



City of San Juan Bautista

The "City of History"

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AGENDA

REGULAR PLANNING COMMISSION MEETING

CITY HALL COUNCIL CHAMBERS
311 Second Street
San Juan Bautista, California

TUESDAY ~ FEBRUARY 6, 2018

In compliance with the American with Disabilities Act, if you need special assistance to attend or participate in the meeting, please call the City Clerk's Office at (831) 623-4661, extension 13 at least 48 hours prior to the meeting.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 311 Second Street, San Juan Bautista, California during normal business hours.

1. Call to Order
Roll Call

6:00 PM

2. Public Comment

3. Informal Project Review

Any potential and/or future project applicant may present his project to the Commission during Informal Project Review for the purpose of gaining information as preliminary feedback only. No formal application is required and no action will be taken by the Commission on any item at this time.

A. Midnight Express Truck Transfer Facility

4. Consent Items

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the Planning Commission, a staff member, or a citizen.

A. Approve Affidavit of Posting Agenda

B. Approve August 1, 2017 Minutes

5. Action Items

A. Consider Approval of New City Hall and Public Works Department Public Identification Signs

6. Discussion Items

A. Cannabis Ordinance

7. Comments and Reports

A. Planning Commissioners

B. Community Development Director

C. City Manager

8. Adjournment

CITY OF SAN JUAN BAUTISTA

PLANNING COMMISSION

STAFF REPORT

DATE: February 6, 2018

SUBJECT: Informal Review of Midnight Express Application

Description:

The City of San Juan Bautista is processing an application to construct an agricultural transfer warehouse station on Old San Juan Hollister. The subject property is zoned Industrial and is 18.08 acres. The proposal would include a 14,560 sq. ft. warehouse and have up to 5 small trucks providing deliveries throughout the day, 4 larger trucks to distribute the product, and 5 employees. Anticipated operation hours are 9 a.m. to 10 p.m.

The application includes a request for Major Project Design Review and Conditional Use Permit. This agenda item is for initial informal review of the proposal. The project will be scheduled for a formal public hearing once it is complete.

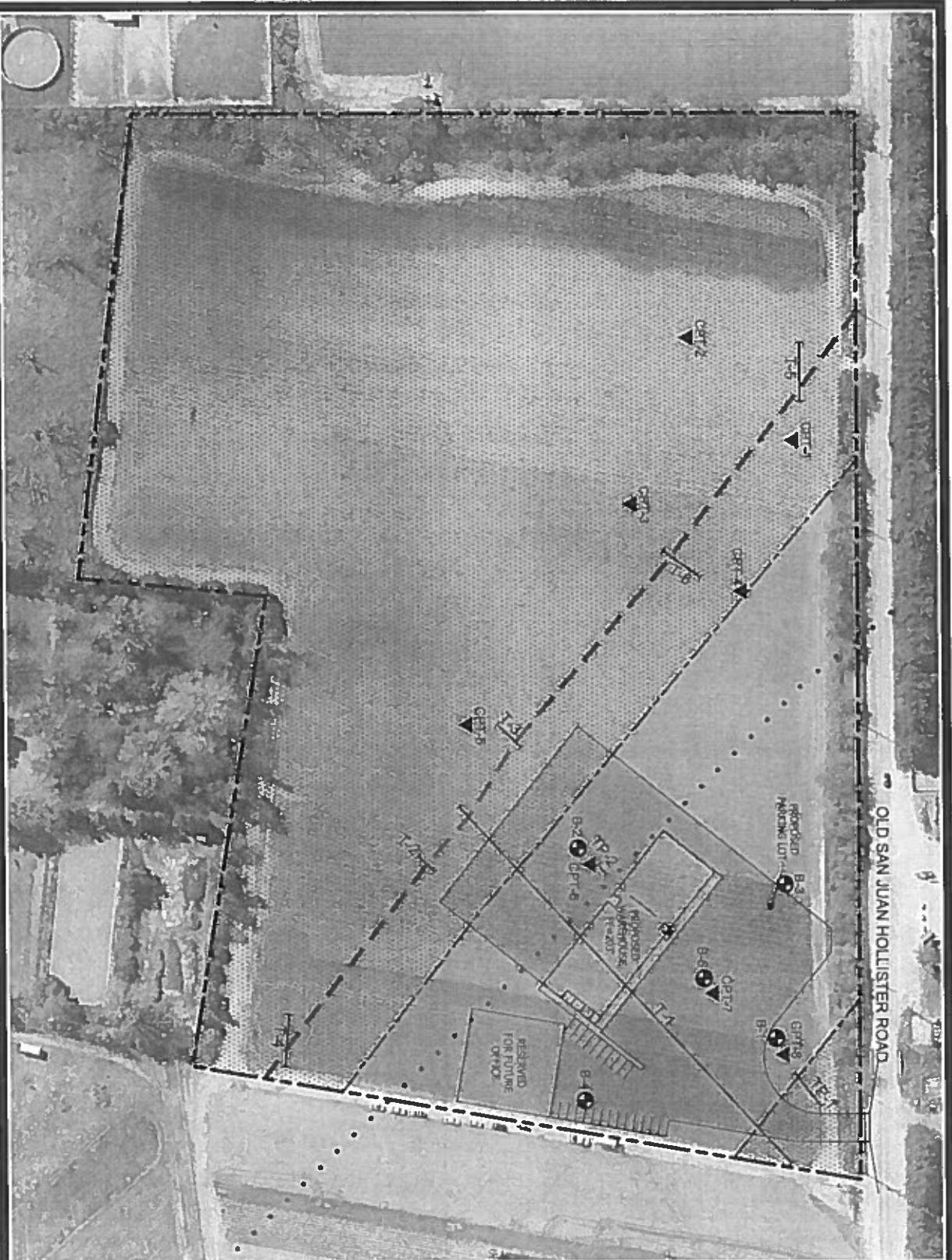
Attachments:

Exhibit A Vicinity Map

BASE: PORTION OF U S G S 7.5 MINUTE TOPOGRAPHIC QUADRANGLE, SAN JUAN
BAUTISTA, CALIFORNIA, AT A SCALE OF 1:24,000

Exhibit A

BASE: GOOGLE EARTH AERIAL



EXPLANATION

- APPROXIMATE PROPERTY BOUNDARY
- APPROXIMATE FAULT TRACE
- [Hatched Box] BUILDING EXCLUSION ZONE
- B-5 BORING LOCATION
- ▼ CPT-8 CPT LOCATION
- ▲ T-P-2 TEST PIT LOCATION
- T-6 TRENCH LOCATION

SITE PLAN

MIDNIGHT EXPRESS
 OLD SAN JUAN HOLLISTER ROAD
 SAN JUAN BAUTISTA, CALIFORNIA
 FOR
 MIDNIGHT EXPRESS

Barlogar Stevens & Associates
 SOIL ENGINEERS • ENGINEERING GEOLOGISTS



Imagery ©2017 Google, Map data ©2017 Google 100 ft

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK IN THE CITY OF SAN JUAN BAUTISTA AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED PLANNING COMMISSION AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 31ST DAY OF JANUARY 2018, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 31ST DAY OF JANUARY 2018.



TRISH PAETZ, DEPUTY CITY CLERK

CITY OF SAN JUAN BAUTISTA
PLANNING COMMISSION REGULAR MEETING
AUGUST 1, 2017
DRAFT MINUTES

1. CALL TO ORDER – Chairman Hopper called the meeting to order at 6:00 p.m.

B. ROLL CALL

Present:	Commissioners Hopper, Boyd and Moore
Absent:	Commissioners Franco and Freels (excused)
Staff Present:	Community Development Director Orbach, City Attorney Mall and Administrative Services Manager Paetz

Chairman Hopper moved to begin the meeting with Discussion Item 6C, Proposed Motor & Technology Center of Excellence, as there are many members of the public present that want to address the item.

Discussion Item 6C. Proposed Motor & Technology Center of Excellence

Community Development Director Orbach provided a report stating he recently received a packet of information from the County of San Benito Resource Management Agency, Planning and Building Inspection Services Department regarding a "Motor & Technology Center of Excellence" project that is being proposed just outside of the City of San Juan Bautista and includes one parcel in the city. The project would involve the development of 550 acres into a "Formula One Raceway with accommodating luxury features and home sites."

City Attorney Mall advised Commissioners not to make any "yes/no" comments in the event an application is submitted.

During public comment Jim Ostick spoke against the project. Strategic Plan Committee representative Jolene Cosio spoke against the project. Mike Swearinger opposed the project. Amy Covington opposed the project. Mandisa Snodey opposed the project. Richard Larios spoke against the project. Emily Renzel read her letter of opposition to the project. Bill Lipo spoke in support of the project. Maria Madrigal spoke against the project. Supervisor Anthony Botelho spoke against the project. Elia Salinas spoke in support of the project and advised Commissioners to keep an open mind. Kevin Oxen spoke in support of the project. Shirley Trebino spoke against the project. Mirijana Tomas spoke against the project. Jackie Morris spoke against the project. Priscilla Ribeiro spoke against the project.

Chairman Hopper closed the public discussion and stated he would respond to the County agency's letter, voicing the public's concerns. Commissioner Moore commented,

a project like this could potentially support a police department in the City. Commissioner Boyd commented, the project's carbon footprint does not lend to a Model Green City or other aspects of the City's General Plan.

A motion was made by Commissioner Moore and second by Commissioner Boyd to direct the chairman to put together a letter to the developer, the San Benito County Board of Supervisors, LAFCo and all applicable agencies, stating the public's concerns with the project. The motion passed 3-0-0-1, with Commissioners Franco and Freels absent.

Whereupon, the Chairman closed the meeting and opened the Historic Resources Board meeting at 7:03 p.m.

The Planning Commission meeting reconvened at 8:10 p.m.

2. PUBLIC COMMENT

Heidi Balz asked the Commission to discuss traffic and the need for crosswalks on Monterey Street.

3. INFORMAL PROJECT REVIEW

A. Proposed Development on Lausen Drive – Applicants: Mark and Jeanette Graybill

Mark Graybill proposal the building of two residences on the Nyland property. During public comment Jolene Cosio spoke in support of the project. Community Development Director Orbach reported there are unstable slopes at the location, and no water or sewer services extend to the property. Commissioners spoke in support of the project.

4. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

A motion was made by Commissioner Boyd and seconded by Commissioner Moore to approve all items on the consent agenda. The motion passed 3-0-0-2 with Commissioners Franco and Freels absent.

5. PUBLIC HEARING ITEMS

A. Consider a Conditional Use Permit for a Medical Clinic in the Historic District at 301 Third Street (APN 002-170-005). Applicant: Mandisa Snodey

i. Consider Resolution 2017-XX Making a Determination for a Categorical Exemption for a Conditional Use Permit for a Medical Clinic Under Section 15332 of CEQA

ii. Consider Resolution 2017-21 for a Conditional Use Permit for a Medical Clinic at 301 Third Street

Community Development Director Orbach reported the Historic Resources Board recommends disapproving a conditional use permit for a medical clinic at 301 Third Street.

Regular Planning Commission Meeting – August 1, 2017

Chairman Hopper opened the public hearing. No comments were received. Chairman Hopper closed the public hearing.

