

Cannabis Standing Committee

February 14, 2020

Receive a status report on the cannabis retail facility hours of operations, including comparison to the Bureau of Cannabis Control regulations and other jurisdictions; and provide direction to staff as appropriate.

RECOMMENDATION:

It is recommended the Board Cannabis Committee:

- a. Receive a status report on the cannabis retail facility hours of operations including comparison to the Bureau of Cannabis Control regulations and other jurisdictions; and
- b. Provide direction to staff as appropriate.

SUMMARY/DISCUSSION:

At the January 22, 2020 Board of Supervisors Cannabis Standing Committee, public comment was received regarding the Monterey County Code requirement related to retail facility hours of operation.

The unincorporated area of Monterey County has 5 retail dispensaries with 2 under review. The 5 active dispensaries are in the following areas: 3 in North County and 2 in the Carmel Valley Master Plan. The 2 under review are in the following areas: 1 in North County and 1 in Moss Landing Commercial Plan.

Section 21.67.040(D)(6) of the Monterey County Code states “The retailer shall operate only in accordance with the operating plans reviewed and approved by the County. The County shall limit the hours of operation for a retail facility to begin no earlier than eight a.m. and to end no later than eight p.m.” To amend this section of the code, the ordinance would need to go before the Planning Commission and the Board of Supervisors.

Section 7.90.100(B) of the Monterey County Code states “At any time between eight a.m. and eight p.m. and without notice, County officials may enter the premises for the purpose of observing compliance of the commercial cannabis operation with this Section, including access to and inspection of the commercial cannabis operation's records, books, accounts, financial data, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination.”

To ensure regulatory continuity, both sections would need to be amended at the same time.

The Bureau of Cannabis Control regulations, Title 16, Division 42, Chapter 3, Section 5403 state: “A licensed retailer shall sell and deliver cannabis goods only between the hours of 6:00 a.m. Pacific Time and 10:00 p.m. Pacific Time.”

The following Monterey County cities with retail dispensaries have hours of operations as follows:

- City of Del Rey Oaks 10:00 am – 8:00 pm* (1 retail facility)
- City of Greenfield 9:00 am – 7:00 pm (0 retail facilities)
- City of Salinas 6:00 am – 10:00 pm (4 retail facilities)
- City of Seaside: 9:00 am – 10:00 pm (6 retail facilities)

**This is not found in the city code, but reflects hours of operation of one dispensary within city limits*

Staff recommends further research into potential impacts to the communities surrounding these retail outlets and whether use/administrative permits will need to be amended if hours of operation are modified in the County Code and return to Committee at a later date.

OTHER AGENCY INVOLVEMENT:

The Cannabis Program, Office of the County Counsel, and Resource Management Agency were involved in the preparation of this report.

FINANCING:

Monterey County's Cannabis Program is funded in County Administrative Office – Department 1050, Intergovernmental and Legislative Affairs Division – Unit 8054, Cannabis. By approval of this report, it will not incur additional expenses to the Program.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Monterey County Cannabis Program addresses each of the Strategic Initiative Policy Areas that promote the growth of a responsible and legal Monterey County cannabis industry.

Mark a check to the related Board of Supervisors Strategic Initiatives

- X Economic Development
- X Administration
- X Health & Human Services
- X Infrastructure
- X Public Safety

Prepared by: Myles Echenique, Cannabis Analyst, x3032

Reviewed by: Joann Iwamoto, Cannabis Program, Manager, x3017
Kelly Donlon, Deputy County Counsel

Approved by: Nicholas E. Chiulos, Assistant CAO, x5145

cc: Leslie J. Girard, County Counsel
Carl Holm, Resource Management Agency