

CALIFORNIA COASTAL COMMISSION

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LCP-4-CPN-18-0089-1 (CITY OF CARPINTERIA)

FEBRUARY 7, 2019

EXHIBITS

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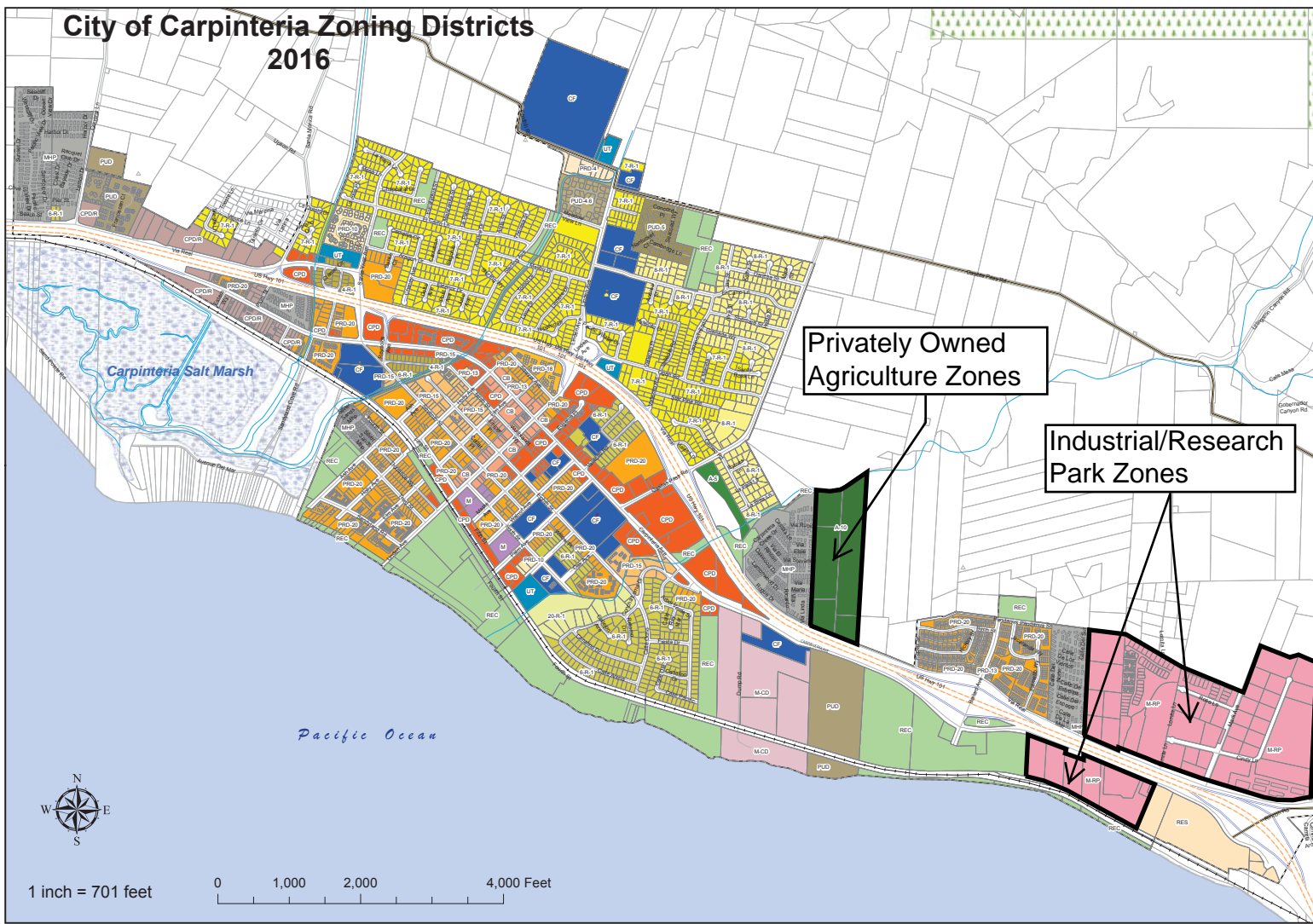
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City of Carpinteria Zoning Districts 2016



ZONING DISTRICTS

Industrial

- M General Industrial District
- M-CD Coastal Industrial District
- M-RP Industrial/ Research Park District**

Commercial

- CPD Commercial Planned Development District
- CB Central Business District
- CPD/R Commercial Planned Development District/ Residential Overlay
- RES Resort District

Other

- UT Public Utility District
- A-10 Agricultural - Minimum 10-Acre Parcel**
- REC Recreation District
- A-5 Agricultural - Minimum 5-Acre Parcel
- CF Community Facility District

Residential

- PRD-13 Planned Residential Development District - Maximum Density 13 Units/Acre
- 8-R-1 Single Family Residential District - Minimum Lot Size 8,000 square feet
- PRD-10 Planned Residential Development District - Maximum Density 10 Units/Acre
- PUD Planned Unit Development District
- 7-R-1 Single Family Residential District - Minimum Lot Size 7,000 square feet
- PRD-20 Planned Residential Development District - Maximum Density 20 Units/Acre
- 6-R-1 Single Family Residential District - Minimum Lot Size 6,000 square feet
- 4-R-1 Single Family Residential District - Minimum Lot Size 4,000 square feet
- 20-R-1 Single Family Residential District - Minimum Lot Size 20,000 square feet
- PRD-4 Planned Residential Development District - Maximum Density 4 Units/Acre
- PRD-18 Planned Residential Development District - Maximum Density 18 Units/Acre
- PUD-4.6 Planned Unit Development District - Maximum Density 4.6 Units/Acre
- PUD-5 Planned Unit Development District - Maximum Density 5 Units/Acre
- PRD-15 Planned Residential Development District - Maximum Density 15 Units/Acre
- MHP Mobile Home Park Planned Development District

Schools

- Elementary School
- High School
- Middle School

Revised & Published 10-20-16
Reflects following revisions:
LCP-4-CPN-14-0832-1 (Consistency Rezone) and
LCP-4-CPN-15-0018-1 (Linden/Castias)

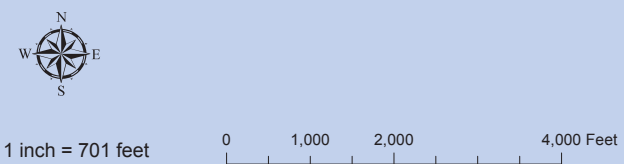


Exhibit 1
LCP-4-CPN-18-0089-1
City of Carpinteria
Zoning Map

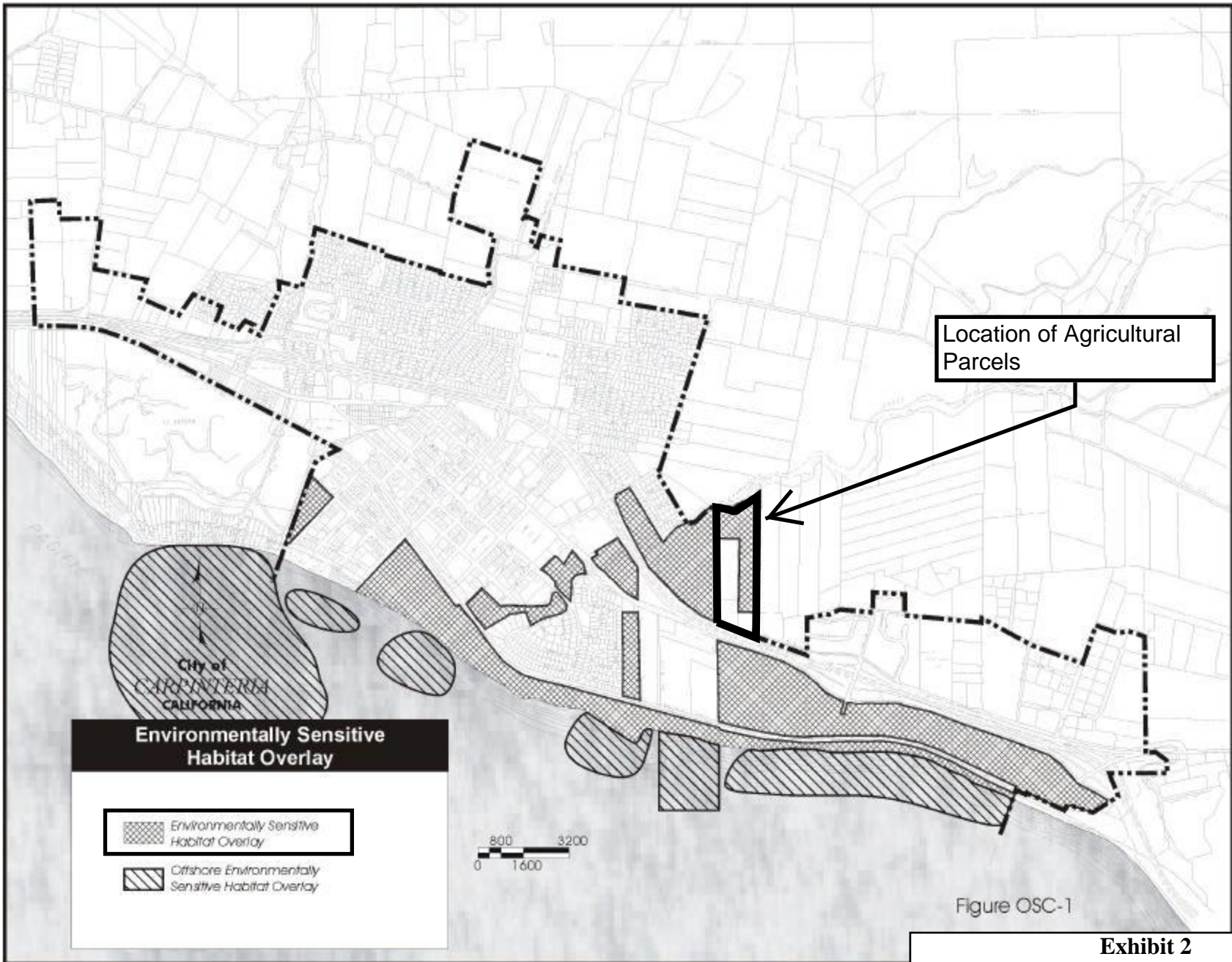


Exhibit 2
LCP-4-CPN-18-0089-1
City of Carpinteria
ESHA Overlay Map

Industrial/Research Park Parcels located outside of 700' buffer and available for permitted commercial cannabis activities

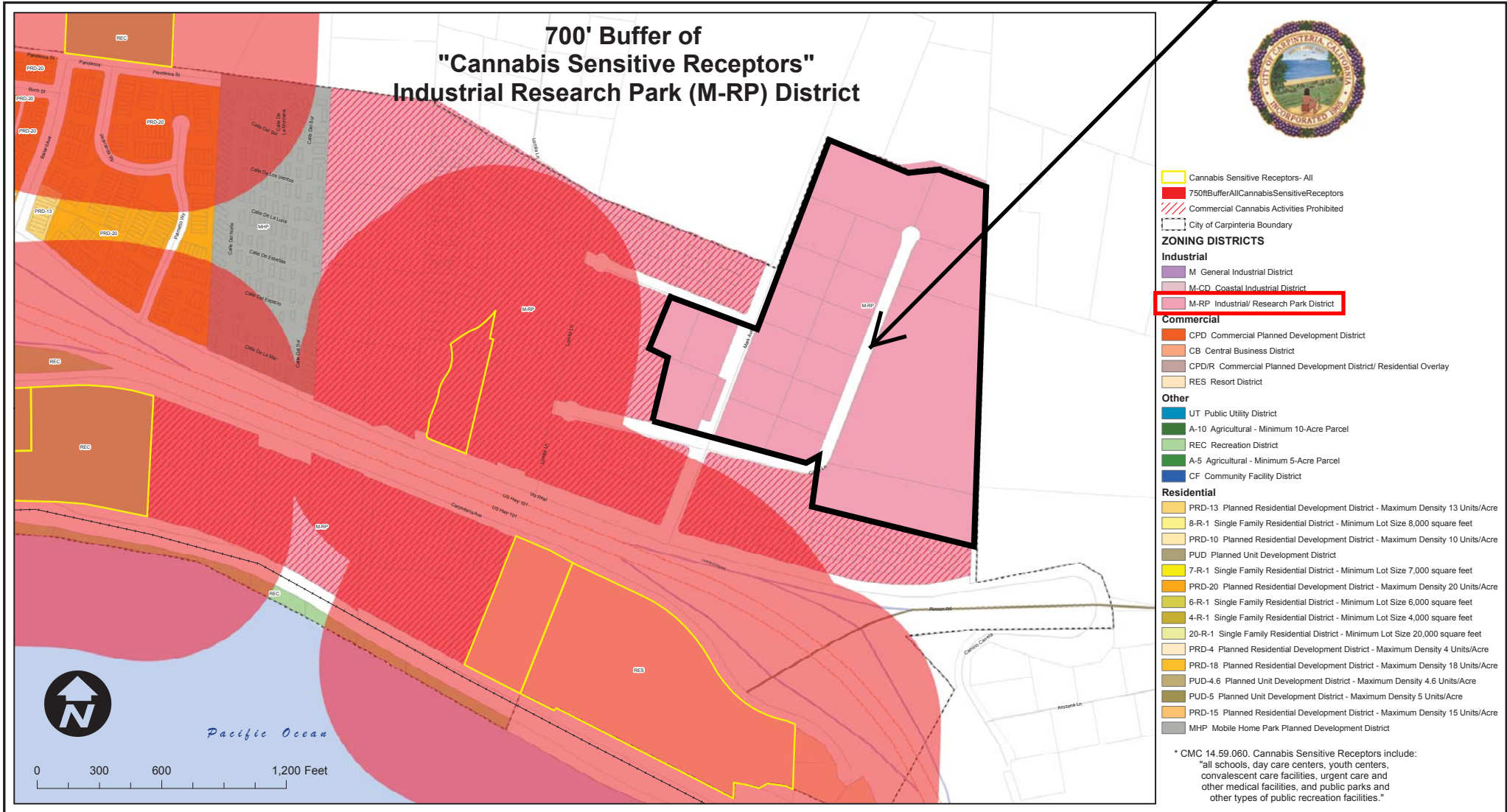


Exhibit 3
LCP-4-CPN-18-0089-1
City of Carpinteria
Map of Cannabis Sensitive Receptors and
Industrial Research Park (M-RP) Zone

RESOLUTION NO. 5850

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CERTIFYING THAT ORDINANCE NO. 726 IS INTENDED TO CARRY OUT THE POLICIES OF THE CITY'S COASTAL LAND USE PLAN CONSISTENT WITH THE CALIFORNIA COASTAL ACT, AND DIRECTING THAT ORDINANCE NO. 726 BE TRANSMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR FILING PURSUANT TO PUBLIC RESOURCES CODE §30510(A) AND IN ACCORDANCE WITH §13551(B)(2) OF TITLE 14 THE CALIFORNIA CODE OF REGULATIONS. (PROJECT 17-1896-LCPA/ORD)

WHEREAS, at duly noticed public hearings on October 1, 2018 and November 5, 2018, the Planning Commission considered Ordinance No. 726 (project 17-1896-LCPA/ORD) and forwarded its recommendation to support the Local Coastal Program Amendment to the City Council; and

WHEREAS, on November 26, 2018, after considering the Planning Commission's recommendation, receiving public comment, due consideration, and discussion among the Council and staff, the City Council adopted this Resolution certifying that the proposed Ordinance No. 726 is intended to carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act and directed that Ordinance No. 726 be transmitted to the California Coastal Commission for filing pursuant to Public Resources Code §30510(a) and in accordance with §13551(b)(2) of Title 14 the California Code of Regulations; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code §21000 et seq., "CEQA"), the California Code of Regulations, Title 14, §15000 et seq. ("CEQA Guidelines") and the City of Carpinteria's Environmental Review Guidelines as applicable, the City determined that the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code §26055(h) (as amended by SB 94, CEQA does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity, so long as the discretionary review includes any applicable environmental review pursuant to CEQA), and State CEQA Guidelines §15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), §15061(b)(3) (the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment), and §15060(c)(3) (this activity is not a project as defined in §15378); and

WHEREAS, after action by the California Coastal Commission, the City desires and intends to use the above-provided statutory exemptions for formal adoption of the Project in accordance with the California Environmental Quality Act; and

WHEREAS, the proposed amendments approved for submittal to the California Coastal

**Exhibit 4
LCP-4-CPN-18-0089-1
City of Carpinteria
Carpinteria City Council Resolution for
Amendment to Local Implementation Plan**

Commission by the City Council as set forth below and as attached hereto and incorporated herein by reference reflect the recommendations of the Planning Commission and City Council of the City of Carpinteria; and

WHEREAS, a full and complete copy of the project materials (17-1896-LCPA/ORD) is on file with the City's Community Development Department, located at 5775 Carpinteria Avenue, Carpinteria, California.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals are true and accurate.

Section 2. The Carpinteria Municipal Code Title 8 (Health and Safety) and Title 14 (Zoning) are amended as shown in Exhibit 1, Ordinance No. 726.

Section 3. Pursuant to Public Resources Code Section 30510(a) and Government Code Sections 65854, 65855 and 65856, the City Council held a public hearing on the proposed amendment to the Local Coastal Program and is transmitting all proposed amendments to the California Coastal Commission for submittal and filing pursuant to California Code of Regulations, Title 14 Section 13551(b)(2).


Section 4. Ordinance No. 726 has been found by the City of Carpinteria City Council to appropriately carry out the policies of the City's Coastal Land Use Plan consistent with the California Coastal Act.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018, by the following vote:

AYES: Councilmembers: Carty, Clark, Stein, Nomura, Shaw

NOES: Councilmembers: None

ABSENT: Councilmembers: None



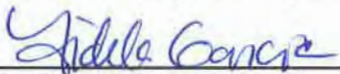
Mayor, City of Carpinteria

ATTEST:




City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 26th day of November 2018.



