

§ 11.17.115 PERMITTEE SELECTION PROCESS.

A. *Storefront retail commercial cannabis businesses.*

1. Applicants shall be selected through a multi-stage screening process to be adopted by City Council resolution. No applicant is guaranteed any particular result in the application process.

2. One stage of the process shall include a public meeting where the public may comment on the proposed storefront retail commercial cannabis business applicants. At least ten (10) days prior to the public meeting, the proposed premises will be posted, and notice of the public meeting will be delivered to all property owners and occupants located within two thousand five hundred (2,500) feet of the proposed premises of each of the applicants that will be present at the meeting.

3. Each commercial cannabis storefront retail business shall comply with the requirements of §17.220.015 of this Code to have a valid Conditional Use Permit in place prior to operation.

4. City Council shall select the applicants to be awarded a storefront retail Commercial Cannabis Business Permit at a public City Council meeting. The City Council's decision as to those applicants that are issued a Commercial Cannabis Business Permit shall be final.

5. No applicant shall be selected if the proposed location is not in compliance with the following distancing requirements:

a. No storefront retailer shall be located within a 600-foot radius of a school providing instruction in kindergarten or any grades one (1) through twelve (12), day care center, youth center, or park or playground, that is in existence at the time of the initial issuance of a Commercial Cannabis Business Permit from the City. The distance specified in this subsection 5.a shall be the horizontal distance measured in a straight line from the property line of the sensitive receptor to the closest property line of the lot on which the cannabis business is to be located without regard to intervening structures.

b. No storefront retailer shall be located within one thousand (1,000) feet of any other storefront retailer within the City. The distance specified in this subsection 5.b shall be the horizontal distance measured in a straight line from the property line of the lot on which one storefront retailer is located to the closest property line of the lot on which the second storefront retailer is to be located without regard to intervening structures.

c. No storefront retailer shall be located on a corner parcel where the structure on the premises is within forty- five (45) feet of a residential zoning district. The distance specified in this subsection 5.c shall be the horizontal distance measured in a straight line from the exterior wall of the structure on the premises, to the closest property line of the nearest property in a residential zoning district within the City.

B. *All other Commercial Cannabis Business Permits.* Commercial Cannabis Business Permits for manufacturing, cultivation, distribution, testing and delivery-only retailers shall be issued by the Permit Administrator. City Council shall adopt by resolution a selection process for the issuance of these categories of Commercial Cannabis Business Permits.

C. *Requirements applicable to all Commercial Cannabis Business.*

1. All applicants shall be at least twenty-one (21) years of age or older.
2. Issuance of a Commercial Cannabis Business Permit does not create a land use entitlement. No Commercial Cannabis Business Permit shall be issued and no applicant selected for issuance of a Commercial Cannabis Business Permit may begin operations, until the applicant has demonstrated compliance with all the state and local laws and regulations, including but not limited to the requirements of this Code and of the Commercial Cannabis Business Permit.
3. Notwithstanding anything in this Chapter to the contrary, the City reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account the public health, safety and welfare. Applications may also be rejected for the following reasons:
 - a. The application is received after the designated time and date in which the City will receive applications.
 - b. The applicant has failed to submit a complete application, or the application is not organized in the required format.
 - c. The applicant has failed to pay the application fee as required by this Chapter and by City Council resolution.
 - d. The applicant has made a false, misleading or fraudulent statement or omission of fact in the application or in the application process.
 - e. The application contains excess or extraneous material not called for in the application package.
 - f. The applicant, an owner, or manager has been sanctioned or fined for, enjoined from, operating a cannabis dispensary or retailer in the state without the necessary permits and approvals from the applicable state and/or local jurisdictions.
4. Conviction of the applicant, or an owner, manager, or responsible person, including a plea of guilty or no contest, to any the following offenses shall be grounds for denial of a Commercial Cannabis Business application:
 - a. A violent felony, as specified in § 667.5(c) of the California Penal Code.
 - b. A serious felony, as specified in § 1192.7(c) of the California Penal Code Section.
 - c. A felony involving fraud, deceit, or embezzlement.
 - d. A felony for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
 - e. A felony for drug trafficking with enhancements pursuant to §§ 11370.4 or 11379.8 of the California Health and Safety Code.
 - f. A felony involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.

5. An applicant shall have no right to a Commercial Cannabis Business Permit until a Commercial Cannabis Business Permit is actually issued, and then only for the duration of the Commercial Cannabis Business Permit's term. Each Applicant assumes the risk that, at any time prior to the issuance of a Commercial Cannabis Business Permit, the City Council may terminate or delay the issuance of permits as established by this Chapter.

6. Prior to operating a commercial cannabis business, each person awarded a Commercial Cannabis Business Permit shall be required to pay a permit fee established by resolution of the City Council, to cover the costs of administering this Chapter.

(Ord. No. 17-018 § 2 (part); Ord. No. 2017-020 § 2 (part); Ord. No. 2018-007 § 2 (part))