



City of Greenfield

599 El Camino Real
Greenfield, CA 93927

City Council Meeting Agenda

June 14, 2016

6:00 P.M.

Mayor John Huerta, Jr.

Mayor Pro-Tem, Raul Rodriguez

Councilmembers

Lance Walker

Avelina Torres

Leah Santibanez

Your courtesy is requested to help our meeting run smoothly.

Please follow the following rules of conduct for public participation in City Council meetings:

- Refraining from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.

Please turn off cell phones and pagers.

A. CALL TO ORDER

B. ROLL CALL – CITY COUNCIL

Mayor Huerta, Mayor Pro-tem Rodriguez, Councilmembers Walker, Torres and Santibanez

**City Council Meeting Agenda
June 14, 2016**

C. INVOCATION BY BISHOP DEAN ROYLANCE

D. PLEDGE OF ALLEGIANCE

E. AGENDA REVIEW

F. PUBLIC COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA

This portion of the Agenda allows an individual the opportunity to address the Council on any items not on closed session, consent calendar, public hearings, and city council business. Under state regulation, **no action can be taken on non-agenda items, including issues raised under this agenda item.** Members of the public should be aware of this when addressing the Council regarding items not specifically referenced on the Agenda. **PLEASE NOTE:** For record keeping purposes and in the event that staff may need to contact you, we request that all speakers step up to the lectern and use the microphone, stating your name and address, which is strictly voluntary. This will then be public information. A three-minute time limit may be imposed on all speakers other than staff members.

G. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and may be approved by one action of the City Council, unless a request for removal for discussion or explanation is received prior to the time Council votes on the motion to adopt.

G-1. APPROVE City of Greenfield Warrants #299141 through #299144 and Bank Drafts #1876 through #1888 in the amount of \$45,990.79 – **Page 1**

G-2. APPROVE Minutes of the May 31, 2016 City Council Meeting – **Page 8**

G-3. ADOPTION of a Resolution of the City Council of the City of Greenfield Ordering an Election, Requesting the County Elections Department to Conduct the Election, and Requesting Consolidation of the Election – **Resolution #2016-44 – Page 12**

H. MAYOR'S PRESENTATIONS, PROCLAMATIONS, COMMUNICATIONS, RESOLUTIONS

H-1. PRESENTATION by the United Way

**City Council Meeting Agenda
June 14, 2016**

I. CITY COUNCIL – PUBLIC HEARINGS

- I-1. SECOND READING AND ADOPTION** of An Ordinance of the City Council of the City of Greenfield Adopting a Purchase System, Chapter 3.12 of the Greenfield Municipal Code and Repealing Any and All Previous Ordinances Pertaining Thereto – **Page 15**
- a. Staff Report
 - b. Open Public Hearing
 - c. Close Public Hearing
 - d. City Council Comments / Review / Action
- Staff Recommended Action – Adopt Ordinance #518**
- I-2. ADOPT** a Resolution of the City Council of the City of Greenfield Approving the Issuance of Regulatory Permits for the Operation of Medical Marijuana Cultivation and Manufacturing Facilities by Golden State Alternative Care, Located at 721 El Camino Real – **Page 38**
- a. Staff Report
 - b. Open Public Hearing
 - c. Close Public Hearing
 - d. City Council Comments / Review / Action
- Staff Recommended Action – Adopt Resolution #2016-45**
- I-3. ADOPT** a Resolution of the City Council of the City of Greenfield Approving the Issuance of a Conditional Use Permit for the Development of Medical Marijuana Cultivation and Manufacturing Facilities, Located at 721 El Camino Real in the City of Greenfield (APN: 109-161-005) – **Page 57**
- a. Staff Report
 - b. Open Public Hearing
 - c. Close Public Hearing
 - d. Council Comments / Review / Action
- Staff Recommended Action – Adopt Resolution #2016-46**
- I-4. FIRST READING** of an Ordinance of the City Council of the City of Greenfield Approving a Development Agreement for the Operation of Medical Marijuana Cultivation and Manufacturing Facilities at 721 El Camino Real, (APN: 109-161-005) – **Page 64**
- a. Staff Report
 - b. Open Public Hearing
 - c. Close Public Hearing
 - d. City Council Comments / Review / Action
- Staff Recommended Action – Read by Title Only, First Reading**

City Council Meeting Agenda
June 14, 2016

- I-5. ADOPT** a Resolution of the City Council of the City of Greenfield Approving the Issuance of Regulatory Permits for the Operation of Medical Marijuana Cultivation and Manufacturing Facilities by Greenfield Organix, Inc. Location at 900 Cherry Avenue – **Page 89**
- a. Staff Report
 - b. Open Public Hearing
 - c. Close Public Hearing
 - d. City Council Comments / Review / Action
- Staff Recommended Action – Adopt Resolution #2016-47**
- I-6. ADOPT** a Resolution of the City Council of the City of Greenfield Approving the Issuance of a Conditional Use Permit for the Development of Medical Marijuana Cultivation and Manufacturing Facilities, Located at 900 Cherry Avenue in the City of Greenfield (APN: 109-162-010) – **Page 108**
- a. Staff Report
 - b. Open Public Hearing
 - c. Close Public Hearing
 - d. Council Comments / Review / Action
- Staff Recommended Action – Adopt Resolution #2016-48**
- I-7. ADOPT** a Resolution of the City Council of the City of Greenfield Approving the Vesting Tentative Map for the Subdivision of Property Located at 900 Cherry Avenue in the City of Greenfield (APN: 109-162-010) – **Page 115**
- a. Staff Report
 - b. Open Public Hearing
 - c. Close Public Hearing
 - d. Council Comments / Review / Action
- Staff Recommended Action – Adopt Resolution #2016-49**
- I-8. FIRST READING** of an Ordinance of the City Council of the City of Greenfield Approving a Development Agreement for the Operation of Medical Marijuana Cultivation and Manufacturing Facilities at 900 Cherry Avenue, (APN: 109-162-010) – **Page 128**
- a. Staff Report
 - b. Open Public Hearing
 - c. Close Public Hearing
 - d. Council Comments / Review / Action
- Staff Recommended Action – Read by Title Only, First Reading**

City Council Meeting Agenda
June 14, 2016

I-9. ADOPT a Resolution of the City Council of the City of Greenfield Approving the Issuance of Regulatory Permits for the Operation of Medical Marijuana Cultivation and Manufacturing Facilities by Zen Brand Collective, Inc., Located at 36 4th Street– **Page 158**

- a. Staff Report
- b. Open Public Hearing
- c. Close Public Hearing
- d. City Council Comments / Review / Action

Staff Recommended Action – Adopt Resolution #2016-50

I-10. ADOPT a Resolution of the City Council of the City of Greenfield Approving the Issuance of a Conditional Use Permit for the Development of Medical Marijuana Cultivation and Manufacturing Facilities, Located at 36 4th Street in the City of Greenfield (APN: 109-521-040) – **Page 174**

- a. Staff Report
- b. Open Public Hearing
- c. Close Public Hearing
- d. Council Comments / Review / Action

Staff Recommended Action – Adopt Resolution #2016-51

I-11. FIRST READING of an Ordinance of the City Council of the City of Greenfield Approving a Development Agreement for the Operation of Medical Marijuana Cultivation and Manufacturing Facilities at 36 4th Street, (APN: 109-521-040) – **Page 179**

- a. Staff Report
- b. Open Public Hearing
- c. Close Public Hearing
- d. Council Comments / Review / Action

Staff Recommended Action – Read by Title Only, First Reading

J. CITY COUNCIL – BUSINESS

J-1. APPROVAL of a Professional Service Agreement with Voler Strategic Advisors– **Page 203**

- a. Staff Report
- b. Public Comments
- c. Council Comments / Review / Action

Staff Recommended Action – Approve Agreement

**City Council Meeting Agenda
June 14, 2016**

- J-2. CONSIDERATION of Appointments of Members to the Measure VW Oversight Committee – *Page 207***
 - a. Staff Report
 - b. Public Comments
 - c. City Council Comments / Review / Action**Staff Recommended Action – Appointment of Members**

K. BRIEF REPORTS ON CONFERENCES, SEMINARS, AND MEETINGS ATTENDED BY MAYOR AND CITY COUNCIL

- a. City Council Development Committee
- b. City Council Agenda Committee
- c. City Council Parks Committee
- d. League of California Cities Monterey Bay Division
- e. Transportation Agency for Monterey County
- f. Association of Monterey Bay Area Governments
- g. Salinas Valley Solid Waste Authority
- h. Monterey Salinas Transit
- i. Mayor City Selection Committee
- j. Salinas Valley Mayors/Managers Group
- k. Planning Commission

L. COMMENTS FROM CITY COUNCIL

M. CITY MANAGER REPORT

N. ADJOURNMENT

This agenda is dually posted outside City Hall and on the City of Greenfield web site
www.ci.greenfield.ca.us



Greenfield, CA

Check Report

By Check Number

Date Range: 05/27/2016 - 06/09/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
00752	CITY OF GREENFIELD	06/06/2016	Regular	0.00	60.00	299141
00713	G P O A	06/06/2016	Regular	0.00	650.00	299142
00795	GREENFIELD POLICE SUPERVISORS	06/06/2016	Regular	0.00	150.00	299143
01911	SEIU 521	06/06/2016	Regular	0.00	332.84	299144
01916	STATE STREET BANK & TRUST CO.	06/03/2016	Bank Draft	0.00	120.34	DFT0001876
01916	STATE STREET BANK & TRUST CO.	06/03/2016	Bank Draft	0.00	800.00	DFT0001877
01916	STATE STREET BANK & TRUST CO.	06/03/2016	Bank Draft	0.00	500.00	DFT0001878
01916	STATE STREET BANK & TRUST CO.	06/03/2016	Bank Draft	0.00	800.00	DFT0001879
01916	STATE STREET BANK & TRUST CO.	06/03/2016	Bank Draft	0.00	150.00	DFT0001880
01916	STATE STREET BANK & TRUST CO.	06/03/2016	Bank Draft	0.00	470.00	DFT0001881
00431	DEPT OF CHILD SUPPORT SERVICES	06/03/2016	Bank Draft	0.00	802.61	DFT0001882
00384	STATE OF CALIFORNIA EDD	06/03/2016	Bank Draft	0.00	1,099.38	DFT0001883
03103	Internal Revenue Service	06/03/2016	Bank Draft	0.00	3,626.26	DFT0001884
03103	Internal Revenue Service	06/03/2016	Bank Draft	0.00	15,505.02	DFT0001885
00384	STATE OF CALIFORNIA EDD	06/03/2016	Bank Draft	0.00	4,908.27	DFT0001886
03103	Internal Revenue Service	06/03/2016	Bank Draft	0.00	15,117.11	DFT0001887
00107	AMERICAN FAMILY LIFE	06/02/2016	Bank Draft	0.00	898.96	DFT0001888

Bank Code APBNK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	4	4	0.00	1,192.84
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	13	13	0.00	44,797.95
EFT's	0	0	0.00	0.00
	17	17	0.00	45,990.79

Fund Summary

Fund	Name	Period	Amount
999	CASH CONTROL	6/2016	45,990.79
			<hr/>
			45,990.79



Greenfield, CA

Expense Approval Report

By Fund

Payment Dates 05/27/2016 - 06/09/2016

Vendor Name	Payment Number	Payment Date	Description (Item)	Account Number	Amount
Fund: 100 - GENERAL FUND					
AMERICAN FAMILY LIFE	DFT0001888	06/02/2016	MAY 2016 SUPPLEMENTAL BEN...	100-22440	860.06
SEIU 521	299144	06/06/2016	Union Dues	100-22420	131.33
STATE STREET BANK & TRUST C...	DFT0001876	06/03/2016	Deferred Compensation Loan P...	100-22435	120.34
STATE STREET BANK & TRUST C...	DFT0001877	06/03/2016	Defer Comp-GPOA	100-22430	450.00
STATE STREET BANK & TRUST C...	DFT0001878	06/03/2016	Defer Comp-GPSA	100-22430	500.00
STATE STREET BANK & TRUST C...	DFT0001879	06/03/2016	Defer Comp-Management	100-22430	605.40
STATE STREET BANK & TRUST C...	DFT0001880	06/03/2016	Defer Comp-Mid Management	100-22430	50.00
STATE STREET BANK & TRUST C...	DFT0001881	06/03/2016	Defer Comp-Misc Employees	100-22430	86.50
G P O A	299142	06/06/2016	GPOA DUES	100-22410	200.00
CITY OF GREENFIELD	299141	06/06/2016	Misc Withholding	100-22490	60.00
GREENFIELD POLICE SUPERVIS...	299143	06/06/2016	GPSA DUES	100-22415	150.00
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	100-22225	623.92
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	100-22215	2,094.22
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	100-22215	8,954.28
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	100-22220	3,177.06
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	100-22210	9,441.52
Fund 100 - GENERAL FUND Total:					27,504.63
Fund: 201 - POLICE - OTHER GRANTS					
G P O A	299142	06/06/2016	GPOA DUES	201-22410	50.00
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	201-22225	25.65
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	201-22215	82.64
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	201-22215	353.38
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	201-22220	140.62
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	201-22210	459.15
Fund 201 - POLICE - OTHER GRANTS Total:					1,111.44
Fund: 213 - PARKS					
STATE STREET BANK & TRUST C...	DFT0001879	06/03/2016	Defer Comp-Management	213-22430	17.50
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	213-22225	1.76
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	213-22215	5.68
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	213-22215	24.26
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	213-22220	11.11
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	213-22210	31.55
Fund 213 - PARKS Total:					91.86
Fund: 215 - CDBG Fund					
STATE STREET BANK & TRUST C...	DFT0001879	06/03/2016	Defer Comp-Management	215-22430	8.75
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	215-22225	0.88
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	215-22215	2.84
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	215-22215	12.14
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	215-22220	5.56
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	215-22210	15.77
Fund 215 - CDBG Fund Total:					45.94
Fund: 220 - Supplemental Transactions & Use Tax Fund (V & W)					
STATE STREET BANK & TRUST C...	DFT0001877	06/03/2016	Defer Comp-GPOA	220-22430	350.00
DEPT OF CHILD SUPPORT SERVI...	DFT0001882	06/03/2016	Misc Withholding	220-22450	802.61
G P O A	299142	06/06/2016	GPOA DUES	220-22410	400.00
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	220-22225	215.49
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	220-22215	694.34
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	220-22215	2,968.86
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	220-22220	1,082.28
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	220-22210	2,863.56
Fund 220 - Supplemental Transactions & Use Tax Fund (V & W) Total:					9,377.14

Expense Approval Report

Payment Dates: 05/27/2016 - 06/09/2016

Vendor Name	Payment Number	Payment Date	Description (Item)	Account Number	Amount
Fund: 230 - GAS TAX FUND					
SEIU 521	299144	06/06/2016	Union Dues	230-22420	53.28
STATE STREET BANK & TRUST C...	DFT0001879	06/03/2016	Defer Comp-Management	230-22430	37.88
STATE STREET BANK & TRUST C...	DFT0001881	06/03/2016	Defer Comp-Misc Employees	230-22430	167.51
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	230-22225	55.88
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	230-22215	180.02
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	230-22215	769.86
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	230-22220	168.35
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	230-22210	637.41
Fund 230 - GAS TAX FUND Total:					2,070.19
Fund: 263 - LLM #1 - LEXINGTON					
STATE STREET BANK & TRUST C...	DFT0001879	06/03/2016	Defer Comp-Management	263-22430	2.10
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	263-22225	1.08
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	263-22215	3.48
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	263-22215	15.04
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	263-22220	4.45
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	263-22210	12.86
Fund 263 - LLM #1 - LEXINGTON Total:					39.01
Fund: 264 - LLM #2 - TERRA VERDE, ETC					
STATE STREET BANK & TRUST C...	DFT0001879	06/03/2016	Defer Comp-Management	264-22430	2.10
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	264-22225	1.90
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	264-22215	6.10
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	264-22215	26.14
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	264-22220	7.98
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	264-22210	21.65
Fund 264 - LLM #2 - TERRA VERDE, ETC Total:					65.87
Fund: 265 - SMD #1					
SEIU 521	299144	06/06/2016	Union Dues	265-22420	3.04
STATE STREET BANK & TRUST C...	DFT0001881	06/03/2016	Defer Comp-Misc Employees	265-22430	10.50
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	265-22225	2.49
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	265-22215	7.98
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	265-22215	34.24
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	265-22220	6.92
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	265-22210	26.75
Fund 265 - SMD #1 Total:					91.92
Fund: 266 - SMD #2					
SEIU 521	299144	06/06/2016	Union Dues	266-22420	3.04
STATE STREET BANK & TRUST C...	DFT0001881	06/03/2016	Defer Comp-Misc Employees	266-22430	10.49
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	266-22225	2.46
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	266-22215	8.04
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	266-22215	34.28
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	266-22220	6.93
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	266-22210	26.74
Fund 266 - SMD #2 Total:					91.98
Fund: 297 - GREENFIELD SCIENCE WORKSHOP					
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	297-22225	25.61
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	297-22215	82.50
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	297-22215	352.72
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	297-22220	39.64
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	297-22210	234.44
Fund 297 - GREENFIELD SCIENCE WORKSHOP Total:					734.91
Fund: 503 - SEWER FUND					
AMERICAN FAMILY LIFE	DFT0001888	06/02/2016	MAY 2016 SUPPLEMENTAL BEN...	503-22440	19.45
SEIU 521	299144	06/06/2016	Union Dues	503-22420	89.72
STATE STREET BANK & TRUST C...	DFT0001879	06/03/2016	Defer Comp-Management	503-22430	63.13
STATE STREET BANK & TRUST C...	DFT0001880	06/03/2016	Defer Comp-Mid Management	503-22430	66.00
STATE STREET BANK & TRUST C...	DFT0001881	06/03/2016	Defer Comp-Misc Employees	503-22430	133.03
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	503-22225	88.05

Expense Approval Report

Payment Dates: 05/27/2016 - 06/09/2016

Vendor Name	Payment Number	Payment Date	Description (Item)	Account Number	Amount
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	503-22215	283.78
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	503-22215	1,212.90
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	503-22220	151.78
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	503-22210	817.83
Fund 503 - SEWER FUND Total:					2,925.67
Fund: 504 - WATER FUND					
AMERICAN FAMILY LIFE	DFT0001888	06/02/2016	MAY 2016 SUPPLEMENTAL BEN...	504-22440	19.45
SEIU 521	299144	06/06/2016	Union Dues	504-22420	52.43
STATE STREET BANK & TRUST C...	DFT0001879	06/03/2016	Defer Comp-Management	504-22430	63.14
STATE STREET BANK & TRUST C...	DFT0001880	06/03/2016	Defer Comp-Mid Management	504-22430	34.00
STATE STREET BANK & TRUST C...	DFT0001881	06/03/2016	Defer Comp-Misc Employees	504-22430	61.97
STATE OF CALIFORNIA EDD	DFT0001883	06/03/2016	SDI	504-22225	54.21
Internal Revenue Service	DFT0001884	06/03/2016	Medicare	504-22215	174.64
Internal Revenue Service	DFT0001885	06/03/2016	Social Security	504-22215	746.92
STATE OF CALIFORNIA EDD	DFT0001886	06/03/2016	State Withholding	504-22220	105.59
Internal Revenue Service	DFT0001887	06/03/2016	Federal Tax Withholding	504-22210	527.88
Fund 504 - WATER FUND Total:					1,840.23
Grand Total:					45,990.79

Report Summary

Fund Summary

Fund	Payment Amount
100 - GENERAL FUND	27,504.63
201 - POLICE - OTHER GRANTS	1,111.44
213 - PARKS	91.86
215 - CDBG Fund	45.94
220 - Supplemental Transactions & Use Tax Fund (V & W)	9,377.14
230 - GAS TAX FUND	2,070.19
263 - LLM #1 - LEXINGTON	39.01
264 - LLM #2 - TERRA VERDE, ETC	65.87
265 - SMD #1	91.92
266 - SMD #2	91.98
297 - GREENFIELD SCIENCE WORKSHOP	734.91
503 - SEWER FUND	2,925.67
504 - WATER FUND	1,840.23
Grand Total:	45,990.79

Account Summary

Account Number	Account Name	Payment Amount
100-22210	Federal Withholding Tax ...	9,441.52
100-22215	FICA Payable	11,048.50
100-22220	State Withholding Tax Pa...	3,177.06
100-22225	S.D.I. Payable	623.92
100-22410	G.P.O.A. Union Dues Paya...	200.00
100-22415	G.P.S.A. Union Dues Payab..	150.00
100-22420	S.E.I.U. Union Dues Payab...	131.33
100-22430	Deferred Comp Payable	1,691.90
100-22435	PERS Loan Payable	120.34
100-22440	AFLAC Insurance Payable	860.06
100-22490	Miscellaneous Withholding	60.00
201-22210	Federal Withholding Tax ...	459.15
201-22215	FICA Payable	436.02
201-22220	State Withholding Tax Pa...	140.62
201-22225	S.D.I. Payable	25.65
201-22410	G.P.O.A. Union Dues Paya...	50.00
213-22210	Federal Withholding Tax ...	31.55
213-22215	FICA Payable	29.94
213-22220	State Withholding Tax Pa...	11.11
213-22225	S.D.I. Payable	1.76
213-22430	Deferred Comp Payable	17.50
215-22210	Federal Withholding Tax ...	15.77
215-22215	FICA Payable	14.98
215-22220	State Withholding Tax Pa...	5.56
215-22225	S.D.I. Payable	0.88
215-22430	Deferred Comp Payable	8.75
220-22210	Federal Withholding Tax ...	2,863.56
220-22215	FICA Payable	3,663.20
220-22220	State Withholding Tax Pa...	1,082.28
220-22225	S.D.I. Payable	215.49
220-22410	G.P.O.A. Union Dues Paya...	400.00
220-22430	Deferred Comp Payable	350.00
220-22450	Wage Garnishments Paya...	802.61
230-22210	Federal Withholding Tax ...	637.41
230-22215	FICA Payable	949.88
230-22220	State Withholding Tax Pa...	168.35
230-22225	S.D.I. Payable	55.88
230-22420	S.E.I.U. Union Dues Payab...	53.28
230-22430	Deferred Comp Payable	205.39
263-22210	Federal Withholding Tax ...	12.86

Account Summary

Account Number	Account Name	Payment Amount
263-22215	FICA Payable	18.52
263-22220	State Withholding Tax Pa...	4.45
263-22225	S.D.I. Payable	1.08
263-22430	Deferred Comp Payable	2.10
264-22210	Federal Withholding Tax ...	21.65
264-22215	FICA Payable	32.24
264-22220	State Withholding Tax Pa...	7.98
264-22225	S.D.I. Payable	1.90
264-22430	Deferred Comp Payable	2.10
265-22210	Federal Withholding Tax ...	26.75
265-22215	FICA Payable	42.22
265-22220	State Withholding Tax Pa...	6.92
265-22225	S.D.I. Payable	2.49
265-22420	S.E.I.U. Union Dues Payab...	3.04
265-22430	Deferred Comp Payable	10.50
266-22210	Federal Withholding Tax ...	26.74
266-22215	FICA Payable	42.32
266-22220	State Withholding Tax Pa...	6.93
266-22225	S.D.I. Payable	2.46
266-22420	S.E.I.U. Union Dues Payab...	3.04
266-22430	Deferred Comp Payable	10.49
297-22210	Federal Withholding Tax ...	234.44
297-22215	FICA Payable	435.22
297-22220	State Withholding Tax Pa...	39.64
297-22225	S.D.I. Payable	25.61
503-22210	Federal Withholding Tax ...	817.83
503-22215	FICA Payable	1,496.68
503-22220	State Withholding Tax Pa...	151.78
503-22225	S.D.I. Payable	88.05
503-22420	S.E.I.U. Union Dues Payab...	89.72
503-22430	Deferred Comp Payable	262.16
503-22440	AFLAC Insurance Payable	19.45
504-22210	Federal Withholding Tax ...	527.88
504-22215	FICA Payable	921.56
504-22220	State Withholding Tax Pa...	105.59
504-22225	S.D.I. Payable	54.21
504-22420	S.E.I.U. Union Dues Payab...	52.43
504-22430	Deferred Comp Payable	159.11
504-22440	AFLAC Insurance Payable	19.45
	Grand Total:	45,990.79

Project Account Summary

Project Account Key	Payment Amount
None	45,990.79
Grand Total:	45,990.79

CITY COUNCIL MINUTES

CITY COUNCIL SPECIAL MEETING OF MAY 31, 2016

CALL TO ORDER

Mayor Huerta called the meeting to order at 6:03 p.m.

ROLL CALL

PRESENT: Mayor Huerta, Mayor Pro-tem Rodriguez, Councilmember Walker and Santibañez

ABSENT: Councilmember Torres

STAFF: City Manager Stanton, Community Services Director Steinmann, Chief Fresé, Administrative Services Director Corgill, City Attorney Sullivan, City Clerk Rathbun

GUESTS: Steve Tanaka, Mark Hildebrand

A MOTION by Mayor Pro-tem Rodriguez, seconded by Councilmember Walker to excuse Councilmember Torres. All in favor. Motion carried.

MOMENT OF SILENT PRAYER

There was a moment of silent prayer.

PLEDGE OF ALLEGIANCE

All recited the Pledge of Allegiance.

AGENDA REVIEW

None.

PUBLIC COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA

No comments were received.

CONSENT CALENDAR

A MOTION by Councilmember Walker, seconded by Mayor Pro-tem Rodriguez to approve the consent calendar including City of Greenfield Warrants #298936 through #299140 and Bank Drafts #1836 through #1874 in the amount of \$625,892.61, approve Minutes of the May 10, 2016 City Council Meeting, Adoption of **Resolution #2016-35, “A Resolution of the City Council of the City of Greenfield Initiating Proceedings for the Levy and Collection of Assessments within the Greenfield Landscape and Lighting Maintenance Assessment District No. 1 for Fiscal Year 2016/2017 and Ordering the Preparation of an Engineer’s Report Pursuant to Part 2, Division 15 of the California Streets and Highway Code”**, Adoption of **Resolution #2016-36, “A Resolution of the City Council of the City of Greenfield Declaring Its Intention to Levy and Collect Assessments and Charges within the Landscape and Lighting Maintenance Assessment District No. 1 for Fiscal Year 2016/2017 and Appointing a Time and Place for a Public Hearing”**, Adoption of **Resolution #2016-37, “A Resolution of the City Council of the City of Greenfield Initiating Proceedings for the Levy and Collection of Assessments within the Greenfield Landscape and Lighting Maintenance Assessment District No. 2 for Fiscal Year 2016/2017 and Ordering the Preparation of an Engineer’s Report Pursuant to Part 2, Division 15 of the California Streets and Highway Code”**, Adoption of **Resolution #2016-38, “A Resolution of the City Council of the City of Greenfield Declaring Its Intention to Levy and Collect Assessments and Charges within the Landscape and Lighting Maintenance Assessment District No. 2 for Fiscal Year 2016/2017 and Appointing a Time and Place for a Public Hearing”**, Adoption of **Resolution #2016-39, “A Resolution of the City Council of the City of Greenfield Initiating Proceedings for the Levy and Collection of Assessments within the Street and Drainage Maintenance Assessment District No. 1 for Fiscal Year 2016/2017 and Ordering the Preparation of an Engineer’s Report Pursuant to the Provision of Chapter 6.4, Division 2 of the Government Code”**, Adoption of **Resolution #2016-40, “A Resolution of the City Council of the City of Greenfield Declaring Its Intention to Levy and Collect Assessments and Charges within the Street and Drainage Maintenance District No. 1 for Fiscal Year 2016/2017 and Appointing a Time and Place for a Public Hearing”**, Adoption of **Resolution #2016-41, “A Resolution of the City Council of the City of Greenfield Initiating Proceedings for the Levy and Collection of Assessments within the Street and Drainage Maintenance Assessment District No. 2 for Fiscal Year 2016/2017 and Ordering the Preparation of an Engineer’s Report Pursuant to the Provision of Chapter 6.4, Division 2 of the Government Code”**, Adoption of **Resolution #2016-42, “A Resolution of the City Council of the City of Greenfield Declaring Its Intention to Levy and Collect Assessments and Charges within the Street and Drainage Maintenance District No. 2 for Fiscal Year 2016/2017 and Appointing a Time and Place for a Public Hearing”**, and Adoption of **Resolution #2016-43, “A Resolution of the City Council of the City of Greenfield Authorizing the City of Greenfield to Amend an Interagency Agreement with the Monterey County Health Department, Behavioral Health Crisis Negotiation Team”**. All in favor. Motion carried.

**MAYOR’S PRESENTATIONS, PROCLAMATIONS, COMMUNICATIONS,
RESOLUTIONS**

CITY COUNCIL BUSINESS

**CONSIDERATION OF APPOINTMENTS OF MEMBERS TO THE MEASURE VW
OVERSIGHT COMMITTEE**

Staff report was given by City Manager Stanton.

Councilmember Walker asked that Stephanie Garcia be appointed to the Measure VW Oversight Committee. Mayor Pro-tem Rodriguez asked that Robert Urquidez be appointed to the Committee.

A MOTION by Mayor Pro-tem Rodriguez, seconded by Councilmember Walker to appoint Stephanie Garcia and Robert Urquidez to the VW Oversight Committee.

It was the consensus of the City Council to have the Committee meet on a quarterly basis.

City Manager Stanton stated that this item would be placed on the next agenda for recommended appointments by the other members of the Council.

**CONSIDERATION AND DIRECT BURTON & ASSOCIATES TO PROCEED WITH
FORMAL PROCESS (PROP 218) TO ADJUST THE WATER AND WASTEWATER
RATES**

Staff report was given by City Manager Stanton.

Steve Tanaka, Wallace Group, gave a power point presentation regarding the water and wastewater master plans.

Mark Hildebrand, Hawksely Consulting, gave a power point presentation regarding the proposed fee structure for the water and wastewater rates as well as the Prop 218 process.

A MOTION by Mayor Pro-tem Rodriguez, seconded by Councilmember Walker to direct Burton & Associates to Proceed with the Formal Process (Prop 218) to Adjust the Water and Wastewater Rates to Properly Maintain and Provide Capital Improvements to Both Utility Systems in the City of Greenfield. All in favor. Motion carried.

**BRIEF REPORTS ON CONFERENCES, SEMINARS, AND MEETINGS ATTENDED
BY MAYOR AND CITY COUNCIL**

City Manager Stanton reported on the development sub-committee regarding the medical marijuana applications.

Mayor Huerta thanked staff and the City for allowing AMBAG the use of the chambers for their May meeting.

City Manager Stanton stated that the four south county cities have been meeting regarding the solid waste study and the options available.

City Manager Stanton also reported on the discussion among the Salinas Valley City Managers/Mayors regarding farm workers' housing and providing these types of housing.

COMMENTS FROM CITY COUNCIL

Councilmember Walker stated that there was Eagle Scout, Nick Parrish, that lead a large group of people in a cleanup effort of the old little league field. They picked up all the trash and painted the snack shop and the bleachers and they deserve a huge "Thank You". He also stated that he had been approached by several people regarding the traffic situation at 4th and Oak. He stated that the City needed to address the traffic situation there soon.

Mayor Pro-tem Rodriguez asked about having live bands in residential areas. He suggested that the City send out a flyer with information notifying residents that a permit was required from the Police Department to have amplified music or live bands.

CITY MANAGER REPORT

City Manager Stanton stated that the City would be sending out the Prop 218 notices to each resident in their utility bill. He also stated that the solar panels installation should be completed within a couple weeks in the parking lot at the community center and city hall.

ADJOURNMENT

Mayor adjourned the City Council meeting at 8:24 p.m.

Mayor of the City of Greenfield

City Clerk of the City of Greenfield

RESOLUTION NO. 2016-44

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD ORDERING AN ELECTION, REQUESTING THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE ELECTION

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the City of Greenfield shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, pursuant to Elections Code Section 13307, whenever an election called by a district, city, or other political subdivision has offices to be filled, it is required to fix and determine the number of words that a candidate may submit on the candidate's statement to be either 200 or 400 words and to determine if the candidate and or the political subdivision will pay the cost of the statement; and

WHEREAS, Elections Code Section 15651 requires the city or district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes ("tie votes") for an office to be voted upon; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on a November 8, 2016;

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the governing body of the City of Greenfield hereby orders an election be called and consolidated with any and all elections also called to be held on November 8, 2016 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the City of Greenfield requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that said governing body hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services, and

BE IT FURTHER RESOLVED AND ORDERED that the Monterey County Elections Department conduct the election for the purpose of electing **two (2)** Members to this Governing Board on the November 8, 2016 ballot:

SEATS OPEN	OFFICE	TERM EXPIRES
Raul Rodriguez	Councilmember	Nov 2016
Lance Walker	Councilmember	Nov 2016

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Election Code Section 13307 the City of Greenfield has resolved that all costs of the Candidate's statement be paid by the candidate and that no candidate may submit a statement of over **200** words.

PASSED AND ADOPTED by the City Council of the City of Greenfield on this 14th day of June, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Mayor of the City of Greenfield

Attest:

City Clerk of the City of Greenfield

STATEMENT OF ELECTION FACTS

FULL LEGAL NAME OF CITY AS IT SHOULD APPEAR ON ALL ELECTION DOCUMENTS:

CITY OF GREENFIELD -

MAIL SHOULD BE ADDRESSED TO: ANN F. RATHBUN TITLE: CITY CLERK

MAILING ADDRESS: PO BOX 127 – GREENFIELD, CA 93927 TELEPHONE: 831-674-5591

FAX: 831-674-3149 E-MAIL: arathbun@ci.greenfield.ca.us WEBSITE: www.ci.greenfield.ca.us

CITY ELECTED OFFICIALS LIST

NAME	ADDRESS	CITY AND DISTRICT (If applicable)	Member was elected by:		YEAR Term ends	Full-term = 4yrs <u>OR</u> Short-term = 2yrs	IF THE MEMBER WAS APPOINTED BY THE BOARD TO FILL A VACANCY, WHO DID THIS MEMBER REPLACE?
			1) ELECTION/AIL*	2) APPOINTED TO FILL A VACANCY			
John Huerta, Jr. Mayor	1228 Avina Avenue Greenfield, CA 93927	Greenfield	Election		November 2016	4 years	
Raul Rodriguez Councilmember	325 Oak Avenue Greenfield, CA 93927	Greenfield	Election		November 2014	4 years	
Lance Walker Councilmember	1209 Oak Avenue #B Greenfield, CA 93927	Greenfield	Election		November 2014	4 years	
Avelina Torres Councilmember	1262 Romo Drive Greenfield, CA 93927	Greenfield	Election		November 2016	4 years	
Leah Santibanez Councilmember	245 Del Ponte Drive Greenfield, CA 93927	Greenfield	Election		November 2016	4 years	

*AIL= Appointed-in-lieu of Election (filed for office and didn't go on the ballot)

Ann F. Rathbun

Name of City Clerk: _____
Print Name

Desiree Gomez

Name of Deputy City Clerk: _____
Print Name

Check the box which applies to your city:

The District boundaries have changed since the last election. Enclosed is a new map to reflect those changes.

I declare that there have been no boundary changes since the November 3, 2015 election.
Election Date

The limitation on the number of words in a candidate statement will be: 200 words 400 words

The entity charged for the candidate statement sent to each voter will be the: City Candidate

Signature of City Clerk

Date



City Council Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

MEMORANDUM: June 10, 2016

AGENDA DATE: June 14, 2016

TO: Mayor and City Council

FROM: Susan A. Stanton, ICMA-CM
City Manager

TITLE: REVISED PURCHASE AND PROCUREMENT CODE

BACKGROUND:

The City of Greenfield's current purchasing code was adopted in 2003 and does not include many new provision outlined in state law. During the past six months, staff reviewed procurement codes from other cities in California and have developed a new comprehensive purchase code for the City of Greenfield. The proposed code provides specific requirements for the following purchasing issues not adequately addressed in the current city ordinance:

- Departmental Requisition Procedure Public Works Projects
- Abbreviated Bid Procedures for Public Projects Purchasing Process
- Formal Bid Procedures for Major Public Projects
- Open Market Procedures for Purchases and Sales Exclusive of Public Projects
- Purchases by Purchasing Agent and City Manager
- Local Use of Purchasing Orders Preference
- Written Contract Required for Public Projects and Major Acquisitions
- Application of Local Purchasing Preferences
- Local Hiring Public Works Projects
- Requirements for Contractors and Subcontractors Submitting Bids
- Disqualifications of Bidders
- Appeal Procedures

The proposed Purchasing Code includes local purchasing preference and hiring requirements that is not usually included in most municipal codes. This provision has been included as a result of the City's high unemployment and high poverty rates in the community. The City's current unemployment rate is 11.2% compared to a state unemployment rate of only 5.8%. Other

economic factors that justify this local purchasing and hiring preferences contained in AMBAG's RHNA report include but not limited to the following factors:

- The City of Greenfield has the lowest ratio of jobs/1000 population of any community in the tri-county region, the highest average household size of any community, and the highest housing units per job ratio. This is true for both year 2010 and future year 2025.
- Per U.S. Census data, the poverty rate for Greenfield is 19.5% for the period 2007-2011. The Monterey County rate is 15.1%, the Santa Cruz County rate is 13.7%, and the San Benito County rate is 11.3%.
- The Greenfield poverty rate significantly exceeds that of any county in the tri-county area and is one of the highest poverty rates for any community in the tri-county region.
- For Greenfield, the existing very low jobs/1000 population ratio, coupled with the high poverty rate and the high housing units/job ratio, is probably a significant contributing factor to the high average household size. The lack of local jobs is a major factor behind the high housing units per job ratio.
- Because of the lack of local jobs, high unemployment, and high poverty rate, local residents of necessity must share housing with others. It is not the lack of affordable housing that drives the high average household size, but, rather, the lack of local jobs.
- Data from AMBAG, *Monterey Bay Area 2008 Regional Forecast*, identifies for Greenfield a worsening of the jobs/1000 population and housing units/jobs ratios between the years 2010 and 2025. If this projection becomes a reality, that would be a very alarming situation for the community. It would indicate continued high unemployment and high poverty rates; rates that would significantly exceed those of nearly all, if not all, other communities in the tri-county region. Clearly, significant efforts to increase the number of local jobs are required.
- The tri-county population is projected to increase by 15% from 2010 to 2025. During this same timeframe, the City of Greenfield is projected to increase its population by 40%. The south county region that includes the cities of Gonzales, Soledad, Greenfield, and King City is the area of greatest future population growth within the tri-county area. With the planned Walnut Avenue commercial/retail area development, continued development of the Yanks Air Museum and related commercial/retail development activities, and other city initiated economic development opportunities, it is anticipated there will be a significant increase in the number of available local jobs over the timeframe of this RHNA study analysis. As employment opportunities increase in the Greenfield area, so too will the demand for housing.

As specified in the City's current purchasing code, the city manager is designated as the purchasing authority for the city but this authority may be delegate to department heads or any other city employee as is the current practice. The purchase of equipment, supplies, materials, general services and professional services shall be by bid or Request for Proposal however this

may be suspended in the event of an emergency for projects related to abatement of the impacts or effects of such emergency. The proposed code requires the City Council to ratify such emergency suspension of procedures within seventy-two (72) hours and consider whether further suspension of procedures is required to abate the impacts of the emergency.

The proposed code requires that Contracts for public works projects valued at twenty-five thousand dollars (\$25,000) or more shall be by written bid and contract. Contracts for public works projects estimated in value in excess at two-thousand-five-hundred dollars (\$2,500) or more but less than twenty-five-thousand dollars (\$25,000) may be made by the City in the open market. Contracts for public works projects estimated in value to be less than two-thousand-five-hundred dollars (\$2,500) may be let without informal bids or quotes, subject, however, to fair, just and equitable terms and conditions of purchase, and recognizing the need for fair competition in the conduct of such purchases. Contracts for City-funded public works construction projects valued in excess of twenty-five thousand dollars (\$25,000), and contracts for City-funded alteration, demolition, repair or maintenance projects valued in excess of fifteen thousand dollars (\$15,000), shall require payment of prevailing wages in accordance with the requirements of the California Labor Code.

The proposed code also outlines the purchasing process for formal bids, informal bidding, contracts for professional services and the process for determining the lowest responsive bid and protest procedures. The proposed code also includes provisions prohibiting any officer or employee of the City from assisting a bidder or favor one bidder over another, or give or withhold information from any bidder not given or withheld from all other bidders, or willfully mislead any bidder in regard to the character of the materials or supplies of a quality inferior to that called for by the contract.

The proposed local purchasing preference is based on the City's finding that local businesses contribute significantly to the economic health of the city and to the quality of life of the city's residents and visitors. The code states that the City Council encourages the growth of local businesses by means of increasing the participation of local businesses in the city's purchasing of goods and services through the adoption and the implementation of local purchasing regulations. In determining the lowest responsible, responsive bidder, bidders who qualify as a local business enterprise (defined by the code) shall receive a ten-percent preference. If application of the ten-percent preference results in a responsible, responsive local business enterprise's bid being at or lower than the non-local business enterprise, the contract shall be awarded to the local business enterprise at the local business enterprise's bid amount.

For public works contracts, in determining the lowest responsible, responsive bidder, bidders who qualify as a local business enterprise shall receive a five-percent preference. The code contains nine exceptions to the local purchasing preference which address grant prohibitions, sole source purchases, cooperative purchasing, etc.

The proposed code also includes a local hiring provision for public works that encourages contractors who receive City public works contracts to hire residents of the Monterey Bay Area. Specifically, the code requires that all City contracts for public works subject to the formal bidding requirements shall contain provisions which the contractor promises to make a good

faith effort to hire qualified individuals who are residents of the Monterey Bay Area in sufficient numbers so that no less than 50% of the contractor's total construction work force, including any subcontractor work force, measured in labor work hours, is comprised of Monterey Bay Area residents. Monterey Bay Area includes the counties of Monterey, San Benito and Santa Cruz.

BUDGET AND FINANCIAL IMPACT:

Having a local hiring and purchasing provision that encourages contractors who receive City public works contracts to hire residents of the Monterey Bay Area will assist in promoting employment opportunities in the Community. However, it will also increase the cost of city projects if potential contractors have to expend dollars recruiting local qualified people for jobs instead of their own work force. The City does not issue large public contracts frequently so it is unknown what the financial impact this provision might have in the future. The code does ensure that any person that submits false information or fails to disclose material information in order to qualify for the local preference must pay the city any difference between the contract amount and what the city's cost would have been if the contract had been properly awarded; and be prohibited from bidding on any city contract or receiving any city contract for a period of three years of the discovery of facts supporting the same.

REVIEWED AND RECOMMENDED:

Having a comprehensive purchase and procurement code will provide the City with strong internal and external controls will ensure proper use of taxpayer dollars. The proposed code also provides that any decisions of the department head or city manager, other than bid protests which are heard separately under Section 3.12.052 may be appealed by the affected contractor to the city council. These types of appeals of decisions must be initiated within ten days of the decision to ensure that they are appropriately addressed and resolved.

CONSEQUENT ACTION:

Once this code is approved and adopted the city manager will develop and adopt a Purchasing Manual relating to rules, regulations and procedures to implement this procurement code.

POTENTIAL MOTION:

I MOVE TO ADOPT ORDINANCE #518, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENFIELD ADOPTING A NEW PURCHASING SYSTEM, CHAPTER 3.12 OF THE CITY OF GREENFIELD MUNICIPAL CODE AND REPEALING ANY AND ALL PREVIOUS ORDINANCES PERTAINING THERETO

ORDINANCE NO. 518

ADOPTION OF PURCHASING SYSTEM, CHAPTER 3.12 OF THE GREENFIELD MUNICIPAL CODE AND REPEALING ANY AND ALL PREVIOUS ORDINANCES PERTAINING THERETO

THE CITY COUNCIL OF THE CITY OF GREENFIELD does ordain as follows:

Section 1. Ordinance Numbers 152, 228, 354, 373,394, 442 and all other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed in their entirety.

Section 2. The City Council of the City of Greenfield hereby adopts Chapter 3.12 Purchasing System, of the Greenfield Municipal Code as follows:

Chapter 3.12 PURCHASING SYSTEM

- 3.12.010 Adopted--Purpose
- 3.12.020 Purchasing Authority Designated--Department Head Powers And Duties
- 3.12.030 Agreements with Other Governmental Agencies Bidding
- 3.12.040 Departmental Requisition Procedure Public Works Projects
- 3.12.050 Abbreviated Bid Procedures for Public Projects Purchasing Process
- 3.12.051 Contractor List Determination of Lowest Bid
- 3.12.052 Notice Inviting Abbreviated Bids Bidder Protest Procedures
- 3.12.053 Formal Bid Procedures for Major Public Projects Contracts for Professional Services
- 3.12.060 Open Market Procedures for Purchases and Sales Exclusive Of Public Projects Purchases by Purchasing Agent and City Manager
- 3.12.061 Splitting Purchases Prohibited
- 3.12.062 Inspection Testing
- 3.12.063 Surplus Supplies and Equipment
- 3.12.064 Conflict of Interest in Contract
- 3.12.065 Bidder Interference
- 3.12.066 Acceptance of Gifts
- 3.12.070 Local Use of Purchasing Orders Preference
- 3.12.071 Encumbrance of Funds Only In Cases of Emergency Definitions

- 3.12.072 Written Contract Required for Public Projects and Major Acquisitions and Sales Application of Local Purchasing Preferences Where Price is the Determining Factor**
- 3.12.073 Application of Local Purchasing Preferences Where Price is not the Determining Factor**
- 3.12.074 Application of Local Purchasing Preferences: Public Works Contracts**
- 3.12.075 Exceptions to Local Purchasing Preferences**
- 3.12.076 Violations and Sanctions**
- 3.12.080 Local Hiring Public Works Projects: Purpose Dollar Limits For Approvals**
- 3.12.081 Inspection, Testing and Acceptance Responsibility Definitions**
- 3.12.082 Exceptions**
- 3.12.083 Requirements for Contractors Submitting Bids**
- 3.12.084 Requirements for Prospective Subcontractors**
- 3.12.085 Non-Responsive Bids**
- 3.12.086 Required Documentation**
- 3.12.087 Forms Submitted Under Penalty of Perjury**
- 3.12.088 Disqualifications**
- 3.12.090 Surplus Supplies and Equipment City Attorney Prosecution**
- 3.12.091 Appeals**
- 3.12.092 Initiation of Appeals**
- 3.12.093 Appeal Procedure**
- 3.12.094 Rules and Regulations**

3.12.010 Adopted--Purpose:

In order to establish efficient procedures for the acquisition of supplies, services and equipment at the lowest possible cost commensurate with quality needed, to dispose of surplus personal property to the best advantage of the city, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is adopted. (Ord. 518 §1, 2016)

3.12.020 Purchasing Authority Designated--Department Head Powers And Duties:

The city manager is designated as the purchasing authority for the city. He/she may delegate the duties of purchasing to department heads or any other city employee. The purchasing authority is to:

- A. Purchase or contract for supplies, services and equipment required by any using department in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the city manager shall adopt for the internal management and operation of the purchasing procedures and such other rules and regulations as shall be prescribed by the city council.
- B. Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment.
- C. Act to procure for the city the needed quality in supplies, services and equipment at the least expense to the city.
- D. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.
- E. Prepare and recommend to the city council rules governing the purchase of supplies, services, and equipment for the city.
- F. Prepare and recommend to the city council revisions and amendments to the purchasing rules.
- G. Prescribe and maintain such forms as reasonably necessary for the operation of this chapter and other state or federal rules and regulations.
- H. Inspect all supplies, services and equipment purchased to ensure conformance with specifications.
- I. Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment.
- J. Maintain a bidder list, vendor's catalog file and records needed for the efficient operation of the purchasing procedures.
- K. Join with other governmental agencies in joint purchasing endeavors where the purchasing procedures substantially conform to this chapter and state law. City purchases may be made by taking advantage of valid contract terms that have been negotiated by another governmental agency subject to section 3.12.030 of this chapter.

3.12.030 Bidding:

The purchase of equipment, supplies, materials, general services and professional services shall be by bid or Request for Proposal as set forth in Sections 3.12.040, 3.12.53 and 3.12.070 herein. Formal bidding shall be dispensed with in the following situations:

- (a) In the event of an emergency City Manager may order the suspension of normal bidding or purchasing requirements for projects related to abatement of the impacts or effects of such emergency. An "emergency" exists if:
 - 1. There is a great public calamity;
 - 2. There is immediate need to prepare for national or local defense;
 - 3. There is a breakdown in machinery or an essential service which requires the immediate purchase of supplies or services to protect the public health, welfare or safety;
 - 4. An essential operation affecting the public health, welfare or safety would be greatly hampered if the prescribed purchasing procedure would cause an undue delay in the procurement of the needed item or service.

The City Council shall, if possible, ratify such emergency suspension of procedures within seventy-two (72) hours and consider whether further suspension of procedures is required to abate the impacts of the emergency.

- (b) For the purchase of equipment, supplies, materials or services of a value less than that subject to the provisions of Section 3.12.050 (a) or for public works projects of a value less than that subject to the provisions of Section 3.12.040 (a) herein;
- (c) In the event the contract and/or purchase contemplated is capable of being performed as follows: By a sole provider such as a public utility or the holder of an exclusive patent or franchise; by another governmental agency; through purchasing contracts negotiated by another governmental agency utilizing acceptable bidding procedures; when purchasing used equipment. Such purchases are subject to fair, just and equitable contract conditions. The award of all such contracts valued at twenty-five-thousand dollars (\$25,000) or more is subject to City Council approval.
- (d) The following rules must be met in every instance in which the city desires to suspend the normal bidding or purchasing requirements set forth in subsection (a)(4) above:
 - 1. The city manager must approve of the use of the exception for a given purchase;
 - 2. The purchasing officer must determine that the bid to be relied upon was made within the preceding twelve months in accordance with applicable law;

3. The purchasing officer must determine that there has been no significant change to the price of the item to be purchased since the time that the relied-upon bid was awarded;
4. If the bid to be relied upon was made by an entity located outside of Monterey County, the purchasing officer must confirm that there is no reason to believe that there would be a significant price difference in the item to be purchased based on the location of available vendors;
5. The city may only purchase the desired supplies or equipment from the vendor identified as the lowest responsible bidder in the relied-upon bid.
6. This exception may not be used for any purchase for which bidder's security is required by law;
7. Staff must prepare a report to the city council setting forth compliance with the aforementioned rules, and the city council must approve the proposed purchase at a regular meeting of the city council

3.12.040 Public Works Projects:

(a) Public Bidding - Formal bid and Contract Procedure

Contracts for public works projects valued at fifty-thousand dollars (\$25,000) or more shall be by written bid and contract, in accordance with the provisions set forth in this chapter, or as required by law.

