ORDINANCE NO. 2017-019


(Zoning Code Amendment, 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; 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 3 to 1 to 1 (abstention), to recommend to the City Council approval of Zoning Code Amendment P2017-0149-ZCA, as set forth herein below; and

WHEREAS on November 27, 2017 the City Council 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; 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 City Council determined, by a vote of ___ to ___, to introduce by first reading Zoning Code Amendment P2017-0149-ZCA, as set forth herein below.

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

SECTION 1. Pursuant to the foregoing recitations and the provisions of the Culver City Municipal Code (CCMC), Title 17, Section 17.620,030, the following findings for a Zoning Code Amendment are hereby made:

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

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

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

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

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

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

SECTION 2. Pursuant to the foregoing recitations and findings, the City Council of the City of Culver City, California, hereby introduces the Ordinance approving Zoning Code Amendment ZCA P-2017-0149-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; 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 as outlined in Exhibit “A,” attached hereto and incorporated herein by reference.

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

APPROVED and ADOPTED this 11 day of December, 2017.

JEFF COOPER, MAYOR
City of Culver City, California

ATTESTED BY:

JEREMY GREEN, City Clerk

APPROVED AS TO FORM:

CAROL A. SCHWAB, City Attorney

A17-00808
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.

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

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

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

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

Retailer-Storefront. 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 at an on-site fixed location, including an establishment that also offers delivery of cannabis and cannabis products as part of a retail sale, in addition to on-site sales, and where the operator holds a valid commercial cannabis business permit from the City of Culver City authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.

Retailer-Delivery only. 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 business permit from the City of Culver City authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.

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

M. Definitions, "M".

Manufacturing:

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

R. Definitions, "R".

Research and Development. Indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical 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
- Art Gallery
- Antiques
- Artists’ supplies
- Auto Parts (not including repair)
- Bakeries (retail only)
- Bicycles
- Books
- Cameras and photographic supplies
- Cannabis Dispensary, retail-store front, and ancillary delivery service
- Clothing and accessories
- Computer and computer equipment
- Consumer Electronics
- Department stores
- Drugstores and Pharmacies
- Collectable items sales
- Curio, Gift and souvenir shops
- Dry goods
- Fabrics and sewing supplies
- Florists and houseplant stores (indoor)
- Furniture and Home Furnishing
- Grocery stores
- Hardware
- Hobby materials
- Jewelry
- Luggage and leather goods
- Musical instruments, parts and accessories
- Newsstands
- Orthopedic supplies
- Religious goods
- Small wares
- Specialty shops
- Sporting goods and equipment
- Stationery
- Toys and games
- Variety stores

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

Cannabis Distribution

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. Concurrent with obtaining a Commercial Cannabis Business Permit required by Chapter 11.17, all cannabis dispensary, retail store front facilities shall be required to obtain a Conditional Use Permit pursuant to Chapter 17.530, which shall be subject to renewal every five years.

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


B. Cultivation. No person or entity may cultivate cannabis at any location in the city, except as provided for in Chapter 11.17 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) The owner of the property provides written consent expressly allowing the cannabis cultivation to occur:
(2) The person conducting the cannabis cultivation complies with all applicable requirements set forth in Title 17 of this Code.

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

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

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

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

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