approve this change or keep the previous language.**

3. Selection process: When the MCC recommended dispensary changes for Council adoption (Chapter 12.27), they also included a selection process for the Council's consideration. The cultivation changes in Chapter 12.25 do not include a recommended selection process, since the MCC has not come to an agreement on that. Staff included a recommendation to withhold implementation of Chapter 12.25 until either 1) the MCC and staff determine that a selection process is not necessary, or 2) the Council approves a selection process. **The MCC should vote to either approve this recommendation or make a recommendation that the process go forward without a selection process.**

## Description of Zoning Approvals for Businesses

The first step for most construction projects and business licenses is to check zoning regulations. Applicants for development projects should begin with review by zoning staff to determine what type of zoning permit is needed and to ensure that a use is allowed in the location proposed.

There are three types of Zoning Approval:

### 1. **Zoning Certificate (ZC)** – for projects that are specifically listed in the Zoning Ordinance as allowed as matter of right.

- Issued by: Land Use Planning staff
- Time Frame: Issued over-the-counter at Permit Service Center
- Public comment: no
- Projects that fall within this category:
  - - Minor & Major Remodels that conform with all zoning ordinance requirements

Additions that conform with all zoning ordinance requirements, including those that do not exceed 600 square feet in area or more than 15% of the lot area, whichever is less, provided that the average height of the proposed addition does not exceed 14 – 16 feet, depending on the Zoning District (link to Development Standards Related to Residential Additions on existing web site).

### 2. **Administrative Use Permit (AUP)** – discretionary permit requires administrative review and determination and public notification

- Issued by: Zoning Officer (ZO)
- Time Frame: See table below
- Process: Pre-submission requirements, submission and review, appeal period after decision (20 days)
- Public comment: Yes. Notice of Decision is posted, which starts the appeal period.
- Projects that fall within this category:
  - Minor & Major Remodels that do not conform with all zoning ordinance requirements

Additions that exceed 600 square feet in area or 15% of the lot area, whichever is less, or that have an average height that exceeds 14 – 16 feet, depending on the Zoning District (link to Development Standards Related to Residential Additions on existing web site).

- Additions to an existing building that do not conform with existing zoning ordinances (e.g. set backs, building height)

**3. Use Permit (UP) – discretionary permit issued by Zoning Adjustments Board (ZAB) after a public hearing**

- Issued by: ZAB
- Time Frame: See table below
- Process: Pre-submission requirements, public hearing (14 - 21 days notice), appeal period (14 days)
- Public Comment: Yes. Notice of public hearing is provided with on-site signs and mailing to residents and property owners within 300 feet.

<b>Timeline for Zoning Review:</b>	<b>Typical time to release:</b>
<p><b>AUP Tier 1</b> - Most complex projects, in or adjacent to a Residential district</p> <ul style="list-style-type: none"> <li>• Major Residential Additions over 14 feet in height,</li> <li>• Residential Additions (any size) over 14 feet in height in the H District</li> <li>• Accessory Structure (new or alterations) over 12 feet in average height</li> <li>• Wireless telecommunications projects</li> </ul>	<b>5-8 months</b>
<p><b>AUP Tier 2 &amp; 4</b></p> <ul style="list-style-type: none"> <li>• Intermediately complex projects in or adjacent to a Residential district. Includes those not listed in Tier 1 or 3; &amp;</li> <li>• Includes other activities (residential or commercial) NOT in or adjacent to a Residential district.</li> </ul>	<b>5-6 months</b>
<p><b>AUP Tier 3</b> - least complex projects in or adjacent to a Residential district.</p> <ul style="list-style-type: none"> <li>• Vertical or horizontal extension of or alteration in non-conforming yards that create less than 200 sf gross floor area</li> <li>• Fences less than 8 feet in maximum height in setback or at property line</li> <li>• Vertical extension in non-conforming yard through excavation when no major residential addition is created</li> <li>• Uncovered parking in rear or side yard</li> <li>• Hot tubs</li> <li>• Decks over 14 feet in average height</li> </ul>	<b>2-4 months</b>

<p><b>UPPH Tier 1</b></p> <ul style="list-style-type: none"> <li>• All projects not listed in Tier 2</li> </ul>	<p><b>6-12 months</b></p>
<p><b>UPPH Tier 2</b></p> <ul style="list-style-type: none"> <li>• Non-residential projects in a Residential district</li> <li>• New construction or "major" renovation of a Landmarked building or site or Structure of Merit</li> <li>• Any new main building</li> <li>• Master Use Permit or Development Permit required by a Specific Plan</li> </ul>	<p><b>9-15 months</b></p>
<p><b>UPPH Mixed Use Projects</b></p>	<p><b>12-24 months</b></p>



## 2016 Commission Meeting Dates

Name of Commission: Medical Cannabis Commission

Commission Secretary: Elizabeth Greene

### 2016 Meeting Dates Approved by the MCC 11/5/15

Month	Meeting Day and Date	Time
January 2016	Thursday, 1/7/16	2:00 PM
February 2016	Thursday, 2/4/16	2:00 PM
March 2016	Thursday, 3/3/16	2:00 PM
April 2016	Thursday, 4/7/16	2:00 PM
May 2016	Thursday, 5/5/16	2:00 PM
June 2016	Thursday, 6/2/16	2:00 PM

Month	Meeting Day and Date	Time
July 2016	Thursday, 7/7/16	2:00 PM
August 2016	NO MEETING	
September 2016	Thursday, 9/1/16	2:00 PM
October 2016	Thursday, 10/6/16	2:00 PM
November 2016	Thursday, 11/3/16	2:00 PM
December 2016	NO MEETING	