



THE CITY OF
NOVATO
CALIFORNIA

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PLANNING COMMISSION STAFF REPORT

MEETING

DATE: September 24, 2018

STAFF: Robert Brown, Community Development Director

SUBJECT: **CONSIDERATION OF AMENDMENTS TO CHAPTER 19 OF THE MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR PERSONAL CULTIVATION OF CANNABIS INDOORS AND OUTDOORS AND FINDING THAT ADOPTION THEREOF IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTIONS 15061(b)(3), 15301, 15304 and 15305.**

REQUESTED ACTION

Consider adoption of a resolution recommending to the City Council approval of amendments to the Novato Municipal Code (Chapter 19 – Zoning) to allow indoor and outdoor cultivation, or alternatively indoor cultivation only, of cannabis for personal use and finding that adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15061(b)(3), 15301, 15304 and 15305.

PROJECT DESCRIPTION

The proposed Municipal Code amendments respond to the passage of Proposition 64 in 2016 which legalized nonmedical use of marijuana by persons 21 years of age and older and the personal cultivation of up to six marijuana plants. The amendments proposed at this time affect only the cultivation of cannabis for personal use only. Regulations for commercial uses, including commercial cultivation, sales, deliveries, manufacturing and testing will be considered at a later date, following direction from the City Council.

The proposed amendments related to personal cultivation include the following:

Indoor Cultivation

- Includes both cultivation in private residential dwelling structures using artificial light or a mix of natural and artificial light sources or in enclosed and secure accessory structures.
- The number of plants per residential property is limited to a maximum of six, regardless of the number of occupants.
- A minimum setback from property lines of 10 feet is required.
- Requires that the cultivation area be locked and not accessible to minors or visible at ground level from a public right-of-way or adjacent property.
- Light fixtures and other equipment are required to comply with building and fire codes,

and structures to zoning standards.

- The use of generators is prohibited, as are extension cords and light fixtures over 1,200 watts per fixture.
- A ventilation/filtration system is required to prevent plant odors from exiting the residence or fully enclosed and secure structure.
- Written consent from the property owner is required and available for inspection for rental properties.

Outdoor Cultivation

- Outdoor cultivation is limited to a maximum of six plants per residential property (cumulative) and to a maximum of 50 square feet of site area.
- A minimum setback from property lines of 10 feet is required.
- Screening of the planting area with a solid fence is required from all public rights-of-way, exterior property lines and private access easements.
- Outdoor cultivation is not permitted within 100 feet of any school, church, park, library, or child care center.

BACKGROUND

On November 8, 2016, California voters passed Proposition 64 (sometimes, “Prop 64”), the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”). Proposition 64 legalizes the nonmedical use of marijuana by persons 21 years of age and older, and the personal cultivation of up to six marijuana plants. Proposition 64 makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without compensation, 28.5 grams of marijuana, or 8 grams of concentrated marijuana; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use. Proposition 64 requires that marijuana in excess of 28.5 grams that is produced by plants pursuant to the personal cultivation provisions of Proposition 64 be kept in a locked space on the grounds of a private residence that is not visible from a public place.

Although persons 21 years of age or older may use and possess nonmedical marijuana under Proposition 64, their ability to engage in these activities is not unfettered. Proposition 64 prohibits the smoking of marijuana in certain places. Moreover, individuals cannot possess marijuana on school grounds and daycare centers, or in youth centers while children are present, or possess an open container of marijuana or marijuana products while driving, operating or riding in any vehicle used for transportation. Proposition 64 further provides that cities may prohibit possession and smoking in buildings owned, leased or occupied by the city, and that employers, including cities, may maintain a drug and alcohol-free work place by prohibiting the use, consumption, possession, transfer, transportation, sale, display or growth of marijuana in the work place.

Proposition 64 provides that local governments can reasonably regulate, but cannot ban, personal indoor cultivation of up to 6 living marijuana plants within the person’s private residence or a fully enclosed and secure accessory structure on the same parcel as the person’s residence. Private residence is defined as “a house, an apartment unit, a mobilehome, or other similar dwelling unit.” Permissible regulations under Proposition 64 could include cultivation, for example, in a greenhouse on the same property as the residence that is not physically part of the home. On the

other hand, local governments may regulate or ban all outdoor personal cultivation, except for cultivation in a fully enclosed and secure accessory structure, which is defined as indoor cultivation in state law.

On November 15, 2016, the City Council adopted an urgency ordinance (Ordinance No. 1610) imposing a temporary moratorium on the indoor cultivation of nonmedicinal cannabis (except under specified conditions allowing up to 6 plants per residence to be cultivated indoors). At the same time, the City Council adopted an urgency ordinance (Ordinance No. 1609) imposing a temporary moratorium on the outdoor cultivation of nonmedicinal cannabis. On December 20, 2016, the City Council adopted extensions of the two moratoria for 10 months and 15 days, up through midnight on November 14, 2017. On October 24, 2017, the City Council extended both moratoria ordinances through midnight on November 14, 2018.

Over the past several months, at the direction of the City Council, a public information and feedback process has been conducted by City staff and consultants. Three community workshops have been held and a website created with informational summaries: <http://novato.org/about-novato/hot-topics/cannabis-marijuana-regulations>. In addition, an Open Novato survey has garnered over 600 responses to date, which are summarized in Attachment 2.

ANALYSIS AND ALTERNATIVES

The moratoria ordinances on indoor and outdoor cultivation of cannabis for personal use will expire on November 15, 2018 and can no longer be extended. The proposed ordinance would establish local regulations to allow growing of up to six plants per single-family or duplex residential parcel, either indoors or outdoors. No local permit process is proposed, but restrictions in the draft ordinance are intended to address potential impacts (e.g., building permit requirements for indoor lighting, setbacks from property lines or youth-oriented land uses for outdoor cultivation, etc.).

As noted in the background information above, cities cannot unduly restrict indoor cultivation, but may ban outdoor cultivation if they choose. There are two versions of a draft ordinance provided to the Commission. The first version allows both indoor and outdoor cultivation, subject to restrictions. The second version would allow only the indoor cultivation, which under state law includes cultivation in a fully enclosed and secure accessory structure with solid, non-transparent roof and walls.

Staff notes potential enforcement issues related to the proposed distance requirements between locations of outdoor cultivation for personal use and youth-oriented uses. See Attachment 3 for a representation of the 100-foot buffer areas around youth-oriented use locations which were determined through staff data searches. Although the number of jurisdictions that have adopted regulations for outdoor personal cultivation is limited, many require some distance buffers between the residential property with outdoor cultivation and defined youth-oriented uses (see Attachment 4). Incorporating such a buffer requirement may result in some code enforcement challenges. First, residents unfamiliar with details of the adopted regulations may be unaware of the required distance from specified uses, resulting in illegal growing situations and increased code enforcement. Second, such a regulation would require that the City maintain data of these youth-oriented use locations, such as a map layer in the City's Geographic Information System (GIS), to be able to perform code enforcement but also to be able to respond to public inquiries as to acceptable outdoor cultivation locations. This data would have to be maintained and updated over time, and may not be entirely accurate if youth-oriented uses do not obtain a business license. Third, an outdoor cultivation location that may be legal when growing is initiated, may become

illegal if a new youth-oriented use locates within 100 feet during the growing season. Grandfathered rights could only be authorized and enforced if there is an up-front permitting process, which is not proposed. The Commission has the option of recommending the elimination or reduction of the buffer requirement if desired. A question for Commission consideration is whether, with a secure, fenced site, whether a distance requirement from youth-oriented uses is beneficial from a security consideration.

ENVIRONMENTAL ASSESSMENT

The proposed Zoning Ordinance changes are not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because there is no possibility that the proposed amendments which are minor regulatory changes will have a significant effect on the environment since state law authorizes cultivation of up to 6 cannabis plants per property, and pursuant to Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations to Land Use Limitations) due to the limited number of plants and planting area and the size and nature of potential improvements associated with cannabis cultivation (fencing, accessory structures).

PUBLIC OUTREACH

Three community workshops were held in July and August, 2018, and an Open Novato on-line survey was viewed by over 600 individuals. A newspaper advertisement in the Marin IJ was printed on September 7, 2018. Notification was also provided to those who attended the community workshops, and the meeting information was posted on the City's webpage devoted to the cannabis issue (<https://novato.org/about-novato/hot-topics/cannabis-marijuana-regulations>).

RECOMMENDATION

Adopt a draft resolution recommending to the City Council approval of amendments to the Novato Municipal Code (Chapter 19 – Zoning) to allow either:

1. Indoor and outdoor cultivation of cannabis for personal use and finding that adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA), or
2. Indoor cultivation only (which includes cultivation in fully enclosed and secured accessory structures) for personal use and finding that adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA).

ATTACHMENTS

1. Draft resolution
2. Summary of Open Novato survey results
3. Map showing 100' buffers from youth-oriented land uses

PLANNING COMMISSION RESOLUTION

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO THE NOVATO MUNICIPAL CODE RELATING TO REGULATION OF INDOOR AND OUTDOOR PERSONAL CULTIVATION OF CANNABIS FOR NON-COMMERCIAL PURPOSES INCLUDING MODIFICATION OF SECTIONS 19.08.030 (AGRICULTURE AND RESOURCE ZONING DISTRICT LAND USES AND PERMIT REQUIREMENTS), 19.10.040 (RESIDENTIAL ZONING DISTRICT GENERAL DEVELOPMENT STANDARDS), 19.12.030 (COMMERCIAL/INDUSTRIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS), 19.14.040 (SPECIAL PURPOSE DISTRICT GENERAL DEVELOPMENT STANDARDS) AND 19.60.020 (DEFINITION OF SPECIALIZED TERMS AND PHRASES) AND ADDITION OF NEW SECTION 19.34.065 (CANNABIS – PERSONAL CULTIVATION) AND FINDING THAT THE ADOPTION THEREOF IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTIONS 15061(b)(3), 15304 AND 15305

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, which was codified as California Health and Safety Code section 11362.5, and entitled “the Compassionate Use Act of 1996”; and

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to legally obtain and use it under limited, specific circumstances without fear of criminal prosecution. Proposition 215 further provides that “[n]othing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes.” (Health & Safety code, § 11362.5, subd. (b)(2).) The ballot arguments supporting Proposition 215 expressly acknowledged that “Proposition 215 does not allow ‘unlimited quantities of marijuana to be grown anywhere.’”; and

WHEREAS, in 2003, the California Legislature passed Senate Bill 420 (codified as California Health and Safety Code § 11362.7 *et seq.*) to clarify the scope of Proposition 215 and expressly allow cities and counties to adopt and enforce ordinances that are consistent with SB 420; and

WHEREAS, in November 2016, California voters approved Proposition 64, which enacted the Control, Regulate, and Tax Adult Use of Marijuana Act. Proposition 64 makes it legal under state law for anyone 21 years of age or older to possess, plant, cultivate, harvest, dry, and process up to six cannabis plants per private residence for personal use (Health & Safety Code, §§ 11362.2 & 11362.3 (as amended by Senate Bill No. 94 §§ 130 & 131).) Proposition 64 also explicitly provides for local control over personal use cultivation, enabling cities to “enact and enforce reasonable regulations to regulate” indoor cultivation of cannabis for personal use and to prohibit all outdoor cultivation of cannabis for personal use on the grounds of a private residence (Health & Safety Code § 11362.2, subs. (b)(1) & (b) (3) (as amended by Senate Bill No. 94 § 130); and

WHEREAS, on June 27, 2017, the Governor approved Senate Bill 94, which repealed the Medical Marijuana Regulation and Safety Act (MMRSA) and includes certain provisions of MMRSA in the licensing provisions of the Control, Regulate, and Tax Adult Use of Marijuana Act; and

WHEREAS, the unregulated cultivation of cannabis in the City of Novato can adversely affect the health, safety, and well-being of the city's residents and environment. Regulating the cultivation of cannabis is proper and necessary to avoid the risks of criminal activity from increased risk of burglary and other property crimes, degradation of the natural environment, offensive odor, fire hazards, and violation of building codes that may result from unregulated cannabis cultivation. Children are particularly vulnerable to the effects of cannabis use, and the presence of cannabis plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including schools, parks, and other similar locations. Further, the potential for criminal activities associated with cannabis cultivation in such locations poses heightened risks that children will be involved or endangered; and

WHEREAS, the indoor cultivation of substantial amounts of cannabis within a residence presents potential health and safety risks to those living in the residence, especially children, including, but not limited to, increased risk of fire from grow light systems; potential adverse effects on the structural integrity of a building; exposure to fertilizers, pesticides and anti-fungus/mold agents; and exposure to potential property crimes targeting the residence; and

WHEREAS, the City wishes to amend the Novato Municipal Code to implement state law by providing a means for regulating the cultivation of medicinal and personal use cannabis in a manner that is consistent with state law and which balances the needs of medical patients and their caregivers and the interests of personal use cultivators, while promoting the health, safety and welfare of the residents and businesses within the City; and

WHEREAS, the Record of Proceedings ("Record") upon which the Planning Commission bases its decision on the proposed amendment to the Municipal Code includes, but is not limited to: (1) the staff reports, City files and records and other documents, prepared or and/or submitted to the City relating to the proposed amendment; (2) all documentary and oral evidence received at public meeting and hearings or submitted to the City during the comment period relating to this amendment; (3) the City of Novato 1996 General Plan and its EIR; and (4) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas. The custodian of records is the City Clerk of the City of Novato, 922 Machin Avenue, Novato, CA 94945.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve and recommend that the City Council approve and adopt the proposed Municipal Code revisions, as described in Exhibit A, namely "An Ordinance of the City Council of the City of Novato Adding Section 19.34.065 to Chapter 19 (Zoning) of the Novato Municipal Code in Order to Establish Regulations for Personal Cultivation of Cannabis Indoors and Outdoors and Making Related Amendments to Sections 19.08.030, 19.10.040, 19.12.030, and 19.14.040 of the Municipal

Code” or “An Ordinance of the City Council of the City of Novato Adding Section 19.34.065 to Chapter 19 (Zoning) of the Novato Municipal Code in Order to Establish Regulations for Personal Cultivation of Cannabis Indoors and Prohibit Outdoor Personal Cultivation and Making Related Amendments to Sections 19.08.030, 19.10.040, 19.12.030 and 19.14.040 of the Municipal Code” based on the following findings:

1. The proposed Municipal Code amendments are consistent with the policies and programs of the General Plan as most currently amended and further the following goals and objectives to:
 - a. Reduce fire hazards (SF Objective 5) in that the proposed ordinance changes will establish health and safety requirements for indoor cultivation, and
 - b. Continue to enforce the State Building Code (SF Policy 19) in that the proposed ordinance changes will require that structural, electrical, and mechanical modifications and equipment associated with cannabis cultivation comply with existing building code standards, and
 - c. Maintain effective police services (SF Objective 6) in that the proposed ordinance changes include provisions for security to reduce potential for property crimes associated with cannabis cultivation.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the ____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the ___ day of _____, 2018.