A motion was made by Chairman Hopper and seconded by Commissioner Moore to uphold the Historic Resources Board's recommendation that this is not a necessary use, that the use does not conform with the surrounding area in the Historic District, that there are concerns with the large number of children visiting the area, and approve Resolution 2017-21, disapproving a conditional use permit for a medical clinic at 301 Third street. The motion passed 3-0-0-2 with Commissioners Franco and Freels absent.

B. Consider Conditional Use Permit for On-Site Alcohol Sales at 106 Third Street. The applicant is Sean Fitzharris

The Historic Resources Board recommend approval of a conditional use permit at 106 Third Street. Chairman Hopper opened the public hearing. Elia Sanchez was concerned with yet another ABC license in the City. Pat Garratt stated, this is a tasting room, not a hangout.

i. Consider Resolution 2017-22 Making a Determination for a Categorical Exemption for a Conditional Use Permit for On-Site Alcohol Sales at 106 Third Street Under Section 15332 of CEQA

A motion was made by Vice Chairperson Boyd and seconded by Commissioner Moore to approve Resolution 2017-22, making a determination for a categorical exemption for a conditional use permit for on-site alcohol sales at 106 Third Street under Section 15332 of CEQA. The motion passed 3-0-0-2 with Commissioners Franco and Freels absent.

ii. Adopt Resolution 2017-23 Approving a Conditional Use Permit for On-Site Alcohol Sales at 106 Third Street

A motion was made by Chairman Hopper and seconded by Commissioner Boyd to approve Resolution 2017-23 approving a conditional use permit for on-site alcohol sales at 106 Third Street. The motion passed 3-0-0-2 with Commissioners Franco and Freels absent.

C. Consider a Site and Design Review Permit for a Monument Sign located between Nyland Road, The Alameda, and SR 156. Applicant: San Juan Committee.
This item was continued to the next regular meeting.

6. DISCUSSION ITEMS

A. Agenda Items for Next Joint Meeting with City of Hollister and San Benito County Planning Commissions

Chairman Hopper provided Community Development Director Orbach with a list of items to be discussed at a proposed joint meeting with San Benito County. There was discussion about the location for the meeting. Chairman Hopper suggested the meeting be informal.

B. Mobile Food Vending Regulation

There was discussion but no direction was given to staff.

C. Proposed Motor & Technology Center of Excellence

This item was discussed early in the meeting.

7. Comments and Reports

A. Planning Commissioners

There were no comments received.

B. Community Development Director

There were no comments received.

C. City Manager

There were no comments received.

8. ADJOURNMENT

The meeting adjourned at 8:58 p.m.

CITY OF SAN JUAN BAUTISTA

HISTORIC RESOURCES BOARD

STAFF REPORT

DATE: February 6, 2018

SUBJECT: Review of City Signs

Background:

On December 5, 2017 City staff presented exhibits of two municipal signs that had recently been installed, one at the City Hall building and one at the Public Works corporation yard. The signs were hand-made by Public Works staff and there was concern that they did not appear professional. Neither sign was reviewed or approved by City management. Public agency signs do not require "sign permits", but they would certainly require City Manager approval at a minimum.

Analysis:

The City Hall and Public Works Department's identification signs were reviewed by the Planning Commission on December 5, 2017. Photographs of the two signs are attached. The matter was continued because the Commission was concerned that City staff were not following its own rules. It was presented by the contract City Planner that public agency signs did not require Planning Commission approval that they were being presented as an informational item because they did not receive even administrative approval before being installed:

Chapter 11-10-120 Community public interest signs.

(A) Public Interest Signs. On-site and off-site directional signs may be permitted in any zoning district to advertise, identify or direct persons to public and quasi-public areas, centers, institutions and other such areas that are points of general public interest.

They do have to comply with Chapter 7 of the San Juan Bautista Design Guidelines, which is the signage Chapter (attached). Though one could say they do comply with these design standards, staff's primary concern was that they did not go through an internal review process, and the relative quality of the signs, particularly the fonts. These sign fonts do somewhat match the City's street signs but are not what one would expect on a public building. The Luck Memorial Library for example is of better quality.

The Design Guidelines encourage hand-crafted signs that match the individual building and the nature and quality of the San Juan Bautista Historic District. And while they do not address the professionalism of the sign construction, the examples included are of high quality.

However, there is also the Historic Resources ordinance that encompasses the Historic District, which stretches from the Mission of San Juan Bautista to Fourth Street and from San Jose Street down to Pearce Lane. A map is posted on the City's website. This ordinance includes the attached statement:

"Major alteration" refers to any maintenance, rehabilitation, or repair work that alters the exterior appearance of an existing building or structure, including building additions, removal or demolition of and/or additions of significant features to the building or site, relocation, disturbance, etc., alter, diminish, demolish, remove (except for the purposes of replacing like for like materials), relocate, modify, excavate, construct new, reconstruct, remodel, restore, or rehabilitate the resource, site, and immediate surroundings, including appurtenances attached to, contiguous with, or otherwise related to the resource, including but not limited to landscape, setbacks, distinguishing aspects, roof attributes, overlays, moldings, light fixtures, doors, windows, paint or other coating, siding, fencing, walls, signs, monuments, and sculptures; or alter, modify, or rehabilitate the interior of a resource that is accessible to or has historically been made available to the public, including but not limited to areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies, shopping malls, stores, or other similar spaces.

There is a definition of a Minor Alteration, but there is almost nothing that would meet that definition so reading literally, these signs (and painting a building, etc.) would require the Historic Resources Board approval even though they don't require a sign permit. Taking these applications to the Board will result in a processing fee (public signs are exempt from a sign permit). Signs that do require a permit would need to go to both the Historic Resources Board and the Planning Commission.

Recommendation:

Review the attached sign application design and then either allow the signs to remain – they may have a roughly 20-year lifespan – or direct them to be removed and it would then be a budgetary decision whether or not to install more professionally constructed signs like the Luck Memorial Library signs, which are still very compatible with San Juan Bautista signs.

Further, staff recommends bringing the Historic Resources ordinance back to the Historic Resources Board, and then Planning Commission, to re-evaluate it. Requiring paint and signs that do not require permits should be a staff-level review function.

Attachments:

- Exhibit A: City Hall Sign
- Exhibit B: Public Works Sign
- Exhibit C: Luck Memorial Library Sign
- Exhibit D: Chapter 7 – Design Guidelines



Exhibit A

CITY OF HISTORY
311
SECOND ST.

CITY HALL
SAN JUAN BAUTISTA





Exhibit B

MAA
EST.
1797

**PUBLIC WORKS
DEPARTMENT**

811

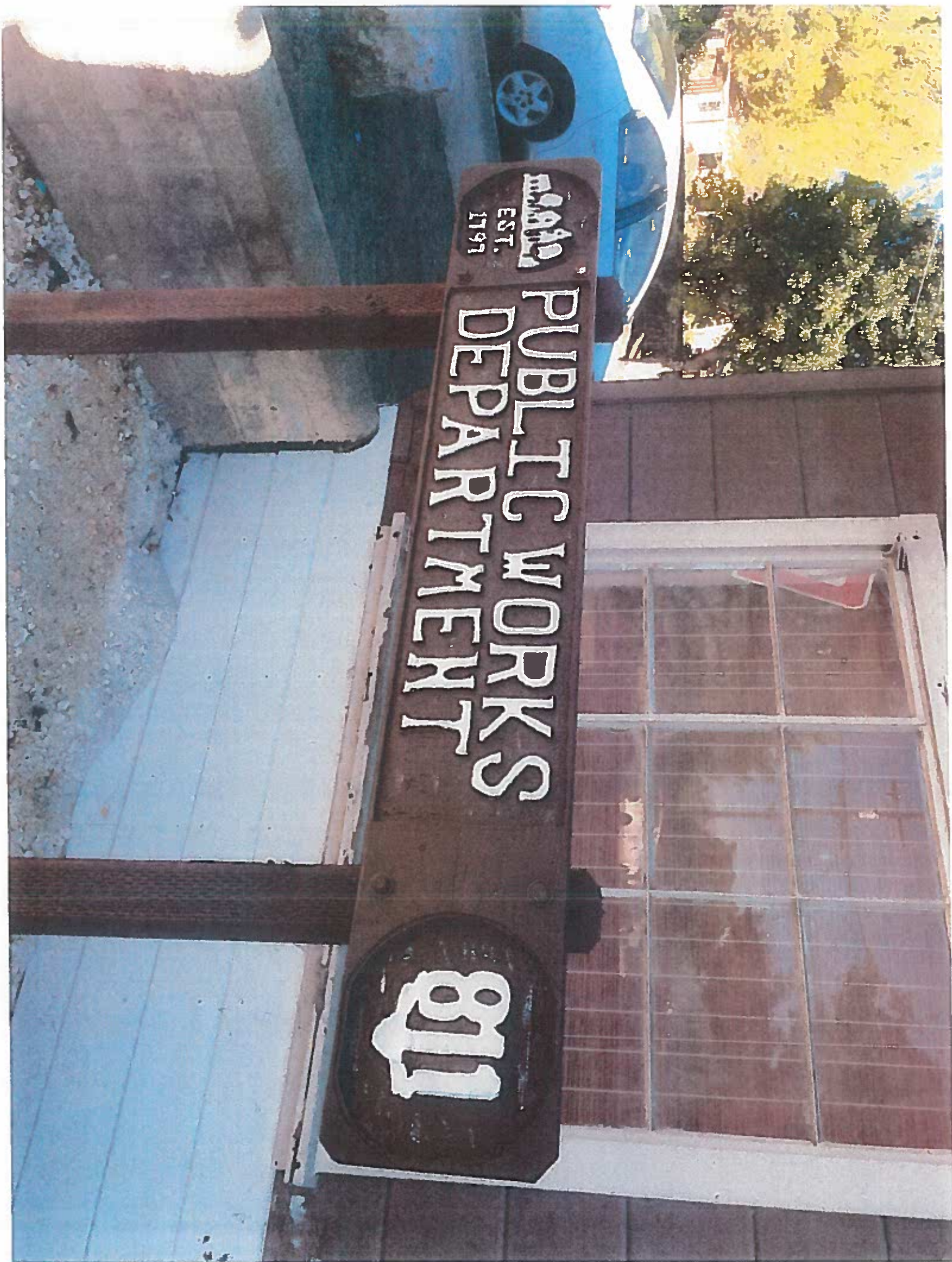
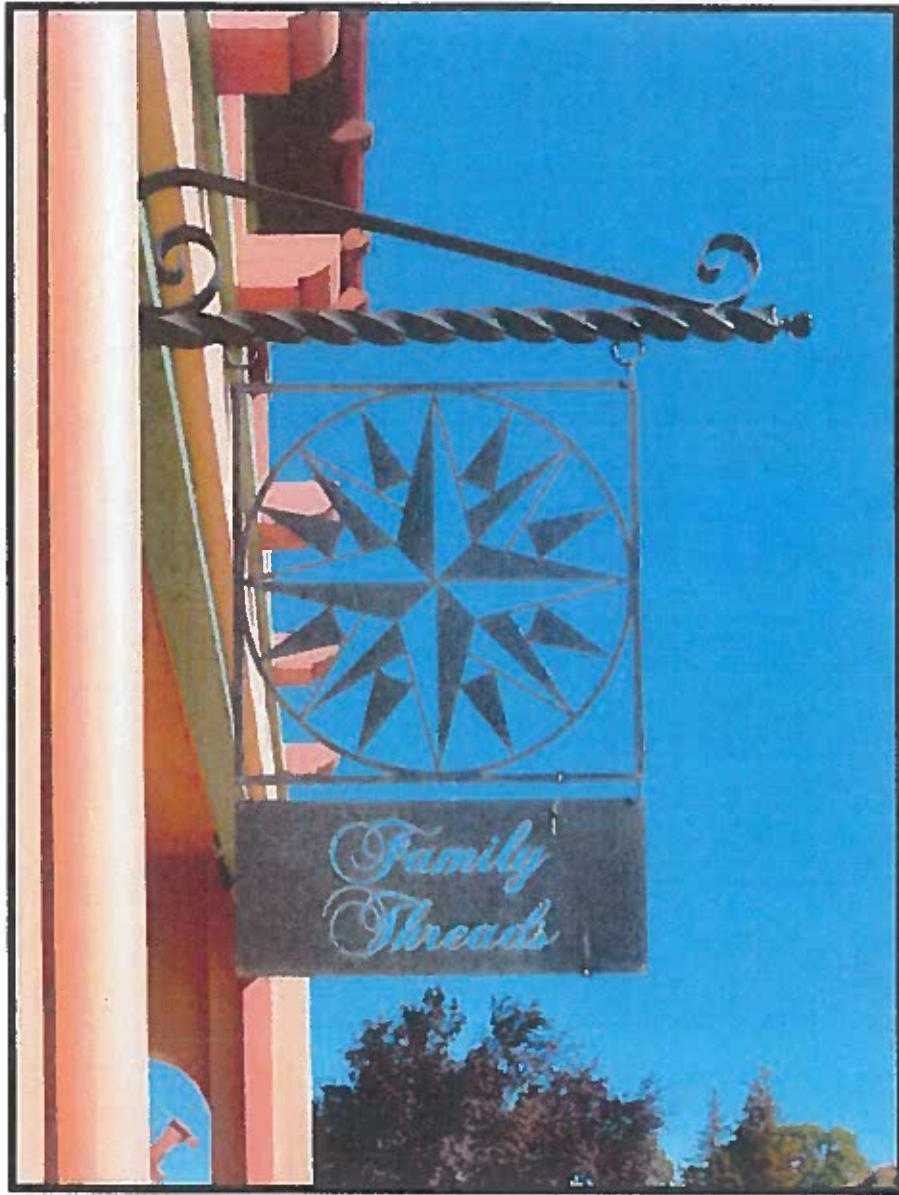




