

April 14, 2020

**H-32**

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive the supporting documentation into the record, conclude the public hearing, and find the project exempt from the California Environmental Quality Act in accordance with Article 5, Section 15061;

Declare an Ordinance approving Zoning Code Amendment ZCA amending Title 21, Zoning Regulations, of the Long Beach Municipal Code (LBMC) to: (1) reclassify adult-use cannabis cultivation as a subset of Agriculture and Related Uses and add use 1.2 Cannabis Cultivation to the Industrial Districts Table 32-2 as a permitted use in the Light Industrial (IL) and Medium Industrial (IM) zoning districts, require an administrative use permit in the General Industrial (IG) zoning district, and prohibit cannabis cultivation in the Port-Related Industrial (IP) zoning district; and (2) update the definitions for cannabis distribution and cannabis cultivation and provide a new definition for cannabis distributor—self distribution, read for the first time and laid over to the next regular meeting of the City Council for final reading;

Declare an Ordinance approving Amendments to Title 5 and Title 8 of the LBMC to: (1) modify Section 5.92.765 relating to building design for adult use cannabis businesses; and (2) add a new chapter, Chapter 8.13 relating to the personal cultivation of cannabis, read for the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution directing the Director of Development Services to submit the Ordinance amending Title 21 of the LBMC to the California Coastal Commission for a finding of conformance with the Certified Local Coastal Program. (Citywide)

**DISCUSSION**

In July 2019, the City Manager provided the City Council with a review of adult-use cannabis business activity in Long Beach since adoption of the City's regulations in 2018. The City Council direction to staff included a request to review zoning regulations and design requirements applicable to adult-use cannabis businesses and requested that the Planning Commission provide a recommendation to the City Council on any proposed updates to regulations for non-retail businesses. The overall purpose of this effort is to clarify the code, streamline the review process, and create options for compliance as appropriate. On January 16, 2020, the Planning Commission conducted a public hearing and recommended (with two Commissioners absent - 5-0) that City Council approve the proposed Cannabis Code Amendments and Findings (Attachment A – Findings).

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The following provides an overview of each of the proposed amendments to the various Titles of the LBMC. The “red-lined” changes to the Zoning Code are included in Attachment B - Redlined Title 21 Amendments, Attachment C - Redlined Title 5 Amendments, and Attachment D – Redlined Title 8 Amendments.

Zoning Definitions & Land Use – Title 21

Currently, the Zoning Code contains definitions for Cannabis Cultivation and Cannabis Distribution. These definitions, while providing a basis for which to classify adult-use cannabis businesses, do not include the full scope of activities allowed by each business type. The proposed amendments to LBMC Chapter 21.15 are intended to further specify the range of activities common to Cannabis Cultivation and Cannabis Distribution uses. Additionally, the proposed amendments will introduce and define a new land use category known as “Cannabis Distribution-Self.”

The intent of the new definition (Cannabis Distribution-Self) is to clearly distinguish accessory distribution uses, where products are cultivated and/or manufactured onsite, are transported out for distribution from the more intense nature of third-party distributors. Creating a clear delineation between distribution types, allows for streamlining the processing of applications for self-distributors and removes current entitlement requirements that may slow approval times for certain non-retail cannabis businesses. Specifically, cannabis self-distribution will now be allowed by right.

Proposed changes to Title 21 include reclassification of cannabis cultivation and the addition of use 1.2 Cannabis Cultivation to the Industrial Districts Table, and changes to the entitlement requirements for establishing new adult-use cannabis cultivation and distribution businesses. Specifically, new adult cannabis cultivation uses would now be subject to an Administrative Use Permit instead of a Conditional Use permit. This change will significantly reduce the cost and time required for non-retail cannabis businesses to gain permission to operate in Long Beach. With the incorporation of “Cannabis Distribution-Self” as a new land use category and definition (distinct from “Cannabis Distribution”), there will be a corresponding modification to Table 33-2 to be amended to introduce the new category as an allowable use within the Light Industrial (IL), Medium Industrial (IM), and General Industrial (IG) zoning districts (Attachment B – Redlined Title 21 Amendments).