Planning Commission Chair

Attachment: Exhibit A - Proposed Municipal Code Amendments

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF NOVATO ADDING SECTION 19.34.065 TO CHAPTER 19 (ZONING) OF
THE NOVATO MUNICIPAL CODE IN ORDER TO ESTABLISH REGULATIONS FOR
PERSONAL CULTIVATION OF CANNABIS INDOORS AND OUTDOORS AND
MAKING RELATED AMENDMENTS TO SECTIONS 19.08.030, 19.10.040, 19.12.030,
AND 19.14.040 OF THE MUNICIPAL CODE**

NOW THEREFORE, the City Council of the City of Novato does ordain as follows:

Section 1. Section 19.34.065 is added to Chapter 19 of the Novato Municipal Code to read as follows:

19.34.065 –Cannabis—Personal Cultivation

A. *Purpose and Intent.* The purpose of this section is to impose regulatory restrictions on the personal cultivation of cannabis pursuant to state law. Nothing in this section is intended to allow commercial cannabis activities as defined in this Chapter. This section is not intended to interfere with a patient's right to use medicinal cannabis pursuant to state law, as may be amended, nor does it criminalize cannabis possession or cultivation otherwise authorized by state law. This section is not intended to give any person or entity independent legal authority to operate a cannabis business, as it is intended simply to impose regulatory restrictions regarding personal cultivation of cannabis in the City pursuant to this Code and state law.

B. *Applicability.* Nothing in this section shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law, nor shall it be construed, to exempt any activity related to the cultivation of cannabis from any applicable electrical, plumbing, land use or other building or land use standards or permitting requirements. No provision of this section shall be deemed a defense or immunity to any action brought against any person by the Marin County District Attorney's office, the Attorney General of the State of California or the United States of America.

C. *Maximum limits.* No personal cultivation of cannabis may occur on a parcel of property unless a private residence is located on the same parcel. No indoor, mixed-light or outdoor cannabis cultivation may occur without full compliance with the provisions of this section. No more than six (6) cannabis plants may be cultivated on any parcel of property under this Chapter by either a qualified patient or primary caregiver, and as consistent with state law for qualified patients and primary caregivers. No more than six (6) cannabis plants may be cultivated by an individual over twenty-one (21) years old at each private residence regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residence.

D. *Medical cannabis cultivation.* Medical cannabis shall only be cultivated by:

- 1) A qualified patient exclusively for his or her own personal medical use but who does not provide, donate, sell, or distribute medical cannabis to any other person and who can provide a written doctor's recommendation to the City; or
- 2) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides medical cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code Section 11362.765(c).

E. *Nonmedical cannabis cultivation.* Nonmedical cannabis cultivation. For persons other than qualified patients or primary caregivers, all personal cultivation shall be conducted by persons twenty-one (21) years of age or older. The cumulative total of cannabis plants indoors on the property shall not exceed six (6) cannabis plants, regardless of the number of persons residing at the private residence.

F. *Indoor Cannabis Cultivation for Personal Use.* Indoor cannabis cultivation for personal use is permitted within all private residences as defined in Health and Safety Code Section 11362.2 and Fully Enclosed and Secure Structures as defined by this Chapter auxiliary to all private residences within all zoning districts, subject to all of the following minimum standards:

- 1) All indoor cannabis cultivation for personal use, including by a qualified patient or primary caregiver, shall occur in a private residence or Fully Enclosed and Secure Structure on the same parcel of property as a private residence.
- 2) No more than six (6) cannabis plants may be cultivated indoors by either a qualified patient or primary caregiver, and as consistent with state law for qualified patients and primary caregivers. No more than six (6) cannabis plants may be cultivated by an individual over twenty-one (21) years old at each private residence regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residence.
- 3) Indoor cannabis cultivation of medical and nonmedical cannabis for personal use may occur inside a private residence and/or a Fully Enclosed and Secure Structure on the same parcel, subject to the following restrictions:
 - a) Structures and equipment used for indoor cannabis cultivation, such as indoor grow lights, shall comply with all applicable zoning, building, electrical and fire code regulations as adopted by the City;

- b) All Fully Enclosed and Secure Structures shall comply with all applicable requirements set forth in this Chapter and in addition shall be setback by a minimum of ten (10) feet from all parcel property lines;
- c) Personal cultivation of cannabis shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s);
- d) The use of generators to power any cultivation equipment is prohibited, except as an emergency back-up system. The use of extension cords in the cultivation room are likewise prohibited;
- e) Indoor grow lights used for cultivation shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City;
- f) Any Fully Enclosed and Secure Structure or private residence used for the cultivation of indoor cannabis shall have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with the Building Codes as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code;
- g) From the ground level of a street, public right-of-way or adjoining parcel, there shall be no visible evidence whatsoever of cannabis cultivation occurring anywhere on the parcel;
- h) Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation of cannabis by tenants;
- i) Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis;
- j) Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code;
- k) The cultivation area shall not be accessible to minors; and
- l) Tenants and all other non-owners of property shall have written consent from the property owner in accordance with the following requirements:
 - 1) Written consent from the property owner to cultivate cannabis within the residence or in a Fully Enclosed and Secure Structure structure that otherwise meets the requirements of this section shall be obtained and shall be kept on the premises, and available for inspection by the chief of police or his/her designee;
 - 2) If there is more than one owner of the residence, all owners must have acknowledged, consented to and granted permission to the authorized grower for the cultivation. The written consent shall be dated and signed by the owner or owners of the residence. The

written consent shall be valid for twelve (12) months from the signing of the written consent. If ownership of the residence changes during the twelve (12) months period after the previous owner or owners had granted permission for the cultivation, the authorized grower must obtain, with thirty (30) days of the change of ownership, a new permission statement from the new owner or owners of the residence; and

- 3) Upon request, the authorized grower shall provide the written consent from the owner or owners of the residence as proof that the owner or owners have acknowledged, consented to and granted permission to the authorized grower.
- 4) The area of cultivation shall not adversely affect the health or safety of the occupants of the private residence or the parcel or any other property by creating dust, noise, noxious gasses, smoke, vibration, mold, or other impacts, and shall not be maintained as to constitute a hazard due to use or storage of materials, processes, products or wastes.
- 5) The area used for cultivation shall comply with all California Building, Electrical, Fire, Mechanical and Plumbing Codes as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code; and the residence has (1) a permanent connection to a public water source drawing water, (2) does not engage in unlawful or unpermitted surface drawing of water for such cultivation, (3) does not permit illegal discharges of water from the parcel, (4) the residence where the cultivation takes place shall be connected to a public sewer system.
- 6) The cannabis plants shall be in a locked space so to prevent access by children, visitors, casual passersby, vandals, or anyone not authorized to possess cannabis.
- 7) Adequate mechanical locking or electronic security systems must be installed as part of the Fully Enclosed and Secure Structure or the residence prior to the commencement of cultivation.
- 8) A portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law shall be kept in the Fully Enclosed and Secure Structure used for cannabis cultivation. If cultivation occurs in a private residence, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.

G. Mixed-Light Cannabis Cultivation for Personal Use. Mixed-light cannabis cultivation for personal use is permitted in accessory structures auxiliary to private residences within all zoning districts, subject to all of the following minimum standards:

EXHIBIT A

- 1) All mixed-light cannabis cultivation for personal use, including by a qualified patient or primary caregiver, shall occur in an accessory structure that fully complies with the requirements of this Section.
- 2) Structures and equipment used for mixed-light cannabis cultivation, such as indoor grow lights, shall comply with all applicable zoning, building, electrical and fire code regulations as adopted by the City.
- 3) All mixed-light cannabis cultivation shall comply with all applicable requirements set forth in this Chapter and in addition shall be setback by a minimum of ten (10) feet from all parcel property lines.
- 4) Personal cultivation of cannabis shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).
- 5) The use of generators to power any cultivation equipment is prohibited, except as an emergency back-up system. The use of extension cords in the cultivation room are likewise prohibited.
- 6) Indoor grow lights used for cultivation shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code;
- 7) From the ground level of a street, public right-of-way or adjoining parcel, there shall be no visible evidence whatsoever of cannabis cultivation occurring anywhere on the parcel.
- 8) Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation of cannabis by tenants.
- 9) Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis.
- 10) Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code.
- 11) The cultivation area shall not be accessible to minors.
- 12) Tenants and all other non-owners of property shall have written consent from the property owner in accordance with the following requirements:
 - a) Written consent from the property owner to cultivate cannabis within an accessory structure that otherwise meets the requirements of this section shall be obtained and shall be kept on the premises, and available for inspection by the chief of police or his/her designee;
 - b) If there is more than one owner of the residence, all owners must have acknowledged, consented to and granted permission to the authorized grower for the cultivation. The written consent shall be dated and signed by the owner or owners of the residence. The written consent shall be valid for twelve (12) months from the signing of the written

consent. If ownership of the residence changes during the twelve (12) months period after the previous owner or owners had granted permission for the cultivation, the authorized grower must obtain, with thirty (30) days of the change of ownership, a new permission statement from the new owner or owners of the residence;

- c) Upon request, the authorized grower shall provide the written consent from the owner or owners of the residence as proof that the owner or owners have acknowledged, consented to and granted permission to the authorized grower;
- 13) The area of cultivation shall not adversely affect the health or safety of the occupants of the private residence or the parcel or any other property by creating dust, noise, noxious gasses, smoke, vibration, mold, or other impacts, and shall not be maintained as to constitute a hazard due to use or storage of materials, processes, products or wastes;
- 14) The area used for cultivation shall comply with all California Building, Electrical, Fire, Mechanical and Plumbing Codes as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code; and the residence has (1) a permanent connection to a public water source drawing water, (2) does not engage in unlawful or unpermitted surface drawing of water for such cultivation, (3) does not permit illegal discharges of water from the parcel, (4) the residence where the cultivation takes place shall be connected to a public sewer system;
- 15) The cannabis plants shall be in a locked space so to prevent access by children, visitors, casual passersby, vandals, or anyone not authorized to possess cannabis;
- 16) A portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law shall be kept in the accessory structure used for cannabis cultivation.

E. *Outdoor cannabis cultivation – Personal Use.*

- 1) A maximum of six plants on no more than fifty (50) square feet in total is allowed for outdoor cannabis cultivation of non-medical cannabis for personal use per parcel with a private residence and within a private outdoor area. Any outdoor plants shall be counted towards the maximum of six (6) plants being cultivated at one time on any residential property. Medical cannabis plants may be cultivated on no more than fifty (50) square feet in total per parcel with a private residence, regardless of the number of authorized growers, qualified patients or primary caregivers residing in a private residence on the parcel. The total combined outdoor cannabis cultivation of medical and non-medical cannabis per parcel with a private residence shall not exceed fifty (50) square feet at any time. For the purposes of this section, the area used to cultivate cannabis shall be

measured by the aggregate area of vegetative growth of live cannabis plants on the premises;

- 2) All outdoor cannabis cultivation may only occur on a parcel with the private residence of the authorized grower, and the authorized grower may only cultivate cannabis on one parcel. No outdoor cultivation may occur on a property without a private residence. Outdoor cultivation includes any personal cultivation of cannabis which is neither indoor cannabis cultivation nor mixed-light cannabis cultivation under this Chapter.
- 3) All outdoor cultivation shall be setback by a minimum of ten (10) feet from all parcel property lines;
- 4) All outdoor cultivation shall not be closer to an existing private residence on an adjoining property than to the private residence of the authorized grower on the parcel whereon the outdoor cultivation site is located;
- 5) Outdoor cultivation is prohibited on properties with multi-family dwellings and in mobile home parks;
- 6) All outdoor cultivation shall be screened with a fence constructed of substantial material, such as wood or metal, that prevents viewing the contents from one side to the other side of the fence and having a minimum height from grade of six (6) feet, from all public rights-of-way, private access easements, and exterior property lines of the parcel where the outdoor cultivation takes place to prevent being easily visible to individuals on adjoining parcels or to individuals either passing through or by the subject parcel;
- 7) The parcel where the outdoor cannabis is cultivated shall not be located within one hundred (100) feet of any school, church, park, library, or child care center. Such distance shall be measured in a straight line from the fence or other enclosure to the nearest boundary line of the premises upon which the school, church, park, or child care center is located;
- 8) The area for the outdoor cultivation of cannabis shall not adversely affect the health or safety of the occupants of the parcel or any other property by creating dust, noise, noxious gasses, smoke, vibration, mold, or other impacts, and shall not be maintained so as to constitute a hazard due to use or storage of materials, processes, products or wastes;
- 9) All outdoor cultivation must be in accordance with applicable state and local regulations;
- 10) It is hereby declared to be unlawful, a public nuisance and a violation of this article for any person owning, leasing, occupying, or having charge or possession of any parcel within the City of Novato to cause or allow such parcel to be used for the outdoor cultivation of cannabis, unless the person is authorized by state law to grow cannabis, and such authorized grower is complying with all requirements of this article.

F. *Enforcement.*

- 1) Nuisance. Any violation of this Section is declared to be a public nuisance and may be abated by the city pursuant to Section 1-6 of this Code.
- 2) Penalty. A violation of this section is a punishable as a criminal offense in accordance with Section 1-5 of this Code. However, notwithstanding anything in this code to the contrary, persons violating this section shall not be subject to criminal liability under this Code solely to the extent such conduct or condition is immune from criminal liability pursuant to state law, including the Compassionate Use Act of 1996 (Health and Safety Code Section 11362.5), the Medical Marijuana Program (Health and Safety Code Section 11362.7 et seq.), or the Adult Use of Marijuana Act, as they may be amended. This section does not prohibit the city from abating violations of this section by any administrative, civil or other non-criminal means.

Section 2. The following definitions are added to Section 19.60.020 (Definitions of Specialized Terms and Phrases) to read as follows in the order in which they would alphabetically appear:

Cannabis. All parts of the plant *Cannabis sativa linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" includes cannabis that is used for medicinal, non-medicinal, or other purposes.

"Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code section 11018.5.

Cannabis concentrate. Manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.

Cannabis cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

Cannabis product. Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Commercial cannabis activity. The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medicinal, non-medicinal, or any other purpose and includes (i) the production of hashish oil and the distillation or extraction of cannabidiol (“CBD”) from industrial hemp having more than three-tenths of one percent THC contained in the dried flowering tops and (ii) the activities of any business licensed by the State or other government entity under Division 10 of the California Business and Professions Code, or any provision of State law that regulates the licensing of cannabis businesses.

