



AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

**October 4, 2016
7:00 P.M.**

**Adelanto Governmental Center
City Council Chambers**

Planning Commission
Chris Waggener, Chair
Mark Ferretiz, Vice Chair
Keron Jones, Commissioner
Jessie Flores, Commissioner
Joy Jeanette, Commissioner
Senior Planner
Mark de Manincor

City Attorney
Curtis R. Wright, Esq.

Meetings held:
1st Tuesday of the month

NOTE: PLEASE TURN CELL PHONES OFF OR PLACE THEM ON VIBRATE DURING THE PLANNING COMMISSION MEETING AS A COURTESY TO OTHERS. Thank you, Administrative Staff

The Planning Commission packet may be reviewed by the public at the reception counter in City Hall. Any writings or documents pertaining to an open session item, provided to a majority of the Planning Commissioners within 72 hours of a regular meeting, shall be made available for public inspection at the reception counter in City Hall at 11600 Air Expressway, Adelanto, CA 92301, during normal business hours. **Members of the public can view the agenda or download any staff reports in advance by accessing the City website at www.ci.adelanto.ca.us on Thursday the week before the scheduled meeting.**

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department, (760) 246-2300 ext. 3001 no later than 72 hours prior to the meeting. (28 CFR 34.102.104 ADA TITLE II)

A. CALL TO ORDER

TIME: _____

ROLL CALL: Commissioner Jeannette _____

 Commissioner Flores _____

 Commissioner Jones _____

 Vice Chair Ferretiz _____

 Chair Waggener _____

FLAG SALUTE: _____

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B. CONFLICT OF INTEREST

Planning Commissioners will announce any possible Conflicts of Interests for the Planning Commission Meeting.

C. DELETIONS/ADDITIONS TO AGENDA

1. Senior Planner to announce if there is any addition/removal of items from the agenda.

D. PRESENTATIONS

- 1.

E. PUBLIC COMMUNICATIONS

Opened at: _____ Closed at: _____

Members of the public wishing to address the Planning Commission are required to fill out a speaker card and hand it to the Clerk of the meeting. This is the time and place for members of the public to comment on any matter within the jurisdiction of the Adelanto Planning Commission. After receiving recognition from the Chair, the speaker will walk to the podium and state their name for the record. There is a time limit of three (3) minutes when giving your presentation.

Members of the audience may address the Planning Commission on non-agenda items; however, in accordance with Government Code Section 54954.2, the Planning Commission may not take action on an item not appearing on the posted agenda.

F. CONSENT CALENDAR

1. TENTATIVE TRACT MAP 17210 – FIRST EXTENSION OF TIME FOR TENTATIVE TRACT MAP 17210, A REQUEST BY ASUKA ADELANTO, LP TO SUBDIVIDE APPROXIMATELY 20 ACRES OF LAND INTO 80 SINGLE-FAMILY RESIDENTIAL LOTS. THE PROPERTY IS LOCATED BETWEEN CHAMBERLAINE WAY TO THE NORTH, BARTLETT ROAD TO THE SOUTH, RACCOON AVENUE TO THE WEST AND STEVENS STREET TO THE EAST, IN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO.

RECOMMENDATION: Adopt Resolution No. P-16-36 adopt findings and approve the 1st. extension of Time for Tentative Tract Map 17210 to subdivide the subject property into 80 single family residential lots subject to the amended conditions of approval and the mitigation measures listed in the original Initial Study.

M _____ S _____ ACTION _____

G. PUBLIC HEARING

PUBLIC HEARING OPEN: _____ **PUBLIC HEARING CLOSED:** _____

1. CODE AMENDMENT 16-06 PROPOSED AMENDMENT TO TITLE 17 OF THE ADELANTO MUNICIPAL CODE CHAPTER 17.80 (SPECIAL USE STANDARDS) BY REMOVING SECTION 17.80.050 AND ADDING SECTION 17.80.120 ALLOWING MEDICAL CANNABIS DISPENSARIES, AMENDING SECTIONS 17.80.080 AND 17.80.090 RELATING TO MEDICAL CANNABIS CULTIVATION AND MANUFACTURING, AMENDING THE TABLE OF CONTENTS, APPENDIX A AND OTHER CONSISTENCY CHANGES.

RECOMMENDATION: Adopt Resolution P-16-35 recommending to the City Council Approval of Code Amendment 16-06 in reference to the Draft Ordinance regulating Medical Cannabis Dispensaries, and revising Cultivation and Manufacturing regulations.

M _____ S _____ ACTION _____

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2. CONDITIONAL USE PERMIT 16-18: MR. RAFAEL ALMANZAR FOR BMG VENTURES IS REQUESTING A CONDITIONAL USE PERMIT FOR CULTIVATION AND MANUFACTURING OF MEDICAL MARIJUANA WITHIN AN EXISTING 5,000 SQUARE FOOT INDUSTRIAL BUILDING LOCATED AT 16537 BEAVER ROAD, ON APPROXIMATELY 4.0 ACRES, IN INDUSTRIAL PARK 3, WITHIN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO. ASSESSOR'S PARCEL NUMBER 3129-261-22.

RECOMMENDATION: ADOPT Resolution No. P-16-33 , ADOPT findings, and APPROVE Conditional Use Permit 16-18 to allow a Medical Marijuana Cultivation and Manufacturing Facility at an existing developed site, finding the project exempt under Section 15162 (Subsequent EIR's and Negative Declarations) of the California Environmental Quality Act.

M _____ S _____ ACTION _____

3. CONDITIONAL USE PERMIT 16-19: MR. DANNY MCPHAIL REPRESENTING ADELANTO MANUFACTURING, LLC, IS REQUESTING A CONDITIONAL USE PERMIT FOR MANUFACTURING OF MEDICAL MARIJUANA AT AN EXISTING 20,160 SQUARE FOOT FACILITY. THE PROJECT SITE IS LOCATED AT 9501 COMMERCE WAY, BUILDING 3, IN INDUSTRIAL PARK 3, WITHIN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO. ASSESSOR'S PARCEL NUMBER 3129-261-41.

RECOMMENDATION: ADOPT Resolution No. P-16-34, ADOPT findings, and APPROVE Conditional Use Permit 16-19 to allow a Medical Marijuana Manufacturing Facility at an existing developed site, finding the project exempt under Section 15162 (Subsequent EIR's and Negative Declarations) of the California Environmental Quality Act.

M _____ S _____ ACTION _____

4. TENTATIVE PARCEL MAP 19782 – MR. MANOOCH KHANBEIGI PROPOSES TO SUBDIVIDE ONE 7.2-ACRE PARCEL INTO SIX (6) LOTS LOCATED WITHIN THE MANUFACTURING/INDUSTRIAL ZONING DISTRICT.

RECOMMENDATION: ADOPT Resolution No. P-16-32 ADOPT findings and APPROVE Tentative Parcel Map 19782 to subdivide one 7.2-acre parcel into six (6) lots within the Manufacturing/Industrial (MI) Zone subject to the recommended conditions of approval.

M _____ S _____ ACTION _____

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**E. SENIOR PLANNER/COMMISSIONER'S ANNOUNCEMENTS
AND/OR REPORTS**

1. Senior Planner Comments.
2. Planning Commissioner Comments.

F. ADJOURNMENT

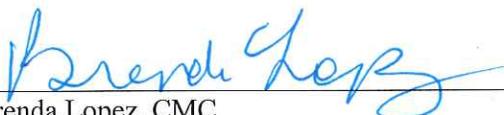
A next Regular Meeting of the Planning Commission will be held on November 8, 2016, at 7:00 p.m. Unless a Special Meeting is called.

TIME OUT: _____

M _____ S _____ ACTION _____

G. DECLARATION OF POSTING

I, BRENDA LOPEZ, DEPUTY CITY CLERK/ADMINISTRATIVE ANALYST, HEREBY CERTIFY THAT A TRUE, ACCURATE COPY OF THE FOREGOING AGENDA WAS POSTED ON SEPTEMBER 29, 2016 SEVENTY TWO (72) HOURS PRIOR TO THE MEETING PER GOVERNMENT CODE 54954.2 IN THE GOVERNMENTAL CENTER'S DISPLAY CASE, 11600 AIR EXPRESSWAY, ADELANTO, CALIFORNIA.



Brenda Lopez, CMC
Deputy City Clerk/Administrative Analyst



Rich Kerr
Mayor

Jermaine Wright Sr.
Mayor Pro-Tem

Ed Camargo
Council Member

Charley B. Glasper
Council Member

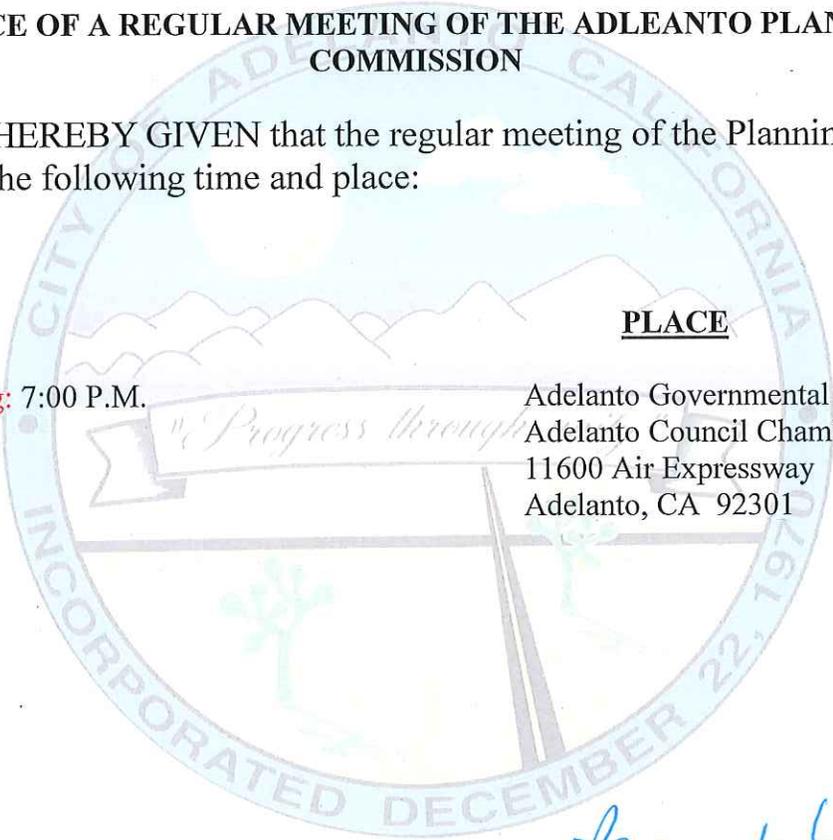
John "Bug" Woodard Jr.
Council Member

MEETING NOTICE

NOTICE OF A REGULAR MEETING OF THE ADELANTO PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the regular meeting of the Planning Commission will meet at the following time and place:

<u>TIME</u>	<u>PLACE</u>
Regular Meeting: 7:00 P.M. Tuesday October 4, 2016	Adelanto Governmental Center Adelanto Council Chambers 11600 Air Expressway Adelanto, CA 92301




Brenda Lopez
Deputy City Clerk/ Administrative Analyst

DATED: September 29, 2016



PLANNING COMMISSION AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: October 4, 2016

TO: Honorable Chairman and Members of the Planning Commission

FROM: Mark de Manincor, Planning Manager

SUBJECT: **Tentative Tract Map 17210** – First Extension of time for Tentative Tract Map 17210, a request by Asuka Adelanto, LP to subdivide approximately 20 acres of land into 80 single-family residential lots. The property is located between Chamberlaine Way to the north, Bartlett Road to the south, Raccoon Avenue to the west and Stevens Street to the east, in the City of Adelanto, County of San Bernardino.

STAFF RECOMMENDATION:

Adopt Resolution No. P-16-36 **adopt** findings and **approve** the 1st extension of Time for Tentative Tract Map 17210 to subdivide the subject property into 80 single family residential lots subject to the amended conditions of approval and the mitigation measures listed in the original Initial Study.

SUMMARY

Asuka Adelanto, LP, requests their 1st Extension of Time of approved Tentative Tract Map 17210 to subdivide 20 acres into 80 single family lots. Tentative Tract Map 17210 was originally approved by the Planning Commission on September 18, 2007. With the approval of the requested Extension of Time, the subject map must be recorded by September 18, 2017 or the approval will expire and a new Tentative Tract Map application must be submitted.

BACKGROUND:

Applicant: Asuka Adelanto, LP – Vincent Hsieh
1845 Federal Ave # 104
Los Angeles, CA 90025

General Location: The approved Tentative Tract Map is located between Chamberlaine Way to the north, Bartlett Road to the south, Raccoon Avenue to the west and Stevens Street to the east, in the City of Adelanto, County of San Bernardino.

Assessor's Parcel Numbers: 0459-092-03

Environmental Determination: Exempt under Section 15162 (Subsequent EIRs and Negative Declarations)

Related Cases: None

Existing General Plan & Zoning Designations: Single-Family Residential (R-S1)

Surrounding General Plan and Zoning:

<i>Direction</i>	<i>General Plan</i>	<i>Zoning</i>
North	Single-Family Residential	R-S1
South	Single-Family Residential	R-S1
East	Single-Family Residential	R-S5
West	Single-Family Residential	R-S1

Existing Land Use: Vacant.

Surrounding Land Uses: The following chart shows the surrounding land uses:

<i>Direction</i>	<i>Land Use</i>
North	Developed (Tract 17312)
South	Vacant
East	Developed (Tract 11701, 11702, 11703)
West	Vacant

PROJECT DESCRIPTION:

The applicant, Asuka Adelanto, LP, requests their 1st Extension of Time of approved Tentative Tract Map 17210 to subdivide 20 acres into 80 single family residential lots, with a minimum lot size of 7,200 square feet, establishing a new project expiration date of September 18, 2017.

DISCUSSION

Tentative Tract Map 17210 was originally approved by the Planning Commission on September 18, 2007. Pursuant to the Subdivision Map Act, if the applicant makes a formal application for an Extension of Time, the City has 60 days to process the application, during which time, the Map is still active. The applicant is requesting their 1st Extension of Time. This would allow the applicant one additional year to record the final map. With the approval of the requested Extension of Time, the subject map must be recorded by September 18, 2017 or the approval will expire and a new Tentative Tract Map application must be submitted. The applicant can request up to five Extensions of Time for a Tentative Tract Map. Therefore, on or before September 18, 2017, an additional application may be submitted for an additional year.

ENVIRONMENTAL CONSIDERATIONS:

Tentative Tract Map 17210 Extension # 1
October 4, 2016

An Initial Study with supporting documents was prepared for the original approval of Tentative Tract Map 17210 pursuant to the California Environmental Quality Act. Based on the analysis contained in the Initial Study, it was determined that the proposed project would pose a less than significant impact with mitigations. Therefore a Negative Declaration was prepared. The current Extension of Time application is exempt from further environmental review pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) of the California Environmental Quality Act as the proposed project is covered under the scope of the prior approved Negative Declaration.

ATTACHMENTS:

1. Resolution P-16-36
2. Notice of Exemption
3. Zoning Exhibit
4. Aerial Map
5. Tentative Tract Map 17210

RESOLUTION NO. P-16-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, CALIFORNIA, MAKING FINDINGS AND APPROVING THE 1ST EXTENSION OF TIME FOR TENTATIVE TRACT MAP 17210 SUBJECT TO THE AMENDED CONDITIONS OF APPROVAL, LOCATED BETWEEN CHAMBERLAINE WAY TO THE NORTH, BARTLETT AVENUE TO THE SOUTH, STEVENS STREET TO THE EAST AND RACCOON AVENUE TO THE WEST, IN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, ASSESOR'S PARCEL NUMBER 0459-092-03.

WHEREAS, the applicant, Vincent Hsieh for Asuka Adelanto, LP, has initiated the filing of the 1st Extension of Time for Tentative Tract Map 17210, proposing 80 single family lots on approximately 20 acres located between Chamberlaine Way to the north, Bartlett Avenue to the south, Stevens Street to the east and Raccoon Avenue to the west, in the City of Adelanto, County of San Bernardino; and

WHEREAS, Tentative Tract Map 17210 will expire on September 18, 2017, unless an application is filed for another Extension of Time prior to this date; and

WHEREAS, the applicant, Asuka Adelanto, LP, has agreed to accept the amended conditions of approval for Tentative Tract Map 17210; and

WHEREAS, an Initial Study was prepared as part of the original review of Tentative Tract Map 17210 to consider potential environmental impacts and a Notice of Exemption has been prepared for the proposed Extension of Time; and

WHEREAS, a duly noticed public hearing was held on the 4th day of October, 2016, to hear and consider testimony for or against the issue; and

WHEREAS, the City has complied with the California Environmental Quality Act; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

SECTION 1. The above recitals are all true and correct.

SECTION 2. The Planning Commission has reviewed and considered the environmental documentation included in the staff report and accompanying materials prior to taking action on the proposed Extension of Time of Tentative Tract Map 17210. The Planning Commission further finds that the Planning Commission determinations reflect the independent judgment of the Planning Commission.

SECTION 3. The Planning Commission hereby finds the proposed project is exempt from further environmental considerations pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) of the California Environmental Quality Act.

SECTION 4. The Planning Commission hereby finds and determines that:

- (a) That the proposed map is consistent with applicable general plan as specified in Section 65451.

The applicant proposes to subdivide the site by extending Tentative Tract Map No. 17210 with 80 single family homes on approximately 20 acres. The proposed lot sizes are consistent with the City's Zoning Code and the General Plan density limit of four (4) units per acre. As such, the proposed tentative tract map will be consistent with the General Plan.

- (b) That the design or improvement of the proposed subdivision is consistent with applicable general plan.

As part of the amended conditions of approval, the Tentative Tract Map has been conditioned to dedicate necessary rights of way and install all required improvements consistent with City standards.

- (c) That the site is physically suitable for the type of development.

The project site is flat, has access to existing streets or those streets planned to be improved as part of the proposed subdivision, and has adequate infrastructure, including water and sewer service, and public services, such as fire prevention and law enforcement, to meet the needs of the proposed project.

- (d) That the site is physically suitable for the proposed density of development.

The project site has adequate water supply and pressure, and sewer collection and treatment capacity. The City's master planned roadway system is designed to allow adequate roadway capacity predicated upon the adopted General Plan land uses.

- (e) That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

A biological report was prepared for the project site as part of the original approval of Tentative Tract Map 17210. No threatened or endangered species were found on the property. However, the site supports native vegetation, including winterfat and spiny hop-sage plants, which indicates the site could provide habitat for the Mohave Ground Squirrel. To respond to this potential the City incorporates a standard condition of approval to provide for a subsequent survey, consistent with the California Department of Fish and Wildlife guidelines and requiring either live trapping or the acquisition of a 2081 Incidental Take Permit prior to the development of the site.

The project has been conditioned to meet the National Pollutant Discharge Elimination System (NPDES) requirements of the Clean Water Act and prepare a Storm Water Pollution Prevention Plan (SWPPP) with associated Best Management Practices (BMPs) that identify specific measures to be undertaken

to ensure pollution does not permeate into the ground water basin or is discharged off-site.

- (f) That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

The proposed project will have at least two points of paved, all-weather access into and out of the subdivision. Internal street widths meet adopted City/County standards. Should the project be phased each development phase of the proposed project will be required to provide primary and secondary points of access, consistent with the requirements of the Fire Department. Perimeter roadways and infrastructure improvements have been conditioned to be installed concurrent with development to ensure adequate improvements are available to protect future residents and provide basic service needs. Drainage improvements will be installed consistent with a drainage report required by the City's Public Works Department.

- (g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

No public easements traverse the property.

- (h) No substantial changes are proposed in the project which would require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

No changes from the originally approved Tentative Tract Map are proposed as part of the requested Extension of Time. Therefore, no new significant environmental effects will occur.

- (i) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

There have been no substantial changes to the circumstances of the originally approved Tentative Tract Map. Therefore, no substantial changes from the originally approved Tentative Tract Map will occur.

- (j) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was adopted, is now known.

No new information has been received or discovered since the original approval of the Tentative Tract Map.

SECTION 5. The Planning Commission hereby approves the 1st Extension of Time for Tentative Tract Map No. 17210 subject to the amended conditions of approval attached herein as Attachment A.

PASSED, APPROVED AND ADOPTED by the Planning Commission this 4th day of October, 2016.

Chris Waggener
Chairman of the Planning Commission

Virginia Cervantes
Secretary to the Planning Commission

Attachments: Conditions of Approval

RESOLUTION NO. P-16-36

October 4, 2016

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I, Virginia Cervantes, Planning Secretary for the Planning Commission of the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-16-36 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 4th day of October, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 4th day of October 2016.

Virginia Cervantes
Secretary to the Planning Commission

**Attachment A
RESOLUTION P-16-36
October 4, 2016**

Conditions of Approval Tentative Tract Map 17210

PROJECT: A proposal to divide Tax Parcel 0459-092-03, consisting of 20.0 acres into 80 residential lots for detached, single-family residential development with a minimum lot size of 7,200 square feet. The project is zoned R1.

Applicant: Vincent Hsieh for Asuka Adelanto, LP

PLANNING DEPARTMENT

General Conditions:

1. **Approval Period.** Approval of this project will become valid only after a signed copy of the City's approval letter is received by the Planning Department acknowledging acceptance of all conditions of approval. If not received within 10 working days after approval action, this approval will be null and void.

In accordance with the Subdivision Map Act, the recordation of the final map shall occur within two (2) years from the approval date unless an extension is granted. The expiration date for this Tentative Tract Map is **September 18, 2017**. The applicant may apply for a maximum of five (5) one-year extensions to permit additional time to record the final map. A written request for extension must be submitted to the Department of Planning and Community Development at least thirty (30) days prior to the expiration of Tentative Map approval. This request is the owner/ applicant's responsibility and the owner/applicant may not receive any additional notice from the City.

2. **City Codes.** The project shall comply with all disabled access requirements of the Americans with Disabilities Act and Title 24 of the State Code, and all local requirements of the City of Adelanto Municipal Code, including Title 17 (Zoning Code), especially the following R1 zoning district regulations:

- Minimum Lot Size: 7200 square feet
- Minimum Lot Width: 60 feet
- Minimum Lot Depth: 100 feet
- Minimum Side Setbacks: 5 and 10 feet
- Minimum Front Setback: 20 feet
- Minimum Rear Setback: 15 feet
- Maximum Lot Coverage
By Buildings: 40 percent

3. **Phasing.** This Tentative Tract Map is for a 80 lot subdivision to contain single-family detached dwellings. Phasing is not indicated on the Tentative Tract Map. The Conditions of Approval shall apply to the entire subdivision, unless otherwise indicated. One Final Map shall be submitted for the entire subdivision.
4. **Maintenance Responsibility.** The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership

or until the maintenance is officially assumed by an approved maintenance authority. Grading permits shall not be issued for any areas to be graded and remain undeveloped for an extended period (e.g.: for subsequent phases of a development) until a re-vegetation plan is approved by the Planning Department, and until bonds are posted for re-vegetation, or erosion control program for wind erosion.

5. **Indemnity.** The applicant shall agree to defend, indemnify, and hold harmless the City, its agents, officers, or employees against any action, claim, or proceeding brought because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such action. 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 applicant of his obligations under this condition.
6. **Fish and Game.** The applicant/owner shall pay a fee of \$50 for the Department of Fish and Game determination. This fee shall be submitted to the Planning Division within two (2) days after the date of conditional approval. **Payments shall be made with a Check for \$50 made payable to the "Clerk of the Board of Supervisors".** The Planning Division shall then file the Notice of Determination within five (5) days after the effective date of conditional approval. The applicant should be aware that Section 21089(b) of the Public Resources Code provides that any project approved under CEQA is not operative, vested or final until the required fee is paid. Proof of fee payment will be required prior to final map recordation.
7. **Outstanding Costs.** Prior to issuance of any permits, the applicant/developer shall pay any outstanding costs for the processing of applications.
8. **Water/Sewer Feasibility Study.** The developer shall provide water supply and sewer lines to meet the needs of future housing within this project. A water/sewer utility feasibility study shall be prepared, and approved by the City, and any requirements of that study shall be met prior to recordation of the final map.
9. **Fees.** All fees and charges the City has or intends to adopt that are due at the time of utility connection or when building permit(s) is/are issued shall be paid, as required by the City.
10. **Mailboxes.** Mailboxes shall be centralized mail collection units that meet U.S. Postal Service requirements and location should be shown on approved plans.
11. **Construction Site Needs.** Roll off trash bins and chemical toilets for construction workers shall be required on all construction sites and temporary fencing provided around the construction sites and/or a row of temporary fencing provided at such location as to prevent any building materials blowing off of the construction site.
12. **Construction Standards.** The proposed project shall meet the following requirements:
 - a. All building construction shall be per building permits issued by the City Building Department and UBC standards and dust control shall be exercised at all times during construction.

- b. Applicant shall meet all state required Classroom Structure Authority fees of the Adelanto School District at such time as Certificate of Occupancy is issued.
13. **Plan Preparers.** Plans submittals must be prepared and signed by a California Licensed Architect or Engineer per State of California, Business and Professions Code.
14. **Construction Practices.** To reduce potential noise and air quality nuisances, the following items shall be listed as “General Notes” on the construction drawings:
 - a. Construction activity and equipment maintenance is limited to the hours between 7:00 a.m. to dusk on weekdays. Construction may not occur on weekends or State holidays, without prior consent of the Building Official. Non-noise generating activities (e.g. interior painting) are not subject to these restrictions.
 - b. Stationary construction equipment that generates noise in excess of 65 dBA at the project boundaries must be shielded and located at least 100 feet from occupied residences. The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.
 - c. Construction routes are limited to City of Adelanto designated truck routes.
 - d. Water trucks or sprinkler systems shall be used during clearing, grading, earth moving, excavation, or transportation of cut or fill materials to prevent dust from leaving the site and to create a crust after each day’s activities cease. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - e. A person or persons shall be designated to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. The name and telephone number of such person(s) shall be provided to the City.
 - f. All grading equipment shall be kept in good working order per factory specifications.
15. **Residential Use and Development Restrictions.** The physical development of all lots shall be reviewed and approved by the City. Any use, activity, and/or development occurring on the site without appropriate City approvals shall constitute a code violation and shall be treated as such. Placement of any sales trailer or a model home shall require separate review and approval by the City.
16. **Compliance with Environmental Mitigation.** The developer shall comply with the Mitigation Measures identified in the project’s Initial Study.

17. **Architectural Design.** The proposed architectural design shall be consistent with the design standards provided in the Adelanto General Plan. Elements of the architectural design and features shall be consistent throughout the subdivision.

The City is in the process of adopting formal design guidelines for all development within the City of Adelanto. If these guidelines are adopted prior to the issuance of a building permit, this project will be subject to a formal Design Review process.

18. **Signed Approval Letter.** A signed copy of the City's approval letter shall be on file with the Planning Department. If ownership of the property or the developer of the property has changed since the original approval, a new copy of the City approval letter shall be signed by the current development parties.

Prior to Recordation of the Final Map:

19. **Irrigation Systems.** All irrigation systems, where required, shall be designed on an individual lot basis unless commonly maintained in an approved manner.

20. **Site Improvements.** All landscaping and irrigation systems shown on the approved landscape and irrigation plans, all required walls, trails, and/or other improvements shall be completed or suitable bonds shall be posted for their completion.

21. **Assessment Districts.** Prior to the approval of the Final Tract Map this project shall annex into Assessment Districts for the maintenance of street lighting, public landscaping, and street sweeping, and the applicant hereby agrees to waive the right to protest the formation of said district.

22. **Lettered Lots/Open Space Easements.** All lettered lots and open space easements for the preservation of natural undisturbed open space shall be dedicated to the City or other approved maintenance authority.

23. **Covenants, Conditions & Restrictions.** If Covenants, Conditions and Restrictions are proposed for this project, two copies shall be submitted to the Planning Division for review and approval to ensure consistency with City policies and standards.

24. **Required Approvals.** The developer shall obtain the following clearances or approvals:
- a. Verification from the Planning Department that all pertinent conditions of approval have been met, including any administrative development plan review approvals, as mandated by the Adelanto Municipal Code.
 - b. Approval of all proposed street names.
 - c. Any other required approval from an outside agency.

25. **Final Map Submittal.** A final map application shall be submitted to the Planning Division with payment of appropriate fees for review and approval concurrently with application to the City Engineer.

26. **Signed Approval Letter.** A signed copy of the City's approval letter shall be on file with the Planning Department. If ownership of the property or the developer of the property

has changed since the original approval, a new copy of the City approval letter shall be signed by the current development parties.

Prior to Issuance of Grading Permit.

Based on the existence of possible Mohave Ground Squirrel habitat and the possibility of undetected presence of burrowing owls, desert tortoise, or other species of concern, the following actions or mitigation measures will be implemented. :

27. **Mohave Ground Squirrel.** The applicant shall provide mitigation lands at a ratio of 1:1. These lands should be purchased in an area known to support populations of the species. The mitigation lands would be evaluated to ensure they provide habitat equal to or better than the habitat that would be lost as a result of development of the project site. In addition, California Department of Fish and Game approval of mitigation land shall be obtained before acquisition is completed, and an Incidental Take Permit shall be applied for as part of the overall mitigation process.

Appropriate enhancement, endowment, and research fees would be provided by the project proponent as per California Department of Fish and Game requirements. These fees would be paid on a 1:1 basis prior to commencement of ground disturbing activities.

28. **Nesting Birds, Desert Tortoise.** If sharp-shinned hawks and loggerhead shrikes are detected on the site during future surveys, California Department of Fish and Game should be contacted to discuss suitable mitigation measures for these two species.

If a desert tortoise moves onto the site during future construction activities, all activities should cease, and California Department of Fish and Game and the United States Fish and Wildlife Service contacted to discuss appropriate mitigations. No desert tortoises should be handled by any project personnel.

29. **Burrowing Owls.** No more than 30 days prior to commencement of ground disturbing activities, a qualified biologist shall conduct a pre-grading survey, out to 500 feet from the site, for burrowing owls. If ground-disturbing activities are delayed for more than 30 days, additional surveys will be required. If owls are observed on the site:
- A. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Department verifies through non-invasive methods either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
 - B. To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of burrowing owl habitat per pair or unpaired birds should be acquired and permanently protected.
 - C. Existing unsuitable burrows should be enhanced or new burrows created at a ratio of 2:1 on the protected lands site.
 - D. The project proponent should provide funding for long-term management and monitoring of the protected land. A monitoring plan for the protected land should

be required which includes success criteria, remedial measures, and annual reports to the California Department of Fish and Game.

30. **Joshua Trees.** Prior to the commencement of grading, the applicant shall relocate all Joshua trees applicable to the Relocation Program per the requirements of the City Development Code and California Desert Native Plant Act.
31. **Proof of Mitigation.** Prior to the issuance of grading permits, the developer shall submit written proof, satisfactory to the Planning Director, that any concerns of the California Department of Fish and Game, including but not limited to Mohave Ground Squirrel, have been mitigated in a manner acceptable to the Department of Fish and Game. For information regarding fees associated with permits issued by the Department of Fish and Game, please see the attached letter dated January 18, 2006 from the Department of Fish and Game.
32. **City Conditions.** The applicant shall comply with all standard City conditions and biological mitigation measures, including those related to the Mohave ground squirrel contained within the adopted Mitigated Negative Declaration.
33. **Signed Approval Letter.** A signed copy of the City's approval letter shall be on file with the Planning Department. If ownership of the property or the developer of the property has changed since the original approval or Final Map recordation, a new copy of the City approval letter shall be signed by the current development parties.

During Grading:

34. **Dust Control.** All construction shall be per building permits issued by the Building Department and dust control shall be exercised at all times during construction. Periodic watering will be used during construction to reduce dust to a level that is not significant.
35. **Archeological Resources.** If prehistoric or historic resources over 50 years of age are encountered during land modification, then activities in the immediate area of the finds shall be halted so that an archaeologist can assess the find, determine its significance, and make recommendations for appropriate mitigation measures. A historical resources management report shall be submitted by the professional to document the monitoring, to evaluate resource significance and integrity, and if necessary, to evaluate project impacts and propose mitigation measures to mitigate potential adverse impacts. If archeological resources are encountered during grading, ground disturbance activities shall cease so a qualified archeological monitor can evaluate the resources. If discovered resources merit long-term consideration, adequate funding shall be provided to collect, curate and report their resources in accordance with standard archaeological management requirements. If the City finds that a developer encounters cultural resources and fails to notify the Planning Department, the City will place those responsible for the destruction of historic and archaeologically significant resources on file with the County of San Bernardino and the State of California, Office of Historic Preservation.
36. **Paleontological Resources.** If paleontological resources are encountered during grading, ground disturbance activities shall cease so a qualified paleontological monitor can evaluate any paleontological resources exposed during the grading activity. If paleontological resources are encountered, adequate funding shall be provided to

collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved. Collected specimens will be sent to the Earth Sciences Division of the San Bernardino County Museum.

37. **Abandoned Wells.** Any abandoned wells on the property or similar structures that might result in groundwater contamination shall be destroyed in a manner approved by the City and San Bernardino Environmental Health Department.
38. **Human Remains.** If human remains are encountered on the property, then the San Bernardino County Coroner's Office MUST be contacted within 24 hours of the find, and all work halted until a clearance is given by that office and any other involved agencies. Contact the County Coroner at either 1) 15329 Bonanza Road, Unit 8, Victorville, CA 92392 or (760) 955-8535; or 2) 175 South Lena Road, San Bernardino, CA 92415-0037 or (909) 387-2978.

Prior to Issuance of Building Permits:

39. **Adelanto Unified School District.** The enrollment of the Adelanto Unified School District is impacted by new development. To mitigate the impact of this project, developer shall pay such fees as are required by the Adelanto Unified School District, and any other fees assessed by Government Code Section 53080, and 65995-65997.
40. **Development Impact Fees.** The City of Adelanto has implemented development impact fees for various infrastructure and capital facilities needs generated by new development. These fees will provide for various capital facilities including, but not limited to, roads, parks, flood control and drainage, public facilities, and fire fighting facilities. This project shall be subject to all such existing and future development impact fees which are in effect at the time building permits are issued.
41. **Water Resources Control Board.** The applicant shall submit a copy of the State Water Resources Control Board permit letter with the WDID number to the Planning Department.
42. **Landscaping.** The developer shall submit three (3) copies of construction level Landscape and Irrigation Plans to Planning Department, accompanied by the appropriate filing fee. The plans shall be prepared by a registered landscape architect and include the location, number, genus, species, and container size of the plants. The cover page shall identify the total square footage of the landscaped area and note how it is to be maintained. Use of water efficient fixtures and drought tolerant plants is encouraged. For model home complexes, at least one of the models should be landscaped utilizing xeriscape concepts.

The grading, fencing, plant material, irrigation, and other aspects of landscape design shall positively integrate the storm drain channel and/or detention basins into the residential neighborhood. Fencing shall consist of decorative wrought iron that does not obstruct views into or through these facilities. Fencing shall maintain a streetscape that is consistent with single-family residential neighborhoods and provide adequate transitions to individual dwellings. Plant material shall incorporate species used in front yards throughout the project to further integrate these facilities into the design. The final use and design of these facilities may include joint recreational use and shall be subject to approval from the Community Development Director.

43. **Walls and Fences.** The developer shall submit and obtain approval from the Planning Department of a block wall/fence plan. At a minimum, this plan shall include the following items:
- a. A six-foot high, decorative block wall around the perimeter of the project site and along entry drives into the tract. Pilasters shall be provided approximately every 120 to 150 feet coincident with interior lot corners along perimeter walls adjacent to perimeter streets, and decorative capping with a minimum overhang of 2 inches.
 - b. The applicant shall employ creative design techniques for perimeter walls in order to improve the street presence of the project. Such techniques include the use of materials such as slump stone, split face block, or concrete block with an interlocking design. Colors of block materials shall be coordinated with other block walls along the same street(s).
 - c. A six-foot high, decorative block wall/solid fencing on all residential property lines where side or rear yards adjoin a public interior street or storm drain facility.
 - d. Six-foot high decorative block walls or other solid fencing material on all other side and rear property lines throughout the project.
44. **Design Guidelines.** The City of Adelanto is in the process of adopting standard design guidelines for all new development. If these guidelines are in place prior to issuance of building permits, this project may be subject to design review.
45. **Signed Approval Letter.** A signed copy of the City's approval letter shall be on file with the Planning Department. If ownership of the property or the developer of the property has changed since the original approval, Final Map recordation, or issuance of grading permits, a new copy of the City approval letter shall be signed by the current development parties.

