

CITY OF SOLANA BEACH

(This Measure will appear on the ballot in the following form.)

MEASURE S

Shall a proposed ordinance amending Solana Beach Municipal Code to Repeal Current Prohibitions Entirely and Allow Commercial Cannabis (Marijuana) Retailers in Non-Residential Zones and Marijuana Deliveries and Certain Cultivation in all Zones in the City of Solana Beach be adopted?

This measure requires approval of a simple majority (50% plus 1) of those voting on the measure.

BALLOT SUMMARY

AN INITIATIVE AMENDING SOLANA BEACH MUNICIPAL CODE TO REPEAL CURRENT PROHIBITIONS ENTIRELY AND ALLOW COMMERCIAL CANNABIS (MARIJUANA) RETAILERS IN NON-RESIDENTIAL ZONES AND MARIJUANA DELIVERIES AND CERTAIN CULTIVATION IN ALL ZONES IN THE CITY OF SOLANA BEACH

Currently, all commercial cannabis activities, including marijuana dispensaries, sales, deliveries, cultivation and processing are prohibited in the City of Solana Beach, consistent with state and federal law. This initiative would repeal existing prohibitions and authorize two marijuana dispensaries without size restrictions in office professional, general commercial, special commercial, light commercial and light industrial zones (a combined land area of 0.3 square miles). Every dispensary could sell medical marijuana and/or adult use (recreational) marijuana. Marijuana activities permissible under the initiative are currently illegal under federal law. The initiative allows indoor non-medical cultivation pursuant to state law and a 1.25% tax on recreational marijuana sales. It does not tax medical marijuana sales or deliveries. The initiative allows cannabis businesses to open between the hours of 7:00 a.m. and 10:00 p.m. every day of the week and allows deliveries of marijuana at all hours to every home and business in every zone with five orders permitted per trip and no restriction on the number of trips, delivery vehicles or total deliveries. Dispensaries would not be located within 600 feet of one another or a public school, but could be located near private schools, daycare centers or youth and community centers.

The initiative allows artificial lighting to keep immature marijuana plants alive and permits the sale of up to six plants per person per transaction with no limits on the number of transactions per day. It prohibits cultivation at the dispensaries, but allows personal indoor marijuana cultivation consistent with California law and medical marijuana cultivation of 12 plants per qualified patient and up to 24 marijuana plants per premises if two qualified patients reside therein. The initiative allows parolees and probationers to live on premises where marijuana is being grown with written confirmation of their allowed medical marijuana use. Medical marijuana cultivation would not be allowed within 1,000 feet of schools, community centers or parks and not on premises with any religious or youth-oriented facilities or child care center. The initiative includes operational conditions on commercial marijuana activities, including signage, security cameras, alarm systems, business records maintenance for two years, and separate lobby and counter spaces.

The initiative establishes a \$2,500 application fee without a fee study. It includes a process under which the City of Solana Beach would be required to rank marijuana business applicants' floor plans, product mixes and business models. Applicants would describe how they will cater to visitors and represent Solana Beach in their marijuana businesses. The initiative would allow minors who are qualified patients to enter dispensaries if accompanied by a parent or guardian. If any of the initiative's provisions are declared unconstitutional, the initiative's remaining provisions would stay in effect to the fullest extent possible.

If the initiative passes, it can only be amended or repealed by a vote of the people.

CITY ATTORNEY IMPARTIAL ANALYSIS

Currently, all commercial cannabis activities, including marijuana retailers, dispensaries, sales, deliveries, cultivation and processing are prohibited in the City of Solana Beach, consistent with state and federal law. This measure would repeal existing prohibitions and authorize two marijuana dispensaries without size restrictions in office professional (OP), general commercial (C), special commercial (SC), light commercial (LC) and light industrial (LI) zones (a combined land area of 0.3 square miles). Every commercial dispensary could sell medical marijuana and adult use (recreational) marijuana between the hours of 7:00 a.m. and 10:00 p.m. every day of the week. Marijuana deliveries would be allowed at all hours to every home and business in every zone with no restriction on the number of trips, delivery vehicles or total deliveries.

Marihuana activities permissible under the measure are currently illegal under federal law. Certain provisions of the measure may be found inconsistent with state law. The imposition and collection of the 1.25% "sales tax" is not authorized by the Adult Use Marijuana Act and its validity under Revenue & Taxation Code §7285.9 is questionable. The measure does not propose to tax medical marijuana sales or deliveries, nor provide for a business use tax as allowed under Revenue and Taxation Code §34021.5.

If the measure passes, should any of its provisions be declared unconstitutional, the remaining provisions would stay in effect.

The measure establishes a \$2,500 application fee without a fee study, while other jurisdictions require an initial \$10,000 cost recovery deposit. It provides an application and ranking process that the City of Solana Beach must follow and cannot change. Applicants describe how they will cater to visitors and represent Solana Beach in their marijuana businesses.

The measure allows minors who are qualified patients to enter dispensaries with a parent/ guardian. It allows indoor non-medical marijuana cultivation and permits sales of up to six plants with no limits on the number of transactions per day. While it prohibits cultivation onsite at dispensaries, the measure allows personal indoor marijuana cultivation and medical marijuana cultivation of 12 plants per qualified patient and up to 24 marijuana plants per premises. It allows parolees and probationers to live on premises where marijuana is being grown with written confirmation of their allowed medical marijuana use. Medical marijuana cultivation would be allowed 1,000 feet or more from schools, community centers or parks and not on premises with any religious or youth-oriented facilities or childcare centers. Dispensaries could be located more than 600 feet of one another or public schools, but without distance restrictions near private schools, daycare centers or youth and community centers.

The measure was placed on the ballot by a petition signed by the requisite number of voters. If the measure passes, it can only be changed, amended, or repealed by a vote of the people.

Voting "yes" repeals current prohibitions entirely and allows commercial marijuana retailers in non-residential zones and marijuana deliveries and certain cultivation in all zones in Solana Beach without clearly enforceable taxes. Voting "no" leaves in place existing City ordinances and prohibitions.

Johanna N. Canlas, City Attorney
City of Solana Beach

ARGUMENT IN FAVOR OF MEASURE S

In 2016 California voters voted to normalize cannabis policy by adopting Proposition 64 which, together with the actions of our State Legislature, de-criminalized the use of cannabis and allowed adults to exercise their freedom of choice on whether to use cannabis or not.

Nothing in this Initiative would require any person to use cannabis.

In fact, 61% of Solana Beach residents supported Prop 64!

Elected city leaders have completely ignored the will of the voters for the past 4 years – furthering the “Nanny State”. It is now time for Solana Beach voters to act!

The **Cannabis Nurse Network** is an organization that includes nurses, doctors, and other healthcare professionals. We use **cannabis-based therapies with our patients - both adults and kids - successfully for multiple medical conditions** including: Cancer, Pain, MS, Diabetes, Post Traumatic Stress Disorder, Traumatic Brain Injury, Autism, ADHD, Epileptic Seizure Disorders, and many other conditions. **In fact, the US Government obtained a patent on the medical benefits of cannabis 20 years ago!**

Studies show that legalizing cannabis typically results in lower use by teens and reduction in crime. **Retail dispensaries are heavily regulated and require specific security measures much like a bank with security guards, surveillance video and ID verification.**

Solana Beach residents should not have to travel distances to exercise their right to use cannabis. In fact, **without this Initiative**, Solana Beach residents are currently buying their cannabis from other cities with **all of the tax benefits** going elsewhere.

OUR Solana Beach community deserves to have a safe and regulated cannabis program for medical or adult use in commercial or industrial zones for OUR residents with ALL of the tax revenues paying for OUR parks and OUR city budget, not the City of San Diego.

EXERCISE YOUR FREEDOM OF CHOICE BY VOTING YES ON S!

Nurse Heather Manus, RN
President, Cannabis Nurse Network

Ken Sobel
Vice President, Grow for Vets

Monica Mendoza
Solana Beach Resident

REBUTTAL TO THE ARGUMENT IN FAVOR OF MEASURE S

Measure S is NOT about Prop. 64 which was about PERSONAL use and growing 6 plants in private homes.

Measure S IS about retail marijuana businesses being forced on cities who did NOT ask for them. Prop 64 was not a mandate to California's cities to create marijuana businesses. In fact at least 80% of California cities do not.

Measure S highjacks the City's normal review, vetting and decision-making processes.

Measure S takes away the choice of Solana Beach citizens to determine what they want in local business and residential areas.

Measure S is not necessary to ensure access to marijuana since Solana Beach citizens can possess and grow. Access to every conceivable type of marijuana product is a computer click away.

Measure S has a fixed and UNCHANGEABLE tax rate of 1.25%. That wouldn't even begin to cover the cost of reviewing, permitting and regulating marijuana businesses. California does not have, nor will Solana Beach have the capacity to ensure product safety or enforce the laws without costly city oversight programs such as testing facilities and forensic auditing.

Measure S does not remove the health impacts of marijuana when it's smoked and vaped, especially in this era of COVID, a primarily respiratory disease.

Measure S will not prevent diversion to youth. Marijuana businesses in Solana Beach will signal to teens that its use is normal, safe and without negative health impacts.

Exercise your freedom of choice by voting No on S. Keep our land use decisions in Solana Beach, not in the hands of profit-motivated out-of-towners.

