



TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning and Environmental Review Department Director

CONTACT: Anne Wells, Advance Planning Manager
Andy Newkirk, Senior Planner

SUBJECT: Cannabis Land Use Ordinance

RECOMMENDATION:

- A. Adopt Resolution No. 18-___, entitled "A Resolution of the City Council of the City of Goleta, California, Approving the Cannabis Land Use Ordinance CEQA Addendum to the Goleta General Plan/Coastal Land Use Plan Final Environmental Impact Report (SCH#2005031151)" (Attachment 1); and either
- B. Introduce and conduct the first reading (by title only) and waive further reading, of Ordinance No. 18-___, entitled "An Ordinance of the City Council of the City of Goleta, California, Repealing Definitions and Regulations from the Inland and Coastal Zoning Ordinances and Establishing Regulations for Various Cannabis Uses within the City" Consistent with Direction Received from the Joint Planning Commission / City Council Workshop on April 26, 2018 (Attachment 2); or
- C. Introduce and conduct the first reading (by title only) and waive further reading, of Ordinance No. 18-___, entitled "An Ordinance of the City Council of the City of Goleta, California, Repealing Definitions and Regulations from the Inland and Coastal Zoning Ordinances and Establishing Regulations for Various Cannabis Uses within the City" Consistent with the Planning Commission Recommendation on June 11, 2018 (Attachment 3).

BACKGROUND:

State Regulation

The voters of California passed Proposition 64 entitled The Control, Regulate and Tax Adult Use of Marijuana Act (commonly known as the Adult Use of Marijuana Act or AUMA) in November 2016. AUMA legalized recreational marijuana use and personal cultivation. AUMA also allowed for the operation of recreational marijuana businesses, if a state license is obtained. AUMA allows local governments to regulate commercial cannabis activities, consistent with the state licensing scheme, or completely prohibit

commercial cannabis-related businesses. If a local government allows commercial cannabis-related activity and has a permitting system in place, commercial license applicants must first obtain a local permit before the state will issue a license.

After the approval of AUMA, the state legislature passed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) in June 2017. MAUCRSA established a regulatory and licensing scheme at the state level for all recreational and medicinal cannabis uses. The full text of MAUCRSA is provided in Attachment 4. In November 2017, the State issued emergency regulations that outline the standards and licensing procedures for both medicinal and adult-use commercial cannabis uses. Beginning in January 2018, cannabis businesses could receive temporary state operating licenses.

City Regulation

In 2009, the City adopted Ordinance No. 09-09, which prohibited the establishment and operation of any new medical marijuana dispensary within the City. To date, the City has identified three medical marijuana dispensaries that have been in operation since before Ordinance No. 09-09 was adopted. As such, these three medical marijuana dispensaries are allowed to operate today as legal non-conforming uses.

In 2016, the City adopted two marijuana-related ordinances. Ordinance No. 16-01 prohibits cultivation of marijuana for commercial purposes, but allows for the cultivation of up to 6 mature or 12 immature marijuana plants for each adult resident of the location of cultivation. Ordinance No. 16-01 does not distinguish between medical and recreational marijuana. Ordinance No. 16-02 requires anyone who delivers marijuana products into Goleta to obtain a City license. Finally, on December 5, 2017, the City adopted Ordinance No. 17-03 prohibiting commercial cannabis activities in all zoning districts. In sum, the City's current regulations:

- Ban cannabis businesses;
- Allow for indoor and outdoor personal cultivation; and
- Allow for deliveries to be made in Goleta, but delivery businesses cannot be located in Goleta.

Cannabis Land Use Ordinance (Ordinance) Development

The City held a community workshop on August 21, 2017, seeking input on how the City should regulate recreational cannabis uses. On September 7, 2017, City Council instructed staff to develop a cannabis ordinance that allows and regulates recreational (adult-use) cannabis. Pursuant to City Council instruction, City staff began work on developing a regulatory framework for cannabis businesses. In order to receive feedback from the Planning Commission and the public, the City hosted two nights of workshops on October 23 and 30, 2017. The workshops focused on ten "Recommendation Sets" that outlined a general framework for the Ordinance. The recommendation sets focused on where to allow each type of cannabis business type that the state is issuing licenses for; where to allow personal cultivation; what types of

buffers to use around sensitive receptors, residential land uses, and between cannabis businesses; and what the permit paths for different cannabis business types should be.

After the October workshops, staff began developing the Ordinance. On April 26, 2018, the City held a Joint City Council and Planning Commission workshop to review the Ordinance. The workshop focused on a set of questions to address key issues in the Ordinance. Following that workshop, staff revised the Ordinance in preparation of the Planning Commission hearing.

On June 11, 2018, the Planning Commission conducted a noticed public hearing to consider recommendations to the City Council regarding the Ordinance and associated environmental review document. A further discussion of the Planning Commission hearing is provided below.

DISCUSSION:

Ordinance Structure

Two versions of the Ordinance are provided as Attachments 2 and 3 of the staff report. The second and third recommendations for City Council consideration at the hearing are to adopt one of the two versions of the Ordinance. The first version (Attachment 2) reflects the direction received at the Joint Planning Commission / City Council Workshop on April 26, 2018. The second version (Attachment 3) reflects the April 11, 2018 Planning Commission recommendation, which incorporates three differences from the Joint Workshop version, as discussed below. Both versions of the Ordinance include:

- ***Definitions and Use Classifications*** – These sections include definitions for words used in the ordinance and the definitions of the various uses allowed under the Ordinance. The intent of these sections is to closely mirror the definitions and uses as identified in state law in order to avoid confusion.
- ***Personal Cultivation*** – State law requires the City to allow cultivation for personal use. However, this personal allowance may be limited to six plants per residence and to indoor cultivation only. This section aims to provide a regulatory structure for this allowance.
- ***Allowed Cannabis Uses*** – The table provided in this section mirrors the formatting approach in the Draft New Zoning Ordinance. Each proposed allowable cannabis use is included and where each use is allowed, the permit path is indicated. City staff developed these allowances based on the land use designations in Tables 2-1 through 2-4 of the City's General Plan Land Use Element. City staff identified uses comparable to the cannabis uses in these General Plan tables and where the comparable use is allowed in the General Plan, the Ordinance allows the cannabis use. Attachment 5 provides this comparison. General Plan Figure 2-1 is provided as Attachment 6 in order to show where in the City the various land use designations are located.

- **Accessory Uses** – One of the cannabis business licenses the state offers is for a “microbusiness”. There is no comparable use in the General Plan to guide where the City should allow such a use. In order to address the lack of a direct comparison the General Plan, the Accessory Uses section allows for multiple cannabis uses at one location as long as the primary use is allowed in that land use designation and that the other cannabis uses are clearly subordinate to that primary use.
- **Specific Use Standards** – This section identifies specific standards that apply to all cannabis uses and to each use type in particular. Of note, this section includes no buffers around sensitive receptors, no separation requirements between cannabis uses except between storefront retail uses (300 feet), and prohibits on-site cannabis consumption.
- **Permit Procedures** – This section provides the permit path for each cannabis use. For all but storefront retail, a Land Use Permit/Coastal Development Permit is proposed. For storefront retail a Minor Conditional Use Permit (CUP) is required. Where storefront retail is within 100 feet of a residential land use or within 600 feet of a school, a Major CUP is proposed.
- **Inspection, Revocation, and Enforcement** – These sections include the right to inspection for City staff and other agencies. These sections also include references to existing zoning regulations related to permit revocation and enforcement.

Both Ordinance versions also repeal previous City regulations that prohibited cannabis businesses from locating within the City and regulated personal cannabis cultivation. Specific repeals include:

- Section 35-209 of Division 2 of Article III of the Inland Zoning Ordinance amended to delete the definitions for “Cannabis, or Marijuana”, “Cannabis Accessories”, “Cannabis Product”, “Commercial Cannabis Activity”, “Concentrated Cannabis”, “Cannabis Cultivation, or ‘cultivate cannabis’”, “Delivery” (as used in Section 35-292i), “Dispensary”, “Distribution” (as used in Section 35-292i), “Manufacture” (as used in Section 35-292i), “MAUCRSA”, “Medical Marijuana Dispensary”, “Mobile Marijuana Dispensary”, “Primary Caregiver”, and “Qualified Patient”.
- Repeal Section 35-292i, entitled “Commercial Cannabis Activities”, of Division 7 of Article III of the Inland Zoning Ordinance in its entirety.
- Section 35-58 of Division 2 of Article II of the Coastal Zoning Ordinance amended to delete the definitions for “Cannabis, or Marijuana”, “Cannabis Accessories”, “Cannabis Product”, “Commercial Cannabis Activity”, “Concentrated Cannabis”, “Cannabis Cultivation, or ‘cultivate cannabis’”, “Delivery” (as used in Section 35-144G), “Dispensary”, “Distribution” (as used in Section 35-144G), “Manufacture” (as used in Section 35-144G), “MAUCRSA”, “Medical Marijuana Dispensary”, “Mobile Marijuana Dispensary”, “Primary Caregiver”, and “Qualified Patient”.

- Repeal Section 35-144G, entitled “Commercial Cannabis Activities”, of Division 7 of Article II of the Coastal Zoning Ordinance in its entirety.
- Repeal Chapter 8.16, entitled “Marijuana Cultivation Regulations”, of the Goleta Municipal Code in its entirety.

The Ordinance does not include language to address the existing legal nonconforming cannabis uses in the City. As such, these businesses could continue to operate, but could not expand their uses unless a permit pursuant to the Ordinance was obtained. The City could add an amortization clause to the Ordinance outlining a time within which the legal non-conforming uses would need to obtain a permit under the Ordinance or face a termination of those uses.

April 26 Workshop Direction

As noted above, staff edited the Ordinance based on direction from the April 26 workshop. At the workshop, the City Council and Planning Commission provided feedback to staff on twelve questions that particularly relate to the regulations found in the Ordinance. The direction based on the questions from the April 26th Workshop is summarized below:

1. Does the City support outdoor cultivation of up to three plants per lot?
No. Limit personal cultivation to indoor cultivation.
2. Does the City support the size limitation (1,000 square feet) on accessory uses?
No. No quantitative standard for size of accessory uses.
3. Does the City support the prohibitions of storefront retail and volatile solvent manufacturing as accessory uses?
No. storefront retail allowed as accessory uses. When storefront retail is an accessory use, the permit required if it was a primary use (Minor or Major CUP depending on location) would be required. For volatile manufacturing, limited to industrial land use designations.
4. What uses should be included as “sensitive receptors” which are provided a buffer from cannabis uses?
Only schools included as sensitive receptors. If a site is within the school buffer, there is not an outright prohibition, but heightened review.
5. Does the City support a 600-foot buffer from sensitive receptors for all cannabis business or does the City want to employ variable buffers depending on the cannabis use or sensitive receptor?
The 600-foot buffer only applies to storefront retail. If within the buffer, storefront retail would need a Major CUP.
6. Does the City support a 100-foot separation requirement between all cannabis uses and a 600-foot separation between storefront retailers?
No. The 100-foot separation requirement removed. No to 600-foot separation requirement for storefront retail. Storefront retail separation requirement reduced to 300-foot.

7. Does the City want to impose a hard cap on the number of storefront retail establishments? If so, how does the City want to manage the cap?
No.
8. Does the City support the requirement of a Major CUP for storefront retailers?
No. Changed to Minor Conditional Use Permit.
9. Does this City support a prohibition on outdoor and mixed-light commercial cultivation?
Yes. No change.
10. Does this City want to limit the canopy size for indoor cultivation uses or require more stringent energy standard for larger cultivation activities?
Yes, limit to 5,000 square feet.
11. Does the City support the requirement of an LUP or CDP for all cannabis uses except storefront retail?
Yes. No change.
12. Does the City support the requirement for a Major CUP if the cannabis use is within 100-feet of a residential land use?
Not generally. Only apply the Major CUP requirement to storefront retail.

In addition to direction received at the workshop feedback, the Ordinance includes the following additions: additional language to address odor abatement, added requirements for personal indoor cultivation, minor revisions based on legal review, and updated terms based on changes in State law. In addition, the allowable land use designations for Volatile Solvent Manufacturing has been changed to include Service Industrial (I-S) and Business Park (BP) to reflect the comparable use in the General Plan of General Manufacturing – No Noxious Impacts.

Planning Commission Hearing

On June 11, 2018, the Planning Commission considered the Ordinance (including repeals of existing cannabis regulations) and the environmental review document. With a 5-0 majority vote to adopt Resolution Nos. 18-06 and 18-07, the Planning Commission recommended that the City Council adopt the Ordinance and approve the environmental review document with three revisions to the Ordinance. The recommended revisions are listed below:

1. Require notice to residents and tenants in addition to property owners (see Section 5(J)(2) of Attachment 3). This revision was in response to public comment that all those affected by proposed cannabis uses, including residents and business tenants, not just property owners, should be alerted to potential cannabis uses in close proximity to them.
2. Limit indoor cultivation to one use of up to 5,000 square feet of canopy per building (see Section 5(I)(4)(f) of Attachment 3). This revision was intended to address energy use concerns. Without this revision, multiple 5,000 square feet canopy uses could locate in the same building and thus could create significant energy demands for the site.

3. Include a limit of fifteen (15) Storefront Retailers allowed within the City, including accessory retail uses (see Section 5(l)(2)(e) of Attachment 3). This revision was added out of concern that an unlimited number of stores could cumulatively affect the character of Goleta.

Attachment 7 provides tracked-changes version of the cannabis regulations showing all revisions to the Ordinance since the April 26th workshop. Planning Commission recommendations are included with notes indicating the edits were made based on the Planning Commission recommendations.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), staff prepared an Addendum to the City's General Plan/Coastal Land Use Plan 2006 Final EIR, 2009 Supplemental EIR, and subsequent addenda. An addendum is appropriate pursuant to CEQA Guidelines Section 15164 because only a few, minor changes and additions to the GP/CLUP EIR are necessary and no circumstances calling for preparation of a subsequent or supplemental EIR exist. The Addendum is provided as Exhibit 1 to Attachment 1 for this staff report. The Addendum did not identify any new impacts not already identified in the previous CEQA documents. At the June 11th hearing, the Planning Commission recommended City Council approval of the Addendum. Staff is recommending that the City Council approve the Addendum consistent with the Planning Commission recommendation.

SUMMARY

After review of the Addendum and Ordinance, the City Council is asked to approve the Addendum (Recommendation A) and adopt either the Ordinance reflecting the Joint Council / Planning Commission direction from April 26, 2018 workshop (Recommendation B) or the version reflecting the Planning Commission recommendation from June 11, 2018 (Recommendation C). The two versions of the Ordinance are identical with three exceptions. The Planning Commission recommendation (Recommendation C) expands public noticing requirements, limits indoor cultivation to one use per building not to exceed 5,000 square feet of canopy, and caps the number of storefront retail cannabis uses at fifteen (15).

ALTERNATIVES:

The City Council has the option to take no action on this item at this time, defer discussion of this item to a future meeting, or elect not to adopt a cannabis land use ordinance.

FISCAL IMPACTS:

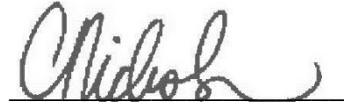
There is no direct fiscal impact from introducing and conducting the first reading of the proposed Ordinance. Funding for Planning and Environmental Review staff time to

prepare the Ordinance was included in the adopted FY 2017–18 Budget under Program 4300 of the Advance Planning Division.

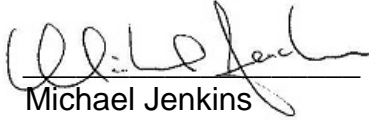
Reviewed By:

Legal Review By:

Approved By:



Carmen Nichols
Deputy City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

ATTACHMENTS:

1. City Council Resolution No. 18-__: "A Resolution of the City Council of the City of Goleta, California, Approving the Cannabis Land Use Ordinance CEQA Addendum to the Goleta General Plan/Coastal Land Use Plan Final Environmental Impact Report (SCH#2005031151)"
2. City Council Ordinance No. 18-__: "An Ordinance of the City Council of the City of Goleta, California, Repealing Definitions and Regulations from the Inland and Coastal Zoning Ordinances and Establishing Regulations for Various Cannabis Uses within the City" Consistent with Direction Received from the Joint Planning Commission / City Council Workshop on April 26, 2018
3. City Council Ordinance No. 18-__: "An Ordinance of the City Council of the City of Goleta, California, Repealing Definitions and Regulations from the Inland and Coastal Zoning Ordinances and Establishing Regulations for Various Cannabis Uses within the City" Consistent with the Planning Commission Recommendation on June 11, 2018
4. Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) (Business and Professions Code Section 26000 et seq.)
5. General Plan Land Use Designations – Cannabis Uses Consistency Matrix
6. General Plan Figure 2-1
7. Cannabis Land Use Ordinance Edits Since April 26, 2018 Workshop

Attachment 1

City Council Resolution No. 18-__: “A Resolution of the City Council of the City of Goleta, California, Approving the Cannabis Land Use Ordinance CEQA Addendum to the Goleta General Plan/Coastal Land Use Plan Final Environmental Impact Report (SCH#2005031151)”

RESOLUTION NO. 18-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA,
CALIFORNIA, APPROVING THE CANNABIS LAND USE ORDINANCE
CEQA ADDENDUM TO THE GOLETA GENERAL PLAN/COASTAL
LAND USE PLAN FINAL ENVIRONMENTAL IMPACT REPORT
(SCH#2005031151)**

WHEREAS, at a duly noticed public hearing held on September 20, 2006, the Planning Agency recommended to the City Council adoption of findings and a Statement of Overriding Considerations and certification of the *Goleta General Plan/Coastal Land Use Plan* Environmental Impact Report [SCH #2005031151] ("2006 Final EIR"), pursuant to the California Environmental Quality Act ("CEQA") California Public Resources Code Sections 21000 et seq., and the CEQA Guidelines, Title 14, Division 6, Chapter 3 of the California Code of Regulations, via Resolution No. PA-06-09 and adoption of the *Goleta General Plan/Coastal Land Use Plan* ("GP/CLUP") via Resolution No. PA-06-10; and

WHEREAS, at a duly noticed public hearing held on October 2, 2006, the City Council adopted findings and a Statement of Overriding Considerations and certified the 2006 Final EIR, pursuant to CEQA and the CEQA Guidelines, via Resolution No. 06-37 and adopted the GP/CLUP via Resolution No. 06-38; and

WHEREAS the 2006 Final EIR and all subsequent CEQA documents approved by the City providing environmental analysis of GP/CLUP amendments comprise the "GP/CLUP EIR" as these documents collectively provide the complete environmental analysis of the GP/CLUP as it is currently written; and

WHEREAS the CEQA Addendum for the Cannabis Land Use Ordinance (Case No. 18-035-ORD) ("Addendum"), attached as Exhibit 1, to the GP/CLUP EIR has been prepared by City staff to address the changes in environmental effects associated with the proposed Cannabis Land Use Ordinance; and

WHEREAS an Addendum is appropriate pursuant to CEQA Guidelines Section 15164 because only some minor changes and additions to the GP/CLUP EIR are necessary and no circumstances calling for preparation of a subsequent or supplemental EIR have occurred; and

WHEREAS the Addendum was prepared in full compliance with CEQA, CEQA Guidelines, and the City Environmental Review Guidelines; and

WHEREAS, under CEQA and the CEQA Guidelines and as referenced below, the "project" shall mean the Cannabis Land Use Ordinance; and

WHEREAS the Planning Commission conducted a duly noticed public hearing on June 11, 2018, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the Planning Commission considered the entire administrative record, including the staff report, the GP/CLUP EIR and Addendum, and oral and written testimony from interested persons.

WHEREAS the Planning Commission recommended to the City Council approving the Cannabis Land Use Ordinance GP/CLUP Addendum through Resolution 18-06; and

WHEREAS the City Council conducted a duly noticed public hearing on June 19, 2018, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the City Council considered the entire administrative record, including the staff report, the GP/CLUP EIR and Addendum, and oral and written testimony from interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. CEQA Findings; Approval of Addendum

The City Council certifies that, pursuant to CEQA and Section 15090 of the CEQA Guideline,

- A. The Addendum, attached as Exhibit 1 and incorporated herein by reference, has been prepared and completed in compliance with the requirements of CEQA and the CEQA Guidelines.
- B. The City Council has reviewed and considered the GP/CLUP EIR and the Addendum, as a whole.
- C. The Addendum reflects the independent judgment and analysis of the City, as the lead agency.

The City Council finds that the foregoing is supported by substantial evidence in the record. Pursuant to CEQA and CEQA Guidelines, the City Council hereby adopts the foregoing findings and approves the Addendum attached as Exhibit 1.

SECTION 3. Documents

The documents and other materials which constitute the record of proceedings upon which this decision is based, are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 4. Certification

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 19th day of June 2018.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing City Council Resolution No. 18-____ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 19th day of June 2018, by the following vote of the Commission members:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

EXHIBIT 1

Cannabis Land Use Ordinance Addendum to the Goleta
General Plan/Coastal Land Use Plan Final Environmental
Impact Report

Cannabis Land Use Ordinance

Addendum to the Goleta General Plan/Coastal Land Use Plan Final Environmental Impact Report



Prepared By:

City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

June 2018

Cannabis Land Use Ordinance

Addendum to the Goleta General Plan/Coastal Land Use Plan Environmental Impact Report

Table of Contents

1.	Introduction.....	1
1.1	GP/CLUP Overview	1
1.2	Cannabis Land Use Ordinance.....	2
1.3	CEQA Authority for the Addendum Analysis	3
1.4	Scope of Addendum	3
1.5	Adoption and Availability of Addendum	4
2.	Environmental Analysis Framework.....	5
2.1	Introduction.....	5
2.2	Method for Determining Significant.....	5
3.	Impacts Analysis	6
3.1	Aesthetics and Visual Resources.....	7
3.2	Agriculture and Farmland.....	11
3.3	Air Quality and Greenhouse Gases.....	12
3.4	Biological Resources.....	15
3.5	Cultural Resources.....	23
3.6	Geology, Soils, and Minerals Resources	25
3.7	Hazards and Hazardous Materials	28
3.8	Land Use, Housing and Recreation	33
3.9	Hydrology and Water Quality	38
3.10	Noise.....	41
3.11	Public Services and Utilities	45
3.12	Transportation and Circulation	50
3.13	Cumulative Effects	54
4.	CEQA Finding	54

Appendix A

General Plan Land Use Designations – Cannabis Uses Consistency Matrix

List of Tables

Table 1: GP/CLUP Amendments	1
-----------------------------------	---

1. Introduction

This Addendum to the 2006 Final Environmental Impact Report (EIR) for the City of Goleta (City) General Plan/Coastal Land Use Plan (GP/CLUP), the 2009 Final Supplemental EIR, and subsequent addendum (GP/CLUP FEIR) for the Cannabis Land Use Ordinance (“Ordinance”) has been prepared by the City in accordance with the California Environmental Quality Act (CEQA). The Ordinance regulates cannabis uses within the City to achieve consistency with and implement the GP/CLUP land use categories and policies. The City of Goleta is the lead agency responsible for ensuring that the Ordinance complies with CEQA.

1.1 GP/CLUP Overview

The City of Goleta's GP/CLUP governs the City's land use and physical development within the City. The GP/CLUP sets the long-range policy for the City and provides a unified coherent framework and vision for the future of the community. The GP/CLUP is the primary means for guiding future land use changes in Goleta. The GP/CLUP became effective on November 1, 2006. A draft EIR was prepared to analyze the potential environmental effects of the GP/CLUP, and a final EIR was adopted in 2006 (2006 FEIR) (State Clearing House No. 2005031151).

The GP/CLUP has been amended several times since 2006. All such amendments were accompanied by a CEQA analysis as reflected in various CEQA documents listed in Table 1 and incorporated by reference into this Addendum; all of these are incorporated into the GP/CLUP FEIR for purposes of this Addendum.

TABLE 1
GP/CLUP AMENDMENTS¹

Adoption Date	GP/CLUP Amendment (GPA) Project Name	GPA CEQA Document	GPA Adopting Reso.
02-19-08	Villages at Los Carneros	EIR	No. 08-06
06-17-08	Track 2 - Minor Changes	Addendum	No. 08-30
11-04-08	Harwin Family Trust	NA	No. 08-056
05-19-09	Haskell's Landing	Addendum	No. 09-30 / 09-33
05-19-09	Track 2.5 - Building Intensity Standards	Addendum	No. 09-32 / 09-33
08-18-09	Track 1 - Housing Element Update	Addendum	No. 09-44
11-17-09	Track 3 - Substantive Changes	Supplemental EIR and Addendum	No. 09-59
11-16-10	Housing Element 2007-2014	Addendum	No. 10-57
02-15-11	Montecito Bank and Trust	Addendum	No. 11-09

07-17-12	Willow Springs	Addendum	No. 12-46
10-02-12	Westar	Addendum	No. 12-69
11-06-12	Measure G2012: Goleta Heritage Farmlands Initiative	NA	Not Applicable
07-15-14	Village at Los Carneros	Addendum	No. 14-43
12-16-14	Housing Element 2015-2023	NA	No. 14-65
01-20-15	Cortona Apartments	NA	No. 15-03
10-20-15	Old Town Village	Addendum	No. 15-49
10-17-17	Hollister/Kellogg Park	Addendum	No. 17-46

1. The City of Goleta adopted the Goleta General Plan / Coastal Land Use Plan via Resolution No. 06-38 on October 2, 2006.

1.2 Cannabis Land Use Ordinance

The Project is defined as the Cannabis Land Use Ordinance (Ordinance). The Ordinance addresses what types of cannabis operations will be allowed in the City, where these uses will go, and how cannabis uses will be permitted by providing a permit path for these uses. The Ordinance includes:

- **Definitions and Use Classifications** – These sections include definitions for words used in the ordinance and the definitions of the various uses allowed under the Draft Ordinance. The intent of these sections is to closely mirror the definitions and uses as identified in state law in order to avoid confusion.
- **Personal Cultivation** – State law requires the City to allow cultivation for personal use. However, this personal allowance may be limited to six plants per residence and to indoor cultivation only. This section aims to provide a regulatory structure for this allowance.
- **Allowed Cannabis Uses** – The table provided in this section mirrors the formatting approach in the Draft New Zoning Ordinance. Each proposed allowable cannabis use is included and where each use is allowed, the permit path is indicated. City staff developed these allowances based on the land use designations in Tables 2-1 through 2-4 of the City's GP/CLUP Land Use Element. City staff identified uses comparable to the cannabis uses in these GP/CLUP tables and where the comparable use is allowed in the GP/CLUP, the Draft Ordinance allows the cannabis use. Appendix A provides this comparison.
- **Accessory Uses** – One the cannabis business licenses the state offers is for a "microbusiness". There is no comparable use in the GP/CLUP to guide where the City should allow such a use. In order to address the lack of a direct comparison the GP/CLUP, the Accessory Uses section allows for multiple cannabis uses at one location as long as the primary use is allowed in that land use designation and that the other cannabis uses are clearly subordinate to that primary use.
- **Specific Use Standards** – This section identifies specific standards that apply to all cannabis uses and to each use type in particular.

- **Permit Procedures** – This section provides the permit path for each cannabis use. For all but storefront retail, a Land Use Permit/Coastal Development Permit is proposed. For storefront retail a Minor Conditional Use Permit is required. Where storefront retail is within 100 feet of a residential land use or 600 feet of a school, a Major Conditional Use Permit (Major CUP) is proposed.
- **Inspection, Revocation, and Enforcement** – These sections include the right to inspection for City staff and other agencies. This section also includes references to existing zoning regulations related to permit revocation and enforcement.

The above described regulations would apply citywide. In addition to the sections described above, the Ordinance also repeals previous City regulations that prohibited cannabis businesses from locating within the City and regulated personal cannabis cultivation.

1.3 CEQA Authority for the Addendum Analysis

An Addendum was chosen for this project in accordance with CEQA (Public Resources Code §§ 21000, et seq) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 21000, et seq).

According to CEQA Guidelines § 15164(a), an addendum to a previously certified FEIR is the appropriate environmental document in instances when "some changes or additions are necessary but none of the conditions described in [CEQA Guidelines] Section 15162 calling for the preparation of a subsequent EIR have occurred."

This FEIR addendum is provided to the public and decision-makers as part of project staff reports and receives concurrent public review prior to decision-maker hearings on the project and with public hearing comment. The decision-making bodies consider the addendum together with the certified FEIR when making decisions on the current project. The FEIR and addendum inform CEQA environmental impact findings supporting decision-maker actions on the project.

This Addendum describes the Ordinance and compares its impacts to those identified in the GP/CLUP FEIR. As discussed in detail below, the impacts associated with the Ordinance do not exceed those impacts identified in the GP/CLUP FEIR. As supported by the analysis below, the Ordinance would have no new significant environmental effects beyond those identified in the GP/CLUP FEIR. Therefore, this Addendum is the appropriate environmental document under CEQA.

1.4 Scope of Addendum

The scope of analysis of this Addendum addressed each of the environmental resource areas that were previously analyzed in the GP/CLUP FEIR, inclusive of the following:

- Aesthetics and Visual Resources
- Agriculture and Farmland
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils, and Mineral Resources
- Hazards and Hazardous Materials

- Land Use, Housing, and Recreation¹
- Hydrology and Water Quality
- Noise
- Public Services and Utilities²
- Transportation and Circulation

This Addendum is organized to follow these environmental issues to more closely fit the resource topics listed in Appendix G of the CEQA Guidelines. Consequently, applicable portions of the former “Water Resources” section were moved into the “Hydrology and Water Quality” and “Public Service and Utilities” sections.

In most cases, the environmental setting for each resource topic is the same as described in the 2006 EIR and 2009 SEIR. Changes in the environmental setting due to changed conditions since the adoption of the 2009 SEIR are noted where applicable.

The criteria for determining the significance of environmental impacts in this Addendum, listed in Chapter 3 by resource topic, are the same as those contained within the 2006 EIR and 2009 SEIR.

The environmental analysis considers the potential impacts resulting from implementation of the Ordinance. To determine this, the Ordinance was evaluated in terms of three questions classified by resource topic:

- Would the Ordinance increase or result in new impacts compared with those impacts identified in the certified GP/CLUP FEIR?
- Would the Ordinance reduce the amount or efficacy of mitigation identified in the certified GP/CLUP FEIR for Class I or Class II impacts?

1.5 Adoption and Availability of Addendum

This Addendum to the GP/CLUP FEIR will be considered by the Planning Commission and City Council. In accordance with CEQA Guidelines§ 15164(c), an Addendum need not be circulated for public review but can be included in or attached to the GP/CLUP FEIR. The decision-making body considers the Addendum with the GP/CLUP FEIR before making a decision on the Project.

The Addendum will be available for general public reference online at <https://tinyurl.com/GoletaMeetings>, and at the following locations:

City of Goleta	Goleta Valley Library
Planning and Environmental Review Dept.	500 North Fairview Avenue
130 Cremona Drive, Suite B	Goleta, California 93117
Goleta, California 93117	

¹ Addresses topics contained both in the Land Use and Recreation, and Population and Housing chapters from the 2006 EIR and 2009 SEIR.

² Addresses topics contained both in the Public Services and Utilities, and Water Resources chapters from the 2006 EIR and 2009 SEIR.

2. Environmental Analysis Framework

2.1 Introduction

This Addendum to the GP/CLUP FEIR addresses the significance of any potential environmental effects and the need for any mitigation measures associated with the Ordinance.

2.2 Method for Determining Significant

The criteria for determining the significance of environmental impacts in this Addendum are the same as those contained in the GP/CLUP FEIR. While the criteria for determining significant impacts are unique to each issue area, the analysis applies a uniform classification of the impacts based on the following definitions:

- A designation of no impact is given when no adverse changes in the environment are expected.
- A less-than-significant impact would cause no substantial adverse change in the environment.
- An impact that is less than significant with mitigation incorporated avoids substantial adverse impacts on the environment through mitigation.
- A significant and unavoidable impact would cause a substantial adverse effect on the environment, and no feasible mitigation measures would be available to reduce the impact to a less-than-significant level.

Based on the above criteria, the environmental impact analysis assesses each issue area to determine the significance level. The City categorizes project impacts as follows:

- Class I impacts are significant adverse impacts that cannot be feasibly mitigated, reduced, or avoided. During approval of the GP/CLUP, the City Council adopted a statement of overriding considerations, pursuant to CEQA Guidelines §15093, explaining why project benefits outweigh the disturbance caused by these significant environmental impact or impacts.
- Class II impacts are significant adverse impacts that can be feasibly reduced or avoided through the implementation of GP/CLUP policies, or by other recommended mitigation. During approval of the GP/CLUP, the City Council made findings pursuant to CEQA Guidelines § 15091 that impacts have been mitigated to the maximum extent feasible by implementing the recommended mitigation measures.
- Class III impacts are adverse impacts that are less than significant. During approval of the GP/CLUP, the City Council was not required to make CEQA findings regarding these impacts.
- Class IV impacts include changes to the environment as a result of GP/CLUP implementation that would be beneficial.

3. Impacts Analysis

The addition of specified cannabis activities as land uses that may be permitted within identified residential, commercial, and industrial land use designations under the Ordinance would not result in significant impacts on the environment nor increase impacts compared to the GP/CLUP FEIR impact analysis of future citywide residential, commercial, and industrial uses and growth, for the following reasons:

- Individual commercial cannabis uses would be subject to project-specific zoning requirements which may trigger project-specific CEQA environmental review, design review, and City policy application at the time of discretionary permit applications.
- The Ordinance requires either a Land Use Permit, Coastal Development Permit, or Conditional Use Permit for all cannabis uses. In each instance, the issuance of the permit requires a finding of consistency with the City's GP/CLUP. Consequently, all policies in the GP/CLUP to address potential impacts of the GP/CLUP will be applicable to all cannabis uses.
- The City's GP/CLUP, zoning regulations, and other Municipal Code provisions and regulations already allow commercial and residential land uses with similar activities to those to be allowed under the Ordinance. Manufacturing, processing, testing, distribution, and sales of other commodities, and personal cultivation of other plants are all land uses currently in permitted under City regulatory provisions.
- Future cannabis uses would have similar effects as other commercial and residential uses, and would be located in areas already designated for such commercial and residential activities. The Ordinance would not change land use designations or the amount or intensity of residential or non-residential development allowed. Future cannabis activities under the Ordinance would be part of, not in addition to, the amount of future growth and the range of land uses and types of impacts already evaluated in the GP/CLUP FEIR.
- While the Ordinance allows for a variety of accessory cannabis uses in each land use designation, the definition of "accessory use" as "a use that is customarily associated with, and is incidental and subordinate to, a permitted use and located on the same premises as the permitted use" ensures that accessory cannabis uses will always remain minor in nature and will not change the analysis of impacts based on the buildout of the GP/CLUP.
- Because this is a new emerging industry and is being established throughout California, there are many unknown economic and regulatory factors that may affect the amount, pace, and location of cannabis industry development. There is nothing inherent in the proposed cannabis commercial uses on which to presume more extensive or more rapid activity than for general economic activity in the City.
- The Ordinance would prohibit commercial outdoor and mixed-light cultivation of cannabis, so any nuisance or environmental effects associated with larger scale commercial cannabis agricultural operations would be avoided.
- Under State regulations and the Ordinance, commercial cannabis activities would be subject to extensive permitting provisions and operational requirements to

ensure that activities address and avoid any potential public safety, security, land use, nuisance, and environmental effects.

- Commercial cannabis uses will be subject to a variety of existing environmental regulations in place at the federal, state, and local level that serve to preclude significant environmental effects. These include regulations addressing air quality/odor; water quality; hazardous materials use and disposal; fire code provisions; noise; and public safety.
- Reduction of existing impacts associated with illegal commercial cannabis uses would be expected with the establishment of local permitting and operational regulations in addition to state regulations that put in place safeguards for public safety, security, land use compatibility, and environmental protection.
- Cannabis storefront retail activities would be similar in most respects to commercial storefront sales operations for other commodities which are already allowed in these land use designations.
- The Ordinance includes repeal of Goleta Municipal Code Chapter 8.16 which allows for personal cannabis cultivation of up to 6 mature or 12 immature marijuana plants for each adult resident of the location of cultivation. Consequently, the Ordinance represents a reduction of personal cannabis cultivation allowed in the City and any impacts associated with personal cannabis cultivation would be reduced under the Ordinance. This also mirrors the requirements authorized under state law.

3.1 Aesthetics and Visual Resources

The GP/CLUP FEIR identified the following impacts on visual resources from buildout of the GP/CLUP:

Significant Unavoidable Impacts (Class I)

- Impacts on public views from Hollister Avenue and from Gateways (Impact 3.1-1); and
- Impacts on citywide visual character (Impact 3.1-2).

Significant, Mitigable Impacts (Class II)

- Short-term effects during construction of development associated with GP/CLUP buildout; and
- Long-term impacts on visual resources within the City with regard to scenic corridors, key public viewpoints and light and glare (Impact 3.1-3).

Adverse, but Not Significant Impacts (Class III)

- Short-term construction activities; and
- Long-term effects on public viewing locations outside the City's boundaries (Impact 3.1-4).

Beneficial Impacts (Class IV)

- Improvements to visual quality of City gateways (Impact 3.1-5); and
- Creating well defined public spaces (Impact 3.1-6).

The GP/CLUP Visual and Historic Resources Element includes numerous policies to help reduce these impacts, but some of the impacts remain significant (Class I), as noted. Short-term construction impacts associated with buildout of the GP/CLUP could impact visual resources, but the impact would not be significant due to its temporary nature. Furthermore, the GP/CLUP FEIR notes that future development projects would be subject to separate environmental review and additional mitigation, if necessary. The Ordinance would not change these conclusions and short-term impacts are not further discussed in this analysis.

The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance and no additional mitigation measures are required.

Impacts

Impact 3.1-1 Impacts on Visual Resources within the City Including Views from Hollister Avenue and City Gateways (Class I)

The GP/CLUP FEIR concluded that development of vacant or underutilized land, in accordance with the GP/CLUP, could result in significant impacts on views along the Hollister Avenue scenic corridor and along the major Hollister Avenue gateways at the City's western and eastern boundaries. The GP/CLUP FEIR identifies three policies (Policies VH 1, VH 2 and VH 4), which promote development that does not degrade or obstruct views of scenic areas and call for enhancement of gateways through landscaping. Despite these policies, the impact was determined to be significant and unavoidable.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. The Ordinance also includes requirements that all outdoor security lighting must be motion-censored and any outdoor lighting must be fully shielded, directed downward, and dark sky compliant. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing, including review by the Design Review Board.

Consequently, the potential impact would not be greater than impacts identified in the GP/CLUP FEIR and would not affect the policies cited as mitigation for this type of impact.

Impact 3.1-2 Impacts on Citywide Visual Character (Class I)

The GP/CLUP FEIR determined that development allowed by the GP/CLUP could substantially impact the City's visual character because design standards and policies in the GP/CLUP are subjective. The GP/CLUP FEIR identified visual character impacts in the City's Central Subarea, Old Town, Residential Subareas, Coastal Resource and Central Resource Subareas. Significant impacts were also identified on the visual character of the views of the Santa Ynez Mountains and foothills, as well as impacts on views from Cathedral Oaks Road, Glen Annie Road, Los Carneros Road (north of US-101) and Fairview Avenue.

The GP/CLUP FEIR identifies three GP/CLUP policies (Policies VH 1, VH 3 and VH 4), which promote preservation of community character by requiring new development to be

compatible with existing architectural styles of adjacent development. The policies also call for site plans that provide for development to be subordinate to the natural topography, existing vegetation and drainage courses. Although these policies would help reduce site-specific impacts, the GP/CLUP FEIR determined that the residual impact would be significant. Impacts on the visual character of Coastal Open Space Areas would not be impacted by implementation of the GP/CLUP because land use designations reflect existing open space uses in this area.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. The Ordinance also includes requirements that all outdoor security lighting must be motion-censored and any outdoor lighting must be fully shielded, directed downward, and dark sky compliant. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies VH 1, VH 3 and VH 4), and would need to go through standard permit processing, including review by the Design Review Board. In residential neighborhoods, the Ordinance requires that all personal cannabis cultivation is limited to indoor cultivation with no evidence of cultivation visible from the public right-of-way.

Consequently, the potential impact would not be greater than impacts identified in the GP/CLUP FEIR and would not affect the policies cited as mitigation for this type of impact.

Impact 3.1-3 Impacts on Visual Resources within the City Including Scenic Corridors and Key Public Viewpoints (Class II)

The GP/CLUP FEIR concluded that development anticipated under the GP/CLUP in the vicinity of certain scenic corridors would potentially create significant impacts on views including US-101 and SR-217. Also, public viewing areas within the City and the Coastal Zone may be affected and light and glare from development of vacant land along Hollister and US-101 could result in potentially significant impacts on views from scenic corridors and public viewing areas within the City. GP/CLUP policies VH 1, VH 2 and VH 4 were identified in the GP/CLUP FEIR to reduce these visual impacts. The GP/CLUP FEIR documents how these policies would reduce identified impacts to levels that are less than significant.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. The Ordinance also includes requirements that all outdoor security lighting must be motion-censored and any outdoor lighting must be fully shielded, directed downward, and dark sky compliant. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies VH 1, VH 2 and VH 4), and would need to go through standard permit processing, including review by the Design Review Board. Therefore, impacts on visual resources within the City resulting from the Ordinance would not be greater than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant visual resource impacts and would not affect the GP/CLUP policies cited as mitigation for visual resource impacts.

Impact 3.1-4 Impacts from Light and Glare Outside the City (Class III)

The GP/CLUP FEIR determined that impacts related to light and glare outside of the City's boundaries would be minor due to the fact that the type and location of new development would generally be consistent with surrounding land uses and guidance regarding outdoor light fixtures is provided in GP/CLUP policy VH 4 and subpolicy VH 4.12.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. The Ordinance also includes requirements that all outdoor security lighting must be motion-censored and any outdoor lighting must be fully shielded, directed downward, and dark sky compliant. In addition, the Ordinance prohibits mixed-light (greenhouse) cultivation which is often a cause of glare. Consequently, the potential impact would not be greater than impacts identified in the GP/CLUP FEIR and would not affect the policies cited as mitigation for this type of impact.

Impact 3.1-5 Improvements to visual quality of City gateways (Class IV)

The GP/CLUP FEIR identified a beneficial impact resulting from amenities uses to emphasize and enhance entries to the City resulting from the implementation of Policy VH 2 and in particular VH 2.6.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing, including review by the Design Review Board.

Consequently, the potential impact would not be greater than impacts identified in the GP/CLUP FEIR and would not affect the policies cited as mitigation for this type of impact.

Impact 3.1-6 Creating well defined public spaces (Class IV)

The 2006 FIER identified a beneficial impact resulting from enhancements to community outdoor gathering places through the implementation of Policy VH 3.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing, including review by the Design Review Board.

Consequently, the potential impact would not be greater than impacts identified in the GP/CLUP FEIR and would not affect the policies cited as mitigation for this type of impact.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.2 Agriculture and Farmland

The GP/CLUP FEIR identified the following impacts on agricultural and farmland resources from buildout of the GP/CLUP:

Significant Unavoidable Impacts (Class I)

- Conversion of agricultural land and loss or impairment of agricultural productivity (Impact 3.2-1).

Significant, Mitigable Impacts (Class II)

- Incompatible land uses and structures within or adjacent to agricultural land use and agricultural operations (Impact 3.2-2).

Beneficial Impacts (Class IV)

- Preservation of Agricultural Land (Impact 3.2-3).

The GP/CLUP Land Use, Conservation and Open Space Elements contain numerous policies to help reduce these impacts, but one of the impacts remains significant (Class I) as noted, namely the conversion of agricultural land and loss or impairment of agricultural productivity, due to buildout under the GP/CLUP of proposed sites for new residential development and other uses, such as commercial and recreation. The Ordinance would not change this conclusion.

Since the certification of the 2006 FEIR, City residents passed Measure G in 2012. Measure G, known as the City of Goleta Heritage Farmlands Initiative, amended the GP/CLUP to add Land Use Policy LU 7.5. LU 7.5 requires a vote of the people for an amendment to the Agriculture land use designation for parcels 10 acres or more in size, with certain limitations. This additional policy provides increased protection for existing agricultural lands within the City.

The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance and no additional mitigation measures are required.

Impacts

Impact 3.2-1 Impacts from Conversion of Agricultural Land and Loss or Impairment of Agricultural Productivity (Class I)

The GP/CLUP FEIR determined that development anticipated under the GP/CLUP would result in the conversion of approximately 56 acres of Prime Farmland and Unique Farmland to non-agricultural uses. Since then, two additional sites, Sites #2 and #3 have been proposed from land use changes to non-agricultural uses, and would convert an additional 23 acres to nonagricultural uses. GP/CLUP Policy CE 11 (preservation of agricultural lands) was identified to reduce the impact, but not to a level of insignificance. The GP/CLUP FEIR identified that the loss of agricultural land resulting from buildout of the proposed land uses in the GP/CLUP would remain significant and unavoidable.

The Ordinance prohibits all cannabis uses in the Agriculture (AG) land use designation. As such, the Ordinance would have no impact on the agriculture uses envisioned in the GP/CLUP and would not threaten agricultural uses by allowing new non-agricultural uses

on AG parcels. Therefore, impacts on agricultural resources within the City resulting from the Ordinance would not be greater than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts on agricultural resources, and would not affect the GP/CLUP policy cited as mitigation for agricultural resource impacts.

Impact 3.2-2 Impacts from Incompatible Land Uses and Structures Adjacent to Agricultural Land Uses (Class II)

The GP/CLUP FEIR concluded that impacts due to the introduction of incompatible uses and structures within or adjacent to agricultural land uses and agricultural operations could result in land use conflicts and could impair the productivity of agricultural lands. GP/CLUP policy CE 11 (preservation of agricultural land) was identified in the GP/CLUP FEIR, which reduces identified impacts to levels that are less than significant.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. There is no change to the analysis of potential incompatible uses and structures adjacent to AG land uses. In addition, the Ordinance prohibits all cannabis uses in the Agriculture (AG) land use designation. As such, the Ordinance would have no impact on the agriculture uses envisioned in the GP/CLUP and would not threaten agricultural uses by allowing new non-agricultural uses on AG parcels. Therefore, the potential impact would not be greater than impacts identified in the GP/CLUP FEIR and would not affect the policy cited as mitigation for agricultural resource impacts.

Impact 3.2-4 Preservation of Agricultural Land (Class IV)

The GP/CLUP FEIR identified a beneficial impact due to the preservation of existing agricultural land uses within the City.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. Therefore, impacts on existing agricultural uses within the City resulting from the Ordinance would not be greater than those analyzed in the GP/CLUP FEIR.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.3 Air Quality and Greenhouse Gases

The GP/CLUP FEIR identified the following air quality and GHG-related impacts from buildout of the GP/CLUP:

Significant, Mitigable Impacts (Class II)

- Construction emissions (Impact 3.3-1).

Adverse, but Not Significant Impact (Class III)

- GP/CLUP growth projections are not consistent with the Clean Air Plan (Impact 3.3-2);
- The GP/CLUP rate of increase in vehicle miles traveled is greater than the rate of population growth for the same area (Impact 3.3-3); and
- Long-term operational contributions to air pollutant emissions as a result of GP/CLUP buildout (Impact 3.3-4).

No significant unavoidable non-cumulative impacts (Class I) were identified in the GP/CLUP FEIR. The Conservation, Land Use, Public Facilities, Safety, and Transportation Elements of the GP/CLUP include numerous policies to help reduce these impacts, as identified in the GP/CLUP FEIR. In addition, Mitigation Measures AQ-1 requires the development of a GHG reduction plan, which the City satisfied by approving the City of Goleta Climate Action Plan in 2014.

The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance and no additional mitigation measures are required.

Impacts³

Impact 3.3-1 Construction Emissions (Class II)

The GP/CLUP FEIR concluded that construction activity under the GP/CLUP would cause temporary emissions of criteria pollutants, such as NO_x, CO, VOC, SO_x, and PM₁₀ due to the operation of construction equipment, while fugitive dust (PM₁₀) would be emitted by ground-disturbing activities, such as grading and excavation. The GP/CLUP FEIR identified SBAPCD techniques to reduce construction-related emissions associated with individual developments, which limit both ozone precursors (NO_x and VOC) and fugitive dust (PM₁₀). SBAPCD Rule 345, for example, provides for control of fugitive dust from construction and demolition activities.

The Ordinance implements the land use development designations in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development and related impacts analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and standard construction conditions. Furthermore, new construction projects are currently reviewed and permitted under the existing applicable zoning and development standards. Nothing in the Ordinance would change or otherwise alter those standards. Therefore, the Ordinance will not result in new significant air quality impacts and would not affect the SBCAPCD rules and regulations cited as mitigation for air quality impacts.

Impact 3.3-2 Long-term Operational Contributions to GHG Emissions as a Result of GP/CLUP Implementation (Class II)

The 2009 SEIR concluded that long-term operational emissions associated with the implementation of the GP/CLUP could result in potentially significant impacts and developed Mitigation Measure AQ-1 regarding a GHG emissions reductions plan to

³ The impact numbering in this Addendum differs from that of the 2006 FEIR because of the introduction of Impact 3.3-7 from the 2009 SEIR.

reduce impacts to a less-than-significant level. In 2014, the City of Goleta adopted the CAP to establish a baseline GHG inventory, establish reduction targets for 2020 and 2030, and identify measures to reduce GHG levels to meet emissions targets. Adoption of the CAP reduced the operational contributions to GHG emissions as a result of GP/CLUP implementation to a less-than-significant level.

The Ordinance implements the land use designations established in the GP/CLUP and as a result, the level of significance would not change.

Indoor cannabis cultivation is a particular cannabis use with a high electrical demand. The Ordinance does allow for indoor cultivation. However, the Ordinance includes a limit on the canopy of indoor cultivation to 5,000 square feet and requires consultation with Southern California Edison. The state will also impose renewable energy requirements on all indoor cultivation uses licensed through the state licensing program beginning in 2023. In 2023, each state licensee must ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required of their local utility provider pursuant to the California Renewables Portfolio Standard Program. If a state licensee's average weighted greenhouse gas emission intensity is greater than the local utility provider's greenhouse gas emission intensity, the licensee must provide evidence of carbon offsets or allowances to cover the excess in carbon emissions from the previous annual licensed period. The City's cannabis regulations require a state license for all uses, consequently, under the Ordinance, this requirement will need to be met. These standards in the Ordinance address energy consumption associated with cannabis uses, and indoor cultivation in particular, and consequently with overall GHG emissions.

Impact 3.3-3 GP/CLUP Growth Projections Are Not Consistent with the Clean Air Plan (Class III)

Since vehicle uses, energy consumption, and associated air pollutant emissions are directly related to population growth, the GP/CLUP FEIR compared rates of population growth under the proposed GP/CLUP to population projections under the Santa Barbara County Clean Air Plan. The GP/CLUP FEIR concluded that because the GP/CLUP buildout is less than that forecast by SBCAG, the GP/CLUP is consistent with the Santa Barbara County Clean Air Plan. The 2010 Santa Barbara County Clean Air Plan is based on the 2007 SBCAG Regional Growth Forecast, which estimates a 2030 population of 37,300 in the City of Goleta.

The Ordinance does not impact the overall population buildout of the City as the Ordinance does not alter any assumptions about residential land uses. Therefore, this impact would remain less than significant.

Impact 3.3-4 The Rate of Increase in Vehicle Miles Traveled is Greater Than the Rate of Population Growth for the Same Area (Class III)

As described in the GP/CLUP FEIR, VMT growth projected under buildout of the GP/CLUP is less than that forecast under the 2030 Travel Forecast for Santa Barbara County. As described in Chapter 3.12, Transportation and Circulation, the amount of vehicular traffic within the City of Goleta has generally declined overall compared to the 2005 levels that were used as baseline conditions in the GP/CLUP FEIR.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. Therefore, no additional impacts or an increase in VMT would occur as a result of the Ordinance.

Impact 3.3-5 Long-term Operational Contributions to Air Pollutant Emissions as a Result of GP/CLUP Buildout (Class III)

As described in the GP/CLUP FEIR, operational emissions would be created from stationary sources, including the use of natural gas, the use of landscape maintenance equipment, the use of consumer products such as aerosol sprays, and other emission processes. Non-vehicular operational emissions resulting from activities associated with new residential and non-residential development would incrementally add to the total air emissions. Increased operational emissions were considered an adverse but less than significant impact on air quality.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. The Ordinance prohibits the use of generators except in emergencies. In addition, the Ordinance includes a requirement for an Odor Abatement Plan to address offsite odor resulting from cannabis uses.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.4 Biological Resources

The GP/CLUP FEIR determined that no significant unavoidable impacts would occur as a result of the GP/CLUP. The following biological resource impacts were identified in the GP/CLUP FEIR:

Significant, Mitigable Impacts (Class II)

- Short-term effects on regulated habitats and special status species during construction (Impact 3.4-1); and
- Long-term effects on special status habitats (permanent loss, degradation, fragmentation, or changes in quality or amount thereof), listed species, native species, wildlife linkages, conserved habitat, and inconsistencies with approved conservation program (Impacts 3.4-2, 3.4-3, 3.4-4, 3.4-5, 3.4-6, 3.4-7, 3.4-8, 3.4-9, 3.4-10).

Adverse, but Not Significant Impacts (Class III)

- Impacts on non-special status habitats and species (Impact 3.4-11).

Beneficial Impacts (Class IV)

- Resources not effected by maintenance or management of infrastructure (Impact 3.4-12); and

- Protection of ESHA's and maintenance/management of regional and neighborhood open space (Impact 3.4-13).

The GP/CLUP includes numerous policies to protect natural habitats and special-status plant and wildlife species from adverse impacts caused by future development and to reduce these impacts to less-than-significant levels, as noted in the GP/CLUP FEIR. Furthermore, the GP/CLUP FEIR noted that future development projects would be subject to separate environmental review and additional mitigation, if necessary.

The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance and no additional mitigation measures are required.

Impacts

Impact 3.4-1 Temporary Impacts on Special Status Habitats and Special Status Species (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities could temporarily affect regulated habitats (riparian and wetlands), habitats occupied by listed species or nesting birds, and special status habitats. For example, construction-related activities could result in noise and lighting impacts to special status species and temporary displacement from suitable habitat. The GP/CLUP FEIR identified policies (Policies CE 1 through CE 10, OS 1 through OS 7, and LU 1) that would reduce these potentially significant impacts by requirement impact avoidance where feasible, setting design criteria and management guidelines, and requiring mitigation for impacts to special status habitats.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (including Policies CE 1 through CE 10, OS 1 through OS 7, and LU 1).

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that serve to reduce the impact on biological resources.

Impact 3.4-2 Loss of Special Status Habitats (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities could permanently remove some existing special status habitats. Approximately 40 acres of vacant sites identified in the GP/CLUP are in environmentally sensitive habitat areas (ESHA). Most of the ESHAs on or near vacant sites are located near creeks or existing preserves. There are restrictions against development in ESHAs, as described below. However, the GP/CLUP allows for the inclusion of trails and some roads in ESHAs and ESHA buffers. Lastly, maintenance of existing and future facilities will occur in areas with ESHA and ESHA buffers. In addition to restricting development in protected areas, the GP/CLUP articulates several policies whose implementation would reduce these potentially significant impacts. These policies (Policies CE 1 through CE 7, CE 9, CE 10, OS 1 through OS 7, LU 1, LU 6, and LU 9) would result in requiring impact

avoidance where feasible, setting design criteria and management guidelines, and requiring that any allowed impacts to special status habitats be mitigated to a less-than-significant level.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (including Policies CE 1 through CE 7, CE 9, CE 10, OS 1 through OS 7, and LU 1).

The state will also impose pesticide use requirements on cultivators. All state licensees must comply with all pesticide laws and regulations as enforced by the Department of Pesticide Regulation. All licensees must comply with the following pesticide application and storage protocols: (1) Comply with all pesticide label directions; (2) Store chemicals in a secure building or shed to prevent access by wildlife; (3) Contain any chemical leaks and immediately clean up any spills; (4) Apply the minimum amount of product necessary to control the target pest; (5) Prevent offsite drift; (6) Do not apply pesticides when pollinators are present; (7) Do not allow drift to flowering plants attractive to pollinators; (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies; (9) Do not apply pesticides when they may reach surface water or groundwater; and (10) Only use properly labeled pesticides. The City's cannabis regulations require a state license for all uses, consequently, under the Ordinance, these requirements will need to be met.

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that serve to reduce the impact on biological resources.

Impact 3.4-3 Long-term Degradation of Special Status Habitats (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities could result in the long-term degradation of special status habitats. For instance, these could occur through the proliferation of nonnative species within special-status habitats due to their presence in adjacent landscaping. ESHAs in Goleta are particularly vulnerable to habitat degradation due to their small size and relatively scattered distribution. The GP/CLUP FEIR identified numerous GP/CLUP policies (Policies CE 1 through CE 7, CE 9, CE 10, OS 5, LU 1, LU 6, and LU 9) that would reduce these potentially significant impacts by requiring buffers and setbacks separating ESHAs from adjacent uses, identifying standards for uses in and adjacent to ESHAs and ESHA buffers, and requiring that impacts to ESHA be mitigated to a less-than-significant level.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (including Policies CE 1 through CE 7, CE 9, CE 10, OS 5, and LU 1). In addition, the Ordinance prohibits commercial outdoor and mixed-light cultivation and personal outdoor cultivation and thus reduces the risks to special status habitats from future cannabis uses.

The state will also impose pesticide use requirements on cultivators. All state licensees must comply with all pesticide laws and regulations as enforced by the Department of Pesticide Regulation. All licensees must comply with the following pesticide application and storage protocols: (1) Comply with all pesticide label directions; (2) Store chemicals in a secure building or shed to prevent access by wildlife; (3) Contain any chemical leaks and immediately clean up any spills; (4) Apply the minimum amount of product necessary to control the target pest; (5) Prevent offsite drift; (6) Do not apply pesticides when pollinators are present; (7) Do not allow drift to flowering plants attractive to pollinators; (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies; (9) Do not apply pesticides when they may reach surface water or groundwater; and (10) Only use properly labeled pesticides. The City's cannabis regulations require a state license for all uses, consequently, under the Ordinance, these requirements will need to be met.

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that reduce the impact on biological resources.

Impact 3.4-4 Fragmentation of Special Status Habitats (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities could result in the fragmentation of existing areas of special status habitats, especially in riparian corridors. Fragmentation could result in permanent habitat loss as well as impaired habitat functions. The GP/CLUP FEIR concluded that this potential impact would be reduced to a less-than-significant level by the same GP/CLUP policies that would reduce Impact 3.4-2 (Policies CE 1 through CE 10, OS 1 through OS 7, LU 1, LU 6, and LU 9).

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (including Policies CE 1 through CE 10, OS 1 through OS 7, and LU 1). In addition, the Ordinance prohibits commercial outdoor and mixed-light cultivation and personal outdoor cultivation and thus reduces the risks of habitat fragmentation from future cannabis uses.

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that reduce the impact on biological resources.

Impact 3.4-5 Harm to Listed Species (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities could result in harm to listed species. In particular, vernal pool fairy shrimp, red-legged frog, least Bell's vireo, and burrowing owl species are most at risk of direct impacts due to the occurrence of their habitats in or near areas designated for development. In addition to Federal and State regulations designed to protect species from impacts, the GP/CLUP FEIR identified several GP/CLUP policies that would reduce these impacts to less-than-significant levels. These policies (Policies CE 8 and the habitat-related policies identified for Impacts 3.4-1 and 3.4-2) would provide for the

protection of listed and proposed species, plus other non-listed special-status species, primarily through habitat protection.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (including Policies CE 8 and the habitat-related policies identified for Impacts 3.4-1 and 3.4-2). In addition, the Ordinance prohibits commercial outdoor and mixed-light cultivation and personal outdoor cultivation and thus reduces the risks to listed species from future cannabis uses.

The state will also impose pesticide use requirements on cultivators. All state licensees must comply with all pesticide laws and regulations as enforced by the Department of Pesticide Regulation. All licensees must comply with the following pesticide application and storage protocols: (1) Comply with all pesticide label directions; (2) Store chemicals in a secure building or shed to prevent access by wildlife; (3) Contain any chemical leaks and immediately clean up any spills; (4) Apply the minimum amount of product necessary to control the target pest; (5) Prevent offsite drift; (6) Do not apply pesticides when pollinators are present; (7) Do not allow drift to flowering plants attractive to pollinators; (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies; (9) Do not apply pesticides when they may reach surface water or groundwater; and (10) Only use properly labeled pesticides. The City's cannabis regulations require a state license for all uses, consequently, under the Ordinance, these requirements will need to be met.

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that reduce the impact on biological resources.

Impact 3.4-6 Loss, Reduction, or Isolation of Local Populations of Native Species (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities could result in the loss, reduction, or isolation of local populations of native species, primarily through habitat loss and degradation. The GP/CLUP FEIR identified that this potentially significant impact would be reduced by the same GP/CLUP policies that reduce Impacts 3.4-1, 3.4-2, and 3.4-5 (Policies CE 1 through CE 10, OS 1 through OS 7, LU 1, LU 6, and LU 9).

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (including Policies CE 1 through CE 10, OS 1 through OS 7, and LU 1). In addition, the Ordinance prohibits commercial outdoor and mixed-light cultivation and personal outdoor cultivation and thus reduces the risks to local populations of native species from future cannabis uses.

The state will also impose pesticide use requirements on cultivators. All state licensees must comply with all pesticide laws and regulations as enforced by the Department of Pesticide Regulation. All licensees must comply with the following pesticide application and storage protocols: (1) Comply with all pesticide label directions; (2) Store chemicals in a secure building or shed to prevent access by wildlife; (3) Contain any chemical leaks and immediately clean up any spills; (4) Apply the minimum amount of product necessary to control the target pest; (5) Prevent offsite drift; (6) Do not apply pesticides when pollinators are present; (7) Do not allow drift to flowering plants attractive to pollinators; (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies; (9) Do not apply pesticides when they may reach surface water or groundwater; and (10) Only use properly labeled pesticides. The City's cannabis regulations require a state license for all uses, consequently, under the Ordinance, these requirements will need to be met.

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that reduce the impact on biological resources.

Impact 3.4-7 Reduction in Amount or Quality of Habitat for Special Status Species (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities could reduce the amount and/or quality of habitat for special status species. The GP/CLUP FEIR determined that this potential significant impact would be reduced to less-than-significant levels by the same GP/CLUP policies that reduce Impacts 3.4-1, 3.4-2, and 3.4-5 (Policies CE 1 through CE 10, OS 1 through OS 7, LU 1, LU 6, and LU 9).

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (including Policies CE 1 through CE 10, OS 1 through OS 7, and LU 1). In addition, the Ordinance prohibits commercial outdoor and mixed-light cultivation and personal outdoor cultivation and thus reduces the risks to the amount and/or quality of habitat for special status species from future cannabis uses.

The state will also impose pesticide use requirements on cultivators. All state licensees must comply with all pesticide laws and regulations as enforced by the Department of Pesticide Regulation. All licensees must comply with the following pesticide application and storage protocols: (1) Comply with all pesticide label directions; (2) Store chemicals in a secure building or shed to prevent access by wildlife; (3) Contain any chemical leaks and immediately clean up any spills; (4) Apply the minimum amount of product necessary to control the target pest; (5) Prevent offsite drift; (6) Do not apply pesticides when pollinators are present; (7) Do not allow drift to flowering plants attractive to pollinators; (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies; (9) Do not apply pesticides when they may reach surface water or groundwater; and (10) Only use

properly labeled pesticides. The City's cannabis regulations require a state license for all uses, consequently, under the City's Ordinance, these requirements will need to be met.

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that reduce the impact on biological resources.

Impact 3.4-8 Break or Impairment of Function of Existing Wildlife Linkages (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities could result in the break of an existing wildlife linkage or impairment of the linkage's function. Riparian corridors are particularly at risk. The GP/CLUP FEIR concluded that this potentially significant impact would be reduced to a less-than-significant level by the same GP/CLUP policies that would reduce Impacts 3.4-2, 3.4-3, and 3.4-4 (Policies CE 1 through CE 10, OS 1 through OS 7, LU 1, LU 6, and LU 9).

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (including Policies CE 1 through CE 10, OS 1 through OS 7, and LU 1). In addition, the Ordinance prohibits commercial outdoor and mixed-light cultivation and personal outdoor cultivation and thus reduces the risks of a break of an existing wildlife linkage or impairment of the linkage's function.

The state will also impose pesticide use requirements on cultivators. All state licensees must comply with all pesticide laws and regulations as enforced by the Department of Pesticide Regulation. All licensees must comply with the following pesticide application and storage protocols: (1) Comply with all pesticide label directions; (2) Store chemicals in a secure building or shed to prevent access by wildlife; (3) Contain any chemical leaks and immediately clean up any spills; (4) Apply the minimum amount of product necessary to control the target pest; (5) Prevent offsite drift; (6) Do not apply pesticides when pollinators are present; (7) Do not allow drift to flowering plants attractive to pollinators; (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies; (9) Do not apply pesticides when they may reach surface water or groundwater; and (10) Only use properly labeled pesticides. The City's cannabis regulations require a state license for all uses, consequently, under the Ordinance, these requirements will need to be met.

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that reduce the impact on biological resources.

Impact 3.4-9 Loss or Degradation of Conserved Habitat (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities could result in potentially significant impacts on biological resources in areas or conserve habitat. The GP/CLUP FEIR concluded that this potentially significant impact would be reduced to a less-than-significant level by the same GP/CLUP

policies that would reduce Impacts 3.4-1 through 3.4-8 (Policies CE 1 through CE 10, OS 1 through OS 7, LU 1, LU 6, and LU 9).

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (see the discussions of Impacts 3.4-1 through 3.4-8 above). In addition, the Ordinance prohibits commercial outdoor and mixed-light cultivation and personal outdoor cultivation and thus reduces the risks of harm to conserved biological resources.

The state will also impose pesticide use requirements on cultivators. All state licensees must comply with all pesticide laws and regulations as enforced by the Department of Pesticide Regulation. All licensees must comply with the following pesticide application and storage protocols: (1) Comply with all pesticide label directions; (2) Store chemicals in a secure building or shed to prevent access by wildlife; (3) Contain any chemical leaks and immediately clean up any spills; (4) Apply the minimum amount of product necessary to control the target pest; (5) Prevent offsite drift; (6) Do not apply pesticides when pollinators are present; (7) Do not allow drift to flowering plants attractive to pollinators; (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies; (9) Do not apply pesticides when they may reach surface water or groundwater; and (10) Only use properly labeled pesticides. The City's cannabis regulations require a state license for all uses, consequently, under the Ordinance, these requirements will need to be met.

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that reduce the impact on biological resources.

Impact 3.4-10 Inconsistency with Approved Conservation Program or Local Conservation Policy (Class II)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities may entail proposed activities that are inconsistent with approved conservation programs and local conservation policies. The GP/CLUP FEIR determined that this potentially significant impact under CEQA would be reduced to a less-than-significant level by the same GP/CLUP policies that would reduce Impacts 3.4-1 through 3.4-9.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies (see the discussions of Impacts 3.4-1 through 3.4-9 above).

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that reduce the impact on biological resources.

Impact 3.4-11 Impacts on Non-Special Status Habitats and Species (Class III)

Development of vacant sites and the construction and maintenance of roads, trails, parks, and public facilities entail activities could remove and degrade non-special status habitats and adversely affect non-special status species. However, the GP/CLUP FEIR determined that the activities would not substantially alter the non-special status resources.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies.

Therefore, the Ordinance does not have the potential to result in new significant impacts and would not affect the implementation of GP/CLUP policies that reduce the impact on biological resources.

Impact 3.4-12 Resources Not Effected by Maintenance/Management (Class IV)

The GP/CLUP FEIR concluded that maintenance and management of roads, trails, parks, and public facilities entail activities that would not fragment special status habitats or break existing wildlife linkages. The Ordinance is consistent with this Class IV impact. See Impacts 3.4-4 and 3.4-8 above.

Impact 3.4-13 Protection of ESHAs and Maintenance/Management of Regional and Neighborhood Open Space Area (Class IV)

The GP/CLUP FEIR determined that the protection of ESHAs and maintenance/management of regional and neighborhood open space areas could have the potential to benefit special status habitats and species by preserving lands with these resources, providing for their ongoing management, and maintaining linkages to other areas.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies. In addition, under the Ordinance, no cannabis uses would be allowed in the Park and Open Space land use designations in the GP/CLUP (Policy LU 6). Therefore, the Ordinance is consistent with this Class IV impact.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.5 Cultural Resources

The GP/CLUP did not identify unavoidable impacts on cultural resources. The following cultural resources impacts were identified in the GP/CLUP FEIR:

Significant, but mitigable (Class II)

- Short-term or temporary disturbances of the setting, aesthetics and/or integrity of a historic building or structure as the result of adjacent construction (Impact 3.5-1);
- Loss or destruction of important historical buildings, archaeological sites or paleontological sites as a result of new development or redevelopment (Impact 3.5-2); and
- Loss or destruction of significant cultural, historical or paleontological resources (Impact 3.5-3).

The GP/CLUP FEIR identifies several GP/CLUP policies that would ensure that these impacts are reduced to levels that are less than significant.

Impacts

Impact 3.5-1 Short-term Damage to Sites of Cultural, Historical or Paleontological Significance (Class II)

The GP/CLUP FEIR identified the potential for temporary impacts on the setting, aesthetics, and integrity of historic buildings or structures during construction on adjacent property. Protective provisions outlined in GP/CLUP policies OS 8, VH 5, and VH 6 (described in more detail below) would reduce these impacts to levels that are less than significant.

Since development under the Ordinance would be consistent with future development defined and analyzed in the GP/CLUP FEIR, short-term construction impacts resulting from development allowed by the Ordinance would be similar to impacts identified in the GP/CLUP FEIR. Development under the Ordinance would be subject to these same policies. Therefore, the Ordinance would not result in short-term construction impacts that are greater or different than those analyzed in the GP/CLUP FEIR, do not have the potential to result in new significant cultural resource impacts and would not affect the GP/CLUP policies cited as mitigation for cultural resource impacts.

Impact 3.5-2 Loss or Destruction of an Important Historical Building, Archaeological Site or Paleontological Site (Class II)

The GP/CLUP FEIR concluded that future development under the GP/CLUP could cause the loss or destruction of an important historical building, archaeological site, or historical site, as a result of demolition of structures or damage to burial grounds. Also, loss or damage of a rare find of terrestrial mammal fossils during excavation for development may cause a potentially significant impact. GP/CLUP policies OS 8, VH 5, and VH 6 would mitigate these impacts to levels that are less than significant. Policy OS 8 addresses protection of Native American resources and archaeological sites and requires monitoring and discovery procedures for grading and excavation, as well as protection of paleontological resources. If cultural resources are uncovered during construction, work must be halted and specific procedures implemented to study and mitigate impacts on the resource. Policy VH 5 establishes measures to protect and preserve historic resources overall and lists specific measures such as requiring studies and appropriate mitigation measures before demolition, requiring compatibility of new development with

existing historic resources, and reviewing any alterations to historic resources. Policy VH 6 requires preservation of historical and cultural landscapes.

The Ordinance is consistent with the GP/CLUP in terms of permitted land uses and future development. Development under the Ordinance would be required to comply with the GP/CLUP provisions as well as CEQA. Therefore, implementation of the Ordinance would not result in impacts that are greater or different than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant cultural resource impacts and would not affect the GP/CLUP policies cited as mitigation for historical building, archaeological site, or paleontological site impacts.

Impact 3.5-3 Loss or Destruction of Significant Cultural Resources (Class II)

Because cultural resources are non-renewable, the GP/CLUP FEIR identified impacts from future development on cultural resources to be potentially significant. Cultural resources could be damaged during new development or redevelopment and there is always the potential for discovering previously unknown resources while grading or excavating property. The GP/CLUP, CEQA, and Assembly Bill 52 (2014) amendment to CEQA contain measures to minimize the potential for substantial disturbance of cultural resources. GP/CLUP policies outlined above would apply to this impact. As noted in the GP/CLUP FEIR, some projects may require a mixed strategy to include resource inventory, excavation, and avoidance/preservation.

New development under the Ordinance would be required to comply with these provisions. Therefore, implementation of the Ordinance would not result in impacts that are greater or different than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant cultural resource impacts and would not affect the GP/CLUP policies cited as mitigation for cultural resource impacts.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.6 Geology, Soils, and Minerals Resources

The GP/CLUP FEIR determined that no significant unavoidable impacts would occur as a result of the GP/CLUP. The following geology and soils impacts were identified in the GP/CLUP FEIR:

Significant, Mitigable Impacts (Class II)

- Short-term erosion (Impact 3.6-1);
- Long-term exposure of people and structures to risk of earthquake rupture, ground shaking, earthquake-induced landslides or liquefaction (Impact 3.6-2);
- Long-term exposure of people and structures to risk of landslides from buildout on unstable geologic units, soils or steep slopes (Impact 3.6-3); and

- Locating future development on expansive and/or compressible soils (Impact 3.6-4).

Adverse, but Not Significant Impacts (Class III)

- Exposure of people to elevated levels of radon (Impact 3.6-5).

The GP/CLUP includes numerous policies to ensure future safe development and reduce these impacts to less-than-significant levels, as noted in the GP/CLUP FEIR. Furthermore, the GP/CLUP FEIR noted that future development projects would be subject to separate environmental review and additional mitigation, if necessary. The Ordinance would not change these conclusions.

The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance and no additional mitigation measures are required.

Impacts

Impact 3.6-1 Substantial Accelerated Soil Erosion and/or Loss of a Substantial Amount of Topsoil (Class II)

Site preparation for future development would require grading and vegetation removal, which would expose soil to rain and wind and potentially result in increased erosion and sedimentation of nearby waterways. New construction is subject to federal and state requirements for prevention of erosion and sedimentation and must implement Best Management Practices to prevent construction pollutants from contacting storm water. Also, construction must comply with the City's grading ordinances, which establish provisions to manage soil erosion. Furthermore, the GP/CLUP contains policies for soil and slope stability and bluff/beach erosion that would help ensure that impacts are less than significant. Relevant policies include SE 1 (Safety in General), SE 2 (Bluff Erosion and Retreat), SE 3 (Beach Erosion and Shoreline Hazards) and SE 5 (Soil and Slope Stability Hazards).

The Ordinance implements the land use development designations established in the GP/CLUP. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing. There is nothing about this Ordinance that changes soil erosion patterns. Therefore, the type of development occurring consistent with this Ordinance would be consistent with development analyzed in the GP/CLUP FEIR and would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for impacts.

Impact 3.6-2 Exposure of People or Structures to Substantial Adverse Effects Resulting from the Rupture of a Known Earthquake Fault, Seismic Ground Shaking, Seismically Induced Landsliding or Liquefaction (Class II)

The City is in a seismically active region and development is subject to seismic hazards. The City's policies for seismic and seismically induced hazards reduce this risk to a level that is less than significant, by maintaining current geologic information, complying with the California Building Standards Code, prohibiting building within a fault trace corridor, requiring geotechnical reports, pursuing retrofitting of older masonry buildings, requiring

a higher level of seismic safety for critical buildings, and discouraging construction in areas with high liquefaction potential. These provisions are established in GP/CLUP policies SE 1 (Safety in General), SE 4 (Seismic and Seismically Induced Hazards) and SE 11 (Emergency Preparedness).

The Ordinance implements the land use development designations established in the GP/CLUP. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies SE 1, SE 4, and SE 11), and would need to go through standard permit processing. Therefore, the type of development occurring consistent with this Ordinance would be consistent with development analyzed in the GP/CLUP FEIR and would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for impacts.

Impact 3.6-3 Exposure of People or Structures to Substantial Adverse Effects Resulting from Buildout on Unstable Geologic Units or Soils or Steep Slopes (Class II)

The GP/CLUP FEIR determined that buildout in areas with moderate to steep slopes or unstable geologic units or soils could be subject to landslides. This potential impact is limited to very small areas in the northern part of the City with unstable geologic or soil units or with steep slopes or in the southern portion of the City along coastal bluffs. The GP/CLUP policies for general safety, soil and slope stability, bluff erosion and retreat and beach erosion reduce this risk to a level that is less than significant. These policies are the same as noted for Impact 3.6-1, above (SE 1, SE 2, SE 3 and SE 5).

Compared to the GP/CLUP FEIR, implementation of the Ordinance would not result in new or different development that would increase the risk of exposure to unstable geologic conditions. The Ordinance implements the land use development designations established in the GP/CLUP. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies SE 1, SE 2, SE 3, and SE5), and would need to go through standard permit processing. Therefore, the type of development occurring consistent with this Ordinance would be consistent with development analyzed in the GP/CLUP FEIR and would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for impacts.

Impact 3.6-4 Location of Development on Expansive and/or Compressible Soil that Could Lead to Risks to People or Structures (Class II)

As noted in the setting, the potential exists for expansive and/or compressible soils that could damage structures and utilities and created risks to people. The City's policies for general safety and soil stability (Policy SE 1 and SE 5) reduce this risk to a level that is less than significant.

Implementation of the Ordinance would not result in new or different development that would increase the risk of exposure to expansive and/or compressible soils. The Ordinance implements the land use development designations established in the GP/CLUP. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies SE 1 and SE 5), and would

need to go through standard permit processing. Therefore, the type of development occurring consistent with this Ordinance would be consistent with development analyzed in the GP/CLUP FEIR and would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for impacts.

Impact 3.6-5 Exposure of People to Elevated Levels of Indoor Radon (Class III)

Although there are no areas of Rincon Formation capable of emanating radon gas in existing developed parts or future development areas of the City, areas of Rincon Formation exist along the City's northern border in open space areas. Therefore, the GP/CLUP FEIR determined that there is some potential for exposure to radon, but the impact is less than significant. The GP includes Policy SE 1.9 that addresses radon hazards.

Implementation of the Ordinance would not result in new or different development that would increase the risk of exposure to radon. The Ordinance implements the land use development designations established in the GP/CLUP. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including radon level testing where applicable under Policy SE 1.9), and would need to go through standard permit processing. Therefore, the type of development occurring consistent with this Ordinance would be consistent with development analyzed in the GP/CLUP FEIR and would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for impacts.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.7 Hazards and Hazardous Materials

The GP/CLUP FEIR identified the following impacts associated with hazardous conditions:

Significant Unavoidable Impacts (Class I)

- Risk of upset at Venoco facilities (Impact 3.7-1); and
- Transport of hazardous materials that would expose people to hazardous conditions in the event of an accident (Impact 3.7-2).

Significant, Mitigable Impacts (Class II)

- Risk of upset at S.L. 421 oil production wells (Impact 3.7-3);
- Risk of upset at Ellwood Marine Terminal (Impact 3.7-4);
- Airport risks (Impact 3.7-5);
- Risk of wildland fires (Impact 3.7-6);
- Surface water contamination (Impact 3.7-7);

- Exposure of population to contaminated sites (Impact 3.7-8); and
- Soil contamination (Impact 3.7-9).

Adverse, but Not Significant Impacts (Class III)

- Exposure of population to oil and gas pipelines (Impact 3.7-10);
- Ellwood Facility risks (Impact 3.7-11);
- Exposure to EMFs (Impact 3.7-12);
- Upset and accident conditions in which hazardous materials are released (Impact 3.7-13); and
- Groundwater Contamination (Impact 3.7-14).

The 2006 FEIR included numerous policies to help reduce these impacts, but some of the impacts remain significant (Class I), as noted. The only related policies that changed with the amendments evaluated in the 2009 SEIR are policies regarding surface water protection and the 2009 SEIR determined that these changes would not reduce the effectiveness in mitigating hazardous conditions.

The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance and no additional mitigation measures are required. Similar to the 2009 SEIR, some of the GP/CLUP FEIR impacts are grouped in the following discussion because the same analysis applies to them.

Impacts

Impact 3.7-1 Risk of Upset at Venoco Facilities (Class I)

The risk of upset at the Venoco facilities is an existing condition, but the GP/CLUP FEIR determined that buildout of the GP/CLUP could result in a larger number of people exposed to this risk. This risk is mainly associated with separation and storage of LPG and NGL; these gas liquids produce large flame jets, which could affect a large area, if released. The GP/CLUP FEIR identified many GP/CLUP Safety Element policies that help reduce the risk. However, the GP/CLUP FEIR determined that, even with these policies, the impact remains significant because the risk cannot be completely eliminated.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR.

Impact 3.7-2 Risk of Transport of Hazardous Materials (Class I)

The GP/CLUP FEIR identified several roadways (US-101, SR-217 and Hollister Avenue) and the Union Pacific Railroad tracks as routes that are used to transport hazardous materials near high-density residential and commercial areas. There is an inherent risk of accidents with hazardous material transportation. This existing risk would be exacerbated, as future buildout would result in more population in closer proximity to these routes. In addition to federal and state regulations regarding hazardous materials transportation, the GP/CLUP Safety Element includes numerous policies that would help reduce the risk, but not to a level that is less than significant.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR.

Impact 3.7-3 Risk of Upset at S.L. 421 Wells (Class II)

The GP/CLUP FEIR determined that the impact associated with the 421 Wells facility could be reduced to levels that are less than significant with implementation of GP/CLUP Policy LU 10 and SE 8, both of which address safety of oil and gas facility operations.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in this location would be consistent with development analyzed in the GP/CLUP FEIR and does not alter policies related to S.L. 421 Wells. Therefore, the Ordinance would not result in greater or different impacts related to exposure to this risk than analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts, and would not affect the GP/CLUP policies cited as mitigation for this potential impact.

Impact 3.7-4 Risk of Upset at Ellwood Marine Terminal (Class II)

The GP/CLUP FEIR determined that the impacts associated with the Ellwood Marine Terminal (EMT) could be reduced to levels that are less than significant with implementation of GP/CLUP Policy LU 10 and SE 8, both of which address safety of oil and gas facilities and operations.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in the EMT location would be consistent with development analyzed in the GP/CLUP FEIR and does not alter policies related to the facility. Therefore, the Ordinance would not result in greater or different impacts related to exposure to this risk than analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts, and would not affect the GP/CLUP policies cited as mitigation for this potential impact.

Impact 3.7-5 Airport Risks (Class II)

The GP/CLUP designates some future development within the airport clear zone and within the one-mile mark inside of the approach zone. The GP/CLUP FEIR lists two Safety Element policies that would address these impacts: SE 9 (Airport-Related Hazards) and SE 1 (General Safety).

The Ordinance would not allow any more development than outlined for the GP/CLUP near the airport hazard area. The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in this location would be consistent with development analyzed in the GP/CLUP FEIR.

Impact 3.7-6 Wildland Fire Risks (Class II)

The GP/CLUP designates a limited amount of future development (approximately 9 acres) within the high wildfire hazard area of the City. The GP/CLUP FEIR also lists two Safety Element policies that would address these impacts: SE 1 (General Safety) and SE 7 (Urban and Wildland Fire Hazards).

The Ordinance would not allow any more development than outlined for the GP/CLUP within the high fire hazard area. The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in this locations would be consistent with development analyzed in the GP/CLUP FEIR.

Impact 3.7-7 Surface Water Contamination (Class II)

Construction of future land uses could cause impacts on local waterways due to ordinary use or spills of hazardous materials (fuels, solvents, paint, etc.) used during site development. The 2006 FEIR noted that implementation of SWPPPs and Spill Prevention Control and Countermeasure (SPCC) Plans as discussed in the GP/CLUP would greatly reduce the impact on the environment of any spills. These plans would help minimize the potential for spills of hazardous materials in drainages and creeks. In addition, implementation of numerous policies identified in the Conservation Element of the GP/CLUP would ensure that construction impacts on surface water quality resulting from Plan implementation would be less than significant. The 2009 SEIR analyzed changes to some policies that were cited in the 2006 FEIR as mitigation for surface water impacts. The 2009 SEIR concluded that the policy amendments would not affect the findings of the 2006 FEIR.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing and project construction conditioning. Consequently, implementation of the Ordinance would not affect the GP/CLUP FEIR conclusions.

Impact 3.7-8 Exposure of Population to Listed/Contaminated Sites (Class II)

There are several known existing or previously contaminated sites within the City. There is the potential for future development to be exposed to contamination from these sites, if assessment and remediation activities are not conducted prior to new construction. Cleanup of the sites prior to future development is required by federal and state laws and by the GP/CLUP Safety Element Policy SE 10, which would reduce exposure of the public to hazardous conditions. Policy SE 10 also protects against exposing the public to contaminants that are discovered during construction.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policy SE 10), and would need to go through standard permit processing and project construction conditioning. Consequently, implementation of the Ordinance would not affect the GP/CLUP FEIR conclusions. Thus, the Ordinance would not result in greater or different impacts related to this risk than analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for these potential impacts.

Impact 3.7-9 Contaminated Soils (Class II)

There are a number of sites within the City known to have existing and previously contaminated soils. There is also the potential for future development to be exposed to contamination from these sites, if assessment and remediation activities are not conducted. There is also the risk of encountering previously unknown contaminated soils during new construction. Cleanup of the sites prior to future development is required by federal and state laws and by the GP/CLUP Safety Element Policy SE 10, which would reduce exposure of the public to hazardous conditions. Policy SE 10 also protects against exposing the public to contaminated soils uncovered during construction. Policy SE 10.7 specifically addresses identification, transport, and disposition of contaminated soil.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policy SE 10), and would need to go through standard permit processing and project construction conditioning. Consequently, implementation of the Ordinance would not affect the GP/CLUP FEIR conclusions. Thus, the Ordinance would not result in greater or different impacts related to this risk than analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for these potential impacts.

Impact 3.7-10 Exposure of Populated Areas to Oil and Gas Pipelines (Class III)

The GP/CLUP FEIR determined that this potential impact would be less than significant because there are existing regulations and measures in place to reduce or avoid the impact. Existing GP/CLUP policies would further reduce these likelihood of this impact.

The Ordinance would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the Ordinance would not result in greater or different impacts related to this risk than analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for this potential impact.

Impact 3.7-11 Ellwood Facility (Class III)

The GP/CLUP FEIR determined that this potential impact would be less than significant because there are existing regulations and measures in place to reduce or avoid the impact. Existing GP/CLUP policies would further reduce these likelihood of this impact.

The Ordinance would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the Ordinance would not result in greater or different impacts related to this risk than analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for this potential impact.

Impact 3.7-12 EMFs (Class III)

The GP/CLUP FEIR determined that this potential impact would be less than significant because there are existing regulations and measures in place to reduce or avoid the impact. Existing GP/CLUP policies would further reduce these likelihood of this impact.

The Ordinance would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the Ordinance would not result in greater or different impacts related to this risk than analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for this potential impact.

Impact 3.7-13 Upset and Accident Conditions (Class III)

The GP/CLUP FEIR determined that this potential impact would be less than significant because there are existing regulations and measures in place to reduce or avoid the impact. Existing GP/CLUP policies would further reduce these likelihood of this impact.

The Ordinance would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the Ordinance would not result in greater or different impacts related to this risk than analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for this potential impact.

Impact 3.7-14 Contaminated Groundwater (Class III)

The GP/CLUP FEIR determined that this potential impact would be less than significant because there are existing regulations and measures in place to reduce or avoid the impact. Existing GP/CLUP policies would further reduce these likelihood of this impact.

The Ordinance would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the Ordinance would not result in greater or different impacts related to this risk than analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts and would not affect the GP/CLUP policies cited as mitigation for this potential impact.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.8 Land Use, Housing and Recreation

The GP/CLUP FEIR determined that no significant unavoidable (Class I) impacts would occur as a result of GP/CLUP implementation. As mentioned previously, Sections 3.8 of the 2006 FEIR and 2009 SEIR that described existing housing conditions and Sections 3.10 of the 2006 FEIR and 2009 SEIR that described the existing land use and recreation conditions were combined. As such, the Impact numeration below maintains the Impact numbers from the 2006 FEIR and 2009 SEIR. The following impacts on land use, housing and recreation from buildout of the GP/CLUP were identified:

Significant, Mitigable Impacts (Class II)

- The result of the increased population would be the need for additional housing and jobs, which would result in the physical alteration of vacant and previously developed land within the City (Impact 3.8-1);

- Population growth associated with implementation of the proposed GP/CLUP is anticipated to result in an increase in the population by 24 percent at the full or ultimate buildout (Impact 3.8-2);
- Ultimate buildout of the City in accordance with the GP/CLUP could result in the addition of 3,730 residential units to the City's housing stock (Impact 3.8-3);
- Ultimate buildout of the City in accordance with the GP/CLUP would result in the addition of approximately 3,400 to 3,900 jobs (Impact 3.8-4);
- Short-term effects during construction resulting in conflicts with land use policies and/or regulations (Impact 3.10-1);
- Short-term effects due to construction of planned recreational facilities (Impact 3.10-2);
- Long-term conflicts with land use policies and/or regulations due to GP/CLUP buildout, transportation improvements and public facilities (Impact 3.10-3);
- Long-term conflicts with habitat conservation plans or natural conservation plan due to GP/CLUP buildout (Impact 3.10-4);
- Loss of privacy and/or neighborhood incompatibility due to GP/CLUP buildout (Impact 3.10-5);
- Long-term physical effects due to buildout of planned recreational facilities (Impact 3.10-6); and
- Physical deterioration of existing recreational facilities due to GP/CLUP buildout (Impact 3.10-7).

Adverse, but Not Significant Impacts (Class III)

- Physical division of an established community due to GP/CLUP buildout (Impact 3.10-8); and
- Displacement of people or existing homes (Impact 3.8-5).

The GP/CLUP includes many policies to reduce these impacts to less than significant levels, as listed in the GP/CLUP FEIR. The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance. Therefore, no additional mitigation measures other than those previously identified are required.

Impacts

The GP/CLUP FEIR identified the following four potential impacts (3.8-1 through 3.8.4) that would result from residential growth associated with land use development build-out envisioned in the GP/CLUP. The GP/CLUP FEIR identified several policies to reduce these impacts and the residential build-out impacts were consequently identified as less than significant.

Impact 3.8-1 The result of the increased population would be the need for additional housing and jobs, which would result in the physical alteration of vacant and previously developed land within the City (Class II)

Impact 3.8-2 Population growth associated with implementation of the proposed GP/CLUP is anticipated to result in an increase in the population by 24 percent at the full or ultimate buildout (Class II)

Impact 3.8-3 Ultimate buildout of the City in accordance with the GP/CLUP could result in the addition of 3,730 residential units to the City's housing stock (Class II)

Impact 3.8-4 Ultimate buildout of the City in accordance with the GP/CLUP would result in the addition of approximately 3,400 to 3,900 jobs (Class II)

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. No changes to GP/CLUP housing land use designations and policies are included in the Ordinance.

Consequently, this Ordinance would not change these four housing-related impacts analyzed in the GP/CLUP FEIR.

Impact 3.10-1 Short-term Conflict with Applicable Land Use Policies and/or Regulations Due to Buildout (Construction) of GP/CLUP Land Uses, Transportation Improvements and Public Facilities (Class II)

Short-term construction conflicts were identified in the GP/CLUP FEIR, such as potential conflicts with policies regarding biological and cultural resources, noise, traffic, and air quality. The GP/CLUP FEIR cited numerous GP/CLUP policies that would reduce this impact to a level that is less than significant (see page 3.10-16–17 in 2006 FEIR).

These policies are now in place and would ensure that any potential impacts resulting from development resulting from this Ordinance would be less than significant.

Impact 3.10-2 Short-term Adverse Physical Effect on the Environment Due to Construction of Planned Recreational Facilities (Class II)

The GP/CLUP establishes plans for future recreational facility development, the construction of which would cause short-term physical effects. The GP/CLUP FEIR identified numerous policies to reduce this impact to a level that is less than significant.

The Ordinance does not impact planned recreational facilities. Consequently, the Ordinance would not change the impact analyzed in the GP/CLUP FEIR.

Impact 3.10-3 Conflict with Applicable Land Use Policies and/or Regulations Due to Buildout of GP/CLUP Land Uses, Transportation Improvements and Public Facilities (Class II)

The GP/CLUP FEIR identified potential GP/CLUP buildout conflicts with policies of other agencies that have jurisdiction within the City planning area. The GP/CLUP includes policies and programs to address conflicts and achieve consistency with other agency requirements and reduce potential impacts to levels that are less than significant.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing (including agency consultation).

Impact 3.10-4 Conflict with Applicable Habitat Conservation Plan or Natural Community Conservation Plan Due to Buildout of GP/CLUP Land Uses (Class II)

The GP/CLUP FEIR determined that GP/CLUP buildout would have the potential to conflict with Coastal Zone policies regarding ESHA. Some of the ESHA also are located within the Ellwood Mesa Open Space and Habitat Management Plan area. The many GP/CLUP policies regarding ESHA, coastal access, land uses, creeks, and wetlands reduce this potential impact to a level that is less than significant.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing. The Ordinance would not result in greater or different conflicts than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant policy conflicts, and would not affect the GP/CLUP policies cited as mitigation for this impact.

Impact 3.10-5 Loss of Privacy and/or Neighborhood Incompatibility Due to Buildout of GP/CLUP Land Uses (Class II)

The City's adopted Environmental Thresholds and Guidelines Manual addresses quality of life issues. Future buildout in areas where new or modified land uses could occur on vacant parcels would have the potential to result in the loss of privacy or could contribute to conditions that are incompatible with existing neighborhoods. The GP/CLUP FEIR referenced numerous policies that would reduce this impact to a level that is less than significant. In particular, policy LU-2 and VH-4 provide for the protection of privacy in residential settings. Additional policies are in the Land Use Element, Housing Element, Visual and Historic Resources Element, and Public Facilities Element. Also, noise and land use compatibility standards are established in the Noise Element.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. The Ordinance includes mailed notice for all cannabis use permits, including where only a Land Use Permit (LUP) is required. This additional noticing allows neighbors to be alerted to the potential use and address the City with any compatibility concerns. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing, including review by the Design Review Board.

Impact 3.10-6 Adverse Physical Effect on the Environment Due to Buildout of Planned Recreational Facilities (Class II)

In addition to the short-term effects identified in Impact 3.8-2, the GP/CLUP FEIR identified the potential for longer-term physical impacts associated with development of recreational facilities, parks, trails, and coastal access. These physical impacts are part of the overall GP/CLUP buildout. The many policies in the GP/CLUP regarding protection of natural, human, and visual resources, as well as policies providing protection against natural hazards, reduce this impact to a level that is less than significant.

The Ordinance does not impact planned recreational facilities. Consequently, this Ordinance would not change the impact analyzed in the GP/CLUP FEIR.

Impact 3.10-7 Physical Deterioration of Existing Recreational Facilities due to GP/CLUP Buildout (Class II)

The GP/CLUP FEIR determined that buildout under the GP/CLUP would increase population in the City and this population growth would have the potential to lead to increased use and greater wear and tear of existing recreational facilities. This potential impact is minimized by the fact that the GP/CLUP designates areas for new/expanded recreational facilities to accommodate future growth, and includes policies supporting maintenance of existing recreational facilities.

The Ordinance does not impact planned recreational facilities as no cannabis uses are allowed within Park and Open Space land use designations. In addition, no changes to GP/CLUP housing land use designations and policies are included in the Ordinance. Consequently, this Ordinance would not change the impact analyzed in the GP/CLUP FEIR.

Impact 3.8-5 The GP/CLUP Would Not Result in the Displacement of a Substantial Number of People or Existing Homes (Class III)

The GP/CLUP FEIR determined that this potential impact would not occur, or would be less than significant. The GP/CLUP analysis assumed that existing land uses will remain until land use changes occur through voluntary means.

The GP/CLUP would not necessitate removal of housing or displacement of residents. The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. No new or substantially more severe impacts would be caused by the Ordinance with regard to displacement of people or homes.

Impact 3.10-8 Physical Division of an Established Community Due to Buildout of GP/CLUP Land Uses (Class III)

The GP/CLUP FEIR determined that the GP/CLUP would not result in substantial physical division of any established community.

The provisions in the Ordinance would not change this conclusion. GP/CLUP policies cited in the GP/CLUP FEIR would not be changed by the Ordinance. No new or substantially more severe impacts would be caused by the Ordinance with regard to division of established communities.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.9 Hydrology and Water Quality

The GP/CLUP FEIR identified the following impacts on hydrology and water quality from buildout of the GP/CLUP:

Significant, Mitigable Impacts (Class II)

- Degradation of water quality from construction-related contaminants (Impact 3.9-1);
- Alterations in existing drainage patterns and downstream flooding and erosion (Impact 3.9-4);
- Construction of housing in a 100-year flood hazard area (Impact 3.9-5);
- Risk to new development from inundation by a tsunami, mudslide, or seiche (Impact 3.9-6); and
- Increases in point source and nonpoint source pollution from new development (Impact 3.9-7).

Adverse, but Not Significant Impacts (Class III)

- Risk to new development from dam failure and resulting flooding (Impact 3.9-8).

No short- or long-term significant and unavoidable impacts on the City's surface water, groundwater, and marine resources were identified. The GP/CLUP Conservation, Safety, and Public Facilities Elements include numerous policies to help reduce these impacts, and no non-cumulative impact remains significant (Class I).

The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance and no additional mitigation measures are required.

Impacts

Impact 3.9-1 Degradation of Water Quality from Construction-Related Contaminants (Class II)

The GP/CLUP FEIR determined that construction-related earth disturbing activities would occur during future development and infrastructure projects associated with buildout of the GP/CLUP. These activities could cause soil erosion, sedimentation to local waterways, hazardous material leaks (oil and gasoline), and threats to surface or groundwater quality. However, these impacts would be reduced by the enforcement of requirements and provisions tied to NPDES permits (NPDES General Construction Permit and Municipal Stormwater NPDES Permit).

In addition, the GP/CLUP FEIR identifies four policies (Policies CE 2, CE 3, CE 6, and CE 10) that would reduce these impacts to a less-than-significant level. Policies CE 2, CE 3, and CE 6 restrict activities within riparian zones, wetlands, and marine habitat areas, reducing the potential for construction-related water quality degradation in these areas. Policy CE 10 most directly addresses new development, as it requires incorporating Best Management Practices (BMPs) into project design, and implementing stormwater management requirements to protect water quality.

The Ordinance would not allow new development in areas where such development is prohibited or restricted under the GP/CLUP, including riparian zones, wetlands, and marine habitat areas. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies CE 2, CE 3, CE 6, and CE 10), and would need to go through standard permit processing.

Therefore, impacts on water quality resulting from the Ordinance would not be greater than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant degradation of water quality from construction-related contaminants impacts and would not negatively affect the GP/CLUP policies cited as impact mitigation measures.

Impact 3.9-4 Alterations in Existing Drainage Patterns and Downstream Flooding and Erosion (Class II)

The GP/CLUP FEIR concluded that new impervious surfaces resulting from buildout of the GP/CLUP could alter existing drainage patterns and increase the volume of stormwater runoff. This could result in an increase in drainage flows, potentially causing s downstream. The GP/CLUP FEIR identifies nine policies (Policies LU 1, CE 2, CE 6, CE 7, CE, 10, PF 8, SE 1, SE 6, and TE 6) that would reduce this impact. These GP/CLUP policies discourage construction in sensitive areas and require a detailed hydraulic study to determine impacts if construction is necessary. Implementing these policies would reduce the impact to a less-than-significant level.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies LU 1, CE 2, CE 6, CE 7, CE, 10, PF 8, SE 1, SE 6, and TE 6), and would need to go through standard permit processing.

Therefore, impacts on water quality resulting from the Ordinance would not be greater than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant flooding or erosion impacts and would not negatively affect the GP/CLUP policies cited as impact mitigation measures.

Impact 3.9-5 Construction of Structures or Housing in a 100-Year Flood Hazard Area (Class II)

The GP/CLUP FEIR determined that new development associated with GP/CLUP buildout located within the boundary of the 100-year floodplain could expose people or structures to risks from flooding. The GP/CLUP FEIR identified four policies (policies SE 1, SE 6, SE 11, and PF 8) that would reduce this impact to a less-than-significant level. These policies focus on restricting development in hazardous areas, minimizing potential damage to structures and danger to life caused by flooding, and promoting emergency preparedness.

The Ordinance implements the land use development designations established in the GP/CLUP and would not allow new development in areas where such development is restricted under the GP/CLUP. In addition, any new construction would need to adhere

to existing development standards, GP/CLUP policies (including Policies SE 1, SE 6, SE 11, and PF 8), and would need to go through standard permit processing.

Therefore, impacts on flooding threats resulting from the Ordinance would not be greater than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant flooding impacts and would not negatively affect the GP/CLUP policies cited as impact mitigation measures.

Impact 3.9-6 Risk to New Development from Inundation by a Tsunami, Mudslide, or Seiche (Class II)

The GP/CLUP FEIR determined that new development associated with GP/CLUP buildout located within existing areas subject to tsunamis or mudslides could expose people or structure to risks from flooding, damage, or injuries. The GP/CLUP FEIR identified five policies (policies SE 1, SE 4, SE 5, SE 11, and PF 8) that would reduce this impact to a less-than-significant level. These policies focus on restricting development in hazardous areas, minimizing potential damage to structures and danger to life caused by seismic events and related hazards, regulating developments in erosion-prone zones, and promoting emergency preparedness.

The Ordinance implements the land use development designations established in the GP/CLUP and would not allow new development in areas where such development is restricted under the GP/CLUP. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies SE 1, SE 4, SE 5, SE 11, and PF 8), and would need to go through standard permit processing.

Therefore, impacts on flooding threats resulting from the Ordinance would not be greater than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new tsunamis or mudslides impacts and would not negatively affect the GP/CLUP policies cited as impact mitigation measures.

Impact 3.9-7 Increase in Point Source and Nonpoint Source Pollution from New Development (Class II)

The GP/CLUP FEIR determined that new development associated with GP/CLUP buildout would increase the amount of wastewater and runoff generated. In addition, facilities developed under the GP/CLUP could result in the release of hazardous materials to surface or ground water, and other new commercial or industrial uses could result in point-source discharges associated with production processes. However, these impacts would be reduced by the enforcement of requirements tied to NPDES permits (individual NPDES permits and the City's Municipal Stormwater NPDES Permit). The GP/CLUP FEIR identified five policies (policies SE 1, SE 4, SE 5, SE 11, and PF 8) that would reduce these impacts to a less-than-significant level. These policies focus on protecting water quality in streams, marine and shoreline areas, implementing stormwater BMPs, and minimizing water contamination risks from hazardous materials and facilities.

The Ordinance implements the land use development designations established in the GP/CLUP and would not allow new development in areas where such development is restricted under the GP/CLUP. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies SE 1, SE 4, SE 5, SE 11, and PF 8), and would need to go through standard permit processing.

Therefore, impacts from point and nonpoint source pollution from new development resulting from the Ordinance would not be greater than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new wastewater and runoff generated impacts and would not negatively affect the GP/CLUP policies cited as impact mitigation measures.

Impact 3.9-8 Risk to New Development from Dam Failure and Resultant Flooding (Class III)

The GP/CLUP FEIR determined that in the unlikely scenario that the Bradbury Dam failed, resulting floodwaters would travel through the Santa Ynez Valley, and not through the Goleta planning area. This impact is considered less than significant.

The Ordinance does not have any impact on the Bradbury Dam, which is located outside of the City of Goleta. In addition, as noted above, the Ordinance implements the GP/CLUP policies related to flood preparedness through multiple regulations and standards. Thus the potential impact would not be greater than the impact identified in the GP/CLUP FEIR.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.10 Noise

The GP/CLUP FEIR identified the following noise-related impacts from buildout of the GP/CLUP:

Significant Unavoidable Impacts (Class I)

- Short-term exposure of noise sensitive land uses to noise from single-event and nuisance noise sources (Impact 3.11-1);
- Long-term exposure of existing or planned noise sensitive receptors uses to increased noise (Impact 3.11-2);
- Long-term exposure of proposed noise sensitive land uses to traffic noise (Impact 3.11-3);
- Long-term exposure of proposed noise sensitive land uses to railway noise (Impact 3.11-4); and
- Long-term exposure of proposed noise sensitive land uses to industrial and other point sources (Impact 3.11-5).

Adverse, but Not Significant Impacts (Class III)

- Long-term exposure of proposed noise sensitive land uses to airport noise (Impact 3.11-6).

The GP/CLUP Noise Element includes numerous policies to help reduce these impacts, though five of the impacts—one short-term and four long-term impacts—remain significant (Class I), as noted. Furthermore, with respect to Impacts 3.10-3, 3.10-4 and

3.10-5, the GP/CLUP FEIR noted that additional mitigation will be required where feasible and, in some cases, development may be extensively limited or prohibited in order to limit the exposure of noise sensitive uses to traffic, railroad, or commercial and industrial noise that would exceed the City's noise compatibility standards.

The Ordinance would not change these conclusions. The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance and no additional mitigation measures are required.

Impacts

Impact 3.10-1 Short-term Impacts from Exposure of Noise Sensitive Land Uses to Noise from Single-Event and Nuisance Noise Sources (Class I)

The GP/CLUP FEIR concluded that noise sensitive land uses in the City may be exposed to single-event and nuisance noise sources as a result of construction associated with the GP/CLUP buildout or from other temporary, short-term activities. The GP/CLUP FEIR identified three policies (Policies NE 1, NE 6 and NE 7), which would place specific limits on single-event and nuisance noise sources. Despite these policies, it was determined that there would still likely be occasional instances where practical limitations would preclude reducing noise to a less-than-significant level; thus, the impact was determined to be significant and unavoidable.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies NE 1, NE 6 and NE 7), and would need to go through standard permit processing. As a result, no additional impacts or substantial increase in noise impacts would occur.

Impact 3.10-2 Impacts from Exposure of Existing or Planned Noise Sensitive Receptors Uses to Increased Noise (Class I)

The GP/CLUP FEIR concluded that adoption of the GP/CLUP would result in traffic volumes relative to those that would occur under the No Action Alternative on some streets, and that the adoption of the GP/CLUP is not anticipated to increase aircraft, train, commercial, or industrial operations in the City. However, the GP/CLUP FEIR listed a number of roadways where traffic noise on adjacent parcels was predicted to increase to a level exceeding 65 dBA CNEL under the GP/CLUP, and stated that interior noise levels could also increase to exceed 45 dBA CNEL, assuming nominal exterior-to-interior noise reduction of 20 dB.

The GP/CLUP FEIR identified two policies—NE 2 and NE 7—that would help to limit increases in traffic noise along existing roadways by attenuating traffic noise through specific standards for use of barriers, techniques for roadways, and site design requirements. Even with implementation of the identified policies, increased noise levels would be likely remain in some cases, precluding reduction of noise increases to a less-than-significant level.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would

need to adhere to existing development standards, GP/CLUP policies (including Policies NE 2 and NE 7), and would need to go through standard permit processing, including design review.

In addition, as described in Chapter 3.12, Transportation and Circulation, 2013 data has demonstrated that traffic volumes have decreased, rather than increased, since adoption of the 2006 FEIR. As vehicular traffic is one of the most pervasive noise sources in the City, a decrease in traffic volumes may indicate that noise impacts are not as great as forecast in the 2006 FEIR. As a result, no additional impacts or substantial increase in noise impacts would occur.

Impact 3.10-3 Impacts from Exposure of Proposed Noise Sensitive Land Uses to Traffic Noise (Class I)

As described in the GP/CLUP FEIR, a number of areas planned for development of noise sensitive land uses could be exposed to traffic noise exceeding 65 dBA CNEL with buildout of the GP/CLUP, and assuming nominal exterior-to-interior noise reduction of 20 dB, these noise sensitive land uses could also be exposed to interior noise exceeding 45 dBA CNEL. Policies NE 1, NE 2, and NE7 were identified in the GP/CLUP FEIR to reduce impacts the exposure of noise sensitive uses to traffic noise. These policies include utilizing land use compatibility standards and requiring mitigation to reduce noise to an acceptable level, as well as requiring specific standards for use of barriers, techniques for roadways, and site design requirements. Though implementation of the specified policies which could also require extensive limitations on development, they would not necessarily reduce noise impacts to a less-than-significant level in all cases.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies NE 1, NE 2, and NE 7), and would need to go through standard permit processing, including design review.

In addition, as described in Chapter 3.12, Transportation and Circulation, 2013 data has demonstrated that traffic volumes have decreased, rather than increased, since adoption of the 2006 FEIR. As vehicular traffic is one of the most pervasive noise sources in the City, a decrease in traffic volumes may indicate that noise impacts are not as great as forecast in the 2006 FEIR. As a result, no additional impacts or substantial increase in noise impacts would occur.

Impact 3.10-4 Impacts from Exposure of Proposed Noise Sensitive Land Uses to Railway Noise (Class I)

The GP/CLUP FEIR determined that, under the GP/CLUP, a number of areas planned for residential development could be exposed to railroad noise exceeding 65 dBA CNEL, and that interior noise levels could also increase to exceed 45 dBA CNEL, assuming nominal exterior-to-interior noise reduction of 20 dB. Policies NE 1, NE 4, and NE 7 were identified to reduce exposure of noise sensitive uses to railroad noise that would exceed the City's noise compatibility standards, and include utilizing land use compatibility standards and requiring mitigation to reduce noise to an acceptable level, requiring

railway-specific noise-reduction measures, and site design requirements, as well as potentially prohibiting development in certain areas. However, occasional instances could still occur that would preclude reducing noise impacts to a less-than-significant level in all cases.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies NE 1, NE 2, and NE 7), and would need to go through standard permit processing, including design review. As a result, no additional impacts or substantial increase in noise impacts would occur.

Impact 3.10-5 Impacts from Exposure of Proposed Noise Sensitive Land Uses to Industrial and Other Point Sources (Class I)

The GP/CLUP FEIR concluded that noise from the Venoco Ellwood Onshore Oil and Gas Processing Facility exceeds 65 DBA CNEL at certain locations along its property line and that one existing site has the potential to be exposed to noise from the facility, although a number of areas planned for residential development could be exposed to commercial or industrial noise exceeding this level as a result of the 2030 buildout. Three policies (NE 1, NE 5, and NE 7) were identified to reduce industrial and other point source noise levels. These policies consist of utilizing land use compatibility standards and requiring mitigation to reduce noise to an acceptable level, requiring industrial and other point source noise-reduction measures, including measures specific to reducing noise at the Venoco Ellwood Onshore Oil and Gas Processing Facility, and site design requirements, as well as potentially prohibiting development in certain areas. Occasional instances where practical limitations would preclude reducing noise impacts to a less-than-significant level would still likely occur even with implementation of these policies.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies NE 1, NE 5, and NE 7), and would need to go through standard permit processing, including design review. As a result, no additional impacts or substantial increase in noise impacts would occur.

Impact 3.10-6 Impacts from Exposure of Proposed Noise Sensitive Land Uses to Airport Noise (Class I)

The GP/CLUP FEIR concluded that exposure of proposed noise sensitive land uses to airport noise would be less than significant, as none of the areas planned for development of noise sensitive land uses in the GP/CLUP would be exposed to aircraft noise exceeding 65 dBA CNEL. Nonetheless, three policies—NE 1, NE 3, and NE 7—were identified to further reduce the likelihood of a proposed noise sensitive land use being exposed to aircraft noise exceeding 65 CNEL. These policies consist of utilizing land use compatibility standards and requiring mitigation to reduce noise to an acceptable level, requiring airport-specific noise-reduction measures, and site design requirements.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards, GP/CLUP policies (including Policies NE 1, NE 3, and NE 7), and would need to go through standard permit processing, including design review. As a result, no additional impacts or substantial increase in noise impacts would occur.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.11 Public Services and Utilities

The GP/CLUP FEIR identified the following impacts on public services and utilities from buildout of the GP/CLUP:

Significant, Mitigable Impacts (Class II)

- Increased demand for police protection (Impact 3.12-1);
- Increased demand for fire protection (Impact 3.12-2);
- Increased demand for wastewater collection, treatment and disposal (Impact 3.12-3);
- Increased demand for utility services (Impact 3.12-4);
- Increase demand on local school districts (Impact 3.12-5);
- Increased demand on library facilities (Impact 3.12-6);
- Adequacy of water supplies to serve new development (Impact 3.9-2); and
- Changes in groundwater supply resulting from new development (Impact 3.9-3).

Adverse, but Not Significant Impacts (Class III)

- Exceedance of capacity of landfills to accommodate additional solid waste (Impact 3.12-7).

No significant and unavoidable impacts (Class I) were identified in the GP/CLUP FEIR.

The Goleta GP/CLUP Public Facilities Element, Safety Element, and Conservation Element include numerous policies to help reduce the above impacts to a less than significant levels. Most impacts affecting public facilities relate to increased demand for services due to population growth, as a result of new construction under the GP/CLUP. The Ordinance implements the land use development designations established in the GP/CLUP, and is consistent with the buildout analyzed in the GP/CLUP FEIR.

The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance; therefore, no additional mitigation measures are required.

Impacts

Impact 3.11-1 Increased Demand for Police Protection (Class II)

Police protection services in the City are provided through the Santa Barbara County Sheriff's Department by contract. The GP/CLUP FEIR concluded that implementing the GP/CLUP would create a greater demand for law enforcement services in the City of Goleta. The GP/CLUP FEIR identified three policies (Policies PF 2, PF 3, and PF 9) which would ensure that acceptable police protection is provided. The implementation of these policies would reduce impacts on police protection services to less-than-significant levels.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new project would need to adhere to GP/CLUP policies (including Policies PF 2, PF 3, and PF 9).

The state regulations of cannabis businesses also include measures to address security issues. California Code of Regulations Title 16, Division 42 Article 5 includes requirements for limiting access for non-employees, employee badge requirements, video surveillance, security personnel, locks for limited access areas and for all points of entry and exit from facilities, and for alarm systems. As noted above, the Ordinance requires a state license to operate. Thus, these state security standards must be in place at all times. These security measures will further reduce the likelihood of additional calls for police service at cannabis use sites.

Therefore, there would be no new impacts on demand for police protection that have not been previously examined or adequately addressed in the GP/CLUP FEIR.

Impact 3.11-2 Increased Demand for Fire Protection (Class II)

Fire protection services in the City are provided through the Santa Barbara County Fire Department (SBCFD). There are three fire stations located within City boundaries. Construction of a new fire station in Western Goleta to meet National Fire Protection Association (NFPA) guidelines for emergency response time is pending. This new fire station will implement Policy PF 3.2 (New Fire Station in Western Goleta). On May 2, 2017, City Council initiated a GP/CLUP Amendment to change the land use designation for Assessor's Parcel Number 079-210-075 from Visitor-Serving Commercial (C-V) to Public and Quasi-Public (P-QP) to facilitate the construction of the new fire station through City Council Resolution No. 17-15.

The GP/CLUP FEIR determined that implementing the GP/CLUP would increase demand for fire protection services in the City of Goleta, which currently does not meet standards. The GP/CLUP FEIR identified three policies (Policies PF 3, PF 9, and SE 7) that would ensure that fire protection is sufficient to accommodate projected growth, including construction of the new fire station. The implementation of these policies would reduce impacts on police protection services to less-than-significant levels.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new project would need to adhere to GP/CLUP policies (including Policies PF 3, PF 9, and SE 7) including development standards in PF 3.4 (Fire Safety in New Development). Therefore, there

would be no new impacts on demand for fire protection that have not been previously examined or adequately addressed in the GP/CLUP FEIR.

Impact 3.11-3 Increased Demand for Wastewater Collection, Treatment, and Disposal (Class II)

The Goleta West Sanitary District (GWSD) and the Goleta Sanitary District (GSD) provide wastewater collection, treatment, and disposal services within the GWD area. The GP/CLUP FEIR concluded that implementing the GP/CLUP would increase demand on the City's wastewater collection and service providers, GSD and GWSD. However, the existing facilities and service providers have sufficient, currently unused and available treatment capacity to accommodate the increased flows resulting from the buildout of the GP/CLUP. In addition, the GP/CLUP FEIR identified three policies (Policies PF 4, PF 7, and PF 9) that would ensure that appropriate wastewater infrastructure and treatment capacities accommodate projected growth. The implementation of these policies would reduce impacts on wastewater collection, treatment, and disposal to less-than-significant levels.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. Further, the cultivation and production of cannabis would not create any new or different by-product from other forms of agricultural or manufacturing uses and any new project would need to adhere to GP/CLUP policies (including Policies PF 4, PF 7, and PF 9). Therefore, there would be no new impacts on demand for wastewater services that have not been previously examined or adequately addressed in GP/CLUP FEIR.

Impact 3.11-4 Increased Demand for Utility Services (Class II)

Southern California Edison (SCE) and the Southern California Gas Company (SCGC) provide energy services for the City. The GP/CLUP FEIR determined that implementing the GP/CLUP would increase demand for utilities such as electricity and natural gas, but the level of service from gas and utility providers is considered adequate to cover projected population growth. The GP/CLUP FEIR identified five policies (Policies PF 6, PF 7, PF 8, PF 9, and CE 13) that would ensure that acceptable electricity and gas services are provided. The implementation of these policies would reduce impacts on utility service providers resulting from buildout of the GP/LUCP to less-than-significant levels.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new project would need to adhere to GP/CLUP policies (including Policies PF 6, PF 7, PF 8, PF 9, and CE 13). The Ordinance allows for indoor cultivation, which may have a significant electrical demand. The Ordinance explicitly requires proof of consultation with SCE prior to application submittal (consistent with GP/CLUP Policy PF 6.1). In addition, the Ordinance limits the canopy size of indoor cultivation to 5,000 square feet (Specialty Cottage and Specialty Indoor license types). This development standard will further reduce any potential electricity demand for indoor cultivation as the larger indoor cultivation license types (Small Indoor and Indoor) are prohibited.

Therefore, there would be no new impacts on demand for utilities services that have not been previously examined or addressed in the GP/CLUP FEIR.

Impact 3.11-5 Increased Demand on Local School Districts (Class II)

The Goleta Union School District (GUSD) and Santa Barbara Unified School District (SBUSD) provide public education services for City residents. In 2006, the GUSD was experiencing an approximate 4 percent annual decline in student attendance. The GP/CLUP FEIR concluded that if this declining student trend continued, then GUSD facilities would not be adversely affected by implementation of the GP/CLUP. In addition, the GP/CLUP FEIR identified a policy (Policy PF 5) that would ensure that future development resulting from GP/CLUP implementation can be adequately served by the GUSD and former SBHSD, now renamed the SBUSD. The implementation of this policy would reduce student enrollment impacts on area schools resulting from buildout of the GP/CLUP to less-than-significant levels.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. Therefore, there would be no new impacts on demand on local school districts that have not been previously examined or adequately addressed in the GP/CLUP FEIR.

Impact 3.11-6 Increased Demand on Library Facilities (Class II)

The Santa Barbara Public Library System provides library services for the City. As of July 1, 2018, the Goleta Branch will become a City owned and operated library, the Goleta Valley Library. The GP/CLUP FEIR concluded that implementing the GP/CLUP would increase the demand on library facilities, which were considered already inadequate at the time. The GP/CLUP FEIR identified three policies (Policies PF 2, PF 7, and PF 8) that would ensure that acceptable library services are provided.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. Therefore, there would be no new impacts that would increase the demand on library facilities that have not been previously examined or adequately addressed in the GP/CLUP FEIR.

Impact 3.11-7 Adequacy of Water Supplies to Serve New Development (Class II)

The Goleta Water District (GWD) is the water purveyor for the City and surrounding unincorporated areas. The GP/CLUP FEIR determined that implementing the GP/CLUP would increase water demand from new commercial, residential, and industrial development. However, in normal years through 2030, GWD estimates that it would have sufficient supplies to meet all currently identified water demands, including those associated with the proposed maximum buildout under the GP/CLUP. In addition, the GP/CLUP FEIR identified five policies (Policies LU 1, LU 12, CE 15, PF 4, and PF 9) that would reduce potential impacts associated with the adequacy of water supplies to a less-than-significant level.

The City and region has suffered from drought conditions over the past six years. On September 9, 2014, the GWD declared a Stage II Water Shortage Emergency. On October 1, 2014, the District engaged in a temporary denial of applications for new or

additional water service connections per the SAFE Water Supplies Ordinance. Under this temporary denial, only existing customers, parties with a pre-existing water use entitlement, parties that have an existing agreement with the District or parties that have submitted full payment for water service are eligible for a water meter. On May 12, 2015 the GWD Board of Directors declared a Stage III Water Shortage Emergency, with mandatory water use restrictions and changes to watering times. As of May 2018, the Stage III Water Shortage Emergency remains in effect. Any development, including cannabis uses, during the drought conditions must comply with GWD drought requirements.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new project would need to adhere to GP/CLUP policies (including Policies LU 1, LU 12, CE 15, PF 4, and PF 9).

Furthermore, the cultivation and production of cannabis uses substantially the same amount of water as other forms of agricultural uses. Therefore, there would be no new impacts affecting the adequacy of water supplies that have not been previously examined or adequately addressed in the GP/CLUP FEIR.

Impact 3.11-8 Changes in Groundwater Supply Resulting from New Development (Class II)

The GP/CLUP FEIR determined that to meet the water demands of new developments resulting from the implementation of the GP/CLUP, the Goleta Water District (GWD) may need to increase groundwater pumping, particularly during a critical dry year. However, new development is not expected to decrease the groundwater supply such that other groundwater users were affected under any circumstance. Nonetheless, new development would also result in increased amounts of impervious surface, reducing the ability for stormwater to percolate and recharge the groundwater basin. The GP/CLUP FEIR identifies four policies (Policies CE 2, CE 10, CE 15, and PF 4) that would help protect recharge areas, allow for stormwater infiltration, and limit the amount of new impervious surfaces. The implementation of these policies would reduce this impact to a less-than-significant level. Since the 2006 FEIR and in order to address the drought described under Impact 3.11-7 above, the City adopted Ordinance No. 15-05 that prohibits new water wells within the City. New cannabis uses would need to adhere to this prohibition.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new project would need to adhere to GP/CLUP policies (including Policies CE 2, CE 10, CE 15, and PF 4) as well as Ordinance No. 15-05. Therefore, there would be no new impacts on changes to groundwater supply that have not been previously examined or adequately addressed in the GP/CLUP FEIR.

Impact 3.11-9 Exceedance of Capacity of Landfills to Accommodate Additional Solid Waste Stream (Class III)

All nonhazardous solid waste in the City and the surrounding South Coast area is handled at two local facilities: The South Coast Recycling and Transfer Station and Tajiguas Landfill. The GP/CLUP FEIR concluded that the incremental increase in solid waste generation resulting from buildout of the GP/CLUP is anticipated to have an adverse but less-than-significant impact on landfill capacity at Tajiguas Landfill. Implementation of Policy PF 9 would limit development in the event that landfill capacity is achieved, ensuring that impacts would remain less than significant.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new project would need to adhere to GP/CLUP policies (including Policy PF 9).

State regulations of cannabis cultivation also include requirements for cannabis waste management. These requirements include compliance with all required permits, licenses, and other clearances; a specific location on-site to manage cannabis waste; and identification of a method to manage cannabis waste.

Therefore, there would be no new impacts on landfill capacity that have not been previously examined or adequately addressed in the GP/CLUP FEIR.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.12 Transportation and Circulation

The GP/CLUP FEIR identified the following impacts on transportation and circulation from buildout of the GP/CLUP:

Significant Unavoidable Impacts (Class I)

- Long-term exceedance of an LOS standard at Hollister Avenue/Storke Road (Impact 3.13-1).

Significant, Mitigable Impacts (Class II)

- Long-term exceedance of an LOS standard at numerous intersections and along three roadway segments (Impact 3.13-2).

Adverse, but Not Significant Impacts (Class III)

- Long-term increased traffic volumes without violation of LOS standards at numerous intersections and roadway segments (Impact 3.13-3).

Beneficial Impacts (Class IV)

- LOS under 2030 is expected to improve or remain unchanged at Hollister Avenue/Market Place Drive and Cathedral Oaks/Calle Real (Impact 3.13-4).

- No adverse impact to air traffic patterns (Impact 3.13-5).
- Increased transit ridership and encourage alternative modes of transportation (Impact 3.13-6).

The GP/CLUP Transportation Element includes numerous policies to help reduce these impacts, including several specific roadway improvements that are required before future development can take place, although one of the impacts would remain significant (Class I) even with the improvements. No short-term impacts associated with buildout of the GP/CLUP would be considered significant. Furthermore, the GP/CLUP FEIR noted that future development projects would be subject to separate environmental review and additional mitigation, if necessary. The Ordinance would not change these conclusions and short-term impacts are not further discussed in this analysis.

The majority of required roadway improvements that were listed in the 2006 FEIR have either already been completed by the City, are underway, or are in the planning stages. Further, none of the proposed cannabis regulations would result in new or substantially more severe impacts than identified in the GP/CLUP FEIR.

The following discussion focuses on impacts identified in the GP/CLUP FEIR. No additional or different impacts would occur as a result of the Ordinance and no additional mitigation measures are required.

Impacts

Impact 3.12-1 Exceed, Either Individually or Cumulatively, a LOS Standard Established by Local Jurisdictions for Designated Roadways or Highways (Class I)

The GP/CLUP FEIR concluded that an LOS E was projected for the intersection of Hollister Avenue and Storke Road, which exceeds the existing LOS C. The FEIR stated that improvement to LOS D would be expected with implementation of recommended transportation improvements identified in the FEIR, and GP/CLUP policy subsection TE 4.2 sets the standard at this location to LOS D. Since certification of the FEIR, some of the recommended major infrastructure improvements have been completed (Cathedral Oaks Interchange and Overpass Road Extension to Hollister Avenue), are in progress (Ekwill Fowler Road Extension, Ellwood Station Freeway Crossing, and Hollister Avenue Redesign), or are currently in the planning stages (La Patera Freeway Crossing, Phelps/Mesa Road Extension, and SR-217 Roundabouts). Additional improvements at various key intersections to improve the LOS have also already been completed. However, even with these improvements, intersection operations at Storke/Hollister under GP/CLUP buildout would not improve operations to the City's CEQA significance thresholds and the impact would be significant and unavoidable.

The Ordinance implements the land use development designations established in the GP/CLUP, and therefore, the type of development occurring in these locations would be consistent with development and related impacts analyzed in the GP/CLUP FEIR. As a result, the Ordinance will not result in new significant transportation and circulation impacts and would not affect the GP/CLUP policies cited as mitigation for transportation impacts.

Impact 3.12-2 Exceed, Either Individually or Cumulatively, a LOS Standard Established by Local Jurisdictions for Designated Roadways or Highways (Class II)

The 2009 SEIR concluded that 17 intersections and two roadway segments would exceed the City's LOS/Average Daily Traffic (ADT) thresholds under the 2030 GP/CLUP buildout. The FEIR further concluded that the LOS or ADT for each intersection or roadway segment would be reduced to a less-than-significant level with implementation of the transportation improvements established in the GP/CLUP. In addition, six intersections at LOS C were projected to improve or stay the same under the 2030 buildout, and that operations at the 25 remaining intersections are expected to be worse under the 2030 buildout conditions compared to existing conditions, but they are expected to operate at LOS C or better.

The GP/CLUP FEIR identified four policies (TE 1, TE 4, TE 5, and TE 13), including modifications to LOS standards and transportation improvements that would reduce traffic impacts, as well as continuous monitoring of future traffic conditions and standards to ensure that improvements will be aligned with the traffic conditions that result from future development. As previously mentioned, nine of the 10 major infrastructure improvements identified in the 2006 FEIR (Table 3.13-11) have either already been completed, are underway, or are in the planning stages. Likewise, traffic counts collected for the 2006 FEIR are demonstrably higher than 2013 traffic counts.⁴

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new project would need to adhere to GP/CLUP policies (including Policies TE 1, TE 4, TE 5, and TE 13).

Accordingly, the Ordinance would not result in new significant transportation and circulation impacts and would not affect the GP/CLUP policies/transportation improvements cited as mitigation for transportation impacts.

Impact 3.12-3 Increased Traffic Volumes, Either Individually or Cumulatively, without Violation of LOS Standards Established by Local Jurisdictions for Designated Roadways or Highways (Class III)

The GP/CLUP FEIR concluded that 27 intersections and 17 roadway segments would see an increase in traffic volumes as a result of 2030 GP/CLUP buildout, but that neither the City LOS standards nor the threshold criteria would be exceeded. Therefore, the increase in volumes would not result in a violation of standards or criteria.

The Ordinance implements the land use development designations established in the GP/CLUP. In addition, nine of the 10 recommended major infrastructure improvements identified in the 2006 FEIR have either already been completed, are underway, or are in the planning stages. Likewise, traffic counts collected for the 2006 FEIR and succeeding validation from the 2009 SEIR are higher than 2013 traffic counts. As a result, impacts resulting from increased traffic volumes will remain less than significant.

⁴ Updates from 2013 City of Goleta obtained from the Marriott Residence Inn Project RFEIR Appendix Z. These updates demonstrate that the V/C or delay has decreased from those used in the 2009 SEIR and that, in some cases, the LOS has improved

Impact 3.12-4 LOS under 2030 Is Expected to Improve or Remain Unchanged at Hollister Avenue/Market Place Drive and Cathedral Oaks/Calle Real (Class IV)

As described in the GP/CLUP FEIR, LOS under the 2030 GP/CLUP buildout is expected to improve or remain unchanged, as compared to existing conditions at Hollister Avenue/Market Place Drive and at Cathedral Oaks/Calle Real.

The Ordinance implements the land use development designations established in the GP/CLUP and as a result, the level of significance would not change and there would be no impact for these locations.

Impact 3.12-5 No Impacts to Air Traffic Patterns (Class IV)

No adverse impacts on air traffic patterns were identified in the GP/CLUP FEIR.

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR and consequently will have no impact on air traffic patterns.

Impact 3.12-6 Increase Ridership and Support Alternative Modes of Transportation (Class IV)

As determined in the GP/CLUP FEIR, bicycle and pedestrian plans are consistent with and reflect completed and proposed improvements per the GP/CLUP. In addition, increased development through 2030 is expected to result in increased transit ridership as a result of Plan implementation. The following policies from the GP/CLUP support the use of alternative methods of transportation, such as carpool, transit, rail, bicycle, and pedestrian travel:

- Policy TE 1: Integrated Multi-Modal Transportation System
- Policy TE 2: Transportation Demand Management
- Policy TE 3: Streets and Highways Plan and Standards
- Policy TE 6: Street Design and Streetscape Character
- Policy TE 7: Public Transit (Bus Transportation)
- Policy TE 8: Rail Transportation
- Policy TE 10: Pedestrian Circulation
- Policy TE 11: Bikeways Plan
- Policy TE 12: Transportation Systems Management
- Policy TE 15: Regional Transportation

The Ordinance implements the land use designations established in the GP/CLUP and therefore the type of development occurring in these locations would be consistent with development analyzed in the GP/CLUP FEIR. In addition, any new project would need to adhere to GP/CLUP policies (including Policies TE 1, TE 2, TE 3, TE 6, TE 7, TE 8, TE 10, TE 11, TE 12, and TE 15). As a result, there would be no adverse change in impacts from the GP/CLUP FEIR.

Mitigation Measures

No modifications to GP/CLUP policies are required to implement the Ordinance provisions and no additional mitigation measures are needed above those specified in the GP/CLUP FEIR.

3.13 Cumulative Effects

Cumulative impacts are addressed within each resource issue area in the GP/CLUP FEIR. In this Addendum, cumulative effects are addressed together in this section.

Cumulative Impacts

The GP/CLUP FEIR identified cumulative impacts in the following issue areas:

- Cumulative Loss of Agricultural Land (Impact 3.2-4, Class I);
- Cumulative ROG and NOx Emissions (Impact 3.3-5, Class I);
- Cumulative PM10 Emissions (Impact 3.3-6, Class II);
- Long-Term Cumulative Operational Contributions to Greenhouse Gas Emissions as a Result of GP/CLUP Implementation (Impact 3.3-7, Class II);
- Cumulative Impacts on Biological Resources (Impact 3.4-14, Class III);
- Water Quality Impacts from Discharge to Surface Water Bodies Where Water Bodies are 303(d) Listed (Impact 3.9-9, Class I);
- Cumulative Effects on Water Supply (Impact 3.9-10, Class III); and
- Cumulative Traffic Noise (Impact 3.11-7, Class I).

The Ordinance was prepared in order to implement the GP/CLUP as explained above. It has been developed to tailor cannabis use locations to comparable land use as identified in the GP/CLUP Land Use Element to achieve consistency between cannabis uses and previously analyzed 43 land use designations. As described above, the implementation of the proposed Ordinance will not result in changes to the cumulative impacts as described in the GP/CLUP FEIR.

4. CEQA Finding

The Ordinance is within the scope of analysis for the GP/CLUP FEIR. Based on this Addendum review of the Ordinance project, in accordance with State CEQA Guidelines Section 15612, no Subsequent Negative Declaration or Environmental Impact Report is required for the project because minor changes to existing environmental circumstances and allowing cannabis land use activities under existing GP/CLUP land use designations do not involve new significant impacts or a substantial increase in the severity of impacts previously identified in the GP/CLUP FEIR and do not raise the need for additional mitigation.

The Certified GP/CLUP FEIR (SCH#2005031151) together with this addendum constitutes adequate environmental documentation in compliance with CEQA for the adoption of the Ordinance and related actions.

Appendix A
General Plan Land Use Designations – Cannabis
Uses Consistency Matrix

Appendix A - General Plan Land Use Designations – Cannabis Uses Consistency Matrix

State License Type	CR	CC	OT	VS	CI	CG	BP	OI	IS	IG	AG	Comparable General Plan Land Use
Cultivation												
Specialty Cottage (outdoor)	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Specialty Cottage (indoor)	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Specialty Cottage (mixed-light)	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Specialty Outdoor	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Specialty Indoor	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Specialty Mixed-Light	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Small Outdoor	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Small Indoor	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Small Mixed-Light	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Medium Outdoor	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Medium Indoor	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Medium Mixed-Light	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Nursery	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Large Outdoor (not until 2023)	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Large Indoor (not until 2023)	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Large Mixed-Light (not until 2023)	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Processor	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Manufacturing												
Non-Volatile Solvents	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Volatile Solvents	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Infusions	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Packaging and Labeling	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Testing Laboratory	-	-	-	-	-	-	X	X	-	X	-	Research and Development
Retail												
Storefront	X	X	X	-	-	X	-	-	-	-	-	General Merchandise; Apparel and Specialty Stores
Non-Storefront	-	-	-	-	-	X	-	-	X	X	-	General Wholesale Trade
Distributor	-	-	-	-	-	X	-	-	X	X	-	General Wholesale Trade
Microbusiness	-	-	-	-	-	-	-	-	-	-	-	No direct comparison.

Notes: Residential, recreational, and public and quasi-public land use designations not included in the table as there are no appropriate license types for those land use designations. “X” denotes cannabis use consistent with the General Plan land use designation.

Attachment 2

City Council Ordinance No. 18-__: “An Ordinance of the City Council of the City of Goleta, California, Repealing Definitions and Regulations from the Inland and Coastal Zoning Ordinances and Establishing Regulations for Various Cannabis Uses within the City” Consistent with Direction Received from the Joint Planning Commission / City Council Workshop on April 26, 2018

ORDINANCE NO. 18-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REPEALING DEFINITIONS AND REGULATIONS FROM THE INLAND AND COASTAL ZONING ORDINANCES AND ESTABLISHING REGULATIONS FOR VARIOUS CANNABIS USES WITHIN THE CITY

WHEREAS the voters of California passed Proposition 64 entitled The Control, Regulate and Tax Adult Use of Marijuana Act (commonly known as the Adult Use of Marijuana Act or AUMA) in November 2016; and

WHEREAS AUMA legalized recreational marijuana use and personal cultivation; and

WHEREAS AUMA also allowed for the operation of recreational marijuana businesses, if a state license is obtained; and

WHEREAS AUMA allows local governments to regulate commercial cannabis activities, consistent with the state licensing scheme, or completely prohibit commercial cannabis-related businesses; and

WHEREAS, after the approval of AUMA, the state legislature passed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) in June 2017; and

WHEREAS MAUCRSA established a regulatory and licensing scheme at the state level for all recreational and medicinal cannabis uses; and

WHEREAS the City's current regulations ban cannabis businesses; allow for indoor and outdoor personal cultivation; and allow for deliveries to be made in Goleta, but delivery businesses cannot be located in Goleta.; and

WHEREAS the City desires to allow cannabis businesses to operate within the City and regulate them; and

WHEREAS, on June 11, 2018, the Planning Commission adopted Resolution No. 18-06 by a majority vote, recommending to the City Council approval of the Cannabis Land Use Ordinance California Environmental Quality Act (CEQA) Addendum to the Goleta General Plan/Coastal Land Use Plan Final Environmental Impact Report (SCH#2005031151); and

WHEREAS a public hearing was held on June 11, 2018, in the City Council Chambers located at 130 Cremona Drive, Goleta, California, where evidence, both written and oral, was presented to the Planning Commission, who adopted Resolution No. 18-07 by a majority vote, recommending adoption of the Cannabis Land Use Ordinance (Case No. 18-035-ORD) to the City Council.

WHEREAS, on June ___, 2018, the City Council adopted Resolution No. 18-___ by a majority vote, approving the Cannabis Land Use Ordinance California Environmental Quality Act (CEQA) Addendum to the Goleta General Plan/Coastal Land Use Plan Final Environmental Impact Report (SCH#2005031151); and

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

SECTION 1. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Required Findings for an Ordinance Amendment

Pursuant to Zoning Ordinance sections 35-180.6 and 35-325.5, the City Council makes the following findings:

- A. This Ordinance is in the interest of the general community welfare since it provides a land use regulatory system for the permitting and operation of cannabis uses within the City; and
- B. This Ordinance is consistent with the Goleta General Plan/Coastal Land Use Plan and, specifically, the allowable uses identified for each land use designation in the Land Use Element. The General Plan/Coastal Land Use Plan identifies various land use designations and what types of uses are allowed in those land use designations. These land use designations and allowed uses are provided for in Tables 2-1 through 2-4 of the City's General Plan/Coastal Land Use Plan Land Use Element. Where a comparable use to each cannabis use is allowed in these tables, the cannabis use is allowed in the Ordinance, thus illustrating consistency with the General Plan/Coastal Land Use Plan; and
- C. The Ordinance is consistent with good zoning and planning practices since the Ordinance provides a comprehensive land use regulatory system for review and permitting various cannabis uses that addresses potential compatibility issues while also provide clear standards to apply to potential applicants.

Section 3. Environmental Assessment

The California Environmental Quality Act (CEQA) requires that the environmental impacts of the action be assessed. This project was assessed in accordance with the authority and criteria contained in the CEQA, the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. Resolution No. 18-___ of the City Council approved an Addendum to the General Plan/Coastal Land Use Plan Final Environmental Impact Report. The Resolution properly assess the environmental impact of the Project, in accordance with CEQA. This Resolution incorporates by reference the environmental findings and analysis set forth in Resolution No. 18-___.

SECTION 4. Repeals

- A. Section 35-209 of Division 2 of Article III of the Inland Zoning Ordinance is amended to delete the definitions for “Cannabis, or Marijuana”, “Cannabis Accessories”, “Cannabis Product”, “Commercial Cannabis Activity”, “Concentrated Cannabis”, “Cannabis Cultivation, or ‘cultivate cannabis’”, “Delivery” (as used in Section 35-292i), “Dispensary”, “Distribution” (as used in Section 35-292i), “Manufacture” (as used in Section 35-292i), “MAUCRSA”, “Medical Marijuana Dispensary”, “Mobile Marijuana Dispensary”, “Primary Caregiver”, and “Qualified Patient”.
- B. Repeal Section 35-292i, entitled “Commercial Cannabis Activities”, of Division 7 of Article III of the Inland Zoning Ordinance in its entirety.
- C. Section 35-58 of Division 2 of Article II of the Coastal Zoning Ordinance is amended to delete the definitions for “Cannabis, or Marijuana”, “Cannabis Accessories”, “Cannabis Product”, “Commercial Cannabis Activity”, “Concentrated Cannabis”, “Cannabis Cultivation, or ‘cultivate cannabis’”, “Delivery” (as used in Section 35-144G), “Dispensary”, “Distribution” (as used in Section 35-144G), “Manufacture” (as used in Section 35-144G), “MAUCRSA”, “Medical Marijuana Dispensary”, “Mobile Marijuana Dispensary”, “Primary Caregiver”, and “Qualified Patient”.
- D. Repeal Section 35-144G, entitled “Commercial Cannabis Activities”, of Division 7 of Article II of the Coastal Zoning Ordinance in its entirety.
- E. Repeal Chapter 8.16, entitled “Marijuana Cultivation Regulations”, of the Goleta Municipal Code in its entirety.

SECTION 5. Cannabis Land Use Regulations.

A. Purpose. This Ordinance establishes standards to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment by establishing minimum land use requirements for all cannabis activities including the cultivation, distribution, transportation, storage, manufacturing, processing, and sales.

B. Applicability. The standards of this Section apply to all cannabis activities as defined in Section D - Cannabis-Related Use Classifications. Additionally,

- 1. All cannabis activities shall comply with the provisions of this Section, as well as all applicable State laws, regardless of whether the use existed or occurred prior to the effective date of this Ordinance.
- 2. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance, or allows any use relating to personal or commercial cannabis activity that is illegal under State law.

3. Nothing in this Section is intended, nor shall it be construed, to exempt cannabis uses from compliance with all other applicable City regulations, including development standards, as well as other applicable provisions of the Goleta Municipal Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.
4. All persons operating facilities and conducting cannabis activities, as defined in this Section, are subject to possible federal prosecution, regardless of the protections provided by State or local law.

C. Cannabis-Related Definitions. When used in this Ordinance, the following words are defined as follows. If a word is not defined in this Section or in other provisions of the Goleta Municipal Code, the definition shall be as in State Cannabis Laws or, in cases where a definition is not provided in State Cannabis Laws, as determined by the Director.

1. “Accessory Use”. A use that is customarily associated with, and is incidental and subordinate to, a permitted use and located on the same premises as the permitted use.
2. “Cannabis”. All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code.
3. “Cannabis Concentrate”. Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.
4. “Cannabis Products”. Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
5. “Canopy”. The designated area(s) at a cannabis business, except nurseries and processors, that will contain mature plants at any point in time, as follows.
 - a. For indoor cultivation, canopy is calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each

enclosed area that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level is included in the total canopy calculation.

6. "Commercial Cannabis Activity". Activities that include the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensing, or retail sale of cannabis and cannabis products.
7. "Cultivation". Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
8. "Cultivation Site". A location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
9. "Day Care Center". Day care center has the same meaning as in Section 1596.76 of the Health and Safety Code.
10. "Delivery". The commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform.
11. "Director". The Planning and Environmental Review Department Director of the City of Goleta or his/her designee.
12. "Dispensing". Any activity involving the retail sale of cannabis or cannabis products from a retailer.
13. "Distribution". The procurement, sale, and transport of cannabis and cannabis products between licensees.
14. "Edible Cannabis Product". Cannabis product that is intended to be used, in whole or in part, for human consumption, and is not considered food.
15. "Extraction". A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.
16. "License or State License". A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same, to engage in commercial cannabis activity.
17. "Manufacture". To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Manufacture includes the following processes: Extraction processes; Infusion processes; Packaging or repackaging of cannabis products; and Labeling or relabeling the packages of cannabis products.
18. "Owner". Any of the following:

- a. A person with an aggregate ownership interest of 20 percent or more in the use applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - b. The chief executive officer of a nonprofit or other entity.
 - c. A member of the board of directors of a nonprofit.
 - d. An individual who will be participating in the direction, control, or management of the person applying for a license.
19. "Premises". A legal parcel, or leasehold interest in land, or a leased or owned space in a building where the commercial cannabis use or activity is or will be conducted.
20. "State Cannabis Laws". Laws of the State of California, which include California Health and Safety Code Sections 11362.1 through 11362.45; California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program); California Health and Safety Code Sections 26000 through 26211 (Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA", Senate Bill 94 (2017))); California Health and Safety Code Sections 26220 through 26231.2; the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code Section 147.5; California Revenue and Taxation Code Sections 31020 and 34010 through 34021.5; California Fish and Game Code Section 12029; California Water Code Section 13276; all state regulations adopted pursuant to MAUCRSA; and all other applicable laws of the State of California.
21. "Topical Cannabis". A product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
22. "Volatile solvent". A solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.
23. "Youth Center". The same meaning as in Section 11353.1 of the Health and Safety Code.

D. Cannabis-Related Use Classifications.

- 1. "Cannabis Cultivation". Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
 - a. "Outdoor Cultivation". The cultivation of cannabis without the use of light deprivation and/or artificial lighting in the canopy area. Supplemental low intensity lighting is permissible only to maintain immature plants as a source for propagation.
 - b. "Mixed-Light Cultivation". The cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting.

- c. “Indoor Cultivation”. The cultivation of cannabis within a permanently affixed, fully enclosed structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.
 - d. “Nursery”. Operation that produces only cannabis clones, immature plants, seeds, and other agricultural products used in cannabis cultivation.
 - e. “Processor”. A cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and nonmanufactured cannabis products. Cultivation of cannabis plants is prohibited.
- 2. “Cannabis Distribution”. Facility for the distribution of cannabis and cannabis products.
- 3. “Cannabis Manufacturing”. A building, or portion thereof, used for a business involving the manufacture for off-site sale of cannabis products.
 - a. “Non-Volatile Solvent Manufacturing”. Manufacture, including extractions, of cannabis products using nonvolatile solvents, or no solvents. May also conduct packaging and labeling of cannabis products.
 - b. “Volatile Solvent Manufacturing”. Manufacture, including extractions, of cannabis products using volatile solvents. May also conduct infusion operations and packaging and labeling of cannabis products.
 - c. “Infusions”. Production of edible products or topical products using infusion processes, or other types of cannabis products other than extracts or concentrates, and that do not conduct extractions.
 - d. “Packaging and Labeling”. Establishments engaged only in the packaging or repackaging of cannabis products or labeling or relabeling of cannabis product containers in preparation of retail sale.
- 4. “Cannabis Microbusiness”. A business involving any combination of the cultivation of cannabis on an area less than 10,000 square feet, cannabis distribution, manufacturing with non-volatile solvents, and cannabis retail. In order to be considered a Cannabis Microbusiness, three of four of the activities described must be conducted on the same premises.
- 5. “Cannabis Testing”. Establishments involving the materials testing, investigation, scientific research, or experimentation of medicinal or nonmedicinal cannabis or cannabis products.
- 6. “Cannabis Retailer”. Establishment where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale and includes delivery.
 - a. “Storefront”. Cannabis retailer with premises, meaning a “brick and mortar” facility, with direct physical access for the public.
 - b. “Non-Storefront”. Cannabis retailer with premises, meaning a “brick and mortar” facility, that does not have a storefront with direct physical access for, nor is open to the public.
- 7. “Personal Use Cultivation”. The cultivation, harvest, drying, or processing plants with the intent to possess, smoke, or ingest cannabis or cannabis products for their

own individual use but who does not provide, sell or distribute cannabis to any other person except as provided by Health & Safety Code section 11362.1(a), as amended.

E. Personal Use Cultivation. Personal Use Cultivation, consistent with the requirements of this Section, is allowed in all Zoning Districts, and a land use permit is not required.

1. Cultivation is limited to six plants per private residence unless otherwise allowed by State law.
2. Personal use cultivation is limited to indoor cultivation in a permanently affixed, fully enclosed structure.
3. No cannabis odors may be detectable from any place outside the residence. An odor absorbing ventilation and exhaust system must be installed if the odor generated inside the residence is detected outside the property or premises, or anywhere on adjacent property or public rights-of-way, or within another unit located within the same building as the cultivation.
4. No exterior evidence of cultivation occurring at the property can be visible from the public right-of-way.
5. Cultivation is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.
6. Grow lights must not exceed 1,200 watts per light and are prohibited from producing a glare that interferes with other residents' reasonable enjoyment of life or property.
7. Cannabis plants cultivated must remain at least 12 inches below the ceiling.
8. Cultivation may not occur on required on-site parking areas unless that required parking is replaced in compliance with the City's Inland and Coastal Zoning Ordinances.
9. Cultivation may not interfere with the primary occupancy of the building or structure, including regular use of the kitchen(s) or bathroom(s).
10. The living plants and any cannabis produced by the plants in excess of 28.5 grams must be kept within the person's private residence in a locked space.
11. Generators. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or for emergency use.
 - a. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations § 93115, as may be amended.
 - b. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days.

12. The use of CO₂ or any volatile solvents to manufacture cannabis products is prohibited.
13. Nothing in the section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation by tenants.
14. Nuisance abatement. Any violation of this Section is declared to be a public nuisance and may be abated by the City pursuant to Title I of the Goleta Municipal Code.

F. Allowed Commercial Cannabis Uses by Land Use Designation. Commercial cannabis uses are only allowed as prescribed in Table 1, Allowed Commercial Cannabis Uses, provided all other requirements of this Section are met and a Cannabis Business License is obtained from the City under Goleta Municipal Code Chapter 5.09. Use locations are identified based on the Land Use Designations provided on Figure 2-1: Land Use Plan Map of the City's General Plan/Coastal Land Use Plan regardless of the zoning district as identified on the City's Zoning Map. Outdoor Cultivation and Mixed-Light Cultivation are prohibited.

TABLE 1: ALLOWED COMMERCIAL CANNABIS USES BY GENERAL PLAN LAND USE DESIGNATION				"P" – Land Use Permit or Coastal Development Permit is Required "MU" – Minor Conditional Use Permit Required "- " - Use Not allowed				
Uses	Land Use Designations							
	CR	CC	OT	CG	BP	OI	IS	IG
Cannabis Cultivation	See Subclassifications below.							
Indoor Cultivation	-	-	-	-	P	-	P	P
Nursery	-	-	-	-	P	-	P	P
Processor	-	-	-	-	P	-	P	P
Cannabis Distribution	-	-	-	P	-	-	P	P
Cannabis Manufacturing	See Subclassifications below.							
Non-Volatile Solvent Manufacturing	-	-	-	-	P	-	P	P
Volatile Solvent Manufacturing	-	-	-	-	P	-	P	P
Infusions	-	-	-	-	P	-	P	P
Packaging and Labeling	-	-	-	-	P	-	P	P
Cannabis Microbusiness	Allowed based on allowance for primary use if secondary uses are consistent with the Accessory Uses standards below.							
Cannabis Testing	-	-	-	-	P	P	-	P
Cannabis Retailer	See Subclassifications below.							
Storefront	MU ¹	MU ¹	MU ¹	MU ¹	-	-	-	-
Non-Storefront	-	-	-	P	-	-	P	P

TABLE 1: ALLOWED COMMERCIAL CANNABIS USES BY GENERAL PLAN LAND USE DESIGNATION				"P" – Land Use Permit or Coastal Development Permit is Required "MU" -- Minor Conditional Use Permit Required "- " - Use Not allowed				
Uses	Land Use Designations							
	CR	CC	OT	CG	BP	OI	IS	IG
1. A Major Conditional Use Permit is required within 600 feet of a school or 100 feet of a residential land use designation.								

G. Accessory Uses.

1. All accessory uses must be included and reviewed as part of a permit consistent with Section J.
2. For all cannabis accessory uses, the primary permitted or conditionally permitted use must also be a cannabis use.
3. Cannabis uses may not have non-cannabis related accessory uses.
4. All accessory cannabis uses must adhere to the Specific Use Standards for such uses as identified below.
5. Storefront retail is allowed as an accessory use but must obtain the permit required as if the accessory Storefront Retail use was the primary use. Every Storefront Retail use, whether primary or accessory, must obtain the permit required for Storefront Retail use as shown in the Table 1.
6. Volatile Manufacturing is only allowed in IG, IS, and BP as an accessory use.

H. Cannabis Events. Cannabis Events, as regulated in State Cannabis Laws, are prohibited.

I. Specific Use Standards. In addition to any other requirements of this Title and Cannabis State Laws, cannabis activities must be located, developed, and operated in compliance with the following standards, where allowed by Section F, Allowed Commercial Cannabis Activities by Land Use Designation.

1. All Cannabis Uses.
 - a. Licenses Required.
 - i. State License. The permittee of a cannabis use that requires one or more of the State cannabis license types set forth in California Business and Professions Code must:
 1. Obtain the requisite State cannabis license for the cannabis use prior to the commencement of the use.
 2. Conduct the cannabis use in compliance with the State cannabis license at all times.
 - ii. City Cannabis Business License (CBL). The permittee of a cannabis use must:

1. Obtain a CBL from the City of Goleta prior to the commencement of the use.
 2. Conduct the cannabis use in compliance with the CBL at all times.
- b. Location Limitations. No prohibitive buffers are required from schools, day cares, and youth centers.
 - c. Outdoor Lighting.
 - i. Outdoor lighting necessary for security must consist solely of motion-sensor lights.
 - ii. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, must be fully shielded, directed downward, and dark sky compliant.
 - d. Odor. Odor generated inside a cannabis use must not be detectable outside the property or premises, or anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the cannabis use. The applicant must submit to the Department for review and approval an Odor Abatement Plan. The Odor Abatement Plan must be reviewed by City staff and approved by the City prior to permit issuance. The Odor Abatement Plan must be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The Odor Abatement Plan must include the following:
 - i. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
 - ii. A description of the specific odor-emitting activity(ies) that will occur.
 - iii. A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate off-site. Odor control equipment should consist of a building ventilation system that collects the air from all potential odor-generating activities and direct to a control device such as an activated carbon system. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to ensure that odors from the use do no migrate off-site.
 - e. Operation. Once a cannabis use is established on the subject parcel, any cessation of operation must be for less than one year. The one-year limit may be extended by the Director one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Environmental Review prior to the end of the one-year period. If the one-year period ends and no extension request has been filed, the land use entitlement will be considered null and void.
2. Storefront Cannabis Retailer.
 - a. Location Separation. A Storefront Cannabis Retailer must be located a minimum of 300 feet from the closest property line of a lot on which another Storefront Cannabis Retailer is legally established.
 - b. Location Limitations. The distances specified in this Section must be the horizontal distance measured in a straight line from the closest property line

of the lot on which the cannabis activity is to be located without regard to intervening structures.

- i. Storefront Cannabis Retailer uses on a lot within 600 feet from the closest property line of a lot on which a school is located require a Major Conditional Use Permit pursuant to the City's Inland and Coastal Zoning Ordinances.
 - ii. Storefront Cannabis Retailer uses on a lot within 100 feet of a residential land use designation as identified in the City's General Plan require a Major Conditional Use Permit pursuant to the City's Inland and Coastal Zoning Ordinances.
 - c. On-Site Consumption is Prohibited. The premises of each Storefront Cannabis Retailer shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the retailer is prohibited.
 - d. Edibles. Only commercially prepackaged, shelf-stable edible cannabis products may be sold.
3. Non-Storefront Cannabis Retailer
 - a. Edibles. Only commercially prepackaged, shelf-stable edible cannabis products may be sold.
 - b. Hours of Operation. Hours of operation are limited to 10:00 am to 8:00 pm.
4. Indoor Cultivation.
 - a. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation except for any signage authorized by City regulations.
 - b. Canopy size is limited to 5,000 square feet.
 - c. Energy Use.
 - i. Any applicant for indoor cultivation under this Ordinance must provide proof of consultation with Southern California Edison (SCE) prior to application submittal including a copy of a completed and submitted SCE Customer/Project Information Sheet.
 - ii. Applicant must show proof of participation in energy use assessments as follows:
 1. If available, participation in the Resource Innovation Institute's Calculate Powerscore tool.
 2. If available, participation in SCE's Savings By Design program.
 - d. Generators. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or for emergency use.
 - i. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations § 93115, as may be amended.
 - ii. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days.
 - e. Indoor cultivation activities, including materials and equipment storage, must occur solely in fully enclosed buildings.

5. Nursery

- a. Nurseries must adhere to all standards for indoor cultivation pursuant to this Ordinance.

J. Permit Procedures.

1. Required Permit. A Land Use Permit (pursuant to §35-314 of the City's Inland Zoning Ordinance) or Coastal Development Permit (pursuant to §35-169 of the City's Coastal Zoning Ordinance) is required for all cannabis uses except Personal Use Cultivation unless a Conditional Use Permit is otherwise required pursuant to this Section or another provision of this Title.
2. Public Notice. In addition to the noticing requirements of the required permit, the City, at the applicant's cost, must mail notice to all property owners of record of property within 300 feet of the exterior boundaries of the subject property(ies) at least 10 days before the date of the public hearing or at the time of a complete application if there is no hearing.

K. Inspection. All permitted cannabis use sites are subject to review and inspection from Law Enforcement, Fire Department, and the Building Department or any agents of the State or City charged with enforcement of this Ordinance and any other State or local license.

L. Revocation. Any entitlement to allow cannabis activities may be revoked in compliance with Section 35-314.7 and 35-315.10 of the City's Inland Zoning Ordinance and 35-169.9 and 35-172.10 of the City's Coastal Zoning Ordinance as applicable.

M. Enforcement. Any entitlement to allow cannabis activities may be revoked in compliance with Section 35-330 of the City's Inland Zoning Ordinance and 35-185 of the City's Coastal Zoning Ordinance as applicable.

SECTION 6. Summaries of Information.

All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 7. Repeals.

To the extent any provision of this Ordinance repeals or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of previous approvals will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. Severability.

