ORDINANCE NO. ORD-2017-025

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ENACTING COMPREHENSIVE REGULATIONS FOR CANNABIS THROUGH THE AMENDMENT OF SANTA ROSA CITY CODE SECTIONS 20-23.030, TABLE 2-2 (ALLOWED LAND USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS), TABLE 2-6 (ALLOWED LAND USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS), SECTION 20-24.030, TABLE 2-10 (ALLOWED LAND USES AND PERMIT REQUIREMENTS FOR INDUSTRIAL DISTRICTS), SECTION 20-36.040, TABLE 3-4 (AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE), SECTION 20-70.020 (DEFINITIONS), THE REPEAL AND REPLACEMENT OF CHAPTER 20-46 (MEDICAL CANNABIS CULTIVATION) WITH CHAPTER 20-46 (CANNABIS), THE REPEAL OF CHAPTER 10-40 (MEDICAL CANNABIS DISPENSARIES) AND THE ADOPTION OF EXEMPTION FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT – FILE NUMBER REZ17-002

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that:

A. Pursuant to its police powers, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), SB 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.

B. The City has previously adopted ordinances governing medical cannabis dispensaries and cultivation within the City, and the Zoning Administrator has previously issued a Zoning Interpretation concerning medical cannabis support uses in the City which addresses medical cannabis manufacturing, testing laboratories, and distribution.

C. The City wishes to establish a uniform regulatory structure for all cannabis uses in the City in accordance with state law.

D. The proposed zoning amendments contained herein are consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that the amendments will direct commercial cannabis businesses to appropriate commercial and industrial districts designated to support such uses. The proposed zoning amendments are internally consistent with other applicable provisions of Title 20 of the Code in that the entirety of the Code will apply to medical and adult use cannabis as a new land use classification, such as identifying where the use is allowed, under what permit authority, development and parking standards and locational and operating requirements. The proposed zoning changes will result in land uses in residentially, commercially and industrially zoned areas that are compatible with existing and future uses and will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

E. Chapter 20-46 of the Code is a permissive ordinance and, except as otherwise expressly provided, the amendments adopted herein do not confer any additional rights or permits related to medical use or adult use cannabis activities.

Section 2. Amend Section 20-23.030, Table 2-2, to read and provide as follows:

TABLE 2-2 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P = Permitted Use, Zoning Clearance required MUP = Minor Conditional Use Permit required CUP = Conditional Use Permit required S = See Specific Use Regulations for permit requirement — = Use not allowed						
	PERMIT REQUIRED BY DISTRICT						**Specific Use Regulations**
LAND USE (1)	**RR**	**R-1**	**R-2**	**R-3**	**MH**	**TV-R**	
AGRICULTURAL & OPEN SPACE USES							
Agricultural accessory structure	P	—	—	—	—	—	
Animal keeping—Livestock, including aviaries	S	—	—	—	—	—	20-42.040
Crop production, horticulture, orchard, vineyard	P	MUP	—	—	—	—	
Initial crop processing	MUP	MUP	—	—	—	—	
Plant nursery	CUP	—	—	—	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Community garden (5)	P	P	P	P	P	P	
Equestrian facility	CUP	—	—	—	—	—	
Golf course/country club, public or quasi-public	CUP	CUP	—	—	—	—	
Health/fitness facility—Quasi-public	MUP	MUP	MUP	MUP	MUP	MUP	
Library/museum	MUP	MUP	MUP	MUP	MUP	P	
Meeting facility, public or private	MUP	MUP	MUP	MUP	MUP	MUP	
Park/playground, public or quasi-public	MUP	MUP	MUP	MUP	MUP	P	
Private residential recreation facility	MUP	MUP	MUP	MUP	MUP	MUP	
School, public or private	MUP	MUP	MUP	MUP	MUP	MUP	
Studio—Art, dance, martial arts, music, etc.	—	—	—	—	—	MUP	
RESIDENTIAL USES (See Section 20-28.080, Senior Housing (-SH) combining district, for specific requirements regarding proposed senior housing developments)							
Agricultural employee housing—6 or fewer residents	P	P	P	P	P	P	
Agricultural employee housing—7 or more residents	MUP	MUP	MUP	MUP	MUP	MUP	
Animal keeping—Domestic, exotic	S	S	S	S	S	S	20-42.040
Cannabis - personal cultivation	P	P	P	P	P	P	20-46
Community care facility—6 or fewer clients	P	P	P	P	P	P	20-42.060
Community care facility—7 or more clients	MUP	MUP	MUP	MUP	MUP	MUP	20-42.060
Emergency shelter	CUP	CUP	CUP	CUP	CUP	CUP	
Home occupation	S	S	S	S	S	S	20-42.070
Live/work	—	—	—	—	—	P(3)	20-42.080
Mobile home park	CUP	CUP	CUP	CUP	CUP	—	20-42.100
Mobile home/manufactured housing unit	P	P	P	P	P	P	20-42.094
Multi-family dwellings	MUP	MUP	P	P	—	P	
Organizational house (dormitory, sorority, monastery, etc.)	MUP	MUP	CUP	CUP	—	CUP	
Residential accessory structures and uses	P	P	P	P	P	P	20-42.030

TABLE 2-2 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P MUP CUP S —	Permitted Use, Zoning Clearance required Minor Conditional Use Permit required Conditional Use Permit required See Specific Use Regulations for permit requirement Use not allowed					
	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
LAND USE (1)	RR	R-1	R-2	R-3	MH	TV-R	
Residential component of a mixed use project	MUP	MUP	MUP	MUP	MUP	P	20-42.090
Rooming or boarding house	P	P	P	P	—	P	
Rooming or boarding, accessory	P	P	P	P	—	P	
Second dwelling unit	S	S	S	S	—	S	20-42.130
Single-family dwelling	P	P	P(2)	P(2)	—	P(2)	
Small lot residential project	—	CUP	CUP(2)	CUP(2)	—	CUP(2)	20-42.140
Supportive housing	P(4)	P(4)	P	P	P	P	
Transitional housing	P(4)	P(4)	P	P	P	P	
Work/live	—	—	—	—	—	MUP	20-42.060
RETAIL TRADE							
Accessory retail uses	—	—	—	—	MUP	P	20-42.024
Alcoholic beverage sales	—	—	—	—	—	CUP	20-42.034
Artisan shop	—	—	—	—	—	MUP	
General retail—up to 20,000 sf of floor area	—	—	—	—	—	P	
Specialty food store—10,000 sf or less	—	—	—	—	—	P	
Neighborhood center	MUP	MUP	MUP	MUP	MUP	P	
Outdoor display and sales	—	—	—	—	—	MUP	20-42.110
Pharmacy	—	—	—	—	—	P	
Produce stand	MUP	—	—	—	—	MUP	
Restaurant, café, coffee shop—Counter ordering	—	—	—	—	—	P	
Restaurant, café, coffee shop—Outdoor dining	—	—	—	—	—	MUP	20-42.110, 20-42.160
Restaurant, café, coffee shop—Serving alcohol (no bar)	—	—	—	—	—	MUP	
Restaurant, café, coffee shop—Table service	—	—	—	—	—	P	
Second hand store	—	—	—	—	—	MUP	
SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL							
ATM	—	—	—	—	—	P	20-42.044
Medical service—Health care facility—6 or fewer patients	P	P	P	P	P	P	20-42.060
Medical service—Health care facility—7 or more patients	MUP	MUP	MUP	MUP	MUP	MUP	20-42.060
Medical service—Integrated medical health center	—	—	MUP	MUP	—	MUP	
SERVICES—GENERAL							
Accessory service uses	—	—	—	—	MUP	MUP	20-42.024
Adult day care	MUP	MUP	MUP	MUP	MUP	MUP	
Child day care—Large family day care home	MUP	MUP	MUP	MUP	CUP	MUP	20-42.050
Child day care—Small family day care home	P	P	P	P	P	P	
Child day care center (15 or more clients)	CUP	CUP	CUP	CUP	—	MUP	20-42.050
Extended hours of operation (11:00 p.m. to 6:00 a.m.)	—	—	—	—	—	CUP	
Lodging—Bed & breakfast inn (B&B)	MUP	MUP	—	—	—	—	
Personal services	—	—	—	—	—	MUP	
Public safety facility	MUP	MUP	MUP	MUP	MUP	MUP	

TABLE 2-2 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P MUP CUP S —	Permitted Use, Zoning Clearance required Minor Conditional Use Permit required Conditional Use Permit required See Specific Use Regulations for permit requirement Use not allowed						
	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
LAND USE (1)	RR	R-1	R-2	R-3	MH	TV-R		
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE								
Telecommunications antenna	S	S	S	S	S	S		20-44
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP		
Utility infrastructure	P	P	P	P	P	P		

Key to Zoning District Symbols

RR	Rural Residential	**R-3**	Multi-Family Residential
R-1	Single-Family Residential	**MH**	Mobile Home Park
R-2	Medium Density Multi-Family Residential	**TV-R**	Transit Village-Residential

Notes:

(1) See Division 7 for land use definitions.

