

## BALLOT TITLE AND SUMMARY

### AN ORDINANCE OF THE CITY OF ENCINITAS AUTHORIZING COMMERCIAL CANNABIS ACTIVITIES INVOLVING RETAIL SALES, CULTIVATION, MANUFACTURING, CANNABIS KITCHENS AND DISTRIBUTION, AND PERSONAL USE CULTIVATION, SUBJECT TO CERTAIN REGULATIONS AND RESTRICTIONS

The Encinitas Municipal Code (“Code”) prohibits commercial cannabis activities involving retail sales, cultivation (including industrial hemp), manufacturing (products), cannabis kitchens and distribution (wholesale), for medicinal and recreational purposes. This citizen initiative measure, if approved by the voters, would amend the Code to authorize these activities (defined therein or in the California Business and Professions Code) in specified zones subject to the issuance of a license by the City Manager which requirements include:

- Any person convicted of a serious or violent felony shall not operate, manage, control or own a cannabis business
- Written permission to conduct a cannabis business on the proposed site
- Certain preferences for experienced operators
- Ineligibility for past illegal operators
- Selection by lottery for retail sales applications
- Revocation or suspension due to loitering, smell or noise complaints, or noncompliance with other applicable regulations

Retailer sites (including delivery) would be authorized in commercial land use zones: General Commercial-Planned Commercial Development (GC-PCD), Commercial (C), General Commercial (GC), Commercial Mixed Use (CM-3), Commercial Mixed Use (CM-2), Commercial Mixed Use (CM-1), General Commercial (C-GC2), and General Commercial (C-GCD), and in the Mixed Use Land Use Zones MU1 and MU2, subject to:

- Four licenses shall be granted to retailers; however, the City Council may increase
- 1,000 foot separation from day care centers, playgrounds, schools or other retailers
- Operating hours 7:00 a.m. to 9:00 p.m. (entire week)
- Security guard presence 24 hours per day

Cultivation sites would be authorized in Agricultural (AG) zones, subject to the following:

- Cultivation shall occur within interior of a building or greenhouse

- Records of compliance with State law available to City
- No visual evidence of cultivation from a public right-of-way
- “Public nuisance” conditions subject licensee to penalties, suspension or revocation
- No public access or sales

Manufacturing sites would be authorized in Business Parks (BP), Light Industrial (LI) and Agricultural zones (AG), subject to:

- No use of volatile solvents
- All manufacturing shall comply with regulations promulgated by the California Department of Public Health
- No public access or sales

Cannabis Kitchen sites would be authorized in Business Parks (BP), Light Industrial (LI) and General Commercial (CG) zones, subject to:

- No extraction of cannabis concentrates
- All manufacturing shall comply with regulations promulgated by the California Department of Public Health
- No public access or sales

Distribution sites would be authorized in Business Parks (BP) and Light Industrial zones (LI), subject to:

- No public access or sales

Industrial Hemp would be authorized in Agricultural (AG) zones, subject to:

- Compliance with the California Food and Agriculture Code
- “Public nuisance” conditions may subject licensee to penalties, suspension or revocation

This initiative measure would also regulate personal use cultivation by, among other things, requiring compliance with applicable law, and prohibiting additional City-required permission or registration.