If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the

effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Certification of City Clerk.

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 10. Effective Date.

This ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the ____ day of _____, 2018.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2018.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 18-__ was introduced on _____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 3

City Council Ordinance No. 18-__ : “An Ordinance of the City Council of the City of Goleta, California, Repealing Definitions and Regulations from the Inland and Coastal Zoning Ordinances and Establishing Regulations for Various Cannabis Uses within the City” Consistent with the Planning Commission Recommendation on June 11, 2018

ORDINANCE NO. 18-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REPEALING DEFINITIONS AND REGULATIONS FROM THE INLAND AND COASTAL ZONING ORDINANCES AND ESTABLISHING REGULATIONS FOR VARIOUS CANNABIS USES WITHIN THE CITY

WHEREAS the voters of California passed Proposition 64 entitled The Control, Regulate and Tax Adult Use of Marijuana Act (commonly known as the Adult Use of Marijuana Act or AUMA) in November 2016; and

WHEREAS AUMA legalized recreational marijuana use and personal cultivation; and

WHEREAS AUMA also allowed for the operation of recreational marijuana businesses, if a state license is obtained; and

WHEREAS AUMA allows local governments to regulate commercial cannabis activities, consistent with the state licensing scheme, or completely prohibit commercial cannabis-related businesses; and

WHEREAS, after the approval of AUMA, the state legislature passed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) in June 2017; and

WHEREAS MAUCRSA established a regulatory and licensing scheme at the state level for all recreational and medicinal cannabis uses; and

WHEREAS the City's current regulations ban cannabis businesses; allow for indoor and outdoor personal cultivation; and allow for deliveries to be made in Goleta, but delivery businesses cannot be located in Goleta.; and

WHEREAS the City desires to allow cannabis businesses to operate within the City and regulate them; and

WHEREAS, on June 11, 2018, the Planning Commission adopted Resolution No. 18-06 by a majority vote, recommending to the City Council approval of the Cannabis Land Use Ordinance California Environmental Quality Act (CEQA) Addendum to the Goleta General Plan/Coastal Land Use Plan Final Environmental Impact Report (SCH#2005031151); and

WHEREAS a public hearing was held on June 11, 2018, in the City Council Chambers located at 130 Cremona Drive, Goleta, California, where evidence, both written and oral, was presented to the Planning Commission, who adopted Resolution No. 18-07 by a majority vote, recommending adoption of the Cannabis Land Use Ordinance (Case No. 18-035-ORD) to the City Council.

WHEREAS, on June ___, 2018, the City Council adopted Resolution No. 18-___ by a majority vote, approving the Cannabis Land Use Ordinance California Environmental Quality Act (CEQA) Addendum to the Goleta General Plan/Coastal Land Use Plan Final Environmental Impact Report (SCH#2005031151); and

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

SECTION 1. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Required Findings for an Ordinance Amendment

Pursuant to Zoning Ordinance sections 35-180.6 and 35-325.5, the City Council makes the following findings:

- A. This Ordinance is in the interest of the general community welfare since it provides a land use regulatory system for the permitting and operation of cannabis uses within the City; and
- B. This Ordinance is consistent with the Goleta General Plan/Coastal Land Use Plan and, specifically, the allowable uses identified for each land use designation in the Land Use Element. The General Plan/Coastal Land Use Plan identifies various land use designations and what types of uses are allowed in those land use designations. These land use designations and allowed uses are provided for in Tables 2-1 through 2-4 of the City's General Plan/Coastal Land Use Plan Land Use Element. Where a comparable use to each cannabis use is allowed in these tables, the cannabis use is allowed in the Ordinance, thus illustrating consistency with the General Plan/Coastal Land Use Plan; and
- C. The Ordinance is consistent with good zoning and planning practices since the Ordinance provides a comprehensive land use regulatory system for review and permitting various cannabis uses that addresses potential compatibility issues while also provide clear standards to apply to potential applicants.

Section 3. Environmental Assessment

The California Environmental Quality Act (CEQA) requires that the environmental impacts of the action be assessed. This project was assessed in accordance with the authority and criteria contained in the CEQA, the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. Resolution No. 18-___ of the City Council approved an Addendum to the General Plan/Coastal Land Use Plan Final Environmental Impact Report. The Resolution properly assess the environmental impact of the Project, in accordance with CEQA. This Resolution incorporates by reference the environmental findings and analysis set forth in Resolution No. 18-___.

SECTION 4. Repeals

- A. Section 35-209 of Division 2 of Article III of the Inland Zoning Ordinance is amended to delete the definitions for “Cannabis, or Marijuana”, “Cannabis Accessories”, “Cannabis Product”, “Commercial Cannabis Activity”, “Concentrated Cannabis”, “Cannabis Cultivation, or ‘cultivate cannabis’”, “Delivery” (as used in Section 35-292i), “Dispensary”, “Distribution” (as used in Section 35-292i), “Manufacture” (as used in Section 35-292i), “MAUCRSA”, “Medical Marijuana Dispensary”, “Mobile Marijuana Dispensary”, “Primary Caregiver”, and “Qualified Patient”.
- B. Repeal Section 35-292i, entitled “Commercial Cannabis Activities”, of Division 7 of Article III of the Inland Zoning Ordinance in its entirety.
- C. Section 35-58 of Division 2 of Article II of the Coastal Zoning Ordinance is amended to delete the definitions for “Cannabis, or Marijuana”, “Cannabis Accessories”, “Cannabis Product”, “Commercial Cannabis Activity”, “Concentrated Cannabis”, “Cannabis Cultivation, or ‘cultivate cannabis’”, “Delivery” (as used in Section 35-144G), “Dispensary”, “Distribution” (as used in Section 35-144G), “Manufacture” (as used in Section 35-144G), “MAUCRSA”, “Medical Marijuana Dispensary”, “Mobile Marijuana Dispensary”, “Primary Caregiver”, and “Qualified Patient”.
- D. Repeal Section 35-144G, entitled “Commercial Cannabis Activities”, of Division 7 of Article II of the Coastal Zoning Ordinance in its entirety.
- E. Repeal Chapter 8.16, entitled “Marijuana Cultivation Regulations”, of the Goleta Municipal Code in its entirety.

SECTION 5. Cannabis Land Use Regulations.

A. Purpose. This Ordinance establishes standards to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment by establishing minimum land use requirements for all cannabis activities including the cultivation, distribution, transportation, storage, manufacturing, processing, and sales.

B. Applicability. The standards of this Section apply to all cannabis activities as defined in Section D - Cannabis-Related Use Classifications. Additionally,

- 1. All cannabis activities shall comply with the provisions of this Section, as well as all applicable State laws, regardless of whether the use existed or occurred prior to the effective date of this Ordinance.
- 2. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance, or allows any use relating to personal or commercial cannabis activity that is illegal under State law.

3. Nothing in this Section is intended, nor shall it be construed, to exempt cannabis uses from compliance with all other applicable City regulations, including development standards, as well as other applicable provisions of the Goleta Municipal Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.
4. All persons operating facilities and conducting cannabis activities, as defined in this Section, are subject to possible federal prosecution, regardless of the protections provided by State or local law.

C. Cannabis-Related Definitions. When used in this Ordinance, the following words are defined as follows. If a word is not defined in this Section or in other provisions of the Goleta Municipal Code, the definition shall be as in State Cannabis Laws or, in cases where a definition is not provided in State Cannabis Laws, as determined by the Director.

1. “Accessory Use”. A use that is customarily associated with, and is incidental and subordinate to, a permitted use and located on the same premises as the permitted use.
2. “Building”. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.
3. “Cannabis”. All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code.
4. “Cannabis Concentrate”. Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.
5. “Cannabis Products”. Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

6. "Canopy". The designated area(s) at a cannabis business, except nurseries and processors, that will contain mature plants at any point in time, as follows.
 - a. For indoor cultivation, canopy is calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level is included in the total canopy calculation.
7. "Commercial Cannabis Activity". Activities that include the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensing, or retail sale of cannabis and cannabis products.
8. "Cultivation". Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
9. "Cultivation Site". A location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
10. "Day Care Center". Day care center has the same meaning as in Section 1596.76 of the Health and Safety Code.
11. "Delivery". The commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform.
12. "Director". The Planning and Environmental Review Department Director of the City of Goleta or his/her designee.
13. "Dispensing". Any activity involving the retail sale of cannabis or cannabis products from a retailer.
14. "Distribution". The procurement, sale, and transport of cannabis and cannabis products between licensees.
15. "Edible Cannabis Product". Cannabis product that is intended to be used, in whole or in part, for human consumption, and is not considered food.
16. "Extraction". A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.
17. "License or State License". A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same, to engage in commercial cannabis activity.
18. "Manufacture". To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Manufacture includes the following processes: Extraction

processes; Infusion processes; Packaging or repackaging of cannabis products; and Labeling or relabeling the packages of cannabis products.

19. "Owner". Any of the following:

- a. A person with an aggregate ownership interest of 20 percent or more in the use applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- b. The chief executive officer of a nonprofit or other entity.
- c. A member of the board of directors of a nonprofit.
- d. An individual who will be participating in the direction, control, or management of the person applying for a license.

20. "Premises". A legal parcel, or leasehold interest in land, or a leased or owned space in a building where the commercial cannabis use or activity is or will be conducted.

21. "State Cannabis Laws". Laws of the State of California, which include California Health and Safety Code Sections 11362.1 through 11362.45; California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program); California Health and Safety Code Sections 26000 through 26211 (Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA", Senate Bill 94 (2017))); California Health and Safety Code Sections 26220 through 26231.2; the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code Section 147.5; California Revenue and Taxation Code Sections 31020 and 34010 through 34021.5; California Fish and Game Code Section 12029; California Water Code Section 13276; all state regulations adopted pursuant to MAUCRSA; and all other applicable laws of the State of California.

22. "Topical Cannabis". A product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

23. "Volatile solvent". A solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

24. "Youth Center". The same meaning as in Section 11353.1 of the Health and Safety Code.

D. Cannabis-Related Use Classifications.

1. "Cannabis Cultivation". Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

- a. "Outdoor Cultivation". The cultivation of cannabis without the use of light deprivation and/or artificial lighting in the canopy area. Supplemental low

intensity lighting is permissible only to maintain immature plants as a source for propagation.

- b. "Mixed-Light Cultivation". The cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting.
 - c. "Indoor Cultivation". The cultivation of cannabis within a permanently affixed, fully enclosed structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.
 - d. "Nursery". Operation that produces only cannabis clones, immature plants, seeds, and other agricultural products used in cannabis cultivation.
 - e. "Processor". A cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and nonmanufactured cannabis products. Cultivation of cannabis plants is prohibited.
2. "Cannabis Distribution". Facility for the distribution of cannabis and cannabis products.
3. "Cannabis Manufacturing". A building, or portion thereof, used for a business involving the manufacture for off-site sale of cannabis products.
 - a. "Non-Volatile Solvent Manufacturing". Manufacture, including extractions, of cannabis products using nonvolatile solvents, or no solvents. May also conduct packaging and labeling of cannabis products.
 - b. "Volatile Solvent Manufacturing". Manufacture, including extractions, of cannabis products using volatile solvents. May also conduct infusion operations and packaging and labeling of cannabis products.
 - c. "Infusions". Production of edible products or topical products using infusion processes, or other types of cannabis products other than extracts or concentrates, and that do not conduct extractions.
 - d. "Packaging and Labeling". Establishments engaged only in the packaging or repackaging of cannabis products or labeling or relabeling of cannabis product containers in preparation of retail sale.
4. "Cannabis Microbusiness". A business involving any combination of the cultivation of cannabis on an area less than 10,000 square feet, cannabis distribution, manufacturing with non-volatile solvents, and cannabis retail. In order to be considered a Cannabis Microbusiness, three of four of the activities described must be conducted on the same premises.
5. "Cannabis Testing". Establishments involving the materials testing, investigation, scientific research, or experimentation of medicinal or nonmedicinal cannabis or cannabis products.
6. "Cannabis Retailer". Establishment where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale and includes delivery.
 - a. "Storefront". Cannabis retailer with premises, meaning a "brick and mortar" facility, with direct physical access for the public.

- b. “Non-Storefront”. Cannabis retailer with premises, meaning a “brick and mortar” facility, that does not have a storefront with direct physical access for, nor is open to the public.
7. “Personal Use Cultivation”. The cultivation, harvest, drying, or processing plants with the intent to possess, smoke, or ingest cannabis or cannabis products for their own individual use but who does not provide, sell or distribute cannabis to any other person except as provided by Health & Safety Code section 11362.1(a), as amended.

E. Personal Use Cultivation. Personal Use Cultivation, consistent with the requirements of this Section, is allowed in all Zoning Districts, and a land use permit is not required.

1. Cultivation is limited to six plants per private residence unless otherwise allowed by State law.
2. Personal use cultivation is limited to indoor cultivation in a permanently affixed, fully enclosed structure.
3. No cannabis odors may be detectable from any place outside the residence. An odor absorbing ventilation and exhaust system must be installed if the odor generated inside the residence is detected outside the property or premises, or anywhere on adjacent property or public rights-of-way, or within another unit located within the same building as the cultivation.
4. No exterior evidence of cultivation occurring at the property can be visible from the public right-of-way.
5. Cultivation is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.
6. Grow lights must not exceed 1,200 watts per light and are prohibited from producing a glare that interferes with other residents’ reasonable enjoyment of life or property.
7. Cannabis plants cultivated must remain at least 12 inches below the ceiling.
8. Cultivation may not occur on required on-site parking areas unless that required parking is replaced in compliance with the City’s Inland and Coastal Zoning Ordinances.
9. Cultivation may not interfere with the primary occupancy of the building or structure, including regular use of the kitchen(s) or bathroom(s).
10. The living plants and any cannabis produced by the plants in excess of 28.5 grams must be kept within the person’s private residence in a locked space.
11. Generators. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or for emergency use.

- a. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations § 93115, as may be amended.
 - b. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days.
12. The use of CO2 or any volatile solvents to manufacture cannabis products is prohibited.
13. Nothing in the section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation by tenants.
14. Nuisance abatement. Any violation of this Section is declared to be a public nuisance and may be abated by the City pursuant to Title I of the Goleta Municipal Code.

F. Allowed Commercial Cannabis Uses by Land Use Designation. Commercial cannabis uses are only allowed as prescribed in Table 1, Allowed Commercial Cannabis Uses, provided all other requirements of this Section are met and a Cannabis Business License is obtained from the City under Goleta Municipal Code Chapter 5.09. Use locations are identified based on the Land Use Designations provided on Figure 2-1: Land Use Plan Map of the City's General Plan/Coastal Land Use Plan regardless of the zoning district as identified on the City's Zoning Map. Outdoor Cultivation and Mixed-Light Cultivation are prohibited.

TABLE 1: ALLOWED COMMERCIAL CANNABIS USES BY GENERAL PLAN LAND USE DESIGNATION				"P" – Land Use Permit or Coastal Development Permit is Required "MU" – Minor Conditional Use Permit Required "-" - Use Not allowed				
Uses	Land Use Designations							
	CR	CC	OT	CG	BP	OI	IS	IG
Cannabis Cultivation	See Subclassifications below.							
Indoor Cultivation	-	-	-	-	P	-	P	P
Nursery	-	-	-	-	P	-	P	P
Processor	-	-	-	-	P	-	P	P
Cannabis Distribution	-	-	-	P	-	-	P	P
Cannabis Manufacturing	See Subclassifications below.							
Non-Volatile Solvent Manufacturing	-	-	-	-	P	-	P	P
Volatile Solvent Manufacturing	-	-	-	-	P	-	P	P
Infusions	-	-	-	-	P	-	P	P
Packaging and Labeling	-	-	-	-	P	-	P	P
Cannabis Microbusiness	Allowed based on allowance for primary use if secondary uses are consistent with the Accessory Uses standards below.							

TABLE 1: ALLOWED COMMERCIAL CANNABIS USES BY GENERAL PLAN LAND USE DESIGNATION				"P" – Land Use Permit or Coastal Development Permit is Required "MU" -- Minor Conditional Use Permit Required "- " - Use Not allowed				
Uses	Land Use Designations							
	CR	CC	OT	CG	BP	OI	IS	IG
Cannabis Testing	-	-	-	-	P	P	-	P
Cannabis Retailer	See Subclassifications below.							
Storefront	MU ¹	MU ¹	MU ¹	MU ¹	-	-	-	-
Non-Storefront	-	-	-	P	-	-	P	P
1. A Major Conditional Use Permit is required within 600 feet of a school or 100 feet of a residential land use designation.								

G. Accessory Uses.

1. All accessory uses must be included and reviewed as part of a permit consistent with Section J.
2. For all cannabis accessory uses, the primary permitted or conditionally permitted use must also be a cannabis use.
3. Cannabis uses may not have non-cannabis related accessory uses.
4. All accessory cannabis uses must adhere to the Specific Use Standards for such uses as identified below.
5. Storefront retail is allowed as an accessory use but must obtain the permit required as if the accessory Storefront Retail use was the primary use. Every Storefront Retail use, whether primary or accessory, must obtain the permit required for Storefront Retail use as shown in the Table 1.
6. Volatile Manufacturing is only allowed in IG, IS, and BP as an accessory use.

H. Cannabis Events. Cannabis Events, as regulated in State Cannabis Laws, are prohibited.

I. Specific Use Standards. In addition to any other requirements of this Title and Cannabis State Laws, cannabis activities must be located, developed, and operated in compliance with the following standards, where allowed by Section F, Allowed Commercial Cannabis Activities by Land Use Designation.

1. All Cannabis Uses.
 - a. Licenses Required.
 - i. State License. The permittee of a cannabis use that requires one or more of the State cannabis license types set forth in California Business and Professions Code must:
 1. Obtain the requisite State cannabis license for the cannabis use prior to the commencement of the use.

2. Conduct the cannabis use in compliance with the State cannabis license at all times.
- ii. City Cannabis Business License (CBL). The permittee of a cannabis use must:
 1. Obtain a CBL from the City of Goleta prior to the commencement of the use.
 2. Conduct the cannabis use in compliance with the CBL at all times.
- b. Location Limitations. No prohibitive buffers are required from schools, day cares, and youth centers.
- c. Outdoor Lighting.
 - i. Outdoor lighting necessary for security must consist solely of motion-sensor lights.
 - ii. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, must be fully shielded, directed downward, and dark sky compliant.
- d. Odor. Odor generated inside a cannabis use must not be detectable outside the property or premises, or anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the cannabis use. The applicant must submit to the Department for review and approval an Odor Abatement Plan. The Odor Abatement Plan must be reviewed by City staff and approved by the City prior to permit issuance. The Odor Abatement Plan must be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The Odor Abatement Plan must include the following:
 - i. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
 - ii. A description of the specific odor-emitting activity(ies) that will occur.
 - iii. A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate off-site. Odor control equipment should consist of a building ventilation system that collects the air from all potential odor-generating activities and direct to a control device such as an activated carbon system. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to ensure that odors from the use do no migrate off-site.
- e. Operation. Once a cannabis use is established on the subject parcel, any cessation of operation must be for less than one year. The one-year limit may be extended by the Director one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Environmental Review prior to the end of the one-year period. If the one-year period ends and no extension request has been filed, the land use entitlement will be considered null and void.

2. Storefront Cannabis Retailer.

- a. Location Separation. A Storefront Cannabis Retailer must be located a minimum of 300 feet from the closest property line of a lot on which another Storefront Cannabis Retailer is legally established.
 - b. Location Limitations. The distances specified in this Section must be the horizontal distance measured in a straight line from the closest property line of the lot on which the cannabis activity is to be located without regard to intervening structures.
 - i. Storefront Cannabis Retailer uses on a lot within 600 feet from the closest property line of a lot on which a school is located require a Major Conditional Use Permit pursuant to the City's Inland and Coastal Zoning Ordinances.
 - ii. Storefront Cannabis Retailer uses on a lot within 100 feet of a residential land use designation as identified in the City's General Plan require a Major Conditional Use Permit pursuant to the City's Inland and Coastal Zoning Ordinances.
 - c. On-Site Consumption is Prohibited. The premises of each Storefront Cannabis Retailer shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the retailer is prohibited.
 - d. Edibles. Only commercially prepackaged, shelf-stable edible cannabis products may be sold.
 - e. A limit of fifteen Storefront Cannabis Retailer uses is established.
3. Non-Storefront Cannabis Retailer
- a. Edibles. Only commercially prepackaged, shelf-stable edible cannabis products may be sold.
 - b. Hours of Operation. Hours of operation are limited to 10:00 am to 8:00 pm.
4. Indoor Cultivation.
- a. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation except for any signage authorized by City regulations.
 - b. Canopy size is limited to 5,000 square feet.
 - c. Energy Use.
 - i. Any applicant for indoor cultivation under this Ordinance must provide proof of consultation with Southern California Edison (SCE) prior to application submittal including a copy of a completed and submitted SCE Customer/Project Information Sheet.
 - ii. Applicant must show proof of participation in energy use assessments as follows:
 - 1. If available, participation in the Resource Innovation Institute's Calculate Powerscore tool.
 - 2. If available, participation in SCE's Savings By Design program.
 - d. Generators. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or for emergency use.
 - i. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations § 93115, as may be amended.

- ii. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days.
 - e. Indoor cultivation activities, including materials and equipment storage, must occur solely in fully enclosed buildings.
 - f. Indoor cultivation is limited to one use per building.
5. Nursery
- a. Nurseries must adhere to all standards for indoor cultivation pursuant to this Ordinance.

J. Permit Procedures.

1. Required Permit. A Land Use Permit (pursuant to §35-314 of the City's Inland Zoning Ordinance) or Coastal Development Permit (pursuant to §35-169 of the City's Coastal Zoning Ordinance) is required for all cannabis uses except Personal Use Cultivation unless a Conditional Use Permit is otherwise required pursuant to this Section or another provision of this Title.
2. Public Notice. In addition to the noticing requirements of the required permit, the City, at the applicant's cost, must mail notice to all property owners of record and residents and tenants of property within 300 feet of the exterior boundaries of the subject property(ies) at least 10 days before the date of the public hearing or at the time of a complete application if there is no hearing.

K. Inspection. All permitted cannabis use sites are subject to review and inspection from Law Enforcement, Fire Department, and the Building Department or any agents of the State or City charged with enforcement of this Ordinance and any other State or local license.

L. Revocation. Any entitlement to allow cannabis activities may be revoked in compliance with Section 35-314.7 and 35-315.10 of the City's Inland Zoning Ordinance and 35-169.9 and 35-172.10 of the City's Coastal Zoning Ordinance as applicable.

M. Enforcement. Any entitlement to allow cannabis activities may be revoked in compliance with Section 35-330 of the City's Inland Zoning Ordinance and 35-185 of the City's Coastal Zoning Ordinance as applicable.

SECTION 6. Summaries of Information.

All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 7. Repeals.

To the extent any provision of this Ordinance repeals or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part

of previous approvals will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. Severability.

If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Certification of City Clerk.

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 10. Effective Date.

This ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the ____ day of _____, 2018.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2018.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 18-__ was introduced on _____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 4

**Medicinal and Adult-Use Cannabis Regulation and Safety Act
(MAUCRSA) (Business and Professions Code Section 26000 et seq.)**



California

LEGISLATIVE INFORMATION

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: [Up^](#) [Back To TOC](#)

DIVISION 10. Cannabis	26000-26231.2	
CHAPTER 1. General Provisions and Definitions	26000-26001	
CHAPTER 2. Administration	26010-26018	
CHAPTER 3. Enforcement	26030-26038	
CHAPTER 4. Appeals	26040-26047	
CHAPTER 5. Licensing	26050-26059	
CHAPTER 6. Licensed Cultivation Sites	26060-26066	
CHAPTER 6.5. Unique Identifiers and Track and Trace	26067-26069.9	
CHAPTER 7. Retailers and Distributors	26070-26070.5	
CHAPTER 8. Distribution and Transport	26080	
CHAPTER 9. Delivery	26090	
CHAPTER 10. Testing Laboratories	26100-26106	
CHAPTER 11. Quality Assurance, Inspection, and Testing	26110	
CHAPTER 12. Packaging and Labeling	26120-26121	
CHAPTER 13. Manufacturers and Cannabis Products	26130-26135	
CHAPTER 14. Protection of Minors	26140	
CHAPTER 15. Advertising and Marketing Restrictions	26150-26156	
CHAPTER 16. Records	26160-26162.5	
CHAPTER 18. License Fees	26180-26181	
CHAPTER 19. Annual Reports; Performance Audit	26190-26191	
CHAPTER 20. Local Control	26200-26202	
CHAPTER 21. Funding	26210-26211	
CHAPTER 22. Cannabis Cooperative Associations	26220-26231.2	
ARTICLE 1. Definitions	26220-26220.3	
ARTICLE 2. General Provisions	26222-26222.6	
ARTICLE 3. Purposes	26223	
ARTICLE 4. Articles of Incorporation	26224-26224.2	
ARTICLE 5. Bylaws	26225-26225.95	
ARTICLE 6. Directors and Management	26226-26226.9	
ARTICLE 7. Powers	26227-26227.9	


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)
Code:
Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 1. General Provisions and Definitions [26000 - 26001] (*Chapter 1 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26000. (a) This division shall be known, and may be cited, as the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

(b) The purpose and intent of this division is to establish a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both of the following:

- (1) Medicinal cannabis and medicinal cannabis products for patients with valid physician's recommendations.
- (2) Adult-use cannabis and adult-use cannabis products for adults 21 years of age and over.

(c) In the furtherance of subdivision (b), this division sets forth the power and duties of the state agencies responsible for controlling and regulating the commercial medicinal and adult-use cannabis industry.

(d) The Legislature may, by majority vote, enact laws to implement this division, provided those laws are consistent with the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act.

(*Amended by Stats. 2017, Ch. 27, Sec. 4. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.*)

26001. For purposes of this division, the following definitions shall apply:

(a) "A-license" means a state license issued under this division for cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician's recommendation.

(b) "A-licensee" means any person holding a license under this division for cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician's recommendation.

(c) "Applicant" means an owner applying for a state license pursuant to this division.

(d) "Batch" means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:

(1) Harvest batch. "Harvest batch" means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals, and harvested at the same time.

(2) Manufactured cannabis batch. "Manufactured cannabis batch" means either of the following:

(A) An amount of cannabis concentrate or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

(B) An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.

(e) "Bureau" means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.

(f) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant,

any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

(g) "Cannabis accessories" has the same meaning as in Section 11018.2 of the Health and Safety Code.

(h) "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(i) "Cannabis products" has the same meaning as in Section 11018.1 of the Health and Safety Code.

(j) "Child resistant" means designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

(k) "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in this division.

(l) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(m) "Cultivation site" means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(n) "Customer" means a natural person 21 years of age or older or a natural person 18 years of age or older who possesses a physician's recommendation, or a primary caregiver.

(o) "Day care center" has the same meaning as in Section 1596.76 of the Health and Safety Code.

(p) "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform.

(q) "Director" means the Director of Consumer Affairs.

(r) "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.

(s) "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(t) "Edible cannabis product" means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(u) "Fund" means the Cannabis Control Fund established pursuant to Section 26210.

(v) "Kind" means applicable type or designation regarding a particular cannabis variant or cannabis product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

(w) "Labeling" means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product.

(x) "Labor peace agreement" means an agreement between a licensee and any bona fide labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant's business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

(y) "License" means a state license issued under this division, and includes both an A-license and an M-license, as well as a testing laboratory license.

(z) "Licensee" means any person holding a license under this division, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.

- (aa) "Licensing authority" means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.
- (ab) "Live plants" means living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.
- (ac) "Local jurisdiction" means a city, county, or city and county.
- (ad) "Lot" means a batch or a specifically identified portion of a batch.
- (ae) "M-license" means a state license issued under this division for commercial cannabis activity involving medicinal cannabis.
- (af) "M-licensee" means any person holding a license under this division for commercial cannabis activity involving medicinal cannabis.
- (ag) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (ah) "Manufacturer" means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.
- (ai) "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation.
- (aj) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.
- (ak) "Operation" means any act for which licensure is required under the provisions of this division, or any commercial transfer of cannabis or cannabis products.
- (al) "Owner" means any of the following:
- (1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - (2) The chief executive officer of a nonprofit or other entity.
 - (3) A member of the board of directors of a nonprofit.
 - (4) An individual who will be participating in the direction, control, or management of the person applying for a license.
- (am) "Package" means any container or receptacle used for holding cannabis or cannabis products.
- (an) "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (ao) "Physician's recommendation" means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (ap) "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.
- (aq) "Primary caregiver" has the same meaning as in Section 11362.7 of the Health and Safety Code.
- (ar) "Purchaser" means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.
- (as) "Sell," "sale," and "to sell" include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- (at) "Testing laboratory" means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

(2) Licensed by the bureau.

(au) "Unique identifier" means an alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.

(av) "Youth center" has the same meaning as in Section 11353.1 of the Health and Safety Code.

(Amended by Stats. 2017, Ch. 253, Sec. 1. Effective September 16, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 2. Administration [26010 - 26018] (*Chapter 2 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26010. There is in the Department of Consumer Affairs the Bureau of Cannabis Control, under the supervision and control of the director. The director shall administer and enforce the provisions of this division related to the bureau.

(*Repealed and added by Stats. 2017, Ch. 27, Sec. 7. Effective June 27, 2017.*)

26010.5. (a) The Governor shall appoint a chief of the bureau, subject to confirmation by the Senate, at a salary to be fixed and determined by the Director of Consumer Affairs with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the Director of Consumer Affairs and at the pleasure of the Governor.

(b) Every power granted to or duty imposed upon the Director of Consumer Affairs under this division may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to conditions and limitations that the director may prescribe. In addition to every power granted or duty imposed under this division, the director shall have all other powers and duties generally applicable in relation to bureaus that are part of the Department of Consumer Affairs.

(c) The Director of Consumer Affairs may employ and appoint all employees necessary to properly administer the work of the bureau, in accordance with civil service laws and regulations. The Governor may also appoint a deputy chief and an assistant chief counsel to the bureau. These positions shall hold office at the pleasure of the Governor.

(d) The bureau has the power, duty, purpose, responsibility, and jurisdiction to regulate commercial cannabis activity as provided in this division.

(e) The bureau and the director shall succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction formerly vested in the Bureau of Marijuana Control, also formerly known as the Bureau of Medical Cannabis Regulation and the Bureau of Medical Marijuana Regulation, under the former Medical Cannabis Regulation and Safety Act (former Chapter 3.5 (commencing with Section 19300) of Division 8).

(f) Upon the effective date of this section, whenever "Bureau of Marijuana Control," "Bureau of Medical Cannabis Regulation," or "Bureau of Medical Marijuana Regulation" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the bureau.

(g) Upon the effective date of this section, whenever any reference to the "Medical Cannabis Regulation and Safety Act," "Medical Marijuana Regulation and Safety Act," or former Chapter 3.5 (commencing with Section 19300) of Division 8 appears in any statute, regulation, contract, or in any other code, it shall be construed to refer to this division as it relates to medicinal cannabis and medicinal cannabis products.

(*Added by Stats. 2017, Ch. 27, Sec. 8. Effective June 27, 2017.*)

26011. Neither the chief of the bureau nor any member of the Cannabis Control Appeals Panel established under Section 26040 shall do any of the following:

(a) Receive any commission or profit whatsoever, directly or indirectly, from any person applying for or receiving any license or permit under this division.

(b) Engage or have any interest in the sale or any insurance covering a licensee's business or premises.

(c) Engage or have any interest in the sale of equipment for use upon the premises of a licensee engaged in commercial cannabis activity.

(d) Knowingly solicit any licensee for the purchase of tickets for benefits or contributions for benefits.

(e) Knowingly request any licensee to donate or receive money, or any other thing of value, for the benefit of any person whatsoever.

(Amended by Stats. 2017, Ch. 27, Sec. 9. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26011.5. The protection of the public shall be the highest priority for all licensing authorities in exercising licensing, regulatory, and disciplinary functions under this division. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

(Added by Stats. 2017, Ch. 27, Sec. 10. Effective June 27, 2017.)

26012. (a) It being a matter of statewide concern, except as otherwise authorized in this division:

(1) The bureau shall have the sole authority to create, issue, deny, renew, discipline, suspend, or revoke licenses for microbusinesses, transportation, storage unrelated to manufacturing activities, distribution, testing, and sale of cannabis and cannabis products within the state.

(2) The Department of Food and Agriculture shall administer the provisions of this division related to and associated with the cultivation of cannabis. The Department of Food and Agriculture shall have the authority to create, issue, deny, and suspend or revoke cultivation licenses for violations of this division.

(3) The State Department of Public Health shall administer the provisions of this division related to and associated with the manufacturing of cannabis products. The State Department of Public Health shall have the authority to create, issue, deny, and suspend or revoke manufacturing licenses for violations of this division.

(b) The licensing authorities shall have the authority to collect fees in connection with activities they regulate concerning cannabis. The licensing authorities may create licenses in addition to those identified in this division that the licensing authorities deem necessary to effectuate their duties under this division.

(c) For the performance of its duties, each licensing authority has the power conferred by Sections 11180 to 11191, inclusive, of the Government Code.

(d) Licensing authorities shall begin issuing licenses under this division by January 1, 2018.

(Amended by Stats. 2017, Ch. 27, Sec. 11. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26013. (a) Licensing authorities shall make and prescribe reasonable rules and regulations as may be necessary to implement, administer and enforce their respective duties under this division in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Those rules and regulations shall be consistent with the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act.

(b) (1) Each licensing authority may adopt emergency regulations to implement this division.

(2) Each licensing authority may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, an emergency regulation previously adopted as authorized by this section. Any such readoption shall be limited to one time for each regulation.

(3) Notwithstanding any other law, the initial adoption of emergency regulations and the readoption of emergency regulations authorized by this section shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. The initial emergency regulations and the readopted emergency regulations authorized by this section shall be each submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days, by which time final regulations may be adopted.

(c) Regulations issued under this division shall be necessary to achieve the purposes of this division, based on best available evidence, and shall mandate only commercially feasible procedures, technology, or other requirements, and shall not unreasonably restrain or inhibit the development of alternative procedures or technology to achieve the same substantive requirements, nor shall such regulations make compliance so onerous that the operation under a cannabis license is not worthy of being carried out in practice by a reasonably prudent businessperson.

(Amended by Stats. 2017, Ch. 27, Sec. 12. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26013.5. Notice of any action of a licensing authority required by this division to be given may be signed and given by the director of the licensing authority or an authorized employee of the licensing authority and may be made personally or in the manner prescribed by Section 1013 of the Code of Civil Procedure, or in the manner prescribed by Section 124 of this code.

(Added by Stats. 2017, Ch. 27, Sec. 13. Effective June 27, 2017.)

26014. (a) The bureau shall convene an advisory committee to advise the licensing authorities on the development of standards and regulations pursuant to this division, including best practices and guidelines that protect public health and safety while ensuring a regulated environment for commercial cannabis activity that does not impose such barriers so as to perpetuate, rather than reduce and eliminate, the illicit market for cannabis.

(b) The advisory committee members shall include, but not be limited to, representatives of the cannabis industry, including medicinal cannabis, representatives of labor organizations, appropriate state and local agencies, persons who work directly with racially, ethnically, and economically diverse populations, public health experts, and other subject matter experts, including representatives from the Department of Alcoholic Beverage Control, with expertise in regulating commercial activity for adult-use intoxicating substances. The advisory committee members shall be determined by the director.

(c) Commencing on January 1, 2019, the advisory committee shall publish an annual public report describing its activities including, but not limited to, the recommendations the advisory committee made to the licensing authorities during the immediately preceding calendar year and whether those recommendations were implemented by the licensing authorities.

(Amended by Stats. 2017, Ch. 27, Sec. 14. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26015. A licensing authority may make or cause to be made such investigation as it deems necessary to carry out its duties under this division.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26016. For any hearing held pursuant to this division, except a hearing held under Chapter 4 (commencing with Section 26040), a licensing authority may delegate the power to hear and decide to an administrative law judge. Any hearing before an administrative law judge shall be pursuant to the procedures, rules, and limitations prescribed in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26017. In any hearing before a licensing authority pursuant to this division, the licensing authority may pay any person appearing as a witness at the hearing at the request of the licensing authority pursuant to a subpoena, his or her actual, necessary, and reasonable travel, food, and lodging expenses, not to exceed the amount authorized for state employees.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26018. A licensing authority may on its own motion at any time before a penalty assessment is placed into effect, and without any further proceedings, review the penalty, but such review shall be limited to its reduction.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 3. Enforcement [26030 - 26038] (*Chapter 3 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26030. Grounds for disciplinary action include, but are not limited to, all of the following:

- (a) Failure to comply with the provisions of this division or any rule or regulation adopted pursuant to this division.
- (b) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 2 (commencing with Section 480) of Division 1.5 or discipline of a license pursuant to Chapter 3 (commencing with Section 490) of Division 1.5.
- (c) Any other grounds contained in regulations adopted by a licensing authority pursuant to this division.
- (d) Failure to comply with any state law including, but not limited to, the payment of taxes as required under the Revenue and Taxation Code, except as provided for in this division or other California law.
- (e) Knowing violations of any state or local law, ordinance, or regulation conferring worker protections or legal rights on the employees of a licensee.
- (f) Failure to comply with the requirement of a local ordinance regulating commercial cannabis activity.
- (g) The intentional and knowing sale of cannabis or cannabis products by an A-licensee to a person under 21 years of age.
- (h) The intentional and knowing sale of medicinal cannabis or medicinal cannabis products by an M-licensee to a person without a physician's recommendation.
- (i) Failure to maintain safe conditions for inspection by a licensing authority.
- (j) Failure to comply with any operating procedure submitted to the licensing authority pursuant to subdivision (b) of Section 26051.5.
- (k) Failure to comply with license conditions established pursuant to subdivision (b) of Section 26060.1.

(Amended by Stats. 2017, Ch. 27, Sec. 15. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26031. (a) Each licensing authority may suspend, revoke, place on probation with terms and conditions, or otherwise discipline licenses issued by that licensing authority and fine a licensee, after proper notice and hearing to the licensee, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein.

(b) A licensing authority may suspend or revoke a license when a local agency has notified the licensing authority that a licensee within its jurisdiction is in violation of state rules and regulations relating to commercial cannabis activities, and the licensing authority, through an investigation, has determined that the violation is grounds for suspension or revocation of the license.

(c) Each licensing authority may take disciplinary action against a licensee for any violation of this division when the violation was committed by the licensee's officers, directors, owners, agents, or employees while acting on behalf of the licensee or engaged in commercial cannabis activity.

(d) A licensing authority may recover the costs of investigation and enforcement of a disciplinary proceeding pursuant to Section 125.3 of this code.

(e) Upon suspension or revocation of a license, the licensing authority shall inform the bureau. The bureau shall then inform all other licensing authorities. Upon any other enforcement action against a licensee, the licensing authority shall notify all other licensing authorities.

(Amended by Stats. 2017, Ch. 27, Sec. 16. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26032. (a) The actions of a licensee, its employees, and its agents are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law if they are all of the following:

- (1) Permitted pursuant to a state license.
- (2) Permitted pursuant to a local authorization, license, or permit issued by the local jurisdiction, if any.
- (3) Conducted in accordance with the requirements of this division and regulations adopted pursuant to this division.

(b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to a state license and, if required by the applicable local ordinances, a local license or permit, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

(Repealed and added by Stats. 2017, Ch. 27, Sec. 18. Effective June 27, 2017.)

26033. (a) A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person is not thereby engaged in commercial cannabis activity and is therefore exempt from the licensure requirements of this division.

