



**Agenda Item E.1**  
**PUBLIC HEARING**  
**Meeting Date: June 4, 2019**

---

**TO:** Mayor and Councilmembers

**FROM:** Peter Imhof, Planning and Environmental Review Director

**CONTACT:** Anne Wells, Advance Planning Manager

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

**RECOMMENDATION:**

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 1).

**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 (CLUO) (Ordinance No. 18-03) to permit and regulate medicinal and adult cannabis uses to govern business licensing requirements and procedures.

On October 2, 2018, the City Council initiated the process of amending the CLUO to reconsider some cannabis uses, locations, and buffers. In response to input received at a January 23, 2019 public workshop, a March 11, 2019 public hearing before the Planning Commission, and an April 16, 2019 public hearing before the City Council, staff proceeded with preparing a revised ordinance to address concerns. The purpose of this public hearing is for the City Council to conduct a first reading of the proposed CLUO amendments (Attachment 1).

To address concerns regarding over-concentration of storefront cannabis retail businesses and the locating of businesses close to sensitive land uses, the proposed amendments include the following separation and prohibitive buffer requirements:

- 1) 600 feet from another cannabis retail business;
- 2) 600 feet from the Goleta Valley Community Center;
- 3) 600 feet from schools; and
- 4) 100 feet from residential land use designations.

The proposed Land Use Ordinance also reduces the cap on storefront retail cannabis business from 15 to 6.

## **BACKGROUND:**

### **State Cannabis Regulation**

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.

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 CLUO (Ordinance No. 18-03) to permit and regulate medicinal and adult cannabis uses. The CLUO 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 CLUO 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.
- ***Accessory Uses*** – One of the cannabis business license types that the state offers is for a "microbusiness." There was 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 CLUO, 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.
- ***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.

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

During implementation of the CLUO, several issues have been raised that necessitate revisions to the CLUO. In response to this need, the City Council initiated the process to amend the CLUO (via Resolution 18-53) on October 2, 2018. The City Council initiated consideration of amendments to the CLUO to reconsider some allowable uses, locations, and buffers for licensed cannabis in the City.

### **Consideration of Amendments to the CLUO and General Plan**

On January 23, 2019, the City Council held a public workshop to review and provide staff feedback on the proposed General Plan and ordinance amendments. Based on feedback received, staff prepared the proposed amendments to the General Plan, CLUO, and Cannabis Business License Ordinance.

On March 11, 2019, the Planning Commission considered a resolution recommending the City Council approve the proposed CLUO amendments, as further described herein. The Planning Commission voted 5-0 not to adopt this resolution. While the Planning Commission did not act to approve the resolution 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.

On April 16, 2019, the City Council held a public hearing and amended the General Plan via Resolution No. 19-21 and revised the Cannabis Business License Ordinance. In addition, the City adopted updated fees for cannabis business licenses. The General Plan amendments included:

- 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.”;

- Allowing 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;
- Allowing cannabis distribution in BP;
- Allowing cannabis microbusiness licensing in IG and IS without storefront cannabis retailers, except for existing storefronts; and
- Allowing cannabis microbusiness licensing in CG only where a cannabis business legally existed prior to June 16, 2009.

After taking action on the General Plan amendments, the City Council directed staff to return with more restrictive standards, including a reduced storefront retail cap, a larger separation requirement between storefront retail businesses, and more protective buffers at the Goleta Valley Community Center, schools, and residential land uses.

## **DISCUSSION:**

The City Council is to consider amendments to the CLUO. A summary of staff recommendations is presented below. Staff's recommendations reflect changes from what was previously recommended at the April 16<sup>th</sup> public hearing. These changes attempt to address City Council concerns and 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.

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

The proposed CLUO is provided in Attachment 1. The six components of the proposed amendments are detailed below:

Amendment 1: Cannabis Zoning Permits. The adopted CLUO requires permitting for all cannabis uses consistent with the City's Inland and Coastal Zoning Ordinances. However, streamlining the application review and licensing process is warranted, particularly given the existing robust State and City cannabis regulatory framework for licensing, including the adoption of a more detailed and stringent Cannabis Business License Ordinance on May 7, 2019 (City Ordinance No. 19-07).

