



**TO:** Planning Commission Chair and Members

**FROM:** Peter Imhof, Planning Director

**CONTACT:** Anne Wells, Advance Planning Manager  
Erika Leachman, Contract Planner

**SUBJECT:** Amendments to Cannabis Land Use Ordinance and General Plan: Case No. 18-135-ORD

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Adopt Planning Commission Resolution 19-\_\_: “A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council approval of the Cannabis General Plan Amendments and Ordinance Amendments CEQA Addendum to the Goleta General Plan / Coastal Land Use Plan Final Environmental Impact Report (SCH #2005031151); Case No. 18-135” (Attachment 1)
2. Adopt Planning Commission Resolution 19-\_\_: “A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council approval of a General Plan Amendment to amend the Land Use Element Tables 2-1 through 2-4 for various Cannabis-related Use Clarifications” (Attachment 2)
3. Adopt Planning Commission Resolution 19-\_\_: “A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council approval of an Amendment to Ordinance No. 18-03” (Attachment 3)

The Planning Commission should refer the report back to staff for appropriate modifications, if the Commission does not adopt the recommended actions.

**EXECUTIVE SUMMARY:**

Over the last several years, California voters and the state legislature created a legal framework to enable the cannabis industry to move into a regulated commercial market. In response to these changes, on July 17, 2018, the Goleta City Council adopted a Cannabis Land Use Ordinance (Ordinance No. 18-03) to permit and regulate medicinal

and adult cannabis uses and adopted a Cannabis Business License Ordinance (Ordinance No. 18-02) to govern business licensing requirements and procedures.

On October 2, 2018, the City Council initiated the process of amending the General Plan/Coastal Land Use Plan (General Plan) to consider allowable cannabis uses in the Land Use Element Tables 2-1 through 2-4 and amending the Cannabis Land Use Ordinance to reconsider some uses, locations, and buffers. In response to Council's direction, staff proceeded with preparing draft amendments and evaluating related impacts in a project California Environmental Quality Act (CEQA) Addendum to the General Plan Final Environmental Impact Report (EIR).

The purpose of this public hearing is for the Planning Commission to consider the CEQA Addendum (Attachment 1), General Plan amendments (Attachment 2), and Cannabis Land Use Ordinance amendments (Attachment 3) and recommend approval/adoption to the City Council.

## **BACKGROUND:**

### **General Plan Amendments**

The General Plan amendment process is governed by Article 6 of State Planning and Zoning Law (California Government Code §§ 65350 et seq.). Pursuant to Government Code Section 65354, the Planning Commission is required to make a written recommendation to the City Council on the amendment of a General Plan. However, the final decision is a legislative action reserved for the City Council.

The City adopted the Goleta General Plan on October 2, 2006. The General Plan contains seven, state-required elements and two optional elements as follows: Land Use Element, Open Space Element, Conservation Element, Safety Element, Visual and Historic Resources Element, Transportation Element, Public Facilities Element, Noise Element, and Housing Element. Since its adoption, the General Plan has been amended on nineteen occasions. The most recent amendment occurred on January 15, 2019 to update the Transportation Element street classification system.

### **State Cannabis Regulation**

Over the last several years, California voters and the state legislature created a legal framework to enable the cannabis industry to move into a regulated commercial market. With the passing of Proposition 64 by California voters in 2016, recreational adult-use cannabis became legal beginning in 2018. In response to Proposition 64, the state adopted Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) in June 2017, which outlines a state regulatory system for the various commercial activities associated with the legalization. CalCannabis Cultivation Licensing, a division of the California Department of Food and Agriculture (CDFA), is responsible for licensing cultivators of medicinal and adult-use (recreational) cannabis and implementing a track-and-trace system to record the movement of cannabis through the distribution chain. The Bureau of Cannabis Control is the lead agency in

regulating commercial cannabis licenses for medical and adult-use cannabis in California and is responsible for licensing retailers, distributors, testing labs, and microbusinesses.

Legal cannabis businesses must obtain appropriate state licensing and operate in a manner consistent with state law. State licensing can only occur if an applicant complies with local cannabis regulations as well. As part of the state regulatory scheme, local jurisdictions may prohibit or allow various cannabis uses outlined in state law and, if they allow them, identify appropriate locations for and restrictions on those uses.

### **City Cannabis Regulation**

On July 17, 2018, the Goleta City Council adopted a Cannabis Land Use Ordinance (Ordinance No. 18-03) to permit and regulate medicinal and adult cannabis uses and adopted a Cannabis Business License Ordinance (Ordinance No. 18-02) to govern licensing procedures and business operational requirements. The Cannabis Land Use Ordinance went into effect on August 17, 2018 and allows for licensing of indoor cultivation, nursery, manufacturing, distribution, testing, and retail (storefront and non-storefront) in the City. Section 5 of the adopted Cannabis Land Use Ordinance includes the regulations for cannabis uses within the City. These 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.
- ***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 provides 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 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.
- ***Accessory Uses*** – One of the cannabis business license types that 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. To address the lack of a direct comparison in the General Plan, the Accessory Uses section allows for multiple cannabis uses at one location if 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. Of note, this section includes no buffers around sensitive receptors, requires no separation requirements between cannabis uses

except between storefront retail uses (300 feet), and prohibits onsite cannabis consumption.

- **Permit Procedures** – This section provides the permit path for each cannabis use. Under the adopted Cannabis Land Use Ordinance, for all cannabis uses but storefront cannabis retailers, a Land Use Permit/Coastal Development Permit (LUP/CDP) is required. For storefront retailers, a Minor Conditional Use Permit (CUP) is generally required. Where storefront retail is proposed within 100 feet of a residential land use or within 600 feet of a school, a Major CUP is required. A total of 15 storefront retailers are allowed within the City under the ordinance.
- **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.

### **Cannabis Land Use Ordinance Implementation**

Since the effective date of the Cannabis Land Use Ordinance, the City has received and is processing applications for storefront retail and non-storefront-related cannabis uses. As of February 28, 2019, the City has received 15 applications for storefront cannabis retailers, each requiring a CUP, and 7 applications for other cannabis uses, each requiring an LUP. Of the 15 CUP applications, 9 are in Old Town, 7 of which are directly on Hollister Avenue. Three of the 7 applications on Hollister Avenue are buffered out by the existing 300-foot storefront cannabis retailer separation requirement, resulting in 4 active applications on Hollister Avenue. In total, there are 9 active CUP applications.

During implementation, several issues have been raised that necessitate expanded clarity between the City's General Plan and the adopted Cannabis Land Use Ordinance. In response to this need, the City Council initiated the process to amend the General Plan (via Resolution No. 18-52) and the Cannabis Land Use Ordinance (via Resolution 18-53) on October 2, 2018. The City Council initiated consideration of allowable cannabis uses in the Land Use Element Tables 2-1 through 2-4 and amendments to the Cannabis Land Use Ordinance to reconsider some allowable uses, locations, and buffers for licensed cannabis in the City. On January 23, 2019, the City Council held a public workshop to review and provide staff feedback on the proposed General Plan and ordinance amendments. Based on feedback received, staff prepared the proposed amendments to the General Plan and Cannabis Land Use Ordinance provided as Attachments 2 and 3, respectively.

### **Cannabis Business License Ordinance**

The City's Cannabis Business License Ordinance was adopted on July 17, 2018 and establishes operating standards that ensure cannabis businesses are operating in compliance with local and state law. Cannabis business licensing is subject to regulations in the Cannabis Land Use Ordinance, including allowed uses, buffers, accessory uses, and other requirements, and the Cannabis Business License Ordinance, including the requirements for license review and processing and for business operations. The Planning Commission has purview over the land use and

zoning regulations for cannabis uses to recommend to the City Council. The City Council will then be responsible for adoption of the Cannabis Land Use Ordinance, as well as review and approval of the pending update to the Cannabis Business License Ordinance for cannabis business regulation. An adoption process for amendments to the Cannabis Business License Ordinance, including an expanded screening process to help ensure business viability, is occurring in parallel to the proposed Cannabis Land Use Ordinance amendments so that all cannabis related-items are presented to the City Council concurrently or soon thereafter.

## **DISCUSSION:**

Based on experience gained through the early processing of applications under the adopted City regulations for cannabis land use and business licensing and Council feedback received during the Cannabis Land Use Ordinance Workshop on January 23, 2019, staff has identified the need for amendments to address several concerns. On January 23, 2019, a Cannabis Ordinance Workshop was held with Council to discuss and provide staff with feedback on proposed amendments to the City's General Plan and adopted Cannabis Land Use Ordinance. Staff presented eight, specific, commercial cannabis-related issues and received guidance from Council and feedback from the public. This feedback and guidance informed current staff recommendations and additional information provided herein to the Planning Commission for consideration. These recommendations are also reflected in the attached proposed Cannabis Land Use Ordinance (Attachment 3) and proposed General Plan Amendments (Attachment 2). A summary of these recommended amendments are provided below:

### **Proposed Cannabis Land Use Ordinance Amendments**

The proposed Cannabis Land Use Ordinance amendments are provided in Attachment 3 and per Council direction are intended to move the permitting of cannabis businesses away from a land use permit/conditional use permit and more to the business license review process, avoid overconcentration of storefront cannabis retailers in Old Town, and allow existing appropriate cannabis retail businesses to continue in-place.

Cannabis Permitting and Licensing Procedures: The adopted Cannabis Land Use Ordinance requires permitting for all cannabis uses consistent with the City's Inland and Coastal Zoning Ordinances, including detailed project review by planning staff and public noticing requirements. However, in implementation, a change in retail or other business uses within existing storefronts and commercial spaces without modification to those spaces does not rise to the level of regulatory process required under an LUP or CUP, particularly given the existing robust state and City cannabis regulatory framework for licensing. Accordingly, streamlining the application review and licensing process is necessitated. Staff recommends eliminating LUP/CUP requirements for cannabis businesses and relying on the Cannabis Business License Ordinance to ensure implementation of licensing standards and requirements and to ensure safe and orderly operations for cannabis businesses in the City. The Cannabis Business License Ordinance will be amended to include a robust application review process that ensures that state and local regulations would be complied with. Council will be presented with

these amendments on a future agenda. Amendments will include transfer of several standards from the existing Cannabis Land Use Ordinance, including licensing standards for odor control, outdoor lighting, and hours of operation.

Storefront Cannabis Retailer - Sensitive Receptor Buffers: The adopted Cannabis Land Use Ordinance includes no prohibitive buffers around schools, day care, and youth centers and does not add any additional sensitive receptors for prohibitive buffers (i.e., residential uses) compared to state law. Rather, the adopted Cannabis Land Use Ordinance currently requires a Major CUP, as opposed to a Minor CUP, for storefront cannabis retailers within 600 feet of a school or 100 feet of a residential land use. Since staff recommends eliminating the CUP process for storefront cannabis retailers for the reasons stated above, staff also recommends consideration of appropriate buffers and associated criteria for licensing storefront cannabis retailers from particular sensitive receptors (see below). Note that, if the City does not expressly specify a buffer for schools, day care, or youth centers, then state law would apply, which is any cannabis business must not be located within 600 feet of a school, day care, or youth center.

The Goleta Valley Community Center (GVCC) Buffer: The GVCC property supports a variety of youth-focused and educational activities, including programming within the center and several child care and support services (e.g., Rainbow School, Boys and Girls Club). There are currently two storefront retail applications that lie within 300 feet or approximately one block of the GVCC property. There are also 27 parcels within 300 feet of the GVCC property that could be available for storefront cannabis retailers in the future based on existing commercial zoning. To protect sensitive receptors from the influence of storefront cannabis retailers in Old Town, staff recommends a conditional buffer to prohibit storefront cannabis retailers on parcels located within 300 feet of the GVCC property unless the following applies:

1. Neither the frontage nor the entrance nor the signage face Hollister Avenue; and
2. Off-street parking is available.

Schools Buffer: The adopted Cannabis Land Use Ordinance currently requires no buffer from schools, day care, or youth centers. Ellwood School located at 7686 Hollister Avenue is the only school in the City that lies adjacent to and within 300 feet of undeveloped and underutilized land zoned M-RP, which could be developed and potentially support a cannabis business license in the future. While development of the vacant M-RP property would be subject to permitting consistent with City zoning and land use regulations, the future building could be occupied by a licensed cannabis business. To address this potential, staff recommends increasing the buffer prohibiting storefront cannabis retailers near schools providing K-12 education from zero feet to 300 feet. No increase in buffer from day care centers or youth centers is proposed.

Residential Land Use Buffer: The adopted Cannabis Land Use Ordinance currently requires no buffer from residential land uses. In several locations, particularly in Old Town, commercial parcels directly abut residential parcels. In general, these uses are separated by walls, fences, or hedges and have rear or side yards abutting rather than front yards, but not always. Distance and shielding between cannabis retailers and

residential uses would eliminate or significantly minimize potential impacts to residential land uses. Therefore, staff recommends a conditional buffer to prohibit storefront cannabis retailers on parcels that are adjacent to parcels designated for residential land uses unless the following applies:

1. No front door or signage of the cannabis business may face the residential parcel; and
2. The parcel and the residential parcel are separated by a fence, wall, or hedge at least 4 feet high.

Storefront Cannabis Retailer - Separation Requirements: The Cannabis Land Use Ordinance currently requires 300 feet of separation between storefront cannabis retail uses. This 300-foot separation would allow for 6 active applications to be located in Old Town (including 2 applications that may be subject to the proposed GVCC buffer, described above). To avoid overconcentration of storefront cannabis retailers on Hollister Avenue in Old Town, staff recommends a two-step approach to the separation requirement. First, a storefront cannabis retailer would be prohibited on a parcel located within 300 feet of another storefront cannabis retailer that is legally established. Further, a storefront cannabis retailer would only be allowed on a parcel within 300 feet to 600 feet of another legally established storefront cannabis retailer if the following applies:

1. Neither the entrance nor the signage face Hollister Avenue in Old Town; and
2. Off-street parking is available.

Non-Storefront Cannabis Retailer (Delivery) in Regional Commercial (C-R) and Community Commercial (C-C): Non-storefront cannabis retailers take orders (typically via phone or online) and deliver cannabis products directly to customers, consistent with state licensing law. Delivery services are considered Other Services for General Plan consistency. Other Services are technically allowed in CR, CC, C-OT, CV, and CI; however, staff recommends that non-storefront cannabis retailers are allowed in CC and CR only, consistent with the General Plan policy for each designation. Currently, the Cannabis Land Use Ordinance does not allow non-storefront cannabis retailers in CC or CR. While a General Plan amendment is not required to allow cannabis delivery uses as Other Services in the City, staff recommends a change to the Cannabis Land Use Ordinance to allow non-storefront cannabis retail in CC and CR.