(b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this division.

(Repealed and added by Stats. 2017, Ch. 27, Sec. 20. Effective June 27, 2017.)

26034. All accusations against licensees shall be filed by the licensing authority within five years after the performance of the act or omission alleged as the ground for disciplinary action; provided, however, that the foregoing provision shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in that case shall not be deemed to have accrued until discovery, by the licensing authority, of the facts constituting the fraud or misrepresentation, and, in that case, the accusation shall be filed within five years after that discovery.

(Repealed and added by Stats. 2017, Ch. 27, Sec. 22. Effective June 27, 2017.)

26035. The director shall designate the persons employed by the Department of Consumer Affairs for purposes of the administration and enforcement of this division. The director shall ensure that a sufficient number of employees are qualified peace officers for purposes of enforcing this division.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26036. Nothing in this division shall be interpreted to supersede or limit state agencies from exercising their existing enforcement authority, including, but not limited to, under the Fish and Game Code, the Food and Agricultural Code, the Government Code, the Health and Safety Code, the Public Resources Code, the Water Code, or the application of those laws.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26037. (a) The actions of a licensee, its employees, and its agents that are (1) permitted under a license issued under this division and any applicable local ordinances and (2) conducted in accordance with the requirements of this division and regulations adopted pursuant to this division, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

(b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to a state license and any applicable local ordinances, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26038. (a) A person engaging in commercial cannabis activity without a license required by this division shall be subject to civil penalties of up to three times the amount of the license fee for each violation, and the court may order the destruction of cannabis associated with that violation in accordance with Section 11479 of the Health and Safety Code. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section by a licensing authority shall be deposited into the General Fund except as provided in subdivision (b). A violator shall be responsible for the cost of the destruction of cannabis associated with his or her violation.

(b) If an action for civil penalties is brought against a person pursuant to this division by the Attorney General on behalf of the people, the penalty collected shall be deposited into the General Fund. If the action is brought by a district attorney or county counsel, the penalty shall first be used to reimburse the district attorney or county counsel for the costs of bringing the action for civil penalties, with the remainder, if any, to be deposited into the General Fund. If the action is brought by a city attorney or city prosecutor, the penalty collected shall first be used to reimburse the city attorney or city prosecutor for the costs of bringing the action for civil penalties, with the remainder, if any, to be deposited into the General Fund.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person engaging in commercial cannabis activity in violation of this division.

(Amended by Stats. 2017, Ch. 27, Sec. 23. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: 
[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 4. Appeals [26040 - 26047]

(*Chapter 4 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26040. (a) (1) There is established in state government a Cannabis Control Appeals Panel which shall consist of the following members:

(A) One member appointed by the Senate Committee on Rules.

(B) One member appointed by the Speaker of the Assembly.

(C) Three members appointed by the Governor and subject to confirmation by a majority vote of all of the members elected to the Senate.

(2) Each member, at the time of his or her initial appointment, shall be a resident of a different county from the one in which either of the other members resides. Members of the panel shall receive an annual salary as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The members of the panel appointed pursuant to subparagraph (C) of paragraph (1) of subdivision (a) may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove any member of the panel from office for dereliction of duty, corruption, or incompetency.

(c) A concurrent resolution for the removal of any member of the panel may be introduced in the Legislature only if 5 Members of the Senate, or 10 Members of the Assembly, join as authors.

(*Amended by Stats. 2017, Ch. 253, Sec. 2. Effective September 16, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.*)

26041. All personnel of the panel shall be appointed, employed, directed, and controlled by the panel consistent with state civil service requirements. The director shall furnish the equipment, supplies, and housing necessary for the authorized activities of the panel and shall perform such other mechanics of administration as the panel and the director may agree upon.

(*Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26042. The panel shall adopt procedures for appeals similar to the procedures used in Article 3 (commencing with Section 23075) and Article 4 (commencing with Section 23080) of Chapter 1.5 of Division 9 of the Business and Professions Code. Such procedures shall be adopted in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(*Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26043. (a) After proceedings pursuant to Section 26031 or 26058 or Chapter 2 (commencing with Section 480) or Chapter 3 (commencing with Section 490) of Division 1.5, any person aggrieved by the decision of a licensing authority denying the person's application for any license, denying the person's renewal of any license, placing any license on probation, imposing any condition on any license, imposing any fine on any license, assessing any penalty on any license, or canceling, suspending, revoking, or otherwise disciplining any license as provided for under this division, may appeal the licensing authority's written decision to the panel.

(b) The panel shall review the decision subject to such limitations as may be imposed by the Legislature. In such cases, the panel shall not receive evidence in addition to that considered by the licensing authority.

(c) Review by the panel of a decision of a licensing authority shall be limited to the following questions:

- (1) Whether the licensing authority has proceeded without or in excess of its jurisdiction.
- (2) Whether the licensing authority has proceeded in the manner required by law.
- (3) Whether the decision is supported by the findings.
- (4) Whether the findings are supported by substantial evidence in the light of the whole record.

(Amended by Stats. 2017, Ch. 27, Sec. 25. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26044. (a) In appeals where the panel finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the licensing authority, it may enter an order remanding the matter to the licensing authority for reconsideration in the light of that evidence.

(b) Except as provided in subdivision (a), in all appeals, the panel shall enter an order either affirming or reversing the decision of the licensing authority. When the order reverses the decision of the licensing authority, the panel may direct the reconsideration of the matter in the light of its order and may direct the licensing authority to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in the licensing authority.

(Amended by Stats. 2017, Ch. 27, Sec. 26. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26045. (a) No court of this state, except the Supreme Court and the courts of appeal to the extent specified in this chapter, shall have jurisdiction to review, affirm, reverse, correct, or annul any order, rule, or decision of a licensing authority or to suspend, stay, or delay the operation or execution thereof, or to restrain, enjoin, or interfere with a licensing authority in the performance of its duties, but a writ of mandate shall lie from the Supreme Court or the courts of appeal in any proper case.

(b) Any person affected by a final order of the panel, including a licensing authority, may apply to the Supreme Court or to the court of appeal for the appellate district in which the proceeding arose, for a writ of review of that final order.

(c) The application for writ of review shall be made within 30 days after filing of the final order.

(d) The provisions of the Code of Civil Procedure relating to writs of review shall, insofar as applicable, apply to proceedings in the courts as provided by this chapter. A copy of every pleading filed pursuant to this chapter shall be served on the panel, the licensing authority, and on each party who entered an appearance before the panel.

(e) No decision of a licensing authority that has been appealed to the panel and no final order of the panel shall become effective during the period in which application may be made for a writ of review, as provided by subdivision (c).

(f) The filing of a petition for, or the pendency of, a writ of review shall not of itself stay or suspend the operation of any order, rule, or decision of a licensing authority, but the court before which the petition is filed may stay or suspend, in whole or in part, the operation of the order, rule, or decision of the licensing authority subject to review, upon the terms and conditions which it by order directs.

(Repealed and added by Stats. 2017, Ch. 27, Sec. 28. Effective June 27, 2017.)

26046. (a) The review by the court shall not extend further than to determine, based on the whole record of the licensing authority as certified by the panel, whether:

- (1) The licensing authority has proceeded without or in excess of its jurisdiction.
- (2) The licensing authority has proceeded in the manner required by law.
- (3) The decision of the licensing authority is supported by the findings.
- (4) The findings in the licensing authority's decision are supported by substantial evidence in the light of the whole record.
- (5) There is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the licensing authority.

(b) Nothing in this chapter shall permit the court to hold a trial de novo, to take evidence, or to exercise its independent judgment on the evidence.

(Added by Stats. 2017, Ch. 27, Sec. 29. Effective June 27, 2017.)

26047. The findings and conclusions of the licensing authority on questions of fact are conclusive and final and are not subject to review. Those questions of fact shall include ultimate facts and the findings and conclusions of the licensing authority. The panel, the licensing authority, and each party to the action or proceeding before the panel shall have the right to appear in the review proceeding. Following the hearing, the court shall enter judgment either affirming or reversing the decision of the licensing authority, or the court may remand the case for further proceedings before or reconsideration by the licensing authority.

(Added by Stats. 2017, Ch. 27, Sec. 30. Effective June 27, 2017.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)
Code:
Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 5. Licensing [26050 - 26059] (*Chapter 5 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26050. (a) The license classification pursuant to this division shall, at a minimum, be as follows:

- (1) Type 1—Cultivation; Specialty outdoor; Small.
- (2) Type 1A—Cultivation; Specialty indoor; Small.
- (3) Type 1B—Cultivation; Specialty mixed-light; Small.
- (4) Type 1C—Cultivation; Specialty cottage; Small.
- (5) Type 2—Cultivation; Outdoor; Small.
- (6) Type 2A—Cultivation; Indoor; Small.
- (7) Type 2B—Cultivation; Mixed-light; Small.
- (8) Type 3—Cultivation; Outdoor; Medium.
- (9) Type 3A—Cultivation; Indoor; Medium.
- (10) Type 3B—Cultivation; Mixed-light; Medium.
- (11) Type 4—Cultivation; Nursery.
- (12) Type 5—Cultivation; Outdoor; Large.
- (13) Type 5A—Cultivation; Indoor; Large.
- (14) Type 5B—Cultivation; Mixed-light; Large.
- (15) Type 6—Manufacturer 1.
- (16) Type 7—Manufacturer 2.
- (17) Type 8—Testing laboratory.
- (18) Type 10—Retailer.
- (19) Type 11—Distributor.
- (20) Type 12—Microbusiness.

(b) With the exception of testing laboratory licenses, which may be used to test cannabis and cannabis products regardless of whether they are intended for use by individuals who possesses a physician's recommendation, all licenses issued under this division shall bear a clear designation indicating whether the license is for commercial adult-use cannabis activity as distinct from commercial medicinal cannabis activity by prominently affixing an "A" or "M," respectively. Examples of such a designation include, but are not limited to, "A-Type 1" or "M-Type 1." Except as specifically specified in this division, the requirements for A-licenses and M-licenses shall be the same. For testing laboratories, the bureau shall create a license that indicates a testing laboratory may test both adult-use and medicinal cannabis.

(c) A license issued pursuant to this division shall be valid for 12 months from the date of issuance. The license may be renewed annually.

(d) Each licensing authority shall establish procedures for the issuance and renewal of licenses.

(*Amended by Stats. 2017, Ch. 27, Sec. 31. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.*)

26050.1. (a) Notwithstanding subdivision (c) of Section 26050, until January 1, 2019, a licensing authority may, in its sole discretion, issue a temporary license if the applicant submits all of the following:

- (1) A written request to the licensing authority in a manner prescribed by the licensing authority.
- (2) A copy of a valid license, permit, or other authorization, issued by a local jurisdiction, that enables the applicant to conduct commercial cannabis activity at the location requested for the temporary license.
- (3) The temporary license application fee, if any, required by the licensing authority.

(b) Temporary licenses issued pursuant to this section are subject to the following conditions:

- (1) Except as provided for in paragraph (4) below, the temporary license shall be valid for a period of 120 days and may be extended for additional 90-day periods at the discretion of the licensing authority. Temporary licenses shall only be eligible for an extension of the expiration date if the applicant has submitted a complete application for licensure pursuant to regulations adopted under this division.
- (2) A temporary license is a conditional license and authorizes the holder thereof to engage in commercial cannabis activity as would be permitted under the privileges of the license for which the applicant has submitted an application to the licensing authority.
- (3) Refusal by the licensing authority to issue or extend a temporary license shall not entitle the applicant to a hearing or appeal of the decision. Chapter 2 (commencing with Section 480) of Division 1.5 and Chapter 4 (commencing with Section 26040) of this division shall not apply to temporary licenses.
- (4) A temporary license does not obligate the licensing authority to issue a nontemporary license nor does the temporary license create a vested right in the holder to either an extension of the temporary license or to the granting of a subsequent nontemporary license.

(c) This section shall remain in effect only until January 1, 2019, and as of that date is repealed.

(Added by Stats. 2017, Ch. 27, Sec. 32. Effective June 27, 2017. Repealed as of January 1, 2019, by its own provisions.)

26051. (a) The Cartwright Act, the Unfair Practices Act, the Unfair Competition Law, and the other provisions of Part 2 (commencing with Section 16600) of Division 7 apply to all licensees regulated under this division.

(b) It shall be unlawful for any person to monopolize, or attempt to monopolize, or to combine or conspire with any person or persons, to monopolize any part of the trade or commerce related to cannabis. The Attorney General shall have the sole authority to enforce the provisions of this subdivision.

(c) In determining whether to grant, deny, or renew a license for a retail license, microbusiness license, or a license issued under Section 26070.5, the bureau shall consider if an excessive concentration exists in the area where the licensee will operate. For purposes of this section "excessive concentration" applies when either of the following conditions exist:

- (1) The ratio of a licensee to population in the census tract or census division in which the applicant premises are located exceeds the ratio of licensees to population in the county in which the applicant premises are located, unless denial of the application would unduly limit the development of the legal market so as to perpetuate the illegal market for cannabis or cannabis products.
- (2) The ratio of retail licenses, microbusiness licenses, or licenses under Section 26070.5 to the population in the census tract, census division, or jurisdiction exceeds that allowable by local ordinance adopted under Section 26200.

(Repealed and added by Stats. 2017, Ch. 27, Sec. 34. Effective June 27, 2017.)

26051.5. (a) An applicant for any type of state license issued pursuant to this division shall do all of the following:

(1) Require that each owner of the applicant electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.

(A) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(B) The licensing authority shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(C) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

(2) Provide evidence of the legal right to occupy and use the proposed location and provide a statement from the landowner of real property or that landowner's agent where the commercial cannabis activity will occur, as proof to demonstrate the landowner has acknowledged and consented to permit commercial cannabis activities to be conducted on the property by the tenant applicant.

(3) Provide evidence that the proposed location is in compliance with subdivision (b) of Section 26054.

(4) Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.

(5) (A) For an applicant with 20 or more employees, provide a statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement.

(B) For the purposes of this paragraph, "employee" does not include a supervisor.

(C) For the purposes of this paragraph, "supervisor" means an individual having authority, in the interest of the applicant, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(6) Provide the applicant's valid seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller's permit.

(7) Provide any other information required by the licensing authority.

(8) For an applicant seeking a cultivation license, provide a statement declaring the applicant is an "agricultural employer," as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.

(9) Pay all applicable fees required for licensure by the licensing authority.

(10) Provide proof of a bond to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.

(b) An applicant shall also include in the application a detailed description of the applicant's operating procedures for all of the following, as required by the licensing authority:

(1) Cultivation.

(2) Extraction and infusion methods.

(3) The transportation process.

(4) Inventory procedures.

(5) Quality control procedures.

(6) Security protocols.

(7) For applicants seeking licensure to cultivate, the source or sources of water the applicant will use for cultivation, as provided in subdivisions (a) to (c), inclusive, of Section 26060.1. For purposes of this paragraph, "cultivation" as used in Section 26060.1 shall have the same meaning as defined in Section 26001. The Department of Food and Agriculture shall consult with the State Water Resources Control Board and the Department of Fish and Wildlife in the implementation of this paragraph.

(c) The applicant shall also provide a complete detailed diagram of the proposed premises wherein the license privileges will be exercised, with sufficient particularity to enable ready determination of the bounds of the premises, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, and common or shared entryways, and include a brief statement or description of the principal activity to be conducted therein, and, for licenses permitting cultivation, measurements of the planned canopy, including aggregate square footage and individual square footage of separate cultivation areas, if any, roads, water crossings, points of diversion, water storage, and all other facilities and infrastructure related to the cultivation.

(d) Provide a complete list of every person with a financial interest in the person applying for the license as required by the licensing authority. For purposes of this subdivision, "persons with a financial interest" does not include persons whose only interest in a licensee is an interest in a diversified mutual fund, blind trust, or similar instrument.

(Added by Stats. 2017, Ch. 27, Sec. 35. Effective June 27, 2017.)

26052. (a) A licensee shall not perform any of the following acts, or permit any of the following acts to be performed by any employee, agent, or contractor of the licensee:

- (1) Make any contract in restraint of trade in violation of Section 16600.
 - (2) Form a trust or other prohibited organization in restraint of trade in violation of Section 16720.
 - (3) Make a sale or contract for the sale of cannabis or cannabis products, or to fix a price charged therefor, or discount from, or rebate upon, that price, on the condition, agreement, or understanding that the consumer or purchaser thereof shall not use or deal in the goods, merchandise, machinery, supplies, commodities, or services of a competitor or competitors of the seller, where the effect of that sale, contract, condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of trade or commerce.
 - (4) Sell any cannabis or cannabis products at less than cost for the purpose of injuring competitors, destroying competition, or misleading or deceiving purchasers or prospective purchasers.
 - (5) Discriminate between different sections, communities, or cities or portions thereof, or between different locations in those sections, communities, or cities or portions thereof in this state, by selling or furnishing cannabis or cannabis products at a lower price in one section, community, or city or any portion thereof, or in one location in that section, community, or city or any portion thereof, than in another, for the purpose of injuring competitors or destroying competition.
 - (6) Sell any cannabis or cannabis products at less than the cost thereof to such vendor, or to give away any article or product for the purpose of injuring competitors or destroying competition.
- (b) Any person who, either as director, officer, or agent of any firm or corporation, or as agent of any person, violates the provisions of this chapter, or assists or aids, directly or indirectly, in that violation is responsible therefor equally with the person, firm, or corporation for which that person acts.
- (c) Any person or trade association may bring an action to enjoin and restrain any violation of this section for the recovery of damages.

(Amended by Stats. 2017, Ch. 27, Sec. 36. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26053. (a) All commercial cannabis activity shall be conducted between licensees, except as otherwise provided in this division.

- (b) A person that holds a state testing laboratory license under this division is prohibited from licensure for any other activity, except testing, as authorized under this division. A person that holds a state testing laboratory license shall not employ an individual who is also employed by any other licensee that does not hold a state testing laboratory license.
- (c) Except as provided in subdivision (b), a person may apply for and be issued more than one license under this division.
- (d) Each applicant or licensee shall apply for, and if approved, shall obtain, a separate license for each location where it engages in commercial cannabis activity.

(Amended by Stats. 2017, Ch. 253, Sec. 3. Effective September 16, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26054. (a) A licensee shall not sell alcoholic beverages or tobacco products on or at any premises licensed under this division.

- (b) A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.
- (c) It shall not be a violation of state or local law for a business engaged in the manufacture of cannabis accessories to possess, transport, purchase, or otherwise obtain small amounts of cannabis or cannabis products as necessary to conduct research and development related to the cannabis accessories, provided the cannabis and cannabis products are obtained from a person licensed under this division permitted to provide or deliver the cannabis or cannabis products.
- (d) It shall not be a violation of state or local law for an agent of a licensing authority to possess, transport, or obtain cannabis or cannabis products as necessary to conduct activities reasonably related to the duties of the

licensing authority.

(Amended by Stats. 2017, Ch. 27, Sec. 38. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26054.2. (a) A licensing authority shall give priority in issuing licenses under this division to applicants that can demonstrate to the authority's satisfaction that the applicant operated in compliance with the Compassionate Use Act of 1996 (Section 11362.5 of the Health and Safety Code) and its implementing laws before September 1, 2016.

(b) The licensing authorities shall request that local jurisdictions identify for the licensing authorities potential applicants for licensure based on the applicants' prior operation in the local jurisdiction in compliance with state law, including the Compassionate Use Act of 1996 (Section 11362.5 of the Health and Safety Code) and its implementing laws, and any applicable local laws.

(c) In addition to or in lieu of the information described in subdivision (b), an applicant may furnish other evidence as deemed appropriate by the licensing authority to demonstrate operation in compliance with the Compassionate Use Act of 1996 (Section 11362.5 of the Health and Safety Code). The licensing authorities may accept such evidence to demonstrate eligibility for the priority provided for in subdivision (a).

(d) This section shall cease to be operative on December 31, 2019, unless otherwise provided by law.

(Amended by Stats. 2017, Ch. 27, Sec. 40. Effective June 27, 2017. Inoperative December 31, 2019, by its own provisions. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26055. (a) Licensing authorities may issue state licenses only to qualified applicants.

(b) Revocation of a state license issued under this division shall terminate the ability of the licensee to operate pursuant to that license within California until a new license is obtained.

(c) A licensee shall not change or alter the premises in a manner which materially or substantially alters the premises, the usage of the premises, or the mode or character of business operation conducted from the premises, from the plan contained in the diagram on file with the application, unless and until written approval by the licensing authority has been obtained. For purposes of this section, material or substantial physical changes of the premises, or in the usage of the premises, shall include, but not be limited to, a substantial increase or decrease in the total area of the licensed premises previously diagrammed, or any other physical modification resulting in substantial change in the mode or character of business operation.

(d) Licensing authorities shall not approve an application for a state license under this division if approval of the state license will violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200.

(e) An applicant may voluntarily provide proof of a license, permit, or other authorization from the local jurisdiction verifying that the applicant is in compliance with the local jurisdiction. An applicant that voluntarily submits a valid, unexpired license, permit, or other authorization from the local jurisdiction shall be presumed to be in compliance with all local ordinances unless the licensing authority is notified otherwise by the local jurisdiction. The licensing authority shall notify the contact person for the local jurisdiction of any applicant that voluntarily submits a valid, unexpired license, permit, or other authorization from the local jurisdiction.

(f) (1) A local jurisdiction shall provide to the bureau a copy of any ordinance or regulation related to commercial cannabis activity and the name and contact information for the person who will serve as the contact for state licensing authorities regarding commercial cannabis activity within the jurisdiction. If a local jurisdiction does not provide a contact person, the bureau shall assume that the clerk of the legislative body of the local jurisdiction is the contact person.

(2) Whenever there is a change in a local ordinance or regulation adopted pursuant to Section 26200 or a change in the contact person for the jurisdiction, the local jurisdiction shall provide that information to the bureau.

(3) The bureau shall share the information required by this subdivision with the other licensing authorities.

(g) (1) The licensing authority shall deny an application for a license under this division for a commercial cannabis activity that the local jurisdiction has notified the bureau is prohibited in accordance with subdivision (f). The licensing authority shall notify the contact person for the local jurisdiction of each application denied due to the local jurisdictions indication that the commercial cannabis activity for which a license is sought is prohibited by a local ordinance or regulation.

(2) Prior to issuing a state license under this division for any commercial cannabis activity, if an applicant has not provided adequate proof of compliance with local laws pursuant to subdivision (e):

(A) The licensing authority shall notify the contact person for the local jurisdiction of the receipt of an application for commercial cannabis activity within their jurisdiction.

(B) A local jurisdiction may notify the licensing authority that the applicant is not in compliance with a local ordinance or regulation. In this instance, the licensing authority shall deny the application.

(C) A local jurisdiction may notify the licensing authority that the applicant is in compliance with all applicable local ordinances and regulations. In this instance, the licensing authority may proceed with the licensing process.

(D) If the local jurisdiction does not provide notification of compliance or noncompliance with applicable local ordinances or regulations, or otherwise does not provide notification indicating that the completion of the local permitting process is still pending, within 60 business days of receiving the inquiry from a licensing authority submitted pursuant to subparagraph (A), the licensing authority shall make a rebuttable presumption that the applicant is in compliance with all local ordinances and regulations adopted in accordance with Section 26200, except as provided in subparagraphs (E) and (F).

(E) At any time after expiration of the 60-business-day period set forth in subparagraph (D), the local jurisdiction may provide written notification to the licensing authority that the applicant or licensee is not in compliance with a local ordinance or regulation adopted in accordance with Section 26200. Upon receiving this notification, the licensing authority shall not presume that the applicant or licensee has complied with all local ordinances and regulations adopted in accordance with Section 26200, and may commence disciplinary action in accordance with Chapter 3 (commencing with Section 26030). If the licensing authority does not take action against the licensee before the time of the renewal of the license, the license shall not be renewed until and unless the local jurisdiction notifies the licensing authority that the licensee is once again in compliance with local ordinances.

(F) A presumption by a licensing authority pursuant to this paragraph that an applicant has complied with all local ordinances and regulations adopted in accordance with Section 26200 shall not prevent, impair, or preempt the local government from enforcing all applicable local ordinances or regulations against the applicant, nor shall the presumption confer any right, vested or otherwise, upon the applicant to commence or continue operating in any local jurisdiction except in accordance with all local ordinances or regulations.

(3) For purposes of this section, "notification" includes written notification or access by a licensing authority to a local jurisdiction's registry, database, or other platform designated by a local jurisdiction, containing information specified by the licensing authority, on applicants to determine local compliance.

(h) Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. This subdivision shall become inoperative on July 1, 2019.

(i) A local or state public agency may charge and collect a fee from a person proposing a project pursuant to subdivision (a) of Section 21089 of the Public Resources Code.

(Amended by Stats. 2017, Ch. 253, Sec. 4. Effective September 16, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26056. The requirements of Sections 13143.9, 13145, and 13146 of the Health and Safety Code shall apply to all licensees.

(Added by Stats. 2017, Ch. 27, Sec. 44. Effective June 27, 2017.)

26057. (a) The licensing authority shall deny an application if either the applicant, or the premises for which a state license is applied, do not qualify for licensure under this division.

(b) The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:

(1) Failure or inability to comply with the provisions of this division, any rule or regulation adopted pursuant to this division, or any requirement imposed to protect natural resources, including, but not limited to, protections for instream flow, water quality, and fish and wildlife.

(2) Conduct that constitutes grounds for denial of licensure under Chapter 2 (commencing with Section 480) of Division 1.5, except as otherwise specified in this section and Section 26059.

(3) Failure to provide information required by the licensing authority.

(4) The applicant, owner, or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant, owner, or licensee is otherwise suitable to be issued a license, and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or owner, and shall evaluate the suitability of the applicant, owner, or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:

(A) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.

(B) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.

(C) A felony conviction involving fraud, deceit, or embezzlement.

(D) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

(E) A felony conviction for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code.

(5) Except as provided in subparagraphs (D) and (E) of paragraph (4) and notwithstanding Chapter 2 (commencing with Section 480) of Division 1.5, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground for denial of a license. Conviction for any controlled substance felony subsequent to licensure shall be grounds for revocation of a license or denial of the renewal of a license.

(6) The applicant, or any of its officers, directors, or owners, has been subject to fines, penalties, or otherwise been sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code.

(7) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial cannabis activities, has had a license suspended or revoked under this division in the three years immediately preceding the date the application is filed with the licensing authority.

(8) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

(9) Any other condition specified in law.

(Amended by Stats. 2017, Ch. 27, Sec. 45. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26058. Upon the denial of any application for a license, the licensing authority shall notify the applicant in writing. Within 30 days of service of the notice, the applicant may file a written petition for a license with the licensing authority. Upon receipt of a timely filed petition, the licensing authority shall set the petition for hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein. Any appeal from a final decision of the licensing authority shall be conducted in accordance with Chapter 4 (commencing with Section 26040).

(Amended by Stats. 2017, Ch. 27, Sec. 46. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26059. An applicant shall not be denied a state license if the denial is based solely on any of the following:

(a) A conviction or act that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made for which the applicant or licensee has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(b) A conviction that was subsequently dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code or any other provision allowing for dismissal of a conviction.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 6. Licensed Cultivation Sites [26060 - 26066] (*Chapter 6 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26060. (a) Regulations issued by the Department of Food and Agriculture governing the licensing of indoor, outdoor, nursery, special cottage, and mixed-light cultivation sites shall apply to licensed cultivators under this division. The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this division, including regulations governing the licensing of indoor, outdoor, mixed-light cultivation site, nursery, and special cottage cultivation.

(b) The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Chapter 6.5 (commencing with Section 26067). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers pursuant to Chapter 6.5 (commencing with Section 26067).

(c) The Department of Food and Agriculture shall serve as the lead agency for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) related to the licensing of cannabis cultivation.

(d) The Department of Pesticide Regulation shall develop guidelines for the use of pesticides in the cultivation of cannabis and residue in harvested cannabis.

(e) A cannabis cultivator shall not use any pesticide that has been banned for use in the state.

(f) The regulations promulgated by the Department of Food and Agriculture under this division shall implement the requirements of subdivision(b) of Section 26060.1.

(g) The Department of Pesticide Regulation shall require that the application of pesticides or other pest control in connection with the indoor, outdoor, nursery, specialty cottage, or mixed-light cultivation of cannabis complies with Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(Amended by Stats. 2017, Ch. 27, Sec. 47. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26060.1. (a) An application for a license for cultivation issued by the Department of Food and Agriculture shall identify the source of water supply as follows:

(1) (A) If water will be supplied by a retail water supplier, as defined in Section 13575 of the Water Code, the application shall identify the retail water supplier.

(B) Paragraphs (2) and (3) do not apply to any water subject to subparagraph (A) unless the retail water supplier has 10 or fewer customers, the applicant receives 10 percent or more of the water supplied by the retail water supplier, 25 percent or more of the water delivered by the retail water supplier is used for cannabis cultivation, or the applicant and the retail water supplier are affiliates, as defined in Section 2814.20 of Title 23 of the California Code of Regulations.

(2) If the water supply includes a diversion within the meaning of Section 5100 of the Water Code, the application shall identify the point of diversion and the maximum amount to be diverted as follows:

(A) For an application submitted before January 1, 2019, the application shall include a copy of one of the following:

(i) A small irrigation use registration certificate, permit, or license issued pursuant to Part 2 (commencing with Section 1200) of Division 2 of the Water Code that covers the diversion.

(ii) A statement of water diversion and use filed with the State Water Resources Control Board on or before October 31, 2017, that covers the diversion and specifies the amount of water used for cannabis cultivation.

(iii) A pending application for a permit to appropriate water, filed with the State Water Resources Control Board on or before October 31, 2017.

(iv) Documentation submitted to the State Water Resources Control Board on or before January 1, 2019, demonstrating that the diversion is subject to subdivision (a), (c), (d), or (e) of Section 5101 of the Water Code.

(v) Documentation submitted to the State Water Resources Control Board on or before October 31, 2017, demonstrating that the diversion is authorized under a riparian right and that no diversion occurred after January 1, 2010, and before January 1, 2017. The documentation shall be submitted on or accompany a form provided by the State Water Resources Control Board and shall include all of the information outlined in subdivisions (a) to (d), inclusive, and (e) of Section 5103 of the Water Code. The documentation shall also include a general description of the area in which the water will be used in accordance with subdivision (g) of Section 5103 of the Water Code and the year in which the diversion is planned to commence.

(B) For an application submitted after December 31, 2018, the application shall include a copy of one of the following:

(i) A small irrigation use registration certificate, permit, or license issued pursuant to Part 2 (commencing with Section 1200) of Division 2 of the Water Code that covers the diversion.

(ii) A statement of water diversion and use filed with the State Water Resources Control Board that covers the diversion and specifies the amount of water used for cannabis cultivation.

(iii) Documentation submitted to the State Water Resources Control Board demonstrating that the diversion is subject to subdivision (a), (c), (d), or (e) of Section 5101 of the Water Code.

(iv) Documentation submitted to the State Water Resources Control Board demonstrating that the diversion is authorized under a riparian right and that no diversion occurred after January 1, 2010, and in the calendar year in which the application is submitted. The documentation shall be submitted on or accompany a form provided by the State Water Resources Control Board and shall include all of the information outlined in subdivisions (a) to (d), inclusive, and (e) of Section 5103 of the Water Code. The documentation shall also include a general description of the area in which the water will be used in accordance with subdivision (g) of Section 5103 of the Water Code and the year in which the diversion is planned to commence.

(3) If water will be supplied from a groundwater extraction not subject to paragraph (2), the application shall identify the location of the extraction and the maximum amount to be diverted for cannabis cultivation in any year.

(b) The Department of Food and Agriculture shall include in any license for cultivation all of the following:

(1) Conditions requested by the Department of Fish and Wildlife and the State Water Resources Control Board to (A) ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability; (B) ensure that cultivation does not negatively impact springs, riparian habitat, wetlands, or aquatic habitat; and (C) otherwise protect fish, wildlife, fish and wildlife habitat, and water quality. The conditions shall include, but not be limited to, the principles, guidelines, and requirements established pursuant to Section 13149 of the Water Code.

(2) Any relevant mitigation requirements the Department of Food and Agriculture identifies as part of its approval of the final environmental documentation for the cannabis cultivation licensing program as requirements that should be included in a license for cultivation. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to the identification of these mitigation measures. This paragraph does not reduce any requirements established pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

(3) A condition that the license shall not be effective until the licensee has demonstrated compliance with Section 1602 of the Fish and Game Code or receives written verification from the Department of Fish and Wildlife that a streambed alteration agreement is not required.

(c) The Department of Food and Agriculture shall consult with the State Water Resources Control Board and the Department of Fish and Wildlife in the implementation of this section.

(d) Notwithstanding paragraph (1) of subdivision (b), the Department of Food and Agriculture is not responsible for verifying compliance with the conditions requested or imposed by the Department of Fish and Wildlife or the State Water Resources Control Board. The Department of Fish and Wildlife or the State Water Resources Control Board, upon finding and making the final determination of a violation of a condition included pursuant to paragraph (1) of subdivision (b), shall notify the Department of Food and Agriculture, which may take appropriate action with respect to the licensee in accordance with Chapter 3 (commencing with Section 26030).

(Amended by Stats. 2017, Ch. 253, Sec. 5. Effective September 16, 2017.)

26061. (a) The state cultivator license types to be issued by the Department of Food and Agriculture under this division shall include all of the following:

(1) Type 1, or "specialty outdoor," for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or "specialty indoor," for indoor cultivation using exclusively artificial lighting of between 501 and 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of between 2,501 and 5,000 square feet of total canopy size on one premises.

(4) Type 1C, or "specialty cottage," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.

(5) Type 2, or "small outdoor," for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2A, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 2B, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(8) Type 3, or "outdoor," for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3A, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 3B, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(11) Type 4, or "nursery" for cultivation of cannabis solely as a nursery.

(b) Except as otherwise provided by law:

(1) Type 5, or "outdoor," means for outdoor cultivation using no artificial lighting greater than one acre, inclusive, of total canopy size on one premises.

(2) Type 5A, or "indoor," means for indoor cultivation using exclusively artificial lighting greater than 22,000 square feet, inclusive, of total canopy size on one premises.

(3) Type 5B, or "mixed-light," means for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, greater than 22,000 square feet, inclusive, of total canopy size on one premises.

(c) No Type 5, Type 5A, or Type 5B cultivation licenses may be issued before January 1, 2023.

(d) Commencing on January 1, 2023, a Type 5, Type 5A, or Type 5B licensee may apply for and hold a Type 6 or Type 7 license and apply for and hold a Type 10 license. A Type 5, Type 5A, or Type 5B licensee shall not be eligible to apply for or hold a Type 8, Type 11, or Type 12 license.

(Amended by Stats. 2017, Ch. 27, Sec. 49. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26062. (a) No later than January 1, 2021, the Department of Food and Agriculture shall establish a program for cannabis that is comparable to the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and the California Organic Food and Farming Act (Chapter 10 (commencing with Section 46000) of Division 17 of the Food and Agricultural Code) and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code. The Department of Food and Agriculture shall be the sole determiner of designation and certification.

(b) If at any time preceding or following the establishment of a program by the Department of Food and Agriculture pursuant to subdivision (a), the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)) authorizes organic designation and certification for cannabis, this section shall become inoperative and, as of January 1, of the following year, is repealed.

(Repealed and added by Stats. 2017, Ch. 27, Sec. 51. Effective June 27, 2017. Conditionally inoperative as prescribed by its own provisions. Repealed, by its own provisions, on January 1 following inoperative date.)

26062.5. A person shall not represent, sell, or offer for sale any cannabis or cannabis product as organic except in accordance with the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), if applicable. A person shall not represent, sell, or offer for sale any cannabis or cannabis product with the designation or certification established by the Department of Food and Agriculture pursuant to subdivision (a) of Section 26062 except in accordance with that subdivision.

(Added by Stats. 2017, Ch. 27, Sec. 52. Effective June 27, 2017.)

26063. (a) No later than January 1, 2018, the Department of Food and Agriculture shall establish standards by which a licensed cultivator may designate a county of origin for cannabis. To be eligible for the designation, 100 percent of the cannabis shall be produced within the designated county, as defined by finite political boundaries.

(1) Cannabis shall not be advertised, marketed, labeled, or sold as grown in a California county when the cannabis was not grown in that county.

(2) The name of a California county, including any similar name that is likely to mislead consumers as to the origin of the product, shall not be used in the advertising, labeling, marketing, or packaging of cannabis products unless the cannabis contained in the product was grown in that county.

(b) No later than January 1, 2021, the Department of Food and Agriculture shall establish a process by which licensed cultivators may establish appellations of standards, practices, and varieties applicable to cannabis grown in a certain geographical area in California, not otherwise specified in subdivision (a).

(Amended by Stats. 2017, Ch. 27, Sec. 53. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26065. An employee engaged in the cultivation of cannabis under this division shall be subject to Wage Order No. 4-2001 of the Industrial Welfare Commission.

(Amended by Stats. 2017, Ch. 27, Sec. 55. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26066. Indoor and outdoor cannabis cultivation by persons and entities licensed under this division shall be conducted in accordance with state and local laws related to land conversion, current building and fire standards, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of Fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies, shall address environmental impacts of cannabis cultivation and shall coordinate when appropriate with cities and counties and their law enforcement agencies in enforcement efforts.

(Amended by Stats. 2017, Ch. 27, Sec. 56. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)
Code:
Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 6.5. Unique Identifiers and Track and Trace [26067 - 26069.9] (*Chapter 6.5 added by Stats. 2017, Ch. 27, Sec. 58.*)

26067. (a) The department, in consultation with the bureau, shall establish a track and trace program for reporting the movement of cannabis and cannabis products throughout the distribution chain that utilizes a unique identifier pursuant to Section 26069, secure packaging, and is capable of providing information that captures, at a minimum, all of the following:

(1) The licensee receiving the product.

(2) The transaction date.

(3) The cultivator from which the product originates, including the associated unique identifier pursuant to Section 26069.

(b) (1) The department, in consultation with the State Board of Equalization, shall create an electronic database containing the electronic shipping manifests to facilitate the administration of the track and trace program, which shall include, but not be limited to, the following information:

(A) The variety and quantity or weight of products shipped.

(B) The estimated times of departure and arrival.

(C) The variety and quantity or weight of products received.

(D) The actual time of departure and arrival.

(E) A categorization of the product.

(F) The license number and the unique identifier pursuant to Section 26069 issued by the licensing authority for all licensees involved in the shipping process, including, but not limited to, cultivators, manufacturers, distributors, and dispensaries.

(2) (A) The database shall be designed to flag irregularities for all licensing authorities in this division to investigate. All licensing authorities pursuant to this division may access the database and share information related to licensees under this chapter, including social security and individual taxpayer identifications notwithstanding Section 30.

(B) The department shall immediately inform the bureau upon the finding of an irregularity or suspicious finding related to a licensee, applicant, or commercial cannabis activity for investigatory purposes.

(3) Licensing authorities and state and local agencies may, at any time, inspect shipments and request documentation for current inventory.

(4) The bureau shall have 24-hour access to the electronic database administered by the department. The State Board of Equalization shall have read access to the electronic database for the purpose of taxation and regulation of cannabis and cannabis products.

(5) The department shall be authorized to enter into memoranda of understandings with licensing authorities for data sharing purposes, as deemed necessary by the department.

(6) Information received and contained in records kept by the department or licensing authorities for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as

necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this division or a local ordinance.

(7) Upon the request of a state or local law enforcement agency, licensing authorities shall allow access to or provide information contained within the database to assist law enforcement in their duties and responsibilities pursuant to this division.

