

City of La Palma

Agenda Item No. 8



MEETING DATE: June 19, 2018

TO: CITY COUNCIL

FROM: Laurie A. Murray, City Manager

SUBMITTED BY: Scott A. Hutter, Planning Manager

AGENDA TITLE: Discussion Regarding A Draft Ordinance Amending City Zoning Code Sections 44-10, 44-44, 44-139, 44-403 and 44-731 Pertaining to the Definitions and Regulations of Allowable Cannabis Land Uses in the General Industrial Zoning District and the Industrial Overlay

CEQA: statutory exemption 26055(h) in the California Business and Professions Code.

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- a) Receive Staff Report
- b) City Council Comments and Questions
- c) Receive Public Input
- d) Continue the matter to the June 26 Public Hearing to introduce and conduct the first reading of an Ordinance amending City Zoning Code Sections 44-10, 44-44, 44-139, 44-403 and 44-731 pertaining to the definitions and regulations of allowable cannabis land uses in the General Industrial Zoning District and the Industrial Overlay.

SUMMARY:

As required by State of California Government Code Section 65091, cities are required to publish a Public Hearing Notice in an adjudicated newspaper at least 10 days prior to the Public Hearing. Staff followed the State requirements for the above titled item and submitted the legal advertisement on June 4, 2018, to be published in the June 6, 2018 edition of the newspaper for the June 19, 2018, Public Hearing. Staff received confirmation from the newspaper (*Event News Enterprise*) of Legal Public Hearing Notice ad #65978 for placement on June 6, 2018. Typically,

the newspaper provides an affidavit of publishing to the City for its file that includes a copy of the Public Hearing Notice.

Regarding what should have been a Public Hearing for this item, staff was advised and has confirmed that the *Event News Enterprise* failed to publish the Legal Public Hearing Notice in the newspaper. In an abundance of caution, the City Attorney has advised the City to renote the matter. The matter will be noticed in the June 16 edition of the *Orange County Register* for a Tuesday, June 26 meeting at 7:00 p.m.

This Ordinance amends Section 44-10 (Definitions), Section 44-44 (Cannabis Related Uses), Section 44-139 (Allowable Uses), Section 44-403 (Regulations for Cannabis Business Signage and Notices) and Section 44-731 (Completed Application) to allow certain cannabis land uses in the GI General Industrial Zone and the IO Industrial Overlay.

BACKGROUND:

On June 5, 2018, the City Council held a study session to discuss cannabis policy within the City of La Palma. At the conclusion of the study session the City Council directed staff to bring forward an Ordinance allowing legal cannabis businesses, with the exception of store front dispensaries, in the Industrial and Industrial Overlay Zones, which are located at the north end of the City.

ANALYSIS:

The land use changes discussed below pertain to allowable cannabis land uses in the GI and IO. A strikethrough version of the zoning code changes is included as part of the draft ordinance provided at *Attachment 1* to this report, with the old language in red text and all the new code language in blue.

The Zoning Code's definitions are being updated and expanded to address the regulation of cannabis. Section 44-10 of the La Palma Municipal Code is amended to modify and add the following defined terms, "Cannabis Cultivation," "Cannabis Processing," "Cannabis Manufacturing," "Cannabis Testing," "Cannabis Sales," "Cannabis Delivery," "Cannabis Distribution," "Cannabis Transportation," "Non-storefront Retail Cannabis Business," and "Storefront Retail Cannabis Business."

The Zoning Code Section 44-44 is being updated to include new land use and zoning criteria for cannabis land uses. The new criteria includes standards for location, security, odor control, and operating requirements. Additional criteria specific to signage for cannabis businesses is being incorporated by this ordinance into Section 44-403 *Regulations for Cannabis Business Signage and Notices*. The application requirements for entitlements is being updated under Section 44-731 *Completed Application* to incorporate additional requirements specific to cannabis applications.

The La Palma Municipal Code identifies "Marijuana Related Businesses" as "X" use prohibited across all non-residential land uses. This ordinance proposes to remove the blanket prohibition across all non-residential land uses from Section 44-139 Table II-5 *Allowable Uses and Planning Permit Requirements for Nonresidential Zoning Districts*. This ordinance will amend Table II-5 to include new the following cannabis land uses: "Cannabis Cultivation," "Cannabis Processing," "Cannabis Manufacturing," "Cannabis Testing," "Cannabis Sales," "Cannabis Delivery,"

“Cannabis Distribution,” “Cannabis Transportation,” and “Cannabis Dispensary.” The new cannabis land uses will require a “C” conditional use permit and development agreement in the General Industrial (GI) Zone and the Industrial Overlay (IO). Cannabis land uses will be prohibited “X” in all other zoning districts. Cannabis Dispensary (Store-Front Retail) will be prohibited “X” in all zoning districts.

Additionally, Section 44-139 will include a zone text cleanup that will add the Industrial Overlay (IO) into Table II-5 as its own column. Currently, the allowable land uses for the IO are found under Section 44-139(d)(4). This update to Table II-5 *Allowable Uses and Planning Permit Requirements for Nonresidential Zoning Districts* will make the IO allowable land uses easily identifiable and transparent.

ENVIRONMENTAL REVIEW:

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA statutory exemption 26055(h) in the California Business and Professions Code. The text amendment will generate no direct significant environmental impacts or physical change to the environment.

