

Published May 16th, 2018

Prop 64 made cannabis legal in Lamorinda. So where's the pot?

By Nick Marnell



Bud cannabis before harvest BigStock

Despite California's legalization of medical marijuana and recreational marijuana for adults, the three Lamorinda municipalities have taken limited measures to make cannabis accessible to residents, in fact making pot nearly impossible to obtain commercially.

Proposition 64, the Adult Use of Marijuana Act, passed comfortably in California in November 2016, allowing commercial sales of cannabis starting in 2018. Not only did each Lamorinda municipality support the proposition by at least the same margin as the state - 57 percent in favor - but each precinct of each community voted to pass the initiative. Yet cannabis is not available commercially anywhere in Lamorinda.

"In our case, we chose to be a follower rather than a leader," said Lafayette Mayor Don Tatzin, whose city voted 64 percent in favor of the initiative. He said that if the city allowed retail cannabis sales, a store opened and then the city found out there were unexpected

problems, Lafayette would be stuck with the existing use. "You couldn't change the regulations of the store, sort of like the gas stations in our downtown. If they applied now, those stations would never be approved under our current ordinances, but the existing stations can remain," Tatzin said. "Our cannabis ordinance allows us to move slowly."

"The town isn't trying to defy the will of the people, ban or restrict the legal use of marijuana in Moraga," said town Mayor Dave Trotter. "The town's ordinances are both authorized and consistent with current California law, which allows local jurisdictions to regulate or prohibit marijuana related businesses. The town has both the right, and the responsibility, to appropriately regulate such activities in the interests of the public safety and welfare of Moragans." Moraga, whose voters supported Prop 64 by the narrowest margin of the three Lamorinda communities - 57 percent - disallows recreational cannabis deliveries but allows cash payment for medicinal marijuana deliveries into the town. Orinda and Lafayette allow medicinal and recreational cannabis delivery, and while Orinda has no payment regulations, Lafayette requires electronic payment for all marijuana deliveries.

"People wanted safety," said Orinda Mayor Amy Worth of the reason for Prop 64 passage in her city. "Part of the law was to allow local control, the voters saw this and knew they had the ability to make local decisions on things like manufacturing and dispensaries. I'm not sure that they voted for a dispensary downtown."

Only two of 15 Lamorinda elected officials voted against a restrictive local cannabis ordinance since the passage of Prop 64: Vice Mayor Inga Miller and Council Member Eve Phillips, both of Orinda, where the initiative passed with 63 percent of the vote.

"You have to look at those numbers," Phillips said. Though she agrees with Worth that city residents likely do not want a dispensary, she said that laws against the outdoor growth of cannabis - which each municipality prohibits - are too restrictive and inconsistent with the voting. "Our job is to sift through the data and come up with policies that reflect the will of the community," Phillips said.

Miller agreed that Orinda residents should be able to grow plants outdoors, but she is not convinced that the residents are not in favor of commercial outlets. Maybe voters would approve a dispensary, or a type of coffee shop, Miller said. And she dismisses the idea of dispensaries being a magnet for kids. "Children aren't showing up at Casa Orinda trying to drink," Miller said.

The loss of cannabis tax revenue concerns Miller, who pointed to BevMo, a liquor store, as one of the top 25 sales tax payers to the city of Orinda. But Worth said she felt that any marijuana tax revenue would be gobbled up by added costs for law enforcement.

"We need more public debate on these issues," Miller said. "I'd like to bring this back to city council because I don't think these are legitimate concerns."

For now, Lamorindans will have to settle for cannabis deliveries and the ability to grow six plants indoors.

Reach the reporter at: nick@lamorindaweekly.com

[back](#)

