



AMENDED

AGENDA

Wednesday, June 10, 2020

6:00 P.M. Open Session

**ADJOURNED REGULAR MEETING
CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION, SUCCESSOR AGENCY OF THE FORMER
MARINA REDEVELOPMENT AGENCY AND MARINA GROUNDWATER
SUSTAINABILITY AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

In response to Governor Newsom's Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic, public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. This meeting is being broadcast "live" on Access Media Productions (AMP) Community Television Cable 25 and on the City of Marina Channel and on the internet at <https://accessmediaproductions.org/>

PARTICIPATION

You may participate in the City Council meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City's home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the "Raise Your Hand" feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only. If you are unable to participate in real-time, you may email to marina@cityofmarina.org with the subject line "Public Comment Item#__" (insert the item number relevant to your comment) or "Public Comment – Non Agenda Item." Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Council will have the option to modify their action on items based on comments received.

AGENDA MATERIALS

Agenda materials, staff reports and background information related to regular agenda items are available on the City of Marina's website www.cityofmarina.org. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Marina website www.cityofmarina.org subject to City staff's ability to post the documents before the meeting

VISION STATEMENT

Marina will grow and mature from a small-town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 - May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina's natural setting while developing the City in a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 - May 2, 2006)**

1. CALL TO ORDER



2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)

Lisa Berkley, Adam Urrutia, Frank O'Connell, Mayor Pro-Tem/Vice Chair, Gail Morton, Mayor/Chair Bruce C. Delgado

3. ~~CLOSED SESSION: As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers Milias-Brown Act representative.~~

~~a. Conference with Legal Counsel, two cases of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9: City of Marina and Marina Groundwater Sustainability Agency v. County of Monterey, Monterey County Board of Supervisors, County of Monterey Groundwaters Sustainability Agency, California Department of Water Resources (DWR), and Director Karla Nemeth in her official capacity; Monterey County Superior Court Case No. 19CV005270; (2) City of Marina v. RMC Lonestar, RMC Pacific Materials, LLC, California American Water Company; Marina Coast Water District and Monterey County Water Resources Agency real parties in interest; Monterey County Superior Court Case No. 20CV001387.~~

~~b. b. Conference with Legal Counsel, anticipated litigation — significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code Section 54956..9: three potential cases.~~

~~c. Real Property Negotiations~~

~~i. Property: Imjin Parkway/Landfill Site, APNs 031-101-039, 031-101-040, 031-101-041 and 031-101-042~~

~~Negotiating Party: County of Monterey and Successor to the Redevelopment Agency of the County of Monterey~~

~~Property Negotiator: City Manager~~

~~Terms: Price and Terms~~

~~6:00 PM RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION~~

~~4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)~~

~~5. SPECIAL PRESENTATIONS:~~

~~a Samuel (Sam) Minorini Retirement Proclamation~~

~~b Recreation Announcements~~

~~6. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council.~~

~~7. CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.~~

~~8. CONSENT AGENDA: Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.~~

~~a. ACCOUNTS PAYABLE:~~

- ~~(1) Accounts Payable Check Numbers 95090-95171, totaling \$1,523,763.49
Accounts Payable Successor Agency Check Number 47-48, totaling \$11,937.50
Wire Transfers from Checking & Payroll for April 2020 totaling: \$578,596.11~~

~~b. MINUTES:~~

- ~~(1) May 19, 2020, Regular City Council Meeting~~

~~c. CLAIMS AGAINST THE CITY: None~~

~~d. AWARD OF BID: None~~

~~e. CALL FOR BIDS: None~~

~~f. ADOPTION OF RESOLUTIONS:~~

- ~~(1) City Council consider adopting Resolution No. 2020, approving estimated cost for service for calendar year 2020, Fourth of July activities and; setting cost recovery surcharge at six and three quarters (6.75%) percent for calendar year 2020 pursuant to Marina Municipal Code Section 15.32.580.~~
- ~~(2) City Council consider adopting Resolution No. 2020, authorizing the Mayor to sign a letter of support on behalf of the City Council supporting SB1 State Route 156 Grant Submission by Transportation Agency for Monterey County (TAMC).~~

~~(3) City Council consider adopting Resolution No. 2020, waiving the competitive bid process for fencing installation at the Arts Village Building; and finding that the bidding process performed by the Transportation Agency for Monterey County (TAMC) justifies waiving competitive bidding requirements; and accordingly, adopt finding that further competitive bidding would be unavailing, would not produce an advantage, and would not be in the public interest in view of the process followed by TAMC; and accordingly designating A1 Fence, Inc. of San Jose, CA as the City's fencing contractor for the Arts Village Fencing Project.~~

~~(4) City Council consider adopting Resolution No. 2020, authorizing application for, and receipt of, Local Government Planning Support Grant Program Funds to support the Environmental Impact Report for the Downtown Vitalization Specific Plan with any remaining funds to be used toward General Plan Phase One updates or the adoption of an ordinance regulating accessory dwelling units.~~

~~g. APPROVAL OF AGREEMENTS: None~~

~~h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None~~

~~i. MAPS: None~~

~~j. REPORTS: (RECEIVE AND FILE):~~

~~k. FUNDING & BUDGET MATTERS: None~~

~~l. APPROVE ORDINANCES (WAIVE SECOND READING):~~

~~(1) City Council to waive read by title only and waive reading in full and to consider second reading and approval of Ordinance 2020 amending Section 10.60.010 "Speed Limits Established" of Chapter 10.60 "Speed Limits" of Title 10 "Vehicles and Traffic" to adopt *prima facie* speed limits pursuant to an engineering and traffic survey and the California Vehicle Code (CVC).~~

~~m. APPROVE APPOINTMENTS: None~~

~~9. PUBLIC HEARINGS:~~

~~a. City Council open public hearing, take any testimony from the public and consider adopting Resolution No. 2020, confirming diagram, assessment and ordering levy of \$180.78 for FY 2020-21 assessment for Cypress Cove II Landscape Maintenance Assessment District, and; authorizing City Clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2020.~~

~~b. City Council open public hearing, take any testimony from the public and consider adopting Resolution No. 2020, confirming diagram, assessment and ordering levy of \$182.42 for FY 2020-21 assessment for Seabreeze Landscape Maintenance Assessment District, and; authorizing city clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2020.~~

~~c. City council open public hearing, take any testimony from the public and consider adopting Resolution No. 2020, confirming diagram, assessment and ordering levy of \$77.14 for FY 2020-21 Assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District, and; authorizing city clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2020.~~

- d. City Council of the City of Marina Open a Public Hearing, Take Public Testimony, and Consider Planning Commission Recommendation Applications for Conditional Use Permits to Operate Combined Adult-Use and Medical Commercial Cannabis Dispensaries at 3016, 3100, 3112-3114, and 3170 Del Monte Blvd. and 234-242 Reservation Road (Exempt from CEQA per Section 15301).

10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*
11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. ~~City Council consider adopting Resolution No. 2020-, confirming the City Manager/Director of Emergency Services' issuance of a Second Supplement to the Proclamation of a Local Emergency temporarily suspending until July 31, 2020, the authority of any landlord to commence evictions on any residential (including mobile homes and mobile home lots) or commercial property within the City due to the tenant's nonpayment of rent or a foreclosure arising out of a documented substantial decrease in household or business income caused by the COVID-19 pandemic or the governmental response thereto. Move to Consent Agenda on June 2, 2020~~

- b. COVID-19 Update and Direction from Council
 - i. Adopting Resolution No. 2020-, revising the loan program for residents and businesses of the city in response to the Covid-19 pandemic, vesting discretion in the City Manager, City Finance Director and City Attorney to make required changes to the program guidelines necessary to implement and administer the program, authorizing the City Manager to execute any agreements and promissory notes necessary to implement the program, and authorizing the Finance Director to make necessary accounting and budgetary entries.
 - ii. City Council consider adopting Resolution No. 2020-, authorizing an abatement of Business License penalties until October 2020 and offering to waive past penalties for unregistered businesses which register and pay their past due taxes by October 31, 2020.
 - iii. County & State Guidelines
 - iv. Outdoor Dining Standards
 - v. Other Impacts

12. COUNCIL & STAFF INFORMATIONAL REPORTS:
 - a. Monterey County Mayor's Association [Mayor Bruce Delgado]
 - b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.
 - c. Proclamation of Local Emergency Update

13. ADJOURNMENT:

CERTIFICATION

I, Anita Sharp, Deputy City Clerk, of the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at City Hall and Council Chambers Bulletin Board at 211 Hillcrest Avenue, Monterey County Library Marina Branch at 190 Seaside Circle, City Bulletin Board at the corner of Reservation Road and Del Monte Boulevard on or before 3:30 p.m., Thursday, June 4, 2020.

ANITA SHARP, DEPUTY CITY CLERK

City Council, Airport Commission and Redevelopment Agency meetings are recorded on tape and available for public review and listening at the Office of the City Clerk and kept for a period of 90 days after the formal approval of MINUTES.

City Council meetings may be viewed live on the meeting night and at 12:30 p.m. and 3:00 p.m. on Cable Channel 25 on the Sunday following the Regular City Council meeting date. In addition, Council meetings can be viewed at 6:30 p.m. every Monday, Tuesday and Wednesday. For more information about viewing the Council Meetings on Channel 25, you may contact Access Monterey Peninsula directly at 831-333-1267.

Agenda items and staff reports are public record and are available for public review on the City's website (www.cityofmarina.org), at the Monterey County Marina Library Branch at 190 Seaside Circle and at the Office of the City Clerk at 211 Hillcrest Avenue, Marina between the hours of 10:00 a.m. 5:00 p.m., on the Monday preceding the meeting.

Supplemental materials received after the close of the final agenda and through noon on the day of the scheduled meeting will be available for public review at the City Clerk's Office during regular office hours and in a 'Supplemental Binder' at the meeting.

Members of the public may receive the City Council, Airport Commission and Successor Agency of the Former Redevelopment Agency Agenda at a cost of \$55 per year or by providing a self-addressed, stamped envelope to the City Clerk. The Agenda is also available at no cost via email by notifying the City Clerk at marina@cityofmarina.org

*ALL MEETINGS ARE OPEN TO THE PUBLIC. THE CITY OF MARINA DOES NOT DISCRIMINATE AGAINST PERSONS WITH DISABILITIES. Council Chambers are wheelchair accessible. meetings are broadcast on cable channel 25 and recordings of meetings can be provided upon request. to request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call (831) 884-1278 or e-mail: marina@cityofmarina.org. requests must be made at least **48 hours** in advance of the meeting.*

Upcoming 2020 Meetings of the City Council, Airport
Commission, Marina Abrams B Non-Profit Corporation, Preston
Park Sustainable Community Nonprofit Corporation, Successor
Agency of the Former Redevelopment Agency and Marina
Groundwater Sustainability Agency
Regular Meetings: 5:00 p.m. Closed Session;
6:30 p.m. Regular Open Sessions

Tuesday, June 16, 2020

Tuesday, July 7, 2020

Tuesday, July 21, 2020

**** Wednesday, August 5, 2020**

Tuesday, August 18, 2020

Tuesday, September 1, 2020

Tuesday, September 15, 2020

Tuesday, October 6, 2020

Tuesday, October 20, 2020

***** Wednesday, November 4, 2020**

Tuesday, November 17, 2020

Tuesday, December 1, 2020

Tuesday, December 15, 2020

* Regular Meeting rescheduled due to Monday Holiday

**Regular Meeting rescheduled due to National Night Out Event (Cancelled)

*** Regular Meeting rescheduled due to General Election Day

NOTE: Regular Meeting dates may be rescheduled by City Council only.

C I T Y H A L L 2 0 2 0 H O L I D A Y S

(City Hall Closed)

Independence Day (City Offices Closed) -----Friday, July 3, 2020

Labor Day -----Monday, September 7, 2020

Veterans Day -----Wednesday, November 11, 2020

Thanksgiving Day -----Thursday, November 26, 2020

Thanksgiving Break -----Friday, November 27, 2020

Winter Break -----Thursday, December 24, 2020-Thursday, December 31, 2020

2020 COMMISSION DATES

Upcoming 2020 Meetings of Design Review Board 3rd Wednesday of every month. Meetings are held at the Council Chambers at 6:30 P.M. ** = Change in location due to conflict with Council meeting

June 17, 2020

July 15, 2020

August 19, 2020

September 16, 2020

October 21, 2020

November 18, 2020

December 16, 2020

Upcoming 2020 Meetings of Economic Development Commission 3rd Thursday of every month. Meetings are held at the Council Chambers at 4:00 P.M.

June 18, 2020 (Cancelled)

July 16, 2020(Cancelled)

August 20, 2020 (Cancelled)

September 17, 2020 (Cancelled)

October 15, 2020 (Cancelled)

November 19, 2020 (Cancelled)

December 17, 2020 (Cancelled)

Upcoming 2020 Meetings of Planning Commission
2nd and 4th Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

June 11, 2020	August 13, 2020	October 8, 2020
June 25, 2020	August 27, 2020	October 22, 2020
July 9, 2020	September 10, 2020	November 12, 2020
July 23, 2020	September 24, 2020	
		December 10, 2020

Upcoming 2020 Meetings of Public Works Commission
3rd Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

June 18, 2020	August 20, 2020	October 15, 2020
July 16, 2020	September 17, 2020	November 19, 2020
		December 17, 2020 (Cancelled)

Upcoming 2020 Meetings of Recreation & Cultural Services Commission
1st Wednesday of every quarter month. Meetings are held at the Council Chambers at 6:30 P.M.

June 3, 2020	September 2, 2020	December 2, 2020
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Upcoming 2020 Meetings of Marina Tree Committee
2nd Wednesday of every quarter month as needed. Meetings are held at the Council Chambers at 6:30 P.M.

April 8, 2020	July 8, 2020	October 14, 2020
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Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

CITY COUNCIL OPEN A PUBLIC HEARING, TAKE PUBLIC TESTIMONY, AND CONSIDER ADOPTING RESOLUTIONS APPROVING PLANNING COMMISSION RECOMMENDATION OF APPLICATIONS FOR CANNABIS CONDITIONAL USE PERMITS TO OPERATE COMBINED ADULT-USE AND MEDICAL COMMERCIAL CANNABIS DISPENSARIES AT 3016, 3100, 3112-3114, AND 3170 DEL MONTE BLVD. AND 234-242 RESERVATION ROAD

REQUEST:

It is requested that City Council consider:

1. Planning Commission Recommendation of Applications for Cannabis Conditional Use Permits to Operate Combined Adult-Use and Medical Commercial Cannabis Dispensaries at 3016, 3100, 3112-3114, and 3170 Del Monte Blvd. and 234-242 Reservation Road.

BACKGROUND:

On November 6, 2018, the citizens of the City of Marina passed an Ordinance allowing Cannabis Business Activity and Establishing Taxes and Fees for Such Businesses within the City of Marina, Amending Title and Chapter Establishing Cannabis Business Activities as a Use Allowed Subject to a Use Permit in Specified Zones and Establishing Uses to Protect Public Health, Safety and Welfare.

The voter initiative established Chapter 19 of the City of Marina Municipal Code (MMC), titled the City of Marina Commercial Cannabis Activities ordinance, and amended MMC Chapter 5 Business Taxes, Licenses and Registrations and Chapter 17 Zoning. Per the voter initiative, these municipal code additions and amendments took effect on April 1, 2019. As approved by the voters, the ordinance provides the regulatory framework for the Commercial Cannabis Activities program.

The ordinance allows for issuance of no more than three permits for the operation of medical cannabis dispensaries in the City at any one time, and no more than three permits for the operation of adult-use cannabis dispensaries in the City at any one time. Therefore, a maximum of six total dispensaries is allowed, or a maximum of three total dispensaries if each is permitted to operate collocated medical/adult-use dispensaries. Each application considered in this report is for a collocated medical/adult-use dispensary; therefore, a maximum of three businesses may receive permits.

Due to the limited number of dispensary permits that the City may award, a competitive review process was necessary. The first step in the process for applicants seeking a Cannabis Conditional use Permit was to apply for a Cannabis Business Permit. The City contracted with HdL Companies, a consulting firm specializing in cannabis regulations, to develop the application review process and then review and score the Cannabis Business Applications. The Cannabis Business Permit application process included:

- Applications were accepted between April 8, 2019 and June 7, 2019. A total of 12 applications were received at this stage in the process.
- HdL provided preliminary review and issued letters of incompleteness.
- Background checks and live scans were conducted
- HdL issued initial scores to the City and applicants. Applications were reviewed and scored MMC 19.08.10 in the categories of Business Plan, Local Enterprise and Community Benefits, Neighborhood Compatibility, and Safety and Security Plans.
- Per the Selection Criteria guidelines in MMC Section 19.08, applicants were then permitted to combine applications in order to optimize their scores.
- Following this “amend and combine” process, HdL submitted final scores to the City. Eight applicants resulted from the Amend and Combine phase of the review process.
- Based on the scoring by HdL and the requirements of the MMC, all eight applicants remaining were determined to be eligible to apply for Cannabis Conditional Use Permits.
- The top five scoring applications chose to enter the Cannabis Conditional Use Permit process. The scores of these applicants are summarized in Table 1 below. Detailed scoring per category is included in Attachment “A” Commercial Cannabis Business Application Scores.

This report summarizes the remaining five dispensary applications for the Planning Commission. Staff recommends that the Planning Commission forward all five applications to the City Council, where a final selection of three approved Cannabis Conditional Use Permits may occur.

The table below summarizes the five applications that are under consideration for Cannabis Conditional Use permits. The applications are discussed in detail in following sections. Draft resolutions with associated exhibits are included following this report for each Cannabis Conditional Use Permit application.

Table 1.

Business Name	HdL Final Scores	Applicant	Proposed Business Address
Element 7 Marina	100%	Robert DiVito	234-242 Reservation Rd.
Higher Level of Care Marina	100%	Salvatore Palma	3016 Del Monte Blvd.
Pacific Roots	100%	Aaron Herzberg	3100 Del Monte Blvd.
JC Marina Ventures LLC / Marina Trading Co.	100%	Blake Brown	3112-3114 Del Monte Blvd.
SGI Marina, LLC	94.74%	Brian Mitchell	3170 Del Monte Blvd.

General Information Regarding Permitting of Commercial Cannabis Dispensaries

The following information is applicable to each of the five subject dispensary applications, which are presented individually in subsequent sections. This information is not repeated in the individual project summaries, except where project-specific details are pertinent.

Permitting and Licensing

This report provides information to assist the City Council in determining which cannabis dispensary applications will be awarded with a Cannabis Conditional Use Permit. In addition to typical conditions of approval that may be required in order to ensure compliance with local regulations, each business would be required to enter into an operating agreement specific to cannabis dispensaries, to ensure safety, neighborhood compatibility, and compliance with industry-specific local and state regulations. Each business would be required to obtain and maintain a state license to operate a cannabis dispensary. State licenses for cannabis dispensaries are issued by the Bureau of Cannabis Control, which enforces strict regulations on the cannabis industry regarding matters such as security and product tracking. Each business would also be required to obtain a City-issued business license.

The information and recommendations in this report pertain only to dispensary applications. Applicants that are seeking additional commercial cannabis permits, such as manufacturing or cultivation permits, will be required to separately obtain those permits. Note that the MMC limits the number of dispensary permits available but does not limit the number of permits for other commercial cannabis business types.

Site Security

Site security requirements for dispensaries are outlined in Section 19.02.070 of the MMC and include the following: lighting of all parking lot areas; security guard service; 24-hour security camera operation; alarm system monitored by a security company; secured points of entry; and secure product storage. Applicants submitted security plans describing how their business would comply with MMC security requirements. Businesses would be required to share surveillance footage with the Marina police department, notify the police department of any security breaches, and comply with any other requirements requested by the police department.

Environmental and Neighborhood Compatibility Concerns: Odor, Noise, Water Use, Energy Use, and Hazardous Materials

Environmental concerns and nuisance concerns are less pertinent to dispensaries in comparison to other commercial cannabis uses, such as cultivation and manufacturing. A cannabis dispensary does not have particular needs related to water use, energy use, or hazardous materials that differ substantially from other retail business types. Odor concerns are minimal at a dispensary because products are typically moved to and from the premises in a packaged form; however, businesses would be required to maintain an odor prevention system, and per Section 19.02.100 of the MMC, no cannabis or cannabis odors shall be detectable by sight or smell outside of the facilities. Section 19.02.080 of the MMC requires that in addition to standard requirements for signage, dispensaries would be prohibited from posting exterior signage that includes graphics describing cannabis. Noise-related nuisances are not anticipated, as the businesses would operate indoors and would be staffed by a security guard during business hours.

Zoning and Sensitive Use Buffering

Section 19.01 of the MMC establishes “permit zones” for commercial cannabis uses; per the definition provided therein, cannabis dispensaries are permissible in the following zones: Airport District, Business Park, Business Park Small Lot Combining District, Transitional Zoning District, Retail Business District (C-1), General Commercial District (C-2), and Planned Commercial District (PC). The general plan does not address siting of commercial cannabis businesses.

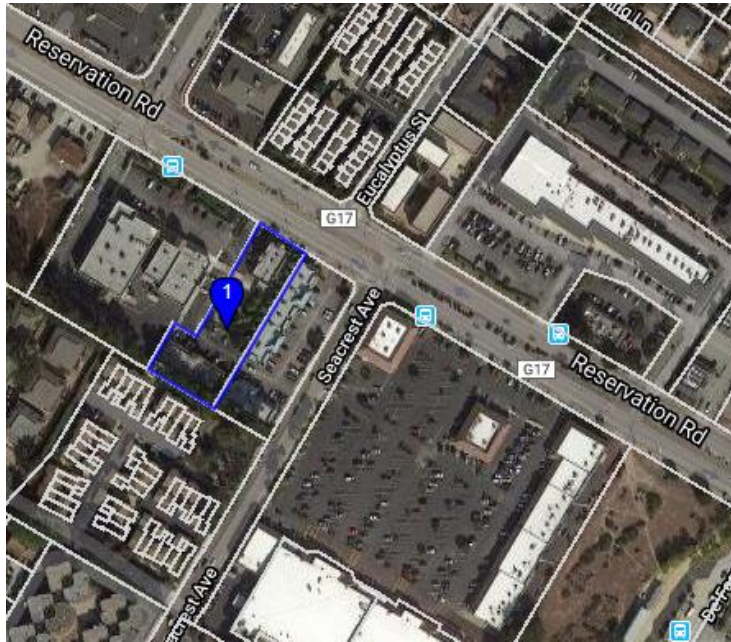
The subject applications would be located in the C-1, C-2, and PC districts (see map below). Therefore, each application is consistent with the underlying general plan and zoning designations. Section 19.02.010 prohibits cannabis dispensaries from being located within 600 feet of a school (K-12) or a youth center at the time the license is issued. The subject applications comply with this requirement.



Applicant 1: Robert DiVito - Element 7 Marina – 234-242 Reservation Road

On November 15, 2019 (resubmitted on January 13, 2020), Mr. Robert DiVito of Element 7 Marina, LLC submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 234-242 Reservation Road in Marina (APN 032-181-018).

The subject property has a General Plan Land Use of Retail/Service and is zoned Retail Business District (C-1).



The land uses of the surrounding properties are as follows:

North – multi-family residential
West – retail business
South – special treatment (residential)
East – retail business

Analysis

Element 7 Marina, LLC is proposing to convert a 5,000 square foot building into a cannabis dispensary and manufacturing facility. The manufacturing permit would be applied for and approved separately. The facility would consist of a manufacturing area occupying approximately one third of the building, and the dispensary operation

occupying the remainder, including office space, storage space, a restroom, and “holistic wellness treatment rooms.” The business would be staffed by 10 to 15 employees and the hours of operation proposed are 10:00 am to 10:00 pm.

Marina Municipal Code and General Plan Compliance

The proposed project is consistent with the existing general plan and zoning designations. Cannabis dispensary use is allowed in the C-1 zoning district; cannabis manufacturing use, which would be permitted separately, is also allowed in this zone. The business would operate within an existing building and there would be no major exterior changes. Any site improvements or modifications to the building exterior, including lighting, will require Site and Architectural Design Review.

The project complies with all applicable development standards and guidelines including, but not limited to, lot dimension, building height, and setbacks, as the building was previously approved and permitted. Overall, the project is proposed for an area in which the proposed use would be compatible with the surrounding uses. There are no substantial concerns related to the siting of the project.

While the project meets all development standards and promotes the goals and objectives of the General Plan, staff is recommending conditions to be added to improve the project. These conditions will include requirements applicable to the operation of a commercial cannabis dispensary.

Planning Commission Recommendation

At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Applicant 2: Higher Level of Care Marina, Inc. – Salvatore Palma – 3016 Del Monte Boulevard

On November 14, 2019 (resubmitted February 6, 2020), Mr. Salvatore Palma of Higher Level of Care, Marina, Inc. submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 3016 Del Monte Boulevard in Marina (APN 032-421-011).

The subject property has a General Plan Land Use of Retail/Service and is zoned General Commercial District (C-2).



The land uses of the surrounding properties is as follows:

North – general commercial
West – multi-family residential
South – general commercial
East – general commercial

Analysis

Higher Level of Care Marina, Inc. is proposing to convert a 4,067 square-foot building into a cannabis dispensary. There are three existing buildings on the subject parcel, along with a gas pump canopy. The proposed dispensary would be established

in the northernmost building, which is currently used as a plumbing shop. The plumbing shop would relocate to the easternmost building. The southernmost building, a vehicle service shop, would remain unchanged. The project would remove the existing gas pump canopy, decommission the underground tanks, and add new parking in this portion of the property. The dispensary would employ approximately 20 individuals and the hours of operation would be 9:00 am to 10:00 pm. The facility would consist of a retail area and ancillary areas including storage space, office space, and a restroom. A portion of the facility is designated for future manufacturing and distribution use, which would be permitted separately.

Marina Municipal Code and General Plan Compliance

The proposed project is consistent with the existing general plan and zoning designations. Cannabis dispensary use is allowed in the C-2 zoning district. The business would operate within an existing building. Any site improvements, modifications to the building exterior, including lighting, will require Site and Architectural Design Review.

Due to the existing site conditions, staff recommends the requirement of public improvements in conjunction with approval of the conditional use permit application. Recommended public improvements include: extension of the existing sidewalk from the north of the site to the 24-foot driveway and continuing to the south boundary of the site; a landscape strip at the back of curb; clearly defining the separation of the sidewalk and the driveway; closure of the existing southern driveway; and removal of the existing gas pumps and canopy.

The project meets all development standards and promotes the goals and objectives of the General Plan. The proposed intensification of use at the subject property would not be detrimental to surrounding uses. However, due to existing site conditions, staff is recommending conditions to be added to improve the project, as described above and listed below in the resolution. The project would also be subject to conditions of approval specific to cannabis dispensaries.

Planning Commission Recommendation

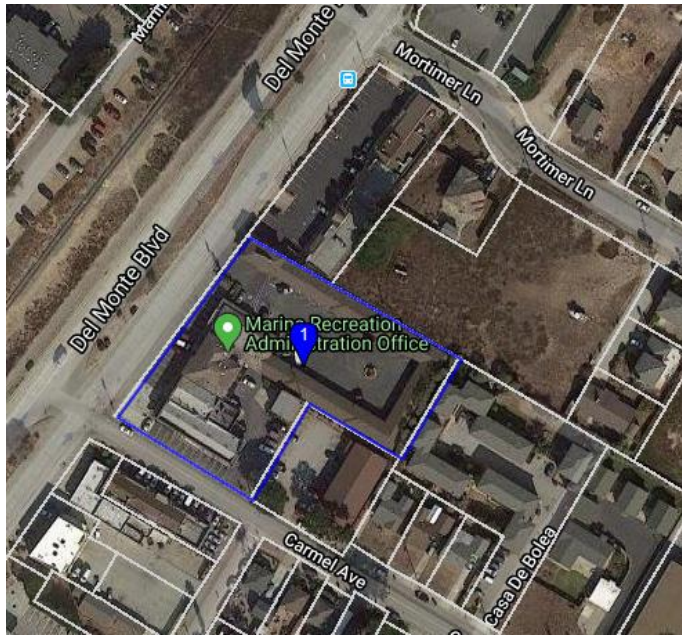
At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Applicant 3: Pacific Roots - Aaron Herzberg – 3100 Del Monte Boulevard

On November 7, 2019 (resubmitted January 7, 2020), Mr. Aaron Herzberg of Pacific Roots Marina, LLC submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 3100 Del Monte Boulevard in Marina (APN 032-192-018).

The subject property has a General Plan Land Use of Retail/Service and is zoned Retail Business District (C-1).



The land uses of the surrounding properties is as follows:

North – retail business
West – multi-family residential
South – retail business
East – single family residential and commercial/multi-family residential

Analysis

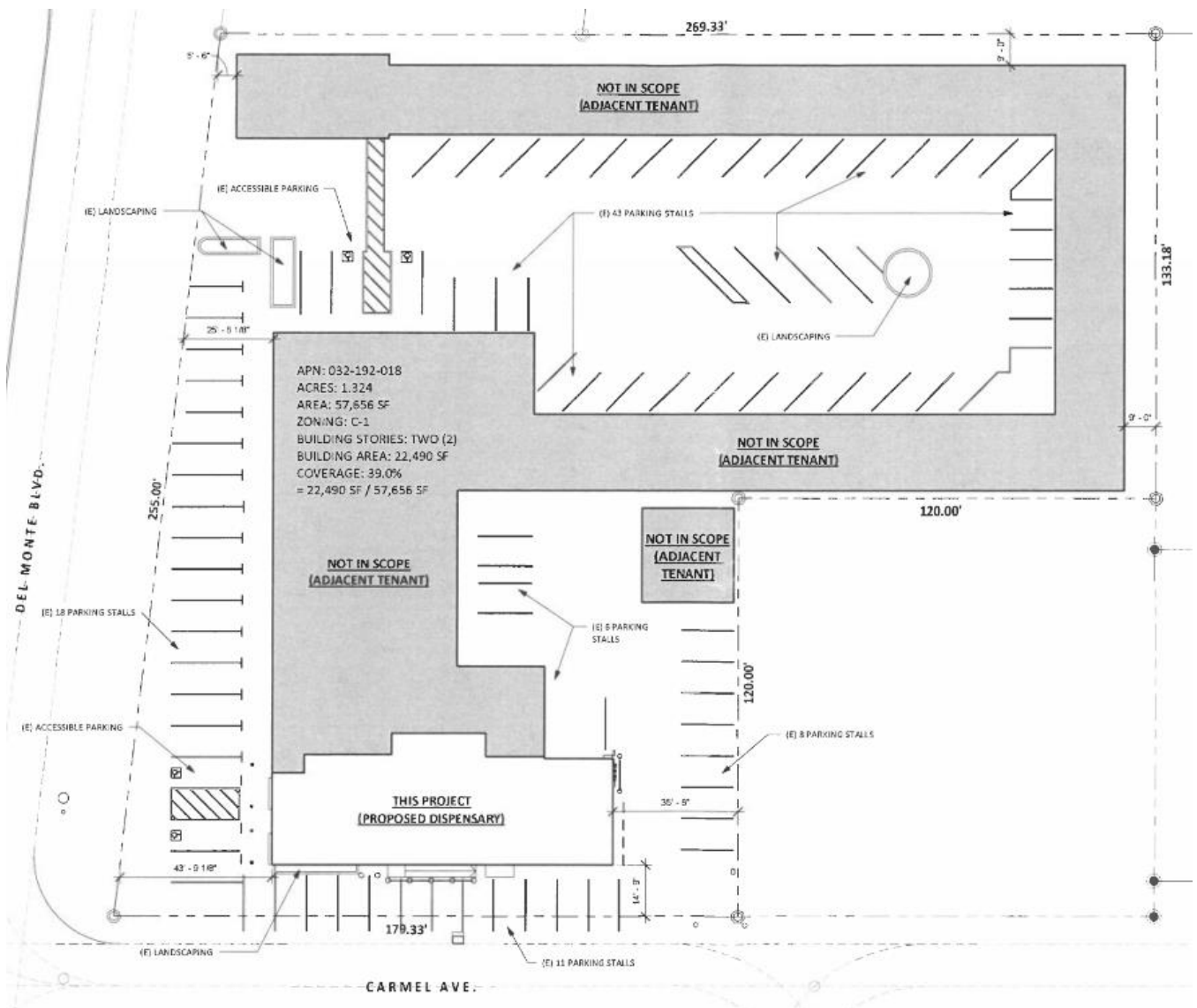
Pacific Roots is proposing to convert a 1,977 square foot tenant space in a 2,922 square foot building into a cannabis dispensary. The facility's retail area would be 714 square feet in size; the remainder of the facility would be utilized for ancillary purposes including storage space, office space, and two

restrooms. The business would employ between 11 and 23 individuals and would operate between 9 am and 10 pm.

Marina Municipal Code and General Plan Compliance

Due to the existing site conditions, staff recommends the requirement of public improvements in conjunction with approval of the conditional use permit application. Recommended public improvements include: curb, gutter, and sidewalks along the Del Monte Boulevard and Carmel Avenue frontages, per MMC Section 15.36; and a six-foot landscape strip at the back of curb along Del Monte Boulevard.

The existing parking spaces along Carmel Avenue are substandard due to insufficient space that does not allow for vehicles to enter and leave the parking area in a forward direction. These parking spaces would be further reduced in size after completion of required improvements; therefore, none of the parking spaces along Carmel Avenue may be included in the site's parking calculation. Required improvements along Del Monte Boulevard would also eliminate several parking spaces. Establishment of a dispensary at the site would result in an overall insufficient amount of parking spaces; therefore, the applicant would be required to submit revised plans indicating modifications that provide adequate parking, or to find alternate means of compliance, such as entering into a shared parking agreement with a neighboring property. The parking requirement for the dispensary would be one parking space per 275 square feet of the 1,977 square foot tenant space, totaling seven parking spaces. See below for a site plan depicting the project site and the existing parking along Carmel Avenue, Del Monte Boulevard, and the interior lots.



The project meets all development standards and promotes the goals and objectives of the General Plan. The proposed intensification of use at the subject property would not be detrimental to surrounding uses. However, due to existing site conditions, staff is recommending conditions to be added to improve the project, as described above and listed below in the resolution.

Planning Commission Recommendation

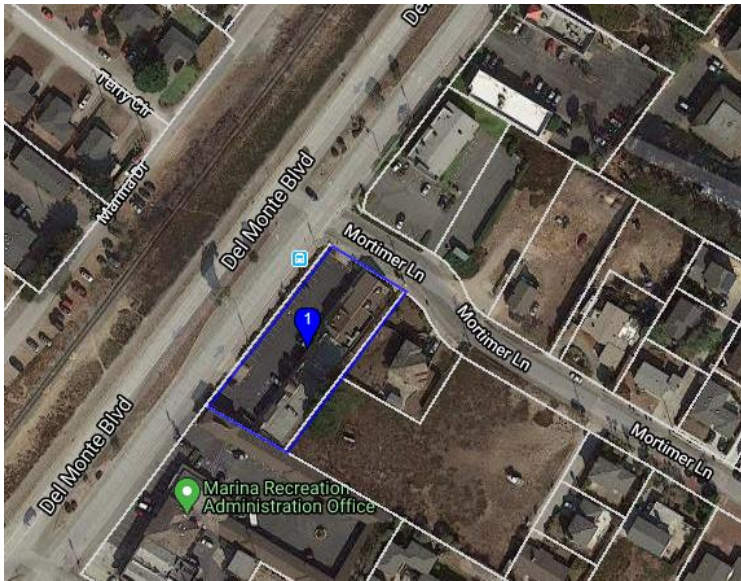
At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Applicant 4: JC Marina Ventures LLC / Marina Trading Co. – Blake Brown – 3112-3114 Del Monte Boulevard

On November 15, 2019, Mr. Blake Brown of JC Marina Ventures, LLC/Marina Trading Co. submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 3112-3114 Del Monte Boulevard in Marina (APN 321-920-019).

The subject property has a General Plan Land Use of Retail/Service and is zoned Retail Business District (C-1).



The land uses of the surrounding properties is as follows:

North – retail business
West – multi-family residential
South – retail business
East – single-family residential

Analysis

JC Marina Venture LLC / Marina Trading Co. is proposing to convert a 2,200 square foot building into a cannabis dispensary. The building is part of the Robert L. Mast Plaza, which includes a realty office, a

salon, and two restaurants. The retail area would be 722 square feet in size, with the remainder of the facility utilized for ancillary purposes such as storage space, office space, and a restroom. The business would employ an estimated minimum eight individuals and the proposed hours of operation are 9 am to 11:59 pm.

Marina Municipal Code and General Plan Compliance

The proposed project is consistent with the existing general plan and zoning designations. Cannabis dispensary use is allowed in the C-1 zoning district. The business would operate within an existing building and there would be no major exterior changes. Any site improvements, modifications to the building exterior, including lighting, will require Site and Architectural Design Review.

The project complies with all applicable development standards and guidelines including, but not limited to, lot dimension, building height, and setbacks, as the building was previously approved and permitted. Overall, the project is proposed for an area in which the proposed use would be compatible with the surrounding uses. There are no substantial concerns related to the siting of the project.

While the project meets all development standards and promotes the goals and objectives of the General Plan, staff is recommending conditions to be added to improve the project. These conditions will include requirements applicable to the operation of a commercial cannabis dispensary.

