

San Bruno City Council Regular Meeting: September 27, 2022, 7:00pm

Item 4 Public Comments for Items Not on the Agenda

From: Wesley Liu <[REDACTED]>

Sent: Thursday, September 22, 2022 8:37 AM

To: City Clerk <CityClerk@sanbruno.ca.gov>

Subject: Written Public Comment for September 27th City Council Meeting

San Bruno City Clerk:

Please add my comments to the posted City Council agenda for the September 27th 2022 meeting.

ITEM 4-PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

1. Restorative justice alternative for juvenile offenders:

I attended the July 12th and September 13th City Council meetings, and made a public comment about the nature of our juvenile delinquency in San Bruno. I called for having an actual diversion program that doesn't just hand out contracts, but actually restores the youth to the community. Unfortunately, this issue has yet to be addressed. I believe that **the City Council needs to consider an alternative to North Peninsula Family Alternatives, the current agency that San Bruno PD refers juveniles to, that has a restorative component.** Research shows that restorative justice has a much lower recidivism rate than even diversion, and I once again, urge the City Council to do what is best for our youth in San Bruno.

Restorative justice works, and needs to be available for San Bruno youth.

2. Climate Emergency and Sustainable Buildings:

I also wanted to shine a light on our current climate emergency, and our need to do more. Last year, the San Mateo County Youth Commission declared a climate emergency, and also got many school districts in San Mateo to declare a climate emergency. Since then, nearly all San Mateo County schools have solar panels and sustainable landscapes, and many are actually carbon neutral (net zero). In San Bruno, all of our schools have some form of solar as well. While the energy in our youth and in our education system is admired, and their efforts to decarbonize is greatly appreciated, more needs to be done. **I call on the City Council to install solar panels on the library and City Hall buildings to start, as well as consider outfitting all city facilities with solar panels, and a sustainable design.** Let's make San Bruno a leader in sustainability, and move away from dependence on unclean energy.

You can contact me at [REDACTED] to continue our discussion about these items.

Thanks.

Wesley Liu

San Bruno City Council Regular Meeting: September 27, 2022, 7:00pm

Item 7.a. Public Hearing - Public Comments

From: Robert Riechel

Sent: Monday, February 7, 2022, 4:52 PM
To: Melissa Thurman, City Clerk
Cc: Riechel Robert
Subject: Comments for Posting to Feb 8, 2022, Cannabis Study Session

Please post my comments below in the agenda packet for tomorrow's Cannabis Study Session

In November 2018, the City Council adopted an ordinance, codified as Chapter 6.59 of the Municipal Code, regulating indoor cultivation of cannabis in residences for personal use and only to the extent allowed by state law, and prohibiting the manufacture, processing, laboratory testing, labeling, storing, wholesale and retail sale and distribution of non-medical cannabis throughout the city. Please accept my following comments as you discuss possibly making changes to the following current ordinance relating to cannabis in San Bruno CA Please continue the above ordinance, as I do not want ANY manufacture, processing, laboratory testing, labeling, storing, wholesale and/or retail sale and/or distribution of nonmedical cannabis ANYWHERE within the City of San Bruno CA.

From: Arleen Gonzales [REDACTED]
Sent: Tuesday, July 19, 2022 9:25 AM
To: Jovan Grogan, CouncilSB
Subject: CANNABIS LOCATION

I wish to express my feelings on your decision in location for the Sale of Cannabis. Please have empathy for myself, my family & neighbors when deciding your decision on a location.

The memo I received showed project locations that the City of San Bruno is focusing on are: Downtown Area Along El Camino Real & San Bruno Ave. Shops at Tanforan

RE: Downtown Area

Parking

My home is behind the business's located on San Mateo Ave.

Parking is a problem already; I do not believe a solution to solve this problem will be found. With a Caimabis location it will only cause bigger parking issue for the residents in any location on San Mateo Ave. In City Parking Lots or Street Parking. Seems to me that the businesses have priority over Taxpayers in the downtown area, it should be the other way around.

I believe a Cannabis Location will bring down the value of homes in the downtown area.

It goes without saying there is a unique smell of Cannabis (Weed) I don't like the smell myself and probably some of my neighbors don't either, I don't want to be able to smell or even get a whiff of the smell at my location. It would also be awful for me to have company visit and they smell this.

I am sure some will agree with me.

I don't believe any location should be establish near a homes or schools. There is a Montessori School across the street from me, there is Allen School.

Tanforan possible location

I read that Tanforan Mall will be closing to build Apartments and or Condos along with small stores. What does the developer feel about placing a Cannabis Store there?

My suggestion

On Sneath Lane between the VA Medical Location & Cherry Ave. there is a large number of commercial buildings with plenty of parking that I feel would be a perfect location.

Thanking you in advance for hearing me out. Please take my concerns seriously and make a good decision with the residents in mind.

Arleen Gonzales
[REDACTED]

From: Andy Howse [REDACTED]
Sent: Tuesday, July 19, 2022 3:53 PM
To: Pamela Wu <PWu@sanbruno.ca.gov>
Subject: Public comment in support of legal cannabis sales in San Bruno

Hello Honorable Councilmembers,

I would like to lend my voice in support of legal cannabis sales in San Bruno. I think it is time to think a little bit more logically about this issue, and less tied to the dogma of the past.