Staff recommends eliminating LUP/CUP requirements from the CLUO and relying on the updated 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 which now includes a more detailed application review process and a noticing requirement to neighbors before a cannabis business license application is submitted. These changes to the Cannabis Business License process ensure 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.

Amendment 2: Storefront Cannabis Retail - Sensitive Receptor Buffers and Separation Requirements. The adopted CLUO 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). Rather, the adopted CLUO 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 adding prohibitive buffers for storefront cannabis retailers from particular sensitive receptors as follows:

- 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), and is a focal point for community events. As such, staff recommends establishing a 600-foot prohibitive buffer around the GVCC. This buffer ensures that there is enough space for those travelling to and from the GVCC, including those utilizing nearby bus stops, to avoid exposure to cannabis retail operations.
- Schools Buffer. The adopted CLUO currently requires no prohibitive buffer from schools providing k-12 education. To address potential impacts to school age children resulting from exposure to cannabis retail operations, staff recommends establishing a 600-foot prohibitive buffer around schools providing k-12 education. This buffer ensures that there is sufficient space for those travelling to and from schools to avoid exposure to cannabis retail operations. While most schools in the City are not near commercial areas where cannabis retail operations are proposed, this buffer provides a conservative protection for school age children moving forward should any land use patterns change.
- Residential Land Use Buffer. The adopted CLUO currently requires no prohibitive buffer from residential land uses. In many locations throughout the City, commercial parcels directly abut residential parcels. Staff recommends establishing a 100-foot prohibited buffer around parcels with a residential land use designation. This buffer ensures some separation of cannabis retail from homes so that the two uses could not be adjacent to one another. This buffer will eliminate the potential for cannabis retail on many commercial properties. However, adequate locations would still exist within the City to support storefront cannabis retail uses.
- Storefront Cannabis Retail - Separation Requirements. The CLUO currently requires 300 feet of separation between storefront cannabis retail uses. However, as expressed at previous hearings and workshops, this requirement still allows for an overconcentration of the use, especially in Old Town. To avoid overconcentration of storefront cannabis retailers on Hollister Avenue in Old Town and other potential locations in the City, staff recommends increasing the separation requirement to 600 feet.

Amendment 3: 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 CLUO, 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.

Amendment 4: Cannabis Storefront Retail Cap. The current CLUO includes a cap of 15 cannabis storefront retail operations within the City. During discussions in the public hearing process, concern has been expressed about that cap being too high. In order to address this concern, staff recommends a citywide cap reduction from 15 to 6. A cap of 6 ensures there is adequate access for potential consumers while limiting the proliferation of the use within the City.

Currently, the City has more than 6 applications pending for storefront retail uses. The 3 existing medicinal cannabis dispensaries are considered a storefront retail cannabis use and, as such, these 3 dispensaries would occupy the first 3 uses counted against the cap. The final 3 spots would be reserved for the first 3 applicants currently in the processing queue. In other words, as a general principle, application processing under the revised ordinance would preserve the order established by the original CUP applications submitted last year. The list of pending applications for storefront retail use includes 4 applications that were buffered out by either existing medicinal dispensaries or by the separation requirement. The 4 applications were returned to the applicants with the assurance that each applicant's place in line would be saved for six months after the effective date of the amended Ordinance to allow the applicant adequate time to locate an alternative site.

If the cap is reduced to 6 and the first 3 spots are allocated to the existing medicinal cannabis dispensaries, then the 4<sup>th</sup> spot would be allocated to the first application received (located at 5777 Hollister Avenue). Since this is one of the applications that was buffered out by an existing medicinal cannabis dispensary, the applicant would be permitted to select another site as previously described. The application that would be allocated to the 5<sup>th</sup> spot is located at 5890 Hollister Avenue and would be buffered out by the proposed 100-foot prohibitive residential buffer. This applicant would also be permitted to select a new site. The 6<sup>th</sup> spot would be located at 5999 Hollister Avenue without a need to relocate as a result of the proposed CLUO amendments.