### **Proposed General Plan Amendments**

A summary of proposed changes to the General Plan are listed below. The proposed General Plan Amendments are provided in Attachment 2 and are intended to support cannabis business consistent with City goals and objectives and ensure land use consistency.

Accessory Uses: Accessory uses are usually regulated by the zoning ordinance. The adopted Cannabis Land Use Ordinance allows for accessory uses only if the primary cannabis use on a premise was allowed consistent with a comparable use identified for

a given General Plan Land Use Designation in General Plan Land Use Element Tables 2-1 through 2-4. After adoption of the Cannabis Land Use Ordinance, staff assessed the issue of accessory uses more broadly than cannabis and determined that minor updates were necessary. Staff recommends adding a clarifying footnote to Land Use Element Tables 2-1 through 2-4 stating that “Accessory uses are allowed where accessory to an allowed use as regulated through zoning.”.

Storefront Cannabis Retailers in General Industrial (I-G): Under the adopted Cannabis Land Use Ordinance, storefront cannabis retailers are not allowed in the General Industrial (I-G) land use designation since General Plan Land Use Element Table 2-3 does not provide an allowance for retail trade in I-G except for Building/Landscape Materials and Equipment. However, retail of medicinal cannabis has been recognized as a legal non-conforming use for two of the three existing cannabis dispensaries in the City. To legitimize these three existing cannabis storefront retailers, staff recommends amendments to allow storefront cannabis retailers in I-G land use designations only in locations where a cannabis dispensary was located prior to June 16, 2009, the date of the City’s former ban on cannabis businesses.

Cannabis Distribution in Business-Park (I-BP): The adopted Cannabis Land Use Ordinance does not allow cannabis distribution in I-BP due to past concerns with General Plan consistency as “General Wholesale Trade” is not an allowed use in I-BP as noted in General Plan Table 2-3. However, in operation, licensed cannabis distribution would be compatible with other business park uses, especially if the floor area dedicated to cannabis distribution is capped. Therefore, staff recommends amendments to allow cannabis distribution licensing in I-BP where the floor area of each licensed distributor shall not exceed 30,000 square feet.

Microbusiness Licensing in I-G and I-S, and for Existing Dispensary in C-G. Under state law, a microbusiness license is available for cultivation of cannabis in an area less than 10,000 square feet and for small distributors, low impact/risk manufacturers, and retailers. A microbusiness must engage in at least 3 out of 4 of these activities on site in generally equal parts of the business. Microbusinesses are inherently small with a very low potential for impacts to the environment, neighborhood character, or public facilities and resources. The limits to size and productivity of the microbusiness inherently control the impacts of the business. Therefore, staff recommends amendments to allow cannabis microbusiness licensing in I-G and I-S without storefront cannabis retailers, except for existing storefronts. Additionally, only two cannabis types (cannabis distribution and retailers) are currently allowed in C-G and, as such, a cannabis microbusiness would not be able to be licensed in C-G. There is one existing cannabis business on a parcel designated C-G currently operating as a microbusiness. Therefore, staff also recommends amendments to allow cannabis microbusiness licensing in C-G only where a cannabis business legally existed prior to June 16, 2009, the date of the City’s former ban on cannabis businesses. This amendment would allow the existing established dispensary to continue in place but would prevent other microbusinesses from locating in C-G. Since microbusinesses are inherently a combination of small-scale uses, staff also recommends amending the Cannabis Land



Use Ordinance to clarify that accessory uses to cannabis microbusinesses are prohibited.

### **Effects of Proposed Amendments on Existing Applications**

The proposed and recommended amendments described above are subject to deliberation and adoption by the City. At the time of adoption, any pending applications for cannabis businesses in the City would become subject to the amended requirements and processes, which may change the outcome for these applicants. For example, if the City amends the Cannabis Land Use Ordinance to remove LUP/CUP requirements for cannabis businesses and, as a result, there is no trigger for permitting or conflict with a new requirement, the existing applicant may not need a planning permit. Further, adoption of buffers and separation requirements may eliminate existing applications from further consideration until a new suitable location is secured that meets the amended regulations. Existing applicants have been informed of this ongoing amendment process and will be individually evaluated and briefed of the effects on their applications subsequent to Council action on the proposed amendments.

### **ENVIRONMENTAL REVIEW:**

In 2006, a Final EIR was certified by the City Council as a part of the adoption of the General Plan to evaluate the potentially significant adverse environmental impacts of the General Plan. Since adoption, CEQA Addenda and a Supplemental EIR to the 2006 Final EIR have been prepared to address the changes in environmental effects associated with related General Plan amendments. The General Plan Final EIR comprises all these CEQA documents and collectively provides the complete environmental analysis of the current General Plan.

Pursuant to CEQA, City staff drafted an Addendum to the City's General Plan 2006 Final EIR, 2009 Supplemental EIR, and subsequent addenda. An addendum is appropriate pursuant to CEQA Guidelines Section 15164 because only some minor changes and additions to the General Plan EIR are necessary and no circumstances calling for preparation of a subsequent or supplemental EIR have occurred. The Addendum is provided as Exhibit 1 to Attachment 1 of this staff report. The Addendum did not identify any new impacts not identified in the previous CEQA documents. The first action recommended of the Planning Commission is to recommend to City Council approval of the Addendum.

### **NEXT STEPS:**

After review of the CEQA Addendum, draft General Plan amendment, and Draft Cannabis Land Use Ordinance, the Planning Commission is asked to adopt the attached Resolutions, officially recommending approval of the Addendum and adoption of the General Plan amendment and Draft Cannabis Land Use Ordinance by the City Council.

Legal Review By:

Approved By:



Winnie Cai  
Assistant City Attorney



Peter Imhof  
Director of Planning and  
Environmental Review

## ATTACHMENTS

1. Planning Commission Resolution 19-\_\_: "A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council approval of the Cannabis General Plan Amendments and Ordinance Amendments CEQA Addendum to the Goleta General Plan / Coastal Land Use Plan Final Environmental Impact Report (SCH #2005031151); Case No. 18-135"
2. Planning Commission Resolution 19-\_\_: "A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council approval of a General Plan Amendment to amend the Land Use Element Tables 2-1 through 2-4 for various Cannabis-related use clarifications"
3. Planning Commission Resolution 19-\_\_: "A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council approval of an Amendment to Ordinance No. 18-03"
4. Proposed Changes to Cannabis Land Use Ordinance And GP/CLUP Land Use Element Tables 2-1 To 2-4.

## Attachment 1

Planning Commission Resolution 19-\_\_: “A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council approval of the Cannabis General Plan Amendments and Ordinance Amendments CEQA Addendum to the Goleta General Plan / Coastal Land Use Plan Final Environmental Impact Report (SCH #2005031151); Case No. 18-135”

*This Page Intentionally Left Blank*

**RESOLUTION NO. 19-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
GOLETA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL  
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 (Public Resources Code, §§ 21000, et seq., "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations, §§ 15000, et seq., "CEQA Guidelines"), 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. 18-135-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 March 11, 2019, 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.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GOLETA AS FOLLOWS:**

**SECTION 1. Recitals**

The Planning Commission 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 Planning Commission certifies that, pursuant to CEQA and Section 15090 of the CEQA Guidelines,

- 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 Planning Commission 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 Planning Commission finds that the foregoing is supported by substantial evidence in the record. Pursuant to CEQA and CEQA Guidelines, the Planning Commission hereby recommends that the City Council adopt the foregoing findings and approve 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 11<sup>th</sup> day of March 2019.

\_\_\_\_\_  
JENNIFER R. SMITH  
CHAIR, PLANNING COMMISSION

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
DEBORAH LOPEZ  
CITY CLERK

\_\_\_\_\_  
WINNIE CAI  
ASSISTANT CITY ATTORNEY

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

I, DEBORAH LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Planning Commission Resolution No. 19-\_\_ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the 11<sup>th</sup> day of March 2019, by the following vote of the Commission members:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

\_\_\_\_\_  
DEBORAH LOPEZ  
CITY CLERK

*This Page Intentionally Left Blank*



**EXHIBIT 1**

**CEQA ADDENDUM TO THE GOLETA GENERAL PLAN/COASTAL LAND USE  
PLAN FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2005031151)**

*This Page Intentionally Left Blank*

**Amendments to Cannabis Land  
Use Ordinance  
Case No. 18-135-ORD**

**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

**March 2019**

*This Page Intentionally Left Blank*

**Amendments to the Cannabis Land Use Ordinance  
Case No. 18-135-ORD**

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

Table of Contents

<b>1.</b>	<b>Introduction.....</b>	<b>1</b>
1.1	GP/CLUP Overview.....	1
1.2	Cannabis Land Use Ordinance Amendments.....	2
1.3	Proposed General Plan Amendments.....	3
1.4	Additional Options for Consideration .....	3
1.5	CEQA Authority for the Addendum Analysis .....	5
1.6	Scope of Addendum.....	5
1.7	Adoption and Availability of Addendum.....	6
<b>2.</b>	<b>Environmental Analysis Framework.....</b>	<b>7</b>
2.1	Introduction .....	7
2.2	Method for Determining Significant .....	7
<b>3.</b>	<b>Impacts Analysis .....</b>	<b>8</b>
3.1	Aesthetics and Visual Resources.....	9
3.2	Agriculture and Farmland .....	13
3.3	Air Quality and Greenhouse Gases .....	15
3.4	Biological Resources.....	17
3.5	Cultural Resources .....	24
3.6	Geology, Soils, and Minerals Resources .....	25
3.7	Hazards and Hazardous Materials .....	29
3.8	Land Use, Housing and Recreation .....	34
3.9	Hydrology and Water Quality .....	39
3.10	Noise .....	42
3.11	Public Services and Utilities .....	47
3.12	Transportation and Circulation.....	52
3.13	Cumulative Effects .....	56
<b>4.</b>	<b>CEQA Finding .....</b>	<b>56</b>

## **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 Amendments to the Cannabis Land Use Ordinance (“Ordinance”) has been prepared by the City in accordance with the California Environmental Quality Act (CEQA). The Amendments to the Ordinance regulate 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 AMENDMENTS<sup>1</sup>**

<b>Adoption Date</b>	<b>GP/CLUP Amendment (GPA) Project Name</b>	<b>GPA CEQA Document</b>	<b>GPA Adopting Reso.</b>
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
12-4-18	Fire Station 10 Land Use Designation	Addendum	No. 18-65
1-15-19	Transportation Element Street Classification	NA	No. 19-02

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 Proposed Amendments to Cannabis Land Use Ordinance and GP/CLUP**

The Project includes amendments to the Cannabis Land Use Ordinance (Ordinance) and the GP/CLUP (referred collectively herein as “proposed amendments”). The Ordinance amendments refine 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 proposed GP/CLUP amendments are intended to support cannabis business consistent with City goals and objectives and ensure land use consistency.

The proposed Cannabis Land Use Ordinance amendments include the following:

**Cannabis Permitting and Licensing Procedures:** Eliminate CUP/LUP requirements for cannabis businesses and rely on the Cannabis Business License Ordinance and existing City procedures to ensure implementation of standards and requirements and ensure safe and orderly operations for cannabis businesses in the City.

### **Storefront Cannabis Retailer - Sensitive Receptor Buffers:**

**Goleta Valley Community Center Buffer.** Adopt a conditional buffer to prohibit storefront cannabis retailers on parcels located within 300 feet of the Goleta Valley Community Center property unless the following applies:

1. Neither the frontage nor the entrance nor the signage face Hollister Avenue; and
2. Off-street parking is available.

**Schools.** Increase the buffer prohibiting storefront cannabis retailers near schools providing K-12 education from zero feet to 300 feet (no increase in zero-buffer for day care centers or youth centers is proposed).



**Residential Parcels.** Adopt a conditional buffer to prohibit storefront cannabis retailers on parcels within 50 feet of parcels designated for residential land uses unless the following applies:

1. No front door or signage of the cannabis business may face the residential parcel; and
2. The parcel and the residential parcel are separated by a fence, wall, or hedge at least 4 feet high.

Storefront Cannabis Retailer - Separation Requirements: A storefront cannabis retailer shall not be located on a parcel within 300 feet of another storefront cannabis retailer that is legally established. Further, a storefront cannabis retailer shall only be located on a parcel within 300 feet to 600 feet of another storefront cannabis retailer if the following applies:

1. Neither the frontage nor the entrance nor the signage face Hollister Avenue in Old Town; and
2. Off-street parking is available.

Storefront Cannabis Retailer - Cap of 15 Business Licenses. No amendments needed to retain cap of 15 storefront cannabis retailer licenses within the City.

Non-Storefront Cannabis Retailer (Delivery) in Regional Commercial (C-R) and Community Commercial (C-C): Allow non-storefront cannabis retailers in CC and CR.

The proposed GP/CLUP amendments include the following:

Accessory Uses. Add a clarifying footnote to Land Use Element Tables 2-1 through 2-4 stating that “Accessory uses are allowed where accessory to an allowed use as regulated through zoning.”.

Storefront Cannabis Retailers in General Industrial (I-G). Allow storefront cannabis retailers in I-G land use designations only in locations where a cannabis dispensary was located prior to June 16, 2009.

Cannabis Distribution in Business-Park (I-BP). Allow cannabis distribution licensing in I-BP. Floor area of each licensed distributor shall not exceed 30,000 square feet.

Microbusiness Licensing in I-G and I-S, and for Existing Dispensary in C-G. Allow cannabis microbusiness licensing in I-G and I-S without storefront cannabis retailer, except for existing storefronts, and allow cannabis microbusiness licensing in C-G only where a cannabis business legally existed prior to June 16, 2009, the date of the City’s former ban on cannabis businesses. Also, clarify in the Ordinance that accessory uses to cannabis microbusinesses are prohibited.