Exhibit C

Chapter 7: Signage



7.0 Sign Guidelines

Introduction

The San Juan Bautista Sign Guidelines serve as a visual design reference and guide that reflects the San Juan Bautista Sign Code. These guidelines are intended to help communicate the City's design goals to the Historic Resources Board, Planning Commission, Planning staff and the public. These guidelines serve as a general reference to determine sign size, location, and design. Specific details are located within the Sign Code. All signs must go through the City's application and approval process. Visual representations of what signs are permitted are supplied as examples in this document.

Purpose

The San Juan Bautista Sign Code offers the following goals to be achieved when determining the design of signs:

- To reflect the intent of the City's *General Plan* and *Design Guidelines* with emphasis on pedestrian orientation.
- To provide for the health, welfare and safety of the public.
- To maintain a high quality of preservation.
- To support the *Dark Sky Ordinance*.
- To preserve and enhance the cultural and historic aesthetics and ambiance associated with San Juan Bautista, *City of History*.

7.1 Guidelines-General

Design

- Signs should be designed at the same relative scale as that of the building in order to contribute to the pedestrian scale of San Juan Bautista.
- Signs should be designed with the pedestrian in mind in terms of sign placement and legibility.
- Signs that appear to be hand crafted are highly desirable. Hand painted and hand carved signs that contribute to the overall small town rural feel of San Juan Bautista are encouraged.
- Signs should be coordinated with the architectural style and maintain integrity of the building and not obstruct any of the building's character defining features.
- Signs should be compatible in design with other existing and approved signs in the area.
- Pole signs are discouraged and should only be used when the character of the area or physical characteristics of the site support their use.

Image 7-1 Hand Carved Sign



7.2 Location

- Locations of signs should be logical in relationship to the building's main store front or entry.
- The placement of signs should avoid obstructing any of the building's architectural features .



Image 7-2 Sign Location Example

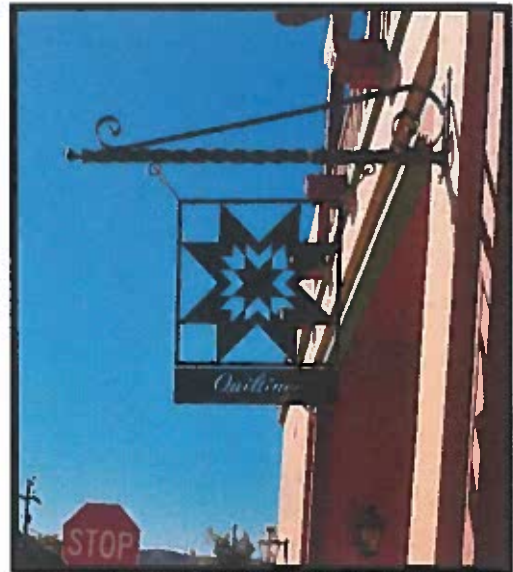


Image 7-3 Sign Location Example

Color & Materials

- Sign color should complement or accentuate the color of the building.
- Signs should not only use colors in an attractive manner to catch attention, but also to convey a message. Too many colors can lead to confusion while not enough color might not be eye-catching or of visual interest.
- Sign color should also be chosen with legibility in mind; contrast is desirable between the sign and its surrounding material to be both legible and eye-catching to the pedestrian.
- Signs that appear to be hand crafted, painted and carved are highly desirable. Materials that are high quality and durable are preferred.

Sign Legibility

- Limit number and lettering styles to reduce confusion and increase legibility. A general rule is no more than two font styles for a small sign and no more than three for larger signs.
- Intricate fonts should be avoided as they can sometime be difficult to read.
- Brief and succinct messages are most effective.
- Letters and words should not be spaced too close together or too far apart.
- Symbols and logos are encouraged.

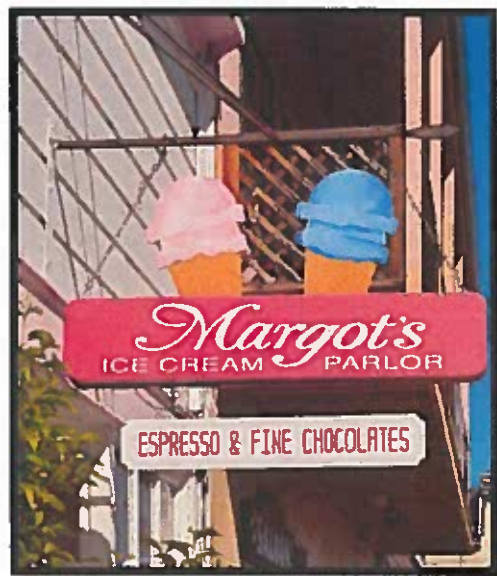


Image 7-4 Sign Color Example



Image 7-5 Sign Legibility Example

Size Chart – Figure 7.1

Sizes of the signs are related to type and should follow the regulations listed in the San Juan Bautista Sign Code. Refer to attached chart for quick reference.

type	maximum square footage	maximum height	other
Residential			
sign for identification of non-residential use	2 sf		
name plate	1 sf		
Commercial and Mixed Use			
sign affixed to structure			
<i>interior lots</i>	One-fourth square foot of sign for each foot of street frontage of the site		
<i>corner lots</i>	The area of the sign for a corner lot shall be one-quarter square foot of each foot of width of the street frontage elevation of the building plus one-quarter square foot for each length of side elevation of the building.		
<i>multiple businesses in one building</i>	combined 40 sf		
	individual 8 sf		
<i>for motel and hotel</i>	16 sf		
on-site directional signs	3 sf	5 ft	
bulletin boards	20 sf	10 ft	

<i>real estate signs</i>	24 sf		non illuminated
Industrial Zoning Districts			
identification signs	6 sf		
identification signs on the site of public building	12 sf		
on site directional signs	3 sf		
multiple buildings on single site	Comprehensive Sign Program is required.		
Temporary Signs			
temporary Construction signs	15 sf		
campaign sign	32 sf In & 6 sf C ,MU		
<i>industrial</i>	32 sf		
<i>commercial and residential</i>	6 sf		
Grand Opening /Closing and other Special Event Signs	26 sf		
Special Event Signs	10 sf		
real estate signs	24 sf	4 ft	non illuminated

Chart 7.1 Sign Size Chart

Maximum Sign Area

- As a general rule, signs in the Commercial and Mixed Use areas should be pedestrian oriented and pedestrian scaled. Sign size should relate to the sign's legibility.

7.3 Types of Signs

7.3.1 Illuminated Window Signs

- An illuminated sign is defined as any sign that requires some type of lighting element for enhancing or increasing the visibility.

The San Juan Bautista Sign Code states that businesses shall be allowed one lighted window sign (during business hours) of their choice without a permit and as noted below:

A lighted sign can be placed inside of the business building (inside shall be defined as within 12 inches of the actual window glass or exterior wall opening visible from the outside) but may not exceed a maximum of 216 square inches. (SJBMC 11.10.020)

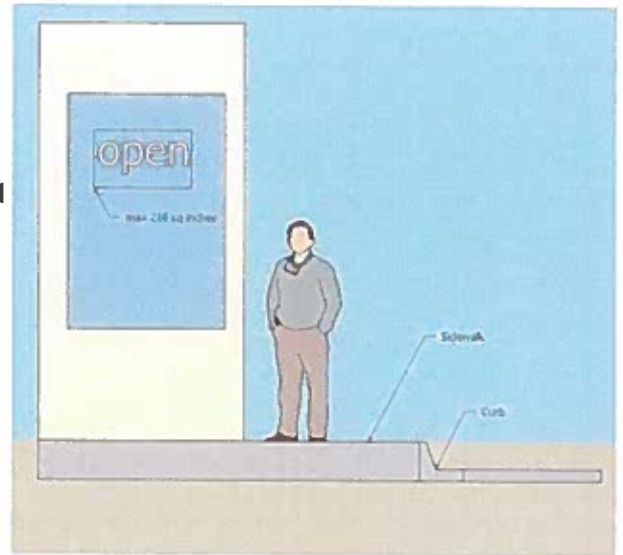


Diagram 7.1 – Illuminated Window Sign

Guidelines for illuminated window signs are:

- Illuminated window signs must comply with the lighting levels as outlined in the *Dark Sky Ordinance*.
- An illuminated Window sign may not flash, move or simulate movement.
- Sign illumination should not produce unsafe conditions to either pedestrians or vehicles.
- **Examples:**

Image 7-6 Illuminated Window Example



Image 7-7 illuminated Window Example



7.3.2 A-Frame Signs

- An A-frame sign is a temporary sign which is positioned on a sidewalk area and is hinged at the top with support legs spread to form a triangular arrangement.

