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RESOLUTION NO. 2017-P018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT (P2017-0149-ZCA) AMENDING CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE) SECTION 17.700.01 – DEFINITIONS OF SPECIALIZED TERMS AND PHRASES, SECTION 17.220.015 – COMMERCIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS, SECTION 17.230.015 – INDUSTRIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS, AND 17.220.015 – RESIDENTIAL ZONING DISTRICT LAND USES AND PERMIT REQUIREMENTS

(P2017-0149-ZCA)

WHEREAS on November 15, 2017 the Planning Commission conducted a duly noticed public hearing on City-initiated Zoning Code Amendment (P2016-0149-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section 17.700.01- Definitions of Specialized Terms and Phrases, Section 17.220.015 – Commercial District Land Uses and Permit Requirements, Section 17.230.015 – Industrial District Land Uses and Permit Requirements, and 17.210.015 – Residential Zoning District Land Uses and Permit Requirements – incorporating various cannabis related terms definitions, and integrating cannabis related activities and uses into existing land use definitions, fully considering all reports, studies, testimony, and environmental information presented; and

WHEREAS, following conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission determined, by a vote of ___ to ___, to recommend to the City Council approval of Zoning Code Amendment P2017-0149-ZCA, as set forth herein below.

1 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
2 CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

3 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the
4 CCMC, the following required findings for an amendment to the Zoning Code, as
5 outlined in CCMC Section 17.620.030.A, are hereby made:
6

7 **1. The proposed amendment(s) ensure and maintain the internal**
8 **consistency with the goals, policies and strategies of all elements of the**
9 **General Plan and will not create any inconsistencies.**

10 The proposed text amendment ensures consistency between the General Plan and
11 Zoning Code relative to permitted uses within existing land use categories. The
12 proposed text amendment supports Land Use Element, **Goal: *Economic vitality***
13 ***that serves the community and protects the quality of life; Objective 5.***
14 ***Economic Diversity***, in that the amendments incorporate modern business types
15 which fit into existing land use categories in an effort to encourage new business
16 opportunities that expand Culver City's economic base, and which, through an
17 annual permit process, ensure that all commercial cannabis businesses serve the
18 needs of the City's residential and business community. Additionally, the proposed
19 text amendment supports Land Use Element, **Goal: *Clear and consistent***
20 ***guidance for balanced growth; Objective 16. Land Use Compatibility, Policy***
21 ***16.D***, in that the amendments further establish and determine the appropriate
22 range of uses to be included in the Zoning Ordinance for each Land Use
23 designation.
24

25 Consistent with Land Use Element Objective 5, and Policy 16.D, the proposed text
26 amendment ensures and maintains the internal consistency with the goals, policies
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1 and strategies of all elements of the General Plan, and does not create any
2 inconsistencies.

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

5
6 The proposed text amendment clarifies and refines the definition of existing land
7 use categories within the Zoning Code. The text amendment is not adding any new
8 land use categories; as such, clarifying the definition of existing land uses' will not
9 be detrimental to the public interest, health, safety, convenience or welfare of the
10 City. Additionally, businesses seeking to establish within Culver City meeting the
11 definitions prescribed in **Exhibit A** as a cannabis "Retailer-Storefront," "Retailer-
12 Delivery only," "Manufacturer," "Testing laboratory," "Distribution," or "Cultivation,"
13 will be individually reviewed and approved by City Council to ensure the location,
14 business, and operation would not be detrimental to the public interest, health,
15 safety, convenience or welfare of the City.
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18 **3. The proposed amendment is in compliance with the provisions of the**
19 **California Environmental Quality Act (CEQA).**

20 Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an Initial
21 Study was prepared for this Project. The Initial Study determined that the Project
22 does not result in impacts on the environment. In conjunction with the Initial Study,
23 a Negative Declaration (ND) has been prepared pursuant to the CEQA guidelines.
24
25

26 The Draft ND was circulated for public review from October 24, 2017 to November
27 14, 2017. Copies of the Draft ND were made available to the public within the
28
29

1 City's Planning Division Office at City Hall and on the City's website at
2 www.culvercity.org.

3
4 **SECTION 2.** Pursuant to the foregoing recitations and findings, the
5 Planning Commission of the City of Culver City, California, hereby recommends to the
6 City Council approval of Zoning Code Amendment P2017-0149-ZCA, as set forth in
7 **Exhibit A** attached hereto and made a part thereof.
8

9 APPROVED and ADOPTED this 27th day of September, 2017.

10
11 _____
12 DANA SAYLES, CHAIRPERSON
13 PLANNING COMMISSION
14 CITY OF CULVER CITY, CALIFORNIA

15 Attested by:

16 _____
17 Susan Yun, Senior Planner
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4 **EXHIBIT A**
5 **ZONING CODE AMENDMENT**
6 **P2017-0149-ZCA**
7

8 **Proposed Zoning Code Amendment**

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

11 **§ 17.700.01 Definitions of Specialized Terms and Phrases.**

12
13 **C. Definitions, "C".**

14 **Cannabis Related Activities:**

15 **Cannabis.** All parts of the Cannabis sativa Linnaeus, Cannabis
16 indica, or Cannabis ruderalis, whether growing or not; the seeds
17 thereof; the resin, whether crude or purified, extracted from
18 any part of the plant; and every compound, manufacture, salt,
19 derivative, mixture, or preparation of the plant, its seeds, or
20 resin. "Cannabis" also means the separated resin, whether crude
21 or purified, obtained from cannabis. "Cannabis" does not include
22 the mature stalks of the plant, fiber produced from the stalks,
23 oil or cake made from the seeds of the plant, any other
24 compound, manufacture, salt, derivative, mixture, or preparation
25 of the mature stalks (except the resin extracted therefrom),
26 fiber, oil, or cake, or the sterilized seed of the plant which
27 is incapable of germination. For the purpose of this division,
28 "cannabis" does not mean "industrial hemp" as defined by Section
29 11018.5 of the California Health and Safety Code.

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4 **Cultivation.** Any activity involving the planting, growing,
5 harvesting, drying, curing, grading, or trimming of cannabis.

6
7 **Delivery.** The commercial transfer of cannabis or cannabis
8 products to a customer. "Delivery" also includes the use by a
9 retailer of any technology platform.

10
11 **Dispensing or Dispensary.** Any activity involving the retail sale
12 of cannabis or cannabis products from a retailer.

13
14 **Distribution.** The procurement, sale, and transport of cannabis
15 and cannabis products between licensees.

16
17 **Manufacturer.** To compound, blend, extract, infuse, or otherwise
18 make or prepare a cannabis product.

19
20 **Marijuana.** Means "cannabis," as that term is defined in this
21 Title.

22
23 **Retailer-Storefront.** A commercial cannabis business facility
24 where cannabis, cannabis products, or devices for the use of
25 cannabis or cannabis products are offered, either individually
26 or in any combination, for retail sale to customers at an on-
27 site fixed location, including an establishment that also offers
28 delivery of cannabis and cannabis products as part of a retail
29 sale, in addition to on-site sales, and where the operator holds
a valid commercial cannabis business permit from the City of

1 Culver City authorizing the operation of a retailer, and a valid
2 state license as required by state law to operate a retailer.

3 **Retailer-Delivery only.** A commercial cannabis business facility
4 where cannabis, cannabis products, or devices for the use of
5 cannabis or cannabis products are offered, either individually
6 or in any combination, for retail sale to customers, where the
7 premises are closed to the public and sales are conducted
8 exclusively by delivery, where a vehicle is used to convey the
9 cannabis or cannabis products to the customer from a fixed
10 location, and where the operator holds a valid commercial
11 cannabis business permit from the City of Culver City
12 authorizing the operation of a retailer, and a valid state
13 license as required by state law to operate a retailer.

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

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

20 (2) Licensed by the State of California.

21
22 **M. Definitions, "M".**

23 **Manufacturing:**

24 **1. Chemical Product Manufacturing.** Manufacturing facilities
25 that produce or use basic chemicals, and other
26 establishments creating products predominantly by chemical
27 processes. Facilities included in this definition
28 manufacture three general classes of products: (1) basic
29

1 chemicals, such as acids, alkalines, salts, and organic
2 chemicals; (2) chemical products to be used in further
3 manufacture, such as synthetic fibers, plastic materials,
4 dry colors, and pigments; and (3) finished chemical
5 products to be used for ultimate consumption, such as
6 drugs, cosmetics, and soaps; or to be used as materials or
7 supplies in other industries, such as paints, fertilizers,
8 and explosives; (4) cannabis manufacturer and cannabis
9 cultivation. Also includes sales and transportation
10 establishments handling the chemicals described above in
11 other than one of the uses included in the Retail Trade
12 group in the land use and permit tables.

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14 **R. Definitions, "R".**

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

25
26 **Retail.**

27 **6. General Retail Stores.** Stores and shops selling lines of
28 merchandise not specifically listed under another use
29

1 classification. Such types of stores and lines of merchandise
2 include:

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

17
18 **W. Definitions, "W".**

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

25 Agents, merchandise or commodity brokers, and commission merchants
26 Assemblers, buyers and associations engaged in the cooperative
27 marketing of farm products
28 Cannabis Distribution
29 Cannabis Retail-delivery Only

Merchant wholesalers

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

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

§ 17.220.015 Commercial District Land Uses and Permit Requirements.

B. Cannabis Dispensary, retail-store front. All cannabis dispensary, retail store front facilities shall be required to obtain a Conditional Use Permit pursuant to Chapter 17.530, concurrent with the approval subject to Chapter 11.32.

§ 17.230.015 Industrial District Land Uses and Permit Requirements.

B. Cannabis Cultivation. All cannabis cultivation facilities shall be located within the area identified in Map 2.01 (attachment A), after approval subject to Chapter 11.32.

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

§ 17.210.015 Residential Zoning District Land Uses and Permit Requirements.

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

1 (1) The owner of the property provides written consent expressly
2 allowing the cannabis cultivation to occur;
3

4 (2) The person conducting the cannabis cultivation complies with all
5 applicable requirements set forth in Title 17 of this Code
6

7 (3) Cannabis cultivation lighting shall not exceed 1200 watts;
8

9 (4) There is no use of gas products (CO2, butane, propane, natural
10 gas, etc.) on the property for purposes of cannabis cultivation that occurs
11 inside a private residence or an accessory structure to a private
12 residence;
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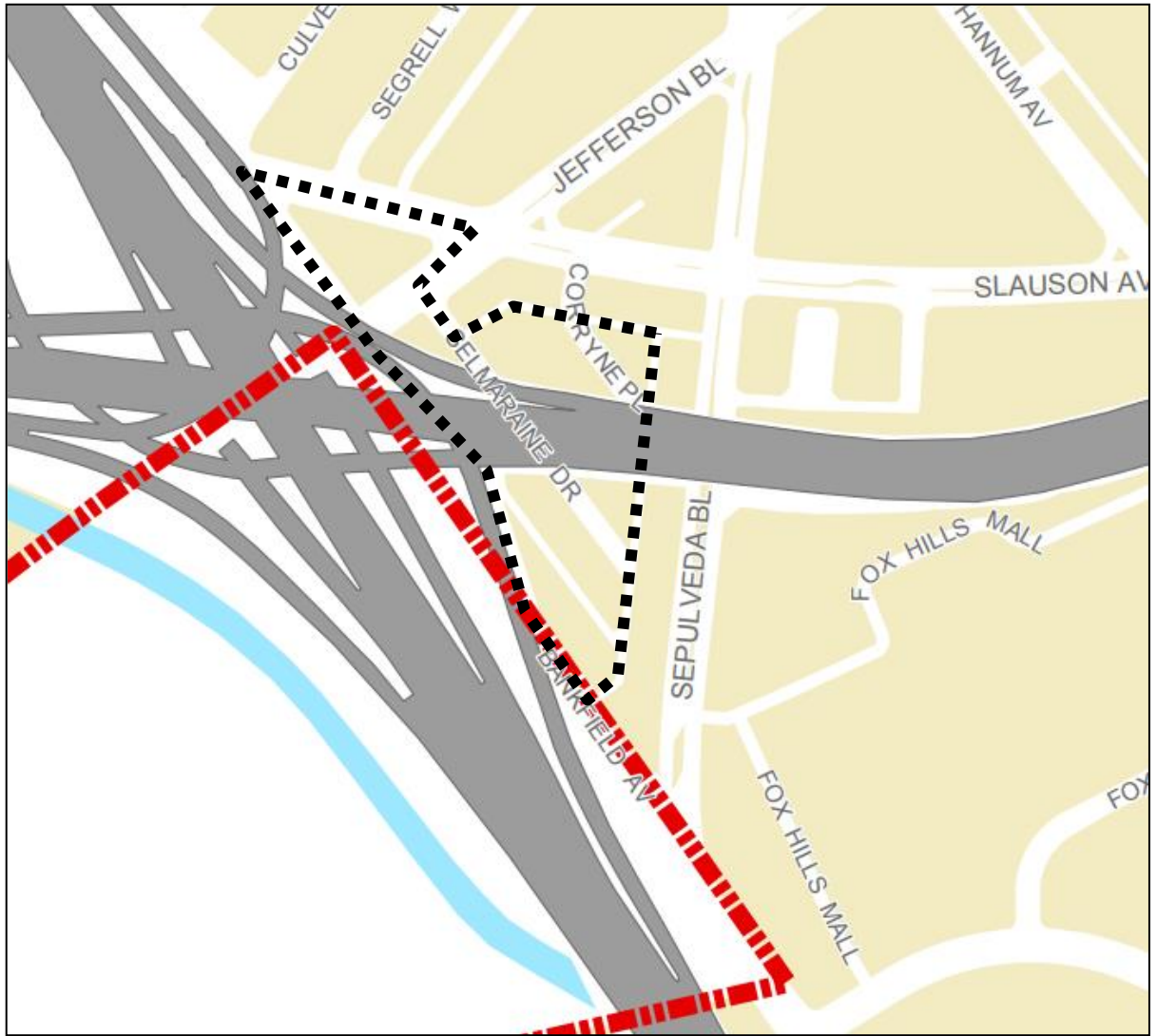
14 (5) The private residence shall maintain kitchen, bathrooms, and
15 primary bedrooms for their intended use, and shall not use those areas for
16 cannabis cultivation;
17

18 (6) Adverse impacts of cannabis cultivation shall be mitigated so
19 that a public nuisance, as defined by Civil Code section 3480, does not
20 exist, including but not limited to adverse impacts of dust, glare, heat,
21 noise, noxious gasses, odor, smoke, traffic, vibration, or the use or
22 storage of hazardous materials, processes, products, or wastes; and
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24 (7) The cannabis cultivation complies with Health and Safety Code
25 section 11362.2.
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Attachment A
Map 2.10



Cannabis Manufacturing and Cannabis Cultivation Area