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Attorneys for Plaintiffs
COUNTY OF SANTA CRUZ, et al

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF FRESNO

COUNTY OF SANTA CRUZ; CITY OF
AGOURA HILLS; CITY OF ANGELS CAMP;
CITY OF ARCADIA; CITY OF ATWATER;
CITY OF BEVERLY HILLS; CITY OF CERES;
CITY OF CLOVIS; CITY OF COVINA; CITY
OF DIXON; CITY OF DOWNEY; CITY OF
MCFARLAND; CITY OF NEWMAN; CITY OF
OAKDALE; CITY OF PALMDALE; CITY OF
PATTERSON; CITY OF RIVERBANK; CITY
OF RIVERSIDE; CITY OF SAN PABLO; CITY
OF SONORA; CITY OF TEHACHAPI; CITY
OF TEMECULA; CITY OF TRACY; CITY OF
TURLOCK; and CITY OF VACAVILLE,

Plaintiffs,

v.

BUREAU OF CANNABIS CONTROL; LORI
AJAX, in her official capacity as Chief of the
Bureau of Cannabis Control; and DOES 1
through 10, inclusive,

Defendants.

Filing Fee Exempt
(Gov. Code § 6103)

E-FILED
5/13/2020 10:54 AM
Superior Court of California
County of Fresno
By: Louana Peterson, Deputy

Case No.: 19CECG01224

**REQUEST FOR JUDICIAL NOTICE,
EXHIBITS VOLUME 5 (EXHIBITS 26-30)**

Complaint filed: April 4, 2019
Trial Date: July 16, 2020

Assigned for all purposes to Judge Rosemary
McGuire, Department 403.

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EXHIBIT 26

ORDINANCE NO. 7431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING VARIOUS CHAPTERS OF TITLE 19 OF THE RIVERSIDE MUNICIPAL CODE PROHIBITING ALL MARIJUANA USES AND ACTIVITIES.

WHEREAS, in September of 2015, the Governor signed into law the Medical Cannabis Regulations and Safety Act ("MCRSA") which established regulations of medical cannabis cultivation, manufacturing and transportation, as well as created local and State-level licensing systems in California; and

WHEREAS, MCRSA allows a city to prohibit, through land use regulation or ordinances, the cultivating, delivering, distributing, selling or processing of medical marijuana; and

WHEREAS, on November 8, 2016, the voters of the State of California ("State") enacted Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"); and

WHEREAS, subject to certain exceptions, AUMA generally establishes a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of recreational marijuana, including marijuana products, for use by adults twenty-one (21) years and older, and to tax the commercial growth and retail sale of marijuana; and

WHEREAS, AUMA also allows local governments to adopt and enforce local ordinances regulating marijuana related land uses, as well as the possession, planting, cultivation, harvesting, testing, drying, and processing of marijuana, including the complete prohibition of such activities; and

WHEREAS, on June 27, 2017, the Governor signed SB 94 into law, creating the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), which effectively repealed MCRSA and incorporated certain provisions of MCRSA in the licensing provisions of AUMA, thus integrating the rules for both medicinal cannabis (MCRSA) and adult use of marijuana (AUMA); and

WHEREAS, under MAUCRSA, the City continues to be able to regulate marijuana related land uses, as well as the possession, planting, cultivation, harvesting, testing, drying, and processing of marijuana, including the complete prohibition of such activities; and

1 WHEREAS, significant concerns have been raised regarding the impacts that possessing,
2 planting, cultivating, harvesting, drying, processing, distributing, transporting, storing,
3 manufacturing, and selling of marijuana (hereinafter "marijuana activities") will have on the public
4 health, safety, and welfare in the City, including the protection of environmental resources and
5 neighborhood quality; and

6 WHEREAS, the cultivation of marijuana poses an environmental health risk to the public
7 and creates a public nuisance, including without limitation: offensive and irritating odor,
8 degradation of air quality, excessive noise, risk of criminal activity, improper and/or dangerous
9 electrical alterations, and impairment of the general quality of life of property owners and
10 occupants adjoining marijuana cultivation sites; and

11 WHEREAS, the City has a compelling interest in protecting the public health, safety, and
12 welfare of its residents and businesses, and preserving the peace and integrity of neighborhoods
13 within the City; and

14 WHEREAS, the City Council now desires to prohibit all marijuana uses and activities in the
15 City as it relates to personal and medical.

16 The City Council of the City of Riverside does ordain as follows:

17 Section 1. Incorporation of Recitals.

18 The above recitals are hereby declared to be true and correct and represent the findings of the
19 City Council, made in the exercise of its independent judgment and that based on the above recitals,
20 there is an immediate threat to the public health, safety and welfare. The adoption of this ordinance
21 is necessary for the immediate protection of the public health, safety and welfare. Said findings are
22 hereby incorporated by reference and made a part of this ordinance.

23 Section 2. Section 19.147.025 of the Riverside Municipal Code is hereby amended to read
24 as follows:

25 **"19.147.025 Prohibited Uses.**

26 Any use which is listed as prohibited in the adopted Downtown Specific Plan or prohibited by
27 state and/or federal law is strictly prohibited. Commercial marijuana cultivation, manufacturing,
28 distribution, or sale is also strictly prohibited."

1 Section 3. Section 19.150.020(A) of the Riverside Municipal Code is hereby amended as
2 shown on Exhibit "A," attached hereto and incorporated by reference.

3 Section 4. Section 19.220 of the Riverside Municipal Code is hereby amended to read as
4 follows:

5 **"19.220.020 Permitted Land Uses and Development Standards.**

6 For those properties where the Specific Plan Overlay Zone is applied, all permitted use
7 restrictions, development standards, and other applicable standards or regulations governing
8 development as contained within the adopted specific plan shall apply. To the extent that the specific
9 plan does not enumerate use restrictions, development standards, or other applicable regulations, the
10 standards associated with the underlying base zone shall apply. In the event that provisions of the
11 adopted specific plan conflict with or do not correspond with the provisions of the underlying base
12 zone, the provisions as contained in the adopted specific plan shall apply and supersede the underlying
13 base zone requirements, with the exception of marijuana-related uses which shall be exclusively
14 regulated by the underlying zone and are specifically prohibited. Specific Plans shall be prepared and
15 processed to Chapter 19.820 (Specific Plan/Specific Plan Amendments)."

16 Section 5. Chapter 19.342 of the Riverside Municipal Code is hereby repealed in its
17 entirety and replaced with the following:

18 **"Chapter 19.342**

19 **MARIJUANA USES AND ACTIVITIES**

20 **19.342.010 Purpose**
21 **19.342.020 Prohibition**
22 **19.342.030 Cultivation**
23 **19.342.040 Personal Use**
24 **19.342.050 Medical Use**
25 **19.342.060 Public Nuisance**
26 **19.342.070 Penalties**
27 **19.342.080 Severability**

28 **19.342.010 Purpose**

 The City Council finds that prohibitions on all commercial and non-commercial
marijuana processing, delivery, cultivation, sale and distribution are necessary for the preservation and
protection of the public health, safety and welfare for the City and its residents.

1 **19.342.020 Prohibition**

2 A. All marijuana cultivation, processing, delivery, sales and dispensaries, or any similar
3 use, shall be prohibited activities in all zones and all specific plan areas in the City. No use permit,
4 variance, building permit, or any other entitlement, license, or permit, whether administrative or
5 discretionary, shall be approved or issued for the activities of marijuana cultivation, processing,
6 delivery, sales, the establishment or operation of a marijuana dispensary or retail store, or any similar
7 use, in the City, and no person shall otherwise establish or conduct such activities in the City.

8 B. This section is meant to prohibit all activities for which a State license is required.
9 Accordingly, the City shall not issue any permit, license, except for testing laboratories, or other
10 entitlement for any activity for which a State license is required under the Medicinal and Adult Use
11 Cannabis Regulation and Safety Act.

12 C. Except as set forth in section 19.342.040 below, cultivation of marijuana for medical
13 purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in
14 all zones and all specific plan areas in the City. No person, including a qualified patient or primary
15 caregiver, shall cultivate any amount of marijuana in the City, even for medical purposes.

16 **19.342.030 Cultivation**

17 A. Outdoor. No individual or entity may plant, cultivate, harvest, dry, or process
18 marijuana plants outdoors in any zone or specific plan area of the City. No use permit, building permit,
19 variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved
20 or issued for any such use or activity.

21 B. Indoor. No individual or entity may plant, cultivate, harvest, dry, or process marijuana
22 plants inside a private residence, or inside an accessory structure to a private residence located upon
23 the grounds of a private residence, in excess of the limitations imposed by California Health and Safety
24 Code section 11362.2. No individual or entity may plant, cultivate, harvest, dry, or process marijuana
25 plants inside any enclosed structure within any zone or specific plan area of the City which is not
26 either a private residence or an accessory structure to a private residence located upon the grounds of
27 a private residence.

28 **19.342.040 Personal Use**

1 Pursuant to California Health and Safety Code sections 11362.1 and 11362.2, an individual
2 may cultivate marijuana for personal use only within a residential structure or other fully enclosed and
3 locked accessory structure located entirely on residential property owned or legally possessed by him
4 or her, pursuant to the following regulations:

5 A. The cultivation of marijuana may take place only inside a lawfully existing and fully
6 enclosed and secure private residence, or inside a lawfully existing and fully enclosed and secure
7 accessory structure to a private residence that is located on the same parcel as the private residence.
8 No cultivation shall occur outside of a fully enclosed structure.

9 B. The primary use of the property shall be for a residence and cultivation is to be
10 considered an incidental use.

11 C. All areas used for cultivation of marijuana shall comply with all Buildings Codes and
12 Regulations of the Riverside Municipal Code and the State of California, as well as all other applicable
13 laws.

14 D. Indoor grow lights are not allowed in any structure used for human habitation. Indoor
15 grow lights in any other structure shall not exceed 1,000 watts per light, and shall comply with the
16 California Building, Electrical and Fire Codes as adopted by the City.

17 E. The use of gas products or volatile solvents, or dangerous poisons, toxins or
18 carcinogens (including but not limited to CO₂, butane, propane, natural gas, xylene, styrene, gasoline,
19 kerosene, O₂ H₂, methanol, iso-propyl alcohol, methylene chloride, acetone, benzene, toluene, and
20 trichloro-ethylene,) or generators for cultivation of marijuana is prohibited.

21 F. Any structure used for the cultivation of marijuana must have a ventilation and filtration
22 system installed that shall prevent marijuana plant odors from exiting the interior of the structure and
23 designed to prevent mold and moisture and otherwise protect the health and safety of persons residing
24 in the residence and cultivating the marijuana. This ventilation shall at a minimum consist of a system
25 meeting the requirements of the current, adopted edition of the California Building Code section
26 1203.4 (Natural Ventilation) or section 402.3 (Mechanical Ventilation), or their equivalent(s).

27 G. Any accessory structure used for the cultivation of marijuana shall be located in the
28 rear yard area of the parcel or premises and must maintain a minimum setback equal to the greater of

1 (1) the setback imposed pursuant to the applicable zoning provisions of this Code, or (2) ten-feet from
2 any property line. The yard where the structure is maintained must be enclosed by a solid fence at
3 least six feet in height.

4 H. Adequate mechanical locking or electronic security systems must be installed as part
5 of the structure prior to the commencement of cultivation.

6 I. Marijuana cultivation shall be limited to six (6) marijuana plants per private residence,
7 regardless of whether the marijuana is cultivated inside the residence or in an accessory structure. The
8 limit of six (6) plants per private residence shall apply regardless of how many individuals reside at
9 the private residence.

10 J. The residential structure shall remain at all times a residence, with legal and functioning
11 cooking, sleeping and sanitation facilities with proper ingress and egress. No room used for cooking
12 of meals, sleeping or bathing shall be used for cultivation.

13 K. Cultivation of marijuana shall take place only on impervious surfaces.

14 L. There shall be no exterior evidence of marijuana cultivation occurring on the parcel.

15 M. No more than one room in any structure may be used for cultivation.

16 N. The marijuana cultivation area shall not exceed thirty-two square feet and not exceed
17 ten feet in height per residence. This limit applies regardless of the number of individuals residing in
18 the residence.

19 O. No room or area in a structure that is used for cultivation shall be accessible to persons
20 under twenty-one (21) years of age.

21 P. Written consent of the property owner to cultivate marijuana within the residential
22 structure shall be obtained and shall be kept on the premises, and available for inspection by agents of
23 the City.

24 Q. A portable fire extinguisher, that complies with the regulations and standards adopted
25 by the State Fire Marshal and applicable law, shall be kept in any room used for cultivation of
26 marijuana.

27 R. No one other than a full-time resident of the residence shall be involved or take part in
28 the cultivation and said full-time resident may not participate in cultivation in any other location within

1 the City.

2 S. No chemical fertilizers, pesticides, or other chemical agents shall be used for marijuana
3 cultivation.

4 T. The marijuana cultivation area shall not adversely affect the health or safety of the
5 nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or
6 other impacts; and shall not be conducted in a manner that is hazardous due to the use or storage of
7 materials, processes, products or wastes, or from other actions related to the cultivation.

8 U. For the protection of local groundwater resources and indoor air quality, and to avoid
9 disposal of harmful substances into sewers or septic systems, no chemical shall be used for marijuana
10 cultivation that contains any substance on the list prepared pursuant to California Health and Safety
11 Code section 25249.8; provided, that any chemical specifically approved by the California Department
12 of Pesticide Regulation for indoor use on marijuana may be used in amounts prescribed by the
13 Department. No chemical used for marijuana cultivation shall be stored in a manner visible from
14 neighboring residences or to individuals located outside the property line or in the public right-of-way.

15 V. Cultivation shall be limited exclusively for the personal use of lawful residents of the
16 property on which the cultivation is occurring.

17 **19.342.050 Medical Use**

18 The outdoor cultivation of medical marijuana, the establishment or operation of any medical
19 marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider
20 shall be considered a prohibited use in all zones and specific plan areas of the City. No use permit,
21 variance, building permit, or any other entitlement or permit, whether administrative or discretionary,
22 shall be approved or issued for the cultivation of medical marijuana or the establishment of any
23 collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zone
24 or specific plan area of the City, and no person shall otherwise establish such businesses or operations
25 in any zone or specific plan area of the City.

26 **19.342.060 Public Nuisance**

27 Any use or condition caused, or permitted to exist in violation of this Chapter, and each and
28 every violation of the provisions of this Chapter shall be and are hereby declared to be deemed

1 unlawful and a public nuisance and may be summarily abated by the City.