CONCLUSION:

Adoption of this Ordinance will allow the City to effectively amend the Zoning Codes for the regulation of allowable cannabis land uses in the General Industrial Zoning District and the Industrial Overlay.

FISCAL IMPACT:

By being proactive and regulating cannabis businesses, the City maintains control over operations, location, and types of businesses while increasing potential revenues (estimated range of \$500,000 to \$1.5 million) to further diversify the City’s revenue stream and provide protection if a large sales tax provider were to leave the City.

APPROVED:



Planning Manager



City Manager

Attachments: 1. Proposed Ordinance

ORDINANCE NO. 2018-__

ADOPTION OF AN ORDINANCE AMENDING CITY ZONING CODE (CHAPTER 44 OF THE LA PALMA MUNICIPAL CODE) SECTIONS 44-10, 44-44, 44-139. 44-403 AND 44-731 PERTAINING TO THE DEFINITIONS AND REGULATION OF ALLOWABLE CANNABIS LAND USES IN THE GENERAL INDUSTRIAL ZONING DISTRICT AND INDUSTRIAL OVERLAY

WHEREAS, the City Council of the City of La Palma wishes to protect and preserve the quality of the residential and commercial areas of the City, as well as the quality of life throughout the City, through effective land use and planning; and,

WHEREAS, the City Council on January 19, 2016, adopted Ordinance 2016-02 amending and adding provisions to the La Palma Municipal Code Chapter 44 (Zoning) concerning prohibiting cannabis related uses and commercial cannabis activities; and,

WHEREAS, in Ordinance 2016-02 the City Council stated that this prohibition was done with the understanding that the City Council may, at a future period in time, revisit the regulation of cannabis related uses and commercial cannabis activities as authorized under the "Medical Marijuana Regulation and Safety Act" ("MMRSA"); and,

WHEREAS, on June 5, 2018, the City Council revisited the City's cannabis regulations and held a study session and provided staff direction to prepare the documents necessary for City Council consideration of an Amendment to the Zoning Code Section 44-139 Allowable Uses to incorporate the City Council's desired changes related to cannabis uses in the General Industrial (GI) Zone and properties to which the Industrial Overlay (IO) has been applied; and,

WHEREAS, the City has prepared an amendment to Chapter 44 of the City's Municipal Code to address allowable cannabis land uses the General Industrial (GI) Zone and the Industrial Overlay (IO); and,

WHEREAS, all owners of property in the General Industrial (GI) Zone and properties that the Industrial Overlay (IO) has been applied to were notified prior to the Public Hearing via mailer; and,

WHEREAS, notice of the City Council Public Hearing concerning this Ordinance was duly published in a local newspaper at least ten (10) days prior to the hearing and posted at City Hall, Central Park, and the Library; and,

WHEREAS, City staff have analyzed the proposed changes to the General Industrial (GI) Zone and the Industrial Overlay (IO) and determined, in accordance with State Business and Professions Code Section 26055(h) that this Ordinance is statutorily exempt; and,

WHEREAS, on June 19, 2018, the City Council of the City of La Palma introduced and conducted a first reading of this Ordinance, held a duly noticed Public Hearing with respect thereto, and considered testimony and evidence at the Public Hearing; and,

WHEREAS, on July 17, 2018, the City Council of the City of La Palma conducted a second reading and adoption of the Ordinance.

NOW, THEREFORE, the City Council of the City of La Palma resolves as follows:

SECTION 1. The foregoing Recitals are incorporated herein and made a part hereof.

SECTION 2. The City Council finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 26055(h) of the California Business and Professions Code.

SECTION 3: In accordance with La Palma Municipal Code Section 44-672, the City Council of the City of La Palma finds as follows:

- (a) The proposed amendment is consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements in the general plan.
- (b) The proposed amendment shall not be detrimental to the public convenience, health, safety, or general welfare of the City.
- (c) The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).
- (d) The proposed amendment is internally consistent with other applicable provisions of the City's Municipal Code.

SECTION 4: Section 44-10 of the La Palma Municipal Code is hereby amended to modify and add the following defined terms, "Cannabis Cultivation," "Cannabis Processing," "Cannabis Manufacturing," "Cannabis Testing," "Cannabis Sales," "Cannabis Delivery," "Cannabis Distribution," "Cannabis Transportation," "Non-storefront Retail Cannabis Business," "Storefront Retail Cannabis Business," and "Cannabis Retailer" as follows:

"Cannabis Cultivation, means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis." ~~Cannabis cultivation or cultivate shall have the same meaning as "cultivation" or "cultivate" set forth in California Business and Professions Code § 19300.5(l), as may be amended from time to time.~~

"Cannabis Processing, means a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling, of cannabis and non-manufactured cannabis products."

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

"Cannabis Testing, means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or 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."

"Cannabis Sales, "Sell," "sale," and "to sell" means to include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one person to

another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.”

“Cannabis Delivery, means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.” ~~Cannabis delivery shall have the same meaning as “delivery” set forth in California Business and Professions Code § 19300.5(m), as may be amended from time to time.~~

“Cannabis Distribution, means the procurement, sale, and transport of cannabis and cannabis products between licensees.”

“Cannabis Transportation, means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) which may be amended or repealed by any subsequent State of California legislation regarding the same.”

“Non-storefront retail cannabis business, means a business that sells and delivers cannabis or cannabis products to consumers, but is not open to the public, and conducts sales exclusively by delivery.”

“Storefront Retail Cannabis Business, means a business that sells cannabis and cannabis products to consumers from a premises open to the public to customers.”

“Cannabis Retailer” means a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the City of La Palma authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.

SECTION 5: Section 44-44 of the La Palma Municipal Code is hereby amended to read in its entirety as follows:

“Sec. 44-44. Cannabis related uses.

(a) Prohibitions.

The following uses are prohibited in all zones in the City as follows:

(1) Retailer Store Front Services. It shall be unlawful for any person, limited liability company, corporation, collective, cooperative, or any other entity to manage or operate a store front facility in which customers are permitted on the premises for which it will sell, exchange, barter, transfer, and/or promote, any cannabis or cannabis products in the City for commercial purpose. and authorized to conduct such activities.

(b)

(b) Location and Design of Cannabis Businesses.

Cannabis businesses permitted to engage in Cultivation, Distribution, Manufacturing, Microbusinesses, Testing Labs, and Retail Non-Storefront, for cannabis and cannabis products are subject to the following zoning and locational requirements:

- (1) All cannabis Non-Storefront retail businesses must be located on property zoned GI (General Industrial), IO (Industrial Overlay), and must meet all of the requirements for development in these zones; and
- (2) All properties in which the Non-Storefront retail cannabis business is located must also meet all of the following distance requirements:
 - a. It shall be no closer than four hundred (400) feet from any parcel containing any of the following, unless the State licensing authority or the City specifies a different radius:
 1. A school providing instruction in kindergarten or any grades 1 through 12, (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).
 2. A commercial youth daycare center licensed by the City or County that is in existence at the time the license is issued.
 3. A youth center that is in existence at the time the license is issued.
- (3) All other cannabis businesses which do not conduct retail sales must be zoned in one of the following: GI (General Industrial), IO (Industrial Overlay) shall require approval of a Precise Plan, Conditional Use Permit and Development Agreement, and must meet all of the requirements for development in these zones. The cannabis businesses must also meet all of the following distance requirements:
 - a. It shall be no closer than four hundred (400) feet of any residentially zoned parcel in the City, including any legal non-conforming residential uses as of the date the cannabis business permit is issued. The distance between the cannabis business and the residential parcel shall be measured from the outer boundaries of the residential parcel to the first structure on the property seeking the commercial cannabis permit.
 - b. It shall be no closer than four hundred (400) feet from any parcel containing any of the following, unless the State licensing authority or the City specifies a different radius:
 1. A school providing instruction in kindergarten or any grades 1 through 12, (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).
 2. A commercial youth daycare center licensed by the City or County that is in existence at the time the license is issued.
 3. A youth center that is in existence at the time the license is issued.
- (4) Each proposed cannabis business project shall:

- a. Conform to the City's general plan, any applicable specific plans, master plans, and design requirements.
- b. Comply with all applicable zoning and related development standards.
- c. Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.
- d. Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.
- e. Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.
- f. Be provided with adequate electricity, sewerage, disposal, water, fire protection and storm drainage facilities for the intended purpose.

(c) Security Measures.

- (1) A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:
- a. Alarm system (perimeter, fire, and panic buttons).
 - b. Remote monitoring of alarm systems by licensed security professionals.
 - c. Perimeter lighting systems (including motion sensors) for after-hours security.
 - d. Perimeter security and lighting as approved by the Police Chief and Director of the Community Development Department or his/her designee.
 - e. Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business.
 - f. Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
 - g. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss,

- h. 24-hour security surveillance cameras of at least HD-quality shall be installed maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services. The security surveillance system shall monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the City Manager or his/her designee(s), and that it is compatible with the City 's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the City Manager or his/her designee(s). Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business, and shall be capable of enlargement via projection or other means. Internet Protocol address information shall be provided to the La Palma Police Department by the commercial cannabis business, to facilitate remote monitoring of security cameras by the Department or its designee. Cameras will not be monitored 24/7 by the La Palma Police Department but may be accessed randomly or on an as needed basis.
- i. Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.
- j. Panic buttons shall be installed in all commercial cannabis businesses with direct notification to La Palma Police Department dispatch, and shall be configured to immediately alert dispatch for the La Palma Police Department.
- k. Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.
- l. Security personnel shall be on-site 24 hours a day or alternative security as authorized by the City Manager or his/her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the Chief of Police.
- m. Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely

controlled by an electronic access panel to ensure that locks are not released during a power outage.

- n. Entrance areas shall be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the commercial cannabis business; or (b) a licensed security professional.
 - o. Each commercial cannabis business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.
 - p. Each commercial cannabis business shall demonstrate to the Police Chief, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.
 - q. Each commercial cannabis business shall have state of the art network security protocols in place to protect computer information and all digital data.
 - r. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
- (2) Each commercial cannabis business shall identify a designated security representative/liaison to the City of La Palma, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the commercial cannabis business, annually maintain a copy of the current security plan on the premises of the business and submit that plan to the La Palma Police Department on January 1 of each year, to present to the City Manager or his/her designee upon request that meets the following requirements:
- a. Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.
 - b. Identifies all Managers of the commercial cannabis business and their contact phone numbers.
 - c. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.
 - d. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.
 - e. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the commercial cannabis business, the parking lot, and any adjacent property under the business' control.
 - f. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these area are: (a) free of

individuals loitering or causing a disturbance; (b) are cleared of employees and their vehicles one-half hour after closing.

- (3) As part of the application and permitting process each commercial cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.
- (4) The commercial cannabis business shall cooperate with the City whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.
- (5) A commercial cannabis business shall notify the City Manager or his/her designee(s) within twenty-four (24) hours after discovering any of the following:
 - a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee(s).
 - b. Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.
 - c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the commercial cannabis business.
 - d. Any other breach of security.
- (6) Compliance with the foregoing requirements shall be verified by the City Manager or his/her designee prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.
- (7) Public nuisance. Any use or condition caused, or permitted to exist, in violation of any provision of this section shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure § 731 or any other remedy available at law.
- (8) Civil penalties. In addition to any other enforcement permitted by Code, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this section. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.”

(d) Fees and Charges.

Prior to operating in the City and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall apply for and obtain a conditional use permit and precise plan, and enter into a development agreement with the City, setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this chapter, including, but not limited to, public outreach and education, community service,

payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

(e) Odor Control.

Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area 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. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology:

- (1) An exhaust air filtration system with odor control that prevents all internal odors from being emitted externally;
- (2) An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.
- (3) An annual test of exhaust air filtration system with door control and the negative air pressure air system shall be tested annually and certified to be fully functional. A copy of all certifications shall be provided to the City within 5 days of testing.

(f) Operating Requirements for Non-Storefront Retailer.

- (1) Operating hours of the Non-Storefront Retailer M-type License shall be limited between the hours of 6:00 a.m. through 10:00 p.m., seven days a week.

(g) Operating Requirements for Cultivation Facilities.

- (1) Outdoor Cultivation Prohibited. The cultivation of all cannabis shall occur indoors. All outdoor cultivation is prohibited.
- (2) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (3) Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
- (4) Commercial cannabis cultivation which is permitted in the City of La Palma shall only be allowed to cultivate the square feet of canopy space permitted by the lower of state law and approved conditional use permit and/or precise plan.

- (5) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (6) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (7) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (8) In accordance with state law and regulations or as stipulated in the City of La Palma regulatory permit, holders of a commercial cannabis business permit shall agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business located in the City of La Palma utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the state. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.”

(h) **Operating Requirements for Testing Labs.**

- (1) Testing Labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code Section 26100 and shall be subject to state and local law. Each Testing Lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this Chapter and any subsequent State of California legislation regarding the same.
- (2) Testing Labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.
- (3) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.
- (4) Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.
- (5) Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor’s premises for testing required by state law and that the testing laboratory employee transports the sample to the testing laboratory.
- (6) Except as provided by state law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with state law,

and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

- (7) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

(i) **Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products.**

- (1) Cannabis manufacturing facilities requiring a Type-6, Type-7, Type S, or any subsequent created manufacturing state license (using non-volatile and volatile solvents) as defined in MAUCRSA, may be permitted to operate within those zone districts as defined in Chapter 44 of the City of La Palma Code.
- (2) Any compressed gases used in the manufacturing process shall not be stored on any property within the City of La Palma in containers that exceeds the amount which is approved by the Orange County Fire Authority and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the Orange County Fire Authority on the property at any time.
- (3) Cannabis manufacturing facilities may use the hydrocarbons N-butane, isobutane, ethanol, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by the Community Development Department. These solvents must be of at least ninety-nine percent purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.
- (4) If an extraction process uses a professional grade closed loop CO₂ gas extraction system every vessel must be certified by the manufacturer for its safe use as referenced in 15-36. The CO₂ must be of at least ninety- nine percent purity.
- (5) Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.

- (6) Certification from an engineer licensed by the State of California must be provided to the Community Development Department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
 - a. The American Society of Mechanical Engineers (ASME);
 - b. American National Standards Institute (ANSI);
 - c. Underwriters Laboratories (UL); or
 - d. The American Society for Testing and Materials (ASTM)
- (7) The certification document must contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.
- (8) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the La Palma Fire Department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.
- (9) Cannabis Manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.
- (10) Cannabis Manufacturing Facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.
- (11) Cannabis Manufacturing Facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.
- (12) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct

access to applicable material safety data sheets and handle and store the solvents and gases safely.

(13) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

~~Sec. 44-44. – Cannabis related uses, commercial cannabis activities, deliveries, and cultivation prohibited.~~

~~(a) – Prohibitions. The following uses are prohibited in all zones in the City as follows:~~

~~(1) – Cannabis related uses. All Cannabis related uses, including but not limited to cooperatives, cultivation, deliveries, dispensaries, and other commercial cannabis activities for which a State license is required under the MMRSA, are prohibited throughout the City. The City shall not issue any permit, or process any license or other entitlement for any Cannabis related use or any other activity for which a State license is required under the MMRSA. No person shall establish, operate, conduct, permit or allow any Cannabis related use anywhere within the City as prohibited under this subsection.~~

~~(2) – Commercial cannabis activities. All commercial cannabis activities, including but not limited to cooperatives, cultivation, deliveries, and dispensaries, are expressly prohibited throughout the City regardless of whether or not the commercial cannabis activity is for medical cannabis or cannabis used for medicinal purposes. The City shall not issue any permit, or process any license or other entitlement for any commercial cannabis activity. No person shall establish, operate, conduct, permit or allow a commercial cannabis activity anywhere within the City.~~

