



Agenda Item E.1
PUBLIC HEARING
Meeting Date: April 16, 2019

TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning Director

CONTACT: Winnie Cai, Assistant City Attorney
Anne Wells, Advance Planning Manager

SUBJECT: Amendments to Cannabis Land Use Ordinance and General Plan: Case Nos. 18-134-GPA and 18-135-ORD; Amendments to Cannabis Business License Ordinance, and Cannabis Business Fees

RECOMMENDATION:

1. Adopt Resolution 19-__: “A Resolution of the City Council of the City of Goleta, California, Approving 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); and
2. Adopt City Council Resolution 19-__: “A Resolution of the City Council of the City of Goleta, California, Approving a General Plan Amendment to amend the Land Use Element Tables 2-1 through 2-4 for Various Cannabis-related Use Clarifications” (Attachment 2); and
3. Introduce and conduct the first reading (by title only) and waive further reading, of Ordinance No. 19-__, entitled “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” (Attachment 3); and
4. Introduce and conduct the first reading (by title only) and waive further reading, of Ordinance No. 19-__, entitled “An Ordinance the City of Goleta, California, Amending Chapter 5.09 of Title 5 of the Goleta Municipal Code to Establish Standards and Regulations for Commercial Cannabis Businesses” (Attachment 4); and
5. Adopt Resolution 19-__ “A Resolution of The City Council of the City of Goleta, California, Rescinding Resolution 18-36 and Resolution 18-38 and Approving and Adopting the 2019 User Fees and Charges” (Attachment 6).

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 City Council to:

- 1) Consider and adopt the CEQA Addendum (Attachment 1) and General Plan amendments (Attachment 2);
- 2) Conduct a first reading of the Cannabis Land Use Ordinance amendments (Attachment 3) and Cannabis Business License Ordinance amendments (Attachment 4); and
- 3) Adopt fees associated with the Cannabis Business License Ordinance.

The purpose of adopting the CEQA Addendum and General Plan amendments is mainly to ensure that the legal non-conforming cannabis businesses that existed before June 2009 can continue to operate without inconsistency with the General Plan.

The purpose of the second item is to move the permit processing of a cannabis business from the Cannabis Land Use Ordinance to the Cannabis Business License Ordinance, which provides a more rigorous regulatory scheme and retains all of the same procedural protections for the benefit of the community. Separation requirements (buffers) governing the location of cannabis retail businesses will continue to be located in the Land Use Ordinance.

The Cannabis Business License requires applicants to submit a detailed application containing, among other things, safety, security and odor prevention plans. The application will be reviewed by all relevant departments for adherence to applicable State and City law. A hearing will be required for consideration of each application; notice of the hearing will be provided to all property owners within 500 feet of the proposed business. The decision to approve or deny an application is subject to appeal to the City Council. Approved applications are subject to a myriad of conditions intended to prevent the retail operation from causing a nuisance. The business license can be revoked if a business fails to comply.

Retained in the land use ordinance are separation requirements that serve to buffer retail cannabis businesses from specified sensitive uses, as follows:

- 1) 300 feet from another cannabis retail business;
- 2) 300 feet from the Community Center unless meet entrance, signage, and parking restrictions;
- 3) 300 feet from schools;
- 4) Cannot be adjacent to residential land use designations unless meet entrance, sign and parking restrictions.

The Land Use Ordinance also establishes a cap of 15 maximum retail businesses.

In effect, the proposed business licensing process is a more than adequate substitute for the conditional use permit process provided for in the current Land Use Ordinance. The benefits of the proposed Business License Ordinance are that it is more objective and has less opportunity for inconsistent decision making and an implicit recognition that the principal regulatory objective is business regulation, not land use regulation, because the land use impacts of cannabis retailers are similar in many respects to those created by other retail operations allowed in the commercial zone. This approach is consistent with that of the vast majority of other cities in California that are electing to allow and to regulate retail cannabis businesses.

The third purpose of this public hearing is to approve fees associated with processing a Cannabis Business License application and renewal application. The collection of these fees would ensure that all the City staff time that goes into ensuring a business could meet the operational requirements would be compensated at cost.

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. The final decision is a legislative action to amend the General Plan is 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 may 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.

Existing 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 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 of inspection for City staff and other agencies. These sections also include references to existing zoning regulations related to permit revocation and enforcement.

At the same meeting that the Cannabis Land Use Ordinance was adopted, the City Council also adopted a Cannabis Business License Ordinance that established a business license requirement for commercial cannabis businesses. (Goleta Municipal Code Chapter 5.09.) The Cannabis Business License Ordinance also required certain operating standards for each allowed cannabis use, including insurance, security plans, lighting plans, fire suppression plans, and adherence to State regulations regarding each licensed use.

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 10 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. 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. Based on feedback received, staff prepared the proposed amendments to the General Plan, Cannabis Land Use Ordinance, and Cannabis Business License Ordinance provided as Attachments 2, 3, and 4, respectively.

On March 11, 2019, the Planning Commission considered a resolution recommending the City Council approve the proposed Cannabis Land Use Ordinance amendments, as further described herein. The Planning Commission voted 5-0 not to adopt this resolution. The Planning Commission also considered a resolution recommending the City Council approve the proposed General Plan amendments to Land Use Element Tables 2-1 through 2-4, as further described herein. The Planning Commission also voted 5-0 not to adopt this resolution. As documented in Attachment 5, the Planning Commission heard public comments expressing concern regarding potential nuisances to residents from storefront cannabis retailers; overconcentration of storefront cannabis retailers in Old Town; impacts to sensitive receptors, including children; adequate parking availability for cannabis customers; sufficient noticing of the proposed amendments; and potential disproportionate environmental justice effect of cannabis businesses in Old Town. The Planning Commission also heard public comments supporting the proposed amendments with minor adjustments to hasten application processing and remove some proposed limits on cannabis businesses. While the Planning Commission did not act to approve the resolutions recommending the amendments to the City Council, the Planning Commission provided several recommendations for staff to carry forward as part of the record for City Council consideration. These recommendations are provided in Attachment 6. The Planning Commission did not review amendments to the Cannabis Business License Ordinance.

Cannabis Business License (CBL) Implementation

The City has been reviewing the CBL applications of the three legal nonconforming cannabis businesses and a few new cannabis businesses. No CBL has been issued as City staff are still working through obtaining supplemental information from each applicant.

DISCUSSION:

The City Council is to consider amendments to the Cannabis Land Use Ordinance, Cannabis Business License Ordinance, and General Plan. A summary of staff recommendations is presented below. Staff's recommendations remain unchanged following the Planning Commission hearing, as they reflect the direction received from City Council during the January 23, 2019 workshop on the ordinance amendments. However, staff invites consideration of Planning Commission recommendations by the City Council and further direction to refine the proposed amendments.

Proposed Cannabis Land Use Ordinance Amendments

The proposed Cannabis Land Use Ordinance and Cannabis Business License Ordinance are provided in Attachment 3. Per Council direction from the January 23, 2019 workshop, these proposed ordinances are intended to move the licensing of cannabis businesses away from a land use permit/conditional use permit to the business license review process, avoid overconcentration of storefront cannabis retailers in Old Town, protect sensitive receptors from potential adverse influences of storefront cannabis retailers, and allow existing appropriate cannabis retail businesses to continue in-place. A detailed discussion of the proposed amendments is provided below.

Cannabis Land use Permitting Procedures: The adopted Cannabis Land Use Ordinance requires permitting for all cannabis uses consistent with the City's Inland and Coastal Zoning Ordinances. However, in general, establishing a retail or other business use in a compatible zone district within existing storefronts or commercial spaces without modification to those spaces or a change of use does not typically require an LUP or CUP. Accordingly, streamlining the application review and licensing process may be warranted, particularly given the existing robust State and City cannabis regulatory framework for licensing. Consistent with prior Council direction, 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 safe and orderly operation of cannabis businesses in the City. The Cannabis Business License Ordinance will be amended to include a robust application review process, which includes a noticing requirement to neighbors before a cannabis business license application is submitted, that ensures that State and local regulations are complied with and the neighborhood gets to be informed of the use beforehand and comment to the City with any concerns. The details of the Cannabis Business License Ordinance amendments are more thoroughly discussed below.

On January 23, 2019, the City Council directed staff to eliminate the LUP/CUP requirements for cannabis uses that did not trigger a LUP/CUP through a modification of the space or change of use. On March 11, 2019, the Planning Commission recommended retaining the existing LUP/CUP requirements; however, one commissioner (Fuller) supported the proposed amendments, if a Major CUP is required for storefront cannabis retailers adjacent to residential land uses. Several public commenters expressed interest in retaining the existing LUP/CUP requirements.

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 (e.g., 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, staff also recommends consideration of appropriate buffers, and associated criteria, for 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. 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. The primary customer entrance to the premises and the signage of the cannabis business shall not face Hollister Avenue; and
2. All required parking is provided on site.

On January 23, 2019, the City Council directed staff to include a GVCC buffer, but did not specify a preferred distance; rather, the City Council requested staff to study and bring back a recommendation. On March 11, 2019, the Planning Commission recommended the City Council adopt the recommended GVCC buffer but supported increasing the buffer from 300 feet to 600 feet and making the buffer prohibitive. Several public commenters expressed interest in buffering the GVCC from cannabis businesses to protect children from the influence and visibility of storefront cannabis retailers.

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 or within 300 feet of commercial land designated and zoned for cannabis storefront retail under the Cannabis Land Use Ordinance. While development of the vacant property would be subject to permitting consistent with City zoning and land use regulations, the future building could be occupied by a cannabis storefront retail use. 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.

On January 23, 2019, the City Council did not provide direction to staff to include a specific school buffer; rather, the City Council requested staff to study and bring back a recommendation. On March 11, 2019, the Planning Commission recommended the City Council adopt the recommended school buffer but supported increasing the prohibitive buffer from 300 feet to 600 feet.

Residential Land Use Buffer: The adopted Cannabis Land Use Ordinance currently requires no prohibitive buffer from residential land uses. In several locations, particularly in Old Town, commercial parcels directly abut residential parcels. 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

within 50 feet of parcels designated for residential land uses unless the following applies:

1. The primary customer entrance to the premises and signage of the cannabis business shall not face the residential parcel(s); and
2. The parcel and the residential parcel are separated by a fence, wall, or hedge at least 4 feet high.

On January 23, 2019, the City Council did not provide direction to staff to include a specific residential buffer; rather, the City Council requested staff to study and bring back a recommendation. On March 11, 2019, the Planning Commission recommended the City Council adopt the recommended residential land use buffer but supported requiring a Major CUP (as is required now) and a 6-foot-tall barrier between the residential parcel and the cannabis business. Several public commenters expressed concern about adverse effects of storefront cannabis retailers on adjacent residential parcels and support for residential land use buffer and 6-foot-tall physical barrier, as well as concern about disproportionate effect on the residents of Old Town.

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. Four of the active applications are located on Hollister Avenue (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 (as is current practice). Further, a storefront cannabis retailer would only be allowed on a parcel between 300 and 600 feet of another legally established storefront cannabis retailer, if the following applies:

1. The primary customer entrance to the premises and the signage of the cannabis business shall not face Hollister Avenue in Old Town; and
2. All required parking is provided on site.

On January 23, 2019, the City Council directed staff to retain the 300-foot separation requirement for storefront cannabis retailers, though two councilmembers expressed interest in increasing the separation requirement to 600 feet. On March 11, 2019, the Planning Commission recommended the City Council adopt the recommended separation requirements but supported limiting the total number of storefront cannabis retailer licenses located in Old Town Commercial (C-OT) to four (4). Several public commenters expressed interest separation requirements for cannabis businesses to avoid overconcentration of businesses in Old Town.

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. Under the existing Cannabis Land Use Ordinance, non-storefront cannabis retail is allowed in General Commercial (CG), Service Industrial (IS), and

General Industrial (IG). Non-storefront cannabis retail is considered “Other Services” for General Plan consistency. Under the General Plan, Other Services are allowed in CG, IS, and IG, but are also allowed in CR, CC, C-OT, CV, and CI and therefore the land use designations where non-storefront cannabis retail is allowed can be expanded. However, staff recommends that the expansion of land use designations where non-storefront cannabis retailers are allowed be limited to CC and CR only, consistent with the General Plan policy for each of the commercial land use designations.

On January 23, 2019, the City Council did not consider these amendments for non-storefront cannabis retail as this issue arose subsequently through preparation of materials for Planning Commission consideration. On March 11, 2019, the Planning Commission recommended that the City Council adopt the recommended change to allow non-storefront cannabis retail in CC and CR but supported requiring a Major CUP. One public commenter expressed concern that amendments will further delay licensing process and increase time and money to accommodate amendments for cannabis non-storefront retail.

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.”

On January 23, 2019, the City Council directed staff to include the amendment for accessory uses. On March 11, 2019, the Planning Commission recommended the City Council adopt the recommended amendment to include the above footnote.

Storefront Cannabis Retailers in General Industrial (IG): 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 IG except for Building/Landscape Materials and Equipment. However, retail medicinal cannabis has been recognized as a legal non-conforming use in IG 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 IG 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.

On January 23, 2019, the City Council directed staff to include the amendment to allow existing storefront cannabis retailers in IG. On March 11, 2019, the Planning Commission recommended the City Council adopt the recommended amendments to allow existing storefront cannabis retailers in IG.

Cannabis Distribution in Business-Park (BP): The adopted Cannabis Land Use Ordinance does not allow cannabis distribution in BP due to past concerns with General Plan consistency, as “General Wholesale Trade” is not an allowed use in 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 BP where the floor area of each distributor license shall not exceed 30,000 square feet.

On January 23, 2019, the City Council directed staff to include the amendment allowing cannabis distribution in BP but requested staff study available commercial and industrial spaces in existing business parks, which staff completed as part of the amendments. On March 11, 2019, the Planning Commission recommended the City Council adopt the recommended amendments to allow cannabis distribution in BP only if the proposed Cannabis Land Use Ordinance restricts the maximum floor area to 30,000 square feet per parcel rather than per license.

Microbusiness Licensing in IG and IS, and for Existing Dispensary in CG: 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 IG and IS without storefront cannabis retailers, except for existing storefronts. Additionally, only two cannabis types (cannabis distribution and retailers) are currently allowed in CG and, as such, a cannabis microbusiness would not be able to be licensed in CG. There is one existing cannabis business on a parcel designated CG currently operating as a microbusiness. Therefore, staff also recommends amendments to allow cannabis microbusiness licensing in CG 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 CG. 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.

On January 23, 2019, the City Council directed staff to include the amendment allowing cannabis microbusinesses in IG and IS. The City Council did not consider amendments allowing microbusiness in CG for existing businesses, as this issue arose subsequently through preparation of materials for Planning Commission consideration. On March 11, 2019, the Planning Commission recommended the City Council adopt the

recommended amendments to allow cannabis microbusinesses in IG, IS, and CG, where already existing.

Proposed Cannabis Business License Ordinance Amendments

The Cannabis Business License Ordinance previously envisioned that the LUP/CUP requirements of the Cannabis Land Use Ordinance would vet many of the physical requirements of a location before the Cannabis Business License would be triggered. Because the LUP/CUP is going to be eliminated, the Cannabis Business License Ordinance will incorporate a more robust application review process that will vet the spatial elements of a space to ensure compliance with State and local regulations.

