

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING ARTICLE XVI (CANNABIS BUSINESSES) OF CHAPTER VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) TO (A) MODIFY THE DEFINITION OF "YOUTH CENTERS" AS A SENSITIVE USE, INCLUDING SPECIFICALLY EXCLUDING CERTAIN USES (MARTIAL ARTS/COMBAT SPORTS, CULTURAL OR SIMILAR EDUCATION, AND PHYSICAL FITNESS); (B) MODIFY THE DEFINITION OF "CANNABIS BUSINESS OWNER" TO CONFORM WITH STATE LAW; AND (C) MAKE ANY OTHER CONFORMING AMENDMENTS

WHEREAS, this Ordinance is adopted pursuant to the City's police powers, afforded by the state constitution and state law, and as recognized by the Adult Use of Marijuana Act (AUMA) and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to protect the health, safety, and welfare of the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Section 6-59.3 of Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code is hereby amended to read as follows:

6-59.3 - Definitions.

- d. "Cannabis Business Owner" means "Owner," as defined in State law, including by regulation, in addition to any of the following:
 - 1. Each person with an aggregate ownership interest of 20 percent or more in a person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee, unless the interest is solely a security interest, lien, or encumbrance. When an entity (not a natural person) has an aggregate ownership interest of 20 percent or more, then the chief executive officer and/or members of the board of directors of each entity shall be considered owners.
 - 2. The chief executive officer of a person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee.
 - 3. A member of the board of directors of a nonprofit of a person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee.

4. The trustee(s) and all persons that have control of the trust and/or a person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee that is held in trust.
5. Any person, as defined herein, who assumes responsibility for the Permit.
6. Each person who participates in the direction, control, or management of person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee. Such an individual includes any of the following:
 - i. A general partner of a partnership.
 - ii. A non-member manager or managing member of a limited liability company.
 - iii. An officer or director of a corporation.

[. . .]

dd. "Youth Centers" means any public or private facility that is exclusively used to host recreational or social activities for minors (under 18 years of age), such as, private youth membership organizations or clubs, social service teenage club facilities, or amusement facilities. "Youth Centers" does not include any building, location, or facility where any programs, activities, or services: (a) are offered at private residences, (b) involve martial arts/combat sports, cultural or similar education, or physical fitness, or (c) are offered for fewer than five (5) hours per day each day the building, location, or facility is open. Notwithstanding the foregoing, Youth Centers shall also mean any facility determined by the Alameda Recreation and Parks Department to be a recreation center in a City park.

Section 2: CEQA DETERMINATION

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Business and Professions Code section 26055(h) as discretionary review and approval, which shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code, shall be required in order to engage in commercial cannabis activity within the City of Alameda under such Ordinance. Adoption of this Ordinance is additionally exempt from CEQA pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

Section 3: SEVERABILITY

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 4: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on this ____ day of _____, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____, 2018.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:
