



A G E N D A

CITY OF SEASIDE
ZONING
ADMINISTRATION

SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Monday, December 18, 2017
5:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC COMMENT**

4. **APPROVAL OF MINUTES**

5. **BUSINESS ITEMS**

- A. **MINOR USE PERMIT APPLICATION NO. MUP-17-13: HEYDAR MOVAHEDI, PROPERTY OWNER, AND SAHAND SULTAN-QURRAIE, APPLICANT, IS REQUESTING MINOR USE PERMIT APPROVAL FOR A CANNABIS MANUFACTURING LICENSE TO INCLUDE THE TRANSPORTATION, DISTRIBUTION AND ASSEMBLY OF THE CANNABIS ITEMS BEING MANUFACTURED ON-SITE LOCATED AT 575 BEADWAY AVENUE IN THE MX (MIXED USE) ZONING DISTRICT (APN# 011-555-008). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(a) FROM TJE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.**

PURPOSE: In accordance with Chapter 19 of the Seaside Municipal Code, a license for the manufacturing and transportation/distribution/assembly of cannabis for a commercial cannabis business is subject to the issuance of a Minor Use Permit issued by the Zoning Administrator.

RECOMMENDATION: It is recommended that the Zoning Administrator grant the Minor Use Permit in accordance with the draft Resolution provided as Attachment 1 to the staff report.

- B. **MINOR USE PERMIT APPLICATION NO. MUP-17-12: ANDREW RUNNOE, PROPERTY OWNER, AND MODULAR PROCESSING VENTURES, INC., APPLICANT, ARE REQUESTING MINOR USE PERMIT APPROVAL FOR A CANNABIS MANUFACTURING LICENSE TO INCLUDE THE TRANSPORTATION, DISTRIBUTION AND ASSEMBLY OF CANNABIS ITEMS BEING MANUFACTURED ON-SITE LOCATED AT 307 ROBERTS**

AVENUE IN THE CH (HEAVY COMMERCIAL) ZONING DISTRICT(APN# 011-561-035). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(c) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

PURPOSE: In accordance with Chapter 19 of the Seaside Municipal Code, a license for the manufacturing and transportation/distribution/assembly of cannabis for a commercial cannabis business is subject to the issuance of a Minor Use Permit issued by the Zoning Administrator.

RECOMMENDATION: It is recommended that the Zoning Administrator grant the Minor Use Permit in accordance with the draft Resolution provided as Attachment 1 to the staff report.

C. MINOR USE PERMIT APPLICATION NO. MUP-17-11: MANUEL VILLALOBOS, PROPERTY OWNER, AND DANNY HUYNH, APPLICANT, ARE REQUESTING THE APPROVAL OF A MINOR USE PERMIT APPLICATION TO ALLOW FOR CANNABIS CULTIVATION, THE MANUFACTURING OF CANNABIS ITEMS, AND THE TRANSPORTATION, DISTRIBUTION, AND ASSEMBLY OF CANNABIS ITEMS THAT ARE CULTIVATED AND MANUFACTURED ON-SITE LOCATED AT 1625 SANTA BARBARA STREET (APN #011-543-009) ADJACENT TO THE MX (MIXED USE) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PURPOSE: In accordance with Chapter 19 of the Seaside Municipal Code, a license for the cultivation, manufacture and transportation/distribution/assembly for a commercial cannabis business is subject to the issuance of a Minor Use Permit issued by the Zoning Administrator.

RECOMMENDATION: It is recommended that the Zoning Administrator grant the Minor Use Permit in accordance with the draft Resolution provided as Attachment 1 to the staff report.

6. ADJOURNMENT

Next Regularly Scheduled Meeting:
TBD – Meetings Held as Needed

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:

Special

Zoning Administration Meeting

<http://cyp.telvue.com/player?id=T01629&video=52314&noplaylistskin=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.

Special

Zoning Administration Meeting

December 18, 2017 5:00 PM

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Packet Page 3



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.A.

TO: Zoning Administration

BY: Kurt Overmeyer, Economic Development Manager

DATE: December 18, 2017

SUBJECT: MINOR USE PERMIT APPLICATION NO. MUP-17-13: HEYDAR MOVAHEDI, PROPERTY OWNER, AND SAHAND SULTAN-QURRAIE, APPLICANT, IS REQUESTING MINOR USE PERMIT APPROVAL FOR A CANNABIS MANUFACTURING LICENSE TO INCLUDE THE TRANSPORTATION, DISTRIBUTION AND ASSEMBLY OF THE CANNABIS ITEMS BEING MANUFACTURED ON-SITE LOCATED AT 575 BEADWAY AVENUE IN THE MX (MIXED USE) ZONING DISTRICT (APN# 011-555-008). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(a) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

PURPOSE

In accordance with Chapter 19 of the Seaside Municipal Code, a license for the manufacturing and transportation/distribution/assembly of cannabis for a commercial cannabis business is subject to the issuance of a Minor Use Permit issued by the Zoning Administrator.

RECOMMENDATION

It is recommended that the Zoning Administrator grant the Minor Use Permit in accordance with the draft Resolution provided as Attachment 1 to the staff report.

BACKGROUND

The project site is located at 575 Broadway Avenue and is developed with a 436 square-foot commercial building. See Attachment 2 for location map. See Attachment 3 for street view photo. The adjoining land uses consist of a retail building to the west, an auto repair parking lot to the east, retail buildings to the north, and a heavy commercial building to the south.

The manufacturing will be limited to the back room of the facility (189 square feet), with the front room (closest to Broadway) being used as a lounge/meeting area for vendors and other

business related meetings.

The manufacturing will consist of operating a pre-rolled cannabis product. The team will initially consist of three employees. The hours of operation will vary. The rear area of the site will be used for the transpiration and distribution of the cannabis product.

The site is in compliance with the Zoning Code in that the area of the manufacturing will be at the rear of the site and would not be visible from Broadway Avenue. Furthermore, the area contains a loading berth to ensure neighborhood compatibility associated with the loading and unloading activity and will maintain a secure area for the receipt and delivery of cannabis products that will not interfere with the adjoining retail uses.

FISCAL IMPACT

ATTACHMENTS

- 1.
 1. Attachment 1 - Draft Resolution
 2. Attachment 1 - Exhibit A
 3. Attachment 2 - Location Map
 4. Attachment 3 - Street View
-

RESOLUTION NO. 17-XX

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A MINOR USE PERMIT TO ALLOW A MANUFACTURE CANNABIS FACILITY WITH TRANSPORTATION/DISTRIBUTION/ASSEMBLY LOCATED AT 575 BROADWAY AVENUE IN THE MX (MIXED USE) ZONING DISTRICT.

WHEREAS, Heydar Movahedi, property owner and Sahand Sultan-Qurraie, applicant, have applied for a Minor Use Permit for:

- A. The establishment of a Manufacture Cannabis facility with Transportation/Distribution/Assembly.

WHEREAS, the proposed project requires discretionary approval, and it is the responsibility of the Zoning Administrator to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Zoning Administrator considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at a special public meeting held on December 18, 2017; and

WHEREAS, the project is a Categorically Exempt, Class 1, Section 15301 meeting the following conditions:

- a) The proposed development will consist of converting an existing commercial building into a cannabis manufacture facility which will not require any exterior alteration to the site or change in intensity that could not accommodate the proposed use without creating any significant environmental impact on the community and neighboring properties.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings for Minor Use Permit Application No. MUP-17-13:

- 1) The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: This project is located within the MX Zoning District in which a Cannabis Manufacture facility may be established with minor use permit approval subject to the manufacture facility being located on the back half of the building.