~~(3) – Cannabis deliveries. All deliveries of cannabis and medical cannabis are expressly prohibited in the City. No person shall conduct any deliveries of cannabis or medical cannabis that either originate or terminate at any location within the City.~~

~~(4) – Cannabis cultivation. The cultivation of cannabis, regardless of whether for commercial or non-commercial purposes, and including cultivation by a qualified patient or primary caregiver, is expressly prohibited throughout the City. No person, including but not limited to a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, regardless of whether or not the cannabis is intended to be used for medical purposes.~~

~~(b) – Public nuisance. Any use or condition caused, or permitted to exist, in violation of any provision of this section shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure § 731 or any other remedy available at law.~~

~~(c) – Civil penalties. In addition to any other enforcement permitted by Code, the city attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this section. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.~~

SECTION 6: Table II-5 of Section 44-139 “Allowable uses” of Chapter 44 of the La Palma Municipal Code is hereby amended to read, in its entirety, as follows:

“Sec. 44-139. - Allowable uses.

- (a) *Table.* The following table indicates those uses that are permitted as of right (P), allowed subject to the approval of a conditional use permit (C), allowed as an accessory use (A), allowed with the approval of a temporary use permit (T), special permit (S), or adult oriented business permit (D), or prohibited (X). No uses shall be allowed which are not in compliance with all City, State, and federal laws and regulations.

Key to Allowable Uses and Permit Requirements		
Symbol	Applicable Process	See Section
P	Permitted Use (in most cases also requires approval of a Precise Plan and/or approval by the Community Development Director)	44-10
C	Conditional Use Permit	Article V, Division 5
A	Accessory Use (in most cases also requires approval of a Conditional Use Permit, Special Permit, and/or approval by the Community Development Director)	44-10
T	Temporary Use Permit	Article V, Division 10
S	Special Permit	Article V, Division 8
D	Adult Oriented Business Permit	Article V, Division 9
R	Review and Approval from Community Development Director	44-484
X	Use Prohibited	44-10

Key to Zoning Districts	
Zoning District Abbreviation	Zoning District
OP	Office Professional
NC	Neighborhood Commercial
B-1	Mixed-Use Business
GI	General Industrial
PI	Public/Institutional
OS/R	Open Space/Recreation
PND	Planned Neighborhood Development
IO	Industrial Overlay

TABLE II-5. ALLOWABLE USES AND PLANNING PERMIT REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS								
LAND USE	ZONING DISTRICT							
	OP	NC	B-1	GI	PI	OS/R	PND	IO
Retail Uses								
Outdoor Display And Incidental Seating Area	X	P	P	X	X	X	P	X
Retail Stores under 10,000 sq. ft. floor area	A	P	P	A	X	X	P	X
Shopping Centers and Retail Stores with 10,000 to 50,000 sq. ft. total floor Area	C	P	P	C	X	X	P	X
Shopping Centers and Retail Stores with over 50,000 sq. ft. total floor area	C	C	C	C	X	X	P	X
Liquor and Convenience Stores under 10,000 sq. ft. floor area, with no consumption of alcohol on the premises	C	C	C	X	X	X	C	X
Pawn Shops, Secondhand Store	X	C	X	X	X	X	X	X
Plant Nurseries and Garden Supply Stores, with no propagation of plants on the premises	X	C	P	C	X	X	C	X
Showroom/Catalog Stores, without substantial on-site inventory	C	P	P	P	X	X	P	X
General Services								
Barber Shops, Beauty, Nail and Tanning Salons, and similar uses	P	P	P	C	X	X	P	X
Laundromats and Dry Cleaners (except central cleaning plants)	C	P	P	P	X	X	P	X
Marijuana-Related Businesses	X	X	X	X	X	X	X	
Miscellaneous Services such as Travel Services, Photo Developing, Videotape Rentals, Shoe Repair, Appliance Repair, and similar uses	C	P	P	C	X	X	P	X
Pet Grooming and Pet Supply	X	P	P	P	X	X	P	X
Printing, Blueprinting, and Copy Services	P	P	P	P	X	X	P	X
Office Uses and Health Services								
Ambulance Services	X	X	P	P	X	X	X	X
Banks	P	P	P	C	X	X	C ¹	X
Business and Professional Offices	P	P	P	P	X	X	P	X
Check Cashing Services	X	X	P	X	X	X	X	X

