

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 6.108 AND 6.109 OF THE ALAMEDA
COUNTY GENERAL ORDINANCE CODE REGARDING RETAIL AND COMBINED
CANNABIS OPERATIONS

SECTION I

The Board of Supervisors makes the following findings of fact in support of this ordinance:

1. In enacting this ordinance, the Board of Supervisors of the County of Alameda, State of California hereby reaffirms and incorporates by this reference the findings contained in Section 1 of Ordinance No. O-2019-22.
2. Pursuant to Chapter 6.108 of the Ordinance Code, up to two cannabis retail operations are allowed in the East County and up to three cannabis retail operations are allowed in the West County; and
3. As of the date of hearing for this ordinance, there are two existing retail operations in West County and the County has approved two Title 6 permits for retail operations in the East County following a competitive selection process, neither of which is yet operational; and
4. As of the date of the hearing for this ordinance, the County has not commenced a selection process for the third potential West County retail site (i.e., the fifth potential retail site for the unincorporated area); and
5. The Board of Supervisors finds that it will promote the health and welfare of residents to enable the fifth potential retail site for the unincorporated area to operate in either the more populated but geographically smaller West County or in the less populated but geographically larger East County; and
6. If the fifth potential retail site is permitted in the East County, the Board of Supervisors finds that it will promote the health and welfare of residents for the operation to include a boutique experience (e.g., enhanced consumer environment, tours, educational experiences, other visitor-serving components); and
7. Pursuant to Chapter 6.109 of the Ordinance Code, retail operations can apply to become combined cannabis operations; and
8. All retail operations pursuant to Chapter 6.108 of the Ordinance Code will be required to comply with state law and state regulations; and
9. Nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. sections 801, *et seq.* or to license any activity that is prohibited under said Act except as mandated by State law; and
10. Nothing in this Ordinance shall be construed to: (1) allow persons to engage in conduct that

endangers others or causes a public nuisance; (2) exempt cannabis operators or operations from compliance with zoning and land use regulations, or, (3) allow any activity relating to the retail, delivery, cultivation, manufacturing, distribution, testing, or consumption of cannabis that is illegal under state or federal law.

SECTION II

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Alameda, as follows:

Paragraph D of Section 6.108.030 of the Alameda County General Ordinance Code is hereby amended to read as follows:

- D. At no time shall the county have in effect more than five permits, including all permits issued for Exhibit A (West County) and Exhibit B (East County) combined.
1. In the West County, in no event shall the total number of permits for all areas shown in Exhibit A (West County) exceed three. No more than two permits shall be issued in any one of the two areas shown in Exhibit A (West County). No more than one permit shall be issued in the other area shown in Exhibit A (West County).
 2. In the East County, in no event shall the total number of permits for all areas shown in Exhibit B (East County) exceed three.
 - a. No permit shall be issued for a retail operation within five miles of another retail operation in the unincorporated area shown in Exhibit B (East County) or within one mile of a permitted retail operation location in an incorporated city.
 - b. If a third permit is issued for a retail operation in the unincorporated area shown in Exhibit B (East County), that permit must be issued to a retail operation that includes a boutique experience (e.g., educational or informational features or activities, or other features or activities designed to enhance customer experience or highlight attractions or characteristics of the local region). If only two permits are issued for the East County, they may but are not required to include a boutique experience.
 3. No permit shall be issued in any portion of the unincorporated area that is not within one of the areas delineated in Exhibit A or Exhibit B.

The remainder of Section 6.108.030 remains unchanged.

Subparagraph 2 of Paragraph E of Section 6.109.030 of the Alameda County General Ordinance Code is hereby amended to read as follows:

2. In the East County, the maximum number of permits is subject to the following:
 - a. In no event shall the total number of combined cannabis operation permits for all areas shown in Exhibit B (East County) exceed thirteen (13).
 - b. Collectively, the number of retail operation permits and permits for combined cannabis operations that include a retail operation in the areas shown in Exhibit B (East County) shall not exceed three. If a third permit is issued to a retail operation or a combined cannabis operation including retail, that operation must include a boutique experience (e.g., educational or informational features or activities, or other features or activities designed to enhance customer experience

or highlight attractions or characteristics of the local region). If only two permits are issued for the East County, they may but are not required to include a boutique experience.

- c. No permit shall be issued for a combined cannabis operation that includes a retail operation, if the subject premises is within five miles of a retail operation or combined cannabis operation that includes retail in the unincorporated area shown in Exhibit B (East County) or within one mile of a permitted retail operation or combined cannabis operation (or equivalent permitted activity subject to a state microbusiness license) location in an incorporated city.

The remainder of Section 6.109.030 remains unchanged.

SECTION III

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the _____ day of _____, 2020, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

RICHARD VALLE
President of the Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors,

By: _____
Deputy Clerk

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: _____
Heather Littlejohn
Deputy County Counsel