Fully Enclosed and Secure Structure. A space within a building that complies with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material. Plastic sheeting, canvas, vinyl, or similar products or materials, regardless of gauge, are not considered solid materials;

A Fully Enclosed and Secure Structure must be an accessory structure to a private residence located upon the parcel on which that private residence is situated.

Indoor cannabis cultivation. Cultivation of cannabis using exclusively artificial lighting.

MAUCRSA. The Medicinal and Adult-Use Cannabis Regulation and Safety Act, as the same may be amended from time to time.

Medical cannabis or medicinal cannabis. Cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (“CUA,” Health and Safety Code section 11362.7 et seq.), the Medical Marijuana Program Act (“MMPA,” Health and Safety Code section 11362.7 et seq.), the Medical Cannabis Regulation and Safety Act (“MCRSA,” Business and Professions Code section 19300 et seq.), and the Medicinal Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA).

Mixed-light cannabis cultivation. Cultivation of cannabis within an accessory structure that does not meet the definition of a Fully Enclosed and Secure Structure. Greenhouses, hoop houses, hot houses and similar structures, or light deprivation systems are included in this category, unless they meet the definition of a Fully Enclosed and Secure Structure.

Personal cultivation of cannabis. Cannabis cultivation conducted by an individual strictly for that individual’s personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and state law, including but not limited to Health and Safety Code Sections 11362.1 and 11362.2, as may be amended. Personal cultivation also means and includes cultivation of medical cannabis conducted by a qualified patient exclusively for his or her personal medical use, and cultivation conducted by a primary caregiver for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, in accordance with state law, including Health and Safety Code Sections 11362.7 and 11362.765, as may be amended. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.

Primary caregiver. As set forth in Health and Safety Code section 11362.7, as amended from time to time.

Qualifying patient or qualified patient. As set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

Section 3. Section 19.08.030 of Chapter 19 (Zoning) is amended to read as follows:

19.08.030 - Agricultural and Resource Zoning District Land Uses and Permit Requirements.

Table 2-2 identifies the uses of land allowed by this Zoning Ordinance in each agricultural and resource zoning district, and the land use permit required to establish each use, in compliance with Section 19.06.030 (Allowable Land Uses and Permit Requirements). In addition to the land use permit required by Table 2-2, special provisions related to certain land uses may apply, and Design Review may also be required for certain uses in compliance with Section 19.42.030 (Design Review). A Building Permit shall be required prior to any construction.

Note: Where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

TABLE 2-2 Allowed Uses and Permit Requirements for Agricultural and Resource Zoning Districts		P Permitted Use (2)				Specific Use Regulations
		UP Use Permit required (3)				
		— Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					
	A	OS	ROS	C		
AGRICULTURE, RESOURCE & OPEN SPACE USES						
Agricultural accessory structures	P	P	P	P		
Agricultural processing	UP	—	—	—		

EXHIBIT A

Community gardens	P	P	—	P	
Crop production and horticulture	P	P	—	P	
Dairy farming	UP	—	—	—	
Farm produce stands	UP	—	—	—	
Livestock operations - Grazing & Hay Production	P	P	P	P	
Livestock operations - Large animals	UP	—	—	—	
Livestock operations - Small animals	P	—	—	—	
Nurseries and greenhouses, no on-site sales	P	—	—	—	
Nurseries and greenhouses, with on-site sales	UP	—	—	—	
Storage and use of hazardous materials as accessory use	UP (4)	—	—	UP (4)	
RECREATION, EDUCATION & ASSEMBLY USES					
Clubs, lodges and membership meeting halls	UP	—	—	—	
Equestrian facilities	UP	—	—	—	
Golf courses and country clubs	UP	—	—	UP	
Hiking trails	P	P	P	P	
Marinas, docks, piers	UP	UP	UP	UP	
Nature preserves	P	P	P	P	
Outdoor recreation facilities, active	UP	—	—	—	
Outdoor recreation facilities, passive	P	P	P	P	
Parks and playgrounds	UP	UP	—	UP	

KEY TO ZONING DISTRICT SYMBOLS

A	Agricultural	ROS	Restricted Open Space
OS	Open Space	C	Conservation

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other applicable local, state and federal laws and regulations.

TABLE 2-2 Allowed Uses and Permit Requirements for Agricultural and Resource Zoning Districts	P	Permitted Use (2)
	UP	Use Permit required (3)
	—	Use not allowed

EXHIBIT A

LAND USE (1)	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	A	OS	ROS	C	
RESIDENTIAL USES					
Accessory dwelling units/junior accessory dwelling units	UP	—	—	UP	19.34.030 and 19.34.031
Accessory residential uses and structures	P	—	—	P	19.34.032
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	—	—	<u>P</u>	<u>19.34.065</u>
<u>Cannabis cultivation – personal outdoor (4)</u>	<u>P</u>	—	—	<u>P</u>	<u>19.34.065</u>
Caretaker quarters	UP	UP	—	—	
Farm labor housing	UP	—	—	—	
Group homes, 6 or fewer persons	P	—	—	—	
Group homes, 7 or more persons	UP	—	—	—	
Home occupations	P	—	—	P	19.34.080
Single-family dwellings	P	—	—	P	
SERVICE USES					
Bed and breakfast inns (B&Bs)	UP	—	—	—	
Cemetery	—	—	—	P	
Child/adult day care, 8 or fewer clients	P	—	—	P	
Child/adult day care, 9 to 14 clients	P	—	—	—	19.34.070
Child/adult day care, 15 or more clients	UP	—	—	—	19.34.070
Funeral Homes	—	—	—	UP	
Kennels	UP	—	—	—	
TRANSPORTATION AND COMMUNICATION USES					
Wireless communications facilities	UP	UP	UP	UP	19.38

KEY TO ZONING DISTRICT SYMBOLS

A	Agricultural	ROS	Restricted Open Space
OS	Open Space	C	Conservation

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Outdoor cultivation allowed only in conjunction with a single-family or duplex residence. Outdoor cultivation not allowed with multi-family dwellings.

Section 4. Section 19.10.040 of Chapter 19 (Zoning) is amended to read as follows:

19.10.040 - Residential Zoning District General Development Standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-5 and 2-6, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

TABLE 2-4 Allowed Uses and Permit Requirements for Residential Zoning Districts		P Permitted Use (2)				
		UP Use Permit required (3)				
		— Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	RR	RVL, R1	R4, R5	R10	R20	
AGRICULTURE, RESOURCE & OPEN SPACE USES						
Animal keeping	P (4)	P (4)	P (4)	P (4)	P (4)	19.34.060
Crop production & horticulture, community gardens	P	UP	—	—	—	
Kennel	UP	UP (5)	—	—	—	
Livestock raising, small	P	UP	—	—	—	19.34.060
Nature preserves	P	P	P	—	—	
Plant, nurseries and greenhouses, with on-site retail	UP	UP	UP	—	—	
Plant, nurseries and greenhouses, without on- site retail	P	UP	—	—	—	
RECREATION, EDUCATION & ASSEMBLY USES						
Clubs, lodges and membership meeting halls	UP	UP	UP	UP	UP	
Community centers	UP	UP	UP	UP	UP	
Equestrian facilities	UP	—	—	—	—	
Golf courses and country clubs	UP	UP	—	—	—	
Libraries and museums	UP	UP	UP	UP	UP	
Outdoor recreation facilities - active	UP	UP	UP	UP	UP	
Outdoor recreation facilities - passive	P	P	P	P	P	
Private residential recreational facilities	UP	UP	UP	UP	UP	
Religious facilities	UP	UP	UP	UP	UP	
Schools - Public and private	UP	UP	UP	UP	UP	
RESIDENTIAL USES						

EXHIBIT A

Accessory dwelling units/junior accessory dwelling units	P	P	P	P	P	19.34.030 and 19.34.031
Accessory residential uses and structures	P	P	P	P	P	19.34.032
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>19.34.065</u>
<u>Cannabis cultivation – personal outdoor (6)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>19.34.065</u>
Group homes, 6 or fewer persons	P	P	P	P	P	
Group homes, 7 or more persons	UP	UP	UP	UP	UP	
Home occupations	P	P	P	P	P	19.34.080
Mobile home parks	UP	UP	UP	UP	UP	19.34.120
Multi-family dwellings	—	—	—	P	P	
Rooming and boarding houses	UP	UP	UP	UP	UP	
Single-family dwellings	P	P	P	P	P	
Two-family dwellings, two single-family dwellings	—	—	P	P	P	

KEY TO ZONING DISTRICT SYMBOLS

RR	Rural Residential	R10	Medium Density Multi-Family Residential
RVL, R1	Very Low Density & Low Density Res.	R20	High Density Multi-Family Residential
R4, R5	Medium Density Multi-Family Residential		

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Standards and additional permit requirements determined by Section 19.34.060.
- (5) Kennel is not a permitted land use in an R1 Zoning District.
- (6) Outdoor cultivation allowed only in conjunction with a single-family or duplex residence. Outdoor cultivation not allowed for multi-family dwellings.

TABLE 2-4 Allowed Uses and Permit Requirements for Residential Zoning Districts		PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
		RR	RVL, R1	R4, R5	R10	R20	
RETAIL USES							
Accessory retail and service uses		—	—	—	—	P	19.34.034

EXHIBIT A

Marijuana Dispensaries	—	—	—	—	—	
SERVICE USES						
Bed and breakfast inns (B&Bs)	UP	UP	UP	UP	UP	
Child/adult day care, 14 or fewer persons	P	P	P	P	P	19.34.070
Child/adult day care, 15 or more persons	UP	UP	UP	UP	UP	19.34.070
Massage establishments	—	—	—	—	—	
Massage establishments - small	—	—	—	—	—	
Personal services, accessory, within housing complex	—	—	—	—	—	
Public utility facilities	UP	UP	UP	UP	UP	
Residential care facilities for the elderly	—	—	—	UP	UP	19.34.160
Wireless communication facilities: New towers or monopoles or new building-mounted facilities	UP	UP	UP	UP	UP	19.38
Wireless communication facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P(2)	P(2)	P(2)	P(2)	P(2)	19.38

KEY TO ZONING DISTRICT SYMBOLS

RR	Rural Residential	R10	Medium Density Multi-Family Residential
RVL, R1	Very Low Density & Low Density Res.	R20	High Density Multi-Family Residential
R4, R5	Medium Density Multi-Family Residential		

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.

Section 5. Section 19.12.030 of Chapter 19 (Zoning) is amended to read as follows:

19.12.030 - Commercial/Industrial District Land Uses and Permit Requirements.

Table 2-7 identifies the uses of land allowed by this Zoning Ordinance in the commercial and industrial zoning districts, and the land use permit required to establish each use, in compliance with Section 19.06.030 (Allowable Land Uses and Permit Requirements). In addition to the land use permit required by Table 2-7, special provisions related to certain land uses may apply, and Design Review may also be required for certain uses in compliance with Section 19.42.030 (Design Review). A Building Permit shall be required prior to any construction.

Note: Where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

EXHIBIT A

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts						P Permitted Use (2) UP Use Permit required (3) — Use not allowed		
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BPO	CN	CG	CDR	CDB	CI	LIO	
MANUFACTURING & PROCESSING USES								
Assembly of products from parts produced off-site	—	—	—	—	—	P	P	
Electronics, equipment, and appliance manufacturing	—	—	—	—	—	P	P	
Food and beverage product manufacturing	—	—	UP	—	—	P	P	
Furniture/fixtures manufacturing, cabinet shops	—	—	—	—	—	P	P	
Handcraft industries, small-scale manufacturing	—	—	UP	—	—	P	P	
Laundries and dry cleaning plants	—	—	—	—	—	P	P	
Metal products fabrication, machine/welding shops	—	—	—	—	—	P	P	
Printing and publishing	—	—	UP	—	—	P	P	
Quarry materials storage and processing	—	—	—	—	—	UP	UP	
Recycling facilities - Large collection facilities	—	—	—	—	—	UP	UP	19.34.150
Recycling facilities - Processing, light	—	—	—	—	—	—	UP	19.34.150
Recycling facilities - Reverse vending machines	P	P	P	P	P	P	P	19.34.150
Recycling facilities - Scrap and dismantling yards	—	—	—	—	—	—	UP	19.34.150
Recycling facilities - Small collection facilities	—	UP	UP	—	—	P	P	19.34.150
R&D (Research and development)	P	—	P	—	—	P	P	
R&D - Biotechnology, chemical, pharmaceutical	UP	—	UP	—	—	UP	UP	
Storage or use of hazardous materials as accessory use	UP (4)	—	UP (4)	—	—	UP (4)	UP (4)	
Warehouses, wholesaling and distribution	—	—	—	—	—	P	P	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

EXHIBIT A

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other local, state and federal laws and regulations.

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts									P Permitted Use (2) UP Use Permit required (3) — Use not allowed
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	BPO	CN	CG	CDR	CDB	CI	LIO		
RECREATION, EDUCATION & ASSEMBLY USES									
Adult-oriented businesses	—	—	—	—	—	—	UP (6)	19.23	
Clubs, lodges and membership meeting halls	—	UP	UP	UP(5)	UP	—	—		
Community centers	—	UP	UP	UP	UP	—	—		
Health/fitness facilities	UP	P	P	UP	P	P	P		
Indoor amusement/entertainment facilities	—	UP	UP	UP	UP	UP	UP		
Libraries, museums, galleries	UP	UP	UP	UP	UP	UP	UP		
Outdoor recreation facilities, active	—	UP	UP	—	—	—	UP		
Outdoor recreation facilities, passive	P	P	P	P	P	P	P		
Parks and playgrounds	—	—	—	P	P	—	—		
Religious Facilities	—	UP	UP	UP(5)	UP	—	—		
Schools - Private	UP	UP	UP	UP (5)	UP	—	UP		
Schools - Specialized education and training	UP	UP	UP	UP (5)	UP	—	P		
Studios - Art, dance, martial arts, music, etc.	UP	UP	P	UP (5)	UP	P	P		
Theaters and auditoriums	—	—	UP	UP	UP	—	—		
RESIDENTIAL USES									
<u>Cannabis cultivation – personal indoor</u>	—	—	—	—	—	—	—	<u>19.34.065</u>	
<u>Cannabis cultivation – personal outdoor</u>	—	—	—	—	—	—	—	<u>19.34.065</u>	
Caretaker quarters	UP	—	UP	—	—	UP	UP		
Emergency Shelter	—	—	—	—	—	—	—	19.34.072	
Residential shelters	—	—	UP	—	—	—	—		
Home occupations	P	P	P	P	P	—	—	19.34.080	
Live/work projects	P	—	P	P	P	P	P	19.34.090	

EXHIBIT A

Multi-family dwellings and duplexes, in a mixed use project	—	UP	—	UP (5)	UP (5)	—	—	19.34.100
Single family dwellings	—	—	—	—	—	—	—	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) Use allowed only on upper floors or rear of site, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (6) Permit requirement established by Division 19.23 (Adult-Oriented Businesses).