Prior to Certificate of Occupancy:

46. **Water Conservation/Landscaping Ordinance.** The Developer shall be responsible for planting landscaping in compliance with Section 17.60 of the Adelanto Municipal Code, entitled "Water Conservation/Landscaping Ordinance", including but not limited to native drought-tolerant plants and efficient irrigation systems. Species shall be in compliance with Section 17.60.80.
47. **Front Yard Landscaping and Irrigation.** Install front yard landscaping and irrigation for all new homes. Landscaping and irrigation shall be installed with a minimum of one (1) tree (minimum 15 gallon/1" caliper at 6" above base) and six (6) shrubs per thirty (30) linear feet of frontage plus sufficient groundcover plantings to provide combined shrub and ground coverage of fifty (50) per cent of the total landscaped area in each front yard and street side yard. The variety of tree to be provided is subject to approval of Planning and Public Works Departments and the trees are to be maintained by the property owner. The plant material shall be drought tolerant suitable to local soil conditions and developer shall submit site landscaping plan. Trees must be planted a minimum of ten (10) feet behind property lines.

48. **Perimeter Wall.** All walls and fences shall be constructed as shown on approved wall and fence plans.
49. **Perimeter Landscaping and Irrigation.** A minimum five (5) foot irrigated landscape easement shall be provided between the edge of the sidewalk and the perimeter wall on all surrounding streets. Landscaping shall be at the rate of one (1) tree and six (6) shrubs per 30 linear feet plus such vegetative cover necessary to cover a minimum of forty (40) percent of the total area with shrubs and ground cover. Turf is prohibited within public rights-of-way. Irrigation shall be designed to minimize maintenance and water consumption. Said landscape easement and landscaped area shall be maintained by the developer until such time as the final home is occupied; the landscape easement, if necessary, shall then be deeded to the City and the landscaped area will then there after be the responsibility of the City upon final acceptance, and it shall be the responsibility of the City upon final acceptance to be paid through a Landscape and Lighting Maintenance Assessment District.

All slopes over three feet in height shall be fully landscaped and irrigated.

If the landscaped area adjacent to sidewalks is sloped, the sidewalk-back shall have at least a 4 inch overhang/curb to prevent runoff across the sidewalk.

50. **Unit Identification.** Each unit in the tract shall include a lighted address fixture. This fixture shall allow for replacement of the bulbs, and shall be reviewed and approved by the Planning Department.

PUBLIC WORKS DEPARTMENT

General Conditions:

51. A document signed and acknowledged by the legal owners of record of the real property being subdivided consenting to the subdivision shall be submitted to the City of Adelanto, with a copy to the City Engineer, following Tentative Map Approval by the Planning Commission.
52. All final phase maps, conforming to the approved Tentative Map and based on a recent field survey, shall be submitted to the City Engineer for review and approval.
53. The design of the public infrastructure elements shall conform to the requirements of the City General Plan and the standard specifications, current edition, and as required and approved by the Public Works Department staff.
54. The following plans and reports shall be prepared by a competent California licensed civil engineer prior to any site development. All required plans shall be drawn in ink at appropriate scales on mylar sheets as approved by the City Engineer. Prior to City Engineer approval of any improvement plans, improvement plans for all of the conditioned improvements shall be submitted to the City and reviewed by the City Engineer and improvement plans for all of the conditioned improvements shall be approved by the City Engineer concurrently.

Plans Required:

- a. Street Plans - Plan/Profile at 1" = 40' (Hor), 1" = 4' (Vert), plus Title/Index and Detail Sheets.
 - b. Rough Grading 1" = 40', and Precise Grading Plan 1" = 30', A grading plan conforming to the requirements of the Uniform Building Code, appendix 33 1997 edition, shall be prepared and submitted to the City Engineer for approval.
 - c. Water, Sewer and Storm Drain - Plan/Profile at 1" = 40' (Horizontal), 1" = 4' (Vertical), plus Title/Index and Detail Sheets.
 - d. Landscape Maintenance District Landscape and Irrigation - Plan 1" = 40'.
 - e. Electrical and Street Lighting Plan 1" = 100'.
 - f. Street Striping and Street Signage and Traffic Control Plan 1" = 40'.
 - g. Water Distribution Plan (indicating Fire Hydrant location and Water conductivity) 1" = 100'.
 - h. Composite underground Utility Plan at 1" = 40' showing all curbs, sewer, water, and storm drain with valves, utility valves, manholes and service connections. Gas, electric, telephone, and CATV shall be shown schematically based on plans prepared by utility agencies.
 - i. Storm Water Pollution Prevention Plan shall be prepared and approved by the California State Water Quality Control Board prior to grading permit.
55. All improvements shown on the phase improvement plans, as required by the City Engineer, shall be constructed prior to occupancy of any dwelling. All infrastructure improvements required by these conditions of approval must meet the minimum standard infrastructure requirements established in these conditions of approval, any existing infrastructure failing to meet the minimum infrastructure requirements established in these conditions of approval must be removed at the developers expense and constructed to meet the minimum infrastructure requirements described in these conditions of approval and current City Standards at the time of construction.
56. All utilities plans (i.e. Edison electrical, telephone, cable, etc.) must be approved by the City Engineer prior to installation.
- a. No utility manholes, vaults, or air vents shall be located within sidewalks or pedestrian walkways.
57. Final Maps shall meet all requirements of the Adelanto Municipal Code, and shall include the following:
- a. All easements within the City of Adelanto's rights of way shall be subordinated to the City of Adelanto.

- b. All easements and rights-of-way, both existing and as required by the improvement requirements of these conditions of approval shall be acquired by the Developer pursuant to the subdivision map act and the Adelanto Municipal Code.

58. Reports Required:

- a. Title Report. A preliminary title report accompanied by copies of all recorded documents cited therein shall be submitted to the Public Works Department staff for review along with the first submittal of the final map for the checking.
- b. Soils Report. A preliminary soils report as prepared by a competent California licensed geotechnical engineer or civil engineer skilled in soils/foundation investigations shall be submitted for review by the Public Works Department Staff along with the first submittal of Street Plans and/or other improvement plans for review. Within the required soils report special attention shall be directed to the rip ability of the proposed road cuts and stability of manufactured slopes. The geotechnical engineer shall determine the setback requirements to support loading without failures in the soil mass.
- c. Hydrology Report. A comprehensive drainage plan to the satisfaction of the City Engineer shall be prepared by a licensed Civil Engineer and submitted to the City for approval. The project must accommodate existing drainage flows that impact the project site and impact access to the project site and mitigate offsite drainage that impacts the project. The project must mitigate the increase onsite runoff from pre-development to post-development flows.
- d. Compaction Report. Any grading and/or utility excavations and backfilling, both on and off site, shall be done under the continuous direction of a licensed geotechnical engineer who shall obtain all required permits and submit reports on progress and test results to the Public Works Department staff for review and approval as determined by the City. Upon completion of all soils related work, the geotechnical engineer shall submit a final report to the Public Works Department staff for review and approval, which may require additional tests at the expense of the Developer.
 - i. All soils within street improvements must be compacted to 90% and 95% within twelve inches of surface.

59. All grading for the proposed subdivision lots shall be confined to the subdivision boundary limits unless the Developer first secures letters of permission to grade across property lines from any and all affected adjacent property owners.

60. All utilities shall be installed underground to all lots per Public Utilities Commission requirements. No above Ground utility lines shall be permitted within or adjacent to this subdivision for the utilities servicing this project. All aboveground structures shall be located inside the City Right-of-Way and located outside of the pedestrian walkways.

61. A noise and avigation easement on all subdivision parcels and roadways shall be granted and conveyed to the Southern California Logistics Airport as required in the City adopted Land Use Plan.

62. The City of Adelanto shall be “added insured” on all insurance policies for construction of this project. Proof of insurance shall be provided prior to start of construction.
63. Approval of this project in no manner obligates the City of Adelanto to extend water service, or sewer service, or improve streets, or extend any other infrastructure to service this development.
64. No utility access points, manholes, vaults, and vents shall be placed within sidewalks or pedestrian travel ways, or within twelve (12) inches of curb and gutter.
65. Fees Required:
 - a. At the time of first submittal of Final map, the Developer shall pay to the City of Adelanto all applicable fees. An Engineer’s estimate of construction shall be prepared by the Developer and approved by the Public Works Department staff.
 - b. At the time of requesting recordation of Final Map, the Developer shall provide to the City Performance and Labor Bonds and enter into a Subdivision Improvement Agreement. These Bonds shall guarantee setting of final survey monumentation within the proposed Map. Said deposit will be refunded after the Public Works Department Staff verifies that said monumentation has been set in accordance with the Final Map and that any required amended maps and/or certificates of correction have been recorded.
 - c. Prior to issuance of any permits to construct any public improvements, the Developer shall pay to the City of Adelanto all applicable fees.
 - d. The Developer shall pay any applicable impact fees that may apply at the time of occupancy.
 - e. Should Mello-Roos, or Community Facilities Districts, or Community Service Districts, or Assessment Districts, or other special financing districts be formed to provide for City Infrastructure or City Services, this project shall annex into the districts and pay all fees associated with annexation into the districts, and the applicant hereby agrees to waive the right to protest the formation of said districts.
66. All monuments shall be referenced or reset in accordance with the Business and Professions Code.
67. All improvements constructed in conjunction with this project shall be design and constructed to the City standards, Department of Transportation standards, Green Book Standards, and the City Engineer Requirements that are in effect at the time of tentative map approval or subsequent extensions of time. Improvements shall be constructed to comply with any health and safety regulations or changes to state and federal laws current at the time of construction as directed by the City Engineer.
68. Prior to the approval of any improvement plans and the commencement of any construction associated with the development, the Developer shall be solely responsible for obtaining all necessary dedications of rights-of-way for offsite infrastructure

improvements, right-of-entry for offsite grading, and easements for ingress, egress, drainage, utilities and other legal requirements for impacts associated with the development of this project, as determined and directed by the City Engineer.

69. Prior to the recordation of any Final Map: improvement plans for all of the conditioned improvements shall be reviewed and approved by the City Engineer; and the City Engineer must find the Final Map to be in substantial compliance with the tentative map and the conditions of approval; and proper security bonds at prevailing wage costs of the improvements shall be posted with the City for all the conditioned and required improvements that are to be publicly dedicated; and the public landscaping and public lighting for this project shall be annexed into the City Landscaping and Lighting Districts; and a Subdivision Improvement Agreement shall be executed by the subdivider; and the City Council must approve the Final Map for recordation.
70. Proper Security Bonds at prevailing wage costs of the improvements shall be posted with the City for all the conditioned and required improvements that are to be publicly dedicated. Prior to issuance of any permits to construct any improvements, the developer shall enter into an improvement agreement to construct the project improvements per City approved plans and post securities with the City of Adelanto to guarantee completion of construction and payment of labor and materials and one year warranty of the improvements. These securities shall be provided by the Developers and all assignees and successors to the City. The following are the required security amounts and release procedure:
 - a. The subdivider shall at all times guarantee the subdivider's performance of this entitlement by furnishing to the City, and maintaining, good and sufficient Security as required by the City on forms approved by City for the purposes and in the amounts as follows:
 - i. To assure faithful performance of this entitlement in regard to said Improvements in an amount of 100% of the estimated cost of the Improvements; and
 - ii. To secure payment to any contractor, subcontractor, persons renting equipment, or furnishing labor materials for the Improvements required to be constructed or installed pursuant to this entitlement in the additional amount of 50% of the estimated cost of the Improvements; and
 - iii. To guarantee or warranty the work done pursuant to this entitlement for a period of one year following Acceptance thereof by City against any defective work or labor done or defective materials furnished in the amount of 100% of the estimated cost of the Improvements.
 - b. Release of Security. Subject to approval by the City, the Security required by this entitlement shall be released as follows:
 - i. Security given for faithful performance of any act, obligation, work or agreement shall be released upon Acceptance of the Improvements, subject to the provisions of subsection (b) hereof.

- ii. In accordance with the requirements of Government Code Section 64999.7, the City Engineer shall allow a partial release of faithful performance Security pursuant to the following procedures. No partial release of Security for labor and materials shall be allowed.
 1. Subdivider shall have one opportunity to engage in the process of partial release of performance Security as described in this subsection (b) between the start of work and completion and acceptance of all work on the Improvements. The process allowing for a partial release of performance Security shall occur only when the cost estimate of the remaining work does not exceed twenty percent (20%) of the total original performance Security.
 2. At such time that the Subdivider believes that the obligation to perform the work for which the performance Security was required is complete, the Subdivider may notify the City Engineer in writing of the completed work and shall include with such notification a written list of work completed. Upon receipt of the written notice, the City Engineer shall have twenty (20) business days to review and comment or approve the completion of the required work. If the City Engineer does not agree that all work has been completed in accordance with the plans and specifications for the Improvements, he or she shall supply to the Subdivider a list of all remaining work to be completed.
71. Inspection. The Developer shall at all times maintain proper facilities and safe access for inspection of the Improvements by City inspectors and to the businesses or residences wherein any construction work is in progress. Where traffic interference may occur during construction, The Developer shall prepare and file a traffic control plan, subject to the reasonable approval by the City Engineer. Upon completion of the work the Developer shall request a final inspection by the City Engineer, or the City Engineer's authorized representative. If the City Engineer, or the designated representative, determines that the work has been completed in accordance with this entitlement, the Improvement Plans and City standards, then the City Engineer shall certify the Completion of the Improvements to the CITY, and the City Council shall Accept the Improvements.

Street Improvements:

72. Prior to the issuance of any building permits, the following street dedications and improvements shall be completed. The Developer shall be directly and solely responsible for the mitigation of impacts related to existing traffic levels plus project traffic prior to recordation of the final map. The Developer shall obtain all required right-of-way dedications for improvements required for access per each construction phase prior to final approval of improvement plans for that construction phase, issuance of any permits for that construction phase, and approval of Final Map for that construction phase and the Developer shall construct and complete all street improvements for that construction phase prior to issuance of any building permits for that construction phase, as directed by the City Engineer. All buildings in all construction phases must have two paved points of access and all terminating paved accesses must have proper standard fire turn around of not be longer than 150 feet.

- a. Offsite street dedications are as follows:
 - i. Dedication for street and utility purposes to provide for a Local Collector half width of thirty (30) feet for Stevens Street.
 - b. Offsite street improvements are as follows:
 - i. Local Collectors shall be constructed to half-width of 34 feet of asphalt concrete paving (22 feet to the centerline plus a lane of 12 feet on the other side of the centerline) consisting of a minimum of 3 inches of asphalt concrete over 6 inches of Class 2 base material, or per "R" value test for a Traffic Index (TI) of 6, whichever is greater,, 8" concrete curb and gutters, and six-foot wide sidewalks, per City Standard 109 Type C. This requirement shall apply to Stevens Street, located along the eastern boundary of the project site.
 - c. Onsite street dedications are as follows:
 - i. Dedication for street and utility purposes to provide for a street full-width of a Local Street of sixty (60) feet for all interior streets, including cul-de-sacs.
 - ii. Cul-de-sac bulbs shall have a right-of-way dedication for street and utility purposes of a 57-foot radius.
 - iii. Dedication of corner cut-offs at all street intersections.
 - d. Onsite street improvements are as follows:
 - i. Internal streets shall be constructed to full width of a Local Street of 36 feet of asphalt concrete paving consisting of a minimum of 3 inches of asphalt concrete over 4 inches of type 2 base material, or per "R" value test for a Traffic Index (TI) of 5.0, whichever is greater, 8" concrete curb and gutters, and six-foot wide sidewalks as per City Standard 109 Type C.
 - ii. Cul-de-sacs shall be constructed of a radius of 45 feet of asphalt concrete paving consisting of a minimum of 3 inches of asphalt concrete over 4 inches of type 2 base material, or per "R" value test for a Traffic Index (TI) of 5.0, whichever is greater, 8" concrete curb and gutters, and six feet wide sidewalks as per City Standard 109 Type C.
73. Pavement transitions meeting Department of Transportation design standards shall be installed by the developer where project street improvements widen or reduce the street widths.
74. Final sections shall be approved by the City Engineer prior to construction, which shall be submitted along with the soils report & recommendations on structural sections based on R-value & TI. And shall substantially conform to the sections submitted with the first submittal of the street improvement plans.

75. Streets shall not be paved until all underground utilities are installed.
76. There shall be no intersecting street centerlines less than 90 (+/-) degrees unless otherwise approved by the Public Works Department staff.
77. Pavement structural section shall be designed based on soils tests (R-Value Tests) conducted by an acceptable soils testing laboratory and submitted by a California licensed geotechnical engineer for a Traffic Index as approved by the City Engineer.
78. All sidewalks shall have a minimum width of six feet and a minimum unobstructed width of four feet. The location of pedestrian ramps shall be determined by the Public Works Department Staff in accordance with federal and state laws at the time of construction shall be to the current Federal, State, and Local Americans with Disabilities Act (A.D.A.) standards. Sidewalks, pedestrian ramps and sidewalk/drive approach connections shall be built to current Federal, State, and Local A.D.A. standards.
79. All curb heights and gutter widths shall be based on requirements as set forth by the Hydrology/Hydraulics Report and approved by the Public Works Department staff.
80. All covers for utility manholes, valves, and vaults shall be adjusted to final grade after final paving.
81. Street asphalt concrete pavement shall be placed in multiple lifts depending on design asphalt thickness with the final lift placed after the Repair & Replace (R&R) and Point & Patch is completed.
82. Prior to the time that lumber is deposited on site for approved construction in a specific phase, all curbs and gutters and pavement shall be completed within that phase area and compaction reports for utility trenches and street base shall be approved. Model complexes are excluded from this condition but are required to provide access and fire flow in a manner as approved by the Fire Department.
83. Sleeves for lighting and landscape purposes will be allowed in the public street right-of-way when necessary, subject to the approval of the Public Works Department staff.
84. All utility tie-ins and other work that disturbs existing public right of way improvements shall be restored per City Encroachment Permit Provisions, or as directed by the Public Works and Engineering Departments staff:
 - a. Any disturbance of pavement newer than 12 months requires the full disturbed pavement section to be cold-planed (grinded down) a tenth of a foot (.1 feet) and resurfaced with AC, PG 75-10, as directed by Public Works/ Engineering Department staff.
 - b. All other disturbed sections of pavement must be trenched according to City Standards, permanently resurfaced using the minimum the existing AC plus one (1) inch of AC and six (6) inches of AB Class Type II. The resurfaced areas shall remain in place for a minimum of thirty (30) days and a maximum of forty-five (45) days. Then after that period is over, the resurfaced area and an additional width of three (3) feet on both sides of the removed section must be cold planed (grinded down) a tenth of a foot (.1 feet) and resurfaced with AC AR 4000, as

directed by Public Works/ Engineering Department staff. If this leaves a width less than three (3) feet not being resurfaced on a side then that section must also be resurfaced.

- c. Any disturbance of existing concrete work shall be considered reconstruction and must meet current A.D.A. standards. Reconstruction must consist of full concrete saw cut panels, as directed by Public Works/Engineering Department staff.

Sewer Improvements:

85. Sewage disposal shall be consistent with the project's current Feasibility Study and the developer shall pay all fees pursuant to the current Feasibility Study.
 - a. Sewer mains shall be a minimum diameter of 8" with PVC pipe and fittings unless otherwise approved by the Public Works Department staff. Service laterals shall be constructed with PVC. No structure shall be occupied until the collection system has been thoroughly cleaned, inspected, tested, and accepted for maintenance by the City Public Works Department staff. All manhole and cleanout covers within paved areas shall be adjusted to finished grades after paving is completed, and shall be accessible during construction as directed by Public Works and Public Utilities staff. All such adjustments shall be done in a manner as to prevent entry of silt and/or debris into the sewer system.
86. The applicant shall connect the project to the City sewer system and pay all associated hook-up fees in compliance with the Adelanto Public Utility Authority No. 1 (as amended). The design shall conform to the City adopted sewer master plan or to requirements of City Engineer. The sanitary sewer system shall be designed and constructed to collect and convey sewage to the City's Wastewater Treatment Plant. Any place where proposed sewer mains are proposed for installation in existing paved roads, sewer wyes shall be installed and laterals shall be installed to the edge of right-of-way in front of all existing structures along the proposed sewer mains to City Standards, as directed by the City Engineer. Any place where proposed street improvements are proposed to pave streets where existing sewer mains or project proposed sewer mains are located, sewer wyes shall be installed and laterals shall be installed to the edge of right-of-way in front of all existing structures along the sewer mains to City Standards, as directed by the City Engineer.

Water Improvements:

87. Prior to the construction of the project, the developer shall cause or participate in a Water Service Feasibility Study as directed and approved by the City Engineer. Water service shall be consistent with the Feasibility Study and the developer shall pay all fees pursuant to the Feasibility Study.
88. The Developer shall comply with the requirements of the Adelanto Public Utility Water District.
89. The applicant shall extend City water mains to service the project, and shall be responsible for paying all fees associated with said extension, including those fees implemented by Ordinance 4 of the Adelanto Public Utility Authority.

90. Water Improvement Design for the project shall conform to the City's adopted Water Master Plan and/or to the requirements of the City's Water Superintendent or the City Engineer. All required backflow devices shall be installed by the developer.
91. All water valves and vault covers within paved areas shall be raised to finish surfaces and painted after paving is completed.
92. All fire hydrants, air vacuums and all other above ground water facilities shall be placed outside of sidewalk areas. Water meter boxes and vaults, valve covers, etc., may be placed within sidewalks or paved areas provided such devices are set flush with finished surfaces as approved by the Public Works Department staff.
93. A set of water improvement plans shall be submitted to the San Bernardino County Fire Department for comment and review. At the time of the second plan check submittal, water improvement plans with the Fire Departments' corrections incorporated therein shall be submitted to the City Engineer along with the "redline" commented plans from the Fire Department.
94. Fire protection plans shall be designed per the requirements of the Adelanto Fire Marshall. Fire protection shall include but is not limited to, fire hydrants no more than 300 feet apart.
 - a. Fire hydrants shall be set to a level for "safe break away" and easy access, per the Water Department.
 - b. Blue dot identification on final pavement will be required for all hydrants installed.

Drainage Improvements:

95. The Developer shall prepare a final hydrology and hydraulic calculations report to demonstrate that the post development flows proposed to be discharged into and through existing or any other storm drain facilities do not exceed the maximum flows for which said facilities are presently designed. This shall be subject to review and approval of the City Engineer. The Hydrology and comprehensive drainage plan must be prepared by a licensed civil engineer to the satisfaction of the City Engineer and the Hydrology Report shall identify offsite flows that impact the proposed development and identify the increased onsite runoff flows. The Study shall address how the proposed development shall accept offsite flows that impact the proposed development and demonstrate how the proposed development will safely pass through the offsite flows while protecting the proposed development and maintaining to all-weather paved points of access to the community. Also, the Study shall demonstrate the how the proposed development will reduce the increased onsite post-development runoff to less than 90% of pre-developed drainage runoff flows. This study shall substantially conform to the previously approved preliminary hydrology study, and substantially correlate with the submitted improvement plans. This study shall be engineered using County of San Bernardino Flood Control methodologies and included calculations, maps, diagrams and a written conclusion that contains recommendation of how offsite flows and increased onsite runoff shall be mitigated.

- a. The Subdivider and Developer shall be responsible for obtaining all necessary permits and permissions from the department of Fish and Game and the Army Corps of Engineers and from any other regulatory agency for the alterations to any of the watercourses that are impacted by the development of the tract map.
 - b. All finished building floor elevations shall be 1.0 feet higher than the 100 year base flood elevations.
96. Storm flows may be conveyed in street sections to the extent that right-of-way limits shall accommodate a 100-year storm to a depth less than 0.7 feet deep from the flow line to provide all-weather emergency ingress and egress. If storm flows cannot be adequately conveyed by street sections, underground storm drains and other mitigation measures shall be provided as recommended in the Hydrology/Hydraulics Report and approved by the City Engineer.
97. All storm drains, catch basins, the storm water runoff structures shall be provided with adequate capabilities to filter and retain sediment, grit, oil and grease to prevent pollution in storm water runoff, in compliance with the State Water Board Best Management Practices.
98. Prior to construction of any improvements or prior to any land disturbance, the Developer shall construct temporary drainage facilities and establish erosion control practices as necessary to minimize storm runoff and erosion and silt deposition. The Developer shall obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges associated with construction activities, as directed by the California Water Resources Control Board and approved by the Public Works Department staff. During construction, all NPDES guidelines will be in full force and all Best Management Practices (BMP) shall be followed.
99. The Developer shall provide adequate mitigation for storm drainage to avoid concentrating or increasing offsite flows, subject to review and approval by City of Adelanto Public Works/Engineering staff.
 - a. Consistent with County Flood Control Standards, drainage systems shall be designed so that post-development drainage leaving the project is not greater than 90% of pre-development flows.
 - i. The Developer shall install a detention basin capable of detaining the flows to a level that is 90% of pre-developed levels for a minimum 100-year storm, subject to the review and approval by the City Engineer.
 - ii. All retention or detention facilities, not used for park areas, shall be fully landscaped and fenced using tubular steel fencing and shall have dry wells installed at the inlet and bottom of the basin.
 - iii. Paved access shall be provided to the bottom of basin facilities not used for park areas to facilitate maintenance. Park maintenance access will be provided on the park development plan.

100. All nuisance drainage must be conveyed across roads designated as Major Collectors or greater, via subsurface conveyance. This includes, but is not limited to, water drainage flows:
 - a. Crossing Chamberlain Way.
 - i. Developer shall install a twelve (12) feet wide cross gutter of Chamberlaine Way for the ultimate design at Stevens Street
 - ii. Developer shall provide subsurface drainage crossing for all flows crossing Chamberlaine Way at Stevens Street and repair/replace paving at the intersection of Chamberlaine Way and Stevens Street.

Traffic Safety:

101. In order to mitigate traffic impacts of this project the developer shall perform the following:
 - a. The Developer shall pay the City's full Transportation Facility Development Impact Fee and any other street, traffic, or circulation fees that may be in place at the time of building permit issuance as a traffic mitigation measures for this project. If the Development Impact Fee collection is deferred from the time of building permit issuance to the time of issuance of the certificate of occupancy, the developer shall pay the Development Impact Fees that are in place at the time of occupancy.
 - b. In order to provide adequate local circulation entrance to the Tract shall be added connecting "Wood Avenue" to Tentative Tract 17152.
 - c. In order to mitigate safe walking routes to schools, the developer shall install a six (6) feet sidewalk as per City Standard 109 Type C from northern tract boundary along Stevens Street to Chamberlaine Way, including an A.D.A compliant pedestrian ramp at Chamberlaine Way and Stevens Street.
102. Prior to the recordation of the final map, the Developer shall design and construct a street lighting system to the requirements of the American National Standard Practice for Roadway Lighting, and as directed by City of Adelanto Public Works/Engineering Department staff. This lighting system shall utilize high-pressure sodium vapor lamps.
 - a. Streetlights shall be energized when installed and maintained by the developer for eighteen (18) months, after which the City of Adelanto shall maintain the lights.
103. Street name signs and traffic control devices, including full-width striping and striping transitioning into existing paving of any streets improved by this project, shall be constructed in accordance with the approved plans and designed to the Manual on Uniform Traffic Control Devices and City Standards at the time of improvement construction as directed by the City Engineer at the time of improvement construction. Street names for this project shall be submitted to the Engineering Department for City Council approval.
 - a. All signposts shall be installed with anchors when they are installed into concrete.
 - b. All street name signs shall be installed on 12" cap brackets.

- c. Any sign or post removed by the developer shall be returned to the Street Department undamaged and unmolested.
 - d. All street striping, onsite and offsite, shall be installed by the developer. This includes "STOP" and stop bars at all "STOP" signs, fog lines and any other traffic safety striping that may apply as directed by the Street Department.
 - e. Curbs must be painted red 7.5 feet on each side of center in front of all fire hydrants.
 - f. Curbs must be painted white 7.5 feet on each side of center with 3 minute max stenciled of the curb in front of all mailboxes.
 - g. Each street section shall have a posted speed limit sign as directed by Public Works/Engineering Department staff.
104. During construction, temporary pedestrian and traffic control devices shall be constructed as deemed necessary by the City Public Works Department staff at locations where construction traffic disrupts normal traffic. Such measures and devices shall include but are not limited to: flagmen, barricades, portable electric traffic signals and street sweeping.

Onsite Improvements:

105. All finished pad elevations shall be 1.0 feet higher than all adjacent street elevations, or 0.5 feet higher the top of adjacent curb.
106. All lots shall be designed and graded to drain to fronting streets. No lot shall drain onto any property adjacent to the project. Lots shall be protected from storm runoff as approved by the Public Works Department staff.
107. All lots shall be provided with driveway approaches per City Standard Drawings. Sewer and water service pipelines shall be placed outside of driveway areas unless otherwise approved by the Public Works Department staff.
108. The tops of all cut slopes shall be in conformance to City Standards per the City Engineer. Retaining walls shall be utilized where required by the Public Works Department staff to ensure that unusable and non-visible slopes are not created at the sides or rear of any lot, and that there is a "flat" area in all side yards per City Standards per the City Engineer.

Park and Landscaping:

109. Prior to the grading permit for any phase of development, the Developer shall prepare final improvement plans for the landscaping and irrigation of parks, landscaped areas, and all open spaces. Said plans shall be prepared by a California licensed Landscape Architect and shall be subject to the review and approval of Public Works Department and Planning Department staff.
110. In order to mitigate impacts to City parks and services under the California Environmental Quality Act, the developer shall do the following:

- a. Pay the equivalent value of the land and improvements to the City to be used to develop a park in the vicinity; paying full Park Impact Fees shall meet this requirement.
111. Developer shall construct minimum six (6) foot high decorative masonry block perimeter walls (measured from the highest side) as specified below and consistent with Planning Department requirements:
 - a. The length of the project site along rear and side yards along the West half of Stevens Street located along the Eastern map boundary.
 - b. The length of the project site along rear and side yards along the located along the Southern map boundary.
 - c. The length of the project site along rear and side yards along the located along the Northern map boundary.
 - d. The length of the project site along rear and side yards along the located along the Western map boundary.
112. Developer shall annex, and pay all fees associated with annexation, all landscaping, lighting and detention/retention areas in to the City' Light and Landscaping Maintenance District. As a condition of building permit issuance, the developer shall pay to the City the pro-rata per lot share equivalent of twelve months maintenance costs of landscaping as determined by the City.
113. If, due to design constraints, the masonry block perimeter wall is behind a property line and part of any lot is between the perimeter wall and the sidewalk, the developer shall offer for dedication said land as a landscape dedication to the City of Adelanto.
114. All easements and dedicated Right-of-Way land between the sidewalk and the perimeter masonry wall of the development shall be planted with drought tolerant materials, and irrigation installed, as approved by City Staff. Said landscape easement and landscaped area shall be maintained by the developer for 18 months after the final home is occupied and the landscaped area will there after be the responsibility of the City upon final acceptance. All sidewalks adjacent to landscaping areas shall have a 6-inch garden curb at the back of the sidewalk between the landscaped area and the sidewalk to prevent runoff across sidewalk.
 - a. All plant spacing shall be approved by City Public Works/Engineering Department and Title 17.
 - b. Landscaping and perimeter wall shall be separately bonded for.
 - c. The following areas shall be fully landscaped and irrigated per this condition and City Code and Standards and annexed in to the City's Landscaping Maintenance District:

- i. The area between the decorative masonry block wall and the sidewalk the entire length of the West half of Stevens Street located along the Eastern map boundary.
- ii. The retention or detention facilities shall be fully landscaped and fenced using tubular steel fencing and shall have dry wells installed at the inlet and bottom of the basin. Paved access shall be provided to the bottom of the basin to facilitate maintenance.

FIRE DEPARTMENT

115. **Jurisdiction.** The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]
116. **Water System.** Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. Standard 903.1 [F-5]

**The Fire Flow for this project shall be:
1250 GPM for a 2 Hour duration at 20 psi residual operating pressure.
Fire Flow based on 3600 sq.ft. Structure.**

117. **Fire Fee.** The required fire fees (**currently \$4,720.00**) shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8465. This fee is in addition to fire fees that are paid to the City of Adelanto. [F-40]
118. **Access.** The development and each phase thereof shall have a minimum of 3 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1 [F-41]
119. **Combustible Protection.** Prior to combustibles being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F-44]
120. **Water System Certification.** The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.[F-57]
121. **Street Sign.** This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]

122. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]
123. **Residential Addressing.** The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half (½) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be internally and electrically illuminated with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F81]
124. **Spark Arrestor.** An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the California Fire Code. [F87]
125. **Fire Sprinklers.** Fire sprinklers will be required in each unit if the required fire flow can not be met.

IN THE CITY OF ADELANTO

TRACT NO. 17210

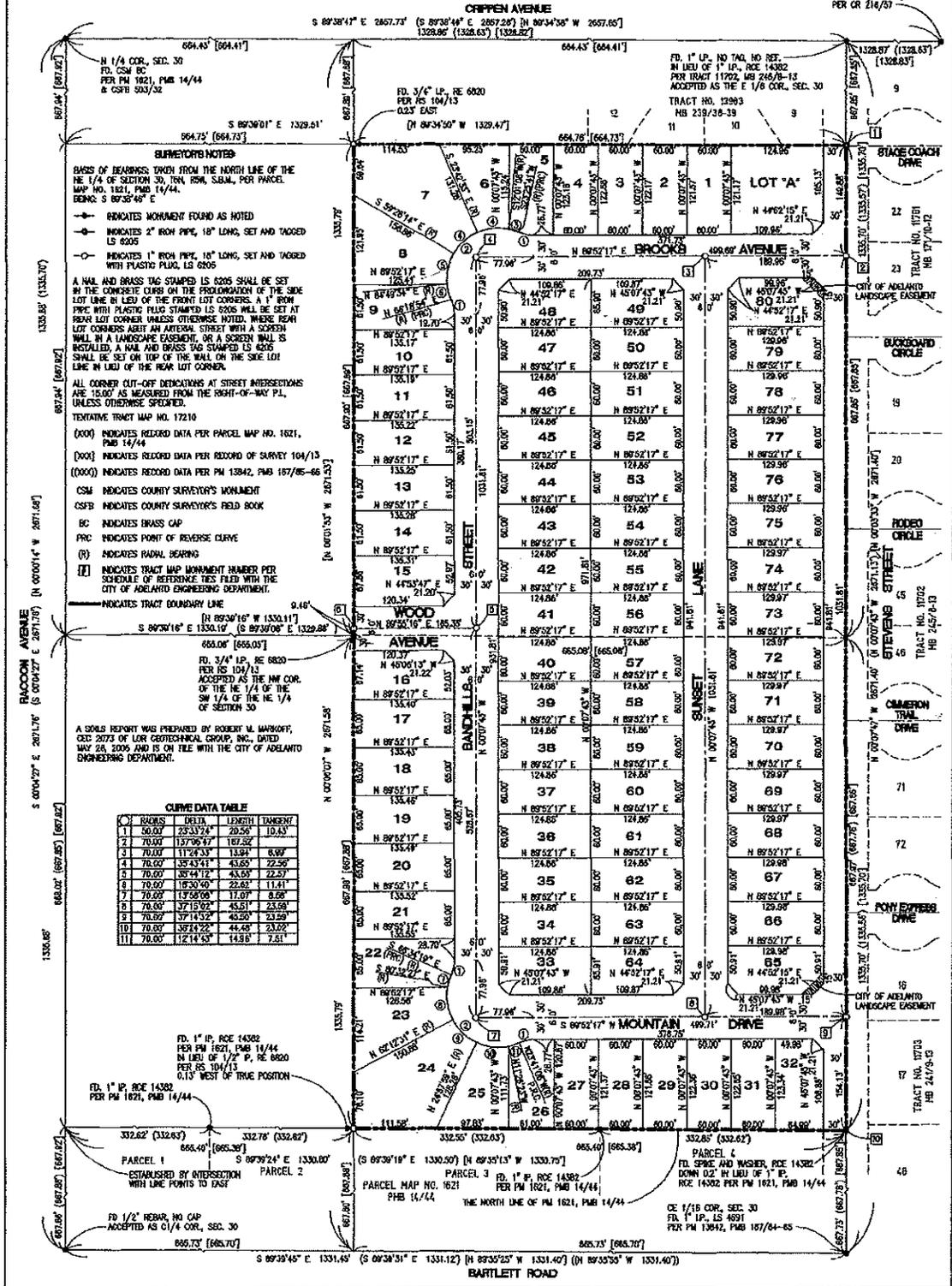
BEING A DIVISION OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 AND THE SE 1/4 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 30, T6N, R5W, S.B.M., IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.



