

1 Land Uses and Permit Requirements; and 17.210.015 – Residential Zoning District Land
2 Uses and Permit Requirements – incorporating various cannabis related terms definitions,
3 and integrating cannabis related activities and uses into existing land use definitions, fully
4 considering all reports, studies, testimony, and environmental information presented; and
5

6 WHEREAS, following conclusion of the public discussion and thorough
7 deliberation of the subject matter, the City Council determined, by a vote of ___ to ___, to
8 introduce by first reading Zoning Code Amendment P2017-0149-ZCA, as set forth herein
9 below.

10 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
11 CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:
12

13 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the Culver
14 City Municipal Code (CCMC), Title 17, Section 17.620,030, the following findings for a
15 Zoning Code Amendment are hereby made:
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17 **1. The proposed amendment(s) ensure and maintain the internal**
18 **consistency with the goals, policies and strategies of all elements of the**
19 **General Plan and will not create any inconsistencies.**

20 The proposed text amendment ensures consistency between the General Plan and
21 Zoning Code relative to permitted uses within existing land use categories. The
22 proposed text amendment supports Land Use Element, **Goal: *Economic vitality***
23 ***that serves the community and protects the quality of life; Objective 5.***
24 ***Economic Diversity***, in that the amendments incorporate modern business types
25 which fit into existing land use categories in an effort to accommodate new
26 business opportunities that expand Culver City's economic base. Additionally, the
27 proposed text amendment supports Land Use Element, **Goal: *Clear and***
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1 ***consistent guidance for balanced growth; Objective 16. Land Use Compatibility,***
2 Policy 16.D, in that the amendments further establish and determine the
3 appropriate range of uses to be included in the Zoning Ordinance for each Land
4 Use designation. Consistent with Land Use Element Objective 5, and Policy 16.D,
5 the proposed text amendment ensures and maintains the internal consistency with
6 the goals, policies and strategies of all elements of the General Plan, and does not
7 create any inconsistencies.
8

9 **2. The proposed amendment(s) would not be detrimental to the public**
10 **interest, health, safety, convenience or welfare of the City.**

11 The proposed text amendment clarifies and refines the definition of existing land
12 use categories within the Zoning Code. The text amendment is not adding any new
13 land use categories; as such, clarifying the definition of existing land uses' will not
14 be detrimental to the public interest, health, safety, convenience or welfare of the
15 City. Additionally, businesses seeking to establish within Culver City meeting the
16 definitions prescribed in **Exhibit A** as a cannabis "Retailer-Storefront" will be
17 individually reviewed and approved by City Council to ensure the location,
18 business, and operation would not be detrimental to the public interest, health,
19 safety, convenience or welfare of the City, and "Retailer-Delivery only,"
20 "Manufacturer," "Testing laboratory," "Distribution," or "Cultivation" are incorporated
21 into existing land use categories within the City's Zoning Code and which are
22 limited to number and location which would not be detrimental to the public
23 interest, health, safety, convenience or welfare of the City.
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1 **3. The proposed amendment is in compliance with the provisions of the**
2 **California Environmental Quality Act (CEQA).**

3 Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an Initial
4 Study was prepared for this Project. The Initial Study determined that the Project
5 does not result in impacts on the environment. In conjunction with the Initial Study,
6 a Negative Declaration (ND) has been prepared pursuant to the CEQA guidelines.

7 The Draft ND was circulated for public review from October 24, 2017 to November
8 14, 2017. Copies of the Draft ND were made available to the public within the
9 City's Planning Division Office at City Hall and on the City's website at
10 www.culvercity.org.

11 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City Council of
12 the City of Culver City, California, hereby introduces the Ordinance approving Zoning
13 Code Amendment ZCA P-2017-0149-ZCA amending Culver City Municipal Code (CCMC),
14 Title 17 – Zoning (Zoning Code) Section 17.700.01- Definitions of Specialized Terms and
15 Phrases; Section 17.220.015 – Commercial District Land Uses and Permit Requirements;
16 and 17.210.015 – Residential Zoning District Land Uses and Permit Requirements –
17 incorporating various cannabis related terms definitions, and integrating cannabis related
18 activities and uses into existing land use definitions as outlined in Exhibit “A,” attached
19 hereto and incorporated herein by reference.

20 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall take
21 effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of
22 the City Charter, prior to the expiration of fifteen days after the adoption, the City Clerk
23 shall cause this Ordinance, or a summary thereof, to be published in the Culver City News
24 and shall post this Ordinance or a summary thereof in at least three places within the City.
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1 **SECTION 4.** The City Council hereby declares that, if any provision, section,
2 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
3 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
4 reason of any preemptive legislation, then the City Council would have independently
5 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
6 or words of this ordinance and as such they shall remain in full force and effect.
7

8
9 APPROVED and ADOPTED this _____ day of _____, 2017.
10

11
12 _____
13 JEFF COOPER, MAYOR
14 City of Culver City, California
15

16 ATTESTED BY:
17
18 _____
19 JEREMY GREEN, City Clerk

20 APPROVED AS TO FORM:
21 
22 _____
23 CAROL A. SCHWAB, City Attorney
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A17-00808

1 EXHIBIT A
2 ZONING CODE AMENDMENT
3 P2017-0149-ZCA
4

5 **Proposed Zoning Code Amendment**

6 The Zoning Code Amendment (ZCA) will amend Section 17.700.010 Definitions of
7 Specialized Terms and Phrases as follows:

8 **§ 17.700.01 Definitions of Specialized Terms and Phrases.**

9 **C. Definitions, "C".**

10 **Cannabis Related Activities:**

11 Cannabis. Except as specified herein, all parts of the Cannabis sativa Linnaeus,
12 Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the
13 resin, whether crude or purified, extracted from any part of the plant; and every
14 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
15 seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified,
16 obtained from cannabis. "Cannabis" does not include the mature stalks of the plant,
17 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other
18 compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks
19 (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the
20 plant which is incapable of germination. For the purpose of this division, "cannabis"
21 does not mean "industrial hemp" as defined by Section 11018.5 of the California
22 Health and Safety Code.

23
24 Cultivation. Any activity involving the planting, growing, harvesting, drying, curing,
25 grading, or trimming of cannabis.

26
27 Delivery. The commercial transfer of cannabis or cannabis products to a customer.
28 "Delivery" also includes the use by a retailer of any technology platform.
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1 **Dispensing or Dispensary.** Any activity involving the retail sale of cannabis or
2 cannabis products from a retailer.

3
4 **Distribution.** The procurement, sale, and transport of cannabis and cannabis
5 products between licensees.

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7 **Manufacturer.** To compound, blend, extract, infuse, or otherwise make or prepare a
8 cannabis product.

9
10 **Marijuana.** Means "cannabis," as that term is defined in this Title.

11
12 **Retailer-Storefront.** A commercial cannabis business facility where cannabis,
13 cannabis products, or devices for the use of cannabis or cannabis products are
14 offered, either individually or in any combination, for retail sale to customers at an on-
15 site fixed location, including an establishment that also offers delivery of cannabis and
16 cannabis products as part of a retail sale, in addition to on-site sales, and where the
17 operator holds a valid commercial cannabis business permit from the City of Culver
18 City authorizing the operation of a retailer, and a valid state license as required by
19 state law to operate a retailer.

20 **Retailer-Delivery only.** A commercial cannabis business facility where cannabis,
21 cannabis products, or devices for the use of cannabis or cannabis products are
22 offered, either individually or in any combination, for retail sale to customers, where
23 the premises are closed to the public and sales are conducted exclusively by delivery,
24 where a vehicle is used to convey the cannabis or cannabis products to the customer
25 from a fixed location, and where the operator holds a valid commercial cannabis
26 business permit from the City of Culver City authorizing the operation of a retailer, and
27 a valid state license as required by state law to operate a retailer.

28 **Testing laboratory.** A laboratory, facility, or entity in the state that offers or performs
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1 tests of cannabis or cannabis products and that is both of the following:

2 (1) Accredited by an accrediting body that is independent from all other persons
3 involved in commercial cannabis activity in the state.

4 (2) Licensed by the State of California.

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6 **M. Definitions, "M".**

7 **Manufacturing:**

8 1. **Chemical Product Manufacturing.** Manufacturing facilities that produce or
9 use basic chemicals, and other establishments creating products predominantly
10 by chemical processes. Facilities included in this definition manufacture three
11 general classes of products: (1) basic chemicals, such as acids, alkalines,
12 salts, and organic chemicals; (2) chemical products to be used in further
13 manufacture, such as synthetic fibers, plastic materials, dry colors, and
14 pigments; and (3) finished chemical products to be used for ultimate
15 consumption, such as drugs, cosmetics, and soaps; or to be used as materials
16 or supplies in other industries, such as paints, fertilizers, and explosives; (4)
17 cannabis manufacturer and cannabis cultivation. Also includes sales and
18 transportation establishments handling the chemicals described above in other
19 than one of the uses included in the Retail Trade group in the land use and
20 permit tables.
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22 **R. Definitions, "R".**

23 **Research and Development.** Indoor facilities for scientific research, and the design,
24 development and testing of electrical, electronic, magnetic, optical and mechanical
25 components in advance of product manufacturing, that are not associated with a
26 manufacturing facility on the same site. Includes chemical and biotechnology research
27 and development, and cannabis testing laboratories. Does not include computer
28 software companies (see "Offices – Production"), soils and other materials testing
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laboratories (see "Business Support Services"). Or medical laboratories (see "Medical Services – Offices/Clinics").

Retail.

6. General Retail Stores. Stores and shops selling lines of merchandise not specifically listed under another use classification. Such types of stores and lines of merchandise include:

Appliances	Florists and houseplant stores (indoor)
Art Gallery	Furniture and Home Furnishing
Antiques	Grocery stores
Artists' supplies	Hardware
Auto Parts (not including repair)	Hobby materials
Bakeries (retail only)	Jewelry
Bicycles	Luggage and leather goods
Books	Musical instruments, parts and accessories
Cameras and photographic supplies	Newsstands
<u>Cannabis Dispensary, retail-store front, and ancillary delivery service</u>	Orthopedic supplies
Clothing and accessories	Religious goods
Computer and computer equipment	Small wares
Consumer Electronics	Specialty shops
Department stores	Sporting goods and equipment
Drugstores and Pharmacies	Stationery
Collectable items sales	Toys and games
Curio, Gift and souvenir shops	Variety stores
Dry goods	
Fabrics and sewing supplies	

W. Definitions, "W".

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; to the trade; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

Agents, merchandise or commodity brokers, and commission merchants

1 Assemblers, buyers and associations engaged in the cooperative marketing of farm products

2 Cannabis Distribution

3 Cannabis Retail-delivery Only

4 Merchant wholesalers

5 Stores primarily selling electrical, plumbing, heating and air condition supplies and equipment.

6 Zoning Code Amendment (ZCA) will amend Section 17.230.015 Industrial District Land Uses
7 and Permit Requirements as follows:

8 **§ 17.220.015 Commercial District Land Uses and Permit Requirements.**

9 B. Cannabis Dispensary, retail-store front. Concurrent with obtaining a Commercial Cannabis
10 Business Permit required by Chapter 11.32, all cannabis dispensary, retail store front facilities shall
11 be required to obtain a Conditional Use Permit pursuant to Chapter 17.530, which shall be subject to
12 renewal every five years.

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14 Zoning Code Amendment (ZCA) will amend Section 17.210.015 Residential Zoning District
15 Land Uses and Permit Requirements as follows:

16 **§ 17.210.015 Residential Zoning District Land Uses and Permit Requirements.**

17 B. Cultivation. No person or entity may cultivate cannabis at any location in the city, except as
18 provided for in Chapter 11.32 pertaining to commercial cultivation, and except that a person may
19 cultivate no more than six living cannabis plants on the grounds of his or her private residence, inside
20 the private residence, including inside an accessory structure to his or her private residence located
21 upon the grounds of that private residence that is fully enclosed and secured against unauthorized
22 entry, provided that the following conditions are met:

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25 (1) The owner of the property provides written consent expressly allowing the cannabis
26 cultivation to occur;

1 (2) The person conducting the cannabis cultivation complies with all applicable requirements
2 set forth in Title 17 of this Code

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4 (3) Cannabis cultivation lighting shall not exceed 1200 watts;

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6 (4) There is no use of gas products (CO2, butane, propane, natural gas, etc.) on the property
7 for purposes of cannabis cultivation that occurs inside a private residence or an accessory structure
8 to a private residence;

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11 (5) The private residence shall maintain kitchen, bathrooms, and primary bedrooms for their
12 intended use, and shall not use those areas for cannabis cultivation;

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14 (6) Adverse impacts of cannabis cultivation shall be mitigated so that a public nuisance, as
15 defined by Civil Code section 3480, does not exist, including but not limited to adverse impacts of
16 dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or the use or storage of
17 hazardous materials, processes, products, or wastes; and

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20 (7) The cannabis cultivation complies with Health and Safety Code section 11362.2.
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