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**Subject:** RE: Planning Commission 5/3/22 item 3. cannabis

**From:** Bill  
**Sent:** Tuesday, May 3, 2022 7:43 AM  
**To:** Shari Herbruck <shari.herbruck@ojai.ca.gov>  
**Cc:**  
**Subject:** Planning Commission 5/3/22 item 3. cannabis

5/2/22

To:Planning Commission  
Cc: city manager, planning director, public information coord., others  
From: Bill Miley  
Subject: Commission meeting 5/3/22 item Discussion 3.

Hello. Here are several points of view on the issues listed.

One, should the city council rezone portions of east Ojai Avenue for siting of Cannabis Dispensaries.

Two, if yes should the method be an “overlay zoning”.

Three, should the council permit cannabis consumption lounges in the current zoning (M-1/MPD). And should smoking be permitted.

Four, should the council permit cannabis consumption lounges in a new zoned C-1 zone on east Ojai Avenue.

Several factors are important to consider. My main comments are in bold.

- A. State law requires a minimum of 600 linear feet between cannabis business and schools, youth activities and child care facilities. **This places a slight limitation on nearby property owners wanting to lease their facilities. Especially child care facilities or youth entertainment as the Bowling Alley was years ago.**
- B. The planning director has listed the east ojai avenue as “*could help in revitalizing that portion of the City*”. **I may have missed a council discussion about east Ojai Avenue needing revitalization, but that is not on my list of city needs. Current “open space” is good.**
- C. Cannabis business would benefit from multi-model transportation. **I assume the Ojai Trolley does not enter Bryant Circle Business Park. Dispensaries do deliver.**
- D. In using Google Earth, i looked at empty parcels in that section of Ojai avenue. **There appear to be six. I could assume there might be parcel owners and or building owners interesting in leasing to cannabis businesses. Maybe not.**

E. State laws allow communities to protest alcohol license applications for various reasons. One being there are already “too many in town or too close to a residential neighborhood”.

**So far there has been no public discussions about support or lack of support for cannabis businesses on Ojai Avenue by the business community or the Ojai Valley Chamber of Commerce...Or for lounges added to (up to three) dispensaries. It would seem expression of opinion is needed.**

F. What is best for the city of Ojai. **It would seem that flexibility within zoning designations should be maintained.**

The use of buffer creation within certain zoning permitted businesses is built into our code. No question when a superior law dictates it. The city i understand has authority to design a buffer zone where intrusive effect will cause nuisance and or public safety-public health nuisance/hazards on “neighbors”. **I might suggest that smoking of cannabis requires adequate air circulation and venting with new air supplied. The “smell” and odor from cannabis burning is not 100% captured by filters as i understand. The only effective buffer here is empty land. How large is of question.** Santa Barbara wineries have strong opinions against when it comes to growing cannabis. Our city prohibits any tobacco smoking in open public spaces, and in businesses open to the public.

G. Permitting growing of nursery size cannabis plants indoors for purchase by others is another council question. **This seems reasonable. Except for one factor. Plants not purchased which then grow into adult versions, how are they removed?**

In recent public 3 minutes to your commission, i supported “fairness” for cannabis businesses when comparing to alcohol serving businesses.

In this meeting’s administrative memo about Cannabis and it effects on driving, commentary from our Police Chief Rivera. Quote: *In discussing this matter with Chief Rivera, there are currently no applied or implemented measures to gauge impairment to Cannabis, and data at this point is not available to identify how many people are arrested/detained due to being under the influence with Cannabis while driving or operating a vehicle. However, the Chief confirmed that impaired drivers can still be subject to arrest and prosecution, using field sobriety tests or other indicia of impaired driving.*

**At the most recent City Council meeting, Chief Rivera detailed Sheriff collected data (2021) for the city including vehicle citations. Few were for under the influence of cannabis.**

Based on all of the above, **i am of the opinion that our city’s best interest is being careful with cannabis business expansion.** East end Ojai Avenue is almost semi rural and “relaxed”. A natural and granular development over many years is probably best. We have significant lodging businesses well established.

We had an “all age” sport entertainment business for years...”the bowling alley”. We had a miniature golf course where the Fire Station is now located. We had a restaurant in a building now gone where the Medicine Shoppe is. **There are “going” businesses located throughout the east Ojai Avenue.**

**It seems “needing help” is because of the open “grass” parcels. I believe that no rezoning or overlay zoning should be done unless the chamber of commerce is formally asked by our city council for its analytical opinion of the questions this commissions is considering. And the chamber board is asked for their opinion.**

**Therefore i will only support one expansion. Non-smoking lounges at current dispensary locations. No new dispensary licenses. I like what Port Hueneme City did...membership is required. Time will allow our east Ojai Avenue C-1 zoning to develop without buffer limitations and in a granular way**

Thank you for considering my thoughts and conclusions.

Bill Miley, MPH Ojai since 1968 □