Design – Title 5

LBMC Chapter 5.92.765 was originally implemented to minimize the impacts associated with remodeled or new adult-use cannabis facilities, and include minimal glazing, lack of transparency, lack of architectural interest, uninviting entrances, and blank building walls. Buildings without windows and other architectural features can contribute to a perception of blight and signal the decline of an area. Changes to this chapter include a reduction in the amount of required window area for newly constructed buildings, remodeled buildings, and the provision of alternative materials and design methods to provide for a variety of options and flexibility while ensuring the minimal design quality of the buildings (Attachment C – Redlined Title 5 Amendments). The goal of these changes is to provide meaningful relief and flexibility to non-retail cannabis businesses while maintaining community standards and expectations for high-quality design.

Staff presented the Planning Commission with three design options for consideration as set forth in Table 1. In concurrence with staff’s recommendation, the Planning Commission recommended Alternative 2, which reduces the window requirement in conjunction with the use of alternative design materials and architectural treatments for new and remodeled buildings.

Table 1: Alternative

Alternative (Alt).	WINDOW REQUIREMENT FOR NEWLY CONSTRUCTED BUILDINGS	WINDOW REQUIREMENT FOR EXISTING, REMODELED BUILDINGS.	ALTERNATIVE MATERIALS OR DESIGN METHODS
Alt. 1	40% of the ground floor building elevation facing the street. All other elevations visible from the public r-o-w 25% of the building elevation		None noted
Alt. 2	30% on elevations facing public right-of-way.  25% on elevations visible from the public right-of-way when done in conjunction with enhanced architectural features	25% on elevations visible from the public right-of-way when done in conjunction with enhanced architectural features	Building plane breaks, three-dimensional elements, transparent windows, doors, and changes in colors and materials, and landscaping
Alt. 3	30% on all elevations visible from the public right-of-way	None	N/A

Cannabis Cultivation at Private Residences – Title 8

The addition to LBMC Chapter 8 pertains to the cultivation of cannabis for personal use, implemented to establish parameters that are consistent with State law. In accordance with California Health and Safety Code Section 11362.1, LBMC Chapter 8 will provide definitions for “Public Place” and “Private Residence,” as well as mandate the maximum number of living cannabis plants at six (Attachment D – Redlined Title 8 Amendments). The codification of State law will enable Code Enforcement staff to issue citations if violation(s) are found.

Public Engagement and Notice

Staff held outreach events in the community to obtain stakeholder input on the proposed changes from not only the cannabis community, business operators, and consultants, but also the community at-large (November 6, 2019). From these two events, staff received a considerable amount of verbal feedback regarding issues that are not under the purview of the Planning Bureau, such as tax rates imposed on cannabis businesses and illegally operating cannabis businesses (black market). Written comments (9 responses) from these events and

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April 14, 2020

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an online survey (5 responses) provide feedback (reduction in scope or elimination) to staff relating to design regulations for existing buildings and the requirement for a Conditional Use Permit for cannabis distribution businesses.

The required public hearing notice was provided in accordance with LMBC Chapter 21.21. A public hearing notice was published in the Long Beach Press-Telegram on March 10, 2020, public hearing notices were mailed to the California Coastal Commission, all City libraries, and three public hearing notices were posted in public places within the City. No written correspondence has been received prior to the City Council Hearing.

Pursuant to the California Environmental Quality Act (CEQA), Article 5, Section 15061 and the State CEQA Guidelines, it can be seen with certainty that the subject modifications to the City's LMBC noted above will not have the potential for having a significant effect upon the environment, and therefore the activity is not subject to CEQA.

This matter was reviewed by Assistant City Attorney Michael J. Mais and by Budget Analysis Officer Julissa José-Murray on February 26, 2020.

TIMING CONSIDERATIONS

City Council action is requested on April 14, 2020. Pursuant to Section 21.25.103 of the Zoning Regulations, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on January 16, 2019.

FISCAL IMPACT

This recommendation has no staffing impact beyond the budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA  
ACTING CITY MANAGER

ATTACHMENTS: CITY COUNCIL ORDINANCES (2)  
CITY COUNCIL RESOLUTION  
ATTACHMENT A – FINDINGS  
ATTACHMENT B – REDLINED TITLE 21 AMENDMENTS  
ATTACHMENT C – REDLINED TITLE 5 AMENDMENTS  
ATTACHMENT D -- REDLINED TITLE 8 AMENDMENTS

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING SECTIONS 21.15.441.1,  
21.15.441.3, AND TABLE 33-2 OF CHAPTER 21.33; AND BY  
ADDING SECTION 21.15.441.5, ALL RELATING TO  
CANNABIS BUSINESSES

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.15.441.1 of the Long Beach Municipal Code is amended to read as follows:

21.15.441.1 Cannabis cultivation.

An industrial use that engages in the commercial activity of planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. This definition also includes a nursery which produces clones, immature plants, seeds, or other agricultural products specifically for the planting, propagation, and development of cannabis.

