



A G E N D A

CITY OF SEASIDE
CITY COUNCIL/
PLANNING
COMMISSION

JOINT SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Wednesday, July 26, 2017
6:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**

City Council

Ralph Rubio	Mayor
Dennis Alexander	Council Member
Jason Campbell	Council Member
David R. Pacheco	Council Member
Kayla Jones	Council Member

Planning Commission

John Owens	Chair
Michael Lechman	Vice Chair
Keith Dodson	Commissioner
Denise Ross	Commissioner
Arlington La Mica	Commissioner
Michael Spalletta	Commissioner
Ian Oglesby	Commissioner

3. **PUBLIC COMMENT**

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

4. **STUDY SESSION**

A. STUDY SESSION ON DRAFT CANNABIS ORDINANCE

PURPOSE: Discuss a draft ordinance to allow cannabis related uses in Seaside.

RECOMMENDATION: Discuss key details of a draft ordinance to allow cannabis related uses in Seaside, which may include dispensaries, cultivation, testing, manufacturing, processing and research and development.

5. **PUBLIC HEARING - 7:00 PM**

The Public Hearing will start directly at 7:00 PM. Any business not finished prior to 7:00 PM will be continued until after the Public Hearing items have concluded.

A. **PUBLIC SCOPING WORKSHOP FOR THE 2040 SEASIDE GENERAL PLAN
UPDATE ENVIRONMENTAL IMPACT REPORT**

PURPOSE: The purpose of the scoping session on the 2040 General Plan Environmental Impact Report is to inform the Planning Commission and public about the proposed 2040 Seaside General Plan Update and to solicit comments on the scope of the environmental issues to be considered in the Environmental Impact Report (EIR).

RECOMMENDATION: Receive comments from the Planning Commission, public or any other interested agencies on the scope of environmental issues to be addressed in the EIR.

6. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
CITY COUNCIL August 3, 2017
PLANNING COMMISSION August 9, 2017
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, they are asked to contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings.

City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at:

<http://cyp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300>

Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 4.A.

TO: Planning Commission

FROM: Craig Malin, City Manager

BY: Kurt Overmeyer, Economic Development Manager

DATE: July 26, 2017

SUBJECT: STUDY SESSION ON DRAFT CANNABIS ORDINANCE

PURPOSE

Discuss a draft ordinance to allow cannabis related uses in Seaside.

RECOMMENDATION

Discuss key details of a draft ordinance to allow cannabis related uses in Seaside, which may include dispensaries, cultivation, testing, manufacturing, processing and research and development.

BACKGROUND

Earlier this year, City Council directed staff to start developing an ordinance that would allow cannabis related uses in Seaside. The effort was predicated on the passage of a cannabis specific business tax, which passed by over 80% in June, 2017. Staff has developed a draft ordinance that would allow cannabis related uses and would like direction on key details. License fees and taxation will be discussed separately at a later date.

FISCAL IMPACT

Staff analysis concludes that permitting 3 dispensaries could result in revenues exceeding \$180,000 per year annually.

ATTACHMENTS

1. Draft Ordinance
-

Meeting Date: July 26, 2017

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE
SEASIDE AMENDING TITLE AND CHAPTER ESTABLISHING CANNABIS
ACTIVITIES AS A USE ALLOWED SUBJECT TO A USE PERMIT IN
SPECIFIED ZONES AND ESTABLISHING USES TO PROTECT PUBLIC
HEALTH, SAFETY & WELFARE.**

RECITALS:

This ordinance also defines terms and adds Chapter 18 to the City of Seaside to establish regulations governing the issuance of use permits for commercial medical cannabis activities, including cultivation, dispensaries, manufacturing, testing, transportation, and distribution. The ordinance also contains provisions for enforcement of the ordinance.

WHEREAS, in 1996, California voters approved Proposition 215 (codified at Health and Safety Code section 11362.5 and titled the "Compassionate Use Act of 1996"), which provides criminal immunity for patients and primary caregivers for the cultivation and possession of cannabis if a doctor has recommended the cannabis for medical purposes; and

WHEREAS, in 2004, Senate Bill 420 was enacted (codified at Health and Safety Code section 11362.7 *et seq.* and titled the "Medical Marijuana Program Act") to clarify the scope of the Compassionate Use Act of 1996. The Medical Marijuana Program Act allows cities and other governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, neither the Compassionate Use Act of 1996 nor the Medical Marijuana Program Act provided an effective statewide regulatory system for the medical cannabis industry, and this lack of uniform regulation created uncertainty about the legality of medical cannabis activities and endangered the safety of end users, who have not had the benefit of a monitored supply chain for medical cannabis, quality control, testing or labeling requirements; and

WHEREAS, the purpose of citywide regulation of medical cannabis dispensaries is to regulate the sale and distribution of cannabis in the interest of patients who qualify to obtain, possess and use cannabis for medical purposes under state law, and to provide safe medical cannabis product and inventory; and

WHEREAS, in 2011, Assembly Bill 2650 was enacted (codified at Health and Safety Code section 11362.768). This law affirms that cities can adopt ordinances that restrict the location and establishment of medical marijuana collectives, cooperatives, and dispensaries; and

WHEREAS, in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, the California Supreme Court concluded that nothing in the Compassionate Use Act or the Medical Marijuana Program Act precludes a local jurisdiction from regulating or prohibiting facilities that distribute medical marijuana; and

WHEREAS, in 2015, Assembly Bills 243 and 266 and Senate Bill 643 were enacted (codified at Business and Professions Code section 19300 *et seq.* and titled the "Medical Marijuana Regulation and Safety Act"). These bills also amended provisions of the Medical Marijuana Program Act related to the cultivation of medical marijuana; and

WHEREAS, the Medical Marijuana Regulation and Safety Act establishes a long- overdue comprehensive regulatory framework for medical cannabis in California (including production, transportation and sale of medical cannabis), requires establishment of uniform state minimum health and safety standards, testing standards, mandatory product testing, and security requirements at dispensaries and during transport of the product, and provides criminal immunity for licensees; and

WHEREAS, the Medical Marijuana Regulation and Safety Act preserves local control in a number of ways: (1) by requiring medical cannabis businesses to obtain both a state license and a local license or permit to operate legally in California, (2) by terminating the ability of a medical cannabis business to operate if its local license or permit is terminated, (3) by authorizing local governments to enforce state law in addition to local ordinances, if they request that authority and it is granted by the relevant state agency, (4) by providing for civil penalties for unlicensed activities, and continuing to apply applicable criminal penalties under existing law, and (5) by expressly protecting local licensing practices, zoning ordinances, and local actions taken under the constitutional police power; and

WHEREAS, the Proposition 64, The Adult Use of Marijuana Act was passed by the voters November 8th, 2016 and

WHEREAS, the Adult Use of Marijuana act provides local authority to reasonably regulate the cultivation, testing, sale and research and development of cannabis, and

WHEREAS, the City of Seaside wishes to amend the Seaside Municipal Code to regulate cannabis activities in a manner that protects the public health, safety and general welfare of the community, and in the interest of patients who qualify to obtain, possess

and use marijuana for medical purposes, consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act, Medical Marijuana Regulation and Safety Act and Proposition 64; and

WHEREAS, the City of Seaside has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses by developing and implementing strict performance and operating standards for cannabis businesses; and

WHEREAS, nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 841 or to license any activity that is prohibited under said Act except as mandated by State law; and

WHEREAS, nothing in this Ordinance shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the sale, distribution, possession or use of cannabis that is illegal under state law; and compliance with the requirements of this Ordinance shall not provide a defense to criminal prosecution under any applicable law;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

SECTION 2. Purpose and Intent. It is the purpose and intent of this Ordinance to clarify and expressly authorize cannabis businesses including dispensaries and cannabis cultivation, testing, processing and sales, in order to preserve the public peace, health, safety, and general welfare of the citizens and residents of, and travelers through the City of Seaside as authorized by the Medical Marijuana Regulation and Safety Act, and Proposition 64.

