



## COMMERCIAL CANNABIS BUSINESS FREQUENTLY ASKED QUESTIONS AUGUST 2018

**Effective date of the Cannabis Commercial Activity ordinance:** City of Arvin – amended the Arvin Municipal Code by adopting Chapter 17.64 Cannabis Commercial Activity on June 19, 2018, the ordinance became effective on July 19, 2018.

### **What Types of Commercial Cannabis Activities are permitted:**

#### **Section 17.64.040 Permitted Types of Commercial Cannabis Businesses**

- (a) Commercial cannabis operations within the City, which comprise the activities of indoor cultivation, mixed-light cultivation, nursery cultivation, retailer (delivery only), manufacturer, testing laboratory, distributor, and microbusiness (other than storefront sales) are allowed subject to issuance and maintenance of the permits and entitlements set forth in Section 17.64.060(a), continuing compliance with this Chapter and all other applicable City and State laws and regulations, and issuance and maintenance of a valid and current State license of a classification listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:
- (1) Type 1A = Cultivation; Specialty Indoor; Small.
  - (2) Type 1B = Cultivation; Specialty Mixed-Light; Small.
  - (3) Type 2A = Cultivation; Indoor; Small.
  - (4) Type 2B = Cultivation; Mixed-Light; Small.
  - (5) Type 3A = Cultivation; Indoor; Medium.
  - (6) Type 3B = Cultivation; Mixed-Light; Medium.
  - (7) Type 4 = Cultivation; Nursery.
  - (8) Upon authorization by the State of California, Type 5A = Cultivation; Indoor; Large.
  - (9) Upon authorization by the State of California, Type 5B = Cultivation; Mixed-Light; Large.
  - (10) Type 6 = Manufacturer 1.

- (11) Type 7 = Manufacturer 2.
  - (12) Type N = Manufacturer (i.e. no extractions, pursuant to 17 CCR § 40118, as may be amended).
  - (13) Type P = Manufacturer (i.e. packaging and labeling only, pursuant to 17 CCR § 40118, as may be amended).
  - (14) Type 8 = Testing Laboratory.
  - (15) As authorized by California Code of Regulations, Type 9 = Non-Storefront Retailer (i.e. retail sales by delivery only, pursuant to 16 CCR § 5414, as may be amended).
  - (16) Type 10 = Retailer (subject to Section 17.64.050, i.e. delivery only).
  - (17) Type 11 = Distributor.
  - (18) Type 12 = Microbusiness (subject to Sections 17.64.040(c) and 17.64.050).
  - (19) Type 13 = Distributor (i.e. transport only, pursuant to 16 CCR § 5315, as may be amended).
  - (20) Cultivation License Types for Indoor or Mixed-Light pursuant to 3 CCR § 8201, as may be amended).
- (b) Any commercial cannabis activity not expressly authorized by this Chapter is prohibited.
- (c) The number of commercial cannabis permits authorizing the operation of a microbusiness requiring a Type-12 State License that may be active or valid in the City at any given time shall not exceed ten (10) permits, or a lower number as may be established by the City Council.

**What Zone Districts Can a Commercial Cannabis Business be located – Proximity to Sensitive Uses:**

**Section 17.64.110 Location of Commercial Cannabis Business - Proximity to Sensitive Uses.**

- (a) Commercial cannabis activity shall be a conditional use within the following zoning districts of the City: M-1, M-2, M-3, A-1 and A-2 zoning districts. Commercial cannabis activity is prohibited in all other zoning districts of the City.
- (b) No commercial cannabis business shall be located within one thousand feet (1,000') from any school, day care center, youth center, public park, or public library.
- (c) No commercial cannabis business may operate within any residential zoning district or area of the City.
- (d) A commercial cannabis business generally may not operate adjacent to, across a street or alley from, or within two hundred feet (200') of, any residential zoning district or area of the City. However, if an existing building or facility in a City zoning district enumerated in subsection (a) is located adjacent to or across a street or alley from a residential zoning district or area of the City, a commercial cannabis business may be permitted to operate in such location if, in the opinion of City Manager, the operation of a commercial cannabis business in such location would not tend to cause a public nuisance, nor a situation which may result in repeated police department responses or a negative impact on the adjacent residential units or dwellings. Any subsequent expansion of a commercial cannabis business permitted to operate in such a location, which expansion requires a new or amended commercial cannabis permit, shall also be subject to a determination by the City Manager that the expansion would not tend to cause a public nuisance or a situation which may result in repeated police department responses or a negative impact on the adjacent residential units or dwellings.
- (e) Commercial cannabis businesses shall be required to comply with all zoning, land use, and development regulations applicable to the underlying zoning district in which they are permitted to establish and operate as set forth in Title 17 of the Arvin Municipal Code.
- (f) Any commercial cannabis business which has been determined by the City Manager to be an existing commercial cannabis business on the effective date of this Chapter shall be exempt from compliance with the limitations prescribed in this Section, unless such location is otherwise determined to constitute a public nuisance or otherwise a disturbance to the adjacent or neighboring uses as determined by the provisions of this Chapter.