Planning Commission Recommendation

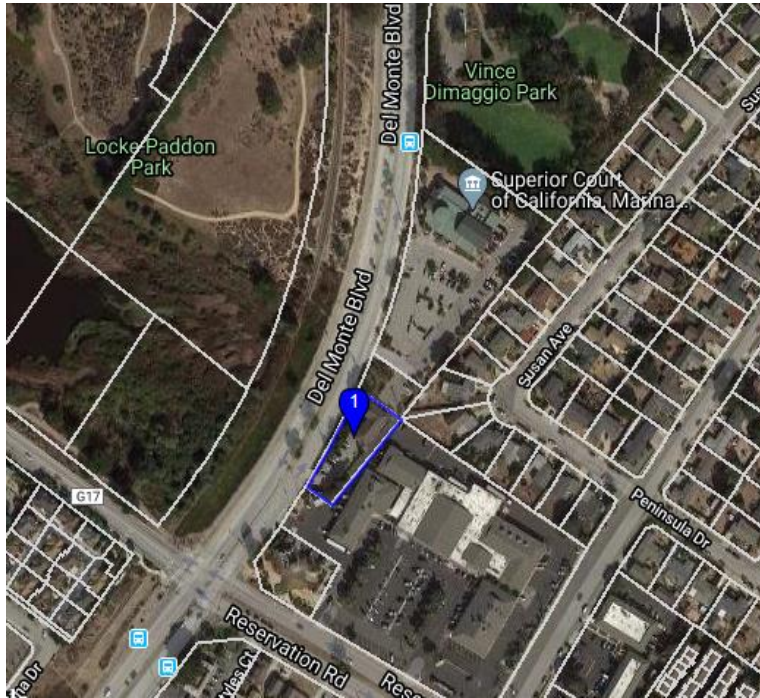
At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Applicant 5: SGI Marina, LLC - Brian Mitchell – 3170 Del Monte Boulevard

On November 12, 2019 (resubmitted on January 29, 2020), Mr. Brian Mitchell of SGI, Marina, LLC (dBa StIIIzy) submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 3016 Del Monte Boulevard in Marina (APN 032-055-017).

The subject property has a General Plan Land Use of Retail/Service and is zoned Planned Commercial District (PC).



The land uses of the surrounding properties is as follows:

North – retail-business
West – open space
South – retail-business
East – planned commercial

Analysis

SGI Marina, LLC is proposing to convert a 2,744 square foot building into a cannabis dispensary. The retail sales area would occupy 1,425 square feet and the remainder of the facility would be utilized for ancillary purposes such as storage space, office space, and a restroom. The business would employ an

estimated 12 individuals and the hours of operation would be 9 am to 10 pm.

Marina Municipal Code and General Plan Compliance

The proposed project is consistent with the existing general plan and zoning designations. Cannabis dispensary use is allowed in the PC zoning district. The business would operate within an existing building and there would be no major exterior changes. Any site improvements, modifications to the building exterior, including lighting, will require Site and Architectural Design Review.

Due to the existing site conditions, staff recommends the requirement of public improvements in conjunction with approval of the conditional use permit application. Recommended public improvements include: development of a sidewalk in place of the existing dirt pathway west of the site; and development of a landscape strip west of the new sidewalk.

The project meets all development standards and promotes the goals and objectives of the General Plan. The proposed intensification of use at the subject property would not be detrimental to surrounding uses. However, due to existing site conditions, staff is recommending conditions to be added to improve the project, as described above and listed below in the resolution. The project would also be subject to conditions of approval specific to cannabis dispensaries.

Planning Commission Recommendation

At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

ANALYSIS:

In considering the merits, qualifications, and benefits of each of the applications, the City Council can consider the Final Scores provided by HdL and contained in Attachment “A”; the information provided in the application packages detailing each of their operations and community benefit aspects; the suitability of each site proposed; the discussion and recommendations of the Planning Commission as provided in the May 14, 2020 Planning Commission Minutes included as **ATTACHMENT “B”**; and other relevant information the Council determines relevant to determining if an application could be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

As provided in greater detail in **ATTACHMENT “A”**, HdL has provided a detailed review into the categories of Business Plan, Local Enterprise and Community Benefits, Neighborhood Compatibility, and Safety and Security Plans. In conformance with MMC 19.08.10, applications were evaluated on the following criteria:

- a. Business Plan. 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. A business plan without such demonstration will receive zero points.
- b. Local Enterprise and Community Benefits. Community benefits may include commitment to employ persons who are city of Marina residents. Other community benefits could include a commitment to working with Marina-located businesses (including capital), a commitment to sponsoring nonprofits and/or other similar specific commitments within the Marina community. A maximum of eight points will be awarded, with one point for every city of Marina resident that a business commits to employ, and one point for every specified annual substantial commitment to the applicant’s choice of nonprofit or business within the community.
- c. Neighborhood Compatibility. Applicants which demonstrate neighborhood support with a majority of property owners within two hundred fifty feet will receive five points. Applicants who do not demonstrate neighborhood support with a majority of property owners within two hundred fifty feet will receive zero points.
- d. Safety and Security Plan. The Marina 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.

Each application package has been posted on the City’s Cannabis Business web page. Each package has been redacted to removed sensitive information. These application packages can be found at <https://cityofmarina.org/889/Commercial-Cannabis-Businesses> and at links in Table 2.

Table 2.

Business Name	Application Link
Element 7 Marina	https://www.cityofmarina.org/DocumentCenter/View/10768/Element-7-Marina-LLC-Cannabis-Application-234-Reservation-Road-2_Redacted
Higher Level of Care Marina	https://www.cityofmarina.org/DocumentCenter/View/10775/HLC-Marina_BP_Commercial-Cannabis-Business_Retail-application_Redacted
Pacific Roots	https://www.cityofmarina.org/DocumentCenter/View/10784/MERGED-PACIFIC-ROOTS-FINAL-APPLICATION-SUBMISSION_Redacted
JC Marina Ventures LLC / Marina Trading Co.	https://www.cityofmarina.org/DocumentCenter/View/10783/JC-Marina-Venturs--Marina-Trading-Company-Amend-and-Combine-Packet_v2_Redacted
SGI Marina, LLC	https://www.cityofmarina.org/DocumentCenter/View/10785/SGI-Marina--New-Combined-App-v2_Redacted

Provided for the Council’s consideration in the is report is an analysis of each of the applicant sites and any improvements necessary for them to be in conformance with the development standards and General Plan goals and policies. Each site is unique with certain sites requiring on and off-site physical improvements while others only require tenant improvements.

At the May 14, 2020 Planning Commission Public Hearing the Commission took public comment and deliberated prior to recommending approval of the applications. The deliberations and public comments have been recorded in **ATTACHMENT “B”**.

The final consideration that the City Council can consider in reviewing the applications include facts that assist in determining if an application could be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. The findings contained in the resolutions of approval in the staff report package include those listed in Title 19 for cannabis use permits. However, MMC 19.06.010 also provides for findings to be made that protect the health, welfare, and safety of the community. This is a standard consideration of any use permit issued by the City. Should the City Council wish to include a finding consistent with this language, staff will request that it be done as part of a motion.

FISCAL IMPACT:

None.

CEQA DETERMINATION

The proposed projects are exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines. This section states that existing facilities shall be exempt from the provisions of CEQA, when it involves the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. Staff has determined that the exemption applies in this case because the conditional use permits under consideration would merely permit operation of cannabis dispensaries in existing structures or facilities and would involve negligible or no expansion of use.

CONCLUSION:

This request is submitted to City Council for consideration and possible action.

Respectfully submitted,

Christy Hopper
Planning Service Manager
City of Marina

REVIEWED/CONCUR:

J. Fred Aegerter, AICP
Community Development Director
City of Marina

Layne P. Long
City Manager
City of Marina

CITY OF MARINA
COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES
 Amend and Combine
 Retail Dispensaries

Company Name	Reg ID Number	Business Name	Combined Businesses	Location	Business Type	Business Plan	Local Enterprise & Community Benefits	Neighborhood Compatibility	Safety & Security Plan	Points Awarded	Points Possible (39pts max)	Score
1. Element 7 Marina, LLC	RCA 2019-11	Element 7 Marina		234 Reservation Road	Retail - A & M, Manufacturing - A & M, Distribution - A & M	5	8	5	20	38	38	100.00%
1. Higher Level of Care, LLC	RCA 2019-02	Higher Level of Care - Marina		3018 Del Monte Blvd	Retail - A & M	5	8	5	20	38	38	100.00%
1. J.C. Marina Ventures, LLC	RCA 2019-23	Marina Trading Co.	J.C. Marina Ventures, Marina Trading Co	3112 Del Monte	Retail - A & M	5	8	5	20	38	38	100.00%
1. Pacific Roots Marina, LLC	RCA 2019-15	Pacific Roots Marina	Pacific Roots Marina/MCC Operations	3100 Del Monte Blvd	Retail - A & M	5	8	5	20	38	38	100.00%
2. SGI Marina LLC	RCA 2019-14	SHIRLEY	Shirley Group/Elemental Beachside	3170 Del Monte Blvd	Retail - A & M	5	6	5	20	36	38	94.74%
3. A116C, LLC	RCA 2019-22	Green Care Marina		3343 Paul Davis Drive	Retail - A & M	5	3	0	10	18	38	47.37%
3. Marina Trading Company	RCA 2019-04	Marina Trading Co. (2)		285 Reservation Road Suite E	Retail - A & M	5	8	5	0	18	38	47.37%
3. Marina GRE 007, LLC	RCA 2019-01	Herbs & Legends		3343 Paul Davis Drive	Retail - A & M	0	8	0	10	18	38	47.37%
Design-Marketing-HQ	RCA 2019-06	Design-Marketing-HQ	Design-Marketing-HQ	285 Reservation Road Suite B	Retail - A, Manufacturing & Distribution - A	-	-	-	-	-	-	-
Elemental Beachside Inc	RCA 2019-26	Elemental Beachside Inc	Elemental Beachside Inc	3343 Paul Davis Drive	Retail - A & M, Distribution - A & M	-	-	-	-	-	-	-
GC Marina Ventures, LLC	RCA 2019-09	GC Marina Ventures	GC Marina Ventures	3343 Paul Davis Drive	Retail - A & M, Distribution - A & M	-	-	-	-	-	-	-
Marina Trading Company	RCA 2019-04	Marina Trading Co.	Marina Trading Co.	4432 Del Monte	Retail - A & M	-	-	-	-	-	-	-
MCC Operations	RCA 2019-06	MCC Operations	MCC Operations	4432 Reservation Road Suite D & E	Retail - A & M	-	-	-	-	-	-	-
Pacific Roots Marina, LLC	RCA 2019-02	Pacific Roots Marina	Pacific Roots Marina	4436 Del Monte Blvd	Retail - A & M	-	-	-	-	-	-	-
Shirley Group, Inc.	RCA 2019-08	SHIRLEY		4430 Del Monte Blvd	Retail - A & M	-	-	-	-	-	-	-

CITY OF MARINA
COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES
 Amend and Combine
 Non-Retail (Non-Dispensaries)

Company Name	Reg ID Number	Business Name	Combined Businesses	Location	Business Type	Business Plan	Local Enterprise & Community Benefits	Neighborhood Compatibility	Safety & Security Plan	Points Awarded	Points Possible (39pts max)	Score
1. Element 7 Marina, LLC	NICA 2019-01	Element 7 Marina		3343 Paul Davis Drive	Cultivation	5	8	5	20	38	38	100.00%
2. J.C. Marina Ventures, LLC	NICA 2019-02	J.C. Marina Ventures		3343 Paul Davis Drive	Distribution - A & M	5	6	0	20	31	38	81.58%
3. Design Marketing, LLC	NICA 2019-03	Gold Pile Cannabis		218 Reservation Road Suite G	Manufacturing & Distribution - A	5	7	5	0	27	38	44.74%

Excerpt from May 14, 2020 Planning Commission draft minutes:

Will be distributed to Councilmembers prior to City Council meeting

City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.cityofmarina.org

Thursday, May 14, 2020

6:30 P.M.

**DRAFT MINUTES
REGULAR MEETING OF
PLANNING COMMISSION**

Marina City Council Chambers
211 Hillcrest Avenue
Marina, CA

1. CALL TO ORDER

Meeting was called to order at 6:30 PM. Due to technical difficulties, the meeting was placed on hold and resumed at 6:38 PM

2. ROLL CALL & ESTABLISHMENT OF QUORUM

Present: Chair David Burnett, Vice Chair Katherine Biala, Thomas Mann, Brian McCarthy, David Bielsker, Victor Jacobsen, Nancy Amadeo

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR

Chair David Burnett opened the floor for special announcements and communications from the floor.

Mike Owen spoke to announce his attendance of the meeting, and that he would have comments for one of the items which was to be discussed later in the meeting.

Commissioner Nancy Amadeo provided information on COVID19 testing sites in the area which are open to the public and free of charge.

Chair Burnett thanked City Staff for their continued work during the COVID19 pandemic.

Seeing no others who wished to provide comment, the floor was closed.

5. CONSENT AGENDA

a. Minutes – March 26, 2020 Meeting

Commissioner Amadeo motioned to approve the minutes as presented and was seconded by Commissioner Brian McCarthy. The motion was then put to a vote:

Ayes (6): Burnett, Biala, Mann, McCarthy, Jacobsen, Amadeo

Noes: None

Absent: None

Abstain (1): Bielsker

6. PUBLIC HEARINGS

a. **Commercial Cannabis Dispensary Applications**

Consider Recommendation to City Council Applications for Conditional Use Permits to Operate Commercial Cannabis Dispensaries at 3016, 3100, 3112, and 3170 Del Monte Blvd. and a Cannabis Dispensary and Cannabis Manufacturing Facility at 234 Reservation Road (Exempt from CEQA per Section 15301)

Planning Manager Christy Hopper provided a brief breakdown of the application process and the criteria which the Commissioners would use to review the applications. She then gave a PowerPoint presentation with details regarding each of the five (5) applicants' proposed locations. Following the presentation of each location, applicants then addressed the Commission.

i. **Element7 – 236 Reservation Rd**

Following Ms. Hopper's presentation on Element7's application, she then addressed questions from the Commission.

Commissioner Amadeo asked whether the Taco Bell Restaurant, which is located directly across from the proposed dispensary location, was also included on the same lot. Ms. Hopper explained that a minor subdivision of the lot had been completed by the property owner, so the proposed location and the Taco Bell restaurant were in fact two separate parcels.

Commissioner Brian McCarthy asked whether it was inappropriate for the Commission to discuss the proposed manufacturing space at the location at this time. He also inquired if it was accurate to say any future manufacturing permits would never be presented to Planning Commission since they fall under administrative review. Ms. Hopper confirmed that it was not appropriate to discuss manufacturing because there were currently no manufacturing permit applications being presented to the Commission at that moment. She then proceeded to state that while it isn't accurate to say that a manufacturing permit would never be presented to Planning Commission, the only applications for dispensaries require a Public Hearing.

Commissioner McCarthy then asked about the store hours, which were listed as 10:00 AM – 10:00 PM, which he thought were more restrictive than what was outlined in the ordinance. Ms. Hopper explained that the applicants had suggested the hours, but had full ability to modify their hours according to what is permissible in the ordinance.

Vice Chair Biala inquired about whether back up/alternate use plans were required for the proposed manufacturing space should the applicants choose not to pursue manufacturing in the future, and whether this would have any impact on the Commission's decisions. Ms. Hopper explained that the permits do fall under administrative review because the ordinance did not restrict the number of manufacturing operations in the City and did not require a Public Hearing. Regarding the alternate use plans for manufacturing space, the applicants were not required to provide one, but should they choose to modify the proposed use for the space, it could be done through a Plan Check and Review.

Vice Chair Biala then asked if additional security would be required for the back side of the building. Police Chief Tina Nieto responded that no additional security was required.

Following the questions about the Staff Report, Chair Burnett then invited the applicant to address the Commission. Mr. Josh Black (Head of Operations at Element7) presented additional information about Element7 along with a PowerPoint presentation. He

provided a bit of background on the applicants, Mr. Robert DiVito and Mr. Tony Raffoul, who has been a Marina resident for over 10 years and is currently a local business owner. He also spoke about Element7's commitment to customer education as well as their endeavors to create positive impacts on the community through Element7 Cares. Mr. Black also talked about the company's desire to create careers for locals, and how the company encourages promotion from within and strives to help its employees grow.

He also addressed the proposed manufacturing. Per Mr. Black, the company was awarded a manufacturing permit in San Benito county, and intended that the manufacturing be performed there, while distribution and sales be performed at the proposed site in Marina.

Mr. Black then addressed questions from the Commission.

Vice Chair Biala inquired about the company's customer education program and whether it also included information on the effects of cannabis on children. Mr. Black then explained that in-store education is geared towards people 18 years and older, but they do currently work with California Youth Services in Southern California to provide drug & abuse education programs, and are looking to institute a similar program here in conjunction with the Police and other youth organizations. Vice Chair Biala expressed her relief and thanked the applicant for their response.

ii. Higher Level of Care Marina – 3016 Del Monte Blvd

Following Ms. Hopper's presentation on the location, she addressed questions from the dais.

Vice Commissioner Biala asked about the access driveways being directly located off the Del Monte Exit Ramp and whether any traffic or backup would be caused by cars trying turn into the parking lot. She also asked about any potential backup for cars coming from a southbound direction turning around onto Del Monte Blvd. to access the parking lot. Ms. Hopper explained that this application was heavily reviewed by both Planning and Engineering staff. She then further explained how the proposed improvements would help maintain the safe and steady flow of traffic, as well as increasing safety and security in case of an emergency, such as a robbery.

Vice Chair Biala then asked about the Downtown Vitalization Specific Plan (DVSP) and how it might impact any of the applications being reviewed. Ms. Hopper explained that City Staff did take into consideration the DVSP while reviewing the applications, and in turn used that to guide the recommended improvements for each of the sites. Vice Chair Biala then asked if the City would have the ability to ask for further improvements once the DVSP has been adopted. Ms. Hopper states that the City has some work to do in order to guide the applicant should their application be selected for their proposed sites. The City would need to provide a cross section for Del Monte Boulevard and adopt the DVSP.

Following questions for Staff, the applicant, Mr. Salvatore Palma presented information on his company. He provided a PowerPoint presentation outlining the layout and design renderings of the store, as well as access and security measures. He also discussed the community benefits of the store, which include:

- Local Enterprise – Mr. Salvatore lives locally and currently owns and operates a Higher Level store in Seaside. He also does preferential hiring of individuals from the city in which the store is located.

- Philanthropy – total of \$25,000 annually in donations to local organizations including Monterey Bay Aquarium, Marina PAL, Marina Youth Arts, Marina Foundation and Veterans Transition Center
- Green Practices – site specific proposals from Applied Solar energy
- Employee benefits – competitive wages, medical/dental insurance and vacation pay
- Customer Service

Mr. Palma addressed financial projections and key figures for the location, projecting that the store would produce \$3,110,856.00 in tax revenue over the course of five (5) years. Following the financial review, the applicant then proceeded to review the traffic flow, as well as site and parking lot plan previously outlined by Ms. Hopper in her presentation.

Next, Chair Burnett opened for questions from the Commission.

Commissioner Amadeo inquired about the parking breakdown & how much of it would be utilized by employees and if the remaining spots would be adequate to accommodate customers. The slide presented by Mr. Palma showed a total of 21 spaces available for the shop, which would have a total of 25 employees. Mr. Palma explained that he has been in contact with other property/business owners in the surrounding area and is looking to lease any excess parking spaces they may have in order for his employees to have parking available within walking distance.

Vice Chair Biala then touched on the outlined Philanthropy and whether any consideration had been given to supporting youth and teen education about cannabis use. Mr. Palma confirmed that he would be looking into participating in such programs. He is the President of the Greenfield Community Outreach Commission, which performs not only youth outreach, but community outreach and education as well.

Commissioner McCarthy inquired if Mr. Palma was a franchisee of an international brand. Mr. Palma explained that the store is not a part of a brand and that it is owned by him and is only located in Seaside, with some operations in Greenfield.

iii. Pacific Roots – 3100 Del Monte Blvd

Ms. Hopper provided a PowerPoint presentation with information regarding the site and land use, proposed improvements to parking and staff recommendations. Following the presentation, she answered Commissioner questions.

Vice Chair Biala inquired whether there are requirements for the applicant to make upgrades/improvements the façade or building since it is in a building which is attached to other establishments. Ms. Hopper explained that while there are no requirements, the applicant has provided preliminary renderings of proposed upgrades. Vice Chair Biala then asks if this would pose a challenge in that the building would then look different from the attached establishments and create a disjointed look. Ms. Hopper then stated that it would be depended on what the applicant ultimately decided to present.

Commissioner Amadeo asked about the parking and how the other businesses might be affected to modifications to the parking lot. Ms. Hopper then explained that the parking for the site is not divided amongst the businesses, but rather shared since they are all located on the same site. She also addressed potential improvements to the parking situation on the Carmel Ave. side of the building. Commissioner Amadeo then asked if the other businesses on the site were aware of the parking changes being proposed and

how it may affect them. Ms. Hopper was unable to answer as she was not sure if the property owner had communicated it.

Commissioner McCarthy then inquired about whether the lease would include the second story and basement. He also asked if the fire exit would remain or if it would be closed off. Ms. Hopper deferred to the applicant, who would be making their presentation following the Commissioners' questions.

Mr. Aaron Johnson, the applicant for Pacific Roots, then spoke on behalf of himself and his partners, who are all from the area. He presented a PowerPoint presentation outlining the company's history, its values, and commitment to the community through outreach, education and engagement. Mr. Johnson also discussed the company's philanthropic contributions to local organizations, and their commitment to providing neighborhood support and to contribute to revitalization throughout the community. Security measures were also briefly discussed.

Next, he addressed proposed upgrades to the exterior of the building, stating that the company's intent is to make changes to the façade and bring more of a modern coastal design. He also addressed other possible improvements to the building including increased lighting, the addition of a walkway in front of the building, as well as replacement and restriping of parking spaces and suggestions for improvements to Carmel Ave. Mr. Johnson also mentioned that the applicants' willingness to working with the City Staff's recommendations for any additional improvements that may be required.

Mr. Johnson then moved on to discuss the company's four (4) month opening plan should the facility be approved by the Council, security plan, day to day operations and floor plan. He then addressed Commissioner McCarthy's question regarding the second floor/basement space in the building. While the company would be able to use the second floor for ancillary storage, they have no plans to utilize the basement.

Following Mr. Jonson's presentation, Chair Burnett opened to questions from the Commission. Commissioner McCarthy inquired to Staff whether a final inspection by the Fire Department would be performed, which Ms. Hopper confirmed.

Vice Chair Biala then asked about signage and pictorial representation as utilized for Cannabis, and whether the green cross or stylized leaf are permissible. Ms. Hopper responded by stating that City Staff would work with the applicants as well as the City Attorney's office to make the final determinations.

iv. JC Marina Ventures LLC/Marina Trading Co. – 3112 Del Monte Blvd

Ms. Hopper presented a PowerPoint report with information regarding the proposed site and land use. Following the presentation, Chair Burnett opened the floor for questions from Commissioners.

Commissioner Amadeo inquired whether the proposed space was currently occupied by any businesses and if so, how many businesses would be impacted by the placement of the proposed dispensary. Ms. Hopper responded that the spaces are currently occupied, and two businesses would be affected.

Vice Char Biala then asked Ms. Hopper to speak to the property owner's ability to repurpose space or change tenants over objections from current lessees. Ms. Hopper explained that Marina is a free enterprise system and has no ability to regulate lease

rates or set regulations on property owners' ability to lease their space. She further stated that Staff's job is to ensure that any proposed uses are suitable for the space and are permissible within the zoning area. Attorney Bob Rathie then supported Ms. Hopper's statements and confirmed that the City has no ability to regulate who property owners lease to and at what rates.

Commissioner Amadeo asked if it would be possible for the Commission to recommend to City Council to look at applications that would "pose the least harm to local businesses" as they make their decisions. Attorney Rathie then responded that he did not believe the Commission could make such a recommendation.

Following questions, the applicant group then addressed the Commission. Mr. Nathan Wang, on behalf of all applicants, then made a presentation about Beyond/Hello (JC Marina Ventures/Marina Trading Company). He explained that they are part of a larger organization which is publicly traded and has locations across multiple states. Mr. Wang then went on to explain the company's "Community First" approach, as well as their mission to provide a service-focused environment and to provide premium quality products at a competitive price. He also outlined the company's "C4 Approach" – Community, Compliance, Compassion and Competency. He then introduced Mr. Wesley Clark, a founding member of Marina Trading Company, who provided more background on Marina Trading Company and its efforts to integrate itself with the Marina community. Ms. Audra Walton then spoke more on the C4 Approach.

Mr. Tyson Hunter and Mr. Blake Brower then spoke about the location and gave a project summary & floor plan details. Mr. Brower also addressed the build out timeline.

Mr. Shawn Wurtsmith then discussed the proposed security plan for the site. Next, Mr. Brower proceeded to talk about quality control and compliance standards. Finally, Mr. Clark spoke about the company's commitment to community involvement and highlighted some of the contributions the company has made to local organizations. He also mentioned the two businesses which currently occupy the proposed space. The record store had already planned to transition to an online only business, and the restaurant space did not renew their lease, which allowed for the applicants to lease both spaces.

Upon completion of the presentation, Chair Burnett opened the floor for Commissioner questions.

Commissioner Amadeo thanked Mr. Clark for addressing the concerns regarding the existing businesses.

v. SGI Marina, LLC – 3170 Del Monte Blvd

Ms. Hopper then presented a PowerPoint with information regarding SGI Marina, LLC. Following the presentation, Chair Burnett opened the floor for Commissioner questions.

Commissioner Amadeo inquired about circulation and access to the location, and whether any plans had been proposed to make access in both directions easier. Ms. Hopper stated that she was unaware of any plans currently, but that it was a good question for the City Engineer. Commissioner Amadeo then asked about parking and what the requirements would be in order to accommodate both customers and employees. Ms. Hopper explained that there would be no change to the current parking requirements, the only exception being the requirement to be ADA complaint. Commissioner Amadeo then inquired if the requirement to provide ADA parking would

in turn cause the decrease in available spaces. Ms. Hopper stated that it is possible for modifications be made in future and upon review of the Building officials.

Commissioner McCarthy then asked staff to provide more information regarding Ordinance language regarding dispensaries near parks, and how it may or may not affect the current application, as the proposed location is located within 600 feet of two (2) parks. Ms. Hopper deferred to Attorney Rathie. Due to an inconsistency in the ordinance as it was written when it was adopted, the park in question was not included in the buffers mentioned in the ordinance. Assistant City Manager Matt Mogensen then spoke further on the wording in the ordinance regarding buffers, noting that it covered schools providing instruction for any grades K-12, daycares or youth centers which exist at the time of permit issuance. Commissioner McCarthy then inquired about the finding for public convenience or necessity, which Ms. Hopper and Attorney Rathie confirmed is only applicable by the ABC to liquor and alcohol, and there are no such findings existing for Cannabis use.

Following questions, the applicant, Mr. Eric Lightman, made a presentation on Stiiizy Marina, which will be operated by Shryne Group and Elemental Beachside. He gave information on the Stiiizy's existing locations, it's performance in different cities across the state. He also spoke to the company's desire to be a leader in the community and its commitment to giving back. He then spoke to the company's partnership with contractors and what the timeline for the building of the space would be. He also addressed the company's compliance personnel and it's commitment to hiring locally.

Mr. Lightman then addressed the company's desire to provide required improvements and updates to the property, including circulation and parking lot improvements. He also mentioned that he would continue to look to City staff for guidance and welcomed recommendations for any improvements which would help the location.

Upon completion of the presentation, Chair Burnett opened for questions from Commissioners.

Commissioner Amadeo then asked about employee growth and how the applicant planned to accommodate parking for an increase employee pool. Mr. Lightman spoke about looking for alternatives such as leasing additional spaces from neighboring locations, as well as making adjustments to landscaping to accommodate additional parking. Commissioner Amadeo then asked if the elevation of the location in relation to the neighboring shopping center posed any issues with parking increase. Mr. Lightman did not see any issues with the elevation but would work with their builders and general contractor to find a solution to the grading differential as necessary.

Commissioner McCarthy then inquired about the colloquial meaning of "Stiiizy". M. Lightman stated that the three I's stand for Influence, Inspire, Innovate, and that "stizy" was used to describe something stylish. Commissioner McCarthy then explained that on Urban Dictionary it was defined as a west-coast term for being "high, stoned, blazed or lit" and asked if the applicant agreed that stizy also carried those meanings. Mr. Lightman stated he was not familiar with that definition, but more that it was used to describe a fashionable person's style or way they present themselves.

Following the questions from Commissioners, Chair Burnett then opened the floor for public comments or questions.

Mr. Anthony Lombardi spoke first, as a representative of the ownership group for 3100 Del Monte Blvd, the location proposed for Pacific Roots. He addressed a question posed by Commissioner McCarthy, noting that there were apartments on the second floor of

the building, but were not located above the space to be leased by Pacific Roots, and though the basement is included in the lease, did not believe the applicant had intention of using the space. He also spoke about the building's history, and the ownership's willingness to work with the City to make improvements as needed. He also noted that the current tenants have not been notified of potential loss of parking. The ownership sees the applicant as a great opportunity to help provide funding for upgrades to the building. Mr. Lombardi then notes that any loss of parking could be devastating to the businesses which have been in the location for decades.

Mr. Greg Simmons noted that two of the locations proposed are very close together and did not think it was a good idea to have locations concentrated in one area at the south entrance to the city.

Seeing no other persons wishing to speak, Planning Assistant Erin Fernando then read correspondence received by staff from community members who were unable to participate in the meeting.

Tina Zmak wrote that she is a 20+ year resident of Marina, and while not concerned with commercial cannabis or dispensaries, but was worried about existing businesses being evicted to "make room" for these businesses to come in. Her belief is that these businesses could find a home in one of the many vacant spaces around the city. Ms. Zmak has been a client at Diva's Salon & Spa (3170 Del Monte Blvd.) for over 15 years and does not want to see the business displaced for the sake of a dispensary.

Amy Walker wrote that she has been a client of Diva's for over 10 years and is angry the business could be closed and its employees displaced. She also does not feel that cannabis or dispensaries benefit the community to the same extent as the salon. Also expressed concern regarding safety and potential DUIs for those under the influence of cannabis.

Micah Stufflebeam wrote that he is against a dispensary at 3170 Del Monte Blvd. as the tattoo shop and salon owners "worked hard to get to where they are", and that he was disappointed in the City for holding meetings during the pandemic, which has already affected these businesses and their ability to operate.

Leisha Price wrote her opposition to the dispensary at 3170 Del Monte Blvd. as she is a client at Diva's Salon.

Leila Lyke wrote her opposition to the dispensary at 3170 Del Monte Blvd.

Shelby Martin wrote her opposition to the dispensary at 3170 Del Monte Blvd. as it is too close to other large buildings with limited parking.

Terra brown wrote her opposition to the dispensary at 3170 Del Monte Blvd.

Olys150@gmail.com wrote their opposition to the dispensary at 3170 Del Monte Blvd. Does not understand why the building is even being considered as a potential location as Diva's Salon and the tattoo shop would "be put out of business", meanwhile there are other vacant locations around the city.

Teri Vitigo wrote their opposition to a dispensary at 3170 Del Monte Blvd., and feels it shows small businesses that they can easily be replaced though they are vital members of the community.

Sheila Olson wrote, noting that she is the owner of Diva's Salon. She spoke about the business, its history, and its part in the community. She also feels "it is unfair of cannabis companies to come in and offer four times the rent to property owners" and that it will displace many businesses.

Chair Burnett then closed public comment and brought discussion back to the dais.

Vice Chair Biala then asked for further clarification for application #4, stating that the application noted 3112 Del Monte Blvd., but that it would also be taking the space of Michi Restaurant, whose address is 3114 Del Monte Blvd. Ms. Hopper confirmed, noting that the applicant would be occupying two spaces. Vice Chair Biala then went on to ask if the Planning Commission should be looking at location or whether there is currently a business in the space, etc. in making their decisions. Chair Burnett then stated that he believed the ordinance to have flaws and did not include proper direction which would allow for Planning Commission to reasonable and community-based responses. He then noted Staff's recommendation that Planning Commission pass all five (5) applications to City Council, but not with recommendation for approval of any.

Commissioner Mann expressed his belief that there were no discernable differences between the applications, but that if he were to recommend any of the applications, he would prefer applicants 1, 2 and 4. He believed these applications were the most dispersed geographically and provided the most easily accessible locations. However, he believed the Commission should approve and forward all five applications to City Council.

Commissioner Amadeo talked about a presentation made by HdL while she sat on City Council which noted the belief that the community could not support 3 dispensaries. She then asked if there were any way to make recommendations to City Council to utilize other factors while making the decision to approve any of these applications. Attorney Rathie then noted that what was before the Planning Commission was confined to the land use element, and whether the applications meet the criteria for potentially having a permit granted by the Council. Commissioner Amadeo then went on to ask about parking and circulation, asking Staff if these items were appropriately addressed. Ms. Hopper confirmed that they were appropriately addressed in the conditions of approval.

Commissioner McCarthy voiced his agreement that all applications should be forwarded to City Council. He also expressed his hope that the Council would hold a more robust conversation regarding the ordinance as it pertains to parks, as well as discussions regarding signage/the green cross and the word "stizy".

Chair Burnett then provided clarification that he recommends all five applications be forwarded to City Council with the recommendation they select only one and for only one year, so as to allow the City to see how the business performs and how the community responds. He reiterates his belief that the ordinance is flawed and wants to be respectful to the community as well as the applicants who took time to submit applications and have made significant financial commitments to their projects.

Vice Chair Biala then expresses her belief that the Planning Commission take do what Attorney Rathie said and look only at land use criteria. She fears that by discussing any items further or making any further recommendations could put the Commission at risk of unintentionally showing bias towards one or other of the applicants. Chair Burnett again explained his recommendation that all the applications be forwarded to City Council, but that Planning Commission recommend the approval of only one permit for one year.

City Manager Matt Mogensen then explained that all the applications would be seen by City Council regardless of whether the application is being recommended for approval or denial. Mr. Mogensen then notes that he believes it is fine for the Commission to recommend that Council review additional criteria before approving, but that Commissioners base their recommendations for approval or denial on land use only. City Council will have additional information and resources to review along the applications.

Commissioner Amadeo inquires if the initial HdL report from August 2018 would be available to the Council as they review the applications. Mr. Mogensen confirms that it would be available as it is a public document. She further inquired whether it would be appropriate for Commission to include this report in the information forwarded to Council. Attorney Rathie reiterated that the report is a public document and would be available to Council members if they requested it. Commissioner Amadeo then returned to her question regarding parking and circulation, and if the Commission could recommend the Council review these items. Attorney Rathie again stated that the applications currently meet the objective conditions for parking and advised against any commissioners getting to subjective on this item.

Vice Chair Biala agreed that the Commission should make their recommendations strictly on land use but requested that the Commissioner's discussion of all items be included in the information forwarded to City Council for them to review. Chair Burnett then asked Staff if it would be possible in the time before the next City Council meeting to create a subcommittee and draft a letter to Council to be included in the Staff Report. Ms. Hopper deferred to Mr. Mogensen and Attorney Rathie, who agreed it would be possible to do provided it occurred within the next two weeks. It was agreed on by Staff and Commission that in the interest of time, the minutes from the current meeting would be included in the Staff report for Council to review.

Following the discussion, Vice Chair Biala made a motion to recommend all 5 applications to City Council, with the addition of minutes from the current meeting and a summary of discussion for the Council to review. The motion was seconded by Commissioner Mann. Chair Burnett then opened the floor to the public for questions or comments regarding the motion. Seeing no persons who wished to comment, the floor was closed.

The motion was then put to vote:

Ayes (7): Burnett, Biala, Mann, McCarthy, Jacobsen, Mann, Amadeo

Noes: None

Absent: None

Abstain: None

The motion passed with a unanimous vote.

7. OTHER ACTION ITEMS

Action listed for each Agenda item is that which is brought forth for Planning Commission consideration and possible action. The Planning Commission may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.

8. DISCUSSION ITEMS

9. **COMMISSIONER COMMENTS AND STAFF INFORMATIONAL REPORTS**
10. **CORRESPONDENCE**
11. **ADJOURNMENT**

David Burnett, Chair

ATTEST:

Erin Fernando, Administrative Assistant

Date

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 234-242
RESERVATION ROAD (APN 032-181-018) IN THE C-1 (RETAIL BUSINESS) ZONING
DISTRICT.

WHEREAS, Robert DiVito of Element 7 Marina submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for Element 7 Marina at 234-242 Reservation Road with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning Office on January 13, 2020, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Standard Cannabis Dispensary Operating Conditions

6. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 13, 2020.
7. Substantial Action Time Limit – If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.
8. Permit Expiration - This permit shall have a duration of one year. The one-year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.
9. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
10. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
11. Business License – The permittee shall obtain and maintain a City of Marina business license.
12. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.

13. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
14. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
15. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
16. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
17. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
18. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
19. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

20. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
21. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
22. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
23. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.
24. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.

25. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

26. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ATTEST:

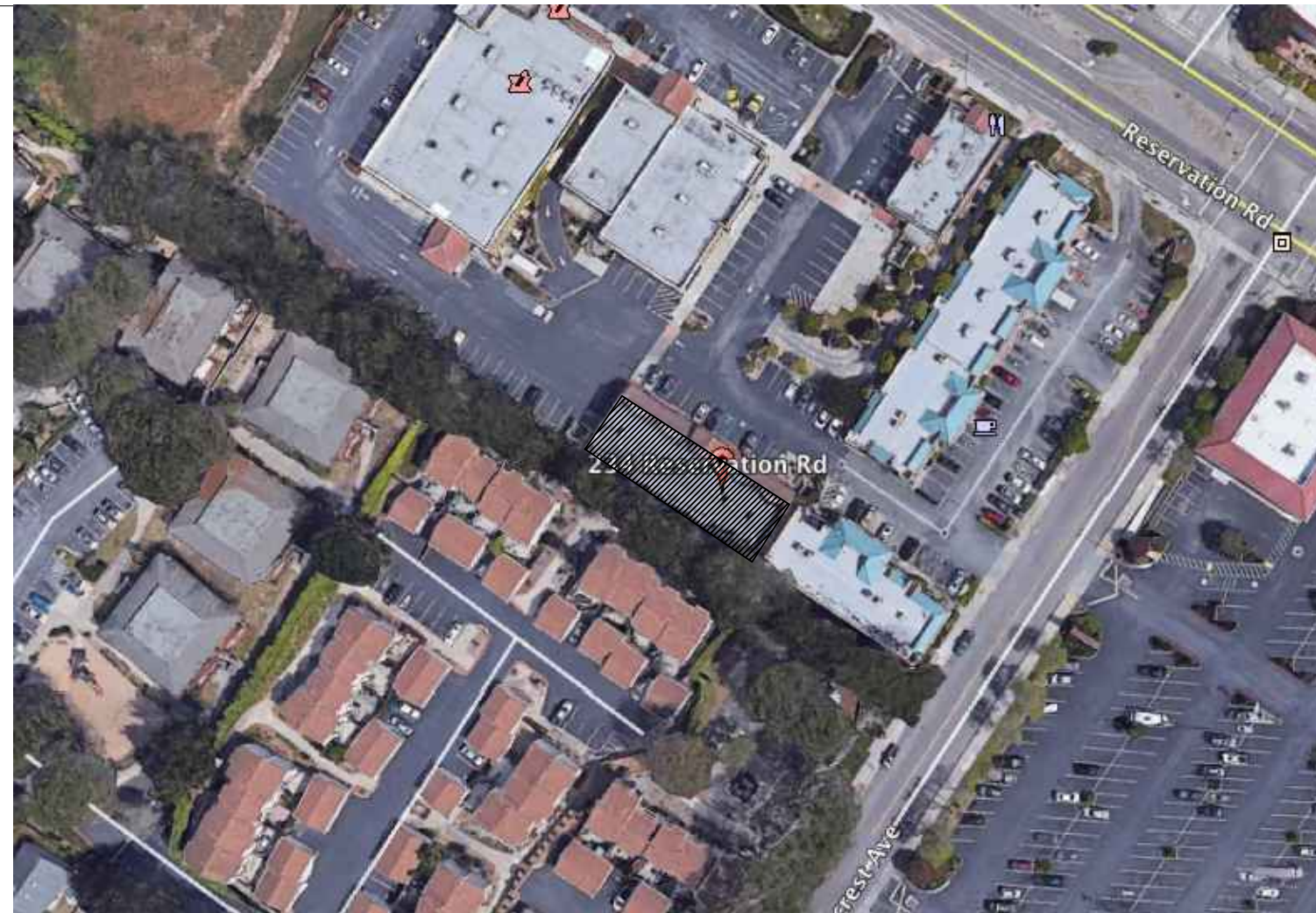
Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

ELEMENT 7 MARINA

PROPOSED PROPERTY DEVELOPMENT

234 Reservation Road, Marina, CA 93933

PROPERTY INFORMATION		VICINITY MAP	SATELLITE VIEW
PARCEL ID:032-181-018-000 PROPERTY TYPE:Single Unit CONSTRUCTION TYPE:-- ZONE:Commercial/Public Service 1 #STORIES: Property Boundary Description(s): Building Description(s):234 RESERVATION ROAD, MARINA, CA 93933 SQUARE FOOTAGE5,000 SQ. FT.			
GOVERNING CODE		PARCEL MAP	SCOPE OF WORK
This project shall comply with the: 2016 California Building Code (CBC) 2016 California Residential Code (CRC) 2016 California Mechanical Code (CMC) 2016 California Plumbing Code (CPC) 2016 California Electrical Code (CEC) 2016 California Green Building Standards Code (CGBS) 2016 California Energy Code			DISPENSARY, DISTRIBUTION AND MANUFACTURING
BUILDING SUMMARY			SHEET INDEX
	LOT SIZE:----- SQ. FT. FLOOR AREA5,000 SQ. FT. LOT COVERAGE: 8,400 / -----= ---%		ARCHITECTURAL *A00 COVER SHEET *A01 SITE PLAN *A02 PROPOSED FLOOR PLAN *A03 PROPOSED SECURITY PLAN *A04 PROPOSED FLOOR AND SITE PLAN *A05 PROPOSED SAFTEY PLAN *A06 RESTRICTED ACCESS PLAN
		COVER SHEET RB 111518 CS	

PROJECT TITLE

ELEMENT 7 MARINA

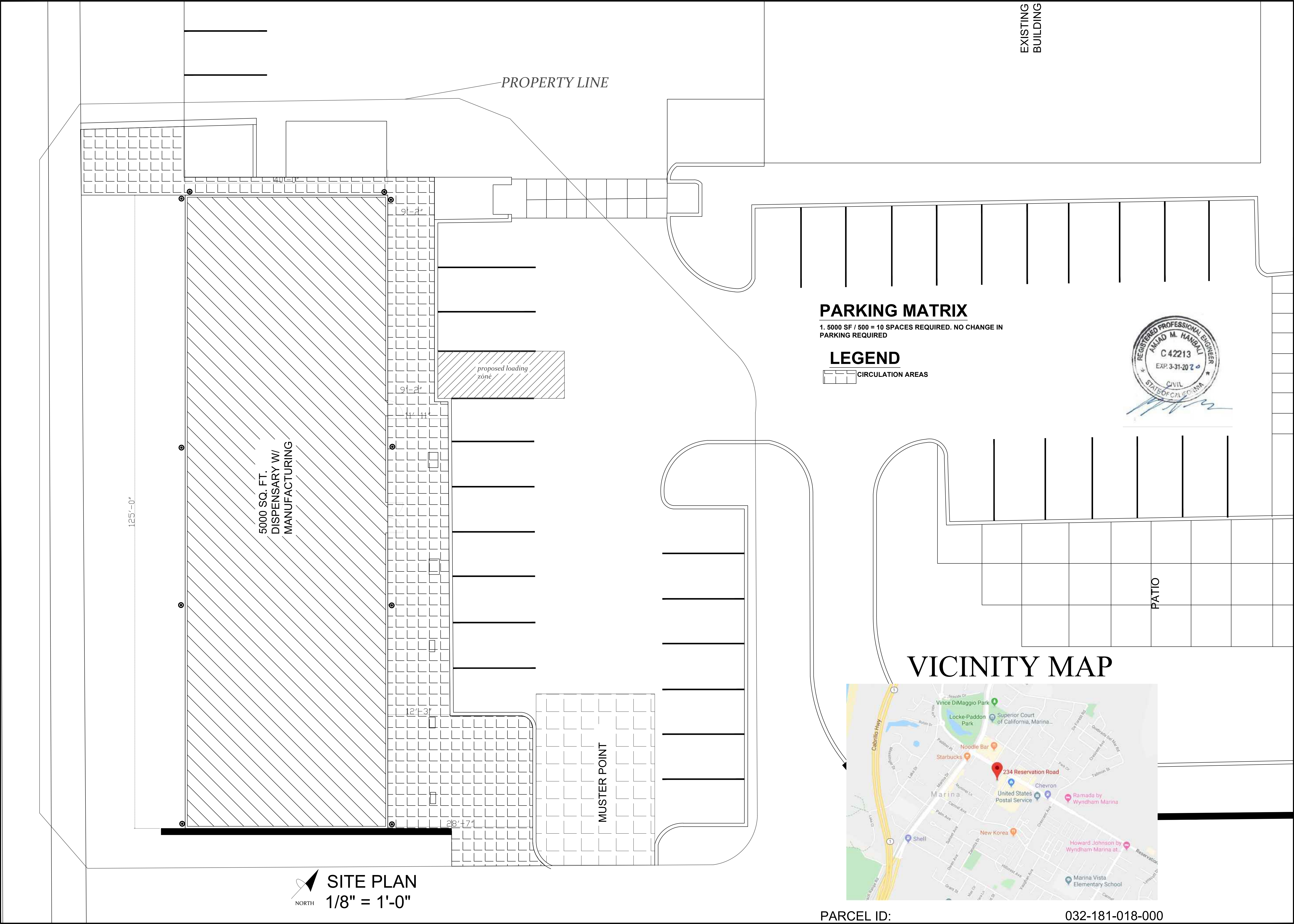
PROPOSED PROPERTY DEVELOPMENT

234 RESERVATION ROAD, MARINA CA 93933

REVISION HISTORY

APPLICANT:
Robert DiVito
8033 Sunset Blvd., Unit 987
Los Angeles, CA 90046
Phone: (312) 823 7638
Email:
norwoodlawpro@gmail.com

DESIGN:
RAMON BAGUIO
4273 Canoga Ave
Woodland Hills, CA
310-562-5382
rbplandesign@gmail.com
www.calplandesign.com



APPLICANT:
Robert DiVito
8033 Sunset Blvd., Unit 987
Los Angeles, CA 90046
Phone: (312) 823 7638
Email:
norwoodlawpro@gmail.com

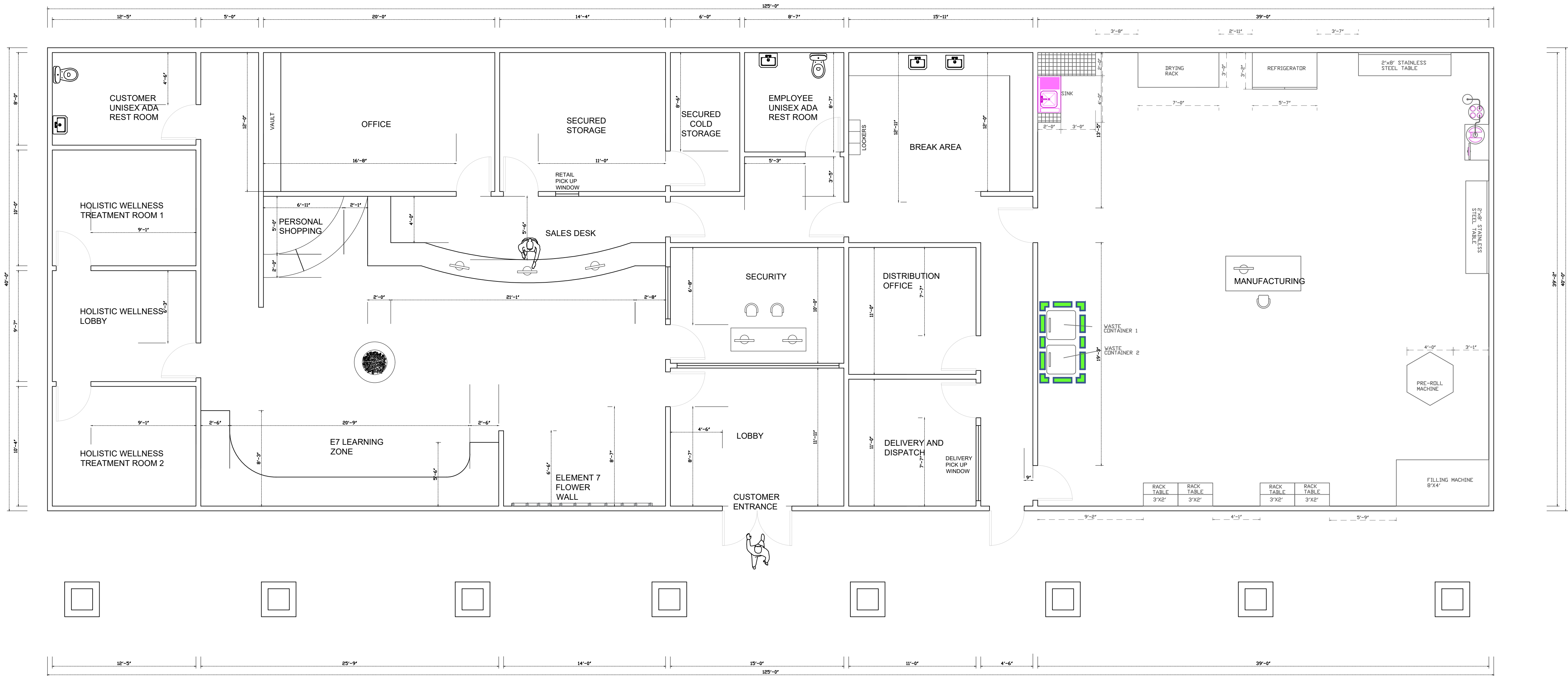
DESIGN:
RAMON BAGUIO
4273 Canoga Ave
Woodland Hills, CA
310-562-5382
rbplandesign@gmail.com
www.calplandesign.com

PROJECT TITLE
**ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933**

REVISION HISTORY

COVER SHEET
RB 111518

A-01



FLOOR PLAN
3/16" = 1'-0"



PROJECT TITLE

ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933

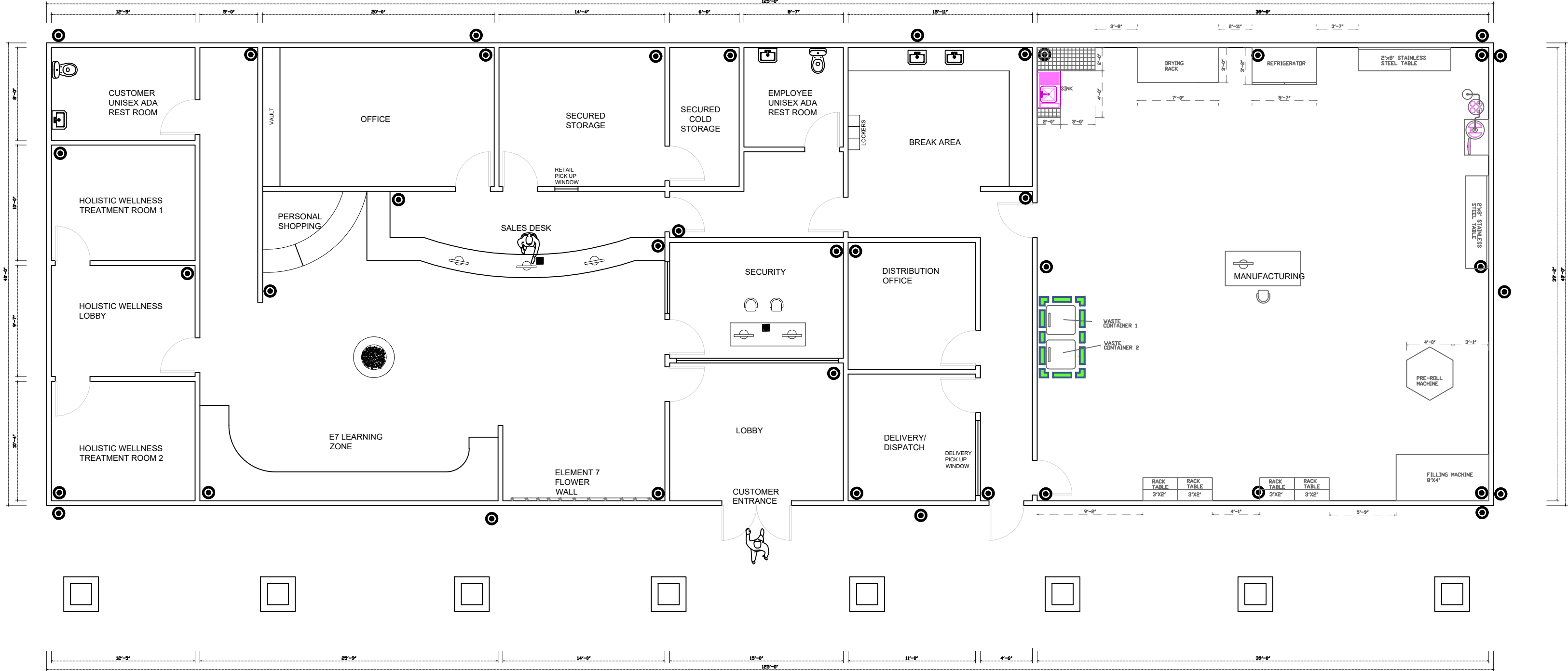
REVISION HISTORY

PROPOSED
FLOOR PLAN

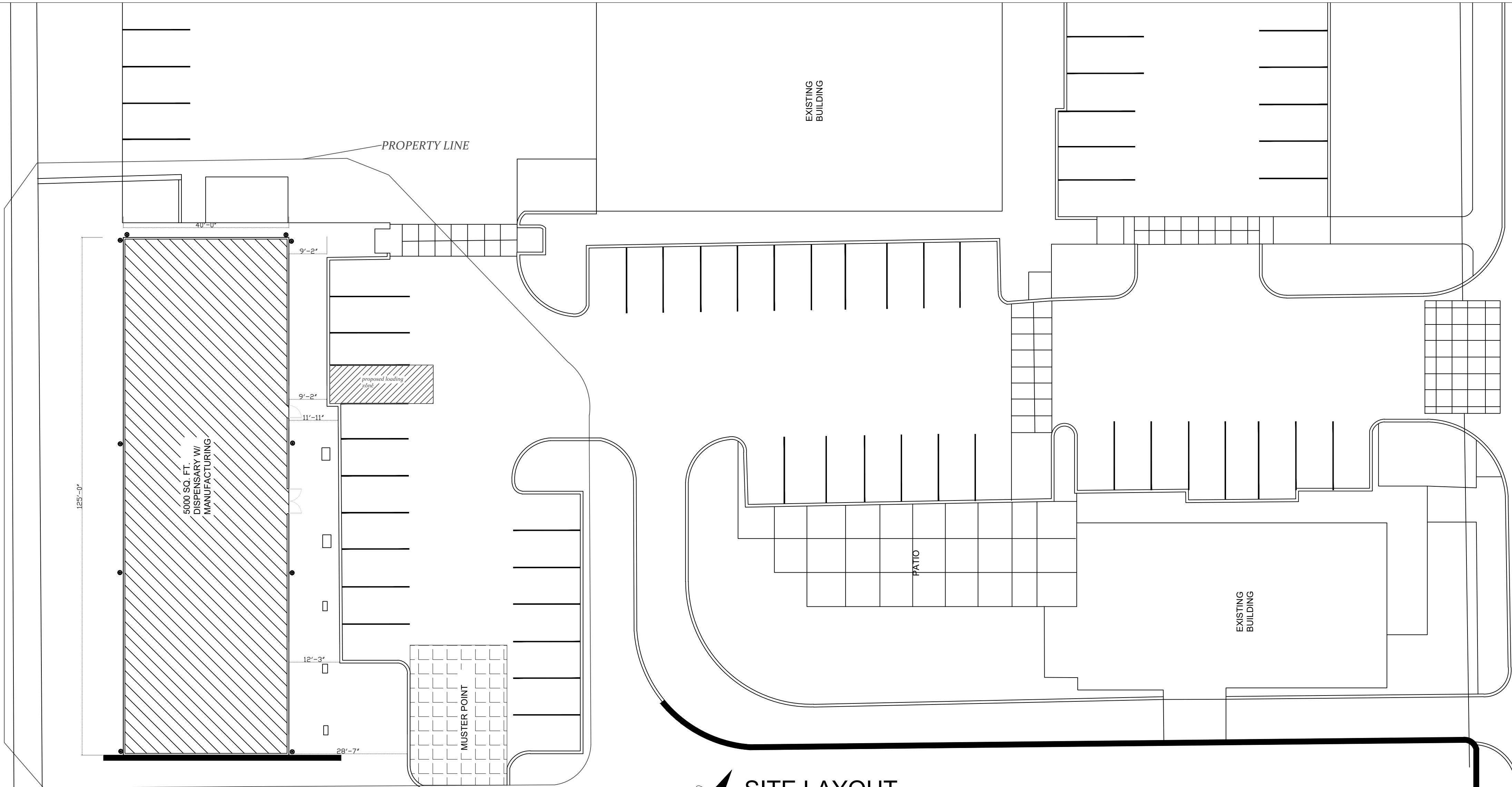
A-02

APPLICANT:
Robert DiVito
8033 Sunset Blvd., Unit 987
Los Angeles, CA 90046
Phone: (312) 823 7638
Email:
norwoodlawpro@gmail.com

DESIGN:
RAMON BAGUIO
4273 Canoga Ave
Woodland Hills, CA
310-562-5382
rbplandesign@gmail.com
www.calplandesign.com



FLOOR PLAN
1/8" = 1'-0"
NORTH
360 DEGREES SECURITY CAMERA



SITE LAYOUT
1/16" = 1'-0"
NORTH
360 DEGREES SECURITY CAMERA



APPLICANT:
Robert DiVito
8033 Sunset Blvd., Unit 987
Los Angeles, CA 90046
Phone: (312) 823 7638
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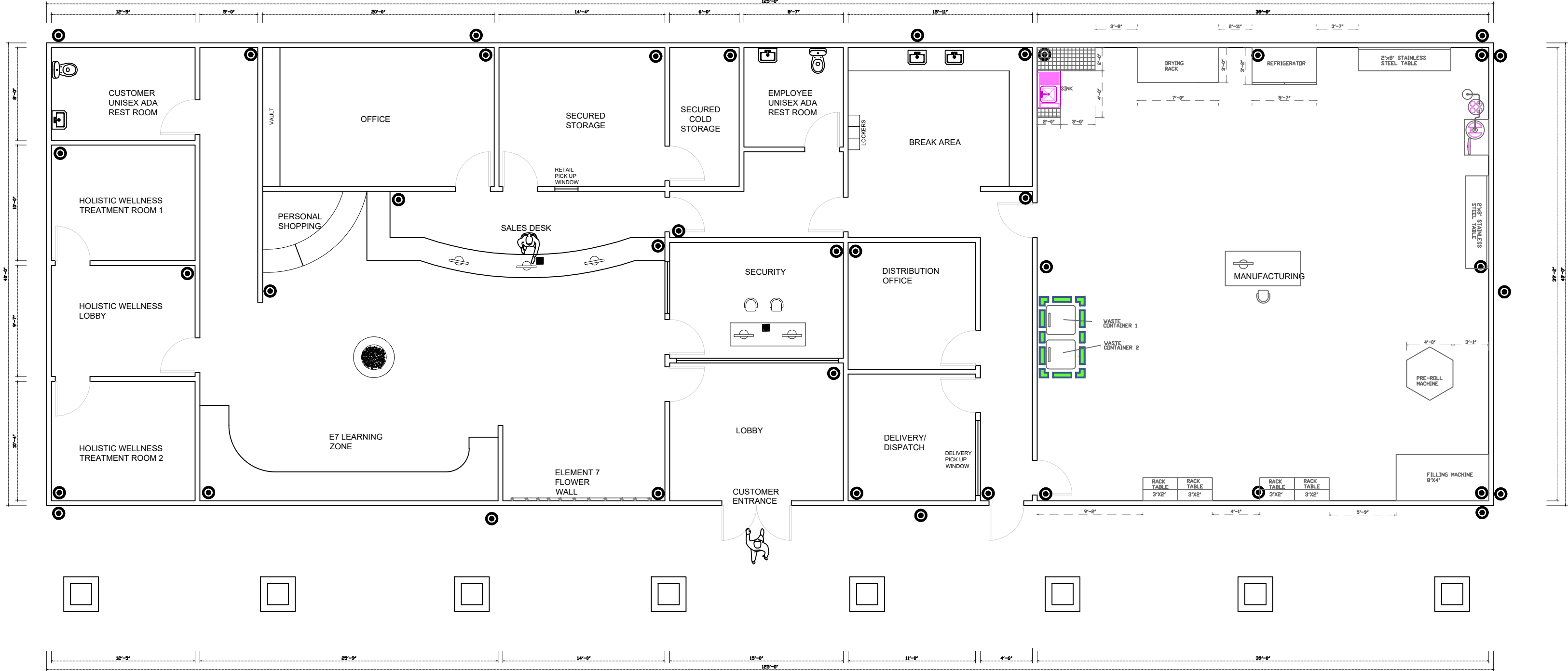
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4273 Canoga Ave
Woodland Hills, CA
310-562-5382
rbplandesign@gmail.com
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PROJECT TITLE
**ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933**

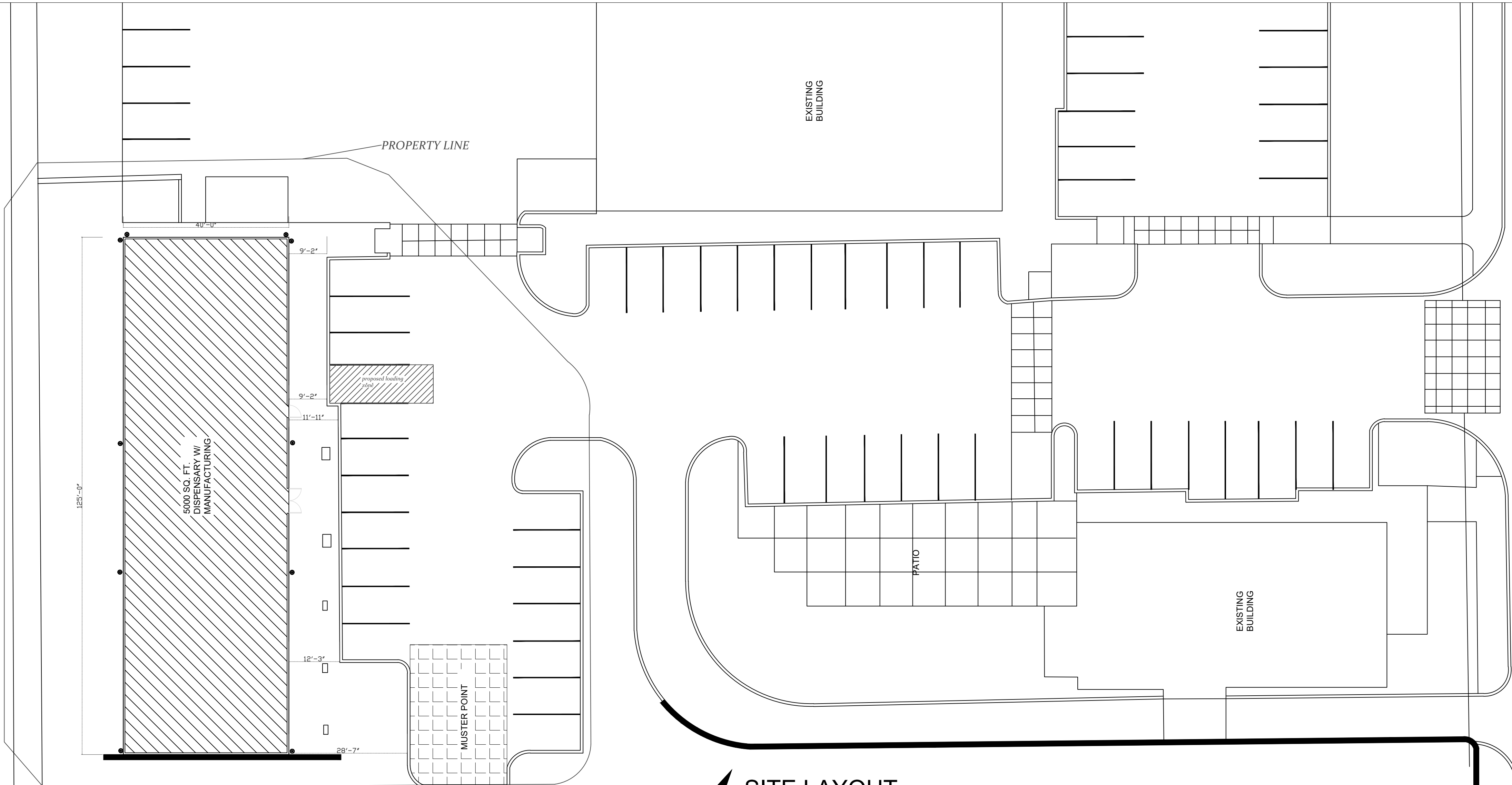
REVISION HISTORY

**SECURITY
PLAN**

A-03



FLOOR PLAN
1/8" = 1'-0"
NORTH
360 DEGREES SECURITY CAMERA



SITE LAYOUT
1/16" = 1'-0"
NORTH
360 DEGREES SECURITY CAMERA



APPLICANT:
Robert DiVito
8033 Sunset Blvd., Unit 987
Los Angeles, CA 90046
Phone: (312) 823 7638
Email:
norwoodlawpro@gmail.com

DESIGN:
RAMON BAGUIO
4273 Canoga Ave
Woodland Hills, CA
310-562-5382
rbplandesign@gmail.com
www.calplandesign.com

PROJECT TITLE
**ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933**

REVISION HISTORY

**PROPOSED FLOOR
PLAN AND SITE PLAN**

A-04

APPLICANT:
Robert DiVito
8033 Sunset Blvd., Unit 987
Los Angeles, CA 90046
Phone: (312) 823 7638
Email:
norwoodlawpro@gmail.com

DESIGN:
RAMON BAGUIO
4273 Canoga Ave
Woodland Hills, CA
310-562-5382
rbplandesign@gmail.com
www.calplandesign.com

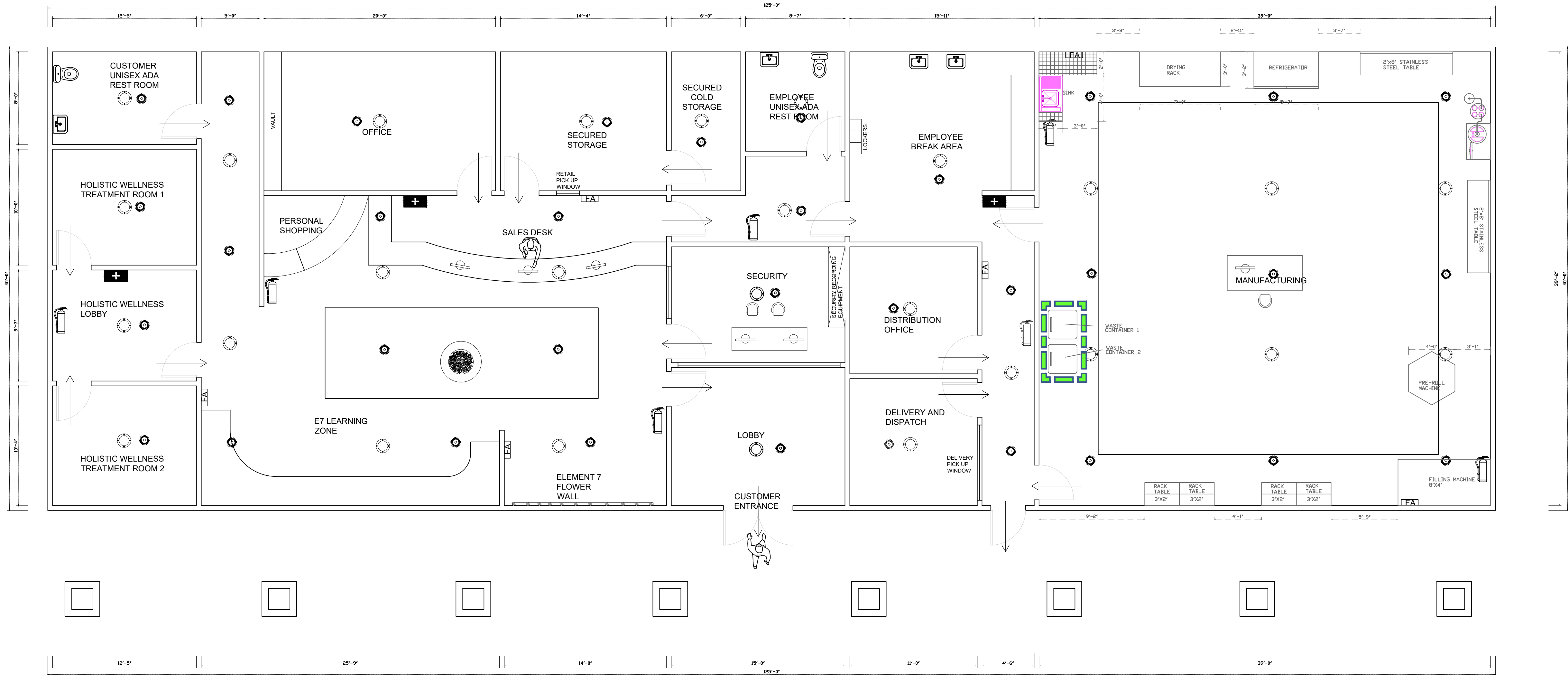
PROJECT TITLE

**ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933**

REVISION HISTORY

**PROPOSED
SAFETY PLAN**

A-05

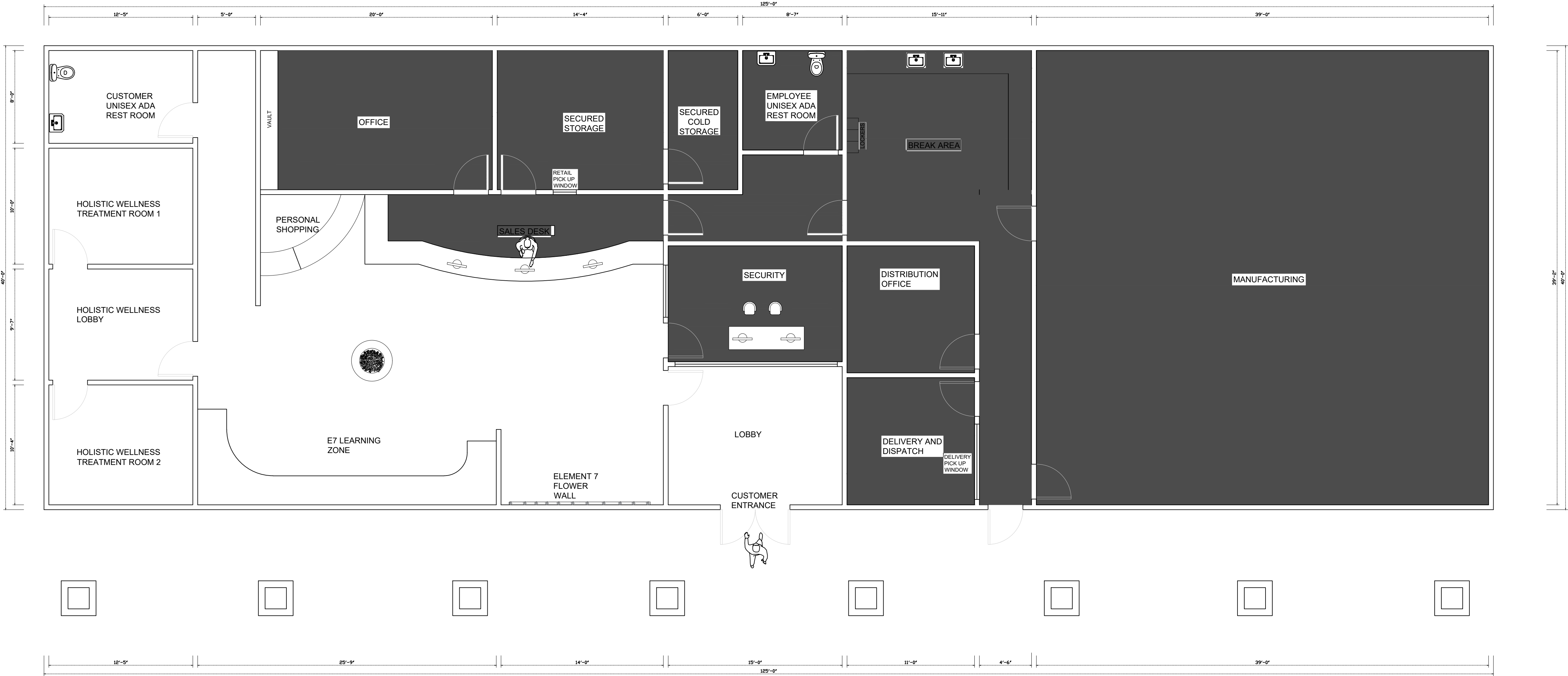


	FIRE EXTINGUISHER
	FIRST AID
	SMOKE DETECTOR
	FIRE SPRINKLER HEAD
	FIRE ALARM



PROPOSED SAFETY PLAN
3/16" = 1'-0"





RESTRICTED ACCESS PLAN
3/16" = 1'-0"



APPLICANT:
Robert DiVito
8033 Sunset Blvd., Unit 987
Los Angeles, CA 90046
Phone: (312) 823 7638
Email:
norwoodlawpro@gmail.com

DESIGN:
RAMON BAGUIO
4273 Canoga Ave
Woodland Hills, CA
310-562-5382
rbplandesign@gmail.com
www.calplandesign.com

PROJECT TITLE
**ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933**

REVISION HISTORY

**RESTRICTED
ACCESS PLAN**

A-06

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3016 DEL MONTE
BOULEVARD (APN 032-421-011) IN THE C-2 (GENERAL COMMERCIAL)
ZONING DISTRICT.

WHEREAS, Salvatore Palma of Higher Level of Care Marina, Inc. submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for Higher Level of Care Marina, Inc. at 3016 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning Office on February 6, 2020 except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.