SOUTHWEST ENGINEERING CONSULTANTS, INC.

JANUARY, 2005

NE COR. SEC. 30
FD. SPIKE/WASHER, LS 5803
PER CR 214/57



SURVEYOR'S NOTES

BASES OF BEARINGS TAKEN FROM THE NORTH LINE OF THE NE 1/4 OF SECTION 30, T6N, R5W, S.B.M., PER PARCEL MAP NO. 1821, P. 14/44 BEING S 89°30'45\"

- INDICATES MONUMENT FOUND AS NOTED
- INDICATES 2\"
- INDICATES 1\"

A NAIL AND BRASS TAG STAMPED LS 6205 SHALL BE SET IN THE CONCRETE CURB ON THE PROLONGATION OF THE SIDE LOT LINE IN LIEU OF THE FRONT LOT CORNER. A 1\"

ALL CORNER CUT-OFF DEMONSTRATIONS AT STREET INTERSECTIONS ARE 15.00' AS MEASURED FROM THE RIGHT-OF-WAY P.L. UNLESS OTHERWISE SPECIFIED.

TEMPERATURE TRACT MAP NO. 17210

- (XXX) INDICATES RECORD DATA PER PARCEL MAP NO. 1821, P. 14/44
- (XXX) INDICATES RECORD DATA PER RECORD OF SURVEY 104/13
- (XXXX) INDICATES RECORD DATA PER PM 13842, P. 187/85-88
- CSM INDICATES COUNTY SURVEYOR'S MONUMENT
- CSFB INDICATES COUNTY SURVEYOR'S FIELD BOOK
- BC INDICATES BRASS CAP
- PRC INDICATES POINT OF REVERSE CURVE
- (R) INDICATES RADIAL BEARING
- (I) INDICATES TRACT MAP MONUMENT NUMBER PER SCHEDULE OF REFERENCE TIES FILED WITH THE CITY OF ADELANTO ENGINEERING DEPARTMENT.
- INDICATES TRACT BOUNDARY LINE

CURVE DATA TABLE

NO.	RADIUS	DELTA	LENGTH	TANGENT
1	50.00	25°33'24"	20.56	10.43
2	70.00	15°39'41"	167.52	32.77
3	70.00	11°24'33"	13.84	6.99
4	70.00	35°43'41"	43.65	22.56
5	70.00	38°44'15"	43.55	22.57
6	70.00	19°30'40"	22.62	11.41
7	70.00	17°58'06"	17.07	8.68
8	70.00	37°15'05"	45.51	23.56
9	70.00	39°14'58"	46.40	23.69
10	70.00	38°12'22"	44.48	23.02
11	70.00	12°14'43"	14.88	7.51

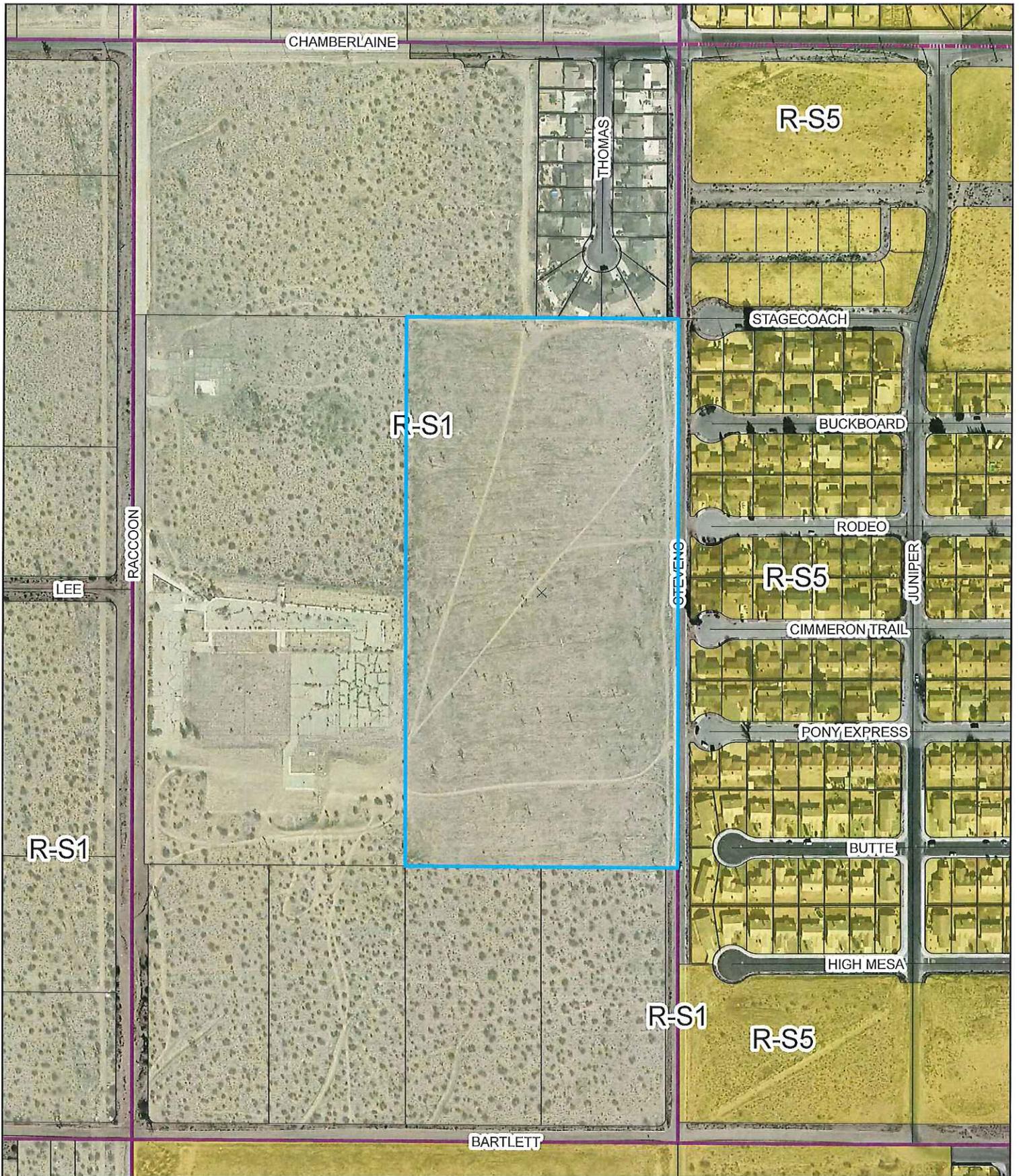
FD. 1\"

FD. 1\"

FD. 1\"

FD. 1/2\"

CE 1/16 COR. SEC. 30
FD. SPIKE AND WASHER, RICE 14382
DOWN 0.2\"



TTM 17210
0459-092-03



1 in = 300 feet

CITY OF ADELANTO
COMMUNITY DEVELOPMENT DEPARTMENT
Notice of Exemption

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415

FROM: City of Adelanto
Planning Division
11600 Air Expressway/P.O. Box 10
Adelanto, CA 92301

Project Title: **Tentative Tract Map 17210 (1st extension of Time)**

Description of Project: Request for the 1st Extension of Time of an approved Tentative Tract Map to subdivide a twenty-acre parcel of land into 80 single family lots with a new expiration date of September 18, 2017.

Project Location: betewwn Chamberlaine Way, Bartlett Avenue, Stevens Street and Raccoon Avenue within the City of Adelanto, County of San Bernardino

Project Proponent: Asuka Adelanto, LP – Vincent Hsieh
1845 Federal Avenue # 104
Los Angeles, CA 90025

Reasons why project is exempt:

An Initial Study with supporting documents and a Mitigated Negative Declaration were prepared and adopted for the original approval of Tentative Tract Map 17210 pursuant to the California Environmental Quality Act. The current Extension of Time application is exempt from further environmental review pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) of CEQA as the proposed project is covered under the scope of the prior approved Negative Declaration and no new information is known that would significantly change any impacts.

Exempt Status: (*check one*)

- Ministerial (Section 21080 (b)(1); Section 15268);
- Declared Emergency (Section 21080 (b) (3); Section 15269(a));
- Emergency Project (Section 21080 (b) (4); Section 15269(b)(c));
- Statutory Exemption (Section Number: _____) ;
- Categorical Exemption: Class 03 (Section Number 15303) (E)
- The activity is not subject to CEQA (Section 15061(b)(3))
- Other: Section 15162 (Subsequent EIRs and Negative Declarations).

Contact Person/Title: Mark de Manincor, Planning Manager Phone Number: 760-246-2300 x.3001

Signature: _____

Date: October 4, 2016

Received for Filing: (To be completed by the County)

DATE

SIGNATURE/TITLE



PLANNING COMMISSION AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: October 4, 2016

TO: Honorable Chairman and Members of the Planning Commission

FROM: Scott Priester, Acting Planning Director

SUBJECT: **Code Amendment 16-06** Proposed amendment to Title 17 of the Adelanto Municipal Code Chapter 17.80 (Special Use Standards) by removing Section 17.80.050 and adding Section 17.80.120 allowing Medical Cannabis Dispensaries, amending sections 17.80.080 and 17.80.090 relating to Medical Cannabis Cultivation and Manufacturing, amending the Table of Contents, Appendix A and other consistency changes.

STAFF RECOMMENDATION:

Adopt Resolution P-16-35 recommending to the City Council Approval of Code Amendment 16-06 in reference to the Draft Ordinance regulating Medical Cannabis Dispensaries, and revising Cultivation and Manufacturing regulations.

BACKGROUND:

Both federal and California laws generally prohibit the use, possession, cultivation, transportation, and furnishing of marijuana. The federal Controlled Substances Act (21 U.S.C. § 801 *et seq.*) prohibits, except for certain research purposes, the possession, distribution, and manufacture of marijuana. California law is similar. (Health and Safety Code, § 11357 *et seq.*)

However, California statutes such as the Compassionate Use Act of 1996 (Health and Safety Code, § 11362.5 added by Proposition 15) and the Medical Marijuana Program (Health and Safety Code § 11362.7 *et seq.*) have removed certain state law obstacles from the ability of qualified patients to obtain and use marijuana for legitimate medical purposes. The State's Medical Marijuana Regulation and Safety Act (MMRSA) of 2015, and the recent Medical Cannabis Regulation and Safety Act (MCRSA) of 2016 have further clarified the State's intent to allow access to such uses. On the federal level, there has likewise been an unwillingness to enforce federal laws pertaining to medical marijuana.

Staff would note that California law allows for medical marijuana dispensaries to operate, subject to local authority by cities/counties (*City of Riverside v. Inland Empire Patient Health and Wellness Center* (2013) 51 Cal.4th 729). Since 2010, Adelanto Municipal Code § 17.80.050 has prohibited medical marijuana dispensaries, and it has been the policy of the City to vigorously enforce the ban on

dispensaries within the City. This proposed Ordinance will, among other things, eliminate the prohibition of dispensaries, and allow them in certain areas of the City with approval of proper permits.

Prior City Council Agendized Discussions On Medical Marijuana

The City Council has had multiple Council meeting discussions pertaining to medical marijuana and has directed the preparation of ordinance revisions to the Adelanto Municipal Code to provide for the Medical Marijuana industry. In the past year, the Council has adopted ordinances allowing the Cultivation and Manufacturing of Medical Marijuana in the Industrial Parks in the Industrial Zone. These are codified in the City's Zoning Ordinance under Chapters 17.80.080 and 17.80.090, respectively. Ordinances for Transportation and Distribution, as well as Testing of Medical Marijuana, which are integral components to the Medical Marijuana industry were reviewed by the Planning Commission on September 13, 2016 and are pending final approval by the City Council (anticipated on October 12, 2016). The City Attorney has now drafted a proposed Ordinance Amendment that would accomplish three specific items, the most significant would remove the current prohibition for medical cannabis dispensaries under 17.80.050. The specific changes are noted as follows:

1. Dispensaries would be regulated by proposed Chapter 17.80.120 (Pages 25-39 of draft Ordinance). Similar to prior marijuana/cannabis facility regulations, such uses would be restricted to the "Cultivation Area" of the Manufacturing/Industrial (MI) zoning designation. Development and operational standards would have to comply with State law, including segregation of the uses by building space separation. The Conditional Use Permit (CUP) approval process through the Planning Commission would be the first level of regulations used to ensure compliance. A separate administrative Dispensary Permit would be the second level, which would have to be obtained after the CUP approval. As currently drafted, dispensaries would be limited to distribution for "Medical" purposes only.
2. The requirement for an Oversight Committee to review Cultivation uses would be changed from being mandatory to permissive. It would also be retitled to "Oversight Consultants" and the number of members would not be limited. This is reflected in Section 17.80.080(d)(5) (see page 12 of draft Ordinance). Compliance with the Ordinance would remain with the existing enforcement structure, and includes Planning Commission review and revocation of Conditional Use Permits. Therefore this eliminates a redundant administrative provision if it were maintained as mandatory.
3. Due to the State's recent passage of the MCRSA, references to "Marijuana" are now being replaced with "Cannabis." Consequently, staff is proposing revisions to the City's Cultivation and Manufacturing ordinances (Adelanto Municipal Code Chapters 17.80.080 and 17.80.090) to reflect this change in terminology (Pages 2-24 of draft Ordinance). This resulted in elimination of certain definitions in Subsection (b).

ENVIRONMENTAL IMPACT

The project is considered Exempt pursuant to Section 15061 (b) (3) of the California Environmental Quality Act as the project will not have a significant effect on the environment.

FISCAL IMPACT:

Permitting fees for each Dispensary are proposed to cover potential expenses incurred by the City. The

proposed \$7,000 permit fee per dispensary would be established by separate resolution of the City Council, after introduction of the Ordinance.

ATTACHMENTS:

1. Resolution P-16-35 w/ Attachments:
 - a. Draft Dispensary, and Cultivation and Manufacturing Ordinance No. 553
 - b. Draft Table of Contents
 - c. Draft Special Use Standards
 - d. Draft Appendix A

RESOLUTION NO. P-16-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF CODE AMENDMENT 16-06 EXEMPT PURSUANT TO SECTION 15061(B)(3) REVIEW FOR EXEMPTIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS THE CODE AMENDMENT WILL NOT CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND RECOMMENDING TO THE CITY COUNCIL ADOPTION OF CODE AMENDMENT 16-06 TO AMEND TITLE 17, BY REMOVING SECTION 17.80.050 AND ADDING SECTION 17.80.120 ALLOWING MEDICAL CANNABIS DISPENSARIES, AMENDING SECTIONS 17.80.080 AND 17.80.090 RELATING TO MEDICAL CANNABIS CULTIVATION AND MANUFACTURING, AMENDING THE TABLE OF CONTENTS, APPENDIX A AND OTHER CONSISTENCY CHANGES.

WHEREAS, the City of Adelanto adopted Title 17 as part of the City of Adelanto Municipal Code, establishing among other things the regulation of Land Uses; and

WHEREAS, the City has a desire to amend current land use standards related to the medical marijuana/cannabis industry, specifically those involving dispensaries, as well as cultivation and manufacturing; and

WHEREAS, a duly noticed public hearing was held before the Planning Commission on the 4th day of October, 2016; to hear public testimony and consider the proposal; and

WHEREAS, the City has complied with the California Environmental Quality Act.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ADELANTO HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are all true and correct.

Section 2. The Planning Commission has reviewed and considered the information included in the General Plan, staff reports for the public hearing, and public testimony prior to taking action on the proposed Code Amendment. This information is on file and available at the Community Development Department at the City Hall of the City of Adelanto.

Section 3. The Planning Commission finds and determines that the adoption of Code Amendment 16-06 exempt pursuant to Section 15061 (b) (3) Review for Exemptions of the California Environmental Quality Act because the Code Amendment will not cause a significant effect on the environment and the Planning Commission determinations reflect the independent judgment of the Planning Commission.

Section 4. The Planning Commission hereby further finds and determines that the City has followed the procedures for Ordinance Amendments as set forth in the California Government Code.

Section 5. The Planning Commission hereby finds and determines:

- a) That the proposed amendment is in the public interest, and that there will be a community benefit resulting from the amendment;

The amendment is in compliance with State Law and benefits Medical Cannabis patients and is in the public interest and will result in a community benefit.

- b) That the proposed amendment is consistent with the goals, policies, and objectives of the General Plan.

The amendment benefits the community which is consistent with the General Plan.

- c) That the proposed amendment will not conflict with provisions of the Zoning Code, subdivision regulations, or any applicable specific plan; and

The proposed amendment is consistent with the Zoning Code, subdivision regulations and any specific plan.

- d) In the event that the proposed amendment is a change to the land use policy map that the amendment will not adversely affect surrounding properties.

The proposed amendment does not change the land use policy map.

Section 6. The Planning Commission of the City of Adelanto hereby recommends to the City Council adoption of Code Amendment 16-06.

Attachments:

- Draft Ordinance
- Draft Table of Contents
- Draft Special Use Standards
- Draft Appendix A

PASSED, APPROVED AND ADOPTED this 4th day of October, 2016.

Chris Waggener
Chairman to the Planning Commission

Virginia Cervantes
Secretary to the Planning Commission

I, Virginia Cervantes, Planning Secretary for the Planning Commission of the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-16-35 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 4th day of October, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 4th day of October, 2016.

Virginia Cervantes
Secretary to the Planning Commission

ORDINANCE NO. 553

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA,
AMENDING SECTION 17.80.080 OF THE ADELANTO MUNICIPAL
CODE REGARDING MEDICAL CANNABIS CULTIVATION AND
SECTION 17.80.090 REGARDING MEDICAL CANNABIS
MANUFACTURING, REPEALING SECTION 17.80.050 REGARDING
MEDICAL CANNABIS DISPENSARIES, AND ADDING SECTION
17.80.120 REGARDING MEDICAL CANNABIS DISPENSARIES**

WHEREAS, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (“MMRSA”), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medical cannabis, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity.

WHEREAS, on June 27, 2016, Governor Brown approved Senate Bill number 837 (“SB 837”), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act (“MCRSA”).

WHEREAS, the City of Adelanto (“City”) has previously adopted Adelanto Municipal Code (“AMC”) sections 17.80.080 and 17.80.090 to regulate medical cannabis cultivation and manufacturing, respectively, in the City.

WHEREAS, the City now wishes to amend AMC sections 17.80.080 and 17.80.090 to reflect SB 837’s changes to the MCRSA.

WHEREAS, the City also wishes to repeal AMC section 17.80.050, which prohibits medical cannabis dispensaries in the City, to comply with California law and allow for the dispensing and delivery of medical cannabis in accordance with applicable State laws.

WHEREAS, it is the purpose and intent of the City to regulate medical cannabis dispensing and delivery in a manner that is consistent with State law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting the negative impacts associated with such medical cannabis dispensing and delivery.

WHEREAS, the City intends to be on the forefront of ground breaking research, science, innovation, and development of treatment for symptoms and cures in the field of medical cannabis, as scientific research, studies, and data have established that cannabis can help patients with a vast array of medical conditions that affect human beings.

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the use or diversion of cannabis for nonmedical purposes, or allows any activity relating to cannabis that is otherwise illegal under California law.

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

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. AMC section 17.80.080 (Cultivation of Medical Marijuana) is hereby amended, and is to read in its entirety as follows:

17.80.080 Medical Cannabis Cultivation

- (a) **Purpose.** The purpose and intent of this Section is to regulate the cultivation of medical cannabis that is grown in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
- (1) “Cultivation” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (2) “Cultivation Permit” means a City permit to operate an indoor medical cannabis cultivation facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (3) “Cultivation Permittee” means an applicant who has applied for and has been issued a Cultivation Permit by the City pursuant to the terms and conditions of this Section.
 - (4) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (5) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (6) “Indoors” means within a fully enclosed and secure structure.
 - (7) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (8) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.

- (9) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (10) “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.
- (c) **Cannabis Cultivation Prohibited.** All cannabis cultivation within the City is prohibited except as expressly permitted by this Section.
- (d) **Indoor Medical Cannabis Cultivation Conditionally Permitted.** Indoor medical cannabis cultivation is conditionally permitted in the City only as expressly specified in this Section.
 - (1) Indoor Medical Cannabis Cultivation Standards. Indoor medical cannabis cultivation, within the City, shall be in conformance with the following standards:
 - A. Indoor medical cannabis cultivation shall only be allowed upon application and approval of a Cultivation Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Indoor medical cannabis cultivation is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Cultivation Zone”).
 - C. No cannabis cultivation shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the indoor medical cannabis cultivation is, or will be located, to the nearest property line of those uses described in this Subsection.
 - D. An indoor medical cannabis cultivation facility may not be located within the same unit as a cannabis manufacturing facility, distribution facility, transportation facility, testing facility, or dispensary.
 - E. Subject to the further requirements of this Section, only the following State cultivator license classification types specified in the MCRSA and Business and Professions Code sections 19300.7 and 19332 will be allowed to operate in the City: 1A, 1B, 2A, 2B, 3A, 3B, and 4.
 - F. Indoor medical cannabis cultivation is allowed only within a fully enclosed and secure structure that is inaccessible to minors.

- G. Indoor medical cannabis cultivation shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any indoor medical cannabis cultivation activity.
- I. Indoor medical cannabis cultivation activity may include growing cannabis plants, harvesting cannabis plants, and drying cannabis flowers, but shall not include any extraction procedures to produce concentrated THC.
- J. Indoor medical cannabis cultivation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- K. Each indoor medical cannabis cultivation facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. An indoor medical cannabis cultivation facility shall comply with all size requirements for such facility as imposed by State law. An indoor medical cannabis cultivation facility shall not engage in any activities not allowed by an indoor medical cannabis cultivation facility pursuant to State law. An indoor medical cannabis cultivation facility shall comply with all horticultural, labeling, processing, and other standards required by State law.
- L. There is no set restriction on the hours of operation of an indoor medical cannabis cultivation facility; however, restricted hours of operation may be established as a condition of approval of the Cultivation Permit or the applicable CUP.
- M. All medical cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- N. An indoor medical cannabis cultivation facility shall operate within a legal structure that is compliant with all applicable State and local laws.
- O. An indoor medical cannabis cultivation facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- P. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of an indoor medical cannabis cultivation facility. The term “premises” as used in this Subsection includes the actual indoor medical cannabis cultivation building, as well as any accessory structures and parking areas. The indoor

medical cannabis cultivation facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.

- Q. Signage for an indoor medical cannabis cultivation facility shall be limited to name of business only, shall be in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- R. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. An indoor medical cannabis cultivation facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any indoor medical cannabis cultivation facility.
- S. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice, and other care referrals which may be provided on site.
- T. The building in which any indoor medical cannabis cultivation facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to indoor cannabis cultivation is also required.
- U. An indoor medical cannabis cultivation facility shall not manufacture, process, distribute, transport, sell, dispense, or administer cannabis from the facility, unless expressly and affirmatively authorized by State law. An indoor medical cannabis cultivation facility shall not be operated as a cannabis manufacturing, distribution, transportation, or testing facility, or as a cannabis dispensary, unless expressly and affirmative authorized by State law.
- V. The operators of an indoor medical cannabis cultivation facility shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide

notice if there are any operational problems associated with the indoor medical cannabis cultivation facility. An indoor medical cannabis cultivation facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

W. An indoor medical cannabis cultivation facility shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the indoor medical cannabis cultivation activities occur.

X. An indoor medical cannabis cultivation facility shall have a security plan including the following measures:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
2. The indoor medical cannabis cultivation facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
3. Entrance to the cultivation area, and all storage areas, shall be locked at all times, and under the control of the indoor medical cannabis cultivation facility's staff.
4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
5. All windows on the building that houses the indoor medical cannabis cultivation facility shall be appropriately secured and all cannabis securely stored.

- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Z. The City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement shall have the right to enter the indoor medical cannabis cultivation facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- AA. All batches of final cultivated cannabis must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.

(2) Cultivation Permit Applications. All applicants wishing to obtain a Cultivation Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Cultivation Permit Application Fee as established by the City. An application for a Cultivation Permit shall include at least the following information:

- A. An estimate of the size of the proposed indoor medical cannabis cultivation facility.
- B. The address of the location for which the Cultivation Permit is sought. Only one Cultivation Permit will be issued per location.
- C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, cultivation areas, lighting, signage, etcetera.
- D. A proposed security plan in compliance with the Indoor Medical Cannabis Cultivation Standards.
- E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the indoor medical cannabis cultivation facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

- F. The name and address of the owner and lessor of the real property upon which the indoor medical cannabis cultivation activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that an indoor medical cannabis cultivation facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the indoor medical cannabis cultivation facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Cultivation Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the indoor medical cannabis cultivation facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):
 - 1. The operational plan for the facility.
 - 2. The security plan for the facility.
 - 3. The experience of the operators of the facility.
 - 4. The adequacy of capitalization for the facility and its operations.

5. The employment of City residents and other public benefits to the City.

(3) Cultivation Permit. The following conditions apply to each Cultivation Permit:

A. A Cultivation Permit will not be awarded to an applicant if:

1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed indoor medical cannabis cultivation facility is not allowed by State or local law.
3. The applicant is not a legal representative of the indoor medical cannabis cultivation facility.
4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
6. The applicant has not satisfied each and every requirement of this Section.

B. A Cultivation Permit shall be awarded by the City to eligible Cultivation Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Cultivation Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone as determined by the City Manager or the City Manager's designee.

C. Before a Cultivation Permit can be issued to an applicant, Cultivation Permit fees must be paid to offset all related costs to the City, and the proposed indoor medical cannabis cultivation facility location must pass all applicable inspections.

- D. Only one Cultivation Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. A Cultivation Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the indoor medical cannabis cultivation activity occurs.
- F. A Cultivation Permits is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All cultivation activities shall be subject to an excise tax to be established by the City and the voters.
- H. A Cultivation Permittee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of this Section, the MCRSA, or Business and Professions Code section 19328.
- I. A Cultivation Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Cultivation Permit and the indoor medical cannabis cultivation activity.
- J. A Cultivation Permittee shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, and any action taken by the Cultivation Permittee pursuant to this Section.
 - 3. Agree to defend the City, at the Cultivation Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, or any action taken by the Cultivation Permittee pursuant to this Section.
 - 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action

against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, or any action taken by the Cultivation Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

- K. A Cultivation Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the indoor medical cannabis cultivation facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
 - L. A Cultivation Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Cultivation Permittee at the indoor medical cannabis cultivation facility shall be residents of the City. A Cultivation Permittee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
 - M. A Cultivation Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
 - N. A Cultivation Permits shall expire and be null and void 12 months after issuance to the Cultivation Permittee unless properly renewed. Upon payment of the applicable Cultivation Permit fees and passing the requisite Cultivation Permit inspections, a Cultivation Permittee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Cultivation Permit subject to all prevailing laws at the time of renewal.
 - O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical cannabis cultivation activities or for the activities of any indoor medical cannabis cultivation facility.
- (4) Conditional Use Permit. All parcels of real property in the Cultivation Zone upon which indoor medical cannabis cultivation activities may occur must obtain a CUP from the City for all such activities.

- (5) Oversight Consultants. The City Manager or the City Manager's designee may establish an Oversight Consultant List to provide advice to City staff regarding the practical regulation of medical cannabis activities in the City on an as needed basis. The Oversight Consultant List will consist of experts and experienced participants in various disciplines related to commercial medical cannabis activities. The Oversight Consultants will not be a public body, will not meet on a regular schedule, and will not make or influence policy decisions by City staff. Rather specific individuals from the Oversight Consultant List will be contacted as necessary to provide specific advice based on their experience and expertise as a resource for City staff. The Oversight Consultants, as private citizens, may also proactively monitor medical cannabis activities in the City and report findings as necessary to City staff.

(e) **Enforcement.**

- (1) Any cannabis cultivation within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.
- (2) Any party who engages in a violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.
- (3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.
- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.
- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.
- (6) Any violation of this Section or any other City or State cannabis law by a Cultivation Permittee or a Cultivation Permittee's agent is grounds for revoking the Cultivation Permittee's Cultivation Permit. In addition, the City Manager or the City Manager's designee may revoke a Cultivation Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the indoor medical cannabis cultivation facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The indoor medical cannabis cultivation operations cease for more than 90 calendar days.

- C. Ownership of the indoor medical cannabis cultivation facility is changed or transferred to a third party.
 - D. The indoor medical cannabis cultivation facility fails to maintain 120 hours of security recordings.
 - E. The indoor medical cannabis cultivation facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Cultivation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Cultivation Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 3. AMC section 17.80.090 (Manufacturing of Medical Marijuana) is hereby amended, and is to read in its entirety as follows:

17.80.090 Medical Cannabis Manufacturing

- (a) **Purpose.** The purpose and intent of this Section is to regulate the manufacturing of medical cannabis that is processed in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City intends to be on the forefront of medical cannabis research and manufacturing. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
- (1) "CUP" means a Conditional Use Permit issued by the City in accordance with this Code.
 - (2) "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening,

and which is accessible only through one or more lockable doors and is inaccessible to minors.

- (3) “Manufacturer” and “manufacturing” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Manufacturing Permit” means a City permit to operate a medical cannabis manufacturing facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (5) “Manufacturing Permittee” means an applicant who has applied for and has been issued a Manufacturing Permit by the City pursuant to the terms and conditions of this Section.
 - (6) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (7) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (8) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (c) **Cannabis Manufacturing Prohibited.** All cannabis manufacturing within the City is prohibited except as expressly permitted by this Section.
- (d) **Medical Cannabis Manufacturing Conditionally Permitted.** Medical cannabis manufacturing is conditionally permitted in the City only as expressly specified in this Section.
- (1) Medical Cannabis Manufacturing Standards. Medical cannabis manufacturing, within the City, shall be in conformance with the following standards:
 - A. Medical cannabis manufacturing shall only be allowed upon application and approval of a Manufacturing Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical cannabis manufacturing is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Manufacturing Zone”).
 - C. No cannabis manufacturing shall be established, developed, or operated within 2,500 feet of a school, public playground or park,

child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the medical cannabis manufacturing is, or will be located, to the nearest property line of those uses described in this Subsection.

- D. A medical cannabis manufacturing facility may not be located within the same unit a cannabis indoor cultivation facility, distribution facility, transportation facility, or dispensary.
- E. Subject to the further requirements of this Section, only State manufacturer license classification type 6 level 1 will be allowed to operate in the City using nonvolatile solvents in accordance with the MCRSA and Business and Professions Code sections 19300.7 and 19341.
- F. Medical cannabis manufacturing is allowed only within fully enclosed and secure structures that are inaccessible to minors.
- G. Medical cannabis manufacturing shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any medical cannabis manufacturing activity.
- I. Medical cannabis manufacturing shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- J. Each medical cannabis manufacturing facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. A medical cannabis manufacturing facility shall comply with all size requirements for such facility as imposed by State law. A medical cannabis manufacturing facility shall not engage in any activities not allowed by a medical cannabis manufacturing facility pursuant to State law. A medical cannabis manufacturing facility shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. There is no set restriction on the hours of operation of a medical cannabis manufacturing facility; however, restricted hours of operation may be established as a condition of approval of the Manufacturing Permit or the applicable CUP.

- L. All medical cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- M. A medical cannabis manufacturing facility shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. A medical cannabis manufacturing facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of a medical cannabis manufacturing facility. The term “premises” as used in this Subsection includes the actual medical cannabis manufacturing building, as well as any accessory structures and parking areas. The medical cannabis manufacturing facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.
- P. Signage for a medical cannabis manufacturing facility shall be limited to name of business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Medical cannabis manufacturing facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcoholic beverages shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any medical cannabis manufacturing facility.
- R. Physician services shall not be provided on the premises. “Physician services” does not include social services, including counseling, help with housing and meals, hospice, and other care referrals which may be provided on site.
- S. The building in which any medical cannabis manufacturing facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City’s business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all

requirements of State law pertaining to medical cannabis manufacturing is also required.

- T. A medical cannabis manufacturing facility shall not grow, cultivate, distribute, transport, sell, dispense, or administer cannabis from the facility, unless expressly and affirmatively authorized by State law. A medical cannabis manufacturing facility shall not be operated as a cannabis cultivation, distribution, transportation, or testing facility, or as a cannabis dispensary, unless expressly and affirmatively authorized by State law.
- U. The operators of a medical cannabis manufacturing facility shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the medical cannabis manufacturing facility. A medical cannabis manufacturing facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- V. A medical cannabis manufacturing facility shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the medical cannabis manufacturing activities occur.
- W. A medical cannabis manufacturing facility shall have a security plan including the following measures:
 - 1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, manufacturing areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.

2. The medical cannabis manufacturing facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the manufacturing area, and all storage areas, shall be locked at all times, and under the control of the medical cannabis manufacturing facility's staff.
 4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 5. All windows on the building that houses the medical cannabis manufacturing facility shall be appropriately secured and all cannabis securely stored.
- X. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Y. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter the medical cannabis manufacturing facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- Z. A medical cannabis manufacturing facility must employ full time quality control personnel. The Manufacturing Permittee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices and the MCRSA for all food products, as outlined by the State Department of Public Health and the Food and Drug Administration.
- AA. All finished products produced by a medical cannabis manufacturing facility must be labeled in compliance with the MCRSA, Business and Profession Code section 19347, and the labeling requirements outlined by the State Department of Public Health.
- BB. All finished products produced by a medical cannabis manufacturing facility must be packaged in child resistant containers prior to leaving the facility or becoming commercially available in accordance with the MCRSA, Business and Profession

Code section 19347, the State Department of Public Health regulations, and other applicable State laws.

CC. All batches of final cannabis products must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.

DD. A medical cannabis manufacturing facility shall only use nonvolatile solvents that have been approved by the State Department of Public Health for medical cannabis level 1 manufacturing. Until such time as any such nonvolatile solvents are approved by the State Department of Public Health for medical cannabis level 1 manufacturing, a medical cannabis manufacturing facility shall only use nonvolatile solvents that have been approved by the Food and Drug Administration for the processing and preparation of botanical dietary supplements or food grade products.

EE. All processing and analytical testing devices used by a medical cannabis manufacturing facility must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.

FF. Unless otherwise prohibited, all processing devices used by a medical cannabis manufacturing facility that utilize hydrocarbons or otherwise flammable solvents must operate in a closed loop, or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, State, and federal guidelines for the disposal of hazardous materials.

(2) Manufacturing Permit Applications. All applicants wishing to obtain a Manufacturing Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Manufacturing Permit Application Fee as established by the City. An application for a Manufacturing Permit shall include at least the following information:

A. An estimate of the size of the proposed medical cannabis manufacturing facility.

B. The address of the location for which the Manufacturing Permit is sought. Only one Manufacturing Permit will be issued per location.

