

THOUSAND OAKS CITY COUNCIL



Supplemental Information Packet

**Agenda Related Items - Meeting of December 10, 2019
Supplemental Packet Date: December 10, 2019**

2:30 p.m.

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Thursday Supplemental Packet is available for public inspection in the City Clerk Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). Both the Thursday and Tuesday Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2100 E. Thousand Oaks

Americans with Disabilities Act (ADA):

In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk Department at (805) 449-2151. Assisted listening devices are available at this meeting. Ask City Clerk staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet, can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.

From: Ryan Kocot <rkocot@ikanikfarms.com>

Date: December 9, 2019 at 5:11:09 PM PST

To: "aadam@toaks.org" <aadam@toaks.org>, "claudia4slowgrowth@roadrunner.com" <claudia4slowgrowth@roadrunner.com>, "apowers@toaks.org" <apowers@toaks.org>, "rmccoy@toaks.org" <rmccoy@toaks.org>, "bengler@toaks.org" <bengler@toaks.org>, "ejones@toaks.org" <ejones@toaks.org>

Cc: Joe Devlin <jdevlin@ikanikfarms.com>

Subject: **ikanik Farms Request for Competitive Cannabis Retail Application Process**

Mayor Adam and Members of the Council,

I am employed as the Senior Vice President of Market Development and External Affairs for ikänik Farms, a California-based lifestyle and cannabis company. It has come to my attention that the City of Thousand Oaks intends to award a second medical storefront retail license to LEAF Dispensary, LLC, an applicant from the City's 2017 cannabis application process.

As noted in the December 10, 2019 Thousand Oaks Staff Report, the cannabis industry has undergone significant regulatory and policy changes since 2017 at the state and local level. Many of the shifts at the local level have severely limited access to storefront retail opportunities across the state--a development that few, if any, businesses predicted at the time Thousand Oaks accepted applications in 2017. In the spirit of providing a fair and transparent opportunity for businesses to open a medical cannabis dispensary in Thousand Oaks, we propose that the City open a competitive application process that utilizes a qualified lottery in granting its second dispensary license.

If the City opens a second round of applications, ikänik Farms will provide an application that outlines industry best practices and sets the gold standard for safety and compliance in the cannabis industry. Utilizing state of the art equipment and providing exhaustive employee training also enables ikänik Farms to have a positive charitable and environmental impact in the communities it operates.

If any further information is needed, please do hesitate to contact me directly at 916-694-7992 or jdevlin@ikanikfarms.com.

Thank you for your consideration,

Joseph Devlin

Senior Vice President | Ikänik Farms, Inc.
Market Development & External Affairs
916-694-7992 | jdevlin@ikanikfarms.com

TO COUNCIL: 12/10/19
AGENDA ITEM NO.: 8.C.
MEETING DATE: 12/10/19

TO: Andrew P. Powers, City Manager
FROM: Mark A. Towne, Community Development Director
DATE: December 10, 2019
**SUBJECT: Agenda Item No. 8C – Revision to Ordinance Amending
Thousand Oaks Municipal Code Title 5, Regarding Buffering
Requirements for Cannabis Establishments**

On April 10, 2018, City Council approved changes to cannabis regulations, including changes to Thousand Oaks Municipal Code (TOMC) Section 5-29.24, which is entitled “Location and Design of Commercial Cannabis Businesses”.

On May 14, 2019, City Council approved additional changes to cannabis regulations, including TOMC Section 5-29.24. Due to an inadvertent error, the changes approved on May 14, 2019 did not reflect the prior changes made on April 10, 2018.

Additional changes to TOMC Section 5-29.24 are proposed in today’s staff report to City Council.

The attached code amendment (Attachment #1) reflects changes made to Section 5-29.24 in 2018 and 2019, and all changes to the cannabis ordinance proposed today, including additional changes to Section 5-29.24.

Upon approval by City Council of today’s proposed changes, staff will proceed with the attached code amendment for second reading and codification.

TO COUNCIL: 12/10/19
AGENDA ITEM NO.: 8.C.
MEETING DATE: 12/10/19

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING THOUSAND OAKS MUNICIPAL CODE TITLE 5, REGARDING ALLOWING A NUMBER OF CANNABIS DISPENSARIES IN THE CITY, DELIVERY OF CANNABIS, APPOINTMENT REQUIREMENT, AND HOURS OF OPERATION FOR ALL CANNABIS BUSINESSES IN THOUSAND OAKS **(MCA 2019-70879)**

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part 1
(Uncodified)

Based upon the information contained in the Staff Report and testimony provided at the public hearing, the City Council makes the following findings:

1. On October 9, 2015 the State of California enacted the Medical Cannabis Regulation and Safety Act (MCRSA) that established regulations for the commercial cultivation, transportation, manufacturing, distribution, testing, and dispensing of medical cannabis in t
2. City Council adopted Municipal Code Amendment 2017-70260 to allow for and regulate one medical cannabis dispensary, and one cannabis testing laboratory with certain limitations, such as prohibition of delivery.
3. On January 16, 2019, California Bureau of Cannabis Control (BCC) removed City's ability to ban deliveries within its own boundaries.
4. On June 11, 2019, City Council adopted an amendment to allow state-licensed companies to deliver cannabis to addresses within the City with certain requirements.
5. On September 10, 2019, City Council considered allowing two dispensaries, elimination of the advance 24 appointment requirement, and extension of the operation hours for cannabis businesses.