7. Removal of Gas Pumps and Canopy – Subject to approval by the Director of Community Development-Planning, final Site and Architectural Design Review plans shall include removal of the existing gas pumps and canopy from the site. The removal of the gas pumps and canopy are the responsibility of the applicant or property owner.

Standard Cannabis Dispensary Operating Conditions

8. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on February 6, 2020.

9. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

10. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.

11. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

12. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
13. Business License - The permittee shall obtain and maintain a City of Marina business license.
14. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
15. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
16. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
17. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
18. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
19. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
20. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
21. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

22. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
23. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.

24. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.

25. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs “Security Guard Card” at all times. Security personnel may not be armed.

26. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.

27. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

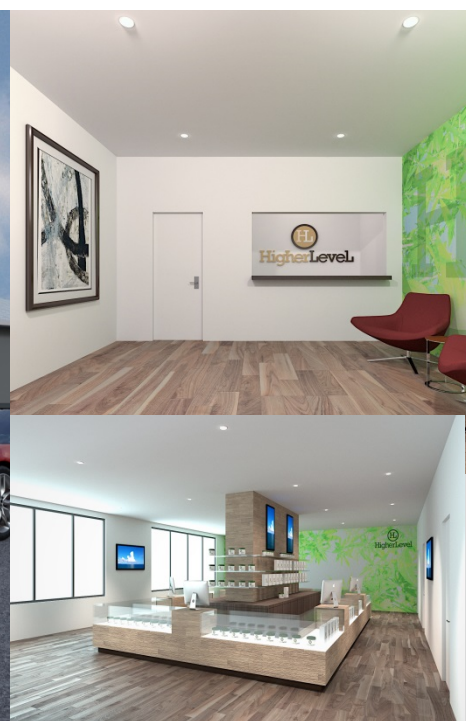
Anita Sharp, Deputy City Clerk

Conditional Use Permit - City of Marina

Commercial Cannabis Business - Retail

HLC-Marina, Inc.-Applicant

November 14, 2019



CONDITIONAL USE PERMIT APPLICATION

HIGHER LEVEL OF CARE-MARINA
3016 DEL MONTE BOULEVARD,
MARINA

Commercial Cannabis Business - Retail

PREPARED FOR

Layne Long
City Manager
City of Marina
211 Hillcrest Avenue
Marina, CA 93933
Tel 831.884.1278

PREPARED BY

EMC Planning Group Inc.
301 Lighthouse Avenue, Suite C
Monterey, CA 93940
Tel 831.649.1799
Fax 831.649.8399
Michael Groves, AICP, Senior Principal
groves@emcplanning.com
www.emcplanning.com

November 14, 2019



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 - Aerial Photograph
 - Zoning Map
 - Marina Downtown Vitalization Specific Plan
 - Site Photographs / Building Elevations (existing)
 - Proposed Building Elevations
 - Site Plan
 - Floor Plan w/ Dimensions



Community Development Department
Mailing: 211 HILLCREST AVENUE
Office: 209 CYPRESS AVENUE
MARINA, CA 93933
831.884.1220; FAX 831.384.0425
www.cityofmarina.org

PLANNING APPLICATION

Project Address/Location: 3016 Del Monte Boulevard, Marina, 93933 APN: 032-421-011

Applicant(s):

Name: HLC-Marina, Inc. - Salvatore Palma
Mailing Address: 316 Van Buren Street #4, Monterey, CA 93940
Phone: 310-261-4809 Email: sal@hldispensaries.com

Property Owner:

Name: JASY, LLC, Jafet Torres
Mailing Address: 3016 Del Monte Boulevard, Marina, CA 93933
Phone: 831-632-0139 Email:

Project Description: What do you want to do?

Conditional Use Permit for Commercial Cannabis Business- Retail - See attached Project Description

Property Owner Authorization:

By signing this application I certify that I have reviewed this completed application and the attached material and consent to its filing. I agree to allow the Community Development Department to duplicate and distribute plans to interested persons as it determines is necessary for the processing of the application.

Signed Jafet Torres Date 11-12-19

Permission to Access Property

This section is to be completed by the **property owner** and/or occupant who controls access to the property. To adequately evaluate many project proposals Community Development Department Staff, Commissioners and City Council Members will have to gain access to the exterior of the real property in order to adequately review and report on the proposed project. Your signature below certifies that you agree to give the City permission to access the project site from 8 a.m. to 5 p.m., Monday through Friday, as part of the normal review of this planning application.

Signed Jafet Torres Date 11-12-19

Applicant/Representative Certification:

I understand the City might not approve what I am applying for or might set conditions of approval. I agree to allow the Community Development Department to duplicate and distribute plans to interested persons as it determines is necessary for processing of the application.

Signed Salvatore Palma Date 11/12/19

Indemnification Agreement:

The Owner/Applicant shall defend, indemnify and hold harmless the City or its agents or 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, in whole or in part, the City's approval of this project. In the event that the City fails to promptly notify the Owner / Applicant of any such claim, action or proceeding, or that the City fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

Signed Salvatore Palma Date 11/12/19

FOR OFFICE USE ONLY:

Date Application Submitted: _____ Fee Collected: \$ _____
Date Application Complete: _____ Receipt Number: _____
File Number(s): _____
Planner Initials: _____ Associated Permits: _____



PROJECT DESCRIPTION

Name of Project Applicant: HLC – Marina, Inc. – Salvatore Palma

Mailing Address: 316 Van Buren Street #4, Monterey, CA 93940 Phone: 310-261-4809

Name of the project: Cannabis Retailer - Higher Level of Care - Marina

Project location (address and/or Assessor's Parcel Number(s): APN 032-421-011

3016 Del Monte Boulevard, Marina 93933

Size of project site (acreage): 0.9 Acres

Existing General Plan Land Use Designation: Light Industrial / Service Commercial

Existing Zoning Designation: C2- General Commercial District

Describe the existing land use(s) of the site: The project site includes three existing buildings and a gas pump canopy, formerly used as a convenience store and automobile service station. The dispensary will be located within the northern most building on the property, adjacent to the Shell Gas Station. The building, currently a plumbing store, will be converted to a dispensary for both Medical and Adult Cannabis sales.

Describe the existing land use of properties surrounding the site: The project site is surrounded by commercial uses to the north and east, including the Shell Gas Station located at the corner of Del Monte Boulevard and Reindollar Avenue. The site is bordered to the west by Cabrillo Highway (Highway 1) and open space to the south. Marina High School is located over a quarter of a mile southeast of the project site.

Describe the proposed land use(s)/Project: The project will consist of the refurbishing of one building on the property that contains three buildings and a former gas pump canopy. The building will remain commercial and be used for both Medical and Adult cannabis sales.

For residential uses, indicate the number, type, and size of the units, and the estimated range of the sale and rental prices: NA

For commercial uses, indicate the type (neighborhood, city, or regional orientation), the total square footage, the estimated number of employees, and the hours of operation: Use type- Higher Level of Care-Marina will serve the City of Marina, and likely, will draw patrons to the store from the surrounding area.

Square Footage- The applicant will refurbish a 3,940 square foot building for the co-located Adult Use and Medical Retail uses and future refurbishing will take place for a manufacturing and distribution facility within the same building. The dispensary will comprise 2,450 square feet of the existing building and the remainder (1,490 square feet) will be used for manufacturing and distribution under separate permitting.

Employees- Higher Level of Care-Marina intends to hire a minimum of twenty (20) employees for the proposed business.

Hours of Operation- The retailer will operate only between the hours of 9:00 a.m. and 10:00 p.m.

For industrial uses, indicate the type, the total square footage, the estimated number of employees, and the hours of operation: NA

For other uses, indicate the major function, the total square footage, the estimated number of employees, and the hours of operation: NA

List and describe any other permits or public approvals required for this project, including those required by city, regional, state, and federal agencies: Higher Level of Care-Marina will be required to obtain, in addition to this Conditional Use Permit, building permits from the City for remodeling. They will also need to obtain a State Cannabis Business License to operate at this location.

Are there water, sewer, gas, electric, and telecommunication facilities available to the project site?

(X) Yes () No If no, are connections to these facilities proposed? _____

Please describe any odor, noise, smoke, or dust which will result from the proposed development or use:

There will be no noise, smoke or dust except during remodeling. Odor on the project site will be controlled with a closed loop aeration system that keeps all environmental conditions contained within the business, and will be installed in the building prior to operation.

Will there be any potentially hazardous materials, toxic substances, or flammable materials used, stored, manufactured, or disposed of at the project site? () yes (X) no If yes, please explain: _____

Please describe the proposed scheduling and phasing of the project's construction: Renovations will begin on the existing building as soon as a Conditional Use Permit and Building Permit are obtained. With public hearings scheduled for January and February of 2020, it is expected that the dispensary would be open for business by June or July of 2020.

Please provide any additional relevant information that can assist in the processing of this application: _____

Parking- Per Section 17.44.030 of the City of Marina Municipal Code a total of 9 spaces would be required (6 for Retail, 1 for Office, and 1.5 for Storage Area). The parking lot will be resurfaced and the parking lot restriped to include 15 parking spaces for the dispensary. One ADA van parking space will be provided. Additional improvements to the site will include the addition of bicycle parking, and security cameras / lighting to meet the City of Marina Municipal Code requirements.

Green Building Practices - Higher Level of Care will implement a variety of "green" business techniques including the following: Higher Level of Care will reuse the existing building with minimal materials used to renovate the building's interior and exterior; utilize the existing off-street parking; materials used in remodeling of the structures will be sourced from local retailers to the extent feasible, reducing trips driven for delivery of materials; install solar power technology to reduce energy consumption and provide robust battery backup to ensure that, in the event of a power outage, all security infrastructure remains operational; energy saving LED lighting will be used; bike parking will be provided to encourage alternative modes of transportation; waste products such as paper, plastic, metal, and cardboard will be recycled; employees will be encourage to carpool and use public transportation; and all new landscape plantings will include drought tolerant and native species suitable for the climate conditions specific to the site to reduce water use.

Lighting- Exterior lighting on the premises and location will be designed to ensure the safety of the public and the members and employees of the business while not disturbing surrounding residential or commercial areas. Further details about the lighting can be found in the Security Plan.

Trash Enclosure- The applicant will provide a detail drawing for the installation of the new trash enclosure. The detailed drawing will be submitted to the City staff for review and approval prior to issuance of a building permit. The trash enclosure will meet the City standards as set for the in the City's Design Guidelines for trash enclosures. The enclosure will be constructed of durable material and, with the exception of the necessary gate, will be constructed of masonry or concrete. The design of the enclosure will incorporate design features, materials, and color from the building. A separate person access will be installed so the main gate can remain closed. The trash enclosure will also meet standards set for the by the Bureau of Cannabis Control Regulations, Article 7, Section 5054. Cannabis waste will be secured in a receptacle or area that is restricted to the licensee, its employees, or an authorized waste hauler.

Higher Level of Care-Marina
3016 Del Monte Boulevard, Marina 93933

ENVIRONMENTAL INFORMATION

ENVIRONMENTAL SETTING

- **Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the sites. Describe any existing structures on the site and the uses of those structures.**

The project site is currently commercially developed and devoid of any scenic resources. The property contains existing buildings, paved parking areas, and a trash dumpster. The highest quality areas present on the site would not be impacted by the proposed project; these areas consist of a few small patches of undeveloped, compacted and disturbed sandy ground in the southern portion of the site, sparsely vegetated by common weedy plants. These areas are highly disturbed, but as shown on the site plan, are positioned adjacent to and therefore serve to partially buffer undeveloped open space located immediately south of the site. The site contains relatively flat topography, and does not provide any beneficial wildlife habitat.

The proposed reuse project involves renovating an existing building and resurfacing a portion of the existing parking lot. The building proposed for renovation is currently in commercial use by JT Plumbing.

- **Describe the surrounding properties, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the area. Indicate the type and intensity of land uses, and the scale of the development.**

As mentioned above, the project site is developed and bordered to the north and east by additional developed properties (a Shell gas station, warehouse, and storage facility), to the west by Del Monte Boulevard and then State Route 1, and to the south by undeveloped but highly disturbed open space.

Topography in this project vicinity is relatively flat; the soil type in and around the project site is classified as Baywood sand by the Natural Resources Conservation Service. With regard to soil stability, the open space south of the site has much more compacted sandy substrates due to past ground clearing and other uses, while sandy substrates located west of the site and past the two major

roadways contain more natural sandy substrate conditions along the coastline. Off-site coastal dune scrub areas along Monterey Bay contain important scenic and biological resource values.

EMC Planning Group senior biologist Andrea Edwards conducted a review of nearby occurrence records for special-status species in the California Department of Fish and Wildlife's *California Natural Diversity Database*, with multiple observations of special-status plant and wildlife species in coastal dune scrub habitats to the west (across Del Monte Boulevard and State Route 1). Special-status species also occur in sandy open space areas south of the site.

These sensitive habitat areas west and south of the site contain important endemic species (restricted to local coastal dunes) and therefore have high biological resource value. In addition, sandy coastal substrates west of State Route 1 contain critical habitat designated by the U.S. Fish and Wildlife Service for federally listed Threatened Monterey spineflower (*Chorizanthe pungens* var. *pungens*).

In contrast, the on-site building proposed for renovation is currently on developed land and under commercial use. The project site does not contain drainage features potentially under the jurisdiction of regulatory agencies. No City-regulated trees would be removed, no wildlife movement corridors would be adversely impacted, and no sensitive habitats would be altered by the proposed project. Biological resources at the site are either absent or greatly degraded, and therefore it is expected that no mitigation would be required for project implementation were the project to undergo detailed environmental impact analysis for biological resources.

The commercial development existing on the site is bordered by other developed properties, and its intensity of use would not increase substantially with the proposed reuse project. Renovation of the building and resurfacing of the parking lot would improve the scenic conditions of the site, and allow reuse of existing developed areas rather than requiring development of new areas.

▪ **Avoidance of Nesting Birds**

There is low potential for birds to nest on the project site, and moderate potential for birds to nest in the vegetated open space to the south of the project site. It is therefore recommended that nesting bird surveys be conducted if construction is scheduled between January 15 and September 15 (during the bird nesting season). If construction begins during the bird nesting season, then a qualified biologist should conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed

during project construction. This measure should be implemented by the developer prior to start of project activities.

If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction would be established. This measure would reduce the potential impact to nesting birds to a less-than-significant level. EMC Planning Group could perform the surveys and provide documentation to the City as requested.

**ENVIRONMENTAL INFORMATION****ENVIRONMENTAL SETTING**

Please provide the following information on a separate piece of paper:

- ☐ Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the sites. Describe any existing structures on the site and the uses of those structures.
- ☐ Describe the surrounding properties, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the area. Indicate the type and intensity of land uses, and the scale of the development.

ENVIRONMENTAL CHECKLIST:

Would the Project result in the following (provide a brief description for each item checked "yes"):

Change in existing features of any streams, creeks, lakes, or wetlands: () Yes (X) No

Change in scenic views or vistas from existing residential areas or public land or roads: () Yes (X) No

Use or disposal of hazardous, toxic or flammable materials or explosives: () Yes (X) No

Change in ocean, bay, lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns: () Yes (X) No

Change in pattern, scale, or character of surrounding area of project: () Yes (X) No

Significant amounts of solid waste or litter: () Yes (X) No

Substantial alteration to topography or ground contours: () Yes (X) No

Change in dust, ash, smoke, fumes, or odors in the vicinity of the project: () Yes (X) No

Substantial change in existing noise or vibration levels in the vicinity: () Yes (X) No

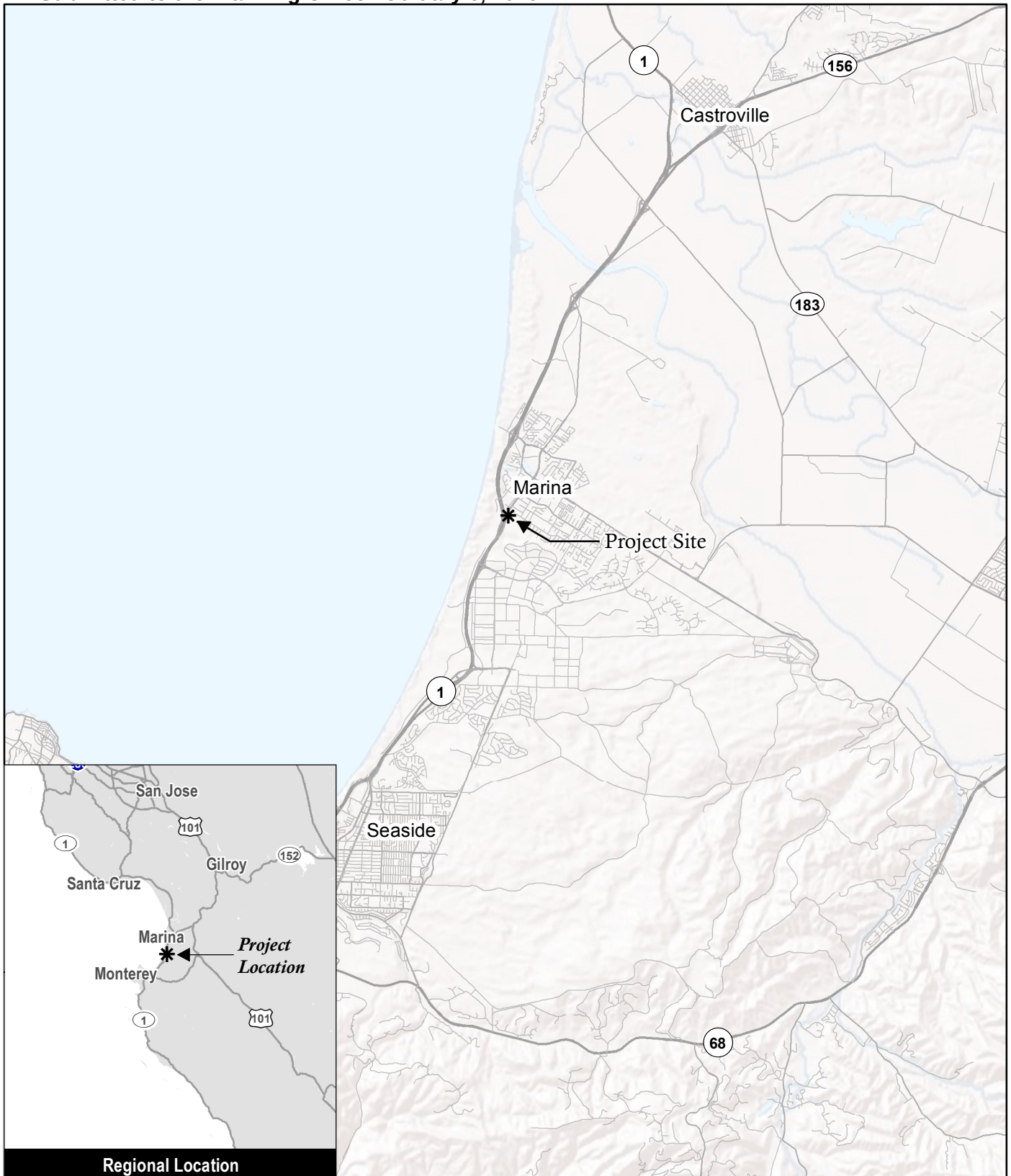
Building on filled land or on a slope of 10 percent or more: () Yes (X) No

Substantial change in demand for municipal services (police, fire, water, sewer, etc.): () Yes (X) No

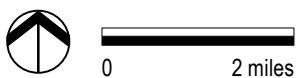
Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc): () Yes (X) No

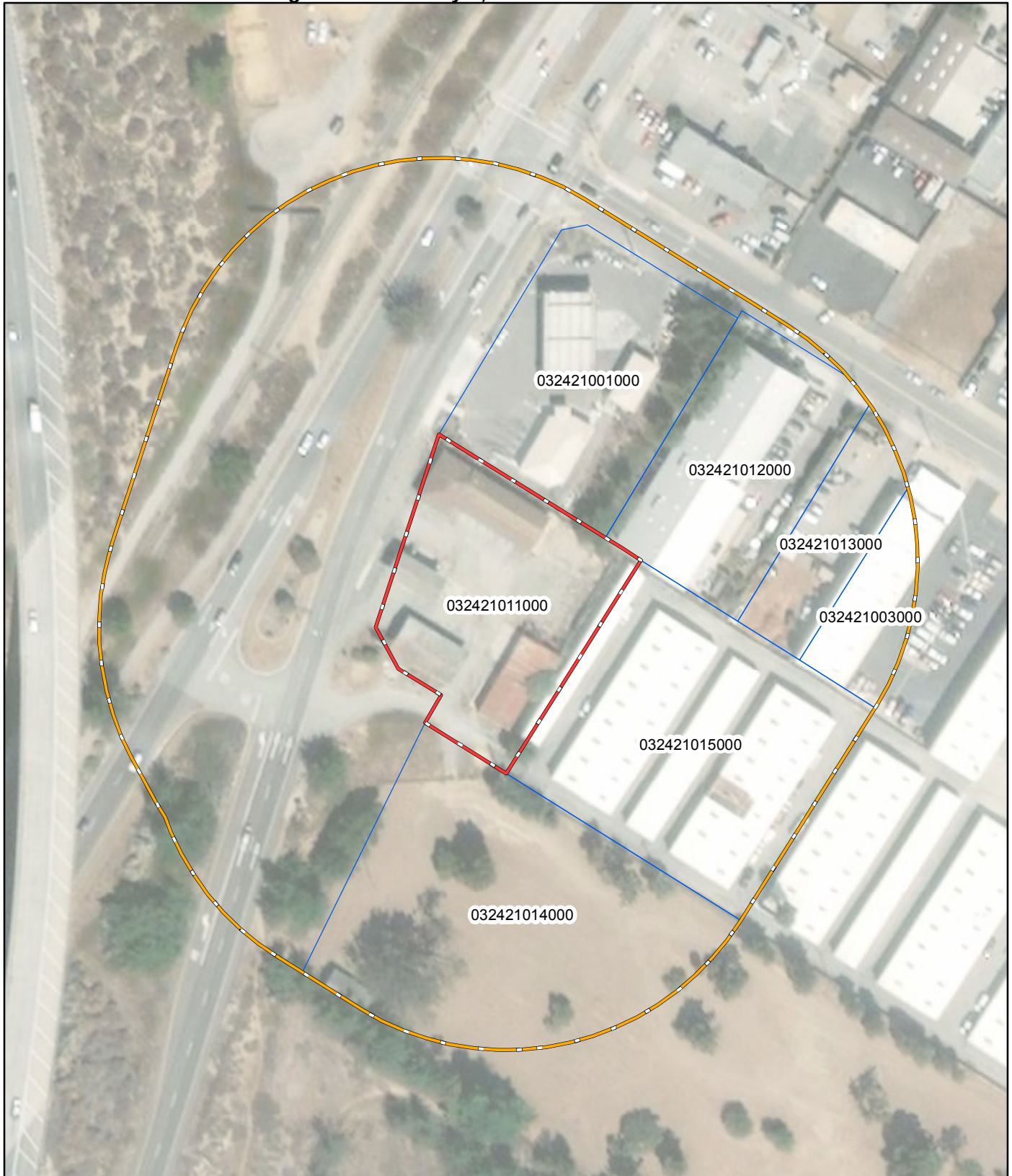
Relationship to a larger project or a series of projects: () Yes (X) No

Substantial change or increase of traffic on surrounding roads and highways: () Yes (X) No



Source: ESRI 2019





Source: Monterey County GIS 2018, ESRI 2019



0 125 feet



Project Site



250 Foot Radius

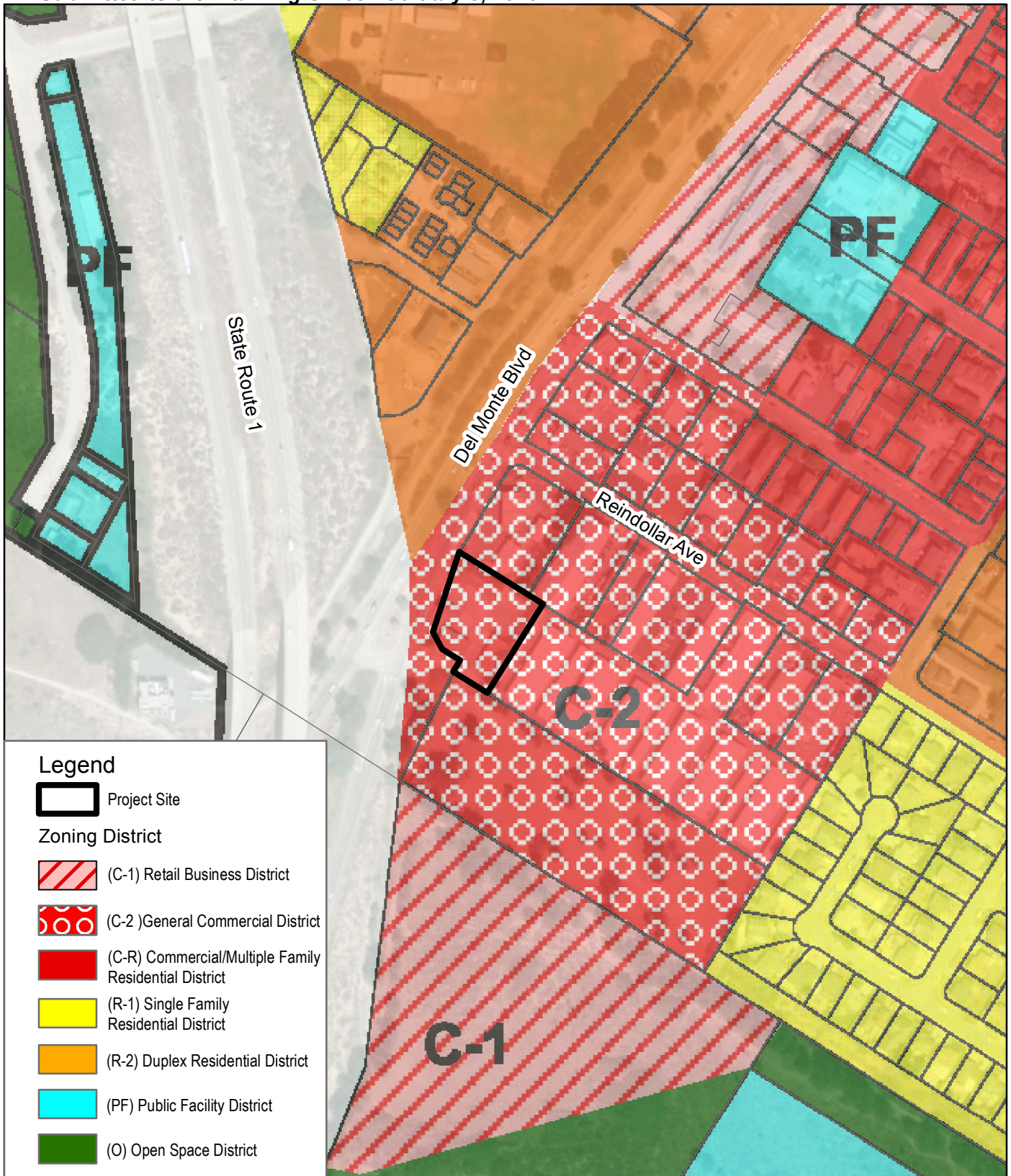


Parcel Boundaries



Aerial Photograph

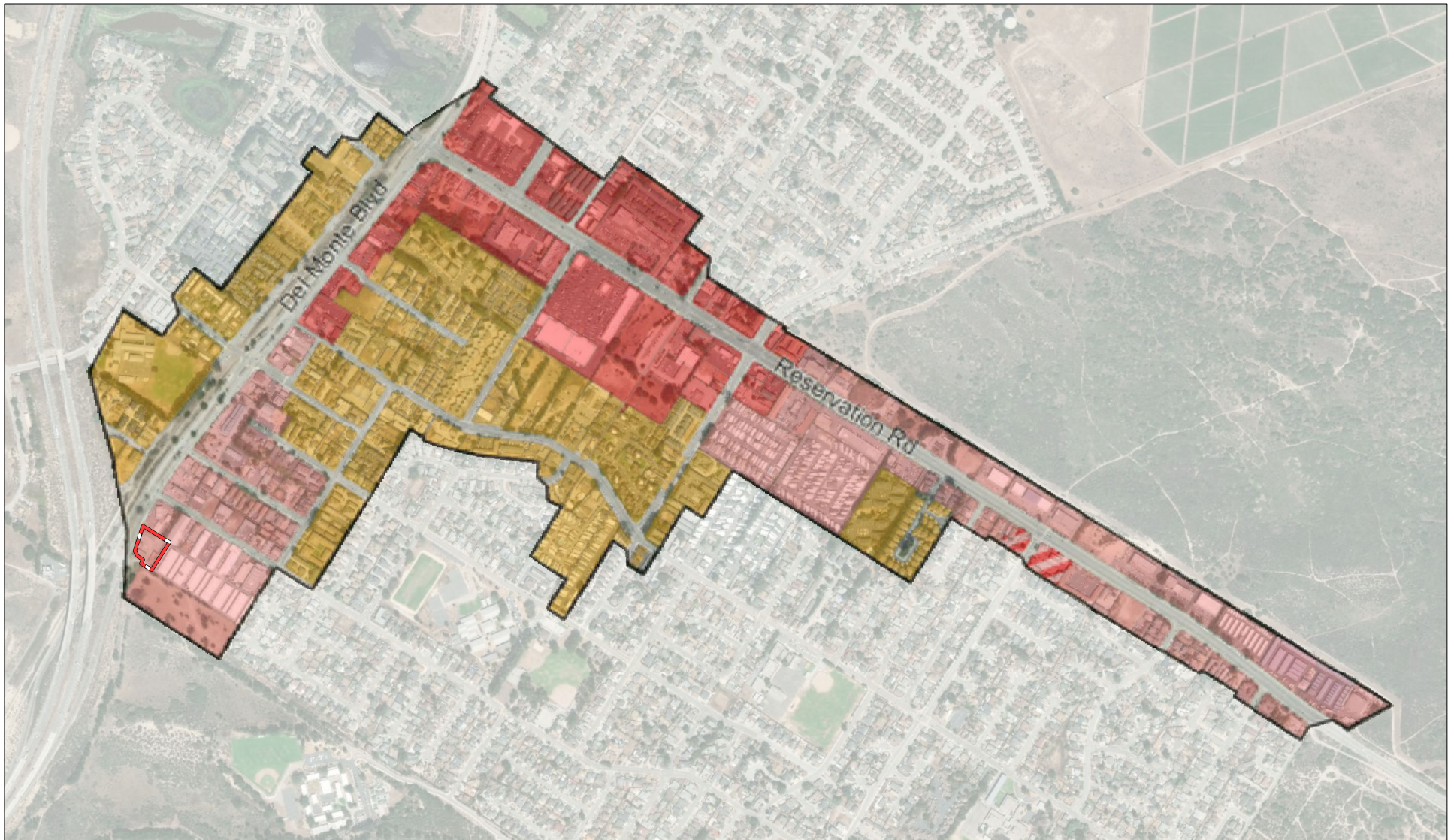
Higher Level of Care - Marina



Source: Monterey County GIS 2018, ESRI 2019, City of Marina 2006



0 300 feet



0 1000 feet



Project Site

Zone



Transition



Core



Multi-family Residential



Mixed-use Node

Source: City of Marina 2019, ESRI 2019



Marina Downtown Vitalization Specific Plan

Higher Level of Care - Marina



① East Elevation



② North Elevation



 Project Site

Source: ESRI 2019
Photographs: Salvatore Palma 2019



③ South Elevation



④ West Elevation

Site Photographs/Building Elevations (existing)

Higher Level of Care - Marina



Exterior Building Elevation



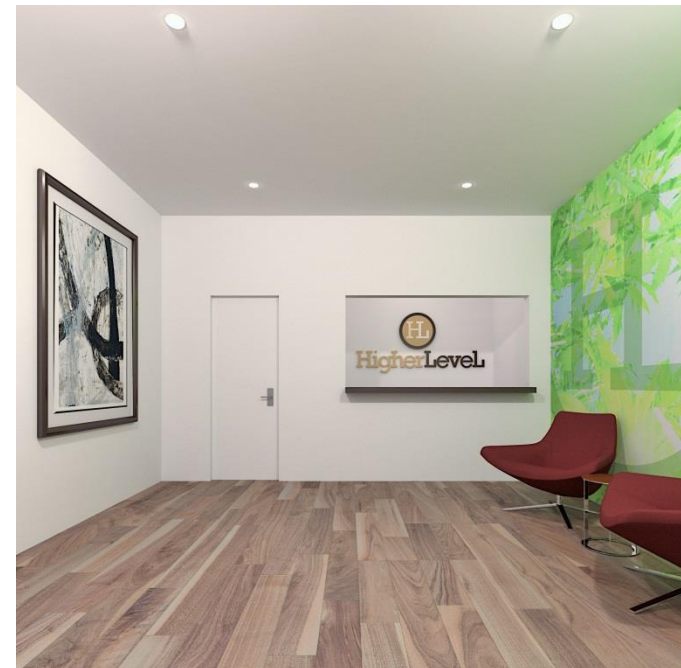
Interior Rendering- Dispensary



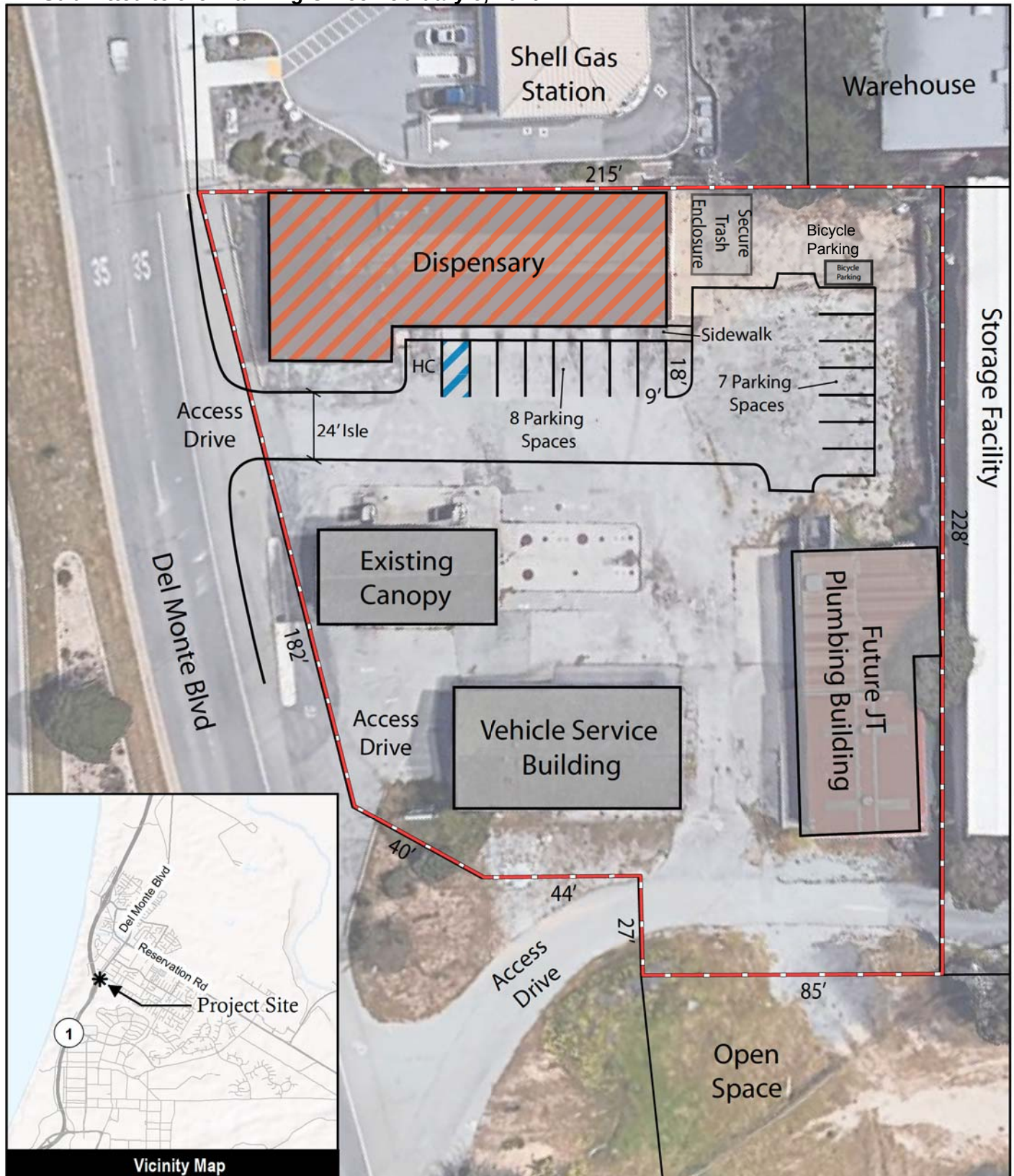
Exterior Building Elevation



Company Logo



Interior Rendering- Lobby



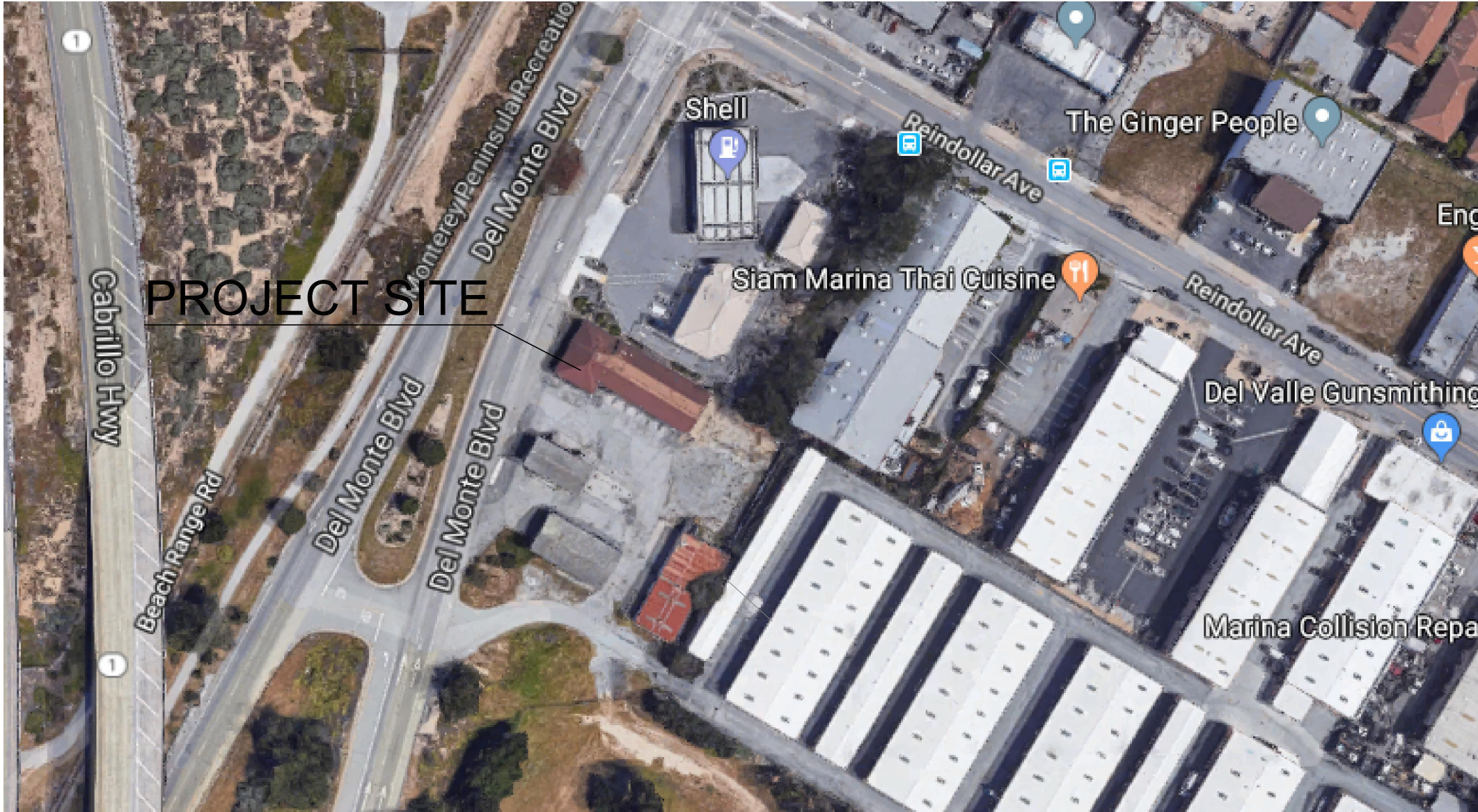
0 40 feet

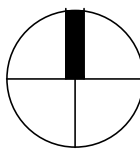
Applicant: HLC - Marina, Inc.
316 Van Buren Street, #4,
Monterey, CA 93940
Phone: 310-261-4809



