



# CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 • FAX (831) 394-6421

October 2, 2014

## AGENDA

**REGULAR DEL REY OAKS PLANNING COMMISSION MEETING  
WEDNESDAY, OCTOBER 8, 2014 AT 6:00 P.M.  
CHARLIE BENSON MEMORIAL HALL, CITY HALL**

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CONSENT AGENDA:
  - A. Planning Commission Meeting Minutes, September 10, 2014
4. PUBLIC COMMENTS:

Anyone wishing to address the Commission on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered by the Commission. *There will be a time limit of not more than three minutes for each speaker. No action will be taken by the Commission on matters brought up under this item and all comments will be referred to staff.*
5. REPORTS:
  - A. Building Activity Report, September 2014
6. NEW BUSINESS:
  - A. **Owner/Applicant's Name:** Scott Donaldson  
**File Number:** ARC#14-06/CUP#14-15  
**Site Location:** 1007 Portola Drive  
**Planning Area:** APN# 012-491-010  
**Environmental Status:** Categorically Exempt  
**Project Description:** Requesting Architectural Review to remodel and build addition to existing 1148 square foot single family dwelling to include the following: add 325 square feet to house, convert the existing 223 square foot garage to kitchen, add 820 square foot garage and hobby shop, add 110 square

foot deck above shop area at the rear of garage and add 124 square foot covered front porch that will be open on front and side of house. Use permit to be decided on at the time of meeting for 42 square feet of new front porch that extends 3 feet in the front yard setback. Materials and colors to coincide with the Del Rey Oaks Municipal Code.

**Recommended Action:** Analyze provided material, make appropriate findings, impose conditions as appropriate, and give direction to staff.

**B. Owner/Applicant's Name:** Robert Blodgett/

Monterey Bay Alternative Medicine

**File Number:** CUP#14-16

**Site Location:** 800 Portola Drive

**Planning Area:** APN# 012-471-015

**Environmental Status:** Categorically Exempt

**Project Description:** Requesting Conditional Use Permit to operate a Medical Cannabis Dispensary.

**Recommended Action:** Analyze provided material, make appropriate findings, and give direction to staff.

7. **ANNOUNCEMENTS/COMMENTS BY PLANNING COMMISSIONERS**

8. **NEXT MEETING:** Wednesday, November 12, 2014 at 6:00 P.M.

9. **ADJOURNMENT**

All enclosures and materials regarding this agenda are available for public review at Del Rey Oaks City Hall. Information distributed to the Planning Commission at the meeting becomes part of the public Record. A copy of written material, pictures, etc. should be provided to the Secretary for this purpose.

**REGULAR MONTHLY MEETING DEL REY OAKS PLANNING  
COMMISSION WEDNESDAY, SEPTEMBER 10, 2014 AT 6:00 P.M.  
CHARLIE BENSON MEMORIAL HALL**

**Present:** Commissioner Goetzelt, Reikes, Jaksha, Weir, Hayworth, Green and  
Chairman Gaglioti

**Absent:** None

**Also Present:** City Manager Dawson, City Attorney Trujillo and Deputy City Clerk  
Minami

**PLEDGE OF ALLEGIANCE:**

**CONSENT AGENDA:**

The Commission considered **ITEM 3.A.**, Planning Commission Meeting Minutes,  
June 11, 2014

*Motion by Commissioner Jaksha to approve, seconded by Commissioner Weir*

*No comments*

**6-0**

**PUBLIC COMMENT:**

**Sharon Morelli, 963 Paloma Rd:** Wants residents to stop paying \$150.00 to people that  
mow and blow their yards. The "T" of Rosita and Paloma is very dangerous and  
walking on Rosita is more dangerous. Wants speed bumps, a sign, anything will help.  
Rosita needs a stop sign.

**BUILDING REPORT:**

The Commission considered **ITEM 5.A.**, Building Activity Report, August 2014

**NEW BUSINESS:**

The Commission considered **ITEM 6.A.**,

**Project Name:** Sam Alladeen/Del Rey Oaks Car Wash

**File Number:** ARC #14-05

**Site Location:** 810 Canyon Del Rey Rd

**Planning Area:** APN #012-471-017

**Environmental Status:** Categorically Exempt

**Project Description:** Requesting Architectural Review to install a  
self service vacuum station for the exterior express component of the car  
wash facility. The proposed vacuum station will consist of four stations,

with umbrella arches and vacuum hoses, and the motor with exhaust silencer will be enclosed with same material as other exterior enclosures on property.

**Recommended Action:** Analyze provided material, make appropriate findings and give direction to staff.

**Bill Thayer, Representative for Applicant:** Explains that the reclaiming area that was required by the EPA and the State of California was removed by them and concrete was poured. Now with the vacuum, it will coincide with express wash and the flow of traffic on the property.

**Chairman Reikes:** Already poured cement?

**Bill Thayer, Representative for Applicant:** Cut the curbs and reclaimed the land.

**Commissioner Reikes:** Will it be 480, 20 horses? Is that what was left?

**Sam Alladeen, Applicant:** Won't go over 18 horse power.

**Commissioner Weir:** Replacing the present cleaning system?

**Bill Thayer, Representative for Applicant:** No, it will add a free self service vacuum to the express wash service.

**Commissioner Weir:** Traffic issues in parking lot? It's such a mess now with Safeway.

**Bill Thayer, Representative for Applicant:** None, they did several drive through tests to make sure there wouldn't be any issues. Used big trucks and simulated situations.

**Commissioner Weir:** That's good, so it won't make the mess any worse.

**Commissioner Jaksha:** Will it be 24 hours a day, like the pumps?

**Sam Alladeen, Applicant:** No, it will be off when the carwash closes, 6:00pm.

**Commissioner Hayworth:** Noise?

**Commissioner Green:** Decibel level?

**Bill Thayer, Representative for Applicant:** Read's off plans and explains that it will be lower than a skill saw.

**Chairman Gaglioti:** Will it take room away from pumps?

**Sam Alladeen, Applicant:** Plenty of space, even with Bill's big truck at the pump.

**Commissioner Weir:** City income?

**Sam Alladeen, Applicant:** No fee for vacuum, but more people will surely use express carwash because now they can have access to free vacuum system.

**Motion by Commissioner Riekes to approve ARC #14-05 as presented, seconded by Commissioner Jaksha.**

**No public comment was received.**

**Motion passed 7-0**

**OLD BUSINESS:** None

**ANNOUNCEMENTS/COMMENTS:**

**Chairman Gaglioti:** Welcomes new Planning Commissioner.

**Commissioner Goetzelt:** Thank you. Stationed at Fort Ord, and bought an Oaks condo in 1992 and after retirement moved permanently into the condo.

**Commissioner Weir:** Shed in the front yard of the Rosa house on Carlton, is it allowed?

**Commissioner Jaksha:** DROCAG picnic will be on Sept. 20<sup>th</sup>.

**Commissioner's Hayworth and Green:** Follow up on wood cutting business on Carlton Drive.

**Deputy City Clerk Minami:** Apologized, response with follow up will be email to all in the morning.

**City Manager Dawson:** There will be a 5:00 study session on September 23<sup>rd</sup> that all should attend, wants to get the temperature of the Commission and Council for a Medical Marijuana Dispensary in Del Rey Oaks. There are twelve in Santa Cruz County and zero in Monterey County.

**Commissioner Green:** Has to drive to Aptos at the Santa Cruz Mountain Natural's and would love to have something closer. Has a card for Rheumatoid Arthritis and Monterey County needs it!

**Chairman Gaglioti:** Who is putting on the Study Session?

**City Manager Dawson:** We are, because of interest in a DRO location. Robert Jacob's who is the Mayor of Sebastopol will be a guest and others will be there for information.

**Chairman Gaglioti:** Are they income generators?

**City Manager Dawson:** Lots of fees: use fee, business license fees and any tax we set. Santa Cruz is 10% and Oregon is 40%.