Evidence: The applicant will provide sufficient security measures to both deter and prevent unauthorized entrance into the facility and eliminate any unauthorized loitering inside and outside of the facility.

- 2) The proposed use is consistent with the General Plan and any applicable specific plan.

Seaside General Plan Conformance

Evidence: *The site is designated as by the 2004 Seaside General Plan. Per the General Plan Land Use Element, the site is designated as West Broadway Urban Village Specific Plan. The following Goals and Policies would apply:*

Land Use Element Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work, and play.

Land Use Element Policy LU-1.1: The proposed use would serve to implement and diversify the land uses within the West Broadway Urban Village Specific Plan and improve the City's job housing balance.

Land Use Element Policy LU-1.2: The proposed use will serve to provide additional jobs to improve the City's job housing balance.

Land Use Element Goal LU-1.3: Encourage regional commercial and visitor-serving commercial development that will enhance the identity of Seaside and attract visitors to the community.

Land Use Element Policy LU-1.3: The cannabis manufacture facility will serve to establish a regional commodity within the City of Seaside that will provide a substantial investment within the community that will serve to improve the character of the West Broadway Specific Plan area and attract customers both from the Monterrey Bay area and tourists.

Land Use Element Goal LU-2: Revitalize existing commercial areas

Element Policy –LU-2.1: The proposed project will serve to revitalize an existing commercial area of the community that is targeted as a specific plan area to provide new jobs and services as the downtown core of the community.

- 3) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

Evidence: *The proposed Cannabis Manufacture facility will meet the needs of the community consistent with the West Broadway Urban Village Specific Plan design goals and improve the overall business character with the infusion of new façade treatments and monetary investment in the infrastructure of the site.*

- 4) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Evidence: *The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project. The proposed conversion of a retail commercial building to a Cannabis Manufacture facility with interior changes and exterior façade changes conforms to Land Use Element of the Seaside General Plan.*

- 5) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: *The site is designated as Mixed Use in the West Broadway Urban Village Specific Plan. The proposed Cannabis Manufacture facility will provide for a community facility that is safe and attractive for a Cannabis land use.*

Evidence: *The proposed conversion of a commercial retail building to a Cannabis Manufacture facility would not be detrimental to the public health, safety and general welfare of the people of the City and surrounding neighborhood, because the proposed use is located on an in-fill site and would help maintain a compact city form consistent with the scale and character of the surrounding commercial neighborhood*

BE IT FURTHER RESOLVED, that the Zoning Administrator approves Minor Use Permit Application No. UP-17-13 subject to the following conditions:

Project Specific

Planning:

1. Except as modified by required conditions of approval, the permittee shall have the right to operate a Cannabis Manufacture Facility with transportation/distribution/assembly in accordance with the project material stamped “Received by the City of Seaside December 15, 2017” Project material is provided as Exhibit “A”.

Standard:

1. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 17.69.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or negligently by the applicant or property owner, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.
2. This Use Permit is subject to procedures and requirements of Chapter 17.54 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Municipal.
3. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney’s fees, which the

