



CITY OF SALINAS COUNCIL STAFF REPORT

DATE: January 8, 2019

DEPARTMENT: OFFICE OF THE CITY ATTORNEY

FROM: CHRISTOPHER A. CALLIHAN, CITY ATTORNEY
COURTNEY R. GROSSMAN, PLANNING MANAGER

TITLE: ORDINANCE REGARDING THE OPERATIONS OF
COMMERCIAL CANNABIS DISPENSARIES (DAYS OF
OPERATION)

RECOMMENDATION MOTION:

A motion to adopt an ordinance amending Section 5-07.33(g) of the Municipal Code to allow Commercial Cannabis Dispensaries to operate on Sundays.

RECOMMENDATION:

It is recommended that the City Council adopt the proposed ordinance.

EXECUTIVE SUMMARY:

The proposed ordinance amends Section 5-07.33(g) of the Municipal Code to allow Commercial Cannabis Dispensaries to conduct business on Sundays and to extend the hours of operation to 6:00 A.M. to 10:00 P.M. Currently, dispensaries are limited to conducting business Monday through Saturday and between the hours of 8:00 A.M. to 9:00 P.M.

DISCUSSION:

This proposed ordinance is sponsored by Council member De La Rosa with support from Mayor Gunter.

The Municipal Code establishes a series of regulations and operating restrictions on Commercial Cannabis Businesses. Among them is a limitation on the days and hours dispensaries may be open to the Public. Municipal Code section 5-07.33(g) currently prohibits dispensaries from conducting business on Sundays; dispensaries may operate Monday through Saturday between the hours of 8:00 A.M. and 9:00 P.M. There are no other restrictions prohibiting the conduct of business on certain days or hours including holidays, for example, unless the holiday happens to fall on a Sunday. The proposed ordinance would allow dispensaries to operate seven (7) days per week

between the hours of 6:00 A.M. and 10:00 P.M. This is similar to the operational hours of dispensaries within local cities and with state regulations.

The origin of the Sunday prohibition was during the Planning Commission's consideration of the original ordinance allowing for the operation of commercial cannabis business in Salinas. The Planning Commission determined that dispensaries should not be permitted to operate on Sundays because Sunday is traditionally a day for religious worship and for families.¹

During the time that Salinas has allowed commercial cannabis businesses to operate, there have been few complaints or concerns regarding their operations. At least two businesses have had Code Enforcement issues related to Building and Fire Code issues and related to work without permits. And, at least one have been the subject of recurring concerns and complaints from adjacent businesses due to the odors emanating from the business. Otherwise, there has been little enforcement activity associated with the permitted businesses.

CEQA CONSIDERATION:

The action of adopting the proposed ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines section 15061(b)(3). This exemption is allowed when the activity, in this case the recommendation of adoption of the ordinance, does not have the potential for causing a significant effect on the environment.

STRATEGIC PLAN INITIATIVE:

The City Council's adoption of the proposed ordinance does not directly support any of the City Council's current goals or objectives.

FISCAL AND SUSTAINABILITY IMPACT:

The City Council's adoption of the proposed ordinance may have a minimal impact on the City's General Fund. Dispensaries will be open one additional day per week and the additional hours of operation which may result in additional tax revenues to the City.

DEPARTMENTAL COORDINATION

Implementation and enforcement of the proposed ordinance will require coordination among several City departments including Community Development (Planning, Building, and Code Enforcement), Police Department, and City Attorney's Office.

ATTACHMENTS:

Proposed Ordinance

¹ No similar prohibition exists on the Sunday operation of bars/restaurants/liquor stores, however.

ORDINANCE NO. _____ (N.C.S.)

**AN ORDINANCE MODIFYING THE OPERATIONAL RESTRICTIONS ON
CANNABIS DISPENSARIES (DAYS OF OPERATION)**

City Attorney Impartial Analysis

The Municipal Code establishes a series of regulations and operating restrictions on Commercial Cannabis Businesses. Among them is a limitation on the days and hours dispensaries may be open to the Public. Municipal Code section 5-07.33(g) currently prohibits dispensaries from conducting business on Sundays; dispensaries may operate Monday through Saturday between the hours of 8:00 A.M. and 9:00 P.M. The proposed ordinance would allow dispensaries to operate seven (7) days per week between the hours of 6:00 A.M. and 10:00 P.M.

SECTION 1. Section 5-07.33(g) of the Salinas Municipal Code is amended to read as follows:

“Sales of cannabis and cannabis products shall occur only between the hours of 6:00 A.M. and 10:00 P.M., Monday through Sunday.”

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause, and phase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. Effective Date. This Ordinance will take effect thirty (30) days from and after its adoption.

PASSED AND ADOPTED this _____ day of January 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney