

ORDINANCE NO. 893-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA
AMENDING SECTION 4-16.03 (WINDOWS AND WINDOW COVERINGS) OF CHAPTER 16
OF TITLE 4 (CANNABIS PUBLIC SAFETY LICENSES) OF THE PACIFICA MUNICIPAL
CODE AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, on November 8, 2016, the voters of the State of California approved Proposition 64, known as the “Control, Regulate and Tax Adult Use of Marijuana Act” (the “AUMA”), under which a variety of non-medical marijuana businesses can operate subject to local ordinances and individuals may grow, possess and use limited amounts non-medical marijuana; and

WHEREAS, on July 10, 2017, the City Council adopted Ordinance No. 818-C.S. which established the City’s marijuana public safety licenses provisions in a new Chapter 16 of Title 4 of the Pacifica Municipal Code (“PMC”); and

WHEREAS, subsequent to introduction but prior to adoption of the City’s marijuana public safety licenses, on June 27, 2017, Senate Bill 94 (“SB 94”) was enacted that integrated MCRSA with AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the “MAUCRSA”), under which, a single regulatory system governs the medicinal and adult-use cannabis industry in California; and

WHEREAS, on January 14, 2019, the City Council directed staff to draft amendments which would incorporate recent State law updates as a result of SB 94, including exchanging the use of the term “marijuana” to “cannabis”; and

WHEREAS, on May 13, 2019, the City Council adopted Ordinance No. 843-C.S. which repealed and replaced Chapter 16 of Title 4 of the Pacifica Municipal Code (“PMC”) to incorporate the term “cannabis” and to make other procedural changes related to processing of cannabis public safety licenses; and

WHEREAS, the City Council of the City of Pacifica introduced Ordinance No. 893-C.S. on October 23, 2023, to amend provisions related to storefront windows of cannabis operations.

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Amendments.

Section 4-16.03(c)(1)(ii), “Windows and window coverings” of Chapter 16 “Cannabis Public Safety Licenses” of Title 4 “Public Safety” of the Pacifica Municipal Code shall be amended as indicated in Exhibit A to this Ordinance, with added text in underline and deleted text in ~~strikethrough~~. Exhibit A shall be incorporated by reference as if fully set forth herein.

Section 3. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA),

pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment. The City Clerk shall file a Notice of Exemption with the San Mateo County Clerk.

Section 4. Severability. If any section, subsection, sentence, clause or phase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases be declared unconstitutional.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California and cause the same to be published in accordance with State law.

Section 6. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

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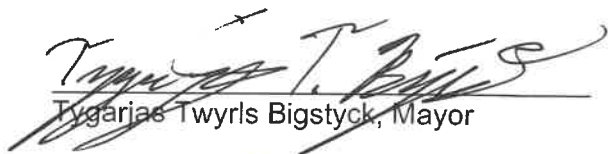
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 13th day of November, 2023, by the following vote:

AYES, Councilmembers: *Beckmeyer, Bier, Bigstycck, Boles, Vaterlaus*

NOES, Councilmembers: *n/a*

ABSENT, Councilmembers: *n/a*

ABSTAIN, Councilmembers: *n/a*

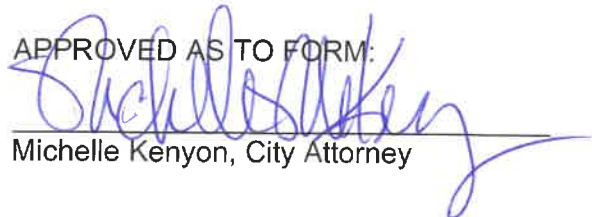

Tygarlas Twyrls Bigstycck, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

EXHIBIT A

Amendments to Section 4-16.03(c)(1)(ii) of the Pacifica Municipal Code

“Sec. 4-16.03. Cannabis operations-General provisions.

[...]

(c) *Conditions of operation.*

(1) *Security plan.* A licensee shall provide adequate security on the premises of the cannabis operation. The following minimum security standards shall be maintained at all times:

[...]

(ii) *Windows and window coverings.* The provisions for windows and window coverings in subsection (aa) of this subsection (ii) shall apply to any cannabis activity permit approved or amended between January 1, 2024, and June 30, 2024. Thereafter, subsection (aa) shall have no further force or effect and the provisions of subsection (ab) of this subsection (ii) shall apply to cannabis permit applications approved or amended after June 30, 2024 .

(aa) Storefronts (exterior front facade of the cannabis operation at the first-floor level) shall be primarily glass with glass occupying at least ~~thirty-five~~forty-five (35~~45~~%) percent of the entire storefront and ~~fifty~~sixty (50~~60~~%) percent of the horizontal length of the storefront. No glass area used to comply with the provisions of this subsection shall have a vertical or horizontal dimension less than two (2') feet. Window and door areas shall not be covered, tinted, or made opaque in any way, or obscured in any way by landscaping, floor displays, equipment, or the like.

(ab) Storefronts (exterior front facade of the cannabis operation at the first-floor level) shall be primarily glass with glass occupying at least forty-five (45%) percent of the entire storefront and sixty (60%) percent of the horizontal length of the storefront. No glass area used to comply with the provisions of this subsection shall have a vertical or horizontal dimension less than two (2') feet. Window and door areas shall not be covered, tinted, or made opaque in any way, or obscured in any way by landscaping, floor displays, equipment, or the like.

[...]”

All other subsections of Section 4-16.03 not identified herein shall remain unchanged.