- C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, manufacturing areas, lighting, signage, etcetera.
- D. A proposed security plan in compliance with the Medical Cannabis Manufacturing Standards.
- E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the medical cannabis manufacturing facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- F. The name and address of the owner and lessor of the real property upon which the medical cannabis manufacturing activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis manufacturing facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the medical cannabis manufacturing facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Manufacturing Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis manufacturing facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the

requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria (“Merit List”):

1. The operational plan for the facility.
2. The security plan for the facility.
3. The experience of the operators of the facility.
4. The adequacy of capitalization for the facility and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Manufacturing Permit. The following conditions apply to each Manufacturing Permit:

A. A Manufacturing Permit will not be awarded to an applicant if:

1. The applicant or the Applicant’s Agents made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed medical cannabis manufacturing facility is not allowed by State or local law.
3. The applicant is not a legal representative of the medical cannabis manufacturing facility.
4. The applicant or the Applicant’s Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of the Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
5. The applicant or the Applicant’s Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
6. The applicant has not satisfied each and every requirement of this Section.

- B. A Manufacturing Permit shall be awarded by the City to eligible Manufacturing Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Manufacturing Permits shall be limited to those that may be reasonably accommodated within the Manufacturing Zone as determined by the City Manager or the City Manager's designee.
- C. Before a Manufacturing Permit can be issued to an applicant, Manufacturing Permit fees must be paid to offset all related costs to the City, and the proposed medical cannabis manufacturing facility location must pass all applicable inspections.
- D. Only one Manufacturing Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. A Manufacturing Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis manufacturing activity occurs.
- F. A Manufacturing Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All manufacturing activities shall be subject to an excise tax to be established by the City and the voters.
- H. A Manufacturing Permittee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of the MCRSA or Business and Professions Code section 19328.
- I. A Manufacturing Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Manufacturing Permit and the medical cannabis manufacturing activity.
- J. A Manufacturing Permittee shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Manufacturing Permit, the Manufacturing

Permitee's cannabis related activities, and any action taken by the Manufacturing Permitee pursuant to this Section.

3. Agree to defend the City, at the Manufacturing Permitee's sole expense, in any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permitee's cannabis related activities, or any action taken by the Manufacturing Permitee pursuant to this Section.
 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permitee's cannabis related activities, or any action taken by the Manufacturing Permitee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. A Manufacturing Permitee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis manufacturing facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- L. A Manufacturing Permitee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Manufacturing Permitee at the medical cannabis manufacturing facility shall be residents of the City. A Manufacturing Permitee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- M. A Manufacturing Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
- N. A Manufacturing Permit shall expire and be null and void 12 months after issuance to the Manufacturing Permitee unless properly renewed. Upon payment of the applicable Manufacturing Permit fees and passing the requisite Manufacturing Permit inspections, a Manufacturing Permitee that has maintained compliance with all City, State, and other applicable cannabis and business related laws

shall be entitled to renew its Manufacturing Permit subject to all prevailing laws at the time of renewal.

O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical cannabis manufacturing activities or for the activities of any medical cannabis manufacturing facility.

(4) Conditional Use Permit. All parcels of real property in the Manufacturing Zone upon which medical cannabis manufacturing activities may occur must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any cannabis manufacturing within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.

(6) Any violation of this Section or any other City or State cannabis law by a Manufacturing Permittee or a Manufacturing Permittee's agent is grounds for revoking the Manufacturing Permittee's Manufacturing Permit. In addition, the City Manager or the City Manager's designee may revoke a Manufacturing Permit if any of the following occur:

A. The City Manager or the City Manager's designee determines that the medical cannabis manufacturing facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.

B. The medical cannabis manufacturing operations cease for more than 90 calendar days.

C. Ownership of the medical cannabis manufacturing facility is changed or transferred to a third party.

- D. The medical cannabis manufacturing facility fails to maintain 120 hours of security recordings.
 - E. The medical cannabis manufacturing facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Manufacturing Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Manufacturing Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 4. AMC section 17.80.050 (Medical Marijuana Dispensaries) is hereby repealed in its entirety.

SECTION 5. AMC section 17.80.120 (Medical Cannabis Dispensaries) is hereby added, and is to read in its entirety as follows:

17.80.120 Medical Cannabis Dispensaries

- (a) **Purpose.** The purpose and intent of this Section is to regulate the dispensing and delivery of medical cannabis that is sold in accordance with State law in order to promote the health, safety, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) "CUP" means a Conditional Use Permit issued by the City in accordance with this Code.
 - (2) "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.

- (3) “Deliver,” “Delivering,” and “Delivery” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Dispensary,” “Dispense,” and “Dispensing” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws. Dispensing shall include the acts of advertising, offering for sale, selling, providing, giving away, and delivering any medical cannabis products to any individual, customer, qualified patient, primary care provider, or end user.
 - (5) “Dispensary Permit” means a City permit to dispense and deliver medical cannabis in accordance with the terms and conditions of this Section and the conditions of approval for the permit.
 - (6) “Dispensary Permittee” means a person or entity that has been issued a Dispensary Permit by the City pursuant to the terms and conditions of this Section.
 - (7) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (8) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (9) “Medical Cannabis Permittee” means a person or entity that has been issued a permit by the City, or another city in the State of California in accordance with the MCRSA or other applicable State laws, to participate in a commercial medical cannabis activity, such as cultivation, manufacturing, distribution, transportation, testing, or dispensing.
 - (10) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (c) **Cannabis Dispensing and Delivery Prohibited.** All cannabis dispensing and delivery within the City is prohibited except as expressly permitted by this Section.
- (d) **Dispensing and Delivery of Medical Cannabis Conditionally Permitted.** Dispensing and delivery of medical cannabis is conditionally permitted in the City only as expressly specified in this Section.

- (1) Medical Cannabis Dispensary Standards. Medical cannabis dispensing and delivery within the City shall be in conformance with the following standards:
 - A. Medical cannabis dispensing and delivery shall only be allowed upon application and approval of a Dispensary Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical cannabis dispensing and delivery is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Dispensary Zone”).
 - C. Medical cannabis dispensing activities may only include the selling of medical cannabis from a dispensary and the delivery of medical cannabis from a dispensary to a qualified patient or primary caregiver.
 - D. No cannabis dispensing or delivery shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the cannabis dispensing or delivery activity is, or will be, located to the nearest property line of those uses described in this Subsection.
 - E. Cannabis dispensaries may not be located within the same unit of a building or structure as an indoor cannabis cultivation, manufacturing, distribution, transportation, or testing facility.
 - F. Medical cannabis dispensing and delivery is allowed only within fully enclosed and secure structures that are inaccessible to minors.
 - G. Medical cannabis dispensing and delivery activities shall not exceed the square footage authorized pursuant to the applicable CUP.
 - H. From any public right-of-way, there shall be no visible exterior evidence of any cannabis dispensing or delivery activity.
 - I. Cannabis dispensing and delivery shall not adversely affect the health or safety of any nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

- J. Each cannabis dispensary shall fully comply with all of the applicable restrictions and mandates set forth in State law. Each cannabis dispensary shall comply with all size requirements for such facility as imposed by State law. A cannabis dispensary shall not engage in any activities not allowed by a medical cannabis dispensary pursuant to State law. A cannabis dispensary shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. Medical cannabis dispensaries shall only be operated between the hours of 6:00 a.m. and 9:00 p.m. or as otherwise established as a condition of approval of the Dispensary Permit or the applicable CUP.
- L. All cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- M. Each cannabis dispensary shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. Each cannabis dispensary must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of all cannabis dispensaries except for medical cannabis used by qualified patients in well ventilated private lounges that are partitioned off from access to all other areas of the dispensary, are designed to prevent the flow of smoke to any other area, and are otherwise operated in compliance with Labor Code section 6404.5 and other applicable State laws for “private smokers’ lounges.” The term “premises” as used in this Subsection includes the actual cannabis dispensary building, as well as any accessory structures and parking areas. The cannabis dispensary building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises, or in the vicinity of the dispensary, is prohibited except in designated lounges that comply with the mandates of this Subsection.
- P. Signage for each cannabis dispensary shall be limited to name of the business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any other companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A cannabis dispensary shall not hold or

maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any cannabis dispensary.

- R. Physician services and medical cannabis recommendations shall not be provided on the cannabis dispensary premises.
- S. The building in which any dispensary is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis dispensing and delivery is also required.
- T. A cannabis dispensary shall not grow, cultivate, manufacture, or process cannabis from the dispensary, unless expressly and affirmatively authorized by State law. A cannabis dispensary shall not be operated as a cannabis cultivation, manufacturing, distribution, transportation, or testing facility, unless expressly and affirmatively authorized by State law.
- U. The operators of a cannabis dispensary shall provide the City Manager or the City Manager's designee with the name, cell phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the cannabis dispensary. Each cannabis dispensary shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- V. A cannabis dispensary shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the cannabis dispensing or delivery activities occur.
- W. Dispensary Permittees shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis products and theft of medical cannabis products from the dispensary.

- X. A cannabis dispensary shall have a security plan including the following measures:
1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, dispensing areas, delivery areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager, the Code Enforcement Manager, and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 2. The cannabis dispensary shall be secured with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the dispensing or delivery areas, and all storage areas, shall be locked at all times, and under the control of the medical cannabis dispensary's staff.
 4. All medical cannabis shall be stored in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, or loss.
 5. The entrances and all window areas shall be illuminated during evening hours. The dispensary shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 6. All windows on the building that houses the cannabis dispensary shall be appropriately secured.
 7. No loitering—individuals shall not be allowed to remain on the premises of the dispensary unless they are engaging in activity expressly related to the operations of the dispensary.
- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement upon verbal request—

no search warrant or subpoena shall be needed to view the recorded materials.

- Z. The City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement shall have the right to enter the cannabis dispensary at any time, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- AA. A Dispensary Permittee shall notify the City Manager or the City Manager's designee within 24 hours of discovering any of the following:
 - 1. Significant discrepancies identified during inventory. The level of significance shall be determined by the City Manager or the City Manager's designee.
 - 2. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.
 - 3. The loss or unauthorized alteration of records related to medical cannabis, registered qualifying patients, primary caregivers, or dispensary agents or employees.
 - 4. Any other breach of security.
- BB. A Dispensary Permittee shall not dispense or deliver medical cannabis to any person without a physician's recommendation.
- CC. A Dispensary Permittee shall only dispense or deliver medical cannabis to individuals who provide government-issued identification and adequate documentation demonstrating qualification to purchase, obtain, or possess medical cannabis.
- DD. Physician's recommendations shall be verified by a Dispensary Permittee prior to dispensing or delivering any medical cannabis to a qualified patient or primary caregiver, and at least every six months thereafter.
- EE. A dispensary may not employ or enter into any agreements with any physicians who recommend medical cannabis.
- FF. A Dispensary Permittee shall inspect all cannabis and cannabis products received for quality assurance prior to dispensing or delivering to any person.
- GG. Each dispensary shall dispense and deliver medical cannabis products only after those medical cannabis products have been

inspected and quality tested by a qualified third party testing facility as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.

- HH. Each dispensary shall do regular monthly inventories, and shall record the total quantity of cannabis on the premises. These records shall be maintained for three years from the date created and shall be open to inspection by the City Manager, the City Manager's Designee, Code Enforcement, and law enforcement.
- II. A Dispensary Permittee shall register with the City each location where cannabis is stored for purposes of dispensing or delivery.
- JJ. A dispensary shall maintain patient records in a secure location within the City, available for inspection upon demand by the City Manager, the City Manager's designee, Code Enforcement, or law enforcement. Such records shall include, without limitation, a copy of the physician's recommendation and, if using a primary caregiver, a notarized written authorization from the patient to be represented by such primary caregiver.
- KK. During the delivery of medical cannabis, each vehicle driver shall carry a copy of the Dispensary Permit, a copy of the delivery request, a form of government-issued identification, and all other information required by State law. The driver shall present these documents upon the request of law enforcement, Code Enforcement, the City Manager, or the City Manager's designee.
- LL. Prior to sale at a dispensary or delivery, cannabis products shall be labeled and placed in a tamper-evident package. Labels and packages of medical cannabis products shall, at minimum, meet the requirements specified under Business and Professions Code section 19347 and other applicable State laws.
- MM. All cannabis delivery vehicles shall:
 - 1. Be equipped with, and utilize, a vehicle alarm system.
 - 2. Have and utilize a direct communication system with the dispensary.
 - 3. Keep all cannabis in a secure and locked container.
 - 4. Have an internal partition between the driver and all passengers from the cannabis storage containers that

prevents access by the driver and passengers to all cannabis products from inside the vehicle.

5. Not carry more cannabis than allowed by State law and required to fulfill all immediate delivery requests.

(2) Dispensary Permit Applications. All applicants wishing to obtain a Dispensary Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Dispensary Permit Application Fee as established by the City. An application for a Dispensary Permit shall include at least the following information:

- A. The address of the applicant's headquarters.
- B. An estimate of the size of the proposed medical cannabis dispensary.
- C. The address of the location for which the Dispensary Permit is sought. Only one Dispensary Permit will be issued per location.
- D. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, dispensing and delivery areas, lighting, signage, etcetera.
- E. A proposed security plan in compliance with the Medical Cannabis Dispensary Standards.
- F. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the dispensary. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- G. The name and address of the owner and lessor of the real property upon which the medical cannabis dispensary activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis dispensary may be operated on the property.
- H. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- I. Evidence that the medical cannabis dispensary will be located in a legal structure that is compliant with all applicable State and local laws.

- J. Evidence that the medical cannabis dispensary has registered with the City all locations where medical cannabis will be stored for purposes of dispensing or delivery.
- K. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- L. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- M. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Dispensary Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis dispensary ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- N. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):
 - 1. The operational plan for the dispensary.
 - 2. The security plan for the dispensary.
 - 3. The experience of the operators of the dispensary.
 - 4. The adequacy of capitalization for the dispensary and its operations.
 - 5. The employment of City residents and other public benefits to the City.

(3) Dispensary Permit. The following conditions apply to each Dispensary Permit:

- A. A Dispensary Permit will not be awarded to an applicant if:
 - 1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.

2. The proposed medical cannabis dispensary is not allowed by State or local law.
 3. The applicant is not a legal representative of the medical cannabis dispensary.
 4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, distribution, transportation, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.
- B. A Dispensary Permit shall be awarded by the City to eligible Dispensary Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Dispensary Permits shall be limited to those that may be reasonably accommodated within the Dispensary Zone as determined by the City Manager or the City Manager's designee.
- C. Only one Dispensary Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- D. A Dispensary Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis dispensing or delivery activity occurs.
- E. A Dispensary Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the cannabis dispensing or delivery activities and to protect the public.
- F. A Dispensary Permittee may not hold or use any other cannabis related permits or licenses that would otherwise be a violation of this Code, the MCRSA, or Business and Professions Code section 19328.

- G. Before a Dispensary Permit will be issued to an applicant, Dispensary Permit fees must be paid to offset all foreseeable costs to the City for all dispensary related operations. Dispensary Permittees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Dispensary Permit and the cannabis dispensing and delivery activity no collected at the time the Dispensary Permit is issued.
- H. A Dispensary Permittee shall:
1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Dispensary Permit, the Dispensary Permittee's cannabis related activities, and any action taken by the Dispensary Permittee pursuant to this Section.
 3. Defend the City, at the Dispensary Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Dispensary Permit, the Dispensary Permittee's cannabis related activities, or any action taken by the Dispensary Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Dispensary Permittee of its indemnification and reimbursement obligations.
 4. Reimburse the City for all costs, expenses, fees, and attorneys' fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Dispensary Permit, the Dispensary Permittee's cannabis related activities, or any action taken by the Dispensary Permittee pursuant to this Section.
- I. Each Dispensary Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis dispensary at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of any such offenses, and the sentences received for such convictions.

- J. A Dispensary Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50 percent of all employees employed by the Dispensary Permittee at the medical cannabis dispensary shall be residents of the City. A Dispensary Permittee shall use good faith efforts to comply with this Subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- K. A Dispensary Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
- L. A Dispensary Permit shall expire and be null and void 12 months after issuance to the Dispensary Permittee unless properly renewed. Upon payment of the applicable Dispensary Permit fees, and passing the requisite Dispensary Permit inspections, a Dispensary Permittee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Dispensary Permit subject to all prevailing laws at the time of renewal.
- M. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any cannabis dispensing or delivery activities, or for the activities of any cannabis dispensary.

(4) Conditional Use Permit. All parcels of real property in the Dispensary Zone, upon which cannabis dispensing or delivery activities may occur, must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

- (1) Any cannabis dispensing or delivery activities within the City in violation of this Section are hereby declared to be unlawful and a public nuisance.
- (2) Any party who engages in any violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.
- (3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.
- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense per day.

- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense per day.
- (6) Any violation of this Section or any other City or State cannabis law by a Dispensary Permittee, or a Dispensary Permittee's agent, is grounds for revoking the relevant Dispensary Permit. In addition, the City Manager or the City Manager's designee may revoke a Dispensary Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the cannabis dispensary has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The medical cannabis dispensing or delivery operations cease for more than 90 calendar days.
 - C. Ownership of the medical cannabis dispensary is changed or transferred to a third party.
 - D. The medical cannabis dispensary fails to maintain 120 hours of security recordings.
 - E. The medical cannabis dispensary fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Dispensary Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision to revoke the Dispensary Permit. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Dispensary Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 6. Recognizing that there is a potential conflict between federal and State law, it is the City Council's intention that this Ordinance shall be deemed to comply with California law as established by the MCRSA.

SECTION 7. The City Council determines that it is in the best interest of the residents of the City to allow dispensaries that comply with the MCRSA to be established and operated as permitted uses within certain areas of the City subject to the regulations and restrictions provided in this Ordinance. It is the City Council's intention that nothing in this Ordinance shall be construed to:

1. Allow persons to engage in conduct that endangers others or causes a public nuisance.
2. Allow the use of cannabis for nonmedical purposes of any kind.
3. Allow any activity relating to cannabis that is otherwise not permitted under State law.

SECTION 8. The City Council finds that these amendments to the Zoning Code are consistent with the goals, policies, and objectives of the City's General Plan, and that they will not adversely affect properties surrounding the Dispensary Zone, which is the exact same area as the pre-existing cannabis Cultivation, Manufacturing, Distribution/Transportation, and Testing Zones.

SECTION 9. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) and 15305 of the Guidelines, in that the Ordinance alone does not have the potential for causing a significant effect on the environment. Further permits and approvals will be required before any activity that will affect the environment will be permitted.

SECTION 10. No use, business, or activity of any kind that dispensed or delivered medical cannabis prior to the enactment of this Ordinance shall be deemed to have been a legally established use, and any such use shall not be entitled to claim legal nonconforming status.

SECTION 11. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 12. By regulating medical cannabis dispensaries, the City is only undertaking to preserve the general welfare through implementing the MCRSA. The City Council is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach thereof would expose the City to liability in money damages to any person who claims that such breach proximately caused injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any medical cannabis dispensary. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Ordinance shall not become a personal liability of any public officer or employee of the City. Nothing in this Ordinance shall be deemed or considered in any respects to constitute authorization to violate any law.

SECTION 13. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and the City Clerk shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect 30 days after its final passage.

PASSED, APPROVED, and ADOPTED this 26th day of October, 2016.

Rich Kerr, *Mayor*

Cynthia M. Herrera, MMC, *City Manager/
City Clerk*

APPROVED AS TO FORM:

Curtis R. Wright, *City Attorney*

I, Cindy Herrera, City Manager/City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 16-553 was duly introduced for first reading on October 12, 2016 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on October 26, 2016 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 26th day of October, 2016.

Cynthia M. Herrera, MMC, *City Manager/
City Clerk*

SEAL

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ADELANTO ZONING ORDINANCE

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Appendix A: Regulation of Uses by Zoning District

CHAPTER 17.80

SPECIAL USE STANDARDS

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17.80.010 Intent and Purpose

Certain uses, although permitted in specific zoning districts, require additional development standards beyond those specified for the applicable zone. Additional standards are required to ensure that such uses are operated in a manner that does not adversely impact surrounding uses. The purpose of this Chapter is to provide additional development standards and conditions for certain uses to ensure their compatibility with surrounding uses.

17.80.020 Antennas and Cellular Telephone Towers

(a) Exempt Antennas

Common skeletal-type radio and television antenna in standard configurations used to receive UHF, VHF, AM, and FM signals of off-air broadcasts from radio and television stations are exempt from the requirements of this Section.

Solid dish-type antennas with a diameter of less than two feet (2') which are designed to receive broadcast signals directly from orbiting satellites are also exempt from the following requirements, with the exception that this type of antenna may not be placed in a front yard area or in any other location visible from the street at the front of the home or building which the antenna serves.

(b) Location of Antennas in Residential Districts

Antennas and satellite dishes (hereafter referred to as “antennas”) located in the residential zones of the City shall conform to the following standards:

- (1) All antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.

- (2) All ground-mounted antennas shall be screened by walls, fences, or landscaping at least six feet (6') in height obscuring visibility of the antenna from adjacent properties at the same elevation. Landscaping shall be of a type and variety and installed at sufficient size to be capable of growing within one year to a landscape screen which obscures the visibility of the antenna.
- (3) All antennas and their supporting structures shall be located in the rear yard.
- (4) No antenna shall be higher than thirty-five feet (35') above grade level, except dish-type satellite receiving antennas, which shall not exceed fifteen feet (15') in height. Antennas exceeding thirty-five feet (35') may be approved provided the antenna is retractable to below the thirty-five foot (35') height limit, and the applicant executes a use agreement providing that the antenna will only be extended during actual use of said antenna.
- (5) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.
- (6) All roof-mounted antennas, with the exception of exempt antennas, are prohibited.

(c) Location of Antennas in Non-Residential Districts

Antennas located in non-residential zoning districts shall conform to the following standards:

- (1) All ground-mounted antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.
- (2) All ground-mounted antennas shall be screened by walls, fences, or landscaping at least six feet (6') in height obscuring visibility of the antenna from adjacent properties at the same elevation. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.
- (3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.
- (4) No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.
- (5) No antenna shall be higher than the maximum height permitted in the zone, measured from grade level, except satellite antennas, which shall not exceed fifteen feet (15') in height.
- (6) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.

(7) No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.

(d) Location of Antennas in Public Utility, Open Space and Greenbelt Corridor Districts

(1) All ground-mounted antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.

(2) All ground-mounted antennas shall be screened by walls, fences or landscaping at least six feet (6') in height obscuring visibility of the antenna. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.

(3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.

(4) No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.

(5) No antenna shall be higher than the maximum height permitted in the zone measures from grade level, except satellite antennas which shall not exceed fifteen feet (15') in height.

(6) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.

(7) No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.

(e) Wireless Communication Facilities

The following regulations shall govern the placement of wireless communication facilities, antennas, and similar installations:

(1) All cellular phone installations shall require Conditional Use Permit Approval, pursuant to the requirements of Chapter 17.130 of this Code.

(2) Cellular Telephone Towers shall be permitted within all Business and Manufacturing (BP, LM, MI and ADD), Open Space, Public Land, Schools, Greenbelt Corridors (OS, DE, UE) and Public Utilities and Public Facilities (PU and PF) zoning districts.

(3) Cellular Telephone Towers shall not be located in Residential Districts.

(4) Design Standards

- A. Cellular Telephone Towers shall be “Stealth Facilities”, which means that any Wireless Telecommunications Facility shall be disguised to appear as another natural or artificial object that exists in the surrounding environment or which is architecturally integrated into a building or other structure. They may include, but are not limited to:
1. Co-location on existing electrical transmission towers within Power Easements.
 2. Architecturally screened roof mounted antenna.
 3. Wall or façade-mounted antenna as design features, clock towers, flagpoles, church crosses, “tree” poles (monopalms, monopines, or similar).
 4. Wall Mounted means a Wireless Telecommunication Facility that is mounted on any vertical surface or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna, such as exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign such that the highest point of the Facility is at an elevation equal to or lower than the highest point of the surface on which it is mounted.
 5. Exceptions to this may be granted through the Conditional Use Permit Process, provided that it can be demonstrated that the proposed installation would not be unduly intrusive, such as they are located in proximity to similar existing towers for major electrical transmission lines.
- B. Cellular phone towers, antennas, and similar structures are limited to the maximum height allowed within the Zoning District in which it is located, unless an RF report prepared by a qualified RF Engineer and reviewed by the City, demonstrates that: 1) an antenna built at the Zoning District limit would obstruct the antenna’s reception window or otherwise excessively interfere with reception and such obstruction or interference involves factors beyond the applicant’s control; and 2) there are no other locations within the City available to the cellular phone provider that would enable the cellular phone provider to construct an antenna within the limits of the Zoning Code without limiting cell phone coverage and reception. In such cases, a maximum height of one hundred feet (100') may be allowed, unless a lower height is required by a local Airport Land Use Commission (ALUC).

- C. Setback requirements for cellular phone installations shall be developed on a case-by-case basis as part of the Conditional Use Permit Approval.

(f) Antennas Used for Transmission Purposes

The following regulations shall apply to the establishment, installation, and operation of antennas used to transmit signals of any type for commercial purposes.

- (1) Except as provided in subsection (2) below, prior to the approval by the City of the installation of any non-exempt antenna, the applicant must submit a written statement that the antenna will not be used for transmission purposes; or, that the use of the antennas for transmission purposes will not exceed EIRP levels of 80 dBW.
- (2) Antennas used for transmission purposes which exceed EIRP levels of 80 dBW may be approved by the Planning Commission, subject to the imposition of reasonable conditions to protect the applicant and the public health and safety. Reasonable conditions shall include, but not be limited to, fencing, screening, warning signs, partial submersion below ground level, and other like conditions.
- (3) Antennas used for transmission purposes shall be subject to the same screening requirements as antennas used for receiving signals. Transceiver antennas shall be considered to be transmitting antennas for the purposes of this Chapter.
- (4) Any applicant aggrieved by a decision of or condition imposed by the City may appeal that decision or condition pursuant to Section 2.04.080 et seq. of this Code.

(g) Required Criteria and Performance Standards

The following regulations shall apply to the establishment, installation, and operation of antennas in all zoning districts:

- (1) Antennas shall be installed and maintained in compliance with the requirements of the Building Code. Antenna installers shall obtain a building permit prior to installation.
- (2) No advertising material shall be allowed on any antenna.
- (3) All electrical wiring associated with any antenna shall be buried underground or hidden in a manner acceptable to the Building Official.
- (4) No portion of an antenna array shall extend beyond the property lines or into any front yard area. Guy wires shall not be anchored within any front yard area but may be attached to the building.

- (5) The antenna, including guy wires, supporting structures, and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective.
- (6) Every antenna must be adequately grounded for protection against a direct strike of lightning with an adequate ground wire. Ground wires shall be of the type approved by the latest edition of the National Electrical Code, as adopted by the City, for grounding masts and lightning arresters and shall be installed in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two (2) inches from combustible materials. Lightning arresters shall be used which are approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.
- (7) A wind velocity test shall be required if deemed necessary by the Building Official.

(h) Variances

Pursuant to the procedures of Chapter 17.140 et seq. of this Zoning Code, any person may seek a variance from the provisions of this Chapter pertaining to antennas and satellite dish antennas. A fee shall be charged to an applicant for a variance that is required solely for the purposes of complying with the antenna and/or satellite dish antenna regulations of this Chapter. Any variance so granted is revocable for failure by the applicant or property owner to comply with the conditions imposed. A variance shall be issued for an antenna if it meets the following standards:

- (1) Locating the antenna in conformance with the specifications of this Chapter would obstruct the antenna's reception window or otherwise excessively interfere with reception, and such obstruction or interference involves factors beyond the applicant's control; or the cost of meeting the specifications of this Section is excessive, given the cost of the proposed antenna.
- (2) The variance application includes a certification that the proposed installation is in conformance with applicable City Building Code regulations. Furthermore, the application must contain written documentation of such conformance, including load distributions within the building's support structure, and must be certified by a registered engineer.
- (3) If it is proposed that the antenna will be located on the roof, where possible, the antenna shall be located on the rear portion of the roof and be

consistent with neighboring improvements, uses, and architectural character.

(i) Nonconforming Antennas

All antennas, in any zone, lawfully constructed and erected prior to the effective date of this Chapter, which do not conform to the requirements of the provisions of this Chapter for the particular zoning district in which they are located, shall be accepted as non-conforming uses for a period of one (1) year from the date of adoption of this Chapter. Thereafter, the antennas shall be subject to abatement as set forth below via removal, modification, or relocation to comply with the standards of this Chapter. Any antenna constructed or erected in violation of this Chapter or any prior law, ordinance, or regulation shall be subject to immediate abatement.

(j) Notice of Nonconforming Antennas

(1) Upon the determination of the Planning Director that the provisions of this Chapter apply to a given parcel of land on which an antenna is located, the Planning Director or his/her designee shall send a notice thereof by United States certified mail, return receipt requested, to the owner thereof as shown on the last equalized assessment roll and shall cause such property to be posted with a similar notice.

(2) The notice provided for in this Section shall state that the property and antenna in question is a nonconformity, shall state the date of abatement established in Section 17.80.020(i), shall state that an administrative hearing will be held before the Planning Commission and shall state the date of such hearing.

(k) Hearing; Decision and Order; Appeal; Recordation of Order

(1) Within sixty (60) days after the issuance of the notice prescribed in Section 17.80.020(j), the Planning Commission shall hold an administrative hearing to determine whether the nonconformity should be abated or whether a time extension should be granted as provided in subsection (7) below.

(2) The Planning Commission shall receive written and oral testimony at such hearing in regard to the abatement.

(3) At the close of the hearing, the Planning Commission shall find and determine whether the nonconformity should be abated and all facts in support thereof, whether the owner of the property can amortize his/her investment in the term for abatement provided in Section 17.80.020(i), and if not, what term for abatement should be provided as specified in Section 17.80.020(j).

- (4) The Planning Commission shall also find and determine whether the structure encompassing the nonconforming use can be used economically in its present condition or can be modified successfully for a purpose permitted in the zoning district in which it is located.
- (5) The decision of the Planning Commission and the findings in support thereof shall be in the form of a written order and shall be served upon the property owner personally or by United States certified mail, return receipt requested, within ten (10) days after the decision is rendered.
- (6) The decision of the Planning Commission may be appealed to the City Council.
- (7) After the conclusion of all appeals, notice of the decision and order of the Planning Commission or the City Council shall be recorded with the City Clerk.

(l) Extension of Time

- (1) The Planning Commission or City Council on appeal, shall grant an extension of the time for abatement of nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner.
- (2) The Planning Commission or City Council on appeal, shall consider the following factors, among others, in determining whether to grant an extension of time and the length of the term:
 - A. The nature of the use.
 - B. The amount of the owner's investment in improvements.
 - C. The convertibility of improvements to permitted uses.
 - D. The character of the neighborhood.
 - E. The detriment, if any, caused to the neighborhood by continuance of the nonconforming use.
 - F. The amount of time needed to amortize the investment.

(m) Proof of Amortization

The Planning Commission, or City Council on appeal, shall base its decision as to the length of the permitted amortization period on any competent evidence presented, including, but not limited to, the depreciation schedule attached to the owner's latest federal income tax return.

(n) Relocation

Where the Planning Commission finds that a nonconforming antenna, either in its present condition or as modified, can be used in compliance with the standards set forth in this Chapter for the zoning district in which it is located, the nonconforming antenna may be granted an extension sufficient to permit it to relocate on the site wherein such use is permitted and which has substantially equivalent utility for the use. In no event shall such extension be more than two (2) years.

(o) Antennas Used for Transmission Purposes

- (1) Except as provided in subsection (2) below, prior to the approval by the City for the installation of any non-exempt antenna, the applicant must submit a written statement that the antenna will not be used for transmission purposes; or that the use of the antennas for transmission purposes will not exceed EIRP levels of 80 dBW.
- (2) Antennas used for transmission purposes which exceed EIRP levels of 80 dBW may be approved by the Planning Commission subject to the imposition of reasonable conditions to protect the applicant and the public health and safety. Reasonable conditions shall include, but not be limited to, fencing, screening, warning signs, partial submersion below ground level, and other like conditions.
- (3) Any applicant aggrieved by a decision of or condition imposed by the Planning Commission may appeal that decision or condition to the City Council, pursuant to Section 2.04.080 et seq of this Code.

17.80.030 Churches, Temples, religious institutions, non-profits and other similar institutions

- (a) All churches, temples, religious institutions, non-profits and other similar institutions shall require a Location and Development Plan approval and Conditional Use Permit approval, as indicated in Appendix A.
- (b) All buildings, structures, setbacks, building height and landscaping shall be developed in a manner harmonious and compatible with development on surrounding properties.
- (c) Off-street parking spaces shall be required as per Chapter 17.65 and 17.15 of this Zoning Code. The number of parking spaces shall be determined in Table 65-2 of the aforementioned code section. Exterior parking areas shall be screened with landscaping to be compatible with and an enhancement to surrounding land uses.
- (d) All exterior lighting shall be designed, oriented, and constructed to shield adjacent properties from adverse glare effects.
- (e) Establishment of a church does not automatically permit any school, day nursery, kindergarten, or any congregation of persons for purposes other than religious instruction, worship, or guidance. Any such additional uses shall be subject to the use requirements of the zoning district in which they are located.

- (f) Churches, Temples, religious institutions, non-profit and other similar institutions proposed to be located in residential zones shall only be allowed if vehicular access is from a Major Street/Boulevard, Collector Street, Activity Street or Loop Street-One Way, as identified in the Circulation Element of the General Plan

17.80.040 Restrictions on Sales of Tobacco Products

- (a) Definitions

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

Tobacco Product means any product(s) that is used to consume tobacco or any product that contains any tobacco leaf, including but not limited to: cigarettes, cigars, cigarillos, blunts, snuff, dipping/chewing tobacco, flavored tobacco, tobacco water, tobacco paste, gutka, kretek, shisha, roll-your-own cigarettes, cigarette or cigar rolling papers, or pipes.

Tobacco Retailer means any person, retail establishment, or any other legal entity who knowingly sells, donates, distributes, or delivers to any person(s), for any form of consideration, tobacco products.

- (b) Zoning Regulations.

It is hereby declared that the sense and policy of this section is that no tobacco retailer shall be permitted to sell, donate, distribute, or deliver to any person(s), for any form of consideration, tobacco products within 1,000 feet of any playground, church, public library, school, or any childcare facility or similar entity providing structured, organized care for youth.

- (c) How Distance Measured.

The 1,000 foot distance provided for in Section 14.80.040 shall be measured as a person walks, using the sidewalk, from the nearest point of the property line of the playground, church, public library, school, or childcare facility or similar entity providing structured, organized care for youth, to the nearest of the property line of the tobacco retailer.

- (d) Nonconforming Uses

The City's nonconforming use rules, contained in Chapter 17.165 apply to this section. If a tobacco retailer has an interruption of the continuity of business for a period in excess of six months, in order to reopen for business, the requirements set forth above must be complied with.

- (e) Enforcement.

Enforcement of this chapter shall be the responsibility of the Community Development Director or his designee. In addition, any peace officer or code enforcement official also may enforce this chapter.

~~17.80.050 — Medical Marijuana Dispensaries~~

~~A medical marijuana dispensary, as defined in Section 17.200.140 of this Title, is not an allowable use within any zone in the City of Adelanto and is expressly prohibited in all zones. No other definition or term utilized herein shall be interpreted to allow such use. Each individual zone in the City of Adelanto is hereby updated to prohibit medical marijuana dispensaries.~~

17.80.060 Wind Energy Conversion Systems (WECS)

- (a) Wind Energy Conversion Systems shall be classified into three (3) categories.
 - (1) Category One, consist of large WECS that have one or more units producing power for sale. This category generates power in excess of 500 Kw and does not provide power for onsite use. These systems require the approval of a Conditional Use Permit and Location and Development Plan and are allowed in the Manufacturing/Industrial (MI), Airport Development District (ADD), Public Utilities (PU) and Open Space, Public Land and Schools (OS) zones.
 - (2) Category Two, consist of medium WECS that provide power for existing onsite structures. These systems may have more than one unit but produce 500 Kw or less. These systems require the approval of a Minor Conditional Use Permit and Site Plan and are allowed in all zoning districts except Single Family Residential (R-S1, R1, R1-.5, R-S5) and Desert Living (DL-9, DL-5, DL-2.5).
 - (3) Category Three, consist of WECS that provide power for existing onsite single family residential structures. These systems may have more than one unit but produce 25 Kw or less. These systems require the approval of a site plan and can be pole/tower or roof mounted.
- (b) WECS installed in the DL zone may be 75' in height. All others shall comply with height limitations for the zoning district they are installed in.
- (c) All ground mounted pole/tower WECS shall be set back from property lines a distance that equals the total height of the system and shall have a locked anti-climb device installed or be un-climbable by design for the first 12 feet.
- (d) All pole mounted WECS shall be of the self supporting monopole type. WECS requiring the use of guyed wires are only permitted in the DL zone.
- (e) No WECS shall emit sounds which exceed 65 decibels at any time as measured from the property line.
- (f) All on-site wiring for WECS shall be installed underground.
- (g) All WECS shall be installed and operated so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

17.80.070 Solar Energy Conversion Systems (SECS)

(a) Solar Energy Conversion Systems shall be classified into three (3) categories.