Julie Union
President Board of Education
Solana Beach School District

Peggy Walker
30-Year Resident / Public Health Educator

Dana King
Sr. V.P. Liquid Envir. Solutions /
Solana Beach School Board

Judith S. Hegenauer, Ph.D.
Council Member, Solana Beach, Deputy Mayor

Theo Harder, Jr.
Consultant / Resident 35 Years

ARGUMENT AGAINST MEASURE S

Measure S is not about the choice to use marijuana.

It's about a special interest group -- the marijuana industry -- establishing retail pot shops where they choose, on their own terms, exempt from City regulation. It adds 33 pages of unchangeable language to local ordinances, drafted by and benefitting the marijuana industry. It renders the Council and public powerless to engage in the usual vetting, discussion, mitigation and review processes, taking away local and public control. Local control was the reason the city incorporated in 1986.

If approved, not a word can be amended without a public vote at taxpayer cost of approximately \$200,000.

Contrary to what signature gatherers erroneously claimed, the measure does not safeguard kids or schools. It requires only that pot shops be 600-feet from Public schools but requires NO separation from private schools, daycare centers, playgrounds, youth facilities, or churches.

The ABC can deny an alcohol license within 600 feet of public playgrounds and youth facilities. This measure prevents Solana Beach from doing the same with pot shops.

Marijuana storefronts -- with NO size restrictions -- are allowed in any non-residentially zoned area. The City must permit them to operate 15 hours daily. Marijuana cultivation is allowed in all zones.

A Colorado study found that neighborhoods with commercial marijuana activity saw crime increase up to 1,452% higher than those without. If such problems materialize, Solana Beach cannot increase fees or recoup costs for additional enforcement.

Regulatory costs, potential crime, and risk to youth are just some of the reasons that 82% of California cities do not allow pot shops.

This measure undercuts City authority and the right of Solana Beach residents to weigh in on decisions that impact our neighborhoods, community character, and ability to raise children in a drug-free environment.

Vote NO on Measure S.

Debra H. Schade, PhD
Vice President – Board of Education
Solana Beach School District

David A. Zito
Councilmember – City of Solana Beach

Kelly Harless
Councilmember, City of Solana Beach

Lori Taylor, M.D.
Pediatrician

Lisa M. Montes
Community Leader / Retired Educator

REBUTTAL TO THE ARGUMENT AGAINST MEASURE S

Opponents of Measure S are using scare tactics and false information in a desperate attempt to defy the will of **SB voters who voted overwhelmingly 4 years ago in favor of an adult cannabis program.**

- In reality, recent crime studies show that “adding a dispensary to a neighborhood... **decreases changes in crime by 19%** relative to the average crime rate.” *Regional Science and Urban Economics (8/2019).*
- A 2018 study showed San Diego dispensaries were **2 times SAFER than a 24-hour diner**, and **3 times SAFER than a Liquor Barn.**
- The fact is **Measure S will only allow two (2) retail dispensaries in SB.** (You can't have less than that without creating a monopoly).
- Once adopted, the **City retains full control to add to that number if they so choose.**
- **State law already requires 600' separation between a dispensary and “schools (public or private), day care centers and youth centers”.**
- Solana Beach has **62 alcohol licenses** and about **10 pharmacies.** **Alcohol and Opioids caused more than 100,000 deaths last year; cannabis has NEVER caused a single overdose death.**
- **Cannabis is a low impact “green” business according to the 500-page California Cannabis Program Environmental Impact Report.**
- **The 2 dispensaries will occupy about 2,000 sq. ft. each which is less than .0003% of the existing buildings in business zones in Solana Beach.**
- **New cannabis business will provide 100+ jobs and generate new tax revenues and spending in Solana Beach.**

EXERCISE YOUR FREEDOM OF CHOICE BY VOTING YES ON S!

Nurse Heather Manus, RN
Former Medical Director for Sacred Gardens
Dispensary

Ken Sobel
Former Law Professor & Drafter of US Virgin
Islands Cannabis Law

Monica Mendoza
Solana Beach Mom

FULL TEXT OF MEASURE S

An Initiative to Amend Solana Beach Municipal Code 17.60.190

THE PEOPLE OF THE CITY OF SOLANA BEACH DO ORDAIN AS FOLLOWS:

The section 17.60.190 of the Solana Beach Municipal Code shall be, and is hereby repealed in its entirety and shall be, and is hereby, replaced with the following:

17.60.1901. Purpose and Intent

It is the Purpose and Intent of the people of the City of Solana Beach to:

- Allow duly licensed Cannabis Businesses to operate in the City of Solana Beach in compliance with the laws of the State of California;
- To implement a strong and effective regulatory and enforcement system to protect the health, safety, and welfare of the residents of the City of Solana Beach;
- To generate tax revenue from Cannabis Businesses and to allocate the tax revenue generated from such businesses to the public safety needs of the City of Solana Beach including, but not limited to, allocations to law enforcement, fire departments, and other public safety services provided by the City.

17.60.1902. Authority; Interpretation; and Applicability

- Authority. This chapter is adopted pursuant to the authority granted by Article XI, § 7 of the California Constitution, Health and Safety Code § 11362.83, Government Code Sections 25845 and 53069.4, the Medical Cannabis Regulation and Safety Act, the Control, Regulate and Tax Adult Use of Marijuana Act, and California Elections Code §§ 9201, et seq. which mandates the power to change the law in general law cities through the initiative and referendum process.
- Interpretation. No part of this ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation. Nothing in this ordinance is intended, nor shall it be construed, to burden any defense to criminal prosecution otherwise afforded by California law. Nothing in this ordinance is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting cannabis cultivation, smoking or other related activities by tenants. Nothing in this ordinance is intended, nor shall it be construed, to exempt any cannabis related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements. Nothing in this ordinance is intended, nor shall it be construed, to make legal any cultivation, transportation, sale, or other use of cannabis that is otherwise prohibited under California law.
- Applicability. All cultivation, processing and distribution of medical cannabis within the City of Solana Beach shall be subject to the provisions of this chapter, regardless if the cultivation, processing or distribution existed or occurred prior to adoption of this chapter.

17.60.1903 Definitions

As used in this chapter:

- “Adult Use” shall mean recreational cannabis use by adults 21 years of age and over without a physician’s recommendation.

FULL TEXT OF MEASURE S (CONTINUED)

- "Cannabis" shall mean all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- "Cannabis Business(es)" shall mean any business engaged in the cultivation, manufacturing, testing, sale, distribution, or transportation of Cannabis.
- "Cannabis Business entity" A cannabis based business, with a valid seller permit from the California state board of equalization, and a valid IRS issued EIN. Registered with the Secretary of State of California.
- "Cannabis Business Permit" shall mean the permit issued to any Cannabis Business pursuant to the provisions of this Chapter.
- "Cannabis Cultivation" shall mean the cultivation of Cannabis, including, but not limited to a nursery which produces clones, immature plants, seeds, or other agricultural products for the planting, propagation, and cultivation of Cannabis for commercial purposes
- "Cannabis Delivery" shall mean the delivery of Cannabis and Cannabis products.
- "Cannabis Dispensary(ies)" shall mean a Cannabis Business engaged in the sale, trade, provision of, and/or distribution of Cannabis to retail customers and/or medical Cannabis users.
- "Cannabis Distribution" shall mean the non-retail procurement, sale, and transportation of Cannabis and Cannabis Products between Cannabis Businesses.
- "Cannabis Distribution Business(es)" shall mean a business involved in Cannabis Distribution.
- "Cannabis Distribution Facility(ies)" shall mean the location where any Cannabis Distribution Business is operated.
- "Cannabis Extraction Business(es)" shall mean any Cannabis Business engaged in extracting any component of the Cannabis plant by either volatile or non-volatile extraction methods.
- "Cannabis Manufacturing Business(es)" shall mean any business engaged in the production, preparation, propagation, or compounding of Cannabis and Cannabis Products. Cannabis Manufacturing Business includes any businesses engaged in the extraction of any component from a Cannabis plant, the infusion or mixture of Cannabis into another substance, the preparation of an edible item that contains Cannabis, and the packaging and labeling of Cannabis or Cannabis Products. Cannabis Manufacturing Business does not include a Cannabis Cultivation Business.