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed							
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	BPO	CN	CG	CDR	CDB	CI	LIO		
RETAIL USES									
Accessory retail and service uses	P	P	P	P	P	P	P	19.34.034	
Alcoholic beverage sales, on or off-site (15)	UP	UP	UP	UP	UP	UP	UP	19.34.050	
Art, antique, collectible, and gift stores	—	P	P	P	P	P	—		
Auto parts sales	—	P	P	P	P	P	P		
Auto sales and rental	—	—	UP	—	—	UP	P		
Bars and night clubs	—	—	UP	UP	UP	—	UP		
Book stores	—	P	P	P	P	P	P		
Building material stores	—	—	UP	—	—	UP	P		
Construction/heavy equipment sales and rental	—	—	—	—	—	UP	UP		
Convenience stores	—	UP	UP	UP	UP	—	—		

EXHIBIT A

Drive-in and drive-through sales	—	UP	UP	—	—	—	UP	
Equipment rental	—	—	UP	UP	UP	P	P	
Extended hour businesses (11 p.m. to 6 a.m.)	P (8)	UP	P (8)	P (8)	P (8)	P (8)	P (8)	
Florists	—	P	P	P	P	P	P	
Furniture, furnishings & appliance stores	—	—	P	P	P	—	—	
General retail	—	P	P	P (9)	P (9)	P	P	7-10
Grocery stores	—	UP	P	P	P	—	—	7-10
Gun sales	—	—	UP	—	—	UP	—	
Marijuana Dispensaries	—	—	—	—	—	—	—	
Mobile home, RV, and boat sales	—	—	—	—	—	UP	P	
Outdoor displays retail sales, temporary	—	P	P	P (10)	P (10)	P	P	19.34.130
Outdoor displays retail sales, permanent	—	UP	UP	UP	UP	UP	UP	19.34.130
Plant nurseries and garden supply stores	—	UP	P	UP	UP	P	P	
Restaurants and outdoor dining areas, including incidental on-site alcohol sales	UP	P	P	P (9)(10)	P (9)(10)	UP	UP	19.34.050
Tobacco product shops	—	—	—	UP	UP	—	—	19.34.166
Warehouse retail	—	—	UP	—	—	—	—	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (7) Permitted if in compliance with the design standards of the Downtown Specific Plan.
- (8) Use Permit required if located within 300 feet of a residential zone.
- (9) Related uses are permitted which meet all of the following criteria: open during weekdays 10 a.m. to 5 p.m. and Saturday; provides window displays which are changed monthly; and has two-hour customer turnover.
- (10) Also permitted in the public right-of-way with a license agreement pursuant to Section 15-4 of the Municipal Code.
- (14) Except for restaurants with incidental on-site alcohol.

EXHIBIT A

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed							
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	BPO	CN	CG	CDR	CDB	CI	LIO		
SERVICE USES									
Animal Grooming	—	UP	UP	UP (5)	UP	UP	UP		
Auto repair and maintenance - Major	—	—	—	—	—	UP	UP		
Auto repair and maintenance - Minor	—	—	UP	—	—	P	P		
Automated teller machines (ATMs) (non-drive through)	P	P	P	P	P	P	P		
Banks	P	P	P	UP (13)	P(13)	—	P		
Business support services	P	P	P	P (5)	UP (5)	P	P		
Car wash	—	—	UP	—	—	—	UP		
Check Cashing	—	—	UP	—	—	—	—		
Child/adult day care centers	UP	UP	UP	UP (5)	UP	—	UP	19.34.070	
Congregate care/group facilities	UP	—	UP	—	—	—	—		
Contractor storage yard	—	—	—	—	—	UP	UP		
Drive-in and drive-through services, including ATM	—	UP	UP	UP	UP (11)	—	—		
Financial Services	P	P	P	P (5)	P (12)	—	P		
Gas stations	—	UP	UP	—	—	—	UP	19.34.050.F	
Hotels and motels	UP	UP	UP	UP	UP	UP	UP		
Kennels & boarding	—	—	UP	—	—	UP	UP		
Massage Establishments	UP	UP	UP	UP	UP	UP	UP	19.34.190 see also Sec. 8-4	
Massage establishments - small	P	P	P	P	P	P	P	see also Sec. 8-4	
Medical - Clinics, offices, and laboratories	P	P	P	P (5)	P (6)	—	—		
Medical - Extended care	UP	—	UP	—	—	—	—		
Medical - Hospitals	UP	—	UP	—	—	—	—		
Mortuaries & funeral homes	UP(15)	—	UP(15)	—	—	—	UP(15)		
Offices	P	P	P	P (5)	P (6)	P	P		
Pawn Shops	—	—	UP	—	—	—	—		
Personal services	P	P	P	P	P	P	P		

EXHIBIT A

Public utility facilities	UP	UP	UP	UP	UP	UP	UP	
Residential care facility for the elderly (RCFE)	—	UP	—	—	—	—	—	19.34.160
Real Estate Offices	P	P	P	P	P	P	P	
Storage Facilities - Indoor	—	—	UP	—	—	UP	UP	
Storage - Outdoor	—	—	UP	—	—	UP	UP	
Tattoo Parlor	—	—	—	—	—	—	UP	19.34.168
Travel Agency	P	P	P	P	P	P	P	
Upholstering shops	—	—	—	—	UP	P	P	
Veterinary clinics, outpatient treatment only	—	UP	UP	—	UP	UP	UP	
Veterinary clinics, animal hospitals	—	—	UP	—	UP	UP	UP	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) Use allowed only on upper floor or rear of site, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (11) Drive-through banking services only.
- (12) See Section 19.030.040, Table 3-7 for parking requirements of ground floor offices, medical, business and financial services in the Downtown Business Core.
- (13) Use allowed only on upper floors and up to a maximum of 25% of the ground floor in rear of a building, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (15) Crematories are only allowed in the LIO District, and must be located a minimum of 1,000 feet from residential uses, schools and day care centers.

EXHIBIT A

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed							
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	BPO	CN	CG	CDR	CDB	CI	LIO		
TRANSPORTATION & COMMUNICATIONS USES									
Broadcasting studios	UP	—	UP	UP (5)	UP (5)	P	P		
Heliports	UP	—	—	—	—	—	—	19.34.074	
Parking facilities	—	—	P	P(16)	P(16)	P	P		
Telecommunications facilities	UP	UP	UP	UP	UP	UP	UP	19.38	
Truck and freight terminals	—	—	—	—	—	UP	UP		
Vehicle storage	—	—	—	—	—	UP	UP		
Wireless communication facilities: New towers or monopoles or new building-mounted facilities	UP	UP	UP	UP	UP	UP	UP	19.38	
Wireless communication facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P (2)	P (2)	P (2)	P (2)	P (2)	P (2)	P(2)	19.38	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) For properties with building frontage on Grant Avenue or Redwood Boulevard: Use allowed only on upper floor or rear of building, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (16) Parking facilities shall not front on Grant Avenue or Redwood Boulevard.

COMPLETE LIST OF NOTES FOR TABLE 2-7 (Reflects all revised notes above and highlighted as new additions to Ordinance).

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.

- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other local, state and federal laws and regulations.
- (5) For properties with building frontage on Grant Avenue or Redwood Boulevard: Use allowed only on upper floor or rear of building, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (6) Permit requirements established by Division 19.23 (Adult-oriented Businesses).
- (7) Permitted if in compliance with the design standards of the Downtown Specific Plan.
- (8) Use Permit required if located within 300 feet of a residential zone.
- (9) Related uses are permitted which meet all of the following criteria: open during weekdays 10 a.m. to 5 p.m. and Saturday; provides window displays which are changed monthly; and has two-hour customer turnover.
- (10) Also permitted in the public right-of-way with a license agreement pursuant to Section 15-4 of the Municipal Code.
- (11) Drive-through banking services only.
- (12) Ground floor offices, medical, business and financial services in the Downtown Business Core shall provide required parking at 1 space per 250 sq. ft. of gross floor area.
- (13) Use allowed only on upper floors and up to a maximum of 25% of the ground floor in rear of a building, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (14) Except for restaurants with incidental on-site alcohol sales.
- (15) Crematories are only allowed in the LIO District, and must be located a minimum of 1,000 feet from residential uses, schools and day care centers.
- (16) Parking facilities shall not front on Grant Avenue or Redwood Boulevard.

Section 6. Section 19.14.040 of Chapter 19 (Zoning) is amended to read as follows:

19.14.040 - Special Purpose District General Development Standards.

- A. *General Standards.* Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-10, in addition to any other applicable requirements of this Article, and the development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).
- B. *PD District.* Development standards for projects within the PD (Planned) zoning district shall be determined by the Council through the adoption of a Precise Development Plan in accordance with Section 19.42.060, provided that the standards are found to be consistent with the objectives, policies and programs of the General Plan. Where the Precise Development Plan is silent on a general development standard or specific use, the standards from the most comparable zoning district and special provisions and standards of this Zoning Ordinance shall apply pursuant to Section 19.02.
- C. *REI District.* See Section 19.14.050.
- D. *PL District.* Development standards for projects within the PL district shall be determined through project review and approval.

TABLE 2-9 Allowed Uses and Permit Requirements (2) for Special Purpose Zoning Districts	P Permitted Use (2)			
	UP Use Permit required (3)			
	— Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	MU	CF	PL	
AGRICULTURE & OPEN SPACE USES				
Community gardens	P	P	P	
Nature preserves	P	P	P	
MANUFACTURING & PROCESSING USES				
Recycling facilities - All types	—	UP	—	19.34.150
Recycling facilities - Reverse vending machines	P	—	—	
Recycling facilities - Small collection facilities	UP	UP	UP	
R&D (Research & Development)	P	UP	—	
R&D - Biotechnology, chemical, pharmaceutical	UP	UP	—	
RECREATION, EDUCATION & ASSEMBLY USES				
Community centers	UP	UP	UP	
Golf courses, public	—	UP	UP	
Health/fitness facilities	UP	UP	UP	
Indoor amusement/entertainment facilities	UP	UP	—	
Libraries, museums, galleries	UP	UP	—	
Outdoor recreation facilities - Active	UP	UP	UP	
Outdoor recreation facilities - Passive	P	P	P	
Parks and playgrounds	P	P	P	
Religious facilities	UP	UP	—	
Schools - Private	UP	UP	—	
Schools - Colleges and universities	UP	UP	—	
Schools - Elementary and secondary	UP	UP	—	
Studios - Art, dance, martial arts, music, etc.	UP	UP	—	
Theaters and auditoriums	UP	UP	—	
RESIDENTIAL USES				
Accessory residential uses and structures	P	UP	—	19.34.032
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	<u>—</u>	<u>—</u>	<u>19.34.065</u>
<u>Cannabis cultivation – personal outdoor (4)</u>	<u>P</u>	<u>—</u>	<u>—</u>	<u>19.34.065</u>
Caretaker quarters	—	UP	—	
Live/work	P	—	—	19.34.090
Emergency Shelter	—	—	—	19.34.072

EXHIBIT A

Multi-family dwellings and duplexes, in a mixed-use project.	UP	UP	—	19.34.100
Single-family dwellings	P	—	—	

KEY TO ZONING DISTRICT SYMBOLS

MU	Mixed Use	PL	Parkland
CF	Community Facilities and Parkland		

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Outdoor cultivation allowed only in conjunction with a single-family or duplex residence. Outdoor cultivation prohibited for multi-family dwellings and in mobilehome parks.

TABLE 2-9 Allowed Uses and Permit Requirements (2) for Special Purpose Zoning Districts	P Permitted Use (2)			Specific Use Regulations
	UP Use Permit required (3)			
	— Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT			
	MU	CF	PL	
RETAIL TRADE				
Accessory retail and service uses	P	—	—	
Alcoholic beverage sales, on or off-site (4)	UP	—	—	19.34.050
Convenience stores	UP	—	—	
General retail	P	—	—	
Grocery stores	UP	—	—	
Restaurants	UP	—	—	
SERVICES				
Automated teller machines (ATMs)	P	—	—	
Banks and financial institutions	P	—	—	
Bed and breakfast inns	UP	—	—	
Business support services	UP	UP	—	
Child/adult day care (small or large)	UP	—	—	19.34.070
Hotels and motels	UP	—	—	
Massage establishments	UP	—	—	19.34.190 see also Sec. 8-4

EXHIBIT A

Massage establishments - small	P	—	—	see also Sec. 8-4
Medical - Clinics, offices, and laboratories	UP	UP	—	
Medical - Hospitals	—	UP	—	
Offices	P	—	—	
Personal services	UP	UP	—	
Public utility or safety facilities	UP	P	—	
Residential care facilities for the elderly (RCFE)	—	—	—	
TRANSPORTATION AND COMMUNICATIONS USES				
Heliports	—	UP	—	19.34.074
Parking facilities	—	UP	—	
Vehicle storage	—	—	—	
Wireless communications facilities: New towers or monopoles or new building-mounted facilities	UP	UP	—	19.38
Wireless communications facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P(2)	P(2)	—	19.38

KEY TO ZONING DISTRICT SYMBOLS

MU	Mixed Use
CF	Community Facilities and Parkland
PL	Parkland

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Use Permit for the sale of alcohol not required for restaurants with incidental on-site alcohol sales.

Section 7. Environmental Findings

This ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the environmental regulations of the city. Community Development Department ("CDD") staff has determined that the adoption and implementation of the ordinance and its allowance of the cultivation of medicinal cannabis is eligible for Class 4 and 5 categorical exemption for minor changes in land use limitations and/or minor alterations in the condition of land and/or vegetation and will not have a significant environmental impact pursuant to CEQA Guidelines Section 15061(b)(3) as it can be

seen with certainty that there is no possibility that the adoption and implementation of the ordinance will have a significant effect on the environment for all of the reasons stated hereafter. Since Proposition 64 already authorizes the cultivation of up to 6 cannabis plants and this ordinance does not increase that amount, this ordinance will have no impact on existing conditions as regards the cultivation of cannabis. Furthermore, cultivation is limited: in existing residential structures or fully enclosed and secure structures, the latter of which can be built in backyards but because only up to 6 plants can be cultivated therein, it is not anticipated such structures will be large or require significant changes to the landscape or other improvements. In short, the ordinance is exempt from the environmental review requirements of CEQA pursuant to Sections 15304 and 15305 of Title 14 of the California Code of Regulations. CDD staff has also determined that this ordinance is exempt under CEQA as a Class 1 exemption (CEQA Guidelines sec. 15301) as a minor alteration of existing residential structures, for this ordinance permits cultivation of up to 6 cannabis plants under certain conditions, which said conditions may result in fencing and other minor improvements to be built on or in private residences. But the erection of such improvements is already permitted under existing laws and city regulations or involves alterations and improvements such as interior electrical conveyances or similar interior or exterior facilities and features that entail negligible or no expansion of an existing use. Additionally, permitting up to 6 cannabis plants to be grown on a private residence is not significantly different from the indoor and outdoor plant growing and maintenance that occupants of private residences are already permitted to perform on residential properties and, as such, does not constitute an expansion of use within the contemplation of the Class 1 CEQA exemption and is otherwise exempt under CEQA Guidelines section 15304. The City Council has reviewed CDD's Staff's determination of exemption, and based on its own independent judgment, concurs with Staff's determination of exemption. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Marin in accordance with CEQA Guidelines.

Section 8. Repeal.

Ordinance No. 1626 ("An Urgency Ordinance of the City Council of the City of Novato Extending a Temporary Moratorium (Except Under Certain Conditions) On the Indoor Cultivation of Nonmedical Marijuana and Approving a Report on Steps Taken to Alleviate Conditions Leading to the Moratorium (Second Extension)) and No. 1625 ("An Urgency Ordinance of the City Council of the City of Novato Extending a Temporary Moratorium (Except Under Certain Conditions) On the Outdoor Cultivation of Nonmedical Marijuana and Approving a Report on Steps Taken to Alleviate Conditions Leading to the Moratorium (Second Extension)) are repealed in their entirety as of the date that this ordinance takes effect. Those portions of Ordinance No. 1633 ("An Urgency Ordinance of the City Council of the City of Novato Extending a Temporary Moratorium on the Indoor (Except Under Certain Circumstances) And Outdoor Cultivation of Medicinal Cannabis and All Commercial Cannabis Activities Except Deliveries of Medicinal Cannabis and an Existing Testing Laboratory and Pharmaceutical Company, Approving a Report on the Conditions Leading to the Adoption of the Ordinance and Making Findings that the Approval of Said Resolution is Exempt Under CEQA Pursuant to CEQA Guidelines

Section 15061, Among Other Provisions”) relating to personal cultivation are repealed as of the date that this ordinance takes effect.

Section 9. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Novato hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 10. Effective Date.

This ordinance shall become effective thirty (30) days after its adoption.

Section 11. Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

Publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

Publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

* * * * *

THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 2nd day of October, 2018, and adopted at a regular meeting of the Novato City Council on the 9th day of October, 2018.

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

Mayor of the City of Novato

Attest:

City Clerk of the City of Novato

Approved as to form:

City Attorney of the City of Novato

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF NOVATO ADDING SECTION 19.34.065 TO CHAPTER 19 (ZONING) OF
THE NOVATO MUNICIPAL CODE IN ORDER TO ESTABLISH REGULATIONS FOR
PERSONAL CULTIVATION OF CANNABIS INDOORS AND PROHIBIT OUTDOOR
PERSONAL CULTIVATION AND MAKING RELATED AMENDMENTS TO SECTIONS
19.08.030, 19.10.040, 19.12.030, AND 19.14.040 OF THE MUNICIPAL CODE**

NOW THEREFORE, the City Council of the City of Novato does ordain as follows:

Section 1. Section 19.34.065 is added to Chapter 19 of the Novato Municipal Code to read as follows:

19.34.065 –Cannabis—Personal Cultivation

A. *Purpose and Intent.* The purpose of this section is to impose regulatory restrictions on the personal cultivation of cannabis pursuant to state law. Nothing in this section is intended to allow commercial cannabis activities as defined in this Chapter. This section is not intended to interfere with a patient’s right to use medicinal cannabis pursuant to state law, as may be amended, nor does it criminalize cannabis possession or cultivation otherwise authorized by state law. This section is not intended to give any person or entity independent legal authority to operate a cannabis business, as it is intended simply to impose regulatory restrictions regarding personal cultivation of cannabis in the City pursuant to this Code and state law.

B. *Applicability.* Nothing in this section shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law, nor shall it be construed, to exempt any activity related to the cultivation of cannabis from any applicable electrical, plumbing, land use or other building or land use standards or permitting requirements. No provision of this section shall be deemed a defense or immunity to any action brought against any person by the Marin County District Attorney’s office, the Attorney General of the State of California or the United States of America.

C. *Maximum limits.* No personal cultivation of cannabis use may occur on a parcel of property unless a private residence is located on the same parcel. No cannabis cultivation may occur without full compliance with the provisions of this section. No more than six (6) cannabis plants may be cultivated on any parcel of property by either a qualified patient or primary caregiver, and as consistent with state law for qualified patients and primary caregivers. No more than six (6) cannabis plants may be cultivated by an individual over twenty-one (21) years old at each private residence regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residence.

D. *Medical cannabis cultivation.* Medical cannabis shall only be cultivated by:

- 1) A qualified patient exclusively for his or her own personal medical use but who does not provide, donate, sell, or distribute medical cannabis to any other person and who can provide a written doctor's recommendation to the City; or
- 2) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides medical cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code Section 11362.765(c).

E. *Nonmedical cannabis cultivation.* Nonmedical cannabis cultivation. For persons other than qualified patients or primary caregivers, all personal cultivation shall be conducted by persons twenty-one (21) years of age or older. The cumulative total of cannabis plants indoors on the property shall not exceed six (6) cannabis plants, regardless of the number of persons residing at the private residence.

F. *Indoor Cannabis Cultivation for Personal Use.* Indoor cannabis cultivation for personal use is permitted within all private residences as defined in Health and Safety Code Section 11362.2 and Fully Enclosed and Secure Structures as defined by this Chapter auxiliary to all private residences within all zoning districts, subject to all of the following minimum standards:

- 1) All indoor cannabis cultivation for personal use, including by a qualified patient or primary caregiver, shall occur in a private residence or Fully Enclosed and Secure Structure auxiliary to a private residence.
- 2) No more than six (6) cannabis plants may be cultivated indoors by either a qualified patient or primary caregiver, and as consistent with state law for qualified patients and primary caregivers. No more than six (6) cannabis plants may be cultivated by an individual over twenty-one (21) years old at each private residence regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residence.
- 3) Indoor cannabis cultivation of medical and nonmedical cannabis for personal use may occur inside a private residence and/or a Fully Enclosed and Secure Structure on the same parcel, subject to the following restrictions:
 - a) Structures and equipment used for indoor cannabis cultivation, such as indoor grow lights, shall comply with all applicable zoning, building, electrical and fire code regulations as adopted by the City.
 - b) All Fully Enclosed and Secure Structures used for indoor cannabis cultivation shall comply with all applicable requirements set forth in this

Chapter and in addition shall be setback by a minimum of ten (10) feet from all parcel property lines.

- c) Personal cultivation of cannabis shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).
- d) The use of generators to power any cultivation equipment is prohibited, except as an emergency back-up system. The use of extension cords in the cultivation room are likewise prohibited.
- e) Indoor grow lights used for cultivation shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City;
- f) Any Fully Enclosed and Secure Structure or private residence used for the cultivation of indoor cannabis shall have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with the Building Codes as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code ; and
- g) From the ground level of a street, public right-of-way or adjoining parcel, there shall be no visible evidence whatsoever of cannabis cultivation occurring anywhere on the parcel.
- h) Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation of cannabis by tenants.
- i) Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis.
- j) Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code.
- k) The cultivation area shall not be accessible to minors.
- l) Tenants and all other non-owners of property shall have written consent from the property owner in accordance with the following requirements:
 - 1) Written consent from the property owner to cultivate cannabis within the residence or in a Fully Enclosed and Secure Structure shall be obtained and shall be kept on the premises, and available for inspection by the chief of police or his/her designee;
 - 2) If there is more than one owner of the residence, all owners must have acknowledged, consented to and granted permission to the authorized grower for the cultivation. The written consent shall be dated and signed by the owner or owners of the residence. The written consent shall be valid for twelve (12) months from the signing of the written consent. If ownership of the residence changes during the twelve (12) months period after the previous

owner or owners had granted permission for the cultivation, the authorized grower must obtain, with thirty (30) days of the change of ownership, a new permission statement from the new owner or owners of the residence; and

- 3) Upon request, the authorized grower shall provide the written consent from the owner or owners of the residence as proof that the owner or owners have acknowledged, consented to and granted permission to the authorized grower;
- m) The area of cultivation shall not adversely affect the health or safety of the occupants of the private residence or the parcel or any other property by creating dust, noise, noxious gasses, smoke, vibration, mold, or other impacts, and shall not be maintained as to constitute a hazard due to use or storage of materials, processes, products or wastes;
- n) The area used for cultivation shall comply with all California Building, Electrical, Fire, Mechanical and Plumbing Codes as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code ; and the residence has (1) a permanent connection to a public water source drawing water, (2) does not engage in unlawful or unpermitted surface drawing of water for such cultivation, (3) does not permit illegal discharges of water from the parcel, (4) the residence where the cultivation takes place shall be connected to a public sewer system;
- o) The cannabis plants shall be in a locked space so to prevent access by children, visitors, casual passersby, vandals, or anyone not authorized to possess cannabis;
- p) Adequate mechanical locking or electronic security systems must be installed as part of the Fully Enclosed and Secure Structure or the residence prior to the commencement of cultivation.
- q) A portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law shall be kept in the Fully Enclosed and Secure Structure used for cannabis cultivation. If cultivation occurs in a private residence, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.

E. *Outdoor cannabis cultivation – Personal Use.* Outdoor cannabis cultivation is prohibited under this Section and shall constitute a public nuisance. No personal cultivation of cannabis may occur except within a private residence or Fully Enclosed and Secure Structure.

F. *Enforcement.*

- 1) Nuisance. Any violation of this Section is declared to be a public nuisance and may be abated by the city pursuant to Section 1-6 of this Code.
- 2) Penalty. A violation of this section is a punishable as a criminal offense in accordance with Section 1-5 of this Code. However, notwithstanding anything in this code to the contrary, persons violating this section shall not be subject to criminal liability under this Code solely to the extent such conduct or condition is immune from criminal liability pursuant to state law, including the Compassionate Use Act of 1996 (Health and Safety Code Section 11362.5), the Medical Marijuana Program (Health and Safety Code Section 11362.7 et seq.), or the Adult Use of Marijuana Act, as they may be amended. This section does not prohibit the city from abating violations of this section by any administrative, civil or other non-criminal means.

Section 2. The following definitions are added to Section 19.60.020 (Definitions of Specialized Terms and Phrases) to read as follows in the order in which they would alphabetically appear:

Cannabis. All parts of the plant *Cannabis sativa linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis.

"Cannabis" includes cannabis that is used for medicinal, non-medicinal, or other purposes.

"Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code section 11018.5.

Cannabis concentrate. Manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.

Cannabis cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

Cannabis product. Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Commercial cannabis activity. The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medicinal, non-medicinal, or any other purpose and includes (i) the production of hashish oil and the distillation or extraction of cannabidiol (“CBD”) from industrial hemp having more than three-tenths of one percent THC contained in the dried flowering tops and (ii) the activities of any business licensed by the State or other government entity under Division 10 of the California Business and Professions Code, or any provision of State law that regulates the licensing of cannabis businesses.

Fully Enclosed and Secure Structure.

a. A space within a building that complies with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material. Plastic sheeting, canvas, vinyl, or similar products or materials, regardless of gauge, are not considered solid materials; or

b. An accessory structure as defined by this Chapter.

A Fully Enclosed and Secure Structure must be an accessory structure to a private residence located upon the parcel on which that private residence is situated.

Indoor cannabis cultivation. Cultivation of cannabis using exclusively artificial lighting.

MAUCRSA. The Medicinal and Adult-Use Cannabis Regulation and Safety Act, as the same may be amended from time to time.

Medical cannabis or medicinal cannabis. Cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (“CUA,” Health and Safety Code section 11362.7 et seq.), the Medical Marijuana Program Act (“MMPA,” Health and Safety Code section 11362.7 et seq.), the Medical Cannabis Regulation and Safety Act (“MCRSA,” Business and Professions Code section 19300 et seq.), and the Medicinal Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”).

Outdoor cannabis cultivation. Cultivation of cannabis in any area, place or location that is not inside a private residence or a Fully Enclosed and Secure Structure.

Personal cultivation of cannabis. Cannabis cultivation conducted by an individual strictly for that individual’s personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and state law, including but not limited to Health and Safety Code Sections 11362.1 and 11362.2, as may be amended. Personal cultivation also means and includes cultivation of

medical cannabis conducted by a qualified patient exclusively for his or her personal medical use, and cultivation conducted by a primary caregiver for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, in accordance with state law, including Health and Safety Code Sections 11362.7 and 11362.765, as may be amended. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.

Primary caregiver. As defined in Health and Safety Code section 11362.7, as amended from time to time.

Qualifying patient or qualified patient. As set forth in Health and Safety Code section 11362.7, as amended from time to time.

Section 3. Section 19.08.030 of Chapter 19 (Zoning) is amended to read as follows:

19.08.030 - Agricultural and Resource Zoning District Land Uses and Permit Requirements.

Table 2-2 identifies the uses of land allowed by this Zoning Ordinance in each agricultural and resource zoning district, and the land use permit required to establish each use, in compliance with Section 19.06.030 (Allowable Land Uses and Permit Requirements). In addition to the land use permit required by Table 2-2, special provisions related to certain land uses may apply, and Design Review may also be required for certain uses in compliance with Section 19.42.030 (Design Review). A Building Permit shall be required prior to any construction.

Note: Where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

TABLE 2-2 Allowed Uses and Permit Requirements for Agricultural and Resource Zoning Districts		P Permitted Use (2)				Specific Use Regulations
		UP Use Permit required (3)				
		— Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					
	A	OS	ROS	C		
AGRICULTURE, RESOURCE & OPEN SPACE USES						
Agricultural accessory structures	P	P	P	P		
Agricultural processing	UP	—	—	—		
Community gardens	P	P	—	P		
Crop production and horticulture	P	P	—	P		
Dairy farming	UP	—	—	—		
Farm produce stands	UP	—	—	—		

EXHIBIT A

Livestock operations - Grazing & Hay Production	P	P	P	P	
Livestock operations - Large animals	UP	—	—	—	
Livestock operations - Small animals	P	—	—	—	
Nurseries and greenhouses, no on-site sales	P	—	—	—	
Nurseries and greenhouses, with on-site sales	UP	—	—	—	
Storage and use of hazardous materials as accessory use	UP (4)	—	—	UP (4)	
RECREATION, EDUCATION & ASSEMBLY USES					
Clubs, lodges and membership meeting halls	UP	—	—	—	
Equestrian facilities	UP	—	—	—	
Golf courses and country clubs	UP	—	—	UP	
Hiking trails	P	P	P	P	
Marinas, docks, piers	UP	UP	UP	UP	
Nature preserves	P	P	P	P	
Outdoor recreation facilities, active	UP	—	—	—	
Outdoor recreation facilities, passive	P	P	P	P	
Parks and playgrounds	UP	UP	—	UP	

KEY TO ZONING DISTRICT SYMBOLS

A	Agricultural	ROS	Restricted Open Space
OS	Open Space	C	Conservation

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other applicable local, state and federal laws and regulations.