(b) Local Hire Standards

All City contracts for public works projects subject to formal bidding requirements shall contain provisions for a good-faith effort to hire qualified individuals who are residents of the Monterey Bay Area, in accordance with the provisions set forth in this article unless excepted under Section 3.12.082

(c) Open Market Procedure

Contracts for public works projects estimated in value in excess at two-thousand-five-hundred dollars (\$2,500) or more but less than Twenty-five-thousand dollars (\$25,000), as such amounts may be amended as set forth in (a) above and (d) below, may be made by the City in the open market. Open market contracts shall, unless infeasible, be based on at least three informal bids or quotes and shall be awarded to the lowest responsible bidder.

(d) Purchases less than \$2,500

Contracts for public works projects estimated in value to be less than two-thousand-five-hundred dollars (\$2,500) may be let without informal bids or quotes, subject, however, to fair, just and

equitable terms and conditions of purchase, and recognizing the need for fair competition in the conduct of such purchases.

(e) Prevailing Wages

Contracts for City-funded public works construction projects valued in excess of twenty-five thousand dollars (\$25,000), and contracts for City-funded alteration, demolition, repair or maintenance projects valued in excess of fifteen thousand dollars (\$15,000), shall require payment of prevailing wages in accordance with the requirements of the California Labor Code

3.12.050 Purchasing Process:

(a) Formal Bid Procedure

Purchases of supplies, materials, services (other than professional services), and equipment valued at twenty-five-thousand dollars (\$25,000) or more shall be by written bid and contract pursuant to the procedure prescribed herein.

1. Notice inviting bids. Notices inviting bids and specifying the time and place of opening shall be published at least ten days prior to the opening of the bids. Notice shall be published at least once in a newspaper of general circulation within the City.
2. Receipt and opening of bids. All bids shall be sealed, identified on the envelope, and submitted to the City at or before the time specified on the notice. At the time and place specified, the bids shall be publicly opened and read. Any bid received after commencement of bid opening shall be rejected and returned unopened.
3. Bidders' security. At the discretion of the City, each bid may be required to be accompanied by a bid deposit or bond equal to at least ten percent (10%) of the bid amount, as set forth in the bid specifications.
4. Award of Bid. The City Council shall award the contract to the lowest responsible bidder whose bid complies with the specification. In determining responsibility, the City Council shall consider the known reliability, resources, experience, integrity, and the reputation for workmanship of the various bidders. The City Council may waive any informalities or minor irregularities in bids received. Compliance with bid specifications shall be determined by the City Council in the event of a challenge.
5. Rejection of bids. The City Council may reject any and all bids presented, and may, in its discretion, re-advertise for other bids.
6. Unacceptable bids or no bids received. After rejecting bids, the City Council may determine and declare by resolution that the equipment, supplies, materials or services may be more economically or satisfactorily purchased or secured in the open market and direct the purchase of such equipment, supplies, materials or securement of services on the open market by direct negotiations.

7. Tie bids. If two or more low bids received are for the same total amount or unit price, quality and service being equal, the City may re-advertise for bids, draw lots or accept the one it chooses.

(b) Informal Bid Procedure

1. Purchase of supplies, materials, services and equipment estimated in value at three thousand dollars (\$3,000) or more and Twenty-five thousand dollars (\$25,000) or less may be made by the City informally without observing the formal bidding procedures prescribed in subsection (a) of this section. Such purchases shall, unless infeasible, be based on at least three informal bids or quotes and shall be awarded to the lowest responsible bidder.

2. Purchases of vehicles, rolling stock and similar equipment estimated in value at five thousand dollars (\$5,000) or more and thirty-five thousand dollars (\$35,000) or less may be made by the City informally without observing the procedures prescribed in subsection (a) of this section. Such purchases shall, unless infeasible, be based on at least three informal bids or quotes and shall be awarded to the lowest responsible bidder.

(c) Purchases less than \$2,500

Purchases of supplies, materials, services and equipment estimated in value to be less than two-thousand-five-hundred dollars (\$2,500) may be made without informal bids or quotes, subject, however, to fair, just and equitable terms and conditions of purchase.

(d) Purchases through Cooperative Purchases Contracts

1. A cooperative procurement contract negotiated by another governmental agency may be utilized for the purchase of goods, services and/or supplies if it meets all of following:

a. It is in the best interest of the City.

b. It was competitively awarded using a process that complies with the policies, rules and regulations as approved by the Purchasing Agent or their designee.

3.12.051 Determination of Lowest Responsible Bid:

In determining the lowest responsible bid, criteria will include, but not be limited to, the following:

(a) The extent to which the offer meets the requirements and specifications of the city;

(b) Long-term and short-term costs to the city, including maintenance;

(c) Impact on operational efficiency, which includes delivery requirements;

(d) Reliability of the suppliers to provide and warranty the items procured;

(e) Financial stability of the bidder

3.12.052 Bidder Protest Procedures:

The following procedures shall apply to bidder protest(s):

a. Grounds for protest. Authority to protest shall be limited to bidding vendors. A written protest may be filed based on the following grounds:

i. Failure of the City to apply correctly the standards of review, evaluation, or scoring of a bid or proposal as specified in the solicitation documents.

ii. Such other grounds as would create a cause of action at law or in equity.

b. Bidder protests must be submitted, in writing within five (5) business days prior to award of contract. Protests will be accepted in person or via mail, either delivery shall be to City of Greenfield, Administrative Service Department, 599 El Camino Real, Greenfield CA 93927. Once the bid protest package has been received, follow-up communications in reference to the bid protest may be made to the Administrative Services Department by telephone, fax, or email.

The written formal protest must contain the following:

i. Identification of the specific City Purchasing Code or other statutory or regulatory provision(s) that the buyer or department is alleged to have violated;

ii. Description of each act alleged to have violated the statutory or regulatory provision(s) identified above;

iii. A precise statement of the relevant facts that includes dates, timelines and involved parties, and all supporting documents. Supporting documentation not submitted within the five (5) business days may not be reviewed;

iv. An identification of the issue(s) that need to be resolved that support the protest;

v. A statement of the form of relief requested.

c. If a timely protest is filed, Administrative Services shall notify the involved department(s) and any further action related to the bidding process shall be suspended until a determination is made on the merits of the protest.

d. Administrative Services will conduct an investigation, gather information, prepare documentation of its findings and make a decision as to the protest and so inform the involved department(s). Administrative Services will then notify the protest bidder(s), in writing.

e. The notice to the protester shall state the basis of bidder's protest(s), the results of the investigation, findings and reasons for the action taken and delivered, in writing, to the protesting bidder(s).

3.12.53 Contracts for Professional Services:

Professional services are defined as those provided by a person or firm engaged in a profession based on a generally recognized special knowledge or skill, including, but not limited to, the professions of accountant, attorney, artist, architect, engineer, environmental consultant, dentist, physician, training or educational consultant, or surveyor, and whose services are considered distinct and unique to such a degree that bidding of such services would not be feasible.

(a) Formal Contracts

Award of contracts for services of a professional nature valued at twenty-five-thousand dollars (\$25,000) or more shall be subject to City Council approval pursuant to the procedure prescribed herein.

1. Request for Proposal. When selecting providers of professional services, Requests for Proposal shall be used when feasible. Requests for Proposal shall specify the deadline and place for submission, the nature of the services required, and the selection criteria to be used for awarding the contract.
2. Award of Contract. Except as otherwise provided herein, the City Council shall award a contract based on firm qualifications, experience and responsiveness, in addition to any other criteria set forth in the Request for Proposal.
3. Rejection of Proposals. The City Council may reject any and all proposals submitted and may, in its discretion, re-advertise for other proposals.

(b) Informal Proposal

Contracts for professional services in excess of two-thousand-five-hundred dollars (\$2,500) but not exceeding twenty-five-thousand dollars (\$25,000), may be made by the City informally without observing the procedures prescribed in Section 3.12.53 (a). Such contracts shall, unless infeasible, be based on at least three informal proposals and shall be awarded based on firm qualifications, experience and responsiveness, in addition to other appropriate criteria.

(c) Contracts less than \$2,500

Contracts estimated to be less than two-thousand-five-hundred dollars (\$2,500) in cost may be let without informal proposals subject however, to fair, just and equitable contract terms and conditions

3.12.060 Purchases by Purchasing Agent and City Manager Only:

All purchases whatsoever shall be made only by the purchasing agent or, where specifically provided for in this article, by the city manager, and no such purchase for the use of the city or any department thereof shall be valid or binding upon the city unless made by the purchasing agent or where authorized by the city manager.

3.12.061 Splitting Purchases Prohibited:

No acquisition of equipment, materials, supplies, or contractual services from a single vendor or provider shall be accomplished by the issuance of several purchase orders for portions thereof.

3.12.062 Inspection and Testing:

The City shall inspect supplies and equipment delivered and contractual services performed to determine their conformance with the specifications set forth in the order or contract. The City shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

3.12.063 Surplus Supplies and Equipment:

The City shall have authority to, in the most equitable manner, dispose of all supplies and equipment which cannot be used by any department or which have become unsuitable for City use, or to exchange the same for, or trade in the same on, new supplies and equipment.

3.12.064 Conflicts of Interest in Contracts:

In accordance with Government Code Section 1090, no contract for any purchase of goods, labor or service, or any sale of City property in which any officer or employee is or becomes interested shall be allowed, and the resulting contract or sale shall be void.

3.12.065 Interference with Misleading, etc., Bidders Prohibited:

No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, materials or other supplies or favor one bidder over another, or give or withhold information from any bidder not given or withheld from all other bidders, or willfully mislead any bidder in regard to the character of the materials or supplies of a quality inferior to that called for by the contract or knowingly certify to a greater amount of labor performed or material or supplies furnished than has, respectively, been performed or received.

3.12.066 Acceptance of Gifts, etc., by City Employees Prohibited:

No officer or employee of the City may accept, directly or indirectly, any gift, rebate, money, or anything else of value whatsoever from any person or entity if the gift, rebate, money, or item of value is intended as a reward or inducement for conducting business, placing orders with, or otherwise using the employee's position to favor the contributor. Promotional items of nominal value, such as calendars, pens, balloons, etc., shall not constitute a gift if received as a non-personal item by the officer or employee, and the item is distributed to customers or potential customers routinely by the contributor.

3.12.070 Local Purchasing Preference:

Local businesses contribute significantly to the economic health of the city and to the quality of life of the city's residents and visitors. The Greenfield City Council encourages the growth of local businesses by means of increasing the participation of local businesses in the city's purchasing of goods and services through the adoption and the implementation of local purchasing regulations. Current purchasing regulations maximize competition and allow the city to obtain the best price and value for its purchases and contracts and allow for efficient procurement of goods and services with a minimum expenditure of administrative resources. Open competition is a fundamental component of the city's procurement process and this will continue through implementation of the city's local purchasing regulations.

3.12.071 Definitions:

- (a) "Bid" or "bids" shall include any competitive bid submitted at the invitation of the city.
- (b) "Bidder" shall mean any person, including any corporation or other business entity, who submits a response to a competitive invitation from the city.
- (c) "City" shall mean the City of Greenfield acting through the city council, the city manager, the purchasing agent or such other person who is authorized under the city Code or otherwise duly designated to procure and execute contracts on behalf of the city.
- (d) "Local business enterprise" means a business enterprise, including but not limited to, a sole proprietorship, partnership or corporation, which has a legitimate business presence in the city of Greenfield. Evidence of a legitimate business presence in the city of Greenfield shall include:
 - (1) Having a current city of Greenfield business license;
 - (2) Having its principal business office within the city of Greenfield and employing at least one full-time employee within the city of Greenfield;
 - (3) Being current on all city of Greenfield taxes, fees, assessments, and fines;
 - (4) Not subject to enforcement action by the city or in litigation with the city;
 - (5) Began doing business within the city of Greenfield at least one year prior to the city's inviting bids or quotations for the respective purchases or is a newly established business enterprise which is owned by an individual(s) formerly employed by a local business enterprise, as defined in this subsection, for at least two years immediately prior to the issuance of either a request for competitive bids or request for qualifications from the city; and
 - (6) Submitting a declaration of local business enterprise on a form provided by the City.

- (e) "Purchase" shall mean the acquisition of those supplies, materials, equipment or service bought in a single transaction from a single vendor.
- (f) "Responsible" shall mean a bidder's quality, fitness, and capacity to perform or otherwise meet the particular requirements of the proposed work or service.
- (g) "Responsive" shall mean a bidder's compliance with the solicitation instructions.

3.12.072 Application of Local Purchasing Preference—Procurement of Goods, Supplies, Equipment, Materials, Services Where Price is the Determining Factor:

For purchases and procurements of goods, supplies, equipment, materials, and services where price is the determinative factor, the local preference established under this article shall be applied as follows:

- (a) In determining the lowest responsible, responsive bidder, bidders who qualify as a local business enterprise shall receive a ten-percent preference. If application of the ten-percent preference results in a responsible, responsive local business enterprise's bid being at or lower than the non-local business enterprise, the contract shall be awarded to the local business enterprise at the local business enterprise's bid amount.
- (b) If equal bids are submitted by a local business enterprise and a non-local business enterprise, the contract shall be awarded to the local business enterprise.

3.12.073 Application of Local Purchasing Preference—Procurement of Services Where Price is not the Determining Factor:

Where competitive bidding is utilized for those services where price is not the determining factor and where such services would otherwise be excepted from the competitive bidding requirements including but not limited to contracts covered by the Little Brooks Act (California Government Code section 4525, et seq.) the local preference established under this article shall be applied as follows:

- (a) In determining the best-qualified and responsible, responsive bidder, bidders who qualify as a local business enterprise shall receive a credit of ten-percent of the total points.
- (b) If equal scores result from the evaluation process for a local business enterprise and a non-local business enterprise, the contract shall be awarded to the local business enterprise.

3.12.074 Application of Local Purchasing Preference—Public Works Contracts:

Consistent with the competitive bidding requirement of this Article, a local preference shall be applied to public works contracts as follows:

- (a) For purposes of this section only and the application of the local preference for public works contracts, a local business provider shall be defined as:
- (1) Having a current city of Greenfield business license;
 - (2) Having its principal business office established at an office space and not a personal residence located within the tri-county area (Monterey County, San Benito County, Santa Cruz County) and employing at least one full-time employee within the tri-County area;
 - (3) Being current on all city of Greenfield tax, fees, assessments, and fines;
 - (4) Not subject to enforcement action by the city or in litigation with the city;
 - (5) Began doing business within the tri-county area at least two years prior to the city's inviting bids or quotations for the respective project or is a newly established business enterprise which is owned by an individual(s) formerly employed by a local business enterprise, as defined in this section, for at least two years immediately prior to the issuance of either a request for competitive bids or request for qualifications from the city;
 - (6) Submitting a declaration of local business enterprise on a form provided by the city.
- (b) In determining the lowest responsible, responsive bidder, bidders who qualify as a local business enterprise shall receive a five-percent preference. If application of the five-percent preference results in a responsible, responsive local business enterprise's bid being at or lower than the non-local business enterprise, the contract shall be awarded to the local business enterprise at the local business enterprise's bid amount.
- (c) If equal bids are submitted by a local business enterprise and a non-local business enterprise after application of the five-percent local preference, the contract shall be awarded to the local business enterprise.

3.12.075 Exceptions to Local Purchasing Preference:

The local preferences established in this article shall not be applicable to:

- (1) Public works contracts where the funding or applicable regulations prohibit the use of preferences.
- (2) Grant agreements where use of a preference is prohibited.
- (3) Agreements for the design, fabrication or installation of art.

- (4) Sole source purchases where the supplies, materials or equipment can be obtained from only one vendor or manufacturer.
- (5) Unique services purchases where the purchasing agent and the city council determine that an unusual circumstance or situation exists that make the application of the local preference contrary to the public interest.
- (6) Leases, licenses or other interests in property.
- (7) Cooperative purchasing.
- (8) Emergency purchases.
- (9) Purchases where the funding source prohibits the use of preferences.

3.12.076 Violations and Sanctions:

Any person that submits false information or fails to disclose material information in order to qualify for the local preference pursuant to this article shall:

- (a) Pay the city any difference between the contract amount and what the city's cost would have been if the contract had been properly awarded; and
- (b) Be prohibited from bidding on any city contract or receiving any city contract for a period of three years of the discovery of facts supporting the same.
- (c) Any person who is sanctioned pursuant to this section may appeal the sanction to the city council. Appeals shall be in writing, shall be submitted to the city clerk within ten days of the date of the sanction, and shall clearly state the basis of the appeal. Grounds not stated in the appeal may not be considered

Local Hiring for Public Works Projects

3.12.080 Purpose:

The purpose of this article is to create a policy that encourages contractors who receive City public works contracts to hire residents of the Monterey Bay Area. Unless excepted under Section 3.12.082 herein, all City contracts for public works subject to the formal bidding requirements set forth in section 3.12.040 (a) of this chapter shall contain provisions pursuant to which the contractor promises to make a good faith effort to hire qualified individuals who are residents of the Monterey Bay Area in sufficient numbers so that no less than 50% of the contractor's total construction work force, including any subcontractor work force, measured in labor work hours, is comprised of Monterey Bay Area residents.

3.12.081 Definitions:

Unless the context otherwise requires, the following definitions shall govern the construction of this article:

- (a) Contractor. Any person or entity, which, pursuant to a written agreement or purchase order, provides labor or materials on public works projects for the City.
- (b) Days. Means calendar days unless otherwise specified.
- (c) Qualified Individual. A person who is specially trained, skilled, and experienced in the work, trade, or craft specified in the portion of the public work of improvement to be performed or who is enrolled in a certified state or federally approved apprenticeship program in the applicable trade or who is a journey person in his or her applicable trade.
- (d) Monterey Bay Area. Includes the counties of Monterey, San Benito and Santa Cruz.
- (e) Public Works Project. A project of public works improvement which is let by contract pursuant to the formal bidding procedures set forth in section 3.12.040 (a) of this code.
- (f) Resident of the Monterey Bay Area. An individual who is domiciled within the boundaries of the Monterey Bay Area immediately preceding the date of the bid advertisement by the City and who can verify his or her domicile upon request of the contractor or City by producing documentation such as rent/lease agreement, telephone and utility bills or payment bills, a valid California driver's license or identification card, and/or any other similar, reliable evidence that verifies that the individual is domiciled within the Monterey Bay Area.
- (g) Subcontractor. Any person or entity, which, pursuant to an agreement or purchase order with a City contractor or another subcontractor, participates in the provision of labor or materials on public works projects for the City.

3.12.082 Exceptions:

The provisions of this article shall not apply under the following circumstances:

- (a) Whenever a state or federal law or regulation applicable to a particular contract prohibits the provision of a local hire requirement; or
- (b) Whenever the City, in accordance with the requirements of this Code or state law, determines that the contract is necessary to respond to an emergency which endangers the public health, safety, or welfare.
- (c) Whenever the City determines that a suitable pool of persons providing specialized skills , does not exist locally for a specific public works project.

Whenever an exception is imposed, the basis of the exception shall be included in the staff report to the City Council.

3.12.083 Requirements for Contractors Submitting Bids:

(a) A contractor who is submitting a formal bid to the City for a public works project must promise to make a good-faith effort to hire qualified individuals who are residents of the Monterey Bay Area in sufficient numbers so that no less than fifty percent (50%) of the contractor's total construction work force, including any subcontractor work force, measured in labor work hours, is comprised of Monterey Bay Area residents.

(b) A "good-faith" effort means the contractor will take the following or similar actions to recruit and maintain Monterey Bay Area residents as part of the construction workforce:

1. Contact local recruitment sources to identify qualified individuals who are Monterey Bay Area residents;
2. Advertise for qualified Monterey Bay Area residents in trade papers and newspapers of general circulation in the Area, unless time limits imposed by City do not permit such advertising.
3. If portions of the work are to be performed by subcontractors, identify qualified subcontractors whose workforce includes Monterey Bay Area residents; and
4. Develop a written plan to recruit Monterey Bay Area residents as part of the construction workforce.

(c) Every bidder must complete and sign under penalty of perjury a Certification of Good-faith Effort to Hire Monterey Bay Area Residents, on the form provided in the City's bid package, and submit said Certification with the sealed bid no later than the date and time of the bid opening. Bidder shall attach to the Certificate documentary evidence supporting bidder's promise to meet or make a good-faith effort to meet the local hiring goal.

(d) Contractor shall include in each and every subcontract relating to the project the requirement that the subcontractor promises to make a good faith effort to hire qualified individuals who are residents of the Monterey Bay Area. Contractor shall be responsible for subcontractor's compliance under this article.

(e) Prior to submitting bids, bidders shall ensure that any and all subcontractors listed in their bids are not disqualified at that time pursuant to section 3.12.088 herein. Prospective contractors may consult the list, available from the City Clerk, of contractors and subcontractors, if any, who are currently disqualified.

(f) Contractors who have been disqualified pursuant to section 3.12.088 herein may not submit bids during the period of disqualification. Any bid received from a bidder who is currently disqualified will be returned to the bidder unopened.

3.12.084 Requirements for Prospective Subcontractors:

(a) Any subcontractor for work, laborers or materialmen relating to a project subject to this article will be required, in his or her contract with the prime contractor, to promise to make a good-faith effort to hire qualified individuals who are residents of the Monterey Bay Area.

(b) A “good-faith effort” means the subcontractor will take actions such as those required of contractors pursuant to section 3.12.083(b) above to recruit and maintain Monterey Bay Area residents as part of subcontractor’s workforce. Subcontractor shall maintain documentary evidence of such actions.

(c) Subcontractors who have been disqualified pursuant to section 3.12.088 herein may not be listed in a prime contractor’s bid for a City public works project and may not submit bids during the period of disqualification.

3.12.085 Non-Responsive Bids:

The City may declare a bid to be non-responsive under the provisions of this article for good cause including, but not limited to, the following circumstances:

(a) If a bidder fails to complete and sign under penalty of perjury the Certification of Good-Faith Effort to Hire Monterey Bay Area residents and to submit said Certification with his or her sealed bid no later than the date and time of the bid opening; or

(b) If a bidder fails to comply with the good-faith effort requirements set forth in section 3.12.083(b) herein; or

(c) If a bidder or a subcontractor listed by the bidder has been disqualified pursuant to section 3.12.088 herein or any other disqualification action.

3.12.086 Required Documentation:

During the performance of the contract, the contractor shall keep an accurate record on a standardized form showing the name, place of residence, trade classification, hours employed, proof of qualified individual status, per diem wages and benefits of each person employed by the contractor on the specific public works project, including full-time, part-time, permanent and temporary employees. Contractor shall require any and all subcontractors on the project to maintain records of the same information for subcontractor’s work force on the project and shall require subcontractor to provide a copy of those records to contractor upon contractor’s request. Contractor shall make contractor’s and subcontractor’s records available to the City, upon request, within five working days.

3.12.087 Forms Submitted Under Penalty of Perjury:

All forms required under this article shall be attested to as true as to the information set forth therein and shall be submitted under penalty of perjury.

3.12.088 Disqualification:

If the City finds that a contractor to whom a City contract for public works has been awarded, or a subcontractor listed by contractor on a public works project, has failed to comply with the good-faith hiring provisions of Section 3.12.083 (b) during the performance of the contract, the City may disqualify the contractor and/or subcontractor from bidding or being listed in any bid on any City contract for public works for a period of one (1) year from the date of the City's disqualification for a period of three (3) years. The Administrative Service Department shall keep a current list of all disqualified contractors and subcontractors on file.

3.12.090 City Attorney Prosecution:

If the City Attorney has reasonable cause to believe that any contractor or subcontractor has knowingly committed any of the acts or omissions set forth in this article, the City Attorney may prosecute pursuant to the provisions of Chapter 1.10, Civil Enforcement, of this code.

3.12.091 Appeals:

To avoid results inconsistent with the purposes of this article, decisions of the department head or city manager, other than bid protests which are heard separately under Section 3.12.052 may be appealed by the affected contractor to the city council.

- (a) Appeals by Contractor. Appeals of decisions shall be initiated within ten days of the decision. The city shall be considered an interested party.
- (b) Time Limits. When the appeal period ends on a day when the city offices are not open to the public for business, the time limits shall be extended to the next full working day.

3.12.092 Initiation of Appeals:

(a) Filing of Appeals. An appeal shall be filed with the city clerk on a form provided and shall state, as appropriate, any of the following:

- (1) A determination or interpretation is not in accord with the purposes of this article;
- (2) There was an error or abuse of discretion;
- (3) The record includes inaccurate information; or
- (4) A decision is not supported by the record.

(b) Effect on Decisions. Decisions that are appealed shall not become effective until the appeal is resolved.

3.12.093 Appeal Procedure:

(a) Appeal Hearing Date. An appeal shall be scheduled for a hearing before the City Council within thirty days of the city's receipt of an appeal unless the contractor and city consent to a later date.

- (b) Notice and Public Hearing. An appeal hearing shall be a public hearing. Notice of the public hearing shall be mailed or delivered to the contractor within ten days.
- (c) Hearing. At the hearing, the City Council shall review the record of the decision and hear testimony of the contractor and any other interested party.
- (d) Decision and Notice. After the hearing, the council shall affirm, modify or reverse the original decision. When a decision is modified or reversed, the council shall state the specific reasons for modification or reversal. The city clerk shall mail notice of a city council decision. Such notice shall be mailed to the contractor within five working days after the date of the decision and to any other party requesting such notice.
- (e) A decision by the council regarding an appeal shall become final on the date the decision is announced to the public.

3.12.094 Rules and Regulations:

The city manager shall adopt an administrative memoranda relating to rules, regulations and procedures to implement this article. The administrative memoranda shall be consistent with the provisions of this article.

Section 3. This ordinance shall be in full force and effect commencing thirty (30) days after the date of its final passage, and shall be published once within fifteen (15) days in the Greenfield News, a newspaper of general circulation published and circulated in the City of Greenfield.

Introduced on May 10, 2016 and finally passed and adopted by the City Council of the City of Greenfield at the meeting held on the ____ day of _____, 2016, by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

Mayor of the City of Greenfield

Attest:

City Clerk of the City of Greenfield



City Council Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: June 9, 2016

AGENDA DATE: June 14, 2016

TO: Mayor and Councilmembers

FROM: Mic Steinmann, Community Services Director

TITLE: **ISSUANCE OF MEDICAL MARIJUANA REGULATORY AND
CONDITIONAL USE PERMITS AND INTRODUCTION OF
ORDINANCE APPROVING A DEVELOPMENT AGREEMENT
FOR MEDICAL MARIJUANA CULTIVATION AND
MANUFACTURING FACILITIES AT 721 EL CAMINO REAL**

AUTHORITY AND PROCEDURES

Section 17.14.050 of the City of Greenfield zoning code identifies the approving authority responsible for approving, conditionally approving, or denying proposed land use or development permits. For conditional use permits, the designated approving authority is the Planning Commission; and for subdivision tentative maps and development agreements, the City Council is the approving authority. Section 5.28.040 of the municipal code specifies the City Council must review and approve the issuance of medical marijuana regulatory permits. Section 17.14.050 of the zoning code states that “[w]hen a proposed project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest level designated approving authority for all such requested permits.” For medical marijuana regulatory permits, conditional use permits, subdivision tentative maps, and development agreements, the City Council is the approving authority for all permits and agreements. Review and approval by the Planning Commission is not required.

To operate a medical marijuana facility, the applicant must obtain three separate and distinct permits or approvals: (1) a regulatory permit, (2) a development agreement, and (3) a conditional use permit. Since the City Council is the ultimate approving authority for regulatory permits and development agreements, section 17.14.050 requires each of these permits and approvals be processed concurrently and action on each is by the City Council.

The purpose of the medical marijuana regulatory permit is to ensure medical marijuana dispensary, cultivation, and manufacturing facilities are established in areas that are consistent with the requirements of the general plan, are consistent with surrounding uses, are not detrimental to the public health, safety and welfare, and the operation of such facilities do not conflict with applicable state law and regulations. (Section 5.28.010) The City Council may impose such additional terms and conditions on the issuance of the regulatory permit and the operation of the facility as it deems appropriate. The City Council must also approve a development agreement, operations plan, and the design and layout of the facility as a condition of issuance of a regulatory permit. (Section 5.28.040)

The purpose of the conditional use permit (CUP) is for the individual review of uses, typically having unusual site development features or operating characteristics to ensure compatibility with surrounding areas and uses. Conditional use permits shall be granted only when the approving authority determines, following public hearing, that the proposed use or activity (1) “is consistent with the general plan and all applicable provisions of this Title” and (2) that the “establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.” The approving authority may impose conditions and/or require performance guarantees for the conditional use permit to ensure compliance with applicable provisions of the zoning code and to prevent adverse or detrimental impacts to public health, safety, or welfare. (Section 17.16.060)

Development agreements are authorized under chapter 16.37 of the municipal code pursuant to the authority of State Government Code section 65865 et seq. The purpose of development agreements is to give certainty to the planning and project development process and to give assurance to the project applicant that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules, and regulations, and, subject to conditions of approval, this will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development. Development agreements must be approved by ordinance and the City Council must make a finding, following public hearing, that the provisions of the development agreement are consistent with the general plan and any applicable specific plan. (Section 16.37.100)

BACKGROUND AND ANALYSIS

I. Golden State Alternative Care, Inc.

Golden State Alternative Care, Inc. has submitted applications for medical marijuana regulatory permits for cultivation and manufacturing facilities, to be located at 721 El Camino Real, under chapter 5.28 of the City of Greenfield Municipal Code along with application for a conditional use permit. Golden State Alternative Care is the exclusive cultivator, extractor, and edible manufacturer for the Tikun-Olam medical strains in California. Tikun-Olam is the first, largest, and foremost supplier of medical cannabis in Israel, is one of the leading medical cannabis companies in the world, and is a pioneer of the treatment of patients with medical cannabis in Israel.

The action now before the City Council is for consideration of issuance of the applied for regulatory permits and conditional use permit, and introduction of an ordinance approving a development agreement with Golden State Alternative Care. If the City Council approves the issuance of these permits, those approvals will be subject to a number of conditions. Until each of those conditions is met to the satisfaction of the City Manager, the permits approved by the City Council will not be effective. The regulatory permits will also not be effective pending completion by the Greenfield Police Chief and/or City Manager of a more thorough background investigation of the owners, managers, and operators of Golden State Alternative Care, Inc. That investigation may include, but is not limited to, LiveScan, employment history verification, personal and business references, and such other personal background investigation as deemed appropriate by the Greenfield Police Chief or City Manager.

Proposed Use: Golden State Alternative Care proposes to cultivate and manufacture medical marijuana and products on behalf of the patient members and other cooperative corporations that are members of the Golden State Alternative Care collective. There will be no direct distribution or sale to the public, qualified members of the Golden State Alternative Care collective, or their primary caregivers from the Golden State Alternative Care cultivation and manufacturing facility located in the City. Medical marijuana flower and infused products will be distributed only to legal dispensaries/collectives not located in the City that are members of the Golden State Alternative Care collective.

Site and Building Plan: The regulatory and conditional use permit applications include preliminary site and building plans. Those plans are attached as exhibits to this staff report. The plans denote the existing buildings that will either be demolished or renovated and retained, on-site parking, proposed perimeter fencing and security gates, the location of video surveillance cameras, the layout of the interior of the new office/manufacturing/vegetation/flower building, the location and configuration of new greenhouses for cultivation, exterior building elevations, and roadway access to a portion of the site that is reserved for potential future development.

Organizational Structure: Golden State Alternative Care, Inc., is a non-profit cooperative corporation that seeks to cultivate and manufacture medical marijuana products to distribute to legal dispensaries and other legal non-profit collectives that are members of the Golden State Alternative Care collective. Mr. Mark Putney of San Jose, CA, and Mr. Michael Stonehill of Los Angeles, CA, are the owners of Golden State Alternative Care and they will be responsible for the overall operation and management of the facility. Mr. Putney and Mr. Stonehill are currently associated with a 15,000 square foot cultivation facility in Washington and an indoor cultivation facility in Los Angeles. They are also in the process of developing cultivation facilities in Oregon and Arizona.

Ms. Margaret Demers of Gilroy, CA, will be the day-to-day on-site manager and community relations liaison. Mr. Sergio Sanchez will provide consulting services with respect to public outreach and education. Mr. Putney and Mr. Stonehill will have overall responsibility for hiring, training, and managing all employees of the collective; creating and enforcing policies, practices, and procedures; supervising all Golden State Alternative Care operations for compliance with state and local laws and regulations; overseeing daily reporting, inventory, and tracking systems; quality control; community outreach and education; and interface with the community and City

police and administration. Ms. Demers, as the on-site manager, will assist in these management responsibilities.

Hours of Operation: As a cultivation and manufacturing facility, it will operate 24 hours per day, 7 days per week. It will not be open to the public.

Security (Subject to finalization of an approved development agreement): The perimeter of the property will be enclosed with a 12 foot high steel security fence. A secondary interior fence will separate the cultivation and manufacturing buildings from the employee parking lot, caretaker residence, and ancillary storage buildings. A security guard station will be located adjacent to the employee and visitor parking lot at its entrance from El Camino Real. A second security guard station will be located adjacent to the interior access gate to provide additional access control to that portion of the site where cultivation and manufacturing facilities are located. There will be no general, uncontrolled public access to the site, buildings, employee parking areas, or the interior of the site. Armed security guards, through contract with Uretsky Security, will be provided 24 hours per day, 7 days per week. Security personnel shall be registered with the State of California Department of Consumer Affairs. Security personnel may be armed with the prior approval of the City Police Chief. No other person employed at the facility may be armed while on the premises without the prior approval of the City Police Chief.

A web-based video surveillance system will be installed to monitor all site and facility entrances and access points, all spaces accessible by the public, all secured areas of the facility with restricted access, all interior spaces and rooms where medical marijuana products are handled and processed, shipping and receiving areas, cash storage areas, and other areas necessary to protect the safety of employees and the public. A professionally monitored burglary alarm system will be installed to detect entry and exit from all secure areas, panic buttons installed in appropriate locations, and door and window break sensors and motion detectors will be provided. Subject to finalization of an approved development agreement, a video surveillance and building alarm system specified and approved by the Police Chief will be installed at this facility. All persons employed at the facility shall obtain an identification card/badge issued by the City Police Department and such identification card/badge shall be visible at all times.

Cultivation: Cultivation will be by a hydroponic grow, drip irrigation system. Nutrients and water will be digitally controlled. Water used for hydroponic grow will be recycled. High efficiency LED grow lights will be utilized. Fertilizers and nutrients will be handled and stored in a stand-alone storage facility. Plants for vegetation will come from Tikun-Olam facilities in Israel.

Manufacturing: Manufacturing of extracts will be by CO₂ (non-volatile) extraction and possibly hydrocarbon (butane) solvent extraction (volatile) methods. Products will include finished flowers, edibles, extracts including oils and waxes, vape cartridges, pre-rolls, and cannakups. All infused products will be individually packaged at the point of preparation. All extracts and manufactured products will be stored in a locked safe room with controlled access and fire-rated walls.

Tracking (Subject to finalization of an approved development agreement): A “seed to sale” electronic tracking system approved by the City will be utilized to document all medical marijuana products from seed to the ultimate point of sale. The City has indicated to each applicant that a City specified tracking system, such as BioTrack THC or MJ Freeway, will need to be used by all regulatory permit holders to facilitate the collection and review of data and the generation of data in a consistent format. Documentation for all transfers from the Golden State Alternative Care facilities will include the date and time of the transfer as well as the amount, form and type of marijuana strain(s) or products transferred.

Quality Control, Testing: All products distributed by Golden State Alternative Care will be tested in its in-house laboratory and/or outsourced to either SC Labs or Steephill Labs for THC levels, pesticides, pests, mold, and other contaminants.

Odor Management: All structures shall have ventilation and filtration systems installed that prevent medical marijuana plant odors from exiting the interior of the structure. A closed growing environment, or closed loop aeration system, will be used that keeps all environmental conditions contained within the rooms in which medical marijuana plants are stored or processed. Air is recirculated internally, bringing in no outside air. Industrial filtration systems approved by the City, such as activated charcoal systems, will be used to scrub and treat any exhaust air.

Local Hire: Golden State Alternative Care is committed to making a good-faith effort to recruit, hire, and train local residents for employment. This cultivation and manufacturing facility will employ 15-20 employees. Employment opportunities will be full-time, year round positions. Wages will be \$15 to \$75 per hour plus benefits. Anticipated gross receipts are \$3.8 million annually.

Operating Plan: The applicant’s regulatory permit application includes an operations plan as required by section 5.28.050 of the municipal code. Through the initial application review process, the operations plan has been clarified and modified to more thoroughly address the requirements of section 5.28.050. As a condition of issuance of a regulatory permit, the applicant will be required to update the operations plan to include all supplemental information provided during the application review process and any additional conditions the City Council may require as a condition of approving the requested regulatory permits. The operations plan includes the following elements:

1. Name and address of Golden State Alternative Care agent and general manager, and responsibilities of general manager
2. Days and hours of operation
3. Transportation
4. Site Plan
5. Cultivation and manufacturing procedures
6. Storage, handling, and use of fertilizers and nutrients
7. Storage and inventory procedures to prevent diversion to non-medical use
8. Trach and trace program and procedures
9. Quality control

10. Testing
11. Disposal of contaminated, adulterated, deteriorated, or excess medical marijuana products
12. Personnel policies including employee screening and hiring practices
13. Accounting and record keeping procedures
14. Odor management

II. Public Outreach and Education

Section 5.28.090 of the municipal code requires a development agreement with each medical marijuana facility owner and operator that includes a public outreach and education program component. In anticipation of the City Council issuing regulatory permits to a number of operators, it is believed that it will be a more efficient use of resources for all operators issued medical marijuana regulatory permits join together to form a “Greenfield Medical Marijuana Association” that will develop and implement a comprehensive public outreach and education program on behalf of all operators.

Consolidating the resources of each operator will facilitate those efforts and ensure they proceed in a uniform, cohesive, and comprehensive manner. Asking each operator to develop its own outreach and education program can result in the duplication of efforts, the establishment of redundant programs and services, and the presentation of potentially conflicting information and education to the public. Approval of each regulatory permit by the City Council should include a condition that the holder of those permits collaborate and join together with all other regulatory permit holders to develop an appropriate, comprehensive, and cohesive public outreach and education program. Specific components of this public outreach and education program will be specified in the development agreement.

III. Community Benefits Program

The City Council previously adopted a fee schedule for medical marijuana facilities and operations (Resolution 2016-16). This fee schedule includes a “Community Public Health, Safety, Welfare, and Quality of Life Fee” that will be assessed to each medical marijuana dispensary, cultivation, and manufacturing facility. As further described in the administrative regulations adopted by the City Council for implementation of the medical marijuana regulatory permit process, the per square foot fee will “enable the City to promote, protect, and enhance the health, safety, and welfare of the community and its residents and its quality of life; and to compensate the City for the increased demand on City services, infrastructure, and utilities; local traffic demands; and increased City review and oversight by the police department, planning department, and code enforcement of the operations of the facility.”

The assessed community benefits/per square foot fee is \$15 to \$20 per square foot for each type of facility. This fee will be a source of significant revenue for the City. These funds will be deposited in the City’s general fund and can be expended as directed by the City Council. The specific amount of the per square foot fee (in the \$15 to \$20 range), the categorization of the space on which the fee is based, and its payment schedule will be detailed in the final development agreement that will be approved by the City Council at a later date.

At this time one regulatory permit applicant has proposed that a foundation be established through which the medical marijuana operators will directly fund some public/community facilities and programs. If properly structured and managed, the creation of a foundation can have a very positive impact on the acceptance of this new industry into our community and the relationship of the operators to our residents; generate good will among the operators, the City, and the public; provide direct and highly visible benefits to the community of this new industry; and demonstrate the industry's support of our community. To maximize the potential benefits of such a foundation, the City and the public should be active participants in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the foundation.

Existing and Proposed Development

Existing Development: The project site is approximately 3.6 acres. The project site contains a four-bedroom, 2,500 square foot residence and several storage facilities. The majority of the site is vacant. Access to the property is from El Camino Real.

Adjacent Development: The site is bordered on the north by vacant and undeveloped property, to the east by El Camino Real and the Jet Trucking facility immediately across El Camino Real, to the west by cultivated agricultural land that is outside the city limits, and to the south by a residential unit and vacant industrial space.

Proposed Development: The proposed project is a light industrial development for medical marijuana cultivation and manufacturing facilities. Development of the project will begin with the construction of nine greenhouses (2,880 square feet each), six of which will be dedicated to flowering and three dedicated to vegetative stage. In parallel, the existing residence will be remodeled for use as a caretaker residence, an on-site storage building will be demolished, and the driveway and parking area paved for employees, service vendors, contractors, and construction workers. If proper permits can be obtained from Monterey County, the existing on-site well will be renewed to operational status to be used for irrigation purposes only.

A 30,000 square foot building will be constructed to house 12,000 square feet of indoor cultivation canopy along with ancillary process rooms to include drying, curing, trimming, and packaging rooms. This building will also include the extraction facility and product testing laboratory. This building will be broken down into two large bloom rooms totaling 6,000 square feet each. There will be a small area for plant vegetation totaling 3,000 square feet and room for mother plants and cloning will take up 500 square feet. The rest of the square footage will be dedicated to trimming, drying, curing, CO₂ extraction (possibly Butane), testing lab, office space, packaging and shipping/receiving. Solar power will be considered when building this facility to augment the power needs to the entire facility.

Stormwater management facilities, although not shown on the preliminary site plan, will also be required. A 14,500 square foot area at the rear of the property is proposed for future development. Access to that property will be along the south property line via a 20-foot wide common access road from El Camino Real. Improvements to El Camino Real will include

construction of sidewalks and landscaping along the street frontage and the undergrounding of utilities.

Public Services and Infrastructure Needs: The City of Greenfield will provide water and sewer services; PG&E will provide natural gas and electricity; AT&T will provide telephone service; and Charter Cable Company (or current provider) will provide cable service. An on-site stormwater detention basin or other appropriate stormwater control facilities will be required. The project developer will be responsible for verifying the adequacy of existing utilities to service the project and will be responsible for designing, constructing, and paying for any additional utility, roadway, and stormwater system improvements necessary to provide required services to the project. All utility and site infrastructure improvements will be designed and constructed in conformance with City Standards.

IV. Conformance with General Plan and Zoning Code

General Plan: The Greenfield General Plan designates the project site as Light Industrial with an Industrial Park Overlay. The General Plan Light Industrial land use designation allows for a broad range of light industrial uses such as processing, packaging, machining, repair, fabricating, distribution, warehouse and storage, research and development, and similar uses that do not result in significant impacts from noise, odor, vibration, smoke, or pollutants. These uses should, when possible, be combined in development projects that incorporate various uses to minimize travel and transport for goods and services related to and required to support the industrial use, and to help reduce regional commuter traffic by providing employment opportunities for residents of Greenfield within the city limits. The proposed project combines processing, packaging, and distribution of finished and raw products consistent with the uses allowed by the General Plan Light Industrial land use designation.

The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will intensify the use of a 3.6 acre parcel that is currently developed with a residence, several outlying storage facilities, and the majority of the site is vacant, undeveloped land. The project site is in the City's northern light industrial district. Development of similar facilities of the same scale and intensity on other available parcels in this district is planned.

The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project provides new jobs to further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to because of budget limitations and insufficient revenues.

Zoning Code Land Use: The City of Greenfield Zoning Code designation for this property is Light Industrial (I-L). Consistent with the General Plan, this district is intended for low to medium intensity uses that involve processing, packaging, machining, repair, fabricating,

distribution, warehousing and storage, research and development, and similar uses. Chapter 5.28 of the zoning code specifically allows medical marijuana, dispensary, cultivation, and manufacturing facilities. Development standards for the light industrial district are designed to promote attractive construction that is compatible with the surrounding area.

Lot Coverage: In the I-L zoning district, section 16.12.020 of the municipal code specifies a minimum lot area of 10,000 square feet and a minimum lot width of 100 feet. The zoning code does not specify maximum lot coverage. The project parcel is approximately 3.6 acres. Upon completion of all phased development, built space will total approximately 52,580 square feet which represents lot coverage of approximately 37%.

Setback: Required minimum setbacks per section 17.36.040 are: Front and street side setback – 30 feet; and interior and rear – 0 feet. Front and street side setbacks may be reduced to 25 feet when additional landscaping is provided equal to the amount of building area encroached. The existing residence to be renovated is approximately 40 feet from El Camino Real and the new 30,000 square foot building is more than 300 feet removed from El Camino Real. The preliminary site plan indicates setbacks of 10 feet are along the north property line, 18 feet from the south property line, and 36 feet from the rear property line. The proposed setbacks exceed the minimum requirements of the zoning code.

Height: Section 17.36.040 of the zoning code imposes a maximum building height of 30 feet. All proposed buildings are single story and the maximum exterior elevations will conform to the requirements of the zoning code.

Accessory Structures: Section 17.36.030 of the zoning code setting forth accessory structure requirements does not apply as no accessory structures are proposed.

Fences and Walls: The proposed project includes constructing a 12 foot high steel security fence around the perimeter of the property. A secured vehicle entrance gate will be along El Camino Real. Section 17.52.030 of the zoning code limits the height of walls and fences to 3 feet in the front setback area and to 6 feet along rear and side setbacks but grants authority to the “designated approving authority” to allow additional height to enclose or screen specific areas or uses. The proposed 12 foot high security fence is appropriate for security purposes. The placement of gates for vehicle access will require review and approval by the Greenfield Fire Protection District.

Landscaping: The landscape requirements of sections 17.54.040 and 17.54.050 of the zoning code apply to new nonresidential development projects. Minimum planting widths of 15 feet are required along street frontages and six feet along interior property lines. Minimum landscape coverage is 15% of the total site that must be maintained with a pervious surface, preferably landscape planting. The proposed site plan includes a 30 foot minimum landscape strip along El Camino Real. Along interior property lines landscape areas between 10 feet and 36 feet are indicated on the site plan. These landscape areas can also serve as stormwater drainage swales.

Street trees will be provided along El Camino Real. A number of existing trees on the portion of the site fronting El Camino Real will remain. Although not shown on the site plan, landscaping

will be provided in all parking areas and along drive aisles as is required by section 17.54.050 of the zoning code. During the plan check process, the Planning Director will review the proposed landscape scheme for conformity with the landscape guidelines of sections 17.54.040 and 17.54.050.

Resource Efficiency: The resource efficiency standards of chapter 17.55 of the zoning code apply to this project because it is an industrial project with a total conditioned area over 10,000 square feet. The development of this project must comply with these standards to promote recycling, promote the use of resource efficient construction materials, promote water conservation, and promote energy efficiency in new and remodeled facilities. The project's resource efficiency plan will be reviewed during the plan check process, and a building permit will not be issued if the proposed plan does not comply with the requirements of chapter 17.55.

Lighting: All nonresidential development is subject to the outdoor lighting requirements of Chapter 17.56 of the zoning code. The project's outdoor lighting scheme will be reviewed during the plan check process, and a building permit will not be issued if any proposed outdoor lighting is not in compliance with those requirements.

Parking: For warehousing, storage, and distribution industrial facilities, section 17.58.050 of the zoning code requires off-street parking at a ratio of one space per 3,000 square feet plus one space for each company operated vehicle; and for manufacturing facilities, one space per 1,000 square feet plus one space for each company operated vehicle. The proposed project includes approximately 10,000 square feet of manufacturing space and 43,000 of greenhouse, office, storage, and support space. This equates to a total off-street parking requirement for approximately 30 vehicle parking spaces. The proposed site plan identifies 64 off-street parking spaces. This is more than twice the requirements of the zoning code.

Section 17.58.100 of the zoning code requires the provision of one bicycle parking space for every five vehicle spaces. For the proposed project, this equates to a requirement for 6 bicycle parking spaces. The preliminary site plan does not indicate the provision of required bicycle racks. At the time application is made for plan check, the Planning Director will review the final plans for conformance with the bicycle parking requirements of the zoning code, and a building permit will not be issued if the plans do not provide accommodations for required bicycle parking.

Noise and Odor, Particulate Matter and Air Containment Standards: The standards of sections 17.60.030 (noise) and 17.60.040 (odor) of the zoning code apply to all commercial and industrial operations within the city. Section 5.28.050 of the municipal code requires an odor management plan detailing steps that will be taken to ensure that the odor of medical marijuana will not emanate beyond the exterior walls of the facility. The noise and odor standards of chapters 17.60 and 5.28 are enforceable through the city's code enforcement program and the enforcement provisions of section 5.28.260. The development agreement will also include further description of requirements and standards for odor control processes, equipment, and methods. The development of specific conditions of compliance through the regulatory permit or conditional use permit processes is not necessary.

Signage: All nonresidential development is subject to the signage requirements of section 17.62.070 of the zoning code and section 5.28.150. The project's exterior signage will be reviewed by the City Manager and Planning Director during the signage administrative plan check process, and a building permit will not be issued if any proposed exterior signage is not in compliance with those requirements.

CEQA

The California Environmental Quality Act (Public Resources Code section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) require the review of all development projects to determine whether the proposed activities will have potential, significant environmental effects; to identify ways that environmental damage can be avoided or significantly reduced; to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when such changes are feasible; and to disclose to the public the reasons why a governmental agency approved the project in the manner it chose if significant environmental effects are involved. If a project is subject to several discretionary approvals, for purposes of CEQA the "project" refers to the totality of the development project and not to each separate governmental approval. For purposes of this CEQA discussion and analysis, the project under review includes the issuance of regulatory permits and conditional use permits, and approval of development agreements.

The first step in the CEQA review process is to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any further. If the project is not exempt, the next step is to undertake an Initial Study to determine whether the project may have a significant effect on the environment. If the Initial Study shows that there is no substantial evidence that the project may have a significant effect, a negative declaration can be prepared. If the Initial Study shows that the project may have a significant effect, an Environmental Impact Report (EIR) must be prepared.

An Initial Study was prepared for a similar, but larger scale, medical marijuana cultivation and manufacturing development project at 900 Cherry Avenue. That property is in the same light industrial zoning district as is the property at 721 El Camino Real. The two properties are less than 0.2 mile from each other.

The Initial Study for the 900 Cherry Avenue property used the "tiering" provisions of CEQA (CEQA Guidelines section 15152), wherein lead agencies are encouraged to use the analysis contained in EIRs for broader projects (i.e., a general plan EIR) as part of the analysis for subsequent specific projects. Section 15152(e) notes that tiering must be limited to situations where a project is consistent with the general plan and zoning. The proposed 900 Cherry Avenue project was consistent with the General Plan Light Industrial land use designation and with the applicable Light Industrial zoning development standards, as is the proposed 721 El Camino Real project (see conformity discussion above). This consistency enables the application of tiering provisions. The 2005 City of Greenfield General Plan Final EIR (General Plan EIR) examined potential impacts of the 2005 General Plan, including future development of sites with Light Industrial uses. Consequently, where prudent and applicable, information

contained in the Initial Study was tiered from the General Plan EIR to avoid redundancy and streamline the analysis process for the proposed project.