City Clerk, City of Carpinteria

APPROVED AS TO FORM:



Jena Acos, Legal Counsel
Brownstein Hyatt Farber Schreck, LLP
Acting as City Attorney

ORDINANCE NO. 726

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING TITLE 14 (ZONING) AND TITLE 8 (HEALTH AND SAFETY) OF THE CARPINTERIA MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR COMMERCIAL CANNABIS BUSINESSES AND PERSONAL CANNABIS CULTIVATION WITHIN THE CITY THAT PROTECT PUBLIC HEALTH, SAFETY AND WELFARE.

WHEREAS, the voters of the State of California approved the Compassionate Use Act in 1996 to provide a defense to criminal prosecution for the cultivation, possession and use of marijuana for medical purposes. Subsequently, the Medical Marijuana Program Act (MMP A) established a voluntary participation, State-authorized medical marijuana identification card and registry database for verification of qualified patients and their primary caregivers; and

WHEREAS, in 2015, the State enacted the Medical Cannabis Regulation and Safety Act; and

WHEREAS, on November 8, 2016, California voters approved Proposition 64, the Adult Use of Marijuana Act, a voter initiative, which legalized adult personal recreational use, possession and cultivation of cannabis in California, and created a comprehensive regulatory and dual licensing system for commercial cannabis activity in the State effective January 2018; and

WHEREAS, Proposition 64 was passed by sixty one percent (61.51%) of the voters in Santa Barbara County; and

WHEREAS, prior to the passage of Proposition 64, commercial cannabis activity was prohibited in the city under principles of permissive zoning, which holds that uses that are not expressly allowed or conditionally allowed under zoning regulations are prohibited; and

WHEREAS, in response to the passage of Proposition 64, in 2016 the City Council adopted Ordinance No. 713, creating Chapter 8.14 (Cultivation of Nonmedical Marijuana) of the Carpinteria Municipal Code to establish provisions for the cultivation of cannabis for personal use in accordance with Health and Safety Code §11362.2; and

WHEREAS, in 2017, the California legislature passed, and Governor Brown signed Senate Bill 94, which enacted the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), repealing the Medical Cannabis Regulation and Safety Act ("MCRSA") but incorporating certain provisions of MCRSA into the licensing provisions established by Proposition 64; and

WHEREAS, the City Council adopted Urgency Ordinances Nos. 715, 716 and 721 implementing and extending a moratorium expressly prohibiting all commercial cannabis activities in order to maintain the status quo while the City conducted public outreach and studied, developed, and considered regulations for commercial cannabis activities in the City; and

WHEREAS, City staff has conducted extensive public outreach including holding three public meetings with the City Council on December 11, 2017, January 22, 2018, and April 23, 2018 to receive public comment and discuss options for regulating commercial cannabis activities; and

WHEREAS, after review of the information gathered by staff during public outreach, the City Council directed staff to recommend and draft amendments to the Carpinteria Municipal Code to permit limited commercial cannabis activities within the City and to consolidate all City cannabis regulations into one Municipal Code chapter; and

WHEREAS, as part of the process to permit commercial cannabis activity in the City, the City desires to update Title 14 and establish regulations for the operation of commercial cannabis businesses, consistent with current state law and City permitting and land use requirements, and consolidate all City cannabis regulations into one Municipal Code section; and

WHEREAS, the City Council has determined that commercial cannabis activities and personal cannabis cultivation can have negative impacts on the quality and character of the City's residential and commercial areas. Several California cities and counties have experienced adverse impacts associated with and resulting from cannabis dispensaries, delivery services, and cultivation sites. According to the communities and according to widely reported news stories, cannabis land uses have resulted in and/or caused an increase in crime, including burglaries, robberies, violence, and illegal sales, and use of cannabis in the areas immediately surrounding such cannabis activities. Carpinteria residents have also complained about odors emanating from large-scale growing operations in the unincorporated Carpinteria Valley, in the vicinity of the City. Additionally, cannabis cultivation sites have associated with illegal construction, unsafe electrical wiring, excessive water use, and fire hazards; and

WHEREAS, pursuant to its police powers as granted under Article XI, section 7 of the California Constitution, the City Council has the authority to enact and enforce ordinances and regulations which promote the public health, safety and general welfare of its residents; and

WHEREAS, the establishment of an appropriate City regulatory program can best address negative impacts associated with commercial cannabis activities and personal cannabis cultivation; and

WHEREAS, the establishment of an appropriate City regulatory program preserves opportunities for public access to medicinal and recreational cannabis products while protecting the public health, safety and general welfare; and

WHEREAS, before any commercial cannabis activities in the City can begin, revision of Title 14, Zoning, and of Title 8, Health and Safety (Chapter 8.14) is required; and

WHEREAS, the City of Carpinteria Planning Commission conducted public hearings on October 1, 2018 and November 5, 2018, for the purpose of considering amendments to Title 8 (Health and Safety) and Title 14 (Zoning) of the Carpinteria Municipal Code to establish land use regulations for the operation of commercial cannabis businesses and personal (noncommercial) cannabis cultivation, and making recommendations to the City Council regarding such amendments; and

WHEREAS, at the November 5, 2018 hearing, the City of Carpinteria Planning Commission recommended that the City Council adopt Ordinance No. 726 with an amendment to prohibit personal use outdoor cultivation throughout the City; and

WHEREAS, on November 26, 2018, Ordinance No. 726, as amended per the recommendations of the City of Carpinteria Planning Commission, was considered on a first reading at a regular, duly noticed meeting of the City Council.

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

SECTION 1. INCORPORATION OF RECITALS

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

SECTION 2. FINDINGS

Based upon all the evidence, the City Council makes the following additional findings.

- a. The proposed amendments to Title 8 (Health and Safety) and Title 14 (Zoning) are consistent with the City's General Plan and Local Coastal Plan.
- b. The proposed amendments to Title 8 (Health and Safety) and Title 14 (Zoning) are consistent with existing zoning practices in the City, so that commercial cannabis activities will be permitted only in zone districts which already allow for similar uses, such as manufacturing, distribution and testing laboratories, consistent with existing development standards and levels of planning review applicable to similar uses, and personal cultivation will be allowed only as an accessory use to legally permitted private residences subject to specified development standards.

- c. The amendments to Title 8 and Title 14 enacted by this Ordinance promote the public health, safety, convenience, and welfare of the City by creating clear and complementary land use, business operations, and personal conduct standards and requirements to ensure the safe and orderly implementation of Proposition 64 and Senate Bill 94 in the City of Carpinteria, taking into consideration the unique local circumstances and needs of City residents, as well as law enforcement and regulatory enforcement staff.
- d. The proposed amendments establish reasonable regulations regarding personal cannabis cultivation and the establishment of commercial cannabis businesses in the City, are consistent with State law, maintain local control over land use, and balance the City's competing interests in allowing certain commercial cannabis activities desired by the majority of voters, with the public health, welfare, and safety concerns of the City.
- e. The City requires discretionary review and approval of permits, licenses and other authorizations necessary to engage in commercial cannabis activity. Such review and approval includes applicable environmental review pursuant to the California Environmental Quality Act (CEQA).

SECTION 3. ENVIRONMENTAL REVIEW

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code §26055(h) (as amended by SB 94, CEQA does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity, so long as the discretionary review includes any applicable environmental review pursuant to CEQA), CEQA Guideline §15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), CEQA Guideline §15061(b)(3) (the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment), and CEQA Guideline §15060(c)(3) (this activity is not a project as defined in §15378).

SECTION 4. ORDINANCE TITLE

This Ordinance shall be known as the "Personal Use & Commercial Cannabis Regulations."

SECTION 5. AMENDMENT OF TITLE 8 OF CARPINTERIA MUNICIPAL CODE

Chapter 8.14 (Cultivation of Nonmedical Marijuana), of Title 8 of the Carpinteria Municipal Code is hereby rescinded in its entirety.

SECTION 6. AMENDMENT OF TITLE 14 OF CARPINTERIA MUNICIPAL CODE

Chapter 14.08 Definitions, of Title 14 of the Carpinteria Municipal Code is amended (in part) to include the following:

14.08.018 - Adult-use (recreational) cannabis.

“Adult-use (recreational) Cannabis” or “nonmedical cannabis” means cannabis or cannabis products that are intended to be used for nonmedical purposes pursuant to Health and Safety Code Section 11362.1 et seq.

14.08.093 - Cannabis.

“Cannabis” means 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.

14.08.131 – Commercial cannabis activity.

“Commercial cannabis activity” means activities that include the possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensing, or retail sale of cannabis and cannabis products as provided for in MAUCRSA.

14.08.132 - Commercial cannabis distribution.

“Commercial cannabis distribution” means a person or entity holding a valid Commercial Cannabis Operator’s License issued by the City of Carpinteria, and a valid state license for distribution, required by state law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a licensed manufacturer, for sale to a licensed retailer.

14.08.133 - Commercial cannabis manufacturing.

“Commercial cannabis manufacturing” is defined as a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid Commercial Cannabis Operator’s License for manufacturing from the City of Carpinteria and a valid state license as required for manufacturing of cannabis products.

14.08.134 - Commercial cannabis non-storefront retail (delivery).

“Commercial cannabis non-storefront retail (delivery)” is defined as a commercial cannabis business facility 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 to customers, where the premises are closed to the public and sales are conducted exclusively by delivery, where a vehicle is used to convey the cannabis or cannabis products to the customer from a fixed location, and where the operator holds a valid Commercial Cannabis Operator’s License from the City of Carpinteria authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.

14.08.135 – Commercial cannabis testing laboratory.

“Commercial cannabis testing laboratory” means a testing laboratory, facility or entity in the state that offers or performs tests of cannabis or cannabis products, and that is all of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
2. Licensed by the state of California.
3. Licensed by the City of Carpinteria.

14.08.135136 – Condominium.

“Condominium” means an estate in real property consisting of a separately owned interest in a portion of a parcel of real property or building, including residences, apartments, offices or stores. A Condominium may include, in addition, a separate legally protected interest in other portions of real property.

14.08.437 – Marijuana.

~~“Marijuana” shall have the same meaning as provided in Health and Safety Code Section 11018, as that section now appears or may hereafter be amended or renumbered.~~

14.08.441 – ~~Medical Marijuana~~ Medicinal cannabis or medicinal cannabis Products.

~~“Medical marijuana” means marijuana that is used as for medical purposes in strict accordance with California Health and Safety Code Section 11362.5 et seq. (the “Compassionate Use Act of 1996”), as those provisions now appear or may hereafter be amended or renumbered.~~ “Medicinal cannabis or medicinal cannabis products” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215) or the Medical Marijuana Program Act of 2003, found at Sections 11362.5 and 11362.71 et seq. of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a valid and current identification card issued by a California licensed physician’s recommendation.

14.08.442 – Medical marijuana cultivation.

~~“Medical marijuana cultivation” means the planting, growing, harvesting, drying, or processing of marijuana plants, or any part thereof, for use as medical marijuana, and any and all associated business and/or operational activities.~~

14.08.443 – Medical marijuana delivery.

~~“Medical marijuana delivery” means the delivery, transfer, or transport of marijuana, marijuana edibles, and/or any marijuana products for use as medical marijuana to or from any location within the jurisdictional limits of the city, and any and all associated business and/or operational activities.~~

14.08.444 – Medical marijuana dispensary.

~~“Medical marijuana dispensary” means any for-profit or not-for-profit facility or location, whether permanent or temporary, stationary or mobile, where the owner(s) or operator(s) intends to, allows others to, or does possess, cultivate, make available, sell, distribute, exchange, transmit, give or otherwise provide medical marijuana for the use of any person. Notwithstanding the foregoing, a medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.~~

~~(Ord. 623 §3 (part), 2007)~~

~~(Ord. No. 707, §2, 1-25-2016)~~

~~Editor's note — Ord. No. 704, §1, adopted January 25, 2016, renumbered §14.08.043 as §14.08.044.~~

14.08.509 – Personal use cannabis cultivation.

“Personal use cannabis cultivation” means the cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one’s own individual use, or by a primary caregiver for their qualified patient(s) in accordance with State law.

Chapter 14.12 (R-1 Single-Family Residential District), of Title 14 of the Carpinteria Municipal Code is hereby amended (in part) to read as follows:

14.12.030 - Uses permitted by right.

Uses permitted by right in the R-1 district are as follows:

1. One single-family dwelling per legal parcel;
2. Uses, buildings, and structures customarily incidental to single-family dwellings, for exclusive use of the residents of the site, and not involving the maintenance of a commercial enterprise on the premises;
3. Home occupations subject to the provisions of Section 14.50.030;
4. Golf courses and country clubs operated in connection with the single-family residential development, but not including commercial driving tees, ranges, putting courses, or miniature golf courses;
5. Orchards, truck and flower gardens, and the raising of field crops; provided there is no sale on the property of the products produced;
6. Nurseries and greenhouses used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or stand is maintained in connection therewith, and provided further that the aggregate square feet of floor area or ground area of all such building shall not exceed three hundred (300) square feet;
7. The keeping of animals and poultry as provided in Sections 6.04.390 and 6.04.420;
8. Public parks, playgrounds, and community centers;
9. Child day care use; provided such use does not detrimentally change the residential appearance of the property or neighborhood;
10. Small family care homes, as defined in Chapter 14.08;
11. Home stay, as provided in Chapter 14.52.
12. Personal use cannabis cultivation, as provided in Chapter 14.59

Chapter 14.14 (PRD Planned Residential Development District), of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

14.14.030 - Uses permitted subject to development plan approval.

Permitted uses subject to development plan approval are as follows:

1. Single-family, duplex, and multifamily dwelling units, including developments commonly known as townhouses, condominiums, cluster, and community apartment projects;
2. Accessory uses and structures incidental to permitted uses, i.e., laundry and storage rooms, garages, carports and parking lots, bus shelters, and bike racks, but not including retail commercial uses;
3. Child day care use, provided such use does not detrimentally change the residential appearance of the property or the neighborhood;
4. Public parks, playgrounds, and community centers;
5. Home occupations, as provided in Section 14.50.030;
6. Vacation rentals, within the vacation rental overlay district, as provided in Chapter 14.47;
7. Home stays, as provided in Chapter 14.52.
8. Personal use cannabis cultivation, as provided in Chapter 14.59

Chapter 14.16 (PUD Planned Unit Development District), of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

14.16.040 - Uses permitted subject to development plan approval.

Permitted uses subject to development plan approval in the PUD district are as follows:

1. Residential units, either attached or detached, including single-family dwellings, rowhouses, townhouses, apartments, condominiums, modular homes, and mobile homes on a permanent foundation; provided, that the units are clustered to the maximum extent feasible; for modular/mobile home PUD's, see Chapter 14.17;
2. Recreational facilities, including but not limited to, tennis courts, swimming pools, playgrounds, and parks for the private use of the prospective residents, provided such facilities are not operated for remuneration;
3. Commercial recreational facilities that are compatible with the residential units;
4. Community center facilities, i.e., day care center, laundromat, meeting rooms, for use by residents of the development;
5. Visitor-serving commercial facilities, i.e., a motel or restaurant; provided, that the planning commission may reduce the residential density otherwise permitted to accommodate facilities that provide overnight lodging, based on a determination that the increased density caused by the overnight lodging facility would have an adverse effect on prospective residents or on the surrounding environment; examples include an adverse effect on an environmentally sensitive habitat, major views to the ocean or foothills, and public access to the shoreline;
6. Convenience establishments of a commercial and service nature such as a neighborhood store designed and built as an integral part of the development and providing facilities primarily designed to serve the needs of prospective residents may be permitted, subject to the finding that such commercial use would not be materially detrimental to existing commercial development in the downtown area;
7. Open space uses such as parks, viewing areas, hiking, biking, and equestrian trails;
8. Uses, buildings and structures incidental, accessory and subordinate to permitted uses, subject to the provisions of this zoning district;
9. Home stays, as provided in Chapter 14.52.
10. Personal use cannabis cultivation, as provided in Chapter 14.59

Chapter 14.18 (MHP Mobile Home Park Planned Development District), of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

14.18.030 - Uses permitted subject to development plan approval.

Uses permitted subject to development plan approval in the MHP district are as follows:

1. Mobile home park;
2. Recreational facilities for the use of the residents of the park;
3. Uses, structures, and buildings customarily incidental and subordinate to the uses permitted in this district;
4. Personal use cannabis cultivation, as provided in Chapter 14.59

Chapter 14.20 (CPD Commercial Planned Development District), of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

14.20.030 - Uses permitted subject to development plan approval.

Uses permitted in the CPD district subject to development plan approval are as follows:

1. Antique shops;
2. Apparel stores;
3. Art, music and photographic studios and supply stores;
4. Appliance stores;
5. Automobile sales and services, rental agencies and supply stores, light mechanical repair (ignition, tire change, etc.) permitted outside;
6. Bakeries, retail only;
7. Barber and beauty shops;
8. Bicycle shops;
9. Blueprint and photocopy services;
10. Book, gifts and stationery stores;
11. Catering establishments;
12. Cocktail lounges and bars;
13. Department stores;
14. Drug stores and pharmacies;
15. Financial institutions;
16. Florist shops;
17. Food stores and supermarkets;
18. Furniture stores, repair and upholstery;
19. General retail stores;
20. Hardware stores;
21. Hobby shops;
22. Hospitals, medical clinics, and similar buildings used for the treatment of human ailments;
23. Hotels and motels;
24. Janitorial services and supplies;
25. Jewelry stores;
26. Laundry pickup and delivery agencies and self-service laundries;

27. Liquor stores;
28. Newspaper and magazine stores;
29. Retail nurseries and garden supply stores exclusive of greenhouses; provided all equipment and supplies shall be kept within an enclosed area;
30. Office and business machine stores;
31. Parking facilities where fees are charged;
32. Post office;
33. Printing shops;
34. Professional offices, studios, office buildings;
35. Shoe stores, sales and repairs;
36. Sign painting shops within a completely enclosed building;
37. Sporting goods store;
38. Swimming pool sales and service;
39. Television and radio repair;
40. Theaters, except drive-in;
41. Tire sales and service;
42. Toy stores;
43. Travel agencies;
44. Vocational schools;
45. Variety stores;
46. Veterinarians' office, outpatient care only;
47. Public and semipublic uses;
48. Recreation facilities, public or private;
49. Restaurant;
50. Accessory uses;
51. Accessory structures and uses located in the same site as a permitted use;
52. Dwelling units integrated as part of the overall commercial development;
53. Any other commercial use which the planning commission finds is similar in character to the uses listed in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, smoke, vibration, or danger to life or property;
54. Residential-only development consistent with the provisions of Chapter 14.49 of this code (residential overlay district);
55. Escort services, permitted subject to the requirements of Chapter 5.46; and
56. Personal use cannabis cultivation, as provided in Chapter 14.59.