City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

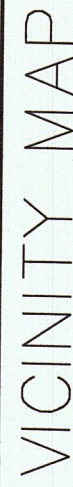
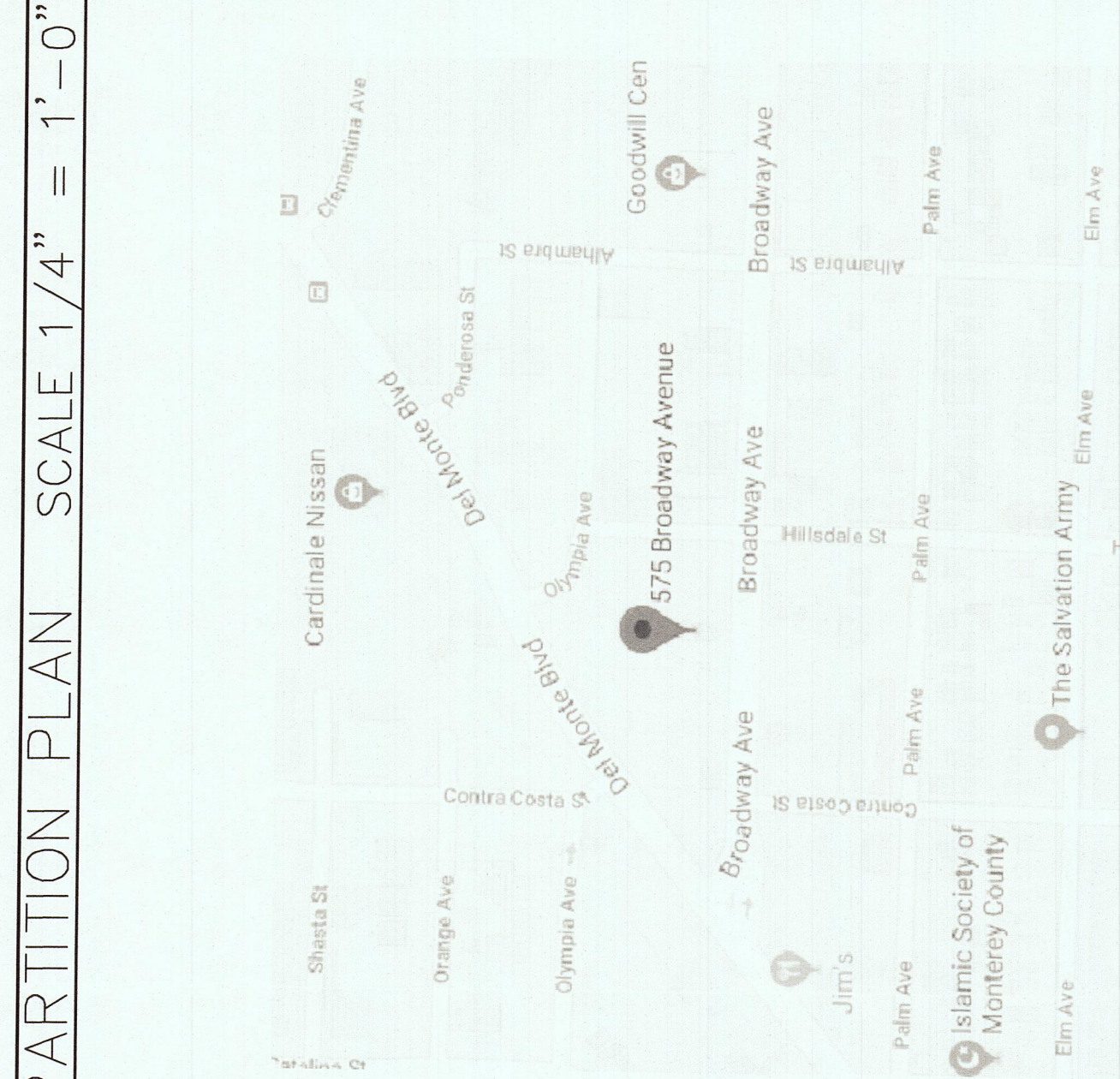
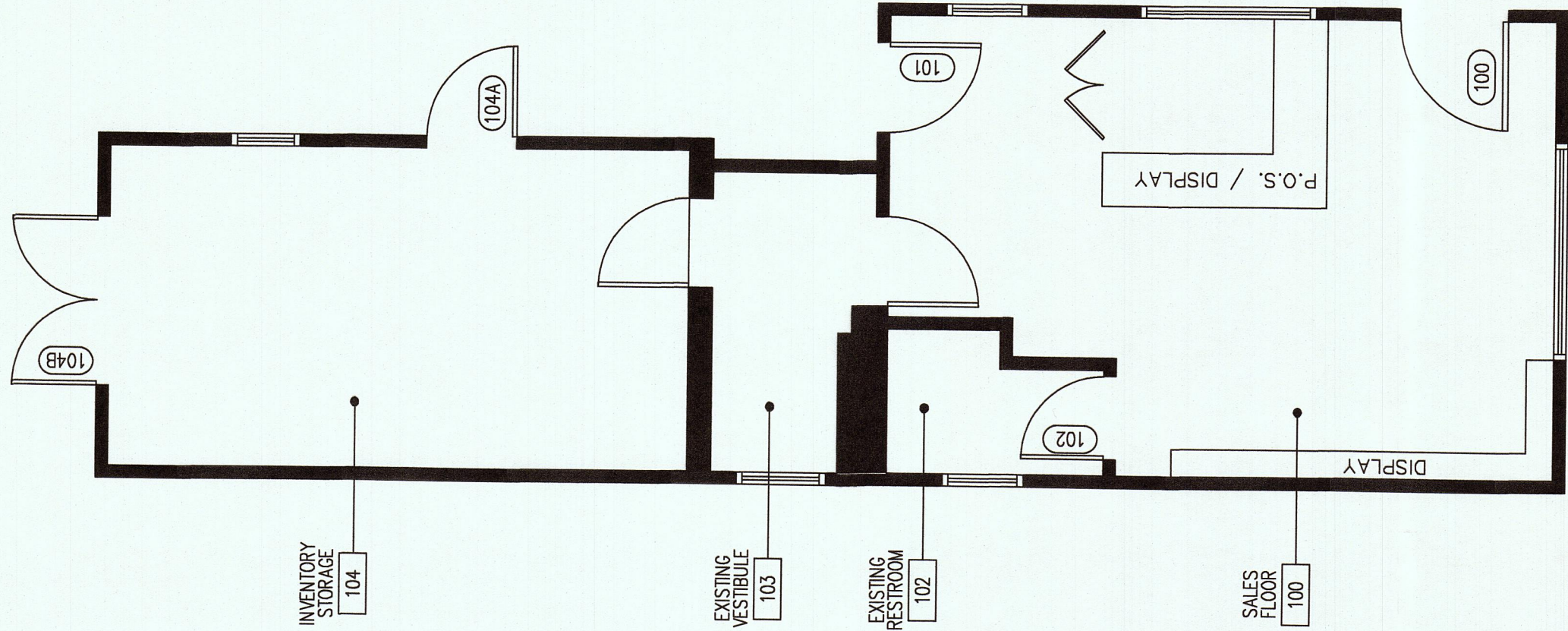
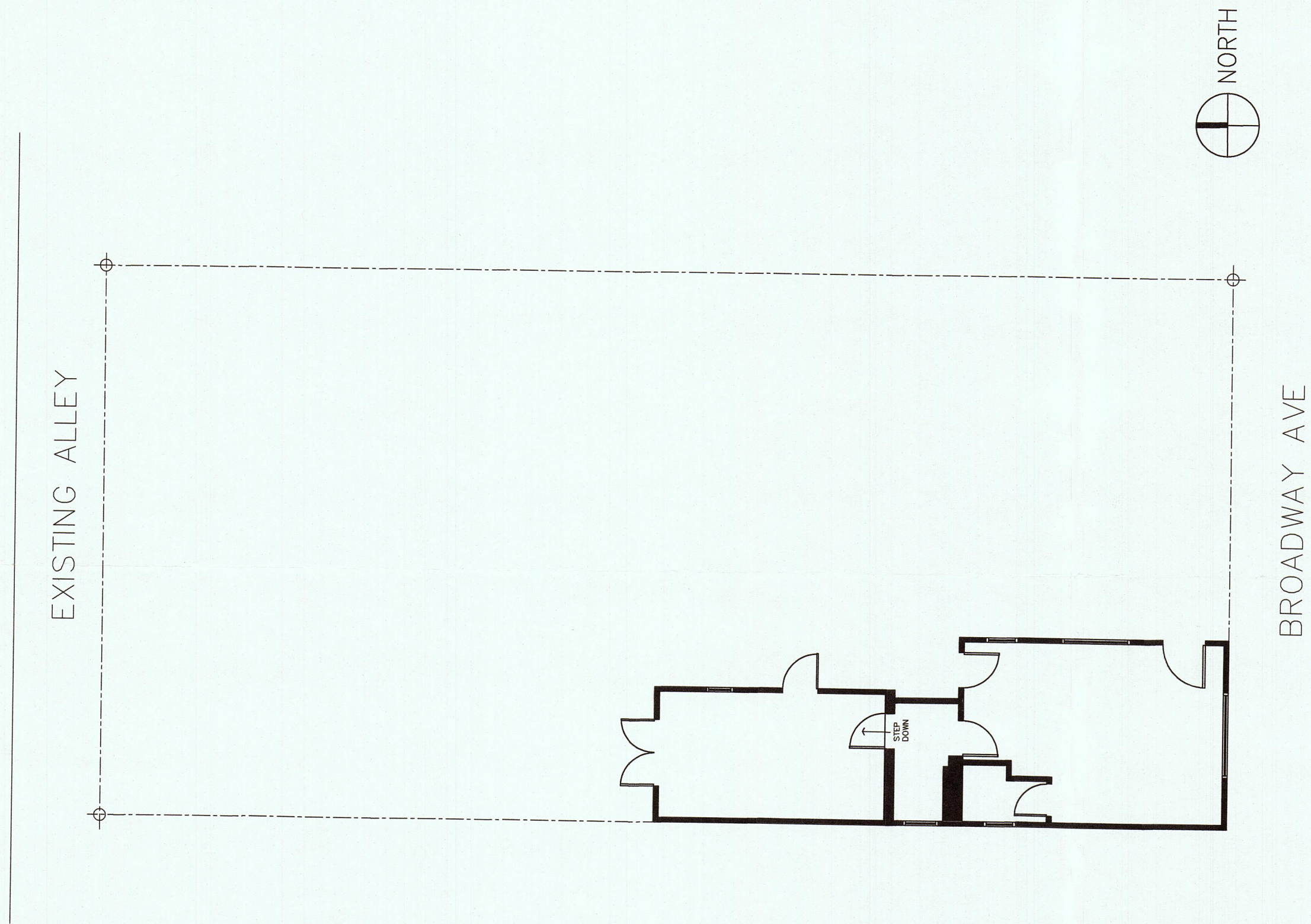
4. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
5. The applicant shall comply with the security measures outlined in Chapter 19 of the Seaside Municipal Code prior to receiving a Certificate of Occupancy.
6. The exterior façade will be improved per plans submitted to and approved by the Zoning Administrator.
7. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
8. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
9. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
10. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.54.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.
11. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a special meeting of the Zoning Administrator of the City of Seaside, State of California, on the 18th of December, 2017.

