



AGENDA

Wednesday, June 17, 2020

6:00 P.M. Open Session

SPECIAL JOINT MEETING OF THE MARINA CITY COUNCIL AND MARINA PLANNING COMMISSION

Council Chambers
211 Hillcrest Avenue
Marina, California

Zoom Meeting URL: <https://us02web.zoom.us/j/89224467829>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 892 2446 7829

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

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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)

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

PLANNING COMMISSION: Planning Commission Members: Thomas Mann, Jeffrey Weekley, Brian McCarthy, Victor Jacobsen, Katherine Biala, David Bielsker, Chairperson David Burnett

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

5. **OTHER ACTION:**

- a City Council and Planning Commission to review and discussion of draft revisions to Ordinance 2018-09 An Ordinance of the People of the City of Marina 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 & Welfare.

6. **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 11:30 a.m., Tuesday, June 16, 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.

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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.

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Honorable Mayor and Members
of the Marina City Council

Joint Study Session Meeting
of June 17, 2020

Honorable Chair and Members
of the Planning the Marina Planning Commission

JOINT STUDY SESSION OF THE CITY COUNCIL AND PLANNING COMMISSION TO REVIEW DRAFT PROPOSED REVISIONS TO ORDINANCE 2018-09 AN ORDINANCE OF THE PEOPLE OF THE CITY OF MARINA 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 & WELFARE.

REQUEST:

It is requested that the City Council and Planning Commission:

1. Receive a Presentation on draft revisions to the City's 2018 voter approved Cannabis Activities Ordinance.

BACKGROUND & DISCUSSION:

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. The voter initiative established Title 19 of the City of Marina Municipal Code (MMC), titled the City of Marina Commercial Cannabis Activities ordinance, and made amendments to MMC Title 5 Business Taxes, Licenses and Registrations and Title 17 Zoning. This document is included as "**EXHIBIT A**". Per the voter initiative, the ordinance took effect on April 1, 2019.

On February 5, 2019, the City Council approved an Agreement with Hinderliter, De Llamas & Associates, Inc. (dba HdL) to assist with implementing the City's cannabis program. The first task that staff and HdL took on was to develop the program to implement the ordinance. This required a thorough review and mapping of the process that the ordinance provided. The next step was to create application procedure guidelines and an application package. These documents are included as "**EXHIBIT B**".

As staff, HdL and the City Attorney's Office worked to develop procedure guidelines and the application package there were challenges.

As a voter approved initiative, the ordinance can only be modified through a second voter approved initiative, unless the approved ordinance specifically allows for certain modifications to the ordinance. In the case of the 2018 Commercial Cannabis Activities Ordinance, there is provision within the definition of "Permit Zone" that specifically states that the Permit Zones may be amended from time to time by a majority vote of the City Council. This is the only instance in the 2018 Commercial Cannabis Activities Ordinance that allows for City Council modification.

To address the challenges with implementing the ordinance, the City Council expressed a desire to prepare and submit a revised City of Marina Commercial Cannabis Activities Ordinance to the County of Monterey Elections Department for inclusion on the November 3, 2020 general election ballot. To that end the drafted revised Commercial Cannabis Activities Ordinance included as “**EXHIBIT C**” is presented for the City Council and Planning Commission’s discussion, and the public’s input.

At the Study Session, special counsel Mark Mandell will present the draft revisions and invite the Council and Commission’s discussion and public’s input. Following the Joint Session, staff will work with the Mr. Mandell to incorporate the Council, Commission and public’s input and prepare the final draft of the revised ordinance to present at a Planning Commission Public Hearing and then a City Council Public Hearing.

In order to be included on the November ballot, the revised ordinance will need to be submitted to the Elections Department no later than August 7, 2020. To meet this deadline staff has laid out the following schedule:

- June 17th – Joint Study Session to present the draft Cannabis Activities Ordinance revisions, receive feedback and general direction from the Council and Commission, and hear public input
- July 9th – Planning Commission Public Hearing on draft revised Cannabis Activities Ordinance.
- July 21st – City Council Public Hearing on draft revised Cannabis Activities Ordinance

As you can see the schedule required of the effort is fairly aggressive. As such, this Joint Study Session will be a key part of the process to providing the Council and Commission with adequate proposed revisions to the ordinance at the Public Hearings.

Respectfully submitted,

Matt Mogensen
Assistant City Manager
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

ORDINANCE NO. 2018-09

Initiative Measure to be Submitted Directly to the Voters

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF MARINA
ALLOW CANNABIS BUSINESS ACTIVITY AND ESTABLISH 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 & WELFARE.**

THE PEOPLE OF THE CITY OF MARINA DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Establish. Chapter 19 of the City of Marina’s Municipal Code is hereby established to read as follows:

19.01.010 Title.

This chapter shall be known as the city of Marina Commercial Cannabis Activities ordinance. The city of Marina hereinafter shall be called “city”. This chapter shall be applicable in the incorporated territory of the City. (Ord.2010-03 &1 (part), 2010)

19.01.020 Operative Date

“Operative date” means the first day of the first calendar quarter commencing more than one hundred days after the adoption of the ordinance codified in this chapter by a majority of the voters of the city voting thereon at the election to be held on November 6, 2018.

19.01.030 Purpose

This chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. Regulate Commercial Cannabis Activity (as defined below) if a majority of the qualified electors voting on the measure voted to approve the imposition of the tax at an election called for that purpose.

B. To promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MAUCRSA. The goals of this regulation for Commercial Cannabis Activity include:

- A. To minimize the size of the illegal market for Cannabis in the City and the surrounding regions.
- B. To create jobs, tax revenue and economic growth for the City and its residents.
- C. To enable law enforcement and regulators to have sufficient rights to inspect and audit Commercial Cannabis Activity and take expeditious action against Persons who violate the requirements of this Chapter.
- D. To minimize social harms which may arise from Cannabis including youth consumption or intoxicated driving.

C. To regulate the operation and location of Commercial Cannabis Activity such that public nuisance is minimized.

19.01.040 Definitions

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

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

B. "Adult Use Cannabis" means the non-medical use of cannabis by adults of age 21 and over as permitted by MAUCRSA and other applicable State and City laws.

C. "A-License" means a State License issued under Division 10, commencing with Section 26000 of the Business and Professions Code, for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician's recommendations or an interim license issued by the State for the same.

D. "A-Licensee" means any Person holding a State License under Division 10, commencing with Section 26000, of the Business and Professions Code for cannabis or cannabis products that are of age and over and who do not possess physician's recommendations or an interim license issued by the State for the same.

D. "A-Licensee" means any Person holding a State License under Division 10, commencing with Section 26000, of the Business and Professions Code for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician's recommendations or an interim license issued by the State for the same.

E. "A-Permit" means a City Permit issued under this chapter for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.

F. "A-Permittee" means any Person holding a City Permit issued under this chapter for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.

G. "Bureau" means the Bureau of Medical Marijuana Regulation within the California Department of Consumer Affairs.

H. "Business and Professions Code" means the California Business and Professions code, as amended from time to time.

I. "Cannabinoid" or "phytocannabinoid" means a chemical compound that is unique to and derived from cannabis.

J. "Medical cannabis" or "Medical cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical Cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362. 5 of the Health and Safety Code. For the purposes of this Title, "medical cannabis" does not include "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 1 1018.5 of the Health and Safety Code.

K. "Commercial medical cannabis activity" means the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, on-site consumption or sale of medical cannabis or a medical cannabis product.

L. "Cannabis" shall have the same meaning as in Section 26000 of the Business and Professions Code.

M. "Cannabis Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or City Permittee where the Commercial Cannabis Activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one City Permittee.

N. "Cannabis Permit" means a permit issued by a city in the State (as defined below), including the City, and a license issued by the State, in each case, in accordance with, and to the extent required by, applicable State Law, in order to participate in a Commercial Cannabis Activity, such as Cultivation, Manufacturing, Distribution, Transportation, Testing, retail sale, or Delivery.

O. "Cannabis Permittee" means a Person who holds a Cannabis Permit.

P. "Cannabis Product" shall have the same meaning as in Section 11018.1 of the Health and Safety Code.

Q. "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.

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

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

T. "City" shall have the meaning assigned to such term in the Preamble of this Ordinance.

U. "City Code" means the City of Marina Municipal Code.

V. "City Council" means the current members of the City Council of the City.

X. "City Manager" means the individual duly appointed by a majority of the City Council to serve in the capacity as executive officer of the City on a permanent or interim basis or such other official as designated by the City to fulfill such duties.

Y. "City Permit" means a permit issued by the City, in accordance with this Chapter and State Law, authorizing participation in a Commercial Cannabis Activity, such as Cultivation, Manufacturing, Distribution, Testing, retail sale, or Delivery.

Z. "City Permittee" means a Person that has been issued a City Permit.

AA. "Commercial Cannabis Activity" includes the Cultivation, possession, Manufacture, Distribution, processing, storing, testing, packaging, labeling, Transportation, Delivery or sale of Cannabis and Cannabis Products as provided for in this chapter and Division 10, commencing with Section 26000, of the Business and Professions Code.

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

BB1. "CUP" means a Conditional Use Permit issued by the City in accordance with City Code.

CC. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.

DD. "Cultivation Permit" means a City Permit for the Cultivation of Cannabis in accordance with the terms and conditions of this Chapter and the conditions of approval for the applicable City Permit issued to the particular Cultivation Permittee. Such Permits shall be associated with State License types 1A, 1B, 1C, 2A, 2B, 3A, 3B, 4, 5A or 5B or such other Cultivation license types created by the State.

EE. "Cultivation Permittee" means an applicant who has applied for and has been issued a Cultivation Permit by the City pursuant to the terms and conditions of this Chapter.

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

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

HH. "Distribution" means the procurement, sale, and transport of Cannabis and Cannabis Products between State Licensees, including any City Permittees who are State Licensees.

II. "Distribution Permit" means a City Permit for Distribution in accordance with the terms and conditions of this Chapter and the conditions of approval for the applicable City Permit issued to such Distribution Permittee. Such Permits shall be associated with State License Type 11 or such other Distribution license types created by the State.

JJ. "Distribution Permittee" means a Person that has been issued a Distribution Permit by the City pursuant to the terms and conditions of this Chapter.

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

LL. "Fully Enclosed and Secure Structure" means (i) a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is reasonably secure against unauthorized entry and provides complete visual screening or is behind fencing or other features providing complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors

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

NN. "Gross Receipts" means the total amount of the sales of a City Permittee, valued in money, whether paid in money or otherwise, without any deduction for the cost of materials used, any costs of transportation of the City Permittee, or any other expenses.

OO. "Health and Safety Code" means the California Health and Safety Code, as amended from time to time.

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

QQ. "Indoor Cultivation" means a Cultivation using exclusively artificial lighting.

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

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

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

UU. "One ownership" and "owner" have the same definition as set forth in Chapter 21.06 of this Title.

WW. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a Cannabis Product from such blends, extractions or infusions.

XX. "Manufactured cannabis" or "cannabis product" means raw Cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

YY. "Manufacturing Permit" means a City Permit to Manufacture in accordance with the terms and conditions of this Chapter and the conditions of approval for the applicable City Permit issued to the applicable Manufacturing Permittee. Such Permits shall be associated with State License types 6 or 7 or such other Manufacturing license types created by the State.

ZZ. "Manufacturing Permittee" means a Person that has been issued a Manufacturing Permit by the City.

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

BBB. "Medicinal Cannabis" or "Medicinal Cannabis Product" means Cannabis or a Cannabis Product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a Medicinal Cannabis patient in California who possesses a physician's recommendation.

CCC. "M-License" means a State License issued for Commercial Cannabis Activity involving Medicinal Cannabis.

DDD. "M-Licensee" means any Person holding a State License under Division 10, commencing with Section 26000, of the Business and Professions Code for Commercial Cannabis Activity involving Medicinal Cannabis or an interim license issued by the State for the same.

EEE. "M-Permit" means a City Permit issued under this chapter for Commercial Cannabis Activity involving Medicinal Cannabis.

FFF. "M-Permittee" means any Person holding a City Permit issued under this chapter for Commercial Cannabis Activity involving Medicinal Cannabis.

GGG. "Mixed Light Cultivation" means a Cultivation facility using a combination of natural and supplemental artificial lighting.

HHH. “Modular Building” means a structure that is transportable in one or more sections and is designed or equipped for the Manufacturing of Cannabis Products, including the compliance with all safety requirements set forth by the City.

III. “Ordinance” shall have the meaning assigned to such term in the Preamble of this Ordinance.

JJJ. “Outdoor Cultivation” means any Cultivation conducted without the use of artificial lighting.

