

Development Code Excerpts Related to Commercial Cannabis Activities and Uses

Adopted May 15, 2017 by Ordinance 17-05

Amended January 8, 2018 by Ordinance 17-09

Amended May 21, 2018 by Ordinance 18-04

Amended July 15, 2019 by Ordinance 19-05

2.40.020 Purpose of the Industrial Zones

- A. **Industrial Zone (I).** The Industrial Zone applies to areas of the City appropriate for light, medium and heavy manufacturing and assembly, industrial parks, warehouses, commercial cannabis uses, and similar and compatible uses. The area is also appropriate for smaller service businesses such as contractor’s yards, vehicle repair and storage, and material sales and supplies. Live-work may be appropriate when compatible with surrounding uses.
- B. **Coastal Industrial Zone (CI).** The Coastal Industrial Zone applies to areas of the City appropriate for light and medium manufacturing and assembly, industrial parks, warehouses, commercial cannabis uses, and similar and compatible uses. The area is also appropriate for smaller service businesses such as contractor’s yards, vehicle repair and storage, and material sales and supplies. Live-work may be appropriate when compatible with surrounding uses. All development shall be consistent with the City’s Local Coastal Program.
- C. **Coastal Industrial Commercial Zone (CIC).** The Coastal Industrial Commercial Zone applies to the area adjacent to the Coastal Commercial Zone. The area is appropriate for technology businesses, custom and light manufacturing and assembly, commercial cannabis uses, and similar and compatible uses where all operations are conducted within the building. The area is also appropriate for office uses, live-work, recreational uses and similar and compatible uses. All development shall be consistent with the City’s Local Coastal Program.

2.40.030 Industrial Zones Allowable Land Uses and Permit Requirements

Table 2.6 Industrial Zones Allowable Land Uses and Permit Requirements				
Land Use	CI ¹	CIC ¹	I	Specific Use Regulations
Industry, Manufacturing & Processing				
High Technology Uses	P	P	P	
Manufacturing, Artisan	P	P	P	Section 4.10.130
Manufacturing/Processing, Heavy	--	--	UP	Section 4.10.130
Manufacturing/Processing, Light	P	P	P	Section 4.10.130
Manufacturing/Processing, Medium	UP	--	UP	Section 4.10.130
Media Production	P	P	P	
Commercial Cannabis Activity & Uses	UP	UP	UP	Section 4.10.045
Printing and Publishing	P	P	P	
Recycling – Processing Facilities	--	--	UP	Section 4.10.150
Storage – Warehouse	P	P	P	
Storage – Outdoor	UP	--	UP	Section 4.10.130
Storage – Personal Storage Facility	P	--	P	Section 4.10.140

Table 2.6 Industrial Zones Allowable Land Uses and Permit Requirements				
Land Use	CI ¹	CIC ¹	I	Specific Use Regulations
Storage - Vehicles	UP	--	UP	Section 4.10.130
Wholesaling & Distribution	P	P	P	
Recreation, Education & Public Assembly				
Commercial Recreation Facility - Outdoor	UP	UP	UP	
Health/Fitness Facility	AUP	AUP	AUP	
Meeting Facility, public or private				
≤ 3,000 sf	AUP	AUP	AUP	
> 3,000 sf	UP	UP	UP	
Studio – Art, Dance, Martial Arts	AUP	AUP	AUP	
Public or Quasi-Public Facility	UP	UP	UP	
Specialized Education/Training	UP	UP	UP	
Residential				
Caretaker's Residence	AUP	AUP	AUP	Section 4.10.050
Home Occupation	P	--	P	Section 6.20.070
Live/work Unit	UP	UP	UP	Section 4.10.090
Retail				
Accessory Retail/Service Use	P	P	P	Section 4.10.020
Adult Business	UP	--	--	Section 4.20
Automobile Service Station	UP	--	UP	
Building/Landscape Materials, Indoor	P	--	P	
Building/Landscape Materials, Outdoor	UP	--	UP	Section 4.10.130
Fuel Dealer	UP	--	UP	
General Retail	P	P	P	
Plant Nursery	P	--	P	
Restaurant	UP	UP	UP	
Vehicle Sales	P	--	P	
Services				
ATM	P	P	P	
Animal Boarding	AUP	--	AUP	
Animal Care Facilities	P	--	P	
Business Support Services	P	P	P	
Catering Service	P	P	P	
Equipment Rental	P	--	P	Section 4.10.130
Maintenance Service – Client Site Services	P	P	P	Section 4.10.130
Medical services – Clinic/Urgent Care	P	--	P	
Mortuary/Funeral Home	UP	--	UP	
Office – Business/Service	P	P	P	
Office – Processing	P	P	P	
Office – Professional	P	P	P	
Recycling – Large Collection Facilities	AUP	AUP	AUP	Section 4.10.150
Recycling – Reverse Vending Machine	P	P	P	Section 4.10.150

Table 2.6 Industrial Zones Allowable Land Uses and Permit Requirements				
Land Use	CI ¹	CIC ¹	I	Specific Use Regulations
Recycling – Small Collection Facilities	P	P	P	Section 4.10.150
Repair Services – Large Equipment	P	--	P	Section 3.10.020
Repair Services – Small Equipment	P	P	P	
Vehicle Rental	P	--	P	
Vehicle Repair & Services	AUP	--	P	Section 4.10.130
Transportation & Infrastructure				
Freight Terminal	--	--	UP	
Parking Facility	UP	UP	UP	
Telecommunication Facility	UP	UP	UP	Section 4.40
End Note				
1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040).				
Legend				
P	Permitted Use			
AUP	Administrative Use Permit Required			
UP	Use Permit Required			
--	Use Not Allowed			

4.10.045 Commercial Cannabis Activity and Uses

- A. Purpose. This Section provides standards for Adult and Medical Commercial Cannabis Uses, where allowed by Chapter 2 (Zones and Allowable Land Uses). These standards apply in addition to the regulatory requirements in Municipal Code Article III Chapter 18 and the State's licensing requirements. Commercial Cannabis Uses allowed by the City shall include those uses licensed in Chapter 5, Division 10, Cannabis, of the Business and Professions Code, and those Cannabis regulations issued by the California Bureau of Cannabis Control, Department of Public Health and the Department of Food and Agriculture, as further modified and restricted within this Chapter 2 and in Chapter 18 of Article III of the Grover Beach Municipal Code.
- B. Review Authority. For Retailers and/or Microbusinesses with a retailer use, the Council is authorized to approve Use Permits and no recommendation is required by the Planning Commission. For all other non-retailer cannabis uses, the Planning Commission is authorized to approve Use Permits subject to an appeal to Council in accordance with Chapter 7 of the Development Code.
- C. Permit requirements. A land Use Permit shall be approved by the Planning Commission or Council consistent with Subsection B to ensure compliance with this Section and a Coastal Development Permit shall be required when located in the Coastal Zone. Approval of a land Use Permit does not allow the applicant to operate until a Commercial Cannabis Permit is approved in accordance with Municipal Code Article III Chapter 18.
- D. Limitation on number of Retailers and/or Microbusinesses with a retailer use, whether open to the public or delivery only. The aggregate maximum number of Retailers and/or Microbusinesses with a retailer use allowed are up to four.
- E. Limitation on manufacturing uses. Level 1 and Level 2 manufacturing (State Licenses Types 6 and 7) shall be authorized subject to Municipal Code Article III Chapter 18.

- F. Setbacks. Commercial Cannabis Uses shall comply with the following minimum setbacks:
1. All Retailers and/or Microbusinesses with a retailer use, whether open to the public or delivery only, shall be located a minimum of 100 feet from all residential zones as measured from the residential lot boundary to the public entrance of the facility, except on Farroll Road where no minimum setback is required from residential zones.
 2. All Retailers and/or Microbusinesses with a retailer use, whether open to the public or delivery only, shall be located a minimum of 600 feet from public and private schools grades kindergarten through 12th grade consistent with State law.
 3. All commercial cannabis uses shall be located a minimum of 100 feet from the CR2 Zone on the north side of Atlantic City Avenue as measured from the residential lot boundary to the industrial lot boundary.
 4. All commercial cannabis uses not otherwise subject to the setback requirements of this Subsection, shall not be subject to any additional setback requirements other than contained in Section 2.40.040.
- G. Development standards. Commercial Cannabis Uses shall comply with the following standards:
1. All Retailers and/or Microbusinesses with a retailer use, whether open to the public or delivery only, may be open to the public between the hours of 9:00 a.m. and 7:00 p.m. Extended hours will be approved from 7:00 a.m. to 9:00 p.m. subject to a finding that enhanced security is agreed to and provided by participating in the City's operated security system with cameras and video capability to view the street frontages of the business to the boundaries of the premises or lot where the business is permitted. All other non-retailer and Microbusinesses with non-retailer uses may operate at any time. Commercial transport between licensees and deliveries to customers for all commercial cannabis businesses shall be between the hours of 7:00 a.m. and 9:00 p.m.
 2. Cultivation and nursery uses shall prepare a Water Recycling Management Plan that demonstrates that irrigation water is recycled to the maximum extent feasible using best management practices. A separate water meter shall be installed for irrigation uses.
 3. All cultivation and nursery uses shall be within an enclosed building. Cultivation and nursery uses are prohibited outdoors.
 4. Cultivation and nursery uses may use mixed-light buildings when issued a local license consistent with State licensing that allows for mixed-light buildings when no light is visible through the roof and windows of grow areas from dusk to dawn.
 5. Secured Delivery. All commercial cannabis facilities shall provide a secured shipping and receiving area for deliveries of all cannabis, cannabis concentrate, and cannabis products as defined in GBMC Article III, Chapter 18, Section 4000.20. A secured shipping and receiving area shall comply with either of the following:
 - a. Internal – Within a fully enclosed structure either attached or within the commercial cannabis building that provides sufficient area to park and unload the delivery vehicle(s) located at the side or rear of the building, if feasible. Access shall be through a roll up or similar garage door with removable bollards. The delivery area shall be monitored 24 hours a day by video surveillance, electronic alarm monitoring, and shall not have any windows leading to the outside. Any skylights shall either be removed or have security bars added to prevent entry. The delivery area shall only be accessible to the shipping and receiving area and not directly into the operating, manufacturing, or retail portions of the commercial cannabis business.
 - b. External – Within a fenced or walled area that is not visible from the street and adjacent properties located at the side or rear of the building as approved by the Police Chief. The fence or wall shall be a minim of six (6) feet in height that is structurally sound and secure to prevent access and fully encloses the delivery area. The fence shall visually screen the delivery area so delivery activities are not visible from the street and adjacent properties. The Fence design shall be consistent with the Industrial Design Guidelines and constructed of durable, solid materials. The Fence shall include a lockable gate(s) that is located at all times, except for during times of active ingress/egress. If a roof or structure is required to screen the shipping and receiving area from adjacent properties, it shall be made of a solid material, that

will provide full visual screening of the delivery area. This delivery area shall be monitored 24 hours a day by video surveillance and only be accessible to the shipping and receiving area and not directly into the operating, manufacturing, or retail portions of the commercial cannabis business.

6. Odor control devices and techniques shall be incorporated to ensure that marijuana odors are not detectable from the property boundary and public right-of-way. In multi-tenant buildings marijuana odors shall not be detectable from the building exterior, or from exterior and/or interior common areas such as walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. Odor control systems shall include, but are not limited to, ventilation and exhaust systems that provide sufficient odor absorbing to meet the above requirements.
7. An Operations and Security Plan shall be prepared as required by Municipal Code Article III Chapter 18.
8. Design standards in Section 2.40.050 and any other Council adopted design guidelines.
9. All applicable regulatory requirements of Municipal Code Article III Chapter 18.

6.10.020 Authority for Land Use and Zoning Decisions

Table 6.1 Review Authority, below, identifies the Review Authority responsible for reviewing and making decisions on each type of development application required by this Development Code.

Type of Action	Code Section	Review Authority		
		Director	Commission	Council
General Plan Amendment	7.30	Recommend	Recommend	Decision
Local Coastal Program Amendment	7.30	Recommend	Recommend	Decision ¹
Development Code Amendment	7.30	Recommend	Recommend	Decision
Coastal Development Permit	6.20.040	Recommend ²	Decision	Appeal
Development Permit	6.20.060	Recommend	Decision	Appeal
Use Permit	6.20.090	Recommend	Decision ³	Appeal ³
Variance	6.20.100	Recommend	Decision	Appeal
Administrative Development Permit	6.20.020	Decision	Appeal	Appeal
Administrative Use Permit	6.20.030	Decision	Appeal	Appeal
Home Occupation Permit	6.20.070	Decision	Appeal	Appeal
Temporary Use Permit	6.20.080	Decision	Appeal	Appeal
Interpretations	1.10.050	Decision	Appeal	Appeal

Note:

1. The decision by the City Council does not take effect until it is certified by the California Coastal Commission.
2. The Director may approve a Coastal Development Permit in compliance with Section 6.20.040.
3. The City Council shall be the Review Authority for Use Permits for Commercial Cannabis Retailer and Microbusinesses with retailer uses.

9.10.020 Definitions of Specialized Terms and Phrases

Commercial Cannabis Uses. The uses are limited to commercial Medical and Adult Uses licensed in Chapter 5, Division 10, Cannabis, of the Business and Professions Code, and those Cannabis regulations issued by the California Bureau of Cannabis Control, Department of Public Health and the Department of Food and Agriculture as modified and restricted hereafter, and in Municipal Code Article III Chapter 18.