The above described regulations would apply citywide. A cannabis uses consistency matrix for General Plan land use designation is available in Appendix A. 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.

### **1.5 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 proposed amendments and compares its impacts to those identified in the GP/CLUP FEIR. As discussed in detail below, the impacts associated with the proposed amendments do not exceed those impacts identified in the GP/CLUP FEIR. As supported by the analysis below, the proposed amendments 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.

### **1.6 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 Recreation<sup>1</sup>
- Hydrology and Water Quality
- Noise
- Public Services and Utilities<sup>2</sup>
- Transportation and Circulation

---

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

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

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. Further, tribal cultural resources are addressed in Cultural Resources, and energy resources are addressed in Public Services and Utilities.

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 and GP/CLUP amendments. To determine this, the amendments were evaluated in terms of three questions classified by resource topic:

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

### **1.7 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://www.cityofgoleta.org/projects-programs/studies-and-other-projects/cannabis-regulations>, 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	

## **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 proposed amendments to Ordinance and the GP/CLUP.

### **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 specified cannabis activities as land uses that may be permitted within identified commercial and industrial land use designations under the proposed amendments 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 licensed within existing commercial spaces and buildings only. Modifications or development needed to allow for or support cannabis business licensing would be subject to separate 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 proposed Ordinance requires adequate buffers between storefront cannabis retailers and sensitive receptors, including the Goleta Valley Community Center, schools, and residential parcels to protect or substantially minimize adverse impacts of the cannabis use on adjacent uses and neighborhood character, consistent with the City's GP/CLUP.
- The City's GP/CLUP, zoning regulations, and other Municipal Code provisions and regulations already allow commercial, industrial, and residential land uses with similar activities to those to be allowed under the proposed Ordinance. Manufacturing, processing, testing, distribution, and sales of other commodities, and personal cultivation of other plants, are all land uses currently permitted under City regulatory provisions.
- Storefront cannabis 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.
- Cannabis microbusinesses, as limited by state law, are inherently small with a very low potential for impacts to the environment, neighborhood character, or public facilities and resources. The limits to size and productivity of the microbusiness inherently control the impacts of the business.
- Future cannabis uses would have similar effects as other commercial, industrial, and residential uses, and would be located in areas already designated for such commercial and residential activities. The amendments would not change land use designations or the amount or intensity of residential or non-residential development allowed. Future cannabis activities under the proposed 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 commercial cannabis is an 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 licensing 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 would 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; aesthetics; 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.

### **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 several 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 proposed amendments 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 proposed amendments 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the cannabis uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing standards, GP/CLUP policies, and would be subject to standard permit processing including review by the City Design Review Board.

Under the proposed amendments, cannabis businesses would be licensed within existing commercial spaces, including along Hollister Avenue in Old Town, and would be subject to existing City regulations for signage, outdoor lighting, and business operation. As a result, cannabis businesses would blend into the existing visual character of these existing commercial and industrial areas. Additionally, to avoid overconcentration of storefront cannabis retailers in Old Town and support visual quality of the commercial corridor, future proposed cannabis commercial storefronts would be subject to the following restrictions:

1. Neither the frontage nor the entrance nor the signage face Hollister Avenue in Old Town; and
2. Off-street parking is available.

Consequently, the potential impact on visual resources resulting from proposed amendments 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) that 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. Under the proposed amendments, cannabis businesses would be licensed within existing commercial spaces, including along Hollister Avenue in Old Town, and would be subject to existing City regulations for signage, outdoor lighting, and business operation. As a result, cannabis businesses would blend into the existing visual character of these existing commercial and industrial areas. In addition, any new construction would need to adhere to existing 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.

To avoid incompatibility of cannabis business frontages and signage with surrounding development, the proposed Ordinance amendments include buffers and separation requirements to set storefront cannabis retailers away from one another and away from sensitive receptors, including the Goleta Valley Community Center, schools, and residential parcels. Additionally, to avoid overconcentration of storefront cannabis retailers in Old Town and support visual quality of the commercial corridor, future proposed cannabis commercial storefronts would be subject to the following restrictions:

1. Neither the frontage nor the entrance nor the signage face Hollister Avenue in Old Town; and
2. Off-street parking is available.



Consequently, the proposed amendments' potential impact on visual resource compatibility 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.

Under the proposed amendments, cannabis businesses would be licensed within existing commercial spaces, including along Hollister Avenue in Old Town, and would be subject to existing City regulations for signage, outdoor lighting, and business operation. As a result, cannabis businesses would blend into the existing visual character of these existing commercial and industrial areas. The proposed amendments would implement the land use designations established in the GP/CLUP and therefore the business uses and type occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing 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 proposed amendments 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.

Under the proposed amendments, cannabis businesses would be licensed within existing commercial spaces, including along Hollister Avenue in Old Town, and would be subject to existing City regulations for signage, outdoor lighting, and business operation. As a result, cannabis businesses would not increase light and glare outside the City. The proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. Consequently, the potential impact on visual resources from the proposed amendments 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. New business tenants in existing commercial spaces would potentially have similar beneficial impacts to improve commercial frontages and more vibrant commercial and industrial areas. In addition, any new construction would need to adhere to existing standards, GP/CLUP policies, and would need to go through standard permit processing, including review by the Design Review Board.

Consequently, the potential impact on visual resources from the proposed amendments 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing standards, GP/CLUP policies, and would need to go through standard permit processing, including review by the Design Review Board. Further, the proposed amendments protect public open space, such as the Goleta Valley Community Center, from potential impacts of overconcentration of storefront cannabis retailers in Old Town by limiting visibility of frontages and signage for cannabis businesses.

Consequently, the potential impact on visual resources from the proposed amendments 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 proposed amendments 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 proposed amendments 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 proposed amendments 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 proposed amendments continue to prohibit all cannabis uses in the Agriculture (AG) land use designation. As such, the proposed amendments 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 proposed amendments 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the use and type of cannabis business occurring in these locations would be consistent with land uses 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 proposed amendments continue to prohibit all cannabis uses in the Agriculture (AG) land use designation. As such, the proposed amendments 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 proposed amendments 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 3.2-4 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. Therefore, impacts on existing agricultural uses within the City resulting from the proposed amendments 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 proposed amendments 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 proposed amendments and no additional mitigation measures are required.

### **Impacts<sup>3</sup>**

#### **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<sub>x</sub>, CO, VOC, SO<sub>x</sub>, and PM<sub>10</sub> due to the operation of construction equipment, while fugitive dust (PM<sub>10</sub>) 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<sub>x</sub> and VOC) and fugitive dust (PM<sub>10</sub>). SBAPCD Rule 345, for example, provides for control of fugitive dust from construction and demolition activities.

The proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations in the GP/CLUP, and therefore the uses and type of business occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and standard construction conditions, along with required discretionary review. Furthermore, new construction projects are currently reviewed and permitted under the existing applicable zoning and development standards. Nothing in the proposed amendments would change or otherwise alter those standards. As a result, the proposed amendments would not result in new significant air quality impacts and would not affect the SBAPCD rules and regulations cited as mitigation for air quality impacts. Therefore, impacts from construction emissions within the City resulting from the proposed amendments would not be greater than those analyzed in the GP/CLUP FEIR.

#### **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

---

<sup>3</sup> 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.

developed Mitigation Measure AQ-1 regarding a GHG emissions reductions plan to 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 proposed amendments would implement the land use designations established in the GP/CLUP. In operation, storefront cannabis retailers' business activities allowed under the proposed amendments would operate very similar to any retail business in the City with additional state and local regulations limiting advertising, the frontage, and signage indicating the products sold onsite. Storefront cannabis retailers would be contained within a commercial building and all transactions would occur indoors during set business hours. The proposed amendments do not expand development potential or growth within the City. As a result, the operational levels of energy use and mobile emissions contributing to GHG emissions would be similar to levels generated by existing commercial uses such that the level of significance would not change. Therefore, impacts from operational emissions within the City resulting from the proposed amendments would not be greater than those analyzed in the GP/CLUP FEIR.

**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 proposed amendments would not impact the overall population buildout of the City as they would not alter any assumptions about residential land uses. Therefore, this impact on air quality 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 proposed amendments would implement the land use designations established in the GP/CLUP. The type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. Therefore, no additional impacts or an increase in VMT and associated impacts on air quality would occur as a result of the proposed amendments. Rather, the proposed amendments may help alleviate regional VMT by

increasing opportunities for cannabis distribution business in Business Parks, thereby creating local supply to cannabis retailers and avoiding the need to transport cannabis from outside the City.

### **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 proposed amendments would implement the land use designations established in the GP/CLUP. Therefore, the cannabis uses and types occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR.

### **Mitigation Measures**

No modifications to GP/CLUP policies are required to implement the proposed amendments 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 or 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 proposed amendments 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces only and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 3.4-4 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations

established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 3.4-5 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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). Further, the Ordinance currently prohibits commercial outdoor and mixed-light cultivation and personal outdoor cultivation and thus reduces the risks to listed species from future cannabis uses. Therefore, the proposed amendments would 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 3.4-6 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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) and would

be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 3.4-7 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 3.4-8 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 3.4-9 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 3.4-10 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 3.4-11 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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 3.4-10 above) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would 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 3.4-12 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 proposed amendments are 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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses 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 3.4-10 above) and would be subject to the Zoning Ordinance and City design guidelines. Therefore, the proposed amendments would be consistent with this Class IV impact.

#### **Mitigation Measures**

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

### **3.5 Cultural and Tribal Cultural Resources**

The GP/CLUP did not identify significant and 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.

The proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP and therefore the land use occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction would need to adhere to existing development standards and GP/CLUP policies and would be subject to the Zoning Ordinance and City design guidelines. Since the land uses under the proposed amendments would be consistent with land uses and development defined and analyzed in the GP/CLUP FEIR, impacts resulting from the proposed amendments would be similar to impacts identified in the GP/CLUP FEIR. Cannabis uses would be subject to these same policies. Therefore, the proposed amendments 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. As the proposed amendments include changes to the GP/CLUP, the City is undertaking outreach and consultation with Native American tribal representatives consistent with SB 18, which will be completed prior to City action related to the proposed amendments.

### **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 proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP, and therefore the land use occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction would need to separately adhere to existing development standards and GP/CLUP policies and would be subject to the Zoning Ordinance and City design guidelines. Since the land uses under the proposed amendments would be consistent with land uses and development defined and analyzed in the GP/CLUP FEIR, impacts resulting from the proposed amendments would be similar to impacts identified in the GP/CLUP FEIR. Cannabis uses would be subject to these same policies. Therefore, implementation of the proposed amendments 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. As the proposed amendments include changes to the GP/CLUP, the City is undertaking outreach and consultation with Native American tribal representatives consistent with SB 18, which will be completed prior to City action related to the proposed amendments.

### **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.

The proposed amendments would not allow for new development. The proposed amendments would allow licensing of cannabis businesses within existing buildings and commercial spaces and would implement the land use designations established in the GP/CLUP, and therefore the land use occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction needed for a cannabis business would need to separately adhere to existing development standards and GP/CLUP policies and would be subject to the Zoning Ordinance and City design guidelines. Since the land uses under the proposed amendments would be consistent with land uses and development defined and analyzed in the GP/CLUP FEIR, impacts resulting from the proposed amendments would be similar to impacts identified in the GP/CLUP FEIR. Cannabis uses would be subject to these same policies. Therefore, implementation of the proposed amendments 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. As the proposed amendments include changes to the GP/CLUP, the City is undertaking outreach and consultation with Native American tribal representatives consistent with SB 18, which will be completed prior to City action related to the proposed amendments.

### **Mitigation Measures**

No modifications to GP/CLUP policies are required to implement the proposed amendments 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 proposed amendments 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 proposed amendments 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 proposed amendments would implement the land use designations established in the GP/CLUP. The proposed amendments would only allow for cannabis land uses within existing development. There is nothing about the proposed amendments that changes soil erosion patterns. In addition, any new construction needed for a cannabis business would need to separately adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts on geology and soils, 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 proposed amendments would implement the land use designations established in the GP/CLUP. The proposed amendments would only allow for cannabis land uses within existing development. There is nothing about the proposed amendments that changes seismic risks in the City. In addition, any new construction needed for a cannabis business would need to separately 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 cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts on geology and soils, 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 proposed amendments would not result in new or different development that would increase the risk of exposure to unstable geologic conditions. The proposed amendments would implement the land use designations established in the GP/CLUP. The proposed amendments would only allow for cannabis land uses within existing development. There is nothing about the proposed amendments that changes soil or slope stability in the City. In addition, any new construction needed for a cannabis business would need to separately adhere to existing development standards, GP/CLUP policies (including Policies SE 1, SE 2, SE 3, and SE 5), and would need to go through standard permit processing. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts on geology and soils, 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.

Compared to the GP/CLUP FEIR, implementation of the proposed amendments would not result in new or different development that would increase the risk of exposure to expansive and/or compressible soil conditions. The proposed amendments would implement the land use designations established in the GP/CLUP. The proposed amendments would only allow for cannabis land uses within existing development. There is nothing about the proposed amendments that changes soil expansivity in the City. In addition, any new construction needed for a cannabis business would need to separately 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 cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts on geology and soils, 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 proposed amendments would not result in new or different development that would increase the risk of exposure to radon. The proposed amendments would implement the land use designations established in the GP/CLUP and limit cannabis uses to areas of the City removed from the Rincon Formation. In addition, any new construction needed to support a cannabis business would need to separately 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 cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts on geology and soils, 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 proposed amendments 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 proposed amendments 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 proposed amendments would implement the land use designations established in the GP/CLUP. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts on geology and soils, and would not affect the GP/CLUP policies cited as mitigation for impacts.

### **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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the cannabis land uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. Licensed cannabis uses would need to transport product and materials; however, cannabis products are not considered hazardous materials. Further, state law requires transportation of cannabis products to be secured and subject to licensing provisions to control the origin and destination of the products from cultivation to retail. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP

FEIR, would not have the potential to result in new significant impacts on geology and soils, and would not affect the GP/CLUP policies cited as mitigation for impacts.

