

1 RESOLUTION NO. 2017-P018

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 CULVER CITY, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL
4 APPROVAL OF ZONING CODE AMENDMENT (P2017-0149-ZCA) AMENDING
5 CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE)
6 SECTION 17.700.01 – DEFINITIONS OF SPECIALIZED TERMS AND
7 PHRASES, SECTION 17.220.015 – COMMERCIAL DISTRICT LAND USES
8 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

9 (P2017-0149-ZCA)

10 WHEREAS on November 15, 2017 the Planning Commission conducted a duly
11 noticed public hearing on City-initiated Zoning Code Amendment (P2016-0149-ZCA)
12 amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section
13 17.700.01- Definitions of Specialized Terms and Phrases, Section 17.220.015 – Commercial
14 District Land Uses and Permit Requirements, Section 17.230.015 – Industrial District Land
15 Uses and Permit Requirements, and 17.210.015 – Residential Zoning District Land Uses and
16 Permit Requirements – incorporating various cannabis related terms definitions, and
17 integrating cannabis related activities and uses into existing land use definitions, fully
18 considering all reports, studies, testimony, and environmental information presented; and
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21 WHEREAS, following conclusion of the public discussion and thorough
22 deliberation of the subject matter, the Planning Commission determined, by a vote of __ to
23 __, to recommend to the City Council approval of Zoning Code Amendment P2017-0149-
24 ZCA, as set forth herein below.
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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 accommodate new
16 business opportunities that expand Culver City's economic base. Additionally, the
17 proposed text amendment supports Land Use Element, **Goal: *Clear and***
18 ***consistent guidance for balanced growth***; *Objective 16. Land Use Compatibility,*
19 *Policy 16.D*, in that the amendments further establish and determine the
20 appropriate range of uses to be included in the Zoning Ordinance for each Land
21 Use designation. Consistent with Land Use Element Objective 5, and Policy 16.D,
22 the proposed text amendment ensures and maintains the internal consistency with
23 the goals, policies and strategies of all elements of the General Plan, and does not
24 create any inconsistencies.
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1 **2. The proposed amendment(s) would not be detrimental to the public**
2 **interest, health, safety, convenience or welfare of the City.**

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

15 **3. The proposed amendment is in compliance with the provisions of the**
16 **California Environmental Quality Act (CEQA).**

17 Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an Initial
18 Study was prepared for this Project. The Initial Study determined that the Project
19 does not result in impacts on the environment. In conjunction with the Initial Study,
20 a Negative Declaration (ND) has been prepared pursuant to the CEQA guidelines.
21 The Draft ND was circulated for public review from October 24, 2017 to November
22 14, 2017. Copies of the Draft ND were made available to the public within the
23 City's Planning Division Office at City Hall and on the City's website at
24 www.culvercity.org.
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SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby recommends to the City Council approval of Zoning Code Amendment P2017-0149-ZCA, as set forth in **Exhibit A** attached hereto and made a part thereof.

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

DANA SAYLES, CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Susan Yun, Senior Planner

EXHIBIT A
ZONING CODE AMENDMENT
P2017-0149-ZCA

Proposed Zoning Code Amendment

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

§ 17.700.01 Definitions of Specialized Terms and Phrases.

C. Definitions, “C”.

Cannabis Related Activities:

Cannabis. Except as specified herein, 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.

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

1 **Delivery.** The commercial transfer of cannabis or cannabis products to a customer.
2 “Delivery” also includes the use by a retailer of any technology platform.

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4 **Dispensing or Dispensary.** Any activity involving the retail sale of cannabis or
5 cannabis products from a retailer.

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7 **Distribution.** The procurement, sale, and transport of cannabis and cannabis
8 products between licensees.

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

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13 **Marijuana.** Means “cannabis,” as that term is defined in this Title.

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

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

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

5
6 (1) Accredited by an accrediting body that is independent from all other persons
7 involved in commercial cannabis activity in the state.

8 (2) Licensed by the State of California.

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10 **M. Definitions, “M”.**

11 **Manufacturing:**

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

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26 **R. Definitions, “R”.**

27 **Research and Development.** Indoor facilities for scientific research, and the design,
28 development and testing of electrical, electronic, magnetic, optical and mechanical
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components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development, and cannabis testing laboratories. Does not include computer software companies (see “Offices – Production”), soils and other materials testing 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”.

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

5 Agents, merchandise or commodity brokers, and commission merchants

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

7 Cannabis Distribution

8 Cannabis Retail-delivery Only

9 Merchant wholesalers

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

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

13 **§ 17.220.015 Commercial District Land Uses and Permit Requirements.**

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

19
20 Zoning Code Amendment (ZCA) will amend Section 17.210.015 Residential Zoning District
21 Land Uses and Permit Requirements as follows:

22 **§ 17.210.015 Residential Zoning District Land Uses and Permit Requirements.**

23 **B. Cultivation.** No person or entity may cultivate cannabis at any location in the city, except as
24 provided for in Chapter 11.32 pertaining to commercial cultivation, and except that a person may
25 cultivate no more than six living cannabis plants on the grounds of his or her private residence, inside
26 the private residence, including inside an accessory structure to his or her private residence located
27 upon the grounds of that private residence that is fully enclosed and secured against unauthorized
28 entry, provided that the following conditions are met:
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2 (1) The owner of the property provides written consent expressly allowing the cannabis
3 cultivation to occur;

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

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

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

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

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

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