2 **19.342.070 Penalties**

3 In addition to any other enforcement permitted by State law, a civil action for injunctive
4 relief and civil penalties pursuant to Chapter 1.17 of this Code may be brought against any person
5 or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of
6 competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.

7 **19.342.080 Severability**

8 If any provision of this ordinance or Chapter or the application thereof to any person or
9 circumstance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction,
10 such invalidity shall not affect other provisions or applications of this ordinance or Chapter which can
11 be implemented without the invalid provision or application and to this end the provisions of this
12 ordinance and Chapter are declared to be severable."

13 Section 6. Section 19.485.30, paragraph O of the Riverside Municipal Code is hereby
14 amended to read as follows:

15 **"Section 19.485.30 Permitted Home Occupations.**

16 ...

17 O. The cultivation, manufacturing, distribution, transport, or sale of marijuana or
18 marijuana products is not a permitted home occupation."

19 ...

20 Section 7. Section 19.910.020 "A" Definitions of the Riverside Municipal Code is
21 amended in part as follows:

22 **"Section 19.910.020 "A" Definitions.**

23 ...

24 **Agricultural stand**

In the RA-5 Zone, a stand for the sale of agricultural products
produced or raised on the same premises, excluding marijuana
and hemp.

25 **Agricultural use**

26 The use of land for the commercial or non-commercial purpose
27 of planting, growing, raising, and harvesting of crops, livestock,
28 or poultry; all of which shall be subject to any applicable state
license, to a conditional use permit where required under this
Code, and to the limitations and exclusions presented in this

1 definition or as set forth for specific zones created under this
2 Code. For the purpose of this definition, crops shall not include
3 marijuana or hemp."

4 ...

5 Section 8. Section 19.910.040 "C" Definitions of the Riverside Municipal Code is
6 amended in part as follows:

7 **"Section 19.910.040 "C" Definitions.**

8 ...

9 **Cannabis** See Marijuana."

10 ...

11 Section 9. Section 19.910.090 "H" Definitions of the Riverside Municipal Code is
12 amended in part as follows:

13 **"Section 19.910.090 "H" Definitions.**

14 ...

15 **Home occupation** Any use of a dwelling unit and related property for employment
16 or occupational purposes that is incidental to the residential use
17 of the dwelling unit. The cultivation, manufacturing,
distribution, transport, or sale of marijuana or marijuana
products is not a permitted home occupation."

18 ...

19 Section 10. Section 19.910.140 "M" Definitions is hereby amended to read as follows:

20 **"Section 19.910.090 "M" Definitions.**

21 ...

22 **Marijuana** The term "marijuana" shall mean all items included in the
23 California Health and Safety Code sections 11018 and 11018.1.

24 ...

25 **Marijuana**
26 **Cultivation** Marijuana Cultivation inside a lawfully existing and fully
27 **Personal** enclosed and secure private residence, or inside a lawfully
existing and fully enclosed and secure accessory structure to a
private residence that is located on the same parcel as the private
residence for the exclusive personal use of a resident of the
residence who is twenty-one (21) years of age or older, as
permitted by California Health and Safety Code sections
11362.1 and 11362.2."

28 ...

1 Section 11. California Environmental Quality Act.

2 The City hereby finds that this ordinance is not subject to review under the California
3 Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2)
4 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the
5 environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have
6 a significant effect on the environment). In addition to the foregoing general exemptions, the City
7 Council further finds that this ordinance is categorically exempt from review under CEQA under the
8 Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment),
9 CEQA Guidelines section 15308.

10 ADOPTED by the City Council this 24th day of July, 2018.

11
12 
13 _____
14 WILLIAM R. BAILEY, III
15 Mayor of the City of Riverside

16 Attest:

17 
18 _____
19 COLLEEN J. NICOL
20 City Clerk of the City of Riverside

21 //
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1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 10th
3 day of July, 2018, and that thereafter the said ordinance was duly and regularly adopted at a meeting
4 of the City Council on the 24th day of July, 2018, by the following vote, to wit:

5
6 Ayes: Councilmembers Conder, Mac Arthur, Perry, and Mayor Bailey

7 Noes: Councilmembers Gardner, Melendrez, and Soubirous

8 Absent: Councilmember Adams

9 Disqualified: None
10

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
12 City of Riverside, California, this 25th day of July, 2018.


13
14 
15 COLLEEN J. NICOL
16 City Clerk of the City of Riverside
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EXHIBIT A

Article V – PERMITTED USES TABLE

19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																				Location of Required Standards in the Municipal Code	
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		NC Overlay
Accessory Buildings & Structures																						See Incidental Uses Table
Adult-Oriented Businesses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	9.40 – Adult-Oriented Businesses 19.240 – Adult-Oriented Businesses
Agricultural Field Office																						See Incidental Uses Table
Agricultural Stand																						See Incidental Uses Table
Agriculture, Horticulture and Growing of Nursery Plants (Farms, Field Crops, Flower & Truck Gardening, Orchards, Ranches & Tree Crops)	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	
Aircraft Charter Services	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	For parking see Offices – Business and Professional under 19.580
Aircraft Parts, Supplies, Merchandise and Equipment Shops	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	For parking see Vehicle Sales under 19.580
Aircraft Sales, Rental, Service, Repair and Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	For parking see Vehicle Sales under 19.580
Airports – Private	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	
Airports – Public	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	
Alcohol Sales																						See Incidental Uses Table
Ambulance Company:																						5.65 – Convalescent Transport Vehicles
With Vehicle Storage	X	X	X	X	X	X	X	X	X	C	X	X	X	X	P	P	P	P	X	X	X	5.66 – Ambulances
Without Vehicle Storage	X	X	X	X	X	X	X	P	P	P	X	X	X	X	P	P	P	P	X	X	X	
Animal Keeping																						See Incidental Uses Table
Arcades and Internet/Cyber Cafes	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	MC	19.245 – Arcades and Internet/Cyber Cafes
Artist Studio (Including Photo)	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	X	X	X	X	P	For parking see Offices – Business, and Professional under 19.580
Assemblies of People – Entertainment – Not Including Adult-Oriented Businesses (e.g., Theater – Live Performance, Motion Picture, Auditoriums, Banquet Halls, Nightclubs, etc.)	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	X	X	X	X	X	X	19.250 – Assemblies of People – Entertainment 5.24 – Dance Halls & Public Dances See 19.149 – Airport Land Use Compatibility***

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

*** For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

**** Refer to Chapter 19.149 – Airport Land Use Compatibility and applicable Airport Land Use Compatibility Plan for airport land use compatibility zones where use may be strictly prohibited.

C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760

PRD = Planned Residential Development Permit, Chapter 19.780

X = Prohibited

DCP = Day Care Permit – Large Family, Chapter 19.860

RCP = Recycling Center Permit, Chapter 19.870

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

SP = Site Plan Review Permit, Chapter 19.770

P = Permitted

sq. ft. = Square Feet

Article V – PERMITTED USES TABLE

19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																					Location of Required Standards in the Municipal Code
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
Assemblies of People – Non-Entertainment (e.g., Places of Worship, Fraternal, Service Organizations, Conference Facilities, etc.)	X	X	C	C	C	C	X	C	C	C	C	C	C	C	C	C	X	X	X	X	X	19.255 – Assemblies of People – Non-Entertainment 5.24 – Dance Halls & Public Dances 5.60 – Bingo See 19.149 – Airport Land Use Compatibility*** 19.740 - Temporary Use Permit (Temporary Emergency Shelter with Assemblies of People – Non – Entertainment) 19.910 – Definitions See Incidental Use Table for Tiny Homes and Tiny Home Communities See Temporary Use Table for Temporary Emergency Shelter
Storefront	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	MC	X	MC	X	X	X	19.260 – Assisted Living 5.65 – Convalescent Transport Vehicles See 19.149 – Airport Land Use Compatibility*** 9.42 – Fortunetelling & Occult Arts For parking see Offices – Business, and Professional under 19.580
Assisted Living (Residential Care Facilities)	X	X	X	X	C	C	X	C	C	C	X	X	X	X	X	X	X	X	X	X	X	19.265 – Bail Bonds Establishments For parking see Offices – Business, and Professional under 19.580
Astrology and Fortune-telling (Occultist)	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X	X	For parking see Retail Sales under 19.580
Auction House (Indoor)	X	X	X	X	X	X	X	X	C	C	X	X	X	X	C	C	X	X	X	X	X	For parking see Manufacturing under 19.580
Auxiliary Dwelling Unit																						
Bail Bonds Office	X	X	X	X	X	X	X	MC	MC	MC	X	X	X	X	X	X	X	X	X	X	X	
Bakery – Retail	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X	P	
Bakery – Wholesale	X	X	X	X	X	X	X	X	P	P	P	X	X	X	P	P	P	X	X	X	X	

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PRD = Planned Residential Development Permit, Chapter 19.780

X = Prohibited

DCP = Day Care Permit – Large Family, Chapter 19.860

RCP = Recycling Center Permit, Chapter 19.870

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

SP = Site Plan Review Permit, Chapter 19.770

P = Permitted

sq. ft. = Square Feet

Article V – PERMITTED USES TABLE

19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

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	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
Banks and Financial Institutions/Services, Including Brokerages	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	X	X	X	X	P	19.475 – Drive-Thru Businesses
With Drive-thru Lanes (including drive-up ATM's)	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	
Bars, Saloons, Cocktail, Lounges & Taverns	X	X	X	X	X	X	X	X	MC	MC	MC	C	C	C	X	X	X	X	X	X	C	19.450 – Alcohol Sales
Bed and Breakfast Inn	X	X	X	X	X	X	X	X	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	X	X	X	X	X	X	P/MC	19.325 – Historic Residence Used for Retail Business, Office or Bed and Breakfast
In Historic Residence	X	X	MC	MC	MC	MC	X	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	X	X	X	X	X	X	P/MC	
Boardinghouse	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.910 Definitions
Boarding of Cats and Dogs/Kennels:																						19.270 – Boarding of Cats and Dogs/Kennels
Outdoor Kennels	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X	X	
Indoor Kennels	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	MC	MC	X	X	X	X	
Sales	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X	P	
Grooming (No overnight/long term boarding)	X	X	X	X	X	X	X	X	P	P	P	P	P	P	MC	MC	X	X	X	X	P	
Brewery:																						19.272 – Breweries, Micro-Breweries, Brewpubs, and Brew-On-Premises 19.450 – Alcohol Sales
Brewery, Microbrewery and Winery manufacturing and wholesale only.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	
Brewery, Microbrewery, and Winery with off-sale retail and/or on-site tasting.	X	X	X	X	X	X	X	X	MC	MC	MC	C	C	C	MC	MC	MC	MC	X	X	C	
Brewpub	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	X	X	MC	
Brew-On-Premises (no tasting or sale of prepared beers)	X	X	X	X	X	X	X	X	MC	MC	MC	X	X	X	MC	MC	MC	MC	X	X	X	
Brew-On-Premises (with tasting and/or retail sales of prepared beers)	X	X	X	X	X	X	X	X	MC	MC	MC	C	C	C	MC	MC	MC	MC	X	X	C	
Distillery	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	MC	MC	MC	X	X	X	
Building Materials Supply Store (Wholesale with ancillary retail sales)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	X	X	X	X	X	X	19.273 – Building Materials Supply Store (Wholesale with ancillary retail sales)
Bus Terminals	X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	C	X	X	X	X	X	19.275 – Bus Terminals

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DCP = Day Care Permit – Large Family, Chapter 19.860

RCP = Recycling Center Permit, Chapter 19.870

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

SP = Site Plan Review Permit, Chapter 19.770

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Article V – PERMITTED USES TABLE

19.150.020 (A)

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Use	Zones																				Location of Required Standards in the Municipal Code	
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	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		NC Overlay
Business Support Services & Facilities (Including Graphic Reproduction, Computer-services, etc.)	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	P	P	X	X	P	
Caretaker Living Quarters																						See Incidental Uses Table
Catering Establishments	X	X	X	X	X	X	X	MC	P	P	P	P	P	P	P	P	X	P	X	X	P	6.08 – Regulation of Food Establishments and Food Facilities 6.09 – Regulation of Food Handlers
Cemeteries, Mortuaries & Ancillary Uses	X	X	C	C	C	X	X	X	C	C	X	X	X	X	X	C	C	C	X	X	X	
Crematoriums	X	X	X	X	X	X	X	X	C	C	X	X	X	X	X	C	C	C	X	X	X	
Check Cashing	X	X	X	X	X	X	X	X	P/MC	P/MC	X	X	X	X	X	X	X	X	X	X	MC	19.280 – Check Cashing Establishments For parking see Banks and Financial Service under 19.580
Commercial Storage Facilities (Mini-Warehouse) ¹																					19.190 – Commercial Storage Overlay Zone	
Day Care Centers	X	X	C	C	C	C	X	C	C	C	C	C	C	C	C	X	X	X	X	X	C	19.290 – Day Care Centers See 19.149 – Airport Land Use Compatibility***
Day Care Homes – Large Family																						See Incidental Uses Table
Day Care Homes – Small Family																						See Incidental Uses Table
Drug Store or Pharmacy:																						
2,000 sq. ft. or less and no drive-thru lane(s)	X	X	X	X	X	X	X	MC	P	P	P	P	P	P	X	X	X	X	X	X	P	
2,000 sq. ft. or less with drive-thru lane(s)	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	X	
More than 2,000 sq. ft. and no drive-thru lane(s)	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X	X	
More than 2,000 sq. ft. with drive-thru lane(s)	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	X	
Equipment (Large) Sales and Rental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	MC	MC	MC	X	X	X	19.300 – Equipment (Large) Sales and Rental

¹ Commercial Storage Facilities are permitted in all zones with the Commercial Storage Overlay Zone (Chapter 19.190).

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Article V – PERMITTED USES TABLE

19.150.020 (A)

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	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
Equipment (Small) Sales and Rental	X	X	X	X	X	X	X	X	MC	MC	X	X	X	X	MC	P	P	P	X	X	X	
Farmers' Markets – Certified	X	X	X	X	X	X	X	P/MC	P/MC	P/MC	P/MC	MC	MC	MC	X	X	X	X	X	X	P/MC	19.305 – Farmers' Markets – Certified
Florist Shops	X	X	X	X	X	X	X	MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	X	X	X	X	X	X	P/MC	19.310 – Florist Shops
With Incidental Alcohol Sales	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	MC	For incidental sale of alcohol see 19.415 – Alcohol Sales
Flying Schools	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	
Fueling Systems – Private (Above Ground Tanks)																						See Incidental Uses Table
Furniture Upholstery	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	
Gambling (including Card house)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Prohibited Use
Group Housing (Convalescent Homes, SRO's, Alcohol & Drug Treatment Facilities, 6 or Fewer Occupants)	P	P	P	P	P	P	P	X	X	X	X	P	P	P	X	X	X	X	X	X	X	19.315 – Group Housing
Group Housing (Convalescent Homes, SRO's, Alcohol & Drug Treatment Facilities, more than 6 Occupants)	X	X	C	C	C	X	X	C	C	C	C	X	X	X	X	X	X	X	X	X	X	19.315 – Group Housing
Hangars	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	
Heliprot or Helistop	X	X	X	X	X	X	X	C	C	C	C	X	X	C	C	C	X	P	C	X	X	19.320 – Heliports and Helistops
Historic Residence Used for Retail Business, Office or Bed and Breakfast																						See Bed and Breakfast Inn, Office and Retail Sales on this table
Home Improvement, Sales and Service (Hardware, Lumber and Building Material Stores) – Retail:																						See Incidental Uses Table for Outdoor Display
Under 20,000 sq. ft.	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X	P	
20,000 s.f. or More	X	X	X	X	X	X	X	X	C	P	P	X	X	X	X	X	X	X	X	X	X	
Home Occupations																						See Incidental Uses Table

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Hotel, Motel or Hotel/Motel - Long-term Stay	X	X	X	X	X	X	X	X	C	C	C	X	C	C	X	X	X	X	X	X	X	5.32 – Transient Occupancy Tax 9.55 – Limitation on Continuous and Cumulative Occupancy of Transient Hotels and Motels 19.330 – Hotel/Motel, Long-Term Stay See 19.149 – Airport Land Use Compatibility***
Laboratories – Research	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	
Laundry, Commercial (Cleaning Plants, Industrial Laundries, Carpet and Upholstery Cleaners)	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P	P	P	X	X	X	X	
Live/Work Unit	X	X	X	X	X	X	X	X	X	X	X	P/MC	P/MC	P/MC	X	X	X	X	X	X	MC	19.335 – Live/Work Units See 19.149 – Airport Land Use Compatibility***
Lumber Yard and Building Materials – Wholesale	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	P	X	X	X	X	X	See Incidental Uses Table for Outdoor Display
Manufactured Dwellings:	P	P	P	P	P	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	19.850 – Fair Housing and Reasonable Accommodations 19.100 – Residential Zones 19.340 – Manufactured Dwellings See 19.149 – Airport Land Use Compatibility***
Sales of Manufactured Dwellings	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X	X	X	
Manufacturing (Indoors)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	
Marijuana Uses and Activities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Prohibited Uses. See 19.342 – Marijuana Uses and Activities
Marijuana Cultivation, Personal	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	See Incidental Uses Table
Medical Marijuana Dispensary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Prohibited Use
Medical Services – Clinic, Medical/Dental Offices, Laboratory, Urgent/Express Care, and Optometrist	X	X	X	X	X	X	X	P	P	P	P	P	P	P	MC	MC	MC	MC	X	X	P	5.52 – Massage
Medical Services – Hospital	X	X	X	X	X	X	X	C	C	C	C	X	X	X	C	X	X	X	X	X	X	See 19.149 – Airport Land Use Compatibility***

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Mobile Home Park	X	X	With the MH Overlay Zone			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.210 – Mobile Home Park Overlay Zone 5.75 – Mobile Home Parks Rent Stabilization Procedures
Model Homes	P	P	P	P	P	P	P	X	X	X	X	P	P	P	X	X	X	X	X	X	X	19.345 – Model Homes
Multi-tenant Indoor Mall	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Prohibited Use
Multiple-family Dwelling	X	X	X	X	X ²	P	P	X	X	X	X	X	P	P	X	X	X	X	X	X	X	19.850 – Fair Housing and Reasonable Accommodations See 19.149 – Airport Land Use Compatibility***
Offices (Administrative, Business, Executive and Professional, but not Medical or Dental)	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	X	X	P	19.325 – Historic Residence Used for Retail Business, Office or Bed and Breakfast
In Historic Residence	X	X	MC	MC	MC	MC	X	P	P	P	P	P	P	P	P	P	P	P	X	X	MC	
Outdoor Dining and/or Food Preparation (Permanent)																						See Incidental Uses Table
Outdoor Display of Incidental Plant Materials																						See Incidental Uses Table
Outdoor Sales, Display and Storage																						See Incidental Uses Table
Outdoor Storage Yard – Primary Use	X	X	X	X	X	X	X	X	X	C	X	X	X	X	MC	P/MC	X	X	X	X	X	19.285 – Outdoor Storage Yard
Parking Lot or Parking Structure (Stand Alone)	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	X	19.580 – Parking
Parolee/Probationer Homes:																						
2 to 6 Occupants	X	X	MC	MC	MC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.350 – Parolee/Probationer Home
More than 6 Occupants	X	X	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Pawn Shop / Gold Buying	X	X	X	X	X	X	X	X	MC	MC	X	X	X	X	X	X	X	X	X	X	X	For parking see Retail Sales – 19.580 19.355 – Pawn Shop
Personal Services (Barber, Beauty Salon, Spa, Tailor, Dry Cleaner, Self-service Laundry, Etc.)	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X	P	5.52 – Massage
Planned Residential Development	PRD	X	PRD	PRD	PRD	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.780 – Planned Residential Development Permit See 19.149 – Airport Land Use Compatibility***

² Legal, existing duplexes built prior to the adoption of this Zoning Code are permitted in the R-1-7000 Zone see 19.100.060 D.

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Article V – PERMITTED USES TABLE

19.150.020 (A)

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	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay		
Plant Nurseries – Retail	X	X	X	X	MC	MC	X	X	P	P	X	MC	X	X	X	X	X	X	X	X	X	X	19.360 – Plant Nurseries – Retail 19.505 – Outdoor Display and Sales
Plant Nurseries – Wholesale	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	
Publishing and Printing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	For parking see Manufacturing – 19.580	
Rail Transit Station	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Recreational Facilities – Commercial:																						5.28 – Poolrooms 19.370 – Recreational Facilities – Commercial (Billiard Parlors and Pool Halls)	
Billiard Parlors and Pool Halls	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	X		
Bowling Alleys	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	X		
Skate Facility	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	X		
Amusement Parks	X	X	X	X	X	X	X	X	C	C	C	X	X	X	X	X	X	X	X	X	X		
Golf Courses and Driving Ranges	C	C	C	C	C	X	X	X	C	C	C	X	X	X	X	X	X	C	X	X	X		
Health and Fitness, music, dance or martial arts studios:																							
4000 sq. ft. or less	X	X	X	X	X	X	X	X	P	P	P	P	P	P	MC	MC	MC	MC	X	X	MC		
more than 4000 sq. ft.	X	X	X	X	X	X	X	X	MC	MC	MC	X	C	C	X	X	X	X	X	X	C		
Other Indoor or Outdoor Facilities	X	X	X	X	X	X	X	X	C	C	C	X	X	X	C	C	C	C	X	X	X		
Recycling Center – Paper, Glass, Plastic, Aluminum and Nonferrous Metals	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	19.375 – Recycling Center – Paper, Glass, Plastic, Aluminum and Other Nonferrous Metals	
Recycling Center – Solid Waste Transfer Stations and Material Recovery Facilities (MRF)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	19.380 – Recycling Center – Solid Waste Transfer Stations and Material Recovery Facilities (MRF)	
Recycling Facilities:																						19.385 – Recycling Facilities	
Indoor Collection Centers	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X	P		
Reverse Vending Machines	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X	P		
Bulk Reverse Vending Machines	X	X	X	X	X	X	X	X	RCP	RCP	RCP	RCP	RCP	RCP	X	X	X	X	X	X	RCP		
Mobile Recycling Units	X	X	X	X	X	X	X	X	RCP	RCP	RCP	RCP	RCP	RCP	X	X	X	X	X	X	RCP		

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PRD = Planned Residential Development Permit, Chapter 19.780

X = Prohibited

DCP = Day Care Permit – Large Family, Chapter 19.860

RCP = Recycling Center Permit, Chapter 19.870

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Article V – PERMITTED USES TABLE

19.150.020 (A)

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	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
Repair Shop –Small Items (Computers, Small Appliances, Jewelry, Etc.) with Incidental Sales	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	X	X	P	6.08 – Regulation of Food Establishments and Food Facilities 6.09 – Regulation of Food Handlers Outdoor Dining – See Incidental Uses Table 19.475 – Drive-Thru Businesses See 19.149 – Airport Land Use Compatibility***
Restaurants (sit down and take-out)	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	P	P	X	X	P	
With Drive-thru Lanes	X	X	X	X	X	X	X	X	C	C	C	X	C	C	X	X	X	X	X	X	X	
Retail Sales: In Historic Residence With Incidental Repairs (Except as Noted in this Table) Ancillary to a Manufacturing Use On-site (Floor area not to exceed 15% of gross floor area)	X X X	X X X	X MC X	X MC X	X MC X	X MC X	X MC X	X P/MC X	P P/MC P	P P/MC P	P P/MC P	P P/MC P	P P/MC P	P P/MC P	X X P	X X X	X X X	X X X	X X X	X X X	P P/MC P	19.325 – Historic Residence Used for Retail Business, Office or Bed and Breakfast 19.390 – Retail Sales Ancillary to a Manufacturing Use
Schools:																						
College, Community College, University and Professional (Private)	X	X	X	X	C	X	X	C	C	C	C	X	C	C	C	X	X	C	C	X	X	
Private (Grades K-12)	X	X	C	C	C	X	X	C	C	C	C	C	C	C	X	X	X	X	C	X	X	19.395 – Schools See 19.149 – Airport Land Use Compatibility***
Vocational and Technical:																						
Total Enrollment 20 persons or less or a total size of 2,000 sq. ft. or less	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	X	X	X	
Total Enrollment more than 20 persons or a total size greater than 2,000 sq. ft.	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	X	X	X	Age Restricted 55+
Senior Housing	X	X	X	X	C	C	C	X	X	X	X	C	C	C	X	X	X	X	X	X	X	
Shelters, Emergency:																						19.205 – Emergency Shelter

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	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		NC Overlay
2 to 6 occupants	X	X	MC	MC	MC	X	X	MC	MC	MC	X	X	X	X	X	X	X	X	X	X	X	Overlay Zone (permitted by right) 19.400 – Shelters – Emergency 19.740 - Temporary Use Permit (Temporary Emergency Shelter with Assemblies of People – Non – Entertainment)
more than 6 occupants	X	X	C	C	C	X	X	C	C	C	X	X	X	X	X	C	X	X	X	X	X	
Shopping Center – Regional:																						
Up to 5 Acres	X	X	X	X	X	X	X	X	P	P	X	X	SP	SP	X	X	X	X	X	X	X	
More than 5 Acres	X	X	X	X	X	X	X	X	SP	SP	SP	X	SP	SP	X	X	X	X	X	X	X	
Showroom	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	X	X	X	
Single-family Dwelling:																						
Attached	X	X	P	P	P	P ³	P ³	X	X	X	X	P	X	X	X	X	X	X	X	X	X	Chapter 19.850 – Fair Housing and Reasonable Accommodations See 19.149 – Airport Land Use Compatibility***
Detached	P	P	P	P	P	P ⁴	P ⁴	X	X	X	X	P	X	X	X	X	X	X	X	X	X	
Single Room Occupancy (SRO)	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	19.401 – Single Room Occupancies
Smog Shop (Test Only)	X	X	X	X	X	X	X	X	MC	MC	MC	X	X	X	MC	P	X	MC	X	X	X	19.420 – Vehicle Repair Facilities
Sober Living Homes	P	P	P	P	P	P	P	X	X	X	X	P	P	P	X	X	X	X	X	X	X	For parking see Single Family Dwelling – 19.580
Student Housing, Including Fraternities, Sororities and Dormitories	X	X	X	X	X	C	C	X	C	C	X	X	C	C	X	X	X	X	X	X	X	See 19.149 – Airport Land Use Compatibility***
Subdivision Sales Trailer and/or Office During Construction																						See Temporary Uses Table
Supportive Housing																						
2 to 6 occupants	P	P	P	P	P	P	P	MC	MC	MC	X	P	P	P	X	X	X	X	X	X	X	
more than 6 occupants	P	P	P	P	P	P	P	C	C	C	X	P	P	P	X	X	X	X	X	X	X	

³ Allowed with a Planned Residential Development (PRD) Permit, Chapter 19.760.

⁴ One single-family detached dwelling allowed on one legal lot 0.25 acres in size or less in existence prior to January 1, 2018 subject to the development standards of the R-1-7000 Zone.

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Tattoo and Body Piercing Parlors	X	X	X	X	X	X	X	X	MC/C	MC/C	X	X	X	X	X	X	X	X	X	X	X	19.405 – Tattoo and Body Piercing Parlors For parking see Medical Services – 19.580
Taxi Company with Vehicle Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	
Transitional Housing																						
2 to 6 occupants	P	P	P	P	P	P	P	MC	MC	MC	X	P	P	P	X	X	X	X	X	X	X	
more than 6 occupants	P	P	P	P	P	P	P	C	C	C	X	P	P	P	X	X	X	X	X	X	X	
Truck Terminal	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	X	
Tutoring Center:																						
20 students or less	X	X	X	X	X	X	X	P	P	P	P	P	P	P	MC	X	X	X	X	X	MC	
21-40 students	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	X	X	X	X	X	C	
40 or more students	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	X	X	X	X	X	X	
Vehicle Dismantling & Wrecking	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Prohibited Use
Vehicle Fuel Stations (i.e. Gasoline Stations)	X	X	X	X	X	X	X	X	C	C	C	X	X	X	C	C	C	C	X	X	X	5.64 – Motor Vehicle Fuel Pricing 19.410 – Vehicle Fuel Stations
Vehicle Impound and Tow Yards	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X	X	X	19.415 – Vehicle Impound Yard
Vehicle Parts and Accessories:																						
Sales Only	X	X	X	X	X	X	X	X	P	P	P	P	P	P	MC	C	X	X	X	X	X	
Sales and Installation (Indoor only)	X	X	X	X	X	X	X	X	C	C	C	X	X	X	C	C	X	X	X	X	X	
Vehicle Repair Facilities – Major (Indoor)	X	X	X	X	X	X	X	X	X	C	X	X	X	X	C	P/MC	P/MC	X	X	X	X	19.420 – Vehicle Repair Facilities
Vehicle Repair Facilities – Major (Outdoor – fully screened)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	X	X	X	X	X	19.420 – Vehicle Repair Facilities
Vehicle Repair Facilities – Minor (Indoor)	X	X	X	X	X	X	X	X	C	C	C	X	X	X	MC	P/MC	X	X	X	X	X	19.420 – Vehicle Repair Facilities
Vehicle Repair Facilities – Minor (Outdoor – fully screened)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	X	X	X	X	X	19.420 – Vehicle Repair Facilities
Vehicle Rental:																						
Moving Trucks	X	X	X	X	X	X	X	X	C	C	X	X	X	X	MC	MC	X	X	X	X	X	
Passenger Vehicles	X	X	X	X	X	X	X	X	C	C	X	X	X	X	MC	MC	X	X	X	X	X	
Incidental Sales	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	X	
Vehicle Sales, Rental and Leasing – New and Used (No Outdoor Display)																						See Retail Sales in This Table

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	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
Vehicle Sales, Rental and Leasing – New and Used (With Outdoor Display)	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	X	
Vehicle Wash Facilities	X	X	X	X	X	X	X	X	C	C	C	X	X	X	X	X	X	X	X	X	X	19.425 – Vehicle Wash Facilities
Vehicle Wholesale Business:																						19.427 – Vehicle Wholesale Business
Indoor (less than 5,000 sq. ft.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	
Outdoor & Indoor (In excess of 5,000 sq. ft.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X	X	X	
Veterinary Services:																						19.430 – Veterinary Services
Clinics and Small Animal Hospitals (short term boarding)	X	X	X	X	X	X	X	X	MC	MC	MC	X	C	C	MC	C	C	X	X	X	MC	
Incidental to a Pet Shop	X	X	X	X	X	X	X	X	P	P	P	X	MC	MC	X	X	X	X	X	X	P	
Warehousing & Wholesale Distribution Centers:																						
400,000 sq. ft. or less	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	
Greater than 400,000 sq. ft.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	MC	MC	MC	X	X	X	
Wireless Telecommunication Facilities and Related Support Structures	X	X	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵	P/C	P/C	P/C	P/C	P/C ⁵	P/C ⁵	P/C ⁵	P/C	P/C	P/C	P/C	P/C	P/C	P/C	19.530 – Wireless Telecommunications Facilities and Related Support Structures

Ord. 7413 §1, 2018; Ord. 7408 §, 2018; Ord. 7331 §11, 2016; Ord. 7185 §2, 2012; Ord. 7158 §1, 2012; Ord. 7151 §1, 2012; Ord. 7110 §§2, 3, 4, 2011; Ord. 7109 §§4, 5, 2010; Ord. 7072 §1, 2010; Ord. 7064 §9, 2010; Ord. 6966 §1, 2007)

⁵ Permitted or conditionally permitted on sites that do not include a residential use.

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Article V – INCIDENTAL USES TABLE

19.150.020 (B)

This table identifies uses which are generally only permitted as an incidental use to some other permitted use on the property

Use	Zones																				Location of Required Standards in the Municipal Code	
	Residential Zones							Office & Commercial Zones				Mixed Use Zones			Industrial Zones				Other Zones			
	(Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							(Office, Commercial Retail, Commercial General, Commercial Regional Center)				(Neighborhood, Village, Urban)			(Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				(Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
Accessory Buildings & Structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	19.440 – Accessory Buildings & Structures
Cargo Containers	X	P	P	X	X	X	X	X	X	P	X	X	X	X	P	P	P	P	P	P	X	19.445 – Agricultural Field Office
Agricultural Field Office	C	C	MC	X	MC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.442 – Accessory Dwelling Unit
Accessory Dwelling Unit	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.910 – Definitions
Accessory Living Quarters	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.910 - Definitions
Agricultural Stand	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Alcohol Sales:																						19.310 – Florist Shops 19.450 – Alcohol Sales
Off-Sale	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	X	X	X	X	X	C	
On-Sale¹	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	X	X	MC	X	X	MC	
Incidental to Florist Shop	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	MC	
Concurrent Sale of Vehicle Fuel	X	X	X	X	X	X	X	X	C	C	C	X	X	X	C	C	C	C	X	X	X	
Animal Keeping:																						19.455 – Animal Keeping
Domestic Animals	P	P	P	P	P	P	P	X	X	X	X	P	P	P	X	X	X	X	X	X	X	
Non-Domestic Animals	P	P/C	P/MC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Dairies	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Riding Stables & Academies	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Bees	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Earthworms	X	P/C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Aviaries	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Caretaker Living Quarters:																						19.465 – Caretaker Living Quarters
Agricultural	X	C	MC	X	MC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Industrial Uses & Commercial Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	MC	MC	X	X	X	
Temporary During Construction	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	X	TUP	
Day Care Homes – Large Family	DCP	DCP	DCP	DCP	DCP	DCP	DCP	X	X	X	X	DCP	DCP	DCP	X	X	X	X	X	X	X	19.470 – Day Care Homes – Family
Day Care Homes – Small Family	P	P	P	P	P	P	P	X	X	X	X	P	P	P	X	X	X	X	X	X	X	19.470 – Day Care Homes – Family

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

**= For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

***= Refer to Chapter 19.149 – Airport Land Use Compatibility and applicable Airport Land Use Compatibility Plan for airport land use compatibility zones where use may be strictly prohibited.

C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760

PRD = Planned Residential Development Permit, Chapter 19.780

X = Prohibited

DCP = Day Care Permit – Large Family, Chapter 19.860

RCP = Recycling Center Permit, Chapter 19.870

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

SP = Site Plan Review Permit, Chapter 19.770

P = Permitted

sq. ft. = Square Feet

Article V – INCIDENTAL USES TABLE

19.150.020 (B)

This table identifies uses which are generally only permitted as an incidental use to some other permitted use on the property

Use	Zones																				Location of Required Standards in the Municipal Code	
	Residential Zones							Office & Commercial Zones				Mixed Use Zones			Industrial Zones				Other Zones			
	(Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							(Office, Commercial Retail, Commercial General, Commercial Regional Center)				(Neighborhood, Village, Urban)			(Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				(Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
Drive-thru Businesses Incidental to:																						19.475 – Drive-thru Businesses
Restaurants	X	X	X	X	X	X	X	X	C	C	C	X	C	C	X	X	X	X	X	X	X	
Banks & Financial Institutions / Services (including Standalone ATMs)	X	X	X	X	X	X	X	MC	MC	MC	MC	X	C	C	X	X	X	X	X	X	X	
Drug Store & Pharmacies:																						
2,000 sq. ft. or less	X	X	X	X	X	X	X	MC	MC	MC	MC	X	C	C	X	X	X	X	X	X	X	
More than 2,000 sq. ft.	X	X	X	X	X	X	X	X	MC	MC	MC	X	C	C	X	X	X	X	X	X	X	
Other Uses	X	X	X	X	X	X	X	C	C	C	C	X	C	C	X	X	X	X	X	X	X	
Dwelling Unit(s) with Assemblies of People – Non-Entertainment***	X	X	C	C	C	C	X	C	C	C	C	C	C	C	X	X	X	X	X	X	X	19.255 Assemblies of People – Non - Entertainment
Entertainment - Incidental	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X	P	
Fuel Systems – Private (Above Ground Tanks)	X	X	X	X	X	X	X	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	P/MC	19.480 – Fueling Systems – Private (Above Ground Tanks)
Home Occupations	X	X	P	P	P	P	P	X	X	X	X	P	P	P	X	X	X	X	X	X	P	19.485 – Home Occupations
Marijuana Cultivation:																						19.342 – Marijuana Uses and Activities See Article X (Definitions)
Commercial (Prohibited use)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Personal - Indoor	X	X	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Mining/Mineral Extraction	X	X	C	C	C	C	C	X	C	C	X	X	X	X	X	C	X	X	X	X	X	19.490 – Mining/Mineral Extraction
Outdoor Dining (Permanent)	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	X	P	X	X	P	19.495 – Outdoor Dining and Food Preparation (Permanent)
Outdoor Food Preparation (Permanent)	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	X	X	MC	X	X	MC	19.495 – Outdoor Dining and Food Preparation (Permanent)
Outdoor Display of Incidental Plant Materials	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X	P	19.500 – Outdoor Display of Incidental Plant Materials
Outdoor Display and Sales - Incidental ²	X	X	X	X	X	X	X	X	X	TUP	X	X	X	X	X	X	X	X	X	X	X	19.505 – Outdoor Display and Sales
Outdoor Storage - Incidental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	19.510 – Outdoor Storage
Play Areas Incidental to Restaurants ³	X	X	X	X	X	X	X	X	MC	MC	MC	X	X	X	X	X	X	X	X	X	X	19.515 – Play Areas Incidental to Restaurants

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Article V – INCIDENTAL USES TABLE

19.150.020 (B)

This table identifies uses which are generally only permitted as an incidental use to some other permitted use on the property

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	Residential Zones						Office & Commercial Zones				Mixed Use Zones			Industrial Zones				Other Zones				
	(Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))						(Office, Commercial Retail, Commercial General, Commercial Regional Center)				(Neighborhood, Village, Urban)			(Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				(Public Facilities, Railroad, Neighborhood Commercial Overlay)				
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		NC Overlay
Rental of Rooms																						19.100 – Residential Zones 19.520 – Rental of Rooms 19.895 – Room Rental Permit
2 or fewer	P	P	P	P	P	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	
3 or 4	P	P	RRP	RRP	RRP	X	X	X	X	X	X	RRP	X	X	X	X	X	X	X	X	X	
Tiny Home(s) Community***	X	X	C	C	C	C	X	C	C	C	C	C	C	C	X	X	X	X	X	X	X	19.255 – Assemblies of People – Non-Entertainment 19.910 - Definitions
Vehicle Repair - Personal	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.527 – Vehicle Repair - Personal

(Ord. 7408 §1, 2018; Ord. 7331 §11, 2016; Ord. 7316 §4, 2016; Ord. 7273 §1, 2015; Ord. 7222 §3, 2013; Ord. 7110 §§2, 3, 4, 2011; 7064 §9, 2010; Ord. 6966 §1, 2007)

The foregoing instrument is certified, under penalty of perjury, to be a correct copy of the original on file in this office.

[Signature]

Cora J. Nicol, City Clerk
City of Riverside, California

Executed on Feb 5, 2020 at
Riverside, California

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

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P = Permitted
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EXHIBIT 27

ORDINANCE 2017-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING SECTIONS 17.32, 17.62.130, 8.02.020, AND 8.36.070 OF THE SAN PABLO MUNICIPAL CODE RELATING TO MARIJUANA FACILITIES AND TO DELIVERY, CULTIVATION, SMOKING AND INGESTING OF MARIJUANA AND AMENDING SECTION 17.62.180 TO LIMIT THE NUMBER OF SMOKE SHOPS IN SAN PABLO TO SIX

The City Council of the City of San Pablo does ordain as follows:

Section 1. The City Council makes the following findings, pursuant to Section 17.22.040 of the San Pablo Municipal Code:

- A. This ordinance was initiated by City of San Pablo staff in response to changes in state law and considered by the Planning Commission of the City of San Pablo following a duly noticed public hearing on August 15, 2017.
- B. A duly noticed public hearing was held by the City Council on September 5, 2017 to consider this amendment to the Zoning Ordinance of the City of San Pablo codified as Title 17 of the San Pablo Municipal Code.
- C. As further described in the City Council staff report accompanying this Ordinance, the Ordinance is consistent with the City of San Pablo General Plan Policy LU-I-3:

Establish zoning standards, including maximum size and separation requirements, for any commercial land use type that could adversely affect adjacent residential areas or create health and safety impacts. Adult businesses, check-cashing establishments, and alcohol sales are typical of the types of uses that would be subject to this policy.

- D. As further described in the City Council staff report accompanying this Ordinance, this Ordinance is consistent with the purposes of the Zoning Ordinance:

Pursuant to Zoning Ordinance Section 17.01.020, "Purpose," the ordinance promotes growth of the city in an orderly manner and promotes and protects the public health, safety, peace, comfort, and general welfare. In addition, pursuant to Zoning Ordinance Section 17.32.010, "Purpose," the ordinance helps to produce healthy, safe, and attractive neighborhoods in San Pablo. The ordinance addresses neighborhood compatibility by prohibiting uses that could have a negative effect on neighborhoods and business areas, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, robberies and robbery attempts, fire hazards, and problems associated with mold, fungus and pests.

- E. Pursuant to the California Environmental Quality Act, the proposed project has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations and Section 15061(b)(3) with no potential for causing a significant effect on the environment, and the City Manager is directed to ensure that a Notice of Exemption is filed with the County Clerk.

Section 2. Table 17.32-A, "Residential Districts: Use Regulations," of the San Pablo Municipal Code is amended to include the following:

Table 17.32-A Residential Districts: Use Regulations

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
Marijuana, Commercial Facilities and Activities	-	-	-	-	-	Section 17.62.130
Marijuana, Delivery	-	-	-	-	-	Section 17.62.130
Marijuana, Limited Personal Cultivation	P	P	P	P	P	Section 17.62.130
Medical Marijuana Facility	-	-	-	-	-	Section 17.62.130
Marijuana, Outdoor Cultivation	-	-	-	-	-	Section 17.62.130
Medical Marijuana Facilities and Delivery						Section 17.62.130
Medical Marijuana Cultivation						Section 17.62.130

[all other provisions of Table 17.32-A remain the same]

Section 3. Table 17.34-A, "Commercial and Industrial Districts: Use Regulations," of the San Pablo Municipal Code is amended to include the following:

Table 17.34-A Commercial and Industrial Districts: Use Regulations

Land Use/Zoning District	NC	CR	CMU	IMU	Special Provisions
Marijuana, Commercial Facilities and Activities	-	-	-	-	Section 17.62.130
Marijuana, Delivery	-	-	-	-	Section 17.62.130
Marijuana, Limited Personal Cultivation	P	P	P	P	Section 17.62.130
Medical Marijuana Facility	-	-	-	-	Section 17.62.130
Marijuana, Outdoor Cultivation	-	-	-	-	Section 17.62.130
Medical Marijuana Facilities and Delivery	-	-	-	-	Section 17.62.130
Medical Marijuana Cultivation	-	-	-	-	Section 17.62.130

[all other provisions of Table 17.34-A remain the same]

Section 4. Table 17.36-A, "Public and Semi-Public Districts: Use Regulations," of the San Pablo Municipal Code

Table 17.36-A Public and Semi-Public Districts: Use Regulations

Land Use/Zoning District	I	OS	Special Provisions
Marijuana, Commercial Facilities and Activities	-	-	Section 17.62.130
Marijuana, Delivery	-	-	
Marijuana, Limited Personal Cultivation	P	P	Section 17.62.130
Medical Marijuana Facility	-	-	Section 17.62.130
Marijuana, Outdoor Cultivation	-	-	Section 17.62.130
Medical Marijuana Facilities and Delivery			

[all other provisions of Table 17.36-A remain the same]

Section 5. Section 17.62.130 is amended in its entirety as follows:

A. **Purpose.** The purpose of this section is to prohibit the establishment, operation, and location of marijuana facilities, delivery, and cultivation, as defined, in the city of San Pablo, but to allow limited personal cultivation and medical marijuana use between a single patient and primary caregiver consistent with State Law.

B. **Definitions.** For the purposes of this section, the following definitions shall apply:

1. **Cultivation.** Cultivation shall have the same meaning as that set forth in Business and Professions Code section 26001, and shall include any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Marijuana.
2. **Indoors.** Indoors means within a fully enclosed and secure structure as defined herein.
3. **Marijuana.** Marijuana shall have the same meaning as "cannabis" in Health and Safety Code section 11018, and the same meaning as "cannabis" in Business and Professions Code section 26001 (f). This definition includes but is not limited to all parts of the plant *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.
4. **Marijuana, Commercial Facilities and Activities.** Includes all commercial cannabis activities as set forth in Business and Professions Code section 26001, including, but not limited to the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery or sale of Marijuana or marijuana products.
5. **Marijuana, Delivery.** Delivery includes: a) the same meaning as that set forth in Business and Professions Code section 26001(p) for the commercial transfer of Marijuana or marijuana products to a customer; b) the commercial delivery or transfer of Medical Marijuana or medical marijuana products; or c) any technology platform that arranges for or facilitates the commercial transfer of Marijuana or Medical Marijuana.
6. **Marijuana Facility.** Includes a "Marijuana, Commercial Facilities and Activities" and a "Medical Marijuana Facility".
7. **Marijuana, Limited Personal Cultivation.** The cultivation of Marijuana for personal use is subject to the definitions and restrictions contained in Section 17.62.130(C).

8. **Marijuana, Outdoor Cultivation.** Includes all cultivation of Marijuana outdoors at any location that is not within a fully enclosed and secure structure.
9. **Medical Marijuana.** A product containing Marijuana, including, but not limited to, its concentrates and extractions, intended to be sold for use by medical marijuana patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
10. **Medical Marijuana Facility** means and includes (a) any facility, building, structure or location, whether fixed or mobile, where Medical Marijuana is offered for sale; or (b) any not-for-profit site, facility, building, structure or location where two or more qualified patients and/or persons with an identification card associate, meet or congregate in order collectively or cooperatively to distribute, sell, dispense, transmit, process, deliver, exchange or give away Medical Marijuana pursuant to Health and Safety Code Section 11362.5 et seq. and organized as a marijuana cooperative or collective as set forth in Health and Safety Code Section 11362.775; or (c) a dispensary as defined in California Business and Professions Code Section 19300.
- a. **Exceptions.** A Medical Marijuana Facility shall not include the following uses, as long as the locations of such uses are otherwise regulated by this code or applicable law including but not limited to California Health and Safety Code Section 11362.5 et seq. and California Health and Safety Code Section 11362.7 et seq.: i) a clinic licensed pursuant to Chapter 1 of Division 2, of the Health and Safety Code; ii) a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; iii) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; iv) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; v), a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the Health and Safety Code; or vi) a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.
11. **Person with identification card.** Person with identification card as defined in Health and Safety Code section 11362.7(c).
12. **Primary caregiver.** Primary caregiver shall have the meaning set forth in Health and Safety Code section 11362.7(d).
13. **Private residence.** Private residence means a house, an apartment unit, a mobile home, or other similar dwelling, and as provided in Health and Safety Code section 11362.2 (b) (5).
14. **Qualified patient.** Qualified Patient shall have the meaning set forth in Health and Safety Code section 11362.7(f).

C. Cultivation

1. Outdoor cultivation of marijuana is prohibited. Such use is a public nuisance. The city shall not issue, approve or grant any permit, license or other entitlement for outdoor cultivation of marijuana. The prohibition in this section includes, without limitation, renting, leasing, or otherwise permitting cultivation to occupy or use a location.
2. Cultivation for commercial use or commercial facilities or activities is prohibited. Such use is a public nuisance. The city shall not issue, approve or grant any permit, license or other entitlement for commercial cultivation of marijuana. The prohibitions in this section include, without limitation, renting, leasing, or otherwise permitting cultivation to occupy or use a location, building, structure or vehicle.
3. Marijuana, Limited Personal Cultivation. Personal marijuana cultivation for medical or adult use purposes shall be permitted to the extent such cultivation is authorized by State law and in strict compliance with all the requirements set forth below:
 - a. Limited Number of Plants. The personal cultivation of marijuana is limited to no more than six (6) living plants per private residence, regardless of a) the number of residents, or b) how many residents are qualified medical marijuana patients, persons with an identification card or primary caregivers.
 - b. Residency requirement. Cultivation of marijuana for personal use may occur only on parcels with an existing legal residence occupied by a full-time resident.
 - c. Location. The cultivation occurs either: 1) within a single private residence; or 2) inside a fully enclosed and secure structure located upon the grounds of a private residence.
 - d. Cultivation areas. The cultivation areas, including any lighting, plumbing, or electrical components used, comply with Title 16 (Building and Construction) and Title 17 (Fire Prevention) of this Code. The cultivation areas must be properly ventilated so as not create humidity, mold, or other related problems. Lighting shall not exceed 1,000 watts per light.
 - e. Visibility. No visible markers or evidence indicating that marijuana is being cultivated on the site shall be visible from the public right of way.
 - f. Security. All enclosures and structures used for marijuana cultivation shall have security measures sufficient to prevent access by children or other unauthorized persons.

- g. **Prohibition of Volatile Solvents.** The manufacture of marijuana products for personal non-commercial consumption shall be limited to processes that are solvent-free or that employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug and Cosmetic Act. The use of volatile solvents to manufacture marijuana products for personal consumption is prohibited.
 - h. **Structures.** All structures used for personal marijuana cultivation (including accessory structures, greenhouses, and garages) must be legally constructed with all applicable Building and Fire permits (including grading, building, electrical, mechanical and plumbing) and shall adhere to the development standards within the base zone.
 - i. **Odor Control.** All structures used for cultivation shall be equipped with odor control filtration and ventilation systems such that the odors of marijuana cannot be readily detected from outside of the structure.
 - j. **Noise.** Use of air conditioning and ventilation equipment shall comply with the Chapter 17-16 (Noise). The use of generators is prohibited, except as short-term temporary emergency back-up systems.
 - k. **Primary use.** The primary use of the property remains at all times as a residence, with legal and functioning cooking, sleeping, and sanitation facilities with proper ingress and egress. No room shall be used for marijuana cultivation where such cultivation will impair or prevent the primary uses of cooking of meals, sleeping, and bathing.
 - l. **Consent.** Consent of the property owner must be obtained prior to any cultivation commencing.
- D. **Prohibition of Delivery.** Delivery, as defined in this section, of marijuana to or from any location within the jurisdictional limits of the city of San Pablo regardless of zoning district is prohibited. Such use is a public nuisance. The city shall not issue, approve or grant any permit, license or other entitlement for Delivery of marijuana. The prohibitions in this section include, without limitation, renting, leasing, or otherwise permitting Delivery to occupy or use a location, building, structure or vehicle. Transportation through the City on public streets is allowed consistent with Business and Professions Code section 26080 (b).
- E. **Prohibition of Medical Marijuana Facilities.** Medical Marijuana Facilities are prohibited in the city of San Pablo regardless of zoning district. Such use is a public nuisance. No person or entity shall operate, locate, allow or otherwise permit or suffer a Medical Marijuana Facility within the city of San Pablo. The city shall not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a Medical Marijuana Facility. The prohibitions in this section include, without limitation, renting, leasing, or otherwise permitting a

Medical Marijuana Facility to occupy or use a location, building, structure or vehicle.

- F. Prohibition of Commercial Marijuana Facilities and Activities. Marijuana Commercial Facilities and Activities are prohibited in the city of San Pablo regardless of zoning district. Such use is a public nuisance. No person or entity shall operate, locate, allow or otherwise permit or suffer a Marijuana Commercial Facility and Activities within the city of San Pablo. The city shall not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a Marijuana Commercial Facility or Activities. The prohibitions in this section include, without limitation, renting, leasing, or otherwise permitting a Marijuana Commercial Facility and Activities to occupy or use a location, building, structure or vehicle.

G. Enforcement.

1. Violations of this section may be enforced by any applicable law, with criminal penalties limited if inconsistent with the Compassionate Use Act of 1996 or California Health and Safety Code Section 11362.7 et seq.
2. Any person who violates any provision of this section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof.
3. Violation of any provisions of this chapter is a misdemeanor, unless the city attorney authorizes issuance of an infraction citation or files a complaint charging the offense as an infraction, or the court, upon the prosecutorial recommendation of the city attorney, determines that the offense is an infraction.
4. In addition to the civil remedies and criminal penalties set forth above, any violation of the provision of this chapter may be subject to administrative citations pursuant to Chapter 1.10.

Section 6. Section 17.62.180, "Smoke Shops," is amended in its entirety to read as follows:

17.62.180 Smoke shops.

- A. Purpose. The purpose of this section is to establish site planning, development, and/or operating standards for smoke shops. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of this use and activities on adjacent and surrounding land uses.
- B. Findings. To approve an application for a smoke shop, the planning commission must, in addition to the general use permit findings set forth in Section 17.20.040, Conditional use permit, find that the proposed use will not be detrimental to the peace, morals, comfort, and general welfare of the persons residing or working in

the neighborhood of such use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

- C. **Location.** Smoke shops within the city shall be allowed only in the commercial districts, subject to a use permit approved by the planning commission. No smoke shop shall be established within six hundred feet of any other smoke shop, or any school, licensed day care center, public park or playground, senior citizen facility, or licensed alcohol or drug treatment facility.
- D. **Maximum number.** Given the potential adverse impacts of this use and activities on adjacent and surrounding land uses and on the community that cannot be mitigated completely, the maximum number of smoke shops is limited to six.
- E. **Smoke Shops Defined.** The smoke shop use class consists of any establishment that either devotes twenty percent or more of sales floor area or product display area to, or derives twenty percent or more of gross sales receipts from, the sale or exchange of tobacco or marijuana paraphernalia and/or tobacco or marijuana products as defined in Division VI, Glossary and Section 17.62.130.
- F. **Distance.** The distances set forth above shall be measured as a radius from the primary entrance of the building in which the smoke shop is located, or is to be located, to the property lines of the property so zoned or used without regard to intervening structures.
- G. **Use Permit Conditions.** The planning commission may impose conditions identified in this section and conditions it deems necessary to protect the public health, safety, and welfare, including but not limited to the conditions identified in Section 17.20.040, Conditional use permit.
- H. **Development and Operational Standards.** It is unlawful for any smoke shop use class, as defined in this code, to fail to comply with the following development and operational standards. Each such standard shall be deemed to be incorporated by operation of law into each use permit granted.
 - 1. **Signs and Displays.** Signs and displays shall not obstruct the sales counter, cash register, seller, and customer from view from the exterior of the premises.
 - 2. **Mode of Sale.** Tobacco paraphernalia and/or tobacco product sales from drive-up or walk-up service windows shall be prohibited.
 - 3. **Compliance with Local, State, and Federal Laws.** No smoke shop shall violate any applicable local, state, or federal regulation including but not limited to Chapter 5.06, Licensure of Tobacco Retailers.

Section 7. Subsection (O) of Section 8.02.020, "Unlawful Public Nuisances: Cultivation of Marijuana," is amended in its entirety to read as follows:

O. Cultivation of Marijuana. No person owning, renting, leasing, occupying, or having charge or possession of any parcel shall cause or allow such parcel to be used for the outdoor cultivation of marijuana; the indoor cultivation of marijuana not in compliance with Section 17.62.130(C), any commercial cultivation of marijuana as defined in Section 17.62.130, and any medical marijuana facility as defined in Section 17.62.130. Violations of this provision shall be considered a public nuisance, and may be enforced according to the procedures set forth in this chapter and Chapter 1.10, and by the enforcement remedies conferred upon the city by Civil Code Section 3494, Code of Civil Procedure Section 731, Government Code Section 38773, or any other lawful authority, civil, administrative or criminal. Nothing in this provision is intended to impair any viable legal defense to state charges to a person using or in possession of medical marijuana pursuant to the Compassionate Use Act (California Health and Safety Code Section 11362.5 et seq.)

[all other provisions of this section remain the same]

Section 8. Section 8.36.070, "Smoking or Ingestion of Marijuana Products," is added to read as follows:

Smoking and ingestion of marijuana, as defined in Section 17.62.130, is limited strictly to locations permitted by Health and Safety Code section 11362.3 and is prohibited at any location where tobacco smoking is prohibited by the City of San Pablo Municipal Code. Smoking or ingestion of marijuana is prohibited in buildings or property owned, leased, or occupied by the City.

Section 9. Severability. If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

Section 10. Effective Date; Publication. This ordinance shall become effective thirty (30) days following its adoption. The City Clerk's Office shall publish and post the ordinance in accordance with California Government Code section 36933.

First read at a regular meeting of the City Council of the City of San Pablo on September 5, 2017 and finally passed and adopted at a regular meeting of said City Council held on September 18, 2017, by the following vote:

AYES:	COUNCILMEMBERS:	Cruz, Kinney, Morris, Calloway and Valdez
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

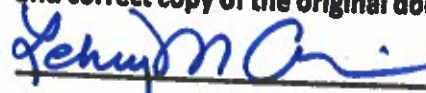
ATTEST:

APPROVED:


Elizabeth Pabon-Alvarado, City Clerk


Cecilia Valdez, Mayor

I hereby certify that the foregoing is a full, true
and correct copy of the original document.


Lehy M. Corbin, Deputy City Clerk

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EXHIBIT 28

ORDINANCE NO. 2017- 848

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA TO AMEND
CHAPTER 8.36, CANNABIS BUSINESS REGULATION, OF, THE SONORA MUNICIPAL
CODE, RELATING TO CANNABIS BUSINESSES**

WHEREAS, on October 9, 2015, Governor Jerry Brown signed three bills into law (Assembly Bill 266, Assembly Bill 243, and Senate Bill 643), which are collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"). MCRSA established the first statewide regulatory system for medical cannabis businesses; and

WHEREAS, in 2016, the voters of California approved Proposition 64 entitled the "Control, Regulate and Tax Adult Use of Marijuana" ("AUMA"). AUMA legalized the adult-use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six cannabis plants within a private residence. However, AUMA authorizes local jurisdictions to reasonably regulate personal cultivation; and

WHEREAS, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), which created a single regulatory scheme for both medical and adult-use cannabis businesses. MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity may operate in a particular jurisdiction; and

WHEREAS, on May 23, 2017, the City Council of the City of Sonora ("City Council") held a public meeting to discuss the regulatory framework of cannabis in California and ultimately moved to form a Marijuana Working Group (the "Working Group"). The goal of the Working Group is to make recommendations to the City Council concerning the local regulation of cannabis for the City Council's consideration; and

WHEREAS, the Working Group held public hearings from July through October 2017 to discuss the types of cannabis businesses regulated under MAUCRSA. The Working Group ultimately proposed allowing and regulating cannabis dispensaries, cannabis cultivation and manufacturing businesses, and cannabis testing laboratories; and

WHEREAS, on December 4, 2017, the City Council approved an ordinance to temporarily ban all cannabis businesses while a comprehensive policy could be drafted; and

WHEREAS, the City Council desires to adopt the recommendations of the Working Group and establish a comprehensive policy for commercial cannabis businesses within the City; and

WHEREAS, the City Council finds that establishing a structure to regulate all cannabis businesses contemplated by state law is appropriate for the health, welfare, and safety of City residents; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SONORA DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Chapter 8.36, Cannabis Business Regulation, of the Sonora Municipal Code is hereby deleted in its entirety and amended to read as follows:

Chapter 8.36 Cannabis Business Pilot Program.

8.36.000 Definitions.

- A. "Bureau" means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.
- B. "Business" means a profession, trade, occupation, gainful activity, and all and every kind of calling whether or not carried on for profit.
- C. "Cannabis" means all parts of the plant *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. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- D. "Cannabis business" means any business engaged in commercial cannabis activity. "Cannabis business" does not include any of the following:
 - 1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
 - 2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
 - 3. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
 - 4. A residential hospice or a home health agency licensed pursuant to Chapter 8 and Chapter 8.5 of Division 2 of the Health and Safety Code.
 - 5. The cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined by Section 11362.7 of the Health and Safety Code provided such activity complies strictly with all applicable state law, including but not limited to, Sections 11362.5 and 11362.765 of the Health and Safety Code.
- E. "Cannabis cultivation business" means any cannabis business that, pursuant to a Type 1, Type 1A, Type 1B, Type 1C, Type 2, Type 2A, Type 2B, Type 3, Type 3A, Type 3B, Type 4, Type 5, Type 5A, or Type 5B, state cannabis license, cultivates cannabis or cannabis products.
- F. "Cannabis dispensary" means a business at a particular location or real property involving the distribution of medicinal cannabis to qualified patients, primary caregivers, persons with

identification cards, or customer pursuant to a Type 10 state cannabis license that is consistent with state law and this chapter.

- G. "Cannabis manufacturing business" means any cannabis business that, pursuant to a Type 6, Type 7, or Type 12, state cannabis licenses manufactures cannabis or cannabis products.
- H. "Cannabis product" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- I. "Cannabis testing laboratory" means a cannabis business that tests cannabis or cannabis products pursuant to a Type 8 state cannabis license.
- J. "Commercial cannabis activity" includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis or cannabis products that requires a state license.
- K. "City" means the City of Sonora, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged, or reincorporated form.
- L. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- M. "Day care" means a facility, center, or home requiring a license that is issued by the State of California which provides for the care, health, safety, supervision, or guidance of a child's social, emotional, and educational growth on a regular basis, in a place other than the child's own home, or any facility meeting the definition of Section 1596.76 of the Health and Safety Code.
- N. "Identification card" means a document issued by the State Department of Health Services that documents and identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.
- O. "Juvenile" means any natural person who is under the age of eighteen (18) years.
- P. "License" means a state license issued pursuant to Cal. Bus. & Prof. Code, § 26000.
- Q. "M-license" means a license issued by the State of California pursuant to Cal. Bus. & Prof. Code, § 26000 for commercial cannabis activity involving medicinal cannabis.
- R. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- S. "Medicinal cannabis" or medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation.
- T. "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

- U. "Primary caregiver" has the same meaning as that term is defined by Section 11362.7 of the Health and Safety Code.
- V. "Qualified patient" has the same meaning as that term is defined by Section 11362.7 of the Health and Safety Code.
- W. "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

8.36.010 State and Local Requirements.

- A. Any person or cannabis business that does not have the applicable license is prohibited within the City.
- B. Any cannabis business allowed in the City shall obtain all of the following:
 - 1. A development agreement.
 - 2. A conditional use permit, pursuant to the procedure in Chapter 17.62.
- C. A cannabis business shall maintain compliance with Title 17 of the Sonora Municipal Code.
- D. A cannabis business is prohibited from operating within 600 feet of a school, youth center, day care, church, or park.

8.36.020 Proposals for a cannabis business.

- A. An interest party may apply to operate a cannabis business by submitting a proposal with the City Manager on a form provided by the City. Every completed proposal shall be subject to a filing fee, or other financial requirement, including, but not limited to, a funding agreement, established by resolution adopted by the City Council.
- B. An interested party shall not knowingly make a false statement of fact, or knowingly omit any information that is required in a proposal to operate a cannabis business.

8.36.030 Inspections and record retention.

- A. Authority to inspect.
 - 1. City officials or law enforcement may reasonably enter and inspect the cannabis business at any time between the hours of 6:00 a.m. and 11:00 p.m. on any day of the week, or at any reasonable time, to ensure compliance and enforcement of this chapter.
 - 2. City officials may inspect and demand copies of records maintained by the cannabis business, except for private medical records, that shall be made available to law enforcement agencies only pursuant to a properly executed search warrant, subpoena, or court order.
 - 3. A person shall not refuse, impede, obstruct, or interfere with an inspection pursuant to this chapter.

B. Records.

1. A cannabis business shall maintain accurate records of commercial cannabis activity for a minimum of seven (7) years in accordance with Chapter 16 (commencing with Section 2610) of Division 10 of the Business and Professions Code.

8.36.040 Cannabis dispensary.

- A. A cannabis dispensary may be permitted within City limits pursuant to a development agreement and conditional use permit. A cannabis dispensary may be located only in the Tourist and Administrative Zone (CO), Commercial Zone (C), General Commercial Zone (CG), and Limited Manufacturing Zone (ML). A cannabis dispensary is prohibited from operating within the Benefit Zone A located downtown.
- B. A cannabis dispensary may only sell medicinal cannabis pursuant to a M-license.
- C. Any commercial cannabis activity related to delivery is prohibited, unless that activity is performed by a cannabis dispensary authorized by this chapter. The City reserves the right to prohibit a cannabis dispensary from performing delivery services.
- D. All cannabis dispensaries shall maintain any applicable license, conditional use permit, and comply with all of the following:
 1. Floor Plan. A scaled floor plan for each level of each building that makes up the business site, including the entrances, exits, walls, and operating areas.
 2. Site Plan. A scaled site plan of the business site, including all buildings, structures, driveways, parking lots, landscape areas, and boundaries.
 3. Statement of Owner's Consent. Written consent of the owner or landlord of the proposed site to operate a cannabis dispensary, specifying the street address and parcel number.
 4. Security.
 - a. Security Surveillance Cameras. Security surveillance cameras and a video recording system shall be installed to monitor all doors into the buildings on the business site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights of way. The cameras and recording system shall be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the dispensary site. The recording system shall be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.
 - b. Security Video Retention. Video from the security surveillance cameras shall be recording at all times (twenty-four (24) hours a day, seven (7) days a week) and the recording shall be maintained for at least ninety (90) days. The video recordings shall be made available to the City upon request.
 - c. Alarm System. Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working condition. The alarm system shall include a private security company that is required to respond to every alarm.

5. Odor Control. A detailed plan describing the air treatment system, or other methods that will be implemented to prevent cannabis odors from being detected outside the business site.
6. Tax Compliance. A cannabis dispensary shall maintain any applicable tax certificates and permits, and timely remit any taxes due to the appropriate government entity.
7. Insurance. The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the cannabis business.
8. Waste Management Plan. A cannabis dispensary business shall submit and comply with an approved commercial cannabis waste management plan describing how commercial cannabis waste will be disposed.

8.36.050 Commercial cannabis cultivation business.

- A. A cannabis cultivation business is prohibited within city limits.

8.36.060 Commercial cannabis manufacturing business.

- A. A cannabis manufacturing business may be permitted within city limits pursuant to a development agreement and conditional use permit. A cannabis manufacturing business may be located only in the Limited Manufacturing Zone (ML).
- B. All cannabis manufacturing businesses shall maintain any applicable license, conditional use permit, and comply with all of the following:
 1. Floor Plan. A scaled floor plan for each level of each building that makes up the business site, including the entrances, exits, walls, and operating areas. All manufacturing areas within a building on the manufacturing site shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the cannabis manufacturing business.
 2. Site Plan. A scaled site plan of the business site, including all buildings, structures, driveways, parking lots, landscape areas, and boundaries.
 3. Statement of Owner's Consent. Written consent of the owner or landlord of the proposed site to operate a cannabis manufacturing business, specifying the street address and parcel number.
 4. Security.
 - a. Security Surveillance Cameras. Security surveillance cameras and a video recording system shall be installed to monitor all doors into the buildings on the business site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights of way. The cameras and recording system shall be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the manufacturing site. The recording system shall be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.

- b. Security Video Retention. Video from the security surveillance cameras shall be recording at all times (twenty-four (24) hours a day, seven (7) days a week) and the recording shall be maintained for at least ninety (90) days. The video recordings shall be made available to the city upon request.
 - c. Alarm System. Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working condition. The alarm system shall include a private security company that is required to respond to every alarm.
- 5. Odor Control. A detailed plan describing the air treatment system, or other methods that will be implemented to prevent cannabis odors from being detected outside the business site.
 - 6. Manufacturing Site Restricted. A cannabis manufacturing business shall not open their manufacturing site to the public. A cannabis manufacturing business shall not allow anyone on the laboratory site, except for managers, staff, and other persons with a bona fide business or regulatory purpose for being there, such as contractors, inspectors, and cannabis transporters. A manager must be on the manufacturing site at all times, any other person, except for security guards, is on the site. A juvenile shall not be on the manufacturing site or operate a cannabis manufacturing business in any capacity, including, but not limited to, as a manager, staff, employee, contractor, or volunteer.
 - 7. Tax Compliance. A cannabis manufacturing business shall maintain any applicable tax certificates and permits, and timely remit any taxes due to the appropriate government entity.
 - 8. Insurance. The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the cannabis business.
 - 9. Waste Management Plan. A cannabis manufacturing business shall submit and comply with an approved commercial cannabis waste management plan describing how commercial cannabis waste will be disposed.

8.36.070 Cannabis testing laboratory.

- A. A cannabis testing laboratory may be permitted within City limits pursuant to a development agreement and conditional use permit. A cannabis testing laboratory may be located only in the Limited Manufacturing Zone (ML).
- B. All cannabis testing laboratories shall maintain any applicable license, conditional use permit, and comply with all of the following:
 - 1. Floor Plan. A scaled floor plan for each level of each building that makes up the business site, including the entrances, exits, walls, and operating areas.
 - 2. Site Plan. A scaled site plan of the business site, including all buildings, structures, driveways, parking lots, landscape areas, and boundaries. The site plan shall comply with all of the following:

- i. Entrances. All entrances into the buildings on the laboratory site shall be locked at all times, with entry controlled by the cannabis testing laboratory business' managers and staff.
 - ii. Main Entrance and Lobby. The laboratory site shall have a building with a main entrance that is clearly visible from the public street or sidewalk. The main entrance shall be maintained clear of barriers, landscaping, and other obstructions. Inside of the main entrance, there shall be a lobby to receive persons into the site and to verify whether they are allowed in the testing areas.
 - iii. Testing Area. All testing areas in any building on the laboratory site shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff, of the cannabis testing laboratory.
 - iv. Transport Area. Each building with a testing area shall have an area designed for the secure transfer of cannabis from a vehicle to the testing area.
 - v. Storage area. Each building with a testing area shall have adequate storage space for cannabis that has been tested or is waiting to be tested. The storage areas shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff, of the cannabis testing laboratory.
3. Statement of Owner's Consent. Written consent of the owner or landlord of the proposed site to operate a cannabis manufacturing business, specifying the street address and parcel number.
4. Security.
 - i. Security Surveillance Cameras. Security surveillance cameras and a video recording system shall be installed to monitor all doors into the buildings on the laboratory site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights of way. The cameras and recording system shall be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the laboratory site. The recording system shall be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.
 - ii. Security Video Retention. Video from the security surveillance cameras shall be recording at all times (twenty-four (24) hours a day, seven (7) days a week) and the recording shall be maintained for at least ninety (90) days. The video recordings shall be made available to the city upon request.
 - iii. Alarm System. Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working condition. The alarm system shall include a private security company that is required to respond to every alarm.
5. Odor Control. A detailed plan describing the air treatment system, or other methods that will be implemented to prevent cannabis odors from being detected outside the business site.

6. Tax Compliance. A cannabis manufacturing business shall maintain any applicable tax certificates and permits, and timely remit any taxes due to the appropriate government entity.
7. Laboratory Site Restricted. A cannabis testing laboratory shall not open their laboratory site to the public. A cannabis testing laboratory shall not allow anyone on the laboratory site, except for managers, staff, and other persons with a bona fide business or regulatory purpose for being there; such as contractors, inspectors, and cannabis transporters. A manager must be on the laboratory site at all times, any other person, except for security guards, is on the site. A juvenile shall not be on the laboratory site or operate a cannabis testing laboratory in any capacity, including, but not limited to, as a manager, staff, employee, contractor, or volunteer.
8. Insurance. The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the cannabis business.
9. Waste Management Plan. A cannabis manufacturing business shall submit and comply with an approved commercial cannabis waste management plan describing how commercial cannabis waste will be disposed.

8.36.080. Exemptions.

- A. A person twenty-one (21) years of age or older who cultivates, possesses, stores, or transports cannabis exclusively for his or her personal, adult-use pursuant to the limitations of state law, is not engaged in commercial cannabis activity and is therefore exempt from the requirements of this chapter.
- B. A qualified patient or primary caregiver who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use, but who does not provide, donate, sell, or distribute medical cannabis to any other person, is not engaged in commercial cannabis activity and is therefore exempt from the requirements of this chapter.

8.36.090 Penalties.

- A. Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure section 731 or any other remedy available to the City.
- B. In addition to any other enforcement permitted by this chapter, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this chapter. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.
- C. Violations of this chapter shall be subject to an administrative penalty. The amount of the administrative penalty shall be five hundred dollars (\$500) for the first offense, seven hundred fifty dollars (\$750) for the second offense, and one thousand dollars (\$1,000.00) for any subsequent offense.

8.35.100 Cost Recovery.

- A. The City shall be entitled to recover its abatement and enforcement costs incurred in

obtaining compliance with this chapter. Costs incurred by the City are recoverable even if a public nuisance, a violation of this chapter, or other violation of law is corrected by the property owner or other responsible party.

- B. The cost of abating a public nuisance or enforcing this chapter shall either be a special assessment and lien on the subject property, or the personal obligation of the owner of the subject property or the responsible party. If there is more than one (1) responsible party, each party shall be jointly and severally liable for the costs.
- C. For purposes of this chapter, the following additional definitions shall apply:
 - 1. "Abatement costs" include the actual and reasonable costs incurred by the City to abate a public nuisance. These costs include all direct and indirect costs to the City that result from the total abatement action, including, but not limited to, investigation costs, costs to enforce the Sonora Municipal Code and any applicable federal, state, or county law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct actual abatement of the nuisance. Costs include personnel costs, administrative overhead, costs for equipment such as cameras and vehicles, staff time to hire a contractor, and reasonable attorneys' fees incurred by the City.
 - 2. "Enforcement costs" include all actual and reasonable costs incurred by the City to enforce compliance with the Sonora Municipal Code and any applicable federal, state, county, or city public health and safety law that are not included within abatement costs. Enforcement costs shall also include, but are not limited to, costs of fringe benefits for personnel, administrative overhead, costs of equipment, costs of materials, costs related to investigations, costs related to issuing and defending administrative or court citations, costs incurred investigating and abating violations of the Sonora Municipal Code or federal, state, or county law violations, and reasonable attorneys' fees related to these activities.
 - 3. "Responsible party" means a person or entity responsible for creating, causing, committing, or maintaining the violation of this chapter or federal, state or county law.
 - 4. "Subject property" means the real property that is the subject of any abatement or enforcement action by the City for which the City incurred costs and seeks recovery under this chapter.

SECTION 2. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. This ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 4. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL. This Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on the 18th, of December, 2017, and adopted at a regular meeting of the City Council of the City of Sonora held on the 16th of January, 2018, by the following vote:

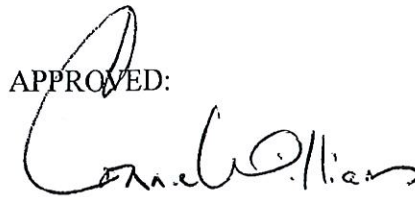
AYES: Jim Garaventa, Matt Hawkins, Mark Plummer, George Segarini

NOES: Connie Williams

ABSTAIN: None

ABSENT: None

APPROVED:




Connie Williams
Mayor of the City of Sonora

ATTEST:



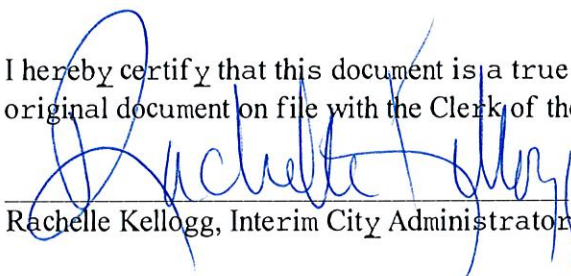
Marijane Cassinetta
Sonora City Clerk

APPROVED AS TO FORM:


For: Douglas L. White
Sonora City Attorney

Publish: The Union Democrat
Sonora, CA
January 26, 2018
5 m

I hereby certify that this document is a true and correct copy of the original document on file with the Clerk of the City of Sonora.



Rachelle Kellogg, Interim City Administrator

1-30-20
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EXHIBIT 29

INTERIM ORDINANCE NO. 17-06-744

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF TEHACHAPI
EXTENDING INTERIM ORDINANCE NO. 16-07-737, AS EXTENDED BY
INTERIM ORDINANCE NO. 16-08-738, ENACTED PURSUANT TO
GOVERNMENT CODE SECTION 65858, ESTABLISHING A MORATORIUM
ON ALL COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITY IN THE
CITY, PROHIBITING ALL OUTDOOR NON-MEDICAL MARIJUANA
CULTIVATION ON PRIVATE RESIDENCES, AND DECLARING THE
URGENCY THEREOF**

THE CITY COUNCIL OF THE CITY OF TEHACHAPI DOES ORDAIN AS FOLLOWS:

I. Legislative Findings

A. The Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA") was approved by California voters on November 8, 2016. The AUMA adds Section 11362.1 to the Health and Safety Code, which makes it "lawful under state and local law" for persons 21 years of age or older to "possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever" up to 28.5 grams of marijuana not in the form of concentrated cannabis or up to eight grams of marijuana in the form of concentrated cannabis. The AUMA allows the planting, cultivating, harvesting, drying and processing ("cultivation activities") of up to six marijuana plants in, or upon the grounds of, a private residence, as well as the possession of any marijuana produced by the plants. The AUMA authorizes a local jurisdiction to enact and enforce an ordinance that reasonably regulates cultivation activities. The AUMA also authorizes a local jurisdiction to completely prohibit cultivation activities outdoors upon the grounds of a private residence unless the California Attorney General determines that non-medical use of marijuana is lawful in the State under Federal law. If a local jurisdiction does not prohibit the outdoor cultivation of marijuana, then up to six plants could be cultivated outdoors on a private residence. The provisions of the AUMA related to the possession, use, and cultivation of marijuana became effective on November 9, 2016.

B. The AUMA grants State licensing authorities the authority to create, issue, renew, discipline, suspend, or revoke licenses for non-medical marijuana businesses. The AUMA provides that the State shall begin issuing licenses to non-medical marijuana businesses by January 1, 2018. Business and Professions Code section 26055(d) states that a State licensing authority shall not approve an application for a State license for commercial non-medical marijuana businesses if approval of the State license will violate the provisions of any local ordinance.

C. The AUMA permits a city to (1) adopt and enforce local ordinances to regulate non-medical marijuana businesses, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or (2) completely prohibit the establishment or operation of one or more types of non-medical marijuana businesses within its jurisdiction.

D. On January 27, 2017, the Governor signed into law Senate Bill 94 which created a single regulatory scheme for both medicinal and non-medical (adult-use) cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). The MAUCRSA changed all references in State law from "marijuana" to "cannabis" so this Interim Ordinance will use the terms interchangeably. The MAUCRSA provides that a State licensing authority shall not approve an application for a State license for a cannabis business if approval of the State license will violate the provisions of any local ordinance or regulation. The MAUCRSA requires that State licensing authorities issue licenses to cannabis businesses beginning on January 1, 2018.

term of Interim Ordinance No. 16-07-737 for an additional ten (10) months and fifteen (15) days. Interim Ordinance No. 16-08-738 is scheduled to expire on November 20, 2017.

F. Under State law, the City may twice extend an interim ordinance that imposes a temporary moratorium on any uses that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption are being considered upon a finding that there is a current and immediate threat to the public health, safety, or welfare. Pursuant to Government Code section 65858(a), a second extension of an interim ordinance must be adopted by not less than a four-fifths vote of the City Council and can extend the interim prohibitions for one additional year.

G. In accordance with California Government Code Section 65858(d), on October 2, 2017, the City Council issued a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 16-07-737, as extended by Interim Ordinance No. 16-08-738. These measures consist of drafting an ordinance prohibiting all commercial cannabis activity and uses except for cannabis deliveries, prohibiting outdoor cannabis cultivation, and adopting reasonable regulations pertaining to indoor cannabis cultivation. On October 9, 2017, the Planning Commission recommended City Council approval of the draft Ordinance. The City Council will be considering the draft Ordinance at its November 6, 2017 meeting. If the City Council elects to adopt the permanent regulations, such regulations would not go into effect until after Interim Ordinance No. 16-08-738 expires. Therefore, to ensure that the prohibitions on commercial non-medical cannabis activity and outdoor cannabis cultivation remain in place until a permanent ordinance is in effect, a further extension of the interim prohibitions is warranted.

H. On October 16, 2017, the City Council conducted a duly noticed public hearing the adoption of this Interim Ordinance at which time all persons interested in the Interim Ordinance had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing.

I. The City Council finds that there is a current and immediate threat to the public health, safety and welfare created by the enactment of the AUMA because marijuana can be cultivated outdoors on private residences as of November 9, 2016. The passage of the AUMA also creates the potential for commercial non-medical cannabis uses to be established in the City prior to the establishment of zoning regulations under normal planning and zoning processes of the City. Based on the City's need for additional time to enact permanent regulations concerning commercial cannabis activities and outdoor cultivation, the City Council finds and declares that this Interim Ordinance must be enacted as an urgency ordinance pursuant to California Government Code section 65858 and take effect concurrent with the expiration of Interim Ordinance No. 16-08-738.

J. All legal prerequisites to the adoption of this Interim Ordinance have occurred.

II. Interim Ordinance

NOW, THEREFORE, the City Council hereby ordains as follows:

Section 1. The City Council finds that the facts set forth in the Recitals, Section I, of this Interim Ordinance are true and correct.

Section 2. Authority. Pursuant to Government Code section 65858, the City Council may adopt as an urgency measure, an interim ordinance that prohibits any uses that may be in conflict with a contemplated zoning proposal which a legislative body is considering or studying or intends to study within a reasonable period of time.

"Cultivation" shall include any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

"Delivery" shall mean the commercial transfer of marijuana or marijuana products to a customer. Delivery also includes the use by a retailer of any technology platform.

"Marijuana" shall include all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include (a) industrial hemp, as defined in Section 11018.5 of the Health and Safety Code; (b) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product. "Marijuana" shall also not include marijuana that cultivated for medical purposes by qualified patients, primary caregivers or persons with identification cards for the personal use by the qualified patient or person with identification card. The terms qualified patient, primary caregiver and identification card shall have the same meaning as defined in Health and Safety Code section 11362.7.

"Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.

Section 4. Prohibition.

- A. Commercial non-medical marijuana activity is expressly prohibited in all zones and all specific plan areas in the City. No person shall establish, operate, maintain, conduct or allow commercial non-medical marijuana activity anywhere within the City. No application for a building permit, conditional use permit, business license, or any other entitlement authorizing the establishment, operation, maintenance, development, or construction of any use that allows for commercial non-medical marijuana activity shall be approved during the term of the prohibition established in this Interim Ordinance.
- B. Paragraph A of this section 4 is meant to prohibit all activities for which a State license is required pursuant to the AUMA. Accordingly, the City shall not issue any permit, license or other entitlement for any activity for which a State license is required under the AUMA. The City shall also not issue any local license to a non-profit pursuant to provisions of Business and Professions Code section 26070.5.
- C. Marijuana shall not be cultivated outdoors upon the grounds of a private residence. Indoor marijuana cultivation will be allowed consistent with State law which permits no more than six live marijuana plants to be planted, cultivated, harvested, dried, or processed within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured. Any marijuana cultivation that exceeds the limits set forth in this subsection is hereby declared to be unlawful and a public nuisance.

Section 5. Nothing in this Interim Ordinance shall be interpreted to the effect that the City's permissive zoning scheme allows any other use not specifically listed therein.

Section 6. Public Nuisance. Any use or condition caused, or permitted to exist, in violation of any provision of this Interim Ordinance shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure section 731 or by any other remedy available to the City.

Section 7. Penalty. Violation of any provision of this Interim Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and

Section 9. CEQA. It can be seen with certainty that there is no possibility that the adoption of the Interim Ordinance may have a significant effect on the environment because the Interim Ordinance will only impose greater and temporary limitations on marijuana-related uses allowed in the City, and will thereby serve to prevent potentially significant adverse environmental impacts. Placing such a restriction on the use of property will not result in a permanent alteration of property nor the construction of any new or expanded structures. The City Council has reviewed staff's determination of exemption and based on its own independent judgment, concurs in staff's determination that the Interim Ordinance is exempt from CEQA. The adoption of the Interim Ordinance is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations.

Section 10. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Interim Ordinance, is for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Interim Ordinance. The City Council hereby declares that it would have adopted this Interim Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 11. This Interim Ordinance shall become operative concurrent with the expiration of Interim Ordinance No. 16-08-738 and shall expire one year after said effective date, unless sooner repealed.

Section 12. The Mayor shall sign and the City Clerk shall attest to the adoption of this Interim Ordinance and shall cause the same to be published as required by law.

ADOPTED this 16th day of October, 2017.

AYES:	<u>GRIMES, WIGGINS, SMITH, WAHSTROM</u>
NOES:	<u>NONE</u>
ABSENT:	<u>NONE</u>
ABSTAIN:	<u>HETGE</u>

ED Grimes

ED GRIMES, MAYOR
CITY OF TEHACHAPI

ATTEST:

Tori Marsh

TORI MARSH, CITY CLERK
CITY OF TEHACHAPI

STATE OF CALIFORNIA,
County of Kern)

I, *Marianna Gutierrez*, City Clerk of the CITY OF TEHACHAPI, State of California, hereby certify the foregoing to be a full, true and correct copy of the original *Ordinance 17-199* on file in this office and that I have compared the same with the original. WITNESS my hand and seal this *26th* day of *October*.

Marianna Gutierrez, City Clerk

By: _____

By: *mf*

Deputy City Clerk

STATE OF CALIFORNIA
COUNTY OF KERN
CITY OF TEHACHAPI

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EXHIBIT 30

ORDINANCE NO. 17-08-746

AN ORDINANCE OF THE CITY OF TEHACHAPI AMENDING TITLE 18, THE ZONING CODE, TO PROHIBIT ALL COMMERCIAL CANNABIS ACTIVITY AND USES (BOTH MEDICINAL AND ADULT-USE), TO PROHIBIT OUTDOOR CANNABIS CULTIVATION, AND TO ALLOW INDOOR CANNABIS CULTIVATION CONSISTENT WITH STATE LAW, AND MAKING ENVIRONMENTAL FINDINGS IN SUPPORT THEREOF

THE CITY COUNCIL OF THE CITY OF TEHACHAPI DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Intent. The City Council of the City of Tehachapi, as the legislative body of the City, makes the following findings in support the adoption of this Ordinance.

A. The City of Tehachapi, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California.

B. The purpose of this Ordinance is to update the City's municipal and zoning regulations to reflect changes in State law. In particular, in adopting this Ordinance, the City Council seeks to prohibit all commercial cannabis uses and activities (both medicinal and adult-use), prohibit outdoor cannabis cultivation, and permit indoor cannabis cultivation consistent with State law.

C. On October 9, 2015, Governor Brown signed Assembly Bill No. 243, Assembly Bill No. 266, and Senate Bill 643 into law, which were collectively known as the Medical Cannabis Regulation and Safety Act (hereinafter "MCRSA"). The MCRSA established a State licensing scheme for commercial medical cannabis uses, while protecting local control by requiring that all such businesses have a local license or permit to operate in addition to a State license. The MCRSA allowed the City to completely prohibit commercial medical cannabis activities.

D. On November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"). The AUMA added Division 10 to the California Business and Professions Code, sections 26000, *et seq.*, which grants State agencies the authority to create, issue, renew, discipline, suspend, or revoke licenses for non-medical cannabis businesses. The AUMA provides that the State shall begin issuing licenses to non-medical cannabis businesses under Division 10 of the California Business and Professions Code by January 1, 2018.

E. On June 27, 2017, the Governor signed into law Senate Bill 94 which repealed the MCRSA, included certain provisions of the MCRSA in the licensing provisions of the AUMA, and created a single regulatory scheme for both medicinal and adult-use cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). The MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether commercial cannabis activity can occur in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that the MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the State, within that local jurisdiction. Furthermore, the MAUCRSA provides that a State licensing authority shall not approve an application for a State license for a business to engage in commercial cannabis activity if approval of the State license will violate the provisions of any local ordinance or regulation. The MAUCRSA requires that a State licensing authority begin issuing licenses to cannabis businesses beginning January 1, 2018. The MAUCRSA also requires that a city provide a copy of its ordinance regarding commercial cannabis activity to the Bureau of Cannabis Control.

F. On October 9, 2017, the Planning Commission of the City of Tehachapi held a public hearing regarding this Ordinance, at which time all persons interested in this Ordinance had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the

conclusion of the Planning Commission hearing, and after due consideration of the testimony, the Planning Commission adopted Resolution No. 17-11 recommending that the City Council adopt the zoning code amendments contained in this Ordinance to prohibit all commercial cannabis uses and activity, prohibit outdoor cannabis cultivation, and allow indoor cannabis cultivation as required by State law.

G. On November 6, 2017, the City Council of the City of Tehachapi held a public hearing on this Ordinance, at which time all persons interested in the Ordinance had the opportunity and did address the City Council on these matters. Following the receipt of public testimony and all evidence, the City Council closed the public hearing.

H. The Ordinance is consistent with the City's General Plan. Staff has determined the Ordinance implements Objective 6 of the Safety Element which states: "Minimize risk to life and property from fire hazards. . ." Commercial cannabis businesses, particularly those businesses engaged in commercial cannabis cultivation, have caused explosions and fires in other cities which have lead to property damage. Prohibiting these uses will therefore minimize injury, loss of life, and property damage. Additionally, the Ordinance implements Objective 3 of the Town Form Element of the General Plan which states that "Tehachapi's community vision as a small mountain town is dependent upon several physical factors. A primary factor is the set of development parameters that will support what people like about Tehachapi. These same parameters then need to enable new development to fit into the community vision." The majority of voters in Tehachapi voted against the AUMA and, therefore, a prohibition on all commercial cannabis activity and uses will remain true to Tehachapi's community vision as a small mountain town and will help support of what residents like about Tehachapi.

I. All legal prerequisites to the adoption of this Ordinance have occurred.

Section 2. Code Amendment. Section 6.20.170 (Cannabis Uses and Cultivation) is hereby added to Chapter 6.20 (Applicable to all zones) of Title 18 of the Tehachapi Zoning Code to read as follows:

"SECTION 6.20.170 CANNABIS USES AND CULTIVATION

A. Purpose

1. The city council finds that federal law prohibits the possession, manufacture, distribution, and dispensing of cannabis, and in order to serve the public health, safety, and welfare of the residents and businesses within the city, the declared purpose of this section is to prohibit commercial marijuana activity and uses, both medicinal and adult-use, within the city, as provided in this section.

2. California Business and Professions Code section 26055(d) provides that a State licensing authority shall not approve an application for a State license for a cannabis business if approval of the State license will violate the provisions of any local ordinance or regulation. California Business and Professions Code section 26200 authorizes a city to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more cannabis businesses licensed under the State, within that city.

3. The city council finds that a prohibition on all commercial marijuana activity and uses, is necessary for the preservation and protection of the public health, safety, and welfare for the city and its community. The city council's prohibition of such activity is within the authority conferred upon the city council by State law and is an exercise of its police powers to enact and enforce regulations for the public health, safety, and welfare of the city and its community.

B. Prohibited Uses

1. Commercial cannabis activity and commercial cannabis uses are expressly prohibited in the city. No person shall engage in commercial cannabis activity in the city. This prohibition shall apply to all activities and uses for which a State license is required pursuant to the MAUCRSA. The city shall not approve any application for a building permit, conditional use permit, variance, or any other entitlement authorizing the establishment, operation, maintenance, development, or construction of any commercial cannabis use.

2. A property owner shall not rent, lease or otherwise permit any person to engage in commercial cannabis activity on such owner's property.

3. Outdoor cannabis cultivation is prohibited everywhere in the city. No person owning, renting, leasing, occupying or having charge or possession of any parcel shall cause or allow such parcel to be used for cultivating cannabis outdoors.

4. No person, including a qualified patient or primary caregiver, may cultivate cannabis indoors unless such cultivation is conducted in strict compliance with subsection C below.

C. Indoor cannabis cultivation

1. A maximum of six cannabis plants may be cultivated in a private residence, or inside an accessory structure located upon the grounds of a private residence.

2. Only persons 21 years of age or older may cultivate cannabis. Any cannabis cultivation must comply with the requirements set forth in California Health and Safety Code sections 11362.1 and 11362.2.

3. Cannabis cultivation is permitted only within fully enclosed and secure structures.

D. Exemptions.

This Section does not apply to any of the following:

1. Any activities the city is required by State law to permit within its jurisdiction pursuant to California Health and Safety Code section 11362.1, California Business and Profession Code section 26054, or any other preemptive statute.

2. Transportation of cannabis and cannabis products through the City's territory on public roads in compliance with the MAUCRSA by persons holding a state license for such activity. This exemption does not allow a person to deliver cannabis or cannabis products, where the delivery either originates or terminates within the City.

E. Violation, penalty.

1. No provision of this Section authorizes a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code section 11362.71, *et seq.* or section 11362.1, *et seq.*, as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under Section 10.50.060 of the Tehachapi Zoning Code and any penalties set forth in State law, the maximum penalties allowable under State law shall govern.

2. A court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party in any nuisance abatement action brought to enforce this section if, at the initiation of the proceeding, the City elects to seek recovery of its own attorneys' fees."

Section 3. Zoning Code Amendment. C. Definitions of Section 11.10.020 (Definitions of Specialized Terms and Phrases) of Chapter 11.10 (Definitions) of Article 11 (Definitions) of Title 18 of the Tehachapi Zoning Code is hereby amended to add the definitions of "cannabis," "cannabis product," "commercial cannabis activity," "commercial cannabis use," "Compassionate Use Act," "concentrated cannabis," and "cultivation" in alphabetical order as follows with all other provisions of C. Definitions of Section 11.10.020 remaining unchanged:

"Cannabis" means all parts of the plant *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" includes cannabis that is used for medicinal, adult-use, or other purposes. "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. "Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code section 11018.5.

"Cannabis product" or "cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not

limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

"Commercial cannabis activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medicinal, adult-use, or any other purpose and includes the activities of any business licensed by the State under Division 10 of the California Business and Professions Code, or any provision of State law that regulates the licensing of cannabis businesses. Commercial cannabis activity does not include the cultivation, possession, storage, manufacturing, or transportation of cannabis by a qualified patient for his or her personal medical use so long as the qualified patient does not provide, donate, sell or distribute cannabis to any other person. Commercial cannabis activity also does not include the cultivation, possession, storage, manufacturing, transportation, donation or provision of cannabis by a primary caregiver, exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code section 11362.765.

"Commercial cannabis use" means the use of any property for commercial cannabis activity.

"Compassionate Use Act" means the Compassionate Use Act of 1996 (Proposition 215), codified as California Health and Safety Code Section 11362.5.

"Concentrated cannabis" means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

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

Section 4. Zoning Code Amendment. D. Definitions of Section 11.10.020 (Definitions of Specialized Terms and Phrases) of Chapter 11.10 (Definitions) of Article 11 (Definitions) of Title 18 of the Tehachapi Zoning Code is hereby amended to add the definitions of "delivery" and "distribution" in alphabetical order as follows with all other provisions of D. Definitions of Section 11.10.020 remaining unchanged:

"Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform.

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities licensed under Division 10 of the California Business and Professions Code, as the same may be amended from time to time.

Section 5. Zoning Code Amendment. F. Definitions of Section 11.10.020 (Definitions of Specialized Terms and Phrases) of Chapter 11.10 (Definitions) of Article 11 (Definitions) of Title 18 of the Tehachapi Zoning Code is hereby amended to add the definition of "fully enclosed and secure structure" in alphabetical order as follows with all other provisions of F. Definitions of Section 11.10.020 remaining unchanged:

"Fully enclosed and secure structure" means a space that satisfies all of the following criteria: (i) it is located within a private residence, or an accessory structure (i.e. greenhouse) located upon the grounds of a private residence, (ii) it has a complete roof enclosure supported by connecting walls extending from the ground to the roof; (iii) it is secure against unauthorized entry; (iv) it provides complete visual screening; (v) it is accessible only through one or more lockable doors; and (vi) it is inaccessible to minors.

Section 6. Zoning Code Amendment. I. Definitions of Section 11.10.020 (Definitions of Specialized Terms and Phrases) of Chapter 11.10 (Definitions) of Article 11 (Definitions) of Title 18 of the Tehachapi Zoning Code is hereby amended to add the definition of "indoors" in alphabetical order as follows with all other provisions of I. Definitions of Section 11.10.020 remaining unchanged:

"Indoors" means within a fully enclosed and secure structure.

Section 7. Zoning Code Amendment. M. Definitions of Section 11.10.020 (Definitions of Specialized Terms and Phrases) of Chapter 11.10 (Definitions) of Article 11 (Definitions) of Title 18 of the Tehachapi Zoning Code is hereby amended to add the definitions

of "manufacture" and "MAUCRSA" in alphabetical order as follows with all other provisions of M. Definitions of Section 11.10.020 remaining unchanged:

"Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

"MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in Division 10 of the Business and Professions Code, as the same may be amended from time to time.

Section 8. Zoning Code Amendment. O. Definitions of Section 11.10.020 (Definitions of Specialized Terms and Phrases) of Chapter 11.10 (Definitions) of Article 11 (Definitions) of Title 18 of the Tehachapi Zoning Code is hereby amended to add the definition of "outdoors" in alphabetical order as follows with all other provisions of O. Definitions of Section 11.10.020 remaining unchanged:

"Outdoors" means any location that is not within a fully enclosed and secure structure.

Section 9. Zoning Code Amendment. P. Definitions of Section 11.10.020 (Definitions of Specialized Terms and Phrases) of Chapter 11.10 (Definitions) of Article 11 (Definitions) of Title 18 of the Tehachapi Zoning Code is hereby amended to add the definitions of "person," "primary caregiver" and "private residence" in alphabetical order as follows with all other provisions of P. Definitions of Section 11.10.020 remaining unchanged:

"Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, collective, cooperative, non-profit, or any other group or combination acting as a unit, and the plural as well as the singular.

"Primary caregiver" shall have the same meaning as is defined in California Health and Safety Code section 11362.7(d), as the same may be amended from time to time.

"Private residence" means a house, an apartment unit, mobile home, or other similar dwelling that is lawfully used as a residence.

Section 10. Zoning Code Amendment. Q. Definitions of Section 11.10.020 (Definitions of Specialized Terms and Phrases) of Chapter 11.10 (Definitions) of Article 11 (Definitions) of Title 18 of the Tehachapi Zoning Code is hereby amended to add the definition of "qualified patient" in alphabetical order as follows with all other provisions of Q. Definitions of Section 11.10.020 remaining unchanged:

"Qualified patient" means a person who is entitled to the protections of California Health and Safety Code section 11362.5, as the same may be amended from time to time, but who does not have an identification card.

Section 11. CEQA. The City Council finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment because it will not result in a permanent alteration of property, the construction of any new or expanded structures, or otherwise result in any physical changes in the environment. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations. This Ordinance is exempt from the environmental review requirements of CEQA pursuant to Section 15305 of Title 14 of the California Code of Regulations. The Ordinance makes minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density since it is prohibiting all commercial cannabis activity and uses. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Kern in accordance with CEQA Guidelines.


Section 12. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 13. Certification and Publication. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published in accordance with Government Code Section 36933.

Section 14. Submission to State. The Community Development Director shall submit a copy of this Ordinance to the Bureau of Cannabis Control.

PASSED, APPROVED AND ADOPTED this 18th day of December, 2017.


AYES: GRIMES, WIGGINS, SMITH, WAHLSTROM
NOES: HETGE
ABSTAIN: NONE
ABSENT: NONE


ED GRIMES, Mayor
City of Tehachapi

ATTEST:


TORI MARSH, City Clerk
City of Tehachapi

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on December 18, 2017.


TORI MARSH, City Clerk
City of Tehachapi

STATE OF CALIFORNIA:
County of Kern
I, ASHLEY WHITMORE, Deputy City Clerk of the CITY OF TEHACHAPI,
State of California, hereby certify the foregoing to be a full, true
and correct copy of the original Drd 17-08-746, on file
in this office and that I have compared the same with the original.
WITNESS my hand and seal this 9th day of April, 2020
ASHLEY WHITMORE, Deputy City Clerk
By: 