(2) Single-family dwellings allowed only as attached units.

(3) A building permit is required to verify occupancy standards.

(4) A Minor Use Permit is required for the construction of new multi-family supportive and transitional housing units in an RR or R-1-6 Zoning District, similar to construction of a new traditional multi-family unit in an RR or R-1-6 Zone. A new supportive or transitional housing use occupying an existing multi-family residence in an RR or R-1-6 Zoning District is a permitted use requiring only a Zoning Clearance.

(5) A community garden is allowed on the same property as an existing permitted meeting facility provided that the establishment of the garden does not trigger a grading permit or affect the operation and design of the meeting facility.

Section 3. Amend Section 20-23.030, Table 2-6, to read and provide as follows:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P = Permitted Use, Zoning Clearance required MUP = Minor Conditional Use Permit required CUP = Conditional Use Permit required S = See Specific Use Regulations for permit requirement — = Use not allowed							
	PERMIT REQUIRED BY DISTRICT							
LAND USE (1)	**CO**	**CN (7)**	**CG**	**CV**	**CD (3)**	**CSC (2)**	**TV-M**	**Specific Use Regulations**
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING								
Artisan/craft product manufacturing	—	MUP	P	—	—	P	—	
Brewery—Brew pub	—	MUP	MUP	—	MUP	MUP	MUP	
Cannabis—Testing laboratory	MUP	—	—	—	—	—	—	20-46
Laboratory—Medical, analytical	MUP	—	—	—	—	—	—	
Printing and publishing	—	—	—	—	MUP	—	—	
Recycling—Reverse vending machines	—	P	P	—	—	P	—	20-42.120
Recycling—Small collection facilities	—	—	MUP	—	—	MUP	—	20-42.120
Storage—Accessory	P	P	P	P	P	P	P	
Storage—Personal storage facility (mini-storage)	—	—	MUP	—	—	—	—	20-42.180
Winery—Boutique	—	—	MUP	—	MUP	MUP	MUP	
Winery—Production	—	—	CUP	—	CUP	—	CUP	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES								
Adult entertainment business	S	S	S	S	S	S	S	20-40
Commercial recreation facility—Indoor	—	—	MUP	—	MUP	MUP	MUP	
Community garden (6)	P	P	P	P	P	P	P	
Conference/convention facility	—	—	CUP	—	CUP	—	CUP	
Health/fitness facility—Commercial	—	MUP	P	—	P	P	MUP	
Health/fitness facility—Quasi-public	—	MUP	P	—	P	P	MUP	
Library, museum	P	P	P	MUP	P	P	P	
Meeting facility, public or private	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Park, playground	P	P	P	MUP	P	P	P	
School, public or private	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Sports and entertainment assembly facility	—	—	CUP	—	CUP	—	—	
Studio—Art, dance, martial arts, music, etc.	MUP	P	P	—	P	P	MUP	
Theater, auditorium	—	—	CUP	—	CUP	CUP	MUP	
RESIDENTIAL USES (See Section 20-28.080, Senior Housing (-SH) combining district, for specific requirements regarding proposed senior housing developments)								
Animal keeping—Domestic and exotic	S	S	S	—	S	S	S	20-42.040
Community care facility—6 or fewer clients	P	P	P	—	P	P	P	20-42.060
Community care facility—7 or more clients	MUP	MUP	MUP	—	MUP	MUP	MUP	20-42.060
Emergency shelter—50 or fewer beds	CUP	CUP	P	CUP	CUP	CUP	CUP	20-42.190
Emergency shelter—51 or more beds	CUP	CUP	CUP	CUP	CUP	CUP	CUP	20-42.190
Home occupation	S	S	S	—	S	S	S	20-42.070
Live/work	MUP	MUP	MUP	—	MUP	MUP	MUP	20-42.080
Multi-family dwelling	CUP	P	MUP	—	MUP	P	P(5)	
Residential accessory uses and structures	P	P	P	—	P	P	P	20-42.030
Residential component of a mixed use project	MUP	P	MUP	—	MUP	P	P(5)	20-42.090
Single-family dwelling—Attached only	CUP	P	CUP	—	MUP	P	P(5)	
Single room occupancy facility			CUP		CUP	CUP	—	20-42.164
Transitional housing	CUP	CUP	CUP	CUP	CUP	—	CUP	
Work/live	MUP	MUP	MUP	MUP	MUP	MUP	MUP	20-42.060
RETAIL TRADE								
Accessory retail uses	P	P	P	P	P	P	P	20-42.024
Alcoholic beverage sales	—	CUP	CUP	—	CUP	CUP	CUP	20-42.034
Artisan shop	—	P	P	—	P	P	P	
Auto and vehicle sales and rental	—	—	MUP	P	—	—	—	

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P = Permitted Use, Zoning Clearance required MUP = Minor Conditional Use Permit required CUP = Conditional Use Permit required S = See Specific Use Regulations for permit requirement — = Use not allowed							
	PERMIT REQUIRED BY DISTRICT							
LAND USE (1)	CO	CN (7)	CG	CV	CD (3)	CSC (2)	TV-M	Specific Use Regulations
Auto parts sales (no installation services)	—	—	P	P	—	P	—	
Bar/tavern	—	CUP	CUP	—	CUP	CUP	CUP	20-42.034
Building and landscape materials sales—Indoor	—	—	P	—	—	P	—	
Building and landscape materials sales—Outdoor	—	—	MUP	—	—	MUP	—	20-42.100
Construction and heavy equipment sales and rental	—	—	—	MUP	—	—	—	
Cannabis—Retail (dispensary) and delivery	CUP(10)	CUP(10)	CUP(10)	—	—	CUP(10)	—	20-46
Drive-through retail sales	—	CUP	CUP	—	—	CUP	—	20-42.064
Farm supply and feed store	—	—	MUP	—	—	MUP	—	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	CUP	—	—	—	
Furniture, furnishings, appliance/equipment store	—	—	P	—	P	P	MUP	
Gas station	CUP	CUP	CUP	CUP	CUP	CUP	—	20-42.150
General retail—Up to 20,000 sf of floor area	—	P	P	—	P	P	P	
General retail—More than 20,000 sf, up to 50,000 sf	—	MUP	P	—	P	P	MUP	
General retail—More than 50,000 sf of floor area	—	—	CUP	—	—	P	—	
Grocery store, small—Less than 20,000 sf	—	P	P	—	P	P	P	
Grocery store, large—20,000 sf and greater	—	CUP	CUP	—	P	P	CUP	20-42.200
Mobile food vending	—	—	MUP(9)	—	—	—	—	20-42.210
Mobile home, boat, or RV sales	—	—	MUP	P	—	—	—	
Neighborhood center	MUP	P	P	CUP	P	P	MUP	
Night club	—	—	MUP	—	MUP	MUP	MUP	
Office—Supporting retail	MUP	P	P	—	P	P	P	
Outdoor display and sales	—	MUP	MUP	—	CUP	CUP	CUP	20-42.110
Pharmacy	MUP	P	P	—	P	P	MUP	
Restaurant, café, coffee shop—Counter ordering	MUP	P	P	—	P	P	P	
Restaurant, café, coffee shop—Outdoor dining	P(8)	P(8)	P(8)	—	P(8)	P(8)	P(8)	20-42.110, 20-42.160
Restaurant, café, coffee shop—Serving alcohol (no bar)	P	P	P	—	P	P	P	
Restaurant, café, coffee shop—Table service	MUP	P	P	—	P	P	P	
Second hand store	—	MUP	MUP	—	MUP	MUP	MUP	
Shopping center	—	—	P	—	P	P	—	
Tasting room	—	MUP	P	—	P	P	P	
Tobacco or smoke shop	—	—	MUP	—	MUP	MUP	—	
Warehouse retail	—	—	CUP	—	—	CUP	—	
SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL								
ATM	P	P	P	P	P	P	P	20-42.044
Bank, financial services	MUP	P	P	—	P	P	P(5)	
Business support service	MUP	MUP	P	—	P	P	P	
Medical service—Clinic, urgent care	P	MUP	P	—	P	P	MUP	
Medical service—Doctor office	P	P	P	—	P	P	P(5)	
Medical service—Health care facility	MUP	—	MUP	—	—	—	—	20-42.060
Medical service—Hospital	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Medical service—Integrated medical health center	P	MUP	P	—	P	P	MUP	
Medical service—Lab	P	—	P	—	—	MUP	—	
Medical service—Veterinary clinic, animal hospital	MUP	—	MUP	—	—	MUP	—	
Office—Accessory	P	P	P	P	P	P	P	
Office—Business/service	P	P	P	—	P	P	P(5)	
Office—Government	P	MUP	MUP	MUP	P	MUP	MUP	
Office—Processing	MUP	—	MUP	—	MUP	—	MUP	