Because the exact locations of the 4<sup>th</sup> and 5<sup>th</sup> spots are not yet known, staff has prepared two maps that will show the areas where cannabis retail can be located. The first map shows all the proposed buffers and separation requirement around the 3 legal nonconforming businesses. The second map has all the proposed buffer areas, but not the separation requirement, grayed out to represent where retail uses can potentially locate (Old Town Commercial, Regional Commercial, General Commercial, and Community Commercial). This map also shows the 3 legal nonconforming businesses with a 600 foot separation requirement around them, the current applications (asterisks) that have not been eliminated by a proposed buffer and separation requirement around

a legal nonconforming business, and the Old Town Heritage District boundaries. It should be noted that this map does not show two applicants who currently hold the 4<sup>th</sup> and 5<sup>th</sup> place in line but have not proposed an alternative location. Staff will explain this more in detail during the presentation of the item, but the main purpose of these maps is to show where retail could be located after the application of the proposed buffers and separation requirements.

With respect to the second map, it should also be noted that it does not show where retail use as an accessory use may be located. A third map will be presented at the Council meeting to indicate where these can be located. Any accessory retail use would be subject to all the proposed buffers and separation requirements. However, for the main discussion of what buffers and separation requirements to apply, the first and second maps will primarily serve the purpose of helping answer those questions.

Lastly, a chart of all the applicants is attached. The chart shows:

1. What place in line each applicant holds in the first come/first serve list that Planning has maintained;
2. What place in line each applicant would hold if Council imposes a retail cap of 6; and
3. Which locations would be eliminated as a result of the proposed buffers and separation requirements (only with respect to the 3 legal nonconforming businesses; the application of a 600 foot separation requirement around any other businesses are not known yet)
  - a. The remedy for these applicants is to find another location within 6 months of the effective date of any land use ordinance amendment if they are within the retail cap that Council imposes.

At the April 16<sup>th</sup> hearing, City Council expressed interest in an additional cap for Old Town. Staff believes that with the additional buffers and greater separation requirement described above and a reduction of the overall cap within the City, a separate cap for Old Town is not necessary and such a cap is not proposed in the proposed CLUO. However, staff will be prepared to discuss an Old Town cap using the Old Town Heritage District, should Council want to consider such a cap.

Amendment 5: Amendments to Reflect General Plan Amendments. As previously noted, Council adopted amendments to the General Plan at the April 16<sup>th</sup> hearing. The proposed CLUO includes amendments to incorporate the General Plan amendments. These include:

- Allowing 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;
- Allowing cannabis distribution in BP, but limiting the floor area of each licensed distributor to a maximum of 30,000 square feet per parcel;
- Allowing cannabis microbusiness licensing in IG and IS without storefront cannabis retailers, except for existing storefronts; and

- Allowing cannabis microbusiness licensing in CG only where a cannabis business legally existed prior to June 16, 2009.

Staff recommends these edits as they support the intent of, and effectuate, the adopted General Plan, including the recent amendments.

**Amendment 6: Deletion of Standards Moved to Cannabis Business License Ordinance.**

As noted above, City Council adopted Ordinance No. 19-07 on May 7<sup>th</sup> to update the Cannabis Business License requirements. Included in this updated ordinance was the inclusion of operational requirements that are currently in the CLUO. As such, the proposed CLUO removes these operational requirements to avoid redundancy of standards. The requirements proposed for removal include:

- The requirement for an Odor Abatement Plan for all cannabis uses;
- Operating hours for Non-Storefront Retail;
- A prohibition for on-site consumption for Storefront Retail;
- The requirement for all edibles to be commercially prepackaged and shelf-stable for all cannabis retailers; and
- A limit on canopy size, limitations on the use of generators, requirements for energy conservation analysis and consultation, a limit of one use per building, and a prohibition of operations being visible from the right-of-way for Indoor Cultivation.

The requirements that security lighting consist solely of motion-sensor lights and that any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, must be fully shielded, directed downward, and dark sky compliant has been removed from the CLUO and not incorporated into the updated Cannabis Business License Ordinance. However, all uses within the City must comply with lighting policy of the City as identified in the General Plan.

Staff recommends removal of the above-mentioned standards to avoid duplication with the Cannabis Business License Ordinance and other City-imposed requirements.