TABLE 2-2 Allowed Uses and Permit Requirements for Agricultural and Resource Zoning Districts		P Permitted Use (2)			
		UP Use Permit required (3)			
		— Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	A	OS	ROS	C	
RESIDENTIAL USES					

EXHIBIT A

Accessory dwelling units/junior accessory dwelling units	UP	—	—	UP	19.34.030 and 19.34.031
Accessory residential uses and structures	P	—	—	P	19.34.032
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	—	—	<u>P</u>	<u>19.34.065</u>
<u>Cannabis cultivation – personal outdoor</u>	—	—	—	—	<u>19.34.065</u>
Caretaker quarters	UP	UP	—	—	
Farm labor housing	UP	—	—	—	
Group homes, 6 or fewer persons	P	—	—	—	
Group homes, 7 or more persons	UP	—	—	—	
Home occupations	P	—	—	P	19.34.080
Single-family dwellings	P	—	—	P	
SERVICE USES					
Bed and breakfast inns (B&Bs)	UP	—	—	—	
Cemetery	—	—	—	P	
Child/adult day care, 8 or fewer clients	P	—	—	P	
Child/adult day care, 9 to 14 clients	P	—	—	—	19.34.070
Child/adult day care, 15 or more clients	UP	—	—	—	19.34.070
Funeral Homes	—	—	—	UP	
Kennels	UP	—	—	—	
TRANSPORTATION AND COMMUNICATION USES					
Wireless communications facilities	UP	UP	UP	UP	19.38

KEY TO ZONING DISTRICT SYMBOLS

A	Agricultural	ROS	Restricted Open Space
OS	Open Space	C	Conservation

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.

Section 4. Section 19.10.040 of Chapter 19 (Zoning) is amended to read as follows:

19.10.040 - Residential Zoning District General Development Standards.

EXHIBIT A

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-5 and 2-6, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

TABLE 2-4 Allowed Uses and Permit Requirements for Residential Zoning Districts		P Permitted Use (2)					Specific Use Regulations
		UP Use Permit required (3)					
		— Use not allowed					
LAND USE (1)	PERMIT REQUIRED BY DISTRICT						
	RR	RVL, R1	R4, R5	R10	R20		
AGRICULTURE, RESOURCE & OPEN SPACE USES							
Animal keeping	P (4)	P (4)	P (4)	P (4)	P (4)	19.34.060	
Crop production & horticulture, community gardens	P	UP	—	—	—		
Kennel	UP	UP (5)	—	—	—		
Livestock raising, small	P	UP	—	—	—	19.34.060	
Nature preserves	P	P	P	—	—		
Plant, nurseries and greenhouses, with on-site retail	UP	UP	UP	—	—		
Plant, nurseries and greenhouses, without on- site retail	P	UP	—	—	—		
RECREATION, EDUCATION & ASSEMBLY USES							
Clubs, lodges and membership meeting halls	UP	UP	UP	UP	UP		
Community centers	UP	UP	UP	UP	UP		
Equestrian facilities	UP	—	—	—	—		
Golf courses and country clubs	UP	UP	—	—	—		
Libraries and museums	UP	UP	UP	UP	UP		
Outdoor recreation facilities - active	UP	UP	UP	UP	UP		
Outdoor recreation facilities - passive	P	P	P	P	P		
Private residential recreational facilities	UP	UP	UP	UP	UP		
Religious facilities	UP	UP	UP	UP	UP		
Schools - Public and private	UP	UP	UP	UP	UP		
RESIDENTIAL USES							
Accessory dwelling units/junior accessory dwelling units	P	P	P	P	P	19.34.030 and 19.34.031	
Accessory residential uses and structures	P	P	P	P	P	19.34.032	
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>19.34.065</u>	

EXHIBIT A

<u>Cannabis cultivation – personal outdoor</u>	—	—	—	—	—	<u>19.34.065</u>
Group homes, 6 or fewer persons	P	P	P	P	P	
Group homes, 7 or more persons	UP	UP	UP	UP	UP	
Home occupations	P	P	P	P	P	19.34.080
Mobile home parks	UP	UP	UP	UP	UP	19.34.120
Multi-family dwellings	—	—	—	P	P	
Rooming and boarding houses	UP	UP	UP	UP	UP	
Single-family dwellings	P	P	P	P	P	
Two-family dwellings, two single-family dwellings	—	—	P	P	P	

KEY TO ZONING DISTRICT SYMBOLS

RR	Rural Residential	R10	Medium Density Multi-Family Residential
RVL, R1	Very Low Density & Low Density Res.	R20	High Density Multi-Family Residential
R4, R5	Medium Density Multi-Family Residential		

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Standards and additional permit requirements determined by Section 19.34.060.
- (5) Kennel is not a permitted land use in an R1 Zoning District.

TABLE 2-4 Allowed Uses and Permit Requirements for Residential Zoning Districts						P	Permitted Use (2)
						UP	Use Permit required (3)
						—	Use not allowed
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations	
	RR	RVL, R1	R4, R5	R10	R20		
RETAIL USES							
Accessory retail and service uses	—	—	—	—	P	19.34.034	
Marijuana Dispensaries	—	—	—	—	—		
SERVICE USES							
Bed and breakfast inns (B&Bs)	UP	UP	UP	UP	UP		

EXHIBIT A

Child/adult day care, 14 or fewer persons	P	P	P	P	P	19.34.070
Child/adult day care, 15 or more persons	UP	UP	UP	UP	UP	19.34.070
Massage establishments	—	—	—	—	—	
Massage establishments - small	—	—	—	—	—	
Personal services, accessory, within housing complex	—	—	—	—	—	
Public utility facilities	UP	UP	UP	UP	UP	
Residential care facilities for the elderly	—	—	—	UP	UP	19.34.160
Wireless communication facilities: New towers or monopoles or new building-mounted facilities	UP	UP	UP	UP	UP	19.38
Wireless communication facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P(2)	P(2)	P(2)	P(2)	P(2)	19.38

KEY TO ZONING DISTRICT SYMBOLS

RR	Rural Residential	R10	Medium Density Multi-Family Residential
RVL, R1	Very Low Density & Low Density Res.	R20	High Density Multi-Family Residential
R4, R5	Medium Density Multi-Family Residential		

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.

Section 5. Section 19.12.030 of Chapter 19 (Zoning) is amended to read as follows:

19.12.030 - Commercial/Industrial District Land Uses and Permit Requirements.

Table 2-7 identifies the uses of land allowed by this Zoning Ordinance in the commercial and industrial zoning districts, and the land use permit required to establish each use, in compliance with Section 19.06.030 (Allowable Land Uses and Permit Requirements). In addition to the land use permit required by Table 2-7, special provisions related to certain land uses may apply, and Design Review may also be required for certain uses in compliance with Section 19.42.030 (Design Review). A Building Permit shall be required prior to any construction.

Note: Where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

<p>TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts</p>	<p>P Permitted Use (2) UP Use Permit required (3) — Use not allowed</p>
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EXHIBIT A

LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BPO	CN	CG	CDR	CDB	CI	LIO	
MANUFACTURING & PROCESSING USES								
Assembly of products from parts produced off-site	—	—	—	—	—	P	P	
Electronics, equipment, and appliance manufacturing	—	—	—	—	—	P	P	
Food and beverage product manufacturing	—	—	UP	—	—	P	P	
Furniture/fixtures manufacturing, cabinet shops	—	—	—	—	—	P	P	
Handcraft industries, small-scale manufacturing	—	—	UP	—	—	P	P	
Laundries and dry cleaning plants	—	—	—	—	—	P	P	
Metal products fabrication, machine/welding shops	—	—	—	—	—	P	P	
Printing and publishing	—	—	UP	—	—	P	P	
Quarry materials storage and processing	—	—	—	—	—	UP	UP	
Recycling facilities - Large collection facilities	—	—	—	—	—	UP	UP	19.34.150
Recycling facilities - Processing, light	—	—	—	—	—	—	UP	19.34.150
Recycling facilities - Reverse vending machines	P	P	P	P	P	P	P	19.34.150
Recycling facilities - Scrap and dismantling yards	—	—	—	—	—	—	UP	19.34.150
Recycling facilities - Small collection facilities	—	UP	UP	—	—	P	P	19.34.150
R&D (Research and development)	P	—	P	—	—	P	P	
R&D - Biotechnology, chemical, pharmaceutical	UP	—	UP	—	—	UP	UP	
Storage or use of hazardous materials as accessory use	UP (4)	—	UP (4)	—	—	UP (4)	UP (4)	
Warehouses, wholesaling and distribution	—	—	—	—	—	P	P	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

EXHIBIT A

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other local, state and federal laws and regulations.

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts									P Permitted Use (2) UP Use Permit required (3) — Use not allowed
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	BPO	CN	CG	CDR	CDB	CI	LIO		
RECREATION, EDUCATION & ASSEMBLY USES									
Adult-oriented businesses	—	—	—	—	—	—	UP (6)	19.23	
Clubs, lodges and membership meeting halls	—	UP	UP	UP(5)	UP	—	—		
Community centers	—	UP	UP	UP	UP	—	—		
Health/fitness facilities	UP	P	P	UP	P	P	P		
Indoor amusement/entertainment facilities	—	UP	UP	UP	UP	UP	UP		
Libraries, museums, galleries	UP	UP	UP	UP	UP	UP	UP		
Outdoor recreation facilities, active	—	UP	UP	—	—	—	UP		
Outdoor recreation facilities, passive	P	P	P	P	P	P	P		
Parks and playgrounds	—	—	—	P	P	—	—		
Religious Facilities	—	UP	UP	UP(5)	UP	—	—		
Schools - Private	UP	UP	UP	UP (5)	UP	—	UP		
Schools - Specialized education and training	UP	UP	UP	UP (5)	UP	—	P		
Studios - Art, dance, martial arts, music, etc.	UP	UP	P	UP (5)	UP	P	P		
Theaters and auditoriums	—	—	UP	UP	UP	—	—		
RESIDENTIAL USES									
<u>Cannabis cultivation – personal indoor</u>	—	—	—	—	—	—	—	<u>19.34.065</u>	
<u>Cannabis cultivation – personal outdoor</u>	—	—	—	—	—	—	—	<u>19.34.065</u>	
Caretaker quarters	UP	—	UP	—	—	UP	UP		
Emergency Shelter	—	—	—	—	—	—	—	19.34.072	
Residential shelters	—	—	UP	—	—	—	—		
Home occupations	P	P	P	P	P	—	—	19.34.080	
Live/work projects	P	—	P	P	P	P	P	19.34.090	
Multi-family dwellings and duplexes, in a mixed use project	—	UP	—	UP (5)	UP (5)	—	—	19.34.100	
Single family dwellings	—	—	—	—	—	—	—		

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) Use allowed only on upper floors or rear of site, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (6) Permit requirement established by Division 19.23 (Adult-Oriented Businesses).

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed							
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	BPO	CN	CG	CDR	CDB	CI	LIO		
RETAIL USES									
Accessory retail and service uses	P	P	P	P	P	P	P	19.34.034	
Alcoholic beverage sales, on or off-site (15)	UP	UP	UP	UP	UP	UP	UP	19.34.050	
Art, antique, collectible, and gift stores	—	P	P	P	P	P	—		
Auto parts sales	—	P	P	P	P	P	P		
Auto sales and rental	—	—	UP	—	—	UP	P		
Bars and night clubs	—	—	UP	UP	UP	—	UP		
Book stores	—	P	P	P	P	P	P		
Building material stores	—	—	UP	—	—	UP	P		
Construction/heavy equipment sales and rental	—	—	—	—	—	UP	UP		
Convenience stores	—	UP	UP	UP	UP	—	—		
Drive-in and drive-through sales	—	UP	UP	—	—	—	UP		
Equipment rental	—	—	UP	UP	UP	P	P		
Extended hour businesses (11 p.m. to 6 a.m.)	P (8)	UP	P (8)	P (8)	P (8)	P (8)	P (8)		

EXHIBIT A

Florists	—	P	P	P	P	P	P	
Furniture, furnishings & appliance stores	—	—	P	P	P	—	—	
General retail	—	P	P	P (9)	P (9)	P	P	7-10
Grocery stores	—	UP	P	P	P	—	—	7-10
Gun sales	—	—	UP	—	—	UP	—	
Marijuana Dispensaries	—	—	—	—	—	—	—	
Mobile home, RV, and boat sales	—	—	—	—	—	UP	P	
Outdoor displays retail sales, temporary	—	P	P	P (10)	P (10)	P	P	19.34.130
Outdoor displays retail sales, permanent	—	UP	UP	UP	UP	UP	UP	19.34.130
Plant nurseries and garden supply stores	—	UP	P	UP	UP	P	P	
Restaurants and outdoor dining areas, including incidental on-site alcohol sales	UP	P	P	P (9)(10)	P (9)(10)	UP	UP	19.34.050
Tobacco product shops	—	—	—	UP	UP	—	—	19.34.166
Warehouse retail	—	—	UP	—	—	—	—	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (7) Permitted if in compliance with the design standards of the Downtown Specific Plan.
- (8) Use Permit required if located within 300 feet of a residential zone.
- (9) Related uses are permitted which meet all of the following criteria: open during weekdays 10 a.m. to 5 p.m. and Saturday; provides window displays which are changed monthly; and has two-hour customer turnover.
- (10) Also permitted in the public right-of-way with a license agreement pursuant to Section 15-4 of the Municipal Code.
- (14) Except for restaurants with incidental on-site alcohol.