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P MUP CUP S —	Permitted Use, Zoning Clearance required Minor Conditional Use Permit required Conditional Use Permit required See Specific Use Regulations for permit requirement Use not allowed						
	PERMIT REQUIRED BY DISTRICT							
LAND USE (1)	CO	CN (7)	CG	CV	CD (3)	CSC (2)	TV-M	Specific Use Regulations
Office—Professional	P	MUP	P	—	P	—	P(5)	
SERVICES—GENERAL								
Accessory services	P	P	P	P	P	P	P	20-42.030
Adult day care	—	P	MUP	—	MUP	P	MUP	
Catering service	—	—	P	—	—	—	—	
Child day care—Large family day care home	MUP	MUP	MUP	—	MUP	MUP	MUP	20-42.050
Child day care—Small family day care home	P	P	P	—	P	P	P	20-42.050
Child day care center	MUP	MUP	MUP	—	MUP	MUP	MUP	20-42.050
Drive-through service	—	CUP	CUP	—	—	CUP	—	20-42.064
Equipment rental	—	—	P(4)	—	—	—	—	
Extended hours of operation (11:00 p.m. to 6:00 a.m.)	—	MUP	MUP	—	P	MUP	MUP	
Lodging—Bed & breakfast inn (B&B)	—	—	MUP	—	P	—	MUP	
Lodging—Hotel or motel	—	—	MUP	—	P(4)	—	P	
Mortuary, funeral home	—	—	CUP	—	—	—	—	
Personal services	P	P(2)	P	—	P	P	P	
Personal services—Restricted	—	—	MUP	—	MUP	MUP	—	
Public safety facility	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Repair service—Equipment, large appliances, etc.	—	—	MUP	—	—	—	—	
Social service organization	MUP	—	MUP	—	MUP	—	—	
Vehicle services—Major repair/body work	—	—	—	P(4)	—	—	—	
Vehicle services—Minor maintenance/repair	—	—	MUP	P(4)	—	MUP	—	
TRANSPORTATION, COMMUNICATION & INFRASTRUCTURE								
Broadcasting studio	P	—	P	—	P	P	P	
Parking facility, public or commercial	MUP	—	MUP	—	P(4)	—	MUP	
Telecommunications facilities	S	S	S	S	S	S	S	20-44
Transit station or terminal	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility infrastructure	P	P	P	P	P	P	P	

Key to Zoning District Symbols

CO	Office Commercial	**CV**	Motor Vehicle Sales	**TV-M**	Transit Village—Mixed
CN	Neighborhood Commercial	**CD**	Downtown Commercial		
CG	General Commercial	**CSC**	Community Shopping Center		

Notes:

(1) See Division 7 for land use definitions.

(2) Each new development or project involving significant additions or reconstruction is required to be a mixed use project with a residential component in compliance with the residential density requirements for the CSC zoning district as described in Sections 20-23.040 and 20-23.080.

(3) Each new development on a site shown in Figure 2-1, 20-23.060.C shall be a mixed use project, and each new development within the Courthouse Square Sub-Area of the Downtown Station Area Specific Plan shall provide activity-generating uses at the ground floor along all public streets.

(4) Minor Conditional Use Permit required when site abuts residential zoning district or parcel with residential use.

(5) Uses permitted on upper stories of building, Minor Use Permit required when proposed on ground floor.

(6) A community garden is allowed on the same property as an existing permitted meeting facility provided that the establishment of the garden does not trigger a grading permit or affect the operation and design of the meeting facility.

(7) Residential uses are encouraged as part of new development on sites zoned CN, as described in Section 20-23.050.

(8) Administrative Design Review is required when a project is not part of a building permit application.

(9) Mobile food vending is permitted on private property, with the approval of a Minor Use Permit, only on sites located within the CG zoning district that have street frontage on Sebastopol Road, between Stony Point Road and Olive Street, as described in Section 20-42.210.

(10) Subject to a 600 feet minimum setback requirement to a "school," as defined by the Health & Safety Code Section 11362.768. In addition, a Cannabis Retail use shall not be established within 600 feet of any other Cannabis Retail use established within and permitted by the City of Santa Rosa.

Section 4. Amend Section 20-24.030, Table 2-10, to read and provide as follows:

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Districts	P	Permitted Use, Zoning Clearance required
	MUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	See Specific Use Regulations for requirement
	—	Use not allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE (2)			Specific Use Regulations
	BP	IL	IG	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALE				
Agricultural product processing	—	—	P(3)	
Artisan/craft product manufacturing	P	P	P	
Brewery—Brew pub	P	CUP	—	
Brewery—Production	P	P	P	
Cannabis—Commercial cultivation—up to 5,000 sq ft	—	MUP	MUP	20-46
Cannabis—Commercial cultivation—5,001 sq ft or greater	—	CUP	CUP	20-46
Cannabis—Distribution	MUP(4)	P(3)	P(3)	20-46
Cannabis—Manufacturing level 1 (non-volatile)	P(3)	P(3)	P(3)	20-46
Cannabis—Manufacturing level 2 (volatile)	—	CUP	CUP	20-46
Cannabis—Microbusiness	—	CUP	CUP	20-46
Cannabis—Testing laboratory	P	P	P	20-46
Community care facilities—6 or fewer clients	P	P	P	
Community care facilities—7 or more clients	MUP	MUP	MUP	
Furniture/fixtures manufacturing, cabinet shops	—	P(3)	P(3)	
Laboratory—Medical, analytical	P	P	—	
Laundry, dry cleaning plant	—	MUP	P	
Manufacturing/processing—Heavy	—	—	MUP	
Manufacturing/processing—Light	P(3)	P(3)	P(3)	
Manufacturing/processing—Medium	—	MUP	MUP	
Media production—Indoor only	P	P(3)	P(3)	
Media production—With outdoor uses	MUP	P(3)	P(3)	
Petroleum product storage and distribution	—	—	MUP	
Printing and publishing	P(3)	P(3)	P	
Recycling—Large collection facility	—	—	MUP	20-42.120
Recycling—Processing facility	—	—	MUP	20-42.120
Recycling—Reverse vending machines	P	P	P(3)	20-42.120
Recycling—Scrap or dismantling yard	—	—	MUP	20-42.120
Recycling—Small collection facility	MUP	MUP	MUP	20-42.120
Research and development	P	P	MUP	
Storage—Accessory	P	P	P(3)	
Storage—Contractor's yard	—	MUP	MUP	
Storage—Open during extended or transitional hours	—	MUP	MUP	
Storage—Outdoor	—	MUP	MUP	20-42.170
Storage—Personal storage facility (mini-storage)	—	P(3)	P(3)	20-42.180
Warehouse, wholesaling and distribution	MUP (4)	P(3)	P(3)	
Winery—Boutique	P	P	P	
Winery—Production	P	P	P	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Adult entertainment business	S	S	S	20-40
Commercial recreation facility—Indoor	MUP	P	P	
Commercial recreation facility—Outdoor	—	MUP	—	
Community garden (6)	P	P	P	
Conference/convention facility	MUP (4)	MUP	—	
Health/fitness facility—Commercial	MUP	MUP	—	
Health/fitness facility—Quasi-public	MUP	MUP	—	

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Districts		
	P	Permitted Use, Zoning Clearance required
	MUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	See Specific Use Regulations for requirement
	—	Use not allowed

LAND USE (1)	PERMIT REQUIRED BY ZONE (2)			Specific Use Regulations
	BP	IL	IG	
Meeting facility, public or private	MUP	MUP	—	
School, public or private	MUP	MUP	MUP	
Sports and entertainment assembly facility	—	CUP	—	
Studio—Art, dance, martial arts, music, etc.	MUP	MUP	—	
Theater, auditorium	—	CUP	—	
RESIDENTIAL USES (See Section 20-28.080, Senior Housing (-SH) combining district, for specific requirements regarding proposed senior housing developments)				
Animal keeping—Domestic/exotic	S	S	S	20-42.040
Caretaker unit	MUP(4)	MUP(4)	MUP(4)	
Emergency shelter	CUP	CUP	CUP	
Home occupation	S	—	—	20-42.070
Live/work unit	MUP	—	—	20-42.080
Mixed use project	MUP	—	—	
Mobile home/manufactured housing	CUP(4)	—	—	20-42.094
Multi-family dwellings	CUP(4)	—	—	
Organizational house	CUP(4)	—	—	
Residential accessory uses and structures	P(4)	—	—	
Second dwelling unit	P(4)	—	—	20-42.130
Single-family dwelling	CUP(4)	—	—	
Transitional housing	CUP	CUP	CUP	
Work/live unit	MUP	MUP	MUP	20-42.080
RETAIL TRADE				
Accessory retail uses	P(4)	P	P	20-42.024
Alcoholic beverage sales	—	CUP	—	20-42.034
Auto and vehicle sales and rental	—	MUP	—	
Bar/tavern	—	CUP	—	
Building and landscape materials sales—Indoor	—	P	MUP	
Building and landscape materials sales—Outdoor	—	MUP	MUP	
Cannabis—Retail (dispensary) and delivery	CUP(7)	CUP(7)	CUP(7)	20-46
Construction and heavy equipment sales and rental	—	MUP	MUP	
Farm supply and feed store	—	P	MUP	
Fuel dealer (propane for home and farm use, etc.)	—	—	MUP	
Gas station	—	CUP	CUP	20-42.150
Neighborhood center	MUP(5)	MUP(5)	CUP(5)	
Night club	—	CUP	—	
Office supporting retail	P	—	—	
Restaurant, café, coffee shop—Counter ordering	P(4)	P	CUP	
Restaurant, café, coffee shop—Outdoor dining	MUP(4)	MUP	CUP	
Restaurant, café, coffee shop—Serving alcohol (no bar)	P(4)	P	CUP	
Restaurant, café, coffee shop—Table service	P(4)	P	CUP	
Warehouse retail	CUP(4)	CUP	CUP	
SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL				
ATM	P	P	—	20-42.044
Bank, financial services	P	—	—	
Business support service	P	P	MUP	
Medical service—Clinic, urgent care	P	MUP	—	
Medical service—Doctor office	P	—	—	
Medical service—Health care facility	MUP	—	—	20-42.060
Medical service—Integrated medical health center	P	MUP	—	