CHAPTER 18

COMMERCIAL CANNABIS ACTIVITIES

SECTIONS:

_____ **Definitions**

_____ **Business Permit Eligibility Requirement**

_____ **Cannabis Dispensaries and Operating Standard**

_____ **On-site Consumption Permit**

_____ **Commercial Cannabis Cultivation and Operating Standard**

_____ **Medical Cannabis Transport and Distribution**

_____ **Public Hearing**

_____ **Ranking and Allocation Procedure and Criteria**

_____ **Enforcement**

_____ **Appeals Process**

_____ **Severability**

18.01 DEFINITIONS

The following words or phrases, whenever used in this Chapter, shall be given the following definitions:

- A. “Bureau” means the Bureau of Medical Marijuana Regulation within the California Department of Consumer Affairs.
- B. “Cannabinoid” or “phytocannabinoid” means a chemical compound that is unique to and derived from cannabis.
- C. “Medical cannabis” or “Medical cannabis product” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act

of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this Title, “medical cannabis” does not include “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

D. “Adult cannabis” or “Adult cannabis product” ” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by adults in California pursuant to the Adult Use of Marijuana Act of 2016 (Proposition 64), found at Section 11362.1 of the Health and Safety Code. For the purposes of this Title, “medical cannabis” does not include “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

E. “Commercial medical cannabis activity” means the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product.

F. “Cannabis concentrate” means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product’s potency.

G. “Canopy” means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.

H. “Certificate of accreditation” means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

I. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of medical or Adult cannabis. Within the definition of cultivation, the following specific License Types, corresponding to state cultivator license types set forth in California Business and Professions Code section 19332(g).

J. “Delivery” means the commercial transfer of medical or Adult cannabis, or medical or Adult cannabis products from a dispensary, up to an amount allowed by the Bureau, to a primary caregiver, qualified patient or adult as defined in Section 11362.7 of the California Health and Safety Code, or a testing laboratory.

K. “Dispensary” means a facility where medical cannabis, medical cannabis products, Adult cannabis, Adult cannabis products or devices for the use of medical or Adult cannabis or medical or Adult cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.

L. “Distribution” means the procurement, sale, and transport of medical or Adult cannabis and medical or Adult cannabis products between entities licensed pursuant to this chapter.

M. “Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.

N. “Greenhouse” means a fully enclosed permanent structure with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental artificial lighting for cultivation.

O. “Identification card” has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

P. “Licensee” means a person issued a state license under Chapter 3.5 (commencing with Section 19300) of the California Business and Professions Code, to engage in a commercial medical or Adult cannabis activity.

Q. “Licensing authority” means the state agency responsible for the issuance, renewal, or reinstatement of a license for commercial medical or Adult cannabis activities, or the state agency authorized to take disciplinary action against the license.

R. “Manufactured cannabis” or “cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

S. “Manufacturing site” means a location that produces, prepares, propagates, or compounds manufactured medical or Adult cannabis or medical or Adult cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

T. “Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical or Adult cannabis.

U. “One ownership” and “owner” have the same definition as set forth in Chapter 21.06 of this Title.

V. “Permittee” means a person issued a commercial cannabis permit under Chapter 7.90.

W. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

X. “Primary caregiver” has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

Y. “Public park” means an area created, established, designated, or maintained by the a special district, a County, the State, or the Federal government for public play, recreation, or enjoyment or for the protection of natural resources and features at the site.

Z. “Qualified patient” has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

AA. “State” means the State of California.

BB. “State license,” “license,” or “registration” means a state license issued pursuant to California Business & Professions Code Sections 19300, *et seq.*

CC. “Testing laboratory” means a facility, entity, or site in the state that offers or performs test of medical cannabis or medical cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state; and
2. Registered with the California State Department of Public Health.

DD. “Transport” means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial medical cannabis activity authorized pursuant to the California Business & Professions Code Sections 19300, *et seq.*

18.02 ZONING

Chapter 17 of the Seaside Municipal Code shall be modified to include the following changes:

1. Section 17.14.030 (B) – The CRG and CMX zones shall have Cannabis Dispensary added as land uses with a requirement of a Use Permit.
2. Section 17.14.030 (B) – The CMX Zone shall have Cannabis Research and Development, Cannabis Manufacturing, and Cannabis Related Processing added to the land use table with the requirement of a Minor Use Permit.
3. Section 17.14.030 (B) – All Commercial Zones shall have Cannabis Testing added to the land use table.

4. Section 17.20.030 – The West Broadway Urban Village Specific Plan shall be modified to allow Cannabis Cultivation 10,000 square feet or less on structures that face Olympic Avenue.

18.03 CANNABIS DISPENSARIES AND OPERATING STANDARD

18.03.010 CANNABIS DISPENSARIES

Pursuant to Section _____, it is unlawful for any owner, operator, or association to own, conduct, operate or maintain, or to participate therein, or to cause or to allow to be conducted, operated, or maintained, any dispensary, delivery or delivery only dispensary in or into the City unless there exists a valid business permit in compliance with the provisions of Chapter _____ and a permit issued under this Chapter. However, entities authorized under SMC Section _____ must abide by the same requirements imposed herein on dispensaries.

This Chapter, and the requirement to obtain a business permit, does not apply to the individual possession or cultivation of medical or Adult marijuana for personal use, nor does this Chapter apply to the usage, distribution, cultivation or processing of medical or Adult marijuana by qualified patients or primary caregivers or qualified adults when such group is of three or less individuals, and distributing, cultivating or processing the marijuana from a residential unit or a single non-residential parcel of land. Associations of three or less qualified patients or primary caregivers shall not be required to obtain a permit under Chapter _____, but must comply with applicable State law.

The City Manager shall issue no more than three (3) valid permits for the operation of medical cannabis dispensaries in the City of Seaside at any one time.

The City Manager shall issue no more than three (3) valid permits for the operation of Adult cannabis dispensaries in the City of Seaside at any one time.

Adult cannabis dispensaries shall have locations adjacent to medical cannabis dispensaries.

At no time shall the number of new General Application permits exceed the number of Dispensary Permits issued by the City Manager.