The San Juan Bautista Sign Code states that a portable A-frame signs are prohibited unless located *entirely* on private property and within 15 feet of a public entrance to the associated business.

An A-frame sign should not interfere with pedestrian ingress or egress as required by the Building or Fire Code.

If Sign meets the above criteria, then the guidelines for being issued a permit for A-Frame Signs are:

- An A-frame sign should not be too large in scale in relationship to the store front.
- An A-frame sign should not be more than four (4') feet in height or 2.5' in width.
- A-frame sign usually convey messages related to promotions and specials. Signs should have structural integrity and be durable.
- A-Frame signs that are made out of wood, hand carved or painted are encouraged.
- A-frame signs should only be displayed during business hours.
- One sign per store front is allowed.

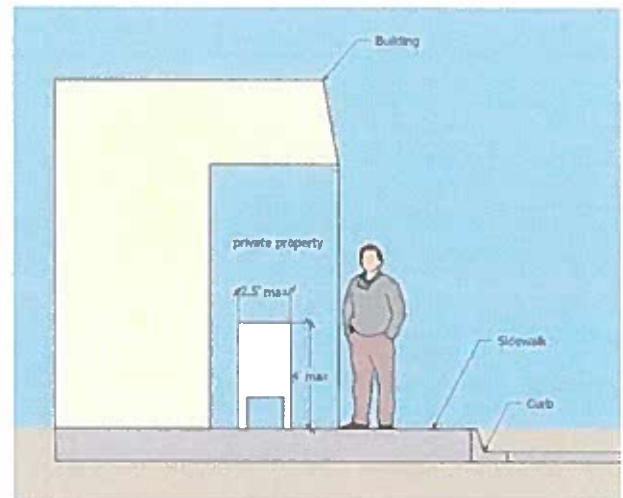


Diagram 7.2 A- Frame Signs



Image 7-8 A- Frame Sign Example



Image 7-9 A- Frame Sign Example

7.3.3 Awning Signs

- An awning sign is a hanging sign suspended from the structural supports of the awning cover and conforms to the height clearance and size allowed in the category applied for.

Awning signs are generally **not** part of the preferred sign types of San Juan Bautista and are allowed only if there are no alternatives for free standing, hanging, or wall signs.

Guidelines for Awning Signs are as follows:

- **Only one** awning sign per storefront is allowed.
- An awning sign should not exceed 20 square feet in area and abide by size requirements given in the Sign Code.
- An awning sign should not be located more than 14 feet above grade.
- The bottom of the awning should maintain a minimum clearance of 7'-6" above the walkway.
- An awning sign should be integrated to the awning's fabric; no board or vinyl-type banner signs attached to the awning will be allowed.

Diagram 7-3 Awning Signs

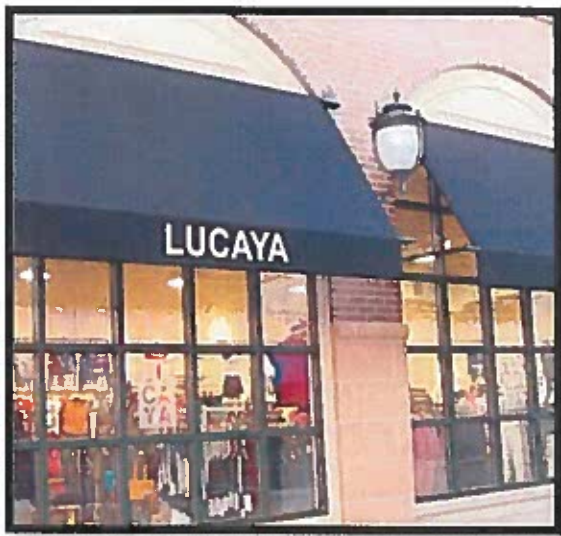
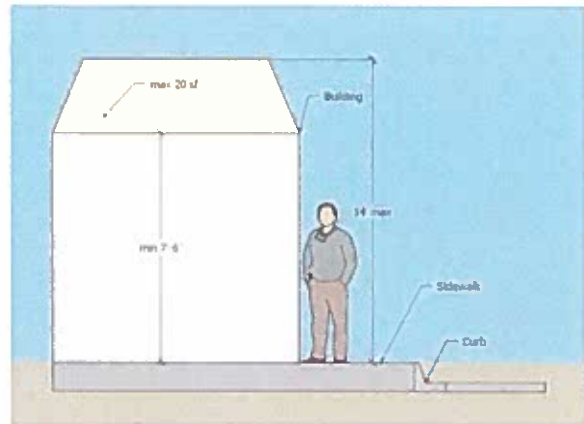


Image 7-10 Awning Sign Example



Image 7-11 Awning Sign Example

7.3.4 Directory Signs (Comprehensive Sign Program)

Directory signs are signs usually in complexes with multiple businesses that identify the businesses with their locations.

Guidelines for Directory Signs are:

- The maximum area of a directory sign should not exceed 6 square feet.
- Directory signs can also include a small map of the building or complex if necessary.
- A directory sign should be placed in a location that is logical and easy to find.

Example:

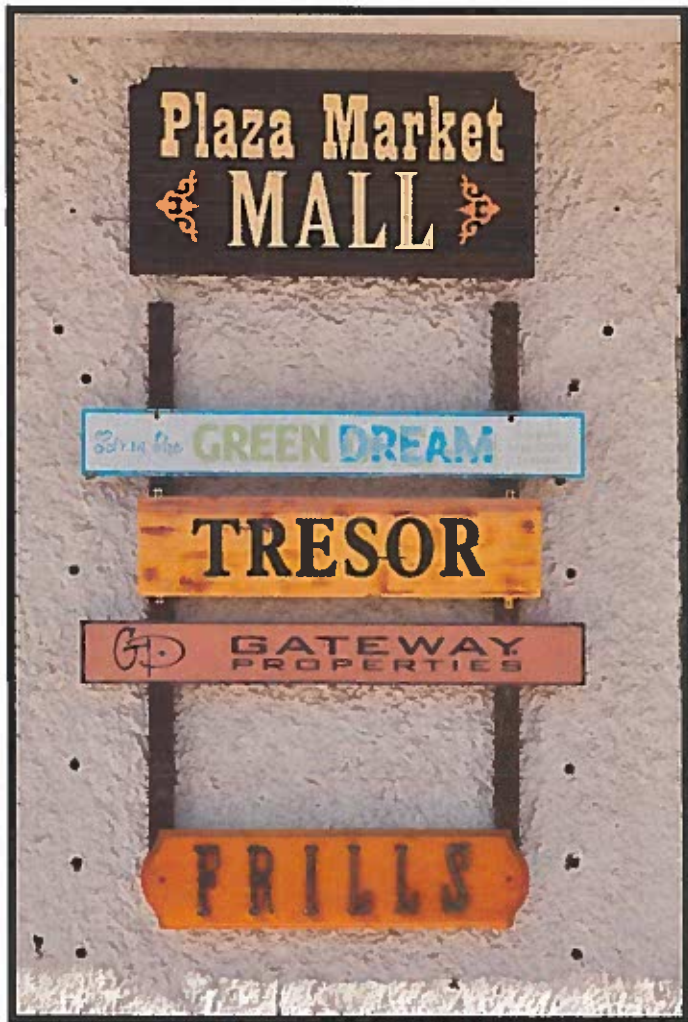


Image 7-12 Comprehensive Sign Example

7.3.5 Freestanding Signs

A freestanding sign is a sign standing alone or on its own foundation, free of support or attachment to a building, structure, post, or pole.

Guidelines for Freestanding Signs are:

- For sizing of freestanding signs, please refer to the San Juan Bautista Sign Code.
- Freestanding signs should only be installed on lots that have front yard setbacks.
- Freestanding signs should respect the architectural style of adjacent buildings.
- Freestanding signs should be scaled to the pedestrian level.
- The use of decorative iron on the freestanding sign is encouraged.
- Incorporating landscaping at the base of a freestanding sign is encouraged.
- Freestanding signs can be indirectly illuminated but must not use neon or flashing movements. Lighting level must also comply with the *Dark Sky Ordinance*.
- Freestanding signs may not **flash, move or simulate movement**.
- Freestanding advertising and billboards signs are prohibited.

Examples:



Image 7-13 Freestanding Sign Example



Image 7-14 Freestanding Sign Example

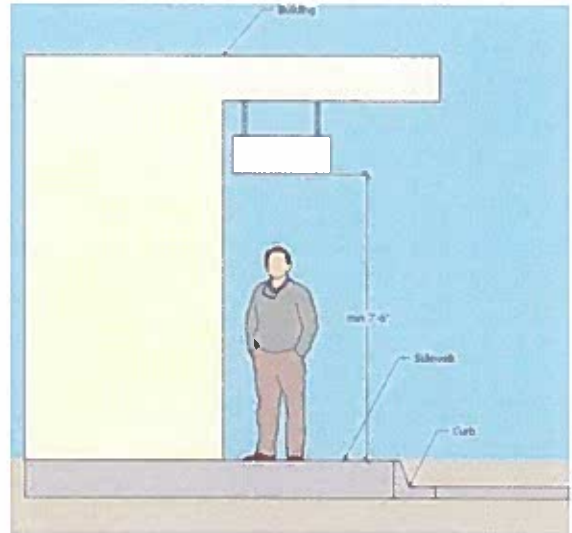
7.3.6 Hanging Signs

A hanging sign is any sign hanging from an awning, covered roof, building roof overhang or structural projecting frame over a sidewalk area.

Guidelines for Hanging Signs are:

- Hanging signs are generally appropriate where an overhang or covered walkway exists.
- Hanging signs should be located with pedestrians in mind.
- The bottom of the hanging sign must maintain a clearance of at least 7' 6" feet above the walkway.
- Hanging signs should not be located more than 10 feet above grade.
- The size of a hanging sign should be proportionate to the scale of the building.

Diagram 7-4 Hanging Signs



Examples:



Image 7-15 Hanging Sign Example



7.3.7 Projecting Signs

- A sign that is attached to a frame, secured to a building or structure, which projects over the sidewalk area by a frame and is perpendicular to the pedestrian foot traffic.

Diagram 7-5 Projecting Signs

Guidelines for Projecting Signs are:

- Multiple projecting signs on the same or contiguous properties should not be installed within 8 feet of each other.
- Projecting signs should be designed to complement the architectural style of the building.
- Projecting signs should not obstruct any door, window, fire escape or other emergency exit.
- Projecting signs are encouraged in high pedestrian areas.
- Projecting signs should be placed close to the store's main entrance.
- Projecting signs should be located at ground level unless the building contains a second level with offices or storefronts.
- The sign must maintain a ground level minimum clearance of 7' feet, 6" inches.
- The sign should be placed at a 90 degree angle and at least 6 inches away from the wall.
- Decorative iron brackets are encouraged; wood brackets may also be appropriate. Bracket design should complement the shape of the sign.
- Projecting signs should be placed at a height consistent with adjacent buildings.