Project Site
APN 032421011000

Source: Monterey County GIS 2018, Google Earth 2018



 **LOCATION MAP**
NOT TO SCALE

HIGHER LEVEL OF CARE

3016 DEL MONTE AVE MARINA , CA

PROJECT DATA:

PROJECT LOCATION: 3016 DEL MONTE AVE.
MARINA, 93933

APPLICANT: SALVATORE PALMA
(310) 261-4809
spalma.pbs@gmail.com

DRAWN AND PREPARED BY:

JIMMY MONDALA

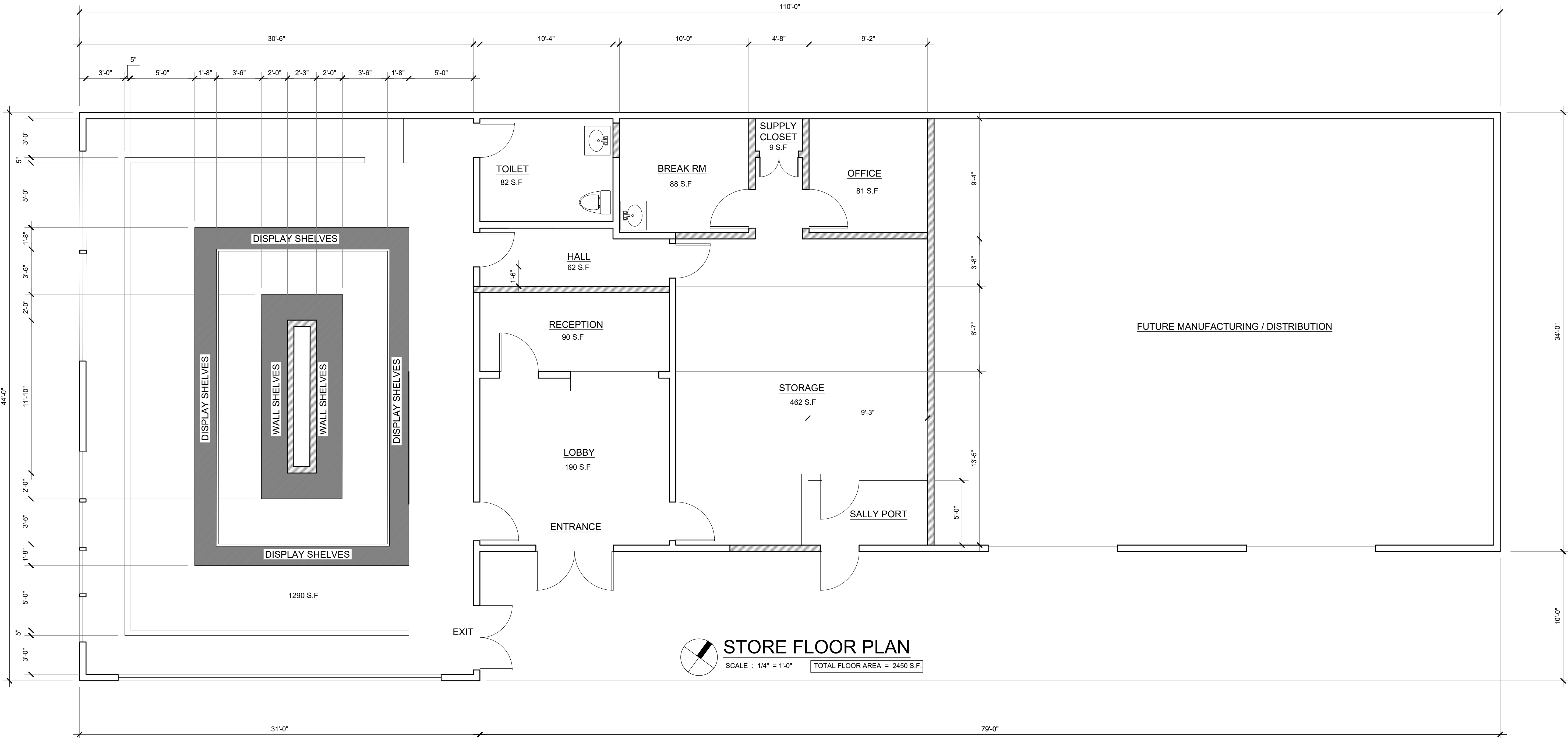
915 PALOMA STREET , DEL REY OAKS CA 93940
(831) 521-7658 jimondala@yahoo.com

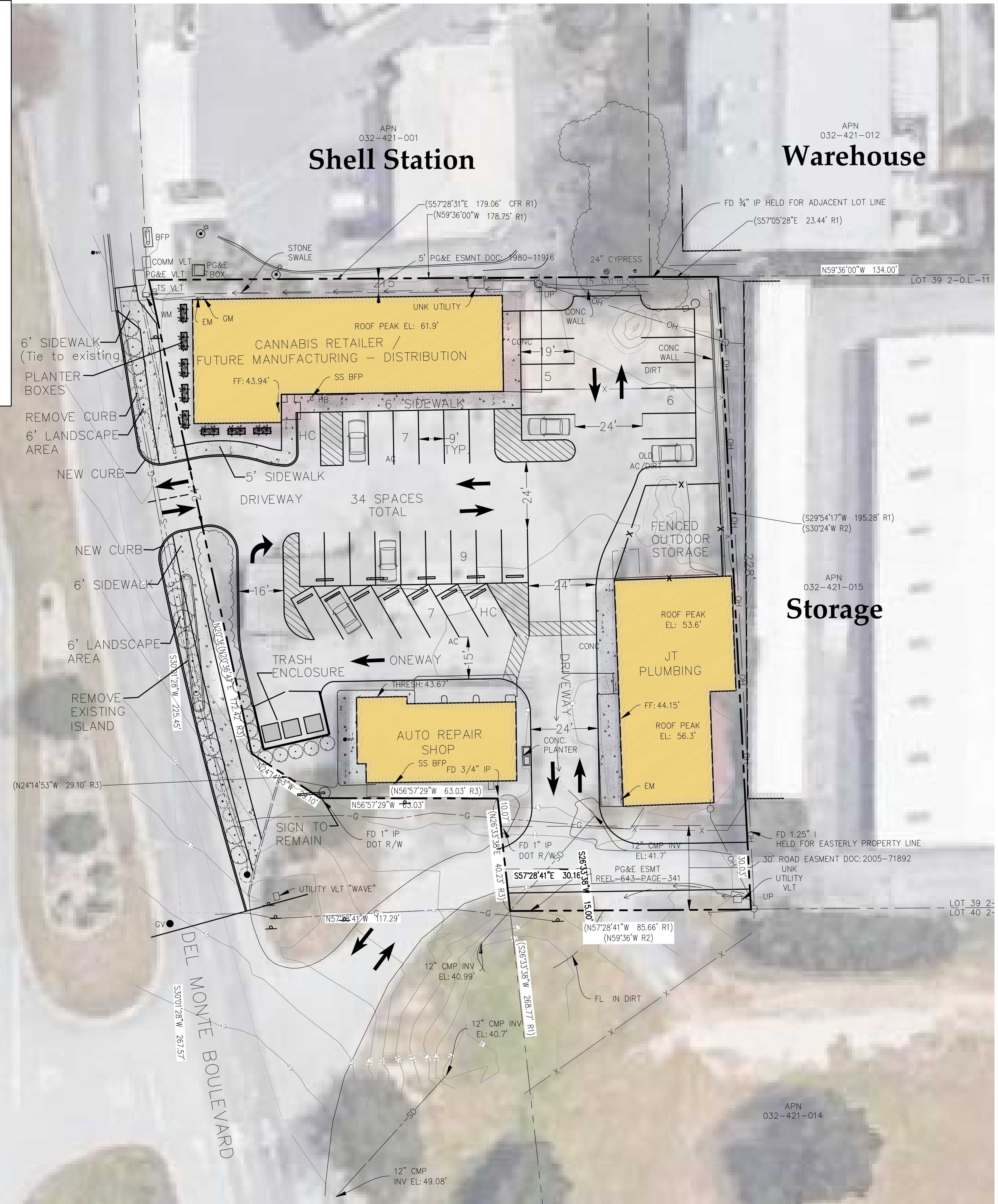
HIGHER LEVEL OF CARE
3016 DEL MONTE AVENUE, MARINA, CA 93933

FLOOR PLAN

DATE: 5/13/19
SCALE: AS NOTED
DWG. BY: JMONDALA
JOB No.
REV:

A1





HLC-Marina Site Plan

Monterey, CA 831.649.1799 www.emcplanning.com

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3100 DEL MONTE BOULEVARD (APN 032-192-018) IN THE C-1 (RETAIL BUSINESS) ZONING DISTRICT.

WHEREAS, Aaron Herzberg of Pacific Roots Marina, LLC submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for Pacific Roots Marina, LLC at 3100 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning Office on January 7, 2020, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.

7. Parking – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

Standard Cannabis Dispensary Operating Conditions

8. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 7, 2020.

9. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

10. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.

11. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

12. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
13. Business License - The permittee shall obtain and maintain a City of Marina business license.
14. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
15. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
16. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
17. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
18. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
19. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
20. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
21. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

22. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
23. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.

24. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.

25. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs “Security Guard Card” at all times. Security personnel may not be armed.

26. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.

27. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

GENERAL BUILDING NOTES

SCOPE:

- 1.01 THE CONSTRUCTION CONTRACT RELATED TO THE WORK OF THIS PROJECT IS HEREBY MADE A PART OF THESE DRAWINGS AS THOUGH FULLY CONTAINED THEREIN.
- 1.02 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL COMPLETE ALL WORK REQUIRED TO RECEIVE A CERTIFICATE OF OCCUPANCY FROM THE BUILDING OFFICIAL HAVING JURISDICTION OVER THIS PROJECT. THE SCOPE OF PERMIT COMPLIANCE WORK IS INCLUDED IN THE GENERAL CONTRACT FOR CONSTRUCTION OF THIS PROJECT. THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR AND GOVERNED BY ALL OF THE REQUIREMENTS THEREUNDER.
- 1.03 PRIOR TO CONTRACT APPROVAL, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VISIT THE PROJECT SITE, AND BY THEIR OWN INVESTIGATION, DETERMINE EXISTING SITE CONDITIONS AS TO THE QUANTITIES OF MATERIALS, LABOR HOURS, AND ANY OTHER COST ASSOCIATED WITH WORK THAT IS TO BE DONE UNDER THEIR CONTRACT AND AS REQUIRED TO PASS ALL BUILDING PERMIT INSPECTIONS. ALL MODIFICATIONS REQUIRED BY THE INSPECTION AUTHORITY SHALL BE MADE BY EACH SUBCONTRACTOR AT THEIR EXPENSE.
- 1.04 PRIOR TO CONTRACT APPROVAL, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VERIFY AND CONFIRM THE DESIGN REQUIREMENTS OF ALL NEW AND EXISTING ARCHITECTURAL, STRUCTURAL, PLUMBING, MECHANICAL, AND ELECTRICAL SYSTEMS AND REPORT ANY AMBIGUITIES OR DISCREPANCIES CONTAINED IN THE CONTRACT TO THE OWNER IN WRITING. ALL MODIFICATIONS REQUIRED TO COMPLETE THE CONTRACT RESULTING FROM AMBIGUITIES OR DISCREPANCIES NOT REPORTED PRIOR TO CONTRACT APPROVAL SHALL BE MADE BY EACH SUBCONTRACTOR AT THEIR EXPENSE.

APPLICABLE LAWS, ORDINANCES, REGULATIONS AND STANDARDS

- 2.01 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL CONFORM TO THE LATEST APPLICABLE, ADOPTED EDITION OF THE CALIFORNIA CODE OF REGULATIONS, TITLE-24, CALIFORNIA BUILDING CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA ELECTRICAL CODE, AND ALL LOCAL CODES AND ORDINANCES REQUIRED TO RECEIVE A CERTIFICATE OF OCCUPANCY FROM THE BUILDING OFFICIAL HAVING JURISDICTION OVER THE PROJECT.
- 2.02 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL PERFORM ALL WORK REQUIRED BY APPLICABLE BUILDING CODES AND REGULATIONS TO PASS ALL REQUIRED BUILDING INSPECTIONS.

PERMITS, LICENSES, INSPECTIONS AND FEES

- 3.01 THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PLAN REVIEW, PERMIT, LICENSE, AND INSPECTION APPROVALS. ALL FEES REQUIRED FOR APPROVAL SHALL BE PAID BY THE OWNER.

GUARANTEE

- 4.01 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL GUARANTEE THAT ALL WORK REQUIRED TO CONSTRUCT THE PROJECT BE A COMPLETE WORKING SYSTEM AND SHALL OPERATE FREE FROM DEFECTS IN WORKMANSHIP AND MATERIALS. THE CONTRACTOR AGREES TO REPLACE, WITHOUT EXPENSE TO THE OWNER, ANY PROJECT COMPONENTS WHICH THE OWNER DETERMINES TO BE DEFECTIVE WITHIN ONE (1) CALENDAR YEAR FROM THE DATE OF FINAL CONTRACT ACCEPTANCE.

DATA AND MEASUREMENTS:

- 5.01 DRAWING DATA CONTAINED HEREIN IS AS EXACT AS COULD BE DETERMINED WITHIN THE PROJECT DESIGNER'S DESIGN SCOPE OF SERVICES RENDERED. AS SUCH THE ABSOLUTE ACCURACY OF THE DESIGN DATA IS NOT GUARANTEED. THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL ENDEAVOR TO OBTAIN, VERIFY AND CONFIRM EXACT DESIGN DATA ON SITE AND SUITABLY ADAPT THE WORK TO CONFORM TO EXACT CONDITIONS ON SITE. THE CONTRACTOR SHALL REPORT ANY DESIGN DATA AMBIGUITIES OR DISCREPANCIES CONTAINED IN THE CONTRACT TO THE OWNER IN WRITING. ALL MODIFICATIONS REQUIRED TO ADAPT THE WORK SHALL BE MADE BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- 5.02 DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS AND ACTUAL BUILDING MEASUREMENTS TAKE PRECEDENCE OVER SCALED DRAWING INFORMATION.
- 5.03 DIMENSIONS TO DOORS, WINDOWS, AND OPENINGS ARE NOMINAL WIDTHS. REFER TO THE MANUFACTURER FOR ACTUAL ROUGH OPENINGS.
- 5.04 ALL WALL DIMENSIONS ARE NOMINAL, FACE OF STUD TO FACE OF STUD. WALL FINISH DIMENSIONS ARE NOT TAKEN INTO ACCOUNT AND ARE THE RESPONSIBILITY OF THE CONTRACTOR AND SUBCONTRACTORS TO DETERMINE PROPER CLEARANCES.

SUBSTITUTIONS FOR SPECIFIED MATERIALS:

- 6.01 SPECIFIC TRADE NAMES MENTIONED IN THE DRAWINGS ARE FOR THE PURPOSES OF ESTABLISHING MINIMUM STANDARDS OF QUALITY, STYLE OR TYPE, AND SHALL NOT BE CONSTRUED TO RESTRICT SUBSTITUTIONS. ALL SUBSTITUTIONS SHALL BE SUBMITTED TO AND APPROVED BY THE OWNER IN WRITING WITHIN A SUFFICIENT TIME FRAME AS NOT TO DELAY PROJECT COMPLETION.

CLEAN UP AND START UP RESPONSIBILITIES

- 7.01 AFTER COMPLETION OF THE WORK DESCRIBED IN THEIR RESPECTIVE CONTRACTS AND PRIOR TO ACCEPTANCE, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL THOROUGHLY CLEAN ALL EXPOSED SURFACES OF THEIR RESPECTIVE WORK COMPLETED.
- 7.02 AFTER COMPLETION OF THE WORK DESCRIBED IN THEIR RESPECTIVE CONTRACTS AND PRIOR TO PROJECT ACCEPTANCE, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL THOROUGHLY TEST AND PROPERLY START UP ALL PROJECT EQUIPMENT AS REQUIRED TO SECURE AND MAINTAIN SPECIFIED EQUIPMENT WARRANTIES. THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL REVIEW ALL MANUFACTURER'S RECOMMENDED OPERATIONS PROCEDURE WITH THE OWNER PRIOR TO PROJECT ACCEPTANCE.
- 7.03 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL TAKE REASONABLE MEASURES TO ENSURE THAT SITE IS PREPPED AND MAINTAINED SO THAT NO EROSION TO STREET, NEIGHBORS, AND REAR LOT DRAIN OCCURS.

AREA OF WORK

- 10.01 THE GENERAL ENGINEERING CONTRACTOR SHALL REMOVE ALL EXISTING LANDSCAPE MATERIAL NOT PROTECTED, CONCRETE PATIOS/WALKWAYS, YARD FENCING AND POST FOOTINGS, GARAGE STRUCTURE AND FOUNDATION, AND ALL ABANDONED UTILITIES. THE CONTRACTOR SHALL REMOVE EXISTING SITE LIGHTING AND IRRIGATION SYSTEM WITHIN THE AREA OF WORK, TERMINATE/CAP-OFF DISCONNECTION POINTS, AND TURN OVER ALL EXISTING SYSTEM COMPONENTS TO THE OWNER FOR FUTURE USE. ALL TOP SOIL SHALL BE REMOVED AND STORED FOR USE IN FINISH GRADING.

HOURS OF CONSTRUCTION

- 11.01 NORMAL AND CUSTOMARY CONSTRUCTION ACTIVITY SHALL INCLUDE ANY CONSTRUCTION ACTIVITY CONDUCTED MONDAY THROUGH FRIDAY, 6:00 A.M. TO 8:00 P.M., AND SATURDAYS 8:00 A.M. TO 6:00 P.M., EXCLUDING FEDERAL HOLIDAYS PER CCR 6.14b.

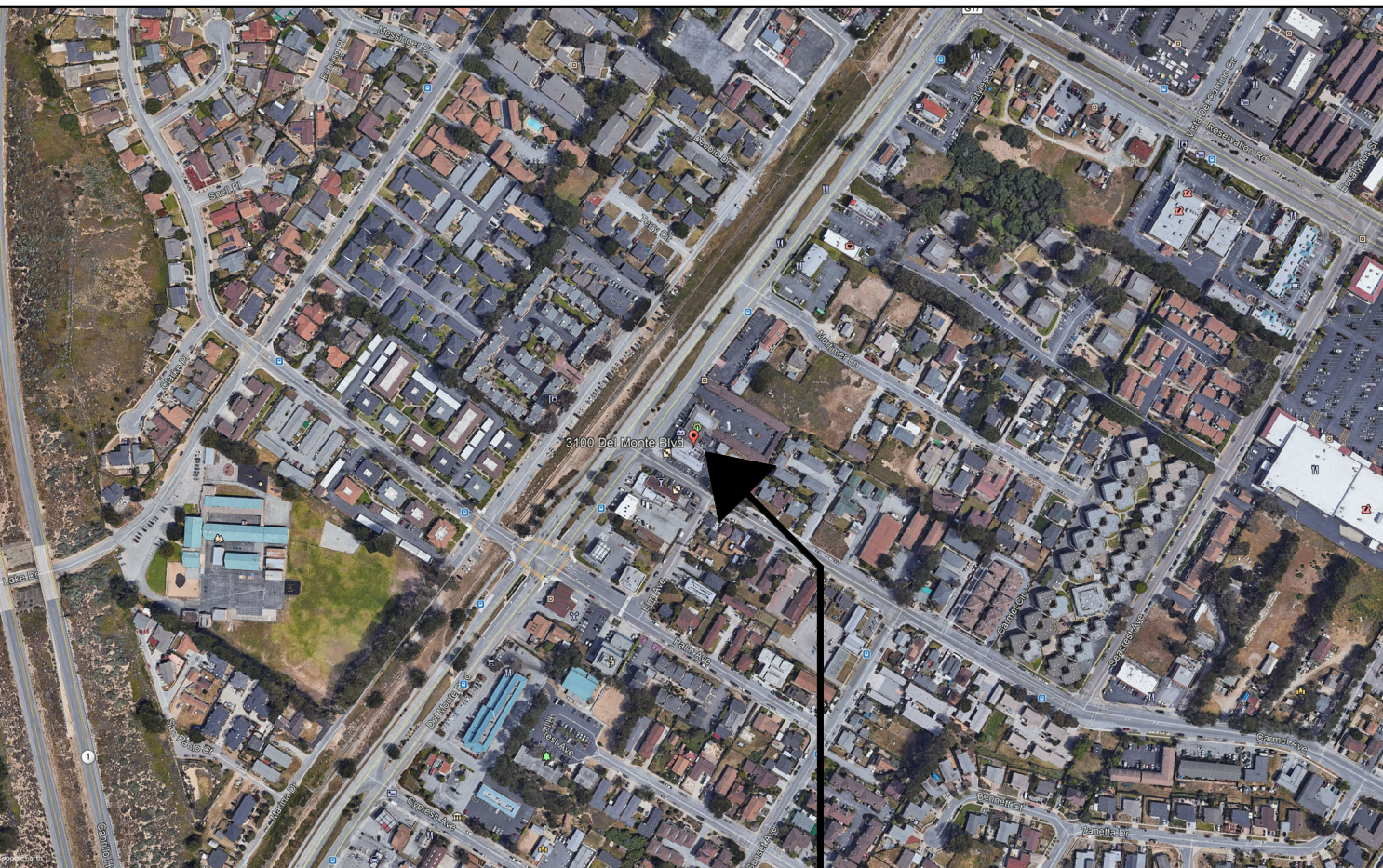
DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933



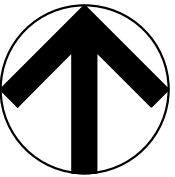
BUILDING SHEET ABBREVIATIONS

AB	ANCHOR BOLT	FF	FINISH FLOOR	N	NORTH	T	TREAD
ADJ	ADJACENT	FIX	FIXTURE	O/	OVER	TEMP	TEMPERED
ALUM	ALUMINUM	FLUOR	FLUORESCENT	OC	ON CENTER	TOC	TOP OF CONCRETE
BM	BEAM	FP	FIRE PLACE	OFCI	OWNER FURNISHED CONTRACTOR INSTALLED	TOG	TOP OF GRADE
BOW	BOTTOM OF WALL					TOF	TOP OF FLOOR
BLKG	BLOCKING	GA	GAUGE			TOP	TOP OF PAVEMENT
BRD	BOARD	GFCI	GROUND FAULT INTERRUPTER	PB	PUSH BUTTON	TOS	TOP OF SLAB
CC	CENTER TO CENTER	GALV	GALVANIZED	PH	PHONE	TOW	TOP OF WALL
CL	CENTERLINE	GL	GLASS	PL	PLATE	TV	TELEVISION
CEM	CEMENT					TYP	TYPICAL
CER	CERAMIC	GYP	GYPSPUM	POC	POINT OF CONNECTION	UCR	UNDER COUNTER REFRIG.
CJ	CONTROL JOINT	H	HIGH OR HEIGHT	PT	PRESSURE TREATED		
CLG	CEILING	HB	HOSE BIBB	R	RISER	W	WEST
CLR	CLEAR	JTS	JOIST	REF	REFRIGERATOR	W/	WITH
						WC	WATER CLOSET
CLO	CLOSET	LAV	LAVATORY	REINF	REINFORCED	WD	WOOD
CO	CLEANOUT	LB	POUND	RM	ROOM		
CONC	CONCRETE	LIN	LINEN	RWD	REDWOOD	WH	WATER HEATER
CONTIN	CONTINUOUS	LT	LIGHT	S	SOUTH	WP	WATER PROOF
						WWM	WELDED WIRE MESH
DBL	DOUBLE	MANF	MANUFACTURER	SB	SET BACK		
DF	DOUGLAS FIR	MAX	MAXIMUM	SF	SQUARE FOOT		
DI	DRAIN INLET	MC	MEDICINE CABINET	SHTHG	SHEATHING		
DIA	DIAMETER	MIN	MINIMUM	SHWR	SHOWER		
DR	DOOR	MTL	METAL	SIM	SIMILAR		
DW	DISH WASHER			SIMP	'SIMPSON'		
E	EAST			SLD	SLIDING		
EL	ELEVATION			SB&P	SHELF & POLE		
EQ	EQUAL			STRUCT	STRUCTURAL		

PROJECT VICINITY MAP



REFERENCE NORTH



PROJECT LOCATION: APN:032-192-018-000
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

SHEET INDEX

Sheet #	Sheet Title
A1.11	COVER SHEET
A2.11	SITE PLAN
A3.00	AS-BUILT/DEMOLITION PLAN
A3.01	PROPOSED FLOOR PLAN
A3.11	FLOOR PLAN SECURITY PLAN
A4.11	ELEVATIONS EXTERIOR
A4.12	ELEVATIONS EXTERIOR
A5.11	ROOF PLAN & ROOF SECURITY PLAN
A7.11	INTERIOR RENDERINGS
A7.12	INTERIOR RENDERINGS
A7.13	INTERIOR RENDERINGS
A8.11	MATERIALS & COLOR SAMPLES

PROJECT DATA

APPLICABLE BUILDING CODE:	2016 CBC, CEC, CMC, CPC, CEC, CEC (ENERGY CODE), CFC, & CGBC
OCCUPANCY GROUP:	M (MERCHANTILE) - DISPENSARY
OCCUPANCY LOAD CALCULATION: 2016 CBC, TABLE 1004.1.2	TENANT SPACE SQUARE FOOTAGE: 1977 SQFT 33 OCCUPANTS
CONSTRUCTION TYPE:	TYPE VB ONE STORY NON FIRE-SPRINKLED
REQUIRED EXIT CALCULATION:	2 REQUIRED EXITS (2 SUPPLIED)
PROJECT SCOPE:	DESIGN REVIEW FOR NEW DISPENSARY LOCATED AT 3100 DEL MONTE BLVD IN MARINA, CA. INCLUDES TENANT IMPROVEMENT.

PROPERTY PROJECT DATA TABLE

BUILDING HEIGHT:	22'-6" (MAX. BUILDING HEIGHT) - EXISTING 18'-0" (AT PROPOSED PROJECT) - EXISTING
BUILDING SITE AREA:	57,656 SQUARE FEET
SITE WIDTH:	253'-2" (MAX.) 133'-2" (MIN.)
FRONT SETBACK:	25'-8" (MIN. AT MAIN BUILDING) - EXISTING 41'-4" (AT PROPOSED PROJECT) - EXISTING 5'-6" (AT MOTEL) - EXISTING
SIDE SETBACK:	9'-0" (AT MOTEL) - EXISTING 14'-9" (AT PROPOSED PROJECT) - EXISTING
REAR SETBACK:	9'-0" (AT MOTEL) - EXISTING 35'-8" (AT PROPOSED PROJECT) - EXISTING
FLOOR AREA RATIO:	22,490 SF - (E) BUILDING / 57,656 SF - SITE = 0.39 RATIO
PARKING CALCULATION:	REQUIREMENT: 1 SPACE PER 275 SF 22,490 SF / 275 = 82 SPACES (REQUIRED) 86 SPACES (EXISTING)

NOTES

THIS PROJECT TO BE COMPLAINT WITH MONTEREY COUNTY HEALTH DEPARTMENT REQUIREMENTS FOR CANNABIS RETAIL FACILITIES.

EXHIBIT A

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUP.LAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:

COVER SHEET

ISSUES:

Project Issue Date:

Project Status:

Sheet Issue Date:

Revision Number:

Revision Date:

05-27-2019

DESIGN REVIEW

05-27-2019

ARCHITECT'S APPROVAL

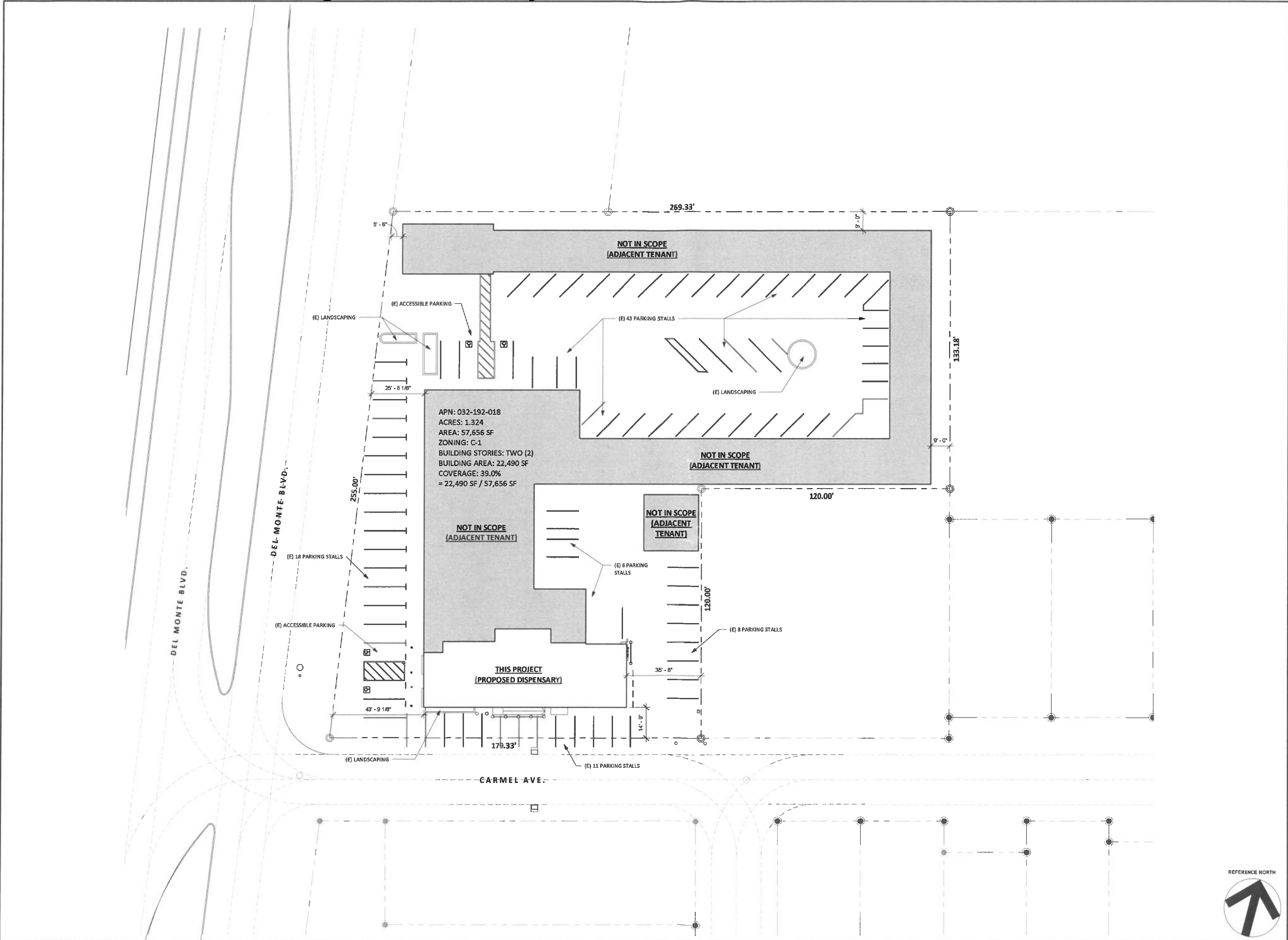


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SHEET:

A1.11

SHEET: OF SHEETS



1 SITE PLAN
SCALE: 1" = 20'-0"

SEAN FREITAS ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: ARON HENZBERG
1149 S HILL ST. STE 425
LOS ANGELES, CA 90015
Tel: (213) 432-7071
Email: ARON@PUZZLEGROUPLAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
SITE PLAN

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-01-2019
Revision Number: 05-01-2019

ARCHITECT'S APPROVAL

SEAN FREITAS
NO. C23563
REL. 7/25
STATE OF CALIFORNIA

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A2.11

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SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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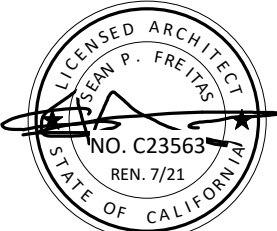
PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUPLAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
SITE PLAN - ALT1
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 01/07/20
Revision Number:
Revision Date:

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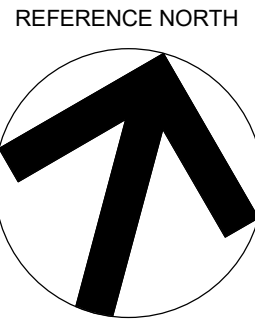
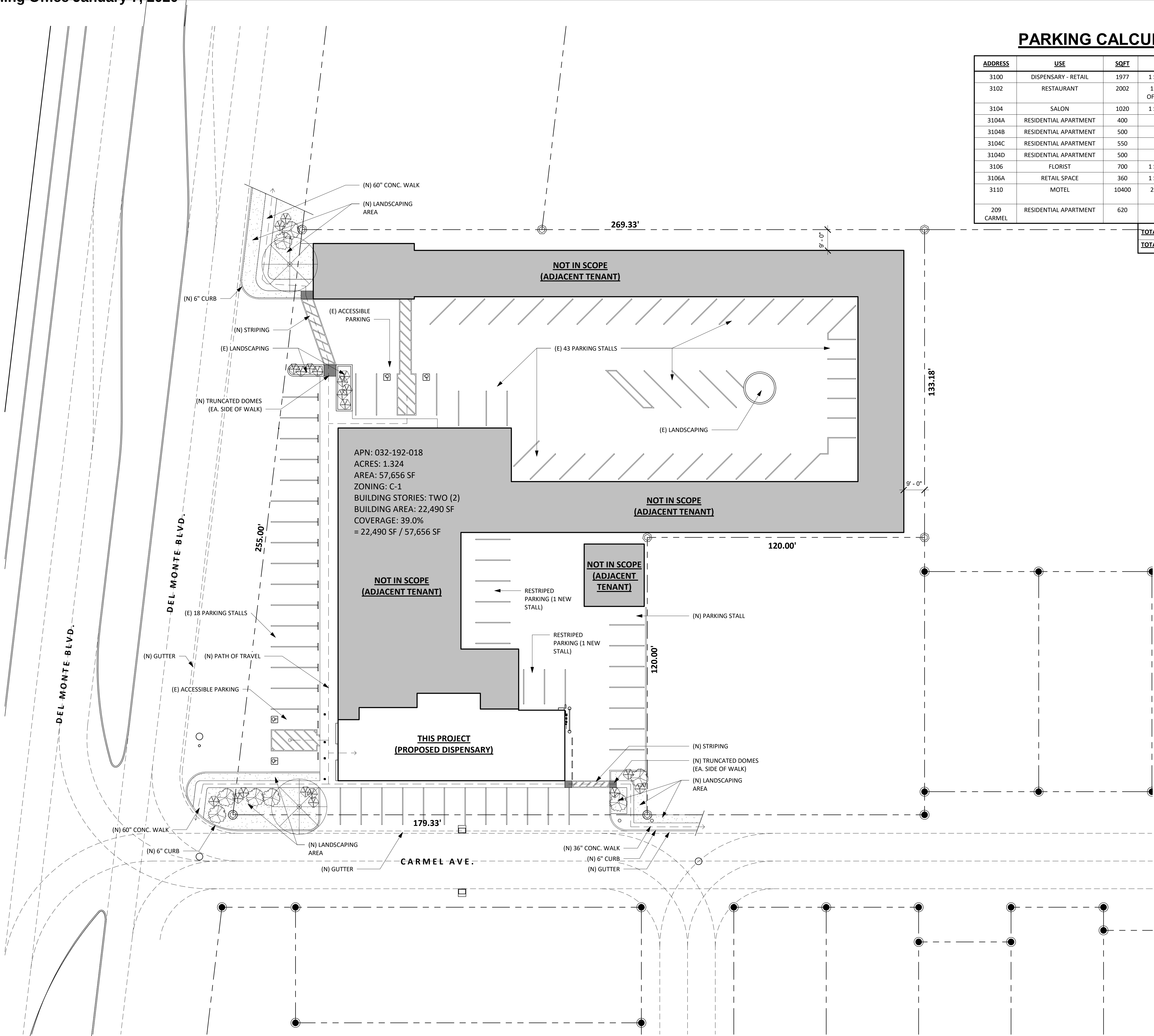
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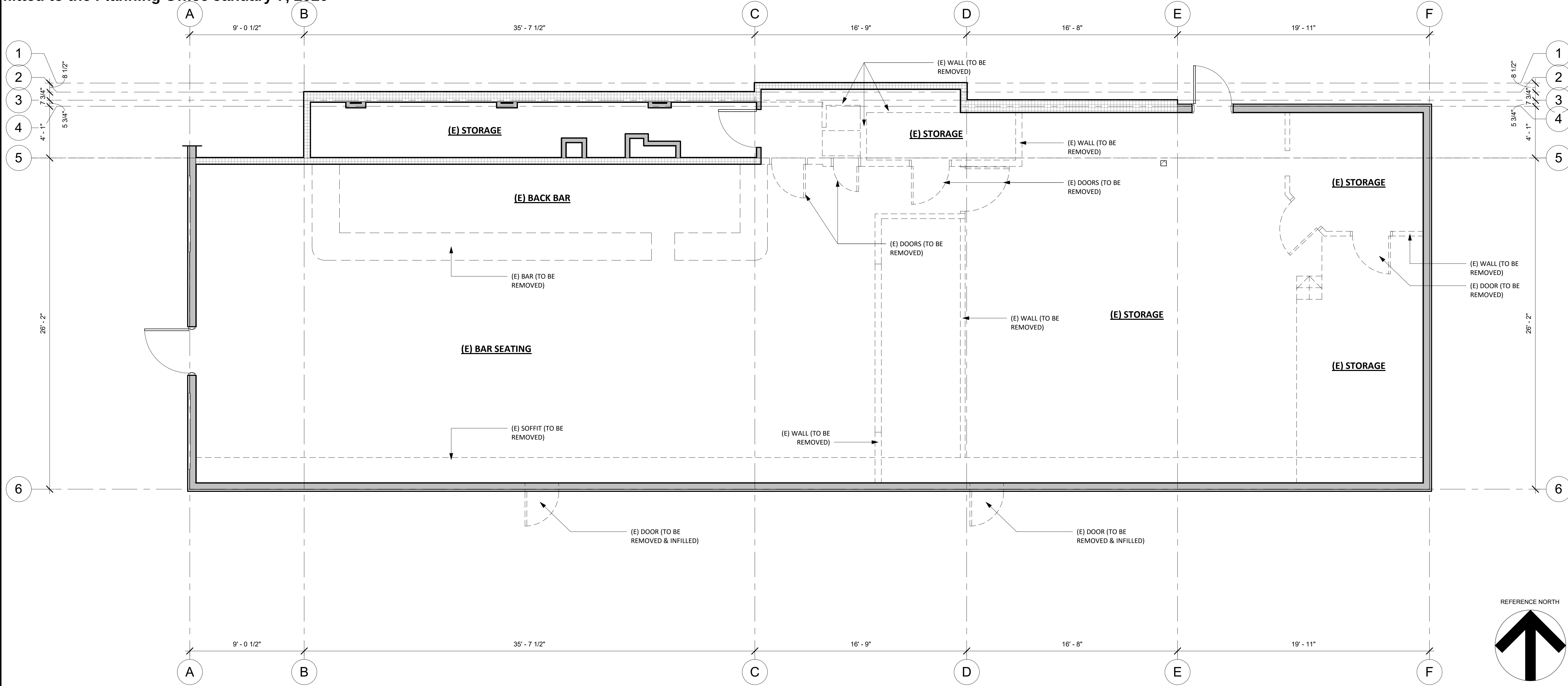
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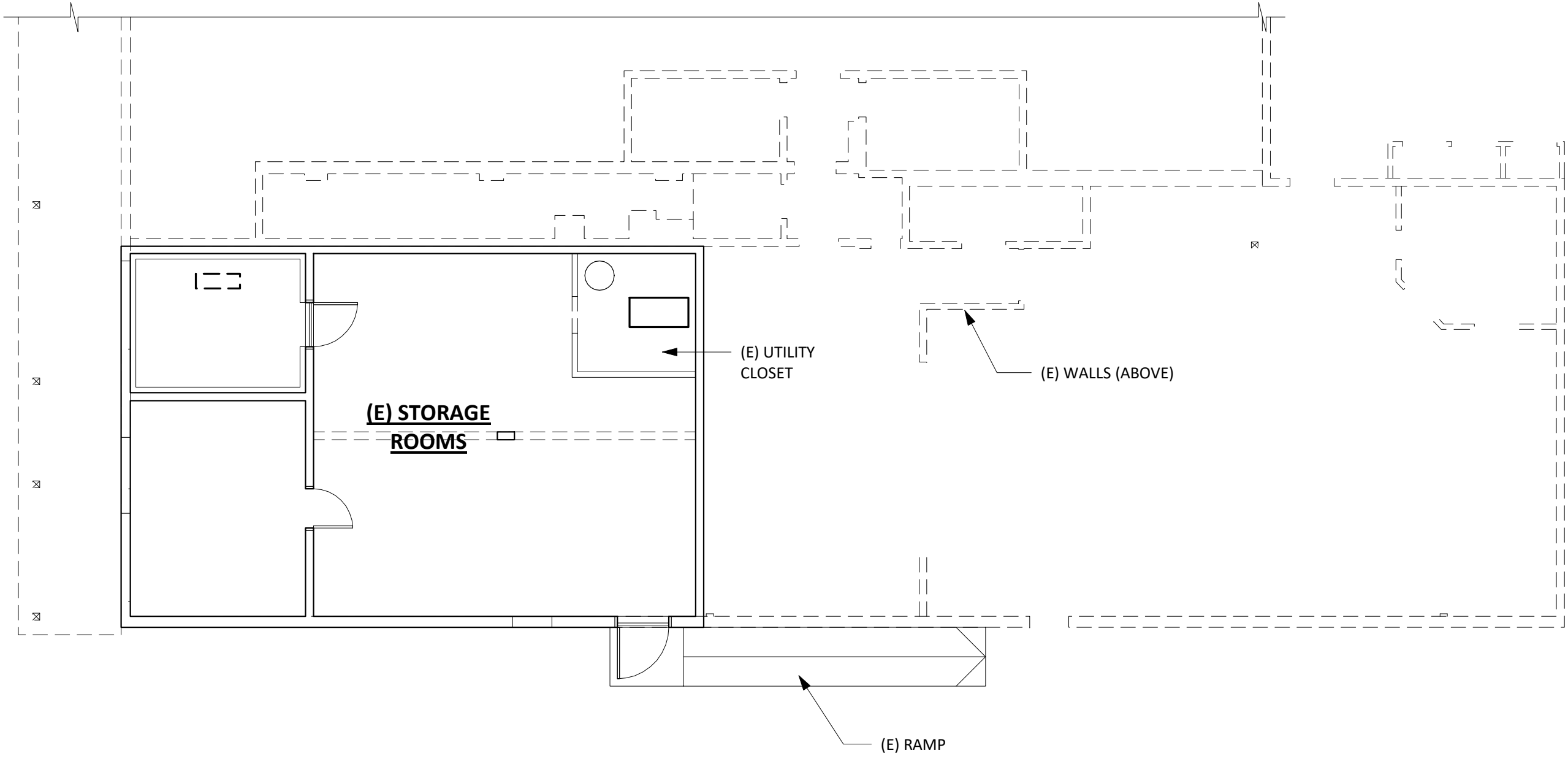
PARKING CALCULATIONS:

ADDRESS	USE	SQFT	SPACE CRITERIA	REQUIRED SPACES
3100	DISPENSARY - RETAIL	1977	1 SPACE PER 275 SQFT	7 SPACES
3102	RESTAURANT	2002	1 SPACE PER 60 SQFT OF DINING AREA (1200)	20 SPACES
3104	SALON	1020	1 SPACE PER 300 SQFT	3 SPACES
3104A	RESIDENTIAL APARTMENT	400	1 SPACE PER UNIT	1 SPACE
3104B	RESIDENTIAL APARTMENT	500	1 SPACE PER UNIT	1 SPACE
3104C	RESIDENTIAL APARTMENT	550	1 SPACE PER UNIT	1 SPACE
3104D	RESIDENTIAL APARTMENT	500	1 SPACE PER UNIT	1 SPACE
3106	FLORIST	700	1 SPACE PER 275 SQFT	3 SPACES
3106A	RETAIL SPACE	360	1 SPACE PER 275 SQFT	1 SPACE
3110	MOTEL	10400	2 SPACES PLUS 1 PER UNIT (25)	27 SPACES
209 CARMEL	RESIDENTIAL APARTMENT	620	1 SPACE PER UNIT	1 SPACE
TOTAL SPACES REQUIRED:				66 SPACES
TOTAL SPACES PROVIDED:				84 SPACES





1 AS-BUILT/DEMOLITION PLAN
SCALE: 1/4" = 1'-0"



2 EXISTING AS-BUILT (BASEMENT LEVEL)
SCALE: 1/8" = 1'-0"

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

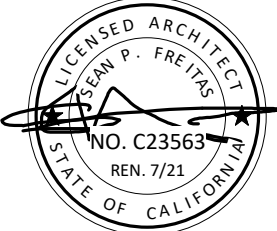
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PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUPLAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
AS-BUILT/DEMOLITION PLAN
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-03-2019
Revision Number:
Revision Date:

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A3.00
SHEET: OF SHEETS

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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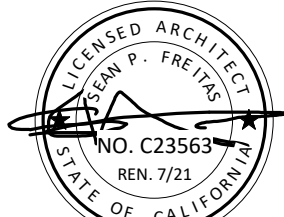
CLIENT:
PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUPLA.W.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
PROPOSED FLOOR PLAN

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-03-2019
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

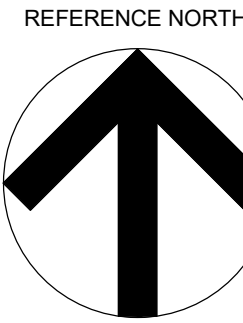
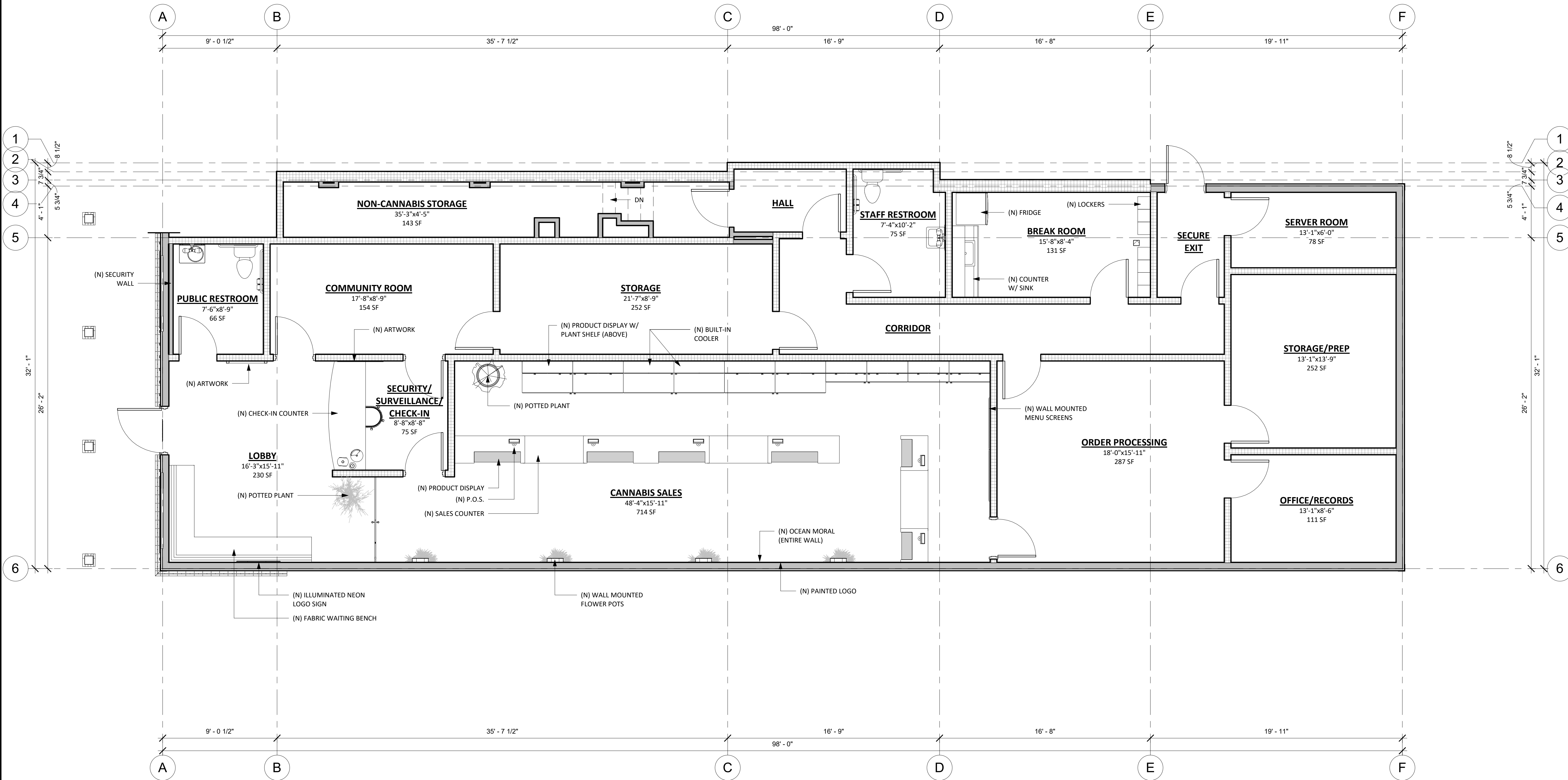


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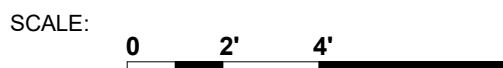
A3.01

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1 PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"



SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@Graphia.com
SEANFREITAS.COM

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PROJECT: 20190505

CLIENT:

NEW TENANT IMPROVEMENT FOR:
**AARON HERZBERG
(DISPENSARY)**
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLES:
FLOOR PLAN - LEVEL 1

DATE: 5/24/2019

DESIGN REVIEW DRAWING

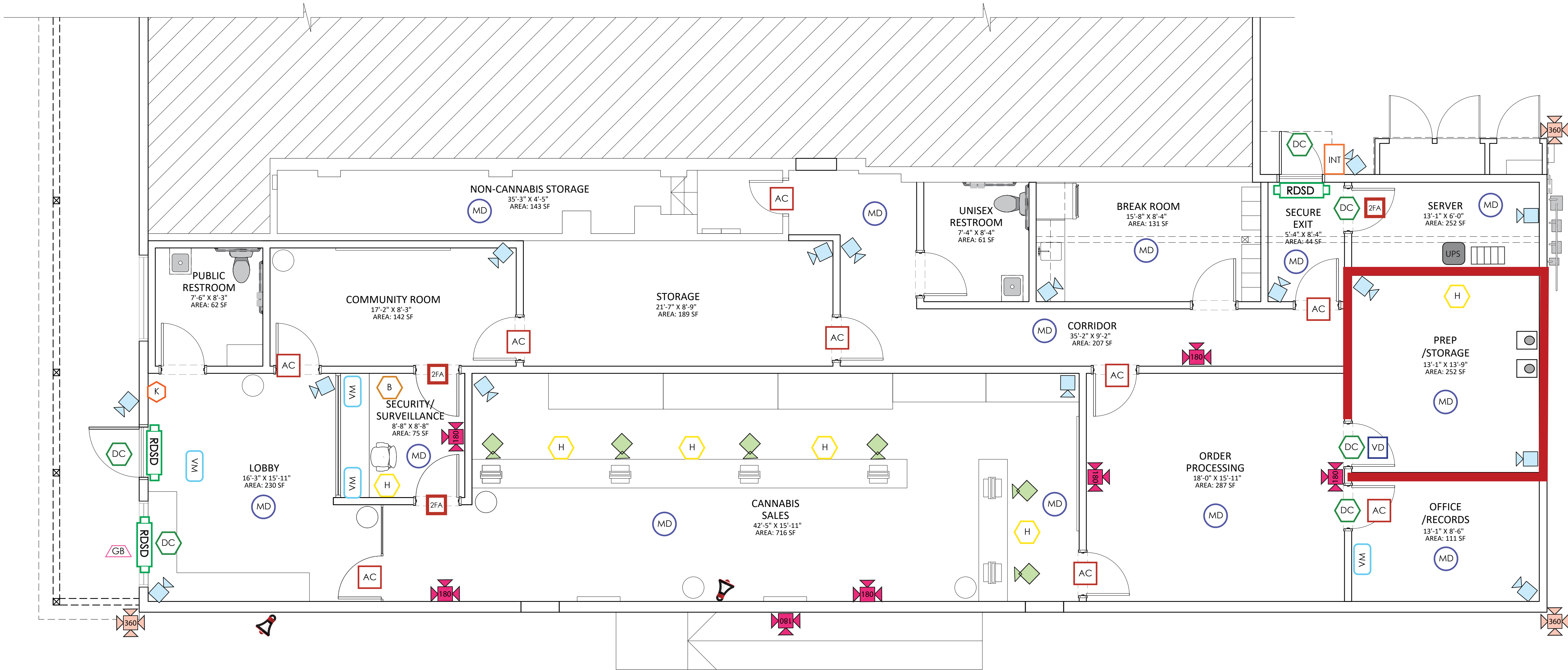
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SHEET:

A3.11

SHEET: OF SHEETS



FLOOR PLAN - LEVEL 1

SCALE: 0 4'

1

	2MP POS Overhead Camera	6
	2 MP Indoor Fixed IP/IR Camera	15
	5 MP Panoramic 180-degree IP/IR Camera	7
	5 MP Fisheye 360-degree IP/IR Camera	3
	Video Surveillance Camera Monitor	4
	Alarm Arming Keypad	1
	PIR Alarm Motion Sensor	13
	Door Buzzer for Remote Entry	1

	Two-Factor Authentication AC Device	3
	UL Rated Vault Door with Group 1 Lock	1
	UL Rated Burglary-Resistant Fireproof Safe	2
	Security Equipment Storage Rack	1
	100 Decibels Audible Interior/Exterior Siren	2
	Video/Intercom System	1
	Uninterruptible Power Supply	1

	Access Control Device (Keycard PIN Biometric)	9
	Emergency Holdup/Duress Alarm Button	6
	Magnetic Door Alarm Contact	6
	Glass Break Alarm Sensor	1
	Vault Wall	1
	Roll Down Security Door	3

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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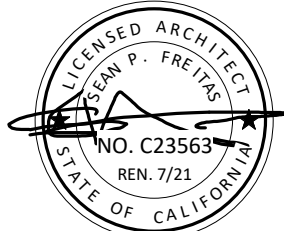
PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUP.LAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
ELEVATIONS EXTERIOR
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-03-2019
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

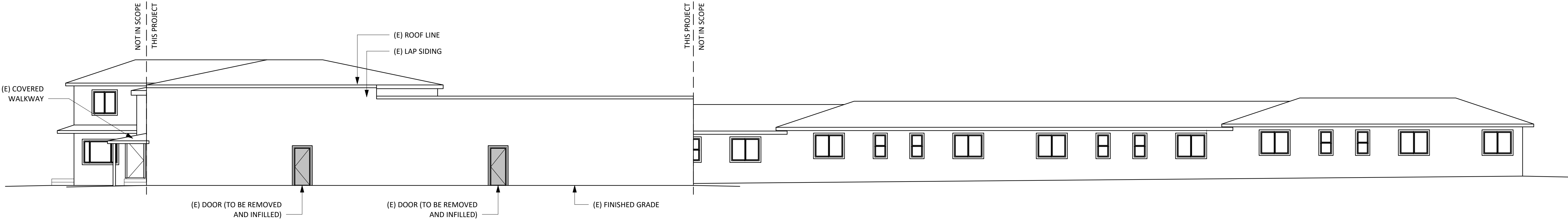


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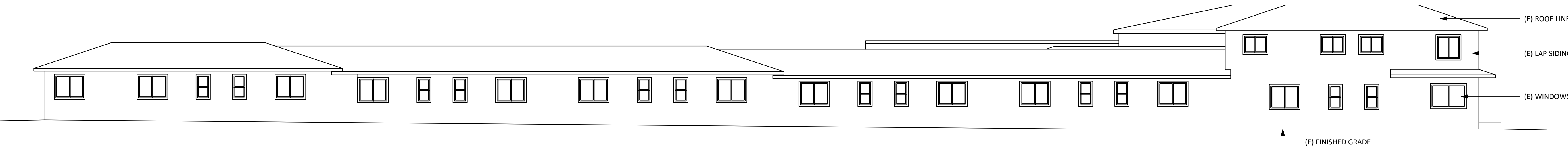
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SHEET: OF SHEETS



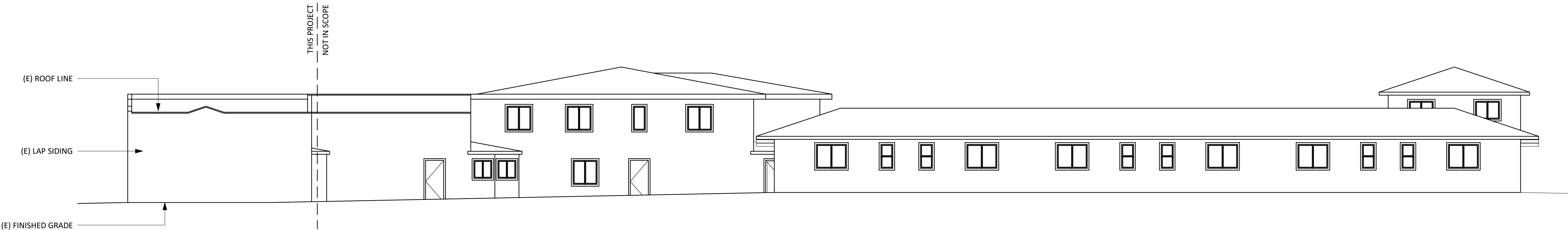
4 (E) EXTERIOR ELEVATIONS - RIGHT

SCALE: 1" = 10'-0"



3 (E) EXTERIOR ELEVATIONS - LEFT

SCALE: 1" = 10'-0"



2 (E) EXTERIOR ELEVATIONS - REAR

SCALE: 1" = 10'-0"



1 (E) EXTERIOR ELEVATIONS - FRONT

SCALE: 1" = 10'-0"

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUPLAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
ELEVATIONS EXTERIOR
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 10/24/19
Revision Number:
Revision Date:

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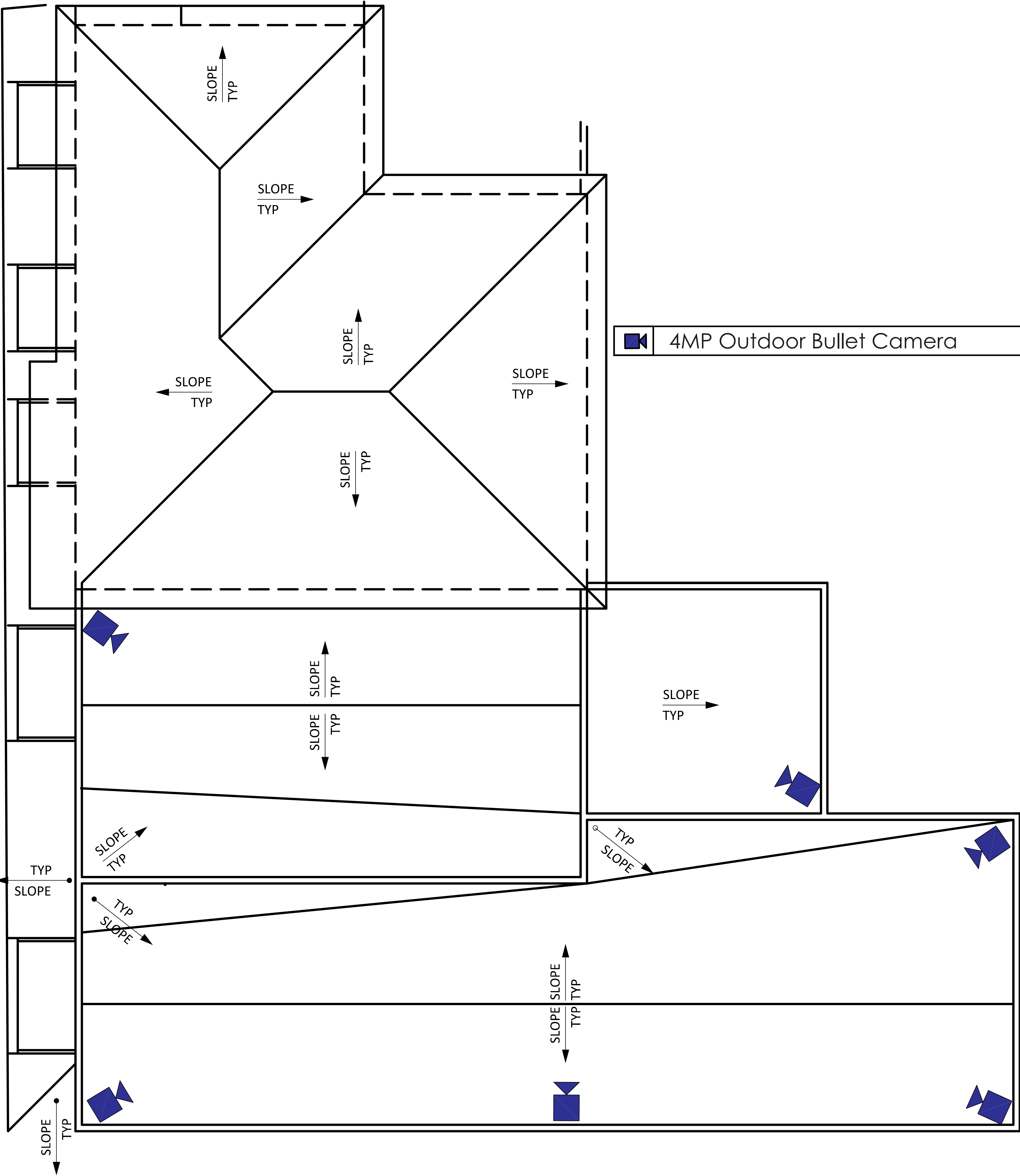
SHEET:
A4.12
SHEET: OF SHEETS



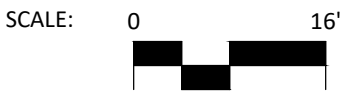
2 (N) EXTERIOR PERSPECTIVE VIEW
SCALE: 12" = 1'-0"



1 (N) EXTERIOR ELEVATIONS - FRONT
SCALE: 1" = 10'-0"



PROJECT - ROOF PLAN



1

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@Graphia.com
SEANFREITAS.COM

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PROJECT: 20190505

CLIENT:

NEW TENANT IMPROVEMENT FOR:
**AARON HERZBERG
(DISPENSARY)**
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLES:
PROJECT - ROOF PLAN

DATE: 5/23/2019

DESIGN REVIEW DRAWING

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SHEET:

A5.11

SHEET: OF SHEETS



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUP.LAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
INTERIOR RENDERINGS

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

SEAN P. FREITAS
NO. C23563
REN. 7/21
STATE OF CALIFORNIA

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SHEET:
A7.11
SHEET: OF SHEETS

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

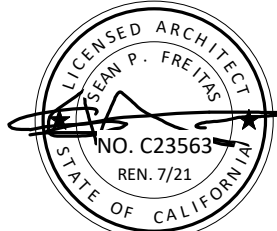
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CLIENT:
PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUPLAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
INTERIOR RENDERINGS
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

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SHEET:
A7.12
SHEET: OF SHEETS



SALES VIEW (TOWARDS LOBBY)



SALES VIEW (FROM SALES ENTRY DOOR)



SALES COUNTER VIEW (TOWARDS SECURITY OFFICE)



SALES COUNTER VIEW (REAR OF SALES ROOM)

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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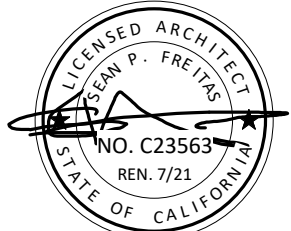
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ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUP.LAW.COM

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TITLE:
INTERIOR RENDERINGS
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

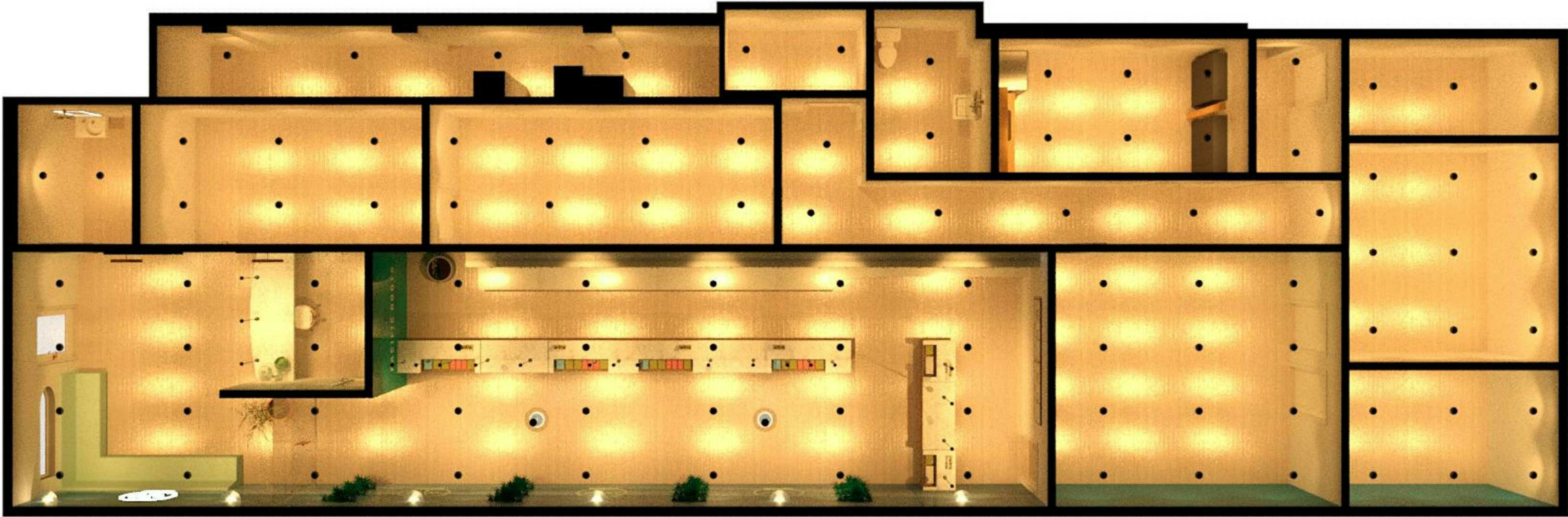


THIS PROJECT IS NOT APPROVED FOR CONSTRUCTION UNLESS THE DRAWINGS ARE STAMPED AND WET SIGNED BY THE ARCHITECT AND THE BUILDING AUTHORITY HAVING JURISDICTION OVER THE PROJECT.