Section 2. Section 21.15.441.3 of the Long Beach Municipal Code is amended to read as follows:

21.15.441.3 Cannabis distribution.

An industrial use (SIC Code 422) engaged in the transporting of third-party cannabis goods between licensed cannabis facilities, arranging for testing of cannabis goods, and conducting quality assurance review of cannabis goods to ensure compliance with all packaging and labeling requirements.

1 Section 3. Table 33-2 of Chapter 21.33 of Long Beach Municipal Code  
 2 under "1. Agriculture and Related Uses" is amended to read as follows:

3 Table 33-2  
 4 Uses In Industrial Districts

Use	IL	IM	IG	IP	*Notes and Exceptions
1. Agriculture And Related Uses					a. Permitted in IL and IM
(SIC codes 01, 02, 07*)	N	N	C	See Item 10 in this table.	<ul style="list-style-type: none"> <li>• 0742 (Veterinary Services for Animal Specialties)</li> <li>• 0752 (Animal Specialty Services, Boarding, Kennels, Shelters)</li> <li>• 078 (Landscape and Horticultural Services)</li> </ul>
1.1 Urban Agriculture Use	Y	AP	AP	AP	All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260
1.2 Cannabis Cultivation	Y	Y	AP	N	

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OFFICE OF THE CITY ATTORNEY  
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 411 W. Ocean Boulevard, 9th Floor  
 Long Beach, CA 90802

1 Section 4. Table 33-2 of Chapter 21.33 of Long Beach Municipal Code  
 2 under "6. Wholesale Trade" is amended to read as follows:

3 Table 33-2  
 4 Uses In Industrial Districts

Use	IL	IM	IG	IP	*Notes and Exceptions
6. Wholesale Trade (SIC codes 50*, 51*, 422)	Y	Y	Y		a. Requires an Administrative Use Permit: <ul style="list-style-type: none"> <li>• 422 Cannabis Distributors</li> </ul> b. Permitted by Right: <ul style="list-style-type: none"> <li>• 422 Cannabis Self-Distributors</li> </ul> c. Prohibited in IL, IM, and IP, and requires a conditional use permit in IG: <ul style="list-style-type: none"> <li>• 4225 (personal storage, self-storage, including recreational vehicle, and/or miniwarehouse as defined by Section 21.15.570)</li> <li>• 5015 (motor vehicle parts, used)</li> <li>• 5093 (scrap and waste materials, including retail sales)</li> <li>• 5154 (livestock sales)</li> </ul>

18  
 19 Section 5. The Long Beach Municipal Code is amended by adding  
 20 Section 21.15.441.5 to read as follows:

21 21.15.441.5 Cannabis distributor-self distribution.

22 An Industrial Use (SIC 422) engaged only in the distribution of  
 23 cannabis goods that the subject licensee has cultivated or manufactured  
 24 on-site. This definition does not permit the distribution of cannabis goods  
 25 cultivated or manufactured by other third-party licenses.

26  
 27 Section 6. The City Clerk shall certify to the passage of this ordinance by  
 28 the City Council and cause it to be posted in three (3) conspicuous places in the City of

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Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING SECTIONS 5.92.765;  
AND BY ADDING CHAPTER 8.13, ALL RELATING TO  
CANNABIS BUSINESSES AND PERSONAL  
CULTIVATION

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 5.92.765 of the Long Beach Municipal Code is amended to read as follows:

5.92.765 Building Design.

The nature and operations of Adult Use Cannabis Businesses have the potential to result in building design changes that represent a departure from typical building appearances. The following criteria is intended to minimize impacts to neighborhood character caused by building design changes resulting from remodeled and new premises for Adult-Use Cannabis Business and commercial cannabis activities:

A. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.

B. Any blank building facade on an existing industrial or commercial building over twenty-five feet (25') visible from the street shall be prohibited and must incorporate architectural features, such as building plane breaks, three-dimensional elements, transparent windows, doors, changes in color and materials and landscaping that result in a building with articulation.

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C. Windows.

1. On any new commercial or industrial building elevation fronting the street, windows shall comprise at least thirty percent (30%) of the ground floor building elevation. On all other ground floor elevations visible from the street, windows shall comprise at least twenty-five percent (25%) of the building elevation.

2. Existing buildings located on public right of ways classified as neighborhood connectors or greater, with elevations visible from the public right of way, shall maintain a minimum window area of at least twenty-five percent (25%) of said building elevation when incorporated with other architectural features and treatments.

3. An identifiable entrance to the cannabis facility shall be visible from the street.

4. Windows along the street-facing frontage shall be transparent. Such glass should be clear with an exterior daylight reflectance of not more than eight percent (8%).

5. Where feasible, the storefront window shall provide visibility to the tenant space. Where visibility to the tenant space by means of the storefront window is not feasible due to security needs of the permittee's operation, the creation of a storefront window display may be permitted. Alternatively, storefront windows may be constructed of bullet-resistant glass.

6. Window display areas shall have a minimum depth of at least forty-two inches (42"), not including walls. Display windows shall be permitted for up to one-hundred percent (100%) of the building storefront window area. The window display area shall be maintained with a creative attractive window display including but not limited to display of artwork, non-cannabis plants, and the like.

1                   Section 2.    The Long Beach Municipal Code is amended by adding  
2 Chapter 8.13 to read as follows:

3   Chapter 8.13

4   Personal Cultivation of Cannabis

5  
6           8.13.010    Purpose.

7                   The purpose of this Chapter is to establish parameters, consistent  
8 with State Law, regarding the personal cultivation of cannabis.

9           8.13.020    Definitions.

10                   “Private Residence” means a house, an apartment unit, a mobile  
11 home or other similar dwelling.

12                   “Public Place” or “Public” means any real property owned, leased, or  
13 used by a public entity and any place on private property open to the  
14 public, common areas of buildings, private clubs, vehicles, those portions  
15 of any private property upon which the public has an express or implied  
16 license to enter or remain, and any place visible from such places. “Place  
17 open to the public” does not mean any fenced area or a private residence  
18 regardless of whether it can be seen from a place open to the public.

19           8.13.030    Restrictions on Cultivation of Cannabis for Personal Use.

20                                   Maximum Number of Plants for Adult Use.

21                   A.    Not more than six (6) living plants may be planted, cultivated,  
22 harvested, dried or processed within a single private residence, or upon the  
23 grounds of a private residence at one time.

24                   B.    The living plants and any cannabis produced by the plants in  
25 excess of 28.5 grams shall be kept within the individual’s private residence,  
26 or upon the grounds of that private residence (e.g., an outdoor garden),  
27 shall be kept in a locked space, and shall not be visible by normal unaided  
28 vision from the public space.

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Section 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

1 RESOLUTION NO.

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
4 OF LONG BEACH AUTHORIZING THE DIRECTOR OF  
5 DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO  
6 THE LONG BEACH ZONING REGULATIONS TO THE  
7 CALIFORNIA COASTAL COMMISSION FOR APPROVAL

8  
9 WHEREAS, on \_\_\_\_\_, 2020, the City Council of the City of Long  
10 Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21 of the  
11 Long Beach Municipal Code, relating to amendments to the Zoning Regulations of the City  
12 of Long Beach relating to cannabis businesses; and

13 WHEREAS, it is the desire of the City Council to submit the above referenced  
14 zoning regulation amendments to the California Coastal Commission for its review; and

15 WHEREAS, the Planning Commission and City Council gave full  
16 consideration to all facts and the proposals respecting the amendments to the zoning  
17 regulations at properly noticed and advertised public hearings; and

18 WHEREAS, the City Council, in accordance with the recommendation of the  
19 Planning Commission, approved the proposed amendments to the zoning regulations. The  
20 proposed zoning regulation amendments are to be carried out in a manner fully consistent  
21 with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal  
22 Commission certification and approval; and

23 WHEREAS, the City Council hereby finds that the proposed zoning  
24 amendments will not adversely affect the character, livability or appropriate development in  
25 the City of Long Beach and that the amendments are consistent with the goals, objectives  
26 and provisions of the City's General Plan.