No proposed facilities under this Chapter shall be located within a 400 foot radius of any public or private school providing instruction in Kindergarten or grades 1-12, inclusive (but not including any private school in which education is primarily conducted in private homes) or youth center (serving youth age 18 and under). The proposed dispensary must be located in a commercial or industrial zone, or its equivalent as may be amended, of the City.

Dispensaries shall not be located within one thousand five hundred (1,000) feet of another dispensary, unless the adjacent dispensary is a medical dispensary locating next to an adult dispensary or the opposite.

18.03.020 ELIGIBILITY REQUIREMENT

A. No person may be allowed to have any position with a Dispensary other than that of Member if he or she has been convicted of:

1. Homicide;
2. Within the preceding 10 years, any serious or violent felony listed in Penal Code Section [1192.7\(c\)](#) or Section [667.5\(c\)](#);
3. Within the preceding 10 years, any violation of Penal Code Sections [243](#) through [247](#), except for subdivision (a) of Section 243;
4. Within the preceding 10 years, any offense under subdivisions (d) or (e) of Section 11357 or Section 11361, or Articles 1, 3, 5, 6, or 7 of Chapter 6 of Division 10 of the Health and Safety Code; or
5. Within the preceding 3 years any felony violation of Health and Safety Code Section [11358](#), Section [11359](#) or Section [11360](#).

B. Such other information deemed necessary to conduct any investigation or LiveScan Background check of the applicant, and for the City Administrator to determine compliance with this Chapter, the City's Municipal Code and Zoning Code.

C. All applicants shall pay an application fee, a permit fee, and all inspection fees that may be required as part of the application process, as specified in the City's Master Fee Schedule.

D. At the time of submission of dispensary permit application, the applicant shall pay a dispensary permit application fee. The fee amount shall be set by City Council resolution per the City's Master Fee Schedule.

E. Notarized, written authorization from the property owner(s) that a Commercial Cannabis Business may be operated at the site.

F. The name and address of Managers or responsible agents of the Commercial Cannabis Business.

18.03.030 OPERATION PLAN

All applicants must provide a plan of operations that will describe how the dispensary will operate consistent with State Law and the provisions of this Chapter including but not limited controls to ensure medical or Adult marijuana will be dispensed only to qualified adults, qualified patients and primary caregivers. Dispensaries shall comply with Health and Safety Code Sections [11362.7](#) et seq. and any other state laws that may be adopted concerning Medical or Adult Cannabis, California's Medical Marijuana Regulation and Safety Act, the Adult Use of Marijuana Act, the Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, and any other applicable City laws or regulations, and shall pay all applicable state or local taxes. Dispensaries shall also comply with the operating standards set forth in this Section.

18.03.040 MEMBERSHIP.

- A. Medical Dispensaries may consist only of Members.
- B. Medical Dispensaries may only obtain Medical Cannabis from, and supply Medical Cannabis to, their Members.
- C. No person other than a Member may Cultivate Medical Cannabis on behalf of a Dispensary.
- D. The scale of Cultivation by or on behalf of a Dispensary shall be proportional to its Member load.
- E. Dispensaries may not admit any person as a Member without first verifying his or her status as a qualified patient or primary caregiver as defined by state law, and shall immediately cancel the membership of any person who diverts Medical Cannabis for non-medical use or in any manner not permitted by this Chapter, Chapter _____ or State law.
- F. Physicians' recommendations shall be verified prior to granting membership and at least every twelve (12) months thereafter, and a physical or digital record shall be kept of such verification. No Medical Cannabis may be dispensed except to a Member and pursuant to a recommendation that is no more than twelve (12) months old, unless the recommendation expressly states that it has a longer term or does not expire.
- G. Adult Dispensaries must comply with all aspects of the Adult Use of Marijuana Act and must receive a license from the State prior to start of operations, and shall maintain license throughout operations.
- H. Non-Diversion. Medical dispensaries shall take all practicable steps necessary to prevent and deter diversion of Medical Cannabis to non-Members. Dispensaries must limit access to Medical Cannabis, Medical Cannabis Products and Edibles to authorized

personnel only, and must maintain an inventory management system that accounts for all Medical Cannabis, Medical Cannabis Products and Edibles.

18.03.050 DISPENSING.

- A. Dispensary may not dispense to any person who is not a Member, and may not dispense without first verifying membership.
- B. Dispensary may not provide more Medical Cannabis to an Individual than is necessary for that person's personal medical use.
- C. Dispensary may not distribute free samples for promotional purposes outside of the Dispensary premises.
- D. No dispensary shall dispense Medical Marijuana from more than one (1) location in the City of Seaside.
- E. No owner of dispensary in the City shall open a second dispensary in the City; except that medical dispensaries and co-located or adjacent Adult dispensaries may have the same ownership.

18.03.060 MEMBERS AND EMPLOYEES.

- A. All employees and volunteers must be Members who are at least 18 years of age.
- B. Dispensaries may not admit any person under 18 years of age to membership without written authorization of a parent or legal guardian. Any Member under 18 years of age shall be accompanied by a parent or legal guardian at all times that such person is at the Dispensary.

18.03.070 ADULT DISPENSARIES

All Adult Dispensaries must comply with all state law and shall comply with the following conditions:

- A. Dispensary may not dispense to any person who is not 21 years of age or older.
- B. Dispensary may not distribute free samples for promotional purposes outside of the Dispensary premises.
- C. No dispensary shall dispense Adult Marijuana from more than one (1) location in the City of Seaside, however, subject to State requirements, may have a co-located or adjacent Medical and Adult location.
- D. No owner of dispensary in the City shall open a second Adult dispensary in the City, however the owner of an Adult dispensary may also own a co-located or adjacent Medical dispensary.

18.03.080 SECURITY.

A security plan, as a separate document, outlining the proposed security arrangements to deter and prevent unauthorized entrance into areas containing medical or Adult cannabis or medical or Adult cannabis products and theft of medical or Adult cannabis or medical or Adult cannabis products at the dispensary, in accordance with minimum security measures required by State law and the requirements herein. The security plan shall be reviewed by the Police Department and the Office of the City Manager and shall be exempt from disclosure as a public record pursuant to Government Code Section 6255(a).

A. Dispensaries shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times. Lighting shall be of sufficient intensity to illuminate all areas of the parking lot, if any.

B. Dispensaries must maintain security guards and camera coverage of their entire grounds to an extent sufficient to ensure the safety of persons and deter crime. Cameras must be maintained in good condition, and use a format approved by the City Manager, which is of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime. The cameras shall be in use 24 hours per day, seven (7) days per week. The areas to be covered by the security cameras include, but are not limited to, dispensing areas, storage areas, cultivation areas, all doors, parking lots, and any other area determined by the City Manager. Surveillance footage must be retained for a period of 90 days and made available to the Seaside Police Department for purposes of investigation of alleged crimes, promptly upon request without the necessity of a warrant or subpoena. Retention and maintenance of security camera recordings shall comply with Section_____.

C. Dispensaries must be equipped with an alarm system that is operated and monitored by a security company licensed by and in good standing with the California Department of Consumer Affairs. Alarms shall be maintained and in good working condition at all times.

D. In order to prevent unauthorized entry during non-business hours, a Dispensary shall either secure all points of entry with bars, retractable, folding or sliding metal gates, or metal rollup or accordion doors, none of which may be visible from the exterior, or provide at least one security guard during those hours.

E. Any security guards employed by Dispensaries shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.

F. All Medical or Adult Cannabis, Medical or Adult Cannabis Products and Edibles, except for limited amounts used for display purposes, samples or immediate sale, shall be

securely stored at all times, and the entrance to all storage areas shall be locked and under the control of staff.

G. Dispensaries shall make transactions with payment methods other than cash when feasible. All cash received, except that needed for retail customer transactions shall be kept in a secure receptacle such as a drop safe or other type of safe.

H. Dispensaries shall notify the Seaside Police Department and the licensing authority within 24 hours after discovering any of the following:

1. Significant discrepancies identified during inventory;
2. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary;
3. The loss or unauthorized alteration of records related to medical or Adult cannabis, registered qualifying patients, primary caregivers, or dispensary employees or agents; or
4. Any other breach of security.

18.03.090 SIGNAGE

A. Sign shall be posted at the entrance to any Dispensary that includes the following language. The required text shall be of sufficient size to be easily read from a distance of five feet.

FOR MEDICAL:

This Dispensary only provides medical cannabis to its members, who must have legally recognized California Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis.

FOR ADULT:

This Dispensary only provides cannabis to adults who qualify under the Adult Use of Marijuana Act and applicable state law. No person under the age of 21 may enter this facility. Providing cannabis products to those under 21 is illegal and shall be prosecuted to the fullest extent of the law.

B. A sign shall be posted in a conspicuous location inside the structure at the location advising:

FOR MEDICAL:

This Dispensary is registered in accordance with the laws of the City of Seaside. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of State law. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.

FOR ADULT:

This Dispensary is registered in accordance with the laws of the City of Seaside. The sale of marijuana and the diversion of marijuana to persons under the age of 21 are violations of State law. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.

C. No Cannabis products or graphics describing cannabis shall be visible from the exterior of the property.

D. Signage for a dispensary shall comply with Seaside Municipal Code_____.

18.03.100 DELIVERY

If the dispensary operations are proposed to include delivery, all employees of a dispensary delivering medical or Adult cannabis or medical or Adult cannabis products shall carry a copy of the documentation listed below when making deliveries. This information shall be provided upon request to law enforcement officers and to employees of state and local agencies enforcing this Chapter.

A. A copy of the dispensary's current permits, licenses, and entitlements authorizing them to provide delivery services;

B. The employee's government-issued identification;

A copy of the delivery request; and

C. Chain of custody records for all goods being delivered.

D. All onsite consumption permits shall be special business permits and shall be issued for a term of one year. No property interest, vested right, or entitlement to receive a future license to operate a medical marijuana business shall ever inure to the benefit of such permit holder as such permits are revocable at any time with or without cause by the City Manager subject to Section_____.

18.03.110 NEIGHBORHOOD COMPATIBILITY.

A. Dispensaries shall be operated to ensure neighborhood compatibility, and shall take all steps necessary to ensure that customers do not create neighborhood disturbances.

B. Dispensaries shall provide the Police Department and all residents and property owners within 100 feet with the current name, phone number, secondary phone number and e-mail address of an on-site community relations staff person to whom notice of any operating problems associated with the establishment may be reported. This information shall be updated as necessary to keep it current. Dispensaries shall encourage neighbors to call this person to try to solve any operating problems.

C. All Dispensaries shall have an on-site manager responsible for overall operation at all times they are open, and shall provide the Police Department with contact information for all such persons, including telephone number and e-mail address. Dispensaries shall also provide the Police Department with the current name and phone numbers of at least one 24-hour-on-call manager. This information shall be updated as necessary to keep it current.

D. Dispensaries shall take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties. Such conditions include, but are not limited to: smoking; creating a noise disturbance; loitering; littering; and graffiti.

E. Dispensary will be of an architectural and visual quality and character which harmonizes with, and enhances, the surrounding area and that the design will avoid unduly large or obtrusive signs, unlandscaped parking areas, unduly bright or garish lighting, or design features which encourage loitering.

F. That adequate litter receptacles will be provided where appropriate:

G. Where the dispensary or delivery only dispensary is in proximity to residential uses, it will be limited in hours of operation, and designed and operated, so as to avoid disruption of residents' sleep.

H. No cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility.

I. Dispensaries shall ensure all graffiti is removed from property and parking lots under their control within 24 hours of its appearance.

J. Dispensaries shall operate only between the hours of 9:00 a.m. and 11:59 p.m.

18.03.120 CONSUMPTION OF MEDICAL CANNABIS, TOBACCO AND ALCOHOL.

A. Smoking of Medical Cannabis is prohibited at Dispensaries.

B. Sale or consumption of tobacco is prohibited at Dispensaries.

C. Sale, service and consumption of alcoholic beverages at Dispensaries is prohibited, and Dispensaries shall prohibit any person in possession of an alcoholic beverage from entering or remaining on the premises.

D. This subdivision does not prohibit the testing of Medical or Adult Cannabis Products by staff of a Dispensary or the use of tinctures or topical Medical Cannabis Products that do not have intoxicating effects.

18.03.130 REGULATORY FEES; SELLER'S PERMIT

In addition to any other required conditions and mitigation measures approved by the Appropriate Authority, all of the following conditions shall apply to all permits for a medical or Adult cannabis dispensary:

- A. The cannabis dispensary shall allow access to dispensary facilities and records if requested by the City, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the City or its officers to verify compliance with all relevant rules, regulations, and conditions.
- B. The applicant, owner, and all permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the City or their designee.
- C. Any person operating a medical or Adult cannabis dispensary shall obtain a valid and fully executed commercial medical or Adult cannabis permit pursuant to _____ of the Seaside Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.
- D. Upon implementation of state regulations pursuant to California Business and Professions Code Section 19320, a valid license from the State shall be required to operate any commercial medical cannabis activity.
- E. The owner shall post or cause to be posted on site the Use Permit and all required County and state permits and licenses required to operate. Such posting shall be in a central location, visible to the patrons, at the operating site, and in all vehicles that deliver or transport marijuana.
- F. The owner shall be responsible for ensuring that all commercial medical cannabis activities at the site operate in good standing with all permits and licenses required by the Seaside Municipal Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial medical cannabis activities at the site who do not maintain permits or licenses in good standing with the City or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section _____ of the Seaside Municipal Code.
- G. Dispensaries shall comply with all physical accessibility requirements pursuant to American Disability Act.

18.04 ONSITE CONSUMPTION PERMIT.

An applicant must obtain a secondary onsite consumption permit in order for cannabis to be consumed on the premises of the dispensary.

A. An onsite consumption permit may be issued at the discretion of the City Manager to existing dispensaries in good standing following six months of operation, after a public hearing conducted according to the requirements of Chapter_____ and based on an evaluative point system that takes into consideration the operating history and business practices of the applicant, and any other factors that are deemed necessary to promote the peace, order and welfare of the public. An application for an onsite consumption permit may be denied for failure to meet requirements of the City Building Code. City Fire Code. City Planning Code, this Chapter, and/or any violation of State or local law relevant to the operation of dispensaries.