TABLE II-5. ALLOWABLE USES AND PLANNING PERMIT REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS								
LAND USE	ZONING DISTRICT							
	OP	NC	B-1	GI	PI	OS/R	PND	IO
Hospitals: General, and Convalescent	C	X	C	C	C	X	X	X
Laboratories, Medical, Dental, Optical, and X-Ray	P	P	P	P	A	X	P	X
Massage Facilities	C	C	C	C	C	X	C	X
Medical Offices (physicians, dentists, optometrists, chiropractors, and similar practitioners)	P	P	P	C	A	X	P	X
Medical Centers/Clinics (four or more office suites in one building)	P	X	P	C	A	X	X	X
Surgicenters	P	X	P	P	A	X	X	X
Veterinary Clinics, Animal Hospitals, and Kennels (indoor only)	X	C	P	C	X	X	X	X
Dining, Drinking, and Entertainment Uses								
Restaurants, counter take-out with ancillary seating, (such as yogurt, ice cream, pastry shops, and similar)	P	P	P	P	A	A	P	X
Restaurants, drive-in or drive-through, with no alcohol sold on the premises	X	C	P	X	X	X	C	X
Restaurants, other than drive-in or drive-through, with no alcohol sold on the premises	C	P	P	C	A	X	P	X
Restaurants serving alcohol: bars, taverns, and cocktail lounges	C	C	C	X	X	X	C	X
Dancing or Live Entertainment as a principal use (excluding adult entertainment)	X	C	C	X	X	X	X	X
Dancing or Live Adult Oriented Entertainment as a principal use	X	D	X	D	X	X	X	X
Dancing or Live Entertainment as an accessory use (excluding adult entertainment)	X	C	C	X	X	X	C	X
Dancing or Live Adult Oriented Entertainment as an accessory use	X	D	X	D	X	X	X	X
Theaters: live or motion picture (excluding adult entertainment)	X	C	P	X	X	X	C	X
Adult Oriented Entertainment Theaters: live or motion picture	X	D	X	D	X	X	X	X

TABLE II-5. ALLOWABLE USES AND PLANNING PERMIT REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS								
LAND USE	ZONING DISTRICT							
	OP	NC	B-1	GI	PI	OS/R	PND	IO
Recreation and Leisure Uses — Accessory								
Amusement Arcades with game machines, Internet cafes, and computer rental uses; all subject to Section 44-164	X	C	C	X	X	X	C	X
Bowling, Pool, or Billiard Centers as a principal use	X	C	C	X	X	X	C	X
Family Recreation Centers (incorporating such uses as miniature golf or speedways and similar uses)	X	X	C	C	C	X	X	X
Game Machines as an accessory use, 1 to 2 machines	A	A	A	A	A	X	A	X
Game Machines as an accessory use, 3 to 8 machines	C	C	A	C	C	X	C	X
Internet cafes or Computer Rental	X	C	P	X	X	X	C	X
Health Clubs and Day Spas	C	C	C	C	X	X	C	X
Martial Arts Studios, Music Studios, and Dance Studios.	P	P	P	P	P	X	P	X
Indoor Pistol, Rifle, or Archery Ranges	X	X	C	C	X	X	X	X
Libraries and Museums	P	P	P	P	P	X	P	X
Public Parks, Play Fields, and Open Space	P	P	P	P	P	P	P	X
Pool or Billiard Tables as an accessory use (4 tables or fewer)	X	C	C	A	A	X	C	X
Private Swim Schools	X	C	P	C	C	C	C	X
Skateboard Parks, Ice Rinks, and Roller Hockey Centers	X	X	C	C	C	C	X	X
Tennis Clubs, Racquetball, or Similar Centers	A	C	P	C	C	C	C	X
Assembly Uses								
Religious Institutions	C	X	X	C	C	X	X	X
Lodges, Union Halls, Social Clubs, and Senior Citizen Centers	C	X	X	C	C	X	X	X
Mortuaries and Funeral Homes	X	X	P	P	C	X	X	X
Public and Quasi-Public Uses								
Adult Day Care (as principal use)	C	X	P	C	P	X	X	X

TABLE II-5. ALLOWABLE USES AND PLANNING PERMIT REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS								
LAND USE	ZONING DISTRICT							
	OP	NC	B-1	GI	PI	OS/R	PND	IO
Child Day Care Facilities, and Preschools (as a principal use)	C	X	P	C	C	X	X	X
Colleges and Universities	C	X	C	C	P	X	X	X
Communication Towers and related facilities as a primary use	C	X	C	C	C	C	X	X
Electrical Substations	X	X	X	C	C	X	X	X
Fire and Police Stations	P	P	P	P	P	X	X	X
Government offices	P	P	P	P	P	X	X	X
Private Elementary, Intermediate, and High Schools	C	X	C	C	C	X	X	X
Public Flood Control Facilities and Devices	P	P	P	P	P	X	P	X
Public Reservoirs, Water Tanks, and Pump Stations	P	P	P	P	P	X	P	X
Public or Private Kennels and Animal Shelters (with indoor or outdoor pet boarding)	X	X	C	C	X	X	X	X
Tutorial Facility	C	C	C	X	C	X	C	X
Vocational Schools (barber, beauty, and similar)	C	X	P	C	C	X	X	X
Residential and Lodging Uses								
Caretaker Residences	X	X	X	X	C	X	X	X
Convalescent Homes	C	X	P	X	C	X	X	X
Emergency Shelter (Homeless)	T	X	T	P	T	X	X	X
Hotels and Motels	C	C	C	X	X	X	C	X
Mixed-use Projects: residential and office/commercial	C	X	C	X	C	X	X	X
Multifamily Dwellings as a primary use	X	X	X	X	X	X	X	X
Senior Group Housing and Senior Citizen Hotels	X	X	P	X	C	X	X	X
Single Room Occupancy (SRO) Hotels	X	X	C	C	C	X	X	X
Supportive Housing — Residential Apartment Type	X	X	X	X	X	X	X	X