FULL TEXT OF MEASURE S (CONTINUED)

- "Cannabis Manufacturing Facility(ies)" shall mean the location where any Cannabis Manufacturing Business is located.
- "Cannabis Product(s)" shall mean any item containing Cannabis. Cannabis Product includes concentrates, extractions, edibles, and topicals. Cannabis Product does not include accessories or paraphernalia that may be used in connection with Cannabis but which do not actually contain any Cannabis.
- "Cannabis Retail Area" shall mean the area where Cannabis is sold to the general public inside a Cannabis Dispensary.
- "City Manager" shall mean the duly appointed manager of the City of Solana Beach, or their duly appointed designee.
- "Cannabis Clone" shall mean an immature female Cannabis plant.
- "Complete Cannabis Application" shall mean a completed application for licensing and/or permitting from the City of Solana Beach for which all necessary application documentation have been provided, and for which all necessary fees have been paid.
- "Compliant Cannabis Business" shall mean a Cannabis Business which is operated in compliance with this Chapter and the laws of the State of California.
- "Cultivate" and "Cultivation" shall mean to plant, grow, harvest, dry, cure, grade, and/or trim cannabis.
- "Dispensary Building" shall mean the portion of any building within which a Cannabis Dispensary is operated.
- "Dispensary Permit" shall mean a Cannabis Dispensary permit issued pursuant to this Chapter.
- "Identification Card" shall mean a document issued by the State Department of Public Health that identifies a person authorized to engage in the medical use of Cannabis and the person's designated primary caregiver, if any.
- "Juvenile" shall mean any natural person who is under the age of 21 years.
- "Manager" shall mean a person with responsibility for the establishment, registration, supervision, or oversight of the operation of a Cannabis Business, including but not limited to, a person who performs the functions of a board member, director, officer, owner, operating officer, or manager of the Cannabis Business.
- "Medical Cannabis" means Cannabis used for medical purposes in accordance with the Compassionate Use Act (California Health and Safety Code section 11362.5) and the Medical Marijuana Program Act (California Health and Safety Code sections 11362.7 et seq.).
- "Medical Cannabis Dispensary(ies)" shall mean a Cannabis Business involving the sale, distribution and/or provision of Cannabis and Cannabis products to qualified patients, primary caregivers, or persons with valid Identification Cards for medical purposes, consistent with the Compassionate Use Act (California Health and Safety Code § 11362.5); the Medical Marijuana Program Act (California Health and Safety Code §§ 11362.7 et seq.); the Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued by the California Attorney General in August 2008; and this chapter. Medical Cannabis Dispensary does not include the following: (i) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; (ii) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; (iii) a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; (iv) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; (v) or a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as long as any such use complies with applicable laws including, but not limited to, the Compassionate Use Act (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code section 11362.7 et seq.), and the Solana Beach Municipal Code.

FULL TEXT OF MEASURE S (CONTINUED)

- "Member" shall mean any qualified patient, primary caregiver, or person with an Identification Card who is registered with a Cannabis Business.
- "Person with an Identification Card" shall mean an individual who is a qualified patient who has applied for and received a valid identification card pursuant to Article 2.4, of Chapter 6 of Division 10 of the California Health and Safety Code.
- "Physician" shall have the same meaning as set forth in California Business and Professions Code § 4039.
- "Primary caregiver" shall have the same meaning as set forth in California Health and Safety Code §§ 11362.7(d)(1)-(3).
- "Private medical records" means records related to the medical history of a qualified patient, but does not include the recommendation of a physician for the medical use of medical Cannabis, the designation of a Primary Caregiver by a Qualified Patient, or an Identification Card.
- "Qualified Patient" shall mean a person who is entitled to the protections of § 11362.5 of the California Health and Safety Code, but who does not have an Identification Card.
- "Staff" shall mean a person, other than a manager, who works or provides services at the site of a Cannabis Business, whether as an employee, independent contractor, or volunteer.
- "Volatile Solvent" shall mean a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

17.60.1904 General Provisions Regarding Permitted and Prohibited Commercial Cannabis Activities

- Subject to the provisions of this Chapter, the following commercial Cannabis activities are authorized within the City of Solana Beach. Said activities shall only be conducted by a Cannabis Business with a valid, current Cannabis Business Permit issued by the City of Solana Beach.
 - Cannabis Dispensary(ies) and Medical Cannabis Dispensary(ies) – A total of up to two (2) dispensary(ies) are allowed. Adult Use Cannabis Dispensaries and Medical Cannabis Dispensaries shall be permitted within the City of Solana Beach. A single location may be both an Adult Use Cannabis Dispensary and Medical Cannabis Dispensary, in which event that location shall only count as a single dispensary.
- No person shall establish, operate, maintain, conduct or participate in an Cannabis Business for any purpose within the City of Solana Beach that is not in compliance with this Chapter of the Solana Beach Municipal Code.
- No Cannabis Business shall operate within the City of Solana Beach unless it possesses all applicable State and local licenses and permits necessary prior to the commencement of operations. This provision shall not be interpreted to preclude any Cannabis Business applying for, and obtaining, local permits that are necessary prior to obtaining any state issued permits; however, no actual Cannabis Business may be conducted until such a time as all permits have been issued.
- Prior to the commencement of operations, each Cannabis Business shall provide to the City Manager a copy of all state and local licenses and permits required for its operation.
- No Cannabis Business shall transfer Cannabis or Cannabis Product(s) to or from another Cannabis Business, unless both businesses are duly licensed and permitted as required by State and local law.

FULL TEXT OF MEASURE S (CONTINUED)

- Cannabis Business Permit(s) issued pursuant to this chapter may only be sold or transferred in connection with the sale or transfer of an existing Cannabis Business. Any and all transferees of a Cannabis Business must adhere to all State and local laws relating to Cannabis Businesses. A transfer application fee of \$5,000.00 will be assessed in connection with any application to transfer a Cannabis Business Permit, which fee shall be provided to the City of Solana Beach in connection with any application to transfer ownership of a Cannabis Business Permit.
- No person shall give, sell, distribute, or otherwise transfer any Cannabis or Cannabis Product(s) from a permitted Cannabis Business to any person in any manner that violates State or local law.
- Within 30 days of commencing, any Cannabis Business within the City of Solana Beach shall provide to the City Manager the names, addresses, and phone numbers of all of the following interested parties:
 - Officers, directors, and any shareholders owning more than 25% of the stock in any corporation operating a Cannabis Business.
 - All general or limited partners in any partnership operating a Cannabis Business.
 - All managers, officers, directors, and members owning more than 25% of the membership interests in any limited liability company operating a Cannabis Business.
 - All sole proprietors operating any Cannabis Business using a fictitious name.
 - The managers of the Cannabis Business.
 - The permittee shall notify the city of any change in the information above within 30 days of the change.
- Cannabis Businesses within the City of Solana Beach shall provide the City Manager with the name and primary and secondary telephone numbers of at least one on-call manager to respond to licensing, permitting, code enforcement, and other inquiries of the City.
- Cannabis Businesses within the City of Solana Beach shall provide the City Manager with the name and primary and secondary telephone numbers of at least one on-call manager to respond to communications from neighboring businesses, residents, and landowners. Cannabis Businesses shall make reasonable efforts, in good faith, to resolve complaints from neighboring businesses, residents, and landowners.
- Cannabis Businesses within the City of Solana Beach shall maintain security on-site in accordance with the approved security plan submitted in connection with their application for a Cannabis Business Permit. Cannabis Businesses shall not modify their on-site security plan without the written approval of the City Manager.
- Cannabis Businesses within the City of Solana Beach shall, at all times, use and maintain security cameras. Such security cameras must, at a minimum, monitor all entries and exits as well as all areas where Cannabis Product(s) are being stored or sold. Cannabis Businesses must store security video footage for a period of at least 30 days.
- All Cannabis Businesses within the City of Solana beach shall, at all times, have a professional alarm system with off-site monitoring by licensed security company. Alarm sensors must be placed on all entryways, exits, and windows. Cannabis Business security systems must have motion sensors covering all locations where Cannabis and Cannabis Products are stored during non-operational hours and must have battery backup systems in place at all times.
- All Cannabis Businesses within the City of Solana Beach shall take all reasonably necessary precautions to ensure that odors generated from the manufacture, processing, and storage of Cannabis and Cannabis Products are not so strong as to be offensive to a reasonable person of normal sensitivity outside the buildings where the Cannabis Business is located.

FULL TEXT OF MEASURE S (CONTINUED)

- All Cannabis Businesses within the City of Solana Beach shall promptly report any criminal activity occurring at the Cannabis Business cite to law enforcement.
- In addition to any fees established and imposed pursuant to this chapter, all Cannabis Businesses within the City of Solana Beach shall pay all applicable state and local taxes.
- All Cannabis Businesses within the City of Solana Beach shall maintain the following business records in printed format for at least two years on the site and shall provide copies thereof to the City Manager within two business days after receipt of a written request therefore:
 - The name, address, and telephone number of the owner of the property where the Cannabis Business is conducted.
 - The name, address, telephone number and date of hire of each manager and staff member of the cannabis business.
 - A copy of the Cannabis Business's commercial general liability insurance policy or bond, and all other insurance policies related to the operation of the business.
 - A Cannabis Business shall report any loss, damage, or destruction of these records to the City Manager, in writing, within two business days of the loss, damage, or destruction.
- A real property owner shall not rent, lease or otherwise permit any Cannabis Business upon their property that is not operating in compliance with this Chapter and all applicable State laws and regulations.
- No Cannabis Business may be permitted within 600 feet of any public school.
- The City of Solana Beach shall issue Cannabis Business Permits to applicants in accordance with this Chapter.
- Cannabis Businesses will be issued Cannabis Business Permits in lieu of regular business licenses.
- Any Cannabis Business operating in violation of this Chapter shall be subject to penalties set forth in Solana Beach Municipal Code.
- Violations of this Chapter may be enforced pursuant to each and every enforcement provision set forth in the Solana Beach Municipal Code.

17.60.1905 Cannabis Dispensaries and Medical Cannabis Dispensaries

- Cannabis Dispensaries and Medical Cannabis Dispensaries shall be allowed in the City of Solana Beach. Said Dispensaries may sell Cannabis and Cannabis Products for Adult Use to persons over 21 years of age, or may operate as a Medical Cannabis Dispensary, or both. No more than two (2) total dispensaries may be permitted in the City of Solana Beach at any one time.
- No person or entity shall operate a Cannabis Dispensary or Medical Cannabis Dispensary without a valid Cannabis Business Permit issued pursuant to this Chapter.
- No Cannabis Dispensary or Medical Cannabis Dispensary shall be located within 600 foot from another Cannabis Dispensary or Medical Cannabis Dispensary.
- Dispensaries will be permitted to operate in the following zoning areas:
 - Special Commercial (SC);
 - Light Commercial (LC);
 - General Commercial (GC);
 - Light Industrial (LI);
 - Office Professional (OP);
- Dispensaries that will sell Cannabis Clone(s) shall have a nursery designation on their cannabis business license.
- No Cannabis Dispensary or Medical Cannabis Dispensary shall have a physician site to evaluate patients or provide a recommendation for medical cannabis.

FULL TEXT OF MEASURE S (CONTINUED)

- Cannabis Business Permits issued to Cannabis Dispensaries and Medical Cannabis Dispensaries shall be classified as follows:
 - Type M Classification. A business with a valid Cannabis Business Permit with a Type M classification issued pursuant to this Chapter, is authorized to purchase Cannabis and Cannabis Products from Cannabis Distribution Business(es). Said businesses are also authorized also sell, transfer, and distribute Medical Cannabis, and Cannabis Products to:
 - Qualified Patient(s) with a currently valid physician's recommendation in compliance with the Compassionate Use Act of 1996 (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code section 11362.7 et seq.), and valid government-issued identification such as a Department of Motor Vehicles driver's license or State Identification Card.
 - Primary Caregiver(s) with a verified Primary Caregiver designation by their Qualified Patient(s), a copy of their Qualified Patient's valid physician's recommendation in compliance with the Compassionate Use Act of 1996 (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code section 11362.7 et seq.), and valid official identification such as a Department of Motor Vehicles driver's license or State Identification Card.
 - Type R Classification. A business with a valid Cannabis Business Permit with a Type R classification issued pursuant to this Chapter, is authorized to purchase Cannabis and Cannabis Products from Cannabis Distribution Business(es). Said businesses are also authorized also sell, transfer, and distribute Adult Use Cannabis and Cannabis Products to retail customers who are 21 years of age or older that are in possession of a valid government-issued identification card.
 - Type M/R classification. A business with a valid Cannabis Business Permit with a type R/M classification issued pursuant to this chapter, is authorized to purchase Cannabis and Cannabis Products from Cannabis Distribution Business(es).

Said businesses are also authorized to sell, transfer, and distribute Medical Cannabis, and Cannabis Products to:

- Qualified Patient(s) with a currently valid physician's recommendation in compliance with the Compassionate Use Act of 1996 (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code section 11362.7 et seq.), and valid government-issued identification such as a Department of Motor Vehicles driver's license or State Identification Card.
- Primary Caregiver(s) with a verified Primary Caregiver designation by their Qualified Patient(s), a copy of their Qualified Patient's valid physician's recommendation in compliance with the Compassionate Use Act of 1996 (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code section 11362.7 et seq.), and valid official identification such as a Department of Motor Vehicles driver's license or State Identification Card.

Said businesses are also authorized to sell, transfer, and distribute Adult Use Cannabis and Cannabis Products to retail customers who are 21 years of age or older that are in possession of a valid government-issued identification card.

Dispensaries with an M/R classification must conduct all sales of Medical Cannabis and Cannabis Products at a separate counter from sales of Adult Use Cannabis and Cannabis Products.

FULL TEXT OF MEASURE S (CONTINUED)

- Cannabis Dispensaries and Medical Cannabis Dispensaries with valid Cannabis Business Permits may make deliveries, subject to the following conditions:
 - Deliveries must be made to home and business locations only. No deliveries may be made to public locations or parking lots.
 - Each delivery must be actively tracked by GPS and the Cannabis Dispensary shall keep a record of all GPS tracking for deliveries for at least 30 days.
 - No delivery person may carry more than five (5) orders per trip.
 - Each delivery must be either:
 - Within the City limits of the City of Solana Beach; or,
 - In full compliance with the laws and permitting requirements of the jurisdiction in which the delivery is made.
 - All Cannabis and Cannabis Products being delivered shall be obtained from directly from the location of the Cannabis Business that is authorized to deliver Cannabis. No Cannabis or Cannabis Products may be delivered from any offsite storage facility or manufacturing facility.
 - No person shall deliver Cannabis or Cannabis Products in any vehicle that has markings identifying it as a vehicle in which Cannabis may be contained.
 - Any person delivering Cannabis or Cannabis Products on behalf of a dispensary shall carry a copy of the dispensary's current permit.
 - No person or company shall deliver Cannabis or Cannabis Products to anyone except the person who ordered the delivery. The person delivering the cannabis shall confirm that the recipient of the delivery person is lawfully allowed to purchase Cannabis by inspecting the relevant identification documents and, as applicable, Identification Card or physician's recommendation, before delivering the Cannabis or Cannabis Product to the customer.
- A Cannabis Business shall not allow cannabis or cannabis products on the dispensary site to be visible from any public right-of-way, any unsecured areas surrounding the buildings on the site, or the site's main entrance.
- No person under 21 years of age shall own or operate a storefront Cannabis Dispensary or Medical Cannabis Dispensary in any capacity, including but not limited to, as a manager, staff person, employee, contractor, or volunteer.
- No person under 21 years of age shall be inside a Cannabis Dispensary or Medical Cannabis Dispensary building, or unit within a building, unless they are a Qualified Patient or a Primary Caregiver and the dispensary has a Type M or Type M/R Cannabis Business Permit.
- No person under 18 years of age shall be inside a Cannabis Dispensary or Medical Cannabis Dispensary building, or unit within a building, unless they are a Qualified Patient or a Primary Caregiver, and they are accompanied by their adult parent or legal guardian.
- No Cannabis Dispensary or Medical Cannabis Dispensary shall be open to the public between the hours of 10:00 p.m. and 7:00 a.m.
- Every Cannabis Dispensary and Medical Cannabis Dispensary must have a lobby, foyer, or waiting area immediately adjacent to the entrance to receive persons and verify that they are allowed into the dispensary. Every Cannabis Dispensary and Medical Cannabis Dispensary must also have a separate and secure area designated for selling Adult Use Cannabis, Medical Cannabis, Cannabis Products, and cannabis accessories.
- No dispensary shall allow any person to smoke, ingest, or otherwise consume Adult Use Cannabis, Medical Cannabis, or Cannabis Products within the dispensary building or unit within a building.

FULL TEXT OF MEASURE S (CONTINUED)

- No dispensary shall Cultivate Cannabis or have on site any live Cannabis plants except for Cannabis Clone(s). Cannabis Clones shall not be propagated at a dispensary site, but may be kept alive with artificial lighting on site for sale. No more than 6 clones shall be sold to a single person in a single transaction.
- A Cannabis Dispensary or Medical Cannabis Dispensary must have, at all times, secure storage on site for the after-hours storage of Cannabis and Cannabis Products as set forth in the dispensary's approved security plan. Secure storage shall consist of either a completely enclosed room, with a security door approved by the City Manager and no windows, or a locked safe bolted to the floor.
- All signage for Cannabis Dispensaries and Medical Cannabis Dispensaries must conform to city of Solana Beach signage standards. No sign for any Cannabis Dispensary or Medical Cannabis Dispensary may include the words: Cannabis, Marijuana, Weed, Pot, Reefer, High, or Ganja.
- Each Cannabis Dispensary or Medical Cannabis Dispensary shall have a sign conspicuously placed at the entrance stating, "Smoking, ingesting, or consuming cannabis or cannabis products on this site or in any public place is prohibited."
- A dispensary that is only authorized to sell Medical Cannabis must have conspicuously placed signed at the entrance stating, "Medical cannabis sales only. Only qualified patients and primary caregivers may enter. Any qualified patient or primary caregiver under 18 years of age must be accompanied by their parent or legal guardian."
- A dispensary that is only authorized to sell Adult Use Cannabis shall have a sign conspicuously placed at the entrance stating, "Adult use cannabis sales only. Persons under 21 years of age are strictly prohibited from entering. Valid, government issued identification must be presented for entry."
- A dispensary that is authorized to sell both Medical Cannabis and Adult Use Cannabis shall have a sign conspicuously placed at the entrance stating, "Medical cannabis and adult use cannabis for sale. Persons under 21 years of age are prohibited from entering this property unless they are a qualified patient or a primary caregiver. Any qualified patient or primary caregiver under 18 years of age must be in the presence of their parent or legal guardian. Valid, government issued identification must be presented for entry."
- A Cannabis Business operating a Cannabis Dispensary or Medical Cannabis Dispensary must, during all open hours, display its current valid Cannabis Business Permit issued pursuant to this Chapter. Said Cannabis Business Permit shall be displayed in a conspicuous place so that it may be readily seen by all persons entering the dispensary.
- No person shall operate a Cannabis Dispensary or Medical Cannabis Dispensary at any place other than the specific location for which the applicable Cannabis Business Permit is granted. A Cannabis Dispensary or Medical Cannabis Dispensary may only change locations by filing a relocation application with the City of Solana Beach and complying with all conditions of this Chapter at the new site.
- The fee for a Cannabis Dispensary or Medical Cannabis Dispensary application shall be \$2,500.00 payable to the City of Solana Beach.
- The fee for an application to relocate a Cannabis Dispensary or Medical Cannabis Dispensary shall be \$2,500.00 payable to the City of Solana Beach.
- In addition to any excise taxes or sales tax. Cannabis Dispensaries shall be required to pay an additional 1.25% sales tax, computed upon gross sales price, to the City of Solana Beach for all non-Medical Cannabis and non-Medical Cannabis Product sales. Cannabis Dispensaries keep adequate records of sale and permit the inspection thereof by the City Manager. This increased sales tax due to the City of Solana Beach shall paid in accordance with the Cannabis Business's normal reporting and payment schedule determined by the California Department of Tax and Fee Administration and/or California State Board of Equalization.

FULL TEXT OF MEASURE S (CONTINUED)

17.60.1906 Cannabis Cultivation—Nuisance declared.

- Cannabis cultivation, outdoors, for medical, non-medical or other purposes, is prohibited everywhere in the city including all zoning districts, specific plan areas, overlay zones and planned development zones and is hereby declared to be unlawful and a public nuisance, except as otherwise provided herein. No person owning, renting, leasing, occupying or having charge or possession of any parcel shall cause or allow such parcel to be used for cultivating marijuana outdoors. The foregoing prohibition shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Further, this prohibition shall be imposed notwithstanding any assertion that the person or persons cultivating marijuana are the primary caregiver or caregivers for qualified patients or that such person or persons are collectively or cooperatively cultivating marijuana. There is a limited exemption from enforcement of this subsection as set forth in Section 17.60.1907.
- Marijuana cultivation, indoors, for medical purposes is prohibited. There is a limited exemption from enforcement of this subsection as set forth in Section 17.60.1907.
- Marijuana cultivation, indoors, for non-medical purposes will be allowed consistent with state law. As required by state law, no more than six live marijuana plants may be planted, cultivated, harvested, dried, or processed within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured. Any marijuana cultivation for non-medical marijuana purposes that exceeds the limits set forth in this subsection is hereby declared to be unlawful and a public nuisance.

17.60.1907 Limited Exemption From Enforcement For Medical Marijuana.

- The city is committed to making efficient and rational use of its limited investigative and prosecutorial resources. Any illegal cannabis businesses will not be tolerated and will become a priority of Solana Beach's prosecutorial resources. There shall be a limited exemption from enforcement for violations of this chapter by primary caregivers and qualified patients for small amounts of marijuana cultivation for their own medical use in on which a single-family detached dwelling exists when all of the following conditions and standards are complied with:
 - The premises shall contain a legally permitted single-family detached dwelling.
 - Cultivation of no more than twelve marijuana plants per qualified patient. In the event a qualified patient has a primary caregiver cultivating marijuana plants for the qualified patient, only one primary caregiver may cultivate no more than twelve marijuana plants for that qualified patient at any one time. In no circumstances shall a qualified patient have multiple primary caregivers cultivating marijuana plants for the qualified patient at the same time in the city.
 - Two qualified patient limit to aggregate marijuana plant count for a maximum total of twenty-four marijuana plants per premises.
 - At least one qualified patient or one primary caregiver, acting on behalf of the qualified patient must live on the premises.
 - All marijuana plants must be reasonably secured to prevent theft and access to the plants by persons under the age of twenty-one, to a standard satisfactory to the enforcement official.
 - All marijuana cultivation outside of any building must be fully enclosed by an opaque fence at least six feet in height. The fence must be adequately secured to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps, or cloth material shall not constitute an adequate fence under this subsection. Premises larger than five acres are exempt from this fencing provision so long as all other standards and conditions of subsection A of this section are complied with and any barriers used are otherwise consistent with this code.

FULL TEXT OF MEASURE S (CONTINUED)

- Each building or outdoor area in which the marijuana plants are cultivated shall be set back at least ten feet from all boundaries of the premises. Such setback distance shall be measured in a straight line from the building in which the marijuana plants are cultivated, or, if the marijuana plants are cultivated in an outdoor area, from the fence to the boundary line of the premises.
- The designated marijuana cultivation area must not be visible from any public right-of-way.
- If the person cultivating marijuana plants on any premises is not the owner of the premises, such person shall submit a letter from the owner(s) consenting to the marijuana cultivation on the parcel. An original of this letter shall be submitted to and retained by the community development department. The city shall prescribe forms for such letters.
- Parolees or probationers shall not live on the premises unless the parolees or probationers have received written confirmation from the court that he or she is allowed to use medical marijuana while on parole or probation pursuant to Health and Safety Code § 11362.795 which shall be subject to verification by the enforcement official.
- Qualified patients for whom the marijuana plants are being cultivated shall have valid medical marijuana identification cards issued by the San Diego County or State department of public health. Any primary caregiver cultivating marijuana plants for a qualified patient shall have a copy of the qualified patient's valid medical marijuana identification card issued by the State of California or San Diego County department of public health which shall be kept on the premises.
- The address for the premises must be posted and plainly visible from the public right-of-way.
- The marijuana cultivation shall not be within a building containing two or more dwelling units.
- The marijuana cultivation shall not be upon any premises located within one thousand feet of any school, community center, or park.
- The marijuana cultivation shall not be upon any premises containing a child care center, church (religious facility), or youth-oriented facility.
- Any marijuana cultivation for medical purposes that does not comply with all of the standards and conditions of this section is a public nuisance and shall be subject to penalties and abatement as provided in Title 1 and Chapter 17.60.190 of the Solana Beach city code.

17.60.1908 Abatement of other nuisances.

Nothing in this chapter shall be construed as a limitation on the City's authority to abate any nuisance which may otherwise exist from the planting, growing, harvesting, drying, processing or storage of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building, as long as such abatement is consistent with State law. However, the City shall not take any abatement action against a Compliant Cannabis Business so long as that business is in full compliance with this Chapter and State law.

17.60.1909 Violations and penalties.

- Violation of any provision of this Chapter is a misdemeanor and subject to enforcement pursuant to the provisions of Title 1 of this code. The provisions of this Chapter may be enforced by any law enforcement officer with jurisdiction; persons employed by the city to enforce the provisions of this code, including, but not limited to, code enforcement officers, and such other enforcement officials. No provision of Title 1 or this chapter shall authorize a criminal prosecution or arrest that is otherwise prohibited by Health and Safety Code §§ 11362.71 or 11362.1 et seq., as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under Title 1 of the Solana Beach Municipal Code, this Chapter, and any penalties set forth in State law, the maximum penalties available under state law shall govern.

FULL TEXT OF MEASURE S (CONTINUED)

- Any violation of this Chapter shall be, and the same is declared to be, unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal or administrative action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoyment thereof, in the manner provided by law, and may take such other steps and shall apply to such Court or courts as may have jurisdiction to grant such relief as will abate or remove the Cannabis Cultivation, Dispensary, Distribution, or Manufacturing site and restrain and enjoin any person from operating a Cannabis Cultivation, Dispensary, Distribution, or Manufacturing site in a manner contrary to the provisions of this Chapter.

17.60.1910 Application method

- Any person seeking to obtain a Cannabis Business Permit must submit an application to the City of Solana Beach, Community Development Department.
- The City of Solana Beach shall accept Cannabis Business Permit applications during the first two (2) weeks of every month and shall process and score applications during the last two (2) weeks of the month during which the applications were submitted. The City shall issue, or deny, Cannabis Business Permit applications within 30 days of receipt thereof. This process shall continue until all available Cannabis Business Permits are granted. The same process shall apply in the event that any additional Cannabis Business Permits become available, or in the event of the termination of a Cannabis Business Permit.
- All Complete Cannabis Applications shall be reviewed and evaluated by the City of Solana Beach in order to determine which Applicant(s) best meet the requirements for the limited number of permits available. This determined shall be made transparently by the City based upon a point-based system. The more points the applicant has, the higher priority they have for the issuance of a Cannabis Business Permit.
- The City will issue Cannabis Business Permits only for applicants who submit a complete application and whose score exceed's any other applicant's points that applied during the application period of that month. If there are more applicants than the number of available permits during the application process, the Cannabis Business Permits shall be awarded to the highest scoring applicants.
- In the event that more than one applicant is competing for the same Cannabis Business Permit who score the same during the application process, the applicant who submitted their application first shall be awarded the Cannabis Business Permit. All applications received by the City of Solana Beach shall be time-stamped upon receipt of the application.
- Cannabis business applications shall be accepted by the city of Solana Beach the day this ordinance shall take effect and become law.
- The City of Solana Beach shall not responsible for any costs incurred in connection with the preparation of applications, which costs shall be born solely by the applicants.

17.60.1911 REQUIRED CONTENTS OF APPLICATION

- Applications shall include the following information presented in a clear and concise format. Applicants must create an application outline **identical** to the outline provided below and must answer the questions presented in the **exact order** shown below. Applications outline's must be concise and focus solely on the information requested. A complete application outline is required with a application .
1. Points will be awarded to each section of the application. As long as the applicant addresses the requested information in each section, the maximum points allowed per section will be applied. Applications with the highest points will be issued any available cannabis permits.

FULL TEXT OF MEASURE S (CONTINUED)

B. Application outline:

1: Cover Letter (5.5 points): A cover letter (2 pages maximum) summarizing Respondent’s understanding of what it takes to operate a cannabis retail facility in Solana Beach and the Respondent’s interest in establishing a cannabis retail facility in Solana Beach. Identify the name of the applicant, the name of the business, and contact information (including phone and email).

2: Physical Description and Layout (24.5 points):

1. EXTERIOR – Describe in detail how you envision the exterior of your facility. **(3.5 points)**
2. INTERIOR – Describe in detail how you envision the interior of your facility. **(3.5 points)**
3. EXPERIENCE OF CUSTOMERS – Describe in detail the experience you envision that your customers will have as they pass through the physical space of your facility. Describe a step-by-step narrative of what your customers will experience from the beginning of their interaction with your facility through the end of their interaction with your facility. If there are multiple types of interactions, then describe each type of interaction. **(3.5 points)**
4. SIZE OF FACILITY BY ROOM – How many square feet will your facility be. Also, indicate how the facility will be internally divided. What proportion of the interior space will be dedicated to the various components of the facility? In addition to a description, the City recommends creating a table similar to this: **(3.5 points)**

FACILITY COMPONENT	LOW ESTIMATE OF SQUARE FEET	HIGH ESTIMATE OF SQUARE FEET
Bathroom	50sf	150sf
Storage area	100sf	300sf
Staff office	120sf	250sf
Retail area #1	500sf	2,000sf
Etc.		
Etc.		
Etc.		
Etc.		
TOTAL SQUARE FEET	_____ sf	_____ sf

5. INVESTMENTS/IMPROVEMENTS – Describe the interior and exterior investments/improvements that you plan to make to the premises in which you plan to locate your facility. Describe the interior and exterior investments/improvements that you plan to make to that specific location. **(3.5 points)**
6. DELIVERIES – Will your facility include deliveries? If so, describe in detail how deliveries will work. Provide detail on the logistics of delivering cannabis to customers. **(3.5 points)**
7. AVERAGE NUMBER OF CUSTOMERS – Identify the average number of customers you expect to enter your facility in the first year and the average number of customers you expect to enter your facility in the third year. **(3.5 points)**

D. SECTION 3: Mission and Identity (25 points):

1. MISSION STATEMENT – Outline the “Mission Statement” of your business. **(2.5 points)**
2. IDENTITY – Describe the “identity” of your business. What will the business be like in a broad esoteric sense? How will this business be perceived by your customers? How will this business be perceived by the community? **(2.5 points)**
3. WHY Solana Beach? – Describe in detail why you want to locate your business in Solana Beach. Why are you choosing Solana Beach over other places? **(5 points)**
4. REPRESENTATION OF Solana Beach – How will you represent Solana Beach and San Diego County when describing your business? **(2.5 points)**
5. WHY CHOOSE YOU? – Describe what makes your business special. **(2.5 points)**
6. IDEAL STAFF – Describe the ideal type of people you want to work in your facility. What are you going to look for in your staff? **(2.5 points)**

FULL TEXT OF MEASURE S (CONTINUED)

7. IDEAL CUSTOMERS – Describe the ideal type of people you want to shop in your facility. What are you going to look for in your customers? **(2.5 points)**
8. RELATIONSHIP TO TOURISM – Describe your relationship with tourism in Solana Beach. How will you cater to visitors to our area? Being tourism-centric is neither good nor bad; we simply want to understand your envisioned business model. **(2.5 points)**
9. COMMUNITY PARTICIPATION – Describe how you will participate in our community by volunteering or donating to local causes. How will your business benefit Solana Beach? **(2.5 points)**
10. MIX OF PRODUCTS – Describe the mix of the products you will carry. Create a copy of the table below showing the ratio of the different products. **(2.5 points)**

CATEGORY	% OF TOTAL SALES (LOW ESTIMATE)	% OF TOTAL SALES (HIGH ESTIMATE)
Whole flower		
Vape pens and other loaded vaporizers		
Tinctures and other edibles		
Cannabis-infused lotions, creams, perfumes, and other non-edible cannabis-infused products		
Paraphernalia (pipes, hookahs, lighters, unloaded vaporizers, rolling papers, empty jars, etc.)		
Clothes, hats, jewelry, posters, stickers, and other merchandise		
Non-cannabis food		
Other (describe below)		

3: Business Operations (20 points):

- A. Name of Business. (2 points)
- B. OWNERSHIP STRUCTURE – Describe in detail the ownership structure of your business. Will the business be incorporated? Will the business be a sole-proprietorship? Etc. (2 points)
- C. MARKETING STRATEGY – Outline in detail your proposed marketing strategy, including: (2 points)
1. The mechanisms through which you will advertise.
 2. The style through which you will present your business to the world.
 3. Describe your target audience(s) that you will have in mind when creating and distributing your marketing materials.
 4. Describe two to five hypothetical customers that you envision as your target audience(s). Are they young, elderly, locals, tourists, veterans, frequent customers, one-time customers, healthy, sick, etc. Describe them in detail.
- D. OPERATING HOURS – Identify the hours and days of the week the retail facility will be open. (2 points)
- E. POSITIONS AND SALARY RANGES – Outline the types of positions that your business will include. Identify the range of salary that each individual will earn. (2 points)
- F. NUMBER OF EMPLOYEES BY TYPE – Identify the maximum and minimum number of employees (by type) that you envision employing. (2 points)
- G. STAFF RECRUITMENT – Describe your staff recruitment and screening processes. (2 points)
- H. FINANCIAL ACCOUNTING – Describe in detail how you plan to conduct day-to-day accounting and how you will manage tax collections and payments. (2 points)
- I. INVENTORY CONTROL – Describe how you will conduct inventory control. (2 points)

FULL TEXT OF MEASURE S (CONTINUED)

J. LEGAL COMPLIANCE – Outline how you plan to comply with local and State regulations. (2 points)

4: Qualifications and Experience (20 points):

A. BUSINESS TRAINING AND EDUCATION – Outline all relevant business-related training and/or education completed by the owners and/or management team of the proposed business. (5 points)

B. GENERAL BUSINESS EXPERIENCE – Describe all relevant business-related experience possessed by the owners and/or management team of the proposed business. (5 points)

C. CANNABIS RELATED EXPERIENCE - Describe all relevant experience in the cannabis industry. (5 points)

D. CONFLICTS OF INTEREST – statement which discloses any past, ongoing, or potential conflicts of interest which the Respondent may have as a result of performing the work in this application. (5 points)

5: Summary Page (5 points):

A. SUMMARY PAGE – As the final, full-page of the proposal, create a succinct summary overview of the proposed business and facility. Structure this page as an easy quick-reference guide that the review panel can use to understand your application “at-a-glance”. Make it concise and well-organized and do not exceed one page. Make it the very last page of the application outline.

B. SIGNATURE – The bottom of the summary page must be wet-signed by an authorized representative of the Respondent.

6: Extra points (40 points) The city of Solana Beach acknowledges that applicants that perform above the minimum requirements of this application shall receive extra points to be applied to their application rating. Items 1-3 will become conditions of your cannabis business license for the first year of operation. Items 4-8 must be accompanied by documented evidence of meeting these requirements.

1. State Licensed Security Officer on-site during operational hours.

(shows commitment to public safety) = (5 points)

2. Off-Site video storage of a minimum of 30 days video footage.

(shows commitment to safety and data retention) = (5 points)

3. City allowed live access to security video cameras in cannabis facility.

(shows commitment to public safety and operational transparency) = (5 points) extra

4. Applicant is a cannabis business entity in existence on or before Jan. 1, 2016 *(shows industry experience and knowledge) = (5 points)*

5. Applicant has a notarized statement from an existing licensed cannabis cultivator attesting to an ongoing business relationship.

(shows legal industry involvement and attainable legal cannabis and cannabis products by applicant) = (5 points)

6. Applicant has an existing business license with the city limits of Solana Beach.

(shows applicant already complies with the city of Solana beach's regulations) = (5 points)

7. Applicant has operated a lawful dispensary or delivery in the past or currently with a valid business license during operation. (Business license must be provided, shows industry experience and lawful compliance = (5 points))

8. Applicant is a nonprofit mutual benefit corporation.

(show that the business is for charitable purposes by like-minded citizens) = (5 points)

7: Other Requirements (0 points, but required):

A. PHYSICAL COPIES – Two (2) bound copies and one (1) unbound copy of the application shall be submitted in a sealed envelope or box and the title of the project shall be plainly marked on the outside of the envelope or box. Applications shall be on standard 8.5" x 11" paper.

FULL TEXT OF MEASURE S (CONTINUED)

B. **TIMELY SUBMITTAL** – Applicants shall submit copies of their application to CITY by hand. Applications will only be accepted during the application acceptance window. *(The first 2 weeks of each month until all licenses are issued)*

17.60.1912 Cannabis Application Format

The city of Solana Beach shall adopt this cannabis business application:

Cannabis Business Application



City of Solana Beach, Planning Dept.
City Hall 635 S. HWY 101
Solana Beach, CA 92075
(858) 720-2400

Application Form

PR-09X0-S-22

FULL TEXT OF MEASURE S (CONTINUED)

Owner/Application/Agent

Property Owner's Name:			
Mailing Address:	City:	State:	Zip:
Phone:	Email:		

Applicant's Name (if different from Owner):			
Mailing Address:	City:	State:	Zip:
Phone:	Email:		

Agent's Name (if different from Applicant):			
Mailing Address:	City:	State:	Zip:
Phone:	Email:		

Project Location

Location Address:

APN:

Applicant's Authorization:

I hereby authorize the City of Solana Beach to process this application, and I authorize the City of Solana Beach to enter upon the property described herein as reasonably necessary to evaluate the project. I have completed, or reviewed this application, the attached forms, and know that the contents thereof are true and accurate to my own knowledge and I assume all responsibility for their accuracy. I agree to hold harmless, indemnify and defend the City, its officers, officials, employees, and volunteers from and against all claims, damages, losses, and expenses, including attorney fees, arising out of or in connection with this application. I assert that I have the authority to conduct cannabis related business at the above (listed) location.

Applicant's Signature:

Date:

Only Authorized City of Solana Beach Staff May Complete This Section:	
Received By:	
Received Date:	
Assigned Planner:	
Assigned Oversight Planner:	
Assigned Case Number:	

I am applying for, or renewing, the following Cannabis Facility License (check only one):	
Medical Dispensary	
Adult Dispensary	
Medical/Adult	

FULL TEXT OF MEASURE S (CONTINUED)

Zero Tolerance Policy Regarding Bribery and Corruption

It is the City of Solana Beach's policy to conduct all business in an honest and ethical manner. The City takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly, and with integrity in all our business dealings and relationships. By applying for a Cannabis Application, you acknowledge that you will be engaging in regular and re-occurring interactions with multiple City employees. You also acknowledge that in your communications with City employees, any suggestion or insinuation regarding gifts, favors, preferential treatment, or induced deviations from the law, policy or ordinance will be immediately reported to the Solana Beach Police Department for a complete and thorough investigation. The Solana Beach Police Department will treat such suggestions or insinuations as a serious offence. In addition, any and all applications for a Cannabis License will be immediately suspended. If any wrong doing is found, the company and individuals will be banned from future consideration and all applications will be terminated and denied. I acknowledge this statement and will comply with its requirements.

Applicant's Signature:		Date:
Applicant's Name		
Business Name		
Site Address		
Application Type	Initial	Renewal
If renewal, please attach	State License; or	Copy of State License Application and all related correspondence

MEDICAL CANNABIS FACILITIES		YES	NO
A	Identify the zoning district of your proposed location:		
B	Are you in an approved Zone for cannabis businesses?		

SBMC § 17.60.1905: DISPENSING FACILITIES AND DELIVERY SERVICES		YES	NO
A	Are you applying for a dispensary license? (if "no" skip to the next section)		
B	Will your dispensary have delivery services? If yes, describe the delivery services in detail in the project description report.		

SBMC § 17.60.1904: REQUIRED CONDITIONS AND FINDINGS		YES	NO
A	Do you have a valid State Medical Cannabis License? (If yes, skip next question).		
A	If no, describe the process you are pursuing to receive a State Medical Cannabis License:		

FULL TEXT OF MEASURE S (CONTINUED)

		YES	NO
B	"Each entrance to a cannabis facility shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises, except for qualified patients, unless accompanied by a parent or legal guardian." Signs may be simplified to say, "Persons under the age of 21 are precluded from entering the premises." Confirm here that you will post this information at all entrances to the site.		
C	"No permit or license to operate shall be issued for any facility that is located within a 600ft radius or distance... of an existing public K-12 school." How many feet is your facility from the nearest public school?		
D	"The operation of cannabis facilities shall not adversely affect the health or safety of the facility occupants or employees, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes." Confirm that your facility will comply with these requirements.		
E	A cannabis business operator shall prevent all odors generated from the manufacturing of cannabis products and the storage of cannabis from escaping the buildings on the site, such that the odor cannot be detected by a reasonable person of normal sensitivity outside the buildings. Confirm that your business will comply		
F	"Cannabis facility operators shall refrain from the improper storage or use of any fuels, solvents or any other hazardous substance. Confirm that you will comply with this requirement and that all such materials are disclosed in your floor plan		
G	"Operators of cannabis facilities" shall maintain active enrollment and participate in a track and trace program as approved by the state." Confirm that you will comply with this requirement.		

		YES	NO
SBMC § 17.60.1904: PERMITS AND LICENSING			
A	All Cannabis Businesses in Solana Beach must comply with State law regarding medical cannabis. Are you aware of the applicable state laws and do you intend to comply with these laws?		
B	All Cannabis business licenses must be renewed annually. Acknowledge here that you understand that your license must be renewed within one year of issuance and must be re-renewed each year thereafter.		
C	I authorize the City, its agents, and employees, to seek verification of the information contained within this application, including site visits and reference checks.		
D	<u>ATTACHMENT B: AREA PLAN:</u> Confirm submittal, including all required information.		
E	<u>ATTACHMENT C: SITE PLAN:</u> Confirm submittal, including all required information.		
F	<u>ATTACHMENT D: FLOOR PLAN:</u> Confirm submittal, including all required information.		
G	What hours and days of the week the medical cannabis facility will be open?		

FULL TEXT OF MEASURE S (CONTINUED)

		YES	NO
H	ATTACHMENT E: ODOR CONTROL MEASURES: Confirm submittal of Odor Control Measures Floor Plan including all required information.		
I	Provide a written description of all Odor Control Measures equipment and systems: <ul style="list-style-type: none"> • Describe below the specifications and functions of all equipment in detail • Cross referenced with the Odor Control Measures Floor Plan. 		
J	How will you document the name, location and operator of the cannabis facility(s) supplying the cannabis to the facility?		
K	Describe your staff screening process including appropriate background checks:		
L	Describe the screening, registration and validation process for qualified patients (dispensary only):		
M	Describe the qualified patient records acquisition and retention procedures (medical dispensary only, type M):		
N	ATTACHMENT F: SAFETY AND SECURITY PLAN: Confirm submittal, including all required sub-sections.		

FULL TEXT OF MEASURE S (CONTINUED)

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INSPECTION AND MONITORING		YES	NO
A	Inspectors with the City of Solana Beach shall be granted unrestricted access to all parts of the facility to ensure compliance with the terms of the cannabis license at any time during normal operating hours as specified in the license application. 24hr notice must be given.		
B	Prior to the annual expiration and renewal of the cannabis license to assure compliance with the terms of the cannabis license. The city of Solana Beach may choose to inspect the cannabis facility. All records kept pursuant to the cannabis license shall be open for visual inspection. 24hr notice must be given. Are you willing to comply with this requirement?		
C	If the cannabis licensee refuses inspection, or if the inspection finds that the facility is not operated in compliance with the approved license application, the cannabis license shall be subject to a 45-day remediation period where if the violations are not fixed than revocation of the cannabis license for the facility shall occur. Are you willing to comply with this requirement?		
D	Following inspection pursuant to (B) above, the City shall either provide a statement of non-compliance with a 45-day timeline for attaining compliance, or shall renew the cannabis license within ten business days of the inspection date. Are you willing to comply with this requirement?		
E	Within ten days after issuance of a statement of non-compliance, the determination of non-compliance may be appealed by any interested party to the city of Solana Beach city council. The appeal shall be made, in writing, on a form provided by the City. Are you willing to comply with this requirement?		

FULL TEXT OF MEASURE S (CONTINUED)

ENFORCEMENT	YES	NO
Any violation of this chapter is subject to administrative, civil, or criminal penalties, as set out in Solana Beach Municipal Code, in addition to being subject to other remedies provided by law, including but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. Are you willing to comply with this requirement?		

I/We understand that I/We have an independent obligation to be aware of and comply with federal law. I/We understand that the federal government classifies cannabis as a Schedule I drug. I/We understand that the federal government and the City of Solana Beach may impose different requirements and restrictions upon marijuana related businesses, and that I/We are responsible for knowing about and complying with each. I/We understand that compliance with the City of Solana Beach requirements, and/or California law, does not necessarily imply compliance with federal law. Finally, I/We indemnify and hold the City of Solana Beach harmless for any damages that may result from violation of federal law, up to and including but not limited to, federal prosecution.		
I/We, as the applicant for the cannabis facility indemnify and hold harmless the City of Solana Beach and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the cannabis facility, and for any claims brought by any of their clients for problems, injuries, damages, or liabilities or any kind that may arise out of the processing, manufacturing, transporting, distribution, and dispensing of medical cannabis.		

BUILDING PERMIT REQUIREMENTS	YES	NO
I acknowledge that multiple types of construction and/or modifications to the interior or exterior of my proposed project site may trigger a Building Permit. Any such proposed changes should be disclosed in the Site Plan. You must also consult with the City of Solana Beach Building Department regarding your project to determine if a building permit is required. I acknowledge this requirement.		

Attachments

All content must be submitted in this form. The application should be submitted in the following order:

1. Application Outline and Form and application fee (must be complete)
2. Attachment A: Area Plan (must include)
 - Your location in the city
 - The zoning of the proposed cannabis site.
3. Attachment B: Site Plan (must include)

FULL TEXT OF MEASURE S (CONTINUED)

Site Plan shall consist of a map or maps that show or contain all of the following:
A scale sufficient to show the proposed project site;
At least a portion of the properties directly adjacent to the proposed site;
The streets/alleys adjacent to the proposed site;
North arrow;
Property lines;
A clear indication of which structures/facilities are existing and which are proposed;
Location and use of all structures proposed to be utilized for the proposed cannabis use;
Dimensions of all existing/proposed structures;
Dimensions of all existing/proposed structures from the property lines;
Locations of existing/proposed man doors;
Existing/proposed roll-up doors;
Existing/proposed fencing/gates;
Existing/proposed square footage

4. Attachment C: Floor Plan (must include)

Floor Plan shall consist of a map or maps that show or contain all of the following:
Map at a scale sufficient to show the full interior of the facility;
North arrow;
A clear indication of which fixtures/equipment/walls are existing and which are proposed;
A clear indication of exterior walls;
Locations of all walls, major fixtures, major equipment, major electrical appurtenances, and major HVAC equipment;
Locations of existing/proposed man doors;
Locations of existing/proposed roll-up doors;
Locations of existing/proposed windows/skylights;
Interior walls; proposed use of each room;
Dimensions/areas of each room;

5. Attachment D: Odor Control Measures Floor Plan (must include)

- **Map or diagram of facility**
- **Same scale and style of map as utilized in Attachment D**
- **Location of active ventilation equipment/systems;**
- **Carbon odor filtration equipment/systems;**
- **All other equivalent odor control equipment/systems;**

6. Attachment E: Safety and Security Plan (must include)

Safety and Security Plan shall show or contain all of the following in the following sequence:
Map(s) and/or diagram(s) of facility (Safety/ Security Site Plan Map) showing location of all required elements outlined in the pages below. Map(s) and diagram(s) shall utilize the same scale and style of maps as utilized in Attachment C and/or Attachment D.
A written description of all required elements, presented in the sequence outlined in the pages below: Describe the specifications and functions of all equipment in detail and how the equipment satisfies the requirements listed below (be sure to present the materials in the sequence outlined in the pages below).

FULL TEXT OF MEASURE S (CONTINUED)

Safety and Security Requirements

All applicants seeking licenses for cannabis facilities must submit a Safety and Security Plan to the City of Solana Beach which outlines "...the security measures that will be employed at the premises..." This section outlines Safety and Security Policy in order to clarify precisely what the City expects to see in the Safety and Security Plans. Requirements are based on industry standards.

The implementation of certain types of security measures at commercial facilities is proven to reduce specific types of crime, including vandalism, burglary, and armed robbery. It is the desire of the City of Solana Beach to ensure that facilities employ reasonable efforts to reduce crime through recognized crime prevention measures. Known as Situational Crime Prevention, there are five basic strategies: increase the effort necessary to victimize, increase the risk of apprehension, reduce the reward of crime, reduce provocation, and remove excuses. A combination of each of the strategies will help prevent or reduce crime at these risky facilities. To that end, the following regulatory standards will be required at cannabis facilities in order to prevent crime.

At Risk Facilities: A type of facility that does not have a record of attracting crime or public safety calls for service, but that manufactures or sells a type of product and/or type of service that may attract crime. All Cannabis Businesses are deemed "At Risk". An at-Risk Facilities will be required to show the following in their Safety and Security Plans:

1. **Signage Regarding Theft Control Measures:** Clear and obvious signage regarding the theft control measures below and any other theft control measures employed on site.
2. **Video Surveillance:** High resolution video surveillance that records motion and retains digital footage internally and externally (360° of location, 720p resolution or higher). The video must be backed up to an external device at least once per week. The external device should allow for video to be uploaded to a portable device such as a thumb drive. Cloud-based storage is also recommended.
3. **Alarms:** Commercial grade security, burglar, and panic alarm systems. Install an adequate security system to prevent and detect diversion, theft, or loss of cannabis or unauthorized intrusion, utilizing commercial grade equipment, which shall at a minimum include:
 - A. A perimeter alarm on all entry points and perimeter windows.
 - B. A duress alarm, panic alarm, or holdup alarm connected to local public safety or law enforcement authorities.
 - C. Video cameras in all areas that may contain cannabis, at all points of entry and exit, and in any parking lot, which shall be appropriate for the normal lighting conditions of the area under surveillance. Infrared cameras may be used in areas of low lighting. The cameras shall be directed at all safes, vaults, sales areas, and areas where cannabis is cultivated, harvested, processed, prepared, stored, handled, or dispensed. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the building or area.
 - D. Twenty-four-hour recordings from all video cameras that are available for immediate viewing by the City upon request and that are retained for at least 30 calendar days. If the applicant is aware of a pending criminal, civil, or administrative investigation, or legal proceeding for which the recording may contain relevant information, recordings shall not be destroyed or altered, and shall be retained as long as necessary.
 - E. The ability to produce a clear, color, still photo (live or recorded).
 - F. A date and time stamp embedded on all recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture.
 - G. All security systems equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction, and alterations.

FULL TEXT OF MEASURE S (CONTINUED)

H. Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, security system service personnel, and the Department. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Department upon request. If on-site, surveillance rooms shall remain locked and shall not be used for any other function.

I. All security equipment shall be in good working order.

4. **General Site Control:** Implement the following general site control security measures to deter and prevent unauthorized entrance into areas containing cannabis.

A. Prevent individuals from remaining on the premises of an Cannabis facility if they are not engaging in a specific activity.

B. Establish limited access areas accessible only to specifically authorized personnel, authorized personnel from authorized support businesses, and authorized customers. Each of these categories of authorized individuals should have limited access to only those areas that they need to access.

B1. Authorized personnel shall include only the minimum number of employees essential for efficient operation. Authorized personnel should be screened by the owners/operators of the cannabis facility.

B2. Authorized support personnel from authorized support businesses shall include only the minimum number of employees from authorized support businesses for efficient operation. Examples include delivery services, custodial services, and other related services.

C. Store all trimmed, manufactured, or packaged cannabis in a secure, locked safe or vault and in such a manner as to prevent diversion, theft, and loss.

D. Keep all safes, vaults, and any other equipment or area used for the production, processing, or storage of cannabis and cannabis products securely locked and protected from entry, except for the actual time required to remove or replace cannabis.

E. Keep all locks and security equipment in good working order.

F. Prohibit keys, if applicable, from being left in the locks, or stored or placed in a location accessible to persons other than specifically authorized personnel.

G. Prohibit accessibility of security measures, such as combination numbers, passwords or electronic or biometric security systems, to persons other than specifically authorized personnel.

H. Ensure that the outside perimeter of the cannabis facility is sufficiently lit to facilitate surveillance.

Infrared cameras may be used in areas of low lighting.

I. Ensure that trees, bushes, and other foliage outside of the cannabis facility do not allow a person or persons to conceal themselves from sight or block camera views.

J. Develop emergency policies and procedures for securing all products following any instance of diversion, theft, or loss of cannabis, and conduct an assessment to determine whether additional safeguards are necessary.

K. Refusal to allow staff, support service staff, or customers to enter the facility with backpacks, carrying cases, or roller bags.

L. Refuse service to customers, staff, or support staff that have been previously arrested at the facility.

END OF APPLICATION

FULL TEXT OF MEASURE S (CONTINUED)

17.60.1913 SELECTION CRITERIA

- The City of Solana Beach is using a competitive proposal process, wherein all submitted applications will be reviewed and points will be awarded according to the following criteria being addressed:

CRITERIA AND REQUIREMENTS	POINTS
Cover letter outlining Respondent's interest/understanding regarding cannabis retail	4.5 points
Physical description and layout	24.5 points
Mission and identity	25 points
Business operations	20 points
Qualifications	20 points
Summary page	5 points
Extra Points	Variable
Maximum points possible	100 Points + extra points

- A Cannabis Review Committee (Committee) appointed by the City Manager will evaluate each application to determine if it meets the minimum requirements of Solana Beach Municipal Code 17.60.90. The Committee may meet with some or all of the Applicants and may ask some or all of the applicants to clarify, supplement or modify certain aspects of their submittal.
- The Committee will select the applicants with the highest scores to grant the Cannabis Business Licenses for the available license type.
- Applicants scores will be made available to the public upon receipt of a valid Public Records Act request.
- Use of Cannabis Tax Revenue**

All tax revenue from Cannabis Businesses shall be applied towards protecting the health, safety and welfare of the people of the City of Solana Beach mitigate the costs to the community of the oversight of the activities authorized hereby. Priority for the use of said funds shall be given to law enforcement and fire personnel. Tax revenue from Cannabis Businesses shall also be used to prosecute and abate violations of this Chapter.

FULL TEXT OF MEASURE S (CONTINUED)

17.60.1914 Scope of Prohibitions; Severability.

- The prohibitions in this chapter shall not be interpreted to prohibit a person twenty-one years of age or older from: (1) possessing, processing, purchasing, transporting, obtaining or giving away to persons twenty-one years of age or older, without compensation whatsoever, not more than twenty-eight and one-half grams of marijuana not in the form of concentrated cannabis or up to eight grams in the form of concentrated cannabis; (2) smoking or ingesting marijuana or marijuana products; (3) possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away marijuana accessories to persons twenty-one years of age or older without compensation whatsoever, to the extent that such activities are authorized by Health and Safety Code § 11362.1.
- This Chapter shall not be interpreted to interfere with any person's right to obtain and use Cannabis as authorized by State law, nor does it decriminalize the possession, use or cultivation of Cannabis in violation of State law. Cannabis Businesses shall comply with all provisions of this Chapter, all applicable State laws, and all other applicable local codes and regulations.
- If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of this Ordinance. The people of Solana Beach hereby declare that they would have passed this Ordinance and each sentence, clause or phrase thereof even if one or more sentences, clauses or phrases were declared unconstitutional or otherwise invalid.

17.60.1915 Effect Date of Ordinance

This Ordinance shall take effect and become law 30 days after it's passage or on January 1, 2019. Whichever date comes first.