The goals of the Cannabis Business License Ordinance are to (1) establish an application screening process that will ensure that only businesses that are capable of meeting all local and state requirements are allowed, and (2) establish operating standards that will ensure that businesses are operating in compliance with local and State law.

Cannabis Business License Application Review Process

The following types of Cannabis Business Licenses may be applied for:

Goleta Cannabis Business License Types	State License Types*
Retail License (includes non-storefront (delivery))	Retailer – Type 9 & 10
Cultivation License	Cultivation Licenses - Type 1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 5, 5A, 5B & Processor
Nursery License	Cultivation Licenses- Type 4
Manufacturing License	Manufacturing – Type 6 & 7, N (edibles/topical) & P (packaging)
Distribution License	Distributor – Type 11
Testing License	Testing – Type 8
Microbusiness License	Microbusiness – Type 12

* Pursuant to Business and Professions Code § 26050

All cannabis business license applicants would be required to submit a Cannabis Business License Application on a form and in the manner prescribed by the City that meets the minimum requirements, including the following additional information.

- *Qualifications of Owners.* Applicants would be required to demonstrate that they are over 21 years of age, have no felony convictions and have not been convicted of

possession, manufacture, sales and distribution of a controlled substance, except with respect to cannabis related offenses.

- *Site Plan.* Applicants would be required to provide the physical design and concept of the business, including building and interior floor plan, and description of the neighborhood and adjacent land uses. These must be prepared by a professional engineer or architect.
- *Business Plan.*
 - a. This is where applicants would need to be able to demonstrate their ability to adhere to State regulations. Applicants would be required to provide a description of the day-to-day operations consistent with each license type sought. The proposed operations should acknowledge both state and local laws and be consistent with industry best practices. The description should be detailed enough to demonstrate how local and state law would be adhered to. For example, a cultivation and retail licensee cannot have any flowering plants in its retail area under the state law. Cultivation licensees will be required to provide a detailed premises diagram showing all boundaries and dimensions of canopy, chemical storage, packing, composting, and harvested cannabis storage.
 - b. Applicants would be required to provide a Good Neighbor Plan on how the business would not create a nuisance to the neighborhood and how any neighborhood complaints would be dealt with. A 24/7 contact must be available for any complaints and a response time must be submitted for any complaints.
 - c. Financial documents regarding start-up costs for the first few years. This information will be kept confidential.
- *Green Business Plan.* Applicants would be required to describe any proposed “green” business practices relating to energy and climate, water conservation, recycling, and materials and waste management.
- *Odor Abatement Plan.* Applicants would be required to provide a detailed odor abatement plan, prepared by a qualified consultants that ensures that no odors can be detected outside the licensed premises, in addition to describing the air treatment system or other methods used.
- *Safety Plan.* Applicants would be required to include a detailed safety plan, including overall facility safety features, a written description including fire prevention, suppression, HVAC and alarm systems.
- *Security Plan.* Applicants would be required to provide a detailed security plan including overall security features, a diagram demonstrating the location of all cameras and recording equipment, access control equipment and all safes, vaults and locked and secured rooms, and a written description of operational security including security policies, employee policies, visitor security, third party contractor security, and delivery security. Ingress and egress access, perimeter security and product security will also be assessed. Security lighting is also required but outdoor lighting must also be dark sky compliant. The City would maintain confidentiality of this plan.
- *Noticing Requirement for Cannabis Business License.* The Director of Neighborhood Services and Public Safety shall provide notice by First Class mail for all CBLs 10

calendar days before a decision on a Cannabis Business License is made to properties, including property owners and, when possible, tenants, located within 500 feet of the parcel on which the Cannabis Business is or is proposed to be located.

- *Appeal to City Council.* The approval, denial, suspension or revocation of a Cannabis Business License may be appealed to the City Council.
- *Site inspection by the City.* Prior to issuance of Cannabis Business License, the Director of Neighborhood Services and Public Safety, or designee, would conduct a site inspection after all Building and other local agency inspections have been done. This would ensure that the applicable plans and information submitted at the initial Application Review have been executed.

The overall process of receiving, reviewing and approving the application will require the work efforts of multiple City departments including the Finance Department, Planning and Environmental Review, Building and Safety, Risk Management, and Neighborhood Services and Public Safety, in addition to the City's cannabis consultant. At the time of submittal, an applicant must show proof of Live Scan for the applicant and all prospective employees by the SB County Sheriff's Department, and proof of review of the floor plan and site plan as requested by the SB Fire Department (e.g., fire clearance letter). The proof of Live Scan must be dated within 30 days of submission of application. The Applicant/Operator is prohibited from employing individuals until the Live Scan report is received and the employee is cleared to begin work.

To allow for sufficient time for pre-submittal review and intake, and to engage in safety and cash handling procedures for both the applicant and staff, applicants will be required to schedule an appointment with Finance staff in at least three (3 days) in advance to accept the initial application for review and processing of applicable fees.

The following steps summarizes, but do not detail the expected process for a new license:

Step 1: Applicant to obtain Live Scans and retain receipts for application and obtain a fire clearance letter.

Step 2: Applicant to schedule a meeting with Finance staff in at least three days in advance with completed application form and required attachments. Applicants are to submit a hard copy and electronic copy as prescribed by the City and labeled accordingly. The hard copy must be provided in 8.5" x 11", double-sided format, and compiled in a 3-ring binder, tabbed and labeled for each required document or plan. An electronic copy shall also be provided in PDF format of the documents submitted in hard copy, with individual files labeled by title of the document or plan, matching the labels in the hard copy binder. Upon receipt of an application and documents, the Finance Department will perform a preliminary review of the application submittal with the applicant(s) to ensure submitted application is completely filled out and all required attachments are provided, and signatures are obtained. Finance staff is not able to

validate or provide confirmation if the submitted information is valid, as the review process will make its determination when routed during the review process. If any required information is missing at initial intake, the application and fee will not be accepted for intake, and applicant must reschedule an appointment at a future date. After initial application acceptance Finance staff will process the non-refundable payment and issue receipt for confirmation to applicant. The application and documents will be routed to the appropriate City Departments and routed electronically to the Cannabis Consultants for review.

Step 3: The Finance Department will receive and review documents pertaining to financial and tax business operations, including confirming of a valid Cannabis Business Tax Registration Form. Any discrepancies are noted and routed to the next department for their review.

Step 4: The Planning Department will receive and review documents pertaining to consistency with land use and zoning verification, along with case numbers and land use permit applications that may be applicable. In addition, staff will provide public notice to property owners, and when possible, tenants, located within 500 feet of the parcel, of which the Cannabis Business is or is proposed to be located by providing notice by first class mail. Staff will note any discrepancies, and route to the next department for their review.

Step 5: Building and Safety will confirm valid fire clearance letter, and any building permits are applicable. Staff will note any discrepancies, and route to the next department for their review. Building and Safety will report to Neighborhood Services and Public Safety when permits have passed, and all inspections are cleared.

Step 6: Risk Management will receive and review documents pertaining to insurance and cannabis bond requirements if applicable, and note any discrepancies, and route to NS/PS for review.

Step 7: NS/PS will review application for completeness of Live Scan confirmation by the Sheriff's Department, in addition to the review of other pertinent required documents and plans in conjunction with the City's cannabis consultant for state and local law compliance as established by the evaluation criteria. All missing, incomplete or invalid information that requires correction is identified and consolidated to a list of deficiencies, which will then be provided to the applicant by formal letter. In coordination with the Finance Department, Finance staff will provide the letter to applicants. Applicants will be given one additional opportunity for resubmittal of listed items and must provide the listed items within a required time period (e.g., approximately 30-days) as one complete package electronically. After the specific time-period, applicants will have no further opportunity to cure incomplete items, and application will be returned to applicant for completeness.

Step 8: Upon confirmation of approvals of all above-referenced steps, including clearance of the applicant and employee's Live Scans, the Director of NS/PS will

provide public notice by First Class mail for the CBL, and confirm preliminary approval with applicant and state department. Applicant will be subject to a final inspection process.

Step 9: Once applicant is approved by the state, the applicant will provide the City with a copy of its state issued license and permits and copy of approved application submitted to the state.

Step 10: Upon final approval of site inspection and review, the NS/PS Director will notify Finance staff of final approval, and a Cannabis Business License Certificate will be printed and issued to the applicant by the Finance Department. Finance staff will prepare and release a packet, containing the Cannabis Business License Certificate, tax certificate, and other documents and instructions for proper cannabis business tax reporting. Issued Cannabis Business Licenses are valid for a calendar year period (January 1 – December 31), and is not prorated.

Annual Renewal Process

An annual renewal application and renewal fee will be required. It is recommended that licensed users submit renewal application in October to allow appropriate time for review. The annual renewal process will not require the resubmittal and review of major operational plans but will require that the applicant provide revised floor and site plans and provide proof of submittal to SB County Fire, and other required documents such as insurance information, updated employee lists with required Live Scans of any potential new employees not already on file. Current employees that already completed a Live Scan background review will not have to submit a new one.

Operational Standards – Monitoring and Compliance

The Cannabis Business License Ordinance includes operating standards that are consistent with State law for the different license types. These standards remain largely unchanged from the previous Cannabis Business License regulations.

Major components of operating standards include:

- Camera surveillance for security purposes and storage of recordings;
- Access areas are controlled, including ingress/egress to limited access areas and points of sale;
- Reporting of tracking of inventory and gross sales.
- Materials and waste are disposed of in compliance with plans submitted and State law;
- Security alarm systems have been
- Background checks of new employees must be applied for by the licensee before employment can begin.
- The hours of operation for Storefront Retail are from 10:00 am to 8:00 pm.
- The hours of operation for Nonstorefront Retail (Delivery) are from 9:00 am to 9:00 pm. All delivery vehicles must be registered with the City.
- No on-site consumption is allowed.

- Adherence to all State regulations.

Operational standards will be monitored and reviewed through the Monitoring and Compliance (M&C) Program as part of the Cannabis Business License. A Cannabis Business License is valid from January 1 through December 31 of each year. A Cannabis Business License is meant to be obtained before January 1 of each year, monitoring and compliance is envisioned to happen around June of each year. The M&C Program will ensure that a licensee has executed all the plans submitted at the Application Review process and complied with all operating standards in the Cannabis Business License Ordinance. If they are unable to comply, their Cannabis Business License will either be suspended until compliance is achieved or revoked, depending on the circumstances. Ultimately, a licensee that cannot demonstrate compliance with its plans and operating standards will not be re-issued a renewal Cannabis Business License. This program does not prohibit the City from performing additional inspections due to emergency and safety situations and the Cannabis Business License Ordinance authorizes city officials to enter and inspect any commercial cannabis business during normal business hours to ensure compliance. Law enforcement may enter and inspect the location of any cannabis business and the records maintained, and also authorizes entry by the Fire Inspector to conduct inspections of specific uses.

Monitoring & Compliance Process

All licensed cannabis operators are subject to the M&C process, and M&C fee. The M&C process will help to ensure licensed operators make and maintain complete, accurate and legible records of the permitted cannabis operations evidencing compliance with the requirements of all state and local regulations which shall be subject to audit, in addition to inspection of the operational requirements of the facility, product tracking, and verification of employees.

Due to the very time intensive task of implementing the M&C program, the City will work with its cannabis consultants to conduct on-site compliance inspections annually, as requested by the City for each permitted cannabis business to determine compliance with State and local law. Inspectors will visit the businesses to ensure that the facilities remain in compliance with the above requirements as well as all standards laid out in state and local law, including regulator protocols for all of the following:

- Inventory management
- Cash handling procedures
- Access control
- Video surveillance
- Product safety
- Alarm system maintenance and safety
- Lock standards
- Packaging and labeling
- Waste management
- Transportation documentation
- Surveillance equipment maintenance
- Occupational badges
- Business records

- Other items as necessary to ensure compliance with laws

Inspections on-site are anticipated to be at least 2 hours. The cannabis consultant will prepare a draft report detailing the findings of the inspection and providing recommendations for improvement where needed. If the cannabis consultant identifies any violations of the law or other non-compliant activities, the cannabis consultant will provide the City with a notice to comply and recommended appropriate action to address the deficiency to ensure future compliance by the permittee.

Fees for Cannabis Business License, Monitoring and Compliance and Renewals

The original adopted Cannabis Business License Fee were as follows:

Cannabis Business License Application Fee:	\$2,320.00 (did not include M&C fee)
Cannabis Accessory Use Fee:	\$185.00
Cannabis Business License Renewal Fee:	\$559.00 (did not include M&C fee)

In determining the fees, staff reviewed and analyzed the various components of the application review process and calculated the amount of staff time and employee classifications involved, including the use of consultants, in receiving, reviewing, processing and providing technical or general service tasks for each application. Additionally, the fee analysis also incorporated direct costs in issuing the license, tax certificate, cannabis consultant services, mailing and postage fee. Staff has now reviewed the fee calculations based on updates to the process, including the monitoring and compliance program component and changes to Cannabis Business License Ordinance. The fully burdened labor rate of the staffing classifications involved in the process were used in the fee study. The list of tasks and rates for the fee recommendations are provided in detail in Attachment 8. The fees are included in the City's User Fee Schedule and reviewed and adjusted per the Consumer Price Index (CPI) in same manner as other user fees in the schedule. If additional adjustments are warranted, they will be recommended for City Council approval as part of a periodic update.

Staff is recommending the following fee amounts for adoption to ensure full cost recovery:

Proposed Updated Cannabis Business License Application Fee:	\$13,700
Proposed Updated Cannabis Accessory Use Fee:	\$100
Proposed Updated Cannabis Business License Renewal Fee:	\$11,100
Proposed Cannabis Business License Outside City Limits Delivery Service Fee:	\$400
Proposed Cannabis Business License Outside City Limits Delivery Service Renewal Fee:	\$400
Proposed Cannabis Business License Appeal Fee:	\$4,400

For comparison against other local jurisdictions, the table below provides other agency cannabis application, renewal and monitoring and compliance fees:

	City of Santa Barbara	County of Santa Barbara	Lompoc	Greenfield	Thousand Oaks	City of Merced	City of San Carlos	City of West Hollywood
Application	\$5,600	\$3,250	\$13,000	\$4,507 (& Dev Agreement)	\$13,218	\$9,541	\$18,000	\$13,915 (Screen plus App)
Regulatory/yr. includes renewal	\$6,945- \$8,650	\$6,100	N/A	\$11,812- \$20,890	\$6,416	\$6,259- \$32,595	\$7,500- \$24,500	\$2,070
Cultivation	\$6,945	\$6,100	N/A	\$16,620	\$6,416	\$18,193	\$15,500	N/A
Retail	\$6,945	\$6,100	N/A	\$20,890	\$6,416	\$20,920	Not allowed	\$2,070
Distribution	\$6,945	\$6,100	N/A	\$14,679	\$6,416	\$12,556	\$7,500	N/A
Testing	\$6,945	\$6,100	N/A	\$11,812	\$6,416	\$6,259	\$7,500	N/A
Manufacturing	\$8,650	\$6,100	N/A	\$19,529	\$6,416	\$32,595	\$24,500	N/A
Fee/Deposit	Fee	Deposit	Deposit	FEE	Deposit	Fee	Deposit	Fee
CPI possible	NO	YES	NO	NO	YES	YES	YES	NO

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 Planning Commission recommended the City Council approve the CEQA Addendum to the GP/CLUP EIR through Resolution 19-02 on March 11, 2019. The first action recommended to the City Council is approval of the Addendum.

CONCLUSION/RECOMMENDATION:

After review of the CEQA Addendum, draft General Plan amendment, Draft Cannabis Land Use Ordinance, and Draft Cannabis Business License Ordinance and related fees, the City Council is asked to adopt the attached Resolutions and Ordinances.

FISCAL IMPACTS:

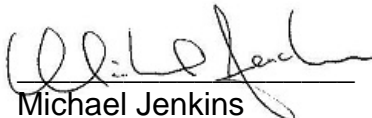
There is no direct fiscal impact from introducing and conducting the first reading of the proposed ordinances. Funding for Planning and Environmental Review staff time to prepare the Cannabis Land Use Ordinance was included in the adopted FY 2017–18 Budget under Program 4300 of the Advance Planning Division. Cannabis consultant, HDL Companies, was retained to assist in drafting the Cannabis Business License Ordinance and approximately \$18,000 was expended in this effort.

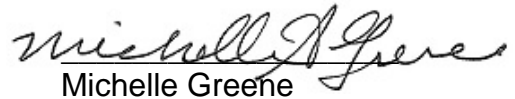
ALTERNATIVES:

The City Council has the option to take no action on this item at this time, continue the public hearing to a future meeting, or provide other direction to staff, such as, to incorporate the Planning Commission's recommendations into the General Plan and/or Land Use Ordinance amendments.

Legal Review By:

Approved By:


Michael Jenkins
City Attorney


Michelle Greene
City Manager

ATTACHMENTS

1. City Council Resolution 19-__: "A Resolution of the City Council of the City of Goleta, California, Approving 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)"
2. City Council Resolution 19-__: "A Resolution of The City Council of the City of Goleta, California, Approving a General Plan Amendment to Amend the Land Use Element Tables 2-1 through 2-4 for Various Cannabis-Related Use Clarifications"
3. City Council Ordinance 19-__: "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"
4. City Council Ordinance 19-__: "An Ordinance of the City Council of the City of Goleta, California, Repealing and Replacing Chapter 5.09 Of Title 5 of the Goleta Municipal Code to Establish Standards and Regulations for Commercial Cannabis Businesses"
5. Summary of Public Testimony from March 11, 2019 Planning Commission Hearing
6. Summary of Planning Commission Recommendations from March 11, 2019 Planning Commission Hearing
7. City Council Resolution 19-__ "A Resolution of The City Council of the City of Goleta, California, Rescinding Resolution 18-36 and Resolution 18-38 and Approving and Adopting the 2019 User Fees and Charges"
8. Cannabis Business License Fee Rate Study Worksheets

Attachment 1

City Council Resolution 19-__: “A Resolution of the City Council of the City of Goleta, California, Approving 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)”

RESOLUTION NO. 19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, APPROVING 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)

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; and

WHEREAS the Planning Commission recommended the City Council approve the CEQA Addendum to the GP/CLUP EIR through Resolution 19-02 on March 11, 2019; and

WHEREAS the City Council conducted a duly noticed public hearing on April 16, 2019, at which time all interested persons were given an opportunity to be heard; and

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

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

SECTION 1. Recitals

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

SECTION 2. CEQA Findings; Approval of Addendum

The City Council certifies that, pursuant to CEQA and Section 15090 of the CEQA 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 City Council has reviewed and considered the GP/CLUP EIR and the Addendum, as a whole.
- C. The Addendum reflects the independent judgment and analysis of the City, as the lead agency.

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

SECTION 3. Documents

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

SECTION 4. Certification

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

PASSED, APPROVED AND ADOPTED this 16th day of April 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 City Council Resolution No. 19-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 16th day of April 2019, by the following vote of the Councilmembers:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

EXHIBIT 1

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

Amendments to the General Plan and 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

**Amendments to the General Plan and
Cannabis Land Use Ordinance
Case Nos. 18-134-GPA and 18-135-ORD**

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

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Appendix A

General Plan Land Use Designations – Cannabis Uses Consistency Matrix

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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 AMENDMENTS¹

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

07-17-12	Willow Springs	Addendum	No. 12-46
10-02-12	Westar	Addendum	No. 12-69
11-06-12	Measure G2012: Goleta Heritage Farmlands Initiative	NA	Not Applicable
07-15-14	Village at Los Carneros	Addendum	No. 14-43
12-16-14	Housing Element 2015-2023	NA	No. 14-65
01-20-15	Cortona Apartments	NA	No. 15-03
10-20-15	Old Town Village	Addendum	No. 15-49
10-17-17	Hollister/Kellogg Park	Addendum	No. 17-46
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 Recreation¹
- Hydrology and Water Quality
- Noise
- Public Services and Utilities²
- Transportation and Circulation

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

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

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.

Impacts³

Impact 3.3-1 Construction Emissions (Class II)

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

The 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

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

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.⁴

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

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

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

The 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

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

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

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

Attachment 2

City Council Resolution 19-__: “A Resolution of the City Council of the City of Goleta, California, Approving a General Plan Amendment to Amend the Land Use Element Tables 2-1 through 2-4 for Various Cannabis-Related Use Clarifications”

RESOLUTION NO. 19 - _

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, APPROVING 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, 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 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 recommended the City Council approve the CEQA Addendum to the GP/CLUP EIR through Resolution 19-02 on March 11, 2019; and

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

WHEREAS the City Council conducted a duly noticed public hearing on April 16, 2019, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the City Council considered the entire administrative record, including the staff report, the 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 City Council 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 City Council 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 City Council hereby deems 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 City Council hereby adopts 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 as 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 16th day of April, 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 Resolution No. 19-__ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the 11th 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 City Council finds 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 City Council 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 City Council 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 City Council recognizes that the GP/CLUP is the City's combined General Plan and Coastal Land Use Plan. The City Council 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 City Council 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
Residential Uses					
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	-
Other Uses					
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	-
Accessory Uses					
Home Occupations	X	X	X	X	X
Standards for Density and Building Intensity					
Recommended Standards for Permitted Density					
Maximum Permitted Density (units/acre)	5 or less	5.01–13	20	30	15
Minimum Permitted Density (units/acre)	N/A	N/A	15	15	N/A
Recommended Standards for Building Intensity					
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
Retail Trade						
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
Services (Including Offices)						
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
Transient Lodging and Services						
Resorts	–	–	–	X	–	–
Hotels, Motels, Bed and Breakfast Inns	X	X	X	X	–	–
RV Parks	–	–	X	X	–	X
Other Visitor Services and Attractions	–	–	–	X	–	X
Auto-Related Uses						
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
Wholesale Trade and Storage						
General Wholesale Trade	–	–	–	–	–	X
Warehousing – General	–	–	–	–	–	X
Warehousing – Self-Storage	–	–	–	–	–	X
Outdoor Storage	–	–	–	–	–	X
Residential Uses						
Residential Units	–	X	X	–	–	–
One Caretaker Unit	X	X	X	X	–	X
Assisted-Living Residential Units	–	–	–	–	–	X
Other Uses						
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*
Standards for Density and Building Intensity						
Recommended Standards for Density						
Maximum Residential Density	N/A	12/acre	20/acre	N/A	N/A	20/acre
Recommended Standards for Building Intensity						
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
Industrial (Manufacturing)				
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
Transportation and Utilities				
Transportation (other than right-of-way)	–	–	X	X
Wireless Communications/Telecommunications	X	X	X	X
Utilities	X	X	–	–
Retail Trade				
Building/Landscape Materials and Equipment	–	X	–	X
Eating and Drinking Establishments	X	X	–	–
Other Retail Trade Establishments	X	X	–	–
Cannabis Storefront Retail	–	–	–	X**
Services (Including Offices)				
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
Auto-Related Uses				
Automotive Sales and Rentals	–	–	X	X
Auto Repair and Painting	–	–	X	X
Auto Wrecking Yard/Junk Yard	–	–	X	X
Auto Service (Gas) Station	–	–	–	X
Wholesale Trade and Storage				
General Wholesale Trade	X***	–	X	X
Warehousing – General	X*	–	X	X
Warehousing – Self-Storage	–	–	X	X
Outdoor Storage	–	–	X	X
Residential Uses				
Residential Units	–	X	–	–
One Caretaker Unit Per Parcel	X	X	X	X
Assisted-Living Residential Units	–	X	–	–
Other Uses				
Public and Quasi-public Uses	X	X	X	X
Religious Institutions	–	X	–	–
Cannabis Microbusiness	–	–	X	X
Standards for Density and Building Intensity				
Recommended Standards for Density				
Maximum Residential Density	N/A	20units/acre	N/A	N/A
Recommended Standards for Building Intensity				
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
Residential Uses				
One Single-Family Detached Dwelling per Lot	X	-	-	-
Farmworker Residential Units	X	-	-	-
Second Residential Dwelling Unit	X	-	-	-
Caretaker Residential Unit	-	-	X	X
Agricultural Uses				
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	-	-	-
Open Space and Outdoor Recreation				
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
Public and Quasi-public Uses				
General Government Administration	-	-	-	X
Fire Stations	X	-	-	-
Schools (Public and Private)	-	-	-	X
Other Government Facilities	-	-	-	X
Other Uses				
Religious Institutions	-	-	-	X
Small-Scale Residential Care Facility	X	-	-	-
Small-Scale Day Care Center	-	-	-	X
Wireless Communications/Telecommunications	X	-	-	X
Recommended Standards for Building Intensity				
Structure Height	N/A	N/A	N/A	N/A
Maximum Lot Coverage Ratio	N/A	N/A	N/A	N/A
Notes: 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

City Council Ordinance 19-__: “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”

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; and

WHEREAS the Planning Commission recommended the City Council approve the CEQA Addendum to the GP/CLUP EIR through Resolution 19-02 on March 11, 2019; and

WHEREAS the City Council conducted a duly noticed public hearing on April 16, 2019, at which time all interested persons were given an opportunity to be heard; and

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

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

SECTION 1. Recitals

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

SECTION 2. Required Findings for an Ordinance Amendment

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

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

SECTION 3. Environmental Assessment

The California Environmental Quality Act (CEQA) requires that the environmental impacts of the action be assessed. This 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. 19-__ of the City Council approved an Addendum to the General Plan/Coastal Land Use Plan Final Environmental Impact Report. The Resolution properly assesses the environmental impact of the Ordinance, in

accordance with CEQA. This Resolution incorporates by reference the environmental findings and analysis set forth in Resolution No. 19-__.

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. "State Cannabis 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. Location. 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 California 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 shall 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 shall 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 shall 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.

Table 1. Allowed Cannabis Uses by General Plan Land Use Designation										
<i>Cannabis Uses</i>	<i>Land Use Designations¹</i>									
	<i>Commercial</i>						<i>Office and Industrial</i>			
	<i>CR</i>	<i>CC</i>	<i>OT</i>	<i>CI</i>	<i>CV</i>	<i>GC</i>	<i>BP</i>	<i>OI</i>	<i>IS</i>	<i>IG</i>
Cannabis Cultivation	See Subclassifications below.									
<i>Indoor Cultivation</i>							P		P	P
<i>Nursery</i>							P		P	P
<i>Processor</i>							P		P	P
Cannabis Distribution						P	P ³		P	P
Cannabis Manufacturing	See Subclassifications below.									

Table 1. Allowed Cannabis Uses by General Plan Land Use Designation										
<i>Cannabis Uses</i>	<i>Land Use Designations¹</i>									
	<i>Commercial</i>						<i>Office and Industrial</i>			
	<i>CR</i>	<i>CC</i>	<i>OT</i>	<i>CI</i>	<i>CV</i>	<i>GC</i>	<i>BP</i>	<i>OI</i>	<i>IS</i>	<i>IG</i>
<i>Non-Volatile Solvent</i>							P		P	P
<i>Volatile Solvent Manufacturing</i>							P		P	P
<i>Infusions</i>							P		P	P
<i>Packaging and Labeling</i>							P		P	P
Cannabis Microbusiness ²						P ⁵			P	P
Cannabis Retailer	See Subclassifications below.									
<i>Storefront</i>	P	P	P			P				P ⁴
<i>Non-Storefront</i>	P	P				P			P	P
Cannabis Testing							P	P		P
Key: P: Land use permitted. Blank: Land use prohibited.										
Notes: 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 storefront retail is allowed except where a cannabis dispensary was legally located prior to June 16, 2009. 3. Floor area of each distributor license shall not exceed 30,000 square feet. 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. 5. Microbusinesses in G-C are only allowed for cannabis businesses legally located prior to June 16, 2009.										

2. Standards.

a. All Cannabis Uses.

i. Licenses.

- 1) State Cannabis 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 Principal Use must also be a cannabis use.
- ii. Cannabis uses shall 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) Standard Buffer. A Storefront Cannabis Retailer shall not be located within 300 feet from another Storefront Cannabis Retailer that was legally established before or after the adoption of this Ordinance.
- b) Additional Buffer. A Storefront Cannabis Retailer shall not be 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 requirements are met:
 - i) The cannabis business has no entrance facing Hollister Avenue in Old Town unless it is a secondary entrance to meet

fire requirements and has no signage facing Hollister Avenue in Old Town; and

ii) All required parking is provided on site.

2) Goleta Valley Community Center. A Storefront Cannabis Retailer shall not be located within 300 feet from the Goleta Valley Community Center property unless the following requirements are met:

i) The cannabis business has no entrance facing Hollister Avenue unless it is a secondary entrance to meet fire requirements and has no signage facing Hollister Avenue; and

ii) All required parking is provided on site.