-Andy Howse
San Bruno Resident

From: Lizbeth Najera <[REDACTED]>
Sent: Friday, July 22, 2022 7:59 PM
To: Brian Millar <brian@landlogistics.com>
Cc: Sean [REDACTED] Joan Semeniuk [REDACTED]
Subject: Proposed Addition of Chapter 12.300 - San Bruno Residents

Hi Brian,

Hope all is well. By way of introduction, my name is Lizbeth and I live with my husband Sean, in San Bruno. Our home is in very close proximity to the areas that would be allowed to open up commercial cannabis storefronts under the proposed Chapter 12.300 addition to Municipal Code Article III.

Unfortunately, due to last minute work commitments we were unable to attend Tuesday's (7/19) public hearing regarding the proposed Chapter 12.300. As such, we are sending you this email to express our strong opposition to Chapter 12.300.

We became homeowners in San Bruno because we value its small town/suburban type of lifestyle. We plan to raise our growing family in San Bruno and we feel that Chapter 12.300 will create and attract the same issues/problems currently facing most metropolitan city centers like San Francisco. Specifically, by making it easier for people in San Bruno to buy cannabis due to its close proximity (albeit legally), we think this is a slippery slope that will attract crime and homelessness. Most importantly, we have known friends for which cannabis unfortunately turned into a gateway drug to more harmful illegal narcotics. This makes us extremely concerned for the children of San Bruno and the little girl we have on the way.

Moreover, Sean has grown up in San Bruno all his life and we are extremely disappointed to see that this is being proposed. We don't understand why these cannabis storefronts need to be in San Bruno. If people want to buy cannabis legally, they can go elsewhere outside of San Bruno.

Like our neighbors have, we will continue to keep a close eye on this and hope that you take the above into consideration when making your recommendations to the City Council. This is an extremely important issue for us and we truly appreciate your consideration.

Thank you and hope you have a good weekend.

Best,

Lizbeth

From: Brian Millar <brian@landlogistics.com>
From: Madeline Lopez <MLopez@sanbruno.ca.gov>
Sent: Wednesday, July 27, 2022 2:07 PM
To: Brian Millar <brian@landlogistics.com>
Subject: Call from Romey Packard regarding Cannabis

Hi Brian,

Pamela reived a voice mail on 7/21 from Romey Packard (I believe that is the name, message had static) [REDACTED] regarding outcome of PC meeting on Cannabis and wants to know about any draft ordinance or movement on the subject. Would you kindly call her on Pamela's behalf?

Let me know if you have questions.

Sent: Wednesday, July 27, 2022 3:00 PM
To: Madeline Lopez <MLopez@sanbruno.ca.gov>
Subject: Re: Call from Romey Packard regarding Cannabis

...done.

Brian

From: [REDACTED]
Sent: Tuesday, August 16, 2022 2:51 PM
To: City Clerk <CityClerk@sanbruno.ca.gov>; Pamela Wu <PWu@sanbruno.ca.gov>
Subject: Public Comment for Planning Commission Meeting 8/16/22

I'm sorry this is submitted so close to the meeting but I didn't see anything about this public hearing until I happened to look at the agenda update. It really seems like it should have received some publicity.

Clearly San Bruno wants to seize any opportunity to increase funding, but as Shakespeare warns us "All that glitters is not gold." So how do we find out if cannabis businesses would provide the hoped-for benefits for San Bruno? By jumping in with both feet and permitting 4 businesses that could be impossible to un-permit if they prove to be more of a liability than an asset? Would our slogan unofficially become "The Smoke Shop City?" Maybe we could go a little slower and start with a single business renewable after some time period (5 years?) so we don't find ourselves locked into a situation we didn't anticipate? I've heard a number of residents decry the existence of a gun store in San Bruno. Might we similarly decry the permitting of cannabis stores for some reason in the future? Some have argued in favor of cannabis sales because San Bruno already has a gun shop and allows other vices, but two wrongs do not make a right. It just gives you two wrongs where before you only had one. Will allowing dispensaries in San Bruno promote use of the associated drugs in San Bruno. Will that be a problem? Will the administrative and societal costs outweigh the revenue received? The proposal's statement that "No adverse impacts are anticipated" gives only the fact that these businesses are regulated as the basis for this statement. Let's find out in a way that can be fixed if needed.

Many in San Bruno have asked repeatedly for a revitalization of downtown. This seems to have been a fairly low priority at City Hall. Now they are proposing zoning downtown to permit cannabis businesses. Think about the cannabis businesses that currently exist on the peninsula. Have you seen one on a block you could point to and say "this is what a revitalized downtown San Bruno should look like?" Perhaps such exist, but it certainly isn't what I have observed. Doesn't it make more sense to first focus on family-friendly, non-controversial businesses as we try to revitalize the downtown?

In identifying additional locations, some parks were identified as sensitive areas, however all parks should be so identified. But the really glaring lack of concern for city residents is in the proposal to permit these businesses near family residences, even though they have no idea what the impact on neighborhoods might be. As proposed, cannabis businesses could operate in the same building as residences such as the Mills Park project and other units in the transit corridor. Almost equally glaring is the interpretation that businesses that primarily serve youth are not automatically considered sensitive areas.

While there are very good reasons to decriminalize cannabis sales there are also very good reasons not to commercialize them. Please read this article by Dr. Jeffery Selzer and Dr. Stephen M. Taylor of the American Society of Addiction Medicine for some informed information about potential impacts of commercial cannabis sales in San Bruno: <https://www.msn.com/en-us/news/opinion/legalizing-marijuana-stay-wary-of-health-risks-and-commercialization/ar-AA109wzJ?ocid=opal0003>

Marsha Glassner

From: Julie Barnard [REDACTED]
Sent: Wednesday, August 31, 2022, 6:26 PM
To: City Clerk
Subject: Cannabis Public Comment for Sept 27, 2022, City Council Meeting
Hi

I am in support of the ordinance. I believe that there is a gap in the cannabis sales in the area and that there is a potential for some decent city revenues that will stem from the retail activity.
I am a resident in shelter creek.

Thanks
Julie

From: Barry [REDACTED]
Sent: Sunday, September 18, 2022 9:56 AM
To: Brian Millar <brian@landlogistics.com>
Subject: no Cannabis

Brain, I got your email address from San Bruno Notice of public hearing flyer. As a property owner in San Bruno I do not want any Cannabis business operations in San Bruno.

Please record my wishes appropriately. The Bible tells us to live life soberly. 1st Peter 5:8.
Sincerely, Barry Lowery

From: Mr M [REDACTED]
Sent: Monday, September 19, 2022, 3:37 PM
To: Brian Millar <brian@landlogistics.com>
Subject: San Bruno marijuana dispensary

Hello, I'm a long-time resident of San Bruno. How is this going to work, you already have three businesses that lined your pockets for you to allow them to open, and then only? Or can i open a shop also? Love to know how this mafia style government to corporation pipeline goes, ya know. Thanks

From: Lupe Brooke [REDACTED]
Sent: Tuesday, September 20, 2022, 10:05 AM
To: Brian Millar <brian@landlogistics.com>
Subject: Cannabis Hearing Date

Hi Brian,

I don't know if we will be able to make it to the Public Hearing, I hope, if possible, you can bring a concern to the council.

Parking: "The Avenues" are zoned for the Cannabis Store, parking is a huge concern for many of us living here. When considering the location what are your plans for customers parking? We already don't have enough parking for residents now. Please consider parking when deciding location.

Thank you,

Lupe D. Brooke
"To thy own self be true"

September 25, 2022

Dear Mayor Medina and City Council Members,

My name is Anna Villalobos, and I am a lifelong resident of the City of San Bruno. I am writing to you to express the strong concerns that I have regarding the rezoning of our commercial districts to allow 3 Cannabis Dispensaries and one Distribution Center to set up business in our city. I have spoken with more than 35 business owners and employees on San Mateo Avenue, San Bruno Public and Private School Administrators or personnel, and some private citizens. Most of them had not heard about the Cannabis Dispensary issue that is currently being discussed. Notification notices regarding the Planning Commission and City Council Public Hearings were only sent out to San Bruno residents and businesses in the immediate re-zoning area being discussed. Most business owners and people that I spoke with do not want this type of business in our city.

1. All the residents in the City of San Bruno were not informed and included in this decision-making process. A measure regarding whether to allow Marijuana Dispensaries into our city should be put on the ballot, so that everyone can have the right to vote on this issue. This important and critical decision should not rest in the hands of only five people. The taxation measure that was on the ballot two years ago was not appropriate, since the first issue that should have been voted on, was whether to permit this type of business into our city. The public has been misled and the results from that taxation measure have been misused and misinterpreted to assume that we want this type of business. **This has not been an inclusive, transparent, and user-friendly process that would allow all our residents to fully participate in this important decision.**
2. We are losing our shopping mall at Tanforan. San Mateo Avenue is our original downtown commercial district. For many years it wasn't doing very well, however, now the businesses are starting to come back and thrive. I visited many businesses there and saw more people of all ages visiting our downtown area. We should continue to encourage and support our businesses that have a positive economic and social impact in our community. It should be a destination place for people of all ages.
3. The Cannabis Dispensaries aren't supposed to be within 600 feet of schools because they are considered sensitive land use. We have many businesses that cater to families and children on San Mateo Avenue. La Petite Baleen, Kahil's Judo, Pinot Art Studio, Vibo Music Store, Icecream Parlors, a Party Store, are some of the family friendly businesses that are on every block. They could end up being within a few feet of a Cannabis Dispensary. There were also additional small park areas that weren't included in the "Area Sensitive Use Sites" map. They should also be considered as sensitive land use. Everyone should feel safe and comfortable visiting our downtown area.
4. The Cannabis Dispensaries are a target for criminals to come into our city. The City of Oakland had a

cannabis dispensary burglarized on August 6, 2022, and over \$100,000.00 worth of merchandise was stolen. The fact that an armed security guard is required to protect this type of business is indicative of the potential for crime to occur there. One of our businesses was already a victim of a smash and grab robbery. We need to protect and support our local merchants; they are an important part of our community.

5. Marijuana is a drug, and the cannabis dispensaries are making it more visible and accessible to the vulnerable youth in our community. It is legal in the State of California, however, those who wish to partake have numerous other options to obtain their product. They can go to dispensaries in neighboring cities, they can order it online, and they can even have it delivered to their home. **The placement of cannabis dispensaries is targeting an area of our city that has a multi-cultural, socio-economically vulnerable population.** We have already seen the establishment of a few new smoke shops in our city that sell CBD products. We should provide for the health and well-being of all our residents, especially our children and youth.

The decision that this City Council makes, will impact the economic future of our existing businesses and social well-being of the entire community for years to come. It is imperative that we consider what kind of community we want to create for future generations. Our city should be looking for other more positive, community building business opportunities to create revenue. We should follow the example of neighboring cities that haven't allowed cannabis businesses. They actively engage with their local businesses and residents to raise revenue for their cities through sponsored community events. Google, a new Biomedical Campus, and new high density residential commercial developments, are going to be built in our city and with them will come more jobs, revenue, and people who will enjoy the business services that we have to offer. We shouldn't give in to the greed of the Cannabis Industry. Please consider the negative impacts that the cannabis businesses would have on our community. Our original downtown commercial district should be a family friendly, welcome destination for all our residents, especially our seniors and children.