- (1) Category One, consist of large SECS that have one or more units producing power for sale. This category generates power in excess of 500 Kw and does not provide power for onsite use. These systems require the approval of a Conditional Use Permit and Location and Development Plan and are allowed in the Manufacturing/Industrial (MI) and Airport Development District (ADD) zones.
- (2) Category Two, consist of medium SECS that provide power for existing onsite structures. These systems may have multiple panels but produce 500 Kw or less. These systems require the approval of a Minor Conditional Use Permit and Site Plan and are allowed in all zoning districts except Single Family Residential (R1), (R1-.5) and Desert Living (DL).
- (3) Category Three, consist of SECS that provide power for existing onsite single family residential structures. These systems may have multiple panels but produce 25 Kw or less. These systems require the approval of a site plan and can be ground or roof mounted.

- (b) All SECS shall comply with height limitations and setbacks for the zoning district they are installed in.
- (c) No SECS shall emit sounds which exceed 65 decibels at any time as measured from the property line.
- (d) All on-site wiring for SECS shall be installed underground.
- (e) All SECS shall be installed and operated so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

17.80.080 Medical Cannabis Cultivation (see Ordinance 553 for section changes)

- (a) **Purpose.** The purpose and intent of this Section is to regulate the cultivation of medical marijuana that is grown in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MMRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) “City” means the City of Adelanto, California, a Charter Law City.
 - (2) “City Manager” means the individual duly appointed by a majority of the City Council of the City to serve in the capacity as executive officer of the City on a permanent or interim basis.

- (3) “Cultivation” shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Cultivation Permit” means a City permit to operate an indoor medical marijuana cultivation facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (5) “Cultivation Permittee” means an applicant who has applied for and has been issued a Cultivation Permit by the City pursuant to the terms and conditions of this Section.
 - (6) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (7) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (8) “Indoors” means within a fully enclosed and secure structure.
 - (9) “Medical marijuana” also means “medical cannabis” and shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (10) “MMRSA” means the State Medical Marijuana Regulation and Safety Act.
 - (11) “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.
- (c) **Marijuana Cultivation Prohibited.** All marijuana cultivation within the City is prohibited except as expressly permitted by this Section.
- (d) **Indoor Medical Marijuana Cultivation Conditionally Permitted.** Indoor medical marijuana cultivation is conditionally permitted in the City only as expressly specified in this Section.
- (1) Indoor Medical Marijuana Cultivation Standards. Indoor medical marijuana cultivation, within the City, shall be in conformance with the following standards:

- A. Indoor medical marijuana cultivation shall only be allowed upon application and approval of a Cultivation Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
- B. Indoor medical marijuana cultivation is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Cultivation Zone”).
- C. No marijuana cultivation shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the indoor medical marijuana cultivation is, or will be located, to the nearest property line of those uses describe in this Subsection.
- D. Indoor medical marijuana cultivation facilities may be located within the same building or structure as a medical marijuana manufacturing facility only if the indoor medical marijuana cultivation facility is located in separate rooms of the building or structure, and only if the indoor medical marijuana cultivation facility has its own separate entrance into the building or structure.
- E. Subject to the further requirements of this Section, only the following State cultivator license classification types specified in the MMRSA and Business and Professions Code sections 19300.7 and 19332 will be allowed to operate in the City: 1A, 1B, 2A, 2B, 3A, 3B, and 4.
- F. Indoor medical marijuana cultivation is allowed only within fully enclosed and secure structures that are inaccessible to minors.
- G. Indoor medical marijuana cultivation shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any indoor medical marijuana cultivation activity.
- I. Indoor medical marijuana cultivation activity may include growing marijuana plants, harvesting marijuana plants, and drying marijuana flowers, but shall not include any extraction procedures to produce concentrated THC.

- J. Indoor medical marijuana cultivation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- K. All indoor medical marijuana cultivation facilities shall fully comply with all of the applicable restrictions and mandates set forth in State law. All indoor medical marijuana cultivation facilities shall comply with all size requirements for such facilities as imposed by State law. Indoor medical marijuana cultivation facilities shall not engage in any activities not allowed by indoor medical marijuana cultivation facilities pursuant to State law. All indoor medical marijuana cultivation facilities shall comply with all horticultural, labeling, processing, and other standards required by State law.
- L. There is no set restriction on the hours of operation of indoor medical marijuana cultivation facilities; however, restricted hours of operation may be established as a condition of approval of the Cultivation Permit or the applicable CUP.
- M. All medical marijuana shall be kept in a secured manner during all business and nonbusiness hours.
- N. All indoor medical marijuana cultivation facilities shall operate within a legal structure that is compliant with all applicable State and local laws.
- O. All indoor medical marijuana cultivation facilities must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- P. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of all indoor medical marijuana cultivation facilities. The term “premises” as used in this Subsection includes the actual indoor medical marijuana cultivation building, as well as any accessory structures and parking areas. The indoor medical marijuana cultivation facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana or alcohol on the premises or in the vicinity of the facility is prohibited.
- Q. Signage for all indoor medical marijuana cultivation facilities shall be limited to name of business only, shall be

in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.

- R. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. Indoor medical marijuana cultivation facilities shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any indoor medical marijuana cultivation facility.
- S. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice and other care referrals which may be provided on site.
- T. The building in which any indoor medical marijuana cultivation facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MMRSA. Compliance with all requirements of State law pertaining to indoor marijuana cultivation is also required.
- U. Indoor medical marijuana cultivation facilities shall not distribute, sell, dispense, or administer marijuana from the facility to the public. Indoor medical marijuana cultivation facilities shall not be operated as medical marijuana dispensaries.
- V. The operators of all indoor medical marijuana cultivation facilities shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the indoor medical marijuana cultivation facility. All indoor medical marijuana cultivation facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

- W. All indoor medical marijuana cultivation facilities shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the indoor medical marijuana cultivation activities occur.
- X. All indoor medical marijuana cultivation facilities shall have a security plan including the following measures:
1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 2. The indoor medical marijuana cultivation facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the cultivation area, and all storage areas, shall be locked at all times, and under the control the indoor medical marijuana cultivation facility's staff.
 4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 5. All windows on the building that houses the indoor medical marijuana cultivation facility shall be appropriately secured and all marijuana securely stored.

- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager’s designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
 - Z. The City Manager, the City Manager’s designee, and law enforcement shall have the right to enter the indoor medical marijuana cultivation facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
 - AA. All batches of final cultivated marijuana must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MMRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.
- (2) Cultivation Permit Applications. All applicants wishing to obtain a Cultivation Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Cultivation Permit Application Fee as established by the City. An application for a Cultivation Permit shall include at least the following information:
- A. An estimate of the size of the proposed indoor medical marijuana cultivation facility.
 - B. The address of the location for which the Cultivation Permit is sought. Only one Cultivation Permit will be issued per location.
 - C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, cultivation areas, lighting, signage, etcetera.
 - D. A proposed security plan in compliance with the Indoor Medical Marijuana Cultivation Standards.
 - E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the indoor medical marijuana cultivation facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

- F. The name and address of the owner and lessor of the real property upon which the indoor medical marijuana cultivation activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that an indoor medical marijuana cultivation facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the indoor medical marijuana cultivation facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Cultivation Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the indoor medical marijuana cultivation facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):
 - 1. The operational plan for the facility.
 - 2. The security plan for the facility.
 - 3. The experience of the operators of the facility.

4. The adequacy of capitalization for the facility and its operations.
 5. The employment of City residents and other public benefits to the City.
- (3) Cultivation Permit. The following conditions apply to all Cultivation Permits:
- A. Cultivation Permit will not be awarded to an applicant if:
 1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.
 2. The proposed indoor medical marijuana cultivation facility is not allowed by State or local law.
 3. The applicant is not a legal representative of the indoor medical marijuana cultivation facility.
 4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of marijuana related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.
 - B. Cultivation Permits shall be awarded by the City to eligible Cultivation Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Cultivation Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone.

- C. Before a Cultivation Permit can be issued to an applicant, Cultivation Permit fees must be paid to offset all related costs to the City, and the proposed indoor medical marijuana cultivation facility location must pass all applicable inspections.
- D. Only one Cultivation Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. All Cultivation Permits are subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the indoor medical marijuana cultivation activity occurs.
- F. All Cultivation Permits are subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All cultivation activities shall be subject to an excise tax to be established by the City and the voters.
- H. Cultivation Permittees may not hold or use any other marijuana activity permits or licenses that would otherwise be a violation of the MMRSA or Business and Professions Code section 19328.
- I. All Cultivation Permittees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Cultivation Permit and the indoor medical marijuana cultivation activity.
- J. All Cultivation Permittees shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Cultivation Permit, the Cultivation Permittee's marijuana related activities, and any action taken by the Cultivation Permittee pursuant to this Section.

3. Agree to defend the City, at the Cultivation Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's marijuana related activities, or any action taken by the Cultivation Permittee pursuant to this Section.
 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's marijuana related activities, or any action taken by the Cultivation Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. All Cultivation Permittees shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the indoor medical marijuana cultivation facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- L. All Cultivation Permittees shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Cultivation Permittee at the indoor medical marijuana cultivation facility shall be residents of the City. All Cultivation Permittees shall use good faith efforts to comply with this subsection and shall report the residential composition of their workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- M. Cultivation Permits issued pursuant to this Section are not transferable to any third parties under any circumstances.
- N. All Cultivation Permits shall expire and be null and void 12 months after issuance to the Cultivation Permittee unless properly renewed. Upon payment of the applicable Cultivation Permit fees and passing the requisite Cultivation Permit inspections, Cultivation Permittees that have

maintained compliance with all City, State, and other applicable marijuana and business related laws shall be entitled to renew their Cultivation Permit subject to all prevailing laws at the time of renewal.

O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical marijuana cultivation activities or for the activities of any indoor medical marijuana cultivation facility.

(4) Conditional Use Permit. All parcels of real property in the Cultivation Zone upon which indoor medical marijuana cultivation activities may occur must obtain a CUP from the City for all such activities.

(5) Oversight Committee. The City shall create an Oversight Committee to oversee activities of the Cultivation Permittees to ensure that all applicable local, State, and federal laws are complied with, and that all provisions of this Section are enforced, and that no illegal activity is conducted on the indoor medical marijuana cultivation properties. The Oversight Committee shall have full authority to review all proposed applications, applicants, business proposals, financial resources, Merit Lists, and overall business plans when deciding which entities will receive Cultivation Permits as outlined herein. The Oversight Committee shall be appointed by the City Council and shall consist of five total members with one member from code enforcement, one member from planning, and three at-large appointments.

(e) **Enforcement.**

(1) Any marijuana cultivation within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.

- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.
- (6) Any violation of this Section or any other City or State marijuana law by a Cultivation Permittee or a Cultivation Permittee's agent is grounds for revoking the Cultivation Permittee's Cultivation Permit. In addition, the City Manager or the City Manager's designee may revoke a Cultivation Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the indoor medical marijuana cultivation facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The indoor medical marijuana cultivation operations cease for more than 90 calendar days.
 - C. Ownership of the indoor medical marijuana cultivation facility is changed or transferred to third party.
 - D. The indoor medical marijuana cultivation facility fails to maintain 120 hours of security recordings.
 - E. The indoor medical marijuana cultivation facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.
- (7) Any decision regarding the revocation of a Cultivation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Cultivation Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.090 Medical Cannabis Manufacturing (see Ordinance 553 for section changes)

- (a) **Purpose.** The purpose and intent of this Section is to regulate the manufacturing of medical marijuana that is processed in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City intends to be on the forefront of medical marijuana research and manufacturing. The City is authorized to regulate this activity pursuant to the MMRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
- (1) “City” means the City of Adelanto, California, a Charter Law City.
 - (2) “City Manager” means the individual duly appointed by a majority of the City Council of the City to serve in the capacity as executive officer of the City on a permanent or interim basis.
 - (3) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (4) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (5) “Manufacturer” and “manufacturing” shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (6) “Manufacturing Permit” means a City permit to operate a medical marijuana manufacturing facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (7) “Manufacturing Permittee” means an applicant who has applied for and has been issued a Manufacturing Permit by the City pursuant to the terms and conditions of this Section.
 - (8) “Medical marijuana” also means “medical cannabis” and shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (9) “MMRSA” means the State Medical Marijuana Regulation and Safety Act.

- (c) **Marijuana Manufacturing Prohibited.** All marijuana manufacturing within the City is prohibited except as expressly permitted by this Section.
- (d) **Medical Marijuana Manufacturing Conditionally Permitted.** Medical marijuana manufacturing is conditionally permitted in the City only as expressly specified in this Section.
 - (1) Medical Marijuana Manufacturing Standards. Medical marijuana manufacturing, within the City, shall be in conformance with the following standards:
 - A. Medical marijuana manufacturing shall only be allowed upon application and approval of a Manufacturing Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical marijuana manufacturing is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Manufacturing Zone”).
 - C. No marijuana manufacturing shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the medical marijuana manufacturing is, or will be located, to the nearest property line of those uses describe in this Subsection.
 - D. Medical marijuana manufacturing facilities may be located within the same building or structure as an indoor medical marijuana cultivation facility only if the medical marijuana manufacturing facility is located in separate rooms of the building or structure, and only if the medical marijuana manufacturing facility has its own separate entrance into the building or structure.
 - E. Subject to the further requirements of this Section, only State manufacturer license classification type 6 level 1 will be allowed to operate in the City using nonvolatile solvents in accordance with the MMRSA and Business and Professions Code sections 19300.7 and 19341.
 - F. Medical marijuana manufacturing is allowed only within fully enclosed and secure structures that are inaccessible to minors.

- G. Medical marijuana manufacturing shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any medical marijuana manufacturing activity.
- I. Medical marijuana manufacturing shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- J. All medical marijuana manufacturing facilities shall fully comply with all of the applicable restrictions and mandates set forth in State law. All medical marijuana manufacturing facilities shall comply with all size requirements for such facilities as imposed by State law. Medical marijuana manufacturing facilities shall not engage in any activities not allowed by medical marijuana manufacturing facilities pursuant to State law. All medical marijuana manufacturing facilities shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. There is no set restriction on the hours of operation of medical marijuana manufacturing facilities; however, restricted hours of operation may be established as a condition of approval of the Manufacturing Permit or the applicable CUP.
- L. All medical marijuana shall be kept in a secured manner during all business and nonbusiness hours.
- M. All medical marijuana manufacturing facilities shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. All medical marijuana manufacturing facilities must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of all medical marijuana manufacturing facilities. The term “premises” as used in this Subsection includes the actual medical marijuana manufacturing building, as well as any accessory structures and parking areas. The medical marijuana manufacturing facility building entrance shall be clearly and

legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana or alcohol on the premises or in the vicinity of the facility is prohibited.

- P. Signage for all medical marijuana manufacturing facilities shall be limited to name of business only, shall be in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. Medical marijuana manufacturing facilities shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcoholic beverages shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any medical marijuana manufacturing facility.
- R. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice and other care referrals which may be provided on site.
- S. The building in which any medical marijuana manufacturing facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MMRSA. Compliance with all requirements of State law pertaining to medical marijuana manufacturing is also required.
- T. Medical marijuana manufacturing facilities shall not distribute, sell, dispense, or administer marijuana from the facility to the public. Medical marijuana manufacturing facilities shall not be operated as medical marijuana dispensaries.
- U. The operators of all medical marijuana manufacturing facilities shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are

any operational problems associated with the medical marijuana manufacturing facility. All medical marijuana manufacturing facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

V. All medical marijuana manufacturing facilities shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the medical marijuana manufacturing activities occur.

W. All medical marijuana manufacturing facilities shall have a security plan including the following measures:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, manufacturing areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
2. The medical marijuana manufacturing facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
3. Entrance to the manufacturing area, and all storage areas, shall be locked at all times, and under the control the medical marijuana manufacturing facility's staff.
4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding

fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.

5. All windows on the building that houses the medical marijuana manufacturing facility shall be appropriately secured and all marijuana securely stored.
- X. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Y. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter the medical marijuana manufacturing facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- Z. All medical marijuana manufacturing facilities must employ full time quality control personnel. The Manufacturing Permittee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices and the MMRSA for all food products, as outlined by the State Department of Public Health and the Food and Drug Administration.
- AA. All finished products produced by a medical marijuana manufacturing facility must be labeled in compliance with the MMRSA, Business and Profession Code section 19347, and the labeling requirements outlined by the State Department of Public Health.
- BB. All finished products produced by a medical marijuana manufacturing facility must be packaged in child resistant containers prior to leaving the facility or becoming commercially available in accordance with the MMRSA, Business and Profession Code section 19347, the State Department of Public Health regulations, and other applicable State laws.
- CC. All batches of final marijuana products must be tested by a qualified third party testing facility prior to distribution to a dispensary as required by the MMRSA, Business and

Professions Code sections 19326, 19341, and 19342, and the State Department of Public Health regulations.

DD. Medical marijuana manufacturing facilities shall only use nonvolatile solvents that have been approved by the State Department of Public Health for medical marijuana level 1 manufacturing. Until such time as any such nonvolatile solvents are approved by the State Department of Public Health for medical marijuana level 1 manufacturing, medical marijuana manufacturing facilities shall only use nonvolatile solvents that have been approved by the Food and Drug Administration for the processing and preparation of botanical dietary supplements or food grade products.

EE. All processing and analytical testing devices used for medical marijuana manufacturing facilities must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.

FF. Unless otherwise prohibited, all processing devices used by a medical marijuana manufacturing facility that utilize hydrocarbons or otherwise flammable solvents must operate in a closed loop, or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, State, and federal guidelines for the disposal of hazardous materials.

(2) Manufacturing Permit Applications. All applicants wishing to obtain a Manufacturing Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Manufacturing Permit Application Fee as established by the City. An application for a Manufacturing Permit shall include at least the following information:

A. An estimate of the size of the proposed medical marijuana manufacturing facility.

B. The address of the location for which the Manufacturing Permit is sought. Only one Manufacturing Permit will be issued per location.

C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, manufacturing areas, lighting, signage, etcetera.

- D. A proposed security plan in compliance with the Medical Marijuana Manufacturing Standards.
- E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the medical marijuana manufacturing facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- F. The name and address of the owner and lessor of the real property upon which the medical marijuana manufacturing activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical marijuana manufacturing facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the medical marijuana manufacturing facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Manufacturing Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical marijuana manufacturing facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level

of service and opportunities for residents of the City based on the requirements of this Section and the following criteria (“Merit List”):

1. The operational plan for the facility.
2. The security plan for the facility.
3. The experience of the operators of the facility.
4. The adequacy of capitalization for the facility and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Manufacturing Permit. The following conditions apply to all Manufacturing Permits:

A Manufacturing Permit will not be awarded to an applicant if:

1. The applicant or the Applicant’s Agents made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed medical marijuana manufacturing facility is not allowed by State or local law.
3. The applicant is not a legal representative of the medical marijuana manufacturing facility.
4. The applicant or the Applicant’s Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of marijuana related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
5. The applicant or the Applicant’s Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

6. The applicant has not satisfied each and every requirement of this Section.
- B. Manufacturing Permits shall be awarded by the City to eligible Manufacturing Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Manufacturing Permits shall be limited to those that may be reasonably accommodated within the Manufacturing Zone.
- C. Before a Manufacturing Permit can be issued to an applicant, Manufacturing Permit fees must be paid to offset all related costs to the City, and the proposed medical marijuana manufacturing facility location must pass all applicable inspections.
- D. Only one Manufacturing Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. All Manufacturing Permits are subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical marijuana manufacturing activity occurs.
- F. All Manufacturing Permits are subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All manufacturing activities shall be subject to an excise tax to be established by the City and the voters.
- H. Manufacturing Permittees may not hold or use any other marijuana activity permits or licenses that would otherwise be a violation of the MMRSA or Business and Professions Code section 19328.
- I. All Manufacturing Permittees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Manufacturing Permit and the medical marijuana manufacturing activity.
- J. All Manufacturing Permittees shall:

1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Manufacturing Permit, the Manufacturing Permittee's marijuana related activities, and any action taken by the Manufacturing Permittee pursuant to this Section.
 3. Agree to defend the City, at the Manufacturing Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permittee's marijuana related activities, or any action taken by the Manufacturing Permittee pursuant to this Section.
 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permittee's marijuana related activities, or any action taken by the Manufacturing Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. All Manufacturing Permittees shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical marijuana manufacturing facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- L. All Manufacturing Permittees shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Manufacturing Permittee at the medical marijuana manufacturing facility shall be residents of the City. All Manufacturing Permittees shall use good faith

efforts to comply with this subsection and shall report the residential composition of their workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.

- M. Manufacturing Permits issued pursuant to this Section are not transferable to any third parties under any circumstances.
- N. All Manufacturing Permits shall expire and be null and void 12 months after issuance to the Manufacturing Permittee unless properly renewed. Upon payment of the applicable Manufacturing Permit fees and passing the requisite Manufacturing Permit inspections, Manufacturing Permittees that have maintained compliance with all City, State, and other applicable marijuana and business related laws shall be entitled to renew their Manufacturing Permit subject to all prevailing laws at the time of renewal.
- O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical marijuana manufacturing activities or for the activities of any medical marijuana manufacturing facility.

(4) Conditional Use Permit. All parcels of real property in the Manufacturing Zone upon which medical marijuana manufacturing activities may occur must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

- (1) Any marijuana manufacturing within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.
- (2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.
- (3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.
- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.
- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.

- (6) Any violation of this Section or any other City or State marijuana law by a Manufacturing Permittee or a Manufacturing Permittee’s agent is grounds for revoking the Manufacturing Permittee’s Manufacturing Permit. In addition, the City Manager or the City Manager’s designee may revoke a Manufacturing Permit if any of the following occur:
- A. The City Manager or the City Manager’s designee determines that the medical marijuana manufacturing facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The medical marijuana manufacturing operations cease for more than 90 calendar days.
 - C. Ownership of the medical marijuana manufacturing facility is changed or transferred to third party.
 - D. The medical marijuana manufacturing facility fails to maintain 120 hours of security recordings.
 - E. The medical marijuana manufacturing facility fails to provide remote access to the security cameras to the City Manager, the City Manager’s designee, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.
- (7) Any decision regarding the revocation of a Manufacturing Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager’s designee (“Hearing Officer”). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Manufacturing Permit was improperly revoked. The Hearing Officer’s decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.100 Medical Cannabis Distribution/Transportation

17.80.110 Medical Cannabis Testing

(Both section pending insertion from Ordinance 548 after adoption on October 12, 2016)

17.80.120 Medical Cannabis Dispensaries

(Both section pending insertion from Ordinance 553 after adoption)

Appendix A: Regulation of Uses by Zoning District

KEY:

P = Use permitted by right with Location and Development Plan Approval (subject to all local, State, and other applicable Code requirements)

C = Use requires Conditional Use Permit (Chapter 17.30 Adelanto Zoning Code)

Cm = Use Requires a Minor Conditional Use Permit (Chapter 17.30 Adelanto Zoning Code)

A = Use permitted as accessory use only (when such use is directly related to the primary use)

T = Use permitted as temporary use only (see Chapter 17.75)

Residential Zoning Districts:	Commercial and Mixed Use Zoning Districts:	Business Park and Manufacturing Zoning Districts	Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts
DL-9 = Desert Living 1 unit/9 acres	C = General Commercial	LM = Light Manufacturing	PU=Public Utility
DL-5 = Desert Living 1 unit/5 acres	MU = Mixed Use	MI = Manufacturing Industrial	PF = Public Facility
DL-2.5 = Desert Living 1 unit/2.5 acres		ADD = Airport Development District	OS = Open Space
R-S1 = Single Family Residential		BP = Business Park	DE = Greenbelt Corridor: Drainage Easement
R1-.5 = Single Family Residential (1/2 Acre)			UE = Greenbelt Corridor: Utility Easement
R1 = Single Family Residential			
R-S5 = Single Family Residential			
R3-8 = Medium Density Residential			
R-M12 = Medium Density Residential			

Residential R3-30 =
High Density
Residential
AP = Airport Park

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
AGRICULTURAL PRODUCTION and ANIMAL SERVICES⁷																				
Animal Keeping (subject to provisions of Title 7- Animals) ¹¹	A	A	A	A	A	A	A	A	A											
Animal Shelter (on lots greater than 2.5 acres only)									Cm			C	C	C	C					
Feed and Grain Sales	C										P	P	P							
Horses (Boarding and Raising as a Business), Kennels (subject to provisions of Title 7- Animals on lots greater than 2.5 acres only)	C																			
Taxidermist												P	P	P						
Veterinarian/Veterinary Hospital/Pet Grooming	C									P	P	P	P	P	P					
Medical Cannabis Dispensary ¹²													C							
Medical Cannabis Cultivation ¹²													C							
Medical Cannabis Manufacturing ¹²													C							
Medical Cannabis Distribution and/or Transportation ¹²													C							
Medical Cannabis Testing Laboratory ¹²													C							
RESIDENTIAL																				
Bed and Breakfast	P					P	P		P	P	P									
Dwelling Unit, Multiple Family, Two-Family (Duplex), Condominium						P	P	P		P										
Dwelling Unit, Single-Family (detached)	P	P	P	P	P		P		P									P		
Dwelling Unit - Second Units/Dependent Housing/Granny Flats	P	P	P	P	P	P	P		P											
Day Care Center, Adult Day Health and	C		C		C	C	C	C		C	C				C	C	C			

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Child Care (Subject to California Department of Social Services:																				
Day Care Home, Large Family (14 or fewer children), (Subject to California Department of Social Services)	C	C	C	C	C	C	C	C												
Day Care Home, Small Family (8 or fewer children) (Subject to California Department of Social Services)	P	P	P	P	P	P	P	P		C										
Group Homes not licensed by the State with 2 or more residents	C	C	C	C	C															
Single Room Occupancy Facilities	P	P	P	P	P	P	P	P		P										
Transitional and Supportive Housing	P	P	P	P	P	P	P	P		P										
Emergency and Homeless Shelters	P											C	C	C						
Residential Care Facility (7 or more persons)	C	C	C	C	C	C	C													
Residential Care Facility for 6 or fewer persons (includes facilities licensed and/or controlled by California Department of Social Services)	P	P	P	P	P	P	P	P												
Home Occupation (Use allowed subject to Chapter 17.95)	A	A	A	A	A	A	A	A	A	A										
Fraternal/Sorority Hall, Rooming										P	P	C	C							
Manufactured Home, Mobile Home (includes individual unit placed in a residential subdivision)	P	P	P	P	P				P											
Manufactured/Mobile Home Parks	C																			
Mobile Homes Sales											P	P								
Model Home	T	T	T	T	T	T	T	T												
Game Courts (Badminton/Tennis/Racquetball/Other)	A	A	A	A	A	A	A	A												

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
and Swimming Pool, Private																				
INSTITUTIONAL																				
Educational																				
Education Institution (including private, commercial, and vocational schools, **card room related training only)									C1	C	C	C	C		P					
Education Institution, Public (Subject to LDP approval)	P	P	P	P	P	P	P			P	P			P	P	P				
Prisons/Correctional Facilities												C	C		C					
Medical																				
Chiropractic/Physical Therapy Office										P	P	P			P					
Hospitals and Clinics										P	C	C		C	P	C	C			
Medical/Dental Offices										P	P	P	P	P	P					
Laboratories, Medical and Dental											C	P	P	P	P					
Pharmacy (see also Drugstore) ^{2, 9}										P	P	P			P					
Convalescent Hospital, Skilled Nursing Facility	C	C	C	C	C	C	C	C			P									
Public																				
Conference or Convention Centers										P		C	C	C	C	P	C			
Parks, Plazas and Trails	P	P	P	P	P	P	P			P					P		P	P	P	
Visitor Centers										P	P									
Religious/Non-Profit																				
Churches, Temples, other religious institutions, non-profits (except administrative offices- see Offices). In residential zones, vehicular access shall be only from major arterial or major collector as designated in the General	C	C	C	C	C	C	C	C		C	P	P		C	C	C	C			

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Plan Circulation Element.																				
COMMERCIAL																				
Alcoholic Beverage Establishments																				
Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, not allowed within 1,000 feet of any residential zoning district or residential use, churches, parks, and/or educational institutions ³										C										
Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, more than 1,000 feet from any residential zoning district or residential use, churches, parks, and/or educational institutions ³										C	C	C	C	C	C	C				
Alcoholic Beverage Onsite Sales as part of a bona fide sit down (non-age-restricted) restaurant ³										P	P	P	P	P	P	P				
Alcoholic Beverage Offsite Sales within a supermarket or drug store ^{2,3,9}										P	P	P	P	P	P	P				
Alcoholic Beverage Offsite Sales in any store other than a supermarket or drug store ^{2,3,9}										C	C	C	C	C	C	C				
Wineries ³	C											P	P	P						
Automobile, Vehicle Rentals and Sales Related Uses																				
Automobile Auction												C	C	C						
Automobiles/Recreational Vehicles/Boats/Motorcycles/Trucks ⁴ , Sales- New & Used, and Rentals												P	P	P	P					
Service Station/Gas Station (Petroleum Products), including automobile service												C	P	P	P					

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
and Car Wash ^{4,9}																				
Parking Lot and Parking Garages, Public ⁴										C	P	P	P	P	C					
Automobile, Vehicle Service and Repair																				
Automobile Accessory Sales and Installation, including parts supply (No overnight outside storage or parking; body work prohibited) ^{4,6}											P	P	P	P						
Automobile Service (Lubrication, Tune-ups, emission tests, batteries, mufflers, etc. No use of impact wrenches or other equipment that could create noise impacts; No overnight outside storage or parking; Paint, body work, upholstery prohibited) ^{4,6}											C	P	P	P						
Automobile Minor Repair (Brakes, tires, radiators, electrical, etc. No overnight outside storage or parking; Paint, body work, upholstery prohibited) ^{4,6l}											C	P	P	P						
Automobile Paint, Body, and Upholstery Shops ^{4,6}												C	C	C						
Communications/Utilities Distribution and Transmission																				
Cellular, Microwave Antenna/Towers and related equipment buildings ⁸										C	C	C	C	C	C	C	C	C		C
Gas Distribution, Meter, and Control Station												P	P	P			P			C
Electricity Distribution & Transmission Substation (<5,000 SF)	C	C	C	C	C	C	C	C	C		P	P	P	P		P	P	C		C
Electricity Distribution & Transmission Substation (>5,000 SF)											C	C	C	C			C	C		C
Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems >500 Kw ¹⁰												C	C	C				C		C

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Solar Energy and/or Wind Energy Conversion Systems <500 Kw						Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	C		Cm
Solar Energy and/or Wind Energy Conversion Systems <25 Kw	P	P	P	P	P	P	P	P	P	P								C		
Radio/Television Broadcasting Studios (including Recording Studios)										P	P	P	P	P	P	A	A			
Telephone Repeater Stations	C	C	C	C	C	C	C	C		C	P	P	P	C	C	P	C			C
Eating and Drinking Establishments																				
Bakery, Coffeehouse, Delicatessen, Ice Cream Parlor, and other similar eating establishments ²									C	P	P	P	P	P	P	P				
Catering Service									C	P	P	P	P	P	P					
Nightclubs/Taverns/Bars ^{3,9}										C	C	C			C					
Restaurant, No Alcohol Sales									C	P	P	P	P	P	P		P			
Restaurant, Drive-Thru ² , no alcohol sales									C		C	C	C	C						
Restaurant, with Alcohol Sales ³	See " Alcoholic Beverage Onsite Sales"																			
Entertainment/Recreation																				
Adult Business (subject to Adult Business Ordinance)													C							
Amusement Park, Entertainment Center (including Arcade, Live Theater, Bowling, Ice and Roller Skating, Indoor Soccer and Hockey Arena)										C	C	C	C			C				
Billiard/Pool Hall ⁹										C	C	C		C						
Batting Cages, Indoor or Outdoor											P	P	P	P		P				
Card Rooms ⁹										C	C									
Carnival, Circus, or Fair										T	T	T	T	T		T	T			
Club - Athletic, Health, or Recreation (including Dance Studios)										P	P	P	P	P	P	P				

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Dance Hall/Dance Club										C	C	C	C	C						
Game Courts, Commercial										P	P	P	P	P	P	P	P			C
Golf Course and Driving Range, Clubhouse, Country Club	C	C	C	C	C	C	C				C	C		C			C			C
Movie Theater										P	P									
Shooting Range, Indoor and Outdoor (outdoor ranges prohibited in the C and OS)											C	C	C					C		C
Stable, Public (Boarding/Riding) and Private - Boarding allowed as accessory use in DL	P								A								C			C
Food and Beverage Stores																				
Convenience Market, Health Food Store ^{2,3,9}									C	P	P	P				P				
Drug store ^{2,3,9}										P	P	P								
Grocery Store, Retail, Discount, and Club Stores ^{2,3,9}										P	P	P	P	P						
General Merchandise Stores																				
Department Store, Specialty Stores										P	P									
Discount Stores, Home Improvement Center										P	P	P								
Lodging																				
Hotel, Motel *(more than 50 rooms requires a CUP)										P	P*	P				P				
Recreational Vehicle Park and Campgrounds												C	C							C
Offices																				
Administrative, Professional, and Other Related Offices										P	P	P	A	A	P	A				
Financial Institutions (Banks, Credit										P	P	P	P	P	P					

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Unions, Check Cashing, Pay Advance, Money Transfer, etc.) ²																				
Business Services																				
Copy Services, Postal Services, and Parcel Delivery Service										P	P	P	P	P	P					
Personal Services⁷																				
Barber/Beauty Shop/Cosmetologist/Massage Parlor/Acupuncturist										P	P	P								
Cemetery/Mausoleums	C																			C
Dressmaker/Tailor Shop										P	P	P			P					
Dry Cleaner (Storefront Type); Laundry Service ²										P	P	P		P	P					
Funeral Parlor, Mortuary										C	C	P		P						
Repair and Maintenance Services⁷																				
Shoe and Watch Repair/Sales, Locksmith										P	P	P	P	P	P		A			
Janitorial Service, Pest Control Service										P	P	P	P	P	P					
Retail⁷																				
Temporary Uses and Structures (Subject to Section 17.75)	T									T	T	T	T	T	T	T	T			
General Retail Sales (including the following: Antiques, Appliance Sales/Repairs; Art Gallery/Supplies; Books/Music; Clothing/Accessories; Costumes; Coins/Collectables; Food Products; Glass Shops/Studios; Hardware; Hobby, Gift, and Floral Shops; Home Improvement Goods/Home Furnishings; Medical								C ¹	C ¹	P	P	P	P	P	C	A				

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Supplies; Newsstands; Nursery/Garden Equipment; Office Equipment/Supplies; Pet Shop; Photography Studio/Photofinishing; Sporting Goods; Toy Stores ⁹																				
Pawnshop, Secondhand Store										P	P	P								
INDUSTRIAL⁷																				
Ambulance Service												P	P							
Printing, Publishing, Bookbinding (including Lithographic and Newspaper Printing)										P		P	P	P	P					
Recreational Vehicle Repair, Supplies									C ¹			P	P	P						
Laboratories, Chemical, Research, and Testing												C	C	C	C					
Machine/Sheet Metal Shop, Metal Engraving, Silk Screen Shop									C ¹	C		P	P	P	P					
Industrial/Heavy Equipment, Sales, Service, and Rental (including, but not limited to Construction Equipment; Refrigeration; Vending Machines)												C	P	P						
Junk, Salvage, Vehicle Wrecking, and Impound Yard													C	C						
Outdoor Storage, as a Primary use												C	C	C						
Recycling Facilities, Commercial												C	C	C						
Recycling Facilities, Public (collection only)											P	C	C	C			C			
Sanitary Landfill, Waste Haulers, Material Recovery Facility													C							
Sewage Treatment Plant													P	P			C			C

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Upholstery Shop, Welding Shop									C ¹			P	P	P						
Construction⁷																				
Building Materials/Lumber/Plumbing Supply Yard												P	P	P						
Construction Office (on the same site as the construction activity)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			
Contractor Storage Yard, Machinery Storage Yard			T									C	C	C						
Horticultural (Landscape and Gardening) Services	C									P	P	P	P	P						
Manufacture and Wholesale⁷																				
Assembly, Manufacturing (Including food and beverage production and processing), Restoration of Goods; Except Tires									C ¹			P	P	P	C					
Batch plants, aggregate products and other similar manufacturing uses													C	C						
Dry Cleaning Plant, Large-Scale Commercial Type												P	P	P						
Oil Exploration, Drilling, and Production (Limited to areas w/minimum lot size)														C						
Sand and Gravel Pit, subject to Surface Materials and Reclamation Act (SMARA)													C	C						
Swap Meet ⁹										T	T	C	C	C		T	T			
Wholesale Businesses (Including Electrical, Mechanical, Carpentry, Cabinetry)									C ¹	C		P	P	P	C					
Warehouse/Distribution/Storage/Transportation⁷																				
Transfer, Moving, and Storage												C	C	C						
Truck Terminals (includes Freight to													C	C						

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Freight, Cross Dock, Parcel Delivery Terminals), Truck Parking																				
Truck and Trailer (and similar heavy transportation equipment) Sales, Repair (all repair to be conducted entirely within an enclosed building) ⁵									C ¹			C	C	C						
Mini-Warehouse/Storage Facilities/Recreational Vehicle Storage (in AP zone - Aviation hangar less than 10,000 square feet is a permitted use, over 10,000 square feet requires a CUP), may include one (1) caretaker unit.									C ¹			C	C	C						
Warehouse/Distribution, Cold Storage (in AP zone - Aviation hangar less than 10,000 square feet is a permitted use, over 10,000 square feet requires a CUP)									C ¹			P	P	P	C					

Note: Uses not shown above as Permitted, Conditionally Permitted, Accessory, or Temporary are prohibited in the zoning district as determined by the Director of Planning or their designee.