Part 2

Section 5-29-8(a) of the Thousand Oaks Municipal Code is amended to read as follows:

Sec. 5-29.08. Maximum number and type of authorized commercial cannabis businesses permitted.

The number of each type of commercial cannabis business that shall be permitted to operate in the City at any one given time shall be as follows:

- (a) Cannabis Retailer M-license: maximum of two (2).

Part 3

Section 5-29-12(a) and 5-29.12(d)(1) of the Thousand Oaks Municipal Code are amended to read as follows:

Sec. 5-29.12. Renewal applications.

(a) An application for renewal of a commercial cannabis business permit for a Cannabis Retailer M-license or Cannabis Testing Laboratory shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit. A permit for Delivery from licensed facilities shall be renewed before the Delivery permit expiration date.

(d) An application for renewal of a commercial cannabis business permit shall be rejected if any of the following exists:

- (1) The application is filed less than sixty (60) days before its expiration unless the permit is for Delivery service from a licensed retail facility.

Part 4

Section 5-29.24 of the Thousand Oaks Municipal Code is amended to read as follows:

Sec. 5-29.24. Location and design of commercial cannabis businesses.

Medicinal cannabis businesses permitted to engage in Retail M-type License and Testing Laboratory that tests cannabis and cannabis products are subject to the following zoning and locational requirements:

(a) The commercial cannabis business must be located on property in a zone pursuant to Title 9, Chapter 4, and must meet all of the requirements for development in that zone; and

(b) The property on which the commercial cannabis business is located must also meet all of the following distance requirements:

- (1) It shall be no closer than six hundred (600) feet of any of the following:
 - (i) Any residentially used parcel as of the date the medicinal cannabis business permit is issued.
 - (ii) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12;
 - (iii) Any commercial daycare center licensed by the State or County that is in existence at the time the license is issued, unless the State licensing authority or the City specifies a different radius.
 - (iv) Any youth center that is in existence at the time the license is issued, unless the State licensing authority or the City specifies a different radius.
- (2) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the identified sensitive use to the front door of the medical cannabis cooperative, collective, dispensary, operator, establishment, or provider without regard to intervening structures, except as modified herein.
- (3) The distance between a sensitive use and a medical cannabis cooperative, collective, dispensary, operator, establishment, or provider may be closer than six hundred (600) feet in the following situation:
 - (i) The commercial cannabis business and the sensitive use are separated by a freeway, with no direct pedestrian or vehicular access between the two uses.

(c) Notwithstanding the requirements of this section, a person authorized to make a Delivery in Thousand Oaks from a State-licensed Retail M-1 operator located inside City of Thousand Oaks' jurisdiction may conduct such deliveries subject to a requirement that only medicinal cannabis is permitted for delivery and the person making the delivery maintains and controls all product as required for deliveries under the Bureau's regulations, including a prohibition from storing any cannabis product in a dwelling, commercial office, storage facility, hotel room, motel room or any other structure in Thousand Oaks other than the approved Medical Cannabis Retail M-license facility. Any delivery person

completing scheduled deliveries as legally permitted by the Bureau and the City of Thousand Oaks, must return the unsold product to the retail operator.

Part 5

Section 5-29.34(a)(2), 5-29-34(a)(3), and 5-29.34(b) of the Thousand Oaks Municipal Code are amended to read as follows:

Sec. 5-29.34. Operating requirements for retailer facilities.

- (a) Retailer facilities.
 - (2) Operating hours of the Retailer M-license shall be limited between the hours of 8:00 a.m. through 9:00 p.m. seven days a week.
 - (3) The Retailer M-license shall only sell medicinal cannabis or medicinal cannabis products to qualified patients.
- (b) Delivery services from licensed retailer.

Prior to commencing operations, a cannabis Delivery service shall comply with the following requirements:

- (1) Obtain from the City a permit authorizing the delivery of cannabis and cannabis products within the City limits. A copy of this permit shall be retained by all drivers.
- (2) The retail business operating the delivery service shall provide the City Manager or designee with evidence of a valid state license for a commercial cannabis business on whose authorization the delivery service is performing the delivery function.
- (3) The retail business operating the delivery service shall furnish to the City Manager the year, make, model, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.

Part 6

(Uncodified)
Severability

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Part 7

This Ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption.

PASSED AND ADOPTED THIS

Al Adam, Mayor
City of Thousand Oaks, California

ATTEST:

Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By: Patrick J. Hehir, Assistant City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager