

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941**

September 21, 2016

Marin County Board of Supervisors
3501 Civic Center Drive, #329
San Rafael, CA 94903
Attention: Planner Tom Lai & Planner Inge Lundegaard

Re: Marin County Medical Cannabis Dispensary Program

Dear Marin County Board of Supervisors,

Five applicants have applied for a medical cannabis dispensary license in order to open a medical cannabis dispensary in the Tam Junction, Manzanita or Poplar area. These include:

APPLICANT	DISPENSARY NAME	DISPENSARY ADDRESS
1. Robert Elam	Access Marin Wellness Center	150 Shoreline Hwy Mill Valley, CA 94941
2. John Siotos, Salwa Ibrahim, & Alexis Parle	Shoreline Health Center	200 Shoreline Hwy Mill Valley, CA 94941
3. Dustin Pebbles	Urban Hills	230 Shoreline Hwy Mill Valley, CA 94941
4. BudGrab Inc.	Crown Wellness	256 Shoreline Hwy Mill Valley, CA 94941
5. Jason Alley	Hunny's Health Center	300 Poplar St Mill Valley, CA 94941

We support opening a Medical Cannabis Dispensary near Hwy 101 in Marin County that would allow patients to have easy access to cannabis for medical purposes. However, the five proposed dispensary locations, referenced above, are inappropriate for such an endeavor and, most importantly, would not allow patients to have **easy access** to the medication. Therefore, all five medical cannabis dispensary license applications tied to locations in Unincorporated Mill Valley should be denied. This stance is supported by the following:

I. THE PROPOSED MEDICAL CANNABIS DISPENSARY LOCATIONS IN THE TAM JUNCTION, MANZANITA, AND POPLAR AREAS ARE DIFFICULT TO ACCESS

Any location selected for a Medical Cannabis Dispensary should be easily accessible. The two dispensary locations that you select for the 101 Corridor Zone should be very close to Hwy 101. The roads leading to the dispensaries should have acceptable Levels of Service (LOS).

Such easy access would not be achievable at any of the five proposed dispensary locations in Unincorporated Mill Valley due to the unacceptable traffic congestion along Shoreline Hwy/ Hwy 1, with a Level of Service "F" and excessive traffic delays. Although many visitors have endured the unbearable traffic conditions, other visitors have become too frustrated when trying to exit Hwy 101 and enter Unincorporated Mill Valley via the Stinson Beach/Hwy 1 exit and, therefore, have given up and turned around.

II. ADDITIONAL REGIONAL TRAFFIC SHOULD BE PROHIBITED IN AREAS UNDER THE JURISDICTION OF THE TAMALPAIS AREA COMMUNITY PLAN

Due to the unacceptable traffic congestion (LOS "F") in Unincorporated Mill Valley, particularly along Shoreline Hwy (AKA Hwy 1) and Almonte Blvd., additional regional traffic in the area should be prohibited.

A. Additional Regional Traffic Would Further Overburden The Hazardous Traffic Conditions In Unincorporated Mill Valley And Should Be Prohibited

We wish to emphasize the seriousness of the traffic congestion on Shoreline Hwy/Hwy 1. The 2007 Countywide Plan's Environmental Impact Report (EIR) evaluated Hwy 1 and found it to be the most congested highway in Unincorporated Marin with an unacceptable Level of Service "F". The EIR also concluded that implementation of the Countywide Plan would further worsen the traffic and that there was no viable mitigation measure to mitigate the congestion and thus the traffic congestion impact on Hwy 1 would remain a Significant **Unavoidable** Adverse Environmental Impact. The 2012 Marin County Housing Element's Supplemental EIR confirmed this finding.

Furthermore, Air Pollution Expert Geoffrey Hornek, whom we hired to review and evaluate the air quality analysis done for the 2012 Marin County Housing Element's SEIR, found that the Toxic Air Contaminants (TACs) emitted by vehicles on Hwy 101 and on Hwy 1 far exceeds the threshold that the Bay Area Air Quality Management District ("BAAQMD") deems to be safe. Due to this, residents living near Hwy 101 or Hwy 1, who are regularly exposed to the TACs, are at greater risk of developing chronic and life-threatening illnesses (E.g. low birth weight, cardiovascular mortality, chronic obstructive pulmonary disease, suicide, schizophrenia, pediatric asthma, among other health effects.)

The Toxic Air Contaminants and noise from the traffic also impact the natural habitat and wildlife in the area. Bothin Marsh sits directly next to a section of Hwy 1. Bothin Marsh, a Marin County Open Space District Preserve, is a mix of tidal wetlands, sloughs and Bay that provides habitat for hundreds of native bird and wildlife species, including the endangered Salt Marsh Harvest Mouse and California Clapper Rail. It's also a resting stop for over 400 species of migratory birds traveling on the Pacific Flyway. Moreover, Bothin Marsh is part of Richardson Bay, an estuary of the San Francisco Bay, that is protected by the 1971 Ramsar Convention which is an international treaty among 163 countries to limit damaging development along ecologically important waterways by restoring the bay front and seasonal wetlands.



Traffic on Shoreline Hwy in Tam Junction

Three of the proposed dispensary addresses (200 Shoreline Hwy, 230 Shoreline Hwy, & 256 Shoreline Hwy) are situated on this block.



Traffic at the Hwy 1/ Stinson Beach Exit off Hwy 101

One proposed dispensary address (150 Shoreline Hwy) is situated here. (Typical of a warm day, traffic was backed up across the entire span of the Richardson Bay Bridge.)

Ordinance 3639 limits the number of medical cannabis dispensaries in the 101 Corridor to two. As such, there will only be two medical dispensaries within the entire eastside of Marin County, where the majority of Marin's population resides. Therefore, each dispensary will draw regional traffic, with patients traveling from various Marin Cities and County Districts to one of the two dispensary locations to make their medical purchases.

Since currently some Marin patients travel to other Counties to purchase marijuana, we suspect some patients from other counties would also visit Marin's future dispensaries. It would be unconscionable to allow such regional traffic to further clog and pollute Unincorporated Mill Valley's overburdened roads.

B. The Tamalpais Area Community Plan Discourages Regional Traffic And Encourages Neighborhood Serving Businesses And Services

The Tamalpais Area Community Plan emphasizes that businesses and services should serve the local community and not attract regional traffic.

Relevant Excerpts from the Tamalpais Area Community Plan:

- Pg. IV-34 D. Transportation Goals: "The primary goals of the Transportation Element are: (include) 3. To discourage regional traffic from using local residential streets."
- Pg. III-48 b. Commercial 1) ISSUE: Maintenance of a Sound Local-Serving Commercial Base Objective LU.9: "To develop a mix of community-serving commercial uses which will enhance the attractiveness and economic vitality of existing commercial areas, while protecting the small scale community character."
- TACP - Preface 2. "New development shall be integrated harmoniously into the neighborhoods and geographic areas of the Planning Area in order to maintain its distinctive character."
- TACP Preface 3. "Encourage land uses that further the sense of neighborhood and community feeling, including in the commercial districts."
- TACP Preface 4. "Limit commercial development or redevelopment to uses that primarily serve the Planning Area residents at a scale compatible with the semi-rural environment."

Since a medical cannabis dispensary would serve the broader Marin County community and attract regional traffic, it would not comply with the Tamalpais Area Community Plan, which discourages regional traffic and limits commercial uses to those that primarily serve the Planning Area residents.

III. A DISPENSARY SHOULD NOT BE LOCATED NEAR A SCHOOL, YOUTH-ORIENTED FACILITY OR PATHWAY

A. Use Of Marijuana Is Linked To Disruption Of Brain Development & Exposure Of Healthy Minors To Medical Marijuana Dispensaries May Encourage Them To Sample The Substance

1. APA article entitled; "Marijuana and the Developing Brain":

There is growing concern that heavy marijuana use by adolescents disrupts brain development. According to an article published in 2015 by the American Psychological

Association (APA) entitled; “Marijuana and the Developing Brain”, Susan Weiss, PhD, Director of the Extramural Research at the National Institute on Drug Abuse (NIDA), stated; “There’s a growing literature, and it’s all pointing in the same direction: Starting young and using marijuana frequently may disrupt brain development.”¹