The analysis methodology in the Initial Study also considered the streamlining provisions contained in section 15183 of the CEQA Guidelines, which address projects that are consistent with an established density for the site. CEQA mandates that “projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” The Initial Study for the 900 Cherry Avenue project focused on evaluating whether there are project-specific impacts that are peculiar to the project or the project site. The proposed project was consistent with the Light Industrial land use designation and consistent with applicable Light Industrial zoning development standards, as is the proposed development for the 721 El Camino Real property. Therefore, where appropriate, the discussion of proposed project impacts in the Initial Study for the 900 Cherry Avenue project was limited as mandated in CEQA Guidelines section 15183.

Section 15183 is particularly relevant for assessment of the incremental cumulative impacts of a proposed project, especially where such impacts were found to be significant and unavoidable in the General Plan EIR. The General Plan EIR identified several significant and unavoidable impacts for which the City approved Statements of Overriding Consideration. In these cases, the analysis in the Initial Study concluded that the proposed project contribution to these significant and unavoidable cumulative impacts was already identified in the previous EIR. This approach is consistent with CEQA Guidelines section 15183(c) which states, “if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.”

The Initial Study prepared for the 900 Cherry Avenue project found that with the inclusion of two conditions of approval identified in the Initial Study, the proposed project would not have significant environmental impacts. Those conditions require a pre-construction survey be conducted to determine whether protected nesting birds are present prior to the start of construction, and that a historic resource assessment of the existing residence be conducted. (Note: The historic resource assessment was since completed and concluded the existing residence does not have any historical significance.)

The Initial Study for the 900 Cherry Avenue project found that all potentially significant impacts were analyzed adequately in the earlier General Plan EIR and were avoided or mitigated pursuant to that earlier EIR or were addressed through conditions of approval that could be imposed on the proposed project. Therefore, no further environmental review was required.

The site, location, and environmental conditions and analyzed for the 900 Cherry Avenue project are the same conditions that apply to the 721 El Camino Real project. The findings of the Initial Study for the 900 Cherry Avenue project are also applicable to the 721 El Camino Real project. All potentially significant impacts of the 721 El Camino Real project were analyzed adequately

in the earlier General Plan EIR and were avoided or mitigated pursuant to that earlier EIR or are addressed through conditions of approval that can be imposed on the proposed project. Therefore, no further environmental review is required.

CONSEQUENT ACTION

Development Agreement: Section 5.28.090 of the municipal code requires the applicant and the City enter into a development agreement setting forth the terms and conditions under which the medical marijuana facility will operate that are in addition to the requirements of chapter 5.28, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare. The administrative regulations approved by the City Council for implementation of chapter 5.28 regulatory permits sets forth additional requirements for each development agreement. These are requirements specific to medical marijuana facilities, uses, and operations.

Chapter 16.37 and section 17.16.160 of the municipal code set forth general requirements for development agreements pertaining to land use and development. These municipal code requirements incorporate State Government Code provisions governing the application of development agreements for land use entitlements. The medical marijuana development agreements must also conform to those requirements.

A preliminary draft development agreement for the use of property at 721 El Camino Real for medical marijuana cultivation and manufacturing purposes is attached to this staff report. When the final terms and conditions are agreed to by the City and Golden State Alternative Care, the development agreement will be presented to the City Council at a future date when the City Council is requested to adopt an ordinance approving the development agreement. The development agreement will conform to the requirements of chapter 5.28, chapter 16.37, and section 17.16.160 of the municipal code. Finalization of this agreement will be included as a condition of issuance of the applied for regulatory permits.

Until the development agreement is approved by the City Manager, and the City Council adopts an ordinance approving that development agreement, the regulatory permits approved by the City Council will not be effective. Until that development agreement is adopted by ordinance, design review, building permits, or any further required permits will not be approved or issued by the City for construction and development of any medical marijuana facilities for which regulatory permit and conditional use permit applications have been made.

BUDGET AND FINANCIAL IMPACT

Issuing regulatory permits for medical marijuana cultivation and manufacturing facilities will bring significant additional dollars to the City's general fund. The annual operating fee for cultivation is \$60,758 and for manufacturing it is \$33,936. The community benefits fee will be \$15 to \$20 per square foot.

At this time it is premature to estimate with certainty the general fund revenue to the City that will be generated from this fee as the amount of the fee on a per square foot basis and the amount of cultivation and manufacturing space to which this fee will apply requires further discussion and negotiation with Golden State Alternative Care and each of the other operators who have submitted regulatory permit applications. Those details will be specified in the development agreement. When the City Council is asked to adopt an ordinance approving the development agreement, the amount of those fees for the first year of operation will be known and presented to the City Council for its review and approval. For subsequent years the total general fund revenue stream may vary depending on any adjustment to the annual operating fee established by the City Council and re-evaluation of the appropriate per square foot fee. Even with these potential adjustments, general fund revenues for future years will be substantial.

RECOMMENDATION

The Community Services Director, Police Chief, and City Manager recommend the City Council approve and adopt the attached resolution approving the issuance of medical marijuana cultivation and manufacturing regulatory permits for Golden State Alternative Care, Inc., subject to certain specified conditions of approval.

It is further recommended that the City Council approve the attached resolution that sets forth required findings for issuance of a conditional use permit and establishes required conditions and/or performance guarantees for the development of the proposed cultivation and manufacturing facility at 721 El Camino Real.

It is further recommended the City Council introduce an ordinance approving a development agreement for medical marijuana cultivation and manufacturing uses at 721 El Camino Real. Upon finalization of this agreement, the City Council will be requested to take final action adopting an ordinance approving this agreement.

The proposed development and use of the property at 721 El Camino Real for medical marijuana cultivation and manufacturing uses is consistent with the City's general plan, applicable provisions of the zoning code, conforms to the requirements of chapter 5.28 of the municipal code, and will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.

PROPOSED MOTIONS

I MOVE TO ADOPT RESOLUTION #2016-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING THE ISSUANCE OF REGULATORY PERMITS FOR THE OPERATION OF MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES BY GOLDEN STATE ALTERNATIVE CARE, INC., LOCATED AT 721 EL CAMINO REAL

I MOVE TO ADOPT RESOLUTION #2016-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES LOCATED AT 721 EL CAMINO REAL IN THE CITY OF GREENFIELD (APN: 109-161-005)

I MOVE THAT THE CITY COUNCIL READ BY TITLE ONLY AND INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING A DEVELOPMENT AGREEMENT FOR THE OPERATION OF MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES AT 721 EL CAMINO REAL

**CITY OF GREENFIELD CITY COUNCIL
RESOLUTION No. 2016-45**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GREENFIELD APPROVING THE ISSUANCE OF REGULATORY
PERMITS FOR THE OPERATION OF MEDICAL MARIJUANA
CULTIVATION AND MANUFACTURING FACILITIES BY GOLDEN
STATE ALTERNATIVE CARE, INC., LOCATED AT 721 EL CAMINO
REAL**

WHEREAS, Golden State Alternative Care, Inc., a mutual benefit corporation organized under the laws of the State of California, has submitted application to the City of Greenfield for regulatory operating permits under Chapter 5.28 of the City of Greenfield Municipal Code for medical marijuana cultivation and manufacturing facilities to be located at 721 El Camino Real in the City of Greenfield, APN: 109-161-005; and

WHEREAS, Chapter 5.28 of the City of Greenfield Municipal Code sets forth requirements and procedures for issuance of medical marijuana regulatory permits for dispensary, cultivation, and manufacturing facilities; and

WHEREAS, Section 5.28.040 of Chapter 5.28 requires the prior review and approval by the City Council for the issuance of a regulatory permit as required by Chapter 5.28; and

WHEREAS, Section 5.28.040 of Chapter 5.28 provides that as a condition of issuance of a regulatory permit as required by Chapter 5.28, the City Council may impose such additional terms and conditions on the issuance of the regulatory permit and the operation of the facility as the City Council deems appropriate; and

WHEREAS, Section 5.28.040 of Chapter 5.28 provides that the development agreement, operations plan, and site plan and building layout of a medical marijuana facility required by Chapter 5.28 is subject to the review and approval of the City Council prior to the issuance of a medical marijuana regulatory permit; and

WHEREAS, the application for regulatory permits for medical marijuana cultivation and manufacturing facilities was heard, reviewed, and discussed by the City Council at a regularly scheduled meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City of Greenfield City Council as follows:

1. That the City of Greenfield City Council has considered all written and verbal evidence regarding the applications by Golden State Alternative Care, Inc., for medical marijuana cultivation and manufacturing regulatory permits for property located at 721 El Camino Real in the City of Greenfield, APN: 109-161-005, and finds that the applications conform to the requirements of Chapter 5.28 of the City of Greenfield Municipal Code;

2. That this regulatory permit shall be subject to the terms and conditions of chapter 5.28 of the City of Greenfield municipal code authorizing the issuance a medical marijuana facility regulatory permits and the administrative regulations for implementing that chapter approved by City of Greenfield City Council Resolution No. 2016-15;
3. That any term, condition, or requirement of chapter 5.28 of the City of Greenfield municipal code and the administrative regulations adopted pursuant thereto not expressly set forth in this regulatory permit or the development agreement required thereunder shall be in full force and effect just as if those terms, conditions, or requirements were expressly set forth in this regulatory permit or the development agreement, and such terms, conditions, and requirements are incorporated herein by reference.
4. That the site plan and building layout is approved subject to the following conditions:
 - a. The Fire Marshal shall approve the location and configuration of the vehicle security gate accessing the property from El Camino Real; and
 - b. The Greenfield Police Chief shall approve the location and operation of video surveillance cameras for both the exterior and interior areas of the buildings;
5. That the operations plan is approved subject to the following conditions:
 - a. The applicant shall update the operations plan included in its applications to include all supplemental information provided to the City during the application review process and as otherwise required by the City Council during its review and discussion of these applications; and
 - b. The Greenfield Police Chief shall approve the security alarm system which shall include door and window break sensors and motion detectors and remote monitoring;
6. That the issuance of regulatory permits to Golden State Alternative Care, Inc., for medical marijuana cultivation and manufacturing facilities at 721 El Camino Real is hereby approved subject to the following conditions:
 - a. The owners, managers, and operators of Golden State Alternative Care, Inc., shall pass a background investigation conducted by the Greenfield Police Chief and/or City Manager on behalf of the City of Greenfield, which may include, but is not limited to, LiveScan, employment history verification, personal and business references, and such other personal background investigation as deemed appropriate by the Greenfield Police Chief or City Manager;
 - b. A development agreement shall be finalized and executed by the City Manager, on behalf of and in the name of the City of Greenfield, and Golden State Alternative Care, Inc. and the property owner; which agreement shall include at a minimum the terms and conditions required by and specified in the administrative

regulations for medical marijuana facilities regulatory permits approved under City of Greenfield City Council Resolution No. 2016-15, and such other terms and conditions as otherwise required by the City Council during its review and discussion of the development agreement;

- c. Golden State Alternative Care, Inc., shall update the operations plan as required herein and such updated operations plan shall be reviewed and approved by the City Manager or designee;
 - d. The Greenfield Police Chief shall approve the use of armed security guards employed or contracted by Golden State Alternative Care, Inc.;
 - e. Golden State Alternative Care, Inc., shall collaborate and join together with all other medical marijuana regulatory permit holders, in the form of a “Greenfield Medical Marijuana Association” or other association acceptable to the City to develop an appropriate, comprehensive, and cohesive public outreach and education program;
 - f. Golden State Alternative Care, Inc., shall collaborate and join together with all other medical marijuana regulatory permit holders, in the form of a “Greenfield Medical Marijuana Association” or other association or foundation acceptable to the City to develop, implement, and fund a community benefits program for public facilities and programs; the City and the public will be active participants in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the association or foundation; and the final development agreement will address the general mechanism by which the City and public will participate in this process; and
 - g. Golden State Alternative Care, Inc., shall pay to the City all fees as required by City of Greenfield City Council Resolution No. 2016-16; and the Community Public Health, Safety, Welfare, and Quality of Life Fee specified in the development agreement;
7. That the City Manager or designee is authorized to approve the applicant’s update of the operations plan included in its applications to include all supplemental information provided to the City during the application review process and as otherwise required by the City Council during its review and discussion of these applications;
8. That the City Manager is authorized to finalize and execute on behalf of the City of Greenfield the required development agreement with Golden State Alternative Care, Inc. and the property owner;
9. That the operator shall timely and fully pay all fees associated with the regulatory permit as set forth in section 5.28.080 of the City of Greenfield municipal code and the regulatory permit fee schedule adopted by the City Council per Resolution 2016-16 and as those fees may be adjusted from time to time by further resolution of the City Council;

10. That upon the annual renewal of this regulatory permit, the Community Public Health, Safety, Welfare, and Quality of Life Fee specified in condition 4.g hereof and the development agreement specified in condition 4.b hereof shall be subject to review and modification by subsequent resolution of the City Council, and if so modified the development agreement shall be modified accordingly;
11. That the Building Inspector shall not issue a Certificate of Occupancy until notified by the Planning Director that all conditions of approval specified herein have been met;
12. That the effective date of the medical marijuana cultivation and manufacturing regulatory permits shall be the date the City's Building Inspector issues a Certificate of Occupancy, which date shall be deemed the date of issuance for purposes of determining the one year expiration date under section 5.28.050 of the City of Greenfield municipal code, or such earlier date specified in the development agreement;
13. That this regulatory permit may be revoked in accordance with the procedures set forth in section 5.28.120 of the City of Greenfield municipal code.
14. That unless otherwise and sooner revoked, this regulatory permit shall expire one year from its date of issuance and may be renewed in accordance with the procedures set forth in section 5.28.120 of the City of Greenfield municipal code; and

PASSED AND ADOPTED by the City Council of the City of Greenfield at a regular meeting of the City Council held on the 14th day of June, 2016, by the following vote:

AYES, and all in favor, therefore, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**CITY OF GREENFIELD CITY COUNCIL
RESOLUTION No. 2016-46**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD
APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR
THE DEVELOPMENT OF MEDICAL MARIJUANA CULTIVATION AND
MANUFACTURING FACILITIES LOCATED AT 721 EL CAMINO REAL
IN THE CITY OF GREENFIELD (APN: 109-161-005)**

WHEREAS, chapter 5.28 of the City of Greenfield municipal code authorizes the issuance of regulatory permits for the operation of medical marijuana dispensary, cultivation, and manufacturing facilities; and

WHEREAS, an application has been submitted to the City of Greenfield for the development of medical marijuana cultivation and manufacturing facilities at 721 El Camino Real in the City of Greenfield, APN: 109-161-005; and

WHEREAS, the proposed location for the medical marijuana cultivation and manufacturing facilities is in the Light Industrial (I-L) zoning district; and

WHEREAS, the development of a medical marijuana cultivation and manufacturing facilities in the Light Industrial (I-L) zoning district is allowed subject to issuance of a conditional use permit; and

WHEREAS, section 17.14.050 of the City of Greenfield zoning code provides that when a proposed project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest level designated approving authority for all such requested permits; and

WHEREAS, section 17.14.050 provides further that in acting on a permit, the approving authority shall make the applicable findings as established in chapter 17.16 for the type of permit for which application is made; and

WHEREAS, operation of a medical marijuana dispensary, cultivation, or manufacturing business requires obtaining an appropriate regulatory permit, a conditional use permit, and executing a development agreement; and

WHEREAS, section 5.28.040 of the City of Greenfield municipal code designates the City Council as the approving authority for medical marijuana regulatory permits, sections 16.37.100 and 17.16.160 designate the City Council as the approving authority for development agreements, and section 17.16.060 designates the Planning Commission as the approving authority for conditional use permits; and

WHEREAS, by operation of section 17.14.050 the City Council is the designated approving authority for all permits required for the operation of medical marijuana facilities authorized under chapter 5.28 of the City of Greenfield municipal code; and

WHEREAS, the City Council shall approve, conditionally approve, or deny the proposed conditional use permit application in accordance with the requirements of section 17.16.060 of the City of Greenfield zoning code; and

WHEREAS, the application for a conditional use permit was heard, reviewed, and discussed by the City Council at a duly noticed public meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Greenfield has considered all written and verbal evidence regarding this conditional use permit application at the public hearing and has made the following findings regarding the proposed conditional use permit:

1. FINDING: That the proposed development of medical marijuana cultivation and manufacturing facilities at 721 El Camino Real in the City of Greenfield is consistent with the General Plan and applicable provisions of the City of Greenfield Zoning Code, Title 17.
 - a. The proposed medical marijuana cultivation and manufacturing facilities are allowed uses in the Light Industrial (I-L) zoning district.
 - b. The proposed project complies with all commercial development standards for the Light Industrial (I-L) zoning district set forth in sections 16.12.020 and 17.36.040 of the municipal code, including but not limited to requirements for minimum lot area, maximum lot coverage, building setbacks, building height limits, landscaping, resource efficiency, lighting, parking performance standards, and signage.
 - c. The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. It also encourages the redevelopment and reuse of vacant and/or underutilized commercial buildings. The proposed project utilizes a light industrial zoned property that is occupied by a residential unit surrounded by a primarily vacant and under-utilized site for a new commercial business.
 - d. The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will develop multiple greenhouse and manufacturing facilities that are of the scale and intensity appropriate for a light industrial development. The new development will consist of buildings that are of a size and height similar to adjacent and nearby industrial buildings.

- e. The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project brings a new industry to the City that will provide new jobs to promote economic development and further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to do because of budget limitations and insufficient revenues.
2. FINDING: That the establishment, maintenance, or operation of the proposed use will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.
- a. The proposed medical marijuana cultivation and manufacturing facility is located in a light industrial zoning district in close proximity to other light industrial type uses.
 - b. The construction of a steel security fence around the perimeter of all buildings where medical marijuana is cultivated, manufactured, stored, processed, and handled will provide increased security for the site and the materials and products stored, cultivated, and manufactured in the facility.
 - c. A video surveillance system will be installed to monitor all exterior areas of the property, all site and building entrances and exits, and all interior spaces of the building, thereby providing additional security for the entire property.
 - d. Armed security guard services will be provided 24 hours a day, 7 days a week.
 - e. The facility will not be open to the general public and no direct sales or product distribution will be made to the general public.
3. FINDING: All requirements of the California Environmental Quality Act have been met.
- a. If a project is subject to several discretionary approvals, for purposes of CEQA the "project" refers to the totality of the development project and not to each separate governmental approval (CEQA Guidelines section 15378). For purposes of the required CEQA discussion and analysis, the project under review includes the issuance of regulatory permits and conditional use permits, approval of development agreements, and tentative map and final map approvals for subdivision of certain specified property.
 - b. An Initial Study was prepared for a similar, but larger scale, medical marijuana cultivation and manufacturing development project at 900 Cherry Avenue. That property is in the same light industrial zoning district as is the property at 721 El Camino Real. The two properties are less than 0.2 mile from each other.

- c. The Initial Study for the 900 Cherry Avenue property used the “tiering” provisions of CEQA (CEQA Guidelines section 15152), wherein lead agencies are encouraged to use the analysis contained in EIRs for broader projects (i.e., a general plan EIR) as part of the analysis for subsequent specific projects. Section 15152(e) notes that tiering must be limited to situations where a project is consistent with the general plan and zoning. The proposed 900 Cherry Avenue project was consistent with the General Plan Light Industrial land use designation and with the applicable Light Industrial zoning development standards, as is the proposed 721 El Camino Real project (see conformity discussion above). This consistency enables the application of tiering provisions. The 2005 City of Greenfield General Plan Final EIR (General Plan EIR) examined potential impacts of the 2005 General Plan, including future development of the site with Light Industrial uses. Consequently, where prudent and applicable, information contained in the Initial Study was tiered from the General Plan EIR to avoid redundancy and streamline the analysis process for the proposed project.
- d. The analysis methodology in the Initial Study also considered the streamlining provisions contained in section 15183 of the CEQA Guidelines, which address projects that are consistent with an established density for the site. CEQA mandates that “projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” The Initial Study for the 900 Cherry Avenue project focused on evaluating whether there are project-specific impacts that are peculiar to the project or the project site. The proposed project was consistent with the Light Industrial land use designation and consistent with applicable Light Industrial zoning development standards, as is the proposed development for the 721 El Camino Real property. Therefore, where appropriate, the discussion of proposed project impacts in the Initial Study for the 900 Cherry Avenue project was limited as mandated in CEQA Guidelines section 15183.
- e. Section 15183 is particularly relevant for assessment of the incremental cumulative impacts of the proposed project, especially where such impacts were found to be significant and unavoidable in the General Plan EIR. The General Plan EIR identified several significant and unavoidable impacts for which the City approved Statements of Overriding Consideration. In these cases, the analysis in the Initial Study concluded that the proposed project contribution to these significant and unavoidable cumulative impacts was already identified in the previous EIR. This approach is consistent with CEQA Guidelines section 15183(c) which states, “if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.”

- f. The Initial Study prepared for the 900 Cherry Avenue project found that with the inclusion of two conditions of approval identified in the Initial Study, the proposed project would not have significant environmental impacts. Those conditions require a pre-construction survey be conducted to determine whether protected nesting birds are present prior to the start of construction, and that a historic resource assessment of the existing residence be conducted. (Note: The historic resource assessment was since completed and concluded the existing residence does not have any historical significance.)
- g. The Initial Study for the 900 Cherry Avenue project found that all potentially significant impacts were analyzed adequately in the earlier General Plan EIR and were avoided or mitigated pursuant to that earlier EIR or were addressed through conditions of approval that could be imposed on the proposed project. Therefore, no further environmental review was required.
- h. The site, location, and environmental conditions and analyzed for the 900 Cherry Avenue project are the same conditions that apply to the 721 El Camino Real project. The findings of the Initial Study for the 900 Cherry Avenue project are also applicable to the 721 El Camino Real project. All potentially significant impacts of the 721 El Camino Real project were analyzed adequately in the earlier General Plan EIR and were avoided or mitigated pursuant to that earlier EIR or are addressed through conditions of approval that can be imposed on the proposed project. Therefore, no further environmental review is required.

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED, that the City Council of the City of Greenfield does approve Conditional Use Permit No. 2016-05 subject to the conditions of approval attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the City Council of the City of Greenfield at a regular meeting of the City Council held on the 14th day of June, 2016, by the following vote:

AYES, and all in favor, therefore, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**CITY OF GREENFIELD CITY COUNCIL
CONDITIONAL USE PERMIT NO. 2016-05**

Project: Development and Use of a Medical Marijuana Dispensary, Cultivation, and/or Manufacturing Facility Under Chapter 5.28 “Medical Marijuana Facilities Regulatory Permit” of the City of Greenfield Municipal Code to be Located at 721 El Camino Real in the City of Greenfield, CA

Applicant: Golden State Alternative Care., Inc.

APN: 109-161-005

Approved: City Council Resolution 2016-__

Date: June 14, 2016

1. The development and use of the property that is the subject of this Conditional Use Permit for medical marijuana dispensary, cultivation, and manufacturing facilities is an allowed use subject to the conditions as set forth below.
2. Construction activities shall be in accordance with the City’s Standard Conditions for Construction.
3. Final landscape and irrigation plans shall be submitted as part of the plan check process for issuance of a building permit. Issuance of a building permit is conditional upon compliance with all applicable provisions of the landscape requirements and standards of chapter 17.54 of the zoning code. The Planning Director shall review and approve the final landscape plans for conformity with these requirements.
4. As required by section 17.62.020 of the zoning code, all exterior signage shall receive zoning clearance (administrative plan check) by the Planning Director to ensure compliance with the applicable provisions of chapter 17.62 of the zoning code; subject, however, to the provisions of section 5.28.150 of the municipal code regulating exterior signage for medical marijuana facilities. The Planning Director shall review and approve the final exterior signage plans for conformity with these requirements.
5. Compliance with the construction recycling and diversion, water use efficiency, and energy efficiency standards set forth in section 17.55.030 is required. The project’s resource efficiency plan will be reviewed during the plan check process, and a building permit will not be issued if the proposed plan does not comply with the requirements of chapter 17.55.

6. At the time of application for a building permit, the project's plans and specifications will be reviewed by the Planning Director for conformance with the lighting requirements of chapter 17.56 of the zoning code. A building permit will not be issued if proposed outdoor lighting is not in compliance with the requirements of this chapter.
7. The requirements of chapter 17.60 of the zoning code apply to all development projects in all zoning districts. For medical marijuana facilities, compliance with the hazardous materials standards and requirements of section 17.60.020, the noise standards of section 17.60.030, and the odor, particulate matter, and air containment standards of section 17.60.040 are of particular importance. Compliance with the odor containment requirements set forth in paragraph 5.28.050.F.4.i of the municipal code is also required. Prior to issuance of a certificate of occupancy, the applicant shall demonstrate compliance with the noise standards set forth in section 17.60.030.
8. This Conditional Use Permit shall remain in force for so long as the development and use of the property as a medical marijuana dispensary, cultivation, and/or manufacturing facility remains in compliance with the requirements of this Conditional Use Permit.
9. If application for a building permit is not made within one year after approval of this Conditional Use Permit, it will be necessary for the applicant to submit a new application for a Conditional Use Permit. Time extensions may be considered upon receipt of a written request for a time extension submitted to the City no less than thirty (30) days prior to expiration of this one year period, or any extension thereto previously granted.
10. A medical marijuana dispensary, cultivation, or manufacturing business shall not operate on the property that is the subject of this Conditional Use Permit without the operator of that business holding a valid Regulatory Permit for the operation of such business issued by the City as provided for under chapter 5.28 of the City of Greenfield municipal code.
11. At such time as the State of California requires the operator of medical marijuana facilities and business entities to hold a valid and current license duly authorized, approved, and issued by the State in accordance with State laws and regulations now or hereinafter enacted for the operation of such business, a medical marijuana dispensary, cultivation, or manufacturing business shall not operate on the property that is the subject of this Conditional Use Permit without the operator of that business holding any and all licenses or permits required and issued by the State of California.

**CITY OF GREENFIELD CITY COUNCIL
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GREENFIELD APPROVING A DEVELOPMENT AGREEMENT FOR
THE OPERATION OF MEDICAL MARIJUANA CULTIVATION AND
MANUFACTURING FACILITIES AT 721 EL CAMINO REAL**

WHEREAS, Section 65865 of the State of California Government Code provides that cities may enter into a development agreement with any person having a legal or equitable interest in real property for the development of property; and

WHEREAS, Section 65867.5 of the State of California Government Code provides that development agreements shall be approved by ordinance; and

WHEREAS, Sections 16.37.010 and 17.16.160 of the City of Greenfield Municipal Code set forth the procedures for approval of development agreements; and

WHEREAS, Section 5.28.090 of the City of Greenfield Municipal Code provides that development agreements may be entered into as a condition of issuance by the City of a regulatory permit or permits for medical marijuana cultivation and manufacturing facilities authorized under Chapter 5.28 of the City of Greenfield Municipal Code; and

WHEREAS, the City of Greenfield has received regulatory permit applications from Golden State Alternative Care, Inc., for medical marijuana cultivation and manufacturing facilities for property located at 721 El Camino Real; and

WHEREAS, it is the desire of the City of Greenfield City Council to approve issuance of regulatory permits for medical marijuana cultivation and manufacturing facilities to be located and 721 El Camino Real and to enter into a development agreement with Golden State Alternative Care, Inc. and the owner of said property for the establishment and operation of such facilities; and

WHEREAS, the proposed development agreement was heard, reviewed, and discussed by the City of Greenfield City Council at a duly noticed public hearing;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Greenfield has considered all written and verbal evidence regarding the proposed development agreement and has made the following findings:

1. **FINDING:** That the development agreement is consistent with the general plan objectives, policies, land uses, and implementation programs and any other applicable specific plans.

- a. The proposed medical marijuana cultivation and manufacturing facilities are allowed uses in the Light Industrial (I-L) zoning district.
 - b. The proposed project complies with all commercial development standards for the Light Industrial (I-L) zoning district set forth in sections 16.20.020 and 17.36.040 of the zoning code, including but not limited to requirements for minimum lot area, maximum lot coverage, building setbacks, building height limits, landscaping, resource efficiency, lighting, parking performance standards, and signage.
 - c. The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. It also encourages the redevelopment and reuse of vacant and/or underutilized commercial buildings. The proposed project utilizes a light industrial zoned property that is occupied by a residential unit surrounded by a primarily vacant and under-utilized site for a new commercial business.
 - d. The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will develop multiple greenhouse and manufacturing facilities that are of the scale and intensity appropriate for a light industrial development. The new development will consist of buildings that are of a size and height similar to adjacent and nearby industrial buildings.
 - e. The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project brings a new industry to the City that will provide new jobs to promote economic development and further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to do because of budget limitations and insufficient revenues.
2. FINDING: That the proposed development agreement is in conformance with the public convenience and general welfare of persons residing in the immediate area and will not be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole.
- a. The proposed medical marijuana cultivation and manufacturing facility is located in a light industrial zoned district in proximity to other light industrial type uses.
 - b. The construction of a steel security fence around the perimeter of all buildings where medical marijuana is cultivated, manufactured, stored, processed, and handled will provide increased security for the site and the materials and products stored, cultivated, and manufactured in the facility.

- c. A video surveillance system will be installed to monitor all exterior areas of the property, all site and building entrances and exits, and all interior spaces of the building, thereby providing additional security for the entire property.
 - d. Armed security guard services will be provided 24 hours a day, 7 days a week.
 - e. The facility will not be open to the general public and no direct sales or product distribution will be made to the general public.
 - f. The development agreement includes provisions for public outreach and education programs to promote the public welfare and operational and security plans to ensure the facility is operated in a safe and legal manner.
3. FINDING: That the development agreement will promote the orderly development of property or the preservation of property values.
- a. The proposed development is infill development that will intensify land uses through the redevelopment of vacant and underutilized commercial sites.
 - b. The proposed medical marijuana cultivation and manufacturing facility is located in a light industrial zoned district in proximity to other light industrial type uses.
4. FINDING: All requirements of the California Environmental Quality Act have been met.
- a. If a project is subject to several discretionary approvals, for purposes of CEQA the “project” refers to the totality of the development project and not to each separate governmental approval (CEQA Guidelines section 15378). For purposes of the required CEQA discussion and analysis, the project under review includes the issuance of regulatory permits and conditional use permits, approval of development agreements, and tentative map and final map approvals for subdivision of certain specified property.
 - b. An Initial Study was prepared for a similar, but larger scale, medical marijuana cultivation and manufacturing development project at 900 Cherry Avenue. That property is in the same light industrial zoning district as is the property at 721 El Camino Real. The two properties are less than 0.2 mile from each other.
 - c. The Initial Study for the 900 Cherry Avenue property used the “tiering” provisions of CEQA (CEQA Guidelines section 15152), wherein lead agencies are encouraged to use the analysis contained in EIRs for broader projects (i.e., a general plan EIR) as part of the analysis for subsequent specific projects. Section 15152(e) notes that tiering must be limited to situations where a project is consistent with the general plan and zoning. The proposed 900 Cherry Avenue project was consistent with the General Plan Light Industrial land use designation and with the applicable Light Industrial zoning development standards, as is the proposed 721 El Camino Real project (see conformity discussion above). This

consistency enables the application of tiering provisions. The 2005 City of Greenfield General Plan Final EIR (General Plan EIR) examined potential impacts of the 2005 General Plan, including future development of the site with Light Industrial uses. Consequently, where prudent and applicable, information contained in the Initial Study was tiered from the General Plan EIR to avoid redundancy and streamline the analysis process for the proposed project.

- d. The analysis methodology in the Initial Study also considered the streamlining provisions contained in section 15183 of the CEQA Guidelines, which address projects that are consistent with an established density for the site. CEQA mandates that “projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” The Initial Study for the 900 Cherry Avenue project focused on evaluating whether there are project-specific impacts that are peculiar to the project or the project site. The proposed project was consistent with the Light Industrial land use designation and consistent with applicable Light Industrial zoning development standards, as is the proposed development for the 721 El Camino Real property. Therefore, where appropriate, the discussion of proposed project impacts in the Initial Study for the 900 Cherry Avenue project was limited as mandated in CEQA Guidelines section 15183.
- e. Section 15183 is particularly relevant for assessment of the incremental cumulative impacts of the proposed project, especially where such impacts were found to be significant and unavoidable in the General Plan EIR. The General Plan EIR identified several significant and unavoidable impacts for which the City approved Statements of Overriding Consideration. In these cases, the analysis in the Initial Study concluded that the proposed project contribution to these significant and unavoidable cumulative impacts was already identified in the previous EIR. This approach is consistent with CEQA Guidelines section 15183(c) which states, “if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.”
- f. The Initial Study prepared for the 900 Cherry Avenue project found that with the inclusion of two conditions of approval identified in the Initial Study, the proposed project would not have significant environmental impacts. Those conditions require a pre-construction survey be conducted to determine whether protected nesting birds are present prior to the start of construction, and that a historic resource assessment of the existing residence be conducted. (Note: The historic resource assessment was since completed and concluded the existing residence does not have any historical significance.)

- g. The Initial Study for the 900 Cherry Avenue project found that all potentially significant impacts were analyzed adequately in the earlier General Plan EIR and were avoided or mitigated pursuant to that earlier EIR or were addressed through conditions of approval that could be imposed on the proposed project. Therefore, no further environmental review was required.
- h. The site, location, and environmental conditions analyzed for the 900 Cherry Avenue project are the same conditions that apply to the 721 El Camino Real project. The findings of the Initial Study for the 900 Cherry Avenue project are also applicable to the 721 El Camino Real project. All potentially significant impacts of the 721 El Camino Real project were analyzed adequately in the earlier General Plan EIR and were avoided or mitigated pursuant to that earlier EIR or are addressed through conditions of approval that can be imposed on the proposed project. Therefore, no further environmental review is required.

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

Section 1. That the development agreement with Golden State Alternative Care, Inc., be approved and adopted by ordinance substantially in the form of the agreement attached hereto.

Section 2. Effective Date: This Ordinance shall take effect thirty (30) days from and after its passage and adoption by the City Council of the City of Greenfield.

INTRODUCED at a regular meeting of the City Council of the City of Greenfield held on the 14th day of June, 2016.

PASSED AND ADOPTED by the City Council of the City of Greenfield, at a regularly scheduled meeting of the City Council held on the ____ day of _____, 2016, by the following vote:

AYES, and all in favor, thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**Cultivation and Manufacturing
Development Agreement**

This Agreement is made by and between and among the CITY OF GREENFIELD (“City”) and _____ (“Operator”) and _____ (“Owner”) this ____ day of _____, 2016, as required by section 5.28.090 of the City of Greenfield municipal code setting forth the terms and conditions under which Operator shall operate a medical marijuana cultivation and manufacturing facility pursuant to its Regulatory Permit and Conditional Use Permit that are in addition to the requirements of the Conditional Use Permit and chapter 5.28 of the City of Greenfield municipal code, including, but not limited to, public outreach and education, community service, payment of fees and other charges as set forth or referenced herein, and such other terms and conditions that will protect and promote the public health, safety, and welfare. The requirements set forth in Ordinance No. 515, Chapter 5.28 of the City of Greenfield municipal code and the Administrative Regulations adopted by the City Council of the City of Greenfield by resolution 2016-15 are incorporated herein by reference.

1. **Government Code and Municipal Code Required Elements**

a. **Description of Property**

Land situated in the City of Greenfield, County of Monterey, State of California, described as Lot 3 as shown in Volume 19 of Parcel Maps at Page 38, Records of Monterey County; APN: 109-521-040; whose street address is 36 4th Street, City of Greenfield.

b. **Owner and Other Person with Legal or Equitable Interest**

Owner:

Lessee:

c. **Duration of Agreement**

This Agreement shall remain in full force and effect so long as the subject property is used for a medical marijuana facility as presently authorized under chapter 5.28 of the City of Greenfield municipal code; provided, however, such use is not abandoned for a period of not more than six (6) months.

d. Permitted Uses

The subject property may be used for any medical marijuana facility as presently authorized under chapter 5.28 of the City of Greenfield municipal code, and for any other use as authorized under title 17 of the City of Greenfield municipal code. Although title 17 does not specifically identify medical marijuana facilities as allowed uses in any zoning district, such uses are similar to other listed uses, including, but not limited to, medical services – clinics, offices, laboratories; garden center/plant nursery; food and beverage manufacturing; and agricultural products processing; and, therefore, medical marijuana facilities are allowed uses in the same zoning districts in which such similar uses are allowed under table 17.26-1 of chapter 17.26 of the City of Greenfield municipal code.

The sale or distribution of medical marijuana and medical marijuana products to the public (consumer end-user) shall only be through a permitted medical marijuana dispensary, to a qualified patient or caregiver, or as otherwise allowed under state law. The sale or distribution of medical marijuana and medical marijuana products to the public (consumer end-user) from a medical marijuana cultivation or manufacturing facility is absolutely prohibited.

e. Density or Intensity of Uses

Highway Commercial Zoning District: For property located in the Highway Commercial zoning district, the maximum lot coverage is 50 percent; however, if any person having a legal or equitable interest in the subject property is a signatory to this Agreement, the maximum lot coverage is 100 percent, subject, however, to minimum front and street side setbacks of 20 feet, provision of sufficient on-site parking for all employees, visitors, and shipping/receiving, on-site circulation for pedestrians and vehicles, minimum building separation as required by the building code, and on-site landscaping. Except as required for driveways and vehicle and pedestrian access, the front and street side setback areas shall be landscaped as otherwise required under chapter 17.54 of the City municipal code.

Light Industrial Zoning District: For property located in the Light Industrial zoning district, the maximum lot coverage is 100 percent, subject, however, to minimum front and street side setbacks of 30 feet, provision of sufficient on-site parking for all employees, visitors, and shipping/receiving, on-site circulation for pedestrians and vehicles, minimum building separation as required by the building code, and on-site landscaping. Except as required for driveways and vehicle and pedestrian access, the front and street side setback areas shall be landscaped as otherwise required under chapter 17.54 of the City municipal code

f. Maximum Building Height and Size

Maximum building height is 45 feet in the Highway Commercial zoning district, 30 feet in the Light Industrial zoning district if less than 100 feet from any residential zoning district, and 40 feet in the Light Industrial zoning district if more than 100 feet from any residential zoning district. There is no maximum building size, subject, however, to minimum front and street side setbacks and provision of sufficient on-site parking for all employees, visitors, and shipping/receiving.

g. Reservation or Dedication of Land for Public Purposes

Sufficient roadway, sidewalk, and utility easements shall be reserved or dedicated to the City for such purposes.

h. Regulatory Permit Application

Section B-5 of the Administrative Regulations adopted by the City Council by Resolution 2016-15 requires inclusion in this Agreement the requirements of section 5.28.050, paragraph F, of the City municipal code. Operator's Regulatory Permit application, as amended or supplemented, sets forth the requirements of that paragraph, which application, as amended or supplemented, is incorporated herein by reference. The requirements and provisions set forth in the Regulatory Permit application, as amended or supplemented, shall have the same force and effect as if set forth in this Agreement; except, however, if there is any conflict, inconsistency, or discrepancy between the Regulatory Permit application, as amended or supplemented, and this Agreement, the provisions of this Agreement take precedence.

2. Operator's Site and Floor Plan

a. Operator's site and floor plan for the facility is attached hereto and incorporated by reference. The floor plan identifies the uses of each interior space, and is the basis for calculating the annual per square foot fee specified in paragraph 6 hereinbelow.

b. A preliminary landscape plan will be prepared and reviewed and approved by the Planning Director as part of the design review process. A final landscape plan shall be prepared and submitted in conjunction with building and site improvement plans prior to issuance of building permits for construction activities.

c. An exterior signage plan will be prepared and reviewed and approved by the Planning Director in accordance with the procedures and requirements of section 5.28.150 and chapter 17.62 of the City of Greenfield municipal code.

3. Facility Operations

a. Standard Operating Procedures

Operator is a non-profit mutual benefit corporation that will serve medical marijuana qualified patient and primary caregiver collective members who will comply with all relevant California state laws and local ordinances. See, California's Compassionate Use Act (Proposition 215) as codified in Health and Safety Code §11362.5; Senate Bill 420, the Medical Marijuana Program Act (H&S Code §§1362.7 to 11362.83); the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (2008 Attorney General Guidelines); and the newly enacted Medical Marijuana Regulation and Safety Act that is comprised of Assembly Bill 243, Assembly Bill 266, and Senate Bill 643.

During the term of its Regulatory Permit and the term of this Agreement, Operator shall lawfully operate in accordance with all State and local laws. Operator will employ exemplary operating procedures to comply with State and local laws. Operator's facility will employ safety and security measures as set forth herein for the safety and security of its employees, as well as other individuals in its neighboring community.

b. Security Plan

The issuance of a Regulatory Permit is conditional upon approval of the proposed security plan by the City Police Chief. The security plan shall include, at a minimum and as appropriate, provisions for video surveillance, perimeter fencing and security, protection of the building(s) from vehicle intrusion, cash handling procedures, product handling and storage procedures, and a professionally monitored alarm system. Equipment and systems used for video surveillance and building alarms will be approved by the City.

Video surveillance shall include, at a minimum, all site and facility entrances and access points, all spaces accessible by the public, all secured areas of the facility with restricted access, all interior spaces and rooms where medical marijuana products are handled and processed, shipping and receiving areas, cash storage areas, and other areas necessary to protect the safety of employees and the public and to ensure medical marijuana products are received, handled, stored, packaged, shipped, and distributed in compliance with applicable local and state laws and regulations. The video surveillance system shall be web-based with direct access provided to the City Police Department for real-time monitoring from the Police Department and through authorized smart phone devices.

The security system will also include sensors to detect entry and exit from all secure areas, panic buttons in appropriate locations, and a professionally monitored alarm system with glass breakage sensors and motion detectors.

Operator will employ properly trained and licensed third-party security personnel to protect the welfare and safety of Operator employees and to ensure public safety to the neighboring community. Operator shall use security personnel 24 hours, 7 days a week. Security personnel may be armed with the prior approval of the City Police Chief. Security personnel may be subject to a background investigation by the City Police Chief. Security personnel shall not be assigned to or employed at the Operator's facility without the prior approval by the City Police Chief.

All security personnel shall register and maintain valid registration status with the State of California Department of Consumer Affairs. At no time shall any security personnel register with the State at any level that is less than that of a proprietary private security officer. Proof of application and registration for all security personnel shall be maintained by the Operator and shall consist of copies of all relevant documentation including: application forms, receipts for application fees and live scan fees, and actual proof of registration.

c. Possession of Firearms

Except for licensed security personnel approved by the City Police Chief, no person employed by the Operator shall be in possession of any firearm while on the premises or location without having first obtained a license from the appropriate state or local agency authorizing the person to be in possession of such firearm. Every such person in possession of a firearm while on the premises or location must provide the City Manager and the City Police Chief, ten days before bringing the firearm onto the premises, with the following:

1. A copy of the license issued to the person by the appropriate state or local agency authorizing him or her to possess such firearm;
2. A copy of his or her law enforcement identification (if he or she is employed by a law enforcement agency);
3. A copy of his or her California driver's license or California identification card; and
4. Any other information reasonably required by the City Police Chief to show that the individual is in compliance with the provisions of all laws regarding the possession and use of a firearm.

d. Identification Display

Each owner, manager, employee, and individual member engaged in the cultivation, processing, manufacturing, distribution, or transporting of medical marijuana shall at all times while engaged in the duties of his or her position wear in plain sight, on his or her person and at chest level, a valid identification badge, issued by the City Police Chief and containing such information, including a

suitable photograph, as the City Police Chief may require. No owner, manager, employee, or individual member engaged in the cultivation, processing, manufacturing, distribution, or transporting of medical marijuana shall engage in any activities on behalf of Operator with which he or she is employee, without first obtaining a valid identification badge. Identification badges shall expire one year after issuance. Application for renewed identification badges shall be filed with the City Police Chief no later than thirty days prior to the expiration of the current identification badge. Identification badges will be the property of the City and shall be immediately collected by the Operator and provided to the City Police Chief within twenty-four hours of their expiration, or within twenty-four hours of the termination of the employment.

e. Procedures for Inventory Control to Prevent Non-Medical Diversion of Medical Marijuana

Only employees who receive clearance from the City Police Chief will be permitted to enter Operator's facility. Each employee will have to meet a criminal background investigation conducted by the City Police Department, which at a minimum shall include a LiveScan criminal history check.

Operator membership rules will seek to prevent the diversion of medical marijuana for non-medical uses by implementing strict policies and practices, as well as efficient transparency to maintain tight controls on inventory and donations and/or cost reimbursements received.

Operator's collective agreement will prohibit the use of medical marijuana by its employees at its facility, in the neighborhood vicinity of its facility, and/or while driving.

Operator will take all necessary and reasonable steps to prevent the distribution of any of its medical cannabis products to minors; prevent revenue from the sale or distribution of its medical cannabis and/or infused products from going to criminal enterprises, gangs and cartels; prevent the diversion of marijuana from California to any other state; prevent state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevent violence and the use of firearms in the cultivation, manufacture and distribution of marijuana; discourage and educate against drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; disavow growing marijuana on public lands that creates attendant public safety and environmental dangers posed by such illegal uses; and discourage and educate against marijuana possession or use on federal property.

f. Quality Control and Testing

Operator will utilize quality control measures and testing to ensure only the highest quality of medical marijuana and infused products will be produced. Operator will inspect the product to insure its identity and quantity, and will have SC Labs, or other testing lab approved by the City, perform testing of random samples prior to distribution to its patient collective membership affiliates. Inspection and testing will be conducted by the approved testing lab off-site. Testing standards and procedures shall be in accordance with applicable State law and regulations.

All medical marijuana products will undergo a quality assurance review prior to distribution to Operator's patient collective affiliates in order to ascertain its quantity and content. Inventory procedures will be utilized for tracking and taxing purposes by the state. Operator will employ an efficient record-keeping system to make transparent its financing, testing, and adverse effect recording, as well as recall procedures. Operator will employ an efficient record-keeping system that will reflect its financing, testing, and adverse effect recording and product recall procedures.

g. Packaging of Medical Marijuana and Infused Products

All Operator medical marijuana products will be packaged and labeled as required by section 19347 of the California Business and Professions Code and applicable requirements and regulations issued by the State pursuant thereto. In addition to those packaging and labeling requirements, and packaging and labeling requirements set forth in the Operator's Regulatory Permit application, as amended or supplemented, all medical marijuana products shall be packaged in an opaque childproof container which shall contain a label or be accompanied by a leaflet or inset that states, at a minimum:

1. The name, address and telephone number of the medical marijuana dispensary facility to which the medical marijuana product is distributed, sold, or transferred;
2. The amount of medical marijuana in the container; and
3. The date the medical marijuana was transferred to a medical marijuana dispensary facility.

Operator intends to produce infused products and will secure any approval from the County of Monterey Health Department required for manufacturing and handling such products. Operator infused products will not be produced, manufactured, stored or packaged in private homes. All Operator medical marijuana infused products shall be individually wrapped at the original point of preparation.

h. Point of Sale Tracking System

Operator will maintain an inventory control and reporting system that accurately documents the location of medicinal marijuana products from inception through distribution, including descriptions, weight, and quantity. The inventory control and reporting system shall comply with the track and trace program required by section 19335 of the California Business and Professions Code and regulations issued therein.

Operator will employ an electronic point of donation/sale system approved by the City, such as BioTrack THC, MJ Freeway, or similar system for all point of donations/sales tracking from seed or inception to product distribution to other licensed medical marijuana dispensary facilities. Such approved system will track all Operator medical marijuana products, each edible, harvested flower, and/or manufactured concentrate, as well as gross sales (by weight and sale). BioTrack THC, MJ Freeway, or similar system will have the capacity to produce historical transactional data in accordance with the City's requirement.

i. Record Keeping

Operator will maintain records for all dispensed medical marijuana and/or infused products. Operators will comply with all records-keeping responsibilities that are set forth in Ordinance 515, section 5.28.220, including complete and up-to-date records regarding the amount of medical marijuana cultivated, produced, manufactured, harvested, stored, or packaged at Operator's facility.

j. Processing, Handling, Storing, and Distribution of Medical Marijuana and Related Products

Medical marijuana cultivation, handling, storing, and processing shall be concealed from public view at all stages of growth and processing, and there shall be no exterior evidence of cultivation or processing occurring at the premises from a public right-of-way or from an adjacent parcel. Medical marijuana cultivation, handling, storing, processing, or distribution shall not create offensive odors; create excessive dust, heat, noise, smoke, traffic, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; or be hazardous due to use or storage of materials, processes, products, or wastes.

Operator will store its medical marijuana and/or medical marijuana products in a locked safe room with T-card identification access for management only. The safe room will be constructed of fire-rate walls with numerous cameras installed to view all entries and exits from the safe room, as well as all other activities performed within Operator's facility. Operator will not conduct outdoor operations except as related to lawful delivery and transportation of medical marijuana and infused products. Operator will not store medical marijuana or

related products in its delivery vehicle outside normal operating hours of the facility.

Medical marijuana products will be sold or distributed only to licensed dispensaries in California. Excess or contaminated product will be securely stored on-site until it is properly disposed. Disposal may include composting, incineration, land-fill disposal through the local waste management hauler, or other disposal methodology in accordance with state and county health and safety codes and regulations.

k. Odor Control

All structures shall have ventilation and filtration systems installed that prevent medical marijuana plant odors from exiting the interior of the structure. The ventilation and filtration system shall be approved by the Building Official and City Manager and installed prior to commencing cultivation or manufacturing within the allowable structure. Facility air intake, exhaust, and recirculating systems shall be of industrial grade. Activated charcoal, recirculating, and closed loop aeration systems will be utilized as necessary for effective odor control and management.

l. Description of Banking Plan

Operator will seek to open a bank account under the name of the Operator or its associated management company to provide transparency for funds received, operational costs, including payroll, tax payments to the state and federal governments, among others. Should a bank account not be forthcoming, Operator will purchase and install safes to secure all daily funds received from its collective membership or other lawful cooperative corporation to which its products are sold, transferred, or distributed. If Operator successfully opens a bank account, it will make provisions for Operator collective members or other lawful cooperative corporations to implement debit and credit card transactions. Operator will not accept personal or corporate checks.

m. Transportation Plan

Operator will comply with all local and state law regarding transportation, including the rules governing delivery service. Operator will retain a list of names and cellular contact numbers for all employees engaged in transportation of medical marijuana products and provide it to the City Police Department, keeping the list current and up to date.