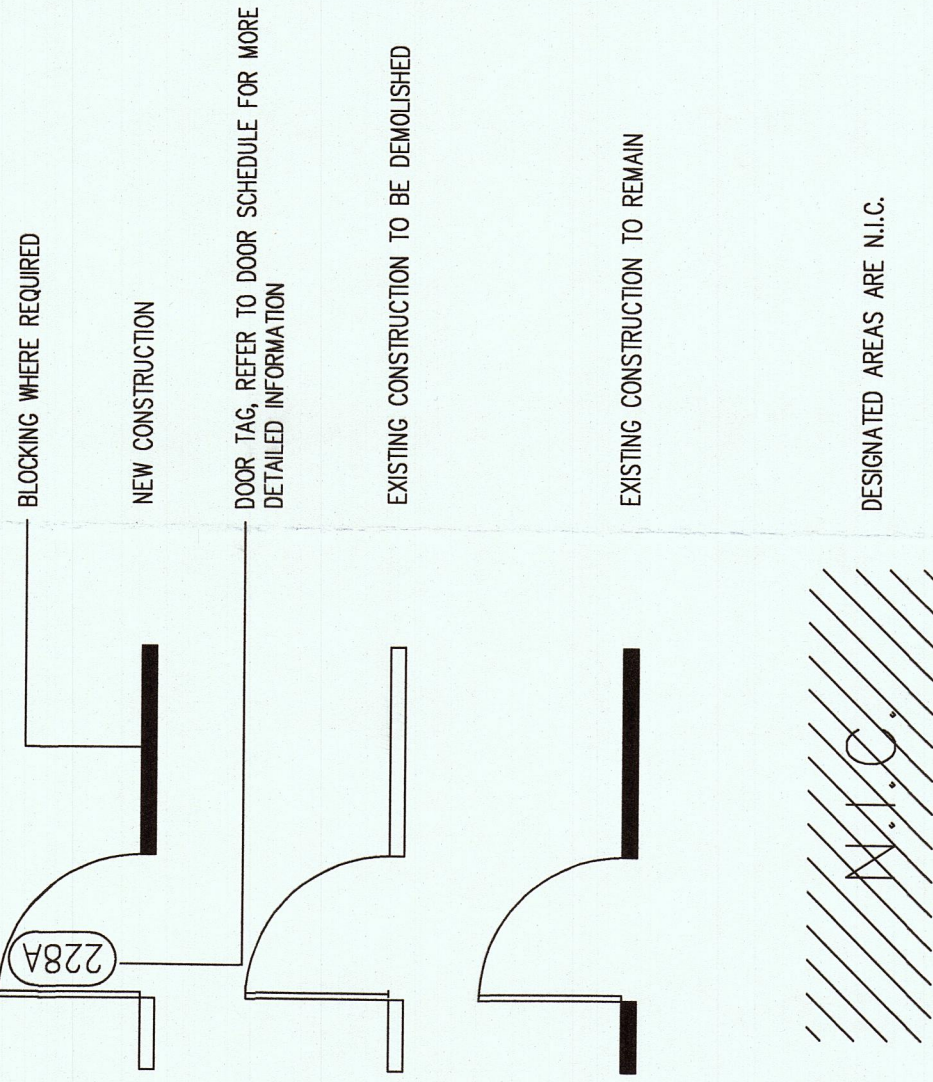
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Rick Medina, Zoning Administrator

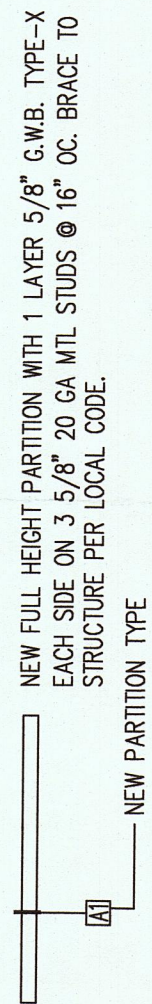
ATTEST:



PARTITION ANNOTATIONS



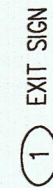
PARTITION LEGEND



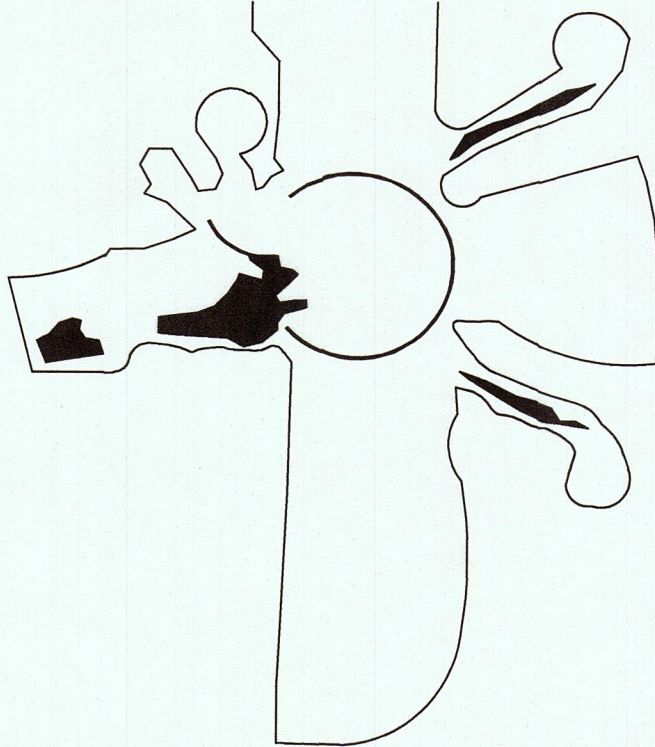
GENERAL NOTES

1. PARTITIONS ARE TYPE "A1" U.O.N.
2. PARTITION DIMENSIONS TO FINISH FACE U.O.N.
3. WHERE LOW FURRED PARTITIONS EXCEED MAXIMUM HEIGHT OF EXISTING WALL BEING FURRED, BRACE TO ADJACENT STRUCTURE, PER CODE.
4. PROVIDE BLOCKING AS REQUIRED AT LOCATIONS INCLUDING BUT NOT LIMITED TO: CLOSET, GRAB BARS, SHELVING, OVERHEAD CABINETS, STORAGE, TOILET ROOMS, ACCESSORIES, ETC.
5. FOR NON-FURRED PARTITIONS, SEE DETAIL SHEET A-1.0 FOR EXTENT OF FRAMING AND FINISHES
6. REFERS TO DETAIL 1/4-6.0 FOR FRAMING REQUIREMENTS AROUND DOOR OPENINGS.
7. ALL INTERIOR WALL FINISHES AND CEILING FINISHES SHALL BE CLASS "C" OR BETTER.
8. ALL OWNER FURNISHED PARTITIONS TO BE BRACED TO RESIST OVER-TURNING AS REQUIRED BY CODE.
9. ALL EXISTING LIGHT FIXTURES SHALL REMAIN AND RELOCATED AS NECESSARY. NO ADDITIONAL NEW LIGHT FIXTURES AS PART OF SCOPE OF WORK.

SHEET NOTES



CYRUS DES-GINS



1221 225TH PL SE
SAMMAMISH, WA 98075
206 679 0961 P

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ALL DRAWINGS AND WRITTEN MATERIAL HEREBY CONSTITUTE THE DESIGN, AND UNPUBLISHED WORKS OF THE INTERIOR DESIGNER, AND "SAVE MAY NOT BE REPRODUCED, COPIED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE INTERIOR DESIGNER."