**Commissioner Reikes:** Family members that have needed it and benefitted from it.

**NEXT MEETING:** Wednesday, November 12, 2014 at 6:00 p.m.

**6:30 p.m. Meeting Adjourned**

Approved:

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**CITY OF DEL REY OAKS  
BUILDING ACTIVITY REPORT  
September 2014**

PERMIT#	DATE	ADDRESS	NAME	PROJECT DESCRIPTION	TYPE	STATUS	LAST INSP.
B-13-28	08/20/13	908 Rosita Rd	Brewer/Owner Builder	Attic Vent and deck repair	R-1	Current	10/28/2013
B-13-35	10/18/13	908 Via Verde	Budrick/Sharp Const.	Foundation work	R-1	Current	4/1/2014
B-14-03	01/14/14	15 Brae Place	Trenner/Owner Builder	Interior remodel	R-1	Current	7/17/2014
B-14-07	03/06/14	463 CDR (Dentist)	AG Davi/Mtry. Custom Bld.	Tenant Improvement	C-1	Current	6/7/2014
B-14-11	04/02/14	800 Portola	Masscudi/Saroyan	Tenant Improvement	C-1	Current	7/28/2014
B-14-15	04/25/14	1130 Rosita	Jaksha/Acosta Builders	Interior remodel	R-1	Current	6/24/2014
B-14-16	05/01/14	1000 Rosita	Forrest/Hare Construction	Kitchen remodel	R-1	Final	7/17/2014
B-14-17	05/08/14	907 Angelus Way	Von Essen/Reim Const.	Fire Remodel	R-1	Current	9/30/2014
B-14-18	05/08/14	1084 Rosita	Leonard/ Photovoltaic	Solar Planels	R-1	Final	6/11/2014
B-14-23	05/28/14	817 Portola	DuVane Specialities/	Remove nextel shed	C-1	Current	5/28/2014
B-14-27	07/23/14	49 Los Encinos	Moravic/Jim Young Mason	Retaining walls	R-1	Final	8/29/2014
B-14-28	08/06/14	461 Canyon Del Rey	Dadwai/Enrique Home Imp	Tenant Improvement	C-1	Final	9/30/2014
B-14-31	08/19/14	7 Voe Place	Munoz/Solar City	Solar Planels	R-1	Current	8/26/2014
B-14-32	08/20/14	5 Boronda Way	Strouse/Owner Builder	Addition	R-1	Current	8/20/2014
B-14-33	09/08/14	17 Los Encinos	Benich/TC Construction	Remodel	R-1	Current	9/23/2014
B-14-34	09/29/14	948 Paloma	Cardinelli/Avila Const.	Remodel	R-1	Current	9/29/2014

**DATE:** October 8, 2014  
**TO:** Planning Commission  
**FROM:** Karen Minami - Deputy City Clerk  
**RE:** Agenda Item 6.A.- 1007 Portola Drive

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**Owner/Applicant's Name:** Scott Donaldson

**File Number:** ARC#14-06/CUP#14-15

**Site Location:** 1007 Portola Drive

**Planning Area:** APN# 012-491-010

**Environmental Status:** Categorically Exempt

**Project Description:** Requesting Architectural Review to remodel and build addition to existing 1148 square foot single family dwelling to include the following: add 325 square feet to house, convert the existing 223 square foot garage to kitchen, add 820 square foot garage and hobby shop, add 110 square foot deck above shop area at the rear of garage and add 124 square foot covered front porch that will be open on front and side of house. Use permit to be decided on at the time of meeting for 42 square feet of new front porch that extends 3 feet in the front yard setback. Materials and colors to coincide with the Del Rey Oaks Municipal Code.

**Recommended Action:** Analyze provided material, make appropriate findings, impose conditions as appropriate, and give direction to staff.



# CITY OF DEL REY OAKS

Use Permit:  Conditional  
 Choose all that Apply:  Minor  
 Home Occupational  
 Signage  
 Auxiliary Building

Variance:  Yes  
 No

Architectural Review Type:  
 Residential  
 Commercial

Applicants Name: SCOTT DONALDSON

Owner's Name: SCOTT DONALDSON

Project Address: 1007 PORTOLA DR.

Telephone#: 831-394-1654(H), 831-582-7776(C) APN #: 012 491 010

Lot #: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

**INSTRUCTIONS:**

- Briefly, using as much detail as possible, describe the nature of your permit request.
- For variance request, also include in writing A, B & C of section 17.44.020 along with a details plot plan.

**Remodel and Addition to existing 1148 s.f. house:** Add 325 s.f. to house, convert 223 s.f. garage to kitchen, add 820 s.f. garage, add 110 s.f. deck above hobby shop at rear of garage, add 124 s.f. covered front porch open on front and side.

**Use Permit:** All 42 s.f. of new front porch to extend 3'-0" into front yard setback, new porch will hold a 17'-0" setback from the front property line and 29'-6" from inside edge of street gutter.

Check here if additional materials are attached.

  
 Applicant's Signature

I HAVE RECEIVED A COPY OF THE CITY'S FLAGGING/NETTING POLICY AND UNDERSTAND THE REQUIREMENTS THAT MUST BE MET Initial Here SD

\*\*\*\*\*

**-FOR OFFICE USE ONLY-**

APPLICATION # APR-14-06/CUP-14-15 DATE: 9/15/14  
200.-

FEE \_\_\_\_\_ CASH/CHECK/CC # 14.50 RECEIVED BY: [Signature]

DATE SCHEDULED FOR CONSIDERATION Oct 8th, 2014 @ 6 pm

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_  
\$200.00 Use permit to be decided @

**DATE:** October 8, 2014  
**TO:** Planning Commission  
**FROM:** Daniel Dawson, City Manager  
**RE:** Agenda Item 6.B.- 800 Portola Drive

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Medical Cannabis Dispensary Permit Application for 800 Portola Dr.  
Monterey Bay Alternative Medicine (MBAM) – Lonna Lewis-Blodgett  
On September 29, 2014 the noted individual filed an application requesting a Permit for a Medical Cannabis Dispensary to be located at 800 Portola Dr. Del Rey Oaks, CA.  
In compliance with DRO Municipal Code Chapter 4.00 (attached) and state law.

**Evaluation** of this request is as follows:

Application Submittal per DRO Municipal Code Chapter 4.11

All minimum application submittal requirements have been met, and include;

1. Background Information on operators and management.
2. Non-profit Incorporation documents.
3. Criminal Background Investigation of operator.
4. Cannabis Dispensary Program description.
5. Physician recommendation and caregiver policies and requirements.
6. Security Plan
7. Intake procedures
8. Authorization for City to seek and obtain verifications.

Staff has conducted a complete analysis of the application against provisions of the Municipal Code Chapter 4.00 and Ordinance 279 as will be presented to the City Council for approval.

**Recommendation**

It is recommended that the application for a Medical Cannabis Dispensary be approved by the Planning Commission based on the Staff Analysis and applicable provisions of City Code and State Law, and further, that Ordinance 279 adding Chapter 4.00 to the Del Rey Oaks Municipal Code be sent to the City Council for approval.

**Steps Following Investigation and Decision**

Written notification of a decision is required to be mailed to the applicant and will be done so within 10 days of the decision date. The first reading of Ordinance 279 will be sent to the City Council for review on October 28, 2014.

## **Chapter 4.00 Medical Cannabis Dispensaries, to be added to the Del Rey Oaks City Code**

### **ORDINANCE NO. 279**

ORDINANCE OF THE COUNCIL OF THE CITY OF DEL REY OAKS ADDING CHAPTER 4.00, TITLED MEDICAL CANNABIS DISPENSARIES, TO THE DEL REY OAKS CITY CODE

THE PEOPLE OF THE CITY OF DEL REY OAKS DO ENACT AS FOLLOWS:

Section 1. Chapter 4.00 entitled "Medical Cannabis Dispensaries," is added to the Del Rey Oaks City Code to read as follows:

#### **CHAPTER 4.00 Medical Cannabis Dispensaries**

##### **4.01 Findings.**

The City Council adopts this chapter based upon the following findings:

- (A) The voters of the State of California approved proposition 215 (codified as Health and Safety Code Section 11362.5 et seq.) entitled "The Compassionate Use Act of 1996" (Act).
- (B) The intent of Proposition 215 was to enable persons residing in the City of Del Rey Oaks who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances.
- (C) The State enacted SB 420 in 2004, being sections 11362.7, et seq., of the Health and Safety Code, being identified as the Medical Cannabis Program, (Program), to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the Program
- (D) To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code consistent with the Program, regarding the location and operation of Medical Cannabis Dispensaries.
- (E) It is the City Council's intention that nothing in this Chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 841, to otherwise permit any activity that is lawfully and constitutionally prohibited under that Act.
- (F) It is the City Council's intention that nothing in this chapter shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance, (2) allow the use of cannabis for non-medical purposes, or (3) allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal.
- (G) Pursuant to California Health and Safety Code Section 11362.71 et seq., the State Department of Health through the state's counties, is to be responsible for establishing and maintaining a voluntary medical cannabis identification card program for qualified patients and primary caregivers.
- (H) California Health and Safety Code Section 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the matters set forth in Section 11362.71 et seq. (I) This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA

Guidelines Section 15061(b) (3) in that the Council finds and determines that there is nothing in this ordinance or its implementation that could foreseeably have any significant effect on the environment.

#### **4.02 Purpose and Intent**

It is the purpose and intent of this chapter to regulate Medical Cannabis Dispensaries in order to promote the health, safety, morals, and general welfare of residents and businesses within the City. It is neither the intent nor the effect of this chapter to condone or legitimize the use of cannabis.

#### **4.03 Definitions.**

For the purpose of this chapter, the following words and phrases shall mean:

- (A) "Applicant" means a person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a dispensary.
- (B) "City" means the City of Del Rey Oaks.
- (C) "City Manager" means the City Manager of the City of Del Rey Oaks or the authorized representative thereof
- (D) "Drug paraphernalia" shall have the same definition as California Health and Safety Code Section 11362.5, and as may be amended.
- (E) "Identification card" shall have the same definition as California Health and Safety Code Section 11362.5 et seq., and as may be amended.
- (F) "Medical cannabis dispensing collective," hereinafter "dispensary," shall be construed to include any association, cooperative, affiliation, or collective of persons where multiple "qualified patients" and/or "primary care givers," are organized to provide education, referral, or network services, and facilitation or assistance in the lawful, "retail" distribution of medical cannabis. "Dispensary" means any facility or location where the primary purpose is to dispense medical cannabis (ie., marijuana) as a medication that has been recommended by a physician and where medical cannabis is made available to and/or distributed by or to two or more of the following: a primary caregiver and/or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "dispensary" shall not include dispensing by primary caregivers to qualified patients in the following locations and uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq., or a qualified patient's or caregiver's place of residence.
- (G) "Moral turpitude" means "act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and man."
- (H) "Permittee" means the person (A) to whom a dispensary permit is issued and (B) who is identified in California Health and Safety Code Section 11362.7, subdivision (c) or (d), or (e), or (f).
- (I) "Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.
- (J) "Person with an identification card" shall have the same definition as set forth in California Health and Safety Code sections 11362.5 et seq., and as they may be amended from time to time.

(K) "Primary caregiver" shall have the same definition as set forth in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

(L) "Qualified patient" shall have the same definition as set forth California Health and Safety Code sections 11362.5 et seq., and as they may be amended from time to time.

(M) "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any child. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, or any other college or university.

(N) "Youth-Oriented Facility" shall mean elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or; the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a daycare or preschool facility that provides supervision of 8 or fewer minor children, or children under 10 years of age.

#### **4.04 Dispensary Permit Required to Operate.**

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a dispensary unless the person first obtains and continues to maintain in full force and effect a dispensary permit from the City as herein required.

#### **4.05 Annual Term of Permits and Renewals Required.**

(A) Permits issued under this chapter shall expire one (1) year following the date of their issuance.

(B) Permits may be renewed by the City Manager for additional one (1) year periods upon application by the permittee, unless the permit is suspended or revoked in accordance with the provisions of this chapter.

(C) Applications for renewal shall be made at least forty-five (45) days before the annual expiration date of the permit and shall be accompanied by the nonrefundable application fee referenced herein. Applications for renewal shall be acted on as provided herein for action upon applications for permits.

(D) Applications for renewal made less than forty-five (45) days before the annual expiration date shall not stay the annual expiration date of the permit.

(E) Permits may be revoked or suspended by the City Manager at any time, as provided in this chapter and City Code.

#### **4.06 General Tax Liability.**

An operator of a dispensary shall also be required to apply for and obtain a general City tax certificate or exemption as a prerequisite to obtaining a permit pursuant to the terms hereof as required by the State Board of Equalization and to pay any special City tax as enacted by the City Council.

#### **4.07 Imposition of Fees.**

Every application for a permit or renewal shall be accompanied by a nonrefundable fee of \$5,000 (Five Thousand Dollars). This application or renewal fee shall not include fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this code or other governmental agencies. Fingerprinting, photographing, and background check fees are \$500 per person.

**4.08 Limitations on Number Dispensaries.**

(A) The City may not grant or cause to be granted more than one (1) permit a for Medical Cannabis Dispensary in compliance with the provisions of this chapter.

**4.09 Limitation on Location of Dispensary.**

(A) A dispensary may only be located within commercial and industrial designated areas, ie., General Plan and zoning districts.

(B) A dispensary shall be in a highly visible location that provides good views of the dispensary entrance, windows and premises from the public street.

(C) A dispensary shall not be allowed in the following areas at the time of its permitted establishment:

(1) Within 500-feet of a "youth-oriented facility," a "school," a smoke-shop which sells paraphernalia for consuming drug or tobacco products, or another dispensary, or

(2) Within any residential zoned parcel or primary land use, or any property with an underlying "residential" General Plan land use designation.

(D) A waiver of the provisions in Subsection C above may be granted if the applicant demonstrates on plans and materials presented for review and the Planning Commission determines that a physical barrier or similar condition exists which achieves the same purpose and intent as the distance separation requirements established herein.

**4.10 Operating Requirements.**

Dispensary operations shall be established and managed only in compliance with the following standards:

(A) **Criminal History.** Any applicant, his or her agent or employees, or any person exercising managerial authority of a dispensary on behalf of the applicant shall not have been convicted of a felony, or of a misdemeanor involving moral turpitude, or engaged in misconduct related to the qualifications, functions or duties of a permittee.

(B) **Minors.**

(1) It shall be unlawful for any permittee, operator, or other person in charge of any dispensary to employ any person who is not at least eighteen (18) years of age.

(2) Persons under the age of eighteen (18) shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

(3) The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that person under the age of eighteen (18) are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

(C) **Operating Hours of Operation.** A dispensary shall only be operated during the following days and hours:

**Monday thru Friday - 9 a.m. to 8 p.m.**

**Saturday - 9 a.m to 8 p.m.**

**Sunday – 10a.m. to 6 p.m.**

**Legal Holidays - Closed**

(D) **Dispensary Size and Access.**

(1) Dispensary size shall be limited, as deemed appropriate and necessary, to best serve patient needs within the intent of this chapter and reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on City services.

(2) A dispensary shall not be increased in size (ie., floor area utilized for Dispensary Operations) without prior approval to amend the existing dispensary permit.

(3) The entrance into the dispensary building shall be locked at all times with entry strictly controlled; e.g., a "buzz-in"<sup>11</sup> electronic/mechanical entry system. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.

(4) Security personnel or local law enforcement under contract, shall be employed to monitor site activity, control loitering and site access and to serve as a visual deterrent to unlawful activities.

(5) Only dispensary staff; primary caregivers, qualified patients and persons with bona-fide purposes for visiting the site shall be permitted at a dispensary.

(6) Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of Medical Cannabis.

(7) Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area with dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.

(8) Restrooms shall remain locked and under the control of management.

(E) **Dispensary Supply.** A dispensary may possess no more than eight (8) ounces of dried cannabis per qualified patient or primary caregiver, and maintain no more than six (6) mature or twelve (12) immature cannabis plants per qualified patient or primary caregiver. However, if a qualified patient or primary caregiver has a physician's recommendation that this quantity does not meet the qualified patient's medical needs, the dispensary may possess an amount of cannabis consistent with the patient's needs.

(F) **Dispensing Operations.**

(1) A dispensary shall dispense medical cannabis to meet monthly medication needs of qualified patients, similar to typical pharmacy operations. The dispensary shall strongly discourage and avoid daily or weekly visits by patients as a routine practice.

(2) A dispensary shall only dispense to qualified patients or caregivers with a currently valid physicians approval or recommendation in compliance with the criteria in California Health and Safety Code sections 11362.5. et seq.

(3) Prior to dispensing Medical Cannabis, the dispensary shall obtain verbal and signed verification from the recommending Physician that the individual requesting Medical Cannabis is a qualified patient.

(4) Patient records shall be maintained on-site and verified as needed, and at least every 6 months with the qualifying patient's physician or Doctor of Osteopathy.

(5) Information on prior years' operations shall be provided annually, as required in this chapter. The operator shall adjust the operations as necessary to address any identified issues.

(G) **Consumption Restrictions.**

(1) Cannabis shall not be consumed on the premises of the dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within 200 feet of the

dispensary's entrance.

- (2) Dispensary operations shall not result in illegal redistribution of medical cannabis obtained from the dispensary, or use in any manner that violates local, state or City Codes.
- (3) Patients shall not openly medicate in public places.

**(H) Retail Sales and Cultivation Prohibited.**

- (1) No cannabis shall be cultivated on the premises of the dispensary, except in compliance with Health and Safety Code 11362.5. et seq.
- (2) A dispensary shall not cultivate, distribute or sell medical cannabis for a profit.
- (3) A dispensary shall not pay any suppliers of medical cannabis more than the costs incurred for cultivation and preparation.
- (4) A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code sections 11362.5. et seq.

**(I) Operating Plans.**

- (1) Floor plan. A dispensary shall have a lobby "waiting area" at the entrance to receive clients, and a separate and secure designated area for Dispensing Medical Cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.
- (2) Storage. A dispensary shall have a suitable locked safe on premises, identified as a part of the security plan, for after-hours storage of Medical Cannabis.
- (3) Minimum staffing levels. The premises shall be staffed with at least one person, during hours of operation, who is not responsible for dispensing medical cannabis.
- (4) Odor control. A dispensary shall have an air treatment system that ensures off-site odors shall not result.
- (5) Security plans. A dispensary shall provide adequate security on the premises, as approved by the City Manager, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.
- (6) Security cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities.
- (7) Security video retention. Security video shall be maintained for a minimum of 72 hours.
- (8) Alarm system. A professionally monitored robbery alarm system shall be installed and maintained in good working condition.
- (9) Emergency contact. A dispensary shall provide the City Manager with the name, phone number and cellular phone number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary. The dispensary shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

**(J) Signage and Notices.**

- (1) The building entrance to a dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.
- (2) Signs on the premises shall not obstruct the entrance or windows.
- (3) Address identification shall comply with City and Fire Department Standards.

(4) Business identification signage shall be limited to that needed for identification only. Signs shall comply with all ordinances and not contain any logos or information that identifies, advertises or lists the services offered.

(K) **Employee Records.** Each owner or operator of a dispensary shall maintain a current register of the names of all employees currently employed by the dispensary, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.

(L) **Patient Records.** A dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or Doctor of Osteopathy stating the need for medical cannabis.

(M) **Staff Training.** Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and properly trained or professionally-hired security personnel.

(N) **Site Management.**

(1) The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject dispensary.

(a) "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.

(b) "Nuisance" includes but is not limited to disturbances of peace, open public consumption of cannabis or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.

(2) The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

(3) The operator shall ensure that the hours of operation shall not be a detriment to the surrounding area.

(4) The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

(O) **Trash, Litter, Graffiti**

(1) The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.

(2) The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application

(P) **Compliance with Other Requirements.** The operator shall comply with all provisions of all local and state laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

(Q) **Confidentiality.** The information provided for purposes of this section shall be maintained by the City

Manager as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

(R) **Display of Permit.** The dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.

(S) **Reporting and Payment of Fees.** Each permittee shall file a sworn statement with the City Manager indicating the number of patients served by the dispensary within the previous calendar year, and pay all annual permit fees.

#### **4.11 Application Preparation and Filing.**

**Application Filing.** A complete application submittal packet shall be submitted including all necessary fees and all other information and materials required by the City and this chapter. All applications for permits shall be filed with the City Manager, using forms provided by the City. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

(A) **Eligibility for Filing.** Applications may only be filed by the owner of the subject property, or person with a lease signed by the owner or duly authorized agent allowing them to occupy the property for the intended use.

(B) **Filing Date.** The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.

(C) **Effect of Incomplete Filing.** Upon notification that an application submittal is incomplete, the applicant shall be granted an extension of time to submit all materials required to complete the application within ten (10) days. If the application remains incomplete in excess of ten (10) days the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

(E) **Effect of Other Permits or Licenses.** The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining a dispensary permit.

(F) **Submittal Requirements.** Any application for a permit shall include the following information:

- (1) Applicants name. The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant;
- (2) Applicants mailing address. The address to which notice of action on the application is to be mailed;
- (3) Previous addresses. Previous addresses for the past five years immediately prior to the present address of the applicant;
- (4) Verification of age. Written proof that the applicant is over the age of eighteen (18) years of age;
- (5) Physical description. Applicant's height, weight, color of eyes and hair;
- (6) Photographs. Passport quality photographs for identification purposes;
- (7) Employment history. All business, occupation, or employment of the applicant for the five years immediately

preceding the date of the application;

(8) Tax history. The dispensary business tax history of the applicant, including whether such person, in previously operating in this or another city, county or state under license has had a business license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation;

(9) Management information. The name or names and addresses of the person or persons having the responsibility for management or supervision of applicant's business;

(10) Criminal background. A background investigation verifying whether the person or person having the management or supervision of applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefore;

(11) Employee information. Number of employees, volunteers, and other persons who will work at the dispensary;

(12) Statement of dispensary need. A statement and/or information to establish the need for the additional dispensary to serve qualified patients in the area;

(13) Plan of Operations. A plan of operations describing how the dispensary will operate consistent with the intent of state law and the provisions of this ordinance, including but not limited to:

(a) Ensuring cannabis is not purchased or sold by the dispensary in a manner that would generate a profit.

(b) Controls that will assure medical cannabis will be dispensed to qualifying patients or caregivers only.

(c) Controls that will ensure that the limitations on numbers of patients is adhered to.

(d) Controls that will ensure access to dispensary premises is adequately monitored and restricted to pre-approved qualified patients and caregivers.

(e) Method for ensuring that a qualified patient's physician is not recommending cannabis for less than medically appropriate reasons.

(14) Written Project Description. A written description summarizing the proposed dispensary use size, number of patients, characteristics and intent.

(15) Written response to dispensary standards. The applicant shall provide a comprehensive written response identifying how the dispensary plan complies with each of the standards for review in this chapter, specifically the Limitation on Number and Size, Limitation on Location, and Operating Requirements sections.

(16) Written response to Criteria for Review section. The applicant shall provide a written response indicating how each of the criteria for review has been satisfied.