KKK. “Permit Zone” means, with respect to a Person holding a City Permit, the zones or portions of the City where such City Permit type is permitted to operate. Such Permit Zones may be amended from time-to-time by a majority vote of the City Council. To the extent not otherwise specified in this definition, a City Permittee shall be able to operate in any portion of the City which complies with the zoning, radius and other requirements of Section 17.06.

The initial Permit Zones shall be as follows:

- (1) With respect to Retail Permits, Airport District (AP-2/3), Business Park (BP), Business Park Small Lot Combining District (BP/P), Retail Business District (C-1), General Commercial District (C-2), Planned Commercial District (PC) and Transitional Zoning District (T-B-5).
- (2) With respect to Cultivation Permits for Indoor Cultivation, Airport District (AP-2/3), Business Park (BP), Business Park Small Lot Combining District (BP/P) and Transitional Zoning District (T-B-5).
- (3) With respect to Cultivation Permits for Outdoor Cultivation, no zones will permit outdoor cultivation.
- (4) With respect to Cultivation Permits for Mixed Light Cultivation, Airport District (AP-2/3), Business Park (BP), Business Park Small Lot Combining District (BP/P) and Transitional Zoning District (T-B-5).
- (5) With respect to Distribution Permits, Airport District (AP-2/3), Business Park (BP), Business Park Small Lot Combining District (BP/P), Retail Business District (C-1), General Commercial District (C-2), Planned Commercial District (PC) and Transitional Zoning District (T-B-5) or, if such Distribution Permit is held by a Permittee who also holds another City Permit type, the location where the operations of such City Permit type are conducted (e.g. the site of a Cultivation Permit).
- (6) With respect to Manufacturing Permits, Airport District (AP-2/3), Business Park (BP), Business Park Small Lot Combining District (BP/P), Retail Business District (C-1), General Commercial District (C-2), Planned Commercial District (PC) and Transitional Zoning District (T-B-5).
- (7) With respect to Testing Permits, Airport District (AP-2/3), Business Park (BP), Business Park Small Lot Combining District (BP/P), Retail Business District (C-1), General Commercial District (C-2), Planned Commercial District (PC) and Transitional Zoning District (T-B-5).

LLL. "Permittee" means a person issued a commercial cannabis permit under Chapter 7.90.

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

NNN. “Physician Services” means the consultation by a State-licensed physician of a patient with the possible recommendation by such physician of Medicinal Cannabis for such patient.

OOO. "Primary caregiver" has the same definition as in Section 11362. 7 of the California Health and Safety Code, as it may be amended.

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

QQQ. "Qualified patient" has the same definition as in Section 11362. 7 of the California Health and Safety Code, as it may be amended.

RRR. "Retail Establishment" means a premises where Cannabis or Cannabis Products are offered, either individually or in any combination, for retail sale or Delivery to customers, patients or primary caregivers pursuant to State Law.

SSS. "Retail Permit" means a City Permit to sell and Deliver Cannabis and Cannabis Products to customers, patients and primary caregivers in accordance with the terms and conditions of this Chapter and the conditions of approval for the applicable City Permit issued to the particular Retail Permittee. Such Permits shall be associated with State License type 10 or such other Retail license types created by the State.

TTT. "Retail Permittee" means a Person that has been issued a Retail Permit by the City pursuant to the terms and conditions of this Chapter.

UUU. "State" means the State of California.

VVV. "State license", "license, " or "registration" means a state license issued pursuant to California Business & Professions Code Sections 19300, et seq.

WWW. "State Law" means all laws of the State, including all rules and regulations adopted by State agencies and State regulatory entities.

XXX. "State License" means a State License issued under Division 10, commencing with Section 26000, of the Business and Professions Code, and includes both an A-License and M-Licenses as well as a testing License.

YYY. "State License Deadline" means [the later of (i) the first anniversary of the date on which the Bureau of Cannabis Control posts a notice on its website or otherwise publicly announces that state licensing authorities have commenced issuing State Licenses, or (ii) the applicable date upon which a Person with a City License must obtain a State License to comply with State Law.

ZZZ. "State Licensee" means a Person that has been issued a State License.

AAAA. "Testing" means the testing of the quality, makeup or purity of Cannabis and Cannabis Products as required by applicable State Law.

BBBB. "Testing Permit" means a City Permit for Testing pursuant to the terms and conditions of this Chapter and the conditions of approval for the applicable City Permit issued to the particular Testing Permittee. Such Permits shall be associated with State License 8 or such other Testing license types created by the State

CCCC. "Testing Permittee" means a Person who has been issued a Testing Permit by the City pursuant to the terms and conditions of this Chapter.

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

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

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

19-02 Cannabis Dispensaries and Operating Standard

19.02.010 Cannabis Dispensaries

Pursuant to Chapter and Section 5.08, it is unlawful for any owner, operator, or association to own, conduct, operate or maintain, or to participate therein, or to cause or to allow to be conducted, operated, or maintained, any dispensary, delivery or delivery only dispensary in or into the City unless there exists a valid business permit in compliance with the provisions of Chapter 15.08 and a permit issued under this Chapter. However, entities authorized under Marina Municipal Section 19.02.010 must abide by the same requirements imposed herein on dispensaries.

This Chapter, and the requirement to obtain a business and/or use permit, does not apply to the individual possession or cultivation of medical or Adult Cannabis for personal use, nor does this Chapter apply to the usage, distribution, cultivation or processing of medical or Adult cannabis by qualified patients or primary caregivers or qualified adults when such group is of three or less individuals, and distributing, cultivating or processing the cannabis from a residential unit or a single non-residential parcel of land. Associations of three or less qualified patients or primary caregivers shall not be required to obtain a permit under Chapter 17.48, but must comply with applicable State law.

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

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

No new Cannabis Premise shall be located within 600 feet of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the Cannabis Premise is, or will be, located to the nearest property line of those uses describe in this Subsection.

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

19.02.020 ELIGIBILITY REQUIREMENT

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

1. Homicide;
2. Within the preceding 10 years, any serious or violent felony listed in Penal Code Section 1192.7(c) or Section 667^(c);
3. Within the preceding 10 years, any violation of Penal Code Sections 243 through 247, except for subdivision (a) of Section 243;

4. Within the preceding 10 years, any offense under subdivisions (d) or (e) of Section 11357 or Section 11361, or Articles 1, 3, 5, 6, or 7 of Chapter 6 of Division 10 of the Health and Safety Code; or

5. Within the preceding 3 years any felony violation of Health and Safety Code Section 11358. Section 11359 or Section 11360.

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

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

D. At the time of submission of dispensary permit application, the applicant shall pay a dispensary permit application fee not to exceed \$8,000. The fee amount shall be set by City Council resolution per the City's Master Fee Schedule.

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

F. The name and address of Managers or responsible agents of the Commercial Cannabis Business, which shall be updated not less frequently than annually.

19.02.030 OPERATION PLAN

All applicants must provide a plan of operations that will describe how the dispensary will operate consistent with State Law and the provisions of this Chapter including but not limited controls to ensure medical or Adult cannabis will be dispensed only to qualified adults, qualified patients and primary caregivers. Dispensaries shall comply with Health and Safety Code Sections 11362. 7 et seq. and any other state laws that may be adopted concerning Medical or Adult Cannabis, California's Medical Marijuana Regulation and Safety Act, the Adult Use of Marijuana Act, the Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, and any other applicable City laws or regulations, and shall pay all applicable state or local taxes. Dispensaries shall also comply with the operating standards set forth in this Section.

19.02.030 MEMBERSHIP.

A. Medical Dispensaries may consist only of Members.

B. Medical Dispensaries may only obtain Medical Cannabis from, and supply Medical Cannabis to, their Members.

C. Dispensaries may not admit any person as a Member without first verifying her or his status as a qualified patient or primary caregiver as defined by state law, and shall immediately cancel the membership of any person who diverts Medical Cannabis for non-medical use or in any minor not permitted by this Chapter or State law.

D. Physicians' recommendations shall be verified prior to granting membership and at least every twelve (12) months thereafter, and a physical or digital record shall be kept of such verification. No Medical Cannabis may be dispensed except to a Member and pursuant to a recommendation that is no more than twelve (12) months old, unless the recommendation expressly states that it has a longer term or does not expire.

E. Adult Dispensaries must comply with all aspects of the Adult Use of Marijuana Act and must receive a license from the State prior to start of operations, and shall maintain license throughout operations.

F. Non-Diversion. Medical dispensaries shall take all practicable steps necessary to prevent and deter diversion of Medical Cannabis to non-Members. Dispensaries must limit access to Medical Cannabis, Medical Cannabis Products and Edibles to authorized personnel only, and must maintain an inventory management system that accounts for all Medical Cannabis, Medical Cannabis Products and Edibles.

19.02.040 DISPENSING.

A. Medical Dispensary may not dispense to any person who is not a Member and may not dispense without first verifying membership.

B. Medical Dispensary may not provide more Medical Cannabis to an Individual than is necessary for that person's personal medical use.

C. Dispensary may not distribute free samples for promotional purposes outside of the Dispensary premises.

D. No dispensary shall dispense Medical Marijuana from more than one (1) location in the City of Marina.

E. No owner of dispensary in the City shall open a second dispensary in the City; except that medical dispensaries and co-located or adjacent Adult dispensaries may have the same ownership.

19.02.050 MEMBERS AND EMPLOYEES.

A. All employees and volunteers must be Members who are at least 21 years of age.

B. Medical Dispensaries may not admit any person under 18 years of age to membership without written authorization of a parent or legal guardian. Any Member under 18 years of age shall be accompanied by a parent or legal guardian at all times that such person is at the Dispensary.

19.02.060 ADULT DISPENSARIES

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

A. Dispensary may not dispense to any person who is not 21 years of age or older.

B. Dispensary may not distribute free samples for promotional purposes outside of the Dispensary premises.

C. No dispensary shall dispense Adult Marijuana from more than one (1) location in the City of Marina, however, subject to State requirements, may have a co-located or adjacent Medical and Adult location.

D. No owner of dispensary in the City shall open a second dispensary in the City; except that medical dispensaries and co-located or adjacent Adult dispensaries may have the same ownership.

E. All adult dispensaries must hold a valid and current Use Permit from the City of Marina pursuant section 19.08.010 (d) of this chapter.

19.02.070 SECURITY.

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

A. Dispensaries shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times. Lighting shall be of sufficient intensity to illuminate all areas of the parking lot, if any. Lighting shall comply with Marina Municipal Code 15.34.080.

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

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

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

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

F. All Medical or Adult Cannabis, Medical or Adult Cannabis Products and Edibles, except for limited amounts used for display purposes, samples or immediate sale, shall be securely stored at all times, and the entrance to all storage areas shall be locked and under the control of staff.

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

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

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

19.02.080 SIGNAGE

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

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

FOR ADULT:

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

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

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

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

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

D. Signage for a dispensary shall comply with Marina Municipal Code 17.40.

19.02.090 DELIVERY

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

- A. A copy of the dispensary's current permits, licenses, and entitlements authorizing them to provide delivery services;
- B. The employee's government-issued identification;
A copy of the delivery request; and
- C. Chain of custody records for all goods being delivered.
- D. All onsite consumption permits shall be special business permits and shall be issued for a term of one year. No property interest, vested right, or entitlement to receive a future license to operate a medical marijuana business shall ever inure to the benefit of such permit holder as such permits are revocable at any time with or without cause by the City Manager subject to Section 19.09.

19.02.100 NEIGHBORHOOD COMPATIBILITY.

- A. Dispensaries shall be operated to ensure neighborhood compatibility, and shall take all steps necessary to ensure that customers do not create neighborhood disturbances.
- B. Dispensaries shall provide the Police Department and all residents and property owners within 100 feet with the current name, phone number, secondary phone number, and e-mail address of an on-site community relations staff person to whom notice of any operating problems associated with the establishment may be reported. This information shall be updated as necessary to keep it current. Dispensaries shall encourage neighbors to call this person to try to solve any operating problems.
- C. All Dispensaries shall have an on-site manager responsible for overall operation at all times they are open, and shall provide the Police Department with contact information for all such persons, including telephone number, street address and e-mail address. Dispensaries shall also provide the Police Department with the current name and phone numbers of at least one 24-hour on-call manager. This information shall be updated as necessary to keep it current.
- D. Dispensaries shall take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties. Such conditions include, but are not limited to: smoking; creating a noise disturbance; drinking; loitering; littering; and graffiti.
- E. Dispensary will be of an architectural and visual quality and character which harmonizes with, and enhances, the surrounding area and that the design will avoid unduly large or obtrusive signs, un-landscaped parking areas, unduly bright or garish lighting, or design features which encourage loitering as determined by the Zoning Administrator.
- F. That adequate litter receptacles will be provided where appropriate:
- G. Where the dispensary or delivery only dispensary is in proximity to residential uses, it will be limited in hours of operation, and designed and operated, so as to avoid disruption of residents' sleep.
- H. No cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility.
- I. Dispensaries shall ensure all graffiti is removed from property and parking lots under their control within 24 hours of its appearance.
- J. Dispensaries shall operate only between the hours of 9:00 a.m. and 11:59 p.m.