### **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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the cannabis uses occurring vicinity of the 421 Wells facility would be consistent with land uses analyzed in the GP/CLUP FEIR and would not alter policies related to S.L. 421 Wells. Therefore, the proposed amendments 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the cannabis uses occurring vicinity of the EMT facility would be consistent with land uses analyzed in the GP/CLUP FEIR and would not alter policies related to EMT. Therefore, the proposed amendments 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 proposed amendments would not allow for any development near the airport hazard area. Rather, cannabis businesses would be allowed in existing commercial and industrial spaces. The proposed amendments would implement the land use designations established in the GP/CLUP and therefore the land uses occurring in this location would be consistent with uses analyzed in the GP/CLUP FEIR. Therefore, the proposed amendments would not result in greater or different impacts related to exposure to airport 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 3.7-6 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 proposed amendments would not allow for any development in high fire areas. Rather, cannabis businesses would be allowed in existing commercial and industrial spaces. The proposed amendments would implement the land use designations established in the GP/CLUP and therefore the land uses occurring in this location would be consistent with uses analyzed in the GP/CLUP FEIR. Therefore, the proposed amendments would not result in greater or different impacts related to exposure to wildfire 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 3.7-7 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 Storm Water Pollution Prevention Plans (SWPPP) 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 proposed amendments would not allow for any development in the City that would change surface water conditions or flows. Rather, cannabis businesses would be allowed in existing commercial and industrial spaces. The proposed amendments would implement the land use designations established in the GP/CLUP and therefore the land uses occurring in this location would be consistent with uses analyzed in the GP/CLUP FEIR. Therefore, the proposed amendments would not result in greater or different impacts related to surface water contamination 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 3.7-8 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.

Implementation of the proposed amendments would not result in new or different development that would increase the risk of exposure to listed/contaminated sites. The

proposed amendments would implement the land use designations established in the GP/CLUP and only allow cannabis uses in existing buildings. In addition, any new construction needed to support a cannabis business would need to separately adhere to existing development standards, GP/CLUP policies (including radon level testing where applicable under Policy SE 10) and would need to go through standard permit processing. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts related to contaminated site, and would not affect the GP/CLUP policies cited as mitigation for 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.

Implementation of the proposed amendments would not result in new or different development that would increase the risk of exposure to contaminated soils. The proposed amendments would implement the land use designations established in the GP/CLUP and only allow cannabis uses in existing buildings. In addition, any new construction needed to support a cannabis business would need to separately adhere to existing development standards, GP/CLUP policies (including radon level testing where applicable under Policy SE 10) and would need to go through standard permit processing. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts related to contaminated site, and would not affect the GP/CLUP policies cited as mitigation for 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 proposed amendments would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the proposed amendments 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 proposed amendments would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the proposed amendments 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 proposed amendments would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the proposed amendments 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 proposed amendments would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the proposed amendments 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 proposed amendments would not affect this analysis presented in the GP/CLUP FEIR for this impact. Thus, the proposed amendments 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 proposed amendments 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 proposed amendments. 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 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 proposed amendments address only cannabis uses on non-residential land and would implement the land use designations established in the GP/CLUP and therefore the type of land uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. No changes to GP/CLUP housing or residential land use designations and policies are included in the proposed amendments. Consequently, the proposed amendments would not change these four housing-related impacts analyzed in the GP/CLUP FEIR. Thus, the proposed amendments would not result in greater or different impacts related to residential land use and housing 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. Further, the proposed amendments ensure consistent protection of residential land uses with a conditional buffer of 50 feet that would prevent storefront cannabis retailers from adversely affected residential quality of life.

**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).

Implementation of the proposed amendments would not result in construction conflicts. The proposed amendments would implement the land use designations established in the GP/CLUP and only allow cannabis uses in existing buildings. In addition, any new construction needed to support a cannabis business would need to separately adhere to existing development standards, GP/CLUP policies and would need to go through standard permit processing. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts related to short-

term construction impacts, and would not affect the GP/CLUP policies cited as mitigation for impacts.

**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 proposed amendments would not impact planned recreational facilities. Consequently, the proposed amendments would not change the impact analyzed in the GP/CLUP FEIR. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts related to planned recreational facilities, and would not affect the GP/CLUP policies cited as mitigation for impacts.

**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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of land uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. While the proposed GP/CLUP amendments include adding storefront cannabis retail as an allowed use in I-G, this allowance would only apply to locations where a cannabis dispensary was located prior to June 16, 2009, the date of the City's former ban on cannabis businesses. This would apply to three existing cannabis uses in the City, including two legal non-conforming uses, which would ensure compatibility of the storefront cannabis retailers with the GP/CLUP policies. The proposed amendments would also allow for cannabis distribution in I-BP. Cannabis distribution would be limited to a maximum floor area of 30,000 square feet per license, which would ensure compatibility of the cannabis distribution operation with the scale, character, and resource demands of business park uses in the City. Lastly, the proposed amendments would allow for cannabis microbusiness licenses in I-G and I-S. As governed by state law and the Ordinance, microbusinesses are inherently small with a very low potential for impacts to the environment, neighborhood character, or public facilities and resources. The limits to size and productivity of the business inherently control the impacts of the business to ensure consistency with the GP/CLUP. In addition, any new construction to support cannabis businesses would need to separately adhere to existing development standards, GP/CLUP policies, and would need to go through standard permit processing (including agency consultation). Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts related to land use consistency, and would not affect the GP/CLUP policies cited as mitigation for impacts.

#### **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 proposed amendments would implement the land use designations established in the GP/CLUP and only allow cannabis uses in existing buildings. In addition, any new construction needed to support a cannabis business would need to separately adhere to existing development standards, GP/CLUP policies and would need to go through standard permit processing. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts related to conservation plans, and would not affect the GP/CLUP policies cited as mitigation for impacts.

#### **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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In the interest of neighborhood compatibility and privacy, the Ordinance amendments include the following stipulations requiring physical and visual separation from storefront cannabis retailers and residential land uses:

Storefront cannabis retailers would be prohibited on parcels within 50 feet of parcels designated for residential land uses unless the following applies:

1. No front door or signage of the cannabis business may face the residential parcel; and
2. The parcel and the residential parcel are separated by a fence, wall, or hedge at least 4 feet high.

These findings would ensure that residential use privacy and neighborhood compatibility would be retained by establishing buffers and/or visual barriers between homes and potential storefront cannabis retailers. In addition, any new construction to support a cannabis business would need to separately adhere to existing development standards,

GP/CLUP policies, and would need to go through standard permit processing, including review by the Design Review Board. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts related neighborhood compatibility or privacy, and would not affect the GP/CLUP policies cited as mitigation for impacts.

**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 proposed amendments would not impact planned recreational facilities. Consequently, the proposed amendments would not change the impact analyzed in the GP/CLUP FEIR. Therefore, the cannabis uses occurring consistent with the proposed amendments would be consistent with land uses analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant impacts related to planned recreational facilities, and would not affect the GP/CLUP policies cited as mitigation for impacts.

**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 proposed amendments would 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 proposed amendments. Consequently, the proposed amendments 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. No new or substantially more

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

**Mitigation Measures**

No modifications to GP/CLUP policies are required to implement the proposed amendments 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 proposed amendments 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 proposed amendments would allow cannabis uses within existing buildings and 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 needed to support a cannabis use would need to separately 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 proposed amendments implementation 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 proposed amendments would allow cannabis uses within existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction needed to support a cannabis business would need to separately 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 proposed amendment implementation 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 proposed amendments would allow cannabis uses within existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction needed to support a cannabis business would need to separately 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 proposed amendment implementation 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 proposed amendments would allow cannabis uses within existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction needed to support a cannabis business would need to separately 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 proposed amendment implementation would not be greater than those analyzed in the



GP/CLUP FEIR, would not have the potential to result in new significant tsunami or mudslide 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 proposed amendments would allow cannabis uses within existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction needed to support a cannabis business would need to separately 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 of point and nonpoint source pollution resulting from proposed amendment implementation would not be greater than those analyzed in the GP/CLUP FEIR, would not have the potential to result in new significant water contamination 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 proposed amendments would not have any impact on the Bradbury Dam, which is located outside of the City of Goleta. In addition, as noted above, the proposed amendments would implement 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 proposed amendments 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 proposed amendments 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 proposed amendments 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 proposed amendments would allow cannabis uses within existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction needed to support a cannabis business would need to separately 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 proposed amendments would allow cannabis uses within existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. Proposed commercial uses under the proposed amendments would be consistent with and would be similar to other permitted uses in the allowed land use designations with more regulation and restrictions than on other types of retail and distribution. In addition, any new construction needed to support a cannabis business would need to separately adhere to existing development standards, GP/CLUP policies (including Policies NE 2 and NE 7) and would need to go through standard permit processing.

In addition, as described in Chapter 3.12, Transportation and Circulation, 2013 data have 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. Further, cannabis uses generally only require light-duty

vehicles and delivery vans to operate. Cannabis products are small and light, so transport of cannabis products is generally not conducted via semi-trucks, which contains potential roadway noise associated with cannabis businesses to levels analyzed in the GP/CLUP FEIR. As a result, no additional impacts or substantial increase in operational 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of land uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. Proposed commercial uses would be consistent with and would be similar to other permitted uses in the land use designation with more regulation and restrictions than other types of retail and distribution. Though no increased noise levels are anticipated with proposed storefront cannabis retailer activity compared to existing commercial uses, the Ordinance amendments would provide added separation and/or require a barrier that would minimize associated commercial noise from sensitive receptors, including the Goleta Valley Community Center, schools, and residential parcels, as described in Section 1.3. The added buffers and in the case of residential parcels, a fence, wall, or hedge would further minimize potential impacts associated with storefront cannabis retailer noise generation. In addition, any new construction needed to support a cannabis business would need to separately 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.

As described in Chapter 3.12, Transportation and Circulation, 2013 data have 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. Further, cannabis uses generally only require light-duty vehicles and delivery vans to operate. Cannabis products are small and light, so transport of cannabis products is generally not conducted via semi-trucks, which contains potential roadway noise associated with cannabis businesses to levels analyzed in the GP/CLUP FEIR. As a result, no additional impacts or substantial increase in operational 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 proposed amendments would allow cannabis uses within existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. The proposed amendments would not affect rail corridors or adjacent residential land uses. 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 proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of land uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. Proposed commercial uses would be consistent with and would be similar to other permitted uses in the land use designation with more regulation and restrictions than other types of retail and distribution. Cannabis uses would be contained within existing buildings. While allowed in industrial areas in the City, cannabis uses do not generate high levels of industrial or point source noise. Even cannabis manufacturing is a low-noise generating use. Though no increased noise levels are anticipated with proposed storefront cannabis retailer activity compared to existing commercial or industrial uses, the Ordinance amendments would provide

added separation and/or require a barrier that would minimize associated commercial noise from sensitive receptors, including the Goleta Valley Community Center, schools, and residential parcels, as described in Section 1.3. The added buffers and in the case of residential parcels, a solid fence, wall, or hedge would further minimize potential impacts associated with storefront cannabis retailer noise generation during daytime business hours. In addition, any new construction needed to support a cannabis business would need to separately 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. As a result, no additional impacts or substantial increase in operational 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 proposed amendments would allow cannabis uses within existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. The proposed amendments would not affect airport noise or related sensitive land uses. 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 proposed amendments 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 proposed amendments implement the land use 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 proposed amendments; 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 proposed amendments would allow cannabis uses within existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new construction needed to support a cannabis business would need to separately adhere to GP/CLUP policies (including Policies PF 2, PF 3, and PF 9) and Zoning Ordinance procedures.

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. Further, cannabis products are generally transported via standard pickup trucks, locked vans, or armored vehicles within a required lock box or secure container affixed to the vehicle, as well as an alarm system. MAUCRSA requires that the transportation of cannabis and cannabis products may only be conducted by persons or employees of persons holding a distributor license. Distributors must also conduct quality assurance review to ensure compliance with testing, labeling, and packing requirements. As noted above, the existing Ordinance

requirements a state license to operate. Thus, these state security standards must be in place at all times. These security measures shall 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 proposed amendments would allow cannabis business in existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of cannabis uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new development needed to support a cannabis business would need to separately 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 proposed amendments would allow cannabis business in existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of cannabis uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new development needed to support a cannabis business would need to separately 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 proposed amendments would allow cannabis business in existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of cannabis uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new development needed to support a cannabis business would need to separately adhere to GP/CLUP policies (including Policies PF 6, PF 7, PF 8, PF 9, and CE 13). Therefore, there would be no new impacts on demand for utilities services and energy 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 proposed amendments would allow cannabis business in existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of cannabis uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, the proposed amendments include buffer requirements from schools to support safe operation of these uses. 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 proposed amendments would allow cannabis business in existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of cannabis uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. Therefore, there would be no new impacts on demand for library facilities and services that have not been previously examined or 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 proposed amendments would allow cannabis business in existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of cannabis uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new development needed to support a cannabis business would need to separately adhere to GP/CLUP policies (including Policies LU 1, LU 12, CE 15, PF 4, and PF 9). Therefore, there would be no new impacts on demand for water that have not been previously examined or 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 proposed amendments would allow cannabis business in existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of cannabis uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new development needed to support a cannabis business would need to separately 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 proposed amendments would allow cannabis business in existing buildings and would implement the land use designations established in the GP/CLUP and therefore the type of cannabis uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new development needed to support a cannabis business would need to separately adhere to GP/CLUP policies (including Policy PF 9). 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 proposed amendments 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 proposed amendments 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 proposed amendments 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 proposed amendments would allow cannabis business in existing buildings as part of an existing mix of commercial and industrial uses in the City. In operation, cannabis retail and distribution are similar to other types of retail and distribution already allowed in these land uses in the City. The proposed amendments would implement the land use designations established in the GP/CLUP, and therefore, the type of use occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. As a result, the proposed amendments would 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.<sup>4</sup>

The proposed amendments would allow cannabis business in existing buildings as part of an existing mix of commercial and industrial uses in the City. In operation, cannabis retail and distribution are similar to other types of retail and distribution already allowed in these land uses in the City. The proposed amendments would implement the land use designations established in the GP/CLUP, and therefore, the type of use occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new development needed to support a cannabis business would need to separately adhere to GP/CLUP policies (including Policies TE 1, TE 4, TE 5, and TE 13). Accordingly, the proposed amendments 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 proposed amendments would allow cannabis business in existing buildings as part of an existing mix of commercial and industrial uses in the City. In operation, cannabis retail and distribution are similar to other types of retail and distribution already allowed in these land uses in the City. The proposed amendments would implement the land use 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, proposed amendments implementation impacts resulting from increased traffic volumes would remain less than significant.