**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 pending applications. For example, if the City amends the CLUO 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:**

Pursuant to California Environmental Quality Act (CEQA) Guidelines § 15061(b)(3) this proposed, amended CLUO is exempt from CEQA because there is no potential for causing a significant effect on the environment. In addition, pursuant to CEQA Guidelines § 15060(c), the proposed amended CLUO is not subject to CEQA because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment (see § 15060(c)(2)) and because the project does not qualify as a "project" for the purposes of CEQA. Because the amended CLUO does not result in either direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (see § 15060(c)(3) and § 15378). The regulations and definitions provided in this Ordinance do not, by themselves, have the potential to cause a significant effect on the environment. Any subsequent physical development project will be separately examined in accordance with CEQA.

**CONCLUSION/RECOMMENDATION:**

After review of the proposed CLUO, the City Council is asked to adopt the attached Ordinance.

**FISCAL IMPACTS:**

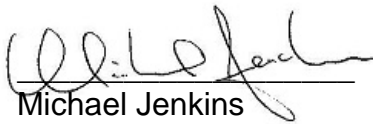
There is no direct fiscal impact from introducing and conducting the first reading of the proposed ordinances. Funding for Planning and Environmental Review staff time to prepare the CLUO was included in the adopted FY 2017–18 and 2018-19 Budget under Program 4300 of the Advance Planning Division.


**ALTERNATIVES:**

The City Council has the option to take no action on this item at this time or continue the public hearing to a future meeting.

**Legal Review By:**

**Approved By:**

  
Michael Jenkins  
City Attorney

  
Michelle Greene  
City Manager

## ATTACHMENTS

1. 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”
2. Map Showing Cannabis Land Use Ordinance Buffer and Separation Requirements for Storefront Retail Uses
3. Map Showing Cannabis Land Use Ordinance Buffer and Separation Requirements for Storefront Retail Uses with Old Town Heritage District
4. Cannabis Storefront Retail Applications

## Attachment 1

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 approved the CEQA Addendum to the GP/CLUP through Resolution 19-03 on April 16, 2019 and directed staff to return with a more restrictive Cannabis Land Use Ordinance at a future date.

**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**

Pursuant to California Environmental Quality Act (CEQA) Guidelines § 15061 (b)(3) and § 15378(b)(5), this proposed, amended Ordinance is exempt from CEQA because there is no potential for causing a significant effect on the environment. In addition, pursuant to

CEQA Guidelines § 15060(c), the proposed amended Ordinance is not subject to CEQA because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment (see § 15060(c)(2)) and because the project does not qualify as a "project" for the purposes of environment because the Ordinance does not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (see § 15060(c)(3) and § 15378). The regulations and definitions provided in this Ordinance do not, by themselves, have the potential to cause a significant effect on the environment. Any subsequent physical development project will be separately examined in accordance with CEQA.

#### **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 CO<sub>2</sub> or any volatile solvents to manufacture cannabis products is prohibited.
- l. Nothing in the section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation by tenants.
- m. Nuisance abatement. Any violation of this Section is declared to be a public nuisance and may be abated by the City pursuant to Title I of the Goleta Municipal Code.

*F. Commercial Cannabis Uses.* This Subsection F applies to all cannabis uses other than Personal Use Cultivation.

1. *Zoning.* Cannabis Uses, consistent with the requirements of this Subsection F, are allowed only locations based on the commercial and industrial General Plan land use designations as prescribed in Table 1. Outdoor Cultivation and Mixed-Light Cultivation are prohibited.

<b>Table 1. Allowed Cannabis Uses by General Plan Land Use Designation</b>										
<i>Cannabis Uses</i>	<i>Land Use Designations<sup>1</sup></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 <sup>3</sup>		P	P
Cannabis Manufacturing	See Subclassifications below.									
<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 <sup>2</sup>						P <sup>5</sup>			P	P
Cannabis Retailer	See Subclassifications below.									
<i>Storefront</i>	P	P	P			P				P <sup>4</sup>
<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 licensed distributor shall not exceed 30,000 square feet per parcel. 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 Storefront Cannabis Retailer shall not be located within 600 feet from another Storefront Cannabis Retailer that was legally established before or after the adoption of this Ordinance.
- 2) Goleta Valley Community Center. A Storefront Cannabis Retailer shall not be located within 600 feet from the Goleta Valley Community Center property.
- 3) Schools. A Storefront Cannabis Retailer shall not be located within 600 feet from a School providing K-12 education.

- 4) Residential. A Storefront Cannabis Retailer shall not be located within 100 feet of a parcel with a residential land use designation.
- ii. No prohibitive buffers are required from Day Care Centers or Youth Centers.
- iii. Limit of Businesses. A limit of 6 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 2

Map Showing Cannabis Land Use Ordinance Buffer and Separation  
Requirements for Storefront Retail Uses



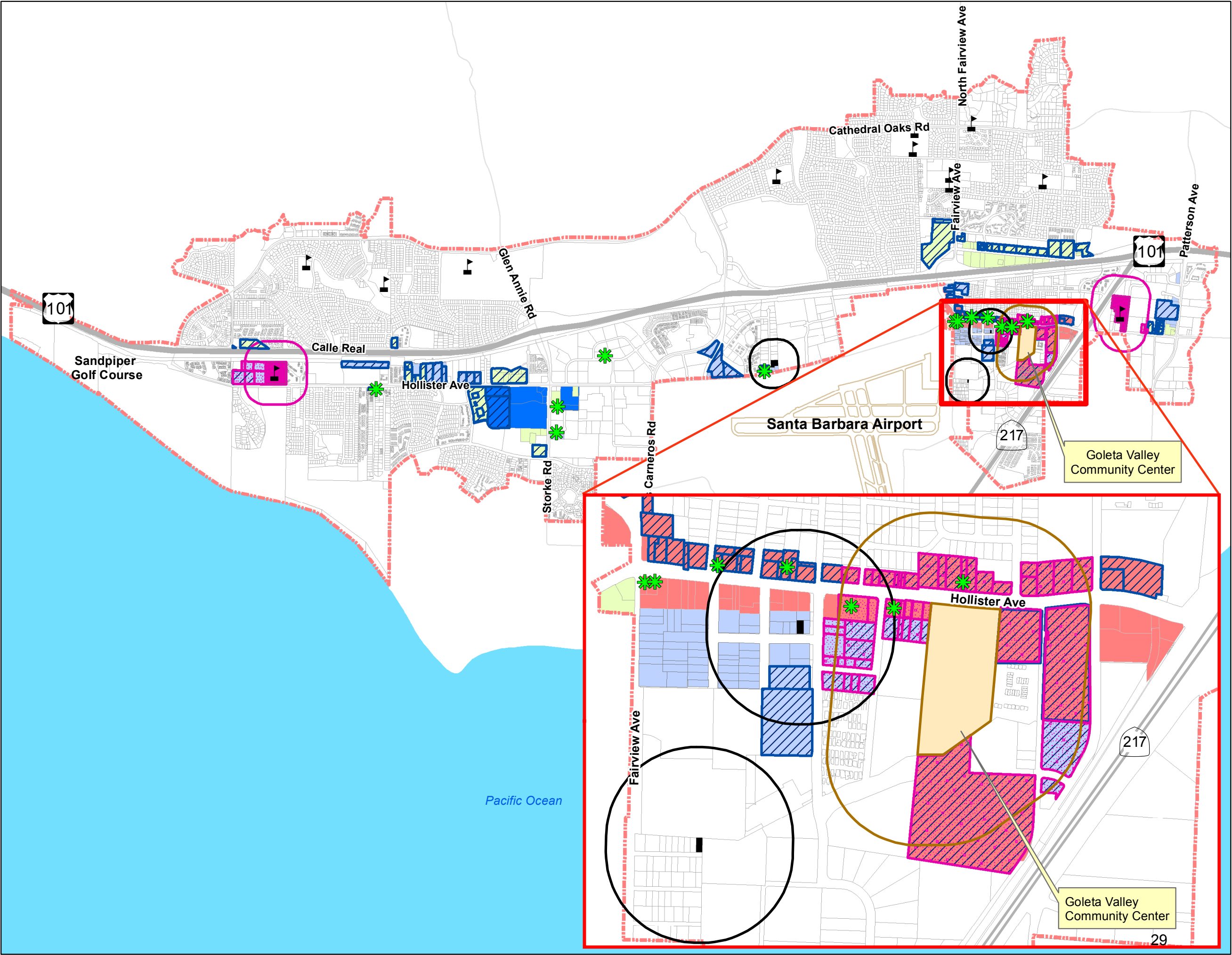
Proposed Amendments for Storefront Retail Uses