19.02.110 CONSUMPTION OF MEDICAL CANNABIS, TOBACCO AND ALCOHOL.

- A. Smoking of Medical Cannabis is prohibited at Dispensaries.
- B. Sale or consumption of tobacco is prohibited at Dispensaries.
- C. Sale, service and consumption of alcoholic beverages at Dispensaries is prohibited, and Dispensaries shall prohibit any person in possession of an alcoholic beverage from entering or remaining on the premises.
- D. This subdivision does not prohibit the testing of Medical or Adult Cannabis Products by staff of a Dispensary or the use of tinctures or topical Medical Cannabis Products that do not have intoxicating effects.

19.02.120 REGULATORY FEES; SELLER'S PERMIT

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

- A. The Cannabis dispensary shall allow access to dispensary facilities and records if requested by the City, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the City or its officers to verify compliance with all relevant rules, regulations, and conditions.
- B. The applicant, owner, and all permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the City or their designee.
- C. Any person operating a medical or Adult Cannabis dispensary shall obtain a valid and fully executed commercial medical or Adult cannabis permit pursuant to 19.02 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.
- D. Upon implementation of state regulations pursuant to California Business and Professions Code Section 19320, a valid license from the State shall be required to operate any commercial medical cannabis activity.
- E. The owner shall post or cause to be posted on site the Use Permit and all required City, County and state permits and licenses required to operate. Such posting shall be in a central location, visible to the patrons, at the operating site, and in all vehicles that deliver or transport marijuana.
- F. The owner shall be responsible for ensuring that all commercial medical cannabis activities at the site operate in good standing with all permits and licenses required by the Marina Municipal Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial medical Cannabis activities at the site who do not maintain permits or licenses in good standing with the City or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section 17.80 of the Marina Municipal Code.
- G. Dispensaries shall comply with all physical accessibility requirements pursuant to American Disability Act.

19.03 COMMERCIAL CANNABIS CULTIVATION AND OPERATING STANDARD

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

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

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

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

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

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

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

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

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

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

8. Any person cultivating cannabis shall obtain a valid and fully executed commercial Cannabis Permit pursuant to Chapter 5.04 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.

9. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial Cannabis activities at the site who do not maintain permits or licenses in good standing with the City, County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section 19.09 of the City Code.

19.04 COMMERCIAL CANNABIS TESTING, and MANUFACTURING, OPERATING STANDARD

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

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

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

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

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

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

1. The activity, as proposed, will comply with all of the requirements of the State and City, and any additional conditions of license for the testing, manufacturing, or research and development of Cannabis or cannabis products.

2. The use, as approved and conditioned, will not result in significant unavoidable impacts on the environment.

3. The use includes adequate measures that minimize use of water at the site.

4. The cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets industry standards.

5. The use shall include adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors, and ensuring that Cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the State and not distributed out of state.

6. The applicant, owner, and permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the City of Marina or their designee.

7. Any person testing, manufacturing or performing research and development operations using cannabis shall obtain a valid and fully executed commercial cannabis business license pursuant to Chapter 5.04 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.

8. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by State law.

Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the City, County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section 19.09 of the City Code.

19.05 CANNABIS DISTRIBUTION

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

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

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

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

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

E. All cannabis uses that require transport licenses under SB94 but that are not Transport and Distribution Only Businesses shall receive a license for transport.

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

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

1. Prevent individuals from loitering on the premises of the distribution facility if they are not engaging in activity expressly related to the operations of the distribution facility;

2. Store all cannabis and Cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss;

3. Install security cameras on site; and

4. Provide for on-site security personnel meeting the requirements and standards contained

within Chapter 19.02.070 of the Marina Municipal Code and approval by the Chief of Police.

H. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by the Marina Municipal Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial medical cannabis activities at the site who do not maintain permits or licenses in good standing with the City, County or State shall be grounds for the modification or revocation of a Use Permit pursuant to Section 19.09 of The City of Marina Code.

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

19.06 PUBLIC HEARING

Applications for dispensaries shall be subject to a hearing and must provide Public notice of the hearing in accordance with on the application shall be given as provided in Section 17. 78.020. The City Manager or designee shall be the investigating official referred to in Section 17.78.020 to whom the application shall be referred. In recommending the granting or denying of such permit and in granting or denying the same, the City Manager shall give particular consideration to the capacity, capitalization, and complaint history of the applicant and any other factors that in the City Manager's discretion he/she deems necessary to the peace, order and welfare of the public.

19.07 RANKING AND ALLOCATION PROCEDURE AND CRITERIA In the event that multiple applications are submitted for any Cannabis use that is restricted in number, the City Manager or designee shall use the following criteria for recommending to the City Council what applicant shall receive approval to operate.

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

1. Business Plan: Applicants shall submit a Business Plan to the City that outlines an operational and financial plan. The Business Plan should include the names and resumes of key staff, operations plan, financial plan, sales projections and market study. Applicants are encouraged to provide a specific, written plan for how their operation will benefit the community.

2. Security Plan: All applicants shall submit a Security Plan outlining how the business expects to address security issues at their location.

3. Property Owner Approval: Applicants shall submit proof of approval of the owner of the real property where the proposed dispensary will be located if approved. Applicants are not required to have a signed lease, but a letter from the property owner indicating that:

a. The property owner is aware of and approves the use being proposed.

b. The property owner will lease the property to the cannabis related use upon approval of application.

c. The property owner understands that licenses for cannabis related uses are for one year and can be revoked at the City's sole discretion with or without reason.

4. Live Scan: All principle employees of any cannabis related use must obtain a Live Scan and submit the results with their application.

19.08.010 SELECTION CRITERIA:

A. General Eligibility Review: In the event that an applicant is unable to meet the minimum eligibility criteria, their application shall be denied. Applicants will be evaluated on the following:

1. Live Scan Results: Applicant must not have any criminal convictions that would result in ineligibility as defined in section 19.02.020.

2. Application must be complete to be evaluated. Incomplete applications will be denied and must be resubmitted. Application fees must be paid for resubmittal.

3. Proposed location of business and proof of property owner's approval of use.

4. Indemnification agreement with the City.

B. Initial Ranking - The City shall open an application period of not less than 30 days to allow prospective Permittees to submit applications.

1. Applicants will be evaluated on the following criteria:

a. Business Plan

i. A business plan that demonstrates prior successful business operations (which need not be Cannabis business related) at a similar scale of annual revenue for at least two years and / or capitalization sufficient to insure at least one year of operation will receive five points. A business plan without such demonstration will receive 0 points.

b. Local Enterprise & Community Benefits

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

c. Neighborhood Compatibility

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

d. Safety and Security Plan

i. 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.

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

C. Final Ranking

1. The top applicants equal to the number of licenses available will be eligible to apply for a Conditional Use Permit and license to engage in a commercial cannabis business. Qualified applicants from the initial ranking may amend and combine their applications to optimize their scores. If following the opportunity to optimize scores, two or more applicants are tied, both applicants will proceed to the next step.

D. Use Permit:

1. Applicants shall complete phases 1-3 prior to applying for a Conditional Use Permit and license.

2. At the next available Planning Commission meeting, allowing time for Staff review, a public hearing for each top application shall be held.

3. Members of the public, adjacent property owners and other interested parties will be given the opportunity to present concerns or support, and provide additional consideration for potential permit conditions.

4. Planning Commission will make a recommendation to City Council, including any conditions requested for final decision on awarding Use Permits and License.

5. At the next available City Council meeting, Planning Commission and Staff recommendations will be presented to City Council for final decision.

6. If an available license is not filled for any reason and a business that qualified under phases 1- -3 but was not selected to move forward in the process requests consideration for phase 4, consideration shall be granted in order of ranking.

E. Use Permits for Cannabis Uses are for one year and do not run with land. No vesting of any land use rights are conveyed with any use permit for a Cannabis related use. Holders of use permits shall have the opportunity administratively renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all fees and taxes.

F. Cannabis Licenses are for one year and may be revoked at any time for failure to comply with all state and local ordinances, or for failure to comply with Conditions of Approval. Licenses shall have the opportunity to automatically renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all fees and taxes.

19.09 ENFORCEMENT

Violations of this Chapter shall constitute a public nuisance and may be enforced pursuant to the provisions of Chapter 17.80 of the Municipal Code any other law or ordinances it deems appropriate.

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

B. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of City, create a cause of action for penalty pursuant to Chapters 17.80 of this Code, and any other action authorized by law.

C. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Marina or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, disgorgement of any payment to the City of Marina of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Marina may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial medical or Adult cannabis activity or persons related thereto, or associated with, the commercial medical or Adult cannabis activity.

19.10 APPEALS PROCESS

A. If the City Manager or his / her designee determines that grounds for suspension or revocation of the Use Permit exist pursuant to section 19.09, the City Manager or his / her designee shall issue a written Notice of Intention to revoke or suspend the Use Permit, as the case may be. The Notice of Intention shall be served on the property owner, as reported on the latest equalized assessment roll, and shall also be served on permittees on the property, as reported on the commercial medical cannabis permits issued pursuant to Chapter 19.02. The Notice of Intention shall be served by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested. The Notice of Intention shall describe the property, the intention to revoke or suspend the Use Permit, the grounds for revocation or suspension, the action necessary to abate the violation, the time limit for compliance, and the right to a hearing. The Notice of Intention shall notify the owner and permittees of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the Use Permit should not be suspended or revoked and shall notify them of the 10-day deadline to submit a written request for a hearing.

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

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

D. Hearing by the Hearing Officer:

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

2. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.

3. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.

4. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the City of Marina.

5. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the City's total costs of enforcement, including reasonable attorney fees.

6. If neither owner nor any permittee nor their authorized representatives appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

19.11 SEVERABILITY

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

Section 2. Zoning. The following changes shall be made to Chapter 17 of the Marina Municipal Code including sections 17.22.030, 17.24.030, 17.28.020, 17.29.030, 17.31, 17.42.030, 17.06.020, 17.20.30 and 17.06.010.O, 17.06.010.P, and 17.06.010.Q.

1. The following sections of Chapter 17. shall have Cannabis Retailer added as land uses with a requirement of a Conditional Use Permit:

- a. 17.28 Airport District (AP-2/3)
- b. 17.29 Business Park (BP)
- c. 17.31 Business Park Small Lot Combining District (BP/P)
- d. 17.22 Retail Business District (C-1)
- e. 17.24 General Commercial District (C-2)
- f. 17.31 Planned Commercial District (PC)
- g. 17.42 Transitional Zoning District (T-B-5)

2. The following sections of Chapter 17 shall have Cannabis Cultivation added as land uses with a requirement of a Conditional Use Permit:

- a. 17.28 Airport District (AP-2/3)
- b. 17.29 Business Park (BP)
- c. 17.31 Business Park Small Lot Combining District (BP/P)
- d. 17.42 Transitional Zoning District (T-B-5)

3. The following sections of Chapter 17 shall have shall have cannabis manufacturing, cannabis distribution and cannabis testing labs added as land uses with a requirement of a Conditional Use Permit:

- a. 17.28 Airport District (AP-2/3)
- b. 17.29 Business Park (BP)
- c. 17.31 Business Park Small Lot Combining District (BP/P)
- d. 17.22 Retail Business District (C-1)
- e. 17.24 General Commercial District (C-2)
- f. 17.31 Planned Commercial District (PC)
- g. 17.42 Transitional Zoning District (T-B-5)

4. Sections 17.06..010.O and 17.06.010.P - These sections of Marina Municipal Code Chapter 17 the code shall be deleted.

5. Section 17.06.010.Q of will be deleted except for the following:

“A qualified patient, with an identification card, as defined in California Health and Safety Code Section [11362.7](#), may cultivate cannabis for noncommercial, personal purposes as set forth in Health and Safety Code Section [11362.77](#) per each qualified patient with an identification card, upon property she or he rents or owns and inhabits, either inside the dwelling or on land included in such rented or owned property or as permitted by the Adult Use of Marijuana Act, which provides that not more than six living marijuana plants may be planted, cultivated, harvested, dried, or processed by a person over the age of twenty-one inside a private residence, or inside an accessory building to a private residence that is fully enclosed and secure and located upon the grounds of the private residence, as an incidental use to the primary private residential use. Nothing in this chapter is intended to, nor shall it be construed to, preclude any landlord from limiting or prohibiting marijuana cultivation by its tenants. The cultivation shall be at a location on the property that is secluded so that it cannot be observed by a member of the public who passes by the property. This chapter shall be administratively enforced. (Ord. 2017-07 (Exh. A (part)), 2017; Ord. 2016-01 §§ 3, 4, 2016; Ord. 2007-03 § 2 (Exh. B), 2007; Ord. 2007-02 § 1, 2007; Ord. 2003-01 § 1 (part), 2003; Ord. 2002-03 § 1 (part), 2002; zoning ordinance dated 7/94 (part), 1994)”

6. Section 17.06.020(A and B) Use regulations shall be as follows:

A. No dancehall, nightclub, commercial club, establishment or business where cannabis products or alcoholic beverages are served or sold for off-sale consumption, commercial place of amusement or recreation, including but not limited to an amusement center or arcade, or place where entertainers are provided whether as social companions or otherwise, shall be established in any zoning district in the city unless a use permit is first secured in each case.