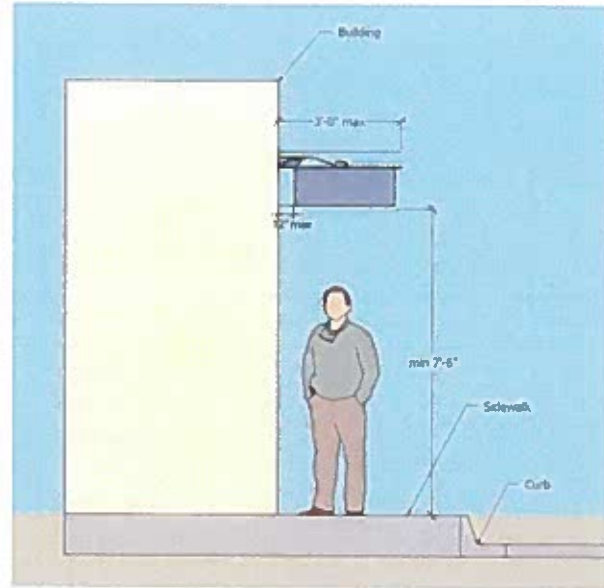


Image 7-17 Projecting Sign Example



Image 7-18 Projecting Sign Example

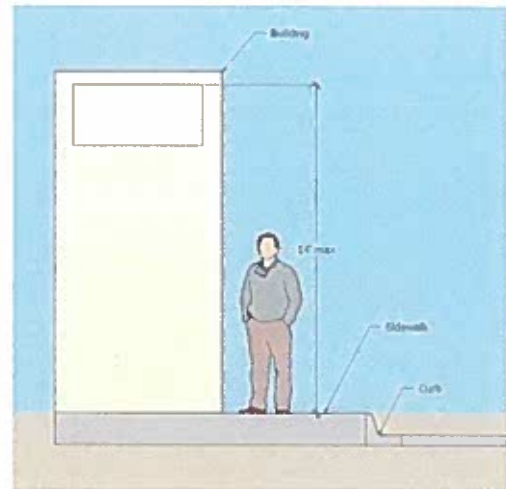
7.3.8 Wall Signs

- A wall sign is a sign that is mounted or permanently adhered to a flat wall surface of the building.

Guidelines for wall signs are:

- Wall signs should abide by sizes defined in the Sign Code.
- Wall signs should not be installed more than 14 feet above grade.
- Wall signs should be scaled in relationship to the building's scale.
- Wall signs should respect the architectural style of the building.
- Wall signs should not obstruct any door, window, fire escape or other emergency exit.
- Wall signs should be located in close proximity to the public entrance of the storefront and where architectural features of the building allow.
- Wall signs painted directly on a structure may be encouraged as "Ghost signs" on new construction.

Diagram 7-6 Wall Signs



Examples:

Image 7-19 Wall Sign Example



Image 7-20 Wall Sign Example

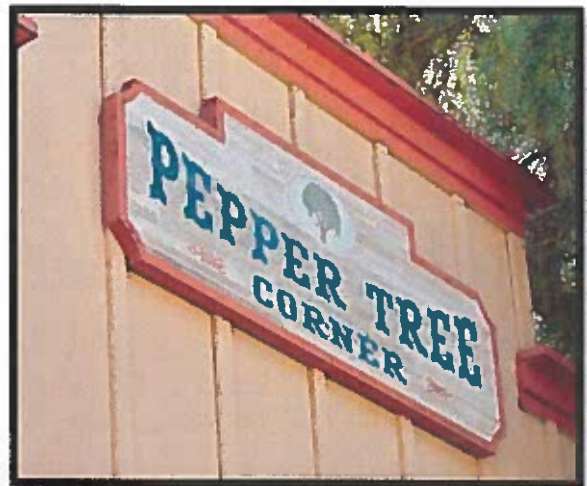


Image 7-21 Wall Sign Example

7.3.9 Window Signs

A window sign is a sign that is mounted for display in a window, and intended to be viewed from the outside. See Sign Code for specifics related to Illuminated and Non-Illuminated Window Signs.

Guidelines for Window Signs are:

- A window sign should be no larger than 50 percent of the window area.
- A window sign should respect and complement the existing colors of the building.
- Window signage should be appropriately scaled and be located at pedestrian level.

Examples:

Image 7-22 Window Sign Example

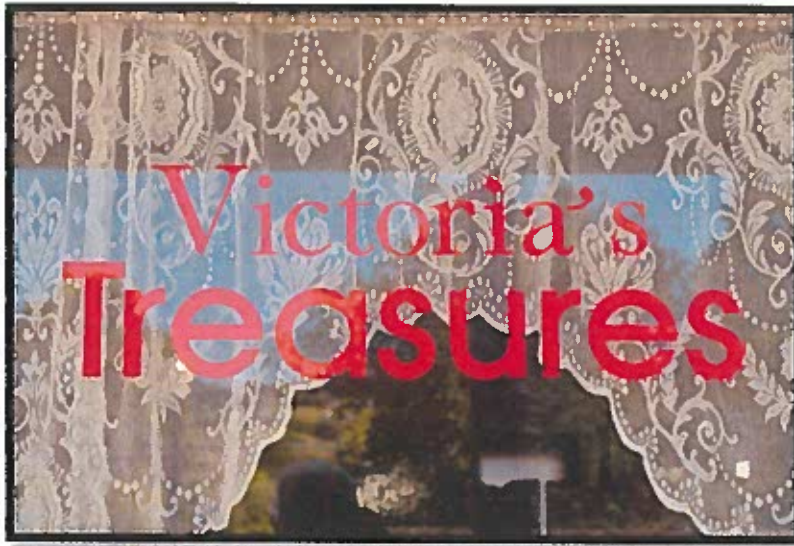


Image 7-23 Window Sign Example

7.3.10 Temporary Signs

Temporary signs include both grand opening and other special event signs.

The San Juan Bautista Sign Code states Grand Opening /Closing should not exceed twenty square feet in area and not exceed fifty percent of the total window area may be permitted to announce the commencement of a new business establishment or its closing. Such signs shall not be displayed for more than 30 days in one year and shall not exceed a cumulative display time of 30 days.

The San Juan Bautista Sign Code states Special Event Signs shall not exceed ten square feet and may be displayed for no more than 30 days prior to the event. Such signs must be removed within two days after the event. Two special event signs may be allowed on a business establishment in any 12 month period, with at least three months between the removal of the previous and the posting of the new sign.

For more detailed information about temporary signs, please refer to the San Juan Bautista Sign Code.

7.3.11 Prohibited Signs

The following signs are prohibited in the San Juan Bautista Sign Code 11.10.100

- A-frame signs located on public property.
- A-frame signs on private property that interfere with pedestrian ingress or egress as required by the Building or Fire Code.
- More than one Internally-illuminated sign window sign.
- Neon signs, florescent or phosphorescent colors, flashing signs, and LED (light emitting diode) signs (with the exception of signs included in the Sign Code 11.10.020).
- Animated, moving (or simulating movement) signs.
- Any sign affixed to any vehicle or trailer unless the vehicle or trailer is intended to be used in its normal business capacity and not for the primary purpose of advertising a use or event or attracting persons to a place of business.
- Signs or sign structures that resemble or conflict with traffic control signs or devices, whether by color, wording, or location.
- Signs that create a safety hazard by obstructing the clear view or safe movement of vehicular or pedestrian traffic.
- Signs that obstruct any door, window, fire escape or other emergency exit.

- Signs on public property except those authorized by the City.
- Freestanding outdoor advertising signs or billboards.
- Posters, placards, announcements, advertising and similar signs attached to any fence, pole, wall, bus stop, bench, or any other object in or upon a public right-of-way, with the exception of notices posted by a public officer in the performance of a public duty, any person for the purpose of giving legal notice, warning or informational signs required or authorized by governmental regulations.

PLANNING COMMISSION STAFF REPORT

DATE: January 29, 2018

SUBJECT: CANNABIS BUSINESS ORDINANCE

RECOMMENDED ACTION:

Provide feedback on direction of this ordinance specific to zoning.

BACKGROUND:

In August of 2017, the City Council gave staff direction to pursue a Cannabis Business Ordinance and explore the development of regulatory framework for a cannabis business ordinance to regulate the industry at the local level. The City Council hired an independent consultant to work with the ad-hoc committee consisting of Councilmember Martorana and Councilmember DeVries.

The committee along with the consultant worked on a policy over a 3-month span and presented a draft ordinance to the public on December 6th, 2017. The Study Session involved a presentation from the consultant on the draft ordinance with a verbal presentation by the ad-hoc committee members as well. The committee members received feedback from the community on the ordinance.

After carefully reviewing the public comments and comments from Planning Commissioners and Councilmembers, the ad-hoc committee made some amendments to the ordinance. Before you today is the final draft of the ordinance for the review of the Planning Commission.

FISCAL IMPACT:

Revenues to the city have not been determined. The City Council is proposing a cannabis tax to be placed on the November 2018 general election ballot.

NEXT STEPS:

The City Council will take the Planning Commissions feedback regarding the land-use component of this ordinance to their March Meeting. The City Council can then direct staff to bring the ordinance back in April for final adoption.

ORDINANCE NO. XXXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
ADDING CHAPTER "CANNABIS FACILITIES REGULATORY PERMIT" TO
TITLE 5 "PUBLIC HEALTH, SAFETY AND WELFARE" OF THE SAN JUAN
BAUTISTA MUNICIPAL CODE**

WHEREAS,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA DOES ORDAIN AS FOLLOWS:**

Section 1. EVIDENCE

The City Council has considered all of the evidence submitted into the administrative record, which includes, but is not limited to, public comments, both written and oral, received and/or submitted at, or prior to the City Council's consideration of this Ordinance.

**Section 2. ADDING CHAPTER 5.31 "CANNABIS FACILITIES REGULATORY
PERMIT" TO TITLE 5 "PUBLIC HEALTH, SAFETY AND WELFARE" OF THE SAN
JUAN BAUTISTA MUNICIPAL CODE**

Title 5 "PUBLIC HEALTH, SAFETY AND WELFARE" of the San Juan Bautista Municipal Code shall be amended to read in its entirety as follows:

**Chapter 5.31
CANNABIS FACILITIES REGULATORY
PERMIT**

Sections:

- 5.31.010 Purpose and Intent
- 5.31.020 Cannabis Facilities
- 5.31.030 Definitions
- 5.31.040 City Council Review and Approval
- 5.31.050 Regulatory Permit Required
- 5.31.060 Background Check
- 5.31.070 Grounds for Denial
- 5.31.080 Fees and Charges
- 5.31.090 Development Agreement
- 5.31.100 Cessation of Operations

- 5.31.110 Change in Location; Updated Registration Form
- 5.31.120 Renewal or Revocation of Regulatory Permit
- 5.31.130 Limitations on City's Liability
- 5.31.140 Additional Terms and Conditions
- 5.31.150 Signage
- 5.31.160 Cultivation, Dispensary, and Manufacturing Locations
- 5.31.170 Dispensing of Cannabis
- 5.31.180 Delivery of Cannabis
- 5.31.190 Packaging of Cannabis
- 5.31.200 Cannabis Facility Operations
- 5.31.210 Public Health and Safety
- 5.31.220 Records
- 5.31.230 Audit
- 5.31.240 Community Relations
- 5.31.250 Compliance
- 5.31.260 Inspection and Enforcement
- 5.31.270 Appeals
- 5.31.280 Violations
- 5.31.290 Implementation Procedures
- 5.31.300 Cannabis Permit Types

5.31.010 Purpose and Intent.

- A. If cannabis facilities were permitted to be established or if existing business were permitted to act as cannabis facilities without appropriate regulation, such uses might be established in areas that would conflict with the requirements of the General Plan, be inconsistent with surrounding uses, or be detrimental to the public health, safety and welfare, or the operation of such facilities may be in conflict with applicable State law and regulations. The City Council desires to enact reasonable regulations pertaining to recreational and medical cannabis dispensaries, cultivation, testing, distribution and manufacturing facilities to ensure that recreational and medicinal users have regulated access, while at the same time ensuring that such uses do not conflict with the General Plan, are not inconsistent with surrounding uses, and are not detrimental to the public health, safety and welfare, and the operation of such facilities is in compliance with applicable State law and regulations.
- B. Cannabis facilities shall be permitted, upon application and approval of a regulatory permit in accordance with the criteria and procedures set forth in this Code.
- C. The criteria, procedures, standards, requirements, regulations, and provisions set forth in this Code shall be interpreted and applied consistent with all applicable State laws and regulations. To the extent any criteria, procedure, standard, requirement, regulation, or provision of this Code conflicts with or contradicts any applicable State law or regulation, or establishes a criteria, procedure, standard, requirement, or regulation that does not meet the minimum standards of any applicable State law or regulation, the requirements of the applicable State law or regulation shall take precedence.

