

MEMORANDUM

Date: May 24, 2019

To: Planning Commission

From: David Carlson, Planning Department

Re: Planning Commission Agenda May 29, 2019, Item 6, Non-Retail Cannabis Program

For the purpose of addressing concerns regarding public notice, staff has prepared an additional option for the Commission to consider during the review of the proposed amendments. The original proposal includes in some cases reducing the level of review for cannabis related uses from Levels 4, 5, or 6 which requires neighborhood notification, to Level 3 which does not require neighborhood notification. The attached portions of the amended agricultural, commercial, and industrial use charts include the option to elevate the level of review for a cannabis related use permit application in the CA, C-4 and M zones from Level 3 to Level 4 based on the parcels that may contain a residential use or a park and are adjacent to the subject parcel.

The intention is to provide the Planning Department the ability to notify the public of a cannabis cultivation related use permit application when the subject site is adjacent to a parcel zoned PR or a parcel zoned A, AP, RA, RR, R-1, RB, RM, TP, SU which contains a residential structure.

| USE | CA | A | AP |
|--|-------------------------------|-------------------|----------|
| Cannabis Cultivation (commercial) (subject to SCCC 13.10.650)^T | | | — |
| Indoor cultivation (existing legal structure, other than greenhouse) | 3 | 4 ^X /5 | — |
| New indoor cultivation structure (other than greenhouse) | | | — |
| Outside Coastal Zone and 1-mile buffer | | | |
| 0—2,000 square feet | 3 | 4 ^X /5 | — |
| > 2,000 square feet | 5 | 5 | — |
| Inside Coastal Zone + 1 mile | — | — | — |
| Greenhouse (existing legal), conversion, replacement, reconstruction, or structural alteration | | | |
| 0—20,000 square feet | 3 | 4 ^X /5 | — |
| > 20,000 square feet | 5 3 | 5 | — |
| Greenhouse (new) | | | |
| Outside Coastal Zone and 1-mile buffer | | | |
| 0—2,000 square feet | 3 | 4 ^X /5 | — |
| > 2,000 square feet 2,000—20,000 square feet | 5 3/4 ^N | — | — |
| <u>>20,000 square feet</u> | <u>4</u> | <u>—</u> | <u>—</u> |
| Inside Coastal Zone + 1 mile | — | — | — |
| Outdoor cultivation (or existing legal hoop house) | | | |
| Outside Coastal Zone and 1-mile buffer | 3 | 4 ^X /5 | — |
| Inside Coastal Zone + 1 mile | 4 3/4 ^N | 4 ^X /5 | — |
| Hoop house (new) | | | |
| Outside Coastal Zone and 1-mile buffer | | | |
| 0—2,000 square feet | 3 | 4 ^X /5 | — |
| > 2,000 square feet | 3 | 5 | — |
| Inside Coastal Zone + 1 mile | — | — | — |
| Water tank (accessory to cannabis use) | 3 | 3 | — |
| Cannabis Distribution (subject to SCCC 13.10.650)^T | | | |
| Class 1***** | | | |
| Outside Coastal Zone and 1-mile buffer, new or existing legal structure | | | |

| USE | CA | A | AP |
|--|-----------------------|----------|----------|
| 0—2,000 square feet | 3 | 3 | — |
| > 2,000 square feet <u>(new structure)</u> | 5 <u>4</u> | 5 | — |
| <u>> 2,000 square feet (existing legal structure)</u> | <u>3</u> | <u>5</u> | <u>—</u> |
| Inside Coastal Zone + 1 mile, existing legal structure | | | |
| 0—2,000 square feet | 3 | 3 | — |
| > 2,000 square feet | 5 <u>3</u> | 5 | — |
| Class 2, existing legal structure | | | |
| Outside Coastal Zone and 1-mile buffer | 3 | — | — |
| Inside Coastal Zone + 1-mile | 5 | — | — |

^F With a license appropriate for zoning classification pursuant to Chapter [7.128](#) SCCC. No new non-retail commercial cannabis structures may be permitted in the Coastal Zone and 1-mile buffer.

^N Level 4 approval applies to all use permits where the parcel is adjacent to another parcel zoned PR or a parcel zoned A, AP, RA, RR, R-1, RB, RM, TP, SU which contains a residential structure.

^XLevel 4 approval applies only to Class CG licensed cultivation activities.

[±] Level 5 approval required if manufacturing activity involves cannabis imported from offsite or employees (not including the owner).

*****Cannabis manufacturing and distribution uses must be ancillary to on-site commercial cannabis cultivation in the A zone district.

| USE | PA | VA | CT | C-1 | C-2 | C-4 |
|-----|----|----|----|-----|-----|-----|
|-----|----|----|----|-----|-----|-----|

Cannabis cultivation (commercial) (subject to SCCC [13.10.650](#))^F

Indoor cultivation (existing legal structure other than greenhouse)

| | | | | | | |
|-----------------------------|---|---|---|---|---|-------------------------|
| < 5,000 square feet | — | — | — | — | — | <u>43/4^N</u> |
| 5,000 to 20,000 square feet | — | — | — | — | — | <u>53/4^N</u> |
| > 20,000 square feet | — | — | — | — | — | <u>63/4^N</u> |

New indoor cultivation structure (other than greenhouse)

Outside Coastal Zone and 1-mile buffer

| | | | | | | |
|-----------------------------|---|---|---|---|---|---|
| < 5,000 square feet | — | — | — | — | — | 4 |
| 5,000 to 20,000 square feet | — | — | — | — | — | 5 |
| > 20,000 square feet | — | — | — | — | — | 6 |

Inside Coastal Zone + 1 mile

| | | | | | | |
|---|---|---|---|---|---|---|
| — | — | — | — | — | — | — |
|---|---|---|---|---|---|---|

Greenhouse (existing legal), conversion, replacement, reconstruction or structural alteration

| | | | | | | |
|-----------------------------|---|---|---|---|---|-------------------------|
| < 5,000 square feet | — | — | — | — | — | <u>43/4^N</u> |
| 5,000 to 20,000 square feet | — | — | — | — | — | <u>53/4^N</u> |
| > 20,000 square feet | — | — | — | — | — | <u>63/4^N</u> |

Greenhouse (new)

Outside Coastal Zone and 1-mile buffer

| | | | | | | |
|-----------------------------|---|---|---|---|---|---|
| < 5,000 square feet | — | — | — | — | — | 4 |
| 5,000 to 20,000 square feet | — | — | — | — | — | 5 |
| > 20,000 square feet | — | — | — | — | — | 6 |

Inside Coastal Zone + 1 mile

| | | | | | | |
|---|---|---|---|---|---|---|
| — | — | — | — | — | — | — |
|---|---|---|---|---|---|---|

Water tank (accessory to cannabis use)

| | | | | | | |
|---|---|---|---|---|---|---|
| — | — | — | — | — | — | 3 |
|---|---|---|---|---|---|---|

Outdoor cultivation

| | | | | | | |
|---|---|---|---|---|---|---|
| — | — | — | — | — | — | — |
|---|---|---|---|---|---|---|

Hoop house cultivation

| | | | | | | |
|---|---|---|---|---|---|---|
| — | — | — | — | — | — | — |
|---|---|---|---|---|---|---|

^F With a license appropriate for zoning classification pursuant to Chapter [7.128](#) SCCC. No new non-retail commercial cannabis structures may be permitted in the Coastal Zone and 1-mile buffer.

^N Level 4 approval applies to all use permits where the parcel is adjacent to another parcel zoned PR or a parcel zoned A, AP, RA, RR, R-1, RB, RM, TP, SU which contains a residential structure.

| USE | M-1 | M-2 | M-3 |
|---|---|---|---|
| Cannabis cultivation (subject to SCCC 13.10.650)^F | | | |
| Indoor cultivation (existing legal structure, other than greenhouse) | | | |
| 0—10,000 square feet | <u>4³/₄^N</u> | <u>5³/₄^N</u> | <u>5³/₄^N</u> |
| > 10,000 square feet | <u>5³/₄^N</u> | <u>5³/₄^N</u> | <u>5³/₄^N</u> |
| New indoor cultivation structure (other than greenhouse) | | | |
| Outside Coastal Zone and 1-mile buffer | | | |
| Up to 2,000 square feet | 4 | 5 | 5 |
| 2,000 to 20,000 square feet | 5 | 5 | 5 |
| > 20,000 square feet | 6 | 6 | 6 |
| Inside Coastal Zone + 1 mile | — | — | — |
| Greenhouse (existing legal), conversion, replacement, reconstruction or structural alteration | | | |
| 0—10,000 square feet | <u>4³/₄^N</u> | <u>5³/₄^N</u> | <u>5³/₄^N</u> |
| > 10,000 square feet | <u>5³/₄^N</u> | <u>5³/₄^N</u> | <u>5³/₄^N</u> |
| Greenhouse (new) | | | |
| Outside Coastal Zone and 1-mile buffer | | | |
| < 2,000 square feet | 4 | 5 | 5 |
| 2,000—20,000 square feet | 5 | 5 | 5 |
| > 20,000 square feet | 6 | 6 | 6 |
| Inside Coastal Zone + 1 mile | — | — | — |
| Water tank (accessory to cannabis use) | 3 | 3 | 3 |
| Outdoor cultivation (or new or existing hoop house) | — | — | 5** |

^F With a license appropriate for zoning classification pursuant to Chapter [7.128](#) SCCC. No new non-retail commercial cannabis structures may be permitted in the Coastal Zone and 1-mile buffer.

^N Level 4 approval applies to all use permits where the parcel is adjacent to another parcel zoned PR or a parcel zoned A, AP, RA, RR, R-1, RB, RM, TP, SU which contains a residential structure.

**Outdoor or hoop house cultivation may be permitted only in conjunction with adoption or amendment of a reclamation plan