

City of Benicia

Cannabis Action Update 9-19-17

On Tuesday, Sept. 19, the City Council reviewed a draft ordinance related to allowing cannabis activities in Benicia. This discussion is the latest in a series of reports that started in early 2017 and followed the approval of Prop 64 last November. Finalizing the City's ordinance before the State's emergency cannabis regulations take effect on January 1, 2018. The specifics in the draft ordinance, including Council's recent direction, are outlined below.

Cannabis Dispensaries (Retail Outlets)

- Allows up to 2 dispensaries in commercial areas including shopping centers and downtown on 1st Street, subject to distance limitations, but not in the Industrial Park or residential areas;
- Keeps cannabis operations at least 600 feet away from schools, as required by State law; distance from youth centers and parks will continue to be evaluated.
 - ◇ Council requested two options for First Street: (1) have a distance requirement of 500 feet from City Park and First Street Green; OR (2) have no distance requirement for parks on or near First Street to make more locations available.
- Allows a portion of a commercial parcel restricted by distance from a school to be used for a dispensary.
- Hours of operation for dispensaries will be limited to between 9AM to 9PM.

Personal Cultivation

- Limits the personal cultivation of cannabis to the State limit of 6 mature (or 12 immature) plants grown indoors without additional odor control and allows it to be grown outdoors possibly subject to height limitations and minimum distance from fence lines;
- Maintains the requirement for landlord permission in order for renters/lessees to grow residential cannabis.

Commercial Cultivation

- Permits the commercial cultivation of cannabis indoors in the Benicia Industrial Park and Lower Arsenal under certain conditions, but does not permit it to be grown outdoors under any conditions.

Manufacturing, Testing, Distributing

- Manufacturing facilities, testing labs and product distribution facilities related to cannabis products will be allowed only in the industrial zones.
- Microbusinesses will be not allowed in the industrial zones unless the retail component is removed.

Cannabis Licensing Requirements

- Requires potential cannabis business operators to apply for a Public Safety License and a specific Land Use permit; applicants will be allowed to apply for both permits concurrently.
- The language requiring business operators to have control of the property will be softened so that lease options or contract options would be acceptable.
- All employees for any type of cannabis business will be required to submit to a background and fingerprinting process.

Cannabis Deliveries

- Deliveries of cannabis will only be permitted for medical cannabis users. This will have option language for the Council's consideration. (1) the delivery service must be tied to a brick and mortar store in Benicia. OR (2) no requirement to be a Benicia based business.

Cannabis Fees and Tax

- The Council previously approved the development of a general tax measure on cannabis operations for voter consideration in 2018. In addition, the City will pursue cost recovery associated with processing applications and enforcement of the ordinance.