**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 proposed amendments would allow cannabis business in existing buildings as part of an existing mix of commercial and industrial uses in the City. In operation, cannabis retail and distribution are similar to other types of retail and distribution already allowed in these land uses in the City. The proposed amendments would implement the land use

---

<sup>4</sup> 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

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 proposed amendments would allow cannabis business in existing buildings as part of an existing mix of commercial and industrial uses in the City. In operation, cannabis retail and distribution are similar to other types of retail and distribution already allowed in these land uses in the City. The proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of land uses occurring in these locations would be consistent with land uses 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 proposed amendments would allow cannabis business in existing buildings as part of an existing mix of commercial and industrial uses in the City. In operation, cannabis retail and distribution are similar to other types of retail and distribution already allowed in these land uses in the City. The proposed amendments would implement the land use designations established in the GP/CLUP and therefore the type of land uses occurring in these locations would be consistent with land uses analyzed in the GP/CLUP FEIR. In addition, any new development needed to support a cannabis business would need to separately 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 proposed implementation impacts from the GP/CLUP FEIR.

## **Mitigation Measures**

No modifications to GP/CLUP policies are required to implement the proposed amendments 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 NO<sub>x</sub> Emissions (Impact 3.3-5, Class I);
- Cumulative PM<sub>10</sub> 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 proposed amendments were prepared 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 land use designations. As described above, the implementation of the proposed amendments would not result in changes to the cumulative impacts as described in the GP/CLUP FEIR.

## **4. CEQA Finding**

The proposed amendments are within the scope of analysis for the GP/CLUP FEIR. Based on this Addendum review of the proposed amendments, 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 amendments to the GP/CLUP and other related actions.



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

*This Page Intentionally Left Blank*

## 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
<b>Cultivation</b>												
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
<b>Manufacturing</b>												
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
<b>Testing Laboratory</b>	-	-	-	-	-	-	X	X	-	X	-	Research and Development
<b>Retail</b>												
Storefront	X	X	X	-	-	X	-	-	-	X	-	General Merchandise; Apparel and Specialty Stores
Non-Storefront	-	-	-	-	-	X	-	-	X	X	-	Other Services
<b>Distributor</b>	-	-	-	-	-	X	X	-	X	X	-	General Wholesale Trade
<b>Microbusiness</b>	-	-	-	-	-	X	-	-	X	X	-	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

*This Page Intentionally Left Blank*

## Attachment 2

Planning Commission Resolution 19-\_\_: “A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council approval of a General Plan Amendment to amend the Land Use Element Tables 2-1 through 2-4 for various Cannabis-related use clarifications”

*This Page Intentionally Left Blank*

## RESOLUTION NO. 19 - \_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE LAND USE ELEMENT TABLES 2-1 THROUGH 2-4 FOR VARIOUS CANNABIS-RELATED USE CLARIFICATIONS**

**WHEREAS** the Goleta General Plan / Coastal Land Use Plan (“General Plan”) is the City’s official policy that guides land use and physical development of the geographic area of the incorporated City limits; and

**WHEREAS** California Government Code Section 65350 et seq., authorizes cities and counties to prepare, adopt and amend General Plans and their elements; and

**WHEREAS** California Government Code Section 65358(a) reads, “If it deems it to be in the public interest, the legislative body may amend all or part of an adopted General Plan. An amendment to the General Plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the General Plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment.”; and

**WHEREAS** City Council Resolution No. 12-13 establishes a procedure for the initiation of processing of requests for a General Plan Amendment; and

**WHEREAS** City Council Resolution No. 12-13 requires the City Council to consider certain factors for the initiation of General Plan amendments including consistency with the Guiding Principles and Goals of the General Plan, consistency with the surrounding community or General Plan, possible public benefits, availability of or the future study of the availability of public services, or rules or regulations that may drive the need to amend the General Plan; and

**WHEREAS**, on October 2, 2018, the City Council adopted Resolution 18-53 initiating a General Plan Amendment to Land Use Element Tables 2-1 through 2-4; and

**WHEREAS** the amendments to the General Plan Land Use Element are to clarify cannabis-related uses and land use designations; and

**WHEREAS** the Planning Commission conducted a duly noticed public hearing on March 11, 2019, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), an Addendum to the Certified Final EIR for the General Plan/Coastal Land Use Plan (GP/CLUP) (SCH #2005031151) was prepared to address the changes in environmental effects associated with the proposed cannabis-related Land Use Element amendments; and

**WHEREAS** the Planning Commission considered the entire administrative record, including staff reports, the General Plan, and oral and written testimony from interested persons.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GOLETA, AS FOLLOWS:**

### **SECTION 1. RECITALS**

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

### **SECTION 2. APPROVAL OF GENERAL PLAN AMENDMENT**

The Planning Commission has considered all required factors outlined in City Council Resolution No. 12-13 and has determined the following:

- (a) The amendments, referred to as Exhibit 3 of this Resolution, are in the public interest pursuant to Section 65358 of the Government Code, supporting findings and the reasons for which are attached as Exhibit 1 of this Resolution; and
- (b) The amendments, referred to as Exhibit 3 of this Resolution, are consistent with the California Coastal Act of 1976, Public Resources Code Sections 30000 et seq., according to the supporting findings and reasons for which are attached as Exhibit 2 of this Resolution; and

### **SECTION 3. COMPLIANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65358**

The Planning Commission hereby recommends that the City Council deem that the amendments to the General Plan Land Use Element are in the public interest because the amendments add clarity regarding allowed cannabis uses, as further described in Exhibit 1.

### **SECTION 4. RECOMMENDATION**

The Planning Commission hereby recommends that the City Council adopt the amendments to the General Plan Land Use Element, included as Exhibit 3 (Tables 2-1 through 2-4).

### **SECTION 5. DOCUMENTS**

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

### **SECTION 6. 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 11<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
PLANNING COMMISSION CHAIR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK

\_\_\_\_\_  
WINNIE CAI  
ASSISTANT 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 Resolution No. 19-\_\_ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the 11<sup>th</sup> day of March, 2019 by the following vote of the Commission:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

---

DEBORAH S. LOPEZ  
CITY CLERK

## **EXHIBIT 1**

**GENERAL PLAN FINDINGS UNDER GOVERNMENT CODE SECTION 65358 THAT  
PROPOSED LAND USE ELEMENT AMENDMENTS ARE IN THE PUBLIC INTEREST**



## EXHIBIT 1

### **GENERAL PLAN FINDINGS UNDER GOVERNMENT CODE SECTION 65358 THAT PROPOSED LAND USE ELEMENT AMENDMENTS ARE IN THE PUBLIC INTEREST**

The Planning Commission recommends that the City Council find that the following benefits resulting from the Land Use Element Amendments are in the public interest:

1. The General Plan Amendment is in response to the requirement of the State Government Code to provide a long-term plan and policy framework for land uses in each jurisdiction, including distribution, location, and extent of a range of uses. The amendments would promote the intention of the General Plan/Coastal Land Use Plan to determine the planned long-range development pattern and physical character of the City with consideration of a range of concerns and needs of the City and its residents, including the amounts, locations, and characteristics of land uses.
2. The General Plan Amendment encourages economic prosperity with a sustainable economy that is not based on growth but rather on opportunities for a new local cannabis industry operating within existing commercial and industrial spaces, including maintenance of high-quality retail and commercial centers.
3. The General Plan Amendment continues to allow implementation of Land Use Element policy to revitalize the Old Town area with opportunities for storefront cannabis retailers in existing commercial spaces.
4. The General Plan Amendment continues to support existing employment centers in their role of providing employment in the community by expanding cannabis business opportunities within existing commercial and industrial spaces in the City.
5. The General Plan Amendment continues to reflect the community's goals and aspirations for Goleta by contributing to a balanced community with a mix of residences and workplaces where cannabis businesses would contribute to and meld with existing commercial and industrial uses in the City and avoid adversely influencing residential neighborhoods.
6. The General Plan Amendment supports compatibility with the character, scale, and design of neighborhoods in the City where residential land uses would be protected from perceptible adverse effects of cannabis businesses.
6. The General Plan Amendment facilitates the guidance of future physical changes and public decision making in a lawful manner that is comprehensive, long range, and internally consistent.
7. The General Plan Amendment facilitates the four core goals and objectives of the Goleta General Plan/Coastal Land Use Plan:
  - a. The provision of a unified and coherent framework and vision for the future of Goleta.
  - b. The provision of a basis for future decisions by the City on implementing ordinances such as zoning and subdivision codes, individual development project applications, and public investments in infrastructure and services.

- c. Informing the public of the City's policies and provision of a means to invite public participation in the decision-making process.
- d. Guidance for private landowners, developers, and other public agencies in formulating projects and designs that is consistent with City policies.

8. The General Plan Amendment facilitates the eleven core goals of the Goleta General Plan/Coastal Land Use Plan Land Use Element:

- a. New Development. Goleta is a balanced community that values preservation of sensitive habitats and other resources.
- b. Open Space. Goleta provides accessible open space to residential neighborhoods as well as a greenbelt around the City's northern, western, and southern boundaries.
- c. Agriculture. Goleta preserves agricultural lands to support agricultural production and local food supply, specialty agriculture, and floriculture.
- d. Economy. Goleta maintains economic prosperity with a sustainable economy that is not based on growth.
- e. Quality of Life. Goleta maintains service levels by managing the types, amounts, and timing of growth.
- f. Community. Goleta maintains a balanced community with a mix of residences, workplaces, and services.
- g. Jobs. Goleta maintains a balance of job-generating development and housing.
- h. Housing. Goleta maintains a mix of housing types, densities, and sizes for quality, livable environments.
- i. Development. Goleta ensures the locations, amounts, and timing of new development are consistent with resource and service constraints.
- j. Character. Goleta strives for compatible character, scale, and design in each neighborhood.
- k. Region. Goleta aims to influence land use planning outside the City to protect the City from impacts.

## **EXHIBIT 2**

### **FINDINGS OF CONSISTENCY WITH THE COASTAL ACT**

#### **General Finding**

The Planning Commission finds that any policies, standards or regulations of the General Plan/Coastal Land Use Plan (GP/CLUP) applicable to the City of Goleta's Coastal Zone shall be interpreted and applied consistent with the California Coastal Act of 1976, Public Resources Code Sections 30000 et seq. (the "Coastal Act").

#### **Specific Findings and Reasons**

The Planning Commission finds that the GP/CLUP, as it applies to the Coastal Zone, is intended to be consistent and shall not be interpreted in a manner which conflicts with the Coastal Act. The Planning Commission recognizes that the GP/CLUP is the City's combined General Plan and Coastal Land Use Plan. The Planning Commission further recognizes that portions of the GP/CLUP consist only of the General Plan, other portions consist only of the Coastal Land Use Plan and other portions consist of both the General Plan and Coastal Land Use Plan. The Planning Commission finds that it is the intent of the GP/CLUP that those portions that include the City's Coastal Land Use Plan shall be interpreted and applied consistently with the Coastal Act, which may include a determination of whether a portion of the GP/CLUP that combines the General Plan and Coastal Land Use Plan is being applied to the Coastal Zone, in which case the interpretation may change to be consistent with the Coastal Act.





**EXHIBIT 3**  
**LAND USE ELEMENT TABLES 2-1 THROUGH 2-4**



**TABLE 2-1**  
**ALLOWABLE USES AND STANDARDS FOR RESIDENTIAL USE CATEGORIES**

Allowed Uses and Standards	Residential Use Categories				
	R-SF	R-P	R-MD	R-HD	R-MHP
<b>Residential Uses</b>					
One Single-Family Detached Dwelling per Lot	X	X	-	-	-
Single-Family Attached and Detached Dwellings	X	X	X	X	-
Multiunit Apartment Dwellings	-	X	X	X	-
Mobile Home Parks	-	-	-	-	X
Second (Accessory) Residential Units	X	X	-	-	-
Assisted-Living Residential Units	-	-	X	X	-
<b>Other Uses</b>					
Religious Institutions	X	X	X	X	-
Small-Scale Residential Care Facility	X	X	-	-	-
Small-Scale Day Care Center	X	X	X	X	X
Public and Quasi-public Uses	X	X	X	X	-
<b>Accessory Uses</b>					
Home Occupations	X	X	X	X	X
<b>Standards for Density and Building Intensity</b>					
<b><i>Recommended Standards for Permitted Density</i></b>					
Maximum Permitted Density (units/acres)	5 or less	5.01–13	20	30	15
Minimum Permitted Density (units/acres)	N/A	N/A	15	15	N/A
<b><i>Recommended Standards for Building Intensity</i></b>					
Structure Height (Inland Area)	25 feet	35 feet	35 feet	35 feet	25 feet
Structure Height (Coastal Zone)	25 feet	25 feet	25 feet	25 feet	25 feet
Maximum Lot Coverage Ratio	N/A	0.30	0.30	0.40	N/A
Notes: 1. Use Categories: R-SF– Single-Family Residential; R-P – Planned Residential; R-MD – Medium-Density Residential; R-HD – High-Density Residential; R-MHP – Mobile Home Park. 2. X indicates use is allowed in the use category; - indicates use not allowed. 3. General Note: Some uses requiring approval of a conditional use permit are set forth in text policies, and others are specified in the zoning code. 4. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause. 5. Central Hollister Housing Opportunity Sites in the R-MD land use designation (as identified in Housing Element Subpolicy HE11.6) shall provide for development of residential units at densities ranging from a minimum of 20 to a maximum of 25 units per acre. 6. N/A = Not applicable. 7. Accessory uses to the allowed uses in this table are regulated through zoning. (Amended by Reso. 08-30, 6/17/08, Reso. 09-32, 5/19/09, Reso. 09-44, 8/18/10, and Reso. 19-XX, X/X/19)					

**TABLE 2-2**  
**ALLOWABLE USES AND STANDARDS FOR COMMERCIAL USE CATEGORIES**

Allowed Uses and Standards	Commercial Use Categories					
	C-R	C-C	C-OT	C-VS	C-I	C-G
<b>Retail Trade</b>						
Large-Scale Retail Establishments	X	X	–	–	–	–
General Merchandise	X	X	X	–	–	X
Food and Drug Stores	X	X	X	–	X	X
Apparel and Specialty Stores	X	X	X	–	–	X
Building/Landscape Materials and Equipment	X	X	X	–	–	X
Eating and Drinking Establishments	X	X	X	X	X	X
Other Retail Trade Establishments	X	X	X	X	–	X
Coastal-Related Commercial	X	X	X	X	–	–
Cannabis Storefront Retail	X	X	X	–	–	X
<b>Services (Including Offices)</b>						
Finance, Insurance, and Real Estate	X	X	X	–	–	X
Personal Services	X	X	X	–	–	X
Business Services	–	X	X	–	–	X
Information Technology Services	–	–	–	–	–	X
Professional Services	–	X	X	–	–	X
Medical and Health-Related Services	X	X	X	–	–	–
Educational Services	–	–	X	–	–	X
Entertainment and Recreation Services	X	X	X	X	–	–
Building and Construction Services	–	–	–	–	–	X
Other Services	X	X	X	X	X	X
<b>Transient Lodging and Services</b>						
Resorts	–	–	–	X	–	–
Hotels, Motels, Bed and Breakfast Inns	X	X	X	X	–	–
RV Parks	–	–	X	X	–	X
Other Visitor Services and Attractions	–	–	–	X	–	X
<b>Auto-Related Uses</b>						
Retail – Automotive Sales and Rentals	–	–	X	–	–	X
Auto Repair and Painting	–	–	–	–	–	X
Auto Wrecking Yard/Junk Yard	–	–	–	–	–	X
Auto Service (Gas) Station	X	–	X	–	X	X
Car Wash	–	X	X	–	X	X
<b>Wholesale Trade and Storage</b>						
General Wholesale Trade	–	–	–	–	–	X
Warehousing – General	–	–	–	–	–	X
Warehousing – Self-Storage	–	–	–	–	–	X
Outdoor Storage	–	–	–	–	–	X
<b>Residential Uses</b>						
Residential Units	–	X	X	–	–	–
One Caretaker Unit	X	X	X	X	–	X
Assisted-Living Residential Units	–	–	–	–	–	X
<b>Other Uses</b>						
Religious Institutions	–	X	X	–	–	X
Public and Quasi-public Uses	X	X	X	–	X	X
Wireless Communications/Telecommunications	X	X	X	X	X	X
Cannabis Microbusiness	–	–	–	–	–	X*
<b>Standards for Density and Building Intensity</b>						
<b>Recommended Standards for Density</b>						
Maximum Residential Density	N/A	12/acre	20/acre	N/A	N/A	20/acre
<b>Recommended Standards for Building Intensity</b>						
Structure Height	35 feet	35 feet	30 feet	35 feet	25 feet	35 feet
Maximum Lot Coverage Ratio	N/A	N/A	N/A	N/A	N/A	N/A
Notes: 1. Use Categories: C-R – Regional Commercial; C-C – Community Commercial; C-OT – Old Town Commercial; C-VS – Visitor Commercial; C-I – Intersection; Commercial; C-G – General Commercial. 2. X indicates use is allowed in the use category; – indicates use not allowed. 3. General Note: Some uses requiring approval of a conditional use permit are as set forth in text policies, and others are specified in the zoning code. 4. Wholesale trade is permitted within the C-R use category, provided that it is an integral part of a retail trade use. 5. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause. 6. N/A = Not applicable. 7. Accessory uses to the allowed uses in this table are regulated through zoning. * Cannabis microbusiness, as defined by Section 26070 of the California Business and Professions Code, is allowed on parcels designated C-G only where a cannabis business legally existed prior to June 16, 2009. (Amended by Reso. 08-30, 6/17/08, Reso. 09-32, 5/19/09, and Reso. 19-XX, X/X/19)						

**TABLE 2-3  
ALLOWABLE USES AND STANDARDS FOR OFFICE AND INDUSTRIAL USE  
CATEGORIES**

Allowed Uses and Standards	Office and Industrial Use Categories			
	I-BP	I-OI	I-S	I-G
<b>Industrial (Manufacturing)</b>				
General Manufacturing – No Noxious Impacts	X	–	X	X
General Manufacturing – Potential Noxious Impacts	–	–	–	X
Research and Development	X	X	–	X
Scientific and Similar Instruments	X	X	–	X
Bio-Medical Technology	X	X	–	X
Other Advanced Technology	X	X	–	X
<b>Transportation and Utilities</b>				
Transportation (other than right-of-way)	–	–	X	X
Wireless Communications/Telecommunications	X	X	X	X
Utilities	X	X	–	–
<b>Retail Trade</b>				
Building/Landscape Materials and Equipment	–	X	–	X
Eating and Drinking Establishments	X	X	–	–
Other Retail Trade Establishments	X	X	–	–
Cannabis Storefront Retail	–	–	–	X**
<b>Services (Including Offices)</b>				
Finance, Insurance, and Real Estate	X	X	–	–
Personal Services	X	X	–	–
Business Services	X	X	–	–
Information Technology Services	X	X	–	–
Professional Services	–	X	–	–
Medical and Health-Related Services	–	X	–	–
Educational Services	–	X	–	–
Entertainment and Recreation Services	–	X	–	–
Building and Construction Services	–	–	X	X
Other Services	–	–	X	X
<b>Auto-Related Uses</b>				
Automotive Sales and Rentals	–	–	X	X
Auto Repair and Painting	–	–	X	X
Auto Wrecking Yard/Junk Yard	–	–	X	X
Auto Service (Gas) Station	–	–	–	X
<b>Wholesale Trade and Storage</b>				
General Wholesale Trade	X***	–	X	X
Warehousing – General	X*	–	X	X
Warehousing – Self-Storage	–	–	X	X
Outdoor Storage	–	–	X	X
<b>Residential Uses</b>				
Residential Units	–	X	–	–
One Caretaker Unit Per Parcel	X	X	X	X
Assisted-Living Residential Units	–	X	–	–
<b>Other Uses</b>				
Public and Quasi-public Uses	X	X	X	X
Religious Institutions	–	X	–	–
Cannabis Microbusiness	–	–	X	X
<b>Standards for Density and Building Intensity</b>				
<b>Recommended Standards for Density</b>				
Maximum Residential Density	N/A	20units/acre	N/A	N/A
<b>Recommended Standards for Building Intensity</b>				
Structure Heights	35 feet	35 feet	35 feet	35 feet
Maximum Lot Coverage Ratio	0.35	0.40	N/A	N/A
Notes: 1. Use Categories: I-BP – Business Park; I-OI – Office and Institutional; I-S – Service Industrial; I-G – General Industrial. 2. X indicates use is allowed in the use category; - indicates use not allowed. 3. General Note: Some uses requiring approval of a conditional use permit are set forth in text policies, and others are specified in the zoning code. 4. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause. 5. N/A = Not applicable. 6. Accessory uses to the allowed uses in this table are regulated through zoning. * Warehousing is allowed on parcels designated Business Park (I-BP) if it is in association with a permitted use. ** Cannabis Storefront Retail is allowed on parcels designated General Industrial (I-G) where a medical marijuana dispensary legally existed prior to June 16, 2009. *** General Wholesale Trade in Business Park (I-BP) is limited to Cannabis Distribution. (Amended by Reso. 08-30, 6/17/08, Reso. 09-32, 5/19/09, and Reso. 19-XX, X/X/19)				

**TABLE 2-4**  
**ALLOWABLE USES AND STANDARDS FOR OTHER LAND USE CATEGORIES**

Allowed Uses and Standards	Other Land Use Categories			
	AG	OS-PR	OS-AR	P-S
<b>Residential Uses</b>				
One Single-Family Detached Dwelling per Lot	X	-	-	-
Farmworker Residential Units	X	-	-	-
Second Residential Dwelling Unit	X	-	-	-
Caretaker Residential Unit	-	-	X	X
<b>Agricultural Uses</b>				
Orchards and Vineyards	X	-	-	-
Row Crop Production	X	-	-	-
Specialty Agriculture and Floriculture	X	-	-	-
Livestock Grazing	X	-	-	-
Small-Scale Confined Animal Operations	X	-	-	-
Small-Scale Agricultural Processing	X	-	-	-
Small-Scale Greenhouses	X	-	-	-
Sale of On-Site Agricultural Products	X	-	-	-
Other	X	-	-	-
<b>Open Space and Outdoor Recreation</b>				
Active Recreation	-	-	X	X
Open Space and Passive Recreation	-	X	X	X
Golf Course, including customary ancillary uses and structures	-	-	X	X
Nature Preserve	-	X	X	X
<b>Public and Quasi-public Uses</b>				
General Government Administration	-	-	-	X
Fire Stations	X	-	-	X
Schools (Public and Private)	-	-	-	X
Other Government Facilities	-	-	-	X
<b>Other Uses</b>				
Religious Institutions	-	-	-	X
Small-Scale Residential Care Facility	X	-	-	-
Small-Scale Day Care Center	-	-	-	X
Wireless Communications/Telecommunications	X	-	-	X
<b>Recommended Standards for Building Intensity</b>				
Structure Height	N/A	N/A	N/A	N/A
Maximum Lot Coverage Ratio	N/A	N/A	N/A	N/A
<b>Notes:</b> 1. Use Categories: AG: Agriculture; OS-PR: Open Space/Passive Recreation; OS-AR: Open Space/Active Recreation; P-S: Public and Quasi-public Uses. 2. X indicates use is allowed in the use category; - indicates use not allowed. 3. General Note: Some uses requiring approval of a conditional use permit are set forth in text policies, and others are specified in the zoning code. 4. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause. 5. N/A = Not Applicable. 6. Accessory uses to the allowed uses in this table are regulated through zoning. (Amended by Reso. 08-30, 6/17/08, Reso. 09-32, 5/19/09, and Reso. 19-XX, X/X/19)				

### Attachment 3

Planning Commission Resolution 19-\_\_: “A Resolution of the Planning Commission of the City of Goleta, California, Recommending to the City Council approval of an Amendment to Ordinance No. 18-03”

*This Page Intentionally Left Blank*



## RESOLUTION NO. 19-\_\_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE TO REGULATE CANNABIS USES**

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

**WHEREAS**, on July 17, 2018, the City Council adopted Ordinance No. 18-03 to establish land use regulations for cannabis uses within the City; and

**WHEREAS** the City desires to modify its land use regulations of cannabis uses by repealing Ordinance No. 18-03 and adopting this Ordinance in its place; and

**WHEREAS**, on October 2, 2018, the City Council adopted Resolution 18-53 initiating amendments to the Cannabis Land Use Ordinance; and

**WHEREAS** the Planning Commission conducted a duly noticed public hearing on March 11, 2019, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), an Addendum to the Certified Final EIR for the General Plan/Coastal Land Use Plan (GP/CLUP) (SCH #2005031151) was prepared to address the changes in environmental effects associated with the proposed Cannabis-related Land Use Ordinance amendments; and

**WHEREAS** the Planning Commission considered the entire administrative record, including staff reports, the General Plan, the Cannabis Land Use Ordinance, and oral and written testimony from interested persons.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GOLETA AS FOLLOWS:**

**SECTION 1. Recitals**

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

**SECTION 2. Recommendation of Cannabis Land Use Ordinance Adoption to the City Council**

The Planning Commission has reviewed the Cannabis Land Use Ordinance, attached as Exhibit 1 and incorporated herein by reference, and finds that the Ordinance complies with and adequately implements the applicable Land Use Policies of the City's General Plan/Coastal Land Use Plan and reflects sound planning principles. 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. The Planning Commission hereby directs staff to report this finding to the City Council of the City of Goleta.

**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 11<sup>th</sup> day of March 2019.

---

JENNIFER R. SMITH  
CHAIR, PLANNING COMMISSION

ATTEST:

APPROVED AS TO FORM:

---

DEBORAH LOPEZ  
CITY CLERK

---

WINNIE CAI  
DEPUTY 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 Planning Commission Resolution No. 19-\_\_ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the 11<sup>th</sup> day of March 2019, by the following vote of the Commission members:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

---

DEBORAH LOPEZ  
CITY CLERK

**EXHIBIT 1**  
**CANNABIS LAND USE ORDINANCE**



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
GOLETA, CALIFORNIA, REPEALING ORDINANCE NO.  
18-03, 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 desires to allow cannabis businesses to operate within the City and regulate them; and

**WHEREAS**, on October 2, 2018, the City Council adopted Resolution 18-53 initiating amendments to the Cannabis Land Use Ordinance; and

**WHEREAS** the Planning Commission conducted a duly noticed public hearing on March 11, 2019, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), an Addendum to the Certified Final EIR for the General Plan/Coastal Land Use Plan (GP/CLUP) (SCH #2005031151) was prepared to address the changes in environmental effects associated with the proposed Cannabis-related Land Use Ordinance amendments; and

**WHEREAS** the Planning Commission considered the entire administrative record, including staff reports, the General Plan, the Cannabis Land Use Ordinance, and oral and written testimony from interested persons.

**WHEREAS** a public hearing was held on March 11, 2019 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. 19-XX by a majority vote, recommending adoption of this Ordinance (Case No. 18-135) to the City Council.

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**

- A. The California Environmental Quality Act (CEQA) requires that the environmental impacts of the action be assessed. This Ordinance 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.

### **SECTION 4. Repeals**

- A. Ordinance No. 18-03 is hereby repealed.
- B. The following provisions were repealed by Ordinance No. 18-03, and are hereby again repealed:



1. 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.”
2. Repeal Section 35-292i, entitled “Commercial Cannabis Activities,” of Division 7 of Article III of the Inland Zoning Ordinance in its entirety.
3. 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.”
4. Repeal Section 35-144G, entitled “Commercial Cannabis Activities,” of Division 7 of Article II of the Coastal Zoning Ordinance in its entirety.
5. 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 non-manufactured 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.* This Subsection E applies only to Personal Use Cultivation.