(Added by Stats. 2017, Ch. 27, Sec. 58. Effective June 27, 2017.)

26068. (a) The department, in consultation with the bureau and the State Board of Equalization, shall ensure that the track and trace program can also track and trace the amount of the cultivation tax due pursuant to Part 14.5 (commencing with Section 34010) of Division 2 of the Revenue and Taxation Code. The track and trace program shall include an electronic seed to sale software tracking system with data points for the different stages of commercial activity, including, but not limited to, cultivation, harvest, processing, distribution, inventory, and sale.

(b) The department, in consultation with the bureau, shall ensure that licensees under this division are allowed to use third-party applications, programs, and information technology systems to comply with the requirements of the expanded track and trace program described in subdivision (a) to report the movement of cannabis and cannabis products throughout the distribution chain and communicate the information to licensing agencies as required by law.

(c) Any software, database, or other information technology system utilized by the department to implement the expanded track and trace program shall support interoperability with third-party cannabis business software applications and allow all licensee-facing system activities to be performed through a secure application programming interface (API) or comparable technology that is well documented, bi-directional, and accessible to any third-party application that has been validated and has appropriate credentials. The API or comparable technology shall have version control and provide adequate notice of updates to third-party applications. The system should provide a test environment for third-party applications to access that mirrors the production environment.

(Added by Stats. 2017, Ch. 27, Sec. 58. Effective June 27, 2017.)

26069. (a) The department shall establish a Cannabis Cultivation Program to be administered by the secretary. The secretary shall administer this section as it pertains to the cultivation of cannabis. For purposes of this division, cannabis is an agricultural product.

(b) A person or entity shall not cultivate cannabis without first obtaining a state license issued by the department pursuant to this division.

(c) (1) The department, in consultation with, but not limited to, the bureau, shall implement a unique identification program for cannabis. In implementing the program, the department shall consider issues including, but not limited to, water use and environmental impacts. If the State Water Resources Control Board or the Department of Fish and Wildlife finds, based on substantial evidence, that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area.

(2) (A) The department shall establish a program for the identification of permitted cannabis plants at a cultivation site during the cultivation period. A unique identifier shall be issued for each cannabis plant. The department shall ensure that unique identifiers are issued as quickly as possible to ensure the implementation of this division. The unique identifier shall be attached at the base of each plant or as otherwise required by law or regulation.

(B) Unique identifiers shall only be issued to those persons appropriately licensed by this section.

(C) Information associated with the assigned unique identifier and licensee shall be included in the trace and track program specified in Section 26067.

(D) The department may charge a fee to cover the reasonable costs of issuing the unique identifier and monitoring, tracking, and inspecting each cannabis plant.

(E) The department may promulgate regulations to implement this section.

(3) The department shall take adequate steps to establish protections against fraudulent unique identifiers and limit illegal diversion of unique identifiers to unlicensed persons.

(d) A city, county, or city and county may administer unique identifiers and associated identifying information but a city, county, or city and county's identifiers shall not supplant the department's track and trace program.

(e) (1) This section does not apply to the cultivation of cannabis in accordance with Section 11362.1 of the Health and Safety Code or the Compassionate Use Act.

(2) Subdivision (b) does not apply to persons or entities licensed under subdivision (b) of Section 26070.5.

(Amended by Stats. 2017, Ch. 253, Sec. 6. Effective September 16, 2017.)

26069.1. The secretary may enter into a cooperative agreement with a county agricultural commissioner or other state or local agency to assist the department in implementing the provisions of this division related to administration, investigation, inspection, fee collection, document management, education and outreach, distribution of individual licenses approved by the secretary, and technical assistance pertaining to the cultivation of cannabis. The department shall pay compensation under a cooperative agreement from fees collected and deposited pursuant to this division and shall provide reimbursement to a county agricultural commissioner, state, or local agency for associated costs. The secretary shall not delegate through a cooperative agreement, or otherwise, its authority to issue cultivation licenses to a county agricultural commissioner, local agency, or another state agency. The secretary shall provide notice of any cooperative agreement entered into pursuant to this section to other relevant state agencies involved in the regulation of cannabis cultivation. No cooperative agreement under this section shall relieve the department of its obligations under paragraph (2) of subdivision (a) of Section 26012 to administer the provisions of this division related to, and associated with, the cultivation of cannabis.

(Added by Stats. 2017, Ch. 27, Sec. 58. Effective June 27, 2017.)

26069.9. For purposes of this chapter:

(a) "Department" means the Department of Food and Agriculture.

(b) "Secretary" means the Secretary of Food and Agriculture.

(Added by Stats. 2017, Ch. 27, Sec. 58. Effective June 27, 2017.)

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: 
[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 7. Retailers and Distributors [26070 - 26070.5] (*Chapter 7 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26070. Retailers and Distributors.

(a) State licenses to be issued by the bureau related to the sale and distribution of cannabis and cannabis products are as follows:

(1) "Retailer," for the retail sale and delivery of cannabis or cannabis products to customers. A retailer shall have a licensed premises which is a physical location from which commercial cannabis activities are conducted. A retailer's premises may be closed to the public. A retailer may conduct sales exclusively by delivery.

(2) "Distributor," for the distribution of cannabis and cannabis products. A distributor licensee shall be bonded and insured at a minimum level established by the licensing authority.

(3) (A) "Microbusiness," for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer under this division, provided such licensee can demonstrate compliance with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities. Microbusiness licenses that authorize cultivation of cannabis shall include the license conditions described in subdivision (b) of Section 26060.1.

(B) In coordination with each other, the licensing authorities shall establish a process by which an applicant for a microbusiness license can demonstrate compliance with all the requirements under this division for the activities that will be conducted under the license.

(C) The bureau may enter into interagency agreements with licensing authorities to implement and enforce the provisions of this division related to microbusinesses. The costs of activities carried out by the licensing authorities as requested by the bureau pursuant to the interagency agreement shall be calculated into the application and licensing fees collected pursuant to this division, and shall provide for reimbursement to state agencies for associated costs as provided for in the interagency agreement.

(b) The bureau shall establish minimum security and transportation safety requirements for the commercial distribution and delivery of cannabis and cannabis products. Except as provided in subdivision (d) of Section 26110, the transportation of cannabis and cannabis products shall only be conducted by persons holding a distributor license under this division or employees of those persons. Transportation safety standards established by the bureau shall include, but not be limited to, minimum standards governing the types of vehicles in which cannabis and cannabis products may be distributed and delivered and minimum qualifications for persons eligible to operate such vehicles.

(c) The driver of a vehicle transporting or transferring cannabis or cannabis products shall be directly employed by a licensee authorized to transport or transfer cannabis or cannabis products.

(d) Notwithstanding any other law, all vehicles transporting cannabis and cannabis products for hire shall be required to have a valid motor carrier permit pursuant to Chapter 2 (commencing with Section 34620) of Division 14.85 of the Vehicle Code. The Department of the California Highway Patrol shall have authority over the safe operation of these vehicles, including, but not limited to, requiring licensees engaged in the transportation of cannabis or cannabis products to participate in the Basic Inspection of Terminals (BIT) program pursuant to Section 34501.12 of the Vehicle Code.

(e) Prior to transporting cannabis or cannabis products, a licensed distributor shall do both of the following:

- (1) Complete an electronic shipping manifest as prescribed by the licensing authority. The shipping manifest shall include the unique identifier, pursuant to Section 26069, issued by the Department of Food and Agriculture for the original cannabis product.
- (2) Securely transmit the manifest to the bureau and the licensee that will receive the cannabis product. The bureau shall inform the Department of Food and Agriculture of information pertaining to commercial cannabis activity for the purpose of the track and trace program identified in Section 26067.
- (f) During transportation, the licensed distributor shall maintain a physical copy of the shipping manifest and make it available upon request to agents of the Department of Consumer Affairs and law enforcement officers.
- (g) The licensee receiving the shipment shall maintain each electronic shipping manifest and shall make it available upon request to the Department of Consumer Affairs and any law enforcement officers.
- (h) Upon receipt of the transported shipment, the licensee receiving the shipment shall submit to the licensing authority a record verifying receipt of the shipment and the details of the shipment.
- (i) Transporting, or arranging for or facilitating the transport of, cannabis or cannabis products in violation of this chapter is grounds for disciplinary action against the licensee.
- (j) Licensed retailers and microbusinesses, and licensed nonprofits under Section 26070.5, shall implement security measures reasonably designed to prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products from the premises. These security measures shall include, but not be limited to, all of the following:
- (1) Prohibiting individuals from remaining on the licensee's premises if they are not engaging in activity expressly related to the operations of the retailer.
 - (2) Establishing limited access areas accessible only to authorized personnel.
 - (3) Other than limited amounts of cannabis used for display purposes, samples, or immediate sale, storing all finished cannabis and cannabis products in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.
- (k) A retailer shall notify the licensing authority and the appropriate law enforcement authorities within 24 hours after discovering any of the following:
- (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the bureau.
 - (2) Diversion, theft, loss, or any criminal activity pertaining to the operation of the retailer.
 - (3) Diversion, theft, loss, or any criminal activity by any agent or employee of the retailer pertaining to the operation of the retailer.
 - (4) The loss or unauthorized alteration of records related to cannabis or cannabis products, registered qualifying patients, primary caregivers, or retailer employees or agents.
 - (5) Any other breach of security.
- (l) Beginning January 1, 2018, a licensee may sell cannabis or cannabis products that have not been tested for a limited and finite time as determined by the bureau. The cannabis or cannabis products must have a label affixed to each package containing the cannabis or cannabis products that clearly states "This product has not been tested as required by the Medicinal and Adult-Use Cannabis Regulation and Safety Act" and must comply with any other requirement as determined by the bureau.

(Amended by Stats. 2017, Ch. 253, Sec. 7. Effective September 16, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26070.1. Cannabis or cannabis products purchased by a customer shall not leave a licensed retail premises unless they are placed in an opaque package.

(Added by Stats. 2017, Ch. 27, Sec. 60. Effective June 27, 2017.)

26070.5. (a) The bureau shall, by January 1, 2020, investigate the feasibility of creating one or more classifications of nonprofit licenses under this section. The feasibility determination shall be made in consultation with the relevant licensing agencies and representatives of local jurisdictions which issue temporary licenses pursuant to subdivision (b). The bureau shall consider factors including, but not limited to, the following:

- (1) Should nonprofit licensees be exempted from any or all state taxes, licensing fees and regulatory provisions applicable to other licenses in this division?

(2) Should funding incentives be created to encourage others licensed under this division to provide professional services at reduced or no cost to nonprofit licensees?

(3) Should nonprofit licenses be limited to, or prioritize those, entities previously operating on a not-for-profit basis primarily providing whole-plant cannabis and cannabis products and a diversity of cannabis strains and seed stock to low-income persons?

(b) Any local jurisdiction may issue temporary local licenses to nonprofit entities primarily providing whole-plant cannabis and cannabis products and a diversity of cannabis strains and seed stock to low-income persons so long as the local jurisdiction does all of the following:

(1) Confirms the license applicant's status as a nonprofit entity registered with the California Attorney General's Registry of Charitable Trusts and that the applicant is in good standing with all state requirements governing nonprofit entities.

(2) Licenses and regulates any such entity to protect public health and safety, and so as to require compliance with all environmental requirements in this division.

(3) Provides notice to the bureau of any such local licenses issued, including the name and location of any such licensed entity and all local regulations governing the licensed entity's operation.

(4) Certifies to the bureau that any such licensed entity will not generate annual gross revenues in excess of two million dollars (\$2,000,000).

(c) Temporary local licenses authorized under subdivision (b) shall expire after 12 months unless renewed by the local jurisdiction.

(d) The bureau may impose reasonable additional requirements on the local licenses authorized under subdivision (b).

(e) (1) No new temporary local licenses shall be issued pursuant to this section after the date the bureau determines that creation of nonprofit licenses under this division is not feasible, or if the bureau determines such licenses are feasible, after the date a licensing agency commences issuing state nonprofit licenses.

(2) If the bureau determines such licenses are feasible, no temporary license issued under subdivision (b) shall be renewed or extended after the date on which a licensing agency commences issuing state nonprofit licenses.

(3) If the bureau determines that creation of nonprofit licenses under this division is not feasible, the bureau shall provide notice of this determination to all local jurisdictions that have issued temporary licenses under subdivision (b). The bureau may, in its discretion, permit any such local jurisdiction to renew or extend on an annual basis any temporary license previously issued under subdivision (b).

(Amended by Stats. 2017, Ch. 27, Sec. 61. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: [Up^](#)[Add To My Favorites](#)**BUSINESS AND PROFESSIONS CODE - BPC****DIVISION 10. Cannabis [26000 - 26231.2]** (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)**CHAPTER 8. Distribution and Transport [26080- 26080.]** (*Chapter 8 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)*

26080. (a) This division shall not be construed to authorize or permit a licensee to transport or distribute, or cause to be transported or distributed, cannabis or cannabis products outside the state, unless authorized by federal law.

(b) A local jurisdiction shall not prevent transportation of cannabis or cannabis products on public roads by a licensee transporting cannabis or cannabis products in compliance with this division.

(*Amended by Stats. 2017, Ch. 27, Sec. 62. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.*)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)
Code:
Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 9. Delivery [26090- 26090.] (*Chapter 9 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26090. (a) Deliveries, as defined in this division, may only be made by a licensed retailer or microbusiness, or a licensed nonprofit under Section 26070.5.

(b) All employees of a retailer, microbusiness, or nonprofit delivering cannabis or cannabis products shall carry a copy of the licensee's current license and a government-issued identification with a photo of the employee, such as a driver's license. The employee shall present that license and identification upon request to state and local law enforcement, employees of regulatory authorities, and other state and local agencies enforcing this division.

(c) During delivery, the licensee shall maintain a copy of the delivery request and shall make it available upon request of the licensing authority and law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information.

(d) A customer requesting delivery shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers.

(e) A local jurisdiction shall not prevent delivery of cannabis or cannabis products on public roads by a licensee acting in compliance with this division and local law as adopted under Section 26200.

(*Amended by Stats. 2017, Ch. 253, Sec. 8. Effective September 16, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.*)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 10. Testing Laboratories [26100 - 26106]

(*Heading of Chapter 10 amended by Stats. 2017, Ch. 27, Sec. 64.*)

26100. (a) Except as otherwise provided by law, cannabis or cannabis products shall not be sold pursuant to a license provided for under this division unless a representative sample of the cannabis or cannabis products has been tested by a licensed testing laboratory.

(b) The bureau shall develop criteria to determine which batches shall be tested. All testing of the samples shall be performed on the final form in which the cannabis or cannabis product will be consumed or used.

(c) Testing of batches to meet the requirements of this division shall only be conducted by a licensed testing laboratory.

(d) For each batch tested, the testing laboratory shall issue a certificate of analysis for selected lots at a frequency determined by the bureau with supporting data, to report both of the following:

(1) Whether the chemical profile of the sample conforms to the labeled content of compounds, including, but not limited to, all of the following, unless limited through regulation by the bureau:

(A) Tetrahydrocannabinol (THC).

(B) Tetrahydrocannabinolic Acid (THCA).

(C) Cannabidiol (CBD).

(D) Cannabidiolic Acid (CBDA).

(E) The terpenes required by the bureau in regulation.

(F) Cannabigerol (CBG).

(G) Cannabinol (CBN).

(H) Any other compounds or contaminants required by the bureau.

(2) That the presence of contaminants does not exceed the levels established by the bureau. In establishing the levels, the bureau shall consider the American Herbal Pharmacopoeia monograph, guidelines set by the Department of Pesticide Regulation pursuant to subdivision (d) of Section 26060, and any other relevant sources. For purposes of this paragraph, "contaminants" includes, but is not limited to, all of the following:

(A) Residual solvent or processing chemicals.

(B) Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.

(C) Microbiological impurities as identified by the bureau in regulation.

(e) Standards for residual levels of volatile organic compounds shall be established by the bureau.

(f) The testing laboratory shall conduct all testing required by this section in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling and using verified methods.

(g) All testing laboratories performing tests pursuant to this section shall obtain and maintain ISO/IEC 17025 accreditation as required by the bureau in regulation.

(h) If a test result falls outside the specifications authorized by law or regulation, the testing laboratory shall follow a standard operating procedure to confirm or refute the original result.

(i) A testing laboratory shall destroy the remains of the sample of medical cannabis or medical cannabis product upon completion of the analysis, as determined by the bureau through regulations.

(j) Any presale inspection, testing transfer, or transportation of cannabis products pursuant to this section shall conform to a specified chain of custody protocol and any other requirements imposed under this division.

(k) This division does not prohibit a licensee from performing testing on the licensee's premises for the purposes of quality assurance of the product in conjunction with reasonable business operations. This division also does not prohibit a licensee from performing testing on the licensee's premises of cannabis or cannabis products obtained from another licensee. Onsite testing by the licensee shall not be certified by the bureau and does not exempt the licensee from the requirements of quality assurance testing at a testing laboratory pursuant to this section.

(Added by renumbering Section 26101 by Stats. 2017, Ch. 27, Sec. 66. Effective June 27, 2017. Note: This section was added (as Section 26101) on Nov. 8, 2016, by initiative Prop. 64.)

26102. A testing laboratory shall not be licensed by the bureau unless the laboratory meets all of the following:

(a) Complies with any other requirements specified by the bureau.

(b) Notifies the bureau within one business day after the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.

(c) Has established standard operating procedures that provide for adequate chain of custody controls for samples transferred to the testing laboratory for testing.

(Repealed and added by Stats. 2017, Ch. 27, Sec. 68. Effective June 27, 2017.)

26104. (a) A licensed testing laboratory shall, in performing activities concerning cannabis and cannabis products, comply with the requirements and restrictions set forth in applicable law and regulations.

(b) The bureau shall develop procedures to do all of the following:

(1) Ensure that testing of cannabis and cannabis products occurs prior to distribution to retailers, microbusinesses, or nonprofits licensed under Section 26070.5.

(2) Specify how often licensees shall test cannabis and cannabis products, and that the cost of testing cannabis shall be borne by the licensed cultivators and the cost of testing cannabis products shall be borne by the licensed manufacturer, and that the costs of testing cannabis and cannabis products shall be borne by a nonprofit licensed under Section 26070.5.

(3) Require destruction of harvested batches whose testing samples indicate noncompliance with health and safety standards required by the bureau, unless remedial measures can bring the cannabis or cannabis products into compliance with quality assurance standards as specified by law and implemented by the bureau.

(4) Ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by this division and that the testing laboratory employee transports the sample to the testing laboratory.

(c) Except as provided in this division, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with this division, and shall not distribute, sell, or dispense cannabis or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(d) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purposes. A testing laboratory shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of cannabis or cannabis product received.

(Amended by Stats. 2017, Ch. 253, Sec. 9. Effective September 16, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26105. Manufacturing Level 2 licensees shall enact sufficient methods or procedures to capture or otherwise limit risk of explosion, combustion, or any other unreasonably dangerous risk to public safety created by volatile solvents. The State Department of Public Health shall establish minimum standards concerning such methods and procedures for Level 2 licensees.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26106. Standards for the production, packaging, and labeling of all cannabis products developed by the State Department of Public Health apply to all licensed manufacturers and microbusinesses, and nonprofits licensed under Section 26070.5, unless otherwise specified by the State Department of Public Health.

(Amended by Stats. 2017, Ch. 27, Sec. 71. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

ARTICLE 8. Financial Provisions.....	26228-26228.3
ARTICLE 9. Members.....	26229-26229.8
ARTICLE 10. Marketing Contracts.....	26230-26230.3
ARTICLE 11. Reorganization of Corporations Organized Pursuant to Other Laws.....	26231-26231.2


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 11. Quality Assurance, Inspection, and Testing [26110- 26110.] (*Chapter 11 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26110. (a) Cannabis batches are subject to quality assurance and testing prior to sale at a retailer, microbusiness, or nonprofit licensed under Section 26070.5, except for immature cannabis plants and seeds, as provided for in this division.

(b) A licensee that holds a valid distributor license may act as the distributor for the licensee's cannabis and cannabis products.

(c) The distributor shall store, as determined by the bureau, the cannabis batches on the premises of the distributor before testing and continuously until either of the following occurs:

(1) The cannabis batch passes the testing requirements pursuant to this division and is transported to a licensed retailer.

(2) The cannabis batch fails the testing requirements pursuant to this division and is destroyed or transported to a manufacturer for remediation as allowed by the bureau or the Department of Public Health.

(d) The distributor shall arrange for a testing laboratory to obtain a representative sample of each cannabis batch at the distributor's licensed premises. After obtaining the sample, the testing laboratory representative shall maintain custody of the sample and transport it to the testing laboratory.

(e) Upon issuance of a certificate of analysis by the testing laboratory that the cannabis batch has passed the testing requirements pursuant to this division, the distributor shall conduct a quality assurance review before distribution to ensure the labeling and packaging of the cannabis and cannabis products conform to the requirements of this division.

(f) (1) There shall be a quality assurance compliance monitor who is an employee or contractor of the bureau and who shall not hold a license in any category or own or have an ownership interest in a licensee or the premises of a licensee.

(2) The quality assurance compliance monitor shall conduct random quality assurance reviews at a distributor's licensed premises before distribution to ensure the labeling and packaging of the cannabis and cannabis products conform to the requirements of this division.

(3) The quality assurance compliance monitor shall have access to all records and test results required of a licensee by law in order to conduct quality assurance analysis and to confirm test results. All records of inspection and verification by the quality assurance compliance monitor shall be provided to the bureau. Failure to comply shall be noted by the quality assurance compliance monitor for further investigation. Violations shall be reported to the bureau. The quality assurance compliance monitor shall also verify the tax payments collected and paid under Sections 34011 and 34012 of the Revenue and Tax Code are accurate. The monitor shall also have access to the inputs and assumptions in the track and trace system and shall be able to verify the accuracy of those and that they are commensurate with the tax payments.

(g) After testing, all cannabis and cannabis products fit for sale may be transported only from the distributor's premises to the premises of a licensed retailer, microbusiness, or nonprofit.

(h) A licensee is not required to sell cannabis or cannabis products to a distributor and may directly contract for sale with a licensee authorized to sell cannabis and cannabis products to purchasers.

(i) A distributor performing services pursuant to this section may collect a fee from the licensee for the services provided. The fee may include, but is not limited to, the costs incurred for laboratory testing. A distributor may also

collect applicable state or local taxes and fees.

(j) This section does not prohibit a licensee from performing testing on the licensee's premises for the purposes of quality assurance of the product in conjunction with reasonable business operations. The testing conducted on the licensee's premises by the licensee does not meet the testing requirements pursuant to this division.

(Repealed and added by Stats. 2017, Ch. 27, Sec. 73. Effective June 27, 2017.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 12. Packaging and Labeling [26120 - 26121] (*Chapter 12 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26120. (a) Prior to delivery or sale at a retailer, cannabis and cannabis products shall be labeled and placed in a resealable, tamper-evident, child-resistant package and shall include a unique identifier for the purposes of identifying and tracking cannabis and cannabis products.

(b) Packages and labels shall not be made to be attractive to children.

(c) All cannabis and cannabis product labels and inserts shall include the following information prominently displayed in a clear and legible fashion in accordance with the requirements, including font size, prescribed by the bureau or the State Department of Public Health:

(1) The following statements, in bold print:

(A) For cannabis: "GOVERNMENT WARNING: THIS PACKAGE CONTAINS CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."

(B) For cannabis products: "GOVERNMENT WARNING: THIS PRODUCT CONTAINS CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS PRODUCTS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS PRODUCTS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS PRODUCTS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."

(2) For packages containing only dried flower, the net weight of cannabis in the package.

(3) Identification of the source and date of cultivation, the type of cannabis or cannabis product and the date of manufacturing and packaging.

(4) The appellation of origin, if any.

(5) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.

(6) A warning if nuts or other known allergens are used.

(7) Information associated with the unique identifier issued by the Department of Food and Agriculture.

(8) For a medicinal cannabis product sold at a retailer, the statement "FOR MEDICAL USE ONLY."

(9) Any other requirement set by the bureau or the State Department of Public Health.

(d) Only generic food names may be used to describe the ingredients in edible cannabis products.

(e) In the event the Attorney General determines that cannabis is no longer a Schedule I controlled substance under federal law, the label prescribed in subdivision (c) shall no longer require a statement that cannabis is a Schedule I controlled substance.

(Amended by Stats. 2017, Ch. 27, Sec. 74. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26121. (a) A cannabis product is misbranded if it is any of the following:

(1) Manufactured, packed, or held in this state in a manufacturing premises not duly licensed as provided in this division.

(2) Its labeling is false or misleading in any particular.

(3) Its labeling or packaging does not conform to the requirements of Section 26120 or any other labeling or packaging requirement established pursuant to this division.

(b) It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale a cannabis product that is misbranded.

(c) It is unlawful for any person to misbrand a cannabis product.

(d) It is unlawful for any person to receive in commerce a cannabis product that is misbranded or to deliver or offer for delivery any such cannabis product.

(Added by Stats. 2017, Ch. 27, Sec. 75. Effective June 27, 2017.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 13. Manufacturers and Cannabis Products [26130 - 26135]

(*Heading of Chapter 13 amended by Stats. 2017, Ch. 27, Sec. 76.*)

26130. (a) The State Department of Public Health shall promulgate regulations governing the licensing of cannabis manufacturers and standards for the manufacturing, packaging, and labeling of all manufactured cannabis products. Licenses to be issued are as follows:

(1) "Manufacturing Level 1," for sites that manufacture cannabis products using nonvolatile solvents, or no solvents.

(2) "Manufacturing Level 2," for sites that manufacture cannabis products using volatile solvents.

(b) For purposes of this section, "volatile solvents" shall have the same meaning as in paragraph (3) of subdivision (b) of Section 11362.3 of the Health and Safety Code, unless otherwise provided by law or regulation.

(c) Edible cannabis products shall be:

(1) Not designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain cannabis.

(2) Produced and sold with a standardized concentration of cannabinoids not to exceed 10 milligrams tetrahydrocannabinol (THC) per serving.

(3) Delineated or scored into standardized serving sizes if the cannabis product contains more than one serving and is an edible cannabis product in solid form.

(4) Homogenized to ensure uniform disbursement of cannabinoids throughout the product.

(5) Manufactured and sold under sanitation standards established by the State Department of Public Health, in consultation with the bureau, that are similar to the standards for preparation, storage, handling, and sale of food products.

(6) Provided to customers with sufficient information to enable the informed consumption of the product, including the potential effects of the cannabis product and directions as to how to consume the cannabis product, as necessary.

(7) Marked with a universal symbol, as determined by the State Department of Public Health through regulation.

(d) Cannabis, including concentrated cannabis, included in a cannabis product manufactured in compliance with law is not considered an adulterant under state law.

(Amended by Stats. 2017, Ch. 253, Sec. 10. Effective September 16, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26131. (a) A cannabis product is adulterated if it is any of the following:

(1) It has been produced, prepared, packed, or held under unsanitary conditions in which it may have become contaminated with filth or in which it may have been rendered injurious.

(2) It consists in whole or in part of any filthy, putrid, or decomposed substance.

(3) It bears or contains any poisonous or deleterious substance that may render it injurious to users under the conditions of use suggested in the labeling or under conditions as are customary or usual.

(4) It bears or contains a substance that is restricted or limited under this division or regulations promulgated pursuant to this division and the level of substance in the product exceeds the limits specified pursuant to this

division or in regulation.

(5) Its concentrations differ from, or its purity or quality is below, that which it is represented to possess.

(6) The methods, facilities, or controls used for its manufacture, packing, or holding do not conform to, or are not operated or administered in conformity with, practices established by regulations adopted under this division to ensure that the cannabis product meets the requirements of this division as to safety and has the concentrations it purports to have and meets the quality and purity characteristics that it purports or is represented to possess.

(7) Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.

(8) It is an edible cannabis product and a substance has been mixed or packed with it after testing by a testing laboratory so as to reduce its quality or concentration or if any substance has been substituted, wholly or in part, for the edible cannabis product.

(b) It is unlawful for a person to manufacture, sell, deliver, hold, or offer for sale a cannabis product that is adulterated.

(c) It is unlawful for a person to adulterate a cannabis product.

(d) It is unlawful for a person to receive in commerce a cannabis product that is adulterated or to deliver or proffer for delivery any such cannabis product.

(Added by Stats. 2017, Ch. 27, Sec. 78. Effective June 27, 2017.)

26132. (a) When the State Department of Public Health has evidence that a cannabis product is adulterated or misbranded, the department shall notify the manufacturer.

(b) The State Department of Public Health may order a manufacturer to immediately cease distribution of a cannabis product and recall the product if the department determines both of the following:

(1) The manufacture, distribution, or sale of the cannabis product creates or poses an immediate and serious threat to human life or health.

(2) Other procedures available to the State Department of Public Health to remedy or prevent the occurrence of the situation would result in an unreasonable delay.

(c) The State Department of Public Health shall provide the manufacturer an opportunity for an informal proceeding on the matter, as determined by the department, within five days, on the actions required by the order and on why the product should not be recalled. Following the proceeding, the order shall be affirmed, modified, or set aside as determined appropriate by the State Department of Public Health.

(d) The State Department of Public Health's powers set forth in this section expressly include the power to order movement, segregation, isolation, or destruction of cannabis products, as well as the power to hold those products in place.

(e) If the State Department of Public Health determines it is necessary, it may issue the mandatory recall order and may use all appropriate measures to obtain reimbursement from the manufacturer for any and all costs associated with these orders. All funds obtained by the State Department of Public Health from these efforts shall be deposited into a fee account specific to the State Department of Public Health, to be established in the Cannabis Control Fund, and will be available for use by the department upon appropriation by the Legislature.

(f) It is unlawful for any person to move or allow to be moved a cannabis product subject to an order issued pursuant to this section unless that person has first obtained written authorization from the State Department of Public Health.

(Added by Stats. 2017, Ch. 27, Sec. 79. Effective June 27, 2017.)

26133. (a) If the State Department of Public Health finds or has probable cause to believe that a cannabis product is adulterated or misbranded within the meaning of this division or the sale of the cannabis product would be in violation of this division, the department shall affix to the cannabis product, or component thereof, a tag or other appropriate marking. The State Department of Public Health shall give notice that the cannabis product is, or is suspected of being, adulterated or misbranded, or the sale of the cannabis would be in violation of this division and has been embargoed and that no person shall remove or dispose of the cannabis product by sale or otherwise until permission for removal or disposal is given by the State Department of Public Health or a court.

(b) It is unlawful for a person to remove, sell, or dispose of a detained or embargoed cannabis product without written permission of the State Department of Public Health or a court. A violation of this subdivision is punishable by a fine of not more than ten thousand dollars (\$10,000).

(c) If the adulteration or misbranding can be corrected by proper labeling or additional processing of the cannabis product and all of the provisions of this division can be complied with, the licensee or owner may request the State Department of Public Health to remove the tag or other marking. If, under the supervision of the State Department of Public Health, the adulteration or misbranding has been corrected, the department may remove the tag or other marking.

(d) If the State Department of Public Health finds that a cannabis product that is embargoed is not adulterated or misbranded, or that its sale is not otherwise in violation of this division, the State Department of Public Health may remove the tag or other marking.

(e) The cannabis product may be destroyed by the owner pursuant to a corrective action plan approved by the State Department of Public Health and under the supervision of the department. The cannabis product shall be destroyed at the expense of the licensee or owner.

(f) A proceeding for condemnation of a cannabis product under this section shall be subject to appropriate notice to, and the opportunity for a hearing with regard to, the person affected in accordance with Section 26016.

(g) Upon a finding by the administrative law judge that the cannabis product is adulterated or misbranded, or that its sale is otherwise in violation of this division, the administrative law judge may direct the cannabis product to be destroyed at the expense of the licensee or owner. The administrative law judge may also direct a licensee or owner of the affected cannabis product to pay fees and reasonable costs, including the costs of storage and testing, incurred by the bureau or the State Department of Public Health in investigating and prosecuting the action taken pursuant to this section.

(h) When, under the supervision of the State Department of Public Health, the adulteration or misbranding has been corrected by proper labeling or additional processing of the cannabis and cannabis product and when all provisions of this division have been complied with, and after costs, fees, and expenses have been paid, the State Department of Public Health may release the embargo and remove the tag or other marking.

(i) The State Department of Public Health may condemn a cannabis product under provisions of this division. The cannabis product shall be destroyed at the expense of the licensee or owner.

(Added by Stats. 2017, Ch. 27, Sec. 80. Effective June 27, 2017.)

26134. (a) The State Department of Public Health may issue a citation, which may contain an order of abatement and an order to pay an administrative fine assessed by the department if the licensee is in violation of this division or any regulation adopted pursuant to it.

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the law determined to have been violated.

(2) If appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) The administrative fine assessed by the State Department of Public Health shall not exceed five thousand dollars (\$5,000) for each violation, unless a different fine amount is expressly provided by this division. In assessing a fine, the department shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation issued or a fine assessed pursuant to this section shall notify the licensee that if the licensee desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the State Department of Public Health within 30 days of the date of issuance of the citation or fine. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine within 30 days of the date of assessment of the fine, unless assessment of the fine or the citation is being appealed, may result in further legal action being taken by the State Department of Public Health. If a licensee does not contest a citation or pay the fine, the full amount of the fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee, including the amount of the fine.

(6) A citation may be issued without the assessment of an administrative fine.

(7) The State Department of Public Health may limit the assessment of administrative fines to only particular violations of this division and establish any other requirement for implementation of the citation system by regulation.

(b) Notwithstanding any other law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(Added by Stats. 2017, Ch. 27, Sec. 81. Effective June 27, 2017.)

26135. A peace officer, including a peace officer within the State Department of Public Health or the bureau, may seize cannabis and cannabis products in any of the following circumstances:

(a) The cannabis or cannabis product is subject to recall or embargo by any licensing authority.

(b) The cannabis or cannabis product is subject to destruction pursuant to this division.

(c) The cannabis or cannabis product is seized related to an investigation or disciplinary action for violation of this division.

(Added by Stats. 2017, Ch. 27, Sec. 82. Effective June 27, 2017.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)
Code:
Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 14. Protection of Minors [26140- 26140.] (*Chapter 14 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26140. (a) An A-licensee shall not:

- (1) Sell cannabis or cannabis products to persons under 21 years of age.
- (2) Allow any person under 21 years of age on its premises, unless the A-licensee holds an M-license and the licensed premises for the A-license and M-license are the same.
- (3) Employ or retain persons under 21 years of age.
- (4) Sell or transfer cannabis or cannabis products unless the person to whom the cannabis or cannabis product is to be sold first presents documentation which reasonably appears to be a valid government-issued identification card showing that the person is 21 years of age or older.

(b) Persons under 21 years of age may be used by peace officers in the enforcement of this division and to apprehend licensees, or employees or agents of licensees, or other persons who sell or furnish cannabis to minors. Notwithstanding any provision of law, any person under 21 years of age who purchases or attempts to purchase any cannabis while under the direction of a peace officer is immune from prosecution for that purchase or attempt to purchase cannabis. Guidelines with respect to the use of persons under 21 years of age as decoys shall be adopted and published by the bureau in accordance with the rulemaking portion of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c) Notwithstanding subdivision (a), an M-licensee may:

- (1) Allow on the premises any person 18 years of age or older who possesses a valid government-issued identification card, and either a valid county-issued identification card under Section 11362.712 of the Health and Safety Code or a valid physician's recommendation for himself or herself or for a person for whom he or she is a primary caregiver.
- (2) Allow any person 21 years of age or older on its premises if the M-licensee holds an A-license and the licensed premises for the M-license and A-license are the same.
- (3) Sell cannabis, cannabis products, and cannabis accessories to a person 18 years of age or older who possesses a valid government-issued identification card and either a valid county-issued identification card under Section 11362.712 of the Health and Safety Code or a valid physician's recommendation for himself or herself or for a person for whom he or she is a primary caregiver.
- (4) The bureau may establish requirements for the purchase of cannabis, cannabis products, or cannabis accessories by a primary caregiver for a patient to ensure that the status of a person as a primary caregiver is verified.

(Amended by Stats. 2017, Ch. 253, Sec. 11. Effective September 16, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 15. Advertising and Marketing Restrictions [26150 - 26156] (*Chapter 15 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26150. For purposes of this chapter:

- (a) "Advertise" means the publication or dissemination of an advertisement.
- (b) "Advertisement" includes any written or verbal statement, illustration, or depiction which is calculated to induce sales of cannabis or cannabis products, including any written, printed, graphic, or other material, billboard, sign, or other outdoor display, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media; except that such term shall not include:
 - (1) Any label affixed to any cannabis or cannabis products, or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of this division.
 - (2) Any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any licensee, and which is not written by or at the direction of the licensee.
- (c) "Advertising sign" is any sign, poster, display, billboard, or any other stationary or permanently affixed advertisement promoting the sale of cannabis or cannabis products which are not cultivated, manufactured, distributed, or sold on the same lot.
- (d) "Health-related statement" means any statement related to health, and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption of cannabis or cannabis products and health benefits, or effects on health.
- (e) "Market" or "Marketing" means any act or process of promoting or selling cannabis or cannabis products, including, but not limited to, sponsorship of sporting events, point-of-sale advertising, and development of products specifically designed to appeal to certain demographics.

(Amended by Stats. 2017, Ch. 27, Sec. 84. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26151. (a) (1) All advertisements and marketing shall accurately and legibly identify the licensee responsible for its content, by adding, at a minimum, the licensee's license number.

(2) A technology platform shall not display an advertisement by a licensee on an Internet Web page unless the advertisement displays the license number of the licensee.

(3) An outdoor advertising company subject to the Outdoor Advertising Act (Chapter 2 (commencing with Section 5200) of Division 3) shall not display an advertisement by a licensee unless the advertisement displays the license number of the licensee.

(b) Any advertising or marketing placed in broadcast, cable, radio, print, and digital communications shall only be displayed where at least 71.6 percent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data.

(c) Any advertising or marketing involving direct, individualized communication or dialogue controlled by the licensee shall utilize a method of age affirmation to verify that the recipient is 21 years of age or older before engaging in that communication or dialogue controlled by the licensee. For purposes of this section, that method of age affirmation may include user confirmation, birth date disclosure, or other similar registration method.

(d) All advertising shall be truthful and appropriately substantiated.

(Amended by Stats. 2017, Ch. 27, Sec. 85. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26152. A licensee shall not do any of the following:

- (a) Advertise or market in a manner that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.
- (b) Publish or disseminate advertising or marketing containing any statement concerning a brand or product that is inconsistent with any statement on the labeling thereof.
- (c) Publish or disseminate advertising or marketing containing any statement, design, device, or representation which tends to create the impression that the cannabis originated in a particular place or region, unless the label of the advertised product bears an appellation of origin, and such appellation of origin appears in the advertisement.
- (d) Advertise or market on a billboard or similar advertising device located on an Interstate Highway or on a State Highway which crosses the California border.
- (e) Advertise or market cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products.
- (f) Publish or disseminate advertising or marketing that is attractive to children.
- (g) Advertise or market cannabis or cannabis products on an advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground, or youth center.

(Amended by Stats. 2017, Ch. 27, Sec. 86. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26153. A licensee shall not give away any amount of cannabis or cannabis products, or any cannabis accessories, as part of a business promotion or other commercial activity.

(Amended by Stats. 2017, Ch. 27, Sec. 87. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26154. A licensee shall not include on the label of any cannabis or cannabis product or publish or disseminate advertising or marketing containing any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the effects on health of cannabis consumption.