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

4) Residential. A Storefront Cannabis Retailer shall not be located on a parcel adjacent to a parcel(s) with a residential land use designation, unless the following requirements are met:

a) The cannabis business has no entrance and has no signage facing the residential parcel(s); 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. Limit of Businesses. 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

City Council Ordinance 19-__: “An Ordinance of the City Council of the City of Goleta, California, Repealing and Replacing Chapter 5.09 Of Title 5 of the Goleta Municipal Code to Establish Standards and Regulations for Commercial Cannabis Businesses”

ORDINANCE NO.19-__

**AN ORDINANCE OF THE CITY OF GOLETA, CALIFORNIA
AMENDING CHAPTER 5.09 OF TITLE 5 OF THE GOLETA
MUNICIPAL CODE TO ESTABLISH STANDARDS AND
REGULATIONS FOR COMMERCIAL CANNABIS BUSINESSES**

**THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS
FOLLOWS:**

SECTION 1: FINDINGS

- A. In 1996, the California electorate approved Proposition 215, the Compassionate Use Act which allows a patient, with a doctor's recommendation, to use cannabis for medicinal purposes without the fear of prosecution or arrest; and
- B. In 2003, the California legislature passed Senate Bill 420 (Medical Marijuana Program Act) which amended the Health and Safety Code to permit the establishment of medicinal cannabis dispensaries for the distribution of cannabis for medicinal purposes; and
- C. In 2005, the California Board of Equalization began issuing seller's permits for sales consisting of medicinal cannabis; and
- D. In 2008, the California Attorney General issued guidelines for the security and non-diversion of cannabis grown for medical use; and
- E. In 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA") further amended by Senate Bill 837 in 2016 as the Medicinal Cannabis Regulation and Safety Act ("MCRSA"), which established regulations and a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing; and
- F. In 2016, the voters of the State of California approved and passed Proposition 64 also known as the Adult Use of Marijuana Act ("AUMA"); and
- G. In 2017, the Governor signed into law Senate Bill 94 also known as Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and
- H. Pursuant their police power and land use authority under Article 11, Section 7 of the California Constitution, cities are free to adopt and enforce local ordinances that regulate the location, operation, or establishment of medicinal cannabis; and
- I. After studying various alternatives for the regulation of commercial cannabis considering input from stakeholders and a public hearing, and reviewing the legal status of cannabis under applicable law, the City Council finds that the regulation of commercial cannabis activities is necessary to protect the public health, safety, and welfare by mitigating the adverse secondary effects from the operations of these uses; and
- J. The City of Goleta ("City") has a compelling interest in ensuring that cannabis is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which these uses may operate, and in providing access of cannabis to residents; and

- K. Chapter 5.09 of Title 5 of the Goleta Municipal Code regulates and requires licensure of cannabis businesses within the City.
- L. The City desires to amend Chapter 5.09 to add more requirements to the licensure of cannabis businesses within the City.
- M. The proposed Ordinance has been reviewed by City staff in accordance with the Environmental Checklist Form (Appendix G of the CEQA Guidelines) to determine if there would be any possibility that the proposed ordinance would create any significant environmental impacts, and the City has determined that the establishment of regulations for commercial cannabis businesses do not meet any of the thresholds contained in the Checklist that would trigger a significant environmental impact, and thus according to the "general rule exemption" (Section 15061 (b)(3) of the CEQA Guidelines, projects which have no potential for causing a significant effect on the environment are not subject to CEQA, no further environmental analysis is required.

SECTION 2: LAND USE REFERENCE

This Chapter corresponds with City Ordinance 19-__ (Cannabis Land Use Ordinance) and will be taken together with the provisions of the City Ordinance 19-__ to determine whether a cannabis business is permitted. Any commercial cannabis business in the City must also operate in compliance with the City's zoning regulations.

SECTION 3: AUTHORITY

This Ordinance is adopted pursuant to the authority granted by state law, including but not limited to, Article IX, Section 7 of the California Constitution, the Compassionate Use Act of 1996, as amended, (Health and Safety Code Section 11362.5), the Medical Marijuana Program, as amended, (Health and Safety Code Section 11362.7 et seq.), the Medical Marijuana Regulation and Safety Act, as amended, (Business and Professions Code Section 144, 2525, 2220.05, 2241 .5, 2242.1, 19302.1, 19319-19325, 19331, 19335, 19337, 19348 et seq.; AB 266, AB 243, and SB 643; hereafter "MMRSA"), the Adult Use of Marijuana Act (Business and Professions Code Section 14235.5, 11362.775, 26001, 26053, 26070, 26100, 26110, 26130; Proposition 64), and the Medicinal and Adult Use Cannabis Regulation and Safety Act (Fish and Game Code Section 1602 and 1617 et seq.; Business and Professions Code Section 26000-26220 et seq.; Food and Agricultural Code Section 37104, 54036, and 81010 et seq.; Health and Safety Code Section 11006.5-11553 and 109925 et seq.; Revenue and Taxation Code Section 34010-34021.5 et seq.; Vehicle Code Section 2429.7 et seq.; SB 94; hereafter "MAUCRSA"); and any other state statutes regulating cannabis (hereinafter collectively referred to as "State Law").

SECTION 4: AMENDMENT OF CHAPTER 5.09

Chapter 5.09 is hereby amended as follows:

5.09.010 COMPLIANCE WITH STATE AND LOCAL LICENSING REQUIREMENTS

Commercial cannabis activity as defined by the State of California or the City shall operate in conformance with all regulations and standards set forth in this Chapter

of the Municipal Code to assure that the operations of the retailer, cultivation facility, manufacturing facility, distribution facility, testing facility, microbusiness or any other commercial cannabis activity as defined by the State of California or allowed by the City are in compliance with local and state law and are established to mitigate any adverse secondary effects from its operations. Cannabis operators shall be required to obtain a State license and shall comply with any applicable State licensing requirements, such as operational standards and locational criteria. Multiple cannabis uses and licenses proposed on any one site shall occur only if authorized by the State and the City and only if all uses proposed are allowed under the City's zoning regulations.

5.09.020 DEFINITIONS

When used in this Chapter, the following words are defined as follows. If a word is not defined in this Section, other provisions of the Goleta Municipal Code, or City ordinance, the definitions shall be as in state law or, in case where a definition is not provided in state law, as determined by the Director of Neighborhood Services and Public Safety.

- A. "Cannabis Business" means a person operating any or all commercial activities relating to cannabis that requires a license under State law.
- B. "Cannabis Business License" ("CBL") means a license issued by the City under this Chapter.
- C. "City Manager" shall mean the City of Goleta City Manager, or designee.
- D. "Director" shall be the Director of Neighborhood Services and Public Safety or designee.
- E. "Fire Chief" shall mean the Santa Barbara County Fire Department Fire Chief, or designee.
- F. "Person" means any natural person, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- G. "Police Chief" means the City of Goleta Police Chief, or designee.
- H. "Seller's Permit" means a state business license that allows a business to make sales of tangible personal property in California.
- I. "State Law" means the codified sections promulgated by the California State Legislature related to commercial cannabis businesses.

5.09.030 GENERAL PROVISIONS FOR COMMERCIAL CANNABIS ACTIVITIES IN THE CITY

- A. Prohibitions. It shall be unlawful for any person to engage in, conduct or carry on, in or upon any premises within the City a Cannabis Business without a CBL from the City.
- B. Cannabis Business License Required.
 - 1. Each Cannabis Business shall have a CBL specific to the business activity defined by State law regardless of whether the business activity is for medicinal or adult-use purposes. The following is a list of current license types under State law:
 - a. Cultivation
 - b. Retail
 - c. Delivery
 - d. Distribution

- e. Manufacturing
 - f. Nurseries
 - g. Testing
 - h. Microbusiness
2. The following are the commercial cannabis activities currently authorized by the City of Goleta:
 - a. Retail
 - b. Nonstorefront Retail (Delivery)
 - c. Cultivation
 - d. Manufacturing
 - e. Testing
 - f. Distribution
 - g. Microbusiness
 3. A CBL shall be valid for a period of one year from January 1 through December 31 of each year, unless sooner revoked. No permit granted herein shall confer any vested right to any person for more than the above-referenced period.
 4. The CBL shall be issued only to the specific person listed on the CBL application.
 5. A CBL may not be transferred from one person to another person. A CBL does not run with the land. Except as provided in Goleta Municipal Code Sections 5.01.300 and 5.01.310, any change to the organizational structure or ownership of the cannabis business will require a new CBL.

5.09.040 CANNABIS BUSINESS LICENSE APPLICATION PROCEDURES AND REQUIREMENTS

A. Application Requirements.

1. An applicant may submit one or multiple applications for the various cannabis permit types. Applicants may apply for no more than one permit per category of Cannabis Business.
2. A separate application must be filed for each location or premise for which an applicant proposes to operate a Cannabis Business.
3. An applicant shall pay all the fees required by this Chapter.
4. A CBL applicant shall submit the following information, which will be more particularly defined in an administrative regulation by the City Manager:
 - a. Completed CBL Application form and applicable fees;
 - b. Copy of DMV-issued driver's license or identification card or passport for each owner, officer, employee, or agent;
 - c. Copy of Social Security card for each owner, officer, employee, or agent;
 - d. Proof of insurance as required by this Chapter;
 - e. An executed release of liability and hold harmless in the form set forth in the City's application form;
 - f. Authorization for the City to verify the information and representations contained in the application;
 - g. In the event the applicant is not the owner of record of the real property upon which the cannabis business is or will be located, a notarized statement and consent from the owner of the property acknowledging that a Cannabis Business is or will be located on the property and copy

- of the lease or rental agreement pertaining to the property on which the Cannabis Business is or will be located;
 - h. Business entity documents, including but not limited to articles of incorporation, articles of organization, certificate of limited partnership, or statement of partnership authority.
 - i. Fee for background checks as required by this Chapter.
 - j. The following plans, the contents of which will be promulgated by administrative regulation by the City Manager:
 - i. Site Plan;
 - ii. Business Plan;
 - iii. Green Business Plan;
 - iv. Odor Abatement Plan;
 - v. Safety plan; and
 - vi. Security plan.
- B. Application Evaluation.
1. The City Manager will promulgate an administrative regulation on the CBL application evaluation process.
 2. Applications will be accepted, reviewed, and determined for a CBL by the Director.
 3. Applications will be evaluated by the Director and scored for having provided all the information required by the application and that the plans meet minimum requirements.
 4. If the Director determines that application requirements are not met, the Director shall provide a letter to the applicant outlining all the deficiencies in the application and require deficiencies to be met within 30 days, unless good cause is shown for a greater time period. If the applicant does not respond within the stated time period in the Director's letter, the application shall be returned to the applicant for incompleteness.
 5. An application may be returned for failure to meet the requirement of this chapter, including but not limited to any of the following reasons:
 - a. A decision by the director to return an application based on this section is not appealable.
 - b. Application does not include information necessary to meet application requirements.
 - c. Information requested in Director's letter of deficiencies was received after state timed for the provision of information.
 - d. Information submitted in response to Director's letter of deficiencies is not fully responsive to Director's request for more information.
 6. Site Inspection.
 - a. The Director shall inspect the site of the proposed Cannabis Business for compliance with local and State law requirements and conformance with information provided in the application.
- C. Public Notice for Storefront Retail Applications.
1. The Director shall provide notice by First Class mail for all Storefront Retail CBLs at least 10 calendar days before a decision on the CBL applications is made to property owners and, if feasible, tenants, located within 500 feet of the parcel on which the Cannabis Business is or is proposed to be located.
 2. Phase Three: Site Inspection and Issuance of Permit.

- a. Preliminary Approval. A Preliminary Approval of the CBL will be issued by the Director after the applicant has meet all of the requirements of this chapter, which would allow for an applicant to apply for a State license.
 - b. Final Approval. A Final Approval of a CBL will be issued only after an applicant presents a copy of their State license for the Cannabis Business subject to the CBL application and all site inspections have occurred by the Director or any other necessary City Departments and other local agencies.
 - I. No Cannabis Business can be operated until the City has issued a Final Approval of the CBL.
- D. The City's Reservation of Rights.
 - 1. The City reserves the right to reject any or all applications. Prior to STET issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under State law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance.

5.09.050 FEES

- A. All applicants shall pay all fees associated with an application, including the fees as established by resolution of the City Council for all costs incurred by the City in processing an application, which may include one or more of the following:
 - 1. CBL Application Fees. The applicant shall submit a nonrefundable fee to cover the cost of processing an application for the Cannabis Business and ensuring all operating requirements are adhered to.
 - 2. CBL Application Renewal Fees. The Business Owner shall submit a nonrefundable fee to cover the cost of processing an application renewal.
 - a. If any fee required by this Chapter is not paid prior to the delinquency date, in addition to such fee the applicant shall pay a penalty equal to one-half of the fee; provided, however, that such penalty shall not attach in the case of renewals of annual licenses until 30 days after the delinquency date.

5.09.060 DENIAL, SUSPENSION OR REVOCATION GROUNDS AND APPEAL

- A. Grounds for Denial, Suspension, and Revocation
 - 1. Denial of a New or Renewal CBL. An application may be denied upon any of the following:
 - a. Failure to meet the application requirements of this Chapter and any resolutions adopted pursuant to this Chapter;
 - b. Failure to meet the time requirements of requests for additional information by the Director while a CBL application is under review;
 - c. The applicant knowingly, willfully or negligently made a false statement of material fact or omitted a material fact from the application;
 - d. Any applicant, owner, manager, supervisor, employee or agent that has not passed the Background Check requirements of this Chapter;

- e. The applicant failed to obtain and/or maintain a valid Seller's Permit;
- f. The applicant does not comply with the provisions of this Chapter or State law relating to operation of a Cannabis Business;
- g. The applicant has not received all necessary land use entitlements as required by the City's zoning regulations;
- h. The applicant has denied City access to the business location to conduct an inspection;
- i. Failure to pay the required fees as required in this Chapter;
- j. An outstanding balance of any taxes or fees owed to the City;
- k. Presence of a code violation on the premises on which the Cannabis Business is or is to be located; or
- l. For a renewal application, if the application is not made within 60 days of expiration.
- m. For a renewal application, if the licensee has failed to conform to plans submitted during the initial application process or the operational requirements of this Chapter.

B. Grounds for Suspension and Revocation.

- 1. The licensee fails to conform to the requirements of this Chapter and the plans submitted during the initial application process.
- 2. The licensee's Cannabis Business fails to become operational within six (6) months of obtaining its CBL, unless the Director has granted an extension for good cause.
- 3. Once operational, the Cannabis Business ceases to be in regular and continuous operation for ninety (90) days.
- 4. State law permitting the use for which the license was issued is amended or repealed resulting in the prohibition of such use, or the City receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.
- 5. Circumstances under which the license was granted have significantly changed and the public health, safety and welfare require the suspension, revocation, or modification.
- 6. The license was granted, in whole or part, on the basis of a misrepresentation or omission of a material statement in the CBL application.
- 7. The operator/licensee business has an outstanding balance on City taxes or fees.
- 8. There is an outstanding code violation on the premises on which the Cannabis Business is located;
- 9. The licensee's State license for the Cannabis Business for which a CBL was issued is suspended or revoked. The Director shall not reinstate the CBL until documentation is received showing that the State license has been reinstated or reissued.

C. Notice and Appeal.

- 1. The Director must give notice of intention to deny, suspend or revoke to a licensee or applicant in writing. Within 10 days thereafter, the licensee or applicant may request in writing a hearing before the City Council.

2. The approval of a CBL can be appealed by an aggrieved party to the City Council. Such appeal must be filed within 10 days of the Director's issuance of a CBL.
3. The City Council shall hold a hearing in accordance with Goleta Municipal Code sections 5.01.710 and 5.07.720.
4. If the licensee does not timely request a hearing, the notice of intention to deny, suspend or revoke shall constitute a final decision on the CBL application.

5.09.070 MAINTENANCE OF RECORDS AND REPORTING

- A. All records for the Cannabis Business of the following activities shall be maintained and made available to the City, upon request, for at least 5 years. Records shall be produced within 24 hours of a request by an authorized City representative. Records shall be kept in a manner that allows the records to be produced for the City in either hard copy or electronic form, whichever the City requests.
- B. The Cannabis Business shall obtain and maintain a valid Seller's Permit from the State Board of Equalization or its successor agency.
- C. The Cannabis Businesses shall maintain financial records that include, but are not limited to: bank statements, sales invoices, receipts, tax records, and all records required by the California State Board of Equalization under Title 18 California Code of Regulations Section 1968.
- D. The printed full name, date of birth, and present address and telephone number of the licensed individual, as well as for all persons with any financial interest in the commercial Cannabis Business.
- E. Personnel records, including each employee's full name, address, phone number, date of beginning employment, and date of termination of employment if applicable.
- F. Training records, including but not limited to the content of the training provided and the names of the employees that received the training.
- G. Contracts with other licensees regarding cannabis activity.
- H. Permits, licenses, and other local authorizations to conduct the licensee's STET cannabis activity.
- I. Proof of building ownership or written permission from the landlord permitting the Cannabis Business type to be operated on the leased premises.
- J. Proof of insurance.
- K. Security records.

