

## BALLOT TITLE

**An Initiative Adding the Cannabis Activity Zoning Ordinance to the Carlsbad Municipal Code to Allow Retail Sale, Cultivation, Manufacturing, Distribution, and Delivery of Cannabis**

## BALLOT SUMMARY

This initiative proposes to change the City of Carlsbad's laws that currently prohibit commercial cannabis activities. This initiative adds sections to Title 21 (the Zoning Ordinance) of the Carlsbad Municipal Code. It allows commercial cannabis activities to operate with a conditional use permit in certain zoning districts and subject to certain operational regulations. Conditional use permits for all commercial cannabis activities shall expire no later than five years from the date of issuance. For all uses, security cameras, alarms, and a licensed security guard are required. The person responsible for operation, management, direction, or policy is subject to a background check, and no person who has been convicted of a felony may operate, manage, control, or own the business.

**Cannabis Retail Sale.** The initiative permits cannabis retail sale in the General Neighborhood Commercial (C-2), Commercial Tourist (C-T), and Heavy Commercial (C-M) zones. Retailers must be located at least 1,000 feet from day care centers, playgrounds, other cannabis retailers, and schools. Where a barrier impedes direct physical access between the uses, the separation distance is measured as the most direct route around the barrier. Operational requirements include interior and exterior lighting, signage containing only the name of the business, and operating hours limited to between 7:00 a.m. and 9:00 p.m.

**Commercial Cannabis Cultivation.** The initiative permits commercial cannabis cultivation in Industrial (M) and Planned Industrial (P-M) zones. Cultivation must occur indoors. Operational requirements include prohibitions on exterior signage, visual evidence of cultivation from a public right-of-way, public access, and onsite sales.

**Manufacturing.** The initiative permits manufacturing sites where cannabis products are produced or tested in Industrial (M) and Planned Industrial (P-M) zones. Operational requirements include prohibitions on extraction of cannabis concentrates using flammable gases, external signage, public access, and onsite sales. There are additional requirements for any manufacturer producing edible cannabis products.


**Distribution.** The initiative permits distribution sites, where consumer or wholesale cannabis product distribution occurs, in Industrial (M), Planned Industrial (P-M), and Planned Industrial/Office (P-M/O) zones. Operational requirements include prohibitions on external signage, public access, and onsite sales.

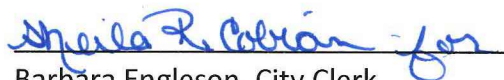
**Delivery.** The initiative permits delivery retailers operating without onsite customer access in Industrial (M), Planned Industrial (P-M) and Planned Industrial/Office (P-M/O) zones. Operational requirements include operating hours limited to between 7:00 a.m. and 9:00 p.m. and prohibitions on external signage, public access, and onsite sales. The initiative allows

retailers and delivery retailers to make deliveries to customers by authorized employees in authorized vehicles owned or leased by the retailer or delivery retailer, between the hours of 7:00 a.m. to 9:00 p.m., seven days a week.

The initiative also allows qualified patients and primary caregivers to cultivate cannabis indoors. Qualified patients may cultivate up to 100 square feet, and primary caregivers may cultivate up to 100 square feet for the personal medical use of a single qualified patient, for no more than five individual qualified patients.

Dated: August 10, 2017

  
for \_\_\_\_\_  
Celia A. Brewer, City Attorney

  
Barbara Engleson, City Clerk