



TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning & Environmental Review Department Director

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

SUBJECT: Cannabis Land Use Ordinance

RECOMMENDATION:

Conduct the second reading (by title only), and waive further reading of and adopt 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."

BACKGROUND:

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 allows local governments to regulate commercial cannabis activities, consistent with a state licensing scheme, or completely prohibit commercial cannabis-related businesses.

The City's current regulations of cannabis:

- 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.

Beginning in August 2017, the City held workshops with the public, Planning Commission, and City Council to develop a Cannabis Land Use Ordinance (Ordinance). On June 11, 2018, the Planning Commission conducted a public hearing to consider recommendations to the City Council regarding the Ordinance and an Addendum to the City's General Plan/Coastal Land Use Plan 2006 Final EIR, 2009 Supplemental EIR, and subsequent addenda (CEQA Addendum). With a 5-0 vote to adopt Resolution Nos. 18-06 and 18-07, the Planning Commission recommended that the City Council approve the

CEQA Addendum and adopt the Ordinance with three revisions to the Ordinance. These three revisions included:

- Requiring notice to residents and tenants in addition to property owners;
- Limiting indoor cultivation to one use of up to 5,000 square feet of canopy per building; and
- A limit of fifteen (15) Storefront Retailers allowed within the City, including accessory storefront retail uses.

At the June 19, 2018 hearing, Council considered the Ordinance and CEQA Addendum. Council, via Resolution 18-30, approved the CEQA Addendum. Council also conducted the first reading of the Ordinance as recommended by the Planning Commission (Recommendation C from the June 19, 2018 City Council staff report) with two additional revisions. These revisions included:

- Editing Sections 5(D)(7) and 5(E)(1) of the Ordinance to clarify that personal use cultivation includes cultivation for medicinal purposes and the applicable standards for Primary Caregiver cultivators, who cultivate for more than one qualified patient; and
- Changing the hours of operation for Non-Storefront Retailers in Section 5(I)(3)(b) of the Ordinance from 10:00 am to 8:00 pm to 10:00 am to 10:00 pm.

DISCUSSION:

The introduced ordinance is required to have a second reading before its adoption by the City Council. Council has the opportunity to adopt this ordinance, which would then be effective on the thirty-first day after adoption.

If Council does not adopt this ordinance, the City will continue to prohibit cannabis uses until such a time as a new ordinance is adopted.

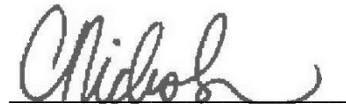
ALTERNATIVES:

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:

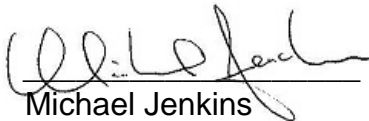
There is no direct fiscal impact from adopting the Ordinance. Funding for Planning and Environmental Review staff time to prepare the Ordinance was included in the adopted FY 2017-18 and FY 2018-19 Budget under Program 4300 of the Advance Planning Division.

Reviewed By:



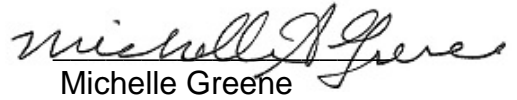
Carmen Nichols
Deputy City Manager

Legal Review By:



Michael Jenkins
City Attorney

Approved By:



Michelle Greene
City Manager

ATTACHMENT:

1. 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"

Attachment 1

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”

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 19, 2018, the City Council adopted Resolution No. 18-30 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. 18-30 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 Ordinance incorporates by reference the environmental findings and analysis set forth in Resolution No. 18-30.

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 of plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use pursuant to Health and Safety Code section 11362.1(a), as amended, and for medicinal use pursuant to Health and Safety Code section 11362.77, 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 for adult use pursuant to Health and Safety Code section 11362.2, as amended. Cultivation is limited to the number of plants allowable under State Cannabis Laws for one qualified patient per private residence. Cultivation of more than the number of plants for one qualified patient must be consistent with Section 5(F).
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 10:00 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