5.09.080 OPERATING REQUIREMENTS FOR ALL COMMERCIAL CANNABIS BUSINESSES

- A. Cannabis Businesses may operate only during the hours specified in this Chapter.
- B. Restriction on Consumption.
 1. Cannabis shall not be consumed by any employee or any other person on the premises of any Cannabis Business.
- C. No free samples of any cannabis or cannabis product may be distributed at any time at the premises of the Cannabis Business.
- D. Odor Control.

1. Cannabis odors shall not be detectable off-site.
2. Cannabis Businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Cannabis Business. As such, Cannabis Businesses must install and maintain the following equipment, or any other equipment which the Director determine is a more effective method or technology:
 - a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
 - b. An air system that creates negative air pressure between the Cannabis Business's interior and exterior, so that the odors generated inside the Cannabis Business are not detectable on the outside of the Cannabis Business.

E. Security.

1. Interior and exterior locations of the business property shall be monitored at all times by closed circuit cameras for security purposes. The cameras and recording system shall be of adequate quality, color rendition and resolution to allow the sufficient identification of any individual committing a crime on the location premises. Cameras shall record 24 hours a day at a minimum of 20 frames per second. Video recordings shall be maintained by the business and kept available to local police for a minimum period of 90 days.
2. The surveillance system storage device or cameras shall be transmission control protocol/TCP capable of being accessed through the internet by the Director on request.
3. All controlled access areas, security rooms and all points of ingress/egress to limited access areas and all point of sale (POS) areas shall have fixed camera coverage capable of identifying activity occurring within a minimum of twenty (20) feet. Camera video recordings shall be maintained unaltered in a secure location for a period of not less than ninety (90) calendar days and be available for inspection at any time. The Director or Police Chief may request the recordings in connection with an investigation. If the recordings are not voluntarily provided, the Director or Police Chief may seek a warrant or court order for the recordings.

F. Display of CBL and Badge.

1. A copy of the CBL shall be displayed at all times in a place visible to the public.
2. All agents, private security officers or other persons acting for or employed by a licensee shall display a laminated identification badge at least 2" X 2" in size, issued by the licensee. The badge, at a minimum, shall include the licensee's "doing business as" name and license number, the employees first and last name, and a color photo of the employee that shows the full front of the employee's face.

G. Reporting and Tracking of Product and of Gross Sales.

1. Each Cannabis Business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the Cannabis Business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The Cannabis Business shall ensure that such information is compatible with the City's record-keeping systems and with the state's METRC track-and-trace software. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the Director prior to being used by the permittee. In the event of system failure, the business shall keep a hard copy record and transfer the information to the track and trace system within 24 hours of the system being available.
- H. An updated floor plan consistent with State regulations must be submitted to the Director.
- I. No physical modification of the permitted premises is allowed without written amendment to the CBL by the Director and payment of any additional fees required by the City.
- J. The Cannabis Business shall comply with all State regulations regarding testing, labeling and storage of all cannabis products.
- K. The Cannabis Business shall meet all State and local regulations for the disposal of all cannabis materials and materials used in conjunction with processing, distributing and cultivating of cannabis as well as any unsold cannabis or cannabis products.
- L. The Cannabis Business shall conform to all State regulations regarding the use of appropriate weighing devices.
- M. The Cannabis Business shall conform to all State and local regulations regarding water usage. No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 27) and Title 13 of the Goleta Municipal Code.
- N. The Cannabis Business' electrical and plumbing shall comply with State and local regulations, including the Building Code.
- O. Insurance.
 1. The Cannabis Business shall maintain comprehensive general liability combined single occurrence insurance policy issued by an "A" rated insurance carrier in an amount no less than two (2) million dollars and name the City as an additional insured. Such insurance shall be primary and not contributing to any other insurance maintained by the City.
- P. The Cannabis Business shall have separate and independent centrally-monitored fire and burglar alarm systems, which shall include all perimeter entry points and perimeter windows.
- Q. A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs and maintains the alarm system.
- R. All licensees hiring employees shall document compliance with the following employee safety practices:
 1. Emergency action response planning as necessary

2. Employee accident reporting and investigation policies
 3. Fire prevention
 4. Hazard communication policies, including maintenance of material safety data sheets.
 5. Materials storage and handling policies
 6. Personal protective equipment policies
 7. Operation manager contacts
 8. Emergency responder contacts
 9. Poison control contacts
 10. Department of Justice "Live Scan" for all employees
- S. All persons with ownership interest, and all employees, agents, officers and other persons acting on behalf of a licensee must be at least 21 years of age.
- T. Emergency Contact.
1. An emergency contact that is either an on-site employee, manager, or owner with 24/7 availability shall be made available to the City Manager, Fire Chief, and Police Chief, and shall be updated with the City and other agencies when such contact changes. Both a land line and a mobile or cell number shall be designated.
- U. Background Check.
1. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee, contract employee or who otherwise works in a Cannabis Business must submit fingerprints and other information deemed necessary by the Police Chief for a background check by the City of Goleta's Police Department. Pursuant to California Penal Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a Cannabis Business or be allowed to work in a Cannabis Business unless they have first cleared the background check, as determined by the Police Chief, as required by this Chapter. A fee for the cost of the background investigation, which shall be the actual cost to the City to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a CBL permit is submitted.
 2. The Director shall conduct a background check to determine whether the applicant, any and all employees and agents have been convicted of a crime or left a previous employer for reasons that show the applicant or employee:
 - a. Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code Sections 186.11, 470, 484, and 504a, respectively; or
 - b. Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or

- c. Was convicted of a violent felony or a crime of moral turpitude;
 - d. The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.
 - e. Discovery of facts showing that the applicant has been convicted of a crime involving dishonesty is grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a cannabis-related controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a CBL. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (i) a conviction for any crime listed in subsection (4) (d) above for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California Penal Code or (ii) a conviction that was subsequently dismissed pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of State law allowing for dismissal of a conviction.
3. All licensees and employees must pass a background check. The licensee must ensure that any new employees pass a background check with the City before employment begins. All employees, licensees and agents must also pass a background check before the City issues or renews a CBL.
 4. A CBL shall not be issued to a person with felony convictions as reported by a Department of Justice "Live Scan", as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code; with criminal convictions that substantially relate to the qualifications, functions, or duties of a business or profession, including a felony conviction involving fraud, deceit, or embezzlement, or with a criminal conviction for the sale or provision of controlled substances, with the exception of cannabis.
 5. A CBL shall not be issued to a person who employs any individuals with felony convictions as reported by a Department of Justice "Live Scan", as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code; with criminal convictions that substantially relate to the qualifications, functions, or duties of a business or profession, including a felony conviction involving fraud, deceit, or embezzlement, or with a criminal conviction for the sale or provision of controlled substance, with the exception of cannabis.

V. Minors.

1. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a Cannabis Business and shall not be allowed to serve as a driver for a nonstorefront (Delivery) service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a Cannabis Business who is not at least twenty-one (21) years of age.
2. Notwithstanding V(1), persons aged 18-20 who are in possession of a doctor's recommendation shall be allowed on the premises of a Cannabis

Business, solely for the purpose of addressing the medical need cited in the physician's recommendation.

3. The entrance to the Cannabis Business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the Cannabis Business.

W. Zoning.

1. All Cannabis Businesses must comply with the applicable zoning regulations.

X. Monitoring and Compliance.

1. The Director shall monitor a licensee for conformance to the operational standards of this chapter for all CBL types, including but not limited to conducting site inspections after a CLB has been issued. If any violation of this Chapter, including conformance to plans submitted to the City during application process, the Director may suspend or revoke a license.

5.09.090 OPERATING REQUIREMENTS FOR STOREFRONT CANNABIS RETAILERS

- A. Display of cannabis products shall be limited to only an amount necessary to provide a visual sample for customers.
- B. All cannabis products available for sale shall be securely locked and stored.
- C. At all times the cannabis retailer is open, the retailer shall provide at least one security guard who is registered with the Bureau of Security and Investigative Services and possesses a valid and current security guard registration card on their person while on-duty.
- D. The licensee shall monitor the site and the immediate vicinity of the site to ensure that patrons immediately leave the site and do not consume cannabis in the vicinity of the retailer or on the property or in the parking lot.
- E. The licensee shall comply with all State regulations regarding testing, labeling and storage of all cannabis products.
- F. The licensee shall maintain the full name, address and telephone number(s) of all patient members to whom the business provides medicinal cannabis, and a copy of a physician-issued recommendation card or State-issued card for all patient members.
- G. Licensees shall also record on the video surveillance system point-of-sale areas and areas where cannabis goods are displayed for sale.
- H. Business hours of operation shall occur only from 10:00 am to 8:00 pm, 7 days a week.
- I. On-site consumption of cannabis or cannabis products is specifically prohibited on the premises at all times. The following information shall be provided on a sign posted in a conspicuous location inside the cannabis retailer: "Smoking, ingesting or consuming cannabis on this property or within 100 feet of the business is prohibited."
- J. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of alcohol or tobacco by patrons.
- K. Inventory that is not required for a single day's sales shall be secured and locked in a room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss during nonbusiness hours. Additional product needed for daily sales may be stored in a secured, locked area to which customers, vendors and visitors shall not have access.
- L. No cannabis product shall be visible from the exterior of the business.

- M. All required labelling shall be maintained on all products, as required by State regulations, at all times.
- N. Only commercially prepackaged, shelf-stable edible cannabis products may be sold.
- O. The use of vending machines (i.e. a machine that dispenses articles when a coin, bill, or token is inserted) to dispense cannabis is prohibited.

5.09.100 OPERATING REQUIREMENTS FOR NONSTOREFRONT RETAILERS (DELIVERY).

- A. All Cannabis Businesses that have their business location outside of the City but make deliveries into the City shall be required to obtain a CBL.
 - 1. These Cannabis Businesses shall be subject to a separate fee for a CBL.
- B. Operating hours of the nonstorefront retailer Cannabis Business shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week.
- C. A nonstorefront retailer may only have on-site that quantity of cannabis and cannabis products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.
- D. Prior to commencing operations, a nonstorefront retailer shall provide the following information to the Director.
 - 1. Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products.
 - 2. The year, make, model, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.
 - 3. Proof of insurance for any and all vehicles being used to deliver cannabis goods.
 - 4. The licensee shall provide the Director with the information required by this Chapter in writing for any new vehicle that will be used to deliver cannabis goods prior to using the vehicle to deliver cannabis goods.
 - 5. The licensee shall notify the Director of any changes to the information required by this Chapter in writing within thirty (30) calendar days.
- E. The nonstorefront retailer licensee shall provide the City with the names and driver's license numbers of all the business' delivery drivers, and evidence verifying that criminal background checks have been conducted for all the business' drivers. Any driver that has been convicted of driving under the influence or reckless driving within the past five (5) years shall be prohibited from delivering cannabis to any location within the City.
- F. All employees who deliver cannabis shall have valid identification and a copy of the retailer's CBL at all times while making deliveries.
- G. The Cannabis Business shall comply with State law regarding testing, labeling and storage of all cannabis products.
- H. All nonstorefront retailer licensee shall provide proof of insurance in a minimum amount of \$1,000,000 for bodily injury liability and property injury for any and all vehicles being used to transport cannabis goods.
- I. A Cannabis Business shall only deliver cannabis in aggregate amounts as ordered by the customer. A Cannabis Business shall ensure compliance with State delivery limits as regards the amount of cannabis and cannabis products.

- J. The maximum limit of any cannabis goods carried by the delivery vehicle may not exceed the limit set by State law.

5.09.110 OPERATING REQUIREMENTS FOR CANNABIS MANUFACTURING BUSINESSES

- A. Any manufacturing activity that will be conducted by the licensee shall be included on the application. No additional manufacturing activity can be conducted without applying for and receiving written permission from the Director for that additional activity.
- B. The Cannabis Business shall comply with all State law regarding testing, labeling and storage of all cannabis products.
- C. Hours of operation shall be from 10:00 am to 8:00 pm, 7 days a week.
- D. The licensee must allow inspections to be done by the Director or Fire Chief at any time during the hours of operation.
- E. All cannabis manufacturing activities shall occur indoors within a fully enclosed and secured structure.
- F. Outdoor manufacturing of cannabis is prohibited.
- G. Any compressed gases used in the manufacturing process shall not be stored on any property within the City in containers that exceed the amount which is approved by the County of Santa Barbara Fire Department and authorized by the CBL. Each site or parcel subject to a CBL shall be limited to a total number of tanks as authorized by the County of Santa Barbara Fire Department on the property at any time.
- H. Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, ethanol and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.
- I. If an extraction process uses a professional grade closed loop CO2 gas extraction process system, every vessel must be certified by the manufacturer for its safe use. The CO2 must be of at least ninety-nine percent purity.
- J. Closed loop systems for compressed gas extraction systems must be manufactured and bear a permanently affixed and visible serial number.
- K. Certification from an engineer licensed by the State of California, or by a certified industrial hygienist, must be provided to the City for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
 - 1. The American Society of Mechanical Engineers (ASME);
 - 2. American National Standards Institute (ANSI);
 - 3. Underwriters Laboratories (UL); or
 - 4. The American Society for Testing and Materials (ASTM)
- L. The certification document must contain the signature and stamp of the professional engineer or industrial hygienist and serial number of the extraction unit being certified.

- M. Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for use by the local fire code official and comply with any required fire, safety, and building code requirements related to the processing, handling, and storage of the applicable solvent or gas.
- N. Cannabis manufacturing licensees may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.
- O. Cannabis manufacturing licensees creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.
- P. Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.
- Q. Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

5.09.120 OPERATING REQUIREMENTS FOR CANNABIS CULTIVATION BUSINESSES

- A. Only indoor cultivation as a Cannabis Business is allowed.
- B. A Cultivation Cannabis Business shall operate the business so that no evidence of cannabis cultivation, except for signage authorized by City regulations, can be visible from the public right-of-way.
- C. The canopy size shall be limited to 5,000 square feet.
- D. Only one Cultivation Cannabis Business may be located in any building.
- E. Energy Use.
 - 1. 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.
 - 2. Applicant must show proof of participation in energy use assessments as follows:
 - a. If available, participation in the Resource Innovation Institute's Calculate Powerscore tool.
 - b. If available, participation in SCE's Savings By Design program.
- F. Generators. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or for emergency use.
- G. For purposes of this subsection, emergency use is defined in accordance with 17 California Code of Regulations Section 93115, as may be amended.
- H. For purposes of this subsection, the limit on use of a generator in an emergency is 90 days.
- I. Indoor cultivation activities, including materials and equipment storage, must occur solely in fully enclosed buildings.
- J. The Cannabis Business shall register with the Department of Pesticide Regulation if using any pesticides.

- K. The Building Official may require additional specific standards to meet the California Building Code.
- L. The Cannabis Business shall comply with Section 13149 of Water Code as enforced by the State Water Resources Control Board.
- M. The Cannabis Business shall comply with all State law regarding testing, labeling and storage of all cannabis products.

5.09.130 OPERATING REQUIREMENTS FOR CANNABIS TESTING

LABORATORIES

- A. Testing Labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code Section 26100 and shall be subject to State law. Each Testing Lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this Chapter and any subsequent State of California legislation regarding the same.
- B. Testing Labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.
- C. All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control (“Bureau”).
- D. Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the Bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.
- E. Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor’s premises for testing required by State law and that the testing laboratory employee transports the sample to the testing laboratory.
- F. Except as provided by State law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with State law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.
- G. A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient’s valid physician’s recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.
- H. Testing laboratories shall otherwise comply with all applicable State regulations.

- I. A licensed cannabis testing licensee, its owners, employees and agents may not hold an interest in any other Cannabis Business except another testing business.
- J. Hours of operation are limited to 10 am and 8 pm, 7 days a week.
- K. The licensee must allow inspections to be done by the Director or Fire Chief at any time during hours of operation.

5.09.140 OPERATING REQUIREMENTS FOR CANNABIS DISTRIBUTORS

- A. A distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premise. For the purposes of this Chapter, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16 of the California Code of Regulations, Section 5000(c).
- B. After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing.
- C. A distributor shall ensure that all cannabis goods batches are stored separately and distinctly from other cannabis goods batches on the distributor's premises.
- D. The distributor shall ensure that the batch size from which the sample is taken meets the requirements of State law, specifically the testing provisions within the California Code of Regulations.
- E. A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded, and the recording kept available to state and local authorities for a minimum of 180 days, pursuant to Section 5305 of the California Code of Regulations.
- F. A distributor shall not transport cannabis or cannabis products to a licensed retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing lab as being in compliance with state health and safety requirements pursuant to Sections 5705, 5710 and 5714 of the California Code of Regulations.
- G. Any cannabis distribution facility shall provide proof of a bond of at least five thousand dollars (\$5,000) to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements or cannabis or cannabis products rejected by testing.
- H. Hours of operation are limited to 10 am and 8 pm.
- I. The licensee must allow inspections to be done by the Director or Fire Chief at any time during the hours of operation.
- J. A licensee shall ensure that all cannabis goods batches are stored separately and distinctly from other cannabis goods batches on the distributor's premises.
- K. A licensee shall ensure a label with the following information is physically attached to each container of each batch:

1. The manufacturer or cultivator's name and license number;
 2. The date of entry into the distributor's storage area;
 3. The unique identifiers and batch number associated with the batch;
 4. A description of the cannabis goods with enough detail to easily identify the batch; and
 5. The weight of or quantity of units in the batch.
- L. A distributor shall store cannabis goods in a building designed to permit control of temperature and humidity and shall prevent the entry of environmental contaminants such as smoke and dust. A distributor may not store cannabis goods outdoors.
- M. Employee breakrooms, eating areas, changing facilities, and bathrooms shall be completely separated from storage areas.
- N. All cannabis distribution activities shall occur within a fully enclosed and secured structure and shall conform to the requirements of applicable area, community, specific and design plans.
- O. All loading and unloading activities shall take place within a secured area.

5.09.150 OPERATING REQUIREMENTS FOR MICROBUSINESSES

All Cannabis Business uses that comprise the microbusiness must adhere to the applicable requirements of this Chapter.

5.09.160 LIMITATIONS ON THE CITY'S LIABILITY

To the fullest extent permitted by law, the City shall not assume any liability whatsoever, with respect to approving any CBL pursuant to this Chapter or the operation of any property on which a Cannabis Business is located pursuant to this Chapter. Before obtaining a CBL, the applicant or its legal representative shall:

- A. Execute an agreement indemnifying the City from any claims, damages, injuries or liabilities of any kind associated with the registration or operation of the commercial cannabis facility or the prosecution of the applicant or permittee or its members for violation of federal or State laws;
- B. Agree to defend, at its sole expense and with legal representation selected by the City, any action against the City, its agents, officers, and employees related to the approval of CBL; and
- C. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval of a CBL. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

5.09.170 ENFORCEMENT

- A. A violation of the regulations in this Chapter by an act, omission, or failure of an agent, owner, officer or other person acting with or employed by a licensee within the scope of their employment or office, shall be deemed the act, omission, or failure of the licensee.
- B. A licensee shall notify the City upon discovery of any of the following situations:
 1. A discrepancy of more than \$1,000 in inventory over a period of 24 hours or \$3,000 over period of 7 days.

2. A reason to suspect diversion, loss, theft or any other criminal activity pertaining to the operation of the licensed Cannabis Business.
 3. The loss or alteration of records related to cannabis goods, registered medicinal cannabis patients, caregivers or retailer employees or agents.
 4. Any other reason to suspect any other breach of security.
- C. Each and every violation of this Chapter shall constitute a misdemeanor.
- D. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Goleta Municipal Code Chapter 1.02. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, revocation of the business's CBL, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The City may also pursue any and all remedies and actions available and applicable under local and State laws for any violations committed by the Cannabis Business and/or any owner, agent, officer, or any other person acting with or employed by the Cannabis Business.
- E. City staff, code compliance officers, Police Chief, Fire Chief, and any other agents or employees of the City requesting admission for the purpose of determining compliance with this Chapter shall be given unrestricted access to the property on which the Cannabis Business is or is to be located. A person engaging in Cannabis Business without a permit and associated unique identifiers required by this Chapter shall be subject to civil penalties of up to twice the amount of the CBL fee for each violation, and the Director, state or local authority, or court may order the destruction of cannabis associated with that violation. A violator shall be responsible for the cost of the destruction of cannabis associated with the violation, in addition to any amount covered by a bond required as a condition of licensure. Each day of operation shall constitute a separate violation of this Chapter.

SECTION 5: EFFECTIVE DATE.

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

INTRODUCED ON the __ day of April 2019.

PASSED, APPROVED, AND ADOPTED this ____day of April 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 January __, 2019, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the __ day of _____, 2019 by the following roll-call:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 5

Summary of Public Testimony from March 11, 2019 Planning
Commission Hearing

Attachment 5: Summary of Public Testimony from March 11, 2019 Planning Commission Hearing

Commenter	Comment
Erin Weber – Axiom Advisors	Support allowing cannabis distribution in I-BP
	Do not support the proposed square footage cap of 30,000 square feet per licensed distributor in I-BP
	Could potentially support a square footage cap of 30,000 square feet per parcel
Tenesor Pena – AGQ Labs USA	Support allowing distribution as a primary use in I-BP
Cecilia Brown	Elimination of LUP requirements means no notification or appeal mechanism for residential neighbors for whom unusual circumstances mean conditional buffers won't protect them from nuisance
	4-foot hedge, fence, or wall is insufficient buffer from potential nuisance activities (e.g., increased night time activity in an adjacent parking lot, nighttime parking lot lighting, and associated noise). Would potentially support 6-foot permanent barrier
	Prohibiting signage or a door facing residential parcels will be insufficient to address the above issues, and might make them worse
	Was there a noticing of this ordinance amendment to potentially-affected residents outside of standard noticing?
George Relles	Concurs with comments by Cecilia Brown
Bob Whignot – Old Town Resident	Would like greater separation requirements between retailers
	Wants the ordinance amendments sent back to Staff
	Wants more time for public review
Charlie Johnson – Acting GVCC Manager	Wants 300-ft prohibitive buffer around GVCC property
	Considers GVCC a sensitive receptor
	Describes many sensitive outdoor uses – front lawn used for moves in summer, candy crawl during Halloween, Dia de los Muertos celebrations
Cecilia Brown – SB County Planning Commissioner	Disappointed in process
	Supports retention of existing LUP requirements
	Does not feel LUP requirements are onerous
	Does not support currently proposed ordinance amendments
	Prefers prohibitive buffers
	Wants solid walls for the residential buffers
	Concerned that noticing was inadequate to inform residents
	Concerned about social justice issues: a lot of cannabis dispensaries in a low-income, environmental justice community
Kitty Bedner	Buffers are insufficient to achieve the goals
	Does not support 4-foot barrier
	Supports a 6-foot wall between residential and commercial properties
Brian Boyski	Concerned about impacts in Old Town Goleta
	Wants limit on retailers allowed in Old Town Goleta
	Supports 6-foot barrier
	Concerned that there is no offstreet parking for customers
Jean Blois – 50+ year resident of Goleta	Concerned about the bus stop that is located in front of GVCC
	Concerned with over-proliferation of cannabis in old town
	Concerned that there was not enough community outreach or participation
Tracy Trotter – non-retailer cannabis applicant	Has spent \$100,000 on permitting for LUP process (e.g., landscaping, parking)
	Concerned about how changes in amendment will further delay process, increasing time and money
	Believes CUP requirement should be retained
	Supports mandatory prohibitive buffer around GVCC property of 600 ft

Attachment 5: Summary of Public Testimony from March 11, 2019 Planning Commission Hearing

Commenter	Comment
Luz Reyes-Martin – GUSD Board Member	Concerned with impact on kids who use the GVCC and nearby child care programming
	Concerned about social justice: low-income community disproportionately burdened
Ron Burns	Opposes all conditional buffers
	Supports prohibitive buffers
	Doesn't want any signage
	Concerned about over proliferation of cannabis retailers in Goleta
Farina Murray	Concerned about social justice issues: disproportionate impact on low-income community members
	Worries rich tenants will drive out local businesses
Grace Wallace – Old Town Resident and Goleta Old Town Community Association Board member	Cites research findings that THC increases car crashes, crime, drug addiction. Concerned about what cannabis will bring to Goleta.
Erin Weber	Noted that City residents voted overwhelmingly for cannabis
	Attended 5 hearings and praised the City's outreach efforts
	Hopes for minor amendments
	Supports the amendments related to distribution, though wants the licenses to be limited to APNs not owners
	Opposes 30,000 square ft limit on microbusinesses within I-BP
Julian McKowski – Coastal Cannabis and existing dispensary applicant	Existing dispensary application would be affected by the 300-ft buffer
	Feels City has done a good job on outreach
	Supports proposed staff amendments
Phebe Mansur – Old Town resident	Owned a business on Storke Road – when big box mall came in, her rent tripled, and she had to move to another location
	New landlord again tripled her rent, she had to move again
	Currently doing business in Old Town on Hollister, and her landlord has told her that a cannabis operator offered him 3 times the current rent
	Concerned that cannabis rents are unaffordable for local businesses, and that local businesses will be displaced
	Supports prohibitive buffer requirements
	Concerned about exposure of children who would play on the lawn in front of the GVCC during summer

¹ This matrix is intended to reflect the general nature of the comments and is not comprehensive. Name spellings may also be inaccurate.

Attachment 6

Summary of Planning Commission Recommendations from March 11,
2019 Planning Commission Hearing

Attachment 6: Summary of Planning Commission Recommendations from March 11, 2019 Planning Commission Hearing

Amendment Subject	Staff Report Recommendation	PC Recommendation/Vote	Staff Notes
Resolutions Recommendations			
CEQA Addendum	Recommendation for City Council approval of the CEQA Addendum to the General Plan/Coastal Land Use Plan Final EIR	Approval (5-0)	
General Plan Amendments	Recommendation for City Council approval of GP Amendments to Land Use Element Tables 2-1 through 2-4	Denial (5-0)	
Cannabis Land Use Ordinance Amendments	Recommendation for City Council Approval of Amendment to Ordinance 18-03	Denial (5-0)	
Land Use Ordinance Amendments			
<u>Permitting and Licensing (Storefront Retail)</u> Currently LUP/CDP or CUP are required.	<u>Proposed Amendment 1:</u> Discretionary process adds additional layer to an already multi-layered business license scheme. Requirements of the LU Ord can be addressed through amended BL Ord, thus reducing the layers of processing. Recommendation is to eliminate LUP/CDP and CUP requirements.	Denied (4-1) Fuller dissenting vote	Fuller dissented because he agreed with the ministerial process, as proposed, except to require a Major CUP for storefronts adjacent to residential land uses. The other Commissioners denied the recommended amendment generally because they felt that the permit process provided by the existing ordinance is appropriate.
<u>GVCC Buffer (Storefront Retail):</u> Currently, there is no GVCC buffer because the discretionary/CEQA process would address compatibility uses.	<u>Proposed Amendment 2A:</u> Because the amendments eliminate the discretionary process, recommend: A new restrictive buffer to prohibit storefront cannabis retailers on parcels located within 300 feet of the GVCC property unless the following applies: <ul style="list-style-type: none"> Neither the frontage nor the entrance nor the signage face Hollister Avenue; and Off-street parking is available. 	Supported w/Changes (5-0) Changes: 600-foot prohibitive buffer from the GVCC parcel boundary.	
<u>School Buffer (Storefront Retail):</u> Currently, 600 ft conditional buffer around K-12 schools require Major CUP.	<u>Proposed Amendment 2B:</u> Because the amendments eliminate the discretionary process to ministerial, recommend: Increase the buffer prohibiting storefront retail near schools from zero feet to 300 feet.	Supported w/Changes (5-0) Changes: 600-foot prohibitive buffer schools.	

Attachment 6: Summary of Planning Commission Recommendations from March 11, 2019 Planning Commission Hearing

Amendment Subject	Staff Report Recommendation	PC Recommendation/Vote	Staff Notes
	Note: Ellwood Elementary school is the only school within 300 feet of a location where storefront retail would otherwise be allowed		
<u>Residential Buffer (Storefront Retail):</u> Currently, 100 ft conditional buffer from res land use designations require Major CUP.	<u>Proposed Amendment 2C:</u> In general, commercial parcels in Old Town are separated by barriers and have rear or side yards abutting comm parcels rather than front yards, but not always. Without a CUP process to address neighborhood compatibility, recommend: A new restrictive buffer to require storefront retailers on parcels that are adjacent to parcels designated for residential land uses meet the following requirements: <ul style="list-style-type: none"> • No front door or signage of the cannabis business may face the residential parcel; and • The retail parcel and the residential parcel are separated by a fence, wall, or hedge at least 4 feet high. 	Supported w/Changes (5-0) Changes: Require a Major CUP and a 6-foot high separation barrier.	
<u>Separation Requirements (Storefront Retail)</u> Currently, storefront retailer shall not be located within 300 feet of another storefront cannabis retailer that is legally established. Note that 300 ft separation allows for 6 active apps in Old Town (including 2 apps in GVCC buffer).	<u>Proposed Amendment 3:</u> A storefront retailer shall only be located between 300-600 feet of another legally established storefront cannabis retailer if the following applies: <ul style="list-style-type: none"> • Neither the frontage nor the entrance nor the signage face Hollister Avenue in Old Town; and • Off-street parking is available. The 300 feet of separation between storefront cannabis retail uses remains unchanged.	Supported w/Changes (5-0) Changes: Add a restriction to the number of storefront retail to no more than 4 retailers in C-OT (Old Town Commercial). Add a 600-foot prohibitive separation requirement between storefront retail uses.	
<u>Non-Storefront (Delivery) in C-R and C-C</u> Existing ord uses GP "General Wholesale Trade" for delivery and that includes IS, IG, and CG.	<u>Proposed Amendment 4:</u> For a broader application of delivery and a more clear interpretation, "Other Services" is the recommendation in the GP (see separate GPA) and includes CR and CC, broadening the locations for Cannabis delivery. With amendment, delivery would be allowed in IS, IG, CG AND CR/CC.	Supported w/Changes (5-0) Changes: Require a Major CUP in C-R and C-C.	Note that Commissioners expressed concern about a delivery use that is not specifically people-friendly in Regional Commercial and Community Commercial uses. Miller was ok without a CUP.

Attachment 6: Summary of Planning Commission Recommendations from March 11, 2019 Planning Commission Hearing

Amendment Subject	Staff Report Recommendation	PC Recommendation/Vote	Staff Notes
General Plan Amendments			
<u>Accessory Uses</u> Existing Ord allows accessory uses if the primary use is allowed.	<u>Proposed Amendment 5:</u> Adding clarity in the GP in necessitated (clarifies uncertainty and allows zoning to provide specific details). The Land Use Element Tables 2-1 through 2-4 do not clarify uses as primary or accessory. <ul style="list-style-type: none"> Add footnote to tables specifying that accessory uses to they allowed uses in the table are regulated through zoning. 	Supported (5-0)	-
<u>I-G (Storefront Retail)</u> Existing ord prohibits storefront in I-G. Note: The existing dispensaries are grandfathered (non-conforming).	<u>Proposed Amendment 6:</u> In order to legitimize existing legal, non-conforming cannabis dispensaries in I-G, the LU Ord needs to be amended with a GPA. Allow storefront retailers in I-G only in locations where a cannabis dispensary was located prior to June 16, 2009. <ul style="list-style-type: none"> Add a new use to Table 2-3 for "Cannabis Storefront Retail" Add a footnote to Table 2-3 clarifying that the new use applies to existing dispensaries Note: Similar amendments are proposed to LU Ord.	Supported (5-0)	-
<u>B-P (Distribution)</u> General Plan currently does not allow "General Wholesale Trade" in I-BP	<u>Proposed Amendment 7:</u> Cannabis distribution is small and would be compatible with other BP uses, especially if the floor area dedicated to cannabis distribution is capped (refer to Ord Amendments). Recommendation is: Allow cannabis distribution in I-BP. <ul style="list-style-type: none"> Add a new allowance in Table 2-3 for "General Wholesale Trade" in I-BP Add a footnote to Table 2-3 limiting General Wholesale Trade in I-BP to Cannabis Distribution 	Supported w/Note (3-2) Dissenting opinions: Smith and Maynard Note: GPA is ok as long as the Land Use Ordinance restricts the size of use to 30,000 sq. ft. per parcel (not per licensee)	Smith and Maynard dissented because the amendment does not fit in the context of the General Plan and zoning.

Attachment 6: Summary of Planning Commission Recommendations from March 11, 2019 Planning Commission Hearing

Amendment Subject	Staff Report Recommendation	PC Recommendation/Vote	Staff Notes
	Note: Similar amendments are proposed to the LU Ord. with a restriction on floor area to 30,000 square feet for each licensed distributor.		
<u>Microbusinesses</u> Current Ord allows microbusinesses as combined accessory uses. One legal existing nonconforming cannabis business is currently operating as a microbusiness in C-G, although cultivation and manufacturing is currently not allowed in this designation	<u>Proposed Amendment 8</u> Allow microbusinesses in I-G and I-S. <ul style="list-style-type: none"> • Add a new use to Table 2-2 for "Cannabis Microbusiness" in C-G only and include a footnote restricting use to cannabis uses as of 2009 • Add a new use to Table 2-3 for "Cannabis Microbusiness" in I-S and I-G and include a footnote to disallow storefront retail except for cannabis uses as of 2009. Note: Similar amendments are proposed to the LU Ord with an added clarification that accessory uses to microbusinesses are prohibited.	Supported (5-0)	-

Attachment 7

City Council Resolution 19-__: “A Resolution of the City Council of the City of Goleta, California, Rescinding Resolution 18-36 and Resolution 18-38 and Approving and Adopting the 2019 User Fees and Charges”

RESOLUTION NO. 19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA RESCINDING RESOLUTION 18-36 AND RESOLUTION 18-38 AND APPROVING AND ADOPTING THE 2019 USER FEES AND CHARGES

WHEREAS, Ordinance 19-__ amends Title 5, Business Taxes, Licenses, and Regulations of the Goleta Municipal Code, to add regulations on the establishment, operation, cultivation, manufacturing, sale, testing and distribution of commercial cannabis as licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and Proposition 64; and

WHEREAS, the City Council introduced and conducted the first reading of Ordinance 19-__ on April 16, 2019 and conducted the second reading on March __, 2019 and Ordinance 19-__ will be effective on May __, 2019; and

WHEREAS, pursuant to the provisions of the California Constitution and the laws of the State of California, the City is authorized to adopt and implement rates, fees, and charges for municipal services; provided, however, that such rates, fees, and/or charges do not exceed the estimated reasonable cost of providing such services; and

WHEREAS, Chapter 5.09 of the Goleta Municipal Code authorizes the City Council to require Commercial Cannabis Businesses to operate in compliance with local and State law and all applicable State licensing requirements, such as operational standards and locational criteria; and

WHEREAS, Chapter 5.09 authorizes the City Council to establish Commercial Cannabis Business License Application and Renewal Fees to cover the cost of processing applications, reviewing background checks, and monitoring compliance with State and City regulations as regards cannabis businesses; and

WHEREAS, the City Council desires to fully recover the review costs associated with Cannabis Business License applications review and monitoring and compliance; and

WHEREAS, as such, the City Council desires to recover the costs that the City will incur in a manner authorized by law.

WHEREAS, pursuant to California Constitution, article XIII, §1(e)(3) (Proposition 26), the Commercial Cannabis Business License Application and Regulatory fees are not a tax because they are for the reasonable regulatory costs incurred by a local government for issuing licenses; performing investigations, inspections, and audits; and ensuring compliance with local regulations.

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

SECTION 1. Recitals.

Council finds each recital to be true and accurate and incorporates them by this reference.

SECTION 2. Findings.

The fees adopted by this Resolution pursuant to the City's adopted Commercial Cannabis Business License Application and Regulatory License Fee Program reflects the reasonable cost the City will incur in connection with accepting, processing, reviewing, investigating, and formally considering the merits of each Commercial Cannabis Business License Application and performing certain regulatory activities associated with the operation of each type of commercial cannabis business pursuant to the rules, regulations and procedures duly adopted by the City Council as set forth in Chapter 5.09 of the Goleta Municipal Code.

SECTION 3. Adoption of Fees.

- a) Pursuant to Ordinance 19-____, the following fees are hereby set and shall be collected by the City as follows:

Cannabis Business License Application Fee: \$13,700

Cannabis Accessory Use Fee: \$100

Cannabis Business License Renewal Fee: \$11,100

Cannabis Business License Outside City Limits Delivery Service Fee: \$400

Cannabis Business License Outside City Limits Delivery Service Renewal Fee: \$400

Cannabis Business License Appeal Fee: \$4,400

- b) Fees paid at the time of application are estimates based on the typical amount of staff time and other costs required to process an application. In the event, the collected fee is not sufficient to reimburse the City for processing a specific application, the City will invoice the applicant for the additional time using the hourly rates in the fee summary used to calculate the fees above, which represent the fully burdened hourly rates at the time of adoption of this resolution established by the adopted budget, and must always reflect the fully burdened rate at the time such additional fee is imposed. The applicant shall provide the requested payment to the City before the City completes the processing of the application. The City shall not perform any further review of the application until the applicant submits the requested payment
- c) These fees shall be included in the City's User Fees and Charges Schedule, and updated at the same time and manner as all City User Fees and Charges.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each and every section, subsection, phrase or clause of this resolution irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared invalid or unconstitutional, whether on its face or as applied.

SECTION 5.

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 16th day of April 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 Resolution No. 19-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the ____ day of ____, 2019, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

EXHIBIT A

Annual Application and Regulatory Fees for All Commercial Cannabis Business Licenses

Commercial Cannabis Business License Application Fee	\$2,320.00
Commercial Cannabis Additional for Accessory Use Fee	\$ 185.00
Commercial Cannabis Business License Renewal Fee	\$ 559.00
Commercial Cannabis Land Use Permit Deposit (Planning)	\$1,000.00
Commercial Cannabis Business License Renewal Appeal Fee	\$TBD
Commercial Cannabis Business License Appeal Fee	\$TBD

Attachment 8

Cannabis Business License Fee Rate Study Worksheets

Cannabis Business License Fee Summary	Total Costs	Rounded
Cannabis Business License Application Fee:	\$ 13,713.35	\$ 13,700.00
Additional for Accessory Use (per each)	\$ 103.04	\$ 100.00
Cannabis Business License Renewal Application Fee:	\$ 11,105.03	\$ 11,100.00
Cannabis Business License (Outside City Limits) Delivery Application Fee:	\$ 402.81	\$ 400.00
Cannabis Business License (Outside City Limits) Delivery Renewal Application Fee:	\$ 402.81	\$ 400.00
Cannabis Business License Appeal Fee:	\$ 4,426.92	\$ 4,400.00

Rounded to nearest whole number to maintain consistency with City User Fees and Charges Schedule.

Classification: Fully Loaded Hourly Cost:		Cannabis Business License - New Application Fee										
		City of Goleta Cannabis Application Fee										
		Cannabis Consultant	Accounting Specialist (Finance)	Permit Technician (Planning)	Finance Director (Finance)	Risk Manager (CMO)	Neighborhood Services Director (NSPS)	Code Compliance (?)	Current Planning Manager	Assistant City Attorney	Accountant (Finance)	
		\$300.00	\$44.22	\$44.22	\$112.83	\$77.72	\$129.00	\$59.39	\$103.50	\$110.22	\$55.11	

All Business License Types														
TASKS		TASK HOURS ASSIGNED TO STAFF											Total Hours	Total Task Costs
	Pre-Submittal Review (Reconcile against checklist, reject application and payment if necessary) + usb drive review of electronic documents, and electronic upload	0	0.75	0	0	0	0	0	0	0	0.75	0	1.5	\$74.50
	Review application for completeness, data entry and process payment for receipt	0	0.25	0	0	0	0	0	0	0	0	0	0.3	\$11.06
	Public noticing to property owners, and when possible, tenants, located within 300 feet of the parcel, provided by first class mail.	0	0.25	0.25	0	0	0	0	0	0	0	0	0.5	\$22.11
	Finance review of required Finance related forms (business operations plan, price list, financial interest, business tax certificate registration application, business structure documentation)	0	0	0	1	0	0	0	0	0	0	0	1.0	\$112.83
	Review and check of application items	0	0	0	0	0	0	0	0	0	0	0	0.0	\$0.00
	Zoning/license type verifications (case number)	0	0	0.25	0	0	0	0	0.5	0	0	0	0.8	\$62.81
	Review insurance documents and surety bond	0	0	0	0	0.5	0	0	0	0	0	0	0.5	\$38.86
	Confirm LiveScan receipts	0	0	0	0	0	0.25	0	0	0	0	0	0.3	\$32.25
	Review proof of fire inspection, site plan, business plan, green business plan, odor abatement plan, safety plan, security plan, and other required plan documents.	0	0	0	0	0	0.5	0	0.5	0	0	0	1.0	\$116.25
	Review LiveScan results	0	0	0	0	0	1	0	0	0	0	0	1.0	\$129.00
	General administration	0	1	0	0.25	0	1	0	0	0.5	0	0	2.8	\$256.54
	Preliminary approval with state, state permit and application reconciliation, , including confirmation of inspections with building department and other applicable agencies, final application determination and notification	0	0.5	0	0	0	1	0	0	0	0.5	0	2.0	\$178.67
	Phyysical site inspection and review for compliance with plan documents and final application determination and notification.	0	0	0	0	0	2	0	0	0	0	0	2.0	\$258.00
	Issue license, tax certificate, and welcome packet	0	0.5	0	0.25	0	0	0	0	0	0.25	0	1.0	\$64.10
TOTAL DIRECT HOURS		0	3.25	0.5	1.5	0.5	5.75	0	1.00	0.5	1.5	0	14.5	\$1,356.96

Additional for Manufacturing:														
	Review Chemical Storage Plan	0	0	0	0	0	0.5	0	0	0	0	0	0.5	\$64.50
	Review copy of registration with Department of Pesticide Regulation, including list of pesticides and fertilizers	0	0	0	0	0	0.25	0	0	0	0	0	0.3	\$32.25
	Review Standard Operating Procedures	0	0	0	0.5	0	0.50	0	0	0	0	0	1.0	\$120.92
TOTAL DIRECT HOURS		0	0	0	0.5	0	1.25	0	0	0	0	0	1.8	\$217.67

Additional for Retail (Non-storefrontTransporting/Delivery):														
	Review list of transports/delivery drivers, vehicle information, drivers license information and live scan	0	0	0	0	0	1	0	0	0	0	0	1.0	\$129.00
	Review insurance	0	0	0	0	1	0	0	0	0	0	0	1.0	\$77.72
TOTAL DIRECT HOURS		0	0	0	0	1	1	0	0	0	0	0	2.0	\$206.72

Classification:		Cannabis Business License - New Application Fee															
		City of Goleta Cannabis Application Fee															
		Cannabis Consultant	Accounting Specialist (Finance)	Permit Technician (Planning)	Finance Director (Finance)	Risk Manager (CMO)	Neighborhood Services Director (NSPS)	Code Compliance (?)	Current Planning Manager	Assistant City Attorney	Accountant (Finance)						
		Fully Loaded Hourly Cost:	\$300.00	\$44.22	\$44.22	\$112.83	\$77.72	\$129.00	\$59.39	\$103.50	\$110.22	\$55.11					
Additional for Distribution:																	
Review proof of bond	0	0	0	0	0.5	0	0	0	0	0	0	0	0.5	\$38.86			
TOTAL DIRECT HOURS	0	0	0	0	0.5	0	0	0	0	0	0	0	0.5	\$38.86			
Additional for Cannabis Cultivation:																	
Review documentation and registration with Department of Pesticide Regulation.	0	0	0	0	0	0.25	0	0	0	0	0	0	0.3	\$32.25			
TOTAL DIRECT HOURS	0	0	0	0	0	0.25	0	0	0	0	0	0	0.3	\$32.25			
Additional for Testing:																	
Review certifications required by State of CA	0	0	0	0	0	0.25	0	0	0	0	0	0	0.3	\$32.25			
TOTAL DIRECT HOURS	0	0	0	0	0	0.25	0	0	0	0	0	0	0.3	\$32.25			
Additional for Retail:																	
Review security guard registration card	0	0	0	0	0	0.25	0	0	0	0	0	0	0.3	\$32.25			
Review LiveScan of Security Guards	0	0	0	0	0	0.25	0	0	0	0	0	0	0.3	\$32.25			
TOTAL DIRECT HOURS	0	0	0	0	0	0.5	0	0	0	0	0	0	0.5	\$64.50			
Additional for Microbusiness:																	
Review of applcal documentation	0	0	0	0	0	1	0	0	0	0	0	0	1.0	\$129.00			
TOTAL DIRECT HOURS	0	0	0	0	0	1	0	0	0	0	0	0	1.0	\$129.00			
TOTAL ADDITIONAL ACCESSORY USES	0.00	0.00	0.00	0.50	1.50	4.25	0.00	0.00	0.00	0.00	0.00	0.00	6.25	\$721.25			
TOTAL OF TOTAL DIRECT HOURS	0.00	3.25	0.50	2.00	2.00	10.00	0.00	1.00	0.50	1.50	0.00	0.00	20.75	\$2,078.20			
AVG ADDITIONAL ACCESSORY USES	0.00	0.00	0.00	0.07	0.21	0.61	0.00	0.00	0.00	0.00	0.00	0.00	0.89	\$103.04			
TOTAL DIRECT HOURS - BASE COSTS	0.00	3.25	0.50	1.50	0.50	5.75	0.00	1.00	0.50	1.50	0.00	0.00	14.50	\$1,356.96			
TOTAL DIRECT HOURS - BASE COSTS + AVG. ADDITIONAL ACCESSORY USES	0.00	3.25	0.50	1.57	0.71	6.36	0.00	1.00	0.50	1.50	0.00	0.00	15.39	\$1,459.99			
Direct Costs, Equipment and Services	All Business License Types					#units									unit price	cost	
Cannabis Consultant - Application Review	at cost									1.00	\$	2,500.00	\$	2,500.00			
Cannabis Consultant - Pre-inspection, travel and reporting	at cost									1.00	\$	1,250.00	\$	1,250.00			
Issue License + mailing	at cost									1.00	\$	1.50	\$	1.50			
Issue Tax Certificate + mailing	at cost									1.00	\$	1.50	\$	1.50			
Subtotal						\$									3,753.00	\$	3,753.00

