



Zoning Code Amendment for the Prohibition of Marijuana Uses P18-0337

Community & Economic
Development Department

Planning Commission
Agenda Item: 3
May 31, 2018

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LEGISLATIVE HISTORY



AB 266, AB 243, SB 643 - Medical Cannabis Regulation and Safety Act (MCRSA)



Prop 64 - Adult Use of Marijuana Act (AUMA)



SB 94 - Medicinal Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)
• *Repealed MCRSA and incorporated provisions of MCRSA into AUMA*



AB 133 - Technical cleanups to MAUCRSA



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EXISTING CITY STANDARDS

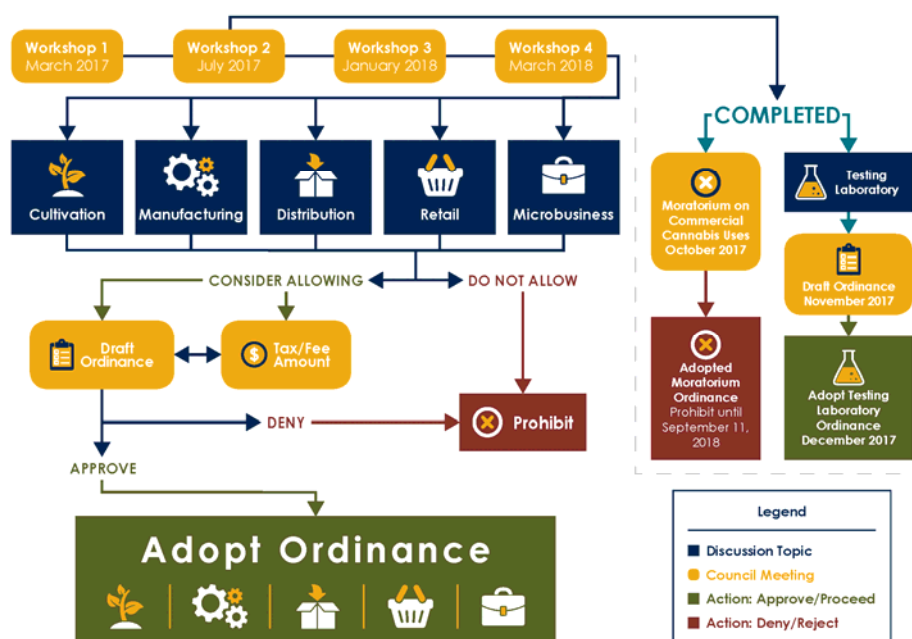
- Medical marijuana dispensaries and commercial marijuana cultivation specifically prohibited
- Other commercial and non-medical marijuana land uses prohibited by exclusion (not specifically listed)
- Chapter 19.342 – *Marijuana Cultivation* currently provides a limited exemption for the non-commercial cultivation of no more than eight (8) marijuana plants by primary caregivers and qualified patients for their own medical use
 - Prop 64 now allows personal cultivation of up to 6 plants in private residences



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TIMELINE & FLOWCHART



DENVER DELEGATION



1. January 10-11, 2018 - City delegation traveled to Colorado in an effort to gain a better understanding of the cannabis industry in an established regulatory environment.

2. March 27, 2018 City Council:

- Delegation Members were present to share their observations.
- Representatives of the Denver Police Department provided a presentation to the Council on their experience, and lessons learned with the cannabis industry.

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CITY COUNCIL DIRECTION – 3/27/18

	 Manufacturing	 Distribution	 Retail	 Cultivation	 Microbusiness
Prohibit 					
Consider 					

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PROPOSED AMENDMENTS

- Amend *Chapter 19.147 – Downtown Specific Plan Zone (DSP)*

19.147.025 Prohibited Uses.

Any use which is listed as prohibited in the adopted Downtown Specific Plan or prohibited by state and/or federal law is ~~also~~ strictly prohibited. Commercial marijuana cultivation, manufacturing, distribution, testing, or sale is also strictly prohibited.

- Amend *Chapter 19.150.020 – Permitted and Incidental Uses Tables*
 - Replace " *Marijuana Cultivation Commercial*" with " *Marijuana Uses and Activities*"
 - Revise " *Marijuana Cultivation Personal*" to distinguish between indoor cultivation (permitted in residential zones) and outdoor cultivation (prohibited in all zones)



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PROPOSED AMENDMENTS

- Amend *Chapter 19.220 – Specific Plan Overlay Zone (SP)*
 - Refers to the underlying zone for marijuana uses
- Replace in whole *Chapter 19.342 – Marijuana Cultivation* with the new *Chapter 19.342 – Marijuana Uses and Activities*
 - Becomes the primary regulating chapter for marijuana uses. See Exhibit 8.
- Amend *Chapter 19.485 – Home Occupations*
 - The cultivation, manufacturing, distribution, transport, or sale of marijuana or marijuana products ~~A medical marijuana dispensary~~ is not a permitted home occupation.



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PROPOSED AMENDMENTS

- Revise the following Definitions in *19.910 – Definitions*:
 - **Agricultural stand** - In the RA-5 Zone, a stand for the sale of agricultural products produced or raised on the same premises, **excluding marijuana and hemp**.
 - **Agricultural use** - The use of land for the commercial or non-commercial purpose of planting, growing, raising, and harvesting of crops, livestock, or poultry; all of which shall be subject to any applicable state license, to a conditional use permit where required under this Code, and to the limitations and exclusions presented in this definition or as set forth for specific zones created under this Code. **For the purpose of this definition, crops shall not include marijuana or hemp.**
 - **Cannabis** – See Marijuana



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PROPOSED AMENDMENTS

- Revise the following Definitions in *19.910 – Definitions*:
 - **Home occupation** - Any use of a dwelling unit and related property for employment or occupational purposes that is incidental to the residential use of the dwelling unit. **The cultivation, manufacturing, distribution, transport, or sale of marijuana or marijuana products is not a permitted home occupation.**
 - **Marijuana** - Marijuana The term “marijuana” shall mean all items included in the Health and Safety Code sections 11018 and 11018.1.
 - **Marijuana Cultivation Personal** - Marijuana Cultivation **in a private residence for the exclusive personal use of a resident of the residence who is twenty-one (21) years of age or older, as permitted by Health and Safety Code sections 11362.1 and 11362.2.**



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RECOMMENDATIONS

That the Planning Commission:

- **RECOMMEND that the City Council DETERMINE** that Planning Case P18-0337 is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment) and additionally find that this action is categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment), CEQA Guidelines section 15308; and
- **RECOMMEND that the City Council APPROVE** Planning Cases Case Numbers: P18-0337 (Zoning Code Text Amendment), based on the analysis outlined in the staff report.



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