B. The City Manager shall establish conditions of approval for each onsite consumption permit, including but not limited to a parking plan, ventilation plan, anti-drugged driving plan, and set hours of operation. Set hours of operation may only be adjusted by submitting a written request to and obtaining approval from the City Manager's Office.

C. The permit shall be subject to suspension or revocation in accordance with Section_____.

D. The application fee and annual fee for the onsite consumption permit shall be specified in the City's Master Fee Schedule.

E. All onsite consumption permits shall be special business permits and shall be issued for a term of one year. No property interest, vested right, or entitlement to receive a future license to operate a medical marijuana business shall ever inure to the benefit of such permit holder as such permits are revocable at any time with or without cause by the City Manager subject to Section_____.

18.05 COMMERCIAL CANNABIS CULTIVATION AND OPERATING STANDARD

It is hereby declared to be unlawful and a public nuisance for any person or persons owning, leasing, occupying, or having charge of possession of any legal parcel or premises within any zoning district in the City of Seaside to cultivate marijuana except as provided for in this chapter.

No cultivation of Medical or Adult Marijuana at the premises or location shall be visible with the naked eye from any public or other private property, nor shall medical marijuana or any product containing medical marijuana be visible from the exterior of any premises.

No Medical or Adult Marijuana shall be dispensed from a cultivation site and shall not be open to the public.

In no case shall a building intended for residential use be used for the cultivation of cannabis.

Cannabis cultivation shall not be located within six hundred (600) feet of a school or public park.

The maximum size of any areas of cultivation shall not exceed any restrictions outlined in State law.

Security measures sufficient to restrict access to only those intended and to deter trespass and theft of medical or Adult cannabis or medical or Adult cannabis products shall be provided and maintained. If on-site security is utilized, Security shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times.

Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.

Water conservation measures, water capture systems, or grey water systems shall be incorporated in medical cannabis cultivation operations in order to minimize use of water where feasible.

A. Use Permit for medical cannabis cultivation shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:

1. The cultivation, as proposed, will comply with all of the requirements of the State and City, and any additional conditions of license for the cultivation of medical or Adult cannabis.
2. The cultivation, as approved and conditioned, will not result in significant unavoidable impacts on the environment.
3. The cultivation includes adequate measures that minimize use of water for cannabis cultivation at the site.
4. The cultivation includes adequate measures to address the projected energy demand for cannabis cultivation at the site.
5. The cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets industry standards.
6. The cultivation includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the State and not distributed out of state.
7. The applicant, owner, and permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to

determine compliance with this Chapter from any enforcement officer of the City of Seaside or their designee.

8. Any person cultivating cannabis shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter ____ of the Seaside Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.

9. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section ____ of the City Code.

18.05.010 COMMERCIAL CANNABIS TESTING, MANUFACTURING, RESEARCH AND DEVELOPMENT, AND OPERATING STANDARD

It is hereby declared to be unlawful and a public nuisance for any person or persons owning, leasing, occupying, or having charge of possession of any legal parcel or premises within any zoning district in the City of Seaside to test, manufacture cannabis products, or to engage in research and development of cannabis except as provided for in this chapter.

No cannabis or cannabis products at the premises or location shall be visible with the naked eye from any public or other private property, nor shall medical marijuana or any product containing medical marijuana be visible from the exterior of any premises.

No Medical or Adult Marijuana shall be dispensed from a testing, manufacturing or research and development site and shall not be open to the public.

Security measures sufficient to restrict access to only those intended and to deter trespass and theft of medical or Adult cannabis or medical or Adult cannabis products shall be provided and maintained. If on-site security is utilized, Security shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times.

Hazardous materials shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.

A Use Permit for testing, manufacturing and research and development of cannabis and cannabis products shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:

1. The cultivation, as proposed, will comply with all of the requirements of the State and City, and any additional conditions of license for the testing, manufacturing, or research and development of cannabis or cannabis products.
2. The use, as approved and conditioned, will not result in significant unavoidable impacts on the environment.
3. The use includes adequate measures that minimize use of water at the site.
4. The cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets industry standards.
5. The use shall include adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the State and not distributed out of state.
6. The applicant, owner, and permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the City of Seaside or their designee.
7. Any person testing, manufacturing or performing research and development operations using cannabis shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter ____ of the Seaside Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.
8. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section ____ of the City Code.

18.06 CANNABIS TRANSPORT AND DISTRIBUTION

Cannabis transportation and distribution facilities shall comply with all of the following requirements.

- A. Cannabis transportation and distribution facilities shall be located only in zoning districts that specifically provide for this use.

B. Cannabis and cannabis products shall only be transported between permitted and licensed commercial cannabis operations.

C. Prior to transporting cannabis or cannabis products, the transporter shall complete an electronic shipping manifest. The shipping manifest shall include the unique identifier information from the cultivation source.

D. A physical copy of the shipping manifest shall be maintained during transportation and shall be made available upon request to law enforcement or any agents of the State or County charged with enforcement of this Chapter.

E. Distribution facilities shall maintain appropriate records of transactions and shipping manifests. An organized and clean method of storing and transporting cannabis and cannabis products shall be provided to maintain a clear chain of custody.

F. Security measures sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. Security measures at distribution facilities shall include, but are not limited to, the following:

1. Prevent individuals from loitering on the premises of the distribution facility if they are not engaging in activity expressly related to the operations of the distribution facility;
2. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss;
3. Install security cameras on site; and
4. Provide for on-site security personnel meeting the requirements and standards contained within Chapter ____ of the Seaside Municipal Code.

G. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by the Seaside Municipal Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial medical cannabis activities at the site who do not maintain permits or licenses in good standing with the County or State shall be grounds for the modification or revocation of a Use Permit pursuant to Section ____ of The City of Seaside Code.

H. The transportation and distribution facilities and activities shall be maintained in accordance with the operating plans approved by the City.

18.07 PUBLIC HEARING

Applications for dispensaries shall be subject to a hearing and must provide Public notice of the hearing in accordance with on the application shall be given as provided in Section _____. The City Manager shall be the investigating official referred to in Section _____ to whom the application shall be referred. In recommending the granting or denying of such permit and in granting or denying the same, the City Administrator shall give particular consideration to the capacity, capitalization, and complaint history of the applicant and any other factors that in the City Manager's discretion he/she deems necessary to the peace, order and welfare of the public.

18.08 RANKING AND ALLOCATION PROCEDURE AND CRITERIA

In the event that multiple applications are submitted for any Cannabis use that is restricted in number, the City Manager shall use the following criteria for recommending to the City Council what applicant shall receive approval to operate.

Businesses seeking a license to operate a dispensary or cultivation operation must submit the following for evaluation:

1. Business Plan: Applicants shall submit a Business Plan to the City that outlines an operational and financial plan. The Business Plan should include the names and resumes of key staff, operations plan, financial plan, sales projections and market study. Applicants are encouraged to provide a specific, written plan for how their operation will benefit the community.
2. Security Plan: All applicants shall submit a Security Plan outlining how the business expects to address security issues at their location.
3. Owner Approval: Applicants shall submit proof of approval of the owner of the real property where the proposed dispensary will be located if approved. Applicants are not required to have a signed lease, but a letter from the property owner indicating that:
 - a. The owner is aware of and approves the use being proposed.
 - b. The owner will lease the property to the cannabis related use upon approval of application.
 - c. The owner understands that licenses for cannabis related uses are for one year and can be revoked at the City's sole discretion.
4. Live Scan: All principle employees of any cannabis related use must obtain a Live Scan from the Seaside Police Department and submit the results with their application.
5. Cannabis Expertise Test: One principle employee of the cannabis related use must take a cannabis expertise test. This test will be administered at the City and will measure the applicant's knowledge of State regulations regarding their use and general knowledge of the cannabis business.

18.08.010 SELECTION CRITERIA:

- A. General Eligibility Review: In the event that an applicant is unable to meet the minimum eligibility criteria, their application shall be denied. Applicants will be evaluated on the following:
 - 1. Live Scan Results: Applicant must not have any criminal convictions that would result in ineligibility as defined in section _____.
 - 2. Application must be complete to be evaluated. Incomplete applications will be denied and must be resubmitted. Application fees must be paid for resubmittal.
 - 3. Proposed location of business and proof of owner's approval of use.
 - 4. Indemnification agreement with the City.
- B. Initial Ranking – The City shall open an application period of not less than 90 days to allow prospective Permittees to submit applications.
 - 1. Applicants will be evaluated on the following criteria:
 - a. Location of business
 - i. Locations north of Gigling Road, within the Broadway Urban Village plan area and / or within 2,500 feet of Highway 1 will receive 10 points. Locations outside these areas will receive 1 point.
 - b. Business Plan
 - i. A business plan that demonstrates prior successful business operations (which need not be cannabis business related) at a similar scale of annual revenue for at least two years and / or capitalization sufficient to insure at least one year of operation will receive five points as a base, with one additional point for every \$250,000 of projected annual revenue. A business plan without such demonstration will receive 1 point. A business plan with demonstration of successful and legal cannabis operations will receive three additional points in the year 2017, and five additional points in any year thereafter.
 - c. Local Enterprise & Community Benefits
 - i. Community benefits may include commitment to employing Seaside residents, commitment to working with Seaside-located businesses (including capital), commitment to sponsoring non-profits and / or other similar specific commitments within the Seaside community. A maximum of eight points will be awarded, with one point for every Seaside resident employee or specified annual commitment

to of the applicant's choice to any non-profit or business within the community.

d. Neighborhood Compatibility

- i. Applicants which demonstrate neighborhood support with a majority of property owners within 250 feet will receive five points. Applicants which do not demonstrate neighborhood support with a majority of property owners within 250 feet will receive zero points.

e. Safety and Security Plan

- i. The Seaside Police Department will review the Safety and Security Plan and classify the Plan as inadequate, adequate or exemplary. Plans classified as inadequate will not be permitted to proceed. Plans classified as adequate will receive ten points. Plans classified as exemplary will receive twenty points.

- f. From the initial ranking, up to twice as many qualified applicants as there are available licenses will be eligible for final testing and ranking, as determined by the aggregate scores of the initial ranking.

C. Final Ranking

1. Cannabis Expertise Test: One principle employee of the cannabis related use must take a cannabis expertise test to demonstrate knowledge of state and local compliance standards.
2. The top applicants equal to the number of licenses available will be eligible to apply for a Conditional Use Permit and license to engage in a commercial cannabis business. Qualified applicants from the initial ranking may amend and combine their applications to optimize their scores.

D. Use Permit:

1. Applicants shall complete phases 1-3 prior to applying for a Conditional Use Permit and license.
2. At the next available Planning Commission meeting, allowing time for Staff review, a public hearing for each top application shall be held.
3. Members of the public, adjacent property owners and other interested parties will be given the opportunity to present concerns or support, and provide additional consideration for potential permit conditions.
4. Planning Commission will make a recommendation to City Council, including any conditions requested for final decision on awarding Use Permits and License.

5. At the next available City Council meeting, Planning Commission and Staff recommendations will be presented to City Council for final decision.
 6. If an available license is not filled for any reason and a business that qualified under phases 1-3 but was not selected to move forward in the process requests consideration for phase 4, consideration shall be granted in order of ranking.
- E. Use Permits for Cannabis Uses are for one year and do not run with land. No vesting of any land use rights are conveyed with any Use Permit for a Cannabis related use. Holders of use permits shall have the opportunity to automatically renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all fees and taxes.
 - F. Cannabis Licenses are for one year and may be revoked at any time for failure to comply with all state and local ordinances, or for failure to comply with Conditions of Approval. Licenses shall have the opportunity to automatically renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all fees and taxes.

18.09 ENFORCEMENT

Violations of this Chapter shall constitute a public nuisance and may be enforced pursuant to the provisions of Chapter _____ of the Municipal Code any other law or ordinances it deems appropriate.

A. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

B. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapters ____ of this Code, and any other action authorized by law.

C. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Seaside or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, disgorgement of any payment to the City of Seaside of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Seaside may also pursue any and all remedies and actions

available and applicable under state and local laws for any violations committed by the commercial medical or Adult cannabis activity or persons related thereto, or associated with, the commercial medical or Adult cannabis activity.

18.10 APPEALS PROCESS

A. If the City Manager or his / her designee determines that grounds for suspension or revocation of the Use Permit exist pursuant to section _____, the City Manager or his / her designee shall issue a written Notice of Intention to revoke or suspend the Use Permit, as the case may be. The Notice of Intention shall be served on the owner, as reported on the latest equalized assessment roll, and shall also be served on permittees on the property, as reported on the commercial medical cannabis permits issued pursuant to Chapter _____. The Notice of Intention shall be served by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested. The Notice of Intention shall describe the property, the intention to revoke or suspend the Use Permit, the grounds for revocation or suspension, the action necessary to abate the violation, the time limit for compliance, and the right to a hearing. The Notice of Intention shall notify the owner and permittees of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the Use Permit should not be suspended or revoked and shall notify them of the 10-day deadline to submit a written request for a hearing.

B. The owner and permittees shall have ten (10) calendar days from the service of the Notice of Intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the suspension or revocation of the Use Permit and a failure to exhaust administrative remedies. If the hearing is not timely requested, the City Manager or his / her designee may suspend or revoke the Use Permit in accordance with the Notice of Intention.

C. Upon receipt of a timely written request for a hearing, the City Manager or his / her designee shall set a date for a hearing to be held within 60 days of receipt of the request, unless an immediate threat to the public health, safety and welfare necessitates an earlier hearing date. Notice of the hearing, including the time, date, and location of the hearing, shall be served on the owner and permittees, such service to be accomplished by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested.

D. Hearing by the Hearing Officer:

1. The Hearing Officer is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the Use Permit.

2. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.
3. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.
4. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the City of Seaside.
5. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the City's total costs of enforcement, including reasonable attorney fees.
6. If neither owner nor any permittee nor their authorized representatives appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

18.11 SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.A.

TO: Planning Commission

BY: Rick Medina, Senior Planner
Kurt Overmeyer, Economic Development Manager
Gloria Stearns, Economic Development Manager
Sharon Mikesell, Administrative Analyst

DATE: July 26, 2017

**SUBJECT: PUBLIC SCOPING WORKSHOP FOR THE 2040 SEASIDE GENERAL
PLAN UPDATE ENVIRONMENTAL IMPACT REPORT**

PURPOSE

The purpose of the scoping session on the 2040 General Plan Environmental Impact Report is to inform the Planning Commission and public about the proposed 2040 Seaside General Plan Update and to solicit comments on the scope of the environmental issues to be considered in the Environmental Impact Report (EIR).

RECOMMENDATION

Receive comments from the Planning Commission, public or any other interested agencies on the scope of environmental issues to be addressed in the EIR.

BACKGROUND

The City of Seaside has initiated an update of the City's General Plan and has launched the associated Environmental Impact Report (EIR). The updated General Plan: the Seaside 2040 Plan, will be a comprehensive update of the existing General Plan. The Seaside 2040 Plan provides a vision for the future of Seaside over the next 20 to 30 years and will function as a guide to the type of community that is desired by the Seaside's residents and business owners. The Plan will identify strategies and physical improvements anticipated over the next 20 to 30 years, including: enhancement of City neighborhoods, revitalization of the Broadway Boulevard area into a "downtown" center, transforming Fremont Avenue with additional mixed use development, expanding jobs and visitor serving uses, planning for a new "campus town" adjacent to CSUMB and for two new job centers in the former Fort Ord, and production of new affordable and market-rate housing.

The City has commenced the environmental review of the Seaside 2040 Plan with the release of

a Notice of Preparation (NOP) of an EIR pursuant to the California Environmental Quality Act (CEQA). The NOP and the associated scoping hearing provide an opportunity for agency professionals, stakeholders, and the public to ensure that the EIR adequately addresses the potential environmental impacts of development under the Seaside 2040 Plan. The EIR will analyze the following environmental issue areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services and Recreation, Transportation/Circulation, Tribal Cultural Resources, and Utilities.

FISCAL IMPACT

There is no impact to the general fund.

ATTACHMENTS

1. Notice of Preparation-General Plan EIR
-

Reviewed for Submission to the
City Council by:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

Craig Malin, City Manager



CITY OF SEASIDE/COMMUNITY & ECONOMIC DEVELOPMENT

440 Harcourt Avenue
Seaside, CA 93955

Telephone (831) 899-6736
FAX (831) 899-6211

NOTICE OF PREPARATION

TO: Agencies, Organizations and Interested Parties

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report in Compliance with Title 14, Section 15082(a) of the California Code of Regulations

Pursuant to Public Resources Code Section 21165 and the Guidelines for the California Environmental Quality Act (CEQA) Section 15050, the City of Seaside is the Lead Agency responsible for preparation of an Environmental Impact Report (EIR) addressing potential impacts associated with the project identified below.

AGENCIES: The purpose of this notice is to serve as a Notice of Preparation (NOP) of an EIR pursuant to the State CEQA Guidelines Section 15082, and solicit comments and suggestions regarding the scope and content of the EIR to be prepared for the proposed project. Specifically, the City of Seaside requests input on environmental information germane to your agency's statutory responsibility in connection with the proposed project. Responsible agencies may rely on the Draft EIR prepared by the City when considering permits or other approvals for this project.

ORGANIZATIONS AND INTERESTED PARTIES: The City of Seaside requests your comments regarding the proposed scope and content of the environmental information to be included in the EIR.

PROJECT TITLE: Seaside General Plan Update (Seaside 2040 Plan)

PROJECT LOCATION: All land within Seaside City limits

PROJECT DESCRIPTION: The Seaside 2040 Plan (the proposed project) is a comprehensive update of the City's General Plan, and provides a vision for the future of Seaside over the next 20 to 30 years.

The General Plan functions as a guide to the type of community that Seaside citizens desire, and provides the means by which that desired future can be achieved. The General Plan addresses a range of immediate, mid-, and long-term issues with which the community is concerned. The General Plan is intended to allow land use and policy determinations to be made within a comprehensive framework that incorporates public health, safety, and "quality of life" considerations in a manner that recognizes resource limitations and the sensitive habitats of the community's natural environment. Under State law, the General Plan must serve as the foundation upon which all land use decisions are to be based, and must also be comprehensive, internally consistent, and have a long-term perspective. State law further mandates that the General Plan:

- Identify land use, circulation, environmental, economic, and social goals and policies for the City and its surrounding planning area as they relate to future growth and development;
- Provide a basis for local government decision-making, including decisions on development approvals and exactions/dedications;
- Provide citizens the opportunity to participate in the planning and decision-making process of their community/neighborhoods
- Inform citizens, developers, decision-makers, and other cities and counties of the ground rules/thresholds that guide development within a particular community

According to State law, General Plans are required to cover seven topics: land use, circulation, housing, conservation, open space, noise and safety. Jurisdictions may include any other topic that is relevant to planning its future. The updated City of Seaside General Plan will include the above topics plus economic development, urban design, public facilities and infrastructure, public health, sustainability, and governance.

The Housing Element is one of the seven mandated elements of the General Plan. The Housing Element is the primary planning guide for local jurisdictions to identify and prioritize the housing needs of the city and determine ways to best meet these needs while balancing community objectives and resources. State law (Government Code §65588) requires Housing Elements to be updated every eight years. Seaside's Housing Element is being updated concurrently with the General Plan, representing the fifth cycle update and covers the planning period of December 15, 2015 through December 15, 2023.

Seaside is a ethnically diverse community wich is seeking to establish a thoughtful, planned growth and well-designed neighborhoods that respect and complement the natural environment. A variety of housing, recreational, and economic development opportunities are available that clearly identify Seaside as a destination on the Monterey Peninsula with access to regional-serving employment, CSUMB and the Fort Ord National Monument. A multimodal transportation system supports land uses and mobility for all residents. The Seaside 2040 Plan's vision focuses on the following guiding principles:

1. **An Inclusive City for All.** Seaside honors diversity, embracing the City's history as a place where everyone can thrive, regardless of race, class, income, age, culture, or sexual orientation. The people of the City value the diversity of our community and that everyone has the opportunity to participate in City government.
2. **One City.** Seaside weaves together existing Seaside neighborhoods with military housing areas and new neighborhoods and employment districts on former Fort Ord lands to create a single, identifiable City on the Peninsula. New

neighborhoods grow incrementally over time, connect to the existing circulation network, and relate physically and architecturally to adjacent neighborhoods.