5.31.020 Cannabis Facilities.

A. A “cannabis facility” is any location in the City where (or from which) cannabis products are cultivated, manufactured, processed, stored, tested, labeled, delivered, distributed, or sold for the purpose of commercial medicinal or recreational sale; however:

1. A cannabis facility shall not include a vehicle (i) originating from a cannabis dispensary licensed or permitted by a jurisdiction outside the City and (ii) engaged in the delivery of cannabis or cannabis products in compliance with the requirements contained in Section 5.31.180.

2. A cannabis facility shall not include a vehicle (i) originating from a cannabis facility permitted under this Chapter and (ii) engaged in the transportation of cannabis products to another cannabis facility permitted under this Chapter or to another cannabis facility licensed or permitted by a jurisdiction outside the City.

B. Cannabis facilities that may be permitted under this Chapter include but not limited to: “cannabis dispensaries”, “cannabis cultivation facilities”, “cannabis manufacturing facilities”, “cannabis testing facilities”, and “cannabis distribution facilities”.

C. A “cannabis dispensary” is a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including non-storefront retail that restricts access to the general public and offers cannabis or cannabis products through delivery.

D. A “cannabis cultivation facility” is a facility where cannabis is planted, grown, harvested, cloned, dried, cured, graded, processed or trimmed (or any combination of those activities).

E. A “cannabis manufacturing facility” is a facility where cannabis products are produced, prepared, propagated, or compounded, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

F. A “cannabis distribution facility” is a facility used to facilitate the procurement, sale, and transport of cannabis or cannabis products between cannabis facilities.

G. A “cannabis testing center” is a facility that offers or performs tests of cannabis or cannabis products.

H. An “applicant” is a person or persons applying for a permit to operate a cannabis facility issued pursuant to this Chapter and includes all of the below:

1. The person seeking a permit to operate a cannabis facility under this Chapter.

2. Any individual (or person) who has ownership interest greater than 10%, financial interest (including a security interest, lien, or encumbrance) in the person seeking to operate a cannabis facility or its operation under this Chapter.

3. Any individual (or person) who has the power to direct, or cause to be directed, the management or control of the person seeking to operate a cannabis facility under this Chapter.

I. A “manager” means any human individual to whom a cannabis facility has delegated discretionary powers to organize, direct, carry on, or control its operations and employed by the business.

J. An” owner” is the legal registered approved applicant defined under this chapter.

5.31.030 Definitions.

Words and phrases not specifically defined in this Code shall have the meaning ascribed to them as defined in the following sources:

- A. The Compassionate Use Act of 1996 (codified as Section 11362.5 of the Health and Safety Code);
- B. The Cannabis Program Act (codified as Sections 11362.7 through 11362.83 of the Health and Safety Code);
- C. The California Attorney General’s Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (August 2008); and
- D. The Medicinal and Adult-Use Cannabis Regulation and Safety Act as enacted by Senate Bill 94 “Trailer Bill”.

5.31.040 City Council Review and Approval.

- A. The issuance and/or renewal of a regulatory permit as required by this Chapter shall be subject to the prior review and approval by the City Council.
- B. In addition to the requirements set forth in this Chapter, as a condition of issuance or renewal of a regulatory permit as required by this Chapter, the City Council may impose such additional terms and conditions on the issuance or renewal of the regulatory permit and the operation of the facility as the City Council deems appropriate.
- C. The development agreement and operations plan required by this Chapter and the design and layout of a cannabis facility authorized under this Chapter, shall be subject to the review and approval of the City Council prior to the issuance or renewal of a regulatory permit under this Chapter.
- D. If the City Manager or designee revokes a regulatory permit as allowed by this Chapter, as soon thereafter as is reasonable under the circumstances, the City Council shall be informed of such revocation and the City Council shall review and approve such

revocation. If the City Council does not approve the revocation, the City Manager or designee shall reinstate such regulatory permit upon such additional terms and conditions as the City Council deems appropriate.

- E. Any permit contemplated or required in herein Chapter, despite provisions in Section 17.02.060 to the contrary, will be entirely within jurisdiction of City Council.

5.31.050 Regulatory Permit Required.

- A. Cannabis facilities are prohibited unless permitted in accordance with this chapter.
- B. It shall be unlawful for any person to operate a cannabis facility without a regulatory permit from the State of California and the City Council or designee under the terms and conditions set forth in this Chapter.
- C. Each regulatory permit shall expire one year from its date of issuance. The date of issuance may be effective upon an applicant obtaining a certificate of occupancy in the event of new construction for a licensee under this Chapter, at the discretion of the City. Renewal of regulatory permits shall be as provided for in Section 5.42.120.
- D. Regulatory permits are not transferrable and any attempt to assign or transfer such permits shall render the permit null and void.
- E. The City may only permit two cannabis retail Type 10 permits at a time. The number of the remaining types of cannabis facilities permitted in the City may be limited or restricted by resolution of the City Council.
- F. If the number of each type of cannabis facility permitted in the City is limited, applications for the required regulatory permit may be submitted during those applications periods as may be designated from time to time by the City Council or designee. Each application submitted and deemed complete by the City during the application period will be evaluated for priority for processing based on certain criteria set forth in a point system approved by the City Council. It is permissible for the point system to provide additional point values to City residents. All applications so evaluated and scored will be ranked from the most to the least points. Applications for any available regulatory permit will be processed based on this ranking. Once all available regulatory permits have been issued, the remaining applicants will be placed on a wait list, ranked from the most to the least points.
- G. The legal representative shall file an application for a regulatory permit with the City Manager or designee upon forms provided by the City and shall pay an "application fee" and a "processing fee" as required by this Chapter and as established by resolution adopted by the City Council as amended from time to time. A separate application shall be made for each type of cannabis facility permit, i.e., dispensary, cultivation, manufacturing, testing, and distributing facility, for each license classification specified in Sections 5.31.030; and for each location at which a cannabis facility will operate. An application for a regulatory permit for each type of

cannabis facility shall include, but shall not be limited to, the following information:

1. The legal name, and any other names, under which the cannabis facility will operate.
2. The address of the location and the on-site telephone number, if known, of the cannabis facility.
3. The following information for each applicant and manager of the cannabis facility:
 - a. Complete legal name and any alias(es), address, and telephone number;
 - b. Date and place of birth;
 - c. Copy of a valid California government issued photo identification card or license;
 - d. A list of all criminal convictions, other than infractions for traffic violations, the jurisdiction of the conviction(s) and, the circumstances thereof;
 - e. One set of fingerprints;
 - f. A detailed explanation of the applicant's or the manager's involvement with any other cannabis facility (including medical or non-medical cannabis facilities located outside of the City), including, but not limited to, the name and address of the cannabis facility; the capacity in which the applicant or the manager is or was involved with the cannabis facility; whether the cannabis facility is or was the subject of any criminal investigation or prosecution, civil investigation, administrative action or civil lawsuit; whether the applicant or the manager or the cannabis facility with which the applicant or the manager is or was associated has ever been denied, or is in the process of being denied registration, a permit, a license or any other authorization required to operate a cannabis facility in any other city, county, or state; and whether the applicant or the manager or the cannabis facility with which the applicant and the manager is or was associated has ever had a registration, license, permit or any other authorization required to operate a cannabis facility in any other city, county, or state, suspended or revoked, and the reasons therefore; and
 - g. A detailed explanation of the applicant's or the manager's involvement with any other business in the City, including, but not limited to, the name and address of such business; the type of business; the capacity in which the applicant or the manager is or was involved with the business; whether the business is or was the subject of any criminal investigation or prosecution, civil investigation, administrative action or civil lawsuit; whether an owner or manager of the business with which the applicant or the manager is or was

associated has ever been denied, or is in the process of being denied registration, a permit, a license or any other authorization required to operate a business requiring licensing through the State in any other city, county, or state; and whether an applicant or a manager of the business with which the applicant or the manager is or was associated has ever had a registration, license, permit or any other authorization required to operate a business that requires a license in the State, or any other city, county, or state, suspended or revoked, and the reasons therefore.

4. An operations plan which shall be in conformance with the requirements of this Chapter and shall include, at a minimum:
 - a. A list of the names, addresses, telephone numbers, and responsibilities of each applicant and manager of the cannabis facility.
 - b. The hours and days of operation for the cannabis facility.
 - c. A site plan and floor plan of the facility denoting the layout of all areas of the cannabis facility, including, as applicable, storage, cultivation, reception/waiting, dispensing, manufacturing, and all ancillary support spaces, and the relationship of the facility to adjacent properties and land uses.
 - d. A security plan, including lighting, alarms, fencing, and video cameras, to ensure the safety of persons, and to protect the premises from theft, vandalism, and fire. The security plan shall address both interior and exterior areas of the facility and its premises.
 - e. The cannabis cultivation and manufacturing procedures to be utilized at the facility, including, as applicable, a description of how chemicals and fertilizers will be stored, handled, and used; extraction and infusion methods; the transportation process; inventory procedures; track and trace program and procedures; quality control procedures; and testing procedures.
 - f. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated or excess cannabis or cannabis products.
 - g. An odor management plan detailing the reasonable steps that will be taken by facility to ensure that the odor of cannabis and other physical impacts on neighboring properties will be minimized.

- h. Policies and procedures for adopting, monitoring, implementing, and enforcing all requirements of this Chapter.
- 5. The cannabis facility's seller's permit number or indication that the cannabis facility is currently applying for a seller's permit.
- 6. The name and address of the owner and lessor of the premises and a copy of the lease or other such proof of the legal right to occupy and use the premises and a statement from the owner or agent of the owner of the real property where the facility will be located demonstrating the landowner has acknowledged and consented to permit dispensary, cultivation, distribution, or manufacturing activities to be conducted on the property by the cannabis facility.
- 7. The name and account number of all savings accounts, checking accounts, investment accounts, and trusts associated with the operation of the cannabis facility.
- 8. A map with a minimum scale of 1"=75' showing streets names, lot boundaries, sensitive uses, and uses on properties adjacent to the cannabis facility.
- 9. Authorization for the City Manager or designee to seek verification of the information contained within the application, including, but not limited to, a criminal history investigation with the California Department of Justice and any other law enforcement agencies.
- 10. Evidence that the organization, 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, all such entities agree to operate under such terms and conditions outlined in their operations plan as approved.
- 11. 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 complete, true, and accurate.
- 12. Any such additional and further information as is deemed necessary by the City Manager or designee to administer this Section or to show that the cannabis facility and its ownership and operation is in compliance with the provisions of this Chapter.

5.31.060 Background Check.

Applicants for a regulatory permit for a cannabis facility, every manager of a cannabis facility, and any employee or individual who participates in the dispensing, cultivation, manufacturing, or transporting of cannabis or who participates in the daily operations of the cannabis facility shall be required to submit to a Fingerprint-Based Criminal History Records Check.

5.31.070 Grounds for Denial.

- A. The City Council or designee may reject an application upon making one or more of the following findings:
1. Any applicant made one or more false or misleading statements or omissions on the registration application or during the application process;
 2. The applicant fails to meet the requirements of this Chapter or any regulation adopted pursuant to this Chapter;
 3. The cannabis facility or its location is in violation of any building, zoning, health, safety, or other provision of this code, or of any state or local law which substantially affects the public health, welfare, safety, or morals, or the facility or its location is not permitted in the proposed area, or the issuing or continuation of a regulatory permit would be contrary to the public health, welfare, safety, or morals;
 4. Any applicant, manager, or employee of the cannabis facility is under Twenty-One (21) years of age;
 5. Any applicant has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant is otherwise suitable to be issued a permit and granting the permit would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant to be issued a permit based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:
 - a. A felony conviction for the illegal possession for sale, manufacture, or transportation of a controlled substance excluding cannabis related convictions.
 - b. A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
 - c. A serious felony conviction, as specified in subdivision (c) of Section

1192.7 of the Penal Code.

- d. A felony conviction involving fraud, deceit, or embezzlement;
 - 6. Any applicant or manager has been sanctioned by a licensing authority or a city, county, or city and county for unlicensed operation of a cannabis facility or has had a license revoked under this Chapter in the three years immediately preceding the date the application is filed with the licensing authority.
 - 7. The applicant did not pay to the City the required application and processing fees as set forth in Section 5.31.080.
 - 8. Failure to enter into a satisfactory Development Agreement pursuant to 5.31.090.
- B. The City Council or designee may place reasonable conditions upon registration if grounds exist for denial of the registration and those grounds may be removed by the imposition of those conditions.

5.31.080 Fees and Charges.

- A. Prior to operating in the City, the cannabis facility shall timely and fully pay all fees associated with the registration and operation of the facility. The fees shall be as set forth in the schedule of fees and charges established by resolution of the City Council, including, but not limited to the following:
- B. “Application fee” for accepting a registration application; due and payable in full at the time a registration application is submitted;
- C. “Processing fee” for the cost to the City of processing a registration application and reviewing, investigating, and scoring each application in accordance with the point system to determine eligibility for issuance of a regulatory permit; due and payable in full at the time a registration application is submitted;
- D. “Permit issuance fee” for the cost to the City of preparing a development agreement, City Council review and approval of the development agreement and the regulatory permit, and preparation and issuance of the regulatory permit as authorized by the City Council, due and payable in full at the time the City issues a regulatory permit;
- E. “Amended registration fee” for the cost to the City of reviewing amendments or changes to the registration form previously filed on behalf of the cannabis facility; due and payable in full at the time amendments or changes to a registration form are submitted to the City;
- F. “Regulatory permit renewal fee” for the cost to the City of processing an application to renew a regulatory permit; due and payable in full at the time application is made to renew a regulatory permit; and

G. Any fees for inspection or investigation that are not included within the other fee associated with registration; due and payable in full upon request of the City.

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5.31.090 Development Agreement.

Prior to operating in the City and as a condition of issuance of a regulatory permit, each cannabis facility shall enter into a development 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, public outreach and education, community service, 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.

5.31.100 Cessation of Operations.

In the event a cannabis facility that receives a regulatory permit ceases to operate for any reason, the City Council or designee shall consider the next qualified applicant on the waiting list and, at the discretion of the City Council or designee, provide an opportunity for new applicants to be considered for a permit.

5.31.110 Change in Location; Updated Registration Form.

A. Any time the location specified in the regulatory permit is changed, the cannabis facility shall re-apply with the City Manager or designee. The process and the fees for re- application shall be the same as the process and fees set forth for registration in Sections 5.31.050 and 5.31.080.

B. Within fifteen calendar days of any other change in the information provided in the registration form or any change in status of compliance with the provisions of this Chapter, including any change in the cannabis facility's ownership or management, the cannabis facility shall file an updated registration form with the City Manager or designee for review along with a registration amendment fee, as set forth in Section 5.31.080.

5.31.120 Renewal or Revocation of Regulatory Permit.

A. No regulatory permit issued under this Chapter may be renewed unless:

1. A new registration form has been filed with the City Manager or designee as set forth in Section 5.31.050 a minimum of sixty (60) days prior to the expiration date of the regulatory permit;
2. The annual renewal registration fee, as set forth in Section 5.31.080 of this Chapter, has been paid to the City; and
3. The cannabis facility and its owners and managers all meet the requirements of this Chapter for registration.

B. The City Council or designee may elect not to renew a regulatory permit issued under

this Chapter if:

1. The cannabis facility and its applicants or managers have not complied at all times with all the requirements for registration as set forth in this Chapter;
 2. Any of the conditions or circumstances of Sections 5.31.070.A or 5.31.260.D, singularly or in combination, of this Chapter have occurred; or
 3. The City Council or designee is aware of any other facts or circumstances, which indicate that renewal of the regulatory permit will be detrimental to the health, safety, or welfare of the residents of the City.
- C. The City Council or designee may revoke a regulatory permit issued under this Chapter, upon such notice as deemed appropriate by the City Council or designee, if:
1. The cannabis facility and its applicants or managers have not complied at all times with all the requirements for registration as set forth in this Chapter;
 2. Any of the conditions or circumstances of Sections 5.31.070.A or 5.31.260.D, singularly or in combination, of this Chapter have occurred; or
 3. The City Council or designee is aware of any other facts or circumstances, which indicate that continued operation of the cannabis facility will be detrimental to the health, safety, or welfare of the residents of the City.

5.31.130 Limitations on City's Liability.

- A. To the fullest extent permitted by law, the City shall not assume any liability whatsoever, with respect to approving any regulatory permit pursuant to this Chapter or the operation of any cannabis facility approved pursuant to this Chapter.
- B. As a condition of approval of a regulatory permit as provided in this Chapter, the applicants of the cannabis facility shall:
1. Execute an agreement indemnifying the City from any claims, damages, injuries, or liabilities of any kind associated with the registration or operation of the cannabis facility or the prosecution of the cannabis facility, its applicants, managers, or employees, or its qualified patients or primary caregivers for violation of federal or State laws;
 2. Maintain insurance in the amounts and of the types that are acceptable to the City Council or designee;
 3. Name the City as an additionally insured on all City required insurance policies;
 4. Agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of a regulatory permit; and

5. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval of a regulatory permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

5.31.140 Additional Terms and Conditions.

Based on the information set forth in the application, the City Council or designee may impose reasonable terms and conditions on the proposed operations of the cannabis facility in addition to those specified in this Chapter.

5.31.150 Signage.

Exterior signage for the facility shall be limited to one exterior building sign not to exceed sixteen square feet in area, and door and/or window signage not to exceed ten square feet in area; such signs shall not be directly illuminated. Signage shall otherwise be reviewed and approved by the City according to the City of San Juan Bautista Sign Ordinance.

5.31.160 Cultivation, Dispensary, Manufacturing, Distribution and Testing Locations.

- A. A cannabis dispensary may be located in Industrial zones only.
- B. A cannabis cultivation facility may be located in Industrial zones only.
- C. A cannabis manufacturing facility may be located in Industrial zones only.
- D. A cannabis testing facility may be located in Industrial zones or Commercial zones only.
- E. A cannabis distribution facility may be located in Industrial zones only.
- F. All cannabis facilities shall be setback a minimum of 600 feet from, a school, measured in a straight and direct horizontal line from the parcel boundary line of the cannabis facility to the parcel boundary line of the school. For the purposes of this Section, "school" means any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
- G. All cannabis facilities shall be additionally setback a minimum of 150 feet from a conforming residential use or a licensed rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of the cannabis facility to the closest

exterior wall of the conforming residential.

H. All cannabis cultivation shall be conducted only in the interior of an indoor structure and all cultivation operations including all cannabis plants at any stage of growth shall not be visible from the exterior of any structure, facility, or building containing the cultivation of cannabis.

I. For the purposes of this Section, “indoor structure” means a building, or other structure (or space within a building, or other structure) that (i) has an improved and permanent foundation spanning the entire surface underlying the building, or other structure, (ii) has a complete roof enclosure, transparent or non-transparent, supported by connecting hard sided walls extending from an improved and permanent foundation to the roof, (iii) is secure against unauthorized entry, (iv) provides complete visual screening, (v) complies with all odor control and other design standards required by this Chapter (including any regulations adopted pursuant to this Chapter), (vi) is accessible only through one or more lockable doors, and (vii) is inaccessible to minors.

I. Designation of zoning districts does not give owner or lessor of real property any rights to operate under this Chapter, or provide that any permit applied for under this Chapter shall be allowed. The City shall consider the existing surrounding uses in analyzing impacts of facility, and can deny use in any zoning district if City feels impacts on existing conforming uses are unreasonable. The herein Chapter is intended to allow for activities and uses that are unique and whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing it to established development standards and individual aspects of application.

J. The permit for a cannabis facility shall apply to a single premise only.

5.31.170 Dispensing of Cannabis.

A. Cannabis ~~retail~~ transactions shall only occur inside the premises of the cannabis dispensary. The foregoing notwithstanding, a cannabis dispensary will engage in the delivery of cannabis or cannabis products as provided for in Section 5.31.180.

B. No cannabis sale, transfer, dispensing, or distribution of any kind shall be made to an individual under the age of twenty-one (21) unless the individual is a registered patient, and no such individual shall be allowed in any cannabis facility.

5.31.180 Delivery of Cannabis.

- A. “Delivery” means the retail sale or transfer of cannabis or cannabis products to a recreational user or qualified patient using a motor vehicle other than a “motorcycle” as that term is defined in Division I of the Vehicle Code.
- B. A permitted cannabis dispensary may only engage in the delivery of cannabis or cannabis products subject to any regulations promulgated pursuant to this Chapter.
- C. Any person engaging in the delivery of cannabis or cannabis products with a vehicle originating from outside the City shall:
 - 1. Be licensed or permitted by the jurisdiction from which the vehicle originates;
 - 2. Obtain a City of San Juan Bautista Business license; and
 - 3. Comply with the requirements of the Business and Professions Code and any regulations promulgated pursuant to this Chapter.
- D. The delivery of cannabis or cannabis products shall only be during the normal operating hours in permit or license.
- E. A list of the names and cellular telephone contact numbers for all individuals delivering cannabis or cannabis products shall be provided to the City. Such list shall at all times be kept current and up to date.