EXCLUDES ALL STRUCTURAL MODIFICATIONS TO THE BUILDING SHELL AND ENVELOPE, DESIGN BUILD MEP AND OWNER FURNISHED AND INSTALLED FURNITURE, FIXTURES & EQUIPMENT.

ISSUE FOR PERMIT		12.05.2017
Issue	Description	Date



575 BROADWAY AVE
SEASIDE, CA 93955

RECEIVED BY
CITY OF SEASIDE

DEC 07 2017

COMMUNITY DEVELOPMENT

Drawn: XX Check: XX Owner Approval:

Scale: $1/4" = 1' - 0"$

SITE / DEMO / PARTITION PLAN

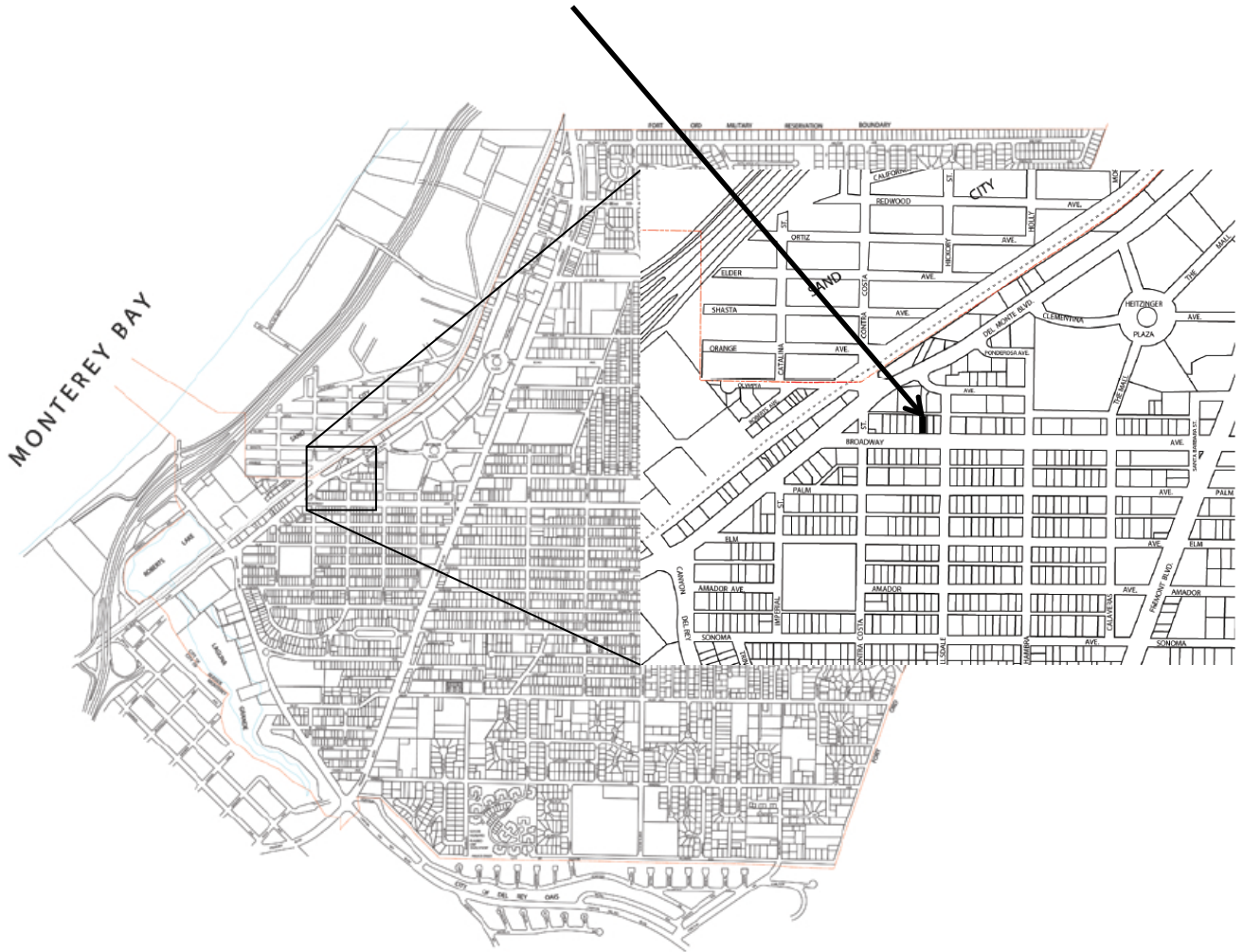
Title:

Sheet: A-10

Attachment 2

Location Map

Project Site: 575 Broadway Avenue



Attachment 3

Street View of front façade at 575 Broadway Avenue





**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.B.

TO: Zoning Administration

BY: Kurt Overmeyer, Economic Development Manager

DATE: December 18, 2017

SUBJECT: MINOR USE PERMIT APPLICATION NO. MUP-17-12: ANDREW RUNNOE, PROPERTY OWNER, AND MODULAR PROCESSING VENTURES, INC., APPLICANT, ARE REQUESTING MINOR USE PERMIT APPROVAL FOR A CANNABIS MANUFACTURING LICENSE TO INCLUDE THE TRANSPORTATION, DISTRIBUTION AND ASSEMBLY OF CANNABIS ITEMS BEING MANUFACTURED ON-SITE LOCATED AT 307 ROBERTS AVENUE IN THE CH (HEAVY COMMERCIAL) ZONING DISTRICT (APN# 011-561-035). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(c) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

PURPOSE

In accordance with Chapter 19 of the Seaside Municipal Code, a license for the manufacturing and transportation/distribution/assembly of cannabis for a commercial cannabis business is subject to the issuance of a Minor Use Permit issued by the Zoning Administrator.

RECOMMENDATION

It is recommended that the Zoning Administrator grant the Minor Use Permit in accordance with the draft Resolution provided as Attachment 1 to the staff report.

BACKGROUND

The project is located at 307 Roberts Avenue, where the applicant intends to build to suit a structure for the purpose of manufacturing cannabis concentrates. Because there currently is no viable structure on this site, the applicant will be using containerized manufacturing equipment in order to start processing as soon as possible. The containers are manufactured off site, and will be certified by the appropriate state authorities and all manufacturing equipment installed on site will be United Laboratories (UL) Certified.

The business at this site will take raw cannabis and cannabis concentrates and process them into

a heavy metal and pesticide free concentrate using a proprietary system. This will allow for precise amounts of active ingredients to be "mixed" for use in medical cannabis as well as in adult use cannabis products. This process will use a solvent to extract active ingredients from raw plants. The solvent could be benzene, propane, natural gas or ethanol. The processing system is a closed loop system that will remove and reuse all solvents from the final product.

The applicant prior to occupancy will be required to submit a security plan that must meet the minimums set out in the State of California Emergency Regulations plus any additional measures that may be required by the Seaside Chief of Police. The applicant will also be required to comply with any applicable State regulations as well as the standard conditions for Cannabis based business. They will also be required to enter into indemnification agreements with the City.

FISCAL IMPACT

ATTACHMENTS

- 1.
 1. Attachment 1 - Draft Resolution
 2. Attachment 1 - Exhibit A
 3. Attachment 2 - Location Map
-

RESOLUTION NO. 17-XX

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A MINOR USE PERMIT TO ALLOW A MANUFACTURE CANNABIS FACILITY WITH TRANSPORTATION/DISTRIBUTION/ASEMBLY LOCATED AT 307 ROBERETS STREET IN THE CH (HEAVY COMMERCIAL) ZONING DISTRICT.

WHEREAS, Andrew Runnoe, property owner and Modular Ventures Inc., applicant, have applied for a Minor Use Permit for:

- A. The establishment of a Manufacture Cannabis facility with Transportation/Distribution/Assembly.

WHEREAS, the proposed project requires discretionary approval, and it is the responsibility of the Zoning Administrator to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Zoning Administrator considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at a special public meeting held on December 18, 2017; and

WHEREAS, the project is a Categorically Exempt, Class 3, Section 15303 meeting the following conditions:

- a) The proposed development will consist of converting an existing commercial building into a cannabis manufacture facility. The change in the site configuration will not alter or change in intensity so that the new use would create any significant environmental impact on the community and neighboring properties.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings for Minor Use Permit Application No. MUP-17-12:

- 1) The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: This project is located within the CH Zoning District in which a Cannabis Manufacture facility may be established with minor use permit approval subject to the manufacture facility being screened from public view.

Evidence: The applicant will provide sufficient security measures to both deter and prevent unauthorized entrance into the facility and eliminate any unauthorized loitering inside and outside of the facility.

- 2) The proposed use is consistent with the General Plan and any applicable specific plan.

Seaside General Plan Conformance

Evidence: *The site is designated as by the 2004 Seaside General Plan. Per the General Plan Land Use Element, the site is designated as Regional Commercial. The following Goals and Policies would apply:*

Land Use Element Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work, and play.

Land Use Element Policy LU-1.1: The proposed use would serve to implement and diversify the land uses within the adjacent West Broadway Urban Village Specific Plan and improve the City's job housing balance.

Land Use Element Policy LU-1.2: The proposed use will serve to provide additional jobs to improve the City's job housing balance.

Land Use Element Goal LU-1.3: Encourage regional commercial and visitor-serving commercial development that will enhance the identity of Seaside and attract visitors to the community.

Land Use Element Policy LU-1.3: The cannabis manufacture facility will serve to establish a regional commodity within the City of Seaside that will provide a substantial investment within the community that will serve to improve the character of the adjoining West Broadway Specific Plan area and attract customers both from the Monterrey Bay area and tourists.

Land Use Element Goal LU-2: Revitalize existing commercial areas

Element Policy –LU-2.1: The proposed project will serve to revitalize an existing commercial area of the community that is targeted as a specific plan area to provide new jobs and services as the downtown core of the community.

- 3) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

Evidence: *The proposed Cannabis Manufacture facility will meet the needs of the community and improve the overall business character with the infusion of new façade treatments and monetary investment in the infrastructure of the site.*

- 4) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Evidence: *The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project. The proposed conversion of a retail commercial building to a Cannabis Manufacture facility with interior changes and exterior façade changes conforms to Land Use Element of the Seaside General Plan.*

- 5) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: *The proposed Cannabis Manufacture facility will provide for a community facility that is safe and attractive for a Cannabis land use.*

Evidence: *The proposed Cannabis Manufacture facility would not be detrimental to the public health, safety and general welfare of the people of the City and surrounding neighborhood, because the proposed use is located on an in-fill site and would help maintain a compact city form consistent with the scale and character of the surrounding commercial neighborhood*

BE IT FURTHER RESOLVED, that the Zoning Administrator approves Minor Use Permit Application No. UP-17-12 subject to the following conditions:

Project Specific

Planning:

1. Except as modified by required conditions of approval, the permittee shall have the right to operate a Cannabis Manufacture Facility with transportation/distribution/assembly in accordance with the project material stamped "Received by the City of Seaside December 15, 2017" Project material is provided as Exhibit "A".

Standard:

1. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 17.69.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or negligently by the applicant or property owner, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.
2. This Use Permit is subject to procedures and requirements of Chapter 17.54 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Municipal.
3. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not

relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

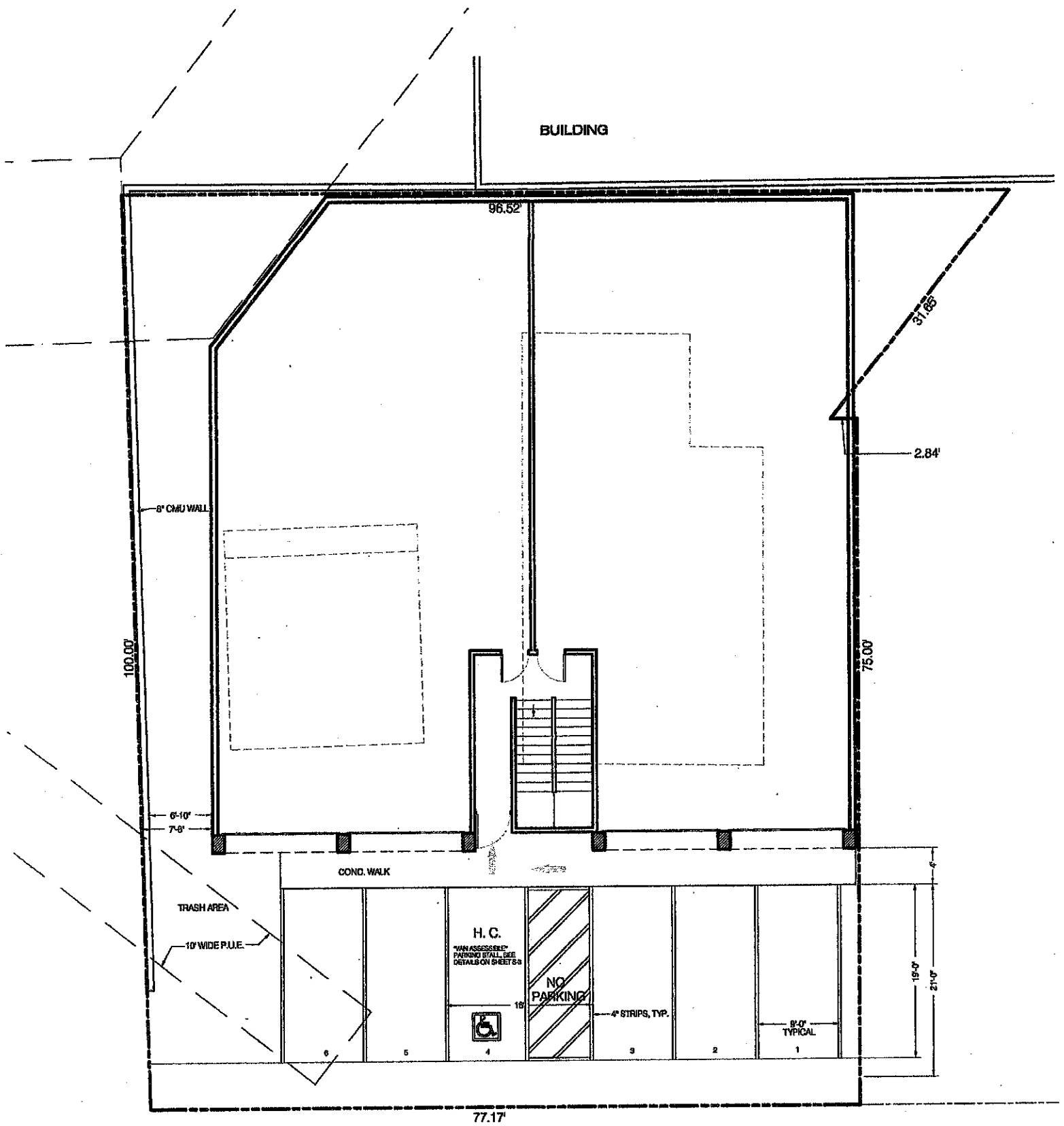
4. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
5. The applicant shall comply with the security measures outlined in Chapter 19 of the Seaside Municipal Code prior to receiving to a Certificate of Occupancy.
6. The exterior façade will be improved per plans submitted to and approved by the Zoning Administrator.
7. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
8. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
9. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
10. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.54.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.
11. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a special meeting of the Zoning Administrator of the City of Seaside, State of California, on the 18th of December, 2017.

