



AGENDA

CITY OF SEASIDE
ZONING
ADMINISTRATION

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Monday, May 21, 2018
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-18-08: Charlene Vucina and Janice Vucina, Property Owners, and Edwin Pauneto, applicant are requesting the approval of a minor use permit application to allow for a business specializing in the Commercial Cannabis Manufacturing and Distribution within a commercial building located at 1230 Playa Avenue in the Community Commercial (CC) Zoning District. The project is Categorically Exempt Class 1, Section 15301(a), from the California Environmental Quality Act.**

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

6. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
Regular
Not Currently Scheduled

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<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.: 5.A.

TO: Zoning Administration

BY: Rick Medina, Senior Planner

DATE: May 21, 2018

SUBJECT: **MINOR USE PERMIT APPLICATION NO. MUP-18-08: Charlene Vucina and Janice Vucina, Property Owners, and Edwin Pauneto, applicant are requesting the approval of a minor use permit application to allow for a business specializing in the Commercial Cannabis Manufacturing and Distribution within a commercial building located at 1230 Playa Avenue in the Community Commercial (CC) Zoning District. The project is Categorically Exempt Class 1, Section 15301(a), from the California Environmental Quality Act.**

PURPOSE & RECOMMENDATION

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

BACKGROUND

The project site is located at 1230 Playa Avenue and is developed with an existing one-story commercial building. See Attachment 2 for location map. See Attachment 3 for street view photos.

The adjoining land uses consist of a California American Well site and multi-family residential dwellings to the north, an MPUSD school site to the east, multi-family residential dwellings and an assisted senior living facility to the south, and commercial retail businesses to the west.

PROJECT DESCRIPTION

The proposed project is for the non-volatile manufacturing and distribution of adult use medical and recreational cannabis products. All products brought to the facility will be lab tested to ensure that the product is free of contaminants, pesticides, and molds. No product will be manufactured or distributed until lab safety screening is passed. Any product that does not pass the testing stage will be sent back to the grower or will be stored and disposed of in a locked dump container inside the facility.

The proposed number of employees is approximately 5-8 upon start-up. Operating hours will be from 8 am to 5 pm, Monday-Friday. A total of five vehicles will be stored on-site for the secure transport of cannabis product.

The products to be manufactured and distributed are from the cannabis plant. The cannabis product to be manufactured and distributed through this facility will be as follows:

- Flowers are processed, trimmed buds
 - Concentrates are extracts from active components of cannabis.
 - Topicals are cannabis products applied directly to skin i.e. creams, spray, balms and ointments.
 - Edibles are cannabis preparations that are ingested orally.
 - =Cuttings are small rooted cannabis cuttings with no visible flowers for clients legally able to cultivate.
 - Seeds are for clients who can legally self cultivate.
- Accessories to include vaporizers, pipes, rolling paper, and other cannabis accessories.
CBD Rich (Low THC) product.

The site is in compliance with the Zoning Code in that the area of the manufacturing will be located within the building and would include screening behind the front windows so that the manufacturing operations inside will not be visible from Playa Avenue or surrounding public right-of-ways or private properties.. Furthermore, to ensure neighborhood compatibility with the residential community to the east and south and commercial properties to the west, a charcoal air filtration system will be installed to eliminate potential impacts associated with odors. Deliveries will occur during normal business hours (8 AM - 5 PM). Most deliveries will occur through the front door with small deliveries taking place at the rear through side driveway. Cannabis materials will be contained in opaque containers. The manufacturing process associated with Cannabis products and concentrates will not involve any type of significant audible noise generation. A security plan for the premise plus security standards to be enforced during delivery and receipt of product must be reviewed and approved by the Chief of Police.

ATTACHMENTS

1. Attachment 1 - Resolution
 2. Attachment 1 - Exhibit A
 3. Attachment 2 - Location Map
 4. Attachment 3 - Site Photos
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RESOLUTION NO. 18-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 1230 PLAYA AVENUE IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

WHEREAS, Charlene and Janice Vucina, property owners, and Edwin Pauneto, 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 May 21, 2018; 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 of the site 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-18-08:

- 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 CC 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 Community Commercial by the 2004 Seaside General 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 Community Commercial land use category 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 northern Fremont Boulevard commercial area by improving the façade and site of a vacant building.*
- Land Use Element Goal LU-2: Revitalize existing commercial areas*
- Element Policy –LU-2.1: The proposed project will serve to revitalize an existing vacant commercial area 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 economic and jobs/housing needs of the community consistent with the Seaside General Plan and improve the overall business character with the infusion of 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 an office 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 conversion of a commercial office 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-18-08 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 April 5, 2018”. Project floor plan 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 of the Seaside Police Chief 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 21st of May, 2018.