5.31.190 Packaging of Cannabis.

- A. Prior to retail sale or transfer, cannabis and cannabis products shall be packaged and labeled as required by regulations issued by the State pursuant thereto.
- B. If edible cannabis products are offered for sale, the cannabis dispensary facility shall first secure any approval from the County of San Benito Health Department required for handling food products.
- C. Edible products distributed or sold by any cannabis facility shall not be produced, manufactured, stored, or packaged in private homes.

5.31.200 Cannabis Facility Operations.

- A. Cannabis dispensaries may only deliver between the hours of 9:00 a.m. and 8:00 p.m. and may deliver as many as seven days per week.
- B. The sale, dispensing, or consumption of alcoholic beverages on or about the cannabis

facility or in the parking area for the facility is prohibited.

- C. Facility operator will report any loitering within one hundred feet of the premises. The loitering by persons outside the facility, either on the premises or within one hundred feet of the premises, is prohibited.
- D. A copy of the regulatory permit issued by the City and any licenses or certifications issued by the State, and any conditions thereof, shall be posted on the premises in a prominent place, readily viewable.
- E. A cannabis facility shall take all necessary and reasonable steps to prevent:
 - 1. The distribution of cannabis to minors;
 - 2. Revenue from the sale or distribution of cannabis from going to criminal enterprises, gangs and cartels;
 - 3. The diversion of cannabis from California to any other state;
 - 4. State-authorized cannabis activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
 - 5. Violence and the use of firearms in the cultivation, manufacture, and distribution of cannabis;
 - 6. Drugged driving and the exacerbation of other adverse public health consequences associated with cannabis use;
 - 7. Growing of cannabis on public lands and the attendant public safety and environmental dangers posed by cannabis production on public lands; and
 - 8. Preventing cannabis possession or use on federal property.

Any violation of this provision shall result in the immediate suspension of any permit authorized under this Chapter, and pending investigation and a hearing, shall result in revocation of the permit at the election of the City Manager or designee.

5.31.210 Public Health and Safety.

- A. Each cannabis facility shall operate in a reasonable manner such that the effects on the health or safety of nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts cultivation, manufacture, dispensing, delivery, or distribution of cannabis or cannabis products are minimized.

- B. The cultivation, manufacture, dispensing, delivery, and distribution of cannabis or cannabis products shall not create hazards due to the use or storage of materials, processes, products, chemicals, fertilizers, or wastes.
- C. The interior and exterior of the cannabis facility, including driveways, sidewalks, parking strips, fire access roads and streets on or adjacent to the premises shall be kept in a clean and safe condition.
- D. Exterior lighting on the premises and location shall ensure the safety of the public and the members and employees of the facility while not disturbing surrounding areas.

5.31.220 Records.

- A. Cannabis facilities shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis products throughout the distribution chain until purchased. The inventory control and reporting system shall comply with the State of California's Rules & Regulations.
- B. Cannabis facilities shall have an electronic point of sale system that produces historical transactional data for review by the City Manager or designee for compliance and auditing purposes.
- C. Each cannabis facility shall maintain at the premises all records and documents required by this Chapter and all the information and records listed below and as otherwise required by applicable State law or regulation:
 - 1. The name, address, and telephone number(s) of the owner, landlord and/or lessee of the location;
 - 2. Up-to-date information for all savings accounts, checking accounts, investment accounts and trusts associated with the operation of the cannabis facility;
 - 3. Complete and up-to-date records regarding the amount of cannabis cultivated, produced, manufactured, harvested, stored, or packaged at each cannabis facility;
 - 4. Complete and up-to-date records regarding cannabis transfers throughout the distribution chain from cultivation, to manufacturing, to its dispensing location, including the date and time of the transfer; the name and address of the cultivation and manufacturing facility and the name and address of the supplier if different from the cultivation or manufacturing facility; the amount, form, type, batch and lot number of cannabis transferred; the time of departure from the distribution, cultivation or manufacturing facility; the time of arrival at the dispensing location; the names of the employees transporting the product; and the name of the employee who received the product at the dispensing location;
 - 5. Complete and up-to-date records documenting each transfer of cannabis from the

cannabis dispensing location to customers including the amount provided, the form or product category in which the cannabis was provided, the date and time provided, the name of the employee making the delivery, and the amount of transaction;

6. All receipts of the cannabis facility, including but not limited to expenditures incurred by the cannabis facility for the cultivation, manufacture, dispensing, distribution, and delivery of cannabis;
 7. Proof of completed registration with the City Manager or designee in conformance with this Chapter;
 8. Records demonstrating compliance with State and federal rules and regulations regarding reporting and taxation of income received; and
 9. All cannabis facilities shall perform an inventory each month and shall record the total quantity of each form of cannabis on the premises.
- D. All records required by this Section shall be maintained by the cannabis facility for a period of seven years and shall be made available to the City Council or designee and any City official charged with enforcing the provisions of this code upon request.

5.31.230 Financial Statements.

No later than sixty (60) days after licensees' close of business year (calendar or fiscal), each cannabis facility shall file with the City Manager a summary of its financial operations for the previous calendar year, completed in accordance with generally accepted auditing and accounting principles. The statement shall include but not be limited to a discussion, analysis, and verification of each of the records required to be maintained pursuant to this Chapter. The information contained in the statement shall be made available to the City Council or designee in standard electronic format as designated by the City Council or designee.

5.31.240 Community Relations.

- A. Each cannabis facility shall provide the City Manager or designee with the name, telephone number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis facility. Each cannabis facility shall also provide the above information to all businesses and residences located within 500-foot radius of the cannabis facility.

5.31.250 Compliance.

- A. All cannabis facilities shall pay any applicable sales, use, business or other tax, and all license, registration, or other fees pursuant to federal, State, and local law.

- B. Nothing in this Chapter shall be construed as authorizing any actions, which violate State or local law with regard to the cultivation, transportation, manufacture, provision, sale, transfer, distribution or disposition of cannabis.

5.31.260 Inspections and Enforcement.

- A. The City Manager or their designees shall have the right to enter all cannabis facilities unannounced during the facility's hours of operation for the purpose of making reasonable inspections to observe and enforce compliance with this Chapter, to inspect and copy records required to be maintained under this Chapter, or to inspect, view, and copy recordings made by security cameras, all without requirement for a search warrant, subpoena, or court order.
- B. Operation of a cannabis facility in non-compliance with any conditions of approval or the provisions of this Chapter shall constitute a violation of the Municipal Code and shall be enforced pursuant to the provisions of this code.
- C. The City Council or designee may summarily suspend or revoke a cannabis regulatory permit, or disqualify an applicant from the registration process, or elect not to renew a regulatory permit if any of the following, singularly or in combination, occur:
 - 1. The City Manager or designee determines that the cannabis facility has failed to comply with any requirement of this Chapter or any condition of approval or a circumstance or situation has been created that would have permitted the City Manager or designee to deny the regulatory permit under Section 5.31.060 or elect not to renew or revoke the regulatory permit under Section 5.31.120;
 - 2. The cannabis facility has conducted itself or is being conducted in a manner that creates or results in a public nuisance;
 - 3. The cannabis facility ceased operations for more than 90 calendar days, including during change of ownership proceedings;
 - 4. Ownership is changed without the new owners applying for and securing a regulatory permit under this Chapter;
 - 5. The cannabis facility relocates to a different location or premises; and
 - 6. The cannabis facility fails to allow inspection and/or copying of the security recordings, the activity logs and records required under this Chapter, or the premise by authorized City officials.
 - 7. The cannabis facility fails to notify City of change of management.

5.31.270 Appeals.

Any decision regarding or pertaining to the regulatory permit process set forth in this Chapter, or any action taken by the City Manager or designee pursuant hereto, may be appealed to the City Council. Such appeal shall be taken by filing with the City Clerk,

within ten (10) days after notice of the action or decision complained of has been issued, a written statement setting forth the grounds for the appeal. The City Clerk shall transmit the written statement to the City Council and at its next regular meeting the council shall set a time and place for a hearing on the appeal. Notice of the time and place of such hearing shall be mailed to the appellant. The decision of the City Council on such appeal shall be final and binding on all parties concerned.

5.31.280 Violations.

- A. Any violation of any of the provisions of this Chapter is unlawful and a public nuisance and will be subject to an Administrative Citation.
- B. Any violation of any of the provisions of this Chapter shall give the City the right to issue an administrative citation, and/or assess an administrative fine of up to one thousand dollars (\$1,000.00) for each violation of this Ordinance.
- C. A separate offense occurs for each day any violation of this Chapter is continued and/or maintained.
- D. The remedies provided herein are not to be construed as exclusive remedies, and in the event of violation, the City may pursue any proceedings or remedies otherwise provided by law.

5.31.290 Implementation Procedures.

- A. The City Council or designee shall develop written regulations governing the implementation of the cannabis facility regulatory permit process authorized by this Chapter. Such written regulations shall be approved by the City Council before they shall become effective. The City Council may impose such conditions of approval as it deems appropriate.
- B. Applications for a regulatory permit authorized by this Chapter shall not be accepted by the City Manager or designee, nor a regulatory permit issued, until the written implementing regulations required under this Section have been approved by the City Council for the type of cannabis facility permit for which application is sought.
- C. The City Manager or designee may develop written regulations governing the conduct of the cannabis facilities and the delivery of cannabis or cannabis products. The City Council shall approve regulations for one or several types of permits and the regulations for each type of permit shall operate independently of and not be dependent on the approval of regulations for any other type of permit authorized by this Chapter.

5.31.300 Cannabis Permit Types.

- (A) The following M-permits and A-Permits are created under this Chapter:

Tier	Classification/Type	Area
Type 1A	Cultivation: Specialty indoor	501-5,000 ft
Type 1C-i	Cultivation: Specialty cottage indoor	up to 500 ft

Type 2A	Cultivation: Small indoor	5,001-10,000 ft
Type 3A	Cultivation: Indoor	10,001-22,000 ft
Type 4	Cultivation: Nursery	up to 22,000 ft
Type 6	Manufacturing Level 1	non-volatile
Type 7	Manufacturing Level 2	Using solvents volatile
Type 8	Testing Laboratory	N/A
Type 10	Retail	N/A
Type 11	Distributor	N/A
Type 12	Microbusiness	Up to 10,000 ft

Section 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 4. EXECUTION AND CERTIFICATION

The City Clerk is directed to do all things necessary to cause the execution of this Ordinance immediately upon its adoption and shall thereafter certify to the passage of this Ordinance and cause the same to be published and posted according to law.

Section 5. EFFECTIVE DATE

Pursuant to Section 36937 of the California Government Code, this Ordinance shall take effect thirty (30) days after its final passage and adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of San Juan Bautista held on the (XX)th day of (month), 2018.

PASSED AND ADOPTED as an Ordinance of the City Council of the City of San Juan Bautista at a regular meeting of the City Council held on the (day)th day of (month), 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: