

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_

New Series

(1) AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING ARTICLE XVI (CANNABIS BUSINESSES) OF CHAPTER VI (BUSINESSES, OCCUPATIONS AND INDUSTRY) TO (A) ELIMINATE THE CAP ON TESTING LABORATORIES, (B) ALLOW FOR TWO ADDITIONAL CANNABIS BUSINESSES TO OPERATE AS “DISPENSARY/DELIVERY” (DELIVERY REQUIRED, OPEN TO THE PUBLIC) WITHIN THE ZONING DISTRICTS FOR CANNABIS RETAIL, (C) AMEND THE DISPERSION REQUIREMENT TO REQUIRE NO MORE THAN TWO CANNABIS RETAIL BUSINESSES TO OPERATE ON EITHER SIDE OF GRAND STREET, (D) CREATE A TWO-TIER BUFFER ZONE FROM SENSITIVE USES FOR CANNABIS BUSINESSES, (E) AMEND CERTAIN PORTIONS OF THE REGULATORY ORDINANCE TO ENABLE CANNABIS RETAIL BUSINESSES TO DISPENSE NON-MEDICINAL OR “ADULT USE” CANNABIS, (F) MODIFY REQUIREMENTS FOR OFF-ISLAND DELIVERY, AND (G) MAKE OTHER CLARIFYING OR CONFORMING AMENDMENTS THERETO; AND (2) REPEALING ORDINANCE NO. 3227

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: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Sections 6-59.1 through 6-59.2: No Change.

Section 2: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.3 is hereby amended as follows (in redline; otherwise, no change):

**6-59.3 Definitions.**

*AUMA* – no change.

*Cannabis* – no change

*Cannabis Business* means a business or enterprise, whether for profit or not, engaged in Commercial Cannabis Activity.

*Cannabis Business Owner* means any of the following:

1. Each person ~~having with~~ an aggregate ownership interest of 20 percent or more in ~~the a person, as defined herein, who applies for a Permit or is a Cannabis Business other than~~ Permittee, unless the interest is solely a security interest, lien, or encumbrance on property that will. 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 used by the considered owners.
2. The chief executive officer of a person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee.
- ~~1. If the Cannabis Business is a publicly traded company, the chief executive officer or any person with an aggregate ownership interest of twenty percent (20%) or more; or, for non-publicly traded companies, any individual having an ownership interest as defined by State law, including any implementing regulations.~~
- ~~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.~~
- ~~3-6. Each person who participates in the direction, control, or management of, person, as defined herein, who applies for a Permit or has a financial interest in, the is a Cannabis Business- Permittee. Such an individual includes any of the following:~~
  - ~~2. Any person with community property rights of an ownership interest is considered a person with ownership interest.~~
    - 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.

*Cannabis Product* means Cannabis that has undergone a process whereby the Cannabis has been transformed into a concentrate, or any Cannabis-containing product that may be specified by regulation of the Department, as set forth below, including, but not limited to, concentrated Cannabis, or an edible, topical, or other Cannabis-containing product.

*Chief of Police* – no change.

*Commercial cannabis activity* – no change.

~~h. “Community Development Department” shall mean the Director of Community Development Department of the City of Alameda (or successor department), or his or her designee.~~

*Commercial cannabis* – no change.

*Customer* – no change.

*Cultivation* means the production of clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of Cannabis to mature plants. #Except as provided for in the preceding sentence, it shall not include any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or processing of Cannabis, which is prohibited.

*Day care center* – no change.

*Delivery* – no change

Department shall mean the Director of the Planning, Building and Transportation Department of the City of Alameda (or successor agency, department, or division), or his or her designee.

Dispensary/Delivery shall mean a “Dispensary/Retailer” permittee that must offer a cannabis delivery service to the public from the licensed premises.

*Dispensary/retailer* – no change.

*Distribution* – no change.

*Edible cannabis product* – no change.

*Manufacturer* – no change.

*MAUCRSA* – no change.

*Medicinal cannabis or medicinal cannabis product* – no change.

MMRSA – no change.

Nursery – no change.

Permit – no change.

Permittee refers to any ~~Cannabis Business Owner~~ person who has been issued, ~~or otherwise~~ is named on, or operates under a Permit, regardless of whether or not ~~the Permit~~ has been voluntarily surrendered or relinquished.

Person – no change.

Primary caregiver – no change.

Qualified patient – no change.

Self-service display – no change.

Tutoring Center means any enterprise, whether or not for profit, that operates in a commercial building or structure the principal use of which is to offer instruction of any kind to support academic instruction of K-12 students.

Youth centers – no change.

Section 3: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.4 is hereby amended as follows (in redline; otherwise, no change):

#### **6-59.4 Permit Requirement; Exemptions from Permit Requirement**

Subsection(s) (a): No change.

b. *Number of Cannabis Business Permits Allowed.* Only the following Permit types shall be capped as set forth below:

1. No more than two (2) Dispensary/Retailer Permit(s) and two (2) Dispensary/Delivery Permit(s) for ~~medicinal~~ Cannabis or ~~medicinal~~ Cannabis Product may be issued at any given time, subject to the applicable permit types, dispersion over concentration requirement, and zoning restrictions. ~~Delivery to the consumer of Cannabis or Cannabis Products for adult use by such Dispensary/Retail Permittees from the permitted premises is prohibited.~~
2. No more than four (4) Manufacturer Permit(s), subject to the applicable permit types and the zoning restrictions, may be issued at any given time.

~~1. No more than two (2) Testing Laboratory Permit(s), subject to the applicable permit types and the zoning restrictions, may be issued at any given time.~~

3. No more than one (1) Cultivation Permit, subject to the applicable permit types and the zoning restrictions, may be issued at any given time.

4. The City Council may, by resolution, direct the City Manager to establish or modify any of the foregoing limits on the number of permit types that may be issued within the City ~~and~~ Furthermore, a process for allocating the limited number of permits for Commercial Cannabis Activity may be implemented by regulation.

c. *Permit Types.* Any person may apply for any of the following:

Subsection(s) c.1 through c.5: No change.

c.6. Dispensary/Delivery Permit: A Dispensary/Delivery Permit is required for all activities for which State law requires a "Type 10," or similar license, for the sale of Cannabis or Cannabis Products, but which must provide a cannabis delivery service to the public from the licensed premise.

Subsection(s) c.7 (except renumbering): No change.

c.8. Delivery Permit: ~~A Delivery Permit~~ No local permit is required for ~~licensed dispensaries, retailers, microbusinesses, or nonprofits allowed under Business and Professions Code section 26070.5,~~ the delivery of Cannabis by Cannabis Businesses located outside of the City to ~~deliver to~~ any Customer located within the City, provided that such businesses obtain a business license, pay applicable fees and taxes, and comply with State and local law.

Subsection(s) (d) through (g): No change.

Section 4: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.5 is hereby amended as follows (in redline; otherwise, no change):

#### **6-59.5 Permit Applications.**

All applications, including renewal or amended applications, must be completed in full, including the payment of all applicable fees, which shall be set by the Council by resolution. Incompleteness may be grounds for denial as set forth in section 6-59.6 of this Article. The form and content of the application for (renewal of) a Permit as required by this Article shall be specified by the ~~Community Development~~ Department, in consultation

with the Chief of Police, and shall include the following minimum information, as applicable to the Permit type:

a. *Proposed Property.*

Subsection(s) a.1 through a.5: No change.

a.6. If the site is being rented or leased, written proof in a form approved by the ~~Community Development Director~~Department that the property owner, and landlord if applicable, were given notice that the property will be used as a Cannabis Business, and that the property owner, and landlord if applicable, agree(s) to said operations. If the Cannabis Business is to be a subtenant, then “landlord” shall mean the primary tenant. If the applicant is the owner of the real property, then the applicant shall provide a copy of the title or deed to the real property to the Department. If the real property is owned in trust, the written proof noted above shall be provided by the person that holds equitable title to the real property.

Subsection(s) a.7 through b: No change.

c. *Background Investigation of Owners.* Each Applicant shall identify every Cannabis Business Owner (at least one person shall be identified per Permit) and shall submit the following for each Cannabis Business Owner:

Subsection(s) c.1 through d.2: No change.

e. *State License Type and Compliance.* A description of the specific state Cannabis License(s) that the applicant either has applied for, obtained, or plans to obtain. The applicant shall describe how it will meet the state licensing requirements, and provide supporting documentation as required by the ~~Community Development~~ Department.

Subsection(s) f through l: No change.

m. *Labor Peace Agreement.* For an applicant with ten (10) or more employees, the applicant must provide either a statement that the applicant will enter into and will abide by the terms of the agreement, or provide a copy of a fully executed labor peace agreement as part of the application. Once a labor peace agreement is fully executed, the Permittee shall provide the City with a copy of the page of the labor peace agreement that contains the requisite signatures.

Subsection(s) (n) through (q): No change.

r. *False Statements/Representations.* It is unlawful to make any false statement or representation or to use or submit any false or fraudulent documentation in any application or materials submitted to the City for the purpose of evaluating or

approving any permits, authorizations, or entitlements to operate or in connection with a local investigation into a person who applies for a Permit or a Cannabis Business in the City.

Section 5: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.6 is hereby amended as follows (in redline; otherwise, no change):

#### **6-59.6 Review of Applications; Appeal of Denials and Suspensions**

- a. *Review of Application.* The ~~Community Development~~ Department shall review each application to determine compliance with this Article. Upon written notice that an application is incomplete, the applicant may submit additional information as requested by the ~~Community Development~~ Department. Failure to submit requested information within 60 days shall be deemed an abandonment of the application and no further action will be taken by the ~~Community Development~~ Department. The ~~Community Development~~ Department shall also consider the application in light of the results from any investigation into the application as deemed necessary by the ~~Community Development~~ Department, in consultation with the Chief of Police.

b. *Withdrawal of Application.*

1. An applicant may withdraw an application at any time prior to the City's issuance of a license or denial of a license.
2. Requests to withdraw an application must be submitted to the City in writing, dated, and signed by the applicant.
3. Withdrawal of an application shall not, unless the City has consented in writing to such withdrawal, deprive the City of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.
4. The City will not refund application fees for a withdrawn application.
5. An applicant may reapply at any time following the withdrawal of an application and will be required to submit a new application and fee.

- b-c. *Denial of Application.* If the ~~Community Development~~ Department denies an application, the applicant shall be notified in writing, which shall include the reasons for the denial. Notification of denial shall be delivered by first class mail to the applicant, unless the applicant consents to a different mode of service, including without limitation, electronic service. No permit shall be issued unless a successful appeal of the denial is made within the requisite time frame.

~~e.d.~~ Appeal of Denial.

1. Within 10 days after the ~~Community Development~~ Department serves notification of denial, an applicant may appeal the denial by notifying the City Clerk in writing of the appeal, the reasons for the appeal, and paying any applicable fees.

Subsection(s) d.2. (except renumbering): No change.

- d.3. The City Manager shall randomly assign a Hearing Officer to hear the appeal, determine the order of procedure, and rule on all objections to admissibility of evidence. The applicant and the ~~Community Development~~ Department shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses and argue their respective positions. The proceeding shall be informal, and the strict rules of evidence shall not apply, and all evidence shall be admissible which is of the kind that reasonably prudent persons rely upon in making decisions.

Subsection(s) d.4 through e.12 (except renumbering): No change.

f. *Suspension and Revocation*

1. *Summary Suspension.* If the Chief of Police or ~~Community Development~~the Department deems continuation of the operation of the Cannabis Business by the Permittee, or any employee, independent contractor, volunteer, or other agent of a Cannabis Business Owner having actual or apparent authority to operate the Cannabis Business, will cause an imminent threat to the health, safety or welfare of the public, the Chief of Police or ~~Community Development~~the Department may immediately and summarily suspend the Permit and all rights and privileges thereunder for a period not to exceed 30 days.
  - i. The summary suspension shall take effect immediately upon service of a written notice of suspension by the Chief of Police or ~~Community Development~~the Department upon the Permittee via personal delivery to any employee at the site address of the Cannabis Business. Notice given shall include the following information:

Subsection(s) f.1.i.a) through f.1.i.d): No change.

- f.1.e) The notice of summary suspension shall become final unless the Chief of Police or ~~Community Development~~the Department receives a written request for a hearing from the Permittee as set forth below.



- f.1.ii. If the Permittee wishes to challenge the summary suspension, the Permittee must file a written request with the Chief of Police or ~~Community Development~~the Department for a hearing within three (3) business days after service of the notice of summary suspension. If the Chief of Police or ~~Community Development~~the Department does not receive a request for a hearing from the Permittee within this time period, the notice of summary suspension shall become final.
- f.1.iii. The Chief of Police or ~~Community Development~~the Department must respond to the Permittee's request for a hearing by holding a hearing to affirm, modify, or overrule the summary suspension within five (5) business days of the Permittee's request for a hearing, unless the City and the Permittee agree to an extension of the time within which a hearing can be held.
- f.1.iv. The Chief of Police or ~~Community Development~~the Department may recommend permanent revocation as set forth below on the basis of facts supporting summary suspension.
- f.2. Permanent Revocation. The Chief of Police or ~~Community Development~~the Department shall give notice to the Permittee of his or her intent to permanently revoke a Permit in the same manner as notice of denial and provide the City Clerk with a copy of the notice.

Subsection(s) f.2.i through f.2.ii. (except renumbering): No change.

Section 6: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.7 is hereby amended as follows (in redline; otherwise, no change):

#### **6-59.7 Permit Issuance**

- a. Before issuing any Permit, the ~~Community Development~~ Department shall determine that all of the following requirements have been met:

Subsection(s) a.1 through a.3: No change.

Section 7: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.8: No Change.

Section 8: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.9 is hereby amended as follows (in redline; otherwise, no change):

## **6-59.9 Transfer of or Modifications to the Permit**

Subsection(s) (a): No change.

- b. *Change of Ownership.* A change in ownership constitutes a transfer of or modification to the Permit and as such shall require an application. A request for change in Permit ownership shall be submitted to the ~~Community Development~~ Department, in accordance with subsection (f) below. Requests submitted less than sixty (60) days before the transfer will be processed only at the City's discretion and may be subject to an expedited processing fee. A new Cannabis Business Owner(s) shall meet all requirements for applicants of an initial Permit. The request shall include the following information:

Subsection(s) b.1 through b.4: No change.

- c. *Change in Security Plan.* A request to modify the security plan shall be submitted to the ~~Community Development~~ Department, with a copy to the Chief of Police, on a City form at least sixty (60) days prior to the anticipated change, together with the applicable fee.
- d. *Change of Contact Information.* A request for change in Cannabis Business contact information shall be submitted to the ~~Community Development~~ Department, with a copy to the Chief of Police, on a City form at least thirty (30) days prior to the anticipated change, together with the applicable fee.
- ~~d.e.~~ *Change in Trade Name.* A written request for change in Cannabis Business trade or business name shall be submitted to the ~~Community Development~~ Department, with a copy to the Chief of Police, in a form approved by the ~~Community Development Director~~Department at least thirty (30) days prior to the anticipated change, together with the applicable fee.

Subsection(s) (f): No change.

Section 9: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.10 is hereby amended as follows (in redline; otherwise, no change):

## **6-59.10 General Conditions for All Cannabis Businesses**

Subsection(s) (a) through (c): No change.

- d. *Duty to Notify.* All Applicants or Permittees have a continuing duty to immediately notify the ~~Community Development~~ Department of any proposed or considered change of ownership, changes to an application, or discrepancies between any information provided to the City related to Alameda Municipal Code or other local regulations governing Cannabis Businesses, and the actual facts, conditions, or

circumstances concerning an applicant's or Permittee's Cannabis Business or the proposed or permitted facility. A failure to promptly notify the City may be grounds for denial or revocation. Additionally, all applicants or permittees must notify the City prior to applying for any new permits issued by the State of California.

e. *Operational Radius.*

1. No Cannabis Business engaging in Dispensary/Retail or ~~Cultivation~~ Dispensary/Delivery shall locate within a 1,000-foot radius of a public or private school providing instruction in kindergarten or any grades 1 through 12, ~~day care center, or youth center that is in existence at the time the Permit is first issued.~~ Further, no such Cannabis Business shall locate within a 600-foot radius of a youth center, tutoring center, or day care center. The distance shall be measured via a path of travel from the nearest door of the nearest foregoing sensitive uses known when the RFP is issued to the nearest door of the dispensary/~~retail/cultivation.~~ For the purposes of this section, "school" does not include any private school or similar use in which education of any kind is primarily conducted in private homes, churches or similar locations where such instruction is an ancillary use. All other sensitive uses identified in this subsection not defined herein or in this Article are defined under the California Child Health Care Act, codified in the California Health and Safety Code.
2. All other Cannabis Businesses shall not locate within a 600-foot radius of the same foregoing sensitive uses known when the application is submitted, measured via a path of travel from the nearest door of the nearest foregoing sensitive uses to the nearest door of the Cannabis Business.

f. Over-Concentration. In addition to the operational radius, noted above, there shall be no more than two (2) cannabis businesses engaging in cannabis retail on either side of Grand Street.

e.g. On-site Use or Consumption. Notwithstanding section 24-11 (SMOKING PROHIBITIONS IN PLACES OF EMPLOYMENT AND UNENCLOSED PUBLIC PLACES) of the Alameda Municipal Code, on-site use or consumption of Cannabis or Cannabis Products is permitted in interior areas on the licensed premises of a Dispensary/Retail Permittee under their control, but shall not occur in parking areas or any other areas that cannot be excluded from public view or access by the Permittee. On-site use or consumption is strictly prohibited for any other Cannabis Business. Pursuant to section 6-59.16 in this Article, the ~~Community Development~~ Department shall promulgate guidelines, procedures, and regulations governing on-site consumption of Cannabis or Cannabis Products on the licensed premises of a Dispensary/Retail Permittee.

Subsection(s) (h) through q.2. (except renumbering): No change.

- q.3. *Security Guard*. At all times while a Cannabis Business that is a Dispensary/Retail Permittee is open, it shall provide at least one security guard who is registered with Bureau of Security and Investigative Services, possesses a valid and current security guard registration card on their person while on-duty, and is dressed in a manner approved by the Chief of Police. Security guards are permitted, but not mandated, to carry firearms. The security guard and/or Cannabis Business personnel shall monitor the site and the immediate vicinity of the site to ensure that patrons immediately leave the site and do not consume Cannabis on the property or in the parking lot. The foregoing requirements may be imposed upon other Permittees at the discretion of either the Chief of Police or the ~~Community Development~~ Department as part of that Permittee's Security Plan, or if required by State law.

Subsection(s) q.4 (except renumbering): No change.

Subsection(s) (r) through (y) (except renumbering): No change.

- z. *Labeling and Packages*. Labels and packages of Cannabis and Cannabis Products shall meet all state and federal labeling and packaging requirements. Until such regulations are adopted by the federal and/or state authorities, as a condition of Permit issuance, the ~~Community Development~~ Department, in consultation with the Chief of Police, may impose labeling and packaging requirements to protect the public safety, health and welfare.

Subsection(s) (aa) through bb.1.iii. (except renumbering): No change.

- bb.1.iv. For a minimum of three (3) years, a written accounting or ledger of all cash, receipts, credit card transactions, and reimbursements (including any in-kind contributions) as well as records of all operational expenditures and costs incurred by the Permittee in accordance with generally accepted accounting practices and standards typically applicable to business records, which shall be made available to the City during business hours for inspection upon reasonable notice by the ~~Community Development~~ Department or Chief of Police.

Subsection(s) bb.1.v. through hh. (except renumbering): No change.

- ii. *Notification of Enforcement Action*. Notify the ~~Community Development~~ Department, with a copy to the Chief of Police, within three days of any notices of violation or other corrective action ordered by a state or other local licensing authority, and provide copies of the relevant documents.

Subsection(s) jj. (except renumbering): No change.

Section 10: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.11 is hereby amended as follows (in redline; otherwise, no change):

#### **6-59.11 Conditions for Specific Permits**

- a. *Delivery/Distribution Permittees.* A Cannabis Business operating within the City under either a Dispensary/Retailer, Dispensary/Delivery, or Distributor Permit which delivers or distributes Cannabis shall be subject to the following conditions:

1. Delivery or distribution of Cannabis may be made only from a Dispensary-Retailer, Dispensary/Delivery or Distributor issued a permit by the City and the State in compliance with this ordinance and State law.

Subsection(s) a.2. through a.9.vi.: No change.

- b. *Dispensary-Retailer or Dispensary-Delivery Permittees.* In addition to the standards applicable to all Cannabis Businesses, the following apply to Cannabis Businesses with a Dispensary-Retailer Permit:

Subsection(s) b.1 through e.5.: No change.

- f. *Additional Permit-Specific Requirements. As set forth below, the Department may issue implementing regulations to impose additional permit-specific requirements in the interest of protecting the public health, safety, and welfare in an expeditious manner.*

Subsection(s) (g) (except renumbering): No change.

Section 11: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Sections 6-59.12 through 6-59.13: No Change.

Section 12: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.14 is hereby amended as follows (in redline; otherwise, no change):

#### **6-59.14 Regulations and Enforcement**

- a. Any action required by either the ~~Community Development~~ Department or Chief of Police under this Section may be fulfilled by designees.
- b. The ~~Community Development~~ Department and Chief of Police are authorized to coordinate implementation and enforcement of this Article and may promulgate appropriate regulations or guidelines for such purposes.

Section 13: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.15: No Change.

Section 14: Article XVI, CANNABIS BUSINESSES, of Chapter VI (BUSINESSES, OCCUPATIONS, AND INDUSTRIES) of the Alameda Municipal Code, Section 6-59.16 is hereby amended as follows (in redline; otherwise, no change):

#### **6-59.16      Implementing Regulations**

- a. The ~~Community Development~~ Department shall have the authority to adopt all necessary guidelines, procedures, and regulations to implement the requirements and fulfill the policies and purposes of this Article and any other local ordinance governing Cannabis, including without limitation adding or amending specific conditions imposed on any Cannabis Business.

#### Section 15: 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 16: REPEAL

Ordinance No. 3227 is repealed in its entirety if and when this Ordinance becomes effective and operative.

#### Section 17: 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 18: 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 \_\_\_\_\_, 2019, 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 on this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Lara Weisiger, City Clerk  
City of Alameda

Approved as to form:

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Michael H. Roush, Interim City Attorney  
City of Alameda