- 1. Zoning. Personal Use Cultivation, consistent with the requirements of this Subsection E, is allowed in all Inland Zoning Districts and all Coastal Zoning Districts, and a land use permit is not required.
- 2. Standards.
  - a. 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.
  - b. Personal use cultivation is limited to indoor cultivation in a permanently affixed, fully enclosed structure.
  - c. 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.
  - d. No exterior evidence of cultivation occurring at the property can be visible from the public right-of-way.
  - e. Cultivation is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.
  - f. 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.
  - g. Cannabis plants cultivated must remain at least 12 inches below the ceiling.
  - h. 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.

- i. Cultivation may not interfere with the primary occupancy of the building or structure, including regular use of the kitchen(s) or bathroom(s).
  - j. 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.
  - k. 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. The use of CO2 or any volatile solvents to manufacture cannabis products is prohibited.
  - l. Nothing in the section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation by tenants.
  - m. 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. Commercial Cannabis Uses.** This Subsection F applies to all cannabis uses other than Personal Use Cultivation.
- 1. **Zoning.** Cannabis Uses, consistent with the requirements of this Subsection F, are allowed only locations based on the commercial and industrial General Plan land use designations as prescribed in Table 1. Outdoor Cultivation and Mixed-Light Cultivation are prohibited.

<b>Table 1. Cannabis Uses by Land Use Designation</b>										
Cannabis Uses	Land Use Designations <sup>1</sup>									
	Commercial						Office and Industrial			
	C-R	C-C	C-OT	C-I	C-V	G-C	I-BP	I-OI	I-S	I-G
Cannabis Cultivation	See Subclassifications below.									
Indoor Cultivation							P		P	P
Nursery							P		P	P
Processor							P		P	P
Cannabis Distribution						P	P <sup>3</sup>		P	P
Cannabis Manufacturing	See Subclassifications below.									
Non-Volatile Solvent							P		P	P
Volatile Solvent Manufacturing							P		P	P
Infusions							P		P	P
Packaging and Labeling							P		P	P
Cannabis Microbusiness <sup>2</sup>						P <sup>5</sup>			P	P
Cannabis Retailer	See Subclassifications below.									
Storefront	P	P	P			P				P <sup>4</sup>
Non-Storefront	P	P				P			P	P
Cannabis Testing							P	P		P

<b>Table 1. Cannabis Uses by Land Use Designation</b>
<p>Key:</p> <p>P: Land use permitted.</p> <p>Blank: Land use prohibited.</p>
<p>Notes:</p> <p>1. For the purposes of this Ordinance, the land use designations set forth in Table 1 shall be deemed zoning classifications. The zoning classifications shall correspond to the land use designations in the General Plan, which is hereby adopted as the City's official zoning map solely for purposes of this Ordinance.</p> <p>2. For Cannabis Microbusinesses, no storefronts are allowed except for existing storefronts. A Cannabis Microbusiness shall not have any accessory uses and shall not be an accessory use.</p> <p>3. Floor area of each licensed distributor shall not exceed 30,000 square feet.</p> <p>4. Storefront cannabis retailers allowed within I-G only in locations where a cannabis dispensary was legally located prior to June 16, 2009, the date of the City's former ban on cannabis businesses.</p> <p>5. Microbusinesses in G-C are only allowed for cannabis businesses legally located prior to June 16, 2009.</p>

## 2. Standards.

### a. All Cannabis Uses.

#### i. Licenses.

- 1) 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:
  - a) Obtain the requisite State cannabis license for the cannabis use prior to the commencement of the use, and
  - b) Conduct the cannabis use in compliance with the State cannabis license at all times.
- 2) City Cannabis Business License (CBL). The permittee of a cannabis use must:
  - a) Obtain a CBL (Goleta Municipal Code, Ch. 5.09) from the City of Goleta prior to the commencement of the use, and
  - b) Conduct the cannabis use in compliance with the CBL at all times.

#### ii. Location.

- 1) Measurements. Distance requirements (buffers) between parcels specified in this Section F must be the horizontal distance measured in a straight line between the closest property line of the first lot to the closest property line of the second lot without regard to intervening structures.
- 2) Distance. Cannabis uses, except for storefront cannabis retailers, shall not be subject to distance requirements based on the following:
  - a) School providing K-12 education;



- b) Day Care Centers; and
  - c) Youth Centers.
- b. Accessory Uses.
  - i. For all cannabis accessory uses, the primary permitted use must also be a cannabis use.
  - ii. Cannabis uses may not have non-cannabis related accessory uses.
  - iii. Volatile Manufacturing as an accessory use is only allowed in IG, IS, and BP.
  - iv. A Cannabis Microbusiness shall not have an accessory use and shall not be an accessory use.
  - v. All accessory cannabis uses must adhere to the standards for such uses as identified in this Subsection F.2.
- c. Storefront Cannabis Retailer.
  - i. Location.:
    - 1) Separation.
      - a) 300 Feet. A Storefront Cannabis Retailer shall not be located on a parcel within 300 feet from another Storefront Cannabis Retailer that was legally established before or after the adoption of this Ordinance.
      - b) 300 to 600 Feet. A Storefront Cannabis Retailer shall not be located on a parcel located more than 300 feet and less than 600 feet from another Storefront Cannabis Retailer that was legally established before or after the adoption of this Ordinance, unless, the following applies:
        - i) Neither the frontage nor the entrance nor the signage face Hollister Avenue in Old Town; and
        - ii) Off-street parking is available.
    - 2) Goleta Valley Community Center. A Storefront Cannabis Retailer shall not be located on a parcel within 300 feet from the Goleta Valley Community Center property unless the following applies:
      - i) Neither the frontage nor the entrance nor the signage face Hollister Avenue; and
      - ii) Off-street parking is available.

- 3) Schools. A Storefront Cannabis Retailer shall not be located on a parcel within 300 feet from Schools providing K-12 education.
- 4) Residential. A Storefront Cannabis Retailer shall not be located on a parcel adjacent to parcels designated for residential land uses, unless the following applies:
  - a) No front door or signage of the cannabis business may face the residential parcel; and
  - b) The parcel and the residential parcel are separated by a fence, wall, or hedge at least 4 feet high.
- ii. No prohibitive buffers are required from Day Care Centers or Youth Centers.
- iii. Establishment. A limit of 15 Storefront Cannabis Retailer uses is established.
- iv. On-Site Consumption Prohibited. 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. Non-Storefront Cannabis Retailer. On-Site consumption is prohibited. The premises of each Non-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
- e. Cannabis Events. Temporary events where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are displayed, manufactured, offered, either individually or in any combination, for retail sale and includes delivery are prohibited.

*G. 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.

## **SECTION 6. Effect of 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 7. 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 8. 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 9. Effective Date.**

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

**INTRODUCED ON** the \_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
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. 19-\_\_ 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

Proposed Changes to Cannabis Land Use Ordinance And GP/CLUP  
Land Use Element Tables 2-1 To 2-4.

*This Page Intentionally Left Blank*

ORDINANCE NO. 198-\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REPEALING ORDINANCE NO. 18-03, 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 Sstate 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-\_\_ 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-\_\_ 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

**WHEREAS**, on October 2, 2018, the City Council adopted Resolution 18-53 initiating amendments to the Cannabis Land Use Ordinance; and

**WHEREAS** the Planning Commission conducted a duly noticed public hearing on March 11, 2019, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA) an Addendum to the Certified Final EIR for the General Plan/Coastal Land Use Plan (GP/CLUP) (SCH #2005031151) was prepared to address the changes in environmental effects associated with the proposed Cannabis-related Land Use Ordinance amendments; and

**WHEREAS** the Planning Commission considered the entire administrative record, including staff reports, the General Plan, the Cannabis Land Use Ordinance, and oral and written testimony from interested persons; and

**WHEREAS** a public hearing was held on \_\_\_\_\_, 2019 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. \_\_\_\_\_-19 by a majority vote, recommending adoption of this Ordinance (Case No. \_\_\_\_\_) to the City Council.

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**

- A. The California Environmental Quality Act (CEQA) requires that the environmental impacts of the action be assessed. This ~~project Ordinance~~ 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. Ordinance No. 18-03 is hereby repealed.

- B. The following provisions were repealed by Ordinance No. 18-03, and are hereby again repealed:

1. 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".
2. Repeal Section 35-292i, entitled "Commercial Cannabis Activities", of Division 7 of Article III of the Inland Zoning Ordinance in its entirety.
3. 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”.

4. Repeal Section 35-144G, entitled “Commercial Cannabis Activities”, of Division 7 of Article II of the Coastal Zoning Ordinance in its entirety.
5. 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.

4.2. “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.

2.—

3.4. “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.

4.5. “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.

5.6. “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.

6.7. “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.

7.8. “Cultivation”. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

~~8-9.~~ 9-10. “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.

~~9-10.~~ 10-11. “Day Care Center”. Day care center has the same meaning as in Section 1596.76 of the Health and Safety Code.

~~10-11.~~ 11-12. “Delivery”. The commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform.

~~11-12.~~ 12-13. “Director”. The Planning and Environmental Review Department Director of the City of Goleta or his/her designee.

~~12-13.~~ 13-14. “Dispensing”. Any activity involving the retail sale of cannabis or cannabis products from a retailer.

~~13-14.~~ 14-15. “Distribution”. The procurement, sale, and transport of cannabis and cannabis products between licensees.

~~14-15.~~ 15-16. “Edible Cannabis Product”. Cannabis product that is intended to be used, in whole or in part, for human consumption, and is not considered food.

~~15-16.~~ 16-17. “Extraction”. A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.

~~16-17.~~ 17-18. “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.

~~17-18.~~ 18-19. “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.

~~18-20.~~ 20-21. “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.

~~19-21.~~ 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.

~~20-22.~~ 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.

~~21-23.~~ 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.

~~22-24.~~ 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. This Subsection F applies to all cannabis uses other than Personal Use Cultivation. 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.~~

- ~~1. Zoning. Cannabis Uses, consistent with the requirements of this Subsection F, are allowed only locations based on the commercial and industrial General Plan land use designations as prescribed in Table 1. 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" — Mine Conditional Use Permit Required "—" — Use Not allowed			
Uses	Land Use Designations <sup>1</sup>							
	C-R	C-C	O-T	C-G	B-P	O-I	I-S	I-G
Cannabis Cultivation	See Subclassifications below.							
Indoor Cultivation	-	-	-	-	P	-	P	P
Nursery	-	-	-	-	P	-	P	P
Processor	-	-	-	-	P	-	P	P
Cannabis Distribution	-	-	-	P	P <sup>3</sup> -	-	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 <sup>2</sup>	<del>Allowed based on allowance for primary use if secondary uses are consistent with the</del>	-	-	P <sup>5</sup>	-	-	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 <sup>1</sup>							
	C_R	C_C	O_T	C_G	B_P	O_I	I_S	I_G
	Accessory Uses standards below.							
Cannabis Testing	-	-	-	-	P	P	-	P
Cannabis Retailer	See Subclassifications below.							
Storefront	PMU <sup>4</sup>	PMU <sup>4</sup>	PMU <sup>4</sup>	PMU <sup>4</sup>	-	-	-	P <sup>4</sup>
Non-Storefront	-P	-P	-	P	-	-	P	P
Cannabis Testing	-	-	-	-	P	P	-	P
<b>Key:</b> P: Land use permitted. Blank: Land use prohibited. A Major Conditional Use Permit is required within 600 feet of a school or 400 feet of a residential land use designation.								
<b>Notes:</b> 1. For the purposes of this Ordinance, the land use designations set forth in Table 1 shall be deemed zoning classifications. The zoning classifications shall correspond to the land use designations in the General Plan, which is hereby adopted as the City's official zoning map solely for purposes of this Ordinance. 2. For Cannabis Microbusinesses, no storefronts are allowed except for existing storefronts. A Cannabis Microbusiness shall not have any accessory uses and shall not be an accessory use. 3. Floor area of each licensed distributor shall not exceed 30,000 square feet. 4. Storefront cannabis retailers allowed within I-G only in locations where a cannabis dispensary was located prior to June 16, 2009, the date of the City's former ban on cannabis businesses. 5. Microbusinesses in G-C are only allowed for cannabis businesses legally located prior to June 16, 2009.								

## 1. Standards.

### a. All Cannabis Uses.

#### i. Licenses.

1) 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:

- Obtain the requisite State cannabis license for the cannabis use prior to the commencement of the use, and
- Conduct the cannabis use in compliance with the State cannabis license at all times.

2) City Cannabis Business License (CBL). The permittee of a cannabis use must:

a) Obtain a CBL (Goleta Municipal Code, Ch. 5.09) from the City of Goleta prior to the commencement of the use, and

b) Conduct the cannabis use in compliance with the CBL at all times.

ii. Location.

1) Measurements. Distance requirements (buffers) between parcels specified in this Section F must be the horizontal distance measured in a straight line between the closest property line of the first lot to the closest property line of the second lot without regard to intervening structures.

2) Distance. Cannabis uses, except for storefront cannabis retailers, shall not be subject to distance requirements based on the following:

a) School providing K-12 education;

b) Day Care Centers; and

c) Youth Centers.

b. Accessory Uses.

i. For all cannabis accessory uses, the primary permitted use must also be a cannabis use.

ii. Cannabis uses may not have non-cannabis related accessory uses.

iii. Volatile Manufacturing as an accessory use is only allowed in IG, IS, and BP.

iv. A Cannabis Microbusiness shall not have an accessory use and shall not be an accessory use.

v. All accessory cannabis uses must adhere to the standards for such uses as identified in this Subsection F.2.

c. Storefront Cannabis Retailer.

1) Separation.

a) 300 Feet. A Storefront Cannabis Retailer shall not be located on a parcel within 300 feet from another Storefront Cannabis Retailer that was legally established before or after the adoption of this Ordinance.

b) 300 to 600 Feet. A Storefront Cannabis Retailer shall not be located on a parcel located more than 300 feet and less than 600 feet from another Storefront Cannabis Retailer that was legally

established before or after the adoption of this Ordinance, unless, the following applies:

1. Neither the frontage nor the entrance nor the signage face Hollister Avenue in Old Town; and

2. Off-street parking is available.

2) Goleta Valley Community Center. A Storefront Cannabis Retailer shall not be located on a parcel within 300 feet from the Goleta Valley Community Center property unless the following applies:

1. Neither the frontage nor the entrance nor the signage face Hollister Avenue; and

2. Off-street parking is available.

3) Schools. A Storefront Cannabis Retailer shall not be located on a parcel within 300 feet from Schools providing K-12 education.