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed
LAND USE (1)	PERMIT REQUIRED BY DISTRICT	

EXHIBIT A

	BPO	CN	CG	CDR	CDB	CI	LIO	Specific Use Regulations
SERVICE USES								
Animal Grooming	—	UP	UP	UP (5)	UP	UP	UP	
Auto repair and maintenance - Major	—	—	—	—	—	UP	UP	
Auto repair and maintenance - Minor	—	—	UP	—	—	P	P	
Automated teller machines (ATMs) (non-drive through)	P	P	P	P	P	P	P	
Banks	P	P	P	UP (13)	P(13)	—	P	
Business support services	P	P	P	P (5)	UP (5)	P	P	
Car wash	—	—	UP	—	—	—	UP	
Check Cashing	—	—	UP	—	—	—	—	
Child/adult day care centers	UP	UP	UP	UP (5)	UP	—	UP	19.34.070
Congregate care/group facilities	UP	—	UP	—	—	—	—	
Contractor storage yard	—	—	—	—	—	UP	UP	
Drive-in and drive-through services, including ATM	—	UP	UP	UP	UP (11)	—	—	
Financial Services	P	P	P	P (5)	P (12)	—	P	
Gas stations	—	UP	UP	—	—	—	UP	19.34.050.F
Hotels and motels	UP	UP	UP	UP	UP	UP	UP	
Kennels & boarding	—	—	UP	—	—	UP	UP	
Massage Establishments	UP	UP	UP	UP	UP	UP	UP	19.34.190 see also Sec. 8-4
Massage establishments - small	P	P	P	P	P	P	P	see also Sec. 8-4
Medical - Clinics, offices, and laboratories	P	P	P	P (5)	P (6)	—	—	
Medical - Extended care	UP	—	UP	—	—	—	—	
Medical - Hospitals	UP	—	UP	—	—	—	—	
Mortuaries & funeral homes	UP(15)	—	UP(15)	—	—	—	UP(15)	
Offices	P	P	P	P (5)	P (6)	P	P	
Pawn Shops	—	—	UP	—	—	—	—	
Personal services	P	P	P	P	P	P	P	
Public utility facilities	UP	UP	UP	UP	UP	UP	UP	
Residential care facility for the elderly (RCFE)	—	UP	—	—	—	—	—	19.34.160

EXHIBIT A

Real Estate Offices	P	P	P	P	P	P	P	
Storage Facilities - Indoor	—	—	UP	—	—	UP	UP	
Storage - Outdoor	—	—	UP	—	—	UP	UP	
Tattoo Parlor	—	—	—	—	—	—	UP	19.34.168
Travel Agency	P	P	P	P	P	P	P	
Upholstering shops	—	—	—	—	UP	P	P	
Veterinary clinics, outpatient treatment only	—	UP	UP	—	UP	UP	UP	
Veterinary clinics, animal hospitals	—	—	UP	—	UP	UP	UP	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) Use allowed only on upper floor or rear of site, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (11) Drive-through banking services only.
- (12) See Section 19.030.040, Table 3-7 for parking requirements of ground floor offices, medical, business and financial services in the Downtown Business Core.
- (13) Use allowed only on upper floors and up to a maximum of 25% of the ground floor in rear of a building, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (15) Crematories are only allowed in the LIO District, and must be located a minimum of 1,000 feet from residential uses, schools and day care centers.

<p>TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts</p>		<p>P Permitted Use (2) UP Use Permit required (3) — Use not allowed</p>						
<p>LAND USE (1)</p>	<p>PERMIT REQUIRED BY DISTRICT</p>							<p>Specific Use Regulations</p>
	BPO	CN	CG	CDR	CDB	CI	LIO	
<p>TRANSPORTATION & COMMUNICATIONS USES</p>								

EXHIBIT A

Broadcasting studios	UP	—	UP	UP (5)	UP (5)	P	P	
Heliports	UP	—	—	—	—	—	—	19.34.074
Parking facilities	—	—	P	P(16)	P(16)	P	P	
Telecommunications facilities	UP	UP	UP	UP	UP	UP	UP	19.38
Truck and freight terminals	—	—	—	—	—	UP	UP	
Vehicle storage	—	—	—	—	—	UP	UP	
Wireless communication facilities: New towers or monopoles or new building-mounted facilities	UP	UP	UP	UP	UP	UP	UP	19.38
Wireless communication facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P (2)	P (2)	P (2)	P (2)	P (2)	P (2)	P(2)	19.38

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: *(Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)*

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) For properties with building frontage on Grant Avenue or Redwood Boulevard: Use allowed only on upper floor or rear of building, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (16) Parking facilities shall not front on Grant Avenue or Redwood Boulevard.

COMPLETE LIST OF NOTES FOR TABLE 2-7 (Reflects all revised notes above and highlighted as new additions to Ordinance).

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other local, state and federal laws and regulations.

- (5) For properties with building frontage on Grant Avenue or Redwood Boulevard: Use allowed only on upper floor or rear of building, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (6) Permit requirements established by Division 19.23 (Adult-oriented Businesses).
- (7) Permitted if in compliance with the design standards of the Downtown Specific Plan.
- (8) Use Permit required if located within 300 feet of a residential zone.
- (9) Related uses are permitted which meet all of the following criteria: open during weekdays 10 a.m. to 5 p.m. and Saturday; provides window displays which are changed monthly; and has two-hour customer turnover.
- (10) Also permitted in the public right-of-way with a license agreement pursuant to Section 15-4 of the Municipal Code.
- (11) Drive-through banking services only.
- (12) Ground floor offices, medical, business and financial services in the Downtown Business Core shall provide required parking at 1 space per 250 sq. ft. of gross floor area.
- (13) Use allowed only on upper floors and up to a maximum of 25% of the ground floor in rear of a building, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (14) Except for restaurants with incidental on-site alcohol sales.
- (15) Crematories are only allowed in the LIO District, and must be located a minimum of 1,000 feet from residential uses, schools and day care centers.
- (16) Parking facilities shall not front on Grant Avenue or Redwood Boulevard.

Section 6. Section 19.14.040 of Chapter 19 (Zoning) is amended to read as follows:

19.14.040 - Special Purpose District General Development Standards.

- A. *General Standards.* Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-10, in addition to any other applicable requirements of this Article, and the development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).
- B. *PD District.* Development standards for projects within the PD (Planned) zoning district shall be determined by the Council through the adoption of a Precise Development Plan in accordance with Section 19.42.060, provided that the standards are found to be consistent with the objectives, policies and programs of the General Plan. Where the Precise Development Plan is silent on a general development standard or specific use, the standards from the most comparable zoning district and special provisions and standards of this Zoning Ordinance shall apply pursuant to Section 19.02.
- C. *REI District.* See Section 19.14.050.
- D. *PL District.* Development standards for projects within the PL district shall be determined through project review and approval.

<p>TABLE 2-9 Allowed Uses and Permit Requirements (2) for Special Purpose Zoning Districts</p>	P Permitted Use (2)
	UP Use Permit required (3)
	— Use not allowed

EXHIBIT A

LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	MU	CF	PL	
AGRICULTURE & OPEN SPACE USES				
Community gardens	P	P	P	
Nature preserves	P	P	P	
MANUFACTURING & PROCESSING USES				
Recycling facilities - All types	—	UP	—	19.34.150
Recycling facilities - Reverse vending machines	P	—	—	
Recycling facilities - Small collection facilities	UP	UP	UP	
R&D (Research & Development)	P	UP	—	
R&D - Biotechnology, chemical, pharmaceutical	UP	UP	—	
RECREATION, EDUCATION & ASSEMBLY USES				
Community centers	UP	UP	UP	
Golf courses, public	—	UP	UP	
Health/fitness facilities	UP	UP	UP	
Indoor amusement/entertainment facilities	UP	UP	—	
Libraries, museums, galleries	UP	UP	—	
Outdoor recreation facilities - Active	UP	UP	UP	
Outdoor recreation facilities - Passive	P	P	P	
Parks and playgrounds	P	P	P	
Religious facilities	UP	UP	—	
Schools - Private	UP	UP	—	
Schools - Colleges and universities	UP	UP	—	
Schools - Elementary and secondary	UP	UP	—	
Studios - Art, dance, martial arts, music, etc.	UP	UP	—	
Theaters and auditoriums	UP	UP	—	
RESIDENTIAL USES				
Accessory residential uses and structures	P	UP	—	19.34.032
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	<u>—</u>	<u>—</u>	<u>19.34.065</u>
<u>Cannabis cultivation – personal outdoor</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>19.34.065</u>
Caretaker quarters	—	UP	—	
Live/work	P	—	—	19.34.090
Emergency Shelter	—	—	—	19.34.072
Multi-family dwellings and duplexes, in a mixed-use project.	UP	UP	—	19.34.100
Single-family dwellings	P	—	—	

KEY TO ZONING DISTRICT SYMBOLS

MU	Mixed Use	PL	Parkland
CF	Community Facilities and Parkland		

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.

TABLE 2-9 Allowed Uses and Permit Requirements (2) for Special Purpose Zoning Districts	P Permitted Use (2)			Specific Use Regulations
	UP Use Permit required (3)			
	— Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT			
	MU	CF	PL	
RETAIL TRADE				
Accessory retail and service uses	P	—	—	
Alcoholic beverage sales, on or off-site (4)	UP	—	—	19.34.050
Convenience stores	UP	—	—	
General retail	P	—	—	
Grocery stores	UP	—	—	
Restaurants	UP	—	—	
SERVICES				
Automated teller machines (ATMs)	P	—	—	
Banks and financial institutions	P	—	—	
Bed and breakfast inns	UP	—	—	
Business support services	UP	UP	—	
Child/adult day care (small or large)	UP	—	—	19.34.070
Hotels and motels	UP	—	—	
Massage establishments	UP	—	—	19.34.190 see also Sec. 8-4
Massage establishments - small	P	—	—	see also Sec. 8-4
Medical - Clinics, offices, and laboratories	UP	UP	—	
Medical - Hospitals	—	UP	—	

EXHIBIT A

Offices	P	—	—	
Personal services	UP	UP	—	
Public utility or safety facilities	UP	P	—	
Residential care facilities for the elderly (RCFE)	—	—	—	
TRANSPORTATION AND COMMUNICATIONS USES				
Heliports	—	UP	—	19.34.074
Parking facilities	—	UP	—	
Vehicle storage	—	—	—	
Wireless communications facilities: New towers or monopoles or new building-mounted facilities	UP	UP	—	19.38
Wireless communications facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P(2)	P(2)	—	19.38

KEY TO ZONING DISTRICT SYMBOLS

MU	Mixed Use
CF	Community Facilities and Parkland
PL	Parkland

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Use Permit for the sale of alcohol not required for restaurants with incidental on-site alcohol sales.

Section 7. Environmental Findings

This ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the environmental regulations of the city. Community Development Department ("CDD") staff has determined that the adoption and implementation of the ordinance and its allowance of the personal cultivation of cannabis is eligible for Class 4 and 5 categorical exemption for minor changes in land use limitations and/or minor alterations in the condition of land and/or vegetation and will not have a significant environmental impact pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the adoption and implementation of the ordinance will have a significant effect on the environment for all of the reasons stated hereafter. Since Proposition 64 already authorizes the cultivation of up to 6 cannabis plants and this ordinance does not increase that amount, this ordinance will have no

impact on existing conditions as regards the cultivation of cannabis. Furthermore, cultivation is limited: in existing residential structures or fully enclosed and secure structures, the latter of which can be built in backyards but because only up to 6 plants can be cultivated therein, it is not anticipated such structures will be large or require significant changes to the landscape or other improvements. In short, the ordinance is exempt from the environmental review requirements of CEQA pursuant to Sections 15304 and 15305 of Title 14 of the California Code of Regulations. CDD staff has also determined that this ordinance is exempt under CEQA as a Class 1 exemption (CEQA Guidelines sec. 15301) as a minor alteration of existing residential structures, for this ordinance permits cultivation of up to 6 cannabis plants under certain conditions, which said conditions may result in fencing and other minor improvements to be built on or in private residences. But the erection of such improvements is already permitted under existing laws and city regulations or involves alterations and improvements such as interior electrical conveyances or similar interior or exterior facilities and features that entail negligible or no expansion of an existing use. Additionally, permitting up to 6 cannabis plants to be grown on a private residence is not significantly different from the indoor plant growing and maintenance that occupants of private residences are already permitted to perform on residential properties and, as such, does not constitute an expansion of use within the contemplation of the Class 1 CEQA exemption and is otherwise exempt under CEQA Guidelines section 15304. The City Council has reviewed CDD's Staff's determination of exemption, and based on its own independent judgment, concurs with Staff's determination of exemption. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Marin in accordance with CEQA Guidelines.

Section 8. Repeal

Ordinance No. 1626 ("An Urgency Ordinance of the City Council of the City of Novato Extending a Temporary Moratorium (Except Under Certain Conditions) On the Indoor Cultivation of Nonmedical Marijuana and Approving a Report on Steps Taken to Alleviate Conditions Leading to the Moratorium (Second Extension)) and No. 1625 ("An Urgency Ordinance of the City Council of the City of Novato Extending a Temporary Moratorium (Except Under Certain Conditions) On the Outdoor Cultivation of Nonmedical Marijuana and Approving a Report on Steps Taken to Alleviate Conditions Leading to the Moratorium (Second Extension)) are repealed in their entirety as of the date that this ordinance takes effect. Those portions of Ordinance No. 1633 ("An Urgency Ordinance of the City Council of the City of Novato Extending a Temporary Moratorium on the Indoor (Except Under Certain Circumstances) And Outdoor Cultivation of Medicinal Cannabis and All Commercial Cannabis Activities Except Deliveries of Medicinal Cannabis and an Existing Testing Laboratory and Pharmaceutical Company, Approving a Report on the Conditions Leading to the Adoption of the Ordinance and Making Findings that the Approval of Said Resolution is Exempt Under CEQA Pursuant to CEQA Guidelines Section 15061, Among Other Provisions") relating to personal cultivation are repealed as of the date that this ordinance takes effect.

Section 9. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Novato hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 10. Effective Date .

This ordinance shall become effective thirty (30) days after its adoption.

Section 11. Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

Publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

Publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

* * * * *

THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 2nd day of October, 2018, and adopted at a regular meeting of the Novato City Council on the 9th day of October, 2018.

- AYES: Councilmembers
- NOES: Councilmembers
- ABSTAIN: Councilmembers
- ABSENT: Councilmembers

Mayor of the City of Novato

Attest:

City Clerk of the City of Novato

Approved as to form:

City Attorney of the City of Novato

September 19, 2018

Bryan Lopez
Management Analyst II
Administrative Services
City of Novato



Subject: Cannabis Survey Analysis and Recommendations

HdL was requested to develop a survey to gauge community values regarding the suitability of a variety of cannabis business types within the City of Novato. The survey was posted online and was also distributed in paper format at a number of community meetings and workshops. A total of 588 responses were gathered online between August 7th and August 30th. An additional 75 responses were collected via paper surveys.

The total of 663 responses represents just over 1% of the population of Novato. Of the online respondents, 572 self-identified as being Novato residents. 16 stated that they live outside the City. 89 online respondents self-identified as female, and 72 as male. 427 declined to state their gender. 114 respondents gave their age as being between 21 and 39. 249 gave their age as being between 40 and 59. 225 gave their age as being 60 years or older. The sample set skews significantly older than the age demographics for the City as a whole. Online respondents answered every question (other than personal identification such as gender), while the number of responses per question on the 75 paper surveys varied between 63 and 71.

69.68% of respondents said they had voted for Proposition 64, which is nearly identical to the 69.61% voter support for Marin County, though somewhat higher than the 64.85% support for the City of Novato. Still, the closeness of these figures suggests that the respondents reflect a reasonably representative sample of the electorate. 88.39% stated they generally support (strongly or somewhat) cannabis for medical use, while just 72.70% said they support recreational cannabis. Just 56.11% said they generally support allowing commercial cannabis businesses in Novato. However, this figure increases significantly when respondents were asked about specific types of cannabis businesses.