<div>Classification:</div> <div>Fully Loaded Hourly Cost:</div>		Cannabis Business License - Renewal Application Fee										
		City of Goleta Cannabis Application Fee										
		Cannabis Consultant	Accounting Specialist (Finance)	Permit Technician (Planning)	Finance Director (Finance)	Risk Manager (CMO)	Neighborhood Services Director (NSPS)	Code Compliance (?)	Current Planning Manager	Assistant City Attorney	Accountant (Finance)	
		\$300.00	\$44.22	\$44.22	\$112.83	\$77.72	\$129.00	\$59.39	\$103.50	\$110.22	\$55.11	

All Business License Types														
TASKS		TASK HOURS ASSIGNED TO STAFF										Total Hours	Total Task Costs	
	Pre-Submittal Review of Renewal Application and applicable updated documents (Reconcile against checklist, reject application and payment if necessary) + usb drive review of electronic documents, and electronic upload	0	0.25	0	0	0	0	0	0	0	0.25	0	0.5	\$24.83
	Review application for completeness, data entry and process payment for receipt	0	0.25	0	0	0	0	0	0	0	0	0	0.3	\$11.06
	Finance review of required Finance related forms (business operations plan, price list, financial interest, business tax certificate registration application, business structure documentation)	0	0	0	0.25	0	0	0	0	0	0	0	0.3	\$28.21
	Review and check of application items	0	0	0	0	0	0	0	0	0	0	0	0.0	\$0.00
	Zoning/license type verifications (case number)	0	0	0.25	0	0	0	0	0.25	0	0	0	0.5	\$36.93
	Review insurance documents and surety bond	0	0	0	0	0.5	0	0	0	0	0	0	0.5	\$38.86
	Confirm LiveScan receipts for new employees	0	0	0	0	0	0.25	0	0	0	0	0	0.3	\$32.25
	Review proof of fire inspection, site plan, business plan, green business plan, odor abatement plan, safety plan, security plan, and other required plan documents.	0	0	0	0	0	0.25	0	0.25	0	0	0	0.5	\$58.13
	Review LiveScan results of previous and new employees	0	0	0	0	0	1	0	0	0	0	0	1.0	\$129.00
	General administration	0	0.25	0	0.25	0	0.25	0	0	0.25	0	0	1.0	\$99.07
	Final review and renewal application determination	0	0	0	0	0	0.25	0	0	0	0	0	0.3	\$32.25
	Issue renewal license	0	0.25	0	0	0	0	0	0	0	0	0	0.3	\$11.06
TOTAL DIRECT HOURS		0	1	0.25	0.5	0.5	2	0	0.50	0.25	0.25	0	5.3	\$501.63
Additional for Manufacturing:														
	Review Chemical Storage Plan	0.5	0	0	0	0	0.25	0	0	0	0	0	0.8	\$182.25
	Review copy of registration with Department of Pesticide Regulation, including list of pesticides and fertilizers	0.5	0	0	0	0	0.25	0	0	0	0	0	0.8	\$182.25
	Review Standard Operating Procedures	0	0	0	0.5	0	0.50	0	0	0	0	0	1.0	\$120.92
TOTAL DIRECT HOURS		1	0	0	0.5	0	1	0	0	0	0	0	2.5	\$485.42
Additional for Transporting/Delivery:														
	Review list of transports/delivery drivers, vehicle information, drivers license information and live scan	1	0	0	0	0	1	0	0	0	0	0	2.0	\$429.00
	Review insurance	0	0	0	0	1	0	0	0	0	0	0	1.0	\$77.72
TOTAL DIRECT HOURS		1	0	0	0	1	1	0	0	0	0	0	3.0	\$506.72
Additional for Distribution:														
	Review proof of bond	0	0	0	0	0.5	0	0	0	0	0	0	0.5	\$38.86
TOTAL DIRECT HOURS		0	0	0	0	0.5	0	0	0	0	0	0	0.5	\$38.86

Classification: Fully Loaded Hourly Cost:		Cannabis Business License - Renewal Application Fee												
		City of Goleta Cannabis Application Fee												
		Cannabis Consultant	Accounting Specialist (Finance)	Permit Technician (Planning)	Finance Director (Finance)	Risk Manager (CMO)	Neighborhood Services Director (NSPS)	Code Compliance (?)	Current Planning Manager	Assistant City Attorney	Accountant (Finance)			
		\$300.00	\$44.22	\$44.22	\$112.83	\$77.72	\$129.00	\$59.39	\$103.50	\$110.22	\$55.11			
Additional for Cannabis Cultivation:														
Review documentation and registration with Department of Pesticide Regulation.		0.5	0	0	0	0	0.25	0	0	0	0	0	0.8	\$182.25
TOTAL DIRECT HOURS		0.5	0	0	0	0	0.25	0	0	0	0	0	0.8	\$182.25
Additional for Testing:														
Review certifications required by State of CA		0.5	0	0	0	0	0.25	0	0	0	0	0	0.8	\$182.25
TOTAL DIRECT HOURS		0.5	0	0	0	0	0.25	0	0	0	0	0	0.8	\$182.25
Additional for Retail:														
Review security guard registration card		0.5	0	0	0	0	0.25	0	0	0	0	0	0.8	\$182.25
Review LiveScan of Security Guards		0	0	0	0	0	0.25	0	0	0	0	0	0.3	\$32.25
TOTAL DIRECT HOURS		0.5	0	0	0	0	0.5	0	0	0	0	0	1.0	\$214.50
Additional for Primary Caregiver:														
Review proof of status of		0.5	0	0	0	0	0.25	0	0	0	0	0	0.8	\$182.25
TOTAL DIRECT HOURS		0.5	0	0	0	0	0.25	0	0	0	0	0	0.8	\$182.25
TOTAL ADDITIONAL ACCESSORY USES		4.00	0.00	0.00	0.50	1.50	3.25	0.00	0.00	0.00	0.00	0.00	9.25	\$1,792.25
TOTAL OF TOTAL DIRECT HOURS		4.00	1.00	0.25	1.00	2.00	5.25	0.00	0.50	0.25	0.25	0.00	14.50	\$2,293.88
AVG ADDITIONAL ACCESSORY USES		0.57	0.00	0.00	0.07	0.21	0.46	0.00	0.00	0.00	0.00	0.00	1.32	\$256.04
TOTAL DIRECT HOURS - BASE COSTS		0.00	1.00	0.25	0.50	0.50	2.00	0.00	0.50	0.25	0.25	0.00	5.25	\$501.63
TOTAL DIRECT HOURS - BASE COSTS + AVG. ADDITIONAL ACCESSORY USES		0.57	1.00	0.25	0.57	0.71	2.46	0.00	0.50	0.25	0.25	0.00	6.57	\$757.67
Direct Costs, Equipment and Services		All Business License Types					#units			unit price		cost		
Cannabis Consultant - Renewal License Review		at cost					1.00			\$ 1,000.00		\$ 1,000.00		
Issue License + mailing		at cost					1.50			\$ 1.00		\$ 1,000.00		
												\$ -		
												\$ -		
						Subtotal						\$ 2,000.00		
													\$ 2,000.00	

<div>Classification:</div> <div>Fully Loaded Hourly Cost:</div>														Cannabis Business License - Outside City Limits Non-Strorefront Retail Delivery Service (New and Renewal)												
														City of Goleta Cannabis Monitoring & Compliance Fee												
														Cannabis Consultant	Accounting Specialist (Finance)	Permit Technician (Planning)	Finance Director (Finance)	Risk Manager (CMO)	Neighborhood Services Director (NSPS)	Code Compliance (?)	Current Planning Manager	Assistant City Attorney	Accountant (Finance)	Accounting Manager (Finance)		
														\$300.00	\$44.22	\$44.22	\$112.83	\$77.72	\$129.00	\$59.39	\$103.50	\$110.22	\$55.11			
All Business License Types																										
TASKS		TASK HOURS ASSIGNED TO STAFF										Total Hours	Total Task Costs													
Pre-Submittal Review (Reconcile against checklist, reject application and payment if necessary) + usb drive review of electronic documents, and electronic upload	0	0.25	0	0	0	0	0	0	0	0.25	0	0.5	\$24.83													
Review application for completeness, data entry and process payment for receipt	0	0.25	0	0	0	0	0	0	0	0	0	0.3	\$11.06													
Finance review of required Finance related forms	0	0	0	0.5	0	0	0	0	0	0	0	0.5	\$56.42													
General administration	0	0.25	0	0	0	0	0	0	0	0	0	0.3	\$11.06													
Review insurance documents	0	0	0	0	0.5	0	0	0	0	0	0	0.5	\$38.86													
Review list of delivery drivers and vehicle information and valid IDs	0	0	0	0	0	0	0	0	0	0	0	0.0	\$0.00													
Confirm LiveScan receipts and review	0	0	0	0	0	1	0	0	0	0	0	1.0	\$129.00													
Preliminary approval with state, state permit and application reconciliation, final application determination and notification	0	0	0	0	0	0.5	0	0	0	0	0	0.5	\$64.50													
Issue license, tax certificate, and welcome packet	0	0.5	0	0.25	0	0	0	0	0	0.25	0	1.0	\$64.10													
TOTAL DIRECT HOURS		0	1.25	0	0.75	0.5	1.5	0	0.00	0	0.5	0	4.5	\$399.81												
Direct Costs, Equipment and Services		All Business License Types						#units			unit price		cost													
Issue License + mailing	at cost								1.00	\$ 1.50	\$ 1.50															
Issue Tax Certificate + mailing	at cost								1.00	\$ 1.50	\$ 1.50															
							Subtotal			\$ 3.00			\$ 3.00													

<div><div>Classification:</div><div>Fully Loaded Hourly Cost:</div></div>														Cannabis Business License - Monitoring & Compliance											
														City of Goleta Cannabis Monitoring & Compliance Fee											
														Cannabis Consultant	Accounting Specialist (Finance)	Permit Technician (Planning)	Finance Director (Finance)	Risk Manager (CMO)	Neighborhood Services Director (NSPS)	Code Compliance (?)	Current Planning Manager	Assistant City Attorney	Accountant (Finance)	Accounting Manager (Finance)	
														\$300.00	\$44.22	\$44.22	\$112.83	\$77.72	\$129.00	\$59.39	\$103.50	\$110.22	\$55.11		

All Business License Types													
TASKS		TASK HOURS ASSIGNED TO STAFF										Total Hours	Total Task Costs
On-site compliance inspection (annual) - to ensure each business complies with all State and local laws and regulator protocols	0	0	0	0	0	2	0	0	0	0	0	2.0	\$258.00
Review of draft report detailing findings of compliance inspection				2		2	0	0	0.5	0	0	4.5	\$538.77
Financial audit review	0	0.5	0	2	0	0	0	0	0	2	2	6.5	\$357.99
General administration	0	0.5	0	0.5	0	0.5	0	0	0.25	0.5	0	2.3	\$198.14
TOTAL DIRECT HOURS		0	1	0	4.5	0	4.5	0	0.00	0.75	2.5	2	\$1,352.90

Direct Costs, Equipment and Services																	
		All Business License Types					#units							unit price		cost	
Cannabis Consultant - On-site compliance inspection services	at cost										1.00	\$	1,250.00	\$	1,250.00		
Cannabis Consultant - Annual financial audit	at cost										1.00	\$	6,000.00	\$	6,000.00		
Mailing of notice	at cost										1.00	\$	0.50	\$	0.50		
							Subtotal							\$		7,250.50	

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<div>Classification:</div> <div>Fully Loaded Hourly Cost:</div>														Cannabis Business License - Appeal Fee												
														City of Goleta Cannabis Appeal Fee												
														Cannabis Consultant	Accounting Specialist (Finance)	City Clerk	Finance Director (Finance)	Risk Manager (CMO)	Neighborhood Services Director (NSPS)	City Council (5 members)	City Attorney	Assistant City Attorney	Accountant (Finance)	City Manager		
														\$300.00	\$44.22	\$107.50	\$112.83	\$77.72	\$129.00	\$181.59	\$195.00	\$110.22	\$55.11	\$170.17		
All Business License Types																										
TASKS		TASK HOURS ASSIGNED TO STAFF										Total Hours	Total Task Costs													
	Review of appeal	0	0	0	0.5	0	0.5	0	0	0.25	0	0	1.3	\$148.47												
	Notice of hearing	0	0.5	0	0.25	0	0.25	0	0	0	0	0	1.0	\$82.57												
	Staff report preparation, review, general administration, and review of Cannabis Consultant findings	0	0	0	2	0	2	0	0	4	0	1	9.0	\$1,094.71												
	Hearing	0	0	2	2	0	2	2	2	0	0	2	12.0	\$1,792.18												
	Letter confirming descision after hearing	0	0.25	0	1	0	1	0	0	0.5	0	0	2.8	\$308.00												
TOTAL DIRECT HOURS		0	0.75	2	5.75	0	5.75	2	2.00	4.75	0	3	26.0	\$3,425.92												
Direct Costs, Equipment and Services		All Business License Types					#units			unit price		cost														
	Cannabis Consultant appeal review and report fee (approx 4 hours)	at cost								1.00	\$ 1,000.00	\$ 1,000.00														
	Mailing - Notice of Hearing	at cost								1.00	\$ 0.50	\$ 0.50														
	Mailing - Letter confirming descision after hearing	at cost								1.00	\$ 0.50	\$ 0.50														
							Subtotal			\$ 1,001.00		\$ 1,001.00														