(Amended by Stats. 2017, Ch. 27, Sec. 88. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26155. (a) The provisions of subdivision (g) of Section 26152 shall not apply to the placement of advertising signs inside a licensed premises and which are not visible by normal unaided vision from a public place, provided that such advertising signs do not advertise cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products.

(b) This chapter does not apply to any noncommercial speech.

(Amended by Stats. 2017, Ch. 27, Sec. 89. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26156. The requirements of Section 5272 apply to this division.

(Added by Stats. 2017, Ch. 27, Sec. 90. Effective June 27, 2017.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)
Code:
Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 16. Records [26160 - 26162.5] (*Chapter 16 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26160. (a) A licensee shall keep accurate records of commercial cannabis activity.

(b) All records related to commercial cannabis activity as defined by the licensing authorities shall be maintained for a minimum of seven years.

(c) Licensing authorities may examine the records of a licensee and inspect the premises of a licensee as the licensing authority, or a state or local agency, deems necessary to perform its duties under this division. All inspections and examinations of records shall be conducted during standard business hours of the licensed facility or at any other reasonable time. Licensees shall provide and deliver records to the licensing authority upon request.

(d) Licensees shall keep records identified by the licensing authorities on the premises of the location licensed. The licensing authorities may make any examination of the records of any licensee. Licensees shall also provide and deliver copies of documents to the licensing authority upon request.

(e) A licensee, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the licensee pursuant to this section, has engaged in a violation of this division.

(f) If a licensee, or an agent or employee of a licensee, fails to maintain or provide the records required pursuant to this section, the licensee shall be subject to a citation and fine of up to thirty thousand dollars (\$30,000) per individual violation.

(*Amended by Stats. 2017, Ch. 27, Sec. 91. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.*)

26161. (a) Every sale or transport of cannabis or cannabis products from one licensee to another licensee must be recorded on a sales invoice or receipt. Sales invoices and receipts may be maintained electronically and must be filed in such manner as to be readily accessible for examination by employees of the licensing authorities or State Board of Equalization and shall not be commingled with invoices covering other commodities.

(b) Each sales invoice required by subdivision (a) shall include the name and address of the seller and shall include the following information:

(1) Name and address of the purchaser.

(2) Date of sale and invoice number.

(3) Kind, quantity, size, and capacity of packages of cannabis or cannabis products sold.

(4) The cost to the purchaser, together with any discount applied to the price as shown on the invoice.

(5) The place from which transport of the cannabis or cannabis product was made unless transport was made from the premises of the licensee.

(6) Any other information specified by the licensing authority.

(*Amended by Stats. 2017, Ch. 27, Sec. 92. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.*)

26162. (a) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the office or licensing authorities for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act

(Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter, or a local ordinance.

(b) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the bureau for the purposes of administering this chapter shall be maintained in accordance with Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code, Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code, and other state and federal laws relating to confidential patient information.

(c) Nothing in this section precludes the following:

(1) Employees of the bureau or any licensing authorities notifying state or local agencies about information submitted to the agency that the employee suspects is falsified or fraudulent.

(2) Notifications from the bureau or any licensing authorities to state or local agencies about apparent violations of this chapter or applicable local ordinance.

(3) Verification of requests by state or local agencies to confirm licenses and certificates issued by the regulatory authorities or other state agency.

(4) Provision of information requested pursuant to a court order or subpoena issued by a court or an administrative agency or local governing body authorized by law to issue subpoenas.

(d) Information shall not be disclosed by any state or local agency beyond what is necessary to achieve the goals of a specific investigation, notification, or the parameters of a specific court order or subpoena.

(Added by Stats. 2017, Ch. 27, Sec. 93. Effective June 27, 2017.)

26162.5. Information contained in a physician's recommendation issued in accordance with Article 25 (commencing with Section 2525) of Chapter 5 of Division 2 and received by a licensee, including, but not limited to, the name, address, or social security number of the patient, the patient's medical condition, or the name of the patient's primary caregiver is hereby deemed "medical information" within the meaning of the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code) and shall not be disclosed by a licensee except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter, or a local ordinance.

(Added by Stats. 2017, Ch. 27, Sec. 94. Effective June 27, 2017.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 18. License Fees [26180 - 26181] (*Chapter 18 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26180. Each licensing authority shall establish a scale of application, licensing, and renewal fees, based upon the cost of enforcing this division, as follows:

(a) Each licensing authority shall charge each licensee a licensure and renewal fee, as applicable. The licensure and renewal fee shall be calculated to cover the costs of administering this division. The licensure fee may vary depending upon the varying costs associated with administering the various regulatory requirements of this division as they relate to the nature and scope of the different licensure activities, including, but not limited to, the track and trace program required pursuant to Section 26067, but shall not exceed the reasonable regulatory costs to the licensing authority.

(b) The total fees assessed pursuant to this division shall be set at an amount that will fairly and proportionately generate sufficient total revenue to fully cover the total costs of administering this division.

(c) All license fees shall be set on a scaled basis by the licensing authority, dependent on the size of the business.

(d) The licensing authority shall deposit all fees collected in a fee account specific to that licensing authority, to be established in the Cannabis Control Fund. Moneys in the licensing authority fee accounts shall be used, upon appropriation by the Legislature, by the designated licensing authority for the administration of this division.

(Amended by Stats. 2017, Ch. 27, Sec. 96. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26180.5. No later than January 1, 2018, the Secretary of Business, Consumer Services, and Housing or his or her designee shall initiate work with the Legislature, the Department of Consumer Affairs, the Department of Food and Agriculture, the State Department of Public Health, and any other related departments to ensure that there is a safe and viable way to collect cash payments for taxes and fees related to the regulation of cannabis activity throughout the state.

(Added by Stats. 2017, Ch. 27, Sec. 97. Effective June 27, 2017.)

26181. The State Water Resources Control Board, the Department of Fish and Wildlife, and other agencies may establish fees to cover the costs of their cannabis programs.

(Amended by Stats. 2017, Ch. 27, Sec. 98. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 19. Annual Reports; Performance Audit [26190 - 26191] (*Chapter 19 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26190. Beginning on March 1, 2023, and on or before March 1 of each year thereafter, each licensing authority shall prepare and submit to the Legislature an annual report on the authority's activities, in compliance with Section 9795 of the Government Code, and post the report on the authority's Internet Web site. The report shall include, but not be limited to, the following information for the previous fiscal year:

- (a) The amount of funds allocated and spent by the licensing authority for cannabis licensing, enforcement, and administration.
- (b) The number of state licenses issued, renewed, denied, suspended, and revoked, by state license category.
- (c) The average time for processing state license applications, by state license category.
- (d) The number of appeals from the denial of state licenses or other disciplinary actions taken by the licensing authority and the average time spent on these appeals.
- (e) The number of complaints submitted by citizens or representatives of cities or counties regarding licensees, provided as both a comprehensive statewide number and by geographical region.
- (f) The number and type of enforcement activities conducted by the licensing authorities and by local law enforcement agencies in conjunction with the licensing authorities.
- (g) The number, type, and amount of penalties, fines, and other disciplinary actions taken by the licensing authorities.
- (h) A detailed list of the petitions for regulatory relief or rulemaking changes received by the licensing authorities from licensees requesting modifications of the enforcement of rules under this division.
- (i) (1) For the first publication of the reports, the licensing authorities shall provide a joint report to the Legislature regarding the state of the cannabis market in California. This report shall identify any statutory or regulatory changes necessary to ensure that the implementation of this division does not do any of the following:
 - (A) Allow unreasonable restraints on competition by creation or maintenance of unlawful monopoly power.
 - (B) Perpetuate the presence of an illegal market for cannabis or cannabis products in the state or out of the state.
 - (C) Encourage underage use or adult abuse of cannabis or cannabis products, or illegal diversion of cannabis or cannabis products out of the state.
 - (D) Result in an excessive concentration of licensees in a given city, county, or both.
 - (E) Present an unreasonable risk of minors being exposed to cannabis or cannabis products.
 - (F) Result in violations of any environmental protection laws.
- (2) For purposes of this subdivision, "excessive concentration" means when the premises for a retail license, microbusiness license, or a license issued under Section 26070.5 is located in an area where either of the following conditions exist:
 - (A) The ratio of licensees to population in a census tract or census division exceeds the ratio of licensees to population in the county in which the census tract or census division is located, unless reduction of that ratio would unduly limit the development of the legal market so as to perpetuate the illegal market for cannabis or cannabis products.

(B) The ratio of retail licenses, microbusiness licenses, or licenses under Section 26070.5 to population in the census tract, division, or jurisdiction exceeds that allowable by local ordinance adopted under Section 26200.

(Amended by Stats. 2017, Ch. 27, Sec. 99. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26190.5. The bureau shall contract with the California Cannabis Research Program, known as the Center for Medicinal Cannabis Research, and formerly known as the California Marijuana Research Program, authorized pursuant to Section 11362.9 of the Health and Safety Code, to develop a study that identifies the impact that cannabis has on motor skills.

(Added by Stats. 2017, Ch. 27, Sec. 100. Effective June 27, 2017.)

26191. (a) Commencing January 1, 2019, and by January 1 triennially thereafter, the Office of State Audits and Evaluations within the Department of Finance shall conduct a performance audit of the bureau's activities under this division, and shall report its findings to the bureau and the Legislature by July 1 of that same year. The report shall include, but not be limited to, the following:

(1) The actual costs of the program.

(2) The overall effectiveness of enforcement programs.

(3) Any report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(b) The Legislature shall provide sufficient funds to the Department of Finance to conduct the triennial audit required by this section.

(Amended by Stats. 2017, Ch. 27, Sec. 101. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:


[Up^](#) [Add To My Favorites](#)

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26231.2] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 20. Local Control [26200 - 26202] (*Chapter 20 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26200. (a) (1) This division shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.

(2) This division shall not be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local license, permit, or other authorization requirements.

(b) This division shall not be interpreted to require a licensing authority to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing, permitting, or other authorization requirements.

(c) A local jurisdiction shall notify the bureau upon revocation of any local license, permit, or authorization for a licensee to engage in commercial cannabis activity within the local jurisdiction. Within 10 days of notification, the bureau shall inform the relevant licensing authorities. Within 60 days of being so informed by the bureau, the relevant licensing authorities shall begin the process to determine whether a license issued to the licensee should be suspended or revoked pursuant to Chapter 3 (commencing with Section 26030).

(d) For facilities issued a state license that are located within the incorporated area of a city, the city shall have full power and authority to enforce this division and the regulations promulgated by the bureau or any licensing authority, if delegated by the state. Notwithstanding Sections 101375, 101400, and 101405 of the Health and Safety Code or any contract entered into pursuant thereto, or any other law, the city shall assume complete responsibility for any regulatory function pursuant to this division within the city limits that would otherwise be performed by the county or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.

(e) This division does not prohibit the issuance of a state temporary event license to a licensee authorizing onsite cannabis sales to, and consumption by, persons 21 years of age or older at a county fair or district agricultural association event, provided that the activities, at a minimum, comply with the requirements of paragraphs (1) to (3), inclusive, of subdivision (g), that all participants are licensed under this division, and that the activities are otherwise consistent with regulations promulgated and adopted by the bureau governing state temporary event licenses. These temporary event licenses shall only be issued in local jurisdictions that authorize such events.

(f) This division, or any regulations promulgated thereunder, shall not be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.

(g) Notwithstanding paragraph (1) of subdivision (a) of Section 11362.3 of the Health and Safety Code, a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division if all of the following are met:

- (1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older.
- (2) Cannabis consumption is not visible from any public place or nonage-restricted area.
- (3) Sale or consumption of alcohol or tobacco is not allowed on the premises.

(Amended by Stats. 2017, Ch. 27, Sec. 102. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26201. Any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state shall be the minimum standards for all licensees under this division statewide. A local jurisdiction may establish additional standards, requirements, and regulations.

(Added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26202. (a) A local jurisdiction may enforce this division and the regulations promulgated by any licensing authority if delegated the power to do so by the licensing authority.

(b) A licensing authority shall implement the delegation of enforcement authority in subdivision (a) through an agreement between the licensing authority and the local jurisdiction to which enforcement authority is to be delegated.

(Amended by Stats. 2017, Ch. 27, Sec. 103. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: 
[Up^](#) [Add To My Favorites](#)
BUSINESS AND PROFESSIONS CODE - BPC**DIVISION 10. Cannabis [26000 - 26231.2]** (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)**CHAPTER 21. Funding [26210 - 26211]** (*Chapter 21 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26210. (a) The Marijuana Control Fund, formerly known as the Medical Cannabis Regulation and Safety Act Fund and the Medical Marijuana Regulation and Safety Act Fund, is hereby renamed the Cannabis Control Fund. Notwithstanding Section 16305.7 of the Government Code, the fund shall include any interest and dividends earned on moneys in the fund.

(b) Upon the effective date of this section, whenever "Marijuana Control Fund," "Medical Cannabis Regulation and Safety Act Fund," or "Medical Marijuana Regulation and Safety Act Fund" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the Cannabis Control Fund.

(c) Any General Fund or special fund loan that was used to establish and support the regulatory activities of the state licensing entities pursuant to former Section 19351 shall be repaid by the initial proceeds from fees collected pursuant to this division or any rule or regulation adopted pursuant to this division, by January 1, 2022. Should the initial proceeds from fees not be sufficient to repay the loan, moneys from the Cannabis Fines and Penalties Account shall be made available to the bureau, by appropriation of the Legislature, to repay the loan.

(d) The Medical Cannabis Fines and Penalties Account established in former Section 19351 is hereby renamed the Cannabis Fines and Penalties Account.

(Amended by Stats. 2017, Ch. 27, Sec. 104. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26210.5. By July 1, 2018, the bureau, in coordination with the Department of General Services, shall establish an office to collect fees and taxes in the County of Humboldt, County of Trinity, or County of Mendocino in order to ensure the safe payment and collection of cash in those counties.

(Added by Stats. 2017, Ch. 27, Sec. 105. Effective June 27, 2017.)

26211. (a) Funds for the initial establishment and support of the regulatory activities under this division, including the public information program described in subdivision (c), and for the activities of the State Board of Equalization under Part 14.5 (commencing with Section 34010) of Division 2 of the Revenue and Taxation Code until July 1, 2017, or until the 2017 Budget Act is enacted, whichever occurs later, shall be advanced from the General Fund and shall be repaid by the initial proceeds from fees collected pursuant to this division, any rule or regulation adopted pursuant to this division, or revenues collected from the tax imposed by Sections 34011 and 34012 of the Revenue and Taxation Code, by January 1, 2025.

(1) Funds advanced pursuant to this subdivision shall be appropriated to the bureau, which shall distribute the moneys to the appropriate licensing authorities, as necessary to implement the provisions of this division, and to the State Board of Equalization, as necessary, to implement the provisions of Part 14.5 (commencing with Section 34010) of Division 2 of the Revenue and Taxation Code.

(2) Within 45 days of November 9, 2016, the date this section became operative:

(A) The Director of Finance shall determine an amount of the initial advance from the General Fund to the Cannabis Control Fund that does not exceed thirty million dollars (\$30,000,000); and

(B) There shall be advanced a sum of five million dollars (\$5,000,000) from the General Fund to the State Department of Health Care Services to provide for the public information program described in subdivision (c).

(b) Notwithstanding subdivision (a), the Legislature shall provide sufficient funds to the Cannabis Control Fund to support the activities of the bureau, state licensing authorities under this division, and the State Board of

Equalization to support its activities under Part 14.5 (commencing with Section 34010) of Division 2 of the Revenue and Taxation Code. It is anticipated that this funding will be provided annually beginning on July 1, 2017.

(c) The State Department of Health Care Services shall establish and implement a public information program no later than September 1, 2017. This public information program shall, at a minimum, describe the provisions of the Control, Regulate and Tax Adult Use of Marijuana Act of 2016, the scientific basis for restricting access of cannabis and cannabis products to persons under the age of 21 years, describe the penalties for providing access to cannabis and cannabis products to persons under the age of 21 years, provide information regarding the dangers of driving a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation while impaired from cannabis use, the potential harms of using cannabis while pregnant or breastfeeding, and the potential harms of overusing cannabis or cannabis products.

(Amended by Stats. 2017, Ch. 27, Sec. 106. Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)



Up^

Back To TOC

CHAPTER 22. Cannabis Cooperative Associations.....26220-26231.2

ARTICLE 1. Definitions.....26220-26220.3

ARTICLE 2. General Provisions.....26222-26222.6

ARTICLE 3. Purposes.....26223

ARTICLE 4. Articles of Incorporation.....26224-26224.2

ARTICLE 5. Bylaws.....26225-26225.95

ARTICLE 6. Directors and Management.....26226-26226.9

ARTICLE 7. Powers.....26227-26227.9

ARTICLE 8. Financial Provisions.....26228-26228.3

ARTICLE 9. Members.....26229-26229.8

ARTICLE 10. Marketing Contracts.....26230-26230.3

ARTICLE 11. Reorganization of Corporations Organized Pursuant to Other Laws.....26231-26231.2

Attachment 5

General Plan Land Use Designations – Cannabis Uses Consistency Matrix

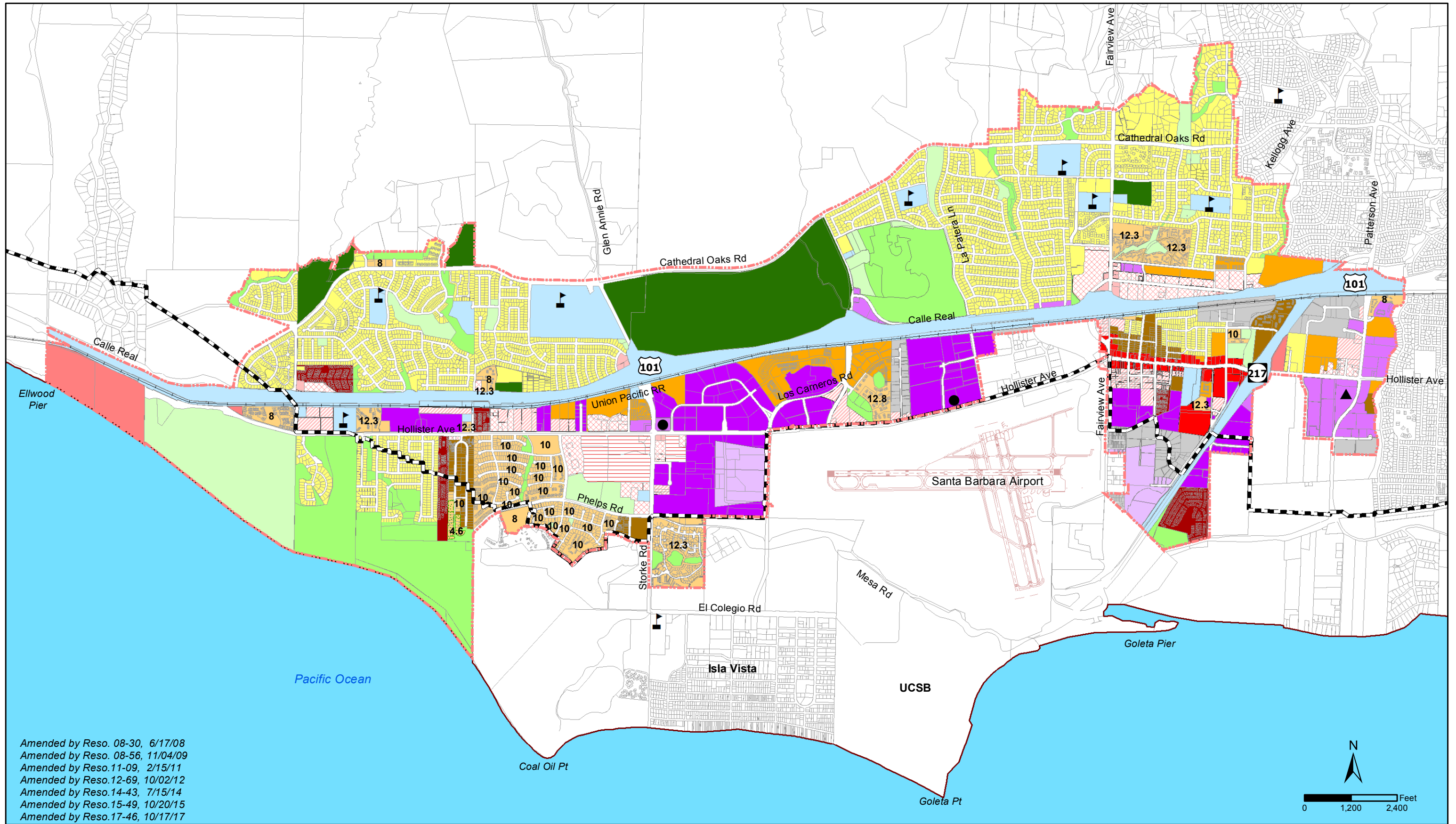
Attachment 5 - General Plan Land Use Designations – Cannabis Uses Consistency Matrix

State License Type	CR	CC	OT	VS	CI	CG	BP	OI	IS	IG	AG	Comparable General Plan Land Use
Cultivation												
Specialty Cottage (outdoor)	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Specialty Cottage (indoor)	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Specialty Cottage (mixed-light)	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Specialty Outdoor	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Specialty Indoor	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Specialty Mixed-Light	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Small Outdoor	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Small Indoor	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Small Mixed-Light	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Medium Outdoor	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Medium Indoor	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Medium Mixed-Light	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Nursery	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Large Outdoor (not until 2023)	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Large Indoor (not until 2023)	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Large Mixed-Light (not until 2023)	-	-	-	-	-	-	-	-	-	-	X	Specialty Agriculture and Floriculture
Processor	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Manufacturing												
Non-Volatile Solvents	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Volatile Solvents	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Infusions	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Packaging and Labeling	-	-	-	-	-	-	X	-	X	X	-	General Manufacturing – No Noxious Impacts
Testing Laboratory	-	-	-	-	-	-	X	X	-	X	-	Research and Development
Retail												
Storefront	X	X	X	-	-	X	-	-	-	-	-	General Merchandise; Apparel and Specialty Stores
Non-Storefront	-	-	-	-	-	X	-	-	X	X	-	General Wholesale Trade
Distributor	-	-	-	-	-	X	-	-	X	X	-	General Wholesale Trade
Microbusiness	-	-	-	-	-	-	-	-	-	-	-	No direct comparison.

Notes: Residential, recreational, and public and quasi-public land use designations not included in the table as there are no appropriate license types for those land use designations. “X” denotes cannabis use consistent with the General Plan land use designation.

Attachment 6

General Plan Figure 2-1



Legend					
Residential Use Categories		Commercial Use Categories		Office and Industrial	
Single-Family		Regional		Business Park	
Planned Residential		Community		Office and Institutional	
Medium Density		Old Town		Service/Industrial	
High Density		Visitor-serving		General Industrial	
Mobile Home Park		Intersection			
		General Commercial			
Other Use Categories		Overlay Areas		Other Features	
Agriculture		Hotel Overlay		Goleta City Boundary	
Open Space / Passive Recreation		Hospital Overlay		Coastal Zone Boundary	
Open Space / Active Recreation		Open Space Overlay		Schools	
Public / Quasi-public				Maximum Density in Planned Residential Areas (units/acre)	

Attachment 7

Cannabis Land Use Ordinance Edits Since April 26, 2018 Workshop

A. Purpose. This Ordinance establishes standards to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment by establishing minimum land use requirements for all cannabis activities including the cultivation, distribution, transportation, storage, manufacturing, processing, and sales.

B. Applicability. The standards of this Section apply to all cannabis activities as defined in Section D - Cannabis-Related Use Classifications. Additionally,

1. All cannabis activities shall comply with the provisions of this Section, as well as all applicable State laws, regardless of whether the use existed or occurred prior to the effective date of this Ordinance.
2. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance, or allows any use relating to personal or commercial cannabis activity that is illegal under State law.
3. Nothing in this Section is intended, nor shall it be construed, to exempt cannabis uses from compliance with all other applicable City regulations, including development standards, as well as other applicable provisions of the Goleta Municipal Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.
4. All persons operating facilities and conducting cannabis activities, as defined in this Section, are subject to possible federal prosecution, regardless of the protections provided by State or local law.

C. Cannabis-Related Definitions. When used in this Ordinance, the following words are defined as follows. If a word is not defined in this Section or in other provisions of the Goleta Municipal Code, the definition shall be as in State Cannabis Laws or, in cases where a definition is not provided in State Cannabis Laws, as determined by the Director.

1. "Accessory Use". A use that is customarily associated with, and is incidental and subordinate to, a permitted use and located on the same premises as the permitted use.
2. "Building". Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.

3. “Cannabis”. All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code.
4. “Cannabis Concentrate”. Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.
5. “Cannabis Products”. Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
6. “Canopy”. The designated area(s) at a cannabis business, except nurseries and processors, that will contain mature plants at any point in time, as follows.
 - a. For indoor cultivation, canopy is calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level is included in the total canopy calculation.
7. “Commercial Cannabis Activity”. Activities that include the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensing, or retail sale of cannabis and cannabis products..

8. "Cultivation". Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
9. "Cultivation Site". A location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
10. "Day Care Center". Day care center has the same meaning as in Section 1596.76 of the Health and Safety Code.
11. "Delivery". The commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform.
12. "Director". The Planning and Environmental Review Department Director of the City of Goleta or his/her designee.
13. "Dispensing". Any activity involving the retail sale of cannabis or cannabis products from a retailer.
14. "Distribution". The procurement, sale, and transport of cannabis and cannabis products between licensees.
15. "Edible Cannabis Product". Cannabis product that is intended to be used, in whole or in part, for human consumption, and is not considered food.
16. "Extraction". A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.
17. "License or State License". A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same, to engage in commercial cannabis activity.
18. "Manufacture". To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Manufacture includes the following processes: Extraction processes; Infusion processes; Packaging or repackaging of cannabis products; and Labeling or relabeling the packages of cannabis products.
19. "Owner". Any of the following:
 - a. A person with an aggregate ownership interest of 20 percent or more in the use applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

- b. The chief executive officer of a nonprofit or other entity.
 - c. A member of the board of directors of a nonprofit.
 - d. An individual who will be participating in the direction, control, or management of the person applying for a license.
20. “Premises”. A legal parcel, or leasehold interest in land, or a leased or owned space in a building where the commercial cannabis use or activity is or will be conducted.
21. “State Cannabis Laws”. Laws of the State of California, which include California Health and Safety Code Sections 11362.1 through 11362.45; California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program); California Health and Safety Code Sections 26000 through 26211 (Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”, Senate Bill 94 (2017))); California Health and Safety Code Sections 26220 through 26231.2; the California Attorney General’s Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code Section 147.5; California Revenue and Taxation Code Sections 31020 and 34010 through 34021.5; California Fish and Game Code Section 12029; California Water Code Section 13276; all state regulations adopted pursuant to MAUCRSA; and all other applicable laws of the State of California.
22. “Topical Cannabis”. A product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
23. “Volatile solvent”. A solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.
24. “Youth Center”. The same meaning as in Section 11353.1 of the Health and Safety Code.

D. Cannabis-Related Use Classifications.

- 1. “Cannabis Cultivation”. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
 - a. “Outdoor Cultivation”. The cultivation of cannabis without the use of light deprivation and/or artificial lighting in the canopy

- area. Supplemental low intensity lighting is permissible only to maintain immature plants as a source for propagation.
- b. "Mixed-Light Cultivation". The cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting.
 - c. "Indoor Cultivation". The cultivation of cannabis within a permanently affixed, fully enclosed structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.
 - d. "Nursery". Operation that produces only cannabis clones, immature plants, seeds, and other agricultural products used in cannabis cultivation.
 - e. "Processor". A cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and nonmanufactured cannabis products. Cultivation of cannabis plants is prohibited.
2. "Cannabis Distribution". Facility for the distribution of cannabis and cannabis products.
 3. "Cannabis Manufacturing". A building, or portion thereof, used for a business involving the manufacture for off-site sale of cannabis products.
 - a. "Non-Volatile Solvent Manufacturing". Manufacture, including extractions, of cannabis products using nonvolatile solvents, or no solvents. May also conduct packaging and labeling of cannabis products.
 - b. "Volatile Solvent Manufacturing". Manufacture, including extractions, of cannabis products using volatile solvents. May also conduct infusion operations and packaging and labeling of cannabis products.
 - c. "Infusions". Production of edible products or topical products using infusion processes, or other types of cannabis products other than extracts or concentrates, and that do not conduct extractions.
 - d. "Packaging and Labeling". Establishments engaged only in the packaging or repackaging of cannabis products or labeling or relabeling of cannabis product containers in preparation of retail sale.
 4. "Cannabis Microbusiness". A business involving any combination of the cultivation of cannabis on an area less than 10,000 square feet, cannabis distribution, manufacturing with non-volatile solvents, and cannabis retail. In order to be considered a Cannabis Microbusiness,

three of four of the activities described must be conducted on the same premises.

5. "Cannabis Testing". Establishments involving the materials testing, investigation, scientific research, or experimentation of medicinal or nonmedicinal cannabis or cannabis products.
6. "Cannabis Retailer". Establishment where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale and includes delivery.
 - a. "Storefront". Cannabis retailer with a premises, meaning a "brick and mortar" facility, with direct physical access for the public.
 - b. "Non-Storefront". Cannabis retailer with a premises, meaning a "brick and mortar" facility, that does not have a storefront with direct physical access for nor is open to the public.
7. "Personal Use Cultivation". The cultivation, harvest, drying, or processing plants with the intent to possess, smoke, or ingest cannabis or cannabis products for their own individual use but who does not provide, sell or distribute cannabis to any other person except as provided by Health & Safety Code section 11362.1(a), as amended.

E. Personal Use Cultivation. Personal Use Cultivation, consistent with the requirements of this Section, is allowed in all Zoning Districts, and a land use permit is not required.

1. Cultivation is limited to six plants per private residence unless otherwise allowed by State law.
2. Personal use cultivation is limited to indoor cultivation in a permanently affixed, fully enclosed structure.
3. No cannabis odors may be detectable from any place outside the residence. An odor absorbing ventilation and exhaust system must be installed if the odor generated inside the residence is detected outside the property or premises, or anywhere on adjacent property or public rights-of-way, or within another unit located within the same building as the cultivation.
4. No exterior evidence of cultivation occurring at the property can be visible from the public right-of-way.

5. Cultivation is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.
6. Grow lights must not exceed 1,200 watts per light and are prohibited from producing a glare that interferes with other residents' reasonable enjoyment of life or property.
7. Cannabis plants cultivated must remain at least 12 inches below the ceiling.
8. Cultivation may not occur on required on-site parking areas unless that required parking is replaced in compliance with the City's Inland and Coastal Zoning Ordinances.
9. Cultivation may not interfere with the primary occupancy of the building or structure, including regular use of the kitchen(s) or bathroom(s).
10. The living plants and any cannabis produced by the plants in excess of 28.5 grams must be kept within the person's private residence in a locked space.
11. Generators. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or for emergency use.
 - a. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations § 93115, as may be amended.
 - b. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days.
12. The use of CO₂ or any volatile solvents to manufacture cannabis products is prohibited.
13. Nothing in the section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation by tenants.
14. Nuisance abatement. Any violation of this Section is declared to be a public nuisance and may be abated by the City pursuant to Title I of the Goleta Municipal Code.

F. Allowed Commercial Cannabis Uses by Land Use Designation. Commercial cannabis uses are only allowed as prescribed in Table 1, Allowed Commercial Cannabis Uses, provided all other requirements of this Section are met and a Cannabis Business License is obtained from the City

under Goleta Municipal Code Chapter 5.09. Use locations are identified based on the Land Use Designations provided on Figure 2-1: Land Use Plan Map of the City's General Plan/Coastal Land Use Plan regardless of the zoning district as identified on the City's Zoning Map. Outdoor Cultivation and Mixed-Light Cultivation are prohibited.

TABLE 1: ALLOWED COMMERCIAL CANNABIS USES BY GENERAL PLAN LAND USE DESIGNATION				"P" – Land Use Permit or Coastal Development Permit is Required "MU" -- Minor Conditional Use Permit Required "- " - Use Not allowed				
Uses	Land Use Designations							
	CR	CC	OT	CG	BP	OI	IS	IG
Cannabis Cultivation	See Subclassifications below.							
Indoor Cultivation	-	-	-	-	P	-	P	P
Nursery	-	-	-	-	P	-	P	P
Processor	-	-	-	-	P	-	P	P
Cannabis Distribution	-	-	-	P	-	-	P	P
Cannabis Manufacturing	See Subclassifications below.							
Non-Volatile Solvent Manufacturing	-	-	-	-	P	-	P	P
Volatile Solvent Manufacturing	-	-	-	-	P	-	P	P
Infusions	-	-	-	-	P	-	P	P
Packaging and Labeling	-	-	-	-	P	-	P	P
Cannabis Microbusiness	Allowed based on allowance for primary use if secondary uses are consistent with the Accessory Uses standards below.							
Cannabis Testing	-	-	-	-	P	P	-	P
Cannabis Retailer	See Subclassifications below.							
Storefront	MU ¹	MU ¹	MU ¹	MU ¹	-	-	-	-
Non-Storefront	-	-	-	P	-	-	P	P
1. A Major Conditional Use Permit is required within 600 feet of a school or 100 feet of a residential land use designation.								

G. Accessory Uses.

1. All accessory uses must be included and reviewed as part of a permit consistent with Section J.
2. For all cannabis accessory uses, the primary permitted or conditionally permitted use must also be a cannabis use.

3. Cannabis uses may not have non-cannabis related accessory uses.
4. All accessory cannabis uses must adhere to the Specific Use Standards for such uses as identified below.
5. Storefront retail is allowed as an accessory use but must obtain the permit required as if the accessory Storefront Retail use was the primary use. Every Storefront Retail use, whether primary or accessory, must obtain the permit required for Storefront Retail use as shown in the Table 1.
6. Volatile Manufacturing is only allowed in IG, IS, and BP as an accessory use.

H. Cannabis Events. Cannabis Events, as regulated in State Cannabis Laws, are prohibited.

I. Specific Use Standards. In addition to any other requirements of this Title and Cannabis State Laws, cannabis activities must be located, developed, and operated in compliance with the following standards, where allowed by Section F, Allowed Commercial Cannabis Activities by Land Use Designation.

1. All Cannabis Uses.
 - a. Licenses Required.
 - i. State License. The permittee of a cannabis use that requires one or more of the State cannabis license types set forth in California Business and Professions Code must:
 1. Obtain the requisite State cannabis license for the cannabis use prior to the commencement of the use.
 2. Conduct the cannabis use in compliance with the State cannabis license at all times.
 - ii. City Cannabis Business License (CBL). The permittee of a cannabis use must:
 1. Obtain a CBL from the City of Goleta prior to the commencement of the use.
 2. Conduct the cannabis use in compliance with the CBL at all times.
 - b. Location Limitations. No prohibitive buffers are required from schools, day cares, and youth centers.
 - c. Outdoor Lighting.

- i. Outdoor lighting necessary for security must consist solely of motion-sensor lights.
 - ii. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, must be fully shielded, directed downward, and dark sky compliant.
- d. Odor. Odor generated inside a cannabis use must not be detectable outside the property or premises, or anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the cannabis use. The applicant must submit to the Department for review and approval an Odor Abatement Plan. The Odor Abatement Plan must be reviewed by City staff and approved by the City prior to permit issuance. The Odor Abatement Plan must be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The Odor Abatement Plan must include the following:
 - i. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
 - ii. A description of the specific odor-emitting activity(ies) that will occur.
 - iii. A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate off-site. Odor control equipment should consist of a building ventilation system that collects the air from all potential odor-generating activities and direct to a control device such as an activated carbon system. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to ensure that odors from the use do no migrate off-site.
- e. Operation. Once a cannabis use is established on the subject parcel, any cessation of operation must be for less than one year. The one-year limit may be extended by the Director one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Environmental Review prior to the end of the one-year period. If the one-year period ends and no extension request has been filed, the land use entitlement will be considered null and void.

2. Storefront Cannabis Retailer.

- a. Location Separation. A Storefront Cannabis Retailer must be located a minimum of 300 feet from the closest property line of a lot on which another Storefront Cannabis Retailer is legally established.
 - b. Location Limitations. The distances specified in this Section must be the horizontal distance measured in a straight line from the closest property line of the lot on which the cannabis activity is to be located without regard to intervening structures.
 - i. Storefront Cannabis Retailer uses on a lot within 600 feet from the closest property line of a lot on which a school is located require a Major Conditional Use Permit pursuant to the City's Inland and Coastal Zoning Ordinances.
 - ii. Storefront Cannabis Retailer uses on a lot within 100 feet of a residential land use designation as identified in the City's General Plan require a Major Conditional Use Permit pursuant to the City's Inland and Coastal Zoning Ordinances.
 - c. On-Site Consumption is Prohibited. The premises of each Storefront Cannabis Retailer shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the retailer is prohibited.
 - d. Edibles. Only commercially prepackaged, shelf-stable edible cannabis products may be sold.
 - e. A limit of fifteen Storefront Cannabis Retailer uses is established.
3. Non-Storefront Cannabis Retailer
- a. Edibles. Only commercially prepackaged, shelf-stable edible cannabis products may be sold.
 - b. Hours of Operation. Hours of operation are limited to 10:00 am to 8:00 pm.
4. Indoor Cultivation.
- a. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation except for any signage authorized by City regulations.
 - b. Canopy size is limited to 5,000 square feet.
 - c. Energy Use.
 - i. Any applicant for indoor cultivation under this Ordinance must provide proof of consultation with Southern California Edison (SCE) prior to application submittal including a copy of a completed and submitted SCE Customer/Project Information Sheet.

- ii. Applicant must show proof of participation in energy use assessments as follows:
 - 1. If available, participation in the Resource Innovation Institute's Calculate Powerscore tool.
 - 2. If available, participation in SCE's Savings By Design program.
 - d. Generators. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or for emergency use.
 - i. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations § 93115, as may be amended.
 - ii. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days.
 - e. Indoor cultivation activities, including materials and equipment storage, must occur solely in fully enclosed buildings.
 - f. Indoor cultivation is limited to one use per building.
- 5. Nursery
 - a. Nurseries must adhere to all standards for indoor cultivation pursuant to this Ordinance.

J. Permit Procedures.

- 1. Required Permit. A Land Use Permit (pursuant to §35-314 of the City's Inland Zoning Ordinance) or Coastal Development Permit (pursuant to §35-169 of the City's Coastal Zoning Ordinance) is required for all cannabis uses except Personal Use Cultivation unless a Conditional Use Permit is otherwise required pursuant to this Section or another provision of this Title.
- 2. Public Notice. In addition to the noticing requirements of the required permit, the City, at the applicant's cost, must mail notice to all property owners of record and residents and tenants of property within 300 feet of the exterior boundaries of the subject property(ies) at least 10 days before the date of the public hearing or at the time of a complete application if there is no hearing.

K. Inspection. All permitted cannabis use sites are subject to review and inspection from Law Enforcement, Fire Department, and the Building Department or any agents of the State or City charged with enforcement of this Ordinance and any other State or local license.

L. Revocation. Any entitlement to allow cannabis activities may be revoked in compliance with Section 35-314.7 and 35-315.10 of the City's Inland Zoning Ordinance and 35-169.9 and 35-172.10 of the City's Coastal Zoning Ordinance as applicable.

M. Enforcement. Any entitlement to allow cannabis activities may be revoked in compliance with Section 35-330 of the City's Inland Zoning Ordinance and 35-185 of the City's Coastal Zoning Ordinance as applicable.