



COMMERCIAL CANNABIS BUSINESS REGULATIONS COMMERCIAL CANNABIS PERMIT APPEAL PROCEDURES

These regulations are promulgated by the Office of the City Manager under the authority provided by Municipal Code Section 5-07.48 to implement the provisions of Chapter 5, Article VII of the Salinas Municipal Code. These regulations shall have the same force and effect as law. These regulations shall be effective as of February 7, 2018.

Pursuant to Section 5-07.10, decisions affecting Commercial Cannabis Permits may be appealed to the Planning Commission or City Council, as stipulated in the City Code and these regulations. All Appeals shall comply with these regulations.

BEFORE SUBMITTAL

- Review this information to learn about the appeal process and which documents you will need.
- Review the application in its entirety to ensure that it is complete and accurate.
- Review State laws and regulations governing CCB's, including the California Department of Justice Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use and the Medicinal and Adult-Use Cannabis Regulation and Safety Act, including any amendments thereto, and any draft or final regulations that may be released by the State to implement that law.
- Review the information on the City of Salinas commercial cannabis business webpage:

<https://www.cityofsalinas.org/our-city-services/community-development/commercial-cannabis-businesses>

GENERAL INFORMATION

These procedures shall apply to any decision by the City to approve or deny any application, amendment, modification, or renewal of a Commercial Cannabis Permit. The decision by the City to permanently revoke a Commercial Cannabis Permit may be appealed in accordance with these regulations – however, the temporary suspension of a Permit may not be appealed. This Section shall not apply to any taxes, fees, or penalties levied or imposed by the City. In addition, no right of appeal shall exist for the denial of a Commercial Cannabis Permit application if the City has already approved the maximum number of Commercial Cannabis Permits allowable under the City Code.

CONTENTS OF APPEAL SUBMITTAL

Any person wishing to appeal a decision by the City of Salinas shall submit the following materials to the Salinas City Attorney's Office within ten (10) days of the date of the decision:

- (1) **Request for Appeal Form:** This Form will be provided by the City. The Applicant shall completely fill out the Form and provide all information requested.
- (2) **Supporting Documentation:** The Applicant shall provide whatever information they believe is appropriate to support the requested appeal.
- (3) **Appeal Fee:** The appropriate fees for permit renewal shall be included with the request.

APPEAL OF DECISION

- (1) **Planning Commission:** The initial appeal of a decision by the City will be heard before the Planning Commission. The City Attorney will provide copies of the appeal to the Office of the City Manager and the Community Development Director. A public hearing before the Planning Commission will be scheduled by the Community Development Director as soon as is reasonably practicable, but in no case shall the appeal be scheduled for later than sixty (60) days from the date the appeal was submitted. Legal requirements for public notification and posting of agendas will be followed. The City will provide the Planning Commission with a copy of the materials submitted by the appellant, as well as the reasons the City made its initial determination. Upon considering the available written and oral evidence presented to it, the Planning Commission will render a decision to affirm, reverse, or modify the City's initial determination, and shall provide its rationale for doing so.
- (2) **City Council:** The decision of the Planning Commission may be appealed to the City Council. This appeal must be made within ten days of the Planning Commission's decision. The person(s) submitting the appeal shall submit this appeal to the Salinas City Attorney's Office and shall include all of the items defined in Contents of Appeal Submittal, above, including the submittal of an additional fee. The City Manager may submit an appeal on behalf of the City of Salinas – in this case, the Supporting Documentation shall be deemed to be the entirety of the record, and no separate appeal fee need be submitted, although the City shall bear the costs of the appeal.

The City Attorney will provide copies of the appeal to the Office of the City Manager. The City Manager or his/her designee shall set a public hearing date before the City Council – this date shall be as soon as is reasonably practicable, but in no case shall be more than sixty (60) days from the submittal date of the appeal. Legal requirements for public notification and posting of agendas shall be followed. The City shall provide the City Council with a copy of the materials submitted by the appellant, the reasons for the original decision by the City, a copy of the complete record of the Planning Commission's review and decision, and any additional information that the City Manager or his/her designee deems pertinent. Upon considering the available written and oral evidence presented to it, the City Council will render a decision to affirm, reverse, or modify the Planning Commission's determination. The decision of the City Council will be final.

ADDITIONAL REQUIREMENTS

- (1) **Pending Appeals:** Any decisions to approve an application for a Commercial Cannabis Permit, or an amendment or modification to a Commercial Cannabis Permit, shall be suspended during the time that an application is pending. Decisions to deny an application, deny an amendment or modification, or to approve or deny a renewal shall remain in force unless that decision is reversed or modified by the appellant body. A business whose renewal is denied may not operate beyond the expiration date of its original permit while an appeal is pending; provided, however, that the City shall not take any action, such as approving replacement Permits for a different business, which would prevent the business from reopening if the denial is reversed upon appeal.
- (2) **Effective Dates:** A decision by the Planning Commission shall become effective upon the expiration of the period to appeal its decision if no appeal to the City Council is filed. A decision by the City Council shall take effect immediately.

RESERVATION OF RIGHTS

The City may modify these regulations or cease to accept permit renewal requests without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting a proposal. Furthermore, an application will be rejected if it does not contain the required elements or exhibits.

CONTACT

If you have any questions or would like an update on the status of your application, please email Mr. Ryan Russell at cannabis_inquiries@ci.salinas.ca.us / (831) 920-6543