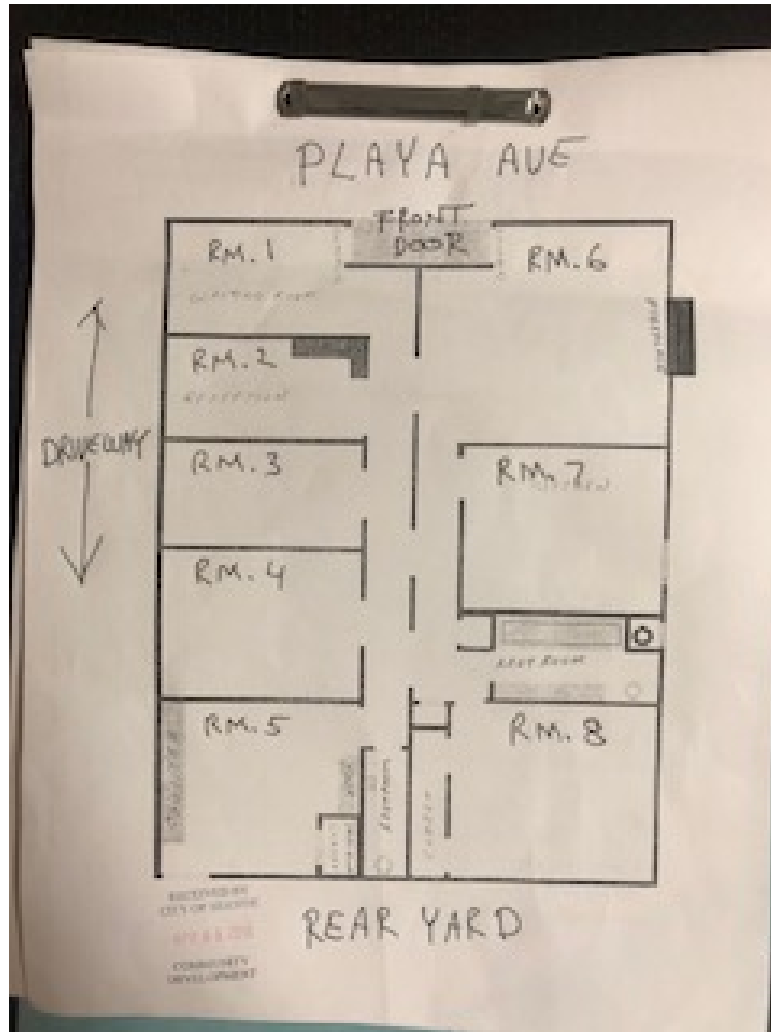
Rick Medina, Zoning Administrator

ATTEST:

Planning Division Secretary

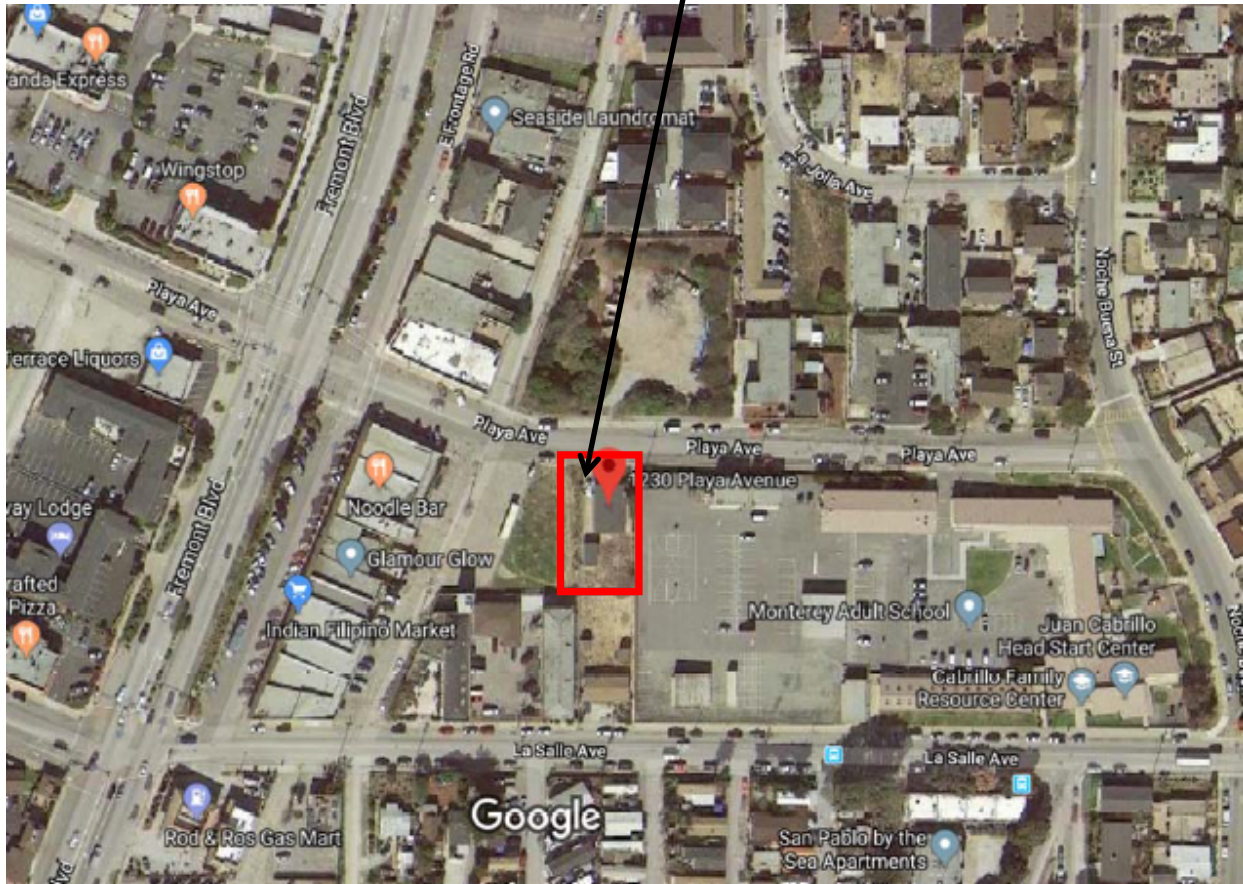
Attachment 1 – Exhibit A

Floor Plan



Attachment 2

Site Location: 1230 Playa Avenue



Attachment 3



View of site from Playa Avenue



View of west side from Playa Avenue



View of west side from alley to the west