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Districts					
	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	See Specific Use Regulations for requirement			
	—	Use not allowed			
LAND USE (1)	**PERMIT REQUIRED BY ZONE (2)**			**Specific Use Regulations**	
	BP	**IL**	**IG**		
Medical service—Lab	P	MUP	—		
Medical service—Veterinary clinic, animal hospital	—	MUP	MUP		
Office—Accessory	P	P	P(3)		
Office—Business/service	P	—	—		
Office—Government	P	—	—		
Office—Processing	MUP	—	—		
Office—Professional	P	—	—		
SERVICES—GENERAL					
Accessory services	P(4)	P	MUP	20-42.024	
Catering service	—	P	P		
Child day care center	MUP	MUP	—	20-42.050	
Equipment rental	—	P(3)	P(3)		
Extended hours of operation (11:00 p.m. to 6:00 a.m.)	MUP	MUP	MUP		
Kennel, animal boarding	—	MUP	MUP		
Lodging—Hotel or motel	CUP(4)	—	—		
Maintenance service—Client site services	MUP	P	P		
Personal services	P	MUP	—		
Public safety facility	MUP(2)	MUP	MUP		
Repair service—Equipment, large appliances, etc.	—	MUP	P(3)		
Vehicle services—Major repair/body work	—	MUP	P(3)		
Vehicle services—Minor maintenance/repair	—	P	P(3)		
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Broadcasting studio	P	P	P		
Parking facility, public or commercial	—	—	MUP		
Taxi or limousine dispatch facility	—	MUP	MUP(3)		
Telecommunications facilities	S	S	S	20-44	
Truck or freight terminal	—	MUP	MUP(3)		
Utility facility	—	P(3)	P(3)		
Utility infrastructure	P(3)	P(3)	P(3)		
Vehicle storage	—	MUP	P(3)		

Key to Zoning District Symbols

BP	Business Park	**IG**	General Industrial
IL	Light Industrial		

Notes:

(1) See Division 7 for land use definitions.

(2) The reoccupancy of a building with an allowable use that is similar to or less intense than the former use may be permitted without MUP or CUP approval. See Section 20-24.030.B.

(3) MUP required if the use, specific suite, or its associated operations abuts a residential zoning district or parcel with a residential use.

(4) Use only allowed if ancillary and related to a primary or dominant use.

(5) Allowed in any industrial district where the review authority first determines that a need exists, and that the proposed business will be economically viable.

(6) A community garden is allowed on the same property as an existing permitted meeting facility provided that the establishment of the garden does not trigger a grading permit or affect the operation and design of the meeting facility.

(7) Subject to a 600 feet minimum setback requirement to a "school," as defined by the Health & Safety Code Section 11362.768. In addition, a Cannabis Retail use shall not be established within 600 feet of any other Cannabis Retail use established within and permitted by the City of Santa Rosa.

Section 5. Amend Section 20-36.040, Table 3-4, to read and provide as follows:

TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE

Land Use Type:	Number of Parking Spaces Required	
Agricultural and Open Space Uses (1)	**Vehicle**	**Bicycle**
Agricultural activities, including crop production, horticulture, orchard, vineyard, and animal keeping	None.	
Plant nursery	1.25 spaces per employee.	None.
Wildlife or botanical preserve or sanctuary	Determined by Conditional Use Permit.	

Land Use Type:	Number of Parking Spaces Required	
Industry, Manufacturing and Processing, Wholesaling	**Vehicle**	**Bicycle**
Industrial and manufacturing, except the uses listed below:		
Less than 50,000 sf.	1 space for each 350 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 7,000 sf. or as determined by CUP.
Equal to or greater than 50,000 sf.	1 space for each 700 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf. or as determined by CUP.
Cannabis - cultivation	1 space per 1,000 sf or as determined by CUP.	1 space per 14,000 sf. or as determined by CUP.
Cannabis - distribution	1 space for each 1,000 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf.
Cannabis - manufacturing:		
Less than 50,000 sf.	1 space for each 350 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 7,000 sf. or as determined by CUP.
Equal to or greater than 50,000 sf.	1 space for each 700 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf. or as determined by CUP.
Cannabis - testing laboratory	1 space for each 300 sf., plus 1 space for each company vehicle.	1 space per 6,000 sf.
Laboratory	1 space for each 300 sf., plus 1 space for each company vehicle.	1 space per 6,000 sf.

Recycling facility	1 space for each 1,000 sf. or as determined by CUP. The gross floor area may include incidental office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf.
Research and development	1 space for each 300 sf., plus 1 space for each company vehicle.	1 space per 6,000 sf.
Self storage (personal storage and mini warehouse facilities)	2 spaces for manager or caretaker unit, 1 of which must be covered, and a minimum of 5 customer parking spaces located adjacent or in close proximity to the manager's unit.	None required.
Warehouse, wholesaling, distribution, and storage (not including mini-storage for personal use)	1 space for each 1,000 sf. or as determined by CUP. The gross floor area may include accessory office space comprising less than 5% of the total gross floor area.	1 space per 14,000 sf.

Land Use Type:	**Number of Parking Spaces Required**	
Recreation, Education, and Public Assembly	**Vehicle**	**Bicycle**
Adult entertainment	As determined by CUP.	
Commercial recreation facility—Indoor	1 space for each 250 sf.	1 space per 5,000 sf.
Commercial recreation facility—Outdoor	As determined by MUP.	
Conference, convention facility	1 space for each 4 fixed seats or 1 space for every 50 sf. of assembly area or meeting rooms, whichever is greater.	1 space per 5,000 sf.
Golf courses/country club, public or quasi-public	8 spaces for each hole.	None required.
Equestrian facility	As determined by CUP.	
Health club/fitness facility	1 space for each 250 sf., not including that area devoted to athletic courts located within the building, plus 2 spaces per athletic court.	1 space per 4,000 sf.
Library, museum	1 space for each 300 sf., plus 1 space for each official vehicle.	1 space per 6,000 sf.
Meeting facility, public or private	1 space for each 4 fixed seats or 1 space for every 50 sf. of assembly area or meeting rooms, whichever is greater.	1 space per 4,000 sf.
Park/playground, public or quasi-public	As determined by review authority.	

School, public or private		
Elementary/middle school	1.5 spaces for each classroom, plus 1 space for every 200 sf. of assembly area in an auditorium.	1 space per 4,000 sf. of assembly area in an auditorium.
High school	0.33 spaces for each student, plus 1 space for each employee.	1 space per 4,000 sf. of assembly area in an auditorium.
College	0.5 spaces for each student, plus 1 space for each employee.	1 space per 1,000 sf. of assembly area in an auditorium.
Trade and business schools	1 space for each student.	1 space per 10 students.
Sports and entertainment assembly facility	1 space for each 4 fixed seats or 1 space for every 50 sf. of assembly area, whichever is greater.	1 space per 4,000 sf.
Studio: art, dance, martial arts, music, etc.	1 space for each 200 sf.	1 space per 4,000 sf.
Theater, auditorium	1 space for each 4 fixed seats or 1 space for every 50 sf. of assembly area or meeting rooms, whichever is greater.	1 space per 4,000 sf.

Land Use Type: Residential Uses (2)	**Number of Parking Spaces Required**	
	Vehicle	**Bicycle**
Downtown residential units (in CD zone)	1 space per unit.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Duplex, multifamily dwelling, rowhouse, condominium and other attached multi-family and single-family dwellings, and including multifamily in a small-lot subdivision	Studio and 1-bedroom units—1 covered space plus 0.5 visitor spaces per unit. Visitor spaces may be in tandem with spaces for the unit; or on-street abutting the site, except on a street identified by the General Plan as a regional street.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
	2 or more bedroom units—1 covered space plus 1.5 visitor spaces per unit. Visitor spaces may be in tandem with spaces for the unit; or on-street abutting the site, except on a street identified by the General Plan as a regional street.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Emergency shelter	1 space for every 10 beds provided, plus 1 space for each staff person on duty.	
Group quarters (including boarding/rooming houses, dormitories, organizational houses)	1.5 spaces for each sleeping room or 1 space for each 100 sf. of common sleeping area.	1 space per room.
Live/work and work/live units	2 spaces for each unit. The review authority may modify this requirement for the re-use of an existing structure with limited parking.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Mixed-use projects	See Section 20-36.050.A (Shared parking for mixed uses).	

Mobile home parks	1.75 spaces for each unit, which may be in tandem, one of which must be covered. At least one-third of the total spaces required shall be distributed throughout the mobile home park and available for guest parking.	0.5 spaces per unit.
Multifamily affordable housing project	Studio/1 bedroom unit—1 space per unit.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
	2 or more bedrooms—2 spaces per unit.	
Second dwelling units	1 space in addition to that required for a single-family unit; the space may be uncovered, compact, or tandem, and within the front yard setback when located in the driveway. If not located in driveway, parking shall be located outside any setback (See Section 20-42.130).	None required.
Senior housing project (with occupancy for persons 55 or older, as set forth in and which complies with Section 20-28.080)	1 space per unit with 0.5 of the spaces covered, plus 1 guest parking for each 10 units.	1 space per 8 units if units do not have a private garage or private storage space for bike storage.
Senior affordable housing project (with occupancy for persons 55 or older, as set forth in and which complies with Section 20-28.080)	1 space per unit.	1 space per 8 units if units do not have a private garage or private storage space for bike storage.
Single-family dwellings—Detached (see duplexes, etc., above for attached units)	Standard lot—4 spaces per unit, 1 of which must be on-site, covered and outside setbacks. The remaining 3 spaces may be on-site (in the driveway and tandem) or on a public or private street when directly fronting the lot.	None required.
	Flag lot—2 spaces per unit, 1 of which must be covered, both of which must be located outside the required setback area plus 2 on-site, paved guest spaces located outside the required setbacks and which may be tandem.	None required.
Single room occupancy facilities	0.5 spaces per unit.	
Supportive housing	Subject to the same parking requirements as other residential uses.	
Transitional housing	Subject to the same parking requirements as other residential uses.	

Land Use Type:	Number of Parking Spaces Required	
Retail Trade	**Vehicle**	**Bicycle**
All business, financial, and professional service uses, except those listed below	1 space for each 250 sf.	1 space per 5,000 sf.
Cannabis - retail (dispensary) and delivery	1 space for each 250 sf.	1 space per 5,000 sf.
ATM	2 spaces per machine. See also Section 20-42.044.	None required.
Medical service		
Clinic, lab, urgent care	1 space for each 300 sf.	1 space per 6,000 sf.
Doctor's office	1 space for each 200 sf.	1 space per 4,000 sf.
Health care facility	As determined by MUP.	
Hospital	As determined by CUP.	
Integrated medical health center	1 space for each 250 sf. of recreation and fitness area, not including that area devoted to athletic courts located within the building, plus 2 spaces per athletic court, plus 1 space per 300 sf. of medical clinic/office use.	1 space per 4,000 sf.
Veterinary clinic, arrival hospital	As determined by MUP.	

Land Use Type:	Number of Parking Spaces Required	
Services—General	**Vehicle**	**Bicycle**
All service uses, except those listed below	1 space for each 250 sf.	1 space per 5,000 sf.
Catering service	1 space per employee, plus 1 space per company vehicle.	None required.
Cemetery, mausoleum, columbarium	1 space for each 4 seats of chapel capacity, and 1 space per employee.	1 space per 5,000 sf.
Day care		
Adult day care	1 space per employee, plus 1 space per 10 clients, plus adequate loading space as required by review authority.	As determined by MUP or CUP.
Child day care—Center	1 space per employee, plus 1 space per 10 children, plus adequate loading space as required by review authority.	As determined by MUP or CUP.
Child day care—Large family day care home	3 spaces, no more than 1 of which may be provided in a garage or carport. Parking may be on-street if contiguous to the site. May include spaces already provided to meet residential parking requirements.	As determined by MUP or CUP.
Child day care—Small day care home	As required by State license.	None required.
Community care facility—6 or fewer clients	1 space for each 3 beds.	None required.
Community care facility—7 or more clients	1 space for each 3 beds.	As determined by MUP or CUP.
Drive-through service	As required by MUP or CUP. See Section 20-42.064.	

Equipment rental	1 space for each 350 sf. of floor area; none required for outdoor rental yard.	1 per 10 full time employees.
Kennel, animal boarding	1 space for each 500 sf., plus 1 space for each 1,000 sf. of boarding area.	1 per 10 full time employees.
Lodging—Bed & breakfast inn (B&B), hotels, and motels	1 space for each guest room, plus required spaces for accessory uses such as restaurants and conference space.	1 space plus 1 per 10 guest rooms.
Mortuary, funeral home	1 space for each 4 seats of chapel capacity and 1 space per employee.	1 per 10 full time employees.
Personal services	2 spaces per customer chair, or 1 space for 250 sf., whichever is greater.	1 space per 4,000 sf.
Personal services—Restricted	2 spaces per customer chair, or 1 space for 250 sf., whichever is greater.	1 space per 4,000 sf.
Public safety facility	As determined by MUP.	
Repair service—Equipment, large appliances, etc.	1 space for each 375 sf.	1 space per 7,500 sf.
Vehicle services—Minor, and major repair/body work	1 space for each service bay, plus 1 space per employee.	1 space per 10 full time employees.

Land Use Type:	**Number of Parking Spaces Required**	
Transportation, Communications & Infrastructure	**Vehicle**	**Bicycle**
All uses, except the following	As required by MUP or CUP.	
Broadcasting studio	1 space per 200 sf.	1 space per 4,000 sf.
Medical cannabis transporter	As required by MUP.	

Land Use Type:	**Number of Parking Spaces Required**	
Downtown Station Area Specific Plan—Attached Multifamily Residential Uses	**Vehicle**	**Bicycle**
Courthouse Square and Railroad subareas	1 reserved space per unit	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Railroad Corridor subarea	1.5 reserved spaces per unit, except that only 1 reserved space per unit is required for residential uses on properties along the Wilson Street corridor between 6th Street and 9th Street, as shown in Figure 3-11.	
Parks and gardens subarea	1.5 reserved spaces per unit.	
Residential, historic residential and Imwalle Gardens subareas	1 reserved, covered space plus 0.5 shared visitor spaces per unit. Visitor spaces may be in tandem with spaces for the unit; or on-street abutting the site, except on a street identified by the general plan as a regional street.	

Land Use Type: Downtown Station Area Specific Plan—Detached Single-Family Residential Uses	Number of Parking Spaces Required	
	Vehicle	Bicycle
Residential, historic residential and Imwalle Gardens subareas	2 spaces per unit, one of which must be reserved, on-site, covered and outside of setbacks. The remaining space may be shared, on-site (in the driveway and tandem) or on a public or private street when directly fronting the lot.	None required.

Land Use Type: Downtown Station Area Specific Plan—Affordable Residential Uses	Number of Parking Spaces Required	
	Vehicle	Bicycle
All subareas	1 reserved space per unit.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.

Land Use Type: Downtown Station Area Specific Plan—Senior Housing Project (occupancy restricted to persons 55 or older)	Number of Parking Spaces Required	
	Vehicle	Bicycle
All subareas	0.5 reserved space per unit.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.

Land Use Type: Downtown Station Area Specific Plan—Nonresidential Uses	Number of Parking Spaces Required	
	Vehicle	Bicycle
Courthouse Square subarea	None, except 600 shared parking spaces shall be provided for the City Hall-Performing Arts Center. Any *new* on-street spaces created by a development shall count toward meeting the shared parking requirement.	1 space per 5,000 sf.
Railroad Square subarea	1 shared space for each 500 sf. of *new* floor area, no additional parking is required for new uses occupying existing buildings. Any *new* on-street spaces created by a development shall count toward meeting the shared parking requirement.	

	Required parking in the Railroad Square subarea may be provided on-site or within a nearby parking facility. Use of shared spaces in another parking facility shall not create a parking shortage for the business associated with that facility.	
Railroad Corridor subarea	1 shared space for each 300 sf. Any *new* on-street spaces created by a development shall count toward meeting the shared parking requirement.	
Parks and Gardens subarea	1 shared space for each 300 sf. Any *new* on-street spaces created by a development shall count toward meeting the shared parking requirement.	

Land Use Type:	**Number of Parking Spaces Required**	
North Santa Rosa Station Area Specific Plan	**Vehicle**	**Bicycle**
Multifamily attached residential	1.5 spaces per unit minimum.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Affordable multifamily attached residential	1 space per unit minimum.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Senior multifamily attached residential	0.5 spaces per unit minimum.	1 space per 8 units if units do not have a private garage or private storage space for bike storage.
Nonresidential	2.5 spaces for each 1,000 sf. minimum.	1 space per 5,000 sf.

Notes:

(1) Properties located within the boundaries of the Downtown Station Area Specific Plan and the North Santa Rosa Station Area Specific Plan shall use the land use type "Station Area Plan" to determine the number of parking spaces required.

(2) Properties located within the boundaries of the Downtown Station Area Specific Plan (the area bounded by College Avenue to the north, E Street to the east, Sebastopol Road and Highway 12 to the south, and Dutton Avenue and Imwalle Gardens to the west) shall use the land use type "Station Area Plan" to determine the number of parking spaces required.