(17) Security plan. A detailed security plan outlining the proposed security arrangements for insuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a robbery alarm system monitored by a licensed operator, and a security assessment of the site conducted by a qualified professional;

(18) Floor plan. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the dispensary. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus one (1) foot;

(19) Site plan. A sketch or diagram showing exterior configuration of the premises, including the outline of all structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus one (1) foot;

- (20) Neighborhood context map. An accurate straight-line drawing depicting the building and the portion thereof to be occupied by the dispensary, all properties and uses within 300 feet of the boundaries of the property on which the dispensary permit is requested, and the property lines of any school, park, or residential zone or use within 300 feet of the primary entrance of the dispensary;
- (21) Lighting plan. A lighting plan showing existing and proposed exterior premise and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use;
- (22) City authorization. Written authorization for the City, its agents and employees to seek verification of the information contained within the application;
- (23) Statement of owners consent. A statement in writing by the applicant that he or she certifies under penalty of perjury that the applicant has the consent of the Property Owner and Landlord to operate a dispensary at the location (if applicable);
- (24) Applicant's certification. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
- (25) Other information. Such other identification and information as deemed necessary by the City Manager to demonstrate compliance with this chapter and City Codes, including operating requirements established herein;

(G) **Annual Renewal.** Applications for annual renewal shall be accompanied by the following information:

- (1) The operator shall report the number of patients served and pay applicable fees, as required by this chapter.
- (2) The operator shall provide a detailed description of any adjustments and changes proposed or that have occurred in dispensary operations to address issues, or comply with laws.
- (3) The operator shall identify any problems encountered during operations and how they have been addressed.
- (4) The operator shall identify how the dispensary has managed its operations to comply with the Operating requirements of this chapter and with state law.

#### **4.12 Criteria for Review.**

The review authority shall consider the following criteria in determining whether to grant or deny a dispensary permit, and annual renewals:

- (A) That the dispensary permit is consistent with the intent of Proposition 215 and related state law, the provisions of this chapter and the City Code, including the Application submittal and Operating requirements herein.
- (B) That an applicant or employee is not under eighteen (18) years of age.
- (E) That all required application materials have been provided and/or the dispensary has operated successfully in a manner that shows it would comply with the Operating Requirements and standards specified in this chapter.
- (F) That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.
- (G) That an appropriate limit on size of the dispensary has been established and the requested permit would not exceed limitations on number of patients and/or permits allowed by this chapter.
- (H) That issuance of a dispensary permit for the size requested is justified to meet needs of residents.
- (I) That issuance of the dispensary permit would serve needs of residents at this location.
- (J) That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation and no significant nuisance issues or problems are anticipated.
- (K) That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing

potential crime-related problems and as specified in the Operating Requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry, openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

(L) That no dispensary use, owner, permittee, agent, or employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit.

(M) That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, ingesting cannabis in public, or creation of a public or private nuisance, or interference of the operation of another business.

(N) That the dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, ingesting cannabis in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

(O) That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local, State or Federal law, regulation, or order, or any condition imposed by permits issues in compliance with those laws has not been violated.

(P) That the applicant has not violated any local or state law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis.

(Q) That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

(R) That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(S) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

#### **4.13 Investigation and Action on Application.**

After the making and filing of a complete application for the dispensary permit and the payment of the fees, the City Manager shall conduct a background check of the applicant and all employees and conduct an investigation of the application, and forward the application and staff report to the Planning Commission.

(A) The Planning Commission shall either grant or deny the application in accordance with the provisions of this chapter.

(B) In approving a dispensary permit, the Planning Commission may impose conditions, restrictions or require revisions to the proposal to comply with the purpose and intent of this chapter.

(C) The Planning Commission shall cause a written notice of a decision to issue or deny a permit to be mailed to the applicant by U.S. mail via the City Manager.

(D) Notwithstanding the provisions of this Section, the City Manager, in his or her discretion, may refer an application for a permit to the City Council.

#### **4.14 Appeal from Planning Commission Determination.**

(A) An applicant, aggrieved by the Planning Commission's decision to issue or deny a permit, may appeal such decision to the City Council by filing a written notice stating all grounds on which the appeal is based and paying applicable appeal fee with the City Clerk within ten (10) working days of the written notice of decision. If an appeal is not taken within such time, the Planning Commission's decision shall be final.

(B) The City Council shall consider the appeal within 30 days of the date of filing the appeal. The City Clerk shall give 10 days notice to the person filing the appeal of the time and place of the meeting scheduled on the appeal by serving notice personally or by depositing it in the United States Post Office at Seaside, California, postage prepaid, addressed as shown on the appeal papers. The Council shall have the authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this chapter.

#### **4.15 Effect of Denial.**

When the Planning Commission shall have denied or revoked any permit provided for in this Chapter and the time for appeal to the Council shall have elapsed, or, if after appeal to the Council, the decision of the Planning Commission has been affirmed by the Council, no new application for a permit shall be accepted from the applicant and no such permit shall be issued to such person or to any corporation in which he shall have any beneficial interest for a period of three years after the action denying or revoking the permit.

#### **4.16 Suspension and Revocation**

(A) The Permit may be revoked if the dispensary is operated in a manner that violates the provisions of this chapter, including the Criteria for Review and Operating Requirements sections, or conflicts with state law.

(B) Except as otherwise provided in this chapter, no permit shall be revoked or suspended by virtue of this section until written notice of the intent to consider revocation or suspension of the permit has been served upon the person to whom the permit was granted at least five (5) days prior to the date set for such review. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the person to be notified, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, return recent requested, addressed to the person to be notified at his/her address as it appears in his/her application for a permit.

(C) If any person holding a permit or acting under the authority of such permit under this article is convicted of a public offense in any court for the violation of any law which relates to his or her permit, the City Manager may revoke said permit forthwith without any further action thereof; other than giving notice of revocation to the permittee.

#### **4.17 Transfer of Permits**

(A) A permittee shall not operate a dispensary under the authority of a dispensary permit at any place other than the address of the dispensary stated in the application for the permit.

(B) A permittee shall not transfer ownership or control of a dispensary or transfer a dispensary permit to another person unless and until the transferee obtains an amendment to the permit from the City Manager stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager in accordance with this all provisions of this Chapter accompanied by a transfer fee in an amount set by resolution of the City Council, and the City Manager determines in accordance this chapter that the transferee would be entitled to the issuance of an original permit.

(C) No permit may be transferred when the City Manager has notified the permittee that the permit has

been or may be suspended or revoked.

(D) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

#### **4.18 Violations.**

(A) It is unlawful for any person, individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character to violate any provision or not to comply with any of the requirements of this ordinance.

(B) A violation of this chapter shall be punished in accordance with City Code.

#### **4.19 Remedies Cumulative.**

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof

#### **4.20 Separate Offense for Each Day.**

Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof and shall be penalized accordingly.

#### **4.21 Public Nuisance.**

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be summarily abated by the City.

#### **4.22 Criminal Penalties.**

Any person who violates, causes, or permits another person to violate any provision of this chapter commits a misdemeanor.

#### **4.23 Civil Injunction.**

The violation of any provision of this chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City Manager, create a cause of action for injunctive relief

#### **4.24 Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter.

#### **4.25 Judicial Review.**

Section 1. Judicial review of a decision made under this chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6 which shall be applicable for such actions.

Section 2. General Plan Consistency. The proposed amendment is consistent with the goals and policies of all elements of the General Plan in that the proposed licensing of the proposed use is considered to be consistent with an underlying pharmacy or medical service use which would be consistent with the commercial and industrial

General Plan land use classifications that apply to the areas in which the use would be licensed.

Section 3. Public Interest Health, Safety, Convenience or Welfare. The proposed Ordinance would not be detrimental to the public interest, health, safety, convenience or welfare of the City in that the amendment implements State Health and Safety Code Section 11362.5, et. Seq., and serves an identified need of residents of the City with appropriate limitations and restrictions established therein that are intended to ensure such facilities that may be operated within the City should not have adverse effects in this regard.

Section 4. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15060(c)(2) in that the Council finds there is no foreseeable possibility that the implementation of this ordinance to add a new medical service land use classification and specific land use standards to regulate the land use would have any direct or indirect significant effects on the environment.

Section 5. Term of Ordinance. This ordinance shall remain in effect until amended or repealed by the City Council.

Section 6. Fee Schedule. The City Manager shall initiate a fee schedule to establish dispensary permit application fee, renewal fee and transfer fee amounts.

Section 7. Forms. The City Manager shall initiate preparation of any application forms and materials required to implement the dispensary permit process.