Please do not move forward on allowing this type of business into our community. If you must, then please **place it as a measure on our next ballot to give all San Bruno registered voters the right and privilege to participate in this very important decision.** If you do move forward with this unfortunate decision, at least honor the will of the voters by imposing the 10% tax that we voted for.

Thank you for considering what is in the best interest of our entire community, especially our children. As our elected officials, we entrust you to represent us and make decisions on our behalf that protect the health and welfare of our entire community.

Sincerely,



Ann Molina Villalobos, San Bruno CA. 94066

C: Jovan Grogan, City Manager
Trisha Ortiz, Interim City Attorney

From: Alex Boyder [REDACTED]
Sent: Monday, September 26, 2022 10:27 AM
To: City Clerk <CityClerk@sanbruno.ca.gov>
Subject: Public Comment for the San Bruno City Council Meeting on 9/27

September 27th, 2022

San Bruno City Council

SUBJECT: Letter regarding the proposed changes to Cannabis operations in the city of San Bruno

Dear Members of the City Council,

On behalf of HealthRIGHT 360 and Asian American Recovery Services, we are submitting this letter with our thoughts on the proposed changes to Cannabis operations.

We at Asian American Recovery Services believe that there needs to be some additional consideration given, especially in relation to youths and young adults, to the proposed changes. If the city is serious about taking care of our community, our youth, and equity, a portion of the Cannabis tax should be used for providing services in the communities that have been deeply impacted by the war on drugs, specifically for black indigenous people of color who have borne the brunt of the failed war on drugs. We have an opportunity in front of us to invest in these communities. If we do so, we believe that it will create a positive impact on the City's public health, justice, and other systems. There should also be additional funds from the tax revenue allocated to prevention efforts for substance use among youth. We are currently in an unprecedented overdose crisis both in California and the Bay Area, we owe it to our youth to teach them what they need to know to safely navigate the world for themselves. Additionally, it may be wise to include Tanforan Mall as a sensitive area where sales of Cannabis should not be permitted. It is a place where youth routinely gather, and for the same reasons why a buffer zone is being created around schools, the council should consider the same for Tanforan.

HealthRIGHT 360 is a family of programs that includes Asian American Recovery Services and has a long history of providing services in San Mateo County. We have outpatient drug and alcohol services for adults and youth, Medication Assisted Treatment and residential facilities for people with substance use disorder, we offer workshops on Parenting for the Pacific Islander community, we run youth environmental prevention programs for alcohol, tobacco, and other drugs as well as early intervention for youth with high-risk behavior involving drugs and disciplinary issues. All these activities and partnerships show our commitment to improving the lives of youth and all people of San Mateo County. We are a provider of substance use disorder treatment, mental health services, and primary care to over 49,000 Californians annually. HealthRIGHT 360 provides care that is compassionate, non-judgmental, and evidence based. Inspired by the belief that healthcare is a right, not a privilege, we provide services regardless of one's ability to pay.

It is our sincerest hope that you consider our comments. If you have any questions about this letter of support, please do not hesitate to contact me.

Sincerely,
Alex Boyder | Policy & Public Affairs Manager

From: David Butler [REDACTED]
Sent: Monday, September 26, 2022 3:04 PM
To: Rico Medina <RMedina@sanbruno.ca.gov>; Linda Mason <LMason@sanbruno.ca.gov>; Tom Hamilton <THamilton@sanbruno.ca.gov>; Marty Medina <MMedina@sanbruno.ca.gov>; Michael Salazar <MSalazar@sanbruno.ca.gov>; City Clerk <CityClerk@sanbruno.ca.gov>
Cc: CityAttorney <CityAttorney@sanbruno.ca.gov>
Subject: City Council Meeting of 9/27/22; Opposition to Cannabis Ordinance

To Whom It May Concern:

Greetings,

Please see attached letter and exhibits. Thank you.

To Whom It May Concern:

I am a resident of San Bruno and have been since 1998.

Regarding the hearing on the proposed cannabis ordinance, please consider the following points before making your respective decisions.

1.) The use of intoxicants generally in young adults nationally is up based in part on the legalization of cannabis, but also based on a growing perception, based solely on availability and peer acceptability, that intoxicants such as ketamine and ecstasy may have therapeutic benefits in fighting depression and PTSD.

See, The Week Magazine, 9/9/22-9/16/22 at p. 22, attached hereto as Exhibit A. With no conclusive medical evidence to support or rule out the validity of that perception, it is too early to approve this ordinance. More time is needed for further clinical study of the impact on mental health of the community at large of the use of recently legalized cannabis, instead of accepting its availability and popularity as the final determinative factors in approving the ordinance.