“At least until the early or mid-20s, the brain is still under construction,” says Staci Gruper PhD, a neuroscientist and director of the Cognitive and Clinical Neuroimaging Care and the Marijuana Investigations for Neuroscientific Discovery (MIND) Program at McLean Hospital/Harvard Medical School. “During this period of neurodevelopment, the brain is thought to be particularly sensitive to damage from drug exposure. And the frontal cortex – the region critical to planning, judgment, decision-making and personality – is one of the last areas to fully develop.”²

The APA article emphasizes that legalization of medical marijuana, despite age limits, might make marijuana more accessible to young people and adolescents’ developing brains may be particularly vulnerable to lasting damage from the drug.

2. Information from Attorney Robert Elam:

According to Attorney Robert Elam (who has built a practice over time in the cannabis industry), one of the main problems with Medical Marijuana Dispensaries is that some owners/managers of dispensaries turn a blind eye and sell marijuana to minors without a parent or guardian being present.

We are aware that **Ordinance No. 3639, Section 6.85.042 Operating Requirements** states; “(B) Minors: (2) Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.” However, if this requirement is ignored or not enforced, there is a problem.

3. “White Paper On Marijuana Dispensaries” by the California Police Chiefs Association:

The “White Paper On Marijuana Dispensaries” by the California Police Chiefs Association’s Task Force on Marijuana Dispensaries is the product of a major cooperative effort among representatives of numerous law enforcement agencies (E.g. Police Departments, Sheriff Departments, Highway Patrols, District Attorney Offices/Associations, Bureaus of Narcotics Enforcement, Office of the United States Attorney, etc.)

The “White Paper on Marijuana Dispensaries” states; “**Problems Posed by Marijuana Dispensaries:** “Marijuana dispensaries are commonly large money-making enterprises that will sell marijuana to most anyone who produces a physician's written recommendation for its medical use. These recommendations can be had by paying

¹ Weir, Kirsten. “Marijuana and the Developing Brain”. American Psychological Association. 2015. Available at: <http://www.apa.org/monitor/2015/11/marijuana-brain.aspx>

² Weir, Kirsten. “Marijuana and the Developing Brain”. American Psychological Association. 2015. Available at: <http://www.apa.org/monitor/2015/11/marijuana-brain.aspx>

unscrupulous physicians a fee and claiming to have most any malady, even headaches. These operations have been tied to organized criminal gangs and are often multi-million-dollar profit centers.

Because they are repositories of valuable marijuana crops and large amounts of cash, several operators of dispensaries have been attacked and murdered by armed robbers both at their storefronts and homes, and such places have been regularly burglarized. Drug dealing, sales to minors, loitering, heavy vehicle and foot traffic in retail areas, increased noise, and robberies of customers just outside dispensaries are also common ancillary by products of their operations. To repel store invasions, firearms are often kept on hand inside dispensaries, and firearms are used to hold up their proprietors."³

The White Paper also states; "**Unjustified & Fictitious Physician Recommendations:** California's legal requirement under California Health and Safety Code section 11362.5 that a physician's recommendation is required for a patient or caregiver to possess medical marijuana has resulted in other undesirable outcomes: wholesale issuance of recommendations by unscrupulous physicians seeking a quick buck, and the proliferation of forged or fictitious physician recommendations. Other individuals just make up their own phony doctor recommendations, which are seldom, if ever scrutinized by dispensary employees for authenticity. Undercover DEA agents sporting fake medical marijuana recommendations were readily able to purchase marijuana from a clinic. Far too often, California's medical marijuana law is used as a smokescreen for healthy pot users to get their desired drug, and for proprietors of marijuana dispensaries to make money off them, without suffering any legal repercussions."⁴

The "White Paper On Marijuana Dispensaries" further states; "**Other Adverse Secondary Impacts in the Immediate Vicinity of Dispensaries:** Other adverse secondary impacts from the operation of marijuana dispensaries include street dealers lurking about dispensaries to offer a lower price for marijuana to arriving patrons; marijuana smoking in public and in front of children in the vicinity of dispensaries; loitering and nuisances; acquiring marijuana and/or money by means of robbery of patrons going to or leaving dispensaries; resales or sharing of products just obtained inside, an increase in burglaries at or near dispensaries; a loss of trade for other commercial businesses located near dispensaries; the sale at dispensaries of other illegal drugs besides marijuana; an increase in traffic accidents and driving under the influence arrests in which marijuana is implicated; and the failure of marijuana dispensary operators to report robberies to police."

