



Sophie Hahn
Councilmember District 5

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: July 10, 2018

Item Number: 19

Item Description: Ordinance Allowing Currently Permitted Non-Cannabis Nurseries in Specified Areas to Become Commercial Cannabis Retail Nurseries

Submitted by: Councilmember Sophie Hahn

I strongly support the goal of this Item; namely, to allow one or more currently operating nurseries in the area delineated by the Item to engage in Cannabis Nursery activities. However, due to a number of concerns with the drafting and scope of what was included in this Item, I propose to refer it to the Agenda Committee to allow time for an amended version to come before Council.

A few of my concerns are:

1. There are a series of "Definitions" in the proposed Item that (1) are very technical and (2) except for "Cultivation" and "Cultivate," aren't used anywhere else in the proposed BMC amendment (new Chapter 12.22). It would reduce confusion to avoid defining terms not used in the proposed amendment.
2. The proposed new Chapter refers to "currently permitted nurseries," but the BMC does not have a permitting category of "Nurseries." In the BMC, "nursery" is only mentioned once, under the definition of Retail Products Store, which includes a subcategory of "Garden Supply Stores, Nurseries." Nurseries are thus likely licensed as Retail Product Stores, which would mean they can sell and do a lot of things beyond growing plants and selling them and garden supplies. This may interact in unintended ways with the proposed amendments, or trigger the need for amendments to other areas of the BMC.
3. There are a number of broad exemptions as well as additional businesses the item proposes to allow for Cannabis Nurseries, which have potentially large implications, including, in combination, exempting such nurseries from the six hundred-foot exclusion area around cannabis retailers while simultaneously allowing them to "include testing, processing, manufacturing and food preparation, if permitted by future state law." The implications of these combined exemptions may be broader than intended.

To allow for more time to address these and other potential clarifications to the Item, I propose referring it to the Agenda Committee, and offer to work with the authors, if possible given the Brown Act, on possible amendments.