2.) There is no definite, clear and enforceable language in the proposed ordinance to give notice to cannabis business owners what exactly the requirements of the ordinance are for them to be in compliance with the Police Chief and/or City Manager that they are in compliance with the State's Track and Trace system for inventory compliance and control. See, proposed ordinance at p. 26, Section 14. Illegal cannabis growers outnumber legal growers by 10 to 1 in some places in California. See, Washington Examiner, 9/20/22, p. 30, attached hereto as Exhibit B. It would be in the best interests of the City of San Bruno, ("The City") that the product being sold was legally sourced and the wholesaler and retailer, licensed. There is nothing requiring that in this ordinance other than the vague assertions of Section 14. For this reason, the ordinance should not be approved until a clear and enforceable procedure for demonstrating compliance with "track and trace" by the business owners to the Police Chief or the City Manager or both to ensure that the product is legally sourced. The Who, What, When, Where and Why needs to be fleshed out. Otherwise, this section is too vague to be enforced and illegal trade would be encouraged.

3.) Cannabis is still illegal under federal law. The Cannabis Administration and Opportunity Act, sponsored by U.S. Sens. Schumer (D-NY), Booker (D-NJ) and Wyden (D-OR) is legislation that may ultimately legalize cannabis in some form nationally. Until then, the City should decline from allowing cannabis businesses to operate in San Bruno. The consequences of a conflict of laws between the City and the U.S. may complicate the relationships between cannabis businesses and local financial institutions, acting as lenders, who may find themselves defending money laundering and drug trafficking charges. Please see, Exhibit B, p. 30.

4.) Defective Notice of Hearing - The Public Hearing Date and Time stated on the Notice was For Tuesday, September 27, 2021. September 27, 2021 was a Monday. So, there is obvious ambiguity and uncertainty in the Notice such that it renders it void as there may be those who want to be heard and were not because of the confusing notice. As a result, this hearing should be cancelled and rescheduled with proper notice or converted to a ballot measure as this proposed ordinance affects all residents of San Bruno to determine if it is in their best interests. Please see, Exhibit C.

Thank you for your service to our City.

Respectfully,

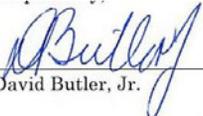

David Butler, Jr.

Exhibit A

Weed and acid use are up

Young adults in America are higher than ever on weed and hallucinogens, new federal data shows. In the National Institutes of Health's annual survey of drug use, 43 percent of respondents ages 19 to 30 said they had used marijuana 20 or more times in the past year, up from 29 percent in 2011, while 11 percent said they were daily users, up from 6 percent. These are the highest levels since the survey began, in 1988. Eight percent reported they used psychedelics, such as magic mushrooms or LSD, up from just 3 percent in 2011. The survey also showed that vaping and binge drinking continued to climb in 2021 after a brief pause the previous year, as did the consumption of alcoholic drinks mixed with THC, the psychoactive ingredient in marijuana. Experts say the legalization of marijuana in many states likely plays a role in the increase, but so does the growing perception that substances such as ketamine and ecstasy may have therapeutic benefits in fighting depression and PTSD. "It's about availability," says Kevin Gray, from the Medical University of South Carolina, "but also about peer acceptability."

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Washington Briefing

HEALTHCARE

Marijuana black markets thrive despite legalization

Illegal growers have lower overhead as they are not subjected to licensing and taxation regulations

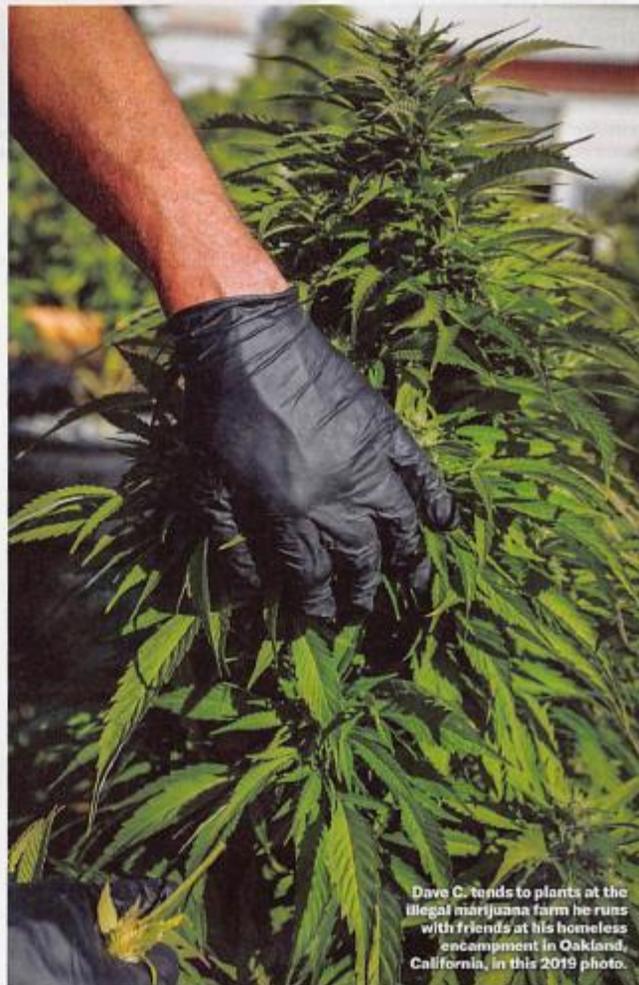
By Abigail Adcox

Despite 19 states and Washington, D.C., legalizing marijuana for recreational use, farms and sellers of the drug operating off the books continue to thrive.

Marijuana remains strictly illegal at the federal level despite increasingly vocal pushes by congressional Democrats (and a smattering of Republicans) to take it off the prohibited list of drugs. That has led to states putting in place their own "legalized" marijuana programs. What started out in the 1990s as state ballot initiatives limited to marijuana for medicinal use eventually spread to its legality for everyday enjoyment, including in some of the most populous states, such as California, New York, New Jersey, and Virginia.