All Operator employees engaged in transportation of medical marijuana products shall carry a copy of the dispensary's current license authorizing the delivery of medical marijuana and/or related products, along with the employee's government-issued identification. The Operator employee engaged in

transportation will be instructed to present his/her license and identification upon request to state and local law enforcement and other employees of regulatory authorities. The licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the City and its police officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information (HIPPA). The licensed dispensary requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the City and its law enforcement officers.

Operator will keep complete and up-to-date records documenting each transfer of medical marijuana to other lawful cooperative corporations, including the amount provided, the form or product category in which the medical marijuana was provided, the date and time provided, the name of the employee making the transfer, the name and address of the other lawful cooperative corporation to whom delivery is made, and the amount of any related donation or other monetary transaction.

4. Community Relations

a. Public Outreach and Education Program

Operator shall create an effective public outreach to City of Greenfield's community, including but not limited to outreach and interface with public and private schools, youth organizations, religious organizations, health care providers, drug abuse treatment providers, and mental health and drug counseling providers.

Operator will coordinate and cooperate with the City and other medical marijuana operators located within the City of Greenfield in the establishment and implementation of appropriate public outreach and education programs. The public outreach and education programs shall be approved by the City.

The public outreach and education program shall

b. Community Benefits Program

Operator will coordinate and cooperate with the City and other medical marijuana operators located within the City of Greenfield in the establishment, implementation, and funding of a community benefits program which could include such items as new community recreation facilities, expansion and/or improvement to existing facilities or other physical improvements that provide a benefit to the community, support of holiday and special community events, and support of local public service and special districts and organizations. This community benefits program may be implemented by a foundation or other association of medical marijuana operators issued regulatory permits by the City.

The City and the public will participate in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the entity implementing this community benefits program. All projects under the community benefits program must be approved by the City.

c. Designation of Persons Responsible for Community Relations

At the time of this Agreement, Operator's operator and general manager, Vyasa Pearson, will be responsible for community inquiries and complaints and on site during normal business hours.

d. Interface with City of Greenfield Police Department

Operator's general manager Vyasa Pearson will interface with the City Police Department to ensure its operation is in compliance with local and state laws and regulations.

e. Local Recruitment, Hiring and Training Programs

Operator is committed to making a good-faith effort to recruit, hire, and train local residents for employment by the Operator. A good-faith effort means the Operator will take the following or similar actions to recruit and employ local residents: 1) Contact local recruitment sources to identify qualified individuals who are local residents, 2) Advertise for qualified local residents in trade papers and newspapers of general circulation in the area, and 3) Develop a written plan to recruit and employ local residents as a part of the its workforce.

Operator will also seek local companies to serve as its general contractor and subcontractors needed for construction and build-out improvements of the Operator's medical marijuana facilities. Additionally, local companies will be sought to employ as licensed security guards needed once Operator's facility is opened, as well as for ancillary services needed.

5. Indemnification of City From Liability

a. Pursuant to the City's requirement, Operator will indemnify the City from any claims, damages, injuries, or liabilities of any kind associated with the registration or operation of Operator's medical marijuana facility or the prosecution of Operator's facility or its owners, managers, directors, officers, employees, or its qualified patients or primary caregivers for violation of federal or state laws.

b. Operator agrees to defend, as its sole expense, any action against the City, its agents, officers, and employees related to the approval or issuance of the Regulatory Permit and any separate Conditional Use Permit.

c. Operator agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval or issuance of a Regulatory Permit or a Conditional Use Permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the holder of the Regulatory Permit or Conditional Use Permit of its obligations hereunder.

6. Fees and Other Charges

a. Operator agrees to pay all permit fees and charges reference in section 5.28.089 of the municipal code, in the amounts adopted by the City Council by resolution. Permit application, processing, and renewal fees shall be due and payable at the time application is made.

b. Operator agrees to reimburse the City for all additional costs of the City resulting from the operation of a medical marijuana facility authorized under chapter 5.28 of the municipal code and the administrative regulations. Reimbursement to the City for such costs shall be due and payable upon demand.

c. Operator agrees to comply with the City's future adoption of a local tax and/or other revenue raising mechanism, and in the interim agrees to pay the City an annual per square foot fee in an amount not less than \$15 per gross square foot, but no more than \$20 per gross square foot, to enable the City to promote, protect, and enhance the healthy, safety, and welfare of the community and its residents and its quality of life. Operator agrees to compensate the City for the increased demand on City services, infrastructure, and utilities; local traffic demands; and increased City review and oversight by the police department, planning department, and code enforcement of the operations of Operator's facility. Operator understands and agrees the determination of the required per square foot fee will consider such factors as the size, design, layout, operation, and security plan for the facility; potential adverse effects on the community; and the allocation of City services and staff time to oversee the operation of the facility.

d. Operator understands and agrees such per square foot fee shall be paid in a manner and in accordance with a payment schedule agreed to by the City and Operator. For the first year of operation, the per square foot fee shall be \$___ per square foot. The cultivation and manufacturing space to which this fee applies is as identified on the attached building plan. Payment shall be in equal installments paid quarterly commencing at the end of the first quarter after the effective date of the Regulatory Permit which shall be no sooner than the date a certificate of occupancy is issued for the subject premises.

e. If the Operator makes any changes to the interior layout of the facility that increases the amount of space allocated to those uses to which the per square foot fee applies, the Operator shall notify the City of such changes at least fourteen (14) calendar days prior to making such changes, and the per square foot fee shall be modified accordingly. If the Operator fails to give City notice as required herein, the Operator shall be responsible for paying to the City a per square foot fee based on any increase in the amount of space allocated to those uses to which the per square foot fee applies retroactive to the date the Regulatory Permit became effective.

f. Operator understands and agrees the annual per square foot fee shall be subject to review and modification upon each annual renewal of the Regulatory Permit applying the same standards set forth in paragraph c. above.

7. Insurance

a. Operator will purchase a commercial general liability policy that includes coverage for property and personal injury, motor vehicle, and workers' compensation insurance with limits no less than \$1,000,000 per occurrence.

b. Operator agrees to have its insurance carrier name the City as an additional named insured on all required insurance policies.

8. Resource Efficiency

The design of the facility shall include significant water and energy conservation measures to minimize resource consumption. The design shall incorporate solar, wind, high efficiency lighting, and water recycling systems and technology. High efficiency LED lighting systems for the exterior lighting will be used. If economically and technologically feasible, grow lights shall be high efficiency LED lighting systems. Automated, digitally controlled watering and fertilization systems shall be used for all plant cultivation. Cultivation will be a continuous hydroponic grow, in a soil-less grow medium. All water mixed with nutrients will be recycled. Stormwater shall be collected and recycled to the extent feasible.

9. Standard Conditions for Construction

During any on-site construction activities related to development of the project site and any buildings thereon, or renovation or remodeling of existing buildings, the Owner and Operator shall comply with all applicable terms and conditions of the City's Standard Conditions for Construction, attached hereto and incorporated herein by reference.

10. California Environmental Quality Act

Operator shall reimburse the City for any and all costs incurred by the City related to project review under the California Environmental Quality Act (CEQA), Public Resources Code, §§21000-21189.3, and the Guidelines for California Environmental Quality Act, California Code of Regulations, Title 14, Chapter 3, §§15000-15387. If requested by the City, Operator shall conduct and pay for any required CEQA reviews and analyses.

11. Rules, Regulations, and Official Policies

Except as otherwise provided in this Agreement, the rules, regulations, and official policies of the City governing permitted uses of the land, governing density, and governing the design, improvements, and construction standards and specifications applicable to the development of the project subject to this Agreement, shall be those rules, regulations, and official policies of the City in force at the time of the execution of this Agreement. This Agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor does this Agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, or policies.

12. Regulatory Permit and Conditional Use Permit Conditions of Approval

- a. Operator shall comply with all conditions of approval of the Regulatory Permit approved by the City Council per Resolution 2016-___, a copy of which is attached hereto and incorporated herein by reference.
- b. Operator and Owner, as the case may be, shall comply with all conditions of approval of the Conditional Use Permit issued by the City Council per Resolution 2016-___, a copy of which is attached hereto and incorporated herein by reference.

13. Amendment or Cancellation

This Agreement may be amended, or canceled in whole or in part, only by the written mutual consent of the parties to this Agreement or their successors in interest.

14. Waiver

Waiver by the City of any one or more of the terms or conditions of this Agreement shall not be construed as waiver of any other term or condition under this Agreement.

15. Severability

If any part of this Agreement is found to be in conflict with applicable state laws or regulations, such part shall be inoperative, null, and void insofar as it is in conflict with said laws or regulations, or modified or suspended as may be necessary to comply with such state laws or regulations, but the remainder of this Agreement shall continue to be in full force and effect.

16. Periodic Reviews

This Agreement shall be subject to annual review. The Owner and Operator executing this Agreement, or successor in interest thereto, shall demonstrate good faith compliance with the terms of this Agreement. If, as a result of such periodic review, the City finds and determines, on the basis of substantial evidence, that the Owner or Operator executing this Agreement, or successor in interest thereto, has not complied in good faith with the terms or conditions of this Agreement, the City may terminate or modify this Agreement.

17. Enforcement

Unless amended or canceled pursuant hereto, this Agreement shall be enforceable by any party hereto, or successor in interest thereto, notwithstanding any subsequent change in any applicable general or specific plan, zoning, subdivision or building regulation, or municipal code amendment adopted by the City that is in conflict with the terms of this Agreement.

18. Obligation of Owner

The Owner shall have rights, duties, obligations, and liability only as expressly set forth herein. The Owner shall have no responsibility or liability for the failure of the Operator to perform as required by this Agreement.

19. Assignment by Owner

The Owner may transfer, delegate, or assign its interest, rights, duties, and obligations under this Agreement.

20. Assignment by Operator

The Operator shall not transfer, delegate, or assign its interest, rights, duties, and obligations under this Agreement without the prior written consent of the other parties to this Agreement. Any assignment, delegation, or assignment without the prior written City consent of the other parties to this Agreement shall be null and void. Any transfer, delegation, or assignment by the Operator as authorized herein shall be effective only if and upon the party to whom such transfer, delegation, or assignment is made is issued a Regulatory Permit as required under chapter 5.28 of the City's municipal code.

21. Operating Medical Marijuana Facility

Any party to this Agreement, or successor in interest thereto, shall not operate a medical marijuana facility authorized under the City's municipal code unless:

- a. It is the holder of a valid Regulatory Permit issued by the City in accordance with the procedures and requirements of chapter 5.28 of the City's municipal code; and
- b. At such time as the State of California requires medical marijuana facilities and businesses to hold a valid license or permit issued by the State of California, it also holds such license or permit, unless, however, such State issued permit or license is not required by the State of California for the type of medical marijuana facility or business operation that is the subject of this Agreement.

22. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. The execution of this Agreement may be by actual, facsimile, or electronic signature.

23. Jurisdiction

The law governing this Agreement shall be that of the State of California. Any suit brought by any party against any other party arising out of the performance of this Agreement shall be filed and maintained in the County of Monterey Superior Court.

24. Disclaimer

Despite California's medical marijuana laws and the terms and conditions of this Agreement, any Conditional Use Permit, or any Regulatory Permit issued pertaining to the Operator or the property specified herein, California medical marijuana cultivators, transporters, distributors, or possessors may still be subject to arrest by state or federal officers and prosecuted under state or federal law. The Federal Controlled Substances Act, 21 USC § 801, prohibits the manufacture, distribution, and possession of marijuana without any exemptions for medical use.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

CITY OF GREENFIELD

OWNER

Susan A. Stanton, ICMA-CM
City Manager

Name:
Title:

OPERATOR

Name:
Title:

APPROVED AS TO FORM:

Bradley W. Sullivan
City Attorney



City Council Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: June 9, 2016

AGENDA DATE: June 14, 2016

TO: Mayor and Councilmembers

FROM: Mic Steinmann, Community Services Director

TITLE: **ISSUANCE OF MEDICAL MARIJUANA REGULATORY AND CONDITIONAL USE PERMITS, APPROVAL OF VESTING TENTATIVE SUBDIVISION MAP, AND INTRODUCTION OF ORDINANCE APPROVING A DEVELOPMENT AGREEMENT FOR MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES AT 900 CHERRY AVENUE**

AUTHORITY AND PROCEDURES

Section 17.14.050 of the City of Greenfield zoning code identifies the approving authority responsible for approving, conditionally approving, or denying proposed land use or development permits. For conditional use permits, the designated approving authority is the Planning Commission; and for subdivision tentative maps and development agreements, the City Council is the approving authority. Section 5.28.040 of the municipal code specifies the City Council must review and approve the issuance of medical marijuana regulatory permits. Section 17.14.050 of the zoning code states that “[w]hen a proposed project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest level designated approving authority for all such requested permits.” For medical marijuana regulatory permits, conditional use permits, subdivision tentative maps, and development agreements, the City Council is the approving authority for all permits and agreements. Review and approval by the Planning Commission is not required.

To operate a medical marijuana facility, the applicant must obtain three separate and distinct permits or approvals: (1) a regulatory permit, (2) a development agreement, and (3) a conditional use permit. The applicant has also requested approval of a tentative map for the subdivision of the property. Since the City Council is the ultimate approving authority for

regulatory permits, development agreements, and subdivision tentative maps, section 17.14.050 requires each of these permits and approvals be processed concurrently and action on each is by the City Council.

The purpose of the medical marijuana regulatory permit is to ensure medical marijuana dispensary, cultivation, and manufacturing facilities are established in areas that are consistent with the requirements of the general plan, are consistent with surrounding uses, are not detrimental to the public health, safety and welfare, and the operation of such facilities do not conflict with applicable state law and regulations. (Section 5.28.010) The City Council may impose such additional terms and conditions on the issuance of the regulatory permit and the operation of the facility as it deems appropriate. The City Council must also approve a development agreement, operations plan, and the design and layout of the facility as a condition of issuance of a regulatory permit. (Section 5.28.040)

The purpose of the conditional use permit (CUP) is for the individual review of uses, typically having unusual site development features or operating characteristics to ensure compatibility with surrounding areas and uses. Conditional use permits shall be granted only when the approving authority determines, following public hearing, that the proposed use or activity (1) “is consistent with the general plan and all applicable provisions of this Title” and (2) that the “establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.” The approving authority may impose conditions and/or require performance guarantees for the conditional use permit to ensure compliance with applicable provisions of the zoning code and to prevent adverse or detrimental impacts to public health, safety, or welfare. (Section 17.16.060)

Development agreements are authorized under chapter 16.37 of the municipal code pursuant to the authority of State Government Code section 65865 et seq. The purpose of development agreements is to give certainty to the planning and project development process and to give assurance to the project applicant that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules, and regulations, and, subject to conditions of approval, this will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development. Development agreements must be approved by ordinance and the City Council must make a finding, following public hearing, that the provisions of the development agreement are consistent with the general plan and any applicable specific plan. (Section 16.37.100)

Tentative subdivision maps are governed by the procedures set forth in chapter 16.16 and title 16-A of the municipal code pursuant to the authority of State Government Code section 66410 et seq. (Subdivision Map Act). The purpose of the City’s subdivision ordinance is to encourage new concepts and innovations in the arrangement of building sites within subdivisions. Deviations from the traditional mechanical approach to the subdivision of land are encouraged in order to facilitate the ultimate development of the land in a manner that will be commensurate with contemporary living patterns and technological progress. The City Council shall not approve or conditionally approve a vesting tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the

general plan, zoning and subdivisions codes, and any applicable specific plan. The Subdivision Map Act and the City municipal code specify that the City Council shall not approve or conditionally approve a vesting tentative map if it makes any of a number of specified findings.

BACKGROUND AND ANALYSIS

I. Greenfield Organix, Inc.

Greenfield Organix, Inc. has submitted applications for medical marijuana regulatory permits for cultivation and manufacturing facilities, to be located at 900 Cherry Avenue, under chapter 5.28 of the City of Greenfield Municipal Code along with applications for a conditional use permit and subdivision of the property into eleven separate parcels.

The action now before the City Council is for consideration of issuance of the applied for regulatory permits, conditional use permit, approval of a tentative map for the subdivision of the property, and introduction of an ordinance approving a development agreement with Greenfield Organix. If the City Council approves the issuance of these permits, those approvals will be subject to a number of conditions. Until each of those conditions is met to the satisfaction of the City Manager, the permits approved by the City Council will not be effective. The regulatory permits will also not be effective pending completion by the Greenfield Police Chief and/or City Manager of a more thorough background investigation of the owners, managers, and operators of Greenfield Organix, Inc. That investigation may include, but is not limited to, LiveScan, employment history verification, personal and business references, and such other personal background investigation as deemed appropriate by the Greenfield Police Chief or City Manager.

Proposed Use: Greenfield Organix proposes to cultivate and manufacture medical marijuana and products on behalf of the members of the Greenfield Organix collective and other legal dispensaries/collectives, which at this time includes Higher Level of Care of Carmel, CA and Exhale Med Center of West Hollywood, CA. There will be no direct distribution or sale to the public, qualified members of the Greenfield Organix collective, or their primary caregivers from the Greenfield Organix cultivation and manufacturing facility located in the City. Medical marijuana flower and infused products will be distributed only to legal dispensaries/collectives not located in the City with which Greenfield Organix has a contractual relationship.

Site and Building Plan: The regulatory and conditional use permit applications include site and building plans. The overall project will be developed in sequential phases. The first sequence or phase includes renovation of the existing 884 square foot house for use as a caretaker residence, construction of a 4,000 square foot manufacturing warehouse, and construction of one 10,800 square foot greenhouse. Phase two includes construction of four 10,800 square foot greenhouses, Cherry Avenue curb, gutter, and sidewalk improvements, construction of an on-site stormwater detention basin, installation of water and sanitary sewer lines, undergrounding of utilities, and decommissioning of the existing septic system. The final construction sequence includes construction of five additional 10,800 square foot greenhouses. All sequential development should be completed within eighteen months of initial project approval. Preliminary site, landscape, and phased development plans are attached as exhibits to this staff

report. A preliminary layout and exterior elevations of the first phase manufacturing warehouse building are also attached.

Organizational Structure: Greenfield Organix, Inc., is a non-profit mutual benefit corporation that seeks to cultivate and manufacture medical marijuana products to distribute to contracted legal dispensaries and other legal non-profit collectives. Mr. Salvatore Palma of Monterey, CA, is the owner of Greenfield Organix and he will be day-to-day manager of the facility. Mr. Palma is also the president of the Higher Level of Care collective that operates a legal dispensary in Carmel, CA. Upon initial operations, Mr. Palma will be responsible for hiring, training, and managing all employees of the collective; creating and enforcing policies, practices, and procedures; supervising all Greenfield Organix operations for compliance with state and local laws and regulations; overseeing daily reporting, inventory, and tracking systems; quality control; community outreach and education; and interface with the community and City police and administration. As the overall site is developed and additional cultivation greenhouses constructed, additional management staff will be employed.

Hours of Operation: As a cultivation and manufacturing facility, it will operate 24 hours per day, 7 days per week. It will not be open to the public.

Security (Subject to finalization of an approved development agreement): The perimeter of the property will be enclosed with 6 foot chain link and decorative security fences. There will be no general, uncontrolled public access to the site, buildings, employee parking areas, or the interior of the site. Security guards, through contract with Uretsky Security, will be provided 24 hours per day, 7 days per week. Security personnel shall be registered with the State of California Department of Consumer Affairs. Security personnel may be armed with the prior approval of the City Police Chief. No other person employed at the facility may be armed while on the premises without the prior approval of the City Police Chief.

A web-based video surveillance system will be installed to monitor all site and facility entrances and access points, all spaces accessible by the public, all secured areas of the facility with restricted access, all interior spaces and rooms where medical marijuana products are handled and processed, shipping and receiving areas, cash storage areas, and other areas necessary to protect the safety of employees and the public. A professionally monitored burglary alarm system will be installed to detect entry and exit from all secure areas, panic buttons installed in appropriate locations, and door and window break sensors and motion detectors will be provided. Subject to finalization of an approved development agreement, a video surveillance and building alarm system specified and approved by the Police Chief will be installed at this facility. All persons employed at the facility shall obtain an identification card/badge issued by the City Police Department and such identification card/badge shall be visible at all times.

Cultivation: Cultivation will be by a hydroponic grow, drip irrigation system. Nutrients and water will be digitally controlled. Water used for hydroponic grow will be recycled. High efficiency LED grow lights will be utilized. Greenfield Organix will strive to conform to the standards for production practices and materials for organic production of the Organic Foods Production Act of 1990.

Manufacturing: Manufacturing of extracts will be by both hydrocarbon solvent extraction (volatile) and CO₂ (non-volatile) methods. Products will include dried cannabis, edibles, concentrates, medicinal (capsules and tonics), topical, and tinctures. All infused products will be individually packaged at the point of preparation. All extracts and manufactured products will be stored in a locked vault or safe room with controlled access and fire-rated walls.

Tracking (Subject to finalization of an approved development agreement): A “seed to sale” electronic tracking system approved by the City will be utilized to document all quantities of medical marijuana cultivated, produced, harvested, stored, and packaged. The City has indicated to each applicant that a City specified tracking system, such as BioTrack THC or MJ Freeway, will need to be used by all regulatory permit holders to facilitate the collection and review of data and the generation of data in a consistent format. Documentation for all transfers from the Greenfield Organix facilities will include the date and time of the transfer as well as the amount, form and type of marijuana strain(s) or products transferred.

Quality Control, Testing: All products distributed by Greenfield Organix will be tested by SC Labs for THC levels, pesticides, pests, mold, and other contaminants.

Odor Management: All structures shall have ventilation and filtration systems installed that prevent medical marijuana plant odors from exiting the interior of the structure. A closed growing environment, or closed loop aeration system, will be used that keeps all environmental conditions contained within the rooms in which medical marijuana plants are stored or processed. Air is recirculated internally, bringing in no outside air. Industrial filtration systems approved by the City, such as activated charcoal systems, will be used to scrub and treat any exhaust air.

Local Hire: Greenfield Organix is committed to making a good-faith effort to recruit, hire, and train local residents for employment. First year employment will generate 25 full-time jobs and 45 jobs after phased development is completed. Wages will be \$20 to \$45 per hour plus benefits.

Operating Plan: The applicant’s regulatory permit application includes an operations plan as required by section 5.28.050 of the municipal code. Through the initial application review process, the operations plan has been clarified and modified to more thoroughly address the requirements of section 5.28.050. As a condition of issuance of a regulatory permit, the applicant will be required to update the operations plan to include all supplemental information provided during the application review process and any additional conditions the City Council may require as a condition of approving the requested regulatory permits. The operations plan includes the following elements:

1. Name and address of Greenfield Organix agent and general manager, and responsibilities of general manager
2. Days and hours of operation
3. Transportation
4. Site Plan
5. Cultivation and manufacturing procedures
6. Storage, handling, and use of fertilizers and nutrients

7. Storage and inventory procedures to prevent diversion to non-medical use
8. Trach and trace program and procedures
9. Quality control
10. Testing
11. Disposal of contaminated, adulterated, deteriorated, or excess medical marijuana products
12. Personnel policies including employee screening and hiring practices
13. Accounting and record keeping procedures
14. Odor management

II. Public Outreach and Education

Section 5.28.090 of the municipal code requires a development agreement with each medical marijuana facility owner and operator that includes a public outreach and education program component. In anticipation of the City Council issuing regulatory permits to a number of operators, it is believed that it will be a more efficient use of resources for all operators issued medical marijuana regulatory permits join together to form a “Greenfield Medical Marijuana Association” that will develop and implement a comprehensive public outreach and education program on behalf of all operators.

Consolidating the resources of each operator will facilitate those efforts and ensure they proceed in a uniform, cohesive, and comprehensive manner. Asking each operator to develop its own outreach and education program can result in the duplication of efforts, the establishment of redundant programs and services, and the presentation of potentially conflicting information and education to the public. Approval of each regulatory permit by the City Council should include a condition that the holder of those permits collaborate and join together with all other regulatory permit holders to develop an appropriate, comprehensive, and cohesive public outreach and education program. Specific components of this public outreach and education program will be specified in the development agreement.

III. Community Benefits Program

The City Council previously adopted a fee schedule for medical marijuana facilities and operations (Resolution 2016-16). This fee schedule includes a “Community Public Health, Safety, Welfare, and Quality of Life Fee” that will be assessed to each medical marijuana dispensary, cultivation, and manufacturing facility. As further described in the administrative regulations adopted by the City Council for implementation of the medical marijuana regulatory permit process, the per square foot fee will “enable the City to promote, protect, and enhance the health, safety, and welfare of the community and its residents and its quality of life; and to compensate the City for the increased demand on City services, infrastructure, and utilities; local traffic demands; and increased City review and oversight by the police department, planning department, and code enforcement of the operations of the facility.”

The assessed community benefits/per square foot fee is \$15 to \$20 per square foot for each type of facility. This fee will be a source of significant revenue for the City. These funds will be deposited in the City’s general fund and can be expended as directed by the City Council. The specific amount of the per square foot fee (in the \$15 to \$20 range), the categorization of the

space on which the fee is based, and its payment schedule will be detailed in the final development agreement that will be approved by the City Council at a later date.

At this time one regulatory permit applicant has proposed that a foundation be established through which the medical marijuana operators will directly fund some public/community facilities and programs. If properly structured and managed, the creation of a foundation can have a very positive impact on the acceptance of this new industry into our community and the relationship of the operators to our residents; generate good will among the operators, the City, and the public; provide direct and highly visible benefits to the community of this new industry; and demonstrate the industry's support of our community. To maximize the potential benefits of such a foundation, the City and the public should be active participants in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the foundation.

IV. Existing and Proposed Development

Existing Development: The project site is approximately 4.85 acres. It is bordered by the city limits on the western property line, one parcel west of El Camino Real, and fronts on the northern side of Cherry Avenue. The project site contains a two-bedroom, 884 square foot residence built in 1914. There are also several trees, minor sheds/storage areas, and fencing surrounding the parcel. The remainder of the parcel is vacant. Access to the property is from Cherry Avenue. The existing residence is connected to the City water system but has its own septic system.

Adjacent Development: The site is bordered on the north by industrial/warehouse uses, to the east by the Greenfield Memorial Hall, to the west by cultivated agricultural land, and to the south by Cherry Avenue and a vacant parcel owned by the City of Greenfield and a portion of the Civic Center employee parking lot.

Proposed Development: The proposed project is an industrial subdivision that would facilitate development of medical marijuana cultivation and manufacturing facilities and improvements to the existing on-site house to be used as a caretaker dwelling. The project includes 10 greenhouses (approximately 10,800 square feet each), a manufacturing warehouse (approximately 4,000 square feet), exterior improvements to the existing 884 square-foot house, a private access drive and hammerhead turnaround, parking areas, loading zones, sidewalks, fencing, and storm water management facilities. The site will be subdivided into eleven lots ranging from 16,500 square feet (.38 acre) to 23,562 square feet (.54 acre). Ten of the lots will be developed with greenhouses (one per lot). The remaining lot contains the existing residence which will be minimally improved to be used as the caretaker's dwelling. Access to the lots will be via a 20-foot wide private drive adjoining Cherry Avenue contained within a 60-foot wide access easement.

The proposed project will be developed in three sequential phases over approximately eighteen months. The initial construction sequence will take place on the two lots adjacent to Cherry Avenue, and will include development of one greenhouse cultivation facility, the manufacturing warehouse, renovation of the existing residence, and associated parking.

Phase 2 sequential development includes construction of the private drive that will provide access to all remaining lots and two to four additional greenhouses. The entire property will be fenced in this sequence and landscaping will be installed in the parking area, along the Cherry Avenue frontage, and at the perimeter of the site. Improvements to Cherry Avenue will include road widening, installing a five-foot wide sidewalk along a portion of the property frontage, and undergrounding utilities. Storm water facilities will be constructed to meet local, state, and federal standards. Water and sanitary sewer lines would be installed and the existing septic system decommissioned. This phase is expected to be complete within one year of initial site development and construction activities.

Phase 3 includes construction of the remaining greenhouses. The site should be fully developed within eighteen months of initial development and construction activities.

Public Services and Infrastructure Needs: The City of Greenfield will provide water and sewer services; PG&E will provide natural gas and electricity; AT&T will provide telephone service; and Charter Cable Company (or current provider) will provide cable service. An on-site stormwater detention basin will be required. The project developer will be responsible for verifying the adequacy of existing utilities to service the project and will be responsible for designing, constructing, and paying for any additional utility, roadway, and stormwater system improvements necessary to provide required services to the project. All utility and site infrastructure improvements will be designed and constructed in conformance with City Standards.

V. Conformance with General Plan and Zoning Code

General Plan: The Greenfield General Plan designates the project site as Light Industrial with an Industrial Park Overlay. The General Plan Light Industrial land use designation allows for a broad range of light industrial uses such as processing, packaging, machining, repair, fabricating, distribution, warehouse and storage, research and development, and similar uses that do not result in significant impacts from noise, odor, vibration, smoke, or pollutants. These uses should, when possible, be combined in development projects that incorporate various uses to minimize travel and transport for goods and services related to and required to support the industrial use, and to help reduce regional commuter traffic by providing employment opportunities for residents of Greenfield within the city limits. The proposed project combines processing, packaging, and distribution of finished and raw products consistent with the uses allowed by the General Plan Light Industrial land use designation.

The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will intensify the use of a 4.85 acre parcel that is currently developed with a small residence and vacant, undeveloped land. The project site is in the City's northern light industrial district. Development of similar facilities of the same scale and intensity on other available parcels in this district is planned.

The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project provides new jobs to further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to because of budget limitations and insufficient revenues.

Zoning Code Land Use: The City of Greenfield Zoning Code designation for this property is Light Industrial (I-L). Consistent with the General Plan, this district is intended for low to medium intensity uses that involve processing, packaging, machining, repair, fabricating, distribution, warehousing and storage, research and development, and similar uses. Chapter 5.28 of the zoning code specifically allows medical marijuana, dispensary, cultivation, and manufacturing facilities. Development standards for the light industrial district are designed to promote attractive construction that is compatible with the surrounding area.

Lot Coverage: In the I-L zoning district, section 16.12.020 of the municipal code specifies a minimum lot area of 10,000 square feet and a minimum lot width of 100 feet. The zoning code does not specify maximum lot coverage. The project parcel is approximately 4.85 acres. Upon completion of all phased development, built space will total approximately 113,000 square feet which represents lot coverage of approximately 53%.

Setback: Required minimum setbacks per section 17.36.040 are: Front and street side setback – 30 feet; and interior and rear – 0 feet. Front and street side setbacks may be reduced to 25 feet when additional landscaping is provided equal to the amount of building area encroached. The proposed new construction is set back 30 feet from the Cherry Avenue property line. Setbacks of 10 feet are provided along all other property lines.

Height: Section 17.36.040 of the zoning code imposes a maximum building height of 30 feet. All proposed buildings are single story and the maximum exterior elevations will conform to the requirements of the zoning code.

Accessory Structures: Section 17.36.030 of the zoning code setting forth accessory structure requirements does not apply as no accessory structures are proposed.

Fences and Walls: The proposed project includes constructing a 6 foot chain link and decorative fence around the perimeter of the property. Secured vehicle and pedestrian gates will be along Cherry Avenue. Section 17.52.030 of the zoning code limits the height of walls and fences to 3 feet in the front setback area and to 6 feet along rear and side setbacks. The placement of the sliding gate for vehicle access will require review and approval by the Greenfield Fire Protection District.

Landscaping: The landscape requirements of section 17.54.040 of the zoning code apply to new nonresidential development projects. Minimum planting widths of 15 feet are required along street frontages and six feet along interior property lines. Minimum landscape coverage is 15% of the total site that must be maintained with a pervious surface, preferably landscape planting. The proposed site plan includes an 18 foot landscape strip along Cherry Avenue and

10 foot landscape strips along all other property lines. This 10 foot landscape strip will also serve as a stormwater drainage swale.

Street trees will be provided along Cherry Avenue – evergreen trees planted 30 feet on center. Two large palm trees and one pine tree which exist along the Cherry Avenue frontage will remain. Landscaping will be provided in all parking areas and along drive aisles. The proposed landscape scheme conforms to the special landscape guidelines of section 17.54.050.

Resource Efficiency: The resource efficiency standards of chapter 17.55 of the zoning code apply to this project because it is an industrial project with a total conditioned area over 10,000 square feet. The development of each phase of this project must comply with these standards to promote recycling, promote the use of resource efficient construction materials, promote water conservation, and promote energy efficiency in new and remodeled facilities. The project's resource efficiency plan will be reviewed during the plan check process, and a building permit will not be issued if the proposed plan does not comply with the requirements of chapter 17.55.

Lighting: All nonresidential development is subject to the outdoor lighting requirements of Chapter 17.56 of the zoning code. The project's outdoor lighting scheme will be reviewed during the plan check process, and a building permit will not be issued if any proposed outdoor lighting is not in compliance with those requirements.

Parking: For warehousing, storage, and distribution industrial facilities, section 17.58.050 of the zoning code requires off-street parking at a ratio of one space per 3,000 square feet plus one space for each company operated vehicle; and for manufacturing facilities, one space per 1,000 square feet plus one space for each company operated vehicle. The proposed project includes 108,000 square feet of greenhouse space and 4,000 square feet of manufacturing space. This equates to a total off-street parking requirement for 50 vehicle parking spaces. The proposed site plan identifies 56 off-street parking spaces. This exceeds the requirements of the zoning code.

Section 17.58.100 of the zoning code requires the provision of one bicycle parking space for every five vehicle spaces. For the proposed project, this equates to a requirement for 11 bicycle parking spaces. Bicycle parking will be provided in two locations, one near the caretaker residence and a second area adjacent to the greenhouse structures at the rear of the site.

Noise and Odor, Particulate Matter and Air Containment Standards: The standards of sections 17.60.030 (noise) and 17.60.040 (odor) of the zoning code apply to all commercial and industrial operations within the city. Section 5.28.050 of the municipal code requires an odor management plan detailing steps that will be taken to ensure that the odor of medical marijuana will not emanate beyond the exterior walls of the facility. The noise and odor standards of chapters 17.60 and 5.28 are enforceable through the city's code enforcement program and the enforcement provisions of section 5.28.260. The development agreement will also include further description of requirements and standards for odor control processes, equipment, and methods. The development of specific conditions of compliance through the regulatory permit or conditional use permit processes is not necessary.

Signage: All nonresidential development is subject to the signage requirements of section 17.62.070 of the zoning code and section 5.28.150. The project's exterior signage will be reviewed by the City Manager and Planning Director during the signage administrative plan check process, and a building permit will not be issued if any proposed exterior signage is not in compliance with those requirements.

VI. Conformance with Subdivisions Code and State Subdivision Map Act

The vesting tentative map submitted with this application was prepared in compliance with the requirements of sections 16.16.020 and 16.16.030 of the City of Greenfield Subdivisions Code and the State Government Code, Subdivision Map Act, sections 66452 – 66452.25. The vesting tentative map complies with all local and state requirements for approval of the proposed vesting tentative map.

CEQA

The California Environmental Quality Act (Public Resources Code section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) require the review of all development projects to determine whether the proposed activities will have potential, significant environmental effects; to identify ways that environmental damage can be avoided or significantly reduced; to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when such changes are feasible; and to disclose to the public the reasons why a governmental agency approved the project in the manner it chose if significant environmental effects are involved. If a project is subject to several discretionary approvals, for purposes of CEQA the “project” refers to the totality of the development project and not to each separate governmental approval. For purposes of this CEQA discussion and analysis, the project under review includes the issuance of regulatory permits and conditional use permits, approval of development agreements, and tentative map and final map approvals for subdivision of certain specified property.

The first step in the CEQA review process is to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any further. If the project is not exempt, the next step is to undertake an Initial Study to determine whether the project may have a significant effect on the environment. If the Initial Study shows that there is no substantial evidence that the project may have a significant effect, a negative declaration can be prepared. If the Initial Study shows that the project may have a significant effect, an Environmental Impact Report (EIR) must be prepared.

An Initial Study was prepared for this project using the “tiering” provisions of CEQA (CEQA Guidelines section 15152), wherein lead agencies are encouraged to use the analysis contained in EIRs for broader projects (i.e., a general plan EIR) as part of the analysis for subsequent specific projects. Section 15152(e) notes that tiering must be limited to situations where a project is consistent with the general plan and zoning. As discussed above, the proposed project is consistent with the General Plan Light Industrial land use designation and with the applicable Light Industrial zoning development standards. This consistency enables the application of tiering provisions. The 2005 City of Greenfield General Plan Final EIR (General Plan EIR)

examined potential impacts of the 2005 General Plan, including future development of the site with Light Industrial uses. Consequently, where prudent and applicable, information contained in this Initial Study is tiered from the General Plan EIR to avoid redundancy and streamline the analysis process for the proposed project.

The analysis methodology in this Initial Study also considered the streamlining provisions contained in section 15183 of the CEQA Guidelines, which address projects that are consistent with an established density for the site. CEQA mandates that “projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” The Initial Study for this project focused on evaluating whether there are project-specific impacts that are peculiar to the project or the project site. As discussed above, the proposed project is consistent with the Light Industrial land use designation and consistent with applicable Light Industrial zoning development standards. Therefore, where appropriate, the discussion of proposed project impacts in the Initial Study was limited as mandated in CEQA Guidelines section 15183.

Section 15183 is particularly relevant for assessment of the incremental cumulative impacts of the proposed project, especially where such impacts were found to be significant and unavoidable in the General Plan EIR. The General Plan EIR identified several significant and unavoidable impacts for which the City approved Statements of Overriding Consideration. In these cases, the analysis in the Initial Study concluded that the proposed project contribution to these significant and unavoidable cumulative impacts was already identified in the previous EIR. This approach is consistent with CEQA Guidelines section 15183(c) which states, “if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.”

The Initial Study prepared for this project found that with the inclusion of two conditions of approval identified in the Initial Study, the proposed project would not have significant environmental impacts. Those conditions require a pre-construction survey be conducted to determine whether protected nesting birds are present prior to the start of construction, and that a historic resource assessment of the existing residence be conducted. (Note: The historic resource assessment has since been completed and concluded the existing residence does not have any historical significance.)

The Initial Study found that all potentially significant impacts were analyzed adequately in the earlier General Plan EIR and have been avoided or mitigated pursuant to that earlier EIR or are addressed through conditions of approval that can be imposed on the proposed project. Therefore, no further environmental review is required.

CONSEQUENT ACTION

Development Agreement: Section 5.28.090 of the municipal code requires the applicant and the City enter into a development agreement setting forth the terms and conditions under which the medical marijuana facility will operate that are in addition to the requirements of chapter 5.28, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare. The administrative regulations approved by the City Council for implementation of chapter 5.28 regulatory permits sets forth additional requirements for each development agreement. These are requirements specific to medical marijuana facilities, uses, and operations.

Chapter 16.37 and section 17.16.160 of the municipal code set forth general requirements for development agreements pertaining to land use and development. These municipal code requirements incorporate State Government Code provisions governing the application of development agreements for land use entitlements. The medical marijuana development agreements must also conform to those requirements.

A preliminary draft development agreement for the use of property at 900 Cherry Avenue for medical marijuana cultivation and manufacturing purposes is attached to this staff report. When the final terms and conditions are agreed to by the City and Greenfield Organix, the development agreement will be presented to the City Council at a future date when the City Council is requested to adopt an ordinance approving the development agreement. The development agreement will conform to the requirements of chapter 5.28, chapter 16.37, and section 17.16.160 of the municipal code. Finalization of this agreement will be included as a condition of issuance of the applied for regulatory permits.

Until the development agreement is approved by the City Manager, and the City Council adopts an ordinance approving that development agreement, the regulatory permits approved by the City Council will not be effective. Until that development agreement is adopted by ordinance, design review, building permits, or any further required permits will not be approved or issued by the City for construction and development of any medical marijuana facilities for which regulatory permit and conditional use permit applications have been made.

BUDGET AND FINANCIAL IMPACT

Issuing regulatory permits for medical marijuana cultivation and manufacturing facilities will bring significant additional dollars to the City's general fund. The annual operating fee for cultivation is \$60,758 and for manufacturing it is \$33,936. The community benefits fee will be \$15 to \$20 per square foot.

At this time it is premature to estimate with certainty the general fund revenue to the City that will be generated from this fee as the amount of the fee on a per square foot basis and the amount of cultivation and manufacturing space to which this fee will apply requires further discussion and negotiation with Greenfield Organix and each of the other operators who have submitted regulatory permit applications. Those details will be specified in the development agreement.

When the City Council is asked to adopt an ordinance approving the development agreement, the amount of those fees for the first year of operation will be known and presented to the City Council for its review and approval. For subsequent years the total general fund revenue stream may vary depending on any adjustment to the annual operating fee established by the City Council and re-evaluation of the appropriate per square foot fee. Even with these potential adjustments, general fund revenues for future years will be substantial.

RECOMMENDATION

The Community Services Director, Police Chief, and City Manager recommend the City Council approve and adopt the attached resolution approving the issuance of medical marijuana cultivation and manufacturing regulatory permits for Greenfield Organix, Inc., subject to certain specified conditions of approval.

It is further recommended that the City Council approve the attached resolution that sets forth required findings for issuance of a conditional use permit and establishes required conditions and/or performance guarantees for the development of the proposed cultivation and manufacturing facility at 900 Cherry Avenue.

It is further recommended the City Council approve the attached resolution approving a tentative map for the subdivision of the property into eleven parcels.

It is further recommended the City Council introduce an ordinance approving a development agreement for medical marijuana cultivation and manufacturing uses at 900 Cherry Avenue. Upon finalization of this agreement, the City Council will be requested to take final action adopting an ordinance approving this agreement.

The proposed development and use of the property at 900 Cherry Avenue for medical marijuana cultivation and manufacturing uses is consistent with the City's general plan, applicable provisions of the zoning code, conforms to the requirements of chapter 5.28 of the municipal code, and will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.

PROPOSED MOTIONS

I MOVE THAT THE CITY COUNCIL ADOPT RESOLUTION 2016-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING THE ISSUANCE OF REGULATORY PERMITS FOR THE OPERATION OF MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES BY GREENFIELD ORGANIX, INC., LOCATED AT 900 CHERRY AVENUE

I MOVE THAT THE CITY COUNCIL ADOPT RESOLUTION 2016-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES LOCATED AT 900 CHERRY AVENUE IN THE CITY OF GREENFIELD (APN: 109-162-010)

I MOVE THAT THE CITY COUNCIL ADOPT RESOLUTION 2016-49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING THE VESTING TENTATIVE MAP FOR THE SUBDIVISION OF PROPERTY LOCATED AT 900 CHERRY AVENUE IN THE CITY OF GREENFIELD (APN: 109-162-010)

I MOVE THAT THE CITY COUNCIL READ BY TITLE ONLY AND INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING A DEVELOPMENT AGREEMENT FOR THE OPERATION OF MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES AT 900 CHERRY AVENUE

**CITY OF GREENFIELD CITY COUNCIL
RESOLUTION No. 2016-47**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GREENFIELD APPROVING THE ISSUANCE OF REGULATORY
PERMITS FOR THE OPERATION OF MEDICAL MARIJUANA
CULTIVATION AND MANUFACTURING FACILITIES BY
GREENFIELD ORGANIX, INC., LOCATED AT 900 CHERRY AVENUE**

WHEREAS, Greenfield Organix, Inc., a mutual benefit corporation organized under the laws of the State of California, has submitted application to the City of Greenfield for regulatory operating permits under Chapter 5.28 of the City of Greenfield Municipal Code for medical marijuana cultivation and manufacturing facilities to be located at 900 Cherry Avenue in the City of Greenfield, APN: 109-162-010; and

WHEREAS, Chapter 5.28 of the City of Greenfield Municipal Code sets forth requirements and procedures for issuance of medical marijuana regulatory permits for dispensary, cultivation, and manufacturing facilities; and

WHEREAS, Section 5.28.040 of Chapter 5.28 requires the prior review and approval by the City Council for the issuance of a regulatory permit as required by Chapter 5.28; and

WHEREAS, Section 5.28.040 of Chapter 5.28 provides that as a condition of issuance of a regulatory permit as required by Chapter 5.28, the City Council may impose such additional terms and conditions on the issuance of the regulatory permit and the operation of the facility as the City Council deems appropriate; and

WHEREAS, Section 5.28.040 of Chapter 5.28 provides that the development agreement, operations plan, and site plan and building layout of a medical marijuana facility required by Chapter 5.28 is subject to the review and approval of the City Council prior to the issuance of a medical marijuana regulatory permit; and

WHEREAS, the application for regulatory permits for medical marijuana cultivation and manufacturing facilities was heard, reviewed, and discussed by the City Council at a regularly scheduled meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City of Greenfield City Council as follows:

1. That the City of Greenfield City Council has considered all written and verbal evidence regarding the applications by Greenfield Organix, Inc., for medical marijuana cultivation and manufacturing regulatory permits for property located at 900 Cherry Avenue in the City of Greenfield, APN: 109-162-010, and finds that the applications conform to the requirements of Chapter 5.28 of the City of Greenfield Municipal Code;

2. That this regulatory permit shall be subject to the terms and conditions of chapter 5.28 of the City of Greenfield municipal code authorizing the issuance a medical marijuana facility regulatory permits and the administrative regulations for implementing that chapter approved by City of Greenfield City Council Resolution No. 2016-15;
3. That any term, condition, or requirement of chapter 5.28 of the City of Greenfield municipal code and the administrative regulations adopted pursuant thereto not expressly set forth in this regulatory permit or the development agreement required thereunder shall be in full force and effect just as if those terms, conditions, or requirements were expressly set forth in this regulatory permit or the development agreement, and such terms, conditions, and requirements are incorporated herein by reference.
4. That the site plan and building layout is approved subject to the following conditions:
 - a. The Fire Marshal shall approve the location and configuration of the vehicle security gate accessing the property from Cherry Avenue; and
 - b. The Greenfield Police Chief shall approve the location and operation of video surveillance cameras for both the exterior and interior areas of the buildings;
5. That the operations plan is approved subject to the following conditions:
 - a. The applicant shall update the operations plan included in its applications to include all supplemental information provided to the City during the application review process and as otherwise required by the City Council during its review and discussion of these applications; and
 - b. The Greenfield Police Chief shall approve the security alarm system which shall include door and window break sensors and motion detectors and remote monitoring;
6. That the issuance of regulatory permits to Greenfield Organix, Inc., for medical marijuana cultivation and manufacturing facilities at 900 Cherry Avenue is hereby approved subject to the following conditions:
 - a. The owners, managers, and operators of Greenfield Organix, Inc., shall pass a background investigation conducted by the Greenfield Police Chief and/or City Manager on behalf of the City of Greenfield, which may include, but is not limited to, LiveScan, employment history verification, personal and business references, and such other personal background investigation as deemed appropriate by the Greenfield Police Chief or City Manager;
 - b. A development agreement shall be finalized and executed by the City Manager, on behalf of and in the name of the City of Greenfield, and Greenfield Organix, Inc. and the property owner; which agreement shall include at a minimum the terms and conditions required by and specified in the administrative regulations

for medical marijuana facilities regulatory permits approved under City of Greenfield City Council Resolution No. 2016-15, and such other terms and conditions as otherwise required by the City Council during its review and discussion of the development agreement;

- c. Greenfield Organix, Inc., shall update the operations plan as required herein and such updated operations plan shall be reviewed and approved by the City Manager or designee;
 - d. The Greenfield Police Chief shall approve the use of armed security guards employed or contracted by Greenfield Organix, Inc.;
 - e. Greenfield Organix, Inc., shall collaborate and join together with all other medical marijuana regulatory permit holders, in the form of a “Greenfield Medical Marijuana Association” or other association acceptable to the City to develop an appropriate, comprehensive, and cohesive public outreach and education program;
 - f. Greenfield Organix, Inc., shall collaborate and join together with all other medical marijuana regulatory permit holders, in the form of a “Greenfield Medical Marijuana Association” or other association or foundation acceptable to the City to develop, implement, and fund a community benefits program for public facilities and programs; the City and the public will be active participants in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the association or foundation; and the final development agreement will address the general mechanism by which the City and public will participate in this process; and
 - g. Greenfield Organix, Inc., shall pay to the City all fees as required by City of Greenfield City Council Resolution No. 2016-16; and the Community Public Health, Safety, Welfare, and Quality of Life Fee specified in the development agreement;
- 7. That the City Manager or designee is authorized to approve the applicant’s update of the operations plan included in its applications to include all supplemental information provided to the City during the application review process and as otherwise required by the City Council during its review and discussion of these applications;
 - 8. That the City Manager is authorized to finalize and execute on behalf of the City of Greenfield the required development agreement with Greenfield Organix, Inc. and the property owner;
 - 9. That the operator shall timely and fully pay all fees associated with the regulatory permit as set forth in section 5.28.080 of the City of Greenfield municipal code and the regulatory permit fee schedule adopted by the City Council per Resolution 2016-16 and as those fees may be adjusted from time to time by further resolution of the City Council;

10. That upon the annual renewal of this regulatory permit, the Community Public Health, Safety, Welfare, and Quality of Life Fee specified in condition 4.g hereof and the development agreement specified in condition 4.b hereof shall be subject to review and modification by subsequent resolution of the City Council, and if so modified the development agreement shall be modified accordingly;
11. That the Building Inspector shall not issue a Certificate of Occupancy until notified by the Planning Director that all conditions of approval specified herein have been met;
12. That the effective date of the medical marijuana cultivation and manufacturing regulatory permits shall be the date the City's Building Inspector issues a Certificate of Occupancy, which date shall be deemed the date of issuance for purposes of determining the one year expiration date under section 5.28.050 of the City of Greenfield municipal code, or such earlier date specified in the development agreement;
13. That this regulatory permit may be revoked in accordance with the procedures set forth in section 5.28.120 of the City of Greenfield municipal code.
14. That unless otherwise and sooner revoked, this regulatory permit shall expire one year from its date of issuance and may be renewed in accordance with the procedures set forth in section 5.28.120 of the City of Greenfield municipal code; and

PASSED AND ADOPTED by the City Council of the City of Greenfield at a regular meeting of the City Council held on the 14th day of June, 2016, by the following vote:

AYES, and all in favor, therefore, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**CITY OF GREENFIELD CITY COUNCIL
RESOLUTION No. 2016-48**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD
APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR
THE DEVELOPMENT OF MEDICAL MARIJUANA CULTIVATION AND
MANUFACTURING FACILITIES LOCATED AT 900 CHERRY AVENUE
IN THE CITY OF GREENFIELD (APN: 109-162-010)**

WHEREAS, chapter 5.28 of the City of Greenfield municipal code authorizes the issuance of regulatory permits for the operation of medical marijuana dispensary, cultivation, and manufacturing facilities; and

WHEREAS, an application has been submitted to the City of Greenfield for the development of medical marijuana cultivation and manufacturing facilities at 900 Cherry Avenue in the City of Greenfield, APN: 109-162-010; and

WHEREAS, the proposed location for the medical marijuana cultivation and manufacturing facilities is in the Light Industrial (I-L) zoning district; and

WHEREAS, the development of a medical marijuana cultivation and manufacturing facilities in the Light Industrial (I-L) zoning district is allowed subject to issuance of a conditional use permit; and

WHEREAS, section 17.14.050 of the City of Greenfield zoning code provides that when a proposed project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest level designated approving authority for all such requested permits; and

WHEREAS, section 17.14.050 provides further that in acting on a permit, the approving authority shall make the applicable findings as established in chapter 17.16 for the type of permit for which application is made; and

WHEREAS, operation of a medical marijuana dispensary, cultivation, or manufacturing business requires obtaining an appropriate regulatory permit, a conditional use permit, and executing a development agreement; and

WHEREAS, section 5.28.040 of the City of Greenfield municipal code designates the City Council as the approving authority for medical marijuana regulatory permits, sections 16.37.100 and 17.16.160 designate the City Council as the approving authority for development agreements, and section 17.16.060 designates the Planning Commission as the approving authority for conditional use permits; and

WHEREAS, by operation of section 17.14.050 the City Council is the designated approving authority for all permits required for the operation of medical marijuana facilities authorized under chapter 5.28 of the City of Greenfield municipal code; and

WHEREAS, the City Council shall approve, conditionally approve, or deny the proposed conditional use permit application in accordance with the requirements of section 17.16.060 of the City of Greenfield zoning code; and

WHEREAS, the application for a conditional use permit was heard, reviewed, and discussed by the City Council at a duly noticed public meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Greenfield has considered all written and verbal evidence regarding this conditional use permit application at the public hearing and has made the following findings regarding the proposed conditional use permit:

1. FINDING: That the proposed development of medical marijuana cultivation and manufacturing facilities at 900 Cherry Avenue in the City of Greenfield is consistent with the General Plan and applicable provisions of the City of Greenfield Zoning Code, Title 17.
 - a. The proposed medical marijuana cultivation and manufacturing facilities are allowed uses in the Light Industrial (I-L) zoning district.
 - b. The proposed project complies with all commercial development standards for the Light Industrial (I-L) zoning district set forth in sections 16.12.020 and 17.36.040 of the municipal code, including but not limited to requirements for minimum lot area, maximum lot coverage, building setbacks, building height limits, landscaping, resource efficiency, lighting, parking performance standards, and signage.
 - c. The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. It also encourages the redevelopment and reuse of vacant and/or underutilized commercial buildings. The proposed project utilizes a light industrial zoned property, that is occupied by a residential unit surrounded by a primarily vacant and under-utilized site, for a new commercial business.
 - d. The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will develop multiple greenhouse and manufacturing facilities that are of the scale and intensity appropriate for a light industrial development. The new development will consist of buildings that are of a size and height similar to adjacent and nearby industrial buildings.

- e. The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project brings a new industry to the City that will provide new jobs to promote economic development and further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to do because of budget limitations and insufficient revenues.
2. FINDING: That the establishment, maintenance, or operation of the proposed use will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.
 - a. The proposed medical marijuana cultivation and manufacturing facility is located in a light industrial zoning district in close proximity to other light industrial type uses.
 - b. The construction of a 6 foot chain link and decorative security fence around the site perimeter will provide increased security for the site and the materials and products stored, cultivated, and manufactured in the facility.
 - c. A video surveillance system will be installed to monitor all exterior areas of the property, all site and building entrances and exits, and all interior spaces of the building, thereby providing additional security for the entire property.
 - d. Security guard services will be provided 24 hours a day, 7 days a week.
 - e. The facility will not be open to the general public and no direct sales or product distribution will be made to the general public.
 3. FINDING: All requirements of the California Environmental Quality Act have been met.
 - a. If a project is subject to several discretionary approvals, for purposes of CEQA the "project" refers to the totality of the development project and not to each separate governmental approval (CEQA Guidelines section 15378). For purposes of the required CEQA discussion and analysis, the project under review includes the issuance of regulatory permits and conditional use permits, approval of development agreements, and tentative map and final map approvals for subdivision of certain specified property.
 - b. An Initial Study was completed for this project, dated April 20, 2016, using the "tiering" provisions of CEQA (CEQA Guidelines section 15152), wherein lead agencies are encouraged to use the analysis contained in EIRs for broader projects (i.e., a general plan EIR) as part of the analysis for subsequent specific projects. Section 15152(e) notes that tiering must be limited to situations where a project is

consistent with the general plan and zoning. Pursuant to findings discussed above, the proposed project is consistent with the General Plan Light Industrial land use designation and with the applicable Light Industrial zoning development standards. This consistency enables the application of tiering provisions. The 2005 City of Greenfield General Plan Final EIR (General Plan EIR) examined potential impacts of the 2005 General Plan, including future development of the site with Light Industrial uses. Consequently, where prudent and applicable, information contained in this Initial Study is tiered from the General Plan EIR to avoid redundancy and streamline the analysis process for the proposed project.

- c. The analysis methodology in the Initial Study also considered the streamlining provisions contained in section 15183 of the CEQA Guidelines, which address projects that are consistent with an established density for the site. CEQA mandates that “projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” The Initial Study for this project focused on evaluating whether there are project-specific impacts that are peculiar to the project or the project site. Pursuant to findings discussed above, the proposed project is consistent with the Light Industrial land use designation and consistent with applicable Light Industrial zoning development standards. Therefore, where appropriate, the discussion of proposed project impacts in the Initial Study was limited as mandated in CEQA Guidelines section 15183.
- d. Section 15183 is particularly relevant for assessment of the incremental cumulative impacts of the proposed project, especially where such impacts were found to be significant and unavoidable in the General Plan EIR. The General Plan EIR identified several significant and unavoidable impacts for which the City approved Statements of Overriding Consideration. In these cases, the analysis in the Initial Study concluded that the proposed project contribution to these significant and unavoidable cumulative impacts was already identified in the previous EIR. This approach is consistent with CEQA Guidelines section 15183(c) which states, “if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.”
- e. The Initial Study prepared for this project found that with the inclusion of two conditions of approval identified in the Initial Study, the proposed project would not have significant environmental impacts. Those conditions require a pre-construction survey be conducted to determine whether protected nesting birds are present prior to the start of construction, and that a historic resource assessment of the existing residence be conducted. (Note: The historic resource assessment has

since been completed and concluded the existing residence does not have any historical significance.)

- f. The Initial Study found that all potentially significant impacts were analyzed adequately in the earlier General Plan EIR and have been avoided or mitigated pursuant to that earlier EIR or are addressed through conditions of approval that can be imposed on the proposed project. Therefore, no further environmental review is required.

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED, that the City Council of the City of Greenfield does approve Conditional Use Permit No. 2016-04 subject to the conditions of approval attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the City Council of the City of Greenfield at a regular meeting of the City Council held on the 14th day of June, 2016, by the following vote:

AYES, and all in favor, therefore, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**CITY OF GREENFIELD CITY COUNCIL
CONDITIONAL USE PERMIT NO. 2016-04**

Project: Development and Use of a Medical Marijuana Dispensary, Cultivation, and/or Manufacturing Facility Under Chapter 5.28 “Medical Marijuana Facilities Regulatory Permit” of the City of Greenfield Municipal Code to be Located at 900 Cherry Avenue in the City of Greenfield, CA

Applicant: Greenfield Organix., Inc.

APN: 109-162-010

Approved: City Council Resolution 2016-__

Date: June 14, 2016

1. The development and use of the property that is the subject of this Conditional Use Permit for medical marijuana dispensary, cultivation, and manufacturing facilities is an allowed use subject to the conditions as set forth below.
2. Construction activities shall be in accordance with the City’s Standard Conditions for Construction.
3. Final landscape and irrigation plans shall be submitted as part of the plan check process for issuance of a building permit. Issuance of a building permit is conditional upon compliance with all applicable provisions of the landscape requirements and standards of chapter 17.54 of the zoning code. The Planning Director shall review and approve the final landscape plans for conformity with these requirements.
4. As required by section 17.62.020 of the zoning code, all exterior signage shall receive zoning clearance (administrative plan check) by the Planning Director to ensure compliance with the applicable provisions of chapter 17.62 of the zoning code; subject, however, to the provisions of section 5.28.150 of the municipal code regulating exterior signage for medical marijuana facilities. The Planning Director shall review and approve the final exterior signage plans for conformity with these requirements.
5. Compliance with the construction recycling and diversion, water use efficiency, and energy efficiency standards set forth in section 17.55.030 is required. The project’s resource efficiency plan will be reviewed during the plan check process, and a building permit will not be issued if the proposed plan does not comply with the requirements of chapter 17.55.

6. At the time of application for a building permit, the project's plans and specifications will be reviewed by the Planning Director for conformance with the lighting requirements of chapter 17.56 of the zoning code. A building permit will not be issued if proposed outdoor lighting is not in compliance with the requirements of this chapter.
7. The requirements of chapter 17.60 of the zoning code apply to all development projects in all zoning districts. For medical marijuana facilities, compliance with the hazardous materials standards and requirements of section 17.60.020, the noise standards of section 17.60.030, and the odor, particulate matter, and air containment standards of section 17.60.040 are of particular importance. Compliance with the odor containment requirements set forth in paragraph 5.28.050.F.4.i of the municipal code is also required. Prior to issuance of a certificate of occupancy, the applicant shall demonstrate compliance with the noise standards set forth in section 17.60.030.
8. This Conditional Use Permit shall remain in force for so long as the development and use of the property as a medical marijuana dispensary, cultivation, and/or manufacturing facility remains in compliance with the requirements of this Conditional Use Permit.
9. If application for a building permit is not made within one year after approval of this Conditional Use Permit, it will be necessary for the applicant to submit a new application for a Conditional Use Permit. Time extensions may be considered upon receipt of a written request for a time extension submitted to the City no less than thirty (30) days prior to expiration of this one year period, or any extension thereto previously granted.
10. A medical marijuana dispensary, cultivation, or manufacturing business shall not operate on the property that is the subject of this Conditional Use Permit without the operator of that business holding a valid Regulatory Permit for the operation of such business issued by the City as provided for under chapter 5.28 of the City of Greenfield municipal code.
11. At such time as the State of California requires the operator of medical marijuana facilities and business entities to hold a valid and current license duly authorized, approved, and issued by the State in accordance with State laws and regulations now or hereinafter enacted for the operation of such business, a medical marijuana dispensary, cultivation, or manufacturing business shall not operate on the property that is the subject of this Conditional Use Permit without the operator of that business holding any and all licenses or permits required and issued by the State of California.

RESOLUTION NO. 2016-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING THE VESTING TENTATIVE MAP FOR THE SUBDIVISION OF PROPERTY LOCATED AT 900 CHERRY AVENUE IN THE CITY OF GREENFIELD (APN: 109-162-010)

WHEREAS, California Government Code, Subdivision Map Act, sections 66452 – 66452.25 and chapter 16.16 and title 16-A of the Greenfield Municipal Code set forth requirements for subdivisions and tentative maps, and vesting tentative maps; and

WHEREAS, section 17.14.050 of the City of Greenfield zoning code provides that when a proposed project requires more than one permit or approval with more than one approving authority, all project permits and approvals shall be processed concurrently and final action shall be taken by the highest level designated approving authority for all such requested permits; and

WHEREAS, operation of a medical marijuana dispensary, cultivation, or manufacturing business and the subdivision of property for such uses requires obtaining an appropriate regulatory permit, a conditional use permit, executing a development agreement, and approval of a vesting tentative map for the subdivision of the property; and

WHEREAS, section 5.28.040 of the City of Greenfield municipal code designates the City Council as the approving authority for medical marijuana regulatory permits, sections 16.37.100 and 17.16.160 designate the City Council as the approving authority for development agreements, section 17.16.060 designates the Planning Commission as the approving authority for conditional use permits, and section 16.16.110 designate the City Council as the approving authority for subdivisions and tentative maps; and

WHEREAS, by operation of section 17.14.050 the City Council is the designated approving authority for all permits and approvals required for the operation of medical marijuana facilities authorized under chapter 5.28 of the City of Greenfield municipal code and the subdivision of property; and

WHEREAS, an application has been submitted for the creation of a subdivision and vesting tentative map for certain property at 900 Cherry Avenue, APN: 109-162-010, located in the City of Greenfield, California; and

WHEREAS, the vesting tentative map application consists of the type of development analyzed as part of the Environmental Impact Report prepared for the Greenfield General Plan, and such EIR was previously certified by the City Council on May 31, 2005; and

WHEREAS, the application for the proposed vesting tentative map was heard, reviewed, and discussed by the City of Greenfield City Council at a duly noticed public hearing;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Greenfield has considered all written and verbal evidence regarding this proposed vesting tentative map at the public hearing and has made the following findings:

1. FINDING: The proposed project is substantially in conformance with the City of Greenfield General Plan, Subdivisions Code, Zoning Code, and other Municipal Code requirements and standards.
 - a. The proposed medical marijuana cultivation and manufacturing facilities are allowed uses in the Light Industrial (I-L) zoning district.
 - b. The proposed project complies with all commercial development standards for the Light Industrial (I-L) zoning district set forth in sections 16.12.020 and 17.36.040 of the municipal code, including but not limited to requirements for minimum lot area, maximum lot coverage, building setbacks, building height limits, landscaping, resource efficiency, lighting, parking performance standards, and signage.
 - c. The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. It also encourages the redevelopment and reuse of vacant and/or underutilized commercial buildings. The proposed project utilizes a light industrial zoned property that is occupied by a residential unit surrounded by a primarily vacant and under-utilized site for a new commercial business.
 - d. The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will develop multiple greenhouse and manufacturing facilities that are of the scale and intensity appropriate for a light industrial development. The new development will consist of buildings that are of a size and height similar to adjacent and nearby industrial buildings.
 - e. The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project brings a new industry to the City that will provide new jobs to promote economic development and further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to do because of budget limitations and insufficient revenues.
2. FINDING: The proposed project will further the planning and economic development goals of the City.
 - a. The proposed project brings a new industry to the City that will provide new jobs to promote economic development and further the City's jobs to housing goals.

- b. The proposed project will provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to do because of budget limitations and insufficient revenues.
 - c. The proposed project brings a new industry to the City that provides a greater diversity of the type of industrial development and employment opportunities available in the community.
3. FINDING: The site is physically suitable for the type and density of development proposed.
- a. The natural topography of the site is nearly flat, primarily vacant and undeveloped, and located outside any flood plain.
 - b. Utility infrastructure for water, sewer, gas, and electrical power is available along the Cherry Avenue property frontage. The proximity of the project area to existing utility infrastructure makes infrastructure improvements to serve the site feasible economically and physically.
4. FINDING: All requirements of the California Environmental Quality Act have been met.
- a. If a project is subject to several discretionary approvals, for purposes of CEQA the “project” refers to the totality of the development project and not to each separate governmental approval (CEQA Guidelines section 15378). For purposes of the required CEQA discussion and analysis, the project under review includes the issuance of regulatory permits and conditional use permits, approval of development agreements, and tentative map and final map approvals for subdivision of certain specified property.
 - b. An Initial Study was completed for this project, dated April 20, 2016, using the “tiering” provisions of CEQA (CEQA Guidelines section 15152), wherein lead agencies are encouraged to use the analysis contained in EIRs for broader projects (i.e., a general plan EIR) as part of the analysis for subsequent specific projects. Section 15152(e) notes that tiering must be limited to situations where a project is consistent with the general plan and zoning. Pursuant to findings discussed above, the proposed project is consistent with the General Plan Light Industrial land use designation and with the applicable Light Industrial zoning development standards. This consistency enables the application of tiering provisions. The 2005 City of Greenfield General Plan Final EIR (General Plan EIR) examined potential impacts of the 2005 General Plan, including future development of the site with Light Industrial uses. Consequently, where prudent and applicable, information contained in this Initial Study is tiered from the General Plan EIR to avoid redundancy and streamline the analysis process for the proposed project.
 - c. The analysis methodology in the Initial Study also considered the streamlining provisions contained in section 15183 of the CEQA Guidelines, which address

projects that are consistent with an established density for the site. CEQA mandates that “projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” The Initial Study for this project focused on evaluating whether there are project-specific impacts that are peculiar to the project or the project site. Pursuant to findings discussed above, the proposed project is consistent with the Light Industrial land use designation and consistent with applicable Light Industrial zoning development standards. Therefore, where appropriate, the discussion of proposed project impacts in the Initial Study was limited as mandated in CEQA Guidelines section 15183.

- d. Section 15183 is particularly relevant for assessment of the incremental cumulative impacts of the proposed project, especially where such impacts were found to be significant and unavoidable in the General Plan EIR. The General Plan EIR identified several significant and unavoidable impacts for which the City approved Statements of Overriding Consideration. In these cases, the analysis in the Initial Study concluded that the proposed project contribution to these significant and unavoidable cumulative impacts was already identified in the previous EIR. This approach is consistent with CEQA Guidelines section 15183(c) which states, “if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.”
 - e. The Initial Study prepared for this project found that with the inclusion of two conditions of approval identified in the Initial Study, the proposed project would not have significant environmental impacts. Those conditions require a pre-construction survey be conducted to determine whether protected nesting birds are present prior to the start of construction, and that a historic resource assessment of the existing residence be conducted. (Note: The historic resource assessment has since been completed and concluded the existing residence does not have any historical significance.)
 - f. The Initial Study found that all potentially significant impacts were analyzed adequately in the earlier General Plan EIR and have been avoided or mitigated pursuant to that earlier EIR or are addressed through conditions of approval that can be imposed on the proposed project. Therefore, no further environmental review is required.
5. FINDING: The establishment, maintenance, and operation of the project and type of its improvements will not, under the circumstances, be detrimental to the health, safety, peace, morals, comfort, or general welfare of the persons residing or working in the

neighborhood of the proposed development, or to its future residents, or to the general welfare of the City.

- a. The proposed medical marijuana cultivation and manufacturing facility is located in a light industrial zoning district in close proximity to other light industrial type uses.
- b. The construction of a 6 foot chain link and decorative security fence around the site perimeter will provide increased security for the site and the materials and products stored, cultivated, and manufactured in the facility.
- c. A video surveillance system will be installed to monitor all exterior areas of the property all site and building entrances and exits, and all interior spaces of the building, thereby providing additional security for the entire property.
- d. Security guard services will be provided 24 hours a day, 7 days a week.
- e. The facility will not be open to the general public and no direct sales or product distribution will be made to the general public.

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED that the City Council of the City of Greenfield approves the proposed vesting tentative map for the subdivision of certain property located at 900 Cherry Avenue, APN: 109-162-010, located in the City of Greenfield, California, subject to the conditions of approval attached to this resolution.

PASSED AND ADOPTED by the City Council of the City of Greenfield, at a duly noticed public hearing held on the 14th day of June, 2016, by the following vote:

AYES, and all in favor, therefore, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**CONDITIONS OF APPROVAL FOR
LIGHT INDUSTRIAL SUBDIVISION AND VESTING TENTATIVE MAP FOR
PROPERTY LOCATED AT 900 CHERRY AVENUE, APN: 109-162-010**

**CITY OF GREENFIELD CITY COUNCIL
RESOLUTION NO. 2016-__**

Project Description: Vesting Tentative Map for a light industrial subdivision of approximately 4.85 acres of land within the Light Industrial (I-L) zoning district at 900 Cherry Avenue, in the City of Greenfield, APN: 109-162-010.

GENERAL

1. The applicable mitigation measures which are contained in any Initial Study, Mitigated Negative Declaration, Environmental Impact Report, Mitigation Monitoring and Reporting Program, or other document prepared, issued, and certified in compliance with the requirements of the California Environmental Quality Act (CEQA) for or relating to the development of the property shall be considered additional conditions of approval for this project, and are hereby incorporated by reference.
2. The Initial Study for this project includes two conditions of approval, thereby ensuring that development in accordance with the Greenfield General Plan EIR and those conditions of approval will reduce potential significant environmental impacts to less-than-significant levels. Those conditions of approval for this project are hereby incorporated by reference.
3. The use shall be conducted in compliance with all appropriate Local, State, and Federal laws and regulations, and in conformance with the approved plans.
4. Modifications to the project or to the conditions imposed may be considered in accordance with the City Zoning Ordinance. All revisions shall be submitted to the Building Department prior to field changes and are to be clouded or otherwise identified on the plans submitted with the request for modification.
5. Minor plan changes shall be subject to review and approval by the Planning Director and City Engineer prior to implementation. Major plan changes may also require review and approval of the Planning Commission and/or City Council. The Planning Director shall determine whether review and approval by the Planning Commission and/or City Council is required.
6. A note shall be placed on the plans stating that all utilities shall be placed underground and any associated easements for utilities shall be shown on the Final Map.
7. The project applicant shall comply with all of the provisions of any approved Vested Tentative Map, Final Map, or Parcel Map, all pertinent provisions of the Municipal Code,

including, but not limited to applicable provisions of Title 16 “Subdivisions” and Title 19 “Impact Mitigation Fees” for sewer, water, traffic and police services, as well as payment to the School District for school impact fees. No permits or work shall commence on the subject property until approval of the final map unless otherwise approved by the City Engineer and Building Official.

8. Permanent monuments shall be furnished and installed by the applicant as required by the Director of Public Works and detailed in Section 16.20.050 of the Municipal Code.
9. Damage to public roads caused by construction of applicant's project shall be repaired to the satisfaction of the Public Works Department at the applicant's expense prior to final building inspection. The project applicant shall post a bond to secure payment for damage to a city street caused by construction activity in connection with work authorized by the permit. The Public Works Department may waive this requirement when the construction activity will not foreseeably damage a street.
10. The project applicant may not place, maintain or operate steel-tracked grading or construction equipment with cleats on a public or private street without placing protective material beneath the equipment to protect the surface of the street.
11. For new construction, the City shall require the applicant for a building or grading permit to rehabilitate the street pavement along the frontage of the property from the edge of the street to the center of the right-of-way.
12. The project applicant shall be responsible for designing, constructing, and paying for all off-site utility, roadway, and storm water system improvements necessary to provide required services to the project. All utility and infrastructure improvements will be designed and constructed in conformance with City Standards.
13. The issuance of a permit or approval of plans and specifications shall not be construed as a permit or an approval of any work that violates the Greenfield Municipal Code.
14. All landscaping shall utilize drought tolerant species, water efficient drip or micro-spray irrigation systems, and comply with all water conservation regulations issued by the State Water Resources Control Board. Street trees shall be 24-inch box trees with an average spacing of not less than twenty-five feet on center.
15. The project applicant shall execute the City’s standard Processing Agreement for payment of costs of development and permit applications whereby the applicant agrees to reimburse the City for all costs incurred by the City in processing development applications, project approval, plan check, permit issuance, inspection, project close-out, and all other costs and expenses incurred by the City in processing, approving, inspecting, and implementing the development project.

PRIOR TO RECORDATION OF FINAL MAP

16. All utility easements shall be provided on the construction plans and as shown on the approved Final Map, if any, or on any Grant Deed establishing such easements, on file to meet the requirements of the utility companies and the Director of Public Works and/or City Engineer. As required, City Council acceptance of all public easements shall be obtained prior to recordation of the Final Map.
17. The project applicant shall contact the Greenfield U. S. Postmaster to locate in the project the placement of “Neighborhood Delivery and Collection Boxes” (NDCBUs). Any required easements shall be dedicated and shown on the Final Map, if any, or on any Grant Deed within a public utility easement, as approved by City Staff and the Postmaster, Greenfield Post Office.

PRIOR TO THE ISSUANCE OF GRADING AND BUILDING PERMITS

18. The project applicant shall submit the building permit application for City review and approval and shall pay all costs associated with preparation of the building permit application and issuance of the building permit.
19. All plans and specifications for public works improvements shall be approved by the City Engineer prior to the issuance of a building permit, the construction of said improvements shall be in accordance with the City Specifications and shall be inspected by the Director of Public Works or his authorized agent.
20. Fire hydrants shall be provided by the project applicant at locations within the project area to be approved by the Fire Chief and the City Engineer, and shown on the construction plans.
21. All utilities shall be placed underground. Any associated easements for structures shall be shown on the construction plans and screened to the extent possible from public view through discreet placement and landscaping or fencing.
22. The storm water detention/percolation basin shall be designed, constructed and maintained in accordance with City regulations, subject to the final review and approval of the City Engineer. The project’s storm water design system will include routing of storm water runoff to off-site drainage facilities when the on-site storm water detention/percolation basin’s design capacity is exceeded to avoid impacting adjacent lands. If storm water detention/percolation facilities are not constructed at the beginning of the project construction process, temporary storm water detention facilities shall be implemented to collect runoff and sediment during the grading and construction on site. Final basin configuration shall include landscaping, and perimeter fencing if required by the City, subject to approval by the Planning Director, Public Works Director, and City Engineer.

23. No work shall commence on the subject property until required improvement plans and performance bonds have been submitted to the City and appropriate grading, building or other permits have been issued.
24. The project applicant shall submit for approval of the Planning Director and City Engineer, a Final Landscape Plan for the landscaping of open space, planting strips, landscaping and fencing surrounding the open space/detention basin, and public right-of-ways. All landscaping shall utilize drought tolerant species and water efficient drip or micro spray irrigation systems.
25. The project applicant shall prepare a parking plan indicating the location and number of on-site parking spaces available within the project area.
26. The project applicant shall prepare and obtain Public Works Director and City Engineer approval of a construction management plan that mitigates temporary traffic impacts. The plan shall detail where adequate off-street parking will be provided and include adequate provisions for construction crew and equipment parking so that roadways, mailboxes, and driveways are not blocked.
27. The project applicant shall prepare a Public Works Improvement Plan to be approved by the Public Works Director and City Engineer. The Plan shall include all required on- and off-site public improvements including, but not limited to the water system, sanitary sewer system, storm water drainage system including a detention basin (if required), street improvements and other utilities, fire hydrants, street lights, parking lot lights, street landscaping, and project fencing.
28. Plans showing how the sewer and water lines will be linked to the project shall be provided to the Public Works Director and City Engineer for review and approval.
29. The storm water detention basin shall demonstrate capacity for serving the subject property. Design calculations shall be provided to the City Engineer for review and approval along with detailed design.
30. A detailed soils report shall be prepared by a qualified soils engineer and the recommendations of the engineer, as contained in the report, shall be followed for site preparation, grading, foundation support and structural loading designs so that all future site development designs shall be able to withstand earthquake ground movement as required by the most recent edition of the California Building Code (CBC) consistent with the location of the project in relation to known earthquake faults. All excavated and graded material shall be sufficiently watered, using non-potable water when logistically possible, to prevent excessive dust.
31. Site grading and the required detention basin shall be constructed in accordance with the approved improvement plan to collect runoff and sediment during the grading and construction on site.

32. The use of dust and litter control measures during construction shall be required. The measures proposed for use shall be submitted to the City Engineer for approval.
33. The project applicant shall pay all applicable fees, to be calculated using the fee scale in place at the time of application for a building permit, including impact fees for fire, regional transportation agency and schools for each of lot or parcel as it is developed. Prior to issuance of a Certificate of Occupancy, all other required impact fees including but not limited to sewer, water, traffic, general facilities, community center and police impact fees shall be paid for each lot or parcel as developed.
34. Existing on-site wells shall be capped and sealed consistent with state law and County of Monterey procedures; however, such wells may be used for irrigation purposes provided required permits and approvals are obtained from the County of Monterey and other jurisdictions having authority over on-site wells for private irrigation purposes. Septic Systems that may be present on-site shall be demolished according to Monterey County Health Standards.
35. The project applicant shall prepare a Waste Management Recycling, Material Recovery, and Diversion Program for review and approval by the Public Works Director and City Engineer. The program shall include all elements and requirements of chapter 15.24 “Deconstruction, Demolition and Construction Material Recovery and Diversion from Landfills” of the City of Greenfield Municipal Code.
36. The project applicant shall prepare an Erosion and Sediment Control Plan for review and approval by the Public Works Director and City Engineer. The Plan shall include appropriate site-specific construction site Best Management Practices (BMPs); the rationale used for selecting BMPs including supporting soil loss calculations, if necessary; features and facilities to ensure runoff is treated before leaving the site and an evaluation of the feasibility of storage for later use; list applicable permits directly associated with the grading activity including, but not limited to, any permits required by the State Water Board, U.S. Army Corps of Engineers, and California Department of Fish and Game along with documentation that the required permits have been obtained prior to commencing any grading activity; and drawings and specifications necessary to implement the Plan.
37. If grading shall affect more than one acre, the project applicant shall file a Notice of Intent (NOI) and submit a Storm Water Pollution and Prevention Plan (SWPPP) to the Regional Water Quality Control Board (RWQCB). The SWPPP shall be developed in accordance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ NPDES No. CAS000002 as amended by Order No. 2012-0006-DWQ. This shall be accomplished prior to site grading and development.

DURING CONSTRUCTION AND PRIOR TO FINAL BUILDING INSPECTION

38. Construction activities shall be limited to daylight hours between 7:00 a.m. and 6:00 p.m. excluding Saturdays, Sundays, and holidays. The developer may request in writing from the Public Works Director authorization for construction activities on other than weekdays. If any extremely loud noises (noises which exceed the NUC General Performance Standards for noise, section 17.54.030 of the City municipal code) are to occur and are known of beforehand (i.e., continuous drilling and/or large earthmoving 24-hour notice shall be given to all neighbors within 500 feet of the project site, as well as posting a notice on site.
39. The project applicant shall obtain an encroachment permit(s) from the Public Works Department for all work constructed in the public right-of-way. This permit shall be obtained prior to commencement of any work in the public right-of-way.
40. Trash, scrap and debris shall be stored in a container(s) on the construction site.
41. No person shall place or maintain a container in the public right-of way without an encroachment permit.
42. No person shall place, install or maintain a portable sanitary facility on a construction site closer to the property line than the building setback line.
43. The City may temporarily prohibit or restrict stopping, parking or standing of vehicles along a street abutting a construction project where necessary for public safety. Any such parking restriction shall not be effective until the City places a sign(s) or marking(s) at the site. Any such parking restriction shall be limited to the duration of the project.
44. The City may designate a truck route for ingress and egress from the property during the term of the building permit to minimize the impact of the construction such as noise, dust, traffic safety hazards and potential damage to pavement on a residential street; provided designation of the truck route will not unreasonably impair the contractor's access to the site or cause undue economic hardship.
45. Construction sites within the entire project area shall be watered each day during construction and all unpaved roads shall be watered twice a day during grading activities to minimize the generation of fugitive dust. In addition, travel on unpaved roads in the construction area shall be limited to 15 miles per hour or less. All stationary and mobile construction equipment shall be properly maintained to minimize exhaust during construction.
46. All rubbish and dead vegetation shall be removed from the site prior to final inspection by the Building Official.
47. The project applicant shall post a publicly visible sign that specifies the telephone number and person to contact regarding dust and other construction related complaints.

This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance).

48. The site shall be properly maintained during construction or a Stop-Work Order will be issued by the Building Official (i.e., refuse shall be discarded promptly, construction materials shall be neatly stored, and the public right-of-way shall not be encroached upon).
49. The water system shall be designed and constructed in accordance with City standards and State law and shall be installed by the developer and accepted by the City.
50. All water mains, sanitary sewers and their appurtenances, storm water drainage lines, and any other utilities to be located beneath the public street, with service laterals up to the property line for each individual lot included within the project area, shall be installed prior to surfacing the streets.
51. All public improvements including the installation of landscaping, construction of detention basins, installation of street improvements, installation of utilities, and installation of fencing shall be completed to the satisfaction of the Public Works Director and City Engineer.
52. Installation and testing of the sewer lines, water systems and fire hydrants must be conducted in accordance with AWWA and standard specifications.
53. All grading within the boundaries of the project shall be done under the direction and supervision of a soils engineer. Upon completion of all grading, a final soils report shall be submitted to the Public Works Department by the soils engineer. The report shall include locations and elevations of field density tests, summaries of field and laboratory tests, and any other substantiating data developed by the soils engineer.
54. If, during the course of construction, cultural, archaeological, historical, or paleontological resources are uncovered at the site (surface or subsurface resources), work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Public Works Director and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the Public Works Director and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.
55. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Monterey County has determined whether the remains are subject to the coroner's authority. This is in accordance with Section 7050.5 of the California Health and Safety

Code. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of identification. Pursuant to Section 5097.98 of the Public Resource Code, the Native American Heritage Commission will identify a "Native American Most Likely Descendent" to inspect the site and provide recommendations for the proper treatment or disposition of the remains and any associated grave goods.

56. All required street names, crosswalks, and traffic control signs as required, shall be installed in accordance with the drawings and specifications, the improvement plans, and the approval of the Public Works Director, City Engineer, and Police Chief.
57. All fixtures and appliances shall be water conserving and low-flow, subject to the approval of the Building Official and consistent with the City's water conservation ordinance and regulations of the State Water Resources Control Board. Toilets shall have maximum water usage of 1.6 gallons per flush. Showers shall consume a maximum of 2.5 gallons per minute.
58. The project applicant shall prepare a Post-Construction Storm Water Management Plan in accordance with the requirements of the Regional Water Quality Control Board, Central Coast Region, Resolution No. R2-2013-0032. The Plan shall be reviewed and approved by the Public Works Director and City Engineer. The City's standard Agreement for Maintenance of Storm Water Facilities shall be executed with the City and recorded with the Monterey County Recorder's Office.
59. When all construction is substantially complete, a temporary certificate of occupancy may be issued at the discretion of the Building Official. Temporary certificates of occupancy may be issued, at the discretion of the Building Official, on a building-by-building basis, or a phase-by-phase basis, thereby allowing phased occupancy of the total project.
60. A final certificate of occupancy shall not be issued until all punch-list items identified by the Building Official during the final inspection are complete and accepted to the satisfaction of the Building Official, any conditions imposed at the time a temporary certificate of occupancy is issued have been satisfied, final Fire Department approvals have been received, and all project close-out documents required under any development agreement, the City municipal code, and these conditions of approval have been received and accepted by the City.

**CITY OF GREENFIELD CITY COUNCIL
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GREENFIELD APPROVING A DEVELOPMENT AGREEMENT FOR
THE OPERATION OF MEDICAL MARIJUANA CULTIVATION AND
MANUFACTURING FACILITIES AT 900 CHERRY AVENUE**

WHEREAS, Section 65865 of the State of California Government Code provides that cities may enter into a development agreement with any person having a legal or equitable interest in real property for the development of property; and

WHEREAS, Section 65867.5 of the State of California Government Code provides that development agreements shall be approved by ordinance; and

WHEREAS, Sections 16.37.010 and 17.16.160 of the City of Greenfield Municipal Code set forth the procedures for approval of development agreements; and

WHEREAS, Section 5.28.090 of the City of Greenfield Municipal Code provides that development agreements may be entered into as a condition of issuance by the City of a regulatory permit or permits for medical marijuana cultivation and manufacturing facilities authorized under Chapter 5.28 of the City of Greenfield Municipal Code; and

WHEREAS, the City of Greenfield has received regulatory permit applications from Greenfield Organix, Inc., for medical marijuana cultivation and manufacturing facilities for property located at 900 Cherry Avenue; and

WHEREAS, it is the desire of the City of Greenfield City Council to approve issuance of regulatory permits for medical marijuana cultivation and manufacturing facilities to be located and 900 Cherry Avenue and to enter into a development agreement with Greenfield Organix, Inc. and the owner of said property for the establishment and operation of such facilities; and

WHEREAS, the proposed development agreement was heard, reviewed, and discussed by the City of Greenfield City Council at a duly noticed public hearing;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Greenfield has considered all written and verbal evidence regarding the proposed development agreement and has made the following findings:

1. FINDING: That the development agreement is consistent with the general plan objectives, policies, land uses, and implementation programs and any other applicable specific plans.
 - a. The proposed medical marijuana cultivation and manufacturing facilities are allowed uses in the Light Industrial (I-L) zoning district.

- b. The proposed project complies with all commercial development standards for the Light Industrial (I-L) zoning district set forth in sections 16.20.020 and 17.36.040 of the zoning code, including but not limited to requirements for minimum lot area, maximum lot coverage, building setbacks, building height limits, landscaping, resource efficiency, lighting, parking performance standards, and signage.
 - c. The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. It also encourages the redevelopment and reuse of vacant and/or underutilized commercial buildings. The proposed project utilizes a light industrial zoned property that is occupied by a residential unit surrounded by a primarily vacant and under-utilized site for a new commercial business.
 - d. The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will develop multiple greenhouse and manufacturing facilities that are of the scale and intensity appropriate for a light industrial development. The new development will consist of buildings that are of a size and height similar to adjacent and nearby industrial buildings.
 - e. The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project brings a new industry to the City that will provide new jobs to promote economic development and further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to do because of budget limitations and insufficient revenues.
2. FINDING: That the proposed development agreement is in conformance with the public convenience and general welfare of persons residing in the immediate area and will not be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole.
- a. The proposed medical marijuana cultivation and manufacturing facility is located in a light industrial zoned district in proximity to other light industrial type uses.
 - b. The construction of a 6 foot chain link and decorative security fence around the site perimeter will provide increased security for the site and the materials and products stored, cultivated, and manufactured in the facility.
 - c. A video surveillance system will be installed to monitor all exterior areas of the property, all site and building entrances and exits, and all interior spaces of the building, thereby providing additional security for the entire property.

- d. Security guard services will be provided 24 hours a day, 7 days a week.
 - e. The facility will not be open to the general public and no direct sales or product distribution will be made to the general public.
 - f. The development agreement includes provisions for public outreach and education programs to promote the public welfare and operational and security plans to ensure the facility is operated in a safe and legal manner.
3. FINDING: That the development agreement will promote the orderly development of property or the preservation of property values.
- a. The proposed development is infill development that will intensify land uses through the redevelopment of vacant and underutilized commercial sites.
 - b. The proposed medical marijuana cultivation and manufacturing facility is located in a light industrial zoned district in proximity to other light industrial type uses.
4. FINDING: All requirements of the California Environmental Quality Act have been met.
- a. If a project is subject to several discretionary approvals, for purposes of CEQA the “project” refers to the totality of the development project and not to each separate governmental approval (CEQA Guidelines section 15378). For purposes of the required CEQA discussion and analysis, the project under review includes the issuance of regulatory permits and conditional use permits, approval of development agreements, and tentative map and final map approvals for subdivision of certain specified property.
 - b. An Initial Study was completed for this project, dated April 20, 2016, using the “tiering” provisions of CEQA (CEQA Guidelines section 15152), wherein lead agencies are encouraged to use the analysis contained in EIRs for broader projects (i.e., a general plan EIR) as part of the analysis for subsequent specific projects. Section 15152(e) notes that tiering must be limited to situations where a project is consistent with the general plan and zoning. Pursuant to findings discussed above, the proposed project is consistent with the General Plan Light Industrial land use designation and with the applicable Light Industrial zoning development standards. This consistency enables the application of tiering provisions. The 2005 City of Greenfield General Plan Final EIR (General Plan EIR) examined potential impacts of the 2005 General Plan, including future development of the site with Light Industrial uses. Consequently, where prudent and applicable, information contained in this Initial Study is tiered from the General Plan EIR to avoid redundancy and streamline the analysis process for the proposed project.
 - c. The analysis methodology in the Initial Study also considered the streamlining provisions contained in section 15183 of the CEQA Guidelines, which address projects that are consistent with an established density for the site. CEQA

mandates that “projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” The Initial Study for this project focused on evaluating whether there are project-specific impacts that are peculiar to the project or the project site. Pursuant to findings discussed above, the proposed project is consistent with the Light Industrial land use designation and consistent with applicable Light Industrial zoning development standards. Therefore, where appropriate, the discussion of proposed project impacts in the Initial Study was limited as mandated in CEQA Guidelines section 15183.

- d. Section 15183 is particularly relevant for assessment of the incremental cumulative impacts of the proposed project, especially where such impacts were found to be significant and unavoidable in the General Plan EIR. The General Plan EIR identified several significant and unavoidable impacts for which the City approved Statements of Overriding Consideration. In these cases, the analysis in the Initial Study concluded that the proposed project contribution to these significant and unavoidable cumulative impacts was already identified in the previous EIR. This approach is consistent with CEQA Guidelines section 15183(c) which states, “if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.”
- e. The Initial Study prepared for this project found that with the inclusion of two conditions of approval identified in the Initial Study, the proposed project would not have significant environmental impacts. Those conditions require a pre-construction survey be conducted to determine whether protected nesting birds are present prior to the start of construction, and that a historic resource assessment of the existing residence be conducted. (Note: The historic resource assessment has since been completed and concluded the existing residence does not have any historical significance.)
- f. The Initial Study found that all potentially significant impacts were analyzed adequately in the earlier General Plan EIR and have been avoided or mitigated pursuant to that earlier EIR or are addressed through conditions of approval that can be imposed on the proposed project. Therefore, no further environmental review is required.

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

Section 1. That the development agreement with Greenfield Organix, Inc., be approved and adopted by ordinance substantially in the form of the agreement attached hereto.

Section 2. Effective Date: This Ordinance shall take effect thirty (30) days from and after its passage and adoption by the City Council of the City of Greenfield.

INTRODUCED at a regular meeting of the City Council of the City of Greenfield held on the 14th day of June, 2016.

PASSED AND ADOPTED by the City Council of the City of Greenfield, at a regularly scheduled meeting of the City Council held on the ____ day of _____, 2016, by the following vote:

AYES, and all in favor, thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**Cultivation and Manufacturing
Development Agreement**

This Agreement is made by and between and among the CITY OF GREENFIELD (“City”) and _____ (“Operator”) and _____ (“Owner”) this ____ day of _____, 2016, as required by section 5.28.090 of the City of Greenfield municipal code setting forth the terms and conditions under which Operator shall operate a medical marijuana cultivation and manufacturing facility pursuant to its Regulatory Permit and Conditional Use Permit that are in addition to the requirements of the Conditional Use Permit and chapter 5.28 of the City of Greenfield municipal code, including, but not limited to, public outreach and education, community service, payment of fees and other charges as set forth or referenced herein, and such other terms and conditions that will protect and promote the public health, safety, and welfare. The requirements set forth in Ordinance No. 515, Chapter 5.28 of the City of Greenfield municipal code and the Administrative Regulations adopted by the City Council of the City of Greenfield by resolution 2016-15 are incorporated herein by reference.

1. **Government Code and Municipal Code Required Elements**

a. **Description of Property**

Land situated in the City of Greenfield, County of Monterey, State of California, described as Lot 3 as shown in Volume 19 of Parcel Maps at Page 38, Records of Monterey County; APN: 109-521-040; whose street address is 36 4th Street, City of Greenfield.

b. **Owner and Other Person with Legal or Equitable Interest**

Owner:

Lessee:

c. **Duration of Agreement**

This Agreement shall remain in full force and effect so long as the subject property is used for a medical marijuana facility as presently authorized under chapter 5.28 of the City of Greenfield municipal code; provided, however, such use is not abandoned for a period of not more than six (6) months.

d. Permitted Uses

The subject property may be used for any medical marijuana facility as presently authorized under chapter 5.28 of the City of Greenfield municipal code, and for any other use as authorized under title 17 of the City of Greenfield municipal code. Although title 17 does not specifically identify medical marijuana facilities as allowed uses in any zoning district, such uses are similar to other listed uses, including, but not limited to, medical services – clinics, offices, laboratories; garden center/plant nursery; food and beverage manufacturing; and agricultural products processing; and, therefore, medical marijuana facilities are allowed uses in the same zoning districts in which such similar uses are allowed under table 17.26-1 of chapter 17.26 of the City of Greenfield municipal code.

The sale or distribution of medical marijuana and medical marijuana products to the public (consumer end-user) shall only be through a permitted medical marijuana dispensary, to a qualified patient or caregiver, or as otherwise allowed under state law. The sale or distribution of medical marijuana and medical marijuana products to the public (consumer end-user) from a medical marijuana cultivation or manufacturing facility is absolutely prohibited.

e. Density or Intensity of Uses

Highway Commercial Zoning District: For property located in the Highway Commercial zoning district, the maximum lot coverage is 50 percent; however, if any person having a legal or equitable interest in the subject property is a signatory to this Agreement, the maximum lot coverage is 100 percent, subject, however, to minimum front and street side setbacks of 20 feet, provision of sufficient on-site parking for all employees, visitors, and shipping/receiving, on-site circulation for pedestrians and vehicles, minimum building separation as required by the building code, and on-site landscaping. Except as required for driveways and vehicle and pedestrian access, the front and street side setback areas shall be landscaped as otherwise required under chapter 17.54 of the City municipal code.

Light Industrial Zoning District: For property located in the Light Industrial zoning district, the maximum lot coverage is 100 percent, subject, however, to minimum front and street side setbacks of 30 feet, provision of sufficient on-site parking for all employees, visitors, and shipping/receiving, on-site circulation for pedestrians and vehicles, minimum building separation as required by the building code, and on-site landscaping. Except as required for driveways and vehicle and pedestrian access, the front and street side setback areas shall be landscaped as otherwise required under chapter 17.54 of the City municipal code

f. Maximum Building Height and Size

Maximum building height is 45 feet in the Highway Commercial zoning district, 30 feet in the Light Industrial zoning district if less than 100 feet from any residential zoning district, and 40 feet in the Light Industrial zoning district if more than 100 feet from any residential zoning district. There is no maximum building size, subject, however, to minimum front and street side setbacks and provision of sufficient on-site parking for all employees, visitors, and shipping/receiving.

g. Reservation or Dedication of Land for Public Purposes

Sufficient roadway, sidewalk, and utility easements shall be reserved or dedicated to the City for such purposes.

h. Regulatory Permit Application

Section B-5 of the Administrative Regulations adopted by the City Council by Resolution 2016-15 requires inclusion in this Agreement the requirements of section 5.28.050, paragraph F, of the City municipal code. Operator's Regulatory Permit application, as amended or supplemented, sets forth the requirements of that paragraph, which application, as amended or supplemented, is incorporated herein by reference. The requirements and provisions set forth in the Regulatory Permit application, as amended or supplemented, shall have the same force and effect as if set forth in this Agreement; except, however, if there is any conflict, inconsistency, or discrepancy between the Regulatory Permit application, as amended or supplemented, and this Agreement, the provisions of this Agreement take precedence.

2. Operator's Site and Floor Plan

a. Operator's site and floor plan for the facility is attached hereto and incorporated by reference. The floor plan identifies the uses of each interior space, and is the basis for calculating the annual per square foot fee specified in paragraph 6 hereinbelow.

b. A preliminary landscape plan will be prepared and reviewed and approved by the Planning Director as part of the design review process. A final landscape plan shall be prepared and submitted in conjunction with building and site improvement plans prior to issuance of building permits for construction activities.

c. An exterior signage plan will be prepared and reviewed and approved by the Planning Director in accordance with the procedures and requirements of section 5.28.150 and chapter 17.62 of the City of Greenfield municipal code.

3. Facility Operations

a. Standard Operating Procedures

Operator is a non-profit mutual benefit corporation that will serve medical marijuana qualified patient and primary caregiver collective members who will comply with all relevant California state laws and local ordinances. See, California's Compassionate Use Act (Proposition 215) as codified in Health and Safety Code §11362.5; Senate Bill 420, the Medical Marijuana Program Act (H&S Code §§1362.7 to 11362.83); the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (2008 Attorney General Guidelines); and the newly enacted Medical Marijuana Regulation and Safety Act that is comprised of Assembly Bill 243, Assembly Bill 266, and Senate Bill 643.

During the term of its Regulatory Permit and the term of this Agreement, Operator shall lawfully operate in accordance with all State and local laws. Operator will employ exemplary operating procedures to comply with State and local laws. Operator's facility will employ safety and security measures as set forth herein for the safety and security of its employees, as well as other individuals in its neighboring community.

b. Security Plan

The issuance of a Regulatory Permit is conditional upon approval of the proposed security plan by the City Police Chief. The security plan shall include, at a minimum and as appropriate, provisions for video surveillance, perimeter fencing and security, protection of the building(s) from vehicle intrusion, cash handling procedures, product handling and storage procedures, and a professionally monitored alarm system. Equipment and systems used for video surveillance and building alarms will be approved by the City.

Video surveillance shall include, at a minimum, all site and facility entrances and access points, all spaces accessible by the public, all secured areas of the facility with restricted access, all interior spaces and rooms where medical marijuana products are handled and processed, shipping and receiving areas, cash storage areas, and other areas necessary to protect the safety of employees and the public and to ensure medical marijuana products are received, handled, stored, packaged, shipped, and distributed in compliance with applicable local and state laws and regulations. The video surveillance system shall be web-based with direct access provided to the City Police Department for real-time monitoring from the Police Department and through authorized smart phone devices.

The security system will also include sensors to detect entry and exit from all secure areas, panic buttons in appropriate locations, and a professionally monitored alarm system with glass breakage sensors and motion detectors.

Operator will employ properly trained and licensed third-party security personnel to protect the welfare and safety of Operator employees and to ensure public safety to the neighboring community. Operator shall use security personnel 24 hours, 7 days a week. Security personnel may be armed with the prior approval of the City Police Chief. Security personnel may be subject to a background investigation by the City Police Chief. Security personnel shall not be assigned to or employed at the Operator's facility without the prior approval by the City Police Chief.

All security personnel shall register and maintain valid registration status with the State of California Department of Consumer Affairs. At no time shall any security personnel register with the State at any level that is less than that of a proprietary private security officer. Proof of application and registration for all security personnel shall be maintained by the Operator and shall consist of copies of all relevant documentation including: application forms, receipts for application fees and live scan fees, and actual proof of registration.

c. Possession of Firearms

Except for licensed security personnel approved by the City Police Chief, no person employed by the Operator shall be in possession of any firearm while on the premises or location without having first obtained a license from the appropriate state or local agency authorizing the person to be in possession of such firearm. Every such person in possession of a firearm while on the premises or location must provide the City Manager and the City Police Chief, ten days before bringing the firearm onto the premises, with the following:

1. A copy of the license issued to the person by the appropriate state or local agency authorizing him or her to possess such firearm;
2. A copy of his or her law enforcement identification (if he or she is employed by a law enforcement agency);
3. A copy of his or her California driver's license or California identification card; and
4. Any other information reasonably required by the City Police Chief to show that the individual is in compliance with the provisions of all laws regarding the possession and use of a firearm.

d. Identification Display

Each owner, manager, employee, and individual member engaged in the cultivation, processing, manufacturing, distribution, or transporting of medical marijuana shall at all times while engaged in the duties of his or her position wear in plain sight, on his or her person and at chest level, a valid identification badge, issued by the City Police Chief and containing such information, including a

suitable photograph, as the City Police Chief may require. No owner, manager, employee, or individual member engaged in the cultivation, processing, manufacturing, distribution, or transporting of medical marijuana shall engage in any activities on behalf of Operator with which he or she is employee, without first obtaining a valid identification badge. Identification badges shall expire one year after issuance. Application for renewed identification badges shall be filed with the City Police Chief no later than thirty days prior to the expiration of the current identification badge. Identification badges will be the property of the City and shall be immediately collected by the Operator and provided to the City Police Chief within twenty-four hours of their expiration, or within twenty-four hours of the termination of the employment.

e. Procedures for Inventory Control to Prevent Non-Medical Diversion of Medical Marijuana

Only employees who receive clearance from the City Police Chief will be permitted to enter Operator's facility. Each employee will have to meet a criminal background investigation conducted by the City Police Department, which at a minimum shall include a LiveScan criminal history check.

Operator membership rules will seek to prevent the diversion of medical marijuana for non-medical uses by implementing strict policies and practices, as well as efficient transparency to maintain tight controls on inventory and donations and/or cost reimbursements received.

Operator's collective agreement will prohibit the use of medical marijuana by its employees at its facility, in the neighborhood vicinity of its facility, and/or while driving.

Operator will take all necessary and reasonable steps to prevent the distribution of any of its medical cannabis products to minors; prevent revenue from the sale or distribution of its medical cannabis and/or infused products from going to criminal enterprises, gangs and cartels; prevent the diversion of marijuana from California to any other state; prevent state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevent violence and the use of firearms in the cultivation, manufacture and distribution of marijuana; discourage and educate against drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; disavow growing marijuana on public lands that creates attendant public safety and environmental dangers posed by such illegal uses; and discourage and educate against marijuana possession or use on federal property.

f. Quality Control and Testing

Operator will utilize quality control measures and testing to ensure only the highest quality of medical marijuana and infused products will be produced. Operator will inspect the product to insure its identity and quantity, and will have SC Labs, or other testing lab approved by the City, perform testing of random samples prior to distribution to its patient collective membership affiliates. Inspection and testing will be conducted by the approved testing lab off-site. Testing standards and procedures shall be in accordance with applicable State law and regulations.

All medical marijuana products will undergo a quality assurance review prior to distribution to Operator's patient collective affiliates in order to ascertain its quantity and content. Inventory procedures will be utilized for tracking and taxing purposes by the state. Operator will employ an efficient record-keeping system to make transparent its financing, testing, and adverse effect recording, as well as recall procedures. Operator will employ an efficient record-keeping system that will reflect its financing, testing, and adverse effect recording and product recall procedures.

g. Packaging of Medical Marijuana and Infused Products

All Operator medical marijuana products will be packaged and labeled as required by section 19347 of the California Business and Professions Code and applicable requirements and regulations issued by the State pursuant thereto. In addition to those packaging and labeling requirements, and packaging and labeling requirements set forth in the Operator's Regulatory Permit application, as amended or supplemented, all medical marijuana products shall be packaged in an opaque childproof container which shall contain a label or be accompanied by a leaflet or inset that states, at a minimum:

1. The name, address and telephone number of the medical marijuana dispensary facility to which the medical marijuana product is distributed, sold, or transferred;
2. The amount of medical marijuana in the container; and
3. The date the medical marijuana was transferred to a medical marijuana dispensary facility.

Operator intends to produce infused products and will secure any approval from the County of Monterey Health Department required for manufacturing and handling such products. Operator infused products will not be produced, manufactured, stored or packaged in private homes. All Operator medical marijuana infused products shall be individually wrapped at the original point of preparation.

h. Point of Sale Tracking System

Operator will maintain an inventory control and reporting system that accurately documents the location of medicinal marijuana products from inception through distribution, including descriptions, weight, and quantity. The inventory control and reporting system shall comply with the track and trace program required by section 19335 of the California Business and Professions Code and regulations issued therein.

Operator will employ an electronic point of donation/sale system approved by the City, such as BioTrack THC, MJ Freeway, or similar system for all point of donations/sales tracking from seed or inception to product distribution to other licensed medical marijuana dispensary facilities. Such approved system will track all Operator medical marijuana products, each edible, harvested flower, and/or manufactured concentrate, as well as gross sales (by weight and sale). BioTrack THC, MJ Freeway, or similar system will have the capacity to produce historical transactional data in accordance with the City's requirement.

i. Record Keeping

Operator will maintain records for all dispensed medical marijuana and/or infused products. Operators will comply with all records-keeping responsibilities that are set forth in Ordinance 515, section 5.28.220, including complete and up-to-date records regarding the amount of medical marijuana cultivated, produced, manufactured, harvested, stored, or packaged at Operator's facility.

j. Processing, Handling, Storing, and Distribution of Medical Marijuana and Related Products

Medical marijuana cultivation, handling, storing, and processing shall be concealed from public view at all stages of growth and processing, and there shall be no exterior evidence of cultivation or processing occurring at the premises from a public right-of-way or from an adjacent parcel. Medical marijuana cultivation, handling, storing, processing, or distribution shall not create offensive odors; create excessive dust, heat, noise, smoke, traffic, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; or be hazardous due to use or storage of materials, processes, products, or wastes.

Operator will store its medical marijuana and/or medical marijuana products in a locked safe room with T-card identification access for management only. The safe room will be constructed of fire-rate walls with numerous cameras installed to view all entries and exits from the safe room, as well as all other activities performed within Operator's facility. Operator will not conduct outdoor operations except as related to lawful delivery and transportation of medical marijuana and infused products. Operator will not store medical marijuana or

related products in its delivery vehicle outside normal operating hours of the facility.

Medical marijuana products will be sold or distributed only to licensed dispensaries in California. Excess or contaminated product will be securely stored on-site until it is properly disposed. Disposal may include composting, incineration, land-fill disposal through the local waste management hauler, or other disposal methodology in accordance with state and county health and safety codes and regulations.

k. Odor Control

All structures shall have ventilation and filtration systems installed that prevent medical marijuana plant odors from exiting the interior of the structure. The ventilation and filtration system shall be approved by the Building Official and City Manager and installed prior to commencing cultivation or manufacturing within the allowable structure. Facility air intake, exhaust, and recirculating systems shall be of industrial grade. Activated charcoal, recirculating, and closed loop aeration systems will be utilized as necessary for effective odor control and management.

l. Description of Banking Plan

Operator will seek to open a bank account under the name of the Operator or its associated management company to provide transparency for funds received, operational costs, including payroll, tax payments to the state and federal governments, among others. Should a bank account not be forthcoming, Operator will purchase and install safes to secure all daily funds received from its collective membership or other lawful cooperative corporation to which its products are sold, transferred, or distributed. If Operator successfully opens a bank account, it will make provisions for Operator collective members or other lawful cooperative corporations to implement debit and credit card transactions. Operator will not accept personal or corporate checks.

m. Transportation Plan

Operator will comply with all local and state law regarding transportation, including the rules governing delivery service. Operator will retain a list of names and cellular contact numbers for all employees engaged in transportation of medical marijuana products and provide it to the City Police Department, keeping the list current and up to date.

All Operator employees engaged in transportation of medical marijuana products shall carry a copy of the dispensary's current license authorizing the delivery of medical marijuana and/or related products, along with the employee's government-issued identification. The Operator employee engaged in

transportation will be instructed to present his/her license and identification upon request to state and local law enforcement and other employees of regulatory authorities. The licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the City and its police officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information (HIPPA). The licensed dispensary requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the City and its law enforcement officers.

Operator will keep complete and up-to-date records documenting each transfer of medical marijuana to other lawful cooperative corporations, including the amount provided, the form or product category in which the medical marijuana was provided, the date and time provided, the name of the employee making the transfer, the name and address of the other lawful cooperative corporation to whom delivery is made, and the amount of any related donation or other monetary transaction.

4. Community Relations

a. Public Outreach and Education Program

Operator shall create an effective public outreach to City of Greenfield's community, including but not limited to outreach and interface with public and private schools, youth organizations, religious organizations, health care providers, drug abuse treatment providers, and mental health and drug counseling providers.

Operator will coordinate and cooperate with the City and other medical marijuana operators located within the City of Greenfield in the establishment and implementation of appropriate public outreach and education programs. The public outreach and education programs shall be approved by the City.

The public outreach and education program shall

b. Community Benefits Program

Operator will coordinate and cooperate with the City and other medical marijuana operators located within the City of Greenfield in the establishment, implementation, and funding of a community benefits program which could include such items as new community recreation facilities, expansion and/or improvement to existing facilities or other physical improvements that provide a benefit to the community, support of holiday and special community events, and support of local public service and special districts and organizations. This community benefits program may be implemented by a foundation or other association of medical marijuana operators issued regulatory permits by the City.

The City and the public will participate in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the entity implementing this community benefits program. All projects under the community benefits program must be approved by the City.

c. Designation of Persons Responsible for Community Relations

At the time of this Agreement, Operator's operator and general manager, Vyasa Pearson, will be responsible for community inquiries and complaints and on site during normal business hours.

d. Interface with City of Greenfield Police Department

Operator's general manager Vyasa Pearson will interface with the City Police Department to ensure its operation is in compliance with local and state laws and regulations.

e. Local Recruitment, Hiring and Training Programs

Operator is committed to making a good-faith effort to recruit, hire, and train local residents for employment by the Operator. A good-faith effort means the Operator will take the following or similar actions to recruit and employ local residents: 1) Contact local recruitment sources to identify qualified individuals who are local residents, 2) Advertise for qualified local residents in trade papers and newspapers of general circulation in the area, and 3) Develop a written plan to recruit and employ local residents as a part of the its workforce.

Operator will also seek local companies to serve as its general contractor and subcontractors needed for construction and build-out improvements of the Operator's medical marijuana facilities. Additionally, local companies will be sought to employ as licensed security guards needed once Operator's facility is opened, as well as for ancillary services needed.

5. Indemnification of City From Liability

a. Pursuant to the City's requirement, Operator will indemnify the City from any claims, damages, injuries, or liabilities of any kind associated with the registration or operation of Operator's medical marijuana facility or the prosecution of Operator's facility or its owners, managers, directors, officers, employees, or its qualified patients or primary caregivers for violation of federal or state laws.

b. Operator agrees to defend, as its sole expense, any action against the City, its agents, officers, and employees related to the approval or issuance of the Regulatory Permit and any separate Conditional Use Permit.

c. Operator agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval or issuance of a Regulatory Permit or a Conditional Use Permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the holder of the Regulatory Permit or Conditional Use Permit of its obligations hereunder.

6. Fees and Other Charges

a. Operator agrees to pay all permit fees and charges reference in section 5.28.089 of the municipal code, in the amounts adopted by the City Council by resolution. Permit application, processing, and renewal fees shall be due and payable at the time application is made.

b. Operator agrees to reimburse the City for all additional costs of the City resulting from the operation of a medical marijuana facility authorized under chapter 5.28 of the municipal code and the administrative regulations. Reimbursement to the City for such costs shall be due and payable upon demand.

c. Operator agrees to comply with the City's future adoption of a local tax and/or other revenue raising mechanism, and in the interim agrees to pay the City an annual per square foot fee in an amount not less than \$15 per gross square foot, but no more than \$20 per gross square foot, to enable the City to promote, protect, and enhance the healthy, safety, and welfare of the community and its residents and its quality of life. Operator agrees to compensate the City for the increased demand on City services, infrastructure, and utilities; local traffic demands; and increased City review and oversight by the police department, planning department, and code enforcement of the operations of Operator's facility. Operator understands and agrees the determination of the required per square foot fee will consider such factors as the size, design, layout, operation, and security plan for the facility; potential adverse effects on the community; and the allocation of City services and staff time to oversee the operation of the facility.

d. Operator understands and agrees such per square foot fee shall be paid in a manner and in accordance with a payment schedule agreed to by the City and Operator. For the first year of operation, the per square foot fee shall be \$___ per square foot. The cultivation and manufacturing space to which this fee applies is as identified on the attached building plan. Payment shall be in equal installments paid quarterly commencing at the end of the first quarter after the effective date of the Regulatory Permit which shall be no sooner than the date a certificate of occupancy is issued for the subject premises.

e. If the Operator makes any changes to the interior layout of the facility that increases the amount of space allocated to those uses to which the per square foot fee applies, the Operator shall notify the City of such changes at least fourteen (14) calendar days prior to making such changes, and the per square foot fee shall be modified accordingly. If the Operator fails to give City notice as required herein, the Operator shall be responsible for paying to the City a per square foot fee based on any increase in the amount of space allocated to those uses to which the per square foot fee applies retroactive to the date the Regulatory Permit became effective.

f. Operator understands and agrees the annual per square foot fee shall be subject to review and modification upon each annual renewal of the Regulatory Permit applying the same standards set forth in paragraph c. above.

7. Insurance

a. Operator will purchase a commercial general liability policy that includes coverage for property and personal injury, motor vehicle, and workers' compensation insurance with limits no less than \$1,000,000 per occurrence.

b. Operator agrees to have its insurance carrier name the City as an additional named insured on all required insurance policies.

8. Resource Efficiency

The design of the facility shall include significant water and energy conservation measures to minimize resource consumption. The design shall incorporate solar, wind, high efficiency lighting, and water recycling systems and technology. High efficiency LED lighting systems for the exterior lighting will be used. If economically and technologically feasible, grow lights shall be high efficiency LED lighting systems. Automated, digitally controlled watering and fertilization systems shall be used for all plant cultivation. Cultivation will be a continuous hydroponic grow, in a soil-less grow medium. All water mixed with nutrients will be recycled. Stormwater shall be collected and recycled to the extent feasible.

9. Standard Conditions for Construction

During any on-site construction activities related to development of the project site and any buildings thereon, or renovation or remodeling of existing buildings, the Owner and Operator shall comply with all applicable terms and conditions of the City's Standard Conditions for Construction, attached hereto and incorporated herein by reference.

10. California Environmental Quality Act

Operator shall reimburse the City for any and all costs incurred by the City related to project review under the California Environmental Quality Act (CEQA), Public Resources Code, §§21000-21189.3, and the Guidelines for California Environmental Quality Act, California Code of Regulations, Title 14, Chapter 3, §§15000-15387. If requested by the City, Operator shall conduct and pay for any required CEQA reviews and analyses.

11. Rules, Regulations, and Official Policies

Except as otherwise provided in this Agreement, the rules, regulations, and official policies of the City governing permitted uses of the land, governing density, and governing the design, improvements, and construction standards and specifications applicable to the development of the project subject to this Agreement, shall be those rules, regulations, and official policies of the City in force at the time of the execution of this Agreement. This Agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor does this Agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, or policies.

12. Regulatory Permit and Conditional Use Permit Conditions of Approval

a. Operator shall comply with all conditions of approval of the Regulatory Permit approved by the City Council per Resolution 2016-___, a copy of which is attached hereto and incorporated herein by reference.

b. Operator and Owner, as the case may be, shall comply with all conditions of approval of the Conditional Use Permit issued by the City Council per Resolution 2016-___, a copy of which is attached hereto and incorporated herein by reference.

13. Amendment or Cancellation

This Agreement may be amended, or canceled in whole or in part, only by the written mutual consent of the parties to this Agreement or their successors in interest.

14. Waiver

Waiver by the City of any one or more of the terms or conditions of this Agreement shall not be construed as waiver of any other term or condition under this Agreement.

15. Severability

If any part of this Agreement is found to be in conflict with applicable state laws or regulations, such part shall be inoperative, null, and void insofar as it is in conflict with said laws or regulations, or modified or suspended as may be necessary to comply with such state laws or regulations, but the remainder of this Agreement shall continue to be in full force and effect.

16. Periodic Reviews

This Agreement shall be subject to annual review. The Owner and Operator executing this Agreement, or successor in interest thereto, shall demonstrate good faith compliance with the terms of this Agreement. If, as a result of such periodic review, the City finds and determines, on the basis of substantial evidence, that the Owner or Operator executing this Agreement, or successor in interest thereto, has not complied in good faith with the terms or conditions of this Agreement, the City may terminate or modify this Agreement.

17. Enforcement

Unless amended or canceled pursuant hereto, this Agreement shall be enforceable by any party hereto, or successor in interest thereto, notwithstanding any subsequent change in any applicable general or specific plan, zoning, subdivision or building regulation, or municipal code amendment adopted by the City that is in conflict with the terms of this Agreement.

18. Obligation of Owner

The Owner shall have rights, duties, obligations, and liability only as expressly set forth herein. The Owner shall have no responsibility or liability for the failure of the Operator to perform as required by this Agreement.

19. Assignment by Owner

The Owner may transfer, delegate, or assign its interest, rights, duties, and obligations under this Agreement.

20. Assignment by Operator

The Operator shall not transfer, delegate, or assign its interest, rights, duties, and obligations under this Agreement without the prior written consent of the other parties to this Agreement. Any assignment, delegation, or assignment without the prior written City consent of the other parties to this Agreement shall be null and void. Any transfer, delegation, or assignment by the Operator as authorized herein shall be effective only if and upon the party to whom such transfer, delegation, or assignment is made is issued a Regulatory Permit as required under chapter 5.28 of the City's municipal code.

21. Operating Medical Marijuana Facility

Any party to this Agreement, or successor in interest thereto, shall not operate a medical marijuana facility authorized under the City's municipal code unless:

- a. It is the holder of a valid Regulatory Permit issued by the City in accordance with the procedures and requirements of chapter 5.28 of the City's municipal code; and
- b. At such time as the State of California requires medical marijuana facilities and businesses to hold a valid license or permit issued by the State of California, it also holds such license or permit, unless, however, such State issued permit or license is not required by the State of California for the type of medical marijuana facility or business operation that is the subject of this Agreement.

22. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. The execution of this Agreement may be by actual, facsimile, or electronic signature.

23. Jurisdiction

The law governing this Agreement shall be that of the State of California. Any suit brought by any party against any other party arising out of the performance of this Agreement shall be filed and maintained in the County of Monterey Superior Court.

24. Disclaimer

Despite California's medical marijuana laws and the terms and conditions of this Agreement, any Conditional Use Permit, or any Regulatory Permit issued pertaining to the Operator or the property specified herein, California medical marijuana cultivators, transporters, distributors, or possessors may still be subject to arrest by state or federal officers and prosecuted under state or federal law. The Federal Controlled Substances Act, 21 USC § 801, prohibits the manufacture, distribution, and possession of marijuana without any exemptions for medical use.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

CITY OF GREENFIELD

OWNER

Susan A. Stanton, ICMA-CM
City Manager

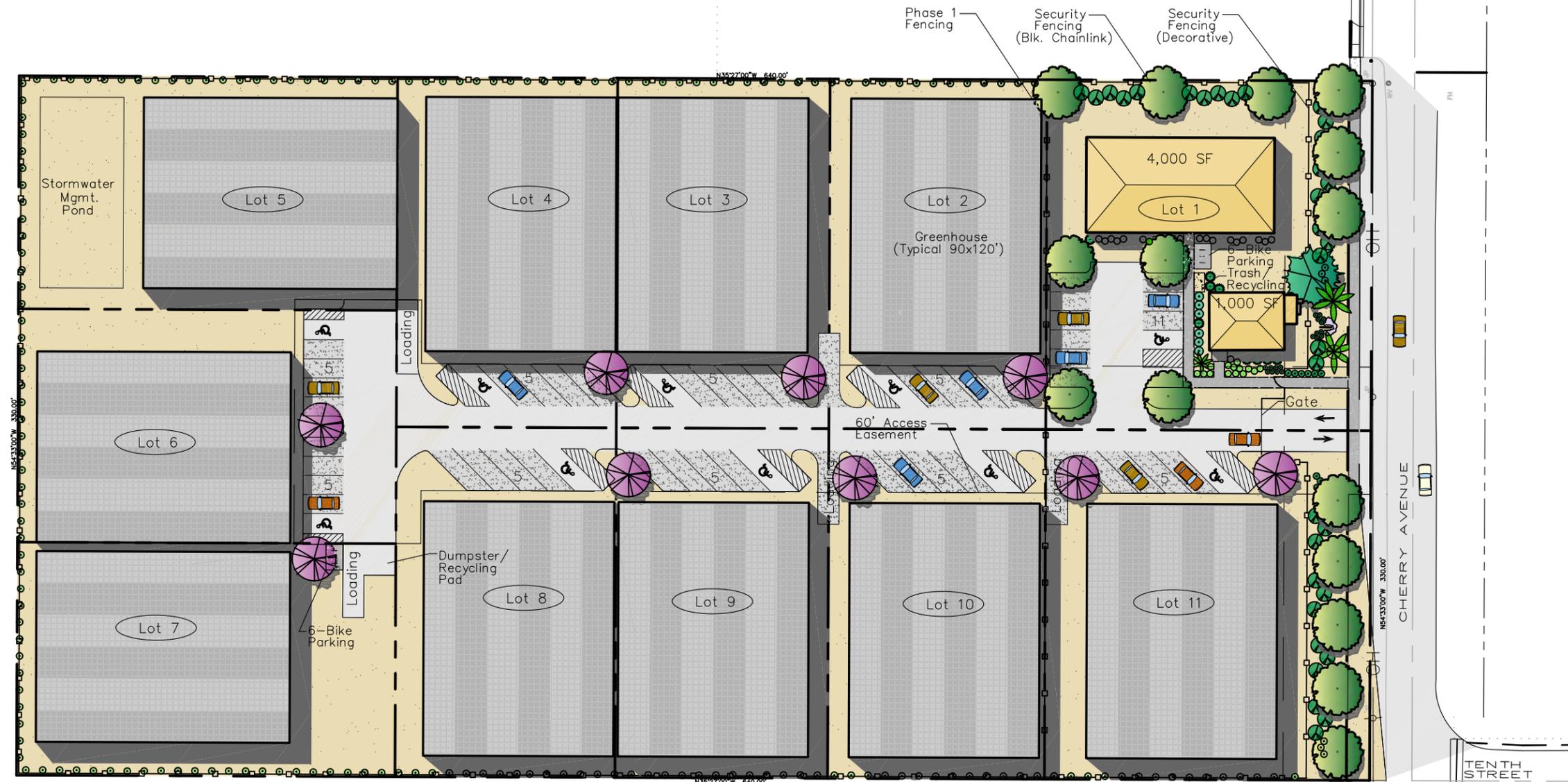
Name:
Title:

OPERATOR

Name:
Title:

APPROVED AS TO FORM:

Bradley W. Sullivan
City Attorney



North

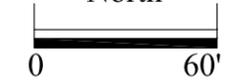


Figure 5

Title: Illustrative Plan
Location: 900 Cherry Avenue, Greenfield
Date: 4/11/16



EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM
Monterey, CA 881.648.1798 www.emcplanning.com

GREENFIELD ORGANIX

Conditional Use Permit

Legend

-  Phase I
-  Phase II
-  Phase III

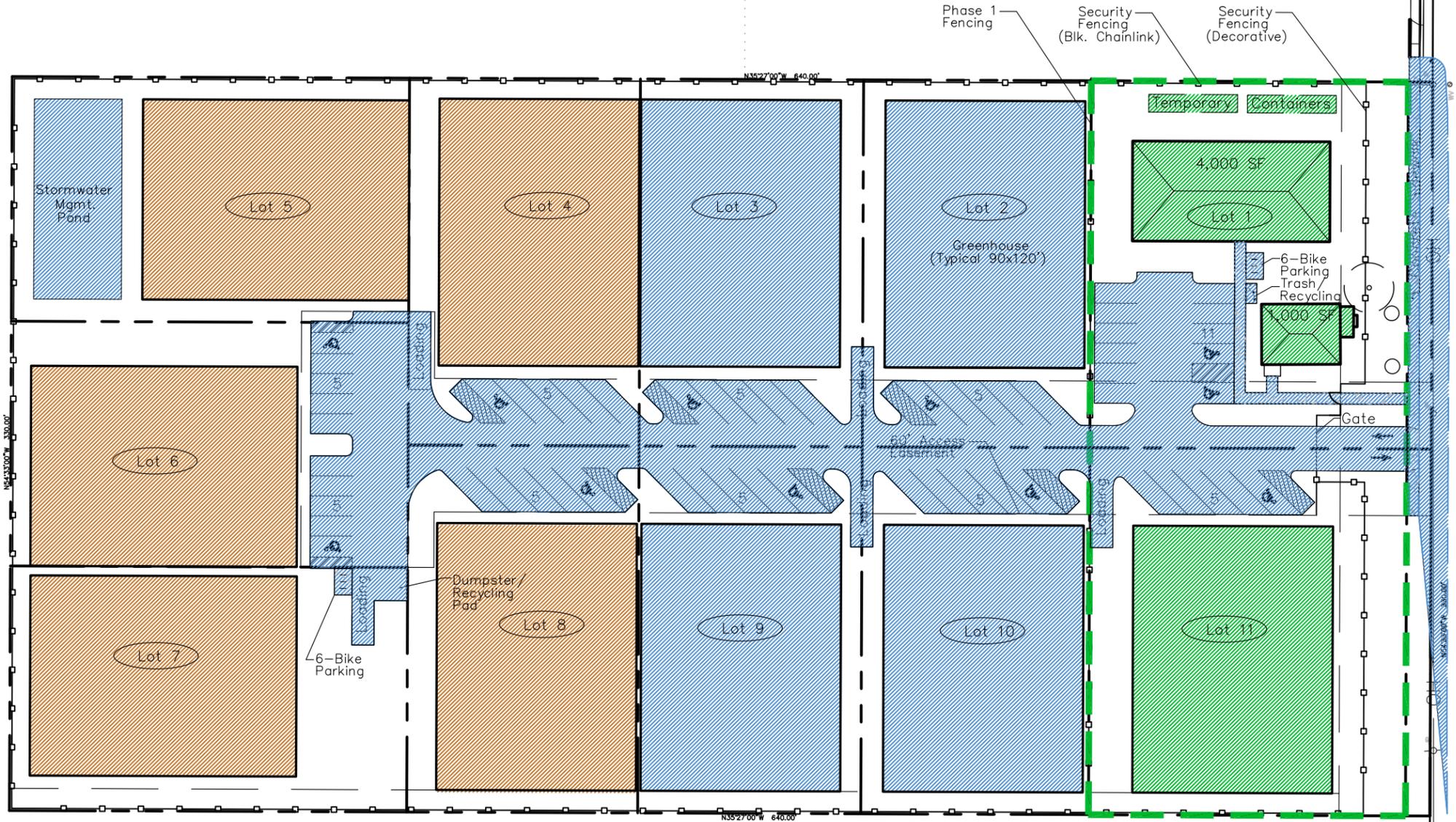


Figure 7

Title: Phasing Plan
 Location: 900 Cherry Avenue, Greenfield
 Date: 4/11/16



EMC PLANNING GROUP INC.
 A LAND USE PLANNING & DESIGN FIRM
 Monterey, CA 881.648.1799 www.emcplanning.com

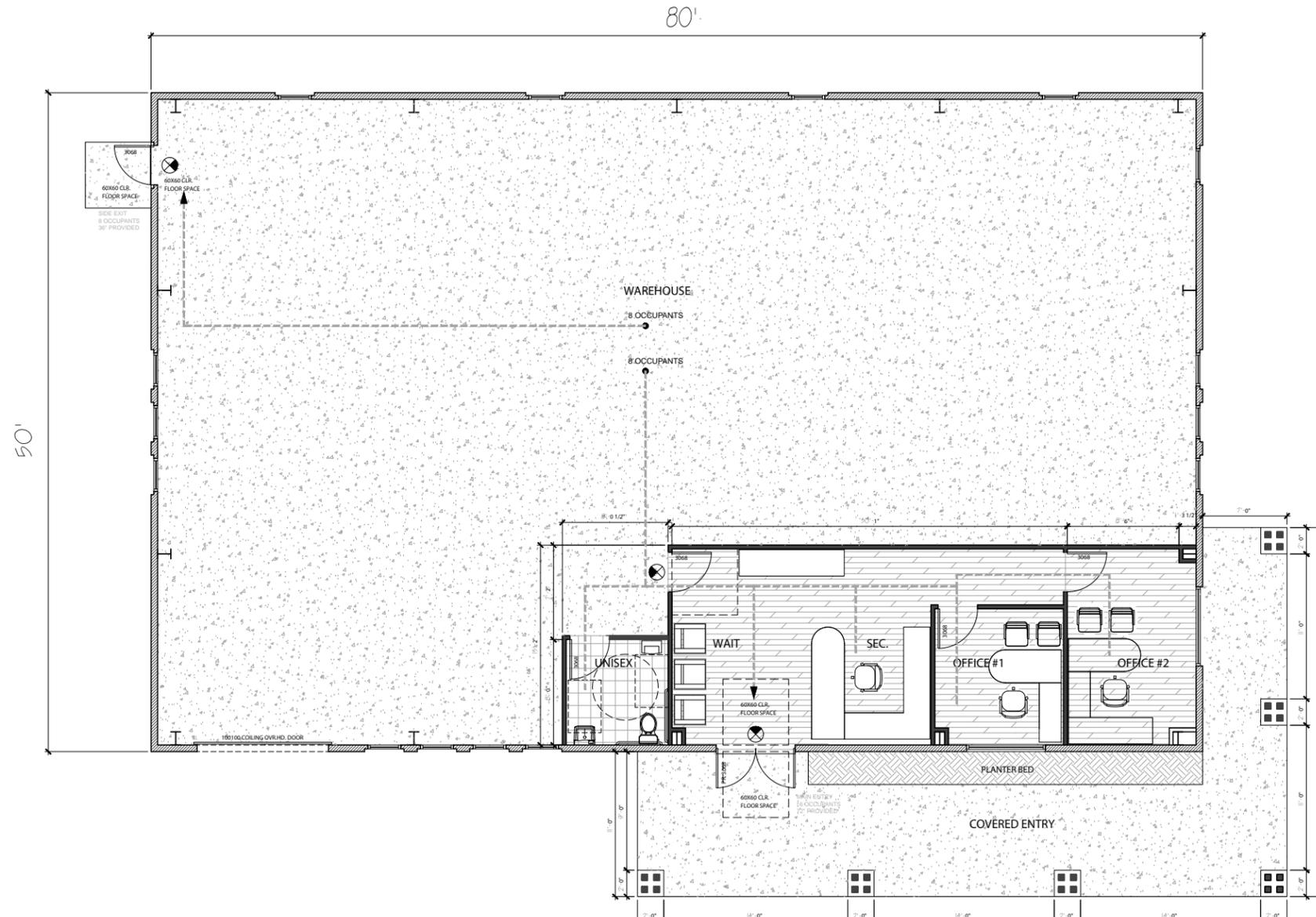


**PO DESIGN
STUDIO INC**

EIGHT FIFTY WEST UPAS STREET
SAN DIEGO, CALIFORNIA 92103
TELEPHONE: 1-858-527-0888

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**GREENFIELD ORGANIX
WAREHOUSE FAC.**
FLOOR PLAN



SUBJECT STRUCTURE INFORMATION

BUILDING TYPE	TYPE V-B
OVERALL BUILDING AREA	4,000 SQ.FT.
NUMBER OF STORIES	1- STORY
REQUIRED NUMBER OF EXITS	2- REQUIRED/ 2- PROVIDED
FIRE SPRINKLER SYSTEM TO BE INSTALLED	YES
MAX BUILDING HEIGHT	APPROX. 17'-0" ABV. GRADE

FACILITY OCCUPANCY USE CAT. B / F-1

ROOM NAME	FLOOR AREA	LOAD RATIO	OCCUPANTS
SECRETARY	115 SQ.FT.	1 / 100	1
WAITING	62 SQ.FT.	1 / 15	4
OFFICE #1	107 SQ.FT.	1 / 100	1
OFFICE #2	152 SQ.FT.	1 / 100	1
UNISEX BATHROOM	68 SQ.FT.	1 / 50	1
WAREHOUSE	3,292 SQ.FT.	1 / 200	16

REQ. FIXTURE CALC. PER 2013 CPC TABLE 4-1

ROOM NAME	FLOOR AREA	LOAD RATIO	OCCUPANTS
GROUP B AREA	642 SQ.FT.	1 / 200	3
GROUP F-1 AREA	3,292 SQ.FT.	1 / 2,000	2

PER 2013 CPC SEC 412.3
In occupancies serving ten (10) or fewer people, one (1) toilet facility, designed for use by no more than one (1) person at a time, shall be permitted for use by both sexes.

PROJECT INFORMATION

ADDRESS	940 CHERRY AVE
A.P.N.	SEE A1.0
LEGAL	SEE A1.0
ZONING	XXX
BUILD. TYPE	TYPE V B

PLAN REVISIONS & C.O.'S

XX	XX

BUILDING DEPARTMENT PLAN CHECK TRACKING

BUILDING PLAN CHECK	XXX	FIRE PLAN CHECK	XXX
PLANNING PLAN CHECK	XXX	LANDSCAPE PLAN CHECK	XXX
MECHANICAL PLAN CHECK	XXX	DESIGN REVIEW APPROVAL	XXX
PLUMBING PLAN CHECK	XXX	SITE DEVELOPMENT PERMIT	XXX
ELECTRICAL PLAN CHECK	XXX	COASTAL DEVELOPMENT	XXX

DRAWN BY
P.R.Q.
DATE
04-01-2016
SCALE
1/4" = 1'-0"
SHEET
A2.0
SHEET X OF X

152 Figure 5 Manufacturing Warehouse/Dispensary Floor Plan

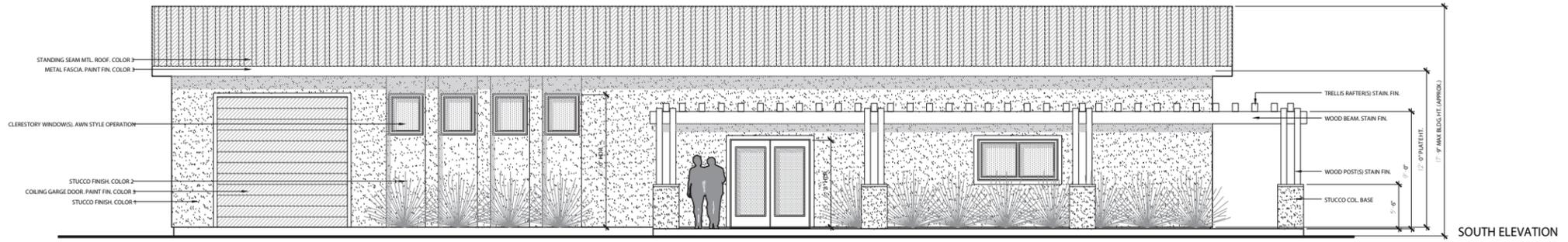


**PO DESIGN
STUDIO INC**

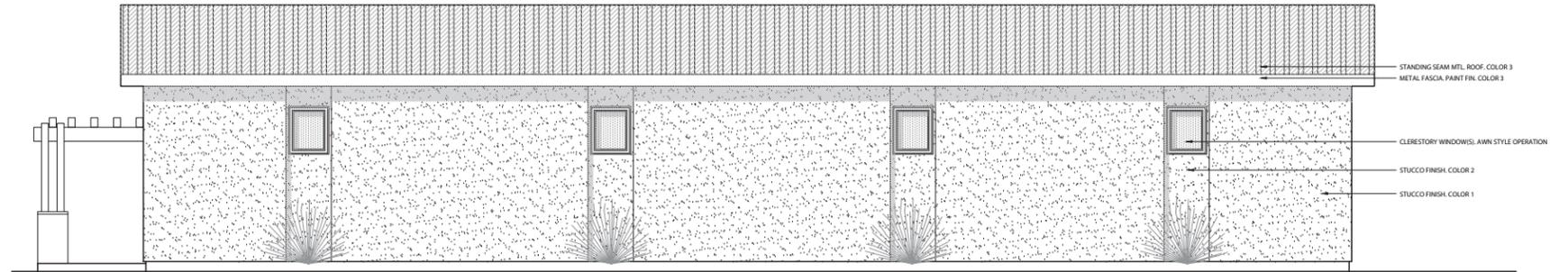
EIGHT FIFTY WEST UPAS STREET
SAN DIEGO, CALIFORNIA 92103
TELEPHONE: 1-858-527-0888

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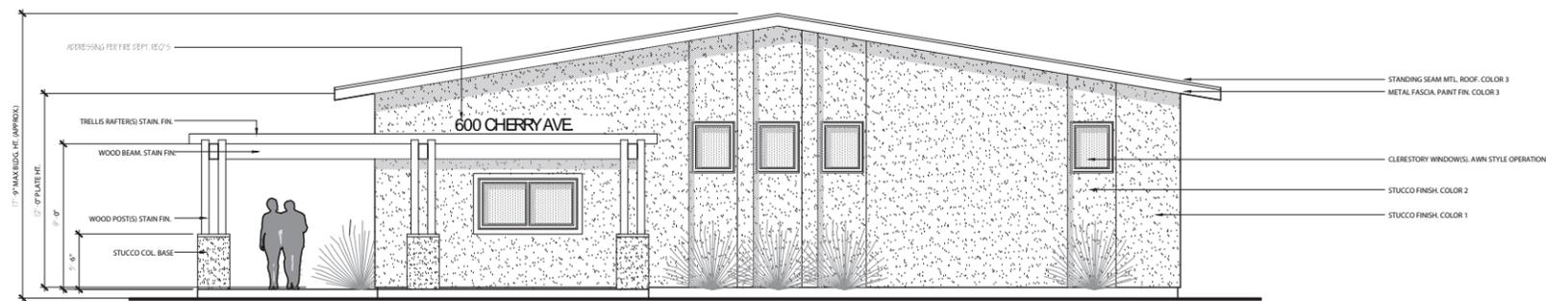
**GREENFIELD ORGANIX
WAREHOUSE FAC.**
EXTERIOR ELEVATIONS



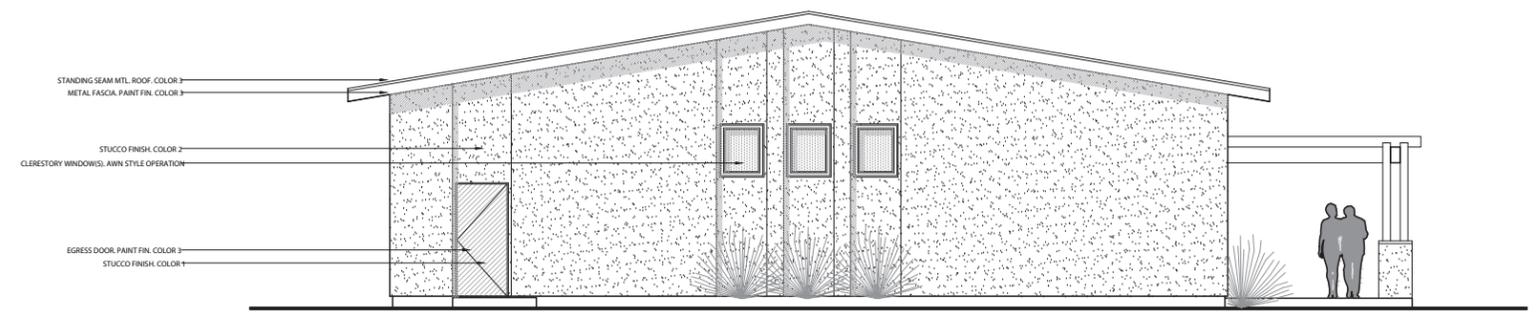
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

PROJECT INFORMATION	
ADDRESS	900 CHERRY AVE
A.P.N.	SEE A1.0
LEGAL	SEE A1.0
ZONING	XXX
BUILD. TYPE, OCC.	TYPE V B

PLAN REVISIONS & C.O.'S	
△	XX

BUILDING DEPARTMENT PLAN CHECK TRACKING	
BUILDING PLAN CHECK	XXX
PLANNING PLAN CHECK	XXX
MECHANICAL PLAN CHECK	XXX
PLUMBING PLAN CHECK	XXX
ELECTRICAL PLAN CHECK	XXX

FIRE PLAN CHECK	XXX
LANDSCAPE PLAN CHECK	XXX
DESIGN REVIEW APPROVAL	XXX
SITE DEVELOPMENT PERMIT	XXX
COASTAL DEVELOPMENT	XXX

DRAWN BY	P.R.Q.
DATE	04-01-2016
SCALE	1/4" = 1'-0"
SHEET	A3.0
SHEET	X OF X

Figure 12 Manufacturing Warehouse/Dispensary Facility Elevations



Figure 13
Site Model: View to North
Greenfield Organix Application Package



Figure 14

Site Model: View to Northwest

Greenfield Organix Application Package





Cherry Ave.

Figure 15

Site Model: Street View

Greenfield Organix Application Package

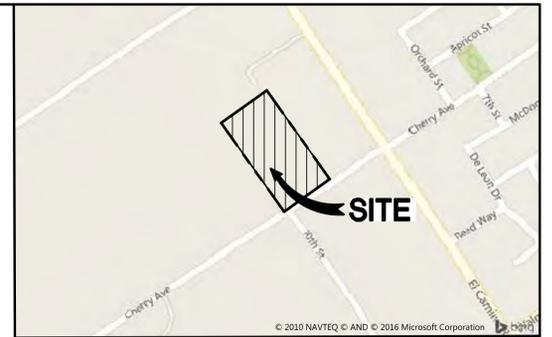


GENERAL NOTES:

1. APN 109-162-010
900 CHERRY AVENUE, GREENFIELD, CA
2. THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SOILS OR GEOLOGY INFORMATION, UNDERGROUND CONDITIONS, EASEMENTS, ZONING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE CLIENT.
3. BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY SHOWN IS FROM RECORD DATA. THIS TOPOGRAPHY DOES NOT CONSTITUTE A BOUNDARY SURVEY.
4. DISTANCES AND DIMENSIONS SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
5. SUBDIVIDER SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF GREENFIELD CHAPTER 16.12 IN REGARDS TO SLOPE PLANTING, EROSION CONTROL AND SUBDIVISION IMPROVEMENTS.
6. BENCHMARK TAKEN AS MONTEREY COUNTY BM#9 A 2" DISC AT THE SOUTHEAST CORNER OF THE INTERSECTION OF 12TH STREET AND PINE AVENUE GREENFIELD, CA. ELEVATION: 290.37' (NGVD29)
7. THE PROJECT WILL BE PHASED.
PHASE 1: LOTS 1,11
PHASE 2: LOTS 2,3,9,10
PHASE 3: LOTS 4-8
PHASING IS SUBJECT TO CHANGE.
8. **UTILITY PROVIDERS:**
STORM DRAINAGE: CITY OF GREENFIELD
SANITARY SEWER: CITY OF GREENFIELD
WATER: CITY OF GREENFIELD
GAS/ELECTRIC: PACIFIC GAS & ELECTRIC
TELEPHONE: AT&T

LEGEND

	GROUND CONTOUR		STUMP OR SNAG (DEAD)
	TRACT BOUNDARY		TREE DRIP LINE
	PROPOSED PROPERTY LINE		FENCE
	ADJACENT PROPERTY LINE		SIGN
	SANITARY SEWER		UTILITY POLE SHOWING ARMS AND GUY WIRE
	STORM DRAIN		CONTROL POINT
	WATER MAIN		BENCHMARK
	JOINT UTILITY		FOUND 3/4" IRON PIPE, TAGGED AS NOTED
	GAS MAIN		SPOT GRADE
	OVERHEAD UTILITY LINES		TREE
			STORM DRAIN/SEWER MANHOLE
			STORM DRAIN INLET
			FIRE HYDRANT
			WATER VALVE
			CONCRETE PAVEMENT
			GRAVEL PARKING
			ASPHALT PAVEMENT



VICINITY MAP
SCALE: 1" = 500'

OWNER/SUBDIVIDER

GLEENOMICS, LLC
26555 CARMEL RANCHO BLVD., SUITE 3
CARMEL, CA 93923
ATTN: SALVATORE PALMA

PROJECT DATA

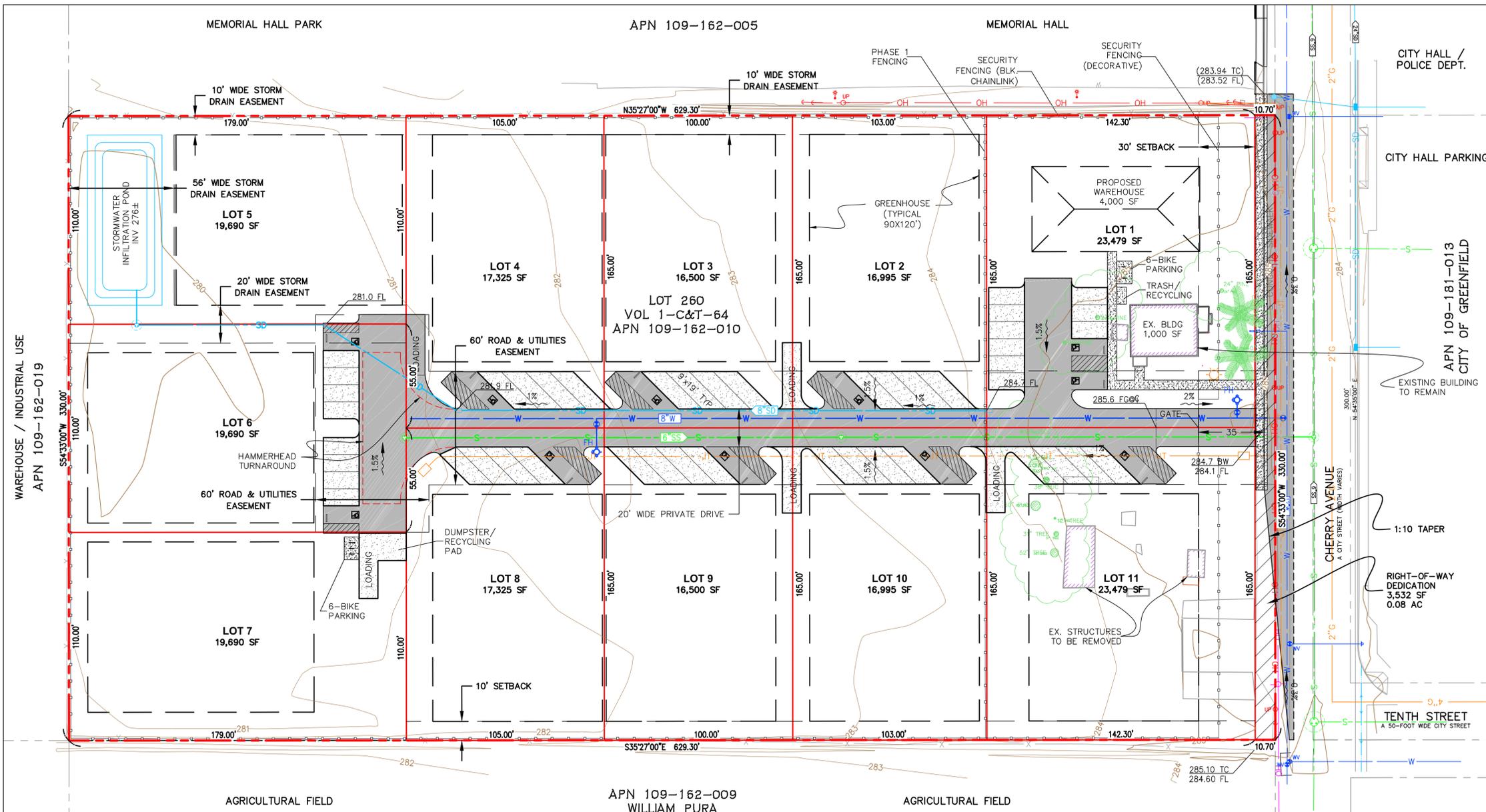
SITE ADDRESS:
900 CHERRY AVENUE
GREENFIELD, CA 93927
APN 109-162-010

LANDUSE: LIGHT INDUSTRIAL
ZONING: WITH INDUSTRIAL PARK OVERLAY
I-L, LIGHT INDUSTRIAL
IPO, INDUSTRIAL PARK (OVERLAY DESIGNATION)

LOT 1	0.54 AC
LOT 2	0.39 AC
LOT 3	0.38 AC
LOT 4	0.40 AC
LOT 5	0.45 AC
LOT 6	0.45 AC
LOT 7	0.45 AC
LOT 8	0.38 AC
LOT 9	0.38 AC
LOT 10	0.39 AC
LOT 11	0.54 AC
R/W DEDICATION	0.08 AC
TOTAL ACREAGE:	4.85 AC

LEGAL DESCRIPTION

LOT 260, AS SAID LOT IS DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE CLARK COLONY, MONTEREY COUNTY, CALIF., SURVEYED BY H.B. FISHER, SURVEYOR & C.E., 1905", FILED JULY 19, 1905 IN VOLUME 1, MAPS OF "CITIES AND TOWNS", AT PAGE 64, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

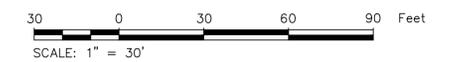


**VESTING TENTATIVE MAP
GREENFIELD ORGANIX**

PROPOSED SUBDIVISION OF
**LOT 260 AS SHOWN ON
VOL. 1 CITIES AND TOWNS AT PAGE 64**
CITY OF GREENFIELD, COUNTY OF MONTEREY, STATE OF CALIFORNIA
PREPARED BY:

WE WHITSON ENGINEERS
9699 Blue Larkspur Lane • Suite 105 • Monterey, CA 93940
831 649-5225 • Fax 831 373-5065

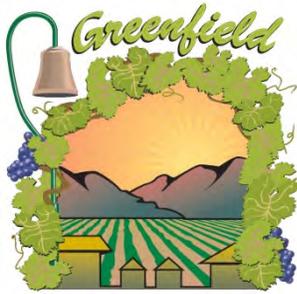
CIVIL ENGINEERING ■ LAND SURVEYING ■ PROJECT MANAGEMENT



APRIL 1, 2016

PROJECT No. 3457.00

I:\Monterey Projects\3457 - Greenfield-Cherry Ave\3457_VTM.dwg Apr 04, 2016 - 3:41pm



City Council Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: June 9, 2016

AGENDA DATE: June 14, 2016

TO: Mayor and Councilmembers

FROM: Mic Steinmann, Community Services Director

TITLE: **ISSUANCE OF MEDICAL MARIJUANA REGULATORY AND CONDITIONAL USE PERMITS AND INTRODUCTION OF AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT FOR MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES AT 36 4TH STREET**

AUTHORITY AND PROCEDURES

Section 17.14.050 of the City of Greenfield zoning code identifies the approving authority responsible for approving, conditionally approving, or denying proposed land use or development permits. For conditional use permits, the designated approving authority is the Planning Commission; and for development agreements, the City Council is the approving authority. Section 5.28.040 of the municipal code specifies the City Council must review and approve the issuance of medical marijuana regulatory permits. Section 17.14.050 of the zoning code states that “[w]hen a proposed project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest level designated approving authority for all such requested permits.” For medical marijuana regulatory permits, conditional use permits, and development agreements, the City Council is the approving authority for all permits and agreements. Review and approval by the Planning Commission is not required.

To operate a medical marijuana facility, the applicant must obtain three separate and distinct permits or approvals: (1) a regulatory permit, (2) a development agreement, and (3) a conditional use permit. Since the City Council is the ultimate approving authority for regulatory permits and development agreements, section 17.14.050 requires each of these permits and approvals be processed concurrently and action on each is by the City Council.

The purpose of the medical marijuana regulatory permit is to ensure medical marijuana dispensary, cultivation, and manufacturing facilities are established in areas that are consistent with the requirements of the general plan, are consistent with surrounding uses, are not detrimental to the public health, safety and welfare, and the operation of such facilities do not conflict with applicable state law and regulations. (Section 5.28.010) The City Council may impose such additional terms and conditions on the issuance of the regulatory permit and the operation of the facility as it deems appropriate. The City Council must also approve a development agreement, operations plan, and the design and layout of the facility as a condition of issuance of a regulatory permit. (Section 5.28.040)

The purpose of the conditional use permit (CUP) is for the individual review of uses, typically having unusual site development features or operating characteristics to ensure compatibility with surrounding areas and uses. Conditional use permits shall be granted only when the approving authority determines, following public hearing, that the proposed use or activity (1) “is consistent with the general plan and all applicable provisions of this Title” and (2) that the “establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.” The approving authority may impose conditions and/or require performance guarantees for the conditional use permit to ensure compliance with applicable provisions of the zoning code and to prevent adverse or detrimental impacts to public health, safety, or welfare. (Section 17.16.060)

Development agreements are authorized under chapter 16.37 of the municipal code pursuant to the authority of State Government Code section 65865 et seq. The purpose of development agreements is to give certainty to the planning and project development process and to give assurance to the project applicant that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules, and regulations, and, subject to conditions of approval, this will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development. Development agreements must be approved by ordinance and the City Council must make a finding, following public hearing, that the provisions of the development agreement are consistent with the general plan and any applicable specific plan. (Section 16.37.100)

BACKGROUND AND ANALYSIS

I. Zen Brand Collective, Inc.

Zen Brand Collective, Inc., has submitted applications for medical marijuana regulatory permits for cultivation and manufacturing facilities, to be located in an existing industrial/warehouse building at 36 4th Street, under chapter 5.28 of the City of Greenfield Municipal Code along with an application for a conditional use permit.

The action now before the City Council is for consideration of issuance of the applied for regulatory permits and conditional use permit, and introduction of an ordinance approving a development agreement with Zen Brand Collective. If the City Council approves the issuance of these permits, those approvals will be subject to a number of conditions. Until each of those

conditions is met to the satisfaction of the City Manager, the permits approved by the City Council will not be effective. The regulatory permits will also not be effective pending completion by the Greenfield Police Chief and/or City Manager of a more thorough background investigation of the owners, managers, and operators of Zen Brand Collective. That investigation may include, but is not limited to, LiveScan, employment history verification, personal and business references, and such other personal background investigation as deemed appropriate by the Greenfield Police Chief or City Manager.

Proposed Use: Zen Brand proposes to cultivate and manufacture medical marijuana and products on behalf of the members of the Zen Brand Collective and other legal dispensaries/collectives. There will be no direct distribution or sale to the public, qualified members of the Zen Brand Collective, or their primary caregivers from the Zen Brand cultivation and manufacturing facility located in the City. Medical marijuana flower and infused products will be distributed only to other legal dispensaries/collectives not located in the City of which Mr. Pearson is a member or with which Zen Brand has a contractual relationship.

Organizational Structure: Zen Brand Collective, Inc., is a non-profit mutual benefit organization that seeks to cultivate and manufacture medical marijuana products to distribute to contracted legal dispensaries and other legal non-profit collectives. Mr. Vyasa Pearson, currently of Sherman Oaks, CA, is the owner of Zen Brand Collective and he will be day-to-day manager of the facility. Prior to this year he was the manager and operator of the Grateful Meds collective in Los Angeles. Mr. Pearson will be responsible for hiring, training, and managing all employees of the collective; creating and enforcing policies, practices, and procedures; supervising all Zen Brand operations for compliance with state and local laws and regulations; overseeing daily reporting, inventory, and tracking systems; quality control; community outreach and education; and interface with the community and City police and administration.

Hours of Operation: As a cultivation and manufacturing facility, it will operate 24 hours per day, 7 days per week. It will not be open to the public.

Security (Subject to finalization of an approved development agreement): The perimeter of the property will be enclosed with an 8 foot wrought iron security fence. There will be no general, uncontrolled public access to the building, employee parking areas, or the interior of the site. Armed security guards will be provided 24 hours per day, 7 days per week. Security personnel shall be registered with the State of California Department of Consumer Affairs. Security personnel may be armed with the prior approval of the City Police Chief. No other person employed at the facility may be armed while on the premises without the prior approval of the City Police Chief.

A web-based video surveillance system will be installed to monitor all site and facility entrances and access points, all spaces accessible by the public, all secured areas of the facility with restricted access, all interior spaces and rooms where medical marijuana products are handled and processed, shipping and receiving areas, cash storage areas, and other areas necessary to protect the safety of employees and the public. A professionally monitored burglary alarm system will be installed to detect entry and exit from all secure areas, panic buttons installed in appropriate locations, and door and window break sensors and motion detectors will be provided.

The video surveillance and building alarms will be reviewed and approved by the City Police Chief. All persons employed at the facility shall obtain an identification card/badge issued by the City Police Department and such identification card/badge shall be visible at all times.

Cultivation: Cultivation will be by a hydroponic grow, drip irrigation system. Nutrients and water will be digitally controlled. Water used for hydroponic grow will be recycled. High efficiency LED grow lights will be utilized.

Manufacturing: Manufacturing of extracts will be by hydrocarbon solvent extraction (volatile). Edible products will be manufactured, including chocolate Zenbars, sour-gummies, and bonbons. All infused products will be individually packaged at the point of preparation. All extracts and manufactured products will be stored in a locked safe room with card access control and fire-rated walls.

Tracking (Subject to finalization of an approved development agreement): A “seed to sale” electronic tracking system approved by the City will be utilized to document all quantities of medical marijuana cultivated, produced, harvested, stored, and packaged. The City has indicated to each applicant that a City specified tracking system, such as BioTrack THC or MJ Freeway, will need to be used by all regulatory permit holders to facilitate the collection and review of data and the generation of data in a consistent format. Documentation for all transfers from the Zen Brand facilities will include the date and time of the transfer as well as the amount, form and type of marijuana strain(s) or products transferred.

Quality Control, Testing: All products distributed by Zen Brand will be tested by SC Labs for THC levels, pesticides, mold, and other contaminants.

Odor Management: All structures shall have ventilation and filtration systems installed that prevent medical marijuana plant odors from exiting the interior of the structure. Industrial filtration systems approved by the City, such as activated charcoal systems, will be used to scrub and treat any exhaust air.

Local Hire: Zen Brand is committed to making a good-faith effort to recruit, hire, and train local residents for employment. This cultivation and manufacturing facility will employ seven to ten employees. Employment opportunities will be full-time, year round positions. Wages will be \$12 to \$15 per hour plus benefits. Anticipated gross receipts are \$1.5 million annually.

Operating Plan: The applicant’s regulatory permit application includes an operations plan as required by section 5.28.050 of the municipal code. Through the initial application review process, the operations plan has been clarified and modified to more thoroughly address the requirements of section 5.28.050. As a condition of issuance of a regulatory permit, the applicant will be required to update the operations plan to include all supplemental information provided during the application review process and any additional conditions the City Council may require as a condition of approving the requested regulatory permits. The operations plan includes the following elements:

1. Name and address of Zen Brand agent and general manager, and responsibilities of general manager
2. Days and hours of operation
3. Transportation
4. Site Plan
5. Cultivation and manufacturing procedures
6. Storage, handling, and use of fertilizers and nutrients
7. Storage and inventory procedures to prevent diversion to non-medical use
8. Trach and trace program and procedures
9. Quality control
10. Testing
11. Disposal of contaminated, adulterated, deteriorated, or excess medical marijuana products
12. Personnel policies including employee screening and hiring practices
13. Accounting and record keeping procedures
14. Odor management

Site and Building Plan: The regulatory permit application includes site and building plans. Those plans are attached as exhibits to this staff report. The plans denote the existing building and on-site parking, proposed perimeter fencing and security gates, the location of video surveillance cameras, the layout of the interior of the existing building for cultivation and manufacturing uses, required interior renovations, the location of new heating and air conditioning equipment, and exterior building elevations.

II. Public Outreach and Education

Section 5.28.090 of the municipal code requires a development agreement with each medical marijuana facility owner and operator that includes a public outreach and education program component. In anticipation of the City Council issuing regulatory permits to a number of operators, it is believed that it will be a more efficient use of resources for all operators issued medical marijuana regulatory permits join together to form a “Greenfield Medical Marijuana Association” that will develop and implement a comprehensive public outreach and education program on behalf of all operators.

Consolidating the resources of each operator will facilitate those efforts and ensure they proceed in a uniform, cohesive, and comprehensive manner. Asking each operator to develop its own outreach and education program can result in the duplication of efforts, the establishment of redundant programs and services, and the presentation of potentially conflicting information and education to the public. Approval of each regulatory permit by the City Council should include a condition that the holder of those permits collaborate and join together with all other regulatory permit holders to develop an appropriate, comprehensive, and cohesive public outreach and education program. Specific components of this public outreach and education program will be specified in the development agreement.

III. Community Benefits Program

The City Council previously adopted a fee schedule for medical marijuana facilities and operations (Resolution 2016-16). This fee schedule includes a “Community Public Health, Safety, Welfare, and Quality of Life Fee” that will be assessed to each medical marijuana dispensary, cultivation, and manufacturing facility. As further described in the administrative regulations adopted by the City Council for implementation of the medical marijuana regulatory permit process, the per square foot fee will “enable the City to promote, protect, and enhance the health, safety, and welfare of the community and its residents and its quality of life; and to compensate the City for the increased demand on City services, infrastructure, and utilities; local traffic demands; and increased City review and oversight by the police department, planning department, and code enforcement of the operations of the facility.”

The assessed community benefits/per square foot fee is \$15 to \$20 per square foot for each type of facility. This fee will be a source of significant revenue for the City. These funds will be deposited in the City’s general fund and can be expended as directed by the City Council. The specific amount of the per square foot fee (in the \$15 to \$20 range), the categorization of the space on which the fee is based, and its payment schedule will be detailed in the final development agreement that will be approved by the City Council at a later date.

At this time one regulatory permit applicant has proposed that a foundation be established through which the medical marijuana operators will directly fund some public/community facilities and programs. If properly structured and managed, the creation of a foundation can have a very positive impact on the acceptance of this new industry into our community and the relationship of the operators to our residents; generate good will among the operators, the City, and the public; provide direct and highly visible benefits to the community of this new industry; and demonstrate the industry’s support of our community. To maximize the potential benefits of such a foundation, the City and the public should be active participants in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the foundation.

IV. Existing and Proposed Development

Existing Development: The building and site at 36 4th Street are owned by Michael Tidwell. It is immediately adjacent to the existing Passek Industrial park along Elm Avenue. The existing metal warehouse/ industrial building totals 14,320 square feet (13,200 square feet first floor and 1,120 square feet second floor/mezzanine). The site totals 29,200 square feet, or approximately 0.67 acres. The building and site have in the past been used for light industrial uses of the type appropriate for a light industrial park, including automotive repair, upholstery, and warehousing. This building has been occupied by tenant similar to those of the adjacent Passek Industrial Park. At the present time a number of spaces in this building are vacant. Access to the site is from 4th Street.

Adjacent Development: The project site is bounded by light industrial development immediately to the north and the Passek Industrial Park to the east. To the west is U.S. Highway

101 and to the south is the Pueblo Inn, currently used primarily for temporary farm labor housing.

Proposed Development: Zen Brand Collective, Inc., proposes to lease the facility and site for use as a medical marijuana cultivation and manufacturing facility. Zen Brand has entered into a fifteen year lease with the property owner. No improvements to the exterior of the existing building are proposed. Landscape improvements along the 4th Street frontage will be required as a condition of project approval. The entire property, including building and parking, will be enclosed with an 8 foot wrought iron security fence. Security gates for vehicular and pedestrian access will be provided at the entrances to the site from 4th Street. There will be no uncontrolled public access to the building, employee parking areas, or the interior of the site.

The interior of the building only requires minor modification for use as a medical marijuana cultivation and manufacturing facility. Interior doorways will be added to connect each of the existing warehouse spaces. A fire-rated storage room/vault will be constructed within one of the existing warehouse spaces. The interior of the building will also be retrofitted with security cameras to monitor each site and building entrance/exit, and each cultivation and manufacturing room and the entrances to each room. The cameras will be positioned to ensure a viewing angle for all interior spaces. A security alarm system will be installed with door and window break sensors and motion detectors. Equipment and lighting will also be installed to facilitate the growing of medical marijuana and the manufacture/production of medical marijuana edible products. Air conditioning units will be installed at ground level adjacent to the rear of the property in an area currently used for vehicle access and circulation.

Initial development of the interior of the building will include the following areas:

3,560	square feet – manufacturing
950	square feet – drying, curing, processing
4,800	square feet – cultivation
1,200	square feet – water storage
<u>1,410</u>	square feet – office/staff support, second level storage
11,920	square feet total

An additional 2,400 square feet of cultivation space will be developed after PG&E power upgrades are completed. In the meantime, that space will either remain vacant or used for additional manufacturing space.

V. Conformance with General Plan and Zoning Code

General Plan: The Greenfield General Plan designates the project site as Highway Commercial with a Mixed-Use Overlay. The General Plan Highway Commercial land use designation allows for a broad range of commercial and service activities that require convenient vehicular access and adequate parking. This designation is intended primarily for service and retail uses that are not appropriate for the downtown area due to operational needs and characteristics. Uses include regional shopping centers, banquet facilities, gas stations, vehicle sales and services, building material supply, warehousing, and similar facilities.

The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. It also encourages the redevelopment and reuse of vacant and/or underutilized commercial buildings. The proposed project will fully use an existing warehouse/industrial building that has a number of vacant spaces.

The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will use an existing building immediately adjacent to the Passek Industrial Park and other warehouse/industrial buildings along 4th Street. The existing building is of a size and height similar to adjacent and nearby warehouse/industrial buildings.

The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project provides new jobs to further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to because of budget limitations and insufficient revenues.

Zoning Code Land Use: The City of Greenfield Zoning Code designation for this property is Highway Commercial (C-H). Uses allowed in this zoning district include artisan and craft product manufacturing, food and beverage manufacturing, research and development services, and garden centers and plant nurseries. Chapter 5.28 specifically allows medical marijuana cultivation and manufacturing facilities in certain zoning districts. While chapter 5.28 does not list the Highway Commercial district as an area where medical marijuana facilities are specifically allowed, it does not explicitly disallow the use in that district. Further, section 17.26.030 of the zoning code allows uses not specifically listed in the "allowed uses table" to be allowed in a district if the proposed use is similar to a listed use. A medical marijuana cultivation and manufacturing facility is similar to these listed uses: artisan and craft product manufacturing, food and beverage manufacturing, research and development services, and garden centers and plant nurseries.

Lot Coverage: In the C-H zoning district, section 17.32.040 of the zoning code specifies a minimum lot area of 2,500 square feet and maximum lot coverage of 50%. The project parcel is approximately 29,200 square feet. The existing building footprint is approximately 13,200 square feet, for lot coverage of 45%.

Setback: Required minimum setbacks per section 17.32.040 are: Front and street side setback – 20 feet; and interior and rear – 0 feet. The existing building is set back more than 20' from 4th Street, 5' from the rear and south side property line, and more than 45' from the adjoining warehouse/industrial property to the north.

Height: Section 17.32.040 of the zoning code imposes a maximum height of the structure of 45 feet. The existing building has a maximum exterior elevation of approximately 24'.

Accessory Structures: Section 17.46.030 of the zoning code setting forth accessory structure requirements does not apply as no accessory structures are proposed.

Fences and Walls: The proposed project includes constructing an 8 foot wrought iron security fence around the perimeter of the property. Secured vehicle and pedestrian gates will be along 4th Street. Section 17.52.030 of the zoning code limits the height of walls and fences to 3 feet in the front setback area and to 6 feet along rear and side setbacks but grants authority to the “designated approving authority” to allow additional height to enclose or screen specific areas or uses. The proposed 8 foot wrought iron fence with a sliding steel gate for vehicle access and a pedestrian security gate is appropriate for security purposes. In conjunction with security cameras, the 8 foot security fence will enhance the security of the entire cultivation and manufacturing facility. The placement of the sliding gate for vehicle access will require review and approval by the Greenfield Fire Protection District.

Landscaping: The landscape requirements of section 17.54.040 of the zoning code apply to nonresidential development projects only when the building square footage is increased by more than 10%. The proposed project does not increase the footprint of the existing building. The existing landscaping area along the front of the building on 4th Street is bare. The property is in the Highway Commercial (C-H) zoning district and the landscape plan should be reflective of that district. As part of this project, landscaping along 4th Street is required. A landscaping plan will be prepared and submitted to the Planning Director for review and approval. The proposed landscape plan should be coordinated with adjoining property owners to provide a uniform landscape scheme along 4th Street.

Resource Efficiency: The resource efficiency standards of chapter 17.55 of the zoning code apply to this project because it is an industrial project with a total conditioned area over 10,000 square feet. Although there will not be significant interior renovation and new construction, the applicant must demonstrate a good faith effort to comply with these standards to promote recycling, promote the use of resource efficient construction materials, promote water conservation, and promote energy efficiency in new and remodeled facilities. The project’s resource efficiency plan will be reviewed during the plan check process, and a building permit will not be issued if the proposed plan does not comply with the requirements of chapter 17.55.

Lighting: All nonresidential development is subject to the outdoor lighting requirements of Chapter 17.56 of the zoning code. The project’s outdoor lighting scheme will be reviewed during the plan check process, and a building permit will not be issued if any proposed outdoor lighting is not in compliance with those requirements.

Parking: For warehousing, storage, and distribution industrial facilities, section 17.58.050 of the zoning code requires off-street parking at a ratio of one space per 3,000 square feet plus one space for each company operated vehicle; and for manufacturing facilities, one space per 1,000 square feet plus one space for each company operated vehicle. The proposed project includes 14,320 square feet, for a total off-street parking requirement between five and fifteen vehicle parking spaces. The proposed site plan identifies 27 off-street parking spaces. This exceeds the requirements of the zoning code.

Section 17.58.100 of the zoning code requires the provision of one bicycle parking space for every five vehicle spaces. For the proposed project, this equates to a requirement for three bicycle parking spaces. The preliminary site plan does not indicate the provision of required bicycle racks. At the time application is made for plan check, the Planning Director will review the final plans for conformance with the bicycle parking requirements of the zoning code, and a building permit will not be issued if the plans do not provide accommodations for required bicycle parking.

Noise and Odor, Particulate Matter and Air Containment Standards: The standards of sections 17.60.030 (noise) and 17.60.040 (odor) of the zoning code apply to all commercial and industrial operations within the city. Section 5.28.050 of the municipal code requires an odor management plan detailing steps that will be taken to ensure that the odor of medical marijuana will not emanate beyond the exterior walls of the facility. The noise and odor standards of chapters 17.60 and 5.28 are enforceable through the city's code enforcement program and the enforcement provisions of section 5.28.260. The development agreement will also include further description of requirements and standards for odor control processes, equipment, and methods. The development of specific conditions of compliance through the regulatory permit or conditional use permit processes is not necessary.

Signage: All nonresidential development is subject to the signage requirements of section 17.62.070 of the zoning code and section 5.28.150. The project's exterior signage will be reviewed by the City Manager and Planning Director during the signage administrative plan check process, and a building permit will not be issued if any proposed exterior signage is not in compliance with those requirements.

CEQA

Projects relating to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use are categorically exempt from the requirements of CEQA. Review of this project under CEQA is not, therefore, required (California Code of Regulations, Title 14, Chapter 3, Section 15301).

CONSEQUENT ACTION

Development Agreement: Section 5.28.090 of the municipal code requires the applicant and the City enter into a development agreement setting forth the terms and conditions under which the medical marijuana facility will operate that are in addition to the requirements of chapter 5.28, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare. The administrative regulations approved by the City Council for implementation of chapter 5.28 regulatory permits sets forth additional requirements for each development agreement. These are requirements specific to medical marijuana facilities, uses, and operations.

Chapter 16.37 and section 17.16.160 of the municipal code set forth general requirements for development agreements pertaining to land use and development. These municipal code requirements incorporate State Government Code provisions governing the application of development agreements for land use entitlements. The medical marijuana development agreements must also conform to those requirements.

A preliminary draft development agreement for the use of property at 36 4th Street for medical marijuana cultivation and manufacturing purposes is attached to this staff report. When the final terms and conditions are agreed to by the City and Zen Brand Collective, the development agreement will be presented to the City Council at a future date when the City Council is requested to adopt an ordinance approving the development agreement. The development agreement will conform to the requirements of chapter 5.28, chapter 16.37, and section 17.16.160 of the municipal code. Finalization of this agreement will be included as a condition of issuance of the applied for regulatory permits.

Until the development agreement is approved by the City Manager, and the City Council adopts an ordinance approving that development agreement, the regulatory permits approved by the City Council will not be effective. Until that development agreement is adopted by ordinance, design review, building permits, or any further required permits will not be approved or issued by the City for construction and development of any medical marijuana facilities for which regulatory permit and conditional use permit applications have been made.

BUDGET AND FINANCIAL IMPACT

Issuing regulatory permits for medical marijuana cultivation and manufacturing facilities will bring significant additional dollars to the City's general fund. The annual operating fee for cultivation is \$60,758 and for manufacturing it is \$33,936. The community benefits fee will be \$15 to \$20 per square foot.

At this time it is premature to estimate with certainty the general fund revenue to the City that will be generated from this fee as the amount of the fee on a per square foot basis and the amount of cultivation and manufacturing space to which this fee will apply requires further discussion and negotiation with Zen Brand Collective and each of the other operators who have submitted regulatory permit applications. Those details will be specified in the development agreement. When the City Council is asked to adopt an ordinance approving the development agreement, the amount of those fees for the first year of operation will be known and presented to the City Council for its review and approval. For subsequent years the total general fund revenue stream may vary depending on any adjustment to the annual operating fee established by the City Council and re-evaluation of the appropriate per square foot fee. Even with these potential adjustments, general fund revenues for future years will be substantial.

RECOMMENDATION

The Community Services Director, Police Chief, and City Manager recommend the City Council approve and adopt the attached resolution approving the issuance of medical marijuana

cultivation and manufacturing regulatory permits for Zen Brand Collective, subject to certain specified conditions of approval.

It is further recommended that the City Council approve the attached resolution that sets forth required findings for issuance of a conditional use permit and establishes required conditions and/or performance guarantees for the development of the proposed cultivation and manufacturing facility at 36 4th Street.

It is further recommended the City Council introduce an ordinance approving a development agreement for medical marijuana cultivation and manufacturing uses at 36 4th Street. Upon finalization of this agreement, the City Council will be requested to take final action adopting an ordinance approving this agreement.

The proposed development and use of the property at 36 4th Street for medical marijuana cultivation and manufacturing uses is consistent with the City's general plan, applicable provisions of the zoning code, conforms to the requirements of chapter 5.28 of the municipal code, and will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.

PROPOSED MOTIONS

I MOVE THAT THE CITY COUNCIL ADOPT RESOLUTION 2016-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING THE ISSUANCE OF REGULATORY PERMITS FOR THE OPERATION OF MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES BY ZEN BRAND COLLECTIVE, INC., LOCATED AT 36 4TH STREET

I MOVE THAT THE CITY COUNCIL ADOPT RESOLUTION 2016-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES LOCATED AT 36 4TH STREET IN THE CITY OF GREENFIELD (APN: 109-521-040)

I MOVE THAT THE CITY COUNCIL READ BY TITLE ONLY AND INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENFIELD APPROVING A DEVELOPMENT AGREEMENT FOR THE OPERATION OF MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING FACILITIES AT 36 4TH STREET

**CITY OF GREENFIELD CITY COUNCIL
RESOLUTION No. 2016-50**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GREENFIELD APPROVING THE ISSUANCE OF REGULATORY
PERMITS FOR THE OPERATION OF MEDICAL MARIJUANA
CULTIVATION AND MANUFACTURING FACILITIES BY ZEN BRAND
COLLECTIVE, INC., LOCATED AT 36 4TH STREET**

WHEREAS, Zen Brand Collective, Inc., a mutual benefit corporation organized under the laws of the State of California, has submitted application to the City of Greenfield for regulatory operating permits under Chapter 5.28 of the City of Greenfield Municipal Code for medical marijuana cultivation and manufacturing facilities to be located at 36 4th Street in the City of Greenfield, APN: 109-521-040; and

WHEREAS, Chapter 5.28 of the City of Greenfield Municipal Code sets forth requirements and procedures for issuance of medical marijuana regulatory permits for dispensary, cultivation, and manufacturing facilities; and

WHEREAS, Section 5.28.040 of Chapter 5.28 requires the prior review and approval by the City Council for the issuance of a regulatory permit as required by Chapter 5.28; and

WHEREAS, Section 5.28.040 of Chapter 5.28 provides that as a condition of issuance of a regulatory permit as required by Chapter 5.28, the City Council may impose such additional terms and conditions on the issuance of the regulatory permit and the operation of the facility as the City Council deems appropriate; and

WHEREAS, Section 5.28.040 of Chapter 5.28 provides that the development agreement, operations plan, and site plan and building layout of a medical marijuana facility required by Chapter 5.28 is subject to the review and approval of the City Council prior to the issuance of a medical marijuana regulatory permit; and

WHEREAS, the application for regulatory permits for medical marijuana cultivation and manufacturing facilities was heard, reviewed, and discussed by the City Council at a regularly scheduled meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City of Greenfield City Council as follows:

1. That the City of Greenfield City Council has considered all written and verbal evidence regarding the applications by Zen Brand Collective, Inc., for medical marijuana cultivation and manufacturing regulatory permits for property located at 36 4th Street in the City of Greenfield, APN: 109-521-040, and finds that the applications conform to the requirements of Chapter 5.28 of the City of Greenfield Municipal Code;

2. That this regulatory permit shall be subject to the terms and conditions of chapter 5.28 of the City of Greenfield municipal code authorizing the issuance a medical marijuana facility regulatory permits and the administrative regulations for implementing that chapter approved by City of Greenfield City Council Resolution No. 2016-15;
3. That any term, condition, or requirement of chapter 5.28 of the City of Greenfield municipal code and the administrative regulations adopted pursuant thereto not expressly set forth in this regulatory permit or the development agreement required thereunder shall be in full force and effect just as if those terms, conditions, or requirements were expressly set forth in this regulatory permit or the development agreement, and such terms, conditions, and requirements are incorporated herein by reference.
4. That the site plan and building layout is approved subject to the following conditions:
 - a. The Fire Marshal shall approve the location and configuration of the vehicle security gate accessing the property from 4th Street; and
 - b. The Greenfield Police Chief shall approve the location and operation of video surveillance cameras for both the exterior and interior areas of the building;
5. That the operations plan is approved subject to the following conditions:
 - a. The applicant shall update the operations plan included in its applications to include all supplemental information provided to the City during the application review process and as otherwise required by the City Council during its review and discussion of these applications; and
 - b. The Greenfield Police Chief shall approve the security alarm system which shall include door and window break sensors and motion detectors and remote monitoring;
6. That the issuance of regulatory permits to Zen Brand Collective, Inc., for medical marijuana cultivation and manufacturing facilities at 36 4th Street is hereby approved subject to the following conditions:
 - a. The owners, managers, and operators of Zen Brand Collective, Inc., shall pass a background investigation conducted by the Greenfield Police Chief and/or City Manager on behalf of the City of Greenfield, which may include, but is not limited to, LiveScan, employment history verification, personal and business references, and such other personal background investigation as deemed appropriate by the Greenfield Police Chief or City Manager;
 - b. A development agreement shall be finalized and executed by the City Manager, on behalf of and in the name of the City of Greenfield, and Zen Brand Collective, Inc. and the property owner; which agreement shall include at a minimum the terms and conditions required by and specified in the administrative regulations

for medical marijuana facilities regulatory permits approved under City of Greenfield City Council Resolution No. 2016-15, and such other terms and conditions as otherwise required by the City Council during its review and discussion of the development agreement;

- c. Zen Brand Collective, Inc., shall update the operations plan as required herein and such updated operations plan shall be reviewed and approved by the City Manager or designee;
 - d. The Greenfield Police Chief shall approve the use of armed security guards employed or contracted by Zen Brand Collective, Inc.;
 - e. Zen Brand Collective, Inc., shall collaborate and join together with all other medical marijuana regulatory permit holders, in the form of a “Greenfield Medical Marijuana Association” or other association acceptable to the City to develop an appropriate, comprehensive, and cohesive public outreach and education program;
 - f. Zen Brand Collective, Inc., shall collaborate and join together with all other medical marijuana regulatory permit holders, in the form of a “Greenfield Medical Marijuana Association” or other association or foundation acceptable to the City to develop, implement, and fund a community benefits program for public facilities and programs; the City and the public will be active participants in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the association or foundation; and the final development agreement will address the general mechanism by which the City and public will participate in this process; and
 - g. Zen Brand Collective, Inc., shall pay to the City all fees as required by City of Greenfield City Council Resolution No. 2016-16; and the Community Public Health, Safety, Welfare, and Quality of Life Fee specified in the development agreement;
- 7. That the City Manager or designee is authorized to approve the applicant’s update of the operations plan included in its applications to include all supplemental information provided to the City during the application review process and as otherwise required by the City Council during its review and discussion of these applications;
 - 8. That the City Manager is authorized to finalize and execute on behalf of the City of Greenfield the required development agreement with Zen Brand Collective, Inc. and the property owner;
 - 9. That the operator shall timely and fully pay all fees associated with the regulatory permit as set forth in section 5.28.080 of the City of Greenfield municipal code and the regulatory permit fee schedule adopted by the City Council per Resolution 2016-16 and as those fees may be adjusted from time to time by further resolution of the City Council;

10. That upon the annual renewal of this regulatory permit, the Community Public Health, Safety, Welfare, and Quality of Life Fee specified in condition 4.g hereof and the development agreement specified in condition 4.b hereof shall be subject to review and modification by subsequent resolution of the City Council, and if so modified the development agreement shall be modified accordingly;
11. That the Building Inspector shall not issue a Certificate of Occupancy until notified by the Planning Director that all conditions of approval specified herein have been met;
12. That the effective date of the medical marijuana cultivation and manufacturing regulatory permits shall be the date the City's Building Inspector issues a Certificate of Occupancy, which date shall be deemed the date of issuance for purposes of determining the one year expiration date under section 5.28.050 of the City of Greenfield municipal code, or such earlier date specified in the development agreement;;
13. That this regulatory permit may be revoked in accordance with the procedures set forth in section 5.28.120 of the City of Greenfield municipal code.
14. That unless otherwise and sooner revoked, this regulatory permit shall expire one year from its date of issuance and may be renewed in accordance with the procedures set forth in section 5.28.120 of the City of Greenfield municipal code; and

PASSED AND ADOPTED by the City Council of the City of Greenfield at a regular meeting of the City Council held on the 14th day of June, 2016, by the following vote:

AYES, and all in favor, therefore, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**CITY OF GREENFIELD CITY COUNCIL
RESOLUTION No. 2016-51**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GREENFIELD APPROVING THE ISSUANCE OF A CONDITIONAL USE
PERMIT FOR THE DEVELOPMENT OF MEDICAL MARIJUANA
CULTIVATION AND MANUFACTURING FACILITIES LOCATED AT
36 4TH STREET IN THE CITY OF GREENFIELD (APN: 109-521-040)**

WHEREAS, chapter 5.28 of the City of Greenfield municipal code authorizes the issuance of regulatory permits for the operation of medical marijuana dispensary, cultivation, and manufacturing facilities; and

WHEREAS, an application has been submitted to the City of Greenfield for the development of medical marijuana cultivation and manufacturing facilities in an existing warehouse/industrial building at 36 4th Street in the City of Greenfield, APN: 109-521-040; and

WHEREAS, the proposed location for the medical marijuana cultivation and manufacturing facilities is in the Highway Commercial (C-H) zoning district; and

WHEREAS, the development of a medical marijuana cultivation and manufacturing facilities in the Highway Commercial (C-H) zoning district is allowed subject to issuance of a conditional use permit; and

WHEREAS, section 17.14.050 of the City of Greenfield zoning code provides that when a proposed project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest level designated approving authority for all such requested permits; and

WHEREAS, section 17.14.050 provides further that in acting on a permit, the approving authority shall make the applicable findings as established in chapter 17.16 for the type of permit for which application is made; and

WHEREAS, operation of a medical marijuana dispensary, cultivation, or manufacturing business requires obtaining an appropriate regulatory permit, a conditional use permit, and executing a development agreement; and

WHEREAS, section 5.28.040 of the City of Greenfield municipal code designates the City Council as the approving authority for medical marijuana regulatory permits, sections 16.37.100 and 17.16.160 designate the City Council as the approving authority for development agreements, and section 17.16.060 designates the Planning Commission as the approving authority for conditional use permits; and

WHEREAS, by operation of section 17.14.050 the City Council is the designated approving authority for all permits required for the operation of medical marijuana facilities authorized under chapter 5.28 of the City of Greenfield municipal code; and

WHEREAS, the City Council shall approve, conditionally approve, or deny the proposed conditional use permit application in accordance with the requirements of section 17.16.060 of the City of Greenfield zoning code; and

WHEREAS, the application for a conditional use permit was heard, reviewed, and discussed by the City Council at a duly noticed public meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Greenfield has considered all written and verbal evidence regarding this conditional use permit application at the public hearing and has made the following findings regarding the proposed conditional use permit:

1. **FINDING:** That the proposed development of medical marijuana cultivation and manufacturing facilities at 36 4th Street in the City of Greenfield is consistent with the General Plan and applicable provisions of the City of Greenfield Zoning Code, Title 17.
 - a. The proposed medical marijuana cultivation and manufacturing facilities are allowed uses in the Highway Commercial (C-H) zoning district.
 - b. The proposed project complies with all commercial development standards for the Highway Commercial (C-H) zoning district set forth in section 17.32.040 of the zoning code, including but not limited to requirements for minimum lot area, maximum lot coverage, building setbacks, building height limits, landscaping, resource efficiency, lighting, parking performance standards, and signage.
 - c. The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. It also encourages the redevelopment and reuse of vacant and/or underutilized commercial buildings. The proposed project utilizes an existing primarily vacant and under-utilized building and site for a new commercial business.
 - d. The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will use an existing building immediately adjacent to the Passek Industrial Park and other warehouse/industrial buildings along 4th Street. The existing building is of a size and height similar to adjacent and nearby warehouse/industrial buildings.
 - e. The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project brings a new industry to the City that will provide new jobs to promote economic development and further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide

services and benefits to the community that it is not currently able to do because of budget limitations and insufficient revenues.

2. FINDING: That the establishment, maintenance, or operation of the proposed use will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of the public.
 - a. The proposed medical marijuana cultivation and manufacturing facility is located immediately adjacent to other light industrial type uses.
 - b. The construction of an 8 foot wrought iron security fence around the site perimeter will provide increased security for the site and the materials and products stored, cultivated, and manufactured in the facility.
 - c. A video surveillance system will be installed to monitor all exterior areas of the property, all site and building entrances and exits, and all interior spaces of the building, thereby providing additional security for the entire property.
 - d. Armed security guard services will be provided 24 hours a day, 7 days a week.
 - e. The facility will not be open to the general public and no direct sales or product distribution will be made to the general public.

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED, that the City Council of the City of Greenfield does approve Conditional Use Permit No. 2016-03 subject to the conditions of approval attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the City Council of the City of Greenfield at a regular meeting of the City Council held on the 14th day of June, 2016, by the following vote:

AYES, and all in favor, therefore, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**CITY OF GREENFIELD CITY COUNCIL
CONDITIONAL USE PERMIT NO. 2016-03**

Project: Development and Use of a Medical Marijuana Dispensary, Cultivation, and/or Manufacturing Facility Under Chapter 5.28 “Medical Marijuana Facilities Regulatory Permit” of the City of Greenfield Municipal Code to be Located at 36 4th Street in the City of Greenfield, CA

Applicant: Michael Tidwell (Owner)

APN: 109-521-040

Approved: City Council Resolution 2016-__

Date: June 14, 2016

1. The development and use of the property that is the subject of this Conditional Use Permit for medical marijuana dispensary, cultivation, and manufacturing facilities is an allowed use subject to the conditions as set forth below.
2. Construction activities shall be in accordance with the City’s Standard Conditions for Construction.
3. Final landscape and irrigation plans shall be submitted as part of the plan check process for issuance of a building permit. Issuance of a building permit is conditional upon compliance with all applicable provisions of the landscape requirements and standards of chapter 17.54 of the zoning code. The Planning Director shall review and approve the final landscape plans for conformity with these requirements.
4. As required by section 17.62.020 of the zoning code, all exterior signage shall receive zoning clearance (administrative plan check) by the Planning Director to ensure compliance with the applicable provisions of chapter 17.62 of the zoning code; subject, however, to the provisions of section 5.28.150 of the municipal code regulating exterior signage for medical marijuana facilities. The Planning Director shall review and approve the final exterior signage plans for conformity with these requirements.
5. Compliance with the construction recycling and diversion, water use efficiency, and energy efficiency standards set forth in section 17.55.030.A of the zoning code and at least one of the resource efficiency features set forth in section 15.55.030.B is required; however, such requirement can be waived by the Planning Director upon a good faith demonstration that incorporation of at least one of the listed resource efficiency features is not feasible. The project’s resource efficiency plan will be reviewed during the plan

check process, and a building permit will not be issued if the proposed plan does not comply with the requirements of chapter 17.55.

6. At the time of application for a building permit, the project's plans and specifications will be reviewed by the Planning Director for conformance with the lighting requirements of chapter 17.56 of the zoning code. A building permit will not be issued if proposed outdoor lighting is not in compliance with the requirements of this chapter.
7. Section 17.58.100 of the zoning code requires the provision of one bicycle parking space for every five vehicle spaces. The preliminary site plan does not indicate the provision of required bicycle racks. At the time application is made for plan check, the Planning Director will review the final plans for conformance with the bicycle parking requirements of the zoning code, and a building permit will not be issued if the plans do not provide accommodations for required bicycle parking.
8. The requirements of chapter 17.60 of the zoning code apply to all development projects in all zoning districts. For medical marijuana facilities, compliance with the hazardous materials standards and requirements of section 17.60.020, the noise standards of section 17.60.030, and the odor, particulate matter, and air containment standards of section 17.60.040 are of particular importance. Compliance with the odor containment requirements set forth in paragraph 5.28.050.F.4.i of the municipal code is also required. Prior to issuance of a certificate of occupancy, the applicant shall demonstrate compliance with the noise standards set forth in section 17.60.030.
9. This Conditional Use Permit shall remain in force for so long as the development and use of the property as a medical marijuana dispensary, cultivation, and/or manufacturing facility remains in compliance with the requirements of this Conditional Use Permit.
10. If application for a building permit is not made within one year after approval of this Conditional Use Permit, it will be necessary for the applicant to submit a new application for a Conditional Use Permit. Time extensions may be considered upon receipt of a written request for a time extension submitted to the City no less than thirty (30) days prior to expiration of this one year period, or any extension thereto previously granted.
11. A medical marijuana dispensary, cultivation, or manufacturing business shall not operate on the property that is the subject of this Conditional Use Permit without the operator of that business holding a valid Regulatory Permit for the operation of such business issued by the City as provided for under chapter 5.28 of the City of Greenfield municipal code.
12. At such time as the State of California requires the operator of medical marijuana facilities and business entities to hold a valid and current license duly authorized, approved, and issued by the State in accordance with State laws and regulations now or hereinafter enacted for the operation of such business, a medical marijuana dispensary, cultivation, or manufacturing business shall not operate on the property that is the subject of this Conditional Use Permit without the operator of that business holding any and all licenses or permits required and issued by the State of California.

**CITY OF GREENFIELD CITY COUNCIL
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GREENFIELD APPROVING A DEVELOPMENT AGREEMENT FOR
THE OPERATION OF MEDICAL MARIJUANA CULTIVATION AND
MANUFACTURING FACILITIES AT 36 4TH STREET**

WHEREAS, Section 65865 of the State of California Government Code provides that cities may enter into a development agreement with any person having a legal or equitable interest in real property for the development of property; and

WHEREAS, Section 65867.5 of the State of California Government Code provides that development agreements shall be approved by ordinance; and

WHEREAS, Sections 16.37.010 and 17.16.160 of the City of Greenfield Municipal Code set forth the procedures for approval of development agreements; and

WHEREAS, Section 5.28.090 of the City of Greenfield Municipal Code provides that development agreements may be entered into as a condition of issuance by the City of a regulatory permit or permits for medical marijuana cultivation and manufacturing facilities authorized under Chapter 5.28 of the City of Greenfield Municipal Code; and

WHEREAS, the City of Greenfield has received regulatory permit applications from Zen Brand Collective, Inc., for medical marijuana cultivation and manufacturing facilities for property located at 36 4th Street; and

WHEREAS, it is the desire of the City of Greenfield City Council to approve issuance of regulatory permits for medical marijuana cultivation and manufacturing facilities to be located and 36 4th Street and to enter into a development agreement with Zen Brand Collective, Inc. and the owner of said property for the establishment and operation of such facilities; and

WHEREAS, the proposed development agreement was heard, reviewed, and discussed by the City of Greenfield City Council at a duly noticed public hearing;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Greenfield has considered all written and verbal evidence regarding the proposed development agreement and has made the following findings:

1. FINDING: That the development agreement is consistent with the general plan objectives, policies, land uses, and implementation programs and any other applicable specific plans.
 - a. The proposed medical marijuana cultivation and manufacturing facilities are allowed uses in the Highway Commercial (C-H) zoning district.

- b. The proposed project complies with all commercial development standards for the Highway Commercial (C-H) zoning district set forth in section 17.32.040 of the zoning code, including but not limited to requirements for minimum lot area, maximum lot coverage, building setbacks, building height limits, landscaping, resource efficiency, lighting, parking performance standards, and signage.
 - c. The General Plan encourages infill and intensification of land uses through the reuse or redevelopment of vacant or underutilized industrial, commercial, and residential sites. It also encourages the redevelopment and reuse of vacant and/or underutilized commercial buildings. The proposed project utilizes an existing primarily vacant and under-utilized building and site for a new commercial business.
 - d. The General Plan encourages development of commercial and industrial uses that are consistent with the scale and character of surrounding land uses. The proposed project will use an existing building immediately adjacent to the Passek Industrial Park and other warehouse/industrial buildings along 4th Street. The existing building is of a size and height similar to adjacent and nearby warehouse/industrial buildings.
 - e. The proposed project is consistent with General Plan policies that call for the recruitment of businesses, industries, and other employers whose operations are consistent with long-term economic development goals. The proposed project brings a new industry to the City that will provide new jobs to promote economic development and further the City's jobs to housing goals. It will also provide a significant source of revenue to the City that will enable the City to provide services and benefits to the community that it is not currently able to do because of budget limitations and insufficient revenues.
2. FINDING: That the proposed development agreement is in conformance with the public convenience and general welfare of persons residing in the immediate area and will not be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole.
- a. The proposed medical marijuana cultivation and manufacturing facility is located immediately adjacent to other light industrial type uses.
 - b. The construction of an 8 foot wrought iron security fence around the site perimeter will provide increased security for the site and the materials and products stored, cultivated, and manufactured in the facility.
 - c. A video surveillance system will be installed to monitor all exterior areas of the property, all site and building entrances and exits, and all interior spaces of the building, thereby providing additional security for the entire property.
 - d. Armed security guard services will be provided 24 hours a day, 7 days a week.

- e. The facility will not be open to the general public and no direct sales or product distribution will be made to the general public.
 - f. The development agreement includes provisions for public outreach and education programs to promote the public welfare and operational and security plans to ensure the facility is operated in a safe and legal manner.
3. FINDING: That the development agreement will promote the orderly development of property or the preservation of property values.
- a. The proposed development is infill development that will intensify land uses through the redevelopment of vacant and underutilized commercial sites.
 - b. The proposed medical marijuana cultivation and manufacturing facility is located immediately adjacent to other light industrial type uses.

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

Section 1. That the development agreement with Zen Brand Collective, Inc., be approved and adopted by ordinance substantially in the form of the agreement attached hereto.

Section 2. Effective Date: This Ordinance shall take effect thirty (30) days from and after its passage and adoption by the City Council of the City of Greenfield.

INTRODUCED at a regular meeting of the City Council of the City of Greenfield held on the 14th day of June, 2016.

PASSED AND ADOPTED by the City Council of the City of Greenfield, at a regularly scheduled meeting of the City Council held on the ____ day of _____, 2016, by the following vote:

AYES, and all in favor, thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

John P. Huerta, Jr., Mayor

Attest:

Ann F. Rathbun, City Clerk

**Cultivation and Manufacturing
Development Agreement**

This Agreement is made by and between and among the CITY OF GREENFIELD (“City”) and _____ (“Operator”) and _____ (“Owner”) this ____ day of _____, 2016, as required by section 5.28.090 of the City of Greenfield municipal code setting forth the terms and conditions under which Operator shall operate a medical marijuana cultivation and manufacturing facility pursuant to its Regulatory Permit and Conditional Use Permit that are in addition to the requirements of the Conditional Use Permit and chapter 5.28 of the City of Greenfield municipal code, including, but not limited to, public outreach and education, community service, payment of fees and other charges as set forth or referenced herein, and such other terms and conditions that will protect and promote the public health, safety, and welfare. The requirements set forth in Ordinance No. 515, Chapter 5.28 of the City of Greenfield municipal code and the Administrative Regulations adopted by the City Council of the City of Greenfield by resolution 2016-15 are incorporated herein by reference.

1. **Government Code and Municipal Code Required Elements**

a. **Description of Property**

Land situated in the City of Greenfield, County of Monterey, State of California, described as Lot 3 as shown in Volume 19 of Parcel Maps at Page 38, Records of Monterey County; APN: 109-521-040; whose street address is 36 4th Street, City of Greenfield.

b. **Owner and Other Person with Legal or Equitable Interest**

Owner:

Lessee:

c. **Duration of Agreement**

This Agreement shall remain in full force and effect so long as the subject property is used for a medical marijuana facility as presently authorized under chapter 5.28 of the City of Greenfield municipal code; provided, however, such use is not abandoned for a period of not more than six (6) months.

d. Permitted Uses

The subject property may be used for any medical marijuana facility as presently authorized under chapter 5.28 of the City of Greenfield municipal code, and for any other use as authorized under title 17 of the City of Greenfield municipal code. Although title 17 does not specifically identify medical marijuana facilities as allowed uses in any zoning district, such uses are similar to other listed uses, including, but not limited to, medical services – clinics, offices, laboratories; garden center/plant nursery; food and beverage manufacturing; and agricultural products processing; and, therefore, medical marijuana facilities are allowed uses in the same zoning districts in which such similar uses are allowed under table 17.26-1 of chapter 17.26 of the City of Greenfield municipal code.

The sale or distribution of medical marijuana and medical marijuana products to the public (consumer end-user) shall only be through a permitted medical marijuana dispensary, to a qualified patient or caregiver, or as otherwise allowed under state law. The sale or distribution of medical marijuana and medical marijuana products to the public (consumer end-user) from a medical marijuana cultivation or manufacturing facility is absolutely prohibited.

e. Density or Intensity of Uses

Highway Commercial Zoning District: For property located in the Highway Commercial zoning district, the maximum lot coverage is 50 percent; however, if any person having a legal or equitable interest in the subject property is a signatory to this Agreement, the maximum lot coverage is 100 percent, subject, however, to minimum front and street side setbacks of 20 feet, provision of sufficient on-site parking for all employees, visitors, and shipping/receiving, on-site circulation for pedestrians and vehicles, minimum building separation as required by the building code, and on-site landscaping. Except as required for driveways and vehicle and pedestrian access, the front and street side setback areas shall be landscaped as otherwise required under chapter 17.54 of the City municipal code.

Light Industrial Zoning District: For property located in the Light Industrial zoning district, the maximum lot coverage is 100 percent, subject, however, to minimum front and street side setbacks of 30 feet, provision of sufficient on-site parking for all employees, visitors, and shipping/receiving, on-site circulation for pedestrians and vehicles, minimum building separation as required by the building code, and on-site landscaping. Except as required for driveways and vehicle and pedestrian access, the front and street side setback areas shall be landscaped as otherwise required under chapter 17.54 of the City municipal code

f. Maximum Building Height and Size

Maximum building height is 45 feet in the Highway Commercial zoning district, 30 feet in the Light Industrial zoning district if less than 100 feet from any residential zoning district, and 40 feet in the Light Industrial zoning district if more than 100 feet from any residential zoning district. There is no maximum building size, subject, however, to minimum front and street side setbacks and provision of sufficient on-site parking for all employees, visitors, and shipping/receiving.

g. Reservation or Dedication of Land for Public Purposes

Sufficient roadway, sidewalk, and utility easements shall be reserved or dedicated to the City for such purposes.

h. Regulatory Permit Application

Section B-5 of the Administrative Regulations adopted by the City Council by Resolution 2016-15 requires inclusion in this Agreement the requirements of section 5.28.050, paragraph F, of the City municipal code. Operator's Regulatory Permit application, as amended or supplemented, sets forth the requirements of that paragraph, which application, as amended or supplemented, is incorporated herein by reference. The requirements and provisions set forth in the Regulatory Permit application, as amended or supplemented, shall have the same force and effect as if set forth in this Agreement; except, however, if there is any conflict, inconsistency, or discrepancy between the Regulatory Permit application, as amended or supplemented, and this Agreement, the provisions of this Agreement take precedence.

2. Operator's Site and Floor Plan

a. Operator's site and floor plan for the facility is attached hereto and incorporated by reference. The floor plan identifies the uses of each interior space, and is the basis for calculating the annual per square foot fee specified in paragraph 6 hereinbelow.

b. A preliminary landscape plan will be prepared and reviewed and approved by the Planning Director as part of the design review process. A final landscape plan shall be prepared and submitted in conjunction with building and site improvement plans prior to issuance of building permits for construction activities.

c. An exterior signage plan will be prepared and reviewed and approved by the Planning Director in accordance with the procedures and requirements of section 5.28.150 and chapter 17.62 of the City of Greenfield municipal code.

3. Facility Operations

a. Standard Operating Procedures

Operator is a non-profit mutual benefit corporation that will serve medical marijuana qualified patient and primary caregiver collective members who will comply with all relevant California state laws and local ordinances. See, California's Compassionate Use Act (Proposition 215) as codified in Health and Safety Code §11362.5; Senate Bill 420, the Medical Marijuana Program Act (H&S Code §§1362.7 to 11362.83); the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (2008 Attorney General Guidelines); and the newly enacted Medical Marijuana Regulation and Safety Act that is comprised of Assembly Bill 243, Assembly Bill 266, and Senate Bill 643.

During the term of its Regulatory Permit and the term of this Agreement, Operator shall lawfully operate in accordance with all State and local laws. Operator will employ exemplary operating procedures to comply with State and local laws. Operator's facility will employ safety and security measures as set forth herein for the safety and security of its employees, as well as other individuals in its neighboring community.

b. Security Plan

The issuance of a Regulatory Permit is conditional upon approval of the proposed security plan by the City Police Chief. The security plan shall include, at a minimum and as appropriate, provisions for video surveillance, perimeter fencing and security, protection of the building(s) from vehicle intrusion, cash handling procedures, product handling and storage procedures, and a professionally monitored alarm system. Equipment and systems used for video surveillance and building alarms will be approved by the City.

Video surveillance shall include, at a minimum, all site and facility entrances and access points, all spaces accessible by the public, all secured areas of the facility with restricted access, all interior spaces and rooms where medical marijuana products are handled and processed, shipping and receiving areas, cash storage areas, and other areas necessary to protect the safety of employees and the public and to ensure medical marijuana products are received, handled, stored, packaged, shipped, and distributed in compliance with applicable local and state laws and regulations. The video surveillance system shall be web-based with direct access provided to the City Police Department for real-time monitoring from the Police Department and through authorized smart phone devices.

The security system will also include sensors to detect entry and exit from all secure areas, panic buttons in appropriate locations, and a professionally monitored alarm system with glass breakage sensors and motion detectors.

Operator will employ properly trained and licensed third-party security personnel to protect the welfare and safety of Operator employees and to ensure public safety to the neighboring community. Operator shall use security personnel 24 hours, 7 days a week. Security personnel may be armed with the prior approval of the City Police Chief. Security personnel may be subject to a background investigation by the City Police Chief. Security personnel shall not be assigned to or employed at the Operator's facility without the prior approval by the City Police Chief.

All security personnel shall register and maintain valid registration status with the State of California Department of Consumer Affairs. At no time shall any security personnel register with the State at any level that is less than that of a proprietary private security officer. Proof of application and registration for all security personnel shall be maintained by the Operator and shall consist of copies of all relevant documentation including: application forms, receipts for application fees and live scan fees, and actual proof of registration.

c. Possession of Firearms

Except for licensed security personnel approved by the City Police Chief, no person employed by the Operator shall be in possession of any firearm while on the premises or location without having first obtained a license from the appropriate state or local agency authorizing the person to be in possession of such firearm. Every such person in possession of a firearm while on the premises or location must provide the City Manager and the City Police Chief, ten days before bringing the firearm onto the premises, with the following:

1. A copy of the license issued to the person by the appropriate state or local agency authorizing him or her to possess such firearm;
2. A copy of his or her law enforcement identification (if he or she is employed by a law enforcement agency);
3. A copy of his or her California driver's license or California identification card; and
4. Any other information reasonably required by the City Police Chief to show that the individual is in compliance with the provisions of all laws regarding the possession and use of a firearm.

d. Identification Display

Each owner, manager, employee, and individual member engaged in the cultivation, processing, manufacturing, distribution, or transporting of medical marijuana shall at all times while engaged in the duties of his or her position wear in plain sight, on his or her person and at chest level, a valid identification badge, issued by the City Police Chief and containing such information, including a

suitable photograph, as the City Police Chief may require. No owner, manager, employee, or individual member engaged in the cultivation, processing, manufacturing, distribution, or transporting of medical marijuana shall engage in any activities on behalf of Operator with which he or she is employee, without first obtaining a valid identification badge. Identification badges shall expire one year after issuance. Application for renewed identification badges shall be filed with the City Police Chief no later than thirty days prior to the expiration of the current identification badge. Identification badges will be the property of the City and shall be immediately collected by the Operator and provided to the City Police Chief within twenty-four hours of their expiration, or within twenty-four hours of the termination of the employment.

e. Procedures for Inventory Control to Prevent Non-Medical Diversion of Medical Marijuana

Only employees who receive clearance from the City Police Chief will be permitted to enter Operator's facility. Each employee will have to meet a criminal background investigation conducted by the City Police Department, which at a minimum shall include a LiveScan criminal history check.

Operator membership rules will seek to prevent the diversion of medical marijuana for non-medical uses by implementing strict policies and practices, as well as efficient transparency to maintain tight controls on inventory and donations and/or cost reimbursements received.

Operator's collective agreement will prohibit the use of medical marijuana by its employees at its facility, in the neighborhood vicinity of its facility, and/or while driving.

Operator will take all necessary and reasonable steps to prevent the distribution of any of its medical cannabis products to minors; prevent revenue from the sale or distribution of its medical cannabis and/or infused products from going to criminal enterprises, gangs and cartels; prevent the diversion of marijuana from California to any other state; prevent state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevent violence and the use of firearms in the cultivation, manufacture and distribution of marijuana; discourage and educate against drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; disavow growing marijuana on public lands that creates attendant public safety and environmental dangers posed by such illegal uses; and discourage and educate against marijuana possession or use on federal property.

f. Quality Control and Testing

Operator will utilize quality control measures and testing to ensure only the highest quality of medical marijuana and infused products will be produced. Operator will inspect the product to insure its identity and quantity, and will have SC Labs, or other testing lab approved by the City, perform testing of random samples prior to distribution to its patient collective membership affiliates. Inspection and testing will be conducted by the approved testing lab off-site. Testing standards and procedures shall be in accordance with applicable State law and regulations.

All medical marijuana products will undergo a quality assurance review prior to distribution to Operator's patient collective affiliates in order to ascertain its quantity and content. Inventory procedures will be utilized for tracking and taxing purposes by the state. Operator will employ an efficient record-keeping system to make transparent its financing, testing, and adverse effect recording, as well as recall procedures. Operator will employ an efficient record-keeping system that will reflect its financing, testing, and adverse effect recording and product recall procedures.

g. Packaging of Medical Marijuana and Infused Products

All Operator medical marijuana products will be packaged and labeled as required by section 19347 of the California Business and Professions Code and applicable requirements and regulations issued by the State pursuant thereto. In addition to those packaging and labeling requirements, and packaging and labeling requirements set forth in the Operator's Regulatory Permit application, as amended or supplemented, all medical marijuana products shall be packaged in an opaque childproof container which shall contain a label or be accompanied by a leaflet or inset that states, at a minimum:

1. The name, address and telephone number of the medical marijuana dispensary facility to which the medical marijuana product is distributed, sold, or transferred;
2. The amount of medical marijuana in the container; and
3. The date the medical marijuana was transferred to a medical marijuana dispensary facility.

Operator intends to produce infused products and will secure any approval from the County of Monterey Health Department required for manufacturing and handling such products. Operator infused products will not be produced, manufactured, stored or packaged in private homes. All Operator medical marijuana infused products shall be individually wrapped at the original point of preparation.

h. Point of Sale Tracking System

Operator will maintain an inventory control and reporting system that accurately documents the location of medicinal marijuana products from inception through distribution, including descriptions, weight, and quantity. The inventory control and reporting system shall comply with the track and trace program required by section 19335 of the California Business and Professions Code and regulations issued therein.

Operator will employ an electronic point of donation/sale system approved by the City, such as BioTrack THC, MJ Freeway, or similar system for all point of donations/sales tracking from seed or inception to product distribution to other licensed medical marijuana dispensary facilities. Such approved system will track all Operator medical marijuana products, each edible, harvested flower, and/or manufactured concentrate, as well as gross sales (by weight and sale). BioTrack THC, MJ Freeway, or similar system will have the capacity to produce historical transactional data in accordance with the City's requirement.

i. Record Keeping

Operator will maintain records for all dispensed medical marijuana and/or infused products. Operators will comply with all records-keeping responsibilities that are set forth in Ordinance 515, section 5.28.220, including complete and up-to-date records regarding the amount of medical marijuana cultivated, produced, manufactured, harvested, stored, or packaged at Operator's facility.

j. Processing, Handling, Storing, and Distribution of Medical Marijuana and Related Products

Medical marijuana cultivation, handling, storing, and processing shall be concealed from public view at all stages of growth and processing, and there shall be no exterior evidence of cultivation or processing occurring at the premises from a public right-of-way or from an adjacent parcel. Medical marijuana cultivation, handling, storing, processing, or distribution shall not create offensive odors; create excessive dust, heat, noise, smoke, traffic, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; or be hazardous due to use or storage of materials, processes, products, or wastes.

Operator will store its medical marijuana and/or medical marijuana products in a locked safe room with T-card identification access for management only. The safe room will be constructed of fire-rate walls with numerous cameras installed to view all entries and exits from the safe room, as well as all other activities performed within Operator's facility. Operator will not conduct outdoor operations except as related to lawful delivery and transportation of medical marijuana and infused products. Operator will not store medical marijuana or

related products in its delivery vehicle outside normal operating hours of the facility.

Medical marijuana products will be sold or distributed only to licensed dispensaries in California. Excess or contaminated product will be securely stored on-site until it is properly disposed. Disposal may include composting, incineration, land-fill disposal through the local waste management hauler, or other disposal methodology in accordance with state and county health and safety codes and regulations.

k. Odor Control

All structures shall have ventilation and filtration systems installed that prevent medical marijuana plant odors from exiting the interior of the structure. The ventilation and filtration system shall be approved by the Building Official and City Manager and installed prior to commencing cultivation or manufacturing within the allowable structure. Facility air intake, exhaust, and recirculating systems shall be of industrial grade. Activated charcoal, recirculating, and closed loop aeration systems will be utilized as necessary for effective odor control and management.

l. Description of Banking Plan

Operator will seek to open a bank account under the name of the Operator or its associated management company to provide transparency for funds received, operational costs, including payroll, tax payments to the state and federal governments, among others. Should a bank account not be forthcoming, Operator will purchase and install safes to secure all daily funds received from its collective membership or other lawful cooperative corporation to which its products are sold, transferred, or distributed. If Operator successfully opens a bank account, it will make provisions for Operator collective members or other lawful cooperative corporations to implement debit and credit card transactions. Operator will not accept personal or corporate checks.

m. Transportation Plan

Operator will comply with all local and state law regarding transportation, including the rules governing delivery service. Operator will retain a list of names and cellular contact numbers for all employees engaged in transportation of medical marijuana products and provide it to the City Police Department, keeping the list current and up to date.

All Operator employees engaged in transportation of medical marijuana products shall carry a copy of the dispensary's current license authorizing the delivery of medical marijuana and/or related products, along with the employee's government-issued identification. The Operator employee engaged in

transportation will be instructed to present his/her license and identification upon request to state and local law enforcement and other employees of regulatory authorities. The licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the City and its police officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information (HIPPA). The licensed dispensary requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the City and its law enforcement officers.

Operator will keep complete and up-to-date records documenting each transfer of medical marijuana to other lawful cooperative corporations, including the amount provided, the form or product category in which the medical marijuana was provided, the date and time provided, the name of the employee making the transfer, the name and address of the other lawful cooperative corporation to whom delivery is made, and the amount of any related donation or other monetary transaction.

4. Community Relations

a. Public Outreach and Education Program

Operator shall create an effective public outreach to City of Greenfield's community, including but not limited to outreach and interface with public and private schools, youth organizations, religious organizations, health care providers, drug abuse treatment providers, and mental health and drug counseling providers.

Operator will coordinate and cooperate with the City and other medical marijuana operators located within the City of Greenfield in the establishment and implementation of appropriate public outreach and education programs. The public outreach and education programs shall be approved by the City.

The public outreach and education program shall

b. Community Benefits Program

Operator will coordinate and cooperate with the City and other medical marijuana operators located within the City of Greenfield in the establishment, implementation, and funding of a community benefits program which could include such items as new community recreation facilities, expansion and/or improvement to existing facilities or other physical improvements that provide a benefit to the community, support of holiday and special community events, and support of local public service and special districts and organizations. This community benefits program may be implemented by a foundation or other association of medical marijuana operators issued regulatory permits by the City.

The City and the public will participate in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the entity implementing this community benefits program. All projects under the community benefits program must be approved by the City.

c. Designation of Persons Responsible for Community Relations

At the time of this Agreement, Operator's operator and general manager, Vyasa Pearson, will be responsible for community inquiries and complaints and on site during normal business hours.

d. Interface with City of Greenfield Police Department

Operator's general manager Vyasa Pearson will interface with the City Police Department to ensure its operation is in compliance with local and state laws and regulations.

e. Local Recruitment, Hiring and Training Programs

Operator is committed to making a good-faith effort to recruit, hire, and train local residents for employment by the Operator. A good-faith effort means the Operator will take the following or similar actions to recruit and employ local residents: 1) Contact local recruitment sources to identify qualified individuals who are local residents, 2) Advertise for qualified local residents in trade papers and newspapers of general circulation in the area, and 3) Develop a written plan to recruit and employ local residents as a part of its workforce.

Operator will also seek local companies to serve as its general contractor and subcontractors needed for construction and build-out improvements of the Operator's medical marijuana facilities. Additionally, local companies will be sought to employ as licensed security guards needed once Operator's facility is opened, as well as for ancillary services needed.

5. Indemnification of City From Liability

a. Pursuant to the City's requirement, Operator will indemnify the City from any claims, damages, injuries, or liabilities of any kind associated with the registration or operation of Operator's medical marijuana facility or the prosecution of Operator's facility or its owners, managers, directors, officers, employees, or its qualified patients or primary caregivers for violation of federal or state laws.

b. Operator agrees to defend, as its sole expense, any action against the City, its agents, officers, and employees related to the approval or issuance of the Regulatory Permit and any separate Conditional Use Permit.

c. Operator agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval or issuance of a Regulatory Permit or a Conditional Use Permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the holder of the Regulatory Permit or Conditional Use Permit of its obligations hereunder.

6. Fees and Other Charges

a. Operator agrees to pay all permit fees and charges reference in section 5.28.089 of the municipal code, in the amounts adopted by the City Council by resolution. Permit application, processing, and renewal fees shall be due and payable at the time application is made.

b. Operator agrees to reimburse the City for all additional costs of the City resulting from the operation of a medical marijuana facility authorized under chapter 5.28 of the municipal code and the administrative regulations. Reimbursement to the City for such costs shall be due and payable upon demand.

c. Operator agrees to comply with the City's future adoption of a local tax and/or other revenue raising mechanism, and in the interim agrees to pay the City an annual per square foot fee in an amount not less than \$15 per gross square foot, but no more than \$20 per gross square foot, to enable the City to promote, protect, and enhance the healthy, safety, and welfare of the community and its residents and its quality of life. Operator agrees to compensate the City for the increased demand on City services, infrastructure, and utilities; local traffic demands; and increased City review and oversight by the police department, planning department, and code enforcement of the operations of Operator's facility. Operator understands and agrees the determination of the required per square foot fee will consider such factors as the size, design, layout, operation, and security plan for the facility; potential adverse effects on the community; and the allocation of City services and staff time to oversee the operation of the facility.

d. Operator understands and agrees such per square foot fee shall be paid in a manner and in accordance with a payment schedule agreed to by the City and Operator. For the first year of operation, the per square foot fee shall be \$___ per square foot. The cultivation and manufacturing space to which this fee applies is as identified on the attached building plan. Payment shall be in equal installments paid quarterly commencing at the end of the first quarter after the effective date of the Regulatory Permit which shall be no sooner than the date a certificate of occupancy is issued for the subject premises.

e. If the Operator makes any changes to the interior layout of the facility that increases the amount of space allocated to those uses to which the per square foot fee applies, the Operator shall notify the City of such changes at least fourteen (14) calendar days prior to making such changes, and the per square foot fee shall be modified accordingly. If the Operator fails to give City notice as required herein, the Operator shall be responsible for paying to the City a per square foot fee based on any increase in the amount of space allocated to those uses to which the per square foot fee applies retroactive to the date the Regulatory Permit became effective.

f. Operator understands and agrees the annual per square foot fee shall be subject to review and modification upon each annual renewal of the Regulatory Permit applying the same standards set forth in paragraph c. above.

7. Insurance

a. Operator will purchase a commercial general liability policy that includes coverage for property and personal injury, motor vehicle, and workers' compensation insurance with limits no less than \$1,000,000 per occurrence.

b. Operator agrees to have its insurance carrier name the City as an additional named insured on all required insurance policies.

8. Resource Efficiency

The design of the facility shall include significant water and energy conservation measures to minimize resource consumption. The design shall incorporate solar, wind, high efficiency lighting, and water recycling systems and technology. High efficiency LED lighting systems for the exterior lighting will be used. If economically and technologically feasible, grow lights shall be high efficiency LED lighting systems. Automated, digitally controlled watering and fertilization systems shall be used for all plant cultivation. Cultivation will be a continuous hydroponic grow, in a soil-less grow medium. All water mixed with nutrients will be recycled. Stormwater shall be collected and recycled to the extent feasible.

9. Standard Conditions for Construction

During any on-site construction activities related to development of the project site and any buildings thereon, or renovation or remodeling of existing buildings, the Owner and Operator shall comply with all applicable terms and conditions of the City's Standard Conditions for Construction, attached hereto and incorporated herein by reference.

10. California Environmental Quality Act

Operator shall reimburse the City for any and all costs incurred by the City related to project review under the California Environmental Quality Act (CEQA), Public Resources Code, §§21000-21189.3, and the Guidelines for California Environmental Quality Act, California Code of Regulations, Title 14, Chapter 3, §§15000-15387. If requested by the City, Operator shall conduct and pay for any required CEQA reviews and analyses.

11. Rules, Regulations, and Official Policies

Except as otherwise provided in this Agreement, the rules, regulations, and official policies of the City governing permitted uses of the land, governing density, and governing the design, improvements, and construction standards and specifications applicable to the development of the project subject to this Agreement, shall be those rules, regulations, and official policies of the City in force at the time of the execution of this Agreement. This Agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor does this Agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, or policies.

12. Regulatory Permit and Conditional Use Permit Conditions of Approval

a. Operator shall comply with all conditions of approval of the Regulatory Permit approved by the City Council per Resolution 2016-___, a copy of which is attached hereto and incorporated herein by reference.

b. Operator and Owner, as the case may be, shall comply with all conditions of approval of the Conditional Use Permit issued by the City Council per Resolution 2016-___, a copy of which is attached hereto and incorporated herein by reference.

13. Amendment or Cancellation

This Agreement may be amended, or canceled in whole or in part, only by the written mutual consent of the parties to this Agreement or their successors in interest.

14. Waiver

Waiver by the City of any one or more of the terms or conditions of this Agreement shall not be construed as waiver of any other term or condition under this Agreement.

15. Severability

If any part of this Agreement is found to be in conflict with applicable state laws or regulations, such part shall be inoperative, null, and void insofar as it is in conflict with said laws or regulations, or modified or suspended as may be necessary to comply with such state laws or regulations, but the remainder of this Agreement shall continue to be in full force and effect.

16. Periodic Reviews

This Agreement shall be subject to annual review. The Owner and Operator executing this Agreement, or successor in interest thereto, shall demonstrate good faith compliance with the terms of this Agreement. If, as a result of such periodic review, the City finds and determines, on the basis of substantial evidence, that the Owner or Operator executing this Agreement, or successor in interest thereto, has not complied in good faith with the terms or conditions of this Agreement, the City may terminate or modify this Agreement.

17. Enforcement

Unless amended or canceled pursuant hereto, this Agreement shall be enforceable by any party hereto, or successor in interest thereto, notwithstanding any subsequent change in any applicable general or specific plan, zoning, subdivision or building regulation, or municipal code amendment adopted by the City that is in conflict with the terms of this Agreement.

18. Obligation of Owner

The Owner shall have rights, duties, obligations, and liability only as expressly set forth herein. The Owner shall have no responsibility or liability for the failure of the Operator to perform as required by this Agreement.

19. Assignment by Owner

The Owner may transfer, delegate, or assign its interest, rights, duties, and obligations under this Agreement.

20. Assignment by Operator

The Operator shall not transfer, delegate, or assign its interest, rights, duties, and obligations under this Agreement without the prior written consent of the other parties to this Agreement. Any assignment, delegation, or assignment without the prior written City consent of the other parties to this Agreement shall be null and void. Any transfer, delegation, or assignment by the Operator as authorized herein shall be effective only if and upon the party to whom such transfer, delegation, or assignment is made is issued a Regulatory Permit as required under chapter 5.28 of the City's municipal code.

21. Operating Medical Marijuana Facility

Any party to this Agreement, or successor in interest thereto, shall not operate a medical marijuana facility authorized under the City's municipal code unless:

- a. It is the holder of a valid Regulatory Permit issued by the City in accordance with the procedures and requirements of chapter 5.28 of the City's municipal code; and
- b. At such time as the State of California requires medical marijuana facilities and businesses to hold a valid license or permit issued by the State of California, it also holds such license or permit, unless, however, such State issued permit or license is not required by the State of California for the type of medical marijuana facility or business operation that is the subject of this Agreement.

22. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. The execution of this Agreement may be by actual, facsimile, or electronic signature.

23. Jurisdiction

The law governing this Agreement shall be that of the State of California. Any suit brought by any party against any other party arising out of the performance of this Agreement shall be filed and maintained in the County of Monterey Superior Court.

24. Disclaimer

Despite California's medical marijuana laws and the terms and conditions of this Agreement, any Conditional Use Permit, or any Regulatory Permit issued pertaining to the Operator or the property specified herein, California medical marijuana cultivators, transporters, distributors, or possessors may still be subject to arrest by state or federal officers and prosecuted under state or federal law. The Federal Controlled Substances Act, 21 USC § 801, prohibits the manufacture, distribution, and possession of marijuana without any exemptions for medical use.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

CITY OF GREENFIELD

OWNER

Susan A. Stanton, ICMA-CM
City Manager

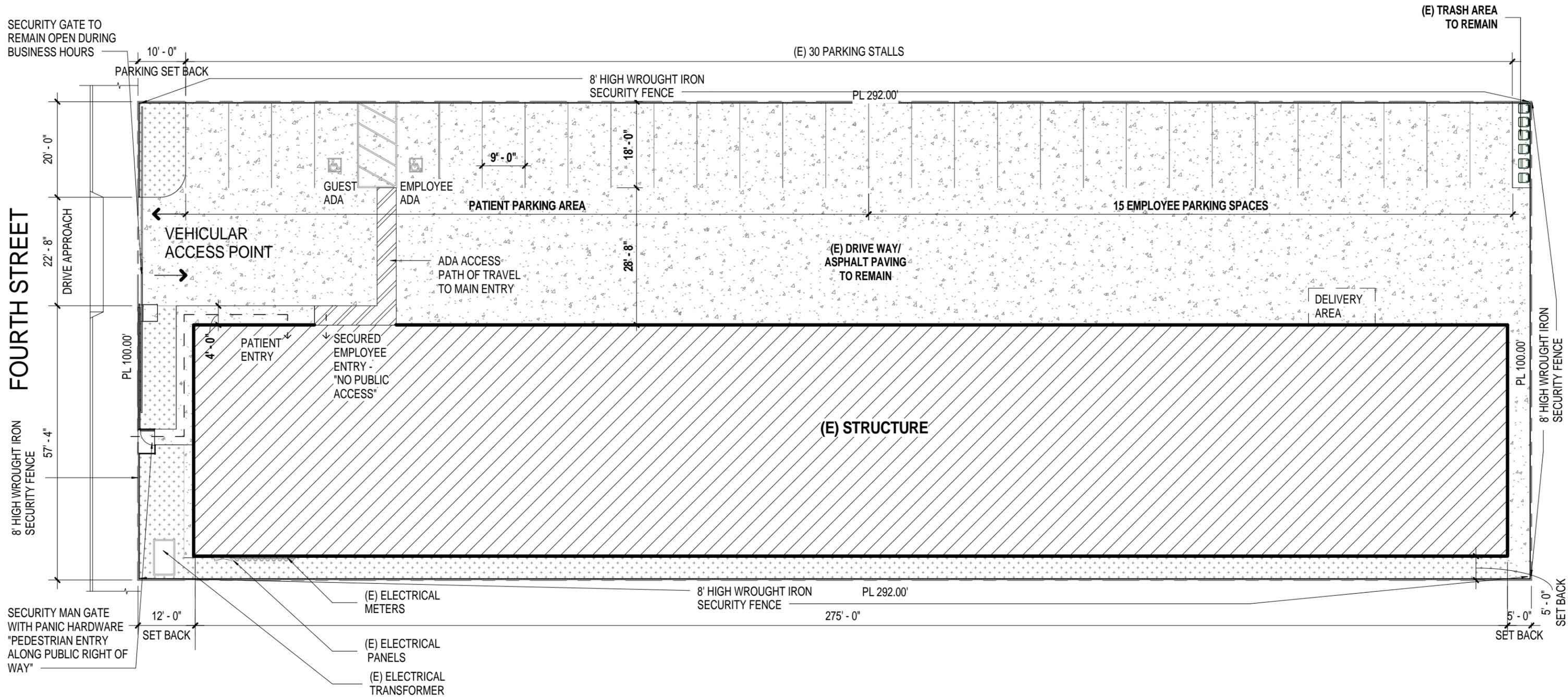
Name:
Title:

OPERATOR

Name:
Title:

APPROVED AS TO FORM:

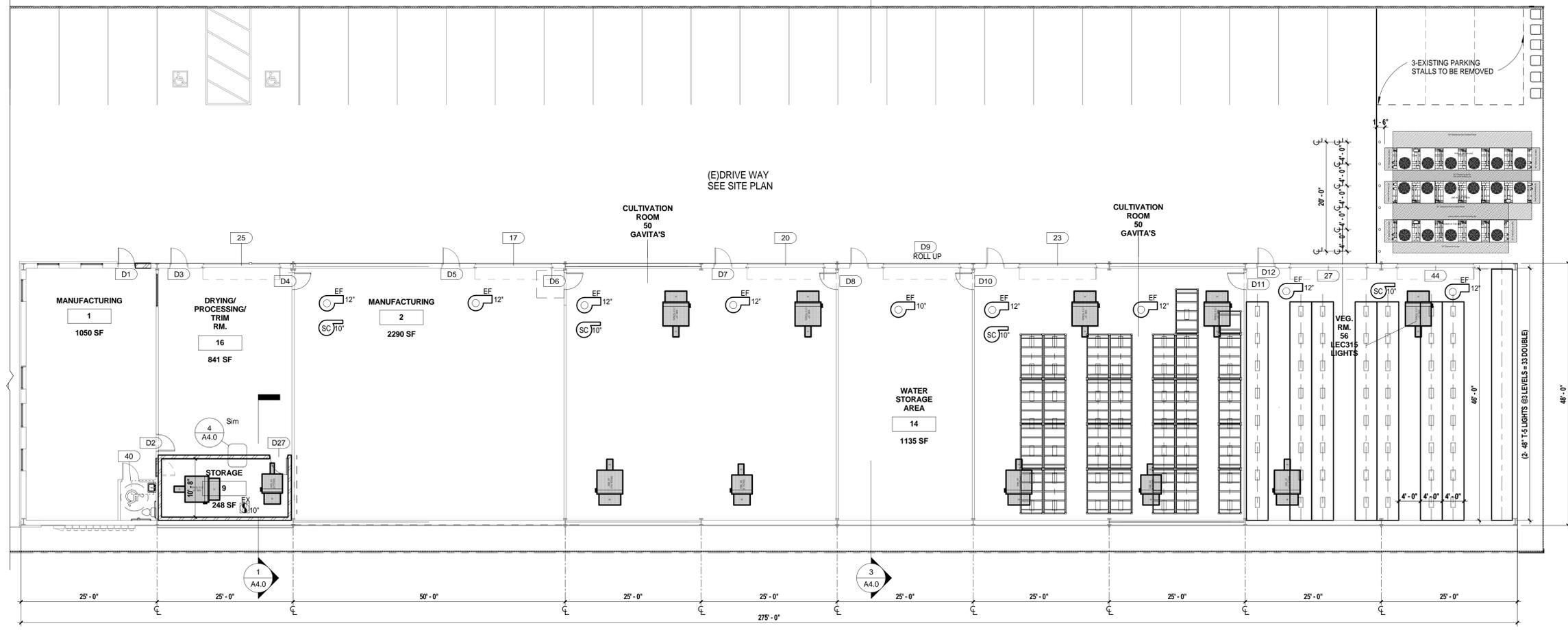
Bradley W. Sullivan
City Attorney



1 SITE PLAN
1" = 20'-0"

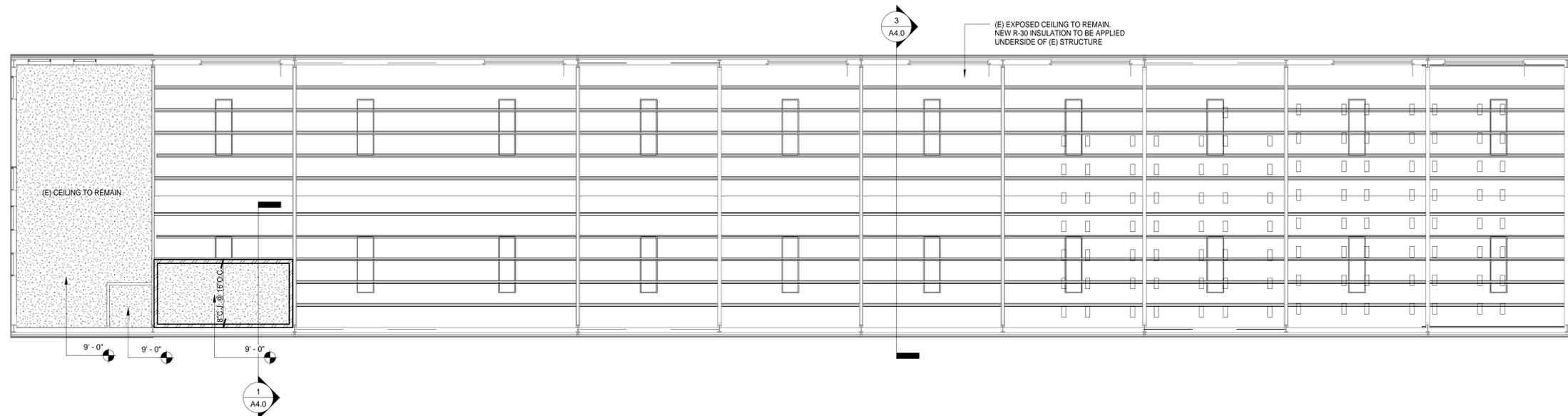
Owner

Malekian & Assoc.
 2255 Honolulu Ave., 1A
 Menlo Park, CA 94025
 818.249.5522 Fax
 818.249.5005 Fax



1 FIRST FLOOR PLAN
3/32" = 1'-0"

4TH ST. Medical Marijuana Facility
36 4th St. Greenfield, CA 93927



- MECHANICAL FAN LEGEND:**
- 12" EXHAUST FAN "FILTERED"
 - 10" SCRUBBER
 - 10" BLAST PROOF EXHAUST FAN

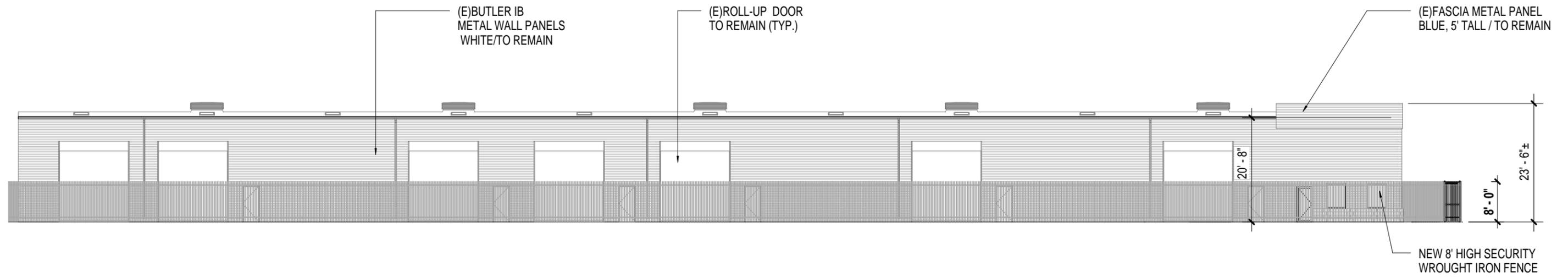
6/7/2016 8:04:52 AM

FLOOR AND RCP PLAN

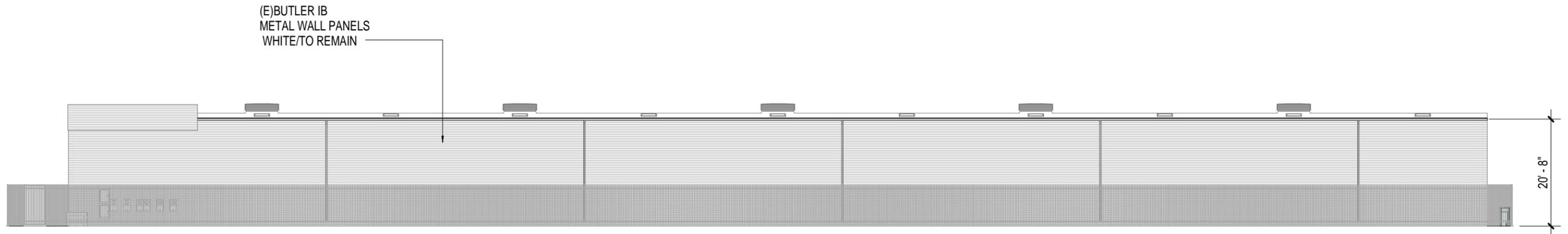
2 FIRST FLOOR
3/32" = 1'-0"

1227

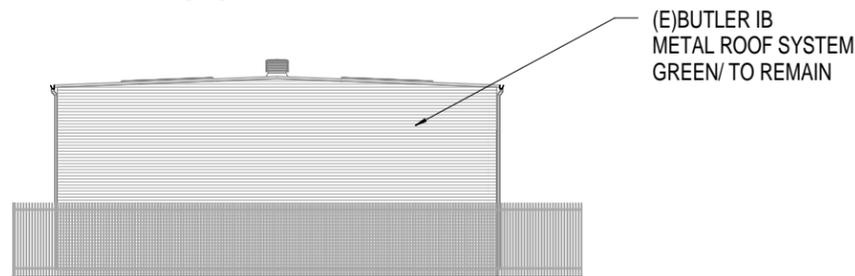
A2.0



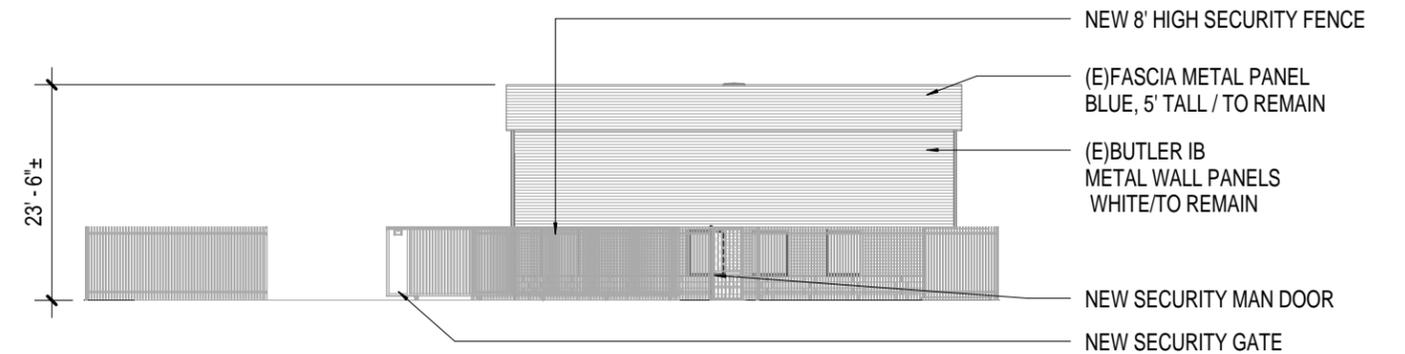
② NORTH ELEVATION
1" = 20'-0"



① SOUTH ELEVATION
1" = 20'-0"



③ EAST ELEVATION
1" = 20'-0"



④ WEST ELEVATION
1" = 20'-0"



City Council Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

MEMORANDUM: June 10, 2016

AGENDA DATE: June 14, 2016

TO: Mayor and City Council

FROM: Susan A. Stanton, ICMA-CM
City Manager

TITLE: PROFESSIONAL SERVICE AGREEMENT

BACKGROUND:

During the past year the City has been meeting with numerous interested prospective businesses considering relocating to this community. During these meetings, the City has not had professionally prepared information to provide to prospects about Greenfield, its history, people and culture. In order to develop this information and ensure it can be transferred to different platforms and media, the City is proposing contracting with a professional media firm to assist in developing the material, message and theme to showcase the community.

Voler Strategic Advisors is a Silicon Valley based management consulting firm founded by Perla A. Rodriguez and most recently worked with the City of Soledad in helping them develop a stronger media presence. With over 18 years of high-level corporate leadership experience, Perla A. Rodriguez has assembled a team of professionals, trained by the best universities around the world. Together with her team members, distinguished leaders in their fields, Voler Strategic Advisors is providing innovative strategies and solutions to help clients achieve their objectives.

The project manager that will be assisting the City in this effort is Rolando Bonilla, Chief Strategy Officer. As Chief Strategy Officer at Voler Strategic Advisors and as a longtime media communications expert and a long-time public servant, Rolando Bonilla has had the privilege of serving two of the Bay Area's largest cities —the City and County of San Francisco and the City of San Jose. In San Francisco, Bonilla served on various City Commissions, including the City's Juvenile Probation Commission, where after being appointed by Mayor Willie L. Brown, Jr., Bonilla served as the Commission's Finance Committee Chairman, overseeing the department's \$33 million annual budget. During his time working in San Francisco politics, Bonilla worked with Lt. Governor Gavin Newsom and Attorney General Kamala Harris. After serving in San

Francisco, Bonilla traveled to the South Bay to work in the office of then-San Jose City Councilmember Nora Campos as her communications director, where he crafted a strong media narrative to align and strengthen Campos' political agenda and raise her citywide profile. During this time, Bonilla positioned Campos as a political force in San Jose, a status that allowed the then-Councilmember to make public safety the City's top priority and secure millions of dollars to help bolster the police department ranks and quell gang violence plaguing the city's most underserved neighborhoods. Bonilla received a BA in political science from the University of San Francisco, a JD from San Francisco Law School, and is licensed by the State of California in the sale of real estate.

The proposed scope of work will culminate in the production of professional brochure and related materials such as the production of a new logo and theme for branding the city. Voler will work with its graphic designers to develop a visual feel to the brochure that will support the words in the brochure. Additionally, through this process, we will work to develop a brochure that can also be easily e-mailed or downloaded from the City's website in order to maximize its utilization and availability, at the most minimal cost to the City as possible.

Lastly, based upon the brochure's look and feel, Voler will provide the City of Greenfield with a style sheet that can guide the City in expanding your new look to other marketing tools that you are currently using

BUDGET AND FINANCIAL IMPACT:

The negotiated fee for this service is \$15,000.

REVIEWED AND RECOMMENDED:

Rolando Bonilla, Chief Strategy Officer, has extensive experience with the Salinas Valley and has done outstanding work with the City of Salinas Valley.

POTENTIAL MOTION:

I MOVE TO APPROVE/DENY AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICE AGREEMENT WITH VOLER STRATEGIC ADVISORS FOR \$15,000.

May 12, 2016

Susan A. Stanton, City Manager
City of Greenfield
599 El Camino Real
P.O. Box 127
Greenfield, California 93927

Dear Ms. Stanton:

Thank you for providing my firm with the opportunity to provide the City of Greenfield with professional services.

Per our discussion, you identified that one of the City's highest priorities, from a communications perspective, is the development of a brochure that could be utilized for the purpose of marketing the City of Greenfield.

Below, I outline the various services required for the development of a brochure.

Scope of Work

Project Management

A project manager with an understanding of both creative and copy are important to the success of the development of marketing collateral as the responsibility of the project manager is to create the vision for the collateral, as expressed by the client, and then disseminating it to both the copy team and graphics team.

From a project management perspective, we will be tasked with keeping the project on time, on budget, and perhaps more importantly, ensuring both creative teams come together to achieve the desired outcomes. Upon request, we can work with your designated printing vendors to obtain quotes for you, coordinate printing and delivery.

Content/Copy

These are the words that will bring the brochure to life. Voler Strategic Advisors will work directly with its seasoned writing partners to develop the copy required to make the brochure's copy one that appeals to a broad audience.

Additionally, copy will be written in a manner that does not date the brochure in order to ensure that the brochure can be utilized by the City for years. To minimize cost, Voler Strategic Advisors will work with city staff to guide them in the content writing process when necessary.

Graphic Design/Creative

Similar to copy, the graphic design work will be the voice that speaks to readers before their eyes ever glance the words in the brochure.

Voler will work with its graphic designers to develop a visual feel to the brochure that will support the words in the brochure. Additionally, through this process, we will work to develop a brochure that can also be easily e-mailed or downloaded from the City's website in order to maximize its utilization and availability, at the most minimal cost to the City as possible.

Lastly, based upon the brochure's look and feel, Voler will provide the City of Greenfield with a style sheet that can guide the City in expanding your new look to other marketing tools that you are currently using.

Total Cost for Project: \$15,000

Conclusion

Thank you for your time and consideration. We look forward to further discussing this project with you and your team. We are available to begin to work with you immediately.

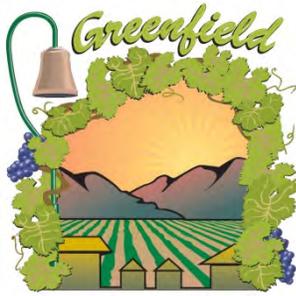
Sincerely,

Rolando A. Bonilla
Chief Strategy Officer

If you agree with the above terms, please sign below:

Susan A. Stanton, City Manager

Date



City Council Memorandum

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

MEMORANDUM: June 10, 2016

AGENDA DATE: June 14, 2016

TO: Mayor and City Council

FROM: Susan A. Stanton, ICMA-CM
City Manager

**TITLE: APPOINTMENT OF MEMBERS TO THE MEASURE VW
OVERSIGHT COMMITTEE**

BACKGROUND:

At the May 10th City Council meeting, the City approved the creation of a Measure VW Citizens' Oversight Committee to monitor the revenue collected by the Measure VW transactions and use tax as well as report on the expenditures made with the aforementioned tax proceeds. At the May 31st Special City Council meeting, the City Council approved the appointments of Stephanie Garcia and Robert Urquidez to the VW Oversight Committee. These appointments were recommended by Mayor Pro-tem Rodriguez and Councilmember Walker. There are three additional appointments that need to be made. *As soon as each City Council member nominates a qualified person to the Oversight Committee, it can begin to prepare for its first meeting.*

The composition of the Oversight Committee will consist of five (5) members with four years coterminous with the nominating councilmember's term. Members must be a City resident or Business Owner. Member nominations will be made by individual Councilmembers and confirmed by the City Council. Members may not be current City of Greenfield employees, officials, contractors, or vendors of the City. Past employees, officials or vendors may be eligible to serve on the Oversight Committee, provided that no conflicts of interest exist.

POWERS AND DUTIES:

- The Measure VW Oversight Committee's roles and responsibilities will include the following:
- To serve in an advisory-only capacity to the City Council;

- To provide oversight of the revenues and expenses pertaining to the portion of the sales tax generated by Measure V and Measure W;
- To review the annual independent financial audit of the City performed by an independent auditor on sections pertaining to the revenue and expenses related to the portion of the sales tax generated by Measure V and Measure W;
- To review other City financial reports pertaining to the revenue generated by and expenses related to the portion of the sales tax generated by Measure V and Measure W revenue and expenses;
- Providing Council with an annual written report;
- Additional reports to Council can be provided to Council at the Committee's and/or Council's discretion; (all reports must be in writing and agenzized pursuant to the Brown Act)
- The Oversight Committee is not charged with decision-making on spending priorities, schedules, funding source decisions, or financing plans. The Oversight Committee serves in an advisory-only role to the City Council.

MEETINGS:

The Oversight Committee will meet at least annually on the 4th Monday in August at 5:30 p.m. in the Council Chambers. The Oversight Committee is subject to the Brown Act. Meetings must be noticed and open to the public. Oversight Committee minutes and reports are a matter of public record, and may be posted on a website provided by the City. Additional meetings may be scheduled by the Oversight Committee as necessary. All Oversight Committee members must attend training and orientation prior to the first regular Oversight Committee meeting, including separate Brown Act training and AB 1234 Ethics Training. Oversight Committee members are expected to attend all regular meetings. Because the Oversight Committee only meets annually, failure to attend said meeting(s) may result in removal from the Oversight Committee at the discretion of the City Council. Oversight Committee decisions, positions, findings, and procedures require a simple majority vote of those members in attendance. The quorum requirement for any meeting shall be a minimum of three members.

POTENTIAL MOTION:

I MOVE TO APPROVE/DENY THE APPOINTMENT OF _____ AS COUNCIL MEMBER _____ NOMINEE TO THE CITY OF GREENFIELD MEASURE VW CITIZENS' OVERSIGHT COMMITTEE CONTERMINOUS WITH HIS/HER COUNCIL TERM OF OFFICE.

RESOLUTION NO. 2016-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENFIELD, CALIFORNIA, ESTABLISHING THE MEASURE VW CITIZENS' OVERSIGHT COMMITTEE FORMATION AND SETTING FORTH GUIDELINES AND DUTIES OF THE COMMITTEE

WHEREAS, on January 12, 2016, the City Council adopted and ratified Ordinance 512, Measure W imposing a transactions and use tax to be administered by the State Board of Equalization; and

WHEREAS, on January 12, 2016, the City Council adopted and ratified Ordinance 511 extending a transactions and use tax (Measure V) to be administered by the State Board of Equalization; and

WHEREAS, pursuant to Chapter 3.26 of the Municipal Code, the City Council is to establish and form a five (5) member Citizens' Oversight Committee to monitor the new transaction and use tax proceeds and associated expenses, and

WHEREAS, the City Council is also required to set forth guidelines and duties of the Citizens' Oversight Committee:

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Greenfield, California, as follows:

1. The City Council hereby establishes a five member Measure VW Citizens' Oversight Committee made up of residents of the City of Greenfield; and
2. The City Council hereby approves the Measure VW Citizens' Oversight Committee's scope of responsibilities (guidelines) as set forth in "Exhibit A" attached herein; and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Greenfield held on the 10th day of May, 2016 by the following vote:

AYES, and all in favor, thereof, Councilmembers: Mayor Huerta, Mayor Pro-tem Rodriguez, Councilmembers Walker and Torres

NOES, Councilmembers: None

ABSENT, Councilmembers: Councilmember Santibanez

_____/s/_____
Mayor of the City of Greenfield

Attest:

_____/s/_____
City Clerk of the City of Greenfield

MEASURE VW CITIZENS' OVERSIGHT COMMITTEE GUIDELINES

The City Council of the Greenfield hereby establishes a Measure VW Citizens' Oversight Committee (the "Oversight Committee") to monitor the revenue collected by the Measure V and Measure W transactions and use tax as well as report on the expenditures made with the aforementioned tax proceeds.

APPLICATION/RECRUITMENT PROCESS:

The composition of the Oversight Committee will consist of no more than five (5) members. The term is four years and/or coterminous with the nominating councilmember's term. Members must be a City resident or Business Owner. Member nominations will be made by individual Councilmembers and confirmed by the City Council. Members will not be current City of Greenfield employees, officials, contractors, or vendors of the City. Past employees, officials or vendors may be eligible to serve on the Oversight Committee, provided that no conflicts of interest exist.

POWERS AND DUTIES:

- The Measure VW Oversight Committee's roles and responsibilities will include the following:
- To serve in an advisory-only capacity to the City Council;
- To provide oversight of the revenues and expenses pertaining to the portion of the sales tax generated by Measure V and Measure W;
- To review the annual independent financial audit of the City performed by an independent auditor on sections pertaining to the revenue and expenses related to the portion of the sales tax generated by Measure V and Measure W;
- To review other City financial reports pertaining to the revenue generated by and expenses related to the portion of the sales tax generated by Measure V and Measure W revenue and expenses;
- Providing Council with an annual written report;
- Additional reports to Council can be provided to Council at the Committee's and/or Council's discretion; (all reports must be in writing and agenized pursuant to the Brown Act)
- The Oversight Committee is not charged with decision-making on spending priorities, schedules, funding source decisions, or financing plans. The Oversight Committee serves in an advisory-only role to the City Council.

TERM OF SERVICE:

The term of the Oversight Committee members shall commence on August 1, 2016. Each committee member will serve a four-year term and/or coterminous with the nominating Councilmember's term.

MEETINGS:

The Oversight Committee will meet at least annually on the 4th Monday in August at 5:30 p.m. in the Council Chambers. The Oversight Committee is subject to the Brown Act. Meetings must be noticed and open to the public. Oversight Committee minutes and reports are a matter of public record, and may be posted on a website provided by the City. Additional meetings may be scheduled by the Oversight Committee as necessary. All Oversight Committee members shall attend training and orientation prior to the first regular Oversight Committee meeting, including separate Brown Act training and AB 1234 Ethics Training.

Oversight Committee members are expected to attend all regular meetings. Because the Oversight Committee only meets annually, failure to attend said meeting(s) may result in removal from the Oversight Committee at the discretion of the City Council. Oversight Committee decisions, positions, findings, and procedures require a simple majority vote of those members in attendance. The quorum requirement for any meeting shall be a minimum of three members.

STAFF LIAISON APPOINTMENT:

The City Manager and/or his/her designee will serve as staff liaison(s) to the Oversight Committee. The liaison(s) will be responsible for providing relevant information and receive and record all exhibits, documents, or other material presented to the Oversight Committee, including the annual financial audit. The liaison(s) will prepare, post, and distribute agendas and take minutes at each meeting. The liaison(s) will ensure that minutes of the proceedings are made available to the City Council and the public.