Footnotes:

1. Aviation/Aircraft related uses only in the AP zone
2. Drive-thru requires Conditional Use Permit (CUP). A minor Conditional Use Permit (CUPm) may be allowed under certain circumstances, see [Chapter 17.25](#).
3. Use allowed subject to [Chapter 17.25](#).
4. Light duty trucks, less than 2 ton carrying capacity.
5. Heavy duty trucks, greater than 2 tons carrying capacity.
6. All uses shall be conducted in a fully enclosed building.
7. Sales, storage, or use, of any materials classified as toxic or hazardous by either the federal or state government as a substantial part of the total use shall require a CUP, as shall the parking or storage of vehicles used to carry such materials.
8. Co-location and wall antennas require LDPm/CUPm when placed on existing structures per Code, all other proposals require review and approval of an LDP/CUP.
9. No tobacco retailer shall be permitted to sell, donate, distribute, or deliver to any person(s) tobacco products within 1,000 feet of any playground, church, public library, school, or any childcare facility or similar entity providing structured, organized care for youth; see Section [17.80.040](#).
10. Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems >500 Kw are allowed in all zones west of Richardson Road and/or north of Calleja Avenue with approval of a LDP/CUP.
11. Until referenced to R3-30 is included in Title 7 of the Municipal Code, Animal Keeping shall be allowed in the R3-30- district the same as is allowed in the R3-8 district.
12. Only allowed in the Industrial Parks.



PLANNING COMMISSION AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: October 4, 2016

TO: Honorable Chairman and Members of the Planning Commission

FROM: Mark de Manincor, Planning Manager

BY Becky Reynolds, Project Planner

SUBJECT: **Conditional Use Permit 16-18:** Mr. Rafael Almanzar for BMG Ventures is requesting a Conditional Use Permit for cultivation and manufacturing of medical marijuana within an existing 5,000 square foot industrial building located at 16537 Beaver Road, on approximately 4.0 acres, in Industrial Park 3, within the City of Adelanto, County of San Bernardino. Assessor's Parcel Number 3129-261-22.

STAFF RECOMMENDATION:

ADOPT Resolution No. P-16-33 , **ADOPT** findings, and **APPROVE** Conditional Use Permit 16-18 to allow a Medical Marijuana Cultivation and Manufacturing Facility at an existing developed site, finding the project exempt under Section 15162 (Subsequent EIR's and Negative Declarations) of the California Environmental Quality Act.

BACKGROUND:

Applicant: Mr. Rafael Almanzar
BMG Ventures, Inc.
16537 Beaver Rd.
Adelanto, CA 92307

General Location: The project site is located at 16537 Beaver Road in the City of Adelanto, County of San Bernardino.

Assessor's Parcel Number: 3129-261-22

Environmental Determination: Exempt pursuant to section 15162 (Subsequent EIRs and Negative Declarations)

Related Cases: Medical Marijuana Cultivation Permit 16-21, Medical Marijuana Manufacturing Permit 16-04

Existing General Plan & Manufacturing/Industrial (MI)

Surrounding General Plan and Zoning:

<i>Direction</i>	<i>General Plan</i>	<i>Zoning</i>
North	Manufacturing/Industrial	MI
South	Manufacturing/Industrial	MI
East	Manufacturing/Industrial	MI
West	Manufacturing/Industrial	MI

Existing Land Use: The project site is developed with four (4) industrial buildings.

Surrounding Land Uses: The following chart shows the surrounding land uses:

<i>Direction</i>	<i>Land Use</i>
North	Developed Manufacturing/Industrial
South	Developed Manufacturing/Industrial
East	Developed Manufacturing/Industrial
West	Developed Manufacturing/Industrial

PROJECT DESCRIPTION:

Mr. Rafael Almanzar for BMG Ventures, is requesting a Conditional Use Permit for a Medical Marijuana Cultivation and Manufacturing Facility at an existing 5,000 square foot warehouse. The project is located at 16537 Beaver Road.

DRAINAGE

The project site 4.0 acres and is developed with the surrounding area consisting of industrial buildings. The applicant is not proposing any additional structures or grading as part of the Conditional Use Permit.

TRAFFIC & CIRCULATION

Access to the project site is provided via Beaver Road from Cassia to the south and Industry Way to the north of the site. The project site is currently developed with four (4) industrial buildings. The site has three existing driveway access points; two off of Beaver Road and one off of Cassia Road. On-site circulation is provided by concrete paved drive aisles that are adjacent to or loop around the existing buildings. This provides paved, all-weather external access to the site that would allow adequate fire and emergency vehicles access to all areas of the site. The project currently is developed and is required to meet current Zoning Code requirements for striped, paved parking spaces.

NOISE

The site is located in an existing industrial area with industrial uses nearby. The amount of traffic due to the operation of a Medical Marijuana Cultivation and Manufacturing facility is similar to existing uses in the area. Therefore, noise impacts will not be significant.

ENVIRONMENTAL CONSIDERATIONS:

The development of this project is Exempt from the California Environmental Quality Act under section 15162 (Subsequent EIR's and Negative Declarations) as this project is covered under the Environmental Impact Report for Industrial Park 3.

Air Quality

The Mojave Desert Air Quality Management District submitted comments and recommendations in response to the Project Submittal that was circulated for this project which are incorporated in our conditions of Approval.

ATTACHMENTS:

1. Resolution P-16-33
2. Conditions of Approval
3. Notice of Exemption
4. Aerial Map
5. Zoning Map
6. Site Plan

RESOLUTION NO. P-16-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, CALIFORNIA, MAKING FINDINGS, AND APPROVING CONDITIONAL USE PERMIT 16-18 SUBJECT TO CONDITIONS OF APPROVAL TO ALLOW THE INDOOR CULTIVATION AND MANUFACTURING OF MEDICAL MARIJUANA AT AN EXISTING 5,000 SQUARE FOOT FACILITY ON APPROXIMATELY 4.0 ACRES OF LAND LOCATED AT 16537 BEAVER ROAD. ASSESSOR'S PARCEL NUMBER 3129-261-22.

WHEREAS, the applicant, Mr. Rafael Almanzar for BMG Ventures, has proposed Conditional Use Permit 16-18 to allow for the indoor cultivation and manufacturing of medical marijuana at an existing 5,000 square foot facility located at 16537 Beaver Road, within the City of Adelanto, County of San Bernardino; and

WHEREAS, a duly noticed public hearing was held on the 4th day of October 2016 to hear and consider testimony for or against the issue; and

WHEREAS, the City has complied with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

SECTION 1. The above recitals are all true and correct.

SECTION 2. The Planning Commission has reviewed and considered the information included in the staff report prior to taking action on the proposed Conditional Use Permit 16-18. The Planning Commission further finds and determines that the City has complied with the California Environmental Quality Act and the Planning Commission determinations reflect the independent judgment of the Planning Commission.

SECTION 3. The Planning Commission hereby finds the proposed project is exempt from the California Environmental Quality Act under sections 15162 (subsequent EIR's and Negative Declarations) as this project is covered under the EIR for Industrial Park 3.

SECTION 4. The Planning Commission hereby finds and determines:

- (a) That the proposed Conditional Use is consistent with the General Plan;

The proposed Land Use/Zoning designation is Manufacturing/Industrial (MI), which allows for the indoor cultivation and manufacturing of medical marijuana in the industrial park with the approval of a Conditional Use Permit;

- (b) That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, buildings, or structures;

There are similar uses currently existing in the vicinity of the proposed project.

- (c) That the site for the proposed Conditional Use is of adequate size and shape to accommodate the use and buildings proposed;

The site is approximately 4.0 acres in size, which exceeds the minimum 20,000 square feet required in this zoning district and has sufficient width and depth to meet all required setbacks.

- (d) That the proposed Conditional Use complies with all applicable development standards of the zoning district; and

The proposed project has been conditioned to meet all applicable City zoning and development standards.

- (e) That the proposed Conditional Use observes the spirit and intent of this Zoning Code;

The proposed, indoor cultivation and manufacturing of medical marijuana in an existing Facility is an appropriate use in the Manufacturing/Industrial Zone in an Industrial Park with the approval of a Conditional Use Permit.

SECTION 5. The requested Conditional Use Permit 16-18 is hereby approved subject to the following conditions of approval, attached as Attachment A.

PASSED, APPROVED AND ADOPTED by the Planning Commission this 4th day of October 2016.

Chris Waggener
Chairman for the Planning Commission

Virginia Cervantes
Secretary to the Planning Commission

Attachments: Conditions of Approval

I, Virginia Cervantes, Planning Secretary to the Planning Commission for the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-16-33 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 4th day of October 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 4th day of October 2016.

Virginia Cervantes
Secretary to the Planning Commission

**Attachment A
RESOLUTION P-16-33
October 4, 2016**

**Conditions of Approval
Conditional Use Permit 16-18**

PROJECT: A proposal to operate a medical marijuana cultivation and manufacturing facility, on 4.0 acres within an existing 5,000 square foot industrial building, within the MI (Manufacturing/Industrial) Zone. The project site is located 16537 Beaver Road. Assessor's Parcel Number 3129-261-22

Applicant: Mr. Rafael Almanzar for BMG Ventures.

PLANNING DEPARTMENT

General Conditions:

1. **Approval Period.** Approval of this project will become valid only after a signed copy of the City's approval letter is received by the Planning Department acknowledging acceptance of all conditions of approval. If not received within 10 working days after approval action, this approval will be null and void.
2. This approval shall be used within two (2) years of the approval date of this project; by **October 4, 2018**, otherwise, it shall become null and void and of no effect whatsoever. Use means the beginning of the substantial use under this approval within the two (2) year period which is thereafter diligently pursued to completion and in the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.
3. **Modification to Plans.** Subsequent modifications of this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Director requires a Substantial Conformance or Revised Permit application in accordant with the City's Development Code.
4. **Phasing.** This Conditional Use Permit is for the operation of a medical marijuana cultivation facility, Phasing is not indicated on this Site Plan. The Conditions of Approval shall apply to the entire project, unless otherwise indicated.
5. **Indemnity.** The applicant shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Adelanto, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit 16-18. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.

6. **Outstanding Costs.** Any fees due to the City of Adelanto for processing this project shall be paid to the City within 30 calendar days of final action. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted by this action. No permits, site work, or other actions authorized by this entitlement shall be permitted, authorized or commenced until all outstanding fees are paid to the City.

7. **Fish and Game.** The applicant/owner shall pay a fee of \$50 for the Department of Fish and Wildlife determination. This fee shall be submitted to the Planning Division within two (2) days after the date of conditional approval. **Payments shall be made with a Check for \$50 made payable to the "Clerk of the Board of Supervisors".** The Planning Division shall then file the Notice of Determination within five (5) days after the effective date of conditional approval. The applicant should be aware that Section 21089(b) of the Public Resources Code provides that any project approved under CEQA is not operative, vested or final until the required fee is paid. Proof of fee payment will be required prior to issuance of any permits.

8. **City Codes.** The project shall comply with all disabled access requirements of the Americans with Disabilities Act and Title 24 of the State Code, and all local requirements of the City of Adelanto Municipal Code, including Title 17 (Zoning Code), especially the following MI (Manufacturing/Industrial) zoning district regulations and sections 17.80.080 and 17.80.090 regarding the cultivation and manufacturing of medical marijuana:
 - a. Minimum Lot Size: 20,000 square feet
 - b. Minimum Lot Width: 100 feet
 - c. Minimum Lot Depth: 100 feet
 - d. Minimum Front Setbacks:
 1. To Building 25 feet
 2. To Parking 10 feet
 - e. Minimum Side Setback:
 1. Street Side 25 feet
 2. All others 0 feet
 - f. Minimum Rear Setback: 25 feet
 - g. Maximum Height 75 feet

9. **Approved Uses.** All new uses within the property boundaries shall be reviewed and approved by the Planning Department. Should the developer propose a more intensive use requiring additional parking spaces, additional employees, more restroom facilities, significant change from original conceptual landscaping plans, etc., the proposed use shall be presented for review by the Planning Department for compliance with the original approval. The new proposed use may be subject, but not limited to: a Modification to Location and Development Plan application, a new Location and Development Plan Application, and/or a Utility Feasibility Study application.

10. **Parking.** Access to Parking and Parking of any vehicle, trailer, equipment, truck or any personal vehicles shall be on an improved surface. No vehicle, trailer, equipment, truck or any personal vehicle shall be parked or accessed on the dirt. Any of the above mentioned vehicles parked or accessed on the dirt shall be subject to a code violation citation in accordance with Title 17 of the Adelanto Municipal Code.

11. **Required Approvals.** The developer shall obtain the following clearances or approvals:
 - a. Verification from the Planning Department that all pertinent conditions of approval have been met, including any administrative development plan review approvals, as mandated by the Adelanto Municipal Code.
 - b. Building and Safety Department approval.
 - c. Any other required approval from an outside agency.
12. **Signed Approval Letter.** A signed copy of the City's approval letter shall be on file with the Planning Department. If ownership of the property or the developer of the property has changed since the original approval, a new copy of the City approval letter shall be signed by the current development parties.
13. **Signage.** Proposed signs for this development shall require a separate application approval by the Planning Department prior to installation. Furthermore, all signs proposed for this development shall be consistent with the signage for the commercial center to the south. The project shall remain in full compliance with all City sign regulations at all times.
14. Mandatory Organic Recycling in accordance with AB 1826. Contact Burrtec – Robert Rios (robert@burrtec.com) for recycling information.
15. "Saving by Design" Southern California Edison Energy Efficiency – Contact Maya Aubrey maya.aubrey@sce.com for electrical efficiency information.
16. For water conservation, use Hydroponics or other low water use irrigation systems. Water should be recycled as much as possible.

MOJAVE AIR QUALITY MANAGEMENT DISTRICT

17. The District requires permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacture's maximum continuous rating greater than 50 brake horsepower.

ENGINEERING DEPARTMENT

General Conditions:

18. Approval of this project in no manner obligates the City of Adelanto to extend water service, or sewer service, or improve streets, or extend any other infrastructure to service this development.
19. The City of Adelanto shall be "added insured" on all insurance policies for construction of this project. Proof of insurance shall be provided prior to start of construction.

20. All monuments (new or replaced) shall be referenced or reset in accordance with the Business and Professions Code.
21. All improvements as required by the City Engineer, shall be constructed. All infrastructure improvements required by these conditions of approval, must comply with the City's standard infrastructure requirements and any specific requirements established in these conditions of approval. Any existing infrastructure failing to meet these requirements must be removed at the developer's expense and to be reconstructed to meet the infrastructure requirements described in these conditions of approval and current City Standards at the time of development at the developers expense.
22. All improvements constructed in conjunction with this project shall be design and constructed to the City standards, Department of Transportation standards, Green Book Standards, and the City Engineer Requirements that are in effect at the time of the approval or subsequent extensions of time. All improvements shall be constructed to comply with any health and safety regulations or changes to State and Federal laws current to the time of construction as directed by the City Engineer.
23. Inspection. The Developer shall at all times maintain proper facilities and safe access for inspection of the Improvements by City inspectors and to the businesses or residences wherein any construction work is in progress. Where traffic interference may occur during construction, The Developer shall prepare and file a traffic control plan, subject to the reasonable approval by the City Engineer.
24. Upon completion of the work the Developer shall request a final inspection by the City Engineer, or the City Engineer's authorized representative. If the City Engineer, or the designated representative, determines that the work has been completed in accordance with this entitlement, the Improvement Plans and City standards, then the City Engineer shall certify the Completion of the Improvements to the CITY, and the City Council shall accept the Improvements.
25. Final road sections shall be approved by the City Engineer prior to construction, which shall be submitted along with the soils report & recommendations on structural sections based on R-value & TI. And shall substantially conform to the sections submitted with the first submittal of the street improvement plans.
26. Pavement structural section shall be designed based on soils tests (R-Value Tests) conducted by an acceptable soils testing laboratory and Traffic Index as approved by the City Engineer.
27. The following site specific improvements shall be completed:
 - a. Onsite improvements are as follows:
 - i. All onsite parking must be on an impervious surface (Asphalt/ Concrete), additional asphalt or concrete shall be provided for any vehicles to be parked in the rear of the building.
 - b. Offsite improvements are as follows (if not previously completed):

- i. Roadway adjacent to the project (the half-width on the project side of the road) shall be capped. City Staff recommends that this project consider joining with other local projects to complete AC capping of the existing roadway. This work can also be individually completed. All such improvements must be completed within 180 calendar days of approval. **OR** The developer shall pay a fee equivalent to the cost of capping the street adjacent to the development within 60 calendar days of approval or as agreed upon by the City Engineer.
28. Permitted water consumption. Maximum water consumption per 1,000 square feet of canopy space shall be limited to 100 gallons per day.
29. Water Utility Feasibility Study. If there is not an active water utility feasibility study for the project, the Developer shall apply for a water feasibility study within 30 calendar days of CUP approval.
30. Industrial Pretreatment and Industrial Wastewater Discharge Permit Application. The Developer shall complete the discharge permit application within 60 calendar days of CUP approval.

BUILDING AND SAFETY

31. See attached Building and Safety Department Conditions.

FIRE DEPARTMENT

32. No Fire Department Conditions were received for this project.

BUILDING AND SAFETY DIVISION, CUP 16-18

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of permits for grading in excess of 1000 cubic yards.
- BC2. Grading and drainage plans including a soils report must be submitted to and approved by the Building Department and Engineering Department prior to grading permit issuance.
- BC3. Submit plans, engineering and obtain permits for all tenant improvements.
- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.
- BC5. A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with City Ordinance No. ____.
- BC7. All cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with State of California Disability Access requirements
- BC9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, grading Contractor, soils technician and any other parties required to be present during the grading process such as Biologist, Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC11. Page two of the submitted building plans will be the conditions of approval
- BC12. Construction must comply with 2013 California Building, Plumbing Mechanical, Electric, Green and Energy Codes. (2016 Edition after 1/1/2017)
- BC13. Best Managements Practices (BMP's) are required for the site during construction.
- BC 14. Cover sheet to include deferred submittals, construction type and material quantities for determination of occupancy.

AN APPROVED SOILS ENGINEER SHALL INSPECT THE FOUNDATION EXCAVATION PRIOR TO THE PLACEMENT OF REINFORCING STEEL. THE INSPECTION REPORT OF THE SOILS ENGINEER SHALL BE PROVIDED TO THE ADELANTO BUILDING DEPARTMENT PRIOR TO FOUNDATION INSPECTION BY THE BUILDING DEPARTMENT.

ELECTRICITY SOUTHERN CALIFORNIA EDISON
12323 HESPERIA ROAD
VICTORVILLE, CA 92392
(760) 241-3865

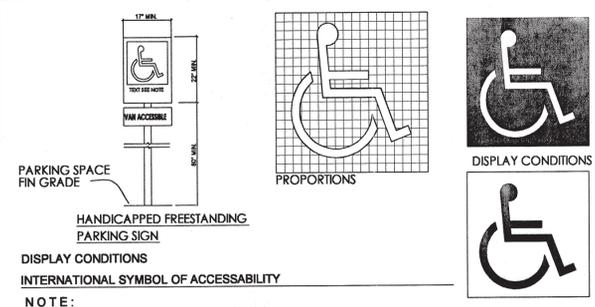
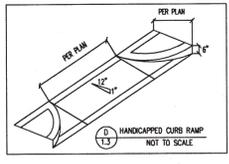
SEWER ADELANTO
VERIZON TELEPHONE 15055 LA PAZ DR.
VICTORVILLE, CA 92394-0200 (760) 243-0200

WATER ADELANTO WATER DISTRICT
15776 MAIN STREET
VICTORVILLE, CA 92394-0200 (760) 241-4321

TELEVISION CHARTER
9536 C AVE
VICTORVILLE, CA 92345
(866) 499-8000

CITY OF ADELANTO

PRECISE GRADING PLAN FOR LDP 06-04



DISPLAY CONDITIONS
INTERNATIONAL SYMBOL OF ACCESSIBILITY

NOTE:
EACH PARKING SPACE RESERVED FOR THE HANDICAPPED SHALL BE IDENTIFIED BY:
A PERMANENTLY AFFIXED REFLECTORIZED SIGN CONSTRUCTED OF PORCELAIN ON STEEL, BEADED TEXT, OR EQUAL, DISPLAYING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY. THIS SIGN SHALL NOT BE SMALLER THAN SEVENTY(70) SQ INCHES IN AREA AND SHALL BE CENTERED AT THE INTERIOR END OF THE PARKING SPACE AT A MINIMUM HEIGHT OF EIGHTY(80) INCHES FROM THE BOTTOM OF THE SIGN TO THE PARKING SPACE FINISHED GRADE OR CENTERED ON THE WALL AT THE INTERIOR END OF THE PARKING SPACE AT A MINIMUM HEIGHT OF FORTY-SIX (46) INCHES FROM THE FINISHED GRADE, GROUND OR SIDEWALK. A SIGN SHALL ALSO BE POSTED IN A CONSPICUOUS PLACE, AT EACH ENTRANCE TO THE OFF-STREET PARKING FACILITY NOT LESS THAN 17 INCHES BY 22 INCHES IN SIZE WITH LETTERING NOT LESS THAN ONE(1) INCH IN HEIGHT, WHICH CLEARLY AND CONSPICUOUSLY STATES THE FOLLOWING:

"UNAUTHORIZED VEHICLES NOT DISPLAYING DISTINGUISHING PLACARDS OR LICENSE PLATES ISSUED FOR PHYSICALLY HANDICAPPED PERSONS MAY BE TOWED AWAY AT THE OWNERS EXPENSE. TOWED VEHICLES MAY BE RECLAIMED AT _____ OR _____ BY TELEPHONING _____"

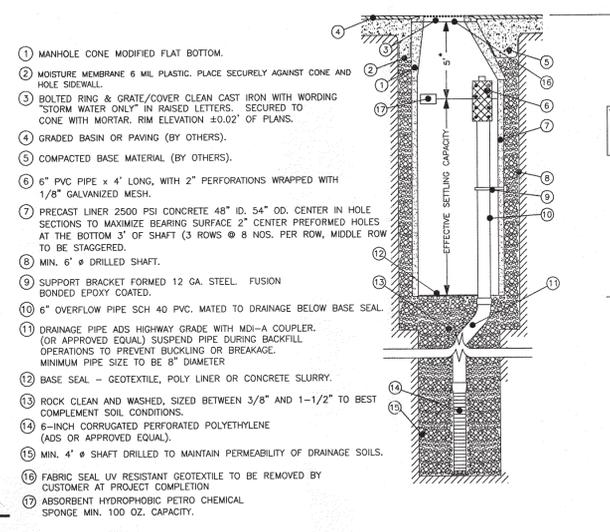
- GENERAL NOTES:**
1. PROPOSED STARTING DATE: _____
 2. NO FILL TO BE PLACED UNTIL PREPARATION OF THE ORIGINAL GROUND IS APPROVED.
 3. NO ROCKS GREATER THAN 6 INCHES IN DIA. MAY BE PLACED IN FILL.
 4. FOUNDATION BEARING VALUE DESIRED = 1500 PSF.
 5. PERCENT COMPACTION DESIRED = 90% OF MAX. DENSITY.
 6. THE INSPECTOR IS TO BE CONTACTED TO SCHEDULE A SITE PRE-GRADING MEETING 48 HOURS PRIOR TO START OF GRADING.
 7. HOLD TOP / TOE OF SLOPE 2 FEET MIN. FROM PROPERTY LINE.
 8. SLOPE OF PROPOSED CUT SLOPE TO BE NO STEEPER THAN 2 HORIZONTAL TO 1 VERTICAL.
 9. DRAINAGE IS NOT PERMITTED TO SHEET FLOW OVER GRADED SLOPES STEEPER THAN 5:1.
 10. PROVIDE A BERM AND SWALE AT THE TOP OF ALL SLOPES.
 11. ALL PROTECTED VEGETATION TO BE PROTECTED IN PLACE OR RELOCATED.
 12. CUT 000 CU. YDS.
 13. FILL 000 CU. YDS.
 14. EXPORT 000 CU. YDS.
 15. IMPORT 000 CU. YDS.
 16. SHRINKAGE 000 CU. YDS.
 17. STATIONARY CONSTRUCTION EQUIPMENT GENERATING NOISE IN EXCESS OF 65 DBA AT THE PROJECT BOUNDARIES MUST BE SHUT DOWN AND LOCATED AT LEAST 100 FEET FROM OCCUPIED RESIDENCES. THE EQUIPMENT AREA WITH APPROPRIATE ACOUSTIC SHIELDING SHALL BE DESIGNATED ON BUILDING AND GRADING PLANS. EQUIPMENT AND SHIELDING SHALL REMAIN IN THE DESIGNATED LOCATION THROUGHOUT CONSTRUCTION ACTIVITIES.
 18. CONSTRUCTION ROUTES ARE LIMITED TO CITY OF ADELANTO DESIGNATED TRUCK ROUTES.
 19. WATER TRUCKS OR SPRINKLER SYSTEMS SHALL BE USED DURING CLEARING, GRADING, EARTH MOVING, EXCAVATION, OR TRANSPORTATION OF CUT OR FILL MATERIALS TO PREVENT DUST FROM LEAVING THE SITE AND TO CREATE A CRUST AFTER EACH DAY'S ACTIVITIES CEASE. AT A MINIMUM THIS WOULD INCLUDE WETTING DOWN SUCH AREAS IN THE LATER MORNING AND AFTER WORK IS COMPLETED FOR THE DAY AND WIND EXCEEDS 15 MILES PER HOUR.
 20. A PERSON OR PERSONS SHALL BE DESIGNATED TO MONITOR THE DUST CONTROL PROGRAM AND TO ORDER INCREASED WATERING AS NECESSARY TO PREVENT TRANSPORT OF DUST OFF-SITE. THE NAME AND TELEPHONE NUMBER OF SUCH PERSONS SHALL BE PROVIDED TO THE CITY.
 21. ALL GRADING EQUIPMENT SHALL BE KEPT IN GOOD WORKING ORDER PER FACTORY SPECIFICATIONS.
 22. THE CONTRACTOR SHALL VERIFY THAT ALL CONSTRUCTION EQUIPMENT IS IN PROPER TUNE PER MANUFACTURER'S RECOMMENDATION.
 23. ROLL OFF TRASH BINS AND CHEMICAL TOILETS FOR CONSTRUCTION WORKERS SHALL BE REQUIRED ON ALL CONSTRUCTION SITES AND TEMPORARY FENCING PROVIDED AROUND THE CONSTRUCTION SITES AND/OR A ROW OF TEMPORARY FENCING PROVIDED AT SUCH LOCATIONS AS TO PREVENT ANY BUILDING MATERIALS FROM BLOWING OFF THE CONSTRUCTION SITE.
 24. DURING PERIODS WHEN GRADING IS BEING CONDUCTED, THE CONTRACTOR SHALL INSPECT THE ADJACENT PAVED ROADWAYS AT LEAST TWO (2) TIMES PER WEEK, AND SHALL SWEEP THE STREET IF VISIBLE DIRT OR DUST, ATTRIBUTABLE TO THE PROJECT, CAN BE SEEN ON THE ROADWAY.

HANDICAPPED PARKING REQUIREMENTS

A HANDICAP SIGNAGE

N.T.S.

Drainage System Detail And Specifications



PROJECT DATA

EXISTING BUILDING 1	5000	2.91%
EXISTING BUILDING 2	10,000	5.83%
PROPOSED BUILDING 1	10,000	5.83%
CONC. PAVING	47,641	27.74%
NATIVE GROUND	98,756	57.65%
LOT AREA	171,627	100%

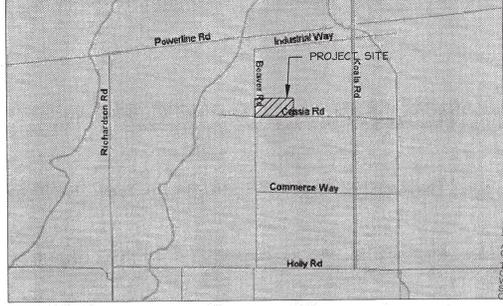
REQUIRED:
1 SPACE PER 1000 SQ. FT. WAREHOUSE AREA.
23,000 SQ. FT. / 1000 = 23 SPACES
1 SPACE PER 300 SQ. FT. OFFICE
10,000 SQ. FT. / 300 = 33 SPACES
TOTAL REQUIRED: 56

PROVIDED:
29 9'x20' PARKING SPACES
2 14'x20' H.C. PARKING SPACES

B DRYWELL SYSTEM

N.T.S.

VICINITY MAP



DECLARATION OF ENGINEER OF RECORD

I HEREBY DECLARE THAT IN MY PROFESSIONAL OPINION, THE DESIGN OF THE IMPROVEMENTS AS SHOWN ON THESE PLANS COMPLY WITH THE CURRENT PROFESSIONAL ENGINEERING STANDARDS AND PRACTICES. AS THE ENGINEER IN RESPONSIBLE CHARGE OF THE DESIGN OF THESE IMPROVEMENTS, I ACCEPT FULL RESPONSIBILITY FOR SUCH DESIGN. I UNDERSTAND AND ACKNOWLEDGE THAT THE PLAN CHECK OF THESE PLANS BY THE CITY OF ADELANTO IS A REVIEW FOR THE LIMITED PURPOSES OF ENSURING THAT THESE PLANS COMPLY WITH CITY PROCEDURES AND OTHER APPLICABLE CODES AND ORDINANCES. THE PLAN REVIEW PROCESS IS NOT A DETERMINATION OF THE TECHNICAL ADEQUACY OF THE DESIGN OF THE IMPROVEMENTS. SUCH PLAN CHECK DOES NOT THEREFORE RELIEVE ME OF MY DESIGN RESPONSIBILITY.

AS THE ENGINEER OF RECORD, I AGREE TO DEFEND AND INDEMNIFY THE CITY OF ADELANTO, ITS OFFICERS, ITS AGENTS, AND ITS EMPLOYEES FROM ANY AND ALL LIABILITY, CLAIMS, DAMAGES, OR INJURIES TO ANY PERSON OR PROPERTY ARISING FROM NEGLIGENT ACTS, ERRORS OR OMISSIONS OF THE ENGINEER OF RECORD, HIS EMPLOYEES, HIS AGENTS OR HIS CONSULTANTS.

SIGNATURE _____ DATE _____

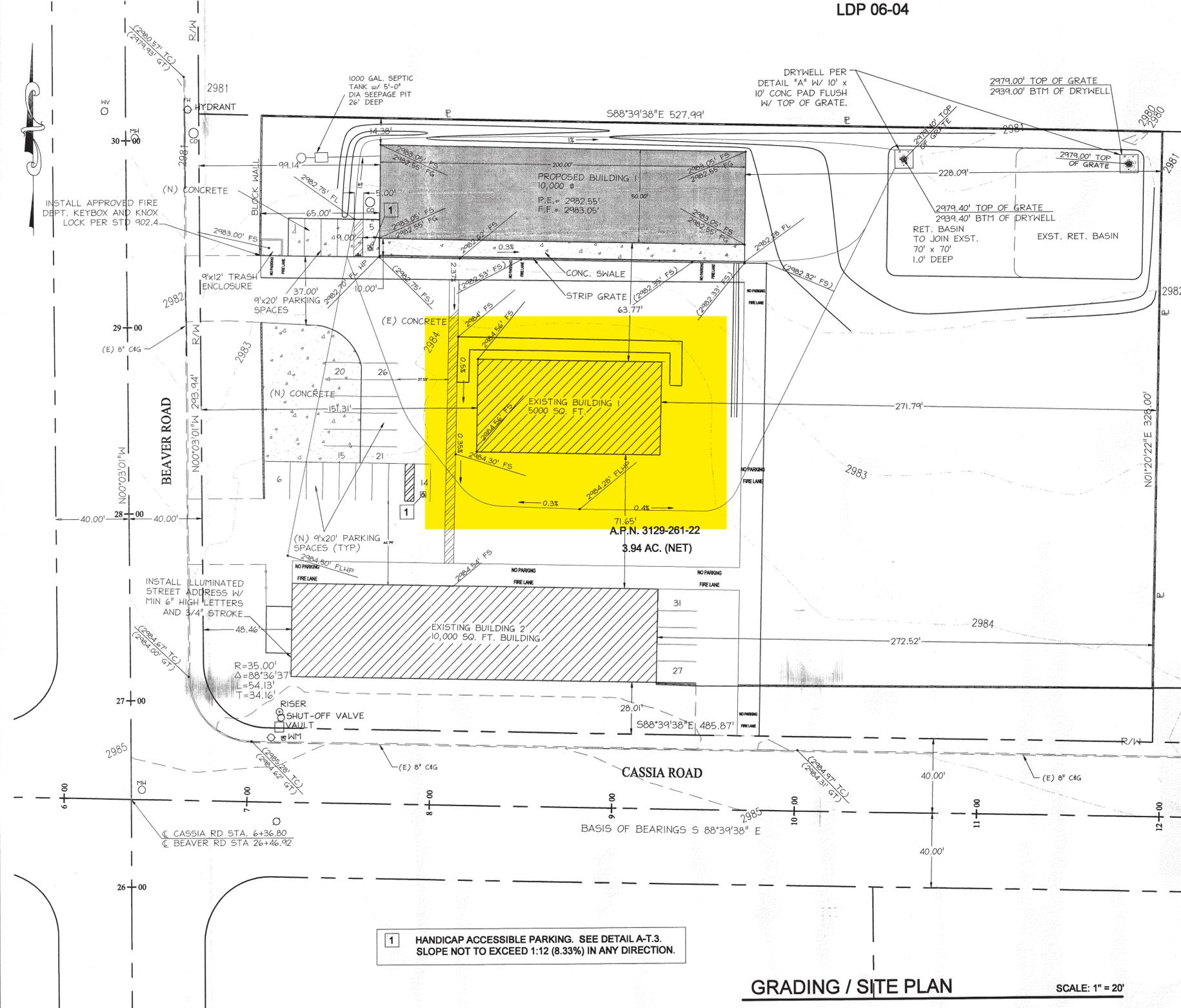
LICENSE NO. _____ EXP. _____

APPROVED JAS PACIFIC BUILDING PLAN CHECK DIVISION

THIS APPROVED DRAWING SHALL NOT BE CHANGED OR ALTERED WITHOUT THE PERMISSION OF THE ENGINEER OF RECORD. THESE PLANS SHALL NOT BE HELD TO PERMIT OR TO BE A BASIS FOR ANY OTHER PERMIT OR TO VIOLATE OR CONTRAVENE ANY CITY ORDINANCE OR STATE LAW.

THIS APPROVED DRAWING SHALL BE KEPT ON THE PROJECT SITE. THE ENGINEER OF RECORD SHALL BE AVAILABLE TO INSPECT THE WORK AUTHORIZED BY THESE PLANS AT ANY TIME DURING THE CONSTRUCTION PERIOD.

Underground Service Alert
Call: TOLL FREE 1-800-422-4133



JOSHUA TREE	POWER POLE	FENCE	SWALE	T.C. = TOP OF CURB	G.T. = GUTTER
CHOLLA CACTUS	FIRE HYDRANT	MANHOLE	F.L. = FLOWLINE	F.F. = FIN. FLOOR	SDW = SIDEWALK
YUCCA TREE	WATER METER	MAILBOX	F.S. FIN. SURFACE	T.P. = TOP OF PAVEMENT	E.P. = EDGE OF PAVEMENT
PRICKLY PEAR CACTUS	ELECTRICAL BOX	SIGN	F.G. = FIN. GRADE	N.G. = NATURAL GRADE	() = EXISTING
CLEAN OUT	WATER VALVE	FIRE RISER			

FRED SHEU ENGINEERING
15434 WEST SAGE STREET
SUITE A
VICTORVILLE, CA 92392
(760) 955-7522

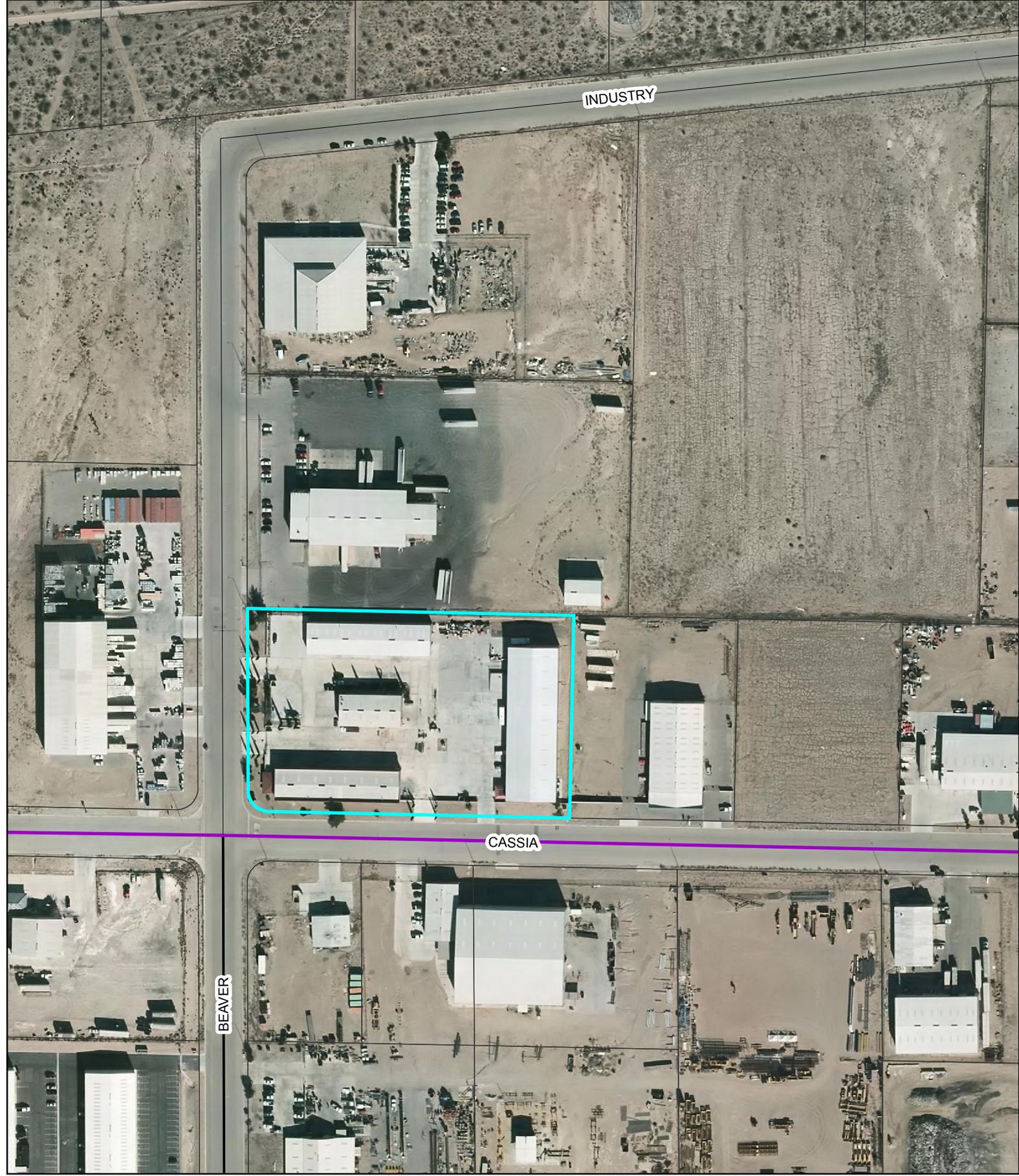
CITY OF ADELANTO
APPROVED BY: _____
CITY ENGINEER WILSON F. SO C. 21651
EXP. 9/30/07

BENCHMARK INFORMATION
B.M. NUMBER 561, BEING A BRASS DISK AT SE COR RICHARDSON RD & RANCHO RD. EL.=2971.060'
BASIS OF BEARINGS
TAKEN FROM THE CENTERLINE OF CASSIA ROAD BEING S 88°39'38" E

OWNER INFORMATION
CHUCK BOYD
7259 SVL BOX
VICTORVILLE, CA. 92395
760.245.6259

LEGAL DESCRIPTION
16537 BEAVER ROAD
APN: 3219-261-22
TR LOT
M.B./P.G.
ADELANTO, CA.

DESIGNED BY: RJM
CHECKED BY: RJM
1 OF 3
SHEET: 1 OF 3



INDUSTRY

CASSIA

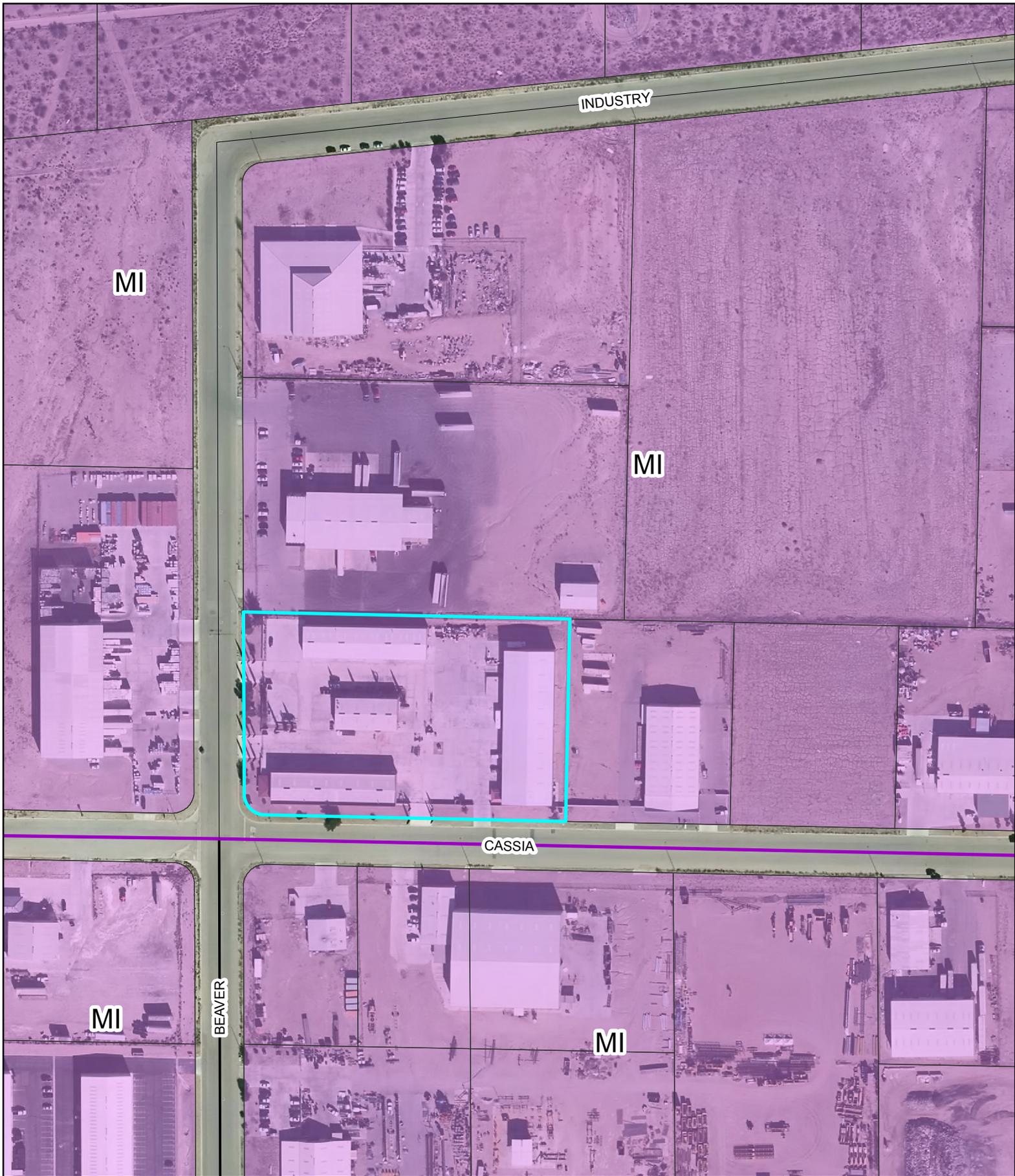
BEAVER



CUP 16-18
APN 3129-261-22



1 in = 200 feet



INDUSTRY

MI

MI

CASSIA

BEAVER

MI

MI



CUP16-18
APN 3129-261-22



1 in = 200 feet

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15434 WEST SAGE STREET
 SUITE B
 VICTORVILLE, CA 92392
 (760) 955-8842
 FAX (760) 955-7632



SITE INFORMATION
 APN 3129-261-22-0000
 P.M. 12345 PAR 12
 16537 BEAVER ST.
 ADELANTO, CA 92301

OWNER
 CHUCK BOYD
 (760) 955-7048

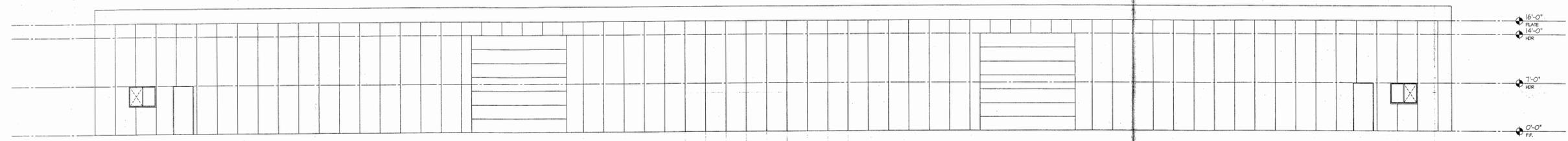
DRAWN BY RJM
CHECKED BY RJM
APPROVED BY RJM

ELEVATION

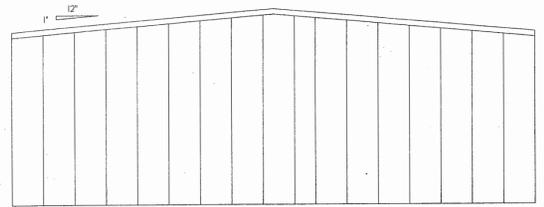
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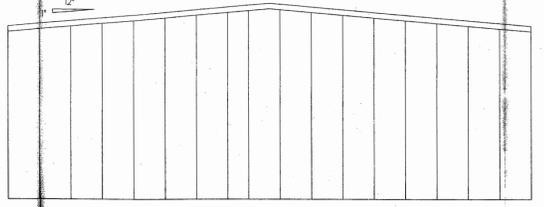
A.2



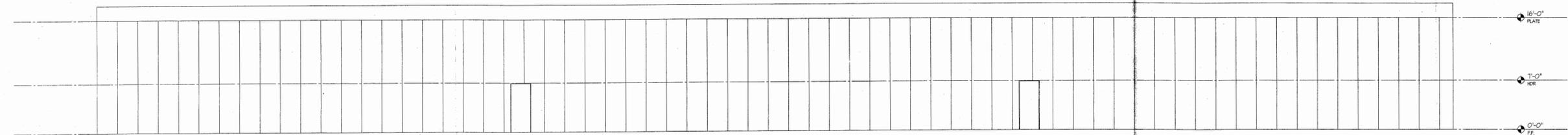
FRONT ELEVATION
 SCALE: 1/8" = 1'



LEFT ELEVATION
 SCALE: 1/8" = 1'



RIGHT ELEVATION
 SCALE: 1/8" = 1'



REAR ELEVATION
 SCALE: 1/8" = 1'

APPROVED JAS PACIFIC BUILDING PLAN CHECK DIVISION
 THIS APPROVED DRAWING SHALL NOT BE CHANGED OR ALTERED WITHOUT PERMISSION FROM THE BUILDING INSPECTION DIVISION. THE STAMPING OF THESE PLANS SHALL NOT BE HELD TO PERMIT OR TO APPROVE THE VIOLATION OF ANY CITY/COUNTY ORDINANCE OR STATE LAW.
 THIS APPROVED DRAWING SHALL BE KEPT ON THE CONSTRUCTION PREMISES AT ALL TIMES DURING WHICH THE WORK AUTHORIZED IS IN PROGRESS AND SHALL BE OPEN TO INSPECTION BY PUBLIC OFFICIALS.



10-9-06

CITY OF ADELANTO
COMMUNITY DEVELOPMENT DEPARTMENT
Notice of Exemption

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415

FROM: City of Adelanto
Planning Division
11600 Air Expressway/P.O. Box 10
Adelanto, CA 92301

Project Title: **Conditional Use Permit 16-18**

Description of Project: A proposal by Mr. Rafael Almanzar for BMG Ventures to operate an indoor Medical Marijuana Cultivation and Manufacturing facility within an existing 5,000 square foot industrial building, located within the Manufacturing/Industrial (MI) zoning district.

Project Location: 16537 Beaver Road, Adelanto, County of San Bernardino

Project Proponent: BMG Ventures, Inc.
Rafael Almanzar
16537 Beaver Road
Adelanto, CA 92301

Reasons why project is exempt:

The project is exempt under section's 15162 (Subsequent EIR's and Negative Declarations) of the California Environmental Quality Act as the proposed project is covered under the EIR for Industrial Park 3.

Exempt Status: (*check one*)

- Ministerial (Section 21080 (b)(1); Section 15268);
- Declared Emergency (Section 21080 (b) (3); Section 15269(a));
- Emergency Project (Section 21080 (b) (4); Section 15269(b)(c));
- Statutory Exemption (Section Number: _____);
- Categorical Exemption: Class 03 (Section Number 15303) (c)
- The activity is not subject to CEQA (Section 15061(b)(3))
- Other: Section 15162 (Subsequent EIR's and Negative Declarations).

Contact Person/Title: Mark de Manincor, Senior Planner Phone Number: 760-246-2300 Ext. 3001

Signature: _____

Date: October 6, 2016

Received for Filing: (To be completed by the County)

DATE

SIGNATURE/TITLE



PLANNING COMMISSION AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: October 4, 2016

TO: Honorable Chairman and Members of the Planning Commission

FROM: Mark de Manincor, Senior Planner

BY Becky Reynolds, Project Planner

SUBJECT: **Conditional Use Permit 16-19:** Mr. Danny McPhail representing Adelanto Manufacturing, LLC, is requesting a Conditional Use Permit for manufacturing of medical marijuana at an existing 20,160 square foot facility. The project site is located at 9501 Commerce Way, Building 3, in Industrial Park 3, within the City of Adelanto, County of San Bernardino. Assessor's Parcel Number 3129-261-41.

STAFF RECOMMENDATION:

ADOPT Resolution No. P-16-34, **ADOPT** findings, and **APPROVE** Conditional Use Permit 16-19 to allow a Medical Marijuana Manufacturing Facility at an existing developed site, finding the project exempt under Section 15162 (Subsequent EIR's and Negative Declarations) of the California Environmental Quality Act.

BACKGROUND:

Applicant: Adelanto Manufacturing, LLC
Attn: Mr. Danny McPhail
2312 Park Ave.
Tustin, CA 92782

General Location: The project site is located at 9501 Commerce Way Building 3, within the City of Adelanto, County of San Bernardino.

Assessor's Parcel Number: 3129-261-41

Environmental Determination: Exempt pursuant to section 15162 (Subsequent EIRs and Negative Declarations)

Related Cases: Medical Marijuana Cultivation Permit 16-03, Medical Manufacturing Permit 16-07, LDP 16-06, TPM 19129

Existing General Plan & Zoning Designations: Manufacturing/Industrial (MI)

Surrounding General Plan and Zoning:

<i>Direction</i>	<i>General Plan</i>	<i>Zoning</i>
North	Manufacturing/Industrial	MI
South	Manufacturing/Industrial	MI
East	Manufacturing/Industrial	MI
West	Manufacturing/Industrial	MI

Existing Land Use: The project site is developed with an industrial building.

Surrounding Land Uses: The following chart shows the surrounding land uses:

<i>Direction</i>	<i>Land Use</i>
North	Vacant
South	Developed Manufacturing/Industrial
East	Developed Manufacturing/Industrial
West	Developed Manufacturing/Industrial

PROJECT DESCRIPTION:

Mr. Danny McPhail representing Adelanto Manufacturing, LLC, is requesting a Conditional Use Permit for a Medical Marijuana Manufacturing Facility at an existing industrial building. The property is currently developed with two existing 20,000 square foot industrial buildings. The project is located at 9501 Commerce Way, Building 3.

DRAINAGE

The applicant is not proposing any additional structures or grading as part of the Conditional Use Permit.

TRAFFIC & CIRCULATION

Access to the project site is provided via Commerce Way west of Koala Road. This provides paved, all-weather external access to the site that would allow adequate fire and emergency vehicles access to all areas of the site. All onsite parking must be on a paved surface. The project currently is developed and is required to meet current Zoning Code requirements for striped, paved parking spaces.

NOISE

The site is located in an existing industrial area with industrial uses nearby. The amount of traffic due to the operation of a Medical Marijuana Manufacturing facility is similar to existing uses in the area. Therefore, noise impacts will not be significant.

ENVIRONMENTAL CONSIDERATIONS:

The development of this project is Exempt from the California Environmental Quality Act under section 15162 (Subsequent EIR's and Negative Declarations) as this project is covered under the Environmental Impact Report for Industrial Park 3.

Air Quality

The Mojave Desert Air Quality Management District submitted comments and recommendations in response to the Project Submittal that was circulated for this project which are incorporated in our conditions of Approval.

ATTACHMENTS:

1. Resolution P-16-34
2. Conditions of Approval
3. Notice of Exemption
4. Aerial Map
5. Site Plan

RESOLUTION NO. P-16-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, CALIFORNIA, MAKING FINDINGS, AND APPROVING CONDITIONAL USE PERMIT 16-19 SUBJECT TO CONDITIONS OF APPROVAL TO ALLOW THE INDOOR MANUFACTURING OF MEDICAL MARIJUANA AT AN EXISTING 20,160 SQUARE FOOT FACILITY ON APPROXIMATELY 4.66-ACRES OF LAND LOCATED AT 9501 COMMERCE WAY, BUILDING 3. ASSESSOR'S PARCEL NUMBER 3129-261-41.

WHEREAS, the applicant, Mr. Danny McPhail representing Adelanto Manufacturing, LLC, has proposed Conditional Use Permit 16-19 to allow for the indoor manufacturing of medical marijuana at an existing 20,160 square foot facility located at 9501 Commerce Way, within the City of Adelanto, County of San Bernardino; and

WHEREAS, a duly noticed public hearing was held on the 4th day of October, 2016 to hear and consider testimony for or against the issue; and

WHEREAS, the City has complied with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

SECTION 1. The above recitals are all true and correct.

SECTION 2. The Planning Commission has reviewed and considered the information included in the staff report prior to taking action on the proposed Conditional Use Permit 16-19. The Planning Commission further finds and determines that the City has complied with the California Environmental Quality Act and the Planning Commission determinations reflect the independent judgment of the Planning Commission.

SECTION 3. The Planning Commission hereby finds the proposed project is exempt from the California Environmental Quality Act under sections 15162 (subsequent EIR's and Negative Declarations) as this project is covered under the EIR for Industrial Park 3.

SECTION 4. The Planning Commission hereby finds and determines:

- (a) That the proposed Conditional Use is consistent with the General Plan;

The proposed Land Use/Zoning designation is Manufacturing/Industrial (MI), which allows for the indoor manufacturing of medical marijuana in the industrial park with the approval of a Conditional Use Permit;

- (b) That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and that the use will not adversely affect or be materially detrimental to these adjacent uses, buildings, or structures;

There are similar uses currently existing in the vicinity of the proposed project.

- (c) That the site for the proposed Conditional Use is of adequate size and shape to accommodate the use and buildings proposed;

The site is approximately 4.66 acres in size, which exceeds the minimum 20,000 square feet required in this zoning district and has sufficient width and depth to meet all required setbacks.

- (d) That the proposed Conditional Use complies with all applicable development standards of the zoning district; and

The proposed project has been conditioned to meet all applicable City zoning and development standards.

- (e) That the proposed Conditional Use observes the spirit and intent of this Zoning Code;

The proposed, indoor manufacturing of medical marijuana in an existing Facility is an appropriate use in the Manufacturing/Industrial Zone in an Industrial Park with the approval of a Conditional Use Permit.

SECTION 5. The requested Conditional Use Permit 16-19 is hereby approved subject to the following conditions of approval, attached as Attachment A.

PASSED, APPROVED AND ADOPTED by the Planning Commission this 4th day of October 2016.

Chris Waggener
Chairman for the Planning Commission

Virginia Cervantes
Secretary to the Planning Commission

Attachments: Conditions of Approval

I, Virginia Cervantes, Planning Secretary to the Planning Commission for the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-16-34 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 4th day of October 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 4th day of October 2016.

Virginia Cervantes
Secretary to the Planning Commission

**Attachment A
RESOLUTION P-16-34
October 4, 2016**

**Conditions of Approval
Conditional Use Permit 16-19**

PROJECT: A proposal for the manufacturing of medical marijuana within an existing 20,160 square foot industrial warehouse, on 4.66 acres of property, located within the MI (Manufacturing/Industrial) Zone. The project site is located at 9501 Commerce Way Building 3, in Industrial Park 3, within the City of Adelanto, County of San Bernardino. Assessor's Parcel Number 3129-261-41.

Applicant: Mr. Danny McPhail, 2312 Park Ave, Tustin, CA 92782.

PLANNING DEPARTMENT

General Conditions:

1. **Approval Period.** Approval of this project will become valid only after a signed copy of the City's approval letter is received by the Planning Department acknowledging acceptance of all conditions of approval. If not received within 10 working days after approval action, this approval will be null and void.

This approval shall be used within two (2) years of the approval date of this project; by **October 4, 2018**, otherwise, it shall become null and void and of no effect whatsoever. Use means the beginning of the substantial use under this approval within the two (2) year period which is thereafter diligently pursued to completion and in the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

2. **Modification to Plans.** Subsequent modifications of this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Director requires a Substantial Conformance or Revised Permit application in accordant with the City's Development Code.
3. **Phasing.** This Conditional Use Permit is for the operation of a medical marijuana manufacturing facility, Phasing is not indicated on this Site Plan. The Conditions of Approval shall apply to the entire project, unless otherwise indicated.
4. **Indemnity.** The applicant shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Adelanto, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit 16-19.

The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.

5. **Outstanding Costs.** Any fees due to the City of Adelanto for processing this project shall be paid to the City within 30 calendar days of final action. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted by this action. No permits, site work, or other actions authorized by this entitlement shall be permitted, authorized or commenced until all outstanding fees are paid to the City.

6. **Fish and Game.** The applicant/owner shall pay a fee of \$50 for the Department of Fish and Wildlife determination. This fee shall be submitted to the Planning Division within two (2) days after the date of conditional approval. **Payments shall be made with a Check for \$50 made payable to the "Clerk of the Board of Supervisors"**. The Planning Division shall then file the Notice of Determination within five (5) days after the effective date of conditional approval. The applicant should be aware that Section 21089(b) of the Public Resources Code provides that any project approved under CEQA is not operative, vested or final until the required fee is paid. Proof of fee payment will be required prior to issuance of any permits.

7. **City Codes.** The project shall comply with all disabled access requirements of the Americans with Disabilities Act and Title 24 of the State Code, and all local requirements of the City of Adelanto Municipal Code, including Title 17 (Zoning Code), especially the following MI (Manufacturing/Industrial) zoning district regulations and Chapter 17.80 regarding the manufacturing of medical marijuana:
 - Minimum Lot Size: 20,000 square feet
 - Minimum Lot Width: 100 feet
 - Minimum Lot Depth: 100 feet
 - Minimum Front Setbacks:
 - To Building 25 feet
 - To Parking 10 feet
 - Minimum Side Setback:
 - Street Side 25 feet
 - All others 0 feet
 - Minimum Rear Setback: 25 feet
 - Maximum Height 75 feet

8. **Approved Uses.** All new uses within the property boundaries shall be reviewed and approved by the Planning Department. Should the developer propose a more intensive use requiring additional parking spaces, additional employees, more restroom facilities, significant change from original conceptual landscaping plans, etc., the proposed use shall be presented for review by the Planning Department for compliance with the original approval. The new proposed use may be subject, but not limited to: a Modification to Location and Development Plan application, a new Location and Development Plan Application, and/or a Utility Feasibility Study application.

9. **Parking.** Access to Parking and Parking of any vehicle, trailer, equipment, truck or any personal vehicles shall be on an improved surface. No vehicle, trailer, equipment, truck or any personal vehicle shall be parked or accessed on the dirt. Any of the above mentioned vehicles parked or accessed on the dirt shall be subject to a code violation citation in accordance with Title 17 of the Adelanto Municipal Code.
10. **Required Approvals.** The developer shall obtain the following clearances or approvals:
 - a. Verification from the Planning Department that all pertinent conditions of approval have been met, including any administrative development plan review approvals, as mandated by the Adelanto Municipal Code.
 - b. Building and Safety Department approval.
 - c. Any other required approval from an outside agency.
11. **Signed Approval Letter.** A signed copy of the City's approval letter shall be on file with the Planning Department. If ownership of the property or the developer of the property has changed since the original approval, a new copy of the City approval letter shall be signed by the current development parties.
12. **Signage.** Proposed signs for this development shall require a separate application approval by the Planning Department prior to installation. Furthermore, all signs proposed for this development shall be consistent with the signage for the commercial center to the south. The project shall remain in full compliance with all City sign regulations at all times.
13. Mandatory Organic Recycling in accordance with AB 1826. Contact Burrtec – Robert Rios (robert@burrtec.com) for recycling information.
14. "Saving by Design" Southern California Edison Energy Efficiency – Contact Maya Aubrey maya.aubrey@sce.com for electrical efficiency information.
15. For water conservation, use Hydroponics or other low water use irrigation systems. Water should be recycled as much as possible.

ENGINEERING DEPARTMENT

General Conditions:

16. Approval of this project in no manner obligates the City of Adelanto to extend water service, or sewer service, or improve streets, or extend any other infrastructure to service this development.
17. The City of Adelanto shall be "added insured" on all insurance policies for construction of this project. Proof of insurance shall be provided prior to start of construction.
18. All monuments (new or replaced) shall be referenced or reset in accordance with the Business and Professions Code.

19. All improvements as required by the City Engineer, shall be constructed. All infrastructure improvements required by these conditions of approval, must comply with the City's standard infrastructure requirements and any specific requirements established in these conditions of approval. Any existing infrastructure failing to meet these requirements must be removed at the developer's expense and to be reconstructed to meet the infrastructure requirements described in these conditions of approval and current City Standards at the time of development at the developers expense.
20. All improvements constructed in conjunction with this project shall be design and constructed to the City standards, Department of Transportation standards, Green Book Standards, and the City Engineer Requirements that are in effect at the time of the approval or subsequent extensions of time. All improvements shall be constructed to comply with any health and safety regulations or changes to State and Federal laws current to the time of construction as directed by the City Engineer.
21. Inspection. The Developer shall at all times maintain proper facilities and safe access for inspection of the Improvements by City inspectors and to the businesses or residences wherein any construction work is in progress. Where traffic interference may occur during construction, The Developer shall prepare and file a traffic control plan, subject to the reasonable approval by the City Engineer.
22. Upon completion of the work the Developer shall request a final inspection by the City Engineer, or the City Engineer's authorized representative. If the City Engineer, or the designated representative, determines that the work has been completed in accordance with this entitlement, the Improvement Plans and City standards, then the City Engineer shall certify the Completion of the Improvements to the CITY, and the City Council shall accept the Improvements.
23. Final road sections shall be approved by the City Engineer prior to construction, which shall be submitted along with the soils report & recommendations on structural sections based on R-value & TI. And shall substantially conform to the sections submitted with the first submittal of the street improvement plans.
24. Pavement structural section shall be designed based on soils tests (R-Value Tests) conducted by an acceptable soils testing laboratory and Traffic Index as approved by the City Engineer.
25. The following site specific improvements shall be completed:
 - a. Onsite improvements are as follows:
 - i. All onsite parking must be on an impervious surface (Asphalt/ Concrete), additional asphalt or concrete shall be provided for any vehicles to be parked in the rear of the building.
 - b. Offsite improvements are as follows:
 - i. Roadway adjacent to the project (the half-width on the project side of the road) shall be capped. City Staff recommends that this project consider joining with other local projects to complete AC capping of the existing roadway. This work can also be individually completed. All such

improvements must be completed within 180 calendar days of approval. **OR**
The developer shall pay a fee equivalent to the cost of capping the street adjacent to the development within 60 calendar days of approval or as agreed upon by the City Engineer.

26. Permitted water consumption. Maximum water consumption per 1,000 square feet of canopy space shall be limited to 100 gallons per day.
27. Water Utility Feasibility Study. The Developer shall apply for a water feasibility study within 30 calendar days of CUP approval.
28. Industrial Pretreatment and Industrial Wastewater Discharge Permit Application. The Developer shall complete the discharge permit application within 60 calendar days of CUP approval.

BUILDING AND SAFETY

29. See attached Building and Safety Department Conditions.

FIRE DEPARTMENT

30. No Fire Department Conditions were received for this project.

BUILDING AND SAFETY DIVISION, CUP 16-19

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of permits for grading in excess of 1000 cubic yards.
- BC2. Grading and drainage plans including a soils report must be submitted to and approved by the Building Department and Engineering Department prior to grading permit issuance.
- BC3. Submit plans, engineering and obtain permits for all tenant improvements.
- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.
- BC5. A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with City Ordinance No. ____.
- BC7. All cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with State of California Disability Access requirements
- BC9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, grading Contractor, soils technician and any other parties required to be present during the grading process such as Biologist, Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC11. Page two of the submitted building plans will be the conditions of approval
- BC12. Construction must comply with 2013 California Building, Plumbing Mechanical, Electric, Green and Energy Codes.
- BC13. Best Managements Practices (BMP's) are required for the site during construction.
- BC 14. Cover sheet to include deferred submittals, construction type and material quantities for determination of occupancy.



COMMERCE

KOALA

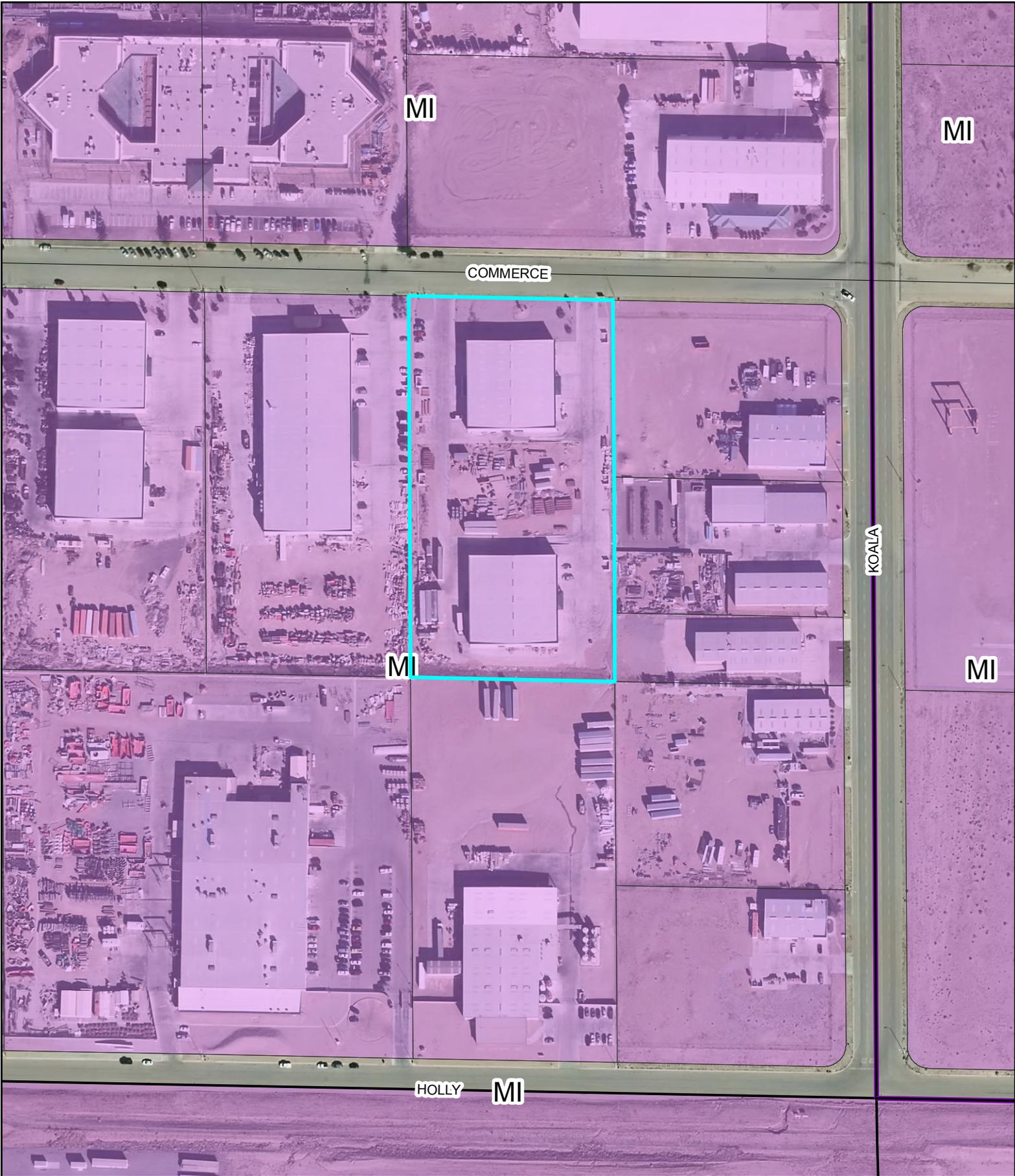
HOLLY



APN 3129-261-41



1 in = 200 feet



CITY OF ADELANTO
COMMUNITY DEVELOPMENT DEPARTMENT
Notice of Exemption

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415

FROM: City of Adelanto
Planning Division
11600 Air Expressway/P.O. Box 10
Adelanto, CA 92301

Project Title: Conditional Use Permit 16-19

Description of Project: A proposal by Mr. Danny McPhail to operate an indoor medical marijuana manufacturing facility within an existing 20,160 square foot industrial building, located within the Manufacturing/Industrial (MI) zoning district.