SHEET:

A7.13

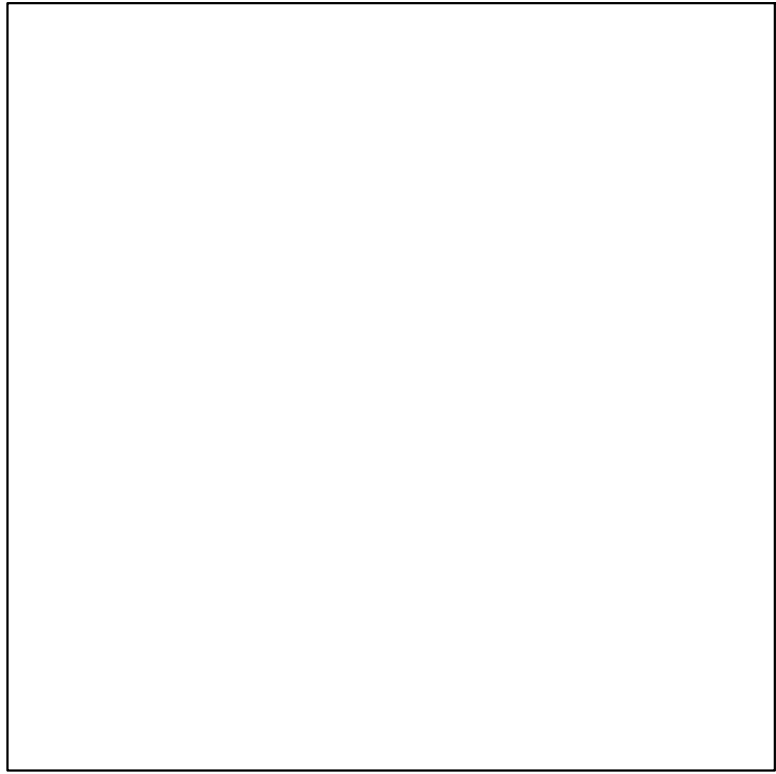
SHEET: OF SHEETS



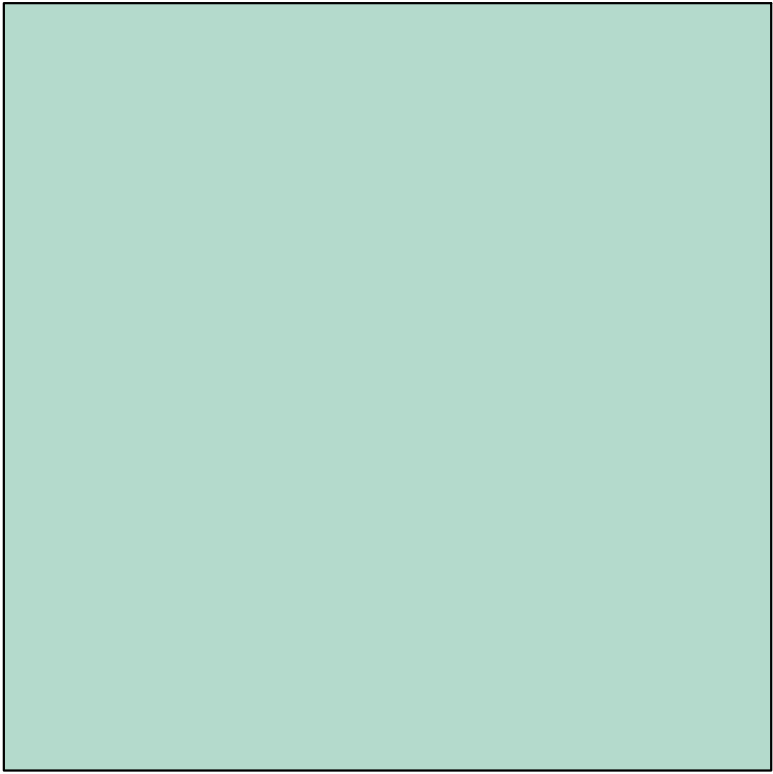
OVERHEAD PERSPECTIVE VIEW



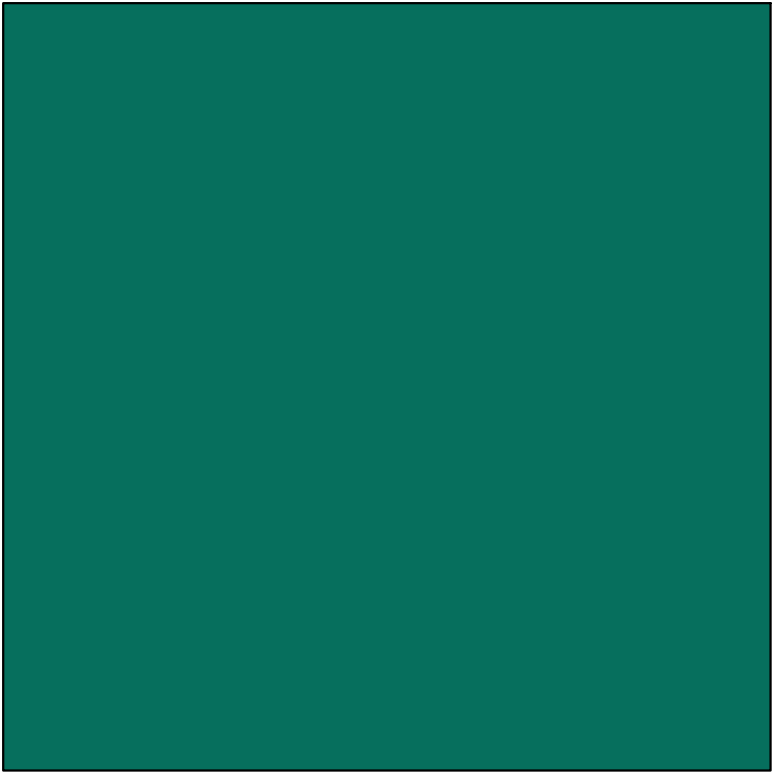
OVERHEAD PERSPECTIVE VIEW (ENLARGED SALES AND LOBBY)



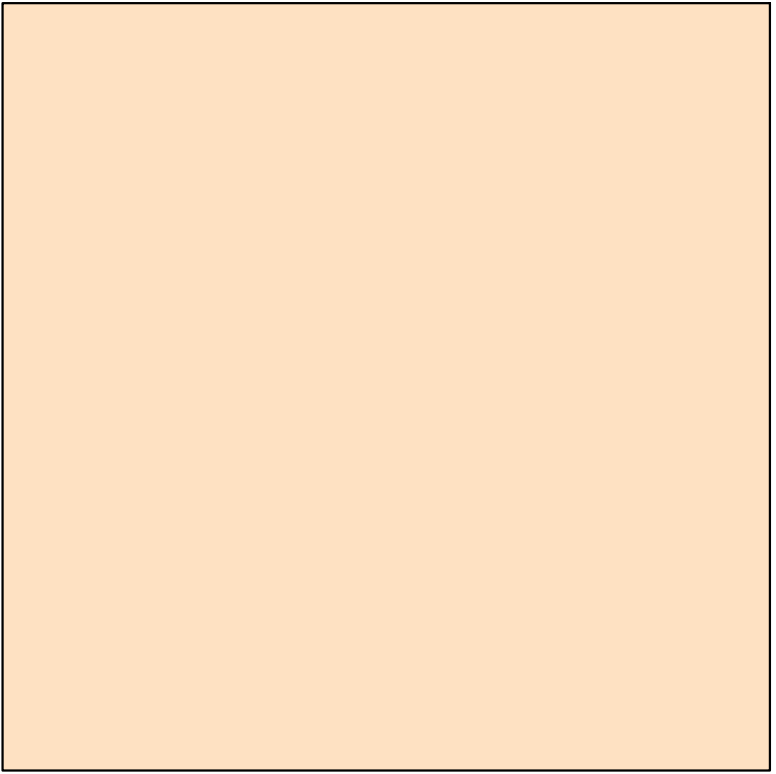
PRIMARY COLOR
(CEILING & WALLS)



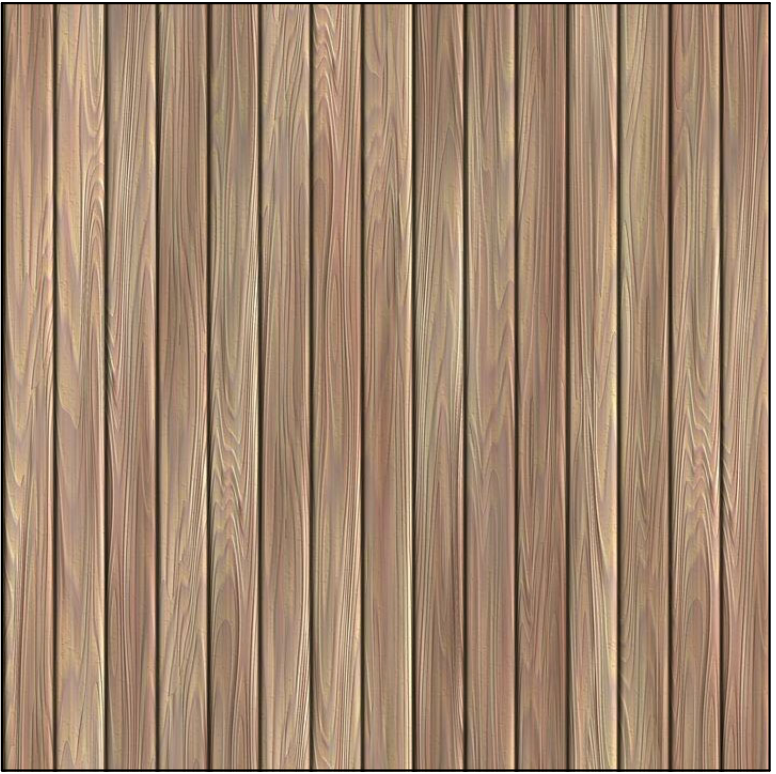
ACCENT COLOR
(OBJECTS & WALLS)



ACCENT COLOR
(OBJECTS & WALLS)



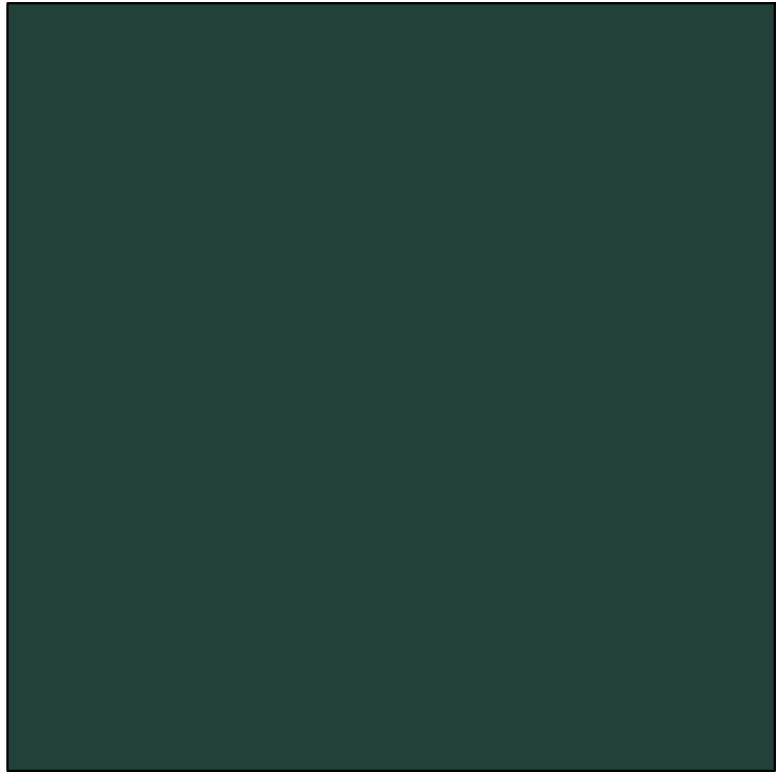
PRIMARY & ACCENT COLOR
(OBJECTS & WALLS)



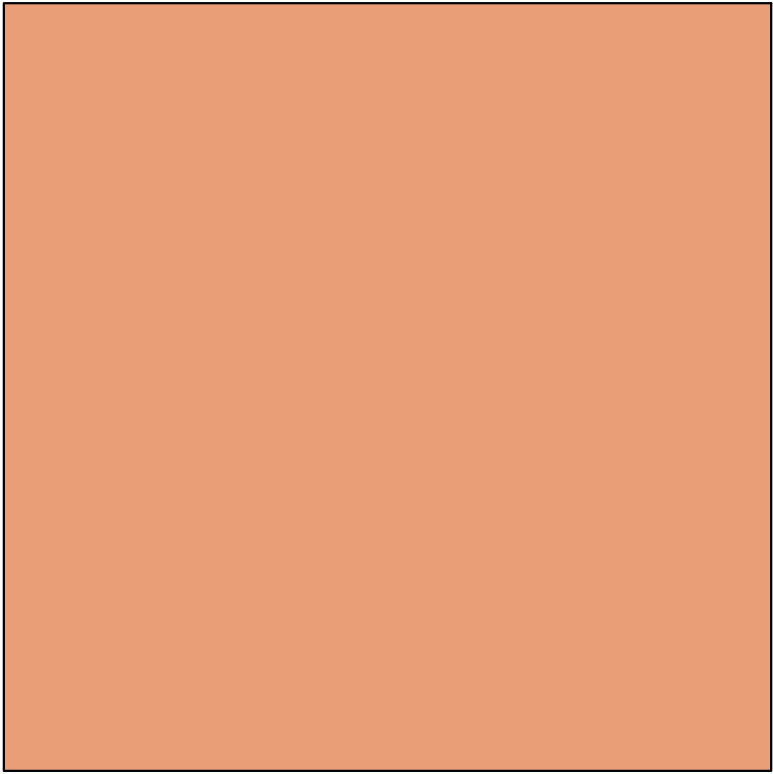
CASEWORK



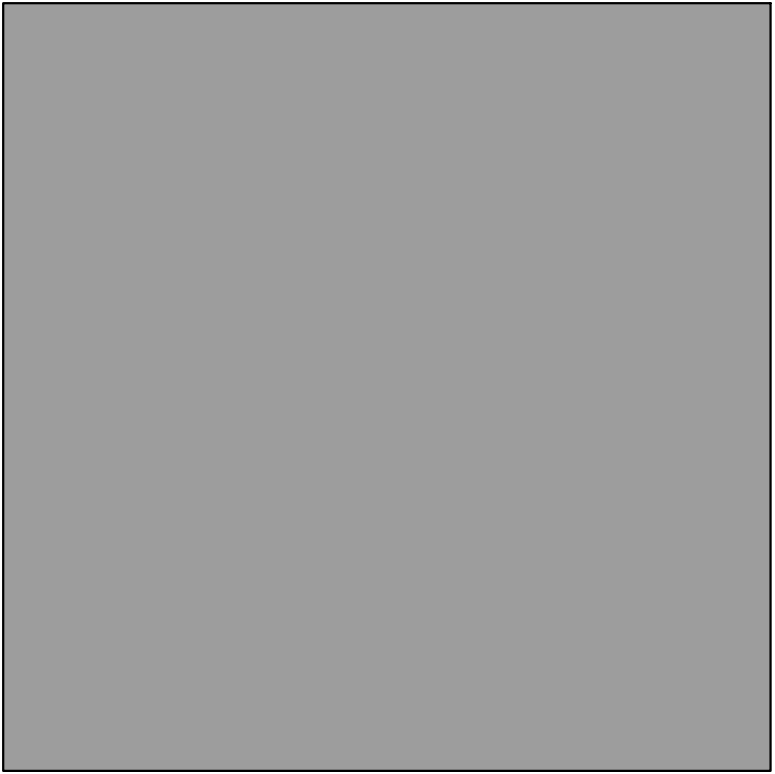
METALS



ACCENT COLOR
(OBJECTS)



ACCENT COLOR
(OBJECTS)



ACCENT COLOR
(OBJECTS)



TILE
(CHECK-IN COUNTER)



FLOORING



COUNTERTOPS



RECESSED LIGHTING



WALL SCONCE LIGHTING



PENDANT LIGHTING
(SALES ROOM)



PENDANT LIGHTING
(COUNTERS)



ART LIGHTING
(LOBBY)

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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PROJECT: 20190505

CIENT:

PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUP.LAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
MATERIALS & COLOR SAMPLES

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

THIS PROJECT IS NOT APPROVED FOR CONSTRUCTION UNLESS THE DRAWINGS ARE STAMPED AND WET SIGNED BY THE ARCHITECT AND THE BUILDING AUTHORITY HAVING JURISDICTION OVER THE PROJECT.

SHEET:

A8.11

SHEET: OF SHEETS

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3112-3114 DEL
MONTE BOULEVARD (APN 321-920-019) IN THE C-1 (RETAIL BUSINESS) ZONING
DISTRICT.

WHEREAS, Blake Brown of JC Marina Ventures, LLC/Marina Trading Co. submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for JC Ventures, LLC/Marina Trading Co. at 3112-3114 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning office on November 15, 2019, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications - The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Standard Cannabis Dispensary Operating Conditions

6. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on November 15, 2019.
7. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.
8. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.
9. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
10. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
11. Business License - The permittee shall obtain and maintain a City of Marina business license.
12. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
13. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.

14. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
15. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
16. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
17. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
18. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
19. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

20. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
21. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
22. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
23. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.
24. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.
25. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary's permits and licenses authorizing delivery service; the employee's government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

26. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state or local requirements, including conditions of approval, and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

PROJECT INFORMATION

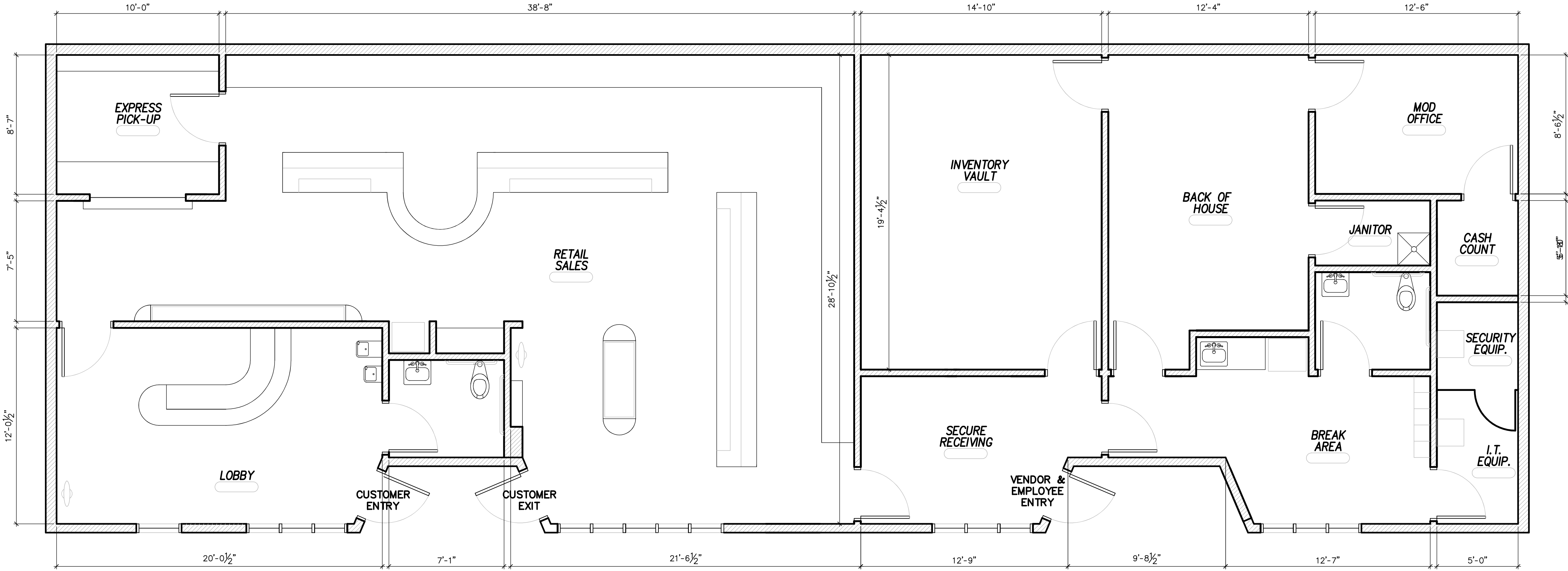
APPLICANT:
JC MARINA VENTURES, LLC / MARINA TRADING CO.
601 S. BROADWAY, SUITE H
DENVER, COLORADO 80209
513-886-8613

ASSESSOR PARCEL NUMBER & ADDRESS:
APN 032-192-019-000
3112 DEL MONTE BOULEVARD
MARINA, CALIFORNIA 93933

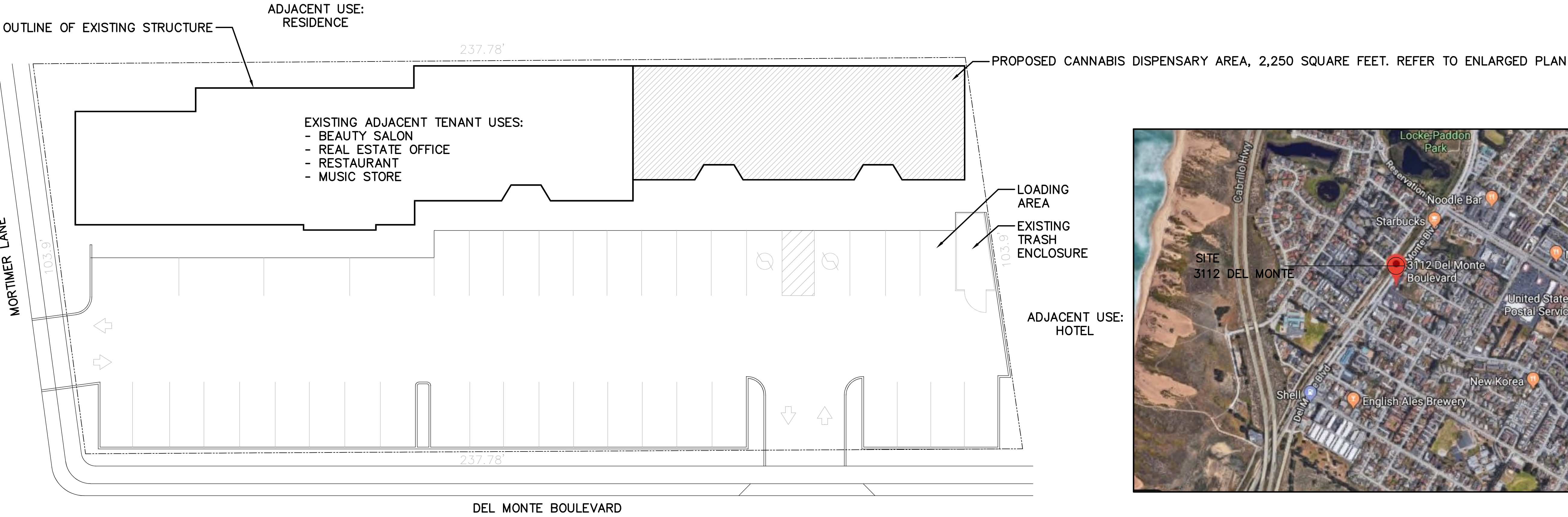
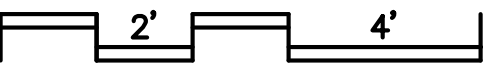
EXISTING SITE AREA:
0.60336 ACRES

EXISTING GENERAL PLAN LAND USE DESIGNATION:
RETAIL-SERVICE

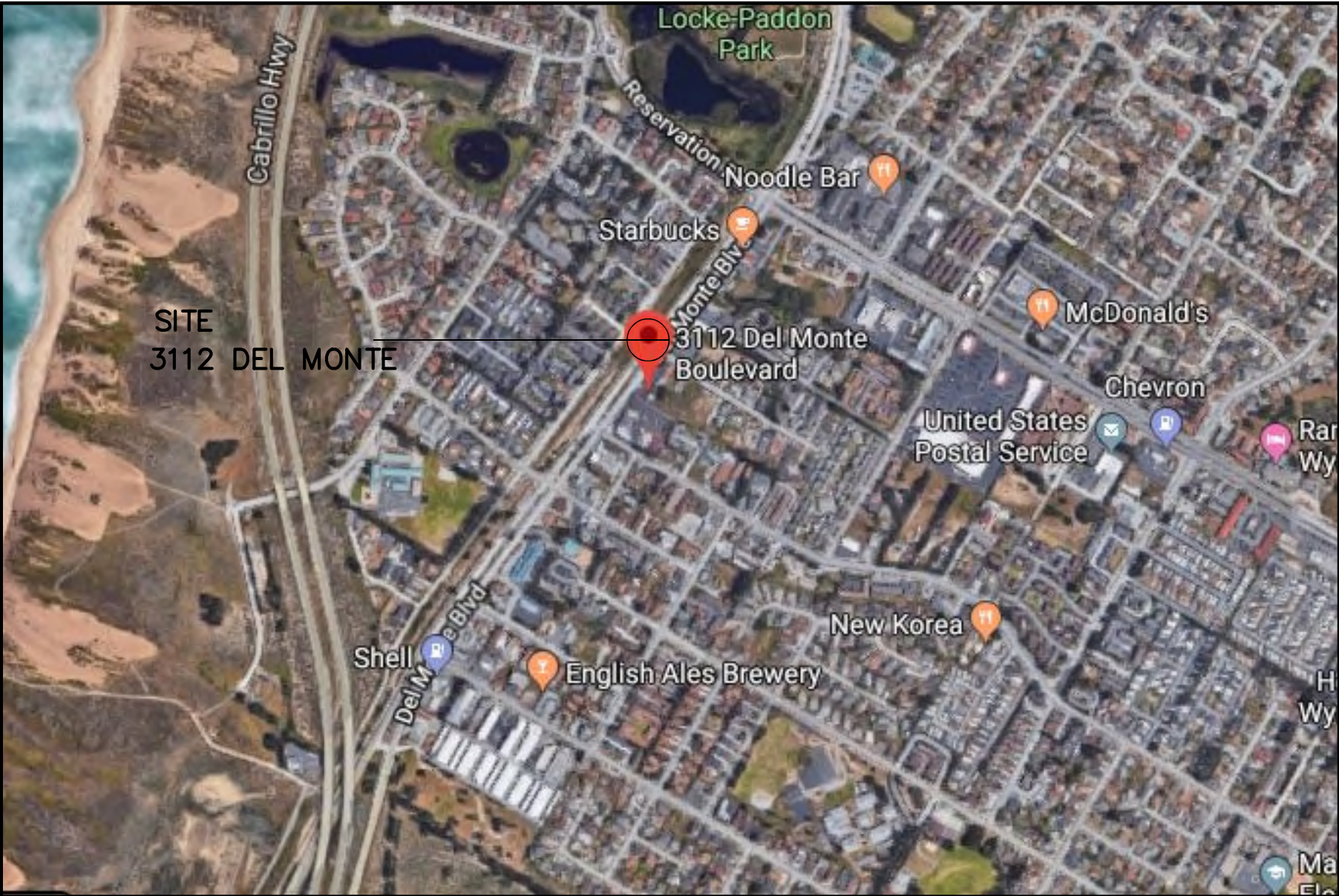
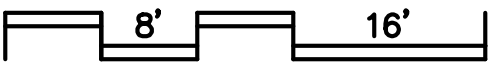
EXISTING ZONING DESIGNATION:
C-1



FLOOR PLAN - 3112 DEL MONTE - MARINA, CALIFORNIA
SCALE: 1" = 4'-0"

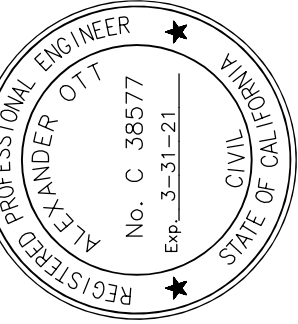


SITE PLAN - 3112 DEL MONTE - MARINA, CALIFORNIA
SCALE: 1" = 16'-0"



VICINITY MAP
SCALE: N.T.S.

ALEXANDER OTT
603 PALM AVENUE
SEASIDE, CA 93955



MANDURRAGO
&
ASSOCIATES



P.O. BOX 1504 CARMEL, CA 93921
PHONE: 831 595-0709
EMAIL: CHARLES@MANDURRAGO.NET

DRAWN BY: MANDURRAGO

DRAWING DATE: 11-14-19

REVISIONS:



PROJECT:

JC MARINA
VENTURES
3112 DEL MONTE
MARINA, CA 93933
APN: 032-192-019

OWNER:
JC MARINA VENTURES LLC
MARINA TRADING COMPANY
601 S. BROADWAY STE. "H"
DENVER, COLORADO 80209

SHEET NUMBER:

A1.0



PROJECT DESCRIPTION

Name of Project Applicant: JC Marina Ventures, LLC / Marina Trading Co.

Mailing Address: 601 S Broadway, Suite H, Denver, CO, 80209 Phone: 513-886-8613

Name of the project: Cannabis Dispensary Conditional Use Permit

Project location (address and/or Assessor's Parcel Number(s)): 3112 Del Monte Blvd, Marina, CA 93933
APN: 32192019000

Size of project site (acreage): 0.60336 Acres

Existing General Plan Land Use Designation: Retail - Service

Existing Zoning Designation: C-1

Describe the existing land use(s) of the site: Currently, the site is being used for general retail and service retail (restaurant) uses.

Describe the existing land use of properties surrounding the site: The site is part of a retail plaza and is surrounded by other general retail, service retail, and restaurant uses and is also adjacent to a hotel.

Describe the proposed land use(s)/Project: The proposed project is create an Adult Cannabis Dispensary and Medical Cannabis Dispensary Land Use to be located at 3112 Del Monte Blv, Marina, CA, 93933.
The project will not include any modifications to the exterior footprint of the property and will be focused on tenant improvements related to retail design and security.

For residential uses, indicate the number, type, and size of the units, and the estimated range of the sale and rental prices:_____

For commercial uses, indicate the type (neighborhood, city, or regional orientation), the total square footage, the estimated number of employees, and the hours of operation: City designation, 2250 Sq Ft.
We estimate that we will require 16 employees and operate between 10 AM to 10 PM, 7 days per week.

For industrial uses, indicate the type, the total square footage, the estimated number of employees, and the hours of operation:_____

For other uses, indicate the major function, the total square footage, the estimated number of employees, and the hours of operation:_____

List and describe any other permits or public approvals required for this project, including those required by city, regional, state, and federal agencies: City of Marina Cannabis Dispensary Conditional Use Permit,
State of California Bureau of Cannabis Control Type 10 License

Are there water, sewer, gas, electric, and telecommunication facilities available to the project site?

(✓) Yes () No If no, are connections to these facilities proposed?_____

Please describe any odor, noise, smoke, or dust which will result from the proposed development or use:
There will not be any odor, noise, smoke, or dust which will result from the proposed development or use.

Will there be any potentially hazardous materials, toxic substances, or flammable materials used, stored, manufactured, or disposed of at the project site? () yes (✓) no If yes, please explain:_____

Please describe the proposed scheduling and phasing of the project's construction: The construction phase entails tenant improvement to the interior only and will total 4 months. Month 1 will consist of mobilization, demolition, and framing. Month 2 will consist of mechanical, electrical, and plumbing. Month 3 will consist of drywall, flooring, and interior finishes. Month 4 will consist of painting, FF & E, and commissioning.

Please provide any additional relevant information that can assist in the processing of this application: Per the City of Marina Ordinance No. 2018-09, this property currently complies with all relevant zoning and land-use regulations related to the proposed Adult Cannabis Dispensary and Medical Cannabis Dispensary Land Use designations. Additionally, there will be no major exterior work to be done which will trigger any environmental concerns.

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3170 DEL MONTE
BOULEVARD (APN 032-055-017) IN THE PC (PLANNED COMMERCIAL)
ZONING DISTRICT.

WHEREAS, Brian Mitchell of SGI Marina LLC submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for SGI Marina LLC at 3170 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. 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.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “EXHIBIT A”, submitted to the Planning Office on January 29, 2020, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications - The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.

Standard Cannabis Dispensary Operating Conditions

7. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 29, 2020.

8. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

9. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.

10. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

11. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.

12. Business License - The permittee shall obtain and maintain a City of Marina business license.

13. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
14. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
15. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
16. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
17. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
18. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
19. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
20. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

21. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
22. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
23. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
24. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.

25. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.

26. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

27. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state or local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

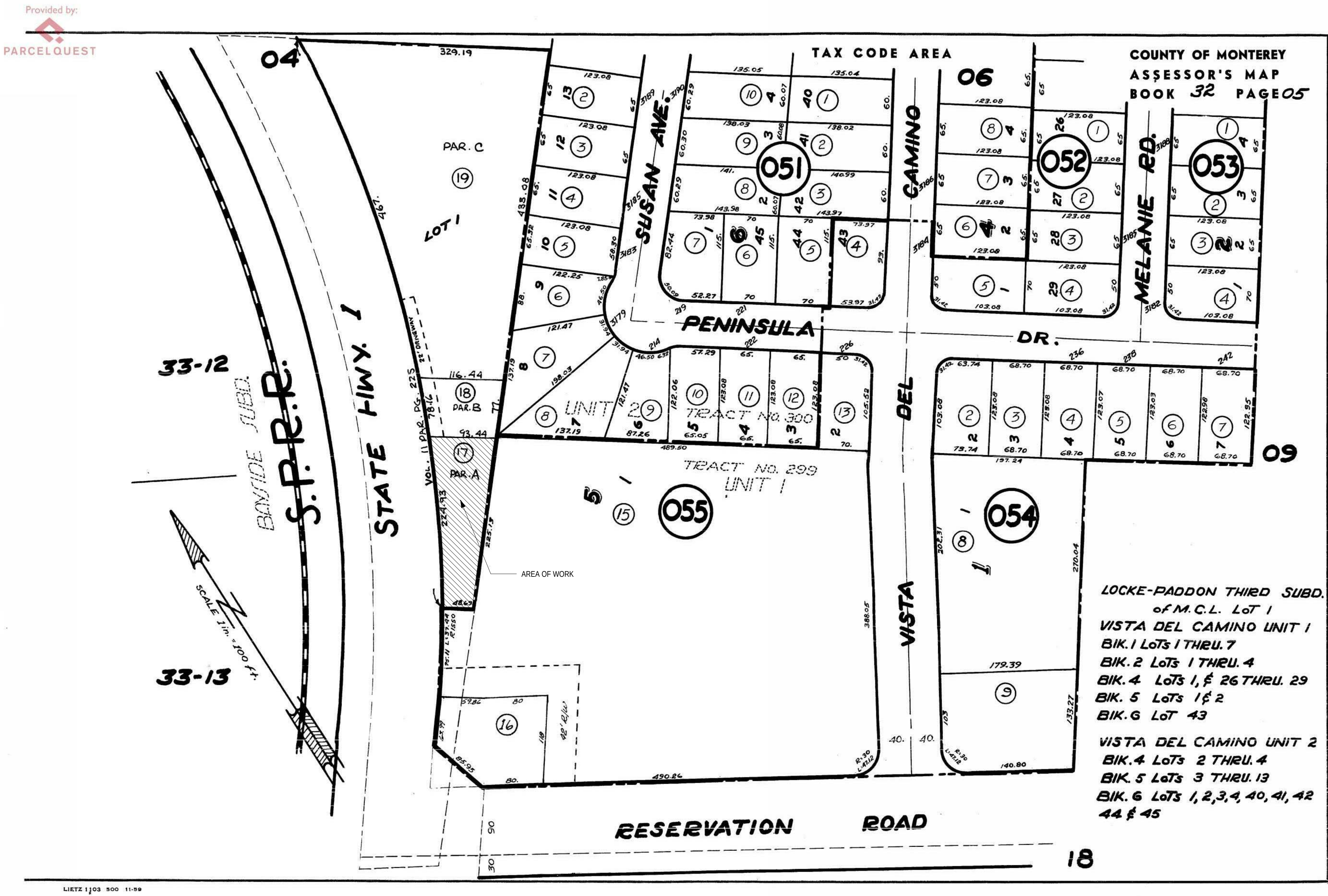
ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



PARCEL MAP
1" = 80'-0"

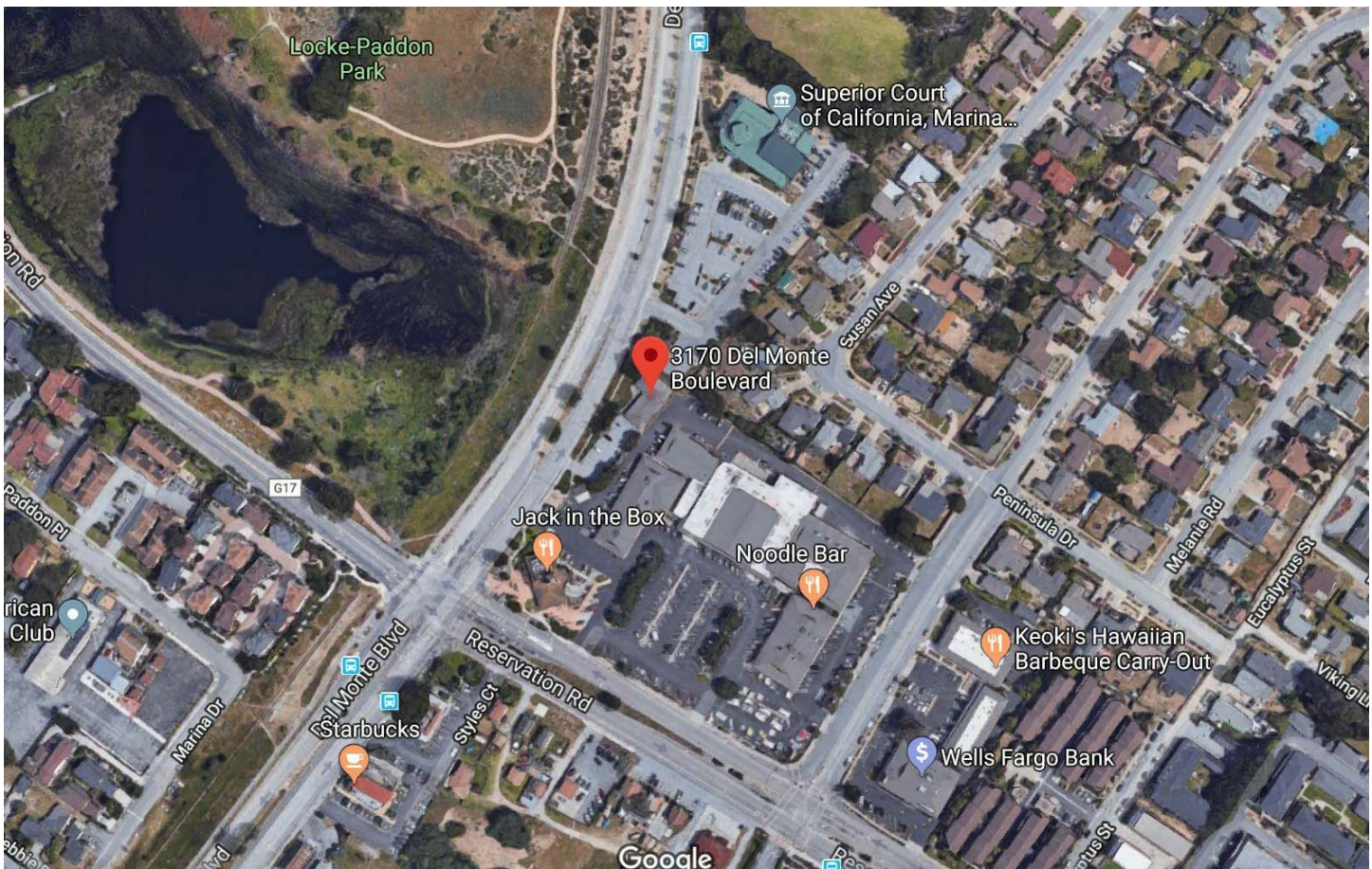
STIIIZY MARINA

PROJECT TEAM

APPLICANT
SGI MARINA LLC dba STIIIZY
575 ANTON BLVD., STE 800
COSTA MESA, CA 92626
P: 415.336.0374

ARCHITECT
RMW ARCHITECTURE & INTERIORS
POC: MELANIE LAGROU
1718 THIRD STREET
SUITE 101
SACRAMENTO, CA 95811
P: 916.449.1400 EXT. 411
E: mlagrou@rmw.com

VICINITY MAP



PROJECT DESCRIPTION

- INTERIOR TENANT IMPROVEMENTS FOR 2,744 SF OF (E) RETAIL SPACE FOR CANNABIS RETAIL USE.
 - PROJECT INCLUDES REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW CANNABIS RETAIL USE.
 - MINOR EXTERIOR IMPROVEMENTS TO FACADE, NO SITE IMPROVEMENTS
- OCCUPANCY: MERCANTILE
ZONING: PC COMMERCIAL
APN NUMBER: 032-055-017-000