4) Residential. A Storefront Cannabis Retailer shall not be located on a parcel adjacent to parcels designated for residential land uses, unless the following applies:

a) No front door or signage of the cannabis business may face the residential parcel; and

b) The parcel and the residential parcel are separated by a fence, wall, or hedge at least 4 feet high.

ii. No prohibitive buffers are required from Day Care Centers or Youth Centers.

iii. Establishment. A limit of 15 Storefront Cannabis Retailer uses is established.

iv. On-Site Consumption Prohibited. 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. Non-Storefront Cannabis Retailer. On-Site consumption is prohibited. The premises of each Non-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

e. Cannabis Events. Temporary events where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are displayed,

manufactured, offered, either individually or in any combination, for retail sale and includes delivery are prohibited.

*B. 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.

*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 not 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 76.        Effect of 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 31<sup>st</sup> day following adoption by the City Council.

**INTRODUCED ON** the \_\_\_\_ day of \_\_\_\_\_, 20198.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 20198.

\_\_\_\_\_  
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. ~~198~~-\_\_ 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

**TABLE 2-1**  
**ALLOWABLE USES AND STANDARDS FOR RESIDENTIAL USE CATEGORIES**

Allowed Uses and Standards	Residential Use Categories				
	R-SF	R-P	R-MD	R-HD	R-MHP
<b>Residential Uses</b>					
One Single-Family Detached Dwelling per Lot	X	X	-	-	-
Single-Family Attached and Detached Dwellings	X	X	X	X	-
Multiunit Apartment Dwellings	-	X	X	X	-
Mobile Home Parks	-	-	-	-	X
Second (Accessory) Residential Units	X	X	-	-	-
Assisted-Living Residential Units	-	-	X	X	-
<b>Other Uses</b>					
Religious Institutions	X	X	X	X	-
Small-Scale Residential Care Facility	X	X	-	-	-
Small-Scale Day Care Center	X	X	X	X	X
Public and Quasi-public Uses	X	X	X	X	-
<b>Accessory Uses</b>					
Home Occupations	X	X	X	X	X
<b>Standards for Density and Building Intensity</b>					
<b><i>Recommended Standards for Permitted Density</i></b>					
Maximum Permitted Density (units/acres)	5 or less	5.01–13	20	30	15
Minimum Permitted Density (units/acres)	N/A	N/A	15	15	N/A
<b><i>Recommended Standards for Building Intensity</i></b>					
Structure Height (Inland Area)	25 feet	35 feet	35 feet	35 feet	25 feet
Structure Height (Coastal Zone)	25 feet	25 feet	25 feet	25 feet	25 feet
Maximum Lot Coverage Ratio	N/A	0.30	0.30	0.40	N/A
Notes: 1. Use Categories: R-SF– Single-Family Residential; R-P – Planned Residential; R-MD – Medium-Density Residential; R-HD – High-Density Residential; R-MHP – Mobile Home Park. 2. X indicates use is allowed in the use category; - indicates use not allowed. 3. General Note: Some uses requiring approval of a conditional use permit are set forth in text policies, and others are specified in the zoning code. 4. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause. 5. Central Hollister Housing Opportunity Sites in the R-MD land use designation (as identified in Housing Element Subpolicy HE11.6) shall provide for development of residential units at densities ranging from a minimum of 20 to a maximum of 25 units per acre. 6. N/A = Not applicable. 7. Accessory uses to the allowed uses in this table are regulated through zoning. (Amended by Reso. 08-30, 6/17/08, Reso. 09-32, 5/19/09, and Reso. 09-44, 8/18/10, and Reso. 19-XX, X/X/19)					

**TABLE 2-2**  
**ALLOWABLE USES AND STANDARDS FOR COMMERCIAL USE CATEGORIES**

Allowed Uses and Standards	Commercial Use Categories					
	C-R	C-C	C-OT	C-VS	C-I	C-G
<b>Retail Trade</b>						
Large-Scale Retail Establishments	X	X	–	–	–	–
General Merchandise	X	X	X	–	–	X
Food and Drug Stores	X	X	X	–	X	X
Apparel and Specialty Stores	X	X	X	–	–	X
Building/Landscape Materials and Equipment	X	X	X	–	–	X
Eating and Drinking Establishments	X	X	X	X	X	X
Other Retail Trade Establishments	X	X	X	X	–	X
Coastal-Related Commercial	X	X	X	X	–	–
Cannabis Storefront Retail	X	X	X	–	–	X
<b>Services (Including Offices)</b>						
Finance, Insurance, and Real Estate	X	X	X	–	–	X
Personal Services	X	X	X	–	–	X
Business Services	–	X	X	–	–	X
Information Technology Services	–	–	–	–	–	X
Professional Services	–	X	X	–	–	X
Medical and Health-Related Services	X	X	X	–	–	–
Educational Services	–	–	X	–	–	X
Entertainment and Recreation Services	X	X	X	X	–	–
Building and Construction Services	–	–	–	–	–	X
Other Services	X	X	X	X	X	X
<b>Transient Lodging and Services</b>						
Resorts	–	–	–	X	–	–
Hotels, Motels, Bed and Breakfast Inns	X	X	X	X	–	–
RV Parks	–	–	X	X	–	X
Other Visitor Services and Attractions	–	–	–	X	–	X
<b>Auto-Related Uses</b>						
Retail – Automotive Sales and Rentals	–	–	X	–	–	X
Auto Repair and Painting	–	–	–	–	–	X
Auto Wrecking Yard/Junk Yard	–	–	–	–	–	X
Auto Service (Gas) Station	X	–	X	–	X	X
Car Wash	–	X	X	–	X	X
<b>Wholesale Trade and Storage</b>						
General Wholesale Trade	–	–	–	–	–	X
Warehousing – General	–	–	–	–	–	X
Warehousing – Self-Storage	–	–	–	–	–	X
Outdoor Storage	–	–	–	–	–	X
<b>Residential Uses</b>						
Residential Units	–	X	X	–	–	–
One Caretaker Unit	X	X	X	X	–	X
Assisted-Living Residential Units	–	–	–	–	–	X
<b>Other Uses</b>						
Religious Institutions	–	X	X	–	–	X
Public and Quasi-public Uses	X	X	X	–	X	X
Wireless Communications/Telecommunications	X	X	X	X	X	X
Cannabis Microbusiness	–	–	–	–	–	X*
<b>Standards for Density and Building Intensity</b>						
<b>Recommended Standards for Density</b>						
Maximum Residential Density	N/A	12/acre	20/acre	N/A	N/A	20/acre
<b>Recommended Standards for Building Intensity</b>						
Structure Height	35 feet	35 feet	30 feet	35 feet	25 feet	35 feet
Maximum Lot Coverage Ratio	N/A	N/A	N/A	N/A	N/A	N/A
Notes: 1. Use Categories: C-R – Regional Commercial; C-C – Community Commercial; C-OT – Old Town Commercial; C-VS – Visitor Commercial; C-I – Intersection; Commercial; C-G – General Commercial. 2. X indicates use is allowed in the use category; – indicates use not allowed. 3. General Note: Some uses requiring approval of a conditional use permit are as set forth in text policies, and others are specified in the zoning code. 4. Wholesale trade is permitted within the C-R use category, provided that it is an integral part of a retail trade use. 5. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause. 6. N/A = Not applicable. 7. Accessory uses to the allowed uses in this table are regulated through zoning. * Cannabis microbusiness, as defined by Section 26070 of the California Business and Professions Code, is allowed on parcels designated C-G only where a cannabis business legally existed prior to June 16, 2009. (Amended by Reso. 08-30, 6/17/08, and Reso. 09-32, 5/19/09, and Reso. 19-XX, X/X/19)						

**TABLE 2-3  
ALLOWABLE USES AND STANDARDS FOR OFFICE AND INDUSTRIAL USE  
CATEGORIES**

Allowed Uses and Standards	Office and Industrial Use Categories			
	I-BP	I-OI	I-S	I-G
<b>Industrial (Manufacturing)</b>				
General Manufacturing – No Noxious Impacts	X	–	X	X
General Manufacturing – Potential Noxious Impacts	–	–	–	X
Research and Development	X	X	–	X
Scientific and Similar Instruments	X	X	–	X
Bio-Medical Technology	X	X	–	X
Other Advanced Technology	X	X	–	X
<b>Transportation and Utilities</b>				
Transportation (other than right-of-way)	–	–	X	X
Wireless Communications/Telecommunications	X	X	X	X
Utilities	X	X	–	–
<b>Retail Trade</b>				
Building/Landscape Materials and Equipment	–	X	–	X
Eating and Drinking Establishments	X	X	–	–
Other Retail Trade Establishments	X	X	–	–
Cannabis Storefront Retail	–	–	–	X**
<b>Services (Including Offices)</b>				
Finance, Insurance, and Real Estate	X	X	–	–
Personal Services	X	X	–	–
Business Services	X	X	–	–
Information Technology Services	X	X	–	–
Professional Services	–	X	–	–
Medical and Health-Related Services	–	X	–	–
Educational Services	–	X	–	–
Entertainment and Recreation Services	–	X	–	–
Building and Construction Services	–	–	X	X
Other Services	–	–	X	X
<b>Auto-Related Uses</b>				
Automotive Sales and Rentals	–	–	X	X
Auto Repair and Painting	–	–	X	X
Auto Wrecking Yard/Junk Yard	–	–	X	X
Auto Service (Gas) Station	–	–	–	X
<b>Wholesale Trade and Storage</b>				
General Wholesale Trade	X***–	–	X	X
Warehousing – General	X*	–	X	X
Warehousing – Self-Storage	–	–	X	X
Outdoor Storage	–	–	X	X
<b>Residential Uses</b>				
Residential Units	–	X	–	–
One Caretaker Unit Per Parcel	X	X	X	X
Assisted-Living Residential Units	–	X	–	–
<b>Other Uses</b>				
Public and Quasi-public Uses	X	X	X	X
Religious Institutions	–	X	–	–
Cannabis Microbusiness	–	–	X	X
<b>Standards for Density and Building Intensity</b>				
<b>Recommended Standards for Density</b>				
Maximum Residential Density	N/A	20units/acre	N/A	N/A
<b>Recommended Standards for Building Intensity</b>				
Structure Heights	35 feet	35 feet	35 feet	35 feet
Maximum Lot Coverage Ratio	0.35	0.40	N/A	N/A
<p>Notes:</p> <ol style="list-style-type: none"> <li>1. Use Categories: I-BP – Business Park; I-OI – Office and Institutional; I-S – Service Industrial; I-G – General Industrial.</li> <li>2. X indicates use is allowed in the use category; - indicates use not allowed.</li> <li>3. General Note: Some uses requiring approval of a conditional use permit are set forth in text policies, and others are specified in the zoning code.</li> <li>4. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause.</li> <li>5. N/A = Not applicable.</li> <li>6. Accessory uses to the allowed uses in this table are regulated through zoning.</li> </ol> <p>* Warehousing is allowed on parcels designated Business Park (I-BP) if it is in association with a permitted use.</p> <p>** Cannabis Storefront Retail is allowed on parcels designated General Industrial (I-G) where a medical marijuana dispensary legally existed prior to June 16, 2009.</p> <p>*** General Wholesale Trade in Business Park (I-BP) is limited to Cannabis Distribution.</p> <p>(Amended by Reso. 08-30, 6/17/08, and Reso. 09-32, 5/19/09, and Reso. 19-XX, X/X/19)</p>				

**TABLE 2-4**  
**ALLOWABLE USES AND STANDARDS FOR OTHER LAND USE CATEGORIES**

Allowed Uses and Standards	Other Land Use Categories			
	AG	OS-PR	OS-AR	P-S
<b>Residential Uses</b>				
One Single-Family Detached Dwelling per Lot	X	-	-	-
Farmworker Residential Units	X	-	-	-
Second Residential Dwelling Unit	X	-	-	-
Caretaker Residential Unit	-	-	X	X
<b>Agricultural Uses</b>				
Orchards and Vineyards	X	-	-	-
Row Crop Production	X	-	-	-
Specialty Agriculture and Floriculture	X	-	-	-
Livestock Grazing	X	-	-	-
Small-Scale Confined Animal Operations	X	-	-	-
Small-Scale Agricultural Processing	X	-	-	-
Small-Scale Greenhouses	X	-	-	-
Sale of On-Site Agricultural Products	X	-	-	-
Other	X	-	-	-
<b>Open Space and Outdoor Recreation</b>				
Active Recreation	-	-	X	X
Open Space and Passive Recreation	-	X	X	X
Golf Course, including customary ancillary uses and structures	-	-	X	X
Nature Preserve	-	X	X	X
<b>Public and Quasi-public Uses</b>				
General Government Administration	-	-	-	X
Fire Stations	X	-	-	X
Schools (Public and Private)	-	-	-	X
Other Government Facilities	-	-	-	X
<b>Other Uses</b>				
Religious Institutions	-	-	-	X
Small-Scale Residential Care Facility	X	-	-	-
Small-Scale Day Care Center	-	-	-	X
Wireless Communications/Telecommunications	X	-	-	X
<b>Recommended Standards for Building Intensity</b>				
Structure Height	N/A	N/A	N/A	N/A
Maximum Lot Coverage Ratio	N/A	N/A	N/A	N/A
<b>Notes:</b> 1. Use Categories: AG: Agriculture; OS-PR: Open Space/Passive Recreation; OS-AR: Open Space/Active Recreation; P-S: Public and Quasi-public Uses. 2. X indicates use is allowed in the use category; - indicates use not allowed. 3. General Note: Some uses requiring approval of a conditional use permit are set forth in text policies, and others are specified in the zoning code. 4. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause. 5. N/A = Not Applicable. 6. Accessory uses to the allowed uses in this table are regulated through zoning. (Amended by Reso. 08-30, 6/17/08, and Reso. 09-32, 5/19/09, and Reso. 19-XX, X/X/19.)				