**May more than one Commercial Cannabis Business be co-located within a structure:**

Yes. Each Commercial Cannabis Business must apply for and receive a separate Commercial Cannabis Business Permit. Exception: A Cannabis Testing Laboratory per Section 17.64.270 – Cannabis Testing Laboratory Operation Requirements cannot hold other Commercial Cannabis Business permits or licenses.

**Minimum Size of Structure – All Cannabis Business Permits: - Section 17.64.290 (b) is 2,000 Square Feet.**

**Total Area Devoted to Commercial Cannabis Business:** Section 17.64.290 (a) is limited to 1,350,000 square feet of building area. Commercial Cannabis Business permits are issued on a first come basis.

**Section 17.64.080 - Security Measures: Each Commercial Cannabis Business permit must comply with all security requirements regardless of building type.**

**Section 17.64.080 Security Measures.**

(a) A permitted commercial cannabis business, regardless of building type utilized, shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products at the premises. These security measures shall include, but shall not be limited to, all of the following, in addition to any other security measures deemed necessary by the City Manager or required pursuant to any regulations as may be promulgated by the City Manager in furtherance of the purposes of this Chapter:

- (1) Preventing persons from remaining on the premises of the commercial cannabis business if they are not engaging in bona fide business activity of the commercial cannabis business.
- (2) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
- (3) Ensuring that live growing plants which are being cultivated are kept in a secured cultivation site, and that all cannabis and cannabis products are stored in a secured and locked room, safe, or vault at all times. All cannabis and cannabis products, including live plants which are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
- (4) Installing twenty-four (24) hour security surveillance cameras with night vision capability and of at least HD-quality to monitor all entrances and exits to and from the premises and to monitor all interior spaces,

excluding all restroom and changing room facilities, within the commercial cannabis business. The security surveillance system shall be compatible with software and hardware utilized by the Arvin Police Department. The security surveillance system shall be capable of providing the Arvin Police Department with remote real-time/live access to the video footage during emergency situations, including but not limited to armed robbery, active shooter, hostage, and exposure to hazardous or volatile substances. Video recordings shall be maintained for a minimum of forty-five (45) days. Upon request by the Chief of Police, video recordings will be provided to the Arvin Police Department within twenty-four (24) hours. If the commercial cannabis business refuses to provide the Chief of Police access to the real-time/live video feed or the requested video recordings, the City Attorney shall be authorized to seek reimbursement of all costs, including but not limited to court costs, attorney's fees, filing fees, administrative time and fees and employee time, incurred by the City while seeking a warrant and/or judicial intervention granting the requested access. The requirements of this Section shall be in addition to any other applicable provision of the Arvin Municipal Code.

- (5) Sensors shall be installed to detect entry and exit from all secure areas.
- (6) Panic buttons shall be installed in all commercial cannabis businesses.
- (7) A professionally installed, maintained, and monitored alarm system shall be maintained in operable condition at all times.
- (8) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building and shall be installed in compliance with all applicable requirements of the Arvin Municipal Code, California Building Code and California Fire Code.
- (9) Each commercial cannabis business shall have the capability to remain secure and operational 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.
- (10) All security personnel to be hired or used by each commercial cannabis business shall be licensed by and in good standing with the State Bureau of Security and Investigative Services and shall obtain an Employee Work Permit pursuant to Section 17.64.090. At least one such security guard shall be on the premises of each commercial cannabis business during all operating hours. The City Manager may increase the number of security guards required to be on the premises of any commercial cannabis business as a condition of approval of any commercial cannabis permit application, if he or she deems such additional security guards necessary to adequately protect the premises based on the size or other

characteristics of the commercial cannabis business or its premises.

**Greenhouses are permitted;** however, greenhouse design and construction specification must meet the requirements of Section 17.64.240 (o) – Applicants are encouraged to submit design and construction specifications to Planning prior to purchase of any structures. All greenhouses must be permanent structures with opaque walls with climate controls.

**Self-Contained Cargo Containers:** Self Contained Cargo Containers well not be approved as a standalone facility for any type of Commercial Cannabis Business.

### **Parking Requirements**

Commercial Cannabis Business applications will be reviewed by the Community Development Department after the applicant has submitted the Conditional Use Permit Application and Site Development Permit.

During the review by the Community Development Department, staff will verify the property is located within the acceptable area, staff will identify the previous use of the property and the proposed use, and any parking requirements for the property.

In order to prepare for the review of the application by the Community Development Department Planning Division, please bring a site plan and floor plan detailing the proposed use of each room/space on the property, the square footage of each room/space, and any parking spaces that will be provided by the business or located on the property.

The following are the parking standards for Commercial Cannabis Businesses:

Proposed Use	Required Number of Parking Spaces
Non- Store Front Retail Sales/ Office	1 per 250 square feet of Gross Floor Area
Cultivation/ Distribution/ Processing / Manufacturing	1 per each employee on the largest shift
Storage or Warehouse	1 per 1,000 square feet of Gross Floor Area
Testing Laboratories	3 per 1,000 square feet of Gross Floor Area

Note: Parking spaces required for multiple uses on a lot shall be calculated separately for each use, and the parking required shall be the sum of all that is required for all such uses, unless otherwise permitted. Additional information on parking requirements can be found in Chapter 17.48 Automobile Parking Requirements of the Arvin Municipal Code. (NOTE: Each Commercial Cannabis Business will be reviewed based upon the Operations Plan and total gross floor area for each permit)

**What is the Permitting Process to obtain a Commercial Cannabis Permit:**

All Commercial Cannabis Business permit applications are subject to the review and approval of a Conditional Use Permit, optional Development Agreement, Site Design Permit, Environmental Review.

**PLANNING COMMISSION – ESTIMATED TIME PERIOD FOR CEQA AND REPORT PREP BY STAFF 55 TO 65 +/-DAYS**

	<b>20 to 25 Working Days</b>	<b>10 to 20 Working Days</b>	<b>20 Working Day to Prepare Staff Report</b>	<b>Total 50 to 65 Days</b>
<b>Submittal of Complete Application</b>	<p>Prepare project description and prepare mailing list <b>(1 to 5 working days to prepare)</b></p> <p>Send to interested and responsible agencies for comment on the project and solicit comments relating to environmental concerns and proposed mitigations</p> <p>Provide 10 to 15 calendar days for response</p>	<p>Prepare Initial Study based on the information provided by the applicant</p> <p><b>10 to 20 Calendar Days</b></p> <p>File Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration With Kern County <b>Normally a minimum 20 day review period</b> <b>Advertise Notice of Intent in Newspaper 20 day review period</b></p>	<p>Prepare Draft Staff Report Send Draft out to City Staff for final Review Prepare final Reports, Conditions, and Exhibits Prepare Public Hearing Notice Prepare Mitigation Measures for CEQA – If needed.</p>	

	3 days	10 Calendar Days					13 Days
<b>Planning Commission</b> Establish Hearing Date	Send Public Hearing Notice to Bakersfield Californian Newspaper for Publishing  Must send out 3 days prior to Hearing Date publication date	Publish Hearing Notice(s) in Newspaper  Must be published 10 calendar days prior to Hearing date	Mail Public Hearing Notice to Property Owners within 300 feet  Must be mailed 10 calendar days prior to Hearing date	Post Public Hearing Notice on Window of City Office  Must be posted 10 calendar days prior to Hearing date	City Clerk to post Agenda reports on the City Web Site and Front Counter Must be posted 10 calendar days prior to Hearing date	City Clerk Send out PC. Packets  Must be sent out 10 calendar days prior to Hearing date	<b>Planning Commission</b> Hearing date

PROJECT NAME: Optional Development Agreement

ESTIMATE TIME FOR CC 78 +/-DAYS

	3 days	10 to 15 Calendar Days				5 Days	1 Day
<b>City Council Establish Hearing Date</b>	Send Public Hearing Notice to Bakersfield Californian Newspaper for Publishing Must send out 3 days prior to Hearing Date publication date	Publish Hearing Notice(s) in Newspaper Must be published 10 calendar days prior to Hearing date	Mail Public Hearing Notice to Property Owners within 300 feet Must be mailed 10 calendar days prior to Hearing date	Post Public Hearing Notice on Window of City Office Must be posted 10 calendar days prior to Hearing date	City Clerk to post Agenda reports on the City Web Site and Front Counter Must be posted 10 calendar days prior to Hearing date	City Clerk Send out CC. Packets Must be sent out 10 calendar days prior to Hearing date	<b>City Council Hearing date</b>

	3 days	5 days	5 days PRIOR	15 Days	1 Day	48 Days +/-	78 Days +/-
<b>City Council 2<sup>ND</sup> READING AND ADOPTION Establish Hearing Date</b>	Send Summary Ordinance to Bakersfield Californian Newspaper for Publication in Newspaper Must send out 3 days prior to publication date	Publish Summary Ordinance - Hearing Notice(s) in Newspaper Must be published 5 calendar days prior to Hearing date	<b>2<sup>nd</sup> Reading and Adoption City Council Hearing date</b>	City Clerk to send Ordinance to the Bakersfield Californian either Summary Ordinance or Full Ordinance within 15 days of adoption for publication	City Clerk To file Notice of Determination with Kern County Clerk	For adoption of Ordinances	30 Days after adoption Becomes Effective