



MEETING OF THE MEDICAL CANNABIS COMMISSION

City Hall
2180 Milvia Street
Redwood Room (Sixth Floor)

Thursday, June 2, 2016
2:00 PM

APPROVED ACTION MINUTES

I. Call to Order – 2:05

A. Roll Call and Ex Parte Communications Disclosures

Commissioners present: Carlisle, Ferguson-Riffe, Lampach (left at 3:25), Pappas (arrived 2:07), Rice, Tims (left at 4:00).

Absent: Cooper (excused), Jones (not excused).

Staff present: Secretary Elizabeth Greene

B. Changes to Order of Agenda

None.

II. Public Comment

None.

III. Approval of May 5, 2016 Action Minutes

Motion/second to approve the minutes (Ferguson-Riffe/Tims). The motion carried 5-0-0-3. (Ayes: Carlisle, Ferguson-Riffe, Lampach, Rice, Tims. Noes: None. Abstain: None. Absent: Cooper, Jones, Pappas.)

(Pappas arrived at 2:07)

IV. Planning Staff Report

Secretary Greene made the following announcements:

- There is one excused absence (Cooper). There is still one open seat (the Mayor's appointee). People interested in filling this position should fill out a form with the City Clerk, and can also contact the Mayor's office to express interest.
- With the open seat, one excused absence and one unexcused absence, the number of appointed members of the MCC is 7. The quorum for action is 4 votes.
- Two late items:

V. Chairperson's Report

Chair Pappas announced that the Council selected iCANN as the fourth dispensary, and also sent a referral to the Planning Commission to increase the number of dispensaries. He attended another Bureau of Medical Marijuana Regulation (BMMR)-sponsored meeting and suggested that the MCC draft a letter with recommendations for the BMMR at the July meeting.

VI. Subcommittee Reports

Chair Pappas gave the report. The subcommittee discussed the M District and the Planning Commission meeting and developed application criteria. The next meeting will be held on June 13, 2016.

VII. Discussion and Action Items

A. Possible change to July 7th meeting date.

Public Comment: None.

Motion/second to change the date of the July meeting from July 7th to Thursday, July 21st (Pappas/Lampach). The motion carried 4-0-2-2. (Ayes: Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: Carlisle, Tims. Absent: Cooper, Jones.)

B. Discuss action taken at May 18, 2016 Planning Commission (PC) meeting regarding expansion of cultivation beyond the M District.

Public Comment: Three public comments, expressing disappointment with the PC's jokey attitude toward medical cannabis, and its lack of information about the subject. The MCC should work with WEBAIC, since the PC seems to respond to that group. WEBAIC supports small businesses that pay a decent wage – cultivators do that.

Discussion: The three commissioners who were at the Planning Commission meeting agreed that the discussion was disappointing. WEBAIC concerns have to do with increased rents for existing businesses. The MCC needs to demonstrate that cultivation won't adversely impact rents. Commissioner Rice distributed a document (Important Facts IV) that she handed out at the PC meeting.

Brief discussion of memo included with VII.B. The MCC needs information regarding the vacancies in the manufacturing districts. If anyone has a contact for a realtor in that area, please contact Commissioner Rice. Should see if there is a way to protect existing art businesses.

C. Work Program: Discuss and vote on draft work plan.

Public Comment: Two public comments, expressing great interest in cottage cultivation and how this might address home-based cultivation, and an interest in reviving the list of studies that Wendy Cosin gave to the previous commission, and distribute that information to the Council and PC.

Discussion: The MCC discussed the items on the list.
(Commissioner Lampach left at 3:25, during the discussion.)

Motion/second to have the following four items on the Work Program:

1. Cultivation (including equity access in the discussion)
2. Delivery services (including equity access in the discussion)
3. Cottage Cultivation Industry (including equity access in the discussion)
4. Federal Housing

(Ferguson-Riffe/Rice). The motion carried 4-0-0-4. (Ayes: Carlisle, Ferguson-Riffe, Pappas, Rice. Noes: None. Abstain: None. Absent: Cooper, Jones, Lampach, Tims.)

D. Discuss and possibly vote on selection process for cultivation businesses to forward to Council.

Public Comment: One public comment, giving kudos to the subcommittee for their work and recommending that a letter be sent to the City Council reminding them that federal money can't be spent on enforcement.

Discussion followed regarding the subcommittee's proposed procedures (attached to agenda). Secretary Greene stated that staff would not support Item 1 – the city does not support particular types of businesses. Staff will not support preliminary building permit review for buildings that do not have the support of the property owner, but will look into the possibility of preliminary building permit reviews for projects that have building owner support. There was some support for allowing the first of the sites (for example, up to 60%) to be occupied without a selection process, and requiring the final sites (for example, up to 40%) to go through a process.

(Commissioner Tims left at 4:00)

E. Discuss delivery services: what uses should be included in a definition of a “delivery-only dispensary” and the process for considering changes to the Municipal Code and Zoning Ordinance.

Public Comment: One comment, stating that this would allow licenses to be issued for both delivery services to locate in Berkeley and to operate in Berkeley.

Discussion: Commissioner Carlisle suggested having requirements for 1) liability insurance and 2) background checks.

F. Vote on MCC representative for June 15, 2016 Planning Commission meeting (increasing dispensaries from 4 to 6).

Public Comment: None.

Motion/second for Chair Pappas to represent the MCC at the 6-18-16 Planning Commission meeting (Rice/Carlisle). The motion carried 5-0-0-3. (Ayes: Carlisle, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Cooper, Jones, Tims.)

Motion/second for Commissioner Cooper to represent the MCC at the Council when the cultivation ordinance is placed on the Council agenda (Rice/Ferguson-Riffe). The motion carried 5-0-0-3. (Ayes: Carlisle, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Cooper, Jones, Tims.)

X. Adjournment

Motion to adjourn at 4:20.

Two late item were distributed at the meeting:

- a. MCC: Letter to Council re. Status of Revisions to the Medical Cannabis Ordinances
- b. Commissioner Rice: Medical Cannabis Cultivation, Important Facts – Parts I-IV

Commissioners in attendance: 6

Members of the public in attendance: Approximately 11

Public speakers: 7

Length of meeting: 2 hour, 15 minutes

APPROVED: _____



Elizabeth Greene

Medical Cannabis Commission Secretary