B. A finding of public convenience or necessity is required for an establishment or business where cannabis products or alcoholic beverages are served or sold for on- and/or off-sale consumption within an area of undue concentration. Such finding shall require that selling of alcohol for on and/or off-sale consumption at the subject establishment of business:

1. Will not constitute a public nuisance;
2. Will not occur within six hundred feet of a park, youth center, or school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued.
3. Will not contribute to law enforcement problems associated with an undue concentration of on and/or off-sale licenses in the vicinity of the subject business or establishment.

Section 4: Use Permit. Use permits for cannabis and cannabis related uses are for one year. No property interest, vested right, or entitlement to receive a future license to operate a medical marijuana business shall ever inure to the benefit of such permit holder as such permits are revocable at any time with or without cause by the City Manager or designee subject to Section 19.09 of Marina Municipal Code shall include the following: All Use Permit holders shall also execute a Development/Operating Agreement annually agreeing to abide to all conditions of approval at all times. The City Manager or designee can terminate a Development/Operating Agreement at any time with or without reason.

Section 5: Business License.

1. Section 5.20.020 shall be added to the Marina Municipal Code and state the following:
5.04.401 Cannabis Retailer: All establishments selling Cannabis or Cannabis Related Products for medicinal and adult use shall pay a business operations tax equal to a minimum of 2.5% of annual gross receipts prior to January 1, 2022, and no more than 5% (at the discretion of City Council) beginning January 1, 2022. Payments are due quarterly on July 1, October 1, January 1, and April 1 each year.

2. Section 5.20.030 shall be added to the Marina Municipal Code and state the following:
Non-Retail Cannabis Uses: All establishments manufacturing Cannabis related products or processing Cannabis related products, shall pay a business operations tax equal to a minimum of 2% of annual gross receipts prior to January 1, 2022, and no more than 5% (at the discretion of City Council) beginning January 1, 2022. Payments are due quarterly on July 1, October 1, January 1, and April 1 each year.

Section 6: Development/Operating Agreement. Section 5.04.403 shall be added to the Marina Municipal Code and state the following: Prior to operating in the City and as a condition of issuance of a Use Permit each Cannabis facility shall enter into an annual development/operating agreement with the City setting forth the terms and conditions under which the Cannabis facility will operate that are in addition to the requirements of this chapter, including, but not limited to payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

Section 7: Fees. Section 5.04.403 shall be added to the Marina Municipal Code and state the following:

1. Amend the City Fee Schedule to include "Cannabis Dispensary Application Use Permit Fee" of \$7,000.
2. Amend the City Fee Schedule to include "Non-Dispensary Cannabis Application Use Permit Fee" of \$3,000.

Section 8. Approval by the Voters. This Ordinance shall be submitted to the voters at an election to be held November 6, 2018 and shall not be effective until so approved.

Section 9. Severability.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

Section 10. Certification. Upon the approval by the voters, the Deputy City Clerk shall certify the passage of this Ordinance; and within fifteen days the Deputy City Clerk shall cause it to be posted in the three (3) public places designated by the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on the 3rd day of July 2018 and was passed and adopted by the vote of the people of the City of Marina on November 6, 2018.

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

APPROVED BY THE FOLLOWING VOTE of the people of the City of Marina on November 6, 2018.

YES: 4,351

No: 2,130



City of Marina

City Manager's Office – City Hall
211 Hillcrest Avenue
Marina, CA 93933
P: 831.384.3715
www.ci.marina.ca.us

DISPENSARY & NON-DISPENSARY PERMIT APPLICATION

APPLICANT (BUSINESS) LEGAL NAME: _____

DBA: _____

Proposed Address/Location: _____

Assessor's Parcel Number (APN): _____

PRIMARY CONTACT: _____

Title: _____

Address: _____

Phone: _____ Email: _____

24-Hour Contact Information: _____

PROPERTY OWNER NAME: _____

Address: _____

Phone: _____ Email: _____

Commercial Cannabis Business Permit Type: Select from one or more of the following categories. For each category, indicate whether you are applying for Adult-Use ("A") or Medicinal ("M"), and, when applicable, which type of license you are applying for per the State's license types.

- | | |
|--|---|
| ☐ Retailer (A/M) – Type: _____ | ☐ Testing Lab (A/M) |
| ☐ Manufacturing (A/M) – Type: _____ | ☐ Distribution (A/M) |
| ☐ Cultivation (A/M) | |

For details about the information required as part of the application process, see the Application Procedure Guidelines, Marina Municipal Code Chapter 19 and any additional requirements to complete the application process. All documents can be found online at: <https://www.cityofmarina.org/>.

OFFICE USE ONLY	Fees Paid	Date Paid
Date submitted: _____	Phase 1: _____	_____
Application #: _____	Phase 2: _____	_____
Submitted to: _____	Phase 3: _____	_____
	Phase 4: _____	_____

OWNER BACKGROUND INFORMATION (Must be completed by all Owners)

Under penalty of perjury, I acknowledge that I have personal knowledge of the information stated in this application and that the information contained herein is true. I also understand that the information provided in this application, except the Safety and Security Plan and certain confidential information such as Driver's License and Social Security number(s) which can be redacted, may be public information and subject to disclosure under the California Public Records Act.

Name: _____

Title: _____

Home Address: _____

Phone: _____

Signature: _____ Date: _____

Under penalty of perjury, I acknowledge that I have personal knowledge of the information stated in this application and that the information contained herein is true. I also understand that the information provided in this application, except the Safety and Security Plan and certain confidential information such as Driver's License and Social Security number(s) which can be redacted, may be public information and subject to disclosure under the California Public Records Act.

Name: _____

Title: _____

Home Address: _____

Phone: _____

Signature: _____ Date: _____

Under penalty of perjury, I acknowledge that I have personal knowledge of the information stated in this application and that the information contained herein is true. I also understand that the information provided in this application, except the Safety and Security Plan and certain confidential information such as Driver's License and Social Security number(s) which can be redacted, may be public information and subject to disclosure under the California Public Records Act.

Name: _____

Title: _____

Home Address: _____

Phone: _____

Signature: _____ Date: _____

Add more pages as necessary to accommodate all Commercial Cannabis Business Owners.

ADDITIONAL INFORMATION

List whether the applicant(s) has other licenses and/or permits issued to and/or revoked from the applicant in the three years prior to the year of the permit application, such other licenses and/or permits relating to similar business activities as in the permit application. If yes, list the type, current status, and issuing/denying agency for each license/permit. Please attach a separate document with an explanation, if necessary.

List any and all Owners who have been convicted of a felony or have engaged in misconduct that is substantially related to the qualifications, functions or duties of a cannabis operator, applicant, owner or employee. A conviction within this section means a plea or verdict of guilty, or a conviction following a plea of no contest. Attach a separate document with an explanation, if necessary.

Describe the Commercial Cannabis Business' organizational status:

Name and address of school closest to proposed location:

Name and address of existing alcohol-related establishment closest to proposed location:

Have you received a Zoning Verification Letter? (Please check the appropriate response)

☐ Yes (include the letter in your application) ☐ No

Describe the neighborhood around the proposed location (i.e., surrounding uses; nearby sensitive uses such as schools, youth centers, churches, parks, daycare centers, or libraries; transit access to site; etc.):

APPLICATION SUBMITTAL CHECKLIST

A complete application will consist of the following items:

- ☐ Commercial Cannabis Business Application
- ☐ Property Owner Consent (page 5 of the CCB Application)
- ☐ Application filing fee(s)
- ☐ Limitations on City's Liability waiver
- ☐ Commercial Cannabis Business Application Financial Responsibility, Indemnity and Consent to Inspection
- ☐ Proof of comprehensive general liability insurance (minimum \$1M per occurrence)
- ☐ Approved Zoning Verification Letter
- ☐ Live Scan/Background Check information for each Owner/Principal, including:
 - Proof of submittal of Live Scan application and payment of fee to Oxnard Police Department
 - Cannabis Permit Employee/Owner Background Application
 - Copy of Social Security card
 - Copy of Driver's License or other valid government-issued photo identification
- ☐ Supplemental information to be evaluated in Phases 2 and 3 (*see Appendix A of the Application Procedure Guidelines*)

APPLICANT CERTIFICATION

I hereby certify, under penalty of perjury, on behalf of myself and all owners, managers and supervisors identified in this application that the statements and information furnished in this application and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I understand that a misrepresentation of fact is cause for rejection of this application, denial of the permit, or revocation of a permit issued.

In addition, I understand that the filing of this application grants the City of Marina permission to reproduce submitted materials, including but not limited to, plans, exhibits, and photographs, for distribution to staff, Commission, Board, and City Council Members, and other Agencies in order to process the application. Nothing in this consent, however, shall entitle any person to make use of the intellectual property in plans, exhibits and photographs for any purpose unrelated to the City's consideration of this application.

Furthermore, by submitting this application I understand and agree that any business resulting from an approval shall be maintained and operated in accordance with requirements of the Marina Municipal Code and State law.

Name

Signature

Title

Date

PROPERTY OWNER CONSENT

If applicant is other than the property owner(s), the owner(s) must provide a signed statement consenting to filing pursuant to Chapter 19 of the Marina Municipal Code. Original signatures only.

I/We, as the owner(s) of the subject property, consent to the filing of this application and use of the property for the purposes described herein. We further consent and hereby authorize City representative(s) to enter upon my property for the purpose of examining and inspecting the property in preparation of any reports and/or required environmental review for the processing of the application(s) being filed.

Name

Signature

Title

Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Subscribed and sworn to before me this_____ day of_____, 20____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



City of Marina

City Manager's Office – City Hall
211 Hillcrest Avenue
Marina, CA 93933
P: 831.384.3715
E: www.cityofmarina.org

APPLICATION PROCEDURE GUIDELINES FOR COMMERCIAL CANNABIS BUSINESS – NON- RETAIL

Information regarding the Commercial Cannabis Business (CCB) application process can be found on the City's website at <https://www.cityofmarina.org/> and may include the following:

- Marina Municipal Code (MMC)
- Chapter 19 – Cannabis Regulations
- Chapter 17 - Zoning Ordinances
- California state regulations and resources
- Commercial Cannabis Business License Application
- Background authorization and/or Live Scan form(s)
- Limitations on City's Liability waiver

Applications will be available from and must be returned to the City Manager's Office in City Hall located at 211 Hillcrest Avenue, Marina, CA, 93933. For questions regarding the application process, please review the information on the City of Marina website: <https://www.cityofmarina.org>. This application process is adopted pursuant to Chapter 19 of the Marina Municipal Code.

CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all applications, with or without cause or reason. The City may modify, postpone, or cancel the request for a CCB license without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting an application. Late or incomplete applications WILL BE REJECTED. Furthermore, an application RISKS BEING REJECTED for the following reasons:

1. It is not responsive to this request for a CCB application.
2. The issuance of the CCB at the proposed location is inconsistent with state law, Chapter 17 of the Marina Municipal Code (MMC), or other applicable Marina Municipal Codes.

**PLEASE READ THE GUIDELINES CAREFULLY BEFORE SUBMITTING YOUR APPLICATION.
FAILURE TO SUBMIT A COMPLETE APPLICATION COULD RESULT IN DISQUALIFICATION.**

The following procedures outline the application evaluation and selection process, required materials, and other information necessary to apply for a business permit to participate in the selection process to operate a CCB in Marina.

Fees

All CCB related fees.

Prior to submitting a CCB application:

Applicants must obtain an approved Cannabis Zoning Verification Letter (CZVL) from the Planning Division of the Community Development Department in City Hall located at 209 Cypress Avenue, Marina, CA 93933 prior to submitting a CCB application, to ensure the proposed location meets requirements. CZVLs require a written request submitted to the Planning Division. CZVL's will not be completed over the counter to allow time for research and review. The City's review process takes approximately 15 working days. A CZVL costs \$200.00 and payment is due at the time a CZVL is requested. The CZVL must be included with the CCB application.

The issuance of a CZVL does not constitute written evidence of permission given by City or any of its officials to operate a cannabis business, nor does it establish a "permit" within the meaning of the Permit Streamlining Act, nor does it create an entitlement under the Zoning or Building Code. A regulatory permit for a CCB does not constitute a permit that runs with the land on which the cannabis business is established. Please note that the Cannabis Business will require a Cannabis Non-Retail Application Administrative Use Permit issued by the City Council. This is a separate application that will be made only after a CCB is approved through the Non-Retail Permit Application Process described below.

Phase 1: Application Submittal and Initial Determination of Eligibility

Fee Deposit: \$8000.00 Non-Dispensary Permit Application

All applicants will be required to pay an initial deposit fee of \$8,000.00 to apply for the Non-Retail Permit Application process, against which City and consultant staff time for application review will be charged for Phases 1-3 described below, plus any applicable Live Scan or background check fees. Unused deposit fees of applicants that are not chosen to move through all 3 initial phases will be returned.

Applications must be submitted, and fees paid, to the City Manager's Office in City Hall. The City requires two (2) complete, comprehensive and signed hard copy applications in three-ring binders and one (1) flash drive containing a comprehensive and signed digital copy of the application in PDF format, including attachments. Each individual application section to be reviewed should be identified by its own tab (i.e. Business Plan, Security Plan, etc). Payment must be made by personal checks, certified check, cashier's check or money order made payable to the City of Marina. The City will not accept cash or credit cards. Applicants who are disqualified at any point will receive a refund for any unused portion of the application fee.

The City shall open an application period of April 8 to June 7, 2019 to allow prospective applicants to submit applications. Applicants must submit the following for evaluation:

- Marina Commercial Cannabis Business Application containing all of the following:
 - Business Plan: Applicants shall submit a Business Plan to the City that outlines an operational and financial plan. The Business Plan should include the names and resumes of key staff, operations plan, financial plan, sales projections and market study. Applicants are encouraged to provide a specific, written plan for how their operation will benefit the community.
 - Security Plan: All applicants shall submit a Security Plan outlining how the business expects to address security issues at their location. The Chief of Police and the City Manager or their designee shall have responsibility for review and approval of all Security Plans.
 - Property Owner Approval: Applicants shall submit proof of approval of the owner of the real property where the proposed Non-Retail will be located if approved. Applicants are not required to have a signed lease, but a letter from the property owner indicating that:
 - a. The property owner is aware of and approves the use being proposed.

b. The property owner will lease the property to the cannabis related use upon approval of application.

c. The property owner understands that licenses for cannabis related uses are for one year and can be revoked at the City's sole discretion with or without reason.

- Live Scan: All owners, operators, and employees of any cannabis related business must submit a request for a Live Scan. The Police Chief shall have the discretion to require additional information, including a Live Scan arranged by the Police Department, that he/she deems necessary to conduct any investigation related to the Live Scan background check of an applicant. A Live Scan arranged by the Police Department will fulfill the requirements for applicants to obtain their own Live Scan.
- *Please note that City's Live Scan process may be delayed due to the pending of the DOJ/FBI authorization. Once the City has received authorization they will post the Live Scan submittal due date on the City website. The Live Scan must be conducted by the Marina Police Department (MPD). Applicants will be required to make an appointment in advance to ensure MPD staff is available.*
- The following documents are required for each principal employee's background check:
 - Commercial Cannabis Business Employee/Owner Background Application
 - Two passport-quality photographs (2"x2")
 - Copy of Social Security card or ITIN
 - Color copy of Driver's License or other valid government-issued photo identification
 - Proof of current address

Phase 2: Selection Criteria

General Eligibility Review: Applicants must submit an Operations Plan as required by Section 19.02.030 that clearly demonstrates how the cannabis business will operate consistent with state and local law, and any other applicable local regulations. If an applicant is unable to meet the minimum eligibility criteria in Phase 1, their application shall be denied. Those who advance to Phase 2 will be evaluated by the City Manager or his/her designee on the following:

1. Live Scan Results: Applicant must not have any criminal convictions that would result in ineligibility as defined in Section 19.02.020.
2. Completeness. Applications must be complete to be evaluated. Incomplete applications will be denied and must be resubmitted. Application fees must be paid for resubmittal.
3. Proposed location of business and proof of property owner's approval of use.
4. Signed and Notarized City of Marina Limitations on City's Liability and Certifications, Assurances and Warranties
5. Signed City of Marina Commercial Cannabis Business Application Financial Responsibility, Indemnity and Consent to Inspection Terms

Phase 3: Initial Ranking Review of

In the initial ranking, applicants will be evaluated by the City Manager or his/her designee on the criteria below. From the initial ranking, up to twice as many qualified applicants as there are available licenses will be eligible for final ranking, as determined by the aggregate scores of the initial ranking.

a. Business Plan (5 Points)

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 & Community Benefits (8 points)

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

c. Neighborhood Compatibility (5 Points)

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

e. Safety and Security Plan (20 points)

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.

Phase 4: Final Ranking and Issuance of Cannabis Non-Retail Application Administrative Use Permits, and Cannabis Business Licenses

Fee: \$3000.00_ Planning Commission Public Hearing

Only those applicants who have passed Phase 3 will be eligible to apply for an applicable Administrative Use Permit in Phase 4. Prior to making a final decision, the City reserves the right to request and obtain additional information from any candidate who submitted an application.

Final Ranking

The City Manager or his/her designee will review the final ranking and make a final recommendation. The top applicants equal to the number of licenses available will be eligible for a Cannabis Non-Retail Application Administrative Use Permit and license to engage in a commercial cannabis business.

Cannabis Non-Retail Application Administrative Use Permit

1. Applicants shall complete phases 1-3 prior to applying for a Cannabis Non-Retail Application Administrative Use Permit and license.
2. At the next available Planning Commission meeting, allowing time for Staff review, a public hearing for each top application shall be held.

3. Members of the public, adjacent property owners and other interested parties will be given the opportunity at the public hearing to present concerns or support and provide additional consideration for potential permit conditions.
4. Staff will make a recommendation to the Planning Commission, including any conditions requested for final decision on awarding Cannabis Non-Dispensary Application Administrative Use Permits and License. The Planning Commission will make a final decision.
6. If an available license is not filled for any reason and a business that qualified under phases 1- 3 but was not selected to move forward in the process requests consideration for phase 4, consideration shall be granted in order of ranking.
7. Cannabis Non-Dispensary Application Administrative Use Permits for cannabis uses are for one year and do not run with land. No vesting of any land use rights are conveyed with any Cannabis Non-Dispensary Application Administrative Use Permit for a cannabis related use. Holders of such administrative use permits shall have the opportunity to administratively renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all fees and taxes.

Cannabis Business Licenses

Cannabis Business Licenses are for one year and may be revoked at any time for failure to comply with all state and local ordinances, or for failure to comply with Conditions of Approval. Licensees shall have the opportunity to automatically renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all applicable fees and taxes, including the business operations tax (business license tax).

Note: Being awarded a CCB license does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including: electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the CCB application process meet the standards or requirements in this chapter and any other permit requirements from other City departments or agencies.

CONTACT

If you have any questions, please contact the Matt Mogensen at the City of Marina at 831.884.1240 or by email at mmogensen@cityofmarina.org.

APPENDIX A

DESCRIPTION OF EVALUATION CRITERIA

Proposed Location: The application shall include the following:

- Physical address and a detailed description of the proposed location.
- Proof of ownership, or a notarized letter of the owner's willingness to lease.
- Thorough physical description of the overall property, building and interior floor plan.
- Description of all known nearby state and locally defined sensitive use areas. The cannabis business must have the appropriate zoning and meet all the locational requirements as described in MMC Chapter 19.01.030.

Business Plan: With as much detail as possible, the Business Plan shall describe:

- Day-to-day operations shall be provided for each license type being sought. The proposed operations should acknowledge both state and local laws and should be consistent with industry best practices.
- How the cannabis business will conform to local and State law per MMC Section 19.08.010.
- How cannabis inventory will be tracked and monitored to prevent diversion.
- A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.
- A budget for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs.
- A description of the source(s) of capital and use(s) of capital funds. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs.
- Proof of capitalization, in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets.
- A pro forma for at least three years of operation.
- CULTIVATION APPLICANTS ONLY: A cultivation plan that includes, but is not limited to:
 - A detailed premises diagram showing all boundaries and dimensions of the following areas: canopy, chemical storage, processing, packaging, composting, harvested cannabis storage
 - A lighting diagram, including the locations of all lights and the maximum wattage of each light
 - Water plan, including water supply sources and plans for runoff

Security Plan:* The application shall include a detailed security plan, including:

- A detailed diagram of the facility's overall security features.
- A security diagram capable of demonstrating the location of all cameras and recording equipment (DVR/NVR), access control equipment and all safes, vaults or locked and secured rooms.
- Written description of operational security, including but not limited to, general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, 3rd party contractor security, and delivery security. Additionally, applications should address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed.
- An assessment of site security by a qualified licensed security consultant.

*** Security plans will not be made public.**

Safety Plan: The application shall include a detailed safety plan, including:

- A detailed diagram of the overall facility's safety features.
- Written description of safety features, including but not limited to fire prevention, suppression, HVAC and alarm systems.
- An assessment of the facility's fire safety plan by a qualified licensed fire prevention and suppression consultant. An appropriate plan will consider all possible fire, hazardous material, and inhalation

issues/threats and will have both written and physical mechanisms in place to deal with each specific situation.

Local Enterprise: The application shall state the extent to which the cannabis business will be a locally managed enterprise whose owners reside within Marina and/or the County of Monterey.

Neighborhood Compatibility Plan: The application shall describe how the cannabis business, including its private, semi-private and surrounding public areas, will be proactively managed to avoid becoming a nuisance or having negative impacts on its neighbors and the surrounding community.

Community Benefits: The application shall describe benefits that the cannabis business would provide to the local community, such as, community contributions, volunteer services and/or economic incentives.



City of Marina

City Manager's Office – City Hall
211 Hillcrest Avenue
Marina, CA 93933
P: 831.384.3715
E: www.cityofmarina.org

APPLICATION PROCEDURE GUIDELINES FOR COMMERCIAL CANNABIS BUSINESS – RETAIL

Information regarding the Commercial Cannabis Business (CCB) application process can be found on the City's website at <https://www.cityofmarina.org/> and may include the following:

- Marina Municipal Code (MMC)
- Chapter 19 – Cannabis Regulations
- Chapter 17 - Zoning Ordinances
- California state regulations and resources
- Commercial Cannabis Business License Application
- Background authorization and/or Live Scan form(s)
- Limitations on City's Liability waiver

Applications will be available from and must be returned to the City Manager's Office in City Hall located at 211 Hillcrest Avenue, Marina, CA, 93933. For questions regarding the application process, please review the information on the City of Marina website: <https://www.cityofmarina.org/>. This application process is adopted pursuant to Chapter 19 of the Marina Municipal Code.

CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all applications, with or without cause or reason. The City may modify, postpone, or cancel the request for a CCB license without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting an application. Late or incomplete applications WILL BE REJECTED. Furthermore, an application RISKS BEING REJECTED for the following reasons:

1. It is not responsive to this request for a CCB application.
2. The issuance of the CCB at the proposed location is inconsistent with state law, Chapter 17 of the Marina Municipal Code (MMC), or other applicable Marina Municipal Codes.

**PLEASE READ THE GUIDELINES CAREFULLY BEFORE SUBMITTING YOUR APPLICATION.
FAILURE TO SUBMIT A COMPLETE APPLICATION COULD RESULT IN DISQUALIFICATION.**

The following procedures outline the application evaluation and selection process, required materials, and other information necessary to apply for a business permit to participate in the selection process to operate a CCB in Marina.

Fees

All CCB related fees are listed in Exhibit A.

Prior to submitting a CCB application:

Applicants must obtain an approved Cannabis Zoning Verification Letter (CZVL) from the Planning Division of the Community Development Department in City Hall located at 209 Cypress Avenue, Marina, CA 93933 prior to submitting a CCB application, to ensure the proposed location meets requirements. CZVLs require a written request submitted to the Planning Division. CZVL's will not be completed over the counter to allow time for research and review. The City's review process takes approximately 15 working days. A CZVL costs \$200.00 and payment is due at the time a CZVL is requested. The CZVL must be included with the CCB application.

The issuance of a CZVL does not constitute written evidence of permission given by City or any of its officials to operate a cannabis business, nor does it establish a "permit" within the meaning of the Permit Streamlining Act, nor does it create an entitlement under the Zoning or Building Code. A regulatory permit for a CCB does not constitute a permit that runs with the land on which the cannabis business is established. Please note that the Cannabis Business will require a Cannabis Dispensary Application Conditional Use Permit issued by the City Council. This is a separate application that will be made only after a CCB is approved through the Dispensary Permit Application Process described below.