Project Location: 9501 Commerce Way Building 3, Adelanto, County of San Bernardino

Project Proponent: Mr. Danny McPhail
2312 Park Avenue
Tustin, CA 92782

Reasons why project is exempt:

The project is exempt under section's 15162 (Subsequent EIR's and Negative Declarations) of the California Environmental Quality Act as the proposed project is covered under the EIR for Industrial Park 3.

Exempt Status: (*check one*)

- Ministerial (Section 21080 (b)(1); Section 15268);
- Declared Emergency (Section 21080 (b) (3); Section 15269(a));
- Emergency Project (Section 21080 (b) (4); Section 15269(b)(c));
- Statutory Exemption (Section Number: _____) ;
- Categorical Exemption: Class 03 (Section Number 15303) (c)
- The activity is not subject to CEQA (Section 15061(b)(3))
- Other: Section 15162 (Subsequent EIR's and Negative Declarations).

Contact Person/Title: Mark de Manincor, Senior Planner Phone Number: 760-246-2300 Ext. 3001

Signature: _____

Date: October 4, 2016

Received for Filing: (To be completed by the County)

DATE

SIGNATURE/TITLE



PLANNING COMMISSION AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: October 4 , 2016

TO: Honorable Chairman and Members of the Planning Commission

FROM: Mark de Manincor, Senior Planner

BY: Rebecca Reynolds, Project Planner

SUBJECT: **Tentative Parcel Map 19782** – Mr. Manooch Khanbeigi proposes to subdivide one 7.2-acre parcel into six (6) lots located within the Manufacturing/Industrial zoning district.

STAFF RECOMMENDATION:

ADOPT Resolution No. P-16-32 **ADOPT** findings and **APPROVE** Tentative Parcel Map 19782 to subdivide one 7.2-acre parcel into six (6) lots within the Manufacturing/Industrial (MI) Zone subject to the recommended conditions of approval.

BACKGROUND:

Applicant: Mr. Manooch Khanbeigi
First Step Plus, LLC
195 S. Heath Terrace
Anaheim Hills, CA 92807

General Location: The project is located on the southwest corner Industry Way and Beaver Road within the City of Adelanto, San Bernardino County.

Assessor's Parcel Numbers: 3129-251-33

Environmental Determination: Exempt under section 15061 (b)(3) of the California Environmental Quality Act as the project will not have a significant impact on the environment.

Related Cases: LDP 16-09, CUP 16-15

Existing General Plan & Zoning Designations: Manufacturing/Industrial (MI)

Surrounding General Plan and Zoning:

<i>Direction</i>	<i>General Plan</i>	<i>Zoning</i>
North	Greenbelt Corridor Easement	GCE
South	Manufacturing/Industrial	MI
East	Manufacturing/Industrial	MI
West	Manufacturing/Industrial	MI

Existing Land Use: Vacant.

Surrounding Land Uses: The following chart shows the surrounding land uses:

<i>Direction</i>	<i>Land Use</i>
North	Power Line Corridor
South	Developed Industrial buildings
East	Developed Industrial buildings
West	Vacant

PROJECT DESCRIPTION:

The applicant, Mr. Manooch Khanbeigi, requests to subdivide one 7.2-acre parcel of land into six (6) lots. The site is located on the southwest corner of Industry Way and Beaver Road.

BACKGROUND

The proposed subdivision is to facilitate development of Medical Marijuana Cultivation facilities approved under Location and Development Plan 16-09 and Conditional Use Permit 16-15. The project site is 7.2 acres of land proposed to be subdivided into six (6) industrial lots.

ACCESS & CIRCULATION

All parcels will obtain a reciprocal parking and access agreement for shared parking, access and circulation.

ENVIRONMENTAL CONSIDERATIONS:

Exempt under section 15061 (b)(3) of the California Environmental Quality Act as the project will not have a significant impact on the environment.

ATTACHMENTS:

1. Resolution 16-32
2. Conditions of Approval
3. Notice of Exemption
4. Zoning Exhibit
5. Aerial Map
6. Tentative Parcel Map 19782

RESOLUTION P-16-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, CALIFORNIA, MAKING FINDINGS AND APPROVING TENTATIVE PARCEL MAP 19782 TO SUBDIVIDE A 7.2-ACRE PARCEL INTO 6 LOTS SUBJECT TO CONDITIONS OF APPROVAL, LOCATED ON THE SOUTHWEST CORNER OF INDUSTRY WAY AND BEAVER ROAD, WITHIN THE MANUFACTURING/INDUSTRIAL (MI) ZONE, IN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO.

WHEREAS, the applicant, Mr. Manooch Khanbeigi for First Step Plus, LLC, has initiated the filing of Tentative Parcel Map 19782, proposing to subdivide a 7.2-acre parcel into 6 lots located on the southwest corner of Industry Way and Beaver Road within the Manufacturing/Industrial (MI) Zone, in the City of Adelanto, County of San Bernardino; and

WHEREAS, the applicant, Manooch Khanbeigi, has agreed to accept the conditions of approval for Tentative Parcel Map 19782; and

WHEREAS, the project is exempt under section 15061 (b) (3) (Review for Exemptions) of the California Environmental Quality Act as the project will not have a significant effect on the environment; and

WHEREAS, a duly noticed public hearing was held on the 4th day of October, 2016 to hear and consider testimony for or against the issue; and

WHEREAS, the City has complied with the California Environmental Quality Act; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

SECTION 1. The above recitals are all true and correct.

SECTION 2. The Planning Commission has reviewed and considered the environmental documentation included in the staff report and accompanying materials prior to taking action on the proposed Tentative Parcel Map 19782. The Planning Commission further finds that the Planning Commission determinations reflect the independent judgment of the Planning Commission.

SECTION 3. The Planning Commission hereby finds the proposed project is exempt under section 15061 (b) (3) (Review for Exemptions) of the California Environmental Quality Act as the project will not have a significant effect on the environment. This project consists of subdividing a 7.2-acre parcel of land into 6 lots in conformance with the General Plan with services including public access to the area.

SECTION 4. The Planning Commission hereby finds and determines that:

(a) That the proposed map is consistent with applicable general plan as specified in Section 65451.

The project site is designated "MI" (Manufacturing/Industrial) on the City's combined General Plan Land Use/Zoning Map. The applicant proposes to subdivide 7.2-acres of land into 6 lots by filing Tentative Parcel Map 19782. The proposed lot sizes are consistent with the City's Zoning Code and the General Plan. As such, the proposed Tentative Parcel Map will be consistent with the General Plan.

(b) That the design or improvement of the proposed subdivision is consistent with applicable general plan.

The project site is adjacent to Beaver Road. The Tentative Parcel Map has been conditioned to dedicate necessary rights of way/easements. Tentative Parcel Map 19782 is also required to install all improvements consistent with City standards at the time of development.

(c) That the site is physically suitable for the type of development.

The project site is flat, has access to existing streets or those streets planned to be improved, and has public services, such as fire prevention and law enforcement, to meet the needs of the proposed project.

(d) That the site is physically suitable for the proposed density of development.

The City's adopted development standards for the Manufacturing/Industrial (MI) Zone are designed to allow for the proposed density predicated upon the adopted General Plan land uses.

(e) That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project site is classified as exempt under section 15061 (b) (3) (Review for Exemptions) of the California Environmental Quality Act as the project will not have a significant effect on the environment.

(f) That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

Improvements have been conditioned to be provided concurrent with development to ensure adequate improvements are available to protect future tenants and provide basic service needs. Drainage improvements will be installed consistent with the conditions of approval and a drainage report as required by the City's Public Works Engineering Department.

(g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to

competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

No public easements traverse the property.

SECTION 5. The Planning Commission hereby approves Tentative Parcel Map 19782 subject to the conditions of approval attached herein as Attachment A.

PASSED, APPROVED AND ADOPTED by the Planning Commission this 4th day of October 2016.

Chris Waggener
Chairman to the Planning Commission

Virginia Cervantes
Secretary to the Planning Commission

I, Virginia Cervantes, Planning Secretary for the Planning Commission of the City of Adelanto, California, do hereby certify that the foregoing Resolution P-16-32 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 4th day of October 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 4th day of October 2016.

Virginia Cervantes
Secretary to the Planning Commission

**Attachment A
RESOLUTION P-16-32
October 4, 2016**

Conditions of Approval Tentative Parcel Map 19782

PROJECT: A proposal to subdivide a 7.2-acre parcel into six (6) lots located on the southwest corner of Industry Way and Beaver Road within the Manufacturing/Industrial (MI) Zone. APN 3129-251-33

Applicant: First Step Plus, LLC, Attn: Manooch Khanbeigi, 195 S. Heath Terrace, Anaheim Hills, CA 92807

PLANNING DEPARTMENT

General Conditions:

1. **Approval Period.** Approval of this project will become valid only after a signed copy of the City's approval letter is received by the Planning Department acknowledging acceptance of all conditions of approval. If not received within 10 working days after approval action, this approval will be null and void.

In accordance with the Subdivision Map Act, the recordation of the final map shall occur within two (2) years from the approval date unless an extension is granted. This project shall expire **on October 4, 2018**. The applicant may apply for a maximum of five (5) one-year extensions to permit additional time to record the final map. A written request for extension must be submitted to the Department of Planning and Community Development at least thirty (30) days prior to the expiration of Tentative Map approval. This request is the owner/applicant's responsibility and the owner/applicant may not receive any additional notice from the City.

2. **City Codes.** The project shall comply with all disabled access requirements of the Americans with Disabilities Act and Title 24 of the State Code, and all local requirements of the City of Adelanto Municipal Code, including Title 17 (Zoning Code), and specifically Section 17.30 Business and Manufacturing Districts.
3. **Phasing.** This Tentative Parcel Map subdivides a 7.2-acre parcel into six (6) lots. Phasing is not indicated on the Tentative Parcel Map. The Conditions of Approval shall apply to the entire subdivision, unless otherwise indicated. One Final Map shall be submitted for the entire subdivision.
4. **Maintenance Responsibility.** The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by an approved maintenance authority. Grading permits shall not be issued for any areas to be graded and remain undeveloped for an extended period (e.g.: for subsequent phases of a development) until a re-vegetation plan is approved by the Planning Department, and until bonds are posted for re-vegetation, or erosion control program for wind erosion.
5. **Indemnity.** The applicant shall agree to defend, indemnify, and hold harmless the City, its agents, officers, or employees against any action, claim, or proceeding brought because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such action. 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 applicant of his obligations under this condition.

6. **Fish and Game.** The applicant/owner shall pay a fee of \$50.00 for the Department of Fish and Game determination. This fee shall be submitted to the Planning Division within two days after the date of conditional approval. **Payments shall be made with a Check for \$50.00 made payable to "Clerk of the Board of Supervisors."** The Planning Division shall then file the Notice of Determination within five days after the effective date of conditional approval. The applicant should be aware that Section 21089(b) of the Public Resources Code provides that any project approved under CEQA is not operative, vested or final until the required fee is paid. Proof of fee payment will be required prior to final map recordation.
7. **Outstanding Costs.** Prior to issuance of any permits, the applicant/developer shall pay any outstanding costs for the processing of applications.
8. **Plan Preparers.** Plans submittals must be prepared and signed by a California Licensed Architect or Engineer per State of California, Business and Professions Code.
9. **Access and Circulation.** Reciprocal parking and access agreement will be required for shared parking, access and circulation for all parcels.

Prior to Recordation of the Final Map:

10. **Required Approvals.** The developer shall obtain the following clearances or approvals:
 - a. Verification from the Planning Department that all pertinent conditions of approval have been met, including any administrative development plan review approvals, as mandated by the Adelanto Municipal Code.
 - b. Verification from the Code Compliance Department that all Code Violations have been corrected. Which includes, the removal of all structures and debris from the site prior to Final Map approval.
 - c. Approval of all proposed street names.
 - d. Any other required approval from an outside agency.
11. **Final Map Submittal.** A final map application shall be submitted to the Planning Division with payment of appropriate fees for review and approval concurrently with application to the City Engineer.
12. **Signed Approval Letter.** A signed copy of the City's approval letter shall be on file with the Planning Department. If ownership of the property or the developer of the property has changed since the original approval, a new copy of the City approval letter shall be signed by the current development parties.

PUBLIC WORKS DEPARTMENT

General Conditions:

13. All final parcel maps, conforming to the approved Tentative Map and based on a recent field survey, shall be submitted to the City Engineer for review and approval. The following items shall be submitted with the final map:
 - a. A document signed and acknowledged by the legal owners of record of the real property being subdivided consenting to the subdivision shall be submitted to the City of Adelanto, with a copy to the City Engineer, following Tentative Map Approval by the Planning Commission.
 - b. Title Report. A title report accompanied by copies of all recorded documents cited therein shall be submitted to the Public Works Department staff for review along with the first submittal of the final map for the checking.
 - c. At the time of first submittal of Final map, the Developer shall pay to the City of Adelanto all applicable fees.
14. The following easements shall be dedicated on the final parcel map (Adelanto Airport Property Owners Association shall also review proposed easements):
 - d. A noise and avigation easement on all subdivision parcels and roadways shall be granted and conveyed to the Southern California Logistics Airport and to the Adelanto Airpark Property Owners Association (if required).
 - e. Dedication for street, utility and runway easements to provide access and use of local facilities are located along the Western and Northern boundary of this project. Easements need to meet current City and Fire Standards.
15. All easements within the City of Adelanto's rights of way shall be subordinated to the City of Adelanto.
16. All monuments shall be referenced or reset in accordance with the Business and Professions Code.
17. Approval of this tentative parcel map in no manner obligates the City of Adelanto to extend water service, or sewer service, or improve streets, or extend any other infrastructure to service this development.
18. As a condition of development for any parcel contained within this tentative parcel map, all easement and rights-of-way dedicated on the final parcel map shall be improved to the General Plan and City Standard requirements for infrastructure improvements, as approved by the City Engineer.
19. Prior to the recordation of any final map, the Subdivider shall be solely responsible for obtaining all necessary dedications of rights-of-way for: providing legal access to all lots or parcels created by this subdivision; and offsite infrastructure improvements, right-of-entry for offsite grading, and easements for ingress, egress, drainage, utilities and other legal requirements for impacts associated with the development of this project, as determined and directed by the City Engineer.

FIRE DEPARTMENT CONDITIONS

20. See the attached conditions from the San Bernardino County Fire Department..

**SAN BERNARDINO COUNTY
FIRE DEPARTMENT**

**OFFICE OF THE FIRE MARSHAL
COMMUNITY SAFETY DIVISION**
15900 Smoke Tree Street, 1st Floor , STE 131
Hesperia, CA. 92345
(760) 995-8190 - Fax (760) 995-8205



**COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP**

MARK A. HARTWIG
Fire Chief

DATE: September 20, 2016

EXPIRATION: September 2017

MANOUCH KHANBEIGI
195 S. HEATH TERRACE
ANAHEIM HILLS, CA 92807

PERMIT NUMBER: F201601022
PROJECT NUMBER: TPM 19782
LOCATION: SW COR OF INDUSTRY WY AND BEAVER
PROJECT TYPE: TPM
OCCUPANCY TYPE:
APN: 3129-251-33-0000
PROPOSAL: 08.30.16 - REC'D PROJECT REFERRAL MEMO FROM CITY OF ADELANTO FOR TPM 19782/MANOUCH KHANBEIGI - MEETING DATE;9/6/16 - SENT INVOICE/LETTER - LR
PLANNER: 09.19.16 - MANOUCH PAID IN PERSON, ROUTED TO PLAN REVIEW - LR
BECKY REYNOLDS

Dear Applicant:

With respect to the conditions of approval regarding the above referenced project, the San Bernardino County Fire Department requires the following fire protection measures to be provided in accordance with applicable local ordinances, codes, and/or recognized fire protection standards.

The *Fire Conditions Attachment* of this document sets forth the *FIRE CONDITIONS* and *STANDARDS* which are applied to this project.

FIRE CONDITIONS: All FIRE CONDITIONS FOR THIS PROJECT ARE ATTACHED

Page 1 of 2

Sincerely

A handwritten signature in black ink, appearing to read "C. Markloff", with the number "157" written below it.

Curtis Markloff, Fire Prevention Specialist
San Bernardino County Fire Department
North Desert Division Community Safety Division
Duty, Honor, Community

FIRE CONDITIONS ATTACHMENT

DATE: 09-20-2016
PROJECT: TPM 19782
PERMIT NUMBER: F201601022
LOCATION: SW COR OF INDUSTRY WY AND
BEAVER
PARCEL: 3129-251-33-0000



CONDITIONS

Cond: EXPNOTE

Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

Cond: F01

Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F01]

Cond: F30

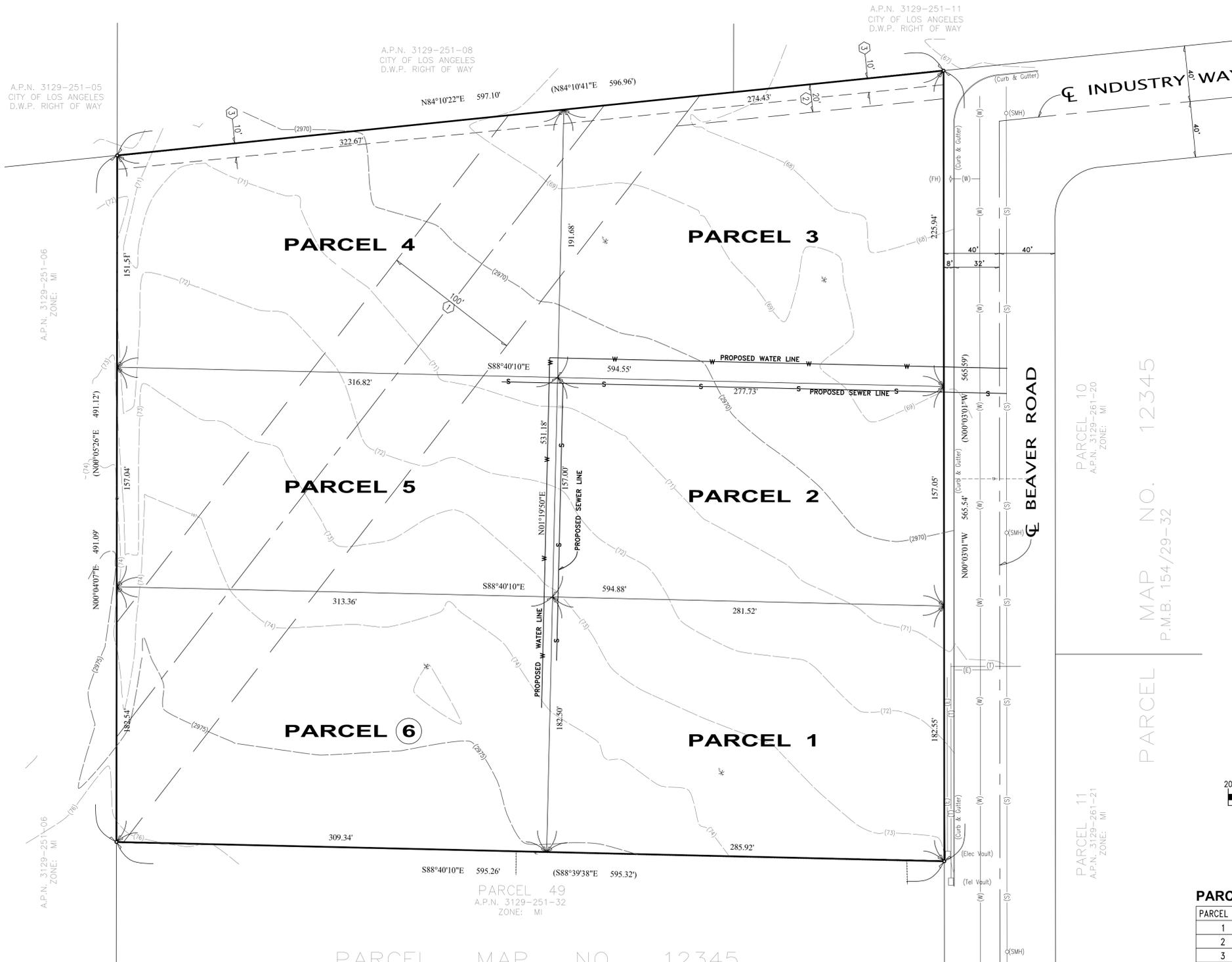
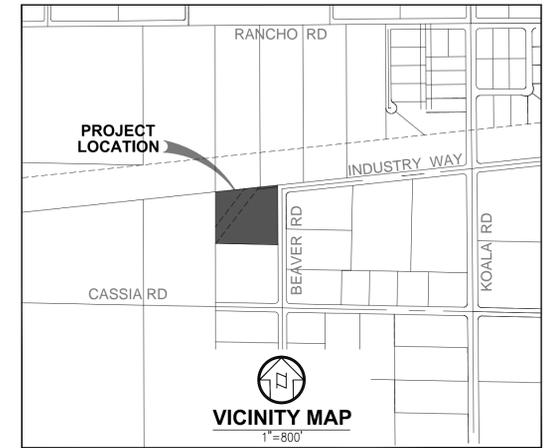
No Fire Conditions, required for Map recordation. [F30]

TENTATIVE PARCEL MAP NO. 19782

PARCEL 50 OF PARCEL MAP NO. 12345, P.M.B. 154/29-32,
IN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

TRLS ENGINEERING, INC.

AUGUST, 2016



UTILITY SUPPLIERS

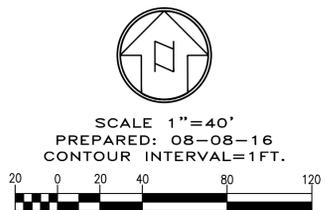
- WATER/SEWER — CITY OF ADELANTO
11600 AIR EXPRESSWAY
ADELANTO, CA 92301
(760) 246-2300
- TELEPHONE — FRONTIER COMMUNICATIONS
15055 LA PAZ DRIVE
VICTORVILLE, CA 92392
(800) 772-5153
- GAS — SOUTHWEST GAS CO.
13417 MARIPOSA ROAD
VICTORVILLE, CA 92392
(760) 951-4055
- ELECTRIC — SOUTHERN CALIFORNIA EDISON
12353 HESPERIA ROAD
VICTORVILLE, CA 92392
(760) 951-3237
- DISPOSAL — CR & R - WRIGHTWOOD
9828 BUCKWHEAT ROAD
PHELAN, CA 92371
(760) 868-6353

OWNER/SUBDIVIDER

FIRST STEP PLUS, LLC
195 SOUTH HEATH TERRACE
ANAHEIM HILLS, CA 92807
714/348-2185

BENCH MARK

CITY OF ADELANTO B.M. NO. 6532
LOCATED ON THE SOUTHEAST CORNER OF AIR BASE ROAD
AND ASTER ROAD.
ELEVATION = 2883.35



PARCEL AREA TABLE

PARCEL NO.	AREA - S.F.	AREA - ACRES
1	51,778	1.319
2	43,901	1.008
3	57,463	1.319
4	54,679	1.255
5	49,470	1.136
6	56,822	1.304
TOTAL	314,113	7.211

ASSESSOR'S PARCEL NO.

A.P.N. 3129-251-33

LEGAL DESCRIPTION

IN THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA,
DESCRIBED AS FOLLOWS:

PARCEL 50 OF PARCEL MAP NO. 12345, AS PER PLAT RECORDED IN BOOK 154
OF PARCEL MAPS, PAGES 29-32, RECORDS OF SAID COUNTY.

EASEMENTS

- A 100 FOOT WIDE FLOOD CHANNEL EASEMENT IN FAVOR OF THE CITY OF ADELANTO PER PARCEL MAP NO. 12345, AS PER PLAT RECORDED IN BOOK 154 OF PARCEL MAPS, PAGES 29-32, RECORDS OF SAID COUNTY.
- A 20 FOOT WIDE FLOOD CHANNEL ACCESS EASEMENT IN FAVOR OF THE CITY OF ADELANTO PER PARCEL MAP NO. 12345, AS PER PLAT RECORDED IN BOOK 154 OF PARCEL MAPS, PAGES 29-32, RECORDS OF SAID COUNTY.
- A 10 FOOT WIDE EASEMENT FOR UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS TO SOUTHERN CALIFORNIA EDISON COMPANY PER INST. NO. 91-260886 O.R. RECORDED JULY 11, 1991.

STATISTICS:

- TOTAL GROSS ACREAGE = 7.211 ACRES
- TOTAL NUMBER OF NUMBERED PARCELS = 6
- TOTAL NUMBER OF LETTERED PARCELS = 0
- TOTAL NUMBER OF REMAINDER PARCELS = 0
- EXISTING ZONING: MI (MANUFACTURING/INDUSTRIAL)
- PROPOSED ZONING: MI (MANUFACTURING/INDUSTRIAL)
- PROPOSED LAND USE - PARCEL 5: MANUFACTURING
- PROPOSED LAND USE - PARCEL 4: PARKING
- PROPOSED LAND USE - PARCELS 1, 2, 3 AND 6: CULTIVATION

FLOOD ZONE - FEMA

ZONE "X" AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM % ANNUAL CHANCE FLOOD.

FEMA MAP 06071C5790H, AUGUST 28, 2008

PREPARED BY:



TRLS ENGINEERING Inc.
10770 I Ave. Ste. 108
Hesperia, CA 92345
(760) 948-4900

08-08-16

PARCEL MAP NO. 12345
P.M.B. 154/29-32

PARCEL 49
A.P.N. 3129-251-32
ZONE: MI

A.P.N. 3129-251-05
CITY OF LOS ANGELES
D.W.P. RIGHT OF WAY

A.P.N. 3129-251-06
ZONE: MI

(N00°05'26"E 491.12')

(N00°04'07"E 491.09')

A.P.N. 3129-251-06
ZONE: MI

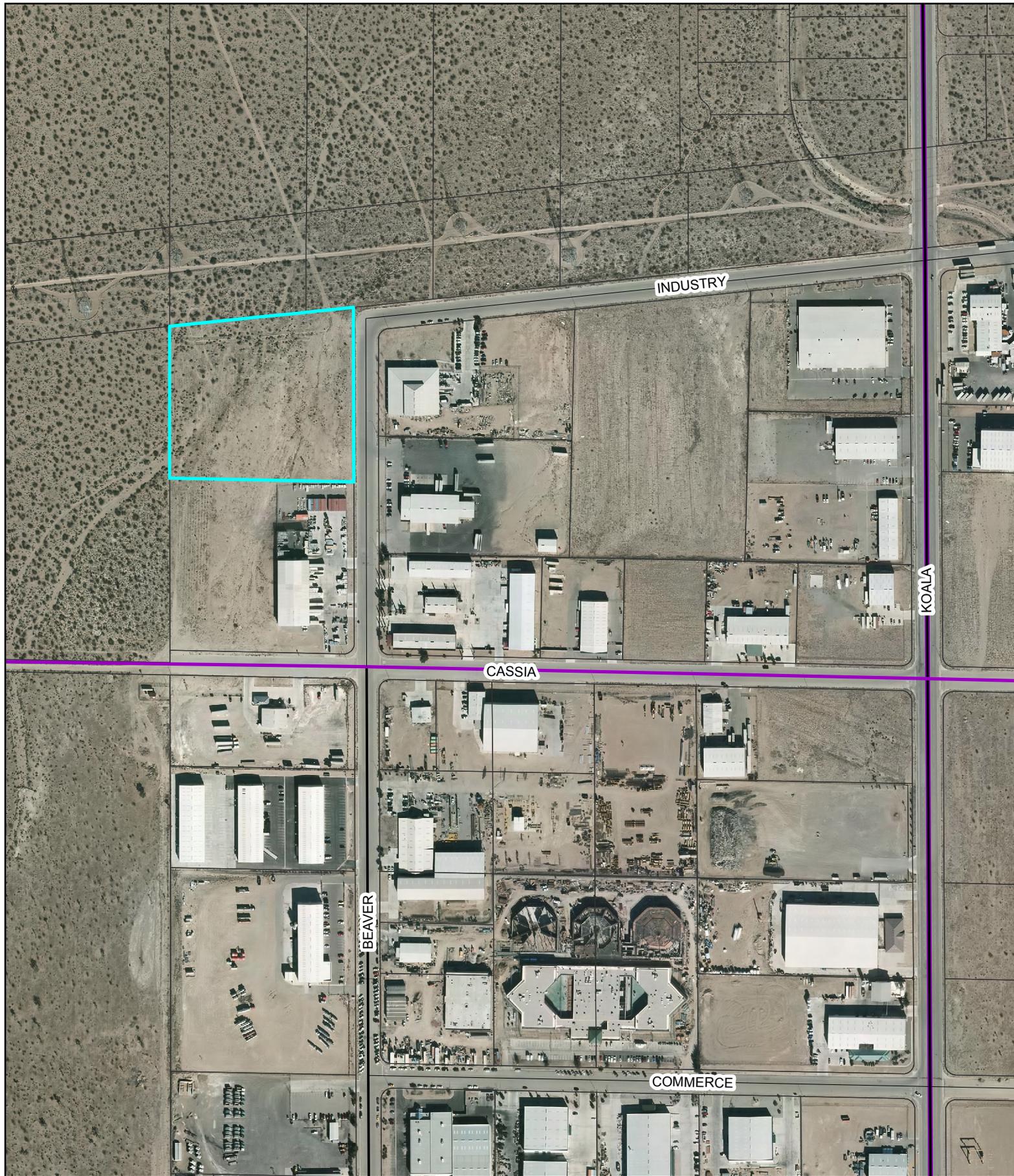
A.P.N. 3129-251-08
CITY OF LOS ANGELES
D.W.P. RIGHT OF WAY

A.P.N. 3129-251-11
CITY OF LOS ANGELES
D.W.P. RIGHT OF WAY

PARCEL 10
A.P.N. 3129-261-20
ZONE: MI

PARCEL MAP NO. 12345
P.M.B. 154/29-32

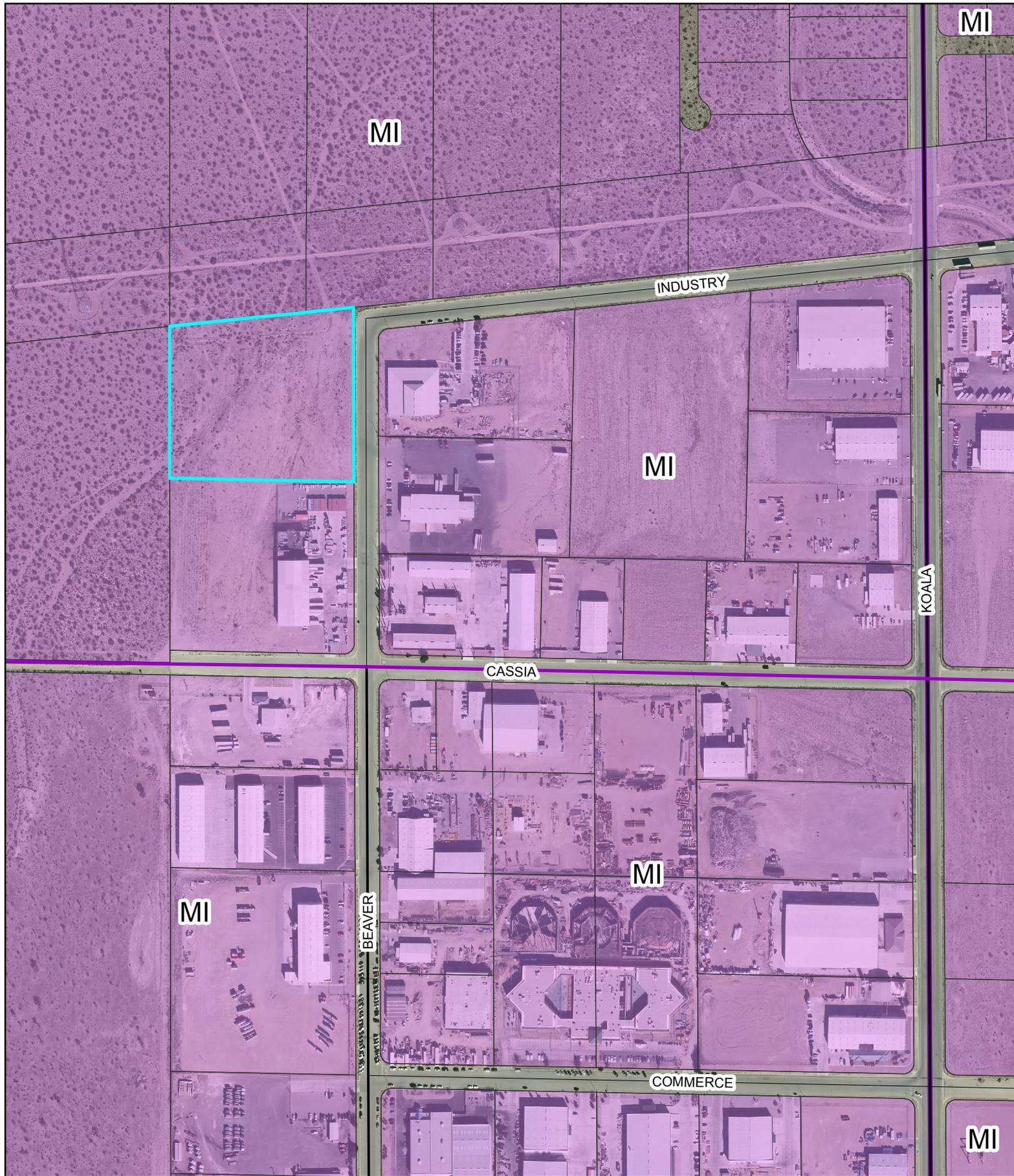
PARCEL 11
A.P.N. 3129-261-21
ZONE: MI



TPM 19782
APN: 3129-251-33



1 in = 400 feet



TPM 19782
APN: 3129-251-33



1 in = 400 feet

CITY OF ADELANTO
Development Services Department
Notice of Exemption

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415

FROM: City of Adelanto
Planning Division
11600 Air Expressway
Adelanto, CA 92301

Project Title: **Tentative Parcel Map 19782**

Description of Project: A request to subdivide a 7.2-acre parcel into six (6) lots. The project site is designated Manufacturing/Industrial (MI).

Project Location: The southwest corner of Industry Way and Beaver Road, within the City of Adelanto, County of San Bernardino.

Project Proponent: Mr. Manooch Khanbeigi
195 S. Heath Terrace
Anaheim Hills, CA 92807

Reasons why project is exempt:

This application for Tentative Parcel Map 19782 is exempt from further environmental review pursuant to Section 15061 (b) (3) (Review for Exemption) of the California Environmental Quality Act because this project will not have a significant effect on the environment.

Exempt Status: (*check one*)

- Ministerial (Section 21080 (b)(1); Section 15268);
- Declared Emergency (Section 21080 (b) (3); Section 15269(a));
- Emergency Project (Section 21080 (b) (4); Section 15269(b)(c));
- Statutory Exemption (Section Number: _____);
- Categorical Exemption: Class ___ (Section Number _____)
- The activity is not subject to CEQA Section 15061 (b) (3) (Review for Exemptions)
- Other:

Contact Person/Title: Mark de Manincor, Senior Planner Phone Number: 760-246-2300 Ext. 3001

Signature: _____

Date: October 5, 2016

Received for Filing: (To be completed by the County)

DATE

SIGNATURE/TITLE