Just over half of respondents (55.2%) support outdoor cultivation. Support for greenhouse cultivation with supplemental lighting (mixed-light) was slightly lower, at 53.39%, but this increased to 61.69% for greenhouse cultivation without supplemental lighting, and 65.31% for indoor cultivation. These figures suggest that the respondents are significantly more comfortable with commercial cultivation when neither the cannabis nor the lighting are visible.

There is generally strong support for cannabis manufacturing (71.49%), distribution (72.55%), and testing facilities (76.02%). 67.57% support allowing microbusinesses in the City. There is generally strong support for cannabis retailers, though this support is less strong for adult-use than for medicinal. Respondents support storefront retailers by 72.40% for medicinal, but just 65.19% for adult-use. Similarly, delivery-only retailers are supported by 73.30% for medicinal, and just 64.40% for adult-use.

The survey asked *“If the City were to allow each of the following types of cannabis business, which zones do you think would be appropriate for each one?”* Respondents were given a matrix of 10 different cannabis activities and 5 different zones (Neighborhood Commercial, Downtown Core, General Commercial, Light Industrial or Agriculture), and were directed to *“Rank 1-10 where 1 is most desired and 10 least desired. If you do not want a type of business in a particular zone please leave that box blank”*.

Out of the 588 online surveys, the number of responses left blank for each use/zone combination (e.g.; allowing retailers in the Downtown Core or allowing manufacturers in Light Industrial zones) ran from a low of 221 to a high of 533, with an average of 417. When combined with the numerical “no” votes (scored 8, 9 or 10), counting blank spaces as “no” votes would mean that only 3 of the 50 possible use/zone combinations had greater than 50% approval, with most falling between 12% and 24%.

These results run counter to the otherwise solid (65% to 75%) general support for allowing these commercial cannabis activities within the City. The only use/zone combinations that scored higher than 50% approval in the online survey were storefront retail in the Downtown Core (57.48%) and outdoor or greenhouse cultivation in Agricultural zones (58.84% and 57.82% respectively).

HdL believes that respondents may have been confused by the direction to leave the box blank if they did not want a type of business in a particular zone. Some respondents may have left the space blank because they did not understand the directions or were unfamiliar with the various zoning classifications.

If we do not count the blank spaces, the results track far more closely with the ‘generic’ questions and are internally consistent with the rest of the survey. Respondents strongly agree that, *IF* allowed, cannabis cultivation (outdoor, indoor or greenhouse) would be most appropriate in Agricultural zones (by 86% up to 94%). Indoor cultivation was also supported in Light Industrial zones by 56%. Respondents believe that Cannabis retailers would be most appropriate in the Downtown Core (97%), followed by Neighborhood Commercial (83%) and General Commercial zones (82%). Manufacturing is supported by 71% in Light Industrial zones and 55% in General Commercial zones. Distribution was supported by 56% to 57% in General Commercial zones and the Downtown Core, respectively. Testing laboratories were supported in Light Industrial, General Commercial, Downtown Core and Neighborhood Commercial by 71%, 67%, 66% and 60%, respectively.

These responses are far more consistent with the levels of support shown in the rest of the survey and align with what we have observed to be fairly standard zoning practices for each of the cannabis business types. Outdoor or greenhouse cultivation belongs in ag zones. Indoor cultivation could be appropriate in either ag or light industrial zones. Retailers belong in commercial zones or downtown. Manufacturing, distribution, and testing are most appropriate in light-industrial or commercial zones. Interpreting the responses in this way produces survey results that are both internally consistent and consistent with standard best practices.

The survey goes on to ask a series of questions about limiting the number of permits and about taxing the various cannabis business types. 64.40% of respondents favor limiting the number of permits that would be issued for *all* types of commercial cannabis businesses in the City. This is almost identical to the percent who support limiting the number of permits for retailers *only* (64.25%). These questions should logically be opposed to each other. However, we believe the closeness between the two is more telling. We would suggest the City interpret these results as if the question regarding retailers did not contain the word “only”.

Respondents overwhelmingly support a merit-based competitive ranking process for limiting cannabis businesses (59.13%) over either a lottery (26.09%) or a first-come, first-served basis (22.93%). Respondents also support taxing all commercial cannabis businesses except for testing laboratories (only 41.03% support). Support is highest for taxing retailers, at 77.68%. Support for taxing manufacturers and distributors measured 65.76% and 64.25%, respectively. Respondents did support taxing cannabis cultivators, but by a narrower margin or 60.94%. The City may wish to look upon this as support for keeping the tax lower for cultivators.

Recommendations

Based on the survey results, HdL recommends that the City of Novato consider allowing all types of commercial cannabis activities, with the exception of outdoor or greenhouse cultivation. We recommend that the City consider limiting permits for indoor cultivation, manufacturing and distribution to 2 to 4 for each type. The number of testing laboratories statewide is somewhat self-limiting, so no cap is necessary. Permits for all cannabis businesses should be issued through a merit-based, competitive ranking process.

Unlike other types of cannabis businesses, the number of retailers a community can support is relative to the population they would serve. We believe that retailers in the City of Novato may serve an area extending from San Rafael to Petaluma, and may even capture some smaller portion of sales from as far away as Rohnert Park and Vallejo, as well as tourism. Given this, we recommend that the City consider permitting 2 to 4 retailers, as any more would likely cannibalize sales from the others. If the City also allows retailing microbusinesses, they should be included within this total.

Survey respondents support taxing all commercial cannabis activities except testing laboratories, though they are more cautious about taxing cultivation. We recommend the City consider the rates below.

Cannabis Business Type	Initial Rate	Maximum Rate
Cultivation (indoor)	\$7 per square foot	\$10 per square foot
Manufacturing	2.5% of gross receipts	4% of gross receipts
Distribution	2% of gross receipts	3% of gross receipts
Retail	4% of gross receipts	6% of gross receipts

Applying these rates to the range of businesses discussed above could potentially generate the following range of revenues for the City of Novato.

Business Type	Number	Initial tax rate	Revenue	Number	Maximum Tax Rate	Revenue
Retailer	2	4.0%	\$200,000	4	6.0%	\$600,000
Manufacturer	2	2.5%	\$125,000	4	4.0%	\$250,000
Distributor	2	2.0%	\$80,000	4	3.0%	\$225,000
Cultivation	2	\$7/sf	\$140,000	4	\$10/sf	\$240,000
Total			\$545,000			\$1,315,000

% Support for Cannabis Business Locations; Online Survey Results Counting Blank Spaces as "NO"

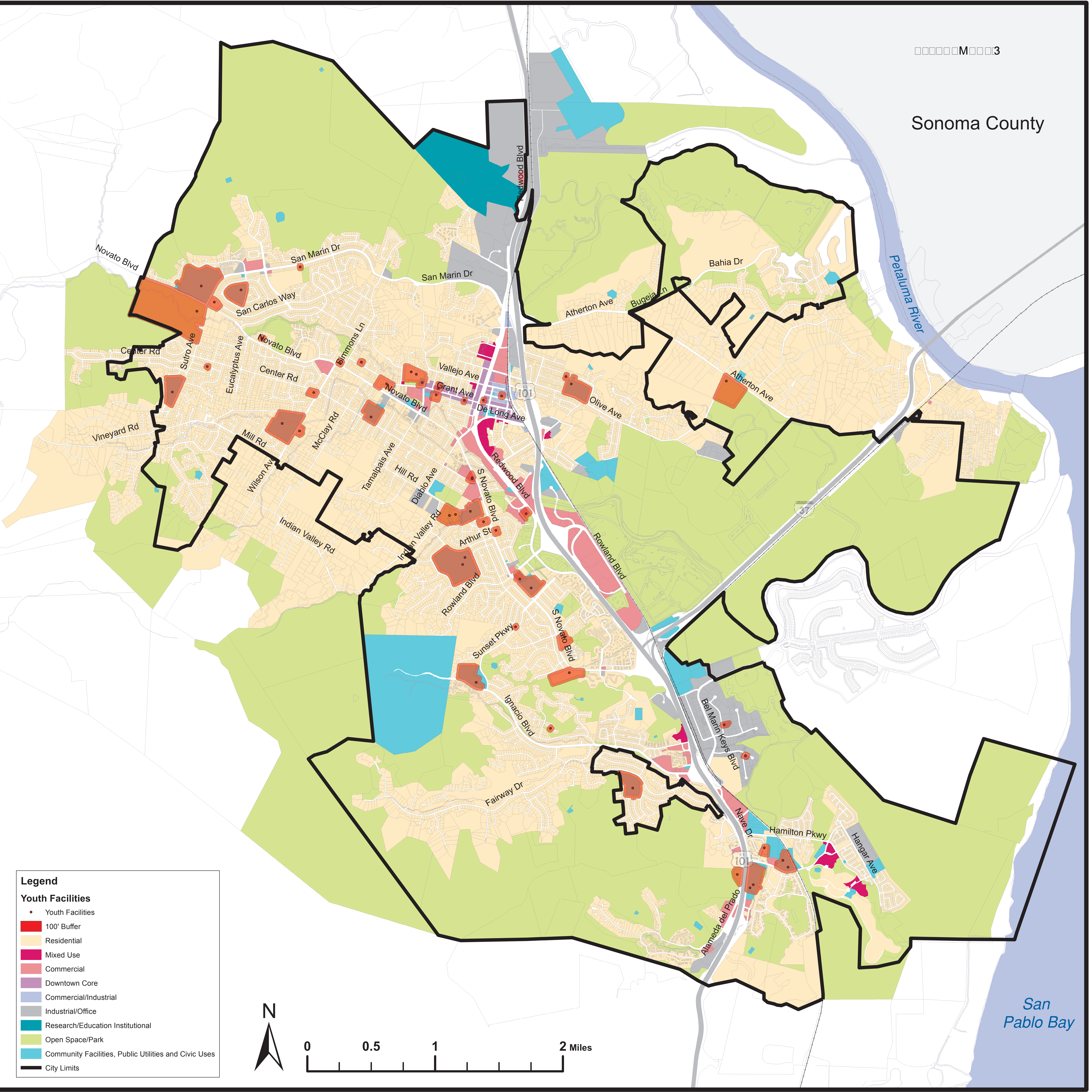
<p>There are a variety of commercial cannabis business types, not all of which may be suitable for the same locations in the City. <u>IF</u> the City were to allow each of the following types of cannabis business, which zones do you think would be appropriate for each one? Based on this information please rank each type of cannabis business below for each zone on the right. Rank 1-10 where 1 is most desired and 10 least desired. If you do not want a type of business in a particular zone please leave that box blank.</p>	Neighborhood Commercial	Downtown Core Retail	General Commercial	Commercial/ Light Industrial	Agriculture
	Cannabis retail, storefront	31.80%	57.48%	37.82%	15.50%
Cannabis retail, delivery only	29.76%	23.64%	22.11%	15.48%	2.90%
Cannabis microbusiness (including retail)	23.34%	32.99%	23.64%	12.78%	3.57%
Cannabis microbusiness (non-retail)	13.10%	8.33%	14.48%	15.65%	6.47%
Cannabis manufacturing	6.81%	3.23%	18.54%	37.76%	8.50%
Cannabis distribution	11.90%	10.71%	20.24%	20.24%	3.40%
Cannabis testing laboratories	17.01%	12.93%	30.61%	42.01%	7.65%
Cannabis cultivation, outdoors	4.93%	0.34%	2.39%	5.28%	58.84%
Cannabis cultivation, greenhouse	6.97%	1.02%	9.52%	18.54%	57.82%
Cannabis cultivation, indoors	11.73%	2.38%	12.76%	25.85%	38.95%

% Support for Cannabis Business Locations; Online Survey Results Excluding Blank Spaces

<p>There are a variety of commercial cannabis business types, not all of which may be suitable for the same locations in the City. <u>IF</u> the City were to allow each of the following types of cannabis business, which zones do you think would be appropriate for each one? Based on this information please rank each type of cannabis business below for each zone on the right. Rank 1-10 where 1 is most desired and 10 least desired. If you do not want a type of business in a particular zone please leave that box blank.</p>	Neighborhood Commercial	Downtown Core Retail	General Commercial	Commercial/ Light Industrial	Agriculture
	Cannabis retail, storefront	83.11%	97.69%	81.92%	51.12%
Cannabis retail, delivery only	73.84%	76.80%	58.30%	43.75%	26.98%
Cannabis microbusiness (including retail)	73.26%	87.39%	64.95%	43.10%	28.00%
Cannabis microbusiness (non-retail)	52.38%	49.00%	45.21%	42.01%	40.00%
Cannabis manufacturing	38.10%	30.65%	54.77%	71.38%	35.21%
Cannabis distribution	48.95%	57.27%	55.61%	50.42%	20.41%
Cannabis testing laboratories	59.52%	66.09%	67.42%	70.57%	36.59%
Cannabis cultivation, outdoors	31.52%	7.69%	24.14%	37.35%	94.28%
Cannabis cultivation, greenhouse	37.96%	15.79%	44.09%	53.43%	93.92%
Cannabis cultivation, indoors	51.88%	25.45%	44.91%	55.88%	86.09%

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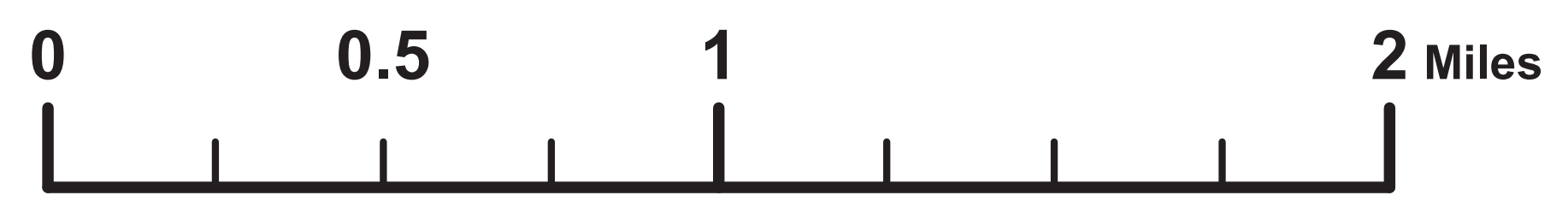
Sonoma County



Legend

Youth Facilities

- Youth Facilities
- 100' Buffer
- Residential
- Mixed Use
- Commercial
- Downtown Core
- Commercial/Industrial
- Industrial/Office
- Research/Education Institutional
- Open Space/Park
- Community Facilities, Public Utilities and Civic Uses
- City Limits



San Pablo Bay