But that doesn't mean all is going according to plan in states that have legalized marijuana.

Oregon, for example, has decriminalized marijuana use. Still, southern Oregon



Dave C. tends to plants at the illegal marijuana farm he runs with friends at his homeless encampment in Oakland, California, in this 2019 photo.

GABRIELLE LURE/THE SAN FRANCISCO CHRONICLE VIA GETTY IMAGES

has become a hub for an illegal marijuana market, reportedly overwhelming law enforcement agencies. Earlier this month, the Oregon State Police Southwest Region Drug Enforcement Section seized over 3,000 illegal marijuana plants and several hundred more pounds hanging or drying in Jackson County, which straddles Oregon's state line with California.

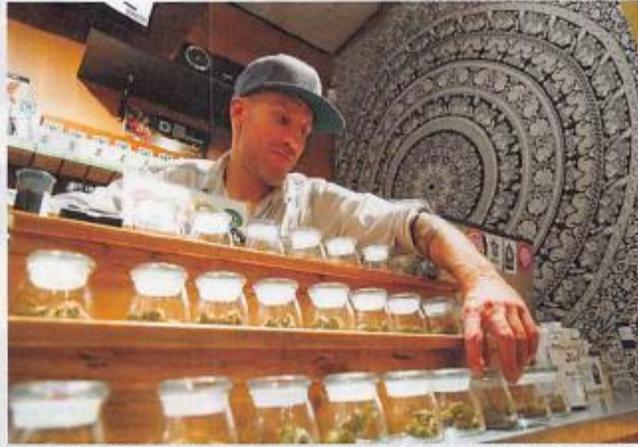
Separately, Oregon State Police found 19 unapproved greenhouses in a raid at just one of many illegal farms setting up shop in the state. In 2021, the Illegal Marijuana Market Enforcement Grant program, which was set up by the Oregon legislature to address the underground market in 2018, assisted law enforcement in destroying over 500,000 illegal marijuana plants and seized more than \$3 million in cash from illegal operations in the state.

Though marijuana cultivation has been legal in Oregon since 2014, the state is still devoting millions in resources to combat illegal operations. Last year, the Oregon legislature earmarked \$25 million to crack down on illegal marijuana growers.

California, which in 1996 was the first state to legalize medical marijuana, faces a similar problem. Illegal operations have exploded in rural areas across the state, from the Mojave Desert to the Sierra Nevada, since California voters in 2016 approved a ballot initiative to legalize marijuana for those 21 and over.

In some of California's most popular cultivation areas for marijuana — including rural Trinity and Mendocino counties, hundreds of miles north of the San Francisco Bay Area — illegal farms outnumber licensed growers by as much as 10 to 1. And in Hawaii, where medical marijuana is legal, consumers are flocking to illegal markets where the drug costs less. Only 21% of marijuana purchases made in Hawaii in 2021 are estimated to have been bought at a legal dispensary, according to a report by the Tax Working Group of the Dual Use of Cannabis Task Force.

An ounce of medium-grade medical marijuana on Kauai cost roughly \$400, while at the more nebulous "gray market," the price could be as low as \$100, four times less than the legal market.



In this Sept. 28, 2015, file photo, Shane Cavanaugh, owner of Amazon Organics, a pot dispensary in Eugene, Ore., arranges the cannabis display in his store.

estimates that out of the state's eight legal dispensaries for medical marijuana, only three are breaking even.

The story of the toll illegal operations have taken on licensed sellers is similar across the country.

Money has been a big motivator for growers to continue operating illegally in states where marijuana has been legalized. Illegal growers typically have a lower overhead, as they are not subject to licensing, taxation, and regulation rates — licensed sellers are — for the state they do business in. This also results in legal marijuana being sold at higher prices than can be found at illegal venues. In Oregon, retailers licensed through the Oregon Liquor and Cannabis Commission are required to charge a 17% sales tax for all recreational marijuana sold.

The federal ban on marijuana has also

created a headache for legal retailers. Some licensed marijuana businesses have difficulty securing the banks to operate their accounts out of and obtaining small business loans, among other snags. Banks fear federal prosecution since marijuana is still illegal at the national level.

Many financial institutions figure arrangements with marijuana sellers aren't worth the risk, according to Mason Tvert, a communications adviser with Denver-based law firm Vicente Sederberg, specializing in marijuana. Federal money laundering and drug trafficking charges are among banks' biggest concerns, Tvert added.

Proposals to have the federal government decriminalize marijuana are picking up political support — but not enough, so far, to make it through the evenly divided Senate, where Democrats have the majority by virtue of Vice President Kamala Harris's tiebreaking vote. Under the Senate's filibuster rules, 60 votes would be needed to begin consideration of legislation to decriminalize marijuana.

Still, in July, Senate Majority Leader Chuck Schumer (D-NY), Sen. Cory Booker (D-NJ), and Sen. Ron Wyden (D-OR) introduced the Cannabis Administration and Opportunity Act. The proposal, were it to somehow pass the upper chamber, would federally decriminalize marijuana, paving the way for states to create their own laws.