Phase 1: Application Submittal and Initial Determination of Eligibility

Fee Deposit: \$8000.00 Dispensary Permit Application

All applicants will be required to pay an initial deposit fee of \$8,000.00 to apply for the Dispensary Permit Application process, against which City and consultant staff time for application review will be charged for Phases 1-3 described below, plus any applicable Live Scan or background check fees. Unused deposit fees of applicants that are not chosen to move through all 3 initial phases will be returned.

Applications must be submitted, and fees paid, to the City Manager's Office in City Hall. The City requires two (2) complete, comprehensive and signed hard copy applications in three-ring binders and one (1) flash drive containing a comprehensive and signed digital copy of the application in PDF format, including attachments. Each individual application section to be reviewed should be identified by its own tab (i.e. Business Plan, Security Plan, etc). Payment must be made by personal check, certified check, cashier's check or money order made payable to the City of Marina. The City will not accept cash or credit cards. Applicants who are disqualified at any point will receive a refund for any unused portion of the application fee.

The City shall open an application period of April 8 to June 7, 2019 to allow prospective applicants to submit applications. Applicants must submit the following for evaluation:

- Marina Commercial Cannabis Business Application containing all of the following:
 - Business Plan: Applicants shall submit a Business Plan to the City that outlines an operational and financial plan. The Business Plan should include the names and resumes of key staff, operations plan, financial plan, sales projections and market study. Applicants are encouraged to provide a specific, written plan for how their operation will benefit the community.
 - Security Plan: All applicants shall submit a Security Plan outlining how the business expects to address security issues at their location. The Chief of Police and the City Manager or their designee shall have responsibility for review and approval of all Security Plans.
 - Property Owner Approval: Applicants shall submit proof of approval of the owner of the real property where the proposed dispensary will be located if approved. Applicants are not required to have a signed lease, but a letter from the property owner indicating that:
 - a. The property owner is aware of and approves the use being proposed.
 - b. The property owner will lease the property to the cannabis related use upon approval of application.

- c. The property owner understands that licenses for cannabis related uses are for one year and can be revoked at the City's sole discretion with or without reason.
- o Live Scan: All owners, operators, and employees of any cannabis related business must submit a request for a Live Scan. The Police Chief shall have the discretion to require additional information, including a Live Scan arranged by the Police Department, that he/she deems necessary to conduct any investigation related to the Live Scan background check of an applicant. A Live Scan arranged by the Police Department will fulfill the requirements for applicants to obtain their own Live Scan.
- o *Please note that City's Live Scan process may be delayed due to the pending of the DOJ/FBI authorization. Once the City has received authorization they will post the Live Scan submittal due date on the City website. The Live Scan must be conducted by the Marina Police Department (MPD). Applicants will be required to make an appointment in advance to ensure MPD staff is available.*
- o The following documents are required for each principal employee's background check:
 - Commercial Cannabis Business Employee/Owner Background Application
 - Two passport-quality photographs (2"x2")
 - Copy of Social Security card or ITIN
 - Color copy of Driver's License or other valid government-issued photo identification
 - Proof of current address

Phase 2: Selection Criteria

General Eligibility Review: Applicants must submit an Operations Plan as required by Section 19.02.030 that clearly demonstrates how the cannabis business will operate consistent with state and local law, and any other applicable local regulations. If an applicant is unable to meet the minimum eligibility criteria in Phase 1, their application shall be denied. Those who advance to Phase 2 will be evaluated by the City Manager or his/her designee on the following:

1. Live Scan Results: Applicant must not have any criminal convictions that would result in ineligibility as defined in Section 19.02.020.
2. Completeness. Applications must be complete to be evaluated. Incomplete applications will be denied and must be resubmitted. Application fees must be paid for resubmittal.
3. Proposed location of business and proof of property owner's approval of use.
4. Signed and Notarized City of Marina Limitations on City's Liability and Certifications, Assurances and Warranties
5. Signed City of Marina Commercial Cannabis Business Application Financial Responsibility, Indemnity and Consent to Inspection Terms

Phase 3: Initial Ranking (38 Points)

In the initial ranking, applicants will be evaluated by the City Manager or his/her designee on the criteria below. From the initial ranking, up to twice as many qualified applicants as there are available licenses will be eligible for final ranking, as determined by the aggregate scores of the initial ranking.

- a. Business Plan (5 Points)

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 & Community Benefits (8 points)

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

c. Neighborhood Compatibility (5 Points)

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

e. Safety and Security Plan (20 points)

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.

Phase 4: Final Ranking and Issuance of Cannabis Dispensary Application Conditional Use Permits, and Cannabis Business Licenses

Fee: \$7000.00_Planning Commission and City Council Public Hearings

Only those applicants who have passed Phase 3 will be eligible to receive an applicable Use Permit in Phase 4. Prior to making a final decision, the City reserves the right to request and obtain additional information from any candidate who submitted an application.

Final Ranking

The City Manager or his/her designee will review the final ranking and make a final recommendation to the City Council, which may award only as many CCB's as allowed by the MMC. If requested by the City Manager, the top applicants who are recommended for consideration to the City Council should be prepared to attend a City Council meeting to respond to questions.

The top applicants equal to the number of licenses available will be eligible for a Cannabis Dispensary Application Conditional Use Permit and license to engage in a commercial cannabis business. Qualified applicants from the initial ranking may amend and combine their applications to optimize their scores. If following the opportunity to optimize scores, two or more applicants are tied, both applicants will proceed to the next step.

Cannabis Dispensary Application Conditional Use Permit

1. Applicants shall complete phases 1-3 prior to applying for a Cannabis Dispensary Application Conditional Use Permit and license.
2. At the next available Planning Commission meeting, allowing time for Staff review, a public hearing for each top application shall be held.

3. Members of the public, adjacent property owners and other interested parties will be given the opportunity at the public hearing to present concerns or support and provide additional consideration for potential permit conditions.
4. The Planning Commission will make a recommendation to City Council, including any conditions requested for final decision on awarding Cannabis Dispensary Application Use Permits and License.
5. At the next available City Council meeting, Planning Commission and Staff recommendations will be presented to City Council for a final decision.
6. If an available license is not filled for any reason and a business that qualified under phases 1- 3 but was not selected to move forward in the process requests consideration for phase 4, consideration shall be granted in order of ranking.
7. Cannabis Dispensary Application Conditional Use Permits for cannabis uses are for one year and do not run with land. No vesting of any land use rights are conveyed with any Cannabis Dispensary Application Conditional Use Permit for a cannabis related use. Holders of such conditional use permits shall have the opportunity to administratively renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all fees and taxes.

Cannabis Business Licenses

Cannabis Business Licenses are for one year and may be revoked at any time for failure to comply with all state and local ordinances, or for failure to comply with Conditions of Approval. Licensees shall have the opportunity to automatically renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all applicable fees and taxes, including the business operations tax (business license tax).

Note: Being awarded a CCB license does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including: electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the CCB application process meet the standards or requirements in this chapter and any other permit requirements from other City departments or agencies.

CONTACT

If you have any questions, please contact the Matt Mogensen at the City of Marina at 831.884.1240 or by email at mmogensen@cityofmarina.org.

APPENDIX A

DESCRIPTION OF EVALUATION CRITERIA

Proposed Location: The application shall include the following:

- Physical address and a detailed description of the proposed location.
- Proof of ownership, or a notarized letter of the owner's willingness to lease.
- Thorough physical description of the overall property, building and interior floor plan.
- Description of all known nearby state and locally defined sensitive use areas. The cannabis business must have the appropriate zoning and meet all the locational requirements as described in MMC Chapter 19.01.030.

Business Plan: With as much detail as possible, the Business Plan shall describe:

- Day-to-day operations shall be provided for each license type being sought. The proposed operations should acknowledge both state and local laws and should be consistent with industry best practices.
- How the cannabis business will conform to local and State law per MMC Section 19.08.010.
- How cannabis inventory will be tracked and monitored to prevent diversion.
- A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.
- A budget for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs.
- A description of the source(s) of capital and use(s) of capital funds. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs.
- Proof of capitalization, in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets.
- A pro forma for at least three years of operation.
- CULTIVATION APPLICANTS ONLY: A cultivation plan that includes, but is not limited to:
 - A detailed premises diagram showing all boundaries and dimensions of the following areas: canopy, chemical storage, processing, packaging, composting, harvested cannabis storage
 - A lighting diagram, including the locations of all lights and the maximum wattage of each light
 - Water plan, including water supply sources and plans for runoff

Security Plan:* The application shall include a detailed security plan, including:

- A detailed diagram of the facility's overall security features.
- A security diagram capable of demonstrating the location of all cameras and recording equipment (DVR/NVR), access control equipment and all safes, vaults or locked and secured rooms.
- Written description of operational security, including but not limited to, general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, 3rd party contractor security, and delivery security. Additionally, applications should address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed.
- An assessment of site security by a qualified licensed security consultant.

*** Security plans will not be made public.**

Safety Plan: The application shall include a detailed safety plan, including:

- A detailed diagram of the overall facility's safety features.
- Written description of safety features, including but not limited to fire prevention, suppression, HVAC and alarm systems.
- An assessment of the facility's fire safety plan by a qualified licensed fire prevention and suppression consultant. An appropriate plan will consider all possible fire, hazardous material, and inhalation

issues/threats and will have both written and physical mechanisms in place to deal with each specific situation.

Local Enterprise: The application shall state the extent to which the cannabis business will be a locally managed enterprise whose owners reside within Marina and/or the County of Monterey.

Neighborhood Compatibility Plan: The application shall describe how the cannabis business, including its private, semi-private and surrounding public areas, will be proactively managed to avoid becoming a nuisance or having negative impacts on its neighbors and the surrounding community.

Community Benefits: The application shall describe benefits that the cannabis business would provide to the local community, such as, community contributions, volunteer services and/or economic incentives.

**AN ORDINANCE OF THE CITY OF MARINA REPEALING TITLE 19
(COMMERCIAL CANNABIS ACTIVITIES) AND CHAPTER 5.76 (CANNABIS
RETAILER) OF TITLE 5 OF THE MARINA MUNICIPAL CODE AND ADDING A
NEW CHAPTER 5.80 TO TITLE 5 OF THE MUNICIPAL CODE REGARDING
COMMERCIAL CANNABIS BUSINESS REGULATIONS**

THE PEOPLE OF THE CITY OF MARINA DO ORDAIN AS FOLLOWS:

SECTION 1. Title 19 (Commercial Cannabis Activities) of the Marina Municipal Code is hereby repealed.

SECTION 2. Chapter 5.76 (Cannabis Retailer) of Title 5 (Business Taxes, Licenses and Regulation) of the Marina Municipal Code is hereby repealed.

SECTION 3. Chapter 5.80 (Commercial Cannabis Business Regulation) is hereby added to Title 5 (Business Taxes, Licenses and Regulation) of the Marina Municipal Code, to read as follows:

Chapter 5.80: Commercial Cannabis Business Regulation.

5.80.010 Short Title

This Chapter may be referenced as the “City of Marina Commercial Cannabis Business Ordinance of 2020.”

5.80.020 Authority

This Chapter is adopted pursuant to the authority granted to the City of Marina by its Charter and by Sections 5 and 7 of Article XI of the California Constitution.

5.80.030 Interaction with State Law

Nothing in this Chapter is intended to permit any activity that would otherwise be prohibited by state law, to excuse any person from obtaining any license or permit that would otherwise be required by state law, or to override any requirement of state law that is stricter than a requirement contained herein. Any business that is regulated under this Chapter must fully comply with all requirements of both state law and this Chapter.

5.80.040 Defined Terms

All terms used in this Chapter shall have the same meanings as set forth in Medicinal and Adult Use Cannabis Regulation and Safety Act (Section 26000 *et seq.* of the California Business & Professions Code) except where explicitly defined in this Chapter to have some other meaning, or where some other meaning is manifestly clear from the context of the use of the term.

5.80.050 Definitions

For purposes of this Chapter, the following terms shall have the following meanings:

- (a) "Adult Cannabis Dispensary" means a Commercial Cannabis Business engaged in the retail sale of cannabis or cannabis products to customers who are 21 years of age and older.
- (b) "Commercial Cannabis Business" means any person who engages in a Commercial Cannabis Activity, but does not include any natural person who both: (i) engages in such activity solely as the employee or agent of a Commercial Cannabis Business that has been issued a permit pursuant to this Chapter and (ii) only engages in Commercial Cannabis Activities that are allowed under such permit and at locations that are allowed under such permit.
- (c) "Medical Cannabis Dispensary" means a Commercial Cannabis Business engaged in the retail sale of Medicinal Cannabis and Medicinal Cannabis Products solely for use pursuant to the Compassionate Use Act of 1996 (Section 11362.5 of the California Health and Safety Code) by a medicinal cannabis patient in California who possesses a physician's recommendation.
- (d) "Owner," with respect to a Commercial Cannabis Business means any Person who is the Commercial Cannabis Business or is a shareholder, partner, member, officer, or person with an investment interest in the Commercial Cannabis Business. Where an Owner of a Commercial Cannabis Business is not a natural person, a licensed financial institution, or a publicly traded company, each shareholder, partner, member, officer, or person with an investment interest in that Owner shall also be considered an Owner.
- (e) "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (f) "Principal Owner" means a natural person who is an Owner of a Cannabis Business and who agrees to serve as the Principal Owner of the Cannabis Business for purposes of this Chapter.
- (g) "Public Safety Administrator" means the Chief of Police or his or her designee.
- (h) "Regulatory Administrator" means the City Manager or his or her designee.