27 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
28 follows:

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Section 1. The amendment to the Long Beach Zoning Regulations of the City of Long Beach adopted on \_\_\_\_\_, 2020, by Ordinance No. ORD-\_\_\_\_\_, a copy of which is attached to and incorporated in this resolution as Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest review as to that part of the ordinance that directly affects land use matters in that portion of the California Coastal Zone within the City of Long Beach.

Section 2. The Director of Development Services of the City of Long Beach is hereby authorized to and shall submit a certified copy of this resolution, together with appropriate supporting materials, to the California Coastal Commission with a request for its earliest action, as an amendment to the Local Coastal program that will take effect automatically upon Coastal Commission approval pursuant to the Public Resources Code or as an amendment that will require formal City Council adoption after Coastal Commission approval.

Section 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2020, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

# Attachment A

## FINDINGS

### Cannabis

### Zoning Code Amendment (ZCA 19-009)

### Application No. 1909-12

April 14, 2020

The Long Beach Municipal Code does not contain specific findings for the adoption of a zoning code amendment. Pursuant to California Government Code §65860, a zoning ordinance shall be consistent with the adopted General Plan. The City of Long Beach makes the following findings in support of its adoption of changes to the Cannabis zoning code amendment.

**The Cannabis zoning code amendment is consistent with objectives, principles, and standards of the General Plan.** In 2017 the City adopted the first development and design standards relating to cannabis businesses. This was done in an effort to address potential issues associated with the cannabis business uses relating to business location, aesthetics, security, and noise.

In 2018, a year after the initial implementation of the City's Cannabis Ordinance, the Council requested staff conduct a study of cannabis building design and zoning requirements. Upon that review, and including input from a variety of stakeholders, including the public as well as cannabis community members modifications to the existing ordinance are proposed and generally consist of the following modifications:

- Revised definitions for Cannabis Cultivation and Cannabis Distribution. The existing definitions do not include the full-scope of activities each business type is empowered to do. The proposed amendments are intended to further define the specific range of activities specific for these types of uses.
- New definition for Cannabis Distribution-Self. This new definition distinguishes distribution of third-party cannabis goods from those that distribute their own cannabis goods.
- Streamline cannabis cultivation uses within the General Industrial (GI) zoning district and cannabis distribution (3<sup>rd</sup> Party) within the Light Industrial (IL), Medium Industrial (IM), and IG zoning districts. Instead of requiring a conditional Use permit (CUP), require approval of an Administrative Use Permit (AUP). Although the AUP does require a public hearing process, it is generally more expedient and has a lower fee than going before the Planning Commission.
- Changes to Title 5. Although not under the purview of the Planning Commission, the proposed modified building design standards for both ground-up construction as well as existing buildings are proposed to minimize the impacts associated with remodeled or new cannabis facilities.

The proposed amendments are consistent with the General plan, specifically upholding the Land Use Elements emphasis on maintaining and improving the quality of life, while accommodating growth and change. Additionally, the proposed criteria are consistent with the Public Safety Element's emphasis on creating and maintaining safer physical environments, by maintaining window openings which allow for 'eyes on the street'. Removed windows, walled off doors, and elevations void of articulation can negatively impact the character of neighborhoods and give a perception of decline in the area.

In addition, the newly adopted Urban Design Element promotes enhancement of the built environments through façade improvements, context sensitive infill development and landscaping. The proposed changes to the design criteria do not eliminate any design criteria, but rather modify the design criteria so that improvements to existing buildings do not detract, but improve those elevations facing or visible from the public right-of-way which contributes to the overall aesthetics of the surrounding area.



## Proposed Code Amendment -- Cannabis

### 21.32 – Industrial Districts Table 32-2, Uses In All Other Industrial Zoning Districts

Use	IL	IM	IG	IP	*Notes and Exceptions
1. Agriculture And Related Uses (SIC codes 01, 02, 07*)	N	N	C	See Item 10 in this table.	<ul style="list-style-type: none"> <li><del>(Crop Cultivator) – Must comply with Chapter 5.92 if Adult-Use Cannabis Business</del></li> </ul>
6. Wholesale Trade (SIC codes 50*, 51*, 422)	Y	Y	Y		a. Requires an Administrative Use Permit: <ul style="list-style-type: none"> <li>422 Cannabis Distributors</li> </ul>
					b. Permitted by Right: <ul style="list-style-type: none"> <li>422 Cannabis Self-Distributors</li> </ul>
					c. Prohibited in IL, IM, and IP, and requires a conditional use permit in IG: <ul style="list-style-type: none"> <li>4225 (personal storage, self-storage, including recreational vehicle, and/or miniwarehouse as defined by Section 21.15.570)</li> <li>5015 (motor vehicle parts, used)</li> <li>5093 (scrap and waste materials, including retail sales)</li> </ul>
1.2 Cannabis Cultivation	Y	Y	AP	N	

### Proposed Change to definitions

#### 21.15.441.3 - Cannabis distribution.

An industrial use (SIC Code 422) engaged in the transporting of third-party cannabis goods between licensed cannabis facilities, arranging for testing of cannabis goods, and conducting quality assurance review of cannabis goods to ensure compliance with all packaging and labeling requirements.

#### 21.15.441.1 - Cannabis cultivation.

## Title 21 Proposed Changes

An industrial use that engages in the commercial activity of planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. This definition also includes a nursery which produces clones, immature plants, seeds, or other agricultural products specifically for the planting, propagation, and development of cannabis.

### **Proposed New Definition**

#### **21.15.441.5 Cannabis Distributor—Self Distribution**

An Industrial Use (SIC 422) engaged only in the distribution of cannabis goods that the subject licensee has cultivated or manufactured on-site. This definition does not permit the distribution of cannabis goods or manufactured by other third-party licenses.

## **5.92.765 - Building Design.**

The nature and operations of Adult Use Cannabis Businesses have the potential to result in building design changes that represent a departure from typical building appearances. The following criteria is intended to minimize impacts to neighborhood character caused by building design changes resulting from remodeled and new premises for Adult-Use Cannabis Business and commercial cannabis activities:

- A. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.
- B. Any blank building facade on an existing industrial or commercial building over twenty-five feet (25') visible from the street shall be prohibited and must incorporate architectural features, such as building plane breaks, three-dimensional elements, transparent windows, doors, changes in color and materials and landscaping that result in a building with articulation.
- C. Windows.
  - 1. On any new commercial or industrial building elevation visible from the street, windows shall comprise at least thirty percent (30%) of the ground floor building elevation. On all other ground floor elevations visible from the street, windows shall comprise at least twenty-five percent (25%) of the building elevation.
  - 2. Existing buildings located on public rights of ways classified greater than neighborhood connectors, with elevations visible from the public right of way, shall maintain a minimum window area of at least twenty-five percent 25% of said building elevation when incorporated with other architectural features and treatments.
  - 3. An identifiable entrance to the cannabis facility shall be visible from the street.
  - 4. Windows along the street-facing frontage shall be transparent. Such glass should be clear with an exterior daylight reflectance of not more than eight percent (8%).
  - 5. Where feasible, the storefront window shall provide visibility to the tenant space. Where visibility to the tenant space by means of the storefront window is not feasible due to security needs of the permittee's operation, the creation of a storefront window display may be permitted. Alternatively, storefront windows may be constructed of bullet-resistant glass.
  - 6. Window display areas shall have a minimum depth of at least forty-two inches (42"), not including walls. Display windows shall be permitted for up to one-hundred percent (100%) of the building storefront window area. The window display area shall be maintained with a creative attractive window display including but not limited to display of artwork, non-cannabis plants, and the like.

## Proposed Chapter 8.13--Personal Cultivation of Cannabis

### **8.13.010 -- Purpose**

The purpose of this Chapter is to establish parameters, consistent with State Law, regarding the personal cultivation of cannabis.

### **8.13.020 – Definitions**

#### **8.13.020.005 -- Private Residence**

'Private Residence' means a house, an apartment unit, a mobile home or other similar dwelling.

#### **8.13.020.010 -- Public Place**

'Public Place or Public' means any real property owned, leased or used by a public entity and any place on private property open to the public, common areas of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. 'Place open to the public' does not mean any fenced area or a private residence regardless of whether it can be seen from a place open to the public.

### **8.13.030 -- Restrictions on Cultivation of Cannabis for Personal use**

#### Maximum Number of Plants for Adult-use

- A. Not more than six living plants may be planted, cultivated, harvested, dried or processed within a single private residence, or upon the grounds of a private residence at one time.
- B. The living plants and any cannabis produced by the plants in excess of 28.5 grams shall be kept within the individual's private residence, or upon the grounds of that private residence (e.g. an outdoor garden), shall be kept in a locked space, and shall not be visible by normal unaided vision from a public space.