Section 8. Severability. If any action, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

# Application for Operation of a Medical Cannabis Dispensary



MBAM

MONTEREY BAY ALTERNATIVE MEDICINE OF  
DEL REY OAKS, CALIFORNIA

**DISPENSARY PERMIT APPLICATION**  
Please Type or Print



City of Del Rey Oaks  
650 Canyon Del Rey Road  
Del Rey Oaks CA 93940

**GENERAL INFORMATION**

CUP14-06

Application Type (check one): <input checked="" type="checkbox"/> New Application/Transfer <input type="checkbox"/> Annual Renewal	<b>FOR OFFICE USE ONLY</b> Application Received: <u>9/30/14</u> <sup>AM</sup> Check # <u>1134700571CC#</u>	Fee Received: \$ <u>5,000<sup>00</sup></u> Cash Received: _____
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Description (describe your proposed permit request): To open a medical Cannabis collective/dispensary that serves the community by providing medicine to members that join the collective.

Employee information (Job titles, number of employees, volunteers, and other persons who will work at the dispensary): (1) Manager (2) security guards (3) member relations (2) stockers (2) floaters

Proposed Location: <u>800 Portola Dr.</u>	Assessor's parcel number(s): <u>012471015</u>
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Size of parcel (sq. ft. or acres): <u>10,500 sq ft</u>	Site Zoning District: <u>C</u>
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Leased building area (gross sq. ft.): <u>1900 sq ft</u>	Site General Plan designation: <u>retail and business services</u>
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Prior tenant occupancy: medical offices, chiropractor, tax services

Allowed building occupancy: Commercial

**APPLICATION INFORMATION**

Applicant Name: Lonna Lewis Blodgett

Physical description of applicant: Sex: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female Height: <u>5'6"</u>	DL#: <u>P0278676</u> Hair Color: <u>Auburn</u> Weight: <u>145</u>	SSN: _____ Eye Color: <u>Brn.</u> DOB: <u>3-19-1948</u>
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Applicant Mailing Address: P.O. Box 1697  
City: Capitola State: CA Zip: 95010

Business Phone: 831-566-0758 Home Phone: 831-706-0510

Previous Addresses (List all previous addresses for the past five years immediately prior to the present address of the applicant):

- 620 El Salto DR, Capitola, CA-95010
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Employment history of applicant. (Business/occupation/employment of applicant for five years immediately preceding application):

- manager / Monarch Cove Inn
- \_\_\_\_\_
- \_\_\_\_\_

**DISPENSARY PERMIT APPLICATION**

Please Type or Print

**MANAGEMENT INFORMATION**

Management information (Name(s) and address(es) of person(s) having management or supervision of facility):

Name: Louna Lewis Blodgett

Address: 620 El Salto Dr,

City: Capitola State: CA Zip: 95010

Business Phone: 831-566-0758 Home Phone: 831-706-0510

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Property Owner Name(s): Robert Blodgett

Address: 620 El Salto Dr,

City: Capitola State: CA Zip: 95010

Business Phone: 831-566-0758 Home Phone: 831-706-0510

**CERTIFICATIONS AND AGREEMENTS**

**PROPERTY OWNER'S CONSENT** - I declare that I am the owner of said property or have written authority from property owner to file this application. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Robert Blodgett

Applicants Signature

**INDEMNIFICATION AGREEMENT** - As part of this application, I agree to defend, indemnify, and hold harmless the City of Del Rey Oaks, its agents, officers, council members, employees, boards, commissions and Council from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attach, set aside, void or annul any approval of the application or related decision. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the City, its agents, officers, council members, employees, boards, commissions and Council. If for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect. The City of Del Rey Oaks shall have the right to appear and defend its interest in any action through its City Attorney or the City's outside counsel if the City chooses to appear and defend itself in the litigation. I have read and agree with all of the above.

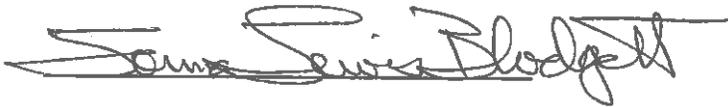
Louna Lewis Blodgett

Applicants Signature

**CITY DISCLAIMER:** Acceptance of filing of this application by the City of Del Rey Oaks is not intended to conflict with state and federal law or otherwise permit any activity that is lawfully and constitutionally prohibited.

**City Authorization**

I, Lonna Lewis-Blodgett, hereby authorize the City of Del Rey Oaks and its agents and employees, to seek verification of the information contained within the application herein for the duration of the permit. Signed at Del Rey Oaks, California on the 30<sup>th</sup> day of September 2014.

A handwritten signature in black ink that reads "Lonna Lewis-Blodgett". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Lonna Lewis- Blodgett

### **Statement of Dispensary Need**

There is currently no dispensary located within the entire County of Monterey. Medical Cannabis patients living in Monterey County must travel to one of the 12 dispensaries currently operating in neighboring Santa Cruz County. This creates additional hardship on these patients, many who are elderly with limited transportation options. The site of our collective is centrally located on the Monterey Peninsula with convenient access from Highway 1 and Highway 68.

# **Monterey Bay Alternative Medicine**

## **Mission Statement**

Monterey Bay Alternative Medicine is a nonprofit mutual benefit medicinal cannabis dispensary committed to ensuring access to the highest quality medicinal products and services for its members. We will establish the utmost standard of professionalism to ensure that access is trusted, legal, safe, and affordable. Our dispensary will provide alternative medicine and services to compassionately meet the needs of patients in a geographical area where it is currently unavailable.

Monterey Bay Alternative Medicine will also advocate and promote important and necessary community alternative health by promoting and providing other alternative care education and services such as: Yoga, nutritional counseling, massage, herbal medicine, Reiki, and other holistic educational endeavors.

Our purpose is to ensure the equal and compassionate access of medicinal cannabis for medical use. M.B.A.M. will control and regulate safe and accountable operational policies and procedures. We intend to continually strive to provide excellent service on all levels of patient care while advocating the highest regard to community responsibility and legal compliance.

## MONTEREY BAY ALTERNATIVE MEDICINE

### Principal Profiles



**Lonna Lewis-Blodgett** is a local business person and California native. She has resided in the Monterey Bay area for the last 46 years. She attended Sacramento State University and studied social sciences. She has previously owned and operated her own business for 25 years (Awards & Engraving Unltd.), was a youth counselor for Children's Placement Services transitional care, and provided a specialized emancipation program for foster care youth for thirteen years. Lonna has also been a community activist for many youth organizations and groups, and personally fostered 50+ foster children. She currently manages Monarch Cove Inn in Capitola, CA. She is an advocate and has been involved with Medicinal Marijuana for the past eight years.



**Edie Powell** is native to Monterey County and has demonstrated her deep ties to the community through various professional positions she has held: Monterey County Emergency Communication as a 911 dispatcher for eleven years, Social Security Administration as a teleservice representative for three years, and American Title as a title/escrow assistant for five years. A mother of two adult children, she enjoys adventures in the outdoors, classic cars and art. She organizes a family oriented car show annually in Prunedale. She has been a proactive participant of Medicinal Marijuana for the past three years.



**Serena Lewis** grew up in the Monterey Bay area. She graduated from Columbia University in New York City with a Bachelor's degree in Sociology, where she played varsity Women's volleyball. She also has a Master's in Educational Counseling from National University. She lived in the UK for 3 years, where she worked as an Educational Adviser for Connexion's, giving advice and guidance to young people. She worked as a teacher and counselor at the Juvenile Court and Community Schools for 5 years. She now resides in San Diego, working at a small media arts school, Platt College, as an admissions counselor. She has been an advocate and participant of Medical Marijuana for the past seven years.