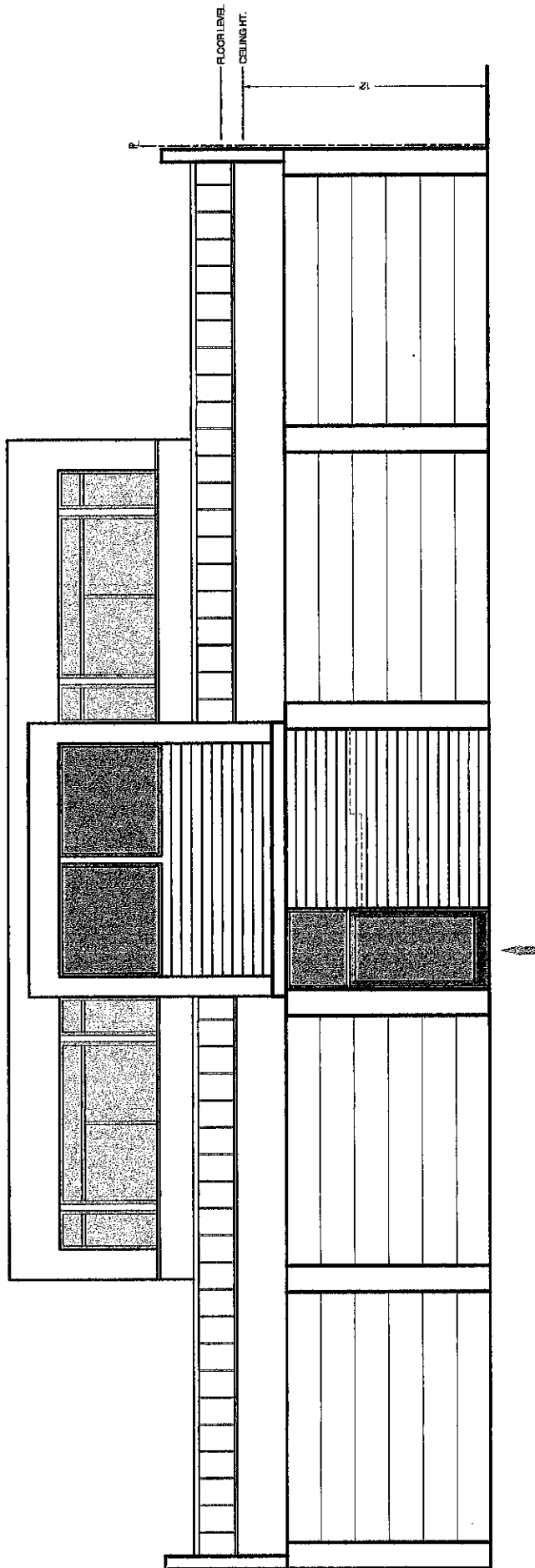
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Rick Medina, Zoning Administrator

ATTEST:



ROBERTS AVENUE



Attachment 2

Location Map

Project Site: 307 Roberts Avenue





**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.C.

TO: Zoning Administration

BY: Kurt Overmeyer, Economic Development Manager

DATE: December 18, 2017

SUBJECT: **MINOR USE PERMIT APPLICATION NO. MUP-17-11: MANUEL VILLALOBOS, PROPERTY OWNER, AND DANNY HUYNH, APPLICANT, ARE REQUESTING THE APPROVAL OF A MINOR USE PERMIT APPLICATION TO ALLOW FOR CANNABIS CULTIVATION, THE MANUFACTURING OF CANNABIS ITEMS, AND THE TRANSPORTATION, DISTRIBUTION, AND ASSEMBLY OF CANNABIS ITEMS THAT ARE CULTIVATED AND MANUFACTURED ON-SITE LOCATED AT 1625 SANTA BARBARA STREET (APN #011-543-009) ADJACENT TO THE MX (MIXED USE) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE

In accordance with Chapter 19 of the Seaside Municipal Code, a license for the cultivation, manufacture and transportation/distribution/assembly for a commercial cannabis business is subject to the issuance of a Minor Use Permit issued by the Zoning Administrator.

RECOMMENDATION

It is recommended that the Zoning Administrator grant the Minor Use Permit in accordance with the draft Resolution provided as Attachment 1 to the staff report.

BACKGROUND

The project site is developed with a 6,826 square-foot building. Location map is provided as Attachment 2. Street view of the site is provided as Attachment 3. Adjacent land uses consist of the Seaside Auto Center to the north and west, Fremont Boulevard to the east, and retail buildings to the south.

The site would be utilized combine the manufacturing and transportation/delivery/assembly

area within 2,826 square feet on the north side and operate the cultivation within 4,000 square feet on the south side. The cultivation and manufacturing would not be visible from the public rights-of-way on Santa Barbara Street and Fremont Boulevard. The existing storefront windows facing Santa Barbara Street will be retained for compatibility with the adjoining retail uses. The existing chain link fence surrounding the rear parking area will be replaced with an architectural rod iron fence for improved aesthetics and security. Prior to the issuance of a building permit for the tenant improvements, the applicant would be required to receive approval for the Chief of Police on the security plan. Additionally, the applicant would be required to enter into a cannabis operating permit for compliance with City business license fees and exterior improvements that would be made to the and maintained during the operation of the business.

FISCAL IMPACT

ATTACHMENTS

- 1.
 1. Attachment 1 - Draft Resolution
 2. Attachment 2 - Location Map
 3. Attachment 3 - Street View of Front Facade
-

RESOLUTION NO. 17-XX

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A MINOR USE PERMIT TO ALLOW A CULTIVATION AND MANUFACTURE CANNABIS FACILITY WITH TRANSPORTATION/DISTRIBUTION/ASEMBLY LOCATED AT 1625 SANTA BARBARA STREET IN THE CA (AUTOMOTIVE RETAIL) ZONING DISTRICT.

WHEREAS, Manuel Villalobos, property owner and Danny Nughyn, applicant, have applied for a Minor Use Permit for:

- A. The establishment of a Cultivation and Manufacture Cannabis facility with Transportation/Distribution/Assembly.

WHEREAS, the proposed project requires discretionary approval, and it is the responsibility of the Zoning Administrator to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Zoning Administrator considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at a special public meeting held on December 18, 2017; and

WHEREAS, the project is a Categorically Exempt, Class 1, Section 15301 meeting the following conditions:

- a) The proposed development will consist of converting an existing commercial building into a cannabis cultivation and manufacture facility which will not require any exterior alteration to the site or change in intensity that could not accommodate the proposed use without creating any significant environmental impact on the community and neighboring properties.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings for Minor Use Permit Application No. MUP-17-11:

- 1) The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: This project is located within a building that abuts the MX Zoning District in which a Cannabis Manufacture facility may be established with minor use permit approval subject to the manufacture facility being located on a building that abuts the Olympia Avenue alley and is located within a building whereby the cultivation and manufacture operations are not visible to the public.

Evidence: The applicant will provide sufficient security measures to both deter and prevent unauthorized entrance into the facility and eliminate any unauthorized loitering inside and outside of the facility.

- 2) The proposed use is consistent with the General Plan and any applicable specific plan.

Seaside General Plan Conformance

Evidence: *The site is designated as by the 2004 Seaside General Plan as Regional Commercial. The following Goals and Policies would apply:*

Land Use Element Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work, and play.

Land Use Element Policy LU-1.1: The proposed use would serve to implement and diversify the land uses within the West Broadway Urban Village Specific Plan and improve the City's job housing balance.

Land Use Element Policy LU-1.2: The proposed use will serve to provide additional jobs to improve the City's job housing balance.

Land Use Element Goal LU-1.3: Encourage regional commercial and visitor-serving commercial development that will enhance the identity of Seaside and attract visitors to the community.

Land Use Element Policy LU-1.3: The cannabis manufacture facility will serve to establish a regional commodity within the City of Seaside that will provide a substantial investment within the community that will serve to improve the character of the West Broadway Specific Plan area and attract customers both from the Monterrey Bay area and tourists.

Land Use Element Goal LU-2: Revitalize existing commercial areas

Element Policy –LU-2.1: The proposed project will serve to revitalize an existing commercial area of the community that is targeted as a specific plan area to provide new jobs and services as the downtown core of the community.

- 3) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

Evidence: *The proposed Cannabis Cultivation and Manufacture facility will meet the needs of the community consistent with the West Broadway Urban Village Specific Plan design goals and improve the overall business character with the infusion of new façade treatments and monetary investment in the infrastructure of the site.*

- 4) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Evidence: *The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project. The proposed conversion of a retail commercial building to a Cannabis Cultivation and Manufacture facility with interior changes and exterior façade changes conforms to Land Use Element of the Seaside General Plan.*

- 5) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: *The site is designated as Mixed Use in the West Broadway Urban Village Specific Plan. The proposed Cannabis Manufacture facility will provide for a community facility that is safe and attractive for a Cannabis land use.*

Evidence: *The proposed conversion of a commercial retail building to a Cannabis Cultivation and Manufacture facility would not be detrimental to the public health, safety and general welfare of the people of the City and surrounding neighborhood, because the proposed use is located on an in-fill site and would help maintain a compact city form consistent with the scale and character of the surrounding commercial neighborhood*

BE IT FURTHER RESOLVED, that the Zoning Administrator approves Minor Use Permit Application No. UP-17-11 subject to the following conditions:

Project Specific

Planning:

1. Except as modified by required conditions of approval, the permittee shall have the right to operate a Cannabis Manufacture Facility with transportation/distribution/assembly in accordance with the project material stamped “Received by the City of Seaside December 15, 2017”.

Standard:

1. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 17.69.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or negligently by the applicant or property owner, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.
2. This Use Permit is subject to procedures and requirements of Chapter 17.54 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Municipal.
3. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the

City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

4. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
5. The applicant shall comply with the security measures outlined in Chapter 19 of the Seaside Municipal Code prior to receiving a Certificate of Occupancy.
6. The exterior façade will be improved per plans submitted to and approved by the Zoning Administrator.
7. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
8. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
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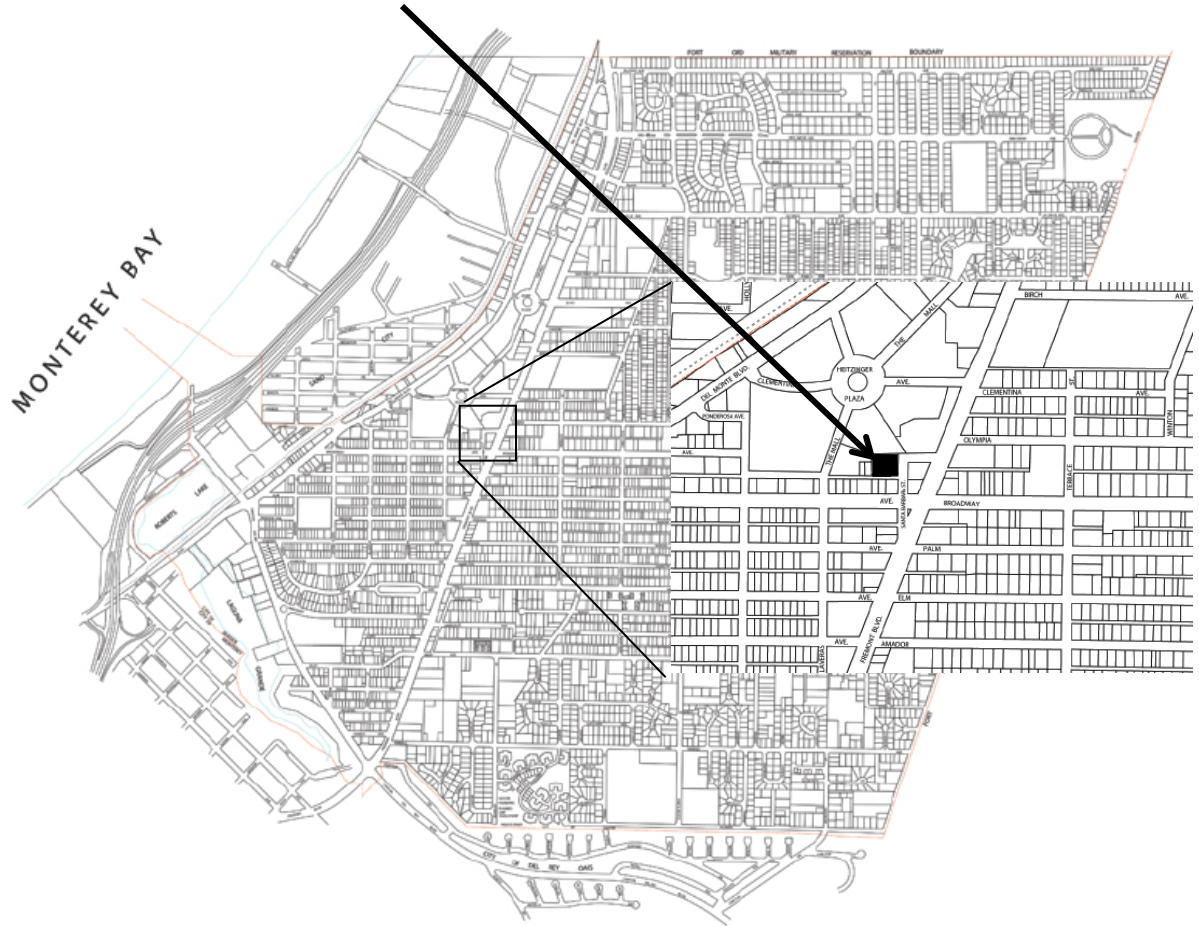
Rick Medina, Zoning Administrator

ATTEST:

Attachment 2

Location Map

Project Site: 1625 Santa Barbara Street



Attachment 3

Streert View of Front Facade