DRAWING INDEX / ISSUE LOG

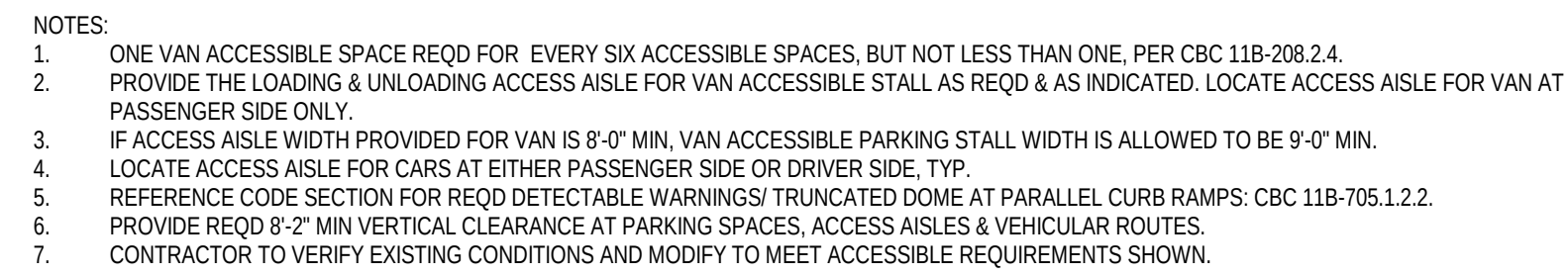
ISSUE LOG KEY:		DATE	SHEET	SUBSHEET	REMARKS				
"X" "R"						ISSUED AS PART OF THIS SET ISSUED FOR REFERENCE ONLY			
SHEET NUMBER	SHEET NAME					REMARKS			
ARCHITECTURE									
A0.1	COVER SHEET	X	X						
A1.0	SITE PLAN	X	X						
A1.1	FLOOR PLAN	X	X						
A1.2	SECURITY PLAN	X	X						
A2.0	EXTERIOR ELEVATIONS	X	X						
A3.0	PERSPECTIVE	X	X						

A0.1
COVER SHEET

3170 DEL MONTE BLVD,
MARINA, CA 93933

12/16/19 architecture & interiors

RMWthink experience


$$\frac{1}{4}'' = 1'-0''$$

APN:	032-055-017-000
ZONING:	PC COMMERCIAL
TOTAL SITE AREA:	+/- 17,349 SF/ 0.40 AC
BUILDING AREA:	+/- 2,744 SF
BUILDING HT:	+/- 16'-0"
TOTAL LANDSCAPE COVERAGE:	+/- 7,319 SF / 0.17 AC (42%)
TOTAL HARDSCAPE COVERAGE:	+/- 7,286 SF / 0.17 AC (42%)
TOTAL BUILDING COVERAGE:	+/- 2,744 SF / 0.06 AC (16%)

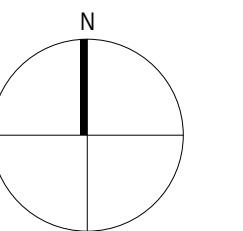
PARKING REQUIRED 1:275 SF (10 STALLS)

EXISTING PARKING PROVIDED:

STANDARD STALLS: 9' X 19' = 9 STALLS
(CAN BE REDUCED TO 17' 5" TO ACCOMMODATE TYP 1' 5" FRONT VEHICLE
OVERHANG WHERE CURB DO NOT EXCEED HEIGHT OF 6")

ACCESSIBLE STALLS: 1 STALL (1 REQUIRED)

TOTAL : 11 STALLS



experience
RMW think
architecture & interiors

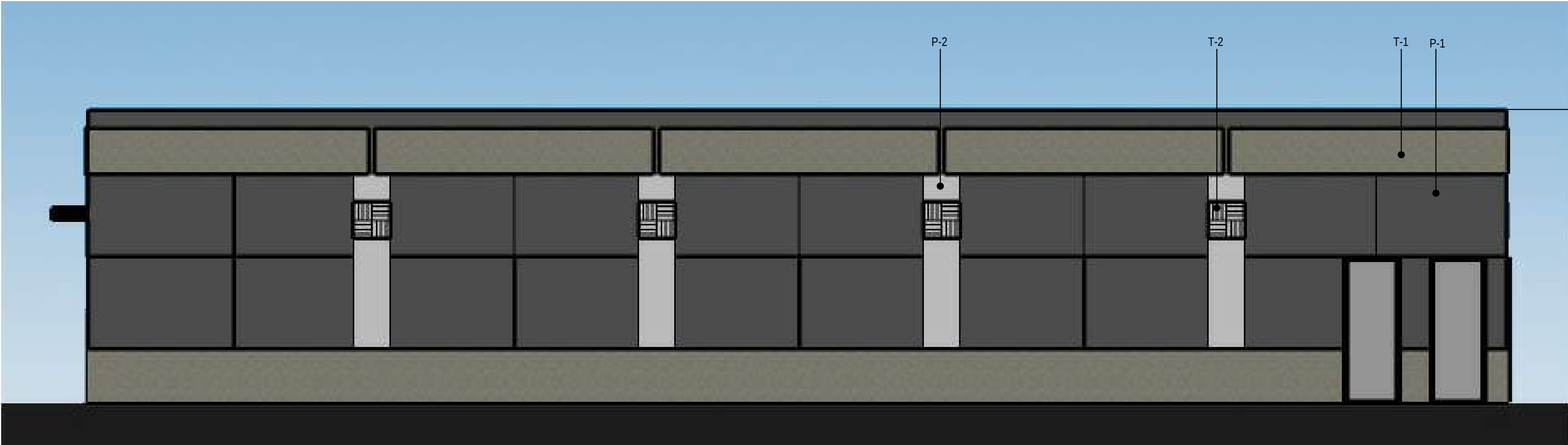


SCALE 1/2" = 1'-0"

A1.1
FLOOR PLAN

3170 DEL MONTE BLVD,
MARINA, CA 93933

12/16/19



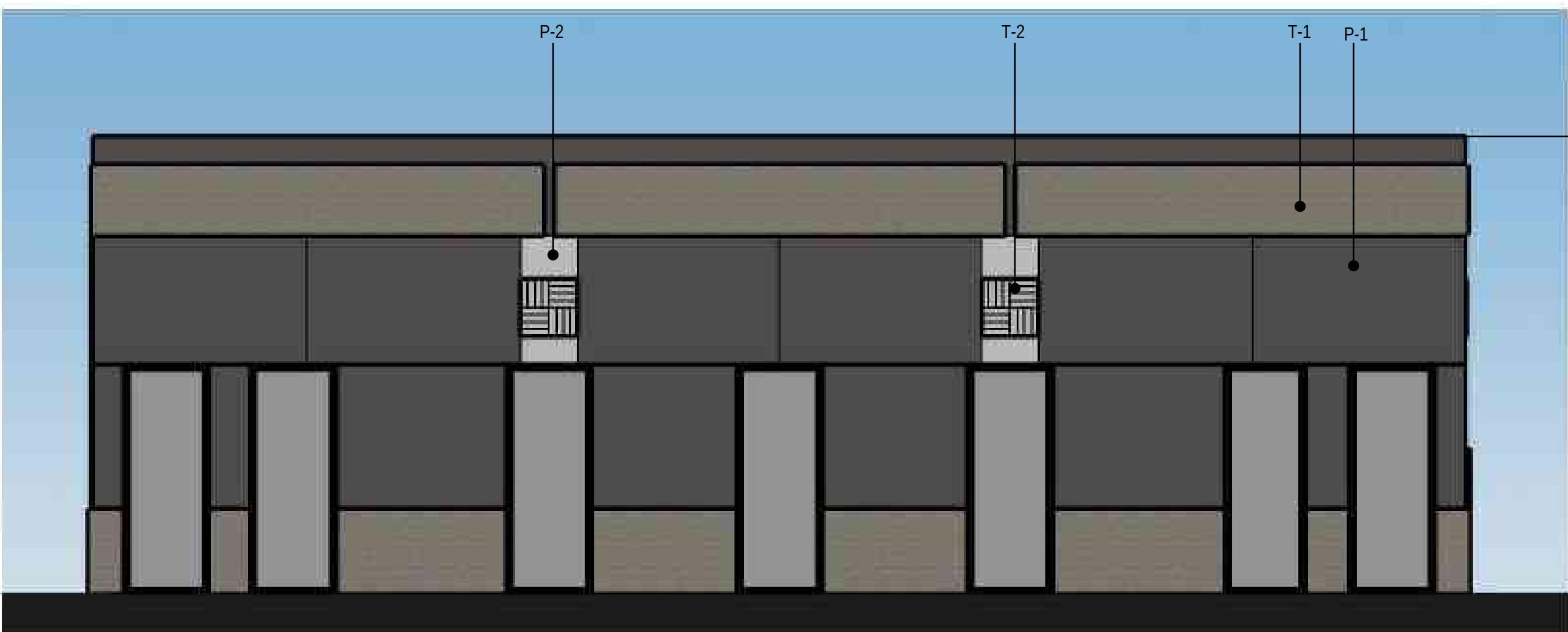
SIDE ELEVATION
1/4" = 1'-0"

3



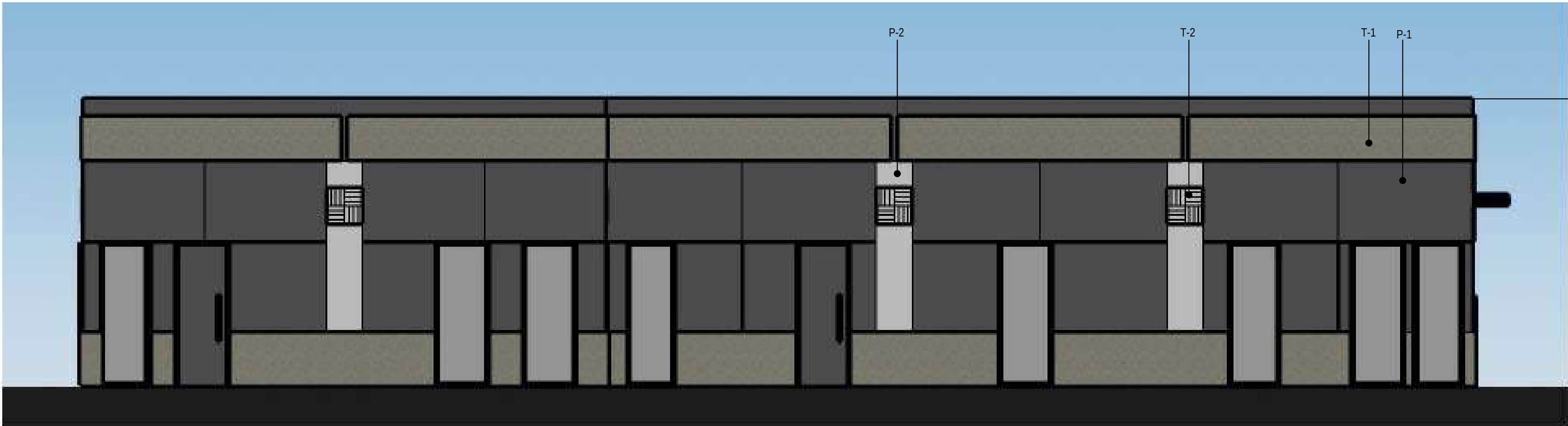
FRONT ELEVATION
1/4" = 1'-0"

4



BACK ELEVATION
1/4" = 1'-0"

2



SIDE ELEVATION
1/4" = 1'-0"

1

FINISH SCHEDULE

P-1 MFR: SPEC: FINISH:	GRAY PAINT BENJAMIN MOORE WATCHING HOUR 2120-30 EGGSHELL
E-2 MFR: SPEC: FINISH:	GRAY PAINT BENJAMIN MOORE SILVER SPRING 2120-50 HI-GLOSS
T-1 MFR: SPEC: INSTALL:	RECTANGULAR PANELS DRYVIT TERRA NEO BLACK 07807 PER MFR
T-2 MFR: SPEC: INSTALL:	STAINLESS STEEL PANELS MONICORHOLS 17800004038 PER MFR, QUARTER TURN AS SHOWN



A3.0
PERSPECTIVE

3170 DEL MONTE BLVD
MARINA, CA 93933

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
REVISING THE LOAN PROGRAM FOR RESIDENTS AND BUSINESSES
OF THE CITY IN RESPONSE TO THE COVID-19 PANDEMIC, VESTING
DISCRETION IN THE CITY MANAGER, CITY FINANCE DIRECTOR AND
CITY ATTORNEY TO MAKE REQUIRED CHANGES TO THE PROGRAM
GUIDELINES NECESSARY TO IMPLEMENT AND ADMINISTER THE
PROGRAM, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY
AGREEMENTS AND PROMISSORY NOTES NECESSARY TO
IMPLEMENT THE PROGRAM, AND AUTHORIZING THE FINANCE
DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY
ENTRIES**

REQUEST:

It is requested that the City Council revise its COVID-19 residential and business:

1. The loan program will continue until August 31, 2020 or until the funds are exhausted.
2. The income requirements for the business loans will be modified as follows:
 - For businesses open during March and April 2020 increase the income requirement by 25%, allowing incomes up to 112.5% of Monterey County Median to be eligible for the business loans.
 - For closed businesses for March and April 2020 increase the income requirement by 50%, allowing incomes that are 135% of Monterey County Median to be eligible for the business loans.
3. Decrease the total funding for the residential loan program from \$100,000 to \$50,000 and increase the total funding for the business loan program from \$100,000 to \$150,000.

BACKGROUND:

Current Results. At the City Council's April 21, 2020 meeting, a City COVID-19 support loan program for businesses and resident was authorized, providing \$100,000 for each program. The loan program was authorized to run until May 31, 2020. At this writing, the statistics for the loan program are shown on Table I, Loan Status.

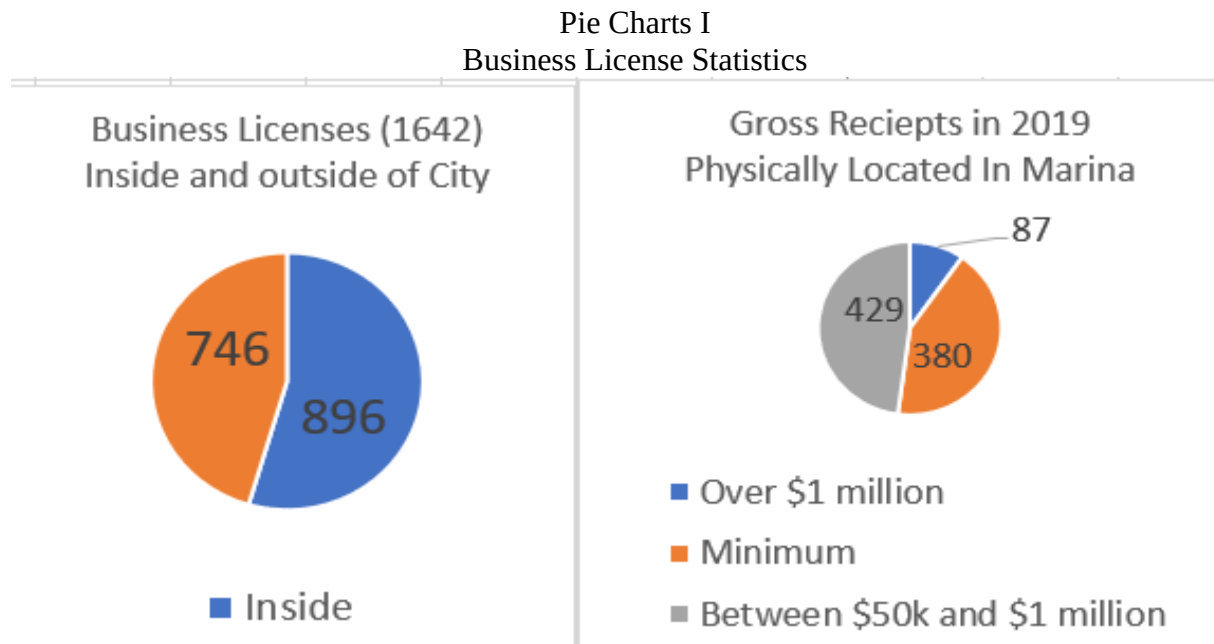
City of Marina								
Loan Status Report								
				Review Status				
Loan Type	Program authorization	Received	Potential Funding Request	Approved	Declined	Loans awaiting review	Approval Rate	Loan Amount Funded
Residential	100,000	5	10,000	4	1	0	80%	6,500
Business	100,000	14	140,000	7	5	2	50%	62,300
Total	200,000	19	150,000	11	6	2		68,800

Loan summary information is attached as **EXHIBITS A** and **B** but generally, the loans required:

- The business or resident to be in Marina;
- Have had some economic loss due to COVID 19; and,
- Be available to residents or business owners with incomes less than the County of median.

Residential Loans were available up to \$2,000 and Business Loans were available up to \$10,000 until May 31, 2020. Loan evaluations were done by Supervising Accountant Marisol Gomez and presented to the loan review committee of Councilman O'Connell, Assistant City Manager Mogensen and Finance Director Frost.

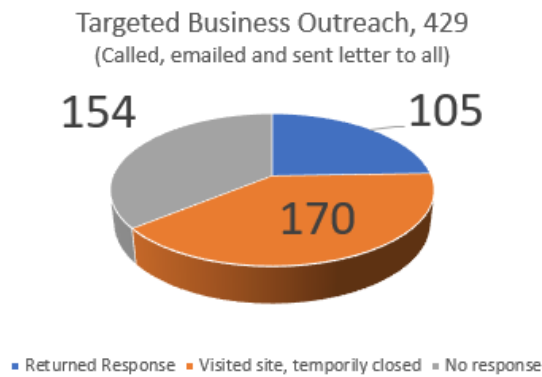
Business Outreach. The City has made significant efforts to reach out to our local businesses. The City of Marina has 1,642 registered business licenses. 896 of these businesses are within Marina and 430 businesses pay the minimum payment, meaning that their gross receipts are less than \$50,000 a year. 87 Marina businesses had gross receipts in excess of \$1 million and were not targeted beyond the 5 business support letters issued by the Business Support Committee. Pie Charts I, Business License Statistics, recaps the make-up of Marina's business licenses. This left 429 businesses with receipts between \$50,000 and \$1,000,000 a year which the City targeted for personal outreach.



The assigned 429 small business to the City's Business Outreach Worker, Monica Kim. Monica was hired by the City on April 22, 2020 to focus on small businesses. The outreach list was prioritized, with an emphasis of contacting businesses with gross receipts under \$1 million, but above \$50,000. Thus, businesses that made over \$1 million in gross receipts a year were not contacted unless they directly called into the office.

The results so far are (numbers updated as of May 28, 2020), Pie Chart II, Targeted Outreach Results.

Pie Chart II
Targeted Outreach Results



<u>Responding Businesses</u>	
Closed	1
Did Not Require Assistance	43
Received Assistance	61
Total	105

Consultation provided included any of the following:

- PPP/disaster loan applications;
- Cal coastal loan information;
- Marina Local loans;
- nonprofits grant applications;
- for-profit grant applications;
- filing unemployment on Employment Development Department; and,
- general information.

Monica has been able to reach English-limited business owners because she has some foreign language skills and is able to access other language resources to contact businesses. She will continue reach out to small businesses, at least until the City ends its small business loan program. **Residential Loan Outreach.** The residential loan outreach has not had a dedicated worker but has been presented through the following methods:

- Television reports of the two loan programs were aired
- City's website explains the program
- Police Facebook has discussed the program
- All residents received COVID-19 card from Council which included a loan program reference
- Council members have regularly shared the loan information at various community forums.

ANALYSIS:

Residential Program. Of the five residential loan program application, one has been declined. The loan was declined due to the individual living just outside the City's limits in the County. Otherwise, all loans were approved. It is also worth noting that the four that were funded were for some reason or other not able to access the enhanced unemployment benefits, at least at the time the individual applied for the City loan.

Monica Kim, our Business Outreach Worker, did work with some of business individuals who could apply for unemployment benefits which were not normally available except for the COVID-19 event. Further, from various newspaper reports about the enhanced unemployment benefits and individual stimulus checks, it is apparent that some lower income wage earners are receiving more in unemployment benefits than when working. Thus, they may not need the residential loans. This may change when the current Federal enhanced unemployment benefits which provides an extra \$600 per week ends as of July 31, 2020.

Potential Program Modification: The demand for the program may increase after the extra \$600 a week in unemployment benefits ends in July. If the Council wanted to continue this program, they may want to continue to program until August 31, 2020 in case there was demand for the loan program after the \$600 per week enhanced unemployment benefits ended.

Business Loan Program. Fourteen applications have been presented to the City and seven have been approved. Two more required additional information awaiting a final determination. Five of the loans were declined. Table II, Example of Business Loan Review Spreadsheet illustrates the type of information gathered and considered by the loan committee.

The five loan applications that were declined were all declined because they exceeded the allowed household income of 90% of Monterey's median income. Some exceed this amount by a small amount. Others exceed the amount substantially. Further, some businesses were closed at the time of application. Others were at least partially open.

Table II
Example of Business Loan Review Spreadsheet

Number	Date Initiated	Business Name	Status	Notes	Bus License Verified
3301	4/24/2020		application completed 5/11/2020	emailed 4/28/20 for documentation called 4/29 for follow up - 6 kids 2 adults, will send over supporting docs soon 5/11 supporting docs show household income is too high	Yes

(Continued)

Open for business?	Household Income	90% limit based on sz	(Over limit)	Applied for EIDL/PPP or other?	Requested Amount	Award Amount 5/6
No	#####	\$ 96,930	#####	EIDL	\$ 10,000	not at this time

Potential Program Modification: If Council wanted to continue this program, it may want to consider relaxing the income qualifications which currently are:

3. Must have a household income (which includes business income) of less than 90% of the Monterey County Median, adjusted for household size as evidenced from Federal Tax returns from 2018 or 2019 or sufficient alternate data.

Staff would recommend relaxing the requirement at different levels based upon whether the business was closed or open during the Shelter in Place order as follows:

- ***For open businesses, increase the income requirement by 25%, allowing incomes that are 112.5% of Monterey County Median.***

- ***For closed businesses for March and April, increase the income requirement by 50%, allowing incomes that are 135% of Monterey County Median.***

If this new threshold was the standard in May, 3 of the five declined loans would have been approved. The remaining loans that were declined exceeded the income requirements by over \$100,000 each.

Summary

The City's loan program to support businesses and residents began approximately 6 weeks ago. Those receiving the loans, although not many, have expressed their gratitude for the City's help. If the Council wished to modify the loan process to encourage more usage, staff would recommend the following for Council's consideration:

- 1) Residential loans – extend the availability period until August 31, 2020 to allow those no longer receiving the enhanced unemployment Federal unemployment benefits to apply.
- 2) Business loans – relax the income requirements for business loans to be as follows:
 - For businesses open during March and April, increase the income requirement by 25%, allowing incomes that are 112.5% of Monterey County Median.
 - For closed businesses for March and April, increase the income requirement by 50%, allowing incomes that are 135% of Monterey County Median.
- 3) Finally, the City Council may wish to move \$50,000 from the residential support program to the business support loan program, funding business loans at \$150,000 total and residential loans at \$50,000 total.

FISCAL IMPACT:

The loan program is being funded from General Fund Fund Balance. The current forecast for this year's ending General Fund fund balance is as follows:

	<u>Available Reserves</u>		
	Amounts in Millions		
<i>Reserves</i>			
	Emergency	4.50	
	Undesignated Fund Balance 6/30/19	7.50	
	<i>6/30/19 Reserves</i>		<i>12.00</i>
	COVID Support Loans	(0.20)	
	Use of reserves 6/30/20	(1.80)	
			(2.00)
	<i>Estimated 6/30/20</i>		<i>10.00</i>

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Eric Frost
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

SOURCE OF FUNDING:

General Fund

RESOLUTION NO. 2020-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
REVISING THE LOAN PROGRAM FOR RESIDENTS AND BUSINESSES
OF THE CITY IN RESPONSE TO THE COVID-19 PANDEMIC, VESTING
DISCRETION IN THE CITY MANAGER, CITY FINANCE DIRECTOR AND
CITY ATTORNEY TO MAKE REQUIRED CHANGES TO THE PROGRAM
GUIDELINES NECESSARY TO IMPLEMENT AND ADMINISTER THE
PROGRAM, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY
AGREEMENTS AND PROMISSORY NOTES NECESSARY TO
IMPLEMENT THE PROGRAM, AND AUTHORIZING THE FINANCE
DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY
ENTRIES

WHEREAS, on March 13, 2020, the City Manager in his role as the Director of Emergency Services, issued a “Proclamation of a Local Emergency Related to COVID-19 (Coronavirus) pandemic; and

WHEREAS, the impacts from the COVID-19 virus; the associated measures to protect public health; and local, regional, and national orders for residents to shelter in their places of residence has had a dramatic negative effect on many resident’s financial resources; and

WHEREAS, many residents face destabilized housing situations due to the impacts of the COVID-19 pandemic which has created undue hardship for residents due to a lack of alternative housing; and

WHEREAS, individuals most impacted may need a very rapid response from local agencies, lenders, and support providers to survive these impacts; and

WHEREAS, it is in the community interest to support residents of the City of Marina by ensuring adequate access to capital while other sources of state and federal funding are pending; and

WHEREAS, the City has One Hundred Thousand dollars available in its Emergency Fund which could be budgeted to fund the Stabilizing Loan Program for Residents; and

WHEREAS, the Stabilizing Loan Program for Residents is necessary to protect the health, safety, and welfare of the citizens of Marina; and

WHEREAS, the Stabilizing Loan Program for Residents was effective as of April 21, 2020; and

WHEREAS, COVID-19 therefore has and will continue to cause conditions of peril to the health, safety, and welfare of City of Marina residents.

WHEREAS, the City Council has reviewed the results of the City’s COVID-19 loan program and determine it needs to change certain provisions of the program to better serve the businesses and residents of Marina;

NOW, THEREFORE, be it resolved by the City Council of the City of Marina that:

- A. The City Council hereby finds that the above-described conditions and as described in the Proclamation of Local Emergency related to the COVID-19 outbreak warrant and necessitate the creation of the Stabilizing Loan Program for Residents and the establishment of this Program is in the best interest of the public.
- B. Direct that the underwriting requirements of these two loans be revised as follows:
 1. The loan program will continue until August 31, 2020 or until the funds are exhausted.
 2. The income requirements for the business loans will be modified as follows:
 - For businesses open during March and April 2020 increase the income requirement by 25%, allowing incomes up to 112.5% of Monterey County Median to be eligible for the business loans.
 - For closed businesses for March and April 2020 increase the income requirement by 50%, allowing incomes that are 135% of Monterey County Median to be eligible for the business loans.
 3. Decrease the total funding for the residential loan program from \$100,000 to \$50,000 and increase the total funding for the business loan program from \$100,000 to \$150,000.
- C. The Finance Director is authorized to make necessary accounting and budgetary entries.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 2nd day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



City of Marina Business Loan Program Summary

Program

Total Funding: \$100,000
 Source: General Fund
 Decision Authority: City Determination is final. Additional applications based upon on changed circumstances are allowed.

Loan Terms

Maximum Loan: \$10,000 per business.
 Limitation: May not receive residential loan also.
 Basis of Loan Amount: Documented delinquent bills for rent, employee wages and health benefits, utilities, or mortgage on business located in Marina if not closed during COVID event. If closed, any unpaid business expense during the COVID event.
 Interest Rate: 0% in repaid by May 31, 2021; or, 3% from loan's funding date to be repaid by May 31, 2022.

Qualifications

1. Must have a business license of the City Marina as of January 1, 2019
2. Business must have had 10 or fewer employees before March 1, 2020. The requirement for restaurants is 20 or fewer employees.
3. Must have a household income (which includes business income) of less than 90% of the Monterey County Median, adjusted for household size as evidenced from Federal Tax returns from 2018 or 2019 or sufficient alternate data.

Median Income for Monterey County	As of 4/16/2020 (90% of HCD Published AMI)	Calculation	Example
Household Size	Income	2019 or 2018 Federal Business Tax income from tax forms	20,000
1	\$46,665	Business Depreciation	10,000
2	\$53,370	Household income including any business salary taken as a business expense	30,000
3	\$60,030	Adjusted business income	\$ 60,000
4	\$66,690	Note: If the household size is three people, the business qualifies for business loan.	
5	\$72,045		

4. Must have had applied for SBA Economic Injury Disaster Loan (EIDL) or Payroll Protection Program Loan (PPP) due to the COVID 19 event or explain why unable to apply.
5. **Applications to be submitted to the City with supporting documentation on or before May 31, 2020, or award of loans totaling \$100,000.00, whichever occurs first. *The first round of funding will consider all applications received by May 1, 2020.*** Thereafter, completed applications will be processed on a first come, first served basis.

Applications are available at the City's website: CityofMarina.org under "Help for Businesses" button



City of Marina Residential Loan Program Summary

Program

Total Funding: \$100,000
Source: General Fund
Decision Authority: City Determination is final. Additional applications based upon changed circumstances are allowed.

Loan Terms

Maximum Loan: \$2,000 per household
Basis of Loan Amount: Documented delinquent bills for rent, utilities, or mortgage on property located in Marina for a primary residence.
Interest Rate: 0% in repaid by May 31, 2021; or,
3% from loan's funding date to be repaid by May 31, 2022.

Qualifications

1. Must be a resident of the City Marina as of January 1, 2020
2. Must have a household income of less than 80% of the Monterey County Median, adjusted for household size; or, non-discretionary debt (mortgage, one car payment, etc.) more than 25% of monthly income.
3. Must have had economic damage due to the COVID 19 event due to unemployment or reduction of hours in excess of 50% of work income.

Due Dates

Applications to be submitted to the City with supporting documentation on or before May 31, 2020, or award of loans totaling \$100,000.00, whichever occurs first. The first round of funding will consider all applications received by May 1, 2020. Thereafter, completed applications will be processed on a first come, first served basis.

Applications are available at the City's website: CityofMarina.org under "Help for Residents" button

For More Information, call Eric Frost, Finance Director, 831-884-1221

Date: May 28, 2020

Item No: **11b(ii)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
AUTHORIZING AN ABATEMENT OF BUSINESS LICENSE PENALTIES
UNTIL OCTOBER 2020 AND OFFERING TO WAIVE PAST PENALTIES
FOR UNREGISTERED BUSINESSES WHICH REGISTER AND PAY THEIR
PAST DUE TAXES BY OCTOBER 31, 2020.**

REQUEST:

That the City Council consider a resolution:

- 1) Abating all penalties for business license taxes until Oct. 1, 2020;
- 2) Offering to waive all past due penalties for unregistered business who pay all past due business taxes by Oct. 1, 2020

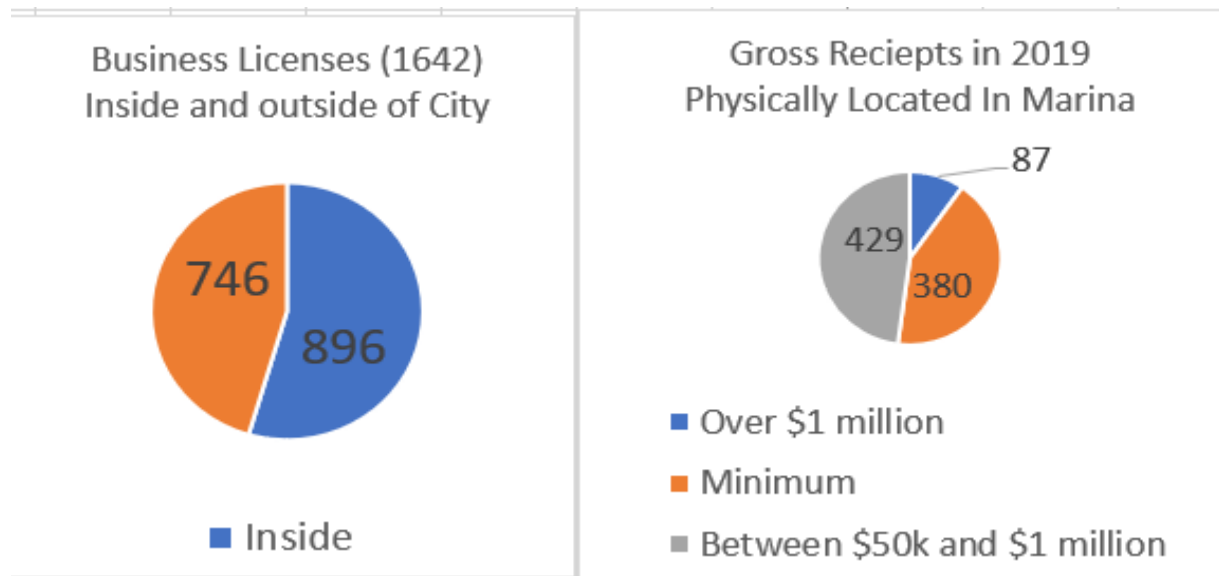
BACKGROUND:

Business License Background. The Marina voters in November of 2016 passed the current business tax law. The City of Marina has 1,642 registered business licenses. These businesses pay 0.2% business license tax, with the minimum tax being \$100 or \$50,000 in receipts. The tax in past years has generated annually about \$1.5 million. The business license is paid in advance for the full year. The City sends the following notices to businesses:

April	Request for businesses to declare their gross receipts
June	Business License, due by the end of July
August	10% penalty if not paid before this month
Sept.	10% + 25% penalty, if not paid before this month
October	10% + 25% + 15% penalty, total 50%, if not paid before this month

A substantial number of business located outside Marina pay the business license tax when they conduct business inside Marina, a little less than ½ of the businesses. Inside the City, Marina has a total of 896 businesses. Of this number, 430 businesses pay the minimum payment, meaning that their gross receipts are less than \$50,000 a year. 87 Marina businesses have gross receipts more than \$1 million. Pie Charts I, Business License Statistics, recaps the make-up of Marina's business licenses. Thus, 429 businesses have receipts between \$50,000 and \$1,000,000 a year.

Pie Charts I
Business License Statistics



ANALYSIS:

Potential Council Action. In response to the COVID 19 event, many cities have modified their business license process to allow some relief to businesses. The biggest relief might be to give the business a little more time to determine if they will continue as a business. Thus, if a business could assess its situation, it would feel better about paying its business license, although .002% of a business' revenue is typically a nominal amount.

One approach would be to abate the business license tax penalties until October 31, 2020, providing 3 months for a business to assess their situation and be properly be charged for their license based upon their COVID 19 adjusted gross receipts. (It should be noted that if a business has had its receipts decline dramatically, their tax should also decline proportionally. Finance estimates a 13 - 25% decline in business license receipts for next year.)

Thus, for this year, penalties would be abated until the following dates:

November	10% penalty if not paid before this month
December	10% + 25% penalty, if not paid before this month
January	10% + 25% + 15% penalty, total 50%, if not paid before this month

As an alternative, the Council does have the power to adjust the rate below .002%. However, Business Tax receipts will down this next year due to reduced economic activity. Thus, businesses will be paying smaller business tax fees already. The tax represents .002% of their gross receipts, \$200 per \$100,000 of sales. Staff does not recommend this option.

Optional Program. Some cities have used this time to allow businesses which have previously been unregistered to register and pay their past due business tax without incurring penalties. Each year, the City will discover businesses that have not obtained a business license. The City will assess them three years of business taxes in such case, including penalties of 50% for the past years.

Finance recommends letting businesses that have gone unregistered that the Council will waive past penalties if the business pays all past due business tax fees before November 1, if Council abates the business tax fees until then.

FISCAL IMPACT:

Business license tax is deposited into the General Fund. It is expected to drop this next year due to the general downturn in economic activity. An abatement of the tax penalty does not change the expect receipts and the economic loss of interest income on penalty revenue will be less than \$1,500.

The amnesty program could potentially generate \$10,000 to \$20,000 in additional revenue.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Eric Frost
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

SOURCE OF FUNDING: General Fund

RESOLUTION No. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AUTHORIZING AN ABATEMENT OF BUSINESS LICENSE PENALTIES UNTIL OCTOBER 2020 AND OFFERING TO WAIVE PAST PENALTIES FOR UNREGISTERED BUSINESSES WHICH REGISTER AND PAY THEIR PAST DUE TAXES BY OCTOBER 31, 2020.

WHEREAS, the City of Marina authorized a business tax measure in November of 2016; and

WHEREAS, the City of Marina Council has some discretion on the administration of that tax; and

WHEREAS, the COVID-19 event has greatly depressed business activity in order to maintain the health of the community; and,

WHEREAS, the City Council actively seeks to support local businesses;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council does abate business tax penalties until October 31, 2020

SECTION 2. For unregistered businesses, the City will waive penalties from prior years if the business registers and pays its past taxes by October 31, 2020.

PASSED and ADOPTED by the City Council of the City of Marina at a special meeting duly held on this 2nd day of June 2020 by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

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General Outdoor Dining Standards During COVID-19 Pandemic for the City of Marina

The COVID-19 Industry Guidance: Dine-In Restaurants, published by the State Departments of Public Health and of Industrial Relations, should be used as a resource for dine-in restaurant establishments during the current COVID-19 Pandemic. Additionally, the following guidelines are established by the City of Marina in order to provide social distancing in eating establishments located within the City. These guidelines, which allow for outdoor seating, shall be in place until rescinded by the City.

Outdoor dining facilities must be limited to private property.

Ideally, tables and chair should be located in designated, raised pedestrian walkways, located immediately adjacent the building where the business is located.

Outdoor dining shall be designed to maintain clear, existing legal exits from the building to designated parking or the public way. A minimum five foot exit path is required to be maintained. A designated pedestrian path into the building should be identified that is separated from the outdoor seating area

Parking spaces may be utilized to provide opportunities for outside dining, provided the area is clearly marked with a visible barrier defining the dining area.

Social distancing of at least six feet must be located between adjacent table and chair grouping and exterior customer pathways or queuing.

Alcoholic beverages may be served outside, provided City laws and regulations are met.

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