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Transmitted by US Post and E-mail.

December 22, 2011

The Honorable Jean Quan  
Mayor of the City of Oakland  
1 Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor  
Oakland, CA 94612

COPY

**RE: 4709 Tidewater Ave. (APN: 034-2300-023-00), Medical Cannabis Dispensary Proposal**

Dear Mayor Quan:

The East Bay Regional Park District (the "District") has received notice of consideration of a medical cannabis dispensary proposed by the Tidewater Patients Group to be located at 4709 Tidewater Avenue in the City of Oakland. The District operates the Martin Luther King Jr. Regional Shoreline and the recently completed Tidewater Boating Center **located directly adjacent** to the proposed cannabis dispensary. (See attached Map). Locating a cannabis dispensary adjacent to this park and recreation facility and youth center would impact the peace, order, and welfare of the public.

The District has expended significant public funds in the Tidewater area with the intent of revitalizing the waterfront area while providing access to disadvantaged communities to Oakland's unique natural and scenic resources. We are very concerned about the impacts of a cannabis dispensary directly adjacent to a vital park and community facility with youth oriented programming.

The Martin Luther King Jr. Regional Shoreline is an important outdoor resource on the Oakland Estuary consisting of 741 acres protecting some of the last marshlands of the Oakland Estuary and San Leandro Bay. The park, including the Bay Trail, is a popular destination for Oakland residents seeking reprieve from the urban environment to enjoy the natural setting of the estuary while walking, bird watching, fishing, or picnicking. The shoreline park and the trail attract these users because the District expends considerable resources in providing well-maintained and safe facilities in this industrial corner of Oakland.

The recently completed Tidewater Aquatic Center consists of a 12,300-square-foot complex that provides for youth oriented water based recreation and environmental education activities. The project cost over \$4 million dollars and was funded through the District's Measure CC and State Parks Proposition 40 grant funds. The Oakland Strokes, a non-profit junior rowing

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General Manager

organization for middle and high schools, operates the main boathouse and indoor training area and provides outreach to neighborhood youths in the sport of competitive rowing. Additionally, the District has recently taken over the "Canoes to Sloughs" program once operated by Save the Bay. This program is focused on providing water based recreation and environmental education activities along the Martin Luther King Jr. Regional Shoreline to low-income and disadvantaged youth throughout the region. The facility partners with many school groups and non-profits, including the Girl Scouts, serving thousands of youth annually.

The City Administrator should deny the request to establish a cannabis dispensary adjacent to a public park and youth oriented community facility on the basis that it is an inappropriate location for such a use. The project falls well within the 600 foot buffer that Oakland has established for such uses. Furthermore, the location appears to fall within the zone for enhanced criminal penalties under federal law due to the youth oriented services provided at the Aquatic Center. The project would have the potential to result in unavoidable adverse impacts on public safety, transportation/circulation, and recreation facilities. Lastly, the project would conflict with planned public improvements at the Martin Luther King Jr. Regional Shoreline and with the intent of state grant funding requirements to provide programs to underserved youth of Oakland.

#### **Project is Within 600 Feet of Sensitive Uses**

The City's Medical Cannabis Dispensary Request for Permit Application process and Chapter 5.80 of the Oakland Code of Ordinances regarding Medical Cannabis Dispensary Permits stipulate that cannabis dispensaries should not be located within 600 feet within sensitive uses including youth centers serving youth 18 years of age and under, and parks and recreation facilities.

As discussed above, the Tidewater Aquatic Center is an important community resource that serves the youth of Oakland by providing outdoor water-based recreation and environmental education activities. This center is less than 600 feet of the proposed cannabis dispensary. In fact the Aquatic Center grounds and trail are **next door** to the proposed facility as shown in the attached Map. The City's ordinance acknowledges the incompatibility of such uses and there is no justification for permitting the facility at this location in light of the impact on public health, safety and welfare.

#### **Project Must Comply with the California Environmental Quality Act**

The California Environmental Quality Act (CEQA) requires that any project that has the potential to result in adverse effects to the environment undergo an environmental analysis to identify significant impacts and, where possible, include alternatives or mitigation measures to address such impacts.

The proposed cannabis dispensary located adjacent to a vital natural resource area and community recreation facility would have the potential to result in adverse impacts with regards to public safety, transportation/circulation, and parks and recreation. Secondary criminal impacts from marijuana dispensaries are well-documented. ("White Paper on Marijuana Dispensaries" by California Police Chiefs' Associations' Task Force on Marijuana Dispensaries) Due to its isolation and poor access, the area can be difficult to police. The placement of a dispensary in this location will require an increased commitment of scarce police resources to minimize criminal impacts/loitering on the Bay Trail and Martin Luther King Jr. Regional

Shoreline. Tidewater Avenue itself is a private street with no sidewalks and heavy truck usage, and is poorly maintained. Locating a dispensary in this area would surcharge existing road easements and is potentially unsafe.

Should the project move forward, an extensive environmental assessment considering such impacts would need to be conducted. Any potential impacts resulting from establishment of the cannabis dispensary on the public facilities at Martin Luther King Jr. Regional Shoreline and the Tidewater Aquatic Center would need to be assessed. In addition, the incompatibility with Oakland Estuary Plan would have to be analyzed.

#### **Project Would Jeopardize Planned Future Improvements and Potential Partnerships at Martin Luther King Jr. Regional Shoreline**

The District owns land adjacent to the proposed cannabis facility and existing recreation area that is currently leased for container storage (Figure 1). Future plans envision expanding the recreation sites in coordination with revitalization of the Tidewater area in a manner that will serve the community and region as a whole. Additionally, the District is working closely with the City and landowners in the Tidewater area to expand the San Francisco Bay Trail to the north.

Establishment of a cannabis facility at this site would impede revitalization of the area and discourage future investments in the area. Landowners along the planned northern expansion of the Bay Trail may be discouraged to increase access across their properties through trail development should such a land use be proposed at this location. Further, establishment of a cannabis facility would discourage potential partnerships with local schools and non-profit organizations that could expand the offerings to Oakland's youth at the Tidewater Aquatic Center and Martin Luther King Jr. Regional Shoreline.

#### **Project Would Be Inconsistent with Proposition 40 State Grant Funds Requirements**

The \$4 million Tidewater Aquatic Center was funded, in part, with grant funds provided by the State of California approved through Proposition 40. This grant program was provided specifically to fund development of parks, recreation areas, and facilities in urban areas to provide safe recreation opportunities for children and positive outlets for youth. The grant includes specific requirements that facilities provide programs and outreach to underserved youth. Establishment of a cannabis dispensary adjacent to a publically funded youth oriented community facility would be inappropriate and be in conflict with the goals of the state grant program.

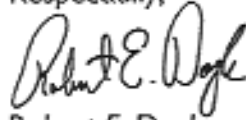
#### **The Proposed Tidewater Ave. Location is an Inappropriate Location for a Cannabis Dispensary**

For the reasons stated above, the City Administrator should deny the request to establish a cannabis dispensary at 4709 Tidewater Ave in Oakland. The facility would be located directly adjacent to a youth serving community facility and to a vital public recreation and natural resource area. The project would conflict with the City's established parameters for siting of such facilities. Significant public funds have been expended in the Tidewater area to expand

recreation and environmental education opportunities to the Oakland community and to provide healthful, positive outlets for the area's youth. Establishment of a cannabis facility in this location would negate these efforts, jeopardize future partnerships and facility expansions, and result in significant environmental and public safety concerns.

The District requests that we be notified in writing of any action regarding this permit with sufficient time to appeal any affirmative decisions. We appreciate the opportunity to provide comments and urge the City Administrator to deny the requested permit. Please feel free to contact me at (510) 544-2001 should you have any questions.

Respectfully,



Robert E. Doyle  
General Manager

Enclosures: Aerial Photo of Proposed Dispensary Location  
Photographs of MLK Tidewater Facility and Water Programming (4 on 2 pages)  
News Articles re. MLK Tidewater (2)

Cc: Director Doug Siden - East Bay Regional Park District Board of Directors  
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Councilmember Rebecca Kaplan - City of Oakland  
Barbara Parker, City Attorney - City of Oakland  
City Administrator, Deanna J. Santana - City of Oakland  
Nancy Marcus, Special Activity Permits - City of Oakland

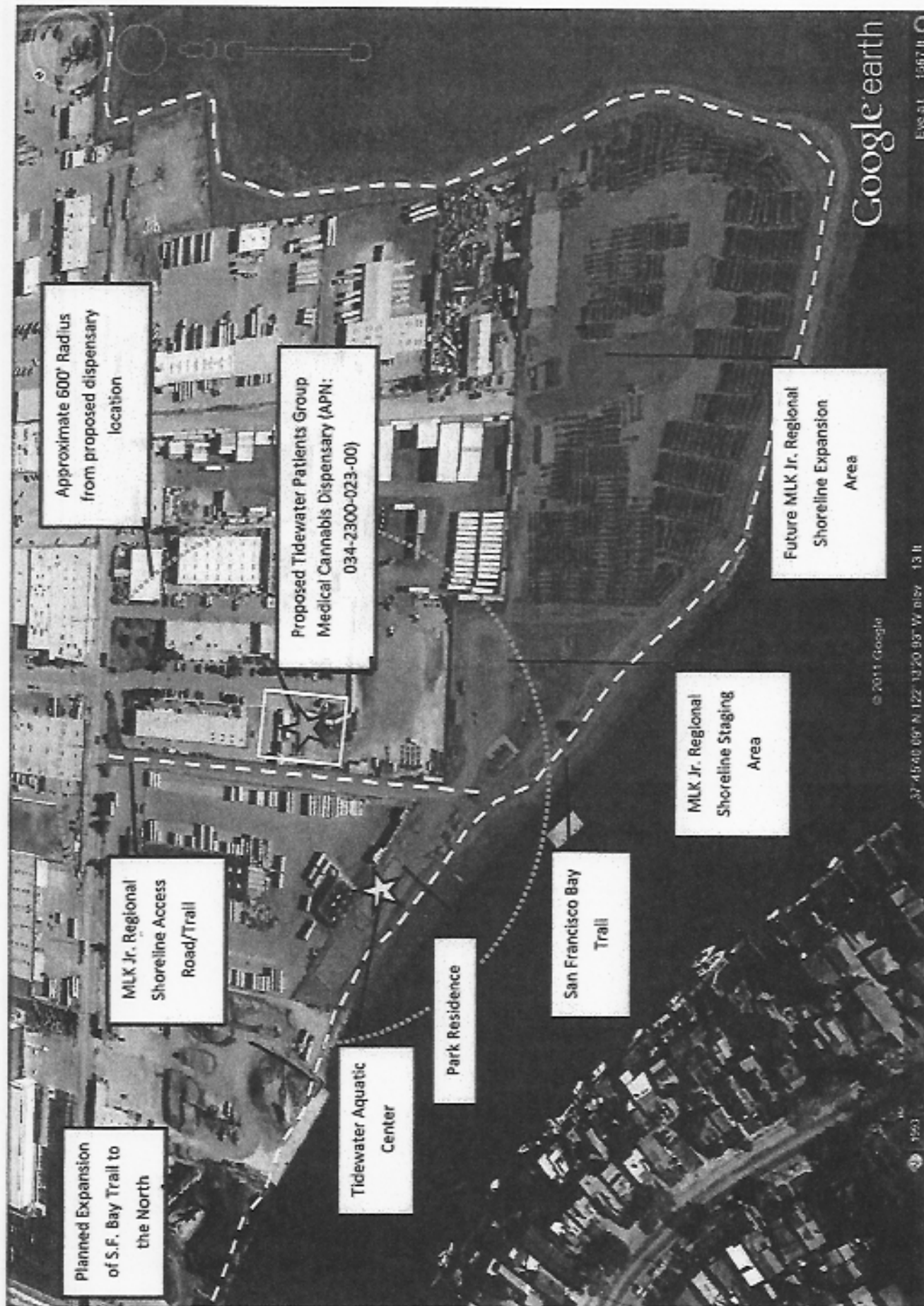


Figure 1 – Martin Luther King Jr. Regional Shoreline and Tidewater Aquatic Center Area



DISTRIBUTION DATE: 11/30/11  
City Administrator's Office

## MEMORANDUM

TO: HONORABLE MAYOR &  
CITY COUNCIL

FROM: Arturo Sanchez

SUBJECT: COMPLETION OF PHASE I  
MEDICAL CANNABIS  
PERMIT APPLICATION  
PROCESS

DATE: November 23, 2011

City Administrator  
Approval

*Seama Putra*

Date

11/28/11

### INFORMATION

This memorandum is to inform the Mayor & City Council that the City Administrator's Office has completed the Phase I review of responses to the Medical Cannabis Dispensary Request for Permit Application (RFPA) process.