- Existing 3 Cannabis Retail Businesses
- 600 foot separation
- ALL Storefront Retail Applications (as of 5-5-19)
- Land Use Allowing Storefront Retail
  - Old Town Commercial
  - Regional Commercial
  - General Commercial
  - Community Commercial
- Potential Sensitive Receptors
  - Schools in Proximity to Storefront Retail
  - 600 foot buffer
  - Goleta Valley Community Center
  - 600 foot buffer
  - Properties within 600 feet of schools or the GVCC
  - Properties that are buffered due to 100 foot residential buffer
  - City of Goleta

Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 2,640 feet





### Attachment 3

Map Showing Cannabis Land Use Ordinance Buffer and Separation Requirements for Storefront Retail Uses with Old Town Heritage District



Proposed Amendments for Storefront Retail Uses with Old Town Heritage District

- Goleta Old Town Heritage District
- City of Goleta
- Existing 3 Cannabis Retail Businesses
- 600 foot separation
- Remaining Storefront Retail Applications

Land Use Allowing Storefront Retail

- Old Town Commercial
- Regional Commercial
- General Commercial
- Community Commercial

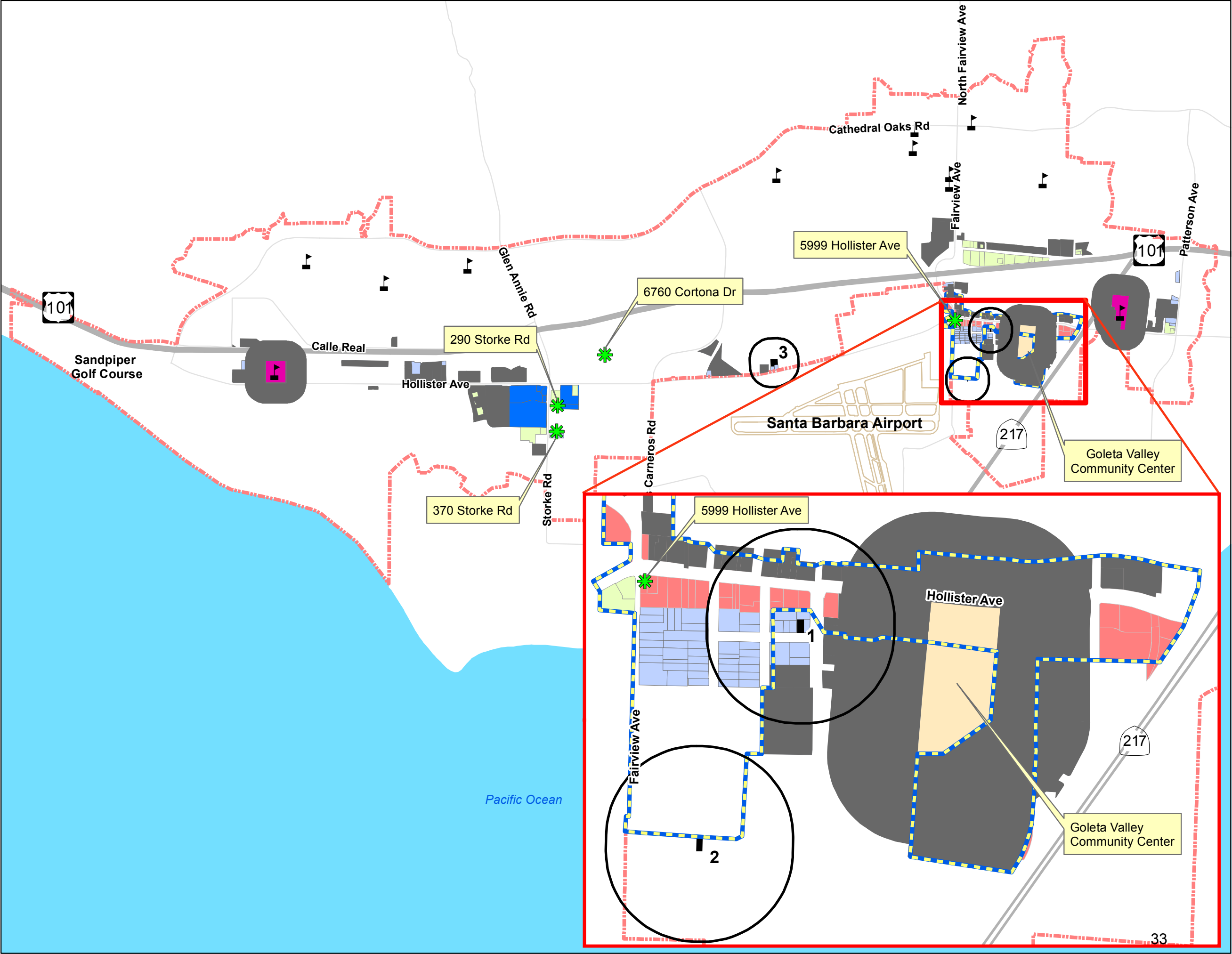
Potential Sensitive Receptors

- Schools in Proximity to Storefront Retail
- 600 foot buffer of Schools
- Goleta Valley Community Center
- 600 foot buffer of GVCC
- Properites that are buffered due to 100 foot residential buffer

Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 2,640 feet





## Attachment 4

### Cannabis Storefront Retail Applications



**CANNABIS STOREFRONT RETAIL APPLICATIONS**

<b>CUP Application Order</b>	<b>Application Order with Medicinal Dispensaries as first 3 Applications</b>	<b>File Number</b>	<b>Applicant Name, Location (Existing Business)</b>	<b>Impact of Proposed Ordinance Amendment</b>
1	4	18-103-CUP	Michael Bitton, 5777 Hollister (A-OK)	Eliminated by separation requirement. Applicant to find new location.
2	5	18-104-CUP	Chris Hester, 5890 Hollister (Gimeals)	Eliminated by Residential Buffer. Applicant to find new location.
3	6	18-105 -CUP	Chris Hester, 5999 Hollister (Palm Reader)	Continue to Process subject to cap
4	7	18-106-CUP	Sid Dunmore 290 Storke Rd (Ming Dynasty)	Continue to Process subject to cap
5	8	18-107-CUP	Sid Dunmore, 5836 Hollister (Motor Sports)	Eliminated by separation requirement. Applicant to find new location.
6	9	18-108-CUP	Troy White, 370 Storke (Zizzos)	Continue to Process subject to cap
7	10	18-109-CUP	Troy White, 5755 Hollister (Fuel Depot)	Eliminated by GVCC Buffer. Applicant to find new location.
8	11	18-110-CUP	David MacFarlane, 5979 Hollister (Sam's to Go)	Eliminated by separation requirement. Applicant to find new location.
9	1	18-111-CUP	David MacFarlane, 5814 Gaviota (Existing Dispensary)	N/A
10	12	18-112-CUP	Luke Bruner, 6416 Hollister Avenue (Bus site)	Eliminated by separation requirement. Applicant to find new location.
11	13	18-115-CUP	Malante Hayworth, 5710 Hollister (Copy Center building across from GVCC)	Eliminated by GVCC Buffer. Applicant to find new location.
12	2	18-117 -CUP	Todd Falstrom, 5902 Daley St (Existing Dispensary)	N/A
13	14	18-156-CUP	Michael Bitton, 7433 Hollister (Yoga Studio)	Eliminated by Residential Buffer. Applicant to find new location.
14	15	19-010-CUP	Cameron Porter, 6760 Cortona	Continue to Process subject to cap
15	3		Mark Russell, 164 Aero Camino (Existing Dispensary)	N/A