Due to the probable health risk, we do not want to encourage healthy adolescents, whose brains are still developing, to use marijuana. Healthy children who are regularly

³ Task Force on Marijuana Dispensaries. "White Paper On Marijuana Dispensaries", California Police Chiefs Association. 2009. Available at: <http://www.sanjoseca.gov/DocumentCenter/View/42256>

⁴ Task Force on Marijuana Dispensaries. "White Paper On Marijuana Dispensaries", California Police Chiefs Association. 2009. Available at: <http://www.sanjoseca.gov/DocumentCenter/View/42256>

exposed to medical marijuana at or near dispensaries may be subtly influenced to regard it as a generally acceptable drug (including for recreational purposes), to think about it more frequently and be inclined to sample it. Easy access to physicians' phony recommendations (which can now be obtained on line without ever physically visiting a doctor's office), coupled with easy access to a dispensary may also encourage adolescents to consume marijuana. We are aware that young healthy adults (E.g. 18 years of age), who obtain phony physician recommendations, sometimes resell or share their marijuana to friends who are minors.

Therefore, a medical marijuana dispensary should not be located close to where children regularly pass by or congregate.

B. Ordinance No. 3639 Does Not Allow A Dispensary Near Youth-Oriented Facilities And Schools.

Ordinance No. 3639, Section 6.85.041 Limitation on Location of Dispensary states; "(C) A dispensary shall not be allowed in the following areas at the time of its permitted establishment: (1) **Within 800 feet of a youth-oriented facility, school,** a smoke-shop which sells paraphernalia for consuming drug or tobacco products, or another dispensary; ..."

Ordinance No. 3639 affirms that a medical marijuana dispensary should not be located close to where children regularly pass by or congregate.

C. Applications For Medical Marijuana Dispensary Licenses Tied To Locations In Unincorporated Mill Valley Should Be Denied Because The Locations Are Near Where Children Regularly Congregate And/Or Pass By

Roco Dance & Fitness offers youth dance classes from Age 3 through Age 18 and is located at 237 Shoreline Hwy. **Mathnasium**, a math-learning center for kids in kindergarten through 12th grade, is located at 247 Shoreline Hwy. **Poekie Nook**, which offers art and sewing classes to children, is also located at 247 Shoreline Hwy. **Mill Valley Potters Studio**, which specializes in ceramics art education and offers after-school youth classes, is located at 254 Shoreline Hwy. All of these schools are very close to (less than 800 feet from) three of the proposed dispensary locations (200 Shoreline Hwy, 230 Shoreline Hwy, and 256 Shoreline Hwy).

Proof Lab offers skateboarding lessons to children at their skate ramp. Proof lab is located at 244 Shoreline Hwy and is also very close to (less than 800 feet from) three of the proposed dispensary locations (200 Shoreline Hwy, 230 Shoreline Hwy, and 256 Shoreline Hwy).

Many adolescents make purchases in the Tam Junction Shopping Area.

Children ride their bikes through the commercial areas, where the five proposed Mill Valley dispensary locations are situated, in order to get to school. 200 Shoreline Hwy and 150 Shoreline Hwy are very close to (less than 100 feet from) the Charles McGlashan Multi-Use Pathway that children use to ride to school.



***Safe Routes to School
Children are crossing Shoreline Hwy just 50 feet away from 256 Shoreline Hwy, a
proposed site for a Medical Marijuana Dispensary***

300 Poplar Street is a very small commercial building. It is surrounded by residential homes with children living in them.

Tamalpais High School students, who drive, would regularly drive by any of the proposed Mill Valley dispensary locations and/or could leave the high school and reach any of the proposed locations within a few minutes. According to Google Maps, the students could bike from the high school to three of the locations within 6 minutes (200 Shoreline Hwy, 230 Shoreline Hwy, and 256 Shoreline Hwy) and they could bike from the high school to two of the locations within 10 minutes (150 Shoreline Hwy and 300 Poplar St).