5.80.060 Commercial Cannabis Activities Prohibited

Except as specifically authorized by this Chapter, all Commercial Cannabis Activities are prohibited in the City of Marina.

5.80.070 Personal Cannabis Activities Unaffected

This Chapter does not regulate activities that are permitted pursuant to Section 11362.1 of the California Health & Safety Code.

5.80.080 Commercial Cannabis Business Permit Required

No person may engage in any Commercial Cannabis Activity within the City of Marina except as part of a Commercial Cannabis Business for which a permit has been obtained from the Regulatory Administrator pursuant to this Chapter.

5.80.090 Number and Types of Permits

- (a) A permit issued under this chapter shall specify the Commercial Cannabis Activities that may be conducted by the Commercial Cannabis Business. Only the following types of Commercial Cannabis Businesses may be authorized: Medical Cannabis Dispensary, Adult Cannabis Dispensary, Cultivation, Manufacturing, Testing Laboratory, Nursery, and Distribution.
- (b) There may be no more than three valid permits for the operation of Medical Cannabis Dispensaries in the City of Marina at any one time.
- (c) There may be no more than three valid permits for the operation of Adult Cannabis Dispensaries in the City of Marina at any one time.
- (d) There shall be no limit on the number of permits that may be issued for Cultivation, Manufacturing, Testing Laboratories, Nurseries or Distribution.
- (e) A permit for Delivery may be issued only to the holder of a permit for a Medical Cannabis Dispensary or an Adult Cannabis Dispensary and only for deliveries initiated from the Medical Cannabis Dispensary or Adult Cannabis Dispensary
- (f) A permit shall only authorize the operation of a Commercial Cannabis Business at the specific location stated on the permit.
- (g) A single permit may authorize a single Commercial Cannabis Business to conduct multiple types of Commercial Cannabis Activities at a single location.
- (h) No application for a permit for Cultivation, Manufacturing, Testing Laboratory, Nursery or Distribution shall be accepted prior to July 1, 2021. The purpose of this paragraph is to permit the City Council to adopt additional regulations, beyond those existing under state law, on such businesses.

5.80.100 Permit

The permit issued pursuant to this Chapter shall list the following information:

- (a) The name of the Commercial Cannabis Business.
- (b) The location at which the Commercial Cannabis Business may be conducted.
- (c) The type(s) of business that may be conducted.
- (d) The name of each Owner of the Commercial Cannabis Business.
- (e) The name of the Principal Owner of the Commercial Cannabis Business.
- (f) The name of the Operating Manager of the Commercial Cannabis Business.
- (g) The name of each Assistant Operating Manager (if any) of the Commercial Cannabis Business.
- (h) The expiration date for the permit

- (i) Such other information as the Regulatory Administrator considers necessary or useful.

5.80.110 Separate from Business License

Nothing in this Chapter shall excuse any person from obtaining a business license pursuant to Section 5.08.010 of this Code or complying with any otherwise applicable provision of this Code.

5.80.120 Conditions for Issuance

No permit shall be issued pursuant to this Chapter until each of the following conditions have been met:

- (a) The Fire Chief and Director of Community Development (or their designees) have each certified to the Regulatory Administrator that the Commercial Cannabis Business has passed all inspections and obtained all necessary permits and certificates from their respective departments for the immediate commencement of the Commercial Cannabis Business at its location.
- (b) The Public Safety Administrator has issued a background clearance within the prior ninety days for each Owner of the Commercial Cannabis Business.
- (c) The Public Safety Administrator has issued a background clearance within the prior ninety days for each Operating Manager and Assistant Operating Manager.
- (d) The Public Safety Administrator has approved a Safety and Security Plan for the Commercial Cannabis Business and has certified to the Regulatory Administrator that the Commercial Cannabis Business has implemented all elements of the Safety and Security Plan
- (e) The Commercial Cannabis Business has obtained a business license as required by this Code and paid any applicable business license tax.
- (f) The Commercial Cannabis Business has obtained a seller's permit issued by the California Department of Tax & Fee Administration.
- (g) The Commercial Cannabis Business has obtained permits from the Bureau of Cannabis Control for each Commercial Cannabis Activity to be included on the license issued by the City.
- (h) The Commercial Cannabis Business has paid all fees and taxes due to the City in connection with the Commercial Cannabis Business.

5.80.130 Term and Renewal

The term of the permit issued pursuant to this Chapter shall be one year. The Regulatory Administrator shall not renew a permit until each of the following conditions have been met:

- (a) The Public Safety Administrator has issued a background clearance for each Owner of the Commercial Cannabis Business no earlier than ninety days prior to the renewal date.

- (b) The Public Safety Administrator has issued a background clearance for each Operating Manager and Assistant Operating Manager of the Commercial Cannabis Business no earlier than ninety days prior to the renewal date.
- (c) The Public Safety Administrator has approved a Safety and Security Plan for the Commercial Cannabis Business and has, no earlier than ninety days prior to the renewal, certified to the Regulatory Administrator that the Commercial Cannabis Business has implemented all elements of the Safety and Security Plan
- (d) The Commercial Cannabis Business has paid all fees and taxes due to the City in connection with the Commercial Cannabis Business.
- (e) If the Commercial Cannabis Business is a Medical Cannabis Dispensary or an Adult Cannabis Dispensary, the Commercial Cannabis Business has established, to the satisfaction of the Regulatory Administrator, that the business has been open to customers for at least six hours per day on no less than 80 of the 180 days prior to the renewal date. The Regulatory Administrator may waive this requirement in the event that extenuating circumstances, such as a public health emergency, the destruction of the business premises, or enforcement or administrative proceedings by the City under this Code, made it impracticable for the Commercial Cannabis Business to be open to customers as would otherwise be required by this Section.
- (f) The Commercial Cannabis Business has a valid business license as required by this Code and paid any applicable business license tax.
- (g) The Commercial Cannabis Business has a valid seller's permit issued by the California Department of Tax & Fee Administration.
- (h) The Commercial Cannabis Business has a valid permit from the Bureau of Cannabis Control for each Commercial Cannabis Activity included on the license issued by the City.

5.80.140 Change of Owner or Operating Manager

The Regulatory Administrator may add or remove an Owner, Operating Manager, or Assistant Operating Manager to or from a permit (or change the order of Assistant Operating Managers) issued pursuant to this Chapter upon application of the Commercial Cannabis Business, but shall not add a person to the permit unless the Public Safety Administrator has issued a background clearance for that person within the prior ninety days.

5.80.150 Resignation of Operating Manager

Upon being notified by an Operating Manager or Assistant Operating Manager that he or she no longer serves in that capacity with respect to a Commercial Cannabis Business, the Regulatory Administrator shall remove that person's name from the permit issued pursuant to this Chapter to that Commercial Cannabis Business.

5.80.160 Addition of Commercial Cannabis Activity

Upon application of a Commercial Cannabis Business, the Regulatory Administrator may add a Commercial Cannabis Activity to the permit issued pursuant to this Chapter for the Commercial Cannabis Business. However, he or she shall not do so unless all of the criteria set forth in Section 5.80.110 of this Code have been met. If a Commercial Cannabis Activity is added to a permit, the expiration date for that permit shall be one year from the date the activity is added.

5.80.170 Change of Location

- (a) A permit issued to a Commercial Cannabis Business for operation at a location cannot be transferred to a new location. Operation at a new location requires an entirely new permit.
- (b) As part of an application to operate at a new location, a Medical Cannabis Dispensary or an Adult Cannabis Dispensary may commit to ceasing operations at their original location upon the issuance of a permit for the new location.

5.80.180 Availability of Permits

Solely for the purpose of any limits set forth in Section 5.80.090 of this Code upon the number of permits that may be valid at any one time:

- (a) A permit that has been voluntarily relinquished by a Commercial Cannabis Business shall be considered no longer valid as of the date of relinquishment.
- (b) A permit that has been revoked by the City shall be considered no longer valid as of the date upon which the revocation became final and all avenues of appeal pursuant to this Code were exhausted.
- (c) A permit that has expired and not been renewed shall be considered no longer valid as of sixty days after its expiration.
- (d) Where a Commercial Cannabis Business has applied for a permit pursuant to Section 5.80.170 of this Code, the permit for operations at a new location shall be considered a continuation of the permit for operations at the existing location so long as:
 - (1) the Commercial Cannabis Business ceases all operations at its existing location within thirty days of the commencement of operations at the new location; and
 - (2) the Commercial Cannabis Business has established, to the satisfaction of the Regulatory Administrator, that the existing location had been open to customers for at least six hours per day on no less than 80 of the 180 days prior to the renewal date. The Regulatory Administrator may waive this requirement in the event that extenuating circumstances, such as a public health emergency, the destruction of the business premises, or enforcement or administrative proceedings by the City under this Code, made it impracticable for the Commercial Cannabis Business to be open to customers at the existing location for the requisite number of days.

5.80.190 Pre-Applications

With respect to any class of Commercial Cannabis Business for which Section 5.80.090 sets forth a limit on the number of valid permits that may be issued pursuant to this Section:

- (a) Any time the number of valid permits (counted as set forth in this Chapter) is less than the maximum number allowed, the Regulatory Administrator may designate a "lottery window" which shall be no less than one month in duration.
- (b) Prior to the commencement of the "lottery window" the Regulatory Administrator shall cause an announcement of the "lottery window" to be published in a newspaper of general circulation that is circulated in Marina and to be mailed to any person who has, during the two years prior to the date on which such notification is published, filed with the Regulatory Administrator a request for mailed notification pursuant to this paragraph.
- (c) The Regulatory Administrator shall accept pre-applications only during the "lottery window".
- (d) Pre-applications shall be submitted on a form designed by the Regulatory Administrator. The Regulatory Administrator shall reject any pre-application that is not complete or does not comply with regulations issued by the Regulatory Administrator prior to the commencement of the "Lottery Window."
- (e) Following the close of the "lottery window", the Regulatory Administrator shall select at random one pre-application for each permit announced pursuant to paragraph (b) of this Section.
- (f) The Regulatory Administrator shall accept an application for a new permit pursuant to Section 5.80.200 (other than an application that includes a commitment to cease existing operations pursuant to 5.80.170) only from a person who submitted a selected pre-application. Once a pre-application has been selected, that pre-application shall count as a "valid permit" for purposes of any limitation on the number of permits that may be issued pursuant to Section 5.80.090. The pre-application shall expire six months from its extension. The expiration date may be extended by the Regulatory Administrator for two-months, if (at the time of expiration or the expiration of an extension) the Regulatory Administrator determines that an application has been submitted and is being processed by the City.

5.80.200 Application

An application for a new permit pursuant to this Chapter, for the renewal of a permit, for a change of Owner, Operating Manager or Assistant Operating Manager, for the addition of a Commercial Cannabis Activity to a permit, or for the relinquishment of a permit shall be submitted on the form provided for such purpose by the Regulatory Administrator and shall include such information as may be reasonably requested by the Regulatory Administrator. The City Council may, by resolution, establish an application fee which must be paid at the time such application is submitted to the Regulatory Administrator.

5.80.210 Background Clearance

The Public Safety Administrator shall cause a background investigation of any Person upon the request of such Person. The Public Safety Administrator may establish a procedure for conducting such investigation and may establish criteria for issuing a background clearance for purposes of this Chapter. A request for a background investigation shall be made on the form designed by the Public Safety Administrator. The person making such request shall provide the Public Safety Administrator with any information or documents that he or she may reasonably request. The City Council may establish a fee for a background investigation or clearance.

In addition to any criteria he or she may establish, the Public Safety Administrator shall not issue a background clearance to any Person who the Public Safety Administrator determines:

- (a) Has ever been convicted of (i) a violent felony as defined by California Penal Code 667.5, (ii) any violation of California Penal Code Sections 243 through 247, except for subdivision (a) of Section 243, or (iii) an equivalent offense in another state;
- (b) Has ever been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, and embezzlement as those offenses are defined in California Penal Code Sections 186.11, 470, 484, and 504a, respectively; or equivalent offenses in other states; or
- (c) Has ever been convicted of the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, other than cannabis-related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996; or
- (d) Has, unless for a reason deemed by the Public Safety Administrator to be immaterial, ever had any permit to operate a cannabis business revoked by any jurisdiction or had any professional or business license revoked by any jurisdiction; or
- (e) Has failed, if not a natural person, to fully disclose the identities of all of its owners in any application to the City or upon request of the Public Safety Administrator or the Regulatory Administrator.
- (f) Has made a material misstatement of fact, other than a misstatement that the Public Safety Administrator determines was a reasonable and inadvertent error, on any application to the City, in any proceeding before the City Council or Planning Commission, or to the Public Safety Administrator or the Regulatory Administrator or their staffs.