The RFPA was issued by the City of Oakland on September 7 to solicit applications from qualified collectives, cooperatives or associations of individuals (Permittees), to be issued one of four available permits to operate a Medical Cannabis Dispensary in the City of Oakland. As background, on July 26, the City Council amended Ordinance No. 12585 C.M.S. to increase the total number of Dispensary Permits from four to eight permits city wide, thus leaving four available permits. It is estimated that these four remaining permits will be issued in early 2012 upon the completion of the RFPA process.

On the same day the RFPA was issued (September 7), a mandatory pre-meeting was held in the Council Chambers in order to discuss the submittal requirements of the RFPA and field any questions from potential applicants. Responses to the RFPA were due on October 14 to the City Administrator's Office. It should be noted that late and/or incomplete applications were not accepted nor reviewed. Out of 12 applicants applied for consideration, 1 applicant was disqualified for failing to submit all the required forms, submit completed mapping and research documents, and not providing an application in the appropriate format for consideration. It should be noted that the only the top 10 applicants proceed on to Phase II.

The Phase I review was conducted by a panel comprised of six members, representing a variety of Departments, in order to assure fairness, integrity, and independence of the qualitative review of applications. The following panel of City of Oakland staff that conducted the Phase I review included members from the City Administrator's Office, the Community & Economic Development Agency, Finance Department and the Fire Department. As a result of the Phase I review by the panel, the Applicants have been ranked as follows (see table 1):



Table 1: Applicant Rank

Applicant Rank	Name of Applicant
1	Oakland Community Collective
2	G8 Medical Alliance, Inc.
3	Tidewater Patients Group
4	AMCD, Inc.
5	Agramed dba Embarcadero Patient Center
6	East Bay Conscious Collective
7	South Bay Apothecary Collective
8	Magnolia Wellness Inc.
9	Abatin Wellness Center of Oakland, A Cooperative Corporation
10	Green Light District

Moving forward, the ten remaining applicants will be required to undergo an examination regarding local and state law, have bonus points assessed, and appear for a public hearing in January 2012. Each of the ten finalist submissions will be reviewed to determine a score based on 2 bonus point categories—1) Labor & Employment Practices, and 2) Product Safety. Allocation of points will be made based on their ability to meet or exceed minimum requirements in these two categories. The public hearings are scheduled as follows:

Table 2: Public Hearing Schedule

Applicant Rank	Date	Location	Time
1	January 4, 2012	Hearing Room 1	10am – 12pm
2	January 4, 2012	Hearing Room 1	1pm – 3pm
3	January 4, 2012	Hearing Room 1	4pm – 6pm
4	January 5, 2012	Hearing Room 2	10am – 12pm
5	January 5, 2012	Hearing Room 2	1pm – 3pm
6	January 5, 2012	Hearing Room 2	4pm – 6pm
7	January 6, 2012	Hearing Room 1	10am – 12pm
8	January 6, 2012	Hearing Room 1	1pm – 3pm
9	January 6, 2012	Hearing Room 1	4pm – 6pm
10	January 9, 2012	Hearing Room 1	10am – 12pm

Upon completion of the remaining steps, the top four applicants will be presented to the City Administrator for approval and will be awarded one of the four permits. An applicant may not be selected if the location does not meet the distance from 600 ft. sensitive uses requirement noted in the City's ordinance, unless the City Administrator or her/his designee in their discretion determines that the location will not impact the peace and order and welfare of a school, or a public library, or youth center (serving youth eighteen (18) and under), or park or recreational facility, or another dispensary.

To: HONORABLE MAYOR AND CITY COUNCIL

Subject: Completion of Phase I Medical Cannabis Permit Application Process

Date: November 23, 2011

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Respectfully submitted,



ARTURO SANCHEZ  
Assistant to the City Administrator  
City Administrator's Office

For questions, please contact Arturo Sanchez at (510) 238-7542 or at [asanchez@oaklandnet.com](mailto:asanchez@oaklandnet.com).