TABLE II-5. ALLOWABLE USES AND PLANNING PERMIT REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS								
LAND USE	ZONING DISTRICT							
	OP	NC	B-1	GI	PI	OS/R	PND	IO
Supportive Housing — Residential Group Living 7 Persons or More	X	X	X	X	X	X	X	X
Transitional Housing — Residential Apartment Type	X	X	X	X	X	X	X	X
Transitional Housing — Residential Group Living 7 Persons or More	X	X	X	X	X	X	X	X
Automotive Uses								
Vehicle Dealerships and Rental Agencies	X	X	P	C	X	X	X	X
Vehicle Body Repair and Painting; Major Engine and Transmission Repair/Rebuilding (including major auto repair)	X	X	X	C	X	X	X	X
Vehicle Storage Yards (not including dismantling)	X	X	X	C	X	X	X	X
Vehicle Parts Stores, with no repair or parts installation on the premises	X	P	P	P	X	X	P	X
Vehicle Repair Specialty Shops, providing minor auto maintenance: tire sales/service, muffler, brake, lube, and tune-up services (not including major engine or drivetrain repair)	X	X	X	C	X	X	X	X
Car Washes	X	C	P	C	X	X	X	X
Service Stations	X	C	P	C	X	X	C	X
Private Parking Lots/Garages as a principal use	C	X	P	P	C	X	X	X
Truck and/or Equipment Rentals	X	X	P	C	X	X	X	X
Truck, Recreation Vehicle, and Boat Sales	X	X	P	C	X	X	X	X
Accessory Uses and Structures								
Communication Towers and Facilities that may or may not be customarily associated with the principal use on the site	C	C	C	C	C	C	C	X
Communication Facilities that are roof-mounted and not visible from a public right-of-way	A	A	P	P	P	A	A	X

TABLE II-5. ALLOWABLE USES AND PLANNING PERMIT REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS								
LAND USE	ZONING DISTRICT							
	OP	NC	B-1	GI	PI	OS/R	PND	IO
Communication Facilities that are roof-mounted and/or building mounted and visible from a public right-of-way	R	R	R	R	R	R	R	X
Fences and Walls	A	A	A	A	A	C	A	X
Incidental Products or Services for employees or businesses (child day care, cafeterias, and business support uses)	A	A	R	A	A	X	A	X
Portable Outdoor Vending Uses (such as flower stands, hotdog stands, and similar)	C	C	A	C	C	C	C	X
Recycling Drop-off Bins	X	C	X	C	X	X	X	X
Reverse Vending Machines — indoor only	X	A	R	A	A	X	A	X
Satellite Dishes one meter (39.37 inches) in diameter or less and other antennas	A	A	R	A	A	A	A	X
Satellite Dishes more than one meter (39.37 inches) in diameter	C	C	A	C	C	C	C	X
Signs (subject to Article III, Division 5, Signs)	A	A	A	A	A	A	A	X
Swimming Pools as an accessory use	C	C	A	C	C	C	C	X
Other accessory uses and structures that the Community Development Director determines are customarily associated with, and subordinate to, the principal use on the premises and which are consistent with the purpose and intent of the zoning district	A	A	A	A	A	X	A	X
Warehousing and Heavy Commercial Uses								
Central Cleaning or Laundry Plants	X	X	X	C	X	X	X	X
Contractor, Public Utility, and similar equipment/storage yards	X	X	X	C	X	X	X	X
General Warehouses, with no sales to consumers	X	X	X	C	X	X	X	X
Lumber and Building Material Yards, Outdoor (see retail stores for indoor lumber sales)	X	X	P	C	X	X	X	X
Self-storage Warehouses	X	X	X	C	X	X	X	X
Pest Control Services	X	X	P	P	X	X	X	X

TABLE II-5. ALLOWABLE USES AND PLANNING PERMIT REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS								
LAND USE	ZONING DISTRICT							
	OP	NC	B-1	GI	PI	OS/R	PND	IO
Plumbing Repair Shops, small non-auto related engine repair	X	X	P	P	X	X	X	X
Wholesaling and Distribution Centers, with no sales to consumers	X	X	C	C	X	X	X	X
Industrial and Research Uses								
Bottling plants	X	X	X	P	X	X	X	P
Indoor Manufacture and Assembly of Components or Finished Products from materials such as cloth, fiber, fur, glass, leather, stone, paper (except milling), plastics, metal, and wood	X	X	X	P	X	X	X	P
Junkyards	X	X	X	S	X	X	X	X
Offsite Hazardous Waste Facilities	X	X	X	C	X	X	X	X
Recording Studios	X	X	P	C	X	X	X	X
Recycling Centers as a primary use (collection and sorting only)	X	X	X	C	X	X	X	X
Research and Development	X	X	P	P	X	X	X	X
Sign Manufacturing	X	X	C	P	X	X	X	P
Cannabis Cultivation	X	X	X	C ²	X	X	X	C ²
Cannabis Processing	X	X	X	C ²	X	X	X	C ²
Cannabis Manufacturing	X	X	X	C ²	X	X	X	C ²
Cannabis Testing	X	X	X	C ²	X	X	X	C ²
Cannabis Sales	X	X	X	C ²	X	X	X	C ²
Cannabis Delivery	X	X	X	C ²	X	X	X	C ²
Cannabis Distribution	X	X	X	C ²	X	X	X	C ²
Cannabis Transportation	X	X	X	C ²	X	X	X	C ²
Cannabis Dispensary	X	X	X	X	X	X	X	X
Special Events								
Circuses, Fairs, and Festivals	X	X	S	S	S	S	X	X
Community Events	S	S	S	S	S	S	S	X
Cycling Events	S	X	S	S	S	S	X	X
Commercial Filming	S	S	S	S	S	S	S	X
Farmers' Markets	S	S	S	S	S	S	S	X