# OPERATING CRITERIA

(as outlined in DRO Ordinance 279 Chapter. 4.10  
entitled “Operating Requirements”)

## **A. Criminal History – *Documented via Background Investigations***

## **B. Minors**

- 1) All employees of the dispensary must be at least 18 years of age.
- 2) Persons under the age of 18 will not be allowed on the premises of the dispensary unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.
- 3) The entrance to the dispensary will be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

## **C. Operating Hours**

- 1) The dispensary will be operated from 10:00 a.m. to 8:00 p.m. M-Sa.
- 2) Sunday hours will be 10am – 6pm
- 3) Closed on all legal Holidays

## **D. Dispensary Access**

- 1) The entrance into the dispensary building will be locked at all times with entrance strictly controlled by a buzz-in electronic/mechanical entry system.
- 2) Dispensary personnel will monitor site activity, control loitering and site access.
- 3) Only a primary caregiver and qualified patient will be permitted in the designated dispensary area with dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.

## **E. Dispensary Supply**

- 1) The dispensary will possess no more than eight ounces of dried cannabis per qualified patient or primary caregiver. However, if a qualified patient or primary caregiver has a physician’s recommendation that this quantity does not meet the qualified patient’s medical needs, the dispensary may possess an amount of cannabis consistent with the patient’s needs.

## **F. Dispensing Operations**

- 1) The dispensary will dispense medical cannabis to meet medical needs of qualified patients similar to typical pharmacy operations.
- 2) The dispensary will only dispense to qualified and verified patients and caregivers with a valid physicians approval.
- 3) Patient records will be maintained and verified as needed and at least every 6 months verified with the qualifying patient's medical doctor or doctor of osteopathy.
- 4) Information on the prior year's operations will be provided annually, as required in this chapter.

## **G. Consumption Restrictions.**

- 1) Cannabis shall not be consumed on the premises of the dispensary. The term "premises" includes the actual building, parking areas or other surroundings within 200 feet of the dispensary.
- 2) Dispensary operations shall not result in illegal redistribution of medical cannabis obtained from the dispensary, or use in any manner that violates local or State laws or codes.
- 3) Patients shall not openly medicate in public places.

## **H. Retail Sales and Cultivation**

- 1) The dispensary will not cultivate, distribute or sell medical cannabis for a profit.
- 2) The dispensary will not pay any supplier(s) of medical cannabis more than the costs incurred for cultivation and preparation.
- 3) The dispensary will meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.

## **I. Operating Plans**

- 1) **Floor Plan.** The dispensary will have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregiver. The primary entrance will be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveway.
- 2) **Storage.** The dispensary will have suitable locked storage on premises for after-hours storage of medical cannabis.
- 3) **Minimum Staffing Levels.** At least 1 staff member, not responsible for dispensing medicine during operating hours, will be on site.
- 4) **Odor Control.** A qualified and approved air treatment system will ensure adequate odor control so as to eliminate nuisance odors.
- 5) **Security Plan.** The dispensary will provide adequate security on the premises, including the parking lot, as approved by the Chief of Police.

Lighting and alarms will be installed to insure the safety of persons and to protect the premises from theft.

- 6) **Security Cameras.** Security surveillance camera will be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities.
- 7) **Security Video Retention.** Security video will be maintained for 72 hours.
- 8) **Alarm System.** A professionally monitored robbery alarm and burglary alarm systems will be installed and maintained in good working condition.
- 9) **Emergency Contact.** The dispensary will provide the Chief of Police with the names, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary.

## **J. Signage and Notices.**

- 1) A notice will be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis on the premises or in the dispensary is prohibited.
- 2) Business identification signage will be limited to that needed for identification only. Signs will not contain any advertising or lists of the services offered.
- 3) Address Identification will comply with City and Fire Department standards and codes.

## **K. Employee Records**

- 1) The operator of the dispensary will maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary.

## **L. Patient Records**

- 1) The dispensary will maintain records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis.

## **M. Staff Training**

- 1) The dispensary staff will receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and properly trained or professionally-hired security personnel.

## **N. Site Management**

- 1) The operator of the dispensary will take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking area, sidewalks, alleys and areas surrounding the premises.
  - a. "Reasonable steps" will include calling the police in a timely manner and requesting those engaging in objectionable activities to cease those activities.
  - b. "Nuisance" includes but is not limited to disturbances of peace, open public consumption of cannabis or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises or police detentions and arrests.
- 2) The operator will provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.
- 3) The hours of operation will ensure that the dispensary is not a detriment to surrounding businesses.

## **O. Trash, Litter & Graffiti.**

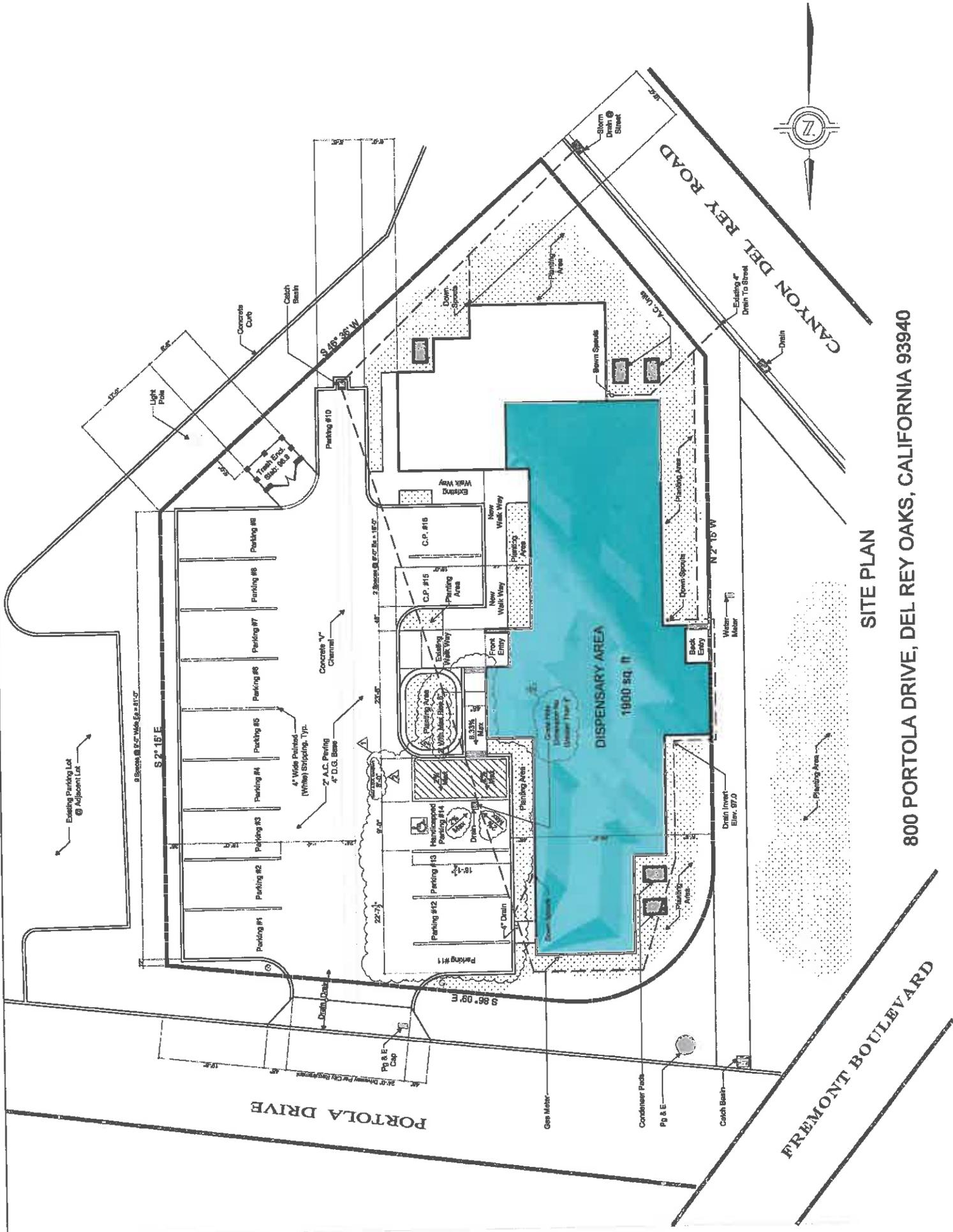
- 1) The operator will adhere to strict housekeeping standards in the parking areas and the surrounding 10 feet beyond property lines.
- 2) Graffiti will be removed within 72 hours

**P. Compliance with all provisions of local and state law.** All provisions will be complied with, including the City's Medical Cannabis Ordinance as written and as may be amended from time to time by the City Council.