Chapter 14.26 (M-RP Industrial/Research Park District), of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

14.26.030 - Uses permitted subject to development plan approval.

Permitted uses in the M-RP district subject to development plan approval are as follows:

1. Research, development, and testing laboratories and facilities;

2. Administrative offices required in conjunction with the uses permitted in this district and executive headquarters of business firms that are compatible with uses permitted in this district;
3. Professional offices of a scale appropriate to a business park setting;
4. Buildings, structures, and uses accessory and customarily incidental to any of the above uses;
5. Mixed residential/industrial use pursuant to Sections 14.26.120, 14.26.130 and 14.26.140;
6. Residential-only development consistent with the provisions of Chapter 14.49 of this code (Residential Overlay District);
7. Commercial cannabis testing laboratory, as provided for in Chapter 14.59;
and
8. Personal use cannabis cultivation, as provided for in Chapter 14.59.

14.26.040 - Uses permitted subject to conditional use permit.

Permitted uses in the M-RP district subject to conditional use permit are as follows:

1. Restaurant, coffee shop, for the use of the employees of the industrial/research park;
2. Light recreational uses and facilities such as tennis courts, gymnasium, or track operated for the use of the employees of the industrial/research park;
3. As provided in Chapter 14.62;
4. Manufacturing and assembly of business machines including electronic data processing equipment, accounting machines, calculators, typewriters and related equipment;
5. Manufacture of ceramic products, such as pottery, figurines, and small glazed tile, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas;
6. Manufacturing, assembly, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils) and toiletries;
7. Manufacture, design, and production of handicraft articles, musical instruments, toys, jewelry, and novelties;
8. Assembly of transistors and electronic chips, electrical appliances, electronic instruments and devices, and radio, phonograph, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders;
9. Printing, embossing, engraving, etching, lithographic, and bookbinding plants;
10. Experimental, photo or motion picture, film, research, and testing laboratories which utilize chemicals, radiation, high energy technologies and have potential to affect the health, safety or welfare of the community;
11. Scientific instruments and equipment manufacture or precision machine shops;
12. Manufacture of optical goods;
13. Packaging business;

14. Storage warehouse and wholesale distributing;
15. Any other research or light industrial use, building, or structure which, by resolution of the planning commission is determined to be of similar character or intensity to those enumerated in this district and is not obnoxious or offensive because of noise, odor, dust, smoke, vibration, danger to life and property, or similar causes;
16. Administrative offices required in conjunction with the conditional uses permitted in this district and executive headquarters of business firms that are compatible with conditional uses permitted in this district;
17. Buildings, structures, and uses accessory and customarily incidental to any of the above conditional uses.
18. Commercial cannabis distribution, as provided for in Chapter 14.59;
19. Commercial cannabis manufacturing, as provided for in Chapter 14.59; and
20. Commercial cannabis non-storefront retail (delivery), as provided for in Chapter 14.59.

Chapter 14.28 (M General Industry District), of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

14.28.030 - Uses permitted subject to development plan approval.

Permitted uses in the M district subject to development plan approval are as follows:

1. All uses permitted in the industrial/research park district with the exception of commercial cannabis activities, all of which are expressly prohibited in the M district;
2. Agricultural products packing and processing;
3. Building materials manufacturing plant, including concrete mixing plant;
4. Carpenter and cabinet shop, furniture repair and upholstery;
5. Small animal hospital;
6. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors;
7. Fuel yard;
8. Freightling or trucking yard or terminal;
9. Public works, public service or utility service yard or major electrical receiving or transforming station;
10. Small boat building;
11. Aquaculture;

The following uses (12 through 24) shall be permitted only if conducted within a completely enclosed building:

12. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products but excluding such products as fish, meat, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils;
13. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone,

- cellophane, canvas, cloth, cork, feathers, or semiprecious metals or stone, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process;
14. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;
 15. The manufacture and maintenance of electrical and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;
 16. Manufacture of musical instruments, toys, novelties and rubber and metal stamps;
 17. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping and battery manufacturing;
 18. Blacksmith shop and machine shop excluding punch presses over twenty tons rated capacity, drop hammers, and automatic screw machines;
 19. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;
 20. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including the manufacture of small parts, only, such as coils, condensers, transformers, crystalholders, and the like;
 21. Laboratories: experimental, photo or motion picture, film or testing;
 22. Storage warehouses;
 23. Buildings, structures, and uses accessory and customarily incidental to any of the above uses;
 24. Any other light industrial use, building or structure which, in the opinion of the planning commission is of similar character to those enumerated in this district and is not injurious to the health, safety or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property or other similar causes.

Chapter 14.32 (A Agriculture District), of Title 14 of the Carpinteria Municipal Code is amended (in part) to read as follows:

Chapter 14.32.030 – Uses permitted.

Uses permitted in the A district are as follows:

1. All types of agriculture and farming except a poultry ranch, dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this district;
2. Noncommercial raising of animals not to exceed one horse, mule, or cow; or three goats, hogs, or other livestock not specifically enumerated in this chapter, shall be permitted for each twenty thousand square feet of area of the parcel of land upon which the same are kept, except that no more than three hogs shall be kept on any parcel;
3. One single-family dwelling unit per legal parcel. For purposes of this section, any employee housing providing accommodations for six or fewer employees

shall be deemed a single-family structure pursuant to Section 17021.5 of the Health and Safety Code;

4. Employee housing consisting of no more than thirty-six beds in a group quarters or twelve units or spaces designed for use by a single-family or household, in conformance with Health and Safety Code Section 17021.6. Additional dwellings for employees of the owner or lessee of the land must be for employees engaged in agriculture, shall be clustered to the maximum extent feasible and the applicant shall provide the city with adequate verification of the need for such additional dwellings; and
5. Personal use cannabis cultivation, as provided for in Chapter 14.59.

Chapter 14.59 (Medical Marijuana Dispensary Regulations), of Title 14 of the Carpinteria Municipal Code is hereby renamed and amended in its entirety to read as follows:

CHAPTER 14.59 – PERSONAL USE AND COMMERCIAL CANNABIS REGULATIONS

14.59.010 - Title.

14.59.020 - Purpose and Intent.

14.59.030 - Legal Authority.

14.59.040 - Compliance with Laws.

14.59.050 - Definitions.

14.59.060 - Personal Use Cannabis Cultivation Provisions

14.59.070 - Prohibited Commercial Cannabis Activities

14.59.080 - Allowed Commercial Cannabis Activities

14.59.090 – Commercial Cannabis Operator’s License and State License Required

14.59.100 - Regulations and Fees

14.59.110 - Fees Deemed Debt to City

14.59.120 – Cannabis Consumption or Use Prohibited On-site

14.59.130 - Concurrent Alcohol or Tobacco Sales or Service Prohibited

14.59.140 - Closed to Public

14.59.150 - Minors Prohibited

14.59.160 - Required Buffer from Sensitive Receptors

14.59.170 - Hours of Operation

14.59.180 - Odor Control Plan

14.59.190 - Public Visibility and Signage

14.59.200 – Required Parking

14.59.210 – Outdoor Lighting

14.59.220 - Noise

14.59.230 - Additional Use-Specific Development Standards

14.59.240 - Indemnification, Reimbursement, Consent

14.59.250 - Permit Holder Responsible for Violations by Employees or Agents

14.59.260 - Inspections and Permit Compliance Monitoring

14.59.270 - Permits and Inspections Prior to Commencing Operations

14.59.280 - Violations and Penalties

14.59.290 - Effect on Other Ordinances

14.59.300 - Limitations on City's Liability

14.59.010 Title.

The title of this Chapter shall be “Personal Use and Commercial Cannabis Regulations.”

14.59.020 Purpose and Intent.

- A. It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to adult-use of cannabis for persons over the age of 21 as authorized by the Control, Tax and Regulate the Adult Use of Cannabis Act (“AUMA” or “Proposition 64”) passed by California voters in 2016), while imposing reasonable regulations on the use of land to protect the City’s residents, neighborhoods, open space/recreational areas, agricultural lands, and businesses from disproportionately negative impacts.
- B. It is the purpose and intent of this Chapter to regulate the cultivation of cannabis for personal use, and the cultivation, processing, manufacturing, testing, sale, delivery, distribution, and transportation of commercial cannabis and cannabis products (for medicinal and adult-use purposes) in a responsible manner to protect the health, safety, and welfare of the residents of the City of Carpinteria, and to enforce rules and regulations consistent with state law.
- C. It is the further purpose and intent of this Chapter to require all commercial cannabis businesses to obtain and renew annually a license to operate within the City of Carpinteria.
- D. This Chapter is not intended to, and shall not be construed to, prohibit or interfere with any right, defense, or immunity under Health and Safety Code Section 11362.5 (the Compassionate Use Act), or under Health and Safety Code Section 11362.7 et. seq. (the Medical Marijuana Program Act).
- E. This Chapter is not intended to, and shall not be construed to, prohibit or interfere with any right, defense, or immunity of any person 21 years of age or older relating to the adult personal possession or cultivation of cannabis or marijuana consistent with the provisions of the Control, Regulate and Tax Adult Use of Marijuana Act, and MAUCRSA.
- F. Nothing in this Chapter shall be construed to authorize the cultivation, possession, or use of cannabis or marijuana for any purpose inconsistent with state or local law, or beyond the extent constitutionally permissible, federal law.
- G. The provisions of this Chapter are in addition to any other permits, licenses, and approvals which may be required to conduct business in the City, and in addition to any permits, licenses, and approvals required under state, county, or other law.

H. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulation.

14.59.030 Legal Authority.

Pursuant to Section 7 of Article XI of the California Constitution, the provisions of AUMA and MAURCRSA, and any subsequent state legislation and/or regulations regarding same, the City of Carpinteria is authorized to adopt ordinances that establish standards, requirements and regulations for the personal cultivation of cannabis, and the licensing and permitting of commercial (medicinal and adult-use) cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Carpinteria to all personal use, and commercial cannabis activity.

14.59.040 Compliance with Laws.

Nothing in this Chapter shall be construed as authorizing any actions that violate federal, state, or local law. It shall be the responsibility of the person(s) involved in the regulated activity to ensure that all personal use or commercial cannabis activities are, at all times, being conducted in a manner compliant with all applicable federal, state and local laws, including for as long as applicable, all state cannabis laws, any subsequently enacted state law or regulatory, licensing, or certification standards or requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of a land use permit or Commercial Cannabis Operator's License.

14.59.050 Definitions.

When used in this Ordinance, the following words are defined as follows and in Chapter 14.08. If a word or term is not defined in this Section, Chapter 14.08, or in other provisions of the Carpinteria Municipal Code, the word or term shall have the meaning ascribed to it in Business and Professions Code Section 26001, or Health and Safety Code Section 11362.7 ("state cannabis laws"), as they now read, or as they may be amended to read. In cases where a definition is not provided, the meaning shall be as determined by the Director.

"Adult-use (recreational) Cannabis" means adult-use (recreational) cannabis, as defined in CMC §14.08.018.

"Cannabis" means cannabis, as defined in CMC §14.08.093.

"Cannabis event" means a public or private event where compensation is provided or exchanged, either directly or indirectly, or as part of an admission or other fee for service, or where admission is free, for the provision, hosting, promotion, or conduct of the event where consumption of cannabis or cannabis products is part of the activities.

“Cannabis products” means cannabis products, as defined in Health and Safety Code Section 11018.1.

“City” means the City of Carpinteria.

“Commercial cannabis activity” means commercial cannabis activity, as defined in CMC §14.08.131.

“Commercial cannabis business” means any business or operation which engages in medicinal cannabis or adult-use (recreational) cannabis commercial activity.

“Commercial cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, or any location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs, when conducted for any purpose other than those covered under personal use cannabis cultivation as defined in CMC §14.08.509.

“Commercial cannabis distribution” means commercial cannabis distribution, as defined in CMC §14.08.132.

“Commercial cannabis manufacturing” means commercial cannabis manufacturing as defined in CMC §14.08.133.

“Commercial cannabis non-storefront retail (delivery)” means commercial cannabis non-storefront retail (delivery) as defined in CMC §14.08.134.

“Commercial Cannabis Operator’s License” means an annual license issued by the City of Carpinteria pursuant to Title 5 (Business Taxes, Licenses and Regulations) necessary to legally conduct commercial cannabis activities within the City of Carpinteria.

“Commercial cannabis retail storefront dispensary” means an establishment where cannabis, cannabis products, or devices for the use of cannabis products are offered, either individually or in any combination, for retail sale from a premises, meaning a “brick and mortar” facility, with direct physical access for the public.

“Commercial cannabis testing laboratory” means commercial cannabis testing laboratory as defined in CMC §14.08.135.

“Common area” includes, but is not limited to, recreational areas and facilities for the use of the residents of a project, such as playgrounds, community gardens, landscaped areas for common use, hallways, indoor and outdoor courtyards, or other open areas of the site.

“Cultivation” means cultivation, as defined in Business and Professions Code Section 26001.

“Day care center” means day care center, as defined in Health and Safety Code Section 1596.76.

“Indoors” means inside a fully enclosed and secure structure, including a fully enclosed and secured residential structure.

“Non-volatile Manufacturing” means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, using non-volatile organic or inorganic compounds, at a fixed location, that packages or repackages cannabis or cannabis products, or labels or relabels its containers.

“Outdoor” means any location within the city that is not within a fully enclosed and secure structure.

“Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character.

“Personal use cannabis cultivation” means personal use cannabis cultivation, as defined in CMC §14.08.509.

“Premises” means the area of land under one ownership surrounding a house or building and including any house or building thereon.

“Public place” means any public or private place open to the general public, including, for example, streets, sidewalks, parking lots, parking garages, plazas, parks, playgrounds, and schools.

“School” means any school providing instruction in kindergarten or any grades 1 through 12.

“State license” means a 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.

“Vending machine” means any electronic or mechanical device or appliance, the operation of which depends upon the insertion of money, whether in coin or paper bill, or debit or credit card, or other thing representative of value, which device or appliance dispenses or releases cannabis, cannabis product(s) and/or cannabis accessories.

“Volatile Manufacturing” means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly, or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, using volatile organic compounds, at a fixed location, that packages or repackages cannabis or cannabis products, or labels or relabels its containers.

“Volatile Solvent” means 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.

“Youth center” means youth center, as defined in Health and Safety Code Section 11353.1.

14.59.060 Personal Use Cannabis Cultivation Provisions

- A. Cultivation of cannabis for personal use shall be allowed without a land use entitlement as an accessory use to a legally permitted dwelling subject to the following regulations and restrictions:
1. Possession, storage, and/or cultivation of cannabis shall only be exclusively for the cultivator's personal use cannabis cultivation, and the cannabis shall not be provided, donated, sold, and/or distributed to any other person, except as allowed by and as described in the State law and the Compassionate Use Act for primary caregivers who cultivate medicinal cannabis.
 2. It shall be unlawful for any person to plant, cultivate, harvest, dry, process, maintain, possess, or store any cannabis live plants on a premises that does not have a private residence used for residential dwelling purposes by the person cultivating the cannabis live plants.
 3. Personal use cannabis cultivation is limited to six plants, per legally established dwelling, grown indoors within a permanently affixed, fully enclosed structure, as permitted by this Section, unless otherwise allowed by the Compassionate Use Act for medicinal cannabis.
 4. All areas for cultivation must comply with applicable building standards and regulations, including regulations pertaining to ventilation and fire protection.
 5. Personal use cannabis cultivation may not interfere with the primary occupancy of the dwelling or accessory structure, including regular use of the kitchen(s) or bathroom(s).
 6. Cannabis plants shall not be maintained within any building setback areas as established in Title 14 of this Code.
 7. All areas for personal use cannabis cultivation shall not be located in an area that is designated for a use that is required in order to comply with a regulation of this Title (e.g., in a garage if the growing area would occupy required parking spaces for the residential use of the premises).
 8. Outdoor personal use cannabis cultivation is prohibited in all zone districts of the City.
 9. Personal use cannabis cultivation is prohibited in all indoor common areas of apartment, condominium, and mobile home park developments.
- B. Hazardous personal use cannabis cultivation practices prohibited
1. Personal use cannabis cultivation for recreational adult-use or medicinal purposes, that uses or stores hazardous or toxic chemicals or materials, creates hazardous or toxic products or wastes, or uses volatile solvents,

processes or other methods or substances that pose a significant risk to public health or safety, is prohibited and unlawful.

- C. Personal use cannabis cultivation neighborhood impacts and public nuisance
 - 1. As viewed from a public place, there shall be no exterior evidence of cultivation occurring on the premises, including but not limited to, any cannabis plants, equipment used in the growing and cultivation of cannabis, and any light emanating from cultivation-related lighting.
 - 2. Cultivation that adversely affects public health or safety, or adjacent or nearby residents, by creating odor, dust, glare, heat, noise, noxious gasses, smoke, vibration, or other impacts, or is hazardous due to use or storage of materials, processes, products, or waste materials, constitutes a public nuisance.
 - 3. Any activity or condition caused or permitted to exist in violation of this chapter shall constitute a public nuisance.
- D. Enforcement of regulations
 - 1. Violation of this Chapter may be enforced pursuant to the provisions of this Code. Nothing in this Chapter in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this Chapter.

14.59.070 Prohibited Commercial Cannabis Activities

The following commercial cannabis activities are prohibited throughout the City in all zone districts:

- A. Commercial cannabis cultivation, including but not limited to indoor, outdoor, and mixed-light cultivation, and cannabis nurseries.
- B. Commercial cannabis retail storefront dispensaries, including but not limited to, retail storefronts open to the public, drive-thru businesses, and vending machines, and whether selling medicinal cannabis and/or adult-use (recreational) cannabis. Non-storefront retail (delivery) services are not included in this prohibition, subject to specific development standards as provided for in this Chapter.
- C. Cannabis events.
- D. All outdoor commercial cannabis activities, including but not limited to, outdoor storage, processing, or manufacturing of commercial cannabis or cannabis products.
- E. Any other commercial cannabis activity not otherwise identified as an allowed use in this Title.

14.59.080 Allowed Commercial Cannabis Activities

Allowed commercial cannabis activities shall be as provided for in the permissible uses listed for each zone district subject to Development Plan or Conditional Use Permit approval. If a commercial cannabis activity is not listed as an allowed use subject to Development Plan or Conditional Use Permit approval in a particular zone district, then that use is prohibited in that district.

14.59.090 Commercial Cannabis Operator's License and State License Required

All commercial cannabis businesses shall be required to comply with the following City and State licensing requirements:

- A. It shall be unlawful for any person to own, conduct, manage, operate, engage or participate in, work or volunteer at a commercial cannabis activity or commercial cannabis business that does not have a valid Commercial Cannabis Operator's License issued pursuant to this Chapter or other City permits or licenses required by this Code, in addition to the appropriate license(s) required by state law to conduct the commercial cannabis activity. Any commercial cannabis business or commercial cannabis activity conducted without all required City permits and City and state licenses is prohibited and unlawful, and is hereby declared to be a public nuisance.
- B. A commercial cannabis business must obtain a conditional approval from the City of a Commercial Cannabis Operator's License prior to obtaining approval for a Development Plan or Conditional Use Permit, and Coastal Development Permit, for a commercial cannabis activity.

14.59.100 – Regulations and Fees

The City Council shall, by resolution or ordinance, adopt such forms, fees, regulations, and procedures as are necessary to implement this Chapter with respect to the application and qualification for, and the selection, future selection, investigation, process, issuance, renewal, revocation, and suspension of, Commercial Cannabis Operator's Licenses.

14.59.110 - Fees Deemed Debt to City

The amount of any fee, cost, or charge imposed pursuant to this Chapter shall be deemed a debt to the City of Carpinteria that is recoverable in any court of competent jurisdiction.

14.59.120 – Cannabis Consumption or Use Prohibited On-site

The premises of each commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming

cannabis or cannabis products on the premises, or in areas adjacent to the commercial cannabis business is prohibited.

14.59.130 – Concurrent Alcohol or Tobacco Sales or Service Prohibited

No person shall dispense, serve, store, give away, or consume, or cause or permit the sale, dispensing, serving, giving away, or consumption of alcoholic beverages or tobacco in or on the premises of a commercial cannabis business.

14.59.140 – Closed to Public

The general public is not permitted on the licensed premises of a commercial cannabis business except for the agents, applicants, managers, employees, and volunteers of the commercial cannabis activity, and agents or employees of the City of Carpinteria, Carpinteria-Summerland Fire Protection District, and Police Department.

14.59.150 – Minors Prohibited

No person under 21 years of age shall be allowed on the premises of a commercial cannabis business. Every entrance to a licensed commercial cannabis business shall be clearly and legibly posted with the following notice: “Entry onto these premises by persons under 21 years of age is prohibited by law. Valid photo ID required.”

14.59.160 – Required Buffer from Sensitive Receptors

No commercial cannabis business shall be located within a ~~600~~700-foot radius of a school, day care center, youth center, convalescent care facility, urgent care or other medical facility, public park, or other type of public recreational facility that is in existence at the time of issuance of a Commercial Cannabis Operator’s License or permit approval for a commercial cannabis activity from the City. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the sensitive receptor to the closest property line of the lot on which the commercial cannabis business is located, without regard to intervening structures.

14.59.170 – Hours of Operation

Permitted hours of operation for commercial cannabis businesses shall be as provided for below:

- A. Commercial cannabis retail non-storefront (delivery)
 - 1. Commercial cannabis retail non-storefront (delivery) businesses shall be limited to conducting business between the hours of 6:00 a.m. and 10:00 p.m.
- B. Commercial cannabis business other than retail non-storefront

1. All commercial cannabis activity other than retail non-storefront (delivery) shall be limited to conducting business between the hours of 7:00 a.m. and 10:00 p.m.

14.59.180 – Odor Control Plan

Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public right-of-way, on or around 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 commercial cannabis business.

The Odor Control Plan shall include the following elements:

- A. A description of the specific odor-emitting activity(ies) that will occur on the premises.
- B. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
- C. A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate off-site. Odor control equipment should consist of a building ventilation system that collects the air from all potential odor-generating activities or areas, and directs it to a control device such as an air exhaust system with odor control that prevents odors from being emitted externally, or an air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.
 1. A professional engineer or a certified industrial hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to ensure that odors from the use do not migrate off-site.
 2. Any mechanical equipment necessary to carry out the requirements of the Odor Control Plan shall be adequately screened from public view, and shall comply with all other requirements of the M-RP district.

14.59.190 – Public Visibility and Signage

All commercial cannabis businesses shall comply with the following requirements to ensure commercial cannabis businesses and commercial cannabis activities are conducted in a discreet manner and do not detract from the public's health, safety or welfare:

- A. From a public right-of-way, there should be no exterior evidence of a commercial cannabis business except for any signage authorized by this

Chapter. Commercial cannabis activities shall not create offensive or excessive odors, dust, heat, noise, light, glare, smoke, traffic, or hazards due to the use or storage of materials, processes, products, or wastes, or other unreasonable impacts to people of normal sensitivity living, working, or lawfully present in the vicinity of the commercial cannabis business.

- B. No cannabis or cannabis product shall be visible from the exterior of any commercial cannabis business, or in any of the vehicles owned or used as part of a commercial cannabis business.
- C. Vehicles owned or used as part of a commercial cannabis business shall not display advertising or symbols visible from the exterior of the vehicle that suggest the vehicle is used for, or affiliated with, a commercial cannabis business.
- D. Signage and Notices shall comply with the following requirements:
 - 1. In addition to the requirements otherwise set forth in this Chapter, business identification signage for a commercial cannabis business shall conform to the requirements of state cannabis law, and the Carpinteria Municipal Code, including but not limited to, the requirements for a City Sign Permit.
 - 2. No portion of the cannabis plant may be used in any sign visible from the public right-of-way.
 - 3. The premises of each commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis or cannabis products on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
 - 4. Every entrance to a licensed commercial cannabis business shall be clearly and legibly posted with the following notice: "Entry onto these premises by persons under 21 years of age is prohibited by law. Valid photo ID required."

14.59.200 - Required Parking

Required parking for commercial cannabis businesses shall be as provided for under Industrial Uses in CMC §14.54.040(2)(c).

14.59.210 - Outdoor Lighting

Outdoor lighting associated with commercial cannabis activities shall comply with the following lighting standards in addition to any lighting requirements of the base zoning district:

- A. Outdoor lighting necessary for security must consist solely of motion-sensor lights.
- B. Any outdoor lighting used for the illumination of parking areas, walkways, and/or loading areas, or for security, must be fully shielded, directed downward, and dark sky compliant.

- C. A lighting plan demonstrating compliance with these requirements shall be submitted to the Community Development Director for review and approval prior to issuance of any permits for construction. Ongoing compliance throughout operation of the commercial cannabis business shall be required thereafter.

14.59.220 - Noise

Commercial cannabis businesses shall comply with the noise limit requirements of the base zoning district. Sources of regulated noise shall include, but not be limited to, all commercial cannabis activities, environmental and climate control systems, and emergency generators. Buildings and equipment shall be sufficiently soundproofed to meet applicable requirements. Commercial cannabis businesses shall be responsible for demonstrating compliance with district noise standards prior to issuance of any permits for construction and throughout operation of the commercial cannabis business thereafter, to the satisfaction of the Community Development Director.

14.59.230 – Additional Use-Specific Development Standards

The following additional use-specific development standards shall apply to each of the identified types of commercial cannabis activity or commercial cannabis businesses.

- A. Commercial cannabis testing laboratory
1. All commercial cannabis testing laboratory uses shall comply with the standards set by state law.
 2. Any commercial testing laboratory shall maintain all certifications and accreditations required by the State.
 3. Any commercial testing laboratory shall be located within a fully enclosed and locked structure.
 4. Storage of any cannabis or cannabis product shall be within a fully enclosed and locked structure.
 5. Any testing that requires the use of volatile solvents for extraction must comply with the requirements of sub-section C (Commercial cannabis manufacturing) of this Section.
- B. Commercial cannabis distribution
1. All commercial cannabis distribution uses shall comply with the applicable standards set by state law.
 2. The permittee/licensee must allow inspections to be done by the City of Carpinteria, city Police Department and Carpinteria-Summerland Fire Protection District at any time during regular business hours.
 3. All loading and unloading of cannabis or cannabis products shall take place within a secured area.
 4. Individuals transporting cannabis or cannabis products on behalf of a commercial cannabis distribution use shall maintain a physical copy of the transportation request (and/or invoice), and shall make it available

upon request of agents or employees of the City of Carpinteria or Police Department requesting documentation.

C. Commercial cannabis manufacturing

1. All commercial cannabis manufacturing uses shall comply with the applicable standards set by state law.
2. Any commercial cannabis manufacturing activity that will be conducted as part of a commercial cannabis activity shall be listed and described in the application submitted to the City. No additional commercial cannabis manufacturing activity can be conducted without applying for and receiving written permission from the City for that additional activity.
3. All commercial cannabis manufacturing activities shall be conducted entirely within a fully enclosed and locked structure.
4. Allowed commercial cannabis manufacturing activities may include both non-volatile and volatile manufacturing practices, provided all manufacturing activities are conducted in strict compliance with all requirements of this Title.
5. Any compressed gases, volatile solvents or other hazardous materials used or created in the manufacturing process shall not be stored on any property in containers that exceed the amount which is approved by the Carpinteria-Summerland Fire Protection District. Each site or parcel occupied by a commercial cannabis business shall be limited to a total number of tanks as authorized by the Carpinteria-Summerland Fire Protection District on the property at any time.
6. A commercial cannabis manufacturing businesses shall obtain a Hazardous Materials Storage Plan, approved by the Carpinteria-Summerland Fire Protection District, when so required by the District.
7. All commercial cannabis manufacturing uses must allow inspections to be done by the City of Carpinteria or Carpinteria-Summerland Fire Protection District or designee at any time during regular business hours.
8. All commercial cannabis manufacturing businesses shall submit a storage protocol and hazard response plan to the City of Carpinteria and Carpinteria-Summerland Fire Protection District for review and approval prior to License issuance.
9. All commercial cannabis manufacturing businesses shall prepare and submit an employee safety and training equipment plan, plus Materials Safety Data Sheet requirements, if any, to the City of Carpinteria and Carpinteria-Summerland Fire Protection District for review and approval prior to License issuance.

D. Commercial cannabis non-storefront retail (delivery)

1. All commercial cannabis non-storefront retail (delivery) uses shall comply with the applicable standards set by state law for non-storefront retailer uses.

2. The permittee/licensee must allow inspections to be done by the City of Carpinteria, Police Department and/or Carpinteria-Summerland Fire Protection District at any time during regular business hours.
3. Individuals making deliveries of cannabis or cannabis products on behalf of a commercial cannabis non-storefront retail (delivery) use shall maintain a physical copy of the delivery request (and/or invoice), and shall make it available up request of agents or employees of the City of Carpinteria or Police Department requesting documentation.

14.59.240 - Indemnification, Reimbursement, Consent

As a condition of approval of any commercial cannabis business approved pursuant to this Chapter, the permittee and/or licensee shall, at a minimum:

- A. Execute an agreement to protect, indemnify, defend (at its sole cost and expense with counsel approved by the City), and hold the City of Carpinteria and its officers, employees, attorneys, representatives, and agents harmless from and against any and all claims, demands, losses, damages, injuries, costs, expenses (including attorneys' fees), fines, penalties, or liabilities arising from, related to, or associated with: the issuance of a Development Plan, Conditional Use Permit and/or Commercial Cannabis Operator's License; the permitting, licensing, or approving the operation of a commercial cannabis activity; the collection of any fees, taxes, or charges from a commercial cannabis business; the commercial cannabis business's or any of its owners', operators', managers', employees, or agents' violation of any federal, state, or local laws; the City's suspension, revocation, or refusal to renew a Development Plan, Conditional Use Permit and/or Commercial Cannabis Operator's License.
- B. Reimburse the City of Carpinteria for any and all costs, expenses, attorney fees, fines, penalties, and court costs that the City of Carpinteria may be required to pay as a result of any legal challenge related to the City's approval of a Development Plan, Conditional Use Permit and/or Commercial Cannabis Operator's License pursuant to this Chapter or any other City permit, or the City of Carpinteria's approval of the operation of a commercial cannabis activity. The City of Carpinteria may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the obligations imposed under this Chapter.

14.59.250 – Permit Holder Responsible for Violations by Employees or Agents

The responsible person and any entity to whom a Development Plan, Conditional Use Permit and/or Commercial Cannabis Operator's License is issued for a commercial cannabis activity pursuant to this Chapter shall be responsible for all violations of the regulations and ordinances of the City of Carpinteria, committed by the permittee, and any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business, even if the responsible person is not

present. Violations by an employee or agent may result in the revocation of permits and/or revocation or non-renewal of licenses by the City.

14.59.260 – Inspections and Permit Compliance Monitoring

- A. The City Manager or his/her designee, the City's Police Department, and Carpinteria-Summerland Fire Protection District staff charged with enforcing the provisions of the Carpinteria Municipal Code may enter the location of a commercial cannabis business at any time during regular business hours, without notice, and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to any chapter of the Carpinteria Municipal Code or under the provisions of State law, to ensure ongoing compliance with all applicable local and state laws.
- B. If is unlawful for any person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City, Police Department, or the Carpinteria-Summerland Fire Protection District to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under any chapter of the Carpinteria Municipal Code or under State or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under any chapter of the Carpinteria Municipal Code or under State or local law.

14.59.270 - Permits and Inspections Prior to Commencing Operations

Prior to commencing operations, a commercial cannabis business shall be subject to a mandatory inspection of the premises, and must obtain all required building permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone district. The Permittee shall also obtain all required Building and Safety Division approvals, Carpinteria-Summerland Fire Protection District approvals, Health Department approvals, and any other permit or approval required by this Code or applicable local, county or State law.

14.59.280 - Violations and Penalties

- A. It shall be unlawful for any person to engage in any activities prohibited by this Chapter.
- B. It shall be unlawful for any person to own, conduct, manage, operate, engage or participate in, work or volunteer at, a commercial cannabis activity or commercial cannabis business that does not have a valid Commercial Cannabis Operator's License issued pursuant to this Chapter or other City permits or licenses required by this Code, in addition to the appropriate license(s) required by state law to conduct the commercial cannabis activity.
- C. Compliance with all local and state laws shall be a condition of a City-approved Development Plan or Conditional Use Permit for a commercial cannabis activity or commercial cannabis business. It shall be a violation of a Development Plan

- or Conditional Use Permit issued for a commercial cannabis activity or commercial cannabis business for a permittee, or his/her agents or employees to violate any local or state law. The City may commence proceedings for the revocation of a Development Plan or Conditional Use Permit for any violation of the Development Plan or Conditional Use Permit, or local and state law.
- D. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this Chapter, or of any law or regulation referenced herein, is allowed, committed, continued, maintained, or permitted by such person, and shall be punishable accordingly.
 - E. Whenever in this Chapter any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.
 - F. Any person who violates any provision of this Chapter shall be subject to the penalties set forth in Chapter 1.06 of the Carpinteria Municipal Code, in addition to all other remedies, violations, and penalties as set forth in any other ordinance, laws, rules, or regulations of the City, County, or the State of California. Any commercial cannabis business operated, conducted, or maintained contrary to the provisions of this Chapter shall be, and the same is declared to be, unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal action, commence an administrative or civil action(s) or proceeding(s) for the abatement, removal, and enjoinder thereof, in the manner provided by law.

14.59.290 - Effect on Other Ordinances

The provisions of this Chapter shall control regulation of personal use and commercial cannabis activities as defined herein if other provisions of the Code conflict therewith. This Chapter shall not, however, relieve any person of his or her duty to comply with such laws if additional obligations, duties, or prohibitions are imposed thereby.

14.59.300 - Limitations on City's Liability

The City shall not be liable for issuing, or failing or refusing to issue, suspending, revoking or failing to renew a Commercial Cannabis Operator's License pursuant to this Chapter or otherwise approving or disapproving a Development Plan or Conditional Use Permit for the operation of any commercial cannabis business pursuant to this Chapter.

SECTION 7. Effective Date

This Ordinance shall be in full force and effect thirty (30) days following certification as an amendment to the City's Local Coastal Program by the California Coastal Commission; acceptance of such certification by resolution of the City Council, and second reading of the Ordinance by the City Council; and before the expiration of fifteen (15) days following passage, this Ordinance shall be published once with the names of the members of the City Council voting for and against the

same in The Coastal View News, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 8. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 9. Interim Ordinance Nos. 715, 716 and 721

On May 8, 2017, the City Council adopted Ordinance No. 715, an interim urgency ordinance prohibiting all commercial cannabis activities within the City of Carpinteria for 45 days pursuant to Government Code section 65858. On June 12, 2017, after a duly noticed public hearing, the City Council determined that in order to protect the public health, safety and welfare it was necessary to extend the interim urgency ordinance for an additional 10 months and 15 days. To that effect, the City Council adopted Ordinance No. 716 extending the prohibition against all commercial cannabis activities until May 8, 2018. On April 9, 2018, after a duly noticed public hearing, the City Council determined that in order to protect the public health, safety and welfare it was necessary to again extend the interim urgency ordinance for an additional one year to allow more time to complete the development and adoption of permanent cannabis regulations. To that effect, the City Council adopted Ordinance No. 721 thereby extending the prohibition against all commercial cannabis activities until May 8, 2019. Upon the date that this Ordinance No. 726 takes effect, it shall supersede and repeal Ordinance No. 721.

SECTION 10 Publication

The City Clerk shall certify as to the passage of this Ordinance and cause the same to be published and posted in the manner prescribed by California law.

PASSED, APPROVED AND ADOPTED this ____th day of _____ 201_, by the following called vote:

- AYES: COUNCILMEMBERS:**
- NOES: COUNCILMEMBER(S):**
- ABSENT: COUNCILMEMBER(S):**

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the ___ day of _____ 201_.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Jena Acos, Legal Counsel
Brownstein Hyatt Farber Schreck, LLP,
Acting as City Attorney