According to Google Maps, the Tam Valley Community Center and the Tam Valley Elementary School are both only a three-minute-bike-ride from four of the dispensary locations (200 Shoreline Hwy, 230 Shoreline Hwy, 256 Shoreline Hwy, and 300 Poplar St).

As demonstrated above, medical marijuana dispensaries should not be located close to where children frequently congregate or pass by. Yet, each proposed Mill Valley dispensary location is near youth-oriented facilities, schools, and/or pathways that children use regularly. Therefore, the applications for medical marijuana dispensary licenses tied to the five locations in Mill Valley should be denied.

IV. A DISPENSARY SHALL NOT BE ALLOWED IN ANY RESIDENTIAL ZONED PARCEL

Ordinance No. 3639, Section: 6.85.041 Limitation on Location of Dispensary states; “(C) A dispensary shall not be allowed in the following areas at the time of its permitted establishment: (2) Within any residential zoned parcel, or any property with an underlying residential or mobile homes general plan land use designation.”

Parcels in the commercial areas of Tam Valley and Almonte are still being used for just commercial purposes. However, the 2007 Marin Countywide Plan changed their land use designations from Commercial to Mixed-Use/Commercial, allowing mixed-use residential development (with both commercial and residential uses) and exclusively residential development (with only residential use).

Therefore, we do not believe the proposed Mill Valley dispensary locations comply with the above referenced regulation because they are properties with underlying residential land use designations.

V. THE COUNTY SHOULD DISALLOW NEW DEVELOPMENT AT PROPOSED DISPENSARY LOCATIONS THAT ARE DESIGNATED FOR MARSH RESTORATION

Three of the five proposed Medical Marijuana Dispensary locations are designated for acquisition for open space and restoration back to marshland in the Tamalpais Area Community Plan and the Marin Countywide Plan. These are 150 Shoreline Hwy, 200 Shoreline Hwy, and 230 Shoreline Hwy.

The Tam Junction and Manzanita commercial areas, along with four of the proposed dispensaries, sit within the 100 year flood plain. These areas, which are historic wetlands, flood regularly. The San Francisco Bay Conservation and Development Commission and the Pacific Institute map predict that they will be covered with water when 1 meter of sea level rise occurs.

The vision of the Tamalpais Area Community Plan, reinforced by the Marin Countywide Plan, is for the East side of Shoreline Hwy to be acquired and restored back to marshland. Besides other benefits, this would help lessen flooding in the area. In the future, as sea level rises higher, the restored wetland could allow for the retreat of baylands/wetlands habitat and wildlife, including endangered species, as waters rise.

The three proposed dispensary locations, referenced above, sit on the East side of Shoreline Hwy. Additional development at these sites should be discouraged, rather than encouraged. Adding more development on a compromised floodplain that already floods would exacerbate such flooding with increased soil compaction and impervious surfaces and additional runoff. Moreover, increased development at the proposed dispensary sites would impair the chances for acquisition and restoration of the sites. Land values would increase, making it more difficult to fund the purchase of the land. Also, increased development may increase the environmental impacts and make the restoration more expensive.

150 Shoreline Hwy is currently a vacant lot. A new dispensary at this site would require new development. We do not know if plans at 200 Shoreline Hwy or 230 Shoreline Hwy include expanded development but they may. The County should deny any proposed development permits that would increase the building square footage of any site on the East side of Shoreline Hwy.

A. Description of the Baylands Corridor of the Marin Countywide Plan:

150 Shoreline Hwy sits within the Baylands Corridor of the Marin Countywide Plan and is thereby governed by regulations pertaining to the Baylands Corridor. The Marin Countywide Plan encourages the following to happen within the Baylands Corridor:

- Limit development and development impacts;
- Preserve and enhance the Baylands ecosystem;
- Encourage acquisition of Baylands for open space;
- Restore marshlands; and
- Protect Movement Corridors.

B. Pertinent Excerpts from the Tamalpais Area Community Plan:

Pg. III-23, 5. Natural Resource Values

“Public acquisition affords the best guarantee for long-term open space protection. Areas adjacent to wetlands (upland edges) are not protected by federal or state regulation. These upland edges are essential to maintaining the quality of the wetland environment and provide valuable habitat for nesting during high tides. The lack of legislative protection requires that these areas should also be considered a high priority for acquisition.”

Pg. III-34 C. Land Use Goals

“8. Preserve the natural beauty and wildlife diversity of the tidal and seasonal wetlands in the Planning Area through a program of acquisition and/or strict land use regulation.”

Pg. III – 49 Issue: Preservation of Wetlands and Bay Waters

Objective LU.10

“To protect the waters and marshlands of upper Richardson Bay, and by ... acquisition.”

Pg. III-64 - 2) Issue: East Side Land Use

Objective LU.23:

“To protect Bothin Marsh and its environs, while providing for the limited commercial needs of the Tamalpais Planning Area. It is a long range community objective, within fiscal practicalities, to obtain as much of the portions of this area that are not otherwise preserved as private open space by acquisition for public open space.”

Programs:

LU23.1c

“Bothin Marsh will be protected and preserved by establishing a buffer zone between the marsh and nearby development.

Appendices, Pg. 1-5 Open Space Edge

“The Junction Plan recommends, that the area East of Shoreline Highway, including the strip of commercial, eventually be purchased and converted to open space.”

Appendices, Pg.1-27, Open Space

“Open Space is the key element of the Tam Junction Improvement Plan. The area east of Shoreline Hwy from the Coyote Creek Bridge to the Mill Valley City limits is considered to be the major area of open space in the Plan.”

VI. SUSTAINABLE TAMALMONTE SURVEY SHOWS THAT THE MAJORITY OF LOCAL RESIDENTS DO NOT WANT A MEDICAL MARIJUANA DISPENSARY TO OPEN IN OR NEAR TAM VALLEY & ALMONTE

In order to make appropriate recommendations regarding the proposed Mill Valley Medical Marijuana Dispensary applications, Sustainable TamAlmonte conducted a survey of Tam Valley and Almonte residents.

We posed the following two questions to the Sustainable TamAlmonte email list and to local residents on Nextdoor Tam Valley and Nextdoor Almonte:

1. Are you "For" or "Against" a medical marijuana dispensary opening in our area?
2. Why are you "For" or "Against" a medical marijuana dispensary in our area?

The survey results for Question #1 were as follows:

- 37% of the respondents were for a dispensary in the Tam Valley and Almonte areas.
- 62% of the respondents were against a dispensary in the Tam Valley and Almonte areas.
- 1% of the respondents were neither for or against a dispensary in the Tam Valley and Almonte areas.

The survey results for Question #2 were as follows:

- Of the respondents who were in favor of a Medical Marijuana Dispensary in our area, most do not state a reason why. Of those who did respond, the most frequently stated reason for being in favor is because Medical Marijuana is a valuable/beneficial medicine that locals should have easy access to. A few state that being able to speak to a knowledgeable medical marijuana salesperson would be helpful. A few talked about how medical marijuana has helped their personal health problems.
- Of the respondents who were against a Medical Marijuana Dispensary in our area, the most frequently stated reason for being opposed to a dispensary (58% of those against) is that the dispensary would cause an increase in traffic congestion. Other reasons to be against are that dispensaries attract crime (E.g. robbery), resale to kids, and loitering.

The results of our survey indicate that the majority of Tam Valley and Almonte residents, who would be most impacted, are opposed to a Medical Marijuana Dispensary being located at one of the proposed Unincorporated Mill Valley locations.

In order to represent residents' wishes, all five applications for Medical Marijuana Dispensary Licenses tied to dispensary locations in Unincorporated Mill Valley should be denied.

VII. CONCLUSION

We support opening a Medical Cannabis Dispensary near Hwy 101 in Marin County that would allow patients to have easy access to cannabis for medical purposes. However, as demonstrated above, the five proposed dispensary locations in Unincorporated Mill Valley are inappropriate for such an endeavor and, most importantly, would not allow patients to have **easy access** to the medication. Therefore, all five medical cannabis dispensary license applications tied to locations in Unincorporated Mill Valley should be denied.

Thank you in advance for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte

Cc: Director Brian Crawford

Cc: Planner Tom Lai

Cc: Planner Inge Lundegaard