“
Illegal growers typically have a lower overhead, as they are not subject to licensing, taxation, and regulation rates —

Notice of City Council Public Hearing

NOTICE IS HEREBY GIVEN that the City of San Bruno City Council will hold a public hearing meeting considering ordinances allowing for the sale and distribution of Cannabis. The proposed ordinances include:



- (1) An ordinance of the City of San Bruno amending article iii (zoning) of Title 12 (land use) of the Municipal Code by adding Chapter 12.300 to authorize commercial cannabis retailers (storefront sales) in the Transit Corridors Plan Area CBD, MX-R, TOD-1, TOD-2, and PD zones and in the PD zones for the Shops at Tanforan, and cannabis distribution facilities in the M-1 zone, and
- (2) An ordinance of the City of San Bruno amending Title 3 (revenue and finance) of the Municipal Code to lower the tax imposed on cannabis businesses, amending Title 4 (Licenses and Regulations) to add a new chapter pertaining to commercial cannabis operators permits, and amending Title 6 (Public Peace, Morals and Welfare) to eliminate the prohibition on commercial cannabis activity in the city, and making a finding of exemption under CEQA.

If you challenge the above request in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Council at, or prior to, the public hearing.

This hearing will be held as follows:

PUBLIC HEARING DATE & TIME: Tuesday, September 27, 2021 at 7:00 PM

PUBLIC HEARING INFORMATION: Members of the public may view the meeting on a livestream at www.youtube.com/user/cityofsanbruno, on CityNet Services Channel 1 or on Zoom. Online Zoom meeting details will be posted on the published agenda on September 23, 2022 which can be found at: <https://www.sanbruno.ca.gov/AgendaCenter>

DESCRIPTION:	The proposed ordinances, if adopted, would permit up to three retail cannabis sales areas and one distribution facility within the qualifying zones (outside of sensitive use areas), establish a Operator's Permit requirement and establish a local tax rate. The city has created a dedicated webpage to this topic which includes a further description and maps of the qualifying zones and sensitive use areas. This information can be found at: https://www.sanbruno.ca.gov/884/Cannabis-Regulations
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CONTACT INFORMATION:	Brian Millar, Contract Planner. Brian@landlogistics.com , (530) 902-9218 Planning Division, City of San Bruno, 567 El Camino Real, San Bruno, CA 94066
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From: Victor Lin - ViBO [REDACTED]
Sent: Monday, September 26, 2022 5:19 PM
To: City Clerk <CityClerk@sanbruno.ca.gov>
Subject: NO Cannabis Dispensaries on San Mateo Ave

Hello,

This is Victor Lin from ViBO Music School [REDACTED] My school has been here since 2009. Our main clientele is elementary / middle school age students. I strongly agian the idea of allowing Cannabis dispensaries in this area because I know there are many children oriented businesses on this street, swimming school, karate, art studio, etc. It's a very family oriented area. Allowing cannabis dispensaries will change the neighborhood and who will live here. Please maintain a family oriented neighborhood here on San Mateo Ave. Thank you for your consideration!

Victor Lin

From: beth buck [REDACTED]
Sent: Monday, September 26, 2022 6:04 PM
To: City Clerk <CityClerk@sanbruno.ca.gov>
Subject: Special meeting 9/27/22

I won't be able to attend the meeting but wanted to voice my support for the potential cannabis business downtown. As long as it is done tastefully and is a clean, good looking establishment it will bring not only commerce but recognition and foot traffic to our unique downtown. Looking forward!

-beth Buck owner LOVELY BUMP

beth mullin buck

owner, designer

Honorable Mayor and Members of City Council,

What is truly best for San Bruno? Sure, it would be nice to have a few more bucks in the general fund. But:

1. Among others, the American Society of Addiction Medicine (ASAM) strongly [cautions against permitting commercial cannabis sales](#) without a strong restrictions such as potency limits to minimize harm to public health. They point to the history of using aggressive marketing strategies to increase and sustain tobacco and alcohol use. That history illustrates some of the risks commercial sales pose for commercial cannabis sales. Vaping is another example of the failure of restrictions to halt commercial activity aimed at enticing underage users. They advise that we not ignore the known risks of cannabis use, which include cannabis use disorders and accelerating the development of psychotic disorders in vulnerable youth. They state that the last thing we need is more of the same kind of sales environment that commercialization has so efficiently delivered with tobacco and alcohol and their adverse public health consequences. A [study just published in the Journal of the American Medical Association](#) found that cannabis use during pregnancy increases a child's susceptibility to developing psychiatric symptoms — such as aggression — later in life. ASAM recommends limiting manufacturing and distribution to nonprofits, benefit corporations, small cooperatives, buyers' clubs, public authorities or home cultivation – and with substantial public health protections in place.
2. As stated in your packet, “San Bruno voters approved a cannabis business tax measure which imposes up to a 10% tax on the gross receipts generated by any *cannabis business activity that may be ultimately allowed to operate in the city.*” (emphasis added). However it is important to note that San Bruno voters were deliberately not given the opportunity to vote on whether cannabis businesses *should* be allowed to operate in the city. Clearly there are some loud voices in favor of this, not least at City Hall. But is it what the residents want? We were denied an opportunity to vote on it.
3. Your packet also states the Planning Commission adopted a resolution by a 4-2-0 vote recommending that the City Council adopt a cannabis zoning code amendment. What the packet omits is that an unmonitored email address was provided to the public for submission of public comments. Comments which may have affected that vote were sent to that unmonitored email address and were not provided to Planning Commission members before the vote. As a result, that vote could be meaningless.
4. Staff suggests significant security measures be required to deter and prevent crime at cannabis businesses which are to be reviewed by the police department. Additionally staff recommends the wording
 - a. To the fullest extent permitted by law, the City does not assume any liability whatsoever, with respect to approving any permit pursuant to this chapter or the operation of any commercial cannabis operation approved under to this chapter.
 - b. As a condition of approval of a permit as provided in this chapter, the applicant or its legal representative shall do the following:
 - i. Execute an agreement indemnifying the City from any claims, damages, injuries, or liabilities of any kind associated with the operation of the commercial cannabis operation, issuance of a permit to a commercial cannabis operation, or the prosecution of the commercial cannabis operation or its owners, managers, directors, officers, employees, or its qualified patients or primary caregivers for violation of federal or state laws;"
 - ii. Reimburse the City for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of a conditional use permit or commercial cannabis operator permit or related to the City 's approval of a cannabis activity. The City, at its sole discretion, may

participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any of the obligations imposed hereunder.”