TABLE II-5. ALLOWABLE USES AND PLANNING PERMIT REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS								
LAND USE	ZONING DISTRICT							
	OP	NC	B-1	GI	PI	OS/R	PND	IO
Organized Formation, Parade, Procession	X	X	S	X	S	S	X	X
Temporary Auto Sales	S	X	S	S	S	X	X	X
Walkathons and Running Events	X	X	S	X	S	S	X	X
Temporary Uses								
Christmas Tree Sales	X	T	T	T	T	X	T	X
Construction Trailers and Guard Offices	T	T	T	T	T	T	T	X
Transitional Shelters (i.e., temporary shelter for homeless persons or victims of domestic abuse)	T	X	T	T	T	X	X	X
Halloween Pumpkin Sales	X	T	T	T	T	X	T	X
Outdoor Sales	X	T	T	T	T	X	T	X
Temporary Structures	T	T	T	T	T	T	T	X
Environmental Remediation Equipment (Temporary or Accessory)	T	T	R	T	T	T	T	X
Vending Carts	S	S	S	S	S	S	S	X
Other Uses								
Adult Entertainment Businesses, subject to Section 44-194—201	X	X	X	D	X	X	X	X
Fortune telling and palmistry establishments	X	C	X	P	X	X	C	X
Tattoo Parlors, Body Piercing, and Permanent Make-up	X	X	C	P	X	X	X	X

¹ Subject to use satisfying the conditions set forth in Sections 44-137(g)(1)d., (g)(2)b. and 44-788(4).

² Subject to approval of a conditional use permit, precise plan and development agreement, and the use satisfying the conditions and requirements set forth in Chapter 44 of the Municipal Code.

- (b) *Uses not listed in table.* Land uses that are not listed in Table II-5 as allowed or prohibited may be permitted if:
- (1) The Community Development Director determines that the use is consistent with the purpose and intent of the applicable district as set forth in Section 44-137; and
 - (2) A conditional use permit is approved in compliance with Article V, Division 5, and the use is in compliance with all City, State, and federal laws and regulations.

- (c) *Two or more uses on one site.* Two or more uses may be established on one building site if neither are prohibited under this section and all development standards are met as specified in Section 44-140. However, the Community Development Director may require the processing of a conditional use permit if two or more principal uses are proposed that may cause, together or separately, adverse impacts on each other or on surrounding land uses. Impacts may include noise, vibration, odor, light, glare, or visual impacts.
- (d) *Industrial uses in Industrial Overlay.* The Industrial Overlay applies only to properties designated on the zoning map and shall only apply as an overlay to the B-1 zoning district. Notwithstanding the use regulations in this Section 44-139, the following uses shall be permitted to locate and/or continue as a legal use in the Industrial Overlay district:
 - (1) Bottling plants.
 - (2) Indoor manufacture and assembly of components or finished products from materials such as cloth, fiber, fur, glass, leather, stone, paper (except milling), plastics, metal, and wood.
 - (3) Sign manufacturing.”

SECTION 7: Add new Section 44-403 “Regulations for Cannabis Business Signage and Notices” to Chapter 44 of the La Palma Municipal Code to read as follows:

“Sec. 44-403 Regulations for Cannabis Business Signage and Notices.

- (a) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of La Palma sign ordinance, including, but not limited to, seeking the issuance of a City sign permit.
- (b) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
- (c) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
- (d) Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.
- (e) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.”

SECTION 8. Section 44-731 “Completed application” of Chapter 44 of the La Palma Municipal Code is hereby amended to read, in its entirety, as follows:

“Sec. 44-731. - Completed application.

A completed application shall consist of the following:

- (1) The application form with all applicable information included on, or attached to, the form.
- (2) Other information or forms required for implementation of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) in compliance with City and State guidelines for the implementation of CEQA.
- (3) A statement indicating that the applicant is the owner of the property or is the legal representative of the property owner.
- (4) Payment in full of the required fees and/or deposit for processing the application, in compliance with the City Council's fee resolution (application fees).
- (5) Address and legal description of the property under consideration.
- (6) Current title report for the property under consideration.
- (7) Other information required by the Community Development Director.

In addition to the required listed above, a completed application for a cannabis cultivation permit shall submit the following:

- (8) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.
- (9) A description of a legal water source, irrigation plan, and projected water use.
- (10) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
- (11) Plan for addressing odor and other public nuisances that may derive from the cultivation site.”

SECTION 9. City staff is hereby authorized and directed to file a Notice of Exemption with respect to the adoption of this Ordinance.

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

SECTION 11: All required proceedings and consideration precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

SECTION 12: The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

SECTION 13: The City Clerk shall certify to the passage of this Ordinance and cause the same to be published as required by law, and the Ordinance shall take effect thirty (30) days after adoption.

SECTION 14: Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

APPROVED AND ADOPTED by the City Council of La Palma at a regular meeting on the 19th day of June 2018.

Gerard Goedhart
Mayor

ATTEST:

Kimberly Kenney
Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, KIMBERLY KENNEY, Deputy City Clerk of the City of La Palma, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the 19th day of June 2018, and that it was so adopted by called vote as follows:

AYES:

NOES:

Kimberly Kenney
Deputy City Clerk