Section 6. Repeal Chapter 20-46 in its entirety and replace with the following:

Chapter 20-46
Cannabis

Sections:

20-46.010 Purpose
20-46.020 Limitation on Use
20-46.030 Personal Cannabis Cultivation
20-46.040 Cannabis Businesses
20-46.050 General Operating Requirements
20-46.060 Cannabis Commercial Cultivation
20-46.070 Cannabis Manufacturing
20-46.080 Cannabis Retail (Dispensary) and Delivery
20.46.090 Cannabis Special Events
20.46.100 Grounds for Permit Revocation or Modification

20-46.010 Purpose.

This Chapter provides the location and operating standards for Personal Cannabis Cultivation and for Cannabis Businesses (Medical and Adult Use) to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine and provide opportunities for economic development.

20-46.020 Limitations on Use.

A. Compliance with City Code. Personal Cannabis Cultivation and Cannabis Businesses shall only be allowed in compliance with this Chapter and all applicable regulations set forth in the City Code, including but not limited to, the cannabis business tax ordinance and all regulations governing building, grading, plumbing, septic, electrical, fire, hazardous materials, nuisance, and public health and safety.

B. Compliance with State laws and regulations. All Cannabis Businesses shall comply with all applicable state laws and regulations, as may be amended, including all permit, approval, inspection, reporting and operational requirements, imposed by the state and its regulatory agencies having jurisdiction over Cannabis and/or Cannabis Businesses. All Cannabis Businesses shall comply with the rules and regulations for Cannabis as may be adopted and as amended by any state agency or department including, but not limited to, the Bureau of Cannabis Control, the Department of Food and Agriculture, the Department of Public Health, the Department of Pesticide Regulation, and the Board of Equalization.

C. Compliance with local and regional laws and regulations. All Cannabis Businesses shall comply with all applicable Sonoma County and other local and regional agency regulations, including, but not limited to, regulations issued by the Regional Water Quality Control Board, the Sonoma County Agricultural Commission, and the Sonoma County Department of Public Health.

D. Cannabis Businesses shall provide copies of state, regional and local agency permits, approvals or certificates upon request by the City to serve as verification for such compliance.

20-46.030 Personal Cannabis Cultivation.

Personal Cannabis Cultivation for medical or adult use shall be permitted only in compliance with the provisions of Division 2 (Zoning Districts and Allowable Uses) and shall be subject to the following standards and limitations.

A. Medical and Adult Use Cannabis Maximum Limitation. The personal cultivation of medical and/or adult use cannabis is limited no more six (6) mature plants per a primary residence, regardless of the number of residents and regardless of the presence of an accessory or junior accessory dwelling unit.

B. Residency requirement. Cultivation of cannabis for personal use may occur only on parcels with an existing legal residence occupied by a full-time resident responsible for the cultivation.

C. The following operating requirements are applicable to outdoor cultivation for personal use:

1. Maximum Limitation. Outdoor cultivation for personal use is limited no more than two (2) mature plants.

2. Cannabis plants shall not be located in a front or street side yard, unless fully screened from public view.

3. Outdoor cultivation for personal use is prohibited on parcels located adjacent to a school property; "School" as defined by the Health & Safety Code Section 11362.768.

D. The following operating requirements are applicable to personal cannabis cultivation:

1. Visibility. No visible markers or evidence indicating that cannabis is being cultivated on the site shall be visible from the public right of way at street level, or from school property.

2. Security. All enclosures and structures used for cannabis cultivation shall have security measures sufficient to prevent access by children or other unauthorized persons.

3. Prohibition of Volatile Solvents. The manufacture of cannabis 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 cannabis products for personal consumption is prohibited.

4. All structures used for Personal Cannabis 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.

5. Odor Control. All structures used for cultivation shall be equipped with odor control filtration and ventilation systems such that the odors of cannabis cannot be detected from outside of the structure.

6. Lighting. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:

   i. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting shall be Building Code compliant and comply with Section 20-30.080 (Outdoor Lighting.)

   ii. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.

7. 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.

8. All personal cannabis cultivation shall comply with the Best Management Practices for Cannabis Cultivation issued by the Sonoma County Agricultural Commission for management of waste, water, erosion control and management of fertilizers and pesticides.

20-46.040 Cannabis Businesses.

Cannabis Businesses (Medical and Adult Use) shall be permitted only in compliance with the provisions of Division 2 (Zoning Districts and Allowable Uses) and shall be subject to the following standards and limitations.

A. Land use. For purposes of this Chapter, Cannabis Businesses shall include the following land use classifications, all of which are further defined in Chapter 20-70 (Definitions):

1. Cannabis – Commercial Cultivation up to 5,000 sf
2. Cannabis – Commercial Cultivation 5,001 sf or greater
3. Cannabis – Retail (Dispensary) and Delivery
4. Cannabis – Distribution
5. Cannabis – Manufacturing – Level 1 (non-volatile)
6. Cannabis – Manufacturing – Level 2 (volatile)
7. Cannabis – Microbusiness
8. Cannabis – Testing Laboratory

B. Where allowed. Cannabis Businesses (Medical and Adult Use) shall be located in compliance with the requirements of Division 2 (Zoning Districts and Allowable Uses) and as designated on Tables 2-6 and 2-10 of the Zoning Code. With regard to required setbacks of a cannabis business to another land use, the City asserts its right to establish different radius requirements than what is provided by Business and Professions Code Section 26054 (b).

C. Land use permit requirements. The uses that are subject to the standards in this Chapter shall not be established or maintained except as authorized by the land use permit required by Division 2.

D. Development standards. The standards for specific uses in this Chapter supplement and are required in addition to those in Division 2 and Division 3 (Site Planning and General Development Regulations), and the City Code. In the event of any conflict between the requirements of this Chapter and those of Division 2 or 3 or other applicable provisions of this Code, the requirements of this Chapter shall control.

20-46.050 General Operating Requirements.

The following general operating requirements are applicable to all Cannabis Businesses. In addition, requirements specific to each Cannabis Business subtype are set forth in subsections 20-46.60 (Cannabis Cultivation), 20-46.70 (Cannabis Support Uses) and 20-46.80 (Cannabis Retail and Delivery).

A. Dual licensing. The City recognizes that state law requires dual licensing at the state and local level for all Cannabis Businesses (Medical and Adult Use). All Cannabis Operators shall therefore be required to diligently pursue and obtain a state cannabis license at such time as the state begins issuing such licenses, and shall comply at all times with all applicable state licensing requirements and conditions, including, but not limited to, operational standards such as, by way of illustration but not limitation, background checks, prior felony convictions, restrictions on multiple licenses and license types, and locational criteria.

1. Operators in good standing. Cannabis Businesses which have received land use permit approval pursuant to this Chapter prior to or within 10 months of date the state begins issuing state licenses shall be considered "operators in good standing". Operators in good standing shall be allowed to obtain building occupancy permits and commence operations in compliance with City permit approvals while diligently pursuing all necessary state licenses and subject to any deadlines established by the state. Operators in good standing shall demonstrate to the City that complete applications for all necessary state licenses and agency permits have been filed and are being pursued by the applicant in compliance with deadlines established by the state.

2. New operators. Cannabis Businesses which have received land use permit approval pursuant to this Chapter after the state begins issuing state licenses and after the 10-month transition period noted in subsection A.1 above, shall not be allowed to commence operations until the Cannabis Business can demonstrate that all necessary

state licenses and agency permits have been obtained in compliance with any deadlines established by the state.

3. Existing permitted operators. Cannabis Businesses which have received land use permit approval prior to the adoption of this Chapter shall be required to comply with all operational requirements set forth in this Chapter. In addition, a Cannabis Business that has obtained a valid land use permit for medical use issued prior to the adoption of this Chapter may incorporate adult use into their land use permit upon issuance of a Zoning Clearance by the Department. The Zoning Clearance shall, as a condition of issuance, require compliance with all operational provisions of this Chapter. The Zoning Clearance to incorporate adult use in addition to or in place of medical use shall not authorize any physical or operational expansion of the facility unless determined in compliance with this Chapter.

4. Grounds for Revocation. Once state licenses and agency permits become available, failure to demonstrate dual licensing in accordance with this Chapter and within any deadlines established by state law shall be grounds for revocation of City approval. Revocation of a local permit and/or a state license shall terminate the ability of the Cannabis Business to operate until a new permit and/or state license is obtained.

B. Minors. Medical Cannabis Businesses shall only allow on the premises a person who is 18 years of age or older and who possesses a valid government-issued photo identification card. Adult Use Cannabis Businesses shall only allow on the premises a person who is 21 years of age or older and who possesses a valid government-issued photo identification card.

C. Inventory and tracking. Cannabis Operators shall at all times operate in a manner to prevent diversion of Cannabis and shall promptly comply with any track and trace program established by the state.

D. Multiple permits per site. Multiple Cannabis Businesses proposed on any one site or parcel shall be granted permit approval only if all of the proposed Cannabis Businesses and their co-location are authorized by both local and state law. Cannabis Operators issued permits for multiple license types at the same physical address shall maintain clear separation between license types unless otherwise authorized by local and state law.