3. **A Destination.** Seaside is a regional destination for culture, business, economic opportunity, education, and recreation on the Peninsula. The City is home to small, unique businesses, music and cultural events, CSUMB and educational institutions, corporations, and the Fort Ord National Monument. The City encourages housing, services, and amenities that serve Fort Ord National Monument and Dunes State Park visitors and CSUMB students and faculty.
4. **A City where Economic Prosperity Is Shared by All.** Seaside's diverse economy allows prosperity to be shared by all residents. Residents have access to educational and training opportunities to overcome employment barriers. A highly-trained and skilled workforce helps attract new businesses to the City.
5. **An Economically Diverse City.** Seaside leverages its unique Peninsula location, proximity to CSUMB, and the former Fort Ord lands to create new job opportunities and support a range of economic sectors. The City supports small, local businesses and start-up entrepreneurs.
6. **A City that Celebrates and Learns from its History.** Seaside connects residents and visitors to its unique past as a center of the Civil Rights movement on the Monterey Peninsula and the home of the former Fort Ord, the first integrated military base in the country. The City's rich and complex history of civil rights helps define the City's path forward. On an inclusive, vibrant community
7. **A City with a Downtown.** West Broadway is the heart of the City, creating a vibrant, walkable downtown with high-quality streetscape design, community gathering spaces, and buildings that support pedestrian comfort and safety.
8. **A City with Distinct and Complete Neighborhoods.** Seaside's new and existing neighborhoods have distinct characteristics and identities that help to distinguish them and instill a sense of pride and belonging among residents. Neighborhoods have housing, amenities, and parks and recreational uses.
9. **A City with a Range of Housing Options.** Safe and healthy housing options meet the needs for multiple generations and incomes. Seaside provides a diversity of housing types to serve a broad and diverse community of new and existing residents, allowing people and families to transition from one housing type to another as their needs change over time, socially and economically.
10. **A City with Affordable Housing.** Seaside preserves and expands the supply of affordable housing opportunities for current and future residents. Site redevelopment results in no net loss of affordable housing. The impacts of

displacement for residents during redevelopment is minimized.

11. **An Active City.** The City provides high-quality, safe community and recreational facilities, parks, and open spaces to meet recreational and social needs of youth and adults. Seaside residents, workers, and visitors have the opportunity to participate in a broad range of recreational and sports activities.
12. **A Healthy City.** Seaside makes decisions to support the physical and mental health of its residents. The City improves access to healthy food, limits pollution, and increases access to health, mental health, and preventive care services.
13. **A City with a Focus on Active Transportation.** Seaside supports a multi-modal transportation network that enhances neighborhood connectivity and provides opportunities for active transportation and complete streets. New pedestrian and bicycle connections and programs will make it easier, more comfortable, and safer for residents, workers, and visitors to meet their daily needs and access regional destinations, such as the Fort Ord National Monument, Fort Ord Dunes State Park, Seaside beach, CSUMB, and adjacent communities.
14. **A Safe City.** Seaside promotes safe neighborhoods free from violence and crime that have a trusting, collaborative relationship between law enforcement and residents. The City fosters safe neighborhoods through good community and environmental design that promotes a mix of uses and active streets.
15. **A Creative City.** Seaside embraces the creative culture and the artistic pursuits of our community, cultivating the talents and expertise of the Seaside community. The City continues to support cultural events and parades that promote the cultural diversity and ecological sustainable ideals of our community.
16. **A Sustainable, Resilient City.** Seaside supports innovative programs and policies for environmental sustainability and climate change. The City uses cleaner energy, conserves water, and reduces greenhouse gas emissions to increase community awareness and resiliency to climate change.
17. **An Environmentally-Sensitive City.** Seaside stewards natural resources and habitat in the City and former Fort Ord lands. New development uses land efficiently to protect sensitive areas. Native trees are maintained and protected.
18. **A Responsible, Transparent, and Responsive City.** Seaside is a Peninsula leader by actively working towards its vision, monitoring its actions, and adjusting course. Seaside conducts business in an open and transparent way that encourages everyone to participate. The City works with residents and organizations to achieve its vision.

The Seaside 2040 Plan identifies major strategies and physical improvements for the City over the next 20 to 30 years. These strategies include neighborhood enhancement strategies, revitalizing Broadway Boulevard into a “downtown” for the City, transforming Fremont Avenue from an autocentric corridor into a mixed use corridor, expanding jobs and visitor serving uses, revitalizing multi-family neighborhoods with new affordable and market-rate housing, planning for a new “campus town” adjacent to CSUMB to capitalize on the City’s proximity to the University, planning for two new job centers in the former Fort Ord, and envisioning new, environmentally sensitive neighborhoods on the former Fort Ord lands located immediately to the East of the City. To achieve this direction, the City will also need to aggressively pursue new sources of water, ensure the history and identity of the community is preserved, construct significant new parks and recreational facilities and create a multimodal transportation system.

The proposed project would involve adoption of an updated General Plan, including a revised General Plan Land Use Map with revised land use designations. Figure 1 shows the proposed General Plan Land Use Map. For purposes of environmental review and to plan new infrastructure, growth projections were developed for the year 2040. The EIR will analyze approximately an additional 6,000 housing units, 4,500 jobs and 1,100 hotel rooms over the General Plan horizon to the year 2040. These numbers are for analysis purposes and are higher than the existing AMBAG projections for the City. Concurrent with the updated General Plan, the proposed project would include a zoning code amendment to make targeted and specific amendments to land use, zones, standards, and procedures to implement the goals, policies, and implementation programs of the updated General Plan. The proposed amendments would ensure consistency with adopted regulatory documents, including but not limited to the Fort Ord Base Reuse Plan, recently adopted Specific Plans, and the updated General Plan.

PROBABLE ENVIRONMENTAL EFFECTS OF THE PROJECT: All potentially significant environmental impacts will be studied in the EIR. These include the following environmental factors: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services and Recreation, Transportation/Circulation, Tribal Cultural Resources, and Utilities.

SCOPING MEETING/COMMUNITY WORKSHOP: The City of Seaside, in its role as Lead Agency, will hold a public scoping meeting to provide an opportunity for the public and representatives of public agencies to address the scope of the Environmental Impact Report. The Scoping Meeting for the project will be held in conjunction with the Planning Commission meeting, and is scheduled for **Wednesday, July 26, 2017, 7:00 pm** at the following location:

**Seaside City Hall Council Chambers
440 Harcourt Avenue
Seaside, CA 93955**

PUBLIC REVIEW PERIOD: This NOP is available for public review and comment pursuant to California Code of Regulations, Title 14, Section 15082(b). The public review and comment period during which the City of Seaside will receive comments on the NOP for the General Plan Update begins **July 12, 2017 and ends on August 11, 2017.**

THE NOP IS AVAILABLE FOR PUBLIC REVIEW AT THE FOLLOWING LOCATIONS:

- Oldemeyer Center, 986 Hilby Avenue, Seaside, CA
- City of Seaside, Planning Division, 440 Harcourt Avenue, Seaside, CA
- Seaside Branch Library, 550 Harcourt Avenue, Seaside, CA
- Online at: <http://seaside2040.com/>

RESPONSES AND COMMENTS: Please list a contact person for your agency or organization, include U.S. mail and email addresses, and send your comments to:

City of Seaside
Economic Development Department
Attn: Sharon Mikesell
440 Harcourt Avenue
Seaside, CA 93955

Or via email to: SMikesell@ci.seaside.ca.us

Figure 1: Proposed General Plan Land Use Map

