

18.42.055 Commercial Cannabis Cultivation

In addition to the operating requirements set forth in Chapter 9.30 of the Municipal Code, this Section provides location and operating requirements for commercial cannabis cultivation. Chapter 9.30 and Section 18.100.020 contains definitions of terms used herein.

- A. **Conditional use.** A Minor Use Permit shall be required to commercially cultivate mature or flowering cannabis plants in accordance with Table 2-10 of Section 18.24.030.
- B. **Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, commercial cannabis cultivation shall comply with the following operational requirements:
 1. **Employees.** The cannabis operator shall maintain a current register of the names of all employees and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this Section and/or any project specific conditions of approval prescribed in the Minor Use Permit.
 2. **Visitors.** Only employees, managers, owners, and government agency representatives are allowed in non-public areas of the business. Any other visitors to non-public areas must be documented in a log.
 3. **Utilities.**
 - a. Commercial cannabis cultivation shall use the best available technologies for water systems and water recycling and are encouraged to use an alternate source of water from the City's potable water system.
 - b. Commercial cannabis cultivators shall use energy efficient lighting and equipment. A cannabis cultivator shall provide proof of the utility provider's ability to provide reliable power to the cultivation site.
 - c. Electricity must be exclusively provided by a renewable energy source, including but not limited to:
 1. Grid power supplied from a 100% renewable source, or
 2. An on-site renewable energy system
 - d. Cultivation projects shall use environmentally friendly practices including integrative pest management and waste reduction.
 4. **Odor.** Cannabis cultivations shall use the best available technology to ensure odors are not detected on adjacent or nearby property or areas open to the public.
- C. **Accessory uses to commercial cultivation.** As defined in Article 10, accessory uses are customarily incidental related and clearly subordinate in area, extent, and purpose to a primary use on the same parcel and which does not alter the primary use. nor serve property other than the parcel where the primary use is located. Accessory uses may include activities that require additional State cannabis licenses including processing, manufacturing, distribution and retail.

18.42.057 Cannabis Storefront Retail

In addition to the operating requirements set forth in Chapter 9.30, this Section provides location and operating requirements for cannabis retail. ~~Chapter 9.30~~ **Article 10** contains definitions of terms used herein.

- A. **Conditional use.** A Minor Use Permit shall be required to operate cannabis retail in accordance with Table 2-6 of Article [2](#).
- B. **Additional Permits and Licenses Required.** A cannabis storefront retail business shall obtain a cannabis business permit subject to Chapter 9.30 of the Municipal Code and any required state licenses prior to operation.
- C. **Delivery services.** The primary use of a cannabis retail use shall be to sell products directly to on-site customers. Sales may also be conducted by delivery. Cannabis retail uses engaging in delivery in addition to on-site sales shall be subject to the following requirements:
 - a. Commercial delivery to locations outside a permitted cannabis retail facility shall only be permitted in conjunction with a permitted cannabis retail facility that has a physical location and a retail storefront open to the public. A cannabis retail use shall not conduct sales exclusively by delivery. Delivery of cannabis without a storefront component shall be considered cannabis retail - delivery only, and subject to the requirements of § 18.42.059, in addition to Chapter 9.30.
 - b. Minor Use Permit applications for cannabis retail shall include a statement as to whether the use will include delivery of cannabis and/or cannabis products to customers located outside the cannabis retail facility. If a permitted cannabis retail use without a delivery component chooses to provide delivery services at a later date, an amendment to the Minor Use Permit shall be required.
 - c. If delivery services will be provided, the application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set forth in Chapter 9.30, this Section, and State law.
- D. **Drive-through services.** Drive-through or walk-up window services in conjunction with cannabis retail are prohibited.
- ~~E. **Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, cannabis retail shall comply with the following operational requirements:~~
 - ~~a. **Employees.** The cannabis operator shall maintain a current register of the names of all employees employed by the cannabis retailer, and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this Section and/or any project specific conditions of approval prescribed in the Minor Use Permit.~~
 - ~~b. **Recordkeeping.** The cannabis operator shall maintain patient and sales records in accordance with State law.~~
 - ~~c. **Photo identification.** No person shall be permitted to enter a cannabis retail facility without government issued photo identification. Cannabis~~

~~businesses shall not provide cannabis or cannabis products to any person, whether by purchase, trade, gift or otherwise, who does not possess a valid government issued photo identification card.~~

~~4.~~ **E. Hours of operation.** Cannabis retail may operate between the hours of 9:00 a.m. to 97:00 p.m. up to 7 days per week unless the review authority imposes more restrictive hours due to the particular circumstances of the application. The basis for any restriction on hours shall be specified in the permit. Cannabis retail uses shall only be permitted to engage in delivery services during hours that the storefront is open to the public, unless the review authority permits delivery outside these hours.

F. Lighting and Screening. Projects that are on properties adjacent to residential properties shall comply with §18.30.050(F) and §18.30.070.

G. Location. A cannabis retail business shall not be located within 150 feet of a school providing instruction in kindergarten or any grades 1 through 12, a child day care center or facility as defined in Article 10, or a youth center as defined in the State of California Health and Safety Code Section 11353.1(e)(2). A cannabis retail shall not be located within 25 feet of a residentially zoned parcel (measured parcel line to parcel line). The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school/youth center/residential zone to the closest property line of the lot on which the cannabis business is located.

~~E. Accessory uses.~~ As defined in Article 10, accessory uses are customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use. Uses accessory to cannabis retail facilities may be allowable pursuant to the permitting requirements in Article 2. Accessory uses may include activities that require multiple State cannabis licenses, including, but not limited to, manufacturing, distribution, cultivation and/or processing. In no instance shall cannabis manufacturing using volatile solvents be allowable as uses accessory to cannabis retail uses.

H. Accessory uses. As defined in Article 10, an accessory use is customarily incidental related and clearly subordinate in area, extent, and purpose to a primary use on the same parcel and which does not alter the primary use. nor serve property other than the parcel where the primary use is located. Accessory uses are determined by square footage and the definitions in Article 10.

1. The following uses are allowable as accessory uses to cannabis storefront retail. In addition to meeting the definition of accessory, the combined accessory uses shall not exceed the total square footage of the primary use:

Zone	Allowable Accessory Uses
Central Business District	Nursery (non-flowering) cultivation; Cannabis - Artisan/craft manufacturing; Retail Delivery; On-Site Distribution

Highway Visitor Commercial	Nursery (non-flowering) cultivation; Processing; Cannabis - Artisan/craft manufacturing; Manufacturing (non-volatile); Distribution and Wholesale; Retail Delivery; On-Site Distribution
General Commercial	Nursery (non-flowering) cultivation; Processing; Distribution and Wholesale; Cannabis - Artisan/craft manufacturing; Manufacturing (non-volatile); Retail Delivery; On-Site Distribution

2. In no instance shall cannabis manufacturing using volatile solvents be allowable as an accessory use to cannabis retail.
3. A commercial cannabis nursery may be allowable as an accessory use to a cannabis retail business provided that the following criteria are met:
 - i. Nursery plants cultivated on sites are only sold as retail on-site.
 - ii. No flowering or mature plants are cultivated on-site.
 - iii. The nursery is clearly accessory to the retail business.
 - iv. The nursery cultivation takes place in a fully enclosed and secure structure as defined in Chapter 9.30.020.
- I. **On-Site consumption not allowed.** The consumption of cannabis at a retail cannabis dispensary or within the parking lot or public right-of-way is not allowed.