**Q. Confidentiality.** Operator understands that the City will maintain the confidentiality of this information to the extent legally permissible.

**R. Display of Permit.** The dispensary will prominently display the Permit to Operate at all times.

**S. Reporting Requirements and "non-profit" verification.** Each year the operator will report on the previous year's operations and ensure that all financial records are audited by a CPA. Any non-profit "net revenue" will be distributed to other non-profit agencies and to the City of Del Rey Oaks.



**SITE PLAN**

**800 PORTOLA DRIVE, DEL REY OAKS, CALIFORNIA 93940**

**Monterey Bay Alternative Medicine (MBAM)**

**“Good Neighbor Commitment”**

**to the Citizens and Neighbors Of Del Rey Oaks**

We have a commitment to provide you, as our member, a comfortable and safe place to obtain your medicine. M.B.A.M. also shares this community with other businesses and residences to which we are committed to being a “Good Neighbor” and a positive addition to the community. Each one of us must adhere to a very high standard with regard to our behavior, respect of property, and personal safety of all persons in and around our facility.

Society’s acceptance of Medical Cannabis is contingent upon all of us behaving in such a way as to move forward the public awareness of the great value of Medical Cannabis and in doing so respectfully and appropriately. All of our behavior personally and collectively, is an important factor in educating the Public about the benefits to society.

We promise our neighbors to abide by the “Golden Rule” to respect and honor others by not loitering, littering, creating parking problems or conflicts in or around this facility. Please help us and our Security staff in fulfilling our commitment.

We have provided ample parking in our private parking lot. Please do not park in neighboring business’ or adjacent neighborhoods or in any manner which may be a safety hazard or block the flow of traffic.

Your safety is also our commitment. Please be discrete and mannerly when exiting the facility. If you do not feel safe for any reason, our security guard will kindly escort you to your vehicle.

You may not use your medicine anywhere in or around our facility or in adjacent neighborhoods. This is a violation of our Use Permit and of City Ordinances and will not be tolerated either by the collective or the local authorities.

Please help us keep these simple safeguards and commitments, so that we may ensure a safe, smooth and beneficial service to you and to the community.

**THANK YOU,**

**STAFF AND MANAGEMENT OF M.B.A.M.**

# **Monterey Bay Alternative Medicine**

## **Qualified Patient/Caregiver Rules and Building Guidelines**

- You must have current City, County or State issued Medical Cannabis ID card or a valid verifiable medical cannabis recommendation from a CA licensed physician and current California ID/Driver's License.
- You must show your Medical Cannabis ID card or medical cannabis recommendation and state ID/Driver's License to "MBAM" security before entering the building.
- Qualified Patient/Caregivers will not use cell phones inside the dispensary. All cellular devices must be turned off before entering the dispensary and shall remain off during the length of your visit.
- All Qualified Patient/Caregivers will pass through a metal detector upon entry and "waned" as necessary by security personnel.
- Qualified Patients/Caregivers must leave all backpacks, bags or any other carrying devices in their vehicle or at home. If this is not an option, security personnel will hold item in the entry room. However, the dispensary is not responsible for lost or stolen articles.
- Qualified Patient/Caregivers should visit the dispensary by themselves unless transportation assistance is required. Qualified patients must leave the premises immediately after purchasing their medicine.
- Qualified Patients and primary Caregivers are strictly prohibited from selling, trading or distributing medicine they have acquired from the dispensary.
- No loitering on the dispensary premises or within 50 feet of the property boundaries.
- Cameras are strictly prohibited in the dispensary.
- No consumption of medicine in any form will be allowed in or around the "MBAM" or the surrounding neighborhood. Absolutely no alcohol, illegal drugs or weapons of any kind are allowed in or around the dispensary.
- No loud music, unattended barking dogs or other noise disturbances are permitted around the collective.
- Only one car per patient will be allowed to enter the parking lot. Please do not bring more than one non-patient with you. Repeated violation of this rule can result in suspension.
- Any patient or caregiver who violates the "MBAM" general rules and building guidelines therein will be banned.

## Membership Agreement

By signing this agreement you are joining as a member of **Monterey Bay Alternative Medicine**, A California Not for Profit Organization. As a member you may participate as a non-voting member in the collective and the services it provides. You agree that you are responsible for following guidelines. If you do not follow these guidelines your membership will be terminated and we will refuse you service.

- You agree not to divert marijuana for non-medical purposes under any circumstance.
- You agree to follow all rules of conduct establish by the collective.

**Monterey Bay Alternative Medicine** reserves the right to refuse service and or membership to anyone, at any time, at their discretion, and may terminate membership at their discretion.

You agree to allow **Monterey Bay Alternative Medicine** to grow medical marijuana on your behalf and to provide you services as your care giver in your health related and personal needs.

As a condition of using our services and/or by utilizing such medicine/herbal marijuana and related products as you may obtain, you, your heirs and those with you, expressly and forever release **Monterey Bay Alternative Medicine**, its owners, landlord, operators, managers, employees, agents, attorneys, growers, providers, wholesalers, officers, directors, members, from and against any and all lawsuits, alter-ego lawsuits, demands, charges or claims with reference to the strength, potency, purity, toxicity, appropriateness for your condition of any marijuana and related products you may obtain from **Monterey Bay Alternative Medicine**.

As a condition of using our services and/or by utilizing such medicine/herbal marijuana and related products as you may obtain, you, your heirs and those with you expressly and forever waive any and all claims now known, or discovered at any time in the future due to, related to or arising from your storage or handling of marijuana or any other product/herb/food/oil/concentrate you may obtain from us.

KEEP ALL MEDICINE FAR, FAR AWAY FROM CHILDREN OR ANYONE ELSE, AND UNDER LOCK AND KEY. ANY DEVIATION FROM THIS RULE IS DONE AT THE SOLE RISK AND RESPONSIBILITY OF THE PATIENT.

You agree, as a patient member of **Monterey Bay Alternative Medicine**, to abide by these rules and regulations.

I have read and agree to the above rules and regulations (Initial \_\_\_\_\_)

1. I have been diagnosed with a serious illness for which cannabis provides relief and I have received a recommendation or approval from my licensed California physician to use cannabis.
2. I understand my contributions for medicine I may require from this collective are used to ensure continued operation and that this transaction in no way constitutes commercial promotion.
3. The monies I donate are to help the collective continue to operate, to maintain employees and a location and the associated costs and expenses of providing its members with medicinal marijuana for their medical needs.
4. The collective may cultivate, obtain, transport and possess cannabis on my behalf.
5. I designate the collective as my care giver for medical marijuana.
6. I authorize the collective to contact my physician, and I authorize my physician to verify my recommendation to the collective.
7. I agree that I consistently rely upon the collective as the exclusive source of my cannabis medicine (except such medicine as I may cultivate individually).
8. The designation shall remain in effect for 12 months, until the expiration of my recommendation, or until I revoke my designation in writing by certified mail, return receipt requested, whichever comes first.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print name (PRINT CLEARLY): \_\_\_\_\_

Print Email address (PRINT CLEARLY): \_\_\_\_\_

Your address: \_\_\_\_\_

Your phone number: \_\_\_\_\_

Driver's license or State ID number: \_\_\_\_\_

State MMJ ID number: \_\_\_\_\_

Physician's name: \_\_\_\_\_

Primary caregiver's name: \_\_\_\_\_

Primary caregiver's address: \_\_\_\_\_

Primary caregiver's phone number: \_\_\_\_\_

Primary caregiver's State ID number: \_\_\_\_\_

How did you hear about our collective?

Can the collective send you info, specials, discounts, and the annual Patient Members ballot to your Email? If so, please provide your Email address below.