E. Building and fire permits. Cannabis Operators shall meet the following requirements prior to commencing operations:

1. The Cannabis Operator shall obtain a building permit to confirm with the appropriate occupancy classification and compliance with Chapter 18 of the City Code.

2. The Cannabis Operator shall obtain all annual operating fire permits with inspections prior to operation.

3. The Cannabis Operator shall comply with all applicable H&SC and California Fire Code requirements related to the storage, use and handling of hazardous materials and the generation of hazardous waste. Cannabis Operators shall also obtain all required Certified Unified Program Agency (CUPA) permits including completing a California

Environmental Reporting System (CERS) submission for hazardous materials inventory that meet or exceed State thresholds and any waste generation for accountability.

4. Access with a Fire Department lock box for keys to gates and doors shall be provided.

F. Transfer of ownership or operator. A permittee shall not transfer ownership or operational control of a Cannabis Business or transfer a permit for a Cannabis Business to another person unless and until the transferee obtains a zoning clearance from the Department stating that the transferee is now the permittee. The zoning clearance shall commit the transferee to compliance with each of the conditions of the original permit.

G. Security. Cannabis Businesses shall provide adequate security on the premises, including lighting and alarms, to insure the public safety and the safety of persons within the facility and to protect the premises from theft. Applications for a Cannabis Business shall include a security plan that includes the following minimum security plan requirements:

1. Security cameras. Security surveillance video cameras shall be installed and maintained in good working order to provide coverage on a twenty-four (24) hour basis of all internal and exterior areas where Cannabis is cultivated, weighed, manufactured, packaged, stored, transferred, and dispensed. The security surveillance cameras shall be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras shall remain active at all times and shall be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for sixty (60) days.

2. Alarm system. A professionally monitored robbery alarm system shall be installed and maintained in good working condition. Section 6-68.130 of the City Code requires that an alarm permit be obtained by the Santa Rosa Police Department prior to installing an alarm system. The alarm system shall include sensors to detect entry and exit from all secure areas and all windows. Cannabis Operators shall keep the name and contact information of the alarm system installation and monitoring company as part of the Cannabis Business's onsite books and records. Cannabis Operators shall identify a local site contact person who will be responsible for the use and shall provide and keep current full contact information to the Santa Rosa Police Department dispatch database as part of the alarm permitting process.

3. Secure storage and waste. Cannabis Products and associated product waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.

4. Transportation. Cannabis Businesses shall implement procedures for safe and secure transportation and delivery of Cannabis, Cannabis Products and currency in accordance with state law.

5. Locks. All points of ingress and egress to a Cannabis Business shall be secured with Building Code compliant commercial-grade, non-residential door locks or window locks.

6. Emergency access. Security measures shall be designed to ensure emergency access in compliance the California Fire Code and Santa Rosa Fire Department standards.

H. Odor control. Cannabis Businesses shall incorporate and maintain adequate odor control measures such that the odors of Cannabis cannot be detected from outside of the structure in which the Business operates. Applications for Cannabis Businesses shall include an odor mitigation plan certified by a licensed professional engineer that includes the following:

1. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;

2. Staff training procedures; and

3. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors.

I. Lighting. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:

1. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting shall be Building Code compliant and comply with Section 20-30.080 (Outdoor Lighting.)

2. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior 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.

20-46.060 Cannabis Commercial Cultivation

In addition to the General Operating Requirements set forth in Section 20-46.50, this section provides additional requirements for Cannabis Commercial Cultivation.

A. Outdoor commercial cultivation prohibited. The cultivation of Cannabis for commercial use may only be cultivated within a fully enclosed space.

B. Conditional use. Depending on the size of the facility, and in accordance with Table 2-10, a Conditional Use Permit or Minor Conditional Use Permit shall be required for Cannabis Commercial Cultivation. For purposes of determining the facility size, and thus the

appropriate permit, square footage shall be defined by calculating the gross square footage of the structure or portion of the structure occupied by the Cannabis Business, not the canopy area.

C. Microbusiness. In addition to compliance with permit and operating requirements set forth in this Chapter for Cannabis Cultivation, a Cannabis Microbusiness which includes cultivation, manufacturing distribution and/or retail within one state license shall comply with all permit and operating requirements set forth in this Chapter for Cannabis Manufacturing, Distribution, and/or Retail (Dispensary) and Delivery as applicable to the combination of uses within the license.

D. Pesticides. The cultivation of Cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).

20-46.070 Cannabis Manufacturing

In addition to the General Operating Requirements set forth in Section 20-46.50, this section provides additional operational requirements for Cannabis Manufacturing.

A. Extraction processes. Cannabis Manufacturers shall utilize only extraction processes that are (a) solvent-free or that employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act, and/or (b) use solvents exclusively within a closed loop system that meets the requirements of the federal Food, Drug, and Cosmetic Act including use of authorized solvents only, the prevention of off-gassing, and certification by a California licensed engineer.

B. Loop systems. No closed loop systems shall be utilized without prior inspection and approval of the City's Building Official and Fire Code Official.

C. Standard of equipment. Extraction equipment used by the Cannabis Manufacturer must be listed or otherwise certified by an approved third-party testing agency or licensed professional engineer and approved for the intended use by the City's Building Official and Fire Code Official.

D. Annual re-certification required. Extraction equipment used by the Cannabis Manufacturer must be recertified annually and a report by a licensed professional engineer on the inspection shall be maintained on-site.

E. Food handler certification. All owners, employees, volunteers or other individuals that participate in the production of edible Cannabis Products must be state certified food handlers. The valid certificate number of each such owner, employee, volunteer or other individual must be on record at the Cannabis Manufacturer's facility where that individual participates in the production of edible Medical Cannabis Products.

F. Edible product manufacturing. Cannabis Businesses that sell or manufacture edible medical cannabis products shall obtain a Sonoma County Health Permit. Permit holders shall comply with Health and Safety Code Section 13700 *et seq.* and Sonoma County Health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.

20-46.080 Cannabis Retail (Dispensary) and Delivery.

In addition to the General Operating Requirements set forth in Section 20-46.50, this section provides location and operating requirements for Cannabis Retail (Dispensary) and Delivery.

A. Conditional use. A Conditional Use Permit shall be required to operate Cannabis Retail (Dispensary) and Delivery in accordance with Tables 2-6 and 2-10. The use permit application shall clearly specify if the use is for medical and/or for adult use retail.

B. Delivery Services. In addition to the requirements established in this Chapter for Cannabis Retail, the delivery of Cannabis and Cannabis Products shall be subject to the following requirements:

1. Commercial delivery to patients at 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.

2. A Cannabis Retail facility shall not conduct sales exclusively by delivery.

3. Conditional Use Permit applications for Cannabis Retail shall include a statement as to whether the use will include delivery of Cannabis and Cannabis Products to patients located outside the Cannabis Retail facility.

4. 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 this Chapter and state law.

C. Drive through Services. Drive-through or walk-up window services in conjunction with Cannabis Retail are prohibited.

D. Location requirements. In addition to the requirements established in Tables 2-6 and 2-10, Cannabis Retail shall be subject to the following location requirements:

1. Overconcentration. To avoid overconcentration, a Cannabis Retail use shall not be established within 600 feet of any other Cannabis Retail use established within and permitted by the City of Santa Rosa.

2. Setback to schools. Cannabis Retail shall be subject to a 600 foot minimum setback from any K-12 "school", as defined by the Health and Safety Code Section 11362.768.

3. Measurement of distance. The distance between Cannabis Retail and a school shall be made in a straight line from the boundary line of the property on which the Cannabis Retail is located to the closest boundary line of the property on which a school is located.

4. Location of a new school after permit issued. Establishment of a school within the required setback of a Cannabis Retail facility after such facility has obtained a Conditional Use Permit for the site shall render the Cannabis Retail facility legal non-conforming and subject to the protections and provisions of Chapter 20-61 (Non-Conforming Uses, Structures and Parcels).

5. Visibility of entrance. The storefront entrance of a Cannabis Retail facility shall be in a visible location that provides an unobstructed view from the public right of way.

E. Edible products. Cannabis Businesses that sell or manufacture edible medical cannabis products shall obtain a Sonoma County Health Permit. Permit holders shall comply with Health and Safety Code Section 13700 et seq. and Sonoma County Health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.

F. Operational requirements. In addition to project specific conditions of approval, Cannabis Retail shall comply with the following operational requirements:

1. Employees. The Cannabis Retail 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.

2. Recordkeeping. The Cannabis Retail Operator shall maintain patient and sales records in accordance with state law.

3. Protocols and requirements for patients and persons entering the site. 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 and a valid physician's recommendation under Section 11362.712 of the Health and Safety Code.

4. Hours of operation. Cannabis Retail may operate between the hours of 9:00 a.m. to 9:00 p.m. up to seven (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.

5. Secured access. A Cannabis Retail facility shall be designed to prevent unauthorized entrance into areas containing Cannabis or Cannabis Products. Limited access areas accessible to only authorized personnel shall be established.

6. Secured products. Cannabis and Cannabis Products that are not used for display purposes or immediate sale shall be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.

7. Sale and display of cannabis paraphernalia. No dispensary shall sell or display any cannabis related paraphernalia or any implement that may be used to administer Cannabis or Cannabis Products unless specifically described and authorized in the Conditional Use Permit. The sale of such products must comply with the City's zoning code and any other applicable state regulations.

8. Onsite physician restriction. Cannabis Retail shall not have an on-site or on-staff physician to evaluate patients and provide a recommendation for Cannabis.

9. Site management. The Cannabis Retail Operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject retailer. For purposes of this subsection, "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in nuisance activities to cease those activities, unless personal safety would be threatened in making the request.

10. Advertising and signs. A Cannabis Retail facility shall not advertise or market cannabis or cannabis products on an advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground, or youth center.

11. Display of permit. Cannabis Retail shall maintain a copy of its permit on display during business hours and in a conspicuous place so that the same may be readily seen by all persons entering the facility.

F. On-site consumption. In addition to the requirements established in this Chapter for Cannabis Retail, the consumption of Cannabis and Cannabis Products shall be subject to the following requirements:

1. Patients or Customers. Neither patients nor customers shall not be permitted to consume cannabis on the site of a Cannabis Retail facility except as permitted in accordance with Chapter 9-20 (Smoking Regulations), in compliance with state law and as follows:

   i. Conditional Use Permit applications for Cannabis Retail shall include a statement as to whether the use will include on-site consumption by patients or customers of Cannabis and Cannabis Products.

   ii. If on-site consumption will be included, the application shall describe the operational plan and specific extent of such provision, security protocols, and how the consumption will comply with the requirements set forth in this Chapter and state law.

2. Employees. Employees of a Cannabis Retail facility who are qualified patients may consume medical Cannabis or Cannabis Products on-site within designated spaces not visible by members of the public, provided that such consumption is in compliance with Chapter 9-20 (Smoking Regulations) and state law.

3. Signs regarding public consumption. The entrance to a Cannabis Retail facility shall be clearly and legibly posted with a notice indicating that smoking and vaping of Cannabis is prohibited on site or in the vicinity of the site except as permitted in accordance with Chapter 9-20 (Smoking Regulations) and state law.

20.46-090 Cannabis Special Events

A. Dual licensing. The City recognizes that state law requires Cannabis Businesses to obtain dual licensing at the state and local level for temporary special events that involve on-site cannabis sales to, and consumption by patients. Such events shall not be allowed to commence until the Cannabis Business can demonstrate that all necessary local permits, state temporary event licenses, and agency permits have been obtained in compliance with any regulations and deadlines established by the City and the state.

B. Conditional use. Applications for a cannabis special event shall be filed in a timely manner in accordance with Section 20-52.040 (Temporary Use Permit) or Chapter 11-40 (Special Events) depending on the location of the event.

20.46-100 Grounds for Permit Revocation or Modification

In addition to the grounds in Section 20-54.100 (Permit Revocation or Modification), the review authority may require modification, discontinuance or revocation of a Cannabis Business permit if the review authority finds that the use is operated or maintained in a manner that it:

A. Adversely affects the health, peace or safety of persons living or working in the surrounding area;

B. Contributes to a public nuisance; or

C. Has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, diversion of Cannabis or Cannabis Products, public intoxication, smoking in public, harassment of passerby, littering, or obstruction of any street, sidewalk or public way; or

D. Violates any provision of the City Code or condition imposed by a City issued permit, or violates any provision of any other local, state, regulation, or order, including those of state law or violates any condition imposed by permits or licenses issued in compliance with those laws.

Section 7. Add the following definitions, in alphabetical order, to Section 20-70.020 to read and provide as follows:

"**Ancillary**" means a use that is related but subordinate to the primary or dominant use on the site.

"**Cannabis**" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Marijuana Initiative, and as defined by other applicable state law. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

"Cannabis" or **"Cannabis Product"** means cannabis or a cannabis product, respectfully, 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 medical cannabis patient in California who possesses a physician's recommendation; or pursuant to the Adult Use of Marijuana Act (Proposition 64), SB 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

"Cannabis Business" means an entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

"Cannabis Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Medical or Adult Use Cannabis. Includes cannabis nurseries.

"Cannabis Distribution" means the procurement, sale, and transport of Medical or Adult Use Cannabis and Medical or Adult Use Cannabis Products between Cannabis Businesses.

"Cannabis Manufacturing" means the production, preparation, propagation, or compounding of medical or adult use cannabis or medical or adult use cannabis products either directly or indirectly or by extraction methods, or independently by mean of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical or adult use cannabis or medical or adult use cannabis products or labels or relabels its container.

"Cannabis Manufacturing - Level 1" means the processing or manufacturing of medical or adult use cannabis products using nonvolatile solvents, or no solvents. The use of post-extraction ethanol "winterization" is allowed within Cannabis Manufacturing Level 1 only to the extent such use is permitted by the state in a Type 6 license.

"Cannabis Manufacturing - Level 2" means the processing or manufacturing of medical or adult use cannabis products using volatile solvents. For purposes of this section, "volatile solvents" shall include solvents described in paragraph (3) of subdivision (d) of Section 11362.3 of the Health and Safety Code, or as such section may be amended.

"Cannabis Microbusiness" means a medical or adult use cannabis cultivation business of less than 10,000 square feet in combination with cannabis distribution, cannabis manufacturing – level 1, and/or cannabis retail (dispensary) and delivery, combined within one state license.

"**Cannabis Operator**" or "**Operator**" means the person or entity that is engaged in the conduct of any commercial medical or adult use Cannabis Business.

"**Cannabis Retail**" means a facility where Medical or Adult Use Cannabis or Medical or Adult Use Cannabis Products are offered, either individually or in any combination, for retail sale, including an establishment that delivers Cannabis or Cannabis Products as part of a retail sale. Also known as a cannabis "dispensary".

"Cannabis Testing Laboratory" means a laboratory, facility, or entity in the state that offers or performs tests of medical or adult use cannabis or medical or adult use cannabis products and that is both of the following:

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

(2) Licensed by the Bureau of Cannabis Control.

"**Delivery of Cannabis**" means the commercial transfer of Cannabis or Cannabis Products to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code as Medical Cannabis; or as defined pursuant to the Adult Use of Marijuana Act (Proposition 64), SB 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA). "Delivery" also includes the use of any technology platform owned and controlled by a Cannabis Business Operator that enables qualified patients or primary caregivers or adult use customers to arrange for or facilitate the commercial transfer by a permitted Cannabis Retail facility.

"Edible Cannabis Product" means a cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

"**Greenhouse**" means a permanent enclosed structure for the propagation and growing of plants, constructed with a translucent roof and/or walls.

"**Marijuana**" See "Cannabis".

Section 8. Environmental Determination. The Council finds and determines that the adoption and implementation of this ordinance is exempt from the following provisions of the California Environmental Quality Act in that:

i. Under section 15061(b)(3) (general rule) in that as a general policy making activity and/or administrative activity there is no possibility that the implementation of this ordinance will have significant effects on the environment; and

ii. Under section 15183 (projects consistent with a community plan, general plan, or zoning) in that the proposed zoning amendments will direct commercial cannabis businesses to appropriate commercial and industrial districts designated to support such uses consistent with land use tables, development standards and other applicable provisions of Title 20 of the Code such as allowing cannabis testing laboratory uses where non-cannabis testing laboratory uses are allowed; and

iii. Under section 15301 (existing facilities) in that proposed zoning amendments will allow commercial cannabis businesses to re-tenant existing commercial and industrial facilities designed to support such occupancies; and

iv. Under SB 94 which provides that until July 1, 2019, the adoption of a specified ordinance, rule, or regulation by a local jurisdiction shall be exempt from CEQA if the ordinance requires discretionary review and approval of permits, license, or other authorizations to engage in commercial cannabis activity, and in that the subject ordinance does require zoning clearances and conditional use permits prior to engaging in commercial cannabis activity;

v. Provisions of which each can provide a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

Section 9. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED this 19th day of December, 2017.

AYES: (7) Mayor Coursey, Vice Mayor Rogers, Council Members Combs, Olivares, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

_____
City Attorney

City of
Santa Rosa

CERTIFICATION
SANTA ROSA CITY COUNCIL
ORDINANCE NO. ORD-2017-025

STATE OF CALIFORNIA)
COUNTY OF SONOMA) ss.
CITY OF SANTA ROSA)

I, STEPHANIE A. WILLIAMS, Deputy City Clerk of the City of Santa Rosa, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law and Santa Rosa City Charter Section 8, was duly introduced on December 12, 2017, and adopted by the City Council of Santa Rosa at a regular meeting of said Council held on December 19, 2017, by the following vote:

AYES: (7) Mayor Coursey, Vice Mayor Rogers, Council Members Combs, Olivares, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

Stephanie A. Williams

Stephanie A. Williams, Deputy City Clerk
City of Santa Rosa, California