This seems an acknowledgement of an increased potential for crime at such businesses yet no restrictions on proximity of cannabis businesses to residents' homes are proposed. San Bruno residents should not suddenly find themselves in close proximity to a business which is required to adopt such security measures and requirements. San Bruno should follow the lead of our neighbors who limit cannabis businesses to commercial and industrial zones, require setbacks for residential use or zoning, and setbacks from public parks and libraries.

5. There has been some talk of needing to “get ahead of the game” to permit cannabis businesses in San Bruno, but do you buy your groceries at the store that opened first or at the store that is most convenient, has best prices, provides best service, etc. Why would cannabis sales be any different? We could expect to capture sales to San Bruno residents regardless of when the business opened, and are no more likely to capture continuing sales from buyers outside San Bruno. And now the proposed tax rate is 5%, half what was approved by voters. Staff has shown the revenue information for existing cannabis businesses in the area. It may reflect a static level of demand that would simply be divided among more businesses. Or are you genuinely hoping more San Bruno residents will become cannabis users? Or heavier cannabis users? How much of the possibly limited revenue will be eaten up by increased administrative activities and activities required to address the potential issues caused by cannabis businesses?
6. Similarly, there is no need to start with more than one cannabis business. One business in San Bruno is hardly a monopoly when there are multiple other cannabis businesses in the county. Better yet is the permit could be renewable after a trial period, perhaps 5 years. We do not know whether cannabis is a good fit for San Bruno. We do not yet know whether it would be the hoped-for asset or potentially a liability. Let's find out before we jump in with both feet. The proposal's statement that "No adverse impacts are anticipated" gives only the fact that these businesses are regulated as the basis for this statement. We all know how well regulations related to parking, dumping, etc. work. Will these work better? Maybe try one business to find out instead of four?

In particular, I urge Council to rethink permitting any cannabis businesses on San Mateo Avenue at this time. We all want to see downtown revitalized. We do not know whether a cannabis business on San Mateo Avenue would attract more business than it might drive away.

Finally, while San Bruno wants to seize any opportunity to increase funding, we would do well to heed Shakespeare's warning that "All that glisters is not gold."

Sincerely,
Marsha Glassner

From: Toyon House <[REDACTED]>

Sent: Tuesday, September 27, 2022 5:57 PM

To: City Clerk <CityClerk@sanbruno.ca.gov>

Subject: Opposition to Rezoning Downtown San Bruno for Cannabis Distribution Facilities

Dear City Council Members and Mayor Rico Medina,

As a resident of San Bruno with young children, I speak on behalf of fellow San Bruno residents about concerns of the effects of allowing a cannabis dispensary/distributor to operate on San Mateo Avenue/Downtown San Bruno will have on our community.

Downtown San Bruno is starting to show life with the influx of new business opening and with Tanforan closing in a few short years, fellow San Bruno residents share the same beliefs that vacant retail spaces in Downtown San Bruno would be better suited for businesses that would better serve the community.

This is my official email opposing this evening's City Council Agenda of rezoning Downtown San Bruno to allowing cannabis dispensaries/distributors to operate in Downtown San Bruno.

"• An Ordinance of the City of San Bruno Amending Article III (Zoning) of Title 12 (Land Use) of the Municipal Code by Adding Chapter 12.300 to Authorize Commercial Cannabis Retailers (Storefront Sales) in the Transit Corridors Plan Area CBD, MXR, TOD-1, TOD2, and PD Zones and in the PD Zones for the Shops at Tanforan, and Cannabis Distribution Facilities in the M1 Zone, and Making a Finding of Exemption Under CEQA
• An Ordinance of the City of San Bruno Amending Title 3 (Revenue and Finance) of the Municipal Code to Lower the Tax Imposed on Cannabis Businesses, Amending Title 4 (Licenses and Regulations) to Add a New Chapter Pertaining to Commercial Cannabis Operators Permits, and Amending Title 6 (Public Peace, Morals and Welfare) to Eliminate the Prohibition on Commercial Cannabis Activity in the City, and Making a Finding of Exemption Under CEQA"

With regards,
Jason

From: Emily Gilliam <[REDACTED]>
Sent: Tuesday, September 27, 2022 6:22 PM
To: City Clerk <CityClerk@sanbruno.ca.gov>
Subject: City council meeting 9/27

Hi there,

My name is Emily and I'm an employee at Kava Bar San Bruno on San Mateo Ave. The business owner, Rakesh Kumar, asked me to write this email on his behalf. He is in opposition of a dispensary opening up on our street. He is concerned as to what type of crowd it would bring to our community on San Mateo Ave. I'm sorry I couldn't make the zoom call today but I hope this email makes it to the right place.

Thank you for all you do for our community.

Emily Gilliam
Kava Bar San Bruno
[REDACTED]