5.80.220 Safety and Security Plan

No Commercial Cannabis Business may be issued a permit pursuant to this Chapter, or have a permit renewed, without a Safety and Security Plan that has been approved by the Public Safety Administrator. The Public Safety Administrator may establish elements that must be included in the Safety and Security Plan, and may require that such Plan

include business procedures, employee screening procedures, inventory and recordkeeping procedures, cameras and physical security improvements, floorplans, security system schematics, and limitations on operations, that, in his or her reasonable opinion, are necessary to (i) deter and prevent unauthorized entrance into areas containing cannabis or cannabis products, (ii) deter and prevent the theft of cannabis or cannabis products and (iii) ensure compliance with applicable law and legal conditions imposed by the City. The City Council may establish fees for the submission or approval of a public safety plan, for the certification by the Public Safety Administrator of compliance with a Safety and Security Plan, or for compliance inspections conducted in connection with applications or renewals for permits issued pursuant to this Section. It shall be a violation of this Code for any Commercial Cannabis Business or person employed by a Commercial Cannabis Business to fail to comply with a provision of the approved Safety and Security Plan.

Except as may be reasonably waived by the Public Safety Administrator, the Safety and Security Plan shall require, at a minimum, all of the following:

- (1) Alarm systems (perimeter, fire, and panic buttons) that are professionally installed, maintained, and remotely monitored at all times by a security company licensed by the State of California Bureau of Security and Investigative Services.
- (2) Perimeter lighting systems (including motion sensors) for after-hours security.
- (3) A requirement that individuals leave the premises if they are not engaging in an activity directly related to the permitted operations of the business.
- (6) The creation of one or more limited access areas accessible only to individuals specifically authorized by the business to handle cannabis and cannabis products.
- (7) The storage of all cannabis and cannabis products, except for live plants at a cultivation or nursery operation, in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live clone plants that are being sold, shall be kept in a manner as to prevent diversion, theft, and loss.
- (8) 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces

where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. Remote live access to the video footage from the cameras shall be available to the Public Safety Administrator. Video recordings shall be maintained for a minimum of 90 days and shall be made available to the Public Safety Administrator upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business and shall be capable of enlargement via projection or other means.

- (9) Sensors that detect entry and exit from all secure areas and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.
- (10) Panic buttons with direct notification to the Marina Police Department dispatch and shall be configured to immediately alert dispatch for the Marina Police Department.
- (13) A requirement that licensed security personnel shall be on-site during any hours when any person is allowed on-premises.
- (14) Security equipment that remains operative during a power outage and ensures that access doors are not released during a power outage.
- (15) A requirement that entrance areas be locked at all times and under the control of a designated responsible party that is either; (a) an owner, agent or employee of the business or (b) a licensed security professional.
- (16) An accounting software system to provide point of sale data as well as audit trails or both product and cash, where applicable.
- (19) A plan for compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.
- (20) Network security protocols that are certified by Underwriters Laboratories.
- (21) A requirement that exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

- (22) Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.

5.80.230 Finances

A Commercial Cannabis Business may only operate at a location, occupy a structure, or use personal or real property of any kind, if that location, structure, or property is owned by the Commercial Cannabis Business or an Owner of the Commercial Cannabis Business. Notwithstanding the forgoing, a Commercial Cannabis Business (or Owner thereof) may lease property of any kind in from a third party in connection with the Commercial Cannabis Business, so long as the lease does not exceed fair market value and the payments due to under the lease are stated as a fixed monthly or annual amount or are based on a formula that does not take into account the sales or profits of the Commercial Cannabis Business. No Commercial Cannabis Business, or Owner thereof, shall enter into any contract with any unrelated party that in any way varies the obligations under the contract based on the gross receipts or profits of the Commercial Cannabis Business. A Commercial Cannabis Business (or Owner thereof) may enter into a lease or agreement that would otherwise be prohibited by this Section if both (i) all counterparties to the lease or agreement are treated as Owners of the Commercial Cannabis Business and (ii) the lease or agreement is provided to the Public Safety Administrator.

5.80.240 Compensation

No employee or agent of a Commercial Cannabis Business may be compensated based on the gross receipts or profits of the Commercial Cannabis Business, and no employee or agent may be compensated on any basis other than an hourly wage or fixed monthly salary, unless that employee or agent has obtained background clearance pursuant to this Chapter. For purposes of this Section, a background clearance shall be good for two years from the date of its issuance.

5.80.250 Employee Background Checks

No Commercial Cannabis Business shall use the services of an employee or agent without conducting a criminal background check on the employee or agent prior to the use of their services and at least annually thereafter. No Commercial Cannabis Business shall use the service of any employee or agent if the background check discloses that the individual has been convicted of a crime that would preclude the issuance of a background clearance pursuant to this Chapter. The Commercial Cannabis Business shall retain copies of each criminal background check for at least five years. A Commercial Cannabis Business must immediately provide the Public Safety Administrator with a list of all employees and agents (including employees and agents who have ceased their relationship with the Commercial Cannabis Business within the prior two years) within 48 hours of a request from the Public Safety Administrator. Such list must include the name, home address, contact information, and driver's license or

state issued id number for the employee or agent. The Public Safety Administrator may establish reasonable standards for criminal background checks conducted pursuant to this Section. The Public Safety Administrator may require that a employee or agent of a Commercial Cannabis Business apply for a background clearance pursuant to this Chapter. No person who has applied for and been denied background clearance may continue to serve as an employee or agent of a Commercial Cannabis Business unless background clearance is subsequently issued.

5.80.260 Restriction On-Premises Consumption and Sale of Alcohol and Tobacco.

No person shall sell or dispense or consume alcoholic beverages or tobacco products on the premises of a Commercial Cannabis Business. No person shall consume cannabis or cannabis products on the premises of any commercial cannabis business.

5.80.270 Minors

- (a) Persons under the age of 21 years shall not be allowed on the premises of a Commercial Cannabis Business
- (b) Notwithstanding Paragraph (a) of this Section, a person aged 18 to 20 years may enter the premises of a Medical Cannabis Dispensary solely for the purpose of obtaining cannabis or cannabis products pursuant to a physician's recommendation.
- (c) A sign at the entrance to the Commercial Cannabis Business shall clearly state, in a form and font acceptable to the Public Safety Administrator, the rule set forth in this Section as applicable to the Commercial Cannabis Business.

5.80.280 Operating Manager

- (a) The Operating Manager of a Commercial Cannabis Business must be an owner or full time employee of the Commercial Cannabis Business and must be on-site at least 40 hours a week, excluding reasonable vacations and leaves not to exceed 7 consecutive days.
- (b) An Assistant Operating Manager may serve as Operating Manager when the position of Operating Manager is vacant or when the Operating Manager is on leave. The Commercial Cannabis Business must notify the Public Safety Administrator when an Assistant Operating Manager is serving as Operating Manager, and during such period that Assistant Operating Manager must be on-site at least 32 hours each week.
- (c) The Commercial Cannabis Business must provide the Public Safety Administrator with a 24-hour contact number for the Operating Manager or any Assistant Operating Manager who is serving as Operating Manager.

- (d) No Commercial Cannabis Business may operate at any time unless an Operating Manager or Assistant Operating Manager or Owner who has been listed on the permit is on the premises.
- (e) No Commercial Cannabis Business may operate at any time unless it has a designated Operating Manager or has an Assistant Operating Manager who is serving as Operating Manager pursuant to Paragraph (b) of this Section.
- (f) All Operating Managers and Assistant Operating Managers must be authorized by the Commercial Cannabis Business to report any violation of law to the Marina Police Department, to call the Marina Police Department for assistance, and to close the business to customers during any period when the Commercial Cannabis Business cannot operate in compliance with law or with the Safety and Security Plan.

5.80.290 Reporting

A Commercial Cannabis Business shall notify the Marina Police Department within twenty-four hours after discovering any of the following:

1. Significant discrepancies in inventory;
2. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary;
3. The loss or unauthorized alteration of records; or
4. Any breach in security.

5.80.300 Violation

Violations of the requirements of the Chapter or of any permit issued pursuant to this Chapter, or of any requirement of the Medicinal and Adult Use Cannabis Regulation and Safety Act constitute violation of this Code that are subject to the provisions of Chapter 1.08 of this Code. Additionally, any such violations may constitute a public nuisance that may be remedied pursuant to Chapter 17.60 of this Code.

5.80.310 State License

Any Commercial Cannabis Business that forfeits a permit issued to it pursuant to the Medicinal and Adult Use Cannabis Regulation and Safety Act or has such permit revoked must immediately cease all activities in the City of Marina for which that permit is required and must report such forfeiture or revocation to the Regulatory Administrator and the Public Safety Administrator. The Regulatory Administrator may revoke any license issued pursuant to this Chapter for a Commercial Cannabis Activity that the Commercial Cannabis Business is no longer entitled to engage in pursuant to the Medicinal and Adult Use Cannabis Regulation and Safety Act.

5.80.320 Appeal

Any applicant or Commercial Cannabis Business may, within 10 days of the date of a decision, appeal to the City Manager any final decision of the Public Safety Administrator or the Regulatory Administrator pursuant to this Chapter with regard to the final denial or revocation of any permit, certification, clearance or approval applied for or held by the applicant or business. The City Manager may promulgate procedures for the consideration of any such appeal. Any decision of the City Manager shall be final.

5.80.330 Administrative Interpretations

The Public Safety Administrator and the Regulatory Administrator may issue such administrative interpretations of this Chapter as they find appropriate.

5.80.340 Tax

- (a) Any Commercial Cannabis Business shall pay a tax of [REDACTED] % of gross receipts in lieu of the tax that would normally be required by Section 5.08.010 of this Code. For purposes of this Section, taxable gross receipts shall include gross receipts attributable to any business conducted by the Commercial Cannabis Business or on the premises
- (b) Except where clearly inapplicable, such tax shall be administered in the same manner (and subject to the same provisions of this Code) as the business license tax that would normally be required by Section 5.08.010, except that it shall be collected and administered by the Regulatory Administrator. The Regulatory Administrator may issue administrative interpretations of this requirement, may require that tax payments be made on a more frequent schedule than would be required of the business license tax, may require that a deposit be made against any taxes that will be due in arrears, and may delegate his or duties under this Section to an employee of another City department with the consent of the City Manager.
- (c) All taxes collected pursuant to this Section shall be deposited in the general fund of the City and available for any lawful municipal purpose

5.80.350 Inspection of Records and Premises

Any Commercial Cannabis Business must allow the inspection of its records at any time as requested by the Public Safety Administrator and the Regulatory Administrator.

5.80.360 Zoning

- (a) Each of the Commercial Cannabis Activities set forth in Section 5.80.090(a) of this Code shall be treated as a separate use for purposes of Title 17 of this Code.
- (b) Medical Cannabis Dispensaries and Adult Cannabis Dispensaries shall be permitted uses in the following zones and shall otherwise be prohibited:
[REDACTED]
- (c) [REDACTED] shall be conditional uses in the following zones and shall otherwise be prohibited:
[REDACTED]

- (d) All other Commercial Cannabis Activities that are permitted under this Chapter shall be conditional uses in the following zones and shall otherwise be prohibited: [REDACTED].
- (e) Except as otherwise set forth in this Chapter or where a requirement of Title 17 of this Code would be clearly incompatible with specific state or local restrictions applicable to a Commercial Cannabis Activity, Medical Cannabis Dispensaries and Adult Cannabis Dispensaries shall be subject to the provisions of Title 17 applicable to retail uses of similar square footage and all other Commercial Cannabis Activities shall be subject to the provisions of Title 17 applicable to the most similar non-cannabis use described in Title 17.”

SECTION 4. Any provision of Chapter 5.80 may be amended by Ordinance of the City Council, except that the rate of the tax imposed by Section 5.80.340 may not be increased above [REDACTED] % of gross receipts without a vote of the electorate.

SECTION 5. It is the intent of the People of the City of Marina that the City Council shall set fees pursuant to the authority of the Ordinance in an amount that will fully fund all costs associated with the regulation of Commercial Cannabis Businesses.

SECTION 6. Any permit issued pursuant to any code section repealed by this Ordinance shall be treated as a valid permit issued pursuant to this Ordinance.

SECTION 7. If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this title, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The People hereby declares that they would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.